

Ehau, who appeared with Mr. Tai Mitchell at the inquiry before Chief Judge Jones in 1930 as representing the people who had *not* signed the petition, is recorded as saying: "I want first of all to make the position clear. We disassociate ourselves from subject-matter of petition dealing with the rents. We disassociate ourselves with regard to petition so far as it affects any further purchase-money that is claimed. We do associate ourselves with the rights to which Ngati Whakaue are entitled and which may be jeopardized by the present proceedings. The question of reserves is far more important to us than the question of money that may be due. There are two sets of reserves:—

"(i) Those given to the Government by N'Whakaue.

"(ii) Those given to N'Whakaue by Order in Council of 1897 which are still to come before the Court.

" . . . If there is any suggestion that we should be paid for these reserves" (that is to say, the reserves given by Ngati Whakaue) "I say that they were not intended to be paid for . . . If there is any more purchase-money or rent coming I make no claim and I think I have received them in full." In regard to the last statement about having received purchase-money in full (which he repeated at the hearing before us), Mr. Ehau was obviously speaking for himself alone. But it appears plain that he and those whom he represented disassociated themselves from the claims to compensation: what they were concerned about was the protection of the reserves and a continuance of the right given to members of the tribe in the original arrangement made with Chief Judge Fenton in November, 1880, to free hospital treatment. In this last connection, this is what Mr. Ehau is recorded by Chief Judge Jones as saying: "'Maori sick are to be admitted to the hospital without payment.' It is a short clause but means a lot inasmuch as the charges are 12s. per day. At times there are as many as ten persons being treated at once. One fails to grasp what this actually means to members of the tribe. We desire this right of N'Whakaue to be retained as it is of benefit to the Natives." But that was not the only material before the Minister. It would appear that information was given to him personally in Rotorua on the occasion of one of his visits there in 1937 that the Ngati Whakaue by a very large majority disavowed the claims made for compensation.

11. But whatever may be said of Mr. Ehau's statement at the inquiry in 1930, he could not, of course, bind the Ngati Whakaue as a whole (nor, indeed, did he even purport to do so), and the same observation applies to the information given to the Minister in Rotorua by some unnamed but said to be influential person.

12. However all that may be, nothing further was done after the Chief Judge made his report in 1936, and neither party was bound, so that the whole matter became at large. Further petitions to Parliament were presented in 1944 and 1945, and in the last mentioned petition the petitioners prayed that the subject-matters involved should be referred to a Royal Commission; and presumably this Commission was resolved upon by Your Excellency's Advisers with the intention that its recommendations will be accepted and acted upon by both the Government and the Maoris as a final settlement of all the claims, troubles, and grievances involved.

13. Before we consider further the report and recommendations made by Chief Judge Jones, we think it desirable to clear the ground by disposing of and eliminating a number of matters which have been referred to in the proceedings before us, some of them irrelevant, some ill-founded, and some fallacious.

14. First: There is the suggestion that in the action brought by the Maoris in 1890 (*Eruera te Uremutu v. The Queen*) in respect of the non-distribution or non-collection of rents, it was admitted by the Crown that the claim was a just one, but that nevertheless the Crown pleaded the Crown Suits Act as a bar to the Maori claims. The only warrant for this suggestion is a certain reference contained in the report of the Rees-Carroll Commission of 1891 (Native Land Laws Commission). Mr. Howorth, who had acted as solicitor for the Maoris, said in evidence: "To the action that is pending, the Crown Suits Act has been pleaded in bar of the claim; and, although these Maoris claim something like £20,000 against the Government, they are unable to get their case into Court owing to this 39th section of the Crown Suits Act. If it