

calculated the price per acre on the basis of the total payment and the surveyed area to which the purchaser would primarily have been entitled but for the provisions of the Ordinance. In order, however, to ascertain the actual price per acre that was paid as consideration for the surveyed area, there should be deducted from the total price so much thereof as was paid for the lands which reverted to the Natives. At the time when Mr. Commissioner Bell made his report and return, a considerable number of the claims had not finally been disposed of and he had no details, or at least accurate details, of the surveyed acreages in those claims; and in various cases where scrip or compensation was paid to the claimant he brings into account the purchase price but shows no set-off in his acreage. Nor, in some cases where grants had been issued but were not called in under the 1856 Act, does he always show the surveyed area, though he takes account of the price paid. For these reasons it is obvious that the average price actually paid for the surveyed area was much less than Mr. Commissioner Bell's figure of 4s. per acre.

- (iii) Having satisfied myself of that fact, I caused a further examination to be made by Mr. Blane and Mr. Darby to ascertain (a) the aggregate surveyed area of all the lands in the claims out of which the 71,155 acres of surplus now under discussion arise, and (b) the total purchase-money paid for that aggregate surveyed area. As the result I find the total area to be 185,099 acres and the total purchase-money to be £13,491 11s. 11d. From the area of 185,099 acres I deduct the surplus of 71,155 acres, for which, *ex hypothesi*, the Maoris were not paid, and I calculate the price per acre as being based upon an acreage of 113,944 purchased for £13,491 11s. 11d.: the result is slightly under 2s. 4½d. The assumption necessarily follows that that should be the value of the surplus, and on that basis the value of the 71,155 would have been £8,449 13s.
- (iv) The fact is that for quite a long period (up to twenty years and perhaps more) after the event, the Maoris were actually selling land of a similar nature and quality to the lands comprised in the old land claims, and, indeed, some of the very land which had reverted to the Maoris by reason of abandoned or disallowed claims, at prices very much less than 2s. 4½d.—viz., 7d., 8d., 1s., and 1s. 6d. per acre.
- (v) As Mr. Commissioner Bell says in his report in 1862, *finely grassed* land could then—i.e., in 1862—be bought from the Crown at 5s. per acre.
- (vi) The suggestion which seems to me to be implicit in the case presented on behalf of the Maoris is that the purchase-moneys shown in the transactions before the Commission to have been paid—i.e., 1s. 3d. and 2s. 4½d. per acre respectively—were “unconscionable” or “grossly inadequate” is one that I find myself utterly unable to accept in view of what I have said in the foregoing subparagraphs and of the report dated the 8th March, 1948, concerning the Mokau (Manginangina) Block, to which I was a party. That was the case of a purchase in 1859 of a block of kauri forest land comprising 7,224 acres. The price was £240, or 8d. an acre. Judge Acheson had considered that the price was unconscionable. In disagreeing with him the report said: “The consideration paid by the Crown was £240, which is practically 8d. per acre. Admittedly that seems in these days a very trifling amount, but if it is compared with other purchases of similar land it would seem to be not unreasonably low.” That transaction was a good many years after the sales out of which these “surplus lands” arise, and, by comparison, the prices which were paid for the “old lands” and the pre-emption lands and which must be presumed to have been approved by the Commissioners under the then existing legislation certainly cannot be regarded as inadequate.