

98. No other construction could be put upon their utterances by the simple and trusting people of those times.

99. That the Natives regarded the word of the representatives of the "Great White Queen" and the missionaries as tapu or sacrosanct will not be doubted by any one having the slightest knowledge of Maori character or custom.

100. The Maoris have been waiting for more than a century for the redemption of these pledges.

101. In our opinion, their right and title to this heritage is unquestionable.

102. We feel sure that the people of New Zealand would not hesitate in agreeing that as a matter of good conscience the surplus lands should have been returned to the Maoris according to promises.

103. Their equity in this asset over the long period of the dispute should be taken into consideration when recommending the amount of compensation to be awarded.

104. In our opinion, the retention of the surplus lands was an expedient to help the Government over a period of financial difficulty.

105. Owing to the vagaries of politics, this grave injustice remains still unsettled.

106. This obligation should now be equitably and honourably discharged in a manner compatible with the dignity and sense of fairness of the two races.

107. Having adopted the principle of dealing with each case separately and discarding as a measure of values the schedule to the Ordinance of 1841, the Commission unanimously agreed that the Maoris have an equity in 87,582 acres of land.

108. Had we not agreed to discard the "yardstick," the amount of surplus land would have amounted to between 16,000 and 20,000 acres greater. However, whether the area be greater or less, the Maoris have a just claim to it; but as the land is not available it cannot now be returned to them, so compensation must be awarded in lieu thereof.

109. In recommending compensation there are two important factors to consider:—

First, the length of time during which the Maoris have been deprived of their land and the increase in value during that period.

Second, the value put upon these lands in Lord Stanley's despatch to Governor Hobson in 1843 and in 1856 by New Zealand statute.

110. Indeed, after much serious thought we find that adequate or equitable justice could not be arrived at without their application.

111. To enlarge on the first consideration regarding increased value would be superfluous. The production of the country answers that. To be fair we must stress the fact that the increased value is the result of progress and the combined efforts of both peoples, but the Maoris cannot be excluded from a share of such increase.

112. The second consideration is an inescapable fact and was applied by the Government to compensate claimants in respect of land which through various causes they (the Government) were unable to deliver.

113. These lands were grants made by Commissioners to claimants who had purchased from the Maoris. Where alternative lands were not taken up, scrip or cash at the rate of £1 per acre was issued in lieu thereof.

114. *By this action the Government placed a value upon surplus lands, and if it was equitable to compensate the European at this rate, would it not be equally fair to adopt a similar system now? In our opinion, it would be unfair not to do so.*

115. The case of the Maori claimants now is parallel to that of the old land claimants of the "forties."