

suffered. The report of that Commission contains information that is interesting and helpful. On the basis that confiscation was wholly wrong, the claim made for the Waikatos by their representative, Mr. Smith, was stated in terms of money at the sum of £358,666. That was arrived at by deducting from the total area confiscated the area returned. The Commission did not accept Mr. Smith's view that confiscation was wholly wrong, and made the recommendation referred to as being adequate for the wrong done.

Now this sum, if capitalized at 5 per cent., represented a sum of £60,000. Compensation provided for in the Waikato-Maniapoto Maori Claims Settlement Act is the annual sum of £5,000 per annum, one sum of £5,000, and the sum of £1,000 per annum for forty-five years.

If the annual sum is capitalized, the total amount of the compensation is thus £150,000. If the annual amount is capitalized on a lower basis than 5 per cent., it is increased proportionately. It will be noted also that in the report of that Commission an award of compensation had already been made of £22,987. Adding this to the amount of £150,000, the result is, in round figures, £173,000, or approximately half of the total claim made by Mr. Smith.

The relief sought by the petition, if granted, would give the following results:—

- (1) A return of the land confiscated referred to as containing 4,500 acres.
- (2) The gift of 1,000 acres by the Maniapotos.
- (3) Grants of land from the Crown to the Ngati-Apakura and Ngati-Puhiawe, the extent of which I am not able to state in precise figures.
- (4) Any share awarded to members of the two sub-tribes of the compensation, £22,987, referred to, although it is denied that any part went to members of either sub-tribe.
- (5) A share in the Tainui Trust Fund.

It is impossible, I think, that the petitioners seriously consider that they are entitled to relief approaching the result stated above.

It appears from my inquiry that upon the settlement arrived at resulting in the Waikato-Maniapoto Maori Claims Settlement Act the sub-tribes N'Apakura and N'Puhiawe were represented by Karena Tamaki and Rore Erueti. Present also as representatives of these sub-tribes were Marae Erueti and Percy Moke, but the latter two took no part in the settlement as the only method of settlement they were prepared to accept was the return of the whole of the land confiscated. They, therefore, were not parties to the settlement of the compensation payable under the Act, but Karena Tamaki and Rore Erueti did agree to the settlement, and the amount of the compensation must therefore have included any amount to which these gentlemen considered the sub-tribes were entitled.

When the question was put to Rore Erueti as to whether he did not regard the settlement as final as between the sub-tribes and the Government, he ingenuously admitted that they hoped after the settlement to be able to make a further claim. If this is what he and the petitioner had in mind when they entered into the settlement, their attitude cannot be characterized as being either fair or helpful.

Now, as far as the Act itself is concerned, in my opinion it is abundantly clear from the wording of the preamble and section 3 that all claims, past, present, or future, arising out of confiscation of lands in the Waikato District were fully and finally settled and that no further claim can be made upon the Government in respect of the confiscation. This is the plain meaning of the