

words of the Act. It is apparent from the evidence of Rora Erueti and Karena Tamaki also that the sub-tribes were party to the settlement as mentioned in the Act.

That being the case, my report on the petition must be, first, that the relief sought is completely barred by the terms of the Act, and that, secondly, the petition itself proceeds on a complete misapprehension as to what has taken place in the past and cannot be supported on any ground alleged.

The Court pointed out to the petitioner and his advocate that if the sub-tribes had suffered special damage as was alleged it would be for the Trust Board established under the Act to so administer the funds as to provide for the claim by the sub-tribes for that special damage. It is noticeable that in the recommendation of the Sim Commission it was proposed that the funds should be administered for the benefit of those who suffered under confiscation. No such provision is made under the Waikato-Maniapoto Claims Settlement Act, but it is hardly to be supposed that those who suffered most under the confiscation would not have the greatest claim upon the funds. The reply to this suggestion was that the petitioner and his people did not desire that the funds should be so administered as to deprive any other section of the Waikatos of the benefit of the fund. That, of course, is a matter for themselves.

If they elect not to make a claim for special consideration, it is no justification for asking for further relief when the relief they are entitled to has already been afforded.

My recommendation therefore is that, as petitioners show no grounds for relief, the petition be dismissed, first, because the relief sought is completely barred by the Act, and secondly, because the petition itself, apart from the Act, does not, in my opinion, disclose any merit.

It was evident at the close of the inquiry that the petitioner's advocate felt that the Crown's reply to the petition removed the grounds upon which the petitioner relied. I am satisfied, however, that the inquiry has done much to clear away, at least for the time being, many of the misconceptions upon which the petition was founded, and for that reason at least it has done much good.

It is proper that I should, in conclusion, record that the officers of the Lands and Survey Department in Auckland have gone to great trouble and done much research to present to the Court as full a statement as possible of the events following confiscation as they affect the claims in the petition. My thanks are due to them for so lightening my burden.

E. W. BEECHEY, Judge.

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