

And whereas numerous claims for compensation under the said Acts were made and dealt with in favour of such Natives having title to the lands taken under the said Acts as were proved to have been either loyal to the Crown or neutral, and consequently not within the classes excluded by the said section five of the said Act of 1863. But many Natives now allege that they (or Natives under whom they claim living at the time of the passing of the said Acts) were loyal to the Crown or neutral and were entitled to or interested in some of the lands so taken, and have not received compensation therefor. And from time to time before and since the repeal of the said Acts petitions or claims have been presented to the Government or to Parliament, and some of such claims have been inquired into and dealt with :

And whereas it is alleged on behalf of those Natives entitled or interested in the lands so taken under the said Acts who (or Natives under whom they claim) were actually in rebellion against Her Majesty or otherwise within the classes excluded from compensation by the said section five of the Act of 1863, that the confiscation of their title and interest was (a) excessive in quantity or (b) improper in the inclusion in the confiscation of land which should properly have been reserved for Native purposes :

And whereas for many years past complete peace has existed between the two races, and it is deemed desirable to review the whole position created by and consequent upon the said Acts, and to cause inquiry to be made as hereafter provided with the object of enabling Parliament to remedy such grievances as may appear now to have just and reasonable foundation :

Now, therefore, I, General Sir Charles Fergusson, Baronet, Governor-General of the Dominion of New Zealand, in exercise of the powers conferred by the Commissions of Inquiry Act, 1908, and of all other powers and authorities enabling me in this behalf, and acting by and with the advice and consent of the Executive Council of the said Dominion, do hereby constitute and appoint you, the said

Sir WILLIAM ALEXANDER SIM,
VERNON HERBERT REED, and
WILLIAM COOPER

to be a Commission to inquire into and report upon the following matters :—

1. Whether, having regard to all the circumstances and necessities of the period during which Proclamations and Orders in Council under the said Acts were made and confiscations effected, such confiscations or any of them exceeded in quantity what was fair and just, whether as penalty for rebellion and other acts of that nature, or as providing for protection by settlement as defined in the said Acts.
2. Whether any lands included in any confiscation were of such a nature as that they should have been excluded for some special reason.
3. Whether any, and, if so, what Natives (having title or interest in lands confiscated) are in your opinion justly entitled to claim compensation in respect of the confiscation of such title or interest, and, if so, what Natives or classes or families of Natives are now entitled by descent or otherwise to claim and receive such compensation.
4. Whether reserves or other provision subsequently made for the support and maintenance of Natives within one or more of the classes excepted by the said section five were in regard to any particular tribe or hapu inadequate for the purpose :

Provided that, in considering the subject-matter of question 1, (a) you shall not have regard to any contention that Natives who denied the sovereignty of Her then Majesty and repudiated Her authority could claim the benefit of the provisions of the Treaty of Waitangi ; (b) you shall not accept any contention that the said Acts or any of them were *ultra vires* of the Parliament of the Dominion ; (c) you shall have regard to the then circumstances of the colony and in estimating the value of an excess of confiscation (if any) you shall have regard to the value of the confiscated land as at the date of confiscation, and not to any later increment of the value thereof.