

of this particular land if it was expropriated. Section 11 of the 1891 Act exempting Native land from its provisions and section 3 of the 1893 Amendment Act providing for compensation for boulders taken from Native land, indicate a general intent to grant compensation in the event of any expropriation.

I answer the second question by saying that in my opinion a Court endowed with power to determine questions according to equity and good conscience would find the claimants entitled to compensation for loss of their right to the bed of the river, there being no set-off shown in the way of increased value to other property of the claimants by reason of the expropriation.

My answers to the prior two questions being that the Maoris have suffered loss or deprivation of their title to the bed of the river and in equity and good conscience are entitled to compensation, the next question is, what compensation in money or money's worth should now be granted to the Maori claimants? The burden of showing the amount to be paid rests upon the claimants, and their counsel, Mr. Spratt, has said that he finds great difficulty owing to the lapse of time in bringing evidence of loss which he anticipated may have been caused to the generation using the river in the early years of authorized control and use of the river. He puts forward two grounds only upon which a loss in money can, he submits, be estimated. First, the loss of the source or supply of an essential food and the incidental eel-weirs; second, royalties for gravel taken from the bed of the river. In respect of loss on the first head, one of the Native witnesses gave evidence of the number of Maori families on the Wanganui River and also of the value of the fish diet to them. Mr. Spratt supplied the figures thus appearing to Mr. Frederick Harris, a member of a firm of public accountants in Wellington, and asked him to make certain calculations. Mr. Harris, who was called before the Commission, admitted, in effect, the difficulties inherent in such calculations which were summarized in this way:—

Maori population stated to be equivalent to 1,500 families of four people.

Estimate of value of fish consumed per family per week in 1905: 10s.

Labour necessary to obtain fish estimated to be 75 per cent. of value of fish consumed.

Therefore, on this basis value of patrimony in this regard amounted in 1905 to 2s. 6d. per family per week.

By 1950, it is submitted that the value of this patrimony may have fallen to as low as 1s. per family per week.

Therefore the mean of these two figures, 2s. 6d. and 1s.—viz., 1s. 9d.—has been taken for the whole period 1905 to 1950.

Estimate of value of patrimony for period of 45 years, 1905-1950:—

1,500 families at 1s. 9d. per week = £6,825 per annum.

For forty-five years = £307,125.

Estimate of future value of patrimony:—

1,500 families at 1s. per week = £3,900 per annum.

The evidence does not show exactly when the Maoris ceased to depend upon the river for its supply of food, but it can be safely assumed that it was many years prior to 1903, the date of the Coal-mines Act. Nor beyond some evidence of interference with eel-weirs by work in the river to improve the passage of steamboats is there any evidence that the Maoris could not, in substance, have continued obtaining their supply of eels from the river if the use of eel-weirs had continued as formerly. The inevitable result of the passage of time and impact of European standards was the diversion of Maori energy and labour into channels from which they could obtain a currency enabling them to exchange the results of their labour for the goods and products common to European life. The Maoris soon recognized their needs of food and clothing could not be secured by labour devoted to a non-marketable product. Money or money's worth could not be obtained from the labour involved in eeling. Economically the wage-costs must have far exceeded any possible profit.

A suggestion that the Maoris did not, from very early times, realize that in order to obtain the benefits and advantages that were open to them and under their observation they must of necessity divert their energies to remunerative work, is, I think, insupportable. The fact is they did devote themselves to pursuits which would enable them to