

Provided, however, that in any case where you shall see fit to recommend that compensation in money or money's worth be granted in respect of the purchases or cessions hereinbefore set forth, you shall have regard to the value of the land, as nearly as may be, at the time of the purchase or cession thereof, and not to any later increment in the value thereof:

Provided, further, that you shall be at full liberty to disregard or differ from any findings, whether of fact or otherwise, conclusions, opinions, or recommendations of any former tribunal in respect of any matters or questions of similar character or import to those confided to you by these presents:

And We do hereby appoint you, the said

Sir Michael Myers,

to be Chairman of the said Commission:

And for the better enabling you to carry these presents into effect, you are hereby authorized and empowered to make and conduct any inquiry under these presents at such times and places as you deem expedient, with power to adjourn from time to time and place to place as you think fit, and so that these presents shall continue in force, and the inquiry may at any time and place be resumed although not regularly adjourned from time to time or from place to place:

And you are hereby strictly charged and directed that you shall not at any time publish or otherwise disclose save to His Excellency the Governor-General, in pursuance of these presents or by His Excellency's direction, the contents of any report so made or to be made by you or any evidence or information obtained by you in the exercise of the powers hereby conferred upon you except such evidence or information as is received in the course of a sitting open to the public:

And you are hereby authorized to report your proceedings and findings under this Our Commission from time to time if you shall judge it expedient so to do:

And, using all due diligence, you are required to report to His Excellency the Governor-General in writing under your hands not later than the thirty-first day of March, one thousand nine hundred and forty-eight, your findings and opinions on the matters aforesaid, together with such recommendations as you think fit to make in respect thereof:

And, lastly, it is hereby declared that these presents are issued under the authority of the Letters Patent of His late Majesty dated the eleventh day of May, one thousand nine hundred and seventeen, and under the authority of and subject to the provisions of the Commissions of Inquiry Act, 1908, and with the advice and consent of the Executive Council of the Dominion of New Zealand.

In Witness whereof We have caused this Our Commission to be issued and the Seal of Our Dominion of New Zealand to be hereunto affixed at Wellington, this thirteenth day of August, in the year of our Lord one thousand nine hundred and forty-seven, and in the eleventh year of Our Reign.

Witness Our Trusty and Well-beloved Sir Bernard Cyril Freyberg, on whom has been conferred the Victoria Cross, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Commander of Our Most Honourable Order of the Bath, Knight Commander of Our Most Excellent Order of the British Empire, Companion of Our Distinguished Service Order, Lieutenant-General in Our Army, Governor-General and Commander-in-Chief in and over Our Dominion of New Zealand and its Dependencies, acting by and with the advice and consent of the Executive Council of the said Dominion.

[L.S.]

B. C. FREYBERG, Governor-General.

By His Excellency's Command—

P. FRASER, Native Minister.

Approved in Council—

W. O. HARVEY, Clerk of the Executive Council.

Royal Commission to Inquire into and Report upon the Operation of the Law relating to the Assessment of Rentals under Leases of West Coast Settlement Reserves

GEORGE THE SIXTH by the Grace of God, of Great Britain, Ireland, and the British Dominions beyond the Seas, King, Defender of the Faith:

To Our Trusty and Well-beloved Counsellor SIR MICHAEL MYERS, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, and to Our Trusty and Well-beloved HANARA TANGIAWAHA REEDY, of Ruatoria, Farmer, and ALBERT MOELLER SAMUEL, of Auckland, Retired: GREETING.

WHEREAS by the clause numbered 56 in the Schedule to the West Coast Settlement Reserves Act, 1892 (hereinafter referred to as the said Act), it is, amongst other things, provided in respect of the renewal of a lease of land to which the provisions of the said Schedule apply and which is a renewal of a lease of any lands to which the said Act applies (hereinafter referred to as the reserves) that within the prescribed time before the end of the term for which the lease is granted a valuation shall be made by arbitration of the then value of the fee-simple of the lands then included in the lease, and also a valuation of all substantial improvements of a permanent character made by the lessee during the term and then in existence on the land then comprised in the lease and, further,

that after the making and publishing of the awards therein referred to, the lessee shall elect as therein provided whether he will accept a fresh lease of the said lands for a further term of twenty-one years from the expiration of the then term at a rental equal to five pounds per centum on the gross value of the lands after deducting therefrom the value of the substantial improvements of a permanent character as fixed respectively by the arbitration:

And whereas it was ordered and declared by the Supreme Court on the 17th day of July, 1935, upon an originating summons in which the Native Trustee was the plaintiff and one, Violet Gwendoline Crocker, was the defendant, that the words "a valuation of all substantial improvements of a permanent character made by the lessee during the term and then in existence on the land then comprised in the lease" as used in the said clause numbered 56 meant a valuation of all such improvements in existence at the time of that valuation and made during the current or expiring term of twenty-one years only:

And whereas by subsection (5) of section 19 of the Native Purposes Act, 1935 (hereinafter referred to as the said section 19), section 56 of the said Act is amended by omitting from the first paragraph thereof the words "made by the lessee during the term and", and it is declared that such amendment shall be deemed to have taken effect from the 1st day of January, 1934:

And whereas it is represented that the reference in the said section 19 to section 56 of the said Act is intended to be a reference to the said clause numbered 56 in the Schedule to the said Act, and also that the effect of the amendment thereby made is that, in any case arising after the date from which the said amendment takes effect, the improvements in respect of which a deduction is, in accordance with the provisions of the said clause numbered 56, to be made from the gross value of the land, are improvements effected not only during the current or expiring term of the lease but also during any former or expired term of the lease:

And whereas the Maori beneficial owners of the reserves have, by petition to Parliament and otherwise, claimed and contended that, by the said section 19, they are suffering an injustice on account of the rentals under the renewed leases subject to the provisions of the said section 19 being consistently reduced and on account of other matters, and have prayed for the repeal of the said section 19:

And whereas the Government desires that inquiry should be made into the operation of the law so far as it relates to the method of assessing the rentals payable under renewed leases of the reserves, to the end that what is right, just, reasonable, and equitable shall be done as well to the beneficial owners of the reserves as to the lessees thereof:

Now know ye that We, reposing trust and confidence in your impartiality, knowledge, and ability, do hereby nominate, constitute, and appoint you, the said

Sir Michael Myers,
Hanara Tangiawha Reedy, and
Albert Moeller Samuel

to be a Commission—

(a) To inquire and report whether, due regard being had to the events and circumstances (so far as the same can be ascertained) leading to and surrounding the enactment of the said Act, there was some benefit or valuable right which can be regarded as having been designedly secured by the said Act to the beneficial owners of the reserves of which they have been deprived by those provisions of the said section 19 which, in the fixing of the amount upon which the rental of a renewal of a lease is to be calculated, permit to be deducted from the gross value of the lands comprised in the lease, the value of the substantial improvements of a permanent character whether made during the current or expiring term of the lease or during any former or expired term; and

(b) To inquire and report whether, due regard being had to the events and circumstances aforesaid and to the circumstances prevailing at the time of the enactment of the said section 19, the lessees of the reserves did, by virtue of those provisions of the said section 19 mentioned in the last preceding paragraph, obtain some benefit or valuable right which was otherwise than fair and reasonable; and

(c) To inquire and report whether the subsisting law so far as it relates to the method of assessing the rentals payable under renewed leases of the reserves works, or can be so construed as to work, any injustice upon the beneficial owners of the reserves or upon the lessees thereof; and

(d) If it be reported that the law so works, or can be so construed as to work, any injustice as aforesaid, then to make such proposals as you may think fit for the amendment of the law, and, in particular, of that portion of it, which, in the fixing of the amount upon which the rental is to be based, touches the ascertainment of the gross value of the lands and the value of the substantial improvements of a permanent character; and

(e) If, in your opinion, there should be any amendment of the law, to report whether such amendment should relate only to the renewal of leases in the future, or whether the same should apply to leases which have been renewed since the provisions of the said section 19 came into force, or whether some other provision should be made in respect of the leases so renewed; and

(f) If it be reported that some other provision should be made as aforesaid, then to recommend what form that provision should take; and

(g) Generally to inquire into and report upon such other matters arising out of the premises as may come to your notice in the course of your inquiries and which you consider should be investigated in connection therewith, and upon any matters affecting the premises which you consider should be brought to the attention of the Government:

And We do hereby appoint you, the said

Sir Michael Myers,

to be Chairman of the said Commission: