

With the whole of the Taumarunui district more or less in a virgin state no one could envisage any demand for shingle within a reasonable period of time and this has certainly been borne out by the fact that it was not until some seventeen years later that any demand at all was established.

Summary

Specifically answering the request of the Crown Solicitor as set out in paragraph 2 above, I therefore am of opinion that as at the 23rd November, 1903, the bed of the Wanganui River between Raorikia and its junction of the Wakapapa Stream was, on the basis of the return to be derived from supplies of shingle as stipulated in paragraph 2 above, of nominal value only and any value attaching to it was, in my opinion, incapable of being assessed.

(Sgd.) W. A. GORDON,
Inspecting District Valuer.

Many of the statements in the report which are more or less matters of opinion need examination, and, as a whole, even when combined with the previous information laid before me, do not provide a sufficiently secure foundation for any valuation or provide a satisfactory substitute for evidence that should be forthcoming from surveyors, contractors, and valuers who can speak with some authority as to the accessibility of certain parts of the river for the purpose of taking gravel, the quantity available, and the cost of obtaining it. The area that could be economically served with gravel from this river and the needs of the area for gravel could perhaps be supplied by Public Works and local-body officials who could also advise of the possibilities of competition from gravel in minor streams and tributaries of the Wanganui River. Without evidence from those really qualified to speak on all these points, I think no valuation can be made of the potential value of the gravel in 1903 which would be satisfactory if any large sum is involved. I have, therefore, to advise that compensation under this heading should be ascertained by a body of three—*i.e.*, a chairman and two assessors, one to be appointed by the Crown and one by the claimants, who should sit and determine the compensation payable in the manner adopted by an ordinary Compensation Court. As it is probable that the claimants have not funds to meet the proper costs necessarily incurred if their case is to be adequately represented, I think that funds should be provided to them to meet the solicitor and client costs incurred for such purpose.

Finally, before any such proceedings are started, I think it essential, if the whole matter is to be disposed of once and for all, that the Maori owners of the bed of the river at the time of the passing of the Coal-mines Act of 1903, or their successors, should be ascertained by the Maori Land Court. Without such a determination of ownership, I think in the future further questions may arise. At the present moment the Maori Land Court is prohibited by an order of the Supreme Court from entering upon an investigation of that sort. It may possibly be that the order for prohibition could be withdrawn by the Crown so as to permit the investigation to be undertaken for the purpose I have mentioned. If that cannot be done or if the Maori Land Court itself raised an objection on the ground that as the bed of the river is vested in the Crown and there is, therefore, nothing for it to investigate, Parliament would need to consider the enactment of legislation permitting to be done whatever is required.

In the light of these suggestions, I think it unnecessary to make any further answer to questions (c) and (d) of the order of reference. Till the owners entitled to compensation are determined and the amount payable ascertained, it is premature, I think, to lay down conditions as to the method of payment. Counsel for claimants suggests the amount should be paid to a Trust Board set up to administer the fund for the welfare of the Maoris. That may be considered later.

I am told by counsel that there is no need for me to make any order as to the costs of this inquiry.

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