

There are decisions of the Supreme Court to this effect. There is one case, the Otago Harbour Board *v.* Spedding, where it has been laid down that you must follow the express statutory enactment which authorises you to lease. There was the Drill-shed Commissioners' lease to Marshall with the same provision as appears in this draft lease, but the Supreme Court decided that there was no power to give this perpetual renewal for improvements; and the Drill-shed Commissioners Act had more ample words than there are under this Act of 1881. What happened when Parliament validated these leases? A person said, "I repudiate the lease before validation and before the special Act of Parliament was passed, because the Drill-shed Commissioners had no power to grant such a lease." I wish to point out this: Here is a decision of the Supreme Court. If there is any doubt leave it to the Supreme Court—the Maoris do not object. The point is this: Both the Parliament of New Zealand and the Supreme Court have given decisions. Here is "The Drill-shed Commissioners Act, 1885." If you look at this you will see the power of the Commissioners on page 65 of the statute. I do not need to rely on the Supreme Court decision; there is the Parliament's decision. These regulations of 1883 were therefore void and invalid, because there was no power under the Act of 1881 to give what is termed a Glasgow lease or perpetual renewal to leaseholders. I submit that it is not arguable to say the regulations were valid. The next point is what happened in 1884. I am willing, however, to ask this if any doubt be raised regarding my contention. The Committee could get a case stated for the Supreme Court. The Maoris are willing to have that matter tested. The next Act was passed in 1884, called "The West Coast Settlement Reserves Act 1881 Amendment Act, 1884." Well, what happened now was this: nothing turned on the Act of 1883. That Act of 1883 did give power to extend the twenty-one years to thirty years, and also gave power to give valuation for improvements. What next followed was the Act of 1884 which I have mentioned, and in this Act section 8 is the first important one. It said that a lease for agricultural purposes may be extended for thirty years—that is, from twenty-one to thirty years—and that the Governor in Council may, by regulation, "provide what shall be the nature and extent of compensation for improvements, if any, to be granted to the lessees under such leases, and under what conditions and in what manner such compensation may be awarded or withheld." Then it gave power under section 11 to confirm leases; and another important point in this Act was in section 13, which gave this permission: It said that the Trustee may accept from the lessee the surrender of any lease confirmed by the Governor in Council under this Act or any Act, and in lieu of such leases may grant new leases of the land comprised in this surrendered lease, at a rental to be computed on the improved value of such land, on such terms, subject to the said Act and this Act, and to all regulations made thereunder, as may be agreed upon between the Public Trustee, the Native owners of the land, and the lessees. Let me say a word or two before going further about the confirmed leases. A lease to be confirmed had to be a lease made prior to the Act of 1879. You notice this. This subsequent legislation, however, allowed the Governor to confirm leases made subsequent to the Act of 1879, and practically allowed him to confirm leases which Sir William Fox had declared should not be confirmed (see section 11 of the Act of 1884). Suppose a man had a lease confirmed under the Act of 1884, he could say, "I shall confirm this lease and demand a new lease in terms of this Act—that is, allowing compensation for improvements." Under this Act there was no provision for renewal. One important point in the Act of 1884, where the Natives were protected, was that if there were any dealings whatever under that Act the Natives had to be necessary parties. The words are, "agreed upon by the Public Trustee, the Native owners of the land, and the lessees." There was provision for improvements, but no provision for renewal. Nor were the regulations of 1883, expressly or by implication, confirmed—that is, if the regulations were invalid, nothing in this Act confirmed them. What next happened? The next Act was passed in December, 1887—"The West Coast Settlement Reserves Acts Amendment Act, 1887," was passed on the 23rd December, 1887—and this Act made a most important alteration in the law, most detrimental to the Natives, and of which they complain very loudly, and very properly. This was the alteration: Rent in arrear was not to be recovered; it could be stayed. The Public Trustee had no more right to stop accrued rents in the case of the Natives than he had to stop rents for European trusts that he held in his office, and the Public Trustee had no more right to deal with the Native lands than he would have to deal with European lands. And I intend to submit that this Parliament has no more right to interfere with and destroy the value of Native lands than it has to interfere with and destroy the value of lands held by Europeans and moved into the Trustee's office, for, if Parliament is to take power through the Public Trustee's office to cut and carve Native lands, it has also power to cut and carve European lands, and no man would be safe in putting property into the Public Trustee's office at all. If Parliament is to say it can do this with Maori lands, why not apply it to all trusts and corporations in the colony? So far as the Act of 1881 is concerned, there is no recommendation of the Commissioners of which we complain—not a single line. There is actually one lease where the rent is overdue five years, and the Natives have got nothing. If the whole of the land is leased, and they get no rents, how are the Maoris to live? The next point is in section 7 of this Act of 1887, which is a very important alteration of the law. Under section 13 of the Act of 1884, if a confirmed lease and a new lease is granted, the rent had to be computed upon the then value of the land with all its improvements, and the Native owners had to consent. Section 7 of the Act of 1887 sweeps away both of these things. It first provided this: that, on surrender of the land under section 13 of the Act, "a new lease thereunder may be granted to the former lessee, at a rental to be computed on the value of the land comprised in the lease, less the value of any improvements thereon within the meaning of the existing regulations made under the said Act." Section 7 does away with the consent of the Natives, and provides that the rent shall not be calculated on the value of the then existing land with its improvements, but on the value of the land *minus* the improvements, though under the old leases lessees were bound to make improvements. Under this statute of 1887 regulations were made on