

Can it be said that an invalid regulation made under the Act of 1881 was made valid by using the words in section 13, "all regulations made thereunder"? I should say certainly not. Besides, no new lease in exchange for a confirmed lease could be given under section 13 of the 1884 Act without the Native owners' consent, and no such consent was ever given to any new lease in lieu of a confirmed lease.

The Hon. Sir R. STOUT, K.C.M.G., to the Hon. CHAIRMAN of the JOINT COMMITTEE on the WEST COAST LEASES.

SIR,—

Wellington, 14th July, 1890.

In looking over my remarks on behalf of the Natives, there are one or two points that I feel I have not clearly brought out. With permission of the Committee I desire to supplement my remarks so that my contention may be made clear.

1. The first question which deserves consideration is, Have any vested rights to improvements been conferred on the lessees?

There are two classes of leases.

(a.) New or original leases.

So far as these are concerned, there was no power expressly given by the 1881 Act to allow for improvements. The words relied on in section 11, subsection (1)—namely, "subject to such covenants and provisoes as shall seem fair and equitable"—do not confer a power to provide for paying for improvements; and if the regulations of 1883 are relied on they are clearly invalid so far as any such power is concerned.

If the 1884 Act is relied on, section 8, second paragraph, will be cited. Then the reply is obvious. *No regulations have been made under that section providing for improvements*, and I am informed no leases under that section 8 have been issued.

It is clear, then, that no lessees can have relied on any Act or clause save the regulations of 1883, and they are invalid and *ultra vires*, and surely the Natives ought not to be bound by them.

(b.) There is then the position of the confirmed leases, and the lessees holding thereunder.

Now, as to that, I understand reliance is put on the 13th section of the 1884 Act, and on that alone—at least, up to the 1887 Act. It is true that the section referred to regulations that allowed compensation for improvements, but it did not validate them. Even if it did, this provision could only be inserted in a lease if "*the Native owners of the land*" consented. None consented, so that the lessees holding land under the confirmed leases had no right or title to any compensation for improvements unless they got such under the Act of 1887. But, as only five or six leases have been issued under the Act of 1887, and none under the Act of 1884, it is clear no vested rights have been created, save as to the five or six leases mentioned, entitling the lessees of the confirmed leases to compensation for improvements. And no improvements can, of course, have been made relying on such a condition, as no leases have been executed with such a clause in them.

(2.) Another question raised by Mr. Bell was that the Stout-Vogel Government introduced in the first session of 1887 a Bill similar in its terms to the Act passed in the second session of 1887.

I have, since I addressed the Committee, seen the Bill introduced by Mr. Ballance in 1887, and I find it bears no resemblance even to the Act passed in 1887. If it had, of course that is no answer to the Natives' complaint. The Natives have a right to complain of injury done, whoever did it. I find that under Mr. Ballance's Bill the rent had to be calculated in the new lease on the value of the land, including improvements, "less the value of a substantial dwelling-house or permanent farm-buildings." So that fencing, agricultural improvements, &c., were deemed to belong to the Native owners. The Bill was largely altered in Committee, but, even as altered, this provision was retained. It will also be observed that the alterations made were opposed by some of the Stout-Vogel Ministry.

It is clear, if the Bill, as introduced and as amended, be referred to, and be compared with the Act of 1887, that concessions were granted by the Act of 1887 far beyond what was ever asked by the advocates of the lessees in the first session of 1887.

And, as the Natives object to the legislation of 1887, I submit they have a right to seek the protection of Parliament and to have the 1887 Act repealed.

I have, &c.,

ROBERT STOUT.