

FRIDAY, 11TH JULY, 1890.—(Hon. Mr. STEVENS, Chairman.)

Mr. Sinclair made the following statement: I appear on behalf of the petitioners, signing as Te Whareaetu and 360 others, to the Legislative Council; also for the petitioners to the House of Representatives signing as Te Whareaetu and 505 others, consisting of the Natives from Mokoia northwards, including Parihaka and the whole of the West Coast Settlement Reserves District, from Mokoia to Pukearuhe or White Cliffs, north of Waitara. One of the chief points in our petition of which we complain is that of the administration of the Public Trustee, and we ask that the reserves be taken out of his hands, on the ground that we are able to manage the reserves ourselves a great deal better than the Public Trustee can do so for us. In support of this petition, we shall produce leases similar to those produced by Sir Robert Stout. The greater number of the confirmed leases are of a similar nature, and we contend that they will go far to prove that we can manage the leases much better than the Arbitration Court and the Public Trustee. By the Act of 1884, section 7, I think the Trustee is required in all dealings to consult the wishes of the Natives, and to act accordingly. The Act says, "It shall be the duty of the West Coast Settlement Reserves Trustee, so far as conveniently may be, in the exercise of the powers given him under the said Act, to consult and obtain the assistance of some Native or Natives who shall be best acquainted with the circumstances of any reserve which is being dealt with, and to act as far as possible in accordance with the wishes of the Natives interested in such reserve." And I intend to lead evidence to show that, in the only cases in which the Reserves Trustee has carried out his instructions, he has taken a hostile Native to represent the Natives in these particular reserves. The Native I refer to was Te Kahau, a Native of Taranaki, who was always hostile to the particular hapu in question. We complain that it was quite wrong of the Reserves Trustee to take this man as his adviser. He should have taken a leading man of the hapu interested in the reserve. There are many instances of this kind, which, unfortunately, I am not able to bring forward, owing to the Natives being in an impecunious state and not able to come down from Taranaki. I therefore cannot say with any certainty as to the amount of evidence which I can bring before this Committee. The section just quoted clearly means that the Public Trustee was to do as any other trustee would do, that is, to carry out the wishes of the Natives, and not to act against the wishes of the Natives. In some cases he ascertained the wishes of the Natives, but simply ignored them, and has gone on in exact opposition to them. Sir Robert Stout has already spoken fully as to why the Natives were compelled to take steps to oppose the renewal of confirmed leases against their will. Our Natives have a further grievance, viz.: After the passing of the Confiscated Lands Inquiry and Maori Prisoners Trial Act it was made absolutely illegal for a European to obtain leases from the Natives. Notwithstanding the provisions of this Act, some twenty or thirty leases have been made after the passing of that Act, and were therefore illegal and void. Sir William Fox, in his report, A.-5A, 1884, 2nd June, page 2, says: "There was one class, however, which I had no power to recommend for confirmation, namely, such as had been entered into subsequently to the passing of 'The Confiscated Lands Inquiry and Maori Prisoners Trials Act, 1879,' shortly after which date the Commissioners of 1880 commenced their labours. These were, I think, very properly excluded by the terms of 'The West Coast Settlement Act, 1881;' for it was known from the first of those dates, and to nobody better than the West Coast settlers, that Parliament had given special powers to the Governor to investigate and remove the very serious complications affecting the confiscated lands on that coast. It was evident to every one from that date that any further unauthorised dealings with the lands in question must tend to increase the complications and to render their solution more difficult. It was clearly the duty of every one to abstain from such transactions, and most of the settlers did so, and, though several were very desirous of increasing their holdings or getting terms extended, they very properly refrained. In one instance, a gentleman who had actually got an arrangement in writing entered into with the Natives for the extension of a very valuable lease, on receiving a hint from the Government that such a transaction might complicate matters, tore up the document. Some persons, however, did, after the period specified by the Act, enter into new leases, or got extended terms of leases previously granted, and asked me to recommend them for confirmation. Of course I declined, both because the Act prohibited me, and because I did not consider that upon equitable grounds they had any right to ask it. I have been informed by one of them that a petition to Parliament is in course of signature asking that the restriction of the Act of 1881 may be repealed and their leases or agreements rendered confirmable by your Excellency. I think it my duty to express a hope that, if only in justice to those whose loyalty prevented them engaging in such transactions, the law will not be relaxed in favour of those whose self-interest led them to disregard such a motive. They appear to me to have no claim whatever to any equitable consideration, and it seems that it would be a bad precedent to grant it." He was prohibited by statute from doing so, the leases being absolutely illegal; also that the European had no right to ask it, on equitable and other grounds. The list of leases he refused to confirm are given on page 13 of the same report, A.-5A, of 1884. That report sets forth some twenty-one leases which Sir William Fox says were illegal, and he had no power to recommend that they should be confirmed. I shall have to deal specially with several of these leases. These leases, despite Sir William Fox's recommendation, were confirmed. One reason why Sir William Fox would not recommend some of the leases for confirmation was this, that certain Natives who had no right, title, or interest in the reserves, and who were not in the grant, had granted leases in the Tiroitiromoana and other reserves. I believe it is so in the case of six leases. However, the Natives will be able to inform us of the facts, in some cases, that the lease was granted by the principal man of the tribe, but not of the particular hapu; in one instance the lease was granted by Honi Pihama. I am confident that these Natives had no right to grant the leases, because, in the case mentioned, if these three persons grant a lease and it is confirmed it binds the 260 Natives in that reserve. It is a most unjust thing to do, but nevertheless it has been done. Now, the Act of 1884 says, so far as I remember, that these leases may be confirmed