

APPENDIX.

WEDNESDAY, 30TH JULY, 1890. (Hon. Mr. STEVENS, Chairman.)

Mr. H. D. Bell addressed the Committee on behalf of the lessees. He said,—I produce the returns which I have asked the department to prepare for the information of the Committee. Two of them have been printed, and were delivered last night to the members of the Committee. A third return, which I asked Mr. Mackay, the West Coast Commissioner, to prepare, was printed and delivered to you during the first portion of the proceedings of the Committee. A fourth return which we have been able to obtain has, unfortunately, not yet been printed. It is of some length, and I will ask you, sir, to direct that it be printed. It is a return from the office of the Public Trustee, showing the confirmed leases which have been surrendered, but in respect of which awards have been prevented being made by the Suspension Act of last session. There is a further return, showing the leases that have been granted in pursuance of the award of the arbitrators. There is, further, another return, of leases which have not been surrendered or of which the surrenders have not been accepted; and another showing the leases dealt with by the arbitrators in respect of which awards have been made, but no new leases have issued by reason of the Suspension Act of last year. This is a summary of the return: Leases surrendered, but no awards made owing to the Suspension Act, 2; new leases issued before the passing of the Suspension Act, 4; leases not surrendered, 5; leases of which the surrender was refused by the Public Trustee, 2; leases surrendered and submitted to the award of the arbitrators, awards made, but new leases not issued in consequence of the passing of the Act of last session, 40: making a total of 53. Then, sir, in addition to these the Public Trustee has also furnished for your information copies of two forms of awards which have been made, indicated as A and B. The return shows which awards have been made in the form A and which in the form B. There are only two forms used. There are thirty-one leases under form A and twelve under form B. That return I propose now to put in, and I ask that you direct that it be printed. I also desire to lay before the Committee, before I begin the argument, a general plan showing the reserves from Waitotara up to the White Cliffs. This has been lent to me by Mr. Mackay. The Native petitioners in this case ask for legislation—first, to take the management of these reserves out of the control of the Public Trustee; second, to declare invalid the regulations under which leases have been made to tenants of the Public Trustee; third, to repeal the laws under which vested interests have been acquired by the confirmed-lease holders. My clients are directly interested in this third branch only, but it is so intimately associated with the two other branches that I will ask the permission of the Committee to refer to these again. As to the management by the Public Trustee, the petitioners assume that it was exceptional in this case of the West Coast Reserves. But that is entirely an error. It was so assumed by Sir Robert Stout in his address, but that assumption is erroneous. What the Committee is asked to reverse is not the particular regulations relating to the West Coast Settlement Reserves, but the policy of the country in regard to Native reserves. Every Native reserve in the colony is vested in the Public Trustee by the Native Reserves Act of 1882. The management of this particular class of reserves, so far from being exceptional, is a part of the policy of the colony which, I submit, would be reversed if the prayer of the petitioners in this case should succeed in obtaining the objects they have in view. Now, I submit that there are the following substantial reasons for the policy which the colony has adopted: The law has vested in this Corporation, or public body, or department the management of trusts within this colony—in this case to administer certain reserves for the Native race, because it is absolutely impossible for the Natives to deal with them themselves. There has been already some evidence given before this Committee to show that in the case of these particular reserves the names of some hundreds of persons are in the grants or the ascertained titles. To prevent these lands remaining waste—and they would remain waste unless some provision were made for their management—it is essential that there be vested in some person the power of dealing with them. It is altogether beyond possibility to negotiate or arrange with “the Natives,” as they have been here called. Even supposing that you could arrange with so large a number of persons, there are some of them infants, some women, and deaths are constantly occurring, and no possibility of ascertaining their successors until a sitting of the Native Land Court is held. Such considerations, I submit, render it impossible to leave the reserves under the management of persons whom the witnesses call “the Natives.” That is a wide and vague expression. But the Committee has only to look to the grants made on this Coast to see how impossible such proceeding or management would become, and, indeed, did become in the past, leading the Parliament of the colony to pass Acts vesting in the Governor the direct and final trust and management of these Native reserves. I am dealing here entirely with “reserves.” I am not saying a single word in respect of Native lands. I shall come presently to the distinction between the two classes of property. The second ground for the necessity which I submit exists for the management of these reserves by some individual appointed on behalf of the Crown is the collection and distribution of the rents. I say, without fear of contradiction from Natives who understand this matter, or from honourable gentlemen who are members of this Committee, that the system adopted in the past was unsatisfactory to the body of the Natives themselves. By “the system adopted in the past” I mean the collection of the rents by what the Natives called “a committee”—that is, a body of chiefs. The distribution of the