

side, and confined their investigations and actions to the ascertainment and fulfilment of the obligations of the Government towards the Natives. However, during the session of 1881, the present Commissioner having obtained further insight into the subject of these leases, and considering that the lessees had acted in a *bonâ fide* manner, and had invested large sums of money in improving the leased lands, and that their tenancy had been on the whole satisfactory and beneficial to the Natives, and not otherwise to the colony, he suggested to the Government that power should be given to him to confirm these leases on certain conditions which were embodied in the Act of that session ('West Coast Settlement Reserves Act, 1881'). Section 18 of that Act enables the Commissioner to confirm the leases referred to on the following conditions: (1.) The lease shall have been made *bonâ fide*. (2.) That it shall have been granted by the persons since shown to be entitled to the land described in the lease, or that subsequently to the issue of a Crown grant such persons have confirmed such lease. (3.) That the terms were fair and equitable to the Natives at the time when the lease was granted. (4.) That the rents and conditions have been duly paid and performed. (5.) That the power of confirmation should only extend to leases granted before the passing of 'The Confiscated Lands Inquiry and Maori Prisoners' Trials Act, 1879.'

"The Commissioner has lately called upon the parties claiming leases to produce them to him. About fifty have been submitted, and so far as he has examined into the circumstances he has reason to believe that in the larger number of cases all the above conditions have been fulfilled, except the second. That condition, however, appears to be fatal to the claims of almost the whole; for it happens that, in the apportionment of land to the various hapus the members of which are specifically mentioned as grantees in the several Crown grants, there is hardly a single instance in which the lessors and the grantees are identical. The grantees in almost every case are greatly more numerous than the lessors, and each lease generally covers an area of land which is now subdivided among several hapus, some of which, perhaps, do not comprise any of the lessors in the particular lease. The result is that none of these can be confirmed under the power given in the Act of 1881.

"Assuming that the Government will recognise the equity of the leases, and desire to carry out the spirit of the enactment in the Act of 1881, I beg to suggest that a short Act be passed, as early in the session as possible, giving the Commissioner power to confirm such leases (though the lessors and grantees be not identical), provided that he is satisfied that at the time the leases were made the lessors were the leading chiefs of the tribe or hapu interested in the land in question, and in accordance with Maori usage were entitled to represent, or in the habit of representing, the tribe or hapu in a transaction of this sort. But in case of any lease being confirmed under these circumstances the rent shall be paid for the future to the Public Trustee under Act of 1881, who shall distribute it among the persons to whom the land is now granted, he ascertaining (as in other cases where he has granted leases under that Act) the proportion to which each grantee is entitled—a thing which in both cases will have to be settled among themselves.

"Another solution has been suggested, to the effect that the existing leases should be cancelled, and that the Public Trustee should be empowered to grant new ones to the present tenants under the system prescribed by the Act of 1881, except the submission of such leases to public tender, and the limitation as to acreage empowered by that Act. The Trustee might also be authorised to increase the rent in any case where he thought it too low. . . . The question is becoming a burning one as regards both Europeans and Natives, and should be settled as soon as possible. . . ."

You will find that Sir Robert Stout, who leads my learned friends in this matter, complained throughout his speech, not of the arrangement of the Public Trustee, but of the legislation. The Act of 1884 was founded on the report of Sir William Fox, presented to Parliament in 1883. It appears to me that the Act of 1884 was passed in pursuance of a request by the Commissioner appointed by Parliament to inquire into the very matter. He tells Parliament what ought to be done, and Parliament does it accordingly. Sections 10, 11, 12, and 13 of the Act of 1884 are in pursuance of the request made by Sir William Fox to Parliament. Sir Robert Stout complains that the Act of 1884 gave us what he calls a "renewal." He was mistaken there; but Sir Robert Stout is so fair an antagonist in these matters that if he could be present now I believe he would admit that he had made a mistake. It must be remembered that the lessees had something to give up. I will show the Committee what the difficulties were, and what it was that the lessees gave up. The Committee will remember that the Act of 1884 did provide that the Public Trustee might accept surrenders, and that, in pursuance of Sir William Fox's recommendation, he might, in lieu thereof, grant new leases of the lands comprised in the surrendered leases at a rental to be computed upon the improved value of the land. Sir William Fox assumed that, in cases where the rents in the surrendered leases were manifestly too low, the Public Trustee might increase them, but this provision of section 13, that the rent is to be computed upon the improved value, is not a part of the recommendation of the West Coast Commissioner, and therefore might properly be amended, as it was by the Act of 1887. When we stand on Sir William Fox's report as the foundation of the Act of 1884 we must logically show that the special provision amended by the Act of 1887 was not one of the matters recommended by Sir William Fox, or introduced into that Act by his sanction. The new leases were to be subject to the provisions "of the Act of 1880 and of this Act, and to all regulations made thereunder." But the section goes on to enact that the terms shall be such as shall be agreed upon by the Native owners of the land. That is a matter dealt with in 1887. There are two parts of section 13 amended in 1887—first, the rental computed on improved value; and, second, the provision that the terms should be agreed to by all the Native owners of the land.

Hon. the Chairman: You are speaking now of section 13 of the Act of 1884?

Mr. Bell: Yes, sir. The reasons which induced Sir William Fox to make this report, and which led to the Parliament being advised, and the Government satisfied, that this process of surrender should be adopted in regard to the new leases were: First, a matter of convenience of