

1886 (which did not pass) for the purpose of getting the impossible provision of the Act of 1884 amended. In 1887 a petition was presented to this House—that is to say, a petition of leaseholders, and one by Ngarangi, to which I will briefly refer. It is a report of what passed in the Native Affairs Committee (Parliamentary Paper G.—3A, Session II., 1887). Questions are asked by the Hon. Mr. Ballance, showing what were his views in regard to the legislation which he introduced in the first session of 1887. The Hon. Mr. Ballance asks Ngarangi this question (page 220): “Do you know of any promise made when the leases were granted, for the renewal of them?” Ngarangi replies, “Some people do agree that the leases should be renewed; others do not. I object very strongly. You, Mr. Ballance, must recollect that I objected to lease a piece of land.” I would ask the Committee to refer to this; I think it a very important document. The Public Trustee appears to be exceedingly anxious to get rid of these reserves. They are, I have no doubt, a source of annoyance to him, and, though he has made no complaint, still there is no doubt that he would be glad if this Committee should report with such a recommendation. This is what I wish now to put to my learned friends: Supposing this Committee recognises that the Act of 1884 provided an impossible method for determining the new leases and the new rent—suppose it should agree with Sir William Fox in recommending that the existing leases should be surrendered and new ones granted, what process would the Committee determine upon for ascertaining the rents? An agreement between the lessees and the Native grantees is obviously impossible. The present rent would be unfair, because it has not been agreed to by any appreciable number of grantees. To leave the matter to the Public Trustee is possible, but would obviously be unpopular. Can anything, then, be fairer than the process of arbitration? Suppose this Committee had to say, “We are not satisfied; we will have them reascertained;” what other process, what more fair or equitable process, could they adopt than that of arbitration?

*Mr. Stewart:* It appears to be rather an expensive luxury.

*Mr. Bell:* I will come to that presently; but I may say here that, if the charges are unreasonable, we had to pay them. I will now call the attention of the Committee to the Bill introduced by the Stout Government in the first session of 1887. This particular Bill I am now referring to passed the House and went up to the Council. It provided that, on the surrender of a lease under section 13 of the said Act, the rent under the new lease to be granted was to be computed upon the value of the land and improvements, less the value of any substantial dwelling-house, &c. I do not say they went the whole length of the provisions of the Act of the second session, but when dealing with that part of clause 13 of the Act of 1884 which said the terms should be such as might be agreed on between the Public Trustees and the lessees they provided that two Native Assessors should be appointed for the purposes of the valuation. One of the Native Assessors was to be appointed by the Native owners; if the Natives would not choose, then the Governor was to appoint. They did not then contend that the Act of 1884 was fair, equitable, and just.

*Mr. Stewart:* There is a marked difference between the 7th and the 13th sections of the Act of 1884.

*Mr. Bell:* The Act of 1884 provides that the Public Trustee may grant a new lease, on such terms, subject to the said Act, this Act, and to the regulations made thereunder, as may be agreed upon. Then, the 7th section of the Act of 1887 refers to the “existing regulations under the said Act,” and continues, “on such terms, subject as in the Amendment Act mentioned, as may be decided by arbitration as provided by the said regulations.” If ours be the true reading of the law, will the Committee interfere to take away from us rights conferred by statute?

*Mr. Stewart:* Do you say that section 13 practically incorporates section 8 of the Act of 1884, which enables the Public Trustee to allow for improvements?

*Mr. Bell:* You will see that is so if you look at section 9, which provides for the extension of leases from twenty-one to thirty years. It is incorporated in the same way in the Acts of 1884 and 1887. I submit, therefore, that the Acts of 1884 and 1887 are fair and just. They recommended themselves not only to one side of the House but to both sides. I submit that what presented itself to two Parliaments and to two Governments as fair and just was fair and just. I do not know how I am to get at a better way of estimating what is fair and just than to note the fact that the amendments of both these points in the Act of 1884 were assented to by all parties, and practically proposed by two Native Ministers in two Parliaments, and carried by the House of Representatives in two separate sessions of two distinct Parliaments of the year 1887.

*Mr. Stewart:* Compensation would only apply to improvements after the new lease was to take effect.

*Mr. Bell:* I will be prepared to contend that the improvements made since 1884 ought not to be taken away. They were made on the faith that new leases would be granted on the surrender. Money has been spent on them. It is not equitable to take them away from my clients.

*Mr. Peacock:* You leave it, then, a moot point whether the improvements prior to the new leases were such as should be compensated for?

*Mr. Bell:* Equitably, I say, we are entitled to them, and legally I am prepared to defend them if the law is not altered. What took place was this: After the passing of the Act of 1887 Mr. Rennell called a meeting, and explained what was to be done. The Act was translated into Maori, and circulated in the district. Ngarangi had a petition before Parliament. Mr. Taipua went to his constituents. The Act of the first session was translated, and Ngarangi's petition was discussed before the Native Affairs Committee in the first session.

*Mr. Parata:* I do not think that Ngarangi had his petition in the first session of 1887. I may be wrong. He was, however, here in the first session, and Mr. Taipua spoke on the Bill in the first session. His speech is in *Hansard*.

*Mr. Bell:* Mr. Taipua certainly knew what was going on in the first session. He went up the Coast to see Taurua, a leading man on the Coast. There was no concealment in the matter at all. I submit it is quite out of the question to suppose that the Natives did not know in 1887 what was being done. What took place which caused gentlemen like Mr. Williams and Mr. Fisher to