

all of which are vested in the Public Trustee. Now, sir, he did not point out one respect in which these reserves differ from all those other reserves. These are the only reserves which are Crown-granted to the Natives.

*Mr. Wilson*: Excuse me. Part of Greymouth is, there being 500 acres Crown-granted to twenty-six Natives.

*Mr. Levi*: If so, that is the only case. The Act of 1880 provided that the Crown grants should issue to the Natives, and provided that the lands should be alienated under the authority of a statute which should be subsequently passed. That Act was passed, and provided that they should be alienated by the Public Trustee. And my friend stated in this connection that the Natives could have nothing more than a life-interest, at any rate, in these lands. It has been already suggested this morning that the Natives had power to alienate by will: whether they have power to alienate to Europeans is immaterial. At any rate, successors are appointed to these Natives—to the specific Natives who die: whether the will of the Native dying is taken into account or not is of no moment. The interest of the individual Native who dies goes to other individual Natives in the same way that property would pass from a European who died intestate.

*Mr. Wilson*: It is only done on the application of the successors.

*Mr. Levi*: The principle is all that I want to establish. It is stated that there is nothing more than a life-interest; and I say that there is no more a mere life-interest than in any case of property in European lands, in which there could be similarly said to be a mere life-interest, because a man cannot enjoy it after his death. In some instances the Native Land Courts have actually partitioned these reserves—divided them up, and given certain portions to certain Natives. It has also been asserted that these reserves are different to any of the other reserves, because they come from the grace of the Crown. I submit that that cannot be considered in the matter at all. There were certain disputes. The Natives were in actual occupation of this land, and these disputes were settled by certain Crown grants being issued to certain Natives. They were issued on the condition that they should be alienated, under the authority of the statute subsequently passed. That was the only condition. Section 4 of the Act of 1880 shows clearly it was always intended there should be grants, and the question whether European interests were to be considered is not touched upon in that section. I might also point out that the Natives are called “the Native owners” throughout the Acts of 1881 and 1884.

I submit, sir, that the policy of the Act of 1881, which was the one that dealt with the administration of these reserves, is clear. It is clear, of course, that provision was made that there should be a proper settlement of part of these reserves. It was intended that part should be leased, and that they should be properly settled. Section 11 of the Act of 1881 provides that every lessee shall make certain agricultural improvements, and it has provision for limitation of the holdings and area; and in several other ways it provides for *bonâ fide* settlement of this land. But section 11 also contains a provision which shows that these lands were not to be dealt with the same as Government lands, but that they were to be dealt with in such a way that the Natives should get the full benefits obtainable from them. The rents were not to be determined upon a small percentage of the capital valuation for the time being; they were to be determined by public tender or by public auction. What does that mean? What does that provision mean but that the best rent should be obtained? And, as a matter of fact, subsection (3) (b) of section 11 provides that the rent to be reserved should be the best improved rent obtainable at the time. I submit that that clearly shows the policy of that Act—viz., that the Natives should obtain the full benefit of the lands for the time being. It was not intended at all that the policy of settlement should be such as to in any way interfere with the Natives getting the fullest benefit which could be possibly obtained from the land. Section 18 of this Act provides that certain leases, which had already been granted by the Natives before the reserves were Crown-granted, and which were consequently illegal, should be confirmed by the Governor in Council upon certain recommendations of the Commissioner. It of course provides—and my friend has pointed out—that these leases may be confirmed, notwithstanding the provisions of section 11. For instance, if the area is more than 640 acres they can be confirmed, and I do not for a moment dispute that. I submit the effect of the confirmation of these leases is this: Certain leases had been granted; the lessees had entered into possession and had started to make improvements, and it was necessary to protect these lessees, notwithstanding that their leases were illegal. These leases were confirmed under the above Act at the request of the lessees concerned; and surely, sir, after confirmation it cannot be said that they should bind one side and not the other. I submit, sir, that, as these leases were confirmed at the request of the lessees, who at that time considered them advantageous leases, which they wished in their entirety to retain, it is only fair that the lessees should be kept to the terms and conditions which they entered into in those leases.

It has been urged by my friend in reference to the Act of 1884 that before the passing of that Act this report of Sir William Fox, in G.-3 of 1883, was issued. My friend has referred to the Appendix No. 4 of that report, and he has attempted to show a connection between that appendix and certain portions of the Act of 1884. I would wish to again particularly refer the Committee to that appendix. It deals altogether with a specific difficulty that arose. It is headed “Memorandum on a Difficulty in connection with the Confirmation of certain Leases requiring the Action of Parliament.” The difficulty that arose, as is there pointed out, was that the lessors granting the leases were not in every case the same persons as the Natives appearing in the grants; and Sir William Fox suggests that the leases should be confirmed notwithstanding that discrepancy, provided that they could be shown to be *bonâ fide*, and that certain other conditions were complied with. So that this suggestion, sir, is merely a proposal to get over a difficulty as to the confirmation of the leases. But Sir William Fox finishes up his memorandum in this way: “Another solution has been suggested”—it will be observed that he does not suggest it himself—“to the effect