previous report (15th January, 1884) on the Ngatirahiri case will show that it is, in my opinion, one in which the confiscation should have been abandoned in the same manner as it ought to have been, but was not, in the Stoney River and Opunake Blocks." Now, we have shown by evidence before this Committee that the lands of these Waitara Natives have been leased without their consent. It is not denied that such is the case. At least, it was in every case leased against the wish of the majority. Sir William Fox, in his remarks (on page 4, below passage already quoted), gives special caution against any attempt being made to lease these lands without the full consent of the Natives. He says also that a more than ordinary area should be left for their use, because they are an exceptionally industrious set of men, and required a great deal of land for their use, as they are farmers in a large way, and that it would be a great mistake to hastily lease so large a portion of their land as might unduly limit their own holdings. Sir William Fox's fears have been realised. Another of our main complaints against the management of the Trustee is this burning question of rents being reduced without the Natives been consulted, as shown by a return (G 175) of last year furnished to the House of Representatives, which shows that the rent of 160 leases was reduced about fifty per cent. under supposed powers conferred by the West Coast Settlement Reserves Act of 1884. No such power is contained in this Act.

Hon. the Chairman: Do you mean under the regulations we unearthed the other day?

Mr. Sinclair: Until these regulations, as you say, were unearthed I was under the impression that the rents were reduced under the provisions giving the Trustee power of management, as stated in the return G 175 of 1889, under the Act of 1884. I have considered very carefully the Act of 1884, and in my opinion it gave no power to reduce the rents. I looked carefully through the *Gazettes* for all these regulations. The index of the Law Library may be somewhat defective, but I have been able to discover no such regulations. We contend that the Public Trustee was not justified under any of the Acts in force in reducing these rents. Sir Julius Vogel, as I have stated, came to the same opinion. These regulations we are now in possession of are also evidently made under the Act of 1881—that is, the regulations of the 25th October, 1887. Section 5 of the Act of 1881 is the only clause which gave power to make regulations. Parliament has not given the Public Trustee in this Act any power to reduce rents. The Public Trustee is merely named as the person who is to manage these estates. He represents the *cestui que trust.* Section 5 gives powers to frame regulations necessary for the proper administration and management of the West Coast reserves—powers to lease, manage, advertise to expend money—but neither expressly nor impliedly is there any power in this or other Acts to make regulations for the purpose of reducing rent. The Fair Rent Bill introduced in 1887 would have met, perhaps, this and other cases. It is well known that even after these regulations were passed Parliament refused to give authority to reduce the rent. The fact appears to be that authority was taken without the sanction of Parliament to reduce the rents. Sir Julius Vogel said during the discussion upon the Fair Rent Bill that if the Public Trustee reduced rents without the assent of Parliament he would be responsible.

Mr. Stewart: Do you mean to say that Sir Julius Vogel's opinion is binding?

Mr. Sinclair: He answered a question put to him, and no doubt consulted the Attorney-General or some other competent legal authority before doing so (See remarks by Sir J. Vogel in *Hansard*, 10th June, 1887). Although we are of opinion that we have suffered a great many wrongs, I may state that the Natives quite agree that, if Parliament would accord to them a fair measure of justice, we should not proceed further in this matter. We maintain that a fair measure of justice would be giving the control over these lands to the Native owners. In any case the lease should be limited to twenty-one years, that there should be no right to renewal except with the assent of the Natives. If some agreement or settlement of this kind could be come to, the Natives would be inclined to waive the consideration of past misdoing, and say no more about it; but if this is not done, then the Natives consider they have a strong claim against the Public Trustee and the Government for all these wrongs that they have suffered. I know that it is the purpose of the Natives to institute actions in the Supreme Court to get relief. I do not know whether I shall be connected with that action—it is probable some other of my legal friends will be concerned with it; but I believe that a test action is to be taken. It has come to my knowledge that one or two wealthy Natives are intending to institute proceedings, and have taken the opinion of counsel. I also am in possession of information to the effect that, if a satisfactory solution of the difficulty is come to, the Natives are quite willing to have the whole of the past validated.

Mr. Bell: I would remind the Committee that this is not a reply, nor even is it a comment on the evidence.

Mr. Sinclair: I have consulted the Natives as to my withdrawing the words which I applied yesterday to Mr. Mackay in my memorandum: they seem rather vexed that I should do so. I may state to the Committee that I did not use these words personally; they have brought special pressure to bear on me to put them in: they are therefore not mine. There is another point in Mr. Bell's speech to which I would refer. Mr. Bell terms Mr. Taipua's Bill a "West Coast Lessees' Property Confiscation Bill." We consider that we have more right to term the Act of 1887 "The Native Property Reconfiscation Act," and we might call Mr. Taipua's Bill "The Native Confiscated Property Restoration Bill." As regards our request that these lands should be restored to the Natives for their management and control, I may be permitted to point out that the Public Trustee himself stated in 1887, on Ngarangi's petition, that he saw no reason why, on the expiry of these confirmed leases, the land should not revert to the Natives. He himself is, I understand, heartily sick and weary of the trouble occasioned by these leases to his office, and I am informed he would be only too glad to be rid of the control and management of these reserves.

Mr. Bell: I wish to direct the attention of the Committee to part of the argument of my learned friend. In his interesting speech Mr. Levi said that I was wrong in saying these reserves were of a different class from the Crown-granted reserves. If, sir, you will look at the Act of 1880, to which I have already alluded, you will see that under section 3 reserves may be granted. Under