

section 4 this class of reserves are referred to. Now, under section 3 the grants are not properly reserves, but lands granted in pursuance of promises and engagements. Under the first part of section 4 the Governor is authorised to issue grants of inalienable land; the second part of section 4, which was the original authority for making reserves, did not authorise the Governor to issue Crown grants. In each of the other clauses Crown grants are mentioned. But this was the position in 1884: Sir William Fox resigned his Commission in 1884. Now, in the Act of 1884 some one inserted words in this section 4 under which Crown grants were to issue. It was a mistake and a muddle, as any one can discover by a careful reading of the Act. If you look to section 4 you will see that the first part does permit the issue of Crown grants absolutely inalienable; but under the second part the lands are not to be Crown-granted: they are simply to be "reserved and set apart" distinct from lands in which the Native has an individual interest. Mr. Levi, when referring to the fact that Crown grants had been issued, omitted to notice that there was no authority for it.

Mr. Sinclair: The reason section 4 was passed was that by that time the members of the two Houses had become acquainted with Sir William Fox's wishes.

Mr. Bell: Sir William Fox never recommended it.

Mr. Sinclair: Perhaps not; but at the opening of his Commission he promised it to the Natives—at least, his report says so. But, apart from that matter, I wish to call the attention of the Committee to another matter. I refer to the Hamua lease, which was granted by two women of another hapu eleven or twelve years ago. These two women had no right to the land: they did not belong to the Hamua Hapu, but to the Hapotoki Hapu. What does the West Coast Commissioner do? A few months ago he recommends this lease for confirmation, and in consequence all the grantees must suffer. There are 164 grantees, I think. The Act of 1883 says that before a lease can be confirmed the Commissioner must satisfy himself that the persons assenting to the lease are the principal persons interested in the land, and also that a proper survey has been made.

Hon. the Chairman: You say that a wrong has been done.

Mr. Sinclair: We say that these two women were not of the hapu which owned the land; they had no right whatever there: yet the Commissioner recommends this lease given by them for confirmation.

Hon. the Chairman: We must adhere strictly to the order of reference.

Mr. Sinclair: I claim that this matter is within the order of reference, as it concerns the rights of the whole of the Natives of the Hamua Hapu, who have suffered a wrong through the action of Mr. Mackay, and I ask for an opportunity of proving what I stated in my memorandum on the subject.

Hon. the Chairman: I propose to read the order of reference.

SIR,—

Re confirmation of leases by Thomas Mackay, Esq: As requested by you this morning, I now have the honour to place before you, in writing, the following act of injustice to the Natives in connection with the above, which decidedly affects their equitable rights, and, perhaps, also their legal rights.

I refer to the leases confirmed upon the recommendation of Mr. Thomas Mackay, which Sir William Fox absolutely refused to recommend for confirmation as being illegal under "The Confiscated Lands Inquiry and Maori Prisoners' Trials Act, 1879." These he refused on the grounds that they were illegal, and because on equitable grounds the lessees had no right to ask it. A list of these leases is given on page 13 of A.-5A, 1884.

My friend Mr. Levi this morning elicited from Mr. Mackay that one of these leases had actually been confirmed a few months ago under powers contained in the Act of 1884. Upon my proceeding to cross-examine Mr. Mackay, he declined to answer my questions on the subject. I had intended to have examined him upon other leases included in the list; but, as the one above mentioned was brought under your Committee's notice, it will show the distress caused to the whole Hapu, I have good reason to believe that the following facts are briefly the truth of the case mentioned, and I would respectfully request you to ask Mr. Mackay if they are so or not.

By a lease No. 8 on Sir William Fox's list (page 13, A.-5A, 1884), dated the 24th July, 1879, Moerewarewa and Tohi Taua, two women having no claim to the land, but belonging to Hapotoki Hapu lease a piece of the Hamua Hapu's land called Parapara, containing either 23 acres 2 roods or 21 acres 2 roods, for £7 1s. per annum. This land is Crown granted to certain members of Hamua Hapu, and forms part of Whareroa Reserve. In this grant there are about 150 to 160 grantees; but, as far as I can ascertain, Moerewarewa and Tohi Taua are not in the grant, nor do they belong to the Hamua Hapu. This is a clear instance of two outsiders, having no claim in the land in question, alienating, with the sanction of Mr. Mackay, land they had no right to, to the great disadvantage of the Hamua Hapu. If Mr. Mackay denies what I have above stated, I ask permission to produce evidence to prove the facts, and that this case may be taken as a fair sample of his actions in confirming leases, or else that I may be allowed to show that this is by no means the only instance in which similar leases, included in the list (page 13, A.-5A, of 1884) have been dealt with.

I have, &c.,

JOHN SINCLAIR.

The Chairman, Joint Committee,
West Coast Settlement Reserves.

TUESDAY, 5TH AUGUST, 1890.

Mr. Bell: I should be glad, sir, if you would allow my clients to be present while I make a short statement as to what occurred yesterday. You will probably recollect that yesterday I presented a draft of proposed legislation which I had your permission to submit to the Com-