

154. In administering your public trust, are you not guided by the desire to do justice in the interests of the tenant as well as of the rental?—No. I cannot consider the interests of the tenant. They are conflicting interests. No private trustee would be justified in considering the interests of the tenant except so far as what would be best in the interest of the trust.

155. Do you not consider that, if you were to make a compromise whereby tenants could be kept upon the land, pay their rents, and keep the land occupied, you would eventually be acting more in the interests of the Natives than by exacting enormous rents, and surrounding it with conditions that will drive them away?—This is private property, and if a person comes and settles on it unknown to me I cannot give him any rights. If you make that applicable to European private property, then you will see where the difficulty arises; but any such proposal, however, should be made not to apply to this special private property, but to all property of all people and classes.

156. Are you not actually acting as landlord?—Yes.

157. Well, do you mean to tell me that a landlord has no power to remit rents?—Not if he is a trustee.

158. And it is on this that you take up your stand?—On the law regulating the action of a trustee. I would have to restore the property or whatever damages the law gave, and the Government would have to pay it out of the Consolidated Fund.

159. Would no law that would obviate this be beneficial?—You would have to apply it to the private property of every person.

160. I mean that anything that would alter the conditions of the Public Trust, that would make it less strict—would that be beneficial?—No, I do not think so.

161. You say it would interfere with the rights of private property. Is it not a fact that legislation has been brought in already which practically does that?—If you make a general law throughout the colony for fair rent, without respect to persons or race, that is another thing. But this is one class of property, belonging to one portion of one race.

162. The object of this petition is to change the trust of these lands from the Public Trust Office to the Land Board. Is it your opinion that you have an adequate knowledge of the land and its value that will enable you to administer it fairly satisfactorily to both parties—that is, as satisfactory as any other Board?—I administer it as a private person with satisfaction to the trust, and, as to the administration, I have quoted what I have done. I think it is an extraordinary result.

163. *Mr. Green.*] It is not clear to my mind the position you take up in reference to the payment of rates. Do I understand you to say that you have paid rates on some lands and have refused to pay them on others?—I cannot recollect whether I have paid rates or not; but I said I would not pay rates, and would not be justified in paying rates, if I could escape paying them.

164. Has any action been taken: have you not been summoned by any of these local bodies?—No. It is a matter between two private parties which the law alone can settle.

165. I cannot understand any local body, any private individual, to refuse to pay rates?—The law has only recently passed under which the local bodies claim the right to rate Native lands.

166. When you take up the position of being a trustee for this land, I quite agree with you; but I want to be quite clear about the position you take up as a Native owner?—I take up the position of a trustee. These rates, I contend, cannot be levied upon me. They cannot be levied on me as the private owner of this land. The land was Native land originally.

167. You say that you are afraid that the local bodies, by their rates, might confiscate the lands. If you are only a trustee, and this rate has been legally struck, and you are summoned for it, supposing the property were confiscated, what about that?—That is the question. I did not raise any objection to proceedings in the Courts of law. This is not the proper tribunal at all to consider that question.

168. I want to know whether you are administering this as a trustee would administer an European estate, or whether there is anything in the law expecting you to administer this as a Native trust, and still keep this Native land?—It was vested in me, and practically became my property—the property of the Public Trustee. But there was in the Act by which the land was vested in me this section 28: “Nothing in this Act contained shall render reserves subject to any tax or rate to which the same was not subject at the time this Act comes into operation.”

169. *The Chairman.*] That provision practically left the property exempt from rates?—The Act throughout was a compromise. It validated that wrong said to have been done by the reduction of rents.

170. The Act that was put through the House last night will apply?—That Act will, I understand, make me liable; but how rates are to be got out of Native lands for which there would be no money available except by alienation is a difficulty yet to be settled. Whether a Native reserve is to be alienated for rates is a question for the Government to consider.

171. *Mr. Green.*] That clause you have read is what you lean on?—Yes, as protecting the land from being rateable as the consequence of vesting it in me.

172. *Mr. Duncan.*] Is there any suggestion, Mr. Warburton, that you will be prepared to make with regard to any alteration in the law that you administer this property under? Do you see no hardship in the law that prevents you from dealing with it?—No; I can see no grounds for alteration except in the opposite direction to which the petitioners go. So long as the law remains as it is, I must give no more concessions to settlement than an ordinary trustee of private property would give. It authorises me to offer land to public tender, requires me to accept the highest tender, and gives me authority to grant new leases—tantamount to requiring me to grant new leases. In many cases I have granted new leases in substitution of old leases at a lower rental than the old leases. That is a large concession.

173. With regard to the valuations. You took those of a gentleman named Jones, from Wanganui, who, with a Native, made a valuation of the land. You look upon them as suitable men to make the valuations. Is that from a Native point of view, or from an equitable point of