

11 Were you an individual lessee, or a lessee conjointly with your brother?—Both individually and in conjunction with my brother

12 What was your brother's name?—Albert Symes.

13 Would you explain as briefly as possible the general position of the west coast Native reserves, and the disputes between, first, the lessees and the Natives, and then between the lessees and the Government?—Well, of course, it was in connection with the land after the Natives returned from their imprisonment in Dunedin. They leased all the lands they did not require for their own use. Before the leases were granted a Commissioner was appointed, called the Native Lands Frauds Prevention Commissioner, before whom all leases had to go. A certificate had to be indorsed upon every lease that the Maoris had been paid in coin for their rent, and not in stores, or liquor, or in any other way. That had to be indorsed on every lease before it could be registered. The leases were registered after that indorsement. Some time after that it was found necessary—I do not know why; I never did know why—to introduce legislation in connection with the west coast lands. A Commission was appointed consisting of Sir William Fox and, I think, Sir Dillon Bell. I think they were the Commission that inquired, but I believe Sir Dillon Bell never sat on the Commission, but that Sir William Fox conducted the Commission alone. The decision of the Commission was that our leases were informal—that we were practically squatters squatting on the land informally. We appealed to the Government, and legislation ensued known as the West Coast Settlements Reserves Act Amendment Act, 1887. The Commission recommended that the whole of these lands should be placed under the hands of the Public Trustee. Legislation ensued, and they were so placed in the hands of the Public Trustee. By the Act of 1887 we were empowered to surrender, with the consent of the Public Trustee, our leases, and new leases were thereupon to issue.

14. At a rent, I think, to be determined by arbitration?—Not at first. It was to be arranged between the Native owners, the Public Trustee, and the lessees. Regulations were gazetted in the early part of 1888. The Act empowered regulations to be made, and under the regulations an arbitration was set up.

15 To determine what?—To determine the rents and everything in connection with the leases. We were given one month in which to appoint an arbitrator, and the Native owners were given the same time. If we failed to appoint an arbitrator within one month, the Government had to appoint an arbitrator and proceed with the arbitration. We appointed our arbitrator—that is, the lessees. The Natives, I think, declined to appoint an arbitrator, and I believe the arbitrator was appointed for them by the Public Trustee or the Government. The arbitrators appointed their umpire. The result was that we had to surrender our leases before we could proceed to arbitration. The arbitration was made in the early part of 1889. We had no title. We had to lift the award that was made. The awards were lodged with the Bank of New Zealand at Patea, and, I think, the Bank of New Zealand at Hawera. We were naturally all anxious to see what our fate was to be, and we had absolutely no titles because we had surrendered our leases.

16. In order to uplift the awards you had to pay the arbitration fees, consisting of the fees of all the arbitrators, both of the lessees, the lessors, and the Court?—That is so. After the awards were lifted we applied to the Public Trustee to grant leases in terms of the award. There were one or two—certainly not more than two—leases signed. I might say that the term was for thirty years. The award gave us a lease for thirty years so far as the award was concerned. There were two leases signed. A great number of leases were prepared, but after the signing of these two the Native owners lodged a caveat against any further dealings with the leases. The matter was to have come before the Supreme Court, and Mr Hutchison, who was then a member of Parliament—but, at any rate, he was a lessee—in order to bring the matter to a head more quickly than by going through the Supreme Court, and then to the Appeal Court, moved on behalf of himself and the other lessees that the matter should go to the Appeal Court direct. It went to the Appeal Court direct on a particular lease, and the Appeal Court held that the whole of the proceedings were *ultra vires*. We then approached the Government with a view of it giving us some relief. The next thing that was done was the passing of a suspension Act. A suspension Act was passed in the session of 1889 locking everything up until some time—I think one, two, or three months—after the following session of Parliament. Nothing was really done then. We petitioned Parliament—Mr Bell appeared for the whole of the lessees—with a view of giving us relief not only by granting us leases, but for the return or refund of the moneys we had paid for the uplifting of the award. We got practically no satisfaction from that. The next session, I think, a further petition was presented, and Mr Levi appeared for the west coast lessees, with the same result as previously. Nothing was done until 1892, when an Act was passed giving power to the Public Trustee to grant new leases.

17 You had been greatly concerned in all the petitions and the litigation connected with these leases?—Yes.

18. Had you also yourself embarked in litigation?—Not at that time.

19 A little later?—Yes. In 1892, which was the year of the Ballance Government—I do not know what year it came in, but Mr Ballance was Premier in 1892—the lessees knew that Mr Ballance and I were very great friends, and they asked me if I thought I could do any good or if I could help them in any way if I went to Wellington. I said that such was my intention, whether I could do any good or harm—I was going on my own. I came down to Wellington and saw Mr Ballance, and told him the whole case from start to finish. He said, "Well, it is the intention of the Government to try and settle this matter in some way. I want you to go and see the Public Trustee, Mr Warburton. If you do not know him, I will give you a letter of introduction to him." I did not know Mr Warburton, and he gave me a letter to Mr Warburton. He told me that Mr Warburton was preparing a Bill in connection with the leases, and he said,