120 $G_{-}-2.$

Mr. Bell: Yes, and have studied the whole question himself, and, whether he thought it was in the interests of the beneficiaries or not, I suggest he should have consulted the beneficiaries, and if they objected it was his duty to make known that objection to the powers that be.

The Chairman: And he should have consulted the chief Native owners.

Mr. Bell: I think he should, and I submit he should. There is this typical instance, which I mentioned in my opening also, with reference to the Public Trustee's memorandum on which my friend relies so much. Your Worships will remember that I pointed out that that memorandum came shortly after a memorandum in which he had said "There is not now sufficient land for the Natives, and these 18,000 are necessary for them," and he went on to say that the Natives must not be deprived of the right to compete.

The Chairman: That was the preceding one?

Mr. Bell: Yes, that was the preceding one. Then he made the memorandum on which my friend relies, and he suggested that practically what my friend asks should be given, and he explains his change of mind by saying that when he made his first memorandum he did not know that the lessees had been misled.

The Chairman: I was looking at that memorandum myself yesterday. Were they both made

by the same Public Trustee?

Mr. Bell: Mr. Poynton made them both. He made the first memorandum practically backing up my position, and then he made the second backing up the lessees' position; and the reason for the change of mind was that he said he did not know when he made his first memorandum that the lessees had been misled.

The Chairman: Does he say that in his second memorandum?

Mr. Bell: Yes, but your Worships will see what he does: the lessees come to him and say, "We have been misled," and he accepts their assurance.

The Chairman: That is one of the questions we have to settle now.

Mr. Bell: Yes, and I do submit that it was obviously the Public Trustee's duty to inquire and not to take the lessees' word for it. That is why I say the administration has been wanting in backbone. I am leading up to this for a special reason: I am trying to induce your Worships to give me as strong a report as I can possibly have. Your Worships know that time after time Acts have gone on to the statute-book which, at any rate, the Natives say are not in their interests. These Acts have been passed without the Natives being consulted, and you have a concrete instance of the Public Trustee merely accepting the lessees' word and doing something which in an earlier report he had admitted would be against the Natives' interests.

The Chairman: What is the date of the second memorandum?

Mr. Bell: 1909, when the lessees were before the Lands Committee. Now, I had not intended to say more than I have said about the Public Trustee's administration, but I am compelled to say more owing to the attitude which Dr. Fitchett took up. Dr. Fitchett, so far as the office is concerned, was, of course, interested to defend the Public Trust administration. He defends it on two grounds: First, he says that the Act of 1881 said the Public Trustee was to be guided by "the interests of the Natives" and "the promotion of settlement," and he says that in my opening I put too much weight on the first and too little weight on the second. Surely the "promotion of settlement" means the promotion of settlement for the best interests of the Natives and the advancement of the district from which the Natives draw their rents. If the Public Trustee's administration was to be defended on that ground, if he could get behind those words—"the promotion of settlement"—he might have allowed the tenants to occupy free of rent. That would be justified if the promotion of settlement was to be in the interests of the It was to be, of course, in the interests of the Maori. Then Dr. Fitchett goes on to defend the Public Trust administration on the ground that I am wrong in contending that there was a bargain in 1880 and 1881. Well, Dr. Fitchett was not speaking by the book. I did not ask him, but I assume he has not read the reports of the Commissions to which I referred your Worships. I will hand the reports in, and in one of the reports (Volume I, page 46) your Worships will find a statement by the Commissioners reporting on what ought to be done—that is to say, what they had in mind. They referred to two Proclamations, and one of them is as follows (1864): "The land of those Natives who have adhered to the Queen shall be secured to them; and to those who have rebelled, but who shall at once submit to the Queen's authority, portions of the land taken will be given back for themselves and their families. To all those who have remained and shall continue in peace and friendship the Governor assures the full benefit and enjoyment of their lands." Then, on 5th September, 1865, as follows: "Out of the lands which have been confiscated at Taranaki and Ngatiruanui the Governor will at once restore considerable quantities to those of the Natives who wish to settle down upon their lands, to hold them under Crown grants, and to live under the protection of the law." That is what the Commissioners had in their minds, and I submit it is absolutely unarguable to say that any arrangement come to following on those Proclamations is anything but a bargain. The Natives had submitted—they had put down their arms, and an arrangement was come to; that is, I submit, the clearest possible bargain it is possible to conceive. Now, I should not object to Dr. Fitchett defending the Public Trust administration—he is bound to do that, of course—but I confess I do object to a person in the position of a trustee taking up an attitude which is hostile to the attitude taken up by the beneficiaries, and working against them. He is not, perhaps, entirely in that position, because I suppose he would claim to be classified as a man giving expert evidence for the information of the Commissioners—an expert view for the assistance of the Commissioners. Well, if he takes up that position he must either be an expert himself—and he cannot be that, because he has only been in the position for from one to two years, and therefore he cannot have specially studied the question of the West Coast Settlement Reserves leases, and you will find very few letters on the file signed by Dr. Fitchett-or he must be the representative of a Department which is giving