

it did at first; but by grazing dairy cows on it and carting butter-fat away every day you are making the land poorer.

37. Is that common to dairy farms?—Yes.

38. Take, for instance, the freeholds between here and Manaia?—They are all manuring, and going in more for it every year; they find it necessary. I do not count that in my improvements, because if I put manure in I think I am going to get the benefit from it. That is, if I am going to stay there, but if I am not staying there I am not going to put manure in.

39. What was the condition of the fences when you went on your land?—Live fences of box-thorn when I went on to the place.

40. What is there now?—Some young box-thorn I planted myself, and for the wire fences I am going to plant box-thorn.

41. Why?—Because it is necessary to get the shelter. Fencing material is very nearly a thing of the past in the bush; we cannot get posts. We might split up a log and perhaps one-half you throw on one side, because it is of no use, and it is necessary to plant live fences.

42. That costs money, I suppose?—It is worth at least £1 a chain the first two years, and it has to be attended to for the first twelve months after that.

*Mr. Bell:* No questions.

HENRY PARKER BEST recalled. (No. 26.)

1. *Mr. Welsh:* I understand that you desire to alter some evidence you gave to the Commission?—Yes.

2. When you were under examination you were asked, "Supposing the rent had been fixed at 8s. or 10s. an acre, calculated on the basis of the revaluation in 1900, would you still have been prepared to take up the lease on those terms, and have paid the loading over the period between 1892 and 1900?" You desire to alter your answer "Yes" to that?—Yes.

3. What do you wish to say?—Well, I would not be prepared to take it up at that rental.

4. Your answer, then, to the question is "No" instead of "Yes"?—Yes, I say No to that question.

Close of evidence for lessees.

The Commission adjourned till 10.30 a.m. next day.

HAWERA, FRIDAY, 24TH MAY, 1912.

*Mr. W. H. D. Bell* (in opening the case on behalf of the Natives) said, May it please your Worships, I am afraid that in opening this case I shall have to trespass on your patience to a very large extent, because I am not only, as it were, in the position of defendant to the lessees' claim, but I am also in the position of a plaintiff so far as the Natives' claim is concerned—that is to say, I have to make two addresses really in one—first, a defence to my friend's claim, and, secondly, the claim which the Natives make themselves. Now, if I may start right from the beginning of the West Coast reserves history, and trace that history down, I think it will assist the Commission in coming to a conclusion as to the report which it should make to His Excellency. Firstly, this confiscated area was taken under the New Zealand Settlement Act, 1863. In 1879 the Confiscated Lands Inquiry and Maori Prisoners' Trials Act was passed, and that Act recited that the Natives were alleging that promises had been made by the pakeha with regard to the giving-back of the lands, and that those promises were unfulfilled. It also recited that there was considerable disturbance and unrest in the district, and it appointed a Commission to inquire into the matter, and to see whether there were any undertakings which were unfulfilled. That Commission consisted of Sir William Fox and Sir Francis Dillon Bell, and they inquired at very great length into the whole position, and they reported to His Excellency. Altogether, I think, they made three reports to His Excellency, somewhere about 1880. Now in 1880, as a result of the report of that Commission, the West Coast Settlement, North Island, Act was passed. By section 3 of that Act the Governor was empowered to settle all claims and engagements and to issue Crown grants. By section 4 the Governor was authorized to set apart reserves of two different kinds—firstly, reserves which should be absolutely inalienable; and, secondly, reserves which should be inalienable except according to an Act of Parliament to be thereafter passed. It was intended that an Act should subsequently be passed regulating the terms upon which this second class of reserves should be alienable. This Act of 1880, I ask your Worships especially to notice, was expressly a fulfilment of our obligations to the Natives on the West Coast. If your Worships turn to the reports of the Commission to which I have already referred you will see that not only had we made promises to the Natives which were up to this unfulfilled, but we had, under the New Zealand Settlement Act, 1863, actually taken lands which we had already granted to certain Natives in return for their supporting us in our troubles with the Maoris, so that we had obligations to fulfil. Parliament at that time recognized these obligations, and set up a Commission to inquire into them, and by the Act of 1880 authorized the Governor to settle those obligations. Now, the restrictions on alienation which it was intended by a subsequent Act to put upon a certain class of these reserves were obviously to be, not for the benefit of the pakeha, but for the protection of the Maori. It was intended that when we paid our debts the payment should not be a mere sham, but that the Native should be protected from the pakeha speculator. That is obviously the object of all restrictions on Maori alienation. Now we come to the Act of 1881—the West Coast Settlement Reserves Act—and that Act, together with the regulations made there-