

*The Chairman:* But what I understand Mr. Bell to have said was this: that something was given by this Act of 1881, and afterwards without any consultation—

*Dr. Fitchett:* That is the point I am leading to. The Act of 1881 is in no sense a bargain, nor does it give the Natives anything; it is merely a prescription as to how the lands are to be disposed of for the benefit of the Natives and the promotion of settlement, and if those prescriptions were found unworkable or inconvenient there was no breach of faith in altering them. Take the first alteration, when the tenure was extended from twenty-one to thirty years; Mr. Bell said that the reason was that the leases could not be disposed of on the shorter tenure.

*Mr. Bell:* I said that that was doubtless the reason.

*Dr. Fitchett:* That was doubtless the reason. It was uncultivated land—bush and swamp land; its potentialities were unknown. No one in his wildest dreams could have imagined that it would develop into the dairying land of to-day. The twenty-one years' tenure was an experiment that failed; so much clearing had to be done that nobody would take up the land; hence the extended tenure of thirty years. But for it the land might have been lying idle to-day. It is surely unreasonable to call this a breach of faith. It was merely an alteration in the machinery for utilizing the land. So long as the Natives got the proceeds that is all they were concerned with. The keynote is contained in the Act of 1881, and repeated in the Act of 1884—namely, that the lands are to be administered for the benefit of the Natives and the promotion of settlement. Both points must be borne in mind. The weakness in Mr. Bell's argument, if I may be permitted to say so, lies in this: that he confines himself to the first, and ignores the second. He regards as a breach of trust every alteration the Legislature has made in the Act of 1881 for the promotion of settlement. It does not lie upon me to defend the Legislature, but I think what I have said explains the position. Mr. Bell rather complained about the Public Trustee treating the tenants leniently in the payment of their rent; he seemed to think that the Public Trustee should sue or eject if the rent was not paid on the nail. No man in his senses does that; he looks at the circumstances, and, if necessary, gives time. That is what the Public Trustee does in the administration of the West Coast Native Settlement Reserves.

*Mr. Kerr:* More than that was done; he actually reduced the rent.

*Dr. Fitchett:* I do not think the Public Trustee can be held responsible for that; it was done by Order in Council. I have no doubt, although I have no absolute knowledge, that it was done owing to depression at the time. It was impossible for the tenants to pay. It must be borne in mind, in the administration of an estate like this, that the Public Trustee cannot confine himself to the immediate rights of the Natives—that is to say, he must conserve the estate, and if in order to squeeze the rent from the lessees when it is due he has to eject them, it means he must find other tenants, and the estate itself may be impoverished whilst the land is lying idle.

*The Chairman:* We cannot get rid of this idea—at least it has taken hold of me—that all these alterations have been for the benefit of the lessee.

*Dr. Fitchett:* No doubt.

*The Chairman:* And if we read through the lessees' history we find them making enormous profits over and above the rents they have been paying. We find one man getting £1 14s. an acre for what he was paying 2s. an acre—making a profit of £352 a year.

*Dr. Fitchett:* There is no doubt about that.

*The Chairman:* But it has only been looked at from the one side. The lessees have been able to get what they wanted, and there is no doubt there must have been some agitation to get it.

*Dr. Fitchett:* There is no doubt about that.

*The Chairman:* And the Natives were not consulted about it.

*Dr. Fitchett:* Possibly not. But they were not concerned so long as the rents were not diverted from them. The point I desire to impress upon the Commission is that it was not necessarily a breach of faith on the part of Parliament to modify the tenure or terms of the leases merely because the modification was not to the direct advantage of the Natives as receivers of the rent. Parliament was well entitled to consider the promotion of settlement.

*The Chairman:* Parliament may do whatever it likes in one sense, but that does not absolve it from probably being immoral in the way in which they do it. You may say it is administration, but it is administration that kills it.

*Dr. Fitchett:* The whole question is whether it is a righteous thing to do, having regard to the interests of the Natives and the promotion of settlement. Parliament is the judge of that.

*The Chairman:* You also seem to think that the promotion of settlement is only on the part of the pakeha. Why not promote the settlement of the Maori?

*Dr. Fitchett:* I am coming to that, and it is an important point. I agree with Mr. Bell that the only effective way of saving the Maori from extinction is by settling him on the land. Mr. Bell would settle them on these reserves by displacing the pakeha in the case of the unconverted leases. Is this practicable? All the facts must be looked clearly in the face. The question is whether the Native can get on this land, and if so can he work it profitably. He can only get on it in the beaten way of purchase—by outbidding the European. The present lessee has a right by contract that no Parliament could for a moment think of breaking. The abstract right to bid is futile unless the means to bid effectually are given. The only Natives who can outbid the pakeha in any specific lease are those who are entitled to the rent of that lease, for with them the rent will be merely a cross-entry. The number is very small. In every other case the Native must have the money to pay the rent he bids. Moreover, in every case the outgoing lessee must be paid £5 an acre for his improvements. I think it is common ground that there is no lease under which at least the improvements do not to-day reach £5. And that is not all; they must also have funds to work the land, to provide plant, herds, and so forth. Last, but not least, they must have the industry, energy, and skill to maintain the land in its present high state of cultivation. Failing this, disaster must follow. Unless some effective financial