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# PETITIONS

PRESENTED TO

## THE HOUSE OF REPRESENTATIVES

AND

ORDERED TO BE PRINTED.

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SESSION 1869.

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WELLINGTON.

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1869.



# PETITIONS PRESENTED TO THE HOUSE OF REPRESENTATIVES.

ORDERED TO BE PRINTED.

## No. 1.

### PETITION OF JOHN MACLEAN, OF OTAGO.

To the Honorable the House of Representatives of the Colony of New Zealand,

*The Humble Petition of John Maclean, of Dunedin, in the Province of Otago, Runholder,*

HUMBLY SHEWETH,—

1. That on and for some time previous to the 5th day of July, 1867, I held under license from the Crown an interest in run number one hundred and thirty-seven in the Province of Otago.

2. That shortly after the coming into operation of "The Otago Waste Lands Act, 1866," I became by purchase the sole tenant of the said run, at a cost of upwards of six thousand six hundred pounds, exclusive of the cost of the stock thereon.

3. That I accepted a lease under the new Act thereby agreeing to pay the very heavy and oppressive assessments imposed thereby, and have (in addition to my original outlay of upwards of six thousand six hundred pounds for the said run) since expended upwards of one thousand four hundred pounds in improvements thereon.

4. That I purchased the said run and carried on improvements thereon, upon the faith and belief that I should not be disturbed in its occupation until the expiration of the lease, or at least until some portion of it might be urgently required for *bonâ fide* settlement.

5. That your petitioner was fortified in such belief by the assurance of the New Zealand Government as contained in a letter dated the 5th day of March, 1862, from the Colonial Secretary to the Hon. Major Richardson, the then Superintendent of Otago, also by the assurance of good faith towards the lessees from the Crown expressed by His Honor the present Superintendent of Otago on the prorogation of the Provincial Council on the 5th day of June, 1867, and by the unshaken conviction that any breach of good faith towards Crown tenants would never be permitted by Her Majesty's representative, or by the Government of the Colony.

6. That the Provincial Council of the Province of Otago has, during its recent Session, adopted a Resolution (*inter alia*)—That there is a necessity for a new Hundred, of fifteen thousand acres, at the Beaumont, of which it is proposed to take ten thousand acres out of the run number one hundred and thirty-seven so leased as aforesaid by your petitioner.

7. That within the boundaries of the ten thousand acres so proposed to be taken from your petitioner, a very small proportion of land is adapted for agricultural purposes, a fact which is clearly established by the evidence taken before a Select Committee of the Provincial Council.

8. That there already exists, adjoining to the proposed new Hundred, a tract of commonage containing about ninety thousand acres.

9. That such commonage is in the heart of the Tuapeka Gold Field, and is nearer and more accessible to Dunedin than your petitioner's run, and contains many thousands of acres of land lying idle, which are quite equal in every respect, if not superior, to any of the land proposed to be taken from your petitioner.

10. That the total population within the limits of the Tuapeka Commonage District does not exceed three thousand eight hundred and eighty-four souls, of whom about one thousand reside in the townships of Lawrence, Wetherstone, Waitahuna, and Waipori.

11. That the supply of land now in the market suited for agriculture is far in excess of the demand, and that the only purpose for which land would be purchased within the limits of the proposed Hundred would be to ensure to the purchasers the opportunity of depasturing stock over the whole of the adjacent country, and thus your petitioner, as the *bonâ fide* lessee under the Crown, after expending upwards of eight thousand pounds in purchase money and improvements, would have his interests sacrificed and be ousted to make room for a few small purchasers of freeholds, who would, for a nominal outlay, and without being possessed of any existing vested rights, acquire those rights which belong to him, and for which he has so dearly paid.

12. That the circumstances of your petitioner's case are aggravated in a peculiar degree by the mode in which it is proposed to select the land for the purpose of a new Hundred on his run, for, as will plainly appear by reference to the plan in the margin thereof, it could not have been possible, by exercising the utmost ingenuity, to have devised any other plan so well calculated to render the remainder of the run utterly useless to him as lessee. The run contains in the whole about thirty thousand acres. The portion coloured red indicates the ten thousand acres proposed to be taken as a Hundred, and the portions coloured blue indicate the positions of the remaining portions of the run. Those portions would thus become completely isolated, and, from the character of the country, would, without the centre portion, be rendered almost valueless to your petitioner.

13. That your petitioner's statements are substantially corroborated by various persons of respectable standing in this Province.

Your petitioner prays that your Honorable House will be pleased to take such steps as may be necessary to prevent so great a wrong being done to him as that which the Provincial Council of Otago have sanctioned and approved.

And your petitioner will ever pray, &c.

JOHN MACLEAN.

## PETITIONS.

## No. 2.

## PETITION OF SETTLERS WITHIN HUNDREDS IN THE NORTHERN PORTION OF THE PROVINCE OF OTAGO.

To the Members of the Honorable the House of Representatives in Session assembled, at Wellington, New Zealand,

*The Petition of the undersigned Settlers residing within Hundreds,*

HUMBLY SHEWETH,—

1. That your petitioners, when they purchased land within hundreds, did so on the faith of the Waste Lands Act of Otago, 1866, being strictly adhered to, more particularly the clauses relative to the management of Crown lands within Hundreds.

2. That your petitioners, on the strength of this belief, have invested largely in improvements on their lands within Hundreds.

3. That one of the chief inducements held forth to your petitioners for settlement within Hundreds was the right of pasturage and powers of management within the same being vested in themselves by virtue of the before mentioned clauses of the Otago Waste Lands Act of 1866.

4. That your petitioners, through means of their Wardens legally appointed, exercised the said management, have allotted the pasturage, and levied the assessments in terms of said Act.

5. That your petitioners, by means of these assessments, defrayed all expenses of management, paid half the amount of the same to the District Local Road Boards, and have been able to carry out several works of considerable public utility within the various Hundreds.

6. That your petitioners have learnt, with surprise and indignation, that certain Resolutions have passed the Otago Provincial Council with a view to substitute the Superintendent and the Executive Council (for the time being) in lieu of the present local management, and further providing that the assessments, instead of being applied to local purposes as at present, should be paid into the Provincial Treasury and form part of the general revenue of the Province.

7. That your petitioners believe that the powers proposed to be given to the Superintendent and Executive Council over freehold property is an attempt at an illegal interference with the rights of the same, and that the delegation of the management of Hundreds to a constable will be felt as a most invidious and obnoxious measure.

8. That your petitioners desire to state that they have no wish to interfere with any Bills passed by the Provincial Council of Otago so long as they do not disturb and deteriorate their vested rights, and had the proposed Amendment Act of the Waste Lands Act only sought to legislate for Hundreds hereafter to be proclaimed, they would not have deemed it necessary to appeal to your Honorable House on the subject. At the same time they cannot help thinking that continual alterations of Otago Land Acts are highly objectionable, and calculated to prevent either settlers or capitalists from risking their means by investing under such unstable laws.

9. That your petitioners trust that they have shown ample reasons for your Honorable House rejecting the Otago Amendment Act, 1869, of the Waste Lands Act; and they will ever pray.

[Here follow eighty-one signatures.]

## No. 3.

## PETITION OF W. P. GORDON, OF STRATH TAIERI RUN.

To His Excellency Sir George Ferguson Bowen, Knight Grand Cross of the Most Distinguished Order of Saint Michael and St. George, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same,

*The humble Petition of William Pile Gordon, of Strath Taieri Run, in the Province of Otago, Runholder,*

SHEWETH,—

1. That your petitioner arrived in Otago in the year 1865, and, in conjunction with his partner, Captain Shepherd, invested a large sum of money in the purchase from the Crown licensee of his interest in run number two hundred and thirteen B, in the said Province, with certain stock thereon.

2. That your petitioner and his said partner were, in a great measure, induced to make the said purchase by the very important consideration that the said run was situate (as it still is) within a proclaimed gold field, and that, according to the then existing laws relating to the gold fields, the holder of such a run was entitled to an absolute and unqualified right to full compensation in the event of the total or partial cancellation, by the Government, of the license for such run, and that the holder could, if so disposed, insist upon his license being so cancelled at any time during the currency of the said license.

3. That "The Gold Fields Act, 1866," although repealing the former Gold Fields Acts, re-enacted provisions entitling the holder of a run within a gold field to full compensation in the event of the cancellation of the license or lease of the runholder.

4. That the forty-eighth section of the said "Gold Fields Act, 1866," provides that it shall be lawful for the Governor, at any time subsequent to the proclamation of a gold field, to withdraw by proclamation therefrom any Crown lands which he may deem it necessary to withdraw, and that such lands shall thenceforth be dealt with under the ordinary law regulating the disposal of the Crown lands of the said Province.

5. That your petitioner submits that, by the said forty-eighth section, the Legislature never intended that the said power of withdrawing runs from gold fields should be exercised so as to deprive

the runholder of his right to compensation for the cancellation of his lease under the said Gold Fields Act, because, in the first place, such a construction would impute an unjust and evasive spirit to the section in question, instead of the very different and more equitable interpretation of which the words of the section are capable; and because, in the second place, it is expressly provided in the one hundred and thirteenth section of the said Act that no then existing right, title, interest, obligation, or penalty, should be affected by the said Act, so that the said absolute and unqualified right to compensation, so vested as aforesaid, was saved by the said "Gold Fields Act, 1866."

6. That, upon the passing of "The Otago Waste Lands Act, 1866," your petitioner applied to the Waste Lands Board for a pastoral lease of the said run, in terms of the sixty-ninth section of that Act.

7. That the Provincial Government of Otago thereupon made it a condition of the granting of such application that your petitioner and his said partner should enter into a covenant to allow the Provincial Government to select ten thousand acres of the said run for sale or agricultural leasing without giving any compensation to your petitioner and his said partner.

8. That your petitioner and his said partner submitted to the said condition, surrendered their depasturing license, and accepted a pastoral lease of the said run, relying upon the good faith of the Provincial Government, which, as above clearly appears, was pledged to your petitioner and his partner, that, save as to the said ten thousand acres, they would not be dispossessed of any part of the said run without receiving from the Government the full compensation which, in that event, they were intended to receive under the said Gold Fields Act.

9. That, relying as aforesaid on the good faith of the said Provincial Government, your petitioner, since the issue of the said pastoral lease, has paid increased assessment under the same to the amount of nine hundred and seventy pounds nine shillings and ten pence in two years, and has laid out large sums of money in fencing and other improvements upon the said run.

10. That, still relying upon the good faith of the Provincial Government, your petitioner recently purchased the share of his said partner in the said run and stock for the sum of six thousand five hundred pounds.

11. That, on the 4th day of June, 1869, the Provincial Council of Otago passed a Resolution affirming the necessity for a new Hundred of twenty thousand acres at Strath Taieri, the boundaries to be as recommended by the Provincial Government, and that your petitioner is informed and believes that it is the intention of the said Provincial Government to give effect, so far as that Government is able, to the said Resolution, by recommending your Excellency to proclaim the proposed Hundred.

12. That the proclamation of such a Hundred would effect almost the entire ruin of your petitioner by depriving him of, without giving him any compensation for, fifteen thousand acres, comprising nearly half of the said run, and consisting of the low-lying pastoral land in the said run, and by leaving to your petitioner a tract of country which, for the most part, consists of high mountain ranges, which during the winter are continually covered with snow, and upon which it would be impossible to depasture more than a small portion of your petitioner's sheep and cattle now upon the said run.

13. That if the proposed Hundred were proclaimed, your petitioner would be exposed to the further and vexatious disadvantage of having his sheep and cattle constantly impounded for straying upon the unenclosed Hundred, the said Provincial Council having recently passed a Resolution which, if legalized by Act of the General Assembly, would authorize such impounding, and it being scarcely possible, from the nature of the country, to prevent sheep and cattle from straying as aforesaid.

14. That the proposed mutilation of the said run, if carried out, would in fact render the remaining part of the run so useless as a run, that nothing short of the value of the lease of the whole run, and of the improvements thereon, would approach to an adequate compensation to your petitioner, who, even if compensated for the whole run as aforesaid, would yet suffer great loss from the ruinous sacrifice of stock which would be caused by a forced sale in a very depressed market.

15. That a very large part of the southern portion of the proposed Hundred is thickly covered with large masses of rock, which render it quite unfit for agriculture, and that, in the other portion of the said proposed Hundred, there is only a very small proportion of land at all suitable for that purpose.

16. That there is no market for agricultural produce within fifty miles of the proposed Hundred, and no agricultural farmer within thirty miles.

17. That it is notorious that such land as the proposed Hundred is not wanted for the purpose of *bonâ fide* settlement, according to the well understood principle of the Hundred system, nor, if proclaimed as a Hundred, is it intended to be used for any other than pastoral purposes by those who would then be able to acquire the right to depasture stock upon the Hundred by the purchase of an insignificant area therein.

18. That your petitioner ventures to submit to your Excellency that such an attempt to oust, without any compensation, the runholder (who, in reliance upon the good faith of the Government, has invested his all in the purchase, improvement, and stocking of his run), not for the purpose of the *bonâ fide* settlement of an agricultural class, but only to distribute among many stockowners the grazing area which rightfully belongs to and has been dearly purchased by one, is calculated to undermine all public confidence in the fairness of the Provincial Government in administering the land laws, and will certainly deter capitalists from risking their means in such precarious investments, unless, by the timely exercise of your Excellency's overruling authority, such practices shall be forbidden and public confidence thereby restored.

Your petitioner therefore humbly prays that, before dealing with the recommendation of the Provincial Government respecting the proposed Hundred, your Excellency will be pleased to appoint a Commission of capable and disinterested persons to examine into and report to your Excellency upon the matters above referred to, and that, in the event of such report confirming the substantial truth of the statements above mentioned, your Excellency will be pleased to refuse to proclaim the proposed Hundred.

And your petitioner will ever pray.

W. P. GORDON.

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## No. 4.

## PETITION OF FRANCIS WALLACE McKENZIE, OF GLENKEREICH, OTAGO.

To His Excellency Sir G. F. Bowen, G.C.M.G., Governor of New Zealand, and the Executive Council thereof,

*The humble Petition of Francis Wallace McKenzie, Settler in the Glenkereich District of the Province of Otago,*

SHREWETH,—

That your petitioner is a retired captain of Her Majesty's and the Honorable East India Company's Service, in receipt of a pension.

That your petitioner settled in this district in the year 1856, and was the first to open up this part of the country.

That your petitioner is at present lessee of run number one hundred and sixty-eight, being about fifteen thousand acres of pasture land.

That your petitioner has learned that Mr. John McKellar, of Tapanui Run, a part of which run was recommended for proclamation into a Hundred at the late meeting of the Provincial Council, has since then procured to be signed a petition to the General Government, purporting to be the spontaneous act of the inhabitants of the Tapanui Township, and praying that a portion of your petitioner's run should be declared a Hundred instead of a portion of the said John McKellar's run, as recommended by the Provincial Council.

That the said petition has been got up solely in the interest of the said John McKellar, and not in the interest of the public of the Province; and that the prayer of the said petition differs from the prayer of a petition from the same people and place, upon which was founded the recommendation of the Council for a new Hundred in this neighbourhood.

That that portion of your petitioner's run proposed to be included in the Tapanui Hundred is separated from Tapanui and the remainder of the proposed Hundred by a large river, is not easy of access from that side, is of a character unsuited for agricultural settlement, and from its detached position would prove unavailable to the settlers on the Tapanui side for pastoral purposes.

That the Provincial Council refused to recommend that this portion of your petitioner's run should be included in the Tapanui Hundred, and your petitioner was not examined by the Select Committee.

Your petitioner does therefore pray that no new Hundred be declared upon his run number one hundred and sixty-eight until at least your petitioner shall have accorded to him the usual grace of stating his objections thereto before the Provincial Government, or a Select Committee of the Provincial Council.

And your petitioner, as in duty bound, will ever pray.

F. W. McKENZIE.

Glenkereich, Tapanui, June 21, 1869.

## No. 5.

## PETITION OF HARRIE CARR ROBISON.

To His Excellency Sir George Ferguson Bowen, G.C.M.G., &c., Governor and Commander-in-Chief in and over the Colony of New Zealand and its Dependencies,

*The Humble Petition of Harrie Carr Robison, of the Wairuna District, in the Province of Otago, in the Colony of New Zealand, Runholder,*

HUMBLY SHREWETH,—

1. That your petitioner was formerly the licensee from the Crown of runs numbered 31 and 78, in the said Province of Otago.

2. That, in compliance with the terms of "The Otago Waste Lands Act, 1866," your petitioner surrendered his licenses for the said runs, and accepted leases from the Crown in lieu thereof.

3. That the annual payments to the Crown in respect to the said runs while they were held under the original licenses, amounted to about thirty-five pounds only, while under the new leases the annual sums paid by your petitioner in respect thereof amount to about four hundred and twenty pounds.

4. That your petitioner was induced to surrender his original licenses and accept leases in lieu thereof on the understanding and belief that his occupation would not be disturbed until such parts of the said runs as are fitted for the purposes of agriculture and *bonâ fide* settlement were actually required for those purposes.

5. That your petitioner was fortified in such belief by the assurance of the New Zealand Government, as contained in a letter dated the 5th day of March, 1862, from the Colonial Secretary to the Hon. Major Richardson, the then Superintendent of Otago, also by the assurances of good faith towards lessees from the Crown expressed by His Honor the present Superintendent of Otago, on the prorogation of the Provincial Council, on the 5th day of June, 1867, and by the conviction that any breach of good faith towards Crown tenants would not be permitted by her Majesty's representatives or by the Government of the Colony.

6. That additional land is not required in the Wairuna District for *bonâ fide* agricultural settlement, an assertion which is supported by the fact that until a few months ago about eighteen thousand acres of land were open for sale adjacent to run number thirty-one, land of superior quality, more easy of access than any land held by your petitioner, and situate within a short distance from the landing place on the Pomahaka River, from which there is regular steam communication with Dunedin. That these lands were open for sale for five years, at twenty shillings per acre, and on being submitted to auction a few months ago they were purchased by two capitalists, namely, Messieurs Tolmie and Douglas, at prices varying from ten shillings to twelve shillings per acre.

7. That the Provincial Council at its last Session passed a Resolution that there is a necessity for a new Hundred of about twenty thousand acres on runs seventy-eight and thirty-one.

8. That the plan drawn in the margin hereof, and edged with green, gives a correct delineation of runs numbers seventy-eight and thirty-one, while the portions thereof coloured red show those parts which the Provincial Government desire to take from your petitioner, from which it will appear that it is proposed to deprive him of the whole of run thirty-one, and by far the best part of run seventy-eight, thus rendering the whole of the remainder comparatively useless to him.

9. That with the exception of about three thousand acres the land proposed to be taken from your petitioner is not suitable for agriculture, much of it being situated at an altitude of about one thousand two hundred feet above the sea level.

10. That your petitioner has (acting on the belief that he would be dealt with in good faith) expended large sums of money in improving the breed of his stock, and has also expended upwards of two thousand five hundred pounds in improvements (which will become useless to him should he be deprived of his land) including fencing, sheep-wash, houses, woolshed, &c.

11. That additional injustice would be caused to your petitioner by the proclamation of the said Hundred, inasmuch as the remainder of run seventy-eight would be quite inadequate to maintain his stock, which consequently he would be compelled to throw upon the market, at a time when any stock of all descriptions are almost unsaleable, and thus entail upon him a heavy loss.

12. That from his own knowledge, and on the authority of statements made by many of the agricultural settlers themselves, your petitioner can confidently state that agricultural farming is not at present a remunerative occupation; also, that in the event of any of the land within the proposed new Hundred being purchased in small parcels or otherwise, it will not be used for agricultural purposes, but solely with the view of securing grazing rights to the purchasers; in short, the result would be merely a change of pastoral tenants, *id est*, from your petitioner, who has in good faith acquired by lease from the Crown a vested right in the land, and for which he pays a high rent, to a few small squatters, who have no such right, and from whom no rent would be obtained.

13. That your petitioner is informed and verily believes that on a previous occasion the Provincial Government of Otago were induced to recommend your Excellency to proclaim a new Hundred in this Province on the faith of a promise by a large number of settlers that they would, on such proclamation being made, purchase at twenty shillings per acre the greater portion of the land thrown open for sale; but that, notwithstanding such promise, on the said land being opened for sale, not one of the said persons applied for or purchased a single acre, and that to the present time only a few hundreds of acres of the said land have been purchased, and those by one of the pastoral tenants of the run so thrown open for sale.

Your petitioner therefore prays that your Excellency will be pleased to prevent an act of injustice and wrong being done to him, by refusing to proclaim the said runs into a hundred, unless under such conditions as will afford to your petitioner a fair and full compensation for the losses he would sustain by being deprived of his property.

And your petitioner will ever pray, &c.

HARRIE C. ROBISON.

No. 6.

PETITION OF F. W. EGGERS AND OTHERS.

To His Excellency Sir George Bowen, G.C.M.G., Governor and Commander-in-Chief of Her Majesty's Colony of New Zealand,

*The Petition of Miners of the Macrae's Flat Gold Fields,*

SHEWETH,—

Whereas we view with distrust and alarm a Resolution of the Provincial Council of Otago, passed fourth June, one thousand eight hundred and sixty-nine, withdrawing a large tract of land (no less than sixty thousand acres) from the Gold Fields:

We humbly petition and pray your Excellency to exercise your sovereign prerogative and authority of veto upon such resolution taking effect without complete and full evidence being taken on the part of the mining interest of Otago that such land is not required for gold-mining purposes.

And your Petitioners will ever pray, &c.

[Here follow 34 signatures.]

No. 7.

PETITION OF JOHN McKELLAR, OF TAPANUI, OTAGO.

To His Excellency Sir George Ferguson Bowen, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of New Zealand and its Dependencies, and Vice-Admiral of the same,

*The Humble Petition of John McKellar, of Tapanui, in the Province of Otago, New Zealand, Sheep-farmer and Grazier.*

SHEWETH,—

That your petitioner and his brother are, as copartners, joint lessees and occupiers of the Tapanui Station, in the Province of Otago.

That your petitioner and his copartner purchased the said Tapanui Station from the then licensee thereof, about the period when the occupiers of country under pastoral leases were required, if they so desired, to apply for a lease under the provisions of "The Otago Waste Lands Act, 1866," and as a

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matter of convenience in the carrying out the terms of purchase it was arranged that the then licensee should apply for such lease.

That a lease was accordingly applied for, and the Provincial Government of Otago consented to grant such lease, subject to the condition that the lessee should execute a deed covenanting to permit and allow His Honor the Superintendent of Otago, at any time during the term of the lease, to enter on the lands comprised in such lease, for the purpose of having surveyed in allotments eight thousand acres of such lands, and to permit and allow the said Superintendent to sell such eight thousand acres, and on such sale thereof to quit and deliver up possession of the lands so sold.

That, with the consent of your petitioner and his copartner, the licensee agreed to take a lease of the said station, and to enter into the deed of covenant so required, and a lease and deed of covenant were accordingly executed, such lease being subsequently assigned to your petitioner and his copartner.

That shortly after your petitioner had taken an assignment of the lease of the said Tapanui Station, at suggestion of a resident in the township of Tapanui, the eight thousand acres which the Otago Provincial Government reserved the right to sell, in pursuance of the terms of the said covenant, were directed by His Honor the Superintendent of Otago to be surveyed with the view to the same being sold.

That your petitioner, on hearing that such survey was made, represented to His Honor the Superintendent of Otago that the greater portion of the land so surveyed was not applicable for agricultural purposes, and, with the concurrence of the lessees of the adjoining country, suggested to His Honor that a portion only of the eight thousand acres, in conjunction with the lands forming part of the adjoining stations should be offered for sale, and His Honor subsequently informed your petitioner that only four thousand acres of your petitioner's country would be offered for sale.

That, at the last Session of the Otago Provincial Council, a petition was presented, praying that a Hundred should be declared of the lands in lease to your petitioner and his said copartner, and in compliance with the prayer of such petition the said Provincial Council recommended that fourteen thousand acres of the Tapanui Station should be declared into a Hundred, and such recommendation, your petitioner is informed, is now under the consideration of your Excellency.

That the fourteen thousand acres so recommended to be declared into a Hundred comprise the eight thousand acres previously surveyed, with the view of being offered for sale in pursuance of the right reserved under the said deed of covenant.

That, previous to the survey before mentioned of the eight thousand acres proposed to be offered for sale, under the provisions of the said deed of covenant, your petitioner had, of his own free will and without being requested so to do, fenced off and appropriated to the use of the inhabitants of the township of Tapanui and neighbourhood, for the purpose of depasture, two thousand acres or thereabouts.

The petition presented to the Provincial Council, praying for the declaration of a Hundred on the lands leased to your petitioner, was signed by one hundred and six persons, described as residents of Tapanui.

That there are only from sixty to seventy inhabitants in, and in the immediate neighbourhood of, the township of Tapanui.

Your petitioner has reason for believing that some of the signatures to the said petition were fictitious, and that some at least of the persons purporting to have signed such petition never were required nor did sign such petition, and in proof of this assertion on the part of your petitioner, your petitioner would refer to the evidence taken before the Committee appointed by the Otago Provincial Council to inquire and report on the Petitions of Hundreds.

That many of the parties whose names appear as having signed the said petition are in no way interested in the prayer of the said petition.

That your petitioner is well acquainted with the inhabitants in and in the neighbourhood of Tapanui, and who could be in any way interested in the proclamation of the Hundred prayed for by the said petition, and such persons, with the exception of the few resident in the township of Tapanui, the originators of the said petition, have declared themselves quite satisfied with the provisions, as before stated, made by your petitioner for the depasturing of their cattle on your petitioner's station, and your petitioner is assured that there is no desire whatever on the part of any of the parties who signed the said petition to purchase any part of the lands so recommended to be declared into Hundreds.

That if otherwise than as last before stated, your petitioner is assured that the most of the persons who signed the said petition to the Provincial Council are not in a position to purchase any portion of the land recommended to be declared into a Hundred, of sufficient area for agricultural purposes.

Your petitioner has no hesitation in asserting, from his knowledge and information of the circumstances of the persons interested, whose names are attached to the said petition to the Provincial Council, and from his knowledge of the requirements of the district in which your petitioner's station is situated, that land for agricultural settlement is not required by them, or that, if required, they are not in a position to purchase for the purpose of agriculture; and moreover, assuming the Hundred recommended to be required, it could only be with the view of acquiring the right to depasture by the acquisition of a limited area of freehold.

That of the fourteen thousand acres recommended to be declared into a Hundred, only about one thousand five hundred are fit for agricultural purposes, the residue consisting of shingle and broken land being only adapted for pastoral purposes; and your petitioner, in verification of this assertion, would respectfully ask an inspection and survey of the lands proposed to be declared into a Hundred by a disinterested person competent to judge of its capabilities for agricultural purposes.

Your petitioner ventures to assert that the agitation for the declaration of a Hundred on your petitioner's station originated from persons resident in the township of Tapanui, who had no desire themselves, and who knew well that there was no general desire on the part of their neighbours, to acquire lands for agricultural purposes, and that it was only from motives of envy and malice, and to serve political purposes, that such persons agitated the presentation of the petition, representing to



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those who signed such petition that by so doing they would acquire the right to depasture on your petitioner's station.

Your petitioner presumes that the object desired to be attained by the adoption of the Hundreds system in the provisions of "The Waste Lands Act, 1866," was the agricultural settlement of the country; but your petitioner respectfully submits that, however desirable such settlement may be, your Excellency will not in any case sanction a measure which must necessarily do injustice to existing private interests, or (unless it is clearly proved the measure will result or tend to the object desired) jeopardize an existing public interest bringing to the State a large revenue, and otherwise resulting to the general prosperity of the Colony.

Your petitioner respectfully submits that, if the circumstances previously referred to by your petitioner are correct, the declaration of the Hundred proposed will not conduce to the settlement for agricultural purposes, and that consequently such declaration would not promote the object desired by the Act.

That your petitioner and his copartner will suffer injustice if your Excellency sanction the proposed Hundred. Your petitioner submits the circumstances following:—

Your petitioner's station consists of thirty thousand eight hundred acres, for the interest in the lease of which, and the then improvements thereon, your petitioner and his copartner gave fifteen thousand pounds, or thereabouts.

That when your petitioner and his copartner negotiated for the purchase of the Tapanui Station, and concurred in taking a lease of the same under the provisions of the Otago Waste Lands Act, your petitioner and his copartner understood that, by entering into the deed of covenant before referred to, insisted on by the Otago Provincial Government as the condition on which such lease would be granted, your petitioner and his copartner would be secured the certain tenure of the lands comprised in such lease for the full term of fifteen years, freed from the liability of having such lands declared into Hundreds, and subject only to the right of the Provincial Government to survey and offer for sale the limit of eight thousand acres provided for in such covenant.

That on such understanding as last-mentioned alone, your petitioner invested in such purchase the large amount before referred to, and submitted to the heavy assessment and rent imposed under the provisions of the lease; and on the faith of the due performance on the part of the Provincial Government of the conditions as so understood, in which your petitioner and his copartner concurred, in such lease, your petitioner and his copartner have laid out and expended in buildings, fencing, and improvements on the said station, since the date of such lease, upwards of three thousand pounds, and invested considerably in the purchase of sheep and cattle.

That if the Provincial Government had performed the conditions (in which your petitioner and his copartner concurred) in such lease, and availed only of the provisions of the deed of covenant by offering for sale the eight thousand acres reserved, purchasers of the allotments of land would have been required to fence in the lands purchased by them, and until such sales were completed your petitioner would have continued to have the right to depasture; but if your Excellency sanction the Hundred proposed, your petitioner and his copartner will not only be deprived of such contingent pasturage, but will have to incur yet further heavy expenditure in fencing off such Hundred for the protection of the depasturage of the residue of the station and stock, and moreover it will be requisite that still further expenditure will have to be made in removing the wool shed, yard, sheep-dip, and other erections and building for the efficient working of the station.

The measures adopted at the last Session of the Provincial Council of Otago, relative to Hundreds, have tended to cause a feeling of distrust in the tenure of the pastoral lands held under the leases granted in pursuance of the provisions of the Waste Lands Act, notwithstanding the provisions of the deed of covenant entered into by your petitioner and his copartner, and other lessees under the same conditions and on the same understanding, and has resulted, as your petitioner is well assured, in capitalists from the neighbouring Colonies in Australia declining to make investments for pastoral purposes in the Province of Otago.

That, from the circumstances last stated, the station of your petitioner and his copartner has considerably deteriorated in value; and should your Excellency sanction the Hundred proposed, your petitioner and his copartner will lose the greater part of the large capital they have invested in the Colony.

Your petitioner respectfully submits, that the pastoral interest, which is the source of a large revenue to the Colony, will be jeopardized by the declaring of Hundreds under circumstances similar to the case of your petitioner and his copartner, without securing the object desired to be obtained, viz., the agricultural settlement of the country by the provisions for the declaration of Hundreds contained in the Otago Waste Lands Act.

And lastly your petitioner begs respectfully to submit that, presuming the principle of the Hundred system, if judiciously carried out, as tending to promote the settlement of the Province by encouraging the purchase of the Waste Lands of the Crown adapted for agricultural purposes, if lands are declared into Hundreds were not required, or if only a limited area thereof are fit for agricultural purposes, the result must necessarily be (particularly under cases similar to that of your petitioner and his copartner) to do injustice to private interests, cripple, if not ruin, investors of capital, to injure the pastoral interest in the province without securing the settlement desired, to check enterprise, and, as a consequence, to retard the progress and prosperity of the Colony.

Your petitioner therefore humbly prays your Excellency will not give your sanction to the Hundred submitted for your Excellency's approval on the lands under lease to your petitioner and his copartner.

And your petitioner will ever pray, &c.

July 13th, 1869.

JOHN MCKELLAR.

## PETITIONS.

No. 8.

PETITION OF WILLIAM HENRY SHERWOOD ROBERTS, OF ARDMORE STATION,  
OTAGO.

To His Excellency Sir George Ferguson Bowen, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of New Zealand and its Dependencies, and Vice-Admiral of the same,

*The humble Petition of William Henry Sherwood Roberts, of Ardmore Station, in the Province of Otago, New Zealand, Sheep-farmer and Grazier,*

SHEWETH,—

That your petitioner is lessee and occupier of a sheep and cattle station called the Ardmore Station, situated in the Province of Otago.

That your petitioner formerly occupied the said station under the terms of a depasturing license issued under the terms of the provisions of the Otago Waste Lands Regulations.

On "The Otago Waste Lands Act, 1866," coming into operation, your petitioner applied that a lease should be granted to him of the Ardmore Station, in pursuance of the powers and provisions of the said last-mentioned Act.

That the Provincial Government of Otago consented to grant to your petitioner a lease on condition that your petitioner executed a deed by which your petitioner should covenant that, in the event of His Honor the Superintendent of Otago, at any time during the term of the lease, desiring to throw open for sale six thousand acres of the lands leased, your petitioner should consent to such sale, and quit and deliver up possession of the lands to the extent of that number of acres that might be required.

That your petitioner declined to take a lease subject to the condition of his entering into the required deed of covenant, except on the express and distinct assurance on the part of the Government that, if such deed of covenant was entered into, your petitioner would be free from the liability of having any part of his said station declared into hundreds, or otherwise be deprived of any of the same during the term of the lease, except to the extent of the acreage mentioned in the said deed of covenant; and thereupon the Provincial Government did give such express and distinct assurance to the agent of your petitioner who made the application as last mentioned on his behalf.

That accordingly your petitioner accepted a lease of his station, and executed the required deed of covenant.

That your petitioner is informed, and believes, that, at the last Session of the Otago Provincial Council, a Resolution was passed recommending that eleven thousand acres of your petitioner's station should be declared into a Hundred, and that such Resolution is now under the consideration of your Excellency.

That your petitioner's station consists of twenty-nine thousand acres.

Your petitioner gave for his said station, with the then improvements thereon, five thousand pounds or thereabouts, and your petitioner has expended in improvements on the said station upwards of six thousand pounds.

That the greater portion of the sum laid out in the improvements on the said station has been expended since the acceptance of the said lease.

That your petitioner would not have consented to the heavy increased rent imposed under the provisions of "The Otago Waste Lands Act, 1866," nor have made such improvement, except on the faith of the assurance of the Provincial Government that he would be secured the certain tenure of his station for the full term granted by the lease, subject to the right reserved by the deed of covenant.

That, should your Excellency sanction the recommendation for the Hundred on the lands leased to your petitioner, your petitioner will be compelled to fence off the lands declared into a hundred from the residue of his station, and, for the efficient working of his station, will require to remove some of the buildings and improvements erected and made by your petitioner on the station, and such fencing and removal will put your petitioner to very considerable expense.

That the proposed hundred comprises that portion of your petitioner's station which your petitioner has fenced off into paddocks; and if your Excellency sanction the recommendation for the said proposed Hundred, your petitioner will lose the benefit of such paddocks and the cost thereof, and will be compelled to incur considerable expense in the forming of new paddocks.

That of the eleven thousand acres proposed to be declared into a Hundred on your petitioner's station, there are not more than four thousand acres adapted for agricultural purposes.

That your petitioner is well acquainted with the District of Tapanui and the inhabitants thereof, and your petitioner is consequently able to state that land for agricultural purposes is not required, and that, if the proposed Hundred shall be declared, a comparatively small portion if any of the said land will be purchased for that purpose.

Your petitioner has reason for believing that the agitation for the proposed Hundred was made to serve political purposes by parties in no way otherwise interested in the declaration, and that persons who have no desire to purchase land for agricultural purposes alone, and others whose position will not permit the purchasing for such purpose, signed the petition for the recommendation of the Hundred, on it being represented to them, they would, if the Hundred was declared, acquire the right of depasturage on your petitioner's station by the purchase of a small portion of the Hundred.

In consequence of the breach of faith on the part of the Provincial Government, and of the recommendation for the declaration of the Tapanui Hundred, your petitioner has suffered much injury, the station of your petitioner having considerably deteriorated in value; and if the recommendation for the declaration of the Hundred be sanctioned by your Excellency, your petitioner's station will become comparatively valueless.

That, previous to the meeting of the last Session of the Otago Provincial Council, your petitioner was offered the sum of fourteen thousand pounds for the said station and the stock thereon, and that,

owing to the proceedings taken by the Council with regard to the declaration of Hundreds, the offer to purchase the said station was withdrawn.

Your petitioner therefore humbly prays that your Excellency will not sanction the recommendation of the Provincial Council of Otago to declare a Hundred on your petitioner's station.

And your petitioner will ever pray, &c.

13th July, 1869.

W. H. S. ROBERTS.

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No. 9.

PETITION OF SETTLERS AT TAPANUI, OTAGO.

To the Speaker and Members of the House of Representatives,

*Petition of Forty-nine Settlers at Tapanui, Otago,*

SHEWETH,—

We, the undersigned memorialists residing in Tapanui, regret to learn that the Hundred petitioned for has been recommended by the Provincial Government to be declared on the runs of Messrs. Roberts and McKellar only, instead of the four runs belonging to Messrs. Roberts, McKellar, Logan, and McKenzie. We would therefore request that the Hundred of twenty thousand acres, as agreed to, be declared on the above-mentioned four runs, at a point where they all join, within two miles and a half of the township of Tapanui.

The last-mentioned run, Captain McKenzie's, is most adapted for agricultural purposes, and the most likely to be bought up, and would be of great advantage to your memorialists.

Trusting that you will take our request into your favourable consideration,

We will, as in duty bound, ever pray, &c.

[Here follow forty-nine signatures.]

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