

held. I daresay I could tell if I saw Commissioner Sharp's allotment. Mr. Anslow is not here, and I may have some difficulty in discovering the number of the original section for which the allotted section was given in lieu.

The COMMISSIONERS: Are you able to argue the point as to whether you have a legal or equitable title to relief from the Government?

Mr. CARRUTHERS: I cannot say that I am. I would prefer to leave the matter in the hands of the Commission.

[Case closed.]

SECTIONS 6, 7, 8, 15, 16, 19, 20, RINTOUL STREET.—MUNRO AND SEATON, CLAIMANTS.

Mr. J. B. Fisher appeared for claimants.

JOHN MUNRO, examined by Mr. J. B. FISHER: I am the owner, together with John Seaton, of sections 6, 7, 8, 15, 16, 19, 20. The claim sent in by me is true to the best of my knowledge and belief. [Mr. Mackay admitted that the persons whose names appeared in the claims as allottees were the allottees under Mr. Commissioner Sharp's allotment.] I remember the sections in the old township being washed away, and the agitation which was got up to induce the Nelson Government to grant sections in lieu of them higher up in the township. I recollect Commissioner Sharp coming to Westport. He was appointed Commissioner under *Gazette* notice, to give effect to certain resolutions of the Provincial Council with regard to giving compensation for sections washed away. The resolutions placed in my hand are the resolutions passed in Session XXII. of the Nelson Provincial Council which Mr. Commissioner Sharp was instructed to give effect to. [Resolutions contained in Votes and Proceedings of Provincial Council, Session XXII., 1872, read.] The report contained on page 36 is the report of the Select Committee appointed by the Provincial Council to consider the subject. It is signed "Alexander Reid, Chairman." It was to give effect to the resolution recommending that the people should obtain sections at a low rental that Mr. Commissioner Sharp came down subsequently. At that time there was no street above Nelson Street. Palmerston Street was merely described on the map. There was then no means of getting to the town allotments so as to enable people to settle and carry on their business. The whole of the land in the neighbourhood of this Court was dense bush and swamp. There was a general feeling at the time that unless facilities for taking up sections were given, and the recommendations of the Select Committee of the Nelson Provincial Council carried out, there would have been a general exodus from the town. Previously to the road being made at this end of the town, the land really had no market value. It was the settlement of the people and the improvements they made that gave it value. Shortly after Mr. Commissioner Sharp's visit, the road up to Palmerston Street was made at Provincial Government cost. As soon as the road was made people began moving up and availing themselves of the sections allotted by Mr. Commissioner Sharp, which were more or less built upon. When the matter was before the Provincial Council I saw an amendment moved by the Provincial Secretary to this effect:—

"That all the words after the first word 'That,' be struck out, and the following substituted—'His Honor the Superintendent be recommended to allow the people of Westport who have lost their buildings by the encroachments of the sea and river, as well as those who must from the same cause remove their buildings from the lower portion of the town, to occupy on lease, at a low rent, allotments on the upper portion of the Colliery Reserve; and that the remainder of the reserve, or such portion of it as the Government may determine, should be declared open for occupation under business licenses as soon as possible after the blocks to be leased have been set apart.'"

I do not know whether Mr. Commissioner Sharp made any representation to the people as to the tenure upon which they could get the land. A pledge has been made by the Superintendent at a public meeting in Westport. A meeting was held to protest against the enormous charge of £5 for a section 33 feet by 66 feet, which represented something like £80 per acre per annum. The Superintendent arrived shortly after and held a meeting of his own, and said that some arrangement would be come to with regard to the compensation sections. The scale of rent to be paid was that named by Mr. Carruthers. The term was to be fourteen years, but I cannot swear whether £5 was to be the annual rental for the last five years.

The COMMISSIONERS: Was the arrangement suggested by the Superintendent an arbitrary arrangement on his part, or was it confirmed by the Provincial Council, or any one else?

WITNESS: I think the arrangement was made by the Superintendent solely, and we considered his decision to be final. Rent was received from me under that arrangement, and from other people too. Upon some of my sections I paid rent up to January 1875; but Mr. Bowen, the Receiver of Revenue, in this matter refused to receive rent after Mr. Mackay's visit here about this time last year. I have always been prepared to carry out the arrangement proposed by the Superintendent. I have cleared the whole of the sections upon the assumption that we were to get a lease. I certainly should not have bought these properties if I had been under the impression that I was not to get a lease of them.

The COMMISSIONER: But we suppose you must have been aware, Mr. Munro, that these people had no title to give you? We mean the people from whom you purchased.

WITNESS: I believed that when the allotments were made by the Commissioner appointed by the Superintendent, that the Government were acting with perfect *bonâ fides*. The sections cost the amount stated in the claims, without adding interest on the money. We objected to build upon them in the absence of title. We cleared the land, but as the title was obscure we did not deem it advisable to build on them. We bought the land with the object of making a wharf at the end of Rintoul Street and stores in the neighbourhood, but the sections would have little value as long as the title remained doubtful. Sections 15 and 16 were actually leased by me to Mr. David Stewart, at £30 per annum for the two, and I have since had overtures from other people, but in consequence of the insecurity of the title I did not come to any arrangement. Mr. W. M. Cooper offered me £150 for sections 6, 7, and 8; but in consequence of the insecurity of the title the negotiation was broken off. They had