

1882.
NEW ZEALAND.

WASTE LANDS COMMITTEE.

(REPORT ON PETITION OF WILLIAM COURTNEY, A DEFERRED-PAYMENT SETTLER,
TOGETHER WITH MINUTES OF EVIDENCE AND APPENDICES.)

Brought up on 8th August, 1882, and ordered to be printed.

REPORT.

No. 285. On Petition of WILLIAM COURTNEY.

THE case of the petitioner is that, in 1876, he took up on the deferred-payment system, three allotments in the Taranaki Land District, and expended thereon £220; but owing to the depression caused by the unsettled state of native affairs, he became unable to continue the payment of his instalments, and so forfeited his selection.

Subsequently, he became the transferee of a section at Opunake, taken up on deferred payments by one Walton Pell, who, from ill-health, had failed to comply with the conditions of his license.

The Commissioner of Crown Lands at Patea declined to transfer this section to the petitioner, upon the grounds that petitioner having already held and forfeited one section, was ineligible as the holder of another; and, further, that the transferrer, Walton Pell, being himself a defaulter, was not in a position to transfer his interest.

I am directed to report that, the Committee is unable to recommend compliance with the petition, inasmuch as it would thereby be establishing a precedent which would virtually set aside the provisions laid down by the Legislature for the disposal of land on deferred payments.

8th August, 1882.

JAMES FULTON,
Chairman.

MINUTES OF EVIDENCE.

SATURDAY, 5TH AUGUST, 1882.

Mr. WILLIAM COURTNEY, examined.

The Chairman.] You are the petitioner in this case, and you live at Hawera?—Yes.

Do you wish to make a statement in reference to your petition?—Yes. I wish to say that in regard to the section of land referred to in my petition a Government officer, Mr. Whitcombe, was telegraphed to to call for tenders for felling bush on this deferred-payment land. He did so, and a tender was accepted, but the person who accepted it did not complete the contract; and, as Mr. Whitcombe had become responsible for the due carrying out of the contract, he was called upon to do the work. In order to relieve him, I took over the land from him, and I held it until the Native difficulty arose, when I lost it. With regard to Pell's selection, I have a sworn declaration as to his inability to pay, and I paid the money that was due by him. The Act says that a selector must make no profit out of his selection. I have also a declaration from the person who was to get the land cleared, to the effect that he was not in a position to clear it. It has always been understood that the Government will accept another man, instead of the original selector, when the latter showed good grounds for his not being able to comply with the conditions. When I took over the land, the country was in a disturbed state owing to the trouble which was being given by the natives. I was determined to stop there, however, and settle on the land; and consequently I ordered a quantity of timber from Manawatu for building purposes, and that timber is ready near for erection on the land now.

Have you, Mr. Courtney, brought your case before the Courts?—No; the solicitor who advised me was also solicitor for the Crown, and he said it would make no difference if I let the case go.

Mr. Whyte.] It was through no fault of your own that you forfeited the first section, but through the native difficulty?—Yes.

I. 4B.—1