

1882.
NEW ZEALAND.

WASTE LANDS COMMITTEE.

(REPORTS ON PETITION OF NEW PLYMOUTH HARBOUR BOARD, TOGETHER
WITH MINUTES OF EVIDENCE.)

Reports brought up on 6th and 8th September, 1882, and ordered to be printed.

REPORTS.

No. 484.—Petition of the NEW PLYMOUTH HARBOUR BOARD.

THE petitioners state that certain lands on the foreshore at New Plymouth and the Mount Eliot Reserve were granted in trust as an endowment for harbour purposes, and a loan was obtained for harbour construction for which these endowments formed part security. They complain that the Government, requiring the land for railway purposes, arbitrarily resumed possession of it, ignoring the public creditor whose security it had become; and that this action not only frustrated the plans of the Board in respect to its dealings with its endowments, but was, in principle, subversive of the constitutional rights of British subjects. They therefore pray that the Legislature will not lend its sanction to a principle so dangerous, and they ask for inquiry and relief.

I am directed to report: That the Committee finds that the issue of the grant has been deferred pending the Public Works Department fixing the limits of the land required by it, and recommends that the attention of the Government be directed to the matter, with a view to that part of the reserve which is not required for railway purposes being conveyed to the Board. The Committee are of opinion that the Board has no claim for compensation against the Government, nor does it see how, under the provisions of "The Harbours Act, 1878," such claim could arise.

6th September, 1882.

No. 484.—Petition of the NEW PLYMOUTH HARBOUR BOARD (referred back to the Committee).

THE petitioners state that certain lands on the foreshore at New Plymouth and the Mount Eliot Reserve were granted in trust as an endowment for harbour purposes, and a loan was obtained for harbour construction for which these endowments form part security. They complain that the Government, requiring the land for railway purposes, arbitrarily resumed possession of it, ignoring the public creditor whose security it had become; and that this action not only frustrated the plans of the Board in respect to its dealings with its endowments, but was, in principle, subversive of the constitutional rights of British subjects. They therefore pray that the Legislature will not lend its sanction to a principle so dangerous, and they ask for inquiry and relief.

I am directed to report: The previous report having been referred back to the Committee, the evidence of Mr. Kelly, M.H.R., has been taken, and that of Mr. Elliott repeated. This evidence, which will be laid on the table, fully confirms the Committee in the conclusions previously arrived at. The Committee find that the issue of the grant has been postponed pending the Public Works Department fixing the limits of the land required by it; and recommends that the attention of the Government be directed to the matter, with a view to that part of the reserve which is not required for railway purposes being conveyed to the Board. The Committee are of opinion that the Board has no claim for compensation against the Government, nor do they see how, under the provisions of "The Harbours Act, 1878," such claim could arise.

8th September, 1882.

MINUTES OF EVIDENCE.

THURSDAY, 7TH SEPTEMBER, 1882.—(Mr. J. FULTON, Chairman.)

Mr. T. KELLY, M.H.R., examined.

1. *The Chairman.*] I understand, Mr. Kelly, that you wish to make a statement in reference to this petition?—Yes. I wish to say that the first land granted to the Superintendent for harbour purposes was the foreshore. That was in 1869. In 1875 the Mount Eliot land was granted to the Superintendent in trust for harbour purposes. In that year the Harbour Board was constituted by an Act