

1882.  
NEW ZEALAND.

WASTE LANDS COMMITTEE  
(REPORT ON PETITION OF PETER POPE FAGG, TOGETHER WITH MINUTES  
OF EVIDENCE).

*Report brought up on 6th September, 1882, and ordered to be printed.*

REPORT.

No. 475.—Petition of PETER POPE FAGG.

THE petitioner states that in 1873 he purchased at a Government land sale, by auction, Section No. 443, Palmerston, for the sum of £195, of which he paid on account £30, and for that sum he produces the Provincial Treasurer's receipt. He has since cleared and laid down in grass about seventy acres of the land, and expended altogether about £400 in improvements; and, finally, fully relying upon his purchase, sold the property to one James Fowler, who has been in occupation some four years, and who has built a house upon the section, put up a hundred chains of fencing, and made further valuable improvements. Petitioner has tendered the balance of the purchase-money to the authorities, who however declined to accept it, or to grant him the land, on the ground that he had failed to comply with the conditions of purchase. He is unaware of any special conditions connected with the purchase, and he is still prepared to pay the balance of purchase-money. He therefore prays for consideration and relief.

I am directed to report: That the Committee is of opinion the prayer of the petitioner ought to be complied with, and it recommends accordingly, provided the original terms of agreement as to price be fulfilled.

6th September, 1882.

MINUTES OF EVIDENCE.

(Mr. J. FULTON, Chairman.)

Sir WILLIAM FITZHERBERT examined.

1. *The Chairman* (after explaining the nature of the petition).] You were Superintendent of the Province of Wellington about the year 1873?—I was.

2. Do you remember having an interview with a person named Peter Pope Fagg relating to the disposal to him of Rural Section 443, in the District of Palmerston?—I have looked over the papers in this case, and there are two or three points on which I can speak. First, I may say that I recollect the case and the man, and I attach no importance whatever to the observation made by some one in a minute to the effect that the business of the Provincial Government was conducted in a loose manner. I think that such charges should not be made against the defunct province, and I will give my reasons: In this case certain documents were missing, as they were also in other cases. I think I can account for it. A few months ago certain documents relating to riparian purchases were missing, and a charge was made to the effect that money had been paid but was not forthcoming. A claim was made by the person who had received the money for the land, but a receipt was subsequently discovered, and so the matter was set right. I have reason to believe that about the time when the old Provincial Buildings were taken over some of the documents connected with the Provincial Government were burned, there being no one to say whether they were important or not; therefore I say that, as this was the case, the provinces should not be charged with having conducted their business in a loose manner because a certain document was missing. Now, with regard to this particular case. The nature of the transaction was this: We applied to get the deferred-payment system in Wellington, but the Chamber over which I have now the honour of presiding would not allow us to have it; but the Superintendent, with the consent of the Provincial Council, was empowered to buy land and resell it under a system of deferred payment, the persons who were responsible to the Provincial Council being the Superintendent and his Executive. This petitioner's case was one of these. I went to the Manawatu and inspected the place, and, judging it to be suitable for hop-growing, bought the land, which

then ceased to be General Government property, and, in fact, it belonged to the province. The petitioner, Fagg, was a Kentish man, and he proposed to grow hops on the land. An experienced man, whom I took with me, said that the land was very suitable for the purpose, and I then paid the upset price to the Land Office, and the land then became the property of the Provincial Government. The petitioner, Fagg, then paid £30, and was to pay the amount he owed at the rate of so much a year. The document relating to that was missing, and I have no doubt it is missing in the same way that those other documents were missing. This land was granted for hop-growing. The land was only given to Fagg for the purpose of growing hops, and not for grass-growing purposes. The land was only given to the petitioner for a special purpose—namely, that of hop-growing. I cannot allow that he should get compensation for losing land which was given to him for hop-growing when he did not grow hops, but grew grass instead. The only thing in Fagg's favour is that he was taken ill before he could carry out his project of hop-growing. I have no doubt that amongst the documents of the Provincial Council, if not destroyed as I have described, there would be one which would show this to be the fact. I consider that the main question is, whether a man who lays down ground in grass can be considered to be laying it down in hops.

3. Was the £30 which he paid on account of purchase-money or was it for rent?—The money was paid as part of the purchase-money. It was for purchase under the terms of his letter, and upon a system of deferred payments, and such as I have described as having been acted on in the Province of Wellington.

4. *Mr. White.*] You are quite sure that the money was paid as part of the purchase, and not as rent?—Yes. I have no doubt that Fagg would have grown hops if the General Government had looked properly after him, and I have no doubt that the Provincial Government would have looked properly after him if it had not been abolished.