

1882.

NEW ZEALAND.

PETITION OF DEFERRED-PAYMENT & AGRICULTURAL SETTLERS
IN THE PROVINCIAL DISTRICT OF OTAGO.

Presented to the House of Representatives 9th June, and ordered to be printed.

To the Honorable the Members of the House of Representatives of the General Assembly of New Zealand in Parliament assembled.

THE PETITION OF THE UNDERSIGNED DEFERRED-PAYMENT SELECTORS AND AGRICULTURAL SETTLERS
IN THE PROVINCIAL DISTRICT OF OTAGO.

HUMBLY SHOWETH,—

THAT many of your petitioners have taken up land on deferred payment under the provisions of the law in force for the time being in the colony.

2. That many of your petitioners have obtained their land after competition at auction, and that, owing to the length of time over which the payments were spread, over competition, at a time when a species of land fever had seized the entire community, and a too limited area of land being opened for settlement, they have given prices at auction far beyond the real value of the land.

3. That many of your petitioners now find it impossible to complete the payments which they had, under the pressure of the circumstances detailed, undertaken to make.

4. That, when selectors are in arrear of payment, the Land Act contains provisions of a highly unjust and oppressive character, amounting, if put in force, to a confiscation of their property and the forfeiture of large sums which they may have paid towards the purchase-money.

5. That, in consequence, many of your petitioners have been compelled to effect forced loans to escape such confiscation and forfeiture, and, in order to give security for such loans, have been driven to pay up in full the remaining unpaid instalments of purchase-money.

6. That although these instalments are, under the contract, payable to the Crown only over a series of years, yet the selectors have received no rebate of interest for their immediate payment in one sum, and your petitioners are therefore now practically paying two interests on the same sum of money—one to their mortgagees, and the other to the Crown, for which latter they have received no consideration.

7. That others of your petitioners have taken up areas varying from 50 to 200 acres on the deferred-payment system, and find themselves debarred by the terms of the Land Act from completing their selections up to 320 acres.

8. That others of your petitioners who have acquired the freehold of lands held under deferred payments, however small the area, are also debarred by the Land Act from any further selection.

9. That others of your petitioners have taken up land without opposition during the period within which "The Crown Lands Sales Act, 1877," was in operation.

10. That it was a matter so doubtful whether the said Act really raised the price of deferred-payment land from 30s. to 60s., that the Waste Lands Board felt compelled to obtain the legal opinion of a Judge of the Supreme Court on the point, who advised that the terms of the said Act had that effect.

11. That some of your petitioners took the best legal advice, including that of Robert Stout, Esq., the framer of the said Act, and were advised to the direct contrary.

12. That your petitioners have been informed, and verily believe, that the said Act was not intended by the Legislature to raise the price of deferred-payment land.

13. That many of your petitioners selected land during the said period under the full impression and belief that an amending Act would be immediately passed, providing that the true intention of the Legislature should be legally carried out, and the price of land which had been selected without opposition be legally fixed at 30s. per acre.

14. That accordingly the said Act was repealed during the session of 1879, but the repeal was unfortunately not made retroactive.

15. That some of your petitioners have selected land which had remained open for a considerable time at 30s. per acre prior to the passing of the said Act, and for which no application had been received, and yet are liable to pay £3 per acre, although the price in these very blocks has again been lowered to 30s. per acre, and some of the land is still unapplied for even at the reduced price.

16. That your petitioners find that, owing to the uncertainties affecting agricultural pursuits, the occurrence of bad harvests, and occasionally exceptionally low prices of produce, the provisions of the present law, requiring fixed payments annually on pain of confiscation and forfeiture, work exceedingly to their disadvantage.

17. Your petitioners beg humbly to say that they are anxious and willing to pay for their land according to the true and fair price or value thereof, but, owing to the exceptional circumstances already referred to under which their licenses were acquired, they are at present bound to pay far beyond that value.

18. Your petitioners humbly submit that a revaluation of their lands by competent and impartial persons, and such a rearrangement of the terms of payment as will enable them to pay off the principal price at such times as they may be able so to do, would be equitable in itself and for the best interests of the agricultural settlement of the colony.

19. That your petitioners beg humbly and respectfully to direct the attention of your honorable House to a Bill prepared by John Aitken Connell to amend the Land Act, a copy of which, they have been informed, has been sent to each member of your honorable House, which provides, in the opinion of your petitioners, a fair and practical remedy for the grievances under which your petitioners suffer, and which, if passed into law, would, in the opinion of your petitioners, prevent the recurrence of complications alike hurtful to the settlers in the community.

20. That your petitioners approve of all the provisions of the said Bill in so far as the same relate to deferred-payment land, excepting that the words "at auction" should be struck out of clause 34, and that personal residence on pastoral deferred-payment land should, in the opinion of your petitioners, be retained, and that the words "less the amount of the sum of the instalments already paid" should be added to clause 41.

Your petitioners therefore humbly pray that your honorable House will take their heavy grievances into its favourable consideration, and devise such measures for the relief and otherwise, either by passing the said Bill into law or otherwise, as to your honorable House may seem meet.

And your petitioners will ever pray.

Thomas Daily Darton
John Sheehan
John Mackenzie
James Harpstone
Philip Brook
Daniel Donald
William H. Bayly
Patrick Fahey
William McAllan
John Rose Smith
John Cole Chapple
Robert Cunningham
D. Hunter Mervyn
James McMichael
Frederick Cogan
William Rendle
George Dawson
David Gardiner
Robert Matheson
Robert Simms
Thomas Darton
Patrick McInerney
James B. Darton
James Cabill
David McIntosh
James Docherty
Henry C. Clayton
James Chalmers
John Morrison
Finlay Munro
Philip Duff
John Duffey
Watts Goodwin
James Buchanan
J. Bennet
John Brown
Martin Franklin
Francis Ross
Samuel Anderson
Thomas Tyler
Isaiah Mee
Thomas Hoare
John Casins
Patrick Kean
James Capstick
James Treloar

Philip Cahill
John Hall
Francis Nicoll
Michael Monaghan
Thomas E. Williams
William Holland
Hugh Ross
John Donaldson
John Tucker
John Munro
Alexander Robertson
M. O'Gorman
W. A. Porteous
Thomas Brunton
Robert Loudon
George Thomson
John Tuckey
William Folcher
G. F. C. Browne
A. Michael
Robert Elliott
John W. Christie
John Fitzgerald
Maurice Spillane
James Dawnes
George W. Dewes
John Smith
John Bulfin
John Hughes
W. G. Anderson
James Wilson
Daniel Lawrence
Thomas Hinde
John Thompson
William Blay
Robert Cotton
John Long
James Keppel
Charles Mullin
John Turton
John Hogg
F. S. Margetts
M. Kelleher
William Johnston
Patrick Ahern
Robert Ross

Thomas Kelly
William Draper
William Colquhoun
Allan Mitchell
John Duncan
Adam Scott
Thomas Cleary
James Ross
S. Rowe
Richard Webb
Wright Lowe
Adam Swan
James Hopkins
James McIntosh
Richard Nichols
John Nichols
Robert Coffee
James White
Patrick Duffy
James Robertson
John Smith
Michael Nash
John Drew
Samuel Abrim
James O'Brien
Timothy Driscoll
Thomas G. Robertson
Donald M. Alpine
Alexander Campbell
Martin Joyce
John Joyce
Patrick Cummings
Timothy Crowley
Daniel Crowley
Cornelius O'Gorman
Thomas Fahey
John Donohue
James Hayes
Dennis Roughan
Daniel O'Brien
Alexander Loudon
Phillip Flynn
Timothy Kelleher
Michael Hunt
George Brook.