

DEPARTMENTAL REPORT.

Petition 93—C. A. de Lautour.

SIR,—

Department of Lands and Survey, Wellington, 23rd July, 1915.

I have to acknowledge receipt of your letter of the 21st instant, forwarding the above petition, and desire to make the following report thereon:—

The land referred to in the petition of Mr. C. A. de Lautour was known as Whakaangi Blocks 5A and 5B, containing 2,622 acres, and leased by the Native owners to Samuel Bentley and John Murray for twenty-one years from the 1st April, 1893, at a rental of 1s. per acre for the first seven years, 1s. 3d. for the second seven years, and 1s. 6d. per acre for the third seven years. The lease did not provide for the payment of compensation for improvements. It was transferred on sale by default from the Registrar of the Supreme Court to the Bank of Australasia on the 17th November, 1896, and Mr. De Lautour took it over on the 21st May, 1898. 1,164 acres 3 roods 1 perch was purchased by the Government and proclaimed Crown land in *Gazette* of the 4th August, 1898, page 1254. Mr. De Lautour's lease expired on the 31st March, 1914, and the land was opened for selection and disposed of in two sections on the optional system on the 21st April, 1914. Messrs. De Lautour, Barker, and Co., on behalf of the late lessee, made application to the Hawke's Bay Land Board in April, 1914, to be allowed compensation for improvements effected, but the application was declined by the Land Board. There is no record in this office of the petitioner being informed that improvements were always allowed to tenants on the expiration of their leases. Mr. De Lautour, on the 18th April, 1902, applied to surrender his lease and have the land reoffered for selection, weighted with the value of his improvements, but his application was declined by the Government.

It will therefore be observed that within five years after he purchased the leases, and while the leases had still more than eleven years to run, Mr. De Lautour applied to the Land Board for permission to surrender his leases of the parts then included in the Government freehold, and to take a new lease from the Government at a rental based on the then value, but weighted with the value of the improvements made by him on the Government freehold. The Land Board recommended it, and the Under-Secretary for Lands did not disapprove, but Cabinet refused it in February, 1903.

The whole position was then manifest to Mr. De Lautour. All improvements and bushfelling which he then continued to do he knew he must lose. His leases gave no right of compensation or renewal, and the Government had refused to permit an extension of his lease.

Mr. De Lautour cannot, therefore, contend that improvements effected since the decision of the Government in 1902 have been made with any expectation of refund.

Petition returned herewith.

The Clerk, Lands Committee, Wellington.

I have, &c.,

JAMES MACKENZIE, Under-Secretary.

 MINUTES OF EVIDENCE.

THURSDAY, 6TH AUGUST, 1915.

The Chairman (Mr. D. H. Guthrie): I may say the Government have expressed a wish to have the evidence taken down. We gave a favourable recommendation to this petition last year, but when the matter came before the Government they were at a loss because they had not a record of the evidence given.

[Petition read.]

Mr. C. A. DE LAUTOUR examined. (No. 1.)

C. A. de Lautour (the petitioner) said: With your leave, Mr. Blair is here personally to advise me in respect of matters I might omit. I am sorry you are troubled again with this petition. Your Committee very patiently went into the matter last year, but unfortunately no record was taken of the evidence that was put before you, and, although your Committee unanimously found that I was entitled to equitable compensation, no grounds for that finding were shown in the report.

The Chairman: I may assure you now that the evidence will be taken down.

C. A. de Lautour: I am only apologizing for troubling you with this matter again. I should have observed this myself, and have drawn attention to it, but unfortunately it was not so; so when the matter came before the authorities, naturally, they had nothing but the bare legal position, and, of course, the Committee understand that if I had a legal claim for redress in the matter I should not be here at all. My position would be in another place. May I take it as determined that the technical position is admitted—I need not perhaps encumber your minutes—that the title to the blocks—

The Chairman: Yes, that is all quite plain.