

*The Chairman.*] You have put in some declarations?—Yes.

The Clerk then read a declaration by Mr. Patrick Galvin, to the following effect:—

In the matter of "The Land Act, 1877,"

and

In the matter of Suburban Allotment No. 8, Opunake.

I, Patrick Galvin, of Opunake, in the County of Taranaki, do solemnly and sincerely declare—

1. That, I believe Mr. Walton Pell took up a suburban section at Opunake, with the intention of residing upon it.

2. That, I heard Mr. Walton Pell, on more than one occasion, speak in a favorable manner of the Port of Opunake, and as to the future prospects of the township.

3. That, on one occasion Mr. Pell told me he could build a breakwater at Opunake for the sum of twenty-five or thirty thousand pounds sterling.

4. That, I believe Mr. Pell left this colony in consequence of the state of ill-health that he had got into.

And, I make this solemn declaration conscientiously, believing the same to be true, and, by virtue of an Act of the General Assembly of New Zealand, intituled "The Justices of the Peace Act, 1866."

PATRICK GALVIN.

Declared at Opunake, in the County of Taranaki, this thirtieth day of June, 1882, before me—

J. M. ROBERTS, J.P.,

A Justice of the Peace in and for the Colony of New Zealand.

*Mr. Whyte.*] Have you ever occupied the first allotment?—No, I never did occupy it; but I complied with the conditions as to clearing.

*Mr. Macandrew.*] What are the conditions that you did not comply with?—I was not able to pay up the balance of the instalments, and owing to the native difficulty, I had to take the benefit of the Bankruptcy Court for it. Afterwards, I had the privilege of taking up the land, but I could not do it. That was owing to the general depression which prevailed.

You have said something about the Waste Lands Board not enforcing the conditions of the deferred-payment sections of the Act. Do I understand that that is the rule in the Taranaki Waste Lands Board?—If this matter had come before the Waste Lands Board, which has always furthered settlement, by accepting *bonâ fide* settlers, the result would have been different.

*Mr. J. Green.*] Have you never applied to the Waste Lands Board?—No; but Mr. Wray, who is the Commissioner, is virtually the Board.

*Mr. Pearson.*] There is no Land Board for the district in which the land was actually taken up?—No.

*The Chairman.*] Has this matter been before the Court?—Yes; they had to take it into the Court in order to get possession.

COLONEL TRIMBLE, M.H.R., said: I am cognizant of all that took place, in consequence of statements made to me by Mr. Whitcombe, and I believe that all that Mr. Courtney has stated is true. Mr. Whitcombe had instructions to get bush felled in accordance with the conditions of the Act. Tenders were called for, and one was accepted. The man who ought to have done the work disappeared, and never turned up in Taranaki again. Consequently, Mr. Whitcombe was left to pay the money, which he could not do. Then, Mr. Courtney took up the land, in order to relieve Mr. Whitcombe of the difficulty he had got into. I know that at the time the Maori difficulty came on shortly after. Subsequently, Mr. Courtney, who is a dealer in land, ran short of money, and could not pay the instalments, and the land was forfeited. The deferred-payment settler was not required to reside on the land, but only to make certain improvements.

Mr. T. KELLY, M.H.R., who was present, said: In order to make this case clear, I may state at once that the whole of this district was called the Taranaki Land District, and was under the Waste Lands Board of Taranaki. In 1880, a portion of that district was taken out of the Taranaki District, and put in the West Coast District, under the control of a Commissioner who had all the powers of a Waste Lands Board, except that he had to receive instructions from time to time from the Government. Consequently, he had not the discretionary power that the Waste Lands Board had. If that district had not been taken out of the Taranaki Land District, this case would never have come before the Committee, because the Board would itself have dealt with it under the discretion given it by law. The Waste Lands Acts are contradictory in many respects, and the Boards have to take a practical view of the cases, and deal with them according to their judgment. The first point is with regard to selecting. The Board in Taranaki has looked upon it that a person is entitled to select 320 acres according to law, and that if he has made one selection of a smaller quantity, he is entitled to make another, in order to bring him up to the 320 acres, if he is no longer the holder of the former selection. With regard to the transfer, the Board would allow that to be made only after the improvements had been made. The Board required to be satisfied that the improvements were made.

*Mr. Whyte.*] Is the law relating to the taking up of the 320 acres different in Taranaki from what it is in other parts of the colony?

*Mr. Kelly.*] No; the law is not different, but the Board has discretionary power, which it exercises, and there is no appeal against its decision, except from the person aggrieved. It would have been foolish on the part of Mr. Courtney to have gone to law, after the Resident Magistrate's Court had decided on the matter.

*Mr. Macandrew.*] Do you mean to say that the Board can override the Act?

*Mr. Kelly.*] No; we would delay the transfer until the improvements had been made.

*Mr. Stevens.*] Would you allow a man to select twice?

*Mr. Kelly.*] Yes, if he were no longer possessed of the first land he had selected. We held that a man was entitled to select up to 320 acres.