

WASTE LANDS COMMITTEE.

PETITION OF JAMES J. ELWIN AND OTHERS.

MINUTES OF EVIDENCE.

FRIDAY, 23RD AUGUST, 1895.

Mr. FELIX MCGUIRE, M.H.R., Examined.

1. *The Chairman.*] You are the member for Egmont?—Yes.

2. You wish to give evidence?—Yes. Since the passing of the amendment to the West Coast Settlement Reserves Act very great dissatisfaction has existed. There has been, in my opinion, great hardship put upon the following gentlemen—viz., Messrs. McCullum, Rothery, Carrol, Seedom, Luxton, and Leathem. These gentlemen leased lands from the Native owners. The leases I refer to were not confirmed by Act of 1892, but the Act gave power to the Public Trustee to deal with these lands in a way, had the Public Trustee so desired, which would have given satisfaction both to the Europeans and to the Native owners. The Public Trustee's action was both unjust and arbitrary, and a great injury, both to the Natives and to the Europeans, has been the result of his administration. In consequence of his action settlement has been retarded, and a bar to enterprise, and individual hardship and loss which should have been avoided had the Act been administered in the interest of all concerned. These parties were very anxious to get their leases under the Act; but the Public Trustee would do nothing with them unless all the improvements that they had put on the land were paid for, and then, if he felt so disposed, he might give them a yearly tenancy. These improvements were the improvements of the tenant, and were absolutely their property. The Natives were astonished at the extraordinary action of the Public Trustee. No doubt others of them were delighted when they found that the Public Trustee was making them a present of the lessees' improvements for nothing. The lessees took the land from the Natives in its prairie state, and put the improvements upon it. One gentleman—viz., Mr. McCullum—driven to desperation, took the law into his own hands. The Public Trustee took action in the Supreme Court against him. The Judge admitted that the Trustee was technically right, but said that such things did not happen in any country unless it was in Russia, and he also said that the action of the Trustee was most arbitrary. These lands are not now bringing in the rents that they were bringing in when the Public Trustee unnecessarily removed these people. He had it in his power, under this Act, to make all these leases good in equity and justice to all parties concerned. But this he refused to do. He was determined to act in another way. Had the Act been administered, in my opinion, in the way in which it was intended, I do not think that the dissatisfaction that has arisen would have arisen. Great dissatisfaction has been caused all over the district, both to Europeans and to Natives. The Natives say, "We don't want to rob the Europeans of their improvements, but, if the Public Trustee will take their improvements from them, we have no objection." Then, again, there are other leaseholders who are under the West Coast Settlement Act, and who have made application to come under the amended Act of 1892. The parties I refer to have risen early and worked late, and they have made improvements of from £7 to £10 an acre on their land. They have made, as I have said, application to come under the Act, and the Public Trustee demands from them the amount of improvements they may have made over £5 per acre. £5 was the amount allowed under the old Act. When the amended Act was first introduced there was nothing said about the amount of improvements—that was an afterthought, and Mr. Ballance told me that he would see that this was amended; but unfortunately Mr. Ballance died, and there is no other member in the Ministry who understands the position of affairs as he did. Had they understood it they would not, I believe, have tolerated for a moment what is going on. Messrs. Smith, Ellerm, Betts (and others whose letters I have read, and which I now hand in in order that they may be printed), when they have improved their land to over £5 per acre, for this they are to be punished. On their making application to come under the amended Act of 1892, the Public Trustee demanded any sum over and above £5, and in some cases he issued a writ from the Supreme Court in order to compel the tenant to pay twice for their improvements, with the result that some of the tenants were compelled to give mortgages on the improvements that they made themselves. I do not think there is any parallel case to this in any other colony in the British Dominion, nor do I believe such an outrageous injustice would be permitted in any country in the world. I have letters here that I could read, but I will hand them in, and they will speak for themselves. We have passed an Act of this House that Natives having property within five miles of any public road should pay rates, but it is almost impossible to get rates out of the Public Trustee. He has refused to pay rates on several occasions, and, of course, the local bodies and the ratepayers are the sufferers in consequence. Roads cannot be made without money, and the Public Trustee ought to set a good example in this matter. He has a large estate, and it has certain responsibilities, and he should take them up and contribute his fair portion for roads, and also for divisional fencing; but he has done as little in this direction as