

PETITIONS.

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those who signed such petition that by so doing they would acquire the right to depasture on your petitioner's station.

Your petitioner presumes that the object desired to be attained by the adoption of the Hundreds system in the provisions of "The Waste Lands Act, 1866," was the agricultural settlement of the country; but your petitioner respectfully submits that, however desirable such settlement may be, your Excellency will not in any case sanction a measure which must necessarily do injustice to existing private interests, or (unless it is clearly proved the measure will result or tend to the object desired) jeopardize an existing public interest bringing to the State a large revenue, and otherwise resulting to the general prosperity of the Colony.

Your petitioner respectfully submits that, if the circumstances previously referred to by your petitioner are correct, the declaration of the Hundred proposed will not conduce to the settlement for agricultural purposes, and that consequently such declaration would not promote the object desired by the Act.

That your petitioner and his copartner will suffer injustice if your Excellency sanction the proposed Hundred. Your petitioner submits the circumstances following:—

Your petitioner's station consists of thirty thousand eight hundred acres, for the interest in the lease of which, and the then improvements thereon, your petitioner and his copartner gave fifteen thousand pounds, or thereabouts.

That when your petitioner and his copartner negotiated for the purchase of the Tapanui Station, and concurred in taking a lease of the same under the provisions of the Otago Waste Lands Act, your petitioner and his copartner understood that, by entering into the deed of covenant before referred to, insisted on by the Otago Provincial Government as the condition on which such lease would be granted, your petitioner and his copartner would be secured the certain tenure of the lands comprised in such lease for the full term of fifteen years, freed from the liability of having such lands declared into Hundreds, and subject only to the right of the Provincial Government to survey and offer for sale the limit of eight thousand acres provided for in such covenant.

That on such understanding as last-mentioned alone, your petitioner invested in such purchase the large amount before referred to, and submitted to the heavy assessment and rent imposed under the provisions of the lease; and on the faith of the due performance on the part of the Provincial Government of the conditions as so understood, in which your petitioner and his copartner concurred, in such lease, your petitioner and his copartner have laid out and expended in buildings, fencing, and improvements on the said station, since the date of such lease, upwards of three thousand pounds, and invested considerably in the purchase of sheep and cattle.

That if the Provincial Government had performed the conditions (in which your petitioner and his copartner concurred) in such lease, and availed only of the provisions of the deed of covenant by offering for sale the eight thousand acres reserved, purchasers of the allotments of land would have been required to fence in the lands purchased by them, and until such sales were completed your petitioner would have continued to have the right to depasture; but if your Excellency sanction the Hundred proposed, your petitioner and his copartner will not only be deprived of such contingent pasturage, but will have to incur yet further heavy expenditure in fencing off such Hundred for the protection of the depasturage of the residue of the station and stock, and moreover it will be requisite that still further expenditure will have to be made in removing the wool shed, yard, sheep-dip, and other erections and building for the efficient working of the station.

The measures adopted at the last Session of the Provincial Council of Otago, relative to Hundreds, have tended to cause a feeling of distrust in the tenure of the pastoral lands held under the leases granted in pursuance of the provisions of the Waste Lands Act, notwithstanding the provisions of the deed of covenant entered into by your petitioner and his copartner, and other lessees under the same conditions and on the same understanding, and has resulted, as your petitioner is well assured, in capitalists from the neighbouring Colonies in Australia declining to make investments for pastoral purposes in the Province of Otago.

That, from the circumstances last stated, the station of your petitioner and his copartner has considerably deteriorated in value; and should your Excellency sanction the Hundred proposed, your petitioner and his copartner will lose the greater part of the large capital they have invested in the Colony.

Your petitioner respectfully submits, that the pastoral interest, which is the source of a large revenue to the Colony, will be jeopardized by the declaring of Hundreds under circumstances similar to the case of your petitioner and his copartner, without securing the object desired to be obtained, viz., the agricultural settlement of the country by the provisions for the declaration of Hundreds contained in the Otago Waste Lands Act.

And lastly your petitioner begs respectfully to submit that, presuming the principle of the Hundred system, if judiciously carried out, as tending to promote the settlement of the Province by encouraging the purchase of the Waste Lands of the Crown adapted for agricultural purposes, if lands are declared into Hundreds were not required, or if only a limited area thereof are fit for agricultural purposes, the result must necessarily be (particularly under cases similar to that of your petitioner and his copartner) to do injustice to private interests, cripple, if not ruin, investors of capital, to injure the pastoral interest in the province without securing the settlement desired, to check enterprise, and, as a consequence, to retard the progress and prosperity of the Colony.

Your petitioner therefore humbly prays your Excellency will not give your sanction to the Hundred submitted for your Excellency's approval on the lands under lease to your petitioner and his copartner.

And your petitioner will ever pray, &c.

July 13th, 1869.

JOHN MCKELLAR.