

1898.

NEW ZEALAND.

REMOVAL OF RESTRICTIONS UPON THE ALIENATION
OF SECTION 569, PATEA DISTRICT(CORRESPONDENCE BETWEEN MR. G. HUTCHISON, M.H.R., AND THE HON. THE ACTING NATIVE
MINISTER RELATING TO APPLICATION FOR).*Laid on the Table, with the Leave of the House, by the Hon. Mr. J. McKenzie.*

No. 1.

APPLICATION FOR REMOVAL OF RESTRICTIONS.

To His Excellency the Governor.

WE, the undersigned vendors of the block of land known as Section 569, Patea district, containing 280 acres, do hereby make application to have the restrictions on the alienation of that land removed or made void.

Ki a te Kawana.

Ko mana kua tuhi nei i o mana ingoa ki raro iho nei, ara : Ko nga tangata nga kai tuku o te poraka whenua e mohiotia ana ko tekihana 569, Patea, e 280 nga eka, ka tono atu nei kia wetekia kia kia whakakorea atu nga here arai i te hoko o taua whenua.

Signatures of Owners.	Signatures of Witnesses.	Date.
Nga ingoa o nga tangata no ratou te whenua.	Nga ingoa o nga Kai-titiro.	Te wa i tubia ai nga ingoa.
Riria Rerekaipuke ... her	F. McGuire, J.P., Hawera ...	20th July, 1897.
Tiki x Rerekaipuke mark	E. O. Jones, Hawera ... Kuini Wi Rangipupu, Hawera	21st July, 1897.

R. S. THOMPSON, Licensed Interpreter.

No. 2.

The UNDER-SECRETARY for JUSTICE to Mr. G. HUTCHISON, M.H.R.

SIR,—

Department of Justice, Wellington, 27th July, 1897.

Section 569, Patea.—With reference to the applications for the removal of the restrictions upon the above-mentioned land, I shall be glad if you will furnish the usual information required in connection with such applications—namely, the reason why it is desired to remove the restrictions, and, if there is any contract or agreement for alienation, a copy thereof.

G. Hutchison, Esq., M.H.R., Wellington.

I have, &c.,
F. WALDEGRAVE.

No. 3.

Mr. G. HUTCHISON, M.H.R., to the Hon. the NATIVE MINISTER.

(Memorandum.)

Wellington, 29th July, 1897.

RE *Section 569, Patea.*—I have the honour to request that you will take the usual steps for ascertaining whether the restrictions on the alienation of the above land may not be removed, as applied for by the successors of the grantee (deceased). The conveyance to myself has already been confirmed by the Native Land Court. The section contains 280 acres, which are of such a character as to be entirely useless to the Natives, who, besides having other lands, are acquiring more with

the purchase-money (£140). The title is a Crown grant under the New Zealand Settlements Acts. The grant and conveyance are both in the Native Land Court Office.

The Hon. the Native Minister, Wellington.

G. HUTCHISON.

No. 4.

The Hon. the ACTING NATIVE MINISTER to Mr. G. HUTCHISON, M.H.R.

SIR,—

Department of Justice, Wellington, 4th August, 1897.

Section 569, Patea.—I have the honour to acknowledge the receipt of your letter of the 29th July, with reference to the application for the removal of the restrictions upon the above-mentioned land.

I am informed that the land-tax valuation of this section is £365, while the purchase-money agreed upon is stated in your letter to be £140. Under these circumstances, as the consideration appears to be inadequate, I regret that the application for the removal of the restrictions cannot be entertained.

I have, &c.,

JOHN MCKENZIE,

For the Native Minister.

G. Hutchison, Esq., M.H.R., Wellington.

No. 5.

Mr. G. HUTCHISON, M.H.R., to the Hon. the ACTING NATIVE MINISTER.

(Memorandum.)

Wellington, 9th August, 1897.

It was a contemptible revenge on your part, in the position of Acting Native Minister, to intercept the application I forwarded some days ago for the removal of the restrictions on Section 569, Patea district.

You seem not to have been advised that the exercise of the discretion which is vested in the Governor in such a matter should not be determined by the caprice of Ministers; still less should it be made the ground for the display of unworthy motives. If, instead of fastening with so much haste on a land-tax valuation—too often a fallacious guide—you had asked if there was any explanation of the discrepancy between that valuation and the consideration paid, you might have saved yourself some humiliation. The land-tax valuation quoted is entirely misleading. It was probably made by some one who never saw the land. Few ever have seen it. But, apart from the suggestion of any real or imaginary inadequacy of consideration that might have struck you, there was the plain line of duty on your part, as Minister, to refer the application for the report of the Native Land Court. The exact words of "The Native Land Court Act, 1894," section 52, applicable to the present case, are: "Restrictions on alienation existing prior to the thirtieth day of August, one thousand eight hundred and eighty-eight, may be removed or varied only by the Governor on the recommendation of the Court, and in accordance therewith."

I would have supposed, in view of recent manifestations of resentment on your part against myself, that you would have been glad, so as to avoid any ground for possible misunderstanding one way or the other, to avail yourself of the opportunity of referring the matter for judicial recommendation. But, with incredible littleness for a person in a public station, you ignored the open and straightforward course, and allowed instead the paltriest motives to commit you to a decision of which I should suppose you will yet be ashamed.

Of course, in the circumstances, I cannot accept your answer as other than an indiscretion—sufficiently gratifying, no doubt, in the meantime to your personal feelings because it causes at least some delay.

G. HUTCHISON.

Hon. John McKenzie, General Government Buildings, Wellington.

No. 6.

The Hon. the ACTING NATIVE MINISTER to Mr. G. HUTCHISON, M.H.R.

SIR,—

Government Buildings, Wellington, 11th August, 1897.

I have the honour to acknowledge the receipt of your letter of the 9th instant, with reference to the application for the removal of the restrictions upon Section 569, Patea district.

In reply, I have to inform you that, following the usual practice in such cases, the value of the section for land-tax purposes was ascertained, and, as there was such a wide discrepancy between that value and the price proposed to be paid, I, again following the usual practice, declined the application, and wrote to you to that effect. If you wish to furnish any explanation of the discrepancy between the land-tax valuation and the purchase-money I shall be glad to give it every consideration.

I do not propose to comment on the offensive tone of your letter, nor to follow your example of imputing unworthy motives, as I think it exceedingly undesirable that correspondence on a departmental matter should be conducted on such lines. I must, however, demur to the implied assumption in your letter that the Minister has no duty in respect of an application for removal of restrictions but to refer it to the Court and act upon the Court's recommendation. I differ entirely with this view of the duty of the Minister, and, so long as I continue to act for my colleague the Native Minister, I shall require to be furnished with the fullest particulars regarding any proposed transaction in Native lands that may be brought before me to deal with. I should have thought, indeed, that your own experience would have shown you that the utmost caution on the part of the Government is needed to protect the interests of the Native owners of restricted lands.

In conclusion, I repeat that, despite the aggressively offensive terms in which you have thought fit to address me, if you will furnish an explanation of the discrepancy between the land-tax value of the land and the purchase-money I shall be glad to give it every consideration.

G. Hutchison, Esq., M.H.R., Wellington.

I have, &c.,
JOHN MCKENZIE.

No. 7.

Mr. G. HUTCHISON, M.H.R., to the Hon. the ACTING NATIVE MINISTER.

(Memorandum.)

Wellington, 16th August, 1897.

WITH reference to your reply of the 11th instant, on the subject of the application to remove the restriction on the title of Section 569, Patea district, I notice you state that "the usual practice" has been followed.

I should be sorry to suppose that "the usual course" is to act as you have done in "declining to entertain" an application because of a land-tax valuation in excess of the consideration without inquiring if there was any explanation. I happen to know the course you took is not "the usual practice." This is not the first application I have lodged under similar circumstances, but it is the first that has been intercepted. I had supposed an inquiry in open Court upon sworn testimony would have afforded the proper basis for a just decision, but I confess I had not sufficiently realised that such a course is not the one you are likely to favour.

You now say you will be "glad to give every consideration to any explanation" I have to offer, but you seem to forget you have already prejudged the case. I prefer not to discuss the matter further with you.

G. HUTCHISON.

Hon. John McKenzie, General Government Buildings, Wellington.

No. 8.

The Hon. the ACTING NATIVE MINISTER to Mr. G. HUTCHISON, M.H.R.

SIR,—

Department of Justice, Wellington, 17th August, 1897.

I have the honour to acknowledge the receipt of your letter of the 16th instant, and observe with satisfaction that you have seen fit to moderate the tone of your correspondence, to which I took exception in my letter of the 11th.

You say that you happen to know that the course I took in dealing with your application is not the usual one. I am not aware of the means you have of making yourself acquainted with the practice in such cases, but I prefer to rely upon my own knowledge of the practice of the department which I am temporarily administering.

It is significant that the explanation of the discrepancy between the land-tax value, £365, and the purchase-money, £140, is not yet forthcoming, and your failure to furnish it, on the pretext that you prefer not to discuss the matter with me, justifies the conclusion that the interests of the Natives will be best conserved by maintaining the decision that your application cannot be entertained until the Government is in possession of such an explanation.

I have, &c.,

G. Hutchison, Esq., M.H.R., Wellington.

JOHN MCKENZIE.

Approximate Cost of Paper.—Preparation, not given; printing (1,325 copies), £1 19s.

By Authority: JOHN MACKAY, Government Printer, Wellington.—1898.

Price 3d.]

