

REPORT.

No. 207.—Petition of JOHN WALSH.

PETITIONER prays for an amendment of "The Rotokare Domain Act Repeal Act, 1903," or for compensation for the loss of his lease, amounting to £563.

Your Committee, having made inquiry and taken evidence in regard to this petition, report as follows: Under "The Rotokare Domain Act Repeal Act, 1903," the Rotokare Domain passed from the control of the Hawera Borough Council and came under the control of the Commissioner of Crown Lands for the Taranaki District. The Act provides that all leases and agreements made by the Hawera Borough Council under "The Rotokare Domain Act, 1899," are revoked and cancelled, but specifies that the holder of any valid lease or agreement shall be entitled to such compensation (not exceeding twice the amount actually expended by him on improvements under his lease or agreement) "as may be agreed upon between such holder and the Minister of Lands, or in default of agreement as may be assessed under 'The Public Works Act, 1894,' as in the case of land taken by the Governor for a public work." The Commissioner of Crown Lands has had the improvements effected by petitioner valued, and £29 being double the amount estimated has been tendered and refused. The claim of the petitioner appears to be not so much for actual loss of money as his estimated gain through having made a good investment. The evidence is conflicting and unsatisfactory, and fails to establish the allegations in the petition. The Repeal Act makes no provision for the principal items claimed by the petitioner, and, in the absence of anything to prove that the estimate of the work done furnished by the Commissioner of Crown Lands is unfair or inadequate, your Committee are unable to make any recommendation.

2nd November, 1904.

A. W. Hogg, Chairman.

DEPARTMENTAL REPORTS.

Department of Lands and Survey, Wellington, 28th July, 1904.

SIR,—

Petition No. 207, John Walsh.

In compliance with your request of the 26th instant, I have the honour to report that in accordance with the provisions of "The Rotokare Domain Act Repeal Act, 1903," the Rotokare Domain passed from the control of the Hawera Borough and came under the charge of the Commissioner of Crown Lands of the Taranaki Land District.

Section 2 of the Act provides that all existing leases granted by the Hawera Borough Council are revoked and cancelled, and this section also provides for the manner of assessing the compensation payable to the Hawera Borough Council's tenants whose leases were revoked and cancelled. I enclose a schedule indorsed by the Commissioner of Crown Lands, showing the amounts payable under the Act to Mr. John Walsh and in the "Remarks" column what they are claiming. The Minister can consider no claim outside that provided for in the Repeal Act or as may be assessed by "The Public Works Act, 1894."

I have, &c.,

WM. C. KENSINGTON, Under-Secretary.

The Clerk, Lands Committee, House of Representatives.

Rotokare Domain Board.

Claimant.	Work done.	Particulars of Improvements.	Maximum Amount allowable by the Rotokare Domain Repeal Act.
		£ s. d.	£ s. d.
O'Shea Bros.	10 acres underscrubbed, at 12s. per acre ..	6 0 0	..
	Cutting tracks and lines, two men, eight days, at 10s. per day	8 0 0	..
	Total of improvements	14 0 0	
	Double improvements in terms of Act	28 0 0
John Walsh	20 acres underscrubbed, at 12s. per acre ..	12 0 0	..
	2 acres underscrubbed and felled, at £1 5s. per acre	2 10 0	..
	Total of improvements	14 10 0	
	Double improvements in terms of Act	29 0 0

They claim £673 as their loss, on the basis of £5 per acre. They hold that they submitted their claim before the Act became law, and they hold in equity that they should not be bound by it. They will not accept £28 in satisfaction of their claim.

He claims £563 on practically the same grounds as the the Messrs. O'Shea, and will not accept the £29 allowable by the Act. Mr. Walsh considers also that the fact of the timber remaining on the land should be looked upon as an improvement, and on this account he should be allowed more than if he had actually cut it down.