

House of Representatives, Wellington, 18th October, 1912.

*Runanga No. 1A Block.*

SIR,—

In connection with the purchase of the above block it has been stated before the Committee that the only alternative to the method adopted in the case—viz., a purchase from Mr. T. Ballan—was to have the land taken under the Public Works Act. The Committee has asked me to obtain from the Solicitor-General an opinion as to whether or not the land could have been taken under the Land for Settlements Act. I would therefore ask you to forward the question to him, with a request that the matter be treated with urgency.

I have, &c.,

EDWARD NEWMAN,

Chairman, Lands Committee.

The Hon. the Minister of Lands, Wellington.

The Chairman of the Lands Committee.

*Runanga No. 1A Block.*

I AM asked to advise whether this land could have been taken by the Government under the Land for Settlements Act. I am of opinion that it could not have been so taken for the purpose for which it was required. I understand that it is a strip of land lying between the Pohokura Block of Crown land and a line selected as that of the nearest convenient road for affording access to the subdivisions of that block. The purpose of its acquisition was therefore to give access to this road, and the land so acquired is to be incorporated in the Pohokura Block and disposed of accordingly as ordinary Crown land under the Land Act. The purposes for which land can be acquired under the Land for Settlements Act are set out in section 6 of that Act, and are the following:—

- (a.) Providing land for settlement:
- (b.) Providing land as sites for homesteads for neighbouring pastoral Crown land:
- (c.) Providing low-lying land necessary for the working of neighbouring pastoral Crown land:
- (d.) Exchanging high land suitable only for pastoral purposes for low-lying or agricultural land:
- (e.) Consolidating any estate acquired under the Land for Settlements Act or readjusting its boundaries.

The present case falls within none of these provisions. If the land had been acquired for settlement under (a) it could not have been incorporated in the Crown block and disposed of under the Land Act, but must have been disposed of under the thirty-three years renewable lease system established by the Land for Settlements Act. The subdivisions of the Pohokura Block could therefore not have been extended over the purchased land so as to obtain road-access.

Nor does the case fall within (b), (c), or (d), the land not having been acquired for any of these purposes.

Nor does the case fall within paragraph (e), since although the land was needed to readjust the boundaries of the other block, that other block is ordinary Crown land, and is not an estate acquired under the Land for Settlements Act.

JOHN W. SALMOND, Solicitor-General.

Crown Law Office, 21st October, 1912.

Solicitor-General's Office, Wellington, 30th October, 1912.

The Hon. the Attorney-General.

*Runanga No. 1A Block.*

WITH reference to the opinion given by me to the Chairman of the Lands Committee on the 21st instant, this opinion was based entirely on the assumption of fact that the land in question was taken for the purpose of providing road-access to the neighbouring Crown block known as Pohokura. Whether this assumption is correct is a matter of fact on which I am not competent or entitled to express any opinion. I did not understand, however, at the time I gave my opinion that the question was in dispute. If, however, the land was as a matter of fact acquired genuinely for the purpose of providing low-lying land necessary for the working of the adjoining Crown land, or in order to provide sites for homesteads for that Crown land, there is no doubt that as a matter of law the land might have been acquired under the Land for Settlements Act, and not less so because road-access might have been a further consideration in the acquisition of the land. As a matter of expediency, however, and sound practice, it seems to me clear that the land ought not to have been acquired under the Land for Settlements Act, but should have been acquired as ordinary Crown land. As ordinary Crown land, it can be effectively incorporated in the neighbouring Crown block, subdivided so as to form parts of the subdivisions of the Crown block, and disposed of on the same tenure as the Crown block. If, on the other hand, it had been acquired under the Land for Settlements Act, grave difficulties in its administration and disposition would have resulted. If it had been acquired as low-lying land under paragraph (c) of section 6 of the Land for Settlements Act, I am not aware that there would have been any power whatever of incorporating it in the Crown block or disposing of it otherwise than by way of thirty-three-years renewable leases under the Land for Settlements Act. Had it been acquired as sites for homesteads under paragraph (b) it would have been possible to have disposed of it under section 59 of the Land for Settlements Act, but this section provides a very imperfect method of incorporation in the neighbouring Crown land, and the results would have been far from satisfactory.

JOHN W. SALMOND, Solicitor-General.

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