

supposing that the privileges extend over sixteen years—that is to say, two years for each 100 acres held under the license and reserved for that purpose.” When sixteen years had fully run off others and myself applied for the unoccupied and unused portions of the areas in question. In the meantime, however, some legerdemain appears to have been worked, the opinion of the Under-Secretary was disregarded, and we were informed that our applications were declined by direction of the Commissioner on the ground that the areas applied for were held by one Horatio A. Massey under good titles. We were dissatisfied, but recognized we had no redress. The Minister had determined to refuse our applications and to continue Massey in possession. We decided to take legal advice, and consulted leading solicitors at Invercargill, Dunedin, and Timaru, all of whom upheld our contentions, and the interpretation placed by us upon the regulations. But there was no remedy, except by petition to Parliament. We decided on this course. We petitioned Parliament two years ago, but have had no official answer to our prayer. We contend that the word “may” in sections 9 and 10 of the State Forests Act, 1885, does not convey absolute discretion to the Commissioner to do as he may deem fit in all cases; but means the Commissioner is empowered to grant licenses. The Commissioner, we contend, is as much the servant of Parliament for the purposes of the administration of the State Forests Act as Parliament is the trustee of the people—empowered to make laws for the management and utilization of the public estate, including State forests. We admit the Commissioner has power to say, “I will not grant licenses within any particular State forest or within any defined area of a State forest,” but say he has no power to discriminate between persons who are applicants for privileges in State forests. The exercise of autocratic power, we claim, is foreign to British ideals, and any Act of Parliament that places autocratic power in the hands of a single individual, as the State Forests Act appears to do, is, in our opinion, a menace to the people and an infringement of the rights and liberties of the subject. We ask you to give us the right of appeal to the Courts under the State Forests Act, and so deliver us from absolutism and autocratic rule. The foregoing conveys, as concisely as I can put it, our interpretation of the State Forests Regulations, dated the 1st September, 1886, together with our comments upon their administration. We are aware that others express an entirely different view. They claim that the regulations are ambiguous, and justify the application for, and locking-up of, forest areas to any extent. If we admit their views, then there is no reason why one man should not have applied for, locked up, and monopolized the whole of the forests of Southland in perpetuity. We say that if ambiguity did exist, then it should have been the aim of the Government and the duty of the Department to construe the regulations in the public interest. We say that the Department should have endeavoured to discover what was passing in the minds of the framers of the Act and the regulations. It is unthinkable they should have approached Parliament with the subtle intent of obtaining authority to monopolize the forests of New Zealand in few hands, or that the regulations were framed deliberately with that object in view. It seems to us more generous to think that the framers had in view the public good, and aimed at the limitation of areas and the economical use of our forests, by providing that no man shall hold more than 800 acres. Let us see where this doctrine of perpetuity has led us. A sawmill area, No. 198, with reserves, was granted to W. Guthrie and Co. in 1889. The original area was cut out and abandoned in October, 1896, and a portion (250 acres) of the reserves at a later date. Massey obtained a transfer of the remainder of the reserves (350 acres) when he acquired Guthrie’s interest by purchase from the liquidator. Some years later (about 1903), the timber having been meanwhile mostly, if not completely, cut out on the remaining 350 acres of reserves an application was made by settlers of the locality for the land to be opened for settlement. Massey, it appears, was approached, but refused to surrender without consideration, claiming an indefeasible title under the State Forests Regulations of 1886. Ultimately a bargain was struck, and Massey was granted three areas of virgin bush, together about 550 acres, in exchange for his cut-out area of 350 acres. The title to these areas was given under the State Forests Regulations of 1886 regardless of the fact that these regulations had been repealed by Order in Council dated the 3rd March, 1890. And, what is even more strange, the State forests were controlled by those regulations, regardless of their repeal, until the regulations of the 15th January, 1900, were issued. We admit defeat at Gorge Road through the autocratic exercise of power by the Commissioner. I was still without an area from which to obtain timber. I searched the plans in the Land Office at Invercargill, and discovered an area in Spar Bush (No. 467) had lapsed through effluxion of time. This area had been granted to Massey, under the regulations of the 15th January, 1900, on the 10th May, 1904. The license was for three years from date thereof, and expired 9th May, 1907. The license, which I have inspected, has the time-limit written on it, as provided by Schedule II of the regulations. Section 40 of the regulations provides that a mill must be erected within six months of the date of the license. No mill was erected within that period, and the license was void. But it was absolutely void after three years through effluxion of time, no mill having been erected nor any work done. I applied for this area and reserve on the 3rd January, 1908, under the regulations of the 18th July, 1905. My application was refused, Massey was allowed to remain in possession, and an extension of time (six months) granted him to commence work. I say there was no legislative authority to grant this extension of time. But I was up against the Commissioner, who exercised his powers again wrongfully to reject me and favour Massey. I was defeated, but not dismayed. I made further search and discovered that the whole of Grove Bush had been applied for and granted under the State Forests Regulations of 1886, and was transferred to Massey after he acquired the Guthrie Estate from the Official Liquidator. This land was not in a State forest—it was Crown land. I was on a fresh wicket. The Land Act provides for a public hearing of applications, and for an appeal to the Courts if a person is dissatisfied with any ruling of the Land Board. I applied to the Board for licenses over these areas, and appeared at the Board in support, accompanied by counsel. The whole circumstances of the case were made public. The Board referred the case to the Crown Solicitor, who reported that Massey had no title. The Board met and declared the titles void, and entered into possession. They