

*Non-interference by Parliament.*

We lay great stress upon non-interference by Parliament with leases already granted by public bodies where the interference is sought by public bodies as against their tenants. In our opinion such interference would tend to shake confidence in public leases and to lessen the rentals to be obtained. Moreover, in any alteration of existing contracts, mortgages and other subordinate interests must be regarded. It further appears to us that, if the Wellington Corporation desires to have the terms of its leases altered by Parliament, the appropriate course would be not to seek to amend the general law, but to promote local legislation restricted to Wellington, so that all interested may be heard.

■ The foregoing observations with regard to non-interference with contracts do not, of course, apply to legislation enabling the parties by consent to come under new terms.

It may be suggested—and, indeed, it is impliedly asserted by the Wellington City Council—that the public interests are prejudicially affected by reason of the present mode of constituting the valuing tribunal, and that therefore they are entitled to parliamentary relief. If the Corporation can demonstrate that they cannot get fair treatment at the hands of three independent persons available in or about Wellington the suggestion would possess force, but they have not demonstrated its truth to us; and in view of the standing of the gentlemen who have acted as valuers in the cases in which the Corporation are dissatisfied, and of the evidence given by them as to the mode in which they worked out their conclusions, we do not think it could be demonstrated.

The evidence convinces us that the rival views of the parties received most exhaustive consideration. Nor is it made out, as now asserted by the Corporation, that a bias against it exists in the minds of business men appointed to value. We regard this assertion as surmise. The assessments made prior to the D.I.C. decision, by way of percentage on the capital value, are not complained of by the Corporation; yet they were made by business men who were residents of Wellington. From the absence of a similar complaint elsewhere it is a just inference that lay tribunals appointed to value are quite capable of doing their duty unaffected by bias. To suggest that a lay tribunal of valuers, equally capable of doing their duty without bias, cannot be produced from the people of Wellington is a libel on that community to which we cannot subscribe. We therefore do not consider the suggestion of possible bias as a sufficient reason for putting an end to valuation by a tribunal of laymen.

*Alternative Kinds of Tribunal.*

Various suggestions were made with regard to the constitution of the tribunal. The Corporation's present suggestion of a Magistrate or Judge, according to capital value, of course involves the hearing of expert and other evidence, the attendance of counsel, and all the other apparatus of legal procedure. If the Corporation is empowered to adopt this course in cases where the tenant consents, well and good; but we condemn the litigious process and its attendant expense. The same observations apply to the suggestion of permanent local Boards of Valuation and that of a permanent Board for the whole Dominion.

*Litigious Processes to be avoided.*

In this connection we should like to give point to some evidence which was tendered by two lessees in particular concerning the relations that ought to prevail between landlord and tenant. It was to the effect that a partnership relation exists between them, and that a person in business as a landlord on an extensive scale who manifests a disposition to rack-rent creates misgivings on the part of the tenants, and in the long-run will not get the best out of his property. We agree with this, but must observe that in the case of a public body it is its duty to see that it gets fair rents so that its endowments are not sacrificed to the tenants, and that it is not in the same position to make graceful concessions as is a private landlord. But, granting this, repeated contests between the landlord and his tenants in the form of keen litigation, on the landlord's side to enhance the rents, and on the tenant's side to defeat the landlord's claims, tend to create a feeling of bitterness and distrust and to prejudice the letting-value of that landlord's property.