

elapsed. Moreover, the right of pasture on all the land not sold in the Hundred would remain with the original lessees until the appointment of Wardens, who could not be appointed until a sale of the land had taken place; so that the same objection would exist as is made at present to the blocks taken under the Goldfields Act. In my opinion the only solution of the difficulty will be found in classifying the land, and throwing open the whole country for free selection and sale, excepting known auriferous lands, which might easily be marked off and excepted. I believe the runholders generally are satisfied with the expressed intention of the Provincial Government, and the action hitherto taken by them with respect to the leases and the administration of the Land Law, in so far as they are concerned. The Government on this Run can take the 5000 acres under the Act, but if they only take 2500 acres under the covenants, we can only demand compensation based on the unexpired term of the original license. There is no covenant with us to take land for absolute sale. I do not think the covenant binds the Government not to proclaim this Run into a Hundred. But as they have given us a lease under the Goldfields Act, I think they are morally bound to give compensation, if they deal with the Run in any other manner than subject to the provisions of the Goldfields Act. There is one thing I wish to bring under the Commissioners' notice as to the administration of the law respecting the blocks taken under the Goldfields Act. They cannot take a second block for Agricultural Reserves until one-half of any first block so taken, shall be occupied *bona fide* for agricultural purposes. They are giving leases for 100 acres, which is contrary to the provisions of the Act. The question arises whether the half of a block being occupied under leases for illegally increased amounts can give the right to take up a second block. There is no agricultural area thrown open for application on this Run as yet, but I have invariably granted permission to parties desirous of settling, to fence in and break up such portions of land as they might require; provided always that their request was a reasonable one, and the land not situated so that the loss of it would materially affect the value of the Run. I have also given married men the right to run a couple of cows, to provide their families with milk, for which privilege I have never demanded any payment. I consider that runholders, as a rule, have always acted very liberally in this respect towards the miners resident on their Runs.

Mr. Fraser.  
Continued.

SATURDAY, MARCH 6, 1869.

No. 34.

Mr. Martin Marshall being duly sworn, examined:—

I am Clerk of the Town Council of Clyde. I have been four years in this district. I know that there is good agricultural land about the head waters of the Chatto Creek, and between that and the Waikuri Valley, there are several spots of good land. I think all the land fit for anything in the Agricultural Reserve has been taken up. There might be 5000 acres of good land to be got there, but it would be in a good number of pieces. With respect to the commonage here, the greater part of it has been taken up with sheep. This is the cause of great complaint on the part of the cattle-holders of the district. I think the cattle-holders generally hold from about four up to twenty head, and some higher. I don't think any have as many as a hundred. These cattle are held by dairymen and small farmers. I was not in office at the time the leases were given to the run-holders, and do not know whether the Council were aware of their being given. It would be more beneficial to have the management of the commonage in the hands of an elected body of Wardens, with a Chairman appointed by themselves. I have not heard that any objection to the assignment of this district to the Chairman of Wakatip District was made by the Council or inhabitants.

No. 34.  
Mr. Marshall.  
6th March, 1869.

No. 35.

Mr. Jean Desiré Ferrand, being duly sworn, examined:—

I have resided here above six years. I have about 300 acres, partly freehold, partly under Agricultural Lease; 250 acres are under crop. The land is in the Leaning Rock District, east of this. I do not want any more agricultural land; but I feel the want of commonage. There is an agricultural reserve and commonage for this district (Dunstan), about 12,000 acres. From Waikuri Creek to the Leaning Rock, thence northwards to Senora Creek, and thence to the banks of the Molyneux. Two mountain spurs of this Reserve have been given for sheep pasture by the Provincial Government to the M'Morrin Brothers. They had about 2000 sheep thereon. They are dealers in sheep, and the number varies from 1000 to 2000. The Agricultural Reserve here is traversed by a creek that contains four sluice heads of water—that water has been conditionally alienated by the former Goldfields Warden, Mr. Cable, to Messrs. Jas. Holt and Company, who work a coal-pit. This does a great damage to myself and other farmers. I applied to the Warden, who gave me an order to take this water six hours a day. But this is not sufficient. The water is indispensable to me during the spring. I should have had enough water but for the interference with me of the rights given by the Goldfields Act. The remainder of the Reserve is open to every one. The Superintendent promised me there should be appointed a Board of Wardens for this District of Dunstan. Instead of proclaiming a Board of Wardens for this district, he has appointed a Dictator in the shape of Mr. Baird, the Chairman for the Queenstown District. These districts are proclaimed as depasturing districts by the Superintendent. There are three such districts—Tuapeka, Dunstan, and Waikatipu. There is no Board of Wardens for this district; but the district has been assigned to the Chairman of the Board for Wakatipu District, who has had the functions of the Board conferred upon him. I have heard no complaint of the two spurs having been given for Messrs. M'Morrin's sheep. Both miners and settlers and all the inhabitants complain that the remainder of the Reserve does not afford sufficient commonage for the cattle. The Superintendent promised me that if he

No. 35.  
Mr. Ferrand.  
6th March, 1869.