

As the deferment of the sale, therefore, is not made for the benefit of or at the instance of the agricultural settler, who might be desirous of paying the purchase money at once, it is not wholly unreasonable that he should ask to have his rents considered as instalments of the purchase money.

III.—COMPLAINTS AS TO LANDS RESERVED WITHIN GOLD FIELDS.

The next class of complaints to be dealt with are those of the alleged mismanagement by the Provincial Government of the lands actually reserved from lease, or acquired under covenants from the runholders,—first, with respect to the bestowal of the rights of pasture; secondly, with respect to the issue of agricultural leases.

The first grievance of this kind brought before the Commissioners had reference to the large block called the Tuapeka Agricultural Reserve. By a sort of battledore-and-shuttlecock legislation too often adopted with respect to the relations between ordinary Crown lands and those in gold fields, which takes away a power in an Act relating to one class of lands to have it tossed back again by the Act of the same year relating to the other class, the lands within a gold field, which, by “The Gold Fields Act, 1866,” are specially excepted from the operation of “The Crown Lands Act,” are by “The Crown Lands Act, 1866,” made, “notwithstanding anything in the other Act to the contrary,” subject to be dealt with in the same manner as other Crown lands (sec. 123), under this or some similar provisions and delegated powers it is presumed.

1. Rights of pasture.

The Superintendent has made regulations for the election of a Board of Wardens to manage the pasture-commonage in the reserve, the Chairman of the Board being appointed by himself. The agricultural lessees settled on the reserve complain that a great portion of this commonage is monopolized by two or three sheep-farmers, whose large flocks spreading over it coop up the cattle of the lessees into a narrow space far too small for their keep—as the sheep, by closer feeding, can always expel the larger animals.

The Board, under these circumstances, proposed a regulation to the Superintendent by which the sheep-farmers in question would have been confined to about 5,000 acres of land at one corner of the reserve. This seemed an arrangement very liberal to the sheepowners. But the Superintendent, say the complainants, having been visited by one of the Board, refused to ratify the resolution, and sent back a counter proposal to the effect that 16,000 acres of the reserve should be laid off for sheep—and that in the part of it nearest to the small settlers' cultivations, and therefore most wanted for their cattle. This would have given the sheepowners so large a portion of the commonage as to leave the evil nearly as great as it was. The Warden thus accused of influencing the Superintendent, your Commissioners found, from evidence given on oath before them, is the owner of no less than 9,000 sheep; so that in fact this very reserve, excluded specially from ordinary depasturing licenses or leases to provide commonage for small agriculturalists, to that extent is being turned into a run for a large sheepholder. The reason given by the Superintendent for not having acceded to the proposition of the Board is, that it was one of a set of regulations some of which so far exceeded the legal powers of the Board to make, that His Honor was advised by the Provincial Solicitor he could not enforce them. Your Commissioners expected further light to have been thrown upon this subject by Mr. Hughes, a member of the Waste Lands Board, but have not been able up to the present time to obtain the whole of that gentleman's evidence. It is true that the Wardens had the power of determining the actual number of cattle, great or small, each occupant might run upon the reserve, and might have prevented the abuse by exercise of this power. They seem, however, to have preferred rectifying the evil by exercising another power—that of marking off a portion of the reserve for sheep—but were frustrated as above stated. It is the duty of your Commissioners to express their decided opinion that a very serious abuse of a public trust, an act of mal-administration of public property highly detrimental to public interests, has in this instance taken place, the responsibility for which appears, from all the evidence that has been laid before the Commissioners, to rest mainly with the Provincial Government of Otago, because it can scarcely be doubted

Evidence, No. 5.