C.—No. 1.

REPORT

OF

COMMISSIONERS ON ADMINISTRATION OF CROWN LANDS OF OTAGO.

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND OF HIS EXCELLENCY.

WELLINGTON.

1869.

REPORT OF COMMISSIONERS ON ADMINISTRATION OF CROWN LANDS OF OTAGO.

MAY IT PLEASE YOUR EXCELLENCY,—

The Commissioners appointed to inquire into and report upon the administration of the Waste Lands of the Crown in the Province of Otago, in the execution of the duties imposed upon them traversed a considerable portion of the Province, and collected a large mass of evidence upon the subjects brought by the inhabitants under their notice. They have now the honor to present to your Excellency the following Report, prefacing it with the remark, that the subject of their inquiry was so wide and multifarious—involving so many questions and grounds of complaint, real or supposed—and so many and such conflicting interests of the greatest importance to the welfare of the community,—that they were obliged to abandon the further elucidation of many points and the complete investigation of many debateable questions they had entered upon the consideration of, as to effect this would have demanded a much greater space of time than either their other public avocations or the intentions of the Government allowed them to devote to these objects. They cannot but feel, therefore, and tender apologies for, the degree to which their Report may fall short of the expectations of the numerous persons interested in the matters it has to deal with.

The complaints of mal-administration of the Land Laws were principally made by two classes of the settlers of Otago, whose circumstances, as well as the particular laws affecting them, are in many particulars very dissimilar. These classes are, first, the settlers in those parts of the Province which have been declared Hundreds; and, secondly, the inhabitants of the districts which constitute the gold fields.

I.—WANT OF LAND IN THE OLD HUNDREDS.

(*a.*) *Sale of Land at Ten Shillings per Acre.*

The complaint of settlers in these districts is, that the Provincial Government, by its acts, has deprived them of the commonage required for the feed of cattle or sheep necessary to the successful pursuit of their farming operations. The acts especially complained of are (1), the sale by Government of certain inferior portions of existing Hundreds at 10s. an acre; and (2), its entering into certain covenants with runholders adjoining the Hundreds, whereby it has been prevented extending these Hundreds or declaring new ones.

Sales of all land in Hundreds.

1. With respect to the sale of land at 10s. per acre, it may be premised that "The Otago Waste Lands Act, 1866," provided in sect. 35 that lands within any Hundred might, with the sanction of the Superintendent and Provincial Council, be sold by auction at the upset price of 10s. per acre, after such lands had remained open for selection and sale for the full period of seven years from the time of the same having been first opened for selection and sale. The Provincial Council, at its next meeting, passed a resolution to the effect that the whole of the lands remaining unsold in existing Hundreds should be put up for sale. The sales complained of were made accordingly.

Policy of these sales.

The arguments both against and in favour of these sales are many and forcible. The former will be found ably summarized or stated in the evidence especially of Major Richardson and of Mr. Donald Reid;* and the latter in that of the Superintendent Mr. Macandrew, and Mr. Redmayne.† All the arguments in favour of the Hundred system may be adduced against the sale, because, as the lands were sold, the freeholders within the Hundred were of course deprived of the commonage they had previously enjoyed, and which, or an *equivalent* for which, it may be safely said, is absolutely necessary to successful farming on a small scale. Other reasons were, that the sales were injurious—

* Evidence, 88, 92, 93, 112.
† Evidence, 103, 110.

To the revenue—because the lands sold, being near the coast and centres of population, were rapidly increasing in value, and, if retained, would have realized a much larger amount.

To the small settlers—as these could only gradually acquire the means of adding, bit by bit, to their farms; and the lands were gone before they could acquire such means.

To the increase of population—because capitalists being tempted by the low price to buy up the land, none is left for immigrants who arrive gradually.

To freeholders generally—because the low price of this Government land has reduced the value of their own lands.

To the Province—because the injury done to a large body of small settlers, by depriving them of one of the main elements of their success—keeping cattle on common land—must affect the whole community; and because the sale of large blocks to capitalists must diminish the future tax-bearing power of the State, as the land will be in the hands of a small instead of a large population.

On the other hand, in favour of the sale, may be urged all the arguments against the Hundred system: that it encourages persons of insufficient means to engage in farming, to their own ultimate embarrassment or ruin; that it leads to slovenly and unskilful farming; that it tends to the deterioration of breeds of cattle, and affords temptations to cattle-stealing and other offences.

Moreover, it is asserted, with apparent truth, that the sales in question produced a considerable revenue when it was much wanted by the Province, when its powers of borrowing had been exhausted, and its funds derivable from other sources were diminished.

That it enabled the Government to carry out public works of the highest utility, roads, bridges, &c., which could not otherwise have been executed.

That these works gave employment to hundreds, and, of course, added to the general prosperity, and must have conduced to the real settlement of the country.

That the purchase and occupation of large blocks by capitalists has also given employment to many of the small proprietors, particularly in the northern parts of the Province, and thereby enabled them to carry on their own farms successfully.

That these sales are shown by Returns to have included many purchases of small blocks, and that an increase of 782 holdings has been made in the two years from 1867 to 1869.

And, lastly, that there is at this moment no less an amount than 415,651 acres of land unsold within existing Hundreds.

The *policy*, then, of these sales does not appear to call for any particular animadversion from the Commissioners. There can be little doubt, however, that to supply land for sale as it may be required, or in anticipation of its requirement, from time to time, by immigrants or others, is a wiser and more beneficial policy than to glut the market with land, and tempt speculators or persons who do not want to occupy it to purchase it, for the mere purpose of raising revenue, however to be spent. But as the lands in the present instance were sold after a deliberate decision of the Provincial Council to that effect, and in exercise of a power given, after much discussion, by the Legislature of the Colony, the sale did not appear to the Commissioners such an administration of the Act as called for any decided expression, either of approbation or condemnation, on their part.

But it was further objected, that the conditions under which the Act authorized the sales had not been complied with in all cases, and that they were therefore *illegal.* Their legality.

In the first place, the period of seven years was alleged not to have elapsed with respect to many of these lands, from the date of their being first opened for selection and sale. On inquiry, the Commissioners found that the principal ground for this opinion was the fact that a former Superintendent (the Hon. Major Richardson), in conjunction with the Waste Lands Board, had, in exercise of the power given to them by the 18th section of the Waste Lands Regulations of 1856, "to refuse to grant the application of any person for any land, if it shall appear to the said Board that the sale of such land would be injurious to the public interests," adopted the policy and practice of withholding from sale all lands within Hundreds until, by distinct resolution, they should declare them open for selection and sale, and of notifying their being so open by express words upon the authorized plan of the Hundred or district in the Survey Office. Maps, bearing such a notification on the face of them, signed by the Superintendent, were produced, the notifications being dated much less than seven years previous to the sale of the lands under the Act of 1866. It was contended that these lands had not been open for sale and selection for seven years. Period of seven years.

In answer it was maintained that the Proclamation constituting a block of land a Hundred was essentially a declaration that it was open from that date for selection and sale; and that in every instance of a sale of 10s. land, such a Proclamation had been made more than seven years previously to the sale. This is proved by a return attached to the evidence of Mr. Thomson, Crown Lands Commissioner. Evidence, No. 81.

Now it is undeniable that land in a Hundred had always, under all Land Regulations, been open for sale, although not on account of its being in a Hundred. In the Regulations for the Colony, of March, 1853, a distinction is made as to the mode of sale within and outside of Hundreds, and the sale of land *within* is therefore expressly mentioned. In the Regulations of Otago, of 1856, no such express mention is made: but as there is no exception of Hundreds, and none was ever intended, the general regulations for sale included them. But, after almost all the Province had been taken up under Depasturing Licenses, and indefeasible possession had been given of the leased lands by the prohibition by "The Land Sales and Leases Ordinance, 1856," of the sale of any part of them, except such as should be declared into a Hundred, then the declaration of a Hundred over a run became tantamount to a declaration that it was open for sale. The ordinary regulations for sale then became immediately applicable to such land, the restriction of the Ordinance being removed. It was then, with reason, contended that the declaration of the Hundreds, with respect to those 10s. lands, was actually throwing them open for selection and sale. But how can it be maintained that they had "remained thus open the full period of seven years" (the words of the Act), when a Superintendent and the Waste Lands Board had actually, during a considerable portion of the seven years, withheld them from sale? It is argued that the withholding from sale was in itself illegal, and an assumption by the then Superintendent of a power not given by the Regulations of 1856. But this appears to be at least very doubtful, when the very general character of the words of the 18th section, above quoted, is taken into consideration. To the Commissioners it appears that the Act had not been complied with.

A further objection to the legality of these sales was, that the sanction of the Council, required by the Act, should have been given by an Ordinance, and that a mere resolution was insufficient. But as the Legislature probably was unwilling to impose the delay upon sales which would have attended an Ordinance requiring to each case the Governor's assent; and as, moreover, if an Ordinance had been contemplated it would have been easy to say so in the Act in so many words, instead of the general ones actually used—"the sanction of the Superintendent and Provincial Council"—the Commissioners considered this objection not of importance. Sanction of Council.

(*b.*) *Covenants between the Superintendent and the Runholders outside Gold Fields.*

But the next complaint is, that the Provincial Government have not only deprived the occupants of Hundreds of existing commonage by the sales just spoken of, but have deprived themselves of the power of providing more by declaring new or extending old Hundreds. This they are alleged to have done by having entered into a certain covenant with the runholders outside the gold fields, by which the Government is precluded from declaring such Hundreds on their runs. This covenant, and another to be presently considered, with the runholders *within* the gold fields, have been the subject of endless discussion, and the cause of the strongest and widest diversity of opinion, and much bitterness and animosity, throughout the Province. The consideration of these covenants occupied much of the Commissioners' time and attention.

Had Superintendent power to enter into such covenants?

A preliminary question arose whether the Superintendent could legally enter into such covenants at all. Against his power may be urged, that the law having determined the conditions on which lands should be leased for runs, to make new or additional conditions was to make new land laws: a thing obviously beyond that officer's power. On the other hand, there are the facts, that the Waste Lands Act gives the Superintendent power to refuse leases at discretion; and, in prohibiting sales of land on runs *without the lessee's consent*, of course empowers the latter to give that consent. Could one party, then, make the non-exercise of his power of refusal conditional on the other's exercise of his power of consent? Provided that the transaction had for its object to carry out the law in its spirit and according to its intention, the answer, it appears to the Commissioners, must be in the affirmative. But if the object were, or the effect would be, to defeat the law—or injuriously cramp its operation—the answer would be as clearly in the negative. If, then, proper provision was intended to be made by the covenants to secure the object the law had in view—that of finding sufficient land, or as nearly so as the law allowed for agricultural settlement—they may be considered legal; if not—illegal. Of course the time for which land was to be provided for settlement must be limited, or no leases at all could have been given, and an industrial pursuit which produced £400,000 worth of annual export would have been ruined —*a reductio ad absurdum*. The limit, then, should have been the duration of the leases. And if the consideration of the question in hand should result in a conviction that the Superintendent reserved land that might have been expected to be sufficient, the covenants would appear to be legal. The mere *quantity* reserved appears to have been more than sufficient. For the blocks, the right to select which was reserved, amount to 305,500 acres; the land remaining in Hundreds to 415,651 acres, and that over which leases have been cancelled or not given to at least 240,000 acres, altogether 961,151 acres; all open then for future settlement. And the covenant could not be repudiated for any error in judgment on the part of the Government as to the choice of the blocks.

Of course, the Superintendent could not legally enter into a contract that the Governor's power of making Hundreds shall not be exercised. But it does not follow, notwithstanding the illegalities, that the covenants are not equally binding in honor and conscience—if entered into by the runholders in good faith on their own part, and reliance on the good faith of the Provincial Government.

The first covenant made between the Superintendent and the several runholders whose runs are outside the gold fields recites, among other things, that the Superintendent was "empowered to instruct the Waste Lands Board to refuse a lease" in exchange for a license (an exchange provided for by the Waste Lands Act of 1866), and also, that by the Act, if the lessee performed the conditions of the lease, and no Hundred was proclaimed including the leased lands, such lands could not be sold without the consent of the holder of the lease; and that the Superintendent had deemed it expedient that a lease should be granted to the runholder. The covenant then declares that the runholder agrees to give the Waste Land Board power to sell certain parts of the leased land, not exceeding in the whole a certain specified number of acres; that he shall not demand, or be entitled to receive any compensation or consideration for the land so taken; that

he shall give up his lease or license over such parts, or in case of refusal shall pay a specified sum as liquidated damages to the Board. On the other hand, the covenant contains a proviso that nothing in the deed "shall be construed to abridge, limit, or interfere with the rights and powers of the Governor of New Zealand, of the said James Macandrew, or such Superintendent, &c.," under 'The Otago Waste Lands Act, 1866,' or 'The Gold Fields Act, 1866,' or any law in force within the Colony, "unless such rights and powers shall be contrary hereto."

Legal effect of covenant.

The question is, whether the Superintendent by this agreement has precluded the possibility of the declaration of Hundreds on the runs to which the above covenants apply?

In the first place it will be remarked, that there is no *express* covenant in the deed that the land leased shall not be made a Hundred. The power of making Hundreds is vested (or supposed to be vested, for even this is not without question) in the Governor, and therefore no covenant between a Superintendent and any other person could deprive the Governor of the powers given him by law. The Superintendent might have bound himself, legally or otherwise, not to recommend the Governor to declare any run into a Hundred; and as the practice has invariably been, that lands before being declared Hundreds by the Governor should be recommended as such by the Superintendent, such a covenant, if made, might have been effectual. But this was not done. On the contrary, there is an express provision saving all the powers of the Governor (supererogatory altogether) and of the Superintendent.

Nevertheless, the words at the end of the proviso, limiting its saving powers to rights and powers not "contrary" to the covenant, necessarily imply that there were or are some rights and powers held by the Superintendent, which were, are, or might be supposed to be, "contrary" either to the letter or spirit of that covenant. The right which from the nature of the case suggests itself first as likely to be alluded to, is that of recommending the leased land for a Hundred. The Commissioners endeavoured in vain to discover, by examination of the gentleman who held the office of Superintendent when the covenants were first entered into or resolved upon, and of the then Provincial Solicitor who drew the covenant, what other right or power could be alluded to.

Does an equitable engagement exist.

Moreover, it is alleged by many of the runholders who entered into the covenant, that they *did* consider this as an engagement on the part of the Superintendent, that the remainder of the run, after selection of the blocks agreed to, if given up without compensation, should not be made a Hundred. It is true that the engagement, if made, is based upon the vaguest inference; a right is held to have been abandoned, because, by implication only, supposed to be omitted from a body of rights expressly saved. But the runholders who assert the engagement argue, that this was their only consideration or *quid pro quo* for their abandonment of their right to compensation for land taken for sale. The Government party, on the other hand, reply that the consideration was the grant of the lease, which the covenant expressly recites that the Superintendent had power to refuse. To this the runholder retorts, that the grant of the lease was only a consideration for the greatly increased rental demanded of him under it, amounting to from seven to ten times as much as he paid under the license he exchanged for the lease.

Evidence, No. 91.

The Commissioners, as stated, took a large amount of evidence on this point. In particular, Mr. ex-Superintendent Dick produced a minute of the Provincial Executive Council, dated 27th February, 1867, expressly written to record "the precise position in which the question of granting leases stood prior to the (then ensuing) election" (of Superintendent). This minute, after narrating the arrangements to be made with the runholders to secure land for agricultural leases and for sale, records as part of a resolution come to, that "such consent" (of the runholder, to land being taken without compensation) was "in no case to be held as an abridgment of the powers of the Superintendent under the Land Act." But the principal resolution, to explain the action taken under which was the main object of the minute, is thus worded:—"Resolved, To recommend the Waste Lands Board to grant leases over all runs, excluding such land as will be required for agricultural leases within gold fields, and also blocks which

the Government may require the consent of the licensee to sell, *without declaring them into hundreds.*" Thus, while the minute shows that the Provincial Government from the first never intended to abandon the right to declare Hundreds, it seems equally clear that it proposed to make an arrangement which would provide sufficient land for settlement or sale, without imposing on the Government the expense of paying compensation for the lands on the one hand, and without inflicting upon the runholder on the other the injury of the liability to have his run, or undetermined parts of it, at any time taken away for a Hundred.

In order to get some decisive evidence on the point, the Commissioners addressed a circular letter to all the runholders who had entered into these covenants, to ascertain what their understanding was at the time, and on what it was grounded. All the answers have not yet been received; but there is sufficient to show that in the majority of cases, although no express promise was given by the Government that the leased land, over and above the portions agreed to be given up, should not be included in Hundreds, yet that there was a very strong feeling entertained by the Government as well as the runholders, and amounting in many of the latter to a firm conviction, that the lands agreed to be given up would be sufficient for the wants of the public for probably as many years as the leases would have to run, and consequently that the right to declare Hundreds would never be required to be exercised. In several instances, however, it is most positively asserted, in statutory declarations, or on oath, that express assurance was given by Members of the Provincial Executive that no land should be taken on the runs concerned for Hundreds; and in one instance (Kyeburn Station, near Naseby,) a run is said to have been bought, and £20,000 paid for it, expressly on the faith, based on a letter from the Crown Lands Commissioner, that the lease of it was (excepting with respect to the portions in the covenant) indefeasible. The letter, however, appears only to have been one of the circulars to be found in the evidence.

Evid., No. 86-105. *Vide* also Part IX.

Evidence, No. 72 and 75; and Part IX., No. 5.

Evidence, No. 101.

Mr. Driver, M.P.C., M.H.R., says: "As an instance of the impression produced upon the public generally of the increased security of tenure given by the leases, I may mention Run 137, close to Tuapeka. This run under the license, which had four or four and a half years to run, *could scarcely have been sold at all.* After the lease had been obtained *it became very much in request*, and was finally *sold for about* £6,500 *without the stock;* about four shillings per acre. This is the most striking instance, but there were many other similar cases."

It may also be asserted, as a general fact, that very many thousands of pounds have been expended in purchase of stock or improvements on the runs in the Province, which would not have been so expended but for the understanding existing when the outlay was made, that the runholders' possession would not be interfered with.

Increased rents.

Most of the runholders, as has been stated, consider that, independently of the covenants altogether, the increase of rental to which under the leases they are subjected gives them a right to expect their runs will not be declared into Hundreds for sale. This expectation is no doubt reasonable; and the equitable objection to fulfil it has acquired double force from the enormous depreciation in wool and run-property that has since taken place, and for which no reduction of rent (even had any been made) would be at all an equivalent.

The Commissioners have been obliged, in considering the covenant with runholders *outside* gold fields, to state some arguments and facts which apply equally to covenants with runholders *within* gold fields. But to return to the question of want of land for settlers in old Hundreds, two more difficulties in acquiring it may here be noticed.

(*c.*) *Other difficulties in the way of obtaining Land.*

Compensation and want of available land.

When a run (not in a gold field) is made a Hundred, the runholder is entitled, after the original term of his license has expired, by the Waste Lands Act to compensation from the Government—to be settled by arbitration in case of difference—for improvements made on his run. The Government complains of the great demands on the revenue this compensation would require, were the power of making Hundreds more extensively used. They had taken already outside the gold fields one block of 32,000 acres for this pur-

pose, and added it to West Taieri Hundred; another of 13,000 acres adjoining Waitahuna Hundred. But most or all of the land outside the gold fields in the vicinity of the coast and of settlements having long ago been made into Hundreds, there only remains open for this purpose the land in the interior at a distance from the old settlements, and that within the gold fields. The former would at present be useless for the occupants of the old Hundreds, because what they want is commonage available from their present holdings, which land at a distance would not be. The question of taking Hundreds out of gold fields introduces the second class of complaints.

II.—Want of Land within Gold Fields.

What land the law gives.

Lands within gold fields are expressly excepted from the operation of the Waste Lands Act, and cannot be sold; consequently they cannot, while in the gold fields, be made Hundreds of,—which would open them for sale. This gives the holders of runs within gold fields a security of tenure not possessed by those outside them—and in respect of which the latter, indeed, consider themselves unjustly or at least unequally treated. Those who possess it, however, advance it as having offered them another inducement to outlay which would render unjust its removal.

The Gold Fields Act, which gives this privilege, provides that the Government may take out of any run in a gold field blocks to be leased to agricultural settlers, which blocks are not to exceed two in number nor 5,000 acres in the aggregate on each run, except with the consent of the runholder; compensation being given to the lessee by agreement or arbitration as before, and the option of retaining in his depasturing lease all land in these blocks so long as it shall be unoccupied under agricultural leases. These provisions were agreed upon between representatives of the General Assembly on one side and members representing the mining interests on the other, after very considerable discussion and altercation,—were looked upon in the light of a compromise between the parties concerned,—and were supposed, by the runholders at least, to be intended when made to be final. For this reason the runholders in the gold fields think a declaration of their runs into Hundreds would be a breach of public faith.

But they rely also upon a certain set of covenants entered into by the Superintendent with themselves when the other set of covenants above considered were made with the runholders outside the gold fields.

(*a.*) *Covenants between the Superintendent and Runholders within Gold Fields.*

Under these covenants the runholders agree that if certain specified varying amounts of land (generally the 5,000 acres authorized to be taken arbitrarily by the Government) shall be taken by Government for the purposes of the Act or Acts, they will not demand compensation in respect of any longer period than that for which their original license had to run when it was exchanged for a lease—*i.e.*, for none at all in respect of the lease.

A clause word for word the same is added, saving the powers of the Superintendent (only), with a limitation upon the saving in the same words precisely as in the former covenant.

Equitable, if not legal engagement made.

All the arguments as to the effect of this last clause are of course used in this case as in the other, and the conclusion would be the same. The conclusion your Commissioners came to on this point is, that the legal right to take the runs out of the gold fields does not appear to have been surrendered by the Provincial Government, though undoubtedly a very decided understanding seems to have prevailed that it would not be necessary to exercise the right, and that the lessees had compounded with the public for absolute security by consenting to give up the blocks specified in the covenants for the limited compensation only therein agreed to.

(*b.*) *What Persons are demanding Land.*

This being the state of the law and the powers possessed by the Government for the acquisition of land on the gold fields, it may now be considered what are the wants and wishes of the gold fields residents with respect to such land.

Gold diggers.

The persons who are loudest in demand for the land, it should be observed, are not the gold diggers permanently and solely employed in digging, many of whom doubtless have an aversion for every other pursuit. Still, among the demandants are numbers of as genuine and probably even more useful members of their class. For the great Clutha River—being chiefly fed by the large Lakes Wakatipu, Wanaka, and Haura, and these by the melted snows from the Western Alps—sweeps along at all times like a torrent, but is most swollen and rapid in summer, and sinks to its lowest level in winter. The banks on either side, throughout much of its course through the Dunstan and Mount Benger Gold Fields, are turned up by diggings. These diggings consequently can only be worked in winter, being covered in summer by the stream. The diggers, then, thrown out of work in this way during the summer, form the first class of persons wanting land for settlement, in order that their time may be occupied when they are excluded from their diggings. Cattle-keeping seems to be established with the gold digger as the pursuit next in favour to his ordinary one of mining. But as occasional variations in the level of the river expose for working some of the diggings along its banks, the diggers who claim them wish to be always at hand and ready to resume their work. It follows that the lands they wish to cultivate or rear stock upon must be near their claims, in order that both pursuits may be carried on together. Many of these diggers are settled on the large Tuapeka Reserve, and with these the want is not only larger areas for farming, but chiefly additional room for the cattle already raised and their increase. There is no doubt that these are a very valuable class of settlers (though, it will be urged, not more valuable than many or most of the old settlers exclusively engaged in farming), and that it is desirable, if it can justly be done, to afford them every inducement to remain in the country.

Town residents.

The second class of settlers who are agitating for land, and with by far the greatest organization and perseverance, are the occupants of the gold fields towns. Of these, Lawrence, Roxburgh, and Queenstown are the most important, and begin to assume the appearance of ordinary permanent towns, the first especially having some large and expensive buildings of brick and stone. But the rest might be described as small blue villages of corrugated iron, or the flimsiest wooden buildings, packed together in streets, like the booths at a fair, with an enormous percentage of so-called hotels, the chief portion of the fronts of all the houses consisting of a mere framework covered with boards, or even painted canvas, with the names of the hotels and storekeepers inscribed upon them in flaming capitals. These sufficiently indicate the fleeting and temporary character of the collection of dwellings forming the latter towns; but no doubt they contain the nucleus of future permanent settlements. Meanwhile, the number of hotels shut up or deserted show that the palmy days of gold digging have gone by. It is no doubt in consequence of the diminution in the produce of the gold fields, and of the population employed upon them, that many of the storekeepers, butchers, bakers, and others of various occupations and callings, are now so anxious to engage in farming or stock-keeping. This they very naturally desire to do to eke out a subsistence in conjunction with their regular pursuits, which, under the circumstances, are much less remunerative, and leave much of their time unoccupied.

Now of course all the latter class, as well as most of the former, while they want land, want it also so near to the towns they live in, as to enable them to carry on two pursuits at the same time.

(*c.*) *Lands acquired by Government for these Settlers.*

The next question is, what lands have been kept or thrown open for the Government for occupation, agricultural or pastoral, by these gold-diggers or settlers in gold towns? In the first place, there are some very large blocks which either have been acquired by Government from runholders or never licensed or leased to them at all. These blocks are available for agricultural leases, and the unleased portions for commonage for the lessees and others. With respect to the management of one of these (the Tuapeka Reserve), a great abuse appears to exist, which it will be advisable to treat as a separate complaint. At the date of the present inquiry, the blocks of both kinds above specified were the following:—

Tuapeka Gold Field—

1. A block of 95,000 acres, in round numbers, around the towns of Lawrence and Havelock.
2. At Waipori, 3,500 acres.

Mount Benger Gold Field, and Nokomai—

3. 3,867 acres adjoining town of Roxburgh.
4. 2,500 acres at Moa Flat.
5. 2,500 acres under Spylaw Mountain.
6. 2,500 acres at the junction of Beaumont and Clutha Rivers.
7. 20,000 acres at the back, *i.e.* west, of Mount Benger.

Dunstan Gold Field—

8. 2,046 acres on the Obelisk Flat.
9. 2,050 acres adjoining the town of Alexandra.
10. 11,240 acres adjoining the town of Clyde.
11. 1,136 acres at the forks of the Chatto.
12. 2,826 acres on the Manuherikia.
13. 2,500 acres on a branch of Manuherikia.

Wakatipu Gold Field—

14. A large reserve of 155,369 acres surounding the towns of Queenstown, Arrowtown, Franktown, and the intermediate country.

Of the above blocks, Nos. 1, 3, 7, 9, 10, and 14, containing an aggregate of 287,486 acres, are open for agricultural leases, and the unleased portion for commonage.

Nos. 2, 4, 5, 6, 8, 11, 12, and 13 are open only for leases—the unleased portions remaining in the hands of the runholders on whose runs the blocks have been selected.

With respect to the blocks taken out of runs, the complaints of the settlers are generally that they are insufficient in number and too small for their requirements; or that they are inconveniently situated, being too far off to be used in connection with their existing pursuits; but, principally, that they can only be used for agriculture under lease, and that the lessees have no rights of commonage.

As to the sufficiency of blocks of land open for leasing, the evidence seems to show that there is a considerable amount of land still unoccupied in blocks at a distance from towns or populous diggings. In the large Tuapeka Reserve most, if not all, the best agricultural land is occupied or applied for.

Of No. 3, most of the land west of the Clutha is occupied and cultivated; but the part of it on the east side of the river is commonly known as the Shingle Block, and, from all the evidence taken, appears to be worthless for the purposes required, and scarcely an acre of it applied for.

The 20,000 acre block (No. 7) at the back of Mount Benger, expressly set apart for pastoral commonage, is rather difficult of access, and only fit for summer pasture, being so high that, in winter, the snow renders it useless.

The block of 2,046 acres (No. 8) in the Flat is scarcely occupied at all, and apparently consists of good land. The objection probably is that it is not near enough to the gold towns or diggings to be suitable for two classes of pursuits to be carried on simultaneously, as explained above.

Blocks 12 and 13, on the Manuherikia, may be liable to the same objection; but they have only just been thrown open for application, and the result has not yet appeared.

The large block at Clyde (10), 11,240 acres, is for pasturage only.

(*d.*) *Want of Common Land for Pasturage.*

The want of commonage is the principal grievance everywhere put forward. The amount of land to be leased to one individual is by the Act restricted to fifty acres. This allows room but for very few cattle, and the pasturage on all beyond the fifty acres belongs to the runholders; consequently, the lessees are obliged to enter into agreements with the latter to pay sums varying from 10s. to £1 for each head of cattle running outside their own lands. It is at the option of the runholder to refuse to allow the lessee to run any at all. Sometimes (though very rarely) the trespassing cattle are driven off to a distant pound, and much ill-feeling is created between the runholders and the small agriculturists.

Evidence, No. 72.

On the other hand, it appeared, from the evidence taken, that some of the runholders allow lessees to run their necessary cattle without any payment whatever, and generally that they are as liberal as could be expected under the circumstances—a fact admitted by many of the small holders themselves. And it is undeniable that in the majority of cases the want of the landholder is not so much to keep cattle for the purpose of cultivating his land, sufficient facilities for which would probably in every case be given by the runholder, but to get land for his increasing stock, and to become, in fact, a stockbreeder on a small and occasionally on a large scale. Now this it was never the intention of the law to provide for, and it would be impossible for the runholders to allow, if they are to maintain their own position or carry on their runs at all. As the blocks are not fenced, the cattle would mix, and endless collision, confusion, deterioration of breed and other evils, would result.

It may as well be stated here, that this evil—the absence of commonage in the blocks in question—is in no wise solely attributable to the administration of the land law by the Provincial Government, any more than beyond a certain point is the smallness in size or insufficiency in number of the blocks of land taken. It is the law itself that causes this grievance, because it gives the runholder the right of retaining pasturage of the unleased land, and limits the Superintendent to two blocks on each run, of the aggregate of 5,000 acres. Now, as the portions of land fit for agriculture are generally in very small and scattered patches (as is the case, indeed, mostly throughout New Zealand), the Provincial Government, naturally, is unwilling to exercise its two choices of selection on spots which would give only a small portion of agricultural land for the 2,500 acres to be taken on each. The consequence is, that some of these blocks are taken at such a distance from the towns or diggings, or agricultural settlers elsewhere, as to be practically useless.

This evil, in so far as it results from the state of the law itself, does not fall within the province of the Commissioners to report upon. The limitation, however, to the two blocks in a run, is one obviously necessary for the protection of the runholder.

(*e.*) *How to supply Commonage.*

Three modes of remedying it.

There are only three ways apparently contemplated by the existing law, in which the Provincial Government either might have avoided, or may yet remove, the alleged evil of insufficient commonage; and the Government is complained of for its acts of omission with respect to all of these modes.

1. Not to have granted run-leases.

The first would have been not to have granted leases at all to runholders adjoining or near the gold diggings. This the law would of course have permitted, and if done, it would, equally of course, have precluded all the present complaints. But if this had been done to any large extent, the immediate consequence would undoubtedly have been, that while a severe blow would have been given to the interests of the original runholders, and the produce of wool been very considerably diminished, the runs falling in would have been taken possession of by comparatively a few of the most enterprising of the small stockholders, and thus a larger number of small runholders would have been substituted for a smaller number of large runholders. This, certainly, was never intended by the Legislature, although, as a mere question of policy, it can scarcely be doubted that the result would have been the settlement of the country by more human beings if by fewer sheep, which should be the great end of all laws and policies relating to the dealing with or disposal of the waste lands of a Colony. It is true a certain and considerable amount of revenue would have been lost at first. which has accrued to the Province in the shape of the increased rentals. But the rents paid by the larger number of small runholders would most probably, in a short time, have equalled the amount even now paid for the same country. This conclusion is justified by the rents actually received from the Tuapeka Agricultural Reserve, which amount to a sum equal to that received for any equal extent of country throughout the Province.

2. To take runs out of gold fields for Hundreds.

The second mode—and which is still possible—of getting the commonage required would be, to take the nearest runs out of the gold fields, and declare them

into Hundreds. That there would be much reason for considering this a breach of faith has been shown; but, in fact, it would not have the effect desired by the complainants. For, if the land were made Hundreds, it would be open for sale, and fall into the hands of capitalists, probably the same runholders. What the complainants want is, to have the lands for commonage and keep them within the gold fields, in the expectation that, in accordance with the practice hitherto invariably followed by the Executive of Otago, land would only be sold under the provisions relating to agricultural leases, *i.e.*, after *bonâ fide* occupation for a certain term of years, and a certain amount of improvements being made. Government has the power, moreover, under a very extraordinary provision in the Land Laws, to make regulations with respect to lands not under depasturing lease in the gold fields. Under this power, regulations are made for the management of common depasturage lands by Wardens, &c., similar to those adopted in Hundreds; as has been done with respect to the existing large reserve of Tuapeka. Thus the agricultural settlers would have the advantage of common pasturage given by the Hundred system, as well as advantages that system does not give—viz., freedom from competition with capitalists and purchasers of large blocks, and the opportunity of purchasing on a system of deferred payments. The fact indeed is, that the Superintendent can put up such lands for sale in accordance with the Waste Land Laws of 1866, and so sell in blocks as large as are sold outside gold fields. But it is very possible that the complainants are not fully aware of this fact. Hence their desire above stated. Thus it will be seen, that to declare any of these runs into Hundreds, under the power in that behalf given to the Governor, would do a great injury to the runholders concerned, and by no means satisfy those who desire to take their places.

The third mode is to cancel the depasturing leases in question under the 16th clause of "The Gold Fields Act, 1866," and give the lessees compensation under the clauses following it.

Objections to third mode being adopted. Land not wanted for agriculture.

The question, then, is, should this be done? And, first, it is to be considered whether the land is actually wanted for *bonâ fide* settlement. That sheep-farming should give way before actual agricultural settlement seems, most reasonably, always to be and to have been taken for granted. As has been already stated, in the present case the demand is made by persons who undoubtedly desire, as their principal object, to become stockowners rather than agriculturists. Even those who are cultivating small blocks of land, perhaps look rather to the increase of their cattle than their cultivations for their advance in prosperity; and it is certain that the more land for pasture that is given to small stockowners, the more they will both require and demand. If a couple of the existing runs, for instance, were now procured for the settlers in each of the goldfields of Tuapeka and Mount Benger, no doubt the present agitation as far as they are concerned, and possibly all agitation, would be allayed. Small parts of the runs would be occupied for agriculture, and the rest would be commonage for cattle. But the cattle always increasing, and the land remaining the same, in a very few years the same process would have to be repeated with other runs, and so on till all the country were taken up. But before this many of the small stockowners would have become large stockowners; and when the former, whose numbers would be continually on the increase, pressed with their cattle upon the latter, the latter, in their turn, would have to be deprived, like the runholders, of the means of feeding their large herds —the number of cattle they would get the right to run would be continually reduced. But a much severer fight would take place, and the small holders would have to contend against much greater odds, their adversaries being probably increased in number ten or fifty fold. This does not seem a very satisfactory conclusion, and the chances are that the same thing would take place which has happened in the old Hundreds—a demand for the sale of the land, without restriction, would be raised and acceded to, the largest capitalists would buy the land, and the small ones, who would be most probably the small stockowners, would be left to swallow their dissatisfaction. And it is a great consideration whether cattle would not ere this have increased so that the rearing of them would cease to be remunerative, and the cattle market become overstocked, as that of sheep already has.

Objections considered.

Still, although this process (above described) would be accompanied by many

evils, and possibly much hardship, it may be safely concluded that it would result in the speedier spread of population over the country than would take place under the present system. The farming might not be the best or most scientific or productive—the people would not be in such thriving circumstances, probably, as a smaller neighbour located on better principles; but it seems to the Commissioners undeniable that the country would be more rapidly filled with human beings than under the present system of enormous runs and few runholders.

Land actually wanted for agriculture.

Moreover, after considering all the evidence given, and fully admitting that the present cry for land is to a considerable extent a demand for the substitution of small runholders for large ones, it does still appear to your Commissioners to be a proved fact that many good *bona fide* agricultural settlers, some with considerable capital, have been prevented from settling in the Province because they were not allowed to buy the agricultural land they had fixed their hearts upon, and had both the means and inclination to cultivate properly. Take especially the case of the Tuapeka District. It can scarcely be doubted by any one who reads the evidence relating thereto, that many intending settlers have been forced to leave the district, and probably the Colony, in consequence of their inability to purchase land for settlement. One highly respectable witness, Mr. Bastings, Mayor of Lawrence, declared on oath his belief that if the two runs adjoining the reserve were thrown open, there would be 500 or 600 families immediately settled upon them. He adds, "I do not overstate it. I know that the men are prepared to do so, and they will leave if facilities are not given them for settling." That this result, or anything approaching it, should be rendered unattainable, is at least a strong condemnation of the present land laws or their administration, and must be acknowledged a galling and grievous evil, and one that cries aloud for removal and remedy.

Should there be exceptional legislation for gold miners?

It will scarcely be denied, then, the Commissioners think, that in itself it would be a very desirable thing to find land for all these people to settle upon, even in their own way, rather than compel them to go elsewhere to seek it, could this be done without injustice to others. And the objections on the score of injustice are principally of three kinds:—First, it is urged, that to adopt any extraordinary means for getting the land required would be a special act of favouritism to those settlers which none others, equally deserving, throughout the Colony can obtain. Hundreds of settlers elsewhere are equally desirous of getting land for pasturage, and on deferred payments, and why are those in the gold districts to be exceptionally dealt with? It is rather difficult to answer this question, unless it be allowed as a reason, that those persons have been induced to embark in pursuits in their part of the country by a state of things which has more or less suddenly ceased or altered for the worse. They have been brought in, as it were, on the top of a high tide, which has receded and left them stranded and helpless. And it may be said that it is no good reason for abstaining from doing an avowedly beneficial thing in these cases and in these districts, because it could not, or because it should, be done elsewhere as well. Something might perhaps be also urged on the ground of the very peculiar and marked character for enterprise, energy, perseverance, and ingenuity which the gold diggers, as a class, have shown they possess. This will be acknowledged to be language not unsuitable to the occasion by any one who has travelled through the gold fields, and seen the extraordinary operations they undertake. Water, for instance, has to be carried along what are called "races" (*i.e.*, water running along channels or aqueducts), from any higher levels where it may be accessible to the lower levels where the mines are to be worked. For leagues and leagues these races may be traced, in many instances running in perfectly direct lines across the sides and bases of the hills; now disappearing up a valley, then reappearing on the advancing prominent spurs; carried on aqueducts and cleverly-contrived channels across the face of perpendicular precipices; left to separate and find their way in a hundred little puny falls and torrents to a lower level, where they are all skilfully gathered up again, and carried in one stream round some projecting bluff or headland; following for miles and miles the course of some rapid and winding river, always above its highest floods, or crossing from cliff to cliff, in pipes of canvass or leather, over torrents raging a hundred feet below. And if these would not be sufficient to justify

the application of the laudatory terms above employed, a visit to the "Blue Spur" diggings at Tuapeka would certainly do so. There an auriferous mountain stands, so to speak, in a basin of schist; and this mountain the diggers are carrying bodily away, and reducing it to running clay-streams, which deposit the gold-dust they contain in the troughs and sluices that bear them away. The "races" are brought to the summit of the mountain, and the water flows along in troughs and channels that cross and intertwine like threads in a skein of silk. Half of this mountain the miners have already cut and blasted away—literally making lofty and beetling cliffs and thundering waterfalls in the stupendous process. Men who can accomplish works on so great a scale, with little and often with no assistance from "capitalists," are certainly men any country may be proud of possessing, and should make a little effort to retain within its borders, even after age or diminishing strength may make them desirous of adopting some less laborious and exciting occupation. It is quite true that the majority of those who are now clamouring for land is not composed of the really adventurous and boldly ingenious class just described, but consists rather of such as have been called the sutlers or camp followers of the gold-digging army. Nevertheless, many of the true diggers are among the land-seekers, and many more will be, as they grow older and become more inclined for quiet; so that on the whole, perhaps, the idea of a special and exceptional treatment of the case may be considered to be not altogether unreasonable.

Wrong to runholders.

The next objection is, that to acquire the neighbouring runs for these claimants would be to wrong the runholders who own them. And certainly this would be the case unless the latter are fully compensated. The good faith of the Province, and therefore of the Colony, because the Province has acted under laws of the General Legislature, has been pledged to these runholders. It matters not whether there is legal obligation or not to respect the runs. The question is, is there such a moral or equitable obligation as, if it rested on an individual and not on the public or a body representing them, would be such as an honest and honorable man would not think himself justified in breaking? Public morality and private are, at all events in matters involving good faith, one and the same. It would be the lowest kind of so-called statesmen only who would recognise or act upon a difference. It appears to the Commissioners that the arrangement between the Government and the runholders in this matter, as already described, is such an one as, between honorable private individuals, would be held as binding and obligatory as if it had been accompanied by all the formal and technical circumstances of a literal and legal contract. Let the arguments already used in considering the effect of the covenants in a former part of this Report be again considered. There is the clearest evidence that the great body of the runholders understood that the increase of their rental to seven times the amount previously paid was to be compensated by the bestowal of a much more secure tenure; that this security would be made complete and absolute by further covenant to give up lands without compensation, or with compensation only for the term of the original license; that in addition many, though certainly not a majority, had positive assurances to that effect, made by different members of the Government or authoritative officials; that, lastly, the sincerity of their belief in the understanding is proved in almost all cases by expenditure incurred, which it is scarcely reasonable to suppose would have been incurred without this belief; that this expenditure amounts to very many thousands pounds in the aggregate—and that runs have been bought since the leases were signed for such sums as, considering their locality, it is not to be conceived would have been given for property which might be at any moment confiscated or rendered worthless.

Vide Evidence, No. 25, as to opinion of some land-claimants themselves.

This second objection, therefore, should be met by admitting it frankly, and providing for its removal by the measures it necessitates. And this brings us to the third objection—the expense of compensating the holders of the runs required.

3rd. Expense of compensation.

That the expense of compensation would be in itself great, must be allowed; but it is also true that the actual compensation given in some cases by the Provincial Government has been greater than should have been given, owing,

apparently, to the system of arbitration provided by law for determining its amount. In one case the evidence shows that the Provincial Government actually paid about £1,400 for a run which had been bought a few months before for only £900.

Evidence No. 105. But if it were determined that large blocks of land should be acquired for the use of the settlers applying for it, it would be necessary to lay down certain rules and conditions which would keep the amount within such limits as would satisfy the reasonable requirements of the case. It should be laid down most distinctly, that it is not intended to ruin one set of runholders only to create another, though more numerous. All that can reasonably be demanded is, that land for agricultural settlement should be provided, together with facilities for grazing, such as have generally been given under the old Hundred system, possibly with these latter somewhat increased. Blocks of land should alone be taken which contain a certain proportion, say one-third at least, of good agricultural land. No block should be taken until *bonâ fide* applications for occupation have been made (with deposits paid) for a fixed proportion—say one-third again—of the agricultural land. New blocks should not be laid out within the same district until all the good *agricultural* land in the first block had been taken for *bonâ fide* occupation. If rules of this kind were laid down and acted upon, all compensation that an honest treatment of the runholders requires could be provided without any very serious detriment to the Provincial revenues. The rents from lands held on depasturing leases now amount to near £70,000 per annum, and will probably increase. This is the fund whence the means of reacquiring land for settlement obviously should be derived. Agreements might be made with the runholders bought out to pay them compensation by instalments spread over a term of years. In this way, it is believed that £10,000 annually, out of the above sum of £70,000, and possibly even less, would provide ample land for settlement on the above conditions. The Commissioners believe that the evidence given before them shows that the more sensible, right minded, and reasonable of even the agitators for opening land, would be satisfied with the amount of land that would be procurable in this way. And though the inhabitants of towns and districts in the Province not immediately interested in this acquisition of land would and do deprecate any such appropriation of a fund which at present is distributed among themselves in common with the rest of the Provincial population for roads, bridges, or public works, still this loss to them should not for a moment be set against the advantage of peopling the waste spaces of the Province and the benefit to be given to the settlers in the neighbourhood of the lands to be acquired, and who, it should be always remembered, would have had, in accordance with the principle almost universally acknowledged throughout the Colony, a sort of primary right to a considerable portion of the funds derived from the sale of these lands, had they not been temporarily alienated by the representatives of the whole public at an earlier date. Moreover, each district, as it became settled and required fresh land, would benefit in turn by the operation; and it is a matter for consideration whether the rents and assessments to accrue from the newly bought lands should not be applied for a certain number of years to the fund for public works in other districts of the Province, which, in fact, would have contributed out of revenues, perhaps, more immediately belonging to them, to the purchase of such lands. By these, or other conceivable means, which it scarcely falls within the province of the Commissioners to devise or consider, it is believed the acquisition of land for settlement and the compensation of lessees to whom the public faith has been virtually pledged, might be satisfactorily effected without any permanent detriment or disadvantage to the rest of the community. The land so acquired might be dealt with under the existing system, which gives the lessee the right of purchase after three years and up to seven, at £1 an acre. Some of the witnesses urged that the rents paid in the meantime should be allowed to go as part of the purchase money. This is not so unreasonable a request as might at first sight appear. The existing system is, no doubt, virtually one of selling land on deferred payments, in itself objectionable, but the Legislature has been forced to adopt it to save the supposed right of the public, or rather the gold-digger, to work the land should it turn out auriferous.

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.

1. Rights of pasture.

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.

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.

that had the Superintendent caused the particulars in which the Board of Wardens had exceeded their powers to have been pointed out to them, they could have made the necessary alterations in the regulations, so as to have permitted the requisite approval of that particular one, which would have put an end to or in a great degree diminished the abuse in question.

Your Commissioners are of opinion that in all cases of Boards of Wardens appointed to manage such reserves within gold fields, the Chairman of the Board should be elected from among their number by themselves; but that assessments should be fixed by law or regulations, and collected by officers not under the control of the Boards.

IV.—Agricultural Leases.

The alleged grievances connected with the system of agricultural leasing are—

1. The limitation of the area to be leased to each applicant to 50 acres.
2. The delay in deciding on applications and issuing leases.
3. The heavy deposits required for survey, &c., on each application.
4. That expenses for survey have in some cases been charged and taken twice over by the Government.

Limitation of area.

1. There is sufficient evidence from various quarters, and a variety of witnesses, to leave no doubt that agricultural farming on a small scale cannot be carried on unless grazing land for a few cattle be obtainable by the farmer, in addition to that he cultivates. The area of 50 acres allowed by the Gold Fields Act is not enough to allow of this. The least amount an industrious man has a chance of succeeding with, according to the most reliable authorities, is about 200 acres: the part not broken up serving for the keep of cattle, and the portion sufficiently cropped or exhausted being laid down in grass, and increasing as successive portions of the natural pasturage are broken up and brought into cultivation. The evidence of Mr. Ashcroft, Member of the Provincial Council for the district of Oamaru, which gives the experience of small farmers in that district, famous as it is for its splendid soil, is very pertinent to this subject; and the Provincial Government of Otago seem to have arrived at the same conclusion, for either in breach, evasion, or very questionable construction of the law, they have adopted the plan of allowing the same individual to put in applications for and take up four blocks of the size (50 acres) the Act allows. Of course the Act never intended this. But your Commissioners consider that although this construction of the law, and consequent administration of it, can scarcely be justified, it would be advisable that the law itself should be amended, and the maximum in an agricultural lease be expressly raised to 200 acres.

In proof of the great impetus given to settlement by the increase of the blocks allowed to be leased, may be cited the fact that at Tuapeka, when the Act of 1866 increased that amount from ten acres to fifty, the number of applications increased from 20 in 1865 to no less than 262 in 1866. The surveyor, Mr. Nicholson, could assign no other reason for this than the increase of the blocks.

Mode of requiring improvements.

Although the Provincial Government have adopted the practice of giving two leases to one person if required, they still apply to each application the regulation requiring that before a second or succeeding block can be given, proof must be produced that a certain amount of improvement has been made on the preceding one. Consequently, they refuse the additional blocks, although the applicant may have made triple the amount of improvement required on the first block, because the second is unimproved. This does not seem judicious, as the former applicant is thereby put to the necessity of beginning separate and detached cultivations, at obviously much greater expense to himself in fencing, &c., without any corresponding advantage to the public or other occupants of the blocks.

Evidence, No. 10.

Delay in issue of leases.

2. That great delay occurs in the issue of leases seems to be a fact, however to be accounted for. Mr. Vincent Pyke, the Warden for Dunstan Gold Fields District, says "it is very great," and that leases applied for and granted in 1863 or 1864 have only within this month of February been received in the local office, and the lessees refuse to take them up now, because the rents specified therein are calculated in so unintelligible a manner." It is no doubt the case that in some cases applicants do not allow for the fact that land they apply for

Evidence, No. 38.

may not have been acquired by the Provincial Government from the runholder to whom they are leased, as applications are often received prior to such acquisition, in order to enable the Government to form an opinion, with some degree of certainty, as to the number of settlers wanting land, and the amount required, before expending public money in acquiring it. Still this gives no explanation at all satisfactory of such a fact as that stated by Mr. Pyke.

Deposits required.

3. The demand of £10 deposits on each application, to provide for surveys, is greatly complained of. In this instance, too, it appears that the Provincial Government apply the regulation made for applications limited to one 50 acre block, to cases where two or more, up to four, are given, so that for a block of 200 acres the sum of £40 is required for survey. This certainly appears an enormous charge. The Chief Surveyor (Mr. Thomson) says the average cost of agricultural and mining surveys has been £7 each, and if the trigonometrical correction be included, has been £10 each; and that the cause is the diffused manner in which selections are made on the gold fields. From one shilling to three shillings per acre, he says, is the average cost of sections surveyed contiguously in large blocks. The gold mining lease surveys, perhaps, should not be included in an average with ordinary agricultural lands, as it may be supposed that the latter are naturally in more accessible and level country. But it does seem to your Commissioners that £40 for the survey of 200 acres which might be even in these cases contiguous, and most probably would be, is an enormous and unjustifiable charge for this purpose, and such a tax upon a small farmer at starting as would in many cases either be ruinous, or prevent him attempting farming at all.

Evidence, No. 94.

The charge, however, covers the rent for the first half-year, which, at 2s. 6d. per acre (a high rent in these cases, by the way, as rural land being valued at £1 per acre, it would amount to 12½ per cent. on the value of the land), would amount to £3 2s. 6d., being £6 17s. 6d. for surveys and lease. Mr. Livingston reckons the lease at £2, leaving £4 17s. 6d. for survey alone. This would be under two shillings an acre for fifty acres. But the evil is in multiplying the charge in proportion to the multiplication of the blocks. A charge which might be reasonable for one block, becomes excessive when applied to four blocks, and monstrous when such blocks are contiguous, and might be included in one survey plan, one boundary line, and one lease.

Double payments for surveys.

4. Another charge seemed at first incredible to your Commissioners, though made on oath by respectable people. It was, that in some cases the Government had not, as the Regulations required, applied the balance of the deposits towards payment of the rent, and had even, in some cases, charged and received payment for the survey twice over. On investigation of the matter in Dunedin, it appeared, however, that the charge was true, and was accounted for on the part of the Government thus:—

Evidence, No. 87.

Prior to the 1st of April, 1867, the power of granting leases was delegated to the Superintendent of the Province. The Regulations then in force were those of the 11th January, 1867, under which the deposit on an application for an agricultural lease was chargeable with expense of survey, the balance to be returned to the applicant. The rent was a separate charge, payable in advance from the date of the lease. Under these Regulations many applications had been received, and the survey expenses charged and paid. Why the leases in these cases were not issued does not appear in evidence; but a new Superintendent having been elected, the delegation to him was refused, and a General Government Agent was appointed, who issued occupation licenses in the interim. The Superintendent or Provincial Government, however, refused to deliver up the gold-fields documents to the Agent. The leases were kept in abeyance until some months after the General Assembly had met and passed a special Act authorizing delegation to the Provincial Executive, who, on the 14th February, 1868, issued new Regulations on the subject. Under these the survey expenses were made chargeable upon rents to be paid from the date of a certificate issued on approval of an application, to operate till the lease was ready for issue; and the deposit paid on application was to be returned. When the leases in the applications under the old regulations came to be issued, the

Receiver of Land Revenue thought himself bound by the new Regulations to demand the full half-year's rent, but instructed the District Receivers to deduct the amount previously paid for surveys, but to give receipts, not for the full half-year's rent, but only for the balance paid, till he received instructions as to the matter from head-quarters. In some cases, the Receiver admits that the full rent may have been demanded and paid, including survey charges which had been already paid under the old Regulations,—a mistake he attributes to his not having the account books in his possession (he being an officer of the General Government), and only having access to them by permission of the Provincial Government. Thus the unfortunate applicants for leases were kept a year or more out of leases which might have been given at any time, and then, in several instances, were made to pay survey charges twice over.

Evidence, No. 38. A minor evil connected with these leases was complained of in the Dunstan District, viz., that applicants for agricultural leases had to go from Cromwell and other places as far as Roxburgh—thirty-eight miles down the Clutha—to put in their applications. This could be easily remedied by authorizing the Warden, Mr. Pyke, to receive them.

V.—Alleged favouritism in sale of Crown Lands.

Evidence, No. 4. A complaint was made by a settler at Tuapeka—a successful gold-miner, and a highly respectable man—of the manner he had been dealt with by the Government or Land Office in the matter of an attempt to purchase a block of land some years back in a neighbouring district. He applied for 6,000 acres at Pomahaka, which were advertised for sale three months. Meantime, having visited the district, he found a block of much better land in the same district, so did not attend the sale of the first, which fetched at auction 35s. an acre. He then went to the office to buy the second and superior block, and found it had been sold at £1 an acre, without any notice, to a draper resident in the town. He was prepared to give from £2 to £3 an acre for the land. He says that Mr. Hughes, who acted as a sort of unpaid agent, allowed, at a public meeting at the election of the Superintendent, that the Province lost about £8,000 by this transaction. On investigation, it appeared that the sale had been perfectly in accordance with the law, which permitted land to be sold at the fixed price of £1 an acre to the first applicant, going to auction only in case of simultaneous applications. This seems to have been simply an instance of the working of a bad Land-law, which enabled a speculator to anticipate the purchase of a *bonâ fide* agricultural settler, although the principle of selling land to the first applicant at fixed prices was adopted and has always been defended, on the ground that it was the best precaution against this very abuse.

Evidence, No. 85 and No. 100.

VI.—Oamaru Reserves, &c.

Sale of stone quarry reserves. At Oamaru, several complaints were brought before the Commissioners. One was the sale, by the Provincial Government, of certain blocks of land reserved for the public, on account of the famous building stone of the district cropping out upon their surface. Several of these reserves had been made, but all of them had been put up for sale—some, perhaps, at 30s. an acre; whilst the owners of some of them charge from 3d. to 6d. a cubic foot royalty for the stone. The Members of the Town Council grievously complained of being deprived of the free and gratuitous supply of this stone for their public edifices, which otherwise they would have the benefit of. That their complaints were sincere, is proved by the fact that the Mayor of the town had actually paid, on behalf of the Council, a sum of £698 7s. 6d. for one of these sections which they could not prevent the sale of.

Evidence, No. 78.

The explanation given of this alleged disregard of the public interests of the inhabitants of Oamaru by the Provincial Government was, that their experience had shown them that reserves of building stone were of very little advantage; that contractors for public buildings made very little difference in the amount of their tenders on account of the stone required being obtainable gratis from public quarries; that where they took advantage of them they generally quarried the stone in such a slovenly and careless manner as to render the quarry almost useless for those who came after them; and that the expense of such

constant inspection of their proceedings as would prevent this abuse would amount to more than the saving effected by getting the stone gratis. The Commissioners do not doubt that there is considerable truth in these representations, yet they cannot but consider it would have been better to have left the inhabitants of Oamaru the real or supposed benefit of these quarries, and the opportunity of determining by their own experience whether the reserves were valuable or not. The purchase above mentioned proves that they had very little doubt of their value at the time it was made. Nor does it say much for the security for the self-management of their own local affairs by the inhabitants of a district, given by Provincial Institutions, when it is found that in spite of the wishes of the inhabitants of a flourishing and important town, the property rightfully belonging to the townsmen has to be bought by themselves from the central authorities of the Province, at the price put upon it by the latter.

Another complaint was that the land in the neighbourhood of Oamaru had been sold in large blocks, and at periods unsuited to the wants and means of *bonâ fide* settlers, so that 14,000 acres of the very pick of the land had fallen into the hands of the Australian Land Company. It was argued that it would have been much better to have had forty or fifty families settled upon the land, instead of the agent of a great Company. On the other hand, it should be noted that the Company employs more than 200 people, keeps forty or fifty steam threshing and other machines at work, and has two fields of from 1,100 to 1,400 acres each, from which more than a hundred thousand bushels of wheat were reaped last year—the fourth or fifth crop, by the way, without manure. These realized facts are something to weigh against the hypothetical assumption of possible population above-mentioned. But this case involves the whole of the vast question as to the relative advantages of settling a country with capitalist-farmers and employed labourers on the one hand, or with cottier-farmers in the other. For decision the Commissioners may refer to the voluminous publications on the Wakefield theory of colonization. The sales complained of were perfectly legal.

VII.—Constitution of Waste Lands Board.

The Commissioners have now gone through what appears to them the most serious of the grievances, more or less real, respecting the administration of the Waste Lands brought under their notice. There remains, however, to be noticed one great evil connected with this administration in Otago—one indeed which, while it exists, must naturally cause dissatisfaction, even where no practical wrong may have been done, because it offers such great temptation to take advantage of the great facility the law gives for abuse, that suspicions will be sure to be excited, whether well grounded or not, that the abuse is of frequent occurrence. This evil is the constitution of the Waste Lands Board. The Board consists of a Chief Commissioner and four others, all appointed by the Superintendent of the Province. So far, the law is at fault, and the Commissioners would not have found it necessary to comment upon it; but the mode in which the power given is exercised, is distinctly a question of administration of the law. Now, the established custom in Otago appears to be the appointment by the Superintendent of the Members of his own Executive. Mr. Driver, a Member both of the Provincial Council and the House of Representatives, brought this subject under the notice of the Commissioners. He objected on the ground that the Board "is composed of a political body, consisting wholly of the Members of the Executive Government of the Province. It is ludicrous to hear this body, as I have frequently done, referring cases for the opinion of the Government. The temptation to use the immense power given by their right to administer the Waste Lands of the Province for political purposes and objects is obvious." This brief and very pertinent remark has a reach and applicability far beyond the Province of Otago. Had it indeed been the intentional and deliberate object of any lawgivers or of any Legislature to provide the most effective means for jobbery and corruption their imagination could devise, it is difficult to conceive they could have surpassed what has actually been done in this matter. To give to persons depending for their position and places on popular

Evidence No. 105.

election a direct and immediate power for good or evil over the purses and property of those whose votes they depend upon, are eager to obtain, and must be disgusted at losing—whom they scarcely can avoid desiring to reward if adherents, or punish if opponents,—to give such a power, under such circumstances, does seem about the most injudicious and impolitic proceeding it ever entered the brain of lawmakers or statesmen to devise or give countenance to. And, as if the amount of irregular or unconstitutional interference with the exercise of political rights and privileges rendered possible in the administration of public lands by the more ordinary Land-laws of the Colony for other Provinces were not enough, those of Otago are exceptionally noticeable and peculiar in the extraordinary amount of discretionary power they confer upon the Waste Lands Board. One simple instance will suffice. The Board can, by one provision of the Act of 1866, withdraw from sale at their pleasure any lands "the sale or disposal of which may appear to them to be, or likely to be, prejudicial to the public interests;" and the land withdrawn may at any time be put up for sale again, and this without giving or recording any reason for the withdrawal from sale or subsequent permission to sell, or any public notification, whether of a month or a day, of the proceeding. Could any provision afford better opportunities and facilities for favouritism or vindictiveness? And it is especially to be remembered, that these powers are given to *local* administrators,—those whose very position as neighbours, fellow-townsmen, or fellow-provincialists, subjects them necessarily to relations of either friendship or hostility to the purchasers or other dealers in the public lands of the Province.

The Commissioners are far from asserting that these extraordinary powers have been abused by the Waste Lands Board (also the Executive) of Otago: because no such abuse or mal-administration from political or personal motives has been brought in evidence before them. But it is easy to conceive what great abuses might be perpetrated under such laws, were the possessors of such powers either unscrupulous in character or subjected to circumstances of unusual political temptation and excitement.

The remedy for this great evil rests with the Legislature, and is not one for the Commissioners to suggest, except in so far as it might be found in an alteration of the present position of the Commissioner of Crown Lands, who might be made actually and practically, as he is nominally, an officer of the General Government, by charging the general revenue with his salary. This could not but put him in a position of greater independence of local interests, and the political leanings or prejudices of the Government of the Province he is connected with.

The Commissioners, in conclusion, strongly recommend a perusal of the valuable evidence attached to this Report, as it contains information on some points not touched upon therein, and many explanatory details which could not be introduced without extending it to too great a length.

ALFRED DOMETT,

ALFRED CHETHAM STRODE.

MEMORANDUM ON THE FOREGOING REPORT BY MR. REYNOLDS.

I CANNOT entirely concur in the above Report, inasmuch as portions of it deal with subjects which, in my opinion, were not remitted by His Excellency the Governor for the consideration of the Commissioners.

The instructions contained in the Commission are, "to investigate and report "on the administration of the Waste Crown Lands in the Province of Otago, and "to make such suggestions in connection therewith, &c."

Confining myself exclusively to the terms of the Commission of His Excellency, I would respectfully submit that the Provincial Government of Otago have acted in strict conformity with "The Otago Waste Lands Act, 1866:"

1. In the sale of lands by auction within Hundreds, at the upset price of 10s. per acre, such sales having been effected under a resolution of the Provincial Council, in conformity with the existing law.

2. In entering into covenants with runholders outside of Hundreds, whereby blocks of land were reserved for sale and occupation. The Government, in reserving these blocks, evidently contemplated the securing of revenue to the Province, the settlement of the public lands, and also to avoid the necessity, as far as possible, of the proclamation of Hundreds.

The defects in the administration are:—

1. In connection with the Tuapeka Agricultural Reserve. From the evidence laid before the Commissioners, it appears that there has existed a conflict between the Wardens and the Superintendent, as to the area to be set aside for depasturing sheep. The agricultural lessees complain that two or three sheep-farmers monopolize a large portion of the commonage for sheep, to the exclusion of other stock. The evidence, as far as it goes, seems to be in favour of the complainants. It is not complete, however, as a principal witness, Mr. John Hughes, a late member of the Provincial Executive Council, and who represents the Tuapeka District, has failed to supply the Commission with the whole of his evidence, although urged, almost daily, to do so by Mr. Strode and myself.

2. The delay which has occurred in the issue of agricultural leases on the gold fields, whereby there has been loss to the revenue of the Province, and the lessees have been inconvenienced by not being at once put in possession of the lands applied for.

3. The fact that the Government has in some instances charged and received double payment for the survey of agricultural leases. This has arisen through the conflict between the General and Provincial Governments, with regard to the delegation of His Excellency's powers, under the Gold Fields Act, to the Superintendent.

There is nothing further in connection with the past administration which calls for additional remarks; and with regard to the future, I would respectfully submit the following suggestions:—

1. That the management of the agricultural reserves on the gold fields should not rest with the Superintendent, or any political body, but rather with the Waste Lands Board, which, instead of being composed of members of the Executive Council, should also be non-political.

2. That promptitude be observed in the issue of agricultural leases, both for the protection of the revenue, and the facilitating of settlement.

3. That either the General or Provincial Government take immediate steps for refunding to agricultural lessees who have been twice charged with the cost of survey, the amounts so overcharged.

There are many defects in connection with the Gold Fields and Waste Lands Acts, which interfere with their proper administration; but these being, in most instances, questions of policy, I do not consider I am entitled to treat upon them under the terms of the Commission issued by His Excellency.

WILLIAM H. REYNOLDS.

MINUTES OF EVIDENCE.

EVIDENCE TAKEN BEFORE THE COMMISSION APPOINTED TO ENQUIRE INTO THE ADMINISTRATION OF CROWN LANDS IN OTAGO.

PART I.—EVIDENCE TAKEN AT TUAPEKA.

SATURDAY, FEBRUARY 20, 1869.

No. 1.

Mr John Mouat, M.P.C., having been duly sworn, examined :—

No. 1.
Mr. Mouat.
20th Feb., 1869.

1. *Hon. Mr. Domett.*] What is the present amount of land available for the use of the population of Lawrence and the neighbouring inhabitants ?—I cannot state exactly ; but, in round numbers, there are I suppose, about 100,000 acres, including the Reserve on Run No. 123.

2. Have not one or two Runs, or portions of Runs, been lately proclaimed into Hundreds ?—5,000 acres on Smith's Run, the remainder of Messrs. Pillan's and Maitland's Run, and a considerable portion of Mr. Fulton's Run. But all these Blocks, except Smith's, are remote from any settled mining population ; in fact, these Hundreds were not proclaimed at the request of the miners at all. A very large portion of the Tuapeka Agricultural Reserve on the tracing is totally unfitted for agriculture. I allude chiefly to that portion towards Waipori, which is too elevated. I have no hesitation in saying that out of the 95,000 acres, are 50,000 quite unfit for settlement. I can possibly procure evidence that will show more exactly the amount of land unfit for agriculture in this Block.

3. How much is fit for agriculture ?—I am inclined to think there may be about 10,000 acres, including the Block of 5,000 on Smith's Run. This is being gradually taken up.

4. Who are they that are taking up this land ?—Chiefly miners and trades-people on the Goldfields, who have saved a little money, and are desirous of investing it in agricultural and pastoral pursuits.

5. The remaining land is fit, I suppose, for pasture ?—Yes, but it is considerably overstocked, as I am informed. I do not know it of my own knowledge.

6. Do they run cattle or sheep ?—Both ; but chiefly cattle. I have no doubt whatever that settlement is not only limited by the amount of land available for agriculture, but equally by the limitation of land for pastoral purposes, *i.e.*, I believe additional agricultural land would scarcely be taken up, or rather would not be taken up at all, unless pastoral land could be taken with it

7. Your answer seems to imply that you would wish the Runs at present held by large holders in the neighbourhood, to be occupied by a greater number of smaller runholders ?—Yes, but not as leaseholders, only as licensees. Tenants from year to year at the most. I would not give them any such tenure as would impede settlement.

8. Do you think that would satisfy the persons who are now desirous of obtaining land ?—These persons wish for, in the first place, a certain amount of land to cultivate cereals and vegetables, *i.e.*, to make a home of, and also a larger portion to run cattle and sheep upon.

9. Do you mean sheep and cattle as subsidiary to agriculture ?—Exactly so. This is precisely what was intended to be effected by the Hundred system, as I understood it.

10. Can you say positively whether the formation of Hundreds out of old Runs, has hitherto had the effect of settling bodies of men carrying on agriculture in this manner ?—With respect to Mataura and Waitaki Hundreds, it has not had that effect.

11. Can you account for the failure of this effect ? There is one reason particularly with respect to Waitaki. There is no Land Office on the spot. Applicants have to make several long journeys to Dunedin and back before they can get a chance of being put in possession of the land. I know that from my own knowledge and my own observation. For a person wanting 200 or 300 acres, the cost of the journeys required to obtain it, comes to more than the land is worth. These remarks, I believe, will apply to the Mataura Hundreds as well. I only mention this as one reason as applicable to the Goldfields. In former times I have known a gold digger desirous of settling in Waitaki district, give it up, simply on account of that difficulty. He went on foot to Waitaki, selected a piece of land, went down to Dunedin, found it taken up in the mean time, was inclined to go back and choose another piece, but gave it up on account of the expense. Now, however, diggers are more inclined, I think, to settle near the Goldfields. Smith's Block is very fair agricultural land, but I do not think it will be soon taken up, as there is no pasturage with it.

12. What proportional amount of pasturage would you think necessary ?—I should say two acres for one of agricultural, at the least.

No. 1.
Mr. Mouat.
Continued.

13. Do you think assessments under the Hundred system are, and will be, generally paid up? Under the Hundred system, I think it will not be satisfactorily collected until a special officer is appointed and the 111th Section of the Act altered, which requires that the assessments shall be appropriated under the direction of the Wardens. But, with respect to the collection of assessments levied under the Goldfields Regulations, made under the Goldfields Act, they have been collected since the Government took proper measures by the appointment of a special officer for that purpose.

14. Under the Goldfields Regulations how is the Assessment Fund appropriated?—It goes to the Provincial Revenue.

15. Taking the Otago Land Law as it is, was not the arrangement made by the Provincial Executive with respect to the covenants, as advantageous a one as could be made under the existing circumstances? I was Provincial Secretary, and a party to it. The Act was hurriedly administered during the elections. Mr. Dick was anxious to administer the Act as liberally as he could. Nothing was done without the advice of the leading counsel in Dunedin as to what was possible, in a liberal direction—that is, he had Mr. Prendergast's, Mr. Cook's, Mr. James Smith's, as well as the Provincial Solicitor's, advice and that of others. There was a series of questions submitted for legal advice as to what power the Superintendent had to refuse leases, and the opinions were generally unfavorable. Mr. Smith said he could scarcely have power to refuse what he had never been authorised to grant.

16. Had the Government received any petition or been otherwise requested to open up land for settlement? And had any promises been made in that particular?—At the time I came into office it was a grievance of old standing. I believe promises had been made to the inhabitants of the Teviot and other outlying districts, that land should be opened up, and some blocks were surveyed for the purpose, but were found to be unsuitable. It was difficult to get satisfactory information from competent individuals as to the character of lands, and local interests often interfered. The Government knew of the requirements, and the covenants were made to meet them.

17. Would it have been better, do you think *now*, to have taken the whole of some Runs near the centres of population on the Goldfields, instead of securing under the covenants for the future these Blocks scattered throughout the Province?—I am inclined to think it would, generally. There is one other point I would remark upon: I am quite sure that the Government have been unfortunate in their arbitrations as to compensation for Runs. I attribute that to the Arbitrators never having gone upon the Runs, and taken evidence upon the spot. As one instance, I would point out Mr. Cargill and Anderson got five shillings an acre for land not worth half as much as land that Mr. Smith gave up willingly (that near Tuapeka) at 2s. 6d. per acre without arbitration.

18. It is not a defect in the covenant arrangement that the unsold portions of the Blocks to be taken are not left as commonage for the purchasers within the Blocks, but to the original runholder for pasturage, until all is sold?—That is a very great defect, tantamount to rendering the arrangement useless; but that is a defect in the *Law*, and not in the administration of it.

19. Are actual diggers concerned in this agitation for land?—Unquestionably they are. The occupants of the Tuapeka Agricultural Reserve have, fully two-thirds of them, been actual miners. But mixed with them are storekeepers, butchers, and others; but most of them have been actual miners. There are claimholders now, who work their claims, who are agitating for land.

20. Is there any limitation upon the amount of stock, occupants may run on the Agricultural Reserve at Tuapeka?—There is no limitation. There have been several applications refused for sheep, because there is not pasturage for them.

21. Is there any other point you would notice?—I wish to bring under the notice of the Commissioners, that the Provincial Government have inserted in the Agricultural Leases a covenant on the part of the lessee, requiring him to provide a substantial fence round the whole of the land leased. The system is burdensome at present, the area of land too limited, and any additional burden would tend to check settlement.

No. 2.

Mr. Shadwell Keen, being duly sworn, said:—

No. 2.
Mr. Keen.
20th Feb., 1869.

My evidence relates to the effect of the present Land Administration upon the population of this district. In this I include not only Tuapeka, but the up-country district Mount Benger, where I lived, and in which I have had considerable experience. The interests and wants of the two places are identical. The amount of land available for agricultural settlement and for pastoral purposes (referring to the population—outside Runs) is quite inadequate to the requirements of the present population. It is within my knowledge, that within the last three or four years, this inadequacy has led to persons possessed of capital leaving the district, and to the general want of prosperity with those that are settled upon the land. I have also found that persons residing here have disuaded their friends at home from coming here, in consequence of a sufficient quantity of land not being available for settlement; and I am of opinion that a most desirable class of colonists have thus been kept out of the Province. I know, also, cases in which persons have come out upon the representation of friends unacquainted with the actual state of affairs, being employed in pursuits, and who have been grievously disappointed upon arriving here. These cases have come under my own personal observation. It is not mere opinion, but actual matter of fact. Referring to the holders of Agricultural Leases, their general cause of complaint is, that upon a very small portion of ground they are compelled to expend all their

No. 2.
Mr. Keen.
Continued.

capital; and they find that if they were allowed to take up a larger extent of country, and to cultivate it gradually, the capital which suffices for the smaller portion, would suffice for the larger. They also complain, and I think with reason, of the want of sufficient commonage for sheep and cattle, finding that agriculture alone is not remunerative; but that the two together would make thriving men of them. As regards the mining population—those actually engaged in mining—there are numbers of them particularly upon the River Molyneux (from Cromwell to Beaumont—the portion known to myself) who are possessed of mining claims, which by themselves will not pay, because they are only workable during a portion of the year, when there are freshets in the river. If these men could obtain land to cultivate, and on which to run cattle, between the two industries they could obtain more than a livelihood. Mr. Mouat was asked whether *bona fide* miners were interested in this agitation that has been going on here. I wish to corroborate Mr. Mouat's opinion that they *are*. And as regards the amount of land required in this district for agriculture and commonage, I am of opinion that, in the long run, nothing less than the two Runs known as Smith's and Treweek's (123 and 137) will suffice. But I think one of those Runs would be ample for some time to come.

[*Mr. Strode:* Which one?—I am not prepared to say, as I am not sufficiently acquainted with the country.] I am satisfied that if one Run were thrown open, such a large portion of land would be profitably taken up by a considerable population, that the Government would soon find it to the advantage of all parties to open the other run. The only difficulty which the Provincial Government has ever presented is the matter of compensation to the runholders, which, in my opinion, would be amply provided for by the revenue which would be derived from the population that would settle. There have been recently—within the last twelve months—several cases where the cattle, the property of poor settlers, which have trespassed upon the neighboring Runs, have been impounded by the runholders, causing the owners very serious loss both of time and money; and it has been represented to me that the cattle strayed on to the Runs in consequence of the absence of sufficient pasture upon that portion of country where they were allowed to run: the fact being, that the Commonage is insufficient for the number of cattle upon it. And this led to some of these settlers selling their stock, and in some cases, I believe, leaving the district. A Memorial was recently sent by the Tuapeka Land League to the Provincial Government, bearing about 350 signatures, out of which I believe that upwards of 250 were the signatures of *bona fide* miners. Relative to the acts of the present Provincial Executive, immediately after Mr. Macandrew's election, I should like to remark that the Provincial Executive took no steps whatever to ascertain, during the six months they had at their disposal, what lands would be wanted during the terms for which they were about to grant leases. I apprehend that a Commission such as this would have supplied them with very valuable information upon that point. Perhaps it would be going almost too far to say that, just before the elections alluded to, very extensive promises were made as to what should, and should not, be done. But such was the case, and the public are the sufferers from the non-fulfilment of these promises. Some four years ago, an application was made to the Government to sell or lease 1000 acres on Cargill and Anderson's Run, for which the applicant offered to give £1000 cash (that application was to the Provincial Government), and undertaking immediately to spend another £1000 upon the property. This application was refused by the Government, and the applicant shortly afterwards left the district, I apprehend taking his money with him. A portion of this same 1000 acres has since been leased to other applicants. The terms, I apprehend, would scarcely be so advantageous as those refused, to say nothing of the loss of a valuable settler. I know, moreover, that the person to whom it was leased was not in a position to do as much as the said applicant. The name of the rejected applicant was M'Alister, and of the accepted, MArthy,

Hon. Mr. Domett.] In the cases you allude to, of cattle trespassing on Runs, could you say whether the cattle-owner was keeping only the necessary amount of cattle for his agricultural operations, or an amount considerably in excess of that?—The only thing I can say with certainty is, that I believe, in the majority of cases, it will be found that the number kept by these settlers was rather under than above the mark; but I am not personally acquainted with these farms. I am satisfied, to my own mind, of this, although I would not undertake to swear to it.

What was the effect of the memorial you mentioned?—They told us in reply that, as the question involved was one of policy, the Executive intended to transmit it by Message to the Provincial Council. This is only within the last month—the Provincial Council has yet to meet.

What was actually promised before the elections you speak of?—It was promised by Mr. Macandrew that, in this immediate neighborhood, a large quantity of land should be thrown open for Agricultural Settlement and Commonage.

[Mr. Keen suggested that a local office for the reception of applications would tend very greatly to facilitate the transaction of land business, which now causes a great deal of delay and travelling about the country; and also thought that the existence of such an office would tend to bring the actual requirements of the district more immediately under the notice of the Government.]

Hon. Mr. Domett.] Is there any other particular in which the Administration of the Land Laws is complained of?—I certainly do not think we receive anything like a fair portion of the revenue we contribute; but I am not prepared to go into figures to prove it. There is one other point I would remark upon. The most inexpensive class of mining is gradually declining in this district (alluvial washing); and the class of mining taking its place requires a large amount of capital to prosecute. Some industry must supercede the former mode of mining; and to this may be attributable, to a very great extent, the present demand for land. I am satisfied that many of the miners, forced to abandon the old system, would become settlers, and are making every endeavor to do so.

No. 3.

No. 3. Memorial to Superintendent from Tuapeka Land League, referred to in Mr. Keen's evidence.

COPY OF THE MEMORIAL REFERRED TO IN THE EVIDENCE GIVEN BY MR. KEEN.

To His Honor James Macandrew, Esq., Superintendent of the Province of Otago, and to the Executive Council thereof.

The humble Petition of the Inhabitants of the Tuapeka District,

SHEWETH—

That at a public meeting held in the Tuapeka Athenæum on the evening of the 12th October, the following resolutions were unanimously arrived at :—

"That in the opinion of this meeting it is desirable, in consequence of the very unsatisfactory administration of the Acts regulating the lease and sale of Crown Lands situated within the Goldfields by the present Government of this Province, to institute an association, having for its object the opening up for the general purposes of settlement the entire Waste Lands comprised within the same. This association to be designated the Tuapeka Land League, and to continue in active operation until the object for which it is instituted has been attained; the management of its affairs to be entrusted to a Committee consisting of seven members, who, together with their Treasurer and Secretary, shall be elected by this meeting for the period of six months, and having power also to enrol members, regulate their own proceedings, and report them to the general body of members not less than every three months."

"That for the purpose of giving the association a standing, and providing funds for the carrying out of the object sought, a fee of 10s. per annum be charged for membership, payable quarterly in advance."

That in consequence of the want of an abundance of Land for Agricultural and Depasturing purposes, the prosperity of the Tuapeka District is on the decline, the population is decreasing, and capital is being withdrawn.

That there are three Blocks of Land in the vicinity of Lawrence which have been wholly taken up Of Block I all is taken up; Block II, all but what is unfit for Agriculture; Block III is entirely closed. The large number of 615 applications have been granted, or are in course of being dealt with, consequently there is no land to allow of any further extension or settlement.

That according to returns furnished by the Board of Wardens for this Goldfield, the number of cattle applied for is over 3500, and besides 30,000 or 40,000 sheep, and therefor it is self-evident that the land at the present used for depasturing is not half sufficient to meet the requirements of the district.

Your petitioners would draw your attention to the fact that a very large increase of revenue will accrue from the Depasturing Licenses, which will place the Government in funds to compensate for the land required.

That if Runs No. 106, 123, and 127 were thrown open for settlement, allowing one mile on each side of the Tuapeka Creek as a mining reserve, in the course of a very short time a large population would be settled upon the lands, feeding sheep and cattle, and thereby augmenting the prosperity of the district, of the Province, and of the Colony at large.

That the amount of land at present open for settlement and depasturing purposes is by no means adequate for the present requirements of the district, and many of our settlers are selling out their stock, solely in consequence of the fact that they cannot get pasture for them, and if they trespass upon the adjoining Runs their cattle are impounded, and the owners are fined. That upwards of 100 applications for Agricultural Leases have been refused, owing to these lands being locked up, and constantly fresh applications are being made by strangers anxious to settle, but with a like result.

That it is recognised by every person who is acquainted with the district, that in order to make it really prosperous the immediate throwing open of the above-named Runs is absolutely necessary.

That this district has during the last eight years contributed more largely than any other to the revenues of the Colony and the Province, and is therefore entitled to every consideration at the hands of the Government.

That the 3000 acres declared open for selection on Mr. Smith's Run are totally inadequate to the wants of the district, and will in no way remove the grievances embodied in this Memorial, applications having been refused for an area of land far exceeding the quantity thrown open, and hundreds of applicants having been deterred from applying owing to said refusals.

No. 4.

Mr Cormack being duly sworn, examined :—

No. 4. *Mr. Cormack.* 20th Feb., 1869.

Hon. Mr. Domett.] What is your profession?—I am a miner belonging to the Blue Spur. I will state a few facts. I and my partners have been among the most successful of the miners. I and they have made several endeavours to obtain land to settle upon, both in the Hundreds and Goldfields.

No. 4.
Mr. Cormack.
Continued.

Will you mention the applications?—Mr. Hughes first applied for a Block of 6,000 acres in a Block for us in Pomahaka Hundred, Block No. 1. We had not seen the ground when we applied for it. The Block was advertised for sale about three months in the papers. Before the day of sale came on, we went to look at the ground, and ascertained that Messrs. Douglas and Alderson wished to get it. We also found that Block No. 2 was better ground. We did not attend the sale of Block No. 1 in consequence. It was sold, and realised 35s per acre. We sent one of the partners to town to apply for Block No. 2, and when he applied at the Office, he found it was sold. This was within a fortnight of the first sale. On going to Mr. Hughes, a member of the Waste Lands Board, he said, "it was not sold; it could not be; it was a mistake." Mr. Hughes went with my partner to the Land Office, and found it *was* sold. Mr. Hughes could not explain how it was, but confessed it *was* sold. That was two and a half years ago. A month afterwards, at the election for Superintendent, I enquired of Mr. Dick what was the reason of the land being sold. He said he knew nothing about it (of the land being sold.) Mr. Hughes got up, and stated that he knew it was a loss to the Province of about £8,000, but he could not tell how it happened. He (Mr. Hughes) was not a member of the Waste Lands Board at the time. The land was sold for £1 per acre. Block No. 1 was scrubby and steep over a considerable part, while Block No. 2 was the finest land, I believe, I have seen in the Province. We told Mr. Hughes before we put in the application that we would have given from £2 to £3 per acre. In fact, we did not expect to get it under £2 10s an acre. At that price we would have bought, at the very least, 1,000 acres. The purchaser was Mr. Bullen, formerly a draper in Dunedin, now in business in Melbourne. I was treated worse in Southland, where I had authorised two guineas per acre for a Block of land, which had been put up for sale, but it was withdrawn, and sold to somebody else. Mr. Fenton, one of my partners, applied to the Warden for some land on the Goldfields, at the Beaumont (Tuapeka Goldfields) several times, and he was told that the application was forwarded to Dunedin. He waited from eight to ten months, and at last they wrote from Dunedin that they had not got the application, which was afterwards found in the Warden's Office. Mr. Fenton tried all he could to get land, but failing, went off to the Fijis. The fact is, we have tried so often to get land that we got disgusted. The attempt cost me over £50 to get that I have spoken of, and I got none. What we would like would be to get even as little as 150 or 200 acres each (five of us), and settle down upon, as the nature of our mining work is such that we cannot continuously carry it on, as it requires standing in water so much. But we could not without commonage work even 200 acres each profitably. Perhaps 2,000 acres, in addition to the 1,000, would be sufficient. We should require less and less as the freehold land was brought more and more into cultivation.

Do you know of other persons similarly situated to yourself in respect of acquirement of land? There are several others. I have been asked by miners to express their views to the same effect. With respect to the Tuapeka Agricultural Reserve, the part marked 52, the northern portion taken from Lee's Run, is, with the exception of 4,000 acres, unfit for pastoral purposes, except in the summer season. None of it is agricultural land. I have lived there, and tried to cultivate even a garden, and could not. I have sheep and a few cattle on that ground at the present time. From the Blue Spur northward you could not find half a dozen Blocks of 100 acres each that could be ploughed. The Blocks on the tops of the ranges might be good enough, but would be too elevated. That portion of it is fully stocked. There are about 2,000 sheep of mine on it, and others have cattle. I don't know how many head. Two other parts have been mined upon, and are unsuitable for stock, as they fall into holes and water-races.

Are you acquainted with Runs 123 and 137?—I am. There is some pretty fair agricultural land upon it. I think there is sufficient demand to justify the Government in opening up those two Runs; but I do not think so much as there was two years or even one ago. I believe this opening up would have been the means of retaining a great many in the Colony who have gone away. I believe as many as 20 have left the Blue Spur within the last 12 months, many of whom have endeavoured to get land. All of them had capital, say in the aggregate as much as £10,000. As far as I know there are about 4,000 head of cattle upon the Reserve, and the head-money is, I have been informed, about £1,400.

No. 5.

Mr. Jas. R. Gascoigne, being duly sworn, examined.

No. 5
Mr. Gascoigne.
20th Feb., 1869.

I am a farmer and tradesman at Tuapeka, formerly a Miner and owner of Water Races at Weatherston's. I was very successful at mining. I am also a member of the Board of Wardens for managing the Agricultural Reserve. Most of those on the Agricultural Reserve are actually cultivating the land. The majority run cattle on the land. A few do not. A great many who have no land at all, run cattle on the Reserve. They have a right under the Miners' Right to do so. They can run as many as they like to pay for, so that one man might demand the whole of the Reserve if he came first. One has 100 head of cattle, and another, an adjoining runholder, (Mr. James Smith) runs on the Agricultural Reserve 8000 sheep. Mr. Millar, another runholder, has about 2,500 sheep running on the Reserve. Poulson and Sutherland (not runholders, but Agricultural Lessees,) run on the Reserve about 9,000 sheep. Mr. William Murray, living on the Waitahuna Hundred, has running on the reserve 1,500 sheep. A Mr. Mathieson has 2,000 sheep running on the Reserve; he does not farm, but has a 10-acre enclosed for horse-feed. We (Board of Wardens) refused for some time to grant licenses because the land was overstocked. They are only now granted conditionally, that a large proportion of the sheep will be removed by 31st March next, subject tothe approval of the Provincial Government. Wehave had great differences with the Government. Government approved of nothing else but taking the money. We could not get

No. 5. *Mr. Gascoigne.* Continued.

them to say why they disapproved, and in what. The majority of the Board wished to strike off 5,000 acres for sheep at the south-east corner of the Reserve (Hillend). A single member of the Board (Poulson) was opposed to this, as he owned 9,000 sheep. The Board's decision was sent to the Government, and the Government sent it back with a new proposal, that a portion of the Reserve (consisting of about 16,000 acres) should be marked off for sheep belonging to Poulson and others.—Poulson having waited on the Government about this matter. Under the Government proposal, only about one-third of the whole Reserve would have been left for the *bona fide* settlers. The sheep owners were 10 in number, and those who applied to run cattle, who did not include all the *bona fide* settlers, were 170 in number. The Block proposed to be taken by the Government for sheep, was that most available, being nearest the houses, for the cattle-run for the *bona fide* settlers, out of the whole district. The assessment collected on the cattle for 12 months will be £1,500. I am actually farming myself. I have about 28 acres. It may be as much as one man can work, but it would not pay. The least quantity of land that will pay is 200 acres, and that should be of good quality. Small holdings only impoverish any man taking them up. A man, to make farming pay, must have room for a rotation of crops and to keep cattle on the land. I have put on my land improvements which would do for 500 acres. The cost of the fencing would, of course, be lessened in the latter event. I do not think there is a man in Tuapeka having the experience that I have had in mining; and I have no hesitation in saying that there will be a field for mining in this district for at least 200 years to come. I consider the sum demanded by the Government for survey expenses of 50 acres (Agricultural Lease), £10, far too much. It should not exceed the bare cost of survey. And I consider that 200 acres should be granted to each applicant, and that the rent should be applied towards the purchase of the same. The present system has the effect of draining the beginner of the money he should have for his current and necessary wants.

No. 6.

No. 6. *Mr. Gasgoigne's Letter.*

Mr. Gasgoigne's Letter to the Commissioners, asking for Remission of Stamp Duty Fine.

Mr. Gascoigne also sent the following letter to the Commissioners relative to the imposition of a Stamp Duty fine upon a transfer of an Agricultural Lease :—

Lawrence, Otago, New Zealand.

February 22nd, 1869.

To the Hon. A. C. Strode and A. Domett, Commissioners, sitting at Lawrence—

GENTLEMEN,—

On or about the 20th April, 1867, I bought a lease of Land from my brother, William Gascoigne, which was transferred to me about the 25th, and was then sent down to Dunedin for the signatures of the Executive; but, Mr. Macandrew not having received the delegated power from the Governor, was unable to complete the transfer, and the documents were detained by the Government until about 22nd April, 1868, when they again came into my possession. It appears that the transfer should have been registered and stamped within three months. Whether this should have been done within three months after my brother signed the transfer to me, or after it had been dealt with by the Provincial Executive, seems to be an open question, as the Executive have the power to refuse. On the other hand, when I applied to have the transfer made to me, I paid all that was demanded (£1) to cover the cost of same; and the stamp Act having just come into force, I was not fully acquainted with what is required. About nine months ago I applied to be allowed to purchase the land, sent down the money, and in due time my application was granted by the Waste Lands Board, and I thought everything was settled, when I received a letter from my agent informing me that I would have to pay £5 10s for not having put on a 2s 6d stamp. I wrote to him to tender the stamp; but it was refused. I then proved that the document had been detained by some of the Government officials for about 12 months, but all to no purpose. The Government still hold the money, declaring at the same time that the fine must be paid. Shortly after the correspondence between the Commissioner of Waste Lands (Mr. Cutten), and myself, there appeared a notice in the local papers that in addition to the £1 paid, all transfers must bear a 2s 6d stamp. In conclusion, I think it would only be an act of justice on the part of the Government to remit the fines in my case, seeing that there was no intention to defraud the Government, and seeing that they put it out of my power to legally comply with the Law by detaining the papers for the time stated. Hoping, Gentlemen, that you will cause an enquiry to be made into the above case,

I remain,

Your obedient servant,

JAMES R. GASCOIGNE.

Enclosure.

(Enclosure with foregoing Letter.)

Waste Land Board Office,

Dunedin, 23rd May, 1868.

SIR—With reference to the application of Mr. James Randall Gascoigne to purchase sections 66 and 67, Block 2, Tuapeka district, as the holder of two Agricultural Leases, I have the honour to inform you that the Leases appear to have been transferred subsequent to the passing of the Stamp Act

consequently the transfers must be stamped. The power of Attorney from Charles Gascoigne to Thomas Randall Gascoigne must also be produced. It appears to be bad, as an Attorney cannot sell to himself. *Mr. Gascoigne.* Continued.

I have, &c.,

W. H. CUTTEN, Chief Commissioner.

J. C. Brown, Esq., Tuapeka.

No. 7.

Mr. Grundy being duly sworn, examined—

No. 7. *Mr. Grundy.* 20th Feb., 1869.

I am a farmer on the Agricultural Reserve, Waitahuna District. I was a Warden, but resigned. So far as the Reserve is concerned (the depasturing of stock in the Waitahuna District), I think there would be quite sufficient for the stock belonging to settlers, were it not for the large amount of sheep depastured by non-agriculturists. I allude to the sheep-owners named by Mr Gasgoigne, all of whom cultivate very little land—taking up from 10 to 50 acres merely to put a dwelling-house upon, and give a right to depasture. I may state, as far as Tuapeka District is concerned, there is not a sufficient Commonage for the depasturing of the stock of the settlers. They want more. Many of these latter, in proximity to No. 137 and 123 Runs, are always in difficulties with their cattle. These cattle are kept for dairy purposes. About 25 head of cattle and milch cows is about the largest number owned by any single person of those I speak of, Fitzgerald, whose cattle have been driven off when not 400 yards from his house, to the Pound, for trespass on Smith's Run, a distance of over 30 miles. This is the only case of impounding cattle I know of. None of these farmers keep any sheep. There are only 10 sheep-owners in the district. Between them they monopolise the greatest portion of the grazing capabilities of the district. The settlers on the Agricultural Reserve are, generally speaking, thriving. They depend on the Goldfields for a market. There is no doubt the Goldfields will last out the time of the youngest man among us. The Blue Spur Diggings will be working for many years certainly; and both banks of the Tuapeka Creek are known to be auriferous, all the way to its mouth. They will be worked whenever there is water enough. There is as good market for this district for farm produce as any in the Province. Produce fetches a higher price than it does in Dunedin. So far as the leasing system is concerned (Agricultural Leases), the expense in connection with applications is a great drawback to the settlement of the district. Ten pounds for 50 acres deposit is considered too much to cover expense of survey. Fifty acres is not sufficient for a person to undertake profitably in farming: not less than 200 acres should be farmed to give any chance of success. In taking up 200 acres, four applications are required, for which £10 each have to be paid, or £40, to cover survey cost of 200 acres. Another grievance in connection with the applications is the cost of advertising in the public papers. Generally £1. I do not wish to condemn the leasing system in itself, which is good. It is the restrictions and conditions and bad administration of it that we complain of. It is five years since I first made application for land. I have made four applications. The first, five years ago—two tens and two fifties—and the first lease is not executed yet. I have applied frequently for them. This difficulty is not mine alone. It is usual for leases to be delayed for three years.

MONDAY, 22ND FEB., 1869.

Mr. Grundy. 22nd Feb., 1869.

Mr. Grundy being again sworn, examination resumed—

Statement made.—I wish to take up my evidence where I left it, as to the Agricultural Leases.

The real grievance of the settlers in the Tuapeka District is the want of a more liberal and prompt administration of the Agricultural Leasing system; the reduction of the cost of survey, and making the rent a portion of the purchase-money; also, the local management of the grazing interests in the district. At present the management is by Wardens, elected by Lessees, License-holders, and holders of Miners' Rights, but with a Chairman nominated by the Superintendent. The settlers wish to have a Chairman elected by themselves directly, in a manner similar to that adopted in Hundreds. They wish to have special provisions made by Act of Parliament for the Management of Agricultural Reserves within Goldfields, similar to those in the case of Hundreds. This would give to the *bona fide* settlers and the mining community the exclusive power of managing the Block themselves. The country held by Smith and M'Lean—123 and 137—not only obstructs the advance of settlement in these Runs, but also in their immediate vicinity, from the fact that in the event of the settlers' cattle straying, they may be fined for trespass. One of these runholders, some years ago, received a large amount of compensation for one of his Runs, and now occupies a large portion of the Agricultural Reserve with his sheep. I believe Mr Smith has a pre-emptive right within the Agricultural Reserve. If that is the case, the runholder has a great advantage given him over the settler in the Reserve. As for the grazing capabilities of the Agricultural Reserve, I believe on the average it would carry a sheep to two acres, exclusive of agricultural land. There are over 30,000 sheep on the Reserve. I am satisfied of that. There are over 4000 great cattle—that is, horses and horned cattle. I believe there are over 10,000 acres of agricultural land in the Reserve. The present system, if pursued, will be a great drawback to the district, and drive away many settlers. A number of these settlers are advertising their places for

Mr. Grundy. Continued.

sale in consequence of dissatisfaction with the system of administering the system. I am one; Mr. Fraser is another; and several have left the Province altogether. In my district (between Tuapeka and Waitahuna), about two-thirds of the land taken up is actually fenced in and cultivated.

No. 8

No. 8.
Mr. Fraser.
22nd Feb., 1869.

Mr. Alexander Fraser, being duly sworn, examined:—

I live in the Waitahuna District. I am farming 56 acres under Agricultural Leases on the Agricultural Reserve. The greater portion of the Reserve is fully occupied by sheep and cattle. I have cattle. The feed is scarcely sufficient. I have about 30 head. I could not carry on farming profitably without them. I have no sheep. They are not actually used in farming. Farming will not pay without stock running on commonage, nor without as much as 100 or 200 acres. The best of the land in the Agricultural Reserve has been taken up, and the rest could not be taken up (except small portions) profitably under the present system. The conditions on which 200 acres are now leased, viz., payment of £10 deposit for each 50 acres, prevent this working beneficially. The power of compelling owners of cattle to pay for their trespass on unfenced cultivations (which they enjoy at present), will be a great draw-back to settlement. The evil is now only commencing. I think the law should provide that cultivation must be fenced, before damages for trespass on them should be given. The conditions generally on which agriculturists can settle are such as to prevent them doing so. Respecting the covenants, I think the Reserves on Runs 123 and 137 do not much affect the question. If the leases of those Runs had been cancelled two or three years ago, I think all the available land would have been settled upon. I should say about two-thirds would be taken up by *bona fide* settlers in the course of time. If the Government would make the deposit and the rent a portion of the purchase money, many would settle that would not think of settling under the present system. If this were done with respect to the Agricultural Reserve, most of the people settled there would extend their areas. There is some splendid land, the pick of the Run 137, along the Beaumont Road in different Blocks, amounting to perhaps 2,000 acres, lying within a space of 10 miles. But the land must be taken in not more than two Blocks. The Block of 3,000 acres on 123, is being surveyed. A great portion of this, however, is auriferous, and cannot be leased for agriculture. But nobody of any experience in farming would settle on land unless commonage were joined. I think 15,000 acres of commonage would be required to make the 5,000 acres on 137 available for farming. 2s 6d compensation per acre was given for the land on 137. There are at this moment several agricultural settlers on the Reserved Land in these Runs. A great portion of these Runs is fit for agsiculture—as fit as the land between Lawrence and Waitahuna, now under cultivation. Beside the greater facilities the new land gives, there is bush upon the Runs, chiefly on 123.

Mr. Grundy.—My experience goes to show that settlers would desire more than the amount of land allowed by law.

No. 9.

No. 9.
Mr. Adams.
22nd Feb., 1869

Mr. Adams, being duly sworn, examined—

I am of opinion that one-tenth part of the Runs 123 and 137, would be taken up in three years if the land could be taken in any sized blocks over the whole of the Runs. The land is about the same as between here and Waitahuna. Perhaps you might call it one quarter agricultural, and three quarters pastoral. Perhaps in a long course of years, (not in our time,) the whole might be cultivated. The one quarter would include, in my opinion, all land on the Runs as good as that under cultivation between Lawrence and Waitahuna. Several sections have already been surveyed about the Beaumont, on Run 137; but Government could not give possession on account of the Government not having yet made arrangements with the runholders as provided by law. The average amount of land taken up for agriculture is about 40 acres. I have laid out several allotments of 28 acres lately, for persons who could get more if they liked. I have not had, in a single case, to lay out a block of as much as 200 acres for a single individual. I do not think there have been any applications from the Blue Spur diggers. Of the 3000 acres lately thrown open, about 1000 are auriferous; and I am now engaged in marking off seven applications in the remaining 2000. These applications have been made within five months. I think there are six applications for 50 acres, and one for 25.

No. 10.

No. 10.
Mr. Nicholson.
22nd Feb., 1869.

Mr. Nicholson, being duly sworn, examined:—

In 1863 there were	29	appplications	for	Agricultural Leases.
„ 1864	„ 74	„	„	
„ 1865	„ 20	„	„	
„ 1866	„ 242	„	„	
„ 1867	„ 147	„	„	
„ 1868	„ 114	„	„	
Total	626	from the Tuapeka Goldfields and for land within the Tuapeka Agricultural		

Reserve. Out of these about 500 have been granted. One of the reasons for the remainder not being granted, is owing to the fact that, when a party applies for a second 50 acres, Government require proof that the first has been improved; although, in many instances, treble the amount of improvements have been made on the first 50 acres. A man applies for a 100 acres; the Government send up a certificate for 50. If he applies for 200, Government will not grant it unless he has made improvements on each Block of 50, notwithstanding he may have made triple the amount required on the first 50. This applies to the majority of cases not yet dealt with. *Mr. Nicholson.* Continued.

Of the 500 granted, how many have been settled upon and cultivated?—Approximately the aggregate acreage applied for is 20,000 acres. The number of applicants is [400]*, that is an average of [50] acres to each. I should say that more than two-thirds of the land applied for is improved either by fencing or cultivation. In my estimation, the best of the available land has been taken up. There were 13 applications for land upon Treweek's Run, at the Beaumont (137) surveyed and refused on account of the depasturing license not being cancelled. The applications were for 50 acres each. Numerous applications have been made since then, but refused for the same reason. With respect to the Block of 3,000 acres (found to be 2,500, including a Mining Reserve) out of Run 123, there have been seven applications for 50 acres, and one refused, because within the Mining Reserve. The only reason I can give for the sudden increase in the number of applications in 1866, is the extension made that year of the 10 acrespreviously allowed, to 50 acres.

Hon. Mr. Domett.] Mr. Grundy says Mr. Smith applied for, and had land surveyed under a Pre-emptive Right within the Agricultural Reserve; is this so?—It was only 10 acres. I know nothing more than that it is recorded in the Maps of the office as belonging to Mr. Smith under a Pre-emptive Right. It is my impression that it was sold to him before the Agricultural Reserve was made. The extent and acreage taken out of the Agricultural Reserve for Mining Reserve, within which no Agricultural Leases can be granted, is [9,550 acres approximately.]* The persons now applying are generally those who are already holders of agricultural land, and the land applied for adjoins previous applications. Strangers applying, in most instances, enquire for ground either on Run No. 123 or 137, and are informed that the same is not open for application.

No. 11

Mr. William Tolcher, being duly sworn, examined:— No. 11. *Mr. Tolcher.* 22nd Feb. 1869.

I have resided on the Tuapeka District over seven years. I came at the first of the rush. I was one of the early applicants for land under the 10 acre system. With regard to that, I experienced, with others, very great difficulty in getting land or encouragement for settlement, and soon found that 10 acres were not sufficient to support a man. The 50 acre system in 1866 came into vogue. I had taken three Blocks of 10 acres, but could not get any more adjacent, the land available and adjacent not being fit for agriculture. I accordingly relinquished farming, and gave it up as not offering sufficient inducements. I was Secretary to the Progress Committee of Tuapeka. At that time direct application was made to the Superintendent for land to be thrown open for settlement. I think it was in 1864 or 1865. A deputation went to Dunedin on the subject. It was known there that the leases of the two Runs (123 and 137) were about to expire or nearly run out, and to prevent their renewal this application was made. This shows the complaint is of old standing. I was down the Tuapeka River lately, from the boundary of the Goldfields to the junction of the Tuapeka and the Clutha. There is a number of miners living on the west bank of the Tuapeka River, who desire to be able to run some cattle in conjunction with their mining operations, and cannot do it. I think there are about 20 to 25 parties of four each, or from 80 to 100 men. They have some good payable land, and if land for cattle were given them, they would very likely become very eligible settlers. I wish to add my testimony to that of others, that 200 acres is not too much for a man to have, to enable him to succeed as an agricultural settler.

No. 12.

Mr. Evans, being duly sworn, examined:— No. 12. *Mr. Evans.* 22nd Feb. 1869.

I am farming on the Agricultural Reserve, adjoining both the Runs 123 and 137. I have about 71 acres under Agricultural Lease, and 10 freehold—fully 30 in crops. I have no cattle on the Reserve at present. I have been obliged to sell them for want of pasturage. The land near me is wholly occupied by others—miners and agricultural leaseholders—who have come since. If my cattle go on the Run, I shall be summoned for trespassing. I have already been fined, with four others, on Mr M'Lean's complaint to the Resident Magistrate. The land is wholly taken up where I live with gardens and paddocks, and a great portion by mining. One or two besides me have been obliged to sell their cattle for the same reason as myself, and some have been obliged to move them over towards the Waitahuna. They have to pay ten shillings a head for their cattle being looked after there, besides the assessment. The settlers on that side would have taken mine on the same terms, but I preferred selling them. I was paying assessment for 18 head of cattle when I sold them. I suppose 200 acres, or thereabouts, of the ordinary pasture land in Agricultural Reserve would have been sufficient for the cattle I was keeping.

* See Supplementary Evidence, (No. 17).

No. 13.

No. 13.
Mr. Mee.
22nd Feb., 1869.

Mr. Isaiah Mee, being duly sworn, examined :—

I am a miner settled for four years on the Tuapeka Flat, adjoining Mr. Smith's Run. I keep an acre of ground under my Miners' Right. I have about 27 head of cattle. The Run is so near to where the miners are camped along the creek, that we cannot run our cattle. These miners follow mining and cattle keeping, because the ground is getting too poor for us to depend on mining alone. The houses are thick along the creek. Many of the miners have cattle, some more and some less. I don't know how many acres our cattle run on, but I know that they have hardly sufficient land now, and that in the winter they'll have nothing to eat. It would assist us very much if the Government would throw open those two Runs, and let us have feed for our cattle. It would encourage us to stop in the district. We do not want to stir out of the district, but we must have some inducements to stop there. Block No. 4 (between Tuapeka Creek and Waitahuna), is closed on petition of the miners settled there, because much of it is auriferous. There is no pasture land near enough to our houses for our cattle to run on. I suppose there are 40 or 50 miners living along there who have cattle. I don't know how many miners in all there are. Nominally there may he 500, besides wives and families. Almost all are married men and settled down, who do not rove about or lift their swag at all, living upon an acre of ground, and some, combining cattle, keeping with mining; and I am confident many more would invest their money in cattle if the land were thrown open and they could get grass for them. We have stopped at the present buying cattle-because there is no feed for them. We have no fat cattle at present to sell for want of grass—not three fat beasts in our part of the district. I am certain that the miners would cultivate more land if they could get it.

No. 14.

No. 14.
Mr. Brown.
22nd Feb., 1869.

Mr. Brown, M.P.C., for the Goldfields, being duly sworn, examined:—

So much evidence has been given, that it leaves me few points to remark upon. Taking the Tuapeka District as containing 95,000 acres, which I believe is correct, there are over 20,000 acres under occupation of application for agricultural purposes. I should say there are at least some 15,000 acres that are occupied as residence areas by miners, or are being, or have been mined, and are consequently useless for either pastoral or agricultural purposes. We have on the remainder some 4,000 head of cattle, which, at 12 acres to each head of cattle, would occupy 48,000 acres. There are also licenses granted for about 30,000 sheep to about 14 sheep-owners who are virtually engaged in pastoral pursuits. Besides these, the miners themselves run, under their Miners' Rights, some 500 head of cattle. This will show that the Agricultural Reserve is more than sufficiently occupied already. Blocks Nos. 1, 2, and 3, on this Reserve, immediately adjoining the Township of Lawrence, comprise about 10,000 acres of land. Out of this amount, only about 750 acres are open for selection. This is all within a few miles of the town, Upon the 20,000 acres alluded to above, there are about 300 settlers, exclusive of their families. The Reserves of 5,000 acres eac h, on the Runs 106, 123, and 137, are totally inadequate to the requirements of the district. I would recommend that the Leases over those three Runs should be cancelled, and that suitable selections should be at once made for agricultural occupation; and that the pieces best suited for agriculture should be selected at once, and surveyed prior to their being dealt with; care being taken that auriferous land be in the first place reserved from occupation. There is one matter that has not been mentioned: I mean the question of the Compensation of Agricultural Lessees whose leased lands are found to be auriferous, and consequently are taken away from them. I think they should be compensated by the Government in the same manner as runholders are, as the danger of being turned out is a great impediment to settlement. The miner, too, is deterred from prospecting near the leased lands, lest he should have to pay the compensation. A very large proportion—fully one-half of the agricultural settlers—either are, or have been miners; and there is doubtless a large number of that class disposed to settle with their families. The Block of 3,000 acres recently proclaimed for occupation, is nearly all auriferous, and the miners object to its being taken up for agricultural settlement. I would recommend that a better title should be given to the occupiers of what are called "Resident Areas" on the Reserves. The holders of Miners' Rights, who have these areas, should have the same privilege of purchasing as Agricultural Lessees have.

Hon. Mr. Domett.] Before concluding your evidence, will you inform the Commissoners whether you have any complaint to make of mal-administration of the Land Laws in this Province?—I have no complaint myself to make. I am aware of one that has been made by Messrs. Higgins, White, Reid and Agner, and Taunton, as to applications made in 1866 for Agricultural Leases in Waitahuna West, which, as they cannot be present, and they have repeatedly brought it before me, I will now mention for them. Their complaint is, that they are not put in possession of the land. The applications were heard in the Warden's Court, and recommended by the Warden. They afterwards Memorialised the Provincial Council, and the evidence taken by the Provincial Council will be found in "Appendix to Votes and Proceedings" (Session 24, 1868, page xv.), with the Report at page 27, among "Reports of Select Committees." The report was to the effect, that the Leases should be granted immediately. This has never yet been done. I wish the Commissioners would read the evidence taken by the Council, and include their view of the matter in their Report. I would recommend that all Agricultural Blocks should be surveyed beforehand, so that the pretexts for demanding the deposit for survey would be obviated. The deposit of £10 for every 50 acres—especially where they grant four Blocks of 50 acres, and insist upon the four deposits—is excessive, and greatly hinders settlement. The applicant is moreover generally kept out of the money for 2 years. As a resident freeholder in the Tapanui district, I feel it incumbent upon me to bring one more fact under the Commissioners notice. I allude to the practice of throwing open small blocks of land under the covenants. In that district, these blocks do not exceed 8,000 acres. One has been already surveyed and nearly all sold. Another of these is now under survey on Run 163, in allotments of from

10 to 100 acres. There are about 60 or 70 settlers at Tapanui. They are anxious that a Run should be thrown into Hundreds. The blocks are put up at £1. A great extent of the one already sold has been bought by the holder of the Run from which it was taken. The blocks, as to their locality, would be suitable for settlement by the Tapanui settlers. But they cannot occupy these blocks as agricultural farmers without room for running cattle, as is given by the Hundred system.

Mr. Brown. Continued.

No. 15.

Mr. Bastings being duly sworn, examined:—

No. 15. *Mr. Bastings.* 22nd Feb, 1869.

During my residence here of three years, I have known a great many persons who have come up from Dunedin—some new arrivals—for the purpose of buying land and settling. They were all people having money. One, very well known, was Mr. Barlow, the comic singer. He was very anxious to settle here on land. I went about with him for two days, looking for land. He returned from Victoria for the very purpose of taking up land in this district. He was inclined to invest £1000 at least in land. We went to the Survey Office. Mr. Nicholson, the draughtsman, showed us all that was open for purchase; but all the good portions had been picked out, merely the refuse was left. Mr Barlow then gave it up and went away. We went to the Tuapeka Mouth, and Flat, and to all the most likely places in the district. The Blocks on the Runs 123 and 137 were not then open There were also two brothers named Bowen, from Victoria, which colony they were desirous of leaving, on account of the climate. They came with the intention of farming, and settling on freehold land. I had known them for years. They went everywhere about, and I with them, till we were sick of it. We always found the good parts of the land available for agriculture, had all been picked out and taken up. There were many other similar instances. A late one was the Rev. Mr. Margetts, who was seven days up here looking for land—a man of large means. He went about in the same way, walking over the country as far as the Teviot. He wished to buy three or four thousand acres, but could not find any. This was not more than three months ago. He afterwards lost a good deal of his money from lending it on bad security. I know from my own knowledge that many of the diggers on the Tuapeka Flat, and at the Blue Spur, have sums of money varying from £500 to £1000, and are anxious to invest this money in making homes for themselves, if facilities were afforded them of getting land. In my opinion, if the two Runs (123 and 137) were thrown open, there would be 500 or 600 families immediately settled upon the land. I do not overstate it. I know that the men are prepared to do so; and they will leave if facilities are not given them for settling. Another matter to be noticed is, the want of a Commonage for Towns. This is greatly wanted. We have petitioned the Superintendent about it. The answer was, he had no power, but would refer it to the Council. We went to the trouble of having a Block surveyed The Reserve should be such as to secure Commonage and a place for recreation for the people for ten years to come at least. I will send the size of the Block proposed for this Town.—*(See attached letter.)* I do not think the people who are demanding land have for an object to become runholders. I think they want enough land to keep cattle and sheep to facilitate their agricultural farming.

No 16.

Supplementary to Mr. Bastings' Evidence.—Information as to Commonage.

No. 16. *Letter from Town Council relative to Commonage.*

Council Chambers,
Lawrence, March 26, 1869.

Messrs. Domett and Strode,

GENTLEMEN—I am instructed by the Lawrence Town Council to furnish you with the following information relative to the site selected for a Commonage by this Corporation, in September, 1867:—

The Committee appointed to report on a suitable site for Commonage for the Town of Lawrence would recommend application to be made to the Government for an area of land South of Lawrence, containing 1700 acres, more or less, on Surveyed Block 2: and also, area of land North of Lawrence, containing 1000 acres, more or less, situated on the Spur between Weatherstones and Gabriel's Gully.

I have &c.,

WM. HAYES, Town Clerk.

SUPPLEMENTARY EVIDENCE.—TUAPEKA DISTRICT.

No. 17.

(Mr. Nicholson to the Commissioners.)

No. 17. *Letter from Mr. Nicholson.*

Survey Office,
Lawrence, 25th February, 1869.

GENTLEMEN,—In accordance with your request, I have the honour to forward the following information:—

Mr. Nicholson. Continued.

The *acreage* of the Mining Reserve and Commonage in this district, within which it has been decided no Agricultural Leases have to be granted is 9,550 acres (approx.)

The *number* of different *applicants* for Agricultural Leases in this Goldfield is *about* 400.

Also, to enclose the list of questions prepared by you, which, I think, have been, so far as this district is concerned, fully answered.

I have, &c.,

JAMES NICHOLSON, Draughtsman.

Messrs. Domett and Strode,
Special Commissioners, Dunedin.

Enclosure.

[Enclosure.]

List of questions for District Surveyor and Draughtsman (Messrs. Adams and Nicholson,)

1.—You know the Blocks reserved or covenanted to be taken on Run 123?

2.—Has any of it yet been taken up, or bought?

3.—How much?

4.—Has it been bought with a view to agricultural farming?

5.—Can you account for no more having been taken up?

6.—Is there any, or sufficient, available pasture land for the cattle of small agriculturists, *i.e.*, sufficiently near to the arable land?

7.—Give the same information with respect to the Block on Fulton's Run, No. 48? Is this land too far off for settlers at the diggings to occupy, either because they could not carry on simultaneously their mining oporations with farming in that Block or on other accounts?

8.—Is the Block surveyed and open for sale?

9.—Can applicants for purchase at this moment obtain land, wanted in all or any of those Blocks taken out of Runs for sale, without difficulty or unreasonable delay? Or in the Agricultural Reserve! If not, why not?

10.—It has been stated that the whole, either of Run 123 or 137, would suffice for the immediate wants of the inhabitants of Tuapeka District. How much agricultural land is there on each of these Runs? What is the character and where are the Blocks situated on these Runs?

11.—What proportion does the agricultural land bear to the pastoral on these Runs?

12.—Can you state at what rate *bonâ fide* agricultural settlement has taken place since the Tuapeka Diggings commenced, *i.e.* What is approximately the average annual number of settlers on agricultural lands, and of the average size of the allotments they have settled upon?

13.—Would the number of these under the most advantageous circumstances that can be offered be likely to increase in the next few years, in the immediate future?

14.—Do you know the circumstances of M'Allister's applications to purchase 1,000 acres on Messrs. Cargill and Anderson's Run?

15.—To whom was a portion of this land afterwards leased, and on what terms?

16.—Can you account for the refusal of M'Allister's applications?

17.—Do you know anything of the sale of Block No. 2, Pomahaka Hundred, which Mr. Fenton applied to purchase?

18.—Is it superior land to that in Block No. 1, same Hundred, which Mr. Cormack had previously applied through Mr. Hughes to purchase, but was refused?

19.—Do you know that Block No. 2 was sold for £1 per acre, with only a fortnight's notice, though the inferior Block No. 1 fetched 35 shillings per acre?

20.—Do you know anything of applications by Mr. Fenton (a partner of Mr. Cormack's) to purchase land at the Beaumont, or why his applications were rejected?

21.—Is there any, or much agricultural land left in the Agricultural Reserve, still open to be taken up?

22.—Have any applications been made for land within the last 12 months from Blue Spur Diggers, desirous of settling?

23.—Do you know whether the cattle running on the Agricultural Reserve are the property of *bonâ fide* Agricultural Farmers or not?

24.—Do they keep cattle or sheep as subsidiary to farming or as a separate occupation?

25.—Are you aware that several large sheep-owners are using a large portion of this Reserve without being Agricultural Settlers at all, or merely nominally so?

No. 18.

Mr. Wm. Archibald Murray.— No. 18. *Mr. Murray.*

[This evidence is as taken on oath, but was afterwards corrected and forwarded to the Commissioners, in writing, by Mr. Murray.]

1.—Has not a portion of Run-land been lately declared into a Hundred?—Yes.

2.—How much?—About 12,000 acres near Tokomairiro.

3.—Will this be sufficient for the wants of the surrounding district?—For the present.

4.—What was the effect of making the former portion of Messrs. Maitland and Pillan's run into a Hundred?—To transfer it from unprofitable occupation by the Crown into freehold estates.

5.—Has any of it been bought and settled or cultivated by Agricultural settlers?—Yes; nearly all has been bought, and a very large extent of land in the Waitahuna Hundred has been, and is being cultivated.

6.—At what price was this land sold?—Chiefly at 21s. per acre; but some of it much higher. The Land Office will best supply such information.

7.—Do you think the land on these Runs about to be surveyed and sold will fall into the hands of persons who will cultivate much of it, or into the hands of intending sheep-farmers?—I think it will chiefly be bought by persons who will keep sheep and cattle, and cultivate more or less according to prospect of profit therefrom.

8.—Is the present leasing system under the Goldfields Act satisfactory? If not, what are its defects?—It is too complicated and costly, and the areas are too small for profitable occupation. There is too much difficulty in obtaining a title, and too much uncertainty and circumlocution involved. It spots and destroys the country for profitable occupation, and seduces, by fictitious inducements, industrious working men from legitimate and useful labor, though actually upon such costly and illiberal terms as will reduce them to a position little better than that of State paupers.

9.—Would you suggest to sell or lease the land instead?—Sell, on certain conditions.

10.—What would be the effect if other Runs, such as No. 123 and 137, were taken from the Goldfields and declared into a Hundred? Would this land be bought and settled by agricultural farmers or merely cattle-holders?—Same reply as to No. 7, but by more small holders in proportion, and at higher prices.

11.—When Hundreds have been formerly declared of lands previously in Runs, has the effect been to cause an influx of settlers and to promote agriculture in any considerable degree?—Certainly.

12.—What has been the effect of selling land in Hundreds at 10s. per acre?—To ruin many colonists, and evince a policy of bad faith and repudiation on the part of Government, most discreditable to our law-makers and injurious to public credit and the welfare of the Colony, by leading men to pay 20s. or more for land on the faith that the remainder would be left them as commonage until it realised the same upset price; and then after obtaining these settlers' money on such pretences reducing the price to 10s. per acre. Had such, or even a greater reduction in price been specified when the land was opened for selection, I would have strongly approved of selling the refuse land at lower prices.

13.—Why did the same persons first demand that the land should be so sold (at 10s.) and afterwards that the sales at this price should be discontinued?—I do not know the motives of the persons here alluded to.

14.—What has been the effect of selecting and selling the best Blocks throughout the Country, on the runholder, where he has not bought the Block himself, or on the lessees of agricultural areas?—To render the Country unprofitable for present occupation and by picking the eyes out of it—spoil it for future survey and settlement.

15.—In your opinion can agriculture be carried on at a profit on a small scale, or on what is termed the cottier farm system, without being combined with cattle and sheep farming? If the farmer (cattle farming), what extent of land should be given in addition to that required for agriculture?—Near large towns, Yes: distant from such, or the centres of population, No. Land for Town Commons should be reserved, and would be, as in Australia, of considerable benefit, and could ultimately become public Parks and Municipal estates as population became dense. Permanent occupation of land on the commonage principle I do not consider advantageous in other situations.

16.—Would there be a paying market for the produce of small farms in these districts, supposing the neighboring Goldfields to be exhausted and population greatly diminished?—Unless something else turned up, No; for all would be producers where there would be no consumers.

17.—Have many of the actual gold-diggers settled on such farms under the Agricultural Lease system or otherwise, so as to become what may be termed *bonâ fide* settlers?—Yes; considering the difficulties and the obstacles in the way of settlement against which they had to contend.

18.—Do any of the occupants of land, now Hundred land or Commonage, run such numbers of sheep upon them—say, amounting to thousands—as to produce 100 bales of wool annually?—Many persons depasture large numbers of sheep on such lands: but these numbers are rateably apportioned to the extent of freehold land held by those persons.

19.—Are the assessments due by law in these Hundreds duly paid up?—On the Goldfields; yes. On these Hundreds, I believe, they will be generally paid up when demanded.

Mr. Murray. Continued.

20.—Can you state shortly the advantages and disadvantages of pastoral land being held by many runholders and few runholders respectively?—The difference between a comparatively populous country, divided into moderately sized farms, suited to the means of the owners, more or less improved and cultivated, and occupied by a resident proprietary and numerous persons to whom they would give employment; and pastoral wilds held by the managers of absentees, or fully mortgaged to foreign usurers, (such properties being too large for the ability, pecuniary and otherwise, of ordinary capitalists and colonists,) while a few scattered shepherds' huts and their occupants would respectively represent improvements and population.

21.—Is there any complaint of mal-administration of the Land Laws by the Province, except in the particulars of the covenant with the runholders and the sale of land at ten shillings?—I am not prepared to state here all that I have heard on the subject. I may refer, however, to the great injury done to the Province by the indiscriminate manner in which *all* the Runs were released; some despite of petitions and the promise of the then Superintendent to the contrary. The policy, or rather machinations, of a certain leading spirit appearing to tend to the locking up of the country against the legitimate settlement of population.

22.—Please make suggestions?—I would suggest that considerable areas of country be from time to time, as required opened for settlement as follows:—

1st. All main road lines to be properly laid out.

2nd. Reserves to be made of two classes, the first not to be diverted from the purpose for which they were set apart, without an Act of Assembly and Ordinance of Council; for the second class a Provincial Ordinance to be sufficient.

3rd. Adapting the Survey to natural features. The district to be laid out into properties of greater or less extent, according to the quality and position value of the land, natural boundaries or good lines for march or ring fences; and also to suit the means and requirements of intending buyers, and so dispose of the land as to be of the best advantage, and, of course, value to both buyer and seller.

4th. To resident selectors I would concede the privilege of paying only one-fourth of the purchase money at sale, the remainder bearing low interest, at say 5 per cent. per annum, to remain or be paid off by installments during say eight years, but the residence condition to be strictly enforced. If selectors refused or failed to comply with the residence and other conditions, they would, in the option of the Government, have either to pay up the balance, or forfeit their right to the land; they being repaid their one-fourth deposit (less costs) when the land was re-sold.

5th. Buyers or selectors to have the depasturing rights over the unsold and unoccupied remainder of the district till sold or selected.

6th. Buyers and selectors of land, and ratepayers, to elect from among themselves annually, a District Board to attend to pastoral, road, education, and other local matters.

7th. Any attempt at fraud, by dummy applications or otherwise, to be liable to severe penalties.

I consider that the aim of legislation in disposing of our Crown Lands, should be to settle them with men of moderate means, avoiding on the one hand vast unimproved estates, and, on the other, potatoe patches insufficient for the respectable maintenance of a family; for the owners of such can neither improve their own position, nor that of others, and will drag out a miserable existence, and with their noses to the grindstone all their life, will after all leave their families in beggary. While 50 acres is too small to support a family, 50,000 acres is too large for the limited area of our little Island: At the same time, we must not limit the rights of individuals to buy as much as they wish, and can pay for at once in cash. More and better wool will be produced on moderate-sized freehold farms, than under the present unthrifty system of vast Runs held often on borrowed money.

WM. ARCHD. MURRAY.

No. 19.

Letter from Mr. Keen with Enclosure.

No. 19.

(Mr. Keen to the Commissioners.)

Lawrence, 6th April, 1869.

GENTLEMEN—Having received from His Honor the Superintendent a copy of a Statement* which he has forwarded to you, in which His Honor gainsays some of the evidence† which I gave before you in your capacity as Waste Land Commissioners, I have the honor to forward to you (as a reply to His Honor's statement) copy of a letter this day addressed by me to His Honor, and I have to request that any publicity which you may give to the one, you will likewise give to the other.

I have, &c.,

JOHN SHADWELL KEEN.

To the Hon. A. Domett and A. R. C. Strode, Esq., R.M.

Enclosure.

(Enclosure).

Lawrence, 6th April, 1869.

DEAR SIR—Your letter, dated the 22nd ult., should have been acknowledged prior to this, and would have been but for press of business.

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* See Evidence No. 96.

† No. 2.

Enclosure, with Mr. Keen's letter. Continued.

Your Honor's statement, in reply to a portion of the evidence given by me before the Waste Lands Commission should not (I think and submit) have been marked "private," because it attempts to accuse me of, at all events, incorrect statements; and as these statements were made by me upon oath, every facility should be afforded me of replying to any contradiction which may be entered. I take it that this did not occur to your Honor.

Now, as regards your Honor's quarrel with my statements, I have closely sifted the reply to them—a copy of which your Honor has kindly furnished me with—and I fail to find any proof that I erred in any important particular, save one, and that is, that I stated that your Honor had six months in which to save the Province from the state into which it has fallen; whereas only two months were actually in command. Such an error was easy to commit, and is really very unimportant.

I cannot but observe that your Honor admits that at a cost of, say (at the outside), £20,000 or £30,000, the leases (although covenanted to be granted by your predecessor) might have been withheld, and by that means an abundance of land thrown open. I admit that such an outlay probably would have occasioned a considerable financial difficulty, but one that might and would have been got over, and by this time far different results, and far happier, would have attended the transaction, than those which we now witness and deplore.

Your Honor will not deny that, when canvassing for election to your present office, your great cry was, 'Land, at all cost, and at any price." Had it not been for that distinct pledge to the people—popular as your Honor was for many reasons—very many who then voted for Macandrew would have voted on the opposite side; and it is, at least, unsatisfactory to find that, for a mere money difficulty, the opportunity of saving the Province and its Estate from a gigantic monopoly should have been passed by, particularly when we consider that every sixpence expended (wasted) on Immigration would be saved if people here were given the means of living, viz.:—Land! They are denied this; and, consequently, they leave. Others are imported, who, in due time, go the way of their predecessors, and for the same reason.

Your Honor having forwarded the statement to the Commission, as a matter of course does not include the gentlemen forming it in the interdict imposed upon me by the word "private." That statement may, probably will, be published with the evidence, and it would be manifestly unfair for me to be denied the right of reply. I have consequently forwarded to the Commission a copy of this letter.

I have, &c.,

JOHN SHADWELL KEEN.

His Honor the Superintendent of Otago.

PART II.—EVIDENCE TAKEN AT ROXBURGH.

TUESDAY, FEBRUARY 23, 1869.

No. 20.
Mr. Beighton.
23rd Feb., 1869.

No. 20.

Mr. Beighton being duly sworn, examined:—

The mining population is collected at the Teviot, Cold Creek Flat, Pomahaka, Campbell's, Waikaia, Long Valley, Horse-shoe Bend, Moa Flat, and other places. It is a very long, scattered district. The great majority of these miners have an interest in grazing and agriculture. There are only two blocks of land in the district that have been open for settlement, and all the available land in these blocks has been taken up. One block is at Dumbarton Rock, on Clark's Run, this end of Moa Flat. The other one on Cargill and Anderson's Run, at West Clutha. Each is supposed to contain about 2500 acres. On the Moa Flat Block, the quantity taken up exceeds one-half of the whole block. A great part of this block is of a very shingly character. In the case of the other block, also, all the land available for agriculture is applied for. The applications for the latter block were all sent in within a week after it was declared open. I should say that every person applying has settled on the land he got. I only know of one "dummy," and he is on Moa Flat. The Government has advertised its intention of throwing open another block on Clark's Run, near Horse-shoe Bend, called "The Island," comprising about 2500 acres. About 1600 will be available for agriculture. I am aware of parties desirous of taking up all the available ground in this block, whose applications have been refused on the ground as stated by the Warden—that he had no information on the subject. These applications were all made by persons intending *bonâ fide* to cultivate the land. Their object would be to work their blocks together, so that all the cultivated land might be in a block, and so the expense of dividing-fences be saved. On Cargill's Run, on the East Clutha, there is no land at present open for settlement. I believe there is one block the Government have the assent of the runholder to throw open. But owing to the shingly nature of this block, and the want of water, it would be impossible for settlers to cultivate it. Adjacent to this block is a large tract of land well suited for agricultural purposes, and within a couple of miles of this Township. It lies between the shingly block alluded to and the foot of the ranges. A deputation has represented the matter to the Government, but has failed to procure the throwing open of this block. It is believed that the Government, having taken up the shingly block, cannot take up another block

Mr. Beighton. Continued.

until half of the first is occupied, which, from its character, it never will be; consequently, the land on the Run will never be available until the lease of the Run expires. With respect to this last block, I am aware of several parties who have been anxiously waiting—in some cases for a couple of years—for the opening of this land, it order that they might settle upon it. There are several other places in this district well suited for Agricultural Settlement; but as regards character of soil and situation, more particularly on Speargrass Flat, at the upper end of Cargill and Anderson's Run, on West Clutha—a good large flat. There are squatters on it already, without legal title. They are cultivating, and going to great expense in fencing and buildings, without any legal title. There is also a very fine block on Mr. W. Miller's Run, known as Miller's Flat. This would immediately be taken up, if open under the provisions of the Gold Fields Act, in small allotments. It is a great evil that the Regulations allowing only 50 acres, while applications for 200 (or for four fifties) are received, the deposit of £10 has to be paid on each. This cripples the would-be settler at the very commencement. Within this district I believe there are not less than 2000 head of cattle belonging to miners and settlers, the average number held being about 5 or 6. There are two persons holding as many as 150 each, one lot at the Beaumont and the other at the Teviot. One of these parties runs his cattle on a Run with the knowledge of the runholder. Messrs. Cargill and Anderson have just recently issued notices to all parties having cattle on their Runs to reduce the numbers to about 4 or 5 head for each person, and threatened legal proceedings should they continue to keep more than that number. I produce a notice to that effect, addressed to me. They charge 10s a head for the cattle allowed to run. Mr. Clark charges at the rate of £1 per head. There are no facilities for grazing to any amount under the present system adopted by the Government, as the Government has arranged to give compensation only according to the amount of ground actually taken up within these blocks, thus reserving the residue of the block for the runholder to depasture his stock upon. With respect to the Township land, it is now fully three years since it was first surveyed. It has been announced for sale on two different occasions, and withdrawn from sale, and the Township has been re-surveyed. I have gone to a considerable expense in the erection of buildings, including the Hotel we are now in, and the Store opposite. which have cost about £2000. I have always been willing and anxious to purchase this land. For various frivolous reasons it has been refused. Owing to this delay, I have been compelled to pay £30 or £40 for Business Licenses. The property is not worth one-half what it would be if the ground it is upon was freehold.

Notice referred to by Mr. Beighton.

(Notice referred to in foregoing evidence.)

Teviot Station, February 10, 1869.

Messrs. Cargill and Anderson hereby give notice to Messrs. Beighton Bros. that they must remove from their Run No. 369 by the 13th March, 1869, all their cattle above the number of eight head. If more than eight head of cattle belonging to them are found depasturing on the aforementioned Run, Messrs C. and A. will not allow them to keep the aforesaid eight head on their Run, and will also take legal proceedings against them.

To Messrs. Beighton Bros., Teviot.

WEDNESDAY, FEBRUARY 24, 1869.

No. 21

Mr. David Anderson, being duly sworn examined:—

No. 21.
Mr. Anderson.
24th Feb., 1869.

I am working as a miner, with Miner's Right. I have applied for 25 acres in the Agricultural Reserve (Roxburgh). I am residing there, under a certificate from Warden Wood. I have fenced in about 12 acres. Every foot of this block was applied for the first day it was thrown open. All the applicants are residents in the district. The greater part of them are miners. Some keep cows and follow other pursuits. None of them had or have other land so far as I am aware. They would have no room for running cattle on the block alluded to—nothing but the allotments of land they apply for. I believe that it is the idea of a good many that by taking up this land they may get some pasture land for cattle afterwards. I believe they intend to cultivate all that they can cultivate to advantage. There were pretty nigh two applications for every allotment open to be taken up. Some applied for 30, some 25—a few for 50. When it was known that the land was to be given out, people went and pegged out pieces of land, distributing it among themselves by arrangement, few getting as much as they wanted. As to the Moa Flat Block, every bit of it is taken up. I believe most of it is in 50-acre allotments. Most of them are *bonâ fide* settlers, actually farming. A good many of them have been shepherds and miners, but they are all farming. None of them, I think, in that block are both farming and mining at the same time. They have no other land in that block for depasturing cattle. They pay £1 a-head to Mr. Clark for leave to depasture their cattle on his Run. I think more that carry on farming and mining together could get on if they had run for 30 head of cattle. It is different when they carry on farming exclusively. If a man were farming 50 acres of land without following any other pursuit, anything less than 60 head of cattle would be not of much use to him, which, round about here, would require about eight acres each head of cattle or 480 acres. I am perfectly satisfied that several people must leave the district if they do not get more land than is at present offered. I find I made a mistake about Moa Flat. All the good land is taken up; but not all the block. The portion not taken up is principally a bed of shingle.

No. 22.

Mr. George Gordon, being duly sworn, examined :— *Mr. Geo. Gordon.*

24th Feb., 1869.

I am a dairyman, residing on the North side of the Ferry (East Bank of Molyneux). I have a few acres under my own and three son's Miners' Rights. I have also about an acre under Business License. I have 10 cows and 4 calves. They run upon Mr. Anderson's Run, who allowed me to keep that number. He has allowed me to keep that number. I am to pay ten shillings per head. If I could get 600 acres worth taking up, I would take them up for myself and my three sons, and use it partly for agriculture, and partly for pasture. I would lease it at the existing rents, with the view of purchasing it bye-and-bye. I would pay 2s 6d per acre per annum as rent for that amount willingly. I would not trouble any squatters any more. There is a block (about 1000 acres) thrown open by the Government on my (eastern) side of the river. It has been thrown open between three and four months. I have never heard of an inch of it having been applied for yet, because it is of no good for cultivation. Take it through the piece, it is shingly soil not worth taking up. There is land between the boundary of this block and the foot of the range—a block about five miles long by an average breadth of more than half a mile. It is more than half pretty fairish agricultural land. There is no talk of throwing open this land. The land I reside on is just adjoining the shingly block thrown open. Further on, north-east of the shingly block, there is about as much fairish good land as the shingly block consists of, *i.e.*, about 1000. I believe if this were thrown open it would be taken up. I would take part of it myself.

No. 23.

Mr. William Honor, being duly sworn, examined :— No. 20. *Mr. Honor.*

4th2 Feb., 1869.

I am a miner. I reside on the East side of the Clutha River. I have some cattle on Mr. Anderson's Run, I pay him 10s a head for 10 head and 5 calves, and I have 2 more running in another man's name, and paid for. I cultivate only a small paddock (about 2 acres). I have no title to the land. I am only there by Mr. Anderson's permission. It is on the Mining Reserve. There is a Reserve for mining purposes of all Crown Land for a depth of (10)* chains on each side of the river everywhere within the limits of the Goldfields. I have no applications in for land in any of the blocks thrown open. I am anxious to buy land. I would lease with a purchasing clause 200 acres; and I know others who would also take up as much. I have been stopping here five or six years, and could get no opportunity of getting land. I did not apply for land in the blocks open, because I understood it was all taken up immediately, and I believe more would be if it were open. Two deputations have been sent from this district to the Provincial Government to request them to put up agricultural land. The first was before the granting of the Leases (in Nov., 1866). They did not seem to take much heed of the matter until lately. When it was known that this block on the east side of the river was to be thrown open, resolutions were passed at a public meeting that the Government should be requested not to throw open this block, as it was a waste of public money to do so, as it would never be sold. I am not aware that they ever answered the letter. The block is worthless, as it consists of shingle, and scarcely any water is to be obtained. There is a block, not of first-class land, but such as would be taken up close to the bad block, on the eastern boundary. I think that land would contain from 2000 to 2500 acres. I think it would be taken up by *bona fide* agricultural settlers. I have heard several parties wishing they could get this land. I think they have also the means as well as the desire to cultivate this land. I do not think the taking of these blocks would prevent the working of the Run on which they are situated. I think there should be as much pasture land, beside the agricultural, as would run 50 or 60 head of cattle for each farmer of from 100 to 200 acres. There is one evil I would lay before the Commission: All the Run land on each side of the river being in the hands of the same runholders for many miles, they have a monopoly in the sale of meat, so that no competition can exist. I wish to state this, that looking at the state of the district and the families growing up all round, they will not be able to get their wants suppied if other arrangements are not made, which will allow of a reduction of prices. The prices of meat are lower, I believe, at Tapanui and Tuapeka. I should say one-third lower. I think that this system of selecting blocks out of the Runs (as is proposed under the convenants), while the pasture on the unsold land within the blocks is left under lease in the hands of the runholders, is very injurious. I think the right of running cattle upon the unsold portion of these blocks should be given to holders of land within them, as in the Hundred system. I think land in the district should be sold on the spot. One of the evils of selling at Dunedin, is the expense and delay applicants are put to in going there; and, by having to trust agents, they sometimes get done out of the land altogether. I have heard instances of this from parties at Tapanui who have thus suffered. In the cases I allude to, the persons had to buy the land from the purchasers from the Government at double the price it was sold for by Government, simply from their not being able to go themselves to Dunedin. A great hardship is, also, the having to pay the deposit of £10 for every 50 acres applied for under Agricultural Lease, amounting to £40 if 200 acres are given; and the time the applicants are kept out of this money. I produce a receipt from Mr. Hickson, the Warden of the district, for £10, dated 26th November, 1867, to John M'Lachlan. The application was withdrawn before the Warden's decision. The money has been applied for two or three times; but has not yet been returned. Mr. Borton (Receiver of Gold Revenue says it has not been sent to him.)

* Witness did not state the number of chains. The information was obtained at the Superintendent's Office.

No. 24.

No. 24.
Mr. Mackay.
24th Feb. 1869.

Mr. George Mackay, being duly sworn, examined :—

I keep a store at Roxburgh. I have been both miner and agricultural farmer. I am not now engaged in either. I am Postmaster in the place. The great evil of the block system under the covenants is, that the runholder is entitled to the right of pasturage over the unsold portion of the land in the block. These isolated blocks are altogether too small, and in order to make agriculture remunerative on the Goldfields, it is absolutely necessary that grazing of stock should be combined with it—something approaching to the system of Hundreds. In order to this, large portions of the run should be taken irrespective of these blocks. With respect to this district, I should say that about 70,000 acres are required for agriculture, combined with pasture. I am fully satisfied that there are persons desirous of settling who would beneficially occupy this amount of land. I have been a resident now in this district for six years, and I have known during that time persons who have been compelled to leave with (in the aggregate) several thousands of pounds of capital through not being able to get land, having from £300 to £1000 each. These men would certainly have become small farmers. On the other hand, if facilities for acquiring land had been given in this district from the time it was first open, I consider the population would have been double what it now is. My opinion is that the flats along the banks of the river should be surveyed for agricultural purposes, and a certain proportion of the slopes of the ranges on each side should be thrown open for pasturage. On this (west) side, that would take up the most valuable portion of the Runs, but on the other side it would not be so, because there is equally good country at the back of the slopes required. I am fully aware of the fact that the Provincial Government object to taking Runs in this way, on account of the large amounts of compensation that would be required by the runholder ; but, under the covenants they have entered into with the runholder, I consider they are in duty bound—under a moral obligation—to pay a fair amount of compensation. Alluding to the block of land thrown open for pasture by Provincial Order in Council, dated 10th instant, I consider that it is almost valueless to the residents of this district, as, for a certain portion of the year—the winter months—it is covered with snow. A great part of it is a steep and rocky slope towards the Pomahaka river. The gullies are very deep, where the snow would accumulate. There is another obstacle, that you have to cross Mount Benger to get at it. The easiest access for this district would be southward, round the base of Mount Benger, which would be a distance of about 25 miles. I daresay many of the residents will, however, be driven by necessity to apply for pasture licenses on it for this reason—that the runholders have given them notice to clear the greater part of their stock off their Run. There are not more than 500 miners actually engaged in mining—the whole population being about 900.

No. 25.

No. 25.
Mr. M'Lachlan.
24th Feb. 1869.

Mr. George M'Lachlan being duly sworn, examined :—

I keep a dairy at Roxburgh, and farm about three acres. I have about 70 head of cattle. They are running on Run No. 199, under engagement for 30 head with Messrs. Cargill and Anderson, the remainder to be removed as soon as I could, I being liable to be turned off at any time. I have now received notice to remove all but seven head, from the runholder. I have an interest in mining, which occupies me in winter, when the claim can be worked. The reason why I have so many cattle is, that four years ago, I, at the suggestion of Mr. Anderson, entered into an engagement to supply the township with dairy produce, his object being to render unnecessary the keeping of cattle by the miners. The miners have, however, kept cattle notwithstanding. The arrangement between us therefore does not affect the object in view. Owing to this engagement, I omitted to avail myself of the opportunity of taking up land in the Moa Flat Block when it was thrown open. I applied some time since for a lease of 6000 acres in the block thrown open on the 10th inst., it being then supposed to be unoccupied country—my object being to fatten store bullocks for four or five months during the year, it being very rough and lying so very high that for the rest of the year it would be quite useless and dangerous from the snow drifts, which I have seen 30 feet deep on the lowest lying part of the block. Possibly it might be in consequence of my having made this application that the Provincial Government now consider it land fit to offer to the settlers for pasture. I believe that my application for a lease was refused in consequence of objections made by the runholders adjoining, the land applied for being so surrounded by Runs that I should have been obliged to drive my cattle through them to get at the block. I perfectly agree with Mr McKay as to the inaccessibility and the distance to go if stock had to be driven to or from the block in question ; but there is a short way of four or five miles in summer. But it would be risky to drive cattle that way. I don't intend to apply for any portion of the 20,000 acre block unless I cannot either make satisfactory arrangements for the depasturing of my cattle or sell them without absolute sacrifice. I would sell them at £2 a head under their real value rather than take up the 20,000 acre block. As to the land at the back and about the 1000 acre block at present thrown open on the east side of the Molyneux, I would consider that it is all perfectly useless for agricultural purposes. None of it has been applied for. Immediately outside that block, on the east side extending to the north boundary of Run 199, there are good patches for farming, a portion of which I would at once take up. I believe about 1000 to 1500 acres would be immediately taken up with the pasturage adjoining. Some would take it even without the pasturage. I think that from Higg's Accommodation House to Patrick's Hotel is the best land in the Mount Benger District. It having been reported that 2500 acres of this land were about to be thrown open, it was rushed at once and pegged off by many of the settlers. Even supposing that flat was open for selection, it would not, I think, give more than 10 to 20 acres per man. The system of taking special blocks in Run Leases, without the right to depasture

on the unsold land, is very injurious to intending settlers, and renders farming almost impossible. Even if the pasture had been given in the blocks reserved in the district, it would be still unsatisfactory, because of the quantity of available land so reserved being insufficient, and too far away from where the the people want it. I think the Government, before determining the actual boundaries and locality of any block, should consult the settlers as to their wishes with respect to that block. They seem to consult the runholder always (who knows the line of survey), before the other residents in the district. I should say it would be simple robbery to take the Runs from run-holders without compensation, that is if I understand the nature of the covenants in the leases. I may add in conclusion, that I myself must leave the district unless suitable land is thrown open.

Mr. M'Lachlan. Continued.

No. 26.

Mr. Charles Nicholson being duly sworn, examined :—

No. 26. *Mr. Nicholson.* 24th Feb. 1869.

I am a publican and a storekeeper at Moa Flat. I have been a miner. I farm now about 6 acres, under Agricultural Lease. There are a great many people wanting land that cannot get it. The population is very much scattered from the Beaumont to Roxburgh. They are engaged in digging and agriculture. There are 27 miners at the Horse-shoe Bend who lately signed a petition to the Superintendent for land. They were answered that the Island Valley would be surveyed as soon as the Survey Department could accurately define the block. I think it will be surveyed, as I have received a letter from the Superintendent to that effect. Some miners, I think, object to the survey, on the ground that the block is auriferous. I and others prospected the land six years ago. We could not bottom, on account of the excess of water. We got gold, but not in sufficient quantity to pay. If it were worked at all, it would have to be worked by large companies with machinery. I do not think there is any such probability of finding gold there as to justify the land being withheld from being thrown open for settlement. The block would not be sufficient to satisfy the wants of the district. I have been very strongly advocating the cancelling of leases over portions of the land in the Runs along the river—that is, the unproductive parts of the Runs—for these portions are not fully stocked. They might be taken out of the Runs, *i.e.*, the portions eligible for agriculture, without much damage to the runholders. I would instance "The Island" (or Spylaw Flat). To my knowledge there have been no sheep upon it for some time—for the last two years, I think. There was a shepherd's hut and yard four years ago. This year the hut has been removed, and is at the upper station. I believe the whole of that Flat would be taken up in forty-eight hours, such is the desire to obtain it. Nearly the whole of it, and the best of it, has been pegged off. For that portion of the district the block would be sufficient for agricultural purposes; but all the persons wanting it have got cattle, for which they pay head-money of £1 per head to the runholders, and the block would not supply sufficient pasture lands for these. I am of opinion that the Agricultural Leasing Regulations have not been carried out in their integrity, in this district. I have been with three deputations to the Superintendent for the time being, on the subject, and we were told that land would be set apart for agricultural purposes in blocks of 2500 to 5000 acres; and as soon as the 2500 acres were taken up, another block would be granted. As a proof of the continuous agitation for land in this district, I may read a letter from the Secretary of the Goldfields Department to Mr. Keen, of Lawrence, formerly of Teviot.

Mr. Nicholson put in copy of a letter from Mr. Vincent Pyke, of the 22nd August, 1864, as follows :—

"Goldfields Department,

"Secretary's Office, Dunedin, 22nd August, 1854.

"Sir—I have been directed by His Honor the Superintendent to acknowledge receipt of your letter of the 5th inst., containing a Memorial signed by the Chairman on behalf of a public meeting of the residents in the Mount Benger District, praying that the Government would take steps to enable persons to take up land for agricultural purposes within the boundary of the Goldfields: and to state that directions were given to Mr. Warden Robinson, in December last, to procure surveys of an Agricultural Reserve, in connection with Roxburgh (Teviot Junction). These surveys and plans are now in progress, Mr. Mining Surveyor Coates' other duties having prevented his completing the work before.

"I am further directed to inform you, that the Government generally approve of the application of the Memorialists, and will, in the meantime, cancel the lease over such portions of the Run as are necessary.

"Trusting that the reply will be satisfactory,

"I have, &c.,

"Vincent Pyke, Secretary.

"J. L. S. Keen, Esq.,

"Hon. Sec. Mount Benger Mutual Improvement Society."

Notwithstanding this promise (a similar one to which I received in a letter to myself from the Goldfields Department about the same time) no such blocks were set apart until within the last 12 months, during which time three blocks in all have been thrown open. A block opposite Moa Flat, called Miller's Flat, was promised some time after that. It was never thrown open. It contains

Mr. Nicholson. Continued.

magnificent land. 100 acres have been taken up with the consent of the runholder. These three blocks have already been described to the Commissioners. I think there are between two and three thousand acres in the Island or Spylaw Flat. I am acquainted with the block proclaimed open for pasture on the 10th instant. It will be of no use without frontage. It is all summer country.

No. 27.

No. 27.
Mr. M'Leod.
24th Feb. 1869.

Mr. Robert M'Leod, being duly sworn, examined :—

I am a publican and a storekeeper at Moa Flat. I have been a miner, but am not now. I have 25 acres under cultivation. I have got about 18 head of cattle and 16 calves, for which I pay rent £1 per head to the runholder, Mr. Clarke. I also pay for three horses £1 a head. We have got no land whatever to run a beast on. I was told that if they were found off the public road on the Run at all I would be "pulled" for trespass. The manager of the station told me this. I would take 100 acres for myself if land were thrown open. There is no land that I can get. There are about 50 settlers on the Moa Flat Block. Some of them have no land cultivated, and only keep cattle. There are between 700 and 800 acres fenced in the block. The chief part of it is cultivated. I think most of these settlers have cattle. They all complain of want of land to run their cattle. I know the new block proclaimed on the 10th. I think the settlers on the Moa Flat Block will not apply for this land because there is no frontage to it for winter country. The block itself will only do for summer country. I have heard the want of land complained of all through the district. I think if a block be thrown open, or a run, it is absolutely necessary that pasture land should be given, with regulations. I have known persons leave the district because they could not get land. Two persons, whose names I do not know, said they should do so, in my hearing, a few weeks since. They had tried at the "Camp" (Warden's office), and also at Dunedin. I knew of four others leaving the district close upon four years ago. I knew them by name. They had from £700 to £1000 capital each. I know they were anxious to settle upon land. There was no land open for settlement at the time. Along the banks of the Molyneux, from a mile to two miles from the river-edge up to the water-shed, there has been nothing belonging to the runholders upon the land for about six years. I have seen no sheep, except an old straggler now and then, on this portion of the Moa Flat Run. I don't think myself that the runholder would be much damaged by being deprived of this portion of his Run. I am speaking of land extending from the Beaumont to the Teviot, and including all the blocks thrown open for selection.

No 28.

No. 28.
Mr. Ireland.
24th Feb. 1869.

Mr. George Ireland, being duly sworn, examined :—

I am a miner. I live at Roxburgh. I keep no cattle, and cultivate no land. I have a small garden of about a quarter of an acre. It is not under cultivation now. From the lengthened period of my residence in this district, I have become from my intercourse with the settlers acquainted, to a considerable degree with their wishes. Many public meetings have been held upon this subject, in which I have taken active part, and from which I have gained further knowledge of their wants. From 1864 and 1865, when it was found that gold mining was not so lucrative as in the earlier days of digging, a strong desire was evinced on the part of the people to settle upon the land. It was found they could not do so. Many representations were made to the Provincial Government as to the wants of the people, not only as to agricultural, but also to pastoral lands. Miners are an independent race of people, and do not like to hold property on sufferance. The natural outlet for their savings, and the occupation they would take to after gold mining, is the investment in cattle. They found they could not keep cattle owing to the objections of the runholders. I think I may say I know a very considerable number of miners in this district who, at this present moment, are desirous of settling upon land with right to depasture cattle. I believe a tolerable number have saved sufficient to start them in this business. If a miner has saved only £20, I believe his desire is to invest it in cattle. I don't think there is any land open for them to purchase in this district at present. I think there is land in the district on which these miners could and would settle if it were thrown open. A considerable number of these men are married. The class I speak of are not the itinerant class, but those who would become permanent settlers. I would not like to hazard a statement of the actual number of the miners so disposed to settle. I believe that if the Island Valley were thrown open, there would be applications for treble the amount of land it contains. Even if it were thrown open without any pasture land adjoining, I still think it would be taken up. But the clamour for pastoral land would not be lessened by this land being thrown open. I have a general knowledge of the 20,000 acres of country lately thrown open (on the 10th instant). To the best of my belief, it is only fit for summer pasture. I don't know that cattle could exist there in the winter, owing to its great elevation and the quantity of snow on it at that season. Still I think it is a step in the right direction. I think the wishes of this people would be more generally met if, wherever there was a piece of good land, it might be open for selection ; and I think the area might be extended to 300 instead of 50 acres. I say deal justly by the runholders, undoubtedly. A Run now of 200,000 acres, has perhaps only 20 shepherds and their families, though the tendency is said now to be to get single men as shepherds. But, if thrown open, there would probably be hundreds of families settled on the same area.

No. 29.

Mr. Alexander Macdonald being duly sworn, examined :—

No. 29.
Mr Macdonald.
24th Feb. 1869.

I am a miner, and keep about 14 head of cattle, including calves. I want to get land. If I could get it, I would take a hundred acres. There is none open in this part of the district. I don't know of any in any other part. I suppose if land is not thrown open, I must leave the country, and try somewhere else. I have been in this district between five and six years. I am a married man.

No. 30.

Mr. John M'Loughlin being duly sworn, examined :—

No. 30.
Mr. M Loughlin.
24th Feb. 1869.

I am a miner, and keep about 10 head of cattle, including calves. I have and live in a small paddock containing about 10 acres, with four others, on the Mining Reserve in this district. I would wish to take up 200 acres if I could get it. If I cannot get that quantity shortly, it is my intention to leave the country. My family consists of four persons. The new block of 20,000 acres would be of use to me so far as a kind of refuge for my cattle if the run-holders turned them off; but I would not, if I could get any other place, put them there. I could not say whether they could live or not. If that block had the frontage between it and the river added to it, it would be of great use. I could then carry on mining and cattle-keeping easily. I live on the east bank of the Clutha River. I have been in this district between five and six years. With regard to the shingly block of 1000 acres, none is occupied, except the part cultivated temporarily before the block was open. I should say there are hundreds of acres at the back of that block fit for cultivation, and would be taken up very soon. I consider the separate deposit of £10 for every 50 acres most mischievous; and I think that 200 acres should be allowed to each settler. I believe in the benefit of deferred payments, or rather payments by instalments for land.

No. 31.

Mr. William Westatt being duly sworn, examined :—

No. 31.
Mr. Westatt.
24th Feb. 1869.

I am a dairyman and carrier, and reside in Roxburgh. I have about 49 head of cattle. I keep them on Run 369. I live at West Roxburgh, but have no title to the piece I am on. I applied for 10 acres of land two and a half years ago, but to this day I have got no title to the land. At that time I lodged £10. They kept the money for two years, and then returned me £8 of it, without my reaping the least advantage for the balance. I have since applied, two months ago (in December last), for 25 acres of land, including the 10 acres spoken of above, for which I paid a deposit of £5. To this, objection was offered that it was too near the town, and miners objected that races run through it. I have not got the land or my money yet. If there was land available open for selection, I would take up 200 acres of it if I could get it. At the present time my cattle are ordered off by the run-holders, with the exception of four head. If land is not open for selection, I must seek elsewhere for a living, either in the Province or some other place.

No. 32.

Extract from "Otago Daily Times," Monday, March 22, 1869.

No. 32.
Extract from the "Daily Times."

"The whole of the block of land recently thrown open for agricultural settlement at the Teviot, is said to be taken up. The scene at the Court-house, when it was made known that applications for land in the block would be received, is described as follows in the *Tuapeka Times* of Saturday :—Long before the hour for opening of the office, crowds of would-be cockatoos assembled at the door, and an exciting struggle ensued for places. When Mr. Borton made his appearance, he could hardly gain admission; and no sooner had he opened the door than, in spite of all his remonstrances, the office was rushed. A large pile of applications soon littered the counter; and as each applicant got his receipt, he made a bolt for the door, and, mounting his horse, hurried off to affix his notice."

PART III.—EVIDENCE TAKEN AT CLYDE AND ALEXANDRA.

FRIDAY, FEBRUARY 26, 1869.

No. 33.

No. 33.
Mr. Fraser.
26th Feb. 1869.

Mr. William Fraser, M.P.C., being duly sworn, examined :—

I am of opinion that pastoral pursuits must give way to *bona fide* settlement of the country by agriculturists. There are four different ways of providing land for agriculturists :—

1st. Blocks of land over which no leases or licenses are held, and are therefore at the disposal of Government. There are three of these blocks open—1st, the Agricultural Reserve at Tuapeka, about 75,000 acres. 2nd, the Wakatipu Reserve, about 300,000 acres. 3rd, a Reserve of about 12,000 acres at Clyde.

2nd. The blocks which Government can take under Section 33 of the "Goldfields Act, 1866," out each Run in the Goldfields, viz., an amount not exceeding 5000 acres. With respect to these Reserves, certain runholders have entered into covenant with the Provincial Government that the compensation to be demanded by them for certain amounts reserved by the Government, shall be based upon the value accruing to them from the unexpired terms of their original licenses respectively. The difference between the blocks so reserved and the 5000 acres may be taken at any time by the Government ; but compensation will have to be computed and paid over the whole term of the lease given in exchange for the license.

3rd. Blocks of land not exceeding 15,000 acres, which the lessees of the same have given the Government, by covenant, the power of selling in accordance with Section 83 of the "Otago Waste Lands Act, 1866." These covenants affect Runs both within and without Goldfields, but principally the latter, and in neither case can the lessee demand compensation.

4th. There are the lands included within Hundreds.

With respect to the first class of land above specified, I am of opinion that the good agricultural land in these blocks being small compared with the pastoral, the agricultural settlers will be satisfied while they have plenty of room for stock upon the latter. But as the stock increases, and the pastoral land becomes fully taken up, their troubles will commence. They will find it impossible to keep their herds or flocks separate, when the inevitable result will be a deterioration in the breed of their stock generally ; and should pleuro-puemonia or scab unfortunately break out in the district, they will find it next to impossible to eradicate these diseases. The only remedy for this will, in my opinion, be either to sell or lease the pastoral portions of those Reserves in moderate holdings, so as that each person will have a portion of land over which he will have the exclusive right to depasture stock. I believe that with respect to the blocks that may be taken up under the Goldfields Act by Government, that if they were all thrown open for applications, there would be a sufficiency of land to meet the present requirements of the population. I think, however, there would be comparatively little settlement upon these blocks, as the rights of commonage would still remain with the runholder from whose Run the blocks would be taken, although I believe the majority of the runholders would willingly concede the right to keep the necessary horses for working their farms, and milch cows for the use of their families. But they would object to their keeping herds of cattle for the purpose of rearing stock. They would not object to a few dairymen to supply the requirements of the district with dairy produce, provided the herds were kept within reasonable limits. I consider the runholders could not successfully carry out the objects for what they are paying what may be called a "rack rent" to the Government, if they are to be hampered, and the rearing of their stock interfered with, by other parties running badly-bred herds and flocks indiscriminately with their own. In fact, I think it very materially affects the interest of a runholder to have any stock at all, not under his immediate control, depasturing on his Run ; as in this case his own stock are liable to be constantly disturbed. I consider were a runholder to give up his exclusive right of pasturage within the blocks set apart for agricultural areas, by accepting compensation for the whole of such blocks at once, that he would, in the majority of instances, destroy the value of his Run. The first object being agricultural settlement, the Government would naturally select the choicest portions of the Run, which would invariably include the best and lowest lying pasture land. Now the majority of the Runs within the Goldfields consist of a high mountainous country, with a very small proportion of low lying lands, which are especially valuable for depasturing the stock during the winter months, and, indeed, without which, the remainder of the Run would be comparatively useless. The section of the Act which preserves to the lessee the option of taking compensation for such land alone as may be occupied, and therefore retaining the right of pasturage over the unoccupied portions of the block, was the main inducement to the runholders to exchange their licenses for leases, and pay the largely increased rent required by the Act, amounting to seven times the amount previously paid, viz., 7d. instead of 1d. I do not think that the Government have the power under the present law of taking any portion of a Run for a Commonage without the lessees consent, as Clause XVI. of the Goldfields Act cannot possibly be made to apply to any Run situated within a proclaimed Goldfield, at the date of the passing of that Act. However, they have the power of dealing with these Runs by proclaiming them into Hundreds, but this would necessitate the selling of the lands included in the Runs (as there is no power to *lease* land in a Hundred), while the lands being possibly auriferous could not, in accordance with the present principles of legislation, be sold until time considered sufficient to test their character in this respect should have

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 *bonâ 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 :—

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

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. 35.

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

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

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

Mr. Ferrand. Continued.

could arrange with Messrs. Gregg and Turnbull for a block of 10,000 acres for commonage, there should be an elected Board of Wardens to manage it and the existing Reserve. There is not sufficient agricultural land for to supply the wants of persons desirous of cultivating land. I think 20,000 acres of good land would be taken up if obtainable. Most of those who want this land are miners; but they would expect commonage with it. If 20,000 acres were offered for agriculture, there should be 40,000 or 50,000 acres of commonage given with it. All the flats and gullies under or within the south side of the Dunstan ranges are fit for agriculture. A little of this belongs to Messrs. Greig and Turnbull, and the rest to Mr. Glassford. It would ruin both Runs to take this land. I do not think the plan of taking blocks under the covenants with runholders will work, because the diggers want the land near their work, and then land would generally be taken at a distance.

No. 36.

No. 36.
Mr. Hazlett.
6th March, 1869.

Mr. James Hazlett being duly sworn, examined:—

I am Mayor of this Corporation. I agree with Mr. Ferrand as to the commonage. It would be a great benefit if an additional commonage, including agricultural land, were thrown open to the settlers. I believe it would pay the Government well to throw open the Runs of Messrs. Greig and Turnbull, provided they could come to an arrangement with those gentlemen. I am confident a deal of it would be taken up for cultivation, and the rest would be taken for commonage. The return would be in purchase money of land and assessment on cattle. I some time since advocated the formation of a company to give compensation to Government, and acquire the right of selling and leasing the land. There is a deal of land in the Run fit for agricultural purposes. The present commonage—some part of it—is useful for either agriculture or running horned cattle. When M'Morrin was mustering sheep the other day, I was present and saw that, for every two of his own sheep, there was one of Messrs. Greigg and Turnbull; so that the runholder is actually using the Reserve. As far as the functions of Mr. Baird are concerned, they are of no use as regards the commonage in the Dunstan District. He merely grants Licenses to every person who applies to run cattle on the commonage. He can give or refuse Licenses as he pleases, as far as I know. The applications are received by the Clerk of the Bench here, and are sent on to Mr. Baird, who gives his decision upon them. I believe there are many cattle running on the Reserve without License at all. Those who have Licenses pay up the assessment for the number they apply for. It would be much better if the present Commonage Reserve were put under the control of the Town Council, or, which would be better still, a District or County Council. Referring to deposits, only last week a man named White applied to me to buy him a plough, he having paid all his money on account of deposits to the Provincial Government.

No. 37

No. 37.
Mr. Petterason.
6th March, 1869.

Mr. James Petterason being duly sworn, examined:—

I am a member of the Town Council of Clyde. I have been in the Dunstan District going on for seven years. I have been part of the time mining, part hotel keeping. I have no cattle. The great question agitated here for some time is, that the land is locked up, and the poor man cannot get any for cultivation. They complained very much of the squatters getting those long leases. I do not know whether the settlers made any representation to the Provincial Government before the leases were given. I have known a great many individual instances of persons complaining, both that they could not get land to cultivate nor even to keep a single cow. I have known one man who had to remove because he could not get leave to keep two or three cows—a poor man with a family. I think his name is Holden. There is some land fit for cultivation, but not a great deal, in the Clyde Agricultural Reserve. The greater part of the agricultural land is, I think, taken up. There are very few diggers in this (Clyde) District. Those who want land are some diggers, some business people, and some already settled on land—the greater part of the people of small means up here. There are people in my opinion who, in consequence of the population falling off, would take land, and have means to farm it if they could get it. If I could get land I believe I should settle down myself. I see no means of keeping my wife and family.

No. 38.

No. 38.
Mr. Pyke.
6th March, 1869.

Mr. Vincent Pyke being duly sworn, examined:—

I am Warden of the Dunstan District, and in my previous capacity of Secretary for the Goldfields, have been acquainted with the district since 1862. I may state that there is a very great want of more land open for agricultural purposes in this district. The mere opening up of land for agricultural occupation without surrounding commonage, is not only useless but mischievous. As far as the neighbourhood of Clyde and Alexandra is concerned, I am not aware of any quantity of land existing available for agriculture. There are well situated patches in the brows of the mountains and mouths of gullies, but I think it would be difficult to find patches of 100 acres each, the greater part of the country consisting of loose sand and shingle, sometimes bare at the surface, sometimes covered with a very thin coating of soil. As you proceed up the Manuherikia Valley, at the face of the Dunstan Hills, the land at the foot improves—it has a good deal of clay with it—less shingle and more soil. I may add that the whole of the land of the Dunstan District is excellent for pasturage. With regard to the use of the commonage, when I first came up, I found Macmorrins's sheep over the whole of the Reserve. I remonstrated with and spoke to him about it. He then put his sheep back into

Mr. Pyke. Continued.

the mountains I have not seen them in the low country for six months, and the portion of the Reserve now allocated to him would be entirely useless for ordinary commonage purposes, both by reason of its distance and from the nature of the country. There is a mistake in Mr. Ferrand's description of the Reserve, which might lead to misapprehension The boundary is not the Senora Creek, but the Leaning Rock Creek. Macmorrin has the right from the runholder, Mr. M'Lean, to use two spurs between the two creeks named, which leads the public into the error of supposing the land last described is part of the commonage. I wish to observe that the intending leaseholders of land in the Bald Hill Flat are resident in my district, and yet have to apply at Teviot (Roxburgh) for their leases. All their other business they transact here, and they are much astonished and disgusted at having to go 38 miles down the river to put in their applications. With respect to the water sluices, I myself observed in 1862, before the race was cut, that the water all soaked away in the ground in the gully, about half way up it. The natural bed itself is at a much lower elevation than the race. Cutting the race has therefore been a benefit to the agriculturists. The delay in issuing leases is very great. Leases applied for and granted in 1863 or 1864 have only, within this month of February, been received in the local office, and the lessees refuse to take them up now, because the rents specified therein are calculated in so unintelligible a manner. I have not had any complaints since I have been up here about the amount of deposit required. I have only had some five or six applications altogether. In fact there was none to apply for till 1200 acres, between the forks of the Chatto, were opened about four months ago. I posted notice on the Court House door, and the Press had information of it. Recently two other pieces have been opened on Mr. Low's Run, at Black's No. 1, 700 acres; and the other, about 2600, on Glassford's Run, near the junction of the Manuherikia and Spott's Burn. No. 1 is utterly worthless for agriculture. For the Spott's Burn Block, five applications were received the first day it was thrown open, and there will be about 15 more next Court day. With respect to the deposit, the Receiver of Land Revenue requires the payment of the whole rent due, on the issue of the lease, and refers the applicant to the Provincial Treasury to get back his deposit The difficulty of giving more effectual notice of the throwing open of blocks appears to be that the Warden is authorised to receive applications before the treaty is concluded with the runholders As it is the notices are posted at every diggings in the district and Court Houses. I did try to have them posted at the Post Offices, but I found that could not be allowed. Next week I shall have a plan of the new block in the office at Black's, and a duplicate in the head office at Clyde.

No. 39.

No. 39. *Mr. Greig.* 6th March, 1869.

Mr. William Greig duly sworn, examined:—

I am, in conjunction with Messrs. Robert M'Laren and R. M. Turnbull, the lessees of Run 247 Manuherikia District. I have read the evidence of Mr. Ferrand and Mr. Hazlett. So far as the suggestion of Mr. Ferrand is concerned, regarding the throwing open of more land for Agricultural Leases under the Dunstan ranges, if such were done, it would be to the utter destruction of the Run. At the present time the Commonage of the 12,000 acres already granted yields about two-thirds less than it would if in the hands of a runholder, at the present rates paid by them. I am quite sure that there is not more than 600 acres of agricultural country on the piece under the Dunstan ranges which was referred to by Mr. Ferrand Any applications for agricultural purposes, if the spot indicated did not interfere materially with the working of the Run, have always been granted. I should not be surprised to hear that runholders have refused to grant applications when a demand has been made as a matter of right in an insolent manner. There is a good number of cattle (from 100 to 130) depastured on our Run, for which we make no charge. There are several persons cultivating patches of land on he Run. We have lived on perfect good terms with all the people hereabouts.

ALEXANDRA.

MONDAY, MARCH 1, 1869.

No. 40.

No. 40. *Mr. Finlay.* 1st March, 1869.

Mr. Finlay being duly sworn, examined:—

I am Mayor of this Municipality. There are some complaints of want of land to settle upon among the inhabitants of this district, *i.e.*, this part of the Dunstan Goldfield, including the portion of the Bald Hill Flat. I believe Bald Hill Flat is open for application. We are not aware of any land for agricultural settlement on commonage being available for the settlers at present in the immediate vicinity of Alexandra. We know nothing of the arrangement mentioned by Mr. Fraser to have been made with Messrs. Greig and Turnbull for the cession of a block of 1200 acres in that locality. If it had been gazetted I think we should have heard of it. On an application from myself to the Superintendent on the subject, we were advised to endeavor to procure land from Messrs. Greig and Turnbull on the best terms we could. On applying to these gentlemen, we were informed that a negociation was going on between them and the Government for a Commonage extending from the boundary of this township to the Kerikeri Creek towards Clyde, which would include about 4000 acres. Of course, I assume that the land before alluded to has nothing to do with this latter block. I was not aware that as you state, on the authority of Mr. Fraser, that Messrs. Greig and Turnbull had been awarded compensation for the first named block. But I was informed by the Superintendent that the Government had already paid compensation for the block on which the town stands. I do not know the exact size of the township. I think the

Mr. Finlay. Continued.

block under negociation will satisfy the wants of the community as a commonage; but it is not available for agriculture. The Bald Hill Flat is open to our people for agricultural settlement; but they complain of having to go so far as Roxburgh to make application for this land. I do not know of any land near here well fitted for agriculture, except the "Little Valley," situated about six miles from Alexandra, on the east side of the Molyneux, on the slopes of the Knobby Ranges on Messrs. Low and Campbell's Run, which may contain about 1000 acres* of good land. The agricultural settlers that have gone upon land for the last five years from here are upon the Bald Hill Flat, excepting Mr. Robinson. The few on the other side of the river, close to the Ferry, are settled under arrangement with Mr. Fraser. Those on the Bald Hill Flat are very anxious to retain the land they are upon, and to be allowed to run the stock they have. They have about 200 head of cattle altogether. One (Mr. White) has about 100. I am not aware of any particular instance of mal-adminstration but the people do complain of it generally. I think it is rather the law itself than the administration that is complained of. Of course, situated as we are here, we should be glad to see every possible encouragement given to agricultural settlement. I am not aware of any other portion of land for a long distance than what has been named, being available for agriculture.

* NOTE.—Mr. Finlay's evidence as to amount of acreage in Little Valley on Mr. Low's Run to be amended :—

"The real amount available, exclusive of Mr. Low's pre-emptive right, is about 700 acres. As there is no Commonage attached, it would scarcely be worth while recommending this to be reserved."

SUPPLEMENTARY EVIDENCE.—CLYDE AND ALEXANDRA.

No. 41.

No. 41.

Letter from Mr. Finlay enclosing memorial.

(Mr. Finlay to Mr. Strode).

Manuherikia, March 10th, 1869.

SIR—In accordance with your request, I herewith enclose the Memorial of the residents on Bald Hill Flat, praying for certain local changes in the administration of the Land Laws.

I am not aware to what extent, if at all, as a Commission, you can deal with the privileges asked for. At the same time, I would most respectfully take leave to say that, were it possible to effect the changes without injury to any existing rights, that a great and permanent good would be done—not only to the petitioners, but also to the whole community.

Taking this opportunity of thanking you for your courtesy,

I am, &c.,

ROBERT FINLAY.

A. Chetham Strode, Esq.

(Memorial Enclosed.)

Memorial.

Bald Hill Flat, March 8th, 1869.

We, the residents of Bald Hill Flat and its vicinity, wish to make your Honors acquainted with a few facts in connection with the Land Question. This place has always been considered a part of the Lower Manuherikia or Alexandra District, Alexandra being the nearest township to it.

The first application for land here was made by John M'Donough and Patrick M'Gettigan, for 50 acres each. Their application and deposit of £10 were received at the Camp, Alexandra, on the 5th of November, 1866. Since then the Agricultural Block has been surveyed, and several other persons have applied for land. But up to this time, although they have made frequent applications at the Camp, they could not get it surveyed. Some of the applicants have a part of the land they applied for, fenced-in and under crop. And, as most of us and the people who would settle have but limited means, the keeping of a few head of cattle is almost our main support. Messrs. Cargill and Anderson, who claim this land as part of their Run, have not depastured any stock upon it since we have resided here—the most of us six and seven years—we own 140 head of cattle. Some of us, for the last two years, have been paying Messrs. Cargill and Anderson ten shillings per head per annum for great cattle. We have now received notices to remove our cattle by the 15th March instant. If we complied with the command, some would be allowed to keep four head, and others none. This places us in a very difficult position, there being no commonage for this district; and the notice to remove the cattle by the 15th of this month leaves us without any resource, as we have no local market to dispose of them.

We require that immediate steps be taken to open this piece of land as a commonage for this district. From Butcher's Creek on the north, to Deep Creek on the south: From the Molyneux River on the east, to the Water Shed of the Obelisk Range on the west. For which we are willing to pay ten shillings and sixpence per head per annum for great cattle for a term of five years.

(Signed) JOHN R. KEMP,
PATRICK MURPHY,
ROBERT J. WEBB,
PATRICK M'GETTIGAN,
JOHN M'DONOUGH,
WHITE AND DESLIE,
JOHN O'BRIEN,
JOHN BUTLER,
MICHAEL JOSEPH M'GINNIS,
TIMOTHY WILKINS,
MATHEW BROWN,
CARL E. TORRENSON,
ROBERT C. ELLISON.

No. 42.

RETURN showing particulars relative to the Depasturing of Stock in Dunstan District.

(Depasturing Regulations of 23rd June, 1868.)

No. 42.
Return of Stock depastured in Dunstan district.

No. of Applicants.	Stock.		No. of Licenses Issued.	No. of Licenses Unissued.	Date of Expiration of License.
	Great.	Small.			
21	140	1000	16	5	31st March, 1869

ARTHUR D. HARVEY,
Receiver of Gold Revenue.

Receiver's Office,
Clyde, 6th March, 1869.

PART IV.—EVIDENCE TAKEN AT CROMWELL.

MONDAY, MARCH 1, 1869.

No. 43.

Mr. R. F. Badger being duly sworn, examined:—

No. 43.
Mr. Badger.
1st March, 1869.

I am a resident in Cromwell. There have been great complaints of there being no commonage here, and several efforts have been made to obtain it. Some time since a public meeting was called and a Committee formed, who were empowered to take steps to collect funds and prepare a memorial to be forwarded to town by a deputation to the Superintendent. This has not been done. The Committee communicated with the Town Council, who communicated with the Superintendent. Mr. Smitham will inform the Commissioners of the result of that communication There are said to be about 600 head of cattle running on the Flat between this and the Gorge, and from there to the Low Burn, about three and a half miles up the Clutha. These cattle are not permitted to go on the ranges, but are confined to the flat, all this land belonging to a runholdor, excepting 600 acres, comprising the township. The owners pay £1 a head for the cattle. The desire is to obtain as commonage a block extending from Five Mile Creek (five miles north of this place) across the ranges to the Kirtle Burn, containing perhaps 60,000 acres—all on Mr. Loughnan's Run—and thence by the course of the Kirtle Burn to the Kawarau River, and thence by the Catlin River to the junction with the Clutha. The cattle belong to miners, dairymen, and some farmers. There are a few belonging to persons in the town—business people. Their wish is to keep dairies, some of them. I do not think any of them wish to keep stock simply as stock owners. Many of them, no doubt, would settle on and cultivate agricultural land if it were to be had. During the time I was canvassing the district for signatures to a petition for extending the Goldfields, several persons enquired of me if it would be possible to obtain land for settlement. This I noticed particularly in the neighbourhood of The Lakes—Lake Hawea more especially—where there is land fit for cultivation. They have made no efforts to acquire land, because they are given to understand they could not get any. They were informed that blocks would have to be thrown open by proclamation, and it was the object of the deputation to get two such blocks thrown open. One was the block at the Hawea Lake, 5000 acres on Mr. M'Lean's Run, and the other somewhere at Mr. Loughnan's Run, between the station and the Nugget Creek. The Government has not been applied to yet to throw open these blocks, but it is intended to apply to them to do so. The land would be taken up, notwithstanding that the right of pasturage over the unoccupied land would remain with the runholder. There was one man, while I was near the Hawea Lake, went into a calculation as to how much he could hold with his wife and four children. He meant to apply in the name of his wife and children. I mention this to show that he wanted to occupy a considerable portion of land, and he had sufficient capital to cultivate it. There is some good land—better than it is here—on Douglas and Alderson's Run, about four miles hence, on the south bank of the Kawarau, under the Carrick Ranges. It is known as the Bannockburn, some 12,000 acres of agricultural land. There is also some good agricultural land at the Lindis, on Mr M'Lean's Run, about 13 miles from this, called Lindis Flat—some 20,000 or 30,000 acres—a great portion, land of average quality. I am sure, from my acquaintance with persons in this district, that if available land were open for selection there would be a great deal more under cultivation here. I have known many miners, who have made money in this district, go away, because they could obtain no land for settlement. In fact only yesterday there was a miner and his wife, who have been home to England and come back, with the intention of settling in the district if he can find suitable opportunity. About two months ago, two brothers came back from England—one came here to see if he could combine mining with farming, but finding that was not the case, he went away to the West Coast. There is a great deal of land in the Upper Clutha District, which does not pay well for mining, but if farming could be combined with it, it would answer the purpose of the miners to remain. It has been stated to me that the Government was in negotiation for a part of Mr. M'Lean's Run, between Cromwell and Dunstan. But it is the opinion of many persons that, while it would be useful for people in the town, it would b useless for the

Mr. Badger. Continued.

district generally. Just before Mr. Justice Richmond left this district, in conversation with him, he made a suggestion which struck me as a very useful one. It was that one or more Runs about the Goldfields should be purchased by a Joint Stock Company, and shares issued as in any other Company to persons desirous of investing their money in cattle. The cattle and run would then be under a manager and directors, and would be managed properly on a uniform system as by an individual runholder. I wish to refer the Commissioners to another matter. It is the case of a person occupying land on sufferance, who brought an action against other persons for cattle trespass upon his garden and cultivation. The case had to be decided against him as he had no title, although Mr. Loughnan was present, and acknowledged him as a tenant. He could get no redress in the Magistrate's Court, because he had no title.

No. 44.

No. 44.
Mr. Kelly.
1st March, 1869.

Mr. Patrick Kelly being duly sworn, examined :—

I am a publican, and member of the Town Council. I have been some six years in the district. I was a miner for three or four years—a *bonâ fide* miner. I know that the Cromwell district is suffering very much for want both of Agricultural Land and Commonage. I know that there is a deadly strife going on between two neighbors about a piece of land at this moment. One appears to have the sanction of the runholder, and the other applied to the Government for the same piece of land. It is a piece of 50 acres, under Mount Pisa, two miles from Cromwell. Both want to use it immediately for agricultural purposes. One is extensively cultivating (some 150 acres) ; the other wishes to become a cultivator. He has no legal title to the 150 acres, the Government not yet having arranged to obtain the land from the runholder. Mr. Shanly is the person alluded to, and the land is on Mount Pisa Run. I can also state that persons have, to my knowledge, had to drive away their stock from this district, who would otherwise have kept their cattle here. There are many in Cromwell who are waiting for an agricultural and pastoral district to be opened, in order to embark in farming of both kinds. I know two, and there are others who would leave the town for this purpose immediately. There has been a petition from this district to the General Assembly on the subject. I have invested a good deal of capital in Cromwell, and if there were land I should invest in cattle. One thing would help the other, and there would be more population in the district. Mr. Loughnan has been very kind to us. I have nothing to say against him. Most undoubtedly the runholder should be compensated if his Run be taken from him.

No. 45.

No. 45.
Mr. Smitham.
1st March, 1869.

Mr. William Smitham being duly sworn, examined :—

It was in June last that in consequence of a resolution of the Mayor and Council I was instructed to call on the Superintendent, and ask him what commonage he could give us, as there had been so many complaints in the district. He said he did not know ; but he asked what amount of commonage we should require. I said the Dunstan (Clyde) had between 11,000 and 12,000 acres, and I thought we were entitled to as much. His reply was, that he had had so many applications from small outlying districts for commonage, that he thought he could not procure so large a quantity. It would cost the Provincial Government to give each district applying, 2500 to each, £25,000. I said 2500 acres would not keep four head of cattle on this flat, the land being nothing but sand and shingle. I went the next day with Mr. Fraser. I could not see the Superintendent, but Mr. Duncan, the Secretary for Land and Works, told me me much the same—that he did not think we could get more more than 2500 for agricultural land and commonage combined. Mr. Fraser told Mr. Duncan it was almost folly to talk of giving such small blocks of land when it was of such inferior quality. He (Mr. Duncan) said they would write to the runholder to see what land he could give for commonage and agriculture. This was in last June. Mr. Fraser and Mr. Loughnan called next day on the Superintendent, and Mr. Loughnan offered to give up a block of land if the Government would fence it. He said the fencing would be about eight miles, and would cost about £1000. The Superintendent declined to give so much. The block offered was the flat from the Gorge to the Lowburn Creek, on which the cattle of the district are now running, and are to be paid for at £1 per head, or turned off the Run, and are in a state of starvation from the poverty of the land. Mr. Loughnan also stated he was not nice to a mile or two of his country if the Government would fence it, but he would not allow the cattle to go upon his hills, nor give up any of his valley, even if Government would fence it. A letter has been received from the Superintendent (about a month ago) desiring the settlers to come to terms if possible with Mr. Loughnan for the block alluded to. We do not want this block, and Mr. Loughnan declined having any further communication with the Government on the subject, as he had made them a fair offer and they had declined it. I think Mr. Badger has over-estimated this block in considering it contains 60,000 acres. I think there are about 20,000 acres in it, and it consists of hills covered with snow in winter—only, in fact, summer country. There is not a particle of agricultural land in it. The only block of agricultural land on Mr. Loughnan's Run is about 18 or 20 miles from here—on the Nineteen-Mile Creek, on the banks of the Clutha. It contains about 1000 acres of good agricultural land. It is about eight miles away from his station, and on the Government road. It is a long strip of country, and if we could get that block it would be of very great benefit to the district. One person was speaking to me only yesterday (who has a farm at Clyde), and he would take up 100 or 200 acres of it immediately. This was Mr. George Kenny. He considered the distance from this place was nothing, there being a good road to it all the way. I am a publican and contractor myself, and want to become a farmer. I have already a small piece of land under cultivation (10 acres), the only piece I could get. I am there only on sufferance, Mr. M'Lean having given me permission to cultivate it. I wanted permission to run cattle also, but he refused, having given orders to the shepherds that no cattle

should be allowed to run on the flat. It is owing to his kindness that my horses are permitted there. It is very hard upon persons living here that they should have no room to run their cattle, and for this reason I am thinking of leaving the district myself. I shall be advertising my place for sale, as I see no prospect of doing any good here. I should settle down here if I were allowed to take up land to run my cattle upon and for agricultural purposes. I made application three years come May for a block of land of 40 acres, and paid £10 deposit upon it, but I have never had either a lease or the £10 returned, though I have made application personally several times to the Government at Dunedin. The reply given was, that they would write up to the Warden to see if it had been surveyed, or something indefinite like that. The Warden told me he had sent the money to Dunedin, so that I must apply there.

Mr. Smitham. Continued.

No. 46.

Mr. John Towan being duly sworn, examined :—

No. 46. *Mr. Towan.* 1st March, 1869.

I am a farmer, and hold 100 acres of land under application for two 50 acre Blocks on Agricultural Lease, situated at the foot of Mount Pisa—at the foot of that portion we wish to have as commonage. I am not able to do anything but cultivate the land, as there is no room to run cattle, and I am not allowed to run any up to the back of the farm. I bought this land, after a portion of it was broken up, of another person who could give me nothing but the receipt for the deposit on the applications. I think his application for one part was in June, 1867 ; but he had occupied some part of it previously. I have no legal title whatever to it at present. I have paid for and spent upon this land over £700, including the improvements I have made upon it. I would take 50 acres more and cultivate it, if I could get it. I have over 60 acres in cultivation. It is the first season I have cultivated it myself. I ought to keep 20 head of cattle at least to make cultivation to this extent pay.

No. 47.

Mr. W. H. Whetten being duly sworn, examined :—

No. 47. *Mr. Whetten.* 1st March, 1869.

I am Mayor of the Town. I have never been a cultivator, nor am I possessed of any cattle ; but have heard of the evidence given to the Commission. There are some matters alluded to in it of which I have no practical knowledge ; but all that relates to the desire of the settlers for commonage and agricultural land, I can confirm. And I know that a great many persons would settle down if they could obtain agricultural land. There has been considerable agitation on this subject in this district. I have myself called two or three meetings upon requisitions from the Progress Committee, and, previously, one from other persons.

No. 48

Mr. David Booth being duly sworn, examined :—

No. 48. *Mr. Booth.* 1st March, 1869.

I have been a resident here about six years. I am a storekeeper. I have heard several complaints by residents on Douglas and Alderson's Run (Kawarau Station), of not being allowed to take up more land than what they are entitled to under the Miners' Right (one acre). The population of that place is about 150 ; about 15 residence areas. None of them are allowed to run cattle, even by paying for them, to the runholder. There is about 6000 acres available for agricultural purposes, which would be immediately taken up if cattle were allowed to run. The principal portion of this number of men are miners, others have business licenses. I know many have made money and would invest it in the district if they could run cattle. We have to pay 1s per lb. for beef and mutton. I think that is mainly the reason why people wish to keep cattle. Butter 2s 6d per lb., even at this season ; milk, 1s a quart ; bread, 1s 6d per 4lb. loaf. A country cannot be settled, with any chance of success, with such prices ; and the prices cannot be lowered until land is open. I have known many persons with money leave the district, who would have settled here could they have got land.

FRIDAY, MARCH 5, 1869.

No. 49.

Mr. William Edwards, being duly sworn, examined :—

No. 49. *Mr. Edwards.* 5th March, 1869.

I keep the Nevis Ferry and Accommodation House. I have spent on this and the Upper Ferry close upon £1500. I should like to get about 50 acres for growing potatoes, oats for horsefeed, &c. Mr. Douglas, who has the Run on the opposite side of the River, has given me permission to take up and fence 10 acres. He refuses, however, to give me any title. I have a document from him, which requires me to give up possession whenever I may be called upon to do so. He will not give me any more than that. I applied to Messrs. Douglas and Alderson some 12 months after I came, for 5000 acres of land on lease. They offered me a piece of that size for £100 a year. I thought that too much, as I was not then prepared to settle, and there were no miners or other settlers here. I had asked for 20 acres at first, and afterwards for 50. Mr. Douglas wrote to say I might occupy 10 acres. I have no opportunity of getting any more land, the runholder on this side of the river, where I am living, having refused to let me have any land whatever on his

Mr. Edwards. Continued.

Run. I tried the Waste Land Board, but was told I must deal with the runholder. When I heard that I took no more action in the matter, as I considered it useless. I think I am entitled to more consideration from the Government, as I lived here 12 months before the road was opened above this.

No. 50.

No. 50. *Mr. Shanley.* 5th March 1869.

Mr. William Shanly being duly sworn, examined :—

I have applied on behalf of my brother for 50 acres of land, and I hold in my own name 100 acres of land or thereabouts. About 80 acres of the 100 are under cultivation. I hold merely a receipt for the £20 deposit paid on account of the 100 acres, which was paid close on five years ago. In December last I went to the Land Office to get a lease. They told me that they could not give me one, as they were then negotiating with the runholder for the land, but had not yet settled with him. I did not know whether the land belonged to the Government or to the squatter. My applications were made in a regular manner to the Warden. They are lying yet in the office in Dunedin. I wanted 50 acres of land for a brother, who has come here from America, to settle upon. I applied to the Warden (Mr. V. Pyke), for a piece at the foot of Mt. Pisa. Mr. Pyke told me that I should have it. My brother put in his application. It was heard on Wednesday last, when Mr. Loughnan objected that he had promised it two years ago to another person. Mr. Pyke told me he would send the case to the Government for decision. This is the case alluded to by Mr. Kelly. There are many besides me who would stay here if they could get land. If I cannot get it myself, I would rather go to another country to settle.

No. 51.

No. 51. *Mr. Redhead.* 5th March, 1869.

Mr. George Redhead being duly sworn, examined :—

I have lately come here with cattle—over 60 head. I placed them upon the flat here, having been allowed by Mr. Ignatius Loughnan to keep them there for a fortnight only. I took them all away, down to the Dunstan. I begged Mr. Loughnan to let me run the cattle on his land, and said I was willing to pay what he asked. He gave me liberty to bring them back, on condition of my paying £1 per head for them. They are running upon those terms now, I am a publican and miner at Gorgetown.

No. 52.

No. 52. *Mr. Graves.* 5th March, 1869.

Mr. Philip Graves being duly sworn, examined :—

I have been employed here six years as a miner. I have sold out my interest, with the intention of leaving the district, unless there are lands thrown open for settlement. I wish to cultivate land, and would take 500 acres, either on purchase or lease. I have means to cultivate that, and twice as much if required. This I would take to start with. I concur in what has been said by the witnesses. The great difficulty of this place is the want of land for settlement. Unless some be thrown open, it is my opinion that the population will be diminished sadly; and the reason I would give for that is, that we poor diggers have no established homes, because we have no resources to fall back upon in the shape of land. Our mining claims have now risen to £210 per share, and if we could only get the shareholders settled upon land, they would not be running away at the first breaking out of diggings at any distant place. The cost of £1 per head per annum is too great to induce these men to invest their money in cattle. This charge is only a recent one, and the cattle hitherto acquired were not got under this arrangement. I know that Mr. Duling's mate is selling out for the reason stated by Duling.—(See No. 55.)

No. 53.

No. 53. *Mr Wilson.* 5th March, 1869.

Mr. Thomas Wilson being duly sworn, examined :—

I have been a miner here six years at the Gorge. I have nothing but a small garden. I would take 200 to 300 acres, and have means to cultivate it; but as soon as I have worked out my surface claim, I mean to clear out of the district, if the land is not thrown open. I am a partner of Mr. Graves in the claim I speak of. I have no cattle. It would not do for me to get any at the price they are charging for them. I would have had 20 or 30 head of cattle if the land had not been locked up as it is.

No. 54.

No 54. *Mr. Goodyer.* 5th March, 1869.

Mr. G. W. Goodger being duly sworn, examined :—

When I first came to this part of the country, six years ago, I invested in cattle for dairy purposes. I had to run them on runholders land. This was an annoyance to us both. I went to Dunedin, to Mr. Cutten, and asked for 1000 acres, and pay £1000 and expenses of money, but he said he could not sell it. I have disposed of most of my cattle in consequence of not having commonage. I am keeping an hotel. I should much prefer being a settler on the soil if I could procure land. I consider I have at least £5000 afloat in this district. I consider my cattle are reduced in value £300 this last 12 months for want of feed, although I am paying £1 per head to the runholder (Mr. Loughnan). I am now putting up a

quartz-crushing machine. There is good agricultural land in the vicinity, and I could attach a flour mill to the works from the same water-power if the land were thrown open. The land I speak of is joining Bendigo Gully, just below where most of the diggings are. I concur in the opinion of the witnesses whose evidence has been read to us.

Mr. Goodger. Continued.

No. 55.

Mr. Benjamin Duling being duly sworn, examined :—

No. 55. *Mr. Duling.* 5th March, 1869.

I have been a miner since 1863 in this Province, whither I came from Victoria. I have about a a score of cattle, which I bought before I paid £1 per head for them. I shall have to pay this like the rest. I have not even half an acre of land—nothing but the claim I am working in. I am just fenced-in, and all the miners along the banks of the Kawarau are like rabbits in a burrow. I was in Court when a miner named Partridge applied to Mr. Pyke for two acres of land only, and he was refused until he could get Mr. Loughnan's consent, though it was in the Goldfields where he was actually mining. I would sell my cattle at half the price they cost me, and leave the place, for they are actually starved. They are worried and thrashed about by stockmen. I have been a farmer in the old country, as a young man, and I wish to be so here ; and it is a heart-breaking thing that I should have to leave this country at my age. We got up a petition to the Superintendent, but got no answer. I believe it was thrown into the waste basket. My mate is selling out his interest in the Gorge. I am certain it is because he cannot get the means of settling down.

SUPPLEMENTARY EVIDENCE.—CROMWELL.

No. 56.

The following letter from Cromwell, with the additional evidence it enclosed, was received by the Commissioners after their return to Dunedin :—

No. 56. *Letter from Mr. Badger, enclosing addl. evidence.*

(Mr. R. F. Badger to the Commissoners.)

Cromwell, 11th March, 1869.

Gentlemen—I have the honor to forward the enclosed additional evidence of two persons desirous of obtaining land for settlement.

1st I have known the persons whose names follow a long time, and I have no reason to doubt their sincerity.

2nd. I have authority to say that Charles Hair, of Poison Creek, storekeeper ; and Hugh M'Pherson, of Wakefield, ferryman, will each of them take up fifty (50) acres ; and I know them to be in a position to commence farming at once. I also know that the latter has been obliged to sell his cattle for want of pasturage.

3rd. I have known many persons who made money at mining having left the district in consequence of their not being able to settle on the land. I name a few as instances—Scott and three partners—they had made about £2000 each ; Thomas Owens, and Evan J. Owens. The former of these, Thomas Owens, returned a short time since with the intention of settling. Finding no land was to be had, he has again left. James Mason, George Taylor, William Taylor, John Nicholos, Buchannan and two partners, David Gemmell, John Ashworth, and John B. Henderson. The last three have lately come back, and are waiting our efforts to get the land opened for settlement. I could add many more ; but I think the foregoing are sufficient for the purpose.

I have been resident in this district since September, 1862.

I have, &c.,

R. F. Badger.

To the Hon. Alfred Domett, and A. C. Strode, Esq., R.M.,
Commissioners.

(Evidence Enclosed.)

Mr. Maidman.

1.—Mr. Maidman.

I, Henry Maidman, of Luggett Creek, in the Province of Otago, Colony of New Zealand, make oath, and say :—

1st. That I am an hotel and store-keeper at the above-named place, occupying 16 acres of land by permission of the runholder (Mr. Loughnan.)

2nd. That I would take up 100 acres of land for agricultural purposes, if it were to be obtained under lease or by purchase.

3rd. That I am in a position to commence farming, and am only waiting the opportunity to do so.

Henry Maidman.

Mr. Russell.

2.—Mr. Russell.

I, Theodore Russell, of Pembroke, in the Province of Otago, Colony of New Zealand, hotel keeper and boat proprietor, make oath, and say :—

1st. That I am desirous of obtaining land for agricultural purposes.

2nd. That I am prepared to take up 100 acres, and that I am in a position to commence the improvement of the land.

3rd. That at the time I built the Wanaka Hotel, I endeavoured to obtain permission from the runholder to occupy a small paddock for agricultural purposes, to save the expense of buying horsefeed, which I have to obtain from Dunedin.

THEODORE RUSSELL.

No. 57.

(Mr. Badger to the Commissioners.)

No. 57.
Mr. Badger's Memo.

Memo.—The revenue from this place and district amounted during the year 1868 to £1500. The gold forwarded by the Bank of N.S.W. per Escort from Cromwell during the year ending 22nd February, 1869, amounted to 15,000 ounces. This does not include the whole of the gold produced in the district, some being taken away by private hand. Two miners left Cromwell for England some time since)R. Thomas and C. Tippett), each having 100 ounces. The fines have been considerable : during part of 1866-7 they amounted to no less than £200. The district is shamefully neglected since the Provincial Government reduced the Goldfields staff, there being no Clerk here except during the sitting of the Court—once a fortnight—and an occasional day that the Receiver comes to make out his monthly Returns. The consequence must be the falling off of the Revenue. The Resident Magistrate refuses to hear cases in the Extended Jurisdiction at this Court, consequently persons suing for more than £20 have to go to Clyde, although they may reside in Cromwell or at the Wanaka Lake, a distance of 35 miles from this place, they must go to Clyde. It is said that a Clerk is to be appointed here at a salary of £50 per year, and Mr. Pyke has the appointment. Nothing could be more absurd. Apart from the necessity of having a competent person, he should be also a Receiver or Deputy Receiver.

PART V.—EVIDENCE TAKEN AT QUEENSTOWN.

WEDNESDAY, MARCH 3, 1869.

No. 58.

Mr. Henry John Cope being duly sworn, examined :—

No. 58.
Mr. Cope.
3rd March, 1869.

I think the people of this district who want land get it very readily under the Agricultural Lease system. I never met with anyone unable to obtain land. There is a large quantity available. In all the Lake district I should not think more than about 2500 acres are under cultivation. More than twice that quantity has been taken up that has not as yet been improved in any way. The holders have generally from 50 to 200 acres. In some few cases more land is held, but that is by companies and large families. There is a considerable area of ground fenced in, upon which sheep are being depastured. This has also been taken under the Agricultural Lease system. I repeat that there is no question about plenty of land being open for agricultural purposes in this district. I would recommend that Agricultural Leases be granted on areas not exceeding 200 acres instead of 50, for the reason that the land will not bear cropping for any length of time. The demand for cereals being necessarily limited on account of the isolation of the district, farming and grazing operations must be combined to make them pay. Most of the land here is worked out after three or four crops ; and manure cannot be relied upon, because it cannot be procured. I think depasturing blocks—say, of from 500 to 2000 acres of hill country might be given to promote settlement round the centres of population, with right of sale at 10s. per acre. This land, of course, should be leased for a proportionably less rent than the amount now paid for agricultural land. I think we must come to that. A great confusion and loss must eventually ensue amongst the holders of small flocks and herds now running on what is understood as the commonage. The appointment of Wardens does not lessen this evil, because it would not prevent the mixing of the cattle, as no boundaries are kept. To successfully keep small flocks or herds, the areas held by each person must be fenced in. Respecting the rent, I would recommend that the 2s. 6d. per annum, which is a heavy rental, should go, wholly or partially, towards the purchase of the land. Also, that the leases should be issued, at furthest, within three months of the applications being approved. That, at the expiration of the three or seven years the lessees should be absolutely entitled to purchase. At present, an application to purchase has to be made to the Waste Lands Board, and it is in their discretion to refuse it or not. This uncertainty impairs the value of people's properties. I would recommend that the provision which requires the sanction of the Superintendent to a transfer of a lease should be repealed. My reasons are, that agriculturists are unable to contract liabilities on account of having no security to give, as they cannot mortgage their leases without such sanction. The majority of agriculturists require monetary

assistance at some time of the year. In case of parties attempting to defeat the objects of the Act by holding land in other persons' names, a penal clause, prohibitory of that practice, might be introduced, instead of clause 27 of the Regulations. Parties holding the land given or taken as security, should, of course, not be amenable to any penalty. I have been 18 years in Australia and New Zealand. I have spent all that time, with the exception of four years, during which time I was editing a newspaper, in farming and mining. I think that agriculturists, especially those removed far from the seaboard, will not be able to pay so much for land as even cultivators in Australia, for the reason, that in Otago the demand for cereals is very limited, on account of the smallness of the population, and it would be impossible to ship grain to other places. Ale is also excessively high; also, all consumable articles and machinery. The cost of the latter is very much increased by the necessity of carriage into the interior. The climate of Australia allows crops to be taken off the ground at much less expense than here. The humidity of the climate here would not admit of a machine which reaps and thrashes at the same time being used; therefore, the cost of getting in a harvest here is three times as great as where a stripper can be used. I don't think myself that agriculture can be very extensively pursued on the Goldfields, as we have to depend entirely upon local consumption. The growing of horse-feed, in the shape of hay, which gives so much employment to agriculturists in Australia, will furnish but little employment in this country, the inland carriage being small here, and not capable of much extension. The hills also, being well grassed, there is feed at all times for teams of horses, with the assistance of a small feed of corn. In South Australia, at least one-half of the land is cultivated for hay, for all which there is a demand. I should have remarked that I have been a holder of Agricultural Leases for the last four years. I have 160 acres at Have's Lake. It is all fenced in, and 60 acres under crop. I think agriculturists farming land on Runs should be allowed to depasture cattle—say 10 head for each *bonâ fide* leaseholder, free of expense. I am afraid, however, that this would introduce the evil I have remarked on above, of the cattle mixing and becoming deteriorated. In all cases which have come under my notice, I think the runholders have met the agriculturists very fairly—when the latter are well-intentioned persons. I think it is nothing but fair that the squatters, having made their Runs valuable, when any portion is taken from them, they should be adequately compensated. In all cases where the land is required for *bonâ fide* settlement, the squatter should give way. There are scarcely any localities where 2500 acres of good land could be got in one block, except in Wakatipu or Tuapeka district. I speak from personal knowledge of the country. In Dunstan district there certainly is not. The only good land in that district lies immediately under the great ranges, and is only in patches of from 20 to 100 acres. It is difficult to get 100 acres in a block. The effect of taking such blocks would be to destroy the whole of the Run within which they are situated. You cannot select land upon a Run without injuring it, unless it be selected at its boundaries. I make the above remarks as the result of careful observation, having been in a position to exercise it.

Mr. Cope. Continued.

No. 59.

Mrs. Ann Boyes being duly sworn, examined:—

No. 59. *Mrs. Boyes.* 4th March, 1869.

My husband's name is William Francis Boyes, and we live at present at Frankton. My age is 62. I have three sons, the youngest of whom is 23 years of age. They are all married, and have children. I have also two daughters married, with five children each. I have 14 grandchildren in all. We all wish to settle together. I wish to get some information as to what I am to do to get some land. My sons are all diggers. They wish to get land near where they carry on their mining. We came out in 1852 to Victoria, and they have been working ever since at gold-digging. There is a good patch of land—we would guarantee that there is 500 or 600 acres—around or at the side of Kingston.

No. 60.

Dr. James Douglas being duly sworn, examined:—

No. 60. *Dr. Jas. Douglas.* 4th March, 1869.

I am Resident Surgeon having charge of the Wakatipu District. I have lived here for the past seven years. I do not think there is any difficulty in persons, requiring land for settlement, procuring suitable land in this district; although they might not get it in the most convenient situation to the mill and to the town. At Crown Terrace and the Arrow Flat, also between Speargrass Flat and Miller's Flat, there is a considerable quantity of fine land; the only difficulty being the want of a road. A rough estimate was given to me at the survey office at Queenstown of the quantity of land open for selection in this district. It was estimated at something like 25,000 acres. The whole way, from this to Skipper's Creek, a distance of 30 miles, is open. In this area, although most of the country is very rugged, there are many flats suitable for cultivation. All the lands, beginning at Queenstown, enclosed in the following boundaries of the depasturing district of Wakatipu:—By Lake Wakatipu on the south; on the west by Lake Wakatipu and Butement's Run; on the north by a line from Butement's Run to Moonlight Creek, to the head of Skipper's Creek; thence on the north by the northern water-shed of Skipper's Creek to the Shotover River; thence by the Shotover River to the Polnoon Creek; thence by a straight line to the boundary of Campbell's Run; on the east by Loughnan's Run; and on the south by Queenstown and Lake Wakatipu. All the agricultural land in this area can be taken up under the Agricultural Lease system. Away from roads, people could only cultivate for the purpose of feeding stock and supplying themselves. There is a great quantity of available land accessible by roads, and within reasonable distance of markets in the Goldfields towns which is not taken up. I believe the reason why this land is not taken up is, that there is not encouragement because the supply of

Dr. Douglas. Continued.

agricultural produce is already greater than the demand. A large export of grain was made from this district last year. If anybody in this town wished to run cattle, the whole of the country around the town is available for that purpose. I know the land under the Remarkable Mountains (Hector Mountains), and I don't think there is at present any necessity for opening it up. I have had good opportunity of knowing this land; and, with the exception of swampy land, which would be expensive to drain, there is not any really good land under the hills. I consider the hilly land towards the Lake much better land. At present Messrs. Boyes are fencing it off into paddocks for sheep-washing purposes. I think the number of miners who want land to settle on, is very small indeed in this district. A great number have cattle, and many 30, 40, and even 80 head of great cattle; some own sheep as well. I have an opportunity of knowing this from my being one of the Board of Wardens. I think the Board would be very useful if Government would carry out their views. The Board have very difficult work to perform; but they have not received the prompt assistance from Government which they were entitled to expect. For instance, when the people were complaining loudly of the sheep running all over the country, on the ground which should have been kept for cattle, there was a delay in approving of their recommendations, which the Wardens thought unjustifiable. I mean that the Government were not sufficiently speedy in approving of the division between sheep and cattle. I know nothing about the covenants in the Pastoral Leases; but with respect to the blocks to be taken out of Runs under the Goldfields Act, it would operate as a discouragement to settlement thereupon, if the runholder does retain the right of depasturing stock over the unsold portion of the block. The system of leasing has this disadvantage for the ultimate purchasers, that whereas the purchasers of land on the seaboard (which is more valuable) pay only £1 per acre, those situated far inland pay £1 7s 6d per acre for their land. The only abuse I know of in this district relating to the administration of the Land Laws is, that some persons hold land under Agricultural Lease which they neglect to improve, as the Regulations require.

THURSDAY, MARCH 4, 1869.

No. 61.

No. 61.
Mr. Beetham.
4th March, 1869.

Mr, Richmond Beetham being duly sworn, examined:—

I am Warden and Resident Magistrate of Queenstown. I consider there are about 30,000 acres of agricultural land open for settlement in the Wakatipu Goldfield District. Mr. Spence, the Surveyor, will give the exact acreage. I should think there is sufficient open to satisfy the demand for some years to come. There is very little available agricultural land in the immediate neighbourhood of mining ground in this district. Where there is it is mostly already taken up. There are very few applicants who are unable to get land in the locality they wish to take it in, because as a rule, miners will not apply for any land which it is at all probable may turn out auriferous. Very few miners in this district have applied for agricultural leases, which, in the mining portions of the district, are applied for by those engaged in business, such as store-keepers, dairymen, and stock-owners. There are very few instances in which persons combine mining and agricultural pursuits. Mining and stock-owning are commonly carried on together; almost every miner owns a horse or two. There is sufficient land open for pasturage for treble the present population of the district. There are no complaints of the pastoral land not being near enough to the mining localities to enable the miners to keep their stock. In fact these localities are surrounded by pastoral land. The mining in this district is much more scattered than in any other district of Otago. A population of 200 miners in one instance being distributed over a length of 30 miles along the Shotover River, surrounded by pastoral country. The land has been taken in this district by the Provincial Government under the Goldfields Act, and only two pieces have been acquired under the Waste Lands Act. These two pieces are on Mr. Trotter's Run, No, 325—one of 50 acres and one of 25 acres. These are the only two instances in which it has been necessary to trench on any runholders land. These two pieces are situated at Kingston, and it is land immediately adjoining those two that it is the Boyes's desire to obtain. I think the 1000 acres, which the Provincial Government have a right to take on that Run, might be selected in two blocks within a very small distance of Kingston, which would answer all requirements for some years to come. I do not think the taking of these blocks would materially damage the runholders property. There is a township laid out at Kingston, and that place being the terminus of the Southland traffic *via* The Lake, I think there ought to be agricultural land thrown open for settlement there. I think Messrs. Boyes would make very useful settlers. They are very hard working, steady, and industrious Devonshire farmers, and would be an acquisition to any district. I know of several parties of miners in the Upper Shotover who have large herds of cattle. I mean 60 and 70 head each. They do cultivate gardens or small plots, but being on the outskirts of the district do not think it worth while to apply for agricultural leases.

No. 62.

No. 62.
Mr. Robertson.
4th March, 1869.

Mr. James William Robertson being duly sworn, examined:—

I am Mayor of this Corporate town. This is the third year of my Mayoralty. Our firm are proprietors of the only saw mills in the district, a flour mill at Frankton, and of the steamer "Antrim" running on The Lake. I have great opportunities of judging of the wants of the people of the district respecting land. We are engaged largely in agriculture, having 300 acres ploughed this season. Our firm holds altogether 752 acres of land. All the land is under Agricultural Lease. There are six of us in the firm. We have had to pay £2 an acre for some of this land to other lessees in order to make our blocks complete, which land is to be transferred to us in accordance with the Regulations. All the land

transferred is actually ploughed and fenced, and some of it has been cropped twice. I think there is plenty of good agricultural land in the Wakatipu District to supply the wants of the population for some years to come. I don't know of any parties who want land for legitimate purposes, who have been unable to get it. Of course it is our desire, being largely interested in the district, to encourage settlement. We think Mr. Boyes's Run, on which the land that would be first required for future settlement is situated, is not wanted at present. In order to prevent that Run, whenever taken, from falling into the hands of speculators or monopolists, I would advise that there should be at least 50 or 60 *bona fide* applications for areas of 200 acres each or so, from people who would give some guarantee that they would cultivate it, before the Run be thrown open for selection. I think it would encourage settlement here if the land could be got a little cheaper. The people would be quite willing to pay £1 an acre on the whole, *i.e.*, including the annual rentals of 2s 6d an acre for three years. I think it is a great hardship that persons should have to pay £10 for every application for a lease above 25 acres. Parties often, to my knowledge, have to borrow this money, while they would be perfectly able to cultivate the land, working together in two's and three's, and having teams of horses and cattle. The necessity for this payment cripples *bona fide* settlers at the outset. It has been submitted to, because people were so anxious to get land for settlement on any terms four or five years ago, and the practice of paying became established. It is generally allowed that less than 200 acres is not of much use to take up, and the deposit on this would be £40. Moreover, if surveyed in 200 acre blocks, a great part of the expense of survey would be dispensed with. Many of the miners have cattle in the district. They have plenty of commonage, mostly in their districts: but I advise that a large commonage should be given to the farmers about Frankton, Lake Hayes, and the Arrow Districts. All this land belongs to the Government; but what is wanted is that a sufficient block in the above named localities should be specially set aside for the farmers' commonage, so that it should not be liable to be leased and the farmers completely hemmed in. There is about 12,000 or 13,000 acres taken up or applied for in the Shotover District (above alluded to.) I think about three acres of pastoral to one of agricultural would be reasonable and satisfactory. Of course I mean outside the agricultural land. I would take this land out of the hands of the present Wardens, who are elected by persons holding Miners' Rights as well as Agricultural Leases, having a Chairman, who is paid £350 a year. I think he has no duties to justify this salary. The people would be better satisfied if a Chairman were elected from, and by themselves, without any pay at all. It is the general opinion that the Provincial Government wished to give the gentleman who holds the office, and also the one who holds the corresponding office at Waitahuna, some salary or preferment, because they chose to stand by the Provincial Government in its late differences with the General Government as to the management of the Goldfields. I think this is fair and reasonable, because the miners have plenty of commonage in the immediate vicinity of their diggings. I do not think they themselves would object to such a commonage for the farmers, as I have suggested. I would recommend that the occupation certificate should be issued as soon as possible after the application. A man has then a title at once, and knows his position. I think that the land about Kingston, which is available for agriculture with the requisite amount of land for commonage, should be taken as soon as possible. I know something of the Boyes. They have a good character for industry. At the head of The Lake there is some splendid agricultural land on the Messrs. Butement's Run, which should, some of these days, be thrown open. But I would recommend it should be done with the same precautions and guarantees I have suggested with respect to Mr. Boyes's Run. I think undoubtedly the runholders should be compensated whenever their lands are taken. I think such persons as Messrs. Rees and Von Tunzelman, who were the first to go up this Lake, which they did on a raft, with a blanket for a sail, deserve consideration as the pioneers of settlement in this district.

No 63.

Mr. A. C. Thomson being duly sworn, examined:—

No. 63.
Mr. Thomson.
4th March, 1869.

I live at Hayes' Lake, where I have an Agricultural Lease for 200 acres. I have also a Depasturing License from the Board of Wardens for sheep. The principal reason I come before the Commission is to state that, in my opinion, the Board of Wardens for the management of the Commonage here have treated the sheepowners badly, in setting aside a large amount of country for cattle, which could not be profitably grazed by cattle—so as to give the Government a fair return in assessment money—of land that would contain a considerable number of sheep, on the bottoms of ranges near the rivers, having been given up for the keeping of of a small number of cattle. We have been fined for running sheep on ground on which cattle cannot run, and whereon cattle are never seen. The sheepowners who are also agriculturists are in a minority, and can only elect one, or, at most, two, of the Board of Wardens, consisting of seven; the majority of votes being those of holders of Miners' Rights, many of whom take very little interest in it, having no cattle. I think the right of voting for Wardens should be exclusively conferred to the owners of an amount of stock above the number which can be run free of payment under the Miner's Right, as these are the persons who have the chief interest in it. As soon as the stock of the others exceeds the number allowed to run free, they would have the right of voting. I think this opinion is held by many people in the district. I think it very unfair that a person should be forced to invest in cattle, when he prefers being a sheepowner. I am a sheepowner, and have invested a considerable sum in fencing in land, which was fit only for grazing sheep, and am trying to cultivate all the land available for agriculture; and I think it a hardship that I should be put off sheep-country, having about 2000 sheep, including what I have outside and in my own paddocks. I am put off by a person who lives on a Government Reserve, making little or no improvements, and running from 100 to 150 head of cattle over the Wakatipu Commonage, he himself being the leading man of the Board of Wardens. The system of Wardens elected on the present principle works so badly, that it is made the means of turning out men who spend all their money in the district, to let in persons who make no improvement, or confer any benefit on the district.

Mr. Thowson. Continued.

I think it would be fairer to allow persons to run amounts of cattle and sheep in proportion to the amount of land they have leased, in a manner analagous to that in the Hundred system. I see no reason why a difference should be made in the Commonages, or wherever they have depasturing Wardens at all. I was the first that crossed the Arrow River with a mob of sheep, and placed them on ground which was then altogether unoccupied by stock of any kind; and now I find that a small sheep-block has been reserved, inadequate to graze all the sheep in that district—virtually for one person, as there is about enough country for, in the allowance for a small increase. He was running sheep on that particular spot when the Reserve was made, although he came after me; and the country that I occupied is more fitted for sheep.

No. 64.

No. 64.
Mr. Manders.
4th March, 1869.

Mr. Henry Manders being duly sworn, examined:—

I have been living here since the opening of the Goldfields, having been employed as a mining agent. Up to a short time ago—to the passing of the Act of 1866—great difficulties were experienced in obtaining land here. These have been to a very great extent removed by that Act. But the present difficulties in this district arise from an inadequate system of survey. The survey staff is too small, and this causes delay in giving the leases. I know several cases where leases have been delayed on that account—30 or 40 of them. One case—perhaps an extreme one—is Mr. M'Bride's, at Greenstone, who applied two years ago, and has not yet got the land applied for surveyed. The £10 deposit is paid, and a charge of 4s per acre is made under the new Regulations, the deposit being used in part payment of this rent. The amount of land now open in the Wakatipu Runs (including Mr. Rec's cancelled Run) has been carefully picked over, and the best portions of the land nearest to a market—such as Miller's Flat, Haye's Flat, and Arrow Flat—have been selected. There is a moderate portion of land still open. I find that people want more land. There are many who would settle if they could get suitable land. I have had many parties come to me as a matter of business to ask me to obtain land on the Kawarau side (Messrs. Boyes Brothers' Run); also to obtain, if possible, the opening of a Hundred at the foot of the Lake, bounded by the Mataura, and running in the Nokomai direction. This includes part of Roger's and part of Trotter's Run. If that land were put into the market, and a Hundred declared, I think, from the numerous applications I have had in my line of business, that there would be considerable settlement there by an agricultural population. These very extensive plains, and the climate being superior to, and warmer than, that of Southland further down, people desire to obtain land there. Nokomai district has been almost deserted in consequence of people not being able to obtain land to keep even cows, or to cultivate even small sections. Complaints are very numerous on this account. I think the conduct of the runholder there (Mr. Cameron) is an exception to that of the runholders generally throughout the Goldfields. He will not allow any cattle on the Run. He has given notice even to the dairymen to remove their stock. The importance of having a population, combining mining and agriculture, is very great to the Colony. They are easily taxed, as they would be settled. I have not found that the charge under the Goldfields Act, 1866, of rent, is objected to by the majority of the settlers—only by a few who have taken up land in large blocks by family arrangements or otherwise. Many persons hold 600 acres of land, to whom it would be of great importance to obtain a reduction of rent; but the majority of *bonâ fide* settlers think the working of the Act very satisfactory, and that the interest charged in the shape of rent (2s 6d a year, $12\frac{1}{2}$ per cent.) is moderate, and gives them the opportunity of saving a small capital in the improvement of the land. Any change in the present system by allowing a portion of the rent to go towards the payment of the land, would lead to more land being taken up by persons who would take up large blocks for grazing farms, and acquire possession at the end of three years for speculative purposes. I mentioned just now some large tracts taken up of 600 acres and more by friends combining—husbands and wives—sisters; and even children. I know an instance of an infant holding 200 acres. Any relaxation of the present law would lead to more abuse. I think generally, the present system has worked excellently during the short time it has been in force. It is a great pity it did not come into force sooner, as it would have saved to the Colony an immense quantity of gold that has been taken away to other places, as the miners were very eager to obtain land at that time. I have no doubt that, from the number of miners that I have spoken to, that the gloomy period which generally follows the opening of a Goldfield has now passed away, and a mining population is settling down, is increasing, and is likely to increase. I speak this from considerable experience and knowledge acquired amongst the miners. Each week witnesses the influx of families of miners induced by the representation of their friends to come from other places. I have no doubt there is room for the opening of fresh Goldfields, both in the Kingston direction, and in other directions—towards Kawarau, as well as up the river.

No. 65

No. 65.
Mr. Cracour.
4th March, 1569.

Mr. Michael Crawcour being duly sworn, examined:—

I am a livery stablekeeper in Queenstown, and have a share in a mining claim on the Shotover. I know there is a desire in this district that the agricultural portion of Messrs. Boyes' Run adjoining *bonâ fide* settlement 200 acres; and three others with whom I am connected in mining, would each take up a Frankton should be thrown open for selection. If such were done, I would be prepared to take up for similar quantity. The land at present open for selection I consider only fit for pastoral purposes, all the the best of the blocks formerly thrown open being now taken up. I some time since (about 18 months ago) spoke to the Gold Receiver at Queenstown upon this subject, when he told me that he did not think it was any use applying for the land before named. I know there are several others wanting land there. I have only horses—no cattle or sheep.

No. 66.
Letter from M Dugard, with Enclosure.

SUPPLEMENTARY EVIDENCE.—QUEENSTOWN.

No. 66.

(Mr. Dugard to Mr. Strode.)

Receiver's Office,
Arrowtown, 5th March, 1869.

Sir—I am requested by Mr. Warden Beetham to forward you the attached information respecting Agricultural Leases applied for in the Arrow Division of the Wakatipu District.

I have, &c.,
Thomas Geo. Dugard,
Receiver of Gold Revenue.

A. Chetham Strode, Esq.,
Resident Magistrate, Dunedin.

(Enclosure.)

Enclosure.

Will Mr. Dugard furnish me with the following information as early as possible :—

The number of applicants for Agricultural Leases?—Answer : 48.

Number of applicants who have applied for sections under 10 acres?—Answer : Nil.

Number of applicants who have applied for above 10 acres and under 25?—Answer : 7.

Number above 25 acres?—Answer : 41.

R. Beetham,
Warden.

Answers to Mr. Beetham's questions in red ink.

Thomas Geo. Dugard,
Receiver of Gold Revenue.

Arrowtown, March 3, 1869.

No. 67.

(Mr. Warden Beetham to Mr. Strode.)

No. 67.
Letter from Mr Beetham, with Enclosure.

Warden's Office,
Queenstown, March 8, 1869.

Sir—I have the honor to forward (attached) a Return, giving certain information with reference to land taken up under the Agricultural Lease Resolutions. The Return will be easily completed by adding the information which has been forwarded to you from the Arrow as to the number of applications for different areas.

R. Beetham,
Warden.

A. C. Strode, Esq., R.M.,
Dunedin.

Enclosure, with Mr. Beetham's letter.

[Enclosure, with Mr. Beetham's letter.]

RETURN showing Land applied for in the the Wakatipu District (Approximately).

Held under Lease.	Held under Certificate.	Land applied for since Jan. 1, 1863.	No. of Applicants under 10 acres.		No. of Applicants above 10 and under 25 acres.		No. of Applicants above 25 acres.		Under Cultivation or Fenced in,	Total acreage of Land applied for.
			Queens town.	Arrow	Queens town.	Arrow	Queens town.	Arrow		
7312 acres.	4618 acres.	471 acres.	17	Nil.	47	7	152	41	About 7677 acres.	12,401 acres.
		Totals...	17		54		193			

R. BEETHAM.

Warden.

No. 68.

NOTE.—For No. 68, see lithographed Map of Runs in Wakatipu District.

PART VI.—EVIDENCE TAKEN AT BLACKS AND NASEBY.

MONDAY, MARCH 8, 1869.

No. 69.

No. 69.
Mr. Worth.
8th March, 1869.

Mr. Samuel Worth being duly sworn, examined :—

There was a petition sent to Government lately for land. A block of 2500 acres is now being opened, which will be sufficient for the present population for the time being, unless we get an accession of people from other parts. I think about 300 acres of this block have been applied for. I had a letter from Shag Valley on Saturday enquiring about particulars of this land. The writer seemed inclined to come and settle here. Another came up from Teviot, and was marking out land yesterday, I believe. Mr. Macmorrin told me he thought he should take up 200 acres. Mr. John Miller, at Tinker's Gully, also told me he should take up 50 acres. Mee (Henry) will take another 50. Sloane, 50; and two or three from Manuherikia and Dunstan are coming to apply. I can't say for how much, but I think this will pretty nearly take up all the block. Most of it is good land. I have myself taken 100 acres. I think all these persons intend to cultivate. They are very anxious to get a mill erected. There are more than 400 acres under cultivation close to this. All this is held on sufferance from the runholder, Mr. Low. At present it yields very good crops, 40 bushels to the acre. I produce some specimens of barley and wheat grown here. The part of the flat where these were grown has not been included in the block, because a good portion of it is supposed to be auriferous, and some intention has been entertained of bringing the Ida Valley Water Race to the top of the range opposite the township towards that Valley, which would throw a great quantity of tailings over the flat. There is a great want of commonage for cattle and horses owned by diggers and dairymen. Those who intend to work the newly opened land must necessarily have commonage. The Superintendent has requested me to endeavour to make some arrangement with the runholder, Mr. Low, to obtain a block for the diggers of this place. This, however, would bring me into collision with the runholder, and give rise to unpleasantness, which I wish to avoid. A block for commonage, consisting of 8000 acres (between this, Tiger Hill, and up to the ridge of Raggedy Range), was applied for by memorial adopted at a public meeting. This land is very rocky, and there is a good deal of working (sluicing, &c.,) going on about it. So I do not think the loss of it would be of much detriment to the Run. For the new block, the space between the new block and the river, consisting perhaps of about 1500 acres, might be given without hurt to the runholder (Mr. Glassford), and would suffice for a time. It is contemplated also that the main road shall be taken through the land, which would render it less valuable to the runholder. The Warden's Court is held once a fortnight at this place, where applications for Agricultural Leases are received. People taking up land would, of course, like to have it surveyed as soon as possible in order to prevent disputes about boundaries. They also think allowance should be made for water races running through their sections, especially as five feet on each side are claimed by the owner of the race. It is a grievance that applicants have to pay £10 deposit for every 50 acres, and besides are required to pay rent on the issue of the certificate without return of the deposit, which is quite sufficient to cripple a poor settler.

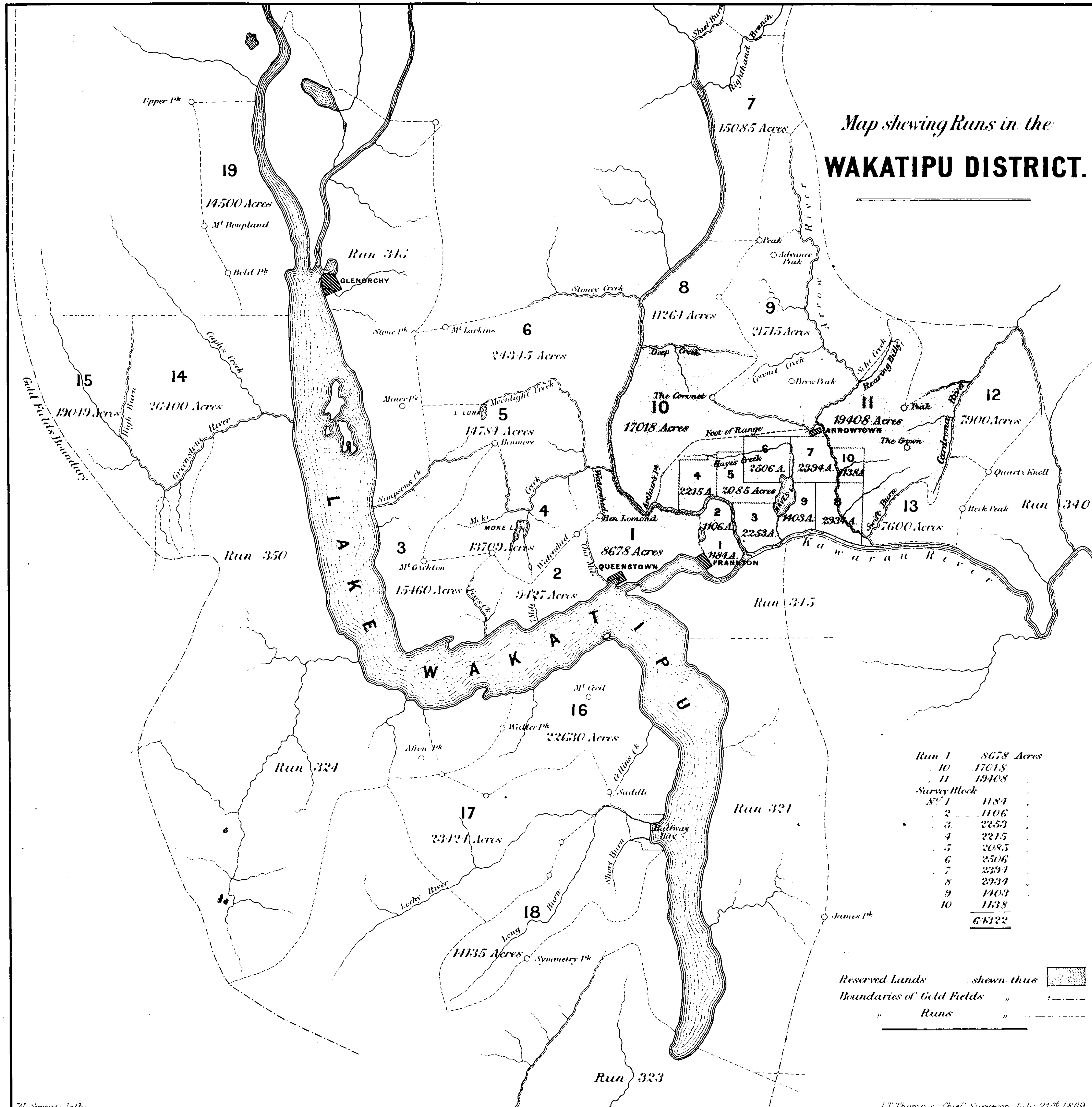
MANUHERIKIA VALLEY ROAD.—ACCOMMODATION HOUSE.

No. 70.

No. 70.
Mr. Beck
8th March, 1869

Mr. John Beck being duly sworn, examined :—

I keep the White Horse Accommodation House, Manuherikia Valley Road. I have been an actual resident in the neighbourhood about four and a half years. I was a miner for 10 years. There is an agricultural area open for selection at St. Bathan's, 10 miles up the Valley from this. I believe it contains 2500 acres. It has been open for settlement about eight months, but was surveyed two years ago. It was given in consequence of the agitation by the inhabitants of St. Bathan's on the subject. There has not, to my knowledge, been a single application for any of this land. That may be because the land surveyed is at too great an altitude, and is sometimes covered with snow very late in the season. Some of the land may be very good, but the majority of it is very inferior. The want of wood in these parts is a great impediment to land being taken for settlement, owing to the expense of timber for building and fencing. All the sawn timber in this house came from Dunedin, and the posts and rails for the stockyard came from Lake Wanaka. The want of firewood is supplied by lignite, which can be got of first rate quality, seven miles from this, and in fact all around for miles. It costs about £2 a ton. There is splendid land in the immediate neighbourhood of this house, as may be seen from the crops from the 14 acres I have in cultivation. I owe it to Mr. Glassford's kindness that I am allowed to cultivate as much as this. If this is to continue to the main road, and the land I speak of were thrown open, I should be glad to take up 100 acres.



(Otago Survey Lithographic Press)

NASEBY.

TUESDAY, MARCH 9, 1869.

No. 71.
Mr. Inder.
9th March, 1869.

No. 71.

Mr. Walter Inder being duly sworn, examined :—

I am a butcher in this town (Naseby). The townspeople are in want of land for commonage. They have not a foot outside of the surveyed town at present. We want land for agriculture ; but there is no land suitable for it here, except in very small patches. There is good land 12 or 14 miles from here, on Mr. Maitland's Run, along the banks of the Taieri. There were two different persons from here went and took land there ; but were not allowed to cultivate it. Miners, butchers, bakers, storekeepers, dairymen, and almost everyone want commonage. They have not even room to run a horse or a cow outside the pegs of the township. The block of land proposed to be substituted for that we applied for would be useless, because it is immediately about the town, and the greater portion is already taken up with gardens and mining operations. From the experience of four or five years, we find that the snow lies on the part of the block above the township longer than it does below. We should like to have any commonage that can be granted placed in the hands of Wardens, who would apportion the number of cattle to be run among applicants. We have applied to Government for 20,000 acres. We are differently situated here from the people at Tuapeka, Queenstown, and Mount Benger. In all these places they have some, and even large areas of commonage. We have none whatever. I should think there are from 300 to 400 head of cattle (including horses) belong to people in this town. The owners are obliged to sell off to keep the number down. These cattle must either run on sufferance of the runholders or be paid for at from 18s. to 20s. per head. The runholders will not allow them to raise stock. They compel to sell off yearlings. I think, from the revenue the Government derives from this district, we are entitled to favorable consideration. I am quite positive that a commonage would return a greater amount of revenue to Government than an equal area of land does when occupied by the runholder. The expense of cultivating might be saved by making it obligatory on every stockowner to pay his assessment at stated periods at the court or some central office.

No. 72.
Mr. Maitland.
9th March, 1869.

No. 72.

Mr. David Maitland being duly sworn, examined :—

I am lessee of Run No. 219, adjoining the township of Naseby. There are spots of agricultural land on the Run, but I consider the land immediately adjoining the township better adapted than any land about the Taieri river for agricultural purposes. This land at the Taieri river is light and shingly, and the climate very dry, and these are the reasons mainly that I think the land close to the town would be better. At present there are about 200 head of cattle on my Run belonging to dairymen, butchers, and cattle breeders ; but only about 20 have been paid for at the rate of 18s. 6d. per head, 3s. 6d. of which is paid to the Government as assessment. Never up to the present time have I sued any person for trespass, nor impounded any cattle. I have promised those who have paid me head-money for their cattle that if I could not enforce payment from the rest, I would return their money. I have not taken the money from the bank as yet, as I consider it there only as a deposit. I purchased my Run in May last, and it has cost me up to this time £14,500. It is supposed to contain 35,000 acres, out of which the people of Naseby want 20,000 acres as commonage. From the balance must be deducted the quantity used in mining, which would leave a piece comparatively valueless.

No. 73.
Mr. Macdonald.
9th March, 1869.

No. 73.

Mr. John Macdonald being duly sworn, examined :—

I would remark that the diggings here are very much poorer than they have been, and that diggers here—particularly married ones—want some other source of income to make a livelihood and keep them in the place. The most practicable way open to them, is keeping a few head of cattle. If miners had a right to run cattle, it would induce many to stop who would otherwise go away. An available commonage would settle people here before any agricultural area that might be thrown open. It would prepare them for the latter.

NOTE.—Messrs. Bremner, Aitken, Horsewell, and Collett, confirmed the evidence given by the before-named gentleman.

No. 74.
Mr. Hunter.
9th March, 1869.

No. 74.

Mr. William Hunter being duly sworn, examined :—

With respect to the land alluded to by Mr. Inder, on the banks of the Taieri, I wish to remark that I believe if it were to be obtained, the whole of that part would be settled upon for cultivation under the Agricultural Lease system, which would retain and draw population to this district.

No. 75.

No. 75.
Mr. *Sanders.*
9th March, 1869.

Mr. William Sanders being duly sworn, examined :—

My brother and myself are lessees of the Runs Nos. 206, 211, and 362. The miners of this district are congregated chiefly in the immediate neighborhood of Naseby, *i.e.*, within a couple of miles or so. There are, perhaps, about 80 people also at Kyeburn diggings ; and a few at Clarke's diggings. I don't consider there is any good agricultural land near here—there might be patches here and there—in gullies or on the slopes of the hills. I am aware that an agitation has been commenced with the object of getting 20,000 acres of commonage round Naseby thrown open ;—a portion of my Run (206), and that of Mr. Maitland. The Government informed me a short time since, that they proposed to cancel my license on 206—over 2500 acres—about six miles by half a mile along the Hogburn Creek. I sent back an altered proposal, to take the strip on each side of Naseby, so as to make Naseby the centre. In the north part, there are nearly as many cattle now running as below. There may be 100 horses and cattle sometimes on the Run and sometimes off. I have not heard from Government since. I stated in my letter to the Government that the land was wanted chiefly for commonage. I have never refused persons wanting to cultivate land on the Run. Two parties are cultivating at the Kyeburn diggings under permission from me. I have received no other applications at all for land for agriculture, although it is well known that they could get it on applying for it. I think people are so satisfied that the land is not suitable for cultivation, that they do not want it. About three years ago I purchased Kyeburn Station for £20,000, and in consequence of resolutions being passed by the Provincial Council of Otago which were afterwards made law, offering extended Leases on payment of higher assessments, and also from the fact that not more than 5000 acres could be taken from the Run for agricultural areas during the lease, I was induced to invest so largely in Otago. I was newly come to the Colony, and I thought I had good security for the investment. If the Government were to take 10,000 or 20,000 acres for commonage, I consider it would ruin the Run, and would be a great breach of faith. It would be, in fact, repudiating their engagements. I may add, also, that when I got the Lease from the Provincial Government, they gave it me on conditions that I would agree to let them have 5000 acres for agricultural purposes, and be compensated for the same only for the remaining term of the original License. I informed the Government that I should not object to their taking, for moderate compensation, the whole of the block of 2500 acres, as I marked it on the plan (instead of taking it only for the pieces as they were leased) : Provided they would agree to one or two conditions, which were :—1. That no sheep should be allowed upon the block, as butchers and others might bring scabby sheep from a distance, which would mix with mine and scab my flock. 2. That such sheep should be made liable to trespass if they came upon my land. The whole of this part of the country might be said to be exclusively pastoral, owing to the general dryness of the climate and its great altitude. The frosts are very severe during the winter ; and there are nights more or less frosty during six months of the year. The snow remains some years fully two months on the ground—generally speaking, from one month to three. The piece of land I offered the Government is better for commonage than as they wanted it, because the part north of Naseby affords good shelter during winter, much better than the flat does, and the steep slopes on the northern part face towards the sunny quarter, so that the snow does not lie so long thereon. I have expended on my Run upwards of £2000 (two thousand pounds) in the shape of improvements, upon the faith of the tenure accorded to me in my lease. I have never impounded any cattle belonging to any miner or the people of Naseby.

SUPPLEMENTARY EVIDENCE.—BLACKS.

No. 76.

No. 76.
Mr. Worth to Mr. Strode.

(Mr. Worth to Mr. Strode.)

Blacks, 11th March, 1869.

Sir—I have the honor to attach herewith Memos. in reference to a Goldfields Commonage for Blacks, showing results favourable to the desired object, and a satisfactory arrangement, if permanently entered into, thereby giving the miners produce of the dairy and meat at a reduced price. The present prices are :—Mutton, at 8d per lb for legs or hind quarters ; fore quarters, at 6d ; beef, 8d, 9d, and 1s. The latter price is for steaks. This is partly in consequence of want of competition, as sheep from outside Runs are not permitted to be brought on this field. The following items will show a fair statement of the position of affairs :—

For 8000 acres, the Blacks side of Pomakau Run, on which 2500 sheep would be the average number per annum at 7d per head assessment, £72 18s 4d per annum—For seven years	£510	8	4
Compensation to runholders, at 2s 6d per acre	1000	0	0
Total	£1510	8	4

Mr. Worth to Mr. Strode. Continued.

As a Commonage :—

360 acres under sufferance in cultivation, at 2s 6d per acre per annum, £37 10s—For seven years	262	10	0
1200 head of cattle could be run at 3s 6d per head per annum, £210—For seven years	1470	0	0
500 sheep at 7d per head per annum, £14 11s 8d—For seven years	102	1	8
Total	£1834	11	8

In favour of Commonage, £324 3s 4d.

I have, &c.,

S. WORTH.

A. Chetham Strode, Esq., R.M., &c.,
Member of Land Commission, General Government.

P.S.—Applications for agricultural sections were to have been heard to-day, but the Warden stated that such were to be postponed one month, in consequence of instructions received from the Provincial Government. The delay is serious, as it hinders preparations for next year's crops.

S. W.

No. 77.

(Mr. Worth to Hon. Mr. Domett.)

No. 77.
Mr. Worth to the Hon. Mr. Domett.

Blacks, 15th March, 1869.

SIR—I had the honor of communicating with Mr. Strode per last mail, annexing a few memos. in reference to a Goldfields Commonage for Blacks. At the suggestion of the Superintendent of Otago, the runholder (Mr. Low) was written to, but that gentleman had not the courtesy to answer the letter. Altogether, I am of opinion that the people should not be brought into collision with the runholders in cases of this kind. I have already stated to Mr. Strode the tariff of prices of meat, and feel convinced that the true settlement of the Goldfields would follow, if the necessaries of life were placed at reasonable rates—auriferous ground could be worked at a lower rate of wage; and there is abundance of what may be called "second-class" mining ground, say, equal to 50s per week.

I also beg to call your attention to applicants for Agricultural Sections, on the block recently proclaimed as open for selection, by the Warden. Placards were posted up, signed by the Warden, that applicants would be heard on the 11th current; consequently many paid over their money to the Gold Receiver, and went through the usual forms of advertising, &c.; but on the 11th inst., Mr. Pyke (Warden) announced from the Bench that applications were to be postponed for one month, practically putting a stop to preparation of land for next year's cereals. Some of the applicants came 20 miles, but returned disappointed. It seems a hard case that so many ridiculous delays should be constantly occurring, without any apparent reason.

Trusting matters will improve,

I have, &c.,

S. WORTH.

Hon. A. Domett,
Member of Commission of Enquiry into the
Waste Lands of Otago on behalf of the General Government.

PART VII.—EVIDENCE TAKEN AT OAMARU.

TUESDAY, MARCH 23, 1869.

No. 78.

Mr. Samuel Gibbs being duly sworn, examined :—

No. 78.
Mr. Gibbs.
23rd March, 1869.

I am Mayor of this Town and a Justice of the Peace. About April last, certain sections which had been marked on the plans as Quarry Reserves, were gazetted for sale by the Superintendent of Otago. At the request of a number of settlers, I called a public meeting to protest against the sale. The meeting resolved that a protest should be sent to the Provincial Government requesting them to stop the sale, on the ground that they had been marked as Reserves, and were required for public uses, and that they

Mr. Gibbs. Continued.

contained a very small portion of the stone suitable for building purposes within the district. The Government replied that they saw no reason for continuing these as Reserves. They were put up to sale accordingly. The inhabitants of this town and neighborhood considered their reservation of such importance, that I was authorised to buy them on the part of the public. I bought them accordingly, and paid the amount shewn by the receipt I produce, viz., £698 7s 6d. An account of the meeting is to be found in the "Oamaru Times," April 21st, 1869. There are other reserves called Quarry Reserves, which, for various reasons, are useless. There is one of 80 acres (Block IV., Oamaru Survey District, adjoining sections 21 and 22); but there is no building stone upon it worth getting; but there is limestone and lime-kilns upon it. There are other Reserves which have been so made as just to exclude the land containing the available stone. In three special instances (Fortification, Sebastopol, and Taupo Reserves,) some very valuable stone has thus been left entirely out of the Reserves and sold to private parties, who charge for the use of the quarries sums such as £20 per chain frontage per annum; in some some cases 3d to 6d a cubic foot, royalty being demanded. I do not attribute this to intentional design; but it is impossible to say what was the cause of it. The result is, that these valuable deposits, worth many thousands of pounds, are now nearly all in private hands; and, perhaps, in many cases, have been sold for 30s an acre. With respect to the sale of the fine agricultural land in the vicinity of this town, it is much to be regretted that it was thrown into the market in such large blocks, and at periods unsuitable to the wants and means of *bonâ fide* settlers, in consequence of which a very large block of over 14,000 acres of the very pick of the land has become the property of the Australian Land Company. They having purchased from Messrs. Holmes and Campbell at £6 an acre, what those gentlemen gave from 23s to 30s and £2 an acre for, and within two or three years of the time of sale by the Government. The result is, that all this splendid land, although well cultivated at present, is occupied only by a manager for the Company, instead of being, as might have been the case, had it been more judiciously sold, occupied by 50 or more families who would have become rooted to the place. I have known, further, many instances of men who have wandered about here three or four weeks seeking for land—though they had means to settle upon it—returning to Dunedin and finding that the land they wished to get was either sold or not surveyed for sale. This was owing to there being no local office on the spot. A block of land, including Cape Wainbrow, (of about 700 acres, which was marked on the maps as a Reserve for a landing place for sheep and cattle, and which was used as commonage by the townspeople,) was put into the market at Dunedin about six years ago, and sold without the inhabitants of the town knowing anything about it, at about 23s per acre. The Government were requested to buy it back again for the town; but found that the purchaser wanted £14,000 for it. This was 18 months or two years after the sale. The actual present value is probably £7000.

(Copy Receipt referred to in foregoing Evidence.)

B. XVII.

Waste Land Board Office, Otago,

No. 1949. May 23rd, 1868.

Received from the Corporation of the Town of Oamaru, the sum of six hundred and ninety-eight pounds seven shillings and sixpence sterling, being price of Rural Land, Section 59 and 61, Block 4; Sections 67, 68, 69, and 70, Block 5; Sections 42 and 47, Block 6, Oamaru District.—Auction, 24th ultimo,

(Signed) H. Livingston,

£698 7s 6d. Receiver of Land Revenue.

No. 79.

No. 79.
Mr. Ashcroft.
23rd March, 1869.

Mr. James Ashcroft being duly sworn, examined:—

I have a few remarks to make with reference to the powers exercised by the Provincial Government in the sale of lands. In August last, a very large sale of land in the Oamaru District took place under that clause in the Otago Waste Lands Act, which provides for the sale of lands which have been over seven years open for selection and sale. The amount sold was about 22,000 acres, which realised about £14,000. This land had been declared into Hundreds, mostly in August, 1861, but was not actually open for sale until from one to two years after that period. Earnest remonstrances were forwarded to the Provincial Government, the special hardships being that the district was at that time applying to the Assembly for power to administer the Land Fund for local purposes. I have no doubt the sale was urged forward in consequence of this application, as our remonstrances were of no avail. Very little land now remains unsold within Hundreds in the district, and we are therefore entirely at the mercy of the Provincial Government with regard to Revenue. In case of fresh Hundreds being declared for this district, I think some provision should be made to ensure the local sale of the land comprised therein, and in such quantities and at such times as to allow the land to fall into the hands of *bona fide* settlers. About £320,000 altogether has been received from sales of land within this district, and the Government are now forcing into the market the remainder of the town lands. It is felt to be a very great hardship that by far the greatest portion of this money, owing to their being no local control, has been expended in other districts. I think the General Assembly are bound to step in to protect the land purchaser from the misapplication of the Land Revenue provided by the investment of his capital, at least to the extent

Mr. *Ashcroft.* Continued.

of localising a certain portion for the purpose of roads and other public improvements. I would say in Land Revenue include the Revenues derived from pastoral rents and cattle assessments. I have heard Mr. Gibbs's evidence with regard to the Quarry Reserves, and can confirm it in most particulars from personal knowledge. I think all such Reserves that are now in existence should be vested in local authorities. The deprivation of the right of commonage arising from the land being forced off at from 10s to 12s an acre, is felt as a great hardship, and cattle fell immediately in value, from the farmers being obliged in many cases to sell in consequence. Cattle, which I myself had paid £17 or £18 for, within six months I had to sell at £12, from so many cattle being forced off and so few wishing to buy. The total amount of surveyed land still open for selection within the district is only 7551 acres, as follows :—Awamoko, 4194 ; Papakaio, 76 ; Oamaru proper, 99 ; Otepopo, 2572 ; Moeraki, 610. Most of this land is open for sale at £1 per acre, the required seven years not having yet expired. I cannot tell exactly the amount of land under cultivation, but I think it is about 20,000 under crop this year, and about 15,000 acres broken up to be cropped next year. With respect to the question of the result of small holdings, I have, in prosecution of my business as a produce merchant, come in contact with a number of small farmers in this district, and the result of my enquiries is, that holders of less than 200 acres seldom or never do any good, and then it is only with their own labour and that of their families that they can make it pay. Many of them have got a start in the early diggings—a time when they got high prices for oats, potatoes, &c., and have just held their own with the aid of cattle running upon Hundreds (which they can now do no more), and one good year of high prices for wheat (last year, when the price reached 6s 3d.) They all concur in saying that with a fair crop, less than 4s per bushel does not pay cost for wheat, and probably 3s is the lowest price at which oats can be produced in this district. At present prices are at 3s 6d for wheat, and 2s 3d for oats, and here it costs 2d or 3d a bushel to put them on board a vessel from the stores. If these low prices last, many small farmers must be ruined and the land go out of cultivation ; and the larger farmers will also be unable to go on unless labour is reduced to 3s or 4s a day. At present the standard is about 7s. On the whole, therefore, I see no reason to encourage, in any artificial manner, the creation in any part of this Province, except perhaps near the diggings, of a number of small holdings, which will not only end in ruin to the small farmers themselves, but for a time keep up unduly the price of labour. If a man has capital to buy and fence 200 acres. he can work one half of it with his own hands, and occasional labour, perhaps his sons, while he uses the other half as pasturage for cattle in its natural state, and when, after three or four years, he has down one half in English grass, he can then turn his cattle on to that and go on cultivating the other half. I cannot too strongly express my opinion that farming, on a very small scale, must be bad farming. The land is exhausted with frequent white crops, instead of being laid down with grass at a proper time and manured by cattle.

PART VIII.—EVIDENCE TAKEN AT DUNEDIN.

No. 80.

Mr. Chas. Smith, Clerk of Council.

No. 80.
Mr. Smith, Clerk of Council.

Question proposed to Mr. Smith :—Will you supply true copies of any Resolutions that may have been agreed to by the Provincial Council, authorising the sale of land at the upset price of ten shillings per acre, under Section 35 of the "Otago Waste Lands Act, 1866 ?"

The Clerk of Council being duly sworn, put in the following replies :—

Resolution No. 1.—"That, in accordance with Section 35, the Unsold Lands in Hundreds which have been proclaimed for over seven years, should be at once exposed for sale in the manner provided by such Section."

The above is a true copy of a Resolution affirmed by the Provincial Council, December 4, 1866, Major J. L. C. Richardson then being Speaker.

CHAS. SMITH,
Clerk of Council.

Resolution No. 2.—"That this Council in the exercise of the powers in that behalf conferred on it by the 35th section of the 'Otago Wast Lands Act, 1866,' agrees to the sale in the manner provided by such section of all Lands remaining unsold within the Hundreds, proclaimed during the year 1861, after the expiration of seven years from the time of the same having been first open for selection and sale ; and requests His Honor the Superintendent to sanction such sale."

The above is a true copy of a Resolution affirmed by the Provincial Council, June 9, 1868, W. H. Reynolds, Esq., then being Speaker.

CHAS. SMITH,
Clerk of Council.

Council Chambers,
Dunedin, February 11, 1869.

No. 81.

No. 81.
Mr. Thomson. Chief Com. Waste Lands' Board.

Mr. J. T. Thomson, Chief Commissioner of Waste Lands Board.

(Questions proposed to Mr. Thomson.)

1. In what Hundreds have lands been sold at the upset price of ten shillings per acre? And at what dates?

2. At what dates respectively were these Hundreds proclaimed?

3. Have you any knowledge of the provisions of section 35 of the Act of 1866 ever having been contravened or infringed by the Waste Lands Board or Commissioner?

4 How many Pastoral Leases have been granted under the Act of 1866?

5. With respect to how many of these leases have any special covenants been made, reserving the right to take blocks for sale, and of the land leased without compensation to the lessees?

6. Can you supply, in a tabular form, a schedule of the amounts of land that may be so taken respectively, specifying the Runs and districts wherein they may be taken?

7. Can you state with respect to any of these blocks that have been put up for sale how many purchasers there have been, and to what amounts respectively?

8. What were the dates of these sales? And how much land in these blocks remains unsold?

9. What is the acreage of unsold land in existing Hundreds, and the locality of each Hundred respectively?

Mr. Thomson having been duly sworn, put in the following answers:—

(Answers to Questions 1, 2, and 3.)

	Hundreds.	Date of Proclamation.	Dates of Auction Sales.					
1	Dunedin ...	May 26, 1856.	March 26 & 29, '67	Aug. 12 & 15, '67.	Sep. 10, 1867.	Dec. 11 & 13, 1867.		Jan. 12, 1869.
2	East Taieri ...	do.	do.	do.		do.		do.
3	West Taieri ...	do.	do.	do.		do.		do.
4	North Tokomairiro ...	do.	do.	do.				do.
5	South Tokomairiro ...	do.	do.	do.	Sep. 10, 1867.	do.	April 2, and Sep. 15, 1868.	do.
6	West Clutha ...	do.	do.	do.	do.	do.		do.
7	East Clutha ...	do.	do.	do.	do.	do.		do.
8	Waihola ...	do.	do.	do.	do.	do.	May 5, and Sep. 15, 1868.	do.
9	Oamaru, small ...	Nov. 30, 1860	Aug. 24, 1868					
	do., extended ...	Aug. 16, 1861	do.					
10	Otepopo, small ...	Nov. 30, 1860	do.					
	do., extended ...	Aug. 16, 1861	do.					
11	Moeraki, small ...	Nov. 30, 1860	do.	Sep. 15, 1868				
	do., extended ...	Aug. 16, 1861	do.	do.				
12	Hawksbury, small ...	Nov. 30, 1860	...	do.				
	do., extended ...	Aug. 16, 1861	...	do.				
13	Waikouaiti ...	Aug. 16, 1861	...	do.	Jan. 12, 1869.			

Answer to Question 4.)

One hundred and sixty-nine Pastoral Leases have been granted under the Act 1866. Some of these, for various reasons, have not as yet been completed.

With respect to 54 of these Leases, covenants have been made.

Mr. Thomson.
Chief Comr. Waste Lands Board.
Continued.

(Answers to Questions 5 and 6.)

No. of Run.	Acreage Reserved for Agricultural Leases.	Acreage Reserved for Sale.	No. of Run.	Acreage for Agricultural Leases.	Acreage for Sale.
28	...	15000		51000	140000
31	...	3000	224	2500	
48	...	15000	225	5000	
52B	...	8000	226	5000	
78	...	3000	236	...	2500
80	...	15000	238	...	2500
109 & 255			244	2500	
90	...	3000	245	5000	
106	...	5000	249	2500	
123	...	5000	254	3000	
129	...	6000	261	5000	
137	5000		300B	...	5000
163	...	8000	301B	...	8000
167A	...	6000	307	2500	
168	...	5000	308A	500	
172A	...	5000	323	...	1000
175A	...	6000	326	...	5000
178	2500		369	5000	
185	500		398	...	2500
193	...	5000			
194	3000	5000	17	...	7000
199	5000		102	...	5000
204	5000		140	...	8000
205	5000		167B	...	6000
206A	5000		240	...	5000
212A	...	6000	121B	...	500
212B	...	6000	200	2500	
213B	...	10000	210	3000	
215	5000		250	5000	
219	5000		330	2500	
221	5000		345	5000	
223	5000				
	51,000	140,000		107,500	198,000

(Answers to Questions 7 and 8.)

Reserved for Sale in Run No. 140, Glenkenich District, Blocks XI, XIII, and XIV.

Mr. *Thomson*, *Chief Comr. Waste Lands Board.*
Continued.

No. of Purchasers.	Sold by Auction.		Selected.
	6th May, 1868.	4th August, 1868.	
	a. r. p.	a. r. p.	a. r. d.
1	63 3 15	136 0 39	
1	22 0 16		
1	17 3 38		
1	624 0 19	37 2 14	
1	521 0 10		
1	10 1 28		
1	121 2 8		
1	57 3 19		
1	47 0 29		
1	71 2 31		
1	45 1 6		
1	8 3 30		
1	1512 0 3	...	P. Rts. 114 3 25
1	10 0 0		
1	10 0 0		
1	12 0 0		
1	10 0 0		
1	20 3 0		
1	215 1 24		
1	24 0 12		
1	99 0 39	...	506 1 1
1	...	...	335 2 3
1	...	...	152 1 13
1	...	...	6 0 25
1	...	...	7 0 36
1	...	...	149 3 9
1	...	...	131 0 0
1	...	...	121 0 22
1	...	...	141 2 4
1	...	...	108 2 7
1	...	...	11 1 0
1	...	...	79 0 33
32	3525 2 7	176 3 13	1864 3 18

	a.	r.	p.
Unsold in Block XI	0	0	0
,, XIII	39	2	29
,, XIV	1170	3	8
	1210	1	37

	a.	r.	p.
Sold by Auction...	3702	0	0
Sold on Application	1864	3	18
	5566	3	18

Mr. Thomson, Chief Comr. Waste Lands Board. Continued.

(*Answer to Question* 9.)

RETURN showing the Areage of Unsold Land in existing Hundreds, and the Acreage and Date of Proclamation of each Hundred.

Hundreds.	Acreage.	Unsold.	Date of Proclamation.
Dunedin ...	72,320	6,198	May 26, 1856
East Taieri ...	73,600	4,876	„
West Taieri ...	60,160	7,338	„
Waihola ...	70,400	6,621	„
North Tokomairiro ...	70,400	9,090	„
South Tokomairiro ...	70,400	11,057	„
East Clutha ...	46,720	6,148	„
West Clutha ...	53,760	549	„
Waitahuna ...	40,960	7,746	Dec. 7, 1861
Pomahaka ...	46,080	14,544	„
Popotunoa ...	60,160	26,470	„
Oamaru ...	87,040	5,523	O. H., Nov. 30, 1860; Extended Aug. 16, 1861
Otepopo ...	53,760	4,755	„ „
Moeraki ...	65,920	15,000	„ „
Hawksbury ...	71,040	9,763	„ „
Waikouaiti ...	25,600	4,684	Aug. 16, 1861
Awamoko ...	48,640	5,148	Feb. 9, 1865
Kakanui ...	51,840	23,144	„
Waikawa ...	10,240	9,264	„
Catlins ...	61,440	56,841	„
Tuturau ...	37,760	25,396	„
Mokoreta ...	37,120	28,965	„
Toetoes ...	76,160	71,209	„
Marewenua ...	42,880	6,086	June 20, 1865
Traquair ...	35,000	34,236	Nov. 4, 1868
Stuart ...	15,000	15,000	„
	1,384,400	415,651	

WEDNESDAY, FEBRUARY 16, 1869.

No. 82.

No. 82.
Mr. Cutten
16th Feb. 1869.

Mr. W. H. Cutten (Late Chief Commissioner of Waste Lands Board) being duly sworn, examined :—

1. *Hon. Mr. Domett.*]—You are aware that the "Otago Education Reserves Abandonment Act, 1868," is not to come into operation until Reserves in substitution for those mentioned in the schedule thereto, shall have been granted to Trustees therein mentioned?—Yes.

2. You are aware that such lands have not yet been granted?—I am aware of that.

3. Do you know whether any of the abandoned Reserves have been sold?—The majority of them were sold prior to the passing of the Abandonment Act of 1868, after the passing of the "Education Reserves Abandonment Ordinance 1868" of the Provincial Council, and prior to its disallowance. I told the Provincial Solicitor I believed the Ordinance was illegal, and that it ought to have been reserved for the Governor's assent.

4. Under whose instructions did you sell these Reserves?—Under those of the Provincial Government of Otago.

5. *Mr. Reynolds.*]—Was it in pursuance of a Resolution of the Waste Lands Board, or by the direction of the Provincial Government?—My impression is, it was an instruction of the Government, approved of by the Board. I will look it up, and inform the Commissioners.—(See number 83.)

6. *Hon. Mr. Domett.*]—Have any of these Reserves been granted?—I believe so. (See No. 83).

7. Can you account for the commission of such an illegality in the administration of the Waste Lands of the Crown in this Province?—I cannot account for it. I suppose it was done under the advice of the Provincial Solicitor.

8. Are you aware of any other illegalities in the administration of the Waste Lands of late years in this Province?—One occurs to me at this instant. I consider the placing of road lines on the Record Maps through sections of land (after the land was sold) upon the authority of the Superintendent an illegal act. This was done up to the last day of my holding office as Commissioner.

9. Could not this have been done under the "Roads Ordinance Amendment Ordinance 1866," section 1?—It might, perhaps, while the Otago Waste Land Regulations of 1856 were in force, but not after that, nor prior to those Regulations. In no case could they take them by a Provincial Ordinance over lands sold by the New Zealand Company.

10. *Mr. Reynolds.*]—Will you name any other illegalities that occur to you?—I think the last Regulations under the Goldfields Act are illegal.

11. *Hon. Mr. Domett.*]—In what particulars?—The Regulation that gives a man a right to an acre of land under a Miner's Right is illegal, and contrary to the 5th section of the Gold Fields Act, which expressly says, that not more than 40 perches shall be given under any circumstances, except under lease. The Provincial Solicitor says the limitation only applies to Business Licenses, and not to Miners' Rights.

12. Do you know any other instance?—I think the practice of anti-dating and post-dating Agricultual Leases is contrary to Act.

No. 83.

(*Supplementary to Mr. Cutten's evidence.*)

Memo. for the Hon. Mr. Domett.

No. 83.
Memo. from Mr. Thomson relative to sale of Educational Reserves.

I append a list of Educational Reserves that have been sold, with dates of sale. Those that have not dates opposite are not yet sold. None have been granted yet. The sale was ordered by Government per Executive Minute, 13th June, 1868, and confirmed by Waste Land Board of 17th June, 1868.

J. T. THOMSON,

April 1, 1869. Commissioner Crown Lands.

LIST of Educational Reserves referred to in foregoing Memo.

[NOTE.—Sections all sold where the dates are given. None have been granted but one sent to Wellington.]

FIRST SCHEDULE.

District.	Section.	Block.	Area. a.	r.	p.	Date of Auction.
Oamaru ...	2 of 38	III	40	0	0	
,, ...	2 of 80	XI	28	2	24	
,, ...	27	XIII	43	3	23	
Otepopo ...	15	VI	41	3	27	
,, ...	36	VI	40	3	11	
,, ...	59	VI	39	1	4	
,, ...	111	VI	9	1	32	
,, ...	141	VI	9	3	0	
,, ...	157	VI	9	3	20	
,, ...	2 of 162	VI	44	0	0	
,, ...	28	III	32	3	15	July 29, 1868
,, ...	2 of 68	III	7	1	27	
Moeraki ...	2 of 55	I	40	0	0	Aug. 4, 1868
,, ...	1 of 17	III	40	0	0	,,
,, ...	2 of 8	V	40	0	0	,,
,, ...	2 of 63	V	38	2	28	
Hawksbury ...	2 of 15	V	40	0	0	Jan. 15, 1869
,, ...	2 of 45	V	35	0	0	,,
,, ..	1 of 15	VII	40	0	0	,,
,, ...	1 of 30	VII	40	0	0	,,
,, ...	1 of 44	VII	33	0	0	
,, ...	1 of 24	I	40	0	0	
,, ...	1 of 32	III	40	0	0	Jan. 15, 1869
,, ...	1 of 64	III	40	0	0	,,
,, ...	1 of 69	III	14	0	0	Aug. 4, 1868
Waikouaiti ..	1 of 21	I	40	0	0	
,, ...	56	I	8	0	0	Aug. 4, 1868
,, ..	28	III	37	1	22	,,
N. Harbor and Blueskin ...	2 of 9	I	40	0	0	
,, ...	1 of 31	II	40	0	0	Jan. 15, 1869
,, ...	2 of 40	IV	33	2	22	Aug. 4, 1868
,, ...	2 of 15	V	39	1	1	
,, ...	48	V	10	2	26	
Dunedin and East Taieri .	1 of 18	I	40	0	0	Aug. 4, 1868
,, ..	1 of 23	I	20	0	0	,,
,, ...	2 of 13	II	40	0	0	
,, ...	2 of 28	II	40	0	0	
,, ...	1 of 41	II	40	0	0	
,, ...	1 of 11	III	40	0	0	
,, ...	1 of 24	III	40	0	0	
,, ...	1 of 31	III	20	0	0	
,, ..	2 of 14	IV	40	0	0	
,, ...	2 of 30	IV	40	0	0	
,, ...	2 of 38	IV	40	0	0	Aug. 4, 1868
,, ...	2 of 45	IV	40	0	0	
,, ...	1 of 18	V	40	0	0	Aug. 4, 1868
,, ...	2 of 33	V	40	0	0	Jan. 15, 1869
,, ...	31	VII	50	1	32	Aug. 4, 1868
Otago Peninsu.	30	II	11	2	32	
,, ...	63	II	39	3	34	Aug. 4, 1868
,, ...	29	III	50	1	34	
,, ...	2 of 8	IV	12	2	32	
Otokia ...	3 of 10	I	40	0	0	Aug. 4, 1868
,, ...	1 of 27	I	40	0	0	,,
,, ...	1 of 37	I	40	0	0	,,
,, ...	2 of 16	IV	40	0	0	,,
,, ...	3 of 28	II	40	0	0	,,
,, ...	1 of 11	III	40	0	0	,,
,, ...	1 of 27	III	98	1	33	
,, ...	2 of 43	IV	40	0	0	Aug. 4, 1868
Otokia ...	2 of 48	IV	14	0	0	
,, ...	1 of 11	V	40	0	0	
,, ...	1 of 27	V	40	0	0	Aug. 4, 1868
,, ...	1 of 34	V	30	0	0	
Maungatua	2 of 35	II	40	0	0	
,, ...	2 of 42	II	25	0	0	
,, ...	2 of 52	III	33	0	26	
,, ...	2 of 26	VII	20	3	39	Aug. 4, 1868
,, ...	2 of 28	VII	6	1	1	Jan. 15, 1869
Clarendon...	1 of 30	I	40	0	0	
,, ...	2 of 41	I	40	0	0	
,, ...	2 of 8	II	40	0	0	
,, ...	2 of 15	II	40	0	0	Aug. 4, 1868
,, ...	2 of 24	II	40	0	0	
,, ...	1 of 37	II	38	1	9	
,, ...	2 of 7	III	40	0	0	
,, ...	2 of 18	III	14	1	16	Jan. 15, 1869
,, ...	2 of 9	IV	40	0	0	
,, ..	2 of 14	IV	31	2	20	
,, ...	1 of 16	VI	40	0	0	
,, ...	1 of 35	VI	40	0	0	
,, ...	1 of 13	VIII	40	0	0	Aug. 4, 1868
,, ...	2 of 26	VIII	40	0	0	,,
Akatore ...	2 of 11	I	40	0	0	
,, .	1 of 17	III	40	0	0	
,, ...	1 of 32	III	40	0	0	Aug. 4, 1868
,, ...	1 of 47	III	40	0	0	
,, ...	1 of 54	III	20	0	0	
,, ...	1 of 15	IV	40	0	0	
,, ...	1 of 31	IV	40	0	0	
,, ...	1 of 44	IV	40	0	0	Aug. 4, 1868
,, ...	2 of 12	VI	40	0	0	
,, ...	2 of 26	VI	40	0	0	
,, ...	2 of 31	VI	26	0	0	
,, ..	2 of 9	II	40	0	0	
,, ...	2 of 19	II	40	0	0	
Kaitangata	2 of 15	II	44	3	5	Jan. 15, 1869
,, ...	2 of 30	II	35	0	35	
,, ...	2 of 39	II	49	0	6	
,, ...	2 of 8	IV	40	0	0	
,, ...	2 of 24	IV	20	0	0	
,, ...	2 of 14	IV	40	0	0	Aug. 4, 1868
,, ...	2 of 20	IV	40	0	0	
,, ...	2 of 20	I	40	0	0	
,, ...	2 of 12	I	40	0	0	
Hillend ...	2 of 12	II	40	0	0	Jan. 15, 1869
,, ...	1 of 14	IV	40	0	0	,,
,, ...	1 of 30	IV	40	0	0	,,
,, ...	1 of 40	IV	22	0	0	Mar. 4, 1869
,, ...	52	IV	6	3	36	,,
,, ...	2 of 16	V	40	0	0	Jan. 15, 1869
,, ...	2 of 21	V	9	0	0	,,
,, ...	40	V	10	1	16	,,
,, ...	63	V	5	3	27	,,
,, ...	2 of 13	VI	40	0	0	Aug. 4, 1868
,, ...	2 of 19	VI	40	0	0	,,
,, ..	2 of 6	VII	40	0	0	
,, ...	2 of 23	VII	40	0	0	
,, ..	2 of 35	VII	40	0	0	Aug. 4, 1868
,, ...	2 of 39	VII	10	0	20	,,
Table Hill...	1 of 15	II	40	0	0	
,, ...	2 of 26	II	40	0	0	

List of Educational Reserves—Continued.

District.	Section.	Block.	Area.			Date of Auction.	District.	Section.	Block.	Area.			Date of Auction.
			a.	r.	p.					a.	r.	p.	
Table Hill ...	1 of 42	II	40	0	0		Pomahaka ...	1 of 14	VIII	40	0	0	Aug. 4, 1868
,, ...	1 of 15	III	40	0	0		,, ...	1 of 26	VIII	40	0	0	,,
,, ...	2 of 25	III	40	0	0		,, ..	1 of 37	VIII	40	0	0	,,
Waitahuna W	24	I	10	0	0		,, ...	53	VIII	38	3	16	
,, ...	1 of 39	I	40	0	0		,, ...	1 of 63	VIII	24	2	9	
,, ...	1 of 52	I	40	0	0	Aug. 4, 1868	,, ...	2 of 34	IX	40	0	0	Aug. 4, 1868
,, ...	1 of 69	I	40	0	0		,, ...	2 of 50	IX	40	0	0	,,
,, ...	1 of 82	I	21	0	0		,, ...	2 of 69	IX	40	0	0	,,
,, ...	1 of 23	II	40	0	0		,, ...	2 of 75	IX	15	0	0	,,
,, ...	2 of 41	II	40	0	0		,, ...	2 of 15	X	40	0	0	,,
,, ...	2 of 48	II	41	0	0	Aug. 4, 1868	,, ...	2 of 23	X	40	0	0	,,
,, ...	2 of 13	III	38	3	32		,, ...	2 of 35	X	40	0	0	
,, ...	1 of 31	III	39	2	0		,, ...	2 of 46	X	40	0	0	Mar. 4, 1869
,, ...	1 of 38	III	38	2	0		,, ...	2 of 52	X	21	2	23	Aug. 4, 1868
Pomahaka ...	1 of 14	I	40	0	0	Aug. 4, 1868	,, ...	2 of 15	XI	40	0	0	
,, ...	2 of 29	I	40	0	0	,,	,, ...	2 of 29	XI	40	0	0	Mar. 4, 1869
,, ...	2 of 34	I	16	2	0	,,	,, ...	2 of 40	XI	40	0	0	,,
,, ...	2 of 27	II	40	0	0	,,	,, ...	2 of 50	XI	43	2	8	
,, ...	1 of 66	II	40	0	0	,,	,, ...	2 of 15	XII	40	0	0	Aug. 4, 1868
,, ...	2 of 81	II	40	0	0	,,	,, ...	2 of 29	XII	42	0	36	,,
,, ...	1 of 96	II	40	0	0	,,	,, ...	2 of 11	XIII	40	0	0	
,, ...	2 of 45	II	40	0	0	,,	,, ...	2 of 14	XIII	40	0	0	
,, ...	2 of 15	III	40	0	0	,,	,, ...	2 of 23	XIII	40	0	0	Mar. 4, 1869
,, ...	2 of 29	III	40	0	0	,,	,, ...	2 of 32	XIII	40	0	0	
,, ...	1 of 42	III	40	0	0	,,	,, ...	2 of 37	XIII	14	3	37	Mar. 4, 1869
,, ...	1 of 55	III	40	0	0	,,	Glenomaru...	2 of 9	I	40	0	0	
,, ...	1 of 15	VI	40	0	0	,,	,, ...	2 of 11	I	18	0	12	
,, ...	1 of 29	VI	40	0	0	,,	,, ...	2 of 8	II	40	0	0	
,, ...	1 of 43	VI	49	1	18	,,	,, ...	2 of 10	II	8	1	7	
,, ...	2 of 16	VII	40	0	0	,,	Waihola ...	1	XV	50	0	0	
,, ...	2 of 31	VII	40	0	0	Jan. 15, 1869							
,, ..	2 of 46	VII	40	0	0	Mar. 4, 1869							
,, ...	2 of 62	VII	40	3	28		TOTAL ...	...	...	6587	1	11	

SECOND SCHEDULE.

District.	Section.	Block.	Area.			Date of Auction.	District.	Section.	Block.	Area.			Date of Auction.
			a.	r.	p.					a.	r.	p.	
Warepa ...	2 of 7	I	35	0	7	Jan. 15, 1869	Pomahaka ...	1 of 12	XV	40	0	0	Aug. 4, 1868
,, ...	17	I	33	1	35	Aug. 4, 1868	,, ...	1 of 41	XV	40	0	0	,,
Moeraki ...	2 of 24	VI	39	2	28	Jan. 15, 1869	,, ...	2 of 26	XV	40	0	0	,,
,, ...	2 of 41	VI	40	0	0	Aug. 4, 1868							
										275	0	30	

THIRD SCHEDULE.

District.	Section.	Block.	Area.			Date of Auction.	Township.	Section.	Block.	Area.			Date of Auction.
			a.	r.	p.					a.	r.	p.	
Akatore ...	10	VII	72	0	0	Aug. 4, 1868	Alexandra ...	9	XI	0	1	0	
,, ...	1	IX	72	0	0		,, ...	19	XII	0	1	0	
Otago Peninsu.	20	VII	3	0	2		,, ...	20	XII	0	1	0	
Papakaio ...	44	I	43	2	31	July 29, 1868	,, ...	21	XII	0	1	0	
,, ...	2 of 62	I	36	1	4		,, ...	22	XII	0	1	0	
,, ...	2 of 86	I	40	0	0	July 29, 1868							
Leaning Rock	31	II	7	1	19								
TOTAL ...	...	...	274	1	16		TOTAL ...	...	...	1	1	0	

TUESDAY, 16TH MARCH, 1869.

No. 84.

No. 84.
His Honor J. Macandrew.
16th March, 1869.

His Honor the Superintendent James Macandrew, Esq., being duly sworn, examined :—

I have heard the evidence of Mr. Gascoigne and Mr. Grundy. Under the Miners' Right, every holder is entitled to run two head of great cattle, free of charge. No man can run more without a license as prescribed by the Depasturing Regulations. It is entirely at the option of the Depasturing Wardens to fix the carrying capacity of the Commonage, and to recommend the issue of Licenses. It also rests with the Warden to decide whether or not or where sheep or cattle shall be depastured on the Commonage. With regard to the alleged difference between the Board of Wardens and the Government, I should like Mr. Hughes to be examined on the subject. I believe that practically the whole question as to running sheep rests with the Wardens ; and at the time that the administration was handed over to the Wardens, a large number of sheep were running under License from the Receiver, in terms of the Goldfields Act. Any interference on the part of the Government was more suggestive than imperative, with a view of not pressing too harshly by the immediate and compulsory removal of the stock. I produce "Gazette" No. 553, containing the Depasturing Regulations, and call attention to Section 7, I would remark that, under that section, the Board of Wardens have repeatedly remitted bye-laws to be assented to by the Superintendent ; but they have invariably contained provisions *ultra vires*, as I am informed by the Provincial Solicitor, even of the Governor to sanction. If desirable, I can produce instances of this. This is the reason why their bye-laws have not been assented to. As it is, we have thought it proper to defer the framing of permanent bye-laws until we should have got the benefit of experience, and the more especially as there is ample power under existing Acts and Ordinances to deal with the matter in question. This has been pointed out to the Wardens. I will supply copy of communication addressed to the Wardens to that effect. With regard to Mr. Cormack's complaint about his applications, the matter being before I took office, I cannot remark upon it. It is a matter with which the Superintendent has nothing to do. The Commissioner of Crown Lands should be referred to for explanation. As to applications being made and not received in Dunedin, I fear it is a frequent complaint. I had one this morning, and I cannot find any record of the application having been received. In fact, I came across one some time ago in which the application had been about three years in going between the Warden's office and this town. These are matters which the Government is doing its best to prevent the recurrence of. As soon as the Government became aware of it, we took steps to remedy it for the future. A certain delay in issuing Agricultural Leases is unavoidable, in consequence of the survey plan having to be delienated on the Lease. I do not think this should exceed above four months. I have a return here of Agricultural Leases granted for each year from 1862 to 1869 inclusive, and the number refused, which I put in as shewing the extent to which agricultural settlement is going on in the Goldfields. They pay up rents now pretty regularly. With regard to the retention of the deposit of £10, the Government have no desire to make a profit of it. The £10 deposit includes the first six months' rent, as well as the expense of survey. £3 5s is the first half year's rent at 2s 6d per acre for 50 acres, and the £6 15s remain for cost of survey. I perfectly agree that it would be for the public interest that the two Runs, 123 and 137, should be acquired for settlement. The only question is, about the means of acquiring them, and I hope that arrangements will be made at the coming session of the Provincial Council for acquiring them. I cannot state the reasons why the Leases were extended with respect to these Runs, as this was done under my predecessor. One great difficulty the Provincial Government has to contend with in satisfying the wants of these settlers, is the provision that one-half of a selected block shall be occupied before a second block can be taken. A case in point has just occurred at Blacks. After having taken all the steps to receive applications and place the applicants in possession of a block on Messrs. Glassford's Run, we are suddenly pulled up by the fact that, on a previously selected block on the same Run, only one application has been made. This block was recommended to Government by the District Surveyor as being suitable agricultural land.

Prov. Solicitors' opinion on Bye-Laws proposed by Wardens.

Opinion of the Provincial Solicitor of Otago upon Bye Laws Proposed to be made by the Wardens of the Depasturing Districts of Wakatipu and Lawrence. (Referred to in His Honor the Superintendent's evidence, No. 84.)

Upon consideration, it appears to me that the Depasturing Regulations so far as they authorize Boards of Wardens to make bye-laws, are *ultra vires*. The power of the Superintendent and Executive is merely a delegated power, and the maxim "*Delegatus non potest Delegare*" applies. I have perused the enclosed Bye Laws. Some of them appear very sensible, and even necessary for the management of the Depasturing Districts, whilst others are even beyond the power of the Govenor to pass, and some are laughable and absurd. I would suggest that the best plan to be adopted will be to get in the whole of the proposed bye laws, and then make use of such of these as are approved of, by consolidating them with the existing regulations, which appear to require amendment. It will be better to allow a few weeks to elapse before doing this as in the meantime further amendment may be found necessary.

(Signed) B. C. HAGGITT,
Provincial Solicitor.

November 20, 1868.

THURSDAY, MARCH 18, 1869.

His Honor J. Macandrew.
18th March, 1869.

His Honor the Superintendent (J. Macandrew, Esq.), produced before Commissioners a bundle of Reports on applications for Agricultural Leases he had just received. Some of these were upon applications, made so long ago as the 5th August, 1867, during the time when Major Croker was Warden. Mr. Simpson who has lately succeded Major Croker has now first reported upon them. His Honor stated that the odium of this delay was no doubt attributed by the applicants to the Provincial Government. [See also additional evidence given by His Honor the Superintendent.—Nos. 96, 97, and 103.]

RETURN of AGRICULTURAL LEASE APPLICATIONS in the PROVINCE of OTAGO.

(Handed in by His Honor the Superintendent, March 16, 1869.)

District.	Granted.								Total.	Not Yet Granted.								Total.	Refused, Withdrawn, &c.								Total
	1862	1863	1864	1865	1866	1867	1868	1869	—	1862	1863	1864	1865	1866	1867	1868	1869	—	1862	1863	1864	1865	1866	1867	1868	1869	—
Lawrence ...	1	11	56	3	38	77	54	2	242	1	...	...	...	2	18	10	4	35	...	...	...	...	...	6	8	...	14
Waitahuna ...	...	5	12	...	50	91	40	...	198	...	...	...	...	2	22	19	...	43	...	...	13	...	13	14	4	...	44
Mount Benger ...	...	...	3	1	8	...	...	...	12	...	...	...	...	10	...	36	...	46	...	...	...	...	2	...	...	...	2
Dunstan ...	...	...	13	3	9	3	9	...	37	...	...	...	...	5	...	6	...	11	...	...	...	...	...	1	...	...	1
Arrow ...	...	...	20	5	29	55	27	...	136	...	...	...	...	...	...	1	...	1	...	...	...	...	3	5	1	...	9
Queenstown ...	...	2	23	3	73	39	72	4	216	...	...	...	...	11	...	9	4	24	...	...	1	...	6	2	6	...	15
Switzers ...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	1	2	5	...	...	...	...	...	...	...	...	...
Upper Manuherikia ...	...	...	...	...	1	...	...	...	1	...	...	...	...	5	...	...	...	5	...	...	...	...	...	...	...	...	...
Taieri ...	...	...	...	...	2	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1	18	127	15	210	265	202	6	844	1	...	...	...	37	40	82	10	170	...	...	14	...	24	28	19	...	85

His Honor Jas. Macandrew.

Continued.

WEDNESDAY, MARCH 17, 1869.

No. 85.

No. 85. *Mr. Hughes.* 17th March, 1869.

Mr. John Hughes being duly sworn, examined:—

I am a member of the Waste Lands Board, Otago. I have heard Mr. Cormack's complaint respecting the applications. I do not believe that Mr. Cormack has been hardly dealt with in the matter. I was the cause of Block No. 1 being put up for sale on behalf of Cormack and other people who had been applying to purchase land. The block is about 12 or 14 miles from Lawrence, very near Douglas and Alderson's station. Several other working men were applicants for this land. I succeeded in getting it cut up into sections of from 50 to 150 acres to give everyone an opportunity of purchasing. I sent a sketch to Cormack and his mates of the survey. To my astonishment neither Mr. Cormack nor M'Allister (a man who had been very anxious to acquire land in the Province, and especially in that neighbourhood), attended the auction sale either personally or by agent. After some strong competition at the sale, Mr. Bullen bought a large quantity at the price stated by Mr. Cormack. I afterwards saw Mr. Cormack's mate (I believe it was Morrison), about No. 2 Block, adjoining No. 1, if I remember correctly. I found that Bullen, a day or two after purchasing No. 1, had applied for the greatest portion of Block 2 as unsurveyed land, under Clause [XL] of the Waste Lands Act, 1866. There being no other applicant for the same land on the same day, the Waste Land Board sold it to Mr. Bullen. I was not a member of the Waste Land Board at that period, but a member of the Executive Government. I think at that time only one member of the Executive was a member of the Waste Land Board. I was concerned in it, simply because a number of applicants had come to me on the subject. If I remember correctly I discovered that Mr. Bullen applied for Block 2 within two or three days after he had become the purchaser of Block 1. There was scarcely any member of the Government in the Board at that period. Mr. Cutten was the Chief Commissioner and Chairman, and Mr. Thomson was also a member. If Mr. Cormack had given me any intimation of his desire to purchase this block, I would have put in an application for him in time so as to secure its going up to auction. In order to secure land being put up to auction, where it is known that there are persons wanting it for settlement, it is necessary to put in applications on their behalf. As an instance, I have a letter at present from a Mr. Keppel, asking me to put in applications on his behalf for 200 or 300 acres, which his letter says he wishes to purchase if I know of any land suitable for him to settle upon. When I put in applications from Mr. Cormack and M'Allister, I had the same kind of instructions. I frequently, as an acquaintance of people in the neighbourhood of Lawrence, get such letters requesting me to act for them in applying or advising as to land. I never became a purchaser myself, nor do I act as a paid agent in any way whatever. I never received a penny in my life for any such purpose. I have no doubt, had Block No. 2 gone to auction, it would have fetched a higher price. Mr. Bullen was, in addition to being a clothier in Dunedin, very largely interested, and had invested very heavy sums in mining property in The Lakes and other Gold Districts. I feel certain Mr. Bullen had no influence with any member of the Waste Land Board or Government so as to induce them to give him the slightest advantage over any other person, and I believe he only applied for that land in order to extend his own property. As to their being no limitation upon the right of qualified persons to run stock upon the Tuapeka or other Reserves within the Goldfields, the Regulations of June 24, 1868. in my opinion, give power to the Wardens to determine, not only the whole amount the Reserve shall be held capable of depasturing, but the number each individual shall be allowed to run. I know that the Wardens in Tuapeka and other districts have in practice carried out the Regulations in accordance with this construction of them. I cannot give an instance, but I know the fact generally. With reference to the setting apart 5000 acres in the Tuapeka Reserve for sheep, and the Government proposal to set off 16,000, (I cannot speak as to the actual amount, though the figures stated may be correct), but the Government suggested the alteration of the boundaries, not from any influence or information given or exercised by Mr. Poulson. The information upon which the Government, acted was acquired from their own officers, whose duty it was to give it, such as the Sheep Inspector Chairman of the Board of Wardens, and others. Government was informed to the effect that the country proposed to be set aside for sheep would not be required for cattle for some time, and that the Province would lose over £300 as Revenue for the first six months. To show that this is correct, we have already received more than £200 from the sheep then running on the land. The licenses to have such large quantities of sheep were given before the appointment of Pastoral Wardens, by the Goldfields Wardens, in accordance with Regulations made by the Superintendent in exercise of his delegated powers under the Goldfields Act. At the time these Regulations were made, there were over 100,000 acres of depasturing country in the Reserve, on which a very few hundred head of cattle were running. The licenses were given only from year to year. The Board of Wardens has only been in existence about eight or nine months (since August last.) The delay complained of in the issue of the leases is attributable to their detention in the offices of the Wardens, in a large number of cases that have come before me. The time that has elapsed in many cases between the application and the Warden's Report has been from two to three years. The Provincial Government has issued instructions that these applications shall be attended to at once.

THURSDAY, MARCH 18, 1869.

No. 86.

No. 86. *Capt. Mackenzie.* 18th March, 1869.

Capt. Francis Wallace M'Kenzie, M.P.C., being duly sworn, examined:—

I hold a Run in the south-western district of Otago. It has always appeared to me that it was the intention of the Legislature in passing the Goldfields Act to afford to the squatters some protection against

a new element which was being introduced inimical to their interests, and one which could not have entered into their calculations when they invested in their Runs. This was right and just; but in the course of time, and through the manner in which the Goldfields in this Province of Otago have been proclaimed (often without any reference to the auriferous nature of the ground), it has come to pass that large tracts of land, which are not used for mining, and which are eagerly desired by intending settlers for occupation, are under the present Goldfields administration locked up against settlement, and the people who desire to settle there are coolly told to go elsewhere if they want to settle. Thus, those runholders whose lands have been arbitrarily excluded from the Goldfields, have to submit to being deprived of their property very much sooner than if the whole Province had continued open for settlement, and people are induced to leave the Colony, because they cannot obtain land where they wish to settle and locate themselves. There is a large tract of highly auriferous country lying between the Clutha and the Mataura, which has never been declared a Goldfield; but ever since the first discovery of gold, mining has been going on there, and the damage done to the stock by the open holes is not less than 20 or 25 per cent. of the whole annual loss in some places, in addition to their being constantly disturbed, &c., &c., while no compensating market for the sale of meat has there existed, owing to the work having been always undertaken by poor men, who often go away without paying. All this, as in actual Goldfields, has there had to be endured by the leaseholders, while it now appears that, owing to the protection afforded to leaseholders within Goldfields, the whole brunt of settlement is being forced upon that part of the country, to the ruin of the leaseholders there located, and contrary to any calculations by which they were justified in arriving at the conclusion that they could safely invest their capital in stock and leasehold property in that locality, without fear of the lands being required for settlement for some years to come. What I wish more particularly to state in evidence is, that the leaseholders outside Goldfields feel that the protection which the Goldfields Act gives to those leaseholders in Goldfields is given at *their* expense, and that to do justice, the Legislature must place all upon the same footing, either by bringing the land in Goldfields under the Land Act, or by granting to that outside Goldfields, the same protection. The above views are not mine alone, but those of many other runholders similarly situated. Some of these gentlemen (Captain Boyd and Mr. J. M'Kellar), have come up with me this very day as a deputation on the subject to the Superintendent. The Superintendent has referred us to the Commissioners. Our case is a very hard one, as the Provincial Council appears bent upon procuring land out of the Runs for commonage for cattleholders. Our calculations as to our security of tenure are totally upset by the settlement which should have taken place within the Goldfields being forced upon us, by the exemption of the Goldfields from being declared into Hundreds.

Capt. Mackenzie. Continued.

March 19.

Capt. Mackenzie.

19th March, 1869.

Captain Mackenzie further examined:—

Hon. Mr. Domett.]—Have the lease and the covenant you have signed, and which you have produced, placed you in a better position than you were in before?—Apparently it has placed me in a worse position, because, under the license, land could not be sold on the Run without my consent, except by the declaration of a Hundred, and the declaration of a Hundred was a doubtful and tedious process.

Why then did you consent to take a lease, subject to a covenant?—Because I was told by Mr. Maddock, who countersigned my lease as Provincial Solicitor, and was also my private Solicitor, that my Run would be declared a Hundred if I did not come under the new Regulations. This would probably have ruined me. But, he said, if I did came under the new Regulations, the Government would not take any land until all those Reserves were sold. I considered he meant me to understand that I had the alternative either of having my Run taken as a Hundred, or signing the lease and covenant, and saving me being deprived of my Run and stock.

Have you made any outlay on your Run on the faith of an additional security being given under these covenants that your Run would not be taken as a Hundred?—I had spent some hundreds of pounds in fencing on the faith of that security, but I stopped it on the proceedings that took place in the Provincial Council last session, of which I am a member, as I could not feel secure after that the understanding upon which I signed the lease and covenants would not be adhered to.

March 18.

No. 87.

No. 87.

Mr. Livingston, Receiver of Land Revenue.

18th March, 1869.

Mr. Henry Livingston being duly sworn, examined:—

I am Receiver of Land Revenue for the Province of Otago. Having had read over to me the complaints about the payment of £10 for every 50 acres in Agricultural Leases, I would observe that the £10 covers all charges for survey and preparation of the lease, and also rent for the first half year, which, at 2s 6d per acre per annum, would amount to £3 2s 6d, leaving £6 17s 6d for the above charges. The lease and its registration causes considerable work—the plans have to be twice made for the lease and counterpart. A fair charge for the lease would be, in my opinion, £2, leaving £4 17s 6d for cost of survey. From the Surveyor's accounts that have passed through my hands, I find that the ordinary charge by the Surveyor is about 1s 6d per acre. That would leave £1 2s 6d over to Government, but I am not prepared to say that the Government gain that sum, inasmuch as there are many cases where the cost is much above 1s 6d per acre. In ordinary cases, the applicant for a lease pays to the Receiver of the District the deposit, which is calculated according to the estimated acreage. This deposit is sent to the Colonial Treasury, at Wellington. Advances are made to me out of these deposits by the Receiver General, for the purpose of repaying depositors (where application is refused) or paying into the Provincial Account as rent, which includes also cost of lease and survey.

Mr. Livingston. Continued.

Hon. Mr. Domett.] If the deposit is reserved as rent, how do you account for the statements made on oath by lessees, to the Commissioner, that they have been charged the full rent for the first half year, in addition to the payment of the deposit?—The deposits made previous to the 1st April, 1867, were sent to the Provincial Treasurer, and were subject to deduction for cost of survey, the remainder being returnable to the depositor, the rent being a separate charge. The applications then made were allowed to stand over without being decided upon by the Government for a considerable time. In many of these cases the cost of survey was deducted from the deposit, and the balance returned. Before, however, the applications were granted, the law had been changed. The difference between the former and the latter Regulations on these points (rent and survey charges) may be seen by reference to the *New Zealand Gazette* of January 11, 1867. and the *Otago Provincial Gazette* of 14th February, 1868. Under the new law, costs of survey were provided for by an increase in the rent charged for the first half year. In sending away these leases, I have been obliged to charge the full rent (which virtually includes a charge for survey a second time.) The mistake was in deducting from the deposit in the first instance the cost of survey before dealing with the application. I found out that this had been done in many instances, and I accordingly instructed the Receiver of the District to accept the increased rental, less the cost of survey previously paid. But as the sum involved was considerable, I did not feel inclined to instruct the Receiver absolutely to remit sums amounting in the aggregate to some hundreds of pounds without having received special authority to that effect. I therefore instructed the Receiver to grant receipts for those sums from which the deduction had been made, as for part, not full payment, of rent due, intending in the meantime to apply for authority to instruct the District Receiver to replace those receipts by other for payment of rent in full. I have so applied, and expect authority by next mail. Some of the lessees, however, refused to accept receipts in that form. I may add that in some instances very probably the lessee has actually paid both, for this reason—that the first charge being in the Provincial Treasury Books, to which, of course, I have only access by permission, I was ignorant in making the second charge of the first having been paid. I hope to have immediately the power to refund these over-charges. The whole difficulty has arisen from the delay in considering applications. I had no option as to making this second charge, because the law is compulsory upon me to charge the rent at the increased rate.

FRIDAY, MARCH 19, 1869.

No. 88.

No. 88.

Hon. Major Richardson.

19th March, 1869.

Hon. Major Richardson being duly sworn, examined :—

Understanding that my opinion is asked on the Administration of the existing Land Laws, not on their amendment, I have to offer the following observations :—

It appears to me that these laws have not been, and are not being properly administered, especially as regards the sale of land within Hundreds at the reduced price of 10s an acre, and the sale of land generally by small selected blocks. With regard to the first objection, I would observe that, according to the Otago Waste Lands Act, 1866, Clause 35, such land can only be so sold "after it has remained open for selection and sale for the full period of seven years, from the time of the same having been first open for selection and sale." In proof that much land has been sold without this condition having been complied with, I refer the Commission to the Office Maps bearing my signature when Superintendent—for instance, that of Pomahaka—which state on the face of them when the same were "open for application." This was done in conformity with the powers vested in the Waste Lands Board by Clauses 10 and 18 of the Waste Land Regulations of 1856, the Board having decided that only *surveyed* lands should be open for application. I refer also to the evidence given in replies 87 and 88 of the "Evidence taken by the Joint Committee of both Houses of the Legislature." (See appendix to Journals of the House of Representatives, 1868.) I would further observe that such land can only be legally sold when sanctioned by Ordinance "of the Superintendent and Provincial Council." See Clause 35 of Waste Land Act, 1866, by which the sale would require to be approved of by the Governor. This has not been done. I hold that a mere resolution of the Council, though confirmed by the Superintendent, as in the case of the declaration of Hundreds, which even then goes to the Governor for his assent, does not meet the legal requirements of the case. Had I been asked my opinion of the policy of such sales, I could have adduced reasons to justify the conclusion at which I have arrived, that such a course is highly prejudicial to the Revenue, which would hereafter be derived from the sale of such lands; to the settler of small means, to the increase of population, as in the case of the Pomahaka lands; and to the prosperity of the Province generally, and especially detrimental to all freeholders by depreciating their properties.

With reference to the sale of small blocks of land, I would observe that such sales are not in conformity with the spirit and letter of the law: because the law contemplates settlement in the Goldfields by the system of Agricultural Leases, as laid down in the Goldfields Act, 1866; and, outside of Goldfields by the sale of land on the principle of "Hundreds" under the Waste Lands Act: because the Government had the power to grant or refuse Pastoral Leases, and to withhold any land from being leased, but not to make any conditions or covenants; and moreover, any conditions entered into cannot counteract the express declaration of the law, which declares that the Governor may proclaim Hundreds at any time.—See Clauses 82, 85, of Waste Lands Act, 1866; because the introduction of the new system, viz., that of the sale of selected small blocks within Runs, without the right of commonage to the purchaser, is utterly ruinous to the Province by pressing into the market the principal suitable agricultural lands of the Province without the privilege of running stock on the adjacent lands till sold;

by virtually closing the country in a short time to immigrants, because capitalists or the runholders will purchase the greater portion of most of the blocks; by seriously impairing the Revenue in consequence, and by a great reduction of the rental of the Pastoral Leaseholder, immediately and hereafter, when the abstracted portions, perhaps commanding the Run, have been bought either by the runholder or any other person—Sections 74 and 75 Waste Lands Act, and replies 83 and 84 of the evidence referred to above. The effect of this on the Revenue it is not possible to calculate, but there can be no doubt that it would be extremely serious. I would further remark that the declaration of Hundreds, after the covenanted blocks have been sold, will be resisted by the runholder (See reply 85 to Evidence) as contrary to covenant, and that in some cases a runholder may be obliged to purchase land which he does not require, and to his serious injury. (See reply 85.) I am of opinion that the Goldfields Act, and the Waste Lands Act, should be rigidly adhered to—that all lands, which contain gold that can be profitably worked, should be administered under the Goldfields Act; and, if more land be required for settlement, that the same should be obtained by agreement with the runholder, to be paid for out of Land Revenue; and that all other lands should be administered under the Waste Lands Act on the system which has prevailed in Otago till within the last few months, by declaring larger blocks of land into Hundreds, with a fixed unalterable price of 20s, the purchaser having a right of running stock over the unsold portions. The Government having allowed their power to refuse to lease land required for settlement to pass away from them, cannot now complain if they are obliged to purchase any land they require outside the provisions of the law, and the runholder having voluntarily exchanged his license for a lease, under new and well defined conditions, cannot complain when these conditions are strictly enforced.

Hon. Major Richardson. Continued.

Hon. Mr. Domett.] Under what Regulations did you declare certain blocks in Pomahaka District "open for application," as noted on the Map of the district, and signed by yourself as Superintendent?—Under the Act of 1856, and the decisions of the Waste Land Board thereunder.

What do you mean by the "new and well defined" conditions under which the runholders exchanged their licenses for leases?—The terms stated in the Act, which are clear and unmistakeable. (See also supplementary evidence given by Hon. Major Richardson No. 93.)

No. 89.

Mr. J. W. Thomson, M.P.C., being duly sworn, examined :—

No. 88.
Mr. Thomson M.P.C
19th March, 1869.

Questions proposed to Mr. Thomson.

1. Certain covenants have been entered into between the Provincial Government and many of the Runholders, by which the latter undertake to give up different amounts of their leased lands without compensation. In your opinion, do these covenants preclude the exercise by the Government of the power of declaring the Runs affected by these agreements into Hundreds?

2. Supposing such to be the effect of these covenants, how will they, in your opinion, affect the interests of the Province?

3. What do you believe to be the wishes of the inhabitants of your district on the subject?

4. Have you any other or further complaint to make, or do you know of any such complaint regarding the administration of the Waste Lands of this Province?

5. Will you add any general remarks on this matter that appears to you to be advisable?

Answers.

1. This is a legal question. In my opinion the Government have the power. As any land outside Goldfields can, according to the "Waste Lands Act, 1866," be declared into Hundreds, it follows that any claim which runholders who have entered into the covenant have to the residue of their Runs during the currency of the lease must be founded on the covenants themselves. But, so far as I recollect, there is in these covenants no clause giving the runholders any such claim. I am aware, however, that Mr. Dillon Bell holds the opinion, that in the case of a runholder who has covenanted in regard to a block of land, that the Government have no power over the remainder of his Run during the currency of the lease.

2. The right to depasture stock on the adjacent unoccupied lands has, so far as my experience goes, been the great inducement to purchase lands and settle upon it. Mr. James Adam, of Tokomairiro, in the written evidence which he supplied to the Hundreds Committee which sat during last session of the Provincial Council says, that when he was home as Emigration Agent, the argument which weighed most with people to come to Otago was his account of the grazing advantages connected with the system of settlement by Hundreds. There may be exceptional circumstances connected with some of the covenanted blocks, inducing people to purchase land in these blocks, even although they do not enjoy grazing rights. But, with respect to these blocks generally, I do not think that people will be willing to purchase in them, because they will have no grazing rights attached to their purchases. The probability therefore, is, that these blocks will either remain unsold, or, if bought at all, will be bought by the runholders. If these blocks secure the runholders in the residue of their Runs, the people will be virtually excluded from settling at all. They will not see it to their advantage to purchase in the blocks, and there, will be no Hundreds from which to purchase. Assuming that the view stated in the question is correct, I consider that it would be highly injurious to the interests of the Province.

3. I have no hesitation in saying, that in the district that I come from (Clutha district) the almost universal opinion is, that settlement should proceed as formerly, by first declaring the land into Hundreds

4. In the Clutha district there is a very strong feeling against the action of the Government in

Mr. Thomson, M.P.C. Continued.

selling land at 10s per acre. The people consider such a course very injurious to themselves, inasmuch as it is depriving them of advantages much sooner than they had reason to expect. They are sorry to see the land passing away without producing the desirable result of settling on the soil an additional population — the lands in almost every instance being purchased in large blocks by adjacent proprietors. They also believe that in many cases the lands have been sold before the time prescribed by law. I may instance certain blocks in the Glenomaru district. These blocks were, as stated on the map itself, "open for application" on 23rd June, 1864. According to this, no land within these would be offerred for 10s till June, 1871. But several hundred acres of these blocks were sold by auction at the reduced upset price of 10s on 13th December, 1867, being less than 3½ years from the time they were open for application. I am aware that the way in which the seven years are made up is this. These lands, forming part of the East Clutha Hundred, were open for selection from 1856, the date of the proclamation of the Hundred to, I think, the end of 1860, when, by resolution of the Waste Lands Board, unsurveyed lands were withdrawn from sale. The four years intervening between these two dates, added to the three years following the date of these blocks being open for application, make up the seven years. But, however this may fulfil the letter of the law, it does not by any means accord with its spirit, for it was not to be expected that these lands would be purchased in these early times, there being so much better land in the immediate neighborhood. In fair justice, therefore, the seven years should count only from 23rd June, 1864. I may give another instance of the apparent undue haste with which land has been rushed into the market at the reduced price of 10s. Block X., Pomahaka, was, as appears from the map, "open for application," 18th February, 1864. According to this, the land should not be offered at 10s till 18th Feb., 1871; but, instead of this, about 1600 acres were sold on 27th Feb. last, being only a few days more than five years from the time the land was "open for application." I presume the way this difficulty is got over is to date the seven years from the time of the proclamation of the Hundred (7th December, 1861.) But, it must be recollected, that the resolution of the Waste Lands Board, withdrawing from sale all unsurveyed land being in force from 1860 to 20th September, 1864, the period when the Otago Waste Lands Act (No. 1) of 1863 came into operation, the land in question would not, being unsurveyed land, be sold between the date of the proclamation of the Hundred and the time when the land was open for application; so that this period cannot fairly be reckoned a part of the seven years. I may further mention that, with the exception of a few thousand acres, which are swamp, and therefore unavailable for pasturage, the whole of the land in the East and West Clutha Hundreds is sold. The land immediately adjacent is under lease as Runs, from which, of course, the cattle of the settlers are excluded. There is a strong desire on the part of the people for greater facilities for depasturing stock. In proof of this, I may state that a meeting is shortly to be held at the Warepa, for the purpose of considering the best means of obtaining additional pasturage. I believe that no meeting at all would be held, but for this question of pasturage; but, as a number of people will be there, other local questions may be considered.

Hon. Mr. Domett.]—Do you think if additional Agricultural and Pastoral Land were declared into a Hundred, holders of land in the existing Hundred would be inclined to buy it for the sake of getting pasturage?—I believe that the most people who would purchase would improve their land to a certain extent, because they have within themselves all the necessary plant; but I do not think that anyone would purchase if there was no grazing right attached to the purchase.

Mr. Reynolds.]—But would they buy agricultural land, chiefly for the sake of getting pasturage?—I believe it would be chiefly for pasturage purposes that any settler in the East and West Clutha Hundreds would purchase land in any adjacent Hundred that may be proclaimed.

Hon. Mr. Domett.]—Can you say what portion of the country would be most available as an addition to the Hundreds of East and West Clutha for the settlers of those Hundreds?—As a meeting is shortly to be held in the district, I would prefer not anticipating the expression of their views upon the subject.

SATURDAY, MARCH 20, 1869.

No. 90.

No. 90. Mr. T. Dick. Late Supt.

Mr. Thos. Dick being duly sworn, examined:—

20th March, 1869.

I was Superintendent of this Province until 27th February, 1867. With respect to the proceedings and views of the Government to which I belonged, upon the question of the issue of the leases and the covenants entered into with the runholders, I refer the Commissioners to a memorandum in the Executive Council Minute Book, dated February 22, 1867. I did not understand that the covenants, when entered into, would preclude the Government from taking what part of the Runs affected by the covenants they required for Hundreds. The Minute I have referred to shows that distinctly. (See No. 91).

No. 91.

No. 91. Minute of Executive Council, referred to by Mr. Dick.

Minute of Executive Council referred to in Mr. Dick's Evidence.

22nd February, 1867. Present—His Honor the Superintendent, Messrs. Vogel, and Maddock.

The Superintendent considers it desirable to leave on record the precise position in which the question of granting leases to runholders, who elected to surrender their licenses, stood prior to the election.

Minute of Executive Council, referred to by Mr. Dick.

Continued.

Some time ago it came under the consideration of the Executive, that whatever general principle was laid down, there would still necessarily be some amount of arrangement with many of the runholders prior to the issue of fresh leases, and that as the Act summarily limits the action to be taken to six months, it was necessary to proceed as early as possible with the consideration of all applications sent in.

Acting on this determination, the Executive, on the 18th January, 1867, passed the following resolution :—"*Resolved* to recommend the Waste Land Board to grant leases over all Runs, excluding such land as will be required for Agricultural Leases within Goldfields, and also blocks which the Government may require the consent of the licensee to sell without declaring them into Hundreds."

Subsequently from time to time as applications were sent in from the Waste Land Board, each case was taken separately into consideration, and decided under three heads.

The first head comprised the Runs, leases of which it was agreed should be granted, and that information should be sent to the Waste Land Board to the effect that the Superintendent had decided not to exercise his power to refuse.

Under the second head came the Runs, upon which, after reference to Mr. Pyke, it was considered blocks would be required for Agricultural Lease purposes. In regard to these, it was determined that either the blocks required should be reserved from the Renewed Leases, or that the runholders should enter into a covenant to the effect that whenever such blocks were taken under the powers conferred by the Goldfields Act, the compensation claimed should be only on account of the unexpired term of the original license, and that all caims to compensation on account of the extra ten years' tenure should be relinquished.

The third head comprised the Runs, upon which it was thought land would be required from time to time for sale. It was resolved to grant leases of these conditionally, on the runholder consenting, under Clause 82 of the Land Act, to the Superintendent disposing of land without compensation—the area for which such consent should be given to be in proportion to the extent of the country for which leases were asked, but in no case should the runholder be required to give consent to the sale of a larger quantity than 15,000 acres; such consent on the part of the runholder in no case to be held as an abridgment of the powers of the Superintendent under the Land Act.

In regard to the Runs coming under heads two and three, the Provincial Solicitor was instructed to prepare deeds embodying the terms set forth, and upon the execution of which by the runholder, the Waste Lands Board would be at liberty to issue licenses.

The following is the list of runholders referred to in the foregoing Minute with the decision of the Government in each case :

No. of Run.	Name of Licensee.	Remarks.	No. of Run.	Name of Licensee.	Remarks.
35	F. S. Pillans	Granted	94	Walter Miller	Granted under head 3, to allow 10,000 acres to be sold
88	J. R. Menzies	Granted			
57	A. J. Smyth	Granted	200	do	Granted under head 2, Agricultural Lease, 2500 acres
36	J. P. Maitland	Granted			
245	Wilkin and Thomson	Granted under head 2; Agricultural Lease, 5000 acres	224	James Rolland	Granted under head 2, Agricultural Lease, 2,500 acres
340	do	Granted	339	Donald M'Lean and Co.	Granted
215	Chalmers Brothers	Granted under head 2; Agricultural Lease, 5000 acres	132	C. H. Armytage	Granted
			51	H. Cable and Co.	Granted
253	do	Granted	31	H. C. Robinson	Granted under head 3, to allow 6000 acres to be sold
363	do	Granted	78	do	
76	A. J. Jones	Granted	227	J. and M. Studholme	Granted
52B	John Low	Granted under head 3, to allow 10,000 acres to be sold	228	Michael Studholme	Granted
			194	C. L. Swanston	Granted under heads 2 and 3, subject to allowance of 10,000 acres for sale, and 3000 for Agricultural Leases
248	A. Buchanan	Granted			
77	John Orbell	Granted			
199	Cargill and Anderson	Granted under head 2; Agricultural Lease, 5000 acres	75	J. and A. Boyd	Granted
369	do	do	204	Rowley and Hamilton	Granted under head 2, Agricultural Lease, 5000 acres
134	Thomas Ferrens	Granted			
121A	W. and P. Gellibrand	Granted	254B	C. L. Swanston	Granted
262	W. Baldwin	Granted	213A	M'Farlan and Humphrey	Granted
20	Gellibrand and Smith	Granted	178	Scholtel Brothers	Granted, subject to 2500 acres already taken, and 2500 more required for Agricultural Leases, head 2
218	do	Granted			
170	Rutherford and Grant	Granted			
72	Thomas Ord	Granted			
222	H. S. and W. Chapman	Granted	79	John Sutton's Trustees	Granted

List of Runholders referred to in foregoing Minute of Executive Council.—Continued.

No. of Run.	Name of Licensee.	Remarks.
249	Strode and Fraser	Granted under head 2; Agricultural Lease, 5000 acres
325	do	Granted
28	R. Campbell	Granted under head 3 to allow 15,000 acres to be sold
206	Borton and M'Master	Granted under head 2; Agricultural Lease, 2500
211	do	Granted
300	do	Granted
301	do	Granted
103	do	All within Hundreds
92	Borton and M'Master	Granted, all outside Hundreds
61	William Brunton	Granted
62	do	Granted
1 of c	Campbell and Low	Granted
2 of c	do	
3 of c	do	
189c	do	
220	Robert Campbell	Granted
244	do	Granted under head 2; Agricultural Lease, 2500 acres
256	do	Granted
48	James and F. Fulton	Granted under head 3, to allow 15,000 acres to be sold
186	do	Granted
259	do	Granted
131	J. T. T. Boyd	Granted
221	M'Laren, Greig and Co.	Granted under head 2; Agricultural Lease, 5000 acres
308	Greig and Turnbull	Granted, excluding 100 acres, Black Ball Public House
353	do	Granted
203	Joseph Borton	Granted
225	Comber and Douglas	Granted under head 2; Agricultural Lease, 2500 acres
260	John Healey	Granted, exclusive of 250 acres at Deep Stream, crossing of Dunstan Road
171	Henry John Miller	Granted
326	Calcutt and Menlove	Granted under head 3, power to sell 10,000 acres
214	Joseph Rodgers	Granted
212A	Cargills and M'Lean	Granted under head 3, power to sell 6000 acres
206	W. Sanders	Granted under head 2, Agricultural Lease, 5000 acres
211	do	Granted
362	do	Granted
306	P. E. Champion	Granted
201	H. E. F. Young	Granted
322	do	Granted
403	do	Granted
258	D. A. Tolmie	Granted
219	M'Lean and Stewart	Granted under head 2, Agricultural Lease, 5000 acres
331	C. and F. C. Boyes	Granted
345	do	Granted under head 2, Agricultural Lease, 5000 acres
163	W. Pinkerton	Granted under head 3, power to sell 15,000 acres
223	J. and H. J. Glassford	Granted under head 2, Agricultural Lease, 5000 acres
137	John Treweek	Granted under head 3, power to sell 15,000 acres, and head 2, Agricultural Lease, 5000 acres
169	John Anderson	Granted
162	do	Granted
327	D. and A. M'Donald	Granted
193	C. L. Swanston	Granted under head 3, power o to sell 5000 acres
80	F. D. Bell	Granted under head 3, power to sell 15,000 acres, excepting 255 acres Run No. 255, Run 80, 100 acres adjoining homestead dip and muster-yard
101	do	
255	do	
261	do	Granted under head 2, Agricultural Lease, 5000 acres
205	Gardner and Main	Granted, excluding 5000 acres in the neighborhood of Hype (refer to Mr. Pyke)
17	Joshua M'Evoy	Granted under head 3, power to sell 10,000 acres
213B	Gordon and Sheppard	Granted under head 3, power to sell 15,000 acres
243	Geo. Hodgkinson	Granted
98	W. H. Teschemaker	Granted
240	Holmes and Campbell	Granted under head 3, power to sell 15,000 acres
239	do	Granted
334	do	Granted
212B	Chalmers Brothers	Granted under head 3, power to sell 6000 acres
122	George Hay	Granted
226	Glassford Brothers	Granted under head 2, Agricultural lease 2500 acres

[*True Copy.*]

ALEX. WILLIS,
Clerk to the Executive Council.

Dunedin, Otago, N.Z., March 22nd, 1869.

No. 92.

No. 92.
Mr. D. Reid, M.P.C.
20th March, 1869.

Mr. Donald Reid, M.P.C., having been duly sworn, examined :—

(Questions proposed to Mr. Reid.)

1. Certain covenants have been entered into between the Provincial Government and many of the runholders, by which the latter undertake to give up different amounts of their leased lands without

Mr. D. Reid, M.P.C.
Continued.

compensation. In your opinion do these covenants preclude the exercise by the Government of the power of declaring the Runs affected by these agreements into Hundreds?

2. Supposing such to be the effect of these covenants, how will they, in your opinion, affect the interests of the Province?

3. What do you believe to be the wishes of the inhabitants of your district on the subject?

4. Have you any other or further complaint to make, or do you know of any such complaint regarding the administration of the Waste Lands of this Province?

5. Will you add any general remarks on this matter that appear to you to be advisable?

Answers.

1. These covenants do not, in my opinion, preclude the Government from exercising the power of proclaiming the Runs affected by them into Hundreds. The leases have been issued under the authority of the Waste Lands Act, and there is no provision made in the Act for these covenants. No inferior power could, by any agreement with the lessees, limit the powers conferred on the Government by the Act. As a question of good faith, it would be most unfair to the runholder to take a block of the best land out of his Run under cover of these agreements without compensation, and afterwards to exercise the power to proclaim the remainder into Hundreds. The only course that can be adopted, in justice to the runholders and to the Province is, to annul the covenants.

2. If the result of these covenants is to preclude the exercise by the Government of the power of proclaiming the Runs affected by these agreements into Hundreds, they will very injuriously operate against the interests of the Province. If blocks of the best lands within Runs are now sold, the remainder will be unsaleable for a number of years, and these blocks are almost invariably certain to be purchased by the runholder. As a matter of self-defence, he is compelled, and, no doubt, will make every effort to secure these lands; and, having obtained, as a freehold, the best blocks of land within his Run, the value of the remainder will be very materially reduced to any other occupant, and, in consequence, to the State.

3. I believe the feeling of the inhabitants of this [Taieri] district is strongly against any action being taken which would prevent, or injuriously interfere with, the fullest power being in the hands of the Government to proclaim Runs into Hundreds, when and where they may be required.

4. I do not approve of the manner in which the Act has been, and is being administered; but I have hopes that the Provincial Council will see its way to make some alteration. My chief ground of complaint is, that the Act is worked wholly as a means of procuring revenue, regardless of what I consider ought to be the more important object, viz., that of peopling the country. I have been informed that land within Hundreds, in the Shag Valley district, has been sold at the reduced price of 10s per acre, before it was open for selection and sale for the full period required by the 35th section of the Waste Lands Act.

5. It appears to me that in the administration of the Waste Lands Act the object aimed at should be to secure the settlement of the country for a class of resident freehold farmers. The question then arises, What is the best means to adopt in order to carry out this object? Whether to continue the Hundred system, whereby a grazing right is secured to the purchaser so long as any of the land within the Hundred remains unsold? or, by the sale of land within the "covenanted blocks," without any grazing right? My opinion is, that the latter plan will very materially retard settlement in this Province. It is beyond the means of the majority of that class who will be our most valuable settlers to expend the amount necessary to enclose their land before they can make use of it for grazing purposes—while, under the privilege of grazing enjoyed within Hundreds, they could at once devote their attention to the cultivation of their land, being greatly assisted thereto by the means derived from the sale of dairy produce. I am persuaded that, owing to this cause, land sold within these blocks will not realise so high a price to the State as that which has been proclaimed into Hundreds. Looking at the question from a purely revenue stand point (which seems to be the only one in which it is viewed by the present Administration), there can be no doubt that the sale of these blocks will secure a greater immediate revenue than would be obtained in the same time under the Hundreds system: but, I venture to predict that this will take place at the expense of the future tax-bearing power of the State. In the one case, the land will fall into the hands of a few; in the other, it would be occupied by a large class of small holders, dispersing wealth, maintaining a larger population, and yielding a greater revenue to the State. I would recommend—1st. That these covenants should not be enforced, because, if acted upon, they will morally, even if not legally, limit the right of the Government to proclaim Hundreds. 2nd. That all lands (not being auriferous) should be proclaimed into Hundreds as required for settlement, fair compensation being paid to the runholder in terms of the Act. I believe the question has been asked, Where is the Government to find the amount which will be required for compensation? When the Act was passed, granting these leases, whereby compensation was provided for, the lessees agreed to pay a greatly increased rental. The revenue derived from the Pastoral Lands, previous to the passing of the Act, amounted to the sum of £3896 for the year ended 30th September, 1866, whereas the revenue received from the same source during the past year was £47,524, and which has been estimated at £55,000 for this current year, with the probability of a still further increase as the Runs become more fully stocked. There ought, therefore, to be no difficulty in finding the amount which will be necessary for compensation. It might be desirable to have a fund into which a fixed portion of the rents should be paid, which fund would be available for the purpose of compensating lessees whose Runs may be required for settlement.

No. 93.

No. 93
Hon. Major Richardson. Supplementary to No. 88.

Hon. Major Richardson's Supplementary Evidence.

Q. *Hon. Mr. Domett.*] What are the reasons on which you justify the conclusion to which you have come respecting the sale of land at 10s an acre within Hundreds?—Ans. Such sales are considered by me to be highly prejudicial:—1st. To Revenue, because the land in question has attained, or is rapidly attaining, from its vicinity to the sea board and contiguity to the settled districts and formed roads, a value equal in most cases to 20s an acre, if not forced into the market, but allowed to be gradually bought by those who can afford to give the highest price for it on account of its being of more value to them than to others, from being adjacent to their properties. 2ndly. To settlers of small means, because from the high price of labour, and the low price of produce, they are only able to purchase from time to time and bit by bit, and the land has been parted with before they have been able to compete for it. 3rdly. To the increase of population, because immigrants arriving but slowly, the land is swept away by speculators on account of its low price, or by holders of large properties or companies, as the sales in the Pomahaka Hundred make evident. 4thly. To freeholders throughout the Colony, whose properties it is well known have fallen much in value since land can be had for 10s an acre, thus seriously depreciating all landed property, and injuriously affecting all mortgagees and powers of borrowing. 5thly. To the Province generally, because such forced sales are for Revenue, not for settlement purposes; and, inasmuch as they injuriously affect the condition of the old settlers, by depriving them prematurely of the commons on which they run their cattle, which has ever been the main element of their success, and of their ability to improve and cultivate their freeholds. I wish to add to my former evidence my conviction that the time has arrived when the land now included in Goldfields should be examined, with a view to exclude that which experience has shown not to be capable of remunerative working. In former years, a large quantity of land was embraced in Goldfields, simply because our inexperience prevented our drawing a boundary line, and the power to add to and take from Goldfields was in existence, and was occasionally acted on.

No. 94.

No. 94.
Memo. relative to cost of Agricultural and Mining Surveys.

Mr. J. T. Thomson to Hon. Mr. Domett.

Land Department,
Dunedin, 19th March, 1869.

Cost of Survey.—*Memo.* for the Hon. Mr. Domett.

The average cost of agricultural and mining surveys per section has been £7 each, but if the Trigonometrical connection be included, the cost has been £10 each. The cause of this more than ordinary expense lies in the very different manner in which selections are made on the Goldfields.

When sections are surveyed contiguously in large blocks, the cost varies from 1s to 3s per acre, according to locality and contour of country.

J. T. Thomson, Chief Surveyor.

Monday, March 29, 1869.

No. 95.

No. 95.
Mr. T. Dick. Late Supt. Resumed.

29th March, 1869.

Mr. Thomas Dick's examination resumed:—[See No. 90.]

I did not myself sign any of the leases to the runholders.

Mr. Reynolds.] Was notice sent to the runholders named in the list attached to the Executive Council Minute, that the lease would be granted on the terms mentioned therein?—Instructions were given to the Commissioner of Crown Lands on the subject, but I cannot state, without referring to records, what those instructions were. (Papers produced.) I can now state that a copy of the Executive Council Minute, dated 22nd February, was forwarded to the Chief Commissioner of the Waste Lands Board on the 23rd February. It includes the clause saving the right to declare Hundreds.

Hon. Mr. Domett.] What do you consider to be the meaning of the last proviso in the covenant relating to lands outside the Goldfields, I mean that declaring the covenant shall not abridge the powers of the Governor or Superintendent "unless such right and powers shall be contrary hereto"?—In the covenant before me, which does not relate to the Goldfields, I presume the proviso must be specially meant to apply to the power to declare Hundreds. I do not know what the words quoted can mean, as there is nothing in the covenant to prevent the exercise of the right to declare Hundreds, so that such exercise could not be contrary to the covenant.

Hon. Mr. Domett.] Then you attach no meaning to those words?—I attach no special meaning to them. The acreage and amounts of the blocks reserved in each Run were made upon the recommendation of Messrs. Thomson and Vincent Pyke. We were guided by them as to the temporary sufficiency of these blocks for agricultural settlement, as well as to their convenience in point of locality. Outside Goldfields, we did not expect they would be sufficient for any length of time.

No. 96.

His Honor the Superintendent.—In addition to No. 84.

No. 96.
His Honor, J. Macandrew.
Additional.
19th March, 1869.

His Honor, J. Macandrew, on oath, states :—Having read over the evidence taken in the Tuapeka District, the only witness, part of whose statements I desire specially to contradict, is Mr. Shadwell Keen, who states that after my election, the Provincial Executive had six months at their disposal, in which to ascertain what lands would be wanted during the term for which they were about to grant leases. Whereas, the actual facts of the case are, that I assumed office upon the 27th February, 1867, and the period within which the leases could have been granted expired upon the 10th of April following. (See section 69 Otago Waste Lands Act, 1866.) Mr. Keen states that, prior to my election, it was promised by me that in the immediate neighbourhood of Tuapeka, a large quantity of land should be thrown open for agricultural settlement and commonage, alluding probably to Smith's and Treweek's Runs. Possibly this statement of Mr. Keen's is to some extent correct. It must be borne in mind, however, that at the time when these promises are alleged to have been made, the Runs in question were held under the old license, paying little or no rent ; and on my assuming office I found that they had been converted into leases, with ten years added on, and paying a vastly increased rental, and that to cancel such leases in terms of Section 19 of the Goldfields Act, 1866, would probably cost the Province £20,000 to £30,000. It is true that the leases were not actually executed until after I assumed office, but the contract to execute was entered into, and heavy damages could have been recovered for non-fulfilment. Had it been otherwise, I certainly should have exercised the power vested in the Superintendent under Section 69 of the Otago Waste Lands Act, 1866, by refusing to grant, not only the leases of the Runs in question, but of several others similarly situated. In order that there may be no mistake upon this point, a reference to the records of the Waste Lands Board will show that prior to the 23rd February, 1867, nearly the whole of the runholders throughout the Province had elected to apply for leases under Section 69 of the Land Act, which applications were submitted to the Superintendent for his approval or disapproval in terms of said section. At a meeting of the Waste Lands Board, held on the 23rd February, 1867, an extract minute of Executive was read conveying the Superintendent's approval of the whole of the applications being granted, and the leases were granted accordingly—Circulars to this effect having been addressed to the respective applicants by the Chief Commissioner of the Waste Lands Board under date 26th February, 1867. On the 27th February I assumed office. So much for Mr. Keen's assertions.

As regards the Tuapeka evidence generally, I would simply observe that with one or two exceptions, it seems to be based upon a misapprehension as to the actual powers of the Administration, and a not very clear perception as to the distinction between the Legislature and Executive. The great end to be attained evidently is, not so much the acquirement of land for purely agricultural purposes, as the transference of the pasturage from the hands of the few into the hands of the many. Substantially, I believe that this will be found at the bottom of all the complaints against the administration of the Land Laws of the Province—complaints, which, for the most part until the pastoral leases expire, can only be dealt with by the Legislature. As regards the alleged difficulties and delays in procuring Agricultural Leases, it must be admitted that during the Administration of the Tuapeka District by Major Croker, there are numerous instances of Agricultural Lease applications having been lodged with the Warden and not reported on to the Government for one and two years thereafter. This neglect has been brought under the notice of the Government, chiefly since Major Croker ceased to be in the service. I am not prepared to say that Major Croker is to be blamed for this delay, any more than the Survey staff.

TUESDAY, MARCH 30, 1869.

No. 97.

His Honor the Superintendent's evidence continued :—

No. 97.
His Honor, J. Macandrew.
Continued.
30th March, 1869.

Oamaru Quarry Reserves.—The sale of these so-called Quarry Reserves took place in pursuance of a resolution of the Government, that all Reserves (on the Northern portion of the Province especially) not required for public purposes, should be sold by public auction. The reason which rendered this resolution the more imperative in the case of the Northern districts, was the constant complaints as to such Reserves being a nursery for thistles, and the urgent demands upon the Provincial Chest for money for their eradication. The whole of the Reserves offered for sale were previously the subject of an official enquiry as to the necessity for retaining them, and were only sold after being pronounced unnecessary to be retained for public purposes. In very few of them was there any stone, and the reason why they were bid up for to such a high figure was, that Mr. Gibbs, the purchaser, took it for granted that the Provincial Government would return him the money. As to the allegation that the Reserves were so made as to exclude the land containing available stone, I have no doubt that this must have been more from accident than design. As this took place, however, years ago, and by direction of former Governments, I am unable to account for it.

Upon the subject of *Dr. Menzies' letter*, I am of opinion that it is inexpedient on the part of the Waste Lands Board to interfere with the action of the Wardens in the respective Hundreds, and that the matter in question had better be left to the people themselves to deal with in their own way. Any action on the part of the Board in the direction indicated would, I imagine, involve considerable

His Honor. J. Macandrew. Continued.

expense. At the same time, should the Commissioners see fit, I shall be glad to remit the letter of Dr. Menzies to the Waste Lands Board for its consideration.

J. MACANDREW,
Superintendent of Otago.

No. 98.

No. 89. *Letter from Dr. Menzies.*

Letter from Dr Menzies to the Honorable Mr. Domett. Received at Dunedin March 28, 1869. Referred to in preceding evidence.

Dŭn Alister,

Mataura, 26th March, 1869.

MY DEAR SIR—I hear that you are in Dunedin enquiring into the proceedings of the Waste Lands Board, and I want to point out one matter wherein it would appear the Board fails to carry out the provisions of the "Waste Lands Act, 1866." The 103rd section authorises the Wardens of Hundreds to make Regulations touching assessments on stock depastured on Hundreds. These, perhaps, the Board cannot control directly. Some of these Regulations openly state that certain cattle are to be exempt from assessment. The Act says (sec 109) that all cattle depastured on the Hundred shall be assessed. Section 115 gives power to the Board to act when the Wardens neglect to do so. Will that provision not enable the Board to amend the action of the Wardens when that action is contrary to an express provision of the Act? As you may conceive, the partial immunity from assessment in one Hundred leads to discontent in the neighbouring Hundreds, wherein the Wardens endeavour to carry out the provisions of the Act. If you ask for a return of the Regulations passed in the Hundreds in 1868 (or con over the *Provincial Gazette*), you will see how it is. Perhaps legislation may be required, but if it is, it should be set about in order to secure uniformity.

Shall we see you in this quarter? If you come to Southland, you should return overland, and you will find this place a convenient stage the first day from Invercargill.

Believe me, &c.,

J. A. R. MENZIES.

No. 99.

Mr. Henry Dyer Maddock being duly sworn, examined:—

No. 99. Mr. Maddock. 30th March, 1869.

I was Provincial Solicitor when the covenant shown me was drawn up for the Government. I drew up this covenant. There were two forms of covenant drawn up—one for Runs within Goldfields, and one for Runs without. All the forms of covenant I drew, have my name printed upon them. The one produced has not my name. The covenant dated 27th February, 1867, between the Superintendent and Messrs Fulton, was drawn by me. None of the clauses previous to the last proviso say anything about Hundreds. The last proviso was meant to preserve the rights of the Superintendent generally, under the Waste Lands and Goldfields Acts.

Hon. Mr. Domett.]—Can you state what is the meaning of the limitation of the reservation of the Superintendent's rights, contained in the words "unless such rights and powers shall be contrary hereto?"—The intention of those words was to prevent the Superintendent taking more than the number of acres covenanted to be given, without compensation.

Do you mean by "taking," being declared into Hundreds?—If the remainder of the Run were declared into Hundreds—the original license having expired—the runholder would, in my opinion under those words, be entitled to compensation, as provided for under the 82nd section of the Waste Lands Act; but not if the original license had not expired.

Then would the taking the rest of the land for Hundreds, without compensation after expiration of the original license, be contrary to the covenant?—In my opinion; No.

What right or power was there possessed by the Superintendent before the covenant was made—the exercise of which was supposed or implied to be contrary to the covenant—as the insertion of the words quoted necessarily involve such supposition or implication?—If you will give me the question in writing, I will consider it and send a written answer.—(See Mr. Maddock's additional evidence, No. 112.)

Can the words at the end of Section 82 of the "Waste Lands Act, 1866," "the term for which the license was originally held," be construed to apply to any period after the license had been given up or exchanged for a lease?—I will answer that question also in writing, if you please.—(See Mr. Maddock's additional evidence, No 112.)

You have heard the statement made by Captain Mackenzie, as to his reasons for consenting to take a lease? Have you any remark to make upon that?—Having read Captain Mackenzie's answer to the question, "Why then did you consent to take a lease subject to a covenant?" I must say that I do not remember the conversation alluded to. I do remember having a speculative conversation as regards the intention of the Executive, when they asked the runholders to enter into the covenant. Captain Mackenzie wanted to know if it was not the intention of the Government that the runholder should remain in the undisturbed possession of the Run outside the Reserve for the period of his lease. We both thought it was the intention. This was merely private conversation, and not given as a legal opinion, either as private or Provincial Solicitor.

By Mr. Reynolds.] On what grounds did you come to think so ?—Before the question of these blocks was decided on, the Chief Surveyor was instructed to ascertain, and report to Government the number of acres, which he considered available for agricultural purposes on the various Runs. It was my impression that the reservation of these blocks would preclude the necessity of proclaiming further Hundreds. *Mr. Maddock.* Continued.

Do you know of any distinct intimation to any of the runholders that if they entered into the covenants, Hundreds would not be declared upon their Runs ?—I am not aware of any such intimation.

Having been shewn Resolution No. 1 of the Provincial Council in reference to sale of land within Hundreds at 10s per acre, you being then Provincial Solicitor, did you consider such a resolution was a legal compliance with the Waste Lands Act, sec. 35 ?"—I did.

No. 100.

Mr. Robert Short being duly sworn, examined :—

No. 100. *Mr. Short.* 30th March, 1869.

I was chief clerk to the Waste Lands Board up to 12th January last. I produce copies of three circular letters addressed to runholders with reference to granting of leases. With reference to the complaint of Mr. Cormack as to sale of Block 1 and 2, Pomahaka, the proper names of the blocks are Rankleburn Blocks 1 and 2. Block 1 was advertised to be sold by auction, there having been more than one applicant for it. Block 2 was at the same time open for application as unsurveyed land under Section 13; and Mr. Bullen applied for it on the same day the auction sale of Block 1 took place. He being the only applicant, it was sold to him in accordance with the Regulations of 1856, and the Waste Lands Act of 1863, at £1 per acre, without going to auction. For Block 1, at auction, Bullen paid for some parts as high as £2 15s per acre.

No. 101.

Copies of circular letters produced by Mr. Short :—

No. 101. *Copies of circular letters produced by Mr. Short.*

(1.)

Waste Lands Board Office,
Dunedin,

SIR—I have the honor to inform you that the notice of your intention to surrender the license of Run , and to take a lease under the Waste Lands Act, 1866, has been laid before the Superintendent, who has intimated to the Waste Lands Board that the Government see no objection to the granting of a lease under the Act. A lease will be prepared accordingly.

I have, &c.,
W. H. CUTTEN, Chief Commissioner.

(2.)

Waste Lands Board Office,
Dunedin, February, 1867.

I have the honor to inform you that the notice of your intention to surrender the license of Run No. , and to take a lease under the Waste Lands Act, 1866, has been laid before the Superintendent, who has intimated to the Waste Lands Board that the Government see no objection to the granting of a lease conditionally on your entering into a covenant to the effect that whenever land is required for agricultural settlement, the Government may cancel your lease over acres, selected on terms of the Goldfields Act, 1866; and that your claim for compensation shall be based only on the unexpired term of your original license, provided that the power given to you under Section 34 of the Goldfields Act, 1866, of electing whether the license shall be cancelled over the whole of such selected lands, or over such portions only thereof as shall from time to time be occupied for agricultural purposes, shall still remain in you.

If you agree to the above condition, the lease and required Deed of Covenant will be prepared accordingly.

I have, &c.,
W. H. CUTTEN, Chief Commissioner.

(3.)

Waste Lands Board Office,
Dunedin, , 1867.

I have the honor to inform you that the notice of your intention to surrender the license of Run , and to take a lease under the Waste Lands Act, 1866, has been laid before the Superintendent, who has intimated to the Waste Lands Board that the Government see no objection to the granting of a lease conditionally on your consenting under Clause 82 of the Act, to allow the Government, when required for settlement, to select acres for sale over any portion of the Run in question, without making any claim for compensation therefor.

Copies of Circular Letters Continued.

If you agree to the above condition, the lease and required Deed of Covenant will be prepared accordingly.

I have, &c.,
W. H. CUTTEN, Chief Commissisner.

No. 102.

No. 102.
Mr. F. D. Bell.
30th March, 1869.

Mr. F. Dillon Bell having been duly sworn, examined :—

(Questions proposed to Mr. Bell.)

1. Have you entered into any agreement with the Superintendent of Otago respecting the right to select blocks of land on your run?

2. Did you understand that any words or covenants in the deed of agreement would exempt your run from being declared into a Hundred?

3. If you answer in the affirmative, state the grounds upon which that understanding was based?

4. Was any assurance given you by anyone, authoritatively or officially, that the rest of your run would not be made a Hundred, if you agreed to give up the portion of it mentioned in the agreement, without compensation?

5. Have you made any outlay you otherwise would have abstained from, on the faith of the agreement securing your run from liability to being taken as a Hundred? If so, state to what extent?

Mr. Bell gave in the following answers to the above questions :—

1 and 2. Yes.

3. The grounds will appear in answer to the next question.

4. I consider such an assurance was given to me when, in answer to the proposal I made to give up 15,000 acres, without compensation, I was informed that the proposal was accepted, subject only to any blocks in addition that might be required for Goldfields; but, subsequently, a special and distinct agreement was entered into with me that I should not be required to give up more than a block of 10,000 acres; and the pasturage over unsold portions, even in that block, was to remain with me. Only a small part of my run in Shag Valley could be declared into a Hundred at all, the rest being within the Goldfields; and I gave up the cream of what was in the Goldfields for the sole reason of avoiding the declaration of a Hundred over the small part which was not in the Goldfields, besides giving up the cream of the latter as well. I request the consideration of the Commissioners to the following narrative :—

After the Provincial Council Session of 1866, which immediately succeeded the passing of the Waste Lands and Goldfields Acts, the Provincial Government made enquiries to ascertain how far the runholders would come in to pay the increased rental; and plans were made of the position and extent of agricultural land in the several districts. In January, 1867, the Provincial Executive was under the necessity of determining its course, as the six months allowed by the Act were passing away, and an election of Superintendent and Council was to take place. As I had taken some part in the passing of the Land Act, through both the Council and Assembly, I stated my view of what would be a fair course towards the runholders.

1st. That all leases should be granted as a general rule.

2nd. That the runholders, whose runs were outside the Goldfields, should be requested to give their consent to opening for sale certain defined portions of land on their runs, from 10,000 to 15,000 acres, which should be then surveyed and opened for selection under the 83rd Clause of the Land Act.

3rd. That the areas for Agricultural Leases, under the Goldfields Act, should at once be defined and information given to any squatter concerned, so that he might receive compensation according to the length of term unexpired of his license.

4th. That failing consent, under reasonable agreement between the Executive and the squatter for opening land to settlement, the area presently required for sale and settlement be reserved altogether from the lease; and

5th. That in cases where such arrangements were made, no Hundreds be applied for.

In accordance with these views, I offered to give up 15,000 acres of the best land on my Runs in Shag Valley: Provided that that was all I should be called on to give up for sale. It was intended to require from 10,000 to 15,000 acres in each Run, and objections might be made to only 15,000 acres being taken out of the three Runs I held; but I represented that it was quite impossible to get 15,000 acres of agricultural land, or a fifth of it, on all the three Runs; that in two of them about 12,000 acres of the best land had already been cut out and put into Hundreds, most of which was then actually open for sale; that to take out another 15,000 acres for sale, would be the utmost that I ought to be asked to give up; and, lastly, that the greater part of the Runs being within the Goldfields, I was doing more than could reasonably be expected in offering to give up without compensation so large an area, instead of insisting, under the Goldfields Act, on my right to blocks of 2500 acres at a time for Agricultural

Mr. F. D. Bell. Continued.

Leases, without the right of pasturage. My offer was to give up the 15,000 acres, without even the compensation for the license term, which, in Runs within Goldfields, was by circular offered to every one. This proposal was, I believe, considered at an Executive Council held on Saturday, the 17th (or 18th) January, 1867, at which meeting my "proposal was accepted, *subject to any blocks in addition, required for Goldfields.*" To this latter proviso I made no objection, because I knew that land so required would have to be taken in accordance with the Goldfields Act, and could not be put into Hundreds at all. Next day I wrote fully to my partners in England, acquainting them of the result. When the deed of covenant was drafted by the Provincial Solicitor (Mr. Maddock), it was shewn to me. I approved of the general terms of the covenant, but objected to the clause containing penalties, on the ground that they could not be legally enforced; and I particularly pointed out to at least two members of the Executive, that I would not execute the deed with such a clause, seeing that my Run was nearly all in the Goldfields, and that though I was very willing to give up the land without compensation, so that it might be taken for sale and settlement, I could not subject myself to a great penalty when, in fact, before the land could be sold at all, the General Government had first to interpose by withdrawing the land from the Goldfield. I forget exactly the date of this; but, at any rate, on the 8th February I notified to the Waste Lands Board my intention to come in under the Act, and on the 26th February I received a letter from the Commissioner of Crown Lands, stating that my notice having been laid before the Superintendent, there was no objection to the issues of the leases on the condition (previously agreed to, as above stated) of my consenting to the 15,000 acres being taken without making any claim to compensation. I formally signified my assent to these terms; and my leases were accordingly actually executed on the 28th February, 25th March, and 27th March respectively. I was much surprised, some time after, to learn that on the 5th April a formal "instruction" had been issued under the Land Act by the Superintendent to the Waste Lands Board to refuse to grant a lease over these 15,000 acres. I found, however, that similar instructions in lithographed forms had been given in numerous cases, and as my leases were executed, I thought there was no necessity for me to interfere. But I was told at the Land Office that, though signed, the leases would not be delivered to me till I had executed the deeds of covenant. Some time afterwards (I think in May) I formally notified in writing to the Provincial Government my refusal to execute the deed with the penalty clause. I have not a copy of that letter; but it can easily be procured at the public offices. It was laid before the Executive Council, which resolved—"That the Government cannot make any exception in Mr. Bell's case, and that if after consideration he still declines to enter into the covenant, no leases will be issued." Now, on one of the Runs, a large part of the purchase money was not due for two years, and the license had been retained in Mr. Jones' (the seller's) name. He was willing that the lease should be in my name, and had transferred the license in order that this might be done, but required, of course, his security to be preserved; but when he found that, although executed, the lease would not be delivered to me, I received (on the 3rd June) formal notice from his solicitor that unless I could arrange the matter of the deed of covenant with the Provincial Government without delay, the transfer of the license to me would have to be cancelled. I was therefore in this position, that either I must pay £10,000 to Mr. Jones, two years before it was due, or I must submit to what I considered an illegal condition by the Government. I represented in strong terms to members of the Government that they had, in fact, no power to prevent the leases, since they had already been executed, and that their refusal to let them be issued by the Waste Lands Board was illegal. I consulted with my solicitor as to going into the Supreme Court to compel the delivery of the leases to me, and was very nearly making application to the Court accordingly; and I stated plainly to the Government my belief that such an application would end in their defeat, and very probably in the declaration of the invalidity of all the deeds of covenant. I was then informed that if I consented to give up absolutely out of my leases a block of 10,000 acres, to be pointed out by the Chief Surveyor, the difficulty would be got over, and no deed of covenant be required. I agreed to this—attended the Chief Surveyor—who marked out a long narrow block comprising every acre of available land on the Runs along a distance of nearly eight miles by the main road. I made no objection, and no complaint of his selection—a tracing was at once made of the block; and I think on the same day (the 10th of June) I wrote to the Government formally giving my assent to the absolute exclusion of this block from my leases, the land only to remain subject to the unexpired term of the original licenses. The affair was then considered closed on both sides, and placed in the hands of the Provincial Solicitor for the preparation of such instruments as might be necessary to give it effect. But the Solicitor found that there were difficulties in the way; and it was proposed to me that instead of absolutely excluding this 10,000 acre block from the leases, I should enter into a covenant in the leases themselves, binding me to consent to the sale, with a proviso, that on breach of this covenant on my part, the lease should be absolutely void. The proposed clause was accordingly drafted in this form, (leaving out mere technicalities):—

"Provided always and it is hereby agreed that Her Majesty shall be at liberty at any time during "the said term to enter upon and cause to be surveyed for the purposes of sale so much of the said tract "of country as is shown by the colour green on the plan and shall also upon giving to the Lessee through "the Superintendent or Waste Lands Board or otherwise as Her Majesty shall think fit at least one "calendar month's previous notice in writing of the intention of Her Majesty in that behalf [which notice "it is hereby expressly declared shall be sufficient although the Superintendent or Board may not have "been authorised by Her Majesty or by any Act of the General Assembly to give such notice] be at "liberty at the expiration of such notice and from time to time or at any time thereafter to sell all or "any part of the said tract shown by the colour green and thereupon the term of years hereby granted "shall *so far but so far only as shall relate to the whole or portion of the said tract which may from time to "time be so sold* absolutely determine And the Lessee shall not be entitled to any allowance or "compensation whatever in respect of the determination of such License anything in the Otago Waste "Lands Act 1866 to the contrary notwithstanding Provided *nevertheless that until notice shall be given*

Mr. F. D. Bell. Continued.

"*to the Lessee that the said tract or the portions of it which may from time to time be sold have been so sold* "*the Lessee shall be at liberty to hold and enjoy the same as if no such notice had been given.*"

I objected to the words within brackets, because it appeared to me that neither the Superintendent nor I could, by any authority of ours, declare a notice of the kind to be valid. Another proposal was then made to me, that I should "assign to the Superintendent 10,000 acres upon trust, to permit me "during a term commensurate with the average residue now unexpired of the term of the original licenses, "to occupy the whole as a Run, and upon further trust after such average term for the Superintendent "absolutely, the deed to contain similar provisoes as to taking possession during the term for which the "land was held in trust, as had been already drafted."

But it appeared to me that none of these clauses were really within the authority of the law, and I expressly and repeatedly said that as a member of the Assembly which passed the Land Act, I did not feel justified in entering into them. But the session of the Assembly having commenced, and I being very desirous to go up, I at last (under what I consider duress), executed the Deed of Covenant with the penalties originally required, on the 10th July, 1867. That Deed expressly provides that I am only required to surrender the terms in my lease over any land within the block, as and when such land shall be actually sold, which made a Hundred impossible. I do not remember any matter of importance till a year afterwards. The survey of the 10,000 acre block was proceeded with, and every facility given by me for it. On the 24th June, 1868, however, I received a letter from the Provincial Government, stating that the survey being completed, they desired to offer the land for sale, and as a preliminary step proposed to *cancel my lease* over the portion included within the Goldfields boundary. I immediately replied (25th June), that the proposal was at variance with "the agreement subsisting between the Government and me, which required that I should consent to the sale of the land without compensation, but leaves the right of pasturage with me over such portions as may remain unsold;" and I suggested that the proper course was simply to ask the General Government to withdraw the land from the Goldfields boundary, in order that my agreement with the Provincial Government might be carried into effect. This application was made by the Provincial Government, and the land withdrawn, but it turned out that rights had been granted to miners there under the Goldfields Act, and to this day some difficulty occurs in consequence. I should not omit to mention that in January, 1868, I addressed the Provincial Government to the following effect:—I had stipulated originally that certain Reserves should be made over about 350 acres, comprising some improvements, which had cost me a great deal of money, and when the area to be given up by me was to have been 15,000 acres, the Government agreed to this. But I said that "I did not remember anything being said as to these 350 acres at the time the arrangement was made to limit the acreage to be given up by me to the 10,000 acres marked out by the Chief Surveyor," and that therefore the Government might consider their agreement as to these 350 acres at an end, so I only now asked for 10 acres, which I should apply for under Section 35 of the Act. To this the Government assented.

I submit that the preceding narrative will satisfy the Commissioners that an agreement was made between the Provincial Government and me, by which the quantity of land to be given up by me for purposes of sale within my runs in Shag Valley, is not to exceed 10,000 acres, and that I am to retain the pasturage till the land is sold. I have already said that the block chosen by the Chief Surveyor comprised every acre of available land for a distance of nearly eight miles along the main road; but, owing to the mountainous character of the country (of which the Commissioners can themselves judge from what they saw as they came through Shag Valley), it also comprises a great deal of land perfectly worthless, except for keeping sheep. Having heard that complaints were made of land of this kind being included, I went to the Superintendent, and stated that as I understood the spirit of the agreement to be that the best 10,000 acres should be taken, I would not hold the Government to their block, but would agree to their taking any 10,000 acres they could find up to an elevation of 1000 feet. I submit that the declaration of a Hundred over these runs, after this agreement, would be utterly contrary to good faith. I have punctually fulfilled every part of the agreement on my side, and I expect the Government to perform their's. They have taken the block, surveyed it, got it withdrawn from the Goldfields, and I have interposed no obstacle. I have offered them to give up any land they may find fit for agriculture, though it may not be within the block; but they have agreed that the pasturage shall remain with me, and the declaration of a Hundred now would not only deprive me of this, but (as I shall show in answering the last question) inflict a ruinous loss upon me.

5. Yes. I have made a very large outlay, entirely on the faith of this agreement, from nearly the whole of which I should otherwise have abstained. I am prepared to give proof of such expenditure in any way that may be required, both as to the amounts and dates. I had already made a considerable outlay on improvements upon my runs immediately after the passing of the Waste Lands Act, 1866; but leaving out all outlay prior to 31st March, 1867, and taking only that made in one single year afterwards (in order to simplify any verification that may be demanded, my annual accounts being made up to 31st March in each year), I find that in fencing alone I laid out more than £3000, besides outlay on other improvements, such as enlargement of existing buildings, cultivation of ground, and otherwise preparing completely for a station, intended permanently to depasture from 50,000 to 60,000 sheep. Of the outlay since 31st March, 1868, I will only take the single item of fencing—more than £1300. Now I ask whether any man in his senses would have undertaken such an outlay unless he had reason to feel safe against the declaration of a Hundred? To have done so, would have been a folly, of which I don't think I could reasonably be suspected. At any rate, I repeat most positively that out of this large outlay, a very small sum only would have been incurred but for the belief that I was entirely safe from the declaration of a Hundred. But it was not alone in improvements that I made outlay, from which I should have abstained, except for the agreement. I entered into large engagements for the purchase and leasing of land. In 1867, I made engagements for the lease and ultimate purchase of a block of about

Mr. F. D. Bell. Continued.

4000 acres on one side of the Valley (made up chiefly of lands just then bought from the Crown by myself and others), and for another block of about 1500 acres on the other side of the Valley. At a later period, in the early part of 1868, I made a further arrangement for another block of about 4500 acres of land, only recently bought from the Crown, in the Valley, and again for other land to the extent of more than 1000 acres more. And I have had many teams at work all through the past summer ploughing, besides a further considerable expense in laying down land to grass. Not one shilling of all this would have been spent, not a single engagement made for the freehold, but for this agreement with the Government. I felt perfectly safe, for, as I said in my evidence before the Committee of the Assembly last session, on whose recommendation this Commission was appointed, I could not suppose that the agreement would be "claimed by the Government to-day in order to enforce my consent to the sale of the land, and then repudiated to-morrow, in order to evade the limitation of the quantity to be opened for sale." Nor, indeed, has this ever been done, and the Provincial Government have throughout acted in entire good faith towards me. I refrain from adding to the above items, a large outlay I made in the purchase of stock on the faith that I should retain the runs if I gave up the block for sale, for it may be said that this stock can be sold again, and th t I should only incur in its sale a proportionate loss attending the general depreciation in the value of cattle and sheep. I limit the answer to question 5 to that kind of expenditure which is planted on the soil, which cannot be removed, which was requisite for the permanent working of a large station, but most of which would be useless if the owner of the run were dispossessed.

One word in conclusion. Some members of the Provincial Council appearing to consider (during debates last session) that I was obtaining undue advantages by this agreement, I felt it incumbent on me, when the application was before the General Government to take the block out of the Goldfields in order to carry out the agreement—to point out distinctly the effect of it, and to state, before my decision was come to, the objections which I had heard urged against it. And I suggested generally in the form of a question to the Hon. Major Richardson, before the Select Committee, whether it would not be expedient on public grounds to refrain from taking any steps that might create precedents or determine questions involving so many private interests, pending the enquiry of the present Commission. The General Government have, however, proclaimed the Shag Valley Block out of the Goldfields, and I have been informed that the sale is to go on.

F. D. Bell.

No. 103.

No. 103. *His Honor J. Macandrew.* In addition to Nos. 84, 96. and 97.

His Honor the Superintendent (previously sworn), put in following statement, *in re* evidence of the Hon. Major Richardson.

Major Richardson's assertions as to the mal-administration of the Waste Lands Act and the Goldfields Act by the present Provincial Executive are couched in such general terms that it is impossible to rebut them, except by a general disclaimer. Had he condescended to prefer any specific charge, no doubt a specific answer could have been given. He says—"It appears to me that these laws have not been, and are not being, properly administered, especially as regards the sale of lands within Hundreds, at the small price of 10s an acre, and the sale of land generally by small selected blocks." As regards his first objection, viz., as to the sale of land by auction at an upset price of 10s an acre, I have simply to refer to section XXXV. of the "Otago Waste Lands Act, 1866," and to the Votes and Proceedings of the Provincial Council of Otago, Session XXII, page 31, and Session XXIV., page 120, and to the Provincial Solicitor's opinion, (copy of which is forwarded herewith); and to state that no sale has taken place, excepting in strict accordance with the terms and conditions prescribed in said section. It is worthy of remark, that the first occasion on which the Provincial Council signified to the Superintendent its concurrence in the sale of land by auction at 10s an acre (upset price), the resolution was signed by Major Richardson himself, as Speaker, notwithstanding the fact that he now pronounces such resolution to have been illegal. As to the allegation that the Waste Lands Board refused to receive applications for land within certain Hundreds for two to three years after the Hundreds were proclaimed, it would be well if the Commission would make its enquiry into the administration of the Waste Lands of the Province so far retrospective as to ascertain how it was that the Land Board was permitted to act so illegally. I am not aware that the Waste Lands Board had power to over-ride the law by any arbitrary regulation it might have chosen to lay down. I was for years a member of the Board prior to the time now alluded to, and from my own recollection, can state that it was a very common occurrence to receive applications for land before survey. As the law stands, I apprehend that it is quite competent for any applicant for land within a newly proclaimed Hundred to compel the Waste Lands Board to receive his application; such being the case, it follows that all land must be held as being open for selection the moment it is duly proclaimed into a Hundred. If the Waste Lands Board did refuse to receive applications for land in the Hundreds referred to by Major Richardson, it is clear that he himself must be held responsible for this illegal action on the part of the Board, inasmuch as he was at the time practically dictator in respect of public affairs within this Province, and, as Superintendent, he had the power of appointing and removing the members of the Board. I have no hesitation in saying, that if the enquiries of this Commission were made retrospective over the past eight years, it would be abundantly proven that the real maladministration of the Waste Lands took place under the Government of Major Richardson, who, with nearly 450,000 acres of land proclaimed into Hundreds in 1860 and 1861, and at a time when hundreds of successful diggers and hundreds of thousands of pounds were eager to acquire land, refused to receive their applications. I believe there never was, and I much fear there is never likely to be again, such an opportunity of settling the

His Honor, J. Macandrew. Additional. Continued.

Province upon an extensive scale as presented itself from 1861 to 1864, and that to the maladministration of the Land Law during that period, the best interests of the Province were sacrificed to an extent which they can never recover. The Hon. Major Richardson, therefore, is the very last man who is entitled to complain against the policy of his successors, engaged, as they have been in contending with, and in striving to extricate the Province from, the legacy of difficulties which have been bequeathed to it chiefly by himself. As regards Major Richardson's second objection, viz., "The sale of land *generally* in small blocks," I presume he refers to blocks taken under the covenants. If so, I have to say that there has only been one such block taken as yet, viz., 8000 acres at Tapanui. Of this some 1200 acres remain unsold. I observe that Major Richardson and Mr. Reid, M.H.R., are both opposed to the sale of land for purposes of revenue. I would simply ask those gentlemen how they would have provided for the numerous public works, roads, bridges, &c., which have been carried out all over the Province throughout the past year—works, many of which were absolutely necessary. It is very evident that if their policy had been in the ascendant, many, if not most of these works, must have stood still. Who will say that the £160,000 which have been expended throughout the interior of the Province during the past year upon public works (almost every farthing of which has been spent upon labor), has not conduced to the real settlement of the country? If the present Provincial Executive had had at its disposl half a million of borrowing power, as well as the large Provincial Revenue which preceding Governments have had, no doubt it could have afforded to nurse the Waste Lands; but, seeing that not only was the borrowing power of the Province all but exhausted when the present Government came into office, but we have had to find a large sum to meet the annual interest and sinking fund in respect of the loans of my predecessors, as well as to pay off the principal of one loan. It must be obvious that, but for its Land Revenue, the colonising operations of the Province, and the opening up of the interior, must of necessity have collapsed. It is very easy, and no doubt very popular, to indulge in general declamations as to the present administration of the Land Laws being detrimental to the interest of settlement, prejudicial to the poor man, and so forth. Probably the best answer to this would be to point to the fact, that during the past two years the number of additional holdings with homesteads throughout the Province, exclusive of town and village sites, amounts to 782—a number which bears no inconsiderable proportion to the whole, and which will compare favorably with the settlement of previous years. I do not adduce that as being by any means a satisfactory rate of progress; on the contrary, I believe that the Province is capable of absorbing many thousands of families; and that, even under the existing Land Law—unsatisfactory as it undoubtedly is—there is ample provision for settlers, both of large and small means, acquiring their own freeholds.

J. MACANDREW, Superintendent of Otago.

Prov. Solicitor's opinion referred to in No. 103.

Provincial Solicitor's opinion, referred to in preceding evidence, No. 103.

Will the Provincial Solicitor be good enough to advise the Government whether, under the 35th clause of the "Otago Waste Lands Act, 1866," the period of seven years within which lands in Hundreds have been open for sale or selection, is to be computed from the date of the proclamation of each Hundred, or whether subsequent notices issued by the Commissioner of Crown Lands to the effect that certain portions of Hundreds were open for sale or selection, are binding on the Government. The Government recently decided to offer for sale the unsold lands in the Hundreds of Oamaru, Otepopo, Moeraki, Hawksbury, and Waikouaiti, which were proclaimed on the 16th August, 1861, and it is now disputed that they were not really open for sale or selection on that date.

(Signed) A. WILLIS,
For the Secretary for Land and Works.

July 29, 1868.

From the date of the proclamation of the Hundred.

(Signed) B. C. HAGGITT, Provincial Solicitor.

July 31, 1868.

Agricultural Statistics referred to in No. 103.

Agricultural Statistics, referred to in preceding evidence, No. 103.

	Holdings.
February, 1869.—Holdings of one acre and upwards	2464
„ 1867 „ „	1682
Increase of holdings in two years	782

NOTE.—In February, 1867, all holdings and gardens, *however small*, were returned.

In February, 1869, holdings of one acre and upwards only were taken, and all gardens, however large, were excluded.

The total number of holdings in 1867 was 1936 (see Gazette for 1867, page 104). Having to-day gone over the original Schedules for 1867, I find that 254 relate to holdings of less than *one* acre or to gardens. This leaves 1682 holdings of an acre or upwards.

JOHN HISLOP,
Superintendent Collector of Agricultural Returns.

Dunedin, March 30, 1869.

RETURN of Names of Purchasers, and the Acreage and Amount of each, in Glenkenich District, Blocks XI., XIII., *and* XIV.—(Forwarded with preceding evidence.) *Return furnished with* No. 103.

Purchasers.	Amount realised.			Acreage.		
	£	s.	d.	a.	r.	p.
Walter Eskdale	209	14	3	203	0	14
John Edgar	22	10	0	22	0	16
Charles Stewart	22	7	6	17	3	38
John Dickison...	665	2	6	661	2	33
John M'Kie	520	12	6	521	0	10
R. T. Elliott	10	18	0	10	1	28
Andrew Pott	125	1	0	121	2	8
Ronald M'Donald	57	19	9	57	3	19
F. W. M'Kenzie	769	9	0	605	2	0
James Duncan	335	2	6	335	2	3
Thomas Jenkins	56	19	0	47	0	29
Hugh M'Intyre	73	16	0	71	2	31
John Trotman	47	7	6	45	1	6
Robt. M'Lelland	10	13	0	8	3	30
Geo. Gammie Maitland	1697	16	6	1512	0	3
Alex. F. M'Kenzie	13	10	0	10	0	0
John M'Farlane	13	0	0	10	0	0
Wm. Strean	12	0	0	12	0	0
Wm. Price	12	0	0	10	0	0
D. and D. Matheson	20	15	0	20	3	0
J. C. Brown	245	16	0	215	1	24
John M'Coll	24	0	0	24	0	12
Michael Duffy...	158	7	6	158	1	38
John Boyd	7	12	6	7	2	36
Thomas Edwards	149	12	6	149	3	9
Alex. White	130	5	0	131	0	1
Wm. Lamb	121	0	0	121	0	22
Daniel Robertson	141	7	6	141	2	4
John Cleghorn	108	7	6	108	2	7
John Paterson	11	5	0	11	1	8
Robert Dunlop	79	2	6	79	0	33

J. T. Thomson, Chief Commissioner.

31st March, 1869.

No. 104.

No. 104. *Return of Land Sales on 27th Feb., 1869.*

RETURN showing the Acreage and amount of each Purchaser in the Hundreds of Popotunoa, Waitahuna, and Pomahaka, at sale on 27th Feb., 1869.

Names of Purchasers.	Amount Realised. £ s. d.	Acreage. a. r. p.	Survey District.
Popotunoa Hundred.			Pomahaka
John Douglas	4279 5 9	7324 1 37	Do.
James Logan	1617 13 0	3067 3 17	Waipahee
Do.	501 10 6	1003 1 9	Pomahaka
Wm, Alex. Tolmie	906 2 6	1616 1 27	Waipahee
Do.	1217 3 9	1959 2 31	Pomahaka
Campbell Thomson	86 14 0	131 1 39	Do.
David M'Kenzie	38 9 0	57 0 8	Do.
James Doughty	77 6 0	85 3 32	Do.
Daniel Clarke	149 19 6	154 1 33	Kuriwao
John Bathgate...	1232 14 0	1635 1 33	Warepa
Edward Hayes...	73 1 6	146 1 7	Pomahaka
John Gibson	491 3 6	863 3 38	
Waitahuna Hundred.			Waitahuna West
James Smith	1148 12 3	2 31	Do.
John Buchanan	59 8 0	2148 1 6	Do.
E. DeCarle	101 3 0	74	Do.
Robert Watson	30 0 0	170 0 11	Waitahuna East and Hillend
F. S. Pillans	409 2 6	40 0 0	Hillend
Maitland Bros.	35 14 0	576 3 37	
		59 2 7	
Pomahaka Hundred.			
John Douglas	233 0 0	347 2 37	Rankleburn
	12,688 2 9	21,463 3 0	

J. T. Thomson,
Commissioner of Crown Lands.

30th March, 1869.

To the Hon. Mr. Domett.

Friday, April 2, 1869.

No. 105.

Mr. Henry Driver (M.H.R., M.P.C.,) being duly sworn, examined:—

No. 105. *Mr. Driver.* 2nd April, 1869.

I am a stock and station agent in Dunedin. I have acted as such for a large number of runholders in the matter of exchanging pastoral licenses for leases. On behalf of several of these, I negotiated arrangements with the Government respecting the reservation of blocks of land and lands to be taken for Agricultural Leases, and leases and covenants were executed between the Government and these runholders, on the basis of the terms I negotiated. My communications were with the Superintendents, Mr. Dick and Mr. Macandrew, and Provincial Treasurer, but more particularly with the latter officer. The agreement with Mr. Dick was simply that the runholders would come under the Act, and take leases for licenses. The negotiations as to the particular conditions, which were in many cases difficult ones, were principally made with the succeeding Government. I cannot say that I understood that any words or covenants in the Deeds of Agreement would directly exempt these runs from being declared into Hundreds. During the period when licenses were exchangeable for leases, much anxiety existed among the runholders, and many discussions took place between themselves and the Government and myself on their behalf, not so much as to the increase of rental required, as to the question, whether, by the exchange, they would gain a more secure tenure. The result was, although I cannot say that it was expressly stated to me by any member of the Government, a general impression that the Government would not take any land for Hundreds if the required blocks were agreed to be given up, except in cases of absolute necessity for settlement, and where the land was purely agricultural. This, I am sure, was

Mr. Driver. Continued.

the view their interviews with the Government impressed in a general way upon the runholders. As an instance of the impression produced upon the public generally of the increased security of tenure given by the leases, I may mention Run 137, close to Tuapeka. This run, under the license, which had four or four and a half years to run, could scarcely have been sold at all. After the lease had been obtained, it became very much in request, and was finally sold for about £6500, without the stock, about 4s per acre. This is the most striking instance, but there were many other similar cases, such as Otakaika (Oamaru District) and Waipori Runs. I myself would never object, on the contrary, I would advocate the making Hundreds of all purely agricultural land, but what I do object to is the wasteful way of declaring large tracts of country into a Hundred, such as that at Mataura, where upwards of 200,000 acres, if I remember, have been thrown open, a mere trifling portion of it even sold—after the lapse of four years—and that portion bought chiefly by the former runholders to secure the right of running stock upon the remainder. A number of people, not connected with the district, also bought small sections of 50 acres or less in this Hundred, and took cattle on terms from various parts of the Province instead of becoming agricultural settlers. A return from the Land Office would show the precise number of purchasers, and the amount of cultivation in this Hundred. I wish to bring under the notice of the Commissioners that, about two or three years ago, there was a considerable agitation to obtain a portion of the run occupied by one Thomas Lees, near Tuapeka, which resulted in the Government agreeing to give the runholder compensation for the run, leaving the amount to be decided by arbitration. The arbitrators awarded the runholder about £1500, and since that time the same person, Lees, has occupied the same country with the same stock, and kept his boundaries as religiously as before. It has even been asserted that the same person is going to sell his right of depasturing upon this land to some one else, in order to emigrate to Australia. The Provincial Government is not at all to blame for this, unless it be for giving way to considerable pressure brought to bear upon them. With the exception of the present constitution of the Waste Lands Board, which I do complain of, I think the present Provincial Government have in all particulars been anxious to administer the Land Laws as equitably as possible. My objection to the present constitution of the Board is, that it is composed of a political body, consisting wholly of the members of the Executive Government of the Province. It is ludicrous to hear this body, as I have frequently done, referring cases for the opinion of the Government. The temptation, to use the immense power given by the right to administer the Waste Lands of the Province for political purposes, and objects, is obvious.

In explanation of my evidence as to the Government under which the covenants were made, I may state that the circular was sent round by Mr. Dick, stating the particular conditions on which the Government would give leases. Some of these were accepted; but where objections were made on the part of the runholders, the discussion of them took place with the succeeding Government.

No. 106.

No. 106. *Agricultural Statistics—Mataura.*

ACCOUNT of Land in Cultivation, and of the Agricultural Produce thereof, within the Hundreds adjoining the Mataura River, Electoral District of Wallace, in the Province of Otago.—(From Returns collected February, 1869.)

Extent of land broken up, but not under crop	160 acres
In Wheat	30 „
Estimated gross produce	761 bushels
In Oats	364 acres
Estimated gross produce	10,865 bushels
In Barley	1 acre
Estimated gross produce	20 bushels
In Hay	21 acres
Estimated gross produce	52 tons
In permanent artificial grass, including land in Hay as above	254 acres
In Potatoes	33 „
Estimated gross produce	193 tons
In other crops	7 acres
No. of Holdings	37

JOHN HISLOP, Superintendent Collector.

No. 107.

No. 107. *Mr. Connell.*

Mr. John Aitken Connell to the Commissoners.

Dunedin, April 1, 1869.

GENTLEMEN—Having been requested by you to give you my opinion upon the operation and administration of the existing laws relating to Waste Lands in this Province, I confine myself to bringing under your notice a single point upon which I consider the whole question hangs, viz.:—Constitution of the Waste Lands Board.

(*a*). The power of nominating the members of the Waste Lands Board is, by the sixth clause of the Otago Waste Lands Act, placed entirely in the hands of the Superintendent. This power has been exercised by him in nominating the members of the Executive Council of the Province as members of

Mr. Connell. Continued.

the Board, the Chief Surveyor being the Chief Commissioner thereof. It is needless for me to point out the evil of such a system, which virtually places the administration of the Land Laws completely in the hands of a political body.

(*b*). The discretionary powers conferred on the Board are very large. Clause XXXIV. of the Act places in the hands of the Board (Provincial Executive) unlimited power to reserve any lands they choose upon the plea that the sale is prejudicial to the public interests, and to withdraw such Reserves at any time contrary to the spirit of Clauses LXII. and LXIII. At this present time there are hundreds of Reserves made in this way of land which is, in very many cases, very properly under reserve, but which is liable to be sacrificed to the immediate necessities of the Government at any moment. The Board have discretionary power to grant or refuse all applications for the purchase of Crown Lands, as well as for licenses and leases for mining or pastoral purposes, Clauses XXXVII., LIII., XCIV., and others. They have also large judicial powers (Clause XV).

I confine myself to bringing this one point under your notice, as I am pursuaded that large discretionary powers must necessarily be conferred upon the administrators of a Land Act, and that the only security against maladministration is to be found in looking very closely into the constitution of the Board of Administrators.

I have, &c.,

JOHN AITKEN CONNELL.

Messrs. Domett, Strode, and Reynolds,
Waste Lands Commissioners.

NOTE.—I have written this letter after having been duly sworn, and believing the statements herein made to be the truth.

JOHN AITKEN CONNELL.

No. 108.

No. 108.
Memo. on Mr. Bell's Evidence.

(Memo on Mr. Bell's Evidence.)

Mr. Reynolds to Mr. Willis.

Can you furnish Commission with extracts of any Executive minute relating to Mr. Bell's lease prior to the 22nd February, 1867.

W. H. R.

Mr. Willis to Commission.

There is no record in the Minutes of the Executive Council, of Mr. Bell's proposals relative to the surrender of his Pastoral Licenses of Runs No. 80, 109, 255, and 261, having been considered by the Government prior to the 22nd February, 1867.

ALEX. WILLIS,

Clerk to the Executive Council.

Dunedin, Otago, April 3, 1869.

No. 109.

No. 109. Return of Purchasers, &c.—Hundreds of Tuturau, Mokoreta, and Toetoes.

RETURN shewing the Number of Purchasers and the Acreage of each Respectively in the Hundreds of Tuturau, Mokoreta, and Toetoes.

No. of Purchasers.	Acreage.			No. of Purchasers	Acreage.			No. of Purchasers	Acreage.			No. of Purchasers	Acreage.		
	a.	r.	p.		a.	r.	p.		a.	r.	p.		a.	r.	p.
				31	9528	3	13	62	14930	3	19	93	20845	2	13
1	1253	0	11	1	60	0	0	1	65	2	14	1	107	2	28
1	677	0	13	1	207	1	9	1	50	0	0	1	50	0	0
1	18	1	24	1	85	0	0	1	75	0	0	1	625	2	0
1	414	2	11	1	171	2	16	1	617	3	16	1	411	0	2
1	99	3	4	1	69	0	2	1	127	2	31	1	402	0	0
1	156	2	34	1	100	2	23	1	62	3	21	1	292	0	0
1	1250	0	0	1	50	0	0	1	89	0	13	1	50	0	0
1	790	0	29	1	350	0	0	1	211	0	16	1	52	0	0
1	1582	0	25	1	450	0	0	1	50	0	0	1	50	0	0
1	250	1	8	1	100	0	9	1	202	1	1	1	50	0	0
1	80	0	0	1	259	0	30	1	77	1	38	1	90	0	0
1	80	0	0	1	50	0	0	1	50	0	0	1	100	0	0
1	200	0	0	1	1285	0	0	1	100	0	0	1	50	0	0
1	871	2	30	1	313	2	20	1	399	1	8	1	50	0	0
1	164	0	30	1	100	1	3	1	200	0	0	1	100	3	12
1	150	0	0	1	99	1	12	1	270	2	7	1	65	3	9
1	50	0	0	1	160	2	25	1	200	1	22	1	66	0	0
1	206	2	0	1	50	0	0	1	242	0	6	1	50	0	0
1	60	0	0	1	152	0	23	1	156	0	24	1	51	0	0
1	50	0	0	1	151	1	24	1	201	1	37	1	80	2	20
1	50	0	0	1	61	3	21	1	295	2	18	1	84	1	0
1	73	3	8	1	100	0	0	1	90	1	33	1	50	0	0
1	201	1	20	1	50	1	6	1	120	3	11	1	108	1	0
1	50	0	0	1	36	0	34	1	1080	0	36	1	53	1	20
1	100	0	0	1	200	0	0	1	80	0	0	1	64	2	0
1	194	1	8	1	49	0	3	1	115	0	23	1	50	0	0
1	50	0	0	1	48	1	4	1	200	0	0				
1	160	0	0	1	100	0	0	1	134	2	24	119	24050	1	24
1	90	3	11	1	50	0	0	1	198	3	35				
1	100	0	0	1	399	0	22	1	100	0	0				
1	44	3	27	1	102	0	0	1	50	0	0				
31	9528	3	13	62	14930	3	19	93	20845	2	13				

8th April, 1869. J. T. Thomson, Commissioner Crown Lands.

No. 110.

No. 110. *Mr. Redmayne.*

Mr. Thomas Redmayne having been duly sworn, gave in the following evidence:—

I am a Land and Estate Agent, and have a freehold at Moeraki of about 800 acres, which I am now cultivating. I have also another freehold, which is let and being improved by the tenant. I have taken considerable interest in the Land Question, since the opening up of the northern portion of this Province for selection. Prior to that time, there was a great cry out against speculators buying up large tracts of country, and holding, without improving, until it increased in value. I then, like many others, was much in favour of the Government reserving from sale a number of allotments in various parts of each district in order to deter large monopolizers. I have had very strong reasons for altering my opinion since then. The smaller capitalists seldom bought land at a great distance from a market, bush, or road, &c., &c. I attended most of the land sales that took place at that time, and know that most of the competition was among the larger capitalists. Very often arrangements were come to privately not to bid against each other. I think the recent enactment in reference to private arrangements has had the desired effect. My reason for altering my opinions, and I believe it is generally acknowledged, that the larger purchasers have greatly benefitted the district and Province by either extensively improving their land themselves, or letting it on advantageous terms to others that have improved it. I do not think that a great portion of the lands that are in the hands of a comparative few, and such a distance from bush and market, &c., would now have been occupied by small settlers. I am strongly of opinion that the present progress and prosperity would not have existed if those lands had not been in the hands of capitalists, who have been the means of enriching many that are now strongest in their complaints. I may instance the reverse of this in the district in which my farm is situated. The lands are in the

Mr. Redmayne. Continued.

hands of a great many small settlers, who have had comparatively few wealthy neighbours to employ them. They have been industriously struggling for years to keep their farms. For this and similar reasons, I am of opinion that the rapid progress of the north is greatly owing to capitalists, who have employed a large number of hands, and extensively improved the country.

For the above mentioned reasons, I think it would be of advantage to the Province to open up for selection considerable tracts of country in various parts, also for giving intending smaller settlers an opportunity of making their choice over a greater area, and for Revenue purposes. It would be of great advantage to squatters to have something like a permanency of tenure, and of advantage to the Province to have something like a fixed Revenue. I believe if the larger squatters had a privilege of purchasing a much larger Pre-emptive Right, say to the extent of a thousand acres, it would encourage better and more permanent improvements in the interior, and would be of advantage to all concerned. I have heard many complaints in the country districts, more especially in reference to the Hundreds or commonage, whilst they do not object to second or third class land being sold at 10s per acre. They would like a Reserve of a considerable commonage in the neighbourhood of settled districts, and which would confer a great boon on many of the needy small settlers. There is a movement on foot just now, which, I believe, if carried out, will settle this difficulty for ever. It will not be opposed to any interest. It is simply that the Government shall receive, during a few years, the annual assessments, &c., on stock, now being derived from the Hundreds, as annual instalments in payment for a permanent commonage, secured to the freeholders, whose cattle depasture, and from whom the payment is derived. I am of opinion that if the proposed scheme is properly carried out, a satisfaction and inducement to settle on the land will be conferred that nothing else practical will secure. The proposal is not to receive a commonage as a free grant, but simply to purchase on deferred payments. I am further of opinion that if this scheme is carried out throughout the Colony, and properly understood in the Home country, it would be an encouragement for immigrants to prefer New Zealand to other countries. Amongst other reasons why the smaller settlers feel the want of commonage is, that the purchased lands heretofore unimproved, are now being fenced in—the reserves bought up, and the mountain ranges sold at 10s per acre. Many small settlers have told me that they never would have been able to keep their farms if they had not received occasional employment amongst their neighbours. I have myself employed several such during the last seven years. I think an enactment, empowering a Farmers' Bank, would be of great benefit if conducted similar to some in the Home country, wherein they might hypothecate their crops, lands, or cattle, and obtain temporary advances, &c.

THOMAS REDMAYNE.

No 111.

No. 111. *Return of Persons employed by N.Z. and A.L. Co. Otago.*

RETURN, showing Number of Persons employed on N. Z. and A. L. Co.'s Stations, Province of Otago.

Station.	Men.	Women.	Children.	Total No. of Persons.	
Ardgowan	36	2	1	39	
Clydevale (Farm)	40	4	8	52	
Clydevale	15	2	10	27	
Kawarau	30	2	3	35	
Kourow	30	3	8	41	
Merrie Creek	11	3	4	18	
Moeraki	17	3	6	26	
Totara	123	12	16	151	
Waitepeka	18	1	2	21	
	320	32	58	410	

NOTE.—The above statement is as at 31st January, 1869, and no allowance is made for sheepshearers and other temporary employés.

N. Z. & A. L. Co. (Limited.)

JOHN DOUGLAS, Agent.

Dunedin, April 2, 1869.

RETURN of Persons employed on N. Z. and A. L. Co.'s Stations, Province of Southland.

Return. Continued. Southland.

Station.	Men.	Women.	Children.	Total No. of Persons.
Aparima	2	0	0	2
Edendale	35	4	6	45
Flemington	29	1	4	34
Hunter's Bush...	23	1	3	27
Mataura Plains	20	4	1	25
Morton Mains...	32	6	18	56
Oteramika	13	2	4	19
Seaward Downs	10	2	4	16
Spurhead Bush	1	1	0	2
Waimumu	12	0	0	12
Woodlands	22	4	6	32
	199	25	46	270

NOTE.—The above is as at 31st January, 1869, and no allowance is made for sheepshearers and other temporary employés-

N. Z. & A. L. Co. (Limited.)

JOHN DOUGLAS, Agent.

Dunedin, April 2, 1869.

No. 112.

Mr. Henry Dyer Maddock's Additional Evidence, being answers to the Questions submitted in writing March 30, 1869.—[See No. 99]

No. 112. *Mr. Maddock.* Additional.

Questions.

1. What right or power was there possessed by the Superintendent before the covenant was made, the exercise of which was supposed or implied to be contrary to the covenant, as the insertion of the words quoted necessarily involve such supposition or implication?

2. Can the words at the end of Section 82 of the "Waste Lands Act, 1866," "the term for which the license was originally held," be construed to apply to any period after the license had been given up or exchanged for a lease?

Answers.

1. The right to declare into Hundreds—if the Runholder consented to give up the quantity of land particularly specified in the covenant—for the words quoted necessarily involve that such was the intention, or the covenant could mean nothing.

2. Yes, in my opinion, the period referred to in the section is the expiration of the term for which the license was granted, as if there had been no surrender of the license and lease granted. The intended meaning, I take it, of the provision is, that the Runholder shall not be entitled to compensation for any improvements that shall have been, or shall be, made during the term for which he would have held the lands under his license if no lease had been granted. The word "made," or some such similar meaning, to make sense of the clause, appears to have been ommitted after the word "improvements."

H. D. MADDOCK.

Dunedin, April 13, 1869.

MONDAY, APRIL 19, 1869.

Mr. Henry Driver, (M.H.R., M.P.C.,) being duly sworn, further examined:—

Mr. Driver. In continuation of No. 105. 19th April, 1869.

In continuation of my former evidence, given on the 2nd April inst., with regard to the Run occupied by Thomas Lees, I have to say that, to the best of my belief, he paid to Mr Cumming, the former owner of the Run, the sum of £900 for the Run, together with about 900 sheep, the sheep being estimated at the time to be worth nearly the full amount paid. The compensation Lees received from the Government was about £1450 for the Run alone.

No. 113.—DEED OF COVENANT.

No. 113. *Deed of Covenant.* (1.) *Mr. H. D. Maddock, Provincial Solicitor.*

(Form 1.)

THIS DEED is made the day of A.D. 1867, Between

Deed of Covenant. Continued.

in the Province of Otago and Colony of New Zealand of the one part and James Macandrew as Superintendent of the Province of Otago of the other part Whereas the said lately entitled to occupy that piece or parcel of land comprised in the lease hereinafter recited under and by virtue of a Depasturing License No. And whereas the said elected to surrender the said License and to receive from the Waste Lands Board a Lease for the said piece or parcel of land under and in pursuance of the provisions of the Otago Waste Lands Act 1866 And whereas the said Waste Lands Board hath cancelled the said License and hath granted to the said the said Lease hereinafter recited for the remainder of the term which was unexpired at the time of the cancellation of such License and ten years added thereto And whereas by Deed of Lease bearing even date herewith but executed immediately before these presents and made between Her Majesty the Queen of the one part and the said (thereinafter called the Lessee) of the other part It is witnessed that in pursuance of the said "Otago Waste Lands Act 1866" Her Majesty the Queen did thereby demise and lease unto the said executors administrators and assigns All that

excepting nevertheless all public roads timbered land and other reserves to hold the same unto the said executors administrators and assigns (subject to the terms and conditions by the said Act imposed and other terms and conditions implied in Leases under or by virtue of any Law or Ordinance of New Zealand) for the term of to be computed from the day of 186 And whereas the district in which the said piece or parcel of land comprised in the said hereinbefore recited Deed of Lease is now or may hereafter be proclaimed into a Goldfield under the "Goldfields Act 1866" And whereas by the said "Goldfields Act 1866" the said James Macandrew as such Superintendent as aforesaid is authorised in the event of the said piece or parcel of land comprised in the said hereinbefore recited Deed of Lease being situated within a Goldfield to cause to be selected and set apart a part of the said piece or parcel of land not exceeding 5000 acres for the purpose of granting Agricultural Leases thereon and therefor And whereas the said entitled to compensation in manner provided by Sections 17 and 18 of the said "Goldfields Act 1866" for any lands which may be so selected and set apart as aforesaid And whereas the said agreed with the said James Macandrew as such Superintendent as aforesaid causing at any time or times hereafter a portion or portions of the said piece or parcel of land not exceeding in the whole 5000 acres to be selected and set apart for the purposes aforesaid to accept compensation for the said portion or portions which may be so selected and set apart as aforesaid in respect only of the remainder of the term granted by the said Depasturing License which was unexpired at the time of the cancellation of such License and to enter into the covenant hereinafter contained Now this Deed witnesseth that in pursuance of the said Agreement in this behalf and in consideration of the premises and also in consideration of the sum of 10s sterling in hand paid by the said James Macandrew as such Superintendent as aforesaid to the said at or before the execution hereof (the receipt whereof is hereby acknowledged) the said do hereby for heirs executors administrators and assigns covenant with the said James Macandrew as such Superintendent as aforesaid his successors in office and assigns that in the event of the said James Macandrew as such Superintendent as aforesaid his successors in office and assigns causing at any time or times hereafter to be selected and set apart any portion or portions of the said lands not exceeding in the whole 5000 acres comprised in and demised by the said hereinbefore recited Deed of Lease for the purpose of granting Agricultural Leases thereon and therefor and upon the cancellation of the said hereinbefoae recited Deed of Lease either over the whole of such selected lands or over such portions only thereof as shall from time to time be occupied for agricultural purposes in manner provided by the "Goldfields Act, 1866" the said executors administrators or assigns shall not nor will claim from the said James Macandrew as such Superintendent his successors in office and assigns or from the Government of the said Province of Otago for the time being any compensation for or in respect of the period of ten years for which the said lands to be so selected and set apart as aforesaid or such part thereof as may be granted for agricultural purposes were *inter alia* in addition to the remainder of the term unexpired at the time of the cancellation of the said license as aforesaid granted by the said hereinbefore recited Deed of Lease under and in pursuance of the provisions of the said "Waste Lands Act 1866" Provided always and it is hereby declared and agreed by and between the said parties hereto that nothing herein contained shall in anywise prejudicially affect or abridge the rights of the said executors administrators and assigns under and by virtue of any of the provisions contained in the said "Goldfields Act 1866" or the said "Waste Lands Act 1866" or of any law for the time being in force in the said Colony relating to the Goldfields or to the Waste Lands of the Crown in the Province of Otago aforesaid Provided always and it is hereby further declared and agreed by and between the said parties hereto that these presents shall in no wise be held or construed to abridge limit or interfere with the rights and powers of the said James Macandrew as such Superintendent as aforesaid his successors in office and assigns under and by virtue of the said "Goldfields Act 1866" or of the said "Waste Lands Act 1866" or of any law for the time being in force in the said Colony relating to the Goldfields or to the Waste Lands of the Crown in the Province of Otago aforesaid unless such rights and powers shall be contrary thereto.

In witness whereof the said ha hereunto set hand and seal and the said James Macandrew hath hereunto subscribed his name and hath caused the Public Seal of the said Province of Otago to be affixed hereto the day and year first above written.

Signed sealed and delivered by the abovenamed in the presence of

Signed by the abovenamed James Macandrew and sealed with the Seal of the Province of Otago in the presence of

No. 114.—DEED OF COVENANT.

Deed of Covenant.
(2.)
No. 114.

(Form 2.)

THIS DEED is made the of A.D. 186 Between of in the Province of Otago and Colony of New Zealand of the one part and James Macandrew as Superintendent of the said Province of Otago of the other part Whereas the said the holder of a certain Depasturing License No. to depasture stock upon the Waste Lands of the Crown within the District Province of Otago aforesaid the boundaries whereof are mentioned or referred to in the said License And whereas the said elected to surrender the said recited License and to receive from the Waste Lands Board of the Province of Otago a lease of the lands held under the said License and hath given to the said Board a notice in writing of his election to surrender the said License and to come under the provisions of "The Otago Waste Lands Act 1866" And whereas the said James Macandrew as such Superintendent as aforesaid is empowered by the said Act to instruct the said Board to refuse to grant the said Lease And whereas under the 83rd section of the before mentioned Act it is amongst other things provided that during the currency or term of any lease of pastoral lands situated outside the boundaries of any Hundred granted under the said Act if the terms and conditions of such lease and the provisions contained in said Act be and continue to be duly performed and complied with and if no Hundred be proclaimed including such lands the lands comprised in such lease should not be liable to be sold without the consent of the holder of such lease And whereas the said James Macandrew as such Superintendent as aforesaid hath deemed it expedient that the lease next hereinafter recited should be granted to the said of the lands held under the said hereinbefore mentioned License in consideration of the said entering into the covenant hereafter contained which consented and agreed to do as and in manner hereinafter appearing And whereas by Deed of Lease bearing even date herewith but executed immediately before these presents and made between Her Majesty the Queen of the one part and the said (thereinafter called the Lessee) of the other part It is witnessed that in pursuance of the said "Otago Waste Lands Act 1866" Her Majesty the Queen did demise and lease unto the said executors administrators and assigns all that excepting nevertheless all public roads timbered land and other reserves to hold the same unto the said executors administrators and assigns (subject to the terms and conditions by the said Act imposed and other the terms and conditions implied in leases under or by virtue of any Law or Ordinance of New Zealand) for the term of to be computed from the day of 186 Now this Deed witnesseth that in pursuance of the said agreement in this behalf and in consideration of the premises the said do hereby for heirs executors administrators and assigns covenant with the said James Macandrew as such Superintendent as aforesaid his successors in office and assigns that if the Waste Lands Board of the Province of Otago for the time being shall with the consent of the said James Macandrew as such Superintendent as aforesaid his successors in office or assigns determine to sell or cause to be sold any part or parts of the lands comprised in the hereinbefore recited Deed of Lease and of such determination shall give to the said executors administrators or assigns one calendar month's previous notice in writing under the hand of the Chief Commissioner for the time being of the said Board by delivering the same to the said executors administrators or assigns or some or one of them or by leaving or sending the same through the medium of any post office addressed to him or them at his or their respective usual or last known place or places of abode or by leaving the said notice upon or affixing it to some part of the said Run No. (in which last mentioned case every such notice shall be sufficient though not addressed to any person or persons by name or designation) and shall in such notice as aforesaid set forth a true and accurate description of the part or parts of the land proposed or intended to be sold then and in such case the said executors administrators and assigns shall and will give grant and allow to the said Board and their successors full power liberty and authority to sell and dispose of or cause to be sold and disposed of and to the said James Macandrew as such Superintendent as aforesaid his successors in office and assigns full liberty and authority to permit and suffer to be sold and disposed of such part or parts of the land comprised in the said Deed of Lease not exceeding in the whole acres as shall in the said notice be described without applying to or receiving or being entitled to receive from the said Board and their successors or from the said James Macandrew as such Superintendent as aforesaid his successors in office and assigns or from the Provincial Government for the time being of the Province of Otago any consideration or compensation therefor or any part thereof Provided always and it is hereby declared and agreed by and between the said parties hereto that such part or parts of the land comprised in the said Deed of Lease not exceeding in the whole acres hereinbefore covenanted by the said to be allowed and permitted to be sold and disposed of as aforesaid shall not be selected or sold in more than three blocks And the said do hereby for heirs executors and administrators further covenant with the said James Macandrew as such Superintendent as aforesaid his successors in office and assigns in manner following (that is to say) that the said executors administrators or assigns shall and will at any time after the expiration of the said notice hereinbefore mentioned suffer and permit any person or persons who may be desirous of purchasing the parcel or parcels of land in the said notice described or any part thereof to enter into and upon the same for the purpose of viewing and inspecting the state and condition thereof And shall and will at any time after the expiration of the said notice hereinbefore mentioned as aforesaid permit and allow the Waste Lands Board of the Province of Otago for the time being or the Chief Commissioner of the said Board for the time being to cause the said parcel or parcels of land described in the said notice or any part or parts thereof respectively to be properly and completely surveyed And

Deed of Covenant. (2) Continued.

also shall and will on any part or parts of the said parcel or parcels of land in the said notice described as aforesaid being sold at the request of the said Board or the Chief Commissioner thereof vacate and deliver up the entire and sole use and possession of the part or parts so sold to the purchaser or purchasers of the same And also shall and will on the whole of the said parcel or parcels of land described in the said notice being sold surrender and yield up to Her Majesty the Queen and her successors all the estate right title interest term of years benefit claim and demand both at law and in equity of the said of in to out of or upon the said parcel or parcels of land and every part thereof to the intent that the residue then unexpired of the said term of years of the said in and to the said parcel or parcels of land in the said notice particularly described may be merged and for ever extinguished in the freehold revision and inheritance of the same premises And also that if the said executors administrators or assigns shall refuse or neglect to vacate and deliver up the entire and sole use and possession of the said parcel or parcels of land in the said notice described to the purchaser or purchasers thereof or shall refuse or neglect to surrender and yield up the said parcel or parcels of land as aforesaid on the same being sold as aforesaid he or they shall and will pay to the said Board and their successors the sum of as and by way of liquidated and ascertained damages and that it shall be lawful for the purchaser or purchasers to enter into and upon the piece or parcel of land purchased by him or them and the same to have retain possess and enjoy without any let suit interruption or hindrance from the said heirs executors administrators or assigns and without being liable for any damages therefor And the said James Macandrew doth hereby for himself his successors in office and assigns covenant with the said executors administrators and assigns that he the said James Macandrew as such Superintendent as aforesaid his successors in office and assigns shall and will on the said parcel or parcels of land described in the said notice hereinbefore mentioned as aforesaid being sold as aforesaid and possession thereof being given to the purchaser or purchasers immediately thereupon procure the said Board to make and allow or cause to be made and allowed to the said executors administrators and assigns a proportionate reduction of the rent or assessment paid by the said executors administrators and assigns to the Receiver of the Land Revenue for the said Province of Otago under and by virtue of the said lease such reduction to be made and calculated from the day of such sale as aforesaid and be allowed in the proportion which the carrying capacity of the number of acres so sold as aforesaid shall bear to the total carrying capacity of the acreage of the run Provided always and it is hereby expressly declared and agreed by and between the said parties hereto that these presents shall in no wise be held or construed to abridge limit or interfere with the rights and powers of the Governor of New Zealand or of the said James Macandrew as such Superintendent as aforesaid his successors in office and assigns under and by virtue of the said "Otago Waste Lands Act 1866" or the "Goldfields Act 1866" or under and by virtue of any Law for the time being in force in the said Colony relating to the Waste Lands of the Crown or the Goldfields in the Province of Otago unless such rights and powers shall be contrary hereto.

In witness whereof the said ha hereunto set hand and seal and the said James Macandrew hath hereunto subscribed his name and hath caused the Public Seal of the said Province to be affixed hereto the day and year above written.

Signed sealed and delivered by the above named in the presence of

Signed by the above named James Macandrew and sealed with the Seal of the Province of Otago in the presence of

No. 115.—RETURN RESPECTING RUNS.

No. of Run.	Names of Licensees and Lessees.	Area of Run.	Date of Expiry of Original License	Date Runholder came under Act 1866.	Acreage reserved for Agricultural Leasing.	Acreage reserved for Sale.	Situation of Run.	No. of Stock on each Run.		Amount of Assessment paid, year 1867-68.			Remarks.
								Great Cattle.	Small Cattle.				
		Acres.			Leasing.	Sale.				£	s.	d.	
11	Mathew Holmes	12,000	Jan. 1, 1866	Between Oct. 8 and April 8, 1867	...	...	...	...	2,570	74	19	2	
12	Fenwick Brothers	6,000	,,	,,	...	...	...	...	1,000	29	3	4	
17	Joshua James M'Evoy ...	34,560	July 10, '68	,,	...	7,000	...	...	9,786	285	8	6	Lease not completed
20	Gellibrand & Smith	22,500	Jan. 2, '68	,,	...	...	Gold Field	...	9,867	287	15	9	Do. do.
23	The New Zealand and Australian Land Company (Limited) ...	47,000	Dec. 22, '70	,,	...	...	...	77	18,450	551	12	0	
24A	John Bathgate	3,000	June 13, '71	,,	...	...	...	...	1,200	35	0	0	
28	R. Campbell, jun.	51,200	Sept. 11, '68	,,	...	15,000	...	57	22,157	656	4	5	Covenant completed
31	H. C. Robison	12,000	June 12, '68	,,	...	3,000	...	...	3,900	113	15	0	Do. do.
35	F. S. Pillans	5,000	June 27, '68	,,	...	...	...	20	2,000	61	16	8	
36	J. P. & G. H. Maitland ...	4,000	,,	,,	...	...	...	...	2,000	58	6	8	
39	N. J. B. M'Gregor	17,920	June 30, '68	,,	...	...	Gold Field	105	4,775	157	12	11	
39B	Wm. St. Paul Gellibrand ...	19,000	Dec. 3, '73	,,	...	...	,,	100	9,440	292	16	8	
48	J. & F. C. Fulton	32,640	June 28, '68	,,	...	15,000	,,	...	6,704	195	10	8	Covenant completed
51	H. Cable & D. Drummond ...	26,000	May 29, '68	,,	...	...	...	10	5,500	162	3	4	
52B	John Low	40,000	July 10, '68	,,	...	8,000	Gold Field	30	7,000	209	8	4	Covenant completed
57	Mathew Holmes	8,000	June 28, '68	,,	...	...	,,	...	...		...		Stock included in Return for Run 185
61	Wm. Brunton	3,200	July 16, '68	,,	...	...	...	34	1,700	55	10	8	Stock on Runs 61 and 62 included in one Return
62	Wm. Brunton	13,446	May 29, '68	,,	...	...	...						
64	Campbell Brothers	2,000	Oct. 16, '69	,,	...	...	...	30	...	5	5	0	Lease not completed
66	Shanks & Sons	3,520	April 7, '71	,,	...	...	...	40	...	11	13	4	
67	Hy. Driver & A. A. M'Donald...	5,100	Feb. 18, '71	... ...	...	...	...	...	2,000		...		Original License not surrendered
72	Thomas T. Ord	20,480	Aug. 27, '68	Between Oct, 8 and April 8, 1867	...	...	...	200	7,000	239	13	4	
74	R. Little	5,120	July 6, '68	,,	...	...	...	...	900	26	5	0	
75	John & Allan Boyd	28,160	June 28, '68	,,	...	...	Gold Field	43	9,000	270	0	6	
76	Alfred Sydney Jones	4,160	July 15, '68	,,	...	...	...	...	2,000	58	6	8	
					...	48,000							

RETURN RESPECTING RUNS—*Continued.*

No. of Run.	Names of Licensees and Lessees.	Area of Run.	Date of Expiry of Original License.	Date Runholder came under Act 1866.	Acreage reserved for Agricultural Leasing.	Acreage reserved for Sale.	Situation of Run.	No. of Stock on each Run.		Amount of Assessment paid, year 1867-68.			Remarks.
								Great Cattle.	Small Cattle.				
		Acres.				48,000				£	s.	d.	
77	John Orbell	19,200	July 16, '68	Between Oct. 8, and April 8, 1867	...	...	¼th in G. F.	...	13,000	379	3	4	
78	H. C. Robison	22,400	Aug. 18, '70	,,	..	3,000	...	178	7,402	247	0	10	Covenant completed
79	Sutton's Trustees	26,240	July 15, '68	,,	...	...	...	32	9,700	288	10	4	
80	F. D. Bell	10,520	Oct. 15, '68	,,	...	15,000	...	...	8,000	233	6	8	The Reserve of 15,000, applies to Runs Nos. 80, 109 & 255. Covenant completed
88	J. A. R. Menzies	6,000	Aug. 14, '68	,,	...	...	...	102	500	32	8	8	
90	The New Zealand and Australian Company (Limited) ...	30,080	May 10, '70	,,	...	3,000	...	218	4,852	179	13	4	Covenant completed
92	Borton, M'Master, and Gardner	1,200	Aug. 14, '68	,,	...	...	...	1	500	14	15	2	
94	Walter Miller	4,000	,,	,,	...	...	...	35	2,500	79	0	10	
96	Robert Campbell	7,040	May 9, '70	,,	...	..	...	...	2,100	61	5	0	
98	W. H. Teschemaker	12,000	Oct. 24, '69	,,	...	...	...	...	4,000	116	13	4	
99	Webster, Aitken, & M'Candlish	400	,,	,,	...	..	...	...	150	4	7	6	Lease not completed
102	Thomas Trumble	20,480	Mar. 12, '71	,,	...	5,000	...	324	6,800	255	0	8	
106	James Smith	10,000	Sept. 2, '71	,,	...	5,000	¼th in G. F.	...	6,000	175	0	0	Covenant completed
109	F. D. Bell	50,560	May 27, '71	,,	...	See note on Run 80	Gold Field	...	20,000	583	6	8	
111	Alexander M'Nab	54,680	Nov. 4, '70	,,	...	...	...	268	26,000	805	4	8	
121A	Wm. St. Paul Gellibrand ...	22,400	Mar. 22, '70	,,	...	...	Gold Field	17	7,097	209	19	5	Lease not completed
121B	Wm. St. Paul Gellibrand ...	24,320	,,	,,	...	500	⅔rds in G. F.	...	7,000	204	3	4	Do. do.
122	George Hay	10,880	Feb. 12, '70	,,	...	...	...	108	2,030	78	2	2	
123	James Smith	26,240	July 10, '70	,,	...	5,000	Gold Field	...	9,000	262	10	0	Covenant completed
129	James Brugh	20,480	July 20, '71	,,	...	6,000	...	541	2,550	169	1	0	Do. do.
131	J. T. T. Boyd	32,640	Dec. 8, '72	,,	...	...	...	7	7,803	228	16	3	
132	Driver & M'Donald	26,240	Dec. 4, '72	,,	...	...	...	43	11,875	353	17	7	
134	Thomas Ferens	26,240	May 9, '71	,,	...	...	...	...	12,800	373	6	8	
137	Driver, M'Lean & Co.	30,080	Dec. 4, '72	,,	5,000	...	Gold Field	406	3,700	178	19	4	Covenant completed
140	G. G. Maitland	35,840	Mar. 2, '72	,,	...	8,000	...	105	12,578	385	4	8	Do. do.
160	M'Master & Teschemaker ...	37,760	Mar. 1, '71	,,	...	...	..	69	17,800	531	4	10	
161	Driver, M'Lean & Co.	20,080	May 29, '71	,,	...	...	...	166	2,797	110	12	7	
162	Driver, M'Lean & Co.	28,160	,,	,,	...	...	...	164	6,562	220	1	10	
163	Wm. Pinkerton	30,080	July 15, '71	,,	...	8,000	1-5th in G. F.	392	12,300	427	7	0	Covenant completed
167A	Robert Stuart	21,440	Dec. 4, '72	,,	...	6,000	...	15	15,000	440	2	6	Do. do.
					5,000	112,500							

RETURN RESPECTING RUNS.—*Continued.*

No. of Run.	Names of Licensees and Lessees.	Area of Run.	Date of Expiry of Original License	Date Runholder came under Act 1866.	Acreage reserved for Agricultural Leasing.	Acreage reserved for Sale.	Situation of Run.	No. of Stock on each Run.		Amount of Assessment paid, year 1867-68.			Remarks.
								Great Cattle.	Small Cattle.	£	s.	d.	
		Acres.			5,000	112,500							
167B	Hugh M'Intyre	21,440	Dec. 4, '72	Between Oct. 8 and April 8, 1867	...	6,000	...	79	14,000	422	3	2	
168	F. W. M'Kenzie	15,360	Mar. 16, '71	,,	...	5,000	...	21	8,940	264	8	6	Covenant completed
170	Rutherford & Grant	30,080	Dec. 4, '72	,,	...	...	Gold Field	11	10,300	302	6	10	
171	H. J. Miller	34,560	Sept. 4, '72	,,	...	...	$\frac{1}{3}$rd in G. F.	...	10,100	294	11	8	
172 A B	R. W. Aitken	21,000	Jan. 1, '72	,,	...	5,000	...	207	5,329	191	13	1	Covenant completed
175A	James Logan	23,120	Sept. 26, '72	,,	...	6,000	...	15	20,413	598	0	1	Do. do.
175B	Charles Ibbotson	30,000	,,	,,	...	...	...	54	12,017	359	18	11	
176	Mathew Holmes	25,000	Sept. 13, '71	,,	...	...	...	41	4,000	123	16	10	
177	De Vœux & Cogle	15,360	April 12, '73	... ...	...	...	...	258	...		...		Original License not surrendered
178	J. B. & E. J. Schlotel	24,960	Dec. 4, '72	Between Oct, 8 and April 8, 1867	2,500	...	$\frac{1}{3}$rd in G. F.	23	11,400	336	10	6	Covenant completed
179	New Zealand and Australian Land Company (Limited) ...	15,000	Dec. 11, '72	,,	...	...	Gold Field	...	500	14	11	8	
185	Mathew Holmes	30,080	,,	,,	500	...	,,	16	13,000	381	19	4	Return includes stock on Run 57, Cov. completed
186	J. & F. Fulton	37,760	,,	,,	..	...	,,	...	6,705	195	11	3	Return includes stock on Run 259
189	Campbell & Low	50,560	May 11, '74	,,	...	...	...	102	44,000	1,301	3	8	Return includes stock on Runs 1, 2 and 3 of C.
193	C. L. Swanston	32,000	Dec. 4, '72	,,	...	5,000	$\frac{3}{4}$ths in G. F.	...	9,127	266	4	1	Covenant completed
194	C. L. Swanston	30,080	,,	,,	3,000	5,000	Gold Field	217	14,900	472	11	2	Do. do.
199	Cargill & Anderson	64,000	Dec. 17, '72	,,	5,000	...	...	107	16,500	499	19	6	Do. do.
200	Walter Miller	48,000	Dec. 11, '72	,,	2,500	...	Gold Field	32	18,000	530	12	0	Do. do.
201	H. E. T. Young & F. G. Dalgety	73,000	Sept. 5, '72	,,	...	...	...	38	20,023	590	13	1	
202	Charles Ibbotson	34,560	Dec. 4, '72	,,	...	...	...	27	11,661	344	16	9	
203	Joseph Preston	32,640	Dec. 3, '72	,,	...	...	...	38	14,010	415	5	6	
204	Rowley & Hamilton	44,160	Sept. 5, '72	,,	5,000	...	Gold Field	118	18,551	561	14	5	Covenant completed
205	D. F. Main	38,500	,,	,,	5,000	...	,,	28	16,283	479	16	5	Do. do.
206A	William Sanders	31,000	,,	,,	5,000	...	,,	44	18,000	532	14	0	Do. do.
206B	Borton, M'Master & Gardiner ...	26,000	,,	,,	...	...	,,	2	7,000	204	10	4	
209	Mathew Holmes...	13,000	,,	,,	...	...	...	...	2,570	74	19	9	
210	Hankey, White & Morton ...	58,880	Sept. 4, '72	,,	3,000	...	Gold Field	31	20,002	588	16	4	Covenant completed
211	William Sanders	44,800	Sept. 5, '72	,,	...	...	Nearly all in Gold Field	...	4,450	129	15	10	
					36,500	144,500							

RETURN RESPECTING RUNS.—*Continued*

No. of Run.	Names of Licensees and Lessees.	Area of Run.	Date of Expiry of Original License.	Date Runholder came under Act 1866.	Acreage reserved for Agricultural Leasing.	Acreage reserved for Sale.	Situation of Run.	No. of Stock on each Run.		Amount of Assessment paid, year 1867-68.			Remarks.
								Great Cattle.	Small Cattle.	£	s.	d.	
		Acres.			36,500	144,500							
212A	W. H. S. Roberts	28,160	Dec. 4, '72	Between Oct. 8 and April 8, 1867	...	6,000	...	40	11,593	345	2	7	Covenant completed
212B	G. A. & C. B. Chalmers ...	19,200	,,	,,	...	6,000	Gold Field		5,000	145	16	8	Do. do.
213A	M'Farlan & Humpheys ...	25,600	Dec. 17, '72	,,	...	...	,,	67	15,100	452	2	10	
213B	Gordon & Shepherd	26,800	,,	,,	...	10,000	,,	67	16,000	478	7	10	Covenant completed
214	Joseph Rogers	24,000	Nov. 21, '70	,,	...	...	,,		8,000	233	6	8	
215	G. A. & C. B. Chalmers ...	71,040	Dec. 4, '72	,,	5,000	...	,,	206	23,006	707	1	2	Covenant completed
217	Fenwick Brothers	41,000	Sept. 5, '72	,,	...	...	...	25	9,000	266	17	6	Lease not completed
218	Gellibrand & Smith	25,600	,,	,,	...	...	Gold Field	22	10,965	323	13	3	,, ,,
219	M'Lean & Stewart	33,280	Dec. 8, '72	,,	5,000	...	,,	21	13,897	409	0	1	Covenant completed
220	R. Campbell	44,800	Sept. 5, '72	,,	...	...	,,	33	20,100	592	0	6	
221	M'Laren, Greig & Turnbull ...	35,000	Sept. 25, '72	Between Oct, 8 and April 8, 1867	5,000	...	Gold Field	22	19,100	560	18	8	Covenant completed
222	H. S. & C. W. Chapman ...	33,080	Sept. 5, '72	,,	...	...	,,	36	11,487	341	6	9	
223	J. G. G. & H. G. Glassford ...	80,000	,,	,,	5,000	...	,,	470	18,138	611	5	6	Covenant completed
224	James Rolland	30,720	,,	,,	2,500	...	,,	52	11,495	344	7	5	Do. do.
225	Comber & Douglas	51,000	,,	,,	5,000	...	,,	90	19,500	584	10	0	Do. do.
226	J. G. G. & H. G. Glassford ...	44,800	,,	,,	5,000	...	,,	330	16,606	454	11	10	Do. do.
227	John Studholme	50,560	,,	,,	...	...	,,	32	9,000	268	2	0	
228	M Studholme	50,560	,,	,,	...	...	,,		10,290	300	2	6	
233	Malcolm M'Gregor	14,080	,,	,,	..	...	...	30	5,003	151	3	5	
235	John M'Lean	54,240	,,	,,	...	...	...	310	6,000	229	5	0	
236	John M'Lean	101,120	,,	,,	...	2,500	...	325	22,000	698	10	10	Covenant completed
237	Allan M'Lean	108,800	,,	,,	...	...	¾ in G. F.	325	22,000	698	10	10	
238	John & Allan M'Lean	101,120	,,	,,	...	2,500	Gold Field	340	22,000	701	3	4	Covenant completed
239	Wilkin & Thomson	17,920	,,	,,	...	...	...	60	8,000	243	16	8	
240	Wilkin & Thomson	47,000	,,	,,	...	5,000	...	45	17,005	503	17	1	
243	E. A. & R. G. Julius	60,000	,,	,,	...	...	...	25	15,000	441	17	6	
244	Campbell & Low	46,080	,,	,,	2,500	...	Gold Field	3	9,500	277	12	2	Covenant completed
245	Wilkin & Thomson	70,000	,,	,,	5,000	...	⅓rd in G. F.	109	25,100	751	3	2	Do. do.
247	W. & D. Murison	57,660	,,	,,	...	...	Gold Field	172	10,333	331	9	7	
248	Andrew Buchanan	70,400	Dec. 4, '72	,,	...	...	,,	32	16,834	496	11	10	
249	Strode & Fraser	33,280	,,	,,	2,500	...	,,	23	12,000	354	0	6	Covenant completed
250	Hankey, White & Morton ...	34,000	,,	,,	5,000	...	,,		13,206	385	3	6	Do. do.
251	Bank of New South Wales ...	16,000	Dec. 11, '72	,,	...	...	...	79	4,142	134	12	8	
253	G. A. & C. B. Chalmers ...	31,360	Feb. 26, '74	,,	...	...	Gold Field		7,000	204	3	4	
					84,000	176,500							

RETURN RESPECTING RUNS—*Continued.*

No. of Run.	Names of Licensees and Lessees.	Area of Run.	Date of Expiry of Original License.	Date Runholder came under Act 1866.	Acreage reserved for Agricultural Leasing.	Acreage reserved for Sale.	Situation of Run.	No. of Stock on each Run.		Amount of Assessment paid, year 1867-68.			Remarks.
								Great Cattle.	Small Cattle.	£	s.	d.	
		Acres.			84,000	176,500							
254	Robert Gray	107,520	Dec. 17, '72	Between Oct. 8, and April 8, 1867	3,000	...	Gold Field	50	16,829	499	11	11	Covenant completed
254B	C. L. Swanston	23,000	Dec. 11, '72	„	...	...	Nearly all in Gold Field	35	14,506	429	4	4	
255	F. D. Bell	50,000	Dec. 22, '72	„	...	See note on Run 80	Gold Field	28	18,007	530	2	1	
256	R. Campbell	24,960	Dec. 11, '72	„	...	...	„	2	9,700	283	5	4	
257	A. Mollison & J. Kilgour ...	12,160	„	... ...	...	...	...	...	...		...		Original License not surrendered
258	D. A. Tolmie	16,640	„	Between Oct. 8 and April 8, 1867	...	...	...	7	4,091	120	10	11	
259	J. & F. Fulton	24,960	Feb. 6, '73	„	...	...	Gold Field	...	...		...		Stock included in Return for Run 186
260	John Healey	24,960	Dec. 11, '72	„	...	...	„	...	9,000	262	10	0	
261	F. D. Bell	91,000	„	„	5,000	...	„	229	19,005	594	7	9	Covenant completed
262	A. Buchanan, H. J. H. Jones, and W. Baldwin	70,400	„	„	...	...	„	20	10,000	295	3	4	
300	Borton, M'Master & Gardiner ...	13,440	Sept. 5, '72	„	...	...	...	...	2,500	72	18	4	
300B	George Printz	35,000	Nov. 21, '72	„	...	5,000	...	220	8,020	272	8	4	Covenant completed
301	Borton, M'Master & Gardiner ...	33,000	Sept. 5, '72	„	...	...	...	...	3,000	87	10	0	
301B	Donald Hankinson	80,000	Jan. 17, '73	„	...	8,000	...	1341	11,596	572	17	10	Covenant completed
303	Donald Manson	15,000	Jan. 16, '73	... ...	...	...	...	13	2,600		...		Original License not surrendered
304	Low & M'Gregor	42,000	Jan. 24, '73	Between Oct. 8 and April 8, 1867	...	...	...	189	15,400	482	4	10	
306	E. P. Champion...	9,600	Feb. 6, '73	„	...	...	Gold Field	23	7,000	208	3	10	
307	Wm. St. Paul Gellibrand ...	34,000	„	„	2,500	...	„	302	11,101	376	12	7	Covenant completed
308A	J. & W. D. Murison	19,000	„	„	500	...	„	...	8,378	244	7	2	Do. do. do.
308B	Greig & Turnbull	43,000	„	„	...	...	„	19	9,500	280	8	2	
322	H. E. F. Young & F. G. Dalgety	61,500	Dec. 3, '73	„	...	...	...	...	8,437	246	1	7	
323	W. S. Trotter	60,000	Feb. 26, '74	„	...	1,000	Gold Field	180	11,200	358	3	4	Covenant completed
324	M'Kellar Brothers	70,000	„	„	...	...	¾ths in G. F.	51	13,900	414	6	10	Lease not completed
325A	The New Zealand and Australian Land Co., (Limited) ..	9,600	„	„	...	...	Gold Field	...	8,800	256	13	4	
325B	Strode & Fraser	15,400	„	„	...	...	„	...	6,000	175	0	0	
					95,000	190,500							

RETURN RESPECTING RUNS.—*Continued.*

No. of Run.	Names of Licensees and Lessees.	Area of Run.	Date of Expiry of Original License.	Date Runholder came under Act 1866.	Acreage reserved for Agricultural Leasing.	Acreage reserved for Sale.	Situation of Run.	No. of Stock on each Run.		Amount of Assessment paid, year 1867-68.			Remarks.
								Great Cattle.	Small Cattle.				
		Acres.			95,000	190,500				£	s.	d.	
326	Calcutt & Menlove	50,000	Feb. 26, '74	Between Oct. 8 and April 8, 1867	...	5,000	Gold Field	463	19,083	637	12	3	Covenant completed
327	Driver, M'Lean & Co.	30,000	,,	,,	..	...	,,	532	14,255	508	17	5	
328	John Gow	36,000	,,	... ...	...	...	,,	402	...		...		Original license not surrendered
330	The New Zealand and Australian Land Co., Limited	80,000	,,	Between Oct, 8 and April 8, 1867	2,500	...	,,	345	11,007	381	8	3	Lease not completed
331	C. C. & F. C. Boyes	50,000	,,	,,	...	...	,,	96	5,500	177	4	4	
333	Stuart & Kinross	100,000	,,	... ...	...	...	...	226	7,501	54	16	1	Original license not surrendered. License fee, £17 18s. included
334	Holmes & Campbell	100,000	,,	Between Oct. 8 and April 8, 1867	...	...	...	201	18,560	576	10	2	
335A	Malcolm M'Gregor	48,000	,,	,,	...	...	...	...	800	23	6	8	
335B	J. J. G. Shrimpton & Walter Shrimpton	12,000	,,	... ...	...	...	...	16	760		...		Original license not surrendered
337	M'Laren & Renshaw	50,000	,,	Between Oct. 8 and April 8, 1867	...	...	...	...	3,000	87	10	0	Lease not completed
338	M'Laren & Renshaw	50,000	,,	,,	...	...	...	6	6,769	198	9	7	,, ,,
339	M'Lean, Graham & Walton ...	80,000	,,	,,	...	...	Gold Field	31	6,872	205	17	2	
340	Howell & Loughnan	80,000	,,	,,	...	...	½ in G. F.	...	6,044	176	5	8	
345	C. C. & F. C. Boyes	35,000	,,	,,	5,000	...	Gold Field	187	7,637	255	9	5	Lease not completed
346	John & Thomas Butement ...	54,000	,,	,,	...	...	,,	15	4,006	119	9	4	
350	Tunzelmann & Pickett	50,000	,,	... ...	...	...	Nearly all in Gold Field	35	3,502	20	19	4	Original license not surrendered. License fee, £5 10s., included
353A	Greig & Turnbull	34,000	,,	Between Oct. 8 and April 8, 1867	...	...	Gold Field	...	7,600	221	13	4	
353B	Rutherford & Grant	46,000	,,	,,	...	...	,,	...	...		...		Stock return *Nil*
354	D. A. Cameron...	40,000	,,	,,	...	...	,,	...	...		...		Stock included in return for run 398
359	W. S. Trotter	15,000	,,	... ...	...	...	,,	158	...	8	19	0	Original License not surrended. License fee, £5, included
362	William Saunders	70,000	,,	Between Oct. 8 and April 8, 1867	...	...	...	...	...		...		Stock return *Nil.* See return Run 211
					102,500	195,500							

RETURN RESPECTING RUNS—*Continued.*

No. of Run.	Names of Licensees and Lessees.	Area of Run.	Date of Expiry of Original License.	Date Runholder came under Act 1866.	Acreage reserved for Agricultural Leasing.	Acreage reserved for Sale.	Situation of Run.	No. of Stock on each Run.		Amount of Assessment paid, year 1867-68.	Remarks.
								Great Cattle.	Small Cattle.		
		Acres.			102,500	195,500				£ s. d.	
368	G. A. & C. B. Chalmers ...	20,000	Feb. 26, '74	Between Oct. 8 and April 8, 1867.	...	...	Gold Field	...	2,500	72 18 4	
369	Cargill & Anderson	35,000	,,	,,	5,000		,,	39	3,200	100 3 2	Covenant completed
389	Low & M'Gregor	40,000	,,	,,	...	...	...	43	5,000	153 7 2	
391	Hepburn & M'Master	50,000	,,	,,	...	...	...	185	6,651	212 7 3	
394	Mrs. Ann Hodge	30,000	,,	... ...	...	...	...	4	1,350	...	Original license not surrendered
398	D. A. Cameron	27,000	Oct. 7, '74	Between Oct. 8 April 8, 1867.	...	2,500	...	104	4,182	140 3 6	Return includes stock on Run 354. Covenant completed
403	H. E. F. Young & F. G. Dalgety	40,000	July 26, '76	,,	...	...	...	...	8,437	246 1 7	
413	Rogers & Morton	20,000	Feb. 22, '76	... ...	...	...	...	...	...	...	Original license not surrendered
1 of c	Campbell & Low	50,000	May 1, '71	Between Oct. 8 April 8, 1867.	...	...	...	...	...	...	Stock included in return Run 189
2 of c	,, ...	40,000	May 1, '72	,,	...	...	...	...	...	...	,, ,,
3 of c	,, ...	70,000	May 1, '74	,,	...	...	...	...	...	...	,, ,,
					107,500	198,000					

Total area of the above Runs ... 6,134,726 (approximate acreage).

414 Pointer & Butler
415 Low & M'Gregor
417 J. V. Tunzelman—Lease not completed
419 John Butement— do. do.
420 John Howell

	Acreage of Runs.	Stock on Runs.		Amount paid.
		Great.	Small.	
Assessment for 1867-8, paid under Clause 72, Otago Waste Lands, 1866 (Licenses surrended)	5,824,106	13,402	1,548,899	47,524 9 9
Licenses and Assessment for 1867-8, paid under Waste Land Regulations of 1856 (Licenses not surrendered)	165,000	419	11,003	84 14 5
				£47,609 4 2

Note I.—The situation of the reserves for agricultural leases and for sale has not been defined, and the quality of the land cannot be described.

Note II.—Blocks XI, XIII, and XIV, Glenkenich District, acreage about 8,000, on Run No. 140, situate on the Pomahaka River, are the only blocks withdrawn, and the land is partly agricultural and partly pastoral.

W. H. Cutten, Chief Commissioner.

PART IX.

ANSWERS RECEIVED FROM RUNHOLDERS IN REPLY TO QUESTIONS SUBMITTED BY CIRCULAR.

QUESTIONS PROPOSED BY THE COMMISSION.

1. Have you entered into any agreement with the Superintendent of Otago respecting the right to select blocks of land on your Run?

2. Did you understand that any words or covenants in the deed of agreement would exempt your Run from being declared into a Hundred.

3. If you answer in the affirmative, state the grounds upon which that understanding was based?

4. Was any assurance given you by anyone, authoritively or officially, that the rest of your Run would not be made a Hundred, if you agreed to give up the portion of it mentioned in the agreement, without compensation?

5. Have you made any outlay you otherwise would have abstained from, on the faith of the agreement securing your Run from liability to being taken as a Hundred. If so, state to what extent?

ANSWERS RECEIVED.

No. 1.

Graham and Cook —Ben Lomond, Oamaru.

No. 1*

Messrs. Graham and Cook, Ben Lomond, Oamaru.

1. Yes, to the extent of allowing the Government the right of selling 10,000 acres.

2. No written words to that effect.

3. No answer necessary.

4. Most decidedly. The Provincial Executive gave us distinctly to understand that on our consenting to the agreement as to the 10,000 acres, that no further Hundreds would be declared on our Run until the 10,000 acres had been exhausted; besides which, every public speech since made on the subject, both by the Superintendent and the members of the Executive Council, have confirmed this understanding.

5. We have to a considerable extent. We have erected five miles additional fencing; also a new hot-water high-pressure sheep-washing apparatus, and added to our woolshed,—none of which we should have done,—had we contemplated the probability or even chance of a new Hundred being declared. The aggregate value of these improvements would, in all, amount to about £1000 sterling. In addition to which, acting in the belief that the Government would keep faith with us, we have kept our Run fully stocked up, instead of selling before the recent fall in prices took place, thereby involving a very heavy loss in the present value of our stock. Finally, we two years ago refused to sell our Run at a price considerably above what would be considered its value in the present state of affairs, by which we suffer a loss in the depreciation of the value of property to the extent of at least £5000.

GRAHAM AND COOK.

April 7, 1869.

[See also Correspondence, Nos. 2 and 3.]

No. 2.

Mr. J. Smith— Tokomairiro.

No. 2*

Mr. James Smith, Tokomairiro.

1. I have entered into an agreement with the Superintendent of Otago, giving a right to select two blocks of 2500 acres, each on Run 123. I have no agreement as to Run 106.

2. and 3 I did not understand that any words or covenants in the deed of agreement exempted my Run from being declared into a Hundred; but I did understand from the general tenor of the Waste Lands Act, interpreted by the discussions that took place during its passage through the Provincial Council and General Assemby, that on my agreeing to pay the extra assessment under Clause 72, I should receive not only the right to an extended period of ten years beyond the existing term of license, but an exchange of a mere license, to an actual lease for the full term of years. This lease, I understood, could only be interfered with by the proclamation of the Governor into Hundreds; and that only when required for *bonâ fide* agricultural settlement, as it would manifestly be unfair to break a lease for pastoral purposes existing, to give it to others for the same purpose.

* NOTE.—The numbers marked with an asterisk thus (*) indicate that the answers to which they respectively relate, were given in the form of a Statutory Declaration.

4. The very fact of the Government requiring an agreement from me to give the right to select 5000 acres, I consider implied that the rest of the run was secured to me. That they considered so, cannot be doubted, as if not why take the precaution to secure the right to that quantity? *Mr. Smith. Continued.*

5. On the above understanding, I consider I have made an outlay of at least £10,000 sterling that I would not have done otherwise.

JAMES SMITH.

April 6, 1869.

No. 3* *No. 3. Mr. H. C. Robison—Waipahi*

Mr. H. C. Robison, Waipahi.

1. Yes, that 6000 acres can be taken from my two Runs without compensation on Runs 31, 78.

2. Most certainly.

3. If not, the agreement would be useless, and the general understanding was to the effect, that the run was secured from Hundreds by the extra assessment.

4. Yes, by Messrs. Vogel and Maddock.

5. Yes, to the extent of over £1000.

H. C. ROBISON.

April 5, 1869.

No. 4* *No. 4. Mr. R. Stuart—Pomahaka.*

Mr. Robert Stuart, Pomahaka.

1. Yes, 5000 acres.

2. Yes, I understood by giving up the above-mentioned quantity, that the run would not be declared into Hundreds.

3. By paying the extra assessment.

4. Yes, by the Superintendent and the members of the Executive.

5. Yes, to the extent of £2000.

ROBERT STUART.

April 5, 1869.

No. 5* *No. 5. Mr. W. Sanders—Kyeburn.*

Mr. Wm. Sanders, of Kyeburn Station.

1. Yes.

2. Yes.

3. It was based upon the understanding formed by means of a letter addressed to me by the Chief Commissioner of Crown Lands (W. H. Cutten, Esq.), stating That if I would give up 5000 acres when required for agricultural settlement, and that my claim for compensation shall be based only on the unexpired term of my original license; that the rest of the run would be secured to me during the remainder of the lease; and that the lease itself was also an indefeasible document for holding the run.

4. The run, so long as it remained in the Goldfields, could not be declared into Hundreds; and that no portion of the run could at any time, or by any means, be taken without full compensation being first awarded to me.

5. Upwards of £2000. Bought run about three years ago for £20,000.

W. SANDERS.

April 3, 1869.

No. 6 *No. 6. Mr. Roberts—Pomahaka.*

Mr. W. H. S. Roberts, Pomahaka.

1. When I received my new lease for Run 212A, I signed an agreement with the Government to permit them to take a certain amount of land off my run if required for absolute occupation as *farms only*, without compensation for the land, but with an understanding that I was to receive valuation for all improvements.

2 & 3. Most decidedly I considered the permission on my side for the Government to open a block of land, as mentioned above, as a compact on their side *not* to declare any Hundreds until the termination of my full lease. Otherwise, why should they have asked me to sign any such agreement if they still retained the power to declare the remainder of my run into Hundreds. I certainly should not have paid the largely increased rent under any other understanding.

4. I do not remember any decided assurance given by anyone that my run would not be delared into

Mr. Roberts. Continued.

Hundreds, but I always understood that all who came in under the new leases would be safe from any risk of Hundreds. Such an assurance might have been given to my agents (Messrs Cargill and M'Lean) who conducted my share of the business with the Government.

5. Certainly. As soon as my new lease was signed I commenced fencing. (1st.) A ram paddock at home station (about 900 acres, more or less) with over four miles of fencing, in addition to the fence of the freehold property. (2nd.) 164 chains on the boundary with run 163. (3rd.) 292 chains on the boundary with run 178. (4th.) A division fence on my own run—in one place 71 chains, and another 170 chains, not yet quite completed—in all, exceeding 12 miles of fencing, at a cost varying from £70 to £85 a mile, according to position or nature of fence. For instance, the 71 chains cost £76; the 292 chains cost £269. In addition, I have erected sheep yards, numerous bridges, huts, &c.

W. H. S. ROBERTS.

No. 7.

Messrs. Chapman—Maniototo.

No. 7*

Messrs. H. S. and C. W. Chapman, Maniototo.

1. No. We agreed to give up our license and take a lease upon the condition that none of our run should be taken.

2. Yes.

3. The absence of any covenant to give up any portion of our run was the ground upon which we understood that the run would not be declared into a Hundred; besides, it cannot be declared, as it is in the Goldfields.

4. Mr. Dick, the Superintendent, told Mr. Justice Chapman, that no portion of our run would be required for any purpose during the term of the lease.

5. The outlay we have made on the faith of the agreement not to take any portion of our run amounts to £2200.

H. S. and C. W. CHAPMAN.

April 5, 1869.

No. 8.

M'Master and Teschemaker—Omaru.

No. 8*

Messrs. M'Master and Teschemaker, Oamaru.

1, 2, & 4. No.

5. On the faith of the additional security offered by the new lease we have expended in additional improvements about £1000.

ALEX. M'MASTER.
W. H. TESCHEMAKER.

April 3, 1869.

No. 9.

Capt. Mackenzie—Glenkenich.

No. 9*

Capt. Mackenzie, Glenkenich.

1. Yes. My run is supposed to contain about 17,000 acres. The Superintendent and Provincial Government required me, as a condition to granting a lease, to enter into a covenant, binding me under a penalty of £5000, to consent to the sale of 5000 acres, without compensation, and to permit surveyors to enter upon the land; also, persons desirous of viewing the land. I executed this covenant before the lease was signed.

2. Yes: I did.

3. I signed the covenant, and agreed to surrender my license and accept a lease, believing that the Government having, by the covenant, reserved the right to sell all the land on my run which was required settlement during the term of my lease, intended, in consideration of receiving seven times the rent which was payable under the license, to grant me an indefeasible lease, notwithstanding any thing to the contrary contained in the Land Act. Otherwise, by the surrender of my license and acceptance of a lease on the terms proposed by Government, I placed myself in a far worse position than I was in under the license.

4. I had conversations with members of the Government in the Government Buildings relative to their policy and intentions in granting the leases; but no express assurance was given to me officially or in writing; still, I am convinced that such was the universal belief at the time.

5. I have laid out about £700 in fencing, &c., all which would by the law be a loss if Hundreds should be proclaimed before the expiration of the term for which the original license was granted. I agreed by consent to give up 5000 acres of land, without compensation for the land, but I fully expected to receive valuation for my fences. Valuation has been allowed for improvements existing on land at the time of sale, although not provided for by law. My outlay would have been greater, but I stopped it in consequence of proceedings in the Provincial Council last session.

F. W. MACKENZIE.

April 2, 1869.

No, 10*

No. 10.
Mr. D. F. Main—Taieri Lake.

Mr. D. F. Main, Taieri Lake Station.

1 and 2. Yes.

3. I covenanted with the Superintendent to give up 5000 acres in one or more blocks without compensation for the extended term of the lease, upon the understanding that the acreage named would suffice for settlement during the term of the lease, and I believe it will, as the block since selected embraces all the available land fit for cultivation.

4. No.

5. Yes. I have spent upwards of £6000 in permanent improvements, such as fencing, drainage, introduction of artificial grasses throughout the run, road making, and permanent buildings to work the station from. All effected since the lease was granted, and solely on account of receiving what I considered an indefeasible title.

D. F. Main.

April 6, 1869.

No. 11*

No. 11.
Mr. Yaldwyn, for Mr. Maitland—Tapanui.

Mr. W. B. Yaldwyn, for Mr. G. G. Maitland, Tapanui.

1 and 2. Yes.

3. Because the Superintendent made a distinct covenant with the runholders, who accepted the renewed leases, irrespective of the Waste Lands Act.

4. No, but it was generally understood and agreed on, relying on the good faith of the Government that when the reserves were taken off the runs, no more land should be sold.

5. Yes. Having been one of those whose reserve has been taken and sold, I was compelled to purchase nearly 1600 acres, equal to about £1800. Besides this, I have laid out about £200 in improvements, which I would not have put up unless the extended lease had been guaranteed, free of interruption.

William Butler Yaldwyn.

March 30, 1869.

No. 12

No. 12.
Mr. Ferens—Oamaru.

Mr. Thomas Ferens, Oamaru.

1. I have not, nor was I asked to do so.

Thomas Ferens.

No. 13*

No. 13.
Mr. J. Brugh—South Clutha.

Mr. James Brugh, Cloan, South Clutha.

1. Yes. I signed a covenant, giving him the right to select a block of land on my run before he would grant me a lease.

2. No.

3. But the taking a block or blocks of land out of my run for sale, I consider was on the understanding that Hundreds would not be required, and in consequence of the best portions of the run being selected, the remainder would only be fit for pastoral purposes.

4. I had no official or authoritative assurance given me to that effect.

5. Yes. I have expended upwards of £200 on yards, hot water washing apparatus, &c. I would also have fenced in part of the boundary of my run, but as doubts have been publicly expressed regarding the validity of the leases, I abstained from doing so.

James Brugh.

March 31, 1869.

No. 14*

No. 14.
Mr. A. M'Nab—Mataura.

Mr. Alexander M'Nab, Napdale, Mataura.

1. No.

2, 3, and 4. I am a party to no covenant or agreement, except such as are contained in the leases granted to me from the Crown.

Mr. M'Nab. Continued.

5. I have expended upwards of £1500 in buildings and improvements on my run, which I should certainly have abstained from doing had I considered my run or any part of it was liable to be taken as a Hundred. I gave up my original tenancy, and accepted a lease in lieu thereof for a definite term and at a largely increased rental under the belief that I should remain in undisturbed possession during the term of the lease. I also considered that the fact of a large proportion of the run being auriferous would afford me some additional protection against the sale of any portion of my run.

ALEX. M'NAB.

April 3, 1869.

No. 15*

No. 16.

Messrs. Campbell and Low—Manuherikia.

Messrs. Campbell and Low, Galloway Station, Manuherikia.

1. Yes; 2500 acres on Run No. 244, Manuherikia District

2. Run No. 244 is within a Goldfield, which has been proclaimed for several years. When we agreed to enter into a covenant, binding ourselves to give up 2500 acres thereon, without compensation for the period of the new lease (10 years), granted under the Waste Lands Act of 1866, it was upon the faith that we should be allowed to occupy for depasturing purposes the remainder of the run during the extended period. We understood that the run in question (having been for several years a proclaimed Goldfield), was not to be withdrawn from the Goldfields, and therefore could not be declared into Hundreds.

3. In stating the grounds upon which that understanding was based, we may simply say that we endeavoured by every means in our power to find out from the Provincial Government of the day, the position which runholders within Goldfields would occupy, holding new leases under the Act of 1866; and the result in our opinion was, and we may say runholders within Goldfields generally were given to understand that the Government could not possibly profess to grant extended leases, and to receive a very high additional consideration for them during a period of years, and afterwards deprive the lessee of the rights for which they had been and were being paid so handsomely. The whole matter of the new tenure seemed to be somewhat difficult to understand. An additional security was offered (by certificate) to be granted upon the terms specified in the Waste Lands Act, 1866; and although there seemed to be, and undoubtedly there is, a great want of precision in the terms of the Act, and many runholders were afraid to come in under it and take out extended leases, paying a much higher assessment. Yet runholders within Goldfields were compelled to take out new leases and to pay the higher assessment, because the Provincial Government, through its Treasurer (Mr. Vogel), plainly intimated that those runholders who did not come under the Act, and take an extended lease, would naturally *be the first to lose their runs.* We pointed out, in treating with the Provincial Government, that the security which they offered was incomplete, and the reply was, that it was impossible to give an *absolute security*, that the Government must, to a certain extent, be *trusted*, and that in receiving a much higher rental, no Government could refuse to give a reasonable *quid pro quo*; that in fact unless the ground in any run should absolutely be wanted for mining purposes, or for agricultural purposes, *as specified* in the Act, the lessees would be entitled to hold it for pastoral purposes during the whole of the period agreed for in new leases, viz., 10 years in addition to the unexpired term of the original license.

4. With reference to runs within Goldfields, it is impossible to suppose that any Government could be guilty of withdrawing runs from the operation of the Goldfields Act, afterwards declaring the same into Hundreds, and thus depriving the lessees of the compensation, to which, under that Act, they would have been entitled. It has been maintained by some that it is no hardship to a runholder to have his run declared a Goldfield. We can speak feelingly on this subject, and with some practical experience and knowledge. Every man engaged in this Province in sheep farming during the last seven years, must have felt that for a large portion of that time runs within Goldfields were looked upon as very unsafe investments. Even if there were no actual diggings upon the country, it was felt that at any moment diggings might break out. The runs were more or less subject to traffic, prospecting, dogs, &c., and in consequence of their being subject to the provisions of the Goldfields Act, at one time agricultural areas of 50 acres could be selected or applied for on any run and in any quantity, the granting of them being entirely within the discretion of the Government. Runholders within Goldfields therefore stand upon very different terms from those on other Waste Lands of the Crown, and to those conversant with the subject the justice of compensation is very apparent under any circumstances, *i.e.*, whether the lands they occupy be directly taken from them under the Goldfields Act, or declared into Hundreds after having first been withdrawn from its operation. With regard to runs without Goldfields, respecting which covenants exist, binding the runholders to yield up possession at any time during the new leases without compensation of certain portions of the same, we have to state that we distinctly understood the Government of Otago had selected all the lands upon these runs which were likely to be required for sale or settlement during the currency of the leases they were about to grant; and that when the runholders accepted the leases, subject to such covenants, and agreed to pay the additional rental, they were most decidedly to have the right of pasturage over the remainder of their runs, the same not being subject to be declared into Hundreds without the consent of the lessee during the entire period of the lease.

5. Relying upon the interpretation put upon the Acts by the Provincial Secretary (Mr. Vogel), and trusting to the equity of the Government, we accepted extended leases under the Waste Lands Act, 1866. Prior to the granting to us of this "increased tenure," as it was called, we had not expended (during seven years) more than £500 in improvements on our Manuherikia runs. Since we have had our new leases, we have, in conjunction with our neighbours, Messrs. Stafford and Bell, Messrs. Rolland and Capt.

Baldwin, fenced the boundaries of our runs, extending with them to some 30 miles, at a cost of £3000. We have also sub-divided the runs, and enclosed extensive paddocks at a similar cost. During the present year we have erected an elaborate sheep-wash, drying paddocks, large wool-shed, and stone dwelling houses, at a cost of £3000 sterling. *Campbell and Low.* Continued.

Without fixity of tenure and compensation for improvements, the Waste Lands can never be properly developed. Fixity of tenure is the main thing which will attract capital to the country for sheep farming purposes. Small runs may be more desirable than large runs, but capital will always adjust this. It will either break up large runs into small, or combine many small runs into one block. Commonages of any extent are the greatest waste imaginable. They prevent the fattening of stock; they prevent the improvement of stock. We never yet knew a commonage which was not overstocked and unproductive. Lightly stocked, a few people might be benefitted by commons. The enormous charges attending the transfer of runs prevent their being broken up into smaller blocks. This deserves the attention of the Commission.

CAMPBELL AND LOW.

April 2, 1869.

Appendix to Answer No. 4.—We have also, during the past year, filled up over 10,000 digger's holes on Run No. 244, at a cost varying from 8d to 5s per hole. These holes were deserted workings. We are within the mark when we say that we lost 5000 sheep in these holes during two years. To losses like these, runholders outside Goldfields were not subjected.—C. and L.

No. 16*

Mr. T. T. Ord, Puerua.

No. 16. *Mr. T. Ord—Puerua.*

1. No agreement.

2. Yes.

3. When I signed the lease I understood it was final for the term of the lease. On that understanding I increased the number of sheep to the feeding capabilities of the run by purchase. Taking the run into Hundreds, and taking away the lease, would therefore be ruinous.

4. No agreement for any portion of the run to be taken without compensation.

5. Outlay in increasing the stock and fencing.

THOMAS THOMPSON ORD.

March 29, 1869.

No. 17*

Messrs. Webster and Aitken, Oamaru.

No. 17. *Webster and Aitken—Oamaru.*

With exception of a few hundred acres outside the Kakanui Hundreds, we only occupy freehold lands and Crown Lands within Hundreds, consequently none of the above questions apply to us.

WEBSTER AND AITKEN.

March 27, 1869.

No. 18*

Mr. John Healy, West Taieri.

No. 18. *Mr. J. Healy—West Taieri.*

1. Yes.

2. No; I understood it would be declared into a Hundred when absolutely wanted for settlement.

4. No.

5. I have expended on fencing over £1200 on the faith of being compensated in terms of Section 82 of the Waste Lands Act.

JOHN HEALY.

March 30, 1869.

No. 19*

Mr. Geo. Hay, Clutha.

No. 19. *Mr. G. Hay—Clutha.*

1. No.

2. Yes.

3. Having resigned my license and received a lease at the request of the Provincial Government, I thereby consider my occupancy secure till the end of said lease, not having any agricultural land on my run.

Mr. G. Hay. Continued.

4. No.

5. As yet, only extra rental.

GEO. HAY.

March 29, 1869.

No. 20*

No. 20. *Dr. Buchanan—Maniototo.*

Dr. Buchanan, Patearoa Station, Maniototo.

1. No.

2. My run (No. 248) is within a Goldfield. I understood that, although there are no words or covenants in the deed of agreement which would exempt it from being declared into a Hundred, yet that it having been proclaimed several years previously part of a Goldfield, it was not to be withdrawn from the Goldfield, and consequently could not be declared into Hundreds.

3. This understanding was based on the consideration that the Provincial Government could not undertake to grant me an extended lease at a much higher rate of assessment than that of the license I then held; and afterwards, without compensation, deprive me of rights for which I was bound to pay so highly.

4. My answers to questions 2 and 3, are a sufficient reply to this one.

5. Since my license has been exchanged for a lease, I have built a woolshed and erected yards at a cost of £600, hut for shearers £180, a washing apparatus £210, and fencing £1350; amounting altogether, at a very low computation, to £2340. Besides this, I have been at considerable expense in filling holes made by diggers; and the necessity for this will be apparent when I state that I have seen as many as six sheep and lambs in a single hole. There are hundreds more of these holes which I shall hereafter (on the strength of the fixity of my tenure) feel compelled also to have filled up; but which I have not yet done, as diggings are still being carried on, on a part of my run; and because also my outlay in other respects has been so great that, in the present depressed state of prices for pastoral produce, together with the very large yearly rent I am obliged to pay, I have not the means of doing so.

A. BUCHANAN, M.D.

April 2, 1869.

No. 21*

No. 21. *Mr. J. M. Pagan—Mataura.*

Mr. J. M. Pagan, Benlaw Station, Mataura.

1. No land on the run in which I have an interest was reserved by the Government when the license was exchanged for a lease. I certainly considered that the new lease was intended to grant greater security of tenure than the old license, and therefore made improvements—fencing in and sub-dividing the run, from which otherwise I would have abstained.

JOHN M. PAGAN.

March 30, 1869.

No. 22*

No. 22. *Mr. T. Calcutt—Dunedin.*

Mr. T. Calcutt, of Calcutt and Menlove, Dunedin.

1. Yes; for sale only and not lease. Any extent not exceeding 5000 acres, but to be sold in not more than three blocks.

2. No. On the contrary, we understood that the whole, or any portion of the run, was liable to be declared into Hundreds, but only when required for actual *bonâ fide agricultural* occupation; and in the event of that being so, compensation for the loss of the land so taken to be given.

4. No.

5. Subject to our answer to question 2, and acting thereon, we have expended a large amount—say £3000—in fencing, sowing of grasses, &c., and which we certainly should not have done had we not understood that we should retain the run until required for agricultural purposes, and, as we before stated then compensation would be given.

THOMAS CALCUTT.

April 2, 1869.

No. 23*

No. 23. *Mr. Preston—Goodwood.*

Mr. Joseph Preston, Langland's Station, Goodwood.

1. No.

JOSEPH PRESTON.

April 1, 1869.

No. 24*

No. 24. Capt. Boyd—Dunedin.

Capt. J. T. T. Boyd, Dunedin.

Questions Nos. 1, 2, 3, 4, and 5 are not applicable in my case, as no land was specially reserved in the lease of my Run No. 131. I trust I may not be out of place in remarking that it was generally understood that the reserves covenanted for—supposed to be the best portions of the Province for the purposes of settlement—were specially made to meet the requirements of the public; and that until these were absorbed by sale or otherwise, the rights of the lessees to the remaining runs, or portions of runs, would not be interfered with. Such being my impression, and firmly believing the Provincial Government would never recommend, or the General Government sanction, so great a breach of faith as to deprive runholders during the term of their leases, of land fitted only for pastoral purposes, was the inducement which made me relinquish my license and accept a lease in lieu thereof. I would respectfully submit for the consideration of the Commissioners on the Administration of the Waste Lands, that, should the subject of the proclamation of new Hundreds come within the scope of their investigations (and they decide on the continuation of the system as heretofore), it would be a great mitigation of the evil to the lessee, while the public requirements would be fully met, if not more than a certain area of any run should at any one time be proclaimed into a Hundred.

J. T. T. Boyd.

March 27, 1869.

No. 25*

No. 25. Cable and Drummond—Waipori.

Messrs. Cable and Drummond, Waipori.

1. No; but the Superintendent, exercising the power delegated to him under the Goldfields Act, has taken between 4000 to 5000 acres from our run, compensating us for the same.

2. Yes.

3. Our run, not only being within the Goldfields, but a Goldfield of itself,—Waipori district—we believe that we cannot come within Hundreds, but are amenable to the Goldfields Act, as stated in the Waste Lands Act, under which we take our lease.

4. There was no mention made of taking anything from us.

5. Fenced and erected head station and out-huts; also woolshed, all of iron; sheep yards; most improved dip, for converting into hot water washing; sown broad cast over the run artificial grasses at a cost of over £1000; purchased Waipori Lake Farm; fenced and laid down in grass paddocks in connection with the run at a cost of £2500, and fully stocked the run, nothing of which would have been done if we had not believed the run could not be declared into Hundreds.

Henry Cable.
Duncan Drummond.

April 7, 1869.

No. 26

No. 26. Capt. Baldwin—Long Valley.

Capt. Wm. Baldwin, Long Valley.

1. Not having entered into an agreement with the Superintendent of Otago respecting the selection of blocks of land on my run, there being no such blocks nor land available for any such upon it, it is unnecessary on my part to answer the above questions.

William Baldwin.

March 27, 1869.

No. 27*

No. 27. M'Kellar and Jackson—Waikaia Plains.

Messrs. M'Kellar and Jackson, Waikaia Plains.

1. An agreement has been entered into with the Superintendent of Otago regarding the reserving of certain blocks of land on this Run, No. 194.

2 and 3. At the time of signing the deed of agreement, it was understood that the reserves were for certain purposes—agricultural and others—and so expressed in the deed; but not having the document at hand, we cannot point out the particular words or clauses that bear on the subject. The very reserving of the blocks was considered by us as a guarantee on the part of the Government that the remainder of our run would be secured to us to the end of the lease, and consequently would be exempt from being declared into a Hundred. And the only supposition placed by us on the forming of these reserves, was to enable the Government to secure the actual agricultural lands for sale, leaving the remainder to its pastoral tenants.

4. The actual signing of the deed reserving certain blocks for sale, we considered at the time to be a sufficient assurance on the part of the Government that the remainder would be secured from being declared into a Hundred, although no actual written guarantee was given either official or authoritative.

5. On the faith that our run would be secured to us to the end of our lease, and since the signing of

M'Kellar and Jackson. Continued.

the deed, we have subjected ourselves to a very extensive outlay in the way of improvements, but a small moiety of which would have been expended had we feared a Hundred before the expiry of our lease. In fencing alone we have run 18 miles at a cost of £1500. In buildings, wool-shed, sheep-wash, &c., the amount expended is close into £1400.

N.B —It should be mentioned that at the time of the signing of the Deed of Agreement, although the name of Mr. Chas. L. Swanston might appear, the run being at the time under mortgage to him, we were the virtual holders of the run, and so have presumed to take upon ourselves to answer the above questions.

CHARLES W. JACKSON,
For M'Kellar and Jackson.

April 6, 1869.

No. 28*

No. 28. Mr. Campbell—Kaihiku.

Mr. R. Campbell, Glenfalloch, Kaihiku.

1. No.

2. There was no reservation made of any part of my run, there being no land within it fit for settlement, and this excludes me from being able to answer the 3rd, 4th, and 5th questions.

ROBERT CAMPBELL.

April 9, 1869.

No. 29*

No. 29. Mr. Cumine—Horse Shoe Bush.

Mr. Wm. Taylor Cumine, Horse Shoe Bush.

1. I have, by agreement signed by the Attorney for Mr. John Low, mortgagee of my run, dated 26th August, 1867.

2. There are no words in the agreement exempting the run from being declared into a Hundred. I was under an impression that the run would be exempted.

3. I have no ground for the impression stated, and do not recollect how it was formed.

4. I employed Mr. Harris as my Solicitor to attend to this business. It was originally contemplated by the Government to reserve a right to sell 10,000 acres. Mr. Harris got the extent reduced to 8,000 acres. I do not know what took place further in the matter.

5. I have expended in fencing and huts about £140, in the belief that the run would not be taken from me.

W. T. CUMINE.

April 12, 1869.

No. 30.

No. 30. Mr. F. D. Bell—Dunedin.

Mr. F. Dillon Bell, Dunedin.

(See Evidence taken at Dunedin. Part VIII., No. 102. page 90.)

No. 31*

No. 31. Mr. M'Kinlay—Wakatip.

Mr. James M'Kinlay, Wakatip.

1. I have not.

2. I have no agreement.

5. My improvements are mostly on land applied for as agricultural land. The run occupied by me is No. 16, and known by the name of Sunnyside, and contains about 22,630 acres, a great portion of which is not fit for depasturing great or small cattle. This run is under the control of the Wakatip Board of Wardens; and I have some time ago applied to the Waste Lands Board for a lease of it.

JAMES M'KINLAY.

April 8, 1869.

No. 32*

No. 32. Mr. J. M'Lean—Morven Hills.

Mr. John M'Lean, Morven Hills.

1. I have.

2. I did not.

3 and 4. There was a distinct verbal promise on the part of the Government, that if I agreed to the terms of the covenant, the Provincial Government would not recommend the Governor to declare any

more of the run into a Hundred during the currency of the lease. In my case, at any rate, the country is totally unsuited for agriculture. *Mr. J. M'Lean.* Continued.

5. I have not.

JOHN M'LEAN.

April 12, 1869.

No. 33*

Mr. Henry Orbell (for Orbell and Miller), Waikouaiti. *No. 33. Mr. H. Orbell.—Waikouaiti.*

1. No agreement was entered into by Messrs. Orbell and Miller with the Superintendent of Otago respecting the right to select blocks of land on their run.

Questions 2, 3, 4, and 5 seem to be based upon the assumption that such an agreement was entered into, therefore it appears unnecessary to reply to them.

HENRY ORBELL,
Pro ORBELL & MILLER.

April 10, 1869.

No. 34*

Mr. Robt. Walter Aitken, Run 172A. *No. 34. M. R. W. Aitken—Waiau—Run 172a.*

1 and 2. Yes.

3. On a statement made to me by Mr. Cutten, and also by Mr. Haggitt.

4. Yes; by Mr. Cutten, the Chief Commissioner.

5. Yes; huts, yards, fencing, and timber for hot water wash.

ROBT. W. AITKEN.

April 3, 1869.

No. 35*

Mr. Thomas Trumble, Otaraia. *No. 35. Mr. T. Trumble—Otaraia.*

1. Yes. I entered into a bond of agreement, binding myself to pay seven times my former assessment, and authorising the Government to select 5000 acres and take them from me at any time, without any compensation, the rest to be secured to me for 10 years in addition to the expiration of my former lease.

2. Yes.

3. Upon the fact that some part of my former lease was to run, under which Hundreds could be proclaimed, and the understanding that the right of selection above named of 5000 acres, free of compensation, was substituted. Were it not for that understanding, I never would agree to change my lease, as I would be thereby placing myself in a much worse position by my new lease, and at the same time have to pay seven times as much rent.

4. I cannot remember any assurance given me by anyone, other than I clearly understood when I was signing the bond of agreement, that the covenant therein, secured my run for ten years, in addition to my former lease.

5. I have, upon the faith of having ten years absolute lease, in addition to expiry of former lease, laid out at least £1500 on my run, very little, if any of which, would have been expended by me if I considered my run would have been taken possession of at any time, by being declared into Hundreds.

THOMAS TRUMBLE.

April 16, 1869.

No. 36*

Mr. David Maitland, Eweburn Station. *No. 36. Mr. D. Maitland—Eweburn Station*

1. I only became the owner of the Eweburn Station, on the 10th May, 1868, consequently I could make no arrangement with the Government; but I know for a fact that Messrs. M'Lean and Stewart, the late owners of the run, entered into an agreement with the Superintendent of Otago, to allow a block of 5000 acres to be taken off the run if required as an agricultural area in blocks of 2500 at a time, the runholder to retain the right of pasturage until the ground was fenced in by the farmers, compensation to be paid by the Government to the runholder, as the land was taken up and fenced. On the other hand, the runholder might claim compensation for the whole block when it is first declared, should he forego his right of pasturage over it. This run is all in the Goldfields. The above information I received from several members of the Government when I went to them on the subject at the time I purchased this run. They also stated compensation was to be settled by arbitration according to the Goldfields Act.

Mr. D. Maitland Continued.

2. I most decidedly understood from the terms of the covenants made between Messrs. M'Lean and Stewart and the Superintendent, that the run could not be taken for Hundreds, as the run is in the middle of the Goldfields, and the fact of Stewart and M'Lean having given up the 5000 acres, or rather agreed to give it up if required for an agricultural area, did away with the chance of Hundreds during our lease, and on this understanding I purchasod this run.

3. Is answered in the above.

4. This I cannot answer, not having been owner of the run at the time the covenant was made.

5. In answer to this question, I have only to state that had I thought there had been any chance whatever of Hundreds, I should never have purchased the run. Hence I consider I have laid out about £14,000 on the good faith of the Government that they would leave me unmolested in my run until the end of my lease.

D. MAITLAND.

April 15, 1869.

No. 37

No. 37.

Mr. W. Brunton —Mataura.

Mr. Wm. Brunton, Otara Station, Mataura.

As my lease was granted under provisions in Waste Lands Act, within the Province of Otago, of October, 1866, unconditionally and without reservation on the part of His Honor the Superintendent of Otago, I infer these questions have been sent to me to answer by mistake.

13th April. 1869. W. BRUNTON.

No. 38*

No. 38.

Mr. J. Logan— Green Vale.

Mr. James Logan, Green Vale.

1. Yes, to the extent of 6000 acres.

2. Yes, during the currency of my lease.

3. The conclusion to my mind was, that the sale of 6000 acres in my run would amply meet the requirements of *bonâ fide* settlers during the currency of my lease.

4. No actual assurance; but the presumption was based on the terms as explained in Answer 3; otherwise, why should I have accepted a lease at all subject to such a covenant, and pay seven times the rent I previously did.

5. Yes, I have laid out £1444 in fencing the run, and spent over £1000 on my freehold, which I would not have done except on the security of my lease, besides stocking up my run to its full carrying capability at a time when sheep were so high in price, all of which would be a great loss if the run should be thrown into Hundreds.

JAMES LOGAN.

April 17, 1869.

No. 39*

No. 39.

Mr. Von Tunzelman -Wakatip.

Mr. John Von Tunzelman, Run 417, Wakatip.

1. I have not entered into any agreement with the Superintendent of Otago respecting the right to select blocks of land on my run.

2, 3, 4, and 5. No.

JOHN VON TUNZELMAN.

April 20, 1869.

No. 40*

No. 40.

Mr. A. M. Clark —Mararoa.

Mr. A. M. Clark, Mararoa Douns.

1. We have entered into no agreement with the Superintendent of Otago.

2, 3, 4, and 5. Nil.

April 19, 1869. A. M. CLARK, Pro. J. and A. M. Clark.

No 41*

No. 41.

Mr. W. P. Gordon —Strath Taieri.

Mr. Wm. Pile Gordon, Strath-Taieri.

1. Yes, in granting the lease of Run 213B, the right to select 10,000 acres has been reserved.

2, 3, and 4. We did not receive any promise or assurance that the leased portion of the run would not be sold; but we understood that, in consideration of the heavily increased assessment, amounting in

our case to over £3000 above, the sum we would have paid under the license, we would secure the rights of tenants under a lease and receive compensation for any lands beyond the reserve that might be taken from us during the time of lease. *Mr. W. P. Gordon Continued.*

5. Yes, we have erected fencing at an outlay of £500.

W. P. GORDON.

April 27, 1869.

No. 42

Mr. Walter Shrimpton, Hawea Lake, Albertown. *No. 42.*

The only land I rent from the Otago Government, I hold under license only. I did not apply to come under the new leasing regulations, and therefore I presume it would be of no use my answering any of the above questions. *Mr. W. Shrimpton —Hawea Lake.*

WALTER SHRIMPTON.

April 20, 1869.

No. 43*

Mr. John Douglas, agent New Zealand and Australian Land Company (Limited), Dunedin. *No. 43.*

1. Yes.

2 and 3. Not entirely exempt, but that the land reserved for selection would be all *bona fide* taken up ere the Government would entertain any proposition for any further selection or Hundreds. *Mr. J. Douglas— Agent N.Z. & A.Z. Co., owners of Run No. 90.*

4. No actual assurance was given, but I inferred, as the result of my negotiations, that the ground reserved for selection would morally secure, as far as the voluntary acts of the Government were concerned, the balance of the run.

5. About £800 on buildings and other improvements.

JOHN DOUGLAS.

May 3, 1869.

No. 44*

Messrs. Douglas, Alderson, and Co. (late agents for owners of Runs Nos. 210 and 250), Dunedin. *No. 44.*

1. Yes.

2 and 3. Not entirely exempt, but that the land reserved for selection would be all *bona fide* taken up ere the Government would entertain any proposition for any further selection or Hundreds. *Douglas, Alderson, and Co.—Dunedin*

4. No actual assurance was given, but we inferred, as the result of our negotiations, that the ground reserved for selection would morally secure, as far as the voluntary act of the Government were concerned, the balance of the runs.

5. About £2500 on buildings, and about £6000 on fencing, &c.

DOUGLAS, ALDERSON, AND CO.

May 3, 1869.

No. 45*

Messrs. A. and J. H. Rolland, Blackstone Hill. *No. 45.*

1. Yes.
2. No. The covenant simply referred to compensation.
4 and 5. No. *A. & J. H. Rolland—Blackstone Hill.*

A. AND J. H. ROLLAND.

May 5, 1869.

No. 46*

Mr. Geo. F. B. Poynter, Mararoa. *No. 46.*

All the questions answered in the negative. *Mr. A. M. Clark —Mararoa.*

GEO. F. B. POYNTER.

April 19, 1869.

No. 47*

No. 47.
Mr. J. M'Gregor—Burwood.

Mr. John M'Gregor, Burwood.

1. Yes.

2, 4, and 5. No.

JOHN M'GREGOR.

April 19, 1869.

No. 48*

No. 48.
Mr. Loughnan—Mount Pisa.

Mr. Robert Andrew Loughnan, Mount Pisa.

1. Yes, to the extent of 5000 acres, under the Goldfields Act.

2 and 3. Yes, the impression on my mind in agreeing to the granting of rights for selection as above was, that the 5000 acres to be laid aside would meet the requirements (in all probability) for actual settlement during the currency of our lease.

4. No actual assurance was given, but it must be patent that some advantage was likely to accrue to the leasholder; for why make the concession as shown in Answer No. 1, besides agreeing to pay seven times the amount of rent paid previous to coming in under the new Act.

5. Yes, I have made extensive improvements to the extent of £6000, which, in the event of the cancelment of my lease, would be absolutely lost.

(Statement Referring to Answer No. 1).

Last year we offered the Provincial Government a block of 5000 or 6000 acres (more or less) in the Fork of the River Clutha and Kawarau, fenced on two sides by those rivers, on condition of their fencing-in the third side at their own expense; the triangular fork so given up to be used as a common by the people of the adjoining townships of Cromwell and Kawarau Gorge, as well as for agricultural settlement. The offer was received, and, to the best of my knowledge, there has been no official answer returned; but we have been led to believe that the offer is to be refused.

R. A. LOUGHNAN.

May 3, 1869.

No. 49*

No. 49.
Mr. H. Rutherford—Teviot.

Mr. H. Rutherford, for Rutherford and Grant, Teviot.

1. No, no covenant or reserve required from Runs 170 or 353B.

2, 3, 4, and 5. Case governed by Answer No. 1.

H. RUTHERFORD.

May 11, 1869.

No. 50

Messrs. M'Pherson and Co., Invercargill, for Mr. D. Manson, of Waiau.

No. 50.
M'Pherson & Co., for D. Manson, of Waiau.

We have been requested by Mr. D. Manson to acknowledge receipt of your circular letter of 22nd March, and as his run exists under the old Act, he presumes he is unable to answer the queries contained in your letter.

M'PHERSON AND CO.

May 8, 1869.

No. 51*

No. 51.
Mr. C. L. Swanston—Mataura

Mr. Charles L. Swanston, Mataura

1. Yes, to the extent of 5000 acres.

2 and 3. The wording of the agreement would speak for itself; but the very fact of such an agreement being required by the Superintendent, necessarily led me to infer that the rest of the run would not be put into Hundreds during the currency of the lease, more particularly as it was only on some of the runs that these reserves were made; the remainder, I suppose, being less free for the operation of the Act as regards Hundreds.

4. I received no official communication on the subject.

5. Perhaps not.

CHARLES L. SWANSTON.

Geelong, April 4, 1869.

No. 52

No. 52.
Mathieson Bros.—Queenstown.

Messrs. Mathieson Bros., Queenstown.

We have the honor to acknowledge the receipt of your letter dated 22nd March, and in reply we beg to inform you that we only hold land on agricultural leases, and depasture stock on license on the Goldfields under the Goldfields Act, consequently we don't think the questions proposed by the Commission apply to us.

MATHIESON BROS.

May, 11 1869.

CORRESPONDENCE.

(1.)

(Mr. Reynolds to Mr. W. T. Cumine.)

Office of the Commissioners, Provincial Government Buildings,
Dunedin, April 8, 1869.

SIR—I have the honor to return herewith the answers as forwarded by you to the questions proposed by the Commissioners, and to request that you will be good enough to inform the Commissioners more explicitly (in answer to questions 3 and 4) how or by whom you were "distinctly given to understand" that 8000 acres of your run might be taken from you by the Government; but that the remaining 18,000 acres were yours until the end of the lease, &c., and that the Government would not attempt to claim it "without giving you compensation."

I find your declaration was not made before a Justice of the Peace as directed by circular. As it is necessary that it should be so made, I send you another form in order that you may make the necessary amendments.

I shall be obliged by your returning the answers without delay.

I have, &c.,
WILLIAM H. REYNOLDS, Commissioner.

W. T. Cumine, Esq., Horse Shoe Bush, The Gorge.

(2.)

(Mr. Reynolds to Mr. C. C. Graham.)

Office of the Commissioners,
Dunedin, April 8, 1869.

SIR—I have the honor to acknowledge receipt of your communication of yesterday's date, covering answers to the questions proposed by the Commission. With respect to your answers to the 4th question, I have to request that you will be pleased to state distinctly which member of the Provincial Executive gave your firm to understand that on their "consenting to the agreement as to the 10,000 acres, that no further Hundreds would be declared on" their run.

I have, &c.,
WILLIAM H. REYNOLDS, Commissioner.

Charles C. Graham, Esq., Ben Lomond Station, Oamaru.

(3.)

(Mr. C. C. Graham to Chairman of the Commission.)

Ben Lomond Station, by Oamaru,
April 16, 1869.

SIR—I do myself the honor to acknowledge receipt of your communication of 8th inst., and in reply thereto beg to state that it was Mr. Vogel who made the statement referred to, to Mr. George M'Lean, who acted as our agent in the matter.

I have, &c.,
CHARLES C. GRAHAM,
Acting on behalf of Graham and Cook.

The Chairman Commission of Enquiry into Administration
Waste Lands in Otago.

(4.)

(Mr. Reynolds to Mr. J. S. Keen.)

Office of the Commissioners,

Dunedin, April 9, 1869.

SIR—I have the honor to acknowledge receipt of your letter of 6th inst.,* enclosing a copy of your communication to His Honor the Superintendent of similar date, and to inform you that both these letters will be attached to the evidence taken by the Commissioners.

I have, &c.,

WILLIAM H. REYNOLDS, Commissioner.

J. S. Keen, Esq., Lawrence.

(5.)

(Mr. Reynolds to Mr. Hughes.)

Dunedin, Otago,

April 29, 1869.

SIR—I beg to call your attention to the fact that you have failed to forward to the Commissioners the additional evidence requested by them, although I have repeatedly applied to you for it. I have to state that, unless it be sent in without delay, I shall be under the necessity of reporting the matter to the Commissioners.

I would also draw your attention to Clause 3 of the Commissioners' Powers Act, 1867, which imposes a penalty on persons failing or neglecting to give evidence required by a Commissioner.

I have, &c.,

WILLIAM H. REYNOLDS, Commissioner.

J. Hughes, Esq., M.P.C., &c.

LETTER FROM MR. H. L. SQUIRES, WITH ENCLOSURES.

[NOTE.—The following letter (with enclosures) from Mr. Squires was received at Dunedin after the foregoing evidence was taken. The letter of 26th April, referred to by Mr. Squires, simply stated in reply to a previous letter from that gentleman, that any further communication touching the enquiry into the administration of Crown Lands in Otago, would be received by the Commissioners :—]

(Mr. Squires to the Commissioners.)

Mimahau, Mataura, May 15, 1869.

Messrs. Domett and Strode, Dunedin,

GENTLEMEN—I beg to acknowledge receipt of your letter of 26th April, and to forward you herewith copy of a letter to the Otago Waste Lands Board, with reply thereto.

In reference to this letter, I called upon the Secretary for Land and Works on the 3rd April. I was informed by him that the Waste Lands Board did not intend to take any action in the matter unless some special abuse or cause of complaint were brought under their notice. I urged that an examination of the Provincial Government Gazette would shew that accounts of Wardens are very rarely published therein—that it would be invidious and useless to instance any particular case of abuse, while the Waste Lands Board neglected to cause publicity to be given to the proceedings of Wardens, or to control their action by some regulations made by authority of the latter part of the 112th Clause of the "Otago Waste Lands Act, 1866."

I have now to assert that there are Hundreds within this Province in which no returns of stock are taken, or assessment collected, by the Wardens. There are other Hundreds in which the returns of stock are not correctly taken, nor the assessment impartially collected. One of the regulations for the Hundred of Tutarau, and also one of those for Dunedin and Otepopo Hundreds, gazetted by the Waste Lands Board, have the effect of defeating the intention of the Waste Lands Act by causing a remission of the assessment on a portion of the stock depastured upon the Waste Lands of the Crown within the Hundred.

These Regulations also directly discourage fencing-in of freeholds within Hundreds, by giving the holders of unfenced freeholds proportionally more commonage-right than the holders of the same acreage fenced. One effect of the compulsory assessment being payable to Wardens and disbursed within the Hundreds, is beginning to shew itself in some of the lately-proclaimed outlying Hundreds. The settlers in these Hundreds decline to elect Local Road Boards, thereby debarring themselves from participation in the benefits offered by the 2 to 1 subsidy system—applying the Hundred assessment to execution of road works, and urging their claim to direct grants from the Provincial Government, proportional to the revenue accruing thereto from sales of Crown Lands within their respective districts.

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* See Evidence Part I., No. 19, page 38.

I would further respectfully direct your attention to the various methods adopted in dealing with the one half of the assessment payable, according to the Waste Lands Act, to the District Board.

In some Hundreds the whole of the assessment is expended by the Wardens. In others, one-half is handed over to the Local Road Boards within the Hundred. In one instance, a District Board has been formed of three persons elected by the license-holders, to deal with this portion of the assessment.

I am of opinion that the enforcement of Regulations based on the suggestions contained in the letter appended hereto would do much to lessen the irregularities and abuses now so prevalent in the management of Hundreds. I have been the more anxious to bring this letter and its treatment by the Board under your notice, as a sufficient answer to the reproach so commonly cast upon our settlers, that they are little desirous of seeing the Waste Lands Act enforced in letter or spirit within the Hundreds in which they dwell.

I have, &c.,

H. L. SQUIRES.

[ENCLOSURE No. 1.]

(Mr. Squires to Chief Commissioner of Crown Lands.)

Mimahau, Mataura,

8th March, 1869.

SIR—My attention has of late been much drawn to the mode, in which, under the Waste Lands Act, 1866, Wardens of Hundreds are accustomed to account for such monies as fall under their control. The production at the close of the year of a statement of accounts for publication in the *Provincial Government Gazette*, is at present all that is required of the Wardens. The publication of this balance-sheet can give but little guarantee to the license-holders, that the returns of stock have been duly made, and the assessment duly collected. Except by special permission of the Wardens, it is not possible at present for any license-holder to ascertain at any time the number of stock returned, or the brands in use, or to personally inspect vouchers or correspondence. I am aware that in some Hundreds a step has been taken in the right direction by the license-holders in the appointment of two auditors to inspect the accounts of the Wardens (if produced) at the end of the year. I would, however, respectfully submit that the Waste Lands Board alone can legally exercise control over the mode in which these monies are accounted for, and that with the Waste Lands Board alone should rest the initiation of any "Rules or Regulations" for that purpose, as provided in the latter part of Clause 112 of the Waste Lands Act.

I enclose copy of resolutions submitted by me to the license-holders of the Hundred of Mokareta, present at the meeting held at Wyndham, on March 1st, for election of Wardens for 1869. These resolutions are respectfully brought under your notice in the hope that your honorable Board will adopt them as a basis for any rules or regulations which it may be pleased to make in this behalf.

I have, &c.,

H. L. SQUIRES.

J. T. Thomson, Esq.,
Chief Commissioner Crown Lands, Dunedin.

(Sub-Enclosure.)

1. The lease-holders of the Hundred of Mokareta here present, are of opinion that some alteration is expedient in the mode presently in use of keeping and presenting the accounts and records of Wardens of Hundreds.

2. That since the Waste Lands Board, under Clause 112 of the Waste Lands Act, 1866, is empowered to make "Rules and Regulations" for securing the due application of these monies, this meeting is of opinion that much benefit would result from the judicious exercise of that power by the Board.

3. That this meeting respectfully suggests that Regulations to the following purport would have the effect desired:—

a. At a public meeting of the license-holders, to be held in the month of January, copies or originals of all correspondence, contracts, or agreements entered into by the Wardens, and vouchers for all accounts passed by them during the current year, to be submitted to the meeting of the Wardens.

b. At the same meeting, minutes of all meetings held by the Wardens, and returns of stock collected by them for the current year, to be submitted for inspection.

c. At the same meeting, two auditors for the incoming year be chosen from among the license-holders, other than the Wardens.

d. Such auditors to have power after three days previous notice given to the Wardens, to call upon them at any public meeting of the license-holders, to produce at the meeting for inspection, a statement of accounts, correspondence, &c., up to date of meeting.

e. Each Board of Wardens to be liable only for liabilities contracted during its term of office.

[ENCLOSURE No. 2.]

(Mr. Thomson to Mr. Squires.)

Land Department,
Dunedin, March 18, 1869.

SIR—I have the honor to acknowledge receipt of your letter of the 8th last, and having laid the same before the Waste Lands Board to refer you to Clause 109 of the Waste Lands Act, 1866.

I have, &c.,
J. T. THOMSON, Chief Commissioner.

H. L. Squires, Esq.

A declaration, signed before a Justice of the Peace, to the effect that all statements and assertions contained in the above letters "are strictly the truth," accompanied Mr. Squires's communication.

INDEX TO THE EVIDENCE.

PART I.—TUAPEKA.

PART II.—ROXBURGH.

PART III.—CLYDE AND ALEXANDRA.

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PART V.—QUEENSTOWN.

PART VI.—BLACKS AND NASEBY.

PART VII.—OAMARU.

PART VIII.—DUNEDIN.

PART IX—ANSWERS FROM RUNHOLDERS.

[NOTE.—The numbers of this part are distinct from the numbers in the other parts.]

CORRESPONDENCE.

HENRY WISE, Printer, Princes-street, Dunedin