

be blamed for it." I have had no communication concerning the 50 acres till after the sale; I have never been asked for a report on the advisability of selling the 50 acres.

1. *Mr. Shepherd.*] Is it not usual, in cases where it is proposed to sell land on the gold fields, to ask the Warden to report on such land previous to sale?—Yes, it is usual; I have never known any other case but this in which it has been dispensed with, at least since 1868.

2. Can you state the time when you first became acquainted with McDonald having purchased the fee-simple of the 50 acres?—Perhaps two or three weeks before I heard it spoken of publicly. When I heard it I did not believe it, and stated to my informant that the Government would not sell without calling for a report. I should not have recommended the Government to sell the land had I been asked by them. In March, 1869, I became the purchaser by public auction, under bill of sale from Acton to R. S. Dods, of the following interests, namely, the squatter's right to the 50 acres and the buildings thereon, such buildings being a public-house, stable, &c., with garden and cultivation, paddock—in fact, all the improvements on the 50 acres. The mining interests were sold to De Carle, Brown, and Gregge, on joint account. Agricultural implements and cattle sold to various purchasers. At the time of the purchase I signed a sale note and paid the money, namely £200; and before any deed was made out from Dods to myself I had sold to Simson, and the deed was made out "R. S. Dods, by direction of J. N. Wood, to H. N. Simson." I instructed Mr. Haggitt, and got Dods' consent, to convey to Simson, about the 13th or 14th April, 1869. I held a mortgage over the place and everything; I had sold to Simpson for £200; the bill of sale was registered, and such mortgage was paid off in the first week of December, 1870, at the time Simpson sold to Grant. I was finally paid off when Simson sold to Grant. I have had no connection with that property since, either directly or indirectly.

3. What induced you to cause His Honor the Superintendent to understand (as he asserts in his letter of 18th April, 1872, to the Colonial Secretary) "that the nature of the ground in question is such as to preclude its being advantageously worked, if indeed it can be worked at all, without the application of extensive capital?—Because the ground had been open to be taken up by miners, with the exception of two acres, namely, the Break'em All and Bailey's Acre, from December, 1870, to the time it was first known Simpson had purchased the ground, and that none of it had been attempted to be worked; and the ground being deep, wet, and bad standing ground, and also requiring close slabbing, could only be worked at a great expense; and that I was of opinion that it could not be worked profitably without machinery, except with Simson and Bastings' water, they having the most available for driving a wheel. I am not aware what amount of water Simson's pumps are driving at the present time, but I am aware when the pumps cease working the claim is flooded, and that is the reason that the ground was not worked after 1870 till the dissolution. There are two pumps working at the present time, one underground and one at the surface. I believe if a dozen shafts were put down and worked, the water would not be troublesome.

JOHN NUGENT WOOD, Warden.

JOHN UTTING, Storekeeper, residing at Switzers, examined.

I had a conversation with Mr. Bastings about nine to fifteen months back, at my store, regarding the 50 acres the subject of this inquiry. It was after the agitation in reference to it Mr. Bastings told me that Allan McDonald had asked him if he would give him £300—I believe that was the sum mentioned—if he obtained the fee-simple of the 50 acres at Acton's Flat; also, that the price McDonald asked was not agreed to by him; eventually a certain amount of money was agreed upon to be paid if McDonald obtained the freehold. The sum mentioned by Bastings, to the best of my recollection, was either £150, £200, or £250. Bastings said McDonald had gone to town, and wrote that the purchase would be complete if he could obtain the squatter's consent; and while he (Bastings) was absent from home, McDonald went to Tuapeka and obtained one of his horses, for the supposed purpose of obtaining the squatter's consent in writing. After this he (Bastings) received a telegram, saying, "I have drawn on you at sight for the amount agreed upon." Mr. Bastings also told me that he had not honored the draft until the deeds had been examined by his lawyer. In my opinion the land is not fit for agricultural purposes, and would not give 10s. an acre for it. I believe that the reason Bastings purchased the land at such a figure was that it was auriferous.

JOHN UTTING.

WILLIAM ACTON, Miner, residing at Switzers, the holder of a miner's right, examined.

I know the Break'em All Claim, at Winding Creek. I employed M. Hay to make application for 50 acres on Winding Creek. I have not made an application to purchase any other land. My application to the Waste Lands Board was refused, as it—the land—was auriferous. I visited the Waste Lands Board with De Carle repeatedly, but they would not sell it to me. They refused to sell it on account of the Warden, as he recommended them not to sell it. Mr. Warden Stratford, the Warden prior to Mr. Wood, recommended the sale, as I had expended such a quantity of money upon it. I wrote to the Secretary of Lands and Works, stating that if ever the land was sold I wished to be the purchaser. I never at any time assigned my interest in the application for the 50 acres to any one, or any interest I had in it. McDonald called upon me in Dunedin, and wished me to assign my interest in a certain application for the 50 acres now referred to. I refused. He said, "I will give you money if you will sign it." He said, "You want money badly now; name what you want, and I will give it you." I said I would not sign it at any price. He told me he was about to purchase the land. He said he could not get the land unless I signed some paper or other. I refused to sign for any money. He asked me to go to the Land Office with him; I refused. McDonald afterwards came to me at Acton's Flat, and asked me to sign that paper. I told him I would not, and that he need not ask me any more. At the time this took place, he was the proprietor of the public-house on the said ground.

Between the two interviews with McDonald, I wrote to the Secretary of Land and Works, and told him, if it was to be sold, I wished to be the purchaser. I was confident there was a lead of gold through the 50 acres. I told Simson that there was, but I could not stop to get it. I never had