

And whereas the said petition was referred to the Public Petitions Committee of the said House of Representatives, who passed a resolution, "That the Committee recommend that a Commission of impartial persons be appointed to inquire into petitioners' case, with power to take evidence on oath, whose decision shall be final; and, in the event of the petitioners failing to prove to the satisfaction of the Commissioners that they complied with the conditions of personal occupation within the meaning of subsection 4 of section 54 of 'The Otago Waste Lands Act, 1872,' the cost of such inquiry to be paid by petitioners:"

And whereas it is expedient that a Commission should be issued to inquire into the allegations of the said petitioners in the said petition mentioned, and to give effect to the recommendation of the said Public Petitions Committee hereinbefore mentioned:

Now, therefore, I, George Augustus Constantine, Marquis of Normanby, the Governor of the Colony of New Zealand, by and with the advice and consent of the Executive Council of the said Colony, and having full confidence in your impartiality, ability, and integrity, do hereby appoint you, the said Charles Dudley Robert Ward, and James Stewart Shanks, to be Commissioners jointly, by all lawful ways and means, and subject to the terms of these presents, to examine and inquire into the allegations set forth in the hereinbefore in part recited petition, and particularly as to the compliance by the said petitioner or his said son with the conditions of personal occupation of the lands so selected by them, as aforesaid, within the meaning of subsection 4 of section 54 of "The Otago Waste Lands Act, 1872," and generally in the premises and subject as aforesaid to examine and inquire into every matter and thing touching and concerning the allegations in the said petition set forth, in such manner and at such time or times and at such place or places as you shall deem expedient: Provided that any such inquiry may be adjourned from time to time and from place to place, but so as no such adjournment shall be held beyond the Land District of Southland: And I do hereby authorize and empower you to have before you, and examine on oath or otherwise as may be lawful, all and every such person or persons as you may judge capable of affording you any information touching or concerning the premises, and with or without any books, letters, papers, writings, or documents, that may be produced or producible in the matter of the said inquiry: And I do further require you, within ninety days from the date hereof, or as much sooner as the same can conveniently be done, using all diligence, to certify to me under your hands your several proceedings, and your opinion touching or concerning the premises: And I do hereby also direct that, in case the said petitioner fails to prove to your satisfaction that he or his said son has or have complied with the conditions of personal occupation of the land held under the said licenses, or either of them, as aforesaid, you shall make such order as to payment of costs as you in your discretion shall think just, having regard to the hereinbefore in part recited resolution of the Public Petitions Committee, and as you may be authorized by law: And, lastly, I declare that this Commission is and is intended to be issued under and subject to the provisions of "The Commissioners' Powers Act, 1867," and "The Commissioners' Powers Act Amendment Act, 1872."

Given under the hand of His Excellency the Most Honorable George Augustus Constantine, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; and issued under the Seal of the said Colony, at the Government House, at Wellington, this seventeenth day of November, in the year of our Lord one thousand eight hundred and seventy-seven.

No. 4.

His Honor Judge WARD to the Hon. the MINISTER for CROWN LANDS.

SIR,—

Invercargill, 22nd January, 1878.

Herewith I have the honor to forward Commission in *re* Mackintosh and report returned therein, with order for payment of costs.

I have, &c.,

The Hon. the Minister for Crown Lands.

C. D. R. WARD, D.J.

Enclosure 1 in No. 4.

REPORT of COMMISSIONERS.

To His Excellency the Most Honorable the Marquis of Normanby, Governor of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY,—

We, Charles Dudley Robert Ward and James Stewart Shanks, Commissioners appointed under and by virtue of a Commission issued on 17th November, 1877, do hereby report as follows on the matters thereby referred to us:—

On 31st August, 1874, James Mackintosh, sen., and James Mackintosh, jun., applied for Sections 80 and 81, Oreti, respectively, such lands being then open to application for purchase on deferred payments, but unsurveyed. On 21st March, 1876, a "license to occupy" was granted to each, and fees in respect of issue of licenses paid, together with rent. These licenses contained in clause 4 provisions that related back to 31st August, 1874, referring, *inter alia*, to forfeiture of the land in case of the non-occupation thereof within five months from that date. (*Vide* license hereunto annexed.) These provisions were simply absurd, inasmuch as the date from which the time required by "The