

238. *Mr. Macandrew.*] I suppose the Commissioners have to approve these transactions—they are responsible?—Yes.

239. *Hon. Mr. Rolleston.*] Are you not of opinion that the Legislature, in enacting this clause in the Land Act, contemplated dealing with educational reserves?—I think that the purchasing clause, when introduced into the Legislature, was absolute, and that it was only subsequently, in joint conference of the two Houses, that an alteration was made of its application to education and goldfields reserves. Further, it seems, and did seem, to me that that was the result of the deliberate consideration of the House. It was an error such as is often made at the end of the session.

240. Do you think gentlemen occupying a position as Commissioners are entitled to form a judgment of the intentions of Parliament other than as expressed in its own act?—I think the Commissioners act on their own judgment. They are quite entitled to do so. And they have the option of deciding what is the best mode of settlement; and I think that the Legislature provided for that option.

241. Did not the Legislature at the same time provide for the contemporaneous control of the Executive of the day, as representing the Legislature?—The Act said the Governor should have the control, which practically means the Minister of Lands.

242. *Mr. Macandrew.*] Mr. Rolleston does not mean to say that the Commissioners said, "This is to be the law"?—The Commissioners did not consider that they were simply a department of the Government, amenable in any way to the Minister of Lands. They conceived that they had the right of independent action.

243. *Hon. Mr. Rolleston.*] Do you not consider that the Legislature considered that the general administration of the land law should apply to the education reserves?—Undoubtedly. Subject, however, to the judgment of the Commissioners in as far as the education reserves were concerned, and by no means compelling the Commissioners to exceed the powers under the Act of 1877 and their leasing powers. In respect to the Act of 1882, they might or they might not recommend, just as they liked.

244. But do you not conceive that the Government of the day is right in insisting that the administration in this case should be in harmony with the general administration of the colony?—I think the statute declared that the land should be brought in under the land law as far as it was consistent with the recommendations of the Commissioners.

245. There are two members of the Legislature on the Board of Commissioners?—Yes.

246. Both strongly opposed to the system of perpetual leasing?—Yes.

247. And two Commissioners of Crown Lands, who are in favour of it?—They are the officers of the Government, and carry out its wishes.

248. Do you mean to say that these gentlemen do not exercise an independent judgment?—I think they would hesitate before going in the teeth of the opinion of the Government.

249. And you do not think any advantage is to be gained by removing the administration of these reserves from a body that may be supposed to be open to influence?—Open to what influence?

250. Either from the department or from their own action in the Legislature, and their own feelings in regard to the making of leases?—As far as the two gentlemen who are or were Commissioners of Crown Lands are concerned, I believe the choice was an admirable one. They are gentlemen of long experience, and no better choice could have been made. With regard to the two others, one was elected, the other appointed.

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TUESDAY, 11TH AUGUST, 1885.

Mr. McKERROW examined.

*The Chairman:* We desire to obtain your evidence as to the working of the reserves in Otago in the hands of Commissioners, and generally as to whether you think it advisable, in the interest of settlement or education, they should remain in the hands of the Commissioners or be transferred to the Crown Lands Department.

252. *Hon. Mr. Ballance.*] What is your general experience with reference to the administration of these reserves?—It has been rather unsatisfactory.

253. Does that apply generally or to one provincial district?—Especially to Otago and Canterbury.

254. Do you think the action of the Commissioners has been in the direction of promoting the best kind of settlement?—Only partially so; it might have been better. I am thinking of the Waikaia Reserve in Otago, and also of the Orari Education Reserve in Canterbury.

255. Perhaps you will state what you know about the work there?—The defect in the administration of the Waikaia Reserve was apparently due to the want of knowledge of the country on the part of the Commissioners. That country consists of a narrow valley of excellent alluvial land, with spurs running up to 5,000ft. or 6,000ft. elevation. The upper portion of the valley was under pastoral lease to James Gall. He had already obtained, in terms of the Land Acts, pre-emptive rights covering about thirteen hundred acres of this alluvial ground. Notwithstanding this, he represented to the Commissioners that he was greatly in want of low land to grow turnips so as to winter the sheep. Thereupon the Commissioners allowed him a lease for twenty-one years of an additional 600 acres of this low alluvial country, and this lease was given within two years of the expiry of the pastoral lease. The effect of this concession, together with the holding of the pre-emptive rights, gave Mr. Gall the key to the occupation of the back country. This was made manifest when the pastoral lease did expire, because, when the runs were offered for a further term there was no bid whatever, Mr. Gall being perfectly satisfied with the amount of freehold and leasehold land which he already possessed, he having informed me that it was quite sufficient for any one man, and that he would not take the back country unless he got it at a very reduced figure. The