

Honor thereupon, at once, and properly so, appealed to the Colonial Government to interpose and to prevent a public disturbance, likely to result from the act of the Land Board, and the Government are now endeavouring to adjust this dispute, and hope, with your Honor's co-operation, to be successful.

The resolution of the Waste Lands Board, which you enclose, requires little notice, as I have already, in a letter to the Commissioner of Crown Lands at Nelson, a copy of which I forwarded to you on the 7th instant, explained on what grounds it was the duty of the Government to act as they did in this matter. Had this action, resented by the Board as interference, been met by them in a proper spirit, the serious difficulties which at present exist, and in which the aid of the Colonial Government is now readily sought, would probably not have occurred. In attempting to trace those difficulties, as you do, to the action of the Colonial Government in notifying the rights of the Crown, your Honor stops short of the fundamental cause which compelled this Government to give that notice—namely, the want of proper caution and promptitude exhibited by the Land Board, of which the Superintendent is a member. I conceive it to be my duty to state the impression of the Government, that if reasonable alacrity had been exercised by the Board, such as a man of business would have exhibited in protecting his private rights, the present complication might have been altogether avoided. Such a course was the more incumbent on the Board, as in all the Nelson newspapers, more than a month previously, attention had been directed to rich specimens of gold-bearing quartz from Wangapeka, which had been brought to Nelson, and some of which were stated to have been shown to your Honor.

But, in fact, the course adopted by the miners is in no way attributable, as your Honor asserts, to any proceeding of the Colonial Government in respect of these lands. The first step which the Government took in the matter was to ask for information, and that step was taken on the 25th of October, and the circular to Commissioners of Crown Lands, and the notice, were dated subsequently. It appears from Mr. Burnett's official report, dated 23rd October, addressed to your Honor, and published in *Provincial Gazette* of the 25th of that month, that complications had already occurred between the purchasers of land supposed to contain this quartz reef and the men who have actually pegged off claims on the ground, and it is stated in the public press at Nelson, of the same date, that there were 142 miners on the ground, in addition to 60 on the road; that those on the ground had pegged off their claims, that they had stopped Mr. Sinclair's survey of the land purchased, that they had protested against the purchase, and expressed their determination not to recognise it, and that a deputation from them had informed the Provincial Government at Nelson to that effect.

I have, &c.,

His Honor the Superintendent, Nelson.

W. GISBORNE.

No. 21.

Copy of a Letter from the SUPERINTENDENT, Nelson, to the Hon. W. GISBORNE.

Superintendent's Office,

Nelson, 21st December, 1869.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 14th instant, in further reference to the late purchase of 130 acres of rural land at Wangapeka, in consequence of a statement by a miner that a gold-bearing quartz reef had been discovered upon it—a statement which Mr. Burnett's subsequent visit proved to be well founded.

I have no wish to pursue the controversy upon this matter with the Attorney-General, especially as I think it has gone far enough to establish all that I have contended for, namely, that these sales were unavoidable in the present state of the law, and that the utmost promptitude was shown by the Waste Lands Board in putting a stop to them, by the withdrawal of the land from sale. I do not feel surprised that you have not deemed it necessary to call upon that officer to defend his opinions, and to vindicate his knowledge of his profession. I should have thought that the acknowledged high standing of the Attorney-General in that profession would have made this remark unnecessary, and still more so the observations by which it is followed.

The two memoranda of the Attorney-General upon this subject with which you had furnished me were by no means confined to legal questions, but dealt freely with political questions, such as the purchase of supposed auriferous land by officers of Provincial Governments, the policy of the sale of Crown lands by what is commonly called "free selection," the policy of the sale of auriferous land, and more especially the policy pursued by the Waste Lands Board in the exercise of its discretionary powers. This being the case, I felt justified, as I said, in commenting much more freely upon these memoranda than I should have done had they dealt only with legal questions; and my high respect for the Attorney-General causes me to read with regret your indignant vindication of that gentleman, which I am sure the profession and the public, as well as myself, will consider to be entirely superfluous.

From your recapitulation of the main facts, the construction you put upon them, and the opinion you express upon the action of the Waste Lands Board and of myself, I gather that the view of the General Government of the mode in which the waste lands of the Crown should be administered in such circumstances is pretty much as follows:—When a miner or other explorer, thinking he has made a discovery of value, and wishing to avail himself of it in the way the law provides, confides the facts to the Provincial Government, in reliance upon their good faith, he should be kept in the dark, if not misled, as to the law, in order to deprive him of the benefit which he would hope to derive from his energy and enterprise, so that the public interests might be protected by selling the land by auction, as you propose, to the highest bidder—the land becoming freehold in either case, and no longer open to the holder of a miner's right.

The Provincial Treasury might be benefited in this way, but not, I think, the public interests.

The alternative course you propose, it seems to me, would have been still more objectionable—that of proclaiming the district a gold field, without any better or more reliable information than that