

between Matiri and Owen; you can't see anything except from the hill sides or tops. Until I went with Clark I had always believed the Owen to be the Matiri.

By Mr. Adams: I could see Mount Owen from the junction, or a little below it, of the Mangles. There is a large flat on it where you cross the river. You are bound to see Mount Owen thence, *i.e.*, what I call Mount Owen. I know of no other. Mount Owen is something like a sugar-loaf. The pencil sketch is like what I mean by Mount Owen, as seen from Nelson. There is snow on all these ranges in winter. I have seen it in the middle of summer.

Mr. Catley: I should state that this morning a map was discovered in the Survey Office, evidently drafted by Mr. Richmond, and upon speaking to the Superintendent upon the question, he wished every information given to yourself, and I was instructed to call upon Mr. Richmond to ascertain the source of his information. I found that in 1863 Mr. Rochfort had been employed to explore for the Government upon the dividing range between the West Coast and Nelson, and that to accompany his Report, upon his return, Mr. Richmond assisted him in compiling a plan, and that at Mr. Richmond's house was lying this tracing, which is the one he (Mr. Richmond) made at the time from information furnished by Mr. Rochfort. It will be seen that Mount Owen, as shown upon this plan, is called the Mount Owen Group, and in Mr. Rochfort's Report in *Gazette*, 11th April, 1863, it is called the Mount Owen Cluster; that although the plan of Mr. Rochfort (which Mr. Richmond explained as being entirely sketch work) shows the Mount Owen Group at the head of the Owen River, it shows it at the head of the right-hand branch looking down, and clearly makes the Rolling River outside the then gold field, or outside a line from Mount Arthur to the Owen Group. Date, April 13, 1863. It is evident the compiler of this map did not take as Mount Owen that laid down by Haast or Burnett, but it is equally evident he did not take Stanford's.

By Mr. Moss: The broad position, as taken in Stanford's, is the same as the other. He puts his Mount Owen distinctly to the West of the Rolling River.

Mr. J. W. Barnicoat, by Mr. Kingdon: I think it was on a Monday, about half-past 10 a.m., that I received notice. It was the day on which the Proclamation withdrawing certain land from sale was issued. I would have attended the previous day if I had received notice.

By Mr. Moss: I am quite certain as to the time. I received it on the road coming into town. It was not nearer 9 o'clock, I am quite certain. I had not time to go to the Provincial Buildings before the opening of the office. I went direct to the stable, and thence to the Land Office. It was then about twenty minutes to 11 a.m. We agreed at once to the withdrawal, after a very short discussion. It is hard to say, if it had been done in my absence, whether I should have agreed to it. Probably I should. I should have a right to object. The line in Stanford's map is more consistent with the Proclamation than a similar line in Mr. Haast's map. [Mr. Moss quoted a passage\* against Stanford's map being an "official map," and asked, What is the meaning of the word "authentic," and what is it applied to?] I meant "accurate," "trustworthy." I looked at the maps carefully. It† is more consistent with that part of the Proclamation. I was not aware that Stanford's map had been issued to the Wardens on the West Coast. Had I been aware it would have been made some difference in my estimate of its trustworthiness.

By Mr. Adams: I think No. 1 does not agree so well with the Proclamation. I allude to the line from Mount Owen, which is described as the "ranges eastward."

Mr. Daniell: I must state first that I was not aware that Rochfort's map had been issued to the Wardens. Mr. Curtis stated so also. They were issued under a previous Superintendency. I can only state my view of my duties under the Land Regulations, without pretending to explain what the law on the point is. The Province had been at considerable expense in sending out parties to explore for gold; and therefore, when a miner came, I considered the Government were bound not to allow him to go away without the best protection I could give under the circumstances, and I suppose every one of the miners would have wished the same. I felt just as anxious as any one could be next morning to stop the sale as quickly as I could. There are two sections which provide for the sale of land without further reference to anybody. The thirty-second section, which provides \* \* \* and that which provides that after the auction all land not so sold shall be open to be taken at any moment ("may be purchased by any person"). This is one of the fixed price clauses. In section 27 the upset price is fixed at from 5s. to 40s. per acre; and the idea under the thirty-fifth section is, that any one after prospecting about the country can if they please take any land at 40s. per acre—people wishing to settle having always complained of the risk of having to go to auction; so the Legislature met the case by giving them the option of purchasing at fixed prices. If I thought I could have suspended the operation of that clause (135) by myself, without exposing myself to legal damages, I should have done so of course. I consider that if the Commissioner of Crown Lands declines to put that clause in operation, he does so at his own risk. There is a proper way provided for suspending its operation; and in the case of one of my predecessors (Mr. Domett) who had declined to sell land to a gentleman who had thought it a good speculation, he was proceeded against in the Supreme Court, and a *mandamus* issued compelling him to sell and receive the money. I did not feel prepared at all on that morning to run the risk of subjecting myself to an action at law. Had I had the slightest idea of the magnitude of the interests involved, I might have made my own choice. I should most certainly have taken the risk had I done so. I would have allowed them to leave their money, and then have left them to their own remedy, trusting to the Government to have borne me through, though I consider the Waste Lands Board has nothing to do with the case till I bring it before them. \* I received the applications the same day as the sale took place in the afternoon †

Mr. Catley here read the application—"On the opposite," &c., signed "C. Everett." § This is in Mr. Brunner's writing. I did not see it written, but they brought it to me. This is exactly as it was brought to me. It has not been altered since I received it. It has been in the custody of Mr. Daniell and myself, and I can also say I particularly noticed the application on the other side of the Nuggety Creek, and was surprised at its being on the other side. We were so busy there was no

\* From a Minute by the Waste Lands Board. † That is, the line on Stanford's map.

‡ Mr. Daniell here alluded to a charge that the applications had been tampered with.

§ This was the application leaving the "gap" between it and previous applications.