

the clause to mean, that any person can buy any piece of land he thinks proper which is open for sale as rural land at £2 an acre, and that on his tendering his money the land is his. There is no discretion whatever given to the Commissioner. Any discretion on the part of the Commissioner of Crown Lands is expressly excluded by the provision for the withdrawal of land. Any discretion to the Commissioner of Crown Lands was intentionally excluded. The Act provides, by section 9, the mode in which it may be withdrawn from sale. The Provincial Council which passed the resolution on which the Act was framed, have always been averse to giving any discretion to the Commissioners, because they have always thought, and I think myself, that doing so would be opening a door to a corrupt administration of the waste lands. The Provincial Council were not averse to exercise of discretion by Waste Lands Board. I think the Provincial Council would have been averse to the Commissioner of Crown Lands exercising a preliminary discretion, even though necessary to the exercise of discretion by the Waste Lands Board. I think the Act clearly requires this, and that this was the intention of its framers. It is a choice between two evils; the question is, which is the smaller one? In Otago there were loud complaints of the exercise of this discretion. What I have said as to discretion under thirty-fifth section equally applies to section 32—*i.e.*, he cannot withdraw land from sale under that clause any more than under the first at his own discretion. The decision of the Supreme Court in the case in which you were concerned appears to me to apply exactly to this case. I recollect some further circumstances when the gold field at Collingwood first broke out twelve years ago. Application was made to you to purchase a considerable block of land,—another case altogether. You refused; but on its being suggested to you that the law would compel you, you did sell. It was about one week before Dr. Renwick applied. I was one of the purchasers. You then took the step of notifying that all the rest of the land would be withdrawn. Then came Dr. Renwick's application, and the appeal to the Supreme Court. These cases were fully in our minds when this sudden rush for land arose, and mainly influenced me in advising, and Mr. Daniell in acting. If we had had any sufficient proof of the discovery of a quartz reef of which we were merely informed by a person of whom we knew nothing at all, and who merely produced specimens which might have come from anywhere, we should have taken steps to have a meeting of the Waste Lands Board for the purpose of withdrawing the land that afternoon. It did not occur to us at all events, that anybody would think of buying land without some corroboration of the report. I certainly should not have been disposed to risk £5 upon it myself, and I did not think other people would; for I considered that the next morning would be quite time enough to take that step. Could I possibly have foreseen the difficulties that have arisen, I should have asked Mr. Daniell to take the responsibility upon himself, and, with the consent of the Executive Council, have guaranteed him against the consequences of illegal action. I allow there may be cases in which a Government might take upon itself to override the law, but it should only be done in cases of great emergency, and there was nothing in the circumstances of the purchase to lead me to suppose such an emergency had arisen.

By Mr. Moss: I do not know that late Governments have refused to sell land in this very district. I was not privately informed, a week or two prior to Culliford's application, that there was a reef likely to be found in this district. Mr. Baigent did show me some specimens, but they had no connection with any reef that I know of. I had a good deal of faith in Culliford. A correspondence is going on with the General Government on the subject of the law in this case; Mr. Domett has the correspondence. I have no knowledge it was within my power to rescind this sale; my knowledge was it was not in my power. I think the actual laying down of money amounts to a purchase. I have heard of the case of money returned from Mr. Daniell to day, but I consider it was an illegal act, and that he was liable to an action for damages. [Mr. Moss here read Attorney-General's opinion as to gold the property of the Crown.] I knew of this. A notice was issued by Government and then rescinded. I was in Wellington; it was done at my request. I have no interest directly or indirectly in any of these purchases, but I have an interest in some of the races in a public company that has been formed.

Mr. L. James recalled: Mr. Robinson told me it was auriferous land, and for that reason refused to sell it; this was in 1861.

No. 30.

Copy of Mr. DOMETT's Decision on the INQUIRY.

THE inquiry into the Wangapeka Land Sales having terminated, I have determined upon the rather unusual course of giving in public the conclusions I have come to upon the subject, before I have had an opportunity of submitting them to the Government in the form of a report—which, no doubt, would be afterwards published—because I think that by so doing all persons immediately interested in the question, will be the sooner enabled to decide upon any ulterior course they may think it desirable to take, in order to obtain an authoritative and definite settlement of their respective rights in the matter, which, as I have more than once already remarked, can only be given by the Supreme Court; and because the excitement caused by the agitation of this subject will thereby, it is to be hoped, be the sooner allayed, and the impediments to the pursuit of a most important and beneficial branch of industry be the sooner removed: these being the objects, I presume, the Government had principally in view in causing the inquiry to be undertaken.

I propose to take up the points of inquiry in the same order in which they have been investigated, giving the results produced upon my own mind with regard to each as briefly as is consistent with clearness, without attempting to detail, where facts are concerned, all the evidence upon which I have founded my opinion; to do which would occupy too much time, and perhaps might so overlay the subject as to risk its being made unintelligible—at least in a *viva voce* address of this kind. The evidence has been, or will be, published in the completest form possible, and is, I think, fortunately of such a character as to lead to not much variety of opinion as to the conclusions it warrants.

I. In the first place, then, we inquired into the transactions that took place respecting the land sales. The principal objects to be ascertained herein were:—