

him as transferee. The request was granted, provided the transfers are correct." This statement of McDonald's was incorrect, as the Waste Land Board had never agreed to sell to Acton. McDonald came before the Board and personally made his application. The Gold Fields Secretary asked me if I knew of any objection, and I said I knew of none, and that the Board had power to sell under the 123rd section of "The Waste Lands Act, 1866;" that what I recollected of the case was, that Acton having made great improvements, my recollection of the feeling of the Board previously was that he should have the land. At the same time, as these applications were always made in ordinary routine, on the responsibility of the Governor's delegates who were present, namely the Provincial Executive, who had sole authority over the gold fields officers, I only spoke of the legality of the matter, not of the policy or propriety of it; indeed the Board has always refused to entertain a Government land application without a responsible member of the Provincial Executive, who hold the Government delegation, being present, and the Board has always been guided in its decisions by the Provincial Executive represented at the Board.

McDonald's application was taken down by my clerk in McDonald's own words in the Waste Land Board draft minute-book: "Mr. McDonald to apply to have section I., Wendon District, agreed to be sold William Acton, granted to him as transferee." As authorized by Waste Land Board, I examined the transfers, found them to be correct, and substituted McDonald's name for Acton's in the original application. Being merely a private member of the Board when the former applications with regard to this land came before it, my impressions were not very vivid, but they were to the effect that there were no particular objections to the sale to Acton, but rather that the Board had been favourable to the sale. When the propriety of the sale was called in question, I then looked up the gold fields papers in the Gold Fields Secretary's office. I did not consider the wording of McDonald's application as to the Waste Land Board having agreed to sell to Acton, and did not look up the former decisions of the Board on the subject. I satisfied myself by a perusal of transfers that Acton had parted with any right he had to the land to McDonald, and accordingly filled in his name on the original application, making him stand in the position of the original applicant.

The Provincial Secretary usually brings in all applications affecting gold fields purchases, and the Waste Land Board passed them without question, unless there is a protest from outside, which I think has only happened once. The Waste Land Board do not ask for reports on applications for land in gold fields if they come through the Provincial Government; if they come direct, the Board asks the Government to make the necessary inquiries. The report of the Warden, which I refer to in telegram to Mr. Cooper as being favourable to the sale in 1868, was a report from Mr. Warden Wood, which I saw in the Government offices, and which I read in that sense. I looked upon Mr. Haughton as an experienced gold fields officer; it therefore did not occur to me to put myself in his position, and act in the interests of his department.

I consider myself in no way responsible for the propriety of granting, or not granting, gold fields applications, as I am absolutely debarred by the arrangements of Government from having any direct and responsible information on the subject.

The plan of Acton's application was received by the Survey Office on 6th October, 1868. No other plan has ever been made; there was nothing in the plan to show that there was any gold working within the boundaries of the application; it was therefore passed through, with many other applications from various parts, as a matter of routine.

On all the former occasions when Acton's application came before the Board, I was not Chief Commissioner; I was not so until McDonald's application came before it. I was aware, when McDonald made his application, that the Board had by implication agreed favourably to consider the sale to Acton on its first consideration by the Board, as the survey deposit was received as for a pre-emptive right. Subsequently, when the Board declined, it was on insufficient grounds, seeing that the Board had the power to sell within gold fields. The 123rd section of Waste Land Act had not then ever been acted on.

Between 1868 and 1871 a complete change of sentiment took place with reference to sales of land within gold fields, the sales formerly being exceedingly limited, at the latter time of daily occurrence. McDonald made no representation to me or to any member of the Board, as far as I know, on the subject of his application.

#### *Memorandum for the Commissioners.*

In regard to what took place at the Board on McDonald's application, having had time to recall the subject to my memory, I may state that it came abruptly on me without notice, it being stated in the case-book as already having been granted. This might have been perfectly true, in my various absences from the Board; and it did not occur to me to question it, as my recollections were favourable to the granting, nothing having been adduced against it at the times of my sittings. After McDonald had stated his case, I shortly told the other members that I believed the land to be improved and under agriculture, a fact which always weighed strongly with the Board in similar cases, and that they had power under the 123rd clause, "Waste Land Act, 1866," to grant it if they wished. I at that time knew of no objections to the granting on the plea of the auriferous nature of the soil, else I would not have acceded without further inquiry, though this is a part of the Gold Fields Department.

The application was then granted.

J. T. THOMSON.

P.S.—The application was one of many other questions disposed of at the same sitting.

HORACE BASTINGS, Gold Fields Secretary and Secretary for Works, Dunedin, examined.

Over two years ago I lent Mr. De Carle, who was then owner of the water rights in connection with the Break'em All Claim. Mr. De Carle got into difficulties, and was not able to pay me the money, and I took the water rights from him, and allowed him £300 for them. At this time the ground was being worked by Simson, Graham, and party, and I sold half of my water right to Hector Norman Simson for £150. When I sold him then, I got an interest in the mining claim with