

F. WEST was called, and, being sworn, stated that he claimed no interest in section 40, which belonged to Munson. He was prepared to assign to Munson any interest he might have had in the section.

[Case closed.]

#### SECTIONS 41, 78, 115.—HOOPER AND DODSON, CLAIMANTS.

Mr. MACKAY stated that section 41 had been taken for railway purposes, and admitted the allotment of sections 41 and 78 to Hooper and Robinson by Mr. Commissioner Sharp.

Mr. Haselden appeared for claimants.

RICHARD ROWLANDS, agent for Hooper and Dodson, sworn: If a fourteen years' lease of section 41 were granted upon the terms suggested by the Superintendent, it would be worth a premium of £100, and a rental of £10 a year. Rent was paid up to December, 1874. Section 78 was cleared, and the statement sent in shows that there is a building worth £300 on one of the sections. I think it is 78, but I am not sure as I have only been appointed agent for the claimants during the last fortnight, and am not familiar with the circumstances attending each. I do not know the sections in the old business part of the town for which the sections were granted. There is no building on section 115, Palmerston Street. It has been cleared and rent paid upon it. The title to it is rather complicated.

C. H. W. BOWEN, sworn, stated that as trustee in the estate of George Falla he authorized the sale of section 115 to Mr. Blaxall, who purchased it at auction, but failed to comply with the conditions, when it was put up again and sold to W. J. Patterson.

J. MUNRO, auctioneer, proved the sale to Blaxall and the subsequent sale to Patterson, who sold to Hooper and Dodson.

[Case closed.]

#### SECTIONS 42, 43.—EDMOND ROCHE, CLAIMANT.

Mr. HASELDEN appeared on behalf of Mr. E. J. O'Connor to claim section 43, but having no evidence to support the claim he withdrew from the case. He did not by any means wish it to be understood that he withdrew Mr. O'Connor's claim to the section; what he desired to say was that he was not in a position to appear.

Mr. FISHER, who appeared for Roche, made the following statement in reference to Mr. O'Connor's claim:—In 1872, I was, as I am now, practising as a solicitor here. At that time there was a company called the Buller Towing Track Company, of which Mr. O'Connor was Chairman. The Buller Towing Track Company had a debt owing to it by a man named George White, who was the owner of the section, which he held under lease. It is situated at the corner of Freeman Street and Gladstone Street, and upon it was a public-house called the Albion Hotel. White was also carrying on business as a carrier. To secure the debt of the company, Mr. O'Connor took an assignment of the lease from White; and before White had paid the whole of the money to the company, Mr. O'Connor sent in a claim to Mr. Commissioner Sharp for another section, as the one assigned to the company by White was in danger of being washed away. Section 43 was allotted upon the understanding that White should take possession of it as soon as he paid the debt due to the company. The whole of the money had been paid. White owes the Buller Towing Track Company nothing under the mortgage; still Mr. O'Connor removed all the material from the Albion Hotel when it was pulled down, and used it in erecting premises on his own land. Mr. O'Connor, you will see, lost nothing by that transaction. That was the position White occupied when he sold the section to Roche.

THE COMMISSIONERS: Therefore Mr. O'Connor cannot justly claim the section. However, he does not appear or make a claim to it.

E. ROCHE, sworn and examined by Mr. Fisher: I keep Roche's Hotel, at the corner of Adderley Street and Wakefield Street. Section 41 was allotted by Mr. Commissioner Sharp, and section 43 I bought from White for £15 or £20. I indorse the correctness of the statement made by you. I cleared the sections and erected a house upon them in 1872. There was no road at the time, and I had to bring my material up the river by boat. Altogether I have spent £1,150 on buildings and improvements upon the two sections, and have paid rent upon them as long as the Government would receive it. The General Government propose to take the sections, and I shall suffer damage to the extent of £2,300 in consequence. Provided I got a lease upon the terms indicated by the Superintendent, the sections would be worth £150 each. If I am compelled to leave them, I may not be able to get into business again for six months. Certainly I shall not obtain so advantageous a position, or one where I shall do half the business I do now. From April, 1874, to April, 1875, I made about £800, clear of all expense. My business has been better during the last seven months than it has been before. I experienced no depression until the last month. I produce a statement of receipts from the first day I opened business to the 25th April last [Statement put in—A.] The fact of people leaving the place was rather a source of profit, because my place is near the wharf and the boatmen's steps. £1,150 does not cover the actual cost of the building, as the following items will show:—Value of material of hotel pulled down in the old township and re-erected here, £300; contract for re-erection, £300; painter, £110; three months of my own labour at 12s. a day, £46 12s.; boatage, £9; chimneys, £33; fencing, £16; water closets, £5; kitchen, £25; pump, £10; timber for bar ceiling, £10; wash-house, &c., £8 10s. That makes a total of £1,173 2s. My receipts were sometimes as much as £52 a week, as shown by the book which I hold in my hand, in which the entries were regularly made. My bank pass-book will show what my takings are, as my deposits with the bank represent receipts from the hotel business alone. [Bank book produced.] That book shows that my receipts for the half-year ending 30th September, 1875, were £1,138. That money is wholly and solely the proceeds of my business.

THE COMMISSIONERS: How can you say that, when here we see an entry of a bill of exchange for £30 4s. 6d. having been paid in. Did you receive that in the ordinary course of business, or was it an old grog score? There is also another item of £25 which requires explanation.