

so; that he was then taken to the other building already mentioned as 100 yards distant, and there on the maps pointed out all the sections he wanted; that Mr. Fussell then noted the time of his doing this on the application paper, as the time of making the application, and entered it in the book, scratching out the time previously entered by the present applicant.

That Mr. Edward Richardson, jun., having his name in the Survey Office book on the afternoon of the 1st February, and being actually then engaged at the legal closing hour in pointing out *bond fide* what land he was further applying for, was entitled to priority of application on the morning of 2nd February over Mr. Sealy.

That Mr. Sealy, though a contract surveyor, is also a land buyer, and was watching the whole of Mr. Edward Richardson, jun.'s operation on the afternoon of 1st February.

That Mr. Sealy, a contract surveyor, laid out the road along the north boundary of Section 23,923, 600 acres, which he afterwards purchased. That this road could not go beyond Section 11,590, Crown-granted to Edward Richardson, present applicant, 8th May, 1873.

That the present applicant does not object to the road, but to the power being in the hands of a contract surveyor to lay it out.

That, on the 31st January last, the present applicant had instructed his son to apply at the Survey Office, Timaru, for the land set out in Application No. 24,088 granted to him, as well as to apply for that in 24,089, granted to Mr. Sealy; that Mr. Edward Richardson, jun., actually bought No. 24,088 for and on behalf of his father, the present applicant, and also had the funds placed at his disposal for purchasing 24,089 on the same behalf.

J. W. HAMILTON,
Deputy Chief Commissioner,

Taken Monday, 28th February, 1876.

Waste Lands Board, Canterbury.

(Here follows Sketch showing Provincial Government Survey Office, Timaru, in connection with the Survey Office of Mr. H. Sealey.)

Insert Plan.

EXTRACT FROM MINUTES OF SITTING OF WASTE LANDS BOARD, 6th March, 1876.

"24,089. With reference to Board minute of 28th February instant, on the Hon. Edward Richardson's statement, the Board, having consulted together, are of opinion that one of their number should make inquiries at Timaru into the facts set out by Mr. Richardson, and recommend that Mr. Marshman undertake this duty, which he accepts."

COPY of UNSWORN EVIDENCE taken by MR. JOHN MARSHMAN, at Timaru, *re* Application for Section 24,089.

Mr. Edward Richardson, jun.—I went to the Land Office, Timaru, on Tuesday, the 1st February, about, as nearly as I can estimate it, twenty minutes to four in the afternoon. I saw Mr. Fussell. I asked to see the map of the district including Albury Station. Mr. Fussell said, "If you go over to the office, the map-room, Mr. Boys will show it to you. I went to the map-room. I did not see Mr. Boys, but saw Mr. Henry Sealy, who was working there. I asked Mr. Henry Sealy if he would show me the map of the Albury District, and he did so. I inquired where the sections were on the map which his brother had bought (a 600-acre section and a smaller one adjoining it), and he pointed them out. I then asked if he would mind measuring the triangular block between those (Mr. Edward Sealy's) sections and my father's freehold, and also the block between Mr. Edward Sealy's 600-acre section and the River Tengawai. He scaled them roughly, and told me what they scaled. I then returned to the Land Office, and said to Mr. Fussell that I wished to apply for some land on the Albury Station. Mr. Fussell then went with me to the map-room and asked what sections I wanted. The map that I had seen with Mr. Henry Sealy was still lying unrolled on the table, and Mr. Sealy was working at the same table. I pointed out to Mr. Fussell the triangular block before mentioned. Mr. Fussell scaled it, and said the contents were 144 acres. I believe the time (fifty-six minutes past three) assigned to the application, was taken by Mr. Fussell when I pointed out the section on the map.

Just as Mr. Fussell had finished scaling the triangular section, he said, "What is the next?" I then said, "I want that," pointing to the block between Mr. Edward Sealy's 600-acre section and the River Tengawai. Mr. Fussell leant over the map and was about commencing to scale the section, when Mr. Henry Sealy, who was still at the table, took his watch out of his pocket. Mr. Fussell noticed this, and turned round and looked at the clock. There is a clock in the map-room as well as in the Land Office, and said, "I cannot take your application, it is past four." I believe it was at that time about half a minute past four, but I am somewhat short-sighted, and could not see the time distinctly. I then returned with Mr. Fussell to the Land Office, and put my name in the book. Mr. Fussell said, "If you want the section be here punctually at ten." Mr. Shaw, who was present, asked if there was more than one after the land. Mr. Fussell said, "Oh, I don't know, there may be." I said, "What time do you go by?" Mr. Fussell said, "By the clock," pointing to the clock in the room in which we then were, the Land Office. I looked at my watch, and it was fast of the office clock. I borrowed Mr. Shaw's watch-key, and put my watch back to two minutes fast of the office clock. I cannot say exactly how much I put it back; I believe it to have been eight to ten minutes. I am certain I put my watch back not less than five minutes. I then went away.

The next morning (February 2), I walked up North Street from the Great South Road to the gate, or nearly to the gate, leading to the Land Office. It was then by my watch ten minutes to ten, from eight to ten minutes to ten. I cannot say to a minute; but I am confident it was not later than eight minutes to ten. I did not go to the door of the office, or inside the gate. I supposed the office was not open to the public until ten o'clock. I then walked slowly down North Street to the cliff at the eastern end of it; every now and then looking back towards the Land Office gate to see if anybody went in. I saw no one go in. From the cliff I walked slowly back to the Land Office gate—rather more slowly than I walked towards the cliff—and up to the door. At this time it was exactly ten o'clock by my watch. I went into the Land Office and saw Mr. Shaw. He said, "You are too late, the land is gone. They are in the office measuring it." These remarks were made in Mr.