

looking at. He pointed out the piece of land—a triangular piece—lying westward of Mr. Edward Sealy's sections of 600 acres and 35 acres. I at once noted the time, 3h. 56m., and proceeded to scale the block he had pointed out, calculated the area, and gave the quantity to him. I had before this become aware that the applicant was Mr. Edward Richardson, jun. He had at first applied for the land in the name of or for his father, and there had been some conversation as to its being necessary that he produce an authority in writing from his father. As soon as I had stated the quantity contained in the triangular block, Mr. Richardson said, "I want that piece," pointing to the block lying between Mr. Edward Sealy's 600-acre section and the river. It occurred to me at the moment that it was four o'clock, and I looked at my watch and found that it was four minutes past four. The thought at the same time crossed my mind that Mr. Edward Sealy, as already explained, indicated earlier in the day an intention to apply for not the whole, but for some portion of the block for which Mr. Richardson was then applying. It was, as already stated, beyond the hour at which an application could properly be received. Mr. Henry Sealy, brother of the possible adverse applicant or intending applicant, was present. If, then, I took an application after or out of the appointed time, what more likely than that Mr. Henry Sealy would inform his brother, and his brother might lodge a complaint against me, that I had received an application improperly, and by which act he was prejudiced. On the other hand, here was an application commenced, made in fact by Mr. Richardson with the knowledge of Mr. Henry Sealy. Was it not possible that Mr. Edward Sealy might become aware of what had transpired, and might take steps to, if possible, displace or supplant the present applicant—Mr. Richardson—if he should fail to present himself at the office on the following morning at ten o'clock? I had no doubt, and in fact was clear, in my own mind that Mr. Richardson, having already made the application, though that application had not been received, was entitled to precedence over every one else on the following day, provided that he presented himself at the office at the commencement of the official day, that is at ten o'clock precisely. It seemed to me only reasonable and right that I should point out to Mr. Richardson the importance of his attending at the office punctually at ten o'clock on the following morning; and to this end, and in order that he should not make a mistake about it, I advised him to set his watch by our time, and that the clock in the room in which we then were—the Land Office—was for this purpose deemed to be the official time. I had omitted to say that, after informing Mr. Richardson in the map-room that his application could not be taken then because it was past four o'clock, both he and I returned to the Land Office.

I arrived at the Land Office in the morning of the 2nd February, at exactly ten minutes to ten by the office clock. I cannot remember precisely whether I was the first person there. Mr. Edward Sealy says I was; Mr. Boys also says the same: but Mr. Edward Sealy, if I was actually there first, came in at practically the same time, for Mr. Shaw came in at, I believe, eight minutes to ten. I did not make a note of the time—probably Mr. Shaw can say whether my recollection of it is correct—and Mr. Edward Sealy was certainly there when Mr. Shaw came in. That I am positive about. Some light conversation, say "chaff," passed, such as, "Why, you are here early?" "You are up to time," and the like. I said, "It is too soon for business; you must wait until ten o'clock, perhaps Mr. Richardson might appear." I went to the door of the Land Office, and looked up and down the street, and could see nothing of him. I cannot say exactly at what point of time I did this, but it was after Mr. Shaw's arrival, and after the "chaff," or some of it, already referred to, had passed, and it was before ten o'clock.

At ten o'clock precisely—possibly, if the clock had indicated seconds, it might have been five seconds before ten o'clock—Mr. Edward Sealy and I went across to the map-room. We must have reached the door of the map-room, as I believe, exactly at ten o'clock. I opened the safe and took out the map of the Albury District. I do not remember that Mr. Sealy asked at that time, in specific terms, for the particular map, nor was it necessary he should do so for the purpose of informing me what he had come for. The "chaff" that had passed in the other office had made this perfectly clear, and Mr. Sealy had said in some way—I cannot recall the precise words used—that he was "going to apply for the piece of land that Mr. Richardson had applied for."

Mr. Edward Sealy at once pointed out the piece of land on the map, between his 600-acre section and the river—131 acres, part of the block of 144 acres before mentioned—and I noted the application as received at ten o'clock. While the quantity was being scaled, Mr. Richardson came to the map-room, having, as I afterwards heard from Mr. Shaw, come to the Land Office at three minutes past ten by the office clock. Mr. Richardson stayed a short time in the map-room.

He said nothing that I can particularly remember, beyond that it appeared he was too late, or something of that kind, and shortly afterwards went away. He did not apply, or propose to apply, for the piece of land before referred to; if he had, I should have thought it right to receive his application and forward it, with a statement of the incidents connected with it, for the decision of the Waste Lands Board.

I did not suggest to him that he should make such an application, nor did I conceive that it was my duty to do so. If Mr. Richardson had on the previous day indicated at the same time both the sections he wanted—that is, if he had said, "I want this and this"—I should have treated it as one application, made within the office hours, and I should have completed the forms of application for the two sections the same evening without regard to time. With Mr. Edward Sealy's application, I forwarded a letter to the Timaru Agent, Mr. John Williams, informing him that Mr. Richardson had applied for the section on the previous day, and that I had declined to take the application because it was past four o'clock.

On more than one occasion, Mr. Edward Sealy said that he did not deny or wish to deny that his brother had told him what had taken place in the map-room, on the afternoon of the 1st February, in connection with Mr. Richardson's application. Mr. Henry Sealy also said the same thing.

In looking out of the Land Office the morning of the 2nd, I went to the threshold of the outer door, and not across it. From thence I could see down the street towards the cliff as far as where the view is cut off by a projecting building on the right about twenty yards to the eastward of the Land Office.