

1876.

NEW ZEALAND.

CANTERBURY WASTE LANDS AND SURVEY DEPARTMENT.

(CORRESPONDENCE RELATING TO THE APPOINTMENT OF A ROYAL COMMISSION TO INQUIRE INTO THE ADMINISTRATION OF THE).

Return to an order of the House of Representatives, dated 13th July, 1876.

"That there be laid upon the table a copy of all correspondence between the Superintendent and Executive of Canterbury and the General Government, relative to the appointment of a Royal Commission to inquire into the administration of the Waste Lands and Survey Departments of that province."—(*Mr. Teschemaker.*)

No. 1.

Sir J. C. WILSON to the Hon. the COLONIAL SECRETARY.

SIR,—

Government Buildings, Christchurch, 30th May, 1876.

In consequence of a long debate in the Provincial Council of Canterbury, on the 27th May, 1875, on the following motion,—“That, in the opinion of this Council, the manner in which the Survey Department is conducted is most unsatisfactory, and requires the immediate attention of the Government,”—I gave a solemn pledge, on the part of the Provincial Government of Canterbury, that a Royal Commission should be applied for to investigate the charges made by the members for Leadown (Mr. G. R. Turnbull) and the Bays (Mr. Pilliet). A similar promise had been made by my predecessor in office (Mr. Montgomery) during the previous session of 1874; but the promise had not been fulfilled. Subsequently a resolution was moved and carried on the 18th June, 1875:—

“That, in the opinion of this Council, the Government should take steps to have a Commission appointed during the recess to inquire into the administration of the Survey Department and Waste Lands Board.”

On a former occasion, I personally applied to the General Government to appoint a Royal Commission; but I was informed that no specific act sufficient to warrant the measure had been cited, and, consequently, no Commission could be appointed.

The case, the papers of which are herewith forwarded, seems to furnish a specific act, and appears to remove the only obstacle to the issue of a Royal Commission, which should, I think, be endowed with general powers, as expressed in the words of the resolution of the 18th June, 1875, when, doubtless, other cases besides that above quoted will come to light.

I beg to apologize for the unusual step which I have taken in addressing you direct on this subject. I have the sanction of the whole of my colleagues, whose honor is equally implicated with my own, in straining every nerve to effect the fulfilment of the pledge given to the Provincial Council on the 27th May, and to carry out the resolution of the 18th June last.

I am unable, by the special legislation of the General Assembly of last session, to cause the Provincial Council to meet; and this must plead my excuse for appealing to the Governor in Council to afford my colleagues and myself the means of vindicating our honor.

The Hon. the Colonial Secretary, Wellington.

I have, &c.,

J. CRACROFT WILSON.

Enclosure 1 in No. 1.

Mr. J. W. HAMILTON to the PROVINCIAL SECRETARY.

SIR,—

Land Office, Christchurch, 7th April, 1876.

By direction of the Waste Lands Board, I have the honor to forward sundry papers, as per schedule annexed, referring to a complaint made before the Board at their sitting on Monday, February 28th ultimo, by the Hon. Edward Richardson.

Mr. Richardson applied to have license to occupy Rural Section 24,089, granted 7th February to Mr. Edward Percy Sealy, cancelled, and to have the land sold to himself, for reasons which are set out in his statement.

The Board's opinion on the case will be found in their memorandum, drawn up at yesterday's sitting, 6th April.

I have, &c.,

J. W. HAMILTON,

Deputy Chief Commissioner, Waste Lands Board.

The Provincial Secretary, Christchurch.

SCHEDULE of Enclosures in Letter No. — dated 7th April, 1876, from Deputy Chief Commissioner, Waste Lands Board, to the Provincial Secretary.

Extract from minutes, Waste Lands Board sitting of 28th February, 1876.

Notes, taken Monday, 28th February, 1876, at sitting of Waste Lands Board, by Deputy Chief Commissioner.

Plan of Timaru Survey Office.

Extracts from minutes of Waste Lands Board sitting, 6th March, 1876.

Unsworn evidence taken by Mr. John Marshman, at Timaru, as to facts of case.

Memorandum *re* inquiry at Timaru relating to application for Section 24,089.

Extract from minutes of Waste Lands Board sitting, 6th April, 1876.

Copy of statement by Mr. Edward Percy Sealy, dated 27th March, 1876.

EXTRACT from MINUTES of WASTE LANDS BOARD, 28th February, 1876.

24,089. The Hon. Edward Richardson. Respecting this section, 131 acres, Timaru District, granted to Edward Percy Sealy, at Board's sitting, 7th February instant, on his application, noted by Mr. Joseph R. Fussell, draughtsman at Timaru Survey Office, as having been made there at 10 a.m. on 2nd February. Applies that the Board should cancel the license to occupy, on the ground that Mr. E. P. Sealy has no right to hold the section.

* * * * *

The present applicant made a further statement hereon, fair notes of which have been made by the Deputy Chief Commissioner, Waste Lands Board, and are filed with the Land Office papers.

The present applicant now also claims that the Waste Lands Board should grant the license to occupy Rural Section 24,089 to himself.

The Board decided that, fifteen days having elapsed since 7th February, when they decided to grant the above section to E. P. Sealy, they have no power to reverse that decision.

They think it can only now be done, if at all, by appeal to the honorable Supreme Court, within thirty days from 7th February, in accordance with clause 4, "Waste Lands Board Appeal Act, 1867."

On other points raised by this applicant, the Board defer decision, pending further information, which they will ask for.

NOTES taken Monday, 28th February, 1876, at the WASTE LANDS BOARD, by the DEPUTY CHIEF COMMISSIONER.

24,089. Statement made before the Waste Lands Board, Monday, 28th February, 1876, respecting Rural Section No. 24,089, 131 acres, bought by Edward Percy Sealy, 7th February, instant.

The Hon. Edward Richardson states to the Board:—

That Mr. Edward Richardson, jun., son and agent of the present applicant, had his name down on the Timaru Survey Office book on the afternoon of the 1st February, and at 3.56 p.m. was engaged pointing out to Mr. Fussell the sections he wished to apply for; that at 3.56 p.m. his application was there noted for section, since numbered by the Board, on the 7th February, as No. 24,088 (144 acres, Timaru District), and granted to Edward Richardson, jun.

That Mr. Sealy, contract surveyor (supposed to be Mr. Henry Sealy), was present at this time, and at about 4.6 p.m. drew Mr. Fussell's attention to the fact that the hour for closing the office was past; that Mr. E. Richardson, jun., had, before this, pointed out to Mr. Fussell a piece of land between the road and the south bank of the River Te Ngawai, as one he wished to apply for.

That Mr. Fussell, at 4.6 p.m., refused to receive any further application that day, and warned Mr. Edward Richardson, jun., to be at the Survey Office at 10 a.m. next day (2nd February).

That Mr. Edward Richardson, jun., then set his watch two minutes fast by the Survey Office clock, in order that he might not be late next morning at the Survey Office.

That next morning he was walking up and down for about ten minutes in front of the Survey Office door until ten o'clock; that no one either entered or left that office during the time until ten o'clock, when he entered it. After his entry, he was told at 10.3 a.m. (it is believed by Mr. Boys, Government Surveyor) that he was too late, that Mr. Sealy had applied for the section he wanted. Mr. Sealy was not then in that office.

The application by Mr. E. P. Sealy, numbered 24,089, sets out the piece Mr. Edward Richardson, jun. had pointed out on the evening of the 1st February, as that he wished then to apply for, omitting a very small section at each end, which Mr. E. Richardson, jun., intended to apply for, to be included within that bought in one section by Mr. E. P. Sealy. It is noted by Mr. Fussell as made at the Timaru Survey Office at exactly 10 a.m. on the 2nd February.

That the practice at Timaru is for an applicant first to enter his name in a book kept at the Survey Office, then to go to another building, about 100 yards off, where the maps are kept, and from them to point out the piece he applies for; that on this being done, the hour and minute is then noted as the time at which the application is made; that the difference between the time thus taken, and the time when the applicant's name is entered first in the book, can hardly amount to less than six minutes; and that to go from one building to another, and point out a piece of land on the map, cannot be done in less than two minutes.

That, on Thursday last, 24th February, the procedure was thus: The present applicant, wanting to purchase land, wrote his name down in the book at the Survey Office, with the exact time of his doing

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.

Fussell's room (the Land Office), Mr. Shaw only being there. I said, "You must make a mistake, it is only just ten now." Mr. Shaw said, "It is three minutes past ten," and on looking up at the clock, I saw, to my surprise, that it indicated three minutes past ten. I then went across to the map-room. Mr. Edward Sealy and Mr. Fussell were there. Mr. Edward Sealy was scaling the section between the 600-acre section and the Tengawai. Mr. Fussell stood near him looking on. Some remarks passed about my being too late. Mr. Sealy said that he has always intended to buy this section, but did not intend to do so until he had been over the country. He also said, "It was as well we did not start those sort of practices, as with his superior knowledge of the run, and of what was bought and what unbought, he could do us a great deal more injury than we could do him."

My watch has habitually gained for several months past. About the beginning of the year Petersen started to regulate it, but I came down here before he had it going correctly. I had not touched the hands of the watch or the regulator since Petersen set it, until the 1st February at the Land Office, and then, as already stated, I had, in order to get it with the office clock, or rather two minutes fast of the office clock, to put it back not less than five minutes, and it might have been from eight to ten minutes.

At the end of the same week, either Friday night, the 4th February, or the following Sunday night, the watch was not wound and went down. Next morning—that is either Saturday morning or Monday morning—I got the watchmaker to wind it, and set it to the correct time. He did not touch the regulator. I have not touched either the regulator or the hands from the time the watchmaker set it to yesterday, 13th March, and yesterday it was from fourteen to fifteen minutes fast of the Timaru time—the telegraph clock.

This was the accumulated gain since the watchmaker set it at the end of the first week in February.

It did not occur to me to compare my watch with the town clock or any other watch or clock, when the difference between it and the Land Office clock appeared on the morning of the 2nd February.

Mr. Fussell.—The usual process of making an application for land at the Timaru office is as follows:—

The person proposing to apply goes to the Land Office and sees me, or if he should see Mr. Shaw or Mr. Boys in the first instance, he is referred to me. If, by chance, he should call at the map-room instead of the Land Office (by the map-room is here meant the room known in Timaru as "Sealy's office"), and Mr. Shaw or Mr. Boys should be there, Mr. Shaw or Mr. Boys would perhaps show the person the map of the district he might wish to see, and would perhaps give him, as far as it might be within their power, information relating to localities or features, such as streams, swamps, hills, flats, and the like. If Mr. Sealy only were there, he also would, perhaps, do the same thing. Neither Mr. Shaw, Mr. Sealy, nor Mr. Boys would consider it to be his duty to do this, and might choose to refer the person to me at once; but if they did afford the kind of information mentioned, they would, when the person had seen as much of the map as he wished to see, or learnt as much about the locality inquired about as he wished to learn, and if he should then desire to apply for land, refer him to me. Practically, therefore, all applications for land are initialled with myself; or, if I should be absent through illness or otherwise, Mr. Boys holds an authority from the Chief Surveyor to act in my place.

If, when the applicant applies to me at the Land Office, the map he wishes to see should be in that office, he would see it there. If it should be in the map-room at the time, I go with him to the map-room, and there show it to him.

There is an Application Book kept in the Land Office; such a book is not required by law, or for any purposes of record with which the applicant is concerned. I keep it principally for my own use, and as a convenient record of applicants' names and date of application.

The applicant writes his name in this book—his name only—and usually, though not invariably, at his first entrance into the Land Office; sometimes it is written after he has been to the map-room, and it may be after his form of application has been filled up and signed.

The time assigned to the form of application is the time, by the Land Office clock, at which the applicant has so indicated the land he wants as to admit of its being verbally described, and this time is entered in the Application Book opposite his name.

There is a clock in the map-room as well as in the Land Office, but no use is made of it in connection with applications for land. If the person applying should be taken to the map-room, and should make his selection there, which is invariably the case when the map is shown to him, then the time is taken from my watch, and I compare my watch with the Land Office clock every morning.

In the morning of the 1st of February, at thirty-seven minutes past eleven, Mr. Edward Sealy applied for 35 acres of land, and the usual application form was prepared. At that time, and as incidental to this application, remarks were made by Mr. Sealy, not direct to me, but as a matter of general conversation. His brother, Mr. Henry Sealy, was there at the time, which indicated, as I understood, that he contemplated applying at some time, possibly soon, though no specific time was mentioned, for a piece of land—part of the block lying between his 600-acre section and the river. No particular area was named or indicated; but the impression that I gathered from what passed was that his principal object in buying or proposing to buy some part of the block referred to, was to obtain access to the river.

In the afternoon of the 1st of February, from, say, a quarter to four to ten minutes to four, I cannot fix the time precisely, a young gentleman, unknown to me, called at the Land Office, and asked to see a map of Albury. I was busy. Mr. Boys was at the time in the map-room, or rather I supposed he was there, and I said to the person who was then with me, that if he went to the other building—pointing to the map-room—Mr. Boys would show him the map. Had he then said he wished to apply for land, I should have gone with him myself. Mr. Boys showed him the map, as I then supposed, though I afterwards heard that it was Mr. Henry Sealy who showed it to him, Mr. Boys being out at the moment, and he then said, it appears, that he wished to apply for land, whereupon Mr. Sealy referred him to me. He came back to the Land Office, and I at once went across to the map-room with him. The map of the Albury District was lying on the table open at the part that he had before been

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.

There would be on the south side of the street from 7 to 8 chains, and on the north side about 6 chains length of street, between the limit of view and the cliff, in any part of which, if Mr. Richardson had been there, I should not have seen him.

Mr. Shaw.—I believe Mr. Fussell to be quite correct as to the time at which I arrived at the Land Office, in the morning of the 2nd February. Mr. Fussell's statement of the incidents connected with Mr. Richardson's and Mr. Edward Sealy's application is, so far as I am cognizant of them, also correct. I am in charge of the Survey Department and of the Land Office; nominally, I am in charge of the Survey Office also (that is, Mr. Sealy's office, so called); but the charge is nominal only. Practically, it is as much Mr. Sealy's office as regards the use of it, and as regards access to the maps and documents in it, as though it were nominally in his occupation—that is, Mr. Sealy goes in and out at all times as he pleases.

As to the Land Office, Mr. Fussell keeps the key of the safe. The key of the outer door is left every evening at Shepherd's (a store close by), and the person who sweeps the office gets the key there in the morning. If this person has finished his sweeping before any of the officers come at ten o'clock, he locks the outer door and returns the key to Shepherd's, or, if it should be close upon ten o'clock when he finishes, he might lock the door and leave the key in the lock. This has been done only occasionally. Generally the key has been returned to Shepherd's. No one other than the sweeper enters the Land Office except when one of the permanent officers is present. As to the Survey Office (Sealy's, so called), there are duplicate keys to the outer door. Boys has one; the other is in Sealy's keeping, and Boys' key is usually hung up in a stable close by, in which there is a broken window.

The key hangs on a nail on the inside of the wall, and anybody who might know where it is can put his hand through the broken pane and get the key. Sealy's men know where the key is kept. Whether any one else other than the Government officers and the sweeper knows, I am not aware. The Government maps are locked every night in a safe in the Survey Office, and Mr. Sealy's private maps are also put into the same safe. The key of the safe is kept in a drawer in the map-room. I believe that, except myself, Mr. Boys, and Mr. Fussell, no one but the Sealys know where the key of the safe is kept.

The Sealys work in the office whenever they please, and remain there if they please, when applications for land are being made or any other public business is being transacted, and necessarily they can, if they choose, see whatever is shown to persons who may apply for land, and hear everything that passes between those persons and the Government officer.

This office is swept by the same person as the Land Office, and he of necessity knows where the key of the outer door is kept.

Mr. Boys.—I had to come to the Land Office before Mr. Fussell on the morning of the 2nd February, and had before Mr. Fussell arrived, gone across to the Survey Office (the map-room) and had unlocked the door, and was working, or about to begin work, when Mr. Fussell and Mr. Edward Sealy came in at ten o'clock. The map of the Albury District was at that time in the safe.

I left the map-room when Mr. Fussell entered it. I found the key of the outer door that morning on the accustomed nail inside the stable window.

Mr. Shappere.—I wind and regulate the clock at the Land Office, and have done so for, I think, fifteen to eighteen months. It is wound once a week, every Monday morning. It is compared with the telegraph clock not less frequently than twice a week, and generally oftener than that. The Land Office clock goes regularly, and has been going regularly and very correctly for months past. I very seldom touch the regulator. I have not done so for at least three months. When I first took charge of the clock it lost considerably, and it took some weeks or perhaps months to get it going correctly.

At no time within the last six months have I had occasion when correcting the clock to move the hands more than a minute. Sometimes they are moved half a minute or less, and sometimes they are not moved at all. A minute would certainly have been its greatest weekly error at any time within the last six months. Nothing has ever happened to the clock which led me to believe, or which suggested suspicion, that it had been tampered with.

I keep the keys of it. There are two keys, one to open the case at the side by which to get at the hands, and the other to open the lower part of the case to get at the pendulum. The clock is hung on a nail in the wall, and it is nailed to the wall at the lower part of the case. It is not so firmly fixed but that it might be shaken, and it might be thrown out of the perpendicular by drawing the nail out of the wall at the lower part of the case, but not without doing this. The effect of so shaking it or moving it would be, if it affected the going of the clock at all, either to stop it or to make it lose more or less. It could not possibly make it gain. The only way by which a gaining rate could be given to it is by screwing up the pendulum. It is of course possible for a person who had a key by which access to the hands of the clock is obtained to put it forward so as to show five minutes faster in the morning than it showed the previous evening, but he must have put it back exactly the same quantity afterwards, or I should have noticed the difference when I next compared it, but he could not do this unless he possessed such a key. The proper key is, as I have said, always in my possession, and I have no reason to believe that any one has a duplicate key.

MEMORANDUM *re* INQUIRY at TIMARU relating to Application for Section No. 24,089.

THE facts established by the evidence taken at Timaru are—

1. That Mr. Edward Richardson, jun., being in the Survey Office at Timaru on the 1st of February, applied at four minutes past four o'clock for a certain section of land containing about 140 acres.

2. That the officer in charge declined to receive the application because it was after four o'clock, and informed Mr. Richardson that it could not be taken until ten o'clock the following morning.

3. That Mr. Henry Sealy was in the Survey Office when Mr. Richardson's application was made on the afternoon of the 1st of February, and heard what passed between him and the officer in charge.

4. That Mr. Edward Sealy went to the Land Office at between ten minutes and eight minutes to ten o'clock on the morning of the 2nd of February. That he waited until ten o'clock, and, as soon as the hand of the office clock was on the stroke of ten, applied for about 130 acres, part of the block applied for by Mr. Richardson the preceding afternoon.

5. That Mr. Richardson arrived at the Land Office at three minutes past ten, and was informed that he was too late, and that the land referred to had been applied for at ten o'clock by Mr. Edward Sealy.

6. That Mr. Henry Sealy informed his brother Mr. Edward Sealy of the circumstances connected with Mr. Richardson's application of the 1st February. Mr. Fussell says that this was stated more than once by both the Messrs. Sealy; and a letter under Mr. Edward Sealy's signature, published in one of the Timaru newspapers, distinctly admits that this was the case.

There is at first sight a difficulty with respect to the time at which Mr. Richardson arrived at the Land Office on the morning of the 2nd February. Mr. Richardson had, as he believed, set his watch two minutes fast of the office clock the previous afternoon, and it was exactly ten by his watch when he entered the Land Office, the office clock showing at the time three minutes after ten. Supposing Mr. Richardson to have actually set his watch as he intended, and as he believed he had set it, either the watch had lost five minutes or the clock had gained five minutes since the preceding afternoon—that is, in about sixteen hours—or they had both gone wrong in opposite directions. But there appears to be no grounds whatever for supposing that the clock, which had for a long time past been going correctly, had either gained or been altered, and the probabilities are against Mr. Richardson's watch having lost. Another explanation of the divergence must be sought for, and the explanation which suggests itself as the most probable is that Mr. Richardson did not actually do what he intended to do. If he had intended to set his watch exactly by the clock, he would in all likelihood have done it correctly; but he had it in his mind to make it two minutes fast of the clock, and he had to put the hands back from five minutes to ten minutes to make it so. It is suggested that he put it back two minutes beyond, that is, behind the figure which the clock at that time indicated, instead of stopping two minutes short of that figure. This is a class of mistake which surveyors and others habituated to use graduated circles know might easily be made. If this hypothesis be accepted, the time difficulty disappears; but whatever may be the true explanation of the divergence between the two timekeepers, it must be assumed that Mr. Richardson arrived at the Land Office on the morning of the 2nd February at three minutes past ten o'clock.

The questions to be considered are :—

First. Whether Mr. Henry Sealy was entitled to inform his brother, Mr. Edward Sealy, of the application made on the 1st February by Mr. Richardson.

Second. Whether Mr. Edward Sealy, having obtained the information in this way, was entitled to use it as he did use it.

The Messrs. Sealy are joint contractors with the Provincial Government for survey work, and have an office at Timaru. It appears the Provincial Government rent from them part of their office building for a public office, and that people who wished to buy land generally go to this office to see the maps, and then to apply for the land they desire to purchase. It appears, also, the Messrs. Sealy work in the public office whenever they please; that they are or may be present when applications for land are being made; and that, if present, they can, if they please, see all the applicants do, and must hear all that passes between them and the officer whose duty it is to receive the applications.

It is a well understood rule, applying not only to a Government office but to mercantile offices and business establishments generally, that persons concerned with the conduct of the business of the establishment, whatever it may be, are not at liberty to talk out of doors to persons not associated with the establishment about matters connected with the personal concerns and transactions of clients and customers, and generally that they will regard as private and confidential all such things as may come to their knowledge as are in their nature private, and which the employer would expect them to regard as confidential.

It is equally well understood that no employé is permitted to use for his own advantage, to the prejudice or detriment either of his employer or of any client or customer, information or knowledge acquired in connection with the position which he fills, or the duties with which he is entrusted. This rule is generally not written. It is not usual when the person's services are being engaged to import this stipulation into the agreement or to express it in the contract. It is implied as part of the common law of official life. A proviso that the employé is not to violate the confidence of his employer would be considered as superfluous and as anomalous, as would be a proviso that he is not to embezzle his employer's money or steal his employer's goods.

The transactions connected with applications for land, the particulars of what applicants do, what they may intimate an intention of doing, and generally the communications that pass between applicants and the officers of the Land Office, are in their nature private until fully completed. The employer would certainly expect they would be regarded as confidential, and it would be held as altogether unlawful and improper if any officer or person connected with the Land Office should disclose matters of this kind to persons out of doors, or should use the information he may acquire in his official position and in connection with his official duties for his personal advantage, to the prejudice or injury of the applicant or any other person.

If this view be accepted, it follows that unless the Messrs. Sealy have the right to stand in a totally different position as contract surveyors from an officer on the Government establishment, unless it be held that they are not amenable to the restrictions to which the permanent officer is subject, but are at liberty to disclose as they please anything that transpires in the Land Office, that they are entitled and free to use, for their own advantage, information and knowledge which they may acquire there without regard to the consequences to others.

Unless it is held that they are intitled and free to do this generally, it follows that on this particular instance Mr. Henry Sealy was not intitled to convey to his brother the information which he did convey to him, nor was Mr. Edward Sealy intitled to use this information in the way in which he did use it.

Will it be contended that surveyors, who work for the Government instead of for a salary, and are paid for their services at per acre instead of per annum (and this appears to be the only assignable

difference between their position and that of the permanent officer), are exempt from the obligations and restrictions which regulate the conduct of the latter, and that such acts as are here referred to, which are not permitted to him, are permitted to them?

It is difficult to imagine by what arguments such a contention could be sustained. There is of course no proviso in the contract that confidence is to be observed with regard to business that may be transacted in the Land Office by the public in the contract surveyor's presence or hearing, and that they are to abstain from taking advantage of, to the detriment of other persons, information which they may acquire there; but the unwritten law before referred to must be held to be implied.

Mr. Edward Sealy is as fully entitled as any one of the public to buy land, if he buys it as one of the public would buy it. As incidental to the carrying on of his survey work, he would become acquainted with the country in detail, and would know better than the majority of other people where choice spots are to be found. There could be no objection to his profiting by this knowledge, because it is no more than any one of the public might acquire for himself if he chose to go in search of it. It will also be admitted that Mr. Edward Sealy would have been entitled to apply for the piece of land which Mr. Richardson had applied for the moment the office was opened on the morning of the 2nd February, if he had obtained a knowledge of Mr. Richardson's intentions from any one not connected with the Land Office. But, as has been shown, this knowledge was not so obtained. It was in the nature of special information obtained mediately, if not immediately, from the Land Office. He would not, or at all events should not, have learnt it from the Government officer.

He would not have learned it at all if his brother had not been present when Mr. Richardson's business was being transacted, and if he could not properly have used this information if it had been acquired by himself in the Land Office, neither could he use it when acquired there by his brother.

It is stated by Mr. Fussell that Mr. Edward Sealy had, on the morning of the 1st February, intimated that he proposed or thought of applying for this particular piece of land at some time not named.

Does this fact affect the question under consideration? Apparently it does not. Mr. Sealy's intimation of what he intended to do at some time hereafter was not an application within the meaning of the law. It could not be taken as conferring upon him a preferential right to the land in question as against any one who might subsequently apply for it, and if it did not do that, it did nothing. Mr. Sealy stood in an exceptionally favoured position as compared with the public, through his connection with the Land Office.

That office is advertised as open to the public at ten o'clock. The public had no right to enter it before that hour. Perhaps this restriction is not rigidly enforced; but Mr. Richardson appears to have believed, and, by walking up and down the street near the office, to have acted on the belief, that he would not be admitted before ten o'clock.

It appears that Mr. Sealy was in the Survey Office when Mr. Shaw entered at eight minutes to ten. No business could be done until ten; but Mr. Sealy went there before that hour, with the intention of anticipating Mr. Richardson if he should be late.

Mr. Sealy has seen all the statements which the Waste Lands Board has before it, and has been allowed to take copies, and he has put in a written statement in reply. This paper, so far as it relates to the matter herein referred to, consists chiefly of comments upon the statements made to the Waste Lands Board by Mr. Edward Richardson, sen., and on the enumeration of the discrepancies between Mr. Richardson's statements, and those of his son, and the Government officers at Timaru.

Mr. Richardson, sen., had no personal knowledge of the incidents connected with the applications made by his son and by Mr. Sealy; and the information presented by him to the Waste Lands Board purported to be, and was distinctly received by the Board, as what he had heard, not what he was able to vouch for from personal knowledge.

The Waste Lands Board thought it proper to obtain the direct testimony of his son, and of the Government officers at Timaru, who were personally cognizant of the incidents referred to; and the evidence taken at Timaru confirms the original hearsay statement in all essential particulars. The discrepancies Mr. Sealy mentions are insignificant, and do not at all affect the main issue—namely, whether as between himself and the Government he was entitled to do what he did? An answer which fails to establish clearly and beyond question that he was so entitled must be deemed insufficient; and the answer made does not appear to do this, nor does it even allude to the question.

If a person going to the Land Office to transact business finds there, in that part of it to which the public are admitted, some one in whose presence he would rather not do what he had come to do, he may go away, or he may wait until this person has gone; but as respects those whom he may find there connected, or ostensibly connected with the office, he has no such option. He cannot prevent those persons from knowing what he is doing; and he ought to feel assured that no use other than that which he intends, or would approve, will be made by any one behind the counter of any communications he may make, and that what he may say or do will be regarded by them as confidential. It is due to him from the authorities that this assurance should be afforded to him. It is evident that in the present case that has been done, and the Government will no doubt think it right to take steps to prevent its being repeated.

The action of the permanent officers of the Survey Department at Timaru throughout this transaction appears to have been perfectly correct and satisfactory, and strictly in accordance with the Waste Lands Regulations.

There is no room for the Waste Lands Board to entertain the least suspicion that the office clock had then, or has on any occasion, been tampered with.

J. W. HAMILTON,
Deputy Chief Commissioner, Waste Lands Board.

JOHN MARSHMAN,
Receiver of Land Revenue, and a Commissioner of the
Waste Lands Board.

ALEX. LEAN,
A Commissioner of the Waste Lands Board.

Board Room, Christchurch, 6th April, 1876.

EXTRACT from MINUTES of SITTING of WASTE LANDS BOARD, 6th April, 1876.

24,089. In reference to minutes of Monday, 28th February, 1876, and to the Hon. E. Richardson's hearsay statement then made to the Board; also, to detail notes thereof filed with the Land Office letters and records:—

The Board deputed one of their number, viz. Mr. John Marshman, Treasurer and Receiver of Land Revenue, to make inquiry at Timaru into the facts alleged.

Having perused his notes of unsworn evidence taken there, and received his personal statement, having also considered Mr. Edward Percy Sealy's letter to them of 27th March, commenting on the above notes of unsworn evidence, and on the several statements and payments submitted to the Board, of all of which he was allowed to take copies;

Do now agree to and have signed a memorandum of the facts ascertained, with their opinion on the matter.

This memorandum they now order to be filed with the office records, and a copy thereof to be forwarded by the Deputy Chief Commissioner to his Honor the Superintendent, for such further action to be taken in the case as the Provincial Government may deem necessary and proper.

COPY of STATEMENT by Mr. E. P. SEALY.

27th March, 1876.

I HAVE received a copy of what purports to be evidence taken in Timaru with regard to the charges made by Mr. Richardson against Mr. Henry Sealy and myself, in connection with the purchase of Section 24,089 at Albury. I beg to say that I am at a loss to understand in what way the taking of these statements can be held to constitute an inquiry as between two parties. The statements taken by Mr. Marshman, I presume, should lead the Board to a conclusion whether there was sufficient on the *ex parte* examination to justify the Board in affording me the opportunity of meeting those statements in the usual way, by the production of evidence, but it cannot be taken as part of an inquiry, in which I am concerned. I am given to understand that the Board is prepared either to decide upon the merits of the case upon the evidence now placed before them, or, previous to doing so, will receive from me an answer to statements made by the witnesses examined by Mr. Marshman, without my having an opportunity of questioning those witnesses, or calling evidence in reply. In either case I must respectfully protest against the proposed manner of proceeding.

I am prepared to show, if allowed an opportunity, by evidence:—

1. That on the afternoon of the 1st day of February, Mr. Henry Sealy did not, as stated by Mr. Richardson, draw Mr. Fussell's attention to the fact that the official hour for closing the office was past.

2. That Mr. Richardson's statement, to the effect that no one either entered or left the Survey Office during the period between ten minutes to ten and ten o'clock a.m., is not in accordance with facts.

3. That when I first entered the Survey Office, on the morning of the 2nd day of February, Mr. Fussell was already in occupation of that office, and remained there until he and I went across to the map-room, in the manner stated by him in evidence.

4. That on the afternoon of February the 1st, Mr. Richardson was cautioned to be present at the Survey Office punctually at ten a.m. on the following morning.

5. That a similar caution was afterwards conveyed to me.

6. That the road along the northern boundary of Section 23,923 was not defined upon the ground until that section was surveyed, and that the same road was not projected on the map by myself as stated, but by Mr. Shaw.

I wish further to draw the attention of the Board to the discrepancies existing between the original statement laid before the Waste Lands by Mr. Richardson, sen., and the evidence given by Mr. Richardson, jun., as shown in the following paragraphs taken from the documents referred to.

The following statements made by Mr. Richardson, sen., differ from those made by his son:—

"That Mr. Sealy, contract surveyor, at about 4.6 p.m., drew Mr. Fussell's attention to the fact that the hour for closing the office was past.

"That Mr. Fussell, at 4.6 p.m., refused to receive any further applications that day.

"That Mr. Fussell, at 4.6 p.m., wanted Mr. E. Richardson to be at the Survey Office at ten a.m. next day (the 2nd of February.)

"That next morning he (*i.e.* Edward Richardson, jun.) was walking up and down for about ten minutes in front of the Survey Office door; that no one entered or left that office during the time until ten o'clock."

I wish also to point out to the Waste Lands Board that the statement to the effect "that Mr. Sealy, a contract surveyor, laid out the road along the northern boundary of Section 23923, of two acres," is unsupported by any testimony whatever.

In conclusion, I respectfully submit for your consideration that, in justice to Mr. H. Sealy and myself, we should be afforded an opportunity of calling witnesses in answer to the charges made, before a decision is come to by the Board on the evidence of witnesses examined *ex parte*.

To the Chief Commissioner and Members of the
Waste Lands Board.

EDWARD PERCY SEALY.

Enclosure 2 in No. 1.

Mr. J. W. HAMILTON to the PROVINCIAL SECRETARY.

(No. 434.)

SIR,— Land Office, Christchurch, 12th April, 1876.
I have the honor to forward herewith a return of the quantity, &c., of Crown lands sold or granted in this province during the month of March last.

I have, &c.,
J. W. HAMILTON,
The Provincial Secretary, &c. Deputy Chief Commissioner, Waste Lands Board.

ABSTRACT of the QUANTITY of CROWN LANDS SOLD and GRANTED in the different Districts for the Month ending the 31st March, 1876.

RURAL LAND.

District.	Ordinary Sales.			Auction.			Compensation Grant.			Total.		
	A.	R.	P.	A.	R.	P.	A.	R.	P.	A.	R.	P.
Christchurch	1,692	0	0	9	3	7	...	...	...	1,701	3	7
Upper Christchurch	464	0	0	...	...	...	...	...	...	464	0	0
Ashley	1,177	0	0	...	...	...	600	0	0	1,777	0	0
Timaru	5,269	3	30	118	2	17	...	...	...	5,383	2	7
Waitangi	585	0	0	...	...	...	...	...	...	585	0	0
Lincoln	80	0	0	3	2	30	...	...	...	83	2	30
Mandeville ... ..	...	...	...	...	...	...	...	...	...	...	...	...
Ellesmere	145	0	0	...	...	...	...	...	...	145	0	0
Banks' Peninsula	2,643	0	0	3	0	0	...	...	...	2,646	0	0
Lyttelton ... ..	...	...	...	...	...	...	...	...	...	...	...	...
Waipara	7,402	0	0	...	...	...	...	...	...	7,402	0	0
Oxford	1,077	0	0	18	0	0	...	...	...	1,095	0	0
Malvern	566	0	0	6	0	0	...	...	...	572	0	0
Ashburton	4,002	1	25	...	...	...	...	...	...	4,002	1	25
Rakaia	617	0	0	...	...	...	...	...	...	617	0	0
Upper Waimakariri	60	0	0	...	...	...	...	...	...	60	0	0
Totals	25,780	1	15	154	0	14	600	0	0	26,534	1	29

TOWN LAND.

Township.				A. R. P.			£ s. d.		
Ashburton ... ..	...	...	...	1	1	0	60	0	0
South Rakaia ... ..	...	...	...	1	1	0	62	10	0
Geraldine ... ..	...	...	...	...	...	...	...	...	...
Waimate ... ..	...	...	...	...	...	...	...	...	...
Total ... ..	...	...	...	2	2	0	122	10	0

SUMMARY.

				Town.			Rural.			
				A.	R.	P.	A.	R.	P.	£ s. d.
Ordinary Sales ... ..	...	...	...	...	...	...	25,780	1	15	51,560 13 9
Auction ... ..	...	...	...	2	2	0	154	0	14	327 19 6
Total ... ..	...	...	...	2	2	0	25,934	1	29	51,888 13 3
Compensation Grants under clause 42							A. R. P.			
Compensation Grants under clause 43 ... ..							...
Total							600 0 0			

J. W. HAMILTON,
Deputy Chief Commissioner, Waste Lands Board.

RETURN of CROWN LANDS SOLD and GRANTED from the 1st day of March to the 31st day of March, 1876, inclusive.

Date.	Grantee.	Purchase.			Compensation	District.	Section.	Remarks.	
		Acreage.							
		A.	R.	P.					
2nd	P. Clinton	100	0	0	...	Upper Christchurch	24,219		
	Ditto	200	0	0	...	Ditto	24,220		
	E. Richardson	122	0	0	...	Timaru	24,221		
	Ditto	352	0	0	...	Ditto	24,222		
	Ditto	121	0	0	...	Ditto	24,223		
	Ditto	51	0	0	...	Ditto	24,224		
	A. St. G. Hamersley	40	0	0	...	Ditto	24,225		
	W. S. Peter	38	0	0	...	Ashburton	24,226		
	Ditto	387	0	0	...	Ditto	24,227		
	J. Palmer	390	0	0	...	Ditto	24,228		
	T. Russell	20	0	0	...	Ditto	24,229		
	Ditto	164	0	0	...	Ditto	24,230		
	J. M. Studholme	22	0	0	...	Waitangi	24,231		
	J. Hall	26	0	0	...	Rakaia	24,232		
	Ditto	20	0	0	...	Ditto	24,233		
	Ditto	20	0	0	...	Ditto	24,234		
	Ditto	131	0	0	...	Ditto	24,235		
	Ditto	50	0	0	...	Ditto	24,236		
	Ditto	34	0	0	...	Ditto	24,237		
	Ditto	20	0	0	...	Ditto	24,238		
	Ditto	20	0	0	...	Ditto	24,239		
	Ditto	20	0	0	...	Ditto	24,240		
	J. D. Dickinson	472	0	0	...	Oxford	24,241		
	G. Holmes	24	0	0	...	Upper Christchurch	24,093		
6th	T. Spencer	40	0	0	...	Timaru	24,247		
	Ditto	50	0	0	...	Ditto	24,248		
	Ditto	60	0	0	...	Ditto	24,249		
	H. Miller	50	0	0	...	Waipara	24,250		
	J. Sullivan	304	0	0	...	Timaru	24,251		
	Ditto	559	0	0	...	Ditto	24,252		
	H. F. Gray	636	0	0	...	Waipara	24,253		
	S. E. Graham	100	0	0	...	Timaru	24,254		
	Ditto	30	0	0	...	Ditto	24,255		
	A. Matherson and others	20	0	0	...	Oxford	24,257		
	H. J. LeCren and others	20	0	0	...	Timaru	24,258		
	J. W. Mallock & another	440	0	0	...	Waipara	24,259		
	Ditto	760	0	0	...	Ditto	24,260		
	J. Studholme and others	25	0	0	...	Timaru	24,261		
	H. W. Packer	102	0	0	...	Ashburton	24,263		
	Ditto	167	0	0	...	Ditto	24,264		
	J. Sullivan	512	0	0	...	Timaru	24,265		
	Ditto	217	0	0	...	Ditto	24,266		
	J. Hall	20	0	0	...	Rakaia	24,268		
	T. Russell	40	0	0	...	Ashburton	24,269		
	Ditto	26	0	0	...	Ditto	24,270		
	T. H. Parkinson	20	0	0	...	Banks Peninsula	24,271		
	Ditto	20	0	0	...	Ditto	24,272		
	J. Mendelson	55	0	0	...	Ashburton	24,273		
9th	J. D. Enys and another	40	0	0	...	Upper Waimakariri	24,274		
	Ditto	20	0	0	...	Ditto	24,275		
	J. Hall	26	0	0	...	Rakaia	24,276		
	Ditto	23	0	0	...	Ditto	24,277		
	P. Hanly	139	0	0	...	Waitangi	24,278		
	A. Cardale	27	0	0	...	Malvern	24,279		
	Ditto	20	0	0	...	Ditto	24,280		
	Ditto	90	0	0	...	Ditto	24,281		
	Ditto	50	0	0	...	Ditto	24,282		
	Ditto	20	0	0	...	Ditto	24,283		
	Ditto	45	0	0	...	Ditto	24,284		
	Ditto	65	0	0	...	Ditto	24,285		
	Ditto	37	0	0	...	Ditto	24,286		
	Ditto	30	0	0	...	Ditto	24,287		
	J. Mee	1	0	0	...	Timaru	15,897		
	G. Rutherford, jun.	50	0	0	...	Malvern	24,288		
	M. Wilson	44	0	0	...	Ashburton	24,289		
	13th								

RETURN OF CROWN LANDS SOLD AND GRANTED, &c.—*continued.*

Date.	Grantee.	Purchase.			Compensation			District.	Section.	Remarks.	
		Acreage.			Acreage.						
		A.	R.	P.	A.	R.	P.				
13th	M. Wilson ...	39	0	0				Ashburton ...	24,290		
	J. Pitcaithly ...	20	0	0				Banks Peninsula ...	24,291		
	J. Mendelson ...	114	0	0				Ashburton ...	24,292		
	Ditto ...	45	0	0				Ditto ...	24,293		
	Ditto ...	36	0	0				Ditto ...	24,294		
	Ditto ...	53	0	0				Ditto ...	24,295		
	R. W. England ...	113	0	0				Ditto ...	24,296		
	J. C. Tipping ...	370	0	0				Ashley ...	24,297		
	H. F. Gray ...	3,100	0	0				Waipara ...	24,300		
	Sir J. C. Wilson ...	86	0	0				Malvern ...	24,301		
	Ditto ...	26	0	0				Ditto ...	24,302		
	E. Tipping ...	500	0	0				Oxford ...	24,303		
	M. Wilson ...	40	0	0				Ashburton ...	24,304		
	J. Hirst ...	20	0	0				Rakaia ...	24,305		
	H. Fraser ...	213	0	0				Timaru ...	24,306		
	J. Studholme & another	136	0	0				Ditto ...	24,307		
	J. C. Tipping ...	27	0	0				Ashley ...	24,298		
	J. Studholme & another	142	0	0				Timaru ...	24,308		
	Ditto ...	458	0	0				Ditto ...	24,309		
	J. F. Ford and another	33	0	0				Ditto ...	24,310		
	H. Murhead ...	20	0	0				Ashburton ...	24,311		
	G. A. White ...					440	0	0	Ashley ...	24,312	
	Ditto ...					160	0	0	Ditto ...	24,313	
16th	P. Hyland ...	2	0	0				Ashburton ...	21,888		
	H. Buchanan ...	2,100	0	0				Banks Peninsula ...	24,314		
	J. Studholme and others	120	0	0				Timaru ...	24,315		
	Ditto ...	130	0	0				Ditto ...	24,316		
	H. Kime ...	80	0	0				Lincoln ...	24,317		
	J. Hall ...	66	0	0				Rakaia ...	24,318		
	C. Gough ...	40	0	0				Upper Christchurch	24,319		
	J. Pitcaithly ...	20	0	0				Banks Peninsula ...	24,320		
	J. Davidson ...	20	0	0				Waipara ...	24,321		
	A. Macdonald ...	65	0	0				Timaru ...	24,322		
	W. Roys and another ...	100	0	0				Ashburton ...	24,323		
	Ditto ...	97	0	0				Ditto ...	24,324		
	Ditto ...	142	0	0				Ditto ...	24,325		
	Ditto ...	100	0	0				Ditto ...	24,326		
	J. Lambie, jun. ...	320	0	0				Ditto ...	24,327		
	Ditto ...	491	0	0				Ditto ...	24,328		
	Ditto ...	189	0	0				Ditto ...	24,329		
	Ditto ...	100	0	0				Ditto ...	24,330		
	J. T. Brown ...	3	0	0				Ashley ...	19,599		
	W. S. Robison ...	1,532	0	0				Christchurch ...	24,077		
	J. Hall ...	6	0	0				Rakaia ...	24,268		
	Ditto ...	25	0	0				Ditto ...	24,331		
	20th	J. W. Mallock ...	66	0	0				Waipara ...	24,332	
Ditto ...		100	0	0				Ditto ...	24,333		
W. N. Milton ...		248	0	0				Ashley ...	24,334		
M. Wilson ...		32	0	0				Ashburton ...	24,335		
Ditto ...		30	0	0				Ditto ...	24,336		
W. Smart and others ...		20	0	0				Ashley ...	24,341		
J. Studholme and others		60	0	0				Timaru ...	24,342		
J. C. Tipping ...		87	0	0				Ashley ...	24,343		
J. Studholme and others		70	0	0				Timaru ...	24,344		
Ditto ...		36	0	0				Ditto ...	24,345		
G. Coe ...		141	0	0				Ashburton ...	24,347		
H. J. LeCren & another		40	0	0				Waitangi ...	24,348		
H. B. Johnstone ...		100	0	0				Banks Peninsula ...	24,349		
Ditto ...		39	0	0				Ditto ...	24,353		
Ditto ...		55	0	0				Ditto ...	24,354		
Ditto ...		50	0	0				Ditto ...	24,355		
Ditto ...		53	0	0				Ditto ...	24,356		
G. Todd ...		20	0	0				Ashley ...	24,357		
M. Gebbie ...		20	0	0				Banks Peninsula ...	24,358		
Ditto ...		116	0	0				Ditto ...	24,359		
E. H. Tate and another		1	3	30				Timaru ...	22,975		
F. D. Spencer Neare ...		60	0	0				Christchurch ...	24,173		
27th		R. M. Morten ...	100	0	0				Ditto ...	24,361	

RETURN of CROWN LANDS SOLD and GRANTED, &c.—*continued.*

Date.	Grantee.	Purchase.			Compensation	District.	Section.	Remarks.	
		Acreage.			Acreage.				
27th	W. Wavis	A.	R.	P.		Ashburton	24,362		
	W. F. Lister	52	0	0	...	Upper Christchurch	24,363		
	D. McLean	100	0	0	...	Timaru	24,365		
	R. Davies	87	0	0	...	Ashburton	24,366		
	E. Richardson & another	21	0	0	...	Ashley	24,368		
	R. Wilkin	27	0	0	...	Ashburton	24,369		
	R. M. Cotton	40	0	0	...	Rakaia	24,370		
	H. Chamberlin	20	0	0	...	Ellesmere	24,371		
	Ditto	50	0	0	...	Ditto	24,372		
	J. Studholme and others	95	0	0	...	Timaru	24,373		
	Ditto	51	0	0	...	Ditto	24,375		
	Ditto	100	0	0	...	Ditto	24,376		
	Ditto	60	0	0	...	Ditto	24,374		
	J. H. Lee	51	0	0	...	Waipara	24,377		
28th	Minister of Lands and Immigration	792	0	0	...	Timaru	24,378		
	J. Lethwaite	20	0	0	...	Banks Peninsula ...	24,379		
	W. Wavis	30	0	0	...	Ashburton	24,383		
	J. T. Brown	47	0	0	...	Ashley	24,384		
	Ditto	128	0	0	...	Ditto	24,385		
	Ditto	152	0	0	...	Ditto	24,386		
	Ditto	20	0	0	...	Ditto	24,387		
	Ditto	30	0	0	...	Ditto	24,388		
	D. McLean	45	0	0	...	Timaru	24,389		
	Ditto	33	0	0	...	Ditto	24,390		
	T. Sanderson and others	34	0	0	...	Waipara	24,392		
	Ditto	264	0	0	...	Ditto	24,393		
	Ditto	29	0	0	...	Ditto	24,394		
	Ditto	132	0	0	...	Ditto	24,395		
	Ditto	136	0	0	...	Ditto	24,396		
	A. Hamilton	30	0	0	...	Waitangi	24,397		
	E. Chapman	70	0	0	...	Ashburton	24,398		
	E. Elworthy	70	0	0	...	Waitangi	24,402		
	F. W. Teschemaker and others	95	0	0	...	Ditto	24,157		
	C. Meyer	54	0	0	...	Ditto	24,151		
	A. Smith	45	0	0	...	Timaru	24,135		
	E. Tipping	400	0	0	...	Oxford	14,547		
	H. J. Le Cren	5	0	0	...	Timaru	15,613		
	30th	G. Gould and another	1	0	0	...	Ashburton	24,404	
		J. Studholme and others	33	0	0	...	Timaru	24,405	
		Ditto	60	0	0	...	Ditto	24,406	
		J. and M. Studholme ...	20	0	0	...	Waitangi	24,407	
		J. Studholme and others	120	0	0	...	Timaru	24,408	
H. Greenwood		34	0	0	...	Waipara	24,409		
J. Studholme and others		20	0	0	...	Timaru	24,410		
Ditto		50	0	0	...	Ditto	24,411		
E. Chapman		20	0	0	...	Ashburton	24,412		
Ditto		70	0	0	...	Ditto	24,413		
J. Scott		30	0	0	...	Rakaia	24,414		
D. Sladden		40	0	0	...	Oxford	24,415		
Ditto		34	0	0	...	Ditto	24,416		
Ditto		26	0	0	...	Ditto	24,417		
J. H. Lee		20	0	0	...	Waipara	24,420		
Ditto		393	0	0	...	Ditto	24,421		
Ditto		60	0	0	...	Ditto	24,422		
Ditto		60	0	0	...	Ditto	24,423		
Ditto		264	0	0	...	Ditto	24,424		
Sir J. C. Wilson		50	0	0	...	Malvern	24,426		
J. Studholme and others		20	0	0	...	Timaru	24,380		
S. Bealey		180	0	0	...	Rakaia	24,124		
T. Taylor		30	0	0	...	Ashburton	17,194		
J. Baxter		1	0	0	...	Ditto	24,244		
Ditto	0	2	4	...	Ditto	24,245			
		0	3	21					
		25,780	1	15	600				

J. W. HAMILTON,
Deputy Chief Commissioner, Waste Lands Board.

LAND SOLD by PUBLIC AUCTION, 17th March, 1876.

Section.	Grantee.				Acreage.	Cash Paid.
TOWN OF ASHBURTON.					A. R. P.	£ s. d.
440	W. Ellery	...	...	...	0 1 0	12 0 0
462	A. Wood	...	...	...	0 1 0	12 0 0
472	W. Montgomery and Co. (Limited)	...	...	...	0 1 0	12 0 0
473	Ditto	...	...	...	0 1 0	12 0 0
640	G. Johnston	...	...	...	0 1 0	12 0 0
Total				...	1 1 0	£60 0 0
TOWN OF SOUTH RAKAIA.						
359	W. Sutton	...	...	...	0 1 0	12 10 0
396	J. Gray	...	...	...	0 1 0	12 10 0
400	R. Taylor	...	...	...	0 1 0	12 10 0
358	W. Shannon	...	...	...	0 1 0	12 10 0
334	T. Whitta	...	...	...	0 1 0	12 10 0
Total				...	1 1 0	£62 10 0
RURAL LAND.						
Timaru District.						
23,508	W. Wells	...	...	...	9 1 0	18 10 0
23,541	D. M. Ross	...	...	...	17 2 24	38 10 0
23,760	A. Lysaght	...	...	...	12 1 0	24 10 0
23,863	D. M. Ross	...	...	...	12 3 0	28 1 0
23,864	W. Chisolm	...	...	...	16 1 30	32 17 6
23,963	G. A. Reade	...	...	...	16 3 0	36 17 0
23,964	S. Kelland	...	...	...	6 3 16	23 6 0
23,344	R. Horne	...	...	...	3 2 18	7 4 6
23,544	D. Caird	...	...	...	6 3 0	13 10 0
24,002	D. M. Ross	...	...	...	5 1 24	11 18 0
23,385	E. H. Tate and D. M. Ross	...	...	...	5 3 25	11 16 3
Total				...	113 2 17	£247 0 3
Christchurch District.						
24,047	Sir J. C. Wilson	...	...	...	0 1 23	0 15 9
24,049	Ditto	...	...	...	2 3 32	5 18 0
24,050	Ditto	...	...	...	1 2 0	3 0 0
24,051	Ditto	...	...	...	0 1 2	0 10 6
24,052	Ditto	...	...	...	0 1 2	0 10 6
24,085	Ditto	...	...	...	1 3 16	3 14 0
24,086	Ditto	...	...	...	2 2 12	5 3 0
Total				...	9 3 7	19 11 9
Oxford District.						
24,155	G. W. H. Lee	...	...	...	18 0 0	36 0 0
Malvern District.						
24,156	J. Reid	...	...	...	6 0 0	12 0 0
Lincoln District.						
24,216	E. W. Stafford	...	...	...	3 2 30	7 7 6
Banks Peninsula District.						
24,218	G. A. Reade	...	...	...	3 0 0	6 0 0

No. 3.

MEMORANDUM by His Honor the SUPERINTENDENT.

I HAVE read these papers. The main facts, so far as they concern the Government as representing the public, are not I think affected either by discrepancies between Mr. Richardson's statement of what he heard of the facts and the statements of those who were actually concerned in them, or by any previous understanding between Messrs. Richardson and Sealy as intentions to purchase. The Government has only to do with the formal application for the land as made in the office, and to determine whether Mr. Sealy became the purchaser under other circumstances, and with other information from that of which one of the outside public might have been fairly possessed. On this point I think the decision of the Waste Lands Board is correct. The main facts are for the decision of this point undisputed, and I do not see that further inquiry can alter or modify them.

Both the Messrs. Sealy had a right of *entrée* of the office different from that of the public, and the public would naturally look upon them, and they are personally, when working in a public office, in a confidential position. In this instance it appears that Mr. H. Sealy was working in the office, and was applied to for the dimensions of a certain piece of land by one of the public, Mr. Richardson, jun., and that he by that means became acquainted with the intention of Mr. Richardson to purchase. It is admitted that it was through the disclosure of this information that his brother became the purchaser. Mr. H. Sealy should not have disclosed what was communicated to him in an official or *quasi*-official position, and his brother should not have taken advantage of the information.

The delicacy of his position as a tenant of the office should also have prevented him from being in the office before ten o'clock, at which hour it is generally understood the public have the right to enter. Had he approached the office as one of the public by the public street at that hour, Mr. Richardson would have been more likely to have seen him.

In the case of an officer under permanent engagement, he would properly be called upon to make restitution. Mr. Sealy's engagement with Government has terminated, and I can do no more than express the hope that he will see the propriety of doing this.

I think these documents should be published; and Mr. Sealy should be informed that they will be published, and should be given the opportunity of adding anything to them. Mr. Richardson should have a copy.

The permanent officers of the Survey Department seem to be entirely free from blame in the matter.

W. ROLLESTON.

13th April, 1876.

No. 4.

Mr. BLAKISTON to Messrs. E. P. and H. P. SEALY.

GENTLEMEN,—

Provincial Secretary's Office, Christchurch, 13th April, 1876.

I am directed by His Honor the Superintendent to forward to you the enclosed copy of a memorandum by the Waste Lands Board, relative to Mr. E. P. Sealy's purchase of Section No. 24,089.

In accordance with His Honor's minute, the previous documents and evidence, together with this memorandum, and the minute attached, will be published for general information.

In case you wish to add any statement, I am to request that you will forward it at once.

Please return the copy of memorandum.

I have, &c.,

A. BLAKISTON,

Assistant Secretary.

Messrs. E. P. and H. P. Sealy, Timaru.

Enclosure in No. 4.

MEMORANDUM for His Honor the SUPERINTENDENT.

THE Executive have read your Honor's minute of the 13th instant, the evidence taken by Mr. Marshman, and his report thereon.

The Executive agree as to the publication of the whole of these papers, which disclose a state of things in the Timaru Land Office not creditable to any of the officers concerned. Mr. Fussell's evidence shows this very clearly, and, moreover, seems to indicate that the occurrence complained of by Mr. Richardson is by no means a solitary instance.

The Executive are unable to agree with your Honor that no blame attaches to the permanent officers at Timaru, though undoubtedly the chief blame attaches to the Messrs. Sealy. Your Honor suggests that opportunity should be given to Mr. Sealy of adding anything to the documents if he pleases. The Executive, however, think that there is no necessity for this, as Mr. Sealy has already had ample opportunity of doing so, and a statement by him commenting on the evidence is attached.

The Executive take occasion to remark that if your Honor had acceded to their reiterated requests for the appointment of a Commission to inquire into the state of the Survey and Waste Lands Departments, the irregularity under consideration, which appears to have been a practice in the office, and probably others of which complaints have been made in the Provincial Council and elsewhere, might have been prevented.

The Executive would also request your Honor to direct the publication, at the same time with these papers, of the memoranda between your Honor and themselves, on the subject of the Commission above referred to.

J. CRACROFT WILSON,

President of Executive Council.

20th April, 1876.

No. 5.

MEMORANDUM for Sir CRACROFT WILSON.

WITHOUT for the present entering upon the question raised in your memorandum about the case of the Messrs. Sealy, I take the earliest opportunity of reminding you of what you appear to have forgotten with regard to the minute of the Waste Lands Board.

After reading it, and putting my minute upon it, I handed it to you. You took it home and brought it back next day. You stated your general concurrence in my view of the case, though you thought it was not as strong as might have been. I then said, "Do you agree that it should be forwarded to Mr. Sealy?" and you said, "Yes." It was on the eve of the Easter holidays, and the Provincial Secretary was away. I said, "Very well, I will send them off;" and added some remark to the effect that there would not be an opportunity for some days, and that it would avoid delay.

I think, when you remember this, you will probably desire to withdraw your memorandum. I may add that I shall be glad to discuss the matter with you whenever convenient.

W. ROLLESTON,
Superintendent.

21st April, 1876.

P.S.—The minutes of the Waste Lands Board do not appear to have been before the Executive, or to have been read by them.

No. 6.

MEMORANDUM for His Honor the SUPERINTENDENT.

WITH regard to your Honor's minute of this day's date, I beg to state that I have no wish to withdraw the minute alluded to, in which every member of the Executive unanimously concurred. It is true that I generally agreed with your Honor's minute in *re* Sealy Brothers, though I thought it too mild. I highly approved of copies being sent to the parties concerned, among other reasons, because I was anxious that Mr. Sealy should have an opportunity of following your Honor's suggestion as to restoring the Rural Section No. 24,089 to the Hon. Mr. Richardson. But I never intended to be understood to give my assent to a prolongation of the discussion by either of the parties concerned, for the simple reason, as stated in your Honor's minute, that the Provincial Government had no jurisdiction in the matter.

The minute of the Waste Lands Board was read by the members of the Executive before the minute now under discussion was drafted, and, as stated above, it was concurred in by every member of the Executive.

J. CRACROFT WILSON,
President of Executive Council.

21st April, 1876.

No. 7.

[TELEGRAMS.]

Christchurch, 25th April, 1876.

AM sorry to hear of your brother's illness. Have been absent myself. Publication of papers will be delayed.

H. P. Sealy, Timaru.

W. ROLLESTON.

27th April, 1876.

MAY I ask your Honor whether anything has been done in reference to my complaint as to the Land Office, Timaru.

His Honor W. Rolleston.

E. RICHARDSON.

REPLY *re* LAND OFFICE, Timaru.

28th April, 1876.

YES. Waste Lands Board have reported that Sealy Brothers were not entitled to do what they did. I have agreed in their report, and forwarded it to the Sealy Brothers, suggesting restitution. Edward Sealy very ill. Am sorry for delay.

Hon. E. Richardson.

W. ROLLESTON.

28th April, 1876.

I THANK you for your prompt reply Timaru Land Office.

His Honor W. Rolleston.

EDWARD RICHARDSON.

No. 8.

MEMORANDUM for Sir CRACROFT WILSON.

IN reference to our conversation of yesterday on the subject of the publication of the papers in the Timaru Land Office case, when you pressed upon me the publication of these papers, I have only to repeat that at Mr. H. Sealy's request, in consequence of the serious illness of his brother, I have said that the publication will be delayed. I have forwarded the minute of the Waste Lands Board and my

own minute upon it to Mr. Richardson, in anticipation of the full papers which will be forwarded when Mr. Sealy's reply is received. Mr. Richardson will then be entitled to add any remark before the papers are finally published.

In reference to your minute of 20th April, in the latter part of which you appear to desire to mix up with this question a matter of personal difference of opinion between the Superintendent and the Executive, I have to state my regret that a matter which requires the most impartial consideration should have other questions imported into it.

You will therefore excuse my entering upon that matter at the present time.

29th April, 1876.

W. ROLLESTON,
Superintendent.

No. 9.

The Hon. the COLONIAL SECRETARY to Sir J. C. WILSON.

SIR,—

Colonial Secretary's Office, Wellington, 12th June, 1876.

I have the honor to acknowledge the receipt of your letter of the 30th May, and to inform you that, in compliance with the request contained therein, it is proposed to advise His Excellency the Governor to appoint a Royal Commission to inquire into and report upon the administration of the Waste Lands Department in the Province of Canterbury.

Sir J. Cracroft Wilson, C.B., K.C.S.I., &c., Christchurch.

I have, &c.,
DANIEL POLLEN.

No. 10.

The Hon. the COLONIAL SECRETARY to his Honor the SUPERINTENDENT, Canterbury.

SIR,—

Colonial Secretary's Office, Wellington, 10th June, 1876.

I have the honor to enclose copy of a letter from Sir J. C. Wilson, requesting that a Commission may be appointed to inquire into the manner in which the Survey Department of Canterbury is conducted, and the charges which have been made against it; and to inform your Honor that it is proposed to advise his Excellency the Governor to appoint a Royal Commission to inquire into and report upon the administration of that department.

His Honor the Superintendent, Canterbury.

I have, &c.,
DANIEL POLLEN.

No. 11.

His Honor the SUPERINTENDENT, Canterbury, to the Hon. the COLONIAL SECRETARY.

SIR,—

Wellington, 19th June, 1876.

I have the honor to acknowledge the receipt of your letter of the 10th instant, enclosing a copy of a letter from Sir Cracroft Wilson relative to the appointment of a Royal Commission to inquire into the manner in which the Survey Department in Canterbury is conducted.

It appears from your letter and its enclosure that, without any reference to myself as Superintendent of the province, upon the representation of a number of my Executive Council, all whose "acts and proceedings" are by law subject to my approval, the Colonial Government propose to advise his Excellency to appoint a Royal Commission to inquire into the administration of a department under my supervision.

I am now for the first time informed that the application which you forward has been made to the Government, and, beyond the letter which you enclose, the papers referred to in which are not forwarded to me, I am not placed in possession of the reasons which have influenced the Government to entertain this proposal without previous consultation with myself as head of the Executive Government of Canterbury.

As at present informed, I am not aware of sufficient reasons to call for the appointment of such a Commission, and I must protest against such an interference with my administration without my consent.

I am the more surprised at the course taken by the Government, because it is only recently that I have personally assured them of my desire to afford every assistance to the Secretary for Crown Lands and the Surveyor-General in making full inquiry into the present condition of the surveys.

I must point out, in conclusion, that the proposal to act upon the recommendation of one of my advisers—a recommendation sent to you without my knowledge or consent, is, as far as I am aware, an unprecedented course, and an affront both to myself as Superintendent, and to the province of which I am the elected head.

I have to request that this correspondence may be laid before his Excellency, in the event of his being advised to appoint a Royal Commission in terms of your letter.

I have, &c.,

The Hon. the Colonial Secretary.

WM. ROLLESTON,
Superintendent of Canterbury.

