

That system was provided for in the case of the B 1 blocks to be selected by the company, but there is no such provision as to the Government selections for mining reserves. That is the difference.

40. Do you mean by that that every mining reserve made by the Government must be made on actual survey?—I think that it should be.

41. That is your interpretation, that if they take only three acres they should be surveyed?—Yes, if not already surveyed.

42. You said the opinion of the people in the localities regarding the reserves was not in accord with the action of the Government officers?—My answer was that I thought it was done more with reference to the people who made the reserves than by the people in the localities; and I instanced two cases where it appeared judicially decided that the lands were not auriferous, and yet they were made mining reserves; and also the cases of reserves made in districts where the local bodies and people did not want them.

43. Then, you take the Warden as the particular mouthpiece of the people in a locality?—No, not necessarily. I think the Warden is the official officer of the Government. When a thing is brought before him officially his opinion is one which everybody must regard.

44. In that case the Warden, having said that the whole of the land in Block 222, Blackball, is auriferous, and reported so to the Government, that, you say, is quite right now?—My contention is that the Warden is a judicial officer. When a case is before him judicially he speaks with authority. I was not speaking of the opinions of the Wardens generally. The cases I speak of were before the Warden.

45. There is only one case—Morris's, at Kumara—where the Warden sat judicially upon it?—Also in another case, that of Loughnan and Halley, who applied for a coal-mining lease, up near Reefton. The Warden recommended it, and requested the company to grant the lease, and subsequently, before anything could be done, it was made a mining reserve.

46. At the same time there was a company actually producing gold on the same ground?—It may have been, but I am not aware of it.

47. There was a question of title involved. One was a lease for gold and another for coal?—In the case of Loughnan and Halley, the Warden wrote to the company stating that a particular application had been handed to him for a coal lease, that it had been advertised, that he saw no objection, and he wanted to know if the company would agree to grant the lease.

48. You would be surprised to know that the Warden had nothing to do at this time with a coal lease. The application for a coal lease would go to the Land Board?—Under the recent Act.

49. Under the previous Act?—The Warden was the person who referred it to us. I am speaking from the Warden's letter dealing with the application in the ordinary form, asking the company to agree.

50. Are you aware that the Warden could not grant a coal lease?—He was not granting a coal lease. He only asked if the consent of the company would be given.

51. Have you got that letter from the Warden? [Letter of 8th April, 1892, from Warden Keddell, put in and read. See Appendix, page 41.] The Warden has not expressed an opinion at all about it. He states the facts, and asks your opinion as to whether he should recommend it to the Minister or not. Is there a decision or opinion at all in the letter?—I considered there was; that when the application was made, and no objection was brought to it after it was duly advertised, that the Warden's opinion always went with the fact of there being no objection.

52. The Warden has discretion, has he not?—Yes, he may have.

53. You say you took the decision of the officer or Warden. In that case, has there been a decision?—I imagine that the Warden has decided in favour of granting the lease. I may qualify what I said, after seeing the letter, by saying that it is an inference from it.

54. The next case you rely on for the decision of the Warden is that of Morris, of Kumara?—Yes.

55. Did the Warden call any evidence from the company on that?—Nobody attended on behalf of the company.

56. Did any one attend on behalf of the mining associations?—Yes, Mr. Hay, the President of the Miners' Association.

57. You called no evidence?—We were not represented.

58. Those who tendered evidence were the objectors, the Miners' Association?—I think Morris also tendered evidence.

59. He attended for himself, as wishing to get the land from the company?—Yes.

60. That is the only other case upon which there has been a Warden's decision?—As far as I know at present.

61. What was the acreage applied for by Morris?—I believe between one and two hundred acres.

62. *Mr. Wilson.*] With regard to that same application, did the Warden give a decision?—Yes.

63. It was in favour of granting the lease for other purposes?—Yes.

64. And that was made a mining reserve?—Yes, though a recommendation was made on the ground that the land was not required for gold-mining purposes.

*Hon. Mr. Seddon:* Here is the report of the Midland Railway Committee of 1887, session II., signed "W. R. Russell, Chairman." [See Appendices to Journals of the House of Representatives, I.—6, Sess. II., 1887.] The recommendations of the Committee are word for word in accordance with clause 16, section (c) of the contract.

65. *Mr. Shera.*] What land-grant has the company earned?—The total value of the earnings is £191,350 worth.

66. About what area has been selected in Canterbury?—157,832 acres have been selected in Canterbury.

67. Where else have you selected land?—In the Amuri, 71,096 acres.