

APPENDIX B.

TELEGRAM from Mr. KINASTON to the Hon. the COLONIAL SECRETARY.

WASTE Land Board agreed to sell 20,000 acres Teviot Run to pastoral lessee; one-third of block is good agricultural land. If sold, ten miles payable auriferous river frontage will be permanently closed.

Roxburgh, 3rd July, 1872.

J. KINASTON,
Secretary, Progress Committee.

TELEGRAM from Mr. J. T. THOMSON to the SECRETARY of CROWN LANDS.

CARGILL and Anderson hold pastoral lease Run 199. On 1st July they by letter agreed to open 20,000 acres of it for sale under clauses 83 and 123 "Otago Land Act, 1866," and the Waste Lands Board on the same day agreed to open the land for sale. On the 2nd July, Cargill and Anderson put in an application to purchase it. On the 3rd this was brought before the Board, and received, the Chief Commissioner not voting. At the same time I received an extract from the minutes of the Executive Council, dated 1st July, agreeing to accept the offer of Cargill and Anderson, and to allow the sale of 20,000 acres of their run. The necessary deposit of £2,000 has been paid to the Receiver of Land Revenue.

Dunedin, 4th July, 1872.

J. T. THOMSON.

MEMORANDUM by the ATTORNEY-GENERAL.

THE HON. COLONIAL SECRETARY,—

Assuming that the lease was cancelled over the part sold before the sale, I cannot say that there was anything contrary to the law in the sale.

The case is simply this, that the Otago Waste Lands law gives to runholders, if the Waste Lands Board and Superintendent choose to be parties to the transaction, a right of pre-emption at £1 per acre over their runs. The public cannot compete, for they have no notice that the land is open for sale.

8th July, 1872.

J. PRENDERGAST.

TELEGRAM from the ATTORNEY-GENERAL to Mr. KINASTON.

WHY does Mr. Kinaston write to the Colonial Secretary? Why does not he, and why do not they who object to the sale, proceed, if they think the sale illegal, to test the legality of the sale. In Clarke's case, they appeared before the Waste Lands Board; their objection was overruled by the body which the Legislature has intrusted with the administration of the waste lands. That body had power to disallow the sale. It has not chosen to do so.

8th July, 1872.

J. PRENDERGAST.

TELEGRAM from Mr. KINASTON to the Hon. the COLONIAL SECRETARY.

SALE 20,000 acres to Cargill and Anderson really means the permanent alienation of one hundred square miles of country, and would prove ruinous to the district. It is felt that the General Government only can avert this disgraceful sacrifice of the public interests.

9th July, 1872.

J. M. KINASTON, Secretary,
Progress Committee.

TELEGRAM from the ATTORNEY-GENERAL to Mr. KINASTON.

YOU and those with whom you are acting seem to be under the impression that the General Government is legally empowered to prevent the sale to Cargill and Anderson. Will you point out what authority there is for such a supposition? I am not aware of any facts connected with this sale which render it invalid. If you are, will you inform me fully? Whether or not it is impolitic is a question for those in whom the Legislature has vested the administration of the waste lands of the Crown. Full reply had better be sent in letter.

12th July, 1872.

JAMES PRENDERGAST.

Mr. KINASTON to the Hon. the COLONIAL SECRETARY.

SIR,—

Teviot, 20th July, 1872.

I have the honor to acknowledge receipt of your telegram of 12th instant (*Re* sale to Cargill and Anderson), and in reply would respectfully submit for your consideration the following points in connection therewith:—

1. That the said lands are within the Otago Gold Fields, and have not been withdrawn therefrom, as provided for by the Acts regulating the sale of lands situate within gold fields.
2. That the pastoral lease has not been cancelled, nor the land declared open for sale or selection by Proclamation, as required by the Waste Lands Act.
3. That as the Waste Lands Act requires that all rural land shall be open to the public for sale or selection, I respectfully submit that, looking to this and to the provisions of the Act generally, it is not competent for the Waste Lands Board to enter into a private contract for the sale of land, more especially within gold fields.
4. That the sale is prejudicial to the public interest, inasmuch as it will lock up an important district from settlement for all time to come, and is on all sides regarded as an utter sacrifice of the public interest, comprising as it does a large extent of auriferous and good agricultural land.
5. In an exactly similar case—that of the sale to Clarke, at Moa Flat, in this neighbourhood—the Attorney-General's opinion is directly adverse to the legality of the sale.