

PAPERS RELATING TO AN ALLEGED SALE

I find Mr. Wood, our Resident Warden, has not been referred to in the matter.

In conclusion, the Mining Society request me to ask if it is the intention of the Colonial Executive to interfere in the matter. If not, it is their opinion the Crown grant had better issue, keeping both parties in suspense no longer, and completing one of the greatest acts of injustice ever perpetrated on a mining or other community.

I am, &c.,
RALPH SHAW,
Secretary, S.M.P.A.

The Hon. the Colonial Secretary.

No. 14.

MEMORANDUM for the Hon. the COLONIAL SECRETARY.

Action of Waste Lands Board by "The Otago Waste Lands Act, 1866."

Clause XVII. reversible only by Order of Supreme Court.

Clause XVIII. limits time within which appeal may be made to thirty days from date of Board's decision.

Applications for rehearing (by aggrieved parties) by Waste Lands Board may be granted without any limitation of time.

Clause XXIII. gives power to Board to sell land "situated within any gold field."

Any aggrieved person may now apply for rehearing.

Action lies with the Provincial Government, and, I submit, the Superintendent is the "aggrieved" party, and may apply for the rehearing, as he is alleged to be liable (representing the Council) to compensations in excess of the purchase money. This, under the Statute. Public policy also points the duty of Superintendent to prevent the damage to mining enterprise if the real facts be as alleged. As granting lands within gold fields appears to be entirely with discretion of Board, it is competent to them to reverse their decision on grounds of public policy.

7th March, 1872.

W. S. MOORHOUSE,
Secretary, Crown Lands.

No. 15.

Mr. G. S. COOPER to Mr. R. SHAW.

(No. 197.)

SIR,— Colonial Secretary's Office, Wellington, 16th March, 1872.

I am directed by Mr. Gisborne to acknowledge the receipt of your several letters, and of a petition from certain inhabitants of Switzers upon the subject of the sale, by the Waste Lands Board of Otago, of a section of land to one Allan McDonald, which land is said to be auriferous, and the sale therefore illegal.

The matter is still under the consideration of the Government, it being necessary that a preliminary inquiry should be instituted in order that the Government may be able to properly determine what ought to be done.

Ralph Shaw, Esq., Switzers, Otago.

I have, &c.,
G. S. COOPER,
Under Secretary.

No. 16.

The Hon. W. GISBORNE to His Honor J. MACANDREW.

SIR,— Colonial Secretary's Office, Wellington, 16th March, 1872.

I enclose to your Honor, as Governor's Delegate under the Gold Fields Act, a petition from certain inhabitants of Switzers, and subsequent correspondence upon the subject of the sale, by the Waste Lands Board, of a certain section of land to one Allan McDonald, which land is said to be auriferous, and the sale of it therefore illegal.

I request that your Honor will be good enough to communicate with the Commissioner of Crown Lands, and to give the Government such information on the subject as will enable them to determine whether any, and, if any, what, interference on their part is called for.

His Honor the Superintendent, Otago.

I have, &c.,
W. GISBORNE.

No. 17.

His Honor J. MACANDREW to the Hon. the COLONIAL SECRETARY.

SIR,— Superintendent's Office, Dunedin, 18th April, 1872.

Enclosed I have the honor to transmit the papers referred to me, in reference to the sale of fifty acres of land at Switzers, together with memoranda on the subject from the Gold Fields Secretary, the Commissioner of Crown Lands, and Mr. Warden Wood. From these, it would appear that the Waste Lands Board has committed a blunder by disposing of the fee-simple of the land in question, and that to cancel the sale might probably involve compensation to an extent beyond any public benefit which might result. From a personal conversation with the Warden of the district, I am led to understand that the nature of the ground in question is such as to preclude its being advantageously