

Hon. J. B. Whyte's statement continued.

*Hon. J. B. Whyte:* The return just handed in by Mr. Smith shows that the amount of scrip used in the purchase of Ellesmere land in excess of the £500 limit was only £541 9s. Referring to what I said yesterday, regarding what I understood to be Sir Harry Atkinson's reasons for accepting scrip in payment for Ellesmere land: I forgot to mention that, although he appeared to think that scrip could not reasonably be refused, he also thought that a transfer of the amount from the Land Fund to the Public Works Fund might be required. This transfer, it would appear, has never been made; and, therefore, the necessity for the Bill now before Parliament. In reference to the advertisement inserted in the *Gazette* by the Commissioner of Crown Lands in Christchurch, with regard to the sale of these Ellesmere lands, I stated that this advertisement made no reference to any special Act, but they were merely advertised as Crown lands. And that was so with respect to the first three or four advertisements; but I forgot to say that, when he had ascertained that there was a likelihood of scrip being tendered, he inserted an advertisement containing a reference to the Ellesmere Lake Lands Act.

81. *Sir John Hall.*] With regard to the last question, you say the last advertisement did contain a reference?—Yes.

82. What were the terms used in the advertisement which appeared in the *Gazette*? Did it say that scrip would be accepted?—No, it did not make any reference to scrip.

83. *Mr. Guinness.*] It only made reference to the Act; that the transaction was taking place under a particular Act?—Yes, that is so.

84. Did you know of the case of Paterson and Fairlie in the Supreme Court?—Yes.

85. It was tried in Auckland?—No, it was tried at the Court of Appeal in Wellington.

86. It had been moved from Auckland?—It was brought before Judge Conolly, who asked both parties if they would have it tried at the Court of Appeal; this they agreed to, and the decision was given against the Government.

87. Were you aware of the case having been heard in the Court of Appeal?—Oh, yes, I was quite aware of it.

88. Did you buy all of the scrip produced after that?—Yes, with one exception.

89. Had you bought any land-orders before the case came before the Court? or did you buy it after the case was pending in the Court?—I think that I bought the whole of the land-orders after that, with the exception of one, so far as I can remember. [List "V" before referred to produced.] I do not know the date of the Court's decision.

*Mr. Wright:* The dates are 31st October and 15th November, 1889.

*Mr. Guinness:* That is, when the case came into the Court of Appeal. Judgment was given on the latter date.

*Witness:* Of course I am only speaking from memory. I think, with the exception of one scrip, I bought them all subsequent to that case. In the case of the one particular scrip, I had agreed to buy before the decision of the Court was given. That is as far as my memory guides me.

*Mr. Smith:* That was in the month of December. It is indorsed by the clerk. I am now referring to Paterson's case.

90. *Mr. Guinness* (to witness).] Who did you buy this scrip from?—From the people whose names are mentioned in the list, or from their representatives.

91. You know the man you dealt with?—The man who handed some of the scrip to me was a lawyer in Auckland named Oliphant.

92. Did Mr. Oliphant hand all the scrip to you?—No.

93. We will take the cases in the order in which they appear on the list. J. Paterson, £544 12s.?—As far as my memory serves me I got the scrip from a lawyer in Auckland named Peter Oliphant. He was the solicitor acting for owners.

94. R. M. Paterson, £923 6s.?—Ditto.

95. James Fairlie, £682 12s.?—Ditto.

96. J. Cowan, £663 6s.?—Ditto.

97. P. S. McLean?—I got the scrip direct from P. S. McLean.

98. A. J. McLean, £716 6s. 6d.?—From P. S. McLean, acting for him.

99. F. Hubbard, £1,008?—From himself.

100. M. Noake, £200?—I wrote to him at Wanganui, and offered to buy his scrip.

101. Have you any objection to state to the Committee the amount you paid for the scrip?—I have no objection at all. In the case of J. Patterson I paid 90 per cent. of the face-value; R. M. Paterson, 90 per cent.; James Fairlie, 90 per cent. I can say the same of the three next on the list. In the case of F. Hubbard 75 per cent. was paid; Major Noake, £95.

102. Prior to the trial of that action in the Court of Appeal, had you any conversation with the Hon. Mr. Richardson (Minister of Lands) as to the scrip being exercisable?—Oh, yes; several times.

103. With reference to the scrip?—I had several communications with him on the general question of whether the scrip was worth the face-value, because Mr. Richardson had always contended that no scrip was worth more than £500 in any part of the colony; and he never gave way on that point until the Court of Appeal compelled him to give way. I stated that in my evidence.

104. You always contended that there was no scrip worth more than £500?—No; I always contended that the scrip was worth what was stated on the face of them. The holders of these land-orders had the right conferred on them to purchase land to the value stated without limitation.

105. Do you know Mr. Murray, to whom you transferred some scrip?—Yes, I met him down in Canterbury.

106. He appears to have exercised the most of the scrip?—Yes.

107. He exercised the whole of it?—Yes.