

9. By some legal opinion?—I decline to give any particulars on this point. It is not justifiable for any Minister or ex-Minister to give or allude to opinions of Law Officers. I say the Government was aware of this fact. With regard to the Ellesmere lands, the advertisement having been put in without any special allusion to the Trust, the scrip had to be accepted in that case also. Really, it made no difference in this respect. Any money accruing from the Ellesmere lands would not have gone to the Trust, for this reason: That there was a very heavy charge against the Trust—amounting, I am speaking from memory, to, I think, forty odd thousand pounds. This was an advance from the Public Works Fund to the Trust, and this advance had to be recouped before any funds would properly accrue to the Trust itself. In other words, the Trust had to get out of debt before it could get into credit. As the total value of the land for sale was not likely to realise enough money to get the Trust out of debt, there was no hope of the Trust getting into credit through the transaction. It was, therefore, only a matter of account, and of no value to the Trust one way or the other, whether the money for the Ellesmere lands went to the ordinary land revenue or went into the Public Works Fund on account of the Ellesmere Trust. The ultimate result would have been the same. It was intended by the Government—whether it was carried out or not I do not recollect now; I think it was not—to transfer from the Consolidated Fund to the Public Works Fund the amount of scrip received in lieu of cash for the Lake Ellesmere lands. I do not know that there is anything else for me to say. The scrip was scrip issued under the Act of 1872. It was scrip issued in connection with claims which had arisen under the Act of 1872; and the result of the decision of the Appeal Court made this scrip exercisable to their full value. The only reason that the land-scrip was, at the date of 1871–72, limited to the land district, was because the scrip at that date was issued by the Superintendents of Provinces, whose powers did not extend beyond the bounds of their own provinces; but in 1876 the land ceased to be provincial revenue, and became general. The Superintendents no longer had any existence, and it was the General Government that issued the scrip. Therefore, what was before Provincial became Colonial. I think that is about the whole case, as far as I know.

10. *Hon. Mr. Seddon.*] I suppose you had an idea at the time that it was against the law? You say it made no difference to the Trust?—No, it was in keeping with the law, or it would not have been done; or, rather, I should not say, perhaps, the law, but with the honour and credit of the colony. The scrip had to be accepted in payment as cash for any lands offered for sale for cash.

11. The question that arises is this: With regard to the Ellesmere lands, they could only be sold for cash; it was contrary to the law to sell those lands except for cash?—Just so; but the land scrip was cash in the eyes of the law. The land scrip was simply a bank-note instead of gold.

*Hon. Mr. Seddon:* Except that the Ellesmere Land Act says they shall only take the gold for that land.

12. *Mr. Saunders.*] It seems to me that the question we have to decide is not touched by Mr. Richardson's evidence. A difficulty seems to have arisen in connection with the limit of £500, up to which it was supposed to exercise scrip in no other district but the one in which the scrip had been issued?—No; that is misreading the law. There is no such limit; it does not apply to rights acquired. Under the Act of 1872 that limit could have applied, but not in the present case, for the holders of this scrip had not asked the Commissioners of Crown Lands to indorse them under section 3 of the Act of 1888. It was out of their power to do so, because the scrip was issued after the time limited by that Act had lapsed. The 1888 Act limited the amount of scrip that could be exercised in any part of the colony outside the province in which it was issued.

13. *The Chairman.*] Do I understand you to say that the rights accrued under the Act of 1872 and not under the Act of 1888?—The 1888 Act only applied to those who came under it by applying to the Commissioners for indorsement under it. Here are the words of the "New Zealand State Forests Act Amendment Act, 1888," subsections (1) and (2) of section 3:—

"(1.) Any unexercised land-order issued under 'The Forest Trees Planting Encouragement Act Amendment Act, 1872,' which shall be presented on or before the thirtieth day of June, one thousand eight hundred and eighty-nine, to the Commissioner of the land district wherein such order was originally applicable, may, with the sanction of the Minister, be indorsed by such Commissioner with a certificate declaring such order to be exercisable in the purchase of Crown lands, whether town, suburban, or rural land, in any part of the colony, at any time on or before the thirty-first day of December, in the year one thousand eight hundred and ninety, and the last day whereon such order shall be exercisable shall be stated in such certificate; and any land-order so indorsed shall be exercisable accordingly, anything in the last above-mentioned Act to the contrary notwithstanding.

"(2.) No land-order, whatever the amount stated therein, and no number of land-orders in favour of the same person, shall entitle such person, or any other person with him, or for or on his behalf, or any other person or persons whatever their number, by virtue thereof or under any transfer thereof in trust or otherwise to acquire Crown lands as aforesaid in any part of the colony to any value exceeding five hundred pounds in the whole."

14. Are you aware that the Solicitor-General has given a different opinion?—Perhaps he has not had the full case put before him. He may have given an opinion on some point of the case. If the Solicitor-General has given an opinion different to my reading of the Act, I should imagine my reading of the Act was wrong; but I should like to see whether the Solicitor-General has given an opinion contrary to the plain terms of the statute. The decision of the Court of Appeal is thus stated by the Crown Solicitor: "1. That there is no limit of area under a land-order. 2. That there is no limit of value to a land-order unless it be exercised beyond the province in which the plantation is made. 3. That this applies to land-orders remaining to be issued under section 4 of the Act of 1888, as much as to land-orders already issued."