

any part of the colony given immediately before by subsection (1). Subsection (3) is evidently a provision with reference to a land-order indorsed under subsection (1). If the right of purchase can be exercised from time to time in the different land districts of the colony, some further provision for the case of a partly exercised land-order than that contained in section 7 of the Act of 1872 is manifestly desirable, and that provision is contained in subsection (3). Subsection (4) expressly refers to land-orders indorsed under subsection (1). Nor do we think that the construction of section 4 of the Act of 1888 is open to any real doubt. By that section every land-order yet to be issued under the provisions of the Act of 1872 is to be issued subject to the conditions mentioned in section 3. The meaning is plain that land-orders issued after the Act of 1888 are to be in the same position as those issued before it—that is to say, that if the holder chooses to present his order to the Commissioner on or before the 30th of June, 1889, he can have the benefit of the provisions of section 3. The Act of 1888 became law on the 28th of August of that year. All rights to land-orders must have become vested long before that time, as no planting begun after the 14th of September, 1885, the date of the repeal of the Acts of 1871 and 1872, would confer any right at all. It might, therefore, be presumed that nearly all the land-orders which could be issued had issued before the passing of the Act of 1888, and that those which had not then issued would issue very shortly after, in time, at any rate, to enable the holders to take advantage of section 3, by presenting them to the Commissioner before the 30th of June, 1889. Mr. Fairlie's land-order was not issued till the 30th of July, 1889. This fact prevents him from taking advantage of section 3, but it does not debar him from the exercise of rights existing outside that section. We think, therefore, that a careful analysis of the Acts show conclusively that both the plaintiffs are entitled to have the questions submitted to the Court answered in their favour. To decide in any other way would have led to the result that the plaintiffs had done work on the faith of a promise of the Legislature, and that the Legislature had gone back from its promise. In our opinion it is clear not only that no intention to evade any promise is shown, but that the various Acts when critically scanned indicate no suspicion of any such intention. The answer of the Court to the questions therefore will be—

1. No.

2. Yes.

3. The plaintiff, Robert Morton Paterson, is entitled to exercise his land-order in the purchase of rural land of the waste lands of the Crown in the Provincial District of Auckland to the full amount thereof, in accordance with the laws and regulations in force relating to the sale and disposal of rural land in the said district. He is not entitled to exercise his land-order under any of the provisions of "The New Zealand State Forests Act Amendment Act, 1888," as he has not presented it to the Commissioner before the 30th of June, 1889.

4. The plaintiff, James Fairlie, is entitled to a land-order enabling him to purchase rural lands waste lands of the Crown in the Provincial District of Auckland to the full amount thereof, and in accordance with the laws and regulations in force relating to the sale and disposal of rural land in the said district.

Solicitors for the plaintiffs: *Devore & Cooper* (Auckland).

Solicitors for the defendant: *Whitaker & Russell* (Auckland).

*Approximate Cost of Paper.*—Preparation, not given; printing (1,425 copies), £22 5s.

By Authority: SAMUEL COSTALL, Government Printer, Wellington.—1893.

Price 9d.]