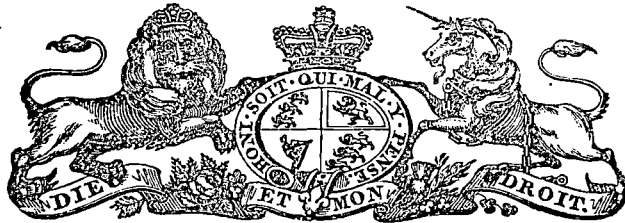


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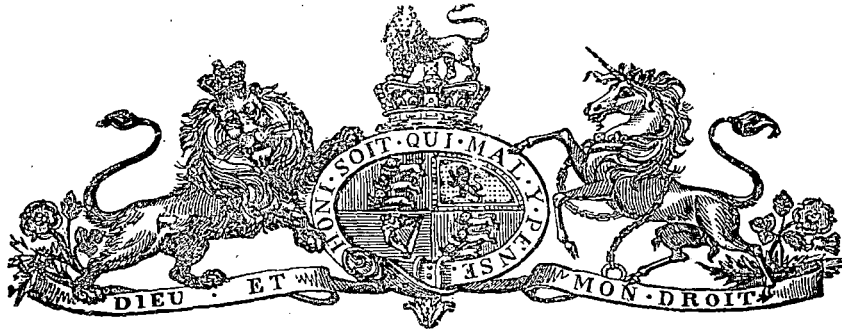
T A S M A N I A.

H O U S E O F A S S E M B L Y.

MESSRS. RITCHIE'S LAND CLAIM :

**REPORT OF SELECT COMMITTEE, WITH MINUTES
AND EVIDENCE.**

Brought up by Mr. Coote, and ordered by the House to be printed,
September 29, 1880.



SELECT COMMITTEE appointed on the 26th August, 1880, to enquire into and report to the House upon the Application of the Messrs. Ritchie to purchase the West Lagoon, and the Refusal of the Commissioner of Crown Lands to allow them to purchase.

MEMBERS OF THE COMMITTEE.

MR. GUNN.
MR. BROWN.
MR. PILLINGER.

MR. CLARK.
MR. COOTE. (*Mover.*)

DAYS OF MEETING.

8th, 9th, 10th, 15th, 17th, 24th, 28th September.

WITNESSES EXAMINED.

Henry Jocelyn Hull, Esq., Deputy Commissioner.
James Scott, Esq., M.H.A.
Mr. David Hall.
H. P. Sorell, Esq., Surveyor.
George Ritchie, Esq., Longford.
The Hon. W. Dodery, M.L.C.
W. Tarleton, Esq., Police Magistrate.
W. Lovett, Esq., Colonial Auditor.
The Hon. T. Reibey, M.H.A.

EXPENSES OF WITNESSES.

£22 15s. 6d.

MINUTES OF MEETINGS OF COMMITTEE.

No. 1.

WEDNESDAY, SEPTEMBER 8, 1880.

Present.—Mr. Pillinger (Chairman), Mr. Clark, Mr. Gunn.

1. After short deliberation Committee adjourn until to-morrow (Thursday), at 11 o'clock.
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No. 2.

THURSDAY, SEPTEMBER 9, 1880.

The Committee met at 11 o'clock.

Present.—Mr. Coote (Chairman), Mr. Clark, Mr. Gunn, Mr. Pillinger, Mr. Brown.

1. Mr. James Scott, M.H.A., called in and examined.
 2. Mr. H. J. Hull, Deputy Commissioner of Crown Lands, called in and examined.
 3. Ordered, that Mr. Dodery be summoned for Wednesday, at 10 o'clock.
 4. Ordered, that Mr. George Ritchie be summoned for Friday (to-morrow), at 10.
- Committee adjourned at 1 to 10 to-morrow.
-

No. 3.

FRIDAY, SEPTEMBER 10, 1880.

The Committee met at 10 o'clock.

Present.—Mr. Coote, Mr. Clark, Mr. Gunn, Mr. Brown, Mr. Pillinger.

Mr. D. Hall called in and examined.

Mr. H. P. Sorell called in and examined.

Mr. G. Ritchie called in and examined.

Mr. Dodery to be summoned for Wednesday, at 10, and Mr. Tarleton and Mr. Reibey for Tuesday, at 11.

No. 4.

WEDNESDAY, SEPTEMBER 15, 1880.

Present.—Mr. Coote, Mr. Pillinger, Mr. Brown.

Hon. W. Dodery called in and examined.

Committee adjourned to Friday, at 11.

Mr. Tarleton summoned for that day and hour.

No. 5.

FRIDAY, SEPTEMBER 17, 1880.

Present.—Mr. Coote, Mr. Brown, Mr. Pillinger.

Mr. Tarleton called in and examined.

Mr. Lovett called in and examined.

Mr. Reibey to be summoned for Friday, at 11, to bring with him a plan of the Christ's College Estate.

Committee adjourned to Friday, at 11.

No. 6.

FRIDAY, SEPTEMBER 24, 1880.

Present.—Mr. Coote, Mr. Gunn, Mr. Pillinger, Mr. Brown.

The Hon. T. Reibey called in and examined.

The Committee adjourned to Tuesday.

TUESDAY, SEPTEMBER 28, 1880.

Present—Mr. Coote, Mr. Pillinger, Mr. Gunn, Mr. Brown.

The Committee having each been supplied with a printed slip of the evidence proceed to discuss the subject.

Query by Chairman—Had the Minister of Lands the right to refuse the application?

Mr. Brown—Yes. This land ought to be put up to auction. The adjoining proprietors have no right for water.

Mr. Pillinger—No.

Mr. Gunn—No.

Resolved, That the Report be brought up by the Chairman.

R E P O R T.

YOUR Committee have the honor to report that they have had several meetings, and examined witnesses.

From the evidence taken by your Committee they are of opinion that Messrs. Ritchie have acquired certain rights, which had afterwards not been recognised by the Commissioner of Crown Lands, on the ground that the land applied for was not fit for agricultural purposes. The evidence does not sustain the Commissioner's objection.

The evidence also does not sustain the objection made by the Trustees of the College Estate and some of their tenants, as to their deprivation of water supply.

Your Committee find that the land of the West Lagoon has been illegally occupied by some tenants of the Christ's College Estate, some of whom have been paying high rents—as much as 10s. an acre; and that this land has been thus occupied for upwards of 40 years, by which the Public Revenue has suffered.

Your Committee recommend that, as Messrs. Ritchie have acquired a right under the 24th Section of 34 Vict. No. 10, "The Waste Lands Act, 1870," their application be complied with, and that they be allowed to complete the purchase of the land in question.

AUDLEY COOTE, *Chairman.*

Committee Room, 28th September, 1880.

EVIDENCE.

THURSDAY, SEPTEMBER 9, 1880.

HENRY JOCELYN HULL, *Esq., Dep. Commissioner of Crown Lands, states in reply to Chairman—*

I know the locality of the East and West Lagoon, but am not personally acquainted with their suitability for cultivation.

I am not aware that some of the adjoining proprietors on the West Lagoon receive rent for portions of the Lagoon.

I am aware that there are cases of lagoon lands being alienated, but they are not numerous. I know that a grant has been issued this year to Mr. Keane, only a few weeks ago, for the East Lagoon. The purchase was made some time ago under the 24th Section. No formal surveyor's report was called for, but Mr. Scott expressed an opinion that can be found in the printed papers laid before Parliament. There is nothing to prevent Keane from draining the East Lagoon, as the lagoon is surrounded by his own land.

Our best agricultural land is covered with scrub, densely timbered.

If a lagoon could be drained the Commissioner would be guided by the fact that the water supply of the neighbourhood would be affected in his decision on an application to purchase.

By Mr. Brown.—Of your own knowledge do you know Mr. Ritchie's application was placed before a Minister? Is it the invariable practice to do so if out of the usual course? Yes, in any ordinary case I order a survey, and on the surveyor's report I lay the case before the Minister. The Commissioner has power to decide. Messrs. Ritchie's application was placed before the Minister, and was not approved.

By the Chairman.—Paying the survey fee does not give an applicant a claim.

Up to a certain date I had written to Messrs. Ritchie to pay their money, but in the P.S. to my letter I said, "If the Surveyor reports this land to be unfit for agricultural purposes, or of an auriferous or mineral-bearing character, it will not be disposed of under the 24th Section of the Act."

I was in a difficulty in the matter. It was an oversight on my part to call for the survey. When the survey fees came in I found that I ought not to have ordered a survey.

I never said I could not see my way clear; from the first I saw it clearly.

The petition had no weight in the matter, for the disapproval of the purchase was before the receipt of the petition. No influence was brought to bear upon the Commissioner.

By Mr. Pillinger.—I don't think 40 years occupation rules as against the crown; not even if the land was fenced. I don't know that any case of that nature has been yet brought before the Government; but the Government intend to act.

The Government will remove those individuals, but will allow them to rent the land.

Steps should be taken at once to resume possession of the land of the West Lagoon.

The only reason for refusing Messrs. Ritchie was that it was not agricultural land.

The Government deny the claim of the four individuals.

By the Chairman.—I did receive Mr. Dodery's report. The lagoon could be utilised under "The Drainage Act."

On the report of Mr. Dodery the Government refused the application.

We considered the question—could he drain it? If so, these persons would lose their frontage, a permanent water frontage.

Has that right been reserved in the grants? Yes; this gives them the right of water frontage.

JAMES SCOTT, *Esq., M.H.A., examined.*

By the Chairman.—I know the West Lagoon very well and also the East Lagoon.

I put Keane and Thirkell in the way of getting grants, at their own request.

Portions of the Lagoon were put up for sale so as not to interfere with each other.

In 1856 Keane and Thirkell were annoyed by persons shooting on Sundays on the Eastern Lagoon. They could not be kept off, but continued shooting on the Lagoon.

Keane and Thirkell came to me and asked me to get the land put up for sale.

Parker said he had no objection if his frontage on the Lagoon was not interfered with.

Thirkell got 109 acres and Keane 133 by public auction, and Parker kept possession of the remainder, which he claimed as his own frontage.

I advised these people to buy the land.

The Lagoon was then full of water. No part has been cultivated as far as I know.

Thirkell had put up a brush fence on the north-west part of it.

I have never seen the West Lagoon under cultivation; but I have recently, about two months ago, seen the furrows on Mr. Scardon's portion.

On 30th August, 1839, I divided that part of the Lagoon not claimed by W. G. Walker, which he held under some authority from the Survey Office, into four parts of 102 acres each at the request of four gentlemen who met together at Mr. Scardon's. Mr. Walker, being ill, sent his son to represent him.

Mr. Walker claimed about 40 acres where it was shallow and with a little grass on it.

These 40 acres were not to be interfered with. The rest was divided, as I said, into four parts. Each was to start from his boundary and meet in the middle of the Lagoon.

In 1839 the water was drained off sufficient for me to survey it and for the persons mentioned to put up a post-and-rail fence.

Mr. Scardon had made a drain about ten chains long to collect water for his cattle.

The parties had no authority from the Government to use this land nor to put up fences so far as I know, but they did so.

I did not oppose the application of Messrs. Ritchie, but at the request of the Government, in July, 1879, I gave the information that it had been divided by me in 1839 so that they might keep their cattle from each other.

I am aware that for forty years these parties have been occupying the Lagoon.

I never told Mr. Doderly that I had seen large parts of this Lagoon under cultivation.

There is another Western Lagoon, which has been drained, near Abraham Walker's.

As to this Western Lagoon I never told him so.

I know that the Government has refused to give Messrs. Ritchie the land.

I know that a portion of the East Lagoon has been granted to Mr. Keane: I don't know under what conditions. I surveyed it in 1856, and in 1857 it was purchased by Keane and Thirkell.

About 29 years were granted in 1880 to Keane, I believe.

He purchased it from the Crown after he had bought Parker's land surrounding it.

In 1846 I surveyed Mr. P. Weston's lot surrounding part of the West Lagoon; in 1844 I surveyed Scardon's lot; in 1845; W. G. Walker's in 1851 Mr. Rowcroft's.

When I sent my Plans into the Survey Office I shewed the division, and the lines were then fenced.

When I surveyed the lagoon in 1839 it was not quite drained. There was much water on Rowcroft's part. There was a good deep drain through Rowcroft's land, it was dug with his consent by arrangement with the others. The water formed a sheep wash.

The Government wrote to me in July, 1879, as to Ritchie's application for purchase.

This was the first I heard of it since the year 1839.

FRIDAY, SEPTEMBER 10, 1880.

MR. DAVID HALL, *Farmer, Deloraine, states—*

I know the West Lagoon very well.

I rented it at one time.

It gave good crops for two years; one year that I cultivated it for Mr. Clerke, and one for myself. I grew oats, barley, and turnips. In those years I employed a man to clear out the old drain, and the water of the Lagoon did not trouble me.

If the Lagoon were drained it would make an excellent farm.

I ran horses and cattle on the Lagoon. In summer the grass was good, but the ground was very wet in winter. The horses used to feed on the rushes which grew above the water.

I tested the ground in small patches, and grew cabbages and potatoes very well.

One drain took the water away.

I paid rent for it to Greenhill's trustees. Mr. Wright of Westbury was the agent. I paid ten shillings an acre rent for 300 acres; of which 100 was in the Lagoon and the other on land adjoining.

One season I saw the Lagoon so dry that I burnt the whole surface and got an enormous yield of turnips from the ashes without ploughing.

At first I rented it yearly—this was in 1850–51—but afterwards I got a fourteen years lease of it from Greenhill in 1853.

By Mr. Brown.—I agreed with an adjoining tenant for one year to keep the drain open for 6 months. I gave him £10 to do so. The drain had been slabbed. He agreed to keep it open through the land claimed by the College until it emptied into the River Liffey.

If the drain were made wider it would be the shortest and surest way of draining the Lagoon.

There are only four persons whose water supply would be affected. Mr. Weston's property fronts on the other Lagoons. Every summer the Lagoon goes nearly dry. If the drains were stopped there would be a constant supply of water.

I know Mr. M'Queen. I occupied the farm he now has. That farm has no claim to the swamp. M'Queen's statement in the printed Paper (page 10) is erroneous.

A man named Conn occupies part of the Lagoon. If it were drained it would take away his water supply. The water is remarkably salt, and not fit for drinking except by cattle.

Mrs. Hopkins has the Liffey River through her land.

I don't know Rudd.

Edwards, Brooks, Blair, M'Bain, Hall, and Schollyer have no claim to the water, unless they have altered M'Queen's area, which I used to occupy. These parties would not be dependent on the Lagoon for their water supply.

HUGH PERCY SORELL, *Esq., District Surveyor, states—*

I have examined the West Lagoon and reported upon it.

I have seen remains of fences on it; it has been sub-divided by fences.

There are traces of old cultivation on it, furrows of old ploughed land. I believe it would make an excellent farm if it were properly drained.

I know there is a Drainage Act in force in the Colony.

I see no difficulty in draining the Lagoon. I went across it from angle to angle, quite dry. The soil is a peaty mould.

I reported on the matter in April; this was before the rainy season. When I made the survey the Lagoon was of no use for watering cattle; there was a little water here and there in the drains, but none that I could drink.

I know Lake Dulverton. I have heard that it was cut up and surveyed for sale. I never heard that it was sold.

By Mr. Gunn.—I don't know sufficiently of the matter as stated by the parties at page 10 of printed Paper. I know very little of it.

I examined the Lagoon at Mr. Ritchie's request.

By Mr. Pillinger.—I did not examine the Eastern Lagoon on that occasion.

By Mr. Brown.—I know of Mr. Keane's application to purchase the East Lagoon.

I was not requested to report specially upon it. I only sent in the usual report.

The land is similar to that of the West Lagoon. Keane owned nearly all the land round the East Lagoon.

GEORGE RITCHIE, *Esq., of Longford, examined, states—*

The West Lagoon is about four miles from me.

My son and I are the applicants for portions of the Lagoon. I have applied to the Lands and Works Office in the usual form for this land.

I have seen a grant to Mr. Keane for part of the East Lagoon, issued to him after my application was refused.

It is registered by Mr. Adams, on 23rd March, 1880, and the payment was on 5th January, 1880.

By Mr. Brown.—I never heard any objection to its being granted. I thought it a precedent to guide me. I know no reason why the West Lagoon should not be granted to me.

The cases of the East and West Lagoons are not entirely parallel. They are both waste lands of the crown. I wish to select it as crown land of a good agricultural character.

I have seen the petition of the tenants of the College Estate. I know these persons. The statement at page 10 of the printed papers is untrue. One man, Conn, has a claim; most of the others have frontages on the Liffey, which is a running stream.

It is not true, in the statement as endorsed by the College Trustees, that the water supply of these people is affected. They have access to the Lagoon, the water of which is very brackish.

By Mr. Clark.—I am not aware of undue pressure on the Lands and Works Department beyond that I know Mr. Pyke was employed to go round to get the petition signed by any person in the neighbourhood. I have every reason to believe that the petition which was taken round in 1879 was a petition in regard to water supply.

My application had been entertained by the Lands and Works Office in 1879.

In June I was told that I could not have the land.

I know that the Western Lagoon of 1300 acres has been granted to the Messrs. Gibson, Toosey, and Field. It is quite dry, and has been drained and stocked.

Rushy Lagoon has been sold, and is half cultivated.

It was sold under the 19th Section of the old Act.

Stock runs over the West Lagoon in summer.

Mr. James Craig informed me that he is paying rent for 100 acres of the land in the Lagoon. He pays it to Weston's estate.

Another man named Smith pays rent to Greenhill for lagoon land as well as adjacent land.

By Mr. Pillinger.—The only objection made to my application is that the land is not agricultural land; and is unfit in its present state for agriculture.

The water is shallow even in winter, except in some places.

The furrows of former cultivation are traceable.

I have been informed that Lake Dulverton was partly cut up into lots, and offered for sale.

WEDNESDAY, SEPTEMBER 15, 1880.

The Hon. W. DODERY, M.L.C., examined.

By Chairman.—I reside in Longford, and know the West Lagoon. I reported on the West Lagoon, and said it was not fit for cultivation in its present state.

If the Lagoon were drained it would be fit for cultivation; it would be easy to drain it.

The soil is superior; portions of the south part have been cultivated. Greenhill cultivated part of it many years ago, and had a good crop of turnips from it. Since then a portion was cultivated by Alexander Clerke, who bought the remainder of a lease by Mr. Reid. Greenhill's land fronts on the Lagoon, and takes in a part of it.

I don't know of any rent being paid for it.

I remember seeing an advertisement in which the Lagoon was mentioned as portion of Mr. Weston's estate which was to be let.

Under the Drainage Act the Lagoon could be made available for cultivation, but it would be at considerable expense.

By Mr. Brown.—If it were drained it would take away all the water supply from many people,—such as Greenhill's estate, now occupied by Smith; Weston's, on that side; Thirkell, and so much of the College Estate as fronts on the Lagoon.

Since the construction of the Launceston and Western Railway it has cut off some of the frontages on the Lagoon, such as M'Queen, Conn, and Mrs. Hopkins.

Mrs. Hopkins faces on the Lagoon. She has also frontage on the Liffey. The Carrick Road divides Mrs. Hopkins' property; the bush portion would lose the water supply.

Rudd formerly had a frontage, and Brooks; but I am not certain about these.

It is not true that all the College tenants will lose their water frontage. Blair has no frontage on the Lagoon at all; nor has M'Bain, nor Hall and Scollyer. Hall fronts on the Liffey River; so does Blair. Scollyer is a tenant of a farm close by the township; he is a tenant of the Bishop.

By Mr. Pillinger.—The Lagoon, in its present state, is a continuous water supply. In one year the Lagoon was so dry that Mr. Clerke burnt over the surface, but it has never since been so dry. The very part he cultivated has now two feet of water on it. The drains were, I think, thrown up for the purpose of putting the fences on.

I have known the Lagoon since 1839. In summer time it is nearly dry. The drains have nothing to do with drying it up. I think Thirkell cut a drain through to the East Lagoon, but the other people would not join him.

The best way to drain it would be through the College estate to the Liffey.

Thirkell gets water from the Lagoon. Smith is dependent on the Lagoon at the corner.

There was a large crop of oats grown by Mr. Clerke, but it had to be carted up to drier ground.

By Chairman.—The country between the Lagoon and the Liffey is not well watered; it is undulating country. Where wells have been sunk there is good water.

I don't know of more that Conn and Greenhill's estate who get water from the Lagoon.

By Mr. Pillinger.—By dams the Lagoon might be made a much better and more permanent water supply. The land near it originally belonged to Walker, but Mr. Skardon, a naval man, wanted to keep a yacht on it, and so exchanged some other land for it.

There is a good bank all round the Lagoon. It is a basin, and could have 3 or 4 feet of water all the year round.

FRIDAY, SEPTEMBER 17, 1880.

WILLIAM TARLETON, *Esq., P.M., called in and examined, states in reply to questions.*

By Chairman.—I am the Chairman of the Trustees of the Christ's College Estate.

By Mr. Brown.—I signed this letter at the instance of the tenants of the property.

I have never been over the property and cannot say whether the statement is correct that the water supply depends on the lagoon. All I can say is, that the tenants are a respectable body of men, who I think are incapable of stating untruths.

I rely on their statements as far as I am concerned.

Others of the Trustees have a personal knowledge of the case. For instance, Mr. Reibey, Mr. Arthur, and Mr. Innes. The two former have been Trustees for many years, and know the lagoon. I depended on their knowledge.

If I found the statements incorrect, and the sale of the lagoon would not damage the water supply for the cattle of the College Estate, I should not continue any opposition to the sale.

By the Chairman.—I should certainly be surprised that a body of respectable men should make statements that are not true, especially when endorsed by Mr. Reibey and Mr. Arthur.

I cannot remember what took place at the time, or what Trustees were present. It was several months ago. The subject was brought forward when a quorum of the Trustees were present, and the letter of the tenants was read. I do not remember which of the Trustees were present. I was, when the purport of the Trustees' letter was decided on. I may have signed it first, and sent it on for the other signatures.

Mr. Reibey had acted as Trustee for many years. The new Board was appointed by the Supreme Court in 1877, since when the present Trust has had charge.

By Mr. Brown.—The objections now made being removed, would you still think it desirable that the land should be alienated? I think that having been reserved so long the adjoining proprietors should have an opportunity of purchasing it by public competition, should they so desire.

The surrounding proprietors would probably find it to their benefit to become purchasers.

By Mr. Pillinger.—Even if it were not in accordance with the Waste Lands Act? I do not advocate anything contrary to the Law.

I am not in a position to say that the College Trustees have the power to purchase, even if put up for sale by public competition. This is doubtful.

WILLIAM LOVETT, *Esq.*, Colonial Auditor, called in and examined.

By the Chairman.—I am a Trustee in the Christ's College Estate.

Until recently I had no knowledge of the estate. I have seen it within the last four months.

Having visited the place I do not know that the Tenants are entirely dependent on the Lagoon for water supply for their cattle.

That statement was made by the Tenants; and a letter was sent by the Trustees to the Minister of Lands endorsing the statement.

I relied on a statement made by Mr. Reibey either personally or in writing. I think in writing; that the Tenants would be injured by the alienation of the Lagoon. He was a Trustee who would thoroughly know the position of the property.

I was present at a meeting of the Trustees when the Tenants' letter was read, and the purport of the letter to the Minister of Lands was decided on. It was certainly brought forward for consideration.

It could not have been forwarded without agreement on the part of the Trustees to sign it.

By Mr. Brown.—If it is proved that the statements now made are incorrect, are you prepared to say that the objection of the Trustees to the alienation of the land would be removed?

I should be sorry to say yes or no. Their interests may be affected in other ways unknown to me.

I am not aware whether the Trustees could purchase the land if put up for sale. Under the scheme I don't think they are, without the Judges' authority. At least that is my opinion.

I do not think the powers in the hands of the Trustees extend to the purchase of additional land to improve the College Estate.

FRIDAY, SEPTEMBER 24, 1880.

The Hon. T. REIBEY, M.H.A., called in and examined.

By Chairman.—I have no plan of the College Estate. I know the Western Lagoon. I am interested in the Christ's College Estate as one of the Trustees. I am not now one of the working trustees. Mr. Tarleton is Chairman and Mr. Lovett Treasurer of the new Trust as appointed by the Supreme Court. The Trustees' Agent is young Mr. Pyke, who collects the rents and has the general management. He reports to the Trustees, by whom he is appointed.

By Mr. Brown.—If the land is alienated, would the water supply be seriously affected? It would affect the tenants so far who required to water their cattle; those College tenants who have lands on both sides of the road—Mrs. Hopkins, Mr. Blair, and others, whose part of the College Estate backs on the Lagoon. Those persons who rent land on both sides of the Carrick Road have always had a right of way, for water, to the Lagoon.

The tenants on the east side of the Carrick Road are Messrs. Conn, Hopkins, Edwards, Brooks, Rudd, Blair, Scollyer, and I think (but am not certain) M'Bain, and John Hall.

As far as my memory goes I should say nearly every one of these has land on both sides of the road.

I signed the letter of 22nd November which accompanied the tenants' letter, which was not forwarded to me. I did not see the tenants' letter. The letter I signed was written, I believe, by Mr. Tarleton, and sent on to me for signature. Mr. Innes and Mr. Tarleton had then signed it. I sent it on to Charles Arthur.

I am still of opinion that the alienation of the land would be a decided injury to the Collège Estate.

The Lagoon is a source of water supply for other proprietors,—Mr. Thirkell and others. I cannot say whether they depend on it for water, but I believe it is a matter of convenience to them.

By Chairman.—I know Mrs. Hopkins, who signs the letter, and Mr. Bain. They have land on both sides of the road. Those on the west side front on the River Liffey. Mrs. Hopkins is entitled to go to the Lagoon for water.

There is only one person fronting on the Lagoon, Mr. Conn, I believe, but am not sure. I have no chart of the farms. I do not remember that any of the leases mention the Lagoon as a boundary.

There were no Leases in existence till lately—only a yearly agreement.

I know the lagoon has been treated as private property, and have received rent for it as part of the property of the Collège Estate since 1852.

If I had seen the letter of the tenants before I signed the letter of the 22 November I should have read it more carefully, and have left out the words “fronting on the lagoon” and inserted “having a right to the lagoon in case of need.”

Conn, Edwards, Brooks, Rudd, and Scollyer, and I think M'Queen, have no right to the Liffey River for water frontage, only by sufferance of Hall, Blair, M'Bain, and Hopkins. The others have, so far, a right to go to the lagoon that, though not in the lease, it would not be refused.

If the lagoon did not furnish water, I think any tenant would have a right to go in for it to the Liffey, but he would have to go to a greater distance.

By Mr. Pillinger.—I cannot say whether the lagoon is a permanent water supply. I saw it 30 years ago. If it were not drained it would be a permanent water supply.

It has been partially drained by Messrs. Skardon & Walker, but I do not think the whole of the water was drained off. The attempt to drain it was made before the property became part of the Collège Estate.

By Mr. Brown.—In the event of the lagoon being put up for sale by auction I cannot say that the Collège Estate Trustees would become purchasers.

If they had the power they should secure the lagoon. It would be important for them to do so.

The lagoon ought never to be drained, but should be reserved as a reservoir for water.

When I remember the lagoon first it was like my lagoon. We could paddle a canoe over it. It must become valuable for irrigation purposes.

I gather from opinions of men like Mr. Thirkell and Mr. Kean that it is not valuable for cultivation. Part of it was cultivated by Mr. Skardon, who got a crop of oats, but he had to cart it to a higher ground to ripen after it was cut.

I know Mr. John Hall, I should consider any statement of his to be relied upon. He is a respectable farmer.

ADDENDUM to Paper No. 114, "Report of Select Committee on Messrs. RITCHIE'S Land Claim."

PROTEST.

I DISSENT from the opinion of the majority of the Committee for the following reasons:—

Because I fail to perceive that the Messrs. Ritchie have "acquired" any right to select the land in question.

Because the "right" supposed to be conferred by the 24th Section of "The Waste Lands Act" is subject to the discretionary power of the Minister of Lands to permit or to refuse the application.

Because in this case the discretionary power of the Minister of Lands appears to have been exercised wisely; and it is manifestly more in accordance with the public interest that the land applied for, if sold, should be disposed of by Public Auction.

NICHOLAS J. BROWN,
30 September, 1880.