

(No. 94.)



1878.

T A S M A N I A.

HOUSE OF ASSEMBLY.

MESSRS. PILLINGERS' LAND CASE:

REPORT FROM THE SELECT COMMITTEE, WITH EVIDENCE.

Brought up by Mr. Reibey, and ordered by the House to be printed,
October 10, 1878.



SELECT COMMITTEE appointed on the 12th September, 1878, to enquire into and report upon all the circumstances connected with the disposal by the Minister of Lands and Works of the Applications of the Messrs. Pillinger to select 900 acres of Land in the Parish of Anstey, County of Somerset, under the 24th Section of "The Waste Lands Act," 1870, 34 Vict., No. 10, with power to send for Persons and Papers.

MEMBERS OF THE COMMITTEE.

MR. SALLER.
MR. DOUGLAS.
MR. BALFE.

MR. SCOTT.
MR. REIBEY. (*Mover.*)

DAYS OF MEETING.

Friday, 13th September, 1878.
Tuesday, 17th September, 1878.
Wednesday, 18th September, 1878.
Thursday, 19th September, 1878.
Tuesday, 24th September, 1878.
Wednesday, 25th September, 1878.
Wednesday, 2nd October, 1878.
Thursday, 3rd October, 1878.
Tuesday, 8th October, 1878.

WITNESSES EXAMINED.

Mr. H. J. Hull, Deputy Commissioner of Crown Lands.
Mr. Henry Coop.
The Hon. Christopher O'Reilly.
Mr. James Rowland Pillinger.
Mr. Alfred Thomas Pillinger.

R E P O R T.

YOUR Committee have the honor to report that they have examined the circumstances connected with the disposal by the Minister of Lands and Works of the application of the Petitioners to select 320 acres each in the Parish of Anstey, County of Somerset. Petitioners and Government were respectively represented by Counsel.

Your Committee have had six sittings, and examined six witnesses, whose evidence is hereto annexed.

Your Committee, after reviewing the evidence taken, and in particular that of Mr. Hull, the Deputy Commissioner of Crown Lands, who has been practically acquainted with the working of "The Waste Lands Act" since its introduction, have arrived at the conclusion that the Petitioners have sustained injury and incurred loss in consequence of the refusal of the present Commissioner of Crown Lands to carry out the arrangements entered into with them by his predecessors in office, the Hon. W. Moore and the Hon. C. O'Reilly.

Your Committee are of opinion, upon the facts of the case, that the Petitioners are entitled in equity and good conscience to have the sale to them of the lots in question duly carried out under the provisions of "The Waste Lands Act." Your Committee desire to point out that if the transactions of one Commissioner can be set aside and his representations and promises ignored by his successor, all public confidence in the department must be destroyed.

Your Committee recommend for the consideration of Parliament, that in justice to the Petitioners they should be allowed to complete the purchase of the lots in question, at the price, on the terms, and subject to the conditions contained in "The Waste Lands Act" in relation to the sale of selected land.

Your Committee also recommend that the Petitioners should be recouped whatever expenses they may have incurred in establishing their claim to redress.

Lastly, as it appears that these lots have been advertised for sale by public auction on the 16th instant, your Committee suggest the necessity of withdrawing them from sale pending the consideration of this Report by Parliament.

THOS. REIBEY, *Chairman.*

Committee Room, 8th October, 1878.

EVIDENCE.

MR. H. J. HULL, *called in and examined by* MR. M'INTYRE, *Counsel for the Petitioners.*

1. What is your name? Henry Jocelyn Hull.
2. You are Deputy Commissioner of Crown Lands for Tasmania? Yes.
3. You have been so for many years? Yes; since 1st July, 1873.
4. And you have been practically acquainted with the working of "The Waste Lands Act" since its introduction? Yes.
5. Do you remember the petitioner, Mr. A. T. Pillinger, calling on you on the 20th April, 1876, to make enquiry about certain blocks of land in the Parish of Anstey, in the County of Somerset? I have no doubt he did; but I have so many applicants for information that I cannot say exactly.
6. Do you remember giving him any information with regard to those lands on that day? or do you remember informing him that these blocks of land were open to selection and purchase under the provisions of "The Waste Lands Act?" I believe I did give him that information.
7. Do you remember Mr. James Pillinger calling at your office on the 26th April, 1876, and making a similar enquiry? Yes, I do.
8. What answer did you give? I told him they were open to selection and purchase, and he might apply for them.
9. Thereupon were three applications made in behalf of Messrs. James Pillinger, A. T. Pillinger, and J. R. Pillinger, to purchase a lot of Crown land each not exceeding 320 acres in the Parish of Anstey, in the County of Somerset? Yes; the applications were made in writing.
10. Do you produce the three applications dated 26th April, 1876? Yes. (Put in.)
11. One signed by Mr. James Pillinger in his own name, and the others as agent for the other applicants respectively? Yes.
12. Were the survey fees paid on that occasion? Yes.
13. What did they amount to? £33.
14. Mr. Wedge was the District Surveyor at that time in that neighbourhood? Yes.
15. Was he instructed to survey those lots? Yes.
16. Will you produce the original instructions? These are the original instructions, dated 8th June, 1876. (Put in.)
17. Was the land surveyed in pursuance of those instructions? Yes.
18. When? (Question objected to, and disallowed.)
19. When did you receive the report of the Surveyor and the survey? The survey was received 23rd April, 1877.
20. That was ten months after the instructions were sent? Yes.
21. Can you give the reason for the delay? No; Mr. Wedge will give that.
22. Will you produce the original diagram of the lots so surveyed by Mr. Wedge? Yes. (Put in.)
23. Did any report accompany that diagram? Yes, a short report.
24. Will you read it? This is the report:—"James, A. T., and J. R. Pillinger. These lots well grassed; open country."
25. And on that diagram each lot bears the name of one of the applicants? Yes.
26. Were those lands under licence at that time? Yes; at the time of the application they were under licence to Kermode's representatives.
27. Under what Section? The 63rd; but they were originally let under the Imperial Regulations of 1844 and 1847 to G. C. Clark, and transferred to Kermode, January, 1863; and he took out a fresh licence under "The Waste Lands Act" of 1870 in October, 1871.
28. Did you give notice to the licensees to determine their licence under the provisions of the 79th Section of "The Waste Lands Act?" Yes.
29. At what date? 14th February, 1877.
30. Can you tell us why there was such a delay in giving this notice; why it was not given at or immediately after the date of the application? It has not been the practice of the Department to give notice until the deposits are paid: this is the first instance in which we have done so. We never give the lessee notice until the deposits are paid.
31. Do you remember Mr. A. T. Pillinger calling on you two or three months after the application to know if notice to quit had been given? He may have called, but I do not recollect.
32. Do you remember Mr. James Pillinger calling about the 10th or 11th February, 1877, to ascertain whether a notice to quit had been given to the licensees? Yes.
33. What answer did you give? I told him we could not give notice to the lessees until the deposits were paid; and upon his assuring me the deposits would be paid, in this instance I got the Minister of Lands and Works to advise the Governor in Council to resume the land.

34. Would you have been prepared to receive the deposits then if he had offered to pay? Yes, I would, presuming that the survey had been made at that time. If the surveys had not been made I should not have been prepared to receive the deposits.

35. But could he have paid the deposit at that time? No.

36. Why? Because the surveys had not been received.

37. When Mr. James Pillinger called on you in February, 1877, to enquire whether notice had been given, he could not have paid the deposit then as the survey had not been made? No.

38. Nevertheless, you gave notice to determine the lease? Yes.

39. Do you remember Mr. A. T. Pillinger calling on you about July, 1877, to make enquiry with reference to the notice? I have some recollection of it.

40. What answer did you give him? To the best of my recollection it was that the notice would not expire till August, therefore he could not get possession, but I have hardly any recollection of it.

41. But I understood you to say you believed the notice would expire in August, 1877? Yes.

42. Did you say anything about taking possession on the 14th August? I have no doubt I said he could take possession on the 14th August if he paid his deposit.

43. Do you recollect any memorandum being sent to Mr. Wedge, the Surveyor, as to the character of the land? Yes.

44. Do you produce it? Yes. (Put in.)

45. What is the date? The 10th July. It is as follows:—

Will Mr. Wedge be good enough to report to me on the character of the land he has recently surveyed for the Messrs. Pillinger, out of land leased to R. Q. Kermode, in the County of Somerset, whether fit for agricultural purposes or only for pasture. The land has been selected under the 24th section of The Waste Lands Act, and it is essential to ascertain whether the land comes under the operation of that section.

H. J. HULL.

THOS. WEDGE, *Esquire, Eastern Marshes.*

I must explain the reason that letter was written; it was on account of a protest from Messrs. Allport, Roberts, and Allport, Solicitors to Kermode's representatives, to the Minister of Lands and Works, to stop me from selling this land; and the Minister directed me to get further information from the Surveyor before concluding the purchase to Messrs. Pillinger.

46. Then I understand you to say the reason for giving that notice was, a protest made by Messrs. Allport, Roberts, and Allport for Kermode's representatives? Yes.

47. Is it the usual course to send a second Memorandum for the report of the Surveyor after he has sent in the diagram and report? No, it is an unusual thing; because had not that protest been made the land would have been sold as a matter of course.

48. Do you produce Mr. Wedge's Memorandum in reply? Yes.

49. What is the date? 15th July, 1877. It is as follows:—

I valued the lot of 1000 acres leased to Mr. Kermode at 30s. per acre. A very considerable extent could be brought under cultivation, but I doubt much whether the climate is at all suitable to agricultural purposes.

"The Bowling Green" Marsh, by itself, I consider worth 30s., but that portion marked off to the west, for the purpose of connecting the lots applied for, is not worth at the outside 5s., and not that unless for the purpose required by the Messrs. Pillinger. I am of opinion that these lots should go to auction.

THOS. WEDGE, *District Surveyor.*

50. Was that property mentioned as the Bowling Green marked; can you say of your own knowledge that the property referred to formed any part of the selections in question? No, it does not form any portion of the selections.

51. Have you a letter, 26th July, 1877, from Messrs. Allport, Roberts, & Allport, asking whether Mr. Wedge had sent in his report on the character of the land? Yes, the original. It is as follows:—

SIR,—We have the honor to enquire whether Mr. Surveyor Wedge has yet sent in his report upon Lots 27 and 109, Parish of Anstey, which you kindly promised to call for some time since. And if such report be obtained, we have to ask on behalf of the representatives of the late Mr. Kermode that you will be pleased to permit us to inspect and take a copy of it.

We have the honor to be,

Sir,

Your obedient Servants,

ALLPORT, ROBERTS, & ALLPORT.

52. Was any reply sent to that letter? Not in writing, but to the best of my recollection a copy of Mr. Wedge's report was given to Mr. Roberts.

53. Do you remember Messrs. A. T. Pillinger and J. R. Pillinger calling on you about the 2nd or 3rd August, 1877, with regard to these selections? I do not remember it; they may have called; I have no doubt they did if they say so; I have no reason to doubt that they did.

54. Do you remember showing them the diagram of the land, and mentioning anything about the Surveyor's report? No, I do not.

55. Do you remember anything being said about payment of the deposit, or offering to pay the deposit, about that time? I don't recollect Mr. James Pillinger, but I recollect Mr. Alfred Pillinger calling on the 2nd August.

56. Did he say anything about the deposits? Yes, he wanted to pay me at that time.

57. Did you accept the deposit? No.

58. Why not? When I sent to the Chief Draftsman to give the diagram to act upon, he informed me there was a slight error, and it would have to go back to the Surveyor for correction.

59. Why? The survey not being correct.

60. Do you remember whether you sent to the Chief Draftsman to make this enquiry before Mr. Pillinger left the office? Yes, I believe I did.

61. And did you give that as a reason to Mr. Pillinger for not receiving the deposit? I believe I did.

62. Did you make any arrangement with him as to when or the mode in which the deposit should be paid? No; I should have taken Mr. Pillinger's deposit on the 2nd August if the diagrams had been sufficiently accurate to act upon, for I had the authority of the Minister of Lands.

63. Did you tell him he would have to call again? No; I might have told him the surveys would have to go back for correction.

64. I think you said that was the reason you gave to Mr. Pillinger for not receiving the deposit? Yes.

65. Do you produce an original letter from Mr. A. Pillinger, 14th August, 1877? Yes.

66. Will you read it? Yes; it is as follows:—

“DEAR SIR,

“I understood from you that to-day, the 14th, my father, brother, and myself would be placed in possession of land selected by us, under “The Waste Lands Act,” which had been surveyed by Mr. Wedge. Will you please to advise me as to our position, if we are to take possession, or if anything further requires to be done?

“Yours very truly,

“ALFRED PILLINGER.”

67. Did you send any reply to that? There does not appear to be any reply to it. There is a memorandum to one of the draftsmen—“Can these surveys be acted on?” There is no reply.

68. Did you make any statement as to when he would be able to pay the deposit? I may have told him that as soon as the surveys were corrected I might take the deposit.

69. How was he to become aware of the time when it should be corrected? I should have called on him to pay the deposit.

70. Did you ever call on him for the deposit? No.

71. Were the Messrs. Pillinger ever notified that the surveys had been corrected? No.

72. And were never applied to for the deposit? No.

73. Did you receive another letter from Mr. Pillinger on the subject of these surveys? Yes, I received several.

74. Will you give us the next one in date to the 14th August, 1877? I have not got the originals here; I have copies of my replies.

75. Have you an original or copy of Mr. Pillinger's letter? No; I have two replies, but none to the letter of the 14th August. Probably my letter of the 25th August would be a reply to that of the 14th August and one letter afterwards. I replied to the letter of Mr. Pillinger that I have not got here that “all the papers connected with the selections are with the Attorney-General;” but it was more of a private letter, commencing with “my dear sir.”

76. Have you a letter there from Mr. James Rowland Pillinger? No, I have no letter from Mr. James Rowland Pillinger.

77. Do you produce a memorandum of Mr. Nicholas J. Brown, Minister of Lands and Works, 22nd August, 1877? Yes.

78. Will you read it? Yes; it is as follows:—

Will the Honorable the Attorney-General kindly favour me with his opinion as to whether I have power under the 34 Vict. No. 10 to refuse to enter into contract with the Messrs. Pillinger for the sale of the land referred to in the enclosed papers, bearing in mind the report of the District Surveyor as to the unsuitableness of the climate for agricultural purposes. The land has been selected for purchase privately under the 24th section of “The Waste Lands Act.”

From my knowledge of the land referred to I think the Surveyor's report as to its unsuitableness for agriculture is correct; and there is no doubt on my mind that it is not intended for agricultural purposes.

NICHOLAS J. BROWN, *Minister of Lands and Works.*

79. Have you the opinion of the Attorney-General given in compliance with that memorandum? Yes, I produce it.

80. Do you produce a further memorandum of Mr. N. J. Brown, 12th September, 1877? Yes.

81. And the Attorney-General's opinion thereon, dated 20th September, 1877? Yes.

82. Will you produce also a letter of your own to the Attorney-General, 21st September? Yes.

83. And a memorandum from the Attorney-General, 25th September? Yes.

84. And a memo. from Mr. N. J. Brown, 28th September, 1877? Yes.

85. And a further memo. of Mr. N. J. Brown of the same date refusing the application? Yes.

86. Have you a copy of a letter to the petitioners notifying that the application would not be granted, from the Deputy Commissioner, 28th September, 1877? Yes, I produce it.

87. Will you produce the official chart of the County of Somerset? Yes.

88. Have there been any selections of land taken up in the neighbourhood of those selections of Messrs. Pillinger, under the provisions of the 24th Section? Within a short distance of them.

89. You have received notice to produce all documents connected with the application of Joseph Lodge? Yes, I produce them.

90. What is the date of Joseph Lodge's application? 16th July, 1877.

91. Do you produce the original application? Yes.

92. What is the extent? 136 acres; he applied for 200 acres in the first instance.

93. Would you point out on the chart the situation of that lot of land? Yes.

94. What distance is that selection of Joseph Lodge's from the petitioners' selections? About five miles.

95. When was that land selected? In November, 1877.

96. Do you produce the original diagram of the selection? Yes.

97. Was there any Surveyor's report accompanying it? Yes, a short one.

98. Will you read it? Yes. Surveyor's report on Joseph Lodge's application:—"Fairly grassed, stony hilled, and partly fit for agriculture."

99. Who surveyed that selection? Mr. Thomas Wedge.

100. Was the deposit paid in the case of that selection? Yes.

101. When? On the 22nd May, 1878.

102. Mr. Nicholas J. Brown was the Commissioner of Crown Lands at that time: was he not? Yes.

103. And also when the survey was effected in November, 1877? Yes.

104. Can you tell me whether at the time of Mr. Lodge's application it was under licence to any one? No, it was not.

105. Will you produce Mr. John Headlam's application for a grant of land under the 24th section of the Act? Yes, I produce it.

106. What is the date? 20th April, 1876.

107. And what is the area? 320 acres in the Parish of Maxwell, in the County of Somerset.

108. Will you point it out on the chart? Yes. It is about the same distance from the Messrs. Pillingers' selections as Mr. Lodge's.

109. Will you produce the original application of Mr. C. J. Headlam? Yes.

110. What is the date of that? The same date, the 20th April, 1876.

111. And the area? The same area, the same parish, and adjoining the selection of Mr. John Headlam.

112. And do you produce the original application of Mr. Robert Headlam? Yes.

113. What date? The same date, 320 acres, and described as in the Parish of Milton, but it is in the Parish of Anstey.

114. Will you tell us what is the distance from the selections of the petitioners? About the same distance; five miles.

115. When was Mr. John Headlam's selection surveyed? In October, 1876.

116. Do you produce the original diagram, and the Surveyor's report? Yes; the report is—"High stony hills, fairly grassed."

117. When was the first deposit paid in that case? On 26th April, 1877.

118. Has that purchase been completed? Yes.

119. When? On the 12th June, 1878.

120. During Mr. N. J. Brown's tenure of office? Yes.

121. Will you produce the original diagram and Surveyor's report in Mr. C. J. Headlam's selection? Yes.

122. What is the Surveyor's report? "High stony hills, fairly grassed."

123. What is the date of the deposit by Mr. C. J. Headlam? 11th June, 1878.

124. That was also during Mr. N. J. Brown's tenure of office? Yes.

125. Has that purchase been completed? No, I think not.

126. Will you produce the original diagram and surveyor's report of Mr. Robert Headlam's selection? Yes.

127. What is the surveyor's report? "Upon fairly grassed country, stony hills."

128. Has the first deposit been paid in that case? Yes.

129. When? 27th November, 1877.

130. During Mr. N. J. Brown's tenure of office also? Yes.

131. When did Mr. N. J. Brown become Commissioner? On the 11th August, 1877.

132. Has Mr. Robert Headlam's purchase been completed? Yes, on 12th June, 1878.

133. Those applications of the Messrs. Headlam were dated 20th April, 1876? Yes.

134. Can you tell whether on that date these very lands were offered by public auction for lease for pastoral purposes under the provisions of "The Waste Lands Act?" Yes.

135. And were duly advertised in the *Gazette* of 18th April, 1876? Yes.

136. Would that be before or after Messrs. Headlam sent in those applications? That is a difficult question to answer; it was on the same day.

137. Yes, but the hour of sale was twelve o'clock? Yes, I am under the impression it was after the sale, but on the same day.

138. So that at the time Messrs. Headlam made their application to purchase those lands as agricultural lands they were actually under licence to be occupied for pastoral purposes? Yes.

139. Was a sale effected on the 20th April? Yes.

140. Who was the purchaser? Mr. T. G. Brown.

141. At what rental? To the best of my recollection £125 a year.

142. Did he pay any rent? He paid the first half-year.

143. At the time of the purchase? Yes.

144. At the time Messrs. Headlam made their applications, which was after the sale, those lands had actually been let or licensed for pastoral purposes under the provisions of the Waste Lands Act, and they were then under licence? Yes; the upset price was £35 and it was run up to £125, and I think Mr. Headlam was the man who ran it up.

145. In two of those cases, John and Robt. Headlam, the purchases have been completed? Yes.

146. Was any objection made by your department that at the time of the applications for selection and purchase the land was under licence to Mr. Brown? None whatever.

147. Can you tell now why Mr. C. J. Headlam's purchase has not been completed? No.

148. Has he signed a contract for purchase? No, not yet.

149. Has the Lands and Works Department received any objections to the completion? No, I know of none.

150. Do you produce the original papers in the application of one Joseph M'Ewan? I have the original application, but not the diagram with me.

151. What is the date of the application? 6th March, 1873.

152. That application was made under the provisions of the 24th Section of the Waste Lands Act applicable to agricultural lands? Yes.

153. What quantity was applied for? 50 acres in the Parish of Dovenby, County of Somerset.

154. Will you point out the situation of that on the chart? Yes.

155. What distance is the land from the Pillingers' selections? $1\frac{1}{2}$ or 2 miles.

156. Are you able to tell us from that anything as to the elevation, whether there is any difference as compared with the selections made by Messrs. Pillinger? No.

157. Will you read M'Ewan's application? Yes, this is it.

Tunbridge, 29th January, 1873.

The Hon. the Minister of Lands and Works.

SIR,
As many visitors from Victoria, Sydney, &c. would visit Lake Sorell and Crescent if they could get accommodation there, will you sell 20 acres of land in the Township of Interlachen, and I will build suitable premises to accommodate such visitors, &c.? That quantity of land would be required for to keep two or three horses for hack purposes, a milch cow or two, and a few killing sheep for mutton. I have spoken to Mr. Kermode and Mr. Macleanachan, who think such a house is required.

(Signed) JOSH. M'EWAN.

Yes. C.M. 1.3.73.

158. Has the land been surveyed? Yes, and the deposit paid, and five instalments also.

159. Have you the Surveyor's report? I have a copy, this is it:—"Grassy marsh, good firm ground, will require draining for winter use." 49 acres.

160. Who was the Surveyor? Mr. Gordon Burgess.

161. The contract for sale and purchase has been duly entered into and he is now in possession of the land for agricultural purposes? Yes.

162. Will you produce the original papers in the selection of Mr. T. G. Brown? Yes.

163. What is the date of that application? 29 November, 1875, Parish of Maxwell, County of Somerset, area 312 acres surveyed, 320 acres applied for, adjoining Lodge and Headlam's.

164. When was it surveyed? November, 1876.

165. It was an application under the 24th Section? Yes.

166. Do you produce the original diagram and Surveyor's report? Yes, the report is "High stony hills, fairly grassed."

167. When was the first deposit paid? 18th April, 1877.

168. Who was the surveyor? Mr. Thos. Wedge.

169. Has any objection been made in that case to the completion on the ground that it is not agricultural land? Not that I am aware of.

170. Can you tell who surveyed Messrs. Headlams' selections? Mr. Thos. Wedge.

The Witness then withdrew.

TUESDAY, 24TH SEPTEMBER, 1878.

MR. THOMAS WEDGE *called in and examined by* MR. M'INTYRE.

171. Your name is Thomas Wedge? Yes.
172. And you are General District Surveyor? Yes.
173. Do you remember receiving instructions to survey three blocks of land in the Parish of Anstey, in the County of Somerset, purchased by the Messrs. Pillinger? Yes.
174. Have you those instructions by you? No.
175. Can you tell us when you received those instructions? No, I cannot.
176. Have you no memorandum to that effect? No.
177. Did you make that survey? Yes, I made it.
178. When? I think it was twelve months ago, or more; I cannot say the date exactly.
179. Will the diagram show? Yes.
180. Will you tell us from that when you sent the diagram to the office? In April, 1877.
181. Did you ever receive that diagram back again from the Lands and Works Office? I think I did; there was some discrepancy in the diagram, and it was returned to me for correction.
182. When? I cannot tell on what date that was.
183. Did you make the correction? Yes, it was only a correction of the chart.
184. When was the survey completed? I should think in the following month, May.
185. But you are speaking from memory? Yes.
186. If Mr. Hull states it was not returned for correction till August, 1877, would that be correct? Yes, he would know. I would not be certain what date, for I have no documents. The documents are sometimes kept in the office a considerable time before they are examined, and it may have been some time later.
187. Can you tell us the reason of the very considerable delay that took place in this survey? Surveys are frequently delayed in consequence of being allowed to accumulate. I believe I was employed on other surveys at the time I received them.
188. Do you know of any other reason in the case of these surveys? No, no other that I am aware of; there was no immediate hurry for it; Messrs. Pillinger did not send to me saying they were in a great hurry.
189. Are these delays a common thing? Yes, common; in fact I have surveys that have been delayed more than twelve months.
190. Simply an accumulation of work? Yes, to justify the expense of travelling.
191. Are you well acquainted with the locality where these selections are situated? Yes, I have been over that part making other surveys.
192. This is a printed copy of your second report of the character of the land selected, dated 15th July, 1877: will you tell us what you know of your own knowledge as to the character of the soil in these selections? The character is a very finely grassed country, stony ridges and faces.
193. You say in your report, "a very considerable extent could be brought under cultivation?" Yes.
194. The land is of very good quality? Very good.
195. But you go on to say, "but I doubt very much whether the climate is at all suitable to agricultural purposes." Have you had anything to do with agriculture up there? No, I have never had.
196. Was that doubt, then, merely something that suggested itself to your mind? From the extreme elevation of the country.
197. But practically you know nothing about it? No, I have never seen any up there.
- By Mr. Douglas.*—198. You said you value this land at 30s. per acre? Yes.
199. Are you of that opinion now? Yes, I am.
200. You say, "I doubt much whether the climate is at all suitable to agricultural purposes?" Yes.
201. What is the cause of the doubt? The elevation is so high.
202. What is the elevation above the surrounding country? I think Lake Crescent is 1400 feet above Oatlands, and this land is higher than that.
203. Did you notice any land in cultivation about there? There is a small patch on the Race-course Marsh that Messrs. Pillinger had under cultivation; that is about half a mile in a direct line from their selections.
204. What is the difference in the elevation? 300 or 400 feet.
205. There are certain selections on that map by Messrs. Headlam? Yes.
206. What is the difference of elevation between that and this land? A much greater difference,—about 800 or 1000 feet.
207. That is only a guess? Yes.
208. Well, but you know the country, you know when there is a good ascent to get up? Yes, and there's the Western Tier at the top.

By Mr. Scott.—209. Were the Messrs. Pillinger present seeing this ground when you surveyed it? They were there on one or two occasions, but not constantly: they took me up there and I surveyed the land for them.

210. And gave them possession? No; I had no power to give them possession.

211. Their names were on the instructions? Yes.

By Mr. Balfe.—212. What is the distance between the allotments applied for by Messrs. Pillinger and Salt Pan Plains? I don't know; but the distance to the nearest part must be upwards of 20 miles.

213. About what height is the elevation of Kentish Plains? I was never there; and I have no idea.

214. When selections are applied for under the Waste Lands Act you value them at £1 an acre? Yes.

215. Is it customary for you to recommend them to be sold by Auction? I cannot call to mind: it was done more from inadvertence than anything else—I did not anticipate any importance to be attached to it.

216. In any other instance had you done so before? I cannot call to mind; it is possible I may have done so during the last twenty years.

217. These allotments formed portion of the pastoral lands leased to Mr. Kermode? I believe so.

218. Had Mr. Kermode effected much improvement in these lands? No; there were no improvements that I am aware of, except fencing.

219. Nothing in the way of draining? I don't think there was; there may have been, but I don't recollect seeing any. I think there was a ditch there on one lot, but I am not certain.

220. Then it was on account of the high elevation of this land that you considered it unfit for agriculture? Quite so.

221. You have had a good deal of experience in the colony? Fifty-one years.

222. Have you ever seen agricultural operations carried on at so high an elevation as this land? No, I think not; but I was told that at Marlborough or Victoria Valley, elevation something corresponding to this, they attempted to grow oats, but failed.

223. Do you know Florentine Valley? I have been to the head of Florentine Valley.

224. Did you ever hear of settlers cultivating there? I never heard. There is Mr. Wing in that neighbourhood, some distance off.

225. Did ever any one complain to you of Messrs. Pillinger taking this selection? did Kermode's representatives ever complain? No one ever spoke to me on the subject. I am quite unacquainted with Mr. Kermode, and never spoke to him.

226. Then you don't recollect whether it was in August the diagram was sent back to you to correct? No, I cannot call to mind.

227. Would you have any record of it? They would know at the Survey Office; I kept no record.

By Mr. McIntyre, Counsel for Petitioners.—228. Can you tell us the height of Oatlands above the sea level? No.

229. Or the height of Lake Crescent? I tried it with my aneroid and made it 1300 or 1400 feet.

230. You know those selections of Messrs. Headlam in the neighbourhood of Messrs. Pillinger? Yes.

231. Are any of those on the top of the tier? No, none of these.

232. Did you ever know land to be sold in the neighbourhood of these selections at 30s. an acre? No, not by the Government.

233. It was merely, then, a fancy value of your own you put on it? Quite so.

By Mr. Balfe.—234. I see in your report on Mr. C. J. Headlam's selection you say, "High stony hills, fairly grassed:" do you consider that fit for agriculture? No.

235. Here is the case of Mr. John Headlam: you report, "high stony hills, fairly grassed," the adjoining block, I think: would you consider that fit for agriculture? No.

236. You recollect your report in reference to Mr. Robert Headlam's selection, 320 acres, and described as in the Parish of Milton, but in the Parish of Anstey, you report, "open fairly grassed country, stony hills:" would you consider that selection fit for agricultural purposes? Scarcely; there is more land fit for agricultural purposes in that than on the others.

237. But on the whole would you consider the allotment suitable for agriculture? No.

238. You surveyed 312 acres for Mr. T. G. Brown? Yes.

239. In your report you say "high stony hills, fairly grassed:" would you consider that fit for agriculture? No, it is not an agricultural lot.

By Mr. Douglas.—240. What is the height of Lake St. Clair, Arthur Lake, and Great Lake? I have no idea.

By Mr. McIntyre, Counsel for Petitioners.—241. Are you aware that Mr. Crawford valued these lands at 10s. an acre? No.

The Witness withdrew.

MR. HENRY COOP *called in and examined by* MR. M'INTYRE, *Counsel for the Petitioners.*

242. Your name is Henry Coop? Yes.
243. And you are a Farmer residing near Oatlands? Yes.
244. How long have you resided in that district? 44 years.
245. Were you formerly Manager for Mr. Anstey, at Anstey Barton? Yes.
246. For how long? 20 years.
247. Do you know the three lots selected by the Messrs. Pillinger in the County of Somerset? I know them well.
248. How close do the Anstey Barton lands run to those selections? 4 miles from those selections.
249. And you are well acquainted with the whole of the country round? Well acquainted.
250. Have you been much on those selections? I have.
251. Will you tell us the nature of the soil? The soil is good rich soil, some black, some chocolate, and good soil in general.
252. Would you consider it suitable for agricultural purposes? I would.
253. What would it be adapted for the growth of, in your opinion? For the growth of roots, English grass, oats, in fact I have ripening oats within ten chains of these selections.
254. Would it grow anything else? Yes, peas and beans; but it is land that it would not be advisable to sow wheat on.
255. What sort of oat crops were they? Very good.
256. Have you any other crops growing in the neighbourhood? Yes, at the Race-course, on land of Messrs. Pillinger, I saw wheat growing when half grown, and it then had the appearance of an abundant crop.
257. Did you see it afterwards? I did not, but I heard that it had ripened.
258. But you did not see it yourself? No.
259. How far is the racecourse from their selections? At the outside, a mile and a half.
260. What difference would there be in the climate between the two? It would be in preference to the selections of Messrs. Pillinger.
261. Do you know a place called Interlachen? I do.
262. How far is that from the selections? About 3 miles.
263. Have you seen anything growing there? Yes.
264. What? Good English grass and clover, as good as I ever saw growing.
265. Do you know Michael Howe's Marsh? I do, well; it is on the Anstey Barton estate.
266. How far from petitioners' selections? About 5 miles.
267. Is the climate better or worse than that of the selections? I think it is the worse of the two.
268. Did you ever see any crops there? Yes; I have grown myself 40 acres of oats there in one year.
269. What sort of a crop did you get? An abundant crop.
270. When you were overseer for Mr. Anstey did you ever attempt any cultivation? I saw oats growing in the immediate neighbourhood 40 years ago.
271. Will the climate be better or worse now? Better.
272. Why? The country is getting more open to the sun.
273. Did you ever grow turnips up there? Yes; on Michael Howe's Marsh, the very best of turnips that I ever saw grown.
274. And you think that selection of Messrs. Pillinger equally well adapted for cultivation? Equally well.
275. Do you know the place called the Steps? I do.
276. Is it near the selections? Twenty miles further up the Lakes than the selections.
277. Is it a considerably higher elevation? Considerably higher.
278. And the climate? The climate is more severe.
279. Did you ever see any crops grown there? Yes; I saw Wilson the constable at the Steps grow some very good oats there.
280. I suppose you would have no objection to start agricultural pursuits in that very place yourself? No objection whatever.
281. Do you know some lots of land selected by the Messrs. Headlam? I don't know which are the selections, but I know all the land.
282. Do you know a high hill known as Big Enfield? Yes.
283. And that is close by the selections of the Messrs. Headlam? Yes.
284. Which would you prefer for agricultural purposes? The Petitioners', to all intents and purposes.
285. And you say so after many years practical experience? Yes.
- By Mr. Douglas.*—286. On whose land was it that oats were grown and ripened 40 years ago? Mr. Franks's.

287. Was it Government land? I believe it was purchased land.

288. Has it been since used for agricultural purposes? Not since.

289. Have you known any land in cultivation and at the same elevation in the neighbourhood of this piece of land in cultivation? Yes, Interlachen, three miles distance, is the same elevation, and there oats were grown, peas, beans, cauliflowers, and other vegetables, grass and clover, and also grain at the bridge within half a mile, occupied by a man named Steele. It is three or four years ago since I saw it.

290. Were the peas and beans in pod, and growing? I saw them growing.

291. These lands of the selectors, have you ever known any portion of them to be in cultivation? Not of this portion.

By Mr. Balfe.—292. Is the Steps at a higher elevation than that? A deal higher and more severe.

293. Are you an agriculturist yourself? Yes.

294. And qualified to give an opinion? Yes, as a farmer.

By Mr. M'Intyre, Counsel for the Petitioners.—295. I think you said though you had not seen any portion of these selections in cultivation you have seen oats and peas and beans growing within ten chains? Yes.

By Mr. Balfe.—296. How far is the Race-course off? About a mile and a half.

The Witness withdrew.

MR. H. J. HULL *recalled and examined by Mr. M'INTYRE, Counsel for the Petitioners.*

297. You stated in your evidence on Thursday last that when James Pillinger called upon you on the 10th or 11th February, 1877, to ascertain whether notice to quit had been given to Kermode's representatives, you told him you could not give such notice until the deposits were paid, and that upon his assuring you they would be paid you gave the notice; do I understand you to mean that you required payment of the deposit at that time although the survey had not then been made? No.

298. Do I understand you to mean that you required payment of the deposit at that time, though the survey had not been made? No; what I meant to convey was, that it was not usual for the department to dispossess a lessee till the deposit was paid: Mr. Pillinger assured me that he intended to complete the purchase, and promised to do so; and thereupon I gave notice.

299. The survey was not made in February? No.

300. You cannot receive the deposit until the survey is made? No.

301. Therefore Mr. Pillinger was not in default in not paying the deposit at that time? No.

302. He did assure you he was prepared to pay the deposit when it could be received? Yes; I should not have given notice if he had not.

303. When a survey has been effected of lands selected is it your custom to give notice thereof to the selector? Yes.

304. Does that notice call on him to pay the deposit? Yes.

305. You told us on Thursday that when Mr. A. T. Pillinger called at the office on the 2nd or 3rd August, 1877, you did not receive the deposits on account of an error in the survey? Yes.

306. Had that error anything to do with the three surveys in question? No, but the four were mixed up in one diagram, and Mr. Pillinger did not ask to pay on any one of those lots, but he asked to pay in four deposits on the four lots. The Chief Draughtsman having reported slight errors in surveys they were returned for correction.

307. It was in consequence of the Surveyor's error that you refused to receive the deposit? Yes.

308. When was that error corrected and the survey completed? I cannot very well tell.

309. Was it completed in August, 1877? No. It had not been completed in Mr. O'Reilly's administration, if it had been it would have been acted on as a matter of course, and the purchase completed.

310. It was through the mere accident of a new Commissioner of Crown Lands coming in that the affair was not completed? Yes.

311. I understood you to say that Mr. Pillinger never had notice to the present day though the survey was completed? No; when the survey came in I had received instructions not to complete the purchase.

312. But you did not get instructions in the other cases mentioned by you in your evidence on Thursday not to complete them? No.

313. I want to draw your attention, Mr. Hull, to the 26th Section of "The Waste Lands Act;" are you aware that it contains a condition of forfeiture to the Crown if a selector, his tenant or servant, does not, within one year after the date of the selection, commence to reside on the land; you know that section? Yes.

314. From what date has that been always computed, from the day of paying the deposit, and not from the date of application? Certainly not.

315. Has that been the invariable custom since the introduction of the Waste Lands Act? Yes.

316. Do you give selectors any notice as to the necessity of residence? Yes, when I call for the deposit.

317. You tell them nothing about it before? No.

318. Is it always a condition in Pastoral Licences that if the rent be unpaid within one calendar month, the term shall cease and be void? Such is the wording of the licence.

319. You told us that Mr. T. G. Brown held the selection of Headlam under a Pastoral Licence, and that he only paid half a year's rent, was the forfeiture enforced in his case? I don't know how to answer that question, he has not been in possession for years.

320. How are the rents in respect of pastoral lands payable, yearly or half-yearly? Half-yearly, on the 1st April and 1st October.

321. Did Kermode's representatives ever let their rent in respect of the Petitioners' selections remain unpaid for one whole calendar month after it became due? In one instance they did.

322. When was that? In 1873, the rent that became due on the 1st April was not paid till the 4th August, 1873.

323. Then by that default they forfeited those lands to the Crown, did they not? There was a provision to that effect in the licence you told us? For the time being; but I don't know whether it was condoned by the rent being afterwards received: strictly speaking they forfeited those lands to the Crown. I may qualify that by saying that by accepting the rent it was condoned.

324. Is there any condition in the lease saying forfeiture might be condoned? No.

325. When lands are forfeited, held under a pastoral lease, they have to be put up for sale by auction? Yes, as soon after as possible.

326. Were these lands put up for sale by auction as soon as possible after forfeiture by Kermode's representatives? No.

327. Why not? Because the rent was paid before the usual time for putting up land. The back rent was received; and the forfeiture condoned.

328. The notice to quit given to Kermode's representatives expired on August 14, 1877? Yes.

329. That put an end to the term did it not? Yes.

330. Have Kermode's representatives taken out a fresh licence? No, but they have continued paying the rent.

331. Are you certain that Kermode's representatives never made default in payment of their rent in 1876 or 1877? Yes.

332. Why? My books don't show that they did.

333. Would your books be sure to show it if they had? Yes.

334. What annual rent have they paid for these lands? For the 1500 acres, of which 1000 acres were selected by the Petitioners, £8 15s. since "The Waste Lands Act, 1870," came into operation.

335. Can you give us the dates on which they paid their rents since the beginning of 1876? I have not them with me, but can furnish them.

336. In your letter to Mr. A. T. Pillinger, given in the printed correspondence, 28th September, 1877, you informed him these selections would be sold by auction in December following? Yes.

337. Have any steps been taken with a view to effect that sale? They were put up for sale and gazetted, but withdrawn on account of the appeal of Messrs. Pillinger to the Supreme Court.

338. Have any other selections from persons besides those already named been made while the land selected was under pastoral licence? Yes, plenty of them; in fact I have never known an instance of an application being refused on that ground. The only objection would be, if the applicant wished to select in the middle of a block—to pick out the eyes as it were: we always keep them to the outer boundary of a block.

339. Were the Messrs. Pillinger attempting to pick out the eyes of those selections? No, they selected the lot.

340. It appears on the survey what was estimated to contain 1500 acres only contained 1000? Yes.

341. And that £8 15s. is paid for those selections of Messrs. Pillinger, three blocks? Yes.

342. Then you never heard of an objection before that lands not pastoral under licence were not available for selection until the present case? No.

343. You are aware, Mr. Hull, that under the 20th Section of the Act it is enacted that the Governor may proclaim Agricultural Divisions, which shall be open for selection as agricultural lands; can you tell us if any Agricultural Divisions have been proclaimed under that section? None under the Waste Lands Act of 1870.

344. All selections under this Act have been made under the remaining provisions of that section; namely,—Lands which the Commissioner on his own examination, or that of some person or persons deputed for the purpose, or on the report of the Surveyor, shall deem suitable for cultivation; is that so? I should like to ask Counsel if that has any connection with the 24th Section, as the late Attorney-General gave his opinion on the 6th September, 1876, on that point.

345. Have you always treated the right of selection and purchase under the 24th Section of the Waste Lands Act as imperative? Yes.

346. Have you been in the habit of relying on the Surveyor's reports at all? No, the Commissioner uses his discretion.

347. Have you ever refused a selection under the 24th Section, on the ground that the land selected was not agricultural land? No; the late Minister, Mr. Moore, did refuse to receive deposits from selectors at Franklin, as he considered the land was taken up for timber purposes; therefore such applications as you refer to have never been refused.

348. Will you produce some of the diagrams of land lately surveyed by Mr. Thos. Wedge in the County of Somerset? Yes; there's one, a diagram of a selection by John Bailey.

349. Under the 24th Section of the Act, is that so? Yes.

350. Has that purchase been completed? Yes.

351. Will you read the report? Yes. "This lot consists of steep stony hills, with small portions of for cultivation by the south-west boundary. Thinly grassed."

352. Was any objection taken in that case? None.

353. Will you produce another diagram? Here is another selection by Mr. Joseph Bayles, in the County of Somerset.

354. When was that completed? I cannot tell you without reference to my books. I can say he was called on to pay his deposit.

355. When was the survey completed? April, 1878.

356. That is during the present Commissioner's tenure of office? Yes.

357. Will you read the report in the case? "Fairly grassed, stony ridges."

358. No objection taken in that case, that the land was not agricultural? No.

359. Here is a diagram of a selection by Mr. Robert Bayles, can you tell us whether that purchase is completed? Yes.

360. When? I cannot give you the date without reference to my books.

361. Will you read the Surveyor's report? Yes. "High, fairly grassed hills, small portion fit for agriculture."

362. When was the survey finished in that case? In December, 1876.

363. Here's a selection by Miss Sarah Bailey, has that purchase been completed? I have no doubt of it.

364. When was the survey made? In July, 1875.

365. Will you give us the surveyor's report? "Open, thinly grassed country."

366. You do not find anything about agriculture there? No.

367. Can you tell us whether Mr. Page has made any selections in the County of Somerset—the late Samuel Page? Yes, he made a selection, and his son-in-law made a selection.

368. When? Within the last twelve months.

369. Can you give us the surveyor's report in that case? I have not got it here, I can get it. That purchase is held in abeyance.

370. Here is a selection of Thomas Turner's. Has that been completed? Yes.

371. When? I have not the papers. The report is—"Poor, gravelly soil, very thinly grassed, small portion fit for agriculture." But I may say in a case of that kind the Commissioner has to use his discretion, if he has any.

372. Are the present selections now advertised for sale the petitioners' selections? Yes.

373. As a lump, or in blocks? In blocks.

374. Of what area described? Lot 7239, 261 acres; Lot 7238, 372 acres; and Lot 7237, 288 acres.

375. Is it not customary in such a case as this to put up the whole block for sale, that is pastoral lands? Yes, it is customary if the Commissioner thinks he can get a better price.

376. Have pastoral lands ever been put up for sale in such small blocks anywhere in the neighbourhood of this selection? I cannot answer that without reference to the records in the office.

377. But you say it is usual to sell pastoral lands in such small blocks as this? Yes.

378. Have you ever known a Commissioner refuse to carry out his predecessor's arrangements with regard to selected lands? Not any that I can remember when it had been carried out to the extent of these selections.

The Witness withdrew.

WEDNESDAY, 25TH SEPTEMBER, 1878.

MR. H. J. HULL recalled and examined by MR. M'INTYRE, Counsel for the Petitioners.

379. Have you the dates on which Kermode's representatives paid their rents in respect to these selections during the past few years? I will get the information from the Treasury.

380. And you were to give us the dates on which Mr. Joseph Bayles purchased his land, and Mr. Robert Bayles his; also the date, and surveyor's report on Mr. S. Page's selection? I will get those particulars.

By Mr. Balfe.—381. Could you tell the exact date when the present Minister of Lands and Works took charge of the office? He came on the day that he was sworn in, that would be 11th August, 1877.

382. And you received the letter from Messrs. Pillinger on the 14th August enquiring about the land? Yes.

383. According to your evidence before (question 75), it does not appear that you made any reply to that of the 14th August, with the exception that you think the letter of the 25th will be a reply? Yes.

384. You were first asked if you had the original copy of Messrs. Pillingers' letter, and you said "No, I have two replies, but none to the letter of the 14th August: probably my letter of the 25th August would be a reply to that of the 14th August, and one letter afterwards. I replied to the letter of Mr. Pillinger, that I have not got here, that all the papers connected with the selections are with the Attorney-General, but it was more of a private letter, commencing with my dear Sir?" Yes. There is a letter of Mr. A. T. Pillinger, of the 21st August, which appears to have been answered on the 22nd, saying that Messrs. Allport & Roberts had requested that proceedings in respect to the selections might be stayed. The following are copies:—

Millbrook, Antill Ponds, 21st August, 1877.

DEAR SIR,

MAY I draw your attention to a letter I sent you last week with reference to land that had been purchased from the Crown by myself and others, which has not been answered?

Yours very truly,

ALFRED T. PILLINGER.

H. J. HULL, Esq.

Millbrook, Antill Ponds, 23rd August, 1877

MY DEAR SIR,

I BEG to acknowledge the receipt of your letter saying that Allport & Roberts have lodged a protest on behalf of Mr. Kermode against the sale of crown land which had been selected by myself and others under 34 Vict. No. 10, and that the purchase will not be completed till the Minister of Lands has had time to consider the matter. I may inform you that I was informed by the late Minister of Lands, Mr. O'Reilly, before he left office, that all the provisions of the Act had been carried out with respect to the sale of the land, and you will remember that you informed me that possession would be given on the 14th instant. We are ready to pay the deposit and complete our part of the agreement. If a protest on behalf of Mr. Kermode has stayed the action of the law, I must request you to forward me a copy of that protest so that I may instruct a solicitor to protect the interests of myself and the other selectors.

Yours very truly,

ALFRED T. PILLINGER.

H. J. HULL, Esq.

385. And what was the date of your reply? 25 August. He seems to have got my letter, for he writes on the 26th,—

Millbrook, Antill Ponds, 25th August, 1877.

MY DEAR SIR,

I BEG to acknowledge the receipt of your letter of the 25th instant, and desire to bring under your notice the loss and inconvenience inflicted upon the selectors by the Government allowing the protest of the crown lessee to prevent the occupation of the land sold. Trusting to your arrangement that possession would be given on the 14th instant, men were employed and are now waiting, at a daily loss to the selectors, to commence the necessary work of fencing and draining the different selections. Under these circumstances I hope the Government will not cause further delay in giving possession of the land under the conditions of the sale.

You say the selectors will have an opportunity of being heard before the matter is settled. If, as I was informed by the late Minister of Lands, the whole of the conditions of the Act necessary for the sale and purchase of the selections were carried out before he left office, I cannot believe a change of Administration can annul the business engagements of a previous Government; and as the selectors have nothing to conceal in the transaction, and have acted since selection under the instructions of the Lands Office, I am compelled, in the absence of the protest, of which I asked a copy, to look upon it as a simple obstruction on the part of the previous lessee of the land to its occupation by the selectors. If the objection is of a more serious nature I think the selectors have such claims as can only be heard before the Supreme Court.

Please let me know what course the Government intend to pursue.

Yours very truly,

ALFRED T. PILLINGER.

H. J. HULL, Esq.

386. Did you show or communicate the contents of that to the Minister of Lands and Works? Yes.

387. In answer to question 76 you say you have no letter from Mr. James Rowland Pillinger? I find I have got that letter.

388. Will you produce it? I could produce it, but do not think Mr. J. R. Pillinger would care about its being produced. I showed it to the counsel yesterday, and he thought it not advisable to put it in.

[Counsel, after consulting with Mr. Pillinger, said he had no objection.]

389. Will you read that letter? Yes.

Millbrook, 10th September, 1877.

SIR,

MY brother is not at home; but I see in your letter to him of the 8th instant that there is a still further delay in giving me possession of my selection. Remember that I should have had possession of the selection six months from date of payment of survey fee, and that that act on the part of the Lands Office has prevented me from getting possession even at the present time, a period of close upon 17 months from date of selection and payment of survey fee. The charts were placed before me when I was last in the office, and I was assured by you that everything was passed and correct. Apart from the consideration that an Officer's word in dealing with the public should be genuine, correct, and respected, I protest against my claim being brought under the notice of the Executive at a period of close upon 17 months beyond its proper time; against, if the case is decided against me, having been held as a selector during that 17 months and prevented from further selection; and against, if there is any wrong, a Government taking advantage of its own wrong. I also demand to know, for I think I have the right, the date and substance of Mr. Kermode's protest. An answer by return of post will oblige.

I have the honor to be,

Sir,

Your obedient Servant,

H. J. HULL, Esq., Deputy Commissioner Crown Lands.

J. R. PILLINGER.

390. That does not appear to have been answered? No.

391. What do you think is improper in that letter? I think it is not usual to write in such strong terms; it would imply that I was telling him one thing and acting in opposition to the statement.

392. What part of the letter ? The following :—

Apart from the consideration that an Officer's word in dealing with the public should be genuine, correct, and respected, I protest against my claim being brought under the notice of the Executive at a period of close upon 17 months beyond its proper time.

He said I assured him everything was ready, and I could not have told him that for I could not complete it, having the instructions of the Minister to stay it.

393. Then it could not refer to you but the Minister ? Yes.

394. Then eleven days after the Minister of Lands took office the papers were all returned to the Attorney-General, namely on the 22nd ? Yes.

395. And on the 28th September, 1877, it was notified to the selectors that they could not have the land ? Yes.

396. Who is your Chief Draughtsman ? Mr. Windsor.

397. I see in answer to question 67 you say there does not appear to be any reply to the letter of Mr. Alfred Pillinger of the 14th August, 1877. Did you send any reply to that letter ? No.

398. But you say there is a memorandum to one of the draughtsmen, was that Mr. Windsor ? No, that was Mr. Reid, who has to check the surveyors' work.

399. Have you got the diagram ? Yes.

400. I see under the head of "errors" the word *nil*, plotted by Farmer ? Yes, and Reid calculated the area, and puts it on the main plan ; and on that I act.

401. Have you ever known a selector's application to be refused on the sole plea of the selections applied for being on licensed ground for pastoral purposes ? No, unless the selection was in the middle of a run picking the eyes out.

By Mr. Douglas.—402. Have you ever known any case where the licensee has intervened to prevent the carrying out of an application to purchase ? Not through solicitors ; but I have many protests verbally, and have always told them there was no help for them.

403. This is the only case in which a written protest or caveat has been entered through the solicitors of parties ? Yes.

404. Have you had any other objections since Mr. Brown has been in office ? Since Mr. Brown has been in office Mr. Weston objected to Mr. Headlam taking a block of his leased land at Great Lake, which was refused ; the selection by Mr. Headlam was refused because the surveyor reported it unfit for agricultural purposes.

By Mr. Scott.—405. Was that lot under lease to Weston ? Yes.

406. Is that lot much higher than the Messrs. Pillingers' ? Yes, I think it is.

407. Is that the only case of refusal since Mr. Brown came into office ? No, there have been several cases of refusal before survey has been made. Every application that comes in for leased lands I submit to the Commissioner, and in many instances it is refused,—some the Commissioner approves of.

408. Is there not a case of a person named Read or Brown in which the application has been refused by Mr. Brown in that neighbourhood ? Brown and Page are selectors up there, but the applications have never been granted or refused ; they have not been before him yet ; they are waiting the result of this case—I said so yesterday ; the lands have been surveyed, but I have not called on them to pay their deposits.

409. Was there not another case in that neighbourhood ? I don't recollect.

410. Is your action in the office now the same as it was before ? Yes.

411. Are you not called on to submit applications to the Commissioner ? Only as to lands under lease or licence. I submit such cases to him now. The Solicitor-General told me there were cases up there in the time of Mr. Moore, but I don't think they are analogous cases.

412. We are now speaking of lands under lease ? Yes.

413. Are you not instructed by Mr. Brown to bring all applications before him ? No, he has never instructed me to do so ; but I do it for my own protection.

414. You stated that land refused by Mr. Brown has a greater elevation than the particular ground alluded to ? From enquiry I am inclined to think it is. Mr. Calder, the late Surveyor-General, assured me that the Great Lake was higher than these lands.

415. How far is the ground of Headlam's from the land we are now enquiring about ? I know the locality but cannot tell the distance. On looking at the map I should say it is 28 or 30 miles as the crow flies.

By Mr. Balfe.—416. You recollect three cases of persons of the name of Ellis applying from the Bronte ? Yes.

417. It was a selection of 320 acres ? Yes.

418. Of leased or licensed land to a gentleman of the name of Read ? Yes.

419. And the application was refused ? Yes.

420. Do you recollect the grounds on which it was refused ? Because the land was under licence.

421. Was there any other reason assigned ? Yes ; the opinion of the Minister of Lands and Works that it was unsuited to agricultural purposes.

422. This selection did not pick the eyes out of leased land ? No.

423. Do you know Mr. Read? Yes; it is Mr. Robert Cartwright Read.

424. Had he paid the survey fees? He had, and they were returned.

425. Have you any knowledge of what description of land it was? No. I had the lands charted and called on him to pay survey fees, and the survey was ordered, but it came to the knowledge of the Minister (Mr. Brown) that these lands were selected, and he refused to uphold my action in what I had done, and cancelled the application.

426. Was there any written protest entered against the selection of the lands by Messrs. Pillinger? No; there was a verbal protest, followed up by the letter of 26th July.

427. In question 67 you say, "There is a memorandum to one of the Draughtsmen, 'can these surveys be acted on?'" Who was the Draughtsman? That was Mr. Reid, for I was anxious to get the matter disposed of.

428. You say there was no reply? No. I might mention that I should have acted on the applications of Messrs. Pillinger when the surveys came in, without reference to the present Minister, if he had not told me not to do so, for I had the authority of the late Minister.

By Mr. McIntyre, Counsel for the Petitioners.—429. Have there been any selections under the 24th Section in Great Lake Country? Yes.

430. How many? I cannot tell you from memory.

431. Have they been completed? I have no doubt they have, and the deposits paid.

432. This refusal in certain cases to allow lands to be selected under Pastoral Licence was never heard of until Mr. Brown took office? Yes.

433. Do you now furnish a list of payments of rent by Kermode's representatives? Yes, Lots 27 and part of 109, payable on 1st April and 1st October commencing 1872:—

Due 1 April, 1872, Paid 20 April, 1872.
 1 October, 1872, .. 25 October, 1872.
 1 April, 1873, .. 4 August, 1873.
 1 October, 1873, .. 25 October, 1873.
 1 April, 1874, .. 21 April, 1874.
 1 October, 1874, .. 23 October, 1874.

Due 1 April, 1875, Paid 15 May, 1875.
 1 October, 1875, .. 5 November, 1875.
 1 April, 1876, .. 22 April, 1876.
 1 October, 1876, .. 29 September, 1876.
 1 April, 1877, .. 3 April, 1877.
 1 October, 1877, .. 19 October, 1877.
 1 April, 1878, .. 27 April, 1878.

The Witness withdrew.

MR. CHRISTOPHER O'REILLY *called in and examined by Mr. McIntyre, Counsel for the Petitioners.*

434. Your name is Christopher O'Reilly? Yes.

435. And in February, 1877, were Commissioner for Crown Lands in Tasmania? Yes.

436. Can you tell us on what date you took office? 21st August, 1876.

437. And when did you leave office? Speaking from memory, 9th August, 1877.

438. Do you remember Mr. John Roberts, of the firm of Allport & Roberts, calling on you in May or June, 1877, with regard to selections of land? I do.

439. For what purpose? He called in reference to the applications of Messrs. Pillinger, and protested against the land being sold as agricultural land, and in fact to deny the right of Messrs. Pillinger to the selection of land, under the terms and conditions of the 24th section. I pointed out to Mr. Roberts that the act was mandatory, and I could not object to the application.

440. Was it in consequence of that that you sent the memorandum to Mr. Wedge requiring him to report on the character of the land? Yes.

441. Will you tell us why you requested that second report? In consequence of the protest being made by Mr. Roberts, and as he represented to me that my action would have been an injustice to his client.

442. And in consequence of that you called for the second report? Yes.

443. Was it usual to require a second surveyor's report? Not that I was aware of. I had had but little experience in office.

444. As far as you are aware was this an exceptional case? Yes.

445. When you received this report you penned your memorandum of 2nd August, 1877? Yes.

446. Will you state what your reply to Mr. Roberts was? Yes; bearing in mind that Mr. Roberts had, on the part of his clients, protested against the land being sold under the clause of the Act, and that he had requested me to deny the right of Messrs. Pillinger to select as agricultural land, I desired to clearly point out that I believed the land, on the report of Mr. Wedge, to be agricultural land, and I could not deny their right to that selection.

447. Do you remember seeing Mr. A. T. Pillinger on or about 3 Aug. 1877, in reference to these selections? Yes.

448. Did you make any notification to him? Yes, I informed him that I had decided that the lands should be sold under the 24th section, and that I had instructed Mr. Hull, the Deputy Commissioner, to give effect to my decision in the matter.

449. Did you tell him there was anything further to be done? I do not remember anything further.

450. You told him you would instruct Mr. Hull to carry out your decision? Yes, and that the sale would be effected.

By Mr. Douglas.—451. You have the petition in your hands. Mr. Pillinger states in the first paragraph as follows—"In or about the month of January, 1876, your petitioner (Alfred Thos. Pillinger) was informed by the Deputy Commissioner of Crown Lands for Tasmania that the three lots of land mentioned in the second paragraph of this petition were open for selection and purchase under the provisions of the Waste Lands Act, 1876." Did you have any communication from Mr. Pillinger that he had been so informed? I do not recollect; in fact I do not remember the matter coming before me at all (speaking from memory) till I had to bring the matter before the Governor in Council to determine the licence.

The Witness withdrew.

MR. JAMES ROWLAND PILLINGER *called in and examined by Mr. M'INTYRE, Counsel for the Petitioners.*

452. Your name? James Rowland Pillinger.

453. You reside at Melrose, near Antill Ponds, and are one of the Petitioners in this matter? Yes.

454. Do you remember about April, 1877, calling at the Lands and Works Office to make an enquiry with regard to the conditions as to residence on these selections under the Act? Yes.

455. What was your reason for calling to make those enquiries? My reason was because notice was not given as quickly as it should have been, and when the notice expired the twelve months from date of the selection would have gone, and I required to see whether we were supposed to reside twelve months from the date of selection or from the time we paid the deposit and signed the contract.

456. What answer was made? He told me we were given twelve months from the time the deposit was paid.

457. Do you remember coming into town on the 31st July, 1877? I do.

458. And going to the Lands and Works Office about the 2nd or 3rd August, 1877? Yes.

459. Did any one accompany you? Yes, my brother, A. T. Pillinger.

460. What did you go there for? I was going out of town, and I went to the office to settle about these lands.

461. Did you see Mr. Hull, the Deputy Commissioner? I did.

462. Did he say anything to you or you to him? Yes; he said, "Oh, you've come to settle about those lands and to pay the money?" I said we had.

463. What did you then: did you pay the deposit? Enquiry was made if everything was correct and satisfactory.

464. What was the answer? He said everything was done that was required to be done, and there was nothing to be done but to pay the deposit. I at the same time asked to see the diagram or chart of the selection.

465. Was it produced to you? The chart was produced to me.

466. Was anything said to you about the survey of your selection being incorrect? Nothing at all; it was said to be correct.

467. Did you not pay the deposit at that time? No.

468. Why? We agreed that the deposit was to be paid, and I was about to pay the deposit when Mr. Hull said it would take a little time to calculate, and it would give him more time if I would allow him to do it by post; Mr. Hull promised to send the calculations by post, and I consented on condition that he would do it at once.

469. You never received these calculations? Never.

470. Are you well acquainted with these selections? Very well acquainted.

471. You lived in the neighbourhood for many years? Yes.

472. What is the character of the soil—good or bad? Good.

473. Is it adapted for agricultural purposes? Yes, well adapted.

474. What could you grow there now? I could grow any kind of root crops except potatoes.

475. Could you grow any grain? I could grow oats.

476. Would they flourish there? Yes, flourish well.

477. And vegetables? Any sort of vegetables.

478. Did you ever see oats grow there? I have seen oats growing close to the selections, and on about the same elevation.

479. Do you know the Silver Plains? Yes.

480. Did you ever see any oats growing there? Yes.

481. How many bushels to an acre? I should think about 40 or 50 bushels.

482. What elevation is that as compared with your selection? I should think the elevation is about the same; in the same country, and the same table land.

483. Have you ever seen oats flourishing at a higher elevation? I have, a considerably higher elevation.

484. Where was that? At the Great Lake Country.
485. Was the crop any height? As high as I could reach standing up—about 6 feet.
486. Have you seen turnips growing in Great Lake Country? It is a common thing for turnips to be grown by shepherds for use there, which is a higher elevation.
487. What do you say about the climate of this selection? I think the climate is very well suited for agricultural purposes.
488. You say that from your own practical knowledge? From my own knowledge.
489. Did you ever before make any selection under the 24th Section? I have not made any previous to this.
490. Then by whose direction were you guided as to proceeding in this selection? I had a knowledge that this land was open to selection.
491. Yes, but as to the details of the purchase? I was guided by the office of Lands and Works.
492. And when they told you the matter was settled you thought there was an end of it? I considered it was settled. I should not have left the office without having it settled.
- By Mr. Douglas.*—493. How much land have the Messrs. Pillinger altogether? About 15,000 acres among us.
494. How much of that is agricultural? A considerable quantity, some thousands.
495. How many of them are in cultivation at the present time? At the present time none.
496. How much last year? None; we have our land laid down in grasses to replenish.
497. You selected this land under the 24th section? Yes.
498. You knew the conditions under which you purchased? Yes.
499. Did you intend to comply with the condition of selection to reside on the lands by yourself or agent, and continue to reside thereon? I intended to comply with every condition. If I had not paid cash for the land I should have resided on it in accordance with the law.
500. Your intention was, I presume, to pay the purchase money immediately after; was it not your intention to as speedily as possible have paid the purchase money? I might have paid the purchase money; but if I put men on to improve the land, I might not have paid at once.
501. What was your intention? It was twelve months before the time I could enter on the land or pay cash; if convenient to me I should have paid cash.
502. Then having so much land for cultivation why would you have gone up there to cultivate? We have made preparations to go on other land in the neighbourhood to drain and cultivate.
503. But I want to know why you would have gone up there having three selections, when you had so many thousands of acres to cultivate nearer home? Of course we cultivate at home by laying down English grasses on it, and we might have cultivated that in the same way to make the land more valuable.
504. This land is offered for sale in October? Yes.
505. Is it open to you as well as others to bid for them? It is.
506. Will you explain to the Committee what injustice has been done by the refusal of the Minister to allow you to take up this land? Great injustice has been done to me; I have been deprived of my right of selection which every other man has under the law.
507. But what injustice has been done you? I am deprived of my right which I hold under the law.
508. Is that all of which you complain? I complain of a great deal, because the moment we selected this land it was found by the Government to be very valuable, although before it was let for £3 a year.
509. How does that do injustice to you? If we have a right under the law, and this land is valuable, they take advantage of our right to their own use.
510. For the benefit of the country? For their own selves; well for the benefit of the public.
511. Is there anything else you complain of? I complain of a great deal of damage done me.
512. In what way? In being ready to enter on the land at a certain time, and the Government breaking their engagement.
513. Have you suffered pecuniary loss? Yes, largely in stock.
514. You have had the land since? We had the land, and were in possession of the land.
515. You have not been deprived of possession by anybody? The stock was impounded on the land by the lessee, and we have had all sorts of trouble over the land.
516. You appealed to the Supreme Court on your rights? Yes.
517. And the Supreme Court decided against you? They decided that the decision of the late Commissioner was not communicated to us, and that the contract could not be forced on his successor; but that does not appear by the evidence.
518. What more do you complain of? I suppose you had a great deal of anxiety of mind? A great deal of anxiety of mind, no doubt: I had been backwards and forwards so much for three weeks.
519. Would not the actual wrong suffered be simply the difference between paying £1 an acre and any amount the land might fetch by public auction? Not at all: the land would be very valuable to me.
520. What loss have you suffered by not getting the land? I have suffered loss in many ways.
521. You have alluded to Silver Plains? Yes.

522. And you saw oats growing there? Yes.

523. To what extent? About half an acre.

524. When was it? Last summer and in this year, February or March.

525. Was it fenced round? It was.

526. Post and rail? No, a log fence.

527. Do you know the land selected by Headlams? Yes, I do.

528. What is the difference of elevation between that and this land? There is a difference of elevation, but not very great, perhaps 500 feet: the elevation would be in favour of Headlam's land.

By Mr. Scott.—529. You say your stock was impounded on this land? Yes.

530. Did that do much injury to the stock? Yes.

By Mr. Balfe.—531. Had you any conversation with Mr. Wedge about this land? Yes, I took him on to it, and showed it to him.

532. Was there anything said about the angles, so that one house might be made to be on part of each selection? Nothing of the kind; I took him on the land, for he did not know where it was. I said, measure three lots to join if you can; if not, measure it as near as possible.

By Mr. Salier.—533. Then you only wished the three lots to join? Yes.

By Mr. Balfe.—534. Was it you that gave him the instructions? I took him on the land, and showed him over I believe.

By Mr. M'Intyre, Counsel for the Petitioners.—535. Do you know the selection of Mr. Joseph M'Ewan in the neighbourhood of your selection, the purchase of which has been lately completed since Mr. Brown came into office? Yes.

536. Has that been brought under cultivation? Yes: it is being brought under cultivation now, and has been cultivated for garden vegetables, and so forth.

537. Do you know the selections of Headlams' in the vicinity? I do.

538. Is that good agricultural land? I don't know that there is any land upon it that you could plough at all.

539. Have they brought their selections under cultivation? No: I saw no cultivation.

540. Do you know T. G. Brown's selection? Yes, I do.

541. Has he brought his under cultivation? He could not, because it is a stony ridge; he would have to dig it over with a pick to cultivate and get the stones out.

542. Had any arrangement been made by yourselves to cultivate these selections? We were about to arrange to plough 100 acres.

543. Then you did intend to cultivate at once a portion of the selection? Yes, to plough 100 acres at £1 an acre.

544. That was before you got possession; and you could not complete the bargain, for you could not get possession? Yes.

545. Why did you ask the Surveyor to get this land to adjoin as much as possible, was it for convenience sake? Yes.

546. Was it your intention to evade the provisions of the Act? No: I intended to carry out the conditions to the fullest extent.

547. Then I suppose the loss you complain of ————? (Question objected to, and not pressed.)

By Mr. Balfe.—548. Perhaps you can tell me if the Messrs. Headlam have any land besides these selections? Yes, they have a large quantity of land.

549. Have they any fit for agricultural purposes? Yes, some thousands of acres: in fact there are 8000 or 9000 on the Woodley estate: on the chart it is marked to carry 40,000 sheep.

The Witness withdrew.

MR. ALFRED THOMAS PILLINGER called in and examined by MR. M'INTYRE, Counsel for the Petitioners.

550. Your name is Alfred Thomas Pillinger? Yes.

551. You reside at Millbrook, near Tunbridge, and you are one of the Petitioners? Yes.

552. Do you remember calling at the Lands and Works Office on the 20th April, 1876? I do.

553. For what purpose? I went in with Mr. Headlam on some business at the Lands Office. During the transaction of that business I asked Mr. Hull if the lots marked on the chart were open for selection under the 24th Section of the Waste Lands Act, and he told me they were.

554. Do you remember coming to town some time after the application was put in, and making certain enquiries of the Deputy Commissioner as to those selections? Yes.

555. What were the enquiries? I asked him when we should be able to get possession of the selections, and Mr. Hull told me that the notices had not been given to Kermode's representatives to quit the land.

556. Were you aware of that fact at that time? I was not.

557. What impression had you been under? I was under the impression that when the selections were made the notices were given; I went to the office with that impression.

558. Did Mr. Hull say when he would give notice? He said, "Then you really intend to carry out these selections?" I said, "Of course we do," and I left him under the impression that he was going to give notice at once.

559. Do you remember going to the Lands and Works Office, July, 1877? I do.

560. I believe you did not pay the deposits on that occasion? No.

561. Why? My brother wished to pay, and Mr. Hull appeared to be intending to accept the deposits; but he suddenly said that there would be some difficulties in the calculations, and he asked to be allowed to send the demands through the post. My brother still wished to pay, but I said, "Allow him to do as he suggests," and Mr. Hull said he would send them on.

562. And you never did receive them? No.

563. Do you remember seeing Mr. O'Reilly on the 3rd August, 1877, as to these selections? I do.

564. What was the purport of that interview? I asked Mr. O'Reilly if all matters connected with the purchases had been completed. He told me everything had been done that he could do to carry out the sale, and he had left everything completed.

565. And you treated the matter as settled? Yes.

566. From your own practical experience and knowledge can you say whether these selections are adapted for agricultural purposes? Yes, I can.

567. Were you prepared to comply in all respects with the requirements of "The Waste Lands Act?" I was.

568. By whose instructions were you guided with regard to the details of purchase? The Lands Office; Mr. Hull principally.

569. Had you ever selected land before, for purchase, under the Act? Never.

570. Do you own any land in your own private right? I do not.

571. Does your brother J. R. Pillinger own any in his own right? He does not.

By Mr. Balfre.—572. To your knowledge were there any peculiar instructions given to Mr. Wedge about the survey? I remember none, I never spoke to Mr. Wedge about the survey and have not heard that any one else had given peculiar instructions.

By Mr. Scott.—573. Are Kermode's representatives in possession of this land? Yes; we gave up our stock when it was impounded, and they travelled 14 miles to the pound. Since the impounding we would not put up the fences, as the matter was in dispute.

574. And he claims the right to impound? He does, and has done so.

575. Did you pay poundage fees? We paid for arbitration bonds, but the arbitrators refused to award damages; the arbitrators disagreed.

By Mr. Salier.—576. How many sheep were impounded? Between 200 and 300.

By Mr. Scott.—577. Do thistles grow up the Lakes as much as where you are? No not so much in the upper part as where we are.

The Witness withdrew.

CORRIGENDUM.

In page 7, question 214, for "£1 an acre" read "30s. an acre."

(Addendum to Paper No. 94.)



1878.

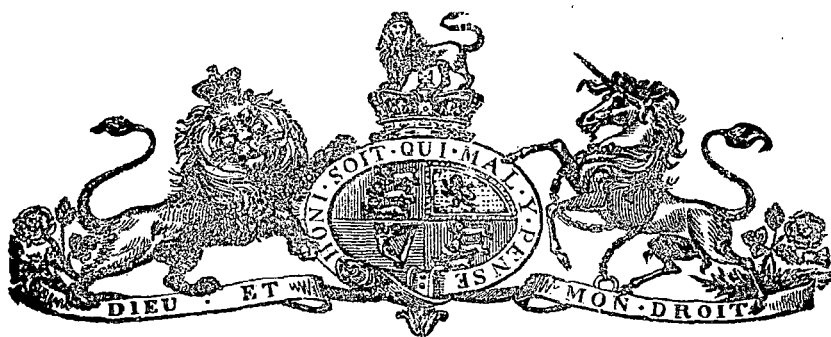
T A S M A N I A.

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

MESSRS. PILLINGERS' LAND CASE :

**REPORT FROM THE SELECT COMMITTEE, WITH MINUTES^{OF}
MEETINGS AND EVIDENCE.**

Brought up by Mr. Reibey, and ordered by the House to be printed,
October 25, 1878.



SELECT COMMITTEE appointed on the 12th September, 1878, to enquire into and report upon all the circumstances connected with the disposal by the Minister of Lands and Works of the Applications of the Messrs. Pillinger to select 900 acres of Land in the Parish of Anstey, County of Somerset, under the 24th Section of "*The Waste Lands Act*," 1870, 34 Vict., No. 10, with power to send for Persons and Papers.

(Referred back to Select Committee by Order of the House, 17th October, 1878.)

MEMBERS OF THE COMMITTEE.

MR. SALIER.
MR. DOUGLAS.
MR. BALFE.

MR. SCOTT.
MR. REIBEY. (*Mover.*)

DAYS OF MEETING.

1. Friday, 13th September, 1878. *Present*—Mr. Reibey, Mr. Scott, Mr. Balfe, Mr. Douglas.
2. Tuesday, 17th September, 1878. *Present*—Mr. Reibey, Mr. Scott, Mr. Balfe, Mr. Douglas.
3. Wednesday, 18th September, 1878. *Present*—Mr. Reibey, Mr. Scott, Mr. Balfe, Mr. Douglas.
4. Thursday, 19th September, 1878. *Present*—Mr. Reibey, Mr. Scott, Mr. Balfe, Mr. Douglas.
5. Tuesday, 24th September, 1878. *Present*—Mr. Reibey, Mr. Scott, Mr. Balfe, Mr. Douglas.
6. Wednesday, 25th September, 1878. *Present*—Mr. Reibey, Mr. Scott, Mr. Balfe.
7. Wednesday, 2nd October, 1878. *Present*—Mr. Reibey, Mr. Scott, Mr. Balfe.
8. Thursday, 3rd October, 1878. *Present*—Mr. Reibey, Mr. Scott, Mr. Balfe.
9. Tuesday, 8th October, 1878. *Present*—Mr. Reibey, Mr. Scott, Mr. Balfe.
10. Friday, 18th October, 1878. *Present*—All the Members.
11. Wednesday, 23rd October, 1878. *Present*—Mr. Reibey, Mr. Balfe, Mr. Douglas.
12. Friday, 25th October, 1878. *Present*—Mr. Reibey, Mr. Balfe, Mr. Douglas, Mr. Salier.

WITNESSES EXAMINED.

H. J. Hull, Esq., Deputy Commissioner of Crown Lands.
Mr. Henry Coop, Oatlands.
The Hon. Christopher O'Reilly, M.H.A.
James Rowland Pillinger, Esq., J.P.
Alfred Thomas Pillinger, Esq., M.H.A.
Thomas Wedge, Esq., Surveyor.

REPORT.

YOUR Committee have the honor to report that they have examined the circumstances connected with the disposal by the Minister of Lands and Works of the application of the Petitioners to select 320 acres, each, in the Parish of Anstey, County of Somerset. Petitioners and Government were respectively represented by Counsel.

2. Your Committee have held twelve sittings, and examined six witnesses, whose evidence is hereto annexed.

3. Your Committee after reviewing the evidence taken, and in particular that of Mr. Hull, the Deputy Commissioner of Crown Lands, who has been practically acquainted with the working of "The Waste Lands Act" since its introduction, have arrived at the conclusion that the Petitioners have sustained injury and incurred loss in consequence of the refusal of the present Commissioner of Crown Lands to carry out the arrangements entered into with them by his predecessors in office, the Honorable Wm. Moore and the Honorable C. O'Reilly.

4. Your Committee are of opinion, upon the facts of the case, that the Petitioners are entitled in equity and good conscience to have the sale to them of the Lots in question duly carried out under the provisions of "The Waste Lands Act." Your Committee desire to point out, that if the transactions of one Commissioner can be set aside, and his representations and promises ignored by his successor, all public confidence in the Department must be destroyed.

5. Your Committee, after carefully reviewing the evidence, recommend for the consideration of the House the claims of the Messrs. Pillinger to be allowed to complete the purchase of the Lots in question, at the price, on the terms, and subject to the conditions prescribed by "The Waste Lands Act" in relation to the sale of selected lands; and to have justice done to them in any other particular the House may deem fit.

THOS. REIBEY, *Chairman.*

WE disagree with the Report of a majority of the Committee.

Clause 3 of the Report is not supported by the evidence, either as regards loss sustained by the Petitioners, or as to any arrangement entered into with them by the late Minister of Lands, Mr. Moore.

Clause 4. We are of opinion that it is the bounden duty of the Minister to object to any transaction that he considers contrary to law or public policy; and in this case we consider the law would have been evaded if the applications had been granted.

Clause 5. We object to this Clause for the foregoing reasons.

ADYE DOUGLAS.
GEO. SALIER.

Committee Room, 25th October, 1878.

MINUTES OF THE MEETINGS.

No. 1.

FRIDAY, SEPTEMBER 13, 1878.

Present—Mr. Scott, Mr. Balfe, Mr. Adye Douglas, Mr. Reibey (Chairman).

1. Letter put in by Chairman, and read, from Butler, M'Intyre, & Butler, Solicitors for Messrs. Pillinger, requesting that Petitioners may be heard by Counsel before the Committee.
 2. Petition from Messrs. Pillinger, Paper 70, 2nd August, 1878, put in and read.
 3. Mr. Adye Douglas moved that Counsel be heard, and that witnesses be summoned and examined in accordance with request of Messrs. Butler, M'Intyre, & Butler.
 4. Also, that notification to that effect be also forwarded to the Hon. the Minister of Lands and Works.
 5. Adjourned to Tuesday, 17th September, at 11 o'clock.
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No. 2.

TUESDAY, SEPTEMBER 17, 1878.

Present—Mr. Douglas, Mr. Scott, Mr. Balfe, Mr. Reibey (Chairman). Mr. M'Intyre, Counsel for Petitioners; the Solicitor-General, Mr. Adams, for Government.

1. Minutes read.
 2. Mr. M'Intyre, Counsel for Petitioners, addressed the Committee.
 3. By request of Committee, Counsel withdrew.
 4. Committee deliberated upon Mr. M'Intyre's address.
 5. Counsel recalled.
 6. Counsel asked to take time to consider and state in precise terms mode in which "justice" sought.
 7. Committee adjourned until 11 to-morrow.
-

No. 3.

WEDNESDAY, SEPTEMBER 18, 1878.

Present—Mr. Scott, Mr. Balfe, Mr. Douglas, Mr. Reibey (Chairman). Counsel, the Solicitor-General and Mr. M'Intyre, also present.

1. Minutes of former meeting read and confirmed.
 2. Mr. M'Intyre, Counsel for Petitioners, again addressed the Committee, stating that Petitioners did not in any way seek to induce Committee to reverse any decision of the Supreme Court, and at length described mode in which Committee could afford justice petitioned for.
 3. After conclusion of Counsel's address, Committee deliberated, and resolved before commencing to take evidence, to apply to House for services of short-hand writer.
 4. Committee adjourned until 11 to-morrow.
-

No. 4.

THURSDAY, SEPTEMBER 19, 1878.

Present—Mr. Douglas, Mr. Scott, Mr. Balfe, Mr. Reibey (Chairman). Counsel—The Solicitor-General and Mr. John M'Intyre.

1. Minutes of last meeting read and confirmed.
 2. Mr. H. T. C. Cox, short-hand writer, attended the Committee.
 3. Mr. H. J. Hull, Deputy Commissioner of Crown Lands, examined.
 4. Committee adjourned at 1 P.M. until 11 o'clock on Tuesday next.
-

No. 5.

TUESDAY, SEPTEMBER 24, 1878.

Present—Mr. Balfe, Mr. Scott, Mr. Douglas, Mr. Reibey (Chairman). Mr. M'Intyre, Counsel for Petitioners.

1. Minutes of last meeting read and confirmed.
 2. Letters put in and read from the Solicitor-General (1), intimating his inability to attend meeting in consequence of having to conduct cases at Criminal Court; (2) requesting that Mr. Wedge, Government Surveyor, be summoned as witness.
 3. Mr. Wedge examined.
 4. Mr. Coop examined.
 5. Mr. Hull recalled, and further examined.
 6. Adjourned until to-morrow, at 10:30.
-

No. 6.

WEDNESDAY, SEPTEMBER 25, 10.30.

Present—Mr. Balfe, Mr. Douglas, Mr. Scott, Mr. Reibey (Chairman). Mr. M'Intyre, Counsel for Petitioners.

1. Minutes of last meeting read and confirmed.
2. Mr. Hull's examination continued.
3. The Hon. C. O'Reilly, late Minister of Lands and Works, examined.
4. Mr. J. R. Pillinger examined.
5. A point of order having arisen as to the regularity of a question put by Mr. Adye Douglas, Counsel and Witnesses were requested to withdraw during Committee's deliberations.
6. Counsel and Witness re-admitted. Mr. J. R. Pillinger's examination continued.
7. Mr. A. T. Pillinger examined.
8. Committee adjourn to Wednesday at 11.

No. 7.

WEDNESDAY, OCTOBER 2, 1878, 11 o'clock.

Present—Mr. Balfe, Mr. Scott, Mr. Reibey (Chairman). Counsel—The Solicitor-General and Mr. M'Intyre.

1. Minutes of last meeting read and confirmed.
2. The Solicitor-General addressed the Committee on behalf of the Government.
3. Mr. M'Intyre replied.
4. Committee adjourn until to-morrow at 11.

No. 8.

THURSDAY, OCTOBER 3, 1878, 10 o'clock.

Present—Mr. Balfe, Mr. Scott, Mr. Reibey (Chairman).

1. Minutes of last meeting read and confirmed.
2. Draft Report considered.
3. Ordered that the evidence be returned to the Government Printer for further revision.
4. Committee adjourn to Tuesday at 11 o'clock.

No. 9.

TUESDAY, OCTOBER 8, 1878.

Present—Mr. Balfe, Mr. Scott, Mr. Reibey (Chairman).

1. Minutes of last meeting read and confirmed.
2. Report read and adopted.
3. Committee separated.

No. 10.

FRIDAY, OCTOBER 18, 1878, 11 o'clock.

Present—Mr. Reibey (in Chair), Mr. Balfe, Mr. Scott, Mr. Douglas, Mr. Salier.

1. Minutes of last meeting were read and confirmed.
2. Mr. Douglas asked the Chairman why he had not been summoned to attend on Tuesday, 8th October, to consider the Report of the Committee, as he was at the time in the Parliamentary Library?

Mr. Chairman stated that he had instructed the Committee Clerk to summon Mr. Douglas, and to send him a copy of the printed evidence (as he was supposed to be in Launceston); but the Clerk had since informed him that the evidence or summons had not been sent to Mr. Douglas, but the summons had been placed in the pigeon-hole.

3. Moved by Mr. Salier, seconded by Mr. Douglas—"That the evidence shall be the Report of the Committee, this being in accordance with the previous understanding of a majority of the Committee entered into before the proceedings had finally terminated."

The Question being put, the Committee divided.

AYES.
Mr. Salier.
Mr. Douglas.

NOES.
Mr. Balfe.
Mr. Scott.

The Chairman voted with the Noes.—"Because I believe that the Committee was bound to bring up a Report on the evidence, in accordance with the instructions of the House; and the Clerk of the Committee had been instructed by me, as Chairman, to summon the Committee to consider their Report, as appears by my letter annexed.

DEAR SIR,

You will oblige by summoning the Committee *in re* Pillingers' Case for Tuesday next, at 11 A.M., to report upon the evidence. Please send Mr. Douglas a copy of the evidence *by post* to-day.

Summon Committee on "Waste Lands Bill" for Wednesday next, at 11 A.M.

I am, truly yours,

THOS. REIBEY.

Oct. 4, '78.

4. The Report (Paper No. 94) was read paragraph by paragraph.

Clauses 1 and 2 read and adopted.

Clause 3 read.

Mr. Douglas moved that it be struck out.

Question put.

AYES.
Mr. Salier.
Mr. Douglas.

NOES.
Mr. Balfe.
Mr. Scott.

Chairman voted with the Noes.

5. Clause 4 read.

Mr. Douglas moved the following Amendment:—"That the Clause be struck out, because it is the duty of the Commissioner to set aside any proposed arrangement by his predecessor if he considers the same illegal or against public policy."

Question put; Committee divided.

AYES.
Mr. Salier.
Mr. Douglas.

NOES.
Mr. Balfe.
Mr. Scott.

The Chairman voted with the Noes.

6. Clause 5 read.

Mr. Balfe moved that the following words be Clause 5:—"Your Committee, after carefully reviewing the Evidence, recommend for the consideration of Parliament the claims of the Messrs. Pillinger to be allowed to complete the purchase of the Lots in question, at the price, on the terms, and subject to the conditions prescribed by 'The Waste Lands Act' in relation to the sale of selected Lands; and to have justice done to them in any other particular the House may deem fit."

To which Mr. Douglas moved an Amendment, as follows:—"Your Committee are of opinion that the Commissioner acted strictly in accordance with the law, and with his duty, as conservator of the public interests, in declining to accede to the application of Messrs. Pillinger."

And the Question being put on the Amendment, the Committee divided.

AYES.
Mr. Douglas.
Mr. Salier.

NOES.
Mr. Balfe.
Mr. Scott.

The Chairman voted with the Noes.

Amendment by Mr. Balfe put and carried.

Clause 6 read. Struck out.

Clause 7 read and struck out.

Resolved, That the Evidence be sent to Mr. Wedge and Mr. Hull in order that they may look over it and correct their replies.

The Committee adjourned to Wednesday next, at eleven o'clock, in order that the Clerk of the House may refer to precedents for protests by individual Members of Select Committees.

No. 11.

WEDNESDAY, OCTOBER 23, 1878.

Present—Mr. Douglas, Mr. Reibey (in Chair), Mr. Balfe.

1. The Minutes of last meeting were read and confirmed.

2. Mr. Douglas laid before the Committee the following remarks:—

"I disagree with the Report of a majority of the Committee. Clause 3 of the Report is not supported by the Evidence, either as regards loss sustained by the Petitioners, or as to any arrangements entered into with them by the late Minister of Lands, Mr. Moore. Clause 4.—I am of opinion that it is the bounden duty of the Minister to object to any transaction that he considers contrary to law or public policy; and in this case I consider the law would have been evaded if the applications had been granted. Clause 5.—I object to this Clause for the foregoing reasons.

ADYE DOUGLAS."

3. Mr. A. T. Pillinger's Evidence to be sent to him for correction (if necessary).

4. Mr. Hull's evidence to be again sent to him, and his attention called to his replies to Questions 214, 215.

The Committee adjourned to Friday, at 12 o'clock.

No. 12.

FRIDAY, OCTOBER 25, 1878.

Present—Mr. Reibey (Chairman), Mr. Balfe, Mr. Douglas, Mr. Salier.

1. The Minutes of last meeting were read and confirmed.

2. The corrected evidence of Mr. Hull, Mr. Wedge, and Mr. A. T. Pillinger was read.

3. Resolved, that the amended Report, with Mr. Douglas's protest, and all the Minutes of Meetings and corrected Evidence, be brought up to-day.

The Committee adjourned *sine die*.

CORRECTIONS made by Witnesses in their Evidence, after the printed copy had been perused by them.

H. J. HULL, *Esq.*, Deputy Commissioner of Crown Lands.

Page 14, cross-examined by Mr. M'Intyre, 429.—Have there been any selections under the 24th Section in Great Lake country? "Yes," read "No."

Page 14, Question 432.—This refusal in certain cases to allow lands to be selected under Pastoral Licence was never heard of till Mr. Brown took office? "Yes," read "No."

THOMAS WEDGE, *Esq.*, Surveyor.

Question 214.—When selections are applied for under the Waste Lands Act, you value them at £1 an acre? "Yes," read "Lands selected under the Waste Lands Act are not always valued at 20s. an acre by me; but range from about 7s. 6d. and upwards, according to the character of country."

ALFRED THOMAS PILLINGER, *Esq.*, M.H.A.

Add, Page 18, Question 561B.

561B. For what purpose? To enquire about what time we should get possession. Mr. Hull said that the notice to Kermod's representatives would expire on 14th August, and that we could then take possession.

562B. Do you remember going to the Lands and Works Office on 2nd or 3rd August, 1877? I do. I called with my brother and saw Mr. Hull: I asked if he had the diagrams, and if the matter had been concluded. He said yes, and laid the diagrams on the table; and he added that Wedge had sent in a favourable report.
