

confidence in your impartiality, ability, and integrity, in pursuance and exercise of all powers and authorities enabling me in this behalf, and by and with the advice and consent of the Executive Council of the said Colony, do hereby appoint you, the said THOMAS SHAILER WESTON and RICHMOND BEETHAM, to be Commissioners, by all lawful ways and means, and subject to the terms of these presents, to examine and inquire into the several matters and things hereinafter set forth, that is to say—First, To inquire into and ascertain for what purposes and in what manner and by what authority the lands situate at or near Westport, in the Province of Nelson, known as “The Colliery Reserve,” were originally set apart and reserved for the purposes of such Colliery Reserve, or for any other and what purposes, and whether the purposes of the said reserve have been in any manner changed or affected, and, if so, by what authority or for what purpose or purposes. Second, To ascertain what claims and liabilities are in existence in respect of or upon the said reserve, or any part thereof, whether of a legal or equitable nature, and whether affecting public interests or the interests of private persons. Third, To inquire and ascertain whether the original character of such claims or liabilities has at any time, and if so at what time, been changed or modified by the Legislature of the Colony or of the Province of Nelson, or by the Government of the Colony or of the Province respectively, or by or through the action of any person or persons claiming any interest of a private nature in the said reserve or any part thereof. Fourth, To consider of and report upon the expediency or otherwise of certain proposals made by the General Government of the Colony to permanently utilize the said reserve as a security on behalf of the Colony, under the authority of any Act of the General Assembly affecting the said Colliery Reserve, or any part thereof. And also to consider of and report upon the proposals of the said Government respecting the settlement of certain alleged claims made by persons in occupation of certain parts of the said reserve; and to recommend in what way each such claim or each class of such claims should be settled and disposed of, and whether in accordance with such proposals as aforesaid, or otherwise in respect of the premises as you may think fit and expedient to recommend. And generally in the premises, and by all lawful ways and means, and subject as aforesaid, to examine and inquire into every matter and thing touching and concerning the premises, in such manner and at such time or times, at or near to the Town of Westport aforesaid, as you shall deem expedient, but so that at least seven days’ notice shall be given, within which all and every persons or person having or alleging that they or he have or has claims or a claim to occupy the said reserve, or are or is entitled to compensation for any interest therein, or in any part thereof, taken or proposed to be taken for the purposes of the railway from Mount Rochfort Coal Fields to Westport or otherwise, in respect thereof shall be enabled to lodge their claims with you at such place as you may appoint. And further, that before you proceed to the investigation of such claims or any of them, that at least two days’ notice be given by you of the day, time, and place on and at which such inquiry shall be held: Provided that any such inquiry may be adjourned by you from time to time, or from place to place, but so that no such adjournment shall be for a longer period than three days at any one time, nor to any place more than five miles from the Town of Westport; and I do hereby authorize and empower you to give any such notice or notices as aforesaid by advertisement in some newspaper published in Westport aforesaid, or in such other way as you shall judge expedient; and also to have before you and examine all books, papers, maps, plans, documents, and writings whatsoever, which you shall judge necessary or expedient relating to the subject-matter of this inquiry or any part thereof; and also to have before you and examine on oath or otherwise as may be allowed by law all witnesses or other person or persons (whether claimants or otherwise) whom you shall judge capable of affording you any information touching or concerning the premises: And I do further require you, within two calendar months from the date of these presents, or as much sooner as the same can conveniently be done (using all diligence), to certify to me under your hands and seals your several proceedings and your opinion touching the premises: And I do hereby declare that this Commission shall continue in full force and virtue, and that, subject to these presents, you the said Commissioners

shall and may from time to time proceed in the execution thereof at such place or places and at such time or times as aforesaid as you shall judge convenient: And lastly, I do hereby declare that this Commission is and is intended to be issued subject to the provisions of "The Commissioners Powers Act, 1867," and "The Commissioners Powers Act Amendment Act, 1872."

Given under the hand of His Excellency the Most Honorable George Augustus Constantine, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Commander of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; at the Government House at Wellington, this third day of November, in the year of our Lord one thousand eight hundred and seventy-five; and issued under the Seal of the said Colony.

Approved in Council.

DANIEL POLLEN.

FORSTER GORING,
Clerk of the Executive Council.

(L.S.)

NORMANBY, Governor.

To THOMAS SHAILER WESTON, Esquire, District Judge, and to RICHMOND BEETHAM, Esquire, Resident Magistrate, Greeting:—

WHEREAS by a certain instrument in writing or Commission bearing date the third day of November last past, issued under the Seal of the Colony of New Zealand, you the said THOMAS SHAILER WESTON and RICHMOND BEETHAM were appointed to be Commissioners for the purposes and with the powers and authorities in the said letters patent more particularly mentioned: And whereas by the said Commission you were directed and required to report to the Governor of the Colony of New Zealand your proceedings and your opinion touching the matters mentioned therein within two calendar months from the date of the said Commission: And whereas it is expedient that the said period should be extended as hereinafter provided:

Now, therefore, I, George Augustus Constantine, Marquis of Normanby, the Governor of the Colony of New Zealand, by and with the advice of the Executive Council of the said colony, and in exercise and pursuance of every power and authority enabling me in this behalf, do hereby extend the period within which you shall (using all diligence) report to me, as by the said Commission provided, to three calendar months from the date thereof; and with the like advice and consent, and in further pursuance and exercise of the said power and authority, I do hereby confirm the said Commission except as altered by these presents.

Given under the hand of His Excellency the Most Honorable George Augustus Constantine, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Commander of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; at the Government House at Wellington, this fourteenth day of December, in the year of our Lord one thousand eight hundred and seventy-five; and issued under the Seal of the said Colony.

Approved in Council.

DANIEL POLLEN.

FORSTER GORING,
Clerk of the Executive Council.

II.—REPORT OF THE ROYAL COMMISSION ON THE WESTPORT COLLIERY RESERVE.

To His Excellency the Most Noble the Marquis of NORMANBY, P.C., K.C.M.G.,
Governor of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY,—

Upon the receipt of your Excellency's Commission of the 3rd day of November last, and in exercise of the powers which your Excellency was pleased to confer upon us thereby,—by notice published in the General Government

Gazette, the *Gazette* of the Provincial Government of Nelson, and the several newspapers on the West Coast of the Middle Island, we called upon all persons who claimed to occupy the whole or any part of the land known as the "Colliery Reserve," or who sought compensation for any interest therein, or in any part proposed to be taken for the purposes of the railway from Mount Rochfort Coal Field to Westport, to lodge their claims with us upon a day mentioned; and we appointed the 27th of that month to take and receive evidence in support of the same.

Three hundred and fourteen claims were preferred, which, for the sake of convenience, were divided by us into four classes—A, B, C, and D. Each of these has been again subdivided into four sections. (*Vide Schedules at end of Report.*)

The goodwill of the allotments comprised in classes A and B, with the buildings and improvements thereon, were valued at £42,957, whilst the allotments and improvements included in C and D have been estimated at £10,522, or a grand total of £53,479. Realizing the fact that extensive private interests and a valuable public estate might be alike either prejudicially or beneficially affected by the result of the inquiry we were invited by your Excellency to institute, we determined to conduct the proceedings in the most open and public manner, and assented to hear counsel on behalf of the claimants. The Commission, which was formally opened on Saturday, the 27th of November, reassembled for the transaction of business on the 29th of the same month, and sat continuously in the Court House at Westport for the reception of evidence until the 18th of December last. Mr. Thomas Mackay appeared to represent the Crown; Mr. J. B. Fisher and Mr. Haselden, Barristers, attended as counsel for a large proportion of the claimants; whilst the remainder of the applicants were unrepresented. It is in our opinion unnecessary to trouble your Excellency with the *minutiae* connected with the inquiry: suffice it for us to inform your Excellency that, out of the entire number of claimants, 312 appeared with their witnesses, and were heard at length without reference to the rules or law of evidence. That, to enable us to satisfactorily report upon the matter committed to us, we elicited evidence upon (*inter alia*) the following subjects:—

1. The condition of trade in Westport in the past, and at the present time.
2. The past and present returns, together with the future prospects of the alluvial gold fields in this district.
3. The nature and extent of the communication between the Reefton Gold Field, Greymouth, and Westport respectively, and the ability of the last-mentioned town to compete satisfactorily with Greymouth for the trade of such inland gold field.
4. The coal resources of the district; the probabilities and estimated cost of time, labour, and capital for their development, and the market likely to be obtained for such fuel.
5. The character and accommodation of the port and the Buller River, and the utility, extent, and probable cost of protective works required thereat.

Upon the first point submitted to us by your Excellency, we have the honor to report as follows:—

That the Hon. J. C. Richmond held the office of Commissioner of Crown Lands for the Province of Nelson from the 21st day of November, 1862, to the 31st day of January, 1865.

That upon the original plan of the town of Westport, prepared in the Survey Office, Nelson, Mr. Richmond wrote over the parcel of land now called the Colliery Reserve the words "Reserve for a public quay and for a colliery depôt;" but, in the absence of that gentleman in England, it is impossible to accurately fix the date of such notation. A certified copy of that plan, marked A, is annexed hereto, and signed by John Gully, the chief draftsman in the Survey Office, Nelson. It is certain that Mr. Richmond, as Commissioner, had no inherent right to make reserves, and that during the interval above mentioned reserves "for purposes of public utility" could only have been created under the Nelson Waste Lands Act of 1858, read with "The Waste Lands Act, 1858," or under "The Nelson Waste Lands Act, 1863," subsequent to the passing thereof.

It is evident that the Governor in Council did not reserve the land in question under the 12th section of the secondly-mentioned Act. There is no evidence to show, or to lead the most credulous to suppose, that the Waste Lands Board, acting

under the Nelson Waste Lands Act of 1858, set apart the premises mentioned as a reserve; and it is equally certain that, during Mr. Richmond's term of office, the Waste Lands Board did not, under the Act of 1863, "by resolution published in the *Gazette*, reserve the said land" for any purpose whatsoever.

Under such circumstances, we venture to declare Mr. Richmond's act to have been *ultra vires*.

It is difficult to believe that the provincial authorities of Nelson could have relied upon the action taken by Mr. Richmond; inasmuch as on the 3rd September, 1866, His Honor the Superintendent, acting as the delegate of His Excellency the Governor, by Proclamation included the so-called reserve in the Nelson South-West Gold Fields.

Again, the same officer, by another Proclamation of the 8th June, 1868, whilst revoking that lastly mentioned, embraced within the new limits of the gold field *inter alia* the unsurveyed portion of the reserve tinted pink on the map annexed, together with that tinted green, then subdivided into town sections, and held by business licensees under the Gold Fields Act.

However, on the 8th February, 1872, the Nelson Waste Lands Board proclaimed the whole of the "so-called Colliery Reserve" a reserve for "public utility;" and the question then arises whether, assuming that the land had not been already dedicated by Mr. Richmond, and under the circumstances already detailed, the Board was capable of dealing with it.

The Gold Fields Acts of this colony are numerous; many of their provisions are incongruous and frequently incomprehensible; but, notwithstanding the ambiguity with which section 48 of the Act of 1866 is clothed, we are of opinion that at the period mentioned it was necessary to withdraw from a gold field land included therein before it could be "*dealt with, sold, occupied, and disposed of*," and that the Waste Lands Board had no power to reserve, but could simply enjoy, after reservations made, such rights in respect of the land so appropriated as their Lands Act might confer upon them.

Upon that construction of the section referred to, we have no alternative but to pronounce the dedication of 1872 invalid.

Taking the invalidity of the acts of Mr. Richmond and the Nelson Waste Lands Board as our hypotheses, we are constrained to treat as irregular the Proclamation of His Excellency the Governor, dated the 26th December, 1872, which declared that the "Reserve" should cease to form part of the "Crown lands," and therefore be no longer available for occupation as a gold field.

That Proclamation professes to be made under the 5th section of the Gold Fields Act of 1868, and was passed upon the sole, and, as we contend, incorrect, assumption that Mr. Richmond's act was legal: it must be restricted to that, even if the validity of the proceedings of the Nelson Waste Lands Board in 1872 could be conceded, inasmuch as the section under notice can, in our opinion, operate only against land "*declared set apart or applied*" prior to the passing of that Act. Whether action taken by the Governor in Council under section 10 of the Act of 1866 would be tantamount to a withdrawal of land from a gold field, it is unnecessary to advise: suffice it for us to express the opinion that the Proclamation of December, 1872, was *not* made under, *neither* can it be *read* with, the section mentioned.

If the argument just advanced is sound, it must follow, we apprehend, that at the passing of "The Railways Act, 1874," the land coloured pink and green was, to all intents, a portion of the Nelson South-West Gold Fields.

Whether "The Railways Act, 1874," and your Excellency's Proclamation of the 19th April, 1875, read therewith, or "The Immigration and Public Works Act, 1875," have or has removed the whole of the Reserve from the operation of the Gold Fields Act, and has enabled the colony to deal with both parcels of land for the purposes mentioned therein respectively, it is, we deferentially suggest, the province of the Law Officers of the Crown to advise your Excellency. It is, we conceive, enough for us, upon the facts elicited during the progress of this inquiry, to inform your Excellency that the notation by the Hon. Mr. Richmond and the acts of the Nelson Waste Lands Board in 1872 (although irregular), the declarations and conduct of the Provincial Government and their officers, together

with the representations made by them to the occupants of the Reserve, are, in our opinion, sufficient to warrant us in pronouncing that the land comprised therein was always intended to be, and that your Excellency's Government would be perfectly justified in taking all necessary measures to have it utilized as "a reserve for a public quay and for a colliery depôt;" and inasmuch as without a railway from Westport to the Mount Rochfort Coal Field a coal depôt would be useless, and the trade in such town would languish and probably die, we recommend that the "Reserve" should be held as a security for the whole or any portion of such railway, and be treated in manner prescribed by "The Immigration and Public Works Act, 1875," sections 23 to 28, both inclusive.

Before dealing with the claims preferred against the Reserve, it will be, we apprehend, necessary to refer your Excellency to a few of the circumstances under which it was used and allotted.

During the years 1871, 1872, and 1873, serious encroachments were made upon the town of Westport by the sea and the Buller River when flooded; a considerable area was entirely submerged, much was placed in jeopardy, and the loss to its occupants was, in many cases, considerable.

Early in February, 1872, a number of the settlers, who either had been, or who expected to be, washed out, waited upon his Honor the Superintendent of Nelson, who happened to be at Westport, and requested to be supplied with land in lieu of that so sacrificed or likely to be lost.

After such request had been discussed by the Provincial Council in May and June of that year, Mr. John Sharp proceeded to Westport to deal with some portion of the Colliery Reserve in terms of the Resolution No. 2 passed by such Parliament. (*Vide* the Journals of the Proceedings of the Provincial Council, Nelson, 1872.)

Mr. Commissioner Sharp, by advertisement in the *Westport Times*, called upon persons who had preferred claims to attend at the Court House at Westport upon the 12th July to draw lots for order of choice, and to select their sections out of that portion of the reserve coloured pink on the plan annexed, marked B. Accordingly, 98 sections were so selected and allotted.

No rent or tenure appears to have been fixed; but as a fee of £5 was paid to December, 1872, we are left to conjecture that the occupation was to be similar to that acquired by virtue of a business license. From a speech made by Mr. Sharp at a public meeting, published in the *Westport Times* of July, 1872, it would appear he stipulated that buildings to the value of £50 should be erected upon the allotments so taken up. He is reported to have said: "A liberal construction would be placed upon the restriction that building should be commenced within 'six months of the time of entering upon occupation of 'sections.' Probably it would reckon from the time approaches were finished to 'the sites.'"

In 1873 more land was required for other sufferers; and after the Provincial Council of Nelson had been again appealed to (*vide* Proceedings of that body for 1873), Messrs. Giles and Dobson allotted 66 sections; and subsequently the Municipal Corporation of Westport appropriated 14 more. It must, we think, be assumed that the terms and conditions attached to the last two allotments were intended to be identical with those prescribed by Mr. Sharp.

It was proved to us that Mr. Warden Giles inserted in the *Westport Times* the following advertisement:—

COLLIERY RESERVE, WESTPORT.

It is notified for general information that a rent of £5 per annum will be charged for the occupation of each allotment on the Colliery Reserve. It is the intention of the Provincial Government to apply to the Council for power to grant leases for fourteen years to those persons who shall have built on their allotments before the 31st December next, occupation until that date being allowed on payment of £5.

P.S.—Parties holding business licenses which expire during the current year will be allowed to reckon the value of such licenses as part of the rent to be paid in proportion to the time they have to run.

Westport, 31st January, 1873.

JOSEPH GILES,
Warden.

Many of the claimants admitted to us their knowledge, whilst others asserted their ignorance of the alleged conditions referred to by Mr. Sharp at the public

meeting; but the occupiers of the allotments, by asking the Superintendent for a reduction in the rent, and for the term of years mentioned for the first time in Dr. Giles's notice, must, we think, be taken to have accepted the terms thereof; and we are of opinion not only that Mr. Sharp made the building stipulation, but that it was known to and accepted by the allottees, that Dr. Giles's notice had reference thereto, and that, to insure the *bonâ fide* use and occupation of the allotments taken up, it was fair and equitable, and should have been respected.

On the 24th February, 1873, his Honor the Superintendent attended a public meeting at Westport, called with a view to obtaining a modification of the terms which, in our opinion, were made upon the allocation of the sections. His Honor is stated to have delivered himself upon that point as follows:—

“In settling the terms upon which such sections should be held, the Provincial Council had determined to withdraw the Colliery Reserve from the gold fields, and proposed that the same rate of payments heretofore made under business license, namely £5 per annum, should be continued under lease. But since coming to Westport he had found that, owing to the necessity of removal of buildings, the inhabitants looked upon the proposed rate of £5 per year, for 14 years, as far too much, and after fully considering the subject he was now inclined to agree with them, and he would suggest that, instead of asking them to sign leases for 14 years, at a rental of £5 per year, the terms might be £1 per annum for the first two years, £2 10s. per annum for the next five years, and £5 per annum for the last seven years, thus making the burden lightest when difficulties were most pressing.”

The original occupiers of the land coloured green located themselves under business licenses, and for a time paid the usual licensing fee. Eventually, however, they relinquished the privileges acquired under the Gold Fields Act, and claimed to be, and indeed they were admitted to hold as, tenants in terms of the Superintendent's promises.

It was proved to our satisfaction that, whilst in many instances the allottees have not performed the conditions imposed by Mr. Sharp, the Provincial Government of Nelson have made no effort to fulfil the promises made by the Superintendent in 1873.

At the instance of Mr. Commissioner Mackay, the Receiver of Land Revenue refused to receive rents for the said allotments subsequent to November, 1874.

Your Excellency will perceive, by referring to Schedules A and B, that a number of each class have built and paid rent, that others have built and yet have not paid rent, and *vice versâ*, whilst many have not complied with either condition.

Upon the premises just disclosed, we respectfully submit to your Excellency that neither of the claimants have any legal or equitable right against the General Government of this colony, inasmuch as, by nonpayment of the business license fee, some virtually abandoned, whilst others never availed themselves of the provisions of the Gold Fields Acts, and there is no evidence of the creation of any other tenure.

The claimants comprised in the first three categories of each class are entitled to relief at the hands of the Provincial Government of Nelson, and we commend them to your Excellency's favourable consideration; but the claims mentioned in the last subsection of B should be discarded. The original occupants of the allotments pink and green were alike injudicious, the former for not taking up and holding under business licenses, the latter for abandoning a position acquired under the Gold Fields Acts. At the same time we conceive they were justified in assuming that the Provincial Government would invoke the aid of His Excellency the Governor, and the Provincial Council of Nelson, to enable them to respect an agreement so easy of performance, and upon the faith of which people when *in extremis* were induced to expend both labour and capital.

Such of the claimants in each class and subdivision thereof as hold under derivative titles should be, we conceive, permitted to stand *in loco* the original allottee and business licensee. To direct otherwise would be to inflict injury upon many who have acted up to the letter of Mr. Sharp's conditions.

Some of the business licensees, who, in anticipation of being washed out, succeeded in obtaining fresh allotments in the land coloured pink, have sold the com-

pensation sections, yet retain and occupy the original selection. Those cases should be, we think, specially dealt with.

At an early stage of the inquiry it became obvious that the nature and extent of the relief which we might thereafter respectively recommend must be governed to a great extent by the present condition and future prospects of this district.

It must be admitted, we think, that the buildings erected upon the reserve are, with some exceptions, flimsily constructed, indifferently finished, likely soon to decay, and are in value greatly overrated. It was admitted by the claimants that, as a consequence of the diminution in the yield of gold from the alluvial gold fields, the present inability of Westport to compete satisfactorily with Greymouth for the Reefton trade, the cessation of public works and consequent public expenditure, together with the limited area of open and available land in the district, trade had become stagnant, and the value of town property was reduced to a low ebb; so the condition of the future would entirely depend upon the development of the vast mineral resources of the country, the removal of snags from the bed of the Buller River, an improvement in the communication with the Reefton Gold Field both by land and water, the construction of protective and other harbour works, and a railway between the town of Westport and the Mount Rochfort Coal Field.

The uncertainty of an influx of miners to prospect and work the alluvial gold fields, and the limited operations upon the coal field, were conceded.

It must have been apparent to all that, even assuming your Excellency's Government were prepared to proceed with the public works referred to, and to assist in developing the coal mines, the expenditure of large capital would be necessary to produce and insure a constant supply of coal; a considerable period of time would be required, not only therefor, but to secure one or more markets, and in overcoming prejudices which shipowners and masters would entertain towards a new, and, comparatively speaking, an unknown port. Whether it would be advisable for the colony to undertake such works, and to aid in coal mining operations, we do not presume to offer an opinion: it is enough for us to lay before your Excellency the copious, interesting, and certainly most valuable evidence we have elicited from witnesses, books, and other sources upon the subjects referred to, in the belief that it will be used by your Excellency's Government to the advantage of the people of this district, and of the colony at large.

Taking into consideration the present condition of Westport, and the improbability of substantial traders and others entering into improvement and restrictive clauses, which a long lease of town property should contain, we are of opinion that, with the sanction of your Excellency, a lease for a reasonable term, at a nominal rental and upon easy conditions, should be granted to the claimants, so that, whilst they will receive consideration at the hands of the Government, the colony will, at no very distant period, be able to derive from the Reserve a revenue commensurate with the value which possibly will then be created by the outlay in the neighbourhood in the meantime of large sums of public money.

We therefore beg to suggest to your Excellency,—

1. That, upon payment of all arrears of rent at the rate of £1 per annum, the claimants whose names are included in the first and second subdivisions of A and B respectively should be permitted to receive for the allotments claimed by them respectively a lease, in the form appended hereto, for the period of seven years, to be computed from the 1st day of January, 1876, at the yearly rent of £5 per annum, payable half-yearly clear of all rates and taxes.

2. That upon the erection, by the claimants comprised in subdivision 3 of each such class, prior to the 1st day of July next, of an approved building of the value of £50 upon the allotments claimed by them respectively, and upon payment of all arrears of rent at the rate of £1 per annum, they also might be permitted to receive a lease for the term, at the rental, in manner, and upon the conditions referred to in the last preceding paragraph.

Provided always that the claimants against whose names we have written our initials shall not be entitled to receive a lease prior to the payment to your

Excellency's Government of the amounts received by them upon the sale of the allotments granted to them respectively in anticipation of the submersion of the allotments for which they now respectively claim.

3. We make no recommendation for relief to such of the claimants as are included in subdivision 4 of each of said classes.

We have bestowed much anxious consideration upon the claims for compensation of the sections mentioned in Schedules C and D, taken or proposed to be taken for railway and other purposes, and have the honor to recommend as follows:—

1. That those included in subdivisions 1 and 2 of classes C and D should be permitted to receive from the Crown an allotment upon the said reserve, and to remove thereto, prior to the first day of June next, the buildings erected upon the several allotments so required for railway and other purposes, and upon the re-erection of such buildings they shall be respectively entitled to the sums set against their respective names in our estimate "of the expense of the removal" thereof, and to receive a lease of their selection for the term, at the rate, and according to the conditions already mentioned.

2. That those included in subdivision 3 of each class should be allowed to receive from the Crown an allotment upon the said reserve, and upon the erection, prior to the first day of July next, of a building to the value of £50, to receive a lease of the same from the date, for the term, at the rate, and upon the conditions hereinbefore mentioned.

3. That the claims of subdivision 4 of each of such classes we advise should be expunged.

We further recommend that the claimants under subdivisions 1, 2, and 3 of Schedules C and D be permitted to choose their allotments from the unoccupied ground in the reserve, at the Court House at Westport, on the first day of April next, at noon, according to the order shown in the exhibit marked "Order of Choice of New Sections."

We beg to call your Excellency's attention to the evidence upon the special topics descanted upon by us in this Report, supplied by—

Mr. Andrews, Manager, Bank of New Zealand;	Mr. Jones, Manager, Bank New South Wales;
Mr. Cooper, Topographical Surveyor;	Mr. Leech, Harbour Master;
Mr. Denniston, Coal Viewer;	Mr. Munson, Stationer;
Mr. Dobson, Engineer, Public Works;	Mr. Munro, Auctioneer;
Mr. Field, Merchant;	Mr. Powell, Merchant;
Mr. Graves, Linendraper;	Mr. Riley, Mariner;
Mr. Hughes, Publican;	Mr. Sheehan, Publican;
Mr. Humphrey, Merchant;	

and also to the valuable testimony furnished by Mr. Warden Giles upon the first point submitted to us by your Excellency.

Appended hereto is an Index of Contents, together with a Schedule of the papers and documents relied upon at the hearing of the claims.

The profession more than once referred in flattering terms to the great ability evinced by Mr. Mackay, the representative of the Crown, at the inquiry now being brought to a close.

That great research and learning were displayed by that gentleman in the compilation of the report handed to the Hon. the Minister for Public Works, and in the conduct of the investigation, must have been apparent to those who have read the one and who have witnessed the other; and we are free to admit that the Commission—lengthy and tedious at the best—must without his aid have been more protracted, and probably less satisfactory in its results.

Given under our hands and sealed with our seals at Westport, this eleventh day of January, A.D. 1876.

THOS. S. WESTON. (L.S.)
RICHMOND BEETHAM. (L.S.)

Approved.
NORMANBY.

UNALLOTTED SECTIONS.—CLASS A.
SCHEDULE I.

Showing Sections which have been built upon, and upon which Rent has been paid.

No. of Section.	Street.	Frontage in Feet.	Depth in Feet.	Name of Claimant.	His Valuation.
51	Bright	33	66	George M. Clark	£ 400 0 0
52	Lyttelton	33	66	Jules Simon	80 0 0
53	"	33	66	"	30 0 0
70	"	33	82½	John Corr	70 0 0
72	"	33	82½	Timothy Sheahan	200 0 0
73	"	33	82½	"	500 0 0
74	"	33	82½	"	215 0 0
75	"	33	82½	"	900 0 0
76	"	33	82½	"	200 0 0
77	Cobden	33	82	Anthony Horn	512 10 0
78	"	33	82½	Timothy Sheahan	200 0 0
79	"	33	82½	"	200 0 0
81	"	33	82½	Reid and Tyrrell	150 0 0
82	"	33	82½	John Corr	} 580 0 0
83	"	33	82½	"	
84*	" [T.S.W., R.B.]	33	82½	"	} ...
113	Wallabi	33	49½	W. S. Munday	
119	Wharf	33	66	John Lindley	40 0 0
120	"	33	66	"	} ...
125	Cobden	33	70	James Powell	
126	"	33	70	"	} ...
127	"	17	82½	Timothy Sheahan	
128	"	33	82½	Catherine O'Grady	80 0 0
129	"	33	82½	Thomas Field	} 1,000 0 0
130	"	33	82½	"	
131	"	33	82½	"	} 475 0 0
132	Nelson	33	82½	Graves and Fleming	
133	"	33	82½	"	} ...
138	"	33	82½	J. Powell	
149	"	33	82½	B. E. Oxner	50 0 0
152	Palmerston, Southern Side	15	33	Robert Hicks	150 0 0
152	"	67½	33	Anne Webster	200 0 0
153	"	33	82½	William Lloyd	100 0 0
162	"	33	66	Richard Rowlands	380 0 0
163	"	33	66	Henry Stannard	600 0 0
164	"	33	66	John Hughes	170 0 0
165	"	33	66	"	} 2,100 0 0
166	"	33	66	"	
167	"	33	66	"	810 0 0
168	"	33	66	"	260 0 0
169	"	33	66	Smith and Barkley	400 0 0
170	"	33	66	Job L. Munson	225 0 0
171	"	33	66	Bailie and Humphrey	170 0 0
173	"	33	66	James Weston	...
174†	"	33	66	John Ward	...
192	Henley	36	66	James Weston	...

* J. Corr was allotted for this section 156B, which he sold to T. G. McCarthy for £15. It is recommended that Corr should refund to the Government the sum of £15 before he is entitled to receive a lease for section 84.

† The lease for section 174 not to be issued until Ward has become legally bound to pay to John Hughes (the claimant for this section) the amount, £39, agreed upon between them.

SCHEDULE II.

Showing Sections that have been built upon, but upon which *no* Rent has been paid.

44	Bright-street	33	82½	George Jervis	80 0 0
45	"	33	66	Job L. Munson	240 0 0
46	"	33	82½	William Wignall	120 0 0
47	"	33	82½	Reuben Carne	40 0 0
48	"	33	82½	E. A. Labatt	120 0 0
49	"	33	82½	William Lloyd	100 0 0
50	"	33	66	George M. Clark	200 0 0
51A	Palmerston	33	66	"	205 0 0
54	Lyttelton	33	66	Mary A. Sullivan	120 0 0
55	"	33	66	John Munro	200 0 0
56	"	33	66	Donald Campbell	30 0 0
57	"	33	66	Alexander Scott	100 0 0

No. of Section.	Street.	Frontage in Feet.	Depth in Feet.	Name of Claimant.	His Valuation.
58	Lyttelton	33	66	G. Jervis and Walter Bull	£ 180 0 0
59	"	33	66	Anne Webster	108 0 0
67	"	33	66	William Evans . . . . .	...
68	"	33	66	" . . . . .	...
71	"	33	82½	Robert McFarlane	640 0 0
80	Cobden	33	82½	Alfred Smith, as Trustee for } Jane Brown }	...
85	"	33	82½	E. J. O'Connor	180 0 0
94	Kennedy	33	66	J. R. Frazer	30 0 0
95	"	33	66	Walter Bull	30 0 0
96	"	33	66	"	65 0 0
97	Wallabi	33	66	Jules Simon	300 0 0
98	"	33	66	J. A. G. Vinal	80 0 0
99	"	33	66	Hooper and Dodson	150 0 0
101	"	33	66	Julius Kelpe	50 0 0
102	"	33	66	Walter Bull	100 0 0
103	"	33	66	George Jervis	150 0 0
104	"	33	66	"	150 0 0
110	Bright* [T.S.W., R.B.]	33	49½	Michael Organ . . . . .	...
110	Wallabi† [T.S.W., R.B.]	33	49½	Sarah E. Balston	30 0 0
111	"	33	64	Committee of the United Me- } thodist Free Church }	240 0 0
111	Bright	33	35	P. G. Bruen	70 0 0
112	Bright	33	49½	James G. Hay . . . . .	...
112	Wallabi	33	49½	Jules Simon	60 0 0
113	Bright	33	49½	James G. Hay . . . . .	...
114	Wallabi	33	49½	Jules Simon	45 0 0
114	Bright	33	49½	Norris Blaxall	95 0 0
115	{ Wallabi } { Bright }	33 3	66 99	" }	100 0 0
115	Bright	30	33	Stitt Brothers	100 0 0
116	Palmerston	33	66	Jules Simon	80 0 0
117	"	33	66	William Patterson	150 0 0
118	"	33	66	Stitt Brothers	360 0 0
121	Wharf	33	66	J. B. McConnell	30 0 0
122	"	33	66	E. J. O'Connor	200 0 0
123	"	33	66	John Martin	45 0 0
124	Cobden	33	82½	George Low	70 0 0
127	"	16	82½	Thomas H. Dickenson	20 0 0
134	Nelson	33	82½	Joseph Shelly	400 0 0
135	"	33	82½	J. B. Fisher	190 0 0
136	"	33	82½	E. Gothard	140 0 0
137	"	33	82½	J. Barringer	70 0 0
139	"	33	82½	Alexander Scott	90 0 0
150	"	33	82½	Reuben Carne	150 0 0
151	"	33	82½	Thomas Mansell	140 0 0
154	Pakington	33	82½	J. Barringer	90 0 0
156	"	33	82½	Walter Bull	240 0 0
161	Palmerston	33	66	John Terry . . . . .	...
172	"	33	66	Michael Organ	300 0 0
175	Pakington	33	66	Rebecca Smith	170 0 0
176	"	33	66	"	45 0 0
155	"	33	82½	Reuben Carne	80 0 0

* Michael Organ sold his moiety of allotted section 195B to Sarah Balston, for £3. It is recommended that he should refund the sum of £3 to the Government before he is entitled to receive a lease for section 110.

† Sarah Balston sold her interest in allotted section 195B to James McGavin, for £15. It is recommended that she should refund to the Government the sum of £15 before she is entitled to receive a lease for her moiety of section 110A.

SCHEDULE III.

Showing Sections which have *not* been built upon, but upon which Rent has been paid.

Nil.

SCHEDULE IV.

Showing Sections which have *not* been built upon, and upon which Rent has *not* been paid.

Nil.

ALLOTTED SECTIONS.—CLASS B.

SCHEDULE I.

Showing Sections which have been built upon, and upon which Rent has been paid.

No. of Section.	Street.	Frontage in Feet.	Depth in Feet.	Name of Claimant.	His Valuation.
3	Rintoul	33	132	W. M. Cooper	£ 210 0 0
4	"	33	132	George Caruthers	285 0 0
5	"	33	132	"	200 0 0
17	"	33	99	W. S. Munday	350 0 0
24	"	33	99	James S. Suisted	300 0 0
25	"	33	99	"	280 0 0
29	Palmerston	33	132	William Mailer	750 0 0
30	"	33	132	Ballie and Humphrey	"
31	"	33	132	"	"
32	"	33	132	"	"
33	"	33	132	Gilmer Brothers	"
34	Wakefield	33	99	"	2,500 0 0
35	"	33	99	"	"
36	"	33	99	Bank of New Zealand	800 0 0
37	"	33	99	"	"
38	"	33	99	Bank of New South Wales	120 0 0
39	"	33	99	Felix West	720 0 0
59	Palmerston	33	132	Catherine O'Grady	550 0 0
60	"	33	132	Frederick White	400 0 0
61	"	33	132	Frank Sontgen	360 0 0
62	"	33	132	Hugh Neil	520 0 0
63	"	33	132	Job L. Munson	600 0 0
67	"	33	100	Edmund Roche	450 0 0
68	"	21	100	James G. Hay	230 0 0
68	"	12	100	Agenore Dupuis	250 0 0
69	"	33	100	John Coffey	320 0 0
70	"	33	100	Robert Whyte	540 0 0
71	"	33	100	Thomas Field	400 0 0
72	"	33	100	"	"
73	"	33	100	Job L. Munson	300 0 0
74	"	33	100	James Powell	860 0 0
75	"	33	100	"	"
77	"	16½	100	John Blacklock	110 0 0
77	"	16½	100	William Carpenter	300 0 0
78	"	33	100	Hooper and Dodson	300 0 0
79	"	33	100	C. G. Andrews	"
80	"	33	100	Reid and Company	600 0 0
82	"	33	100	Emma Petersen	250 0 0
86	"	33	100	Rebecca Smith	330 0 0
89	"	33	100	John Derungs	180 0 0
93	" (northern half)	16½	100	William McElwee	30 0 0
93	" (southern half)	16½	100	G. Gilbertson	100 0 0
98	"	33	100	John Corr	300 0 0
99	"	33	100	William Struthers	100 0 0
100	"	33	100	"	"
106	Adderley	33	132	Thomas Jephcoate	"
110	Palmerston	33	132	Robert Stewart	200 0 0
123	" (northern end)	45	33	Job L. Munson	25 0 0
123	" (southern end)	54	33	Reid and Company	20 0 0
124	Fonblanque	33	99	A. McLeod	75 0 0
125	"	33	99	"	25 0 0
136	Adderley	33	132	Margaret Moody	105 0 0
140	Palmerston	33	132	Angus Ambrose	120 0 0
142	"	33	132	Peter Harder	90 0 0
143	"	33	132	Sarah E. Balston	100 0 0
144	"	33	132	William Hanna	140 0 0
146	"	33	132	Charles Wright	190 0 0
155	Mill	33	99	T. G. McCarthy	100 0 0
156	"	33	99	"	"
184	Palmerston	33	132	Hugh Neil	165 0 0
186	"	33	132	Baillie and Humphrey	450 0 0
187	"	33	132	"	"
188	"	33	132	"	"
191	"	33	99	Samuel Riley	200 0 0
192	"	33	99	"	"
122	Fonblanque	33	99	J. B. McConnell	120 0 0

SCHEDULE II.

Showing Sections which have been built upon, but upon which *no* Rent has been paid.

No. of Section.	Street.	Frontage in Feet.	Depth in Feet.	Name of Claimant.	His Valuation.
22	Rintoul	33	99	Henri Pain	£ 350 0 0
23	"	33	99	"	60 0 0
64	Palmerston	33	132	F. F. Jungnickel	130 0 0
65	" (western side)	33	60	Michael Organ	185 0 0
65	" (eastern side)	33	72	Michael Scanlon	1,375 0 0
90	"	33	100	Frederick McFarland	350 0 0
91	"	33	100	Ellen Connell	365 0 0
94	"	33	100	E. J. O'Connor	225 0 0
96	"	33	100	Reuben Carne	200 0 0
97	"	33	100	"	200 0 0
121	Fonblanque	16½	99	Alice Adrian	22 0 0

JUMPED SECTIONS.—CLASS B.

SCHEDULE II.

Showing Sections which have *never* been surveyed, but which have been squatted and built upon; *no* Rent has been paid; the Sections are unnumbered.

Henley	33	99	Jane Cochrane	70 0 0
Palmerston	26	99	Andreas Peterson	19 0 0
"	26	99	John Corr	140 0 0

SCHEDULE II.

Showing Sections of the above-mentioned Class required for Railway purposes.

Henley	33	90	Henri Pain	140 0 0
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ALLOTTED SECTIONS.—CLASS B.

SCHEDULE III.

Showing Sections which have *not* been built upon, but upon which Rent has been paid.

6	Rintoul	33	132	John Seaton	50 0 0
7	"	33	132	"	50 0 0
8	"	33	132	"	50 0 0
9	"	33	132	John Corr	100 0 0
10	"	33	132	John Hughes	20 0 0
11	"	33	132	"	20 0 0
12	"	33	132	"	20 0 0
13	"	33	132	"	35 0 0
19	"	33	99	John Seaton and John Munro	35 0 0
20	"	33	99	"	35 0 0
21	"	33	99	Rubena Askew	25 0 0
26	Palmerston	33	132	Roberts and Munro	47 0 0
27	"	33	132	"	70 0 0
28	"	33	132	Frances McFarland . . . . .	...
53	Wakefield	33	99	Roberts and Munro	56 0 0
54	"	33	99	John Draghicavich	100 0 0
56	Palmerston	33	132	Graves and Fleming . . . . .	...
57	"	33	132	Sclanders and Company	150 0 0
58	"	33	132	"	150 0 0
66	"	33	132	W. C. Roberts	52 0 0
84	"	33	100	Rubena Askew	80 0 0
95	"	33	100	William Lloyd	100 0 0
101	Adderley	33	132	J. R. Frazer . . . . .	...
102	"	33	132	" . . . . .	...
104	"	33	132	S. A. Leech . . . . .	...
105	"	33	132	John Corr . . . . .	...
108	Palmerston	33	132	James Powell . . . . .	...
109	"	33	132	" . . . . .	...
112	"	33	132	Morris Blaxall . . . . .	...
117	Fonblanque	33	99	John Corr . . . . .	...
119	"	33	99	S. A. Leech . . . . .	...
130	"	33	99	Jules Simon	8 0 0

No. of Section.	Street.	Frontage in Feet.	Depth in Feet.	Name of Claimant.	His Valuation.		
					£	s.	d.
131	Adderley	33	132	George Low	15	0	0
132	"	16½	132	Job L. Munson . . . . .	...	
132	"	16½	132	Unclaimed . . . . .	...	
139	Palmerston	33	132	John Tyrell	15	0	0
141	"	33	132	Walter Pell	25	0	0
145	"	33	132	William Struthers	15	0	0
147	"	99	33	John Hughes	30	0	0
148	Mill	33	99	"	20	0	0
149	"	33	99	"	20	0	0
150	"	33	99	"	20	0	0
151	"	33	99	Stitt Brothers	15	0	0
167	Adderly	33	132	J. A. G. Vinal	10	0	0
55	Wakefield	33	99	John Draghicavich	600	0	0
81	Palmerston	33	100	John Curtayne	700	0	0
83	"	33	100	W. J. Patterson	85	0	0
190	"	33	132	J. Finlayson	25	0	0

NOTE.—Sections 55, 81, and 83 have been included in this class, because, though being built upon, the buildings have only been recently erected—*i.e.*, since the year 1874.

The building clause to be inserted in the lease issued to this class of claims will have simply been complied with beforehand.

ALLOTTED SECTIONS.—CLASS B.

SCHEDULE IV.

Showing Sections which have *not* been built upon, and upon which Rent has *not* been paid.

76	Palmerston	33	100	George Jervis	100	0	0
84	"	33	100	Hercules Brinkley	70	0	0
85	"	33	100	Hooper and Dodson . . . . .	...	
92	"	33	100	James Weston . . . . .	...	
107	Adderly	33	132	Felix West	15	0	0
111	Palmerston	33	132	Joseph Shelly . . . . .	...	
113	"	33	132	P. J. Bruen . . . . .	...	
114	"	33	132	William Stephenson . . . . .	...	
115	Fonblanque	33	99	Hooper and Dodson . . . . .	...	
116	"	33	99	Oliver Pufflett	20	0	0
116	"	33	99	Norris Blexall	20	0	0
120	"	33	99	Mary Mason and Thos. Whyte	20	0	0
126	"	33	99	Rebecca Smith . . . . .	...	
127	"	33	99	William Patterson	15	0	0
128	"	33	99	Alexander Scott . . . . .	...	
133	Adderly	33	132	Walter Bull	15	0	0
134	"	33	132	"	15	0	0
135	"	33	132	"	15	0	0
137	"	16½	132	Julius Kelpe	5	0	0
137	"	16½	132	Unclaimed . . . . .	...	
154	Mills	33	99	E. J. O'Connor . . . . .	...	
158	"	33	99	William Stephenson . . . . .	...	
159	"	16½	99	Suisted Brothers	15	0	0
159	"	16½	99	Anne Webster	8	0	0
160	"	33	99	John Johnston	8	0	0
162	"	33	99	Frederick Whyte	15	0	0
163	"	33	99	George Jervis	15	0	0
166	"	33	99	E. J. O'Connor . . . . .	...	
175	Adderly	33	132	John Tyrrell	15	0	0
176	"	33	132	"	15	0	0
183	Palmerston	33	132	Robert C. Parker	25	0	0
185	"	33	132	George Jervis	25	0	0
189	"	33	132	Catherine O'Grady	50	0	0
193	Bentham	33	99	John Corr . . . . .	...	
194	"	33	99	John Clark	15	0	0
195	"	33	99	James McGavin . . . . .	...	
197	"	33	99	George Jervis	65	0	0
199	"	33	99	"	15	0	0
202	"	33	99	"	15	0	0

UNALLOTTED SECTIONS REQUIRED FOR RAILWAY PURPOSES.—CLASS C.

SCHEDULE I.

Showing Sections which have been built upon, and upon which rent has been paid.

No. of Section.	Street.	Frontage in Feet.	Depth in Feet.	Name of Claimant.	His Valuation.		
					£	s.	d.
158	Pakington	33	82½	Andreas Josephson	100	0	0
160	"	33	82	"	20	0	0
186	Wharf	33	66	Benjamin Oakes	80	0	0

SCHEDULE II.

Showing Sections which have been built upon, but upon which no Rent has been paid.

145	Nelson	33	82½	George Jervis	}	80	0	0
146	"	33	82½	"		68	0	0
147	"	33	82½	John Martin	}	540	0	0
148	"	33	82½	John Derungs		65	0	0
157	Pakington	33	82½	Walter Bull	}	65	0	0
159	"	33	82½	George Jervis		200	0	0
177	Wharf	33	66	Daniel McLeod	}	300	0	0
178	"	33	66	"		60	0	0
179	"	33	66	"	}	110	0	0
183	"	33	66	Samuel Riley		600	0	0
184	"	33	66	E. J. O'Conor	}	110	0	0
185	"	33	66	"		150	0	0
187	"	33	49½	Elizabeth Keating	}	800	0	0
188	"	33	66	Michael Organ		800	0	0
189	"	33	66	E. J. O'Conor	}	800	0	0
190	"	33	66	"		800	0	0
191	Henley	33	66	"				

SCHEDULE III.

Showing Sections which have not been built upon, but upon which Rent has been paid.

180	Wharf	33	66	John Hughes	...
181	"	33	66	"	...
182	"	33	66	"	...

SCHEDULE IV.

Showing Sections which have not been built upon, and upon which Rent has not been paid.

140	Nelson	33	66	F. H. Dickenson	164	0	0
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ALLOTTED SECTIONS REQUIRED FOR RAILWAY PURPOSES.—CLASS D.

SCHEDULE I.

Showing Sections which have been built upon, and upon which Rent has been paid.

40	Wakefield	33	99	J. L. Munson	...			
41	"	33	99	Hooper and Dodson	...			
42	"	33	132	Edmond Roche	}	2,150	0	0
43	"	33	132	"		700	0	0
48	"	33	99	Elizabeth Keating				

SCHEDULE II.

Showing Sections which have been built upon, but upon which *no* Rent has been paid.

Nil.

SCHEDULE III.

Showing Sections which have *not* been built upon, but upon which Rent has been paid.

15	Rintoul	33	99	John Seaton and John Munro	50	0	0	
16	"	33	99	John Seaton and John Munro	50	0	0	
18	"	33	99	John Corr	50	0	0	
49	Wakefield	33	99	Rubena Askew	}	350	0	0
50	"	33	99	William Evans		60	0	0
51	"	33	99	"				
52	"	33	99	Roberts and Munro				

SCHEDULE IV.

Showing Sections which have *not* been built upon, and upon which Rent has *not* been paid.

No. of Section.	Street.	Frontage in Feet.	Depth in Feet.	Name of Claimant.	His Valuation.
47	Wakefield	33	132	A. D. Bayfeild	£ s. d. 1,000 0 0
47	"	33	132	John Corr, lessee of Bayfeild	2,600 0 0
198	Bentham	33	99	Isaac Whaylen	...

TABLE showing the Amounts it is proposed to award to Claimants occupying Sections required for Railway Purposes, towards defraying the expense of the removal of their buildings.

CLASS B.

No. of Section.	Name.	Amount.	Remarks.
40	Job L. Munson	£ s. d. 15 0 0	Arranged for purchase of this cottage.
42 } 43 }	E. Roche	480 0 0	Per builder's estimate for removal.
48	E. Keating	...	£350 has been arranged for purchase of this hotel, including building and all constructive damages.
41	Hooper and Dodson	...	£20 has been paid to the claimants for the removal of their buildings.
47	J. Corr	...	£90 has been paid for the removal of the store and the goods therein.

CLASS A.

145 } 146 }	G. Jervis	15 0 0	} For removal of buildings.
147	J. Martin	15 0 0	
148	J. Derungs	150 0 0	
157	W. Bull	15 0 0	
158	B. Oxner	20 0 0	
159	G. Jervis	15 0 0	
177 } 178 }	D. McLeod	50 0 0	
179 }			
183	S. Riley	10 0 0	
184	E. J. O'Connor	15 0 0	
185	"	15 0 0	
186	B. Oakes	10 0 0	
187	E. Keating	10 0 0	
188	M. Organ	10 0 0	
189 } 190 }	E. J. O'Connor	50 0 0	
191 }			

SECTIONS REQUIRED FOR RAILWAY PURPOSES—UNALLOTTED SECTIONS.

List showing Order of Choice of New Sections.

CLASS B.

No. of present Sections.	Street.	Names.	Order of Choice.	No. of Section Chosen.	Street.
42	Wakefield	Edmund Roche	1		
43	"	"	2		
48	"	Elizabeth Keating	3		
41	"	Hooper and Dodson	4		
40	"	Job L. Munson	5		
47	"	A. Bayfeild	6		
49	"	Rubena Askew	7		
50	"	William Evans	8		
51	"	"	9		
52	"	Roberts and Munro	10		
15	Rintoul	Seaton and Munro	11		
16	"	"	12		
18	"	John Corr	13		

SECTIONS REQUIRED FOR RAILWAY PURPOSES—ALLOTTED SECTIONS.

List showing Order of Choice of New Sections.

CLASS A.

No. of present Sections.	Street.	Name.	Order of Choice.	No. of Section Chosen.	Street.
148	Nelson	John Derungs	14		
177	Wharf	Daniel McLeod	15		
178	"	" "	16		
179	"	" "	17		
189	"	E. J. O'Connor	18		
190	"	" "	19		
191	Henley	" "	20		
158	Pakington	Benjamin Oxner	21		
186	Wharf	Benjamin Oakes	22		
145	Nelson	George Jervis	23		
146	"	" "	24		
147	"	John Martin	25		
157	Pakington	Walter Bull	26		
159	"	George Jervis	27		
160	"	Andrew Josephson	28		
183	Wharf	Samuel Ryley	29		
184	"	E. J. O'Connor	30		
185	"	" "	31		
187	"	Elizabeth Keating	32		
188	"	Michael Organ	33		
180	"	John Hughes	34		
181	"	" "	35		
182	"	" "	36		

FORM OF LEASE.

THIS DEED, made the day of , 1876, between Her Majesty the Queen, hereinafter called "the Lessor," of the one part, and , of , in the Province of , hereinafter called "the Lessee," of the other part, witnesseth, that, in consideration of the rent hereinafter reserved, and of the covenants, conditions, and agreements hereinafter contained and herein implied, the lessor doth hereby demise and lease unto the lessee, executors, administrators, and assigns, all that parcel of land situate at , in the Province of , containing by admeasurement more or less. Bounded—

as the same is delineated in the plan drawn on the back hereof and therein coloured . Together with the rights and appurtenances thereto belonging. To hold unto the lessee, executors, administrators, and assigns, for the term of seven years, to be computed from the first day of January, 1876, subject, however, to the provisos hereinafter contained: Yielding and paying therefor yearly and every year the annual rent or sum of five pounds, by equal half-yearly payments to be made on the first day of January and the first day of July in each year, the first of such payments to be made on the first day of July now next ensuing: And it is hereby declared and agreed, That all covenants on the lessee's part implied in leases under or by virtue of the Conveyancing Ordinance of New Zealand (Session II., No. 10) shall, except in so far as the same may be modified by these presents, be herein implied: And it is hereby expressly agreed and declared that the lessee, executors, administrators, and assigns shall not be bound to keep the buildings erected or which may be hereafter erected on the demised premises in good repair, nor shall he or they be liable to reinstate such premises as may be destroyed either by fire or other inevitable accident: And it is also agreed that the lessee, executors, administrators, and assigns, shall and may, prior to the expiration of the said term hereby granted, remove from the land hereby demised such buildings as may now stand or which may be erected thereon during the term hereby created.

Provided always that if the rents hereby reserved, or any part thereof, shall at any time during the said term be in arrear and unpaid for the space of twenty-one days next after any or either of the days hereinbefore appointed for the payment thereof, it shall be lawful for the Lessor, Her successors or assigns, to re-enter upon the demised premises, and thereby determine this lease: Provided lastly, and it is hereby expressly declared and agreed, that in case it may be necessary to exercise the power of re-entry hereinbefore contained, or any other power or authority which may be exercised hereunder by the Lessor or Her successors, it shall be sufficient if such be exercised on behalf of the Lessor or Her successors by the Colonial Secretary of the Colony for the time being, or by any person authorized by him for that purpose.

In witness whereof His Excellency the Governor of New Zealand, on behalf of the Lessor, hath hereunto set his hand, and hath caused these presents to be passed under the Seal of the Colony; and the lessee ha hereunto subscribed name , the day and year first above written.

III.—ORDER IN COUNCIL DEFINING PORTIONS OF "COLLIERY RESERVE" AT WESTPORT REQUIRED FOR RAILWAY PURPOSES.

NORMANBY, Governor.
ORDER IN COUNCIL.

At the Government House at Wellington, this twenty-third day of February, 1876.

Present:

THE HONORABLE THE PREMIER PRESIDING IN COUNCIL.

WHEREAS by the twenty-fourth section of "The Immigration and Public Works Act, 1875," it is enacted that such portions of the "Colliery Reserve" situate at Westport as are required for the railway from Mount Rochfort to Westport, and for a railway station and other purposes connected with the said railway, shall be forthwith defined by an Order of the Governor in Council, and that thereafter the same shall be reserved and held for the said purposes and no other: And whereas the portions of the said "Colliery Reserve" described in the Schedule hereto are required for the purposes mentioned in the above-recited section:

Now, therefore, His Excellency the Governor, by and with the advice and consent of the Executive Council of the Colony of New Zealand, and under and by virtue of the above-recited power and authority, doth hereby declare that such portions of the "Colliery Reserve" as are in the Schedule hereto defined shall be henceforth reserved and held for the purposes of the railway from Mount Rochfort to Westport, and for a railway station and other purposes connected with the said railway and no other.

FORSTER GORING,
Clerk of the Executive Council.

JULIUS VOGEL,
Presiding.

SCHEDULE.

Description of portions of the "Colliery Reserve" required for Railway Station, and other purposes connected with the Railway from Mount Rochfort to Westport.

ALL that parcel of land, containing by admeasurement 18 acres 3 roods 27 perches, more or less, being portion of the Mount Rochfort and Westport Railway and Colliery Reserve, in the town of Westport, Province of Nelson, in the Colony of New Zealand, comprising sections Nos. 140, 141, 142, 143, 144, 145, 146, 147, 148, 157, 158, 159, 160, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191; other portion of the aforesaid reserve, sections Nos. 100, 99, 98, 97, 96, 95, 94, 93, 92, 91, 90, 89, 88, 87, 86, 85, 84, 83, 82, 81, 80, 79, 78, 77, 76, 75, 74, 73, 72, 71, 70, 69, 68, 67, 52, 51, 50, 49, 48, 47, 46, 45, 44, 43, 42, 41, 40, 18, 17, 16, 15, and 14; also portion of Pakington Street, Henley Street, Brougham Street, Adderley Street, Wakefield Street, included within the boundaries hereafter described. Bounded towards the North-west by Nelson Street 418 links, by other portions of the above reserve 50 links, and by section No. 56 50 links respectively; towards the North-east by sections Nos. 149, 156, 176, 192, portion of sections Nos. 100, 99, 98, 97, 96, 95, 94, 93, 92, 91, 90, 89, 88, 87, 86, 85, 84, 83, 82, 81, 80, 79, 78, 77, 76, 75, 74, 73, 72, 71, 70, 69, 68, 67, 53, 39, 19, by other portions of the above reserve and portions of Pakington Street, Henley Street, Brougham Street, and Wakefield Street, 975 links, 2150 links, 550 links, 150 links, 275 links, and 550 links respectively. Bounded towards the South-west by other portions of the above reserve, by Wakefield Street, and Rintoul Street, 50 links, 250 links, 50 links, and 410 links respectively; and towards the South-west by the Buller River.

IV.—NOTICE.

WESTPORT COLLIERY RESERVE.

In accordance with recommendation No. 3 of the Royal Commission in the above matter, I hereby give notice that I shall attend at the Court House at Westport, on the 1st day of April next, at noon, to afford the claimants under subdivisions 1, 2, and 3 of Schedules C and D the opportunity of choosing their allotments from the unoccupied ground in the reserve according to the order shown in the exhibit marked "Order of Choice of New Sections."

I further give notice, that copies of the Report of the Royal Commission, with the Schedules appended thereto, can be inspected at the respective offices of the Warden, Town Clerk, and Resident Engineer, Public Works Department, at Westport, and at the Superintendent's and Public Works Offices, Nelson.

Dated at Wellington, this 13th day of March, 1876.

THOMAS MACKAY,
Agent for the Crown.