

79, presented to me by the Provincial Council, under date 11th instant, from which you will observe that the Council is of opinion that the Post Office and Custom House buildings should be erected under the immediate superintendence of the Provincial Executive. This however I think need not in practice prevent a harmonious action between the two Governments in the matter, as I am prepared to fix upon sites and have the buildings erected in accordance with plans such as the General Government may consider most suitable for the Postal and Customs services. Should you agree in this view, I shall be happy to confer with His Excellency's Government relative to the sites and plans in question, with a view to arrangements being made for the prosecution of the works with the least possible delay.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Hon. the Colonial Secretary, Auckland.

Enclosure to No. 4 (Address No. 79.)

EXTRACT from the JOURNALS of the Auckland Provincial Council.

Wednesday, 10th February, 1864.

With regard to the Public Buildings so urgently required for the public service of the General Government, this Council is of opinion that the buildings referred to ought, without further delay, to be erected under the immediate superintendence of the Provincial Executive—seeing that the funds to be so expended belong to the Province.

Resolved—That an Address be presented to His Honor the Superintendent, forwarding the foregoing resolutions.

(True extract.)

His Honor the Superintendent.

WM. POWDITCH, Speaker.

No. 5.

The Hon. the COLONIAL SECRETARY to the SUPERINTENDENT, Auckland.

SIR,—

Colonial Secretary's Office, Auckland, 19th November, 1864.

I have the honor to inform you that a Crown Grant of the site of the present Government House in Auckland made in pursuance of "The Auckland Reserves Act, 1863," has been prepared in your favor.

It appears from the Act that the intention was to grant eight acres three roods and five perches, but it is found that the boundaries specified in the Act, contain fourteen acres one rood and seventeen perches, and include the intended site of the Public Buildings.

Notwithstanding this mistake it appears to the Government that the grant can be legally made, and that it is better to do so, if you will undertake on the part of the Provincial Government that the site intended for the Public Buildings shall be available for that purpose.

More land will probably be required for this purpose than was originally intended, and there will be no objection, should the Provincial Government require it, to give an equivalent in other land at the disposal of the General Government.

It must also be distinctly understood that the buildings erected by the Commissariat on land outside the Government boundary fence shall not be interfered with.

I have, &c.,

FREDK. WHITAKER,
(In the absence of Mr. Fox.)

His Honor the Superintendent, Auckland.

No. 6.

The SUPERINTENDENT, Auckland, to the Hon. the COLONIAL SECRETARY.

SIR,—

Superintendent's Office, Auckland, 20th November, 1864.

I have the honor to acknowledge receipt of your letter No. 369, of date 19th instant, enclosing a Crown Grant of the site of the present Government House.

I will undertake that nothing shall be wanting on my part to fulfil the conditions alluded to in your letter.

I have, &c.,

ROBERT GRAHAM
Superintendent.

The Hon. the Colonial Secretary, Auckland.

No. 7.

MEMORANDUM by SECRETARY FOR CROWN LANDS.

Auckland, 20th January, 1865.

The sale and grant of the present site of Government House was effected under "The Auckland Reserves Act, 1863."

The Legislature having passed this Act, I do not know that it would be necessary to say a word about the propriety or policy of the transaction, but for one circumstance which may possibly be held to justify the opinion that the decision of the Legislature implied by the passing of an Act, was not so conclusive as to preclude such considerations. The circumstance is, that the Preamble of the Act, in describing the land to be sold, states it as "containing 8 acres 3 roods and 5 perches, more or less"; and then gives, with great exactness and precision, specific boundaries, which have since been found to contain about 14 acres. The immediate cause of this error I fancy to be, that the description in the Act of 1863 was copied from that of the same piece of land in the Schedule to "The Public Domains Act, of 1860." For the two descriptions agree word for word and figure for figure. How it got into the lastnamed Act, I suppose no human being will be found to tell. Probably it was owing to the carelessness of some surveyor to whom, no doubt, the draft Act was referred to insert the description of the land.