

P A P E R S

RELATIVE TO

A C T S O F T H E A S S E M B L Y ,

SESSION, 1864.

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND OF
HIS EXCELLENCY.

WELLINGTON.

—
1865.

PAPERS RELATIVE TO ACTS OF THE GENERAL ASSEMBLY,

SESSION, 1864.

No. 1.

MEMORANDUM by MINISTERS.

Ministers respectfully enclose, for transmission to the Right Honorable the Secretary of State for the Colonies, the six undermentioned Private Acts, passed during the late Session of the General Assembly :—

- “The Canterbury Great Northern Railway Act, 1864;”
- “The Canterbury Great Southern Railway Act, 1864;”
- “The Bank of Auckland Act, 1864;”
- “The Otago and Southland Investment Company’s Act (Limited) 1864;”
- “The Commercial Bank of New Zealand (Limited) Act, 1864;”
- “The Dunedin Water Works Act, 1864.”

These Acts do not appear to Ministers to require any special comment.

HENRY SEWELL.

Auckland, 3rd January, 1865.

No. 2.

MEMORANDUM by MINISTERS on the Acts of the General Assembly passed in Session 1864.

The Acts of the General Assembly passed in the last Session require little explanation beyond the Memoranda of Ministers relative to general policy.

1. *The New Customs Duty Act*, 1864, increases the Tariff generally, so as, upon the whole, to produce, according to estimates, an additional revenue of about £190,000 a year. The articles subject to duty remain unchanged. The duty itself is throughout (except on a few articles) increased.
2. *The Rate of Interest Act*, 1864, authorizes the Governor in Council to increase the rate of interest on the Three-Million Loan (1863) from 5 to 6 per cent.
3. *Debentures Act*, 1864, authorizes the issue of One Million short-dated Debentures at 8 per cent. interest, in anticipation of the permanent Three-Million Loan. The object is to enable the Government to obtain money upon temporary securities at a higher rate of interest, waiting the improvement in the state of the money market for disposing of the permanent loan.
4. *New Zealand Settlements Amendment Act*, 1864.—This Act is in conformity with Mr. Cardwell’s instructions. See his Despatch of the 26th April, 1864.
5. *The Public Works Land Act*, 1864.—This Act involves an important principle. It has hitherto been questioned whether it is competent to the Government to carry roads through Native lands, or to take such lands for public purposes. This principle is established by the present Act. The same practical rule is applied to Native lands as to those of Europeans, namely, that land may be taken for such purposes, the owners receiving compensation. The Court established under “The New Zealand Settlements Act” (which, for the purposes of this Act, will be continued in operation notwithstanding “The New Zealand Settlements Act” itself may expire,) will give the most convenient tribunal for assessing compensation. In the case of land taken from rebel owners, no compensation will be payable. “The Native Lands Act, 1862,” is now brought into operation throughout the Colony, and native proprietary rights are thus placed on a footing established by law. The native owner will now be enabled to sell and dispose of his land like an ordinary proprietor. That being so, it is just and necessary that he should be placed in other respects on the footing of ordinary proprietors, and that his land should be subject to the ordinary legal liabilities; amongst others, to this as a primary one—namely, that the State may take what land it requires for roads, or other like purposes of a public nature, making compensation to the owners. From the intermixed state of native titles, it would be impossible to apply the ordinary rules of notices, &c.
6. *Coroners Act Amendment Act*, 1864.—This was an Act prepared under the direction of the late Government. It merely extends the jurisdiction of Coroners, which is practically found desirable.
7. *Auckland Reserves Act Amendment Act*, 1864, enables certain lands set apart for the improvement of the Auckland Domain to be let at yearly rental, to form a permanent fund for the improvement of the Domain.

PAPERS RELATIVE TO ACTS OF THE ASSEMBLY.

8. *Arms Act Continuance Act*, 1864, continues "The Arms Act" till the end of the next Session of the Assembly.
9. *Registration of Deeds Validation Act*, 1864, is intended to cure an informality in the registration of deeds in Otago, arising from the death of the Registrar.
10. *Panama Mail Service Act*, 1864, enables the Governor to confirm, subject to certain modifications, the contract entered into by the late Postmaster-General, Mr. Ward, with "The Inter-Colonial Royal Mail Company," for the establishment of a postal service *via* Panama.
11. *Wild Birds Protection Act*, 1864, is intended to check the destruction of certain wild birds.
12. *Naturalization Act*, 1864, is the usual sessional Act.
13. *Albert Hall Act*, 1864, requires no special remarks.
14. *Native Lands Act Amendment Act*, 1864, enables the Governor to add to the number of the judges of the Court—a necessary measure, particularly with a view to the extension of the Court throughout the Colony.
15. *Coupons Act*, 1864, facilitates the issuing of coupons, attached to debentures, by enabling a stamp to be used for authenticating the same.
16. *The Sheriff's Act*, 1864, removes some practical difficulties in the execution of the office of Sheriff.
17. *Canterbury Waste Lands Act*, 1864, carries into effect Resolutions of the Provincial Council of Canterbury relative to the terms on which the runholders of that Province hold their stations.

HENRY SEWELL.

Auckland, January 3rd, 1865.

No. 3.

MEMORANDUM by MINISTERS.

His Excellency is respectfully advised to recommend the enclosed Bill (The Canterbury Waste Lands Act, 1864,) to be submitted to Her Majesty for the Royal Assent.

The object of the Bill is explained in a Memorandum to His Excellency of the 3rd instant, upon the Acts respectively passed during the late Session of the General Assembly.

HENRY SEWELL.

Auckland, January 5th, 1865.