

No. 13.

(No. 74.) Copy of a letter from the HON. E. W. STAFFORD to HIS HONOR F. WHITAKER.

SIR,—

Colonial Secretary's Office, Wellington, 24th February, 1866.

With reference to your Honor's Message, No. 3, to the Provincial Council of Auckland, I notice the following passage:—

"A reference to the papers transmitted herewith will also show that, in addition to the lands at Waikato and Tauranga, about 480,000 acres of land have been confiscated at Opotiki, in the Bay of Plenty, by an Order in Council, dated the 18th January. This land was not expressly referred to by the Resolutions of the House, but it is within the terms of them, and stands on the same footing; and it was proposed, therefore, by the General Government, in a letter, dated the 18th January, that it shall be transferred, together with the lands at Waikato and Tauranga, to Provincial Administration upon the same conditions."

As the correspondence enclosed in the Message has not been published, the part underlined in the above quotation is liable to misinterpretation, and I would therefore draw your Honor's attention to the condition expressed in my letter of the 18th ult., that this proposed transfer was to be "subject to the sanction of the Legislature;" and further, that my letter did not state that the transfer was to be made on "the same conditions" as were attached to the lands at Waikato, it being clearly open to the Legislature to determine, if it should agree to the transfer, what the conditions should be.

I also proposed in that letter that, in the meantime, lands in that block should be surveyed for the location of military settlers.

The Government is anxious that this preliminary survey should at once be made, care being taken that proper reserves are made for the settlement thereon of such friendly Natives as might have a claim to be located there.

Colonel Haultain has gone to Opotiki with (amongst others) the above objects, and I trust to be informed that no unavoidable delay has occurred in carrying them into effect.

I have, &c.,

His Honor the Superintendent, Auckland.

E. W. STAFFORD.

No. 14.

(No. 31.) Copy of a letter from HIS HONOR F. WHITAKER to the HON. E. W. STAFFORD.

SIR,—

Superintendent's Office, Auckland, 5th March, 1866.

I have the honor to acknowledge the receipt of your letter of the 24th February ult., with reference to my Message, No. 3, to the Provincial Council of Auckland, and pointing out that, as the correspondence enclosed with the Message has not been published, the following passage is liable to misinterpretation:—

"And it was proposed, therefore, by the General Government, in a letter dated the 18th January, that it (the Opotiki land) shall be transferred, together with the lands at Waikato and Tauranga, to Provincial Administration, upon the same conditions."

You are mistaken as to the non-publication of the correspondence referred to; it was sent down to the Council in print at the same time as the Message, and published immediately afterwards. I enclose herewith a printed copy.

With regard to the expression, "upon the same conditions," I beg to refer to your letter of the 18th January, in which you state that "the Resolutions of the House of Representatives last session, on the subject of the Confiscated Lands in the Province of Auckland, do not directly refer to these lands (Opotiki) which have been confiscated since, but the Government proposes, subject to the sanction of the Legislature, that they should be transferred, as the other lands have been, to Provincial Administration for the purposes of colonization." It appears to me that this fully justifies my expression that the same conditions were to apply to all the land.

The resolutions of the House, expressly referred to by you in the paragraph quoted, prescribe "certain conditions," and you propose to transfer the Opotiki lands as the other lands have been; that is, as I understand it, upon the same conditions as those specified in the resolutions.

The qualification that the transfer is subject to the sanction of the Legislature clearly leaves it, as was intended, to the Legislature to agree or disagree, as it should think fit, but I cannot admit that it is clearly open to the Legislature to determine what the conditions shall be, if by that is meant that the Province of Auckland must finally take the transfer, subject to whatever conditions the Legislature may choose to attach to it.

As I understand the position, it is this. The Legislature may give or withhold its sanction; if it give, the Province is bound to accept the final transfer upon the conditions upon which the provisional transfer has taken place; if the Legislature refuse, the Opotiki lands will revert to the General Government, when it will be open to make any new arrangement that both parties concur in, but neither is bound to accept the other's terms.

With regard to surveying the land in the Opotiki Block, I am waiting, and anxious to begin; but before I can do so, the site of the Military Settlement must be determined, and I must ascertain that it is safe to send surveying parties on the land, which does not appear to me at present to be the case.

As the Provincial Council is still in session, I was unable to leave Auckland, but, in order that there might be no delay Dr. Pollen, on my part, has gone to Tauranga and Opotiki, to meet the Minister for Colonial Defence, and settle, as far as possible, all preliminaries, and I expect