

such a law by Regulation. The wide power given by the "New Zealand Settlements Act, 1863," would have enabled this to be done, but these powers were destroyed by the 16th section of the "New Zealand Settlements Amendment and Continuance Act, 1865." At the same time, I of course admit the obligation imposed by the acceptance of the terms proposed by the Resolutions of the House, and due care is being taken to satisfy all claims of this class, but before the land can be legally appropriated and grants made, it appears to me that further legislation by the General Assembly will be required.

I am of course willing that the obligation of the Provincial Government in this respect should be made more binding, if possible, if you think it necessary.

The second objection is that the 5th Resolution requires that the Province should provide for any compensation to natives in money that may be awarded by the Compensation Court, under the "New Zealand Zealand Settlements Act."

The Province is prepared to pay any such compensation as arranged, and due provision has been made to do so. But I do not understand that such a provision is the proper subject of a Regulation for the sale of land, nor that there is any power to make it. But I apprehend that there is some mistake, as I do not see that there is, as you state, such a provision in the Order in Council, of the 16th May, 1865, but there is one that land may be set apart for compensation to persons entitled to, and in lieu of money compensation. A similar provision has been omitted in the proposed Regulations, because it did not appear that the Acts of the Government, now in force, authorise such a Regulation to be made.

You state that the Regulations proposed revoke the Regulations of the 16th May, 1865. I assume from your letter that you consider the latter to be in force, notwithstanding the effect of the "New Zealand Settlements Amendment and Continuance Act, 1865." This being so, I propose, on the part of the Provincial Government, that the second section be omitted from the Regulations transmitted by me. This will obviate the objection to which you refer, and will enable me to do partially what is required, by offering land for sale with the Regulations of the 10th May.

The third objection is that the Regulations do not recognize the liabilities referred to in the Resolutions of the House of Representatives. It appears to me that I have altogether taken a different view of the object for which Regulations are to be issued from that held by yourself. As I understand the matter it is this. The House of Representatives passed certain resolutions, declaring that it was expedient that the confiscated lands should be transferred, on certain conditions, to Provincial administration. The Government acts on these Resolutions, offers to make the transfer, and that is formally accepted by the Superintendent and Provincial Council. I do not understand that anything further is necessary, and certainly, if it is, I do not see that it is either relevant or possible to do what is required by Land Regulations made in pursuance of one of the Resolutions. I look upon the Resolutions and their acceptance as a binding contract between the General and Provincial Governments, and that no further validity can be given to it except by an Act of the General Assembly. I am, however, on the part of the Province, quite ready to agree to anything that the General Government require, either in Land Regulations or elsewhere, which they consider will have the effect of rendering the contract more binding.

The fourth objection is that the proposed Regulations require that the money arising from land sales shall be paid to the Provincial Treasurer instead of the Colonial Treasurer. This was clearly an oversight, though substantially right, it is technically wrong. I propose throughout to substitute Colonial Treasurer for Provincial Treasurer, as I foresee no difficulty in the adjustment of the accounts.

The fifth objection is that too much power is given to the Waste Lands Commissioner, by placing in his hands an absolute discretion as to the amount each purchaser is to be allowed for expense of survey. This appears to me rather a matter for the consideration of the Provincial than the General Government, but I do not object to a limit of 2s. 6d. an acre, if it is desired.

I hope that you will not see any further difficulties in the way of issuing the Regulations as soon as His Excellency's return to Wellington will enable you to do so.

I have, &c.,

F. WHITAKER,

Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 19.

(No. 128.) Copy of a Letter from the HON. E. W. STAFFORD to HIS HONOR F. WHITAKER.

SIR,—

Colonial Secretary's Office, Wellington, 9th April, 1866.

Referring to previous correspondence on the subject of Land Regulations for certain lands proclaimed under the "New Zealand Settlements Act" in the Province of Auckland, I have to inform your Honor that the draft Regulations forwarded by you will, with some slight alterations, be approved in Executive Council, and forwarded, without delay, to His Excellency the Governor for signature and for confirmation.

I have, &c.,

His Honor the Superintendent, Auckland.

E. W. STAFFORD.