

FURTHER PAPERS

RELATIVE TO

THE CONFISCATED LANDS.

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

WELLINGTON.

—
1866.

FURTHER PAPERS RELATIVE TO THE SETTLEMENT OF THE CONFISCATED LANDS.

PROVINCE OF AUCKLAND.

No. 1.

Copy of a Letter from the HON. E. W. STAFFORD to HIS HONOR F. WHITAKER.

SIR,—

Colonial Secretary's Office, Wellington, November 9th, 1865.

I have the honor to transmit a copy of certain Resolutions passed by the House of Representatives on the 26th ultimo, relative to the transfer of the confiscated lands in the Province of Auckland, on certain conditions, to Provincial administration for the purposes of colonization.

I do not propose at present to do more than refer to the second of these Resolutions, which provides that the General Government shall secure to the loyal natives the lands to which they are entitled, and shall settle such other natives as may desire to accept the Queen's authority and take Crown Grants for the lands allotted to them.

Some promises have been made directly to certain natives with respect to specific portions of the confiscated lands, and it has also been proposed to assign to others allotments sufficient for their support, and it is obvious that the settlement and occupation generally of these lands will be materially facilitated by an early settlement of all claims advanced by natives, whether in fulfilment of actual promises and engagements, or otherwise.

Your Honor will be furnished from time to time with all such further information with respect to any such engagements which may be considered necessary after an examination of the records of the office of the General Government Agent at Auckland, which will be at your disposal.

It is scarcely necessary for me to express my earnest desire to co-operate with your Honor in every way calculated to promote the early settlement of all matters affecting the colonization of the lands in question, in which the Colony and the Province of Auckland are mutually so largely interested.

I have, &c.,

His Honor the Superintendent, Auckland.

E. W. STAFFORD.

Enclosure in No. 1.

Extract from the JOURNALS of the HOUSE OF REPRESENTATIVES.

RESOLVED,—

Thursday, the 26th day of October, 1865.

1. That it is expedient that the confiscated lands in the Province of Auckland should, with certain exceptions, and subject to certain conditions, be transferred to Provincial administration in that Province, for the purposes of colonization.

2. That the General Government cannot properly divest itself of the duty of securing to the loyal Natives the lands to which they may be entitled, and of settling those Natives who may desire to return to those districts comprised in such lands, and to accept the Queen's authority, and to take grants from the Crown; that, therefore, this duty should be retained in the hands of the General Government: Provided also, that sufficient lands be retained to fulfil engagements with Military Settlers.

3. The Province to be liable for all sums expended under the "New Zealand Settlements Act," for the permanent advantage of the Province, including charges which may still come in course of payment under that head for the completion of engagements with military and other settlers (except pay and rations to Military Settlers), the amount of such liability to be settled by Commission, and defined in Act or Acts of the General Assembly.

4. That as soon as the Provincial Government of the Province of Auckland shall, from the proceeds of the sale of confiscated land, have discharged the liabilities now chargeable on such land under these Resolutions, a payment shall be made to the General Government out of the proceeds of all subsequent sales of confiscated land, after the rate of two shillings and sixpence per acre: Provided that any lands which may be disposed of under the Auckland Waste Land Regulations, without a money payment, shall, for the purpose of estimating the amount realised for such land, be reckoned at the rate of five shillings per acre.

5. The Province to provide for any compensation to Natives in money that may be awarded by the Compensation Court under the "New Zealand Settlements Act," and for compensation to the settlers in the Province of Auckland for losses incurred in the war.

6. Regulations for the disposal of the lands to be made by Order in Council, as provided for by the "New Zealand Settlements Act" upon the recommendation of the Superintendent and Provincial Council.

7. In order to restore confidence and insure, as far as possible, the success of the Military Colonization and Waikato Immigration Schemes hitherto undertaken by the General Government, the Province, after recouping actual cash payments, to engage to expend the whole proceeds derived from confiscated lands in colonizing and otherwise for the general advantage of the confiscated districts.

8. That the Provincial Government be empowered to take the Te Papa property, subject to:—

1. Compensation to Church Missionary Society and their tenants; the amount to be settled by arbitration.
2. Giving Town allotments to Military Settlers; the whole quantity not to exceed three hundred and fifty acres.

True Extract.

F. E. CAMPBELL,

Clerk of House of Representatives.

FURTHER PAPERS RELATIVE TO THE SETTLEMENT

No. 2.

Copy of a Letter from HIS HONOR F. WHITAKER to the HON. E. W. STAFFORD.

SIR,—

Superintendent's Office, Auckland, December 1st, 1865.

I have the honor to invite your attention to the difficult position in which I find myself in regard to the maintenance and location of the Immigrants introduced into this Province under the "New Zealand Settlements Act."

Permit me briefly to review the circumstances which have led to it.

In December, 1864, the Superintendent and his Executive agreed to act as agents for the General Government in management of the Waikato Immigration Scheme, the General Government engaging to supply the necessary funds. The duty was undertaken solely with a view to minimizing the cost, the General Government deeming it advisable to maintain an overriding control, which they could not have exercised had the location of the Immigrants been made a Provincial matter.

In March, 1865, the General Government, considering the financial position of the Colony, and the expense being incurred, directed the Sub-Treasurer at Auckland to discontinue payment on account of the employment of the Immigrants after the expiration of the month of April next ensuing; whereupon the Provincial Executive, being deprived of the means to act, resigned the agency, Dr. Knight assuming the responsibility of conducting the business.

After further correspondence, the Superintendent consented to resume the agency, engaging to find the Immigrants in employment, &c., for not less than two months after the land should have been allocated for their settlement (a period calculated to extend until the last day of September ensuing), in consideration of the sum of £15,000, to be handed over in eight per cent. debentures, and a Crown Grant of the Tuakau block, supposed to represent in value £18,000: this arrangement being subject to the condition that the survey of the land for the settlement of the Immigrants should be proceeded with at once, and that the Tuakau block should be transferred to the Provincial Government within two months from date.

Delay, however, took place in the issue of the Grant, and, when received, it was found to be invalid, the Superintendent being consequently disabled from selling, leasing, or borrowing money upon it. The General Government are now proposing other arrangements for the Tuakau block, in common with the rest of the Waikato land. The Superintendent (my predecessor) had reckoned upon a sum of £33,000, to cover the expenses of a period extending to the last day of September. He found himself obliged to provide for them as best he could, with the assistance of only £15,000 from the General Government; and, moreover, at the expiration of the calculated period, found himself obliged to continue Government assistance, a large number of the Immigrants being absolutely unable to maintain themselves.

Every exertion consistent with good faith has been made to reduce the expense, and it has been reduced from over £5,000 a month to £1,500; but the drain upon the Provincial funds has been so severe that, unless further assistance be afforded by the General Government, the Province will be brought into serious financial embarrassment, and the Immigration scheme itself must fail.

I have, therefore, the honor to request, as special agent in this matter for the General Government, that you will place at my disposal a sum of Eighteen Thousand Pounds, in substitution for the money which was intended to be provided by means of the Tuakau block.

I have, &c.,

FREDERICK WHITAKER,

Superintendent.

The Honorable the Colonial Secretary, Wellington.

No. 3.

Copy of a Letter from HIS HONOR F. WHITAKER to the HON. E. W. STAFFORD.

SIR,—

Superintendent's Office, Auckland, December 4th, 1865.

In reference to the Resolutions passed by the House of Representatives on the 26th of October, relative to the transfer of the confiscated lands in the Province of Auckland, on certain conditions, to Provincial administration, for the purposes of colonization, I have now the honor to inform you that I have examined the records of the General Government Agency at Auckland, and availed myself of all the sources of information open to me on this subject, with a view to form an opinion as to the desirability of taking the step contemplated by the Resolutions.

Of course it is not in my power to undertake the administration of the lands referred to without the co-operation of the Provincial Council; but I am prepared to bring the matter before the Council in the next Session.

Before, however, I can expect them to come to a decision, it is necessary that I should be able to afford them some information as to the source from which the necessary funds can be obtained to fulfil the arrangements, and meet the liabilities it is proposed that the Provincial Government shall undertake.

It is also necessary that I should clearly see my way on this point before I undertake to accept the proposed transfer, as I feel bound to say that it is plain to me beyond a doubt that, without the assistance of the General Government, it would be quite impossible for the Provincial Government to carry the matter through, and I am anxious, therefore, to be informed whether the General Government will afford such assistance, by way of loan or guarantee (the former if possible), as may be requisite for the purpose.

I have called the Provincial Council together to meet on the 12th instant, in order to dispose of the question of Responsible Government in the Provincial administration, as this question has now assumed such a shape that, until settled, the Executive Government is not in a position to prepare the necessary measures for the consideration of the Council. Having disposed of this matter, I propose that the Council

should meet again early in January, for the consideration of the important subject submitted by the Resolutions of the House of Representatives, with other business of the session.

I have, &c.,

The Honorable the Colonial Secretary, Wellington.

FREDERICK WHITAKER,
Superintendent.

No. 4.

Copy of a Letter from HIS HONOR F. WHITAKER to the HON. E. W. STAFFORD.

SIR,—

Wellington, 10th January, 1866.

I have the honor to call your attention to a letter, addressed by me to you, dated the 4th of December last, on the subject of certain Resolutions passed by the House of Representatives, declaring "that it is expedient that the confiscated lands in the Province of Auckland should, with certain exceptions, and subject to certain conditions, be transferred to Provincial administration for the purposes of colonization," to which letter I have not as yet received any reply.

I have felt so strongly that a speedy arrangement of this matter is of so much importance to the Province of Auckland, as well as to the Colony at large, that I have visited Wellington at considerable inconvenience at the present time, mainly for the purpose of bringing about, if possible, a settlement satisfactory and advantageous to all parties, without the delay necessarily incident to carrying on negotiations in writing from so great a distance as Auckland.

Since the date of my letter above referred to, I have again most carefully gone into the subject, and I am thoroughly confirmed in the conclusion that the Province of Auckland cannot involve itself in the liabilities contemplated by the Resolutions, with the least hope of success in the undertaking, without large pecuniary means at its disposal. The Resolutions require that the Province of Auckland shall "provide for any compensation to natives in money that may be awarded by the Compensation Court under the 'New Zealand Settlements Act,' and for compensation to settlers in the Province of Auckland for losses incurred in the war." The extent of the first of these liabilities is unknown, and very difficult to estimate, but the second certainly involves, under the most favorable circumstances, a very large sum of money. In addition to these there must necessarily be incurred a large outlay in Surveys, and an unavoidable expenditure in the employment and maintenance of Immigrants, who have been introduced by the General Government under the "New Zealand Settlements Act, 1863," and in the payment of compensation to the owners of land whose property is required and taken for the location of Military Settlers and others.

Whatever may be the amount under any of these heads ultimately chargeable to the Province of Auckland, these liabilities must, in the first instance, be met by the General Government. And, moreover, in order to secure the successful colonization of the confiscated lands, and the prosperity or even existence of the Military Settlements, public works on a considerable scale must certainly be undertaken, and other expenses necessarily incurred.

The Province of Auckland is at present clear of financial embarrassment, but it has no funds to meet any serious increase of expenditure; and I must beg to be permitted to impress upon the General Government that the General Assembly, by the legislation of last session, has appropriated a considerable annual sum out of the Provincial revenue to meet the interest and sinking fund in respect of the sum allocated under "The Loan Allocation Act, 1865," and, by a clause in "The Southland Provincial Debt Act, 1865," has altogether precluded the Province from borrowing any sum of money for any purpose whatever.

I wish you most distinctly to understand that I have neither intention nor wish to avail, on the part of the Province, the payment of any sum which is fairly chargeable against it, nor the evasion of any duty which it may be reasonably asked to undertake; nor will I ask for a shilling in reference to the transfer of the confiscated lands, which it is not intended to repay with interest: but, under the circumstances, it does appear to me reasonable that the General Government should be asked to assist the Province in such a way as will enable it to take over the administration of matters at present in the hands of the General Government, and thereby relieve that Government of serious trouble and difficulties, and a large outlay of money.

After careful consideration, I have come to the conclusion that, in order to enable the Provincial Government to carry out the Resolutions of the House, the sum of £250,000 will be required; and I propose that the General Government shall undertake to introduce a Bill in the next Session of the Assembly to raise this sum on behalf of the Province of Auckland, and that in the meantime such assistance shall be afforded as will enable the Provincial Government to proceed with the undertaking. At least £100,000 will be required for this purpose, and I trust that you will be able to see your way to making a temporary advance of this sum, to be repaid, with interest, out of the loan of £250,000, when raised under the authority of the General Assembly.

Without this assistance it would be folly for me, on the part of the Province, to consent to accept the transfer proposed by the Resolutions, involving liabilities which it would be impossible to meet, and which must necessarily entail difficulties and disaster, and the result would inevitably be that the matter must be resumed by the General Government, who, whatever may be the arrangements between it and the Provincial Government, cannot divest itself of the responsibility of securing the fulfilment of engagements with third parties.

I beg to add that time is of great consequence. Much has already been lost, whereby the success of the colonization of the confiscated lands has been seriously endangered, and much further delay would render success hopeless.

I have, &c.,

The Honorable the Colonial Secretary, Wellington.

FREDK. WHITAKER,
Superintendent of the Province of Auckland.

No. 5.

Copy of a Letter from THE HON. E. W. STAFFORD to HIS HONOR F. WHITAKER.

SIR,—

Colonial Secretary's Office, Wellington, January 18, 1866.

The Government has given an attentive consideration to your Honor's three letters, dated respectively the 1st and 4th ultimo, and 10th instant, relative to the proposed transfer of the confiscated lands in the Province of Auckland on certain conditions to Provincial administration for the purpose of colonization.

In your letter of the 1st ultimo, after recapitulating the circumstances which have led to your present position in connexion with the maintenance and location of the Immigrants introduced into the Province of Auckland under the "New Zealand Settlements Act, 1863," you state that one of the conditions (the grant of the Tuakau block) on which your predecessor undertook to continue to act as agent of the General Government in this matter, has not been fulfilled, and you submit a claim for £18,000 in substitution of the sum supposed to have been represented, at the time of the agreement, by the Tuakau block, and expended by the Provincial Government on the faith of that agreement.

On this point I have to observe that your argument would have great weight if the Provincial Government of Auckland continues to act as the agent of the General Government, or even as Principal in the administration referred to, while the General Government still retained the confiscated lands; but it is clear that the Resolutions of the House of Representatives authorising the transfer of the confiscated lands (of which Tuakau block is a part) to the Province of Auckland, contemplate that that Province should be forthwith charged with all the cost of introducing into and maintaining and locating within it those Immigrants. If the confiscated lands are accepted by the Province under the Resolutions of the House, that acceptance at once determines all previous questions of dispute connected with the former agency.

In the letters of the 4th ultimo and 10th instant, you refer to the large pecuniary liabilities, which are expressly attached to this contemplated transfer, and you express your opinion that, in addition to these liabilities, other expenses must certainly be incurred in order to secure the successful colonization of the confiscated lands, and the prosperity or even existence of the Military Settlements:

You point out that whatever may be the amount on account of these liabilities ultimately chargeable to the Province of Auckland, they must in the first place be met by the General Government, which cannot divest itself of the responsibility of securing the fulfilment of engagements with third parties:

You observe that the Province of Auckland, although at present clear of financial embarrassment, has no funds to meet any serious increase of expenditure, and that the General Assembly has appropriated, last Session, part of the Auckland Provincial Revenue to meet the interest and sinking fund under the "Loan Allocation Act, 1865," while a clause in the "Southland Provincial Debt Act, 1865" altogether precludes the Province from borrowing any sum of money for any purpose whatever:

You state that a very careful consideration of the whole subject has thoroughly convinced you that the Province of Auckland cannot involve itself in the liabilities contemplated by the Resolutions of the House of Representatives with the least hope of success, without large pecuniary means at its disposal; and, disclaiming any wish on the part of the Province of Auckland to avoid the payment of any sum fairly chargeable against it, and the performance of any duty which it may be reasonably asked to undertake, or to ask for any pecuniary aid which it is not intended to repay with interest, you submit that, under the circumstances, it is reasonable that the General Government should assist the Province in assuming an administration at present in the hands of the Colony, and thus relieve the Colony from serious difficulties and a large expenditure:

You propose, for this purpose, that the General Government shall undertake to introduce a Bill in the next Session of the General Assembly to raise a sum of £250,000 on behalf of the Province of Auckland, to enable it to carry out the Resolutions of the House of Representatives, and that in the meantime a temporary advance, of at least £100,000 should be made, to enable the Provincial Government to proceed with the undertaking, such advance to be repaid with interest out of the loan of £250,000.

In replying to your Honor, I have to state that the General Government fully recognises that the contemplated transfer of the confiscated lands entails large liabilities, and that the retention of the administration of these lands would involve the Colony in heavy expenses for necessary services, which could be more economically and effectively performed under Provincial than under Colonial administration.

This view of the subject appears to have actuated the late, as it certainly did the present Government, in the proposal which both Governments submitted, in identical form, to the House of Representatives for the transfer of these lands. In a Memorandum written by the late Native Minister, and attached to the Papers on this subject, the following passages occur:—

"It is understood that Auckland requires £100,000 to carry on the work of settling Waikato and Tauranga.

"Supposing that a loan of half a million was sanctioned, and the interest charged on the Province of Auckland, the General Government will not interfere with the working of the scheme, but will require an entire surveillance and audit, with the power of putting an end to the scheme, and taking it again into their own hands, if the Province should fail in its work."

These passages, although not embodied in the proposal submitted to the House, indicate the importance that was attached to intrusting the Province with the colonization of the confiscated lands, and the reasonable anticipation of a loan charged on the Province being required under the authority of the General Assembly for the purpose of enabling it effectively to fulfil that object.

The present state of the question appears to be shortly as follows:—

The arrangement proposed by the House of Representatives cannot be effected unless it is accepted by the Province of Auckland, and cannot be accepted by that Province until it has pecuniary means at its disposal for properly carrying it into effect. These means it cannot derive from its revenue, and is precluded by an Act of the General Assembly from raising by loan.

Until the arrangement does come into effect the General Government is bound to continue to administer and to incur a heavy outlay for the purpose of fulfilling its obligations, while the neglect, which would almost be forced on it, of prosecuting the colonization of the lands in question would render futile much of the past expenditure, and entail in the future a very large expenditure in re-occupying and settling these lands.

After careful deliberation, the Government is prepared, on condition of the Provincial Government of Auckland immediately undertaking the whole cost of colonizing the confiscated lands, to propose to the General Assembly, in its next Session, a Bill to raise the sum of £250,000 on behalf of the Province of Auckland to enable it to give effect to the Resolutions of the House—the interest and sinking fund of this loan to be charged on the revenues of that Province.

The Government will also temporarily advance to the Provincial Government of Auckland for the same purpose One Hundred Thousand Pounds, in colonial bonds at par, bearing six per cent. interest, also to be paid by that Province.

In the event of the proposed Loan Bill being passed £100,000 is to be deducted by the General Government from the proceeds as a first charge, unless these bonds are returned to the General Government on or before the 31st December, 1866, all current interest which may have accrued having first been paid by the Provincial Government of Auckland.

It must be understood that the acceptance of this arrangement settles all previous questions in dispute in connexion with the agency of your predecessor, Mr. Graham, relative to these lands (inclusive of the Tuakau block) or to the maintenance and location of the Immigrants.

His Honor the Superintendent, Auckland.

I have, &c.,

E. W. STAFFORD.

No. 6.

Copy of a Letter from HIS HONOR F. WHITAKER, to the HON E. W. STAFFORD.

SIR,—

Wellington, January 18th, 1866.

I have the honor to acknowledge the receipt of your letter, of this day's date, relative to the proposed transfer of the confiscated land in the Province of Auckland, on certain conditions, to Provincial administration, for the purpose of colonization.

With reference to the Tuakau block, which has been the subject of a separate arrangement, in pursuance of which the Provincial Government had, up to the 28th December last (beyond the £15,000 advanced in debentures by the Colonial Government), expended £22,250, I have to state that my predecessor, Mr. Graham, calculated on the reimbursement of this expense by sales or mortgage of the land many months ago, and that the Province has been involved in difficulty in consequence of his not being placed in a position by the Colonial Government, as was arranged, to raise the money he required. I should have been glad to have kept this transaction separate from any other, and to have been enabled to discharge the debt incurred on account of the Emigrants by the substitution of £18,000 for the Tuakau block. I am, of course, aware that ultimately it would make no difference as to the total amount to be charged against the Province, but in the meantime it would have enabled me to free the Province from a liability which I do not see any way to meet, unless by sale or pledge of the debentures you are now offering instead of the money (£100,000) I asked for in my letter of the 10th instant.

I should have been much better satisfied with the proposed arrangement if you could have advanced the Province the amount required for carrying out the objects contemplated by the Resolutions of the House of Representatives, in money, instead of handing over debentures; but, as matters now stand, I am willing nevertheless on my part to accept the proposed transfer, and to recommend the Provincial Council to join in the acceptance.

I have, &c.,

The Honorable the Colonial Secretary, Wellington.

FREDERICK WHITAKER,

Superintendent of the Province of Auckland.

No. 7.

Copy of a Letter from the HON. E. W. STAFFORD to HIS HONOR F. WHITAKER.

SIR,—

Colonial Secretary's Office, Wellington, 19th January, 1866.

I have the honor to acknowledge the receipt of your letter of yesterday's date, accepting for yourself, and engaging to recommend the Provincial Council of Auckland to accept, the transfer of the confiscated lands on the terms stated in my letter of the 18th instant.

I have, &c.,

His Honor the Superintendent, Auckland.

E. W. STAFFORD.

FURTHER PAPERS RELATIVE TO THE SETTLEMENT

No. 8.

Copy of a Letter from the HON. E. W. STAFFORD to HIS HONOR F. WHITAKER.

SIR,—

Colonial Secretary's Office, Wellington, 18th January, 1866.

I have the honor to enclose a New Zealand *Gazette*, No. 3, of this date, containing an Order in Council, proclaiming and setting apart under the "New Zealand Settlements Act, 1863," certain lands in the District of Opotiki.

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, 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.

Should your Honor accept this proposal, it will be necessary that surveyors should at once be despatched to Opotiki for the purpose of laying out a Military Settlement there, in which it is proposed to locate part of the 1st Waikato Regiment, the whole of which regiment it is intended to locate either at Tauranga or on the Opotiki block.

I have, &c.,

His Honor the Superintendent, Auckland.

E. W. STAFFORD.

No. 9.

Copy of a Letter from HIS HONOR F. WHITAKER to the HON. E. W. STAFFORD.

SIR,—

Wellington, 19th January, 1866.

I have the honour to acknowledge the receipt of your letter of yesterday's date, enclosing an Order in Council, proclaiming and setting apart under the "New Zealand Settlements Act, 1863," certain lands in the District of Opotiki, and proposing, 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.

I am willing on my part to accept this proposal, and to recommend the Provincial Council to consider its acceptance. In the event of their doing so, I shall be prepared to have the lots required for the Military Settlers, whom it is proposed to locate there, surveyed without any delay.

I have, &c.,

The Honorable the Colonial Secretary, Wellington.

FREDK. WHITAKER,

Superintendent of the Province of Auckland.

No. 10.

Copy of a Letter from HIS HONOR F. WHITAKER to the HON. E. W. STAFFORD.

SIR,—

Superintendent's Office, Auckland, February 6, 1866.

I have the honor to enclose a copy of a Message transmitted by me to the Provincial Council, recommending them to accept the transfer to Provincial administration of the confiscated lands in the Province of Auckland, for the purpose of colonization; and also a copy of the Resolution passed by the Council on the 2nd instant, expressing their concurrence.

I have, &c.,

The Honorable the Colonial Secretary, Wellington.

FRED. WHITAKER,
Superintendent.

Enclosure 1 in No. 10.

The Superintendent transmits for the information of the Provincial Council a copy of the correspondence that has taken place at Wellington between the Colonial Secretary and himself, relative to the land confiscated in the Province of Auckland under the "New Zealand Settlements Act, 1863." The Superintendent invites a careful consideration by the Council of this subject, with a view to an early decision of the question he now submits to them—whether they will concur with him in accepting the proposed transfer to Provincial administration, for the purposes of colonization, of the land referred to?

The further papers relative to the Waikato settlements, laid before the Council at the commencement of the present session, will have informed them of the state in which this matter stood when the present Superintendent came into office, and the correspondence transmitted herewith, together with the accompanying explanatory papers, will place the Council in possession of all that appears to be necessary to enable them to arrive at a satisfactory decision.

The Superintendent feels that it is due to the Council that he should explain the cause of his leaving Auckland at a time when the Council was in session. On reference to the correspondence now placed before them, it will be seen that on the 1st December the Superintendent addressed a letter to the Colonial Secretary, inviting attention to the difficult position in which he found himself in reference to the maintenance and location of the immigrants introduced into this Province under the "New Zealand Settlement Act," pointing out that the Superintendent, under the grant made to him of Tuakau land, was disabled from selling, leasing, or borrowing money, as was arranged, and the consequent failure to obtain the money, which it was calculated would become available from that source; and requesting that the General Government would place at his disposal a sum of £18,000 (eighteen thousand pounds)

in substitution for the money which he was thus disappointed in obtaining. It will be further seen that in reply to a letter from the Colonial Secretary of the 9th November, transmitting a copy of certain Resolutions passed by the House of Representatives, relative to the confiscated land in this Province, the Superintendent, on the 4th December, informed the Colonial Secretary that it was not in his power to undertake the administration of the land referred to without the co-operation of the Provincial Council; that before he could expect them to come to a decision it was necessary that he should be able to afford them some information as to the source from which the funds required for the undertaking could be obtained; that it was also necessary that he should clearly see his way on this point before he consented to accept the proposed transfer, as it appeared plain to him beyond a doubt that without the assistance of the General Government it would be impossible for the Provincial Government to carry the matter through, and requesting to be informed whether the General Government would afford assistance by way of loan or guarantee. To these letters the Superintendent had received no reply on the 4th of January, and it appeared to him that the correspondence would probably extend over so much time, and possibly even end unsatisfactorily, that though, apparently, the Superintendent's absence would prolong the session of the Council, in reality the effect would be to shorten it, and his visit to Wellington might materially increase the chance of an advantageous termination of the negotiations.

The Superintendent arrived at Wellington on the 8th of January, and on the 10th of the month he addressed a letter to the Colonial Secretary, calling attention to the fact that no answer had been received to his former letters, and stating the object of his visit. In this letter the Superintendent directed attention to the large pecuniary liabilities which acceptance of the transfer proposed by the Resolutions necessarily involved (liabilities which, at all events in the first instance, would have to be met by the General Government), and to the facts that the legislation of the General Assembly in the last session had appropriated a large sum out of the revenue of the Province to meet the interest and sinking fund of a portion of the colonial debt, and that the Province was precluded from borrowing money for any purpose whatever. The Superintendent further stated that he was thoroughly convinced that the transfer, with the liabilities contemplated by the House, could not be accepted with the least hope of success without large pecuniary means; and he urged that, as the General Government would be relieved from serious difficulties and trouble, and a large outlay of money, it was reasonable that the Province should be assisted, without which it would be folly for the Provincial authorities to incur liabilities necessarily entailing difficulties and disaster, and which would ultimately render necessary the resumption by the General Government of the administrative work transferred. The result of the negotiation is fully detailed in the correspondence transmitted herewith. In reference to pecuniary assistance, it may be briefly stated: On condition that the Provincial Government of Auckland immediately undertake the whole cost of colonizing the confiscated lands, the General Government will propose to the General Assembly to raise a loan of £250,000, on behalf of the Province, to enable it to give effect to the Resolutions of the House, the interest and sinking fund to be charged on its revenues; and in the meantime the General Government will advance the sum of £100,000 in Colonial debentures (to be repaid out of the loan), in order that the Provincial authorities may be enabled to proceed at once with the undertaking. 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.

The Provincial Council will observe that the Superintendent, in his letters of the 18th and 19th of January, states on his part his willingness to accept the proposed transfer of all the lands above referred to, and to recommend the Provincial Council to join in the acceptance. The Superintendent did not arrive at this conclusion without the most anxious consideration of the subject in all its bearings, and certainly not until it appeared to him that the Province could undertake the administration of these lands with every reasonable hope of success, nor until he felt satisfied that the interests of the Province, as well as of the Colony at large, would be materially benefited by the undertaking.

The Superintendent now invites the Council carefully to consider what it is intended to transfer to the Province under the Resolutions of the House of Representatives. On the one hand, there is a large extent of land, and on the other there are large liabilities.

As appears by a document prepared by Major Heaphy, and transmitted herewith, the confiscated land in Waikato is estimated to consist of 1,217,473 acres, of which 603,173 will be required for the Military Settlers, Immigrants, and Natives, leaving 614,300 at present unappropriated. The latter quantity comprises 64,961 acres of good land (about 20,000 of which are some of the most valuable of the confiscated lands, those situated between Auckland and the Waikato river); 78,660 acres of swamps, which can be easily drained; 39,614 acres of swamps, which it would be difficult to drain; and 431,065* acres of poor and hilly land.

At Tauranga there are 50,000 acres, and at Opotiki 480,000 acres, as nearly as can be estimated: of which, according to the best information the Superintendent can obtain, rather less than one-third, or about 175,000, may be considered good.

The military settlers and natives will probably require about 70,000 acres to satisfy their claims.

In round numbers, then, the whole of the confiscated lands may be said to comprise 1,750,000 acres of land, of which 840,000 may be considered good, and 910,000 acres varying in quality from inferior to worthless.

Of the good land there will be available for sale 170,000 acres, and so much of the swampy and poorer lands as may be found sufficiently valuable to induce purchasers to buy them at reduced prices.

Against the proceeds of the lands which can be sold there are to be set the money liabilities which must be accepted with the land. The first is compensation to those who are entitled to it in respect of

the confiscated land, under the "New Zealand Settlements Act." The amount which will be required under this head is very difficult to estimate. Amongst the papers transmitted herewith, is a list of the claims in Waikato which have been forwarded by the Colonial Secretary to the Judges of the Compensation Court for hearing. The number of claimants amounts to about 1,800, but there is no doubt that many of these claims are groundless, many more involve but very small amounts, and some have already been settled by agreement. There is, however, a sufficient number left to render the list a very formidable one to deal with, both as regards the expense and trouble of investigation, and the amount of money involved in the issue. The claims in respect of lands at Tauranga and Opotiki have yet to be added.

The claims for compensation to settlers for losses sustained by the war also amount to a very large sum. The awards already made in the cases heard by the Commissioner for investigating these claims amount to £71,002 16s. 1d., and there are others yet to be heard. Many of the claims made were no doubt reasonable and fair, but, on inquiry, the Superintendent is led to believe that many were most unreasonable and exaggerated, and he has little doubt that even the awards made in many of the cases will be found, on a more searching investigation, conducted on proper principals, to exceed what the parties are fairly entitled to receive; for it must be borne in mind that the hearings that have already taken place were *ex parte* only, the claimants, too, for the most part, appearing by a paid advocate, who carefully got up their cases; and the General Government, that instituted the inquiry, not being represented at all.

The acceptance of the proposed transfer of the confiscated lands will also involve a large outlay on various objects which will require to be carried out, in order to render colonization successful. Surveys, on a large scale, must be made. Immigrants must be employed and maintained, public works of considerable magnitude undertaken, and other expenses of a miscellaneous character incurred.

After giving due weight to all the foregoing subjects for serious consideration, the consideration for the Provincial Council will be this—whether it will be advantageous to the Province of Auckland to accept the transfer on the terms proposed by the Resolutions, with the pecuniary assistance which the General Government is willing to afford, in order to render the administration of the lands by the Provincial Government a successful undertaking?

To this question the Superintendent has devoted much careful consideration, and he feels satisfied that the right course is for the Provincial authorities to accept the proposal made to them; and for the information and assistance of the Council the Superintendent will briefly state the grounds upon which he has arrived at that conclusion.

It is not open to question that the Colony at large is much interested in the success of the settlements placed upon the confiscated land, and that they should be increased and strengthened, as affording the best security against another native war; and to the Province of Auckland it is beyond doubt that success is of vital importance—indeed, having regard to the enormous liability to which the Province is now subject, as a consequence of the native war within its territories, failure would involve ruin.

No direct pecuniary gain to the Province can, of course, be obtained under the conditions proposed from the sale of the surplus lands, after satisfaction of the engagements imposed, as the Provincial Government is required to pledge itself, after recouping actual cash payments, to expend the whole proceeds derived from the confiscated lands in colonizing, and otherwise for the general advantage of the confiscated districts.

The transfer will, however, be sufficiently advantageous to induce its acceptance, if the proceeds of the sales of the land to be disposed of can be made to cover the sums to be charged against them, for indirect gain will necessarily follow successful colonization, and the amount of this gain will be measured by the extent and prosperity of the settlements to be maintained and planted; and having regard, indeed, to the large annual sum which has now to be paid, partly in common with the other Provinces, and partly specially fixed on this Province by the Loan Allocation Act, 1865, it is essential that the contributors to the revenue should be numerous and prosperous in order that a sufficient revenue may be raised to meet the necessary demands on it.

By what means, then, can success be best obtained? Through the administration of the Colonial Government, or of the Provincial Government? To the Superintendent it is quite clear that the distance at which the former Government is now placed renders administration at all by them difficult, and successful administration almost impossible; and that the work to be done can be more inexpensively and efficiently performed by the latter Government. Moreover, this Province has had the experience of the management by one Colonial Ministry to guide to a decision; and their successors, the present Ministry, say plainly that "the neglect which would almost be forced on them of prosecuting the colonization of the land in question would render futile most of the past expenditure, and entail in the future a very large expenditure in re-occupying and settling these lands." Much of this past expenditure has already been charged against this Province, and the principle established will apply to a large portion of that which the General Government will be compelled to incur if the transfer of administration now proposed be not accepted. This Province, then, is specially interested in taking care that the future expenditure be economically conducted, and made productive of profitable results. It will have to pay whatever the event; and it is, therefore, of the first importance that it should possess the power of supervision and control.

Care must also be exercised that too contracted a view of the relative positions of the Colony and the Province be not taken. A lavish or unproductive expenditure of colonial money most seriously affects the interests of all the Provinces; is, indeed to each Province second only in importance to such an expenditure of its own separate funds; if, therefore, with justice to ourselves, it is possible for us, by taking the management of local work, to economise or render profitable the expenditure of the General Government, it is clearly our interest, as well as our duty, to do so.

Moreover, the position in which this Province especially stands in relation to the colony cannot with propriety be left out of consideration. We may fairly look upon ourselves and our interests to

have been neglected and ill-treated by some of its servants, but to the Colony itself we owe a debt of gratitude. Great efforts have been made to afford us assistance in our time of need, and the Colony has become largely involved in debt by reason of an expenditure incurred in putting down a formidable insurrection at our doors, and in taking measures for our future security. If, therefore, apart from the profit or gain, it is possible for us, without serious loss to ourselves, to relieve the Colonial Government from trouble and difficulty in this matter, by undertaking necessary and important work within the Province, it is plainly our duty not to shrink from the task.

Believing, then, as the Superintendent does believe, that by the acceptance of the proposal made, we may, if we even fail to obtain all the advantages which may be reasonably expected, at least mitigate any losses to be sustained, and turn to the best account expenditure that must be incurred; that a duty fairly owing to the Colony will be performed; that we shall be placed in a position to render promptly some service to those who have suffered severe losses from native outrages; and especially that the Province will secure the management and control of most important affairs vitally affecting its interests. The Superintendent recommends the Provincial Council to concur with him in accepting the proposed transfer to Provincial administration of the confiscated lands in the Province of Auckland.

FREDK. WHITAKER,

Superintendent's Office, Auckland, January 30, 1866.

Superintendent.

Enclosure 2 in No. 10.

SESSION XIX., 1865-6.

Extract from the JOURNALS of the AUCKLAND PROVINCIAL COUNCIL.

RESOLVED—

Friday, February 2, 1866.

"That this Council, having taken Message No. 3 into consideration, doth concur with the Superintendent in accepting the proposed transfer to Provincial administration of the confiscated lands in the Province of Auckland."

RESOLVED—

"That an Address be presented to His Honor the Superintendent forwarding the foregoing resolution."

(True extract)

G. MAURICE O'RORKE,

His Honor the Superintendent.

Speaker.

No. 11.

(No. 60.) Copy of a Letter from the HON. E. W. STAFFORD to HIS HONOR F. WHITAKER.

SIR,—

Colonial Secretary's Office, Wellington, 15th February, 1866.

The Provincial Government of Auckland having accepted the transfer to Provincial Administration of the Confiscated Lands in the Province of Auckland, I have to request you to be good enough to inform all Officers in the employment of the General Government, connected with the survey and settlement of the Confiscated Lands in the Waikato and at Tauranga, that, in consequence of this transfer, all expenses connected therewith will be regulated and provided by the Provincial Authorities, and that accordingly, His Honor the Superintendent will, after the end of the present month, give them the necessary instructions.

I have to request you to convey to them the thanks of the Government for their services while the administration of these lands was controlled by it.

I have, &c.,

His Honor F. Whitaker, Government Agent, Auckland

E. W. STAFFORD.

No. 12.

Copy of a letter from HIS HONOR F. WHITAKER to the HON. E. W. STAFFORD.

SIR,—

Office of the Agent for the General Government, Auckland, 23rd February, 1866.

I have the honor to acknowledge receipt of your letter of the 15th instant, requesting me to inform all officers in the employment of the General Government, connected with the survey and settlement of the Confiscated Lands in Waikato and Tauranga, that, in consequence of the Provincial Government of Auckland having accepted the transfer of the Confiscated Lands in the Province of Auckland to Provincial Administration, all expenses connected therewith will, after the end of the current month, be regulated and provided by the Provincial Authorities, and instructions conveyed to them by His Honor the Superintendent of the Province of Auckland.

In reply, I beg to inform you that your instructions will be carried out, and your request to convey to these officers the thanks of the Government for their services while the administration of these lands was controlled by it, will be properly attended to.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

F. WHITAKER.

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

them both here in a few days, when, whatever it is found can be prudently done, shall be forthwith commenced.

I have, &c.,

F. WHITAKER,

Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 15.

(No. 103.) Copy of a letter from the HON. E. W. STAFFORD to HIS HONOR F. WHITAKER.

SIR,—

Colonial Secretary's Office, Wellington, 19th March, 1866.

I have to acknowledge the receipt of your Honor's letter, No. 31, of the 5th instant, relative to that portion of your Message, No. 3, to the Auckland Provincial Council, which referred to the proposed transfer of Confiscated Lands in the Opotiki district to Provincial Administration.

In my letter, No. 74, of the 24th ult., I pointed out that in a part of that Message the omission of the words, "subject to the sanction of the Legislature" (words, in fact, rendering the transfer altogether conditional) and the non-publication of the correspondence enclosed in the Message, had caused that part of it to be liable to misinterpretation.

I was aware that (as stated in your letter) the correspondence accompanied the Message to the Council, but I referred to the circumstance that the Message, which omitted those important words, was extensively circulated in the Press, while the correspondence had not, so far as I am aware, been similarly published. As the proposal to your Honor had been consequently misunderstood, my object was to draw your Honor's attention to the fact that the conditional nature of the proposed transfer was not stated in your Message.

With respect to the words quoted by your Honor from my letter of the 18th January last, in which I stated that the Government proposes, subject to the sanction of the Legislature, that the lands should be transferred, "as the other lands had been," to Provincial Administration, I would observe that the expression quoted above was intended to mean simply that a proposal would be made to the Colonial Legislature that the lands at Opotiki shall be transferred to Provincial Administration, leaving it open to the Legislature to specify the conditions on which this transfer should take place. Those words merely referred to the substantive fact of a transfer, and not to its precise conditions, some of which are not applicable. Had it been intended to adopt those conditions, the words, "on the same conditions," or some phrase to that effect, would have been used; the conditions on which the transfer should be effected will, of course, be considered by the Legislature when the subject is brought before it.

I have, &c.,

E. W. STAFFORD.

His Honor the Superintendent, Auckland.

No. 16.

Copy of a letter from HIS HONOR F. WHITAKER to the HON. E. W. STAFFORD.

SIR,—

Superintendent's Office, Auckland, 23rd February, 1866.

I have the honor to inform you that in pursuance of the sixth Resolution of the House of Representatives, passed on the 26th October, 1865, the Superintendent and Provincial Council have agreed to Regulations for the disposal of the confiscated lands in the Province of Auckland, and now recommend them to be made by Order in Council, and issued under the powers conferred by the 16th section of the "New Zealand Settlement Amendment and Continuance Act, 1865."

I enclose a copy of the Regulations, as amended by the Council, and agreed to by me; and I have to urge on you the great importance of issuing them as early as possible, as it is essential that some of the land should be disposed of without delay.

I have, &c.,

FRED. WHITAKER,

Superintendent.

The Hon. the Colonial Secretary.

Enclosure 1 in No. 16.

Address No. 11. Session XIX., 1865-66.

Extract from the JOURNALS of the AUCKLAND PROVINCIAL COUNCIL.

RESOLVED—

Tuesday, February 13, 1866.

"That the Regulations for the sale of confiscated lands, as amended by the Council, be transmitted to the Superintendent by Mr. Speaker, and that His Honor be requested to concur in the same."

RESOLVED—

"That an Address be presented to His Honor the Superintendent forwarding the foregoing Resolution."

True extract.

(Signed) G. MAURICE O'RORKE,

His Honor the Superintendent.

Speaker.

Enclosure 2 in No. 16.

REGULATIONS for the SALE of the LANDS TAKEN FOR SETTLEMENT under the "New Zealand Settlements Act, 1863," as passed by the AUCKLAND PROVINCIAL COUNCIL.

1. In the construction of these Regulations the terms following shall have the meanings here respectively assigned to them. "Land" shall mean the Lands in the Province of Auckland which have been declared by Order in Council as required for Settlement under the "New Zealand Settlements Act 1863." "Superintendent" shall mean the Superintendent of the Province of Auckland. "Executive Council" shall mean the Executive Council of the Province of Auckland. "Commissioner" shall mean the Waste Lands Commissioner of the Province of Auckland" and "Provincial Treasurer" shall mean the Provincial Treasurer of the Province of Auckland. "Government Gazette" shall mean the Government Gazette of the Province of Auckland. "Province" shall mean the Province of Auckland.

2. The Regulations relating to the disposal of land under the "New Zealand Settlements Act 1863" made by Order in Council on the 16th of May 1865 are hereby repealed and annulled.

3. Sufficient land shall be set apart for the location of Military and other settlers introduced by the Government to be allotted to their use according to the tenor of their several contracts and the said land or any part thereof may be granted to the several persons as they become respectively entitled thereto under the said contract or at an earlier date at the request of the Superintendent if the Governor shall think fit.

4. The Superintendent shall from time to time divide such of the remaining portions of the said land as he shall think fit into four classes—namely:—

1. Town Land
2. Suburban Land
3. Special Rural Land
4. General Rural Land

And from time to time may vary alter and annul any such division in the whole or in part only and make a new division thereof and may declare that any land shall belong to any one of the said classes or shall cease to belong thereto.

TOWN SUBURBAN LAND AND SPECIAL RURAL LAND.

5. Town Land and Suburban Land and Special Rural Land shall be offered for sale by auction at an upset price not being less than 10s. an acre to be fixed by the Superintendent with the advice and consent of the Executive Council. Provided that any Special Rural Land may be sold subject to conditions for the occupation and improvement thereof if the Superintendent with the advice and consent of the Executive Council shall think fit.

6. The Superintendent shall from time to time notify in the Government Gazette of the Province of Auckland and in such newspapers in the Colony of New Zealand or elsewhere as to him shall seem meet what lands are to be sold at such public sales and the upset prices thereof respectively and such lands shall not be so offered for sale until at least one calendar month shall have elapsed after the publication of such notification.

7. Such public sales shall be held and conducted by such person at such times and in such places within the said Province as the Superintendent shall by notification in the Government Gazette from time to time nominate and appoint.

8. The purchase money of each allotment of land sold at such sale shall be paid by the purchaser thereof or his agent to the Provincial Treasurer in cash.

9. It shall be lawful for any person within 12 calendar months after any auction to become the purchaser by private contract of any land so put up for sale as aforesaid and not purchased on paying for the same in cash the upset price at which the same was put up for sale.

10. Provided always that it shall be lawful for the Superintendent instead of permitting any land to be purchased as authorized by the last two clauses to cause the same to be put up again to auction giving such notice thereof as is hereinbefore provided in respect of land to be offered at auction.

GENERAL RURAL LAND.

11. The Superintendent shall from time to time notify a certain day on and after which any General Rural Land shall be open for selection and sale and on and after that day any person desirous of purchasing any of the same shall send in a written application during office hours under a sealed cover directed to the Commissioner or his Deputy at such place as shall be stated in such notification. Every such application shall have legibly written thereon the words "Application for Land" and the name of the intending purchaser and the number of acres he proposes to purchase.

12. Every such application shall state the number of acres the applicant is desirous of purchasing and shall describe the same as accurately as may be so that the same may be identified and marked on a plan of the district to be provided by the Commissioner.

13. The purchase money after the rate of 10s. an acre for the quantity of land applied for shall be paid to the Provincial Treasurer who shall give a receipt in duplicate and no application shall be entertained unless one of such duplicate receipts shall be annexed to the application.

14. The Commissioner or his Deputy shall on receipt of such application (and in the presence of the intending purchaser or his agent if such purchaser or agent should desire the same) enter into a minute book to be kept for that purpose a minute of the receipt of such application.

15. The minutes to be entered in such book shall be consecutively numbered from one upwards and shall set forth the date of the reception of every such application the name of the intending pur-

chaser the number of acres which he proposes to purchase and the amount which he shall have so paid as the purchase money thereof.

16. Such book shall be open to the public for inspection at all times in office hours during which time any person may take a copy of or extract from any minute entered therein.

17. The applications so received shall not be opened until noon of the first day appointed in such manner aforesaid by the Superintendent for the sale of such General Rural Land on which day no further application shall be received.

18. The Commissioner or his Deputy shall on the day so appointed and in presence of such of the intending purchasers or their agents as may attend for that purpose proceed to open all such applications so received.

19. When it shall appear on opening the said applications that but one person has in manner aforesaid applied to purchase any land and that he has duly paid the purchase money thereof such person shall be deemed the purchaser of such land.

20. If it should at any time appear before the decision of the Commissioner that two or more intending purchasers have made application for the same land and that each of them has duly paid the purchase money thereof such land shall be put up to auction in such blocks as the Commissioner may determine at an upset price of 10s. an acre on a day to be decided by the Commissioner or his Deputy.

21. The Commissioner or his Deputy shall immediately after such auction give to each of the unsuccessful persons or his agent an order on the Provincial Treasurer for the purchase money so paid by him in respect of such allotment and such Treasurer shall pay the same on demand accordingly.

22. After the day fixed for opening the applications sent in as aforesaid all the unsold portions of such General Rural Lands shall be open for sale to the first applicant for same.

23. Every such subsequent application must be made in writing to the Commissioner or his Deputy during office hours and must state the quantity and situation of the land and describe the same as accurately as may be so that the same may be identified and marked on a plan of the district to be provided by the Commissioner and no such application shall be entertained unless it be accompanied by a receipt for the purchase money signed by the Provincial Treasurer or by some person authorized by him.

24. The Commissioner or his Deputy immediately on receipt of such application shall in the presence of the intending purchaser or his agent if such purchaser or agent desire it to be done enter in the minute book to be kept for that purpose the day and hour of the receipt of the application the name of the purchaser quantity situation and description of the land and the amount paid as the purchase money of the same.

25. As soon as such entry shall have been made in conformity with these Regulations the land to which the same shall refer shall be deemed to be sold and the purchaser thereof entitled to a Crown Grant.

26. Provided always that every application for General Rural Land shall comprise not less than 40 acres and shall so far as the features of the country will permit be of a rectangular form and when fronting on a road river lake or coast be of a depth when practicable not less than three times the length of the frontage and no application which does not comply with these requirements shall be granted but it shall be competent for any applicant with the consent of the Commissioner to amend his application so that any such alteration in no way interferes with any other application duly made at the time.

27. The Commissioner at the time of any application being granted or as soon as conveniently may be thereafter shall inform the applicant that the land selected will be surveyed by and at the expense of the Government or that the applicant must have the same surveyed at his own expense by a surveyor to be approved of in writing by the Commissioner.

28. When the land is surveyed by the applicant at his own expense he shall be entitled to an allowance for the cost thereof according to a scale to be from time to time fixed by the Commissioner.

29. Every survey to be made at the expense of the applicant must be completed to the satisfaction of the Commissioner and the plans thereof delivered to him with as little delay as possible and within a time to be fixed by him which shall in no case exceed six calendar months and in default thereof it shall be lawful for the Commissioner either to have the land surveyed at the applicant's cost which shall be repaid by him within one month of the completion of the survey or it shall be lawful for the Commissioner to sell the land to some other person and in such latter case the purchase money paid by the first applicant shall be returned to him on demand after deducting therefrom one-fifth part as a forfeiture for the default.

30. When General Rural Land shall be purchased in a district in which lines of road shall not be determined on and laid out a right of laying out roads over the said land shall be reserved in the Grant but not more than five per cent. of the land shall be taken for such purpose without payment of compensation for the excess to be fixed by arbitration in the usual way. Provided that if such right be not exercised within five years from the date when the block within which such land is situate was first offered for sale then and in such case compensation for the whole area taken shall be given to be fixed by arbitration in the usual way.

31. It shall be at any time competent for the Superintendent with the advice and consent of the Executive Council to offer for sale by auction any general Rural Land which shall be deemed to possess especial value as containing minerals and the Regulations hereinbefore contained relating to auction sales shall apply thereto.

No 17.

(No. 92.) Copy a Letter from the HON. E. W. STAFFORD to HIS HONOR F. WHITAKER.

SIR,—

Colonial Secretary's Office, Wellington, 14th March, 1866.

I have to acknowledge the receipt of your Honor's letter, No. 436, of the 23rd ultimo, transmitting certain proposed Regulations for the disposal of the Confiscated Lands in the Province of Auckland, which you recommend to be brought into operation by Order of the Governor in Council.

The Governor is at present absent from Wellington, and, in the meantime, I would point out to your Honor some objections which exist to parts of the proposed Regulations, and I have to request your Honor to be good enough to suggest such amendments as would supply the defects indicated.

The second of the Resolutions passed by the House of Representatives on the 26th October last, under which the confiscated lands are transferred to Provincial administration, requires provision to be made for securing to the loyal natives the lands to which they may be entitled, and of settling those natives who may desire to return to the districts comprised in such lands, and to accept the Queen's authority, and to take grants from the Crown. The proposed Regulations do not provide for this.

The fifth Resolution also 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 Settlements Act, and a provision on this latter point was made in the Order in Council on the 16th May, 1865 (see New Zealand Gazette, 1865, page 171) but this Order in Council is now proposed to be revoked by the Regulations under consideration.

Moreover, under the 6th section of "The New Zealand Settlements Amendment and Continuance Act, 1865," the Crown may abandon land in respect of which compensation is claimed, and this abandonment would take the land affected by the claim out of the operation of "The New Zealand Settlements Act, 1863." As the previous disposal of such lands under the proposed Regulations would preclude the Crown from the exercise of such right and entail upon it the necessity of giving compensation, it is evident that the Regulations should distinctly recognise the liabilities referred to in the Resolution last quoted.

As the proposed Regulations do not provide for the requirements required by these Resolutions, the necessary amendments should be made therein.

The "New Zealand Settlements Amendment and Continuance Act, 1865" also requires (Section 18) that money arising from the sale and disposal of land in each Province under that Act and the Acts of 1863 and 1864, shall be paid to the Colonial Treasurer. The 8th, 13th, and 23rd clauses of the proposed Regulations conflict with this requirement, and should be altered accordingly. I do not, however, foresee any difficulty in the adjustment of accounts between the Province and the Colony, so as substantially to carry out the wishes of the House of Representatives that the proceeds of the land shall become Provincial Revenue.

With respect to clause 22 of the proposed Regulations, if, as it appears, it is intended by it to place in the hands of the Waste Lands Commissioner an absolute discretion as to the amount each purchaser is to be allowed for expense of survey, I do not think that such a large power should be vested in that officer. A maximum of allowance should be fixed by the Regulation.

I have, &c.,

His Honor the Superintendent, Auckland.

E. W. STAFFORD.

No 18.

Copy of a Letter from HIS HONOR F. WHITAKER to the HON. E. W. STAFFORD.

SIR,—

Superintendent's Office, Auckland, 22nd March, 1866.

I have the honor to acknowledge the receipt of your letter of the 14th March, No. 94, on the subject of the Regulations for the disposal of the confiscated lands in the Province of Auckland.

I very much regret the delay that will necessarily take place before these Regulations can be issued, as it is of essential importance that land should be sold as early as possible. Apart from the necessity of raising money by land sales, it is quite clear that the Waikato Settlements cannot be kept together unless some employment is found for the men. The sums which can be spent by the Provincial Government on public works will be very inadequate for the purpose, and the only means available are to hold out inducements to settlers to purchase land, and expend money in improvements. The original plan provided for the admixture of capitalists with the Waikato public, and the fatal mistake has been that this arrangement was not carried out. It is essential that it should still be acted on so far as possible, and just now, when many of the men are ceasing to receive rations, it is of especial importance that work should be found for them in the district. Moreover, the season of the year renders loss of time of still more serious consequence. I must also observe that "The New Zealand Settlements Amendment and Continuance Act, 1865" has unfortunately provided that no land shall be disposed of, except for cash, nor at a less rate than ten shillings an acre, and thus throws an obstacle in the way of settlement. If I had the power I would sell large portions of the swamps at a low price, on condition that they should be reclaimed and brought into cultivation within a limited time, thus giving employment to many men for some time to come.

Your letter, to which I am now replying, states four objections to the proposed Regulations:—

1st. That there is no provision for securing to the loyal natives the lands to which they may be entitled, and for settling the natives who may desire to return to districts within the confiscated blocks.

Such a provision was designedly omitted, because it did not appear that there was any power to make

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 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.

No. 20.

(No. 143.) Copy of a Letter from the HON. E. W. STAFFORD to HIS HONOR F. WHITAKER.

SIR,—

Colonial Secretary's Office, Wellington, 19th April, 1866.

Referring to previous correspondence on the subject of the proposed Regulations for the disposal of the confiscated lands in the Province of Auckland, I have to state that, from want of sufficient information at present, it is very difficult to frame such amendments in the Regulations as will enable the promises of the Government, in respect of the lands of loyal natives and others, to be satisfactorily secured from possible infringement.

As some delay, owing to the Governor's absence from Wellington, must necessarily occur in passing Orders in Council for the disposal of these lands, and as besides the difficulties to which I have adverted, there are probably many amendments required, which can only be given effect to by legislation next session, now soon to take place, I would suggest to your Honor whether the proposed Regulations should not for the present be limited to those particular blocks of land, with respect to which no embarrassment of the kind referred to could arise.

Should your Honor concur with this suggestion, I have to request you to be good enough, after perusing correspondence on this subject addressed to you and to your predecessor as Government Agent, and after consultation with him and the Judges of the Compensation Court, to specify the blocks to which you think the Regulations could be safely applied.

I have, &c.,

His Honor the Superintendent, Auckland.

E. W. STAFFORD.

No. 21.

Copy of a Letter from HIS HONOR F. WHITAKER to the HON. E. W. STAFFORD.

SIR,—

Superintendent's Office, Auckland, 17th May, 1866.

I have the honor to acknowledge the receipt of your letter of the 19th of April last, on the subject of the Regulations proposed by myself and the Provincial Council for the sale of lands within the confiscated territory in this Province.

As you suggest, I have consulted with the Judges of the Compensation Court, and they are of opinion that it might be very embarrassing to them, in the exercise of their judicial functions hereafter, if they were to express an extra judicial opinion on the subject referred to.

With regard to my own opinion, it clearly is that it is impossible to frame any amendment which will satisfactorily provide against any possible infringement of the provision made by the Government, in respect of the lands of the loyal natives and others, and at the same time leave the Regulations in a useful and workable state. I feel sure that the only safeguard against such infringement will be a careful and judicious administration of the Land Sale laws, whatever they may be, and that the Government will have to rely on this, and not on any rules which can be laid down. The "New Zealand Settlements Act Amendment and Continuance Act" is very defective, and will require extensive amendments to enable the Government to meet a large number of cases which have occurred, and have to be dealt with.

With regard to amendments proposed to be made in the Regulations by the General Government, I have to observe I could not possibly express assent to any of an essential character without first obtaining the concurrence of the Provincial Council, who have with myself a joint power of recommendation under the Resolutions of the House.

I have, &c.,

FREDK. WHITAKER,

The Hon. the Colonial Secretary, Wellington.

Superintendent.

No. 22.

Copy of a Letter from the HON. E. W. STAFFORD to HIS HONOR F. WHITAKER.

SIR,—

Colonial Secretary's Office, Wellington, 28th May, 1866.

I have to acknowledge the receipt of your Honor's letter of the 17th instant, on the subject of the proposed Regulations for the disposal of the confiscated lands in the Province of Auckland.

As your Honor is unable to assent to any amendments of an essential kind in these Regulations without first obtaining the concurrence of the Provincial Council, and as further Legislation would appear to be requisite to meet contingencies not sufficiently provided for by the existing laws, I would suggest to your Honor that the better course would be to suspend further action in the matter until the question has been further considered and dealt with in the approaching session of the General Assembly which is now about to meet in a few weeks.

I have, &c.,

His Honor the Superintendent, Auckland.

E. W. STAFFORD.