

No. 3.

Copy of a Letter from OTAGO MEMBERS of GENERAL ASSEMBLY to the Hon. E. W. STAFFORD.

SIR,—

Wellington, 12th July, 1867.

We, Members from Otago, in the General Assembly of New Zealand, have now the honor, in accordance with the request made by you to that effect at the interview with which you favoured us on the 9th instant, to apply to the Government through you for a restoration of the moneys which have accrued from the occupation of a piece of land in Princes Street, Dunedin, granted to the Superintendent of Otago in trust for the Corporation of Dunedin, and which moneys have been retained by and are now in the hands of the General Government.

Amongst the grounds upon which we make this application are the following:—

1. That the land comprising the Otago Block, and within which the City of Dunedin is situate, was purchased from the Natives in the year 1844; that certain reserves were then made by and for the Natives; that no parts of the towns of Dunedin or Port Chalmers were included in such reserves; and that the deed of conveyance from the Natives to the Crown did not contain any provision for further reserves being made for the use of the Natives, either out of the lands which were the subject of the conveyance or otherwise.

2. That on the original survey of the town of Dunedin by the late Mr. Kettle, in or about the year 1846, the piece of land in Princes Street before referred to formed a part of a line of sections surveyed, mapped, and intended for selection by Colonists under the scheme of the "Otago Association."

3. That by letter dated 21st October, 1846, Mr. Harington, the Secretary of the New Zealand Company, by order of the Court of Directors of the Company, instructed Colonel Wakefield, its Chief Agent in New Zealand, *inter alia*, "That all water frontages, from about high water mark, be reserved for public use, as at Glasgow, Bordeaux, &c."

4. That the above instructions were forwarded by Colonel Wakefield to Mr. Kettle, who thereupon obliterated from the selection map of sections in the town of Dunedin, all those which had frontages to the harbour, and marked them off as Public Reserves.

5. That the said sections are some of the most valuable in the City of Dunedin; that many of the early settlers felt and still feel aggrieved at being precluded from selecting them under their original land orders—on this ground amongst others, that such sections were indicated as open for selection upon the official map of the town, exhibited at the New Zealand House before they left London; and that they were induced to waive their rights to select these sections solely on the ground that they had been withdrawn from sale for public purposes, and would thereby enhance the value of the sections which they afterwards selected.

6. That from the arrival of the first Colonists in Otago to the present time, the land in question has been partially used as the site of various public buildings, an hospital having been erected thereon by the New Zealand Company, and more recently barracks and stores for immigrants and their luggage, and the Chief Constabulary Depot of the Province.

7. That in the year 1853, as we are informed, the sections of land in question were, on the recommendation of Mr. Mantell, ordered to be set aside for the use of the Natives as a place for landing and encampment.

8. That such recommendation was made without the knowledge or consent of the Colonists of Otago, or of the Provincial Government thereof.

9. That the land in question was and is quite unsuitable for the use of the Natives for the purposes before mentioned, and that it has never been used by them for such purposes.

10. That portions of the said land are and have been for several years past occupied by merchants, storekeepers, and others, as sites for buildings, used by them in connection with their various businesses, and that a large sum of money has accrued from the use and occupation thereof, and is now in the custody of the General Government.

11. That on the 1st day of August, 1865, a Select Committee of the House of Representatives was appointed to examine into the claims of the Provincial Government of Otago to the lands in question.

12. That such Committee, consisting of yourself, Mr. Robert Graham, Mr. Waring Taylor, Mr. A. J. Richmond, Dr. Featherston, Mr. Wilkin, and Mr. Reynolds, after much labour and research relative to the matters intrusted to them, unanimously reported to the House of Representatives, *inter alia*, as follows:—

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"After a careful consideration of the above facts as to the equity of the case, your Committee have arrived at the conclusion that the land forming the Dunedin Reserves having been reserved from sale for a specific public purpose, was wrongfully set aside for the use of the Natives, and therefore recommend that a Crown Grant be issued in favour of the Municipality of Dunedin, as trustees and representatives of the local public, as was evidently the intention of the New Zealand Company, conveyed in the instructions of Mr. J. C. Harington to Colonel Wakefield."

13. That the report of the Select Committee, from which the foregoing is extracted, was presented to the House of Representatives and adopted; and that, in pursuance thereof, a grant of the said lands has been made to the Superintendent of Otago in trust for public purposes.

14. That in our humble opinion the moneys which have been received by the General Government for the use and occupation of the said lands are as much the property of the Province of Otago as the lands themselves, and that it would be an act of injustice on the part of the General Government any longer to withhold them.

15. That the Municipal Council of the City of Dunedin, relying on the decision of the House of Representatives on the ownership of the said lands, and the necessary inference to be deduced therefrom, that the accrued rents from the said lands would be placed at their disposal, entered into engagements and have incurred liabilities on account of public works within the city which they are