

No. 2.

Mr. J. WOODWARD to Mr. R. PHARAZYN.

SIR,—

Treasury, Wellington, 31st December, 1868.

I am instructed by the Colonial Treasurer to inform you that a claim has been made by His Honor the Superintendent of Wellington, on behalf of the Province, for refund of certain expenses alleged to have been incurred for surveys over Native lands. The General Government is not at present prepared to admit this claim, but, being desirous that the matter should be settled, has proposed that the whole case should be submitted to some impartial person, who should decide as to what amount, if any, the Province is fairly entitled. The Superintendent has assented to this, and Mr. Stafford now directs me to ask whether you will act as referee. Should you consent, the whole of the papers shall be sent you, with a synopsis that has been prepared, from which you will learn what the state of the question is, and be able to decide as to what further evidence may be required.

I may add that the Provincial Government has expressed its willingness to afford any assistance in its power, and to direct any of its officers to attend you, whose evidence or opinion you may wish to take.

I have, &c.,

J. WOODWARD,

Assistant Treasurer.

R. Pharazyn, Esq., Wellington.

No. 3.

Mr. R. PHARAZYN to the Hon. the COLONIAL TREASURER.

SIR,—

Thorndon, Wellington, January 23rd, 1869.

Having carefully read and considered the papers submitted to me by the General Government, together with others forwarded by His Honor the Superintendent of Wellington (noted in margin), and having made such further inquiries as I deemed necessary, I beg to offer the following opinion upon the whole question in dispute between the General and Provincial Governments, on which I have undertaken to act as referee. I understand from a memorandum of Mr. H. Jackson's (Chief Surveyor of this Province) that the claim made by his department against the General Government, on account of the survey of Native lands, amounted on the 31st December, 1868, to the sum of £1,912 19s. 8d., but I gather from other documents that of this sum only £850 19s. 8d. was originally claimed, and that this is the amount objected to by the Colonial Secretary of the 28th June, 1867 (number in margin), and it is with this that I have dealt more particularly, though my decision must be taken as a whole. Taking the first of the items of which the claim for £850 19s. 8d. is composed, it appears that the Provincial Government ask for £295 14s. 8d. for connecting runs and other blocks of land belonging to the Natives by trigonometrical survey.

Although certain indirect advantages may accrue to the Colony, as distinguished from the Province, from this work having been done, for which it may fairly be asked to contribute something in the manner I shall presently suggest, yet I do not think that, viewing the subject as one involving a general principle, the claim ought to be admitted. It is clear to my mind that the triangulation of this Province was undertaken for its own benefit, and that the cost would have been much the same had there been no Native reserves and no Native land adjoining that of the Crown.

It is true that the Native owners are benefited, but only incidentally, and as a necessary consequence of the scientific and technical operations required in order to ensure accuracy in any extreme system of surveying, and the Colony cannot be expected to pay for what merely adds to the value of private property.

The second item is a claim for £283 5s. for surveying Native reserves. I find that the whole of these reserves were made at the time the land was acquired by the Land Purchase Commissioners, virtually for the Province, and the survey of such reserves appears to me to have been part of the payment made to the Native owners. It may also be said that the land belonging to the Province was surveyed round the margin of these reserves, as a necessary part of the system under which these lands are sold, and though the Natives are unquestionably benefited, it is only as private persons, and I do not think the Colony ought to accede to this demand, any more than it ought to recoup to the Province any other portion of the money expended from time to time in the purchase of Native lands for which no adequate return has been made to the Province.

The last item is £272 for copying plans required under the Native Lands Act (200), and for surveying the inland boundary of the Rangitikei block (72). I think this claim may be fairly admitted. So far as the £200 is concerned, the Province has been put to this expense entirely in consequence of the operation of the Native Lands Act. It is indeed true that these plans are required chiefly in order to protect the interests of the Province, and to prevent the Native Lands Court from granting away in error either lands belonging to the Province or to private persons, but then such safeguards were rendered necessary in consequence of the existence of the Native Lands Court, and that Court was constituted of a general and political nature, affecting the well-being of the Colony as a whole.

Practically the original plans are useless to this Province, as they are sent to Auckland as soon as executed. The remaining part of the items being small in amount, £72, ought, I think, to be paid with the above as a portion of the "set-off" to which I have already referred, and also because the work in the execution of which this money was expended is likely to facilitate the working of the Native Lands Act.

I now come to the remaining items, about which there is no difficulty as regards principle, as the Native Minister has assented to the proposal of the Provincial Government that an annual subsidy should be granted to the Province for the purpose of carrying on the surveys required under the Native Lands Act, so far as these are of a general character.

I think, however, in order to compensate the Province for that loss to itself which has become a gain to the Colony now that the Native Lands Act is in full operation, by lessening the expense of checking the surveys required under that Act, that the sum of £1,000 instead of £752 should be