

1878.

## NEW ZEALAND.

TE AROHA BLOCK AND MR. BROOMHALL'S  
PROPOSED SPECIAL SETTLEMENT.

(PAPERS RELATIVE TO).

*Presented to both Houses of the General Assembly by Command of His Excellency.*

## No. 1.

MR. BROOMHALL to the Hon. Major ATKINSON.

SIR,—

Northern Club, Auckland, 3rd November, 1876.

I take the first opportunity after my arrival in this city, on my return from the north part of this Island, to acknowledge in writing your telegram of 24th October, which found me at Herd's Point on the 26th, and to which I at once wired a reply.

Previous to my interview with Sir J. Vogel, I had arranged with Mr. Reader Wood to leave this city for the north in the only steamer which runs between it and the Bay of Islands.

Monday, and no other day, is the day for sailing; and this I communicated to Sir Julius, engaging, did I get a telegram from you previous to the steamer leaving, that I would cancel the arrangement with Mr. Reader Wood, and at once proceed to Wellington. I accordingly left Auckland on the 23rd October, and rode across the Island from the Bay of Islands to Waitangi, Ohaeawai, Taheke, Omapere, Manganui Bluff, Waipoua, Opunake, and Kaihu, returning *via* the Wairoa and Kaipara Rivers to Auckland. I found some parts as fertile as Egypt, others as sterile as the desert, others densely covered with thick forest, and but a very small part into which the plough could at once be placed.

The fertile parts, I found, were still in the hands of Natives, and all excluded from my map of the district, kindly furnished to me by Mr. Reader Wood; and the conclusion to which I came was, that the northern part is not adapted for a colony of the size and magnitude contemplated by Mr. Fox and my friends, at least that part of the north over which I rode.

I have gone over the country between the Waikato and Thames Rivers, as far south as Waipa, Hinuera, Turanga-o-Mona, Tepai o Te Rawaru, and Matamata. I have intimated to Mr. Wood my general approval of the locality, and he is now searching whether Government has land thereabouts; and, should he find such the case, I contemplate visiting it on my way to Wellington; but I do not feel at liberty to finally elect any spot until I have the imprimatur of Mr. Fox, who promised to meet me in Wellington about the end of November.

The Hon. Major Atkinson.

I have, &amp;c.,

J. BROOMHALL.

## No. 2.

The Hon. Major ATKINSON to Mr. BROOMHALL.

SIR,—

Wellington, 25th November, 1876.

I have the honor to acknowledge the receipt of your letter of 3rd instant, and to state that the Government will be happy to confer with you, upon your arrival in Wellington, with reference to your proposal for the establishment of special settlements.

I have, &amp;c.,

John Broomhall, Esq., Northern Club, Auckland.

H. A. ATKINSON.

## No. 3.

Mr. D. A. TOLE to Mr. BROOMHALL.

SIR,—

Crown Lands Office, Auckland, 13th December, 1876.

I have the honor, in reply to your letters of date 23rd November, 1876, and 4th December, 1876, on the subject of the purchase of 45,700 acres of land at Te Aroha, for the purpose of forming a special settlement, to transmit for your information the enclosed resolution arrived at by the Waste Lands Board in reference to your application.

I shall be glad if you will intimate to me at your earliest convenience your acceptance or otherwise of the terms and conditions submitted.

I have, &amp;c.,

John Broomhall, Esq., Bank of New Zealand,  
Wellington.D. A. TOLE,  
Commissioner of Crown Lands.

## Enclosure in No. 3.

## RESOLUTION of the Waste Lands Board, Auckland.

RESOLVED, That the blocks of land in the Upper Thames District known as Te Aroha, North-Western Te Aroha, Autonga, South-Eastern Te Aroha, and Te Ourongomaero, and containing 45,700 acres, more or less, be sold to John Broomhall, Esq., for the purpose of establishing a special settlement, as described in his letter dated Auckland, 23rd November, 1876, at 10s. per acre, the amount (£22,850) to be paid by Mr. Broomhall to the Receiver of Land Revenue in Auckland, on or before the 1st day of February, 1877. That the conditions of this sale are, further, that Mr. Broomhall shall bring 610 adult immigrants of eighteen years of age or upwards (two persons under eighteen years of age to reckon as one adult immigrant) from the United Kingdom, subject to the approval of the Agent-General of New Zealand, or his Agent at port of embarkation, and to place all the said immigrants on the land above described, or on such part thereof as may be most convenient; and that Mr. Broomhall shall erect not less than 150 houses of weatherboards or other more permanent materials, each house to contain not less than three rooms, inclusive of any buildings erected to be used as churches, chapels, schools, mechanics' institutes, or stores, which shall each count as one house; that sufficient land be set apart to provide a common-school education for the population introduced; that the one-fifth of such total area of 45,700 acres shall be put under cultivation. That all these conditions shall be fulfilled on or before the 1st day of January, 1883; that, as a guarantee for the due fulfilment of these conditions, Mr. Broomhall shall deposit with the Colonial Treasurer, in New Zealand, the sum of £11,425 in cash, being at the rate of 5s. per acre, not bearing interest; but that, on the due fulfilment of the aforesaid conditions, the said sum of £11,425 shall be refunded to the said Mr. Broomhall or his assigns, at any period before the 1st January, 1883, when all the conditions shall have been fulfilled. If all the conditions be not fulfilled before the 1st January, 1883, the said sum of £11,425 shall be absolutely forfeited, and be treated as a portion of the land revenue of the Colony of New Zealand. That when the said purchase-money of £22,850 shall have been paid, and the said deposit of £11,425 shall have been made, a Crown grant, reserving all precious metals, and containing the usual covenants to lay out roads, shall be delivered to the said John Broomhall.

## No. 4.

Mr. BROOMHALL to the Hon. Major ATKINSON.

SIR,—

Wellington, 2nd January, 1877.

I beg to state, for the information of His Excellency the Governor, that I have applied to the Auckland Waste Lands Board for the purchase of 45,700 acres of land, part of the 100,000 acres of waste lands of the Crown, on which to form a special settlement, such as is provided for in the Waste Lands Act of the last session of Parliament.

I received the resolution of the Board, on my application, in a letter dated the 13th December, but which, owing to my travelling in the interior of the North Island, did not reach me until the night of Friday, the 29th December.

I accept the resolution, except as to some minor details of explanation, definition, and modification; and, as the resolution is subject to the approval of His Excellency, I beg to submit them in the hope, should he think them reasonable, that he will submit them to the Board, believing they are only calculated to insure a successful formation and working of the settlement.

1. The obligation to provide "sufficient land" for a common-school education is an undefined liability. I readily consent to provide any quantity of land on which to erect school buildings, which I believe is all that is intended; but the words cover an endowment, and I shall be glad to know whether or not an endowment is contemplated. If such be the intention, I submit there is no reason why the education of the children of the inhabitants of the block should be placed on any other basis than that on which education is provided elsewhere under the existing law of the colony. It is evident that it might involve the appropriation of a very considerable portion of the lands to be purchased by me from the Government, and I am not aware that such provision has been required in the case of other special settlements, either in that of Colonel Feilding or that of Mr. Vesey Stewart.

2. The obligation to erect 150 houses, no cost being specified, is vague; and, as it is my intention to erect houses of a superior style, I propose to define the minimum cost at £60 each.

3. As I am advised the block contains 12,000 acres of swamp, I beg to submit that the term "cultivation" be construed to include drainage of swamp land, and that one acre of drained swamp be estimated as equal to two acres of cultivated land.

4. I am advised that all emigrants on board ship are charged as adults if above twelve years of age, and that this rule obtains in Colonel Feilding's contract with the Government, in which children under one year are not counted, but that any two children under twelve years of age are counted as one adult; and I beg to submit that the same rule obtain in my contract with respect to the age of an adult.

5. That the deposit of £11,425 appearing an anticipatory penalty (no interest being allowed for it), I beg to propose that, in lieu of depositing cash, I deposit with the Agent-General, in London, £11,425 in New Zealand 4½ per cent. bonds, minus the coupons up to the 1st January, 1883, but that all coupons from the same date be continued on the bonds.

6. That the purchase-money of £22,850 be paid to the Agent-General in London, on or before the 30th June, 1877, in lieu of the Receiver of Land Revenue in Auckland, on or before the 1st February, 1877, as it is impossible for me to make arrangements for the payment in the limited period specified; and I propose to return Home for this purpose by mail of 14th January.

7. That, on receipt by the Agent-General in London of £22,850 in cash, and £11,425 in New Zealand 4½ per cent. Bonds, he telegraph the Government of the receipt when the Crown grant shall be prepared and delivered to the Manager of the Bank of New Zealand in Auckland, on my account.

8. With regard to the remaining 54,800 acres provided for in the Act, I propose to look for it in one or more blocks, at a subsequent period.

I am advised that the successful future of the settlement will be materially influenced by the block being proclaimed:—1st. A separate Road Board district; 2nd. A separate riding; 3rd. A separate licensing district. And, if there be no objection to its being so proclaimed, I shall feel obliged if you will bring these additional matters before His Excellency, at his and your earliest convenience.

The Hon. Major Atkinson.

I have, &c.,  
J. BROOMHALL.

### No. 5.

Mr. J. MACKAY to Mr. D. A. TOLE.

SIR,—

Auckland, 16th January, 1877.

Understanding that it has now been finally arranged to hand over to Mr. Broomhall the Aroha Block, containing 62,552 acres, more or less, as shown in the conveyance from the Natives to the Crown (subject to the final extinguishment of the Native title over the block), I have the honor to inform you that a large area will be required for Native reserves for residence and occupation, and it will not be safe for the Waste Lands Board to make terms with Mr. Broomhall for the sale or disposal of an area exceeding 50,000 acres. I believe that the Native title, with the exception of that to necessary reserves, will be extinguished within about two months from this present date. I shall endeavour to have the Native reserves laid out in such manner as will suit the requirements of the occupiers, and will not in any way detract from the value of the remainder of the property for European settlement.

I have, &c.,

JAMES MACKAY,  
Land Purchase Agent.

The Commissioner of Crown Lands, Auckland.

### No. 6.

Mr. D. A. TOLE to Mr. BROOMHALL.

SIR,—

Crown Lands Office, Auckland, 18th January, 1877.

I have the honor to acknowledge the receipt of your letter of this day's date, signifying your acceptance of the terms and conditions specified in the resolution passed at a special meeting of the Waste Lands Board yesterday, and transmitted to you on the same date.

In compliance with the request contained in your letter now under reply, I beg to furnish you with a copy of the communication addressed to me by Mr. Mackay, and alluded to in the introductory part of the resolution above referred to.

I have, &c.,

D. A. TOLE,  
Commissioner of Crown Lands.

J. Broomhall, Esq., Auckland.

### No. 7.

Mr. D. A. TOLE to the Hon. Mr. WHITAKER.

SIR,—

Crown Lands Office, Auckland, 18th January, 1877.

I have the honor to forward, for your information, the accompanying copy of a letter which I have this day received from Mr. Broomhall, signifying his acceptance of the terms and conditions specified in the resolution of the Waste Lands Board, transmitted to you yesterday.

I have, &c.,

D. A. TOLE,  
Commissioner of Crown Lands.

The Hon. F. Whitaker, Auckland.

### Enclosure in No. 7.

Mr. BROOMHALL to Mr D. A. TOLE.

SIR,—

Auckland, 18th January, 1877.

I beg to acknowledge your letter of yesterday's date, covering a resolution of the Board passed at its meeting yesterday, in which, in substitution of previous resolutions, it resolves to offer me 50,000 acres of land in the Te Aroha Block, and in reply to say that I accept the resolution. I shall be glad if you will favour me with a copy of Mr. Mackay's letter referred to in the preamble of the resolution, which letter you were so good as to read to me yesterday, as its engagement that the Native reserves shall be chosen in a manner not to interfere with the remaining portion of the block to detract from its value as a special settlement for Europeans was a great satisfaction to me.

The Chairman, Waste Lands Board,  
Auckland.

I have, &c.,

J. BROOMHALL.

### No. 8.

Mr. D. A. TOLE to the Hon. F. WHITAKER.

SIR,—

Crown Lands Office, Auckland, 17th January, 1877.

I have the honor, at the instance of the Waste Lands Board, to forward to you the accompanying copy of a resolution, by which the price, terms, and conditions of sale to Mr. John Broomhall of a block of 50,000 acres of land in the Upper Thames District, have, subject to the approva,

of the Governor, been fixed by the Board, in pursuance of section 29 of "The Auckland Waste Lands Act, 1876."

I beg to add that, in compliance with a suggestion made by Mr. Broomhall on the subject, the Board holds itself prepared to recommend that the block referred to be constituted "a separate Road Board district, a separate riding, and a separate licensing district."

The Hon. F. Whitaker, Auckland,

I have, &c.,  
D. A. TOLE,  
Commissioner of Crown Lands.

### Enclosure in No. 8.

RESOLVED, That the following be the price, terms, and conditions of sale to Mr. John Broomhall of a block of land in the Thames District, known as the Aroha Block, that is to say,—

That there be sold to John Broomhall, Esq., for the purpose of establishing a special settlement, as described in his letter dated Auckland, 23rd November, 1876, a block of land in the Upper Thames District, containing 50,000 acres, more or less, comprised within what is known as Te Aroha purchase, containing 62,552 acres, more or less, and of which a plan is hereunto attached, but which purchase is subject to the extinguishment of the Native title, and to the reservation of such lands as may be deemed necessary for Native purposes; such reservation, however, not to diminish the area of the 50,000 acres above stated. That the said 50,000 acres shall be sold to the said John Broomhall at 10s. per acre, the amount of the purchase-money, £25,000 in cash, to be paid to the Agent-General in London within one month after the receipt by him (the said Agent-General) of a plan of the said 50,000 acres, with all Native reserves duly defined thereon. That the conditions of this sale are, further, that Mr. Broomhall shall bring 666 adult immigrants of 18 years of age or upwards (two persons under 18 years of age to reckon as one adult immigrant) from the United Kingdom, subject to the approval of the Agent-General of New Zealand, or his Agent at port of embarkation, and to place all the said immigrants on the land above described, or on such part thereof as may be most convenient; that Mr. Broomhall shall erect on the said land not less than 166 houses of a minimum value of not less than £60 each, inclusive of any buildings erected to be used as churches, chapels, schools, mechanics' institutes, or stores, which shall each count as one house; that he shall reserve within the block sold to him land for recreation, municipal, educational, and religious purposes, placing the same in trust; that the one-fifth of such total area of 50,000 acres shall be put under cultivation, and that one acre of drained swamp shall be reckoned as equal to one acre of cultivated land. That all these conditions shall be fulfilled on or before the 1st day of January, 1883; that, as a guarantee for the due fulfilment of these conditions, Mr. Broomhall shall deposit with the Agent-General in London, at the time of the payment of the purchase-money before mentioned, the sum of £12,500, being at the rate of 5s. per acre, in New Zealand  $4\frac{1}{2}$  per cent. Bonds, with coupon attached, the said bonds and coupons to be returned to Mr. Broomhall or his assigns at any period on or before 1st January, 1883, when all the conditions shall have been fulfilled. If all the conditions be not fulfilled on or before the 1st January, 1883, the said bonds, with coupons attached thereto, shall be absolutely forfeited, and be treated as a portion of the land revenue of the Colony of New Zealand. That on receipt by the Agent-General in London of the said purchase-money, £25,000 in cash and £12,500 deposit in manner aforesaid, he, the said Agent-General, shall by telegraph communicate to the Government of New Zealand the receipt of such sums respectively, whereupon a Crown grant, reserving all precious metals, and containing the usual covenants to lay out roads, shall be prepared in the name of Mr. Broomhall, and delivered to the Manager of the Bank of New Zealand, in Auckland, on account of the said John Broomhall.

### No. 9.

Mr. BROOMHALL to the Hon. Mr. REID.

SIR,—

Wellington, 24th January, 1877.

The Hon. Mr. Whitaker informed me on the 20th instant that he had sent to you a resolution of the Auckland Waste Lands Board, in which they offer to me 50,000 acres of land, one-half of the 100,000 acres provided for special settlement in the last session of Parliament.

I wish to leave Wellington for London as early as possible, and, if you will kindly submit the resolution to His Excellency the Governor, I shall be obliged.

I need not remind you that the question of Native reserves, which has postponed this matter, was never mooted by Mr. Mackay until after the land had been applied for by me, nor until after the Board had offered it, and I had accepted the offer.

I trust that you will allow me to place upon record that Mr. Mackay, the Land Purchase Agent, in his letter of 16th January, assures the Auckland Waste Lands Board that he will "endeavour to have the Native reserves laid out," not to "detract from the value of the remainder of the property for European settlement."

According to clause 30 of "The Native Land Act, 1873," I see that these reserves are inalienable except with the consent of the Governor in Council; and so long as the Natives continue to occupy the reserves, I and my friends will ever seek their welfare; but should the sanction of His Excellency be solicited for sale or lease, I trust the first offer may be made to me, because I and my friends strongly object to the introduction of an element which may be hostile to the foundation of our enterprise.

The Hon. Mr. Reid, Wellington.

I have, &c.,  
J. BROOMHALL.

## No. 10.

The Hon. Mr. REID to Mr. BROOMHALL.

SIR,—

General Crown Lands Office, Wellington, 27th January, 1877.

I have the honor to acknowledge receipt of your letter of the 24th instant, referring to the terms and conditions on which the Auckland Waste Lands Board have agreed (subject to the extinguishment of the Native title, and to the reservation of such lands as may be deemed necessary for Native purposes, as defined in the resolution of the Board) to sell to you 50,000 acres of land within what is known as Te Aroha purchase, and requesting me to submit the resolutions to His Excellency the Governor.

In reply, I have the honor to inform you that, as the Native claims have not yet been settled, I cannot at present submit the matter for the approval of the Governor. As soon, however, as the Native claims have been settled, the land will be proclaimed under the 17th section of "The Waste Lands Administration Act, 1876;" His Excellency will then be advised, in terms of the 29th section of the above Act, to approve of the "price, terms, and conditions" agreed to by the Auckland Waste Lands Board.

In regard to the concluding paragraph of your letter, I have to state that, before the assent of the Governor is given to the sale or lease of any Native reserve which may be made within the block, due care will be taken that such sale or other disposal will not interfere with the improvement and occupation of the other land within the block.

I have, &amp;c.,

D. REID,

Secretary for Crown Lands.

John Bromhall, Esq., Wellington.

## No. 11.

Mr. BROOMHALL to the Hon. Mr. REID.

SIR,—

The Club, Wellington, 27th January, 1877.

I beg to acknowledge your letter No. 153, of this day's date, wherein you inform me that His Excellency the Governor will be advised, in terms of the 29th section of "The Waste Lands Administration Act, 1876," to approve of the price, terms, and conditions agreed to by the Auckland Waste Lands Board, as soon as the Te Aroha Block has been proclaimed, for which I am obliged.

I take this opportunity to express my acknowledgments for the assurance that due care shall be taken that any future sale or lease shall not interfere with the improvement and occupation of other land in the block.

I intend to leave Wellington for London, *via* Christchurch and Dunedin, on Tuesday, the 30th instant, and any communication you may require to make to me in the matter please address to Joseph Newman, Esq., Queen Street, Auckland, who will forward it to me.

I have, &amp;c.,

J. BROOMHALL.

The Hon. D. Reid, Crown Lands Office, Wellington.

## No. 12.

The Hon. Mr. WHITAKER to the Hon. Mr. REID.

(Telegram.)

Auckland, 27th January, 1877.

*Re* Broomhall. I agree with you that we must avoid complications and compensations. Broomhall quite understands the position of the land he wants, and is to pay nothing till all difficulties removed. I see no object, even if it could be done, of giving Governor's formal assent till all clear. Letter promising this year, now, would be quite sufficient, and no doubt satisfactory to him.

Hon. Donald Reid, Wellington.

FRED. WHITAKER.

## No. 13.

The Hon. Mr. REID to the COMMISSIONER of CROWN LANDS, Dunedin.

SIR,—

General Crown Lands Office, Wellington, 29th January, 1877.

The bearer, J. Broomhall, Esq., who is in New Zealand for the purpose of selecting a block of land suitable for the purpose of forming a special settlement, is desirous of ascertaining what lands in your district are available for the purpose, in terms of the 29th section of "The Waste Lands Act, 1876."

I have the honor to request that you will be good enough to give him any information and assistance he may require.

The Commissioner of Crown Lands, Dunedin.

I have, &amp;c.,

D. REID.

[Copy to Commissioners, Invercargill, Christchurch.]

## No. 14.

Mr. W. H. PEARSON to Mr. D. A. TOLE.

SIR,—

Crown Lands Office, Invercargill, 12th February, 1877.

I have the honor to acknowledge receipt of your letter of 29th ultimo, requesting I would further Mr. Broomhall's desire to obtain a block of land for special settlement in this district.

In reply, I beg to state that your letter was forwarded to me by Mr. Broomhall from Dunedin, with an intimation that, being prevented by the recent floods in Otago from coming to Invercargill overland, he purposed, if possible, to visit this on the arrival of the "Arawata" at the Bluff on Thursday next, he having taken his passage in that steamer for Melbourne *en route* for Home, *via* Suez.

I am sorry I will not be able to see him, as I leave for Stewart Island to-morrow to settle land claims and examine into the oyster fisheries; but I have had a map prepared showing the best available areas for such location, with the descriptions attached, and telegraphed to him that, on his applying to the Chief Surveyor on arrival here, he will obtain the map and any explanatory information which may be useful to him.

The Hon. the Secretary for Crown Lands,  
Wellington.

I have, &c.,

WALTER H. PEARSON,  
Commissioner of Crown Lands.

### No. 15.

Mr. D. A. TOLE to the UNDER SECRETARY for Crown Lands.

SIR,—

Auckland, 5th September, 1877.

I have the honor to inform you that the Waste Lands Board are desirous to learn what action, if any, the Government has been pleased to take with the view to give effect to the terms of the resolution of the Board relative to the proposed sale to Mr. John Broomhall of 50,000 acres of land for special-settlement purposes in Te Aroha Block, Upper Thames District.

I shall be glad, therefore, to receive from you on the above subject any information you may be enabled to afford, as the Board are anxious to be made aware of the present position of the negotiation.

I have, &c.,

The Under Secretary for Crown Lands, Wellington.

D. A. TOLE.

### No. 16.

Mr. GILES to Mr. D. A. TOLE.

SIR,—

Wellington, 14th September, 1877.

By direction of the Hon. Secretary for Crown Lands, I have the honor to forward you copies of correspondence with Mr. John Broomhall, with reference to the resolution of the Auckland Waste Lands Board as to the proposed sale of 50,000 acres to that gentleman for special-settlement purposes in the Upper Thames District, as requested in your memorandum of the 5th instant.\*

I have, &c.,

The Commissioner of Crown Lands, Auckland.

J. GILES.

### No. 17.

The AGENT-GENERAL to the MINISTER of LANDS, Wellington.

SIR,—

7, Westminster Chambers, London, S.W., 14th March, 1878.

I have the honor to forward to you the copy of a letter received from Mr. Broomhall, in which he encloses the copy of a letter which he says he proposes to address to you. Mr. Isaac, to whom Mr. Broomhall refers, is Mr. William Isaac, lately of Dunedin, who was one of the Directors of the Company projected by Mr. Broomhall, which has since been discontinued. I cannot say anything about the opinions which Mr. Broomhall says Mr. Isaac has placed on record, as I have not seen the document, and I have nothing whatever to do with it.

I may, however, explain to you the remarks I made to which Mr. Broomhall refers, although these remarks were made on a private occasion, and I somewhat doubt if Mr. Broomhall is justified in referring to them.

At one of the meetings of the Board of the Company which I attended by invitation of the Directors, I saw a copy of the agreement entered into by Mr. Broomhall with some one on behalf of the Company. It therein specified that within a few days (I think ten) of the shares being allotted, the Company was to pay Mr. Broomhall £5,000 for his agreement with the Government. I observed by the recital of the agreement that all that Mr. Broomhall had from the Government in the nature of an agreement was a letter from the Secretary of Crown Lands, in which that gentleman said something to the effect (I have no copy of the papers) that, when the Native difficulties in respect to the land were disposed of, the Governor would be advised to ratify the terms agreed to by the Waste Lands Board of Auckland. I told the Directors that I thought it was impossible they could pay the £5,000 to Mr. Broomhall until he had something more to show than his letter from the Minister. I added that there was a new Government, and that they might not recommend the Governor's assent without some modifications. Mr. Broomhall immediately exclaimed that I was accusing the new Government of repudiation. I explained that I meant nothing of the sort, and that, indeed, the terms of the Waste Lands Board and letter of the Minister were so bare that it was quite possible the late Government intended to amplify them before ratification. I said that the Government might resent Mr. Broomhall's receiving a profit in anticipation of the grant of land, that they might reasonably require to know that the original design would be carried out, and that, on the face of a sale so unrestricted, they might not consider the conditions of the guarantee sufficient. I strongly urged that the Directors could not part with the shareholders' money without something more definite than was proposed to be given. The Directors accepted my view, and, notwithstanding Mr. Broomhall's disinclination, insisted upon a modification of the agreement by which the Company's money would not be paid till the land was secured. I do not remember saying anything about the Crown grant containing conditions, indeed

\* The enclosures consisted of correspondence with Mr. Broomhall prior to the date of this letter.

I am under the impression that conditional Crown grants are not issued. I am, of course, stating not the words, but the substance of what I said. My view was this: that the Government would not object to Mr. Broomhall's transferring his interest; that, indeed, they supposed he would do so; but that they would object to his making the transfer and receiving the profit before the Government had an opportunity of satisfying itself as to the intentions of the Company, and that in any case, whilst any doubt existed, the shareholders' money could not be parted with.

I had been constantly in communication with Mr. Broomhall, and assisted him in preparing his prospectus; but I had never seen the agreement made with the Company, nor the documents on which Mr. Broomhall relied for his agreement with the Government. Constantly, when I was making suggestions and alterations, I told Mr. Broomhall that he must refer to his lawyers for a precise opinion as to the nature of his agreement. When I read the document to which I have referred, it seemed to me the agreement was sufficiently general not to preclude the Government from amplifying it, and that it was especially likely they would do so in respect to transfer or assignment. Clearly, if there was the slightest chance of this, the Company could not part with its money until satisfied on the point. The Directors, some of whom were interested in the proposed payment, all agreed with me, excepting Mr. Broomhall.

I have, &c.,

JULIUS VOGEL,  
Agent-General.

The Hon. the Minister of Lands, Wellington.

### Enclosure 1 in No. 17.

MR. BROOMHALL to the AGENT-GENERAL for New Zealand, London.

SIR,—

The Manor House, Penge, Surrey, 12th March, 1878.

Mr. Isaac expressed to me some short time since, on information alleged to have been received from you, that the New Zealand Government would add conditions to the Crown grant, in *re* the sale to me of 50,000 acres of land, foreign to those expressed in the resolution of the Auckland Waste Lands Board of 17th January, 1877, and that of the Secretary of Crown Lands, as expressed in his letter of 27th January, 1877. So long as Mr. Isaac confined himself to verbal expression of his views I paid no attention to them. He has now placed them on record, and, as they agree with those you expressed to me in person, when you intimated that I had no power to assign, and that the Government of Sir George Grey may decline to confirm the arrangements of its predecessor in the sale to me of 50,000 acres of land, I have addressed a letter to the Government of the colony requesting a draft of the Crown grant may accompany the plan. I enclose to you a copy of the letter, which I shall post by the next 'Frisco mail. You will thus have ample time to express your views to the Government; I have never understood them. I maintain that my agreement gives me ample power to sell large or small farms, on the receipt of the Crown grant, free from any restrictions except those which may be made between ourselves and our customers, and that the £12,500 in bonds is the penalty, and the only penalty, which the Government is entitled to for any failure of building, importation, or cultivation in the six years.

I have, &c.,

Sir J. Vogel, K.C.M.G., Agent-General for New Zealand, London.

J. BROOMHALL.

### Enclosure 2 in No. 17.

MR. BROOMHALL to the SECRETARY for CROWN LANDS, Wellington.

SIR,—

The Manor House, Penge, Surrey, England, 12th March, 1878.

I beg to refer to your letter No. 153, of the 27th January, 1877, in which you intimate that, on the settlement of sundry Native matters as to claims and survey, His Excellency the Governor will be advised to approve of the price, terms, and conditions agreed to by the Auckland Waste Lands Board for the sale to me of 50,000 acres of land.

The conditions of sale are 10s. per acre, in addition to which I am to import 666 adult emigrants, build 166 houses, and cultivate 10,000 acres out of the 50,000 acres, and to do this in six years.

As security for this importation, building, and cultivation in six years, I am to deposit £12,500 in New Zealand bonds with the Agent-General, on which a Crown grant is to issue to me, under which I can convey to purchasers large or small farms, giving them a good title, free from all restrictions except the reservation of precious metals for the Crown, and under which purchasers shall only be accountable to me, or my associates, and not to the Government in any shape or form.

If there be any failure in importing the 666 adults, building the 166 houses, or cultivating the 10,000 acres, the £12,500 bonds are to be forfeited; but, if there is no failure, the £12,500 in bonds is to be returned to me or to my assigns.

I trust you will allow me to remind you that one out of the six years has expired, and to request a corresponding extension of time may be added to the agreement covering that year, and also any further time that may elapse before the receipt of the plan of the said 50,000 acres.

I beg also to request that a draft copy of the Crown grant may accompany the plan to this country for my approval, Sir Julius Vogel having informed me that I have no power to assign, and that sundry conditions may be inserted in the Crown grant which are not specified in the resolution of the Auckland Waste Lands Board.

I have informed Sir Julius Vogel that the terms of the contract are distinctly set forth in the resolutions of the Auckland Waste Lands Board, and that the essence of the agreement is that the Crown grant, as the root of my title, shall give me power to sell in this country or elsewhere large or small farms, free from any restriction except the reservation of precious metals to the Crown, and that the purchasers shall only be accountable to me and my associates, and not to the Government.

I have told Sir Julius Vogel that the insertion of any conditions whatever in the Crown grant tending to fetter or restrict the sale of the freehold will be conditions to which I have not agreed, and to which I will not consent.

I beg to say that I cannot understand the remarks of Sir Julius Vogel on this matter; they consist more in suggestions that conditions may be added to the Crown grant, than in assertions that they will be added. I have therefore sent him a copy of this letter, with a request that he will explain himself to you.

The Secretary for Crown Lands, Wellington, N.Z.

I have, &c.,

J. BROOMHALL.

### No. 18.

Mr. BROOMHALL to the SECRETARY of CROWN LANDS, Wellington.

SIR,—

The Manor House, Penge, Surrey, England, 27th March, 1878.

I beg to enclose letter dated 12th March, 1878\*, copy of which I have sent to Sir Julius Vogel, as intimated therein, who, no doubt, will endeavour to explain to you what is a mystery to me. His views appear to be that I have no power to assign (which I deny) any part of the land to others, and that I and my colleagues must send out the 666 people, build the 166 houses, and bring the 10,000 acres into cultivation by money taken from our own pockets. It is useless to point out that the origin and root of the contract is my letter and memorandum of the 23rd November, 1876, in which it is distinctly set forth that "every person in Europe to whom we sell 50 acres of land, improved or not improved, we shall require to send out one emigrant at least, the purchaser and his wife and children to count."

It is useless to maintain that it matters not whether we pay the expenses of emigration, or contract with the emigrants to pay them, whether we build the houses or contract with the emigrants to build them, whether we cultivate the land or contract with the emigrants to cultivate it. I say it is to the interest of the colony that we send out people who shall be capable of making contracts with us to pay their own passage, to build their own houses, and cultivate their own land; that it is not for the interest of the colony that we send out paupers or men who have no capital; and that the essence of my letter of the 3rd November, 1876, is that "capital and labour, free from restrictions, is the only true base of mutual prosperity," and that that letter and those statements are the root of my agreement with the Government.

Sir Julius Vogel has intimated that there may be conditions in the Crown grant of a restrictive kind, the nature of which he has not explained; but, so far as I do understand them, they appear to place me in the same position as Colonel Feilding and Mr. Vesey Stewart—that is to say, when the people have been sent out, when the houses are built, and when the land is cultivated, that then the Government will issue Crown grants to my nominees, and Sir Julius Vogel ignores the fact that my contract is essentially different to that with either of those gentlemen.

I pay the purchase-money in full, I make a deposit of £12,500 in bonds, to be forfeited if I fail in sending out one of the 666 adults, in building one of the 166 houses, and cultivating one of the 10,000 acres; neither Colonel Feilding or Mr. Stewart paid purchase-money, nor made a deposit.

I have told Sir Julius Vogel that I place no reliance on his suggestions, and that I appeal to the conditions of the agreement for a Crown grant free from all restrictions but those specified in the agreement under which I can give a good title to all the land; and that the penalty, and the only penalty, for the non-fulfilment of any part of the 666 adults, the 166 houses, or cultivation of the 10,000 acres, is the forfeiture of the £12,500 New Zealand 4½ per cent. Bonds.

I trust you will not consider me importunate or dogmatic; the issue raised is vital, as people here will not invest in the purchase of land respecting which there can be any doubt as to an unconditional title, nor will I ask them to do so.

I am as firmly of opinion now as I was when in the colony, that New Zealand offers great advantages for the employment of the surplus capital and labour of this country, and that a properly organized body will direct both, but I am equally convinced that one is of no use without the other; and I will be no party to sending a single man to the colony who is unable to pay his own passage money at the least.

I have, &c.,

The Secretary of Crown Lands, Wellington, New Zealand.

J. BROOMHALL.

\* Enclosure 1 in 17.





# PLAN OF TE AROHA PURCHASE

## UPPER THAMES

### *Auckland Provincial District*

SCALE 1 MILE TO AN INCH

