

MESSAGE No. 28.

His Excellency the Officer administering the Government transmits to the House of Representatives copies of such Correspondence as can be obtained which is alluded to in a Resolution dated the 18th ultimo, No. 27, requesting that the House might be furnished with "copies of all Correspondence which has taken place between the General Government of New Zealand, the Commissioner of Crown Lands, and His Honor the Superintendent of the Province of Otago, relative to administration of the Waste Lands in the Province of Otago, both within and external to the Otago Block, since the retirement of the New Zealand Company.

R. H. WYNTARD.

Government House,
Auckland, 8th August, 1854.

SCHEDULE of Correspondence forwarded with Message No. 28 :—

19th March, 1851, W. Cargill, Esq., to His Excellency Sir G. Grey, with Enclosures
25th November, 1851, ditto to Colonial Secretary, Wellington
18th March, 1853, Civil Secretary to Walter Mantell, Esq., Commissioner of Crown Lands, Otago, with Enclosures
27th April, 1853, ditto to ditto, with Reply
22nd May, 1853, ditto to ditto
29th August, 1853, Commissioner of Crown Lands to Civil Secretary, with Enclosures
12th July, 1853, ditto to ditto, with Enclosures
8th August, 1853, Civil Secretary to Commissioner of Crown Lands
12th August, 1853, ditto to His Honor the Superintendent, Otago
Civil Secretary to Commissioner of Crown Lands, 12th August, 1853
Ditto to ditto, 13th September, 1853
Ditto to ditto, with Enclosures, 9th November, 1853.

Otago,
Dunedin, 19th March, 1851.

Sir,—

With reference to the interim arrangements for administering the Lands in this Settlement, I have the honor to submit for the consideration of your Excellency the following points, on which it appears to me that some steps should at once be taken. The first of these points has reference to the road lines laid out in the original surveys and as they still appear on our maps, but which, in my opinion, would require to be forthwith revised and altered, because of the construction of such roads upon these lines having been found impracticable, and because of the inconvenience and expense that must attend a deviation from them after the lands have been chosen; whilst on the other hand no one could demur or ask compensation if the new and practicable lines were laid down at the time of his choice.

It must be observed by the enclosed Extracts of my Despatches to the Principal Agent, as per margin, that attention had already been called to the subject; and in the first of them, which conveyed my remarks upon the report of Mr. Felix Wakefield generally, that I considered the point in question so very urgent as to have submitted the necessity of having the new lines of road immediately laid out; but the position of the Company at the time must have been the cause of this request remaining unnoticed.

The second point relates to the economising and useful distribution of bush land; and it is also referred to in the Despatch No 66-50. I could see no impropriety in this matter, of simply withdrawing bush lands laid out in allotments from sale or choice, and of substituting other allotments in their place; but I should feel it to be neither just nor expedient to do so without at the same time being empowered to offer the bush land for sale in given proportions to the owners of open lands; and at the same price per acre as paid for the open lands. On this subject, which is not quite so pressing as the former, I have written, of date the 12th ultimo, to the Association, now in communication with the Colonial Office; but should your Excellency be pleased in the meanwhile to sanction the sale of Bush per acre *pro rata*, and at the prices referred to, the measure might be brought into operation at once.

I have the honour, &c., &c.,

(Signed)

W. CARGILL, J.P.

To His Excellency

Sir George Grey, K.C.B.,

Governor-in-Chief, &c., &c.

EXTRACTS—Despatches from the Resident Agent, Otago, to the Principal Agent of the New Zealand Company.

* * * * *
The trigonometrical survey of our 144,600 acres as originally proposed and effected by Mr. Kettle, and since adopted by the "Canterbury," together with a pictorial map, as now also recommended in the report, having been completed, it is observed of this species of survey already introduced into New Zealand by Mr. Kettle that the accuracy not only of his triangulations, internal fittings in traverses, &c., but also of the geographical positions laid down by him, have been remarkably confirmed by Captain Stokes, of H.M.S. Acheron: for instance—Longitude—Obs. spot Port Chalmers, by Captain Stokes, $170^{\circ} 41' 07''$

D
No. 66-50.
Dated 20th Sept.,
1850.

By Mr. Kettle, reduced from his transit—

Station, Dunedin (had no chronometer) $170^{\circ} 40' 56''$

The difference being only $11''$, or little more than half a second of time.

On the other hand, the points now suggested by Mr. Wakefield for further adoption in such surveys are sufficiently obvious, and I see no difficulty in their being fitted on to Otago. The most important of these had already occurred to me, and was submitted for consideration in the 5th paragraph of my Despatch, No. 59-49, namely, that the main lines of roads should be carefully laid down and treated as far as possible like water frontages, it being desirable that the frontages of allotments on each side of the road lines had conformed to the sinuosities of the roads. Something to this effect might still be done with advantage, and at all events it is very important that wherever a main road will have to cut, or to wind its way through parallelograms of 10 or 50 acres each, the same should be accurately laid down before the lands are chosen. No doubt our roads will chiefly be carried through extensive grassy plains, and consequently be straight and level; but still when practically set about deviations and curvatures will occur, and such, in fact, has been the case with our road through the Taieri Plain. It has somewhat diverged from the straight lines on the original map; but with respect to the broken ground extending from the Harbour to the head of the Taieri Plain, the effect will be vastly more serious, because, in addition to the multiplied windings of roads taken over these grounds, the available land is laid out in 10 acre allotments, and the consequence in an extreme case will be seen by the enclosed tracing. The evil, however, attaches to a comparatively small number of the whole allotments staked off and laid down on the map, and I think might still be overcome with but a small sacrifice of these admeasurements. Thus let the road lines be carefully laid down with an exclusive view to the practical and economical, and, as suggested in the report, by marking the centre only and leaving 33 feet on each side, to be excluded from the adjoining allotments, so as to give a width for main road of 66 feet, in place of 40 as at present, and let the parts of allotments separated by these new road lines be sold at the established price per acre, making them an exception to the minimum quantity sold by the Company, or where the effect may be to augment the size of an allotment, that it may be also sold at the same rate per acre. A rule to this effect would further

No. 59-49, Nov. 8th,
1849.

provi le for the sale of pieces of land left out of the surveys because of being insufficient for an allotment, and which the adjoining proprietor would sometimes be happy to acquire. Mr. Kettle had endeavoured to obviate the difficulty in question by writing on his office map, of date January 18th, 1849, "A right of road is reserved through any of the suburban sections for the purpose of making any deviations from the lines of road laid down on the maps, which may hereafter become necessary." But this could not be binding on parties who had chosen before that date; neither, perhaps, would it be sufficient of itself to avert disputes on the part of those who have chosen since. A rule to the effect referred to therefore seems so desirable that I would submit its being *pro tanto* and forthwith ordered by the Principal Agent, subject to approval at home. I am inclined to think that the Canterbury plan of measuring off and delivering allotments only as required and in quantities not less than the established minimum, is an improvement. At the same time, the shape of allotments generally adopted by Mr. Kettle being in fact that of the narrow frontages and long sides now recommended in the report, and the size of our allotments being 50 acres (rural), in place of 100, the minimum proposed by Mr. Wakefield, I think we have already sufficient provision on this point for the accommodation of purchasers present and perspective.

No. 59-49. Nov. 8th,
1854.

With regard to the delivery of land by an assistant surveyor, who shall once for all stake it off in the presence of the receiver, I would again refer to my Despatch No. 59 49. I have always thought it desirable, it has generally been necessary even from the first, and is now become imperative by the growth of herbage and displacement of pegs.

* * * * *

No. 59-50, 2nd Sept.,
1850.

I take this opportunity to refer to a point which is not noticed by Mr. Wakefield. In my despatch No. 59-50 it is stated with reference to the preservation of Bush, that "the quantity of Bush on our block is sufficient for every purpose; and although very few properties are even inconveniently distant from supply, yet it is but a few out of the whole that have any bush on their surface;" and considering the tendency of parties to chose bush land either for the purpose heretofore, of chopping and burning it, to get at the soil, or perhaps at an early date of monopoly when the requirements of open land for a sufficient share of the Bush has been procured. I suggested that if a rule could yet be introduced to the effect that Bush for fuel and fencing could only be acquired in proportion to the open lands held by parties, it would be a wholesome and provident restriction against either reckless burning or monopoly, and I am persuaded that the same would be also applicable to the Canterbury site, if not indeed to the whole of the Middle Island.

On this point the rule might be somewhat as follows:—

1st. That all unchosen Rural Allotments of which the whole or three-fourths of the surface are covered with bush, and all unchosen Suburban Allotments, with the understated exception, of which the whole or three-fourths of the surface are covered with Bush, shall be withdrawn from choice or sale.

The boundary of the above exception to be a straight line passing through the trigonometrical station on Kaikorai Hill in the direction of north by west (true bearing) from the ocean to the inland boundary of the Otago block, and to include all that part of the block lying to the northward of the said line.

2nd. That the Rural Bush Land withdrawn from selection as above, be offered for sale to the proprietor of open lands at 40s. per acre, and in the proportion of one acre of Bush for every 50 acres of open land; and the Suburban Bush, also withdrawn as above, at the rate of 60s. per acre, and in the proportion of half-an-acre of Bush for each 10 acres of open land. (These proportional quantities may be increased on reasons reported to and approved by the Principal Agent.) In all cases the lines of demarkation to be cut at the expense of the purchasers, in manner to be described by the Company's Surveyor.

3rd. That Bush land which has not been laid off in allotments be disposed of as in No. 2, so far as required by settlers to whom they may be conveniently situated; and with respect to Bush not so acquired by settlers, that licenses to cut and saw timber thereon be granted at the market rate of royalty, and any revenue accruing from such royalty after expense of survey to be appropriated as usual by eighths.

* * * * *

I have further to request your attention to what appears to be a great improvement in the Canterbury Settlement, that of having the road lines carefully laid out in the first place, and the allotments afterwards laid off under certain regulations, and as the purchasers from time to time come forward to choose their lands. It has always appeared to me that the arbitrary method of marking off roads in connexion with parallelograms, and which in most cases will be found impracticable, must lead to future difficulty and expense in the construction of our roads—the main line in particular. So far as we have gone in road-making, it has been absolutely necessary to study the features of the country, and to cut through allotments of land as they stand on the map in various directions; and I anticipate complaints at an early date, even as to the additional expense of the increased amount of fencing to which the owners of these allotments will hereby be exposed, besides the more serious evil arising from the disjunction of small and irregular patches of their land.

In these circumstances, and as we have still a large amount of suburban allotments to be picked out in small blocks from the unappropriated lands, I would submit to your consideration how far it would be advisable in this case to adopt the Canterbury plan, or such modification of it as may be found compatible.

Dunedin, 25th November, 1851.

Sir,—

With reference to my letter to Walter Mantell, Esq., of date 19th instant, handing over to him the applications for Runs that were lodged with me before Mr. Mantell's appointment was made known, I have the honour to submit for the information of His Excellency the Governor-in-Chief, in regard to the official document of 1st of August, 1849, on the subject of pasturage, and to the existence and terms of which it was my duty to call the Commissioner's attention. Yet, as regard the reduced rates of fees and assessments, as I had ventured to demur to the propriety or necessity of the same, that I have abstained in the hope of such reduced rates having been cancelled by Lord Grey, from making any allusion to them to the public, and that my advertisement on the subject, as per *Otago Witness* of 22nd instant, is simply as follows:—"The Commissioner of Crown Lands for the Otago district, desires to notify that all applications lodged with him for Pasture licenses external of the Otago Block, have been handed over with note of the dates and order in which they were received, to Walter Mantell, Esq., who has been appointed Commissioner for the Southern District of New Munster, excepting that portion known as the "Otago Association's Block," as per *Government Gazette* 11th October, 1851.

"Also that Mr. Mantell's attention has been called to the arrangements between the New Zealand Company and the Otago Association (of date 1st August, 1849), whereby in consideration of the expenditure and labours of the Land Purchasers and the founders of the Settlement, thereby opening up the adjacent country for grazing, and giving an enhanced value to pastures in contiguity with the Settlement, it was agreed that in addition to the 400,000 acres comprising the block, 600,000 acres of the adjacent pasturage should be assigned to supply the requirements of the Land Purchasers in Otago."

I have the honour, &c., &c.,

(Signed)

W. CARGILL,

Commissioner of Crown Lands District of Otago.

The Hon. the Colonial Secretary of New Munster,
Wellington.

Dunedin, November 22nd, 1851.

Sir,—

I do myself the honor of enclosing the copy of a letter and schedule addressed to me by the Commissioner of Crown Lands for the Otago District, in which that gentleman makes allusion to an agreement which he states to have been entered into in August, 1849, between the New Zealand Company and the

Otago Association relative to the disposal of six hundred thousand (6000,000) acres of land external to the Otago Block.

I would request you to submit this statement to the Governor-in-Chief, in order that I may be furnished with such instructions on the subject as His Excellency may deem necessary; but until the receipt of such instructions, I do not conceive that I am empowered to recognise any such agreement. With reference to the schedule, I may mention that I have registered as received on the 21st November, all such applications noted in it as I had not received at an earlier date, and shall so advertise them on my return from Foveaux Strait, so soon as I shall have been able to examine the district and verify or correct the boundaries.

I have, &c., &c.,

(Signed)

WALTER MANTELL,

Commissioner of Crown Lands Southern District N. Z.

The Hon. the Colonial Secretary,
Wellington.

Dunedin, 19th November, 1851.

Sir,—

Having had the honour of a call from you this morning, notifying your arrival to assume the duties of Commissioner of Crown Lands for the Southern District of New Munster, excepting the Otago Block, I beg leave to enclose, as per annexed list, the applications for Pasturage Runs which I mentioned to you as having been lodged with me as Commissioner for the Otago District before the knowledge of your appointment. The parties having acted entirely of their own accord, and for their own interests, were informed that I could only place their applications on a file, with note of the dates and order in which they were received, to be afterwards dealt with in terms of such instructions as might be issued by the Government. My impression is that they are all bona fide; that some of the applicants will be found to have occupied the Runs for a series of years, down to that of a few months; and that others have live stock on the way from Australia and Van Diemen's Land. The parties, moreover, may be classed as follows :—

Land owners in Otago.....	14
About to purchase in Otago.....	2
Inspector of Sheep having live-stock near Port Chalmers	1
Holders of stock at Moeraki, Waikowaita, &c.....	5
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Total applicants.....	22
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I state these circumstances in connexion with the last arrangement, of date the 1st of August, 1849, between the New Zealand Company and the Otago Association, a copy of which I had the honour to hand to His Excellency the Governor-in-Chief, and whereby it was agreed, in consequence of enhanced value given to adjacent pasturage at the expense of the purchasers and settlers in Otago, that 600,000 acres external and in addition to the pasturage within the block, should be assigned to supply the wants of the Otago colonists, and on the following terms, namely—"That the fee and yearly charge be one-half of the fee and yearly charge at the time on licenses for pasturage of the general Demesne Lands of the Crown in the Southern Provinces of New Zealand and allotted to any settlement."

I have the honour, &c., &c.,

(Signed)

W. CARGILL,

Commissioner of Crown Lands Otago District.

Walter Mantell, Esq., J.P.,
Commissioner of Crown Lands for the
Southern District of New Munster,

LIST OF APPLICATIONS for Pasturage Runs, external to the Otago Block :—

Date of receipt of Application.	Name of Applicant.	Situation, &c., &c.
6th August 1851..	Alexander M'Donald	West of Waipori, &c., and abutting on boundary of Otago Block, opposite the Waipori Lake, as described in application.
27th August, 1851	W. H. Valpy	West of Tokomairiro, &c., as described in application, so far as the same may be found external of the Otago Block.
3rd September „	Alx. Stuart & Hugh Robison	North-west of the Tokomairiro, &c., as described in application, and abutting on the Otago Block.
4th September „	John Anderson	Blueskin, as described in application, and abutting on the Otago Block.
11th Sept. „	Fred. and John Borton ..	Blueskin, Poraukunui, &c., as described in application, and abutting on the Otago Block.
11th Sept. „	W. A. Mosley	Blueskin, &c., as described in application.
16th Sept. „	Thomas Jones	Near Waikowaiti, as described in application.
18th Sept. „	John Jones	Waikowaiti, &c., as described in application.
18th Sept. „	Edward Lee	West Taieri, &c., as described in application, and so far as the same may be found external of the Otago Block.
21st Sept. „	George Smith	Porakanui, as described in application.
22nd Sept. „	J. H. Harris & R. Stewart..	East Taieri, as described in application, and so far as the same may be found external of the Otago Block.
1st October „	J. Macandrew & W. H. Reynolds	East of River Taieri, &c., as described in application, and so far as the same may be found external of the Otago Block.
1st October „	C. H. Kettle	North-west of the Tokomairiro Plain, as described in application, and abutting on the Otago Block.
1st October „	Neil J. B. M'Gregor.. ..	North of East Taieri, as described in application, and so far as the same may be found external of the Otago Block.
2nd October „	W. H. Valpy	North and east of Clutha, as stated in the application.
6th October „	Archibald Anderson	West of Waihota and Waipora districts, as described in application, and abutting on the Otago Block.
6th October „	Archibald Anderson	Waitahuna, &c., as described in application: and abutting on the Otago Block.
9th October „	John Jones, Junr.	Near the Waitangi River, as described in application.

List of Applications continued.

Date of receipt of Application.	Name of Applicant.	Situation, &c., &c.
27th October „	John Hughes	Moeraki, as described in application.
15th Nov. „	J. Macandrew and Co., for Edwin Meredith	Clutha, &c., as described in application, and so far as the same may be found external of the Otago Block.
17th Nov. „	P. Williams.. .. .	Moeraki, as described in application.
17th Nov. „	Robert Richmond	Moeraki, as described in application.
17th Nov. „	Charles Suisted	Moeraki, &c., as described in application.
18th Nov. „	J. Macandrew and Co., for George Meredith	Clutha, &c., as described in application, so far as the same may be found external of the Otago Block.

(Signed)

WALTER MANTOLL,

Civil Secretary's Office, Wellington,
18th March, 1853.

SIR,

With reference to my letter of the 14th instant, transmitting a copy of the Proclamation of the Land Regulations, I have now the honor, by direction of His Excellency the Governor, to request that you will take the necessary steps for carrying the same into effect.

You will have the goodness to report with as little delay as possible if any land outside the limits of the Otago Block, including the additional 600,000 acres to the original block of 400,000 acres to which I referred in my letter quoted 52-539, June 7, 1852, in the margin, can be thrown open for purchase, as proclaimed districts.

I have, &c.,

(Signed)

ALFRED DOMETT,
Civil Secretary.

Walter Mantell, Esq.,
&c. &c. &c.
Otago.

19.

Crown Lands Office,
Dunedin, 20th April, 1853.

SIR,

I have the honor to acknowledge the receipt of your letter of the 18th March, ultimo, No. 229, directing me to take the necessary steps for carrying the General Land Regulations into effect, and to report if any lands outside the Otago Block (including the 600,000 acres additional to the original block of 400,000 acres referred in your letter of 7th June, 1852, No. 539) can be thrown open to purchase as proclaimed districts.

1. In reply I have the honor to inform you that I have announced by advertisement the receipt of the Proclamation and (in accordance with the 31st clause thereof) have fixed the 29th instant as the day on and after which application for the purchase of rural lands will be received.

2. With regard to the Otago Association's block, which I believe has never (even the 400 000 acres) been hitherto defined on any map, I do myself the honor to enclose a map derived from Mr. Kettles' Topographical sketch of 1848, shewing the boundaries of a little more than a million (1,000,000) acres, which I have laid down after a most careful investigation, aided by the following documents:—

1. Mr. Commissioner Bell's Memo. enclosed in letter of Hon. Colonial Secretary, 24th March, 1852,—328
2. Parly. Sess. Paper, No. 369 of 1845, p. 64.
3. Letter Hon. Colonial Secretary, 7th June, 1852,—539.
4. " " " 8th " —549.

I have not the 22nd Report of the New Zealand Company.

The Matau or Koau would form a better, and will in all probability eventually become the southern limit of the County, but the surveyed land extending beyond those rivers, I have included it in the block. Still, in consonance with the opinion expressed in the first clause of your letter of 7th June, 1852,—539, that "the 400,000 acres should be merely a consolidation of the scattered districts of the Otago Settlement actually surveyed," I have not added any margin whatever to the surveyed land on the South: such additions must have been *external* to and could not therefore have contributed to the "consolidation" of the block, and the Kaihika range being a disjointed series of hills of various elevation, would not have supplied a "natural boundary."

I have the honor therefore to suggest that the belt, colored *red* in the accompanying plan (enclosures 1 and 2), be thrown open to purchase as proclaimed lands. I must, however, observe that applications to select therein as unproclaimed land will probably have been received and dealt with before I can be honored with your reply.

North of Otago I do not know how far the absence of previous survey may operate to prevent the proclamation of land, but I deem it not unnecessary to remind you

that save a few fixed points, (Pakihiwitahi Peak being the northernmost), there is in my office no map whatever of even the coast line toward the Waitahi excepting Mr. Kettles' Topographical Sketch, which only extends to Kaitahi. Thus, although in obedience to your letter of Oct. 15, 1851, — 1287, I have reserved from runs, town and village sites, such reserves are more vague and purposely more extensive than they would be were I enabled to cause the extent really requisite in each case to be marked on a map of the district. (Instances as the Moeraki and the Kuri will be detailed in my report on Mr. Schultz's case.)

There being on the North a good natural boundary for the future County of Otago, (of which I have the honor to enclose a description), I consider that it would, in future, be found better to adopt that natural boundary than to follow heedge of the surveyed land; the additional area being of very little value save or its timber.

In conclusion, I have the honor to request that, with your reply, I may be favored with the return of the enclosed sketch maps, or copies thereof, leaving such comments and corrections as His Excellency the Governor in Chief may be pleased to direct.

(Signed) WALTER MANTELL,
Commississioner.

To the Civil Secretary,
&c. &c. &c.
Wellington.

Civil Secretary's Office, Wellington,
22nd June, 1853.

Sir,—

20th April, 1853

In reference to the enquiry in your letter quoted in the margin as to whether any particular districts in the Province of Otago should be ratified as "Proclaimed Districts" under the Regulations dated 4th March 1853, I have the honour to acquaint you that this is a question which must be determined from time to time by His Excellency the Governor, as it is necessary that any districts to be so proclaimed, should have already been or should be immediately surveyed.

Those Districts of which it may be for the present intended to make a general survey, and which consequently are not "ratified" are those implied by the term "unproclaimed" for the disposal of which as you are already aware, an entirely different set of Regulations has been made.

As you will perceive by the enclosed copy of a Dispatch from the Secretary of State, that the lands in the Otago Settlement have now reverted to the Crown, the whole of those lands will therefore in future be administered by you as the Commissioner of Crown Lands. But in accordance with the spirit of the instructions of the Secretary of State, you will continue to sell the remaining unsold portion of the block of one hundred and forty four thousand, six hundred acres of land which formed the original Otago Settlement in accordance with the terms of purchase of 1849, relating to that settlement, distinguishing the sums paid into the Treasury on account of these last sales from those received on account of sales under the late Proclamation; in order that the portions due under the Otago Scheme to public purposes may be reserved for the same.

All other lands whatsoever, with the exception of the above mentioned 144,600 acres, will be sold under the Government Regulations of the 4th of March last. As it is probable that the surveyed districts of the Otago Settlement will ere long be brought under Regulations based upon the same principles, as those obtaining in the rest of your district, it will perhaps be best to consider all lands with the exception of the 144,600 acres above referred to, as unproclaimed districts. The Crown Surveyor will however be directed to employ any spare time he may have in proceeding with a trigonometrical survey of any such blocks of land as it may appear to you desirable to have formed into "Proclaimed Districts." It only remains for me to add, that it is presumed that in treating for the present the land above referred to as "unproclaimed Districts" no difficulty respecting surveys will arise which is not met by the Regulations relating to Districts of that class.

I have, &c.,

(Signed) ALFRED DOMETT,
Civil Secretary.

Walter Mantell, Esq.,
Commissioner,
Otago.

Civil Secretary's Office, Wellington,
27th April 1853.

Sir,—

I have the honour to inform you that as the Middle Island is divided into three separate Provinces, it is desirable that the District of which you are Commissioner of Crown Lands should be defined as that portion of the Islands which is comprised within the limits of the Province of Otago, exclusive of the Otago Block, as set forth in a Proclamation dated 28th February 1853. The remaining portion of the country, to the north of the Waitangi river, which has hitherto been included in your District, will now fall under the superintendence of Commissioner Lieut.-Colonel Campbell, and is henceforth included in the Province of Canterbury.

I have, &c.,

(Signed) ALFRED DOMMETT,
Civil Secretary.

Waller Mantell, Esq.,
Commissioner of Crown Lands,
Province of Otago.

Crown Land Office, Otago,
June 1st, 1855.

Sir,—

In doing myself the honour to acknowledge the receipt of your letter of 27th April, No. 398, informing me of the alteration in the boundaries of my District, would call your attention to the fact that the river Awarua falls into the sea to the northward of Cascade Point, (at Case Point or the next river to the North on Arrowsmith's map) so that the removal of the boundary to that stream would somewhat enlarge instead of diminishing the Province. By the tracing annexed to the Proclamation transmitted to the Resident Magistrate, I find that the Wakatipu (erroneously bearing both names in the map above quoted) is included. As the country north of the Waitaki inland of the gorge at Mount Domett is practically inaccessible from the Canterbury District and must be occupied and supplied from the southern side. I have the honour to offer to act in relation to it as the Deputy of the Commissioners for the Canterbury Province, should His Excellency the Governor consider that the public service would be benefited by such an arrangement.

This country, all pastoral, extends behind the mountains to lake Takapo which is about west of Waitemati.

(Signed)

I have the honour, &c.

WALTER MANTELL,
Commissioner,

The Civil Secretary,
Wellington.

Civil Secretary's Office, Wellington,
22nd May, 1855.

Sir,—

I have the honour to acknowledge the receipt of your letter of the 19th March last, acknowledging the receipt of the Commission appointing you a Commissioner for hearing and deciding claims to land by persons claiming title thereto, from through or under the late New Zealand Company in the Settlement of Otago.

2. As you requested to be furnished with particular information on certain clauses of the New Zealand Company's Land Claims Ordinance, and as to the general rules followed by the other Commissioners in making their reports and preparing grants for signature, I referred your letter to Mr. Commissioner Bell, and now inclose for your information an extract from his reply, accompanied by a Memorandum as to the investigation of Claims and the preparation of Grants.

3. The points on which you require information, in the 3rd, 4th, 5th, 6th, 9th, and 10th clause of the Ordinance as also those in reference to the nature of the Land Orders issued by the Colonial Land and Emigration Commissioners, appear to be so satisfactorily answered in the extract from Mr. Commissioner Bell's letter as to require no further comment.

4. But with regard to the paragraph of your letter on the 13th clause of the Ordinance, I have to observe that the Ordinance expressly gives power to make Grants without reference to original surveys and to reserve roads. But this clause was intended to have special reference to the Wellington Settlement wherein it was found necessary to re-survey all the old districts, and occasionally other lines incorrectly laid down. It is presumed that no such necessity exists at Otago. The old surveys must therefore be as rigidly adhered to as possible. Nor should the rights of reserving roads be exercised except in such cases as those alluded to by yourself, where access to sections would otherwise be unobtained, where the propriety of reservation is obvious, and the owners of sections concerned agree thereto.

The Form of Record to be adopted in carrying out the provisions of the 17th clause of the Ordinance must be left for yourself to determine—as you may find, that one form might not be applicable to every case. The 8th, 9th, and 10th clauses of section 2, of the general Memorandum give full information on this point.

5. Clauses 18 to 25 inclusively (being those relating to the issue of scrip) as well as clauses 27 and 29, are not applicable to the Otago Settlements.

6. With regard to your enquiry as to whether "Captain Cargill is still a resident Agent of the New Zealand Company, and whether leases granted by him in that capacity are binding however worded." I shall have the honour of addressing a separate letter to you on the subject.

7. The arrangement adopted by Captain Cargill of allowing payments by instalments in the purchase of Land, is one which the Government will on no account sanction.

8. Lastly, I have to inform you that I have already instructed Mr. Kettle relative to any Maps or Plans in his possession, as I stated in my letter to you quoted in the margin.

I have, &c.,
(Signed)

ALFRED DOMETT,
Civil Secretary.

Walter Mantell, Esq.,
Commissioner,
Otago.

Crown Lands Office,
Otago, August 29th, 1853.

Sir,—

With reference to the 7th paragraph of your letter of 22nd May, No.—I have the honour to enclose a letter from Mr. Lloyd enquiring to whom he is to pay the next "instalment" on a section purchased by him from Captain Cargill with a copy of my reply.

I have, &c.,
WALTER MANTELL,
Commissioner,

To the Civil Secretary,
&c., &c., &c.,
Wellington.

Green Island Bush,
July 22nd, 1853.

Sir,—

In October last I made application to Captain Cargill to purchase a Suburban Section No. 88, Green Island Bush, on the same terms he had been in the habit of allowing other persons to purchase sections by paying down ten pounds, and for the next two years paying ten pounds each year with interest. As the second ten pounds will be due in October next, I wish to know how far the Government will recognize my title to land chosen in this manner, and in what position I and others in the same situation stand. I should likewise wish to know if on the next instalment becoming due, I had better pay you, or Captain Cargill as before. On the other side you will find a copy of Captain Cargill's letter authorising me to choose.

I am, &c.,
(Signed) GEORGE LLOYD.

To Walter Mantell, Esq.,
Commissioner of Crown Lands,
Dunedin.

55-309 April 6, 1853.

Dunedin,
16th October, 1853.

Sir,—

You having satisfied yourself that the Suburban Allotment No. 38, Green Island Bush District is unselected and open for choice, and you being responsible for the accuracy of the same. I hereby certify that in virtue of clause 20 of the Otago terms of purchase, I have this day sold to you the aforesaid Allotment. And I hereby authorise you to take possession thereof as staked off and marked on the public map of the settlement of Otago. The title to be issued in terms of your letter to me of present date.

I am, &c.,
(Signed) W. CARGILL,
Commissioner of Crown Lands,
and Resident Agent at
Otago.

Geo. Lloyd Esq., J. P.,
&c., &c., &c.

Received of G. Lloyd, Esq., ten pounds to be paid to Captain Cargill on his account for Suburban Section.

(Signed) T. H. HARRIS.

A true Copy.
(Signed) GEORGE LLOYD, J.P.

Green Island Bush,
22nd August, 1853.

Sir,—

I consider the improvements on the Suburban Section No. 38 on the Green Island Bush (on which I paid Captain Cargill ten pounds deposit) worth twenty pounds.

I am, &c.,
(Signed) GEORGE LLOYD,

The Commissioner of Crown Lands,
for the District of
Otago.

New Zealand Company's Land Claimants Commissioner,
Otago, August 29th, 1853.

Sir,—

I have the honor in reply to your letters of 22nd July and 22nd August, to inform you that the arrangement adopted by Captain Cargill of allowing payment by instalments in the purchase of lands is one which the Government will on no account sanction.

I will nevertheless submit to the Civil Secretary your enquiry relative to the payment of the next instalment.

I am, &c.,
(Signed) W. MANTELL,
Commissioner.

George Lloyd, Esq. J. P.,
&c., &c., &c.,

Civil Secretary's Office, Wellington
9th November 1853.

Sir,—

Referring to your letter of the 29th August last enclosing application from Mr. Lloyd to Captain Cargill, and that gentleman's reply together with other papers upon land sales irregularly made on agreements to pay by instalments, I am directed by the Governor to authorize you to recognize such sales where made by the Company's or Association's Agent, and to call upon the purchasers immediately to pay up all balances due on the agreements to Government, under penalty of the non-recognition of their claims in case of non-payment.

I have, &c.,
(Signed) ALFRED DOMETT,
Civil Secretary,

Walter Mantell, Esq.,
Commissioner of Crown Lands,
Otago.

Crown Land Office, Otago,
July 12th, 1853.

Sir,—

In connexion with the subject of my letter of 25th April, I have the honour to draw your attention to the pressing and increasing necessity for causing to be laid out in suitable allotments the Town and Suburban Reserves at Onekakara and the Kuri Grove.

Since my visit to Waitaki reported in my letter of 19th March, the whole country then explored has been applied for and will probably be stocked in six months, when there will be besides purchased lands, eighteen stations between Pakehiwitahi peak and the Gorge dependant on Moeraki for supplies and final shipment of produce.

Already eight persons have severally begged permission to erect stores, wool-sheds, and houses of accommodation at the Onekakara landing place, a permission I do not think it expedient, nor myself competent, to give.

Meantime I cannot be blind to the serious inconvenience and loss which the settlers experience, unless some steps be immediately taken to render fully available to them the natural capabilities of that spot, I am unwilling that they should ever find in the present deserted state of the bay, reason to regret that dispersion of its former occupants.

To store the wool of the coming season there is at that place only an old ruinous barn and a small building near it, totally inadequate to the quantity of storage which will be required and these (being Crown property) I have promised to destroy if I hear of any spirits or smuggled goods being deposited in them; the justifiable belief that I shall keep my promise operating as a slight and as yet the only check against the continuance of the old system.

Doing myself the honour to enclose suggestions as to the surveys for which your sanction is requested, I would remark that the immediate sale of the whole or of any considerable part of these towns, while so few could be expected to compete, would tend to place the monopoly of the best sites in the hands of one or two speculators. When, however, the allotments have been marked out it would be easy to permit building upon any not required for public edifices, at a yearly ground rent to be fixed by tender or auction; the estimated value of the building to an amount not exceeding £—to be added to the upset price (as in the case of homesteads) whenever the land may be advertised for sale which the Government should have the power to do at any time. I propose a limit to the value to be allowed for buildings to prevent the acquisition of allotments at the upset price and probably far below their value by the erection of buildings of such expense as would preclude a fair degree of competition for the land.

Should His Excellency the Governor be pleased to allow me the aid applied for in my letter of 1st July, and authorize me to check the employment of an unnecessary number of men, these surveys might be effected at a moderate expense and at the same time a sketch triangulation of the country to the Gorge might be made.

I have in the foregoing remarks applied the names of Onekakara and Moeraki indifferently to the site of the Port town—neither is strictly correct, and I would suggest that, to secure its prompt adoption by the settlers, the Governor be moved to confer upon it such English name as His Excellency may be pleased to select. There are at least half a dozen Moeraki's and the same number of Kuri's in the Province.

I may further do myself the honour of communicating a rumour that it is the intention of the neighbouring Settlers to petition His Excellency to proclaim Moeraki a Port of Entry.

I have, &c.,
(Signed) **WALTER MANTELL**,
Commissioner.

To the Civil Secretary,
&c., &c., &c.
Wellington.

ENCLOSURE REFERRED TO.

1. ONEKAKARA.

I have in my letter of the 25th April, alluded to the difficulty of laying out practicable streets at this place. However much land might thereby apparently be

lost this must first be done and the allotments laid out from them. This will produce on paper a very irregular place with large spaces of public land, but I submit that this is a less evil than the transference from paper of straight streets to a surface whose contour is such that such streets could only be made at an expense which the traffic of a metropolis would barely justify. The Suburban Land here which it might be expedient to extend, should in like manner be laid out, in allotments, of 5 to 15 acres, on each side of roads previously fixed.

2. At the Kuri, the first step would be to lay down the inland road from the port to the little Kuri (Winterbourne) then across the Reserve to the fittest spot on the Big Kuri (Glyndebourne) for a bridge by which the road might be continued to the North; these bridges will not be required for a long time as fords will be sufficient for the present. On the Western side of this road where it crosses the Reserve a small town might be based; the seaward land being left as a reserve for public recreation, race course, cricket ground, cemetery, &c., and that westward, with no intervening "Town Belt," and with only a reserve for public gardens of about 20 acres of woodland, laid off from practicable road lines first marked out, in sections of 10 acres (nearest the Town) to 50 acres in extent and sold by auction at an upset price of 20s. to 15s. per acre; or for the larger and more distant lots 10s. per acre.

There being yet no map of the District I am unable to add in explanation more than the enclosed diagram sketched from memory. This want of a map compelled me, when making the reserve to supply the deficiencies in space of the port town to include therein all between Glyndebourne and Winterbourne as being natural boundaries which every one could recognise. From this cause I find it necessary to recommend that much of the land be laid off in allotments and offered for sale at a lower upset price than is usual in Suburban sections. From the general inquiry for land within these reserves I anticipate a ready sale for such lots as may be offered at auction.

(Signed) W. MANTELL,
Commissioner.

Civil Secretary's Office, Wellington,
8th November 1853.

Sir,—

I have the honour to acknowledge the receipt of your letter of the 12th July last requesting authority to lay out a town at Moeraki and to cause surveys to be undertaken in connection therewith.

In reply I am to state that you are already authorised to lay out towns where requisite within your district. The place now recommended by you seems properly chosen for such a purpose, as being the outlet for the produce and inlet for the supplies of so considerable a tract of country. The various recommendations your letter contains also appear judicious and should be carried out, with proper attention to the following considerations.

With respect to the surveys required, should any additional assistance be needed by the Survey Staff already sanctioned by Government to effect these, you will be guided by the instructions in the general circular addressed to Land Commissioners on this subject. The additional cost must be undertaken by the Province, the work to be of course superintended or directed by yourself. If the staff already established be sufficient for the purpose, the work may be proceeded with whenever you direct Mr. Kettle to undertake it.

The price at which town or suburban lands are to be put up to auction, is to be settled, as you are aware from general instructions by yourself; the Superintendent being afforded an opportunity of consulting with you as to such price, with ultimate reference if absolutely necessary, to the Governor.

With respect to the name to be given to any town laid out, you can affix such an appellation as you think will be agreeable to the settlers of your district, directing the surveyor to insert it in the plans of the town, and yourself prefixing it to the notices of sales you have to issue and make public. I would suggest that you should choose generally some names distinguished in British history.

I have, &c.,
(Signed) ALFRED DOMETT,
Commissioner.

W. Mantell, Esq.,
Commissioner of Crown Lands,
Otago.

Civil Secretary's Office, Wellington,
8th August, 1853.

Sir,—

I am directed by Governor Sir George Grey to acquaint you that until further provision is made by the General Assembly the Land Fund of the Province will be appropriated in the following manner.

2. One-fourth of the gross proceeds of the Land sold or let in the manner stated in the 74th clause of the New Zealand Constitution Act, will be retained for the benefit of the New Zealand Company.

3. The remaining three-fourths of the gross proceeds, together with the proceeds arising from the rents of Crown Lands, from the fees on Crown Lands, &c. &c., will be subject in the first place to deductions for the cost of the Land Department. Surveys, &c., as also for such proportion of the land fund as the Commissioners may be directed from time to time to deduct for payment to the aborigines for the purchase of their lands.

4. After these deductions have been made the balance remaining is to be divided into two equal parts, one of which is to be retained by the Commissioner for emigration purposes, while the other part will be paid over at the close of each month to the Provincial Treasurer, or to the Provincial account at the Union Bank of Australia.

5. The General Government will for the present apply the portion of Land Revenue applicable to emigration purposes, in accordance with the terms of the proclamation of the 4th March, 1854; but if the Provincial Council of any Province would prefer having any alteration made in this arrangement, the Governor will be prepared to receive any representations which may be made by the Superintendent of such Province upon the subject.

6. It must however be understood that if any portion of the Province is proclaimed a Hundred, nothing contained in the foregoing paragraphs will prevent the Governor, under the authority of the Royal Instructions of the 12th August, 1850, from authorising the application of any proportion not exceeding one-third of the gross proceeds of the sales of Crown lands within such Hundred to such purposes as shall be signified to him by the Wardens of that Hundred.

7. You will have the goodness to remit, in notes of the Colonial Bank of Issue, to the Commissariat Officer in charge at Wellington, at the close of each month, for remission to the Lords Commissioners of Her Majesty's Treasury, the one-fourth of the gross proceeds of the Land Fund which may be payable to the New Zealand Company; transmitting at the same time certified accounts in duplicate showing the total receipts for the month, over which the New Zealand Company have any claim, in order that these documents may be forwarded to the Lords of the Treasury, that it may be apparent that the New Zealand Company have received the full amount of the one-fourth to which they are entitled by Act of Parliament. With respect to the land comprised within the Otago Block of the 144,000 acres, full instructions have already been given you in my letter of the 22nd of June last, and the Superintendent has been informed that the arrangements therein directed will be acted upon until new Regulations may be made in the manner provided by clause 78 of the New Zealand Constitution Act.

I have, &c.,

(Signed)

ALFRED DENNETT,
Civil Secretary.

The Commissioner of Crown Lands,
Otago.

(Circular.)

Civil Secretary's Office,
Wellington, 12th August, 1853,

Sir,—

The Commissioner of Crown Lands has received instructions to submit to your Honor a Return according to the enclosed Form of all Lands which are to be put up at the upset price of 5s. an acre. This form, as your

(Circular.)

Civil Secretary's Office,
Wellington, 13th September, 1853.

Sir,—

I am directed by Governor Sir George Grey to acquaint you, that as sites for towns and villages, reserves for public purposes, and districts to be comprised within the limits of Hundreds, will be frequently required in lands either recently purchased from the Natives, or which have been for some time in the possession of the Crown, it will be your duty to make such Reserves for the above purposes as you may think necessary, and report the nature of your recommendations for the information of the Governor.

The Superintendent of the Province in which your district is situate has also been authorised to request you to make such Reserves as from time to time he may think desirable; and it will be your duty, upon the receipt of such instructions, to make the required Reserves, reporting the same, as in the former case, for the approval or disallowance of the Governor. You will at the same time report to the Superintendent whether you have or have not recommended such Reserves for approval; and in the event of your differing from His Honor's opinion, state the reasons for so doing.

Whenever any fresh tracts of country are acquired from the aborigines, you will take especial care that under no circumstances whatsoever are such lands to be thrown open for purchase until the Superintendent shall have had an opportunity of submitting for the consideration of the Provincial Council whether any and what Reserves of the nature referred to in the first paragraph of this Letter should be made in such Districts.

I have, &c., &c.,
(Signed)

ALFRED DOMETT,
Civil Secretary.

The Commissioner of Crown Lands,
Otago.

No. 53-1642.

Civil Secretary's Office,
Wellington, 9th November, 1853.

Sir,—

In your letter of the 15th September last, you apply for instructions with respect to
The New Zealand Company's own Sections at Otago
The Sections reserved for a future Municipal Corporation
Certain Sections of both the above classes leased by the New Zealand Company's Agent at Otago.

On these points I am directed by His Excellency the Governor to instruct you as follows:—

With respect to the New Zealand Company's own Sections, you will be good enough to sell them under the same Regulations as other Crown Lands within the Otago Block, similarly circumstanced.

With the Sections reserved for a contemplated Municipality, the Government cannot interfere.

The New Zealand Company's Sections in *bona fide* occupation of settlers, you will sell by auction; the value of their improvements being included in the upset price. If the occupants become the purchasers, the value of the improvements is to be remitted them; if other persons, then the value of such improvements is to be paid to the occupants.

I have, &c., &c.,
(Signed)

ALFRED DOMETT,
Civil Secretary.

Walter Mantell, Esq.,
Commissioner of Crown Lands,
Otago.

Crown Land Office,
Otago, September 15th, 1853.

Sir,—

I have the honour to request instructions as to the disposal of the Sections selected under the "Otago Scheme" for the New Zealand Company, if that is those sections have with the rest of the late Company's lands reverted to the Crown. I would also request similar instructions as to the sections reserved for purchase by a future Corporation. If the unoccupied (N. Z. C.) section be open for sale on the same terms as the unselected lands, many would be purchased; but the general opinion seems in favour of their being disposed of by auction on any person's depositing the upset price; but in this case perhaps a month's notice in a local paper might be allowed to supersede the necessity of reference to Wellington.

It appears that the late Resident Agent of the Company gave to certain individuals possession of some of the sections (N. Z. C. and municipality), by documents similar to the enclosed, which were styled by him "missives." These (of the legality of which Captain Cargill is said to have been answered by Mr. Fox) gave possession for three years on certain terms, which do not appear to have been complied with. In many cases the parties are still in occupation, and would be ruined by ejectment, while such a proceeding would, I respectfully submit, not tend so much to the public good as the sale to them of the land or section so occupied, with or without, as His Excellency may determine, first insisting on payment of the rent due for the first and only authorised period of three years.

I have the honour, &c.,
(Signed) WALTER MANTELL,
Commissioner.

The Civil Secretary.

Dunedin, 4th October, 1848.

Sir,—

I hereby agree, on the part of the New Zealand Company, to let to you the Town Allotment number forty-four, Block seven, for the period of three years, from the present date, at the rate of four pounds a-year, on the following conditions, namely—1st. That you immediately enclose the whole of that Allotment with a fence, to be approved of by Mr. Kettle, being strong enough to keep out cattle and close enough to keep out pigs and dogs, and that you maintain and deliver over such fence in good condition at the close of the lease.

2nd. Such fence being completed and approved of, the same shall be forthwith valued, and the amount being deducted from twelve pounds, of the whole three years' rent, the balance shall be paid by you in cash by three yearly equal instalments, the first of which to be paid on the 4th October, 1849.

3rd. You shall be entitled at the close of the lease to remove and take away the materials of such buildings as you may have erected, or to sell them to the Company as they stand, as may be mutually agreed upon.

I have, &c., &c.,
(Signed)

H. CARGILL,
Resident Agent.

W/

Mr. James Gilfillen,
Dunedin.

