

The Committee direct me to observe that clause nineteen of "The New Zealand Settlements Act, 1863," now repealed by clause eighteen of "The New Zealand Settlements Amendment and Continuance Act, 1865," enacted as follows:—"Money to arise from the sale and disposal of any land shall be disposed of as *the General Assembly shall direct*, in and towards the repayment of the expenses of suppressing the present insurrection;" and that clause eighteen of "The New Zealand Settlements Amendment and Continuance Act, 1865," by which clause nineteen of the Act of 1863 is repealed, enacts as follows:—"Money to arise from the sale and disposal of land in each Province under the said Acts of 1863 and 1864 and this Act, shall be paid to the Colonial Treasurer, and shall be applied in such manner as *the General Assembly shall from time to time*, by any Act passed in that behalf, *direct*."

"Clause seventeen of 'The New Zealand Settlements Amendment and Continuance Act, 1865,' empowers the Governor to grant confiscated lands, 'subject to conditions for the performance of military and police services, and the land so granted shall be held, dealt with, and disposed of, subject to such conditions for the performance of such services as shall be so fixed by the Governor, and agreed to by the grantees.'"

It appears to the Committee that the bestowal of any confiscated land on any Officer of the Imperial Forces for past services, without the sanction of the General Assembly, violates the spirit both of the law of 1863 and the law of 1865, as above quoted.

It also appears that clause seventeen of the Act 1865, can be held applicable only to land granted for the purpose of some future military and police services, to be performed by some *bona fide* settler on the land, and cannot authorize the grant of any land for services already performed.

The Committee, apart from the consideration of the grant from a legal point of view, are of opinion that the grant of any confiscated land to Dr. Mouat is most objectionable; and they think that if that officer, while drawing his salary and allowances as an officer of rank on the Medical Staff of Her Majesty's Forces serving in New Zealand, is really entitled to any additional remuneration for services rendered to the Colonial Forces, that remuneration ought to assume the shape of a pecuniary gratuity, and not of a grant of confiscated land. It is true, as stated by the Defence Minister, that a gift of 800 acres was made to Major-General Galloway by the Fox-Whitaker Ministry. But it is self-evident that the gift in question could not have been made under clause seventeen of the Act of 1865, seeing that the date of the gift is long anterior to that of the Act in question. Moreover, General Galloway, at the time he performed the services for which the gift was made, held no command under Her Majesty, but was on the list of Major-Generals, and drawing the trifling allowance of 25s. per diem. Whereas Dr. Mouat was drawing the full pay and allowances of the Chief Medical Officer on the staff of the Imperial Forces serving in New Zealand.

Moreover, the Despatch of Mr. Secretary Cardwell, No. 36, under date 22nd May, 1865, seems to militate against the bestowal of any grant of land to officers of the Imperial Forces. Mr. Secretary Cardwell in that Despatch, in which the honor of the Victoria Cross is refused to Major Heaphy, on the ground that he was engaged at the time as an Officer of the Colonial Forces, thus writes: "His Lordship (Lord De Grey is here alluded to) is not of opinion that the Royal Warrant could properly be extended beyond the officers and soldiers of the regular army, who, he observes, have no chance of receiving the substantial reward in land or otherwise which Colonial officers may receive from the Governments whose servants they are."

The Committee has not thought it right to comment upon the apparent inconsistency of Dr. Mouat in "accepting with pleasure the valuable gift of the Colonial Government" (*vide* Dr. Mouat's reply to the Hon. Defence Minister, 12th March, 1866); that is to say—600 acres of that land the wretched desire of robbing the poor Natives of which was alleged by that officer to have been the object of the late war. But they sympathize with the Petitioners in the feeling that least of all in the Province of Taranaki should a grant of land be bestowed upon that officer; and they do deem it their bounden duty to bring to the notice of the House, that the giving away, without the authority of the General Assembly, on the plea of past services, to any person whatsoever, the Confiscated Lands, is unauthorized by any Act of the Legislature; which lands were virtually hypothecated in 1863 to the Colony at large for the purpose of recouping to the Colony the capital and interest of the Three Million Loan—a loan which never would have been sanctioned had that hypothecation not been made.

J. CRACROFT WILSON, C.B.,
Chairman.

No. 47.

H. BAUCKE.

THE Committee direct me to report that they have examined Mr. H. Baucke, the Petitioner, and the documentary evidence produced by him.

The Petitioner complains of mal-administration of their offices on the part of Mr. A. W. Shand, the late Resident Magistrate, and on the part of Mr. W. E. Thomas, the present Resident Magistrate, of the Chatham Islands.

The documents tend to prove that the former has possessed himself of a house and grounds without paying the Petitioner the amount of the purchase money; that he has staved off the execution of a writ intrusted to him in his official capacity for execution by granting a receipt acknowledging that he has received from the Petitioner and his partner Engst, £151, by draft on the Colonial Treasurer of New Zealand, and which sum he appears never to have remitted to the solicitors of the party in whose favor the decree was issued; and that he did in fact outlaw the Petitioner because he refused to pay a fine of five pounds inflicted upon him, on the grounds that the Resident Magistrate, Mr. A. W. Shand, was plaintiff in the suit, and decided his own case in favor of himself without any proof whatever.

The documents also tend to prove that the present Resident Magistrate, Mr. W. E. Thomas, on assuming charge of the Resident Magistrate's office of the Chatham Islands, did continue the aforesaid