

REPORT

OF THE

JOINT COMMITTEE ON WASTE LANDS BILLS

ON

“THE OTAGO WASTE LANDS BILL.”

BROUGHT UP 9TH AUGUST, AND ORDERED TO BE PRINTED.

WELLINGTON.

—
1866.

REPORT

OF THE

JOINT SELECT COMMITTEE APPOINTED TO CONSIDER ALL BILLS RELATING TO WASTE LANDS OF THE CROWN.

THE Joint Committee appointed to consider all Bills affecting Waste Lands of the Crown have examined the Otago Waste Lands Bill referred to them and recommend that the same be passed into law subject to the amendments and alterations advised by the Committee to be made therein and particularly specified in the Schedule hereto appended.

With respect to the policy involved in the clauses of the Bill mentioned below, the Committee offer the following remarks:—

1st. That in the opinion of the Committee the restriction upon the amount of valuation for improvements, in section 78, is opposed to public policy and injurious to the interests of the Province; but as such restrictions will not operate for a number of years the Committee do not consider it necessary to recommend its being struck out of the Bill.

2nd. With respect to the addition to section 83, providing that no compensation shall be given for improvements made during the current leases, the Committee have proposed no alteration in this provision, because they have been given to understand that it is the result of an arrangement between the parties themselves principally concerned, and which was fully discussed in the Provincial Council. At the same time they desire to express their own opinion of the impolicy of any provision which (besides other objections) tends to discourage and prevent the improvement of the country by an expenditure which would otherwise have been made upon improvements of a permanent character, such especially as fencing and the sowing of grasses, which by increasing the carrying capabilities of the runs would ultimately increase the Provincial Revenue to be derived from assessments upon the stock depastured thereon.

3rd. The provision for the sale of lands comprised in Hundreds, at ten shillings an acre, being considered by the Committee an alteration in the law which would materially and injuriously affect the interests of other Provinces than Otago, they have recommended that it be struck out. The same remark applies to the provision to enable the Governor to reduce the price of land on the recommendation of the Superintendent and Provincial Council.

ALFRED DOMETT,
Chairman of Joint Committee.

9th August, 1866.

REPORTS

OF THE

COMMITTEE ON PUBLIC PETITIONS.

PRINTED BY ORDER OF THE HOUSE OF REPRESENTATIVES.

WELLINGTON.

—
1866.

REPORTS OF THE COMMITTEE ON PUBLIC PETITIONS.

No. 1.

JOSEPH BULL.

THE Committee have directed me to report that they see no grounds for inquiring into the prayer of the Petitioner, inasmuch as if he felt himself aggrieved by the award of the Government Printer the Courts of Law were open to him wherein to obtain redress.

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

17th July, 1866.

No. 2.

REVEREND SAMUEL BLACKBURN.

THE Committee have directed me to report that in their opinion the Government should instruct the Compensation Commissioner to admit this case upon his file, and to decide it upon its merits.

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

17th July, 1866.

No. 3.

CHARLES CAMERON.

THE Committee have directed me to report that they see no grounds for entering into the allegations of the Petitioner.

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

17th July, 1866.

No. 4.

DANIEL McASKILL.

THE Committee have directed me to report that the prayer of the Petitioner is similar to that of Lachlan A. McCaskill and others, which were reported on by the Committee last Session, *vide* Journal of the House, 10th August, 1865; and that they are of opinion that the resolution of that Committee is applicable to the present case.

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

17th July, 1866.

No. 5.

DENIS BROWN COCHRANE.

THE Committee direct me to report that the Petitioner presented a petition of similar import to the House of Representatives in the year 1863, which was not referred to the Private Grievance Committee: that *prima facie* the case appears to be of such a nature that it ought to be inquired into, but the Committee not having been vested by the House with the power of calling for persons and papers are precluded from so doing. The Committee also direct me to observe that the absence of the power above alluded to will preclude them from inquiring into the merits of any Petition which may, under the new Standing Orders, be ordered to lie on the table.

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

17th July, 1866.

No. 6.

DANIEL MUNRO.

THE Committee direct me to report that the case of the Petitioner would appear at first sight to be deserving of the consideration of the Government, but that not having been empowered to call for persons and papers they are precluded from inquiring into the merits of the case.

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

17th July, 1866.

No. 7.

JOSEPH FARRALL.

THE Committee direct me to report that they see no grounds for entering into the allegations of the Petitioner.

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

17th July, 1866.

REPORTS OF COMMITTEE

No. 8.

GEORGE CLARKE.

THE Committee direct me to report that they see no reason why the conditions specified in "The Civil Service Superannuation Act, 1858," should be relaxed or departed from in the case of the Petitioner.

17th July, 1866.

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

No. 9.

SETTLERS OF POVERTY BAY DISTRICT.

THE Committee direct me to report that the Petition is attested by forty-four signatures, and that it is in accordance with Standing Orders. There are two erasures but these occur not in the body of the Petition, but among the signatures, and consequently these erasures do not involve any violation of the Standing Orders. The prayer is that the District from Lotting Point between Cape Runaway and Hicks' Bay, may be transferred from the Province of Auckland, and included in the Province of Hawke's Bay.

20th July, 1866.

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

No. 10.

CORPORATION OF BANK OF NEW SOUTH WALES.

THE majority of the Committee direct me to report that they are of opinion that the prayer of the Petitioner not having been recommended by the Crown does not comply with the Standing Order No. 260.

20th July, 1866.

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

No. 11.

H. V. LILLICRAP.

THE Committee direct me to report that they consider the Petitioner's case as one of those which ought to be left to the decision of the several Provincial Councils.

20th July, 1866.

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

No. 12.

DANIEL MUNRO.

THE Committee direct me to report that they are of opinion that a small pension should be granted by Government to the Petitioner.

20th July, 1866.

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

No. 13.

DENIS BROWN COCHRANE.

THE Committee direct me to report that in their opinion the Petitioner is entitled to receive from Government the value of the guns and ammunition removed from his premises on public grounds by an Officer of the General Government less the deposit paid by certain Natives, if the said deposit has been retained by him.

20th July, 1866.

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

No. 14.

INHABITANTS OF THE TOWN AND DISTRICT OF OAMARU.

THE Committee direct me to report that this Petition has affixed to it two hundred and ninety-five signatures, and that the prayer of the Petitioners is, that a change may be made in the Provincial Government system, and that Local Boards be established in outlying districts, to which may be assigned an equitable portion of the land fund of the Province.

25th July, 1866.

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

No. 15.

ANDREW THOMPSON.

THE Committee direct me to report that this Petition is not without interlineation and erasure, and that consequently it does not comply with Standing Order No. 251.

25th July, 1866.

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

No. 16.

W I T A K O .

THE Committee direct me to report that Clause VII. of the Order in Council of the 16th June, 1866, published in the *New Zealand Gazette* of the 20th idem, prescribes in accordance with the provisions of Clause III. of "The New Zealand Settlements Amendment and Continuance Act, 1865," means of appeal from the decisions of Compensation Courts, and that they are of opinion that the Petitioner should have recourse to those means before applying to the Legislature.

26th July, 1866.

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

No. 17.

ALBERT JAMES ALLOM, MANAGER AND AGENT FOR THE OTEA COPPER MINING COMPANY (LIMITED.)

PETITIONER is agent for an English Mining Company, and prays relief from duties on articles enumerated in his Petition, and that should any Bill be introduced into the House to amend the present tariff, the propriety of allowing all goods imported for mining purposes to be admitted duty free should be considered. So far as the Petitioner is concerned, the Committee see no cause to recommend any alteration in the tariff to meet his case.

1st August, 1866.

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

No. 18.

CORPORATION OF THE BANK OF OTAGO (LIMITED.)

THE Committee direct me to report that as the Government has allowed a Petition of similar import from the Corporation of the Bank of New South Wales to lie on the table of the House, and subsequently to be referred to a Select Committee, they are of opinion that this Petition should be treated in a similar manner.

1st August, 1866.

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

No. 19.

ELECTORS AND SETTLERS OF THE DISTRICTS OF GLADSTONE AND TIMARU, IN THE PROVINCE OF CANTERBURY.

THE Committee direct me to report that the Petition is signed by two hundred persons of the Timaru and Gladstone Electoral Districts, in the Province of Canterbury, and that it appears to comply with the rules contained in the Standing Orders relative to Public Petitions; that the Petitioners allege that their districts contain a large proportion of fertile agricultural land, a considerable portion of which has been from time to time sold by the Waste Lands Board of the Province; but that, such is the policy of the Provincial Government, little hope is entertained by the Petitioners that their fair share of the Provincial revenue for local purposes will be secured to them; that a large number of the residents of the aforesaid districts are of opinion that it is expedient to provide against the recurrence and permanency of the evils under which they are laboring, by constituting the Southern portion of the Province of Canterbury into a separate Province; but that the Petitioners are all agreed that the various interests of both the Districts of Timaru and Gladstone would be best promoted by the establishment of a system of Government more analogous to a county organization, than by a separate Provincial Government, involving a Provincial Legislature, and a cumbrous and expensive Provincial Executive; and that the Petitioners, relying upon the willingness of the Legislature to bestow upon them such a local form of Government as may reasonably be expected to promote the prosperity of their districts, pray that the House will give its most favorable consideration to any Bill having for its object the establishment in their districts of such a form of Government, and with such powers as will harmonize with existing institutions.

I am directed by the Committee to report that they do not deem it to be within their province to make any suggestion relative to the contents or prayer of the Petitioners.

6th August, 1866.

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

No. 20.

SIR DAVID MONRO.

THE Committee direct me to report that the Petitioner in this case has complied with the Standing Orders, that he prays for the amendment of certain laws relating to Crown Lands in the Province of Nelson, and that they are of opinion that the Petition should be referred to the Select Committee on Waste Lands.

7th August, 1866.

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

No. 21.

INHABITANTS OF THE DISTRICT OF MAHURANGI.

THE Committee direct me to report that the Petition does not violate Standing Orders, but that the prayer of the Petitioners is that a Resident Magistrate may be appointed to the District of Mahurangi. The Committee are unanimously of opinion that the prayer of the Petitioners is subject matter for the consideration of the Executive alone.

7th August, 1866.

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

REPORTS OF COMMITTEE

No. 22.

INHABITANTS OF HAMPDEN AND HERBERT.

THE Committee direct me to report that the Petition is in accordance with Standing Orders; that its prayer is that provision may be made in the Bill now before the House for the disposal of the Waste Lands of the Crown in the Province of Otago, for the establishment of Town and Farmers' Commons in Agricultural Districts, and that they are of opinion that the Petition should be referred to the Select Committee on Waste Lands.

7th August, 1866.

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

No. 23.

INHABITANTS OF SOUTHLAND.

THE Committee direct me to report as follows:—That the Petition is signed by four hundred and twenty-four persons, whose vocation and place of abode are for the most part affixed to their names; that the prayer of the Petition is that a Commission of Inquiry may be appointed by the General Assembly of New Zealand, to conduct the investigation specified in "The Southland Railway Commission Ordinance, March, 1866," which Ordinance received the Governor's assent; that compliance with the prayer of the Petitioners necessarily involves the expenditure of public money; that the Petition not having been recommended by the Crown violates Standing Order No. 260; and that consequently the Committee abstain from offering any remarks upon it.

9th August, 1866.

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

No. 24.

MOHI NGAPONGA.

THE Committee direct me to report that clause 7 of the Order in Council of the 16th June, 1866, published in the *New Zealand Gazette* of the 20th idem, prescribes, in accordance with the provisions of clause 3 of "The New Zealand Settlements Amendment and Continuance Act, 1865," means of appeal from the decisions of Compensation Courts; and that they are of opinion that the Petitioner should have recourse to those means before applying to the Legislature.

9th August, 1866.

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

No. 25.

PAPAKURA ASSOCIATION.

THE Committee direct me to report that the Petition does not violate Standing Orders; that the Petitioners pray for the further protection of acclimatized birds and animals. The Committee are of opinion that the subject is worthy of the serious consideration of the Government.

9th August, 1866.

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

No. 26.

EDWARD BROUGHTON.

THE Committee direct me to report that, although there are two interlineations in the Petition the words interlined are of no moment, and that they do not in any material way affect the intent and meaning of the Petition.

The Petitioner is the brother of the late Charles William Broughton, who was treacherously assassinated on Sunday, 1st October, 1865, by some Maori rebels, in the immediate vicinity of a fortified pa, not very far from Kakarama, in the Patea District, whither he had been enticed on the plea of discussing, in his official capacity, some of the conditions of the Peace Proclamation of the 2nd September, 1865, which, as was pretended, required explanation. The deceased left behind him four half-caste children. Another child has been born posthumously, and the Petitioner prays, on behalf of the five orphans and the mother (a Maori by birth) for the kind consideration of the Legislature. The Committee are of opinion that it is the duty of the Colony to take upon itself the task of educating and providing for the family of the deceased, and they unanimously direct me to suggest that an allowance of two hundred pounds sterling per annum should be granted to the family, provided that the children be educated as European children, to the satisfaction of trustees to be appointed by the Government; forty pounds of such allowance to cease and determine on the death of the mother, and thirty pounds to cease and determine upon the decease or upon the arrival at the age of nineteen years of each child. And further, with a view to leaving for ever in the memory of the Maori race a memento of the detestation in which the dastardly crime committed on the 1st October, 1865, is held by the Colonists of New Zealand, and the fixed determination to reward to the utmost of their power the heroic deeds and devotion of their public servants, that there should be made to the children a grant of land in one block, to include, if possible, the spot where the deceased was assassinated, to the extent of three hundred acres, the same to be inalienable, and so settled, if practicable as to descend intact to the descendants of the orphan children from generation to generation.

10th August, 1866.

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

No. 27.

WALTER GRAY, R.N.

THE Committee direct me to report that the case of the Petitioner, who is an old naval officer on the Retired List, and who prays for a grant of land under the Auckland Waste Lands Act, appears to be one of great hardship; but the Committee are of opinion that it ought not to be entertained by the Legislature unless recommended by the Provincial Council of Auckland.

10th August, 1866.

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

No. 28.

H. T. KEMP.

THE Petitioner states that he has been in Government employ since the foundation of the Colony in various offices, but principally in the Native Department, and that on 15th May, 1865, his office in the Native Land Purchase Department was done away with by proclamation; that he applied for the office of Judge under the Native Lands Act, and having failed in obtaining that appointment, he subsequently begged the Government to give him some employment or a pension under "The Civil Service Amendment Act, 1861," commencing from the 15th May, 1865.

The Committee have ascertained that the Petitioner is not entitled to a pension under the Civil Service Superannuation Act of 1858, because he is not incapacitated from further work "by age, bad health, or other infirmity," and because he has not "served continuously for upwards of thirty years," and that he is not entitled to a pension under the Civil Service Amendment Act of 1861, because he is not fifty years of age. The Minister for the Native Department having indorsed the Petition with the word "recommended" the Committee direct me to report that they are of opinion that the case of the Petitioner is a hard case—at the same time they are well aware that a general reduction in the number of public servants is, or ought to be going on, that consequently many persons must be placed in the same painful position as the Petitioner, and they therefore abstain from proposing either a fixed sum as compensation or an annual sum (for fear lest such a course might be deemed a precedent) in lieu of a retiring allowance. They have reason to believe that many persons whose appointments have been done away with, and who have not by any means such strong claims on the Government as the petitioner, have been appointed to situations of emolument, and they would suggest that the Petitioner's claim would be best met in a similar manner, he receiving until such an appointment is given him an allowance of £100 per annum.

22nd August, 1866.

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

No. 29.

JAMES HAMLIN.

THE Committee direct me to report as follows:—The Petitioner states that his father, the Rev. James Hamlin, purchased from certain Natives a few days after the issuing of the proclamation of the Governor in 1840, two hundred acres of land more or less, situated to the west of the Manukau Harbour; that the purchase was made in ignorance of the proclamation; that the claim was consequently never submitted to the Commissioners appointed for inquiry into the titles of land purchased from the Natives; that the Petitioner's father and his family remained in possession until the end of 1865, when Mr. Turton, acting on the part of the Government, awarded the said land to some Natives not being the original proprietors, and he prays for the favorable consideration of the Legislature. The Committee direct me to report that the Petition has not been recommended by the Government either previously or subsequently to its being presented; that the Petitioner has by his own showing not applied to the Government either for compensation or for re-possession of the land; and that his applying to the Legislature is premature.

29th August, 1866.

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

No. 30.

T. R. HACKET.

THE Petitioner prays that arbitrators may be appointed under clauses 11, 12, and 13 of "The Gold Fields Act, 1862," to afford him redress in a matter at issue between the Commissioner of Crown Lands for the Province of Nelson and himself, relative to the now issuing on the part of the former to the latter, of a license to occupy a run. The Committee direct me to report that the provisions of "The Gold Fields Act, 1862," clause 10 and the following clauses apply to actual licensees of runs, and not to expectant applicants for licenses, and that they are of opinion that the Legislature ought not until the real question at issue, viz.: whether the Petitioner is entitled to a license or not, has been decided by a Court of competent jurisdiction, interfere in the matter.

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

No. 31.

ANDREW THOMPSON.

THE Petition is nothing more or less than a complaint of breach of faith on the part of the Superintendent of Otago, regarding promises alleged to have been made so far back as 1861, in that certain public buildings, such as Court House, Post Office, &c., have been built on the borders of the town of Hawkesbury; and that the violation of the pledge given him is injurious to certain sections of land

purchased by him (the Petitioner) in the town of Hawkesbury, and tends "to the exclusive benefit of Mr. Jones' private town of West Hawkesbury." The prayer of the Petitioner is that the abovenamed public buildings may be at once removed to the sites originally laid down for them in the plan of the town of Hawkesbury. The Committee direct me to report that they see no grounds why the prayer of the Petitioner should be entertained by the Legislature.

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

No. 32.

SIX MEMBERS OF THE ARAWA TRIBE.

THE Petitioners' six members of the Arawa tribe residing at Maketu, pray that a house for the sale of spirituous liquors be not suffered to be established within the Arawa territories. The Committee direct me to report that the Petition appears to have been presented by a Minister of the Crown, and that they are unable to discover the reasons why this course has been deemed necessary, seeing that the Government have power to carry out the wishes of the Petitioners' by appointing the Arawa territories a district under "The Native Districts Regulation Act, 1858."

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

No. 33.

WILLIAM FRASER.

THE Petitioner states that he is a Captain in the 1st Waikato Regiment; that Lieut. J. S. Dunne, of the same regiment, for some time had charge of a company, and during that period and in the year 1865 he became a public defaulter; that a Board of Officers was convened for the purpose of examining his accounts, and the matter was compromised by the Petitioner agreeing to pay all the regimental debts of Lieut. J. S. Dunne on an arrangement, whether with the Board or with Lieut. J. S. Dunne does not appear; that he the Petitioner was to have the land to which Lieut. J. S. Dunne would be entitled at the expiration of his time of service; that the Petitioner, in consequence of that arrangement, paid outstanding regimental debts due by Lieut. J. S. Dunne to the amount of £561 17s.; that subsequently the Government, in ignorance of the said arrangement, cancelled the commission of the said John S. Dunne; that by this act of the Government the Petitioner has lost the security in consideration of which he became responsible for the above sum, and he prays that the land to which Lieut. John S. Dunne would have been entitled, had his commission not been cancelled, may be granted to him the Petitioner. The Committee direct me to report that they are of opinion that the matter is one which should be disposed of by the Government.

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

No. 34.

SIXTY MEN OF THE 1ST WAIKATO REGIMENT.

THE Petition is in accordance with Standing Orders, and it is signed by sixty men of the 1st Waikato Regiment, stationed at Harapipi in the Upper Waikato District. It contains a complaint that the Petitioners are threatened to be kept on further service for an unlimited time against their express wish, although their period of service has expired, and the Petitioners pray that the House will ensure to them their immediate discharge and the possession of their promised lands. The Committee have examined the Defence Minister and the letter book of the Defence Office, and they are of opinion that the complaint of the Petitioners is not strictly in accordance with facts. At the same time the Committee direct me to report that the great delay in locating the Petitioners upon their lands, is not only a violation of the agreement under which they enlisted, but that it entails hardship upon the Petitioners, and a pecuniary burden upon the Colony which it is unable to bear. I am also directed to observe that there does not exist in the case of the Petitioners the same hindrance to the completion of the surveys of the land which it is proposed to assign to the Petitioners, as exists in the case of the Taranaki Military Settlers and the Patea District, and that consequently there is no apparent justification of the delay of which the Petitioners complain.

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

No. 35.

TARANAKI MILITARY SETTLERS.

THE Petition is in accordance with Standing Orders, and it is signed by thirty-four discharged men of the corps designated "Taranaki Military Settlers."

The Petitioners complain, that although their period of service has expired, and although suitable land is now available, their lands have not been assigned to them according to agreement. The Committee have examined one of the Petitioners, and also the Hon. the Defence Minister. The Committee are of opinion that the present difficulty in locating the Petitioners upon their promised lands arises from two causes. The first cause is, that the period of service for which the Petitioners were enlisted was three years—which period has been reduced by the Government, as a reward for good service, to two years and six months, thus depriving the Government of six months' time for

surveying the confiscated lands at Patea, in the Ngatiruanui country. The second cause is, that the surveyors have been delayed by the hostile attitude assumed by the Ngatiruanui Natives in the vicinity of Hawera, which has rendered the completion of the survey of the Patea District up to this time a matter of impossibility.

The Committee are of opinion that prompt measures should be at once taken by the Government to put down the opposition offered by the abovenamed Natives to the completion of the survey, and that the Petitioners should be then placed on their lands in the manner contemplated by the Defence Minister—that is to say, each company being located in blocks extending backwards to a distance of seven miles from the sea, with a proportionate amount of frontage on the sea beach.

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

No. 36.

INHABITANTS OF THE GOLD FIELDS OF OTAGO.

THE Committee direct me to report that the Petition is signed by 161 persons, and that it does not contain any interlineation or erasure, but that there is an erasure among the signatures affixed to the Petition.

The Petitioners complain that the administration of the Gold Fields by the Provincial Government of Otago has been grievously inefficient and burdensome; that the revenues derived from the Gold Fields have been misappropriated and diverted from the purposes to which they should have been applied; that fees of an unjust and burdensome character have been imposed upon all business transactions connected with mining; that incompetent officers have been appointed and promoted through favoritism, regardless of the public good; that crude and unsuitable bye-laws have been framed; that the sales of Gold Fields townships have been unnecessarily delayed; that grave mistakes have been committed in the selection of the sites for the said towns; that the expenditure on public works has been injudicious, and part of it recklessly wasted; and they pray that the House will provide such remedies for the evils complained of as may appear best.

The Committee entertain the same opinion in the matter of this Petition as was expressed in their Report upon the Petition of two hundred electors and settlers of the districts of Gladstone and Timaru, namely, that they do not think it comes within their province to offer any suggestions to the House with reference to the complaints contained in this Petition.

30th August, 1866.

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

No. 37.

ELECTORS AND INHABITANTS OF PORT CHALMERS.

THE Petition is in accordance with Standing Orders, and is signed with 231 signatures. The Petitioners demand three-eighths of the Customs Revenue and the full share of the Surplus Revenue, and they repudiate any indebtedness to the General Government. The Committee direct me to report that they do not deem it necessary to offer any opinion upon the contents of this Petition.

18th September, 1866.

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

No. 38.

INHABITANTS OF WAITAHUNA.

THE Petition is in accordance with Standing Orders, and it is signed by 250 persons, inhabitants of Waitahuna, in the Otago Gold Fields. The Petition is a protest against the transfer of the administration of the Gold Fields from the Provincial Government of Otago to the General Government, as proposed in the Petition of 161 inhabitants of the Otago Gold Fields, recently reported upon by the Committee; and the prayer is, that the House will not sanction the said transfer, and if any change is contemplated that more extended powers be granted to the Provincial Legislature. The Committee direct me to report that they do not deem it falls within their province to offer any suggestion upon the subject matter of the Petition.

18th September, 1866.

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

No. 39.

ELECTORS OF CHRISTCHURCH AND LYTTTELTON.

THE Petition is in accordance with Standing Orders. It is signed by 400 citizens of Christchurch and Lyttelton, in the Province of Canterbury. The prayer of the Petition is that the House will take such steps as may be necessary to diminish the cost of Government, so that there may be no necessity for increasing the permanent debt of the Colony or imposing additional taxation, or depriving the Provinces of their accustomed share of the Customs Revenue. The Committee direct me to report that they do not deem it necessary for them to offer any opinion upon the prayer of the Petitioners.

19th September, 1866.

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

REPORTS OF COMMITTEE

No. 40.

RHODA BETTY HAMLIN.

THE Committee direct me to report that the particulars of this case will be found in the printed Journals of the House of Representatives, under date the 10th August, 1865, page 34, Petition No. 5; that it would appear from the fact of the presentation to the House of the present Petition that the recommendation of the Committee of last Session has not been attended to by the Government; that the Petition of the last Session was presented by the Hon. Colonel Haultain, Defence Minister; that the present Petition is presented by Mr. Robert Graham, the Member for Franklin; and that it is in the power of either of those members, should they be desirous of bringing the Petitioner's case before the House, to move that the Report of the Committee of 10th August, 1865, be taken into consideration.

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

No. 41.

JOHN RUNCIMAN.

THE Petitioner is a settler, living at Drury, and in the month of December, 1864, he went to Ngaruawahia and asked Colonel Hamilton, then commanding the troops at that station, for a pass, to enable him to proceed to Tamahere, in the interior, for the purpose of purchasing some sheep. Colonel Hamilton refused at first to give him a pass, alleging that the sheep which he wished to purchase had already been secured by the Contractor, for supplying the troops with meat. The Petitioner then appears to have given his word of honor to Colonel Hamilton, that if he would give him (the Petitioner) a pass he would not purchase the sheep without the consent of the Contractor. On the faith of this promise, Colonel Hamilton gave the Petitioner on the 10th December, 1864, a pass, authorizing him to proceed as far as Hamilton, for the purpose of conducting his business from that post. At the Petitioner's request, Colonel Hamilton applied by telegram to the Contractor for his consent to the Petitioner's purchasing the sheep, and the Contractor also by telegram refused to give his consent, which refusal was at once made known to the Petitioner. Notwithstanding this refusal, the Petitioner went into the interior and brought 274 sheep down the river in two barges, in tow of the steamer "Waipa," and when the steamer reached Ngaruawahia on the 13th December, 1864, Colonel Hamilton, on the requisition of the Contractor, and with the consent of the Petitioner, caused the sheep to be landed. It then came out that the Petitioner, notwithstanding that his pass permitted him to proceed only as far as Hamilton, had gone as far as Tamahere, and having offered the Natives two shillings per head for the lambs more than the Contractor had offered, they had agreed to sell the sheep to the Petitioner. The sellers, viz., the Natives of Tamahere, the day after the sheep were landed came down to Ngaruawahia, and then again changing their minds, returned to the Petitioner £21 10s., which sum had been paid by him on account, and took from the Contractor the price of the sheep in full, and the sheep were converted to the use of the troops. Subsequently the matter was submitted to arbitration, and an award appears to have been given in favor of the Petitioner to the amount of £300. This award was set aside by the Supreme Court of Auckland, on the plea of informality. The Petitioner then instituted a suit in the Supreme Court for damages amounting to £600, and the progress of that case was stopped by the Indemnity Act of 1865. On this ground the Petitioner prays that the House will take his case into consideration, and afford him such relief as may seem meet in the premises. The Committee direct me to report that they are of opinion that the Petitioner, having by his own act placed himself in a false position, his prayer should not receive the favorable consideration of the Government.

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

No. 42.

JOHN MCGREGOR.

I AM directed by the Committee to report that on investigation of the Petition of John McGregor of Wanganui, they find, that the Petitioner states he was a settler residing at Wanganui, during the disturbances that took place in that district in the year 1847; that the buildings, furniture, stock, and other property belonging to the Petitioner were destroyed by the rebel Natives; that the Petitioner served at the request of His Excellency Sir George Grey as guide to Her Majesty's Forces during the Wanganui war; that he was wounded whilst so serving, and was promised compensation for his services and the losses he had sustained by His Excellency the Governor; that the Petitioner estimates his losses at £850, and he claims £100 as pay and rations for the time he was serving with Her Majesty's Forces.

Your Committee are of opinion that the case as stated by the Petitioner is one of considerable hardship; but desire to record their opinion that it is the duty of the Government rather than of this Committee, to cause inquiry to be made, and to found recommendations thereon if deemed right in cases of this nature.

25th September, 1866.

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

No. 43.

ELECTORS OF MARLBOROUGH.

I AM directed to report that there is an erasure in this Petition, but it does not affect the meaning or intent of the Petitioners, the word holding having been by mistake inserted twice, the pen has been

drawn through the first of the words; that the Petition is signed by 266 persons, many of whom add the word "elector" to their names, and that the prayer of the Petitioners is, that the Superintendent of the Province of Marlborough, a Province constituted under "The New Provinces Act, 1858," who has hitherto been elected by the Provincial Council, may in future be elected in the manner prescribed by the Constitution Act, that is to say by the whole body of electors. There can be no doubt as to the evil results which have accrued in the Province of Marlborough from the mode of electing Superintendents prescribed by "The New Provinces Act, 1858," but the Committee are of opinion that it is not within the scope of their duty to offer to the House any suggestions on the subject matter of the Petition.

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

No. 44.

JOHN WATSON.

I AM directed by the Committee to report that the Petition is in accordance with Standing Orders, and that the prayer of the Petitioner, who was a settler to whom land was assigned at South Waitara in 1843, and who was dispossessed in 1844 in consequence of Governor FitzRoy's reversal of Mr. Commissioner Spain's award respecting the lands of the Province of New Plymouth is, that his original sections which have now come into the possession of Government, having been assigned to the Military Settlers, his claim may be appraised on the basis provided by the New Zealand Company's Land Claimants Ordinance previous to its repeal by the Land Orders and Scrip Act.

The Committee are of opinion that the Petitioner has failed by his own act to avail himself of the provisions of the New Zealand Claimants Act, Session 11, No. 15, under which Ordinance claims similar to that of the Petitioner were provided for, and consequently they cannot recommend the case as one deserving of favorable consideration.

25th September, 1866.

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

No. 45.

RESIDENTS OF THE GOLD FIELDS, DISTRICT OF TUAPEKA.

THE Committee direct me to report that the Petition is in accordance with Standing Orders, that it is signed with 260 signatures of persons styling themselves residents of the Gold Field districts of Tuapeka; that the prayer of the Petition is almost the same as that of 250 persons inhabitants of Waitahuna, also on the gold fields of Otago, reported upon by the Committee on the 19th instant, viz., that the management of the gold fields be not transferred from the Provincial to the General Government, and the Petitioners also pray that the twenty-eighth clause of the Gold Fields Act be rescinded.

The prayer of the Petition seems to be in direct contradiction to that of 159 inhabitants of the same gold field, presented to the House on 30th August, which states that the Petitioners have lost all hopes of any redress of grievances through the Provincial Government, and of any reduction of the oppressive taxation under which the Petitioners labor through the misgovernment of the Provincial authorities. They state in particular that the administration of the gold fields by the Provincial Government has been grievously inefficient and burdensome.

The Committee do not presume to offer any opinion as to whether the contents of the Petition of the 30th August are correct, or whether the present Petition contains a true state of the case; but they consider that it is not within the scope of their duty to offer any suggestions to the House on the subject matter of the Petition.

26th September, 1866.

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

No. 46.

SETTLERS OF TARANAKI.

THE Committee direct me to report that the Petition is in accordance with Standing Orders, and that it is signed by 250 persons styling themselves Inhabitants of the Province of Taranaki. The Petitioners state that they have learnt that the surveyors have been instructed by the Government to lay off 600 acres of land at Patea, in the Province of Taranaki, for Dr. Mouat, the principal Medical Officer of the Imperial Forces serving in New Zealand; that the said Dr. Mouat, during the year 1860-61, while serving on the Staff under General Pratt, never lost an opportunity of charging the Petitioners and the Colonists of New Plymouth with having originated the war for the purpose of profiting by the Commissariat expenditure, and of robbing the Natives of their lands; and they urge that some violence would be done to the feelings of Dr. Mouat himself, by making him a participator in what that officer regarded as a spoil wrung from the Natives by the rapacious greed of the colonists. The prayer of the Petitioners is—"That if it be considered expedient that Dr. Mouat's services to the Colony should receive a special recognition, that recognition should be made in a manner more grateful to that officer's feelings than by a grant of land in Taranaki taken from the Natives, and that the Province in which the services may have been rendered should have the distinction of conferring the reward."

The Committee has learnt from the Hon. the Defence Minister that the grant of 600 acres proposed to be made to Dr. Mouat is authorized by Clause XVII. of "The New Zealand Settlements Amendment and Continuance Act, 1865," and is a reward for past services, and not "subject to conditions for the performance of any military or police duties."

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

outlawry against the Petitioner and his partner Engst, until the said fine of five pounds, inflicted in direct violation of law by his predecessor, was paid into his Court by the Petitioner, and that subsequently he has returned official communications from the Petitioner unopened, and refused to receive them, apparently because the Petitioner, dissatisfied with a long series of wrongs, had applied for redress to the Government.

The Committee are unanimously of opinion that so strong a case is made out *prima facie* against both the former and present Resident Magistrates, as to require the Government to institute inquiries on the spot with as little delay as possible.

28th September, 1866.

J. CRACROFT WILSON, C.B.
Chairman.

No. 48.

POIHIPI, TUKAIRANGI, AND OTHERS OF THE ARAWA TRIBE.

I AM directed by the Committee to report that the Petition is signed by the leading chiefs of the Arawa tribe; that the Committee has examined at length the Hon. J. C. Richmond, whose evidence appended to this report proves the good services rendered by the tribe, and establishes the fact that the tribe has received about £1500 in cash, about £250 in gratuities and pensions to the wounded, and nearly £3000 in rations, or £5850 in all. It appears to the Committee that the Arawa tribe has a special claim upon the favorable consideration of Government. A perusal of the detailed account of what passed at the meeting held by Colonel Russell, the late Native Minister, at Maketu, on the 23rd and 24th of May last, has convinced the Committee that the real wish of the tribe is to obtain the blessings of civilization, and they consider that so favorable an opportunity for effecting so desirable an end should at once be seized by Government. They think that all sums raised by the tribe for the purposes of establishing schools, making roads, &c., &c., throughout their district, should be supplemented by a similar sum on the part of the Government, from the amount devoted to Native purposes, and that an officer, who would devote himself to raising the tribe in the scale of civilization, should be appointed to reside among them, by whom their differences could be adjusted, and through whom the desired improvements could be carried out to completion.

27th September, 1866.

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

STATEMENT ON the Petition of POIHIPI, TUKAIRANGI, and others of the Arawa tribe.

THE Honourable J. C. Richmond attended the Committee, and made the following statement:—

The Petitioners assert that their tribe has been engaged on the part of Her Majesty in endeavoring to arrest the murderers of Mr. Fulloon, and that they have received only £1500, which amounts to two pounds five shillings per man for three months labor and fighting. The Arawas have been employed since September, 1863, when they were instructed to prevent the passage through their territory of Ngatiporou, Ngatiawa, and other natives from the Bay of Plenty *en route* to Waikato. The tribe had feuds with the neighbouring tribes, and probably were not unwilling to undertake the above task. The Governor promised in return to be a support to the Arawas. They seem to have done their duty in this matter, and thus brought upon themselves the hostility of the Ngatiawa and other tribes. Their position at the time of Mr. Volkner's murder in March, 1865, is described in Mr. Smith's report to Government, under date 9th March, 1865, (Appendix 1865, E. No. 5, page 7.) He writes thus: "I would take this opportunity of requesting the serious attention of the Government to the state of this district, especially with reference to the position of the Arawa. These tribes have incurred the enmity of their neighbours by espousing the cause of the Pakeha. They are open to attack from several quarters. They are insufficiently armed, and no adequate provision has been made for supplying them with the means of defence in case of attack. There are only fifty stand of arms now available for distribution in case of emergency. They have been promised that every assistance which it is in the power of the Government to afford shall be given to them. The overland communication may be stopped at any time. I regard the present state of affairs as critical. The Whakatohea (the Opotiki Natives) will probably now feel that they are committed to a final struggle, and if they can succeed in raising the tribes beyond them, may take the initiative against the Arawa. The latter have, I submit, proved themselves faithful and worthy to be trusted. I think that at least arrangements should be made by the Government to ensure a sufficient supply of arms and ammunition being within reach, in case of their being needed. About 170 stand of Government arms have been supplied to the Arawa, and about the same number would be required in addition to arm the whole adult population."

Arms were distributed to the Arawas and rations were given them, and they were called upon by Mr. Smith to arrest Kereopa and Patara and the other murderers of Mr. Volkner. They were very hard pressed, and suffered severe losses in killed and wounded in the attempt to carry out their instructions, and they also lost the season for planting potatoes and other crops. They took some prisoners, but they failed in securing Kereopa and Patara, who were the ringleaders in the murder of Mr. Volkner. On the 22nd July, 1865, Mr. Fulloon and the people on board the schooner "Kate" were murdered by the Ngatiawa Natives, at Whakatane, and the Arawas were again called upon by the Government to support a warrant to capture the murderers, and by their assistance a great number of those engaged in the murder of Mr. Fulloon were arrested. Their services have been emphatically acknowledged by the two last Ministers, and they have during the period under review received about £2600 in cash, £250 in gratuities and pensions to the wounded, and rations to the value of nearly £3000.

No distinct promise was given them, but the late Native Minister, Colonel Russell, hinted, at a meeting held in May last, at Maketu, that if they wished to have schools, roads, &c., Government would supplement the contribution of the tribe by an expenditure of equal amount.

J. C. RICHMOND.

MEMORANDUM of Expenditure on account of services rendered to the Government by the Arawas in connection with the Native rebellion.

	£	s.	d.	£	s.	d.
13th September to 26th October, 1865.—Per T. H. Smith, amount paid						
Mackay and Co. and others for supplies of food, &c.	916	2	1			
26th October, 1865, to 16th February, 1866.—Ditto ditto	614	2	10			
May, 1866.—Flags, &c.	13	10	0			
July, August, 1865.—Expenses for Arawa in the field	6	12	5			
October, 1864.—Ammunition	23	0	0			
December, 1864.—Food	17	4	6			
September, 1865.—Rations, Mackay and Co.	456	6	9			
October, December, 1865.—Supplies, Foley	836	18	3			
July, 1865.—Potatoes, Mackay and Co.	83	17	10			
						2967 14 8
Pensions to widows of Arawa Natives killed in action and to wounded ...	101	13	4			
December, 1864.—Ditto ditto ditto	22	15	0			
October, November, 1864.—Ditto ditto ditto	47	5	0			
February, 1866.—Gratuities to wounded Natives	70	0	0			
February, 1866.—Ditto ditto	10	0	0			
						251 13 4
February, 1866.—Payments to Arawa Natives concerned in the capture of						
Tiri Tamihana and party	210	0	0			
October, 1864.—Present to Native who captured flags	5	0	0			
October, 1864.—Payments to Arawa in acknowledgment of services rendered						
in opposing insurgent Natives on East Coast	858	10	0			
Ditto ditto ditto	57	12	2			
May, 1866.—To Mr. H. T. Clarke to compensate Natives for past services	1500	0	0			
						2631 2 2
						<u>£5850 10 2</u>

Treasury, Wellington,
27th September, 1866.

J. WOODWARD,
Assistant Treasurer.