

REPORT

OF

THE SECRETARY FOR CROWN LANDS

FOR THE YEAR ENDING 30th June, 1872.

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND OF
HIS EXCELLENCY.

WELLINGTON.

—
1872.

REPORT OF THE SECRETARY FOR CROWN LANDS.

Mr. MOORHOUSE to the Hon. W. GISBORNE.

SIR,—

Crown Lands Office, Wellington, 9th July, 1872.

Having received your permission, I have now the honor to report to the Government my views upon the present state of the surveys of the Colony, and to make some suggestions on the subject:—

1. The surveys of the Colony, considered as a whole, are very unreliable, without triangulation, and greatly in arrear. The causes of this condition of things are patent to every professional surveyor in the Colony; and my own experience as Secretary for Crown Lands, in addition to the knowledge I have obtained in the discharge of my duties as Registrar-General of Land and Deeds, has induced an anxiety about the surveys which can only be alleviated by urgently advising Government to take early measures for securing such a control as will save the public from the immeasurable evils that must inevitably follow a continuance of the present loose and unscientific survey of the public estate.

It will not be expected that I can indicate particularly the parts of the Colony where the evil I complain of exists in the greatest degree. I may, however, state generally that, in the Middle Island, the surveys of Nelson and Marlborough, and some parts of Canterbury, are very inaccurate.

The same may be said of the North Island generally, the chief exceptions being some work recently executed under the direction of the Inspector of Surveys under the Native Lands Act, Mr. Heale, to whom the Colony is indebted, among others, for very valuable reports, and that performed in the Wellington Province by the Chief Surveyor, Mr. Jackson.

I have, during my personal inquiries, ascertained the unanimous confession, I may say, of the surveyors of the Colony, that the surveys are, as a whole, exceedingly inaccurate. Although not professionally acquainted with the science of surveying, I have had thrust upon me, in numerous instances, the most palpable proofs of not mere inaccuracy, but in some instances the most astounding discrepancies. I append a diagram of one considerable block of valuable land in the Province of Auckland, which is a curious instance of the extent to which gross negligence has been carried. The record maps of the Auckland, Napier, and Taranaki Provinces are imperfect, both as regards the record of surveys performed and the accuracy of such surveys as are recorded. Record maps (where they exist) are not to be relied on for the purposes of "The Land Transfer Act, 1870," and "The Land Transfer Act 1870 Amendment Act, 1871," and the anxieties of the Registrar-General of Land are very much beyond expression. It has been found absolutely necessary to issue an imperative instruction requiring District Land Registrars to decline to register titles to land when the diagram illustrating the survey and the description in the body of the deed are, upon the report of the draftsman of the office, found to be insufficient to enable an ordinary surveyor to find the estate on the ground when boundary lines may be overgrown and survey pegs removed or decayed.

The Colony is liable to make good its contract with Crown grantees, and impliedly guarantees full enjoyment of the estate conveyed. Specific performance of this guarantee cannot in very numerous instances be given, because impossible. But there can be no doubt of the legal and moral claim of grantees to full compensation of damages sustained by the failure of one part of the Crown's contract with grantees—that the land should be surveyed—*i.e.*, properly surveyed by the Government. It is true that the Colony is yet in its infancy, and the present condition of the surveys may be excused on the score of the many and varied difficulties that have existed. But I respectfully submit that a continuance of the present disorder would be entirely inexcusable. As Registrar-General of Land, I pointed out last year in rather forcible language the damage sustained by that branch of the public service. But the political circumstances of the Colony did not then appear to be favourable to an examination of the question. I trust, however, that I shall not be considered presumptuous if I venture to suggest that no further delay should occur. It is perfectly certain that no measure of reform can be expected from the Legislature without full evidence of facts. And the only way in which Government can inform itself or the Legislature is by taking the evidence of the best-informed professional surveyors in the Colony. Gentlemen of undoubted ability may be found, whose long connection with the surveys of the Colony, under great difficulties, would afford full facility for getting at and estimating the facts to be inquired of. I would recommend that they be examined before a Joint Committee of the Assembly during the coming Session, in order that some change may be made under which the Colony may have security that the surveys are exactly, economically, and expeditiously performed. By your leave, I now lay before you what I conceive to be the outline of a proper plan for the future conduct of the Surveys:—

1. That there be a Surveyor-General for the Colony, who shall have the supreme direction of the whole scheme.

2. One Chief Inspector of Surveys, whose work would be an active inspection of the various district surveys.

3. A Director of Trigonometrical Surveys and Astronomical Observer for the Colony, who should be the head of a distinct branch of the service, subordinate to the Surveyor-General.

4. For every Land Registration or other conveniently arranged District, a District Surveyor in local charge of the surveys, working upon an uniform plan directed by the Surveyor-General and supervised by the Chief Inspector of Surveys.

5. A Chief scientific Draftsman, to be responsible for the preparation of all the public survey maps of the Colony; to be in charge of the central Survey Office.

6. In each district a staff of Field Surveyors, with proper Assistants and competent Draftsmen. This staff need not, as a rule, be more numerous or more expensive than the existing Provincial establishments, most of the officers of which would be available for service under the reformed system.

7. Seeing that it is not in any degree good policy to lessen the number of land-selling centres—all the existing Provincial Offices would be required for the use of the new staff.

8. The full expenditure by the General Government need not commence for a period of say six to nine months from the creation of a central staff.

9. Until the working of the whole of the districts was taken over, it would only be necessary to provide for the expenses of a general office. Say—

	£	s.	d.
Surveyor-General	800	0	0
Chief Inspector of Surveys	650	0	0
Director of Trigonometrical Surveys and Astronomical Observer	650	0	0
Chief Draftsman	450	0	0
Photo-lithographer	300	0	0
Office Expenses and Furniture	1,500	0	0
Travelling Expenses			
Clerical Aid and Contingencies			
	<hr/>		
	£4,350	0	0

The ratio of expenditure during the first year would be very much heavier in proportion to field work than in any succeeding year. There is every solid assurance that, under such a perfect discipline as might and doubtless would be exerted by a general establishment, the Colony would derive several great benefits:—

1st, Perfectly accurate work;

2nd, Very considerably more of it for the money than is accomplished under existing systems;

3rd, Survey (except in the case of small isolated selections) would almost immediately follow purchase, and so the delay in the issue of Crown Grants, which has been such a notorious evil for many years past, would be obviated.

There would be no longer any competition by the various Provincial offices for the services of the best men. All public surveyors would be amenable to one discipline. The appointment of surveyors would cease to be vulgarly referred to political favour, or be the cause of political squabbles and scandal. But every officer would be the scientific servant of the general public, under the direction of a purely scientific and entirely non-political head, responsible himself to the popular Executive.

The change advocated in no degree necessitates any serious modification in any of the curiously various plans of Provincial administration of the waste lands of the Crown. As I ventured to suggest in a former paragraph, it appears to me that the general policy of the Colony is to localize the administration of the Crown lands; although it would appear to a disinterested observer, that, while locally administered, the Colony would not lose anything by adopting in all its parts something like uniformity of Land Regulations. This idea has been published long ago with great force by some of the soundest public men in the Colony, and must soon be shared and acted upon by the General Legislature. The Colony is rapidly learning the mutual dependency of all its parts.

While carefully avoiding any, even the least participation in active political disputation, I conceive it to be the duty of a Permanent Secretary to exercise an intelligent regard of the obvious and published policy of the Colony. And with a view to advising the political head of my Department on subjects specially connected with my own office, I must not lose sight of its relation to the several other departments of the Commonwealth, nor misapprehend the scope of the popular policy of the country. As I understand the present distinctly accepted policy of the Colony, I take it to be of very material consequence that increased facilities should be given for the reduction of the Native lands to English Crown grant tenure. And believing that immeasurably great indirect advantages would follow, the Administration would appear to be justified in making even considerable immediate sacrifices. When very great prospective profit may be rationally looked for as the natural consequence of an insignificant present loss of revenue, it would be exceedingly improvident to hesitate about incurring the expense. Although the Native landholders have availed themselves of the Native Land Court to a considerable extent, still, the usefulness of that institution as at present administered is very much impaired

by the fact that access to the Court, and the survey, and the ultimate Crown grant, all require the expenditure of money generally beyond the means of the Native, who, in order to bring his land into English tenure, has first to engage himself in the expense of a survey, then to incur considerable Court fees, for all of which, in addition to other unavoidable expenses not regulated by any Statute, his grant, when at last executed, is impounded. To make these payments, the Native proprietor is generally compelled to borrow money upon conditions frequently equivalent to a material surrender of his proprietary independence; and therefore his first transaction connected with English tenure is remembered as having been the certain precursor of the complete and rapid extinction of his property. Thus the Native, to a great extent, is becoming chary of approaching an institution which has many times been the means of impoverishing his own race, and which, under existing conditions, has indirectly encouraged operations by the European, of a character alike demoralizing to himself and the Native. The recommendations embodied in this report do not include any proposal to interfere with the licenses, and the duties on assessments, but apply only to the fees attached to the adjudications on titles.

The whole of the expense of the surveys necessary to adjudication by the Native Land Court, I would advise the Legislature to undertake free of any charge to the Natives. I would further recommend a remission of all Native Land Court and Crown grant fees. The acceptance of this recommendation, so far as may be gathered approximately from various indications, would increase the direct annual expense of the Native administration, inclusive of surveys, by about £20,000 per annum. I am quite unable to demonstrate the quantity of indirect advantage or profit likely to follow such a process of dealing, but can readily indicate the quality of the indirect results. I believe they would be as follows:—

Upon the assumption that the Native is susceptible of all the material influences that operate upon common human nature, it may be expected that he would, after the reform recommended, avail himself of the Native Land Court, and consequent Crown grant, to a much greater extent than at present, and, having thus acquired the English and therefore marketable title to his estate, would in the nature of things be more likely to seek transactions with the European. Such a tendency might be accounted for by the Native's consciousness of future freedom from debts incurred in the process of converting his lands (difficult of vendition) into English freehold; and feeling himself on more equal terms with the settler who might propose a lease or purchase, he could enter into negotiations (for which he is singularly able) without the embarrassing assistance of interested creditors.

This theory is based upon a complete faith in the Native's natural organization being very much like that of the other high types of humanity; and long observation has convinced me, that the dreary succession of failures that have occurred in our Native administrations in former years may be referred to the fact that we have placed the Native too low in the scale of mankind—that we have underrated his intellectual power, and too much ignored his moral susceptibility. If the European, under circumstances similar to those affecting Native owners, would be likely to avail himself largely of the opportunity of inexpensively exchanging an unmarketable title for a vendible one, so in an equal degree would the Native. I am firmly persuaded that, in proposing legislation upon subjects specially affecting the Maoris, an error would be committed in regarding them as mentally or morally inferior to the European, excepting in so far as might be accounted for by the difference of circumstances affecting each, and am of opinion that if the Legislature will but create the favourable circumstance, the Native will assuredly avail himself of it.

While on this subject, I would suggest the very great importance of keeping in mind the fact, that the very best and largest portion of what will some day be the freehold estate of the Colony in the Northern Island is at present in the hands of the Natives, who from time to time have portions of it surveyed, for the purpose of obtaining Crown grants through the Native Land Court. It would be desirable that these surveys should be made upon such a triangulation as would form part of a thoroughly accurate Colonial survey, instead of as at present. The surveys of Native lands generally have hitherto been remarkably loose, and the mere commencement of inevitable embarrassment, expense, and litigation.

The plan I recommend is, that the Native Minister should from time to time, upon the request of Native owners, order surveys under the direction of the Surveyor-General, who would take proper pains to secure the incorporation of a reliable survey into the recorded surveys of the Colony.

The original surveys thus made would be the reliable basis of such divisional surveys as would naturally follow the exercise by the Natives of their proprietary rights of sale or lease, under the Land Transfer System. It should be kept in mind that at law all estates, whether European or Native, acquired by Crown grant, must thenceforward be dealt with under the Land Transfer process, under which all titles are guaranteed by the Public Treasury; and further, that the safe working of the Land Transfer law is most materially dependent upon the surveys.

It is not for me to commit the impertinence of offering any reflections upon the probable effect of free surveys, free Land Court, and Crown grant, upon the general prospects of the Native Department, in its relation to the general safety and prosperity of the Colony, beyond the permissible expression of an opinion, for what it is worth, that the carriage of such a measure is perhaps the only thing now remaining to make further Native wars extremely improbable.

Well-grounded complaints are made in all parts of the Colony of the very great length of time which generally elapses between the purchase of waste lands and the issue of the Crown grants. The causes of these delays are sufficiently notorious; the only wonder is that the public have for so many years quietly submitted to a failure on the part of the Crown to observe the universally implied condition attending all sales of real estate—namely, that no unnecessary delay shall occur in the execution of the title. Very considerable areas within the Colony, more especially in the Northern Island, sold at periods varying from five to thirty years ago, are still unconveyed. It must be admitted, as before remarked, that much may be urged in excuse for this delay, principally the unsettled condition of the Native population; but it cannot be denied that such a reason can no longer, except to a small extent, be pleaded. So far as can be learned from inquiry in the Provinces, it would appear that one great cause of the delay in the preparation and issue of grants is the extraordinary arrear of reliable survey; and further, that this arrear is ascribed to the alleged inability of the Provincial authorities to provide funds for the necessary extension of their surveying establishments. Very recently, in some parts of the Colony, great anxiety has been professed to remedy this evil; but practically, the alleged want of funds is still the justification of continued delays. In more than one Province it is known that re-surveys to a considerable extent will be necessary before preparation of Crown grants. Of all this, the Legislature may inform itself by direct evidence in Committee.

Before my entering upon the administration of the Crown Lands Office, I became impressed with the opinion that in all cases the Crown grant fee should be paid at the time of purchase, and had the honor of writing a brief memorandum on the subject from the Office of Registrar-General of Land and Deeds, which resulted in the insertion of a clause giving effect to the recommendation in a Bill which was dropped last Session. Subsequent experience justifies my persistence in advising that, upon general economic considerations, the fees, whatever they may be, should be paid at the time of purchase. The payment of these fees in advance, would have a tendency to strengthen the healthy popular objection to the very unbusinesslike delays which under the past condition of affairs have existed. But if it could be made to harmonize with the general scheme of Colonial finance—the complete abolition of Crown grant fees would be very desirable. This arrangement, in the event of the Legislature accepting the recommendations contained in this report, would have the effect of placing the European and Native on an exact level in the matter of surveys and Crown grants.

Before concluding my remarks on this subject, I would deferentially submit that the facilities offered to the Natives for the conversion of their estates into English freehold, and the consequent direct expense to the general revenue, would be more than balanced by the incalculable quantity of indirect profit, which must naturally follow the incorporation of the Native estate into the English system, and the consequent habit engendered in the Native mind, of feeling his common interest in and a dependence upon general laws securing the peaceful and fruitful enjoyment of property.

It is unnecessary to urge, that millions of expense may be directly traced to the fear with which the Native has regarded the vague and shapeless security which has hitherto been offered for his protection in the enjoyment of his lands—a fear which it must be confessed has hitherto been a perfectly natural emotion, following an intellectual regard of his past relations to the European, and their logical consequences. I am profoundly impressed with the belief that, in accepting such recommendations as the above, which are simply repetitions of what has been many times said or felt by our ablest men, the Colony will not only realize great and not remote commercial advantages, but will afterwards feel, what is of far greater importance, a well-reasoned and elevating moral consciousness of the presence of abstract justice, as the governing principle of its legislation on subjects commonly affecting the European and Native races.

I have the honor to submit for the information of Government, a detailed statement of business transacted in the Crown Lands Office during the past year.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

W. S. MOORHOUSE,
Secretary for Crown Lands.

APPENDIX.

I.

RETURN showing the Number and Details of Crown Grants issued from General Crown Lands Office for Twelve Months, ending 30th June, 1872.

Ordinary Grants issued	...	...	...	...	...	...	...	...	4,386
Public Grants	...	...	...	...	...	...	...	...	53
Native Lands Court Grants	...	...	...	...	...	...	...	...	157
Antevested and Corrected Grants	...	...	...	...	...	...	...	...	40
									<u>4,636</u>

Of the above, the following were executed on the Land Transfer Form, *i.e.* in duplicate:—

Ordinary Grants	...	...	...	...	...	...	...	...	621
Public Grants	...	...	...	...	...	...	...	...	20
Native Lands Court Grants	...	...	...	...	...	...	...	...	46
									<u>687</u>

Note.—The Crown Grant, under the Native Lands Acts, issued under the Land Transfer Act, involves the preparation of five documents, which are—

- Original Grant.
- Duplicate Grant.
- Record Copy for Secretary, Crown Lands Office.
- Duplicate Copy for Commissioner, Crown Lands.
- Maori Translation.

These have each to be dated and numbered on face and back, and the two first to be sealed.

Each Crown Grant has to be read over with the copy before execution. In the case of the Duplicate Grants, this work requires the services of three persons.

Number of Grants in the Office in course of completion, nearly all of which will be issued during this month (July) 1,044

Statement of Transactions in the Secretarial Department of the General Crown Lands Office from 1st July, 1871, to 30th June, 1872, inclusive:—

Number of Letters received	...	...	...	...	...	...	...	...	1,309
Number of Letters written and despatched	...	...	...	...	...	...	...	...	677
Number of Papers referred to Secretary for action	...	...	...	...	...	...	...	...	251
Number of Papers referred by Secretary to other Departments	...	...	...	...	...	...	...	...	417
Number of Records under action	...	...	...	...	...	...	...	...	<u>...</u>

II.

The Drafting Department has been engaged as follows:—

In examining Land Claim records and maps of granted and surplus lands for transfer to the Provincial Government of Auckland.

Preparing descriptions of reserves and districts.

Comparing all grants under Native Land Acts with maps in the office.

Preparing descriptions and maps of Electoral Districts under "The Representation Act Amendment Act, 1871," and various plans and tracings.

Examining all Crown grant copies filed in the office; reporting upon value of all Crown grants issued for purposes of Land Transfer Act, and upon the preparation of future grants.

Reporting and advising generally on questions of survey, &c., coming before the Secretary for Crown Lands, or referred from the various Government Offices.

The Chief Draftsman, who is also Assistant Inspector of Surveys, has been detached on inspection of surveys, and has been engaged in calculating the triangulation of the Patea District; and generally advising and reporting upon surveys, &c., of the West Coast Confiscated Land, and on the expenditure thereof.

This Department has also prepared a map of Province of Wellington for Native Office; examined Land Claim records; and prepared and examined tracings of Land Claim plans.

Compared grants under Native Lands Acts with maps in office.

Indexed and arranged over 1,460 plans in office.

Prepared map of Colony showing Electoral Districts.

Prepared maps of Electoral Districts for Clerk of House of Representatives.

Prepared descriptions of Electoral Districts, and office maps of same.

Usual routine work of office:—

Lithographed various plans.

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Put plans upon draft Crown grants and copies, corrections of Crown grants and deeds, and made tracings required.

Mounted and entered a number of maps.

Examined papers referred.

Prepared descriptions of districts.

III.

APPROXIMATE RETURN of Native Crown Grants executed but not yet delivered to Grantees on 6th May, 1872.

				<i>Auckland.</i>		£ s. d	
With Registrar of Deeds	...	...	188	Fees due to Government	...	785	17 6
<i>In transitu</i>	...	...	36	Fees due to Government	...	118	11 6
Detained in Government Crown Lands							
Office for Surveyors' liens	...	...	112	Fees due to Government	...	376	16 0
			<u>336</u>			<u>£1,281</u>	<u>5 0</u>
				<i>Hawke's Bay.</i>			
With Registrar of Deeds	...	...	30	Fees due to Government	...	104	4 0
<i>In transitu</i>	...	...	8	Fees due to Government	...	32	14 0
Detained in Government Crown Lands							
Office for Surveyors' liens	...	...	32	Fees due to Government	...	88	16 0
			<u>70</u>			<u>£225</u>	<u>14 0</u>
				<i>Wellington.</i>			
With Registrar of Deeds	...	...	44	Fees due to Government	...	135	14 0
<i>In transitu</i>	...	...	3	Fees due to Government	...	10	5 0
Detained in Government Crown Lands							
Office for Surveyors' liens	...	...	36	Fees due to Government	...	89	10 0
			<u>83</u>			<u>£235</u>	<u>9 0</u>
				<i>Recapitulation.</i>			
Auckland	...	...	336	Fees due ...	...	1,281	5 0
Hawke's Bay	...	...	70	Fees due ...	...	225	14 0
Wellington	...	...	83	Fees due ...	...	235	9 0
			<u>489</u>			<u>£1,742</u>	<u>8 0</u>