

1875.

NEW ZEALAND.

DESPATCHES.

FROM THE GOVERNOR OF NEW ZEALAND TO THE SECRETARY OF STATE.

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

No. 1.

COPY of a DESPATCH from Governor the Right Hon. Sir J. FERGUSSON, Bart.,
to the Right Hon. the Earl of CARNARVON.

(No. 32.)

Government House, Auckland,

MY LORD,—

New Zealand, 8th June, 1874.

I have the honor to inform you that I have lately visited some of the most important Native districts in the North Island, and your Lordship may desire to know the general result.

2. On the 16th of March, I left Napier, Hawke Bay, and travelled by Lake Taupo to Tauranga, Bay of Plenty. Between the two latter points I had four meetings with considerable bodies of Natives. They are uniformly contented and well-affected. They prize highly the advantages they enjoy by means of the main line of road, now complete, through the district, along which a mail coach now runs twice a week, travellers and live stock are continually passing, and the electric telegraph is in operation. Several schools are established, and are well attended. At Ohinemutu, Rotorua, I visited one attended by nearly fifty children, whose intelligence and drill were remarkably good. The chief requests made to me by the chiefs were for more roads, telegraphs, and schools. Towards the support of the last they are willing to make liberal grants of land.

3. On the 20th April, I left Auckland on a visit to the Waikato district, which was of some consequence, as being that immediately joining the "King's," and the Government thought it proper to be attended by considerable detachments of the various forces employed upon the "frontier." I was accompanied by Governor Du Cane, of Tasmania, who was visiting me at the time, the Colonial Secretary, and all the local officers of the Government. In accordance with the policy which has been of late pursued, only the European settlers and the loyal Natives were invited to attend, which they did in considerable numbers, at a meeting at Newcastle on the 21st. I beg to enclose a newspaper report of the proceedings.*

4. From Newcastle I proceeded to Cambridge, where I remained for two days, and visited some of the redoubts which are erected along the line of the confiscated boundary. Settlement is rapidly increasing in Waikato, and fine farms are to be seen throughout the district, indicating a growing sense of security and an increasing investment of capital. The railway is in course of construction as far as Newcastle, where there are coal mines; and its completion so far, which may be expected by the end of another year, cannot fail both to advance rapidly the progress and prosperity of the district, and to secure it against disturbance from without.

* Extract from *New Zealand Herald*, 9th May, 1874.

5. From Cambridge I travelled across the country to Rotorua, not only to show the Hot Lake district to Mr. Du Cane, but because the ability of the Governor to pass through the Native districts without any unusual escort is calculated to produce good results, giving confidence both to the European and to the loyal Native population. It is not long since a horse-track has been cleared on this route, and I believe it has not been traversed by any former Governor.

6. Upon this occasion I was a spectator of a large gathering of Natives near Rotorua, for the settlement of a dispute of long standing, about the ownership of a large tract of land known as the Te Horohoro Block. This dispute had lately come to a head, and in former times would certainly have led to a war; but, by common consent, the contending parties agreed to abide by the arbitration of the Government, and certain officers conversant with Native customs, being appointed to act, were able to conduct the inquiry with the utmost regularity in the presence of all interested, and to come to a conclusion in favour of one party without any doubt of the acquiescence of the other.

7. Again on the 13th May I left Auckland on a visit to the district north of that place, inhabited chiefly by the powerful Ngapuhi tribe, who have always been very friendly since the conflict of 1845, but among whom there have been a good many acts of violence from time to time. I visited the Bay of Islands, passed overland to Hokianga, and upon my return went on by sea to Whangaroa and Mongonui. It is gratifying to see the cordial relations existing between the Europeans and Natives throughout the northern district. Large numbers of the latter are employed by farmers, timber merchants, and others at the current wages of the colony, with mutual satisfaction.

8. It is proper that I should inform your Lordship that during the last two months there have been decided indications of a desire, on the part of the "Hauhau" party among the Maoris, to put an end to their estrangement from the Government. Their chiefs appear to be divided among themselves, and both they and their people desire to share in the advantages which the loyal tribes enjoy. A meeting lately held by Tawhiao, the Maori "King," for which preparations had been made during many months, and which had probably been intended to unite his party, proved a failure, and upon its separation the principal chiefs came to the neighbourhood of the frontier, where they have stated that they remain in hopes of receiving terms from the Government. A loyal chief of the Waikato, who has for many years been active in support of the Government, has twice waited upon me, and assured me of his belief in the willingness of the separated tribes to come under subjection, provided that they be permitted to manage their own affairs under their own chiefs, upon which basis they would be ready to admit communication through the district, and provide for the surrender of criminals. I trust that the Government will not lose an opportunity of so desirable a consummation, but in the meantime nothing is being done, on account of the absence of Mr. McLean, the Native Minister, upon public business in Australia. It remains to be seen, indeed, whether the "Hauhau" chiefs are really disposed to surrender their independence, a step which would be distasteful to many of their followers.

9. With the exception of the danger of incursions of some turbulent members across the boundary, against which due precautions are taken, there is no disturbing element in connection with the Native population. Europeans are constantly becoming more intermixed with them, and they more habituated to, and dependent upon, the comforts of European products, and the money derived by the sale or lease of their lands. There is, however, much cause for regret in the demoralising influences which invariably accompany the influx of Europeans. Few Natives of any class can resist the temptation to drink, habitually and to excess, while they have the means of indulging in it. There are chiefs who set an example of sobriety or total abstinence, but it cannot be doubted that the frequent excess in ardent and often bad spirits by both sexes, and their inordinate use of tobacco from a very early age, are permanent causes of the rapid and almost general diminution of the numbers of this fine and capable race, which is presented alike by the paucity of births, and the mortality among the children (rather than among the infants). At the same time there is reason to hope that a remnant will be saved, and that the

considerable number of children receiving instruction upon the English system in our schools may raise up a certain number so educated as to resist the temptations which have proved fatal to so many. The full capacity both of Maoris and of half-castes to acquire and employ all branches of knowledge, induces the belief that there will long survive in New Zealand representatives, and more widely infusions, of the Maori race.

10. I wish that some systematic effort were made to fit the children of chiefs by higher education for their proper work among their people, and even for taking a part in the future government and business of the country. In spite of the comparative failure of some former attempts, I hope, through private association, if not by the action of Government, to set on foot some definite organization for this purpose.

The Right Hon. the Earl of Carnarvon.

I have, &c.,

JAMES FERGUSSON.

No. 2.

COPY of a DESPATCH from Governor the Right Hon. Sir J. FERGUSSON, Bart.,
to the Right Hon. the Earl of CARNARVON.

(No. 37.)

Government House, Wellington,

MY LORD,—

New Zealand, 24th June, 1874.

I have to transmit to your Lordship a copy of a memorandum which has been addressed to me by the Premier on behalf of the Ministry, explanatory of the proposal made to Her Majesty's Government in my Despatch No. 65, of 1st August, 1873, that in the event of Her Majesty's Government not being prepared to undertake any direct responsibilities with respect to the Navigator Islands, the Government of New Zealand should be permitted to make such arrangements with the chiefs of those islands as would protect New Zealand interests, which proposal the Earl of Kimberley considered to be too undefined to enable Her Majesty's Government to form an opinion thereupon.

2. I have so fully described what I believe to be the sentiments of the Government and of the public of New Zealand upon this subject, and upon the large questions connected with it, that I do not think your Lordship will expect me to make any remarks upon the present communication.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

JAMES FERGUSSON.

Enclosure in No. 2.

MEMORANDUM for His EXCELLENCY.

(No. 5, 1874.)

THE Premier has the honor to call His Excellency's attention to a despatch from Lord Kimberley (No. 79, 18th November, 1873), in answer to one from His Excellency (No. 65, August 1st, 1873), communicating, as stated by Lord Kimberley, the wish of Ministers, "that the Imperial Government should at once take steps to prevent the Navigator Islands from falling into foreign hands, or should allow the New Zealand Government to make such arrangements with the chiefs of the islands as will protect New Zealand interests." Lord Kimberley adds, "As the nature of arrangements which the New Zealand Government desires to make with the chiefs of the Navigator Islands is not stated, Her Majesty's Government are unable to form an opinion upon this application;" but he concludes by stating, "They would not, however, be disposed to sanction any steps which would lay this country under obligations to interfere in the affairs of these islands."

2. The conclusion arrived at by Lord Kimberley appeared so definite, that it was not at the time considered necessary to enter into explanations as to the arrangements the New Zealand Government desired to make with the chiefs of the Navigator Islands. It has, however, been pointed out to the Premier that silence on this point might cause the correspondence to appear broken; and since the question of the future of the South Sea Islands has been taken up in another form, it is well that the point referred to by his Lordship should not be lost sight of.

3. The arrangements which the New Zealand Government desired to make with the chiefs depended upon the countenance which the Imperial Government were prepared to give, or the extent of liberty they were disposed to allow.

4. It would answer no purpose to state the details of the contemplated arrangements, nor, indeed, would it be possible to do so. But, generally, it may be said that the New Zealand Government desired to prevent the United States of America obtaining an actual ascendancy in the Navigator Islands. There can be no question that very powerful efforts were made to induce the United States

to enter into arrangements which would virtually have amounted to a protectorate of the group. These efforts have not been so much pushed since the vessels of the San Francisco service have gone by way of Kandavau, but there is no reason to suppose that the matter will be dropped.

5. The Government of New Zealand were anxious, as the Premier has stated, to prevent the United States obtaining an ascendancy. The Government were also anxious to make such arrangements with the chiefs as would induce them, in the event of Great Britain declining the protectorate of the islands, not to offer their allegiance to another nation. It is well known that the German residents in the group have pressed their Government to take possession of the islands; and it is equally well known that the French have recently shown a desire to extend their dominions in Polynesia.

6. The value of the Navigator Islands, on account of their resources and their geographical position, as well as from the fact that they are supposed to be outside the ordinary hurricane track of the South Pacific, is very great; and it would be little short of disastrous to the future of New Zealand if a Foreign Power should obtain sway in the Navigator Group.

7. The Premier expresses most strongly the opinion of Ministers, that it is desirable His Excellency shall urge Her Majesty's Government to reconsider their decision, and to arrange for the annexation of these islands.

8. If Her Majesty's Government should be not willing to do so, Ministers, while recognizing the very great difficulty of New Zealand making any arrangement with the chiefs in the absence of the power which the Imperial Government possess, still consider it desirable that liberty to make arrangements should be given to the colony, if only with a view of staving off for a few years the entrance of a Foreign Power into the group. During the interval Her Majesty's Government might, as in the case of Fiji, see reason to recall their first refusal.

9. The arrangements which the New Zealand Government might make would be in the direction of shipping facilities, arrangements concerning Customs duties, use of ports, and perhaps the admission of chiefs' sons to Native schools in New Zealand.

10. Some of these points may be more fully stated, as follow:—

(a.) To make arrangements for securing to shipping from New Zealand the free use of all the ports in the islands, and the same facilities for obtaining supplies, and carrying on trade therein, as have already been, or may hereafter be, granted to the ships of other countries.

(b.) For securing the admission of goods from New Zealand on the same terms, as to duties or imports of any kind, as shall at the same time be applicable to similar goods from other countries.

(c.) For the location of an agent at any port in the group for the purpose of facilitating commercial intercourse with the group, and also, if found necessary, for protecting the Customs revenue of New Zealand from illicit trade with it being carried on from the islands.

Wellington, 22nd June, 1874.

JULIUS VOGEL.

No. 3.

COPY of a DESPATCH from Governor the Right Hon. Sir J. FERGUSSON, Bart.,
to the Right Hon. the Earl of CARNARVON.

(No. 39.)

Government House, Wellington,

MY LORD,—

New Zealand, 4th July, 1874.

I have the honor to transmit copies of two returns* just prepared for presentation to Parliament, which appear to me to exhibit a remarkable proof of the progress and prosperity of this colony.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

JAMES FERGUSSON.

No. 4.

COPY of a DESPATCH from Governor the Right Hon. Sir J. FERGUSSON, Bart.,
to the Right Hon. the Earl of CARNARVON.

(No. 40.)

Government House, Wellington,

MY LORD,—

New Zealand, 4th July, 1874.

I have the honor to inform your Lordship that I returned to this place upon the 24th ultimo from Auckland, having, with the exception of two short intervals, been resident or travelling in the other provinces during the preceding eight months. On my way southwards, I visited Nelson during a few days.

2. I hope that the extensive view that I have obtained of the various districts will be of service to me in the performance of my duties.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

JAMES FERGUSSON.

* *Vide* Appendix to Journals House of Representatives, 1874. D.—No. 6. H.—No. 4.

No. 5.

COPY of a DESPATCH from Governor the Right Hon. Sir J. FERGUSSON, Bart.,
to the Right Hon. the Earl of CARNARVON.

(No. 41.) Government House, Wellington,
MY LORD,— New Zealand, 4th July, 1874.

I have been requested by my advisers to transmit to your Lordship a copy of the report* of the Royal Commission which I appointed to inquire into the causes of numerous deaths which occurred during the voyage of the emigrant ship "Scimitar," which left Plymouth for Dunedin in December, 1873, with the view of bringing under your Lordship's notice the conduct of Dr. Eceles, the Emigration Commissioner, who, according to the evidence of Mr. Hosking, the surgeon in charge, persisted, against that officer's opinion, in sending on board persons probably infected by contact with others suffering from scarlet fever.

2. The evidence further imputes faulty and inadequate arrangements in the Emigration Barracks at Plymouth. Upwards of 700 persons were embarked from these barracks on the occasion in question in two ships, the steamer "Mongol," and the ship "Scimitar," in the former of which sixteen, and in the latter twenty-six deaths occurred on the voyage—chiefly from scarlet fever in the case of the "Scimitar."

I have, &c.,
The Right Hon. the Earl of Carnarvon. JAMES FERGUSSON.

No. 6.

COPY of a DESPATCH from Governor the Right Hon. Sir J. FERGUSSON, Bart.,
to the Right Hon. the Earl of CARNARVON.

(No. 45.) Government House, Wellington,
MY LORD,— New Zealand, 23rd July, 1874.

With reference to your Lordship's circular despatch of the 24th February, I have the honor to inform you that my Ministers acquiesce in the proposal that the Commodore on this station shall perform the duty of assessing the contribution which should, in his opinion, be contributed by the several colonial Governments concerned, towards the maintenance of the settlement at Somerset Island.

2. I have accordingly transmitted to the Commodore returns showing the number of vessels that have been cleared from New Zealand ports to any to which the route lay by way of Torres Straits.

I have, &c.,
The Right Hon. the Earl of Carnarvon. JAMES FERGUSSON.

No. 7.

COPY of a DESPATCH from Governor the Right Hon. Sir J. FERGUSSON, Bart.,
to the Right Hon. the Earl of CARNARVON.

(No. 51.) Government House, Wellington,
MY LORD,— New Zealand, 29th July, 1874.

I have the honor to transmit addresses to Her Majesty from both Houses of the General Assembly upon the occasion of the marriage of His Royal Highness the Duke of Edinburgh, and I have to request your Lordship to have the goodness to present them to Her Majesty.

2. These addresses were voted immediately upon the first meeting of the General Assembly after the marriage of His Royal Highness.

I have, &c.,
The Right Hon. the Earl of Carnarvon. JAMES FERGUSSON.

No. 8.

COPY of a DESPATCH from Governor the Right Hon. Sir J. FERGUSSON, Bart.,
to the Right Hon. the Earl of CARNARVON.

(No. 64.) Government House, Wellington,
MY LORD,— New Zealand, 10th September, 1874.

With reference to the former correspondence between the Secretary of State and my predecessor in this Government, upon the subject of the Petitions to the Queen from the Chancellor and Members of the Council of the Universities of New Zealand and of Otago respectively, praying Her Majesty to grant letters patent with a view to the recognition of degrees conferred by the New Zealand University and by the University of Otago respectively, and particularly to the Earl of Kimberley's Despatch No. 8, of the 31st January, 1873, it has been represented to me by my Advisers that the General Assembly in the session recently concluded passed an Act intituled "An Act to repeal the 'New Zealand University Act, 1870,' and to re-constitute the University created thereunder," by which the University of New Zealand is recognized as the colonial institution by which degrees are to be conferred.

2. This Act was brought in and passed with the full concurrence of the Otago University, which has become affiliated to the University of New Zealand. In making known this arrangement to your Lordship, I cannot omit to bring to your notice the good feeling and spirit of compromise through which it has been brought about.

3. I have now, therefore, the honor to request that Her Majesty may be advised to grant letters patent to the University of New Zealand, by the operation of which degrees conferred by that institution may be recognized in the same manner as if it had been established by Royal Charter or under Imperial enactment.

The Right Hon. the Earl of Carnarvon. I have, &c.,
JAMES FERGUSSON.

No. 9.

COPY of a DESPATCH from Governor the Right Hon. Sir J. FERGUSSON, Bart.,
to the Right Hon. the Earl of CARNARVON.

(No. 70.) Government House, Wellington,
MY LORD,— New Zealand, 17th September, 1874.

I am requested by my Ministers to convey to your Lordship their grateful acknowledgments of the valuable favour conferred upon them by the prompt compliance of your Lordship and of the Secretary of State for Foreign Affairs with their desire to be furnished with information respecting the management of forests in other countries.

2. The papers transmitted by your Lordship have been of great service to my Ministers, when presenting to Parliament a Bill for the Conservation of Forests, and in preparing to give effect to that measure.

The Right Hon. the Earl of Carnarvon. I have, &c.,
JAMES FERGUSSON.

No. 10.

COPY of a DESPATCH from Governor the Right Hon. Sir J. FERGUSSON, Bart.,
to the Right Hon. the Earl of CARNARVON.

(No. 71.) Government House, Wellington,
MY LORD,— New Zealand, 17th September, 1874.

I have the honor to acknowledge receipt of your despatch of the 9th July, No. 35, and in accordance with your Lordship's instructions I have informed Mr. Donald McLean that Her Majesty has been pleased to give directions for his promotion to the dignity of a Knight Commander of the Order of St. Michael and St. George.

Mr. McLean requests me to convey to your Lordship an expression of his high appreciation of the dignity conferred, and of his grateful sense of the honor done him by your Lordship's recommendation.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

JAMES FERGUSSON.

No. 11.

COPY of a DESPATCH from Governor the Right Hon. Sir J. FERGUSSON, Bart., to the Right Hon. the Earl of CARNARVON.

(No. 75.)

Government House, Wellington,

MY LORD,—

New Zealand, 26th October, 1874.

The Earl of Kimberley addressed to me, on the 29th July, 1873, a copy of a circular despatch on the subject of the law affecting international copyright, together with the draft of a Bill to amend the Copyright Act of 1862.

2. I referred his Lordship's despatch to my Advisers for their consideration. They desire to express their regret for the unreasonable delay which has occurred in giving a reply, and now request me to intimate to Her Majesty's Government their general approval of the measure.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

JAMES FERGUSSON.

No. 12.

COPY of a DESPATCH from Governor the Right Hon. Sir J. FERGUSSON, Bart., to the Right Hon. the Earl of CARNARVON.

(No. 85.)

Government House, Wellington,

MY LORD,—

New Zealand, 17th November, 1874.

In reply to your circular despatch of the 27th April, respecting the proposed withdrawal of the old British copper coin from circulation in the colonies, I have the honor to transmit to your Lordship a memorandum from the Secretary to the Colonial Treasury reporting approximately the amount held in the colony, and representing the inconvenience which would be caused by the withdrawal of any portion of the existing circulation. My Advisers concur in that opinion, and consider that until a further supply of copper or bronze coin shall have been introduced, it would be unwise to disturb the existing currency.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

JAMES FERGUSSON.

Enclosure in No. 12.

MEMORANDUM by Mr. BATKIN.

THE information which I have been able to obtain as to the amount of Imperial copper coin in the colony is so meagre that I feel considerable hesitation in expressing an opinion on the subject.

In some of the provinces the copper currency includes a very large proportion of tokens; in others that proportion is comparatively small. The proportions of tokens, bronze, and copper, which make up the total copper coinage of the colony, may, so far as I can judge, be averaged thus:—

Tokens	...	...	...	...	One-half.
Bronze	...	...	...	...	Three-eighths.
Copper	...	...	...	...	One-eighth.

It is estimated that the total copper and bronze currency of the colony will amount to about £4,000, and a distribution of this sum in the proportions above set forth will give—

Tokens	...	...	...	...	£2,000
Bronze	...	...	...	...	1,500
Copper	...	...	...	...	500

As respects the propriety of the withdrawal of the copper coin from circulation, it must, I think, be admitted that the quantity of copper and bronze coin in circulation in the colony is already inadequate to its wants, and is daily becoming more insufficient, owing to the increase of population and of commercial interchange. In the face of these facts it would be obviously inexpedient, even if

it were possible, to withdraw any part of that coin from circulation, without first introducing other coin to supply its place, and any attempt to do so would result in an immediate increase in the token coinage, an element which is already disproportionately large in the copper currency of the colony.

In respect to the possibility of the measure, it is believed that the time fixed by the Imperial Government, the 31st March, 1875, as that within which coin would be received at its nominal value, is far too limited to enable the colony to take advantage of the proposed arrangement. With a population so prosperous as that of New Zealand, and with a copper currency already insufficient, the proscription of the Imperial copper coin would have no effect in aid of its withdrawal from circulation: the object could only be attained with certainty through the assistance of the banks, and it is manifest that a long period, probably several years, would elapse before the whole of this coin would, in the ordinary course of business, pass into the hands of the banks.

In view of the small quantity of the coin referred to in circulation, and of the considerations above adverted to, I submit that no attempts should be made to interfere with the circulation of Imperial copper coin until the Government is prepared to introduce into the colony an adequate supply of bronze coin, and thereupon to decay not only the Imperial copper, but the token coinage likewise.

Treasury, 10th September, 1874.

C. T. BARKIN,
Secretary to the Treasury.

No. 13.

COPY of a DESPATCH from Governor the Right Hon. Sir J. FERGUSSON, Bart.,
to the Right. Hon. the Earl of CARNARVON.

(No. 87.) Government House, Wellington,
MY LORD,— New Zealand, 17th November, 1874.

I have the honor to inform you that I have lately appointed the Hon. Major Harry Albert Atkinson, member of the House of Representatives, to be Minister of Immigration, in the stead of Mr. O'Rorke, who has resigned; also, that Mr. Bathgate has resigned the office of Minister of Justice, and that the Hon. Dr. Pollen, member of the Legislative Council, has been appointed to act as Premier, and Vice-President of the Executive Council, in the absence in England of the Hon. Mr. Vogel, C.M.G.

I have, &c.,
The Right Hon. the Earl of Carnarvon. JAMES FERGUSSON.

No. 14.

COPY of a DESPATCH from Governor the Right Hon. Sir J. FERGUSSON, Bart.,
to the Right Hon. the Earl of CARNARVON.

(No. 88.) Government House, Wellington,
MY LORD,— New Zealand, 17th November, 1874.

I have the honor to enclose a memorandum, which the Commissioner of Customs, the Hon. Mr. Reynolds, as the Minister charged with the recently-passed colonial Act for the Establishment of Marine Training Schools, has addressed to me with reference to my former correspondence with the Earl of Kimberley upon the subject of the desire of the Government of New Zealand to obtain the grant of one of Her Majesty's old ships, as a training school for boys for the mercantile marine.

2. The grant of H.M.S. "Rosario" to the Colony of South Australia, which I on a former occasion solicited for New Zealand, has become known to my Advisers, and has led to the belief that a similar favour may now be conferred on this colony. Your Lordship will observe that Mr. Reynolds would prefer, if possible, that two ships should be granted, the long coast line of New Zealand and the existence of sea-ports wide apart rendering it desirable to have more than one establishment in addition to the barrack school and cruising vessel already organised.

I have, &c.,
The Right Hon. the Earl of Carnarvon. JAMES FERGUSSON.

Enclosure in No. 14.

MEMORANDUM for His Excellency the GOVERNOR.

ADVERTING to the correspondence which has passed between His Excellency and the Home Government, at the instance of Ministers, on the subject of procuring one of Her Majesty's ships to be used in the colony as a training school for boys for the mercantile marine, the Commissioner of Customs begs to inform His Excellency that, according to telegrams which have passed between the Hon. the Premier while at Melbourne and the Agent-General in London in connection with this subject, it appears that the Colonial Office now hopes to obtain a vessel for New Zealand.

The Commissioner of Customs begs to assure His Excellency that this intelligence will be received with great satisfaction throughout the colony, owing to the very general interest that has been manifested in the proposal to establish naval training schools.

His Excellency will remember that the Government introduced to the General Assembly during its last session a Bill to provide for the establishment of these schools. This Bill was most favourably received, and was passed with the hearty concurrence of all parties in the Assembly, whilst the House of Representatives cheerfully voted funds for starting the first school.

So impressed were the Government with the necessity of adopting prompt steps to provide means for encouraging some of the youths of the colony to fit themselves for apprenticeship to service in the mercantile marine, that on failing to obtain from the Home Government one of Her Majesty's disused vessels, they at once arranged for the occupation of the Melanesian Mission School Buildings at Kohimarama, together with the old missionary schooner "Southern Cross;" and the Commissioner of Customs lately proceeded to Auckland, and whilst there made all necessary arrangements for setting the school on foot at once. The mission schooner is much too small to be used alone as a training school; the boys will therefore be lodged on shore for the most part, and taken on board the vessel occasionally for instruction in seamanship. It is intended that the schooner shall be properly rigged and fitted for sea, and be manned by some forty or fifty of the boys, and a few experienced seamen, so that she may make voyages on the coast. By this means, it is hoped that the boys will obtain a thoroughly practical training in the rudiments of seamanship, and, as they will thus be fitted at once to turn to work on being apprenticed out from the school, that they will be eagerly sought after for the merchant service of the colony.

The Kohimarama Institution will accommodate from 50 to 80 boys. It will about meet the present requirements of the port of Auckland, and the northern portion of the colony. Training schools will be required in other places. The Commissioner of Customs would therefore feel much obliged to His Excellency if he would be good enough to use his influence with the Home Government to obtain for the colony two of the disused vessels of Her Majesty's Navy for this purpose, one to be stationed at Wellington and one at Port Chalmers. These vessels would occasionally be visited by the schooner, and exchanges of boys made from time to time. With a coast line of some 2,500 miles, it will be necessary to have at least three training establishments, if the scheme is to be carried out at all successfully.

In the report of the Royal Commission on unseaworthy ships, it is stated that "the general tendency of the evidence, however, leads to the conclusion that there is a deficiency of British able seamen; captains of merchant ships could not, it is said, man their vessels without Swedes, Norwegians, and Lascars." With a view of remedying this deficiency, it is pointed out that "the system of apprenticeship undoubtedly affords the best means of training boys for a service for which fitness can only be acquired during early life; and if shipowners were willing to contribute, as suggested above, it would in our opinion be a wise policy for the Government to aid these industrial schools of the mercantile marine."

The Commissioners further point out that "the system of training boys for the Royal Navy has been successful; and if a somewhat similar plan could be adopted for the mercantile marine the sailors and shipowners would be benefitted, while many sources of danger to the merchant service would be diminished or removed."

It appears to the Commissioner of Customs that this high testimony in favour of training schools must be accepted as conclusive, not only as applied to the United Kingdom, but also to all the maritime colonies of the Empire, for the difficulties of obtaining seamen in the United Kingdom will remain so long as the colonies continue, as at present, to draw their chief supply from the mother country. The only way in which the colonies can hope to procure a supply of able seamen sufficient to meet the demands of their rapidly extending coastal and over-sea trade is by means of naval training schools; and the Commissioner of Customs respectfully submits that it would be really to the interest of the Home Government to aid the colonies as far as possible in promoting the establishment of such institutions, and that no better or more acceptable way to the colonists of doing this could be adopted than by handing over to them some of the numerous vessels of the Royal Navy which have ceased to be used from having been superseded by vessels of more modern type.

I have, &c.,

WILLIAM H. REYNOLDS,
Commissioner of Customs.

Wellington, November, 1874.

No. 15.

COPY of a DESPATCH for Governor the Right Hon. Sir J. FERGUSSON, Bart.,
to the Right Hon. the Earl of CARNARVON.

(No. 89.)

Government House, Wellington,

MY LORD,—

New Zealand, 17th November, 1874.

I have the honor to transmit to your Lordship a copy of a memorandum by my Advisers upon the subject of a Proclamation by the Governor of New South

Wales, prohibiting the importation of cattle and certain other articles from New Zealand.

2. Your Lordship will perceive, from the printed copy of correspondence which accompanies this memorandum, that at the desire of my Advisers I requested Sir Hercules Robinson to re-consider the propriety of the course which he had been advised to take, inasmuch as I was advised that it was not warranted by the terms of the statute upon which it professed to be founded.

3. Upon a similar representation to Sir George Bowen, the Government of Victoria annulled a Proclamation to the same effect, which they had been induced by the Government of New South Wales to issue.

4. The origin of the matter was in the proceedings of the Intercolonial Conference held at Sydney at 1873, when the delegates resolved that, on account of the prevalence of contagious diseases among live stock, importation should be prohibited for a period of two years from places beyond the Australasian colonies.

5. The Government of New Zealand loyally endeavoured to give effect to that resolution. Notwithstanding that several important provinces expressed through their local Governments their disapproval of the proposal, they introduced a Bill to enforce it, which was rejected by the House of Representatives. The ground for this decision was that the colony would suffer greatly by being deprived of its supplies of breeding stock, fine specimens of which are imported from Great Britain and elsewhere.

6. The Government, thereupon, took most efficient steps to guard the colony against the importation of diseased or infected stock, and I am informed that they have succeeded in doing so.

They represent that there is "no reason to believe that any infectious or contagious disease in stock exists" in New Zealand; that except for such reason the Proclamation in question is not legal, while it is unfriendly and injurious to the colony.

7. As the correspondence which has already passed upon the subject is now brought to your Lordship's notice, you will perceive that the Ministry in Victoria resented my intervention on the ground that it was contrary to the "principles of responsible government." My Advisers were as much surprised as myself both by the position and by the tone of the communications which followed; but as all controversy and animosity on the subject has long passed away, I should not have adverted to it had the present occasion not brought it to light.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

JAMES FERGUSON.

Enclosure in No. 15.

MEMORANDUM for His EXCELLENCY.

HIS EXCELLENCY'S advisers have the honor to forward to him printed papers* containing correspondence with the Governments of New South Wales and Victoria on the subject of Proclamations prohibiting the importation of cattle, which the Government of New Zealand are advised are extreme and unjustified by law.

2. The Government of Victoria have annulled the Proclamation affecting New Zealand; and as the other Victorian Proclamation affects only other countries, it is not the province of the Government of New Zealand to interfere in the matter.

3. The Government of New South Wales have not replied to the last letter from New Zealand on the subject, and have not, so far as the Government of New Zealand are aware, annulled either the Proclamation affecting New Zealand, or that affecting other countries.

4. It becomes therefore the duty of His Excellency's Advisers to recommend His Excellency to lay the papers before the Secretary of State for the Colonies; in order that, should his Lordship be of opinion that the Proclamation affecting New Zealand is, as the Government are advised, extreme and illegal, his Lordship may instruct His Excellency the Governor of New South Wales to cause that Proclamation to be annulled, unless the Parliament of New South Wales shall pass such an Act as shall justify the issue of the Proclamation.

5. His Excellency's advisers presume there can be no doubt that the Governor of a colony is not bound by the advice of his Ministers to approve illegal acts, or to avoid annulling or remedying any illegal acts which he may have inadvertently performed.

Melbourne, 4th November, 1874.

JULIUS VOGEL.

* *Vide* Appendix to Journals House of Representatives, 1874. A.—No. 6.

No. 16.

COPY of a DESPATCH from Governor the Right Hon. Sir J. FERGUSSON, Bart.,
to the Right Hon. the Earl of CARNARVON.

(No. 92.) Government House, Auckland,
MY LORD,— New Zealand, 25th November, 1874.

I have the honor to inform your Lordship that, having been apprised by the Marquis of Normanby of his intention to proceed from Sydney to this place by a steam packet, which will probably arrive on the 30th instant, I have come to meet His Lordship, and have made arrangements for his being sworn in immediately upon his arrival, after which I shall leave the colony upon my return to England.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

JAMES FERGUSSON.

No. 17.

COPY of a DESPATCH from Governor the Most Hon. the Marquis of NORMANBY,
to the Right Hon. the Earl of CARNARVON.

(No. 94.) Government House, Wellington,
MY LORD,— New Zealand, 21st December, 1874.

I have the honor to inform your Lordship that, on my arrival at Auckland, on the 3rd instant, I took the oaths of office before His Honor the Chief Justice, Sir George Arney, and have assumed the government of this colony.

2. The reception which was accorded to me by the inhabitants of Auckland, and also at Wellington, was most gratifying and enthusiastic, and it was the more pleasing to me as it evinced the loyalty and affection which the people of this colony feel towards Her Majesty.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

NORMANBY.

No. 18.

COPY of a DESPATCH from Governor the Most Hon. the Marquis of NORMANBY,
to the Right Hon. the Earl of CARNARVON.

(No. 97.) Government House, Wellington,
MY LORD,— New Zealand, 21st December, 1874.

I have the honor to acknowledge the receipt of your Lordship's despatch, dated 10th September, 1874, forwarding for general information the opinion of the Law Officers of the Crown that a certificate of naturalization, granted under either of the Acts of 1844 or 1870, confers upon an alien no rights or privileges in a British colony.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

NORMANBY.

No. 19.

COPY of a DESPATCH from Governor the Most Hon. the Marquis of NORMANBY,
to the Right Hon. the Earl of CARNARVON.

(No. 99.) Government House, Wellington,
MY LORD,— New Zealand, 21st December, 1874.

I have the honor to acknowledge your Lordship's despatch dated 26th September, 1874, acknowledging my predecessor's Despatch No. 51, of the 29th July last, enclosing addresses to Her Majesty from both Houses of the General Assembly, on the occasion of the marriage of H.R.H. the Duke of Edinburgh with H.I.H. the Grand Duchess Marie Alexandrovna of Russia.

2. I will inform the gentlemen by whom the addresses are signed that they have been graciously received by Her Majesty.

The Right Hon. the Earl of Carnarvon.

I have, &c.,
NORMANBY.

No. 20.

COPY of a DESPATCH from Governor the Most Hon. the Marquis of NORMANBY, to the Right Hon. the Earl of CARNARVON.

(No. 103.)

Government House, Wellington,

MY LORD,—

New Zealand, 21st December, 1874.

I have the honor to acknowledge the receipt of your Lordship's Despatch No. 50, of the 2nd October, 1874, informing me that Her Majesty's Government have no objection to the appointment of M. Courtin as Acting Consul-General for France at Sydney, during the absence of the Consul-General.

The Right Hon. the Earl of Carnarvon.

I have, &c.,
NORMANBY.

No. 21.

COPY of DESPATCH from Governor the Most Hon. the Marquis of NORMANBY, to the Right Hon. the Earl of CARNARVON.

(No. 104.)

Government House, Wellington,

MY LORD,—

New Zealand, 22nd December, 1874.

I have the honor to forward for your Lordship's information a letter from the Superintendent of Auckland, covering a petition which had been presented to him by Sir George Grey, and I at the same time append a memorandum in reply to the allegations of the petition, which has been forwarded to me by Dr. Pollen, who is acting as leader of the Government during the absence of Mr. Vogel.

2. Having only landed here this day week, I have of course been unable as yet to form any correct opinion myself upon the subject; but as the letter was addressed to Sir James Fergusson, and was not forwarded in consequence of his departure from the colony, I think it better to transmit it at once to your Lordship, and to reserve any observations I may wish to make upon the subject for some future occasion.

The Right Hon. the Earl of Carnarvon.

I have, &c.,
NORMANBY.

Enclosure 1 in No. 21.

His Honor the SUPERINTENDENT, Auckland, to Governor the Most Hon. the Marquis of NORMANBY.

MAY IT PLEASE YOUR EXCELLENCY,—

Superintendent's Office,

Auckland, 21st November, 1874.

On behalf of myself and my Executive Council, I hereby humbly request that your Excellency will be pleased to transmit the accompanying letter (with its enclosure) addressed by me to the Right Hon. the Secretary of State for the Colonies, having reference to the appropriation of the fund arising from the sale of lands within this colony.

I have, &c.,

J. WILLIAMSON,

Superintendent of the Province of Auckland.

To His Excellency the Governor of New Zealand.

Sub-Enclosure to Enclosure 1 in No. 21.

His Honor the SUPERINTENDENT, Auckland, to the Right Hon. the SECRETARY of STATE for the COLONIES.

MY LORD,—

Superintendent's Office,

Auckland, 21st November, 1874.

Herewith I have the honor to transmit to your Lordship the copy of a petition addressed to me, as Superintendent of the Province of Auckland, by Sir George Grey, K.C.B., resident at the

Island of Kawau, within this province, having reference to the appropriation of the fund arising from the sale of lands within this colony.

The prayer of the petition is, "That the Provincial Government should take such steps as may be judged most expedient to protect the rights of the inhabitants of the province of Auckland in this matter, and to delay any hurried action of the British Parliament in relation thereto."

I have consulted my Executive Council as to the course which should be adopted in order to comply with this request; and, acting upon their advice, I now respectfully transmit to you, through His Excellency the Governor of the Colony, a copy of the petition, in order that it may be considered by her Majesty's Government.

I have, &c.,

J. WILLIAMSON,

Superintendent of the Province of Auckland.

The Right Hon. the Secretary of State for the Colonies.

PETITION from Sir GEORGE GREY, K.C.B., to His Honor the SUPERINTENDENT, Auckland.

THE humble petition of Sir George Grey, of the Island of Kawau, in the said province respectfully sheweth,—

That your petitioner recently received a newspaper, the *Lyttelton Times*, of the 11th of September last, from which he became acquainted with the nature and origin of the so-called Compact of 1856, which took from the inhabitants of the Province of Auckland in great part their rights in the revenues arising from the waste lands of the Crown in New Zealand, and that your petitioner represents thereon and prays as follows:—

That in the year 1845 the British Parliament placed in the hands of the Governor of this colony, and under his sole control, a sum of £10,000 of British money, to be employed by him in the extinguishment of the Native title and rights over lands in such districts as were, in his judgment, suitable for the purposes of settlement, and as he might be able to obtain from the Natives with their free consent.

The land so acquired was to be brought into the market as the Governor might judge expedient.

That it was foreseen that the property so acquired would become, as the country was settled, of great value, and would afford the means of extinguishing, from year to year, the Native title over new districts of country. The Governor was, therefore, further instructed that, after applying the profits of the sale of lands in districts over which he might have extinguished the Native title to the purposes of immigration and public works, to which alone under the terms of the Australian Waste Lands Act, at that time in force, the profits arising from the sale of waste lands of the Crown could be applied, he was to deduct from the gross proceeds of such sales the original sum of £10,000, and apply such sum of £10,000 in the purchase of new districts, and that he was to continue from time to time to repeat the same operation so long as lands remained over which the Native title could be extinguished.

That by these means, and under this system, the Native title was, in the course of several years, extinguished over large tracts of territory in the Middle Island, and in parts of the North Island of New Zealand, which for years past have been, and the unsold portions of which still are, of great value. That such lands were acquired by or through British money, and were the property of the entire British people. That the lands so purchased were, from the sparseness of the Native population in their vicinity, those which could be most easily obtained, and which from the same cause, and also from their fertility, and the facilities which the nature of the country afforded for internal communication and the depasturing of sheep and cattle, could be easily colonized, and were likely rapidly to increase in population and augment in value, thereby affording a promise of a future large land revenue being made available for all parts of New Zealand, which would constantly afford the means of extinguishing the Native title over new districts in other portions of these islands.

That in the year 1852 Parliament granted a Representative Constitution to New Zealand, consisting—to follow the order of the Act conferring the said Constitution upon New Zealand—of Provincial Governments and a General Assembly, the latter body consisting of three Estates—a Governor, a Legislative Council, and a House of Representatives. The powers of these several bodies, which jointly composed the Representative Constitution, were carefully defined and limited by the Act of Parliament; they were all the creatures of that Act, and had no powers but such as were derived from it. The inhabitants of New Zealand were in the most complete and thorough manner represented in every branch of the Provincial Governments. They were only imperfectly represented in the General Assembly, two Estates out of three of that Assembly being nominated by the Crown, the third Estate being also necessarily, from various causes, greatly under the influence of those who exercised the powers of the Crown.

That in the New Zealand Representative Constitution Act of 1852, the most careful precautions were adopted to preserve and to extend and to perpetuate that system for the extinguishment of the Native title over lands, and the due application of the proceeds from the sale of lands so acquired, which had been laid down and adopted in 1845, and had been acted upon up to 1854.

That for this purpose all the extensive tracts of land which had been acquired in New Zealand under that system, as well as those which might subsequently be so acquired, were under the said Act retained as the property of the British nation, and were vested in the Crown (as it is believed they are to the present time), and were described to be the waste lands of the Crown in New Zealand. That valuable general rights in such lands were secured to those subjects of Her Majesty of whatever race who might be in New Zealand in 1852, or who for all time might resort there. So carefully was this subject attended to, that even the annual revenues arising from the waste lands of the Crown throughout New Zealand were subjected to the same rule; and in the despatch which enclosed the New Zealand Representative Constitution Act to the Governor, he was instructed that by that Act the appropriation of the surplus revenues was in the first place entrusted to the General Assembly, because they would thus be more efficiently administered, both for the benefit of the Empire at large and of the community of New Zealand.

That Parliament empowered the Governor, by the aforesaid Act, to assume the control of the gross revenue arising from the disposal of the waste lands of the Crown, and directed him, and authorized and required him, in the first instance, to pay from such revenue the costs, charges, and expenses incident to the collection, management, and receipt thereof throughout the whole of New Zealand; and then, in the second instance, to apply such revenues for or on account of the purchase of land from aboriginal Natives, or the release or extinguishment of their rights in any land that might be purchased or acquired, or in any way accepted from them, by the Governor of New Zealand, or the Superintendent of any province within the limits of such province.

That the General Assembly was thus restricted from all interference with the gross revenues arising from the sale of waste lands of the Crown, and its power over such revenues was carefully limited by the following proviso:—"Provided always that full and particular accounts of all such disbursements" (those before stated) "shall from time to time be laid before the said Legislative Council and House of Representatives."

That the General Assembly having by these means been made aware what was the surplus of the land revenue, which surplus alone Parliament intended to place at its disposal, the New Zealand Representative Constitution Act went on to provide as follows:—"After and subject to the payments to be made from the land revenues, as before mentioned, the surplus of the general revenue (including the surplus land fund) may be appropriated to any specific purpose which by any Act of the General Assembly shall be prescribed in that behalf, and the surplus of such revenue (the general revenue) which shall not be appropriated as aforesaid shall be divided among the several provinces for the time being established in New Zealand, under or by virtue of the New Zealand Representative Constitution Act, in the like proportion as the gross proceeds of the whole revenue, from any source, shall have arisen therein respectively, and shall be paid over to the respective treasuries of such provinces, for the public uses thereof, and shall be subject to the appropriation of the respective Provincial Councils." That, by a subsequent clause of the said Act, the General Assembly is authorized by any Act or Acts to alter any laws, for the time being in force, respecting the distribution of the said surplus revenue between the several provinces of New Zealand.

That by another clause of the New Zealand Representative Constitution Act it is enacted that, "subject to the above-mentioned provisions, it shall be lawful for the said General Assembly to make laws for regulating the sale, letting, disposal, and occupation of the waste lands of the Crown in New Zealand, and that all lands wherein the titles of the Natives shall be extinguished, in the manner provided by the Act, shall be deemed waste lands of the Crown." But the General Assembly was not allowed to interfere with the extinguishment of the Native rights over any lands: the power to do this was carefully restricted to the Governor and Superintendents of Provinces.

That the proceedings and arrangements of the British Parliament, in the before-mentioned respects, were beneficent and wise. It had with provident forethought provided in New Zealand a great public estate, of the most reproductive nature, for the entire British people. It had then with equal wisdom provided that the reproductive powers of that estate should be used, year by year, in the first instance, in the acquisition of other like reproductive property, and that it thus should not be speedily exhausted, but should augment and last for generations. To secure this end it committed the above-mentioned duty to the hands of the person who was, for the time, the fitting trustee for the whole British people. Parliament then gave the residue of the revenue from this great property to be expended as it might arise by its subjects who might at the time be in these islands, and carefully provided that such revenue should, in the main, be expended by truly representative Legislatures on local objects, which bodies were well fitted to watch against an unfair and partial administration of the public lands, or an unjust distribution of them to favoured persons, whilst a strong inducement was given to them to watch these important points by the expenditure of the surplus revenue derived from the sale of land being placed in their hands.

That the general principle exemplified in these arrangements was, that the wealth of the entire Empire depends upon the wealth and prosperity of its several parts. That the most wealthy and flourishing part of an Empire may really best promote its own interests by taking from its own funds the means of developing the resources and establishing the prosperity of poorer portions of the same Empire. It is by following up this principle and assisting poor outlying portions of the Empire that Parliament has raised British influence and British commerce to the gigantic proportions which they have attained. It must have been anticipated that the several parts of New Zealand would follow out to each other so beneficent a principle with the funds which, under its influence, had been obtained for themselves. Moreover, the several parts of New Zealand have a common interest in promoting the constant extinguishment of the Native title over new districts, inasmuch as a land fund is thus continually called into existence, in the benefits of which all would share as population increased, instead of the land fund being allowed to expire in one generation by the sale of all the public lands in one or more districts.

That the Province of Auckland was peculiarly interested in the maintenance and impartial administration of the above-stated arrangements for the continuance and division of the land revenues, which Parliament had devised for the welfare and protection of Her Majesty's subjects, because its inhabitants consisted in great part of small farmers, often with large families, who were not wealthy men, who lived amidst the densest portion of the Native population, so that the extinguishment by degrees of the Native title, in districts of country which the Natives might be willing to relinquish, was for various reasons a matter of deep concernment to them. The country in the Province of Auckland is also, in many cases, covered with forests and broken. It was, therefore, essential to the interests of the people that, by the judicious expenditure of a considerable land fund, railroads, roads, bridges, and other works should be constructed, without which its truly industrious race of small farmers could not get their supplies from town or their produce to market, except at an enormous cost, nor even maintain that degree of inter-communication throughout the country without which civilization languishes if it does not die out.

That your petitioner would state generally that if a powerful Government deprives the weaker Government of a poor country of a large portion of its revenues, which is also that portion which can

be most easily collected, and the payment of which presses least upon the inhabitants of a country, the weaker Government will probably become so impoverished that, rather than see the duties or public works which are absolutely necessary for the welfare of its citizens entirely neglected, it may be led to permit the more powerful Government to perform such duties or to execute such public works. It is thus by degrees rendered an object of contempt to its own citizens, who are too likely, ultimately, to be ready to barter their liberties for what they regard as substantial advantages. That it appears that the cause from which the deprivation of the Province of Auckland of its land fund mainly arose was the following resolution, passed by the House of Representatives in 1856:—

“ This House is of opinion that the administration of the waste lands of each province should be transferred to the Provincial Government of such province, and the local revenue thereof made provincial revenue, subject to certain charges.”

There were, however, no waste lands of a province. The waste lands were the waste lands of the Crown and nation.

That the British Parliament did, nevertheless, on application made to it, as a consequence flowing from the said resolution, pass an Act in the year 1857, to amend the Act for granting a Representative Constitution to the Colony of New Zealand.

That Parliament, however, in the amending Act of 1857, carefully defined its intentions with regard to the waste lands of the Crown in New Zealand, by stating its intention to be to repeal certain clauses in the New Zealand Representative Constitution Act, whereby certain charges were imposed on the territorial revenue of the said colony, for which charges other provision had been or was intended to be made. And it is submitted that the British Parliament could never, therefore, have contemplated, in using such words, that whole provinces of its subjects, possessing independent Legislatures, could, without such Legislatures having been consulted, and whilst the inhabitants of such provinces were ignorant of the nature or scope of that which was being done, be deprived of rights of vital value which Parliament had just purchased for them, and then, by enactment, assured to them; and it is further respectfully submitted that due provision for the charges on the territorial revenue of this colony was not fairly and adequately made according to the true meaning of the said Act of Parliament.

That for these and other reasons it seems doubtful if some of the Acts of the General Assembly in relation to the waste lands of the Crown in New Zealand are not open to question as to their force and validity either in whole or part.

That, looking to the manner in which the waste lands of the Crown in New Zealand were acquired by Parliamentary grant, to the authoritative declaration that they were to be administered for the benefit of the Empire at large, as well as for that of the New Zealand community, and to the fact that Parliament in the New Zealand Representative Constitution Act recognized that it was necessary that it should, by positive enactment, authorize certain persons to exercise particular powers in relation to such waste lands of the Crown, it seems at least very doubtful if the mere repeal of such empowering clause or clauses by which repeal powers given to the Governor, or any other person or persons, were taken from them, would, without any other words giving such powers to the General Assembly, vest such powers or greater powers or any other powers in that Assembly, to which body they had never belonged, and which the Crown itself could not exercise until empowered by Parliament so to do.

That a resolution has recently been passed by the House of Representatives in relation to the ultimate disposal of the waste lands of the Crown in New Zealand, but which mentions only land revenues, apparently the property of certain localities, under the terms of a lawful and positive compact. That it is doubtful if such House of Representatives as then constituted was empowered to pass such a resolution. It is, however, most probable that the said resolution has been or will be submitted to the Home Government, with a view to Parliamentary action being taken thereon.

That the people of New Zealand have a constitutional right to know every step that is taken in this matter, in order that, after having given full consideration to the subject, they may yet have ample time given to protect their rights, either in the colony or before the British Parliament, if an appeal to an exterior Legislature becomes necessary.

That a Northern member of the House of Representatives has recently stated to his constituents that the representatives from the Middle Island feel and admit that the North of New Zealand has not been rightly dealt with in the matter of the land revenues, and that they are, and always have been, not only willing but in fact most desirous to come to terms, and have not themselves felt disposed to adhere to the so-called compact of 1856. That there would be from this cause alone a strong reason that such terms as are above mentioned should, without delay, be come to, and the reasonable rights of the inhabitants of the Province of Auckland in the general land revenue, past and prospective, be ascertained and adjusted in a constitutional manner before the British Parliament is again appealed to on this subject.

That your petitioner therefore prays that your Honor and the Provincial Government will take such steps as you may judge most expedient to protect the rights of the inhabitants of the Province of Auckland in this matter, and to delay any hurried action of the British Parliament in relation thereto.

And your petitioner, as in duty bound, will ever pray.

Kawau, 4th November, 1874.

G. GREY.

Enclosure 2 in No. 21.

MEMORANDUM for His Excellency the GOVERNOR.

I HAVE read with attention the letter from His Honor the Superintendent of Auckland to yourself, and the accompanying letter addressed to the Right Hon. the Secretary of State for the Colonies, covering and transmitting a petition addressed by Sir George Grey to his Honor, which your Excellency has been pleased to refer to me “with a request that I should offer any remarks thereupon that I may desire to make for the information of the Secretary of State.”

As his Honor the Superintendent does not, either in the letter addressed to your Excellency or in that to the Secretary of State, identify himself or his Executive Council with the views expressed in the petition, but confines himself to the formal act of transmission, I shall have occasion to refer only to the statements made by Sir George Grey in his petition, and to the prayer with which it concludes.

Sir George Grey sets out with a statement that he has recently, by means of a newspaper (the *Lyttelton Times*), become acquainted with the nature and origin of the so-called compact of 1856, which took away from the inhabitants of the Province of Auckland their rights in the revenues arising from the waste lands of the Crown in New Zealand; and thereon he represents that in 1845, he himself, being then Governor, was entrusted by the British Parliament with the sum of £10,000 for the purchase of Native lands, which sum was to be a perpetually renewable fund for that purpose; that, when the Constitution Act was passed in 1852, it recognised and perpetuated the system already established, and made it the duty of the Governor to carry it on independently of the Assembly; that large tracts of land were so acquired, which were the property of the whole British people; that the Province of Auckland was, for reasons given, especially interested in the maintenance of the before-mentioned arrangements; that it is doubtful whether, even with the authority of a special Act of the Imperial Parliament for the purpose, the New Zealand Assembly had power to alter the arrangements before mentioned; that a resolution has recently been passed by the House of Representatives affirming the conditions of the compact of 1856; and as this resolution will probably be submitted to the Home Government with a view to Parliamentary action being taken thereon before the people of New Zealand can have time to know every step that is taken in the matter, Sir George Grey prays his Honor the Superintendent of the Province of Auckland and the Provincial Government to take such steps as they may judge most expedient to protect the rights of the inhabitants of that province, and to delay any hurried action of the British Parliament in relation thereto.

A plain statement of the facts of the case will be the most fitting reply to Sir George Grey.

I do not know what extent of land, "the property of the British nation," was acquired by the sum of £10,000 entrusted to Sir George Grey, as he states, in 1845. It is certain, however, that when the Constitution Act was brought into operation in 1853, the proceeds of sale of the demesne lands of the Crown in New Zealand were charged with the sum of £268,370 15s. as a debt to the New Zealand Company, with interest at 3 per cent., and that one-fourth of the purchase money received for all land sales, those in the Auckland Province included, was appropriated by the Constitution Act (see section 74) for the discharge of this debt. In addition, there was a large undefined liability upon the public estate in the shape of scrip, and there was also in existence and active exercise that "system" for the extinguishment of the Native title over land to which Sir George Grey attaches so much importance, by which the Governor, independently of the votes of Parliament, was enabled to apply the proceeds of land sales to the purchase of Native lands.

In those then existing conditions is the source of the compact of 1856. The unequal pressure of these public burdens, the New Zealand Company's debt, and the Native land purchases, threatened disruption of the unity of the colony. Auckland, which, as it was alleged, had not received any benefit directly from the operations of the New Zealand Company, had been already mulct in the sum of £45,000 for interest and current payment of fourths on the New Zealand Company's debt; and in addition, out of the sum of £155,558, the amount of territorial revenue collected in the province between the 1st January, 1853, and June, 1856, had contributed £40,839 for purchase of Native lands, of which sum £32,205 only was expended within its borders; whilst, out of the total of £92,662 paid by the Governor within the same period for Native lands, £43,800 was expended in Wellington province, its contribution to the total land fund amounting only to £14,579.

The compact of 1856 was declared to be an adjustment of the public burden as regarded land. By it, the New Zealand Company's debt was to be allocated to the provinces of the South Island; the North Island provinces were to be relieved from further payments on that account; purchases of Native lands were no longer to be made out of current receipts, but out of capital fund to be provided by loan, and each province was to pay interest and sinking fund for such portion of the loan as was expended within its borders; Auckland was to receive refund of the sum of £45,000 paid on account of the New Zealand Company's debt.

The terms of the compact as expressed in the Financial Resolutions passed in the session of 1856, became law in 1858.

In the year 1857, the Imperial Parliament passed an Act (Constitution Act Amendment Act, 20 and 21 Vict., cap. 53) the first section of which expressly repeals so much of section 62 of the New Zealand Constitution Act as authorizes and requires the Governor to pay, out of the revenue arising from the disposal of waste lands of the Crown, sums on account of the purchase of land from aboriginal Natives and sums payable to the New Zealand Company.

The second section empowers the General Assembly to alter, suspend, or repeal any of the provisions of the Constitution Act, excepting those contained in certain specified sections. Section 62, not being included in the list of exceptions, was thus placed, in so far as it was not already repealed, within the power of the General Assembly. In exercise of the authority thus conferred, the General Assembly, in 1858, passed "The Land Revenue Appropriation Act, 1858," and "The Public Debt Apportionment Act, 1858," which made the land fund provincial revenue, and provided from other sources for the purchase of Native lands.

Sir George Grey appears to think the Imperial Parliament was deceived by the terms of one of the Financial Resolutions, in which the words "waste lands of each province" are used, there being, as he says, no waste lands of a province, and he suggests that, in consequence, some of the Acts of the General Assembly in relation to the waste lands of the Crown are open to question as to their force and validity, either in whole or in part.

Probably, the Imperial Legislature was not much moved by the particular resolution, a portion of which Sir George Grey quotes incorrectly. It desired to give, and it did give, to the General Assembly of New Zealand complete control over the waste lands of the colony.

Whatever may now be thought of the policy of the "compact," it will, I think, be held that the General Assembly had all the necessary power to do what it has done. The resolution passed by the

House of Representatives in its last session, in so far as it expressed the purpose of maintaining the existing law, was, perhaps, superfluous; but Sir George Grey fears that "this resolution may be submitted to the Home Government with a view to Parliamentary action being taken thereon"—in what direction he does not say. There is no conceivable need for taking such a course.

It is not easy to arrive at the true meaning of the petition; or, if it have any definite purpose, to catch the view of the case which the petitioner really desires to present. The localization of the land revenue, for which Sir George Grey appears to contend, was effected completely by the "compact" which he condemns; and the Province of Auckland, of which he makes himself the champion, sought for, and accepted as a boon, in 1856, that which he now stigmatizes as an injustice.

If, as Sir George Grey asserts, Auckland was, by the compact of 1856, "deprived in great part of its interest in the revenue arising from the waste lands of the Crown in New Zealand" generally, it is certain that since that period the administration of the waste lands within that province, and the revenue derived therefrom, have been in the hands of the Provincial Government; and I have shown that at the time Auckland was relieved of what was held to be a most unequal and unjust burden. The then Superintendent of Auckland, Dr. Campbell, and the leader of the Provincial "Opposition," Mr. Whitaker, were colleagues with Mr. Stafford in the Ministry by whom the Financial Resolutions of 1856 were proposed; and it is a remarkable fact, that the gentleman, Mr. John Williamson, to whom Sir George Grey addresses his petition, and whose aid he invokes, was himself a member of the House of Representatives in 1856, was elected Superintendent of the Province of Auckland in November of that year, and was a strenuous supporter of the "compact," and of the subsequent legislation in 1858 and 1862. It is equally remarkable that during the whole term of Sir George Grey's second Governorship, from 1861 to 1868, he himself had not discovered that the power of dealing with the land revenue without the consent of Parliament, which was conferred by the Constitution Act on the Governor, and which he thinks was so valuable, had been taken away by the General Assembly, and that it should have been reserved for the *Lyttelton Times* of the 11th of September last to make that disclosure to him.

DANIEL POLLEN.

No. 22.

COPY of a DESPATCH from Governor the Most Hon. the Marquis of NORMANBY,
to the Right Hon. the Earl of CARNARVON.

(No. 8.)

Government House, Wellington,

MY LORD,—

New Zealand, 16th January, 1875.

I have the honor to acknowledge the receipt of your Lordship's despatch enclosing Her Majesty's Commission under the Great Seal appointing me Governor and Commander-in-Chief of this Colony and its Dependencies, together with the instructions under the Royal Sign-Manual and Signet; and I have to inform your Lordship that, on the day subsequent to the receipt of the Commission, I took the prescribed oaths of office in the presence of Mr. Justice Johnston and the Members of the Executive then resident in Wellington, and have caused the same to be notified in the *Government Gazette*.

2. I have further to acknowledge the receipt of a Commission, under the Royal Sign-Manual and Signet, appointing the Chief Justice, or the Senior Judge for the time being, to be Administrator of the Government in the event of my death, incapacity, or absence.

3. In compliance with your Lordship's instructions, I beg to enclose the Commission, dated 5th of September, appointing me Administrator of the Government of New Zealand.

4. As regards the Commission dated the 14th May, 1873, appointing the Chief Justice or Senior Judge to be Administrator of the Government in the event of the death, incapacity, or absence of Sir James Fergusson, I regret that I am unable to find any trace of it in the office.

5. On my arrival in Auckland, I was informed by the Chief Justice Sir George Arney that he had never seen any Commission appointing him Administrator during the absence of "Sir James Fergusson."

6. I have found in my office a despatch from Lord Kimberley, dated the 16th May, 1873, in which the Commission was enclosed, but I can find no trace of the Commission itself. I presume therefore that it must have been accidentally taken away by Sir James Fergusson.

I have, &c.,
NORMANBY.

The Right Hon. the Earl of Carnarvon.

No. 23.

COPY of a DESPATCH from Governor the Most Hon. the Marquis of NORMANBY,
to the Right Hon. the Earl of CARNARVON.

(No. 12.)

Government House, Wellington,

MY LORD,—

New Zealand, 18th January, 1875.

In reply to your Lordship's Despatch No. 54, of 20th October, 1874, directing me to call Mr. Vogel's attention to a correspondence with the Board of Trade on the subject of a letter written by Mr. Vogel to Dr. Featherston, in which grave charges are made against the Emigration Officers, I have the honor to inform your Lordship that, on inquiry, I find that that letter was written at Christchurch, and that a copy of it was forwarded here for record, but that there is nothing on the face of the papers connected with the ship "Punjaub" to account for the statement complained of in Mr. Vogel's letter; and as Mr. Vogel is now in England, accompanied by his Secretary, it is impossible to obtain here the information required by your Lordship.

2. A telegram has, however, been sent to Mr. Vogel on the subject, and I doubt not that, before the receipt of this despatch, he will have explained to your Lordship the grounds upon which that letter was written.

I have, &c.,

NORMANBY.

The Right Hon. the Earl of Carnarvon.

No. 24.

COPY of a DESPATCH from Governor the Most Hon. the Marquis of NORMANBY,
to the Right Hon. the Earl of CARNARVON.

(No. 34.)

Government House, Wellington,

MY LORD,—

New Zealand, 15th March, 1875.

I have the honor to inform your Lordship that during the last two months Sir Donald McLean has been actively employed in carrying on negotiations with those Maori tribes who still remain disaffected, and I am happy to inform you that the results of these negotiations are likely to prove most satisfactory and important.

2. The Ohinemuri Gold Fields, which have long been closed to the white population, have been thrown open, on terms which are alike satisfactory to my Government and to the Natives, and there are, I believe, already nearly a thousand diggers upon the field.

3. King Tawhiao, who has long refused to hold any communication with the Government, and whose country has been tabooed to the whites since the war, sent a message to Sir Donald McLean, expressing his desire to see him; and at a meeting which took place shortly after, terms were arranged, which I trust will have the effect of putting an end to that state of isolation in which that tribe so long existed, and that at any rate the construction of public works within his territory will no longer be obstructed.

4. This is the more satisfactory as the meeting was brought about by the spontaneous act of Tawhiao himself, and without any solicitation on the part of the Government; and I am informed by Sir Donald that his behaviour during the meeting was most friendly. So soon as the final arrangements have been completed I have promised myself to meet Tawhiao at Kawhia, for the purpose of ratifying the agreement, as he has expressed a wish to see me; and this meeting taking place at Kawhia is of itself not an unimportant point, as that harbour has for years been tabooed, and no vessel has been permitted to enter it, with the exception of one occasion, on which the Government steamer "Luna," with Sir George Arney, then Acting-Governor, on board, entered under the plea of stress of weather. The fact, therefore, of my meeting Tawhiao at this harbour will be the most convincing proof that could be offered to the other disaffected tribes that that state of dormant hostility which has so long continued has ceased to exist.

5. Sir Donald is now engaged in meeting various other tribes in the neighbourhood of the Bay of Plenty, and it is most satisfactory to me to receive his

assurance that the Natives generally seem now fully alive to the desire of the Government to promote peace and good feeling between the two races, and to be sensible of the just and liberal manner in which they are treated.

6. The communications from Sir Donald McLean having been received chiefly by telegraph, I am unable as yet to give your Lordship the details I could wish, but I have the greatest confidence in Sir Donald's judgment in dealing with the "Maori," and from the tone of his telegraphs I have little doubt that his exertions will result in removing, or at any rate in mitigating, that feeling of hostility which still unfortunately exists in the minds of a small portion of the Maori race.

The Right Hon. the Earl of Carnarvon.

I have, &c.,
NORMANBY.

No. 25.

COPY of a DESPATCH from Governor the Most Hon. the Marquis of NORMANBY
to the Right Hon. the Earl of CARNARVON.

(No. 35.)

Government House, Wellington,

MY LORD,—

New Zealand, 5th April, 1875.

I have the honor to inform your Lordship that Sir George Arney, Chief Justice of the Colony of New Zealand, resigned his office on the 31st March last, and that I have, with the advice of my Responsible Advisers, appointed Mr. Prendergast, the late Attorney-General, to that office.

The Right Hon. the Earl of Carnarvon.

I have, &c.,
NORMANBY.

[Price 1s.]

By Authority: GEORGE DINSBURY, Government Printer, Wellington.—1875.

