

MEMORANDUM for the SOLICITOR-GENERAL *re* Piako Swamp Grant.

Secretary for Crown Lands' Office, 19th July, 1876.

HON. MAJOR ATKINSON requests your opinion upon the following circumstance in connection with the Order in Council authorizing the sale of the land:—In the printed copy of the order submitted to His Excellency a literal error occurred, the area of the block appearing as 83,000 acres odd, instead of 87,000 acres; this His Excellency corrected before initialing the Schedule, but in the *Gazette* notice published the error was not corrected. Is a *Gazette* notice making the correction necessary?

C. E. HAUGHTON.

## MEMORANDUM for the UNDER SECRETARY for CROWN LANDS.

THE Order in Council should have been correctly published, and, if so desired, a notice correcting the error can be inserted in the *Gazette*. At the same time the original Order in Council is not invalidated by reason of the error contained in the published notice, and such a notice would be sufficient to make it clear.

19th July, 1876.

W. S. REID.

MEMORANDUM for Mr. HAUGHTON *re* Piako Swamp Grant.

Secretary for Crown Lands' Office, 20th July, 1876.

I HAVE examined the Piako Swamp grant, comparing plan with plan, and description with plan, and have made it correct. I have also compared the Schedule to the Order in Council with the grant, and find that they agree, with the exception of a few minor discrepancies in the former, and the alteration in boundaries caused by the taking out a block of 823 acres for the Natives.

I would draw your attention to the circumstance that the terms of the original Order in Council make it imperative on the Secretary for Crown Lands to sell the land described in the Schedule thereto, the precise area of which is stated—viz., 87,325 acres; but the area of the grant about to be issued is less by 823 acres. Is it then necessary, in order to avoid any possible future claim, that the Order in Council should be re-issued, corrected to agree with grant?

GEO. FANNIN.

## MEMORANDUM for the UNDER SECRETARY for PUBLIC WORKS.

Secretary for Crown Lands' Office, 10th March, 1877.

AFTER looking over the papers in this office connected with the Piako Swamp, I think I can now explain to you how the matter stands so far as relates to the requisition made by the Chairman of the Waikato County Council for £1,000. This sum is wanted for the purpose of making approaches to the two ends of the road already made by the Piako Swamp Company. The sum of £1,100 appears to have been appropriated as a provincial liability on account of the unexpended balance remaining upon the whole amount to which the company was entitled upon account of its road-making operations, under its agreement with the Government. But it does not seem certain that this sum is available for the purpose, and it appears to be more than is due to the company under their agreement. They were to have the land at 5s. an acre, out of which 2s. 6d. an acre was to be remitted to them for road-making, if done to that amount.

Mr. Sinclair's statement shows that the amount which was to be allowed the company for road-making was £10,310 8s. 5d., and after deducting from this the sum which they were estimated to have spent in road-making at the time of the Order in Council granting them the land—viz., £9,377 2s. 7d.—an unexpended balance remains of £933 5s. 10d. But there is a mistake in the Order in Council which ought to be noticed. The purchase money being £22,529 6s. 4d., out of which an allowance is made for road-making of £9,377 2s. 7d., the balance to be paid in cash was £13,152 3s. 9d., as stated in the *Gazette*. I find a telegram from the Hon. Dr. Pollen, of 13th June, 1876, authorizing the Receiver of Land Revenue, Auckland, to receive the smaller sum, and a reply from that officer that the money had been paid.

If, therefore, the amount paid in cash on the purchase was less by £20 than it ought to have been, that amount should be added to the sum already allowed them for road-making, thus reducing the unexpended balance from £933 5s. 10d. to £913 5s. 10d.

Information as to the amount actually paid could be obtained from the Treasury. If the sum paid was £13,152 3s. 9d., then the balance now available for road-making is £933 5s. 10d.; if £13,132 3s. 9d., the balance is £913 5s. 10d.

I cannot say how far the fact of £1,100 being scheduled as a provincial liability would justify the view that that sum is actually available, but it seems to be in excess of what is authorized by the merits of the case.

I assume you only want data to go upon, and that it belongs to your office to deal with the requisition for money for road-making.

I hope what I have supplied will be sufficient for your purpose.

J. GILES.

<i>The Piako Swamp Purchase.</i>				
To amount of purchase money	...	...	...	£22,529 6 4
By Cash paid to Public Account	...	...	...	£13,152 3 9
By Allowance for Roads as per agreement	...	£10,310 8 5	...	
Less paid to Waikato County Council	...	933 5 10	...	
Amount expended on road by purchasers				9,377 2 7
				<u>£22,529 6 4</u>