



THE
NEW ZEALAND GAZETTE.

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AUCKLAND, MONDAY, SEPTEMBER 5, 1864.

ORDER IN COUNCIL,

Making Regulations for the Ports within the Province of Canterbury.

G. GREY, Governor.

At the Government House, at Auckland, the
 16th day of August, 1864.

Present:—

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by the Marine Board Act, 1863, it is enacted that it shall be lawful for the Governor in Council from time to time to make such regulations as may be found necessary respecting the anchoring and mooring of vessels in any port; the packing, landing, deposit, and removal of gunpowder; the erection of magazines for the safe keeping thereof; the watering and ballasting and discharging of ballast of or from vessels, and all other matters relating to the safe and commodious navigation of any Port, Harbour, or River, and the order and management of vessels resorting thereto; and for the purpose of giving effect to such regulations, to authorise the levying of Harbour Master's Fees not exceeding the rate specified in the schedule to the said Act; and to impose any penalty not exceeding Twenty Pounds for any one offence against any provisions thereof. Now, therefore, His Excellency the Governor, with the advice and consent of the Executive Council of New Zealand, in pursuance and exercise of the above recited power and authority, doth hereby make the following Regulations for the Ports within the Province of Canterbury:—

And doth order that the same shall come into operation and take effect from and after the twenty-first day of September next.

FORSTER GORING,
 Clerk of Executive Council.

General Rules.

1. Nothing contained in these regulations shall be deemed to apply to any ship, boat, or gunpowder,

the property of Her Majesty, nor to any ship of war of any foreign nation, nor to any gunpowder in charge of the Government of the Colony.

2. The Master, or person in charge of any vessel from other than New Zealand Ports, shall, when entering any port in the Province of Canterbury, hoist, and keep flying a blue flag at the main mast-head, until the vessel has been boarded and cleared by the Health Officer.

3. Vessels merely calling at New Zealand ports, on their way to a port in the said Province of Canterbury, but bringing goods or passengers from other than New Zealand ports, come under the foregoing rule.

4. The Pilot, Master, or other person in charge of any vessel entering, departing from, or within any port, shall by every means in his power, consistent with the safety of such vessel, assist every duly authorised public officer in boarding, or leaving, such vessel, and no person on board of such vessel shall interfere with, or obstruct any government officer or pilot, whilst carrying out his duties.

5. Every vessel entering any port, must as it approaches the signal station, hoist the vessel's number, or distinguishing flag.

6. Harbour Masters' Fees may be levied for every service performed by a Harbour Master under the said Act or under these Regulations at the rate of one penny per ton of the vessel in respect of which the service is performed.

7. Vessels employed in the coasting trade are exempt from shifting fees from one part of the harbour to another; but should the service of the harbour master or his assistant be required, the fee of one penny per ton register shall be paid each time such service is required.

8. All boats alongside of vessels, or jetties, shall give way to Government boats on duty.

9. No waterman or other person in charge of any boat shall go alongside, or board, or suffer or permit any person to board, any vessel arriving at port from beyond sea, until such vessel is secured by at least one anchor, nor before she has been cleared by the

Health-Officer; and any person offending against this regulation, shall forfeit a sum not exceeding Five Pounds.

10. After the clearance has been delivered to the master of any vessel outward bound, no passenger shall be taken on board.

11. All complaints against any person connected with the Harbour Department must be made in writing to the Port Officer for the Province.

Harbour Regulations.

12. All vessels moored or at anchor, are to have both cables clear and in readiness to slack away when required; and in default thereof, the master shall forfeit and pay a sum not exceeding Ten Pounds.

13. All vessels are to have buoys and sufficient buoy ropes to their anchors, to show their position; and to exhibit at some conspicuous place twenty feet above the deck, a bright light from dark to daylight, and in default thereof, the master shall forfeit and pay a sum not exceeding Ten Pounds.

14. Any anchor, kedge, or cable slipped or cut, if not weighed within twenty-four hours, may be weighed by order of the harbour-master or pilot, at the risk of, and the expense of the owner; and when no buoy rope has been attached, the anchor, kedge, or cable shall be forfeited.

15. After a vessel has been unloaded and properly ballasted, it will be at the option of the harbour-master to move her out clear of the shipping, to make room for vessels requiring berths to unload; and if there shall not be on board any vessel which has been unloaded, sufficient men, or ballast, or requisite tackle to enable her to be removed, the harbour-master or pilot, may move such vessel at the expense and risk of the owner thereof.

16. Any person obstructing or impeding the navigation of any channel, river, inlet, or creek, or obstructing any landing place by placing a vessel, cable, boat, warp, or other article in the way, shall be liable to a penalty not exceeding Ten Pounds; and in case any person causing such obstruction or impediment, will not remove or cause to be removed the same, when ordered by the harbour-master or pilot, the harbour-master or pilot may cast off or cut any such obstruction.

17. The owner or part owner in, or the commander of any vessel or boat, which has been sunk, stranded, or run on shore, or the owner of any baulk of timber, or other bulky article which is in the water, who does not clear the harbour of such vessel or boat, or remove such baulk of timber, or other bulky article, on being required so to do, by notice in writing under the hand of the harbour-master or of any Justice of the Peace, within such reasonable time as may be mentioned for the purpose in such notice, shall for every such offence, forfeit a penalty not exceeding Ten Pounds.

18. Any Justice, upon the complaint of the harbour-master or any other person, may issue his warrant for the clearing of the harbour, or removing of such sunk or stranded vessel or boat, baulk of timber, or other bulky article, in such manner as such Justice shall direct, and for causing such vessel or boat, baulk of timber, or other bulky article to be sold, and out of the money arising from such sale may pay the charges of such clearing or removal, as the case may be, paying the surplus to the Harbour-master to be accounted for by him.

19. Whenever a vessel not employed in coasting only, arrives within the Harbour, the harbour-master shall appoint the place where she is to cast anchor or be moored; and as often as the master of any vessel is desirous of moving her from one place of anchorage to another, he shall notify in writing such

his desire to the harbour-master, who shall thereupon, unless he sees sufficient reason to the contrary, direct the removal accordingly.

20. In the performance of any such service by the harbour-master, the master of the vessel and the crew thereof are required to give and afford to such harbour-master all possible aid and assistance to effect the same; and in effecting any such service, or any other service in the execution of his duty, the harbour-master is empowered to make fast and attach any rope, or other tackle, to any other vessel, and if there is no crew, of the vessel to be moved, or the crew thereof refuse, or fail to aid and assist as aforesaid, or if the crew, or tackle, or quantity of ballast on board such vessel is not sufficient to enable the harbour-master to effect such removal, he is empowered to hire and employ such other assistance and tackle, and to purchase and put on board such vessel such other quantity of ballast as to him seems requisite, at the cost or charges of the master or owner of such vessel, and such cost and charges such master or owner is required to pay to the harbour-master, to be accounted for as aforesaid; and if any person, without the consent or authority of the harbour-master, cuts or casts off any such rope or tackle, so made fast and attached to any other vessel as aforesaid, or in any other manner infringes this regulation, such person shall forfeit a penalty not exceeding Twenty Pounds.

21. All vessels must unshot their guns immediately after entering any port or harbour, and no guns or firearms are to be discharged, or blue-lights, rockets, or other combustibles, burned or discharged from any ship, vessel, or boat (except from mail steamers announcing their arrival or departure) unless permission in writing has been obtained from the harbour-master, except only, when urgent assistance is required, under a penalty of Five Pounds.

22. All ships and vessels under 400 tons, at anchor, are required to be provided with fire-buckets in the proportion of four to every hundred tons, and two for every additional hundred tons, one half of which are to be constantly hung up in some convenient place, with lanyards attached, ready for drawing water.

23. In the event of the death of any person on board of any vessel in port, the master of such vessel is to cause the body to be buried on shore, previously reporting the particulars to the Police.

24. The Master, or person in charge of any ship or vessel, with the undermentioned exceptions, shall at all times in port, as well by day as by night, have at least one seaman in charge of the deck of such ship or vessel; and the person having such charge, and all persons having the charge of or being on board of any boat within any port, shall answer to the challenge of the water police, or other duly authorised public officer. Vessels laid up, coal hulks, ballast or other lighters, lying in such limits as the harbour-master may authorise them to occupy, are exempt from the foregoing regulation.

25. Masters requiring to careen, heave down, or haul their vessels on shore for the purpose of inspection, or repairs, must apply to the harbour-master of the port for permission, except when such work is proposed to be done on private property.

26. Accidents involving personal injury, loss of life or property from loss or collision of vessels or boats, are to be reported in writing by the person in charge to the nearest Harbour-master and principal officer of Customs as soon as possible.

27. All Masters, Pilots, or other persons in charge of vessels, are immediately to strike their top-gallant yards and masts, to have their jib, spanker, and all other booms rigged close in, top up, and brace fore and aft all yards, and moor and clear hawse wher

called upon by the harbour-master, or person deputed by him, and are generally to follow such directions as the weather, the crowded condition of the Port, or other circumstances may render necessary or expedient in the judgment of the harbour-master with a view to the safety and interest of the whole shipping.

28. No rubbish or filth is to be landed on any lands belonging to the Crown, except in such places as the harbour-master may point out, under a penalty of Five Pounds, to be paid by any person landing such rubbish or filth.

29. No ballast, rubbish, gravel, earth, stones, earthenware, glass, or filth is to be thrown overboard from any vessel or boat, but is to be landed and placed where the harbour-master may direct; and no gravel, earth, stones, earthenware, glass-bottles, filth, or rubbish, is to be placed by any other means at any place below the high water mark within the harbour; and proper tarpaulins are to be used in discharging or taking in ballast, coals, rubbish, gravel, earth, or filth of any kind, so as to prevent any part thereof falling into the harbour; and any person who shall offend against any of the provisions of this Regulation, shall be liable to a penalty not exceeding Twenty Pounds.

30. No pitch, tar, resin, or other combustible matter shall be lighted or heated on board of any vessel or boat while lying alongside or near any vessel in the harbour; and any person who shall offend against this Regulation, shall be liable to a penalty not exceeding Twenty Pounds.

31. No wreck is to be left in any part of the harbour, but must be conveyed on shore above high water mark; and if any wreck is so left, the owner thereof shall be liable to a penalty not exceeding Twenty Pounds.

32. Any person throwing a dead animal into the harbour, or placing any dead animal below high water mark, within the limits of the anchorage, shall be liable to a penalty not exceeding Five Pounds, and an additional penalty of One Pound for every day during which any such animal remains in the harbour, or below high water mark, or buried on the beach above high water mark. Provided that no such penalty and additional penalty shall together exceed the sum of Twenty Pounds.

33. No ballast, shingle, stone, or shells, or any part of the soil shall be removed from any land of the Crown without the permission of the harbour-master, under a penalty of Five Pounds.

Gunpowder.

34. The Master of every vessel arriving with gunpowder on board exceeding the quantity necessary as ship's stores, shall give immediate notice thereof to the pilot on his boarding the vessel, and if none, to the harbour-master, and shall land the same at the powder magazine before anchoring at the usual anchorage ground.

35. No gunpowder is to be either received or issued by the keeper of the magazine, except between the hours of seven in the morning and five in the afternoon.

36. The master of every vessel shall cause all gunpowder to be conveyed to the magazine immediately after its being landed, or forfeit a sum not exceeding Ten Pounds.

37. All gunpowder so landed must be packed in barrels, containing not more than one-hundred weight, closely joined and hooped, without any iron about the packages, and so secured that no portion of the gunpowder be in danger of being scattered in the passage; and any person offending against this regulation shall incur a penalty of any sum not exceeding Ten Pounds.

38. All boats used for the conveyance of gunpowder to or from vessels, are to be provided with tarpaulins, and to be properly housed over, and to have a red flag flying when powder is on board.

39. No fire or light is to be burning on board of any vessel or boat during the time gunpowder is being discharged from, or taken on board of, such vessel or boat.

Mail Vessels.

40. All vessels having mails on board for the Province of Canterbury are, on approaching the anchorage, to hoist a white flag at the foremast head, which flag must be kept up until the mails are taken out of the vessel.

Steamers.

41. Every steam-vessel, when navigating any narrow channel, shall, whenever it is safe and practicable, keep to that side of the fairway, or mid-channel, which lies on the starboard side of such steam-ship.

42. Steamers, when steering the same course inside the bar or entrance of any river or harbour, or in any narrow channel, either with or without vessels in tow, and are overtaking the other, the vessel gained upon is to slack her speed until the other has passed her.

43. Steamers at all times when under weigh within any port must have in addition to the helmsman, a competent person on the bridge in charge of the vessel, and also a competent person in charge of and attending to the engine. The utmost care must be taken by the person or persons in charge to prevent accidents to other vessels and boats.

44. Steamers shall not proceed at more than six miles per hour whilst navigating amongst the shipping of any port, and if entering or leaving after dark must sound the bell or steam whistle constantly.

Signals

to be made from all vessels in harbour when the following are required:—

Sea Pilot—Union Jack at the fore.

Police Boat—Ensign at the main.

Police Boat, at night—two vertical lights at the peak, four feet between each.

Customs' Boat—Union Jack at the peak end.

Medical Assistance—Union Jack over the Ensign at the peak end.

Colonial Secretary's Office,
Auckland, 31st August, 1864.

THE following Despatch and Correspondence from Her Majesty's Principal Secretary of State for the Colonies are published for general information.

WILLIAM FOX.

Downing Street,
26th May, 1864.

SIR,—I informed you in my Despatch No. 43, of 26th April last, that I should request the Law Officers of the Crown to furnish me with their opinion respecting the competency of the New Zealand Legislature to pass the two Acts, No. 7, the Suppression of Rebellion Act, 1863, and No. 8, the New Zealand Settlements Act, 1863.

This I have done, and I am advised that there is in their judgment no reason to doubt the legality of the former of the two Acts, and that the only reason for questioning the legality of the latter arises from its repugnancy to the third section of the Imperial Loan Guarantee Act, 20 & 21 Vict. c. 51. I intend to submit to Parliament, in connection with the con-

templated Loan, a provision calculated to remove this doubt.

I enclose to you the copy of a letter which by my desire has been addressed to Mr. Reader Wood, and which will explain to you the views of Her Majesty's Government in respect to the proposed guaranteed loan.

I am only induced to make this offer to Mr. Reader Wood in the full conviction that the recent military successes, improved by a just and temperate policy on your part, will lead to a speedy and permanent pacification of the Northern Island.

I have stated to Mr. Reader Wood that his acceptance of this proposal will be regarded by Her Majesty's Government as conveying on his own part and that of his colleagues an assurance of their desire cordially to co-operate with you in a just and temperate policy towards the Native race. On the part of Her Majesty's Government I need not repeat the instructions which were fully conveyed to you in my Despatch No. 43, of 26th April last.

I entirely anticipate that your Ministers will be animated by a just sense of the exertions and sacrifices which have already been made by the mother country for the Colony, and that on colonial grounds they will be as anxious as you can be yourself to terminate the present hostilities. But it is my duty to say to you plainly that, if unfortunately their opinion should be different from your own as to the terms of peace, Her Majesty's Government expect you to act upon your own judgment, and to state to your Ministers explicitly that an army of 10,000 English troops has been placed at your disposal for objects of great Imperial concern, and not for the attainment of any merely local object; that your responsibility to the Crown is paramount; and that you will not continue the expenditure of blood and treasure longer than is absolutely necessary for the establishment of a just and enduring peace.

I have, &c.,

EDWARD CARDWELL.

Governor Sir George Grey, K.C.B.,
&c., &c., &c.

Downing Street,

May 26th, 1864.

SIR,—I have the honor to inform you that Mr. Secretary Cardwell has considered the application which, as Finance Minister of the New Zealand Government you have made to him, viz., that he will propose to Parliament that the intended loan of three millions, authorized by the recent Act of the New Zealand Assembly, should be raised with the assistance of an Imperial guarantee.

Mr. Cardwell has desired me to express his regret that he cannot undertake to make to Parliament any such proposal, nor does he think that such a proposal could be made with any prospect of its being approved and adopted by Parliament. He is fully prepared, however, to consider the claims of the Colony to a guarantee of less amount.

In a Despatch addressed to Sir George Grey on the 26th of December last, the Duke of Newcastle expressed his readiness, on the conditions there set forth, to submit again to Parliament the proposal for a guaranteed loan of £500,000 which had been already submitted towards the close of the previous session, but had been withdrawn because Mr. Crosbie Ward, then acting for the Colony, had not determined on accepting the terms offered till the opportunity for legislation had been lost. Since it appears to be the wish of the Colony that this arrangement should proceed, and certainly the altered circumstances do not enable the Colony to dispense with any assistance which it required when that Bill was

introduced into the House of Commons, the Secretary of State is still ready to proceed with it, at your request.

The arrangement as then made provided for a payment to the Treasury of a sum of £200,000, which was to cover the amount of debt then due to the Home Government. But the terms on which the Lords of the Treasury were prepared to concur, comprised a stipulation that provision should be at once made for repaying all advances from the Treasury Chest, with interest at the rate of four per cent. on such as had remained unliquidated for more than three months. It now appears that advances have been made, either in money or in arms and stores, amounting to somewhat short of £300,000, thus raising the total debt to the Treasury to a sum approaching £500,000.

If Her Majesty's Government are to submit to Parliament a proposal for aiding the Colony by an Imperial guarantee, the first condition will be that out of the money so borrowed by the Colony the whole debt due to the mother country shall, in the first instance, be discharged. It is evident, therefore, that if the guarantee be limited to five hundred thousand pounds, so large a portion will be absorbed by the debt to the Treasury, that scarcely anything will remain to be applied either to the other purposes contemplated in the original Bill, or to the liquidation of the great subsequent expenses which have been or will be incurred by the Colony. It is estimated by you that those expenses, up to the end of the present year, will amount to nearly eleven hundred thousand pounds, or, excluding the debt to the Home Government, to nearly eight hundred thousand pounds.

Mr. Cardwell acknowledges the force and weight of many of the considerations which have been urged by you as reasons why the Colony should resort to a loan for expenses which in the mother country would be discharged, in part at least, from current revenue, such as the fact that the whole population of the Province of Auckland from 16 to 55 has been drawn away by the war from industrial pursuits; that the Southern Island, having a less immediate interest in the suppression of the rebellion, would feel the charge upon the annual revenue as a serious hardship; that the Colony is compelled, on the return of peace, to make large payments, both for military purposes requiring to be wound up and discharged, and also for prospective measures of improvement consequent upon the return of peace, without being able to apportion that expenditure to its present means, or to wait for the most favourable state of the market to bring out a loan. Mr. Cardwell also feels that the prospect of avoiding future disturbances, with all the accompanying evils and expenses both to the Colony and to the mother country, will much depend upon judicious and comprehensive measures to be taken at the time of the restoration of peace, and that an embarrassment in the finances of the Colony at that juncture, would tend to prevent the accomplishment of those measures, and to cloud that prospect. Yet, notwithstanding these considerations, he is not prepared to recommend to Parliament a guaranteed loan to any such amount as that which you have requested of Her Majesty's Government.

Upon the whole Mr. Cardwell concludes that the guarantee originally promised by the Duke of Newcastle may again be submitted to Parliament, and that the amount may be increased by the sum due, and to be repaid to the Imperial Treasury, and by a further sum of about £200,000, to be applicable to the general purposes of the New Zealand Government. The whole sum, therefore, to be guaranteed will amount to one million, of which, as far as at present appears, somewhat less than half will at once

be repaid to the Imperial Exchequer, and somewhat more than half will be applied to purposes of the Colony, for the pacification of the North Island, and liquidating the expenses of the war. This should be raised at a rate of interest not exceeding 4 per cent., with 2 per cent. for sinking fund.

The actual ordinary revenue of the year 1862-3 amounted to £549,963 which exceeded by £259,296 the necessary expenses of the General Government. The revenue of the Colony has hitherto rapidly increased, and is estimated for the current year at £691,600; and the whole of this revenue, with its prospective increase, is to be the security for the loan.

Mr. Cardwell thinks that this security is sufficient, and excludes the risk that any actual payment will fall to be discharged by the Imperial Treasury. He leaves out of consideration the land pledged by the Act of the Assembly, which he cannot regard as adding anything definite, or certainly and immediately available in the way of security.

I am directed to observe, that Mr. Cardwell makes this offer to you as the Finance Minister of New Zealand, in the confident expectation and belief that the recent successes of the Queen's Forces and of the Colonial Militia and Volunteers will have placed in the Governor's hands the power of securing a just and permanent peace; and that his own disposition, and the instructions which have been addressed to him from this department, will ensure his using that power for the early termination of the war. It is only under this conviction that the Secretary of State can undertake to submit this proposal to Parliament; and if the proposal be accepted by you, your acceptance must be understood as conveying on your part and that of your colleagues in the Government of New Zealand an assurance of their desire cordially to co-operate with the Governor in this just and temperate policy towards the native race.

It only remains that, at Mr. Cardwell's direction, I should state the views of Her Majesty's Government with respect to the future relations between the mother country and the Colony in respect of military expenditure. Hitherto the contribution of the Colony has been merely nominal, being £5 per man, which recently has not been paid into the Imperial exchequer, but almost entirely employed for native purposes in New Zealand. Her Majesty's Government feel themselves imperatively called upon to provide, that if, under the New Zealand Government, to whom in ordinary times the management of native affairs now almost exclusively belongs, the Colony shall again be involved in a civil war, the whole expense of the troops engaged in that war shall not fall upon the mother country. They acknowledge that New Zealand differs from the Australian Colonies in this respect, viz., that the presence of a large native population renders necessary the presence of some military force, even in times of peace. This force they propose to fix at one regiment, and for that one regiment they do not propose to charge the Colony of New Zealand with the amount which it is proposed to charge upon the Australian Colonies. They will expect that in consideration of this one regiment being maintained at the charge of the Imperial Treasury, the Colony will continue to devote the sum of £50,000 per annum to native purposes of the nature indicated in Sir George Grey's Despatch of the 6th December, 1861, including the government of native districts, and the moral and material advancement of the native race, but excluding the maintenance of any military or semi-military force for the suppression of disturbance. For every soldier over and above this one regiment Her Majesty's Government will expect the Colony

to pay in future the same amount which has been proposed to the Australian Colonies, viz., the sum of £40 for every infantry soldier, and £55 for every artilleryman. These measures they regard as just measures of security against the risk of war being incurred by Colonial policy, while the principal expenses would fall to be discharged, not by the Colonial, but by the Imperial Treasury.

This arrangement should commence at the termination of the present arrangement, viz., at the close of the present year; but as it is not possible that the large army now in New Zealand can be altogether removed from the island before the 1st January, 1865, they will so far delay the period of its application as to agree that in the year 1865 it shall not be applicable to any force beyond 4,000 men, in addition to the one regiment which is to be maintained at the exclusive cost of the Home Government.

Arrangements of this kind must of course be subject to revision hereafter, especially in a Colony like New Zealand, where a few years may bring with them a very altered state of circumstances.

The whole arrangement, therefore, may be thus summed up:—

1. That the original guarantee be extended from half a million to one million, of which probably rather less than half will be paid into the Imperial Treasury, and the remainder will be applicable to the purposes of the Colony.

2. That after allowing for one regiment, New Zealand shall pay to the Imperial Treasury the same contribution as that which it is proposed that the Australian Colonies shall pay.

3. That inasmuch as the mother country furnishes one regiment, in consideration of the many circumstances connected with the presence in New Zealand of a large native population, the sum now paid out of Colonial funds for the especial benefit of that population, viz., £50,000, shall continue undiminished.

4. That New Zealand shall not pay upon more than 4,000 men in the year 1865.

I am, &c.

F. ROGERS.

Reader Wood, Esq.
&c. &c.

Westminster Palace Hotel,
May 28, 1864.

SIR,—I beg to acknowledge the receipt of your letter of the 26th instant, in which you state that Mr. Secretary Cordwell will submit to Parliament, at my request, a proposal to guarantee one million of the loan sanctioned by the New Zealand Legislature, upon the following conditions:—

1. That out of the funds borrowed by the Colony under the guarantee of the Imperial Parliament, all debts due to the mother country shall be discharged.

2. That a proposal to guarantee any portion of this loan can be submitted to Parliament by Mr. Cardwell only under an assurance from me that the Colonial Government desires cordially to co-operate with the Governor of New Zealand in that just and temperate policy towards the native race which is believed to be in accordance with his Excellency's own feelings, and which is embodied in the instructions which have been addressed to him by Mr. Cardwell, under date April 26, 1864.

With regard to the first of these conditions, I agree, immediately upon the funds being raised, to repay to the mother country all debts due, amounting, as far as can at present be ascertained, to something less than £500,000.

With reference to the second, I take this opportunity of stating formally and officially that which I

have previously had the honor of stating to Mr. Secretary Cardwell verbally, that there is nothing in the Instructions of April 26th to Sir George Grey that does not represent the views of the Colonial Government in practically carrying into effect the policy of confiscation authorized by the Legislature in the New Zealand Settlements Act.

It is quite true that the language of that Act is much wider than that of the Instructions, and the powers given under it are not limited, as they are by the Instructions. It does not follow, however, because powers are given, that therefore they must be exercised. It often happens that an Executive Government is by the Legislature armed with powers which, under certain possible circumstances, may very properly be exercised, and that confidence is felt that under different circumstances those powers will remain unused. This was the case during the last Session of the Assembly in New Zealand.

To account for the language of the Settlements Act, and to justify its use, the state of affairs in the Colony, at the time that Act was passed must be considered. In consequence of the distance of the various settlements in New Zealand from each other, of the comparative difficulty of locomotion, and the fact that nearly all the members of the Legislature are actually engaged in business, it is only at great personal inconvenience that a Session of the Assembly can be held at all, and it is quite impossible, with short notice, to hold a Session at which such a number of members can be present as fairly to represent the Colony. During the last Session the Government was anxious to be armed with all the powers they felt it necessary to have to enable them to meet any contingency that might arise.

What then was the attitude of the native population? At the time the New Zealand Parliament was in Session a very large portion of the Waikato and the whole of the Taranaki and Ngatiruanui tribes were in a state of rebellion, were actually in arms, and fighting against the Queen's authority; a considerable number of the Southern tribes in the Province of Wellington were, though not in actual rebellion, in a state of disaffection; large numbers in every part of New Zealand were waiting on events; and there can be no doubt, if we had met with reverses, or if General Cameron had not achieved a success on the Waikato, many who are now peaceable would have joined in the rebellion.

Under these circumstances the Government felt

that if they simply specified in the Act the districts then in open rebellion, and confined the powers of confiscating territory to such defined districts only, that soon after the Assembly was prorogued, and members had gone to their homes, it might become necessary and right to exercise the power of confiscation most in districts which had not been included within the defined limits, because the native inhabitants were not in rebellion at the moment the Act passed.

The Government never had any intention whatever of confiscating land in districts about which there could be any doubt as to the native inhabitants being in a state of rebellion. On my own behalf, therefore, and that of my colleagues, I can give to Mr. Cardwell a full assurance that the local Government will cordially co-operate with Sir George Grey in carrying out that just and temperate policy towards the native race embodied in the New Zealand Settlements Act, as limited in its operation by his Instructions of April 26.

In the concluding part of your letter you state the views of Her Majesty's Government with respect to the future relations between the mother country and the Colony in respect of military expenditure. On my own part I state, unreservedly, that the proposals which are made have my full concurrence; and that with respect to the charges for the expenses of the present war, they are made by Her Majesty's Government in such a spirit of liberality as cannot fail to command the gratitude of the people of New Zealand.

I cannot, however, disguise from you the fact, that I possess no powers from the General Assembly which will enable me definitely to conclude any arrangement with Her Majesty's Government in reference to military expenditure which will not require confirmation and ratification by the New Zealand Parliament.

I need, however, hardly point out to you that no assent of mine, under any circumstances, could afford to Her Majesty's Government so good a security as that which they hold in their own hands, namely, the power of refusing to send troops, excepting upon their own terms, or of recalling them if those terms are not satisfactorily complied with.

I have, &c.,

READER WOOD.

Sir F. Rogers, Bart.,
&c., &c., &c.

I, WILLIAM HENRY CUTTEN, a Commissioner duly appointed by virtue of the Ordinance No. 15, Session XI., of the Legislative Council of the Islands of New Zealand, to hear and decide Claims to Land by persons claiming Title thereto from, through, or under the New Zealand Company, report that the claims of the persons whose names appear in the Schedule hereunder, having been duly referred to me for investigation, I do hereby decide that the said persons are respectively entitled to the Crown Grants set against their names in the said Schedule.

Land Claims Office, Dunedin, 29th July, 1864.

W. H. CUTTEN, Commissioner.

SCHEDULE.

No. of Report.	No. of Claim.	Name of Claimant.	Commissioner's Decision.
249	294	John McDermid	Entitled to a Crown Grant of Rural Section No. 4, B I., South Molyneux.
254	295	William Saunders	Entitled to a Crown Grant of Rural Section No. 2, B XXX., Waihola District.
255	300	Francis Scott Pillans	Entitled to a Crown Grant of Rural Section No. 10, B X., Waihola District.
256	301	" "	Entitled to a Crown Grant of Rural Section No. 12, B X., Waihola District.
257	312	Sarah Jones	Entitled to a Crown Grant of Town Section No. 55, B III., Dunedin.
258	313	" "	Entitled to a Crown Grant of Town Section No. 46, B III., Dunedin.
259	314	" "	Entitled to a Crown Grant of Town Section No. 58, B III., Dunedin.
260	315	" "	Entitled to a Crown Grant of Town Section No. 57, B III., Dunedin.
261	316	" "	Entitled to a Crown Grant of Town Section No. 50, B III., Dunedin.
262	317	" "	Entitled to a Crown Grant of Town Section No. 56, B III., Dunedin.
263	318	" "	Entitled to a Crown Grant of Town Section No. 32, B III., Dunedin.
264	319	" "	Entitled to a Crown Grant of Town Section No. 72, B III., Dunedin.
265	320	" "	Entitled to a Crown Grant of Town Section No. 34, B III., Dunedin.
266	321	" "	Entitled to a Crown Grant of Town Section No. 21, B III., Dunedin.
267	322	" "	Entitled to a Crown Grant of Town Section No. 47, B III., Dunedin.
268	323	" "	Entitled to a Crown Grant of Town Section No. 48, B III., Dunedin.
269	324	" "	Entitled to a Crown Grant of Town Section No. 49, B III., Dunedin.
270	325	" "	Entitled to a Crown Grant of Town Section No. 33, B III., Dunedin.
271	326	James Wilkie	Entitled to a Crown Grant of Town Section No. 34, B XIV., Dunedin.
272	327	Thomas Burns	Entitled to a Crown Grant of Suburban Section No. 4, B IV., Anderson's Bay District.
273	328	" "	Entitled to a Crown Grant of Suburban Section No. 3, B IV., Anderson's Bay District.
274	329	James Smith	Entitled to a Crown Grant of Suburban Section 74, Wakari District.
275	307	Henry Ridley, otherwise Henry Stratford Ridley	Entitled to a Crown Grant of Town Section No. 55, B IX., Dunedin.
276	308	Alexander Findlater	Entitled to a Crown Grant of Town Section No. 6, B XXVIII., Dunedin.
277	309	Alexander Findlater the younger	Entitled to a Crown Grant of Town Section No. 5, B XXVIII., Dunedin.
278	310	John Proudfoot	Entitled to a Crown Grant of Town Section No. 43, B IX., Dunedin.
279	311	John Jones	Entitled to a Crown Grant of Suburban Section No. 50, Lower Harbour West.
280	330	William Shand	Entitled to a Crown Grant of Town Section No. 50, B XVI., Dunedin.
281	331	David John Napier	Entitled to a Crown Grant of Town Section No. 9, B V., Dunedin.
282	332	" "	Entitled to a Crown Grant of Town Section No. 10, B V., Dunedin.
283	336	John Reid	Entitled to a Crown Grant of Suburban Sections Nos. 39 and 40, North East Valley District.
284	212	John Nicol	Entitled to a Crown Grant of Suburban Section 34, Town District.

