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Superintendent's Office,
Auckland, June 21, 1859.

THE following communication, with its enclosures, is published for general information.

J. WILLIAMSON,
Superintendent.

Colonial Secretary's Office,
Auckland, 20th June, 1859.

SIR,—I enclose, for your Honor's information, copies of the despatch noted in the margin,* and of its enclosures, on the subject of the notices issued in England under the "Auckland Waste Lands' Act, 1858," promising free grants of land in the Province of Auckland.

The subject of this despatch, raising, as it does, the question of the legality of the Land Regulations now acted on in that Province, has occupied the anxious attention of this Government, and after careful consideration they have come to the conclusion that the best, in fact the only mode of satisfactorily dealing with the matter, without considerable delay, is, that the Governor should exercise the powers vested in him by the second section of the "Waste Lands Act, 1854."

I have, accordingly, to invite your Honor and the Provincial Council of Auckland at once to change the form of the Waste Lands Act passed by the Provincial Legislature in 1858.

In taking this course it must be borne in mind by your Honor and the Provincial Council that the object of the Government of the Colony is not to make any new land law,

but only to insure the validity of that which is now in operation without incurring the delay which would be necessary to obtain an Act of the Assembly, and its confirmation by Her Majesty. It will be necessary, therefore, in order to enable the Governor to act on the recommendation of the Superintendent and Provincial Council, that the Regulations to be submitted to his Excellency shall be in exact conformity with the "Auckland Waste Lands Act, 1858," and the modification made therein by the legislation of the last session of the Assembly.

I have, &c,
HENRY JOHN TANCRED,
(For the Colonial Secretary.)

His Honor
The Superintendent,
Auckland.

Downing Street,
4th December, 1858.

SIR,—The attention of Her Majesty's Government has been directed to some notices which have been issued by persons in this country promising Free Grants of Land in Auckland to intending Emigrants in conformity with the provisions of an Act of the Provincial Legislature, which appears to have been passed under the authority of the Act of the General Assembly, No. 22, Session 4, entitled "The Waste Lands' Act, 1856." I refer chiefly to notices issued by Messrs. Ridgway, as Immigration Agents for the Province of Auckland, and by Messrs. Willis & Co.

As I had not received from you a copy of the Provincial Act when the subject was brought under my notice I deferred expressing any definite decision in the matter: but as it now appears that an extensive Emigration is

* Secretary of State to Governor Browne, No. 40, 4th December, 1858.

being carried on from this country and elsewhere to Auckland, of persons who are desirous of availing themselves of the advantages held out to them, I think it necessary to delay no longer calling your attention to the subject.

I enclose for your information a copy of a Report which has been received from the Colonial Land and Emigration Commissioners in reply to a reference which was made to them from this Office; and agreeing as I do in the conclusions they have arrived at, I have, in pursuance of their recommendation, to authorise you, so far as regards the authority of the Crown, to take every step which can legally be taken to indemnify those who may have already gone out on the faith of these Regulations for the disappointment of their expectations.

The Messrs. Ridgway have been informed that the Provincial Act became null and void in its effect subsequent to the date at which the order in Council disallowing the General Act was received in the Colony.

I have, &c.,

E. B. LYTON.

Governor Gore Browne,
&c., &c., &c.

The Emigration Commissioners to Mr. Elliot.

Emigration Office,

22nd November, 1858.

SIR,—We have to acknowledge your letter of the 19th instant, enclosing a notice issued by Messrs. Ridgway, of Leicester Square, promising Free Grants of Land in Auckland to intending Emigrants, in conformity with the provisions of an Act passed by the Legislature of that Province under the authority of the New Zealand Waste Lands Act, which has since been disallowed. You desire us to report whether the circumstances of the case call for any explanation to Messrs. Ridgway, and in what terms that the Act under which these Grants were authorised has been disallowed.

2. In reply we would submit that Messrs. Ridgway should be informed of the disallowance of the Act in question, but that it is not necessary to explain to them the grounds of that disallowance. As the Auckland Act would be in force in the Province until Her Majesty's disallowance of the New Zealand Act on which it was based had been proclaimed, and as that disallowance was not signified before December last, it may be hoped that the number of Emigrants who have proceeded to Auckland since that date on the faith of these regulations is not large. Upon this point Messrs. Ridgway will be able to afford information. But whatever be their number we think they are entitled to very liberal consideration, and that the New Zealand Government should be authorised to take every step which they can legally take to indemnify them for the disappointment of their expectations. We do not attempt to suggest in what way this should be done, as it will be much easier and more satisfactory to settle that question on the spot—but it appears to us that it should be done at once and conclusively to prevent the growth of claims which always become more troublesome to deal with as they grow older.

We have, &c.,

(Signed) T. W. C. MURDOCK,
FREDK. ROGERS.

T. F. Elliot, Esq.
&c., &c., &c.

Messrs. Ridgway to Mr. Elliot.

40, Leicester Square,
London, W. C., 10th Dec., 1858.

SIR,—We have the honor of acknowledging

the receipt of your letter dated 8th December, 1858, in which we are informed that the attention of the Secretary of State has been called to our notice respecting free Grants of land in the Province of Auckland, New Zealand, and that the New Zealand Waste Lands Act, 1856, was disallowed by the Queen on the 11th February last.

This information is stated to be afforded "in order to obviate as far as possible the great inconvenience and loss that must arise to individuals who may have proceeded to the Colony on the faith of this and other notices of a like description."

We have the honor of stating that in the issue of these notices and the grant of land orders, we were acting under the specific instructions received from the Provincial Government of Auckland, in accordance with the provisions of the "Auckland Waste Lands Act, 1858," and that up to the receipt of the letter now under reply, we have neither received from the Provincial Government directions to cease issuing such orders, nor from the Secretary of State or other Home authority, any intimation that our appointment under the Act in question, or our acts under that appointment, were invalid.

For these and other reasons we do not consider that inconvenience and loss can arise to individuals who may have already proceeded to the Province, and we protest on their behalf against any such inconvenience or loss; but we shall feel obliged by your causing us to be informed at as early a period as convenient, whether we are to interpret the letter we have received as a notice that our appointment is now inoperative, and that any such land orders as we may in future issue will be invalid.

We have &c.,

(Signed) ALEX. F. RIDGWAY & SONS.
T. F. Elliot, Esq.
&c., &c., &c.
Colonial Office,
Downing Street.

PROCLAMATION.

By JOHN WILLIAMSON, Esquire,
Superintendent of the Province
of Auckland, in the Colony of
New Zealand.

WHEREAS by an Act made and passed in the Parliament holden in the fifteenth and sixteenth years of the reign of Her present Majesty, intituled "An Act to grant a Representative Constitution to the Colony of New Zealand," it is amongst other things enacted that it shall be lawful for the Superintendent, by proclamation in the *Government Gazette*, to fix such place or places within the limits of the Province and such times for holding the first and every other Session of the Provincial Council as he may think fit.

Now, THEREFORE, pursuant to the authority in me vested in that behalf, I the Superintendent of the Province of Auckland, do hereby proclaim and declare, that the eleventh session of the Provincial Council shall be holden at Auckland, and shall commence on Monday, the eleventh day of July next; and the Members of the said Council are hereby warned to give their attendance at the said time and place accordingly.

Given under my hand, at Auckland, this twenty-first day of June, in the year of our Lord one thousand eight hundred and fifty nine.

J. WILLIAMSON,
Superintendent.