



OTAGO
PROVINCIAL GOVERNMENT
GAZETTE.

PUBLISHED BY AUTHORITY.

All Public Notifications which appear in this Gazette, with any Official Signature thereunto annexed, are to be considered as Official Communications made to those persons to whom they may relate, and are to be obeyed accordingly.

JOHN L. C. RICHARDSON, *Superintendent.*

Vol. IV.]

THURSDAY, MARCH 27, 1862.

[No. 172.]

PROCLAMATION OF HUNDREDS.

THE following Correspondence is published for general information.

[*Colonial Secretary, to his Honor the Superintendent.*]

Colonial Secretary's Office,
Auckland, 7th January 1862.

SIR,—I enclose for your Honor's information, a copy of a letter addressed to this office by certain gentlemen named in the margin,* being licensed runholders in the Province of Otago, requesting that further time should be allowed before the proclamation of any future Hundreds, within which they might be allowed to bring forward objections against such proclamation; and also a copy of a letter which the Secretary for Crown Lands has addressed on this subject to the Commissioner of Crown Lands at Dunedin.

In accordance with the terms of the last-named letter, I have to request that whensoever in future your Honor shall

desire Hundreds to be proclaimed, you will be good enough to intimate such desire to the Commissioner of Crown Lands, as a preliminary step, who has been instructed to give notice forthwith to the runholders interested, with a view to affording reasonable time for a consideration of their claims.

I have the honour to be,

SIR,

Your Honor's most obedient humble servant,

HENRY SEWELL,

(In the absence of Mr. Fox.)

His Honor the Superintendent
of Otago.

* Messrs. E. M'Glashan C. Kettle, J. Fraser,
W. Filleul, W. Black, &c.

[*Enclosures.*]

Crown Lands Office, Auckland,
6th January 1862.

SIR,—I do myself the honour to forward to you the copy of a letter addressed to the Hon. the Colonial Secretary by certain gentlemen, licensed runholders in the

Province of Otago, requesting that further time should be allowed, before the proclamation of any future Hundreds, within which they might be allowed to bring forward objections against such proclamation.

The request preferred by these gentlemen appears to His Excellency's Government to be reasonable; and a letter has been addressed by this mail to His Honor the Superintendent, pointing out the course which it is considered would ensure a fair consideration being given to the interests of the runholders. A copy of this letter is herewith enclosed for your information.

The Superintendent is therein requested to communicate to you the intention to apply for the proclamation of any Hundred which it is desired may be hereafter constituted; and on the receipt of such communication from his Honor, you will give notice immediately to the runholders within the proposed limits, so as to afford them reasonable time to make any representations that they may deem right with a view to the protection of their interests. This will afford you materials upon which to frame your report, which you will be good enough to forward, accompanied by a copy of the representations which the runholders may have made.

I have, &c.,

(Signed) HENRY SEWELL,

For the Secretary for Crown Lands.

The Commissioner of Crown Lands,
Dunedin.

Dunedin, Otago, December 11, 1861.

SIR,—It was our intention to forward to His Excellency the Governor, by the present mail, a petition—which had been numerously signed by settlers of position and property, for the most part engaged in agricultural pursuits—praying that His Excellency would, before proclaiming any more Hundreds in this Province, allow the runholders whose interests are endangered by a recent resolution of the Provincial Council, an opportunity of stating any reasonable objection there might be to such a measure. Unfortunately the petition referred to was deposited in the offices of Messrs. Cargill and Co., which were destroyed by fire a few days ago, and is consequently lost.

As it would require some time to procure the signatures to another petition, and as any delay might be attended with very serious results to many individuals, we beg to be permitted to submit for His Excellency's consideration some of the facts which led the memorialists to believe that any extension of Hundreds at present is utterly unwarranted by the requirements

of the Province.

The Land Regulations of Otago restrict the sale of land to those districts comprised within proclaimed Hundreds. By the same Regulations the holders of runs cease to have an exclusive right to occupy, so soon as they shall be included in any new Hundreds which it may be found necessary to proclaim when more country is required for sale and agricultural occupation; but the runholder opens up his run, makes large and expensive improvements, and invests his capital with the understanding that he will not be disturbed until such a necessity absolutely arises. It was with no little consternation, therefore, that the runholders of this Province heard that the Provincial Council (in which their interests are scarcely at all represented) had, without discussion, agreed to a motion recommending the proclamation of new and extensive Hundreds, while many hundreds of thousands of acres in the Hundreds already proclaimed still remained unsold. In the Hundreds between Dunedin and the Molyneux or Clutha River, and extending to the boundaries of the gold-field, there are nearly *two hundred and fifty thousand acres* still unsold. In the Hundreds south of that river, and immediately adjoining those now proposed to be proclaimed, there are about 50,000 acres of unsold land, of which quantity about 33,000 acres of good agricultural land have been surveyed into fifty-acre sections and open for selection for several years; from which it is evident that there is not an immediate demand for more Crown Land to be thrown open for purchase in that neighbourhood. To the north of Dunedin, the whole seaboard for about eight miles back has been *recently* declared into Hundreds, comprising about 360,000 acres, of which only about 18,000 acres have as yet been sold. Were the present Hundreds surveyed into allotments, we believe there would be more eligible land in the market than would be required for some years to come.

It should be remembered that it is a regulation in this Province that *no land is to be sold until so surveyed*.

The boundaries of the extensive Hundreds recommended by the Provincial Council included large tracts of land wholly unfitted for agricultural purposes; and it is therefore with considerable alarm we view a proposal which will add but little to the development of the agricultural resources and occupation of the country, but which, if carried out, must result in almost ruin to many individuals, and embarrassment of an interest which has been, and may still be, of vast importance to this Province.

We therefore pray that His Excellency

will, before proclaiming more Hundreds, consider these facts, and make such enquiry as he may deem necessary concerning them.

We enclose herewith a copy of the Memorial referred to, and have respectfully to request that you will have the goodness to lay it, together with this letter, before the Governor for His Excellency's consideration. Steps have been taken for getting the Memorial signed again, which will then be forwarded to His Excellency.

We have, &c.,

(Signed) E. M'GLASHAN, M.H.R.
CHAS. H. KETTLE, M.H.R.
T. FRASER, M.H.R.
W. G. FILLEUL, J.P.
WM. BLACK.
J. CARGILL, J.P.
E. MUSGRAVE, J.P.
J. FULTON, J.P.

The Hon. the Colonial Secretary,
Auckland.

[His Honor the Superintendent, to the
Colonial Secretary.]

Superintendents' Office,
Dunedin, February 18th, 1862.

SIR,—I have the honor to acknowledge the receipt, by the last mail, of your letter of the 7th, giving cover to a communication of the 11th December, 1861, from the gentlemen named in the margin,* being licensed runholders in this Province; and also to the copy of a letter from the Secretary of Crown Lands, to the Commissioner of Crown Lands at Dunedin: In reply I have to state, that your request that I should intimate to the Commissioner of Crown Lands my intention when about to recommend additional Hundreds, as a preliminary step, in order that he may be able to give notice to those principally interested, shall be complied with.

2. Although His Excellency, on the recommendation of this Government, has complied with the request which has called forth this letter, from three Members of the House of Representatives, four Justices of the Peace, and another runholder, the exponents of a body of gentlemen of position and property, engaged in pastoral pursuits, who had numerously signed a petition to the same effect, which was unfortunately lost, still I think it necessary that the allegations contained therein, the assumed facts, and the peculiar circumstances of the case, should be laid before His Excellency's Government, to whom it will doubtless appear that my recommendation that additional Hundreds should be declared, has not been affected by the statements which these gentlemen have adduced.

3. I take this occasion of thanking His Excellency's Government for affording me the opportunity of seeing this document, the existence of which, it having been forwarded without the cognizance of either the Commissioner of Crown Lands or myself, I was not before aware of, and I shall further be obliged if you will furnish me with a copy of the memorial which was to follow, as it may also be necessary to meet some of its statements.

4. If the runholders of the Province viewed with "no little consternation" as they represent, the decision of the Provincial Council to recommend additional Hundreds, His Excellency's Government will understand with what surprise I viewed the announcement by them, that this conclusion had been arrived at by "the Provincial Council (in which the "runholders' interests were scarcely at all "represented), without discussion," while "many hundreds of thousands of acres "in the Hundreds already proclaimed still "remained unsold."

5. There are here three assumed facts which I must notice in detail, as it is their convergence which is designed to effect the purpose in view—of defeating a compliance with the legitimate wants of the people, as endorsed by the Provincial and Executive Councils, and by the Superintendent.

6. The runholders are stated to be "scarcely at all represented." I would observe, that among the members of the Council, there were *directly* interested in runs no less than six, out of twenty-one, not to say anything of those indirectly connected with the pastoral interest by relationship, and that unity which exists between the wool producer and the wool buyer. They represent that the Provincial Council had decided "without discussion," while the fact is, that the whole question of Hundreds, including also the size of each, was entertained and decided on at the previous session, when, after a lengthened discussion, it was settled that Hundreds should not be confined to the North, the word "elsewhere" having been purposely interposed to include an extension in any other direction. There were good and substantial reasons, both in equity and prudence, for confining them to the northern sea-board at the time, which may be seen in note appended hereto (A); but circumstances changing, and the Gold Fields extending southward, I recommended the proclamation of new Hundreds in close proximity to the Diggings. The subject was introduced in the Provincial Council on the 29th October 1861, and the decision finally arrived at on the 30th, and carried unanimously. I therefore do not doubt that His Excellency's Government will be surprised at the assertion.

that the Hundreds in question were decided on "without discussion."

7. I readily admit that reasonable time should at all times be afforded for the consideration of the claims of runholders; but I feel sure that His Excellency's Government will remember, when asked to believe, in the language of the memorialists, "that any extension of Hundreds at present is utterly unwarranted by the requirements of the Province," that they, the memorialists themselves, are but occupants upon sufferance, at a mere nominal rent, and, of course, would naturally regard any disturbance of their possession with but little favour, and that, consequently, their judgment in considering so important a question might be expected to be considerably influenced by their interests.

8. I cannot test the accuracy of the assertion that "many hundreds of thousands of acres in the Hundreds remain unsold," unless it is the intention to include the Northern Hundreds, which were only just proclaimed, and which the memorialists knew were not surveyed, and could not, as they elsewhere remark, be sold "until surveyed;" but I have no hesitation in asserting that not even *one hundred thousand* of that which is surveyed is unsold.

9. The memorialists proceed to details, and state that between Dunedin and the Molyneux or Clutha River, and extending to the boundary of the gold-fields, there are 250,000 acres still unsold. They, however, omit to mention that a large portion of this is unsurveyed, or is swampy and rough hilly land, in some parts of considerable height, and affords pasturage to the cattle of the freeholders, in accordance with the system of Hundreds—a system known to the memorialists when they were first licensed—and, moreover, is not, from the scattered nature of much of it, adapted for sheep-farming on the prevailing system, except in the very margin of the Hundreds; and it might have occurred to some of the memorialists to have at least simply acknowledged that the Wardens of the Hundreds had for years allowed them to depasture their sheep on these portions, even though, thereby, the depasturing of the freeholders' cattle was injuriously affected.

10. Of the 50,000 acres represented as remaining unsold south of that river—"of which quantity about 33,000 acres of good agricultural land have been surveyed into fifty-acre sections and open for selection for several years,"—I can only remark that a considerable portion is swampy; but, so far from the conclusion arrived at being just, "that there is not an immediate demand for more Crown Land being thrown open for purchase in

"that neighbourhood," I may state that, despite the great disadvantage arising from timber being at a distance of from two to ten miles, and the less desirable character of the lands referred to, and the total absence of practicable roads from the absurd nature of the original survey, somewhere about two thousand acres have been sold since the date of the memorialists' letter, and about 5000 in the original survey: and Mr. Kettle, one of the memorialists, will doubtless remember whose sheep were depastured unmolested for years on a considerable portion of the Clutha Hundreds.

11. Of the 360,000 acres to the north of Dunedin recently declared into Hundreds, of which only 18,000 are represented as having been sold, I can only observe that of the 83,315 acres surveyed, 48,000 acres have been sold at prices considerably above the upset price, and that, had not the gold mining operations been transferred from the north to the south, and the staff of surveyors consequently been removed, there would have been no difficulty in finding purchasers for as much land as could have been thrown into the market.

12. As the remaining observations of the memorialists are merely speculative, I would beg to observe that, according to an approximate calculation of the Crown Lands of Otago, it would appear that 12,980 square miles are occupied as sheep or cattle runs;

1,513 square miles as Hundreds; and 8,597 square miles include what are not occupied, or what are barren:

and I would ask His Excellency's Government to consider whether it is reasonable to expect that the gentlemen, represented by the memorialists—holding 12,980 square miles, for which they paid last year about £3510 19s. 9d., or rather less than half of a farthing an acre, on a tenure which they knew to be insecure, from the nominal rent demanded—should protest in the language of the memorial against the absorption of more land by the agriculturist on the system of Hundreds (which was known to be in existence in the Province when the licenses were applied for, and which combines as an essential part full pasturage for cattle, with the freehold rights). The arguments adduced would come with more propriety from those who paid higher rents for a secure and definite tenure, and were not in possession of such large and valuable tracts of land.

13. The Victorian Government, by a bill just introduced, proposes to lay out ten millions of acres for selection, and, for the future, never less than two millions. Is it not too much to expect that the Otago Government, at a period, too, like the present, should be dwarfed to half a mil-

lion, and that of the character I have described, and chiefly unsurveyed? The allurements held out by other Governments are sufficiently attractive without restricting our visitors and settlers to a limited selection, including intermediate rocky ranges and swampy deposits; and if my argument was just and unanswerable before the discovery of gold, the doubling of our population since that period would, I most respectfully submit, leave my present position unassailable.

14. The freeholders of this Province confidently believe—in which belief the Provincial Government unites with them—that His Excellency's Government will not allow country required for occupation, on the long established and well recognised system which has always prevailed, to be withheld, because the licensees, on sufferance, state that they "view with considerable alarm a proposal which will add but little to the agricultural resources and occupation of the country;" and that the Government will not leave to them to decide whether the land "includes large tracts wholly unfit for agricultural purposes," ignoring altogether, as the representation does, the pasturage rights of the freeholders, rights as sacred as any that the runholder possesses. The tenure of the runholder is accurately described in the copy of a License which I enclose (B); in that tenure and on those terms, he justly claims protection: but he steps beyond his province when he dictates, in what direction, to what extent, and in what manner provision shall be made for the settlement of population and the increase of the revenue, which falls to the Provincial authorities alone to recommend for the consideration of His Excellency.

I have, &c.,

J. RICHARDSON,
Superintendent.

* E. M'Glashan, M.H.R.; Chas. H. Kettle, M.H.R.; T. Fraser, M.H.R.; W. G. Filleul, J.P.; Wm. Black; J. Cargill, J.P.; E. Musgrave, J.P.; J. Fulton, J.P.

NOTE A.

Area of Hundreds in the South of the Province of Otago.

	SQUARE MILES.	ACRES.
Dunedin	113	72,320
East Taieri	115	73,620
West Taieri	94	60,160
N. Tokomairiro ..	110	70,400
S. Tokomairiro ..	110	70,400
Waihola	110	70,400
West Clutha	84	53,760
East Clutha	73	46,720
	<hr/> 809	<hr/> 517,860

Area of Hundreds in the North.

	SQUARE MILES.	ACRES.
Oamaru	42	26,880
Moeraki	26	16,640
Hawkesbury	47	30,080
	<hr/> 115	<hr/> 73,600

The addition to the Northern sea-board was made with a view towards equalising North and South.

NOTE B.

Depasturing License.

Whereas _____ of _____ has made application for a license to depasture stock upon the Waste Lands of the Crown, within the Province of Otago, the boundaries of which are as follow:—

To the northward—

To the Eastward—

To the Southward—

To the Westward—

And has this day paid into my hands the sum of _____ : the said _____ is hereby licensed to depasture stock upon the said land for the term of _____ years from the date hereof, *subject, nevertheless, to be sooner determined, pursuant to the provisions of the Regulations under which this License is issued, and to be cancelled as by law and such Regulations is provided.*

Dated at _____ this _____ day of _____ one thousand eight hundred and _____

Yearly Fee, payable in advance on or before _____ of each year :

Superintendent's Office,
Dunedin, 25th March, 1862.

HIS HONOR THE SUPERINTENDENT has been pleased to authorise

THOMAS JOHNSON,

to print and publish the *Otago Provincial Government Gazette*, until further notice.

By Order,

JOHN HARDY,

Provincial Secretary.

