

I think from my experience, that men may be found of sufficient practical ability to work the proposed measure. The ordinary work of conveyancing in the Colony is in general done by competent men, and in this early stage there is no great complication of Title. At any rate we must work with the best materials we have, and men's rights will be at least as safe under a system which provides responsible officers and compensation in case of wrong done, as under a law which practically leaves these rights to the mercy of chance practitioners for whose competency there is no guarantee.

The remedies provided by the Act against cases of wrong are:—

1. By appeal, and reference to the Registrar General or the Supreme Court under Sec. 101, *et seq.*
2. By application to the Supreme Court under Sec. 106, *et seq.* especially under the summary powers given to the Supreme Court by Sec. 112.
3. By compensation under Sec. 81 *et seq.*

The safeguards provided under Sir Hugh Cairn's plan, as well as under that intended to be passed by Sir Richard Bethell, are doubtless more elaborate and complete than those provided by the Colonial measure. Practically, I doubt whether one will not be as efficient as the other. Under the Colonial plan the Supreme Court is made to answer in substance, the purposes of a Landed Estates Court. We cannot afford a separate machinery for this work.

Besides under the present Registration Law, risk of wrong to absentees is really as much or greater than it will be under the new Law.

The Registration Ordinance now in force in the Colony will be found in Ordinances of Legislative Council, Sess. II No. 9, (Domett's Vol. J. 9,) a copy of which Act is also transmitted herewith.

The defects of this Ordinance are very great. The Report of the Registrar General points out some of them. But the force given by this Ordinance to Registered Instruments is such as to put the rights of absentees and others in jeopardy fully as much, if not more, than the new Law, which requires Titles to be regularly sifted before admitting them on the Register. Besides this, the existing Registration Law will have the effect of greatly facilitating the deduction of Title and so diminish the work and responsibility of the Registrars.

The measure is beyond doubt a great experiment and will require in all probability amendment when brought into practical operation. It is proposed however to proceed tentatively, and the Colonial Government will gladly adopt and give effect to any suggestions which the Imperial Government or the Law Officers of the Crown in England may make with a view to improve the machinery of the measure or to assure its successful working.

Subject to these remarks, it is trusted that the Imperial Government will see fit not to withhold the Queen's sanction to this measure, from which all parties in the Colony anticipate very beneficial results.

20th September, 1861.

HENRY SEWELL,
Attorney-General.

No. 3.

COPY OF A DESPATCH FROM HIS GRACE THE DUKE OF NEWCASTLE TO GOVERNOR SIR GEORGE GREY.

Downing-street, 14th March, 1862.

SIR,—

NEW ZEALAND.

No. 16.

I have received your predecessor's Despatch No. 124, of the 25th September last, enclosing a Memorandum on the subject of the recent Acts for the Registration of Land, communicated to him by his Responsible Advisers.

I referred that Despatch and its enclosures to the Law Officers of the Crown, and I now transmit to you the Report which I have received from them. You will perceive that this Memorandum has not, in their opinion, removed the objections entertained by Lord Westbury and Sir William Atherton to the law of 1860.

An expression of my own opinion can add little to the authority of those eminent lawyers or to the weight of their arguments, yet I cannot refrain from stating how entirely I concur with them as to the dangerous character of this Act. I think that the colonists can hardly be aware of the risks to which, under such a law, they will be subject, and I think it due to them and the Legislature that you should take some means of giving publicity to the correspondence which has passed on the subject, including the opinions of Lord Westbury, Sir W. Atherton, and Sir R. Palmer.

What precautions should be taken to protect the interests of persons resident in New Zealand is a matter which I am fully prepared to leave to their own decision, when they are fully informed of the opinion of the English Law Officers. But it will be impossible for me to advise that the Act of 1860 should be left in operation by Her Majesty unless the Act or Regulations are amended in the manner which is considered necessary by the Attorney and Solicitor-General, in order to give a reasonable security to non-resident proprietors.

I have, &c.,

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

NEWCASTLE.