

PAPERS RELATIVE TO THE OTAGO GOLD FIELDS.

No. 1.

Copy of a Letter from the SUPERINTENDENT, Otago, to the Hon. E. W. STAFFORD.
(370-137.) Province of Otago, New Zealand,

SIR,—

Superintendent's Office, Dunedin, 4th March, 1867.

I have the honor to forward herewith for your information a copy of the *Otago Provincial Government Gazette*, of the 27th ultimo, containing certain proclamations issued by His Honor the late Superintendent, under the delegated authority of His Excellency the Governor under "The Gold Fields Act, 1866."

I have, &c.,

JAMES MACANDREW,

Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 2.

Copy of a Letter from the Hon. E. W. STAFFORD to the SUPERINTENDENT, Otago.
(No. 158.)

SIR,—

Colonial Secretary's Office, Wellington, 23rd March, 1867.

I have to acknowledge the receipt of your Honor's letter No. 370-137, of the 4th instant, forwarding a copy of the *Otago Provincial Government Gazette*, of the 27th ultimo, containing certain proclamations issued by your predecessor proclaiming new Regulations for the depasturing of stock, and for the issue of Depasturing Licenses within the proclaimed Otago Gold Fields.

I have submitted these proclamations to the Attorney-General, and am advised that the proclamation dated the 26th ultimo is illegal. The proclamation does not recite the authority under which it is made, but it is presumed it is intended to be taken as being in exercise of a delegated power under the fourteenth section of "The Gold Fields Act, 1866." The land referred to also is described as "Reserve," there being no authority for making such a reserve, nor can it be understood what is meant by such a description.

The fourteenth section of "The Gold Fields Act, 1866," in giving the power to grant Depasturing Licenses, does not empower the granting, as the proclamation purports to authorize, of pre-emptive rights and rights to compensation.

Moreover, although the expressions used in the fourteenth section "to make regulations for the depasturing of stock" are very general, yet from the fact that Business Licenses and Mining Licenses or Miners' Rights cannot be granted "for longer term than a year," and that special provisions are made for granting leases, it cannot be inferred that the Governor had a power to make regulations for depasturing stock, but merely to grant rights of pasturage, and for short periods only. There is no mention in that section of rent, but simply of fees; consequently the Regulations issued by your predecessor altogether go beyond the spirit and letter of the authority given by the fourteenth section of "The Gold Fields Act, 1866." It was clearly intended that these Depasturing Licenses should be granted upon payment of fees to such persons as applied for them, and should not in effect be leases of specific land for a long term.

The object of the section is to give a power to allow depasturing stock for the convenience and benefit of gold-mining communities; not an original power to create a class of pastoral tenants to take the place of those tenants whose licenses under the Waste Lands Law have been cancelled. There is also no doubt whatever that the particular regulations providing for the payment of compensation and for giving pre-emptive rights are *ultra vires* and of no legal validity. I would also observe that the delegation to the late Superintendent of Otago having expired, your Honor has no authority to administer those Regulations.

For the above reasons it has become the duty of the Government to stop the public auction of Depasturing Licenses advertised by Messrs. Driver and McLean to take place on the 29th instant.

I have, &c.,

E. W. STAFFORD.

His Honor the Superintendent, Otago.

No. 3.

Copy of a Letter from the SUPERINTENDENT, Otago, to the Hon. E. W. STAFFORD.
(370-140.)

SIR,—

Superintendent's Office, Dunedin, 4th April, 1867.

I have to acknowledge the receipt of your letter of date 23rd March, 1867, No. 158, advising that you had stopped the sale of the Depasturing Licenses within the proclaimed Otago Gold Fields.

As the proclamation for the sale of these runs was issued by my predecessor, the Provincial Treasurer has handed me a Minute upon the subject, and as this Minute fully explains the policy which dictated the proclamation, and also meets the arguments adduced by you for the stoppage of the sale, I enclose copy of it herewith, to which I beg to refer.

For my own part, I have only to express my regret both at the action which the General Government has seen fit to take in this matter and at the mode in which it has carried that action into effect,—the one as being indicative of hostility, and the other as being eminently discourteous towards the Provincial Government.