

No. 11 and the production of the north-eastern boundary of suburban Section No. 14, and bounded towards the north-east by a line of 5 feet in depth at low water spring tides; towards the south-east by a line of 3 feet in depth at low water spring tides, and by a line parallel to, and 390 links distant from, the south-eastern side of Taupo Quay, lying between Churton's Creek and the production of the south-western side of the Market-place; towards the north-west by the line of high water spring tides, and by the south-eastern side of Taupo Quay; and towards the south-west by the line of high water spring tides.

No. 5.

MEMORANDUM by Mr. SEED for the Hon. the COMMISSIONER of CUSTOMS.

Wanganui River Foreshore Grant.

THE Superintendent of Wellington, in pursuance of a resolution of Provincial Council, applies for a grant of forty-eight acres in the bed of the Wanganui River. This includes the twenty-nine acres defined in the Schedule to the Wanganui River Foreshore Grant Act of last Session; nineteen acres more are therefore now asked for than was authorized to be granted by that Act. The remarks I made on the Wanganui River Foreshore Bill, when you referred it to me in the shape in which it was first submitted to the Legislature, apply with greater force to the extended area now asked for, than they did to the smaller area described in that Bill. I annex the copy of the Bill on which those remarks were written, attached to it is the letter of the late Mr. Balfour (dated 14th October, 1869), to which I desire to draw especial attention, as it goes very fully into this question of foreshore grants, and shows what action ought to be taken to prevent damage to harbours before grants of this nature are made by the Crown. It is impossible to over-estimate the importance of this question, as any ill-designed reclamation may do irreparable damage to a river or harbour.

Before this application is entertained, I strongly recommend that the Marine Engineer be sent to Wanganui, to report as to what effect the reclamation of this large area is likely to have on the Wanganui harbour and bar. Even if his report should not be adverse to the grant being made for the purpose of this reclamation, he will, no doubt, see the propriety of specifying conditions that should be imposed in the grant as to the manner in which the reclamation should be carried out; for although the general design might be unobjectionable, yet serious damage might result from its being carried out piecemeal,—for instance, by beginning opposite to the wharf and business part of the town, or even lower down the river, instead of beginning at the upper part of the area applied for, opposite the Market-place, and working downwards with the flow of the river.

I desire to state that those papers were referred to me whilst I was absent from Wellington, which accounts for the delay that has arisen in my attending to them.

17th February, 1874.

W. SEED.

I CONCUR that before application is entertained, the Marine Engineer should personally inspect and report. If it should be decided to grant application, an Act will have to be passed in which similar provisions to that in section 3, "Wanganui Foreshore Act, 1873," can be made, imposing conditions under which the reclamation must be carried out.

17th February, 1874.

W. H. REYNOLDS.

Enclosure in No. 5.

Mr. J. M. BALFOUR to the POSTMASTER-GENERAL.

Grants of Land in Harbours, &c.

SIR,—

Marine Department, Wellington, 14th October, 1869.

The papers in connection with the application of the Superintendent of Auckland for grants of certain portions of the water areas of the harbours of Auckland and Tauranga, having been referred to me for remarks, I have the honor to report as follows:—

1. The principles involved being of very great importance, and the present case being likely to establish a precedent, I shall begin by a few general remarks, afterwards making some observations on the present application.

2. If, as I presume, the grantees are entitled to do anything they like with and upon any land for which they hold a Crown grant, and may subdivide and sell the same in smaller or larger sections, it must be clear that there is a possibility, if not a probability, of all such lands below high watermark in any harbour which are conveyed by Crown grant being reclaimed sooner or later, and not only so, but reclaimed in an irregular and patchy manner.

3. This may injure the public in two ways: it may obstruct water privileges, or convenience of water carriage, which proprietors of adjacent lands may possess or may think they have a right to, and it may very seriously injure the harbour itself by obstructing the flow of tidal currents and excluding tidal water, and so causing the deep water area to silt up.

4. Mainly for these reasons the English practice is very strict. I cannot recollect a single instance in which a grant of land has been made by the Crown in Great Britain except for some distinctly defined purpose, and on certain conditions, and then only in pursuance of an Act of Parliament. It is within my own experience that a proprietor in the Island of Mull, who desired to construct a small steamboat jetty in Tobermory Harbour projecting from his own land, required to carry an empowering Bill through the House of Commons. Again, certain landed proprietors on the River Dee, in Cheshire, obtained, by Act of Parliament, permission to reclaim the foreshores of that river; but it was on condition that they were to maintain a certain depth of water in the navigable portion of the river to all time coming, and the Admiralty were intrusted with the necessary powers to see that this was done.

5. Such being the English practice, I cannot but concur with the opinion of the Hon. the Attorney-General, attached to these papers, to the effect that "In no case should land under the sea be granted, unless it is shown what it is proposed to do with it, and that the purpose is a proper one."