

a survey was made, and high-water mark was placed much further out than formerly, and much further out than actually it should be, and marked off as Crown lands. Whether there is any legal authority to take lands out within the declared and recorded foreshore of the harbour otherwise than under the provisions of 'The Harbour Works Act, 1874,' I am not aware, and on behalf of the Harbour Board respectfully request a reconsideration of the whole matter.—I have, &c.,

"J. L. GILLIES,
"Secretary."

"Dunedin, 3rd November, 1876."

"SIR,—I have the honor to draw the attention of the General Government to certain actions of the late provincial authorities calculated to defeat the ends of justice. It will be in the recollection of the Hon. the Minister for Public Works that when the Otago Harbour Board first submitted their plans of improvement of the harbour for the Governor's approval under 'The Public Works Act, 1874,' it only claimed up to the line of the Dunedin, Peninsula, and Ocean Beach Railway; but that he required the obliteration of that line, and also that the Board include within its scheme the foreshore of the harbour up to the line of recorded high-water mark, or again to Anderson's Bay Road. It would appear now that, although the provincial authorities were fully cognizant of all that was going on and that the Governor had given his consent to the Board's plan, they kept it hid that, in March, 1875, while the plans were being prepared, they had caused the Chief Surveyor to make a new survey of the foreshore, and fixed the line of high-water mark much further out than laid down previously, and so as to include mostly the whole of the railway referred to; this, it is acknowledged, was done to provide a justification for the Provincial Executive having given authority for the construction of the said railway. I have also to call to your recollection that the Board some time ago applied to your Government for the issue of a Crown grant, but owing to a technical difficulty it was found impossible to issue a grant for the whole; but that it was agreed that the Government would be justified in issuing a grant for the portion lying between the railway and Anderson's Bay Road, or, in other words, to high-water-mark, as laid down on the record map of the province. It now appears that on the 17th ultimo a letter was sent to the Commissioner of Crown Lands here asking for a plan and description of the block, which was immediately forwarded to the Provincial Chief Surveyor for the information required. This letter was not returned until late in the afternoon of the 1st instant, and was brought to me with the information that the Commissioner was requested to apply to me. In the meantime, that very day, in the forenoon, a recommendation from the Provincial Government was received, recommending ten acres of this block to be set apart as a reserve for South Dunedin, based upon the artificially-constructed map showing part of the Harbour of Otago under high-water mark as Crown lands. The Waste Lands Board consented to temporarily reserving the same, but I respectfully submit that no power exists, excepting under the provisions of 'The Harbour Works Act, 1874,' to reclaim land from the harbour. If the map recently constructed in 1875 is acknowledged, then the Dunedin, Peninsula, and Ocean Beach Railway Company has a claim to the land through which it is constructed, as the company had a right given to it by the provincial authorities. It is essential, in the protection of public interests, especially in view of the possibility of Government purchasing the line at some future time, that no colour even should be given to such a claim; and this, I respectfully submit, can only be done by your Government maintaining the position it has hitherto done, that the foreshore of the harbour is as recorded on the record map of the province, and by at once issuing the Crown grant to the Harbour Board, as has always been contemplated. I have notified to the Acting Chief Commissioner the position of the question at issue.—I have, &c.,

"J. L. GILLIES,
"Secretary."

"The Hon. the Commissioner of Customs."

On the 8th November I appeared at a meeting of the Waste Lands Board. The Provincial Secretary, a member of the Board, being present, the whole circumstances of the case and plans were considered, and the Waste Lands Board rescinded its former resolution. Mr. Seaton, M.H.R., last session, you are aware, introduced a measure with a similar object to that of the Bill now before Parliament. When the following report was brought up by the chairman of the Waste Lands Committee: "That the land proposed to be dealt with by this Bill was included in the plan of land for harbour works and reclamation submitted to and approved of by His Excellency the Governor before the existence of the South Dunedin Municipality, and has been granted by the Crown to the Otago Harbour Board accordingly. The Committee therefore recommend that the Bill be not passed."

I await your further instructions in regard to this matter.—I have, &c.,

JOHN L. GILLIES,
Secretary.

The Hon. W. H. Reynolds, Chairman O.H.B.