

are contained in the "Native Districts Regulation Act." But the jurisdiction of the Circuit Court can only arise under regulations approved of by the Governor in Council, it is therefore absolutely discretionary with the Executive whether such a jurisdiction shall ever be created.

C. W. R.

If found beneficial, the Act might of course be extended. It appears unreasonable to insist that the Colonial Legislature shall altogether abandon its control over a subject which on all hands is admitted to be one of great difficulty and magnitude. It is not questioned that the limit of area imposed by the Bill, viz., 50,000 acres per annum, amply suffices for all present requirements of the Native population.

C. W. R.

to a Court composed of a promiscuous Native jury to adjudicate on the conflicting questions of Territorial Rights that may be referred to it; as it is evident that the New Zealand Chiefs would not abide by the decision of Courts, the members of which might in many instances be the slaves of the Chiefs on whose rights they were called upon to pass judgment. The confidence with which the Natives refer to the Governor for the adjustment of such questions should not be in any way shaken or disturbed.

The charge of 10s. per acre (v. 11th clause) on alienation to Europeans is open to the objections I have pointed out in the previous Bill, and the proposal to expend the money within the District in which such alienation takes place, is calculated to benefit not so much the Native settler as the European purchaser.

The limitation in Clause 12 would be destructive to the operation of an Act, which if found beneficial in its tendency should not, I submit, be subject to such restrictions, inasmuch as only a fractional part of the Native population could then avail themselves of it; whereas all Acts having reference to the Territorial rights of the Natives should be general, impartial, and admit of extended operation.

Having thus stated my objections to the Bills referred to, I submit herewith some suggestions on which a Bill might be framed to meet the present requirements for issuing Crown Titles to Natives.

(Signed) DONALD McLEAN.

Sub-Enclosure 2 to Enclosure 2 in No. 1.

COPY OF A MEMORANDUM BY THE NATIVE SECRETARY.

June 28th, 1858.

Minute by Ministers—
This is virtually a proposition to enable the Governor to waive the Crown's right of pre-emption in favor of Natives to any extent which he may deem fit. It appears obvious that all the material objections urged by the Native Secretary against the Ministerial measure apply with vastly increased force to his own proposal.

C. W. R.

It being desirable that provision should be made in certain cases, to effect a partition of land held in common by the Natives as Tribes, with the view of enabling the Government to issue Crown Titles to individual Natives, and that preliminary steps should be taken for this purpose,—

1st. It should be ascertained that the parties claiming such land are the real owners thereof, and that they are desirous of making such partition, the said owners should then prefer a request in writing to the Governor that a Crown Grant of such land be issued to each or any of the said owners, setting forth, also, in writing, in what manner they are agreed to partition such land; it should thereupon be lawful for the Governor if he deems it advisable to appoint Commissioners to investigate such claim and report thereon.

2nd. It should be the duty of these Commissioners to inquire into, ascertain, and set forth the situation, boundaries, and estimated extent of the said land, the names of the persons who are the owners thereof, or who may have any claim or interest therein, and the proposed partition of the same, together with any other particulars which may be calculated to assist the Governor in determining on the propriety of issuing a Crown Title.

3rd. If, upon the consideration of such report, it shall appear to the Governor that it is desirable that the said land, or any part thereof, should be dealt with in this manner, the Governor may direct that a survey and accurate description of the boundaries of the land be prepared, at the expense of the owners, by a surveyor to be appointed or approved of by him.

4th. When it is established to the satisfaction of the Governor that such Natives are entitled to such piece or parcel of land as joint owners thereof, and that it shall appear desirable that such land shall be granted to such Native owners respectively in severalty, then it shall be lawful for the Governor, upon such lands being ceded by such Native owners to Her Majesty for that purpose, to cause a subdivision thereof to be made in accordance with such proposal as aforesaid, and to make a Crown Grant thereof in the usual form to each such owner, and his heirs, and assigns in fee-simple; provided, however, that if it shall appear to the Governor to be desirable in any particular case to restrict the alienability of the land comprised in any such Grant, it shall be lawful for him by the provisions of such Grant, to restrict in such manner, and to such extent as he shall see fit, the alienation thereof, the Grant should not issue until the Government is reimbursed for the expense attending such inquiry and partition as aforesaid.

Every such Grant should be considered a good, valid, and effectual conveyance, &c., &c.

Half-castes of the Aboriginal Native race may be deemed to be persons of the Native race for the purposes of the Act.

It should also apply to any individual Native claiming to be the sole owner of any piece or portion of land.

In connection with the subdivision or partition of Native land it would be also desirable to empower the Governor, if solicited by all the parties concerned, to cause disputed boundaries between tribes to be fixed and defined as a means of obviating or terminating such disputes.

(Signed) DONALD McLEAN.