

No. 5.

Judge FENTON to the Hon. Major ATKINSON.

(Telegram.)

Auckland, 4th December, 1874.

I THINK section 109 "Native Land Act, 1873," contemplates a reference by the Commissioner to a specific Judge. Please send such *re* Meurant. Am ready to go on.

F. D. FENTON,
Chief Judge.

No. 6.

The Hon. Major ATKINSON to Judge FENTON.

Office of the Court of Land Claims, Wellington,
7th December, 1874.

SIR,—

In pursuance of the provisions of "The Native Land Act, 1873," regarding the investigation of old land claims, I have the honor to request that you will be good enough to investigate and settle the claim (No. 1323) of Mrs. Meurant to certain land at Remuera, and, upon the conclusion of the inquiry, to return the records in the case with your report thereon.

I have, &c.,

H. A. ATKINSON,
Land Claims Commissioner.

The Chief Judge, Native Land Court, Auckland.

No. 7.

MR. MACCORMICK to the Hon. the COLONIAL SECRETARY.

SIR,—

Wyndham Chambers, Auckland, 6th January, 1875.

I have the honor to state that, in pursuance of your instructions, I appeared at the Native Land Court held here on the 4th instant, to investigate this claim, which had been referred to that Court by the Land Claims Commissioner. Mr. Hesketh appeared as counsel for the claimants, who he stated were the widow and children of E. Meurant, deceased, but he did not know the particulars of the claim; and in fact there is not to be found amongst the papers before the Native Land Court any claim, or any application or statement by Meurant in the nature of a claim, under the Lands Claims Settlements Acts. After much inquiry and discussion it was finally agreed that the claim to be investigated was to be taken to be a claim by the widow and children of Meurant, deceased, for compensation for the alleged wrongful taking, by the Government of New Zealand, of a portion of certain land, about 30 acres, which had been given by certain Natives, when under Native title, to Mrs. Meurant, herself a Native, upon or after her marriage with the deceased Meurant.

I thought it proper then to point out to the Court that it appeared to me that such a claim was not one which came within the powers of the Native Land Court to investigate and settle under the provisions of "The Native Land Act, 1873," sections 109, 110, 111 of that Act, those sections, according to my construction of them, providing only for claims to land arising out of dealings between Europeans and Natives, where in fact the title to the land was in dispute, and the claim now preferred not being in any sense a claim to land arising out of dealings between Europeans and Natives. Mr. Hesketh appeared to concur in my view, and the Chief Judge also expressed doubts as to his jurisdiction in the matter; and Mr. Hesketh applied for leave to amend his claim if necessary, and make it a specific claim for land; and the case was adjourned till the 18th instant.

I take the opportunity of the adjournment to address you in the matter, and request you to be good enough to instruct me if I am to waive any objections to the powers of the Native Land Court to investigate the claim as it is now preferred, or otherwise, as to any particular course I am to take. I beg further to state that I have not yet been able fully to inquire into the matter, but I am informed upon very good authority that there is really no ground for any claim for compensation, as any such claim, if it existed, was satisfied many years ago. I have ascertained that a grant of a portion of the land alleged to have been given to Mrs. Meurant, and of other land in the immediate vicinity, in all about 25 acres, was made on the 26th September, 1848, to Edward Meurant, deceased, which recites that the land granted had been given by the Native owners thereof to Kenehuru, now the wife of Meurant, for the support of herself and her children, and grants and confirms the land to Meurant for his life, and after his death to his said wife for her life, and after the death of the survivor to the children of Kenehuru by Meurant or any other husband; and this grant is in force, and the Meurants have alienated portions of the land to various persons. I am credibly informed that Meurant accepted this grant in full satisfaction of any claim he might have to the land given or alleged to have been given to his wife; and that if no other witness can be obtained to prove this, Sir George Grey can prove it. I believe also that the fact of this grant having been made was not brought under the notice of any of the Land Claims Commissioners who have had anything to do with investigating Meurant's claim. I mention this because, if it is the case, it will perhaps account for the opinion expressed by the Commissioners Bell and Domett favourable to Meurant's case.

I shall be glad therefore, if I am not troubling you too much, if you would instruct me whether or not, in appearing for the Government, I am to admit that the Meurants are entitled to compensation, on the ground that the land has been wrongfully taken without compensation, and confine myself to the question of amount of compensation now to be awarded, or if I am to oppose the case generally on its merits, in which latter case I beg to recommend that the evidence of Sir George Grey be obtained.

I have, &c.,

J. C. MACCORMICK.

The Hon. the Colonial Secretary, Wellington.