

Under the Native Lands Act now in operation, the Crown is utterly powerless to protect itself, as agents are not allowed to act in Court. Natives who are well known to be principal owners and occupiers of lands which have been sold to the Crown, and who have signed agreements to sell, have occasionally withdrawn from their claim, or have not pressed it in the Court as against outside claimants or counter-claimants, or have secretly plotted to agree to the claims of non-owners, for the purpose of securing additional payments, or to upset previous arrangements made with the Government. These proceedings could in a great measure be checked if the Crown Agent had power to appear in Court on behalf of the Government, cross-examine such false claimants, and call witnesses to rebut their evidence.

When the Government Agent has negotiated for the purchase of a block of land, and agreements have been duly signed, in my opinion it would be advisable that he should be empowered by law to make an application to the Native Lands Court to investigate the title of the Crown to the lands in question. After due notice had been given, and the Court investigating the claim, the Court should be empowered to award to the Crown the whole or such portion of the lands forming the subject of the agreement as should appear to have been fairly purchased. A certificate of title or memorial of ownership could then be issued to any owners who were proved not to have joined in the agreement to sell. At present the Native seller or claimant is the only person who can make an application to the Court to investigate the title to a block of land; and as a practical illustration of how this provision works, I will mention a case in which I purchased a large block of land for the Government. Four of the Native owners (also vendors) put in an application for the investigation of their claim. Everything required by law was done, but to my astonishment, on the day of hearing, the principal man of the four claimants rose in Court and withdrew the claim. The Court assented to the application. I objected on behalf of the Government. The Court, after some deliberation, said the Governor must appear personally, and that I had no *locus standi*, as the law enacted that agents could not appear.

In cases where lands are held by Natives under Crown grant, and the Crown acquires by purchase the fee-simple of a portion of the block only, the Crown ought to be entitled to have its claim to a subdivison heard; and the land should be apportioned between the Crown and the grantees who declined to dispose of their interest.

It frequently happens that where the Crown makes purchases of granted lands, all or some of the owners require certain pieces to be reserved from sale. The case of all the owners asking for a reserve is not so difficult to deal with, as the alienated portion would belong to the Crown and the unalienated part to the whole of the grantees, but the Crown's title would be clogged with a covenant to produce title-deeds, a very undesirable state of affairs with Crown lands. In the case where only a portion of the owners required a reserve, the matter becomes more complicated. It is my opinion that reserves should be dealt with in somewhat the following manner: The reserves should, if possible, be marked off on the ground before the final completion of the deed; failing this, a memorandum should be attached to the deed setting forth the area of the reserves and the situation as nearly as possible, the names of the proposed owners, and all necessary information. The original grant should then be cancelled, the conveyed portions be declared to be waste lands of the Crown, and fresh grants be issued to the persons entitled to the reserves as soon as correct survey plans were lodged with the Inspector of Surveys.

I have the honor to transmit herewith a tabular statement showing the position of land purchases undertaken through my agency.

I have, &c.,

The Hon. the Minister for Public Works, Wellington.

JAMES MACKAY.

Enclosure in No. 3.

RETURN OF PURCHASES COMPLETED during Year 1876-77.

District.	Name of Block.	Area.	Purchase Money.
		Acres.	£ s. d.
Hauraki	Tawhitirahi	1,464	219 6 10
"	Omahu West	1,157	300 0 0
"	Papatai	460	69 0 0

RETURN OF PURCHASES in course of COMPLETION for which DEEDS are partly executed.

Hauraki District.

Name of Block.	Area.	Payments to Date.	REMARKS.
	Acres.	£ s. d.	
Te Aroha	62,552	12,859 13 0	204 signatures to deed.
Omahu West No. 1	212½	50 0 0	24 " " 1 required.
" No. 2	992	230 0 0	34 " " 7 "
" No. 3	390	90 0 0	9 " " 1 "
Onetai No. 1	1,137½	82 10 0	17 " " 2 "
" No. 2	359½	31 0 0	6 " " 4 "
Mangakirikiri No. 1	1,683	179 5 6	6 " " 2 "
" No. 3	1,673	120 15 6	3 " " 5 "
Ruaapeka	1,260	305 17 0	5 " " 1 "
Te Horeti No. 1	1,240	140 17 0	8 " " 12 "
Owhao	311	49 10 0	7 " " 1 "
Witipirorua	1,245	148 10 0	5 " " 4 "
Moehau	72,000	8,556 18 9	51 " " "
Waikawau	44,161	8,300 0 0	41 " " "
Te Weiti	5,000	681 6 0	7 " " 1 "
Coromandel Foreshore	848	130 0 0	3 " " "