

you to send us a reply in writing making known to us your concurrence to all these matters set forth in the foregoing paragraphs.

This is all, from

Na Tunuarangi Paraone,	Na Apiata Tukuroa,
Na Piripi te Maari,	Na H. T. te Whatahoro,
Na Raniera te Iho,	Na Hohepa X te Whakunui,
Na Ngairo X Rakaihikuroa,	Na E. R. Rangitakaiwaho,
Na H. M. Rangitakaiwaho,	Matini te Ore,
Na Matiaha Mokai,	Ropata Manihera.

Forwarded under the authority of the Ngatikahungunu Tribe, of Wairarapa.

No. 23.—MEMORANDUM for the Hon. the NATIVE MINISTER in *re* the Wairarapa Lakes now before the Native Land Court.

QUESTIONS on points of law which will probably arise during the investigation are—(1.) As to the meaning of the words in the deed of purchase: In consideration of the sum of £800 for the purchase of such rights, and in consideration of an annuity or pension of £50 a year to be paid to Hiko Piata, one of us, we hereby surrender and convey to Her Majesty the Queen of England such eel-fishery rights and other rights and interests of any kind whatsoever which we claim to have in such lakes, or in the borders of such lakes, whether in land or whether in the waters thereof, between the lands already sold to Her Majesty the Queen bordering on such lakes—that is to say, between the blocks of land called Turakirae, Turanganui, Kahutara, Tauhere-nikau, and including the sand-spit between Kiriwai and Okorewa, at the Ferry, as shown on the plan hereon. (2.) Do these words simply mean that the Government by purchase has acquired the fishery-rights over these lakes? (3.) Or has Government by the words of this deed just quoted purchased the lakes and the ground under the lakes? (4.) In reference to clause 107, of Act 73, as to inchoate agreements, can this clause be made to apply in cases where negotiations have been entered into since 1873? (5.) Do the words of clause 87, Act 73, affect Government purchases as well as private ones—that is to say, are all transactions between Government and Natives for the purchase of land since 1873 absolutely void, excepting where the land has passed through the Native Land Court?

JAMES BOOTH,
E. S. MAUNSELL.

Wellington, 11th June, 1881.

(2) I think so.

(3) I do not think so.

(4) I think not.

(5) On the whole I think they do not, and that therefore such transactions are not necessarily void if made before the passing of "The Public Works Act, 1876," which repealed "The Immigration and Public Works Act, 1871."—W. MILLER LEWIS.

No. 24.

For the Solicitor-General.

MR. MAUNSELL tells me that his intention and the understanding of the Natives was that the land was bought as well as the fishery, and he received instructions to that effect. He says if Natives, except Hiko, the principal seller, were put in the box, he would at once admit that he parted with the land and all rights connected with it.

The Crown has put in a claim to have its interests defined. The Court would, I presume, first determine the title, which has not yet been determined, *i.e.*, in whom the Native title vested, and then would decide how far the Crown had acquired that title. I think a lawyer should be sent up to watch the case for the Crown. The best result would be (1), if it were possible, to get an award to the Crown for the whole on evidence being produced that the right Natives had intended to sell the whole. The next best (2) to get part awarded absolutely, and to get the rest awarded to the Natives, with a restriction on alienability (section 36, Act 1880) except to the Crown; (3) at once put under Proclamation under "The Government Land Purchase Act, 1877."

I am now told that Government has already sold 1,100 acres of this land, though never notified as bought. I have only put the above points, which occur to me as points to be considered. The matter is very hazy.

13th June, 1881.

W. ROLLESTON.

No. 25.

SIR,—

Wellington, 22nd June, 1881.

I have the honour to lay before you for the information of the Government the result of the proceedings lately taken in the Native Land Court sitting at Greytown to get the interest of the Government in the Wairarapa Lakes defined.

The position of affairs on my attending the Court under your instructions was this: Notices of the investigation of the claims of Piripi te Maari and others to the southern lake, and of H. M. Rangitakaiwaho and others to the northern lake, and also of the Governor to both lakes, had been given. On the claims of the Natives being called on they were withdrawn, the Natives preferring to appear as counter-claimants on the application by the Government. In opening to the Court the Government claims I proposed to rely on the 42nd section of "The Immigration and Public Works Act, 1871," and the 6th section of "The Native Lands Act, 1887," on the deed of conveyance from Hiko Piata and others to the Government, and on other verbal and written evidence supporting it. I was immediately met by the Court with the following objections: (1.) That section 87 of "The Native Land Act, 1873," applied to Government transactions as well as others, and that therefore the deed relied on was void, as the land had not been brought under the Act,