

No. 51.

The Hon. Native Minister.

Te Oreore, 13th May, 1887.

FRIEND, greeting! We just have had the opportunity of replying to your communication to Piripi te Maari on the 12th March, 1886, on the subject of the sale or lease to the Government of the Wairarapa Lake. The committee have now met twice to consider that matter; and all the people interested in the aforesaid lake have come to the conclusion that the same be neither sold or leased to the Government, or to any other person. That is all.

PIRIPi TE MAARI, NUKU PIHARAU,
And six others.

No. 52.

DEED OF AGREEMENT made this _____ day of _____, 1887, between the Hon. the Native Minister, of Her Majesty's Government in New Zealand (for and on behalf of the said Government), of the one part, and the aboriginal chiefs, Natives, and half-caste, Natives, of New Zealand, owners of the Wairarapa Lakes, whose signatures, signs, and marks are hereto respectively affixed, of the other part. Witnesseth that it is mutually agreed between the parties hereto as follows:—

1. That the Wairarapa Lakes and the land beneath or adjacent thereto, the property of the Natives, shall be forthwith released, and for ever freed from the Crown Proclamation of the day of _____, 18____; and from any existing debt or debts due by the Natives to Her Majesty's Government aforesaid, and from all claims or liens of Her Majesty's said Government thereto or thereupon, whether for money paid or advanced to the Natives or otherwise.

2. That a post or posts shall be forthwith placed by the said Government or their agents, jointly with the present committee of the Natives, in the best position on the margin of the upper lake, as nearly as possible on the boundary of the Crown land bought from the Natives adjacent to the upper lake.

3. That henceforth at any time when the water of the upper lake rises and extends beyond such post or posts so as to flood the adjacent lands, Her Majesty's Government aforesaid shall have full power to cause the mouths of the lakes to be opened, so as to reduce the body of water within the limits marked out by the said post or posts, in order to effectually prevent at all times the flooding of the adjacent lands; but directly the water is reduced within these limits the lakes shall not be further drained, but shall be allowed to resume their natural level.

No. 53.—MEMORANDUM for HON. NATIVE MINISTER.

MR. BUCHANAN, M.H.R., has suggested that the opinion of the Law Officers of the Crown be taken as to whether there is any power vested in a local body under the Drainage or any other Act to open the Wairarapa Lake, and prevent its overflow upon the land of settlers. He considers that the claim to do so is much strengthened by the fact that the Crown has purchased twenty-two important interests in the lake itself. It is desirable that an opinion should be obtained upon this question before you have any meeting with the Natives on the subject.

Native Office, Wellington, 22nd March, 1888.

T. W. LEWIS, Under-Secretary.

No. 54.

SOLICITOR-GENERAL,—Will you kindly look into the Wairarapa Lake question and advise upon the point raised by Mr. Buchanan.

22nd March, 1888.

E. M.

No. 55.

THE only local body that has power to carry out drainage-works is a County Council, acting under the authority of section 268 and the following sections of "The Counties Act, 1886." The power is to execute "drainage-works of any sort," but these must be taken to mean drainage in the ordinary sense of removing superfluous water from land for the purpose of improving it. It does not appear to me that altering a large natural reservoir like the Wairarapa Lake, which receives the waters of several large streams, can be said to be within the meaning of the drainage-works contemplated by the Counties Act. The question is, however, rather one for an engineer, as no particulars are given as to the extent or nature of the works it would be proposed to execute. All I can say upon the question as put is, that there is a legal power to execute "drainage-works," but that in my opinion a work of such presumed magnitude and effect as draining a large lake was not contemplated by the Act.

24th March, 1888

W. S. REID.

No. 56.

THE SOLICITOR-GENERAL,—Will you kindly furnish me with your opinion.

Wairarapa Lakes.—The Government purchased the lakes from seventeen representative owners in 1876. (Deed No. 431). Subsequently, on the recommendation of the Native Affairs Committee of the House of Representatives (I.—4, 1886), they were passed through the Native Land Court. The Court made two orders: One, dated the 26th October, 1882, declaring that Her Majesty had acquired seventeen undivided interests in the estate under the purchase in 1876 above referred to; another, dated the 13th November, 1883 for a certificate under "The Native Land Court Act, 1880," to 139 owners with undivided shares, including the seventeen who sold to the Crown in 1876. A certificate of title (certificate No. 50), dated the 13th November, 1883, has been issued by the Court in pursuance of this order. The Government has since purchased out (uncompleted deed) five other owners, and is therefore now seized of, say, twenty-two undivided share. A deed (No. 219), dated