

Sub-Enclosure to Enclosure 1 in No. 8.

Protest of the Hon. W. B. D. MANTELL, on the third reading of "The Ngaitahu Reference Validation Bill."

Dissentient—

Because I have this day received sufficient assurance that legal proceedings against the validity of the said Order of Reference, the invalidity of which is acknowledged in the above-named Bill, have been instituted and are now pending in the Supreme Court, and because I hold it to be inexpedient that the Legislature should arrest or impede the Courts of the Colony in the exercise of their proper functions.

W. B. D. MANTELL.

Enclosure 2 in No. 8.

MEMORANDUM by Mr. STAFFORD.

Wellington, 10th November, 1868.

"THE Ngaitahu Reference Validation Act, 1868," was passed to remove a technical objection to a reference whereby a certain agreement called the Ngaitahu Deed, made in the year 1848, purporting to be an extinguishment of the Native title in the lands called the Ngaitahu Block, signed by members of the Ngaitahu Tribe, was referred to the Native Lands Court, under the provisions of the Native Lands Acts of 1865 and 1867.

The Order of Reference in this instance having been signed by a Minister of the Crown, by command of His Excellency, instead of being under the hand of the Governor himself, as required by law, this Act validates the Order and all proceedings taken thereunder.

The deed had long been acted upon, and the Governor had, independently of the Native Lands Court, legal power to remove all doubt as to the completeness of the transaction, without relinquishing his authority under "The Waste Lands Act, 1858," to recognize and provide for equitable claims duly proved. It was therefore discretionary, and a matter of grace as well as of convenience, to refer the deed, under the 83rd section of "The Native Lands Act, 1865," as an incomplete agreement, to the Native Lands Court. The legal proceedings to which it is presumed Mr. Mantell refers, are taken in the names of persons to whom that grace was extended, but who were advised to object to the legality of the Order of Reference rather than bring their claims before the Court.

E. W. STAFFORD.

For His Excellency the Governor.

No. 9.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G. to His Grace the Duke of BUCKINGHAM.

(No. 117.)

Government House, Wellington,

MY LORD DUKE,—

New Zealand, 29th November, 1868.

At the request of my Responsible Advisers, I have the honor to forward herewith, for transmission to the Lords Commissioners of the Admiralty and to the Board of Trade, the enclosed Memorandum from the Postmaster-General of this Colony, covering two Memoranda from the Marine Engineer, the first respecting an error in a recent issue of one of the Admiralty charts, and the second respecting additional lights which it is proposed to erect on the Coast of New Zealand.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. F. BOWEN.

Enclosure in No. 9.

MEMORANDUM by Mr. HALL.

General Post Office, Wellington, 11th November, 1868.

I HAVE the honor to submit to your Excellency an extract of a report from the Colonial Marine Engineer on the subject of an error in a recent issue of one of the Admiralty charts of the New Zealand Coast. As it is desirable that this inaccuracy should be corrected without delay, I beg respectfully to request that your Excellency will cause Mr. Balfour's statement to be forwarded to the Hydrographic Department of the Admiralty, with an intimation that, for the purpose of assisting strangers in identifying Cape Saunders, the Colonial Government proposes to erect a beacon on that headland. Timely notice will however be given of the completion of this beacon, and of any other works of a like character on the coast of this Colony. I also attach a memorandum from the Marine Engineer respecting additional lights which it is proposed by the New Zealand Government to erect; the works are not, however, in such a state of forwardness as to render it desirable that any notice should be taken of them on the charts.

For His Excellency the Governor.

JOHN HALL.