

## Sub-enclosure.

MEMORANDUM for the Hon. the PREMIER.

Attorney-General's Office, Wellington, 2nd November, 1894.

REFERRING to our conversation of yesterday, in which you informed me that His Excellency the Governor entertains doubts as to whether he should not have referred the Native Land Court Act of this session (1894) for Her Majesty's assent.

I am at a loss to understand the reason of any such doubts existing in His Excellency's mind. Perhaps it would be as well to point out the exact position. In the year 1858 an Act, known as the Native Territorial Rights Act, was passed by this Legislature, and reserved for Her Majesty's assent. This was disallowed, for the reasons stated in a despatch addressed to the then Governor by Lord Carnarvon, on the 18th May, 1859. This despatch will be found in the Appendices to the Journals of the House of Representatives, 1860, A.—4, page 26; and Ministers' memoranda on the subject will be found in the same Appendices, E.—1, pages 4 to 11 and 15 to 19.

Again, in 1862 the Legislature passed an Act, known as the Native Lands Act, which had for its object the establishment of a Court to ascertain the Natives' titles to their lands, to enable them to individualise them, and it empowered them to sell to other persons than Her Majesty, in direct opposition to the provisions of the Treaty of Waitangi and section 73 of the Constitution Act. This was also reserved for Her Majesty's assent, and was allowed. (See Appendices, 1863, A.—1, pages 7 to 13, and despatch from the Secretary of State on page 24 of the same paper.)

Prior to the receipt of the Act of 1862 by the Secretary of State, the Imperial Parliament passed an Act, 25 and 26 Vict., cap. 48, by which it was enacted under section 8 that it should be lawful for the General Assembly to alter or repeal all or any of the provisions contained in the said section 73; and it further enacted that no Act passed by the General Assembly, nor any part of such Act, should be or be deemed to have been invalid by reason of the same being repugnant to any of the said provisions.

Again, in 1873 the General Assembly passed the Native Land Act, section 4 of which, *inter alia*, repealed the 73rd section of the Constitution Act, in conformity with the provisions of the Imperial Act last mentioned. This Act was not reserved for Her Majesty's assent, nor has any Native land legislation been referred since that time.

I would state generally that on the removal of the troops from New Zealand, after the war, the entire control of Native affairs was handed over by the Governor to Ministers; and since that time several Acts of the General Assembly, of a more or less restrictive character, have been passed dealing with Native matters, none of which have been referred for Her Majesty's assent. The present Act in no way conflicts with English law, and in no way violates the Treaty of Waitangi, and takes away no Native rights which the Imperial authorities have not already sanctioned.

P. A. BUCKLEY,  
Attorney-General.

## No. 7.

(No. 63.)

MY LORD,—

Government House, Wellington, 29th November, 1894.

I have the honour to acknowledge yours of the 5th September enclosing one despatch, dated War Office, 29th August last, referring to the supply of Martini-Henry rifles by the War Office to the New Zealand Government; but in connection therewith I now beg, at the desire of my Government, to point out the great disadvantage under which a Colonial Government must necessarily be placed in purchasing arms and warlike stores in the Home markets.

My Government ventures to hope that the Right Hon. the Secretary of State for War may be pleased, under the pressing circumstances of the case, to wire the necessary instructions for the supply to my Government at once, at vocabulary rates, from the War Office stores, of four thousand Martini-Henry rifles, with bayonets and scabbards complete, and one thousand Martini-Henry unused cavalry carbines, both mark III.; and that, in view of the fact that my Government do not feel justified in spending more than £5,000 per annum on small arms, that he will allow payment to be made at the rate of £5,000 per annum until the debt is liquidated.

In order that the views of my Government may be fully understood, I have the honour to enclose a copy of the memorandum I have received from my Premier on the subject.

I have, &amp;c.,

GLASGOW.

The Right Hon. the Marquis of Ripon, G.C.M.G.,  
Secretary of State for the Colonies.