

Five days afterwards it appeared some of the grantees conveyed their estate in the block to Mr. Wm. Rathbone, of Waipawa, storekeeper, in consideration of £300 expressed to have been paid. This money, I was afterwards informed, had never been paid, owing to some dispute.

On the 29th September, 1870, Mr. Sutton executed a transfer of his mortgage to Mr. Rathbone, the balance owing on the account current to Mr. Sutton by the Natives having increased to £120 and interest.

Subsequently, and on the 21st of the following month, all the Native grantees agreed to sell the block to Captain Hy. Ritchie Wallace, of Napier, for £730. It was then agreed that all moneys owing to Mr. Rathbone on the security of the transfer of mortgage (including moneys paid by Mr. Rathbone to Mr. Sutton, in order to obtain the transfer of mortgage) were to be paid out of the £730.

An engrossment of deed of conveyance was produced this day by Mr. Wilson, solicitor for Captain Wallace, purporting to convey the above block to Captain Wallace. All the grantees were present excepting Paora Hakiaki. Kireka, who is not a grantee, but who is the husband of Harata Te Rawiri, a grantee, also appeared. The Natives also acknowledged to have received £250 in cash out of £730; and that the balance, less moneys payable to Mr. Rathbone, was to be paid on completion. I explained the transaction at length to the Natives, and they appeared perfectly willing to carry it out.

Evidence of the power of the Natives to alienate the land was produced.

They stated that they had other lands to live upon, being both lands which have passed through the Native Lands Court, and land subject to their Maori proprietary customs.

I expressed to Mr. Wilson my satisfaction with the transaction, and requested him to produce accounts of moneys paid and payable to Mr. Sutton and Mr. Rathbone for explanation to and for the approval of the Natives. I stated that I would probably request Mr. Gollan, J.P., or some other J.P. in the country near where Paraone Hakiaki lives to examine that Native for me. I added that as it was stated that one of the grantees was not of age (being only 19 or 20 years old) my certificate when issued would be silent as to the estate and interest purported to be conveyed by the infant.

I have, &c.,

HANSON TURTON,
Trust Commissioner.

His Honor J. D. Ormond, Napier.

TUKEMOKIHI No. 2 BLOCK—4,558A.

19th May, 1871.

Mr. J. Hamlin appeared with Reko Tukuaru. Mr. M. Hamlin produced an acknowledgment by Reko Tukuaru, dated this day, that she had sold and conveyed her interest in this block for £70 to Mr. G. B. Morgan, of Napier, surveyor, and that she had received payment of the full amount. Reko confirmed orally, in the absence of Mr. Hamlin, the statements contained in the acknowledgment. The land she said was leased to a Mr. Barton by ten lessors, and that each lessor was entitled to and received £6 a year rental. [This transaction is to be brought before me again at the Wairoa.]

I have, &c.,

HANSON TURTON,
Trust Commissioner.

His Honor J. D. Ormond, Napier.

Enclosure 2 in No. 1.

Mr. H. R. RUSSELL to Chief Judge FENTON.

SIR,—

Mount Herbert, Napier, 26th January, 1871.

At the last sitting of the Native Lands Court at Waipawa, a block of land, known as Te Aute No. 1 (Hurimoana), consisting of nearly 4,000 acres, was investigated; but no decision was come to, in consequence of the opposition made to the names of the grantees proposed by the Hapuku. This block is partly wooded, partly open land, and partly swamp, and the surveyor informs me that there are altogether about sixty or seventy claimants who intimated their wish to have the block subdivided more minutely than it had been. There were three subdivisions of the block when it came before the Court. Te Hapuku insisted on having it passed in one block, to which the others would not consent, and so the case was postponed. Much ill-feeling exists, which it is desirable to allay, and I think the best thing under the circumstances would be for the Court to pass the title at present in one block, with the names of ten parties, who would represent as far as possible the different hapus or families interested. These names should be inserted as trustees for all the claimants who could prove a right to any portion of the block, and afterwards the block might be subdivided. Te Hapuku is very obstinate, and thinks that he ought to have the principal say in the matter.

I have taken some interest in the Te Aute lands to prevent their falling into the hands of speculators, and persuaded the Natives to get Mr. Hallett, licensed surveyor, to make a general survey of about 7,000 acres, with such subdivisions as could be agreed on before the Court sat. With the exception of the 4,000 block referred to, very little opposition was made at the Court, and the surveys were done at a very large saving to the Natives by this arrangement.

Mr. Hallett, the surveyor, of course wants his money, and the Natives have no means of paying him, except by a sale of a part of the land. A considerable part of the land which has passed the Court has been made inalienable, but the owners have asked me to apply for permission to the Government to sell as much of their land as will clear off the survey expenses. I think it will be necessary to allow this, otherwise proceedings would be taken to recover the expenses which Mr. Hallett cannot afford to lie out of. It was understood that these expenses should be partly paid during the progress of the survey, and the remainder on the investigation being concluded on the approval of the plans by the Court.

I trust there will be another sitting of the Court soon to settle these Te Aute and other blocks, and I shall feel obliged by your informing me when it may be expected.