

I shall also be glad to know if you would have any objection to recommend that permission be granted to sell a part of the land for the purpose mentioned, and if it will be necessary to send in any formal application on the subject.

I am glad to say that the Native Land Frauds Prevention Bill has checked to a considerable extent the scandalous transactions which have made Hawke's Bay so notorious.

His Honor Chief Judge Fenton.

I have, &c.,

H. R. RUSSELL.

P.S.—I presume it will be necessary to send in applications by the Natives for any subdivisions of the 4,000 acre block, and to produce maps at the next sitting of the Court.

[Referred to the Hon. the Native Minister. It appears to me desirable that a portion of the block referred to by Mr. Russell should be sold to pay the expenses of the survey, &c. This portion should represent the interests of the whole seventy names. The remainder might then be subdivided. The Court seems to have thought that it should be inalienable.—F.D.F., 11th Feb., 1871.]

[Referred to His Honor J. D. Ormond, Esq., for his opinion. He is likely to know the merits of the case.—DONALD McLEAN. 15th March, 1871.]

Enclosure 3 in No. 1.

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

Native Lands Office,

SIR,—

Auckland, 8th May, 1871.

In reply to your letter, dated 26th January, 1871, relative to the Te Aute No. 1 block of land, I have the honor to inform you that the local authorities, of whose advice I have had the benefit, think that the case of Te Aute Block had better not be pressed before the Court at present, but should rather wait until the Natives decide upon some principle of action which may suit them all.

As to selling part of the land made unalienable, the application for consent should be made to the Government. The Court has no power in that direction after the order is once made. I am unable to state any day on which a Court will be held in Hawke's Bay.

I have, &c.,

F. D. FENTON,

Chief Judge.

H. R. Russell, Esq.

Enclosure 4 in No. 1.

MEMO. by Mr. ORMOND.

THE case of the Te Aute Block, referred to in Mr. H. Russell's letter, was a good deal talked about at the time the case was before the Native Land Court. Mr. Russell is correct in stating it raised a good deal of ill-feeling among the Natives concerned, which, on enquiry, I find is by no means allayed. To carry out Mr. Russell's recommendation of passing the title in one block in the name of ten grantees would not, in my opinion, meet either the wishes of the owners or the necessities of the case, and I consider the wisest plan is to leave the matter alone until the Natives have come to some conclusion upon the subject. There is no hurry, and I entirely agree with Mr. Locke on the subject, whose memorandum on the case I append, that if this block were passed through the Native Lands Court in the name of ten grantees, it would be immediately let for as long a term as possible.

With respect to Mr. Hallett's claim for survey of lands in the neighbourhood of Te Aute, most of which were made (very properly) inalienable by the Court, it would have been well if his claim had been raised at the time the Court was dealing with the lands; then sufficient land could have been excepted from what was made inalienable to meet the survey expenses. It appears to me that very great care would be requisite now in unloosing those lands for any purpose, and, if it is decided that course shall be taken, and some of the land sold to pay for the survey, some officer whom the Government can trust should confer with the Natives as to the portion they would sacrifice for that purpose. It is right I should point out that Mr. Russell, who has raised this question, is largely interested, being himself the occupier of most of the Native land in the neighbourhood. I think the Natives will be able to satisfy Mr. Hallett's claim out of rents, without having to sell at all, and it is very desirable this should be done, if possible.

With respect to a sitting of the Native Lands Court being held at Hawke's Bay at an early date, I have enquired, and can hear of no pressing cases; on the contrary, the few blocks remaining for the Court to deal with are likely to create difficulties between the Natives, and had much better be left alone for the present.

J. D. ORMOND.

[I concur in Mr. Ormond's minute.—DONALD McLEAN. Referred to the Chief Judge Native Lands Court.—H. T. CLARKE.]

Sub-enclosure to Enclosure 4 in No. 1.

MEMORANDUM BY MR. LOCKE.

THE district known as Te Aute and Raukawa Bush, and the land in the immediate neighbourhood of Hapuku's Pa, has been the favorite residence of a large and important section of the Hawke's Bay Natives for many generations, and, as usual in such cases, the claims are more complicated than in any other part of the Province.

The Ngatiwhatiapiti Hapu, of whom Hapuku is the principal Chief, have sold or leased nearly all their property in the other part of the Province, and are now, with few exceptions, located in the district referred to.