

entirely unaffected by the survey and investigation, that we are now carrying out extended survey as arranged, that adhering to your instructions to Kensington simply means that not one of the blocks can go through Court, and that, while we have specially maintained our good faith on this matter, a block as large as ours is being allowed to be put through, upon a survey made by stealth, in direct defiance of your order; and, while the two Europeans, proprietors of the last-named block, are buying entirely for themselves, we are buying on conditions which compel the cutting-up and sale of our blocks in suitable areas, and to a considerable extent upon deferred payment. I might also ask you to refer to letter of Natives to you, your reply, and also a memorandum sent to Survey Office, which you were kind enough to allow me to peruse. I trust you will be able to see your way to allow surveys and plans to be approved in time, as, if present Court falls through, some considerable time will elapse before you will be able to get the Natives to attend another.—JOHN SHEEHAN.

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No. 145.

(Telegram.)

Hawera, 6th May, 1880.

JOHN SHEEHAN, Esq., M.H.R., Auckland.—I take the earliest opportunity of perusing Mr. Berry's notes, as you request, and find they completely bear out my impression of what occurred at the interview you refer to, as the following extract will show: "*Hon. Native Minister*: He would do everything he could to facilitate the immediate survey of the external boundaries. And when he was satisfied that that was completed he was quite willing to remove the restrictions from the others; but he had made up his mind not to take off the restrictions from the minor blocks until the whole of the block had gone before the Court. He wanted it in such a position that the title could be examined by the Court. *Mr. Sheehan* said that would suit the members of the deputation exceedingly well—just to get the external surveys settled. After that survey was completed the *Hon. Native Minister* could intimate that the surveys of the minor blocks could go on."—JOHN BRYCE.

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No. 146.

(Telegram.)

Auckland, 7th May, 1880.

HON. NATIVE MINISTER, Hawera.—Without discussing further what was understood at our interviews in Auckland, I would submit the following as reasons worthy of consideration in dealing with the request which is made to allow survey of main block. On receipt of your wire of yesterday morning I called on Chief Judge Fenton, and in course of our interview pointed out to him the important reservation in favour of Natives in section 2 of "Government Land Purchase Act, 1878," under which it is enacted that the notification under Act of 1877 of lands as under negotiation to the Crown shall virtually constitute such lands during the existence of notification waste lands of the Crown; but not as against the aboriginal owners or occupiers. I argued that it was quite lawful and within his jurisdiction to put land through the Court although under Proclamation, and that to hold otherwise would be to deprive even the Crown of the power to put proclaimed lands through Court until the law could be amended. After considerable discussion he agreed with me, and told me I might wire you that he was now satisfied lands may be adjudicated upon without any intimation of intention of Government to remove Proclamation. It will be sufficient to let him know that Government is not objecting to the investigation of title. He will probably wire you so himself. The lands will thus go through under Proclamation and without any promise of withdrawal; and in event of failure on our part to carry out conditions would place Government in best position to close up its own title, the land having gone through the Court, and the owners being ascertained. This being the case, I venture to ask you whether it would not be perfectly safe to allow the surveys to go on. Your Proclamation is valid; you have not even to intimate your intention to withdraw. You have right to entertain caveats against all and every block which passes Court; in fact, in case of more blocks, such caveats now exist; and, further, you possess the power of stopping any transaction until the moment when the Governor, on your recommendation, allows title to go. Further, and perhaps most important of all, we cannot trade with the Natives, or pay moneys, or obtain signatures, as such would be illegal, and would not be made good by subsequent removal of Proclamation. I have given you several times the assurance that there is no intention to work an "oracle." The control of matter is in my hands. There is no intention on part of Association to pick eyes out of block: on contrary, they are using every means to acquire whole block; and the survey of Tokoroa, which is the balance of proclaimed block, is now going on. I may add that I would at once retire from business if I noticed smallest disposition to evade performance of any of conditions. And they are quite willing to let every block remain under Proclamation until the external boundaries have been surveyed, and land put through Court. One other consideration I would like to urge—that of the Natives: they are now to attend the sixth Court called for purpose of dealing with their lands, and have been put to very great expense in so doing. The time is ripe for settlement of questions of title on all this area, and the causes which delayed Court on former occasions have now ceased to exist. Unless you allow minor surveys the Court must stand adjourned, as no business will be before it. Excuse length of this wire; but I desired to put matter before you as clearly as possible, and I hope you will be able to take, a more favourable view of the matter as it now stands.—J. SHEEHAN.

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No. 147.

(Telegram.)

Auckland, 7th May, 1880.

HON. NATIVE MINISTER, Hawera.—I may add to my telegram that section quoted by me was not meant to affect Court at all, but merely to give us right to take proceedings against people who, while buying in opposition to the Crown, took possession of the land, and complicated questions thereby.—JOHN SHEEHAN.