

No. 148.

(Telegram.)

Hawera, 7th May, 1880.

JOHN SHEEHAN, Esq., M.H.R., Auckland.—I concur in the reasonableness of your telegram of this morning, and will meet you if I can. I telegraphed to Judge Fenton an hour ago, saying that I desired to facilitate investigation of title of Patetere; that my fear was, that if I authorized private surveys in proclaimed block, it would be taken directly or impliedly by Court as a virtual withdrawal of Proclamation in those cases. If that can be avoided, I shall permit the surveys to be authorized. I quite accept your assurance of good faith. I have expressed myself badly if I have created an opposite impression. I hope to get Fenton's reply immediately. Will start at noon from here for Wanganui.—JOHN BRYCE.

No. 149.

(Telegram.)

Auckland, 7th May, 1880.

HON. NATIVE MINISTER, Wanganui.—Thanks for your telegram of this morning. Have seen Fenton since receipt, and sincerely hope all trouble now removed. Only, to be of use, your inspection of surveys being allowed and of no objection to hearing of cases ought to be sent to-morrow. Please do so if you see your way to agree.—J. SHEEHAN.

No. 150.

(Telegram.)

Wanganui, 8th May, 1880.

JOHN SHEEHAN, Esq., M.H.R., Auckland.—I have instructed Survey Department, Auckland, to authorize plans within Patetere.—JOHN BRYCE.

No. 151.

(Telegram.)

Auckland, 5th May, 1880.

HON. J. BRYCE, Hawera.—Do you know that there is no claim in for the whole Patetere Block. The claims are for the smaller pieces, which, together, cover the whole block. If you stop the hearing of these (*i.e.*, the certifying the plans), Court can do nothing. I do not think that is what you mean. Is it? If the Proclamation is not renewed, or intimation given of Government intention to remove, Court may be powerless. See 2nd clause "Government Land Purchase Act, 1878." This is sixth time Patetere before Court. Great embarrassment to me, as it locks up Otaki, Maketu, Waikato, &c. Hope we can get it settled.—F. D. FENTON, Chief Judge.

No. 152.

(Telegram.)

Auckland, 6th May, 1880.

HON. J. BRYCE, Hawera.—The word was "removal," not "renewal." So long as the Proclamation exists, the land is Crown land, and the Court has no jurisdiction. There is no claim for the whole block; and if there were I expect they would have to order subdivisions, for the titles differ. I fancy it is small pieces or none. The clause of the Act is, "Every notification gazetted, &c., shall be equivalent to a notice that the Native title has been extinguished." I take it this destroys our jurisdiction.—F. D. FENTON, Chief Judge.

No. 153.

(Telegram.)

Hawera, 6th May, 1880.

JUDGE FENTON, Auckland.—I have seen the Act you refer to. It makes the land Crown land against all except Native owners; but if plans are ready, there is surely some way of having Native title ascertained. Could not claim be made for that purpose yet? Proclamation could not be withdrawn until two months, and I am not disposed to withdraw it at all until title ascertained and Government claims satisfied.—JOHN BRYCE.

No. 154.

(Telegram.)

Auckland, 7th May, 1880.

HON. J. BRYCE, Hawera.—Confidential.—The stupid Bill-drawing now in vogue has done what I do not think any one intended, as the thing is done by notification, and not by Proclamation under seal. I will go on if you will officially, through your agent in Court, inform the Court that it is the desire of Government that Native title should be ascertained; but cannot go on with block, for we have no claim. Besides, if we had a claim we should have to cut it up, I feel assured.—F. D. FENTON, Chief Judge.

No. 155.

(Telegram.)

Hawera, 7th May, 1880.

JUDGE FENTON, Auckland.—I am willing to facilitate ascertainment of title to Patetere Block, and see no objection to subdivision for that purpose. But the objection in my mind is to authorizing private surveys in a block covered by a Proclamation; for it seems to me that would be morally equivalent to withdrawing Proclamation over the land the survey of which is authorized. Now, I do not intend to withdraw Proclamation until after title is ascertained and Government claims satisfied. What I wish you could tell me is, whether investigation of title can, in the case of Patetere, go on in your Court without Government either directly or impliedly withdrawing Proclamation.—JOHN BRYCE.

No. 156.

(Telegram.)

Auckland, 7th May, 1880.

HON. JOHN BRYCE, Wanganui.—Confidential.—If Government brought the land before Court, it would be in precisely same position as these Europeans are now. Investigation may go on if Government express their desire in my Court, without Government directly or impliedly withdrawing Proclamation. The approval of a survey does not affect a Proclamation.—F. D. FENTON.