

defendants the sum of £150 or thereabouts. That referred to the costs of the second action. The Sheriff was accompanied by the Government interpreter, the Inspector of Police, and, I think, a solicitor's clerk. He was interviewed by the Natives present, who were altogether another party from the original grantees or persons who had been lately in occupation, and who went there for the purpose of resisting the order of the Court. Some altercation ensued, when the Sheriff was told by the assembled Natives that any attempt to enforce the order of the Court would lead to bloodshed. He then withdrew from the ground, and the matter remained in abeyance from that point for some six or eight months. I then again appealed to the Supreme Court to compel the Sheriff to return the writ. The Court ordered the writ to be returned by the Sheriff, and after some delay it was returned with the indorsement that the Sheriff was unable to execute. Upon the argument in Wellington before the Judge—I think it was before Mr Justice Richmond—he stated that there was no power in New Zealand to enable the Sheriff to employ sufficient force to execute the orders of the Court, and he did not think that any action against the Sheriff would lie. The matter has remained in that state from that time to the present. So far as I know, some Natives are living on the ground. I think it unlikely that all the Natives named in the petition are there but some of them are there. In the month of January last I wrote a letter to the Hon. the Attorney-General on the subject. I was at a loss as to which of the Ministers of the Crown I should write to on the subject. My own opinion was that the Minister of Justice was the proper person. But believing as I did that the action that was taken by the Natives was taken by the direction and at the instigation and advice of that gentleman when he held the private position of solicitor, I could not, therefore, bring myself to address him on the subject in his public capacity. I therefore wrote to the Attorney-General the following letter:—

SIR,—I have the honor to bring under the notice of the Government a matter which has been for some time one of public notoriety. I refer to the Oamaru case. Some few years since an action was brought in the Supreme Court, *Paora Torotoro v. Sutton*, for the purpose of setting aside a conveyance to me in the Oamaru Block. This action was tried in Napier, and a verdict was given in my favour. Subsequently the matter went to the Court of Appeal, and was there again decided in my favour. Finding I could not get possession of the land, I instituted proceedings in the Supreme Court, *Sutton v. Haera and Another*, for the purpose of getting possession. This case was also decided in my favour; and subsequently on the 28th September, 1876, a writ was issued from the Supreme Court directing the Sheriff to levy upon the goods of the defendants to recover over £150 costs, and to hand the land in question over to me. You will find, on reference to the documents in possession of the Government, that the Sheriff, attended by a bailiff and several others, attempted to execute the writ of possession, but was informed by a body of assembled Natives that any attempt would lead to bloodshed. The writ, therefore, has not been acted on. A considerable delay occurred before the writ was returned, and I subsequently had to take proceedings in the Supreme Court to compel the Sheriff to return the writ; and, in consequence of the order of the Court therein, the writ was returned on the 22nd October, 1877, with an indorsement by the Sheriff that he had been unable to execute it. I am advised that there is no further redress open to me in law, as I have established my claim to the fullest extent, and am in possession of a Land Transfer certificate for the land in my favour. I presume that I am entitled to claim that the order of the Court be carried out, and that, if the circumstances of the case are such that in the public interests it is not advisable, I submit that it is not reasonable that I should have to submit to further loss in consequence. I have good reason for believing that there never has been any danger of a breach of the peace, and I know of no reason why the order of the Supreme Court should not be enforced. I have the honor to request that you would inform me whether the Government will take steps to get this matter settled at an early date.—F SUTTON. Royston, Napier, 6th January, 1879. The Hon. the Attorney-General.

This letter was written on the 6th January. I saw immediately after that the Attorney-General was absent from Wellington in Dunedin; and I have no doubt that some other Minister was managing his department. Possibly this letter came before some other Minister than the one to whom it was addressed. At all events I waited patiently for an answer until the 4th March—nearly two months after the letter was sent. I then addressed this letter to the Hon. the Attorney-General:—

SIR,—I have the honor to call your attention to a letter of mine dated the 6th January addressed to you, and to inform you that I have not yet received any reply thereto.—I have, &c., F SUTTON. Royston, Napier, 4th March, 1879. The Hon. the Attorney-General, Wellington.

To that I received a telegram immediately,—

F Sutton, Esq., M.H.R., Napier.—Have just received letter of 3rd March. Letter 6th January never reached me. Please telegraph subject of letter.—ROBERT STOUT.

I kept a copy of my letter of the 6th January to the Attorney-General, and advised him by telegram that I had posted it:—

To Hon. R. Stout, Wellington.—Posted letter myself. Subject—The position of the Oamaru Block, which the Supreme Court has decided belongs to me. Will send you copy.—F SUTTON. Napier, 6th March, 1879.

On the 20th March I received the following reply:—

SIR,—I have the honor to acknowledge the receipt of your letter of the 6th January, received on the 17th March by me at Dunedin. In reply, I may state that the Government never interferes with any Sheriff in the exercise of his duty. Any private person who may feel aggrieved at the manner in which he performs his office has his remedy by appealing to the Supreme Court. Of course, if a formal complaint of misconduct was preferred against the Sheriff, an inquiry would no doubt be instituted, and be dealt with; but I do not understand you to prefer such a complaint. As the Government has not informed the Sheriff, so far as I know, to refrain from executing the writ or writs in the actions you mention, I do not see how the Government can interfere.—I have, &c., ROBERT STOUT. Dunedin, 20th March, 1879. F Sutton, Esq., M.H.R., Napier.

I replied to that letter from Mr. Stout in the terms following, which completed the correspondence on the matter:—

SIR,—I have the honor to acknowledge the receipt of your letter of 20th March in reply to mine of 6th January, in which is the following paragraph: "I may state that the Government never interferes with any Sheriff in the exercise of his duty." Although I am aware that it is supposed that this is the correct view of the matter, I must also very decidedly submit that in practice it is not so. In England, I understand, it would have been the duty of the Sheriff to have raised a sufficient force to have entered upon the land, but I am advised that there is no such power here. In the case referred to the Sheriff acted under instructions from the Government, and was directed to report the result. I am aware that both anterior and subsequent to the issue of the writ the Sheriff was instructed by the Government, and when he attempted to enforce the writ he was accompanied by the Inspector of Police, who had also been instructed in the matter. It may be said with equal force that the Government never interferes with the bailiffs of a Court to prevent the issue of proceedings other than Sheriffs' writs, and I believe that nominally it is so; but you will, I think, admit that in such cases the Government have lately interfered to prevent the due course of law. I refer you to proceedings lately instituted by the Thames County Council against a Native for obstructing a road. In that case, I presume, the maxim of non-interference holds good in theory, but not in practice. You must, I think, be aware that the Government has always interfered whenever it is