

of this land be the cause for having the restrictions removed from the lands. If lands under restriction are treated in this way, then it will be said that the law has no authority, and it will remain as a cause of trouble with the tribe, and it will also be said that all dealings with respect to Native lands would be like this, and that restrictions can be removed by sale. It would be right enough if all the people outside the grant agreed to it. We, the undersigned, consider that the said restrictions should not by any means be removed. Do you send us a reply, that we may know.—From us all, Hori Kukutai and 39 others. Cambridge, 5th January, 1874.

Hori Kukutai and others. — Friends, salutations. Sir Donald McLean has seen your letter of the 5th January, objecting to the action of Ngatihaua in selling the lands at Maungatautari. Hearken you, a copy of your letter has been made and sent to Mr. Mackay: he may perhaps have something to say on the subject.—H. T. CLARKE. Wellington, 11th February, 1874.

The next thing in the correspondence is in February, 1874. Judge Fenton writes saying that Messrs. Hill and Son had applied for copies of the order of the Court:—

Native Land Court Office, Auckland, 24th February, 1874.
SIR,—I have the honour to transmit herewith copy of an application made to me by Messrs. Hill and Son, solicitors, dated the 23rd instant, applying for copies of the orders of Court made in connection with the blocks of land named in the margin (Maungatautari Nos. 1 and 2). I beg to state that I have hitherto refrained from making certificates for these blocks, for reasons with which you are already acquainted. The orders would suffice for the preparation of conveyances, and I submit that copies should not be furnished. I am prepared to withhold them if the Government give me their sanction.—I have, &c., F. D. FENTON, Acting Chief Judge.—The Hon. the Native Minister, Wellington.

36, Shortland Street, Auckland, 23rd February, 1874.
SIR,—*Maungatautari Block Nos. 1 and 2.*—On behalf of our clients, Messrs. R. and E. Maclean, we apply for copies of the orders made in the matter of these Native lands, to enable us to register some leases from the Native owners. Would you have the goodness to cause them to be furnished to us, and oblige?—Yours, &c., HENRY HILL AND SON (per WM. COLEMAN).—F. D. Fenton, Esq., Chief Judge, Native Land Court, Auckland.

On receipt of Mr. Fenton's letter the following telegram was sent to Mr. Mackay:—
James Mackay, Junior, Esq., Taupo.—No. 279. *Re* Mr. E. Maclean's Maungatautari purchase, Blocks Nos. 1 and 2: Do you hold to your former opinion that no harm will ensue if Governor grants alienation of above lands? Te Wheoro and Hori Kukutai have written strongly against it.—H. T. CLARKE, Under-Secretary. 11th March, 1874.

Mr. Mackay replied as follows:—

H. T. Clarke, Esq., Wellington.—*Re* Mr. Maclean's Maungatautari purchase, I hold to the opinion that neither Hori Kukutai or Te Wheoro have anything to do with it. If the grantees who are now at Te Kuitu come to Cambridge and execute the conveyance, I do not think any difficulty will arise. I do not speak of Pukekura or Puahoe, which Kukutai and Te Wheoro include in Mangatautari.—JAMES MACKAY, Junior, Agent, General Government, Taupo, 12th March, 1874.

Next in the correspondence is the following letter from Mr. Fenton:—

Native Land Court Office, Auckland, 2nd April, 1874.
SIR,—Referring to your letter of the 19th ultimo, No. 255/1, enclosing copies of telegraphic correspondence with Mr. James Mackay, Junior, as to the issue of certificates for the blocks of land named in the margin, I have the honour to draw your attention to my communication of the 24th February last, No. 90, and beg that the Government will favour me with an expression of their own views on the subject.—I have, &c., F. D. FENTON, Chief Judge.—The Hon. the Native Minister, Wellington.

Reply was sent as follows:—

Native Office, Wellington, 8th May, 1874.
SIR,—In reference to your letter No. 185, of the 2nd ultimo, in which you request the opinion of the Government as to the issue of the certificates for the blocks of land named in the margin (Mangatautari 1 and 2), I am desired by the Hon. Dr. Pollen to inform you that the subject came under his notice when in Auckland, that he was informed that, if the claimants whose title was recognised claimed in person to be furnished with a copy of the certificate, the Court would not refuse it, but that the request of an agent might properly be declined. Therefore he does not see any good reason why the rule, as laid down above, should be departed from, in respect to the claim above referred to.—I have, &c., H. T. CLARKE, Under Secretary.—The Chief Judge, Native Land Court, Auckland.

Then follows a letter from Mr. Fenton, dated the 12th September, 1884, enclosing copy of a letter from Hori Wirihana, and stating that he (Judge Fenton) had hitherto refrained from issuing the certificate for these blocks under the apprehension of future difficulties. A letter was written to Hori Wirihana, in accordance with Mr. Fenton's suggestion:—

Native Land Court Office, Auckland, 12th September, 1884.
SIR,—I have the honour to enclose herewith the accompanying copy of a letter, with translation, addressed to me by Hori Wirihana on the subject of the Maungatautari Blocks Nos. 1 and 2, and beg to state that I have hitherto refrained from issuing certificates for these blocks, under the apprehension of future difficulties. I do not know whether the persons named in the orders of Court have dealt with the land, and I do not think that any legal authority now exists for any transaction. Perhaps the Government may think fit to ask the writer to state specifically what has been done or attempted to be done.—I have, &c., F. D. FENTON, Chief Judge.—The Hon. the Native Minister, Wellington.

Mr. Fenton, Chief Judge, Native Land Court.—Friend, we have received your letter, in which you say that the decision rests with the persons who own the land. Friend, the land and the dead persons belong to us conjointly with those guardians of Maungatautari Nos. 1 and 2. The guardians of the land have acted wrongly, and the tribe (400 in number) are in difficulty, caused by those twenty persons who are now applying to have the restrictions removed from Maungatautari Nos. 1 and 2. Friend, do not consider the guardians alone, but the tribe. This is all.—From your friend, HORI WIRIHANA. Maungatautari, 3rd August, 1874.

Then follows a long letter from Horomona Torenui and others, in which reference is made to the sale of this land; but it is not important. The next letter of any importance on the file is dated the 9th June, 1875—from Mr. Fenton to the Native Minister:—

Native Land Court Office, Auckland, 9th June, 1875.
SIR,—I have the honour to transmit herewith copy of a letter, dated the 1st instant, addressed to me by Messrs. Whitaker and Russell, respecting their application for copies of the orders of Court issued for Maungatautari Nos. 1 and 2, and to request that you will be good enough to instruct me in this matter.—I have, &c., F. D. FENTON, Chief Judge.—The Hon. the Native Minister, Wellington.

Wyndham Street, Auckland, 1st June, 1875.
SIR,—We have the honour to acknowledge the receipt of your letter of the 26th May, in which you state that you are informed by Dr. Pollen that, if the claimant whose title was recognized claimed to be furnished with a copy of the certificate of title, the Court would not refuse, but the request of an agent might properly be refused; and you therefore decline to supply us with the copy orders applied for by us relating to Maungatautari Nos. 1 and 2. If we are not mistaken, the reason above given was furnished a long time back, and at a time when, in consequence of Sullivan's murder, the Government deemed it advisable, on political grounds, to withhold the certificate referred to; but we venture to submit that those grounds do not now exist, and respectfully request, on behalf of our client, Mr. R. H. D. Fergusson, who holds leases from all the Native owners, and conveyances from nearly all of them, that copies of the orders of Court referred to for Maungatautari Nos. 1 and 2 be forwarded to us to enable us to register the purchaser's title.—We have, &c., WHITAKER AND RUSSELL.—The Chief Judge, Native Land Court, Auckland.