

certificate unless subject to close restrictions on alienability, and to leave the drawing of the clause to be settled in Auckland.

I have no reason to suppose that this will be refused by the Court. I found that any general announcement by the Court, before hearing any case, would have probably been refused; and as the asking for it might have produced irritation, I thought it best not at that time to make any application.

I may be permitted to submit to your consideration, in the event of Te Hira asking for a Crown Grant for this small piece, and of his party greatly resenting the application for restrictions, and refusing a grant so clogged, whether the gain that would be made by his recognizing the Court, and accepting a grant, even without express restrictions, might not more than counterbalance the possible exception of these pieces from a gold field (as a Native Reserve, since certainly Te Hira has not made any arrangement with speculators), more especially as there is no possibility of a Crown Grant being out before the Legislature has met, when the whole might be made subject to gold regulations. Of course I only throw out this as a suggestion; and in the absence of further instructions, I shall use every effort to urge the Court to make the restrictions.

I have, &c.,

The Hon. the Native Minister.

THEOPH. HEALE.

No. 12.

Mr. HEALE to the Hon. D. McLEAN.

SIR,—

Ohinemuri, 24th May, 1870.

The Owharo case is still proceeding, Mr. Mackay having only closed his case for the opponents on Saturday evening. The essential point he sought to establish by his very lengthy and diffuse examination was, that Tara and all his people having been destroyed by Ngamarama near Katikati, and their death having been revenged by Ngatitamatera, the remnant and their descendents became and remained "Rahi."

Mr. Wilson, as agent for Ngatikoi, did not cross-question on these capital points, but on minor details only. But on Monday he opened his own case by calling Te Kepa Raharuhi, who stated the reverse, maintaining very steadily that Tara did not go to Katikati, but only one of his sons, and that the strength of the tribe remained unbroken by his defeat. Mr. Mackay subjected this witness to a very long and bitter cross-examination, extending over more than five hours; in the course of this he questioned him in a very hostile tone as to what passed between himself, a Civil Commissioner, and the witness and his tribe. To this I thought it necessary to take exception, since, if such a course were allowed, all confidential relations must cease between Government Agents and friendly Natives. The Court accepted this view, and any questions of that nature were disallowed.

Ropata has since given evidence strongly in favour of the independence of Ngatikoi and their right to this land, and Mr. Mackay's cross-examination has been characterized by the same vehement and angry spirit.

On the whole, the Ngatitamatera case is still strong, though far from being so conclusive as it appeared at the close of their own evidence.

Reverting to your memorandum of instructions, to press upon the Court that "orders or certificates of title (to parties not under agreement) are not to be made here, but in Auckland, where the question of putting any restrictions on alienability will be determined," I may say that this can only be done by adjourning the case back to Auckland, though the parties (Natives) may be told the opinion of the Court as to the parties entitled, and that the claimants need not attend again. This is what I shall press the Court to do, should any judgment in favour of the opponents appear possible; but it is my opinion that this course will be very irritating, and more lowering to the Native Land Court than to give judgment here and absolutely to limit the alienability except to the Crown, since it will appear to surrender its independence, which may be attributed to fear of the tribes here, or to other such influences.

I have, &c.,

The Hon. Donald McLean.

THEOPH. HEALE.

No. 13.

Mr. HEALE to the Hon. D. McLEAN.

SIR,—

Inspector of Surveys' Office, 6th June, 1870.

I have the honor to inform you that, in obedience to your instructions, I attended the Native Land Court at Ohinemuri, from 16th May until 2nd June, when it closed. All this time was occupied in hearing the one case of Owharo. The real question at issue was, whether the small tribe of Ngatikoi or Ngatitara were so completely enslaved by the Ngatitamatera, as a consequence of their assistance against the tribe formerly occupying Katikati (Ngamarama), as to have lost their right of ownership in the lands held by their ancestors without dispute prior to their receiving that assistance, and by themselves ever since.

The case resulted in a judgment in favour of Ngatikoi; and this produced so much excitement, and the Ngatitamatera used the means of intimidation which their numbers present gave them so palpably, that it was impossible for the Court to continue to sit.

I found that the Court would object to make any statement of its intentions with respect to restriction on gold mining, before proceeding with the cases. I therefore abstained from making any application at the commencement.

In the course of the investigation I had only occasion to interfere once, when I considered the course Mr. Mackay was taking, as advocate for the opponents, was calculated to destroy the confidence which ought to exist between friendly Natives and the Government Agent, with whom they may be in intimate relations. The Court sustained my view, and the objectionable questions were disallowed.

After the close of the cases I urged on the Court, on behalf of the Government, the absolute necessity, for the preservation of the peace and for the well-being of both races, that in a district known, as Ohinemuri is, to be auriferous, no certificate of title to any land should be issued without effectual restriction vesting in the Government alone the right to permit and to regulate mining for