

“ would not turn them off, but if any more pegs were put down he would pull them up again ;
 “ he would let the survey proceed if the Government gave him a certain reserve ; and finally,
 “ he would have some more talk with his people before consenting to let the survey go on.”

But although there had not been actual disturbance during February and March, the Government had had ample warning of the dissatisfaction among the Natives being still of a dangerous kind. On the 9th of March, Mr. Buller addressed the following telegram to the Attorney-General :—“ The judgment of the Native Land Court, making awards to three hapus, amounting in all to 6,200 acres, was subject to the following condition : ‘ Provided that
 “ ‘ within six months a map of the whole block, on which the position of these blocks shall be
 “ ‘ accurately represented from actual survey made on the ground, shall be delivered to the Chief
 “ ‘ Judge : and provided also that if it shall be proved to the satisfaction of the Chief Judge that
 “ ‘ the survey has been prevented by force, then, in that case, the Court (by virtue of the discre-
 “ ‘ tion given by ‘ The Native Lands Act, 1865,’) will dispense with the survey, but on no
 “ ‘ other account will the survey be dispensed with.’ Owing to the violent opposition of the
 “ Natives, the survey has been delayed, and there is now no possibility of getting the awards
 “ defined on the ground within the time prescribed. The six months allowed by the Court
 “ expire on the 25th instant. Only two of the awards have been actually surveyed. If the
 “ judgment of the Court is allowed to lapse for want of survey (as in the Himatangi case), the
 “ Government may have further trouble. The Natives will doubtless be advised that they are
 “ entitled to a fresh hearing, and will agitate for it. Mr. Fox told me to consult you as to the
 “ best course. As it is most desirable in every way to prevent any further complication, would
 “ you recommend me to proceed to Auckland, accompanied by one of the surveyors, and give
 “ evidence before the Chief Judge, in order that the interlocutory order may be made final, or
 “ the time extended ? Judge Maning suggested this course to me, and I discussed it with Mr.
 “ Fox when last here. The province will of course bear the necessary expenses. If you advise
 “ my going, I shall telegraph to Mr. Gisborne for approval.”

In a few days Mr. Buller telegraphed as follows to the Under Secretary (17th March) :—
 “ The judgment of the Native Land Court was in the nature of an interlocutory order. Certain
 “ awards were made on condition of surveys being completed and plans produced within six
 “ months from the date thereof ; the proviso being, that if the survey be prevented by force, and
 “ satisfactory proof thereof given to the Chief Judge, the survey may be dispensed with. The
 “ six months allowed by the Court expire on the 25th instant. The survey is unfinished. If
 “ the judgment of the Court be allowed to lapse, the Natives will no doubt be advised to agitate
 “ for a hearing, and further complications may arise. This must be avoided. Mr. Fox
 “ instructed me to consult the Attorney-General as to what could be done. The Attorney-
 “ General advises me to proceed to Auckland, and ‘ prove that every reasonable effort has been
 “ made.’ The ‘ John Penn’ is expected in [at Wanganui] to-day, and will leave to-morrow.
 “ I have made the necessary arrangements for performance of my duties by Justices, if Hon. Mr.
 “ Gisborne approves of my going. Ascertain and reply.”

Upon this, Mr. Gisborne minuted, that “ if the Provincial Government think it necessary,
 “ Mr. Buller can have leave for the purpose indicated.” The provincial authorities being referred
 to, replied that “ Mr. Buller having been acting as Assistant Land Purchase Commis-
 “ sioner, and having full cognizance of the difficulties which have been interposed by the Natives
 “ to the completion of the surveys, the Provincial Government is decidedly of opinion that Mr.
 “ Buller’s presence at the Native Land Court at Auckland is necessary.” So the authority to go
 to Auckland was telegraphed to him ; and on the 22nd March the Chief Judge made an order
 extending the time for the survey to be completed.

It does not appear that any step was taken to afford the dissentient Natives an opportunity
 of accompanying Mr. Buller to Auckland. Nor does it even appear that the Government, under the
 circumstances represented by Mr. Buller, thought it necessary to wait, as they had decided in
 January to do, till Mr. McLean should come. The survey still went on. But at some time early
 in April (date not given), Mr. Buller again telegraphed his opinion to the Government in the
 following terms :—“ Survey proceeds without interruption. Downes [the surveyor who had been
 “ warned off by Eruini] will telegraph for me on the first show of opposition, but I do not antici-
 “ pate any. I telegraphed my views regarding further survey at Himatangi, and you were pleased
 “ to express approval. I received yesterday the following telegram from the Chief Surveyor :
 “ ‘ It is of the greatest importance to the survey that the trig. stations on Himatangi, which
 “ ‘ the Natives have destroyed, should be permitted to be erected. The verification base
 “ ‘ line is upon the block, and the major series of triangles is incomplete. In the event of
 “ ‘ performing trigonometrical operations over the block at some future period, the operations
 “ ‘ then could never be reconciled with present operations. Would you endeavour to induce
 “ ‘ Parakaia and Kooro to permit the trig. survey to proceed, even though nothing more is
 “ ‘ undertaken for the present on Himatangi Block.’ I replied that I could do nothing till
 “ I had consulted you [Mr. Fox, who was then at Dunedin]. *For my own part, I have*
 “ *always doubted the policy of including the Himatangi in the proclamation of extinguishment*
 “ *of Native title, although I am aware that Dr. Featherston urged it. It is true that Parakaia*
 “ *failed to take up his award of half the block, intending, if Judge Fenton should give a more*
 “ *favourable judgment, to bring forward his case again, in the hope of receiving the whole.*
 “ Consequently there was no abstract injustice in making him abide the issue of the last