

CORRESPONDENCE

RELATIVE TO THE

REPORT OF THE INSPECTOR OF SURVEYS.

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND OF
HIS EXCELLENCY.

WELLINGTON.

—
1870.

CORRESPONDENCE RELATIVE TO THE REPORT OF THE INSPECTOR OF SURVEYS.

No. 1.

Mr. J. G. HOLDSWORTH to His Honor the DEPUTY SUPERINTENDENT, Wellington.

SIR,—

Crown Lands Office, Wellington, 6th August, 1870.

I have the honor to forward for your information copy of a letter from the Chief Surveyor (Mr. Jackson), touching the Report laid on the table of the House of Assembly from the Inspector of Surveys (Mr. Heale), in which serious reflections are cast upon the Wellington Survey Department.

The Mataikona case is an important one, and unless the decision of the Native Lands Court can be set aside, will entail a serious loss on the Province. The extract from Mr. Wardell's report, and the statement made by a Native named Horatio Pipimoho, will give you full particulars.

Out of the 1,500 acres included in the award of the Court, 500 acres have been sold some years since by the Government to Mr. J. Sutherland.

The extent and money value of the services performed by the Survey Department for the Native Land Courts is very considerable; and although repeated efforts have been made to obtain payment of the same, as yet they have been unsuccessful.

I trust that you will be able to adopt measures for removing the misapprehensions that have arisen by the circulation of Mr. Heale's report, and that the General Government may be induced to contribute towards the heavy expenses incurred for the benefit of the Natives.

I have, &c.,

JOS. G. HOLDSWORTH,

Commissioner Crown Lands.

His Honor the Deputy Superintendent.

Enclosure 1 in No. 1.

Mr. HENRY JACKSON to Mr. J. G. HOLDSWORTH.

SIR,—

Survey Office, Wellington, 4th August, 1870.

As the report of the Inspector of Surveys to the Hon. the Native Minister, dated October, 1869, and which has lately been laid before the Houses of Assembly, appears to cast a reflection upon the manner in which the duties of Deputy Inspector of Surveys for Native Lands are being performed in this Province, I do myself the honor to forward the following explanations, in order to remove misapprehensions that may arise from a perusal of the above-mentioned report.

The Inspector of Surveys lays stress upon the importance of inserting every claim for Native land in a compilation map prior to the issue of title, and asserts that, consequent on the neglect of this process, the Provincial Surveyor of Wellington had certified to several claims as non-conflicting with Crown lands, when such was eventually found to be the case.

Now, out of 302 claims which have been passed through this office, I can only call to mind one case, that of Mataikona, in which an oversight was made. In this particular instance, the plan was urgently required to be sent away to the Native Land Court, then sitting in Greytown; it was, therefore, somewhat hurried through this office. On examination the boundaries appeared to conform with the Crown boundaries, but it was afterwards detected that the Natives had given to a different stream the name of the stream claimed as the Crown boundary.

On the receipt of a plan from the licensed surveyor by this office, the boundaries are carefully compared with those of adjoining lands, and any discrepancies have as yet been easily detected.

As a proof of this assertion, I bring forward the fact that in one case only out of 302 an oversight was committed. I therefore submit that the process of examination was more carefully performed than could have been done had the claims been merely inserted for test upon a rude compilation, such as would have had to be executed for many parts of this Province hitherto not reached by triangulation or trustworthy surveys. Moreover the maps of some of the claims although apparently correct, so far as scale and protractor could test them, were undoubtedly of the rudest executions as surveys, and were found to be quite incapable of combination *inter se*, unless they abutted upon Provincial Government surveys. The process, therefore, of testing the overlap of boundaries upon a compilation could scarcely be satisfactory.

But it would be necessary to compile special plans for the insertion of the Native lands, in order to comply with the wishes of the Inspector of Surveys. Claims are sent in which may never pass the Native Lands Court, or they may be amended by order of the said Court; and claims for the same piece of land, or nearly so, are sent in by different claimants and surveyors. Now if all the various claims must be shown upon a compilation, there must of necessity be the constant erasing from the plan when the final disposal of the claim is ordered by the Court. It is for this reason that I have consistently declined to insert a Native claim upon the Provincial Government compilations until the certificate of title had been issued.

I concur, however, in the opinion of the Inspector of Surveys, that the plans of the Native surveys should be forthwith collated, but at the same time I must refute the charge (if intended) that the want of such a map has hitherto led to any confusion or difficulties. I do not apprehend that the General Government consider that such an undertaking could be executed with the slender staff of draughtsmen at the disposal of the Provincial Government Survey Department; and I have more than once mentioned this fact to the Inspector of Surveys, and informed him there would be no difficulty in meeting his wishes so soon as the question of payment for these services was settled, and that in the meantime steps were taken for the insertion of those claims for which a certificate of title had been issued upon the Provincial Government compilations.

I beg therefore to state that no carelessness or neglect ought to be alleged to the duties performed by this office for the Native Lands Court; that the Survey Department of Wellington has been put to considerable expense and inconvenience in furthering the objects of the Native Lands Acts; and that

personally, so far as my services could be spared, I have always endeavoured to further the proper working of that branch of this department under the Inspector of Surveys. But it is clear that, unless the General Government are willing to subsidize works forced upon the Province, it will not be possible for this department, with its slender staff, to undertake more than what has been done, without hurting the interests of the Province in the prosecution of its proper surveys.

I cannot think that the Inspector of Surveys purposely desired in his report to reflect upon the manner in which the duties of this office, in connection with his, have been rendered; still, as a perusal of the said report may possibly lead to misapprehensions, I have deemed it my duty to forward the foregoing explanations for the information of the Provincial Government.

J. G. Holdsworth, Esq., Commissioner Crown Lands,
Wellington.

I have, &c.,
HENRY JACKSON,
Chief Surveyor.

Enclosure 2 in No. 1.

EXTRACTS from Mr. WARDELL'S REPORT, dated 4th May, 1869.

THIS claim (Mataikona) includes nearly 1,500 acres, which I had to contend was sold to the Crown as part of the Waingongoro Block, by deed dated 4th October, 1859. The Waingongoro Stream being admittedly our boundary, to establish our case it was necessary to prove that the stream marked on the map of the claim as the Waingongoro was misnamed, and that the true Waingongoro was the stream described on the map as the Oraiti. The only evidence I could produce was that of Mr. John Sutherland, who distinctly swore that he was present at the purchase of the Waingongoro Block by Mr. McLean; that after the boundaries had been described, the Waingongoro Stream being one, he (Sutherland) asked a Native who stood by, but whose name he did not remember, if the Waingongoro was the stream known as Tim's Creek; that he was answered in the affirmative; that he then told Mr. McLean he knew the boundaries, and the deed was executed. He swore further that Tim's Creek was the one marked on the map as Te Oraiti. On the other side, every Native witness swore positively that the Waingongoro was the stream so named upon the map, and maintained this through severe cross-examination, denying any knowledge of Tim's Creek. Mr. Knowles' map, which you forwarded to me, would not help the case. I therefore did not put it in—1st, because the boundaries had been pointed out to him by Sutherland, and not by any of the claimants or any one connected with them; 2nd, because the course of the stream assumed to be the Waingongoro appeared as a sketch, and not as a traversed line; and 3rd, because assuming his Waingongoro to be identical with the Oraiti of the claimants, his map does not show the Waingongoro of the claimants running into his Waingongoro from the westward. My greatest weakness arose from the fact, that I could not get evidence that the Oraiti had ever been pointed out on the ground by any Native as the Waingongoro. According to the evidence given by the Natives, and Sutherland's statement, it did not appear that either the Land Purchase Commissioners, Mr. McLean or Mr. Searaucke, or surveyors, took the precaution to have the boundaries pointed out to them by any of the sellers of the block, nor even by any other Native, but were content to have them pointed out by Sutherland. The chief point outside Sutherland's evidence I had to make in addressing the Court, was the omission among the boundaries in the deed of sale to the Crown of Taunatawhakapono, a high hill claimed as the boundary by the claimants between Makatote and Waingongoro, and the reticence of the Native witnesses (claimants and sellers to the Crown) as to the situation of Tuowharrui, which is named in the deed of sale as an intermediate point between those streams. If this place could have been fixed between the Makaitote and Oraiti, it would, I believe, have established our case; but as it was, the Court gave a decision in favour of the claimants.

Subsequently an affidavit was made before me by Horatio Pipimoho, translation of which I enclose, declaring that the stream called Te Oraiti was the true Waingongoro, and that the name had been deliberately transferred to the other stream, in order to secure the land. I did hope while Mr. McLean was in Wellington, being in possession of these facts, and many of the Natives concerned being there, he would have been able to obtain further evidence on this matter.

I am strongly impressed with the truth of Horatio's affidavit, and shall endeavour, when next at Mataikona (probably during this month), to get further information, in order to have a strong case on which to recommend you to apply for a rehearing.

This is a Statement made by Horatio Pipimoho upon his oath.

WHEN I was little, my younger brothers and I resided at Oahanga. During that time we, that is Hakaria Hakopa and myself, went to see the boundaries of our land situated there. He pointed out to us two rivers, the name of one was Te Oraiti, the name of the other was Waingongoro, and said we must take care that we were not led astray with regard to those two rivers, but that we must look particularly to the position of them.

When we arrived at the confluence of Waingongoro and Te Oraiti, he told us that the river towards the ocean was the Waingongoro, the river inland of that was Te Oraiti. Afterwards, we, that is Nowema, Paora, Te Iriwhirae, Karawia, Te Karoro, Wi Te Whare, and myself, went pig-hunting. I then made inquiries of them, that I might know whether Hakaria's statement about the position of those two rivers was correct. They then told me that the river on the side to the sea was Waingongoro, and I thereby ascertained that Hakaria's statement was correct. It was left at that, until the time of survey by Mr. Carkeek. At that time it was proposed by Hoera, Karaitiana, Te Whakarato, and all the others, to change Te Oraiti to Waingongoro, and Waingongoro to Te Oraiti. I was present at Otahumatarua during the conversation respecting the said river, which was continued until Mr. Wilkinson went to complete the survey. Tuohanui is a ridge, the situation of which is nearly between Te Ruapekapeka and the heads of the Waingongoro Stream. I am acquainted with the exact position of Tuohanui and Te Ruapekapeka.

Witness to the signature, and the } IHATA WHAKAMAIRU.
listener to the within statement } JOSEPH J. FREETH.

HORATIO PIPIMOHO.