

Matiu Meke: It has been heard in the Court, but we have not got the Crown grant in our possession.

Mr. Hamlin said he had found that Heta Tiki began to build on the land on the 12th November, 1872.

Hon. J. Bryce: I think, as a matter of probability, the grant has been issued; but I think it must be that the line is the same as yours (Mr. Harding).

Mr. Harding: It was shown in the Supreme Court that the boundary lines on the maps exactly fitted.

Nepia te Apatu: Maori ideas of boundaries are that they go in and out, and bend this way and that way. These lines were cut outside the bush, and we considered they were the actual boundaries of the bush.

Hon. J. Bryce: These lines have to be cut to ascertain the boundary of the bush. If a stream, for instance, is a boundary—a crooked stream—the surveyor runs a straight line alongside of it; but that straight line is not the boundary, and, if the edge of the bush was to be considered the boundary, the only way of ascertaining the boundary is to run a straight line and measure off to the bush. [The Hon. the Native Minister then showed the Natives the traverse lines indicated on the plan of the block, and the actual boundary.]

Inquiries having been made as to whether the Natives had received a Crown grant for their land or not, the

Hon. J. Bryce said: I find that the Crown grant has been issued, and it corresponds with the line as shown on this map, which is the same as Mr. Harding is endeavouring to fence upon. What I understand you claim as your boundary are the traverse lines that were run to survey it.

Nepia te Apatu: That is the proper line.

Henare Tomoana, M.H.R.: I have heard of the dispute about this land. On one occasion when there was a dispute between Mr. Harding and Heta Tiki, I was present, Karaitiana was with me. I understand that this was the old boundary of the purchase—the Native kainga close to the river.

Hon. J. Bryce: That is so.

Henare Tomoana: I did not actually see the boundaries that I refer to. I think the boundary claimed by the Natives is the one agreed to in 1851. The Natives have been residing on the land ever since. During the time Mr. Cooper occupied the land the Natives' horses did not go over the boundary they now claim. I do not know about the whole of the boundaries. I speak of the place where the Native settlement is. The land was surveyed according to these boundaries, and was heard in the Court. I wish you to hear the evidence of the surveyor who surveyed the block (for the Natives) to go into Court. The boundary as shown red on the map is not the original belt of the bush; the place where the edge of the bush was has been burnt away. The edge of the bush is now a long way in. The land was sold in 1851. The Natives occupied the pa since 1854. The Natives have always claimed that the outside line is Mr. Pelichet's survey.

Hon. J. Bryce: What you all say, it appears to me, is that that blue line should be considered the boundary [indicating blue line on map].

Several Natives: Yes.

Hon. J. Bryce: There cannot be a doubt that that was the traverse line, and not the boundary line. That is as clear as anything can be. [The Hon. the Native Minister here explained to the Natives the object of running traverse lines when a crooked stream or the edge of a bush is to be a boundary.]

Henare Tomoana: That was not explained until the Commission sat.

Hon. J. Bryce: I should imagine that it must have been explained at the time to the Maoris who were there to mark out the reserve. I should think the idea was to fix the boundary as near the bush as possible; and I think the surveyor must have run that line to ascertain the boundary. Before I express my opinion upon this matter, I shall see Mr. Ellison and take his statement; and I shall also see Mr. Cooper in Wellington, and ask him about the evidence he formerly gave; and I shall see Mr. Locke also before I leave Napier, and take his statement; and then I will communicate with the Maoris and with Mr. Harding from Wellington, and express my opinion on the matter.

The Natives then withdrew.

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MEMORANDUM of terms of settlement of (1) *Harding v. Heta Tiki and Bennett*; (2) *Harding v. Heta Tiki and other Natives*: No. 1. Action to be withdrawn; Natives to pay their proportion of taxed costs. No. 2. Action to be withdrawn; possession to be given of ground within two months from date. Natives to be allowed to remove houses, crop, and personal property, but not fencing. Natives to pay taxed costs.

I approve of these terms of settlement on behalf of the Natives in both actions.

17th December, 1875.

J. SHEEHAN.
JOHN HARDING.

WAIPAWA RESERVE.—MEMORANDUM for Captain Preece *re* the Dispute as to Boundaries between Mr. John Harding and certain Natives.

I HAVE perused the evidence taken in this case before the Hawke's Bay Commission in 1873, and also that before a Parliamentary Committee in 1877, and I have taken the statement of some of the Natives concerned, and also Mr. Harding's, as well as statements by Mr. Ellison, Mr. Locke, Mr. Cooper, and others.

The conclusions I have arrived at are as follow: 1st. There is no dispute as to the legal boundary of Mr. Harding's land, nor is there any as to the boundaries of the Native reserve, Waipawa. 2nd. The present boundaries, as described in the grants, were laid out substantially in accordance with the original intention, and no breach of faith or accidental error has been committed by the Government in the issue of the Crown grants in question. 3rd. It is possible that some of the older Natives concerned