

In September, 1868, the Tawapata North Block came before the Court. Ihaka Whaanga was then the principal claimant. There were no disputes. Mr. Burton, surveyor, in his evidence referring to boundaries, again mentioned the boundary of the Government block on the west.

The *Hawke's Bay Herald* of the 12th November, 1864, contains an interesting account of the visit of the Superintendent of the province (Mr. McLean) to the north end of Hawke's Bay undertaken with the view to the acquirement of land in that portion of the province. This narrative is from the pen of Mr. James Grindell, Clerk of the Resident Magistrate's Court, Napier, and who was one of the party and also one of the witnesses to the deed of sale.

The party arrived at Mahia on the 17th October, 1864; the two days following were spent discussing the desires of the Crown while waiting the arrival of others said to be interested; the terms of the sale were finally made on the 20th October. Grindell writes:

"The result of the meeting was the cession to the Government of a block of land containing by computation 16,000 acres for £2,000. £1,500 was paid on the spot, the remaining £500 to be paid on the completion of the survey with a proviso that if the block should then be found to exceed 16,000 acres, some further payment should be made in proportion to the excess. It was expected that the sale of this block would open the way for *much larger* purchases as was afterwards the case. The Mahia may be considered as the key-stone of the district. It has even been regarded by the Natives with peculiar interest as a place associated with many by-gone memories. Here aged men will sit and, in imagination, fight their battles over again whilst they relate to the young men tales of enterprise and desperate valour-scenes of bloodshed and fearful slaughter, &c."

Dealing with the probabilities of a mistake having been made:—

The boundary points set out in the deed of sale are presumed to be in geographical sequence and the petitioners have failed to show on their line (and between Tikapu and Pukewhatu) the following points that are also mentioned in the deed: Pakake a Mahere, Whakaumu a Hikatapuni, and Waerenganni. The inference that may be drawn is that these three points at least have been correctly followed.

It will be observed that at the hearing of Tawapata South the northern boundary was shown as the Mangatea Stream. At the hearing of Tawapata North the western boundary was shown as the Government block. Ihaka Whaanga, the paramount chief, was an active claimant in both blocks, and neither he nor the others before the Court made any complaint of the Crown overlapping on either of the Tawapata Blocks. If such had been the case the probabilities are that Ihaka or some one would have made that fact known. Here we have maps opened for public inspection and comment and no complaints are made. From this it may be assumed that the boundaries had been correctly followed and that the line between the Mahia Block and the Tawapata Blocks was satisfactory to the Natives who had negotiated the sale and were then alive, and it matters little therefore whether Tikapu is where the surveyor has shown it or where the petitioners claim it to be.

The Confiscated Lands Commission of 1928 dealt with a petition that claimed that 5,800 acres north of the Mangatea Stream had been wrongfully included in the sale—the Commission reported that the petitioners had not made out a case for relief. The attack on the sale has changed somewhat: formerly it was that 5,800 acres north of the Mangatea had been wrongly possessed by the Crown; now it is that the surveyor adopted wrongly named points affecting an area of 2,270 acres.

Taking all matters into consideration, the Court arrives at the conclusion that the claims of the petitioners are not justified and that the deed of sale gives effect to the understanding made between the Crown representative and the leading Natives of that day, except perhaps that the Crown paid for 16,000 acres and got 14,600 acres only.

The Court has no recommendation to make in the matter.

Attached is a tracing showing

- (1) The Crown purchase netting 14,600 acres and the boundary points as followed by surveyor underlined in black.
- (2) The Tawapata Blocks.
- (3) The 5,800 acres referred to before the Confiscated Lands Commission, 1928.
- (4) The points Tikapu and Pukewhatu as located by the petitioners and double underlined in black, showing the 2,270 acres lying to the east thereof.

For the Court:

H. CARR, Judge.

[L.S.]

The Chief Judge, Native Land Court, care of Native Department, Wellington.

*Approximate Cost of Paper.*—Preparation, not given; printing (472 copies), £5.