

If this is intended to be a description of the boundaries given by Eketone, it apparently contains a mistake in that *Ngaherenga* is named as a point in the minute-book and *Ngahuinga* as the point in Eketone's written description. Eketone, during the course of the proceedings, admitted that he did not know the land and that the boundary points were given to him by the owners.

For the Judge's assistance, Eketone indicated as well as he was able, and with no pretension of accuracy, on the plan of the block where the points of the boundary were, and these were indicated in pencil and were subsequently used by the Survey Department to produce an office plan showing Maraeroa C. This office plan, which was apparently produced by the aid of a protractor, was handed to the Surveyor, Mr. Ward, with instructions to survey. When he went on to the land with this sketch and indicated where he proposed to survey, the Native owners immediately objected, and, as a result, the question of the accuracy of the sketch and the position of the boundary points came before Judge Gilfedder in 1907, whose record of the matter is contained in minute-book Ot. 47, page 178 *et seq.* Mr. Earl was acting for the Native owners, and he called as a witness, Pepene Eketone. Mr. Ward, the Surveyor also gave evidence. Judge Gilfedder found that the sketch did not show the proper boundaries, and he recommended that the Surveyor should survey strictly in accordance with the boundaries accepted by the Court in 1891. Mr. Ward thereupon proceeded to survey, the Native owners acting as guides, the principal one being Tutaki Ringitanga. He completed the survey and produced Plan 7478, upon which a title has been issued. This plan gives an area of 13,727 acres, whereas it was anticipated that the area of the C subdivision might be 3,000 acres or 4,000 acres, although no attempt had been made to define the area.

On the completion of this survey, the Crown objected, apparently for the reason that it contained too large an area. The real reason appears to have been that the Crown had acquired, by purchase, adjoining portions of the Maraeroa Block and found that they were substantially short of the purchased area if the C subdivision was properly shown as containing 13,727 acres. The inquiry into the correctness of the plan came before Judge Browne in 1910, and he reported on the 17th March, 1910, recommending that the plan be accepted as correct.

At this hearing, Mr. Earl again represented the owners and Pepene Eketone again gave evidence. The main question in dispute at this hearing was as to the position of the source of the Paruho Stream. The boundary-line commenced from Ngahuinga and ran in a straight line to the source of the Paruho Stream. No question was raised by the Native owners as to Ngahuinga being the correct starting-point.

No further question was raised as to the true boundary of the land until 1932, so that over twenty years elapsed from the adoption of Mr. Ward's plan to the first petition.

There is no doubt in my mind that there has been confusion between the two points, Ngahuinga and Ngaherenga, and that confusion appears to me to have existed in the minds of the Native owners themselves. There can be no doubt that when Pepene Eketone handed in his list and the written description of the boundaries starting at Ngahuinga, he was relying on information furnished by the Native owners as to Ngahuinga being the correct starting-point. Further than that, at the hearing before Judge Gilfedder in 1907, Wehi and Tutaki Ringitanga both gave evidence.

Wehi's description was this:—

"I know Ngaherenga, a hillock in a clear place. The road goes over it. Waimiha Stream runs close to it."

Tutaki, who acted as Mr. Ward's guide on the subsequent survey, says:—

"I met Mr. Ward on the land. I pointed out the boundaries of the land. I showed him Ngaherenga, a low hill, over which the road goes. There is a totara post erected there by our elders as an old landmark or boundary. That is why the boundary of Maraeroa starts there. The post was put in by our elders. It is on Ngaherenga, over which the Taupo Road runs. There is no other road between this road and Pukemako."

Now, it will be noticed that both Wehi and Tutaki say that the road to Taupo goes over this hill. Mr. Ward's field book, which was produced to me, shows that the old track went over *Ngahuinga*. From my inspection of the point, Ngaherenga, it is perfectly clear that the old Taupo Track did not go over Ngaherenga, but ran round the foot of it to the south, on the level. The only point fitting the description given by Wehi and Tutaki is Ngahuinga, and I judge the reason why the track went over Ngahuinga was that from the top of Ngahuinga there was a direct slope to the Waimiha Stream, which runs past Ngahuinga on the north side at its foot. The same stream runs also on the north side of Ngaherenga at its foot. The only point in Wehi's evidence which might indicate Ngaherenga, is the description "a hillock in a clear place." On the top of Ngaherenga I found that an old totara limb had at some time been erected, but in the process of time had been broken off and was lying on the ground. It could not, however, be described as a post. On the top of Ngahuinga I found what is truly described as an old totara post. This is about 6 ft. high and about 9 in. to 12 in. through, and rounded, I should think, with an adze. This bears to this day certain compass markings giving the points of the compass, and Tutaki's description of Ngaherenga