

65. This was highly necessary. It was necessary that the surveyor record the boundaries shown to him and it was equally necessary at the time of this deed which was before the institution of the Native Land Courts for the Natives representing themselves to be the owners to demonstrate to the Crown representatives, by walking the bounds of their territories, that they had a right to it and that they could exercise such rights without having their action challenged by other tribes or peoples. It was a well-known fact that when one tribe was engaged in selling its land adjoining tribes were well advised to keep a close watch along their own boundaries for signs of the surveyor.

When therefore the Deed goes on to say that—

The boundaries of the land that we agreed to sell at our first meetings with Mr. Mclean are these it would seem that the boundaries quoted are to form the periphery of the land sold : Whatever is within the boundary is a thing dealt with : Whatever is without the boundary is a thing apart. Strength is given to this view by the final sentence which occurs after a meticulously correct recital of a well-defined boundary-line (that could be followed from the description to this day). "*And we will not permit any Native to molest the Europeans within these boundaries.*"

66. Two other parcels of land the sale of which is evidenced by this deed are described separately in the deed as follows :—

At former meetings between ourselves and Messieurs McLean and Park at Te Awapuni we agreed to entirely give up the whole of the boulder bank at Ruahoru (Ruahoro) extending as far as Ahuriri. We also agreed entirely to give up Mataruahou (Scinde Island) Pukemokimoki being the only portion of Mataruahou reserved for ourselves together with a small piece of land where the children and family of Tareha are buried for as long as the land remains unoccupied by Europeans.

The description of these three parcels of land is immediately followed in the deed by this passage :—

Now we have in our assemblies sighed over, wept over and bidden farewell to and solemnly consented entirely to *give up these lands* descended to us from our ancestors *with their seas, rivers, waters, timber and all appertaining to the said lands* to Victoria the Queen of England for ever. [The italics are mine.]

Now these are the portions reserved for ourselves :—

1st The First : The island in the Whanganui-O-Rotu Lake named te Roro-o-Kuri.

2nd The Second : The portion surveyed by Mr. Park the surveyor named Wharerangi as a lasting possession for ourselves. The boundaries of the said piece of land commence at te Niho thence along the survey line to Whakamarumaru crossing thence to Ahititi on reaching which place it runs along the survey line to Rere-o-tawaki and on to te Niho.

3rd The Third : Five hundred acres at the place called Puketitiri with a right to snare birds throughout the whole of the forest of Puketitiri.

67. At this point it might be noted that part of the unbroken boundary line of the first parcel of land sold is described as running—

to the place reserved for us at Te Niho going on as far as Rere-o-Tawaki where our reserve ends

while part of the boundary line of the area reserved is "to Rere-o-Tawaki and on to Te Niho." Between Te Niho and Rere-o-Tawaki the boundaries of land sold and land reserved are identical. If the line between the two points is to be a direct one for one purpose it must surely be the same for the other purpose, and if that part of the Whanganui-o-Rotu lying between such line and the shore is included within the land sold the same piece of the Whanga would be reserved as part of the second reserve provided for in the deed.