

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.