After taking a good deal of evidence, it turned out that the natives were under a mistake as to the quantity of land which was being restored to them by Government. On the true state of the case being explained by Mr. Locke, Karaitiana expressed himself satisfied.

C. W. RICHMOND.

NOTE.—This Report is concurred in by Mr. Commissioner Maning.

REPORT ON CASE No. XXX.

CROWN PURCHASE No. 3 *(Wharawhara)*.

This is a small block adjoining the Porangahau block at its south-western corner. It was admitted by Mr. Locke, that on a recent survey of the boundary for the purpose of laying off land for which applications to purchase had been received, about 350 acres of the native land had been included. The error made told on the whole against the Crown, as the correct boundary includes 1,045 acres left out by the surveyor.

C. W. RICHMOND.

NOTE.—This Report is concurred in by Mr. Commissioner Maning.

REPORT ON CASE No. XXXI.

CROWN PURCHASE No. 4 *(Waipawa)*.

This was a question respecting the boundary of the Tarewa Bush reserve, excepted by the natives on the cession of Te Hapuku's block in 1851. The reserve lies in the fork of the Tukituki and Waipawa rivers. Recently the reserve has been subdivided by the Native Lands Court, and six separate grants have been issued to different natives of different portions. The present question affects the inland boundary of a portion of the reserve at the north-western corner. This portion was allotted to the complainant, Heta Tiki, with others, and he claims that the reserve should extend beyond the boundary named in his grant, and should take in about thirty-five acres of land comprised in the grant (originally issued to Mr. Tollemache) of the adjoining land.

In support of this claim Mr. Ellison, a surveyor, was called on behalf of the natives. Mr. Ellison deposed to having traced an old line, apparently pegged out as a boundary line, and coinciding with the boundary claimed. The pegs on this line were branded with certain marks, ascertained by us to have been the private marks of Mr. Cooper, of the Land Purchase Department, and Mr. Fitzgerald, a Provincial surveyor. The controversy was, whether this line was the true boundary of the reserve, or a line laid down on a plan prepared about 1860 by Mr. Fitzgerald, and produced to us from the Provincial Survey Office; the latter being the boundary in accordance with which the Crown grants of the reserve and adjacent lands have been prepared. It is hereafter referred to by me as the *yellow* boundary.

On reference to the deed of cession of Te Hapuku's block, we found specified amongst the reserves, Tarewa, containing 2,135 acres. No further information as to the extent or character of the reserve is obtainable from the deed. It was proved that Mr. Pelichet was the surveyor employed by Mr. M'Lean to survey the reserve at the time of the purchase, and that Mr. Pelichet was accompanied (as provided by the deed of cession) by Hori Niania and Paora Ropiha, who were to point out the boundaries to him. Mr. M'Lean's original instructions to Pelichet to make the survey were produced; from which it appeared that Pelichet was directed to estimate the extent of the reserve. Mr. Pelichet's field book was also produced to us, together with the original plan of the reserve plotted by him from this book. It was apparent, from inspection of the book and plan, that Mr. Pelichet had very carefully surveyed the edge of the bush as it then stood by running a series of traverse-lines along its margin at a short distance therefrom, and by measuring offsets to the salient points and into the recesses. The margin of the bush is coloured pink in this plan, and the area of the reserve is stated, as in the deed of cession, at 2,135 acres. There can be no doubt whatever as to the character of Mr. Pelichet's lines. They surround the reserve, generally at some distance outside the edge of the bush, crossing the rivers which it is admitted form the boundary of the reserve, and including land on the further bank. The included area would considerably exceed 2,135 acres. Manifestly the lines form no boundary, but are a series of traverse-lines; and I have no doubt whatever from this documentary evidence, that the agreed boundary of the reserve in 1851 was the margin of the bush.

The difficulty has arisen from subsequent proceedings. In or about 1860, it being desired to ascertain on the ground the boundary of the reserve, Mr. Fitzgerald was sent down to Waipawa by the Provincial Government, and went on to the ground accompanied by Mr. Cooper. Hori Niania went with them to point out the boundary, neither gentleman having personal knowledge of the original survey. The margin of the bush was of course not exactly as in 1851, and under Hori's direction Mr. Fitzgerald surveyed and pegged out what Mr. Cooper, and possibly Mr. Fitzgerald also, took at the time to be the boundary. At the north-western corner of the reserve this line appears to run nearly parallel with Mr. Pelichet's traverse line No. 30, a little within it. This, it is evident, is the line which has been traced by Mr. Ellison, the surveyor employed by the native complainants. It takes in the disputed thirty-five acres, with some acres of river bed.

It would seem that on referring to records in the office, if not before, Mr. Fitzgerald must have perceived that the true boundary was the former edge of the bush, for on his plan we found laid down,