

application as lessee under the Native Land Administration Act of 1886 was that such a course might have endangered my position under the Special Powers and Contracts Act, as it would have limited me to a time which I was not otherwise bound by. I was informed by the then Premier, Sir Robert Stout, at the time the Bill was under consideration, that in drafting it the Government had expressly refrained from limiting me to time, on account of the wrong they considered I had sustained.

With regard to the evidence given by Judge Wilson, I wish to say that when the matter was before the Court in October, 1887, my solicitor applied to him to take evidence as to the map put before the Court on that occasion. The evidence which we wished to put in was to the effect that that map was wrong as to the position of Totoro, which caused an apparent conflict with the terms of the original order of the Court. The evidence I proposed to tender was that of Te Huia, Te Rerenga, Mr. Donkin, civil engineer, Mr. Gilmour, and myself, as to the true position of the Totoro. I might probably have been able to bring other evidence. I had these witnesses actually in attendance, except Mr. Donkin, who could easily have been procured; but, as the Judge refused to hear any evidence, we could do nothing.

The survey which is now before the Court contains what I allege to be the same error, and will probably cause the plan to be again rejected by the Court on a future application. Whenever I have made any representation on this point to the Survey Department, Mr. Humphries has always told me, "We do not know you in the matter at all." I claim that it is he and his surveyors that have caused all the trouble as to the eastern boundaries. I put in the application now produced to pass the block through the Land Court in 1882. It is in my own handwriting. Before the Court sat I saw Judge Fenton in Auckland about gazetting the application. He said to me, "You must have some mark on the ground by which we can draw the line for the eastern boundary." I showed him the map now produced (No. 33). He said, "Is there not some mark there by which we can fix the starting-point?" He suggested that a big post should be put in. I said, "That will necessitate my going back to Mokau, and will take a long time." I had gone to Auckland on purpose to get the land gazetted for the Court. I said, "There is a mineral spring about that spot at Totoro"; and he said, "Very well; we will call it the mineral spring at Totoro;" and it was upon that description it was gazetted. The whole of the eastern boundary depended on the position of Totoro; and the action of the Survey Department in, as I say, misplacing that point has caused all the trouble in the matter of the survey. When the land passed through the Court the Judge again looked at the plan (No. 33), and satisfied himself that it was the one on which the land was gazetted, and that it corresponded with the plan prepared by Mr. W. H. Grace, which was hung up in the Court. In fact, the Judges actually had on their desk during the sitting the plan now produced. I never saw the punga peg referred to in the original application. Epiha told me he had put in a punga peg at the Mohakatino. That was why I said there was such a peg.

MONDAY, 13TH AUGUST, 1888.

JOSHUA JONES (evidence continued).

With regard to the survey of the block, I have read over the evidence given by Messrs. Humphries, Skeet, and Dalziel.

I know the terms of the original order of the Native Land Court defining the boundary of the Mokau-Mohakatino No. 1 Block. I know that the eastern boundary of the block is in that order defined to be a line due south from the mineral spring on the bank of the Mokau River at Totoro to a point near the source of the Mohakatino River. I know the locality myself well. I have lived at Totoro several times for weeks together. I see the position of Totoro on the plan now produced, which purports to be a copy of the plan furnished to the Native Land Court, and approved by the Chief Surveyor, New Plymouth. The position of Totoro as shown on that plan is not correct. The term "Totoro" included a considerable area, and there is a Native village there. There is a long line of whares, which is known as the Village of Totoro. Those whares are not shown on the plan now produced to me. There are some whares on the hill where Heremia was buried, and about a quarter of a mile to the eastward of that is the long line of whares along the bank of the river. It is this that I claim to be the Village of Totoro. There are two mineral springs which may be said to be near Totoro. One of them lies to the westward and the other to the eastward of the village. It is the eastward one which I claim to be the one intended in the order of the Court. The application to have the land put through the Court is in my own handwriting, and should be found on the records of the Court when the land passed through the Court. Judge Fenton spoke to me about the boundary of the land, because he understood I was acting for the Natives, and that I was interested in getting the lease from them. He said (referring to the eastern boundary), "You must have a mark or something definite to start from." I then had in my hand the identical plan now put in (No. 33), which was drawn by T. K. Skinner. I said to him, "There is a mineral spring at that point." He said, "Very well; that will do to start from. We will call it the mineral spring at Totoro." That was why the description was inserted in the way it was: There was a plan stuck up in the Court-room, which was to the same effect as the plan now produced by me (No. 33). The plan used by the Court was taken on an enlarged scale by Mr. W. H. Grace. That, I believe, is the plan which is said to have been since stolen from the Auckland Post-office. Motukaramu is a long valley, and there is an old mission-station there; there is also another mission-station further to the eastward. I do not know whether it was in evidence before Judge Fenton that there were two mineral springs near Totoro, but I have a distinct recollection of explaining to him about the mission-station. I remember writing a protest against Mr. Skeet being employed to survey the block. I notice what he says about the line from Totoro crossing the Mokau River, and being in conflict with the order of the Court. The reason of that was that Mr. Skeet wanted to start the survey from the wrong spring: it must have been because he proposed to take the westward spring