

4. At the inquiry in Wairoa, counsel for the parties placed before the Commission all the information that they had been able to obtain. We felt, however, that further research might disclose additional information which might be helpful in the elucidation of the somewhat difficult problem with which we were presented. Accordingly, by direction of the Commission, our Secretary made considerable further research. Various files have been examined that it was thought might afford or lead to further information; efforts were made to trace a plan that was spoken of as having been seen in or about 1925 in the Office of the East Coast Commissioner at Gisborne; information on various points was sought from Judge Harvey, of the Native Land Court, and from Mr. Pfeifer, whose names had been mentioned at the inquiry and who, the Commission thought, might possibly be able to elucidate certain aspects of the matter. A search was also made at the Alexander Turnbull Library to trace documents, such as letters from Mr. Locke to Sir Donald McLean, which might have a bearing, and a search was also made of records of the Hawke's Bay Provincial Council.

5. As a result of the inquiries and research referred to in the last preceding paragraph, we held a further sitting in Wellington on the 5th July, when Judge Harvey and Mr. Pfeifer attended and were examined as witnesses. At that particular sitting Mr. Spratt appeared on behalf of the Maoris, the Crown not being represented. The evidence of Judge Harvey and Mr. Pfeifer, though somewhat vague and indefinite in some respects due to lapse of time and loss of documents, has nevertheless been helpful in enabling us to form our conclusions.

6. We append to this report a plan or sketch showing the Mahia and surrounding blocks (indeed, the whole Peninsula) which is necessary for a due appreciation of the matters in controversy. The line ABC represents the eastern boundary of the Mahia Block as claimed by the Crown. The line ABD represents the line as now claimed by the Maoris to be the true boundary-line. It will be seen that the parties are in agreement as to the line from A to B. The area now in dispute between the line BC and the line BD as ascertained by a survey made a few days prior to our sitting in Wairoa by Mr. Glanville, a surveyor employed by the Maoris, is 3,160 acres. At the inquiry before Judge Carr, to which we shall refer later, it was estimated that the area in dispute was 2,270 acres approximately, but at that time there had been no actual survey of the boundary-line as claimed by the Maoris. As we have already said, Mr. Glanville's survey is a very recent one. The land shown in the sketch as comprising 5,800 acres, which land includes the 3,160 acres now in dispute, was the area claimed by a section of the Maoris of Tawapata South in a previous claim, which was referred to Mr. Justice Sim's Commission in 1927 (the Confiscated Lands Commission) and rejected.

7. We need say no more regarding the view taken by Mr. Justice Sim's Commission than that we respectfully agree with it. The decision of that Commission does not, however, conclude or, indeed, affect the present claim, except to give rise to the comment that different sections of the Maoris have made two conflicting and irreconcilable claims. That fact, however, has no more weight with us than that it necessarily demands that the present claim be closely scrutinized.

8. At the time of the deed of sale of the Mahia Block, the 20th October, 1864, there had been no survey and the land was described in the deed in accordance with the natural features of its boundaries. The description was as follows: "The boundaries of the said land, which is now being parted with, commence from Oraka, thence to Pareihe, thence to Mangaroa, thence to Punawehiwehi, thence to Otamoana, thence to Kaitangikaroro, thence to Hautaroa, thence to Mangaowhau, thence to Tikapu, thence to Pakake-a-Mahere, thence to Whakaumu-a-Hika-Tupuni, thence to Wairenganui, thence to Pukewhātu, thence to Maungatea, thence to the sea, thence to Te Ahimanawa, thence to Taramahiti, to Moemotu, to Ika-a-Tama, to Hoe, to Whakatahae, to Kereru, to Maota, to Mokotahi, to Mahia, to Waha-o-Toanga, to Upoko-o-Tataramoa, to Papa-whakaango, to Takitaki, to Pakipaki, thence meeting Oraka, the commencement of the boundary."