

(c) The Parapara and Ihū-o-Tikei Islands are, it is submitted, *outside* the boundaries quoted in the deed, but *within* the red edging on the plan attached to the deed. The fact that they were found by the Court (only fifteen years after the signing of the Ahuriri deed) to be Native papatipu land seems to indicate that one should not be impressed unduly by the colouring of the plan attached to the deed when such colouring is found to be in conflict with the written terms of the deed, and the nature of acts to which both Crown and Natives must have been in agreement over.

73. A further reason for assuming that the Whanganui-o-Rotu (as such) was not included within the boundaries of the land sold by deed of cession of 1851 can be found by reference to the title history of other islands in the Lagoon.

74. In 1918 the Natives applied for investigation of title to the Urewiri and other islands in the Whanga. The matter came before Judge Jones at Napier on the 12th February, 1918, and could not be proceeded with for the reason shown in the minutes that—

As to the Islands claimed there was no survey and the map M30 submitted to Court does not appear to be a sketch map of the islands but of the surrounding land. If the Chief Surveyor will approve of it as a sketch plan of the islands the Court would be prepared to go on.

75. The explanation of the Court's inability to proceed with the investigation of title lies in the substance of Rules 19 and 20 of the Rules of Court, which read as follows :—

19. Except as provided in the next succeeding rule, the Court shall not proceed with the investigation of the title to customary land until the land is surveyed and the Court has before it an approved plan.

20. If the land has not been surveyed the Court may proceed with the investigation of title upon a sketch-plan approved by the Chief Surveyor and accepted by the Court as sufficient for the purpose of the investigation.

76. On the 19th February, 1918, complaint was made by one of the interested Natives (Pera Hohepa) that Judge Jones was unable to proceed with the investigation on account of there being no plan, and that—

the Natives were unable to get the Chief Surveyor to certify to such a plan or plans.

77. On the complaint being referred to the Under-Secretary for Lands, he replied, on 1st March 1918—

that the Commissioner of Crown Lands, Napier, was informed on 12th September 1917 that there was no objection to a plan of the islands called Uruwiri (Urewiri) Poroporo, Tirowhangahe, Tuteranuku, Awa-awaka and Matawhero being supplied to the Court.

78. The necessary plan, however, was not supplied to the Court, and this application for investigation of title was eventually dismissed for want of prosecution.

79. On the 20th February, 1922, applications for investigation of title were made in respect of—

Matawhero.
Tuteranuku.
Te Awawaka.
Te Roro-o-Kuri.
Poroporo and Tirowhangahe
Urewiri or Kouriwiri.

80. On the 23rd February, 1922, the Registrar wrote to the Chief Surveyor, Napier, asking whether his records showed these islands to be still Native customary land, and, if so, whether or not there were any plans sufficient to enable the Court to proceed with the investigation of the titles.