

(the Hawke's Bay Alienation Commission of 1873) under the name of Whenuahou. That Commission was divided in its opinion regarding the matter. The learned Chairman expressed the opinion that there was no valid ground of complaint. "The claim," he said, "seems to have been invented about the time of the first Land Courts, when Natives were looking round for every piece to which they could set up a title." 1873, G.-7, p. 38.

Mr. Commissioner Maning found the investigation of the matter difficult. His idea was that the Natives may have in some degree misunderstood the arrangement with Mr. McLean by which their opposition was removed. He came to the conclusion that, notwithstanding any trifling misunderstanding, the purchase was good, and the complaints were a reiteration of those formerly made and which had been virtually settled. 1873, G.-7, p. 51.

The two Native Commissioners were of opinion that an arrangement had been made with Mr. McLean as asserted by the Natives, and their finding was in favour of the latter. 1873, G.-7, p. 80.

These and other disputes which arose in dealings between the Natives and the Crown, and developed later into grievances, seem to take their rise from the fact that the shortage of surveyors in the Hawke's Bay District at that time made it impracticable to properly survey the boundaries before sale. In many cases no plans were put on the deeds. Where surveys were made the system of recording them was not so complete as in later days, or if a correct record was kept we are now unable to trace the plans. The same difficulty also arises as to other records. It is scarcely conceivable that a careful man like Sir Donald McLean, the then Chief Land Purchase Commissioner, would have met the Natives about a difficulty arising over the sale of land, and issue instructions to a surveyor, without making some written record of it, but no such record was produced.

We have therefore to gather the history as best we can from the evidence given and the various published documents, and, although it may be slightly wearisome, it is necessary to state it at some length so as to make apparent the reasons why we arrive at our conclusions.

The history begins with the sale of a large block of land called Waipukurau in November, 1851. This seems to have been effectuated after many elaborate preparations, and, as it was signed by nearly four hundred persons, can be taken to have been widely known. This deed, in describing the boundary of the land sold, describes the southern boundary as starting at Parimahu, goes westward, and, after describing various points, including Ngahape, eventually reaches Pa-o-Rangitahia at its south-west corner, turns northward and follows the Maharakeke Stream and other streams as being its western boundary. It is important to notice that the Maharakeke Stream bounds the Aorangi Block on the east. If any confirmation of a stream starting the western boundary is required it will be found in the report of Mr. Park, surveyor, prior to the sale, where, although he leaves the name of the stream a blank, he evidently refers to Maharakeke Stream flowing northwards to the Tukituki River. 1861, C.-1, p. 314. 2 Turton, p. 487.

On the 15th December, 1851, reporting the completion of the matter, Mr. McLean mentions that he is proceeding with the surveyor to examine another block, and on the 29th of same month he writes that Hapuku "has freely granted and pointed out another block in extension of the former purchase." 1862, C.-1, p. 315.

About this time (December, 1851) there appears a line on the maps known as "Park's new line." This is situate somewhat to the westward of the boundary laid down in the Waipukurau deed. Why it was laid down cannot now be ascertained, but it appears by some persons to have been thought to extend or enlarge the western boundary of the Waipukurau purchase. There does not seem to be any unanimity as to its exact position, some sketches showing it as ending midway between Pa-o-Rangitahia and a place called Kiriwai. Before us the opinion was expressed it should run to Kiriwai. Its exact position is not, however, of any great importance as far as Aorangi Block is concerned, since it must be evident that no fresh line drawn by a surveyor could vary or