

its boundary is from the sea-coast at Parimahu to Pa-o-Rangitahia, following the old Waipukurau boundary; then it turns southwards along Maharakeke and Otakohe Streams, eventually striking the southern boundary at Waikopiro Stream, and leaving to the west of it the southern part of the Aorangi Block. This has a further significance, since it takes the north boundary only as far as Pa-o-Rangitahia (the south-west corner of the Waipukurau Block according to the sale-deed). As this Porangahau deed included the bulk of the land purported to be sold by the 1854 deed, the title to which had not been completed by any survey, and was signed by some at least of the opponents to the 1854 sale, it seems reasonable to suppose that before signing the Porangahau deed their former objections had been removed, otherwise their opposition would have been in vain. The Natives' suggestion is that the later deed was in substitution of the prior one, while Mr. Cooper, the District Commissioner, held the opinion that the Native opposition had been extinguished on a cash basis. If the latter view is correct it is extremely difficult to see why, as Mr. Justice Richmond pointed out, the confirming deed did not include the whole of the land in the former deed, and so confirm the title of the Crown to all the land. It is, however, necessary to keep the opinion (no doubt, honestly formed) of the District Commissioner in mind in view of the subsequent happenings.

Following the Porangahau deed of 1858, on the 14th July, 1859, the land contained in that deed was proclaimed to have been acquired from the Natives, and the Natives' title extinguished. If it was intended to still claim the boundaries of 1854 it is hard to understand why the whole of the land contained in the two deeds was not then proclaimed. *Gazette*, 1859, p. 161.

The next stage comes when, some time in 1861 or 1862, Mr. Locke, acting on behalf of the provincial authorities, desired to mark out certain portions of the land for sale. In order to do this he applied to the District Commissioner to assist him in defining the boundary between the Natives and the Crown, and they called in the assistance of Hori Niania. Mr. Cooper produced a copy of the 1854 deed, evidently believing that still prevailed, and they started accordingly. As, however, the land Mr. Locke was dealing with at that time was to the eastward of the line pointed out, it became unnecessary, in Mr. Locke's opinion, to definitely define the boundary on that occasion. *1873, G.-7, p. 143.*

About 1865, Mr. Johnston, who had originally held the land from the Natives, desiring to acquire the freehold of more land, it became necessary to finally fix the line; and Mr. Locke, believing that Hori Niania had previously deceived him as to one of the points on the boundary, applied to the local Natives to assist him. It is quite evident that he was still using the 1854 deed. As a matter of fact, he had never heard of the dispute and alleged settlement. He found some opposition, but naturally thought, in the face of the deed, that the Natives were endeavouring to benefit at the expense of the Crown—an impression that Hori Niania's conduct would tend to corroborate. After consultation with the Natives a line was fixed from Tatua-o-te-Ihunga slightly to the east of Kiriwai, and including within the Crown boundary the southern portion of Aorangi. Mr. Ellison, the surveyor who surveyed the line, does not appear to have seen Mr. Pelichet's survey. He found some slight objection by the Natives, but no serious opposition, and apparently thought he had satisfied them by moving the line so as to leave various bays outside the bush to the Natives, which would have been a large concession had the land really passed to the Crown. The Natives' explanation of the apparent want of opposition is that they understood Mr. Locke, in surveying the boundaries of the 1854 deed, had found that sale was valid. As already pointed out, Mr. Locke's version is that he knew nothing of the dispute. Whatever the opinion of the officers dealing with the Natives may have been, it is quite evident that the latter were not as a fact satisfied, since they seem to have approached the authorities on the subject, and their grievance was considered of sufficient importance to be included in the Act which referred various disputes between Natives and the Crown to the Hawke's Bay Alienation Commission of 1873. *1873, G.-7, p. 144.*