

REPORT ON CASE No. XXXIII.

CROWN PURCHASE No. 6 (*Te Ranga*).

The complainant in this case was Te Hapuku. He claimed as unsold land a large tract estimated to contain 13,000 acres, lying west of the Maraekakaho river, and extending inland to the Manga-o-nuku, which forms the western boundary of the disputed block.

The deed of cession of the Maraekakaho block, dated 20th November, 1856, was produced, and appeared to have been signed by the complainant and others. The complainant did not dispute his signature, but, on the boundaries given in the deed being read aloud to him, he repeatedly exclaimed that it was incorrect. The boundary as described runs back to the Manga-o-nuku, and plainly includes the disputed land. Were the claim well founded, no part of the Maraekakaho block would abut upon the Manga-o-nuku.

As the complainant declared that the boundary had never been read over to him, we examined Mr. G. S. Cooper, who deposed that he had himself written out the deed in Te Hapuku's pa, at Wakatu, on the Ngaruroro; that he read the deed aloud, publicly, in the presence of Te Hapuku and a number of his people; that Te Hapuku heard every word of it, and thoroughly understood the translation.

At the time of the execution of the deed there was no map upon it, the map which now appears on the same piece of parchment having been subsequently put on by Mr. Cooper. This, however, appears immaterial, as the description does not refer to any map. It was in evidence that Mr. Park's map, which was produced to us, and on which the boundaries are delineated from actual survey, was in the Wakatu pa at the time the deed was executed, and was referred to by Mr. Cooper and the natives as a guide in framing the description contained in the deed.

Part of the seaward boundary should have consisted of a surveyor's line laid down on Mr. Park's map; but as no native names were given along this line on the map, and Mr. Cooper had only a general personal knowledge of the country, he took the description of this part of the boundary from Te Hapuku himself, who gave the native names of several points mentioned in the deed along this part of the boundary. Disputes afterwards arose on this part of the boundary, and a settler in occupation of a portion of the block within Mr. Park's line was disturbed by the natives, and had to relinquish his homestead. The boundary was then rectified under Mr. Cooper's direction, according to the native names given by Te Hapuku, and appearing in the deed, the extent of the block being thereby considerably reduced—still, it would seem, without wholly satisfying the natives. These disputes had, however, no reference to the portion of the block now claimed under the name of Te Ranga, which is the inland portion, bounded to the eastward by a line running along the foot of a range which forms the watershed between the Maraekakaho and Manga-o-nuku.

Sometime after the purchase of Maraekakaho, Renata Kawepo and other natives who had been opposed to Te Hapuku's land sales, agreed to confirm them in consideration of a payment to them of £1,300. The receipt for this money specifies the outside boundary of the land supposed to have been sold by Te Hapuku and his people. These boundaries we found to include Te Ranga as part of the Maraekakaho block. Renata Kawepo was examined by us respecting the agreement to which we have just referred. He stated that he was not particularly acquainted with Te Hapuku's transactions, but had always considered that Te Ranga had gone to the Pakehas.

No question appears to have been raised as to Te Ranga until about the time of the first sitting of the Native Lands Court, nor has the occupation of this portion of the block by settlers ever been disturbed since the purchase, now nearly seventeen years ago.

Under these circumstances we have no hesitation in reporting that the claim is unfounded.

C. W. RICHMOND.

NOTE.—This Report is concurred in by Mr. Commissioner Maning.

REPORT ON CASE No. XXXIV.

COMPLAINT No. 295.—*Ex parte* RENATA PUKUTUTU (*Oero, Native Reserve*).

This was a complaint against Government respecting the Native Bush Reserve at Oero—a piece of land which was excepted out of the deed of cession of Te Hapuku's block. There is no dispute as to the facts of the case. It appears from Mr. Locke's report appended hereto [*See Appendix*], that the proper boundary of the reserve as surveyed by Mr. Pelichet has been trenched upon by Government sales to the extent of fifty-one acres. This is a claim which will require adjustment by the Government.

C. W. RICHMOND.

NOTE.—The other Commissioners have expressed no opinion upon this case.