

(that is to say, of the Mahia Block). We have then the fact that £500, being the balance of purchase-money not paid at the time of the execution of the deed, was to be paid when the survey of the land had been completed. Our research shows that on the 5th December, 1864, Mr. Locke wrote from Mahia to Mr. Donald McLean that the survey was going on. We also find, according to the record of the votes and proceedings of the Hawke's Bay Provincial Council, that in 1865 a return was made on the motion of Mr. Buchanan setting out that the Mahia Block, an area estimated at 16,000 acres, had been purchased, that the price in the deed was £2,000, that the payments in cash had been £2,379, that the total cost had been £2,639 6s. 11d., and that the cost of survey had been £80; and there was a footnote that "part of the Mahia has been laid out into town and suburban lands." There is also a letter from Mr. Locke to Mr. McLean on the 22nd April, 1865, saying that Ihaka Whaanga was at Wairoa, and adding: "He often mentions a small piece of land which he added to the Mahia Block at the inland side since the sale to make the block more square. I suppose he looks for something for it." Mr. Harvey, in his evidence, referred to a small piece of land which had been included in the survey but was not in the description of the land sold; and that tallies with what Mr. Locke says in his letter. The piece of land in question is obviously a triangular piece at the north-east end of the block created by taking the line through Kaiuku instead of a straight line from Pareihe to Mangaroa, and has no relation whatsoever to the present dispute. It would seem tolerably plain from all that we have said that Mr. Locke made a survey and plan of the Mahia Block in 1864-65. Mr. Pfeifer has some recollection of this plan, which must have been destroyed in the earthquake and fire.

14. Mr. Pfeifer speaks of a plan made by Burton of the Mahia Block in 1868. He may be right; but we should think it more probable, though in actual fact it may not be really material, that the data from which he prepared his plan for Mr. Justice Sim's Commission, which is for all practical purposes the same as the sketch appended to this report (except, of course, the line BD), was Locke's original plan of the Mahia Block in 1864-65 and Burton's plan of Tawapata in 1868.

15. It is common ground that Tawapata North Block and Mahia Block marched together and had a common boundary. It follows, therefore, that from no point of view can the disputed land be now claimed by the descendants of the owners of the Mahia Block. If, in fact, the Crown line was the correct line, then plainly the disputed area would have been part of the Mahia Block and was included in the sale. If, however, the line should have been what the Maoris now say is the correct line, then the area in dispute would have been a part, not of Mahia, but of Tawapata North, and in this latter case, if it were the fact that a wrong boundary-line had been pointed out by the owners of the Mahia Block, that would certainly not have been binding upon the owners of Tawapata.

16. We now come to the proceedings in respect of the Tawapata Block, and in this connection we have a copy (made by Mr. Pfeifer in 1927) of a plan of the whole of Tawapata Block made by Locke, and the plan bears upon it the statement: "Surveyed by S. Locke, 10 Feb., 1866." The plan also indicates that it has reference to an application of Tamati Matangihia and others to the Native Land Court. That application was really made in the first instance in September, 1866, by Matenga te Takawhenua for the investigation of the ownership of Tawapata—that is to say, the whole of Tawapata, both North and South—and in his application his boundaries were stated as: "Commencing at Taiporutu—thence by the sea to Maungatea, the boundary of the Government, and returning to Taiporutu." This application came before Judge Monro in the Native Land Court in February, 1867, and on that occasion Tamati Matangihia prosecuted the claim, as Matenga te Takawhenua had died in the meantime. At that sitting a certificate of title was ordered to be issued to Tawapata South, the