

the Commission Court in 1869. In explaining why a piece called Arai-Matawai (or Waimata) was given back to the Natives by the Government, Mr. Locke said it was because it was above the Waimata, *the acknowledged highest point on the Arai River to which the Patutahi advances*. He further explains that the reason the back boundary was not surveyed was that the country was in a too disturbed condition at the time.

1884, G.—4,
p. 15.

The statement that Waimata River was the southern boundary of the land appropriated for the Government is corroborated by Wi Pere when he says: "The land ceded at Arai was bounded by the Waimata Stream, and went back to the creek named Mangaweka on Mr. Bousefield's plan of Patutahi, thence back by the road to the boundary of the land coloured yellow on the same plan." Curiously enough, along the boundary named by Wi Pere there are names of places and a stream marked on the original map which might well follow out the boundary as described by Wi Pere. This, too, if continued sufficiently far, would have had the advantage of making the Arai Block adjoin the Patutahi on the western side, as described in the minutes of the Commission.

The land was surveyed in 1871 or 1872, the boundary being disputed. That the Natives were not all satisfied with the proceedings of the Commission is very certain, since there was almost a riot at the reassembling of the Commission in August, 1873, and part of the complaint of the Natives was "the adjustment of the Patutahi and Muhunga Blocks, which they all disagreed with." At that sitting they seem to have been told that the matter was beyond the scope of the Commission.

P.B. Standard,
16th August,
1873.

It seems a great pity that the Government did not, in reserving the blocks for the settlers, as provided by the deed, do so by Proclamation or in some other public way; or that the Court, as it apparently proposed on the 6th July, 1869, and as was suggested to it by Mr. Sewell in his telegram of the 28th November, 1870, did not take some formal way of confirming the arrangement with the Natives. "The object," said Mr. Sewell, "is to get the arrangement of 1868 and everything done under it confirmed by the Court." This would at least have given an opportunity to have the matter properly investigated at the time, and, if an error had been made, to have corrected it. We cannot find that any such formal steps were ever taken, and consequently the Departments dropped into various errors over the matter, such as when stating that the whole area of the ceded land was only 200,000 acres, or in describing Patutahi as confiscated land and proclaiming it under the statutes affecting such land.

1871, C.—4.

Gazette, 1877,
p. 656.

The Natives' contention, as we have pointed out, was that the three blocks were to be equal in area; and they have consistently held to that story both before the Native Land Court in 1877, when their statement was confirmed by a European witness—who may, however, have gained part of his information from the Natives—and before Clarke's Commission some five years later. There is some evidence that Patutahi proper was only to be 5,000 acres. Patutahi (or Kaimoe) had originally contained 3,546 acres, and part of Rakaukaka was added, making it up to over 4,500 acres. It was said the balance was made up at Tapatohotoho. The person who owned Rakaukaka afterwards claimed and was awarded compensation for the part so taken. There must have been some special reason for increasing the flat land in that way. We can find no definite evidence that Te Arai, or the inland block, was to be so confined. To make it only 5,000 acres and join it to Patutahi, as the minutes proposed, would make a very awkward-shaped piece of land, and would by no means cover the boundaries which we understand to be pointed out by Wi Pere. We are therefore inclined to think that something larger than 15,000 acres in all was to be awarded, though the Natives may well have supposed that the boundaries as pointed out would not cover more than that.

Gisborne
M.B. 3, p. 371
et seq.
1884, G.—4.

The Government itself has fixed an area which, while it may be more or less than the area within the actual boundaries agreed upon, was evidently accepted by it in its dealings with the land. It will be remembered that Mr. Richmond, in recommending the issue of the Proclamation extinguishing the Native title, had said the military and Native settlers had to be provided

10th Feb-
ruary, 1869.