

By ss. 22 and 26 provision was made for the constitution of ten land districts (of which the Wellington Land District is one) with a Commissioner of Crown Lands for each district, and by s. 28 the powers and duties of the Commissioners were defined. By s. 106 Crown lands were divided into three classes: (1) town land, (2) suburban land, and (3) rural land. By s. 136 the Governor was empowered by notification in the *Gazette* to declare that any rural land within the colony (with an immaterial exception) should be open for sale or selection in the manner and upon the conditions mentioned in the Act. By s. 250 it is enacted that whenever the Governor is satisfied that any Native lands acquired by Her Majesty in any way or purchased out of moneys authorized to be expended on purchase of lands in the North Island are free from Native claims and any difficulties in connection therewith, he shall by Proclamation ordain such lands to be Crown lands subject to be sold and disposed of; and thereupon such lands so proclaimed shall become subject to the provisions of the laws in force regulating the sale and disposal of Crown lands.

151M. On September 13, 1871, three orders were made by the Judge of the Native Land Court.

The first order was for the issue of a certificate of title under the Native Land Acts, 1865 and 1869, to certain Natives (not including the appellant) in respect of a block of land containing about 22,000 acres, known as and called Kaihinu No. 1, when a proper survey of the said land should have been furnished to the satisfaction of the Chief Judge. And it was further ordered that, whenever a Crown grant should be made of the said land, the legal estate therein should vest in the grantees on September 13, 1871.

The second was a similar order in all respects as to a block of land containing about 19,000 acres, and called Kaihinu No. 2, in favour of certain Natives (also not including the appellant).

The third was again a similar order in all respects as to a block of land containing 62,000 acres and called Mangatainoka Block, in favour of certain Natives (including the appellant) and all others (if any) of the members of the Rangitane Tribe. By subsequent proceedings certain parts of this block (not including the areas in dispute) have been detached, and have been ceded to the Crown.

151N. By a deed dated October 10, 1871, various blocks of land (including Kaihinu No. 1 and Kaihinu No. 2, but not including the Mangatainoka Block) were surrendered by the Natives interested to the Crown. The boundaries of these blocks were not mentioned in this deed, but there is a plan on the deed the accuracy and effect of which are in controversy.

By a Proclamation dated July 2, 1874, the then Governor of the colony, "being satisfied that the lands described in the Schedule hereto are free from Native claims, and all difficulties in connection therewith, in pursuance and exercise of the power and authority vested in me by the Immigration and Public Works Act, 1873," proclaimed the said lands to be waste lands of the Crown, subject to be sold and dealt with in accordance with the provisions of the laws in force. The