

adjudicated; and, although it is true that the deed says "watershed," yet that copy of the plan was attached to the deed before the Native Land Court. Both the Waiwhakaurunga and Te Tipi were blocks that came before the Native Land Court. Now, a man may get a deed signed before the block goes before the Court, and that block might contain all the timber, but when the plan comes before the Court it may show that the block is bounded by lines. They might be marked or computed. In the Waiwhakaurunga Block the top lines are computed after the bearings were taken; therefore the plan which was before the Native Land Court is the plan upon which the title is issued. These lines agree exactly with the lines on the plan produced before the Native Land Court and of the compiled plan of the Te Tipi Block. Therefore, supposing you had a deed showing an area within the Te Tipi boundary before it went to the Native Land Court, it might not agree with the plan upon which the title was obtained. In this particular case I quite agree with Mr. Nicholson—that is, in the deed upon which they are staking their case the watershed is mentioned. I also agree with him that since the question has been raised lately we have found that the north-eastern boundary of the Waiwhakaurunga Block is not the true watershed. Our surveyor agrees with his surveyor in defining the true watershed of the Waiwhakaurunga River as going slightly inside—that is, about 1,000 acres inside—the Te Tipi Block. Those are the facts of the case. Though these facts are admitted, and I also admit that the north-eastern boundary shown on the plan of the Waiwhakaurunga Block is not the true watershed, yet I maintain the Crown purchased on the plans certified to by the Court and the Chief Surveyor as an accurate plan of the Te Tipi and Waiwhakaurunga Blocks. These two blocks were before the Court, and the titles were ordered to be issued by the Court upon the plans as produced. The boundary differs from the watershed boundary mentioned by Mr. Nicholson. I see that a clerical error did creep into my memorandum. What I meant to say was that the Te Tipi Block was declared to be waste lands of the Crown in 1879, and the Waiwhakaurunga Block was subsequently declared, on the 10th July, 1879. Both of these blocks are Crown lands. The Te Tipi Block was purchased by the Crown absolutely unburdened by any leases. Now, the position is this: that we have all along looked upon the Waiwhakaurunga Block as having boundaries in accordance with the Native Land Court order. If any question had arisen under which the Government wished to dispose of the timber through the Commissioner of Crown Lands, the whole question would have come up; but it is only comparatively lately that we have had applications for this timber. About three years ago we were about to sell this timber, then the Kauri Timber Company claimed the timber as having been within their watershed. We now come to this phase of the position: We admit that the Native Land Court plan did not show the true watershed boundary, but we maintain that the Crown purchased upon the plans produced before the Native Land Court, and the titles were issued according to these plans. When the company registers their title, the actual original plan deposited is certified to, and this is the plan upon which the title is issued. Their own agents certified, themselves, to the plan upon which the timber-purchase was made. That is the difficulty of the Crown in this matter. The Te Tipi Block is Crown land, and the Waiwhakaurunga Block is Crown land, but the Te Tipi Block was absolutely unburdened by any lease, while the Waiwhakaurunga Block is burdened. We cannot absolutely claim the timber upon the Waiwhakaurunga Block until the expiration of the ninety-nine-years lease. Therefore the Crown is obliged to claim this timber on Te Tipi; they have an absolute conveyance of it: and that is the position to-day. The Crown has purchased by definite plans in each case from the Court—which has the same effect as the Supreme Court—and the titles have issued on these plans. That it is not the true watershed we admit. I am quite sure that if the Crown had wanted to dispose of the timber some three or four years ago we should have proceeded to measure it outside the boundaries of the Waiwhakaurunga Block, as it passed through the Native Land Court.

1 *Mr. Nicholson.*] Although the plan is attached to the deed, the north-eastern boundary was still shown as the dividing-range on that plan?—I do not think the words "Dividing Range" are marked on it.

2 I think they are. The same plan in the Survey Office shows the range marked as a range?—That is the plan on the copy of the deed of purchase. [Produced.] This plan shows the range marked. [Produced.] I should like to mention that the Committee must remember that, as the estate is vested in the Crown legally, it is quite a question whether we could look upon it other than as Crown land in the matter of disposing of the timber

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