

4. By deed made on the 10th August, 1875, Mere Hapimana Huriwaka and others, in consideration of the sum of £1,150, conveyed to Her Majesty the Queen all that block or parcel of land containing 11,594 acres or thereabouts, called Tauhara Middle, excepting "reserve for Native occupation at Waipahihi Stream (at mouth of Lake), area, say, fifty to one hundred acres, also a small landing reserve at Wharewaka of, say under ten acres, and another occupation reserve at Patuiwi as sketched on plan and tinted yellow".

App. A. A copy of the deed is set out in Appendix A.

5. The Crown also entered into negotiation for a lease of the balance of the area.

See Deed 773, Lands and Survey, dated 10th July, 1875.

This latter transaction was abandoned and portion of the area was purchased by deed of 7th June, 1881, as Tauhara No. 3.

6. On the 19th April, 1879, a document confirming the above and other transactions was executed.

This document recited that "Whereas in the years 1870–1871/2 and 1873 the block of land known as Tauhara Middle in the District of Taupo Colony of New Zealand was dealt with by owners thereof by deeds of conveyance of three several portions of said Block and by deed of lease of the remaining portion thereof to Her Majesty the Queen: And whereas various obstacles legal and technical and relating to reserves have hitherto intervened preventing a final settlement thereof and whereas these obstacles are now removed"; and goes on, "We hereby now confirm the said deeds of conveyance and lease to Her Majesty of the said portions of Tauhara Middle Block the boundaries of which are described in the Schedule written underneath . . ."

In the Schedule appears, *inter alia*, the following words "Area 10,946 acres, more or less, excepting the reserves at Waipahihi Patuiwi and Wharewaka as surveyed."

App. B. A copy of the deed is set out in Appendix B.

NOTE.—From a note on the old Native land purchase papers it appears that the purchase made by deed of conveyance of the 10th August, 1875, was undertaken in 1873, and it is evident that the confirmatory deed embraces this transaction.

7. (a) The next step was an application to the Native Land Court to ascertain and determine what interest in the Tauhara Middle Block had been acquired by the Crown.

This application was heard by the Court (Judges Symons and O'Brien), and on the 10th December, 1880, an order was made declaring Tauhara Middle No. 1, containing 14,050 acres, to be the property of Her Majesty.

(b) The proceedings are recorded in Taupo Minute Book No. 2, pages 47–9.

The only evidence which relates to reserves is that of Maihi Maniapoto, who stated, *inter alia* :—

"*Maihi Maniapoto* (sworn): I know this land; I am one of the grantees. I know the portions sold and leased. I can show it on the plan. There is a piece also that has been sold called Opape. The rest is leased to Government. Waipahihi is a reserve in the sold part at Tapuaeharuru containing 146 acres, at Wharewaka 6 acres 1 rood 2 perches, at Wharepatuiwi 75 acres. The sale of the pieces mentioned by me, with the exception of the reserves, has been completed. There is a reserve of 2 acres to be made to Poihipi Tukairangi called Parakiri at the mouth of the Lake."

(c) No mention of the reserves is made in the Court order, but on the registered copy of the order appears the following minute—

"This order is subject to an agreement to return by Crown grant to the Native owners the Patuiwi and Waipahihi Reserves containing respectively 75 acres and 146 acres, as shown on the plan marked A and attached.

"(Sgd.) R. J. Gill, Under-Secretary."

App. C. (d) The Court was acting pursuant to section 4 of the Government Native Land Purchases Act Amendment Act, 1878 (see Appendix C), and included the reserves in the order (although it could have excluded them), leaving it to the Governor to execute a Crown grant or other instrument vesting such reserve or reserves in the persons interested therein.

(e) A proper survey plan (as well as the deeds referred to above) was before the Court on which, *inter alia*, reserves were delineated and shown in the following words :—

Patuiwi Reserve	..	..	..	..	..	..	75	0	0
Waipahihi Resv.	..	..	..	..	..	..	146	0	0
							A.	R.	P.
Wharewaka Resv.	..	..	..	..	..	..	6	1	20

App. D. (f) Wharewaka had also been separately surveyed in April, 1878. Plan 4214 (red). See copy in Appendix D.

(g) The plan on deed 1272 (see paragraph 4) shows Wharewaka marked as "Landing Reserve," and it is also called "A landing reserve" in the deed itself.

App. E. 8. (a) Tauhara Middle No. 1 was, by Proclamation issued on the 14th June, 1881, and published in the *Gazette* of that date at page 751, declared waste land of the Crown. See copy in Appendix E.

(b) A certificate of title (Vol. 46, folio 110, Auckland Registry) for all that parcel of land containing 14,050 acres, more or less, called or known by the name of "Tauhara Middle No. 1," issued in the name of Her Majesty on the 28th September, 1883.

(c) The two reserves, known as "Waipahihi, 146 acres, and Patuiwi, 75 acres," were shown as excepted from both the Proclamation and certificate of title.

9. Crown grant certificate of titles under the fourth section of the Government Native Land Purchases Act Amendment Act, 1878, as from the 28th March, 1872, were issued for Patuiwi on the 3rd November, 1881, and for Waipahihi on 3rd March, 1881.