

APPENDIX G.

CONFERRING JURISDICTION ON NATIVE LAND COURT.

RANFURLY, Governor.

ORDER IN COUNCIL.

At the Government Buildings, at Wellington this 18th day of May, 1899.

Present :

THE HONOURABLE W. C. WALKER PRESIDING IN COUNCIL.

WHEREAS by section fourteen of "The Native Land Court Act, 1894," it is enacted that the Native Land Court shall, as regards all lands within the meaning of subsection ten of section fourteen aforesaid, have jurisdiction as in the said sub-section mentioned: Provided that the Court shall not proceed to exercise such jurisdiction unless the Governor in Council shall by Order authorize the same to be done:

And whereas the land specified in the Schedule hereto is land in respect whereof the Court has jurisdiction as aforesaid, and it is expedient that the Court should be authorized to exercise the same:

Now, therefore, His Excellency the Governor of the Colony of New Zealand, by and with the advice and consent of the Executive Council of the said colony, doth hereby authorise the said Court to exercise in respect of the said lands the jurisdiction conferred as aforesaid—that is to say, to determine whether or not the said lands or any part thereof was, on the investigation of title thereto, intended by the Native Land Court, or by the nominal owner or owners of such lands, to be held by such nominal owner or owners in trust for Natives not named in the title and to determine who are the Natives (if any) entitled beneficially to such lands, and to order the inclusion of such Natives in the title, either together with or in lieu of the nominal owners or any of them, and for the Purpose aforesaid to order the cancellation or amendment of any existing instrument of title, and the issue of such new Crown grants or other instruments of title as may be necessary, and generally to exercise in respect of the said lands all the jurisdiction and powers conferred on the Native Land Court by sub-section ten of section fourteen of "The Native Land Court Act, 1894."

SCHEDULE.

ALL those parcels of land known as Tauhara Middle No. 4A, Pahautea, Rotokui, Patuiwi and Waipahihi, containing respectively about 30,148 acres, 2,294 acres, 276 acres, 75 acres, and 146 acres, being unsold portions of and reserves in the Tauhara Middle Block, as comprised in Crown grant, vol. ix, folio 71, of the Land Transfer Register of the Auckland District.

ALEX WILLIS, Clerk of the Executive Council.

APPENDIX H.

[Copy.]

THE CHIEF JUDGE,—

Before proceeding to deal with the lands known as Tauhara Middle No. 4A etc. specified in the O in C dated 18/5/99, I would like to know whether the Patuiwi and Waipahihi Reserves are really *within the jurisdiction of the Court* in terms of Sub-Sec. 10 of Sec. 14/94, as amended by Sec. 21/96. I have not before me the correspondence referred to in the Under-Secretary's memo of 25/5/99 which resulted in the issue of the O in C and am therefore uncertain whether the special position of those reserves had been considered. They, and also the Wharewaka Reserve, containing 6a. 1r. 2p. and the Parakiri Reserve of 2 acres, were mentioned in proceedings on 9/12/80, when application to cut out the Crown interest in the Tauhara Middle Block was dealt with (see Taupo Vol. 2 pp. 47/8) but were not excepted by the Court. An order in favour of Her Majesty was made on the following day for the whole of the land named Tauhara Middle No. 1 (See Taupo Vol. 2 p. 49) and subsequently Crown grants were issued under Section 4 of the Govt. N.L. Purchases Act Amendment Act, 1878, for Patuiwi and Waipahihi in favour of the six original grantees. It would appear that those parcels of land were thus removed from the jurisdiction of the Court under Sub. Sec. 10 of Sec. 14/94.

It is true that, when dealing with the balance of the Tauhara Middle Block in 1886, the Court made (*inter alia*), an award to certain representatives of hapus of "the whole of the remaining portion of the block, as well as the reserves at Patuiwi, Waipahihi and Wharewaka" (See Taupo Vol. 6 p. 81). Attached to the draft judgment in the file is a note by Mr. Sheridan, dated 1/8/88 that the Court had no jurisdiction over the reserves, and that Crown grants had been issued for two of them several years previously. Attached to the file is also a copy of the O in C of 18/5/99 forwarded for Mr. Sheridan's information, upon which he noted as follows: "Mr. Browne—Waipahihi and Patuiwi are reserves in the first Tauhara Middle purchase (Tauhara Middle No. 1) They were returned by Crown grants under Sec. 4 of The Government Native Land Purchases Act 1878 to the six original owners (Sgd.) P. Sheridan 9/6/99.