

Mr. Sheridan was an officer of the Native Department in 1877, and perhaps before that date and from my knowledge of the purchase operations of the Department he handled most of the transactions from the Wellington end and he would know the Government's policy in respect of these purchases.

There appears a hiatus between 1886 and 1899. In the later year an Order in Council (see *N.Z. Gazette*, 1899, page 1013) conferred jurisdiction on the Native Land Court, in pursuance of section 14 subsection (10), of the Native Land Act, 1894, to inquire into the status of various reserves in Tauhaha Blocks, including Waipahihi and Patuiwi, but making no reference to Wharewaka.

App. G 1.

Judge Johnson raised the question of jurisdiction and also the question as to whether Wharewaka and Parakiri should be included in the Order in Council, and asks, among other things, what is the position of these reserves.

App. G 2.,
29/9/05.

Judge Johnson, in reply to a letter from Pitiroi Mohi to the Native Minister relative to Parakiri, refers to his memorandum of 29th September, 1905, to the Chief Judge, and states, *inter alia*, "It is for the Native Land Purchase Department to show why the Crown grants for these two proposed reserves were not issued."

App. I.

Mr. Sheridan replied that both Parakiri and Wharewaka were public reserves.

App. H.

The matter appears to have lain dormant in respect of Wharewaka until the present petition was lodged, although a petition was lodged in respect of Parakiri and came before the Native Land Court for inquiry and report on 25th January, 1927 (see Taupo M.B. 30, folio 377). Copy of minutes and report is contained on Native Department file N.D. 21/3/39.

The attitude and actions of the various Governments has been consistent throughout with the view that both Parakiri and Wharewaka are public landing reserves—Parakiri was gazetted a reserve for a landing-place as early as 1874, before the confirmatory deed was contracted.

Apparently there was no immediate use by the public of Wharewaka landing, otherwise it might have been similarly dealt with as the landing reserve at Parakiri—*i.e.*, by public notification in the *Gazette*.

In reviewing the circumstances surrounding the purchase operations relative to the Tauhara lands, Wharewaka has been referred to always as a landing reserve, while Patuiwi and Waipahihi were known as occupation reserves. The correspondence shows that certain areas in occupation were to be reserved to the Natives, but no mention is made of returning landing reserves.

The titles to reserves of an occupational character were duly issued.

Once the land became Crown land the Government was able to deal with the landing reserves without reference to the Native Land Court, under the provisions of the Land Act, by gazetting them public reserves.

I submit that it was on account of this attitude that no action was taken under the fourth section of the Native Land Purchase Act Amendment Act, 1878, that Sheridan's dictum was in accord with that attitude and that both Parakiri and Wharewaka were excluded from the Order in Council of the 18th May, 1899 (see *N.Z. Gazette*, page 1013).

The purpose for which the reserves were made—*i.e.*, public landing reserves—throws no disabilities or hardship on the Native owners in regard to their utilization as such.

Wharewaka, as surveyed on plan 4214 (red), comprises 6 acres 1 rood 20 perches fronting Lake Taupo, and if it were Native land would be subject to the Taupo Waters legislation (see section 14, subsection (3), of the Native Land Act, and Native Land Claims Adjustment Act, 1926), by which a public easement of 1 chain is created, thereby rendering it unfit for subdivisional purposes.

App. K.

The purchase-price of Tauhara Middle was approximately 2s. per acre, the last Government valuation of the area of which Wharewaka forms part, Section 36, Block VI, Tauhara Survey District, is approximately £5 per acre, made in 1931.

The legal position is clear, the Crown has acquired a legal title—

- (1) By Proclamation.
- (2) By certificate of title.
- (3) By virtue of section 115 of the Native Land Act, 1931.

I would submit that the merits of the petition would be met by proclaiming the area of 6 acres 1 rood 20 perches a public landing reserve, with equal rights for Maori or pakeha.

I produce to the Court for its inspection alone the following documents and records—

- Native Department File 1905/80.
- Native Department File 21/3/39.
- Auckland Crown purchase deeds 407, Tapuaeharuru.
- Auckland Crown purchase deeds 1272, Tauhara Middle.
- Auckland Crown purchase deeds 4964, Confirmatory.
- Auckland District plans 1545-6-7 and 8.
- Auckland District plans 3989, sketch.
- Auckland District plans 4214s, Wharewaka.

NOTE.—Copies of Mr. Darby's other exhibits are attached to my report.

H. F. AYSON.