

(b) On the 19th April, 1879, a document confirming this and other transactions were executed. This document after reciting 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"—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 description :

"*Tauhara Middle Purchase Block* : Commencing at southeast corner of Nukuhau Block along margin of Lake Taupo to Kaitaha thence to Manganamu thence to Ngataraturua thence by survey lines 8421 links, 865 links, 4669 links and . . . links to the northern boundary of Tauhara Middle Block thence north-west along the said boundary to Waikato River thence up said river to Otumuheke Stream to south east corner of Otumuheke Stream to south east corner of Otumuheke Block thence along east boundary of said Block to Waikato again thence up Waikato River to boundary of Nukuhau Block thence along north eastern and eastern boundaries of said block to Lake Taupo starting point area 10,946 acres more or less—*Excepting the Reserves at Waipahihi Patuiwi and Wharewaka, as surveyed.*"

(c) It will be noticed that the deed mentioned in the paragraph (a) *supra* is made as of the 10th August, 1875, and that the confirmatory deed (sic) recites that the land was dealt with by the owners by deeds of conveyance etc. in the years 1870–1871/2, and 1873. From a note on the old Native Land Purchase papers it would appear that the purchase witnessed by the deed of conveyance made on the 10th August, 1875 was undertaken in 1873, and it is very evident that the confirmatory deed embraces this transaction.

(d) In December of 1880, the matter of the definition of the Crown's interest in the Tauhara Middle block came before the Court and, on the 10th December 1880, an order declaring Tauhara Middle No. 1 to be the property of Her Majesty was made. No mention of the reserves is made in the order, but on a copy of the order which I have before me 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.

(e) Tauhara Middle No. 1, was, by proclamation issued on the 14th June, 1881 and published in the *Gazette* of that year at page 751, declared waste land of the Crown. A certificate of title (Vol. 46 fol. 110, Auckland Registry) for all that parcel of land containing 14050 acres more or less being a block of land called or known by the name of Tauhara Middle No. 1 excepting those portions containing 221 acres more or less being called or known by the name of Patuiwi and Waipahihi, issued in the name of Her Majesty on the 28th September, 1883.

(f) The following is an extract from a copy memorandum dated the 1st August 1888 addressed to Major Scannell by Mr. P. Sheridan (Native Land Purchase Officer) :—

"In judgment on Tauhara Middle partition you include in order to Natives for 4A three reserves, viz. Waipahihi Patuiwi and Wharewaka over which the Court had no jurisdiction, the Native title having already been extinguished by a conveyance to the Crown. Grants to the 10" [quære 6] "original owners were issued under the provisions of the fourth section of the Government Native Land Purchases Act, 1878, for Waipahihi and Patuiwi in 1881, and it was then decided not to grant Wharewaka but simply to reserve it under the provisions of the Land Act."

On this memorandum there is a minute, dated the 22nd August 1881 in Mr. Sheridan's handwriting in these terms :—

"Major Scannell took a note of this with a view of revising the judgment."

(g) On the 21st October, 1905, Pitiroi Mohi raised the question of the issue of a title for Parakiri, and on the papers referred to Judge Johnson for report, the Judge wrote, under date the 4th November, 1905, as follows :—

"Appns. Nos. 15, 23 and 25 in Panui were for investigation of title to Te Parakiri, but were dismissed by me as the land in question had already been clothed with a title. It is one of four reserves mentioned in proceedings on 9.12.80 when application to cut out the Crown interests in the Tauhara Middle Block was dealt with. On the following day, an Order was made in favour of Her Majesty for the whole of the land called Tauhara Middle No. 1—no reservations being then made by the Court. Out of these four proposed reserves three are marked on plan—namely, Patuiwi, Waipahihi and *Wharewaka*—and Crown grants have been issued for the first two under Section 4 of the Government N.L. Purchases Act Amendment Act, 1878. The whole position is shown in a memorandum recently addressed by me to the Chief Judge, a copy of which I forwarded to Mr. Sheridan (with N.L.P. 1905/80) on the 14th ultimo. I then asked him to give me an early reply as to the actual position of the *Wharewaka* and Parakiri Reserves, but he has not yet done so. *It is for the N.L. Purchase Department to show why the Crown Grants for those two proposed reserves were not issued.*"