

6. Summarized, the position as between the Crown and the Natives as to ownership is:—

Block.	Area.			Total Area.		
	A.	R.	P.	A.	R.	P.
Crown areas—						
Orakei No. 1 Reserve A	1	1	15			
Orakei No. 1 Reserve B	1	0	11			
Orakei No. 1 Reserve C 1	5	0	11			
Orakei No. 1 Reserve C 2A 2	7	1	23·4			
Orakei No. 1 Reserve C 2B 2	20	3	39·55			
				35	3	19·95
Native areas—						
Orakei No. 1 Reserve C 2A 1	1	0	11·1			
Orakei No. 1 Reserve C 2B 1	1	2	11·95			
Church and Cemetery Reserve	0	1	13			
				2	3	36·05
				38	3	16·00

It should be mentioned that the areas given for Orakei No. 1 Reserve C 2B 1, Orakei No. 1 Reserve C 2B 2, and the church and cemetery reserve are not precise because the survey of those subdivisions has not been completed at the date of this report.

7. The various subdivisions of the Orakei No. 1 Reserve are shown on the plan attached to my report (Appendix A).

HISTORY OF THE PURCHASE.

8. A brief account of the circumstances leading up to the Crown's purchase of the Orakei Block is necessary.

- (a) From 1900 to 1905 leases of various subdivisions comprising the major portion of the Orakei Block had been granted by the Native owners to Europeans. These are referred to in the interim report by the Native Land Commission on the Orakei Native Reserve, dated the 30th July, 1908, and in the same Commission's interim report dated the 2nd October, 1908, correcting and amending the earlier report (see Appendices to the Journals of the House of Representatives, 1908, G.—1P and G.—1U).
- (b) Subsequently certain Native owners executed in favour of one Matthew Henderson and other Europeans transfers covering an area of 387 acres 1 rood comprised in seventeen subdivisions of the Orakei Block.
- (c) The Auckland City Council was concerned lest the lands in question should fall into the hands of private persons, and made representations to the Government that such measures as were thought necessary to protect the interest of the city should be taken. The Council envisaged the creation of a model suburb and promoted a Bill, known as the Orakei Model Suburb Empowering Bill. The purpose of the Bill was to enable the Council to acquire the whole of the Orakei Block with the exception of 11 acres 0 roods 3 perches, known as the Battery Reserve. It was introduced into the House of Representatives and accorded a first reading on the 1st August, 1912. The Local Bills Committee on the 23rd October, 1912, reported that the Bill be allowed to proceed. The Native Affairs Committee, however, after considering the Bill on the 1st November, 1912, recommended that, as it was of opinion that occupied land should not be taken from the Natives compulsorily except for public works, the Bill should not be proceeded with. The second reading was moved on the 5th November, 1912, but the Bill was dropped.
- (d) Meanwhile doubts had arisen as to the validity of the partition orders upon which the transfers were based. Proceedings were taken in the Supreme Court for the issue of a writ of prohibition directed to the Tokerau District Maori Land Board and Charles John Schnauer, executor of the will of John Olsen (deceased), prohibiting them from further proceeding with an application for confirmation under the Native Land Act, 1909, of a transfer from Hori Paerimu to John Olsen, of Orakei, No. 1G and 3G. The action was, by consent, removed into the Court of Appeal for argument and determination. The judgment delivered by the Court of Appeal on the 17th April, 1913, was for the defendants, the Court holding, in effect, that the partition orders were lawfully made.
- (e) The way having been thus cleared, applications for confirmation of the transfers were brought on for hearing by the Tokerau District Maori Land Board. The Crown was represented in the proceedings and opposed confirmation, one of the grounds being that the Crown desired to purchase. The Board declined to adopt this reason for refusal, but, nevertheless, it did, on the 28th June, 1913, refuse confirmation on the ground that the alienations were not in the interests of the Natives.
- (f) Cabinet had on the 23rd August, 1913, approved negotiations for the purchase of the Orakei Block, and on the 6th October, 1913, it again approved the purchase. The Native Land Purchase Board on the 25th October, 1913, resolved that "purchase as authorized by Cabinet resolution be completed subject to certificate of Crown Law Office as to interests proposed to be acquired being in order."