

[Copy.]

Department of Lands and Survey, Private Bag, Auckland, C. 1, 27th August, 1937.

MEMORANDUM for—

Judge Ayson, Native Land Court, Rotorua.

Referring to your request to Mr. Darby of the 26th for further information relative to Wharewaka Block, I now forward the following particulars for the purpose of your report :—

The area adjoining what is called Wharewaka was cut up for sections in 1911 and offered for selection by notice in the Crown Lands Guide on the 24th October, 1911. I enclose herewith a photostat of the Sale Plan from which you will observe that the area comprising Wharewaka was almost absorbed into the Chain Reserve allowed for in terms of Section 13 of the Land Act, 1908. The balance of the area is, from an inspection of the plan, absorbed in Section 36 comprising 72½ acres.

From a perusal of the file at that date, there is no record of any objection being made by the Native owners though I am unable to say whether the sale poster or Crown Lands Guide would come before their notice. In the schedule of Upset Prices the value placed on Section 36 is £100. Evidently the demand for land in that locality was not keen as this section was not taken up. Sections 33 and 34 were taken up and 34 was later surrendered.

(Area,
72½ acres.)

In regard to the authority for setting aside areas of Crown Land for Landing reserves, this is apparently contained in Section 12 of the Waste Lands Act of 1858 which reads as follows :—

“ It shall also be lawful for the Governor in Council, at any time and from time to time, to except from sale, and either reserve to Her Majesty or dispose of in such other manner as for the public interest may seem best, such of the waste lands of the Crown in any of the said Provinces as may be required for the purposes of military defence, or for the construction of trunk lines of road, or as sites for public buildings for the use of the General Government, or for other purposes of public utility or convenience ; and all such exceptions shall be deemed to have been made whenever the Governor by writing under his hand shall have notified to the Superintendent of the Province in which any land so excepted is situate that the same is required for any of the purposes aforesaid, and such notification shall have been published in the “ New Zealand Gazette ”.

I think this covers all the additional ground required.

Yours sincerely,

A. O. DARBY,

Native Lands Draughtsman.

P.S.—I will be away up North during the week and will attend to any further communication on my return.

PARLIAMENTARY PETITION No. 123/1936 OF WAAKA TE ARAKAI AND OTHERS *RE*
WHAREWAKA RESERVE IN TAUHARA MIDDLE No. 1 BLOCK, TAUPU COUNTY.

REFERRED to the Native Land Court in pursuance of section 542 of the Native Land Act, 1931, and included in the Schedule to the Native Purposes Act, 1936.

In order that the Commission of Inquiry may be seized of the general position, I shall deal with the various matters affecting the Tauhara Block chronologically.

The evidence submitted will be largely documentary.

The investigation of title to Tauhara Middle was held at Oruanui, 5th June, 1868, when Judge Smith ordered a certificate of title to issue for Tauhara Middle in favour of six (6) owners.

A further hearing took place on 16th June, 1869, when a certificate of title was ordered to issue if within twelve months claimants furnished a proper survey.

Taupo, M.B.
1/195, &c.,
201, &c.

A Crown grant certificate of title under Native Land Acts dated 8th February 1873, as from 28th March, 1872, was issued and registered as C.T. 9/71. The land was called Tauhara Middle, and comprised 106,080 acres, as shown on plan 1546 (red).

G.T. 9/71.

From out of this area the Crown purchased by deed No. 407, dated 19th July, 1870, an area of 534 acres, called Nukuhau Block, and by deed No. 1272, dated 10th August, 1875, an area of 11,594 acres.

Deed 1272,
10/8/75.
App. A.

The Crown also entered into negotiation for a lease of the balance of the area—see deed 773, dated 10th July, 1875.

Deed 773.

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

The two conveyances, the lease, and also the purchase of Opepe Block were confirmed by a further document, deed No. 4964, dated the 19th April, 1879.

Deed 4964,
19/4/79.
App. B.

In pursuance of an application under the Native Land Act Amendment Act, 1877, the Native Minister caused application to be made to the Native Land Court to ascertain and determine what interest in Tauhara Middle No. 1 Block had been acquired by the Crown. An order was made by Judge Symonds on the 10th December, 1880, in favour of Her Majesty for an area of 14,050 acres, less reserves, 221 acres : net, 13,829 acres.

The area was proclaimed waste lands of the Crown by notice in *New Zealand Gazette* of 14th June, 1881.

Gazette
14/6/81, page
751. App. F.

The area is comprised in certificate of title, folio 110, dated 28th September, 1883, in the name of Her Majesty the Queen excepting those portions containing 221 acres, being called Patuiwi and Waipahihi.

C.T. 46/110.
App. G.