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88/180.

## NATIVE LAND PURCHASES.

Date of paper : May 17th, 1888. From : Asst. Surveyor General, Auckland.

Date when registered : July 27th, 1888. Subject : Tauhara Middle Subdvn. ; Survey would cost about £130.

Previous paper : 86/417.

DEAR MR. GRACE,—

On the deed plan of Tauhara Middle No. 4 there is a reserve called Pahautea shown. Can you please supply any information respecting it ? It is not mentioned in any of your reports and is apparently no portion of the 40,000 acres sold to the Crown.

(Sgd.) P. SHERIDAN.

Wellington, 27th July, 1888.

Kindly reply soon as matter is delaying surveys.

P. S.

MAJOR SCANNELL.

In judgment on Tuahara 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 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*.

Mr. Mitchell informs me that "Pahautea" is no portion of the 40,000 acres included in last order in favour of the Crown, but is a portion of the balance remaining in possession of the Natives under order for 4A. I have written to Mr. W. H. Grace about it and will communicate his reply to you if it does not clear the matter up.

(Sgd.) P. SHERIDAN.

Wellington, 1st August, 1888.

MR. SHERIDAN,—

Pahautea was reserved by the Natives owing to their having a settlement there and is exclusive of the 40,000 acres bought by the Government. It is a small bush and the boundaries were made so as to take it all in. I have no information that I can give.

(Sgd.) W. H. GRACE.

Otorohanga, August 9th, 1888.

Seen by Major Scannell at Wellington, 22nd August, 1888. He said that Pahautea was covered by the order for Tauhara Middle No. 4A which included the whole of the unsold portions of the block.

(Sgd.) P. SHERIDAN. 24/8/88.

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## NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT, 1926.

*Section 14, Subsection (3).*—Subject as herein mentioned, there shall be reserved to the public a right of way over a strip of land not exceeding one chain in width around the margin of the said lake. Should any dispute arise as to the position or location of such right-of-way the matter shall be referred to the Surveyor-General, whose decision thereon shall be final :

Provided that the Governor-General may from time to time, by Proclamation, exempt any portion thereof from public use, or restrict or limit the right of such public user in such manner as he may think fit, and thereupon the public right of user over the portion specified shall cease or be limited accordingly.

*Subsection 4 (b).*—The Governor-General may from time to time, by Proclamation, reserve to holders of special licenses a right of way over a strip of land not exceeding one chain in width along the banks of the beds of rivers or streams so vested in the Crown, and such holders shall be deemed to have the right of access accordingly :

Provided that the Governor-General may from time to time, by Proclamation exempt any defined portion thereof from use by the holders of special licenses, or may restrict or limit the right of user thereof in such manner or to such persons or class of persons as he thinks fit, and the right of user on the portion specified shall cease or be limited accordingly.

Major Scannell took a note of this with a view to revising the judgment. Sgd. P. S. 22/8/88.