

With regard to Orakei No. 1 Reserve C 2B 2 it is to be observed that there were included in that block the interests of six Natives in Orakei No. 1 Reserve C 2B, which had been acquired by the Crown by way of exchange for Crown interests in Orakei No. 4A 2. The orders of exchange made by the Native Land Court are dated as of the 31st August, 1928.

Attached to my report (Appendix B) is a schedule which traces the devolution of the interests defined in the partition order dated the 10th January, 1898, for Orakei No. 1 Reserve, and discloses how by purchase or by purchase and exchange the Crown ultimately became the owner of the Native interests which were located on partition in the subdivisions mentioned.

In the case of Orakei No. 1 Reserve C 2A 2 His Majesty the King was by the partition order declared to be the owner. In respect of the other subdivisions the partition orders were made in favour of a Native or of Natives, but in each case the Crown held transfers or transfers and agreements covering their interests. This is subject to the qualification that the interests in Orakei No. 1 Reserve C 2B, which the Crown acquired by way of exchange, were shown in the partition order for Orakei No. 1 Reserve C 2B 2 as one combined share in the name of His Majesty the King.

PROCLAMATIONS.

24. Section 374 of the Native Land Act, 1909, provided :—

“(1) All Native land purchased by the Crown under the authority of this Act shall on becoming vested in severalty in the Crown become Crown land subject to the provisions of the Land Act, 1908, and shall be proclaimed as such by the Governor, and shall thereafter be administered and dealt with accordingly.

“(2) A Proclamation made under this section shall be conclusive as to its own validity and shall not be questioned in any Court, whether on the ground of want of jurisdiction or otherwise; but any such Proclamation made in error may be at any time amended or revoked by the Governor.

“(3) All such land shall nevertheless continue to be subject to any lease, license, or charge in existence at the date of the purchase and not acquired by or surrendered to the Crown.”

By section 14 of the Native Land Amendment Act, 1914, the said section 374 was repealed, and the following provision, which came into force on the 5th November, 1914, was substituted therefore :—

“(1) Whenever the Governor is satisfied that the purchase of any Native land has been duly completed by or on behalf of the Crown under the authority of this Act, the Governor may issue a Proclamation that such land has become Crown land, and from the date of the gazetting of such Proclamation the land therein described shall be conclusively deemed to be Crown land, and shall thereafter be administered and dealt with accordingly. Such Proclamation shall be registered by the District Land Registrar or Registrar of Deeds, as the case may be, without the production of any instrument of disposition thereof to the Crown; but all transfers and instruments of disposition shall be deposited with the District Land Registrar as soon as may be.

“(2) A Proclamation made under this section shall be conclusive as to its own validity, and shall not be questioned in any Court, whether on the ground of want of jurisdiction or otherwise; but any such Proclamation made in error may be at any time amended or revoked by the Governor.

“(3) All such land shall nevertheless continue to be subject to any lease, license, charge, or particular or limited estate or interest in existence and vested in or enuring to the benefit of any person at the date of the purchase and not acquired by or surrendered to the Crown.”

The section last quoted, as modified or amended by section 6 of the Native Land Amendment and Native Land Claims Adjustment Act, 1924, and by section 11 of the Native Land Amendment and Native Land Claims Adjustment Act, 1925, has been repealed and re-enacted in section 454 of the Native Land Act, 1931. The modifications or amendments do not require to be taken into consideration here.

25. Pursuant to the authority of section 14 of the 1914 Act, or of section 454 of the 1931 Act, Proclamations were issued declaring to be Crown land the subdivisions of the Orakei No. 1 Reserve which are mentioned in paragraph 23 above. The dates of the publication in the *New Zealand Gazette* of the relevant Proclamations and the references to the page of the *Gazette* are as follows :—

Block.	Date of Gazette.	Page.
Orakei No. 1 Reserve A	24th October, 1918	3574
Orakei No. 1 Reserve B	16th January, 1919	91
Orakei No. 1 Reserve C 1	10th June, 1920	1928
Orakei No. 1 Reserve C 2A 2	17th May, 1928	1633
Orakei No. 1 Reserve C 2B 2	1st July, 1937	1551

26. With the exception of a part of the interest of Mata Hare Terewai—and it is to be noted that the Crown holds an agreement in respect thereof—I am satisfied that the Crown has acquired by purchase or exchange all the interests ultimately partitioned into the subdivisions of the Orakei No. 1 Reserve which were proclaimed Crown land, and that there is no interest in any land so proclaimed which has not been so acquired. From the date of each such Proclamation the land therein described is deemed conclusively to be Crown land.

27. Question 1 is, “Whether the Crown by its purchase of individual interests in the land known as Orakei No. 1 Reserve Block, being the whole of the land comprised and described in a partition order of the Native Land Court dated the 10th day of January, 1898, and/or in any of the subdivisions of the said block and by the subsequent Proclamation of any subdivision of such land as Crown land, obtained a good and valid title to such parcels of the said land or individual interests therein as had been purchased, freed, and discharged from all right, title, and interest of the Native vendors.” The answer is “Yes.” The Crown has, in fact, also acquired a good title to an interest in one subdivision for which it has not paid.