

(3) The conductor for the petitioners in presenting their case did not traverse the allegations individually, but made submissions generally in support of them to the following effect :—

- (a) That the owners who sold interests in the Whangara Block to one Seymour sold the whole of their respective interests, and had no right to be awarded interests in the balance of the block remaining after the award to Seymour representing, *inter alia*, the interests sold, excepting that these sellers might be given papakainga interests in the area set aside for this purpose :
- (b) That the Validation Court in 1896, upon a succession order in respect of the interest of one Ka te Mihi, wrongfully admitted as owners in the block certain persons who were not entitled as successors, and who were not entitled to be owners in the block :
- (c) That no persons other than the descendant of one Konohi, who in turn was a descendant of Tamahenga, referred to in clause 2 of the petition, were entitled as owners of the block.

(4) The conductor for the petitioners claimed that the sellers to Seymour should be removed from the title as to all interests awarded to them by the Validation Court subject to their being awarded papakainga interests as above mentioned, and also that the persons alleged to have been wrongfully awarded interests under the succession order in respect of Ka te Mihi, deceased, should be removed from the blocks as to these interests.

His claim as to the disposal or re-allocation of these interests was vague. He first claimed that the three petitioners were entitled to have all these interests allotted to them, and then amended this claim to one that the three petitioners should have allotted to them the interests of all those persons other than those who the Court considered should in equity be left in the title. Finally, he claimed these interests for the three petitioners and their families—*i.e.*, their brothers and sisters, and issue of deceased brothers and sisters, and also one Ema Reid (now deceased, having issue), who was a petitioner under an earlier petition.

(5) It is clear that the petitioners are not entitled to any redress unless they can substantiate some or all of the allegations in the petition, and the Court will therefore deal with these allegations. In order to do so it is necessary to traverse the transactions affecting the land from the original investigation.

(6) In 1870 the claimants to the Whangara Block came before the Court upon an application for investigation of title. On this application there was no dispute as to the tribal claim to, or the boundaries of, the block. The claimants at first sought to deal with the block in two parts, but this was later withdrawn. The names of the individual claimants totalling 137 were given by Kuihona Piwaka and Apiata. No objections were made to any of the claimants, and the names of ten persons were given to the Court as the representatives of the claimants to be put in the title. An order was made for a certificate of title to be issued in the names of these ten persons, and the names of the 137 claimants were recorded as the beneficial owners. No dispute arose as to the ancestors for the block. Three were mentioned—namely, Tamahenga, Te Hauiti, and Paika. The relative interests of the beneficial owners were not defined.

(7) In December, 1870, the ten nominal owners granted a lease of the land to Henry Wallis. This lease was assigned to James Seymour, who in 1879 was granted a fresh lease for twenty-one years. James Seymour left New Zealand and appointed Charles Seymour his attorney or agent. In 1882 and 1883 Charles Seymour purchased interests from fifty-eight of the beneficial owners for a total price of £1,381 10s., which was paid to the vendors. Seymour was unable to complete his title under this purchase, and in an endeavour to do so he became involved in protracted litigation with the owners and