

The terms of the decree were settled and approved by the Court on 19th August. On 25th August the Court decided to make a provision in the decree leaving it open as far as possible to make application to the Chief Judge in respect of succession orders made by the Maori Land Court in respect of two deceased owners.

The foregoing history of the various proceedings traverses all the matters necessary to come to conclusions upon the various allegations contained in the petition.

(18) Clause 1 alleges that a proper investigation of the Whangara Block has never been held. The Court considers that this allegation is unfounded. In the original investigation of 1870 there was no contesting inter-tribal claims, nor was there any dispute as to boundaries or block ancestors. The names of all the individual claimants to ownership were put before the Court by representatives of the tribe and were accepted by the people without objection. The relative interests were settled before the Validation Court by the people themselves. All necessary opportunities were given for objections, various objections were made and disposed of by the Court before the relative shares were determined. We consider that there has been a full and proper investigation.

(19) Clauses 2, 3, and 4, as mentioned above, do not contain allegations.

(20) Clause 5 alleges that the Validation Court sitting in 1894 did not take into consideration the interests of the petitioners as would be indicated by Native custom. It was not until the Court sat in 1896 that it had to deal with the interests of individual owners, and the conductor for the petitioner directed his attention to this sitting. No submissions that he put forward went to show that the relative shares received by the petitioners were not in accordance with the shares to which they were properly entitled. The relative shares and the allocation of the owners to the various subdivisions were settled by the people themselves, and all objections were dealt with by the Court. The only objection made before the Court by the petitioners or their parents was one by Heni Korukoru, the mother of the first-named petitioner, which, however, was withdrawn by her. This objection did not relate to her relative interests or her location in the block, but related to the inclusion of additional owners under succession orders to deceased persons which will be referred to below.

In allocating the owners to the various subdivisions the Maoris in making the allocations, and the Court in putting them into effect, were unable to adhere strictly to the occupatory rights of the owners on account of the fact that before such allocation three separate areas were cut out of the block—namely, the areas awarded to Seymour in freehold and in leasehold, and the area cut out for sale to defray certain expenses. The residue of the interests of all the owners had to be fitted in to the remainder of the block, but that does not justify the owners whose occupatory rights were strictly situated in this remainder in claiming that their customary rights had not been taken into consideration by the Court. This Court is therefore of the opinion that allegations in clause 5 are unfounded.

(21) The allegations in clause 6 are that persons without valid claims became owners in various degrees, and persons in one block became owners in several.

The first part of this clause refers to the addition of persons included as owners under the succession order in respect of Ka te Mihi, deceased. Under this order the three children of the deceased, together with forty-three other persons, who were not ordinarily entitled to succeed, were appointed successors. The minutes show that this succession order was used to admit into the title persons who were not included as beneficial owners under the order of 1870 and that these persons received interests in addition to the interests to which Ka te Mihi was properly entitled. The minutes show, however, that this was done only upon the general request of the tribe (see Minute Book No. 5, Folio 94). Heni Korukoru, the mother of the first petitioner, at first objected to this course in respect of Subdivision No. 4, but then withdrew her objection. No