

specially mentioned Rihia or Irihia te Kanac; but I find that Rihia and several of his children are included by the Commission. It would also appear from Teni's evidence that he was willing to take Punia Parata into his party before the Commission. I do not consider, therefore, that on all the facts and circumstances the Parata family were justly and properly excluded from all interest in the block.

But it is not too easy to equitably remedy their loss or hardship. They were admittedly aware of their exclusion as far back as 1905, some three years after the Commission sat, yet took no action for seven or eight years, during which time the bulk of the land has been alienated.

I have already pointed out that the interest of the family of Tahatika—that is, Parata, Te Riaki, and Te Hauiti—should have been the same as that of the family of Hoani te Heihei. I find that on the definition of relative interests in Au-o-Waikato—Maungatapu by the Native Land Court in 1905 Hoani te Heihei's family got four shares—viz., Hoani himself two shares, and his daughter Te Reo Hoani two shares. His son Tewenui Hoani was not included. Te Riaki Tahatika got two shares. It does not appear that any of his children were included. Te Hauiti Tahatika also got two shares, but these, apparently, were allotted to him under the right of his mother, Rangiwarea, the second wife of Tahatika, and not under Tahatika. Thus Hoani te Heihei's family got four shares and Tahatika's family only two shares. Had Parata's name been included, he or his family would therefore have fairly been entitled to two shares among them—that is, two shares in the whole block of Au-o-Waikato—Maungatapu. These two shares would represent approximately 193 acres. Obviously the present owners of Maungatapu D cannot be called on to provide this. If the Parata family had been included in the title by the Commission, and had been allotted two shares or any shares on the definition of relative interests, manifestly all the owners in the whole block would have provided for these shares: that is to say, instead of the total shares being 136, they would have been 138.

The total area was considered to be 13,900 acres. Roads and other deductions reduced this to some extent. Now, Maungatapu D, to which this inquiry is limited, contains 488 acres 3 roods 27 perches. The owners are Te Riaki Tahatika, two shares, and Te Reo Hoani, three shares. The latter, as I have said, received two shares originally, and also obtained one share by succession to her father Hoani te Heihei. The latter's other one share went to his son Tewenui, who is not in the title of Maungatapu D. Thus on the assumption that the Paratas were included in the title with two shares, Te Riaki Tahatika and Te Reo Hoani would have contributed $\frac{5}{8}$ of the area represented by those shares—that is to say, $\frac{5}{8}$ of 193 acres, or approximately 7 acres. I do not see how they can justly be asked now to find more than this. The Paratas' own negligence and delay have brought about their present unfortunate position. It cannot be right to punish Te Riaki Tahatika and Te Reo Hoani for this by depriving them of land which the other owners of the whole block would have had to provide if the Parata claims had been presented and prosecuted at the proper time.

The position of the title is as follows: Maungatapu D was partitioned on the 28th January, 1914, into D No. 1 (100 acres) and D No. 2 (388 acres 3 roods 27 perches). Orders have been completed by survey and signed, but have not been registered under Land Transfer Act. D No. 1 is held by Te Reo Hoani in severalty, D No. 2 by Te Reo Hoani (192 shares) and Te Riaki Tahatika (196 shares). But prior to this partition a lease had been granted by both owners of D to W. M. Cossar of 400 acres for forty-two years from the 15th September, 1911. This lease was duly confirmed, and has been registered on Land Transfer title P.R. 44/1 against Maungatapu D. The 88 acres 3 roods 27 perches excluded is the south-east corner of the present D No. 2. A transfer of this 88 acres 3 roods 27 perches, dated the 12th October, 1915, in favour of K. J. B. McCardle, was presented for confirmation, but the Waikato-Maniapoto District Maori Land Board refused confirmation so far as Te Reo Hoani's interest was concerned, and adjourned consideration of the matter so far as Te Riaki Tahatika's interest was concerned till further proof was forthcoming of his having received the purchase-money. No further action seems to have been taken. Proclamation No. 3277 is registered against the Land Transfer title of Maungatapu D. This purports to take and vest in Morrinsville Town Board, for purposes of a recreation reserve, 22 acres 3 roods 24 perches of Maungatapu D (*inter alia*). This is part of the leased area. Proceedings have been instituted in Supreme Court to set aside the Proclamation as invalid. These proceedings are still pending, but I am informed by solicitor acting for the Natives that it is hoped to dispose of matter at ensuing sitting at Hamilton this month.

I have, &c.,

The Chief Judge, Native Land Court, Wellington.

CHAS. E. MACCORMICK, Judge.

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