

The memorial of ownership, however, only shows 108 acres 3 roods 30 perches, which coincides with a survey made about the 27th day of October, 1876, and the plan of which (No. 142) is noted as having been entered upon the memorial.

5. Legally speaking, an error was made in thus changing the area of the 1A block, and it is difficult to get a proper explanation of why it was done, since the people concerned are mostly deceased. However, the Court has endeavoured to gather from the records a slight history of the case.

6. When the land was being investigated the people concerned in the claims of Panapa Waihopi and Wi Mahuika represented by the award in the 400 acres set up that they became entitled by gift under their ancestors Hikaronga and Taupara, and, while the claimants did not altogether dispute the claim, they also claimed that the rights under that claim had been extinguished for want of occupation. Reading the evidence without having the advantage of hearing it first-hand it would seem the claimants' case had much in its favour. In any case it does not appear that the counter-claimants valued their claim at more than 200 acres. This latter claim was antagonistic to that of Pimia Aata and others, and it is hard to understand why that party was included with the counter-claimants. Possibly, as it was proposed to lease the block, it was intended to reserve something from the lease, and it is marked as "Reserve" on the plan.

7. That there would be dissatisfaction at including the two contesting parties was to be expected, and a sort of memorial was drawn up and signed by forty-two Natives, as follows: "Judge Rogan and those associated with him in adjudicating on land at Turanganui: Friends,—We, the persons in the decision of the Okahuatiu Block, ask that the decision in respect of the 400 acres may be reopened—that is, that the portion for the objectors be cut off for them alone. There are thirty-six of them; the acres for them to be 108. We do not wish to be included together with these people in that small piece lest there be trouble. Let them be apart with their portion. That is all. We whose names are hereunder written have agreed to this." The objectors referred to were no doubt those in Panapa Waihopi's and Wi Mahuika's lists, generally known under the name of Ngapotiki. The area would be arrived at by treating the owners as equal and giving them roughly 3 acres each.

8. There is no record of the Court having done anything in the matter, but some move must have been made, as there is a letter dated "Gisborne, 22nd September, 1875," to Judge Rogan, as follows: "SIR,—I have the honour to inform you that in accordance with your instructions I, in company with Mr. Woon (Clerk of Court) and Wikiriwhi, proceeded this day to Okahuatiu in order to adjust the boundaries of the proportion of that block adjudged to Ngapotiki. Almost all the principal owners of the Ngapotiki and Whanau-a-Kai were present, and the boundaries were after very little trouble amicably adjusted. I forward you a sketch of these boundaries—not as a survey, but simply as a record—in case any question should in future arise.—I have the honour to be, sir, your most obedient servant, LEOND. SIMPSON, Government Surveyor." A sketch showing a dividing-line between Ngapotiki and Whanau-a-Kai is attached, and the survey subsequently executed is evidently based upon this.

9. Apparently, then, the Judge, having seen the difficulty of keeping these people in one order, followed out the suggestion and allowed them to be separated; and perhaps, although not quite legal in method, no great harm would have been done had the Judge not overlooked one important fact—that, though he excluded the area for the ninety-nine persons, he did not, as the circumstances required, exclude these ninety-nine persons from the order, the result being that the thirty-six persons only got about, say, 25 acres instead of the whole of the No. 1A block.

10. The Natives from time to time protested that they did not know where the balance of the 400 acres had gone, and on each partition made they also protested and reserved their rights. Possibly had the Court made inquiry the position could have been ascertained and possibly rectified before the larger block passed out of the Natives' hands.

11. The Court has no means of knowing who the 163 petitioners are, but so far as they are persons belonging to the claimant's party of ninety-nine they have no equitable grievance, since they have as owners of the adjoining block, into which the missing area was thrown, received the same land. This would include, it is supposed, Wi Mahuika, whose name was in both blocks.

12. So far as the persons are those known as Ngapotiki, and including Keita Waere, they appear to have suffered an injustice, since the 108 acres were specially cut off for the thirty-six persons, which was, according to Mr. Simpson, agreed to by the principal owners or Whanau-a-Kai.

13. Okahuatiu 1A was partitioned into three blocks—1A 1, 1A 2, and 1A 3—the first of which has been sold. The aggregate net area of the three blocks was 94 acres. Treating the owners as equal in interest according to the decision of the Appellate Court, the thirty-six persons would have lost about 59 acres. The persons who got the benefit of this were the ninety-nine persons who remained in the order after its area was reduced. The fault was apparently the Court's, as, having drawn up and completed the order for memorial of ownership for 400 acres, it had no jurisdiction to alter the order if it accurately expressed the Court's decision.

The Chief Judge, Native Land Court, Wellington.

For the Court,
R. N. JONES, Judge.

Approximate Cost of Paper.—Preparation, not given; printing (650 copies), £1 10s.

By Authority: MARCUS F. MARKS, Government Printer, Wellington.—1917.

Price 3d.]