

In 1889 the 125 acres 2 roods 10 perches portion of Aranui was further divided into five parcels. Koukou's interest was fixed at $10\frac{1}{4}$ acres, which on rehearing was increased to 17 acres, and located in Aranui F. New surveys consequent on these divisions disclosed a greater area in the whole block, and Aranui F was proportionately increased to 19 acres and 16 perches. During these proceedings a request was made to fix Koukou's share at 50 acres, and the attention of the Court was drawn to the conveyance from Maney to Koukou; but the Court, evidently not being informed of the registrations, held that Maney could not give a conveyance over Native land, and the block was divided as if there had been no reconveyance to Koukou. The Court, in this latter partition, also decided, notwithstanding the basis of the division in 1884, that the shares of the original owners were not equal.

Both the conveyances—Koukou to Maney, and Maney to Koukou—were registered on the Deeds Register, but the partition orders of 1889 appear to have been treated as supplanting the deeds. It is questionable if this was so.

As a result of the Court's rulings in 1889 and of the failure of the Court to recognize the full legal effect of the registered dealings, Koukou has suffered an injustice. By assisting Maney to complete title he lost the substance for the shadow—he got an interest in the reserve area, but lost his original share, which evidently was not his or Maney's intention. Although the reserve was mentioned at 100 acres, it seems that it was to be whatever the fenced area contained.

The petitioner asks for a return of his land. While the Court considers that he is entitled to relief, it is not possible to give effect to his wishes by an award of land, as the blocks surrounding Aranui F have been sold. The Court recommends a money payment equal to the present-day valuation of Koukou's interest in the original block, less his award of Aranui F, be made for the loss sustained.

Koukou's interest in the reserve was fixed on rehearing at 17 acres, and on that basis he would be entitled to 48 acres of the original area of 353 acres. The current Government unimproved value of Aranui F is £20 per acre, and 31 acres at the same rate would represent £620.

Koukou died on the 28th September, 1922, and has been succeeded to by the petitioner, Te Amo Koukou, or Paparatu, and eleven others. These people live at Wairoa, and are in poor circumstances; neither are they in a position to properly handle such an amount of cash. It is suggested that, should the Court's recommendation be given effect to, the amount of compensation be administered on behalf of the widow of Koukou and his successors.

As witness the hand of the Judge and the seal of the Court.

H. CARR, Judge.

Approximate Cost of Paper.—Preparation, not given; printing (450 copies), £1 15s.

By Authority: W. A. G. SKINNER, Government Printer, Wellington.—1928.

Price, 3d.]