

The Court prefers to believe Horomona te Hui when he states that the house was built in 1895, and the Court is of opinion that it was placed where it now is because of its proximity to the station homestead (Tokomaru A).

It was acknowledged at this hearing that Hare Mauwhata's family belong to the Ngati-Kaitahuna Hapu and that this hapu was not entitled to any area where B 7 was fixed, but that their interests were more properly located at B 5.

It is unfortunate, however, that the minutes on partition (of 1895) were lost in the wreck of the s.s. "Tasmania," and that the Court is unable to ascertain the basis or scheme of partition adopted or the reasons given why Tuihana Paerata, who had never lived on this area, should get an award of 10 acres away from the rest of her sisters, who each had similar ancestral rights.

The Court is satisfied that Hone Paerata, who was a very astute conductor, was solely responsible for the award to his wife, and that he did not consider the claims of his sister-in-law (the petitioner) when getting the award for B 7. It must not be overlooked, however, that this could only have been accomplished by a person like Hone Paerata, and that he alone was able to placate or defeat the claimants entitled to this locality. Had the petitioner fought her own case it is very doubtful whether she would have succeeded, or, if successful, whether an area of 10 acres would have been allotted her.

Taking all these matters into consideration, and in view of the undisturbed occupation of petitioner and her children, the Court is of opinion that some consideration should be shown her and that this home should be secured for her family. The Court therefore recommends that it be granted jurisdiction to make such adjustment in the title for Tokomaru B 7 as would secure to Maora Mauwhata an area of approximately 1 acre surrounding the house at present on the block, and that compensating adjustment be made in favour of Tuihana Paerata out of Maora's share in Tokomaru B 5.

For the Court,
H. CARR, Judge.

The Chief Judge, Native Department, Wellington.

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