

On the partition at Patea on the 25th January, 1915, a committee of the owners was set up and the partitions arranged on a valuation basis. There is no record of any claim to Otautu No. 17 by the petitioners or any objection on their part to the award of No. 17, as arranged by the committee, to Irihapeti Raukura and Ihipera Korua.

The interests of the petitioners on a valuation basis were located in Otautu 5A (89 acres), Otautu 5B (51 acres), and Otautu No. 6 (74 acres). Of these areas they have sold portions and leased portions.

From statements made to the Court it appears the reason for the petition is that the petitioners approached the Taranaki Trust Board for a loan to enable them to build a house. The Board informed them that it could not consider the application until they had some land upon which to build. They had no convenient or suitable land of their own so they picked on Hukatere, and, as an excuse for their selection, it was stated to the Court they did not understand the effect of the consolidation and partition. They had arranged in the first place for Tupito Maruera to represent them at the hearing of the petition, but when it was pointed out to Tupito that he actually was the Chairman of the Committee that arranged the partitions in 1915 he retired in favour of Maui Onekura.

There was no evidence adduced, only an assertion that the petitioners did not understand the position with regard to Hukatere, and were always under the impression that they still retained their shares in that block.

It is difficult to believe this. They were certainly represented at the partition, and no doubt some of them were present in Court. The records show that they obtained land in Otautu Nos. 5A, 5B 1, and 6 to the total value of their shares in the three blocks, that they accepted the award without question, and have alienated parts of it. The two to whom Otautu No. 17 was awarded, or their representatives, have been in sole occupation ever since the award, and, so far as this Court is aware, their right to occupy exclusively has never been questioned until the present time.

Hukatere appears to have been an ancient Kainga, but when this Court went over the land in 1917 there were no traces of the Kainga, and the only persons in occupation were the representatives of the present owners. Many of the divisions into which the three blocks were divided have been sold or leased. Any alteration in the partition as arranged and confirmed would lead to endless confusion, and, in this Court's opinion, no valid reason has been brought forward as to why any alteration should be made. If an alteration were made in one case it would almost certainly lead to applications for alterations in other cases.

JAS. W. BROWNE, Judge.

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