Successive Alienations.

47. In the case of Te Rere Arama, Mata Hare Terewai, Rotana Ropiha Reihana, and Mere Paora Tuhaere there was no immediate alienation of the whole interest referred to in the transfer. The alienation was in each case of that interest, less a part proportionate to the area reserved by the agreement collateral with the transfer. At a later date each Native entered into fresh arrangements whereby a part or the whole of the area reserved was transferred to the Crown, the result being that the whole interest mentioned in the original transfer was ultimately acquired by the Crown. There were, in substance, successive alienations in these cases. The fair and reasonable prices to be paid to the Native vendor must, in my view, accordingly be ascertained by reference to the valuation existing at the date of each successive alienation. These transactions may be considered in order. The purchase from Merea Kingi may also conveniently be dealt with here.

(a) *Te Rere Arama*—

This Native held $1\frac{1}{44}$ shares in the papakainga. On the 24th August 1915, she executed in favour of the Crown a transfer of the whole of that interest, the consideration expressed being £717. By collateral agreement she reserved to herself 1 acre, the consideration in the transfer being modified accordingly to £477. The price paid for the interest passing was in excess of its value calculated on the unimproved value as disclosed by the 1911 valuation—£380 0s. 11d. The subsequent agreements executed by Te Rere Arama on the 29th September, 1916, the 4th January, 1917, and the 31st January, 1917, had the effect of transferring to the Crown half an acre, a quarter of an acre, and the balance area, a quarter of an acre, respectively. The consideration for the sales was expressed to be £120, £60, and £60. Based on the unimproved value shown in the 1911 valuation, the values of the areas transferred were £92 8s. 2d., £46 4s. 1d., and £46 4s. 1d.

Te Rere Arama, then, received for her landed interest a price which was not less than the amount at which that interest was valued according to the valuation appearing in the district valuation roll.

(b) *Mata Hare Terewai*—

In dealing with Question 1, I referred to the transfer of Mata Hare Terewai's interest to the Crown, and expressed the view that she had not been paid for the whole of her interest. The interest for which she has not been paid comprises the share which she derived as a direct successor to Toko Reweti, one-twelfth share, and as a successor to the interest derived by Nia Hare Terewai from the same deceased, one-twelfth share—together, one-sixth share.

The interest which was affected by the transfer executed by Mata on the 3rd November, 1916, was 67/132 share. The consideration for that interest expressed in the transfer was £345, but by the collateral agreement she retained half an acre, the consideration in respect of the interest passing being reduced to £230, which, it might be observed, was in excess of the value of the interest according to the valuation in force. Applying the principle that the agreements made subsequently to the original transfers witnessed fresh alienations, I find that the half-acre reserved was not acquired by the Crown until the execution of the modifying agreement on the 8th September, 1921. For that interest Mata received £115, the balance of the consideration expressed in the original transfer. In my view, however, she was entitled to the sum of £162 15s. 3d., this being the value of the half-acre according to the valuation for Orakei No. 1 Reserve C1 appearing in the district valuation roll at the time of the execution of the agreement. The whole of Mata Hare Terewai's interest had been partitioned on the 19th March, 1920, into the subdivision mentioned.

For the one-sixth share, which also passed to the Crown under the same agreement, she should receive the sum of £162 1s. In all she is entitled to be paid the sum of £209 16s. 3d. arrived at thus :—

Shares.		A. R. P.	Date sold.	Consideration. £ s. d.
In own right	1/4			
As successor to Nia Hare Terewai (in own right)	1/4			
As successor to Hori Winiata ..	1/132			
	67/132=	1 2 02·74	3/11/16	230 0 0
		0 2 00·00*	8/9/21	162 15 3†
As successor to Toko Reweti	1/12			
As successor to Nia Hare Terewai (deriving from Toko Reweti)	1/12			
	1/6		8/9/21	162 1 0†
				554 16 3
		Amount paid	.. ..	345 0 0
		Difference ..	.. ..	£209 16 3

* Reserved by collateral agreement of 3rd November, 1916. † Based on unimproved value of £1,650.

I recommend that Mata Hate Terewai, or her successors, be paid the sum of £209 16 3d.