of, his marriage. Owing to the area of No. 1 proving greater than originally supposed, these people got more than the Appellate Court intended to give them.

To sum up shortly, we may say that we can find no merits in this petition.

No. 570. Marama Tahere's Petition.

The Appellate Court found in favour of a gift to Wharetomokia set up by Marama Tahere and party and Noa Pakaraka and party, but found further that the donees had not maintained their occupation up to the limits of the gift as stated by Marama.

The petitioner further asserted that Wharetomokia in his turn gave the land to Te Koikoi, and claimed the whole for her party under that ancestor. The Appellate Court found this second gift not proved, as it rested upon mere assertion, not only uncorroborated, but in some respects even contradicted by the evidence of Eru Tahere, the father of Marama. The gist of this petition is a request that this second gift be upheld.

It is a well-known rule in the Native Land Court that a claim by gift, being easily put forward and hard to disprove, must be properly supported to be successful—in fact, must be proved up to the hilt—and the Native Appellate Court applied this rule.

The descendants of Eru Tahere live at Te Iringa and Whakataha. It is true Eru had a fence on this land now claimed by them, but it includes the fences of others who have established rights. Eru was well known as a man of strong character and domineering tendencies, and it is no unfair assumption under the circumstances to believe that he intimidated the owners there and that they feared to resist his erection of the fence. Moreover, it was only erected in 1897, and Eru at this time was living at Punakitere, where he has a big award. Marama herself admits that they had no kaingas on this land they ask for.

There is, in our opinion, sufficient evidence to justify the view taken and the award made by the Appellate Court, for it is clear that the Kaikohe Hill was occupied by others than Tahere, and, moreover, this petition conflicts with the claims of Hoori Puriri as set out in his petition.

Generally.

In view of the facts that the Block Committee took six months investigating this title, that Judge Browne and the Board spent about two months reviewing the Block Committee's work, that the hearing of the appeals by ex Chief Judge Seth-Smith and Judge MacCormick lasted a month, that the petitioners were originally so few out of the total number of owners, that their numbers are reduced now to about a dozen, and that some of the former petitioners and the near relatives of the present ones have now turned round and are fighting these petitions, it seems to us that a great wrong would be done were the titles to these blocks reopened.

Partitions have been made and costs for surveys and legal expenses incurred. Some of the owners, including some of the petitioners, have sold their interests, and any attempt to dispossess purchasers would result in trouble, especially as some of the interests were acquired before the passing of the Act.

Above and beyond all this, however, our chief reason for refusing to support the petitioners in their requests for a rehearing is the fact that they have not shown us that they have been injured in any way by the decision of the Appellate Court—we believe that they have received all they are entitled to.

No further evidence was tendered to us than that already in the minutes, and it was not suggested that any fresh testimony was available. Any interference with the present partitions would lead to confusion and the unsettling of those who are now in possession under the orders of the Court, and we understand that these persons have presented a counter-petition praying that the case be not reopened.

Dated at Wellington, this 7th day of May, 1912.

JACKSON PALMER, Chief Judge.
W. E. RAWSON, Judge.

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