This came before me at Te Kuiti on the 17th January, 1921. Pepene Eketone represented the petitioners, while Hinewai Tarahuia appeared in person.

Under the circumstances I saw no objection to my making a report, though I had previously given a decision in other interests of the deceased. Neither side had anything further to say. The last word on the subject was said long ago, and I do not know why a report by the Court was considered necessary, as everything is fully on record already.

The facts are:—

Application to succeed to Tarahuia Nahona (Holland, J.) on the 20th June, 1914, in Kinohaku East No. 2, Section 9. Adjourned. (Ot. 56/242 *et seq.*)

Case resumed. (Ot. 57/281 *et seq.*)

Judgment of Native Land Court in favour of Hinewai Tarahuia. (Ot. 57/297.)

This judgment was not appealed against—or, at all events, not appealed against in time. (Ot. 59/15.)

On the 8th November, 1916, certain other interests of deceased came before the Native Land Court (Holland, J.). The Court made similar orders to that made on the former occasion. (Ot. 59/15, 16; Ot. 59/83A.)

These four orders appealed against.

The Appellate Court referred the case back to Native Land Court. (Ad. App. Ct. M. Ak. 11/18.)

I reheard on the 6th March, 1918. Decision which really sets out all the material facts. (Ot. 60/75; Ot. 60/105.)

Orders of Native Land Court. (Ot. 60/144.)

Hinewai Tarahuia appealed against these orders.

The Appellate Court dismissed the appeals and affirmed the orders. (Ak. App. Ct. M.B. 11/88–90.)

The petitioners now desire to have the order in Kinohaku East No. 2, Section 9, made in 1914, which they neglected to appeal against, set aside so that they may claim the interest.

The issue being solely one of *whakapapa* and not of *take*, the right is exactly the same in this case as in those decided by the Appellate Court. Hinewai Tarahuia herself is entitled to one-sixth share under the affirmed orders. The question is whether the petitioners ought to be relieved from the consequences of their own neglect, which has involved the widow in considerable expense. There is this also to consider: The land in question has been sold and the purchase-money is lying in the hands of the Maori Land Board. It is therefore now *personalty*, and I should think the Board could not hold it if Hinewai Tarahuia issued a writ. And no succession order would pass it now.

If any legislation be introduced it would be only equitable to preserve the widow's rights under section 140/09, now lost by lapse of time, especially as I understand she bore all the expenses of the funeral and tangi.

CHAS. E. MACCORMICK, Judge.

Approximate Cost of Paper.—Preparation, not given; printing (450 copies), £2 5s.

By Authority: MARCUS F. MARKS, Government Printer, Wellington.—1921.

Price 3d.]