

The objectors were heard at length, and the reserved judgment of the Commissioners was in favour of Hariata Wahapeka, Amiria Tipoki, and Hoera Kapuaroa, as the only surviving representatives of Te Raatu. A few days later the Commission was informed that Hariata had written to state that she desired to withdraw in favour of Pimia Aata and Mere Hari, and that a similar desire was expressed by Amiria Tipoki and Hoera Kapuaroa. On the Commission being satisfied on these points the award was amended to accord therewith.

When this inquiry was called on, several parties claimed to be allowed to set up cases and desired to be heard, but the Court ruled that the only parties before it were the petitioners and the present owners in title. The proceedings of the Commission were given full publicity, and it can be safely assumed that all the parties then claiming an interest in this block were present or represented. From the *résumé* of the proceedings (as given above) it will be seen that the Commissioners ignored the claims under the deed, and found in favour of certain descendants of Te Raatu.

The allegation of the petitioners is that they were omitted from the title through fraud, and that the persons to whom the land was awarded were trustees only. The Court has carefully read the minutes of the 1869 hearing, and had heard the arguments adduced on behalf of the petitioners, and can find nothing to prove the allegation of fraud.

The claimant set up an ancestral claim under Te Raatu, and a gift by certain others who were possibly interested. The ancestral claim was upheld by the Commission, and the claimant was successful in obtaining a renoucement by those found entitled in favour of herself and her sister. The two grantees went into possession, and an extract from the Deeds Register will show that under a certain lease (No. 14861) affecting Rakaukaka and other blocks the rights of the grantees to receive the Rakaukaka rents were preserved to them by the colessors. Mere Hari predeceased her sister Pimia Aata, who died in 1923. The present owners, by virtue of a deed of settlement, registered No. 6024, are the children and grandchildren of the former, and are Europeans as defined by the Native Land Acts.

No explanation was tendered as to why the petitioners have laid dormant for fifty-two years before taking action. It would appear that they allowed the grantees to collect the rents, mortgage the freehold since 1871, and only awoke from their slumbers in 1921, when Pimia Aata was almost on her death-bed and unable to defend herself from the charges of fraud as now alleged.

The Court is of opinion that the petitioners are not entitled to the relief sought, on the grounds that—(1) The allegations of fraud have not been substantiated; (2) their silence for over fifty-two years is an acquiescence on their part of the rights of the grantees; (3) the land is now European land.

For the Court,  
H. CARR, Judge.

RAKAUKAKA (1,563 acres).  
*Index, Search of Deeds Register at Gisborne.*

No.	Receipt of Instrument.	Nature of Instrument.	Parties.	Date of Instrument.	Where recorded.
5894	21/3/71	Crown grant .. ..	Pimia Aata and Mere Hari (grantees), Poverty Bay Grants Act, 1869	9/1/71	I.C.G. 9.
6024	1/6/71	Deed of settlement ..	Pimia Aata and Hirini Takataka (first part), Mere Hari and Adolphus Frederick Hardy (second part), Charles Westrupp and James Benjamin Poynter (third part)	1/4/71	4 D. 182.
14861	19-4-81	Lease .. ..	Hoani te Haraka (Honi Karaka), Eharaima te Kura, Noa Whakatere, Hape Kinihia, Mere Karaka, Hinare Turangi, Rapata Whakaputura, Paora Kaweneā, Miriama Kohukohu, Matiaha te Aōri, Wiremu Matiaha, Huhoua te Manautia, Karoaaima Paipai, Hemaema Tangirere, Wiremu te Kotenei, Mere Tipuna, Kaharutia Rukopu, Rota Whakaatere, Hamiora Taka, Ahipene Turangi, Riperata Kahutia, Eruera Moana-hia, Te Waaka Perahuka, Ereotara Ranguo-haitiri, Hine te Haraka, Hone Ruru, Harete Kineha, Hemi Potopoto, Tamiana Ruotohu, Te Wiremu Kereaha, and Apenika Hokeke of the one part (lessors), and Henry Harris, Pimia Aata, and Mere Hari of the one part also (lessors), and the said Henry Harris of the other part (lessee)	13/8/69	5 D. 821.
16018	25/5/82	Surrender of lease 14861	Charles Westrupp and James Benjamin Poynter (lessors), and John Clark (lessee)	28/4/82	5 D. 151.
16019	25/5/82	Lease .. ..	Charles Westrupp and James Benjamin Poynter to Charles (John ?) Clark	28/4/82	5 D. 152.
17032	19/6/83	Mortgage .. ..	John Clark (mortgagor) to Dugald Ferguson, Alexander McKenzie, John Ferguson, and John Edward Espie (mortgagees)	7/6/83	5 D. 167.
17033	19/6/83	Assignment of mortgage	Dugald Ferguson to Alexander McKenzie and John Ferguson	12/6/83	8 D. 169.
21312	23/3/87	Mortgage .. ..	John Clark to Northern Investment Company of New Zealand (Limited)	4/3/87	5 D. 181.
21427	27/4/87	Assignment of lease ..	John Clark to Bank of New Zealand ..	7/4/87	5 D. 185.