

in character, and that it lies in a former bed of the Ngaruroro, which has actually been resumed by the river since the purchase.

£1,260 was actually paid by the purchaser to Mr. Maney, who in this case seems to have disbursed £110 more than he received.

C. W. RICHMOND.

NOTE.—This Report is concurred in by Mr. Commissioner Maning.

REPORT ON CASE No. XV.

COMPLAINTS Nos. 19 AND 61.—*Ex parte* WAAKA KAWATINI, PAORA TOROTORO (*Waikahu Block*).

Kawatini's complaint in this case (No. 19), turned out to be a total misconception. Waikahu is divided by the southern road from Napier into two portions. Waaka admitted that he had sold his share in the smaller portion, next to the Waitangi creek. To his share in the other part of the block no one pretended a title.

Torotoro's grievance (No. 61), was equally imaginary. He had agreed to sell his share in the larger portion of Waikahu for £300. Of this sum nearly £100 had been paid to him. The balance is retained until the certificate of the Commissioner, under the Fraudulent Sales Prevention Act, can be obtained. This is delayed through difficulties in the title, caused, it appeared, by Torotoro himself.

C. W. RICHMOND.

NOTE.—This Report is concurred in by Mr. Commissioner Maning.

REPORT ON CASE No. XVI.

COMPLAINT No. 20.—*Ex parte* WAAKA KAWATINI (*Upoko o Pouto*).

Waaka Kawatini claimed two pieces of the Upoko o Pouto block, (Meanee Spit) as having been excepted from his conveyance of the block to the Government in 1866. We found that a reserve had actually been stipulated for by Waaka in his original agreement with Mr. M'Lean for the sale of the block; and that this was afterwards given up in consideration of an increase of £20 in the purchase money. The conveyance is of the whole block. There was no evidence of any other reserve having been ever made or mentioned.

C. W. RICHMOND.

NOTE.—This Report is concurred in by Mr. Commissioner Maning.

REPORT ON CASE No. XVII.

COMPLAINTS Nos. 21, 22, 31, 32, 34, 35, 94.—*Ex parte* WAAKA KAWATINI, PAORO TOROTORO, HARE NGAWHAKAKAPINGA, PAORA KAIWHATA (*Omarunui, No. 2*).

The only question raised on these complaints was as to the inclusion in the sale of the block to Messrs. Neale and Close of a portion called by the complainants *Kopuaroa*. The block, which contains altogether, inclusive of river bed, 225 acres, was divided into two paddocks by a straight fence. The smaller paddock, containing eighty-two acres, is what is called "*Kopuaroa*." There are four grantees of the block; three of them are complainants. Paora Kaiwhata (No. 94) is not a grantee.

It appeared that the larger paddock had, prior to the sale, been leased to Messrs. Neale and Close, but that in the course of 1869 they had taken conveyances of the several shares in *both* paddocks. The plans on the deeds, and the acreage stated in the parcels, made it clear that the several conveyances included the whole of the block comprised in the Crown Grant, and there called Omarunui, No. 2. The only question was as to the understanding of the natives. On this point we have, first, the declaration of Mr. Grindell, which on the point in controversy is explicit. Mr. Grindell was the interpreter who attested all the conveyances, and he states, in the most positive way, that the native grantees, after discussion, agreed that *Kopuaroa* should be included in the sale. Mr. Grindell's testimony is confirmed by a Maori document, dated 8th October, 1868, with Te Waaka's mark to it, and the signatures of Hare and Te Awapuni, which appeared to be an agreement to sell both paddocks. Lastly, the occupation of the block has, ever since the sale, been in accordance with the deeds. Kaiwhata, who had been occupying the smaller paddock, was, after the purchase, requested to quit possession. This he did on being paid for his improvements. Torotoro's son, Hare, at first resisted occupation by the purchasers and threw down the gate of the smaller paddock, but on proceedings being taken in the Supreme Court he relinquished further active opposition.

Messrs. Neale and Close are storekeepers carrying on business at Napier, and the land was taken in satisfaction of balances on account-current with the grantees of the block. Messrs. Neale and Close produced their books, but, as no item was objected to we did not examine the accounts.

C. W. RICHMOND.

NOTE.—This Report is concurred in by Mr. Commissioner Maning.