

as far as convenient, among such Natives of the Waikato as it shall find to be landless, such allotment to be within the discretion of the Court. The orders should vest the estate, but such estate should be inalienable without the consent of the Governor-General in Council.

#### WAIKARAKIA.

The Natives claim that this block, sometimes known by the alternative names of Ruato and Rataroa, from two settlements on it, was set aside for occupation by the Koheriki Tribe.

We have not been able, with the records at our command, to discern any specific proclamation of it as a reserve, but we have no hesitation in saying it was directed to be set aside for the Koheriki (or Ngatamatira) Natives.

The Koheriki people had sent in an application for land, and on the 4th December, 1882, Chief Judge Fenton, Mr. Percy Smith (Assistant Surveyor-General), and Mr. Wilkinson met the Natives near Mercer. The map was produced, and the spot desired by the Natives, known as Te Ruato, was approximately fixed upon. It was thought then the block would contain 5,200 acres. Some of the Natives had already commenced to make a clearing at Te Ruato and take up their abode there. The boundary of the land for them was temporarily fixed to run in the vicinity of the surveyed line of Gordon's lot, and from thence to Rataroa, on the confiscation and Piako line; and the list of names of the people—fifteen male and twenty female adults and nineteen children, fifty-four people in all—was fixed. One Native (Waitangi) had been, it was stated, awarded 550 acres by the Compensation Court some years previously, which he desired to surrender and to take up land in lieu thereof with his people at Te Ruato.

Mr. Wilkinson's report, 20th January, 1883.

Nothing further was apparently done till the 26th September, 1885, when the Natives wrote saying they had been waiting for a surveyor to mark off the land. Consequently a surveyor was sent, who reported that he had discovered another settlement on the land, and that he thought the area would be on the large side for the number of individuals found.

Survey was made on the 26th January, 1886. The surveyor was instructed that it was unnecessary to make a complete survey, as the land was not to be granted at present. Map 4061 (blue) was prepared as of land set aside for Koheriki Tribe. This is said to be only a sketch-map. The block surveyed contains 3,429 acres.

In March, 1891, Mr. Percy Smith and Mr. Wilkinson went through the list of lands reserved for rebels to see what should be reserved from sale. Among the blocks noted as reserved was "No. 9, Parish of Koheroa, 3,429 acres, at Ruato" (noted "Already dealt with," and, on another list, "Already reserved—retain this"). This list was referred to the Minister of Lands, who in turn referred it to the Native Minister, who marked it, "Seen. I approve of this.—A. J. Cadman, 29/6/1891." The Surveyor-General instructed the Commissioner of Crown Lands at Auckland to withhold the blocks mentioned, including the one now in question, from sale, and have them appropriately coloured off on the map, but not so as to be confused with the Native reserves.

In 1894 300 acres of the block was cut off, under section 4 of No. 45 of 1894, for Hori Ngakapa Whanaunga, in lieu of land promised him elsewhere, leaving a balance of 3,129 acres. The block was again listed as a reserve for Natives, without title, on the 21st October, 1899.

1900, L.C. No. 20, p. 19.

The matter seems to have rested till 1901, when some inquiries were made, and it was suggested that the Natives were not living on the land. In 1903 it was proposed to resume it, as only three or four persons were apparently resident there, but on being referred to the Native Minister he advised keeping faith with the Maoris.

It is quite clear that some Natives have pretty continuously lived on the block, and that they never intended to abandon occupation thereof. They have had no title whatever beyond the promise which they have relied on for so many