conflict, and that serious injustice has been done either in the one case or the other.

We recommend that the whole of the decisions challenged by the above petitions be referred for rehearing to the Native Appellate Court, or such other tribunal as Parliament shall see fit, with a view to secure as nearly as may be uniformity of decision.

G. B. DAVY.
D. SCANNELL.
A. T. NGATA.

No. 15.—WAIHUA NOS. 1 AND 2.—Petition of ARAPATA HAPUKU and Others.

The title to Waihua Nos. 1 and 2 was investigated by the Native Land Court in 1868, and certificates of title ordered in the names of ten persons in each case. The Court further ordered that the names of eight hapus—viz., Ngati Pahauwera, Ngati Ruakohatu, Ngati Kura, Ngati Kapukapu, Ngaitaumau, Ngai te Honokai, Ngaitaumau, and Ngai te Huki—should be registered on the title in each case under the 17th section of "The Native Lands Act, 1867," being the names of tribes found by the Court to be interested in the said land.

In 1888 the Court sat to partition the land, and lists of names were handed in by the Natives, and apparently agreed to by all present, as the names of the persons entitled by virtue of the registration under the 17th section. The Court accepted these names, and proceeded to partition the land and define the relative interests accordingly.

A rehearing having been applied for and granted, the Court sat to rehear the case in 1890, and added certain names to the list of owners already admitted, but in other respects confirmed the proceedings before the Court in 1888.

It is now claimed that the names of the members of the registered hapus were never properly ascertained by the Court, that persons who had no hapu rights were admitted, and generally that the proceedings before the Court in 1888 and 1890 by no means carried out the intention of the Court in 1868. That the Court did its best to ascertain the owners on both occasions goes without saying, but owing to the action of the Natives themselves there is no doubt that considerable confusion has arisen.

There is practically no opposition to the prayer of the petition, there being a general desire on the part of such of the Natives as attended, or were represented before the Commission, to have the matter reopened.

We recommend, therefore, that the whole of the proceedings before the Native Land Court and the Rehearing Court in the matter of the partition of Waihua Nos. 1 and 2 be annulled, to the intent that the Native Land Court may be in a position to deal with the said blocks as if those orders had not been made. The prayer for the reinstatement of the application under the Equitable Owners Act is, of course, founded on a misapprehension as to the nature of that procedure.

G. B. DAVY.
D. SCANNELL.
A. T. NGATA.

No. 16.—KAWHIA B (PAPA-O-KAREWA).—Petition of MUTU TE AKE and Others.

The petitioners are known collectively as the Te Ake family. The complaint is that on the partition of the Kawhia Block by the Native Land Court in 1892 they were not included in that portion of the block known as Papa-o-Karewa.

The contending parties are members of the same hapu of Ngati Hikairo (Te Whanau Pani), and that they and their parents lived together at Papa-o-Karewa is not disputed. This was when the Kawhia people reoccupied their lands after the evacuation of the district by Waikato about 1828. There is no proof of exclusive occupation by either party, until, by the going-away of the others, Hone Kaora and his people were left in sole occupation. This was long previous to the partition in 1892. That person (Hone Kaora) was born at Papa-o-Karewa in 1838, and, with the exception of a short interval during the troubles in the Waikato, has resided there up to the present time. He has houses and other improvements on the land.

In dealing with this claim it is important to bear in mind that there is no ancestral title to this land. The Court in dealing with this (Kawhia) block said, "The title of Nagti Hikairo is not ancestral, but merely occupation in conjunction with other tribes, who drove Te Rauparaha away. . . . . It follows that each member of Ngati Hikairo can only claim a fair share of the land in accordance with occupation." The claim of the petitioners therefore resolves itself into a claim through temporary occupation only, and cannot be considered equal to that of Hone Kaora's family, whose occupation of this same place had at the date of the partition in 1892 been permanent and continuous for more than fifty years.

The petitioners have been awarded other lands in the Kawhia Block which are probably more in accordance with their permanent occupation.

It is noticeable that, with the exception of one woman (Te Atakohu Wetere), none of the petitioners have shown any particular interest either in the proceedings before this Commission or in the proceedings before the Chief Judge (on application for rehearing) in 1893. We take it, therefore, that they are not greatly dissatisfied.

This woman, Te Atakohu, resides on the adjoining block (Kawhia P), and has interests in several other subdivisions, but nothing will serve her but Papa-o-Karewa. The opposite party has been put to considerable trouble and expense through her persistence.

We recommend that no further action be taken in the matter of this petition.

G. B. DAVY.
D. SCANNELL.