

*Appeal No. 91.*—By Tupara Tamana and others. This is a claim for the inclusion of the names of twenty additional persons, and was opposed by the owners of the land.

This case was inquired into and heard to its conclusion. There is, however, in our opinion, no strong evidence of occupation on the part of those seeking inclusion, and we find that certain kaingas alleged in evidence as proof of occupation by these persons are situate outside of this block, and not within it.

We therefore recommend that this claim be disallowed, and this appeal dismissed.

The six persons whose names are hereunder set out are the persons who have been selected by the owners of the land from amongst their number and proposed by them as the members for the Hapu Committee for this block, and agreed to by all the owners present before this Commission sitting at Whakatane on the 8th day of March, 1907:—

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|-------------------------|--------------------------|
| 1. Tuhukia te Hiko.     | 4. Te Hauwaho Tamaikoha. |
| 2. Taihakoia Poniwahio. | 5. Takao Tamaikoha.      |
| 3. Te Pairi Tuterangi.  | 6. Netana te Whakaari.   |

GILBERT MAIR.  
D. F. G. BARCLAY.  
PARATENE NGATA.

#### PARAEROA BLOCK.

*Appeal No. 98.*—By Te Kahu Paurini and others, claiming the inclusion of twenty-four persons for that portion of the block named Paraeroa B. No objection is made to the inclusion of these persons in the portion mentioned for the interests asked. We have therefore prepared and attached to the file of Paraeroa Block a list of their names, numbered from 21 to 44, inclusive, with individual shares as shown therein, and we recommend that the said names and shares be added to the order accordingly.

*Appeals Nos. 92 and 94.*—By Utiera Tuau and others. These two appeals were withdrawn by Mika te Tawhao on behalf of the appellants, there being no objectors. We recommend that these two appeals be dismissed.

*Appeal No. 95.*—By Mika te Tawhao and others, objecting to the decision of the previous Commission, which awarded an area of 150 acres, in the portion of the block named Paraeroa B, to Tupara Kaaho and those of his party, the appellants alleging that their pas, kaingas, and dead have thus been awarded away from them and passed into the hands of strangers, and asking that the said award be annulled.

*Appeal No. 101.*—By Tupara Tamana, *alias* Tupara Kaaho, and others, objecting to the decision of the previous Commission, by which an area of 255 acres in Paraeroa B portion was awarded to Mika te Tawhao and his party, and asking that the said award be set aside.

We have duly weighed and considered the evidence advanced by the contesting parties in these two appeals, and one of the Commissioners, Paratene Ngata, has personally inspected the signs of occupation alleged upon the land.

It is clear to us that the two pas, the dead, and the sites of whares which were seen upon the land are the property of one side only, Te Ahikaiata, senior, and Tupara Kaaho, both admitting that the said pas belonged to the ancestors of Mika te Tawhao's party, but asserting that such occupation was without right.

In regard to the pa Te Hika-o-Tonga, alleged by Tupara, upon inspection of the land no pa was found to exist at the place alleged, nor any sites of whares.

As to the occupation dating from the year 1894, or shortly before or subsequent to that date, we do not look upon such recent occupation as meriting any very serious consideration, seeing that disputes and disagreements as to the ownership of land had commenced prior to that date. Furthermore, we are not clear as to the means whereby the ancestor Hinekura could have become possessed of this land on the western side of the Whakatane River, as alleged, and there are no pas or dead belonging to that ancestor or her descendants on this portion of the land to bear out such contention. However, towards the conclusion of the hearing of this case before this Commission, Tupara withdrew his objection to the 255 acres awarded by the previous Commission to Mika te Tawhao and party, and asked that that decision be affirmed.

As the result of our deliberations we, after due consideration, recommend that the decision of the last Commission, awarding 150 acres in Paraeroa B to Tupara Kaaho and his party, be annulled, and that the whole of the land contained within the boundaries of that portion of the block which is named Paraeroa B, and situate on the western side of the Whakatane River, be awarded to the rightful descendants of the ancestor Murakareke, who have permanently occupied—viz., to Mika te Tawhao and his party, whose names and shares appear in the order, numbered from 195 to 213, inclusive, with the addition of the name of Kiekie Mikaere, m., with an interest of four shares—this name having been agreed to be included at the time of the previous Commission, though the name has been unaccountably omitted from the order of that Commission—and that the claim of Tupara Kaaho under his ancestor Hinekura be dismissed. We further recommend that this portion of the land, within its own defined boundaries as already surveyed, be cut off from the main Paraeroa Block and made a separate block to be called Paraeroa B, containing 410 acres, more or less.

We have prepared and attached to the list of Paraeroa and Paraeroa B Block a list of the names of the owners for this portion, numbered from 1 to 20, and from 21 to 44, inclusive, showing the relative interest of each person for a total amount of 116 shares for the 410 acres.

*Appeal No. 100.*—By Te Wharau Tapuae and others, for the inclusion of the names of himself and others of the Ngaitatua Hapu, descendants of Tamakaimoana, and alleging that a portion of Omahuru Block has been included in Paraeroa. A very great amount of evidence was given in this case, which we will deal with presently.