received, some of the petitioners again appearing as appellants. All the appeals were either dismissed or withdrawn, and the partition orders as made by Judge Mair are the existing titles to the land.

Considerable evidence was adduced to this Court in support and against the issues in the petition. A careful consideration of this evidence, and a review of the evidence given at the other hearings of the block, lead me to the conclusion that the petitioners have failed to support in their entirety the issues they relied upon. I am satisfied that the sale by some of the admitted trustees should not prejudice the rights of the persons for whom they acted in that capacity. The *cestui qui trust* has now power over the actions of the trustees, and it is unreasonable that they should suffer by such actions to the extent of being omitted from the title altogether. The interests awarded to descendants of the sellers are, to my mind, however, greater than they are entitled to. I would suggest that they should be reduced.

The second issue of the petition, "that Ngatitawhaki have no right," has not been substantiated, and I see no reason to differ from the decisions of the former Courts on that point. That the Ngatitawhaki occupation has not been of such a permanent nature as that of Ngatirangi is clearly shown by the evidence, and I therefore consider that the interests awarded to Ngatitawhaki are in excess of what they are entitled to.

The third issue, as to the existence of a boundary between Ngatirangi and Ngatitawhaki, has remained unproved, and I wholly concur with the recent decision of the Native Appellate Court in the Whangorau case. I submit this report with great diffidence, as my position is somewhat invidious, being directed to review the decisions of Judges of long experience in determining questions raised in the Native Land Court. A decision of the Native Appellate Court is also called into question, and I am certainly of the opinion that the reference should have been made to that Court and not the Native Land Court.

For your information I enclose copies of the decisions of the former Court relative to this block.

I have, &c.,

The Chief Judge, Native Land Court, Wellington. A. G. HOLLAND, Judge.

Matamata North.

Native Land Court, Cambridge, Monday, 18th September, 1905.

It having been admitted by all parties that the grantees were trustees for themselves and others, it remains to decide who are the owners, or who were the owners in 1867.

Teni Tuhakaraina sets up a case for Ngatirangi and Ngatitawhaki, by ancestry and occupation; Te Rawhiti a case for the descendants of Paretapu and Te Oro, through ancestry, occupation, and conquest; and Tua Hotene for Ngatihaua, through conquest and occupation.

First, as to the case set up by Tua Hotene, for Ngatihaua, under conquest. The Court cannot admit this claim, for the following reason:—

(1.) Neither at the original investigation in 1867 nor at the partition proceedings of 1884 was any such claim set up; on the contrary, all the witnesses agreed that the owners were Ngatirangi and Ngatitawhaki, and that the right of Ngatihaua was through gift only of a part of the land of Te Waharoa.

Many of the surrounding lands were awarded to Ngatirangi and Ngatitawhaki in 1867 and subsequent years, and in no case was a claim by conquest by Ngatihaua over Ngatirangi and Ngatitawhaki set up, either in respect of Matamata or of the surrounding lands. To now allow such a claim would be quite reversing many decisions and awards made forty years ago. The Court would not be justified in doing this, even if the evidence now given proved such a conquest, which, in the opinion of the Court, it does not.

The general history of the lands, as given by the elders forty years ago, is shortly this: There was considerable fighting some six generations ago between Ngatihaua on one side and Ngatirangi and Ngatitawhaki on the other, in the course of which Werewere, of Ngatihaua, was killed. After the taking of the Oarana Pa, Ngatihaua, under Te Oro and Haua, sought revenge, and attacked Ngatirangi and Ngatitawhaki at Tokerau, but did not defeat them; instead, peace was made between Taha, of Ngatirangi, and Te Oro and Haua, of Ngatihaua, and Taha's two daughters were shortly after given in marriage to Te Oro and Haua. Since then the two parties have lived in peace. There was no issue of the marriage between Haua and Pareomaoma, but Te Oro and Paretapu had a son, Te Ahuroa, from whom most of Ngatirangi are descended. It is said that Ngatitawhaki retired to Manugatautari; subsequently returned and attacked the occupants of the land, but were repulsed, and shortly afterwards, upon the advent of Christianity, were invited to return to the land, and have lived on it ever since.

Maungatapu and Te Auowaikato have been awarded to Ngatihaua, under a gift of that land by Ngatirangi and Ngatitawhaki, as compensation for the death of Werewere.

(2.) Harete Tamehana, a granddaughter of Te Waharoa, stated in 1884 that Matamata belonged to Ngatirangi, and that the right of Te Waharoa was through gift.

(3.) Of the persons claimed for by Tua Hotene, only two or three have occupied the land since the European war more than forty years ago.

(4.) Most of the grantees are of Ngatirangi.

For these reasons the case of Tua Hotene is rejected. The conquest claim set up by Te Rawhiti must also be disallowed, for the following additional reasons:—

(1.) Te Rawhiti's own witness admitted upon cross-examination that it was not a conquest.

(2.) Such conquest claim is inconsistent with the claim Te Rawhiti also sets up, by ancestry from Taha, the chief of Ngatirangi, over whom the conquest is said to have been made.

The conquest claim set up by Te Rawhiti being rejected, his party must rest upon their right by ancestry and occupation, which is not denied. The case is somewhat different as regards