should be directed before the Native Land Court. Although the evidence before us has been directed to one claim only, we think it is desirable that the whole of the applications for the subdivision of this block should be reheard. We, therefore, do not recommend the limitation of the proceedings to any particular claim.

15. The proceedings in this case have brought forcibly before us the desirability of making some general provisions for individualising Native titles; and we are strongly impressed with the advantage that would accrue from such legislation in obviating future disputes. Although no such general provisions have yet been made, we think it would be well, in any Act that may be passed in pursuance of this report, to insert a clause providing for the individualisation of the interest of each of the owners of this block.

16. The costs already incurred in connection with this case appear to have been considerable, and no doubt further costs will be necessarily incurred before a final decision can be arrived at. While we are of opinion that there has been a substantial failure of justice in the matter, we do not think that either side can be held entirely free from blame. It seems, therefore, most in accordance with the interests of justice that the estate as a whole should bear the costs of this Commission and of any subsequent proceedings that may be necessary to give effect to this report. The costs of and occasioned by the rehearing, if directed, should be in the discretion of the Court.

We therefore respectfully make the following recommendations: (1.) That the judgment of the Native Land Court, given in 1887 upon the applications for a subdivision of the Ngarara Block, be set aside and a rehearing be directed. (2.) That provision be made for determining, upon such rehearing, the individual interest of each owner of the block. (3.) That a reasonable proportion of the costs of and incidental to this Commission, and all subsequent costs reasonably incurred in and about obtaining the necessary legislation, be made a first charge upon the land contained in the Ngarara Block; and that the costs of and incidental to the rehearing be in the discretion of the Court before whom the rehearing is had. (4.) That such legislation be obtained as may be necessary to give effect to the foregoing recommendations.

Given under our hands and seals at Wellington, this 19th day of December, in the year of our Lord, 1888.

(L.S.) H. G. Seth Smith,
(L.S.) Robert Trimble, } Commissioners.

To His Excellency the Governor of the Colony of New Zealand.

May it please your Excellency,—

We, the undersigned Commissioners appointed by your Excellency's Commission dated the 3rd day of November, in the year of our Lord 1888, to inquire into the several matters in the said Commission mentioned and to report upon the same, and particularly whether the decisions of the Native Land Court in relation, among others, to the lands known as Porangahau and Mangamaire ought to be given full effect to, or whether sufficient doubt exists as to the correctness of such decisions as to render further inquiry proper, have now the honour to report as follows:—

1. We have carefully considered the petition of Te Teira Tiakitai and seven others presented to the House of Representatives, and the evidence brought before the Native Land Court, together with the additional evidence adduced by Mr. Chapman for the petitioners, and by Mr. Morrison for the opponents of the said petition. Such additional evidence is annexed to and forms part of this report. We have also perused the evidence given before the Native Affairs Committee on the consideration of the said petition, a copy of which is also annexed hereto.

2. The minute-books of the Native Land Court, containing notes of evidence and the judgments of the Court on the original hearing and on the rehearing, have been laid before us.

3. The claims to the Porangahau and Mangamaire Blocks were heard together, in the first instance, by Judge Mair and a Native Assessor, and judgment was delivered on the 5th May, 1886. The Court awarded 2,500 acres to the Tiakitai family and to Hori te Aroatua, in consideration of the mana of their ancestor Te Whatuiapiti.

4. A rehearing having been applied for and granted, the case was reheard before Judges Mackay and Scannell and an Assessor, and judgment was delivered on the 1st September, 1887. The Court dismissed the claims of Te Teira Tiakitai and Hori te Aroatua. The correctness of the decision in dismissing Hori te Aroatua's claim is not in dispute. As to Tiakitai's claim, the Courts at both hearings appear to have agreed on all points except as to the descent of the mana of Te Whatuiapiti upon Tiakitai. The evidence before the Court on each occasion has been dealt with in a most careful and painstaking manner by the several presiding Judges, but upon the point at issue between them we are of opinion that the decision upon the rehearing is more in accordance with the general tenor of the evidence.

5. The question whether a claim from mana alone is one that cannot be recognised has been, in our opinion, unnecessarily imported into the case. The judgment of the Court upon the rehearing in 1887 did not depend upon it.

6. We are therefore of opinion that the judgment of the Court upon the rehearing in 1887 in relation to the lands known as Porangahau and Mangamaire ought to be given full effect to.

Given under our hands and seals at Wellington this 19th day of December, A.D. 1888.

(L.S.) H. G. Seth Smith,
(L.S.) Robert Trimble, } Commissioners.