

(1.) The original award of the Native Land Court in regard to the Ruatoki Nos. 1, 2, and 3 Blocks was affirmed by the subsequent award of the Native Appellate Court, the only amendment made being that certain persons who had been disallowed or omitted by the Native Land Court were added to the orders by the award of the Appellate Court.

(2.) We have been unable to discover any judgment by the previous Commission setting forth its reasons for varying the orders made by the Native Land Court and the Native Appellate Court.

It is apparent to us that the orders of the previous Commission are widely different from the original orders of the Native Land Court and the Native Appellate Court, even though it is the case that the same individuals and the same hapus who claimed at the original hearings appeared again before the previous Commission and advanced identically the same claims, and did so again before this present Commission.

There is nothing whatever before us to show the reasons why the above-mentioned variation of the original orders has been made—that is to say, why certain persons whose names were included in the orders under the original award of the Native Land Court and the subsequent award of the Native Appellate Court have been struck out by the previous Commission, and why certain other persons have been included by that Commission whose names were not included in either the orders of the Native Land Court or the orders of the Native Appellate Court which were made upon the hearing of the appeals lodged against the decision of the Native Land Court—that is to say, at the proper time for inquiry into the claims of the said new persons for inclusion.

The following schedule demonstrates the past and present position of the orders:—

	Ruatoki No. 1.	Ruatoki No. 2.	Ruatoki No. 3.
Native Land Court order contains ...	322 names	380 names	408 names
Appellate Court order contains ...	92 new names	86 new names	45 new names
Totals ...	414 names	466 names	453 names
Struck out by previous Commission ...	158 " ("A")	244 " ("A")	186 " ("A")
Remaining ...	256 "	222 "	267 "
New names added by previous Commission ...	241 " ("B")	336 " ("B")	336 " ("B")
Total names in orders of previous Commission ...	497 "	558 "	603 "

The row of figures marked "A" denotes the number of persons of those included in the orders for each of the three blocks under the award of the Native Land Court and the Native Appellate Court who have been struck out therefrom by the previous Commission, and the row of figures marked "B" gives the number of new persons who have been included in each of the said three orders respectively by the previous Commission, these being persons who were not included by the Native Land Court, nor by the Native Appellate Court which sat to hear the appeals against the award of the Native Land Court. We have prepared and attached to the file of papers for this land a list, marked "A," containing the names of the several persons who have been struck out, or omitted, by the previous Commission from the orders for each of the three blocks respectively.

We are of opinion that the award of the Native Appellate Court is the rightful award, and that if the previous Commission had adopted and upheld that award the present numerous appeals against their decision would not have been lodged, and the complications now existing would not have arisen; and we would without hesitation recommend that the orders of the previous Commission be annulled, and the award of the Appellate Court be reverted to and upheld in its entirety, were it not for the fact that application has been made to us by all the present appellants, and their conductors appearing before us, to be allowed to withdraw and abandon all such portions of their several appeals as ask that the names of certain persons in the orders of the last Commission be struck out, and that the shares of certain other persons in the said orders be reduced, the appellants only now asking to proceed with the remaining portions of their respective appeals which ask for increase of shares, and for inclusion of names of further persons in the orders; this was agreed to, and the cases put forward and inquired into by us have consequently been confined solely to claims for increase of shares and for inclusion of new names in the orders.

This being so, we look upon it that this action on the part of the appellants appearing before us is an admission by them of all the persons who have been included in the orders of the previous Commission for these three blocks as owners, and that therefore all that now remains to us to do is to consider,—

- (1.) Whether the interests of the several owners now asked to be increased should be so increased; and
- (2.) Whether the names of the additional persons now asked to be included in the orders should be so included—each of which matters we will presently deal with; and
- (3.) Whether the names of the persons who have been left out of the orders of the previous Commission, though contained in the original orders of the Native Land Court and the Native Appellate Court, and whose names now again appear in the lists submitted to us by the appellants for inclusion, should be reinstated in the orders.

We are of opinion that the names of these persons should be reinstated in the orders, with individual interests differing as little as may be from the relative shares apportioned them under the original awards.