

petition is really an attempt on general grounds to obtain a rehearing. The petitioners have wholly failed to show any grounds for reopening the case. So far as we can judge, the decision of the Court was in accordance with the evidence, and, as nothing new has been adduced, there are no grounds for a rehearing. We recommend that no further action be taken in the matter of this petition."

10. It seems to the Court that the claim asserted in the original Court, on the application for rehearing and on the various petitions to Parliament, is the one thing—viz., that some claiming to be rightfully entitled are excluded from the title. They claimed that Ngaitangihare were entitled; that a certain section was admitted, and others claiming descent from the same ancestor were excluded. This the Court thinks is what is meant when it is alleged that the Court awarded the land to the petitioners, "but got hold of our opponent's list instead of ours and included it in the title." In this Court it was shown that some of the persons claimed through the ancestors named, but it is alleged by the other side they had no occupation on this land. The Judge hearing the case evidently came to a similar view.

11. If it is correct, as it would appear from the records, that the Chief Judge proceeded as if he had jurisdiction to dispose of the matter upon reading the application and the Judge's report, and without hearing the applicants or giving them an opportunity to be heard, this Court thinks the issue of the certificates of title was an excess of jurisdiction, inasmuch as they were issued before the rehearing was properly disposed of.

12. Possibly had the Chief Judge inquired fully into the matter, he would not have found sufficient material, in his opinion, to justify his granting a rehearing. At the same time this Court is of opinion that there was at least sufficient of doubt in the matter to have constrained the Chief Judge to grant such rehearing, and to allow the disputed matter to be finally settled by a higher tribunal. However, while this Court thinks it is a pity that an opportunity was not so afforded, it does not feel justified in setting its opinion against that of the Royal Commission comprised of two experienced Native Land Court Judges, who practically affirmed the decision of the Lower Court and said there were no grounds for rehearing.

Dated this the 8th day of November, 1912.

The Chief Judge, Native Land Court, Wellington.

For the Court.

R. N. JONES, Judge.

Whareponga, 23rd June, 1886.

[TRANSLATION.]

To Mr. MacDonald, the Chief Judge, Native Land Court.

It is only a short time since the Ngamoe Block was put through the Court. We are the only persons who applied for the investigation of the title to this land and applied for its survey.

We based our claim on our ancestral rights from Tangihaere. We very clearly stated the evidences, commencing from the time of our ancestors down to our time—the pas, burying-places, plantations, kumara-pits, eel-ponds, fern-hills, and snaring-places of our ancestors, and the houses, horses, cows, pigs, and other things of ours, and our constant occupation of this land. We had opponents—viz., Eruera Kawhia and Hana Maraea, descended from another branch of Tangihaere—and instead of asserting their ancestral claims they claimed through conquest. They recognized the pas, whares, and cultivations claimed by us, and on the day judgment was given at Waiomatatini we were excluded, although we were the only applicants.

When this land was put through the Court the claims of those two and their tribe were recognized. They also admitted our ancestor, and our right from Tangihaere before the Court. And those who opposed us were put in and we were excluded; consequently we ask that a rehearing of this land should be granted.

We are,

RAANA PAKAU.
MOKENA KAHU.
And Others.

Auckland, 3rd September, 1886.

Ngamoe: Remarks on an Application for a Rehearing of Ngamoe made by Tuta Nihoniho and Others.

NGAMOE Block contains 8,733 acres. The hearing occupied seven days. All that the petitioners had to say was heard and noted by the Court: all the questions they wished to ask the other side were allowed to be put. They were not required even to prepay their fees for hearing, and I do not think they have paid them yet. The Assessor and myself agreed in the decision.

The claimants were Tuta Nihoniho and party—known as "Te Aetanga-Mate," a branch of Ngaitangihare. Their claim was No. 310 on the list. At the outset they alleged that the survey was theirs, but it turned out that this was not so.

The counter-claimants were Eruera Kawhia and party, representing five hapus of Ngaitangihare. Their claim was on list No. 51. The plan was a copy made by the Survey Department of Eruera Kawhia's survey. The Survey Department at Gisborne would not pass Kawhia's plan, because the surveyor who made it had offended them; but the Department devised the above expedient, and this was how the plan came before the Court. I mention the foregoing in answer to the latter portion of the first paragraph of the petition, which is misleading.