The title of Tahora No. 2, of which Tahora No. 2F is a part, was investigated by the Native Land Court at Opotiki in 1889, and the block was then partitioned into seven divisions. No. 2F was awarded to N'Hinganga. A rehearing was applied for and granted, and took place at Gisborne in 1890. The award of 2F to N'Hinganga was confirmed, and lists of the owners were read and passed without objection.

The persons whose names the petitioners ask should be struck out are those of the Wi Pere family and certain others, who it is alleged have been included through *aroha*. The Wi Pere family was not represented at the inquiry, nor were many of the others.

Taking the objection to the Wi Pere family first: Wi Pere was the conductor on the investigation, both before the Native Land Court and the rehearing Court, for the persons to whom the land was awarded. It was quite a common practice in the Courts at that time and since for the persons found entitled to a block of land to allot a certain number of shares to a successful conductor in lieu of money payment, especially if the conductor had a right to the land, or was—as is the case in the present instance—a descendant of the ancestor to whom the land was awarded, and to allow him to distribute those shares in any manner he pleased Wi Pere did not allege that he had any right to the land by occupation, and, as there was nothing before this Court to lead it to infer that he was paid for his services in any other way, the only conclusion the Court can come to is that he got a substantial allotment of shares as the consideration for his successful conduct of the case. He appears to have taken advantage of the practice before mentioned and to have distributed the shares amongst his friends and relations. It was stated by the petitioners that they had no objection to Wi Pere and his sons remaining in the title for the shares they have now, but desired the names of the others appearing in his list struck out. This would reduce the award to him very considerably without any apparent justification. The fact that they are prepared to allow him and his sons to remain in the title is, in the Court's opinion, an admission by the petitioners that they have some right there, and it is submitted that the persons who retained Wi Pere, who were present at the hearing, and who benefited by his skill as a conductor, were in an infinitely better position to estimate the value of his services to them than the present-day owners, whose one object appears to be to forget those services.

As regards the other persons objected to, many of them alleged before this Court that they had quite as good right to be included in the title as the persons objecting to them. As to the remainder who were not represented, if they have no right as alleged the original owners had no doubt quite sound grounds for including them, although those grounds are not apparent at this distance of time and may not be known now. The probability is, as is the general practice in the preparation of lists, they were for some consideration included by certain sections of the owners and given shares out of the allotments to those sections. The same thing has occurred in almost every investigation that has ever taken place in the Native Land Court, and if the investigation of this block is reopened on the grounds submitted, then the investigation of every other block in a similar position could be reopened with just as much reason.

If the objections had been made shortly after the investigation was completed they would have been entitled to every consideration, for the facts would have been easily available. But being made after a lapse of nearly thirty years, when the principal persons who had to do with the investigation are dead, and when most of the circumstances connected therewith are forgotten, a very strong suspicion is raised in the Court's mind that the accumulated rents in the hands of the East Coast Commissioner are at the bottom of the agitation. This suspicion is strengthened by the fact that some of the petitioners have no right to the land either by descent or occupation, but come in through succession, and that others were present at the investigation and made no objection, but acquiesced in all the proceedings. The Court is satisfied that if there were no accumulated rents there would be no money to pay the conductors, and consequently no agitation to have the matter reopened.

This title has stood so long now—over thirty years—that it would, in my opinion, be a mistake to reopen it on the very inadequate grounds submitted. And if it were reopened it would probably lead to an injustice being done by the striking-out of the names of persons who apparently have no right, but who have been included in the title by the original owners for (to them) good and sufficient reasons.

In addition there is this aspect of the case to be considered, viz.: (1) That the matters complained of have arisen through no fault of the Courts that investigated the title; (2) that they were solely the results of arrangements amongst the parties themselves, and could have been objected to before those Courts if there had been any grounds for objection.

If the Court had refused to sanction their arrangements, then the parties might have had a grievance, but the present-day owners certainly have no right to complain, because the Courts that ascertained the persons entitled gave effect to requests made by the elders and acquiesced in by all the owners, and included individuals now objected to in the title.

Under the circumstances, therefore, should it be decided to reopen the case, I think the country should not be called upon to pay the cost of any further hearings, but the expense should come out of the accumulated rents. And if the accumulated rents are not sufficient, then the parties wanting the case reopened should pay the balance. It appeared to the Court that a small section only of the owners were interested in the agitation, and that the bulk of them were indifferent, and only refrained from interfering actively because they thought they might benefit by the striking-out of some of the names, thus leaving further shares for distribution. I am satisfied, however, that if they were given the option of having the case reopened at their own expense a very large majority of them would prefer to leave it as it is.

As to the deficiency in area, 2F was the balance of Tahora No. 2 Block after the other divisions were partitioned off by the Court that investigated the title No area was mentioned then—in fact, it was impossible to specify any area until survey was made, as the boundaries of many of the