

It was asserted, on the other hand, that the 285 acres in question were allotted to the grantees not in trust, but as absolute owners because they had paramount claims to the area and because they actually resided on it and were the only persons who had buildings there.

The extracts quoted seem to show that this is the true position. There is no information as to the original boundaries of the land of the Okahu hapu, and, if Mr. Haddon is to be believed, it is reasonable to suppose that it was of a much larger extent than 285 acres, and that the 285 acres was only that part of the hapu lands claimed by Katene and those associated with him. The probability is that, if the majority of the members of the hapu, instead of adhering to Te Whiti and remaining away at Parihaka, had appeared before the Royal Commission the areas awarded would have been of much greater extent. This is shown by the fact that it was in the first place arranged to return 1,000 acres to the Okakus, but this area was reduced to 289 acres, no doubt to be consistent with the claims made. According to Mr. Haddon, the reason they did not appear was because they were taught that all the confiscated land would be returned to them.

In this connection it is to be noted that, as regards the Inuawai hapu, the majority of the members were also adherents of Te Whiti. The matter of their land came before the Commission some months after Okahu and, in the interval, they probably realized the position, and appeared to prosecute their claim, because a grant of 2,100 acres was made to seventy-eight of them.

The circumstances seem to have been similar with regard to the other hapus of Ngaruahine. The majority of the members no doubt appeared before the Commission, and thus obtained grants of considerable areas.

Presumably the procedure adopted by the Commission was to fix the areas to be granted in accordance with the number of individuals to be provided for. Those members of the Okahu hapu who refused to appear before the Commission were themselves only to blame if they were not awarded any land.

Consequently, in the Court's opinion, it is not reasonable for their descendants to expect inclusion in the small area of 289 acres which was undoubtedly granted to those members of the hapu only who, as their spokesman himself stated, were neutral in the war, and who came before the Commission to establish their rights.

At the same time, the Court considers there are reasonable grounds for believing that the name in the grant was "Kaho" and not "Raho," as has been decided. It is true that Kaho died in 1879, a year before the Commission sat, but there are indications that the area and list of owners were settled some time before that, and evidence that Kaho received a share of the rent under an arrangement the nominated owners made for leasing the land.

Enclosed please find a copy of the minutes taken on the inquiry.

JAS. W. BROWNE, Judge.

The Chief Judge, Native Land Court, Wellington.

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