

1917.

## NEW ZEALAND.

# NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1916.

REPORT AND RECOMMENDATION ON PETITION No. 43 OF 1916, RELATIVE TO KAWHIA  
R 2B BLOCK.

*Presented to both Houses of the General Assembly in pursuance of Section 24 of the Native Land  
Amendment and Native Land Claims Adjustment Act, 1916.*

Native Land Court (Chief Judge's Office), Wellington, 28th March, 1917.

The Hon. the Native Minister, Wellington.

PURSUANT to the provisions of section 24 of the Native Land Amendment and Native Land Claims Adjustment Act, 1916, I have the honour to transmit herewith the report of Charles Edward MacCormick, a Judge of the Native Land Court, on the petition No. 43 of 1916, of Kaho Barton, praying that the partition of Kawhia R No. 2B Block, made by the said Court at Ngaruawahia on the 24th September, 1914, may be cancelled, or that other relief may be granted to her.

After perusing the report I can only say that it appears to me to be a very careful analysis of the case, and that I am of opinion that it would be inadvisable to take any further steps in the matter.

JACKSON PALMER,  
Chief Judge.

Native Land Court, Auckland, 13th March, 1917.

SIR,—

*Kawhia R 2B.*

I have the honour to report that, in terms of your reference to the Native Land Court under section 24 of the Native Land Amendment and Native Land Claims Adjustment Act, 1916, for inquiry and report as to the claims and allegations in petition No. 43 of 1916, by Kaho Barton, praying that land be repartitioned, I duly held such inquiry at Kawhia on the 20th and 21st February last.

The petitioner was represented by her husband, Mr. C. Barton, and Tema Pouwhare appeared to support the existing partition. A number of the owners were in attendance.

I do not propose to go at length into the question of want of notice of partition alleged by petitioner, because that seems to have been fully and accurately dealt with in reports of the Registrar and Judge Holland. The facts disclose an extraordinary carelessness and indifference of the general body of owners, including the petitioner, to their own interests. Be it observed that there were nineteen owners in the block, not one of whom took the trouble to ascertain what had really been done on partition. If they had, several remedies were open to them.

I take it, however, that what is now material is to consider—(1) Whether the partition is just; (2) if not, whether the *status quo ante* can now be restored.

As to (1): In the Native Land Court, on application under section 121/09 (*vide* Mercer Minute-book, 19/347 *et seq.*), Tema Pouwhare's contention was that the improvements of his party were responsible for the increased value of 2B, Section 1, awarded to his party; that the other owners had done nothing to improve the land, and were seeking unfairly to participate in the improvements. Before me, however, while still maintaining this point, he advanced a new contention—namely, that his mother and her sister Te Aomangi Kaora were the dominant owners of 2B, Section 1, or Rangiaukaha, and were entitled under special right to that part, therefore could say who should or should not be included in it. This contention he based on certain evidence