

1916.
NEW ZEALAND.

NATIVE LAND CLAIMS ADJUSTMENT ACT, 1913

REPORT BY THE NATIVE LAND COURT ON PETITION No. 20 OF 1913, OF DONALD KERR PORTER, AS TO THE INTERESTS OF THE CHILDREN OF HEREWAKA POATA IN MAUNGAROA BLOCK.

Laid on the Table of the House of Representatives pursuant to Act.

Native Land Court, Chief Judge's Office, 24th November, 1915.

The Hon. the Native Minister, Wellington.

I HAVE the honour, in compliance with the provisions of section 2 of the Native Land Claims Adjustment Act, 1913, to submit for your information the report of Judge Browne, dated 11th November, 1915, on the petition of Donald Kerr Porter, being No. 5 in the schedule to the said Act.

As the report upholds the decision arrived at by the Native Land Court at the original hearing by Judge Wilson and subsequently by the Native Appellate Court (myself and Judge Rawson), it is almost superfluous on my part to say that I concur in Judge Browne's report and recommend that no further action be taken in the matter.

JACKSON PALMER,
Chief Judge.

Office of the Waiariki District Maori Land Board,
Whakatane, Rotorua, 11th November, 1915.

Maungaroa Block and Petition No. 20 of 1913.

WITH regard to your reference of the 23rd March, 1913, on attached file, I have to report that the matter was advertised for the sitting of the Court at Te Kaha on the 6th April last. The petitioner, Donald Kerr Porter, did not appear personally, nor was he represented, and as he asserted that he did not get sufficient notice the inquiry was adjourned to the sitting of the Court at Opotiki. It was advertised for Opotiki on the 20th of last month, and special notice was sent to him. He wrote to me at Rotorua on the 6th October stating that he could not be present on the 20th, and asked for an adjournment to the 27th. When the Court opened I adjourned the matter accordingly. He did not attend on the 27th, but instead wrote me a letter, dated the 25th, which I received on the 1st instant, stating that he might probably be able to leave Gisborne after this letter. I wired that the Court would adjourn on Thursday, the 4th instant, but received no reply of any kind. The other parties—viz., Mrs. Howie and Mr. T. Porter—have been put to very considerable inconvenience and expense over the matter. They were prepared to go on with it at Te Kaha, which is the proper place at which to hold the inquiry, and they came to Opotiki at the opening of the Court and remained there until it closed waiting for the petitioner to appear. They are opposed to his claim, and were anxious to have the inquiry held. They considered that he had been given ample opportunity of appearing in support of it, and they did not think it was just to them to further adjourn the matter. I am inclined to agree with them, and have stated the facts for your information and decision.

As to the subject-matter of the petition, the position is that the Porters are descendants of one of the ancestors to whom the Maungaroa Block was awarded, but their branch had been absent from the land for many generations. Mrs. Howie and Tame Porter came back in recent years, and were placed by their relatives on some of the *maaras* belonging to their ancestor. On this account they set up a claim at the investigation, and, although it was opposed by many of the leading owners, the Court held that the two were entitled to share in the land, and made an award to them accordingly. The Court, if the question had been left with it, would have included the two only, but Mrs. Howie handed in a list comprising other members of her family, and this list was passed without opposition. I have always considered that the others were included merely through an act of generosity on the part of Mrs. Howie, and if it had not been for the return of Mrs. Howie and Tame Porter to the land I do not think any member of the family would have been included in the title.

JAS. W. BROWNE, Judge.

The Chief Judge, Native Land Court, Wellington.

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