

HIWARAU.

THE Chief Judge.

The statements in this appeal are absolute falsehoods. The Court took especial care that each party obtained its kaingas. I sent my Assessor (Honi Bructi) to see the land. He made a thorough inspection, and brought back full information as to position of houses, kaingas, and cultivations. There were two parties, and the Court made two orders, awarding, roughly speaking, the centre of the block to the appellants, and the two ends to the other side. The other side were satisfied, although the appellants obtained, on the whole, the larger share of the good land.

Recognising, as I have done for some time past, that it is important to avoid the sending in of appeals, if possible, the Court did not at once give a decision fixing the partition, but informed the parties what in its opinion would be fair to both sides, and stating at the same time that it would consider any suggested alterations of the boundary lines, if the parties could agree. They talked it over for a day or two: but were unable to suggest a line that would be more suitable. The obstructor all through was Rimaha te Pahau, whose wife is an ~~own~~ owner, though he himself is not. I have good reason to think that Rimaha is the only one of the party of the appellants who is really dissatisfied. Mu te Hura is the chief owner, and the principal resident on the land. He has obtained the whole of his houses and cultivations, and the very best part of the block.

Rimaha did make certain suggestions for the alteration of the boundary line: but what he wanted was so unreasonable that it could not be entertained. As it would have ^{been} utterly unjust to the other side.

I feel strongly with respect to the existing procedure regarding the sending in of appeals: and as this is a very glaring instance of injustice to respondents, I take the opportunity of drawing your especial attention to the matter.

It is within the power of any single obstructor to keep things unsettled, and prevent other owners from making proper arrangements for the fencing or cultivation of their lands, by the mere sending in of a bogus appeal, which he perhaps has no real intention of prosecuting. And he can do this without paying any deposit (as a guarantee of good faith). He gets a notice to pay a deposit: but this is usually ignored. It is a great injustice to the other owners, and especially to those who really wish to make use of their land and cultivate it.

This heaping up of appeals is really becoming almost a scandal in the Court, and to some extent it destroys the independence of the Court itself, and places it in the hands of the Natives. Because the Court must feel that its real business is to get disputes settled: and if its proceedings lead only to the heaping up of appeals, it appears to be open to the charge of failure.

It does seem to me that matters will not be satisfactory, until (1) the actual payment of deposits is insisted upon, and (2) the Registrar makes a regular practice of at once applying for the dismissal of all appeals on which deposits are not paid within the time fixed.

L. K. A. M.

16-14-04.

A. F. Edge

Suggest £20 deposit in this case.

£15. Payable by 31 July 1904

J. S. S. 04