

5. An appeal was lodged against the partition on the ground that one party had been awarded the swamp portion of the land, and on the 5th June, 1918, a new partition took place. The swamp complained of was cut off and vested in all the owners as a reserve, and the good land was divided *pro rata*. In this way the area of Lot 108B was reduced to 3 acres 2 roods 29 perches, but the order as drawn up purported to be in favour of Mere Peka Paama and Pirihira Enoka in equal shares.

6. For some reason the Clerk followed out the Judge's minute exactly, instead of putting the successors of Pirihira Hiria into the title; the successors, Te Aomarama te Rehutai and Te Aota te Rou, appear correctly in the order for Lot 21A (the swamp portion).

7. On 14th October, 1919, Te Aomarama te Rehutai signed by mark a transfer of Pirihira Enoka's share in Lot 108B under the name of Pirihira Enoka, *alias* Te Aomarama Hirini, in the presence of J. M. Walker, Justice of the Peace, and George Moore, licensed interpreter, and the transfer was confirmed by the Waiariki Maori Land Board on 27th November, 1919. The minutes show that no question was raised as to the identity of the seller. The confirmation certificate was completed on 29th September, 1922.

8. The Government value was £75 for the whole section (108B), and the consideration paid for the half of it was £46 4s., half of which should have gone to the petitioner and the other half to Te Aomarama te Rehutai.

9. There is no chance of contesting the transfer, as the land has since passed to a third person for value. This Court had the original purchaser from the Native before it, and is satisfied that he was unaware of any irregularity in relation to the signature to the transfer, nor is it likely that Te Aomarama te Rehutai would have been found guilty of fraud or impersonation. She was actually entitled to one-half of the interest she sold. At any rate she is now dead, and there is no chance of recovering anything from her estate.

10. The consequence is that the petitioner has lost her land through no fault of her own. The whole trouble apparently arose—

- (1) Through the Judge of the Court entering the name of Pirihira Enoka instead of Pirihira Hiria in the Court minutes:
- (2) Through the Clerk of the Court perpetuating the error of the Court.
- (3) Through the Maori Land Board not using sufficient care to see that the transferor of the land was properly identified as being the person mentioned in the Court order, especially in view of the alternative names used by her. Inquiry would probably have disclosed the mistake before it was too late.

For the Court,

R. N. JONES, Chief Judge.

*Approximate Cost of Paper.*—Preparation, not given; printing (436 copies), £1 15s.

By Authority: G. H. LONEY, Government Printer, Wellington.—1936.

Price 3d.]