

In the first appeal, Waingaromia No. 3, the fraud charged is fraud by the Assets Company in obtaining a warrant from the Governor and a certificate of title from the District Land Registrar.

In the second appeal, Waingaromia No. 2, various frauds on the Natives are charged against Cooper and the liquidators of the Glasgow Bank who purchased from him. There is no definite charge of fraud by the Assets Company. The only charge against the company is that the company obtained from the District Land Registrar an indorsement of the transfer from the liquidators to the company, and that the obtaining of that indorsement was fraudulent and void as against the plaintiffs.

In the third appeal, Rangatira No. 2, the fraud charged is, again, that frauds were committed by other people and that the obtaining and retaining by the company of a certificate of title from the District Land Registrar was fraudulent and void as against the plaintiffs.

The evidence of fraud by the company entirely breaks down. The evidence shows that in all these cases the agents of the Assets Company in the colony took to the Registrar and got him to register certain documents which, according to their purport and effect entitled, and which they believed did in fact entitle, the company to be registered as owners. There is no evidence whatever of any fraudulent statement made by the company's agents to the Registrar nor of any bribery, corruption, or dishonesty in the matter.

Their Lordships cannot help thinking that the equitable doctrines of constructive fraud have weighed too much with the Court of Appeal and have induced it to impute fraud to the Assets Company, although no dishonesty by the company or its agents, or by the liquidators of the City of Glasgow Bank, was really established. Nor is there any proof whatever that the liquidators or the Assets Company dishonestly refrained from making inquiries which an honest purchaser would have made.

The conclusions thus arrived at dispose of all these appeals. Their Lordships do not therefore think it necessary to give any opinion on several other defences to these actions which were raised in the Court of Appeal and relied upon by counsel for the appellants in their argument before this Board. Their Lordships refer to the defences based on the defective title in the plaintiffs, the absence of other parties, the Statute of Limitations, the effect of long possession and large outlays on the lands sought to be recovered, and the effect of decisions in former unsuccessful actions by Natives suing on behalf of themselves and others. Their Lordships base their judgment on the conclusiveness of the registered title in the absence of fraud.

In upholding the title of the appellants on this broad ground it is satisfactory to find that their Lordships are not disturbing, but upholding, the views which had been until recently taken and acted upon in the colony for many years in actions brought against *bonâ fide* purchasers on the register. The same view has been taken in South Australia, as is shown by *Bonnin v. Andrews*, 12 S. Austr. L.R., 153.

The conclusion of the whole matter is that their Lordships will humbly advise His Majesty to allow these appeals and to reverse the judgments appealed from, with costs, and to enter judgment in each action for the defendants, the Assets Company, with costs, and the costs of each appeal must be borne by the respondents thereto.

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