

appears, but owing to an application for rehearing the orders were never completed. In the minute-book of these proceedings there appears to be an attempt to change the name "Tere" to "Tori," but no reason for this is given in the book.

8. About June, 1895, the rehearing took place and the orders varied. In the engrossments of these orders, which appear never to have been completed, there appears the name of "Tere Keeti, f., 17," as an owner of Pokuru No. 3.

9. In the meantime, about the 26th November, 1894, Hori Keeti applied under section 39 of the Native Land Court Act, 1894, for the admission of six of his children into the title, and was apparently then under the impression that his daughter Mere Tori Keeti was already included. The application was abandoned, and at the applicant's request dismissed.

10. The Pokuru No. 3 Block was further partitioned on the 30th March, 1901, into Blocks A to N. Tere Keeti appears, with six others, as owners of 3G. This is apparently the first time any order was completed, and the order was sent on for inclusion in the Land Transfer title.

11. By lease No. 4333, and bearing date the 1st March, 1910, Tere Keeti and three others purported to lease their interests as from the 14th December, 1908, to one Kate Tanner, and by transfer the lease became vested in Hugh Ramsey subject to various dealings.

12. On the 5th February, 1911, on an application for partition, a question was raised as to the identity of Tere Keeti in the title, and on the 6th February, 1911, the Court gave the following decision:—

[Copy from Mercer 15, page 68.]

"POKURU No. 3G.

"*Decision re Name of Tere Keeti.*

"After perusing the records of the Court relative to this block I am of opinion that the name 'Tere Keeti' is intended to refer to Meri Tori Keeti. My opinion is principally based on the fact that although a Native may err with regard to the age of a child it is very seldom a mistake is made regarding the sex. The Tere Keeti shown in the manuscript list handed in at the investigation of the title is a female. I am further strengthened in my opinion by the fact that in 1894 Hori Keeti made application under sections 39/94 to the Court to include his *other* children in the title to the block. His application, which is supported by affidavit, states that *two* of his children are already included. It is admitted that Pahata is one of them, and the question as to who is the other naturally arises. The only name that is applicable to the other child is that of Tere Keeti—the name in dispute. Order will be amended by adding to the name 'Tere Keeti' the alias 'Mere Tori Hori Keeti.'"

13. No order appears to have been amended, but in a subsequent succession order dated the 24th May, 1911, and in a partition order for 3G 2 dated the 20th November, 1911, the owner is described as "Mere Tori Hori Keeti *alias* Tere Keeti," and in the last named order the interests of Tere Keeti and Mere Tori Hori Keeti, as successor, have been combined.

14. Notwithstanding the finding of the 6th of February, 1911, this Court has formed a definite conclusion that the name "Tere Keeti" refers to Henare Waitere Keeti, the male child of Hone Keeti, and not to Mere Tori Keeti, the female child of Hori Keeti. The reasons for coming to this conclusion are that Hone Keeti and his family were living on the land, while his brother Hori and his family were not. All the other living children of Hone were included. There is no valid reason why Tere, his then youngest male child, should be omitted, and when his name is found in the title it is logical to assume he was not omitted. It is admitted that many of Hori's children were omitted; and when there is a person answering to the name of "Tere Keeti," even though he described as a female and there is no female answering to that name, the presumption is that the person who bears the name must be intended. This Court has not been able to find any manuscript list in which the person named was described as a female, although there is one which puts him down as a minor. No doubt the sexes and ages appear in the engrossed order, but that might easily have been a mistake of the clerk in gathering the information and filling in the description and ages. It is admitted that the age as stated is not that of Tere Keeti; yet if that age is attached to Mere Tori Keeti she must have been one of twins, which she was not. It is quite probable that in 1894 Hori Keeti thought two of his children were in the list, but he was equally certain that all of Hone's were in it, which would not be the case if Tere Keeti is excluded.

15. Henare Waitere, or Tere Keeti, denies that he signed the lease referred to, while Mere Tori Keeti—giving evidence as "Tere Keeti"—claimed that she had received rents, so that it is only fair to assume that the signature "Tere Keeti" on the lease has been affixed by her on the assumption she is the person named.

16. The fact of this alienation to the European makes it extremely difficult for the Native Land Court to deal with the matter by way of rectification, and the fact that there have been dealings by the lessee might make it equally difficult for the Supreme Court to equitably adjust the matter.

Dated this 20th day of May, 1920.

For the Court.

R. N. JONES, Judge.

The Chief Judge, Native Land Court, Wellington.

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