

Orders appointing successors to Haare Potaka (deceased) in a number of blocks, amongst them Tawhiti No. 1, were made at Waipiro on the 19th October, 1903. The necessary evidence was given in the case of succession to the deceased in Waipiro No. 1, and is as follows :—

*“ Waipiro No. 1.—Haare Potaka.*

“ KEREOPA POTAKA sworn : Haare Potaka died on 7th March, 1902. He made no will. He left no children. He had two brothers—viz., Eru Potaka and Hoera Potaka. Eru Potaka is dead. He left four children—namely, Kereopa Potaka (m.), Hone Potaka (m.), Haare Potaka (m.), Hirini Potaka (m.). It has been agreed that this share shall be allotted to Hoera Potaka and the children of Eru Potaka equally, all of Waipiro. (No objectors.) Order : Half to Hoera Potaka and half to the children of Eru Potaka.”

In the margin of the minute-book alongside this evidence is the following note, undated :—

“ Letter from Hoera Potaka stating that there had been no agreement as to shares being equal. —(Signed) JOHN BROOKING.”

The following is the minute with regard to the Tawhiti interest :—

“ *Tawhiti No. 1.*—Kereopa Potaka to succeed Haare Potaka. Same evidence ; same order.”

From the minutes it looks very much as if the Court in the first instance appointed them all equally to the Waipiro and all the other interests on the strength of the alleged agreement referred to in the evidence, and subsequently amended the minutes on receiving the letter from Hoera Potaka that there had been no agreement, but omitted to amend the order for Tawhiti No. 1.

The order as drawn up and signed, however, is both inaccurate and ambiguous. It reads as follows :—

“ It is hereby determined that—

“ Kereopa Potaka,	} Sons,
Hone Potaka,	
Haare Tipua Potaka,	
Hirini Potaka, and	
Hoera Potaka,	Brother,

all of Waipiro, aboriginal Natives, are the persons who are entitled to succeed to the estate, share, or interest of and in the said land whereto the deceased died entitled, and it is hereby ordered that the said share shall vest in the above-named successors *equally*.”

The four grouped together are not the sons of the deceased, and it was clearly not the intention of the Court that they should take equally.

The result is that the petitioner, Hoera Potaka, has suffered a loss, in that by the order he has obtained only one-fifth of the deceased's interest instead of one-half to which he is entitled.

Any amendment in the succession order will entail a consequent amendment in the partition order for Tawhiti 1E 4, in which division the interest in question has been located.

JAS. W. BROWNE, Judge.

The Chief Judge, Native Land Court, Wellington.

*Approximate Cost of Paper.*—Preparation, not given ; printing (450 copies), £2.

By Authority : MARCUS F. MARKS, Government Printer, Wellington.—1921.

Price 3d.]