

APPENDIX D.

PARTICULAR REPORT AS TO VARIOUS SECTIONS.

INDEX TO REPORT ON INDIVIDUAL SECTIONS.

No. of Section.	Page.	No. of Section.	Page.	No. of Section.	Page.
1		56		103	
2		57		104	
7		58		106	
10		60		109	
11		61		110	
13		63		111	
16		64		113	
23		68		116	
26		72		120	
28		71		121	
31		75		124	
32		80		130	
34		81		134g	
40		83		135E	
41		85		136F	
42		86		137D	
44		87		138c	
47		88		141	
49		89		142	
50		95		147	
51		97		163	
52		98		Village	
54		100		Sections	
55					

SECTION 1.

Title : Crown grant, under the Crown Grants Act, 1862 (No. 2).

Original grantee was Manahi Iri.

Area, 13 acres 3 roods 36 perches.

Restrictions prevent disposition by will.

Manahi Iri died 22nd July, 1894, and, by his will, dated 16th July, 1879, probate whereof was granted on the 4th October, 1897, this section was devised to testator's widow, Ani Pi Manahi, for life, and after her death to Horomona Tahuna, *alias* Tiaki Horomona.

The widow has died, and there is no objection to the validation of this will, all parties admitting that Tiaki Horomona, the beneficiary, was also entitled, as next-of-kin of the deceased, to succeed. On 6th January, 1911, an interlocutory succession order was made in his favour.

Tiaki Horomona died on 9th October, 1903. Left will dated 28th September, 1898, and codicil dated 7th October, 1902, giving lands to all his children excepting one daughter—Mere Maaka ; and the testator's widow, Ripeka Horomona, was given life interest in various sections. The sections over which widow was given life interest are, however, not devisable by will.

Probate was granted on 25th April, 1904. An appeal lodged by Rio Nihoniho was dismissed on 21st February, 1906.

Application for succession subsequently made was heard by Native Land Court at Kaiapoi on 10th December, 1908 (South Island Min. Bk. 16, pp. 67 and 125). Court was asked to sanction a family arrangement, the will having directed that Aperahama Horomona should divide the deceased's estate amongst the family excepting Mere Maaka, and orders were made in accordance with this arrangement, Mere Maaka objecting.

She appealed, on the ground that property was restricted from alienation by will, and the Native Appellate Court affirmed another scheme of division. Some of the parties interested do not appear to have been present or represented before the Appellate Court, and a further appeal has been lodged under section 50 of the Native Land Act, 1909, and the deposit fixed as security for costs (£60) has been paid.

In this case the parties interested thought the matter should be left until the case came before the Appellate Court, as they believed a settlement could then be arrived at ; but, in the event of the parties failing to come to an amicable agreement, it will depend on, whether this will of Tiaki Horomona has been validated or not, how the Appellate Court will view the matter.

I think in this case will should not be validated. As deceased died before the passing of the Native Land Act, 1909, section 45 of the Native Land Claims Adjustment and Laws Amendment Act, 1901, would allow the Court to give a life interest to the widow if it thought fit ; and I also think any rents paid by the lessee to the executors of the will prior to the passing of the Kaiapoi Reserve Act, 1910, should be deemed to be valid payments in satisfaction of rent up to the date of such Act.

SECTION 2.

Title : Crown grant, under the Crown Grants Act, 1862 (No. 2).

Grantee : Horomona Tahuna.

Area, 14 acres and 34 perches.

Restrictions prevent disposition by will.