

Riaki Tauwhare's title is, therefore, unassailable, but before the Commission she stated she was willing to hand over this section to the next-of-kin of the original grantee—whether during her lifetime or afterwards she left to the Commissioner to say. She then stated as follows: "I know there is a dispute as to the next-of-kin of the original grantee. Let the Court settle that."—*The Commissioner*: "If you were given a life interest, and the Native Land Court then settled that land should go to next-of-kin to Te Teira, would that satisfy you?"—*Riaki Tauwhare*: "Yes."

Riaki is an old woman, and I gathered that she had formed the opinion that the next-of-kin to Te Teira were to be found in the persons of her own daughter-in-law and her brothers and sisters. This may or may not be correct.

In any case, I think title should stand as it is. Riaki Tauwhare, under the present law, can will the land in accordance with her own wishes, and there is thus no reason for any recommendation.

SECTION 34.

Grant under the Crown Grants Act, 1862 (No. 2).

Area: 14 acres and 12 perches.

Restrictions prevent disposition by will.

Grantee: Hakuira.

In this case the only will purporting to affect land is that of Ruera Irikapua Rota, but when probate was granted on 25th April, 1904, this section was specially excepted from its operation.

Mr. Wright stated he would not ask for validation of will so far as this section was concerned, but that was not to prejudice his claims in Section No. 11.

Will should therefore not be validated as regards this Section No. 34.

SECTION 40.

Grant under the Crown Grants Act, 1862 (No. 2).

Area: 14 acres.

Restrictions prevent disposition by will.

Grantee: Wiremu Naihira.

The grantee died 2nd February, 1903, leaving a will whereby he bequeathed to his foster-son, Marakaia Hape Uru, this section and other lands.

Letters of administration with will annexed were granted to Marakaia Hape Uru and Raita Naihira on the 25th April, 1904, *excepting Sections 19, 40, and 55. Kaiapoi*, for which succession orders were made, as will did not operate.

The succession orders for these sections, 19, 40, and 55, were in favour of the next-of-kin, Hineawhao Teihoka and Hohepa Teihoka, the niece and nephew of the testator, who left no issue himself.

Marakaia Hape Uru claimed to be the adopted child of Wiremu Naihira, but the adoption was not registered, as required by section 50 of the Native Land Claims Adjustment and Laws Amendment Act, 1901.

Marakaia gave evidence before the Commission to the effect that he had lived with Wi Naihira from birth, and had always been treated as a son by the grantee; that he was married while living with him and his wife, and he looked after the grantee till his death, with the exception of about ten months; that the next-of-kin did not assist him, and that they have, without this section, about as much land as he himself has; that he has 3 acres in Kaiapoi—Section 182, worth about £40 an acre; Section 44, 5 acres, worth about £40 an acre; and his mother also has interests in the Kaiapoi Reserve; also has less valuable interests in Henley, Oxford, and Rakaia lands. Worked as a carpenter and also as a labourer, but work difficult to get, and did not make much at it.

On the other hand, the successors by the orders of the Native Land Court are in possession, and have been in possession since death of deceased, under a legal title. They are no better off than the devisee, and, as probate specially excepted these sections, I do not think title should be altered.

Will not to be validated as regards this Section 40.

Note, also, that Makaraia (? Marakaia) Uru has been appointed to succeed Heni Naihira in Section 44, Kaiapoi, and Tauhinahina No. 6.

SECTION 42.

Grant under the Crown Grants Act, 1862 (No. 2).

Area: 14 acres 2 roods 25 perches.

Restrictions prevent disposition by sale, mortgage, lease, or otherwise without consent of the Governor.

Grantee: Hapurona Taupata.

There is no will in question in this case, but there is a document purporting to be a conveyance, and although matter is really outside scope of my commission I think it advisable to set out the facts.

This conveyance is dated 9th February, 1889, and is made between Hapurona Taupata and Ihaia Pohata. In consideration of natural love and affection, Hapurona grants, conveys, and assures unto Ihaia Pohata this Section 42 absolutely. It is witnessed by H. Belfield Stack, mercantile clerk, Christchurch; E. R. J. Stack; and Wi Naihira Teihoka, and has a plan of the section indorsed, and a translation into Maori by James W. Stack, licensed interpreter. It has neither been confirmed, stamped, or registered, nor has the consent of the Governor been placed upon it.

Hapurona having died in 1897, and the document never having been acted upon, it appears to me that it can have no legal force or effect.

No evidence was brought concerning the document, which was produced by Mr. Wright.