

No objection was raised before Commission to this order.

On 18th August, 1890, this section was partitioned as follows : 86A, 7 acres 1 rood 2 perches, Pene Parekuku ; 86B, 7 acres 1 rood 2 perches, Manahi Iri.

As to 86A : Pene Parekuku left a will. He died in 1891, and will was never proved, the devisee dying in 1895. Successors to Pene Parekuku, by order dated 20th September, 1897, were Irahapeti Korako and Merehana Retara. Irihapeti Korako died 24th September, 1897. Letters of administration, with will annexed, granted 9th June, 1899. This section 86A and also 86B were devised to Tiaki Horomona and Ripeka Horomona. On 17th October, 1904, succession order to Irihapeti Korako was made in favour of Merehana Retara. The Court was informed of grant of letters of administration, and that land did not pass under them. Merehana Retara died leaving a will, probate whereof was granted on 14th September, 1905, but these sections, 86A and 86B, are excepted from its operation. On same day succession order for interest of above deceased was made, and subsequently amended to read as follows : Teone Tene, one-sixth ; Piweta, one-sixth ; Tiemi, one-sixth ; Tieke Horomona, one-half. Tieke Horomona has since died, leaving a will, the circumstances connected with same being fully set out in report on Section 1.

As to 86B : Manahi Hiri, or Iri, left a will dated 16th July, 1879, probate whereof was granted on 4th October, 1897, to Horomona Tahuna, otherwise Tieke Horomona. Horomona was devisee and also next-of-kin. On his death, leaving a will, probate was granted to Aperahama Horomona, and the further history is fully set out in report on Section 1.

I think, as regards these sections, that order of 2nd November, 1885, should not be interfered with ; that wills of Irihapeti Korako and Merehana Retara should not be validated ; and that will of Manahi Iri as regards 86B should be validated. As to will of Tiaki Horomona, I make same suggestion as that made in report on Section 1.

SECTION 87.

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

Area : 14 acres and 39 perches.

Restrictions prevent disposition by will.

Grantee : Peneamine Parekuku.

This grantee was same person as the Pene Parekuku mentioned in report on Section 86A, the history of which is identical with this.

Therefore, in this case also, I think wills of Irihapeti Korako and Merehana Retara should not be validated, and that will of Tiaki Horomona should be dealt with as in Section 1.

SECTION 88.

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

Area : 15 acres.

Restrictions prevent disposition by will.

Grantee : Teoti Wiremu te Hau.

Successors to grantee were appointed by order dated the 15th October, 1886, by virtue of a will dated 30th October, 1883.

No objection to this before the Commission. Order should not be interfered with.

SECTION 89.

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

Area : 14 acres 1 rood 24 perches.

Restrictions prevent disposition by will.

Grantee : Moroati Pakapaka.

Moroati Pakapaka died 29th August, 1897, leaving a will, executed the day previous to his death. Will was in favour of Hira Makarini. Letters of administration, with will annexed, were granted to Taituha Hape on the 12th March, 1898. Testator left no issue. On 25th October, 1904, a succession order was made appointing as successors to Moroati in this section the following : James Rickus, one-fourth ; Rawiri te Pakeke, one-fourth ; Hira Makarini, one-half. Hira Makarini died leaving a will, but application for probate was dismissed on 17th December, 1908. On 19th January, 1909, Riaki Tauwhare was appointed successor to Hira Makarini's interest, in accordance with an agreement arrived at when application for probate was dismissed. Riaki was at that time appointed successor to Hira Makarini's interest in twenty-two other properties. She now asks that above will be validated, so as to give her the whole interest in this section, instead of one-half.

At the hearing before the Commission Ruiha te Aika stated that if it had not been for the will she would have appealed against the succession order, on the ground that she was deceased's next-of-kin through his wife, by whom he got the land ; that Rickus had no right to be included in succession.

Mr. Bishop stated that James Rickus and Riaki Tauwhare had agreed to sell to James Judson ; that conveyance had been signed, and £75 paid to Riaki and £32 10s. to Rickus out of a total consideration of £322 12s. 3d. for their three-fourths share. Transaction has not yet been confirmed. Price is equal to £30 an acre. Government valuation lately obtained by me is about £26 an acre.

I do not think will should be validated.

SECTION 97.

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

Area : 14 acres 2 roods.

Restrictions prevent disposition by will.

Grantee : Reatara.