

Successor appointed to interest of Reatara by order dated 13th September, 1883, was Heremaia Taunoa.

On 2nd October, 1893, Rakera Taunoa was appointed successor to Heremaia Taunoa. Minutes (Book 8, folio 423) show that order was made by virtue of will of deceased. (Will dated 6th March, 1885.)

Order is marked "Cancelled.—H. W. BISHOP, Commissioner, 18/8/04."

Probate of Heremaia's will had been granted on the 10th August, 1893. Rakera was wife of testator.

Rakera Taunoa, by her will dated 9th September, 1898, devised her lands to Reone Timoti, and directed him to make provision for certain relatives. Letters of administration, with will annexed, were granted to Reone Timoti on 12th June, 1899.

On 10th September, 1902, Native Land Court appointed successors to Rakera Taunoa, as follows: Mokopuaroa, one-twelfth; Hamuera Reupene, one-sixth; Wi O. Rurea, one-twelfth; Hohepa Mapu, one-third; Rupapera te Uki, one-third. This order is also marked "Cancelled.—H. W. BISHOP, Commissioner, 18/8/04."

I have been unable to find any minutes relating to the cancellation of these orders, but assume that it was on account of Rakera having been included in pursuance of Heremaia Taunoa's will. I do not think there was any power to cancel them.

On 12th September, 1905, a succession order for interests of Heremaia Taunoa was made in favour of some ten persons, including Hamuera Reupene and others in order of 10th September, 1902. This order was affirmed on appeal on 4th November, 1908, but the making of previous orders and their cancellation does not seem to have been brought before Court.

In Section 54, previously reported on, a similar position arose, though there the question raised was as to the succession to Heremaia Taunoa in pursuance of his will.

There is this distinction in this case: First, the succession order to Heremaia has been cancelled as mentioned above; secondly, the question of Rakera Taunoa's will has been introduced; and, thirdly, the Native Appellate Court has confirmed an order of the Native Land Court making a new appointment of successors to Heremaia Taunoa, and by so doing accepting the cancellation of the two previous orders.

Rakera Purua's (or Taunoa's) will is also referred to in connection with Sections 47 and 55.

I think confirmation of the cancellation of the two succession orders referred to above is desirable, and that in this case the will of Rakera Taunoa should not be validated so far as it affects this section. The successors to Heremaia Taunoa have been in possession since 1905, and rents have been received by them for six years. Their title should be confirmed.

SECTION 98.

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

Area: 14 acres 1 rood 20 perches.

Restrictions prevent disposition by will.

Grantee: Pita te Hori.

Pita te Hori died, and a succession order was made by the Native Land Court on the 24th December, 1886, in favour of Reita Takuru, by virtue of a will dated 7th August, 1872. This order is protected by section 432 of the Native Land Act, 1909, and on that account an application for leave to appeal under section 50 of that Act has been dismissed.

I do not think order should be interfered with.

SECTION 11.

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

Area: 14 acres and 22 perches.

Restrictions prevent disposition by will.

Grantee: Ruera Irikapua.

Ruera Irikapua died 16th September, 1903. Letters of administration, with will annexed, granted to Meretini Irikapua on 25th April, 1904; noted on same, "Excepting Kaiapoi Section 11 and Wairewa No. 887."

An appeal lodged by Bessie Huntly was dismissed for want of prosecution.

On 20th October, 1904, the Native Land Court made a succession order appointing the following to succeed to interests of Ruera Irikapua in this Section: Meretini Irikapua, one-quarter; Matiria te Hua, one-quarter; Tiemi Rikiti, one-quarter; Peti Huntly, one-sixteenth; Henare Macdonald, one-sixteenth; George Alldridge, one-sixteenth; Ani Alldridge, one-sixteenth. Meretini Irikapua appealed, but decision was affirmed on 3rd November, 1908. Meretini was widow of deceased.

On Meretini's death successors were appointed (9th November, 1910), as follows: Riria Watene, Haimona Harawira, Kereopa Harawira, Roka Maaka (equally).

Mr. Wright asked that will of Ruera Irikapua be validated, and that letters of administration be amended so as to include this section; that this was one of first grants of administration on which such an exception was indorsed; that application for letters of administration had been heard previous to decision of Supreme Court in *Uru v. Te Rangi* (July, 1904); that testator was not aware that consent of Governor was necessary; law was not settled at time administration granted—it was not finally decided until decision in *Attorney-General v. Te Aika* in 1909. Asked for validation upon the general arguments previously mentioned in this report.

Mr. Bishop submitted that title being absolutely correct in law, and the successors being in possession for the last seven years, all the equities were on their side, and title as shown by Native