

This is really a certificate of title, dated 13th December, 1888, to antevest from 19th September, 1865. The restrictions do not prevent disposition by will, so that, although succession order dated 28th October, 1885, to interest of Hakopa was made in pursuance of will, the order is not invalid.

SECTION 106 (ALSO SECTION 110).

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

Area : 14 acres and 3 perches.

Restrictions prevent disposition by will.

Grantee : Monika.

On 16th October, 1885, Native Land Court made an order appointing Harete Toko successor to Monika after a contest. The decision runs as follows (Minute-book 2, folio 13) : " That Hohaia te Kotuku, the living brother of deceased, succeeds to the interest, and that by will proved in the Supreme Court left his interest to Harete Toko. Order granted in favour of Harete Toko in terms of will." The words " living brother " mean " brother living at time of Monika's death."

This is only order on the file, and being within the protection of section 432 of the Native Land Act, 1909, should not be interfered with.

Letters of administration, with will of Harate Toko te Kotuku annexed, were granted by the Supreme Court on the 11th August, 1893, to Taituha Hape. The will gave this section to Taituha Hape and to his wife Mere Taituha and to their children. Will was dated 12th November, 1890.

For grounds on which validation of this will asked, see report on Section 16.

Also, several applications to Court for succession orders have been made, but have all been dismissed ; and Taituha Hape has been in possession since 1893, and still is. Land is leased, and rent has always been received by him.

This will of Harete Toko's also purports to affect Section 110, the grantee whereof was Hohaia te Kotuku. Area, 11 acres 2 roods.

Next-of-kin to Hohaia te Kotuku and to Monika (the grantee of Section 106) would be same persons. Successors in Section 110 have an order of the Native Appellate Court, dated 4th November, 1908, in their favour.

As stated above, probate of will of Hohaia te Kotuku was granted by Supreme Court, and letters of administration, with will annexed, of Harete Toko.

Taituha Hape was in possession of this Section 110 also for many years.

I suggest wills of Hohaia te Kotuku and Harete Toko te Kotuku be validated so far as Section 106 is concerned, but not as regards Section 110. This seems to me to be a fair compromise, as successors have been in possession of Section 110 for five or six years, and have been to considerable expense in establishing their claims.

SECTION 109.

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

Area : 14 acres 2 roods 20 perches.

Restrictions prevent disposition by will.

Grantee : Hohepa Huria.

Hohepa Huria died 22nd May, 1902. Will made day before in favour of Puneke Huria, Teone Huria, George Huria, Frank Huria, and Mere Huria, some of testator's children. Letters of administration, with will annexed, granted 24th October, 1904. Will directed above children to look after testator's widow during her life, but she is now dead.

Before the Commission it was stated that all members of the family were willing to take equally in accordance with order to that effect made 10th January, 1911.

Will not to be validated as regards this section.

SECTION 111.

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

Area : 14 acres and 24 perches.

Restrictions prevent disposition by will.

Grantee : Tamati te Ao.

Order made 13th September, 1883, appointing Horomona Iwikau as successor to grantee.

Horomona Iwikau, by will dated 25th August, 1886, probate whereof was granted on the 15th March, 1893, devised this section to Hira Horomona Pohio. There is no objection to this will, but succession order has since been obtained.

Hira Horomona Pohio left a will dated 30th April, 1890. Probate granted 31st May, 1893. Will devised land to some of her children. An arrangement was come to by the family, and following that arrangement a succession order to Horomona Iwikau's interest was obtained on 11th November, 1910. No objections before me to the confirmation of that succession order, which is in favour of next-of-kin of Hira Horomona Pohio.

The wills of Horomona Iwikau and Hira Horomona Pohio should therefore not be validated so far as this section is concerned.

SECTION 113.

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

Area : 15 acres and 25 perches.

Restrictions prevent disposition by will.

Grantee : Horomona Haukeke, *alias* Horomona Iwikau.

Horomona Iwikau, by his will, dated 25th August, 1886, probate whereof was granted on the 15th March, 1893, devised this section to Hohepa Huria. Horomona had died 5th October, 1887.