

A succession order was made on 24th October, 1904, appointing as successors to Horomona Iwikau the following: Hannah Pohio Rickus, one-sixth; Teone Pohio, one-sixth; Te Rakapa Pohio Saunders, one-sixth; Heni Pohio Goldsmith, one-sixth; Waata Pohio, one-sixth; Irai Pohio, one-thirty-sixth; Reita Pohio, one-thirty-sixth; Henare Pohio, one-thirty-sixth; Hira Pohio, one-thirty-sixth; Hamiora Pohio, one-thirty-sixth; Horomona Pohio, one-thirty-sixth.

The devisee under Horomona's will died 2nd May, 1902. Probate granted of his will 24th October, 1904, same date and by same Court as above succession order was made by. His will devised this section to some of his own children, leaving others out, but all his children are prepared to share equally in any interest Hohepa Huria may be allowed under Horomona's will.

It is claimed that Hohepa Huria was the adopted child of Horomona Iwikau, but other side object to this statement. It was not mentioned to the Native Land Court when succession order was made, but Hohepa had died previously.

Hohepa Huria was in possession of this land from, at any rate, 1893 till his death in 1902.

£40 duty on both probates, which cover other lands than Kaiapoi reserves.

Mr. Bishop pointed out that the successors to Horomona Iwikau had been in possession for seven years; that order having been made same day that probate granted (24th October, 1904) showed probate deemed not to pass land. *Uru v. Te Rangi* then decided.

Mr. Wright, in reply, said that those in succession order claimed from original grantee—did they say land without owners from 1893 to 1904.

The persons included in the succession order have been given Section 111 as next-of-kin to Horomona. Will devises other lands to Hira Horomona Pohio and Hohepa Huria in equal shares.

Government valuation—£465 unimproved; £30 improvements: total, £495.

Had the successors not been in possession for seven years I would have been inclined to report in favour of these wills being validated. The devisee under Horomona's will has enjoyed a life interest, and his successors will take interests in other lands wills do affect.

I suggest that neither will be validated.

SECTION 95.

Certificate of title in lieu of grant under Warrant of Governor dated 13th December, 1888, under the Native Reserve Titles Grant Empowering Act, 1886.

Area: 14 acres.

Restrictions: Inalienable by sale or mortgage or by lease for a longer period than twenty-one years.

Grantee: Paora Tua.

Restrictions do not prevent disposition by will.

Succession order to interest of Paora Tua, deceased, made by Native Land Court 14th September, 1883, in favour of Reihana Tau, Ramari Tau, Hira Horomona.

Ramari Tau, *alias* Ramari Puku Rakuraku, died 20th March, 1889, leaving a will dated 19th March, 1889, to her husband, Mohi Rakuraku, and his *mokopuna*, Teiti Manihera.

Letters of administration, with will annexed, granted to Tare Tikao on 7th April, 1893.

On 10th January, 1911, a succession order for interest of Ramari Tau was made, the Court being informed that will was inoperative by reason of the restrictions. Order interlocutory, as Court informed successor willing to stand aside in favour of devisees, and that an inquiry into question of wills was to be held. This succession order should be cancelled.

SECTION 116.

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

Area: 14 acres and 2 perches.

Restrictions prevent disposition by will.

Grantee: Hoani Korako.

Succession order, dated 14th September, 1883, for interest of Hoani Korako in favour of Patehepa Kuikui Korako, Te Reita Kura Korako, Te Hautapunuiotu Korako, Tutehaanuku Korako.

Order was made in pursuance of deceased's will, except that Raihia Hutai's name was omitted at her own request.

Order is protected by section 432 of the Native Land Act, 1909, and should not be interfered with, although Reita Pohio objected before Commission that Patehepa had no right to inclusion, Teone Pere being his father and Hutai his mother. Thomas Green, however, stated that on death of Teone Pere the grantee married Hutai, who was pregnant at the time, and that Patehepa was thus born during the time Teone Pere and Hutai were living together.

Patehepa left a will, dated 24th February, 1906, in favour of his three children. Probate granted 10th March, 1908.

Same persons would be entitled as successors, so no occasion to validate will.

SECTION 41.

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

Area: 14 acres 1 rood 37 perches.

Restrictions prevent disposition by will.

Grantee: Te Koro Maitai.

Te Koro Maitai died 6th May, 1884, and Native Land Court, by succession order dated 15th October, 1886, appointed Mere Hinehou Korako to succeed by virtue of a will dated 26th August, 1878. This order is protected by section 432 of the Native Land Act, 1909.

Deceased left no issue.