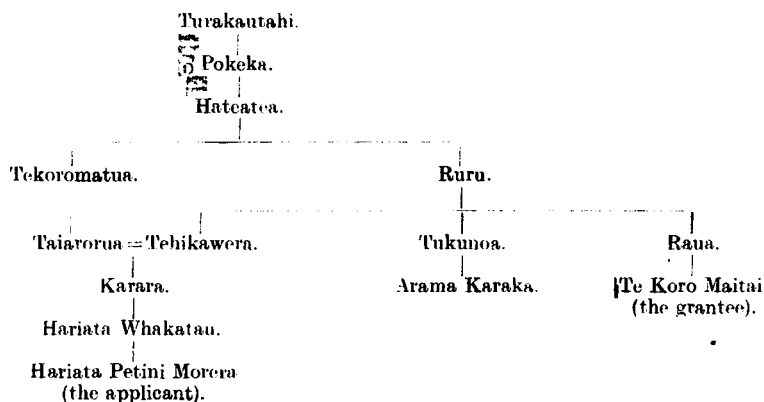


An application to succeed to Te Koro Maitai was put in by Hariata Petini on 23rd November, 1908, but as above order had been made the application was dismissed.

In October, 1910, an application for a rehearing was filed by Hariata Petini Morera, under section 50 of the Native Land Act, 1909, but this was dismissed by the Chief Judge as being prohibited by section 432.

Before the Commission the following evidence was given by Hoani Petini Morera: "My wife is next-of-kin. Her name is Hariata Petini Morera (see *whakapapa* on file). She therefore loses this section by will referred to. Also Section 58 (Arapata Koti), Section 105 (Hapakuku Kairua), Section 81 (Irai Tihau), Block G, Moeraki Reserve also. She loses all these through wills. She would not be sole successor in other sections, but is in this one. My wife lives at Kaikoura, and could not come herself; she is not well."—*Cross-examined by Mr. Wright.*] "This has worked hardship. My wife takes nothing under any will. She would not let Te Wanikau will to her—told him not to—but to leave it to his relations. I have not taken under a will. My wife is not landless—has lands at Kaikoura—perhaps more than 200 acres. I have 308 acres of my own leased. [It appears his wife has one-sixth share in Section 105.] I made a mistake."—*Re-examined by Mr. Bishop.*] "My wife's land at Kaikoura, unimproved, is worth £2 10s. an acre. As it now stands with improvements, £4 10s. an acre."—*By Commissioner.*] "It was only seven years ago my wife learned she was a close relative of deceased, and that is why she did not appeal."

Whakapapa mentioned runs as under:—



After this lapse of time order, being protected by section 432, should not be interfered with.

SECTION 83.

Land Transfer certificate; originally grant under the Native Reserves Titles Grant Empowering Act, 1886.

Area: 14 acres and 24 perches.

Restrictions do not prevent disposition by will.

Grantee: Hoani Timaru.

One of those taking under succession order to interest of above grantee, Rewi Koruarua, left a will, but application for letters of administration was dismissed. Also, will does not deal with this section. Title as shown by file is correct.

SECTION 120.

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

Area: 17 acres and 32 perches.

Restrictions prevent disposition by will.

Grantee: Henare Tawhiri.

Succession order for interest of grantee was made by the Native Land Court on 19th October, 1885, in favour of Makarini Mekomoko Hape.

Mr. Wright: Makarini Mekomoko made a will dated 4th September, 1907, which was left to Hoani Maaka to prove. Will was sent to Native Land Court Office, Wellington; nothing done. Probate never granted, as rules of Court not complied with. By the will this section was devised to grandson of Makarini—Teone Aperira Mekomoko. Makarini died May, 1908. A succession order was made 8th November, 1910, in favour of Teone Maaka Mekomoko, the son of Makarini, the father of the devisee. Teone Maaka Mekomoko executed a conveyance to Walter Taituha, and this conveyance was lately confirmed. All purchase-money has been paid, and Walter Taituha is in possession. Money was paid to Teone Maaka Mekomoko. Cannot ask that Taituha be dispossessed, but as Teone Maaka Mekomoko has other sections some provision should be made by him for devisee. It is obvious application for probate was not proceeded with on account of questions raised as to effect of restrictions. Neither Teone Maaka or Teone Aperira are present. I will ask for confirmation of this will as to other sections, but not as to this.

Mr. Bishop: I acted for the purchaser Taituha, and thought—and still think—title perfectly in order. Conveyance confirmed and registered. Equities all with the purchaser.

I do not think will should be validated as regards this section. At time will executed the question of these restrictions preventing disposition by will had been raised.

Will not to be validated as regards this section.