

Succession order, 20th April, 1887, for interest of Horomona Huruwai in favour of Hira Matiu, Teone Paina Huriwai, and Henare Mauhara Huriwai, daughter and sons of deceased.

Succession order, 20th April, 1887, for interest of Wakena Iki, in favour of Riria Watene.

Succession order, 20th April, 1887, for interest of Hohua Pokohiwi, in favour of Tera Matini and Ria Tikini Pahau.

Succession order, 13th September, 1897, for interest of Hira Matiu, in favour of Teone te Paina Horomona and Henare Horomona, equally.

Succession order, 23rd June, 1899, for interest of Arama Karaka, in favour of Pirihira Weteri te Kahu and Metapere Hatini, equally.

Succession order, 14th March, 1901, for interest of Tera Matini, in favour of Matiu te Hu and Koriana Edwards, equally.

Succession order, 19th April, 1904, for interest of Metapere Hatini, in favour of Robert Tiki Harden, Emily Harden, and Winifred Harden, equally.

Succession order, 17th December, 1908, for interest of Riria Watene, in favour of Reita Weka, Poihipi Watene Kokorau, Mere Hinehou Matene, Wiremu Tipene, and Taika Ira, equally.

Succession order, 11th December, 1908, as varied by Appellate Court 21st July, 1910, for interest of Watene Toroaruaru, in favour of Mana Himiona te Ataotu and eight others.

Succession order, 8th November, 1910, for interest of Irai Tihau, in favour of Te Oti Wira and Hariata Whakatau P. Morera, equally.

This shows orders on file for this section. Four questions arise concerning wills—those of Tera Matini, Riria Watene, Irai Tihau, and Watene Toroaruaru.

First, as to Tera Matini's : Tera Matini died 27th December, 1888, leaving a will dated 8th December, 1888, whereby the Kaiapoi lands were devised to Ria Tikini. Will sets out, "I have no other nearer relation than my aunt, Ria Tikini." Probate of this will was granted on 12th February, 1892, to Hare Kahu, but as such grant ought not to have been made, there being no executor appointed by the will, the Chief Judge annulled it under section 39 of the Native Land Court Act, 1894, and application was sent back to Native Land Court for rehearing. The Native Land Court, on such rehearing, granted letters of administration, with will annexed, on 22nd June, 1899. A succession order for deceased's interest was made on 14th March, 1901, to Matini te Hu and Koriana Edwards. Ria Tikini had possession from Tera Matini's death in 1888 till succession order was made. Ria Tikini, in her evidence, stated that the successors gave her half the rents, but I believe she was confusing this section with Section 134c, in which she is one of the successors. Minutes are not very clear, but it looks as if order in G was made by consent. Will devises other lands to Ria Tikini as well as Kaiapoi. As succession order has stood so long, and successors have been in possession for almost ten years under a proper title, I do not think will should be validated.

As to Riria Watene's will : Riria died 20th January, 1905. Probate of her will was granted on 2nd February, 1907, to her husband, Wanaka Weka, to whom this section was devised. A succession order for interest of deceased was on 17th December, 1908. At the time probate granted the question of the effect of restrictions on wills had been before Courts some time. I do not think will should be validated as regards this section.

As to Watene Toroaruaru's will : Probate was granted 9th October, 1893. Will in favour of his wife, Riria Watene, who is now dead. Succession order was made by Appellate Court 21st July, 1910, varying an order made in 1908 by the Native Land Court. Successors have been in possession since order made. No special reason was given in favour of the validation of this will, and I do not recommend it.

As to Irai Tihau's will : Will is dated 9th April, 1887. Probate granted 15th February, 1892. No special mention in will of this section, but general devise to Pirihira Tihau. Court made succession order to next-of-kin on 8th November, 1910. The successors are in possession, and no special reason given in support of will. (See further particulars contained in report on Section 81.) The devisee, Pirihira Tihau, is dead. I cannot recommend validation of this will as regards this section.

KAIAPOI 137D.

Certificate of title under the Native Land Acts, 1865 and 1867.

Area : 44 acres and 30 perches.

Restrictions : Absolutely inalienable for ever, except for the purposes of subdivision by lease for a period not exceeding fifteen years, or by settlement for the benefit of the grantees, their heirs or successors, appointed under the Native Land Act, 1865.

Owners : Pita Tipa, Anaru Kiriwera, Tatani Tohitu, Teoteo Tipa, Teone Ware, Teoti Kerekere, Teoti Mokomoko.

Only question raised in this case concerned the will of Tatane Tohitu, who died in 1893. Will was dated 19th October, 1891, and devised this land to Riria Manihara and Irihapeti Paiki. Probate was granted on the 29th September, 1893, and devisees entered into possession forthwith, and remained in possession for eleven years, when, on 24th October, 1904, a succession order was made in favour of Hamuera Reupene and twelve others as next-of-kin of deceased.

The successors have been in lawful possession for seven years.

I cannot recommend that will should be validated as regards this section.

SECTION 138c.

Certificate of title under Native Land Acts, 1865 and 1867.

Area : 40 acres and 30 perches.

Restrictions : Absolutely inalienable for ever, except for the purposes of subdivision by lease for a period not exceeding fifteen years, or by settlement for the benefit of the grantees, their heirs or successors, appointed under the Native Land Act, 1865.

Owners : Teone Hemara, Teoti Kerei Rari, Akaripa Tuoi, Te Herewini Kaipuke, Henare Mauhara, Hoani Kaipuke, Pakaro Rukitapu.