

The Court further considers there is no evidence to show that the deceased understood the effect of her will, and no evidence to show that at the time the will was made the deceased was possessed of a sufficient memory to pay due regard to the claims of her various relatives and other foster-children on her bounty. The burden of proof here also rests on the propounder of the will, and that burden has not been discharged.

For these reasons the Court refuses to grant probate of the will, and application is therefore dismissed.

*Mr. H. Poananga* for applicant. *Mr. A. V. P. Ford* for next-of-kin.

[*Extract from Te Kaha Minute-book 5, Folio 301.*]

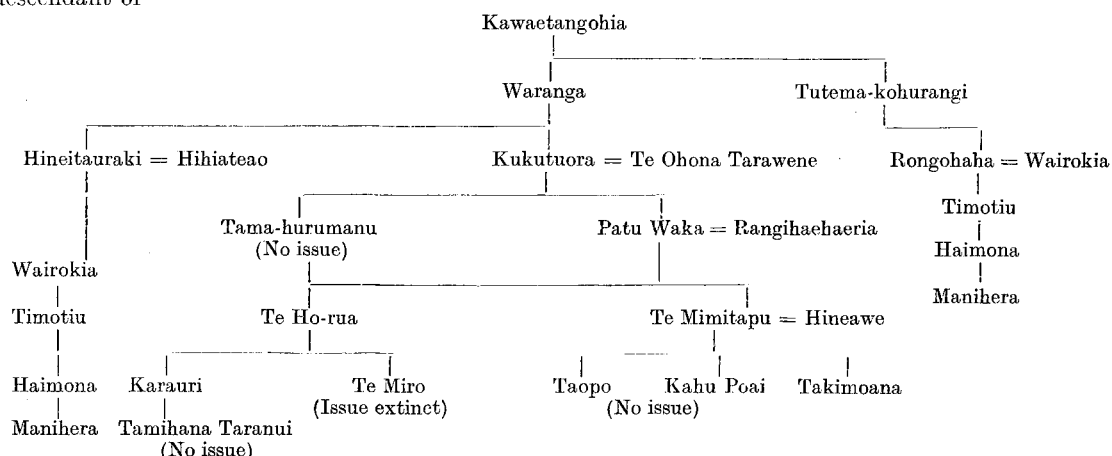
WAIKURA II AND OTHERS.—TAKIMOANA (DECEASED).

Manihera Waiteti and others.

Manihera Waiteti sworn.

(Court decided to take applications in Whangaparaoa 1, 2, 3, and Waikura first.)

MANIHERA: I will trace *whakapapa*. Deceased's right through Te Waranga, who was a descendant of—



Hihiateao died at sea, and Wairokia was adopted by Patu Waka, his cousin. Mimitapu lived at Whangaparaoa. When she died the three children were adopted by my grandparent, Timotiu. Taopo and Kahu Poai, issue both extinct. When Takimoana was young woman my father gave her to a Te Kaha man in marriage. I claim interest by virtue of adoption of Mimitapu by Patu Waka.

(Case adjourned for discussion.)

[*Extract from Te Kaha Minute-book 5, Folio 304.*]

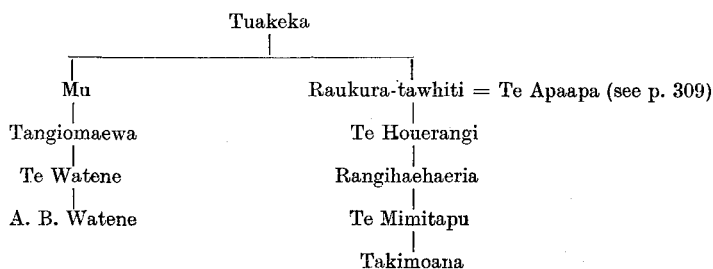
TAKIMOANA (DECEASED)—*continued.*

NGAMOTU TUKAKI: We have agreed to consolidate parties. I represent Mihi Tarena, myself, and others. Have discussed position with Weihana Delamere, and desire a further adjournment.

[*Extract from Te Kaha Minute-book 5, Folio 305.*]

WHANGAPARAOA 1, 2, 3; WAIKURA.—TAKIMOANA (DECEASED).

A. B. WATENE (sworn): I claim an interest. My *whakapapa*, in all blocks:—



I claim succession in all blocks in addition to Whangaparaoa and Waikura.

(Case adjourned.)