

The Court was unable to ascertain the names of either parents of the petitioner.

On the death of the relative of Kura Raumoā, who had the child afterwards known as Riri Piko, the child was taken by Kura Raumoā to Waitara from Wellington, and brought up there together with another child, Rita Rattenbury, and these are the two children whose names are mentioned in the will of Kura Raumoā. Rita Rattenbury apparently had sufficient Maori blood to bring her within the definition of a Native.

Neither of these girls were legally adopted by testatrix.

The will, the subject of the petition, was drawn by the late Mr. John Damon, Licensed Interpreter, First Grade, Waitara, and he was also one of the witnesses to the execution of the will. The other witness was a Justice of the Peace, W. H. Nosworthy by name, residing at Waitara. Whether Damon was aware of the fact that Riri Piko, the petitioner, was a pakeha when the will was drawn by him was not disclosed, but he drew the Court's attention to the fact when probate of the will was applied for on the 5th November, 1928 (Tar. M.B. 41/85). The executrix named in the will was the petitioner, Riri Piko, but the Court granted letters of administration with will annexed to the Native Trustee. It is worthy of comment that the petition was not presented until after the demise of Damon, who died on 20th December, 1943, and he was the only person who could have given an explanation of the reasons for the will being drawn as it was.

The fact that the executrix and principal beneficiary under the will of Kura Raumoā, deceased, was a pakeha was known to the people at the tangi when Kura died. This is disclosed in the evidence of Raumati; and it was further stated by him that an arrangement was made by the relatives in New Zealand that the deceased's interests in lands in New Zealand should go to Riri Piko's children, the lands in the Chatham Islands to go to Reta Raumoā, the surviving brother of deceased.

This arrangement, however, was not given effect to, as when the application was made for succession to the lands of deceased, Mimi 23b and Subsection 19, Block I, Upper Waitara Survey District, the mother of deceased, Raiha te Awakapa, who was present at the tangi, and must have been aware of the arrangement mentioned by Raumati, claimed succession to Mimi 23b on the grounds that this interest had been a gift from her, and she asked the Court to grant a life interest to Rita Rattenbury, with remainder to herself (Tar. M.B. 42/356). This order was so made by the Court, and the Native Trustee appointed trustee for the life tenant, who was a minor.

The interest in Subsection 19, Block I, Upper Waitara Survey District, came from the father, Raumoā Pamariki, and from the whakapapa given by Raiha the Court made the succession order in favour of Reta Raumoā, Te Harawini Tamihana, Piki Taupai, Te Haina te Tupa, Ngarara Paraone, and Huriana Karipi in remainder, with a life interest to Rita Rattenbury, with the Native Trustee as trustee for the minor.

A similar order was made in respect to the Chatham Islands lands (Tar. M.B. 42/111). It was not disclosed at the hearing that Reta Raumoā was a full brother to Kura Raumoā and should have received all the interests coming from the father—see Tar. M.B. 7/177.

From the Native Land Court records it is ascertained that Kura Raumoā died on the 10th August, 1928. Letters of administration with will annexed were granted to the Native Trustee in respect of her estate on the 5th November, 1928. Succession orders to the lands in New Zealand were made on 5th August, 1929, and to the Chatham Island lands on 5th November, 1929.

The petitioner in her evidence states that she was born on the 1st November, 1909, and so would be nineteen years old, and married with three children when her foster-mother died. The Court cannot imagine that the provisions of section 173 of the Native Land Act, 1931 (formerly section 137 of the Native Land Act, 1909) were unknown to both testatrix and Mr. John Damon. The section had been in force since the 1st April,