

1910. The will was dated the 6th August, 1928, some eighteen years after. Damon had long experience in Native Land Court practice, and it is most improbable that the section was unknown to him—it was certainly discussed at the tangi. Damon is the only witness who could have given an explanation, but he had passed on some years before petitioner presented her petition.

The Court has no recommendation to make in respect to the prayer of the petition. The law must be taken to be known, and it would not be in the interests of the Maori people to have such restrictions removed.

The Court is advised by the Native Trustee that the petitioner was entitled to a half-share in the personal estate of deceased, as the restrictions in the Native Land Act as to the alienation by will in favour of a European apply only to Native land. This half-share, which amounted to £135 17s. 5d., was duly paid to her by instalments over a period from September, 1929, to January, 1935.

The Court has ascertained that the extent of the lands of the deceased in New Zealand was not large, as she was interested in two blocks only, as enumerated as under :—

Mimi, Section 23B, sold by deceased in her lifetime. Value, approximately £92.

Deceased's interest was $7\frac{1}{2}$ shares out of 57. Area, 55 acres 0 roods 29 perches. Subsection 1 of Section 19, Block I, Upper Waitara Survey District. Area, 102 acres 3 roods 10 perches. Capital value, £95. Leased for twenty-one years from 1st January, 1944, at £5 per annum. Interest of deceased was one-half, £47 10s. value.

[L.S.]

R. P. DYKES, Judge.

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