

ADOPTION OF CHILDREN, AND THE SUCCESSION OF SUCH CHILDREN TO THE ADOPTING PARENT.

In re KARAMU RESERVE.—A. MACKAY, JUDGE.

Synopsis of Evidence given by the Several Witnesses examined relative to the Right of a Foster-child to succeed to Foster-parent's Property in preference to Relatives.

1. *Thomas Fox, of Ngatiporou, Native Assessor.*—A foster-child would not succeed to its foster-father's property, supposing he had no issue, in preference to the nearest-of-kin. If a foster-father died without an *ohaki*, his property, if he had no children, would go to his nearest relatives.

2. *Aperahama te Kume, of Waikato, Native Assessor.*—A foster-child would, under certain circumstances, succeed to the property of his foster-father if he had no children, but if he left issue, it would rest with them. There is no fixed custom. If there was no *ohaki* (bequest) the property would go to the nearest relatives.

3. *Thomas R. Blake, Native Agent, Hastings.*—An adopted child would succeed to foster-father if he died without issue. Always understood this was a recognised principle of Native custom. If the foster-father left children, the foster-child would rank with them. Have not heard the custom questioned until recently.

4. *Henare Matua, of Ngatikere, Porangahau.*—The right of foster-children to succeed to a foster-father's property is correct. A foster-child is looked on as occupying the same position as a foster-father, or his own child would, and a foster-child's right would be generally recognised. In some cases a foster-child would be recognised in preference to the immediate relatives, if these relatives were strangers. If a foster-father left no issue, and other relatives had lived on friendly terms with the deceased, then the foster-child would not succeed alone to the property as a matter of right. In cases where a child was fully adopted, there would be no question about his right to succeed to his foster-parent. I know of a case where land was given to an adopted child, but I do not know of an instance where land would go, as a matter of course, without an *ohaki* (bequest). In the cases cited, if the land had not been given to the foster-child, it would have gone to the nearest relatives.

5. *Hamiara Mangakahia, of Hauraki, Native Assessor.*—There are cases where a foster-child would take his foster-father's property, and there are cases where he would not. It depends very much on the circumstances of the case. If a child was adopted at birth, he would be looked on as if he was the child of his foster-parent, but this would only happen if the foster-child was a near relative. If the foster-father died the foster-child would succeed to the property without an *ohaki* (bequest). If children were adopted after they were old enough to know their own parents, they would derive nothing by the adoption, except by gift or bequest. No cases came before me when I was acting as an Assessor in the Native Land Court. Have heard of some cases in the Hawke's Bay District where foster-children succeeded to their foster-parents.

6. *Hiraka te Rango, Ngatiwhiti, of Patea.*—The custom is that, when a foster-father dies, his property goes to his foster-children. Witness cited a case, in which he was interested, of an ancestor adopting two children, but before his death he gave his land to the adopted children, but they would have succeeded to it in any case, in preference to the nearest-of-kin, even if the relatives were his nephews. The object of adopting a child is that he may become the representative of the person who adopts him. A foster-child would succeed to his foster-father's property, and also to his father's property as well. If the nearest-of-kin disputed the right, the property would go to the relatives according to law, but that is not Native custom. I am not aware that it is necessary for the tribe to acknowledge the adoption of a child to give effect to it. It would be according to Maori custom that a foster-father should make an *ohaki* (bequest) before the foster-child could succeed. An adopted child succeeds in any case. Never heard of a stranger being adopted, but if so the foster-father's property would not go to the foster-child without an *ohaki* (bequest) in his favour. I do not know of any case where a foster-child succeeded to his foster-father's property. If the foster-father made an *ohaki*, the foster-child would take the property. He would also succeed to it without a bequest. I do not know of a foster-child succeeding to land without an *ohaki* (bequest).

7. *Mr. Josiah Hamlin, Native Agent, Hawke's Bay.*—A foster-child does not succeed to his foster-father's property as a matter of course because of his adoption. It would need an *ohaki* to entitle him to do so. If the foster-father made no bequest the adopted child would not succeed.

8. *Teira Tiakitai, of Waimarama, Hawke's Bay.*—There are many modes of adoption. In some cases, if a child was adopted by a person, it would be for the tribe to consent to land being allotted to it. Another case of adoption is when a foster-father on his death-bed asked his relations and the tribe to look after his foster-child. In other cases a foster-father would give his adopted child a piece of land. In other cases, if all the relatives were dead, the foster-child would succeed to his foster-father's land.

9. *Henare Tomoana, of Te Waipatu, Hawke's Bay.*—If an elder brother adopted the child of his younger brother and left no issue, the foster-child would succeed, and the same would happen if the younger brother adopted the elder brother's child. If strange children were adopted, the tribe would object to their being allowed to succeed to the lands of their foster-parents.