NATIVE APPELLATE COURT.—THURSDAY, 15TH JULY, 1897.—PORANGAHAU No. 2B.

(Before Chief Judge DAVY and Judge SCANNELL.)

Interlocutory Decision on Claim of Karanama Wairoa and Others by Adoption.

THE question of the Court at the present stage of the proceedings is, was there any adoption by Reihana Huripoki according to Native custom of any or either of the persons who now claim to occupy the position of his *tamaiti whangai*—that is to say, Karanama Wairoa, Ratima Wairoa, and the two children of Ratima?

As regards Karanama it is clear to this Court that there were not, up to the date of the making of the will in his favour in May, 1894, such relations between the parties as would satisfy the conditions of adoption according to Native custom. The terms of the will, however valuable they might have been as an admission by the testator, had the question as to the previous relationship been a doubtful one, have, in the opinion of the Court, no value whatever in the present case. We do not, therefore, feel called upon to decide as to the relative credibility of the witnesses who have given evidence as to the circumstances under which that will was prepared and executed.

The decision of the Court is that Karanama is not entitled to be regarded as a *tamaiti whangai* of Reihana.

As regards Ratima Wairoa, the case is even weaker than that of Karanama, seeing that evidence of intention deducible from the will is against him. The same may be said as to the two children of Ratima.

The Court therefore holds that none of the persons who have set up claims to succeed to Reihana Huripoki by virtue of adoption are entitled to such succession.

NATIVE APPELLATE COURT.—FRIDAY, 16TH JULY, 1897.—OTUARUMIA AND OTHER BLOCKS.

(Before Chief Judge DAVY and Judge SCANNELL.)

Judgment.

THE point raised by this appeal is whether a person who has been found by the Court to be entitled to succeed as *tamaiti whangai* to the estate of a deceased Native is, in the absence of children of the body of the deceased, entitled to the whole of the estate as against all other relatives. We think this is so, and that, the right by adoption having by a series of decisions been recognised by the Court, it is impossible to draw the line at any other point. The adoption, if it is anything at all, places the adopted child on the footing of a child of the deceased.

In the present case it has been contended that the Court did not find adoption, and that the evidence was not sufficient to justify it in so doing. It is true that the Court did not in so many words affirm the adoption, but the appellants rested their claim in the lower Court on that ground, and the award of the Court is not explicable on any other supposition than that the Court considered the adoption as proved; nor do we see any sufficient reason to question the action of the Court in this respect.

The judgment of this Court is that the appellants are entitled to succeed to the whole interest of the deceased in the blocks specified in the appeal, or those of them in which deceased was an owner, and that the decision of the former Court be varied accordingly.

NATIVE APPELLATE COURT.—MOTUKAWA No. 2.—APPEAL OF IHAKARA TE RARO.

THE following decisions were given in the Native Appellate Court on Saturday:—

This is an appeal from the decision of the Native Land Court appointing Wera Rawinia successor to Maata te Kohiti in Motukawa No. 2. We have carefully considered the matter, and are of opinion that the Court was justified in recognising the adoption of Wera by Maata, and that the appointment of Wera as successor was in accordance with the intention of the deceased. We further hold that the Court was justified in awarding the interest to Wera to the exclusion of the next-of-kin, the deceased having left no issue. The decision of the former Court is therefore confirmed as to the deposit of £10. The respondents will be allowed their reasonable costs, and the balance will be paid to the Public Account.

NATIVE APPELLATE COURT.—1ST OCTOBER, 1904.—MAUNGATAUTARI No. 5A, ETC.

Decision given by Judges Seth-Smith and Wilkinson.

THIS is an appeal from the decision of the Native Land Court given on the 8th August, 1896, appointing successors to the interests of the deceased in the several blocks mentioned in the appeal. The question in dispute is whether Punia Parata, otherwise known as Punia Woods, is entitled to share in the succession as the adopted child of the deceased.

In the Native Land Court, Punia did not dispute the right of the other successors appointed by the Court as the next-of-kin. She claimed to share with them, and was awarded an interest by the Court to the extent of one-half the estate. The next-of-kin appealed, and the appeal was dismissed by the Native Appellate Court sitting at Otorohanga, for non-appearance of the appellants.