have been declared by the Native Land Court to be the successors to Roera's interests in the lands in question.

Exception has been taken on behalf of the appellants to the validity of the registration, on the ground that Roera Rangi was at the time she signed the notice required by the regulations then in force mentally incompetent to appreciate the meaning of her own act. It seems to us unnecessary to express any opinion on this point, as there are sufficient grounds to justify the conclusion at which we have arrived without inquiring into the state of Roera's mind during the latter days of her life.

It was decided in the case of the succession to Hiraani te Hei (the Blake-Wellwood case) that the words "sufficient evidence" in section 50 of "The Native Land Claims Adjustment and Laws Amendment Act, 1901," are to be taken as equivalent to "*prima facie* evidence," not "conclusive evidence," and the Court must therefore be satisfied that there was a *bona fide* adoption according to Maori custom before giving effect to a "claim by adoption." We shall follow that decision, the registration having been made under the same regulations as in the case just cited, but we abstain from expressing any opinion as to the effect of the regulations now in force.

We have therefore to decide whether these children were adopted according to Maori custom, bearing in mind that the burden of proof is shifted by the statute from those who affirm to those who deny the adoption.

On carefully examining the evidence before the Native Land Court and before this Court, we can find no direct evidence of adoption. We are in effect asked to infer such adoption from the fact that the children lived in the same kainga, in the same house as Roera, and that she provided for their maintenance and support. Such an inference would be reasonable enough in a case where, as usually happened in olden days, the child alleged to be adopted was an orphan, or was, with the parents' consent, transferred from their custody to that of the alleged adoptive parent.

But there are in the present case several facts which militate strongly against the validity of such an inference. Ngarongo, the mother, was herself the adopted child of Roera, and as such was living with Roera when the children were born, and continued with her while the children grew up. The children thus remained in the custody of their mother, and their residence in Roera's house becomes an ambiguous fact from which no inference in favour of their adoption can be safely drawn.

In dealing with questions of Maori custom, the difficulty is becoming daily more pronounced of disentangling genuine custom from the incrustations which have grown round it under the influence of pakeha ideas. There seems, however, to be good authority for believing that an ancient Maori adoption was a public act, known to and approved by at least all those members of the hapu with whom the adoptive parent resided, and who, on the death or inability of the adoptive parent, might themselves become charged with the maintenance and support of the child. We need not stay to inquire whether, under the changed conditions of modern life, the assent of the hapu is in every case essential to the validity of an adoption, but enough of the old custom still remains to justify us in looking with grave suspicion on an alleged adoption that was not well known throughout the neighbourhood. Such an adoption, which we believe would have been impossible in earlier times, is now in the highest degree improbable.

When we look for evidence of knowledge in the present case we find practically none. Several witnesses have alleged that they knew nothing of it before they saw the notice of registration in the *Kahiti*. Those who have alleged knowledge are, without exception, unable to say how or when the adoption was effected. One witness, Wiremu Jenkins, alleged that he knew of the adoption of the eldest child Tongouri, but when pressed as to the source of his knowledge he admitted that he knew she was adopted because she lived with Roera—an inference which we have already said we regard as fallacious.

There is one other circumstance in the case which deserves special attention. When signing the notice for registration in Mr. Fisher's presence, Roera appears to have been uncertain as to which of Ngarongo's children she wished to register—an uncertainty which she could not have entertained if she had really adopted some or any of them.

For these reasons we are of opinion that none of these four children was adopted, and that the decision of the Native Land Court must be annulled. It will be for that Court to determine who as next-of-kin is entitled to the succession.

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