

Defendant stated that he found the shawl too small, and went into Roka's blanket, but nothing took place between them. In the morning they went away back. Roka has a husband, Rupene. I think I did wrong. There was a committee about it, and I paid £1 to Rupene. I did not go to the woman; I went to the blanket.

After deliberation, Waata Kukutai delivered judgment for £2, *i.e.*, £1 beyond the £1 already paid, stating that the Court believed defendant had not committed adultery with Roka, but that it was wrong to sleep with her, and the old practice must be put an end to.

Judgment for plaintiff, £2.

HAPURONA *v.* TAMATI AND JOHN.

Hapurona (sworn)—At the time when Hone Huki and I paddled we arrived at Mangawhero. Our fence was made—it began at the river and ended at the fence on the other side, then it went to the mouth of the river; it was a very good fence. On the 31st of December the seed was all planted, potatoes. There were ten kits of seed. We returned. Subsequently he came to tame pigs; the road was over the fence; the part of the fence was broken. When they returned the pigs came by the place where the part was broken. They went in. On the 11th January the pigs began to eat, until the 17th; on the 18th it was seen. Hone Huki went; when he got there the potatoes were all consumed. I said to Hone (defendant) "Look; I demand of you two £10." He returned. John Huki died. Then I thought there would be no one to tell of defendants. Therefore I determined to write to defendants a letter. I said—(letter produced by defendants). They wrote to me (letter produced). Then I went to Kukutai the magistrate.

Cross-examined by defendant—There was only one wrong of which I complain.

Examined by the Court—It was a large piece of land. I don't know the price of potatoes now. The potatoes had come up. They were all consumed; I never got one. There were other plantations there. John's son broke the fence. I don't know how many pigs got in. I don't know whose the pigs were; they were tame pigs. If potatoes grow well, one kit will produce twenty kits; if badly, ten kits.

Te Kaha (declared)—On Monday I pulled from Tikirahi to Mangawhero. I saw these potatoes being consumed by the pigs. Some pigs were on one side of the river, some inside the fence.

By the Court—I don't know who owned the pigs. I don't know how many kits there would have been. I do not know whether the fence was broken.

Reretu (declared)—On Tuesday, January, I went to Mangawhero. The pigs were in the midst. I went to the other side of Mangawhero. The pigs were one sow, one barrow, and three young ones. They were all marked alike. They belonged to William Newman.

Te Au (declared)—When I went, I arrived and saw the fence; looked at the post, it was a mauku. I remembered that was the road of the pigs. When I saw it, I saw it. That's all I know.

By the Court—The pigs broke the fence. I only think so. I am sure the pigs broke the fence. I am sure the pigs broke the fence to get at the potatoes. There were two places, one broken by men, one by pigs. They went in at that place also. I knew it was broken by men, for it was untied at the top.

Tamati (sworn)—In January we pulled from Tikirahi, and arrived at Mangawhero. We sat on one side of the river, inside the fence of Te Au. On the Wednesday the stick of the fence was broken by our boy above the rail. On the sixth day of the week we returned. We did not see the breaking of the fence by the pigs.

By the Court—All that the boy did was to break a piece off the top of a stick, he did not untie the fastening. The pigs got in by driving a stick on one side. The boy broke off about six inches a toroire stick. At the other place the mauku was rotten, and there the pigs entered. The fence was not injured. The potato patch would not amount to three-fourths of an acre. It would not produce two tons and a half.

Hone (sworn)—We pulled to Mangawhero, *i.e.*, Tamati, Piti, Ngawai, Hera, and I. We camped inside the fence of Te Au. On the third day of the week, the boy broke a post above the rail. We did not see the breaking of the fence by the pigs. We camped inside the place. We cooked food.

By the Court—It was an old landing place of us all.

Piti (declared)—I broke the stick, for a stick to dig fern holes with. I broke it above the rail. It was long above the rail. I did not shake the stick. It was firm in the soil. I did not loosen it.

Examined by defendant—Your fence crossed the river.

Waata delivered judgment—First; Defendants had a right to stop and cook food there, for it was an old landing place. Second; the stick was broken above not below. It remained firm in the earth. Third; on the other side of the river was Te Au's plantation. The fence broken was Te Au's. Plaintiff's land was unfenced on one side. He depended on another man's fence. The river is not a fence. Fourth; Part of the fence was untied, and rotten wood employed. Plaintiff cannot claim damages if his fence is a pretence. Therefore, judgment for defendants.

HOHUA TAMAWHARE *v.* TE REWETI PANEOAKA.

Hohua Tamawhare (sworn)—Formerly I lived with Mere Pounamu. Te Reweti committed adultery with her. I was sad. We agreed to separate, but she was not to sleep with any one. She