Hiraani before or soon after its birth, and, so far as there was time for steps to be taken, the adoption of that child seems to have been conducted in compliance with the conditions that have been laid down by the Court. It is stated that the child was to be left with its mother until weaned; that was not an unreasonable arrangement, and we are not entitled to assume that the child would not have been taken possession of by Hiraani so soon as it could leave its mother. When that time arrived, however, Hiraani was too ill to assume charge of the child, and died a few weeks later.

There is a good deal of evidence that Hiraani looked upon Kathleen Hiraani Blake as her own child. It was named after her, and was a great deal with her during several years, although the child continued to live with its parents, in the next house but one. We do not think this latter fact alone sufficient to disprove the adoption. As to what is required to constitute adoption under Native custom, we do not wish to disturb what has so far been laid down by the Court in former cases.

It is, however, abundantly clear that Native custom, and especially the Native custom of adoption, as applied to the title of lands derived through the Court, is not a fixed thing. It is based upon the old custom as it existed before the arrival of Europeans, but it has developed, and become adapted to the changed circumstances of the Maori race of to-day. The publication to the tribe, laid down as one of the essentials of adoption, is fully satisfied by the registration and gazetting of the notice of adoption under section 50.

There has been no attempt to prove any fraud or undue influence; the very clear and straightforward manner in which Mr. Scannell, as Hiraani's solicitor, conducted the business of registering the notice of adoption made it not feasible to question the *bona fides* of the claim for the adopted children. The will is evidence that Hiraani did not intend her property to devolve upon next-of-kin. It is specially drawn to apply only to such lands as can pass by device, and it can fairly be inferred that Hiraani had in view the fact that her adopted child (there was then only the one) would be provided for out of lands that could not pass under the will.

Having now passed in review the salient facts of the case, we are constrained to agree with the opinion expressed by Judge Jones that there was a *bona fide* adoption of both children, and the orders made by him are therefore affirmed.

The Court has been much assisted by the able presentation of the case by Mr. H. D. Bell and Mr. A. L. D. Fraser, for the adopted children; and by Mr. C. P. Skerrett and Mr. J. M. Fraser, for the next-of-kin.

The deposit, £10, will be paid to Mr. David Scannell, solicitor, on behalf of the respondents.

Native Appellate Court.

The following judgment was delivered at Spring Creek by Judges H. F. Edger and Jackson Palmer, and Hemi Eruiti, Assessor, upon rights under Native custom of adoption and succession:—

This is an appeal against a decision of the Native Land Court regarding the succession to Heni Hekiera, an owner of Wairau, Block 12, Subdivision 13, and other lands. The facts are as follows:—

Heni Hekiera was the daughter of Hekiera Paora and his wife Amiria. Tapata Wiremu, one of the claimants, was the child of Amiria and a European, having been born in 1866. The next year, 1867, Amiria became the wife of Hekiera Paora, by whom she had several children, and with whom she lived until his death in 1891. When Hekiera Paora married Amiria, he took the child Tapata Wiremu also, who thereafter grew up in Paora Hekiera's household. It is alleged that he was adopted by Hekiera Paora. Hekiera Paora and his wife Amiria had several children, all of whom are now dead. One of such children, Heni Hekiera, the succession to whom is now in dispute, was born in 1886, and was in infancy adopted by Hapareta Rore and his wife Mere te Hiko, who were relatives of Amiria, the mother of Heni Hekiera. This adoption is admitted by all parties. Hekiera Paora died in 1891; in 1892 his two surviving children, Heni Hekiera and Te Manihera, were appointed his successors, no claim being then made—so far as the minutes show—by Tapata Wiremu. Tapata was, however, appointed trustee for the two children. Amiria died in 1892. Heni Hekiera died in 1903, her brother and co-successor Te Manihera having predeceased her.

Heni Hekiera derived interests in lands through both her father and mother. It is admitted that, as regards the interests derived from Amiria, Tapata Wiremu is entitled to succeed. The present dispute is confined to the interests derived from Hekiera Paora, the father.

Claims were made in the Court below—(1) by Tapata Wiremu, as being the adopted child of Hekiera Paora, and therefore entitled to succeed his foster-sister Heni, who is also his half-sister; (2) by Hapareta Rore and Mere te Hiko, as being the adopting parents of Heni; (3) by several parties of next-of-kin to Hekiera Paora.

The Court whose decision is appealed against gave a preliminary judgment, deciding—(*a*) that Tapata Wiremu was not adopted by Hekiera Paora—at any rate, not in such a way as to entitle him to succeed to Heni Hekiera's lands; (*b*) that, although Heni Hekiera was adopted by Hapareta Rore and Mere te Hiko, that did not entitle them to be appointed successors to their adopted child Heni.

That Court made no formal succession orders, merely giving the above preliminary decision.

The rights of adopted children to succeed to interests in land under the Native custom of adoption have been the subject of a number of decisions during the last fifteen years. As a preliminary it may be remarked that there was no ancient Maori custom of succession to tribal lands. When a man died his interests in the tribal lands reverted to the tribe; on the other hand, every child, either at birth or upon arriving at manhood or womanhood, became *ipso facto* entitled to a share in the tribal lands. Succession was in those ancient times confined to certain personal property or occupational rights to small pieces of land used for cultivation or some similar purpose.