

The application for registration of the adoption, and Judge's certificate as to its *bona fides*, being duly executed and lodged, Mr. Shand asked that it might be put down for the sitting of the Court at Wellington in February, 1908. During that sitting, starting in January, Mr. Shand seems to have appeared in Court in other matters, but there is no note of this matter being mentioned, although by subsequent correspondence he appears to have been aware that it was on the Wellington panui. The matter was then adjourned from time to time till the 30th March, 1910, when it appears to have been adjourned *sine die*, with a direction that it be taken at the Chatham Islands. As the Native Land Act, 1909, came into force on the 31st March, 1910, according to the Supreme Court decision it would then be practically impossible to complete the registration under the 1901 Act. In 1912, however, the matter was asked to be restored to the Wellington panui.

It must be obvious from this that with regard to the youngest child there was ample time to complete the registration under the 1901 Act, and even if not, then, between the passing of the 1909 Act and the death of Ngamoni Ngawharewiti, on the 12th August, 1916, there was ample time to apply for an order for adoption under the later Act.

R. N. JONES,
Chief Judge.

The Hon. Native Minister, Wellington.

In the Native Land Court of New Zealand, Ikaroa District.—In the matter of section 34 of the Native Land Amendment and Native Land Claims Adjustment Act, 1919, and in the matter of a reference by the Chief Judge for inquiry and report in respect of the petition of Ngawharewiti Tiwai and others regarding their adoption by Ngamoni Ngawharewiti (deceased).

At a sitting of the Native Land Court held at Wellington on the 17th January, 1920, inquiry was made into the merits of the above petition, and the facts appear to be as follows:—

1. Two Natives of the Chatham Islands named Ngawharewiti Kawhau and his wife Paranihia, who had a daughter (Ngamoni Ngawharewiti), adopted in accordance with Native custom two children called Ngawharewiti Tiwai and Mauna Tiwai, who were near relatives of theirs.

2. After the death of the adopting parents their daughter Ngamoni adopted the two children, as well as a third child, called Ngamoni te Ware, and in 1907 made an application to the Native Land Court for the registration of such adoption, in pursuance of section 50 of the Native Land Claims Adjustment and Laws Amendment Act, 1901.

3. Owing to the difficulty and inconvenience of coming from the Chatham Islands to attend the Court the application did not come on for hearing until the 28th April, 1913, and in the meantime there came into operation the Native Land Act, 1909, which repealed section 50 of the Act of 1901, and substituted therefor provisions for obtaining orders of adoption (see Part IX of the Act), and also made provision under section 433 for the continuance and completion of proceedings then pending in the Court, either under the corresponding provisions of the new Act or under those of the Act repealed.

4. The Court, after hearing the evidence and being satisfied that the three children had been adopted according to Maori custom, and that the adopting parent, Ngamoni Ngawharewiti, had ample means to support the children, ordered on the 28th April, 1913, that a certificate of adoption should be issued in pursuance of section 50 of the Act of 1901.

5. Instead of proceeding under the repealed section 50 of the Act of 1901 the Registrar prepared an order under Part IX of the Act of 1909, which was duly signed and gazetted.

6. On a case stated for the opinion of the Supreme Court under section 59 of the Native Land Act, 1909, the Chief Justice (Sir Robert Stout) decided that no order of adoption could be made in pursuance of section 433 of the Native Land Act, 1909, unless the provisions of Part IX of the Act relating to adoption could be complied with, nor could registration of adoption in pursuance of section 50 of the Act of 1901 be of any legal effect, because such registration was not effected before, and subsisting at, the commencement of the Act of 1909 (see section 161 of the Native Land Act, 1909).

It is therefore apparent that, owing to a change in the law between the date of the filing of the application and the hearing of the case, the children, though actually adopted in accordance with Maori custom, were deprived of their legal status and excluded from the succession to their foster-parent.

No objection was raised, nor was any opposition made, to Ngamoni Ngawharewiti in her endeavours to have the adoption recognized, registered, and legalized, and it was not till after her death that certain interested persons took steps to have the adoption set aside on legal technicalities.

I recommend that provision be made to enable the adopted children—Ngawharewiti Tiwai, Mauna Tiwai, and Ngamoni te Ware—to succeed to the interests of Ngamoni Ngawharewiti, their adopting parent.

M. GILFEDDER,
Judge.

The Chief Judge, Native Land Court.

Approximate Cost of Paper.—Preparation, not given; printing (450 copies), £3.

By Authority: MARCUS F. MARKS, Government Printer, Wellington.—1920.

Price 3d.]