for the men and women and children. Commissioner Buller said reserve should be subdivided. He was some three years going into the matter, and the Crown grants were then sent to Commissioner Tancred, who sent them on to Canon Stack, a Native Commissioner. We went to Christchurch to get our grants, and Wi Ngaihi discovered his wife was not included in his grant, and he complained. He said, "We have something to say as to our property. There is an *ohaki*—this we look on as important." He said this to Mr. Buller. When Mr. Mackay came as Commissioner he himself made out wills for some of the old people—Hakopa Tohitama, Paora Tua, Te Manihera te Apehu. Mr. Stack afterwards said that Mr. Buller had said the restrictions were not made properly—not in accordance with report. Two of Natives wished to sell to Mr. Harrison—Pita te Hori and Horomona Haukeke. Mr. Buller said restrictions were not put in by his report. The right to leave lands by *ohaki* was general amongst Maoris then; it was recognized by Judge Mackay afterwards. Other people objected to our right to will these lands before 1899, where whole matter was brought up about thirteen years ago. Mr. Commissioner Bishop was first to raise the point. I took a section under will, Section 75; or, rather, it was left to my wife by Aperahama te Aika about twenty years ago. Probate was granted by Supreme Court. I paid probate duty, £19, and entered into possession with my wife. We are still in possession, and have spent no money on section beyond the probate duty—no buildings erected. My family should have that land. My wife would be a grandchild of Te Aika. I uphold the Maori right to will their lands, which has been a custom of theirs as long as I can remember. I never heard previously that we had no power to will. All the chiefs of Kaiapoi agreed we had right to will. The question of *ohaki* was discussed by all the chiefs with Mr. Buller, and he consented. It was in reference to these Kaiapoi lands.

Cross-examined by Mr. Bishop.] It was at Kaiapoi at a meeting of Natives that Mr. Buller asked about this question of willing—after the question of subdividing had been settled.

TAITUHA HAPE sworn.

To Mr. Wright.] I am a Native of Kaiapoi, and am Assessor of Native Land Court—an original grantee, Section 119. About 130 grantees. Only a few living now—myself, Te Aika, and Henare Parete te Rangiwhakaputa. On this reserve Buller held his meeting. I was present in 1862. In 1863 I was married. Mr. Buller came to divide the 2,640 acres. Meeting called, and all chiefs attended. It was agreed that both husbands and wives should be included in land. Mr. Buller said the old widows should also be included, and some of them were—six in all. I was not present in 1865 as to trouble with women, but I heard of their objecting to being left out, and what Mr. Buller's explanation was—that husbands should be allowed to devise land to their wives. Difficulty settled that way. After Natives who died left wills. Wills prepared by Judge Mackay or Canon Stack. Cannot mention any prepared by Mr. Buller. Some died in 1868. Probate granted by Supreme Court. No one in those days denied Natives right to will lands. Maoris should have right to dispose of lands by will. I consider wills should be upheld. It was in 1899 I first heard wills were disputed—that is, right to will. Many wills had been made prior to that date in reference to these lands.

Cross-examined by Mr. Bishop.] I am over seventy. I would be about twenty when I attended meeting in 1862. I did not speak, as elders had matter in their hands. I was there all the time, and I went on the survey afterwards, and it lasted till end of 1862. It was agreed women should be included with their husbands. Nothing said about willing these lands at that time. That was afterwards that question arose, when the grants were issued. It arose because some of the women were left out of titles, not because of anything on the grants. I was present at 1859, 1860, 1861, and 1862 meetings with Mr. Buller. Nothing said at 1859 meeting about willing. We did not know then that restrictions were to be placed on lands. I first knew of restrictions quite recently, since matter brought before Courts, when I wished to sell to a pakeha, about sixteen or eighteen years ago. Wills made in 1868 were following out what Mr. Buller had said about leaving land to wives. I have no first-hand knowledge of what Mr. Buller said, as I was not present. When probates first granted successors did not grumble.

Inquiry adjourned till following day.

TAITUHA HAPE on former oath.

To Mr. Bishop.] I left this district in 1863, and was away twenty years. I returned in 1883.

Re-examined by Mr. Wright.] I kept in touch with affairs here all that time. I would have heard if there had been any dissatisfaction with willing of these lands, but I did not hear that there was.

To Mr. Bishop.] I kept in touch with Natives here. We always hear of any troubles or quarrels. I was in Otago, at Taiaroa Heads.

To Commissioner.] There was an interchange of visits by people of this place and Taiaroa Heads at various times. I am very interested in wills being upheld—more than most.

JOHN HOPERE URU sworn.

To Mr. Wright.] I have lived at Kaiapoi all my life, and have always taken keen interest in Native affairs, and in these Kaiapoi lands in particular. In 1848 Ngaitahu sale, excepting kaingas and cultivations—reserves to be set aside. Kaiapoi is one of our kaingas and cultivations. In 1859 Mr. Buller held meeting at Kaiapoi, and made his report, stating that Natives had agreed to individualize lands—woman and husband jointly, spinster with nearest relative—strangers married to local women to share. *Runanga* to decide as to other strangers. In 1899 petition sent to Parliament, and both sides attended on Mr. Seddon. Mr. Seddon would not interfere till Court had decided matter. Same question before Sir J. Ward, and same reply. Never before 1899 heard any grumbling about the