

willing of these lands. I would have been sure to have heard of it. It all started in Eria Teha case, in 1899. Not aware of any discontent before 1899. I would have been sure to hear if there had been any. We have taken all steps necessary to get decision of highest Court. Native Land Court always regarded previously the devisees as entitled. If it had not been for wills, many would have shared in lands for landless Natives. I heard Judge Edgar say they proposed to ask for legislation, and Judge Palmer agreeing to that course. Jackson Palmer, C.J., later (sitting with Judge MacCormick as an Appellate Court) said he would bring matter before Government again. Willing by *ohaki* an old Native custom. Since Buller's coming we had right and custom of written wills. Judge Mackay, Canon Stack, and Judge Gresson drew up wills for us. Right to will never questioned. Wills now being upset on merest technicality. Great hardship if they are not validated. At present time these 14-acre divisions would be so distributed amongst next-of-kin as to be useless. In case my wife interested in 14 acres, sixty-two owners, smallest share 5/2304 of the whole. This would really be absurd—not worth cost of orders. What I lose as next-of-kin in one instance I would make up under a will in another instance. Section 46/94, provision for rightful successors, I approve of. If wills validated, no injustice done. If they are upset, great injustice. I have seen Hon. J. Carroll and Mr. Ngata; they say, "Let the law be ascertained and then we will take action." We have been put to considerable expense in ascertaining the law.

Cross-examined by Mr. Bishop.] Less injustice by validating wills—no injustice. I hold under a will; so does my wife. Mr. Seddon and also Sir J. G. Ward said, "If any injustice done, then come to us." No indication in favour of which side legislation would go. Two or three hundred people affected. I think equal numbers under wills and succession orders would be affected—perhaps under wills more. I never heard of Mahupuku v. A.M.P. Society. Very difficult to apportion rents between numbers of owners in some of these sections. Section C, Moeraki Block, 6 acres, thirty-two owners. Too late now for will-holders to apply under Landless Natives Act.

HENARE WHAKATAU URU SWORN.

To Mr. Wright.] I live at Kaiapoi. Native agent. Have put through about twenty or thirty wills for probate under Native Land Court Act. Maoris have right to will lands, and it was recognized in respect of Kaiapoi lands until raised in 1899 in a case I myself was interested in. Uru v. Te Rangi taken to Court of Appeal in 1904 or 1905, and have since been endeavouring to get law definitely ascertained. We presented petition in 1899, and another later. Reply was to get Supreme Court's ruling before coming to Parliament for relief. Natives under wills have paid stamp duty, improved lands, &c. The Deputy Commissioner of Stamps always insisted on duty on these lands. The devisees regard themselves as the owners; they could not refund rents collected by them; they have improved lands. I cannot say if some wills not presented for probate owing to state of law. Before 1899 never heard any objection by Natives that these wills should pass these lands. Saves division of sections into ridiculously small shares if wills allowed. Some would only get 1s. rental for their small shares. In only one case was a will made in favour of a European child adopted by a Native—only case where devisee not a Native. About seventy-seven wills affected by the decision of Court of Appeal. Succession orders made to deceased devisees in some cases.

Cross-examined by Mr. Bishop.] I take under a will, also under my mother's will. It means more to me if wills are validated than if they are not. Have practised as a Native agent for seven or eight years. First will I was interested in was in 1899. Not interested in any decided before that date. No application for refund of stamp duty made.

Re-examined by Mr. Wright.] I would also share as next-of-kin in some cases.

TE ONE RENA TE MAMARU SWORN.

To Mr. Wright.] I am a Native, residing at Moeraki. Interested in Maori lands for many years. *Ohaki* ancient Maori custom. Before 1899 I never heard any objection to willing these Kaiapoi lands. I would have been sure to hear if there had been any.

Cross-examined by Mr. Bishop.] I hold under a will. I was born at Moeraki, and lived there always. I attend Native Land Courts: that is how I know feeling at Kaiapoi. I have not lived at Kaiapoi.

Re-examined by Mr. Wright.] I own land at Kaiapoi, so hear anything affecting lands there.

To Mr. Bishop.] I am an Assessor. Have prepared wills for Moeraki and Kaiapoi lands.

To Mr. Wright.] That is, for people of Moeraki who have Kaiapoi lands.

KATARAINA URU SWORN.

To Mr. Wright.] My husband was one of the original grantees. My name not in grant. I am one of women who attended meeting of Mr. Buller. It was then Mr. Buller said grants should issue in favour of husband and wives. When grants came out they were only in favour of husbands only. We demanded from Government inclusion in title, but were not included till a number were dead.

Q. Was anything said by Mr. Buller about husbands leaving lands to their wives?

A. Mr. Buller said "that when husband died his interest should be given to wife."

Q. Anything said about willing?

A. Mr. Buller said they were to will it to us.

My husband died many years ago. He left a will leaving property to me for life and after to the children. This was following out what Mr. Buller had said. At that time Maoris only knew of *ohaki*. Supreme Court granted probate. I was born at Port Levy; have lived here all my life. I cannot say if there was any grumbling about willing. I would have heard of it if there had been any. Never heard it till last few years.