

*Cross-examined by Mr. Bishop.]* Mr. Buller held several meetings at our place. It was after issue of Crown grants discussion with Mr. Buller *re* willing took place.

*Mr. Wright:* I close on main case, except that I will call Mr. Wilson later.

JAMES RICKUS SWORN.

*To Mr. Bishop.]* I came to Kaiapoi between 1866 and 1867, and I was given a grant in Kaiapoi. I did not understand I could alienate this land as I liked. It was understood at the time this land was set apart for each of us—wills not mentioned at time, but that lands should fall back to our offspring. I understood I could not will it away from my offspring. Did not hear anything about husbands willing to their wives. Certain amount of talk about *ohaki*. I was mixed up with one *ohaki*. Generally felt amongst grantees that they could not will away Kaiapoi lands. In 1872 I had a lease of 500 or 600 acres here from Natives. I was sued by Rangiora Road Board for rates on this property—about £30. I went to Mr. Joynt, solicitor, to defend for me. Mr. Joynt showed Court that the Kaiapoi grants were restricted, and Court's decision was in my favour, as Native could not alienate. I knew probates had been granted from time to time. Maoris were dissatisfied about it.

*Cross-examined by Mr. Wright.]* Am a half-caste. I said there was talk about *ohaki*. Will could be made in favour of offspring; their own relations. I do not think there was anything about willing to wives. I do not think there was any right to. I knew grants could not have been mortgaged, because I tried to do so. I cannot account for Judge Mackay making wills. I heard of probates being granted years afterwards. I knew there was a lot of grumbling. I am interested as a successor. I would not swear I heard of dissatisfaction before 1899.

*Re-examined by Mr. Bishop.]* I think will to my wife would have been no good at all. I was always doubtful of validity of probates.

*To Mr. Wright.]* Pita te Hori left one property to his wife. I did not oppose it. That was in 1872. Probate not applied for at all, so far as I know. I was not there when will read. Will was partly in my favour, so I did not raise any question about validity of will.

*Mr. Bishop:* I am going to call an old Maori—Green—a leading man here, well educated and very intelligent; disinterested.

THOMAS EUSTACE GREEN SWORN.

*To Mr. Bishop.]* I am a leading man at Kaiapoi. Always taken a great interest in Native questions, and made a close study of the Maori question. Not in Kaiapoi at time of Mr. Buller's subdivision. I arrived here in 1865. Practically lived here ever since. No provision made for me when subdivision made. No provision made for absentees. Amongst older people when I first came here I never heard any discussion either for or against willing; only after one or two Land Courts had been held here. It cropped up in Land Court that *ohaki* held good—that from then they started to put their last wishes in writing. I do not know of any written document prior to 1868. The general feeling of owners was not in favour of these written wills. A great deal of dissatisfaction shown by the relatives. Relationship amongst Maoris extends to such a distance. Being of one tribe, we are practically all of one family. Sometimes bad feeling caused between different parties. Many of the old Maoris are suspicious of these wills. Before they could be opposed evidence had to be strong. Some of them had very suspicious surroundings; some thrown out by Courts. I think wives deliberately left out. Many single men received the full 14 acres. Husbands had to maintain their wives in accordance with Maori saying that "a wife's living was in her husband." I did not hear of the wives going to Mr. Buller about their being left out of grants. If they had been I think I would have heard it. To validate these wills would affect more successors than devisees would be affected if they were wiped off. There was a petition sent by a few of these supporting wills. We sent in a counter-petition signed by, I think, some hundred. Heard only a dozen or so signed the other petition.

Q. When wills upset by the Court of Appeal, what was feeling?

A. The general feeling was jubilant. A small minority were downcast. I am disinterested to a certain extent. I am opposing validation of wills on general principles. Am a beneficiary under a will.

*Cross-examined by Mr. Wright.]* I think wills should be swept away as far as real estate is concerned. I take under succession order; one only that I can remember. Some orders under which I may take are held in abeyance; one that I may receive a little benefit from. I know Taituha—a truthful man. In 1865 I arrived in Kaiapoi. I attended all general meetings. Away two or three years, working at a trade in Kaiapoi with Europeans. I lived a number of years near factory on a Maori reserve. I was in touch with all that was going on. I attended all the meetings. There was at these meetings nearly always something said about wills, but no meeting specially called to discuss wills. There were several wills that created a good deal of ill feeling, probably on ground of suspicion of undue influence. One will that prevents my taking a small benefit. As I stated before, Courts upset a few wills because of undue influence. We thought Court knew the law, and when Court passed will we had to accept it. I have made wills for Natives. Some of these fairly recently. Taituha and myself were generally sent for to make their wills. First will I made was many years ago. Cannot remember whose will it was. Petition I said was signed by a hundred was against the general principle of making wills in South Island. No one withdrew name from petition that I know of. Some of the signatories made wills themselves after signing the petition. It is only of recent years that Maoris regard this right to make wills as of great value. Section 32: Order in terms of will. Canterbury Min. Bk. 2, p. 20 (1883). I attended Courts in 1885. I was here then. Main business of Court connected with wills, or, rather, *ohaki*.