

would be issued free of all charges whatever. Mr. Henry Tancred brought these grants to Tuahiwi in 1864 or 1865, and gave them to the respective owners, when the Maoris asked the Rev. J. W. Stack to read out the words of the grant in Maori. Of course, the Maoris were aware of the restrictions made in the grant. At this reading the women, or rather the wives of the men, objected to the terms of the grant, because Sir Walter stated to the meeting that the wife was to have an equal share in the allotment to her husband, and the grant ignored the rights of the wife altogether. The meeting then passed a resolution asking for Sir Walter to return to Tuahiwi to hear the objection of the women to the terms of the grant. He returned, and attended a meeting at the house of Pita te Hori, when Pirihiara te Ruapohue made the following statement to him: "You distinctly stated the wives were to have an equal share in land allotted to their husbands, and your Crown grants leaves out the wives." She asked how was her husband entitled to the sole ownership of the land seeing that he was a Native of the North Island, and could only acquire any right through her, the more so as there were no children of the marriage. Buller replied that he knew her husband Akuira was from the North Island, because Buller's book contained his name and that of his hapu, and he explained that the husband's name was put in because according to English law the husband was held superior to his wife. He also said that this land could be left by *ohaki*, which up to that time and for many generations past was the only way the Maoris bequeathed their property; but that it would be better for Maoris to make their wills in the European way, leaving the property to whomsoever they wished. Horina Kaiwhare then spoke. She said her husband belonged to the North Island. Presuming she died first, who would inherit at her husband's death—his relations or hers, providing he left no will. Buller replied in a case of that kind the Court would decide the point, and would take into consideration the equity of the case, and would probably make an order in favour of the wife's relation. Wills were to be made by Maoris of both Islands.

A short time after Commissioner Mackay came to Kaiapoi, to whom the same questions were put, and he agreed with Sir Walter's statement that the Maoris should dispose of their property by will. Then Hunter Brown, who came afterwards, gave the same advice, the Maoris making their will in accordance with the advice.

The Rev. J. W. Stack was then appointed Native Commissioner for the South Island, and he held the position for many years, and was recognized as the adviser of the Maoris. Commissioner Mackay made the first will for the Maoris of Kaiapoi, for which probate was granted by Judge Fenton in 1868, and at the same sitting *ohaki* was granted in the case of Hoani Poutoho to Reone Timoti. From that time many wills were drafted by Stack and Mackay for the Maoris, which were granted by the Court in due course. Wills were continually drafted by myself, Hoani Maaka, Rev. G. P. Mutu, T. Green, and the Assessor of the Native Land Court, and others, to all of which probate was granted. At that time very few Maori wills were sent to the Supreme Court for probate, and Judge Johnson, having found that the Maoris had no legal right to make a will, sent a report to the Government recommending the Government to introduce a Bill giving them the necessary powers.

In 1890 power was given the Supreme Court to grant probate in case of Maori wills, but the Maoris of Kaiapoi and others petitioned the Parliament at its next sitting to vest the power of probate in the Native Land Court. I myself took the petition to Wellington, and appeared before the Native Committee of the House. I pointed out that the cost of probate in the Supreme Court would greatly exceed the value of the property bequeathed, and asked that probate in the case of smaller blocks should be granted by the Native Land Court, reserving lands of considerable value to the consideration of the Supreme Court.

Subsequently a case came before Judge Richmond in connection with the will of Mahupuku, of Wairarapa, who gave judgment against the will, holding that land held under the same title as our Kaiapoi lands are held could not be alienated by will. Acting upon Judge Richmond's decision, the Chief Judge of the Native Land Court directed his Court to pass no more wills for lands held under this title, and to nullify any wills which had been granted heretofore, and to grant titles to the next-of-kin.

Five will cases were brought before Mr. Bishop in 1899, for which probate was granted before, but he threw them out. These wills were to operate on lands at Kaiapoi and elsewhere. As the Parliament was then sitting, Te Aika, Taituha, myself, and others went to Wellington, where, in a conversation with the Chief Judge of the Native Land Court, he advised me to appeal to the higher Land Court, offering to reduce the charge from £5 to £1. I told him I would not agree to this in the face of his instructions to the Judges to block the operation of our wills. I added, further, that our grievance against his Department was grave, and deserved great and careful consideration, in view of the great expense which litigation would entail on us, seeing that some of these wills were passed by his Court thirty-one years ago, and have since been passed in the ordinary way of Court work. On the same day we put our grievance before the Premier (Mr. Seddon), who answered that he would refer the matter to the Crown Law Officer. I was unwilling to bring the matter before the House, as I considered publicity would cause great scandal in connection with the Native Land Court, but I found out then that two petitions were on the table of the House from those Maoris who were opposed to the alienation of land by will. He granted us five days to prepare a counter-petition. I was the speaker for our side before the Native Affairs Committee of both Houses, and asked the Registrar to place before the members of the Committee some of the wills with regard to these lands, and then we petitioned the Committee to pass an Act to ratify the operation of wills already made, and to give us the same right to execute a will which the European has. Wi Pere quite approved of our request, and the more so, seeing that many of the wills were drafted by Messrs. Stack and Mackay, both important Government officials, and to whom the Natives looked for guidance. After this there was a judgment by Judge Mackay. We cannot understand the grounds upon which some of these wills are still granted and some refused. The beneficiaries under some of these wills, and who have received the succession