

- (3) It is common talk amongst Europeans and Maoris of the strong feelings of friendship which Judge Mackay holds with Huria Matenga's husband, Hemi Matenga, and his brother, Wi Parata and Wi Parata's family in land cases which the Parata family have an interest in, and which have come before a Native Land Court presided over by Judge Mackay.

(t) Apart, however, from the questions whether any such arrangement was made as our clients allege, or whether any statements made to any Committee of the House by Judge Mackay are biased or prejudiced, the fact still remains that an inquiry ought to be made by the Native Land Court to ascertain if the injured Natives' names were improperly left out of the title to the block. We are informed that one if not more of the Judges of the Native Land Court would (if requested to report to the Government) recommend that an inquiry should be granted.

(u) We believe that it is an unheard of thing where the equitable owners clauses of the Native Land Acts have been invoked for a Native Land Court to find one member of a family, although appearing as sole grantee under the Crown Grant, to be the only person entitled, to the exclusion of the other members of that family, to so large a tract of Native land. Such a state of things would only be recognized by the Native Land Court where a grant has been made to a single Native of Crown lands for services rendered to the Crown and not as Native custom affecting the title to Native land occupied by several Natives of the same family in common.

(v) If the Maori customs bearing on the Maori title of this land were to be investigated it would show that this land was the common property of Huria Matenga, Wi Katene Paremata, Atiraira Mohi, Ngawaina Hanikamu, and Wi Katene Tipo (through their parents).

The Maori facts are these :—

- (1) This land belonged originally to Ngatikoata, a hapu of Ngatitōa.
- (2) Ngatikoata made a gift of it to Kahoe and her children.
- (3) One member of a family could not be the sole owner of 17,575 acres of land according to Native custom to the detriment of the other members.

(w) For proof of the gift, and that it was made in favour of Kahoe and her children and not to Kahoe and only one of her children—i.e., the father of Huria Matenga—there are Ngatikoata elders still alive who will prove this.

(x) The relationship of the injured Natives to Huria Matenga is shown by the genealogical tree at the end hereof.

(y) The present position of the injured Natives in regard to the land is as follows :—

- (1) Atiraira Mohi owns 11 acres in Paekakariki No. 1 and 30 acres in Komangarautawhira.

Atiraira Mohi has four children dependent on herself and husband.

- (2) Ngawaina Hanikamu owns 7 acres in Komangarautawhira,  $\frac{1}{2}$  acre at Porirua, and 30 acres Wairau and White's Bay Block.

Ngawaina Hanikamu has four children and five grandchildren dependent on herself and her husband.

- (3) Wi Katene Paremata owns only a few acres.

No children.

- (4) Wi Katene Tipo owns 7 acres at Paekakariki and 11 acres at Motueka.

He has nine children dependent on him.

Whereas Huria Matenga has no children—

- (1) She owns—by false representation to the Court—Whakapuaka, 17,575 acres :
- (2) Pukearuhe (Taranaki) :
- (3) Komangarautawhiri (Porirua).

(z) The history of the migration of the parents of the injured Natives and Huria Matenga from Kawhia, and how they obtained land in the Nelson and Marlborough districts, and also the history in regard to Whakapuaka being made a gift of to Kahoe and her children by Ngatikoata all points to the ownership as being one in common. All the circumstances surrounding the cause of the gift will prove this. When the land was given to Kahoe and her children she (Kahoe) and her families by her two husbands (who were brothers) all lived on Whakapuaka. The names of Kahoe's children who lived on this land with her were—

Kahoe's first husband	{	<ol style="list-style-type: none"> <li>(1) Kahiwa (f).</li> <li>(2) Miriama Konehu (f).</li> <li>(3) Paremata te Wahapiro, who, when he came back from Ngaitahu before 1840, lived on Whakapuaka and was the chief of the place.</li> </ol>
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Kahiwa (f) died an old woman on Whakapuaka and was buried there in 1856.

Miriama Konehu died an old woman on Whakapuaka and was buried there in 1873.

Paremata te Wahapiro lived there before 1840 up to about 1859–60, when he came over to the North Island to bring some slaves he had to give them their freedom, when he took ill and died there.

Paremata te Wahapiro's son Tipene Paremata, a brother of Wi Katene Paremata, lived and died and was buried at Whakapuaka in 1881.

Wi Katene te Puoho, the son of Kahoe by her second husband, lived and died at Whakapuaka in 1879.

Wi Katene te Puoho was the father of Huria Matenga.

The injured Natives' parents are Paremata te Wahapiro and Heni Tipo—Heni Tipo was the daughter of Paremata te Wahapiro.