

(aa) Judge Mackay states that Paremata te Wahapiro sold his interest in Whakapuaka to the Crown. This is not correct. He only sold his interest in the lands of Ngatitōa, of which hapu he was a member, leaving Whakapuaka out.

(bb) Paremata te Wahapiro was the Chief of Whakapuaka as every European and Maori knows, and as Judge Mackay knows, and is referred to as such by William Fox in his official correspondence while employed in the service of the New Zealand Land Company (see Judge Mackay's papers, Vol. II, Native Affairs, South Island, in Parliament Library).

(cc) Neither of Paremata's sisters sold their rights in Whakapuaka.

(dd) The practice and rule laid down by the Native Land Court for its guidance in regard to Maori title to land is—Continuous occupation from some Native root of title prior to 1840, when the Treaty of Waitangi was signed.

(ee) The grant in February, 1895, by Huria Matenga to her husband Hemi Matenga for his life of a lease of the whole block at a yearly rental of £100 is a peculiar feature regarding this block. Why was it granted? Hemi conducted the case in the Native Land Court for his wife. He purposely left the names of the injured Natives out of the title when the list of names was settled. In 1895 he and Huria no doubt arranged to assert Huria's title as sole and paramount and to eject the injured Natives then upon the block therefrom. With this end in view, and to give himself some show of right for so doing, he took the lease. It was a merely colorable transaction, and we have little doubt Hemi has never paid his wife the rent reserved. He then ejected Atiraira and her husband as above stated. The Lands Register shows that at the time of this lease 950 acres of the block were held by Mr. Thomas Mackay under lease from Huria at a rental which we have been unable to ascertain. Since this lease some 8,000 acres of the block have been sublet by Hemi Matenga at a total yearly rental of £133. Some  $2\frac{1}{2}$  acres of the block have been sold for prices totalling £350. There is no record to show that Huria or Hemi have sold or leased any part of the remainder of the block amounting to nearly 9,600 acres.

(ff) Judge Mackay admitted before the Native Affairs Committee that in the event of the death of Huria Matenga this block would go to her injured relatives. Huria Matenga has, however, for some considerable time been trying to sell the block, and in view of the hostility she has displayed to her injured relatives, seeing she has no children, if she does not succeed in selling she will be sure to dispose of the land by gift or will in favour of her husband or his nephew, both of whom are wealthy landowners in their own right.

(gg) Under these circumstances we submit that we have established a *prima facie* case entitling our clients to the issue of an Order in Council directing further inquiry into the Native title to the Whakapuaka Block. It is quite clear that the Native Land Court has never dealt with the interests of our clients so far as they conflict with those of Huria Matenga in an equitable spirit and upon their merits in open Court, and that a Native Affairs Committee of the House (guided almost solely by the advice of a single Judge of the Court whose opinion, if not warped by bias and family interest, is, to say the least, wrong) is not a satisfactory tribunal to dispose of matters involving so much valuable property.

We have the honour to be, Sir,  
Your Obedient Servants,  
FINDLAY, DALZIELL, AND CO.

192. No comment need be made upon the terms of this application, except to say that it is pretty clear that Paremata Wahapiro was not at Whakapuaka in 1840 as stated.

193. The application was referred to Huria Matenga's solicitors, who replied by forwarding to the Minister of Native Affairs a copy of an affidavit by James Mackay, Native Commissioner, and a copy of a declaration by Alexander Mackay, Judge of the Native Land Court.

#### GENEALOGICAL TREE.

