

185. The report of the Committee was against the petitioners. It states :—

Para. 154.

(1) That the land is not tribal land.

Para. 167.

(2) That the block was acquired in or about 1832 by Kauhoe, the mother of Wi Katene te Puoho, by gift from Ngatikoata.

(3) That at the time the gift was made Paremata Wahapiro was a prisoner and did not return to Whakapuaka until 1842.

Para. 142, *et seq.*

(4) That on Paremata's return he annoyed the settlers and was expelled by Wi Katene te Puoho.

Para. 80.

(5) That Paremata Wahapiro signed the Ngatitoa Deed of 1853 which purported to include Whakapuaka, and that his son Tipene signed the receipt for a portion of the purchase-money on 13th December, 1854.

Para. 91.

Para. 170, *et seq.*

(6) That Paremata Wahapiro was one of the twenty-six Ngatitoa chiefs who were promised reserves of 200 acres apiece.

Para. 186.

(7) That it is a recognized rule in the Native Land Court *that the Natives in actual possession of any land in 1840, the date of the Treaty of Waitangi, are to be regarded as the then rightful owners of such land.*

Para. 186.

(8) That in 1840 Paremata Wahapiro was not in possession of the Whakapuaka Block or of any part thereof, and any interest he may have had therein or may have transmitted to his successors in title must be held to have been determined by his signing the aforesaid deed of sale and by his successors accepting a sum of money voted by Parliament in lieu of the reserve of land promised to him as above mentioned.

Para. 79, *et seq.*

(9) That Wi Katene te Puoho upheld his claim to the block by successfully opposing the sale thereof to the Government in 1853, and by continuously exercising his right of ownership thereover.

Paras. 85, 87,
and 93.

186. This report is simply a résumé of the Mackay letter of 24th August, 1896, together with the report of the same Committee of 1896. It is based upon a submission of half-truths, and so must be expected to bristle with half-conclusions. We can take one example. If it were, as stated, the inviolable rule of the Native Land Court (which it is not) that the persons in actual (physical) possession of land at the date of the signing of the Treaty of Waitangi are to be deemed the owners, then the owners of Whakapuaka would (either as successors to Kauhoe or in their own right) include Kahiwa and Miriama Konehu, whose interests would upon succession on their respective deaths in 1856 and 1874 (which dates made their shares safe from the danger of taint by any act of Paremata Wahapiro, who died about 1854, and could not sell what he did not have) go in the respective shares of one-half to Wi Katene Puoho and one-half to the children of Paremata Wahapiro. Incidentally the Committee stresses something which does not matter in saying that *the successors* of Paremata Wahapiro accepted a sum of money voted by Parliament in lieu of the reserve of 200 acres. The Commission of 1881 awarded this money to Tipene Paremata to the exclusion of the other children of Paremata Wahapiro, and if these other children later took as *his* successors it could not affect any rights they had in their own names. Actually, of course, paragraphs (7) and (8) of the Committee's report are contradictions. If Paremata Wahapiro had no rights in Whakapuaka through being absent in 1840, then nothing he did or could do could affect Whakapuaka or the rights of the owners of Whakapuaka.

187. All other matter in the Committee's report has already been treated—the marginal cross-references showing where the relative information can be found in this present report.

188. The next step brings us to a motion in the Legislative Council (*Hansard*, 1901, p. 870) by the Hon. H. Tomoana :—

That the Government be requested to make inquiries during the recess as to whether or not there are other Natives having an equitable claim in the Whakapuaka Block of 30,000 [*sic*] acres, more or less, awarded by the Native Land Court to Huria Matenga, with a view to relief being granted to them.

It was stated that the reason for this motion was that a further petition of Atiraira Paremata made in 1899 had been adjourned until the next session and had not been dealt with.

189. In course of the debate it was stressed that the Native Affairs Committee of the Council made a very full inquiry in 1898, and that "there was a long report from Judge Mackay, who went into it very closely indeed and made a very clear statement of the case." The motion as propounded was duly resolved and the resolution passed on to Government, but nothing was done with the request of the Council.

190. On the 9th September, 1904, an application was made for an Order in Council under the Land Titles Protection Act, 1902, consenting to the Native Land Court inquiring into the title under the equitable owners provisions of the Native Land Court Act, 1894.

191. This application reads as follows :—

Wellington, 9th September, 1904.

The Hon. the Minister for Native Affairs, Wellington.

SIR,—

Re *Whakapuaka Block*.

(a) We are instructed by two Native women, Atiraira Mohi and Ngawaina Hanikamu, who claim that they and two other Natives, Wi Katene Paremata and Wi Katene Tipi, are equitably interested in this block, to apply that inquiry be made by you, and an Order in Council issued as provided by the Land Titles Act, 1902, consenting to the Native Land Court inquiring into the title under the equitable owners clause, subsection (10) of section 14 of the Native Land Court Act, 1894.