

(b) This block, situate in the Nelson Provincial District, comprises an area of some 17,575 acres, and the title thereto was first investigated by the Native Land Court in the year 1883. Huria Matenga, a cousin of our clients, being under the circumstances hereinafter referred to, declared to be the sole owner. A certificate of title in lieu of grant under the Land Transfer Acts was in due course issued to her, and she is still the registered proprietor of the whole of the block (save and except some $2\frac{1}{2}$ acres she has sold and transferred), subject to certain leases she has granted, including in particular as a peculiar feature a lease dated 15th February, 1895, from herself to her husband, Hemi Matenga, for life, of the whole of the block at a yearly rental of £100.

(c) Prior to the hearing of the case, Huria Matenga, Atiraira Moho, and Wi Katene Tipomet, and it was then arranged on the suggestion of Huria Matenga that she should be the person to conduct the case of herself and the other members of her family then living (of whom the four Natives above-named are now the sole survivors), and if she won the case she was to have their names placed on the titles. There is unfortunately for our clients no record of this arrangement.

(d) As the result of the investigation the claims of all the other Natives who set up rights in the block were dismissed, and the root of title was determined to lie in Kauhoe solely, a Native woman of influence who is the common ancestor of Huria and the four Natives above-named.

(e) Kauhoe married in turn two brothers—first, the younger brother, Te Taku; secondly, on his death, the elder brother, Te Puoho. The only descendants of the first marriage living at the date of the investigation and still alive are three grandchildren, Atiraira Mohi and Ngawaina Hanikamu (our clients), and also Wi Katene Paremata and one great grandchild, Wi Katene Tipomet.

(f) The only descendant of the second marriage alive at the date of the investigation as well as at the present time is Huria Matenga.

(g) When the case was called on Hemi Matenga (the husband of Huria Matenga) conducted it for her and without the knowledge of our clients.

(h) In presenting the case Hemi Matenga claimed the land for Huria Matenga alone and ignored the rights of the other members of her family.

(j) When the Court gave its decision it decided in favour of Huria Matenga. Thereupon Hemi Matenga in presenting the list of names only gave in the name of his wife, and left out the names of all other descendants of Kauhoe. It would appear he did so designedly.

(k) The persons who made the arrangement with Huria Matenga and the other members of the family in good faith relied upon her faithfully carrying out the above arrangement, and therefore did not trouble to attend the Court.

(l) After the case had been determined neither Huria Matenga, her husband, nor any of the other Natives who were present mentioned a word about how the case was conducted, or the fact that Huria Matenga alone was put into the title. Our clients and the other two equitable claimants were not aware of this latter fact until the year 1895.

(m) Long prior to the investigation of this land in 1883, Atiraira Mohi, Ngawaina Hanikamu, and Wi Katene Tipomet were living on this land in the one settlement with their relative Huria Matenga.

(n) Since the investigation of the land in 1883 and the decision of the Court they still continued to live on this land in perfect peace with Huria Matenga up to 1895.

(o) In 1895 Huria Matenga began to give Atiraira Mohi and her husband trouble by destroying their pigs, and this led up to Huria Matenga ordering them to leave the land saying that she alone was the owner.

(p) This was the first intimation which Atiraira Mohi received that Huria Matenga had not carried out the terms of the arrangement come to when the title was investigated. Atiraira thereupon caused the title to be looked up, and to her surprise then learnt that Huria Matenga's name alone appeared therein. In consequence, Atiraira Mohi and her husband were compelled to leave the block and come to Porirua, where they have since been living.

(q) In 1896 Wi Katene Paremata, Ngawaina Hanikamu, Atiraira Mohi, and Wi Katene Tipomet petitioned the House of Representatives praying for a rehearing to be granted for the Whakapuaka Block. The Native Affairs Committee agreed that a rehearing should be allowed, but when Judge Mackay presented a statement to the Committee the following day, the Committee altered its first report and drew up another which was against the petitioners.

(r) Ever since 1896 in each session of Parliament the Natives injured have been petitioning Parliament, but without fruit to them. The Committees have always relied on the prejudicial and biased statements made by Judge Mackay against the petitioners petitions. This is why the injured Natives now make this new form of application to the Government to afford them an opportunity of having their grievance redressed.

(s) It is alleged by our clients, and we think not without foundation in this instance, that Judge Mackay is not only a prejudiced and biased person to give evidence or to make a statement in regard to the ownership of this land, but also an interested person for the following reasons:—

- (1) His long and close friendship with Huria Matenga and her husband.
- (2) The relationship and connection his uncle, Mr. Thomas Mackay, had in regard to this land as shown by official records. Mr. Thomas Mackay held a lease from Huria Matenga of 950 acres of the block for 21 years from the 30th December, 1886. This fact our clients have only recently learned and has never been brought under the notice of any Native Affairs Committee.