

IN THE WAITANGI TRIBUNAL  
SOUTHERN NORTH ISLAND AND SOUTH ISLAND CLAIMS

Wai 2800  
Wai 2324

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF the inquiry into the Remaining Historical Claims:  
Southern North Island and South Island Claims

AND

IN THE MATTER OF a claim by Neil Jury for and on behalf of the Geary  
Whanau (Wai 2324)

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**MEMORANDUM OF COUNSEL FOR WAI 2324**

Dated this 16<sup>th</sup> day of November 2022

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**RECEIVED**

Waitangi Tribunal

**16 Nov 22**

Ministry of Justice  
WELLINGTON

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**Counsel Acting: Eve Rongo**

**MAY IT PLEASE THE TRIBUNAL****Introduction**

1. Since filing the Wai 2324 feedback on the Waitangi Tribunal claim assessment, Mr Jury and his whanau have had an opportunity to study further evidence. They have been able to piece together evidence that has a significant impact on the claim.
2. The Wai 2324 Statement of Claim alleges that the Crown did not provide the claimants' tūpuna (John Geary, William Geary, and Thomas Geary) with the grants (10 acres per man) prescribed by the Middle Island Half-castes Crown Grant Act 1877.
3. The 1877 Act provided half-caste families named in the schedules with land, as a final extinguishment of claims on the Crown following Crown purchasing. The Geary brothers' were named in schedule B titled 'Provincial District of Otago'. As 'Geary, John', 'Geary, William' and 'Geary, Thomas', each were identified as being entitled to 10 acres. The Geary brothers' were not included in subsequent amendments to the 1877 Act. The subsequent amendments of 1883 and 1885 were made to remedy errors and omissions made.

**What have the Claimants found?**

4. The Claimants have confirmed that:
  - (a) John Geary was born on 5 May 1848 and died on 15 July 1930 at Otago at the age of 82;
  - (b) Thomas Geary was born on 20 December 1850 and died on 2 July 1924 at Alexandra, Otago at the age of 74; and

(c) William Geary was born on 27 August 1853 and died on 17 July 1923 at Portobello, Otago at the age of 69.

5. The Otakou land block was bought by the New Zealand Company on 31 July 1844. Consequently, the Geary brothers were not born at the time the Otakou block was sold. They were not living on the Otakou block at the time of the sale and as a result, were not eligible to be included in the Middle Island Half-castes Crown Grant Act 1877.

**Moving forward**

6. The Claimants are significantly grateful for the Waitangi Tribunal claim assessment and the research that has helped shed light on the Middle Island Half-castes Crown Grant Act 1877 that had included their tupuna on the schedule. They wish to express how much the research has helped them realise the historical context behind the events that had been the subject of whanau oral histories passed down to them from generation to generation.
7. As a result of this discovery, the Claimants take the position that their whanau do not suffer any prejudice from being left off schedules of subsequent amendments to the Middle Island Half-castes Crown Grant Act 1877. Accordingly, the Claimants seek leave to withdraw their claim from the inquiry into the Remaining Historical Claims: Southern North Island and South Island Claims.

**DATED** this 16<sup>th</sup> day of November 2022



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Eve Rongo  
Claimant Counsel