

Para. 226.

17. The Natives residing at Whakapuaka owing to their isolated position did not mingle frequently with the European population to the same extent as the Natives of other districts, and as they led a peaceable life, the authorities had no cause to intermeddle with them, hence the reason whereby so little was known about their affairs.

Para. 226.

18. Mr. Tinline, who was Clerk and Interpreter to the Magistrate's Court at Nelson, had a better knowledge of the affairs of the Natives of Motueka and Massacre Bay, in fact his theatre of operations was confined chiefly to matters in Massacre Bay. His first official employment in connection with Native matters so far as records show was to assist the Police Magistrate (Mr. D. Sinclair) to adjust the Native Reserves in Massacre Bay. His next was to assist Major Richmond to acquire the Pakawau Block near Collingwood, and probably the latest was to adjust a Native reserve dispute near Collingwood.

Para. 227.

19. I have furnished the foregoing information relative to Mr. John Tinline so that his knowledge of the history of the Whakapuaka Block can be gauged in case the Paremata family call him as a witness, and that it may be supposed because he is an old resident in the Nelson District that his knowledge is entitled to weighty consideration, whereas as a matter of fact the information he possesses so far as the Whakapuaka Block is concerned is of a meagre description and not well founded. As I have pointed out before, there was nothing to cause a discussion relative to Whakapuaka that would enable Europeans to become acquainted with its early history, consequently an opinion formed under these circumstances as to the rights of parties must have been of a very unreliable nature.

Para. 227.

20. At one time there was a large Native population at Whakapuaka, but these people belonged chiefly to the Ngatitama Tribe (Wi Katene's own people) and were attracted to the locality through Wi Katene settling there, but they had no proprietary rights in the land, and did not claim any, although many of them lived there for many years and ultimately disappeared by death, or moved away to other places until very few remained about the time of Wi Katene's death. That, as far as I am aware, Wi Katene resided on the Whakapuaka Block from his youth to the date of his death, and died at Whakapuaka, and is buried on the property.

Already it is difficult, and as each year goes past it will become more difficult owing to the old people dying who can give evidence, to obtain evidence of a reliable character, as to the true claims and rights to the Whakapuaka Block, and for this reason I feel it my duty, not only to the Government whose servant I have been as Commissioner of Native Reserves, Native Commissioner, and Judge of the Native Land Court for nearly forty years, in which capacities I have been closely associated with Native Affairs and in a favoured position to acquire a full detailed and correct knowledge of their claims, rights, customs, &c., but in justice also to Huria Matenga the rightful owner of the Whakapuaka Block, to place on record during my lifetime for reference if need be in future years the knowledge and facts I have acquired as to Huria Matenga's title during the periods I was engaged in my official capacity in inquiring into the true position of this block.

21. It is my firm opinion, and convictions arrived at in the course of many years spent in the Nelson District where the block is situate from the facts that have from time to time come to my knowledge, that Huria Matenga, the only child of Wi Katene, the son of Te Puoho and Kauhoe, is the true and rightful owner of the Whakapuaka Block.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the General Assembly of New Zealand intituled "The Justices of the Peace Act, 1882."

Declared at Wellington this 13th day }
of February, 1905, before me— } A. MACKAY.

D. SCANNELL,

A Justice of the Peace in and for the Colony of New Zealand.

197. I do not intend to comment upon the letter of Messrs. Adams and Kingdon, except to point out that it was no doubt the best they could do, and their idea of the best was to tell with little variation the story which had been given credence and credit in the past.

198. The declarations of James and Alexander Mackay, however, are in an entirely different category. They are sworn statements of fact from men of standing who professed to a high degree of knowledge of the matter which comprised the substance of their depositions. The Court has not been able to secure the originals of these declarations, but it is satisfied that the copies forwarded by Adams and Kingdon and now on the Native Department file are admissible evidence of the existence of the documents they represent. The Court is also satisfied that these copies of declarations were admitted as genuine and used to combat the claims opposed to Huria Matenga both in the matter of the application for the Order in Council under the Land Titles Protection Act, 1902, and in the matter of petitions presented to Parliament since 1905. The paragraphs in the affidavits have, for the sake of ease in reference, been numbered by me—otherwise they are exact copies of the copies to hand.

We can take the affidavit of James Mackay first :—

199. *Para. 1 :* A profession of thorough acquaintanceship with the Whakapuaka Reserve [*sic.*].

200. *Para. 2 :* Huria Matenga died on the 24th April, 1909, at the age of sixty-eight years. She was therefore born in 1841, and would be four years old in 1845—not one year as stated. This is not material.

201. *Para. 3 :* There is no evidence that Paremata te Wahapiro was retained by Topi as a slave : evidence is available from John Matapura Ellison, of Karitane, that Wahapiro was held by Taiaroa and treated as befitted his rank, and that it was on account of this and other friendly actions of Taiaroa towards Wahapiro that Ellison (as a boy and as a descendant of Taiaroa) at various times spent his holidays at Whakapuaka as the invited guest of Huria Matenga. There is no evidence that Wahapiro was degraded by having an ear cut. The Ngatitumatakokiri were *not* conquered by Rauparaha. They were practically exterminated by the Ngati Apa, Rangitane, and Ngati Kuia, who in turn were conquered by Rauparaha. The deponent is definite that Whakapuaka was apportioned to Ngati-