

Para. (d) : “ *The Ngati Tama and their chief Wiremu Katene te Manu* refused to acknowledge the right of the Ngati Koata to sell.”

“Mr. McLean also found it impossible to purchase *any lands* from the *section of the Ngati Tama residing at Whakapuaka*.” (Note.—This is correct—no member of Paremata Wahapiro’s family who lived at Whakapuaka ever sold land, although Wiremu Katene te Manu did by signing the deeds of 7th March, 1856, and 15th May, 1852.) Paras. 83 and 84.

“If *both tribes* had joined in doing so it would have been valid.”

Para. (e) : “The chief, Wiremu Katene te Manu, on his part, expressed his determination to have the River Whangamoa as the boundary of *the lands held by himself and his tribe*.”

In the acknowledgment by Mr. H. Halse of James Mackay’s report, the land is referred to as “the lands held by the Ngati Tama at Whakapuaka.”

212. *Para. 12 :* One can hardly see why James Mackay should arrange the boundaries of the Whakapuaka Reserve. The Whakapuaka Block comprised an area of land which through having been excepted from the operation of any deed of sale was deemed to be Native land held by the Maoris under their customs and usages. It was not a Native Reserve. James Mackay may have clarified the matter of the boundaries of this Native land, but he had no jurisdiction to fix its boundaries, name it, or determine its ownership. He could and did, however, do valuable work as a conciliator.

213. As a final observation upon this phase, one must say—(1) That Alexander Mackay was present at the meeting when Maka Tarapiko, chief of the Ngati Koata, claimed that his tribe owned the land between Whangamoa and Maunganui (the northern part of the Whakapuaka Block) in common with the Ngati Tama Tribe, and (2) Alexander Mackay in his evidence before the Court of 1883 said, “I never heard any elder Koata say they had any claim to Whakapuaka.” Para. 72 (e).

214. *Para. 14 :* James Mackay was from all accounts an observant person, and it is strange that he never noticed Kahiwa, Miriama, Tipene, and Ripine living upon Whakapuaka Block between 1847 and 1864. However, as facts cannot be proved by negatives, the paragraph has no value as evidence. Mackay with his wide knowledge of affairs should have been able to state positively where the family and children of Paremata Wahapiro did actually live from 1847 to 1864.

215. We now turn to the declaration of Alexander Mackay. In para. (2) he says that Ngati Koata owned the Whakapuaka Block and gave it to Kauhoe for her son Wi Katene te Puoho. At the 1883 hearing he denied that Ngati Koata ever had any right, and said that Kauhoe’s request for land was merely Maori custom. In the Cable Station draft he says that the land was given to *Kauhoe and her son*. If Huria Matenga’s title to the land was a gift solely to or for her father Wi Katene, why was not Alexander Mackay asked by Hemi Matenga to give this information in his evidence before the 1883 Court? Might not the reason be that such evidence would have betokened Huria’s insincerity and have brought before the Court the parties who had agreed to lie quiet and let her establish against the original Ngati Kuia, Rangitane, and Ngati Apa owners the Ngati Tama rights under the conquest and occupation “take” set up by her conductor? Para. 72 (e).
Para. 72 (c).
Para. 105 (c).

216. The statement in para. (3) is a further variation on former evidence, and again establishes Ngati Koata rights over Whakapuaka at one time. It would be interesting to know where the authority for this statement came from.

217. *Para. (4)* requires no comment, except that it is doubtful if Te Puoho intended to take or occupy land with the very inadequate force which accompanied him.

218. A serious objection to the statement contained in the beginning of para. (5) is that Wi Katene had ample lands through his father Puoho. In fact, the children of Te Puoho must have had extensive and widely spread interests, as the reserves made to them by Crown grant from the various sales to the Crown will show. Furthermore, these lands were not situate in the Whakapuaka district—they are all well to the westward—one considerable reserve in the names of Hori te Korama, Herewini te Roha, and Wiremu Katene (all children of Te Puoho) being at Karamea right over on the West Coast. It was Kauhoe and her other children and grandchildren who were landless. Furthermore, although Alexander Mackay is (for the first time) consistently careful always to say that the gift “was to Kauhoe for her son Wi Katene,” Appendix A to this report will show what slender authority he had for making such a definite statement, apart altogether from the fact that gifts were never made to one person in trust for another single known person.

219. The balance of para. (5) and the whole of paras. (6) and (7) are conjecture or hearsay evidence, and of no value whatever. The laboured attempt to show why Kauhoe should make Wi Katene her primary care because “for all she knew Paremata was dead and so needing no further consideration” leaves out of all account the widow and orphan children (presumed) of Paremata te Wahapiro. These children were Kauhoe’s “mokopunas,” and it is just as fair and more reasonable to conjecture that her primary care would be for these, her helpless “mokopunas,” than of her twenty-four-year-old son Wi Katene.

220. Paras. (8) and (9) are mainly matters of opinion where they do not stress matters of little moment.

221. *Para. (10) :* Alexander Mackay says that Wi Katene turned Paremata away in 1845 after the Happy Valley affair. James Mackay in his declaration says (para. 6) that his father gave the Natives an entertainment in 1846, and that Paremata shortly afterwards went away to Wellington. James Mackay says that he never again saw Paremata at Nelson or Whakapuaka, while Alexander Mackay says that Paremata used to visit Whakapuaka at intervals between 1845 and 1853. The remainder of para. (10) is dogmatism which conveniently overlooks the fact that Puoho had three children—nobly born—who were older than Wi Katene and who, on Alexander Mackay’s own showing, should have ranked paramount to Wi Katene in 1845. To cut out these people he must centre the right in Kauhoe, and as she also had children older than Wi Katene and just as nobly bred he must necessarily make Kauhoe out to be merely the vehicle by which the bounty of Ngati Koata is conveyed to Wi Katene te Puoho exclusively.

222. *Para. (11)* has been exhaustively dealt with already. It is interesting to add, however, that Alexander Mackay now says that the Government allowed matters to remain *in statu quo* which bears