

57. As a response to Kauhoe's exhortations, a party of Ngati Rarua set out by way of Mangatawai to avenge Te Puoho's death, but they did not get past Mangatawai (Tophouse Pass). Later it was decided that a second expedition should go to Port Cooper (Lyttelton) in the hope of being able to find a ship that would convey them to the South. This expedition only got as far as Cloudy Bay, where it was detained by the local allied people and dissuaded from going farther. Both parties were composed of Ngati Rarua people. The failure of Wi Katene te Puoho—then a man in years—to identify himself with either of these expeditions must discount the oft-repeated but little-warranted suggestion that Wi Katene te Puoho assumed, about 1839, Te Puoho's mantle of chieftainship.

58. It appears very probable that Kauhoe and her party remained at Parapara until after the second expedition set out for Port Cooper. Paramena Haereiti, in his evidence on the Nelson Tenth case says: (1) That when Ngatirarua started for Port Cooper Wi Katene was still at Parapara; (2) (a direct contradiction) that, before the heke of Ngatirarua, Wi Katene had gone to Whakapuaka; (3) that, when Wi Katene went to Whakapuaka, Paramena went with him; (4) that Wi Katene was at Whakapuaka when the company came to Nelson; (5) that Paramena was not at Whakapuaka when the company came there.

Paramena's evidence on this Nelson Tenth case was in support of Wi Katene's rights to land round about Nelson, and is, in general, very unsatisfactory. The only value in many of his statements is that they caused Hemi Matenga to call upon the witness to contradict himself. For instance, there is a suspicion that Paramena may have told the truth when he said that Wi Katene was at Parapara when the second Ngatirarua expedition set out for Port Cooper; there is every reason to believe that he was telling the truth—Meihana Kereopa says that Kauhoe did not go to Whakapuaka until after the company came to Nelson. He says he knows this to be the case because Kauhoe stayed at his house on Rangitoto on the occasion when she approached Ngati Koata for the gift. In all probability, then, after the failure of the second expedition, Kauhoe went to Rangitoto and interviewed the Ngati Koata chiefs with a request that they should supply her with land upon which to live. Eventually Te Whetu is reputed to have said to her as she stood downcast before him. "Maranga to Kanohi e anga ki Maunganui." He is also said to have added, "Haere ki reira; kawea to tamaiti ki reira," but such a lapse in style is almost incredible.

59. Kauhoe and her children thereupon went to the Whakapuaka Block and settled. Somewhere about 1843, Kauhoe died there; about 1854 her son Wahapiro, who was honourably returned from his captivity to Whakapuaka, died while on a visit to the North Island; about 1856 her daughter Kahiwa (or Kuini) was murdered by her husband at their home on the block; and about 1873 her remaining child Miriama Konehu died on the block.

60. On coming to the matter of the investigation of title of the Whakapuaka Block, a word may be said of the requirements of the Act in force at that time—*i.e.*, "The Native Land Court Act, 1880." Section 16 of that Act provided as follows:—

Any three or more Natives claiming to be the owner of any Native land may, subject to and in manner directed by any rules for the time being in force, make application to the Court to have the title thereto investigated.

Section 17 provided—

Such application shall contain—

- (1) A description of the land by name or otherwise sufficient to identify it;
- (2) The name of the tribe or the names of the Natives admitted by the applicant to be interested therein;
- (3) A statement that the boundaries have been clearly marked out on the ground by stakes or otherwise;
- (4) And, if a plan has been made, a statement that it has been deposited in the Court.

61. The investigation of title to the Whakapuaka Block was set afoot by the lodging of an unsigned application on an obsolete form with the Registrar. The application is made out in the handwriting of Alexander Mackay, with the addition of the name of Huria Matenga as claimant, and the tribe (Ngati Tama) on whose behalf it may be suggested she claimed (see section 17 (2) of the Native Land Court Act, 1880, *ante*) in what appears to be the handwriting of Hemi Matenga, the husband of Huria. The form is dated the 1st November, 1882.

62. The application was set down for hearing at Nelson on the 15th November, 1883, and following days. (*New Zealand Gazette* of 22nd August, 1883, page 1183.) The claimant is shown in the notice as Huria Matenga, and the lands the subject of the application described (quite unintelligibly) as under:—

Whakapuaka: Bounded on the west and north by the sea, commence at Waihi; thence to the Wangamoa Stream; bounded on the north [*sic*] by European land; one portion of this has been excluded being the 10 acres at Rotokura disposed of to the Government for a cable station.

The notice in Maori on page 1192 of the same gazette follows the description of boundaries in the application form, and is a fair description.

63. The claim came before the Court consisting of—W. G. Mair, Judge, Tunuiarangi, Assessor, H. S. Hadfield, Interpreter, E. A. Jones, Clerk, on the 17th November, 1883 (Nelson M.B. 1/14). A request by Huria Matenga that Hemi Matenga be allowed to appear on her behalf was granted by the Court. Hemi Matenga thereupon claimed the land solely for his wife, Huria Matenga, through