

72. The next witness was Alexander Mackay, and, as his evidence undoubtedly carried great weight with the Court, it is reproduced here in full :—

Alexander Mackay, sworn : (a) I live at Wellington. I am Commissioner of Native Reserves, also Civil Commissioner for the Southern Island. I know this block well. Have had to make myself thoroughly acquainted with the titles of persons and tribes to land ; in fact, I am better acquainted with that than the young men if not the elders. Tutepourangi has been often named in evidence. The gift by him to Koata was made prior to the invasion by the other tribes. Some little time after the fighting at Kapiti, Te Rauparaha invaded these shores. It was in consequence of what the inhabitants had said that caused Te Rauparaha to invade. It was always said that the gift of land by Tutepourangi to Patene and others comprised Rangitoto only. The effect of this gift was entirely done away with by the consequences of Te Rauparaha's invasion. Tutepourangi was subsequently killed by a half brother of Wi Katene. After the invasion the land was divided by Te Rauparaha among the various tribes. Ngatitōa had land in Cloudy Bay and Queen Charlotte Sound. At the same time Ngati Koata took possession of Rangitoto and Ngatitama, and others took possession of the land Whakapuaka, &c. Ngatiawa went to Taitapu in Massacre Bay. The land was formerly occupied by another tribe with whom Rangitane, &c., had no connection whatever. They came formerly from Taupo, then to Wanganui, and to this Island.

(b) It was stated by one witness that Te Maka received part of purchase-money paid by New Zealand Company. This sale did not include Whakapuaka. Up to 1851, when the survey-line of southern boundary of Whakapuaka was cut Ngati Koata was neither consulted or thought of in the matter. Wi Katene was the only one concerned in the reservation of this land. He repudiated the sale by his half brother, and the Natives did not press the matter, and consented to leave the block entirely in his hands.

(c) Referring to evidence given as to Kauhoe asking for land to live on, I may state that this was simply Maori ceremony. In 1862 I was present at a meeting at Whakapuaka to adjust a difficulty about a reserve for Ngati Koata of 100 acres made by Mr. McLean. The Koatas wished the reserve made where they had formerly lived. The claim of Koata to any land south of the river was strenuously opposed. After two days' discussion it was settled that the 100 acres should be on the south part of the river, but it was purely a matter of concession that this was allowed.

(d) Referring to the sale of the Cable Station, some witnesses gave the impression that it was necessary to consult Koata. They were never thought of in the matter. There was no occasion to. It is untrue that they got any portion of the purchase-money. I paid the money to Wi Katene personally, who gave the whole sum to a builder named Brown to pay for building a house.

Cross-examined by Mita Karaka :—

(e) Ngati Koata had no right to Whakapuaka. After the conquest they were allowed to take Rangitoto. Ngati Koata never told me they had any claim. Tutepourangi gave Rangitoto to Patete and others for having saved his life. Koata formed part of the conquered party. I never heard any elder Koata say they had any claim to Whakapuaka, nor do I consider they have any claim at all. Discussing the allocation of the 100 acres, they could not produce any strong claim. If Wi Katene had insisted they would have had to remain on the north side of the river. In all my dealings with Natives, I never heard of any Koata living at Whakapuaka—if any came they were visited [*sic* ?]. In the sale of the north end Koata was not consulted at all. If there had been any dispute of Wi Katene's right to lease I should have heard of it. I heard that Paremata killed Tutepourangi, but it was likely before we were born. Raniera and Te Maka and others now here were present at the discussion of the allocation of the 100 acres. Some of Koatas have died and been buried there, but I do not consider there is any claim, as they were just passing through.

To the Court :—

(f) The north portion of this block and several small portions in the South were leased by Wi Katene. Nobody ever disputed his right.

73. The last witness in the case was Hemi Matenga, whose evidence also is reproduced in full :—

Hemi Matenga, sworn : I live at Whakapuaka. The leases over Whakapuaka were given about the time I first went to live there—about 1860. No Natives interfered with these leases. I never knew Wi Katene to receive any rent for the 100 acres as stated by a witness. The European leasing that land could give evidence as to that if necessary. Upon the expiration of first lease, the northern end of Whakapuaka was re-leased to another European and no Native interfered. The south (small) block was leased to Mr. Thos. Mackay. The Natives did not interfere. Nor have they disturbed two Europeans leasing a section from Whakapuaka River to the road. There is a road right through the centre of the block leading to telegraph office. Europeans have had yearly leases to cut timber along the road. I asked Sir Donald McLean to grant a sum of money in order to form this road. With reference to the burials of Koatas on the land, I have questioned one of their witnesses, and he states that they were buried prior to Wi Katene's time. Koatas coming there only came for food, &c. I cannot say what claim they have to this land.

Cross-examined by Mita Karaka :—

Witnesses have not stated that they interfered in any way with the leases nor with the making of the road. I do not know what land Wi Katene set apart for Koata to live upon, nor was there any dispute been (between) Wi Katene and Koata.

To the Court :—

The original leases are most current. They were given by Wi Katene. The new ones I have given myself on behalf of my wife.

Para. 206.

Para. 107.