

actual conqueror he did not figure at all: he was the youngest son of a conqueror (Puoho), and the youngest son of Puoho's wife (Kauhoe). Three of his half-brothers, Hori te Korama, Herewine te Roha, and Paremata Wahapiro, were warriors, the last-named being a distinguished warrior.

123. Any attempt by Wi Katene to have established sole occupation of Whakapuaka would have been discredited by the evidence now under review. There were many people who lived at Whakapuaka, among them being some who sprang from the same father as Wi Katene, and others who were borne by the same mother. His claim that he reserved the land from the sale solely for himself was answered by Mr. Commissioner McLean's reports already quoted (para. 87 (35)) that the land was reserved for the Ngatitama people living there. Lastly of all, had he founded his claim to exclusive ownership upon the gift from Ngati Koata (which apparently for the reasons already quoted he did not do) it is quite plain that he could not (on this Tenth's evidence) have succeeded. The evidence given at the Whakapuaka investigation and New Zealand Tenth's inquiry touching this alleged gift of Whakapuaka by Ngati Koata is so interesting and illuminating that all references to the gift have been extracted and are summarized under appropriate headings as appendix "A" to this report. This appendix has a special value in that one of the petitions being reported upon is based upon the assumption that the gift was to Kauhoe.

124. The attempt by Hemi Matenga in the Nelson Tenth's case to show Wi Katene as a considerable owner in the lands sold as well as being the sole owner of Whakapuaka gave his witness, Paremena Haereiti, a most uncomfortable time. In fact, one can safely say that the quality of Paremena's evidence regarding Wi Katene's rights is much below that of any other witness in the case. He is faced with the impossibility of showing Wi Katene to be a substantial man of property prior to his obtaining Whakapuaka from Ngati Koata on account of his needy condition after Puoho's death. He has further difficulty (not in any way lessened by what appears to have been a skilful cross-examination by opposing conductors) in explaining that Wi Katene held under a gift at Whakapuaka and as the first claimant to vacant land adjoining. To make this story feasible he must hold that the southern limits of Ngati Koata ownership stopped at the Whakapuaka—Spain's award line. Eventually he got so deeply involved that he said:—

The gift of Whakapuaka to him (Wi Katene) was the basis of his rights to the Nelson District. If he had remained at Parapara (Golden Bay) he would have no rights to the land extending to the Waimea. But as he had acquired Whakapuaka and the land to the south of it was lying vacant on to the Waimea he gained a right to that locality as well.

And in reply to the next and obvious question he contradicted himself and said:—

If land was given to another within fixed boundaries the person to whom it was given would not be entitled to the part beyond.

Para. 142.

125. Paremena Haereiti also spoke of the repercussions of alleged depredations by Paremata Wahapiro upon the early settlers, but as this allegation is given further impetus as a factor in determining rights to Whakapuaka when petitions to Parliament were later reported upon, it is intended to reserve the marshalling of evidence on this point until the question of these petition reports is under review.

126. It is significant that the Court (Judge Mackay) in its Tenth's judgment to the Ngati Koata people a share of the benefits, and it makes one think that perhaps Mr. Alexander Mackay was wrong when in his evidence at the Whakapuaka hearing he stated that Ngati Koata had no rights beyond Rangitoto Island.

127. At the Tenth's inquiry valuable evidence was obtained from Meihana Kereopa, an old man of the Ngati Kuia Tribe, and reputed to be 100 years old. His chronology of events has the ring of truth, and is much more likely to be correct than those of the rival claimants wherein tendencies were noticeably in the direction of ante-dating any events of critical import to the peculiar claims of each.

128. One statement by Meihana and generally backed up by other evidence is that the attack upon Whakapuaka and the Blind (Tasman) Bay district was caused by a false report being made to Rauparaha that the bones of Te Peehi Kupe had been brought to Nelson by Tuhawaiki of Kaikoura (not Bloody Jack of Ruapuke) and used for making fish-hooks. This with other evidence fixes the date of the attack pretty conclusively as late 1831 or early 1832, and contemporaneous with the sacking of Kaiapoi.

129. The next link in the chain of events was a lease dated the 15th February, 1895, from Huria Matenga to Hemi Matenga, leasing the whole area of 17,739 acres for the life of Hemi Matenga at an annual rental of £100 per annum. This lease was confirmed by Judge Mackay at Levin on the 29th May, 1895, the proceedings being recorded with unusual brevity as follows (Otaki M.B., 26/325):—

Confirmation—95/116. Whakapuaka.

Lease Huria Matenga to Hemi Matenga.

Inquiry satisfactory—deed to be confirmed.

No declaration appears to have been filed with this application, and there is nothing in the minutes to show why it was dispensed with.

130. Hemi Matenga was at this time also sole devisee under a will of Huria Matenga dated 11th January, 1886. This will was in the handwriting of Alexander Mackay, and he was one of the witnesses. A second will of similar effect was made on the 5th September, 1898, the witnesses being F. A. Bennett (now Bishop of Aotearoa) and Percy Adams, a solicitor.

131. As soon as Hemi Matenga had firmly established himself as lessee of the land, with prospects of later being sole owner, he proceeded to eject the other members of the family residing there. There is every probability in favour of his having taken the lease for just that purpose, as Huria Matenga was too weak-willed, or perhaps too fair-minded, to be trusted to carry to a conclusion any drastic action which would hurt her relatives. As one witness said, "Huria was weak-minded and was incapable of doing the things that Hemi did." His action took the form of destroying stock