

generally, and when Atiraira Nopera was absent from Whakapuaka he, after shifting her belongings to a place of safety, burned her house. These happenings took place in 1895 and 1896, and in the latter year the first petition of Wi Katene Paremata and another (Petition 60 of 1896) was made to Parliament. This petition and papers in connection therewith were not made available to this Court. (It is very probable that they have been destroyed by fire.)

132. In a letter dated 9th September, 1904, and applying for an Order in Council permitting a further investigation of the block, Messrs. Findlay, Dalziell, and Co. state that, upon this petition coming before them, the Native Affairs Committee agreed to a rehearing, but when Judge Mackay presented a statement to the Committee on the following day the Committee altered its first report and drew up another which was against the petitioners.

133. This statement of Judge Mackay's reads as follows:—

Wellington, 24th August, 1896.

The Chairman, Native Affairs Committee, House of Representatives.

In the matter of the Whakapuaka Block, and in the matter of the petition of Wi Katene Paremata and others.

The particulars stated in the first paragraph of the report furnished by the Chief Judge supply the necessary information relative to the application made to the Court by Huria Matenga.

(1) Touching the statement contained in the 2nd, 3rd, 4th, and 5th pars. of the petition that prior to the case being proceeded with by the Court the descendants of Kahoe—viz., Huria Matenga and Atiraira Mohi made a voluntary arrangement between themselves to the effect that Atiraira Mohi agreed that Huria Matenga should alone set up a case for the land, and that on the Court awarding the land to Huria Matenga she was to insert the names of Atiraira Mohi and party in the list to be prepared and handed to the Court, and that in consequence of the said agreement Atiraira Mohi refrained from setting up a case on behalf of herself and the other members of her party, I am unable to state positively that no arrangement of the kind was entered into, but, knowing the relative position of the persons referred to as the chief actors in the matter, I am unable to believe that it is probable that such an agreement could have been entered into. Para. 135.
Para. 180.

(2) To make the position clear it is necessary to go back to the early occupation of the Whakapuaka Block by Wiremu Katene Te Puoho and the Ngatitama, who belonged to his party.

At the time that Te Rauparaha with the allied tribes belonging to his party conquered the Natives residing on the southern shores of Cook's Strait, the present Whakapuaka Block and the country extending as far as the West Wanganui beyond Cape Farewell was in the possession of a branch of the Ngatiapa Tribe, who had previously dispossessed the earlier inhabitants. Te Puoho, the father of Wi Katene te Puoho, who had taken a prominent part in conquering the Ngatiapa found in occupation of Whakapuaka and extending to the Moutere and Motueka districts, proceeded with his nephew Paremata te Wahapiro with a war party down the West Coast (about 1832) for the purpose of taking possession of that country, and subsequently travelled across to Lake Wanaka, and from there to Tuturau on the banks of the River Mataura in the Southland District, where they were attacked by a party of Ngaitahu under Tuhawaiki, at which encounter Te Puoho and a number of his people were killed and others, among whom was Paremata te Wahapiro, were taken prisoners and kept in captivity for several years on the Island of Ruapuke until after the establishment of Christianity. Para. 151.
Para. 152.

(3) It is alleged that shortly after Te Puoho left on the southern trip his son Wiremu Katene te Puoho (*alias* Te Manu) with his mother, Kahoe, went to reside at Whakapuaka, and that the Ngati Koata who were then in occupation made over their rights in the land as a gift to Kahoe for her son Wi Katene te Puoho who was in undisturbed possession of the land in 1840 on the establishment of British Government, the point of time fixed by the Native Land Court at which title should be regarded as settled, and all parties who were proved to have been the actual owners or possessors of land at that time must be considered as the owners of these lands. Para. 152.
Para. 153.

(4) The only persons who opposed Huria Matenga's claim to Whakapuaka were certain members of the Rangitane and the Ngatikoata Tribes. The Rangitane asserted a claim as original owners, and the Ngatikoata claimed a right through prior occupation to Wiremu Katene te Puoho and the Ngatitama who resided with him on the land. Both sets of claimants failed to establish their claims, and the Court allotted the whole block to Huria Matenga.

(5) It will be seen by the foregoing particulars that the land was not *tribal*, but was acquired through a gift to Wi Katene te Puoho: consequently the descent from Kahoe advanced by the family of Paremata te Wahapiro as a basis of claim is of no avail, as they do not derive any right of inheritance from that source. Para. 154.

(6) The assertion contained in the petition that Atiraira Mohi "agrees that Huria Matenga alone shall set up a case to the land" is so ridiculous that it creates a supposition that the person who prepared the petition could not be acquainted with the difference in the status of the persons in question. Para. 136.
Para. 137.

The genealogical table furnished appears to be correct, except that the translator has not given the correct definition of the words above the name of Ngamianga in the Maori copy. The words used in that copy mean "second wife" and not "legally married wife." Paremata te Wahapiro had four children by his first wife, three sons and one daughter—viz., Tipene, Ripine, Wi Katene, males and Heni Tipo, female. By his second wife he had two daughters, Atiraira and Ngawaina.