On that occasion Wi Katene repudiated the sale of the land by the people in the North Island, and declined to give up any part of the Whakapuaka Block or receive any part of the purchase-money offered him; and the Commissioner did not deem it prudent to urge the matter.

(15) The whole of the block therefore which Wi Katene claimed belonged to him was left in his possession, and no further claim was preferred to it by the Government under the sale of 1853.

(16) At one time there were a large number of Natives living at Whakapuaka, belonging chiefly to the Ngatitama Tribe. None of these persons, although they lived on and cultivated the land for many years, claimed a right to it.

(17) Much misconception and many fallacious reasonings on the subject occasionally prevail, and may be attributed to mistaken assumptions as to the right derived through occupation, as mere occupation does not confer a title unless it is founded on some previous right of which the occupation could be regarded as a consequence.

(18) As regards the Whakapuaka Block, Wiremu Katene te Puoho was the recognized owner, and all arrangements relative to the occupation of the land were made with him or with his concurrence, either in the shape of leases or the right to graze or cut timber on the land.

(Sgd.) A. MACKAY.

134. Taking into consideration the fact that these were the first proceedings taken before Parliament, it seems highly desirable that the statements of Alexander Mackay and the conclusions arrived at by the Native Affairs Committee should be carefully examined in order that one may see whether the mass of evidence accumulated to that date had been made available to the Committee, or whether, as in the Native Land Court proceedings, only one side was given.

135. A commencement will be made with Alexander Mackay's report: Firstly, we can take the matter of whether or not an arrangement was made between Atiraira Nopera and Huria Matenga whereby Huria alone was to combat the claims of Ngatikoata and Ngatikuia on the understanding that when she succeeded she was to include the names of Atiraira and party in the list of persons sharing with her to be handed to the Court. It is difficult to understand why Mr. Mackay found himself unable to believe it probable that such an agreement could have been entered into. Actually, it is a very common practice in investigations for a representative of the hapu to set up the claim and when successful in establishing his rights to present to the Court the full list of others who have equal rights. Mostly in such cases, however, the co-claimants are present or represented at the hearing and see that their names are included on the lists. Para. 133 (1). Para. 180.

136. It is still more difficult to understand the following passages:—

> 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 persons who prepared the petition could not be acquainted with the difference in the status of the persons in question. Para. 133 (6). Para. 180

And again:—

> Touching the statement contained in the petition relative to the alleged agreement between Atiraira Mohi and Huria Matenga, although these persons are descended from a common ancestor they are not equal in rank for the reason that Taku the first husband of Kauhoe (who married two brothers) was the junior of Te Puoho the second husband; consequently his son Wi Katene took precedence of Paremata te Wahapiro the son of the first husband. Another circumstance that makes a further distinction between Huria Matenga and the two daughters of Ngamianga, the second wife of Paremata te Wahapiro, is that irrespective of these children being the offspring of the wahine iti (second wife) the mother, who was a Ngaitahu, was a member of a conquered race. The statement therefore contained in the petition that Atiraira Mohi agreed that Huria Matenga, her superior in rank, should be allowed to prefer a claim to her own property seems rather preposterous and incapable of belief. Para. 133 (7).

137. This sort of statement was hardly fair to the inquiry. To begin with, "Mana rangatira" (power or authority of a Chief) does not of itself give exclusive rights to land. All who can trace to the source of the right (or "take") and can show occupation have a right, and no person, no matter what her social standing may be, can deny that right. Claims equal in virtue confer equal rights to the land—the eldest son shares equally with the youngest daughter if the source of the right is common and all have had equal occupation. Mr. Mackay's assertions regarding rights of primo-geniture are not sufficiently amplified to be valuable. So far as Whakapuaka is concerned there can be no comparison between Taku and Puoho, because Taku was killed probably twenty years before Puoho saw Whakapuaka. The real point is that Puoho and Wahapiro as brothers-in-arms jointly shared in the conquest. While Puoho was alive the "Mana rangatira" was in him, but that did not mean that Puoho alone could claim the land he conquered. It is not an inviolable rule that "Mana rangatira" descends automatically to the eldest son or the eldest child. Te Rauparaha was the youngest of four brothers who took their orders from him and shared his conquests with him. There is abundant evidence that Wahapiro assumed the mantle of Chief of the Whakapuaka Ngatitama Tribe on his return from the South, as was his right from all points of view—age, birth, experience, and prowess in war. It is hard to believe that selection would have fallen upon one who, as far as can be gathered, made no effort whatever to avenge his father's death—was not even one of either party that set out for that purpose.

138. The next reference to be noticed is that referring to "wahine iti" or "second wife," and we can dispose of it in this manner. Ngaitahu was not a conquered race, it was severely handled, but not