

koata after the conquest, and most indefinite when he says that Ngatikoata gave the block to Wiremu Katene te Manu for no apparent or expressed reason.

202. *Para. 4*: The H.M.S. "Hazard" did *not* come from Wellington, she casually called in at Nelson while on the way from Wanganui to Wellington. The so-called "outrages" were not the cause of the visit, although the differences between the Natives and the company over the southern boundary of Whakapuaka were mended permanently without bloodshed or trouble at a conference between Major Richmond and Paremata during this visit. Paremata did *not* allege that he had received no payment from the company; he denied having sold Happy Valley, which is the valley of the Whakapuaka River. Actually some of it was contained in Spain's award, the dividing-line being surveyed but not cut, and some remained in the Whakapuaka Block. The evidence contained in this paragraph is heresay of the most inadmissible kind, and treats of events that happened before James Mackay or his family arrived in New Zealand. Para. 150 (b).

202A. *Para. 5*: This is a most interesting paragraph, and it deals with something which James Mackay was personally acquainted with. It is necessary to hark back to a statement in the "Cable Station draft" that the line was fixed by Fox several miles north of the place admitted by the Natives to be correct. Therein Alexander Mackay adds:— Para. 105 (g).

It has always been considered by Wi Katene that the disturbance caused by Te Wahapiro on the occasion referred to was the means of curtailing the boundaries of the Whakapuaka Block by the New Zealand Company as payment for the aggression, it has therefore been considered since then that Te Wahapiro had forfeited his right to share the *remaining* lands with his brother.

A further reference occurs in the evidence of Paramena Haereiti, who was Hemi Matenga's witness in the New Zealand Tenth's case (Nelson M.B. 2, pp. 329 and 335) when he says that "Wi Katene gave the land as payment for the 'hara' (serious offence—sin) of Paremata."

It is also necessary to revert to a passage in Alexander Mackay's letter of 24th August, 1896, that Wi Katene inspected the line, ultimately agreeing to it "although he resented Paremata's turbulent conduct, which he believed had led to his losing part of his land." (But see the last sentence of para. 11 of this report, in which Mackay himself refers to the line as that of Spain's award.) Para. 133 (13).

It will be remembered that the line (surveyed but not cut) of Spain's award marked the southern boundary of the Whakapuaka Block, and that, consequent upon Wahapiro's demonstration and demand, a portion of the line (shown on the plan attached hereto and marked C to D) was, on the 21st January, 1845, cut on the ground by Mr. Stephens, the New Zealand Company's principal surveyor. The remainder of the line from the western end of Stephens's line to the sea was the portion cut by Thomas Brunner, the surveyor that James Mackay was assisting. Brunner's line did not, however, join Stephens's line. Brunner commenced his survey at the sea at a point about 83 links north of where he should have started, and, pursuing a bearing eight and one-half minutes out of the parallel of Stephens's line missed the end of Stephens's line by 63 links (not two or three chains) as stated by James Mackay. (See plan attached.) The line subsists to this day, and a calculation shows that Whakapuaka Block has lost a tittle of about *four acres and three roods* (4 acres 3 roods) through Brunner's mistake. It is striking commentary upon the zeal of Alexander Mackay in the cause of his friends and upon the value of his evidence generally that he should stress the views of Wi Katene in a matter which he must have known concerned only an innocent mistake of a surveyor, and was not to his own knowledge a matter of forfeit exacted by the New Zealand Company or Government as punitive damages, or a matter in which Paremata was involved. Incidentally, Pitama te Iwikau, the peacemaker between Wi Katene's party and Brunner's party, was the husband of Miriama Konehu, sister of Wahapiro. Para. 150 (b).

203. *Para. 6*: It was not necessary for Tipene Paremata to prefer a claim before James Mackay, as Mackay had no jurisdiction over this land. It seems quite possible that Paremata Wahapiro could have been on the block without James Mackay knowing of it, as the latter had multifarious *official* duties to attend to elsewhere and none respecting Whakapuaka Block.

204. *Para. 7*: This concerns one of those private deals of the Mackay family with Wi Katene te Manu which may in the past have clouded the issue.

205. *Para. 8*: This paragraph is useful, as it bears out what has previously been said—*i.e.* (1) That lands were reserved under the clause of the Ngatitoa deed which provided that "certain places are agreed to by the Queen of England to be reserved for our relations residing on the said land"; and (2) that this reservation was made *prior* to Wi Katene te Puoho signing the deed of 7th March, 1856, which provided for no reserves and generally described the land passing as "all the places for which we did not receive payment in any former sale of land." Wi Katene would have referred to the land as "mine" and the gift to "me," even if it had been owned by all the people—a Maori engaged as he was invariably uses the first person even if he is referring to events which happened before he was born. Para. 83.

*Paras. 9 and 10*: No comment.

206. *Para. 11*: James Mackay, in this declaration, says that Maka Tarapiko in 1862 fixed the Whangamoa River as the northern boundary of the land given by them to Wiremu Katene te Manu, but asserted that Donald McLean had stipulated that Ngati Koata were to have a reserve of 100 acres to the south of the river, to which Wi Katene agreed. Alexander Mackay, in his evidence before the 1883 Court, says that he also was present at this meeting when "the Koatas wished the reserve made where they had formerly lived." He states, further, that this claim was strenuously opposed, but that after two days' discussion, and purely as a matter of concession, the Ngati Koatas were given 100 acres on the south side of the river. Para. 72 (c).

207. The Ngati Koata deed of the 5th March, 1856, reserves an area of 100 acres at Whangamoa from the sale, and the plan attached to this particular deed shows the 100 acres reserved by the Ngati Koata people as being for the main part to the south of the Whangamoa River and thus within the boundaries of the Whakapuaka Block, there being only a slight tinge of colour to the north of this river. The deed was executed at Nelson after Donald McLean had called at Whakapuaka and reserved the Whakapuaka Block to the people living there.