

103. The next passage of Mr. Mackay's evidence that might be noticed is the following :—

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.

104. Attached to the Native Land Court correspondence file, in Mr. Mackay's unmistakable handwriting, is a draft of a letter addressed to Mr. Clarke regarding the "sale" of the Cable Station. It may not have been sent exactly as in the draft form (it is, of course, possible that it was not used at all), but from the copies of notes by other prominent officials endorsed on the draft it would seem very probable that it was substantially the copy of a letter that was sent. In any case, it can fairly be said to represent the views of Mr. Mackay in 1877 upon the subject of the rights of ownership to the Whakapuaka Block, a subject upon which he in 1883 considered himself an authority. This draft, moreover, was the forerunner of a series of postulations of the root title (or "take") of Whakapuaka framed by Mr. Mackay and made to answer all manner of claims launched at various times and down to date in opposition to the simple view that no one but Wi Katene could have any proprietary rights. When referring to this draft in later portions of this report it will be referred to as the "Cable Station draft."

105. It and the notes copied on to it read as follows :—

*Memo.*

MR. CLARKE,—

(a) In continuation of my memorandum of the 9th instant on the subject of Wiremu Katene's objection to seek a title to the land taken for telegraph purposes at Rotokura in the Native Land Court. I propose to furnish some additional particulars relative to his ownership of the Whakapuaka Block in explanation of the opposition displayed by him to follow the course recommended by the Government.

(b) The land comprised in the Whakapuaka Block forms a portion of the territory in the neighbourhood of Nelson formerly conquered from the original occupants, the Ngatitumatakokiri, Ngatihapa, and Rangitane Tribes, by Te Rauparaha and the tribes who assisted him in the invasion of the country to the south of Cook Straits.

(c) It was first claimed by the Ngatikoata Tribe as their share of the profits and spoils of the conquest, but this tribe never occupied or exercised any rights of ownership over the land, and on application being made by Te Kauhoe (the mother of Wiremu Katene), a woman of rank belonging to the Ngatitama Tribe, the land was made over by the Ngatikoata chief Te Kahawai to her, and her son, and it has been held in undisputed possession ever since by the latter, for a period of fully forty years.

(d) The Ngatirua Tribe, who were allies of Te Rauparaha, also preferred a claim to the land in the manner frequently observed by conquering tribes, owing to a particular spot having been named after one of their chiefs, but these people never occupied or cultivated the land, and subsequently relinquished their so-called rights in favour of Wiremu Katene.

(e) No other tribes have exercised acts of ownership over it since the property has been in the possession of the present owner.

(f) Wiremu Katene is descended from Te Puoho, a celebrated chief of the Ngatitama Tribe, and one of the leaders of the allied tribes who joined Te Rauparaha in the invasion of the South Island. Te Puoho was killed in the South at a place called Tukurau by the Ngaitahu, and his nephew Te Wahapiro or Paramata, a half-brother of Wi Katene's (on the mother's side), was taken prisoner and kept in captivity for many years by the late Tuhawaiki of Otakou. On his release he was invited by his brother to share the Whakapuaka lands with him, and subsequently joined him there, but the alliance, owing to Te Wahapiro's turbulent nature, was nearly having a disastrous termination for all concerned. A few years after the foundation of the Nelson Settlement, Te Wahapiro's violence was nearly involving all his people in a conflict with the settlers. On this occasion he threatened the lives of some of the settlers, besides breaking into a house, stealing some flour, and destroying and burning some of their property.

(g) The origin of this outbreak on the part of Te Wahapiro was caused by the occupation of land to the north of Nelson which he asserted had not been included in the sale to the New Zealand Company. The question was finally settled and the boundary fixed by the New Zealand Company's agent, supported by an armed party of settlers, at a place several miles farther north than the boundary of the land the Natives admitted they had sold to the company, and 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.

(h) The foregoing narration of these early circumstances is given because there are several sons of the late Te Wahapiro still living who may consider they have a right to share the land conjointly with Wi Katene, and it is possible they might attempt to set up a claim, but it is well known that they only occupy a subordinate position, and such proprietary rights as they may possess over certain portions of the estate partake entirely of a secondary character.

Para. 142.

Para. 202A.