

as severely handled as Ngatiawa was at Pukerangiora in Taranaki about the same time, or Ngatiapa in the Rangitikei a little previously. As a tribe Ngaitahu retained its lands, and that is the rule which measures its status. The children of this Ngaitahu woman have equal rights with the other children of Paremata Wahapiro to any land that springs from him, and equal rights with any other children of hers to any lands that may come through her. Kauhoe was actually a "second wife" of Puoho. As stated before, Wi Katene te Puoho was the *youngest son* of each of his parents, and all the children of each (except one Mutumutu) were living when Wahapiro came back from the South to Whakapuaka. How possibly can one reconcile these facts with Mackay's statement that Wi Katene took precedence of Paremata te Wahapiro because Puoho was an elder brother of Taku. Had he said that Hori te Korama—Puoho's eldest son—took precedence of Wahapiro his statement would have been consistent although incorrect instead of suspect of being both inconsistent and incorrect.

Para. 133 (6).

139. The next point in the report to be considered is the following passage:—

Concerning the rights of the parties to the Whakapuaka Block, the following memorandum taken from a copy of a genealogical table of Wi Katene te Puoho's lineage written between thirty and forty years ago bears on the question at issue:—

"Kauhoe was first married to Puoho's brother and at his death she married Te Puoho, by whom she had one son named Piti, *alias* Te Manu, *alias* Te Puoho, to whom Whakapuaka was allotted (by common consent) as his portion and residence. Te Puoho (senior) was slain by Ngaitahu at Tuturaui. His enemies called him Te Manu on account of his eloquence and melodious voice."

140. Since the inquiry closed, what appears to be the original of this quotation has been received by the Court from among the late Judge Mackay's papers, and it is distinctly unsatisfactory to be confronted at this late stage in Whakapuaka proceedings with the suggestion (one might be justified in calling it evidence) that the copy of the genealogical table referred to was one that had been entered up by Mr. Mackay in his own handwriting, and that the memo endorsed on the copy is also in his handwriting.

141. As this passage from the report received particular attention from counsel and conductors, it is considered that this writing should be carefully scrutinized both by petitioners and respondents with particular reference to the pencilled word "senior" in what seems to be Mackay's writing between "Te Puoho" and "was slain" and the word "younger" between "Puoho's" and "brother" in an alien hand. The first pencilled word is included and the second is not. The word "Taku" after "Puoho's brother" is omitted from the report, although included in the memo. Otherwise the memo is exactly similar to the quotation in the report of 1896. In passing, it might be noted that the genealogical table as written in ink is incorrect in that it leaves out Heni Tipo as one of the children of Paremata. This writing was not available to counsel and conductors appearing before the Court, and is now attached to Native Land Court file.

Para. 133 (11)
to (14).

142. We can now take the narrative of the report contained in that portion numbered for convenience as paragraphs (11), (12), (13), and (14). The statements made are "in support of Wi Katene te Puoho's right to the land," and concern "the turbulent conduct" of Paremata towards the settlers upon that portion of Spain's award which adjoined the Whakapuaka Block to the south. What can be regarded as the true history of this incident is to be found in two letters dated respectively 25th and 28th January, 1845, and written by William Fox (later Sir William Fox), Resident Agent for the New Zealand Company at Nelson, to Colonel Wakefield. They read as follows (Mackay's Compendium, Vol. No. 2, page 268):—

Nelson, January 25th, 1845.

SIR,—

(a) Having considered it my duty to take certain steps, with the view of checking the aggressions of a party of Natives in this settlement, and having done so in opposition to the express injunction of the Police Magistrate, and in contravention of the policy by which the local government appears to be actuated in all its transactions with the aborigines, I hasten to give you a circumstantial account of my proceedings.

(b) In the plan of this settlement, as agreed upon by Mr. Commissioner Spain at the sitting of the Land Claims Court, held here in August last (a copy of which signed by the Commissioner, Mr. Protector Clarke, and myself on behalf of the company, is in my possession), a small valley of four or five hundred acres, distant about 10 miles from the Town of Nelson, is included in the Suburban North district, embracing Sections 24 and 39 on the Surveyor's plan of accommodation lands. No part of the land allotted to the company in this valley was occupied or cultivated by the Natives at the period of the formation of the settlement, nor has been at any subsequent time, nor do they occupy any at a less distance than about five miles, at which distance, farther north from Nelson, they have a pah on the sea-coast, at a place called Whakapuaka. The chief of this pah is Paramatta, who was many years in slavery to Tuawaiki, of Otago. When the Commissioner held his Court in Nelson, in the course of which transaction he displayed the faithlessness of the New-Zealander, by a fraud which he attempted to practise on his people, by having a portion of the goods which were purchased with the distributed money secretly kept back for himself. He also excited much indignation amongst the other Natives in Blind Bay by pretending a right to the Waimea district, his claim to which they all concurred in asserting was a mere fabrication, and unheard of till then.

(c) After receiving his share of "utu," he returned to his pah, and several settlers proceeded to occupy sections and to graze cattle and sheep in the valley referred to. Paramatta, or his men, told some of these that they were right in so doing, that the land was the white man's, and that they should not be disturbed. About a month ago, however, Paramatta crossed the strait on a visit to some of the Waikato Tribes, in company with a few of whom