

Para. 105 (c).

gift is stated to have been to "*Kauhoe for her son Wi Katene te Puoho*," although in the Cable Station draft Mackay says that "*on application being made by Te Kauhoe (the mother of Wi 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.*" Incidentally, Te Kahawai was killed when the invasion of the Blind Bay district took place at least five years before the necessity for the gift arose.

153. It is difficult to understand how Judge Mackay in 1896 could define this gift as he did in face of the evidence then available as summarized in Appendix "A" to this report, even when one allows that he was not acting judicially nor even inquisitorially, but purely as a private person volunteering information on behalf of a friend.

154. In paragraph 5 the gift is stated to be to *Wi Katene te Puoho*—a variation of what was stated to be the position in a previous paragraph. He also stated that the land is not *tribal*, but was acquired through a gift. Now this same Alexander Mackay in his "Narrative on the principal subjects included in the work" (Mackay's Compendium, published 1873, page 16), says:—

The settlement of the claims of the West Coast Natives and the subsequent purchase of Stewart's Island finally disposed of all the land claims in the Southern Islands, and the only lands over which the *Native title is not extinguished*, exclusive of the reserves set apart for the Natives, are the Island of Ruapuke, in Foveaux Strait, Rangitoto or D'Urville's Island, in Cook's Strait, and a block of land at Whakapuaka, to the north of the Town of Nelson.

This was actually the case, and the land was therefore Native land (meaning "lands in the colony which are owned by Natives under their customs or usages") within the meaning of the Native Land Court Act, 1880, the Act in force when the title was investigated and an Act in which "tribal land" had no meaning or import.

155. The last and probably the most damning of Alexander Mackay's statements that need to be treated is the following paragraph:—

Para. 133 (9).

As to the occupation of any of the members of the Paremata family, either formerly or of late years, such occupation was at the will of Wi Katene te Puoho during his lifetime and since then at the will of Huria Matenga.

Para. 133 (10).

In former years Tipene Paremata, the eldest son, lived on the land during Wi Katene's time, and the second son Ripene occasionally lived there, but other members of the family, with the exception of Atiraira Mohi, have rarely been there excepting probably on a visit for a brief period.

156. Tipene Paremata was also known as Te Rau-O-Kewa, and was the eldest son of Paremata Wahapiro. He lived at Whakapuaka for a considerable portion of his lifetime, he died there and was buried there. He signed the receipt of 13th December, 1854, for the final payment under the Ngatitoa deed, and was a person of standing and a chief in his bearing. Upon the death of Wahapiro (about 1854) a lament was composed by Wahapiro's sister, Kahiwa (who was murdered by her husband on the block in 1856), which goes far towards establishing the rights of both Wahapiro and Tipene Paremata to a prominent place in Whakapuaka. The lament is a classic, as might be expected from one who had been bred from or associated with such intellectuals of the old Maori world as Kauhoe, Puoho, Te Whetu, and their peers.

157. The following is a feeble translation of the lament:—

Agitated are the waters at Te Kawau-a-Toru⁽¹⁾
And farther away the headlands of Whangarae⁽²⁾ pierce the horizon:
With but little beyond the promontory of Whakapuaka thrusting itself upwards,
And below standing Te Wahapiro the son of the absent one⁽³⁾
With it firmly in his grasp.

Hold thou then the lands scooped out by Te Puoho⁽⁴⁾
What time, of son, the number of men
Was like unto a broad-leaved forest
In the density of shade they cast.

What matters (that you are no longer protector),
Leave it to your son⁽⁵⁾ after you:
He who was nourished on strength-giving foods and thus emerged into the light of day,
To seal the root of the land and thus hold Whakapuaka.

Kahu Matao will be angered that the land of her grandchildren has passed to me
And will never be returned.
It is now firmly clasped as a charm for my grandchildren
And as a sustenance for my descendants always.
In time to come it will be displayed by valiant men and by many women, my choicest daughters, as their
cherished possession.
Retire then, Oh Ngati Koata to your home at Rangitoto
And so clear the way for the journeyings of the son of Wahapiro.

Let Ngati Rahiri from beyond the ranges hear this my song:
Ngati Tama will fix the boundary at Titere Moana
As a reservation for the hundreds and the thousands.
Oh Rahiri, gather all your forces
And raise your weapons so that the death of Te Puoho may be avenged by you,
And thou, oh son, call upon the armed company of Ngati Whakatere to support Rauparaha in marshalling
together the avenging band
Whose voices will resound along the shores of Whakatu.
Then will Whakapuaka be firmly held.

(¹) Kawau-a-Toru—The rip in Cook Strait—here applied to a rip in Current Basin between D'Urville Island and the mainland.

(²) Whangarei—Croiselles. The poetess is describing natural features as they would appear from a viewpoint on Rangitoto Island.

(³) The absent one—i.e., Te Puoho. In this and the next two lines Wahapiro is referred to as a "son" of Te Puoho.

(⁴) Scooped out—laid bare by conquest.

(⁵) Tipene Paremata.