

158. Evidence was given at this inquiry by a daughter of Paremata Wahapiro to the effect that Wi Katene built a good wooden home for Tipene Paremata on the block, and that he gave him as well nine hundred sheep. In explanation of this, J. A. Elkington, who was brought up by Tipene Paremata, says:—

Our first home was made of raupo, a second house was built afterwards and was built of wood, boards, &c. Te Rau-O-Kewa (Tipene Paremata) ordered the timber himself. Some of it came from Pelorus Sound, some from Nelson. This house was built in the year 1879. I helped to build it. It was built by a pakeha contractor. His name was Andrew Brown, from Nelson. The money that was paid over to Andrew Brown was got from Mr. Mackay, Commissioner of Native Reserves. I am not sure whether this money was a loan or not, but I remember that when Tipene used to take me before Mackay and say that I wanted clothes I used to get them. This used to happen quite often. I could not say in what capacity Mackay acted in these transactions. Just before Tipene died he went to Matenga to demand sheep from him and to see that his (Tipene's) mark was placed on these sheep. Matenga agreed to mark sheep for Tipene. Just before the sheep were shorn Tipene died. Matenga never considered the wife of Tipene or myself the tamaiti whangai. Matenga had actually marked some sheep for Tipene. When Tipene died trouble for every one commenced to creep in. Wi Katene died about twelve months before Te Rau-O-Kewa. Maybe more than twelve months, but not two years. Friction commenced about this time, and the eviction of residents commenced.

Under cross-examination by Mr. Evans, the witness said "Tipene used to go to Mr. Mackay as an officer and get clothes for me. I understood that the money came from the Tenth's Reserves."

159. Since the inquiry closed the Court has recovered from among the papers of the late Judge Mackay a bundle of receipts for moneys paid out by him. The bundle is labelled "Miscellaneous Deposit Account. Wiremu Katene's Account." The receipt forms are all headed "Native Reserves, Nelson," although obviously all the moneys paid were not derived by Mr. Mackay from the Native Reserves of which he was Commissioner. For instance, Whakapuaka was not a Native Reserve, yet many of the receipts are for rents apparently collected by Alexander Mackay from tenants on Whakapuaka Block and paid to Wiremu Katene, Hemi Matenga, or Huria Matenga. The receipts previously quoted in paragraph 107 of this report were part of the same bundle.

160. Among those receipts was the following one:—

Nelson Reserves, Nelson, 29th January, 1881.

RECEIVED from Alexander Mackay the sum of twenty-three pounds ten shillings and — pence sterling, being payment of first instalment on cost of erecting house for Tipene Paremata at Whakapuaka.

£23 10s.

ANDREW BROWN.

161. This receipt apparently shows that after Wi Katene's death Tipene Paremata had a house built for him on the Whakapuaka Block; that Mr. Mackay knew of this, and in fact paid the builder the first instalment of payment for the job possibly out of moneys other than those he received as Reserves Commissioner, and possibly also out of moneys he received as rent-collector under the tenancies over parts of Whakapuaka.

162. If it so happened that the money spent on Tipene's behalf came from some source other than Whakapuaka, the fact merely strengthens Tipene's claim. In any circumstances whatever, it is strong proof of ownership when a Maori erects, and is permitted to erect, a permanent home, whether of raupo or wood, on land that he has been occupying for the past thirty-odd years. It is a further proof of ownership that Hemi Matenga should agree to mark sheep on the place with Tipene's ear mark.

163. Another receipt dated 9th May, 1878, of an amount of £40 for "half payment of threshing and winnowing machine delivered for Natives at Whakapuaka as per agreement," seems to point to there being a community living at Whakapuaka that had common interests and a common purse. This is further borne out by another receipt dated 19th June, 1876, representing an amount of £26 10s., which is stated to be "on account of work done to the Native Church at Whakapuaka as per arrangement with the Natives." This money also was received by Andrew Brown.

164. The house built by Tipene was on his death occupied by his brother Ripine or Rangiira. Later, when Ripine went away from the block (or was driven off), it was occupied by Atiraira Mohi until at a time when she was absent from the block it was burned down by Hemi Matenga.

165. The report of the Native Affairs Committee upon the petition (like the judgment of the Court of 1883) could be no more than a reflection of the evidence brought under its notice. It reads as follows (I.—3, 1896):—

Para. 131.

No. 60: Petition of Wi Katene Paremata and another. Petitioners claim to have had interests, through an ancestor named Kahoe, in the Whakapuaka Block (Nelson District) and allege that, in consequence of the non-fulfilment of a promise made to them by the present owner (Huria Matenga) to see that their names were included in the title when the land was put through the Native Land Court, they have been shut out of the same. They now pray that a rehearing may be granted to enable them to establish their rights. I am directed to report that the Committee find that this is a case of some difficulty.

There was some evidence that the Whakapuaka Block was owned by Kahoe and her son Wi Katene te Puoho. It is stated by Mr. Alexander Mackay that Kahoe's right was only as trustee for Wi Katene, and that she had no individual right. It seems doubtful if in 1832, when the land was handed over by Ngati Koata to Kahoe, that she would not have been deemed to have rights in the block.