

Now, therefore, I, Sir James Prendergast, the Administrator of the Government of the Colony of New Zealand, by and with the advice and consent of the Executive Council of the said colony, having full confidence in your impartiality, ability, and integrity, do hereby appoint you, the said

HENRY TACY CLARKE,

to be a Commissioner to inquire into and report upon the said alleged promises and claims, and upon any valid and authorized promise that may not have been fulfilled, and upon any just claim that may not have been satisfied, and as to the best manner to set apart lands or to give money-compensation with the view of finally settling all such claims or demands as are now subsisting, touching or concerning the same if found to be just; and also, in exercise of the powers and authorities in you vested, to inquire into any other claim of a similar character, or any matter or thing in any wise relating thereto, that may be referred to you by the Native Minister or by his direction; and generally to do, execute, and perform all and every such other acts and deeds, matters and things whatsoever in any wise necessary or expedient to be done in and about the premises by virtue of these presents; and, in furtherance of such inquiry, and for the purposes aforesaid, to take evidence upon oath or otherwise as to you shall seem meet, and to report on the same. And I do hereby, and with the advice and consent aforesaid, require you within twelve months after the date of this Commission, or as much sooner as the same can from time to time be done using all diligence, to certify to me under your hand and seal your opinion touching the premises; and, with the like advice and consent, I do declare that this Commission shall continue in full force and virtue, and that you, the said Commissioner, shall and may from time to time proceed in the execution thereof, at such place and places and at such times as you shall judge meet and convenient, although the same shall not continue from time to time by adjournment.

Given under the hand of His Excellency Sir James Prendergast, Knight, Chief Justice, the Administrator of the Government of Her Majesty's Colony of New Zealand and its Dependencies; and issued under the Seal of the said Colony, at the Government House, at Wellington, this seventh day of August, in the year of our Lord, one thousand eight hundred and eighty-two.

JOHN BRYCE.

Approved in Council.

FORSTER GORING,

Clerk of the Executive Council.

REPORT *in re* Rev. MOIHI TUREI's Petition.

REV. MOIHI* TUREI claims an allotment of land in the Patutahi Block by virtue of a promise alleged to have been made by the late Sir Donald McLean, the then Native Minister.

Moihi* Turei, after acknowledging certain letters written by him, deposes that in 1873 a promise of land was made to Mokena Kohere and the petitioner of land in the Patutahi Block, which promise was confirmed in November of the same year. No further mention was made of this till 1876, shortly before Sir Donald McLean retired from office, when petitioner wrote a letter for Mokena, requesting that the land should be awarded and titles issued. Petitioner admits the promise was not in writing, and was not generally known. He never applied to any Government officer in regard to the alleged promise, and did not take any further steps in the matter till the late Native Minister, Mr. Sheehan, publicly announced that any promise made by former Governments, whether verbally or in writing, would be given effect to. Thereupon the petitioner sent a petition to Parliament, praying that the alleged promise be carried out. He further admits that in Sir Donald McLean's last letter to him, on leaving office, he never alluded to the promise. He also admits, although a non-belligerent, that he received £20 out of a sum of money paid to Ngatiporou for Patutahi.

On reference to documents handed in by Mr. Locke and admitted by petitioner, I find there is no admission on the part of the Government of any promise to the petitioner. On Mokena's letter of the 28th January, 1876, I do find a memorandum by the late Sir Donald McLean, which is negative evidence that he did not remember ever having made a promise as alleged in behalf of petitioner. To make the matter quite clear I will copy the paragraph in Mokena's letter making the request, and Sir Donald McLean's memorandum thereon: "This is a word of mine to you respecting the land you promised me out of Patutahi Block, and also that for him (Mohi) do you give it him adjoining mine. Do you give him the title to bring to me, that is to say, the Crown grant." The Native Minister's memorandum on this is as follows: "When Mokena and Wikiriwhi were quarrelling about land occupied by Mokena at Horoera, I proposed as a means of settling the dispute to give to Mokena a piece of land at Patutahi to settle upon, but the extent was not, to the best of my recollection, defined; but I consider fifty acres ought to meet the case, and it should be set apart before the land is put up to auction."

It will be observed that, while the promise to Mokena is admitted, not one word is said about any promise to Mohi, and I must conclude that the petitioner is mistaken.

I would here remark that the petitioner gave his evidence in a clear, candid, straightforward manner, never attempting any concealment of facts in his evidence in chief, although likely to weaken his case.

In the face of the evidence before me I cannot make any recommendation in favour of petitioner.

I would call your attention to the fact that the petition of Mohi Turei has already been definitely reported upon by the Select Committee of the House of Representatives for Native Affairs, and have thought that perhaps it was an oversight including it in this Commission.

Given under my hand and seal this 28th day of October, 1882.

HENRY T. CLARKE,
Commissioner.

* Mohi.