

before the Commission Court in 1869 without a dissenting voice. Wi Pere's evidence strongly confirms the view I have taken. I cannot therefore make any recommendation in favour of the petitioner.

Given under my hand and seal this 2nd day of November, 1882.

HENRY T. CLARKE,  
Commissioner.

Wednesday, 1st November, 1882.

*Present* : H. T. Clarke, Esq., Commissioner; S. Locke, Esq., acting on behalf of the Government; and John Brooking, Licensed Interpreter, acting as interpreter.

Ema Katipa's petition read.

Wi Pere stated that he would conduct the case.

*Wi Pere*, sworn: Tutere was a loyal Native; he was the first to give in his adhesion; he belonged to Tutangamahaki and also to Rongowhakaata; he was possessed of a large extent of land in the Patutahi Block, also much cattle and horses; he had five hundred head of cattle besides horses. These cattle and horses were nearly all destroyed by the Government forces. I will point out on the plan the pieces of land over which he had the principal mana. He owned the portion of Kai-inoe nearest the Waipaoa River [place pointed out on plan by Wi Pere]. Tutere was an invalid, and was laid up, when he was surprised and killed, and his children also; his wife was spared by the Hauhaus. Ema Katipa was a sister of Tutere Konohi. The petitioner's losses were threefold: her property, her relations, and the land; and it is for that reason that she petitioned the Government for some consideration. Himiona Katipa surveyed 902 acres of Te Muhunga, and sent in a claim for that land to the Commissioners. Himiona Katipa was Ema's husband; he was also murdered by the Hauhaus. This is the second petition that Ema Katipa has sent. Himiona Katipa was an elder relative of mine. Peka Kerekere is a cousin to Himiona. Katerina Takawhaki is a daughter of Ema's. Peka Kerekere is the father of Katerina Takawhaki. Ema married Peka Kerekere after Himiona's death.

*By Mr. Locke*: Ema Katipa's name is in the grant of Makauri. She is also in Repongare, 9,900 acres, and other blocks. Peka Kerekere and Raiha are not in joint-tenancy blocks, but they are in other lands far back.

*By the Commissioner*: Ema Katipa did not sign the deed of cession as far as I know. She was at Kaiti when the Court sat here in 1869. When the land was handed over in 1869, Rongowhakaata and Taitangamahaki were the tribes who made the arrangement. It was a tribal matter; every individual consented to it. The only person that objected was Tamihana Ruatapu; it was about Patutahi. He did not object in the Court; no one did. In my own case, when I found that all the chiefs consented, I was obliged to consent also. When Himiona sent in his application it was in 1867. The late Mr. Preece was agent for the Natives at that time. With regard to Te Muhunga, any claim that Ema might have had she forfeited through marrying Peka Kerekere, because all her claim to that land was derived through her husband Himiona.

Mr. Locke handed in his letter to the Native Department, dated the 8th June, 1878, and stated that he had nothing further to state.

Minutes of Commission held in 1869 also handed in by Mr. Locke.

Case closed.

HENRY T. CLARKE,  
Commissioner.

#### ERU POHATU'S Case.

ERU POHATU, on behalf of himself and Ngaitahupo Hapu, by telegram bearing date the 16th October, 1882, addressed to the Native Minister, claims an interest in lands in the Waimata and Te Arai Blocks of land, by virtue of a promise alleged to have been made by the late Sir Donald McLean. Eru Pohatu and Hemi Waaha give evidence in support of claim. Mr. Locke, on behalf of the Crown, hands in plans and other documents, but does not offer evidence himself. Eru Pohatu and co-claimants claim by virtue of an alleged verbal promise made by the late Sir Donald McLean in either 1866 or 1867, which promise was verbally confirmed in 1868 when in company of Mr. Richmond. The witnesses were aware that there was a cession of land to the Government in 1869, confirmed by a Court of Commission, to which the Ngaitahupo never objected. Was aware that Te Arai No. 2 was heard before the same Commission, and awarded to Rongowhakaata. Believes it was objected to, but is not sure. From the year 1868 to 1882 never wrote to the Native Minister or to any Government officer reminding them of the promise.

I have examined all the documents handed in by the Crown Agent, Mr. Locke, and have no doubt that the principal witness is wrong in his facts. At the time the alleged promises are said to have been made, Sir Donald McLean was not Native Minister, and had no authority to make such promises. Important events have occurred since that time in respect to the lands referred to, at which claimants took no action to keep their alleged claim alive; and from that time (1868) up to the 16th October, 1882, they have allowed the matter to slumber—a very unlikely thing if the applicants themselves believed in it. I cannot recommend the request of applicant to favourable consideration.

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

HENRY T. CLARKE,  
Commissioner.