

SESS. II.—1884.*
NEW ZEALAND.

NATIVE CLAIMS TO LAND, ETC., POVERTY BAY

(REPORT BY H. T. CLARKE, ESQ., UPON CERTAIN).

Presented to both Houses of the General Assembly by Command of His Excellency.

Mr. H. T. CLARKE to His Excellency the ADMINISTRATOR of the GOVERNMENT.

MAY IT PLEASE YOUR EXCELLENCY,—

In obedience to the commands contained in your Excellency's Royal Commission, bearing date the 7th August, 1882, desiring me to inquire into and report upon certain alleged unfulfilled promises and claims made by certain aboriginal natives against the Crown, to wit: (1.) By Mohi Turei, of Waiapu, and other Natives of the Ngatiporou Tribe, who allege that, by virtue of certain promises made to them by the late Sir Donald McLean, then Native Minister, they are entitled to portions of land in the block known as Patutahi. (2.) By Edward Francis Harris, of Gisborne, who alleges that, for certain reasons stated in a petition presented to the House of Representatives, he is entitled to certain portions of the same block. (3.) By Henare Tomoana and other Natives, who claim to be entitled to land within the same block, arising out of military services rendered by them in the years 1868 and 1869. (4.) By Wi Pere, an aboriginal native, who claims to be entitled to land for himself and his hapu in the same block; also by the said Wi Pere and his people, who claim to be entitled to portions of the Mahunga Block; also again by the said Wi Pere, who claims to be individually entitled to other portions of the last-named block. (5.) By Ereatara Hapu and other aboriginal natives, of Turanganui, who, in a petition presented to Parliament, allege that they have not received payment for Patutahi, amounting to the sum of £1,400. Also, since referred to me by direction of the Hon. the Native Minister, (6.) The petition of Ema Katipa, claiming portions of Patutahi and Muhunga Blocks. (7.) By Eru Pohatu, of the Ngaitahupo Hapu, claiming a portion of Waimata, on Te Arai River (adjoining Patutahi), said to have been awarded to Ngaitahupo Hapu by the late Sir Donald McLean, the then Native Minister,—

I have the honour to inform your Excellency that I have inquired into the several claims mentioned above, and have reported on each case separately in the order in which they came before me. The reports referred to are hereunto attached, together with the evidence taken in each case.

I have, &c.,

HENRY T. CLARKE,
Commissioner.

6th November, 1882.

JAMES PRENDERGAST, Administrator of the Government.

To all to whom these presents shall come, and to HENRY TACY CLARKE, Esquire, Greeting.

WHEREAS Mohi Turei, of Waiapu, and other Natives of the Ngatiporou Tribe, allege that, by virtue of certain promises made to them by the late Sir Donald McLean, then Native Minister, they are entitled to portions of the block of land called Patutahi, in the District of Poverty Bay: And whereas Edward Francis Harris, of Gisborne, has presented a petition to the House of Representatives alleging that, for reasons therein stated, he is entitled to certain portions of the same block: And whereas Henare Tomoana and other aboriginal natives claim to be entitled to land within the same block, arising out of military services rendered by them in the years 1868 and 1869: And whereas the said Wi Pere and his people claim to be entitled to portions of the Muhunga (ceded) Block, Poverty Bay, to the extent of 395 acres, being the area in excess of the 5,000 acres ceded to the Crown: And whereas Wi Pere, an aboriginal native, claims to be entitled to land for himself and his hapu in the same block: And whereas the said Wi Pere and his people claim to be entitled to portions of the Mahunga (ceded) Block, Poverty Bay, to the extent of 395 acres, being the area in excess of 5,000 acres ceded to the Crown. And whereas the said Wi Pere claims to be individually entitled to other portions of the last-named block: And whereas Ereatara Hapu and other aboriginal natives of Turanganui have presented a petition to Parliament, alleging that they have not received payment for Patutahi, amounting to the sum of £1,400; and the Native Affairs Committee of the House of Representatives has referred the claim of the petitioners to the Government for inquiry and consideration: And whereas it is desirable that, with a view to the effectual settlement of the said claims, a Royal Commission should be issued to inquire into the above-mentioned claims of the persons above referred to, and into the authenticity and nature of the alleged promises or any or either of them:

* This paper was laid upon the table during the session of 1883, and ordered to be printed Session II., 1884.

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.

MOHI TUREI's Case.

Gisborne, Saturday, 28th October, 1882.

COURT of Inquiry opened at 10 a.m. in the Government Buildings.

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

Mohi Turei's letter of the 9th June, 1873, read and acknowledged. Mokena's letter of the 28th January, 1876, acknowledged by petitioner to be in his handwriting.

Rev. Mohi Turei, sworn: I am a clergyman and belong to the Ngatiporou Tribe, living at Waiapu. In the year 1873 disturbances occurred at Waiapu, between Wikiriwhi and Te Mokena, about Horoera. Sir Donald wrote a letter to Mokena, requesting him to give up his quarrel and come and live at Turanga, and that a piece of land would be given him to live upon. In November of the same year Sir Donald McLean arrived here, and told myself and Te Mokena that pieces of land would be given us, the allotments to adjoin. Sir Donald asked me what consideration the Government had shown me. I replied, "You, as a member of the Government, have the records, and you know what the Government have done for me. I myself remember nothing except the ton of flour sent for the feast at Mataahu." Sir Donald replied, "It is correct, I sent that flour." He then asked Te Mokena what part of Patutahi he would like to have to live upon. Te Mokena indicated the piece that he wanted. Sir Donald then said to me "The Government will also consider you, and your piece shall adjoin Te Mokena's." This promise was often referred to in communication between Sir Donald McLean and Te Mokena afterwards. The Hon. Mokena Kohere could give evidence as to the case. This is all I have to say that bears directly upon the promise. I am not sure, but I think that Mr. Locke and others must have heard of this promise. Since then, Mr. Sheehan, when Native Minister, publicly declared that he would give effect to all promises, whether verbal or written, made by previous Governments; and, having also heard that Sir William Fox and Mohi Tawhai had been appointed Commissioners to inquire into promises such as I have described, upon which I sent my petition to the Parliament. I received a letter from Sir Donald McLean shortly before his death, encouraging me to go on with this work. But no mention was ever made of promise of land to me in that letter. The result of my petition appeared in the *Wananga*; it was not recommended. I have therefore not petitioned since. I did not go to Wellington to give evidence in support of my petition, but Te Mokena and Mr. Sheehan did.

By Mr. Locke: I do not know the year in which the land for Te Mokena was marked off. I know there was a piece set apart for him at Patutahi, and also for Major Ropata. When I heard that this land was being marked off I did not make any application for a piece for myself, but Te Mokena did so on my behalf, to Captain Porter, so Te Mokena told me. I did not make application until I saw the speech of Mr. Sheehan published. The promise was made in 1873. I know Sir Donald McLean died in January, 1877. The promise was never put on paper. Sir Donald McLean was a Minister during the time I have referred to.

By the Commissioner: I am aware that Ngatiporou received money for Patutahi. I received £20 myself of that money. I was a minister of the Church during the time of the fighting, and consequently took no part in the fighting. I always encouraged my people to be loyal and support the Government, and do so still. I do not think that the piece given to Te Mokena was intended for both of us. I have not made any application to either Mr. Locke or Captain Porter relative to the promise by Sir Donald McLean.

[Mr. Locke has no evidence to give, but will hand in Mohi Turei's letter, dated the 9th June, 1873, and Mokena's letter, written by the petitioner, dated the 26th January, 1876, and Sir Donald McLean's memorandum thereon; also the Patutahi deed and the copy of the report of the Committee of the House of Representatives on Mohi Turei's petition, dated the 15th August, 1878.]

Case closed.

HENRY T. CLARKE,
Commissioner.

MOHI TUREI to the Hon. Sir D. McLEAN.

MY FRIEND MR. McLEAN,—

Turanganui, 9th June, 1873.

Salutations to you. This is a word from me to you. I have spoken to Captain Porter to-day respecting some land for Raniera and me at Patutahi. I have now arrived at Turanga, and will very likely be here some time, somewhere about three months, after which I will pay a visit to Waiapu, and return here again. The reason for my coming to live at Turanga was through the suggestion made by the Government, out of consideration to my parent, Te Mokena, whom they wished to move to the place they had selected for him at Patutahi, so that a stop might be put to the reports that were circulated about him. I have now come beforehand, and he is to follow; but he himself will inform you of his movements. If you give effect to my request to Captain Porter for some land at Patutahi, let me have it alongside that allotted to Te Mokena; then we may live there together; for you are aware that we are both spoken evil of. But these reports are circulated through jealousy; but the mana (greatest influence) in Waiapu cannot be removed. The troubles existing in Waiapu are quiet just at present, but affairs are not quite as satisfactory as they should be. My duties at present are wheat-planting, after which I will plant potatoes. Ngatiporou have agreed about the price for Patutahi, and that the Government should pay the money: it is well. But I think that some portion should be set apart for school purposes.

From your loving friend,
MOHI TUREI.

REPORT in re EDWARD FRANCIS HARRIS's Petition.

THE petitioner is a half-caste, living in Turanga, Poverty Bay. He claims, on behalf of himself and his relatives Hirini te Kani, Henry Harris, Rutene te Eke, Mihi Pahura, Hana te Hemohaere,

and Ihaia Tamaikahakina, a portion of the Patutahi Block known as Tapatoho (or Tapatohotoho), on the following grounds: (1.) That, as a descendant of Wharepirau, he and the persons named are sole claimants of the above-named block. (2.) He alleges that land was given over by Rapata Whakapuhia to the Government for a special purpose. (3.) That the purpose for which the land was given has never been carried out. (4.) That petitioner, in August, 1869, protested against his individual rights being prejudiced by deed of cession 1868. (5.) He prays for relief. The petitioner gives evidence himself, and produces three other witnesses in support of his petition. Mr. Locke appears on behalf of the Crown, and gives evidence, and hands in several documents and two maps in evidence. The documents and maps referred to are the following: (1.) Attested copy of deed of cession, printed under the authority of the Government (accepted by petitioner). (2.) Notification by the Governor of acceptance of land ceded, and declaration of extinguishment of Native titles. (3.) Commission appointing Judges Rogan and Monro Commissioners to inquire into titles. (4.) Original minutes of proceedings of Commissioners' Court, from the 29th June to the 10th August, 1869. (5.) Sketch-plan produced before Commissioners' Court in 1869, prepared by Mr. Bousfield. (6.) Plan of actual survey, also by Mr. Bousfield. (7.) Papers and correspondence relating to Mr. Harris's claim.

From the evidence adduced by petitioner, there is no question that he, with the other Natives mentioned, have established an ancestral claim to that portion of land adjoining the Patutahi Block and included in the survey thereof, called Tapotoho, containing 735 acres, and not 522 acres and 20 perches, as stated in the petition. There is no doubt also in my mind that all the petitioners, excepting two, have signed the deed of cession of the 18th December, 1868; the two who have not signed being Edward Francis Harris and Rutene te Eke.

If the deed of cession is to be made to apply to this case, five out of the seven claimants are by their own act ousted, leaving two to be dealt with. Supposing the original claimants had equal shares (share and share alike), 521 acres would fall to the Crown and 214 to the two persons who did not sign the deed of cession.

It will be observed, by perusal of the evidence attached, that all the witnesses in support of the petition have mixed up two entirely separate transactions—namely, the execution of the deed of cession of 1868 and the subsequent arrangement made between the Crown Agent and the Natives, which arrangement was ratified before the Commissioners on the 30th June, 1869.

Mr. Locke, in his evidence, states that the Crown Agent found that it was practically impossible "to pick out the portions (of land) belonging to the Hauhaus from the vast piece of land ceded;" he therefore, after a great deal of discussion, came to an arrangement with Mr. Graham, the Native agent, to accept a portion of the ceded block in liquidation of all Government claims. The latter arrangement, as far as the Government was concerned, practically set aside the deed of cession altogether.

As this is a question of great importance in dealing with the subject submitted to me, I will quote fully from the minutes of the Commissioners' Court what actually did take place on the 30th June, 1869. "Mr. Atkinson stated in Court that he had succeeded in effecting an arrangement with Mr. Graham, who appeared on behalf of the tribes Aitanga-a-Mahaki and Rongowhakaata, by which a certain proportion of the ceded block should be given up absolutely to the Crown, in consideration of which he was willing to waive all claims over the remainder of the block." "Mr. Graham then stated that he appeared on behalf of the above-named tribes, and his statement was confirmed by the Natives present, and he then announced his acquiescence on their behalf with the terms stated by Mr. Atkinson." "Mr. Graham then stated that the three blocks following comprised the land over which the above-stated agreement was to extend, viz., Te Muhunga, Patutahi, and Te Arai." "In reference to the first block, it was agreed that the block should contain 5,000 acres, subject to the subsequent determination of boundaries on survey. . . . " "Patutahi is situated on the west bank of the Waipawa River, a block as yet unsurveyed, but the boundaries have been agreed upon and were here stated by Mr. Graham and pointed out on the map produced. A reserve of probably about ten acres at Patutahi, on account of his 'urupas,' was asked for by Tamihana Ruatapu, the same to be made a public cemetery reserve. . . . " "The acreage is estimated at 57,000 acres." "Te Arai Block, adjoining Patutahi Block on the western side, is also as yet unsurveyed, but the boundaries were stated and pointed out by Mr. Graham." . . . "Acreage estimated at 735 acres."

I should mention here that the last-named block is identical with Tapatoho, the subject of this petition. I would here observe that the two tribes, Te Aitanga-a-Mahaki and Rongowhakaata, are the two great tribes of the Poverty Bay District. The petitioner is a member of the latter tribe.

The next question is, did this arrangement affect and was it binding on the individual members of the tribe whether present or absent? I hold that it did, and was binding. All individual interests were merged in the great question affecting the whole tribe. This is quite in accordance with Maori custom and is agreeable to our own axioms of political economy; and, although the petitioner was absent, and was therefore not a consenting party, still the act of the tribe was binding upon him. The land referred to in the petition was given up absolutely to the Crown. I am of opinion that, in all questions of this kind, where an agreement is deliberately entered into with Natives, whether as individuals or tribes, and solemnly ratified before a Court of judicature; such agreements should be absolutely binding, and should not be departed from on any pretext whatever.

From what I have stated above, it will be almost needless for me to add that I cannot recommend the prayer of the petition to favourable consideration.

Before closing this report I desire to draw your Excellency's attention to the fact that one of the maps handed in in evidence in this case—the map produced before the Commission of 1869, and bearing the signature of one of the Commissioners—has been altered by erasing partially the figures indicating the acreage, and other figures substituted so as to accord with the actual survey afterwards made. I think this is a very wrong proceeding, by whomsoever authorized. No document

or instrument of such importance—the record of judicial proceedings—should be tampered with in any way. In this case, fortunately, the original figures are discernible, and it does not affect the subject of this report.

Given under my hand and seal this 1st day of November, 1882.

HENRY T. CLARKE,
Commissioner.

Gisborne, 16th October, 1882.

Court of Inquiry opened at 10 o'clock in the Government Buildings. Commission was read by Commissioner.

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

Mr. Locke requested that the Commission be adjourned until to-morrow at 10 o'clock.

Mr. Harris (Eruera Harete) also asked that the Commission be adjourned until 10 o'clock to-morrow morning.

The Commissioner announced that he had communicated with all the persons named in the Commission except Ereata Hapu. In the latter case he had written to Paora Paora, who was appointed by the deceased and others interested to appear before Parliament in the matter of their petition. As many of the persons interested had to travel a great distance, he would not take the cases in the order they stand on the Commission, but would deal with those parties interested who were residing on the spot.

Commission was then adjourned until 10 o'clock to-morrow morning.

Tuesday, 17th October, 1882.

Commission opened at 10 a.m. Present and place the same.

Petition of Eruera Harete read by the Commissioner.

Eruera Harete (E. F. Harris), sworn: The petition just read is the petition sent by me to the House of Representatives. I am a half-caste living at Turanga, Poverty Bay. The land referred to in the petition is properly named Tapatohotoho, but, as it is marked Tapatoho on Government plans, I adopted that name. That piece of land belonged to my ancestor, Wharepirau; the name of his pa was Tapatohotoho. I claimed for myself and others in my petition, and gave evidence before the House in August, 1879. Those in addition to myself are: Hirini te Kani, Rutene te Eke or Kiwara, Henry Harris, Mihi Pahura, Haua te Hemohaere, and Ihiaia Tamaikahakina. I am prepared to prove that the land referred to did not belong to Rapata Whakapuhia, he not being a descendant of the ancestor who owned the land. Prior to my petition correspondence had taken place between myself and various officers of the Government relative to our claims. [In one instance the matter appeared before Judge Rogan, by arrangement between myself and Mr. Locke. Judge Rogan reserved his decision. On the 27th June, 1877, Judge Rogan, in open Court, told myself and others that no decision could be arrived at on account of himself and Assessor not being able to agree, and that he would report matters to the Chief Judge of the Native Land Court, with a view of another Judge being sent down. Several interviews took place between myself and Mr. Locke—who was acting, I think, for the Government—after that, without result, and we afterwards saw the land gazetted for sale by the Waste Lands Board. The question referred to Judge Rogan embraced several matters in reference to Patutahi.*] I saw Mr. Sheehan in April, 1878, when I found the land was for sale, and the result was that he recommended a petition to the House. That was done. The Native Affairs Committee referred the matter to the Government. As the Government were doing nothing in the matter I again petitioned in 1879, with the result that the Native Affairs Committee decided, I think, that a Commission should be appointed to investigate this and other matters.

By Mr. Locke: I was not in the district at the time the trouble began in Poverty Bay. In August, 1869, I first heard of an arrangement of land being ceded to Government, from a speech of the Native Minister. I had not heard of it before. I had heard of the trouble in the Bay. I could not deny or admit that arrangement had been made before. I was in New Zealand at that time. I returned here in 1874. I had written to Government before. [Reply to letter, dated 1st October, 1869, from Government, handed in by Mr. Harris, read by Mr. Locke.] I received no further correspondence. I took my next steps early in 1875. I made inquiries after my return as to position of the land. The result of my inquiries was that I found out that some land had been ceded, and that a deed had been signed. I only heard of one deed. The deed was, I understood, a deed ceding a piece of land to pay for the Hauhau troubles. The Government got possession of the land by deed signed by Natives. I do not know what land was comprised in that deed. I never saw the deed, but understand that no area was stated. I do not know if there was any clause in the deed relative to Rapata Whakapuhia. I do not say that any particular piece was given by the deed, but that the Patutahi Block was ceded by it. I infer, from what Mr. Locke said, that when Mr. Richmond went over the land he said that there was no land suitable to settle Ngatiporou upon, and wanted Tapatoho. [Newspaper report produced by the Commissioner.] I would like to refer to Mr. Locke's cross-examination of Mr. Hardy, on the 12th March, 1877, before the Native Land Court and Judge Rogan. Mr. Hardy then replied "that I never heard that Tapatoho was given to settle the Ngatiporou on." I do not know who actually settled that Government were to have Tapatoho. I was not here. I took no further steps after writing to the Government in 1869 until 1875. I heard after my return that the Government appointed a Royal Commission to inquire into the deed of cession. I believe that the authority was under Act of Parliament. I did not hear of the special arrangement until 1875; what I had heard of before that was a deed (I understood to be a deed of cession) referred to in the Poverty Bay Grants Act. I have heard

* This does not refer to the Tapotoho Block but to Tapatu—quite a different question.—H. T. CLARKE.

that Mr. Atkinson was here acting for the Government. I have heard that Mr. Graham acted on behalf of the Natives. The impression on my mind is that I have heard that an arrangement was made in 1869, which I think was a deed of cession. I believe that Hirini te Kani did sign, and I also believe that my brother did not sign. I am sure that I did not.

By the Commissioner : I am not aware that the Government issued a notification extinguishing the Native title to the ceded block. I never saw a *Gazette* containing it. The evidence I referred to as having been given before Judge Rogan on the 12th March, 1877, referred principally to another block, but also referred to this matter now under inquiry. I also, in my previous applications, referred to a claim of Rewi te Eke's in the same block. I will call Eru Takihi.

Eru Takihi, sworn : I am called Eru Takihi. I belong to Ngaiteaweawe and reside at Oweta. I know the land called Tapatohotoho. Wharepirau was the ancestor who owned the land ; he is descended from Te Aweawe. I heard you repeat the names of the descendants of Wharepirau ; it was correct. I knew Rapata Whakapuhia ; he also was a member of Ngaiteaweawe, but was not a descendant of Wharepirau. His ancestor was Te Iriwhare, the elder brother of Wharepirau. The Iriwhare had no right in Tapatohotoho. The pa belonged to Wharepirau. The plantations on that land belonged to Wharepirau, and have descended to his descendants down to the present time.

By Mr. Locke : I was here when Te Kooti arrived here. I have heard of a deed of cession having been made. I never saw it or heard it read. I was here at the time the deed was made. I do not know the boundaries mentioned in that deed. I have heard of a Court sitting here at which an arrangement was made relative to the Government getting Patutahi. I was not present at the Court. I was living at Oweta. I am an invalid. A great many of the descendants of Te Aweawe are still alive. He lived six or seven generations back. Wharepirau lived five generations back. He was a nephew of Te Aweawe. I think there are ten descendants of Te Wharepirau excluding children. Their names are Hirini te Kani, Rutene Kiwara, Eruera Harete, Henare Harete, Mihi Pahura, Ihaia Tamaikahakina, and myself, Eru Takihi, also Mita Mataitai, Whio Mataitai, Rawiri te Eke Tauaroa, and Heneituhia. Hana te Hemohaere is dead. These are all the adults, but there are many children.

Re-examined by Eruera Harete (E. F. Harris) : There are three generations from Te Wharepirau to Ihaia, who is still living. Mita Mataitai, Whio Mataitai, Rawiri te Eke, and Tauaroa are grandchildren of Hana te Hemohaere. Hiwitukia is a child.

By the Commissioner : I have only one name, Eru Takihi. I never had another.

Hoani Ruru, sworn : I belong to the Ngatimarū Hapu of Rongowhakaata Tribe. I live at Oweta, in Poverty Bay.

By Mr. Harete (E. F. Harris) : I was here at the time of the troubles. I know the land called Tapatohotoho and its history. I have heard that Rapata proposed that this land should be given as a site for a barracks, which was opposed by others. No barracks were built there down to the present time.

By Mr. Locke : I was here at the time of the troubles. There were several meetings took place after the fighting relative to land being given to the Government. I attended many, and opposed several speakers. There were various arrangements proposed in these meetings. I remember a deed of cession being signed here. The boundaries mentioned in the deed commenced at Turanganui River, and then up the Waimata to Wakaroa, thence to Tutamoe, thence to Maungahaumi, thence to Maungapohatu, thence to Te Reinga, thence to Whakapunaki, thence to Te Paritu, and back to the mouth of Turanganui. This land was handed over to the Government by the Natives under this deed to protect for them. I only know of one deed signed. I know of many Courts that sat here after the deed was signed. I do not know if they related to the land in question. I know a Court that sat here, presided over by Judges Rogan and Monro. I remember Mr. Atkinson being here as agent for the Government in 1869. After the fighting at Ngatapa Mr. Atkinson went on with the business in connection with the deed of cession. I cannot state what he did. I remember Mr. Graham being here in 1869. I have heard that he acted as agent for the Natives. I was not present at the Court held when Mr. Graham was here. I was in the district at that time. I was well at the time the Court sat, but was busy. I do not know of any action of the Court which affected Patutahi.

By the Commissioner : I signed the deed of cession. I know that a Court sat here in the winter of 1869. I had claims before that Court.

Re-examined by Mr. Harris : I believe Mr. Locke was here at the time. Sir Donald McLean was here in 1875. There was a meeting held by Sir Donald McLean and Rongowhakaata relative to disputes about Patutahi, and Mr. Locke was appointed by Sir Donald McLean to inquire into the matters and report upon them.

Re-examined by Mr. Locke : I was not one of the persons who went with Mr. Locke on the boundaries of this land. I heard that he went some time after he had been. Henare Turangi went with him.

Commission adjourned until 2 p.m.

Court resumed at 2 p.m.

Paora Parau, sworn : I belong to Ngatikonohi, of Te-aitanga-a-Hauiti Tribe, and live at Turanganui, at Kaiti.

By Eruera Harete (E. F. Harris) : I was here at the time of the trouble. I was here at the time a deed was signed purporting to be a deed of cession. Mr. Richmond, the Minister, and Mr. Atkinson, Resident Magistrate, asked us to sign the deed on the understanding that the land should be handed over to be protected as against outsiders. I know the land called Tapatohotoho. I know the reason that land was given to the Government. It was for the purpose of a military settlement. No barracks has ever been built upon it. There was a proposal made to cede a portion of land as payment for the guilt of the Hauhaus. I have heard that five thousand acres of Te Muhunga, five thousand acres of Te Arai, and five thousand acres of Patutahi was ceded on that account. A meeting in reference to this was held in the Poho o Rawiri, when the cession was

agreed to by Rongowhakaata and Tutangahauite and Tetangamahaki, after which it was handed over to the Europeans.

By Mr. Locke: I meant, by other tribes against whom the Government were to protect our land, strange tribes who might desire to take it, as the inhabitants of the district had been killed. It was immediately after the fight at Waerengaahika that negotiations for ceding land to the Government were begun by Major Biggs. At the time when the division of these lands took place Mr. Richmond stated that he would remove all the soldiers, and that the Natives would have no protection against the Hauhaus. It was settled then that the piece of land referred to should be set apart as a site for a barracks. It was after the fight at Ngatapa that these matters were spoken of. The meeting at which this arrangement was settled was in the carved church at Whakato; Mr. Richmond was present. I only know of one meeting at Whakato at which Mr. Richmond was present. The question of the land for a site for a barrack was also talked about with Mr. Richmond, at Mr. Bradley's hotel; this took place during the fight at Ngatapa, which was in November, 1868. These were the only times when this question was discussed with Mr. Richmond. Mr. G. Cooper was present at the meeting at Whakato; I think Mr. Locke was also present, and also Major Biggs. Major Biggs was killed before the fight at Ngatapa. At the meeting held at Rawiri, on the other side of the river, it was decided to cede the land to the Government. Mr. Graham was present at that meeting. I think in that case he was acting for the Government. I think he was sent over from here to hear what the Natives had to say, and was acting for the Government. Mr. Atkinson was here at the time; he was acting for the Government: he was not present at that meeting. That was the meeting at which the land was given as payment for the guilt of the Hauhaus. The Government was asking for this land to be given as payment for the guilt of the Hauhaus; they claimed through the expense incurred in sending troops here. I do not know that the demand was made to carry out the conditions of the deed that had been signed. All I know is it was demanded in payment for the Hauhaus. I was acting with the Government at that time. I never held the deed I mentioned in my hand. I never read it; I have heard it read by others. I am not sure that I was here at the time the back lands were handed back. I do not know of the back lands having been handed back. I remember when Henare Matua came here; I was here then; the cause of the disturbance which occurred then was on account of the Commission Court dealing with the lands instead of the Native Land Court. I was not here at the time a meeting was held with the leading chiefs, when the back country was given back and the Commission was done away with, and the lands were thrown open to be dealt with by the Native Land Court. I cannot state what part of Te Arai it was to be ceded. I know where the five thousand acres of Patutahi was; it is the flat land now occupied by the Europeans. I remember the first Commission Court sitting here, when Judges Monro and Rogan were here. I do not know what lands were applied for when the Court sat. I was present at the opening of that Court. Mr. Atkinson may have been there. Mr. Graham was present; he came from Auckland to act on behalf of the Maoris to relieve Mr. Preece; he was acting for the Maoris at the Commission. I know of nothing done by the Commission affecting Patutahi and these lands; to the best of my belief the cession to the Government was before, and the Commission sat afterwards.

By the Commissioner: Rapata Whakapuhia is dead. He died a few years ago.

Mr. Harris's (Eruera Harete's) case closed.

Mr. S. Locke, sworn: There was a deed of cession made in December, 1868. [Mr. Locke hands in printed copy of deed of cession, printed under the authority of the Government, dated 18th December, 1868. Deed read, signed by 278 persons, nearly all witnessed by Mr. Atkinson, and in every case by Mr. Wyllie.* Mr. Locke also hands in acceptance by the Governor of the land ceded and declaration of the extinguishment of the Native title over it, dated the 27th February; 1869; also, a Commission appointing Judges Monro and Rogan a Commission to inquire into titles for the purpose of carrying out the provisions of the deed of cession.] That Commission sat at Turanganui about June, 1869. Mr. Atkinson at that time was acting here as Resident Magistrate and Government Agent; one of his duties was to endeavour to arrive at a settlement of this question. He found it practically impossible to pick out the portion belonging to the Hauhaus from the vast piece of land ceded, and after a great deal of discussion an arrangement was come to between him and Mr. Graham, acting on behalf of the Natives, to accept a portion in liquidation of all Government claims. [The original minutes of the proceedings of the Commissioners' Court from the 29th June to the 10th August, 1869, handed in by Mr. Locke. First day's proceedings read by Mr. Locke. Original sketch-plan produced before the Commission Court held in Turanganui in 1869, handed in by Mr. Locke; also plan of actual survey of Patutahi Block made by Mr. Bousefield, dated April, 1873. Also other papers relating to Mr. Harris's claim.] Mr. Locke then stated, in reference to the Patutahi Block, that according to these original minutes the Government were entitled to 57,000 acres, but their actual possessions are only about 47,000 acres; the surrounding lands have all passed the Native Land Court and have been dealt with. With regard to the block in this case called the Tapatohotoho, the Government obtained possession of the exact area mentioned in the minutes; further, that the arrangement that ten acres should be set aside as a cemetery has been carried out. The block called Tapatohotoho, in this case, is the same as Te Arai, mentioned in the minutes of the Commission held in 1869.

Court adjourned.

Wednesday, 18th October, 1882.

COMMISSIONER'S COURT resumed at 10 a.m. Present and place the same.

Mr. Harris (Eruera Harete) requested that time might be allowed him for the purpose of examining papers put in by Mr. Locke, for which purpose he asked that his case might be adjourned until 2 p.m.

* Both are dead now.—H. T. C.

Granted. Case adjourned accordingly.

Commissioner's Court resumed at 2 p.m.

Mr. Locke, examined by Mr. Harris: I do not understand that the deed of cession was signed with the object on the part of the Natives to protect the land against outsiders. I was present at the opening of the Commission. The object of the deed of cession was that a Commission should be appointed to find out the lands owned by loyal Natives within the boundaries, and that the land owned by rebels within those boundaries should be taken by the Government. The deed is before you. I was present at the meeting referred to by Paora Parau at Whakato, when Mr. Richmond was present. It was not stated at that meeting that the troops would be withdrawn. I never heard from any Government authority that there was an understanding with the Government that three blocks containing five thousand acres each should be handed over. I do not remember ever seeing a Government map with five thousand acres in each block shown. I am not aware that an important map is missing. There was a useful map in existence showing every little block that passed the Commission. I consider that the deed of cession is binding on those that signed it, and I am also of opinion that it is binding on the people of this district, speaking generally. I recollect a petition, presented by Mrs. Hardy and Pimia Ata, relative to Rakaukaka. I cannot state the year; it really referred to the boundaries of Patutahi. I forget whether I gave evidence or not before the Committee of the House. I cannot say that Mrs. Hardy's signature was disputed in the petition; it was not the ground of the petition, which was that a portion of their land, called Rakaukaka, had been included in the land taken. The acreage in the minutes of the Commission held in 1869 do not appear to have been written at the same time as the other part of the minutes; 57,000 acres appear to have been filled in by some one else; but I would remark that the acreage was shown on the sketch-plan at the time it was produced before the Commission. The sketch-plan referred to now shows fifty thousand and some odd acres, and there is also the mark of an erasure having been made. I am not prepared to say when the erasure was made further than that it now corresponds with Mr. Bousfield's later survey. There was no opportunity for an actual survey being made at the time the sketch-plan was made, owing to the disturbed state of the district. The back boundary was sketched in; the river part was done by survey. Before 1875 there was a question in dispute relative to the back boundary of Papatu and Rakaukaka. I do not remember any others; there may have been others, but these were the prominent ones. I was here when Mr. McLean came here in the "Luna," and held a meeting with the Natives on the 13th April, 1875. The question of disputes and overlaps then cropped up, and I was deputed to inquire into and report on the Papatu and Pipiwhakao matters. I went on the ground at the back of the Papatu with Mr. Harris's brother and Henare Turangi. I do not remember who the others were. Mr. Harris (Eruera Harete) was not there. It was well known that I was going there. After the settlement of the deed of cession there were certain matters in reference to the Patutahi Block in dispute brought up by certain Natives. There was a money-payment made to Mrs. Hardy, her sisters and others, on account of a matter disputed in the case of a piece of land that had been surveyed by them and overlapped by the ceded boundaries. I am not aware, of my own knowledge, that any particular spot was asked for or given for the purpose of locating troops. There was a feeling to locate troops on all those blocks. Troops never were located there. The question of the overlap of Papatu was referred to Judge Rogan. The Court did not arrive at a decision owing to the Assessor and Judge not agreeing. That I am aware of. The Papatu Block has since passed the Court. I am not aware that there was any claim for the overlap, or that the question was raised. The overlap has been sold by the Government since the case was before Judge Rogan at Makaraka. I am not aware of the land owned by the Ngaiteaweawe Hapu in the Patutahi Block. I do not recollect the hapu; the tribes were dealt with under the tribal names. I am aware that you are a member of the Ngaiteaweawe Hapu. I admit that tribes have certain well-defined boundaries held under the name of the tribe, and that hapus have subdivisions within the boundaries of that tribal claim. It is the case that a chief often divides his land among his children, each of whom becomes the head of division given him, and not as the individual owner of the soil. I believe that the decision of the Native Affairs Committee with regard to your petition was that it should be referred to the Government for inquiry. I believe, according to Native custom, that you would be an owner in other portions of the Patutahi Block besides the Tapatohotoho. I am aware that, under the Treaty of Waitangi, you, as an aboriginal native, are protected in your rights to land. I could not say whether you have forfeited your right to this land, as you have not signed the deed of cession.

Mr. Locke, by the Commissioner: I was present at the opening of the Commission Court, 1869. I must have been in the Court at the time when the announcement was made by Mr. Atkinson and Mr. Graham. I cannot state that the area mentioned in the minutes of the Commission of 1869 were announced. I think there is no doubt that the area has been altered from 57,000 to 50,746, so as to correspond with the actual survey on the sketch-plan. I remember the sketch-plan being produced in Court. The reason that Waimata was returned to the Natives was because it was above the Waimata, the acknowledged highest point on the Arai River to which the Patutahi advances. [Mr. Locke then pointed out the front boundary on the sketch-plan, and stated that the reason that the back boundary was not surveyed at the time was that the country was too disturbed to allow it to be done.] The Tapatohotoho or Arai Block is adjoining the Patutahi Block, and is shown on the sketch-plan included in that part claimed by the Government. I cannot say when Mr. Harris first made application about this land, but it must have been after 1875. I do not think it was brought up at the meeting with Sir Donald McLean. There never was any decided intention to form a military settlement. There was no objection to the arrangement announced by Mr. Atkinson and Mr. Graham before the Commissioner's Court in 1869. There is no question in my mind as to whether the block, referred to as Te Arai in the minutes of the Commission of 1869, is the same as Tapatohotoho.

Commissioner's Court adjourned until further notice.

Monday, 30th October, 1882.

COURT resumed. Present and place the same.

D. G. McKay, called by Mr. Harris: I have been a resident for some time in this district. I have been buying and selling land. I am also a runholder, and, conjointly with others, was the purchaser of 400 acres of land from Kate Wyllie. I know the block marked Tapatoho on the plan. I have been through it often during the last seven years. I have valued the land before in sections. The block as a whole was worth about £8 per acre at the time of sale by the Government. All below the road, and many of the sections above, are good grazing land; it is the best agricultural land in the district.

By Mr. Locke: The upset price at Government sale was £4 per acre, if I remember right. As a matter of fact, the Patutahi lands fetched, some of them, three and four (pounds?) more than the upset price.

Mr. Harris (Eruera Harete) hands in telegram from Mr. Sheehan, dated the 29th April, 1878; also telegram from Mr. Harris to Mr. Sheehan, same date; also a memorandum of different expenses incurred by him in prosecuting his claim, amounting to £89.

Mr. Harris's (Eruera Harete's) case closed.

H. T. CLARKE,
Commissioner.

To the Honourable the SPEAKER of the HOUSE of REPRESENTATIVES in Parliament assembled.

THE humble petition of the undersigned Native half-caste of Turanga, Gisborne, respectfully sheweth: (1.) That your petitioner and his immediate relations are justly entitled, in accordance with Native custom, to a portion of the Patutahi Block, known as Tapatoho, comprising 522 acres and 20 perches. (2.) That the title of the Government to the said Patutahi Block was obtained by a deed of cession from the the Turanga Natives in 1869. (3.) That the said Block Tapatoho was given by one Rapata Whakapuhia to the then Native Minister, J. E. Richmond, Esq., upon his demand, for the purpose of locating the Ngatiporou, who were then the allies of the Government in putting down existing disturbances in that district. (4.) That the said land never belonged to the said Rapata Whakapuhia, as it belonged to the sub-tribe Whanauo Wharepirau, of which your petitioner is one of the principal members. (5.) That in August, 1860, your petitioner wrote to the Government objecting to any of his landed rights being prejudiced by any deed of cession from the Natives of Turanga to the Crown, nor has your petitioner ever signed such deed of cession. (6.) That the said Block Tapatoho has never been applied to the purpose indicated in Mr. Richmond's request, and has since been sold by the Government. (7.) Your petitioner therefore humbly prays your honourable House to take his case under your consideration, and compensate him or them for the loss of the said land.

And your petitioner, as in duty bound, will ever pray.

E. F. HARRIS.

The Hon. Mr. SHEEHAN to Mr. HARRIS, Native Interpreter, Gisborne.

Mr. Harris, Native Interpreter, Gisborne.

Auckland, 29th April, 1878.

I HAVE given fullest consideration to Papatu and Patutahi matters, and carefully perused the evidence taken down in the books of the Court. I do not see how I can interfere; the sale must go on, and your remedy, if a wrong has been done, will be to petition Parliament.

J. SHEEHAN.

Mr. E. F. HARRIS to the Hon. the NATIVE MINISTER, Auckland.

The Native Minister, Auckland.

Gisborne, 29th April, 1878.

Re Patutahi, as requested, I remind you that I am awaiting your reply.

E. F. HARRIS.

EXPENDITURE incurred by E. F. HARRIS *re* his Patutahi Claims.

1878.		£	s.	d.
April 12.	Return-tickets to Auckland, self and Hapi Keniha	16	0	0
April 27.	Sixteen days' expenditure, inclusive of one week's detention in Auckland by the Hon. the Native Minister, self and Hapi	15	0	0
Aug. 23.	To twelve weeks' expenses to the 13th November, 1878, proceeding to and returning from Wellington <i>re</i> my petition to Parliament about Tapotohotoho	48	0	0
	Steamer fare to Wellington and return	10	0	0
		<u>£89</u>	<u>0</u>	<u>0</u>

HENARE TOMOANA's Claim.

HENARE TOMOANA, on behalf of himself and relatives, claims to be entitled to a portion of the Patutahi Block, in consideration for military services rendered on the East Coast.

Henare Tomoana gives evidence himself. Mr. Locke appears on behalf of the Crown; hands in, in evidence, deed-receipt, dated the 12th November, 1875, and nominal roll of Ngatikahungunu, who served on the East Coast; and calls Captain Porter to give evidence. Henare Tomoana proves clearly the military services rendered by himself and people to the Crown; the promise of land in Patutahi Block; the payment of money in lieu thereof to a large majority of Ngatikahungunu; but denies that either he or his relatives, mentioned in his letter of the 6th March, 1879 [produced], received any money, as they declined to receive anything except the land. Mr. Locke

admits the statements of applicant to be correct. Captain Porter deposes as to proportions of money paid to the Ngatiporou in lieu of their respective shares—namely, principal chiefs, £50; sub-chiefs, £20; and minor chiefs, £10. In addition to the above, Rapata Wahawaha, the principal leader of the Ngatiporou, for general services, got a grant of land in Patutahi. From papers handed in I gather that Ngatiporou received at the rate of about 10s. per acre.

I consider, as shown by the evidence (which was admitted to be correct), that Henare Tomoana, as leader of the Ngatikahungunu, is deserving of special consideration. I have therefore recommended that the chiefs and men hereafter mentioned be granted, out of Patutahi lands or Crown lands adjacent thereto, or out of any available lands in the Poverty Bay District, land of fair average quality, having due regard to proportions of flat and hilly country, the several acreages indicated opposite the name of each claimant—namely: Henare Tomoana, 150 acres; Muhana Takihi, 50 acres; Manaena Tini, 50 acres; Pene te Uamaerangi, 50 acres; Urupeni Puhara, 50 acres; Ihakara Whakato, 25 acres; Hori Maka, 15 acres; Hemi Urangi, 15 acres; Te Tura Whangai, 15 acres; Aperana Ahuriri, 15 acres: total, 435 acres.

Given under my hand and seal this 13th day of October, 1882.

HENRY T. CLARKE,
Commissioner.

Gisborne, 23rd October, 1882.

Court of Inquiry opened at 10 a.m. in the Government Buildings.

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

Henare Tomoana requested that his case be not called until to-morrow, as he did not feel well enough after landing from the steamer to go on with it to-day.

Commission Court adjourned until 2 p.m.

Court opened at 2 p.m.

At 4 p.m. Court adjourned until 10 a.m. to-morrow.

Tuesday, 24th October, 1882.

COMMISSIONER'S Court opened. *Present and place the same.*

Henare Tomoana, being sworn, stated: I am a chief of Ngatikahungunu. I was the first officer sent here with Ngatikahungunu by Sir Donald McLean at the time of the fighting on the East Coast; I was the leader of them at that time. We were engaged at Makaretu and Patutahi; two of the enemy were killed at Patutahi. We pursued the Hauhaus previously to this, with Colonel Whitmore, to Ruakituri and fought them there. I went with Meiha Rapata to Te Papuni, and Te Kooti came to Turanga in our absence. I was directed by Sir Donald McLean to return from Te Papuni to Ngatapa, which was then invested. Ngatapa fell whilst I was at Te Papuni; this was the last of the fighting here. About 1869 I was requested to go to Taupo; I found Colonel Herrick at Runanga with two hundred men. We made arrangements between us as to course of action. The part of these arrangements that I remember was that if I met the Hauhaus I was not to engage them, but to return and obtain the assistance of the Militia under Colonel Herrick. I met Te Kooti at Tauranga, Taupo. When he was about five miles off I sent an orderly to inform Colonel Herrick. A fight took place on that day. When he approached within two miles of our position I sent another messenger to Colonel Herrick. After Te Kooti had opened fire on us I sent another European to Colonel Herrick. When the first two persons I sent reached Colonel Herrick they were not believed, and no ammunition was sent us. I have heard that the reason was that Colonel Herrick would not allow it to be sent. (My reason for going into these details is to show that, in my opinion, the Government did not do us justice with regard to the Taupo expedition.) We held our position there against Te Kooti for two days and one night, and then Te Kooti retired. After two days we went to Tokano. After the fight was over Colonel Herrick came up, and also Colonel McDonnell, from Whanganui side. All the Taupo people assembled and joined us at Tokano. After we had been there a week Te Kooti again attacked us and was defeated and had five killed; a chief on the side of the Government called Maniapoto was also killed. A chief of the enemy called Wi Piro was killed there. We waited a week for the people to assemble to attack Porere, Te Kooti's position; this pa fell, and Te Kooti's people were scattered in the forest. Two chiefs on the side of the Government were killed there, Captain St. George and Komine. This was the last occasion on which I was requested by Sir Donald McLean to act. We left Napier to go on the expedition I have described on the 1st August. We were about sixty-four days, as near as I can remember, on the expedition. We were not paid by the day, but got a lump sum—£3 odd per man. I sent a petition to the Government that this matter should be considered, that was not entertained. The first time I was requested by Sir Donald McLean to come here it was for the purpose of acting as a guard for the barracks; I brought sixty men with me from Napier, and got sixty others at Nukutaurua: I arrived with one hundred and twenty-three men. After I had been here two days two hundred more men came from Napier at my request to Sir Donald McLean. We assembled at Patutahi three hundred, which was made up to four hundred by Ngaitahupo and Turanga people.

By the Commissioner: We were promised that Ngaitahupo, and other tribes who assisted the Government, should receive a portion of Patutahi. According to the arrangement made, I think that the Government were to have five thousand acres, and the people going under the name of Ngatikahungunu five thousand acres; but I am not certain. There was a proposal made by the old chiefs of Ngatikahungunu to hand back to the Turanga Natives that portion of Patutahi which was allotted to them. The Government disapproved of this, and proposed that they should be paid money. One of the chiefs of Ngatiporou, at the meeting at Waiohiki, proposed that their share of Patutahi should be made a reserve for educational purposes—for the education of their children. This was Hotene Parourangi. Sir Donald McLean approved of that suggestion. Ngatikahungunu received some money. I objected to my own people accepting any, but subsequently permitted them

to receive it. I signed my name as witness to some of the payments made to Ngatikahungunu. I received no money myself on account of Patutahi. I was offered but would not accept. I wish Sir Donald McLean's arrangement to be carried out. When I saw in the newspaper that Patutahi was to be sold, I sent the telegram read to the Premier, protesting against the sale until my share and the share of my relations were defined. The persons named in the letter read are the persons beside myself who did not receive money: Meehana Takihi, Manaina Tini, Pene Tena Mairangi, Uru Pene Puhara, Hari Maaka, Hemi te Uranga, Ihakara Whakato, Te Tura Whangai. I omitted one name from the letter, that of Apirana Ahuriri. I wrote his name to the letter, and struck it out under the impression that he received money. I have since found out that he did not.

Charles Locke appears on behalf of the Crown, and hands in deed of receipt of satisfaction for Ngatikahungunu claims on Patutahi, dated 12th November, 1875. He says, "I have heard Henare Tomoana's evidence and I admit it to be correct. I hand in roll of Ngatikahungunu who came with Henare Tomoana to Tolago Bay."

Henare Tomoana, examined by Mr. Locke: The persons named in my letter of the 6th March are the only ones for which I claim. They were in all the engagements on the East Coast. I was the share of them. Meihana was in the position of an officer, Manoana Tini was also an officer, Pene te Uamairangi was another, Uru Pene was another; Hori Maaka was a private, Hemi te Uranga was also a private; Ihakara Whakato was a drill-sergeant. Te Tui Whangai was a private but acted as chaplain. Ngatikahungunu were paid £10 each private. I am not aware that the chiefs of Ngatiporou received £50 each. My objection was that the land was not divided. Apirana Ahuriri should also be included as a private. Colonel Lambert appointed these officers.

Commission Court adjourned until 2 p.m.

Court resumed at 2 p.m.

Captain Porter, called by Mr. Locke, being sworn, stated: I am captain commanding the East Coast District. I undertook to pay Ngatiporou the money for Patutahi. I made distinctions in payment to chiefs. Seven chiefs received £20 each, three received £10 each, and four £50 each. In addition to this, Rapata Wahawaha received a grant of land for his general services, which was given some time after this payment was made. I know nothing of any promises made to Ngatikahungunu. I have heard that they were to be on the same footing with regard to the land as Ngatiporou, who received ten thousand acres. The difference in the payments to the chiefs was between the non-combatants and combatants.

Henare Tomoana's case closed.

Court adjourned until 10 a.m. on Thursday next.

HENRY T. CLARKE,
Commissioner.

Mr. H. TOMOANA to the Hon. Sir G. GREY.

(Translation.)

I HAVE seen in the *Wananga* that Patutahi is to be sold. I will not consent till the portion for myself and people have been divided off. It will then be correct. Let the place where I fought my battle be for me. In my opinion we [you and I] should talk this matter over, that you may know my thoughts; after that the Government can act. I shall be grieved [*pouri*] unless this my request is answered satisfactorily by you and Mr. Sheehan.

The Hon. Sir George Grey.

HENARE TOMOANA.

Mr. H. TOMOANA to the Hon. Mr. SHEEHAN.

Pakohai, 6th March, 1879.

WE are the people who have not agreed to accept money for Patutahi; Henare Tomoana, Meihana Takihi, Manaena Tini, Pene te Uamairangi, Urupene Puhara, Hori Maaka, Hemi te Uranga, Ihakara Whakato, and Te Teira Whangai. These are all of us who did not take money. Do you give us the land.

Enough. From all of us.

The Hon. Mr. Sheehan, Minister for Native Affairs.

HENARE TOMOANA.

WI PERE'S Cases.

WI PERE's applications to the Government, cited in the Commission of Inquiry, are under three heads, viz.: (1.) He applies to the Government for a portion of the Patutahi Block, on behalf of the Whauau-a-kai Hapu, on the ground that they have been great sufferers through the cession of the Patutahi Block of land to the Government. (2.) He applies for all the land over and above the five thousand acres in the Muhunga Block actually arranged to be handed over to the Government. (3.) He applies on his own behalf for a portion of the Muhunga Block, known as Waitawaki, alleging an individual claim to the same. I will deal with the first subject separately. The second and third run one into the other so much that I will consider them together.

Patutahi.—(1.) In regard to Patutahi, Wi Pere does not set up any claim of right; he admits the fact that the land was handed over to the Crown by arrangement, which arrangement was confirmed by the Court of Commission in 1869. That the people for whom he makes this application are many of them absolutely landless near the coast; that they are living on sufferance on his own property of fifty acres at Makauri, and on the land of other Natives. That the Natives are in a measure to blame for this, because they have yielded to the importunity of Europeans and Government agents, and have disposed of their lands. He also attributes part of their trouble to the Government, from the fact that, without their knowledge and consent, all claimants to land, as awarded by the Commissioners in 1869, were made joint tenants, thereby putting men with insignificant ancestral claims on the same footing with large acknowledged landowners. Had they been made tenants in common, the chiefs would have been in a position to provide for their people, and therefore he thought it right to appeal to the compassion of the Government on behalf of his people. He states that he laid this matter before the late Native Minister, Mr. Sheehan, who promised them

relief, but since then no further action had been taken. I believe that the evidence of Wi Pere is mainly correct. Had he demanded consideration as a matter of right, or with a disposition to repudiate the arrangement made in 1869, and confirmed before the Commissioners on the 30th June in the same year, I could not have entertained the question; but, as he has thrown himself and hapus on the compassion of the Government, I shall have a recommendation to make in their favour. There is no doubt in my own mind that the question has been brought under the special notice of various Native Ministers, and that the Natives have been led to believe that they would have relief afforded them, but from one cause or another it has never been given effect to.

Te Muhunga.—With regard to Te Muhunga Block, Wi Pere, on behalf of himself and Natives, claims all the land in excess of the five thousand acres given up; he also claims an exclusive right to a part of same block. Wi Pere deposes to the fact of the arrangement made by the agent for the Crown and the Natives. He admits the fact that on the 4th August, 1869, certain surveyed blocks were given, he explains, not in their entirety, but with the understanding that the five thousand acres were to be taken out and the balance handed back the Natives; this has special reference to his own individual claim. They were also promised that twenty-five acres was to be allowed for each of their three burial-places. This promise had never been carried out, but their burial-places had all passed into the hands of Europeans, who were occupying the land. In one of these burial-places (Kaitaratahi) hundreds of Natives had been buried, and it is being used now. Pauapa Waihopi had arranged with the European purchaser to buy back this place. The reserve of twenty-five acres on the Ormond plan, marked as a Native reserve, is not a burial-place at all but the residence of a woman named Atereta te Ruru. With respect to his own private block, called Waitawake, he does not advance an ancestral right, but he claims it by virtue of deed of gift, dated the 3rd August, 1841; that he was persuaded by the Crown Agent to allow it to be included on the understanding it was to be granted to him, but Mr. Atkinson, the Crown Agent, left the district soon after, and never returned. The place known as "the orchard" is a part of this block. Mrs. Gannon and Arapera Pere (Wi Pere's wife) confirm this statement. With regard to the orchard, he has always maintained possession of it. The late Sir Donald McLean promised that it should be Crown-granted to him, but no grant has yet issued. It was by virtue of his understanding with Mr. Atkinson that he applied to the late Sir Donald McLean for a portion of the wood reserve (part of the same block) to be given up to him, and that Mr. Locke was instructed to see what part of it was available, with a view to handing it over to applicant. Mr. Locke admits that the late Sir Donald McLean did give instructions, but that it could not be carried out on account of an arrangement that had been made with the military settlers that they should have a right to cut timber there for ten years.

With regard to the Muhunga Block, I find on reference to minutes of proceedings of Commission of 1869 the following entry (page 2): "In reference to the first block (Muhunga) it was agreed that the block should contain five thousand acres, subject to the subsequent determination of boundaries on survey;" and on the 4th August I find the following: "The Crown Agent (W. S. Atkinson) stated that he proposed to lay before the Court the block called Te Muhunga, including Whatahaki, Wairerehua, Waitawake, and Te Hapua, and to state that it had been definitely arranged between himself and Mr. Graham on the part of the Natives that this should be taken by the Crown as part of the land to be occupied in satisfaction of the Crown's rights over rebel claims." Mr. Preece confirmed the "above statement." . . . "Mr. Atkinson stated that there would be a small reserve of not exceeding twenty-five acres, being a Native burial-ground within the limits of the block, but he was not sure that the position indicated on the plan was accurate." I find, from papers handed in by Mr. Locke, that the areas of the blocks referred to above, after actual survey, were as follows: Muhunga, 3,518 acres; Whatahaki, 111 acres; Wairerehua, 902 acres; Waitawake, 444 acres; Te Hapua, 374 acres: total, 5,349 acres; less for burial-place, 25 acres = 5,324 acres. From computation handed in by the Chief Surveyor of the district I find the area of the Muhunga ceded block to be 5,415 acres. These figures will make it appear that the Crown has ninety-one acres in excess of the area definitely ceded. I cannot take into consideration the Native reserve of twenty-five acres within the Muhunga Block, as from the evidence it cannot have anything to do with the arrangement above alluded to as made before the Commissioners in 1869. That there was some sort of arrangement with Mr. Atkinson, the Crown Agent, in respect to Wi Pere's individual claim, I have no doubt, but the nature and extent of it it is now impossible to determine, as the principal witnesses are dead.

In the three cases or applications made by Wi Pere, I beg to make the following recommendations:—

Patutahi.—In respect to Patutahi I recommend that five hundred acres of land be set apart in the Patutahi Block, if possible on the Patutahi Stream, of fair average quality (having due regard to fair proportions of flat and hilly country), for the Natives named in the list hereto attached. Grant to be inalienable by sale, lease, or mortgage.

Muhunga.—That the Government purchase back from the Europeans (if it is found that the same have been sold) the three burial-places, Kaitaratahe, Parakiwai, and Wahanui; the area of each burial-place not to exceed five acres.

And that Wi Pere be granted ninety-one acres (the area in excess of the land ceded), such grant to include the orchard, eleven and a half acres, the balance to be made up out of the bush reserve, if the same is available.

Given under my hand and seal this 3rd day of November, 1882.

HENRY T. CLARKE,
Commissioner.

NAMES OF NATIVES in whose interest a Reserve of 500 acres is recommended.

APIATA KAHUKURA, Tapeta Kerekere, Tawaho, Wikitoria Moawa, Te Kauru, Heni te Auraki, Anaru Matete, Peka Kerekere, Wi Pere, Hare Matenga, Nopera Whiti, Roka Patutahi, Poaru, Poraku, Karaitiana Akurangi, Paora Putu, Tamati te Rangi, Horomona Tarakitai, Take Matenga,

Rihitu Wi, Ahipene Rangī, Ihaia Patutahi, Paora Kingi, Tiopira Tawhiao, Te Pirihi Tutekohi, Mata te Ao, Hohepa Kaitahi, Kereama Rere, Hetekia te Kani, Mere Tahatu, Te Moanaroa Pere, Matenga Taihuka, Harete Noti, Hohepa Raharuhi, Paora Parau, Hera Hokokao, Atereta Ruru, Mika Rore, Herewini Tamaihonua, Hirini te Raekaihau, Te Peneha, Kataraina Whatiwhati, Karepa Maruwahakatipua, Pohoi, Takawhaki, Arihia Tako, Tea te Eke, Mita Mataitai, Korotau, Hinebeariki Pera Harata Hone, Meramera, Tapeta Matenga, Wiremu Ireto, Rutu te Ruru, Arapera Pere, Epiha Parau, Harata te Eke, Tuakana, Peti Taihuka, Tuhura, Te Mini Kerekere, Te Koraierangi, Taraia, Ereti Kahukura, Kunene, Rangitake, Hoera Take, Katerina Tako, Korehe, Tawhiao, Matanuku, Pirihi Tutaha, Te Peneha Hoia, Hia Uatuku, Rutene Ahuroa, Riria Manaranui, Raiha Kota, Heni te Auraki, Wi Haronga, Teopira, Korohe, Katerina te Hane, Hirini te Kani, Rutene te Eke, Katerina Pahoho, Karaitiana Ruru, Tapeta Ireto, Rangekohera, Teira Ranginui, Moanaroa, Pauapa Waihopi, Mereana Paraone, Heni te Whakaetanga, Wiremu Kingi te Kawau, Wi Mahuki, Otene te Waka, Hera Hokokao, Taraipine Tatua, Ariwia Tu, Mere Taotata, Koroniria Ruru, Nepia Tokitahi, Hemaima Rere, Kawhena, Hone Kewa, Paora Upa, Mere Peka Kaimako, Peti Moreti, Himiona Tekino, Rawiri Noti, Tuhura, Patoromu, Taraipine Tutake (113 individuals).—H. T. CLARKE, Commissioner.

WI PERE'S Case.

Gisborne, 30th October, 1882.

COURT of Inquiry opened at 10 a.m. in the Government Buildings.

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

Letter from Wi Pere, of the 3rd November, 1879, read and acknowledged, making claim to the Patutahi land. I have also made application to the Government for the overplus of the five thousand acres of the Muhunga. I have also made a claim for myself personally for a portion of Te Muhunga Block.

Wi Pere, being sworn, stated that he desired to make a general statement before he gave his evidence, giving a history of different matters leading up to the cession, which he continued until adjournment of Court.

Court resumed at 2 p.m.

Wi Pere continued his general statement. Afterwards he began his evidence as follows : Myself and hapu have none of the flat land of Turanga. I myself have only fifty acres. Some of my hapu live on it ; others of them are scattered about on lands belonging to others. I was entitled to large blocks of level land in Turanga, but now it has all passed into the hands of Europeans. It was through the law of joint tenancy that I only obtained the fifty acres. I have been a great sufferer through that law. Only for that law I should have had all the land I was entitled to through my ancestors, and my people would have had sufficient to maintain them. We did not know at the time the effect of the joint tenancy, and that the Crown grants were made out in that way. What I have stated refers to one of my hapus, Te Whananakai. I make this application for the Government to consider us on account of our suffering, and I, on the other hand, would give up all contention with the Government with regard to those lands. When I say that I have only fifty acres upon which my hapu are living I state that which is absolutely correct ; the fifty acres are my own. I refer particularly to Patutahi. No portion of Patutahi was returned to the loyal Natives. I claim Te Muhunga through another hapu. There were four hapus who originally claimed that block : Ngaituketekui was one, Ngatikahuru was another, Te Whananataupara another, and Ngapotiki another. I can point out on the map the portions of each. It was arranged that five thousand acres should be taken there. Three burial-places were to be reserved to the Natives. Many people were buried in those places. According to what I know, none of these burial-places were reserved, and the area taken exceeded five thousand acres, as arranged. I applied to Sir Donald McLean that twenty-five acres should be returned to me of the Muhunga Block out of that portion which had not been sold by the Government. Sir Donald McLean acceded to my request, and stated that Mr. Locke would look out the piece. On my applying to Mr. Locke, he informed me that the time for the military settlers to cut firewood in the bush had not yet expired. Soon after that Sir Donald McLean ceased to be Native Minister, and Mr. Sheehan took his place. I applied to him, asking him to arrange that Mr. Locke should carry out Sir Donald McLean's proposal. He consented, but before he did anything he ceased to be Native Minister. My last application was relative to the acreage over and above the five thousand acres agreed upon. It was to the effect that this land should be returned at Te Muhunga, but, if it was found that there was no land there available, out of some other land belonging to the Government. I make this application, not on behalf of the whole of the hapus I have mentioned, but only those who have suffered and are still suffering. The principal owners of Te Muhunga by ancestral right were loyal men. I again repeat my request, on behalf of those that suffered of the hapus of Te Muhunga Block, that the Government will show consideration towards us, and particularly with regard to the burial-grounds. These have passed into the hands of Europeans, and are now occupied by them. Whether it would be possible or not to buy them back again I cannot tell. I would again repeat that these hapus have no flat land between Ormond and the coast. I do not assert a claim on the ground of the land having been wrongly taken, but simply pray the Government to show some regard for those sufferers who have no flat land in this vicinity. I forgot to state, with regard to Patutahi, that I made application to Mr. Sheehan for certain sections there, which was agreed to, and the numbers of the sections were given. They were sections 77, 80, 81, and 82. In 1866 or 1867 Waitawaki was surveyed. When I was a child my European father (Halbert) asked my mother to obtain from her people some land, to be settled upon me. She asked for two pieces, and Pouparae was given her, which was bought by my father for me ; he afterwards sold this piece to other Europeans. When Mr. Bell, Commissioner, arrived here in 1859, I

asked that the case of my father having sold this land should be investigated. The day the case was to be heard my father and Mr. Wyllie came to me at Makaraka and asked me to withdraw the charge, because, he said, "If you press the charge I shall be in great trouble; this is a very serious charge, and I should get a long term of imprisonment: but the rule is with Europeans to bring cases of this sort forward after the death of the person who sold;" to which Mr. Wyllie assented. In 1863 I went to the Bishop and asked that this land might be returned to me; he agreed on condition that I would refund him the money he had paid for it. I then went to Tutere and Matenga Kerekere; we mustered a hundred horses and cattle, which we intended to drive to Napier to sell in order to obtain money to pay back to the Bishop; in the meantime the Hauhau disturbance occurred. After Waerengaahika fell I sold my sheep and obtained £200; Tutere had £50. We then went to take this money to the Bishop, who was living at Waikahua, at the entrance to Turanganui River; we met the Bishop descending from his house; there were three of us—Tutere, Himiona, and myself. We told him we had brought £250 to pay him back for Pouparae, he replied, "That arrangement is ended, I cannot now accept the money;" and the Bishop now owns the land. At the time Mr. Atkinson asked that the Muhunga should be given to the Government, I saw that Waitawaki was included in the map of Te Muhunga Block. I said to Mr. Atkinson, "This piece ought not to be included." Mr. Atkinson said, "It is better to allow it to remain in the map, and let the piece be conveyed back to you by the Government, which will avoid trouble." Mr. Atkinson at that time went away to Wellington, when the House was in session; there was a change of Ministry, and he never came back here again. I afterwards saw that this piece was occupied by military settlers. I went to Sir Donald McLean and pointed this out; he said possibly it was through a mistake that it had been given to the soldiers, but that he would look among Mr. Atkinson's papers to see if he could find anything referring to it; he afterwards informed me that search had been made and that nothing could be found, and advised me to send a petition to Parliament. Sir Donald McLean directed one of the Natives in the office (Mitai) to draft a petition for me, which was done. I objected to petition: I wanted Sir Donald McLean to settle it himself. When the petition was under consideration in the House of Representatives I was questioned by Mr. Ormond, who asked me whether I was not a Hauhau. I have never known the result of that petition; I received a letter saying, "Leave it in accordance with Mr. Ormond's arrangement." I wrote asking what that arrangement was, but I received no answer. I have suffered in this case through Mr. Atkinson. The orchard is included in Waitawaki, and, with regard to the orchard, Sir Donald McLean promised that I should have a Crown grant for it. I have never received a grant for it. I ask, with regard to these lands at Te Muhunga, that the Government will give me land there if available; if not, I would ask that they find me land elsewhere, or else allow me a monetary consideration. The people who lost the land under the arrangement were loyal Natives; the Hauhaus had very little land there.

By Mr. Locke: I know of Mr. Atkinson being here as Government Agent, and also Mr. Graham being here. I heard when I arrived here that there was a deed of cession signed, handing over the land to the Queen for protection. I am not certain that I signed that deed, but I think I did. Mr. Graham was acting as Native agent. I know of a Commission sitting here. Judges Rogan and Monro were the Commissioners. It was in 1869. They sat to investigate all the lands in Turanga, and acted in the matter of the lands that were handed over to the Government. Patutahi, Te Muhunga, and Te Arai were set apart for the Government by that Commission. Five thousand acres in each block were to be given, and any excess found after survey was to be handed back. The Commissioners' Court investigated other blocks in the district. Only those Hauhaus who had returned to allegiance were admitted in the blocks investigated. These Natives did not acquire more land by this arrangement than they would otherwise have been entitled to through the grants having been issued as joint tenants. I cannot say how many Hauhaus were excluded from those lands. After the deed of cession was abandoned, the Hauhaus were included in grants for lands to which they were entitled; but the lands are far back, and many of them have been sold to the Government. These people were asked by the Government Land Purchase Agents to sell, and the Natives consented to do so.

Court adjourned at 4.30 p.m.

Tuesday, 31st October, 1882.

COMMISSIONER'S Court opened at 2 p.m. Present and place the same.

Wi Pere's case resumed.

By Mr. Locke: I know the deed of cession included more than a million acres of land. I know that the Government did not acquire quite sixty thousand acres of that million acres ceded. About 140,000 or 150,000 acres of the one million passed under the Joint Tenancy Act. I admit that 800,000 acres returned to the Natives outside of the land passed under joint tenancy. I admit that I stated that I only have fifty acres now. I had, after the Commission, fifty acres of Makauri; which block contained twenty-nine acres of good land. I say it was through the action of the Government that we have not more land; as when our lands were before the Courts the officers of the Government advised us to collect our relatives from different parts, and insert their names in the orders in order that we could better hold the land, but it was afterwards discovered that we had been made joint tenants in the grants, and consequently were only entitled to equal shares. Another reason that we blame the Government is on account of the Crown grants; they were drawn up by the Government, and we were made joint tenants. Had we known it at the time the inquiry was made, we should have objected to our cases being heard at all. The Government at first asked us to hand over the land under the deed of cession, to be protected by them. Afterwards they stated that the land had been ceded by us absolutely to the Queen. We were asked to hand over 150,000 acres, which we did. Afterwards we found that more land had been taken. The Government do not own more than 10,000 acres of flat land in Turanga. All the balance of the flat land went back to the Natives. I admit that the Natives consented to cede 15,000 acres to the

Government, which were at Patutahi, Te Muhunga, and Te Arai. The land ceded at Arai was bounded by the Wainata Stream, and went back to the creek named Mangaweki, on Mr. Bousfield's plan of Patutahi, thence back by the road to the boundary of the land coloured yellow on the same plan. I remember a Court sitting here in 1869. I attended that Court. I know that they awarded these lands to the Government. I made no objection, as I thought that judgment only affected the 15,000 acres. I did object to it when it was first mentioned among ourselves, but when I found that all the chiefs were in favour of it I did not urge my objection. I accompanied Captain Porter and Mr. Bousfield over the boundaries at Patutahi. [Map of actual survey of Patutahi Block produced.] I did not go round the boundaries, but through the block. I never heard that the Court I mentioned awarded 57,000 acres to the Government. I do not know how the Commissioners came to state in the letter of the 23rd August, 1869, that they had awarded 67,400 acres to the Crown. [Letter of the 23rd August, 1869, from the Commissioners, handed in by Mr. Locke.] [Wi Pere wishes to add that he did not wish to press this matter of Patutahi, but his only reason for mentioning it was because he was questioned about it by Mr. Locke; all that he asks is that the Government may have consideration for us on account of our suffering.] The arrangement that I remember about Te Muhunga was that five thousand acres should be ceded; any excess should be handed back. I do not know of any other arrangement made. [Minutes of Commission handed in by Mr. Locke, and also particulars of blocks surrendered; also the original plan of the ceded land produced before the Commissioner in 1869.] I remember the handing over of the several portions of Te Muhunga to the Government. They were given upon the understanding that Waitawaki, my own claim, should be handed back. Soon after this arrangement was made, Mr. Atkinson went away and never returned, and the arrangement was never carried out. The orchard at Waerengaahika is included in the Waitawaki Block. If that arrangement, in accordance with the final settlement before the Commissioners, had been carried out the orchard would have become the property of the Queen; but when it was occupied by the Constabulary, about 1870, I sent them off, and mentioned the matter to Mr. McLean, who promised me that I should have a Crown grant for it.

By the Commissioner: Mr. Sheehan made no promise in writing of the sections of Patutahi to be given me. Karaitiana Takamoana was present, who is since dead. Mr. Sheehan himself would admit having made the promise. I claim Waitawaki as my own personal property. I have an ancestral claim, but I have my claim to it personally, by a deed of gift which is in Mr. Sheehan's possession, and is dated the 3rd August, 1841.

Mr. Locke, by the Commissioner: With regard to Wi Pere's statement that Sir Donald McLean directed me to proceed with Wi Pere to the Bush Reserve, in the Muhunga Block, with the object of ascertaining whether there was any land available there to satisfy an application for twenty-five acres, that is correct.*

Court adjourned at 4 p.m.

Wednesday, 1st November, 1882.

Court opened at 10 a.m. Present and place the same.

Wi Pere: In my evidence yesterday I stated that I objected to Europeans taking apples from the orchard at Waerengaahika. That was in 1870. I have held possession of it ever since. The allotment, marked yellow as a Native reserve on the plan of the Muhunga Block, is not a wahi tapu, but is claimed by Atareta Ruru, who has a house on it, and which place she has always owned.

Panapa Waihopi, called by Wi Pere, being sworn, stated: I know of the arrangement concerning the three burial-places made at the time we handed over Te Muhunga. I know that they were to consist of twenty-five acres each. I know that it was arranged at the meeting, and afterwards confirmed, that five thousand acres of Te Muhunga should be ceded to the Government. I know that Te Muhunga and portion of Wahanui were given at that time. Hirini gave the portion of Wahanui. I remember our going afterwards to point out those pieces. I know of Mr. Atkinson's proposal that my portion and that of Hami te Hau should be included in the portion ceded, on account of which I excluded two burial-places. I know Mr. Atkinson stated that if we handed over the whole block the excess over five thousand acres would be handed back. I know that Mr. Atkinson's statement was the reason we agreed to hand over the whole block.

By the Commissioner: It is true that I have arranged with a European to buy back one of our burial-places named Kaiteratahi, and since then I have buried one of my children there. It is a very old burial-ground, and some hundreds of people have been buried there. [Final decision of the Commission Court in 1869 read over.] I remember that arrangement having been made.

Mrs. Gannon, called by Wi Pere, sworn, stated: I remember Mr. Atkinson returning with Penapa from viewing this land. I remember his asking Wi Pere for the deed of Waitawaki. I remember his requesting Wi Pere to include that land in the boundaries ceded. I know principally of Wi Pere's piece named Waitawaki. He informed Mr. Atkinson that he owned this portion under a deed. Wi Pere objected to it being handed over to the Government. Mr. Atkinson said it would be better to include it in the boundaries, and that on his return to Wellington he would send Wi Pere a paper relative to the piece being returned to him. Mr. Atkinson went away and never returned. Wi Pere, after that, again applied to Mr. Wyllie, and disputed, and had a quarrel with him on account of the paper promised not being forthcoming. Mr. Wyllie said, "Mr. Atkinson's statement is correct; you had better petition Sir Donald McLean, or go yourself to Wellington." I think Mr. Wyllie wrote a letter at that time, either to Mr. McLean or to Mr. Atkinson on the subject. This land was given by the tribe to our father for Wi Pere. Mr. Wyllie, myself, Wi Pere, and Arapera were present when Mr. Atkinson made this promise to Wi Pere. Mr. Atkinson,

* Mr. Locke also explained that the reason the arrangement was not carried out was because the military settlers had a right to cut timber on the block for ten years, which had then not expired.—H. T. C.

on the day of his departure, repeated his promise to settle this matter on his arrival at Wellington, and advised Wi Pere not to make a stir about it lest other Natives should interfere. I know that Wi Pere strongly objected to this piece being included in the ceded land, and it was only on account of Mr. Atkinson's promise that it should be granted back to him that he consented for it to be included.

By the Commissioner : It was before the sitting of the Commission Court that Mr. Atkinson urged that Wi Pere should allow this piece to be included, on the promise that it was to be handed back by the Government ; and Wi Pere was advised by Mr. Atkinson not to bring the piece before the Court, as others might be included in the order if he did so.

Arapera Pere, called by Wi Pere : I have heard what Mrs. Gannon has said, and I confirm it.

Mr. Barnard, District Inspector of Surveys, will furnish the area of the Muhunga Block ceded. [Tracing handed in, 5,415 acres.]

Case closed.

HENRY T. CLARKE,
Commissioner.

WI PERE, Peka Kerekere, Anaru Matete, Heeni, Teauraki Tekauru, Wikitoria Uwawa, Tawaho, Tapeta Kerekere, Apiata Kahukura, Haare Matenga, Nopera Whiti, Roka Patutahi, Poaru, Poraku, Karaitiana Akurangi, Paora Puta, Tamati Terangi, Horomona Tarakitai, Takematenga, Kihitu Wi, Ahipene Rangī, Ihaia Patutahi, Paora Kingi, Tiopira Tawhiao, Tipirihī Tutekohi, Mata Teao, Hohepa Kaitahi, Kereama Rere, Hetekia te Kani, Mere Tahatu, Temoanaroa Pere, Matenga Taihuka, Parete Noti, Hohepa Baharuhi, Paora Parau, Hera Hokokao, Atereta Ruru, Mīka Rore, Herewini Tamaihouia, Hirini Teraekaihau, Tepeneha, Kataraina Whatiwhati, Karepa Maruwhakatipua, Pohoi, Takawhaki, Arihia Tako, Tia Teeke, Mita Mataitai, Rorotau, Hineteariki Pera, Harata Hone, Meramera, Tapeta Matenga, Wiremu Iretoro, Rutu Teruru, Arapera Pera, Epiha Parau, Harata Teeke, Tuakana, Pete Taihuka, Tuhura, Temini Kerekere, Tekoraierangi, Taraia, Ereti Kahukura, Kunene, Rangitake, Hoera Tako, Katirina Tako, Korehe, Tawhiao, Matanuku, Pirihi Tutaha, Tepeneha Haua, Hira Uatuku, Rutene Ahuroa, Riria Mauranui, Raiha Kota, Heeni Teauraki, Wiharonga, Tiopira Korehe, Katatirina Tehane, Hirini Tekani, Rutene Teeke, Katirina Pahoho, Karaitiana Ruru, Tapeta Iretore, Rangī Kohera, Teira Ranginui, Moanaroa.—*Hapu o Nga-tikohuru.*

Te hapu Ngatihikarongo, Teurupa, Panapa Waihopi, Mereana Paraone, Heeni Tewhakaetenga, Wiremu Kingi Tekawau, Wimauika, Otene Tewaka.—*Ngapotiki.*

Hera Hokokao, Taraipine Tahua, Oriwia Tu, Meri Tiwata, Koroniria Ruru, Nepia Tokitahi, Hemaimarere, Kawhena, Konekewa, Paora Upa, Merepika Kaimako, Peti Morete, Himiona Tekino, Rawiri Nooti, Tuhura, Patoromu, Taraipine Tutaki.—*Ngaituketenui.*

PETITION of EREATARA and Others.

THE petitioners pray that they may receive payment for fighting against the Hauhaus, out of money for Patutahi. They ask for £1,400. The names of the hapus making this claim are Ngatikanohi, Ngatiriwai, and Ngatimatikoraha, of the Aitanga-a-Hauite Tribe. Ereatara Hapu is dead, and Paora Parau, the person authorized to represent petitioners in Parliament, undertakes to conduct case before the Commission of Inquiry. Paora Parau and Major Rapata Wahawaha give evidence in support of petition. Mr. Locke calls Captain Porter to give evidence on behalf of the Crown. It is proved that the hapus named in the petition were loyal—that they bore arms against the Hauhaus, and several of them on different occasions went under Major Rapata on distant military expeditions against the enemy. On the other hand, it is proved and admitted that the petitioners received pay and rations from the Government ; that no promise was ever made to them that they should have any share of Patutahi lands, or receive any money in lieu thereof ; that, as a matter of grace, the Ngatiporou, with whom many of them served, gave them £200 out of the portion allotted to them ; and that many of the petitioners signed the Ngatiporou receipt-deed, which was produced by Captain Porter.

It appears to me that the petition is based on no alleged promise, but upon the fact that other tribes received money for Patutahi to a greater amount than they did. It is to be regretted that Ngaitahupo (a hapu in precisely the same position as the petitioners) received so large an amount as £607 4s., while the petitioners only got £200. But, as no promise was ever made to petitioners, and, as they were remunerated for their services by the Government, I am of opinion that no injustice has been done to them. I cannot therefore recommend the prayer of the petitioners. The evidence taken is attached.

Given under my hand and seal this 1st day of November, 1882.

HENRY T. CLARKE,
Commissioner.

Wednesday, 18th October, 1882.

Commission Court resumed at 10 a.m. Present and place the same. Paora Parau on behalf of Ereatara Hapu and others. Case called. Petition read.

Paora Parau : I am a chief of Teitanghauite, of Ngatikonohi Hapu. I took the petition just read to Wellington, to the Parliament, on behalf of the persons who signed it. In 1864 we joined the Government as against the rebels. I went in that year to Napier to procure troops. I procured fifty soldiers. Mr. Wilson was in command. A barracks was built on the other side of the river, and all the persons interested in the petition joined us, as far as Te Raroa ; after which the Colonial Defence Force came here. Until the time that Henare Potae came, Ngatiporou, myself, and others acted separately in supporting the Government ; we did not join Henare or Ngatiporou. We also acted separately during the fighting at Waerengaahika, and supported our

own Europeans. After Waerengaahika fell, we returned to our place across the river; the pa fell in 1865. These people continued to live with the Europeans. In 1866 I went to the Chathams to take the Hauhaus there. These people remained and acted as soldiers; they had arms and paraded twice a week until Te Kooti returned in 1868. When he came these people were still living together, and had not scattered to their different kaingas. After Te Kooti had come down and committed the massacre, these people arose with the Europeans and fought him at Makaretu. I omitted to state that these people went with Rapata, after Waerengaahika, to Te Wairoa. A chief of Ngatiporou, Rawiri Hikarukutai, was killed. Te Tuatini, a chief of Ngatikahungunu, was also killed on the enemy's side. After which, these people, led by myself, pursued Te Kooti to Ruakituri, after which the fight I have referred to took place at Makaretu. After the irreturn from Makaretu they went back to Ngatapa. The principal fighting ceased after Ngatapa, but these people were engaged on expeditions in the bush after Te Kooti, when Rapata was in command. From the time I have mentioned these people have always remained with the Europeans, and have never separated from them. After this, Patutahi was divided among the tribes. Ngatiporou had a share, Ngatikahungunu had a share. The Europeans also had a share. The petitioners ought to have shared with the Ngatiporou. The Native claims to Patutahi were bought up for money. Henare Patae managed the sale. The people residing between East Cape and Tolago Bay were the only people who received money, and from the Murewai to Napier; for which reason these people have petitioned for a share.

By Mr. Locke: We had only received fifty stands of arms from Napier in 1864. These eighty-six persons were all armed, but some had arms of their own. After Waerengaahika they were all armed with Government arms. We had no arrangement with the Government relative to our services. We have had communications with Captain Porter on the subject since, and also with Sir Donald McLean. We were informed by Sir Donald McLean that he was too busy to attend to it. I have no letter or communication from the Government on the subject. All these people (eighty-six) did not go to every fight; some remained at home to take care of the women and children and the Europeans. [List of names of persons who signed the petition handed in by Paora Parau.]

By the Commissioner: All Natives engaged in the fights mentioned received 2s. 6d. per day and rations. Ngaitahupo and all other tribes were on the same footing. No promise was ever made by the Government that we should receive portion of Patutahi. I have not known any reason why Government did not give us any share. The portion of Teitangahauiti across the Uawa River joined the rebels. None of the hapus mentioned in the petition joined the rebels. Ngaitahupo are living in the District of Turanga. I know that some of the Ngaitahupo joined the Hauhaus, and some of them were sent to the Chatham Islands. Those crossed with red ink* in the list of names of persons who signed the petition are dead. Some of the Ngaitahupo, Teitangahauiti, and Ngatiporou joined the Hauhaus.

Rapata Wahawaha, called by Paora Parau, sworn: I am a major in the New Zealand Militia, and belong to the Ngatiporou Tribe. I know the hapus named in the petition. I know they did not receive any of the payment for Patutahi. They were engaged under me in different fights in this district. I have never heard that the hapus mentioned in the petition joined the Hauhaus.

By Mr. Locke: I did not know there were eighty-six signatures to the petition, but it is correct that these eighty-six persons remained in Turanga and protected the Europeans. These people's services commenced under me, at Te Kapane Waikaremoana. All the eighty-six were not there, some remained to protect the kainga. Paora Parau was there in the year 1866. The arrangement with the Government, I know of, was that these people were to receive ordinary pay, but I know nothing about their right to Patutahi. I saw these hapus engaged at the fight at Waerengaahika, but they were not under me until we went to Te Wairoa. I do not know that the Turanga Natives were to receive any portion of Patutahi. I consider that Paora Parau and the hapus mentioned in the petition were as loyal as myself. I know Ngaitahupo; they are a hapu living in the district of Turanga. I do not know if they received any money for Patutahi. I consider that Ngaitahupo were precisely in the same position as Paora Parau's people with regard to all these military expeditions.

Captain Porter, sworn, called by Mr. Locke: I am captain commanding East Coast Militia District, and have been for many years past. I came here in 1865. I was present at the fight at Waerengaahika, and was also engaged with the friendly Natives in the various fights that took place afterwards here and in the Wairoa District. I know the hapus named in the petition. In almost every expedition and engagement a certain number of the hapus were engaged. They participated to a certain extent in the money paid for Patutahi, but not perhaps as much as they were entitled to; the reason of which I can explain. When the Ngatiporou agreed to sell out the interest they were entitled to in Patutahi, they agreed to accept £5,000 in a lump sum. The chiefs arranged to apportion this out to the several persons that took part in the various expeditions for which Patutahi was given. The total sum to be given to any person who went on every expedition was £11 each. A different arrangement was made with regard to Ngatikonohi. I think a sum of £200 or £400 was set aside for them, amounting to about £2 each. This was given by Ropata and Henare out of their £5,000, and they would not give them any more on account of their taking up and adopting the actions of Henare Matua, which was considered to be calculated to oppose the Government. I consider that these people were paid their proportion of the Patutahi money, but whether it was a fair proportion or not I cannot say. I think all these people have been paid according to the lists furnished. [Captain Porter handed in deed extinguishing Native title (Ngatiporou) over the Patutahi Block, dated the 30th September, 1873.]

By Mr. Locke: I witnessed the payment of £2 to Ngatikonohi, that is, to those whose names were included in the lists given to me. I do not know of an arrangement by which these people

* Indicated by an asterisk.

were paid £2 for returning their arms. I do not remember any arrangement about guns. I do not remember that the money was paid on the same day that the arms were returned, but the return of the arms had no reference whatever to the payment for Patutahi.

Paora Parau : I do not dispute what Captain Porter says, it is quite true ; but I simply wished to ask him a question relative to the payment of the £2.

Captain Porter, by the Commissioner : I know Ngaitahupo Hapu, living at Te Muriwai. The special reason why Ngaitahupo was paid the amount stated in my memorandum, dated the 25th February, 1874, N. and D. 74/1362, was because they took part in the expedition to Kopane. I do not think that Paora Parau took part in that expedition, or many of his people. I cannot positively say he was not there.

Ereatara Hapu's petition closed.

Commission Court adjourned until 2 p.m.

HENRY T. CLARKE,
Commissioner.

[Presented by H. TOMOANA, 28th October, 1879, No. 161, Sess. II.]

To the Honourable the SPEAKER and the MEMBERS of the GENERAL ASSEMBLY of the COLONY of NEW ZEALAND.

Turanganui, in the Province of Auckland, Colony of New Zealand.

THIS is a petition from the undersigned petitioners : That you should carefully consider the matter which is set forth hereunder, viz., respecting our payment for fighting against the Hauhaus, that is to say, the money for Patutahi. These are the names of the tribes and families who have not received payment of the £1,400 : Ngatikonohi, Ngaite Riwai, Ngatimate Koraha.

We, the petitioners, wish to depute Paora Parau to represent us before the Parliament.

From EREATARA HAPU,
And 86 others.

Whangara, 9th Aperira, 1874.

KOTE kapi tenei o ta matau petihana i tuku atu ai ki te Paremata i te tau 1874, nga ingoa o nga tangata :—Apiata Hame, Epihina Whakatete, Kerehona Piwaka, Hoone Meihana, Wi Patene Hoaraku, Tamati Waaka, Hone Hira, Manahi Puanga, Mehaka Ngahue, Paki Tautara, Wi Manini, Rapaia Taita, Arapeta te Hau, Karaitana Hape, Karepa Tipare, Enoke Tamitaina, Hoani Noata, Haare Whana, Rutene Koroua, Hare Nahonaho, Eruera Taruke, Hoani Piwaka, Waaka Pipi, Tamati Arahia, Awherata Pehanga, Maahi Akurangi, Paoro Hoko*, Natanahira Poreti*, Tamihana Rakato*, Paratene Tototahi*, Rutene Oikau*, Eru Paho, Manihera Whataakai, Hare Noanoa, Wikiriwhi Koura, Rihora Kitao*, Timoti Wahahuka, Mihaera Koura, Taopaaka, Pera Whakatea, Heta, Hori Peita, Mangungu, Haone Kaingi, Waaka Hoapakau*, Raitiri Poaiahi, Hoani Roiroi, Hemi Kauto, Paraone Hinaki, Haapi Hinaki, Rewori Turanga, Hori Haehaepo, Hori Apuinga, Wi Wharekino, Tuatiaha Aouri, Horomona Turaki*, Hori Parekahiki*, Rupena Kahe*, Ruka Harua*, Piere te Ariki*, Eru te Hau*, Hataraka Tunguru, Hohepa Whakairihi*, Poihipi Hutehuri*, Hoara Tangoiro*, Ngiramoma*, Te Keepa Horotu*, Wi Wanawana*, Rutene Morehu*, Raniera Kauheki*, Ereatara Haapu*, Rewi Haapu, Ihimaera Tawha, Paora Parau, Hirini te Kani, Rutene te Eke, Hori Hinaki, Pera Kohore, Paora Pahoe, Pita Potohe, Epihiha Kiore, Hirauria Matoote, Hunia Kehei, Wiremu Waaha, Hemi Popato, Wiremu Uretoro, Raihainia te Aopapo, Piriniha te Eke, Hemara Kamutahi*, Kimi Kaoho, Waaka Toko*, Wi Ngaua, Pera Weri, Wi Matangi, Nopera Kiwi*, Ruka Taeaka*, Hetekia te Hamaiwa*, Rapata Puhia*, Rote Itohi*, Hari Wahie*, Ropiha Kopiri*, Epiha Parau, Anaru Ngorongoro*, Keepa Karongo*, Hoera Hinaki.

Re EMA KATIPA's Petition.

THE petitioner sets forth that her husband (Himiona Katipa) and her brother (Te Tutere) were loyal Natives ; that they were murdered by Te Kooti and his followers in 1868. She further alleges that lands to which the murdered men and herself had a title have been taken by deed of cession, which deed she did not sign ; that, in consequence of the cession, she has suffered loss, which petitioner estimates at £500. Wi Pere appears in support of petitioner's claim, and deposes that Te Tutere, the brother of petitioner, was a loyal Native ; that he had large possessions in land and cattle ; that he was a large owner in the Patutahi Block ; that he had large herds of cattle and horses on that land, which were nearly all destroyed by the Government forces ; that Te Tutere was on a sick bed in 1868, when he and two of his children were murdered by the Hauhaus ; that the land referred to is in the land handed over to the Government in 1869. With regard to Te Muhunga, Wi Pere states that any claim the petitioner had to that block through her marriage with Himiona, as set forth in her petition, has been forfeited and become void from the fact that she has since married Peka Kerekere ; that her claim held good so long as she remained Himiona's widow. In reply to questions put by me, witness stated that he was not aware whether the petitioner signed the deed of cession ; that she was in Gisborne when Patutahi and Muhunga Blocks were handed over to the Government, in 1869, by the tribes Rongowhakaata and Te Aitangaamahaki ; that that was an act of the tribes, and every individual consented to it. When the arrangement referred to was brought before the Court no one objected. In his own case he yielded to the voice of the tribe.

I would report in this case that I cannot depart from the principle I have laid down in a former report—viz., that, in all great questions affecting the whole tribe, individual interests must merge in the common interests of the tribe. The two great divisions, Rongowhakaata and Te Aitangaamahaki, agreed to surrender certain portions of land to the Crown, which surrender was ratified

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.

Gisborne, 26th October, 1882.

Court of Inquiry opened in the Government Buildings at 10 a.m.

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

Eru Pohatu's case called. Telegram to the Hon. the Native Minister read.

Eru Pohatu, sworn: My name is Eru Pohatu. I am a chief of Ngaitahupo, and live at Muriwai. I sent the telegram just read to the Hon. the Native Minister. It is correct, as stated in my telegram, that the late Sir Donald McLean awarded us a piece of land at Arai. This promise was not put in writing; it was a verbal one. At the first meeting held by Sir Donald McLean relative to the boundary, the land on the other side of Turanganui River, extending to the Kohekohe, was made a reserve; a boundary was fixed from Maungapohatu to Te Paritu. Te Muriwai was to be a reserve for the loyal Natives of that place; Te Arai was to be the boundary. This land was for Ngaitahupo. The people of this side proposed that a portion of this land should be taken to pay for the Hauhaus, but Sir Donald McLean objected to it, and no part of that land was taken. The meeting referred to was held in 1866 or 1867. Another meeting was held at Whakato, at which Mr. Richmond was present; and he stated there that the boundaries of the land for Ngaitahupo should be from Te Arai Stream to the mouth of Kopututea Stream; the portion for Rongowhakaata was from the mouth of Kopututea, extending to Te Arai Stream; and that a portion of the land for Rongowhakaata should be given to the Government. Paratene then said, when his head was cut off his land could be taken. Patutahi was then taken by the Government. The arrangement about the portion of land for Ngaitahupo was established at that meeting. The boundaries were to be as I have described. About 1868 Sir Donald McLean visited us with Mr. Richmond. We all went on board his steamer. Sir Donald McLean then stated positively that the boundary of the land for Ngaitahupo should be from Te Arai to the mouth of Kopututea. He further stated that, if Rongowhakaata had not joined the Hauhaus the second time, the question of admitting them within this boundary might have been considered; but, as they had done so, Raha-ruhi alone would be admitted, and he might have some consideration for his friends. This is the cause of our making this application—the promise of Sir Donald McLean to us. It has been stated that all matters dealt with by Sir Donald McLean would fall through, but, as we see such is not the case, we ask that his promise to us may be carried out.

Mr. Locke appeared on behalf of the Crown.

Eru Pohatu, examined by Mr. Locke: Our claim as Ngaitahupo is confined to the seaward side of the Arai Stream. [Sketch-plan that was laid before the Commission in 1869 produced.] Eru Pohatu pointed out on the plan that his present application referred to Tapatohotoho. Waimata is a stream, and empties itself into the Arai Stream. Waimata is on the inland side of the Arai. I am satisfied that the Government claim no land except Tapatohotoho on the seaward side of the Arai Stream. The land on the seaward side of Tapatohotoho has passed the Native Land Court. It passed the Court under the name of Te Arai No. 2, and was adjudged to Rongowhakaata. All Courts are open when cases are under investigation. I have heard that Ngaitahupo objected to this Arai No. 2 being awarded to Rongowhakaata. I have heard of the Commission Court sitting here, when it was arranged that land should be ceded to the Government. Mr. Atkinson was acting as Government Agent at that time. Mr. Graham acted as agent for the Natives in the Court of Commission. I was not in Court when blocks were awarded to the Government. I heard at that time that Te Arai, Patutahi, and Te Muhunga were awarded to the Government in payment for the guilt of the Hauhaus. On hearing of this I did not object. This is the first application I have ever made in reference to the promise made by Sir Donald McLean.

By the Commissioner: I do not think that any of Ngaitahupo appeared in Court when the judgments referred to were delivered. The principal men of the tribe are dead. I do not know if any of Ngaitahupo came to the Court at the hearing of Arai No. 2, before the Commission; but I heard that Te Waka did appear and object, but I do not know in what case. We had a writing setting forth the boundaries as agreed upon by Sir Donald McLean. I am unable to say who wrote it. We have searched for that paper, but cannot find it. And from that day to this we have only just revived the promise made. We have never written to the Government concerning it.

Hemi Waaka, called by Eru Pohatu, sworn: I belong to the Ngaitahupo Tribe, and am a son of Te Waaka, referred to by the last witness. I have heard the evidence given by you. I have heard it was stated that Ngaitahupo were to be admitted into the Arai Block. The only thing you omitted to state in your evidence was with reference to that portion that was returned by the Government to the Natives, called the Waimata. I heard that that piece was returned for the loyal Natives of both Ngaitahupo and Rongowhakaata. It is now in the possession of persons who have ancestral claims to it, and we consider it ought to be subdivided among the loyal Natives without any regard to ancestral rights. The telegram sent refers in part to this matter, which is the principal object of it.

By Mr. Locke: I never heard from Sir Donald McLean or any officer of the Government that the land reserved at Waimata was intended for all the loyal Natives. Ngaitahupo never made any objection relative to this matter to the Government. I do not know the date of Sir Donald McLean's making the arrangement to give back a portion of Arai. Ngaitahupo own land on the western side of Arai Stream. Eru Pohatu did not refer to the land at the sources of the Arai, but to the outer portions. Ngaitahupo have ancestral claims to land adjacent to Waimata. Ngaitahupo are included in ownership of Tarewaura, which adjoins Arai. I do not know that this reserve at Arai has been gazetted as having been awarded to certain persons.

By the Commissioner: I do not know the year in which Sir Donald promised us land on this side of Waimata. I was absent at the time of the visit of Sir Donald McLean and Mr. Richmond, referred to by Eru Pohatu.

Mr. Locke, on behalf of the Government, hands in the minutes of the Commissioners in 1869,

that part of it especially relating to the hearing of the Arai No. 2 Block, on the 20th July. Also the original sketch-map produced before the Commission, and the plan of actual survey by Mr. Bousfield. Also Proclamation, setting apart the Waimata Reserve and the Tapatoho Reserve; and the tracings of the same blocks, and other correspondence relating thereto. Mr. Locke states (not on oath) that he has no recollection of any such arrangement as alluded to by witnesses, but has no evidence to offer.

Case closed.

HENRY T. CLARKE,
Commissioner.

ERU POHATU to the Hon. the NATIVE MINISTER.

Gisborne, 16th October, 1882.

THIS is an application of ours to you for the decision given by Sir Donald McLean in respect of Waimata, situate at Te Arai, Turanga. Ngaitahupo was included in that block of the Governor's. We are desirous that this Commissioner should now award this block to us—to Ngaitahupo.

The Hon. the Native Minister, Wellington.

ERU POHATU.

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1884.

Carole Hall

April 11, 1964