

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,