

*Mr. Bagnall*: The Proclamation was dated 20th November, 1868, and that defined the Port of Shortland.

9. *Mr. Rhodes*.] In this inquiry there are no claims as to filling up the river?—Not in connection with this inquiry. That is a matter we have to deal with afterwards.

10. I only want to know whether the Harbour Board thinks they have any ground of complaint as to that matter.—Wherever a harbour takes in a portion of a river, and if in that river certain logs, or *débris* of any kind, comes down, naturally the Harbour Board would have some claim; but we have no special cause of complaint at the present time.

11. *Mr. Bagnall*.] What is meant by the Port of Shortland? What would you understand by such a question?—The boundaries of the Port of Shortland are not before us. There is no description of boundaries before us.

12. What particular place do you think the Proclamation referred to? What do you understand by Shortland?—When the township was first formed here it was laid out near the Kauaeranga Stream, and was designated Shortland. The so-called port or harbour was called the Harbour of Shortland at that time, I think. It was a name, that was all, and the seaward boundary was four miles radius from Opani Point. The name was given because that happened to be the principally-populated place at the time. If it had been intended to define the boundary of the harbour as from Shortland—from the mouth of the Shortland Creek or River—the boundary would have started from there, and not from Opani Point. The very fact of making the central point of the circle at Opani Point shows that it was intended to cover a portion of the Waihou River. If it were intended to define simply the Port of Shortland, the arc of the circle would have been described from there [indicating on plan]. At that time, it must be remembered, the river was not so free to Europeans as it is now.

Mr. BAGNALL examined.

*Mr. Brodie*: I will draw your attention to "The Marine Act, 1867," and the definition of the word "port," in section 3. It says, "'Port' shall extend to and include any port, harbour, or haven, or navigable creek or river, or lake, or inland water within the limits defined for such port." The contention of the Board is that in the original Proclamation the seaward limits were described by an arc of a circle, and there was no necessity to describe the inner limits. You may see great trees which have been cut down and enormous roots which have been brought down in the stream, and you will see hundreds of stumps impeding the navigation; and near Bagnall's you will find an enormous quantity of sawdust.

*Mr. Bagnall*: No.

*Mr. Brodie*: I believe steps were taken to remove some of it, but not until a great deal of trouble had been taken by the Harbourmaster. Large quantities of land were allowed to go into the river, and sand-banks were formed where there were none before. On these grounds, the Board should have the control of the river.

*Mr. Bagnall*: I would like to say, at the outset, Mr. Rhodes, that the residents on the Waihou River look upon this matter as one of very considerable importance, not only involving the present charges that may be levied upon the people there, but fixing that which will go on for all time to come; and we think that it is the duty of the Government to look at the whole matter in a fair and proper light, taking into account all that has gone before, and not place us in an unfair and improper position. Now, to begin with, I will recite the history of the Thames Harbour Board, and that from the beginning. Mr. Carpenter has not stated all the facts, and I think all the facts should be known. We have not had the Proclamation of 1868, but you said you would be able to see that.

*Mr. Rhodes*: I will see it.

*Mr. Bagnall*: It is a Proclamation which fixes the limits of some thirty or forty harbours in New Zealand at that time, including Auckland, Wellington, Port Chalmers, Lyttelton, Napier, Gisborne, and a whole list of them, and amongst others is the Port of Shortland; and it says, with regard to the Port of Shortland, "The seaward limit of the Port of Shortland is a radius of four nautic miles from Opani Point." This is the Kauaeranga River [indicating on plan], and on the bank, near the mouth, is the Town of Shortland. The goldfield was discovered in 1867, and it was a port at that time. In 1868, when the Proclamation was issued, it was then known as the Port of Shortland. I do not think Mr. Carpenter's contention as to the meaning of "seaward limits" will bear investigation at all. It is clearly intended that seaward limit was that portion which was towards the sea. In proof of that, if you will look at the other Proclamations in 1868 you will see that the seaward limit of the Port of Wellington is set out there as a circle with a radius of three nautic miles from a rock known as Barrett's Reef, at the entrance to Wellington, and if you make a circle and only include three miles you will leave out the wharves and all the principal part of the Port of Wellington. That, to my mind, is clear proof that the seaward limit was never intended to be the actual limit to the port.

*Mr. Brodie*: What about the Auckland limits?

*Mr. Bagnall*: I am not quite sure what that was. I think the original Proclamation in regard to Auckland was a circle from Rangitoto, which has since been altered, and the present boundaries of the Auckland Harbour are fixed by definite lines. [Described boundaries according to Proclamation.] In every one of the descriptions of harbour boundaries you will find that the seaward limit was only intended to extend to the sea. The Proclamation of 1874 still continues to define the Port of Shortland. It is still the same port which was defined in 1868 and 1874, with this difference, that the name was altered. It says here, "I do further order that the port thus defined shall hereafter be called the Port of Thames." Altering the name does not alter the port, and what was the Port of Shortland in 1868 was altered to the Port of Thames in 1874. In 1867, when the Proclamation was issued, this was the outlet [indicating on plan]. There were no people living up in this direction. I do not think that these other navigable rivers, which are the outlet of large districts beyond, were intended to be included within the limits of the Port of Shortland. These are separate ports, separate harbours forming outlets for separate districts, which are now peopled by different people with separate interests, and who have no right to be under the control of