

out by the description of the boundaries of either the Turakirae, Owhanga, or Kahutara Blocks as described in the deeds of cession. It has been previously shown that both the Owhanga and the Kahutara Blocks include portions of the lake within their boundaries, and that the eastern boundary of the Turakirae Block was the margin of the lake. Further confirmation that the boundary of these blocks is the margin of the lake will be found in the applications made by the Natives from time to time to the Native Land Court.

There are a number of such applications; but the one sent in by Manihera Rangitakaiwaho and others in 1880, to have their claims to the northern lake determined, will suffice to illustrate the matter. The boundaries in this application commence at Tuakipuku (at the junction of the Ruamahanga with the lake); thence to the Waiarua a Tukairua; thence to Rurumoko, Puriri, Makakihi, Otekenga, Te Awa a Pohatu, Te Awatapu to Kahapahapa; up the Atuahae to Ahine-ngatira; and thence to Otairua, and thence to the lake; thence southerly to Wahangapohatu, Te Tipua, and on to Paporoporo, thence to Pekehonia, turning thence to Ruamahanga, and across to Tuakipuku, the starting-point. The most of the places named in the foregoing application are situated on the proper margin of the lake when not flooded; the only place where there is a short divergence is between Kahapahapa and the mouth of the Otairua Stream.

6. "In 1855 heavy earthquakes raised the land, and the lakes were lowered, leaving large strips of land between their borders and the previous high-water mark, which can be easily defined to this day by logs and other land-marks. The boundaries of the sales can also be proved by living witnesses." The evidence given at the inquiry relative to this allegation was very conflicting. Some of the witnesses testified that all the low-lying land between the margin of the lake and the flood-line had been raised, while others stated that it had only been raised in parts, and that the lake, when closed for any length of time, flooded the same extent of country as heretofore. The allegation is not clearly expressed, as it creates an idea that large strips of land on the margin of the lake have been reclaimed through the action of the earthquake, which is not the case, although it is generally admitted that some places were raised by its action; but the area upheaved in this manner is insignificant when compared with the extent of low-lying land in the vicinity of the lakes.

7. "Since the sales (meaning the sales of 1853) separate sales have been made by divers of the owners to the Crown of portions of the land inside the high-water mark—to wit, the sale of a block called 'Te Puata,' by Te Manihera and others, and other sales." The statement made in the foregoing allegation that lands between the margin of the lake and the flood-line have been sold to the Government subsequent to the sale of the Turanganui Block is correct. One of the blocks sold was known as Te Kumenga. This block is situated on the south bank of the Ruamahanga, chiefly to the west of the flood-line, and forms part of the tract of country included within the boundaries of the Turanganui Block. It was purchased in December, 1853. The Puata Block (also known as Te Taheke) was purchased in 1862. This block is situated at the confluence of the Ruamahanga with the Wairarapa Lake, and also forms part of the Turanganui Block purchased in 1853. Judging by the report made on this purchase by Mr. Commissioner McLean, it appears to have been conducted in a deliberate manner, and with the full knowledge of the locality it was situated in. These purchases strengthen the assertion of the Natives that the land below the flood-line and the lake was not previously sold, although apparently included within the boundaries of the Turanganui Block.

8. "In 1883 our title to the lakes was ascertained by the Native Land Court of New Zealand." The ascertainment of title to the lakes was referred to the Native Land Court in conformity with a suggestion to that effect contained in the report of the Native Affairs Committee in 1876, owing to the dissatisfaction which prevailed amongst a large number of Natives, who alleged that their right to the lake had been prejudiced by the action of some of their number in selling shares in it to the Government.

9. "In 1876, a chief named Hiko and sixteen others, is alleged to have sold to Her Majesty's Government certain interests in the lakes." The cause of the Government entering into negotiations with Hiko and others to acquire their interests in the lakes, was for the purpose of obtaining control over the opening of the lake, so as to enable action to be taken on all occasions to give an outlet to the accumulated water pent up by the periodical closing of its mouth, when the flooded state of the lake threatened to inundate land occupied by the European settlers. Government, however, found, after spending a considerable sum of money in acquiring certain interests, that the acquisition of these shares did not confer any authority on them to carry out the aforesaid intention.

10. It will be more convenient to deal with this allegation when answering No. 15.

11. This is in the same category as No. 10.

12. "The certificates issued to the owners of the lakes only include the lakes to the present high-water mark thereof—i.e., the margin of the lake when the waters are not pent up."

In reply to this allegation, it will be sufficient to remark that the Court had no jurisdiction over the land beyond the margin of the lake, inasmuch as it was the property of the Europeans who had acquired it from the Government.

13. "The owners of the lakes are subjected to much annoyance and injury in their possession and occupation of the lakes by the River Board at Featherston and other Europeans at times when the waters of the lakes rise, trespassing on their property and forcibly entering thereon, and, against the will and consent of the owners, opening the mouth of the lakes, thus depriving the owners of their fishing and proprietary rights without compensation."