

No. 38.

Native Land Court, Greytown, 26th October, 1882.

PIRIPi TE MAARI states that he is prepared with list of names for upper lake, but before handing them in he wishes Wi Mahupuku to make a statement.

Wi Mahupuku: Mr. Gill has come with deeds of sale which he has shown to us. We do not think those were the first deeds. The deed of Turanganui we have not seen, and we have not seen the reserves made for us. We want to see the deed on which £1,100 was paid. The reserves are not shown in the deed Mr. Gill has shown us. Certain rights of fishing, &c., are not mentioned. In the deed between us and McLean, he said all fishing-rights in lakes and streams should be secured to us. The boundary of land sold was high-flood mark. The fish—eels—are caught at high-water mark, and that was boundary. Mr. McLean said the lake at full high-water was to be the boundary. That is now dry ground. That deed has not been produced.

By Court: Were there two deeds?—Yes. One deed showed payment of £1,100; second was more of a receipt for £400. We propose to give in list of names of claimants to boundary of lake when full, not as at present shown; and we insist that the lake shall not be drained to alter boundary.

Court: We are bound by the boundaries shown in previous deeds, we cannot recognise verbal promises by Mr. McLean in face of written documents.

Wi Mahupuku: McLean's promises are contained in deed which I have referred to, and which is missing. If second deed only is taken, there are reserves mentioned. I consider that we are entitled to lakes, streams, and adjoining lagoons. Our parents exercised rights of catching eels in streams and small lagoons, as well as in large lakes. I submit that the Court would have jurisdiction on our claim if we ourselves had made the survey.

Court: All that Court has to do is to adjudicate on all lands or water lying between Government purchased lands on east and west sides of lakes. [Plan produced and exhibited.] Court does not inquire whether it is high-water mark or low-water mark.

Wi Mahupuku claims a margin all round the lakes. Small streams and lakes have not been ceded.

Court: We can only adjudicate upon land as shown on the map.

Mr. Gill stated that he had every reason to believe map had been made in accordance with deeds. With respect to the reserves they are shown as Native reserves on Government plans, and this was explained to Raniera and Piripi yesterday.

Court: We have nothing to do with land on banks of lake. Upper lake only is before us now.

Mr. Gill produced a copy of deed referred to, in which fishing-rights were retained.

Wi Mahupuku: We agree to that deed being correct; but boundaries have been extended nearer lake.

Court cannot interfere with Crown lands, if they think they have a grievance let them go to Parliament. Court can only deal with lake boundaries, of which are shown on plan.

Wi Mahupuku: I submit that claim of Hoani as gazetted does not agree with plan before Court.

Court: Hoani examined map, and stated on his oath that boundaries as shown are correct. Further, Court will not meddle with land beyond red mark shown on map.

Wi Mahupuku: I insist that we have always had the *mana* to open or shut drains.

Hamuera Mahupuku appears for Hoani says they have prepared list of names. I should like the Act of 1853 read, which confirms to us our fishing-rights. If water is taken as a boundary, a matter of drainage will reduce Maori claim to a mere nothing.

Mr Gill explained deed with reference to western side of lake.

Hamuera Mahupuku put in list of names for his client, Hoani te Toru, representing three hapus.

Piripi te Maari asks if Native Land Court can adjudicate on water.

Court supposes there is land under the water.

Manihera te Rangitakaiwaho here made a desperate attempt to quash the case.

Hamuera stated that an agreement had been come to yesterday.

Manihera insisted that he had been under a misapprehension.

Hamuera: I ask Court not to strike out list put in by me.

Court declines to receive names of one hapu alone. If other hapus do not put in names case will be dismissed.

Hamuera insists on his names being accepted.

Mr. Gill objected to withdrawal. Asks that case may go on, and that claimants be allowed to prove their case.

Piripi asks for case to be dismissed.

Court does not see how it can go on with only one list.

Manihera still insists on case being dismissed.

Court advised them not to insist on withdrawal, as case will have to come on another year, and in the meantime Crown will proceed to have its interests ascertained.

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WAIRARAPA Lakes before his Honour, Judge Brookfield.

Court met at 2 p.m.

List of names called for. *Manihera te Rangitakaiwaho* says list is not ready. Case struck out. Adjourned.

Mr. Gill appears to prosecute Crown claims to lakes, and asks the Court, for convenience sake, to take both cases at once. Application made under 6th section of "The Native Land Amendment