

(f) According to this Whakapapa Taraia I lived about 400 years ago (16 generations). In Napier Minute Book 17 page 200 appears an account given by Paora Kaiwhata, one of the Maori Elders, of the fight between Taraia I and Tunui-a-rangi on the Petane Beach opposite Heipipi Pa. After the parties made peace the account goes on to say that Taraia and his party went to the heads at Keteketerau on the spit to get some fish. Tunui then leaving his people went to a place where he had a monster which he used as a horse, and the first thing the people saw was him riding the monster out to sea. The cove at Whareponga in the Lagoon where Tunui kept this fish is referred to in these days by Natives as the "Stable where Tunui kept his horse." This would indicate that the channel at Keteketerau was still in existence at this time.

Para. 141.

(g) This channel appears to have been in existence in 1769 when Captain Cook came. One may gather this from the fact that when two leagues from the Southwest corner of the Bay nine canoes came out to him, and the Keteketerau entrance is marked on his chart.

Para. 141.

(h) The Whanganui-o-Rotu never had the reputation of being the waters of the eel. That reputation was held by the three lakes at Te Aute, principally Roto-a-Tara. This would probably have a good deal to do with the Roto-a-Tara raids made in the early part of the last Century as described by Percy Smith in his book *The Wars of the 19th Century*.

Para. 142.

(i) On the investigation of title to the Whanganui-o-Rotu in 1916 the applicants never put forward any claims to the Lagoon as a fresh water lake, and one of the grounds on which the application was dismissed was that the waters were tidal and that private ownership only extended to high water mark. As a result of this Petition the Native petitioners were advised that the Crown was the owner of all tidal lands.

Paras. 56 to 61.

(j) In their Petition to Parliament in 1919 made by Mohi Atahikoia and 47 others the Petitioners made no claim to the Lagoon as a fresh water Lagoon. In fact such an idea did not exist as they referred to it as the sea, and the two classes of foods therein mentioned, being products of the sea, were stated to be the two main foods of their ancestors and their forefathers. It is only since Judge Acheson of the Native Land Court, gave his decision in the Ngapuhi case, wherein the Natives were awarded the bed of a fresh water lake, that the Petitioners have suddenly discovered that Te Whanganui-o-Rotu was formerly an inland fresh water lake. A copy of this Petition and the evidence taken before the Commission is produced herewith.

Para. 143.

2. The rest of the claims made in the Petition and in the arguments of the Petitioners filed in support thereof have already been dealt with in the Crown's reply.

Paras. 113 to 121.

3. In addition to the Statutory title conferred by the Napier Harbour Board Reserves Act 1874 and the amending Act of 1887 the Napier Harbour Board holds Certificate of Title H.B. Volume 18 folio 259 for Te Whanganui-o-Rotu.

4. The fishing rights of the Natives and the Pakehas have always been recognized and they have never been interfered with by the Napier Harbour Board.

5. With reference to paragraph 8 of the Petition the claim of the Natives to (a) "the territory represented by the islands" is not challenged by the Napier Harbour Board, and the said islands have already been defined by survey. With reference to (b) "a claim according to equity and good conscience," this is somewhat out of the ordinary to the claims usually made by Maoris to their lands. Such a claim is non-existent and cannot be entertained or admitted on behalf of the Napier Harbour Board nor can their claim to "a large measure of right to share in the benefits which may accrue from the added territory." There is no added territory, the land in question instead of being below water has been raised above water, and still remains the property of the registered owners, the Napier Harbour Board.

(Coulson & Forbes, *Law of Waters*, 4th Edition, page 36)

W. T. PRENTICE.

18. Summed up, the Harbour Board claims:—

That the Whanganui-o-Rotu is held by the Napier Harbour Board under a statutory title conferred by the Napier Harbour Board Act, 1874, and the amending Act of 1887, and that the Board holds a certificate of title, H.B. Volume 18, folio 259, for the area.