

In addition to Engineers' Reports submitted in the Claim to substantiate our assertion that "without man's intervention the entrance to the Harbour would again have closed up", we beg to submit the following further reports :—

"Council Papers (Provincial), 1869 : Harbour Master's Report :—

"The Bar : Since my last report, the depth of water on the bar has decreased from 13 feet to 10 feet.

"W. G. CELLEM,
"H.M. & Pilot."

"Council Papers, May 13th 1870 :—

"Page 2 : The Bar is very bad just at present, there being only 10 feet at high tide.

H. KRAEFF,
"H.M. & Pilot."

Waipapakauri v. Hempton does not apply in this case.

In this claim to Te Whanga our Territorial Right is indisputable :—

- (a) It was exempted from sale for specific reasons.
- (b) It was recorded thereafter as a Native Reserve.
- (c) It was by Statute proclaimed in 1859 a Native Area.

Whereas Waipapakauri's Right under the Treaty was considered questionable.

J. W. Salmond, K.C., in the *Waipapakura* case said : "Crown Grant Statutory orders vesting land in Maoris may include *Tidal waters*".

Though there was no actual Crown Grant issued in the case of Te Whanga. Yet Acts performed by the Government amount to an acknowledgment of the Right of the Natives to Te Whanga.

162. :—

REPLY TO CASE FOR THE HARBOUR BOARD

I have already given evidence to shew that it was formerly and even down to some years after 1851 a fresh water lagoon.

W. B. Rhodes, 22/4/41—"ebb tide of fresh water, &c."

G. E. Wright, 2/2/61—"only 4 ft. above Captain Charlton's on point below the Bridge, above that was a rapid."

O. L. Bousfield, 17/4/65—"Could only cross lagoon from Onepoto ten years ago 1855."

White Wings (a book), p. 97 : The Iron Pot was a natural basin with the eastern Spit (Now Ahuriri) on the North and Gough and Maori Island on the South. Shortly after the Provincial Government was inaugurated it ordered the forming of a Causeway connecting the two islands, which had the effect of directing the bulk of the waters of the *Tutakauri River* and the Inner Harbour (Te Whanga) into the main channel.

Tamatea's Pepeha : "Patiki Tahamui" fresh water flounder at Otieri. Shells of fresh water mussels may now be seen almost everywhere in Te Whanga.

So also may one now follow the bed of the Esk Stream well down Te Whanga.

See also Napier Minute Book 19, page 414, date 1889 : Te Ua-a-te Awha, 4 generations from Te Koera Tareha. Bel weir.

Tamatea did not row up Keteketerau. It was a shallow. It was while hauling their canoe up its waters that he heard the strains of his flute floating over the seas.

The mouth of Keteketerau was similarly affected by forces of the ocean as that of Tangoio and even that of Wairoa.

Its mouth was often blocked up by the forces of the sea, so that when after rainy weather the accumulated waters within threatened to flood the cultivations natural outlets had to be made by the natives.

Keteketerau being placed midway along the shingle spit and exposed to forces of the gales from various quarters it was often closed up. In the dry seasons its mouth remained closed for quite a while because the waters from the Purimu, Waiohinga and other smaller streams were not sufficient to cause a rise in the waters of the lake. The waters from these streams percolated through the long length of shingle beach from Scinde Island to Te Pahou.

Keteketerau was never at any time half a mile wide. Wabapango, who is said to have made the statement, like most of the older natives, had no idea of what a mile or half a mile was or any other distances pakeha measurements.

Keteketerau had at times an outlet is no reason to assume that Te Whanga was a salt water area. It has become salt water only since the intervention of man.

Tunui's monster lived near where the Breakwater now is. Its cove was quite discernible up to the date of the earthquake. It was near where the natives gathered Kinas. It was a very deep hole even to very recent years, the parents when sending their children to Hakarere School or to the Convent were always very particular in warning their children not to go near this place (cove).