

23. How far up the Waihou does the tide go?—The Waihou is tidal as far as Mangaiti. The river is tidal, but it is not noticeable on account of the current.

24. *Mr. Clendon.*] Did you not hear from your friends in the year 1895 that there was a notice in the local papers stating that this river would be proclaimed a sludge-channel?—I did not hear that.

25. Does not the road from your kainga to Kerepehi run along the bank of the river?—Yes—that is, the old road.

26. Is not that road under water from the end of May until about the beginning of October?—Yes.

27. This lagoon you have told us about runs north and south?—Yes.

28. Is there not a little stream coming down and feeding that lagoon from the southward, parallel to the Waihou River?—Yes, but it runs into another lagoon in the tea-tree.

29. And that lagoon overflows and fills this lagoon?—Yes.

30. *The Chairman.*] What is the height of the high land on which you camp between Awaiti on the west and Waihou on the east?—About 5 ft. or 6 ft. or more. It had a width of about a mile, and is about three miles long.

31. Is there a low place at the south end of it?—Yes, at Mangaiti.

32. What is the height of that low-lying land at Mangaiti?—In some places it may be 5 ft. and in other places less above the water-level.

33. *Mr. Clendon.*] Were you at Awaiti on the 14th of this month?—Yes.

34. Did you notice two streams of water at the flax-mill overflowing from the Waihou in the direction of Awaiti?—Yes.

35. There was no other stream overflowing on the Waihou between there and the Junction, was there?—There was another stream, Tuawhati.

36. *Mr. Mueller.*] Have you at any time seen the water from the Waihou overflowing towards Awaiti at a point above Tirohia where there is a bit of a cutting on the road?—Yes, I have seen that drain overflowing, but that water does not reach Awaiti.

37. Where does it go to?—That water perhaps goes over towards Waitoa.

JAMES MACKAY examined. (No. 35.)

1. *Mr. Mueller.*] You have been in this district for how many years?—I have known this district since January, 1864.

2. You have heard the evidence given by Haora and Paora as regards the Native race?—Yes.

3. Is there anything you wish to add to that as regards the Native race?—They did not describe the losses that other Natives besides themselves have sustained.

4. Can you simply state that you know of your own knowledge that the other Natives have sustained losses?—Yes, very great losses, especially the Natives close to here on the other side of the river.

5. Is there anything further you wish to add as regards the Native race?—About the boundary of the lands ceded for gold-mining in the Ohinemuri agreement of March, 1875, I may say I was here at the time with Sir Donald McLean. These Natives were all Land League people, and they were very much afraid of their lands being taken away, and that the ceding of a small portion for the goldfields would open all the rest, and they were assured by Sir Donald McLean and myself that the only lands which would be used by the miners or taken by the Government would be those included in the agreement. I may say that the whole of these Native settlements on the banks of the Ohinemuri are outside the boundaries of the goldfields ceded, because it only came to Mackaytown on this side of the river, and to Raratu on the other.

6. And the use of the river for navigation and fishing purposes was never mentioned to the Natives?—No; on the contrary, I put a clause in that the Crown should have the right to use the river-bed down to the boundary inside the agreement, but outside of that it was supposed to be in the hands of the Natives. We agreed we would not interfere with any of their rights or lands outside the western boundary of the agreement.

7. Have you anything to say particularly about the Proclamation in 1895 as regards the Natives?—I know nothing about it. I was not here at the time it was being discussed. Had I been here I should have protested against it. From the time I came back I have made one continuous protest against it.

8. When you say you protested, did you do so on behalf of the Natives or yourself?—On behalf of myself as well as the Natives. My wife and daughter are interested in the land here.

9. Can you confirm what you have heard of the evidence that has been given before this Commission as to the damage caused by floods?—Yes, because I have taken a great interest in the question.

10. What is your knowledge as regards the damage to your family and the district generally?—So far as my family is concerned they have not sustained any great loss, because the silt does not go on to our land; but we have lost cattle on land we have on the west side of the Waihou, because the cattle get caught by the flood and have nothing to eat, and stand there until they become exhausted and fall down into the water. We lost seven cows.

11. *The Chairman.*] Is that flood due to the silt or to natural causes?—The flood on the other side of the Waihou is caused by the waters of the Waihou overflowing, but any flood from the Junction up to Mackaytown is caused by the silt—that is to say, it is aggravated by the silt. We were always liable to floods, but the silt has made a great difference. It has narrowed the river and filled it up, with the result that, whereas years ago it took two days of solid rain to make a flood, now we get a flood in six hours.