

only be obtained where Nature causes them to be. Eels in olden times not only formed a large article of diet for the Natives, but they used to dry them in quantities and send them as presents to neighbouring hapus, receiving in return other kinds of food not generally procurable by the donors. It is only of late years that the possession of sheep and cattle has afforded them animal food of another description, and distracted their attention to a certain extent from their old pursuits of hunting and fishing, but, notwithstanding this, their eel-preserves will always remain a valuable property, more especially when the progress of settlement limits the exercise of their former pursuits to the remnant of the land retained by them.

14. "The Natives say that this is an unjustifiable proceeding, and one constituting an annoyance and grievance to them, and an unlawful deprivation of their just rights." This allegation is answered by the remarks on No. 13.

It will be convenient here to deal with allegations Nos. 10, 11, and 15, commencing with No. 10.

10. "Her Majesty's said Government, claiming under such alleged purchase (purchase of 1876, alluded to in No. 9), levied a Proclamation on the lakes under the Native Land Purchase Act, forbidding all alienation of or dealings with the lakes to any person or persons whomsoever other than the said Government." The Government were fully justified in pursuing this course, to prevent complications arising in connection with the acquisition of the lakes, should the Native owners desire to dispose of their interest, as it was a matter of considerable importance to prevent the possibility of private individuals acquiring an interest, as such acquisition would in all probability increase the difficulty in settling the lake question in a satisfactory manner.

11. "In 1881 Mr. William Fitzgerald, solicitor, appeared at the Native Land Court at Greytown and asked that the interest of the Government in the lakes under the alleged purchase (of 1876) should be apportioned off. The Court declined to do so, on the ground that the Government had not acquired any interests in the lakes or the soil, but had only acquired, if anything, the fishery-rights of seventeen individuals." This appears to be the correct position of the matter according to the opinion of the Assistant Law Officer, to whom the matter was referred.

15. "Also, that the fact of the Proclamation being kept upon the lakes unjustifiably and illegally prevents them from dealing with the lakes and their proprietary rights therein, as allowed by law to other Native subjects [and that such Proclamation is wrong and illegal in the face of the decision of the Native Land Court aforesaid], and that the claim of the said Government to any title in the lakes under the alleged purchase from Hiko and others aforesaid is wrong and illegal, inasmuch as the shares of the said Hiko and others not having been ascertained, the said Hiko and the others had no right to sell any interest in the lakes without the consent of the other owners of the lakes, and every one of them."

This allegation requires to be divided into sections to admit of it being answered clearly: (a.) Also, that the fact of the Proclamation being kept upon the lakes unjustifiably and illegally prevents them from dealing with the lakes and their proprietary rights, therein as allowed by law to other Native subjects. This assertion may be taken for what it is worth, as the Proclamation does not affect the matter, the Natives having established a rule amongst themselves that any person attempting to sell his interest in the lake should be fined £50, and it was this rule that terminated the negotiations for the sale of shares to the Government. (b.) And that such Proclamation is wrong and illegal in the face of the decision of the Native Land Court aforesaid. Clause 2 of "The Government Native Land Purchase Act, 1877," seems wide enough to cover the action of the Government in issuing a Proclamation over the lake. (c.) And that the claim of the said Government to any title in the lakes under the alleged purchase from Hiko and others aforesaid is wrong and illegal, inasmuch as the shares of the said Hiko and others not having been ascertained, the said Hiko and others had no right to sell any interest in the lakes without the consent of the other owners of the lakes, and every one of them.

The right of the Government to open the lake was referred to the Solicitor-General in 1888, and the following opinion was expressed by him touching the value of the seventeen interests acquired by the Government under the agreement of 1876: ". . . But the Crown has other interests, as to which there is no question. It has a declaration of title as to seventeen shares, and has purchased others. It is practically tenant in common with the Maori owners, so that, assuming the Crown cannot show any good title prior to 1876, it has a title in respect of these shares since the 14th of February in that year. . . ."

16. "Also, that they, the said owners, have a substantial grievance in that they have not been awarded a proper title to the land adjoining the lakes, up to their proper boundary—viz., the old high-water mark prior to the earthquakes aforesaid; and that Her Majesty's Government have wrongfully, and without any compensation to the Native owners, conveyed and granted to Europeans certain of the said land properly belonging to the said Natives." As regards the first part of the allegation—that they have not been awarded a proper title to the land between the lake and high-water mark—no application was preferred by the petitioners until fully ten years after the land was sold by the Provincial Government to private individuals, consequently the Court had no jurisdiction. With reference to the latter part thereof—that the Government have wrongfully, and without payment of compensation to the Natives, conveyed the aforesaid land to European settlers. The land was sold by the Provincial Government under the supposition that it formed part of the Turanganui Block.

17. "The Native owners are willing to come to an amicable settlement of the matter, and are willing to concede to the said Government, or their representatives, the right of opening the lakes whenever they flood beyond the proper Native boundary, but only so as to reduce the volume of water within the limits of that boundary, provided that such boundary be properly ascertained, and