

Piata and sixteen others ceding all their rights in the lower and upper lakes to the Government for £800. A great deal of dissatisfaction was manifested by a certain section of the Natives at this transaction, which culminated in their forwarding a petition to Parliament to have their claims to the lake considered. The petition was referred to the Native Affairs Committee of the House of Representatives, who reported in favour of their claims, and recommended that application to prove their title should be made to the Native Land Court. This recommendation was acted on by the Natives, and on the claim coming before the Court at Masterton, in August, 1877, it was dismissed, owing to there being no survey-plan.

In 1877 the settlers owning land adjacent to the lake petitioned Parliament, praying that the lakes might be kept open, on which the Native Affairs Committee reported to the following effect: "That it appears that serious injury is caused to certain settlers by the yearly overflowing of the Wairarapa Lake, and that the grievance cannot be abated without infringing the fishery-rights of the Native owners, which are alleged to have been retained or preserved in the original deed of cession. The Committee suggest that their recommendation of the previous year relative to the Native claims should be acted on, and the inquiry expedited, so as to enable the grievance complained of by both parties to be settled with the least possible delay." No immediate action appears to have been taken, owing to the want of unanimity amongst the Natives, caused by the strong feeling that existed against the sale by Hiko and others in 1876.

In February, 1881, the Government applied to the Native Land Court to ascertain and determine what interest Her Majesty the Queen has in the Wairarapa Lakes. The application was heard in June, 1881, after a good deal of opposition from the Natives who had previously resented the sale of 1876, and resulted in the Crown obtaining an order for seventeen interests, which, according to the opinion of the Assistant Law Officer, were nothing more than fishing-rights. The advisability of taking the case to the Supreme Court was discussed, but it was considered desirable to let the matter remain as it was.

The Natives who were opposed to the issue of the orders in favour of the Crown for seventeen undivided interests in the Wairarapa Lakes caused action to be taken in the Supreme Court to obtain a *rule nisi* for a prohibition to the Native Land Court, on the assertion that no right existed, according to Native custom, to the soil beneath a lake, nor is the same recognised by Native custom as being capable of ownership. Mr. Justice Richmond, before whom the argument was heard, decided that the Supreme Court could not interfere with the Native Land Court upon any such grounds; but, supposing the applicants were right in their view of Native custom, there appeared to be no reason why the Native Land Court should not issue certificates of title to rights of fishing as tenements, distinct from the right to the soil, which would then be in the Crown.

A draft confirmation deed was prepared by the Assistant Law Officer in July, 1881, to be executed by the Natives, *quantum valuit*, showing that the land under the lakes was intended to be conveyed by the former deed (of 1876). This deed was never executed; but the plan endorsed on it supported the contention of the Natives that the land between the margin of the lake and the flood-line belonged to them. Another attempt was made by the Government in 1882 to purchase the remaining interests in the lakes, but the effort was frustrated, partly through the jealousy of the Natives who had not participated in the payment of the £800 to Hiko and others in 1876, and in a great measure to the fact that a large number of persons were likely to be admitted by the Court as owners. At a sitting of the Native Land Court held at Greytown, in November, 1883, after a great deal of opposition orders were made registering 139 persons as owners of the upper and lower lakes, and a certificate of title was subsequently issued in accordance with such order.

All these efforts to settle the question in no way abated the difficulty; consequently a further attempt was made in 1886 to bring matters to a conclusion, which resulted in Mr. Henry Bunny being appointed as a mediator in the matter. The cause of this attempt originated with a deputation of Natives, who waited on the Hon. Mr. Ballance, then Native Minister, to proffer certain terms by which a settlement of the lake question could be effectuated. The offer made by the deputation was to the effect that the Natives would relinquish two out of the four months which from time immemorial they had devoted to catch eels. The months they were willing to relinquish were April and May, retaining for themselves February and March. The Native Minister thanked the deputation for the offer, and urged on them the advisability of consenting to dispose of their interests in the lakes for a money payment and a suitable reserve in some other part of the Wairarapa. The deputation promised to consider the suggestion, and asked the Minister not to deal with individual owners in the meanwhile, until the whole of the owners had held a meeting on the subject and decided to sell.

Mr. Henry Bunny was appointed in 1887 to negotiate a settlement of the lake question, and held a meeting with the Natives on the subject, at which the following resolutions were passed by a committee: (a.) A Commissioner to be appointed by the Government to settle all troubles and disputes concerning the lake. (b.) The Commissioner and the committee to have full power to demand the production of all deeds, plans, and the attendance of any person or persons for the purpose of enlightening themselves upon any subject relative to the settlement of the lake question. (c.) The Commissioner and the committee to act together to make a true and faithful investigation. In reply to Mr. Bunny, who had forwarded the aforesaid resolutions, he was informed that the terms of such resolutions would be taken into consideration, and in the meantime, to facilitate the work, certain deeds and documents were forwarded for his information; but, at the same time, the Native Minister was of opinion that a meeting should be convened to discuss the lake question alone, under the 20th section of "The Native Land Administration Act, 1886." A further communication was subsequently sent him, in which he was notified that the negotiations respecting the Wairarapa Lake purchase were left entirely in his hands, but, before any final arrangements were made with the Natives, they must be submitted for the consideration of the Government. Piripi te Maari and others were also informed that the negotiations had been placed in Mr. Bunny's hands.