

2. That the contention of the Natives that the flood-line was the boundary of the other three blocks which abut the lakes has not been proved.

3. That the allegations contained in the petition that all lakes, streams, creeks, and lagoons were reserved in the deeds of sale of all the blocks abutting the lakes is not borne out by facts.

4. That the Natives are the undoubted owners of both the upper and lower lakes and the spit between Okourewa and Kiriwai.

5. That the rights acquired by the Government under the deed of 1876 are merely fishing-rights.

6. That neither the Government nor any of the local bodies are legally authorised to interfere with the opening of the lake to the detriment and injury of the fishery and other proprietary rights guaranteed to the Natives by a solemn compact with the Imperial Government, and that such infringement of their rights without their consent, or the payment of compensation for the injury done, is a grievous wrong, and contrary to the rights of property.

7. That, although the Native proprietors on the one hand are entitled to have their fishing and other rights in the lakes fully respected, they are not justified, while conserving their own interests, to allow the lakes to flood the lands sold by them to the Government, to the detriment and loss of the settlers who now own it, as the disposal of property by an owner implies that such owner will not allow anything to happen that may be reasonably prevented on the part of the estate retained by him, which abuts on the portion alienated to others, that will operate detrimentally to the interests of the person or persons to whom such portion was sold, or their assigns.

The following suggestions are respectfully submitted as a means of settling the difficulty :—

1. That an arrangement be made with the Native proprietors to obtain their consent to the outer lake being opened at any time after it has been closed for two months, or when it commences to inundate the land owned by the European settlers, such concession to be subject to an annual payment, or be finally settled for by a commuted amount, provided that the lake shall not be opened while the Natives are engaged fishing, and that due notice shall be given on all occasions of the intention to do so.

2. That such annual payment be obtained by levying a special rate on all the lands subject to inundation of not less than 1d. an acre. The chief objection that the Natives have to the frequent opening of the lake is that the eels have too many opportunities to escape to sea; but this objection could probably be obviated if a cement wall was built on the inside of the outer lake at the place where the channel is usually opened. If this suggestion is practicable, levels could be taken of the upper and lower lake and the lands adjacent that are liable to be flooded, so as to gauge the height of the wall, and the wall erected at a height that would keep the low land from being inundated, the local authorities to have the right of opening the channel on all occasions when the waters rise above the level of the wall. This plan, if adopted, would probably meet the requirements of all parties, as it would, on the one hand, protect the Natives against their fishery being destroyed in the manner that now takes place, and, on the other hand, it would prevent the settlers' land from being inundated. As an experiment, an inexpensive wall made of timber might be erected in the first place, to test whether the scheme would answer effectually for the purpose of preventing the eels escaping to sea.

3. That compensation be paid to the Natives for all the land in the Turanganui Block between the flood-line and the margin of the lake that has not already been alienated to the Government in the Taheke (Puata) or Te Kumenga Blocks; and, for the purpose of determining the amount of payment, that the land be assessed by valuers mutually appointed, or by any other fair method that may be advisable to adopt. The approximate quantity comprised within the area alluded to probably represents about 7,554 acres, and from this has to be deducted the area contained in the Kumenga and Taheke Blocks, leaving a possible quantity of about 4,000 acres to be paid for.

In undertaking a settlement of the lake question, it should be borne in mind that there is 27,692 acres on the margin of the lakes and the river that connects them subject more or less to be periodically inundated by the flood-water of the lake, for which over £12,000 has been paid by the purchasers to the Provincial Government of Wellington, and that the owners of these lands are entitled to consideration for the vexatious loss and inconvenience they are put to periodically through having their pasture-land destroyed and rendered useless for fully six months in the year by the inundation of the lake.

It is highly creditable to the settlers that they have put up patiently for so long a time with such a serious periodical loss without adopting extreme measures to relieve themselves from it; and I venture to express a hope that the effort now made to place the question in an intelligible shape will be the means of aiding a satisfactory settlement of a matter that has proved a source of annoyance to all parties concerned for a lengthened period.

On a question so peculiar, from the various circumstances associated with it, different views may readily exist, and arguments may be adduced by which other constructions than those I have suggested may be placed on the result of the several transactions connected with it; but, from the relative position of the parties, it may doubtless be hoped that the Government and Legislature will act in reference to the matter with that care and consideration for the interests involved which become a just and powerful body; and that a paternal Legislature, under the circumstances, will give the Natives the benefit of the most indulgent view of the matter in their favour, and that the final settlement of the question will prove the truth of that noble maxim, "That justice is itself the great standing policy of civil society."