

accordance with natural conditions, and the Natives had no cause to complain of disturbance in the enjoyment of their fisheries.

So far back, however, as 1868 we have evidence of efforts on the part of certain settlers to influence the Government to compel the artificial opening of the lake, and protests by the Natives, as, for example, that contained in a letter addressed to Mr. Cooper by Raniera, dated the 30th March, 1868, which quotes the guarantee of protection to the fisheries, which the Natives allege was given by the Crown at the time of the sales.

In January, 1874, we have a letter from Mr. D. McLean, then Native Minister, instructing Mr. Wardell to offer as high as £200 to buy out any presumed claims the Natives may have to object to the letting-out of the water of the lake at times when it is so full as to take away pasture ground. This offer was made and declined.

Later in 1874 the Crown made an attempt to purchase the Native rights through the agency of Mr. E. S. Maunsell, then Government Land Purchase Agent. After negotiations Mr. Maunsell obtained fifteen signatures to a deed, dated the 14th day of February, 1876. That deed was perused by and received the direct approval of the Native Minister. That deed in its recital, proceeds as follows: "Whereas we, the undersigned, Native chiefs of the Ngatikahungunu Tribe, have held rights over the waters of the Wairarapa Lake, called Okourewa and Wairarapa, for the purpose of eel-fishing, which rights have been protected by the Government of New Zealand in so-much that Europeans have not been permitted to use artificial means to drain off into the sea the waters confined in such lakes. Now, therefore, in consideration of the sum of £800, for the purchase of such rights, and in consideration of an annuity or pension of £50, to be paid to Hiko Piata, one of us, we hereby surrender and convey to the Queen of England such eel-fishery rights and other rights, interests of any kind whatever which we claim to have in such lakes, *whether in land or whether in the waters thereof* between the lands already sold to Her Majesty," &c. This deed is known as Hiko's sale. It may be remarked here that, although Mr. Maunsell met with refusals to sign the deed from various persons whom he made journeys to see with a view of obtaining signatures, and although vigorous protests were made against the sale by several leading Natives, Mr. McLean accepted the deed as complete, and directed a Proclamation of the purchase to issue. The dissentient Native claimants were not, however, idle. They petitioned Parliament against the equity of the alleged purchase, with the following result, as recorded in the Appendices to the Journals of the House of Representatives, 1876, Vol. ii., I.—4, p. 17: "The Committee [Native Affairs] are satisfied, from the evidence taken, that the majority of owners of the lake have not joined in the sale, and they are of opinion that it would have been better that the title should have been investigated by the Native Land Court previous to the completion of the purchase. And the Committee are further of opinion that the petitioners, and any other Natives who may allege a claim, ought to have an opportunity of proving their title if they are able to do so."

The effect of this report of the Native Affairs Committee was to stay the hand of the Native Minister. The Proclamation was countermanded, and the rights of the Native owners were not further assailed than by the sale by the Crown of a valuable section of the lake marked on the survey maps as Section 44, which was sold to a settler in order to enable him to claim certain drift timber which from time to time collected against the promontory of the lake. So matters remained until 1882, when Mr. Gill (Under-Secretary, Land Purchase Department) applied on behalf of the Crown to the Native Lands Court, under section No. 6, "Native Land Amendment Act, 1887," for an order, and obtained one for the interests of seventeen persons in the Wairarapa Lake. Subsequently the Native owners applied for an order, and one was issued in favour of 138 persons, including those who had already sold to the Crown. The *quantum* of individual interest was not ascertained. We crave leave to refer to the order and the plan drawn on back thereof. The position was then, in 1882, as follows: namely, that 138 persons had been adjudged by the Native Land Court to be the owners of the Wairarapa Lake, and of these seventeen had parted with their interests to the Crown. This is the position as to title up to the present. The rights of the Native owners to the natural closing of the lake have, until the passing of "The Public Works Act, 1889," been continually recognised by the settlers, who submitted to the exercise of the Native fishing-rights, and, when the flooded period lasted long enough to threaten the destruction of their pastures, usually purchased the right to open the lake for a payment in money, trifling or large, in proportion to the progress of the fishery, £40 and more being occasionally paid for the right to open. In the year 1884 the district in which the lake is situated was proclaimed a district under "The River Boards Act, 1884," and a River Board was in due course constituted. This was an attempt by a side-wind to violate the Native rights under the Treaty of Waitangi, but for the time it was not successful, as section 74 of the Act was, upon competent authority, pronounced ineffectual to meet the case.

In the year 1889 a clause was introduced in the Public Works Act of that year to give the River Board the necessary powers. The Act itself was introduced at a late period of the session; and the clause—No. 18—destined to give the Wairarapa River Board power to violate treaty obligations, and of alleged exclusive application to Wairarapa, was never translated into the Maori language, as it should have been under Standing Order No. 366, which runs as follows: "Speeches addressed to the House by His Excellency the Governor, and Bills introduced into the House specially affecting the Maoris, are translated and printed in the Maori tongue for the information of Her Majesty's subjects of that race." The clause should have been put forward under Standing Orders 291 or 349 as a private, or, at least, a local Bill, and should have been attended in its passage into law by the formalities requisite in cases where the rights of individuals are promoted, or local interests threatened, and where those private or local rights are those of the aboriginal race, solemnly guaranteed by treaty and protected by Standing Order.

Since that date, in spite of protests, the lake has been artificially opened by command of the River Board. The Native owners threatened resistance, and the Native Minister, Mr. Mitchelson, promised that if they would submit Parliament should investigate their claims. A special Com-