

(para. 154). The following quotation, therefore, might be considered in considering any submission that the Native Land Court had power to deal with, as land, an area covered and uncovered by the tide :—

The Coast is, properly, not the sea, but the land which bounds the sea : it is the limit of the land jurisdiction, and of the parishes and manors—bordering on the sea—which are part of the land of the country. This limit, however, and its character, varies according to the state of the tide. When the tide is in, and covers the land, it is sea : when the tide is out, it is land as far as low-water mark : between high and low-water mark it must therefore be considered as *divisum imperium* : *R. v. Forty Nine Casks of Brandy*, (1836) 3 Hag. Adm. 257, per Sir John Nicholl, at p. 275.

164. The following appendices will be found attached hereto :—

Appendix A.—Copy of Plan attached now to Deed of Cession.

Appendix B.—Copy of Chart No. 1 Harbour Commission of 1865.

Appendix C.—Copy of Plan forming Part of Crown Grant under Public Reserves Act, 1854.

Appendix D.—Copy of Petition No. 240/1932, which gave rise to these Proceedings.

Appendix E.—Copy of Minutes of this Court.

Appendix F.—Copy of Chart No. 2 Harbour Commission of 1865.

Appendix G.—Copy of Plan found in Yates, New Zealand.

Appendix H.—Copy of Captain Cook's Chart of October, 1769.

Appendix J.—Full Copy of Minutes of 1920 Commission.

[*The Appendices mentioned in paragraph 164 of the report have not been printed, but are attached to file N.D. 5/13/17 in the Department of Maori Affairs.*]

For the Court,

[L.S.]

JNO. HARVEY, Judge.

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