

If the finding of the Court that the area was not included in the sale to the Crown is accepted, then it appears that the Maoris did possess some just and equitable rights on account of the extinguishment of their rights, whatever they were, by the vesting in the Harbour Board; but as they have failed to establish just what those rights were I am not in a position to make a recommendation as to the manner in which they should be recompensed for their loss.

This, I think, should be a matter for further consideration by the Government.

D. G. B. MORISON, Chief Judge.

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In the Native Land Court of New Zealand, Ikaroa District.—In the matter of section 27 of the Native Purposes Act, 1933; and in the matter of petition No. 240 of 1932, of Hori Tupaea and four others, praying for relief in connection with Whanganui-o-Rotu (or Napier Inner Harbour) and the right of property therein.

At a sitting of the Court held at Hastings on the 19th day of April, 1934, before John Harvey, Esquire, Judge, the hearing of this matter was commenced, but such hearing is still uncompleted.

1. Upon a reference by His Honour the Chief Judge of the said petition for inquiry and report, and upon hearing all evidence adduced and submissions made on behalf of the claims respectively of the petitioners, the Napier Harbour Board and the Crown, and upon recourse being made to all records that were available to the Court, the following progress report is submitted.

2. The subject-matter of this petition was known to the Maori people of former times as Te Whanganui-a-Orotu, which name has been corrupted and shortened to Whanganui-o-Rotu. It comprised a land-locked sheet of water, approximately 8,000 acres in extent, highly prized by a considerable community for the abundance of fish (including shell-fish) that it contained, and for the comparative ease with which such food could be secured. It was also called the Maara (or garden) of Tawhao. Latterly the area has been known to Europeans as part of the Napier Inner Harbour.

3. The petitioners state that they are descendants and relatives of the persons who sold the Ahuriri Block to the Crown in the year 1851, and that this sale did not include—

the large lagoon which was called by the Maoris Whanganui-o-Rotu later described as the Ahuriri Lagoon and now often referred to as the Napier Inner Harbour.

4. They further state that, through the territorial rights of the Crown incorrectly having been assumed to apply to the Whanganui-o-Rotu, they have been deprived of their own exclusive right to it, and that, while in the past they viewed the acknowledgment by the Crown of their common right to fish the waters as an inadequate but not intolerable expression of their rights, an entirely new and acute situation arose when,