

61. The next airing given to this claim was before the Native Land Claims Commission of 1920; upon proceedings arising out of a petition by Mohi te Atahikoia and 47 others, which read as follows:—

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE DOMINION OF NEW ZEALAND IN PARLIAMENT ASSEMBLED: GREETINGS.

This is a petition from us, your petitioners, praying and applying to you, the Honourable Members of Parliament, and to your Government asking you to consider our Petition.

The reason of that Petition, is the taking by the Harbour Board of the land under the water, the name being that known as the sea of Te Whanganui O Rotu, known secondly (in point of time) by the name of the sea of Ahuriri.

The reason for taking this land is that the block of land known as Ahuriri block was sold by the Maoris owning that block in the year 1851. On the seventeenth day of November, the Maoris owning that block arranged with McLean, known as Te Makarini, that the land under the water should not be taken as well as the water; the reason was as follows:—That the foods in the sea were the fishes Schnapper, mullet, kahawai, shark, and the shell fish, pipis, kuku, kina and Paua; also several other kinds of foods of the Maoris are in this sea.

The above foods being the main foods of our ancestors and our forefathers, and are today with us, and will be handed down to our children after us.

Mr. McLean agreed to this arrangement, and agreed to have that portion of the sea exempted from the sale of the Ahuriri Block. You will see the deeds of sale when Mr. McLean bought that land; you will also see the names of the boundaries of the block agreed to by the Maoris to be sold to Mr. McLean's Government, and you will also, those of you members who are clear as to the exemption of that portion of the sea in the year 1851, you will see by the map a plan of the agreement with Mr. McLean as to how the boundaries should be run by the surveyor, and how that part of the sea was left out of the sale, and returned by Mr. McLean's Government to the Maoris, and down to the present time that part of the sea known as Te Whanganui o Rotu has been placed before the Native Land Court for hearing.

The Native Land Court has stated that they will not hear the case until the Government instructs them to hear it, so you the Honourable Members of Parliament will be now clear as to our petition to you. For you, the Members of Parliament, to have instructed a judge of the Native Land Court to hear our claims to that portion of land under the sea, referred to above, and to that part of the sea which can be reached by our canoes and boats.

This matter we brought before Parliament in the year 1918: Mr. Herries replied that we should meet the Harbour Board at Napier. We have met the Napier Harbour Board on the 10th May 1918. We showed the clerk of that Harbour Board the deed of agreement with Mr. McLean in the year 1851 the returning of that portion of the sea known as Te Whanganui o Rotu, to the Maoris, and also the return of a portion of the land of Puketitiri, which was returned to the Maoris in the year 1851.

The number of acres returned by Mr. McLean was five hundred acres (500). You will see that area in the deed, which will be attached to this Petition for your information.

Honourable Members, you will also find attached to this Petition the reply from the Harbour Board, stating that they do not disagree with that deed of arrangement with Mr. McLean, with that portion of the sea. Therefore, your petitioners, make application to your Government to instruct the Land Court to hear the claims for the part of the sea of Te Whanganui o Rotu and the reserve of Puketitiri.

Those appearing in support of this Petition will shew you the deed of agreement with Mr. McLean. This closes our petition, and our signatures are here signed below:

GOD SAVE KING GEORGE THE FIFTH.

(Sgd.) MOHI TE ATAHIKOIA and 47 OTHERS. (462)

62. A summary of the findings of this Commission has already been given (*vide* para. 25).

63. At the hearing the claims of the petitioners were stated by their counsel to depend—

(a) Upon the construction of the body of the deed of cession.

(b) That the land did not come within the Public Reserves Act, 1854, and was not Crown land that could be granted.

64. With regard to the question of construction, the real point of the deed is bound up in the boundaries and description of the land which it purports to change the ownership of. The essence of the contract is the land it describes and represents. Great care was taken by both parties to see that the boundaries were clearly defined by reference to natural features—that they were fixed and immutable. The “bounds” were traversed by the surveyor and by representatives of the Native owners.