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The Waikawa Rifle Range and Education Reserve 1911-1992

A Report Commissioned by the Waitangi Tribunal

Wai 469

Dion Tuuta

1997

THE AUTHOR

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Introduction

The settlement of Waikawa is located approximately 5 kilometres north of Picton Township in the Queen Charlotte Sounds in the top of the South Island. In 1912 the Department of Defence compulsorily acquired 133 acres of land in Waikawa for the purpose of a rifle range. The 133 acres was made up of a portion of flat "first class land", a smaller area of "middling" land, and a large area of hilly land. Included in this 133 acres was Waikawa West D4, which consisted of 9 acres and 2 roods of flat land. The purpose of this report is to examine the way in which the Waikawa Rifle Range was acquired by the Department of Defence in 1912 and subsequently dealt with. In particular this report aims to focus on the fate of a portion of Waikawa West D4, part of which was subsequently taken as an education reserve in 1953.

In 1986 Julius Love and James Mark, descendants of the original owners, became engaged in negotiations with the then Minister of Lands, Peter Tapsell, for the return of the rifle range. In 1987 Mr Love and Mr Mark lodged a claim with the Waitangi Tribunal for the return of the 133 acres, while continuing negotiations with the Crown. The claim to the Waitangi Tribunal, known as Wai 83, was eventually withdrawn as the ongoing negotiations were successful, and it was agreed that the land was to return to the descendants of the original owners of the rifle range. The entire 133 acres was returned in 1992 except for a one-quarter acre section, which had been reserved for education purposes in 1953, and approximately 3 acres and 35 perches which had been transferred to Rangitane ownership in 1955. The one-quarter education reserve had been taken out of Waikawa West D4, originally owned by John Heberley.

In 1995 Mr Edward Chambers of Nelson, on behalf of the John Heberley Whanau, the original owners of Waikawa West D4, approached the Department of Education to inquire after the possible return of the outstanding one-quarter acre education reserve. Mr Chambers' efforts at negotiating for the return of this land proved to be unsuccessful. On 21 March 1995, Mr Chambers lodged an amended statement of claim to the Waitangi Tribunal in which he alleged that the Crown had not returned a quarter acre education reserve to the former owners from

whom it had been taken.[1] The education reserve claim was added to an earlier claim by Mr Chambers, Wai 469, the Ngati Awa Northern South Island Lands and Fisheries claim. This report deals only with the rifle range and education lands section of Mr Chambers' claim.

While the education reserve had been gazetted for education purposes in 1953, it lay within the large area of land which had been taken from Maori in 1912 for the express purpose of a rifle range.[2] The fact that Mr Chambers raised his concerns within the context of the 1992 revesting of the balance of this once-mooted rifle range to Maori ownership is instructive; an underlying theme to this report is that in order to fully understand the history of this education reserve, and why the claimant so objects to its continuing alienation from his whanau, it is necessary to examine the history of Crown dealings and public works takings at Waikawa.

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[1]Wai 469 Ameneded Statement of Claim, Edward Chambers to Registrar, Waitangi Tribunal, dated 21 March 1995. Wai 469/0 Vol 1.

[2]ibid.

The Waikawa Block

The story of the Waikawa Rifle Range began in 1911, but the story of the Waikawa settlement began 63 years earlier in 1848 when the New Zealand Company began to deal for lands around Queen Charlotte Sound. As this report is primarily concerned with the Waikawa Rifle Range, this introduction examines the events leading to the origins of the Waikawa settlement in a cursory way only. What has become known as the "Waitohi Purchase" is covered in more detail in Dr Grant Phillipson's Rangahaua Whanui Report on District 13, the Northern South Island, upon which this section heavily relies.

The land which would later include the Waikawa Rifle Range was originally part of a deal struck between Governor George Grey, Francis Dillon Bell (Agent of the New Zealand Company), and members of Te Atiawa. This transaction took place in 1848 when the New Zealand Company, eager to find a suitable harbour for its Nelson settlement, organised for the purchase of Waitohi (Picton), a large and fertile harbour at the bottom of Queen Charlotte Sound.

By 1848 a population of between 50-89 Te Atiawa lived at Waitohi. These people were led by Ropoama Te One and had other lands around the harbour. In November 1848, Governor George Grey held a conference with Waitohi chiefs in Wellington where he proposed the establishment of a Native township at Waikawa, to the north of Waitohi, along the lines of the one created in Otaki. According to Phillipson the "chiefs refused this offer but seemed to waver at a second meeting in December".[3]

This indecision induced Francis Dillon Bell to ask the Governor to visit Waitohi and obtain Te Atiawa's agreement to the sale. This he did and formal settlement with Waitohi Te Atiawa was reached on 30 December 1848. This deal promised the survey and allotment of town and rural sections at Waikawa for Te Atiawa. It also promised payment for the ploughing of as many acres as were in cultivation at Waitohi in the new settlement at Waikawa. The government would also

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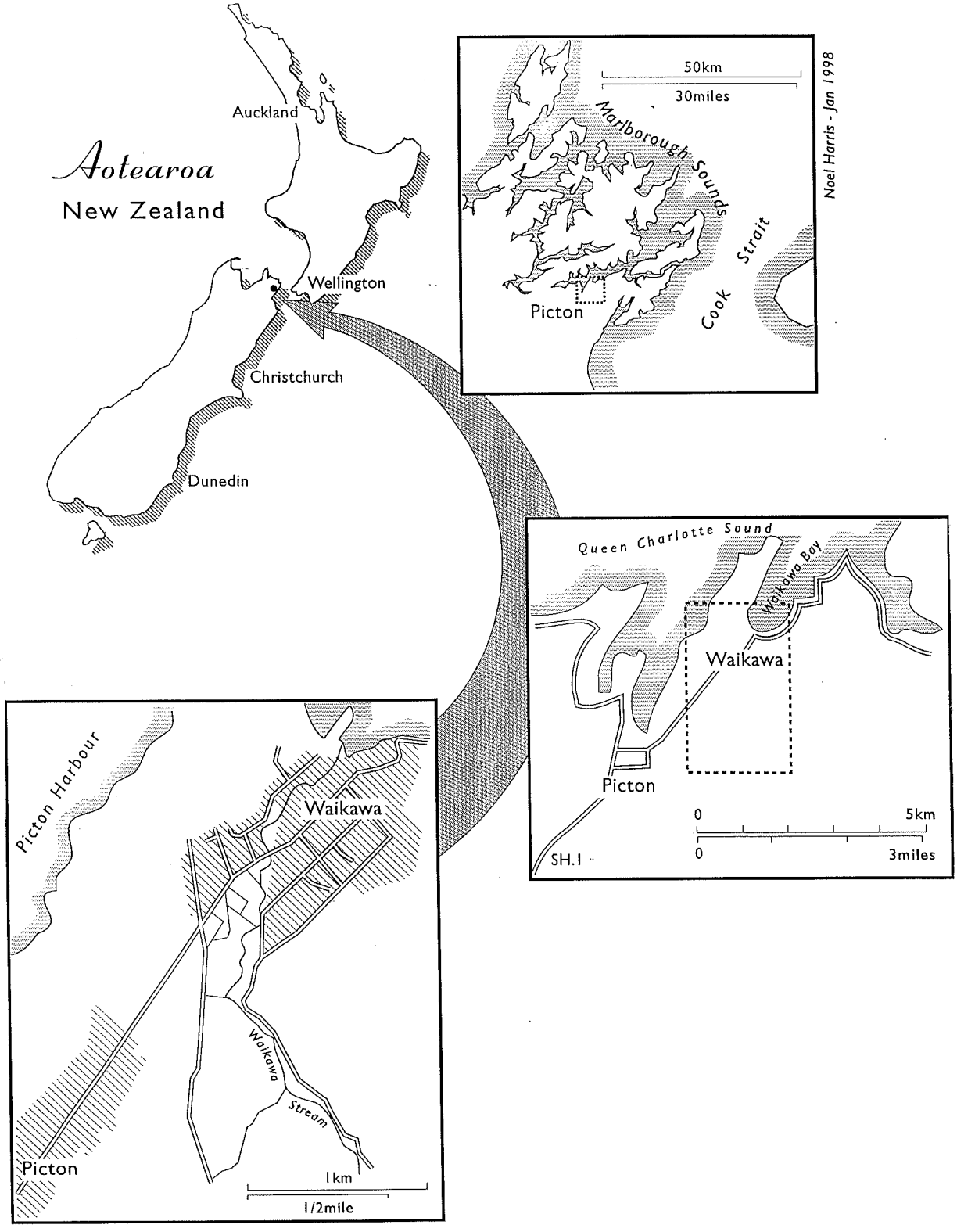
[3]Dr Grant A Phillipson, *The Northern South Island*, Waitangi Tribunal Rangahaua Whanui Series (working paper: first release), June 1995, pp 96-97.

Map One: Waikawa



build a wooden house for use as a chapel, and pay the Waitohi Te Atiawa £100 in cash. Informally the Governor promised to pay Te Atiawa to clear land at Waitohi for the settlers' town, and to work on making a road to the Wairau. The Governor also toured other parts of the Sound and found general agreement to the sale of Waitohi.[4]

Major Richmond, Superintendent of Nelson Province, visited both Waitohi and Waikawa in 1849, explaining that the promised Maori township contained "280 acres of level land", of which about 200 acres were reported as being ready for cultivation. In addition to this, the reserve also contained "a large tract of forest and waste land". The site of the village was selected by the Waitohi chief Ropoama "on behalf of the rest of the Natives, and a more eligible one could not have been taken."[5] The village was situated in the centre of the Bay, "at the junction of a stream that flows through the centre of the reserve with the waters of the Sound, distant about two miles by land and a mile further by water, from the site" which had been "fixed upon for the town at Waitohi."[6] It was proposed that 20 acres be laid out for the village at this spot, as well as 95 acres immediately adjacent for the purposes of cultivation. F Jollie surveyed Waikawa as a reserve, laid out the 'native town' and also saw that work was started on the church.[7]

In addition to this, Major Richmond thought it "right" to "reserve for a public landing place a small portion of level land abutting on the deepest water in Waikawa Bay, as well as reserving a road through the Native Reserve to Waitohi." According to Richmond, both of these actions were "cheerfully acceded to by the Natives."[8] The landing place was finally reserved for public utility by official gazette notification on 22 May 1857.

By the end of 1849, Dillon Bell was ready to finalise the arrangements by paying over the

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[4]ibid, p 97.

[5]Richmond to Grey, Nelson, 26 June 1849, Mackay's Compendium, Volume I, p 265.

[6]ibid.

[7]Dr Grant A Phillipson, *The Northern South Island*, Waitangi Tribunal Rangahaua Whanui Series (working paper: first release), June 1995, p 97.

[8]Richmond to Grey, Nelson, 26 June 1849, Mackay's Compendium, Volume I, p 265.

purchase money and obtaining signatures to a deed.[9] As agreed on 30 December 1848, Te Atiawa were to receive "the surveying of a village at Waikawa, the ploughing of a piece of land near Waikawa as cultivations for the Natives, the building of a wooden house as a chapel at Waikawa, and the payment of one hundred pounds in money, to complete the purchase for the above-named place for Waitohi."[10] By March 1850, the town had been surveyed, but the cultivations had not been ploughed. Instead "Ropoama, and the whole of the aforesaid Natives of Waitohi...agreed to take a sum of money amounting to two hundred pounds, in payment for such ploughing."[11] It is unclear exactly how much land was actually involved in this 1848 transaction with the Maori of Waitohi. A map was included with the deed, but no mention of the exact total acreage was made in the deed of sale signed on 4 March 1850. The total area of the Waikawa reserve would not be defined until 1856.

According to Phillipson, the Waikawa Reserve failed to serve the purpose for which it was originally designed in the Waitohi purchase. The land was unsuitable for cultivation and the town could not hope to serve as an agricultural village. Added to this, the neighbouring Pakeha community at Waitohi grew slowly and offered limited trading opportunities.

In August 1853 the government set about its final large scale land purchase in the South Island. The purchase, known as the Waipounamu Purchase, was designed to extinguish all Maori title in the top of the South Island, apart from a few small reserves.[12] These purchases involved blanket cessions of all the rights of an iwi over any and all land in the South Island.[13] The Waipounamu Purchase involved the Crown extinguishing all Te Atiawa interests in the northern South Island. On 9 February 1856 a deed of sale was executed between the Crown and "the people of the Ngatiawa", transferring all their lands in the northern South Island to the

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[9]Dr Grant A Phillipson, *The Northern South Island*, Waitangi Tribunal Rangahaua Whanui Series (working paper: first release), June 1995, pp 97-98.

[10]Waitohi Deed of Sale, 4 March 1850, Mackays Compendium, Volume I, p 266.

[11]ibid.

[12]Dr Grant A Phillipson, *The Northern South Island*, Waitangi Tribunal Rangahaua Whanui Series (working paper: first release), June 1995, p 127.

[13]ibid, p 128.

government in return for certain reserves and £500. The reserves were marked red on the map accompanying the deed. One of these areas reserved "in 1856 for the use and occupation of the Ngatiawa tribe resident in Queen Charlotte Sound" included the Waikawa Reserve. This reserve consisted of 2500 acres.[14] Waikawa was classified as a B1 reserve, which meant that it was not under any enactment and was reserved for a specified person or purpose.[15] It was noted that the "majority of the areas given of the reserves in Queen Charlotte Sound [could] only be taken as approximate."[16]

In 1863, the Assistant Native Secretary, James Mackay, carried out a report on the "conditions and prospects of the Natives residing in the Middle Island of New Zealand". He explained that Maori reserves in the South Island were of three classes. The first consisted of lands reserved by Maori themselves, the second type was where land was reserved by the government for "Native occupation and cultivation", and the third type was land reserved by the New Zealand Company and government, "for raising funds for various Native purposes".[17] The Waikawa reserve was a class two reserve. According to Mackay, Maori residing at Queen Charlotte Sound (amongst other areas) were "very anxious that the reserves of the first and second class should be sub-divided; and that Crown grants, should be issued to each claimant, for his respective piece." Mackay thought this was a good idea as it would "break up forever, the system of several families living together in confined and unhealthy Pas."[18]

In February 1874, 252 acres situated at Waikawa were made subject to the provisions of the Native Reserves Act, 1856.[19] Ropoama Te One had passed away by at least 1873 and was

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[14]Schedule of General Native Reserves in the Province of Marlborough made in the Cession of Territory to the Crown, or in fulfilment of promises or engagements made to the Natives. Mackay's Compendium, Volume I, p 338.

[15]General Return of Native Reserves in the South Island. ibid, p 333.

[16]Footnote in Schedule of General Native Reserves in the Province of Marlborough made in the Cession of Territory to the Crown, or in fulfilment of promises or engagements made to the Natives. ibid, p 338.

[17]J Mackay to Native Secretary, Auckland, 3 October 1863, Mackay's Compendium, Volume II, p 139.

[18]ibid.

[19]*New Zealand Gazette*, 2 February 1874, No. 13, p 158.

survived by his wife Haneta Toea, who succeeded to the land in November 1873, before Alexander Mackay in his capacity as Commissioner of Native Reserves.[20] Haneta had then consented to bringing the land under the operation of the Native Reserves Act 1856, "with a view to satisfying existing leases and facilitate the issue of a Crown title in event of it appearing advisable to adopt this course."[21] This is presumably the 252 acres gazetted in 1874. The land involved was bounded "towards the North and East partly by high watermark in Waikawa Bay, and partly by the Waikawa Stream; towards the South by Picton suburban land; and towards the West by a Government reserve."[22]

Land brought under the 1856 Act was supposed to become an inalienable reserve, controlled by the government and usually leased rather than used for occupation. Under the Native Reserves Act 1873, the Native Land Court was introduced into the reserves legislation. The Commissioner of Native Reserves, with the consent of the Maori interested in a reserve, had the power to ask the Native Land Court to ascertain the "true ownership", thus bringing the reserve under the operation of this Act and extinguishing Maori title in the process.[23] By the Native Reserves Act 1882, all lands defined as reserves were supposed to go under the administration of the Public Trustee. The complicated history of reserved lands meant that a number of them dating from the pre-land court era escaped catergorisation as "reserves."[24] It appears that this may have happened in the case of the Waikawa reserve.

In 1889, the entire 2500 acre reserve was made subject to the jurisdiction of the Native Land Court under the Native Equitable Owners Act, 1886.[25] This presumably included the 252 acres brought under the Native Reserves Act in 1874. The Native Equitable Owners Act empowered

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[20]MA-MT 6/19, South Island Native Reserves, NA.

[21]ibid.

[22]*New Zealand Gazette*, 2 February 1874, No. 13, p 158.

[23]Dean Cowie, 'Draft Preliminary Report on Research Done For Northern South Island Rangahaua Whanui Project', June 1994, p 6.

[24]J E Murray, *Crown Policy on Maori Reserved Lands, 1840 to 1865, and Lands Restricted From Alienation, 1865 to 1900*, Waitangi Tribunal Rangahaua Whanui Series (first release) February 1997, p 57.

[25]*New Zealand Gazette*, 7 February 1889, No. 7, p 144.

the Governor to issue an Order in Council authorising the Court to exercise its jurisdiction over various reserves in the South Island including Waikawa. The Court sat in Picton on 14 March 1889, under Judge Alexander Mackay, to determine title to the Waikawa and Waikawa West Blocks. Mackay worked to a strict formula in the hearings. The names attached to reserves promised by McLean in 1856 were checked off, and if no protest was made, the reserve was partitioned into equal parts. Succession orders for these (mostly deceased) beneficiaries were then finalised and shares in each partition awarded. As per the requirement in clause 8 of the Equitable Owners Act, all certificates of title were deemed to be restricted from sale.[26] Ownership to the block had been established in 1862, in front of James Mackay, and the 1889 sitting was to confirm existing ownership rights and confirm successors with certificates of title.[27] It was explained at the 1889 sitting that the "best plan would be to deal with the part on the Eastern side of the stream that had been apportioned to certain persons in 1862 and after those allotments had been disposed of to ascertain the ownership to the remainder."[28] This suggests that James Mackay may have carried out his idea of sub-dividing parts of Waikawa amongst each claimant for their respective piece.

Problems arose over the Waikawa West block at this sitting. It was revealed that when the apportionment of the "reserves was made in 1862 Ropoama retained all the land on the Western side of the Stream for himself and his wife Neta and they were always considered the sole owners in all arrangements concerning it." At the 1889 hearing, Ropoama and Haneta's ownership of the block was challenged by "the other residents of Waikawa" who had been allotted the eastern part of Waikawa in 1862.[29] The chief counter-claimant was Timoti Parenga, a person who had contested the ownership of the western block with Haneta in 1873.

Haneta's challengers claimed that they had cultivated on the land, but it was later admitted at this

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[26]Dean Cowie, 'Draft Preliminary Report on Research Done For Northern South Island Rangahaua Whanui Project', June 1994, p 9.

[27]Senior Draughting Officer, Hand-written Timeline Report, dated 9 May 1985, in MAO 004, Maori Land Claims, Department of Conservation, Nelson.

[28]Nelson Minute Book, Volume 1, p 172.

[29]Nelson Minute Book, Volume 1, p 198.

hearing that "the cultivations alluded to consisted of a few acres near the mouth of the Waikawa River and that the people cultivated there with Ropoamas permission."[30] The strength of Ropoama and Haneta's claim was probably reinforced to the Court by the fact that Mackay had awarded the land to Haneta Toea in 1873. At the 1889 hearing, the Court ruled that Timoti Parenga, Hemi Te Moana, Rihana Tahurawa, Rupuha Paramahoe, Hamuera Taka, and Eruera te Rauaiawhirua, be awarded 10 acres along the "banks of the River" to satisfy their claim that they had cultivated the land. The balance of the block was awarded to the "representatives of Ropoama Te One and Haneta Toea."[31]

In July 1896 the original survey plans for the subdivision of Waikawa Native Reserve were submitted to the Department of Survey and Land Information. These plans covered the areas of Waikawa, Waikawa West and Waikawa Village Maori Blocks.[32] In March 1897, the Native Land Court ordered that "the Waikawa West Block be divided into 3 parcels in favour of all the persons whose names are in the Order of March 1889 for the said Block in the proportionate quantities to which the said persons are severally and collectively entitled."[33]

The land was subsequently partitioned in March 1906, creating Waikawa West D and Waikawa West A blocks. These partitions were made "inalienable, except with the consent of the Governor, by sale, or mortgage, or by lease for a longer period than twenty-one years."[34] In September 1908, the land was further partitioned into Waikawa West block D sections 1-5. It was at this 1908 hearing that John Heberley was declared to be the owner of Waikawa West D, section 4, comprising 9 acres and 2 roods. As with the original parent blocks, these 1908 partitions were also inalienable except by a 21 year lease with the consent of the Governor. Despite the fact that these sections were subject to alienation restrictions, Waikawa West D1-5

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[30]ibid.

[31]Nelson Minute Book, Volume 1, p 201.

[32]Senior Draughting Officer, Hand-written Timeline Report, dated 9 May 1985, in MAO 004, Maori Land Claims, Department of Conservation, Nelson.

[33]Nelson Minute Book, Volume 4, p 317.

[34]Order of the Native Land Court to Waikawa West D dated 27 March 1906.

and Waikawa West A Blocks would become the Waikawa Rifle Range and the property of the Crown within 4 years.

Picton Rifle Range 1911-1949

In September 1911, Major General Godley, Commanding Officer of the New Zealand Defence Forces, wrote to the Under-Secretary of Public Works recommending that the Department acquire land at Waikawa. The local Army Company had already been using Waikawa as a rifle range site for some time, renting an unspecified area from the Maori owners at £5 per annum. Godley wanted the Department of Works to acquire title to the land to prevent the site being cut up for building purposes. It was, he described, the only available range site in the locality.[35]

A Land Purchase Officer, E. Bold, was responsible for inspecting the area recommended for acquisition. Bold inspected the area and provided a plan outlining its boundaries. Bold estimated this area to be about 90-100 acres, an area he believed "may be considered somewhat excessive". Excessive or not, he believed that as the land was "not worth more than about £1 per acre", it would "be advisable to adopt the boundary as marked."[36] Bold's report explained that the area was owned by Maori and that he anticipated "the cost, if acquired now, would be from £350 to £400." However, Bold was informed that Te Atiawa were negotiating for the sale of most of the flat land on the range with a European, and he believed this would require his estimate to be increased if these negotiations were "completed and duly confirmed."[37] At this stage, it seems as though Bold's estimated 90-100 acres consisted mainly of the hilly portion of the area.

The issue continued to be considered until January 1912. The Under-Secretary of Public Works received a memorandum from the President of the Rifle Ranges Committee, Ministry of Defence,

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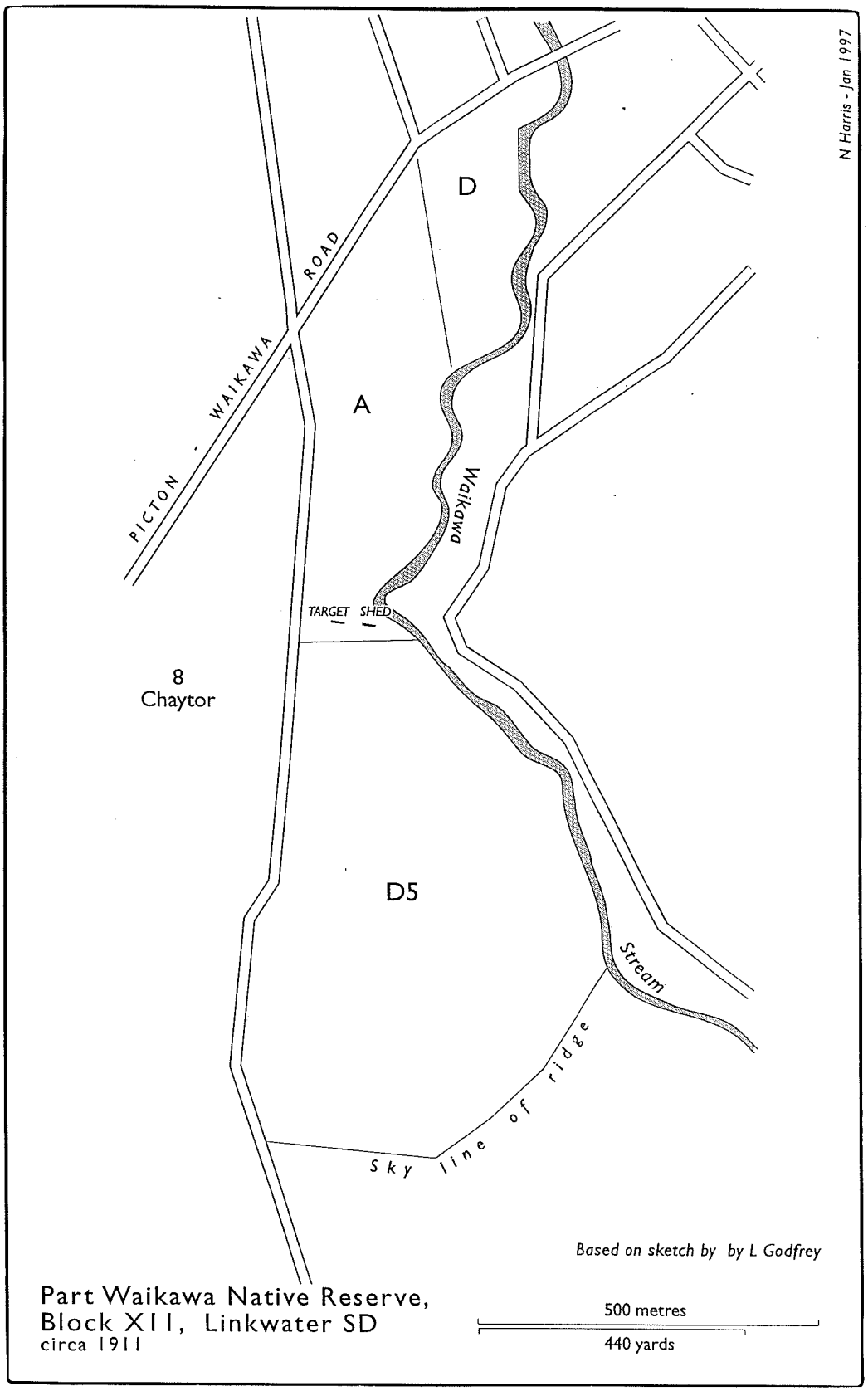
[35]Letter to Under-Secretary of Public Works from A. Godley, Major General, Commanding New Zealand Defence Forces, dated 14 September 1911.Picton Rifle Range, W1/23/169, National Archives, Wellington.

[36]Report of E. Bold to Under-Secretary of Public Works dated 21 September 1911. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[37]ibid.

Map Two: Land Taken For Rifle Range



explaining that Cabinet had approved a sum of £400 pounds for taking over the land under the provisions of the Public Works Act. At this stage, the Department was still uncertain as to the exact amount of land involved in the purchase and referred to the area as being "about 100 acres."[38]

In February 1912, the Chief Surveyor at Blenheim was instructed by the Department of Public Works to carry out the necessary survey, then forward the plan and description to Wellington for proclamation purposes.[39] This plan would become the official area to be taken for the rifle range. On 1 April the Blenheim District Land Registrar received a request for information from the Assistant to the Under-Secretary for Public Works, W.S. Short. Short wanted to know the present position of the titles to the land affected as well as the names and addresses of all those having interests in the land.[40] The Registrar suggested that Short apply to the Native Land Court Office in Wellington for this information.[41] The author has been unable to ascertain whether this was followed up or if there was any attempt at consulting owners, although some form of contact must have been made with owners as they were represented at an eventual Native Land Court hearing to determine compensation for the land.

Portions of the Waikawa West Native Reserve were officially proclaimed "taken for the purposes of a rifle range" by a gazette notice on 13 July 1912. The land had been taken under the Public Works Act, 1908 and Defence Act, 1909.[42] The land involved 133 acres of Waikawa West A and Waikawa West D1-5 blocks. It may be noted here that 133 acres is a very large rifle range. The New Zealand Army or the Ministry of Defence may be able to provide the Tribunal with further information on this point.

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[38]Memorandum to Under-Secretary of Public Works from G. Johnston, President, Rifle Ranges Committee dated 29 January 1912. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[39]Memorandum to Chief Surveyor, Blenheim from Under-Secretary, Department of Public Works dated 21 February 1912. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[40]Memorandum to District Land Registrar, Blenheim, from W.S. Short, Assistant Under-Secretary for Public Works dated 1 April 1912. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[41]Memorandum to Assistant Under-Secretary for Public Works from District Land Registrar, Blenheim dated 3 April 1912. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[42]*New Zealand Gazette,* No. 56, 1912, 13 July 1912, p.2038.

Under Section 91 of the Public Works Act, 1908, the Minister of Public Works was required to apply to the Native Land Court to ascertain the amount of compensation to be paid to the owners. At the beginning of July the Native Land Court was asked to arrange for a sitting to determine the amount of compensation payable and to "ascertain the names of the owners and other persons interested in the land taken."[43] The Department of Defence was informed by W.S. Short that he would advise them of the amount awarded by the Court when it was known, and that the Department could take possession of the land at once.[44]

On 13 July, the day the land was gazetted, John Todd, a local of Waikawa who owned lands adjoining the rifle range, expressed his desire to lease part of the land for grazing purposes. Assistant Under-Secretary Short replied, inquiring after the "largest sum you are prepared to give for the land" and "the shortest term for which you would be willing to take a lease."[45] Short also wrote to the New Zealand Military Forces informing them of Todd's desire to lease the rifle range. Short wanted to know "what area would be actually required for the rifle range so that the remainder might be leased."[46] Acquiring such an excessive amount of land for the rifle range, therefore, places the good faith of the Departments of Defence and Public Works into question.

Todd wanted a 21 year lease over the land. He was prepared to pay 6/- per acre for the 30 acres of flat land, and 1/- per acre for the remaining 103 acres of hilly land. He also wanted compensation at the end of the lease as the area was covered in gorse and manuka. Assistant Under-Secretary Short was informed by the Rifle Range Committee that "the whole of the range may be let provided the lessee erects a barb-wire fence round the target trench and takes all

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[43]Memorandum to Registrar, Native Land Court from W.S. Short, Assistant Under-Secretary for Public Works dated 7 July 1912.Picton Rifle Range, W1/23/169, National Archives, Wellington.

[44]Memorandum to Major General Godley, New Zealand Military Forces, from W.S. Short, Assistant Under-Secretary for Public Works dated 2 July 1912. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[45]Letter from W.S. Short, Assistant Under-Secretary for Public Works to J.M. Todd dated 16 July 1912. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[46]Memorandum to New Zealand Military Forces from W.S. Short, Assistant Under-Secretary for Public Works dated 16 July 1912. Picton Rifle Range, W1/23/169, National Archives, Wellington.

responsibility for injury to stock during authorised shooting on the range."[47] Short advised offering a 5 year lease over the land and recommended calling for tenders.

The Defence Department had agreed in principle to lease the land to Mr Todd, but followed Assistant Under-Secretary Short's advice and called for tenders. The lease contained two special conditions. Firstly, territorials, cadets and riflemen had rights to shoot at all times, and secondly, the lessee was to erect the required barb-wire fence around the target trench. The land was advertised for lease on 29 October 1912.

By November 1912, the Department had received one tender for the land from a certain J.M. Todd. The Defence Department recommended Todd's offer be accepted in January 1913, but he had not received any "formal intimation of acceptance of his tender" by March 1913. The Department leased out the area for grazing purposes while maintaining it as a rifle range. It would be the responsibility of the lessee to move stock when the Army required the area for shooting practice. It is unclear how much this sharing of the range had existed before the land was compulsorily acquired. One of the original Maori owners of the property was still running his sheep on the land in early 1913, highlighting that at least some of the previous owners had been using the land for grazing purposes. Todd wanted "official acceptance of his offer" for the lease "so as to save any dispute."[48] Todd was eventually granted his lease, which he signed on 5 May 1913, for a term of 5 years.

Determination of Compensation

The Native Land Court sitting requested by Public Works to ascertain compensation sat at Picton on 27 September 1912, under Judge Michael Gilfedder. The land taken for the purposes of a rifle range involved: 25 acres of Waikawa West A block; 1 acre, 2 roods of Waikawa West D1; 2 acres of Waikawa West D2; 1 acre of Waikawa West D3; 9 acres and 2 roods of Waikawa West

[47]Memorandum to W.S. Short, Assistant Under-Secretary for Public Works from President, Rifle Range Committee dated 6 September 1912. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[48]Memorandum to Assistant Under-Secretary for Public Works from Engineer, Public Works, Picton dated 18 March 1913. Picton Rifle Range, W1/23/169, National Archives, Wellington.

D4; and 94 acres part Waikawa West D5.[49] At the time the Court sat, the land was already being used as a rifle range, as well as for pastoral purposes.[50] The amount of compensation was determined on the basis of the market value of the land involved. The 133 acres taken for the Rifle Range was made up of approximately 39 acres of flat land, 10 acres of "middling" land, and 84 acres of hilly land. Three land valuers assisted the Court in assessing the amount of compensation payable to the owners.

Gordon Maitland, a local "Land Shipping Agent", was familiar with the area and valued the land at £10 per acre for the 39 acres of flat land, £2-10/- for the 10 acres of "middling" land and £1 per acre for the remaining 84 acres. This gave a total of £499 which included all improvements. E. Kerny was a government valuer who had carried out a valuation of the area two months earlier in July at the request of the valuer general. Kerny's valuation was based on recent land sales and the agricultural and pastoral capabilities of the land.[51] Kerny believed there were 39 acres of flat land worth £10 per acre, 11 acres of middling land worth £3 per acre, and 83 acres of hills worth £1 per acre. Kerny "made out a total of £506 plus £15 for improvements."[52]

A McCormick, a local land valuer from Picton, gave a greater degree of detail in his valuation of the land. McCormick valued Waikawa West D1, an area he described as a "gravel reserve", at £22-10/-. The 9 acres and 2 roods of Waikawa West D4, which he classified as "good land", was valued at £20 per acre. McCormick believed that D2 and D3, a total of 3 acres of good land, were valued at £25 per acre. Waikawa West D5 was made up of 94 acres, of which Cormack believed 10 acres were worth £12 per acre while the remaining 84 acres were worth £1 per acre. McCormick valued the remaining 25 acres of Waikawa West A at £14 per acre. McCormick's total value for the 133 acres came to £841-10-0.[53] McCormick also claimed that he had effected

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[49]Memorandum to Assistant Under-Secretary for Public Works from Assistant District Land Registrar, Blenheim, dated 3 April 1912. ibid.

[50]G. Maitland giving evidence before the Native Land Court, Picton, 26 September 1912, Nelson Minute Book 7, p 102.

[51]E. Kerny giving evidence before the Native Land Court, Picton, 26 September 1912, ibid, p 105.

[52]ibid.

[53]A. McCormick giving evidence before the Native Land Court, Picton, 26 September 1912, ibid, p 106.

a sale of land, no further than a mile away, at £120 per acre.

The minutes of this Court sitting do not mention any specific objections to the taking of the area for the rifle range. Before the Court issued its ruling, however, W.G. Ballie, solicitor for Ani Enoka and other owners, addressed the Court and claimed that the Boon family "had suffered a severe loss owing to the taking of their front or level land being taken." Baillie had previously claimed "that the taking of this area would depreciate the value of the residue."[54] This claim was backed up by E. Kerny, the government valuer, who believed that the area was "practically the eye of the Waikawa - it would be impossible to get another 133 acres of equal value in the block." Kerny also explained that "taking this piece out of the block depreciates the value of the balance of the block to the extent of 1/4 or 25 percent."[55] Waikawa West D5 consisted of a total of 281 acres and 3 roods. The rifle range required 94 acres of this hilly section. The taking of this 94 acres was to have an effect on the remainder of the land. This "residue" land was the balance of Waikawa West D5, consisting of 173 acres and 3 roods. It appears that at least some of the owners believed they were suffering a loss at the hands of the Department of Defence.

The Court ruling tended to favour McCormick's assessment of the value of the land. The Court valued Waikawa West D1, the one and a half acre gravel reserve, at £16. The 9 acres and 2 roods of Waikawa West D, were valued at £14 per acre, giving a total of £142-10. Waikawa West D2 and D3, a total of 3 acres of good land, were valued at £20 per acre. Waikawa West D5, made up of 94 acres, was broken down into 10 acres worth £3 per acre and a further 84 acres worth £1-5 per acre. The 25 acres of Waikawa West A were valued at £14 per acre. The Court also accepted that the 173 acre back portion of Waikawa D5 had depreciated in value as a result of the front 94 acres being taken. It therefore awarded a total of £21 compensation for the depreciation on the 173 acres.[56] In total, the Court ruled "that the sum of £723-10-0 be the

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[54]W.G. Baillie before the Native Land Court, Picton, 26 September 1912, ibid, p 105 and p 108.

[55]E. Kerny giving evidence before the Native Land Court, Picton,26 September 1912, p 105.

[56]Ruling of the Native Land Court, Picton, 26 September 1912, Nelson Minute Book 7, p 108.

amount of compensation."[57] The £16 compensation for Waikawa West D1, the gravel reserve, was used to pay the costs and expenses of H McCormick, Daniel Love, Alfred Godfrey, John Heberley, Pita McDonald and W.G. Baillie for attending the hearing.[58]

In addition to the Court assessing compensation for the owners, a man called Alfred Godfrey was also seeking compensation. Godfrey had been leasing 36 acres from Ani Enoka, an owner in D2 and D5. Godfrey's lease was for 21 years at a rental of 1 shilling per acre. Godfrey explained that he had "not improved the piece as it [had] not been partitioned." Godfrey wanted £200 for his "goodwill" and defended his position by arguing that he had 20 years left to run on his lease and was paying 1 shilling per acre.[59] The Court ruled that Godfrey had no claim because "he had a lease at peppercorn rental from one owner of an undivided interest and although in virtue of this he was running his stock over the whole block he had only paid £3 as rent for the two years during its currency."[60]

The compensation sum of £723-10-0 was "to be paid to the Public Trustee for the Native owners." The Public Trustee was also "authorised and directed to pay the said sum of £723-10-0 to the Native owners" who were mentioned in the order schedule.[61] A total of 35 owners were listed as owners of the 133 acres comprising the Waikawa West A and D blocks. The amount awarded to the owners was higher than the estimated cost of acquiring the land for two reasons. Firstly, the area taken was "33 acres greater than anticipated" and secondly, dealings had "recently taken place in connection with similar land to that taken on the flat, on the other side

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[57]Compensation Award of the Native Land Court, dated 27 September 1912, Picton Rifle Range, W1/23/169, National Archives, Wellington.

[58]See Appendix One, Award of Native Land Court dated 27 September 1912.

[59]Alfred Godfrey giving evidence before the Native Land Court, Picton, 26 September 1912, Nelson Minute Book 7, p 108.

[60]Ruling of the Native Land Court, Picton, 26 September 1912, ibid, p 108.

[61]Award of the Native Land Court dated 27 September 1912. Picton Rifle Range, W1/23/169, National Archives, Wellington.

of the road and in other parts at prices ranging from £10 to £30 per acre".[62]

In early October, W.S. Short wrote to Military Headquarters explaining that the "requisite vouchers for payment" would be "forwarded to your Department" for approval once a certified copy of the Native Land Court award was received. Short suggested that the Military Forces "seek Ministerial authority for payment of the compensation", so that when the vouchers were forwarded to his office "no delay" would "take place in approving the same for payment."[63]

By November 1912, the Native Land Court award had still not materialised and the former Maori owners had not received payment for their land. Earlier in October, the Department of Public Works had received a memorandum from solicitors, Connolly and Burden of Blenheim, acting on behalf of three of the owners of Waikawa West D4. This memorandum enclosed three orders "for the moneys coming to them."[64] Assistant Under-Secretary Short wrote to the Registrar of the Native Land Court in November, inquiring into when he could expect a copy of the award so that arrangements could be made to pay the compensation. A copy of the award was received by the Under-Secretary for the Department of Public Works on 23 November 1912 and payment of compensation to the former owners could then proceed.

Payment was made to the Public Trustee on 25 October 1912. This was authorised by G. Clapham, accountant, Public Works. On the same day, the Public Trustee had received a memorandum from W.S. Short containing three authorities signed by three owners of Waikawa West D4. Henry Heberley had authorised Edmund Kenny, of Picton, to receive his share of the compensation for Waikawa West D4. Edith Maddocks and Martha Parfitt had authorised E.S. Rutherford of Picton to receive a certain amount of their compensation money.[65] However, the

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[62]Memorandum to W.S. Short, Under-Secretary for Public Works from A.H. Kimball, Assistant Land Purchase Officer dated 2 October 1912. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[63]Memorandum to Military Headquarters from W.S. Short, Under-Secretary for Public Works dated 7 October 1912. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[64]Memorandum to Department of Public Works from Connolly and Burden, Barristers and Solicitors, dated 3 October 1912. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[65]Memorandum to Public Trustee from W.S. Short dated 25 November 1912. Picton Rifle Range, W1/23/169, National Archives, Wellington.

Deputy Public Trustee advised that these authorities were invalid under sections 210 and 424 of the Native Land Act 1909, and was therefore unable to recognise the orders.[66]

This problem caused confusion over the disbursement of the compensation. Enough confusion was created to call for an opinion from the Crown Law Office, which advised that the best course to adopt was:

> to pay all moneys due under the order to the Public Trustee, and at the same time, give him the special authorities and leave the matter to be settled between the Public Trustee and the persons in whose favours the orders are made, taking care to inform those persons that the moneys have been paid to the Public Trustee in accordance with the Court Order, and the special authorities delivered to him, and suggesting that they apply to him for settlement.[67]

The Crown Law Office pointed out that "one of the persons authorised, Mr Rutherfurd" was "a Solicitor" and the Crown Law Office thought he might have been "acting as solicitor for the Natives who have authorised him to receive the money due to them on their behalf."[68] The owners were therefore left waiting for their compensation money. Conolly and Burden, solicitors for the Maori owners and junior partners to Mr Rutherfurd, wrote to Assistant Under-Secretary Short again on 10 December asking when Edith Maddocks, Martha Parfitt, and Henry Heberley could expect their money. According to Conolly and Burden, these former owners were "constantly making enquiries as to whether we have yet received the money."[69] Two days later, Cabinet approved the payment of compensation.[70]

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[66]Memorandum to W.S. Short from Deputy Public Trustee dated 28 November 1912. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[67]Letter to W.S. Short, Assistant Under-Secretary for Public Works from Crown Law Office dated 6 December 1912. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[68]ibid.

[69]Letter to Department of Public Works from Conolly and Burden, Barristers and Solicitors, Blenheim, dated 10 December 1912. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[70]Memorandum to Under-Secretary for Public Works from President, Rifle Ranges Committee, Department of Defence dated 12 December 1912. Picton Rifle Range, W1/23/169, National Archives, Wellington.

The author of this report has been unable to ascertain whether all of the original owners received their shares of the compensation. Fourteen years later, however, in March 1926, the Department of Public Works received a memorandum from Messrs Stead and Pritchard, Barristers and Solicitors of Waitara, north Taranaki. Stead and Pritchard represented W.K. Ropiha, who had instructed the solicitors to "ascertain whether, as he understands should be the case, compensation is due to him for a rifle range near Picton taken by Proclamation." It appears Stead and Pritchard, and presumably Ropiha, were unaware that compensation had been allocated to the Public Trustee as the solicitors asked "whether any compensation moneys have been allocated in respect of this land and by whom they are now held."[71]

The Assistant Under-Secretary at this time, Chas E. Bennett, replied that there was "one Wiremu Ropiha, named in the Award, to whom an amount of £26-2-5 was due" but that "whether this native is the same person as your client or whether the money was actually paid to him, this Department of course cannot say."[72] The Department of Public Works could not help with this matter as the disbursement of the compensation money had been the responsibility of the Public Trustee. This report cannot say whether Wiremu Ropiha ever received his compensation money. A thorough search of the Public Trustee files might reveal whether Mr Ropiha received his compensation.

In 1916, the Commanding Officer of the New Zealand Military Forces believed that the rifle range required reconstruction at a cost estimated to be £280. Before this could be done, however, it was "considered desirable to acquire the additional piece of land between the stream and the road, or at least obtain shooting rights over the same."[73] This land, Part Waikawa 2A, consisted of 8 acres owned by J. Todd, the same individual who had leased the range from the Department of Defence. Mr Todd was hesitant to sell this land as "the only practicable access

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[71]Memorandum to Department of Public Works from Engineer, Public Works, Picton dated 12 April 1926. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[72]Memorandum to Messrs Stead and Pritchard, Barristers and Solicitors, Waitara from Assistant Under-Secretary for Public Works dated 16 April 1926. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[73]Memorandum to Under-Secretary for Public Works from Brigadier-General Commanding New Zealand Military Forces dated 26 July 1916. Picton Rifle Range, W1/23/169, National Archives, Wellington.

he had to his land at the back, Section 3, was across the area proposed to be taken, and that the loss thereof would put him to serious inconvenience and expense."[74] Todd's reluctance to sell his land stalled the proposed reconstruction of the range while the Department of Defence considered the matter. By October 1919, the proposed reconstruction had still not been carried out.

The position was exactly the same thirty years later in 1949. The owner would not sell the required land, nor grant shooting rights over it. The Defence Department seemed content to deal with the owner of this 8 acres rather than compulsorily acquire it under the Public Works Act, as they had with Maori Land from Waikawa A and D blocks. The Army now admitted, remarkably, that without this land it was "not possible to construct a rifle range here." There were no other Army uses for the land. It was therefore handed back to the Department of Public Works "for disposal or other uses, in accordance with Government policy."[75]

Crown Land

The Commissioner of Works inquired if the land might be required for any other government purpose, and, if this was not the case, whether the land might be sold.[76] By 1950, the Commissioner of Crown Lands in Blenheim was considering the matter with a view to declaring the area Crown land. He saw "no objection to having the land handed back to the Ministry of Works for disposition under the Land Act, 1948."[77]

In November 1950 the Commissioner of Works suggested that although the land was not needed for any other government work, it might be of use to the Housing Division. He

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[74]Letter to Under-Secretary for Public Works from A.H. Kimball, Assistant Land Purchase Officer, dated 12, September 1916. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[75]Memorandum to Commissioner of Public Works from Army Secretary dated 4 November 1949. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[76]Memorandum to District Engineer, Ministry of Works, Wellington, from Commissioner of Works dated 22 November 1949. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[77]Memorandum to Senior Engineer, Ministry of Works, Blenheim from Commissioner of Crown Lands dated 31 May 1950. Picton Rifle Range, W1/23/169, National Archives, Wellington.

requested the Housing Division to advise whether the land was suitable for housing purposes.[78] In January 1951 the Housing Division replied that the land was not suitable for building purposes and there was no objection to its being sold or otherwise disposed of.[79]

Throughout this time, the land had been subject to grazing leases. The first had been issued to James Todd in 1913 on 5 year terms. In 1930, the land had been leased to S.P. Mark for a period of ten years from 30 October 1930 to 1 November, 1940. By 1950 the land was being leased by Arthur Aldridge of Picton. By 30 October, his lease had just expired and Aldridge was seeking a renewal of the licence.[80] Until the ultimate purpose for which the land was to be used had been decided, no decision could be made on the future of Aldridge's proposed renewal of lease. He was, nevertheless, allowed to continue using the land on a monthly basis with rent being collected by the Ministry of Works.[81]

By March 1951 it was decided that, as the land was not needed for any other Government purpose, it would be declared Crown Land and handed over to the Lands Department. The Commissioner of Works therefore asked the Army Secretary for the book value of the land in order for the Army to recover the amount from the Lands Department.[82] The Quartermaster-General reported book value of the land as at 1 April 1920 was £580.[83] This land had not been valued since this date. The book value of £580 covered the value of the land only and did not take account of an old cottage and an amount of fencing on the property. The Ministry of Works

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[78]Memorandum to Commissioner of Works from District Engineer, Blenheim dated 3 November 1950. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[79]Memorandum to Commissioner of Works from District Engineer, Blenheim dated 25 January 1951. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[80]Memorandum to Commissioner of Works from Army Secretary dated 8 November 1950. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[81]Letter to Messrs Gascoigne, Wicks and Casey, Barristers and Solicitors from Commissioner of Works dated 8 January 1951. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[82]Memorandum to the Army Secretary from Commissioner of Works dated 14 March 1951. Picton Rifle Range, W1/23/169, National Archives, Wellington.

[83]Memorandum to the Commissioner of Works from Quartermaster-General, Army Headquarters, dated 20 March 1951. Picton Rifle Range, W1/23/169, National Archives, Wellington.

set about preparing to transfer the land from the Defence Department to the Lands Department under the Public Works Act, 1928. This was approved in June and the 133 acres of Waikawa West A and D were eventually declared Crown Land on 2 July 1951.[84] The future administration of Waikawa West A and D blocks would now be handled by the Lands Department, which continued to lease the land as the Army had done before it.

Education Reserve

In 1951, the Waikawa Pa School needed a residence to house one of its teachers. The School Committee approached the Wellington Education Board over the matter. The Committee also became involved in negotiations for various sections to build on, all of which proved fruitless. In 1952, the Commissioner of Crown Lands became aware of the situation and wrote to the Board, explaining that "a quarter acre section at present leased by a Mr A. Aldridge could be made available for use by the Board."[85] By the end of June 1952, the head teacher of the Waikawa Pa School had started negotiations with the Commissioner of Crown Lands "with the possibility of securing a section of land being part of the old rifle range." The school was keen to have the section as it would "make a very good site for a residence, slightly elevated and open to the sun with a pleasant view."[86]

By July 1952, the Commissioner of Crown Lands had taken the issue up with Head Office. In August 1952 the Commissioner of Crown Lands informed the Wellington Education Board that approval had been obtained "to a selected 1/4 acre out of the Crown area in Waikawa Road being reserved for Education purposes (school teachers residence)."[87] Steps were then taken to have the section surveyed. The Wellington Education Board, which administered the Waikawa Pa

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[84]*New Zealand Gazette,* No.51, 5 July 1951, p 937.

[85]Letter to Wellington Education Board from Commissioner of Crown Lands Blenheim, dated 20 June 1952. ABEP W3642, Box 47, 7/540, Waikawa Bay Residence, 1967-1988.

[86]Letter by M. Bowley dated 30 June 1952. ABEP W3642, Box 47, 7/540, Waikawa Bay Residence, 1967-1988.

[87]Letter to Wellington Education Board from Commissioner of Crown Lands Blenheim, dated 26 August 1952. ABEP W3642, Box 47, 7/540, Waikawa Bay Residence, 1967-1988.

School, was prepared to meet the cost of surveying the section. By January 1953, everything was in order to proceed with reserving the land, although there was to be "some delay due to road widening." The Commissioner assured the Board "that the reservation of the site" would "be attended to immediately the road widening action" had been finalised.[88]

By June 1953 the land had still not been reserved. The Board was becoming anxious as the teacher at Waikawa was housed in unsatisfactory temporary accomodation and the need for the residence was "urgent." The Wellington Board of Education asked the Department of Education to "endeavour to have the Gazetting of the site undertaken as soon as possible."[89] A month later the Department of Education replied to the Board, suggesting that it approach the Department of Lands and Survey to find out what was being done.[90]

By August the Board was still anxious to have the land gazetted. The Commisioner of Crown Lands assured the Board that the land would be gazetted and the Board proceeded to apply to the Department of Education for funds to build the house on the section. The Board explained to the Department of Education that a house was needed because the teacher and his family were currently living with his wife's parents, 3 miles from the school. At this time there were no houses available for renting in Waikawa and so a house was needed. It was also explained that the Board's title to the section would be vested in the Crown.[91]

The land was finally gazetted on 5 November 1953. Under this notice, section 46, Block XII, Linkwater Survey District, consisting of approximately one-quarter acre was reserved for education purposes as a school teacher's residence.[92] This area came out of Waikawa West D4.

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[88]Letter to Wellington Education Board from Commissioner of Crown Lands Blenheim, dated 22 January 1953. ABEP W3642, Box 47, 7/540, Waikawa Bay Residence, 1967-1988.

[89]Letter to Department of Education from Wellington Board of Education dated 18 June 1953. ABEP W3642, Box 47, 7/540, Waikawa Bay Residence, 1967-1988.

[90]Memorandum to Wellington Board of Education from Department of Education dated 9 July 1953. ABEP W3642, Box 47, 7/540, Waikawa Bay Residence, 1967-1988.

[91]Application for Grant for Erection or the Enlargement or Improvement of a Teachers Residence, dated 30 October 1953. ABEP W3642, Box 47, 7/540, Waikawa Bay Residence, 1967-1988.

[92]*New Zealand Gazette,* No.5, 5 November 1953, p 1771.

In 1995, Mr Edward Chambers, on behalf of the John Heberley Whanau Trust, the descendants of the original owners of the land, approached the Department of Education inquiring after the possible return of the one-quarter acre section. Mr Chambers received no indication as to whether the land would be returned and he then turned to the Waitangi Tribunal for any help it might offer in resolving the issue .[93] This petition for help was treated as an amendment to a claim lodged by Mr Chambers in 1994 for the Ngati Awa northern South Island Lands and Fisheries, known as Wai 469.

This area is still held by the Ministry of Education as a teacher's residence today. The Ministry of Education retains houses to enable teachers to find accommodation in either difficult to staff areas or where private rental accommodation is short. There are two classifications of houses owned by the Ministry of Education. The first class are Board of Trustee-administered houses which are generally occupied by the school principal. The second class are known as Ministry of Education pool houses which are attached to a designated school and administered by Opus International, under contract to the Ministry of Education. The house subsequently built on section 46 is today designated as a Principal's house and is administered by the Waikawa Bay School Board of Trustees.[94]

In 1995 the Principal's house was occupied for a short period by the school caretaker. The Minisry of Education advised the Waikawa Board of Trustees of the policy that school houses were for teachers only and therefore the house might be considered surplus and returned to the local iwi. However, the Waikawa Bay School Board of Trustees responded that this situation was interim and the house continued to be tenanted by a teacher from Waikawa Bay School until November 1997.[95] At this stage, section 46 is still required for education purposes by the Waikawa Bay School Board of Trustees.

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[93]Edward Chambers to Registrar, Waitangi Tribunal, dated 21 March 1995. Wai 469/0.

[94]Letter to Waitangi Tribunal from John MacDuff, District Property Manager, Ministry of Education, Nelson Office dated 14 January 1998. Wai 469/4.

[95]ibid.

Whites Bay Project

In September 1955, the government became engaged in dealing with Rangitane, Ngati Rarua and Ngati Toa for land in the Whites Bay area called the Pukatea 3 Block. The government's "Whites Bay Project" had been sparked by "the aim of local interests in the Marlborough District for some time to set aside an area of land at Whites Bay, about 10 miles north east of Blenheim" for the purpose of a public recreation reserve.[96] Pukatea was a fishing reserve.[97]

The government hoped to gain the Rangitane interest in the Pukatea 3 Block by exchanging it for part of the old rifle range. The Director-General of Lands suggested that if "we can obtain the Rangitane tribe's interest by utilising portion of the former Picton Rifle Range then I am in agreement." He believed that "only a small area from this reserve would be required and this should not have any detrimental effect on the balance of the block."[98] Rangitane "agreed to accept 3 acres and 35 perches of the former Picton Rifle Range area (now Crown land) plus a cash payment of £100 for it's interest in Pukatea No.3 block."[99] The area exchanged was part of Waikawa West A. The Crown was also to pay all survey and legal costs involved. The 3 acres and 35 perches transferred to Rangitane ownership had a government valuation of £70-10-0, and the transaction was seen as being "very reasonable as far as the Crown is concerned."[100] It is unclear from the files whether any consultation took place between the Crown and the former legal owners of Waikawa as to the appropriateness of this arrangement, but it has been the subject of local controversy.[101]

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[96]Memorandum to the Minister of Lands from the Director-General of Lands, dated 18 October 1955. Department of Conservation File, Res 8/8/3/85, Waikawa Scenic Reserve.

[97]Extract from Nelson Minute Book 11, Folio 284.

[98]Memorandum to the Commissioner of Crown Lands from Director-General of Lands, dated 16 September 1955. Department of Conservation File, Res 8/8/3/85, Waikawa Scenic Reserve.

[99]Memorandum to the Minister of Lands from the Director-General of Lands, dated 18 October 1955. Department of Conservation File, Res 8/8/3/85, Waikawa Scenic Reserve.

[100]ibid.

[101]Personal Communication from Sharon Gemmell, Te Atiawa.

Waikawa Scenic Reserve

In July 1952 the Lands Department proposed that 98 acres of the land be made into a reserve for Scenic Purposes.[102] In August 1952, the Blenheim Lands Department received a memorandum from Head Office advising them to proceed with the reservation of part of the old rifle range for scenic purposes.[103] However, the entire matter lapsed until 1956 when reservation action was taken. The area considered for reservation was described as being the hilly portion of the old Picton Rifle Range. This was reverting to native bush and of no value for grazing purposes. This being the case, it was recommended that this land was "most suitable for reserving for scenic purposes."[104] 78 acres 3 roods and 12 perches, being Section 45 of the former rifle range, was eventually gazetted in 1956 as a Scenic Reserve.[105] This was actioned under section 167 of the Land Act, 1948.

There seemed to be an amount of confusion as to how long the land would remain a reserve. In 1960, a field report was carried out on the Waikawa Scenic Reserve. It described the area as being steep with no virgin forest left due to the area being completely burnt. The report explained that there was no opportunity for recreational use by the public and neither was it viewed often by the public. This report was used in recommending that the land be transferred to the State Forest Service as it was "an isolated reserve covered almost entirely in gorse and a few scattered pines. It is surrounded by other land suitable only for afforestation."[106]

Although the Waikawa Scenic Reserve was described as an "unattractive area", it was "strategically placed" near Picton, and it was decided to leave its status as a Scenic Reserve for

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[102]Hand-written Timeline Report dated 9 May 1985, in MAO 004, Maori Land Claims, Department of Conservation, Nelson.

[103]Filenote contained in Department of Conservation File, Picton, RES 591.

[104]Proposal for the Reservation of Land for Scenic Purposes, dated 15 August 1956. Department of Conservation File, Res 8/8/3/85, Waikawa Scenic Reserve.

[105]*New Zealand Gazette,* No. 46, 23 August 1956, p 1132.

[106]Field Report of the Waikawa Scenic Reserve dated 8 November 1960. Department of Conservation File, Res 8/8/3/85, Waikawa Scenic Reserve.

the time being and to review it at a later date.[107] The uncertainty as to how to deal with the Reserve continued. In June 1973, it was resolved to keep the area as a "scenic reserve in the meantime."[108] The main reason cited for establishing the reserve came back to the rather vague assertion by the Department of Lands and Survey that the land was of no value for grazing purposes and was "most suitable for reserving for scenic purposes."[109]

Its reserve status was not challenged and in 1980 the Waikawa Scenic Reserve became subject to Section 19(1)(a) of the Reserves Act 1977. A little over a year later the Commissioner of Crown Lands appointed the Marlborough Sounds Maritime Park Board to "control and manage the reserve" subject to the provisions of the 1977 Act.[110] The Waikawa Scenic Reserve would eventually become a major factor in the negotiations to have the former rifle range returned.

Sounds Scenic Flights and the Marlborough Aero Club.

In 1961, the Land Settlement Board was approached by Sounds Scenic Flights Limited, a company wishing to develop an airfield in the Picton area. This company, which was still in the process of formation, wanted to lease Part Section 44, consisting of 51 acres and 4 perches. This area was being leased at the time by R. Arthur, who was agreeable to his tenancy being cancelled and Sounds Scenic Flights sub-leasing him grazing rights to keep the property in order.

A report prepared by the Board was very supportive of the idea of having an airstrip in the locality to provide an air charter service, and scenic flights and joyrides as well as providing a strip that could be used by topdressing aircraft. The Board believed that "the provision of a landing field in this locality" would "be of benefit to both the tourist traffic and the community

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[107]Further joint comments of Commissioner of Crown Lands and Conservator of Forests - file note contained in Department of Conservation File, Res 8/8/3/85, Waikawa Scenic Reserve.

[108]Extract from minutes of meeting of Scenic and Allied Reserves Committee, dated 15 June 1973. Department of Conservation File, Res 8/8/3/85, Waikawa Scenic Reserve.

[109]Field Report of the Waikawa Scenic Reserve dated 8 November 1960. Department of Conservation File, Res 8/8/3/85, Waikawa Scenic Reserve.

[110]Gazette Notice dated 29 April 1981, in Department of Conservation File, Res 8/8/3/85, Waikawa Scenic Reserve.

generally."[111] It therefore recommended that Sounds Scenic Flights Ltd be granted a special lease under Section 67(2) of the Land Act 1948 for a term of 10 years at an annual rental of £30, with a right of renewal for another ten years. The lease was also to provide for the sub-leasing of grazing rights to R. Arthur. This recommendation was approved on 1 December 1961.[112] The lease was granted from 1 January 1962.

In April 1964, Sir Eruera Tirikatene approached the Minister of Lands, R.G. Gerard, on "behalf of the Maori community at Waikawa Pa, Picton." Sir Eruera Tirikatene had been approached by Waikawa Maori interested in acquiring a section of land for community purposes. An area of Crown land had been brought to their attention described as "Section 15 Block XII Lincoln (Linkwater) Survey District".[113] This piece of land was actually Section 51, Block XII, Linkwater Survey District, part of the old rifle range which was then being used as an airfield by Sounds Scenic Flights Limited.

The Commissioner for Crown Lands was not sympathetic to the Maori petition for land. He believed a grant of land to the Maori from Section 51 might disrupt the progress of the airfield. The Commissioner believed that "when fully developed" the airfield would provide "great benefit to Picton and the Marlborough Sounds", and therefore considered that "nothing should be done to disturb the existing tenancy or the Company's proposal." Instead, he drew the Minister's attention to the 3 acres of land which had been granted to Rangitane in 1956. In February 1957 the Maori Land Court vested this land in Mr J.M. MacDonald as trustee for the Rangitane in terms of section 437 of the Maori Affairs Act, 1953. The Commissioner claimed that this land was not being used for any purpose, by which he meant, presumably, that it was not being farmed.[114]

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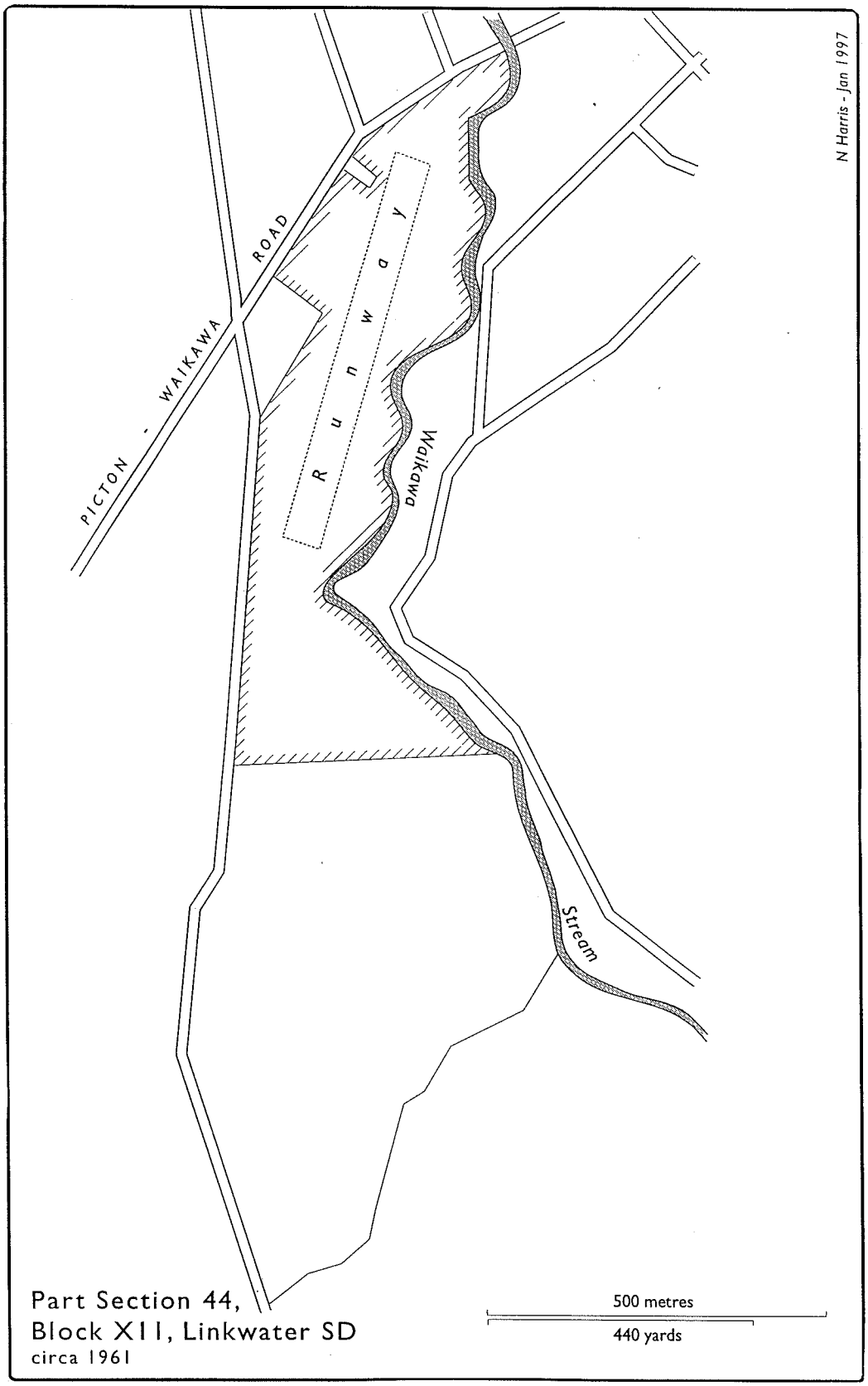
[111]Report of the Land Settlement Board on Sounds Scenic Flights Ltd proposal, dated 29 November, 1961. AAMX W3170-6/11/129/1, Marlborough Aero Club, National Archives, Wellington.

[112]ibid.

[113]Letter to Director-General of Lands from Minister of Lands dated 8 April 1964. AAMX W3170-6/11/129/1, Marlborough Aero Club, National Archives, Wellington.

[114]Memorandum to Director-General of Lands from Commissioner of Crown Lands, Blenheim, dated 28 April 1964. AAMX W3170-6/11/129/1, Marlborough Aero Club, National Archives, Wellington.

Map Three: Waikawa Airstrip



The Minister of Lands explained to Sir Eruera that no Crown land was available and believed that the "Community at Waikawa" should "consider the possibilities of the Reserve already provided and any other areas including Maori Land which might serve its purpose."[115] This author has been unable to discover who exactly approached Sir Eruera Tirikatene about a grant of land in the Waikawa district, but it seems reasonably likely that it was a group of local Te Atiawa. If this was the case, then the Crown and local authorities may have been insensitive to the situation of the petitioners. The Crown suggested that the "Community at Waikawa" should use the reserve that they had available, when in fact, this reserve was not available to them at all as it belonged to Rangitane. Those who petitioned Sir Eruera Tirikatene were refused a portion of the land once owned by their ancestors, protected by restrictions against alienation, and then taken for a public work of debatable validity.

The situation may have been digested by the Crown because Waikawa Maori eventually gained 1.7 hectares of their ancestors' land in 1976. This area was Lot 1, DP 4289, being part Section 51 Block XII, Linkwater Survey District and was originally part of Waikawa West A. This 1.7 hectares was vested in trustees for the purpose of a Marae community centre for the Maori people of Picton, Waikawa and Blenheim and is the present site of the Waikawa Marae.[116]

The granting of the lease to Sounds Scenic Flights Limited over Section 51 had been seen by the Commissioner of Crown Lands as being beneficial to Picton and the Marlborough Sounds District. However, by April 1966, the venture had proved to be unsuccessful and the person primarily interested in promoting the scheme left the district. Rental charges had been in arrears since July 1964, and the company had neglected the airstrip, letting it become overgrown with gorse. Sounds Scenic Flights Ltd had problems of their own. Their sublease to R. Arthur had not been registered and the company had difficulty in obtaining regular payment from him for grazing rights.

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[115]Letter to Hon. Sir Eruera Tirikatene from Minister of Lands, dated 25 May 1964. AAMX W3170-6/11/129/1, Marlborough Aero Club, National Archives, Wellington.

[116]Report to Minister of Lands attached to file note to Regional Conservator, Nelson, dated 1 September 1989. Department of Conservation, Nelson, File RES 591.

Formal notice, asking the company to show cause why the lease should not be forfeited for non-compliance, was sent by the Land Settlement Board to Sounds Scenic Flights Ltd on 14 March 1966, but no reply had been received by April. It was therefore recommended that "pursuant to s.146 of the Land Act 1948 Special Lease No. 9 held by Sounds Scenic Flights Limited over Section 51, Block XII Linkwater Survey District be forfeited for non-payment of rent and non-compliance of lease."[117] Although this was recommended, the forfeiture of the lease did not occur.

In July 1966 Sounds Scenic Flights Ltd revealed that it had been negotiating a sale of its interest in the lease to New Zealand Aerosales Ltd of Paraparaumu. This sale was, however, subject to the transfer of the lease from Sounds Scenic Flights to NZ Aerosales. Sounds Scenic Flights had also paid all rent owing on the lease and, in light of this, the Commissioner of Crown Lands recommended the action to forfeit "be withheld for say three months pending the present negotiations to transfer."[118] These negotiations ultimately failed but the lease was still not forfeited. It is interesting to note that Sounds Scenic Flights Ltd had a bad reputation with the Civil Aviation Authority. It seemed that the company had "proved difficult in the matter of submitting the necessary returns for airways due."[119]

Sounds Scenic Flights Ltd's lease was not cancelled and the issue resurfaced in 1969 when the Commissioner of Crown Lands in Blenheim wrote to the Director-General of Lands again recommending the forfeiture of the lease. The Crown had been engaged with R.E. Avery, the company solicitor, for over 3 years. The Commissioner for Crown Lands was "fed up with the subject" and believed they were "getting nowhere."[120] Although he was "fed up" with the matter, the Commissioner still believed the land might be of use to a similar concern as an airstrip, but

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[117]Report of the Land Settlement Board on Sounds Scenic Flights Ltd Lease dated 20 April 1966, AAMX W3170-6/11/129/1, Marlborough Aero Club, National Archives, Wellington.

[118]Memorandum to Director-General of Lands from Commissioner of Crown Lands, Blenheim, dated 25 July 1966. AAMX W3170-6/11/129/1, Marlborough Aero Club, National Archives, Wellington.

[119]Memorandum from Secretary for Civil Aviation to Director-General of Lands and Survey, dated 12 August 1966. AAMX W3170-6/11/129/1, Marlborough Aero Club, National Archives, Wellington.

[120]Memorandum to the Director-General of Lands from Commissioner of Crown Lands, Blenheim, dated 14 October 1969. AAMX W3170-6/11/129/1, Marlborough Aero Club, National Archives, Wellington.

proposed that the land be let on a temporary grazing licence in the meantime. It had become evident that the company considered it had a substantial asset to sell and that it was "endeavouring to obtain a price for the lease which no purchaser would meet in view of noxious weeds problems."[121] Despite the ongoing problems encountered by the Crown, the lease was never forfeited.

A purchaser of the lease eventually appeared in 1970 in the form of J.M.L Dillon for the Marlborough Aero Club. Marlborough Aero Club Incorporated took possession of the land in July 1970. The first term of 10 years then expired, with the Land Settlement Board recommending the Marlborough Aero Club be granted another 10 year lease. The Commissioner of Crown Lands explained that the lease to Sounds Scenic Flights had not been forfeited because he "considered that the purchase of the leasehold interest by the Marlborough Aero Club was the best possible use of this area." He felt there was "a need for limited tourist scenic flights" and was "very pleased to assist the Club in obtaining this lease."[122] The terms of the lease were very definite that the land could only be used as an airstrip and any deviation in the use of the land would see the termination of the lease. The Marlborough Aero Club maintained the airstrip and continued to lease the land seemingly free of the trouble that plagued Sounds Scenic Flights.

By 1982, investigations were being carried out into the future use and status of the land. The Department of Lands and Survey, who ultimately controlled the land, proposed to use part of the airstrip land bordering the stream as part of a recreational reserve. It was noted that this proposal would not upset the Marlborough Aero Club situation but there was fear that it had the potential to create "Maori problems such as Raglan."[123] In June 1985, Matiu Love began making inquiries to the Commissioner of Crown Lands about the fate of the land that had originally been taken for the rifle range. Matiu Julius Love was a descendant of one of the original owners

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[121]Report of the Lands Settlement Board, Marlborough District, dated 15 October 1969. AAMX W3170-6/11/129/1, Marlborough Aero Club, National Archives, Wellington.

[122]Memorandum to Director-General of Crown Lands from Commissioner of Crown Lands, Blenheim, dated 28 May 1971. AAMX W3170-6/11/129/1, Marlborough Aero Club, National Archives, Wellington.

[123]File note dated 21 October 1982. AAMX W3170-6/11/129/1, Marlborough Aero Club, National Archives, Wellington.

identified by the Native Land Court in 1912.

Returning the Land.

On 31 March 1987, the Waitangi Tribunal received an application from P.H.E. Bloomer, as agent for Matiu Love and James Mark, asking for an inquiry as to whether or not the Waikawa Block should be returned to the descendants of the original owners. In particular, the Tribunal was asked to recommend that the block be returned to Matiu Love and James Mark and others, being direct descendants of the original owners. At the time this claim was filed as Wai 83, Mr Love was also dealing directly with the Minister of Lands, Peter Tapsell, in an effort to have the land returned.

Mr Love's claim to the Tribunal was made on the grounds that although the land had been purchased for the purpose of a rifle range, it had never been used as such and, as the land had not been "usefully used for many years" and lay "deserted", it should be returned to "dispossed [sic] Maoris."[124] Matiu Love and James Mark had filed their claim because they feared the land was about to be transferred to "the new Land Corporation, a state-owned enterprise established under the State-Owned Enterprises Act 1986." The Waitangi Tribunal made enquiries with the Department of Survey and Land Information asking about the current legal status of the land, and enquiries were made of the Land Corporation, asking if the land was indeed to pass to them. On 7 July 1987 Land Corporation Limited wrote to the Tribunal advising that it had been intended:

> that a greater portion of the Crown land that remained of the rifle range be allocated to the Land Corporation. However, it has just recently been decided that the land should remain as Crown land under the control of the Department of Lands.

The letter further stated that the Department would deal with the land in terms of the current

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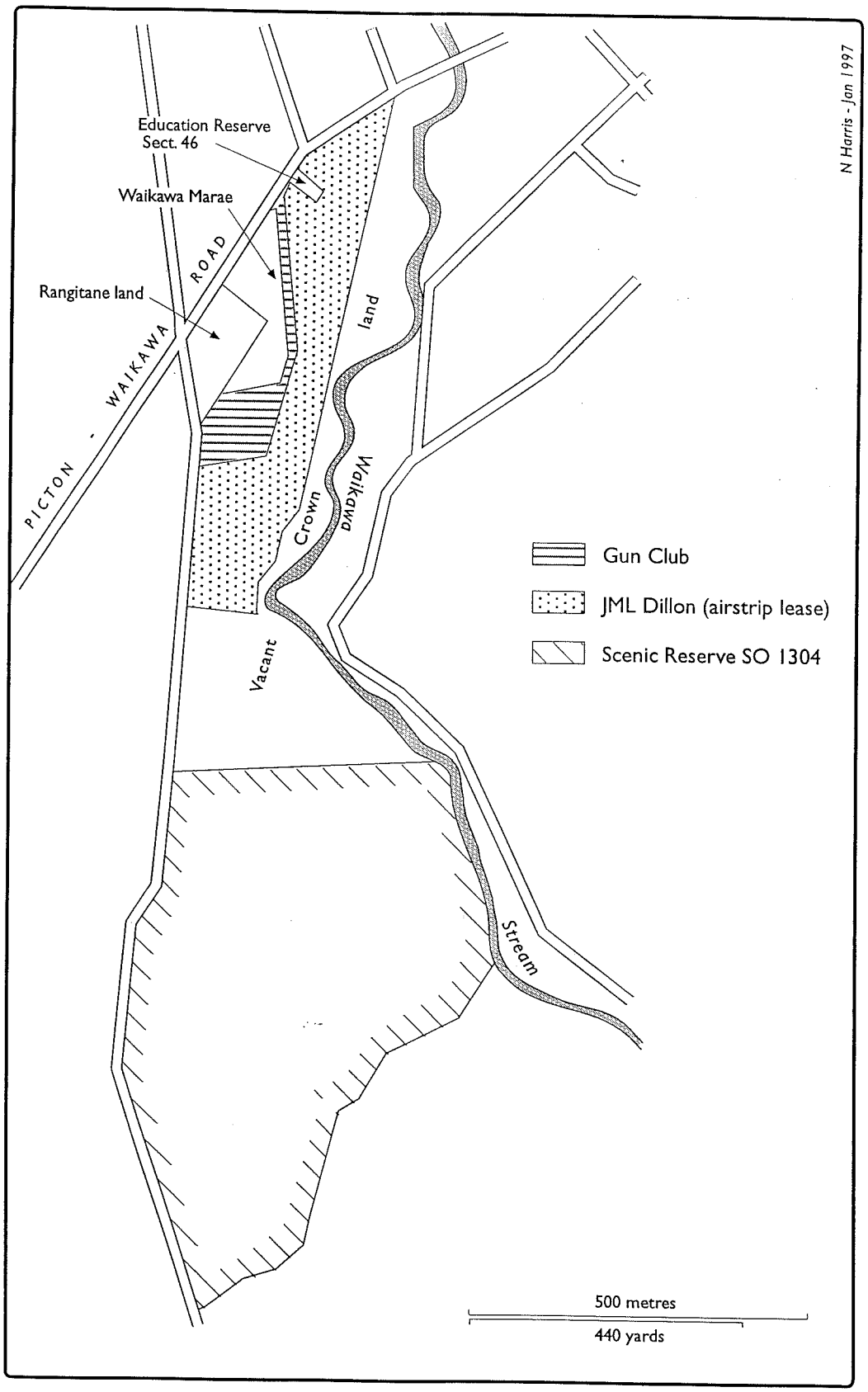
[124]P.H.E. Bloomer to the Waitangi Tribunal, Statement of Claim, dated 2 March, 1987. Wai 83/0.

Map Four: Land Use at 1987



Government policy under the Public Works Act relating to lands acquired by the Crown for a particular purpose but no longer required for that purpose. The claimants continued to press the claim through negotiating directly with the government in Wellington.

On 5 October 1987, Jim Elkington, on behalf of the Waikawa Marae Trustees, wrote to the Minster of Lands, Peter Tapsell, petitioning for the return of the former rifle range to "the Maori people of Waitohi." The Marae Trustees were a competing interest with the claim filed by Mr Love. Mr Elkington explained that the entire situation was based on the Waitohi purchase made on 30 December 1848. Elkington was aware "of the claim being made by other individuals who are descendants of designated owners", but believed as "the land was an agreement between the Crown and the Maori people of Waitohi, the conditions of the exchange should remain. That is, the land is for the people of Waikawa as a whole." Elkington believed that the vesting of "Lot 1 DP 4289 in the Trustees for the purpose of a Marae and community centre for the Maori people of Picton, Waikawa and Blenheim in some small way" met part of the agreement.[125]

The Waikawa Marae complex required additional land for intended projects, including a hostel, medical centre and training facilities that had been negotiated with the Department of Social Welfare. In late 1986, the Trustees had applied to the Department of Lands and Survey to acquire, by way of lease, an area of 1.77 hectares which had previously been leased to the Picton Clay Target Club.[126] In terms of the Land Act 1948, the Trustees gave notice of their intention to lease the land and called for the lodging of objections with the Commissioner of Crown Lands, Blenheim. It was at this stage that Mr Matiu Love and Mr James Langton Mark, through their solicitor, Peter Bloomer, lodged an objection to the lease of the 1.77 hectares to the Marae Trustees and sought the return of all the land to the "successors" of the original owners from whom the land was taken.[127] The Trustees argued that the future development of the Marae was

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[125]Waikawa Marae Trustees to Peter Tapsell, Minister of Lands, dated 5 October 1987. Department of Conservation, Nelson, File Res 591.

[126]Report to Minister of Lands from Acting Director-General of Lands dated 27 October 1987. Department of Conservation File, Res 8/8/3/85, Waikawa Scenic Reserve.

[127]ibid.

impeded "only by the lack of ground space".[128] In October 1987, the Trustees asked the Minister of Lands to allocate the 1.77 hectares, licensed to the Picton Clay Target Club, "to the Waikawa Marae Trustees forthwith" so their development projects could proceed.

They also asked that the 7.1 hectares leased to J.M.L. Dillon (expiring 31/2/91), the 4.2 hectares licensed to D.S. Perano (expiring 1/7/88), and 6.182 hectares designated vacant Crown land "be designated Maori freehold land to be administered by the Marae Trustees for the benefit of the Maori people in association with future developments of the Marae complex." Added to this, the Trustees wanted a joint management scheme to be established "between the Maori peoples representatives and the Department of Conservation" over the Waikawa Scenic Reserve.[129]

A report by the Acting Director-General of Lands to the Minister of Lands in October 1987 examined Mr Elkington's claim.

> Whether or not the Maori reserve was at Waikawa for the people of Waikawa as a whole, ownership was investigated and determined by the Maori Land Court on 15 March 1889. At the same hearing the Court partitioned the block and determined ownership of the partitions....Any Maoris or their descendants not included in the 1849 census list would no doubt have had the opportunity to be heard in 1889 when ownership was being investigated by the Court. In the circumstances I cannot support the reasons put forward by the Trustees for allocation of the 1.77 hectares.[130]

The report stated that in terms of the "current policy", the Crown had an "obligation" to return the 19.25 hectares to the descendants of the former owners, and believed the question of land for Marae projects was a matter to be resolved between the Marae Trustees and the descendants of the former owners.[131]

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[128]Waikawa Marae Trustees to Peter Tapsell, Minister of Lands, dated 5 October 1987. Department of Conservation, Nelson, File Res 591.

[129]ibid.

[130]Report to Minister of Lands from Acting Director-General of Lands dated 27 October 1987. Department of Conservation File, Res 8/8/3/85, Waikawa Scenic Reserve.

[131]ibid.

Under Section 40 of the Public Works Act 1981, land compulsorily acquired for a particular public work which was no longer required for that purpose is to be offered back to the former owners or their descendants and/or successors in title. The policy provided that where the owners of land compulsorily acquired were compensated, the return of the land was to be at the current market value unless special circumstances warranted a departure.[132]

The Acting Director-General considered that the Waikawa Rifle Range case had "special circumstances for a resale of the 19.25 hectares at a price less than current market value". Two reasons were cited for this opinion. Firstly, the report concluded that the land "could have been handed back at a much earlier date", and secondly, the Crown had received an income from the land, which, "at least since 1981 (date of offer back policy), should have been returned to Maori ownership- the Crown has received over $1,550." The Acting Director-General suggested the resale price of the land "could be based on November 1949 values, ie, the date the land was declared surplus to the requirements" of the Department of Defence. However, having regard to the income the Crown had received over the years, which more than equated to the 1949 valuation figure of $725, the Acting Director-General of Lands considered that the land should be returned to the descendants of the original owners "free of cost." The market value of the land in 1987 was $103, 000.[133]

The Department of Conservation did not accept that Section 40 of the Public Works Act, 1981, applied to the 98 acres of the Waikawa Scenic Reserve because the land had been set apart as a reserve in 1956 before the passing of the 1981 Act. The Department of Conservation also argued that the Crown had only recently adopted the "policy of investigating the background to the original acquisition before setting apart Crown land for reserves." The Department was, however, prepared to recommend that the scenic "reserve be either sold to the applicants or placed under their control as trustees."[134]

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[132]Public Works Act, No.35, *New Zealand Statutes,* 1981, Volume I

[133]Report to Minister of Lands from Acting Director-General of Lands dated 27 October 1987. Department of Conservation File, Res 8/8/3/85, Waikawa Scenic Reserve.

[134]Memorandum to Helen Clark, Minister of Conservation from Director General of Conservation dated 28 March 1988. Department of Conservation, Head Office File, Res 8/8/3/85, Waikawa Scenic Reserve.

It was the view of the Minster of Lands, Peter Tapsell, however, that the land should be returned as it was not being used for the purpose for which it was taken. The Minister had instructed the Department of Lands to determine whether it was possible to acquire the leasing rights of J.M.L. Dillon and E. Collins so that these areas could be returned. Dillon leased the airstrip and Eric Collins had negotiated a deal with the former Minister of Lands in 1984. Collins had negotiated an exchange agreement between himself and the Department of Lands of Lands and Survey to facilitate the construction of a gondola type development upon a portion of the Waikawa Scenic Reserve. Under this deal, Collins was authorised a right of way through part of the Waikawa Scenic Reserve and a five year lease over that portion of Crown land described as part Lot 2, DP 4289, Waikawa Survey District. In return, the Department of Lands and Survey would receive 75 hectares of Mr Collins' land.[135]

The Minister of Lands also visited Waikawa in April 1988 and saw the reserve for himself. Apart from the fact that the reserve was high ground, the Minister did not think it had any particular value as a reserve. He therefore asked Helen Clark, Minister of Conservation, to consider returning the reserve to the original owners, explaining that the owners might agree to setting aside the land as a reserve themselves. The Minister of Lands believed it would be preferable if the descendants of the original owners were to do this willingly and after the title had been returned to them.[136]

The Minister of Conservation did not agree with the Minister of Lands and believed "it would be appropriate for the Waitangi Tribunal to make its own decision as to whether the Crown breached the principles of the Treaty of Waitangi in acquiring this land as a Scenic Reserve." The Minister also pointed out that a "further complicating factor" was the fact that there were "two parties claiming ownership." The Minister of Conservation was unaware who the Minister of Lands thought were the legitimate claimants but believed, as Mr Love had lodged a claim to the Waitangi Tribunal, it was "appropriate to await its findings." The Department of

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[135]Letter to Land Corporation New Zealand Ltd from Regional Manager, Land Corporation, dated 21 April 1989. Department of Conservation, Nelson Files, LAN 163.

[136]Memorandum to Helen Clark, Minister of Conservation from Peter Tapsell, Minister of Lands, dated 22 April 1988. Department of Conservation, Nelson File, LAN 163.

Conservation still "considered that this land is best retained as a scenic reserve for the use and benefit of all members of the public."[137] This stance departs from its earlier view held in 1985. The Head Office Reserves Committee had considered the matter of the reserve in 1985 and concluded, based on biological survey reports and "recommendations", that this was not "a reserve it would try hard to retain."[138]

The Minister of Lands replied to the Minister of Conservation, explaining that the Department of Conservation representative he met in April "very clearly stated that the hill was of no special significance to DOC and he believed that the Department would have no objection to its return to the Maori owners if that was considered appropriate." The Minister was aware that compensation had been paid for the land, but still held the "very strong view that the Crown ought to return it to the original owners."[139] The Minister of Lands had been engaged in negotiations with Matiu Love and had hoped the matter could be resolved without going before the Waitangi Tribunal.

Peter Bloomer, solicitor for Matiu Love and James Mark, had been making continual enquiries to the Department of Conservation as to the possible return of the land, including the Scenic Reserve. Bloomer had expressed to the Waitangi Tribunal in February 1988 that it "seems in principle that the Hon Mr P Tapsell will arrange for the return of the land to Matiu Love and his associated relatives."[140] The Department of Conservation, however, believed that any decision to return the Scenic Reserve would be taken by the Minister of Conservation and not the Minister of Lands. Also, because two groups claimed that the land was rightly theirs, the Minister of Conservation believed it was correct to await the decision of the Waitangi Tribunal before considering what action was required.

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[137]Letter to Peter Tapsell, Minister of Lands from Helen Clark, Minister of Conservation dated 14 June 1988. Department of Conservation, Nelson File, Res 591.

[138]Memorandum to Head Office from Director-General of Conservation, dated 12 August 1985. Department of Conservation, Head Office Files, 85/8/8/3 Waikawa Scenic Reserve.

[139]Letter to Helen Clark, Minister of Conservation from Peter Tapsell, Minister of Lands dated 17 June 1988. ibid.

[140]Letter to Waitangi Tribunal from Peter Bloomer, Barrister and Solicitor, dated 4 February 1988. Wai 83/0.

The Waitangi Tribunal, however, was not actually dealing with the Waikawa Rifle Range claim at this time. In July 1987, Bloomer had written to the Tribunal explaining that due to developments in the claim, the Tribunal could put the claim "into a suitable probably no action needed status."[141] The Waitangi Tribunal had responded to Mr Bloomer by advising that it would take no further action unless it heard from him.[142] The stance taken by the Department of Conservation to await the decision of the Waitangi Tribunal prompted Mr Bloomer to write to the Tribunal in June 1988 "to formally withdraw the claim."[143] Mr Bloomer explained that he had not withdrawn the claim earlier because he had accepted the Landcorp letter to the Tribunal dated 7 July 1987 at "face value" and was under the impression that the matter was being dealt with by "government officials."[144]

Realising that the claim had been withdrawn, the Department of Conservation wrote to Mr Bloomer advising that it would "now be appropriate" if his clients were to meet with the District Conservator in Picton to discuss the issues involved, including what the conservation values of the area were and what the best means were "to retain those values for future generations."[145] The tone of this letter had changed from previous Department of Conservation correspondence. Upon Mr Bloomer withdrawing Wai 83, the Waikawa Rifle Range claim, from the Waitangi Tribunal, the Department's sudden willingness to discuss issues departed from its previously dismissive 'wait and see' policy.

The Minister of Lands, Peter Tapsell, also continued to play a major part in the negotiations for the return of the rifle range. The Minister organised a meeting between himself, Peter Bloomer and James Mark, and Department of Lands officials on 1 December 1988 to discuss the matter. The Minister wanted to explain his "thoughts for the future dealings with this land" and the

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[141]Letter to Waitangi Tribunal from Peter Bloomer, Barrister and Solicitor, dated 12 July 1987. Wai 83/0.

[142]Letter to Peter Bloomer, Barrister and Solicitor from the Waitangi Tribunal, dated 19 August, 1987. Wai 83/0.

[143]Letter to Waitangi Tribunal from Peter Bloomer, Barrister and Solicitor, dated 22 June 1988. Wai 83/0.

[144]ibid.

[145]Letter to Peter Bloomer, Barrister and Solicitor from Department of Conservation, Regional Manger, Nelson, dated 6 September, 1988. Department of Conservation, Nelson File, Res 591.

necessary administrative actions which would "need to be undertaken to return the land of [sic] Maori ownership."[146] This correspondence suggests that the Minister of Lands had already made up his mind to have the land returned.

In December 1988, the Department of Conservation Head Office advised the Nelson Regional Manager that "Ministers" had decided "that the scenic reserve, and the other land acquired by the Crown in 1912 under the provisions of the Public Works Act for the purposes of a rifle range at Waikawa" was "to be returned to the descendants of the original Maori owners." The issue was handled principally by the Department of Lands in Wellington.[147] Section 41 of the Public Works Act 1981 now applied. Under this section, in any case where former Maori land taken for a public purpose was no longer needed, "the Minister or local authority" was to apply to the Maori Land Court for an order under section 436 of the Maori Affairs Act 1953.[148]

On 8 November 1989, the Maori Land Court heard an application from the Minister of Lands seeking such orders under Section 436 of the Maori Affairs Act, 1953. Under section 436, land acquired from Maori for a public work, which was no longer required for any public purpose could be revested in Maori ownership. The Minister's application sought to revest two areas of land, listed in six title partitions, in the names of the original owners. These partitions were Waikawa West D, sections 1-5, and Waikawa West A.

The Minister of Lands had also stipulated two conditions to the application, as he was entitled to do under Section 436(1) of the Maori Affairs Act, 1953. The first condition had been that a Trust order be made vesting the land in Jim Mark, Mack Love, Matt Love, Joe Heberley, Albert Love, Edward Chambers, and Peter Bloomer. The second condition stipulated that the Trustees would protect rights granted to Mr Eric Collins under an agreement made with Mr Collins by

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[146]Letter to N Gilmore from Peter Tapsell, Minister of Lands, dated 28 November 1988. Department of Conservation, Nelson File, Res 591.

[147]Memorandum to Department of Conservation Regional Manager, Nelson, from Director General of Conservation, dated 15 December 1988. Department of Conservation, Nelson File, LAN 163.

[148]Section 41, Public Works Act 1981, *New Zealand Statutes.*

the Crown.[149] It had been the Minister's intention to have the land revested in a single block rather than in accord with the partitions from which the Crown originally acquired the land.[150] This land would then be held in trust by the named Trustees. This plan drew objections from descendants of the original owners, such as Charles Heberley and Oswald Olliver, who believed the land should be returned directly to the descendants of the original owners.

The Court noted this objection and the Minister's application was unable to be actioned. The Court required more details "of the six areas of land to be returned to each of the six title partitions." The Court pointed out that although it was guided by the Minister's direction, six separate trusts would be required "and the respective owners of those six blocks must be consulted on the question of who may be appointed as trustees." At the conclusion of the hearing on 8 November, the Court gave directions to the Crown's representative requesting that an amended application and accompanying plans be filed indicating clearly "the Minister's direction and condition."[151] This was to be filed by 18 January 1990. In December 1989, however, a representative of the Minister of Lands indicated to the Court that the amended application and plans would not be ready in time. The Minister's representative, Kevin Cayless, sought a later fixture in February or March 1990. The Court was agreeable to this request and ordered the Registrar, after consultation with the Deputy Chief Judge, to arrange with Mr Cayless for notice of the special fixture to be advertised in at least two editions of the Dominion and Marlborough Express.[152]

The amended application was presented to the Court on 2 April 1990. The original format for revesting the land was amended by filing four separate applications to accord with the proposed divisions of the land. Three applications dealt with vesting Waikawa 4, 6, and 7 in Trustees under Section 437(4) of the Maori Affairs Act, 1953. The fourth application was an application

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[149]Undated copy of Application for Order Revesting Land Acquired for Public Work, in Department of Conservation, Nelson File, RES 591.

[150]Nelson Minute Book 19, p 57.

[151]A.G. McHugh, Christchurch, 6 December 1989, Nelson Minute Book 19, p 42.

[152]A.G. McHugh, Christchurch, 6 December 1989, Nelson Minute Book 19, p 42.

for amendment of title over Waikawa 1 and 5. The overall proposal and the content of the applications had been "fully explained at a publicised meeting of beneficiaries on 23 March 1990 at Waikawa." The beneficiaries were the descendants of the original owners. It was at this meeting "that the subject matter and content of the applications as well as appointment of Trustees were agreed upon."[153]

For the purpose of revesting, the land was divided into five blocks, being Waikawa West 1, 4, 5, 6, and 7. Blocks 4, 6, and 7 were to be vested in Trustees, pursuant to Section 437(4) of the Maori Affairs Act, 1953. This arrangement in effect recreated the title position and restored the family grouping that existed over the flat portion of the property at the time of acquisition.[154] On 3 April 1990, the Maori Land Court dealt with the first three applications together, vesting Island Moutere Love, Charles Thomas Heberley, Joseph Arthur Heberley, Neville Hugh Gilmore, and Michael Joseph Norton as the Trustees of Waikawa 4. This block was to be "held upon trust for the benefit of John Heberley and his descendants." The trust was to be "known as the Heberley Whanau Trust."[155]

Waikawa 6 was vested in James Langton Mark, Matthew Julius Love, and Michael James Taylor to be held upon trust for the benefit of the Boon/Te Pohe family and their descendants. This trust was to be known as the Te Pohe Whanau Trust. Waikawa 7 was vested in Enoka Tureiti Love, Georgina Raiha Roa Mary MacDonald, and Doris Materoa Addis upon trust for the benefit of Hemi and Ani Enoka and their descendants. This trust was to be known as the Enoka Whanau Trust. The Court ruled that the land, no longer required for any public purpose, was reserved for the "use and benefit of Maori, being the owners and their descendants from whom the Crown originally acquired the land."[156]

An application for the amendment of title was also dealt with at this sitting. This application

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[153]Nelson Minute Book 19, p 58.

[154]ibid.

[155]Nelson Minute Book 19, p 60.

[156]Nelson Minute Book 19, pp 60-62.

concerned Waikawa West blocks 1 and 5. The purpose of this application, pursuant to Section 436(4) of the Maori Affairs Act 1953, was to amend the title to Waikawa West D, section 5 block so as to include Waikawa Blocks 5 and 1, in effect recreating the original Waikawa West D5 block which had existed in 1912 when the rifle range was proclaimed. The application stated that as the areas of Waikawa West 5 and 1 had originally been taken from the larger Maori freehold block, it was "proper that it should be returned to it."[157] Waikawa West D5 was owned in fee simple. This application added Waikawa West 5 and 1, a total of approximately 107 acres, to the larger Waikawa West D, section 5 block, consisting of approximately 174 acres. Waikawa West D, section 5 now consists of a total of 281 acres and 3 roods.

The sections of land not covered by the Scenic Reserve, consisting of 19.25 hectares, were vested in Trustees in 1990. All of this land was returned except for section 46, a one quarter acre, which had been reserved for education purposes in 1953. The Department of Education was still using this land for the purposes of a teacher's residence. Also, because the scenic reserve had come under the control of the Department of Conservation when the Lands Department was split up, it could not be returned at the same time.[158]

The return of the Scenic Reserve affected the lease of Eric Collins and his gondola project. In order to fulfill the exchange of 75 hectares negotiated in 1984, it was vital that Mr Collins' leasehold/access rights were preserved in line with the former Minister of Lands' consent. Mr Collins was aware of the proposed return of the land to the local Maori and was "perfectly happy to see this proceed" providing he did not lose his access rights granted by the former Department of Lands and Survey. He was not concerned if the access line had to be on a different physical path, so long as practical access was preserved.[159] The Department of Conservation also became involved in these negotiations as access to a further Conservation reserve behind the land had

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[157]Nelson Minute Book 19, p 64.

[158]*Marlborough Express*, 19 August 1992.

[159]Letter to Regional Manager, Department of Conservation, Nelson from Property Manager, Landcorp Management Services Ltd, dated 14 May 1989. Department of Conservation, Nelson, File LAN 163.

traditionally been through the rifle range.[160] The Department was concerned to see if the return was likely to affect this, which it did.

The Department of Lands discussed the matter with Matiu Love and James Mark, who indicated their support of an arrangement whereby Collins would be granted access and occupation rights when the land returned to Maori ownership. However, Mr Love and Mr Mark could not make a firm commitment on behalf of the other intended owners. It was recommended therefore, subject to the agreement of the Minister of Lands, that the revesting application be subject to the recognition of the rights granted to Mr Collins by the Crown.[161] It was not considered necessary to make the preservation of the Crown's access rights a condition of the vesting order as the Crown access rights could be negotiated separately with Collins.[162]

The Maori Land Court order dated 3 April 1990 had declared the former rifle range, save the quarter acre education reserve, to be Maori land and had appointed trustees to administer the properties. This Court order also acknowledged Collins' right of access over Waikawa 5 Block and gave him one year to exercise those rights. This temporary access concerned Allan Wilson, the District Manager of the Department of Lands and Survey. Wilson feared Collins and the Department of Conservation might lose future access to their back blocks of land. The District Manager took action intended to provide permanent legal access over Waikawa 5 Block, including obtaining "agreement in principle from the Maori owners to permanent access over Waikawa 5 Block."[163]

The District Manager pointed out, however, that he was "acting on tenuous grounds." He explained that Collins' rights to access over the flat portion of the Waikawa reserve was

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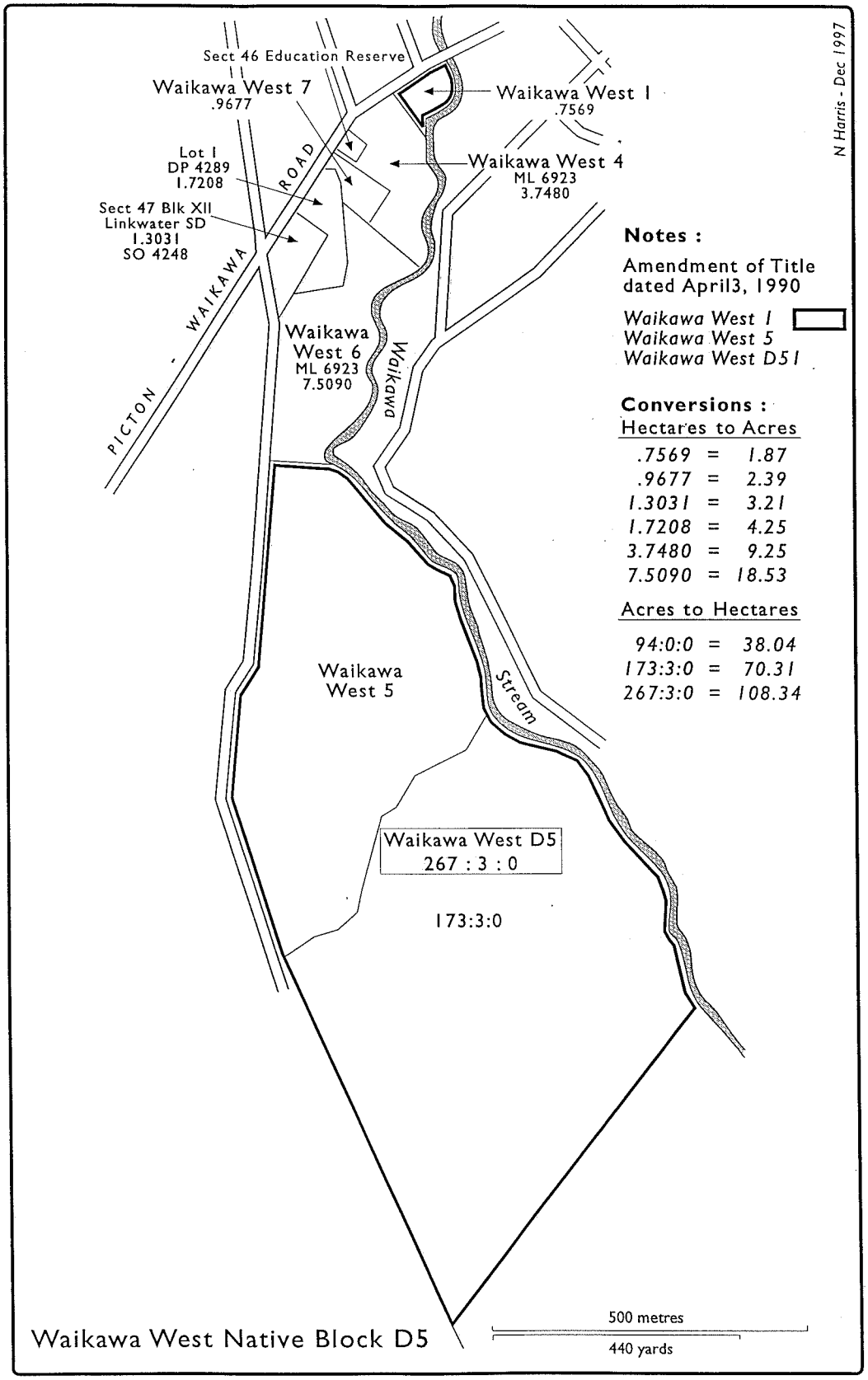
[160]Letter to Waitangi Tribunal from Jack Hayward, SCO Protected Lands for Conservator, Department of Conservation, Nelson, dated 12 September 1997. Department of Conservation, Nelson, File LAN 163.

[161]Letter to Regional Manager, Department of Conservation, Nelson from Acting Director-General of Lands, dated 5 July 1989. Department of Conservation, Nelson, File LAN 163.

[162]Letter to Department of Conservation, Nelson from Landcorp, dated 23 February 1990. Department of Conservation, Nelson, File LAN 163.

[163]Letter to Wain and Naysmith, Barristers and Solicitors from District Manager, Department of Survey and Land Information, dated 9 April 1992. Department of Conservation, Nelson, File LAN 163.

Map Five: Current Land Partitions



temporary to enable him to develop gondola facilities overlooking Picton. "Temporary" was "considered to be five years", of which it was estimated another two years remained. The District Manager's actions were to "provide Mr Collins with temporary access over the flats for two years" and access thereafter would be "subject to agreement with the Maori owners." He hoped Mr Collins was in agreement with this course of action. If this was not the case, the District Manager was not prepared to support Collins' case any further. He pointed out that because the land was now classified as Maori land, it could be argued that the matter was no longer under his control.[164] In September 1993 Eric Collins was granted easement rights over Waikawa West 5.

By August 1992 it was finally proposed that the Scenic Reserve status over the 94 acres be revoked under Sections 24 and 25 of the Reserves Act 1977. The Blenheim District Manager of the Department of Survey and Land Information was prepared to action the necessary submissions, public notifications and gazette notices to "hasten disposal actions." He was keen to "complete these protracted actions as soon as possible."[165] It was decided that the most expedient way of returning the Reserve was to declare the area Crown land "and complete registration of that and the adjoining land under the Land Act 1948." This would simplify handing it over to the descendants of the original owners. Under the Reserves Act 1977, the status of Waikawa Scenic Reserve, "being Section 45, Block XII, Linkwater Survey District" was revoked as a reserve for scenic purposes.[166] This changed the classification of the land from reserve land to Crown land "available for disposal under the Land Act 1948... in such manner and for such purpose as may be specified by the Minister." Under section 25(3)(a) of the Reserves Act 1977, the Minister of Conservation was empowered to offer the land "on such terms and conditions as he thinks fit, to the former owner or, if he is deceased, to his descendants, those descendants being determined by order of the Maori Land Court."[167] The

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[164]ibid.

[165]Letter to Regional Conservator, Department of Conservation, Nelson from District Manager, Blenheim, Department of Survey and Land Information, dated 6 August 1992. Department of Conservation, Nelson, File LAN 163.

[166]*New Zealand Gazette*, 8 October 1992, no. 161, p. 3332.

[167]Section 25, Reserves Act 1977, *New Zealand Statutes*, Volume I, 1977.

land was now free to be handed back to the descendants of the original owners.

Waikawa West Blocks 5 and 1, a total of approximately 96 acres, were amalgamated back into the freehold block of Waikawa West D, section 5, recreating the original larger block of 270 acres. This land is currently owned by 74 co-owners. The certificate of title for this block had been issued on 22 August 1984. Title to an easement over Waikawa 5 was granted to Eric Collins on 16 September 1993. Certificates of title were also issued to the Heberley, Te Pohe, and Enoka Whanau Trusts, in the names of the elected trustees on 19 October 1992.

Conclusion

On 21 March 1995, Edward Chambers of Nelson lodged an amended statement of claim to the Waitangi Tribunal in which he alleged that the Crown had not returned a quarter acre education reserve to the former owners from whom it had been taken. While the reserve had been gazetted for education purposes in 1953, it lay within a large area of land which had been taken from Maori in 1912 for the express purpose of a rifle range. The fact that Mr Chambers raised his concerns within the context of the 1992 revesting of the balance of this once-mooted rifle range in Maori ownership is instructive; an underlying theme to this report is that in order to fully understand the history of this education reserve, and why the claimant so objects to its continuing alienation from his whanau, it is necessary to examine the history of Crown dealings and public works takings at Waikawa.

As we have seen, Te Ati Awa Maori traded their established settlement of Waitohi for the surveying of Waikawa as a Native Township, plus a cash settlement, in 1850. That Waikawa was for the use and occupation of Te Ati Awa was confirmed again by James Mackay in 1863, who noted Waikawa had been reserved by the Government for "Native occupation and cultivation". In other words, Government acknowledged the reserve status of Waikawa in light of its acquisition of the vast majority of the top of the South Island via the Waipounamu purchases.

When Native Land Court jurisdiction was extended to Waikawa in 1889, a sitting was held to confirm the ownership of the reserve which had been determined by James Mackay some 27 years previously. The owners were apparently anxious to have the reserve subdivided and, for the purposes of this report, it is instructive to note that at a partition hearing in 1908, John Heberley was declared the owner of Waikawa West D Section 4, comprising 9 acres 2 roods. This is the section which contains the quarter acre education reservation which is still in Crown ownership. However, this partition, like other Waikawa sections, was subject to certain alienation restrictions. The Court order for this partition has inscribed upon it that:

> By the former title this land is subject to the following retstrictions, viz:-

> Inalienable, except with the consent of the Governor, by sale, or mortgage, or by lease for a longer period than twenty one years.

In spite of the fact that many Waikawa sections were subject to alienation restrictions, just four years later the Crown took Waikawa West D section 4 and a further 124 acres of this land for a rifle range.

In July 1912, the Waikawa Rifle Range, consisting of 133 acres, was alienated from its original owners under the Public Works Act 1908, and Defence Act 1909. It seems that although compensation was paid for the land, it was nevertheless compulsorily acquired from the owners at the time. The files seem to indicate little or no consultation with the owners as to their thoughts on the matter, although the minutes from the 1912 sitting of the Native Land Court indicate that at least some of the owners believed they "suffered a severe loss".[168] By 1949, the New Zealand Military Forces revealed that it was not possible to construct a rifle range on the site and that there were no other Army uses for the land.

The question arises as to whether the Army needed to acquire the land in the first instance as the Department of Defence had previously leased the area from the owners for the purpose of a rifle range. The Department of Defence explained that it wanted the Department of Public Works to acquire the title to prevent the land being cut up for building purposes. This may not have been necessary had the Department of Defence negotiated with the owners as to a formal long term lease, ensuring the Department's use of the land, and a continuing income for the owners.

A second point of contention existed in that, although the area suggested by the Land Purchase Officer was described as "somewhat excessive", it was advised that the Department of Defence acquire the area as it was "not worth more than about £1 per acre".[169] Although the entire area would not be needed for the rifle range, it was advised that the Department should purchase the "90-100 acres" simply because it was cheap. Then, once it had acquired the land, the

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[168]W.G. Ballie before the Native Land Court, Picton, 14 March 1912, Nelson Minute Book 7, p 109.

[169]Report of E. Bold to Under-Secretary of Public Works dated 21 September 1911. Public Works File 1/23/169, National Archives, Wellington.

Department leased the land out for grazing purposes, despite the fact that it had been taken for the purposes of a rifle range. One has to question the protections afforded by the Native Land Court and alienation restrictions if the Crown was able to compulsorily acquire an amount of land even its own officials considered "excessive".

In 1951 the land was transferred to the Lands Department and declared Crown land. In 1953 one quarter acre was reserved for education purposes, and a school teacher's residence was built on the property, which is still in use today. This conclusion must emphasise that the outstanding issue of the education reserve has to be judged within the context of the way the Crown dealt with Waikawa Maori in taking land for public purposes. In 1955, the Crown exchanged approximately 3 acres of the former rifle range land for Rangitane lands in the Whites Bay area north of Blenheim.

The Waikawa Scenic reserve was created in 1956 and was held by the Crown until 1992 despite the fact that it was described as an "unattractive area" having little scenic or recreational value to the public. Initial reluctance to return the land by the Department of Conservation was eventually overcome through negotiation with the claimants, the Minister of Lands and the Department of Conservation itself. Through the efforts of members of Te Atiawa, the former Minister of Lands, Peter Tapsell, and various government officials, all the land, save the one quarter acre education reserve, was returned to the descendants of the original owners free of charge. The remaining Crown land was vested in the various family Trusts in 1990, with the Scenic Reserve being returned two years later in 1992. This had been recommended to the Minister of Lands in 1987 by the Acting Director-General of Lands who believed "that the land could have been offered back at a much earlier date." This 'much earlier date' was "at least" 1981.[170]

[170]Report to Minister of Lands from Acting Director-General of Lands dated 27 October 1987. Department of Conservation, File 8/8/3/85, Waikawa Scenic Reserve.

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In the Native Land Court
of New Zealand
Wellington District

Appendix One

In the matter of the Public Works Act 1908 and in the matter of an application by the Under Secretary for Public Works Department to ascertain the amount of compensation to be paid to the owners of or other persons interested in those pieces or parcels of land known as Waikawa West Dist 1 2 3 4 & 5 and Waikawa West A taken for the purposes of a rifle range and to determine who are the proper persons to whom such compensation should be paid.

Award

Upon hearing Mr Kimbell on behalf of the applicant and Mr Baillie and Mr McDonald on behalf of the Native owners and upon hearing the evidence of the witnesses called the Native Land Court sitting at Picton as a compensation court under Section 91 of the Public Works Act 1908 Doth award as follows: —

1. That the sum of £723. 10. 0 be the amount of compensation. Such sum of £723. 10. 0 to be paid to the Public Trustee for the Native owners.
2. That the Public Trustee be authorised and directed to pay the said sum of £723. 10. 0 to the Native owners whose names appear in the First Schedule annexed hereto in the shares set opposite their respective names.
And also to pay the costs and expenses as set out in the Second Schedule hereto.

In witness the hand of the Judge and the Seal of the Court this 27th day of September 1912.

THE NATIVE LAND COURT · NEW ZEALAND

M. Fitzherbert
Judge

Trial Schedule

Waikawa West D No 2.

Ani Enoka	f.	£40. 0. 0.

Waikawa West D No 3.

Henri Enoka	m.	£20. 0. 0.

Waikawa West D No 4.

Martha Parfitt	f.	£ 15. 16. 8.
Charlotte Powick	f.	15. 16. 8.
John Thomas Heberley	m.	15. 16. 8.
Edith Maddocks	f.	15. 16. 8.
Henry Heberley	m.	15. 16. 8.
Walter Heberley	m.	15. 16. 8.
Arthur Heberley	m.	15. 16. 8.
Charles Heberley	m.	15. 16. 8.
Mary Ann Bowden	f.	15. 16. 8.

Waikawa West D No 5.

Martha Parfitt	f.	£ 0. 4. 0
Charlotte Powick	f.	0. 4. 0.
John Thomas Heberley	m.	0. 4. 0.
Edith Maddocks	f.	0. 4. 0.
Henry Heberley	m.	0. 4. 0.
Walter Heberley	m.	0. 4. 0.
Arthur Heberley	m.	0. 4. 0

Carried forward £203. 18. 0.

First Schedule continued.

Waikawa West D No 5.		Bght fwd.	£ 203.	18.	0.
Charles Heberley.	m		0.	4.	0.
Mary Ann Bebden.	f		0.	4.	0.
Thomas Heberley.	m		2.	10.	10.
Herbert Heberley.	m		2.	10.	10.
Alice Allport.	f		2.	10.	10.
James Heberley.	m		2.	10.	10.
Jacob Heberley.	m		7.	8.	10.
Olive Ethel Brown.	f		3.	14.	5.
Henry Frederick Joseph Heberley.	m		3.	14.	5.
Hemi Enoka.	m		21.	4.	4.
Ani Enoka.	f		20.	12.	2.
Whareiti Ruka.			1.	15.	4.
Enoka Taikea Ruka.			1.	15.	4.
Hematini Ruka.			1.	15.	4.
Hone Ruka.	m		1.	15.	4.
Miriama Ruka.	f		1.	15.	4.
Meri Ruka.	f		1.	15.	4
Hoka Ruka.	m		1.	15.	4.
Hohepa Ruka.	m		1.	15.	4
Tamati Ruka.	m		1.	15.	4.
Tare Ruka Tamati	m. 17 yrs.		1.	15.	4
Hemi Enoka Taikea.	m		17.	8.	1
Heke Te Wiwi.			26.	2.	
Wiremu Rokiha	m.		26.	2.	

Waikawa West A.					
Eliza Tepohe.	f.	£	175.	0.	
Caroline Boon.	f.		17.	10	
Mary Boon.	f.		17.	10	
Sarah Boon.	f		17.	10	
Carried forward		£	586.	0.	

First Schedule continued.

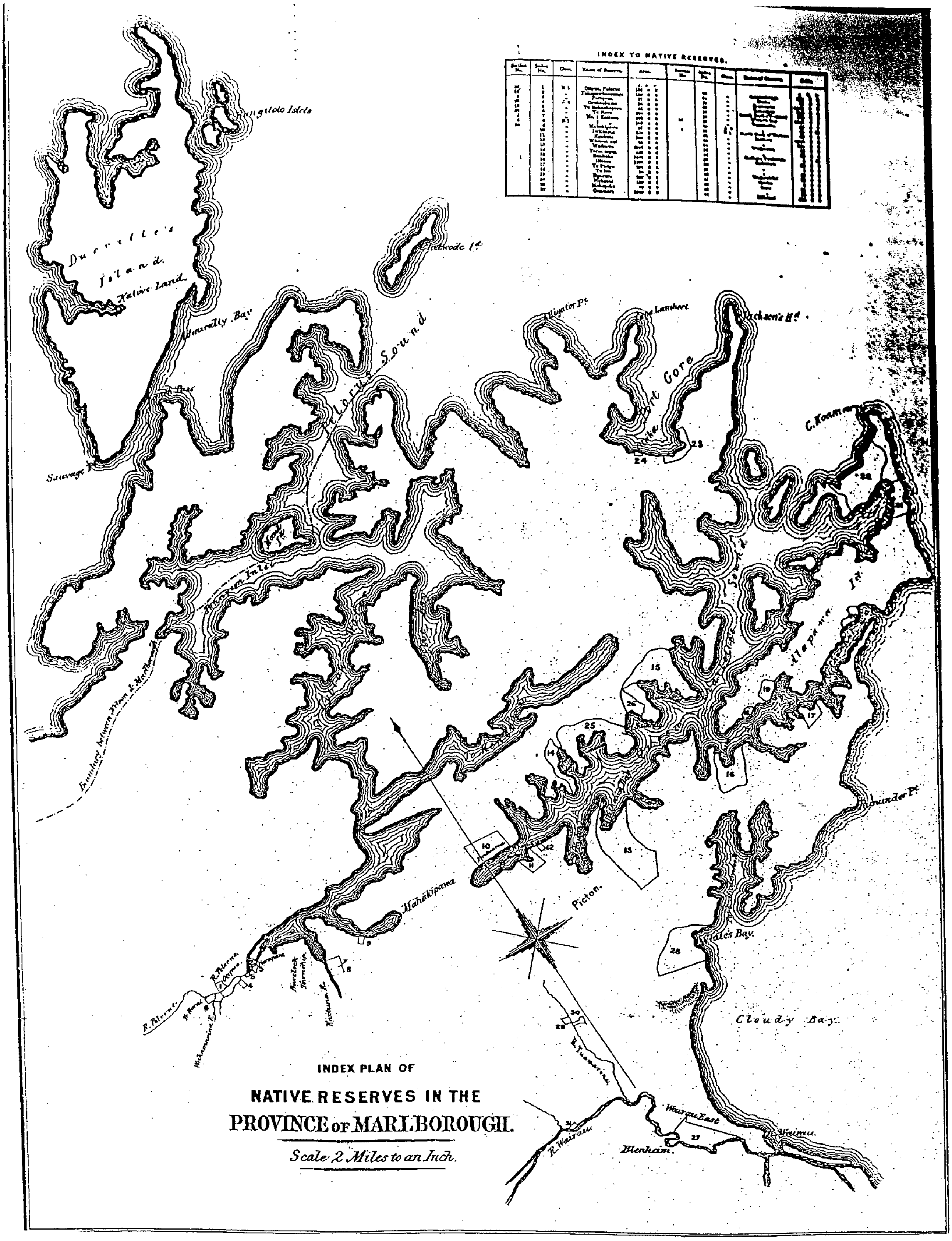
Waikawa West A.

Brgtd. fwd:		£586.	0.	0.
Susan Boon.	f.	17.	10.	0.
Eliza Boon.	f.	17.	10.	0.
Maria Boon.	f.	17.	10.	0.
Annie Boon.	f.	17.	10.	0.
William Boon.	m.	17.	10.	0.
James Boon.	m.	17.	10.	0.
Rose Boon.	f.	17.	10.	0

Second Schedule

H. A. McCormick.	Picton.	£ 3.	3.	0.
Daniel Love.			16.	0.
Alfred J. Godfrey.	Picton.		16.	0.
John Thomas Heberley.	Picton.		16.	0.
Pita Hohua McDonald.	Springbrook.	4.	4.	0.
W. G. H. Baillie, Solicitor.	Wellington.	5.	5.	0.
Total		£723.	10.	0

Appendix Two



Source: Plans of Native Reserves 1850-1870, MA-MT 6/17, NA.

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CLADMIN
28/8/97
mz

Appendix Three

WAI 469 #3.1
Wai 102 #3.12

WAITANGI TRIBUNAL

CONCERNING	the Treaty of Waitangi Act 1975
AND CONCERNING	Ngati Awa (Northern South Island) Lands and Fisheries claim

DIRECTION COMMISSIONING RESEARCH

1 Pursuant to clause 5A(1) of the second schedule of the Treaty of Waitangi Act 1975, the Tribunal commissions Dion Tuuta, a member of staff, of Wellington to complete a research report for this claim covering the following matters:

(a) the block history of the Waikawa Rifle Range land

(b) the circumstances leading to the taking of land as a site for a rifle range, together with any evidence as to the extent to which Maori were consulted

(c) a brief analysis of the way in which the land was returned in settlement of the "rifle range" claim (Wai 83).

2 This commission commenced on 19 August 1997 and ends on 23 October 1997, at which time one copy of the report will be filed in unbound form together with an indexed document bank and a copy of the report on disk.

3 The report may be received as evidence and the author may be cross examined on it.

4 The Registrar is to send copies of this direction to:

Dion Tuuta
Claimants
Counsel for Claimants
Solicitor General, Crown Law Office
Director, Office of Treaty Settlements
Secretary, Crown Forestry Rental Trust
Director, Te Puni Kokiri

Dated at Wellington this 1st day of September 1997.

Chief Judge E T J Durie
Chairperson
WAITANGI TRIBUNAL

Appendix Four

#1.1 (a).

0/2

P.O. Box 9177.
Stoke.
Nelson. N.Z.
21/5/95

RECEIVED
CLADMIN
23/3/95

To Geoff 27.3.95

RECEIVED
Waitangi Tribunal Division
23 MAR 1995
Dept. of Internal Affairs
WELLINGTON

Mr Melvin,
Dear Sir.

Further to my other Claims I would like to impose on the Tribunal that as a Descendant of the Waikawa Rifle Range in Picton, Re John Weberley to whom land was to be Returned Recently. You will see By the enclosed Map that Land had been Taken for a School House, this meant that We the Weberley Descendants did not Receive as We were Supposed to the total of 9 acres 2 Roods. Our Weberley Trust approached the Education Department, however We received no indication as to the Return of Our Land As this whole Block of Land was to have been a Claim for the Tribunal I was wondering if any Help for Our Trust may be given By you. This was Originally Maori Land. I am One of the Trustee for John Weberley Whanau. Plus also on the Interim Trust for the whole Rifle Range. I would Very much appreciate any Assistance You may provide as the Education Board, doesn't want to know Us.

I Remain
Yours faithfully
E. Chambers.

OFFICIAL

Acknowledgement letter sent

Reply follows ☐
Thanks for information ☑

WAI 469.