NGĀTI RAUKAWA:

RANGATIRATANGA AND KĀWANATANGA

LAND MANAGEMENT AND LAND LOSS FROM THE 1890s TO 2000

A Ngāti Raukawa Historical Issues Research Report Prepared
for the Porirua ki Manawatū Inquiry
and commissioned by the Crown Forestry Rental Trust

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He mihi i roto i te mamae

E ngā kaipānui i tēnei pūrongo, tēnā anō rā koutou katoa. Ka tāpaetia ēnei kōrero ki mua a koutou i roto i te pouri nui. Ko wai te uri e kore nei e pouri, e whakatakariri, i te rongonga, i te kitenga hoki i ngā āhuatanga o te tūkinotanga o ōna tūpuna. Ahakoa whakapono ki te tika, ki te pono, tō rātou piri hoki ki te Tiriti o Waitangi, i riro atu te waiū o te iwi, tō rātou whenua, waiho iho ko te rawakore, ko te hēmanawa, ko te mamae hei kai mā rātou i te wā i a rātou. Maranga mai e kui mā e koro mā! Tēnei ā koutou mokopuna te tangi atu nei ki a koutou. He maha ngā roimata i maringi i ngā kairangahau me ngā kaituhi i ngā kōrero o tēnei pūrongo mō ā koutou mahi, me ngā hara o mua ki a koutou.

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Areti Metuamate, Ngāti Kauwhata, Ngāti Raukawa, Ngāti Haua, is a researcher with experience in interviewing, participant observation, qualitative research and analysis. He speaks Te Reo Māori and possesses an understanding of the history and whakapapa of Ngāti Kauwhata. Areti has worked in the Office of Treaty Settlements and is currently completing his PhD in the School of Culture, History and Language at the Australian National University. His doctoral research is on the relationship between kinship and kingship in Tonga. Areti also works for the ACT Government and is an Adjunct Principal Research Fellow at James Cook University.

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Grant Young holds a PhD in history from Massey University, completed in 2003, for a thesis which examined the Native Land Court and its treatment of Māori custom from 1862 to the 1920s. He also holds a Master of Arts with First Class Honours (1999) and a Bachelor of Arts (1996) from the University of Auckland. In 2017, he resumed part-time study at the Auckland Law School. He has worked as an independent researcher since 1999 dealing primarily with the Court and Māori custom relating to land. Much of this work has been undertaken for Māori claimants in the Waitangi Tribunal process or iwi organisations looking to settle their treaty claims in direct negotiations with the Crown.

A INTRODUCTION

i OVERVIEW

1. From around 1820, hapū of Ngāti Raukawa and other related iwi settled on the west coast of the lower North Island in the Manawatū and Horowhenua in a series of heke initiated by Te Rauparaha. The relationships they established with the land and with the people already there were complex and layered, forged through conflict, intermarriage, shared whakapapa and through tuku whenua. Connections with the lands and the waters of the coast were reflected in patterns of settlement and resource use which would continue through generations. In the midst of this period of change, Pākehā arrived bringing with them new technologies of production and warfare. They also brought bibles, a treaty of cession, and legal documents which they used to appropriate land. The impact on Ngāti Raukawa would be profound.

2. This report examines a large number of diverse issues relating to land and autonomy to consider the relationship between rangatiratanga, as it was exercised by leaders of Ngāti Raukawa, and kawanatanga, as it was exercised by the Crown, through the twentieth century. Rangatiratanga is the exercise of chiefly authority over land, resources and people which is the hallmark of an independent iwi. It is fundamentally a personal relationship between an iwi and their leaders and it is a relationship bound by whakapapa, by descent from common tūpuna. Rangatiratanga is central to the mana of the iwi and the ahi kā the iwi holds over their lands and resources.

3. For the purposes of this report, the iwi and hapū of Ngāti Raukawa comprises all those who participated in these migrations. Unless the context refers specifically to Ngāti Raukawa of Ōtaki, they include those of Te Reureu, Ngāti Kauwhata, Ngāti Huia and others.

4. The report is one of four Ngāti Raukawa specific historical projects commissioned by the Crown Forestry Rental Trust. The two key objectives of the project were to:

    - Provide an overview of land management issues and land loss from around 1890 to around 2000 (that is, from the late nineteenth century through the twentieth century); and,

- Discuss whether leadership was assisted – or thwarted – in efforts to exercise rangatiratanga.

5. In particular, it describes:

   - Key changes in land and other policies and the effects of those changes; and,
   - Key efforts by iwi/hapū to engage with land management problems and other issues of concern e.g. through Maori Councils, by the formation of Ngāti Raukawa Trust Board (1936), the Maori war effort, the Māori Women's Welfare League, marae committee, trusts and incorporations, and post 1970s political organisations.

6. Among the primary specific issues which were identified in the project brief are:

   - The alienation of Kāpiti Island;
   - Alienation of lands by sale through the Ikaroa District Maori Land Board;
   - Crown purchasing;
   - Protective mechanisms in alienation processes;
   - The administration of leased lands;
   - Impact of title fragmentation and Crown policies to address it (conversion of 'uneconomic interests', status declarations);
   - Treatment of returned soldiers and gifts of land for soldier settlement;
   - Development schemes established by the Crown;
   - Provision of housing assistance by the Crown and the impact of these policies on papakainga and pā (including the impact of the requirements of the Town and Country Planning Act 1953).

7. There are four other projects relevant to some of these issues. This project will not deal with customary issues relating to Ngāti Raukawa lands as this is the subject of Professor Boast's project. Reserves created by the Crown following the large-scale nineteenth century transaction and in other circumstances are considered in a separate project led by Dr Husbands; he will deal with the creation of the reserves and their alienation, though this report examines Te Reureu Development Scheme and the development scheme associated with Ohinepuhiawe.

8. Two other district reports deal with rating (Ms Woodley) and public works takings (Ms Bassett) and this report draws on the draft report prepared by Ms Woodley (Ms Bassett's project is still in progress).[1] Rating of land in Ōtaki Borough was a significant issue for Ngāti Raukawa given the extent of Māori landholdings in the borough at the start of the twentieth century and the significant rating burden carried by land in the borough relative to other rural lands. The block research narratives, which are being prepared by Walghan Partners, are a key source contributing to this report.[2]

ii ORGANISATION

9. The report is organised around seven key themes each considered in a section of the report:

- Quantitative land loss;
- Land alienation by sale (to explain the experience of land loss of Ngāti Raukawa);
- Crown purchase activity from the 1890s through the twentieth-century;
- Administration of Ngāti Raukawa lands;
- Housing;
- Title re-organisation;
- Ngāti Raukawa organisations.

10. The first section provides a quantitative assessment of land loss suffered by Ngāti Raukawa in the twentieth-century. This is followed by two sections which provide more detailed consideration of the experience of the iwi in land alienation. The first examines loss of land through private purchase, which was the most significant mechanism for alienating Ngāti Raukawa from their lands in the twentieth century. The Ikaroa District Maori Land Board was established to manage land alienation in 1909 and it along with successor agencies controlled the flow of land out of the ownership of iwi. Specific examples examining the particular experience of landowners through the twentieth-century are discussed.

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[1] Suzanne Woodley, 'Porirua ki Manawatū Inquiry District: Local Government Issues Report', June 2017.
[2] Walghan Partners, 'Block Research Narratives' DRAFT, 3 vols, 1 May 2017.

11. The section on Crown purchase activity is more limited in scope, due the limited extent of Crown purchasing in the region in the twentieth century. Three particular areas are considered. They are the Crown's dealings with Ngāti Raukawa interests in Kāpiti Island, the Crown acquisition of certain areas of land near Ōtaki township and the alienation of Papangaio by the Crown. The section is certainly not exhaustive in considering Crown purchases in the takiwā of the iwi in the twentieth-century but it addresses several of the more significant which have been located.

12. The fourth section of the report discusses the administration of the lands of Ngāti Raukawa while that land remained in their ownership. The particular focus is on leasing, land development schemes at Matakarapa, Ohinepuhiawe, Ōtaki and Te Reureu, the Crown's dealings with iwi land in the Otaki Borough which carried a heavy rating burden and was vested in the district Maori Land Board under special legislation and difficulties relating to access arising from the partition of blocks. All of these activities were managed by a burgeoning bureaucracy controlled by the Crown in its exercise of kawanatanga and left little space, if any, for the exercise of rangatiratanga.

13. As the twentieth-century progressed, housing became a matter of some concern to the Crown and the housing conditions of those living in Ngāti Raukawa kainga at Ōtaki, Tainui Pā, Levin, Shannon and Kai Iwi Pā came to the attention of government ministers. A new Māori housing policy was established in 1935 and was maintained through to the 1970s. The fifth section of the report examines the development of this housing policy from the 1930s to the 1960s and housing surveys undertaken in Ngāti Raukawa kainga by the Crown. It also looks at the division of Māori land by the Native Land Court for residential housing sites and the impact of the Town and Country Planning Act 1953 on the subdivision of land for housing, general partitions and the capacity of Māori landowners to use their land.

14. The sixth section of this report deals with the general theme of title re-organisation. As the twentieth-century progressed, the title system established by the Crown and administered by the Native Land Court became more and more difficult to manage. A combination of the division of land into smaller and smaller blocks and succession to the interests of deceased owners left the blocks with large numbers of owners holding relatively small shares. From the mid-twentieth century, the Crown established a

number of policies to address these trends and over time these policies became increasingly compulsory. That is, the consent of the landowners whose shares were affected by Crown actions was not required. These policies included defining who was Māori on the basis of blood quantum rather than descent, establishing a conversion fund to acquire 'uneconomic interests' or interest below a specified value in a block and converting Māori land to European land by statutory declaration. Kawanatanga was exercised in all of these policies with little or no regard for rangatiratanga.

15. The final section of the report provides a brief discussion of the activities of several organisations associated with Ngāti Raukawa and which demonstrate the limited scope the Crown permitted the exercise of rangatiratanga. They were the establishment of the Raukawa Marae Trust in the 1930s, the re-organisation of the Otaki and Porirua Trust in the 1940s and the creation and development of tribal executives and marae committees from the 1940s to the 1970s. The latter, in particular, were founded and initially managed by the welfare officers of the Department of Maori Affairs. Over time, Ngāti Raukawa came to exercise a level of independence and these organisations, along with the Raukawa District Maori Council became important locations for the exercise of rangatiratanga. This section must be read in conjunction with Piripi Walker's report on the establishment and social and cultural institutions of Ngāti Raukawa Ki Te Tonga prepared for the oral and traditional history project commissioned by Te Hono ki Raukawa.

iii METHODOLOGY

16. This draft report is based primarily on archival records generated by the Ikaroa District Maori Land Board, the Native Land Court, the Native Department, the Maori Land Court and Department of Maori Affairs. It also draws on the records of other government department and official publications and reports of government departments. The particular group of records which are examined in this draft report are:

- The block order files of the Native Land Court;
- Native Land Court and Maori Land Court minutes of hearings;
- Ikaroa District Maori Land Board records of meetings (minute books both copied and original);

- Papers of the Native Department;
- Records of the Head Office of the Department of Maori Affairs;
- Alienation files created by the Ikaroa District Maori Land Board and the Palmerston North district office of the Department of Maori Affairs; and,
- Statutes and other official printed papers.

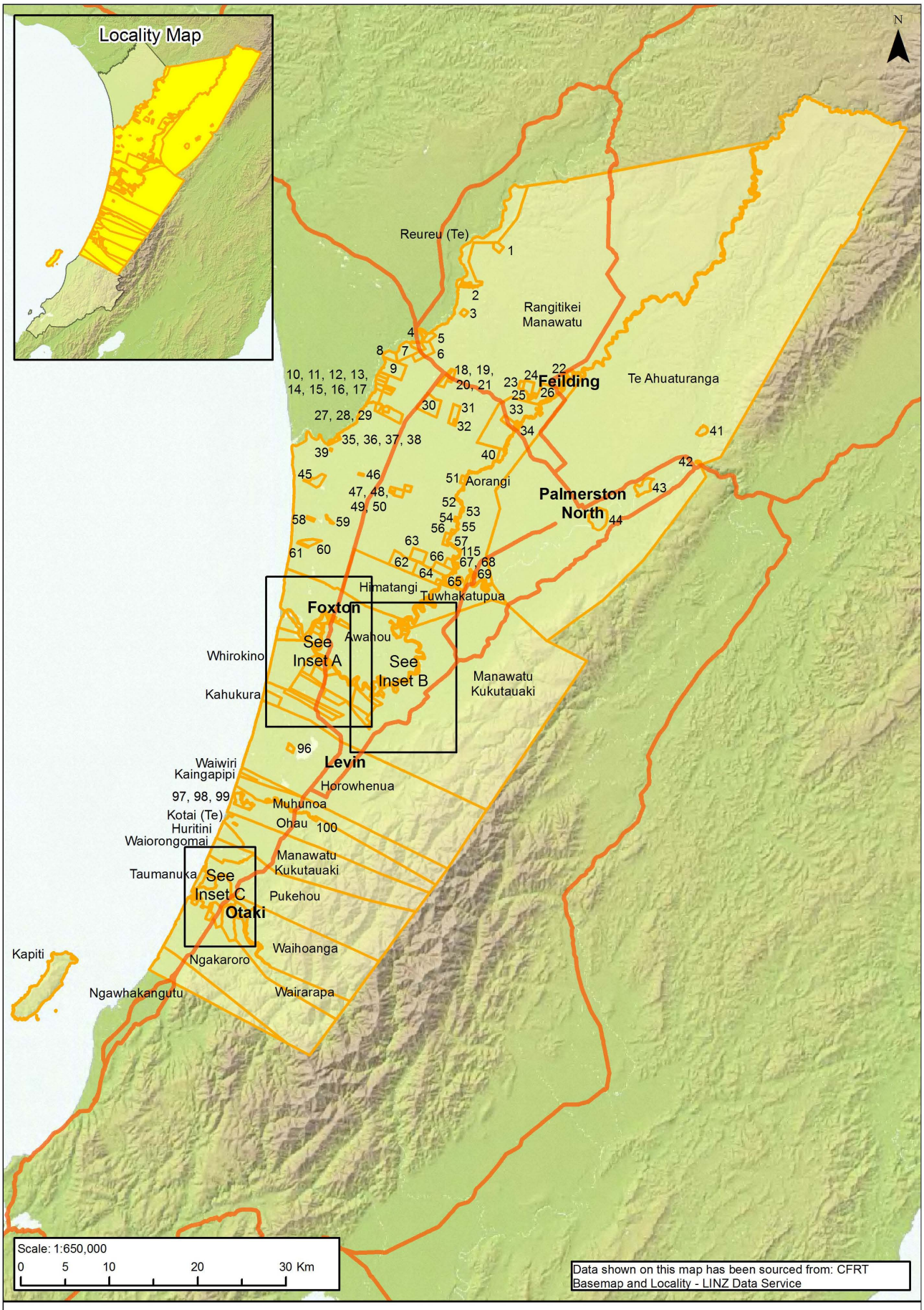
17. This report also draws extensively on the draft report prepared by Ms Woodley on local government issues. The section on the alienation of land is based on quantitative data compiled by Walghan Partners for their block research narratives project.

18. Due to the significant volume of records, the review of alienation files has been limited to a number of key blocks in the Ngāti Raukawa takiwā. The final list was:

- Aorangi;
- Aratangata;
- Carnarvon;
- Haruatai;
- Himatangi;
- Hurihangataitoko;
- Kaingaraki;
- Makuratawhiti;
- Manawatu-Kukutauaki;
- Muhunoa;
- Ngakaroro;
- Ngawhakaraua;
- Ohau;
- Pahianui;
- Papangaio;
- Pukehou;
- Pukekaraka;
- Puketotara;
- Raumatangi;
- Rekereke;
- Reureu;
- Taonui Ahuaturanga;
- Taumanuka;
- Topaatekaahu;
- Totaranui;
- Tutangatakino;
- Waiorongomai;
- Waitohu;
- Waiwiri.

19. These blocks have been selected to incorporate a number of the larger rural blocks and some of the smaller blocks near Ōtaki. The Court could not locate any files relating to a small number of the Ōtaki blocks in this list (probably because they were alienated before 1900 and no alienation file was created in the twentieth century in consequence).

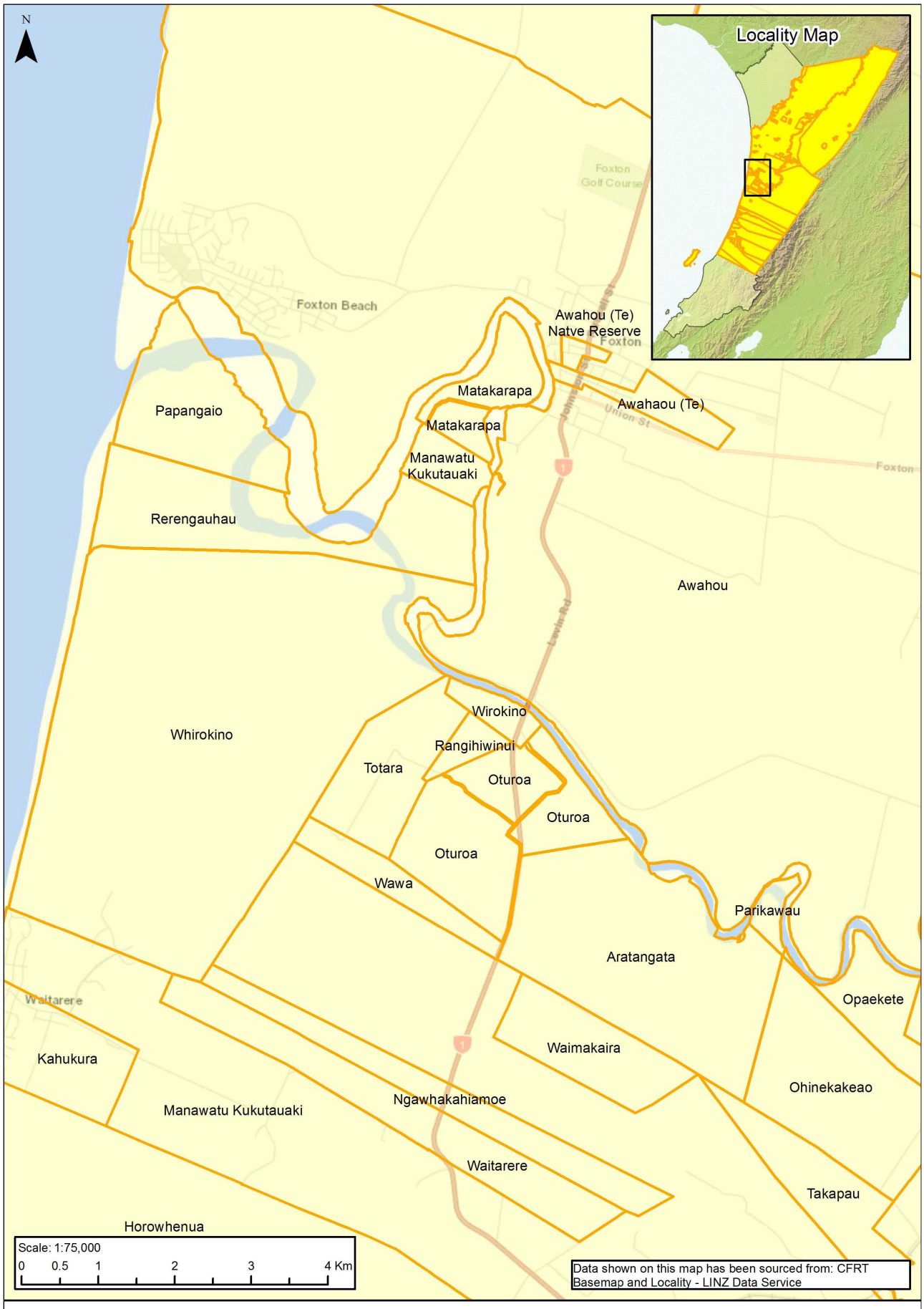
20. In relation to the use of macrons with te reo Māori, we have attempted to follow Māori orthographic conventions in the report. However when quoting from historical documents and using names of parliamentary acts or historical organisations, we have maintained the words in the original form, even though today they are widely acknowledged as incorrect.



Rangatiratanga Versus Kawanatanga: **Blocks in the rohe of Ngāti Raukawa**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 046 Map projection: New Zealand Transverse Mercator Date: 22/06/2017

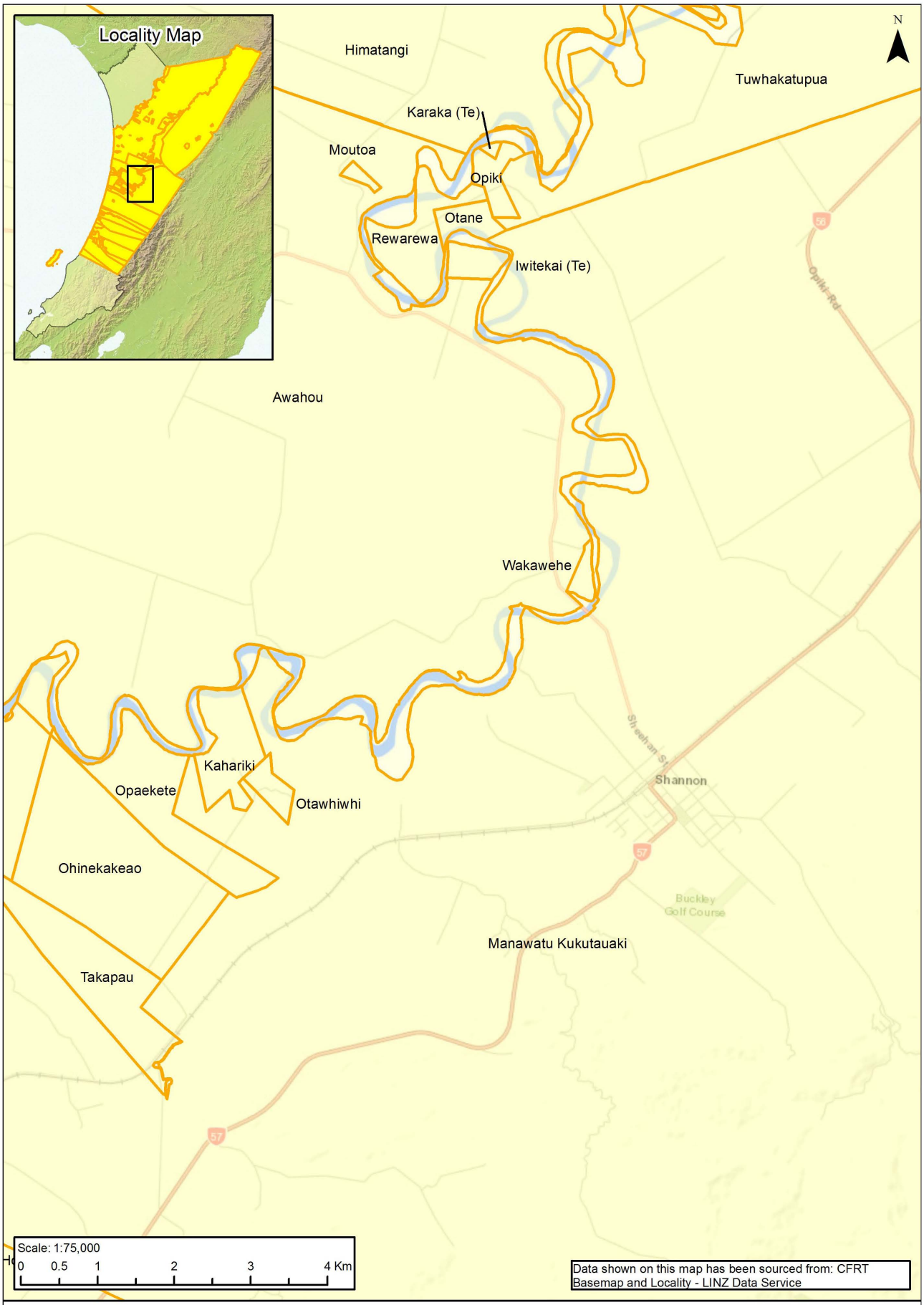
Map 1: Blocks in the rohe of Ngāti Raukawa



Rangatiratanga Versus Kawanatanga: **Blocks in the rohe of Ngāti Raukawa - Inset A**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 046a Map projection: New Zealand Transverse Mercator Date: 22/06/2017

Map 2: Inset A – Manawatū River (coastal)

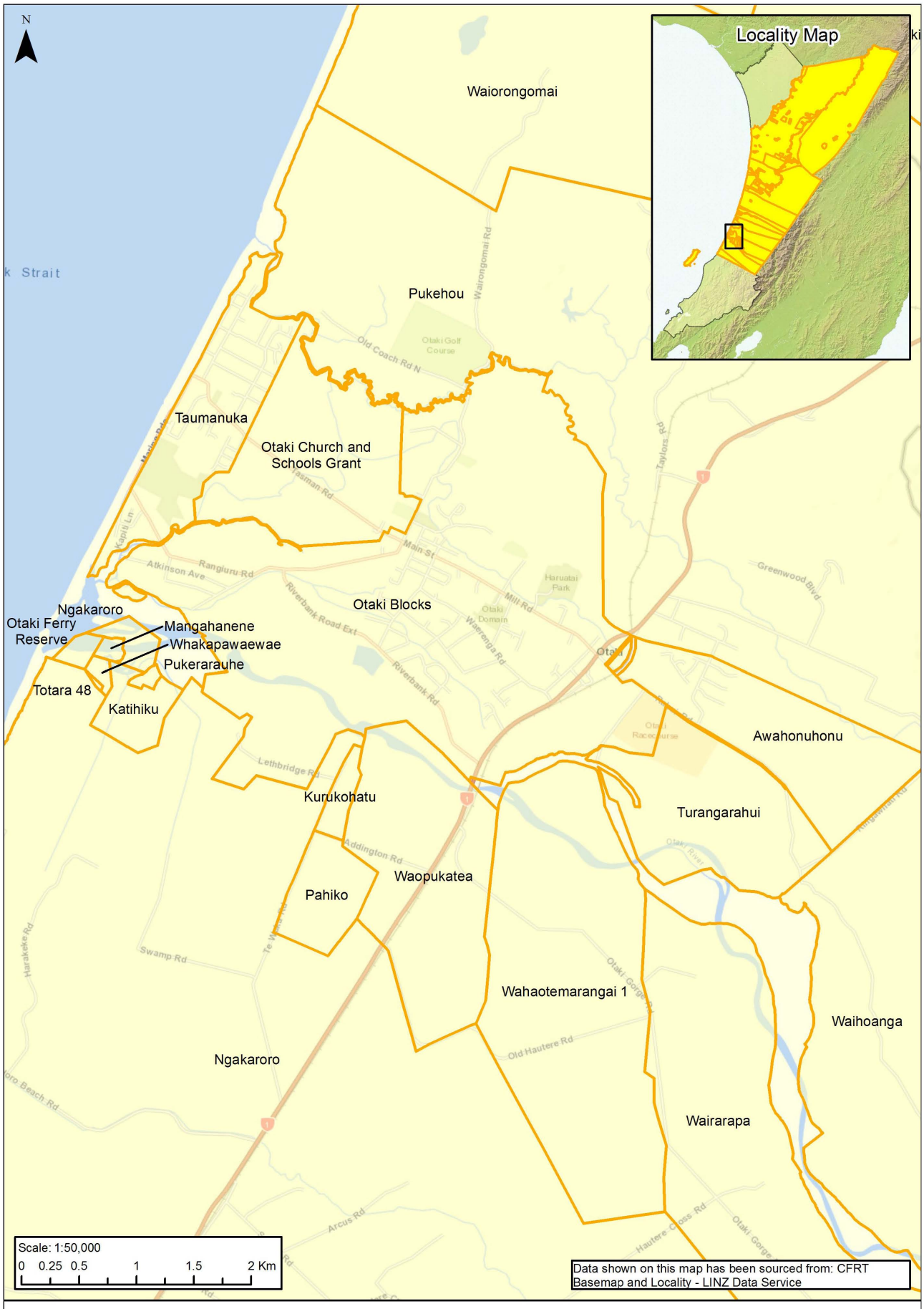


Map 3: Inset B – Manawatū River (inland)

OTAKI BLOCKS

The list below gives the general names of the 340 blocks created from the lands surrounding Ōtaki township. Multiple blocks were created for many of them by the Native Land Court following a title investigation.

Ahitangutu
Awamate (Te)
Awaroa (Te)
Church Mission Grant
Hakuai
Hanganoaiho
Harakeke (Te)
Haruatai
Harurunui
Hurihangataitoko
Kahikatea
Kahukura
Kaiawakura
Kaingaraki
Kareti (Te)
Kiharoa
Makirikiri
Makuratawhiti
Mangapiharau
Mangapouri
Manuao
Maringiawai
Matitikura
Moutere
Moutere (Te)
Moutere Hanganoaiho
Moutere Tahuna
Ngae (Te)
Ngatoko
Ngawhakarangirangi
Nuinuimaroro
Otaki
Otaki Township
Pahianui
Paremata
Pareomatangi (Pareomatangae)
Piritaha
Pukeatua Waitohu
Pukekaraka
Puna (Te)
Rahui (Te)
Rekereke
Roto (Te)
Rotowhakahokiriri (Te)
Tahuna
Tahuna (Te)
Takapu
Takapu-o-Toirua
Tauatemiromiro (Tauwatemiromiro)
Tawaroa 1
Tawaroa 3
Titikura
Titokitoki
Topaatekaahu
Totaranui
Tuahiwi
Tururutanga
Tutangakino
Waerenga
Waiariki
Waitohu



Rangatiratanga Versus Kawanatanga: **Blocks in the rohe of Ngāti Raukawa - Inset C**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 046c Map projection: New Zealand Transverse Mercator Date: 22/06/2017

Map 4: Inset C – Ōtaki blocks

B LAND LOSS

21. All areas in this section are rounded to the nearest acre.

22. The following table is constructed from data supplied by Walghan Partners in their draft 'Block Research Narratives' dated 1 May 2017. The data is not complete as further work is planned to further identify the timeframes for specific alienations. However, the three groups of data included in the table below contain the most advanced and accurate estimates available. There is the possibility that they may be subject revised once further research has been completed. This particularly relates to the Aorangi block and Himatangi block which remain a work in progress. Nevertheless, the figures given for original areas and Māori land at 2000 are accurate in all blocks. It is possible, due to the methodology adopted by Walghan Partners, that the area given for Māori land in 1900 will be further reduced by additional research (it is most unlikely that it will increase).

23. The table below includes all lands in the general rohe of Ngāti Raukawa from around the Kukutauaki Stream north to the Rangitikei River. However, it does not include any Ngāti Raukawa interests in the Horowhenua block but it does include Raumatangi. The figures given for Raumatangi are based on research undertaken for this report and have not been supplied by Walghan Partners (though it is understood Raumatangi will be included in their final report). The Raumatangi entry is drawn from Maori Land Court records included in volume 23 of the 'Maori Land Court Records: Document Bank Project' and are accurate.

24. A comment regarding the treatment of Ōtaki blocks in the table is required. Walghan Partners set out the situation regarding the Ōtaki blocks in some detail.[3] They found that there were 340 blocks created in and around the township, which have a combined area of 3,574 acres. The table below sets out in aggregate the areas of blocks of land created in and near Ōtaki:

Area range	Number of blocks	Total area (acres)
1 acre or less	82	44
11/4 - 2 acres	65	103
21/4 - 5 acres	71	251

[3] See Walghan Partners, 'Block Research Narratives' DRAFT, 1 May 2017, vol. I, pp. 222-223.

51/4 - 10 acres	47	338
101/4 - 20 acres	42	633
201/4 - 55 acres	27	899
Over 60 acres	6	1,306
Totals	340	3,574

25. In the table which follows, Ōtaki blocks have been dealt with in the aggregate rather than individually. This is to make the table manageable and clearly show the extent of landloss without losing the general picture in considerable detail. The balance of the report deals with individual Ōtaki blocks and it is noted that the current draft Block Research Narratives Report includes the specific alienation details for each of the Ōtaki blocks.

26. A key point to note in relation to this table is that it does not include the areas of land acquired by the Crown in the large-scale nineteenth century purchases, including Rangitikei-Manawatu, Awahou and Te Ahuaturanga. The table includes reserves created in these purchases and those lands not included in the Crown purchases which remained customary land subject to the jurisdiction of the Native Land Court. The Court subsequently created titles to the latter land and extinguished customary title. It is important to acknowledge, therefore, that these figures do not include the substantial parts of the takiwā of Ngāti Raukawa already acquired by the Crown. It does not include the Horowhenua block either as Walghan Partners continue to undertake their research on this block and no data was provided in the draft report. Professor Boast is also working on a project related to this one for Ngāti Raukawa dealing with the customary interests of the iwi in land and is dealing with the complex litigation and other proceedings associated with Horowhenua.

27. The table below very clearly demonstrates the extent of land loss suffered by Ngāti Raukawa in the twentieth-century in particular. Again, it is important to emphasise that this does not constitute the entirety of the land lost by Ngāti Raukawa but it shows that the landbase remaining with the iwi after the large-scale Crown purchases of the nineteenth-century were completed was severely eroded in the years afterwards. What remained of their takiwā at the start of the twentieth-century was a rump which was subject to further significant alienation by its close. Following the nineteenth-century Crown purchases and subsequent alienations, Ngāti Raukawa retain a marginal foothold in their takiwā.

	Original Area	Māori Land, 1900		Māori Land, 2000	
Rangitikei Manawatu					
Aorangi	19187	4897	26%	499	3%
Carnavon/Sandon	17000	15543	91%	1458	9%
Himatangi	10665	10665	100%	3216	30%
Ohinepuhiawe	385			116	30%
Puketotara	2244	2244	100%	158	7%
Rangitikei Manawatu	1462	1225	84%	488	33%
Taonui Ahuaturanga	2828	2011	71%	55	2%
Te Reu Reu	4133	4133	100%	2335	56%
Manawatu					
Aratangata	1259	387	31%	76	6%
Kahukura	545	545	100%	0	
Manawatu Kukutauaki	103048	14349	14%	2411	2%
Matakarapa	315	315	100%	1	
Ngawhakaraua	86	80	93%	9	10%
Ohinekakeao	1030	1030	100%	0	
Opaekete	446	104	23%	5	1%
Opiki	86	86	100%	0	
Otane	80	40	50%	0	0%
Otawhiwhi	63	63	100%	12	19%
Oturoa	995	995	100%	102	10%
Papangaio	840	768	91%	0	
Parikawau	79	79	100%	0	
Piaka	25	25	100%	25	100%
Rangihiwinui	99	0	0%	0	
Rerengaohau	1127	1127	100%	10	1%
Rewarewa	258	258	100%	0	
Takapu	525	74	14%	0	
Te Iwitekai	75	76	100%	0	
Te Karaka	8	8	100%	0	
Totara	556	0		0	
Tuwhakatapua	6384	3046	48%	6	0%
Waimakaira	508	508	100%	0	
Waitarere	810	718	89%	0	
Whirokino	4971	716	14%	7	0%
North Otaki					
Angakakahi	21	21	100%	0	
Huritini	1073	521	49%	37	3%
Kaingapipi	170	0		0	

	Original Area	Māori Land, 1900		Māori Land, 2000	
Katihiku	9	9	100%	9	100%
Muhunoa	10622	1928	18%	123	1%
Ohau	14014	5488	39%	990	7%
Raumatangi	104	104	100%	8	8%
Pukehou	26806	2262	8%	350	1%
Tahamata	461	426	92%	209	45%
Te Kotai	13	13	100%	0	
Waiorongomai	1976	1976	100%	1071	54%
Waiwiri	820	427	52%	163	20%
Ōtaki					
Otaki (aggregate)	3574	1906	53%	162	5%
South Ōtaki					
Ngakaroro	26959	1581	6%	316	1%
Ngawhakangutu	6980	0		0	
Wahaotemarangai 1	1136	351	31%	0	
Waihoanga	19232	150	1%	0	
Wairarapa	6300	0		0	
Waopukatea	682	124	18%	7	1%
TOTAL	303074	83402	28%	14434	5%

28. The land tenure maps which follow show different forms of land ownership at 1900, 1925, 1950, 1975 and 2000. They are designed to illustrate the data given in the table above. However, unlike the table, the maps are based on the final data produced by Walghan Partners. They provide a more accurate picture of the landloss suffered by Ngāti Raukawa over time. The following maps show change for the entire district; similar maps, also drawn from Walghan Partner's research, are included in Appendix 1 to this report. They are organised by 'subdistrict' and are designed to provide a more detailed view of landloss over the twentieth century.

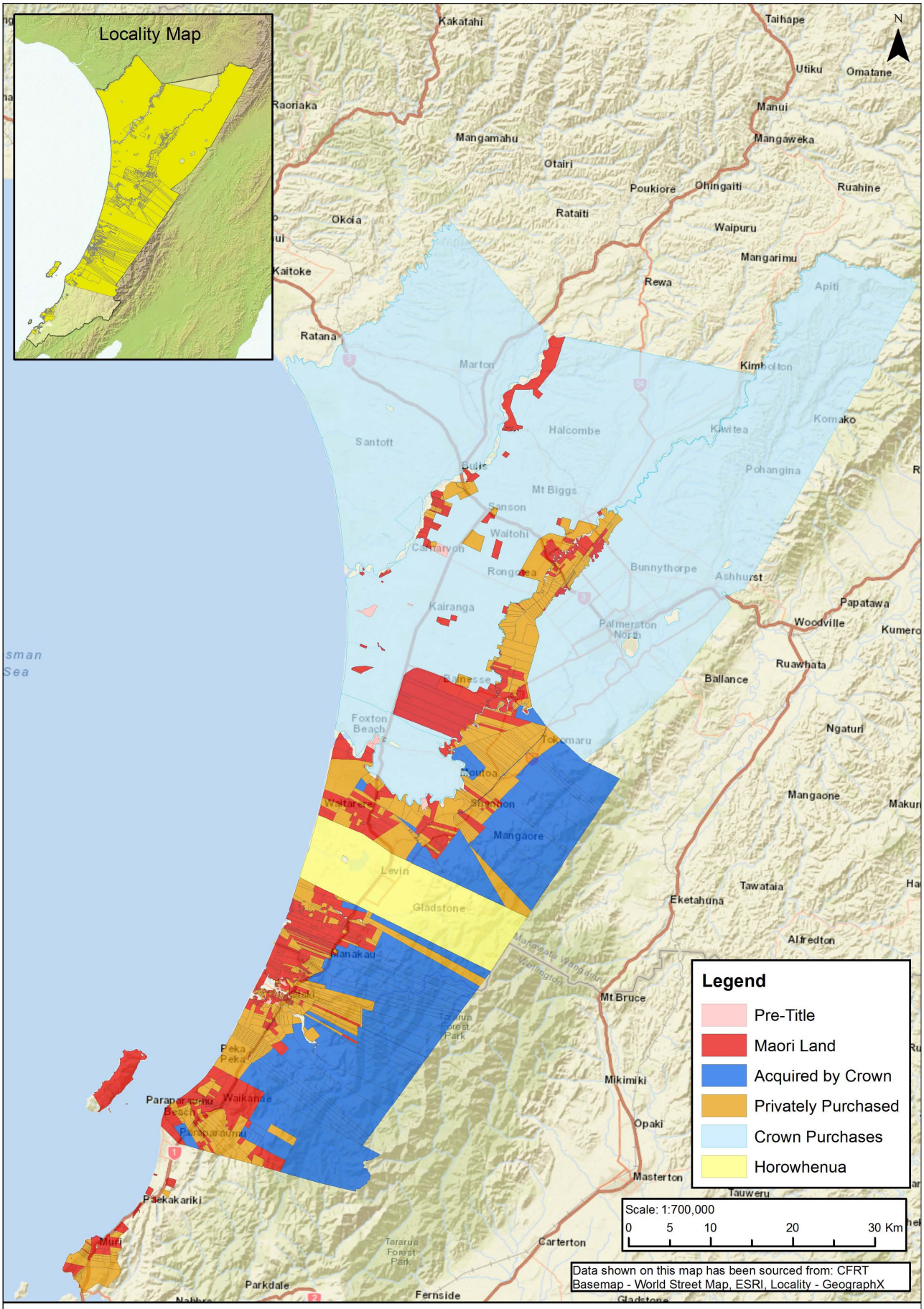
29. In a report of this kind, it is common to review the report and recommendations of the Native Land Commission established in 1907.[4] This commission, comprising Sir Robert Stout and Apirana Ngata, was set up by the Liberal government to investigate the 'settlement' of land remaining in Māori ownership.[5] It held hearings with local

[4] 'Native Lands and Native Land Tenure: Final Report of the Native Land Commission', AJHR, 1909, Sess. I, G-1g.
[5] Alan Ward, *National Overview. Volume II*, Wellington: Waitangi Tribunal Rangahaua Whanui Series, 1997, p. 377.

communities and made recommendations on what land should be retained for Māori occupation, what land should be retained in Māori ownership for occupation by Pākehā under leases and what land should be made available for sale. The Commission investigated 2,791,190 acres of the 4,974,444 acres of land remaining in Māori ownership, and made recommendations on 2,040,084 acres. Significantly, its recommendations were strongly in favour of retention of land in Māori ownership rather than sale. These recommendations were usually based on the evidence given by Māori landowners appearing before it.

30. The commission's reports and recommendations are generally understood as an audit of Māori land ownership in a particular region at the start of the twentieth-century. As the reports were based on careful investigation of the land in Māori ownership and input from Māori communities, it is considered that they provide an accurate view of the needs of Māori communities at this time. That is, they provide a benchmark for considering the alienation of Māori land in the twentieth-century. However, the commission did not sit on the west coast of the lower North Island and did not make recommendations relating to Ngāti Raukawa lands. It is not clear why this occurred but it is most likely that the commission ran out of time to undertake its investigation in the rohe and prepare a report.[6]

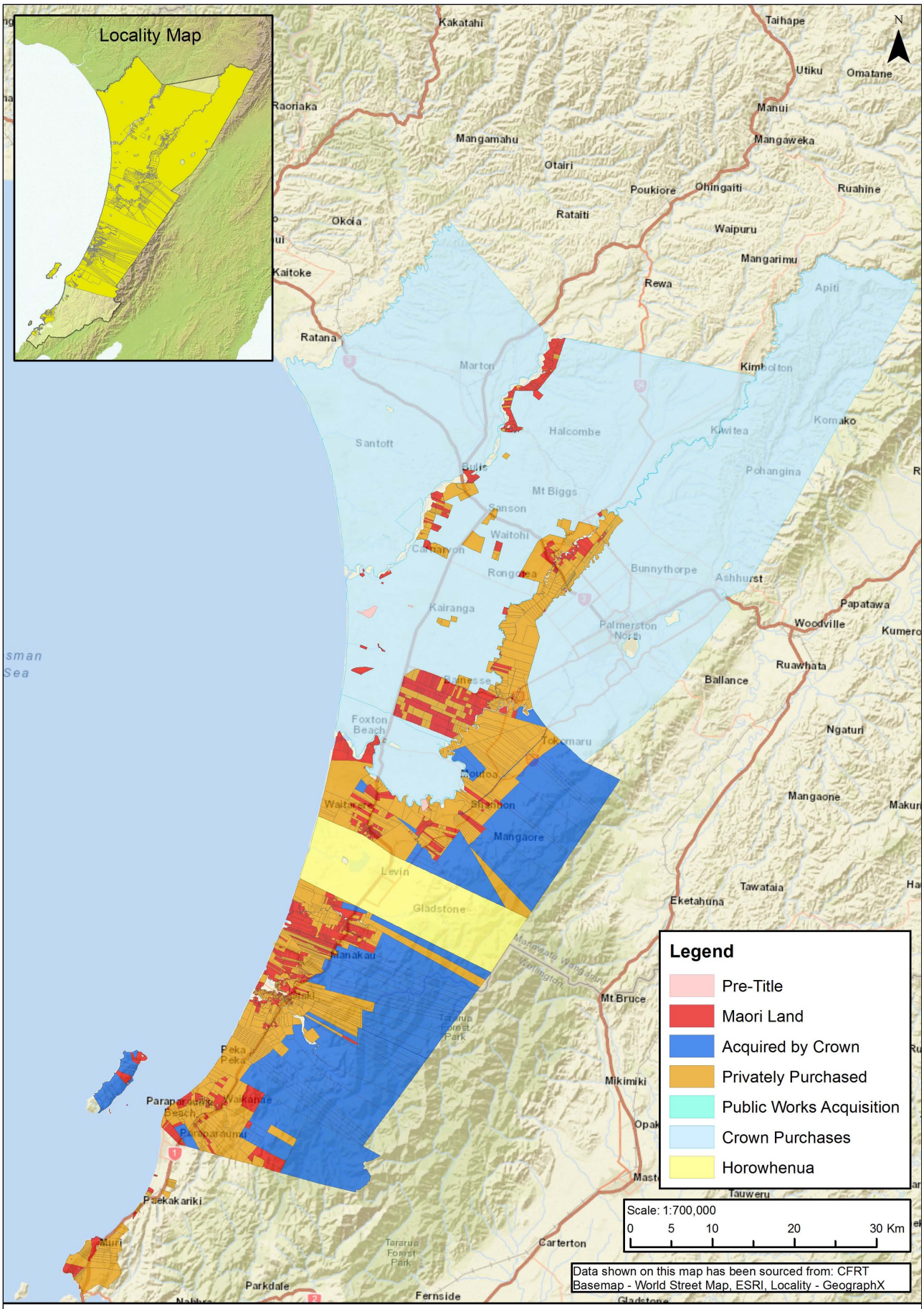
[6] 'Native Lands and Native Land Tenure: Final Report of the Native Land Commission', AJHR, 1909, G-1G, p. 6.



Rangatiratanga Versus Kawanatanga: **Tenure by 1900**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 039 Map projection: New Zealand Transverse Mercator Date: 23/08/2017

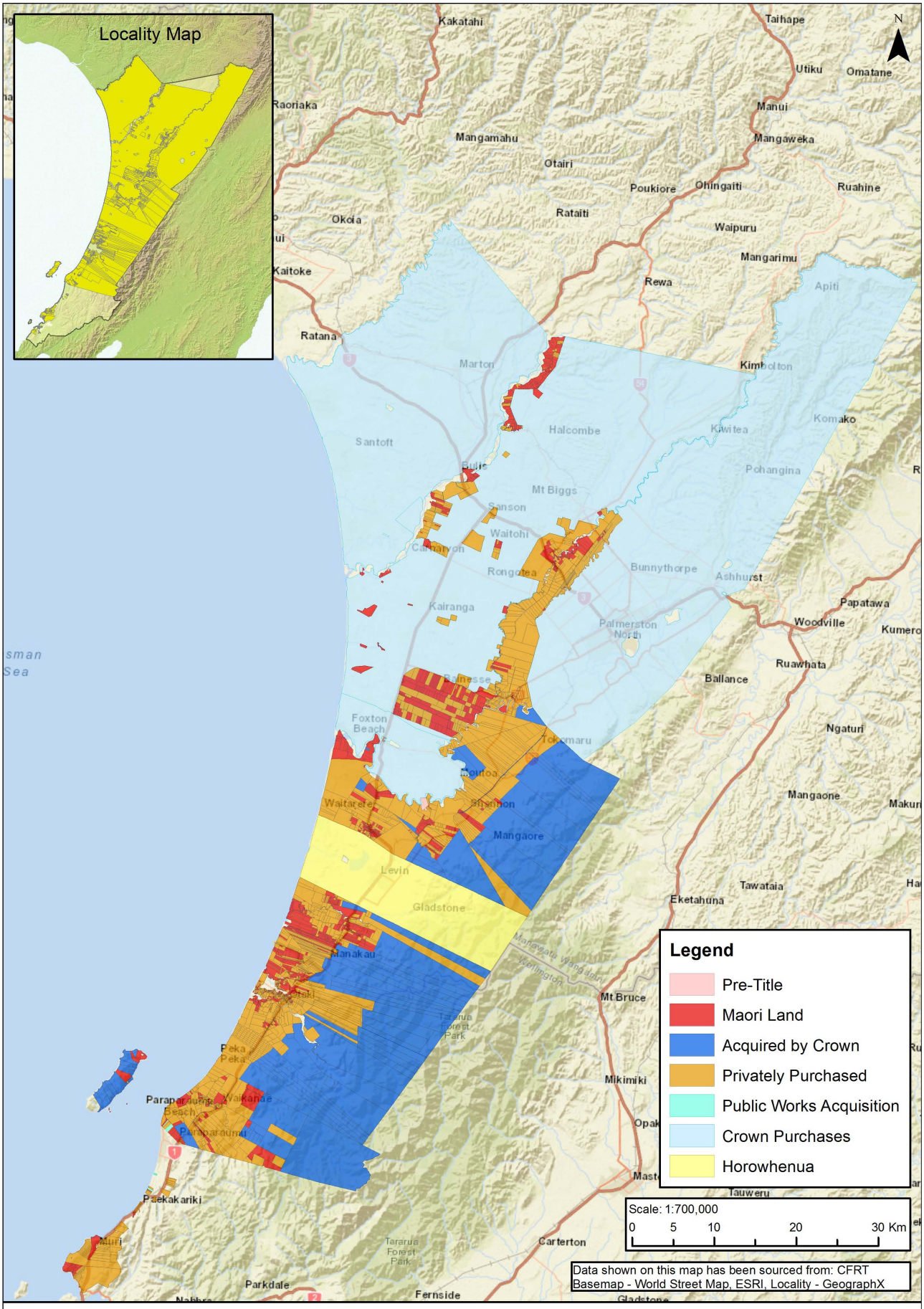
Map 5: Land tenure by 1900



Rangatiratanga Versus Kawanatanga: **Tenure by 1925**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 040 Map projection: New Zealand Transverse Mercator Date: 23/08/2017

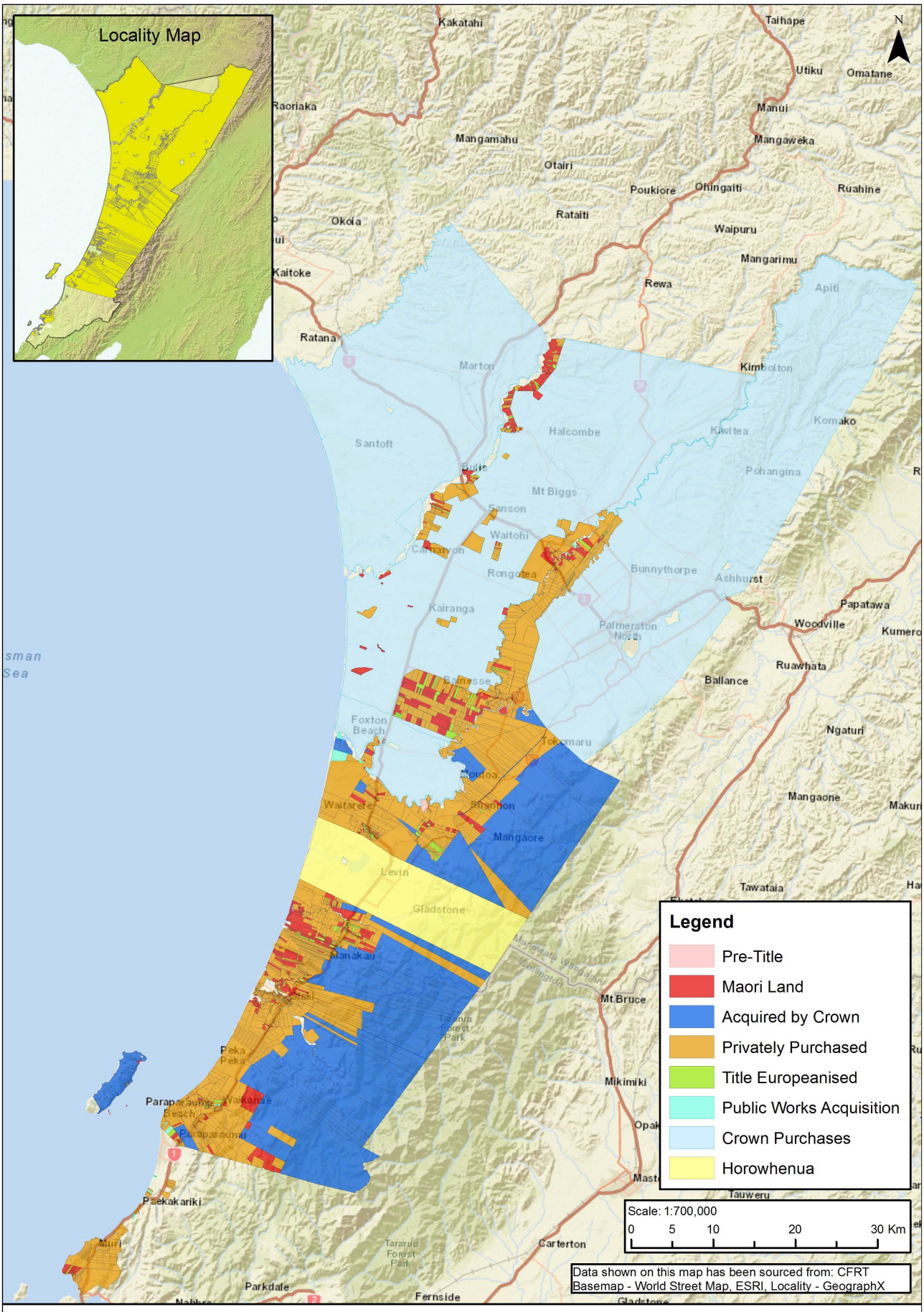
Map 6: Land tenure by 1925



Rangatiratanga Versus Kawanatanga: **Tenure by 1950**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 041 Map projection: New Zealand Transverse Mercator Date: 23/08/2017

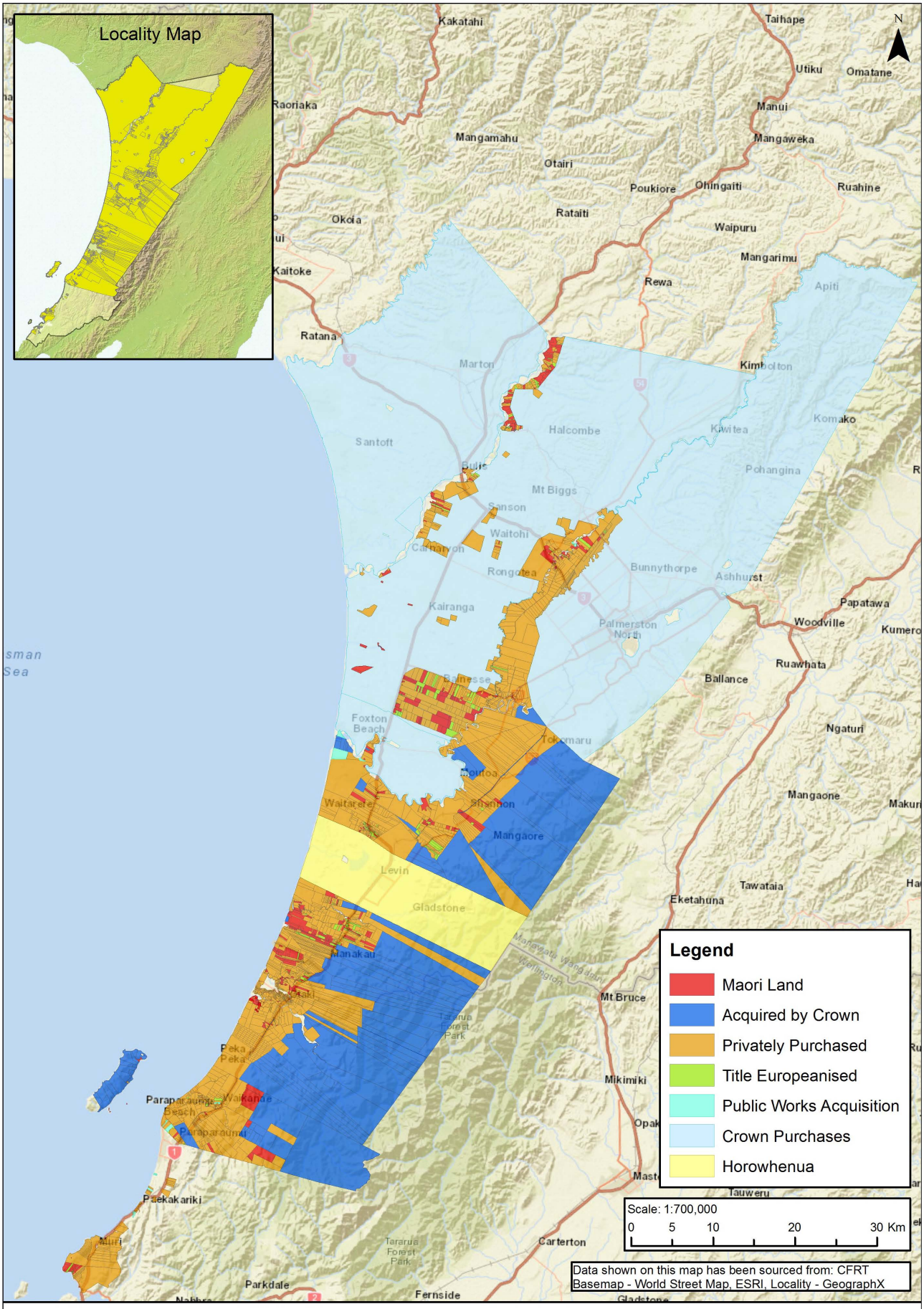
Map 7: Land tenure by 1950



Rangatiratanga Versus Kawanatanga: **Tenure by 1975**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 042 Map projection: New Zealand Transverse Mercator Date: 23/08/2017

Map 8: Land tenure by 1975



Rangatiratanga Versus Kawanatanga: **Tenure by 2000**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 043 Map projection: New Zealand Transverse Mercator Date: 23/08/2017

Map 9: Land tenure by 2000

C LAND ALIENATION BY SALE: GENERAL

i LEGISLATIVE PROCESS

31. The core focus of this report is the loss of land suffered by Ngāti Raukawa after 1909. By 1890, large scale Crown purchasing in their rohe had all but ended and the impact of the railway line on Māori landownership in the region had already been felt (and is covered by Dr Anderson in her report). The 1890s was a period of disputation for Ngāti Raukawa due to the ongoing proceedings and hearings relating to Horowhenua. Crown pre-emption was re-established across the North Island in 1894 but there is little indication this had much impact on the takiwā of the iwi. Private purchase activity was prohibited though provision was made for the completion of transactions negotiated in earlier years. These were tidied up and finalised through the second half of the 1890s through the Native Land Court and this continued after 1900. There are few records about the nature of these transactions available and little can be said about the circusmtances of them other than that they occurred.

32. In 1899, the Liberal government imposed an absolute prohibition on land alienation by sale which remained in place until 1905 when the district Maori land councils established in 1900 were replaced by smaller district Maori land boards and Crown purchasing was permitted. Private purchasing resumed under the Native Land Act 1909. The Native Land Court and the district Maori Land Boards were the two agencies which controlled the flow of land out of Māori hands after 1909. The district Maori Land Boards had been established in 1905 to administer Māori land. The Native Land Act 1909 amended the provisions governing the operation of the boards and was designed to facilitate the alienation of the land remaining in Māori ownership.[7]

33. The new legislation was intended to make it easier for owners to reach a decision to sell land, but included a number of checks to ensure that the transaction was not fraudulent, that no individuals would be impoverished as a result of the sale, and that any opposition from minority owners was properly recorded. The 1909 act was also significant because Section 207 ‘provided that all existing restrictions were to have no

[7] This discussion has been adapted from a similar discussion in section 3.1 of Grant Young, ‘The Alienation by Sale of the Hapu Estate of Ngāti He at Tauranga Moana. Volume Two: the Twentieth Century,’ a report commissioned by the Waitangi Tribunal, April 2001.

force or effect on any alienation which might be made after the commencement of the Act'.[8]

34. Where land had fewer than ten owners, it could be sold as if it were European land, except that the sale had to be considered by the local district Maori Land Board and confirmed. In practice, this meant that once a transfer deed or purchase agreement was signed, it had to be presented within six months to the local board for consideration. The board had to ensure that the following conditions were met before it confirmed an alienation:

- The transfer deed or purchase agreement complied with the requirements regarding interpreters and other matters which indicated the Māori vendors understood the effect of the transaction;
- The alienation was not contrary to 'equity or good faith' or the interests of the owners;
- The vendors would not become landless by the alienation;
- The price was adequate and would be paid; and
- No breach of trust or law was involved.

35. If satisfied, the board could issue a confirmation certificate to give effect to the alienation.[9] Until that time, the transaction would have no effect. Purchasers had an incentive to ensure they followed the correct procedure because if confirmation was denied, the transaction was considered never to have occurred and the expenditure to bring the sale to that stage would be lost.

36. The process where land was owned by more than ten people was very different. In these cases, any party to an alienation could apply to the board to summon a meeting of the owners. The board had discretion in summoning meetings and had to be satisfied that the proposed alienation could be undertaken lawfully and that it was in the interests of the owners and the public.[10] If the board approved the application it determined where and when the meeting would be held. Notices had to be sent to owners. At the meeting itself, the president of the board, or his representative, had to be present along with five owners, either in person or represented by proxy. This constituted a quorum. The size of an owner's shareholding in the block was not taken into account. However, voting was based on shareholdings. Thus, resolutions were

[8] Tom Bennion, *The Maori Land Court and Land Boards, 1909 to 1952*, Wellington: Waitangi Tribunal Rangahaua Whanui Series, 1997, p. 3.
[9] ibid., p. 5.
[10] ibid., p. 4.

passed where the number of shares held by owners present at the meeting in favour was greater than the number of shares held by owners present at the meeting against. Where an owner voted against a resolution, they 'could sign a "memorial of dissent" in the presence of the representative of the land board, who would then make a written report to the land board and deposit "a statement under his hand of the proceedings of the meeting"'.[11]

37. If the resolution was passed it was presented to the local Maori Land Board along with a report by the board's representative at the meeting. Memorials of dissent were also submitted. The board then had to consider the 'public interest' and the 'interest of the owners' in deciding whether or not to confirm the resolution. A transaction could not be confirmed until the shares of any owners who might be rendered landless by the alienation were cut out. The board had a number of powers where land had to be partitioned due to dissenters or landlessness. Otherwise, in reaching a decision the board had to consider the factors noted above in relation to sales with fewer than ten owners. However, there were a number of exceptions. The board was not required to specifically investigate 'whether the owners understood the transaction, or whether it was contrary to equity or good faith, or if a breach of trust might be involved'.[12] Tom Bennion suggests this is 'because those issues would be raised at the meeting of assembled owners, which was attended by a board representative who presumably would be aware of these issues'.[13] Once it had confirmed a resolution the board itself became the agent who executed the transfer agreement on behalf of the owners. This authority could not be revoked.[14]

38. In some cases, one further requirement had to be met before an alienation could be confirmed. This was where blocks, on the recommendation of the Native Land Commission (also known as the Stout Ngata Commission), were subject to Part XVI of the Native Land Act. This was land the commission had advised be set aside for the use and occupation of the owners. The commission did not sit on the west coast of the lower North Island and did not make recommendations relating to Ngāti Raukawa lands. None of the land belonging to the iwi was therefore subject to this requirement.

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[11] ibid., p. 5.
[12] ibid., p. 6.
[13] ibid.
[14] ibid.

Ngāti Raukawa blocks at Ōtaki were subsequently vested in the district Maori Land Board by the Crown but this was a very different and specific regime relating to the rating of land in the borough. These issues are considered elsewhere in this report.

39. This process of alienation, whether land was owned by more than ten owners or fewer than ten owners, has the appearance of giving the Maori Land Boards a key role in protecting Māori land from alienation. In practice, it did not – a result of a combination of political and administrative factors. The 1909 legislation gave the Land Court jurisdiction over matters of title and succession and the land boards were concerned with the alienation of land, whether by lease or sale. In addition, it retained the 1905 composition of the boards with a (European) President and two appointed members, one of whom had to be Māori.

40. In 1913, the 1909 legislation was amended to remove 'the area with the greatest potential to slow down land alienations, the system of checks operated by the Maori Land Boards and the land court once a decision to alienate had been made'.[15] In practice, it ended the division between the Native Land Court and the Maori Land Boards. The two agencies were previously independent in function and personnel but this ended in 1913. A new board was constituted under the Native Land Amendment Act 1913 (ss 15 to 42).

41. Each of the districts had a judge and a Registrar. The judge constituted the Court, and the judge and the Registrar were the board. This created a conflict between the two entities. The boards, originally established to assist Māori land development, became focused on the alienation of Māori land. Their role as trustees of Māori land was overshadowed by their role in promoting land alienation. Moreover, neither member of the reconstituted boards had to be Māori. As Ward argues, 'the "Maori" land boards had become Pākehā institutions; Māori no longer had any direct involvement in the decision-making affecting land vested in the boards'.[16]

42. This was particularly significant where land was owned by more than ten owners. When the two were distinct, the board was concerned to facilitate an alienation and obtain the best price while the Court could independently protect the interests of

[15] ibid., p. 10.
[16] Alan Ward, *National Overview. Volume II*, Wellington: Waitangi Tribunal Rangahaua Whanui Series, 1997, p. 386.

dissenting owners. The 1913 amendment ended this division of responsibilities. Moreover, the board itself was given two very different and incompatible roles. It was required to 'act both as trustee for land which Māori wanted to retain and settle themselves, while also being responsible for calling meetings and assisting purchasers to progress resolutions to alienate land'.[17] The blurring of roles which was the product of the new structure of the Court and board meant that the judge, as president of the board, was responsible for administering land and the purchase money and rental payments arising from alienations.[18] The structure meant that the Court, a judicial body, did not have any trustee function. The distinction was however one of form rather than substance.

43. The administration of the alienation process by the Maori Land Board also undermined its ability to protect Māori land. In order to have an alienation confirmed, a purchaser had to provide the board with the following:

- The purchase money, or receipts which satisfied the board that the Māori vendors had received the money;
- A declaration showing the purchaser did not own other land in excess of a specified area;
- Evidence that the Māori vendors would not be rendered landless by the sale;
- Evidence that it was in the interests of the Māori vendors to sell the land; and
- Evidence that the price was adequate, using the government valuation as a guide.

44. This process indicates some significant safeguards to protect Māori land from alienation had they been effectively enforced. However, Bennion argues that '[i]n practice … the safeguards often did not apply or were poorly applied'.[19] And Ward has argued that '[t]he available evidence casts serious doubts on the adequacy of the processes for checking on Maori landlessness'.[20] It should also be noted that these safeguards were not to protect Māori relationships with the land but were concerned to protect Māori from unscrupulous land dealings and to ensure the retention of enough land for subsistence so that indigent Māori did not become a charge on charitable aid.

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[17] Bennion, p. 7.
[18] ibid., p. 13.
[19] ibid., p. 28.
[20] Ward, p. 392.

45. The heavy workloads of the boards and, in particular, the number of applications they were required to process, would have undermined their ability to ensure these protections were enforced. Furthermore, in the case of private purchases, the information required by the boards was provided by the purchaser, opening 'a window to sharp practice and it is difficult to see how, without making its own independent checks, the boards could be sure of the fact alleged'.[21] In a study of the Waikato-Maniapoto District Maori Land Board, John Hutton has found that much of the work of the board was performed by the solicitors of the purchasers.[22] The board itself lacked the resources to scrutinise each application closely for confirmation of alienation. Streamlined procedures meant that the statutory restrictions were rarely assessed in any detail and the brevity of the board minutes reflects this streamlined process.[23]

46. One significant example where both political and administrative actions undermined the ability of the board to protect Māori interests was the definition of landlessness. The legislation defined this to mean Māori whose total share of freehold land was 'insufficient for his adequate maintenance'. No specific area was given. Furthermore, another amendment in 1913 provided 'that landlessness did not occur where the land being sold would not in any event provide sufficient support to the Maori owners and also where a vocation, trade or profession or other form of income could provide an alternative adequate income'.[24] At the same time, it was the purchaser who had to show sufficient lands were still owned by the Māori vendors. Bennion argues that the criterion used by boards in determining this factor is difficult to assess, but suggests it 'appears to have been whether owners would be able to continue to support themselves, or whether they would become a burden on the state'.[25] Given that the board relied on information supplied by the purchaser, and the only check was provided by Native Land Court staff, there was a very limited ability to 'check on its [the other land's] quality, the revenue it yielded, the debts it carried, or the needs of

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[21] ibid., pp. 392-3.
[22] John Hutton, 'The Operation of the Waikato-Maniapoto District Land Board,' in *Twentieth Century Maori Land Administration Research Programme*, Vol. 1, D.M. Loveridge (ed.), Wellington: Crown Forestry Rental Trust, 1998, p. 16.
[23] ibid., pp. 17-18.
[24] Bennion, p. 30.
[25] ibid., p. 29.

the heirs (the family of the alienator)'.[26] The government simply wanted to ensure Māori did not become completely landless and therefore reliant on the state for support, and the boards acted to support this policy.

47. Another major problem with the process by which land with more than ten owners could be alienated relates to the very small number of owners required to agree to an alienation. As Bennion observes, '[g]iven that blocks of land could have hundreds of owners, and that a meeting had to be called if the land had more than ten owners, the quorum of five owners, or their representatives, was very low'.[27] The result was that land could be sold without consulting all owners: this avoided gaining the consent of all owners and ignored the views of those owners who could not be present at a meeting.[28] Ward also has doubts about the extent to which owners were informed about meetings. He argues that '[w]ith increased fragmentation of title through succession, and increased mobility of the population, many Maori simply never heard of advertised meetings of land board or assembled owners'.[29]

48. Ward concludes his comments on the land boards by suggesting that given the 'almost unanimous demands of the Maori leadership before 1900' for the retention of land, in Treaty terms, 'the duty of active protection of the Maori people at large meant that sales of the freehold should have been approved very rarely, if at all, after 1900 and then only on the basis of full hapu involvement'.[30] Of similar significance, he argues, is the Land Board's role in the process of alienating Māori land, particularly in relation to the sufficient other lands requirements. Its 'perfunctory' check of this part of the process is also 'likely to infringe the Crown's treaty obligations of active protection', especially when 'the limited areas of land remaining in Maori hands and the burgeoning population' are taken into account.[31] In Ward's opinion then, the alienation of any Māori land after 1900 could itself be considered a Treaty breach. Furthermore, he believes the failure of the land boards to fully investigate land owned by Māori vendors could also be a Treaty breach in the same terms.

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[26] Ward, p. 393.
[27] Bennion, p. 4.
[28] Ward, p. 390.
[29] ibid., p. 391.
[30] ibid., pp. 395-6.
[31] Alan Ward, *National Overview. Volume III*, Wellington: Waitangi Tribunal Rangahaua Whanui Series, 1997, p. 35. See also D.M. Loveridge, *Maori Land Councils and Maori Land Boards, 1900 to 1952*, Wellington: Waitangi Tribunal Rangahaua Whanui Series, 1996, pp. 132-3.

49. In 1931, the 1909 statute and its numerous amendments were consolidated into a new Native Land Act. In the new legislation the land boards retained their constitution and function in examining all alienations of Māori land. However, the following year the Native Department, apparently on the recommendation of the National Expenditure Commission, was restructured. The boards continued to exist, but their judicial functions were taken over by the Native Land Court. The boards retained responsibility for land vested in them or administered by them and maintained a role in facilitating alienations. Final confirmation of an alienation, however, was now the jurisdiction of the Court.

50. According to Loveridge, the boards were incorporated into the Native Department and quickly disappeared, remaining on paper only to carry out certain statutorily defined administrative functions.[32] However, by 1949 serious questions were being asked about their future and in 1952, the Maori Land Amendment Act abolished the boards. Most of the functions of the boards, in terms of the management of land and distribution of funds to beneficial owners, were transferred to the Maori Trustee.

ii OVERVIEW OF THE IKAROA DISTRICT MAORI LAND BOARD AND NATIVE LAND COURT

a Ikaroa District Maori Land Board

51. The role of the Ikaroa District Maori Land Board in relation to alienation by sale, as with the land boards in other districts, can be best characterised as one of maintaining procedural correctness. The process provided only very limited protection to Māori landowners in terms of the retention of land and was primarily concerned to provide a clear procedure for acquiring the freehold title to Māori land. The papers in the board's files show that clerks, the Registrar and the President took great care to ensure that all the necessary paperwork was completed before an alienation was confirmed. But this did not provide any protection to the Māori landowners. Though there were exceptions, especially before 1920, as long as the correct papers were presented to the board, confirmation would usually follow.

52. Where the procedure was not correctly followed, the application was referred back to solicitors for the purchaser with instructions for amending the application and once

[32] Loveridge, p. 143.

this was undertaken the application was presented to the board again. The board always considered an application twice. On the first occasion, initial confirmation was given subject to certain conditions. This might involve increasing the purchase price paid or supplying receipts to show payment made directly to the landowners. Full payment, either to owners or the board, was always required before final confirmation was given and the board actually endorsed a certificate of confirmation on the transfer agreement.

53. In general the landlessness provisions in the native land legislation provided very limited if any protection for Māori landowners and were certainly no impediment to the sale of lands owned by Ngāti Raukawa. The issue of landlessness is examined further in relation to specific examples in the discussion on the role of the Native Land Court and the Maori Land Court below.

54. The board frequently considered applications where the purchaser acquired less than all the interests in a block of land. In some cases, a number of interests would be confirmed and this would be followed some months later by another application for confirmation for further interests. This is how Pākehā purchasers ended up with often large undivided interests in Māori land. The interests held by the Māori owners who did not sell were succeeded to by new generations and this is how large numbers would end up holding comparatively small shares in Māori land.

55. The meeting of owners system was established in 1909 and remained in place throughout the twentieth century. As explained in the legislative overview sections of this report, the system remained generally unchanged although the quorum requirements were modified in 1953 and 1967.

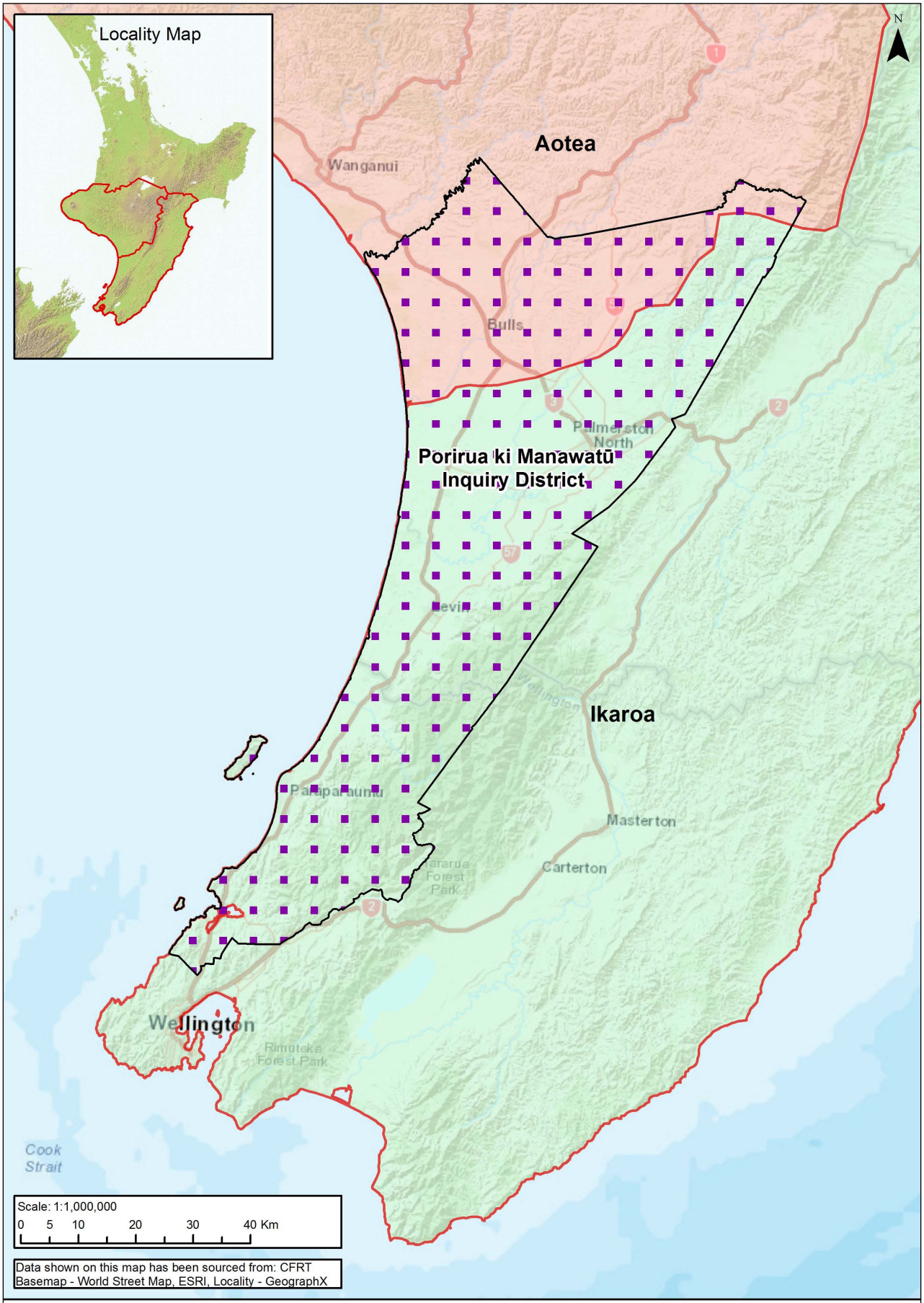
56. There were several presidents of the Ikaroa board under the Maori Land Settlement Act 1905 and the Native Land Act 1909. All were government officials or judges:

- W.C. Kensington, appointed 6 July 1906, Under Secretary, Lands and Survey Department;
- R.C. Sim, appointed 19 November 1906, Judge of the Native Land Court;
- T.W. Fisher, appointed 25 September 1908, Under Secretary, Native Affairs;
- J.B. Jack, appointed 5 April 1910, solicitor and Judge of the Native Land Court (he was also president of the Aotea board at the same time);
- C.T.H. Brown, appointed 1 February 1912, an official in the Department of Lands and Survey at Auckland.

57. From time to time, the other members of the board were H.F. Edgar, a Court Registrar and subsequently a judge and Judge H.D. Johnson. Patrick Sheridan of the Native Land Purchase Department was also a member at one time, before he was replaced by James Hay, the chief draughtsman at the Napier office of the Department of Lands and Survey. Ihaia Hutana of Waipawa was a member of the board for many years and Eruera Neketini (Rere Nicholson) of Levin / Weraroa was appointed a member of the Ikaroa board in December 1910. This was after H.M Smith, the Crown Lands Ranger at Hastings, resigned.

58. On 31 March 1914, the new Ikaroa Maori land district was created. The district was located in the southern North Island, incorporating Hawkes Bay, Wairarapa, Manawatū and Wellington. The northern boundary of the district on the west coast (where it bordered the Aotea district) was the Rangitikei River at the coast and it went up the Rangitikei River to a certain point before heading west to the Oroua River and up that river north to the Awarua block (which was in the Aotea district and is in the Taihape inquiry district). It is possible that the Rangitikei Turakina Crown purchase was in the Aotea district while the balance of the Porirua ki Manawatū inquiry district was in the Ikaroa district. Most of the lands of Ngāti Raukawa were located in the Ikaroa district but parts, including reserves established from nineteenth century Crown purchases (particularly Ohinepuhiawe and Te Reureu) were in the Aotea district.

59. Judge Gilfedder was the first president of the Ikaroa board with L.A.B. Tuetenberg as Registrar. They constituted the Ikaroa District Maori Land Board and Native Land Court. Judge Gilfedder was the president of the Ikaroa board and presiding judge for many years with Judge R.N. Jones (Under Secretary of the Native Department) and Judge W.E. Rawson (the Native Trustee) sitting from time to time. Judge Gilfedder was succeeded in the 1930s by Judge John Harvey (a former Court Registrar) for a short period and then Judge G.P. Shepherd (a former chief clerk of the Native Department who was closely involved in the development schemes). Judge A.A. Whitehead was responsible for Ikaroa during most of the 1940s and into the 1950s before Judge G.J. Jeune took over the mid-1950s. He remained until his appointment as chief judge around 1964 when Judge M.C. Smith took over.



Rangatiratanga Versus Kawanatanga: **Maori Land Districts**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 010 Map projection: New Zealand Transverse Mercator Date: 27/04/2017

Map 10: General location of the Ikaroa Maori land district

b Native Land Court

60. As noted above, the judicial functions of the Ikaroa District Maori Land Board were transferred to the Native Land Court in 1932. The board's retained their administrative functions, including for land vested in them or administered by the them, and continued to be responsible for giving effect to alienations. However, decisions about applications for confirmation were transferred to the Court. It was, of course, a nominal change anyway as the President of the board was usually the Native Land Court judge for the district.

61. A good part of the Court's day to day business through the twentieth century was focused on the maintenance of the the records of the Court to keep up to date the lists of owners of land. These activities contributed to its other core function in dealing with applications to alienate land (whether by sale of lease) and interest in land (for example to support the government's housing policy for Māori) to ensure it could satisfactorily identify those who had rights to deal with particular blocks of land. Much of the work was concerned with succession and the appointment of trustees or appointment of replacement trustees for minors and others along with partitions, which took up much less of the Court's time than succession. The Court also approved adoptions of Māori children, which was also connected to the maintenance of the titles to land (determining who had a valid claim to succeed on the basis of adoption).

62. For example, Judge Gilfedder was not impressed with an adoption application he dealt with at Ōtaki in March 1915.[33] The parents of the child lived at Ohau and the child lived with the couple who were to adopt her. The elderly applicant who was to adopt her gave evidence at the hearing and indicated he was related to the father of the child. The parents had consented to the adoption. Judge Gilfedder, however, would have none of it:

> This is a case in which it appears that the parents of the child seek to foist her on to a decrepit weak minded old man who cannot intelligently answer questions, who has only a small income and who to all appearances has not long to live. He does not seem to be a fit and proper person to look after the child. If he wishes to benefit the child he can do so by will.[34]

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[33] Otaki Native Land Court Minute Book 53, 4 March 1915, fol. 159.
[34] ibid.

63. The application was dismissed. Another application by the same person to adopt a second child was likewise dismissed.

64. Charging orders for rates and surveys had to be approved by the Court for each block (though these were done in bulk and with great brevity on the application of the Chief Surveyor or a local authority's rating officer). The Otaki Borough Council and the Horowhenua County Council were most active in the court; indeed, there is little evidence that other local authorities pursued unpaid rates on Māori land.

65. The Court frequently dealt with problems of access (either by repartitioning land or creating rights of way or roadways). Such difficulties arose not just from a failure by the Court to provide access when the land was originally partitioned. They might arise from the unsuitability of the access (due to changes in road layout or the location of a river) or because changes in land use meant the original access was no longer suitable. Investigations of accretions formed by rivers were very infrequent but a number occurred in the twentieth century.

66. The Court was responsible for making recommendation on marae reservations for hapū of Ngāti Raukawa and appointed trustees to them and to cemetery reserves. Trustees returned to the Court regularly for the appointment of new trustees to replace deceased ones. The Court provided certificates of ownership of land for the purposes of the old age pension (as ownership of land and the income it generated affected the pension amount paid).[35] It undertook inquiries on matters referred by the government, usually following petitions (though there were only a few of these). The Court also provided recommendations to the Board of Native Affairs and Board of Maori Affairs on matters referred to it, including occupiers of lands included in the Manawatu Development Scheme.

67. The Ikaroa district was administered from an office in Wellington until 1959, when the Palmerston North district office was opened and personnel moved north. The Department of Maori Affairs remained there until 1981 when the southern Māori land districts were redefined. The Ikaroa district was abolished, the Takitimu district created for the eastern part of the former Ikaroa district and the Aotea district was extended to include the western part of the former Ikaroa district. A new district office

[35] Otaki Native Land Court Minute Book 59, 8 October 1935, fol. 324; ibid., 11 October 1935, fol. 339.

was opened in Hastings to serve the Takitimu region while Palmerston North became a 'sub-office' with significantly reduced responsibilities.

iii DEALINGS WITH LANDS OF NGĀTI RAUKAWA

68. Many applications for confirmation of transfer or lease were approved promptly by the board. If the paperwork were in order, the board would confirm. Where papers were missing from the application, the matter would be adjourned to allow the solicitor acting for the applicant to supply them. A valuation certificate, a new valuation, a declaration by the purchaser or particulars of title might be required, for example, and an adjournment would be given so these could be prepared and filed.

69. From around August 1911, the records of the consideration of applications by the board were further streamlined. The details were typed up on a slip which was pasted into the minute book. These included the name of the block, the vendor, the purchaser/lessee, the area affected, any land transfer title, existing dealings (such as a lease or mortgage), the proposed price, the valuation (including value and date) and whether the declaration, schedule of other lands and document of alienation (memorandum of transfer or lease) met the board's requirements. The president would note the application number, counsel for the applicant (purchaser/lessee), the board's decision (confirm, adjourn or dismiss). Where the application was confirmed or adjourned, the further requirements would be noted. A lease would simply be confirmed. The board would confirm a memorandum of transfer subject to the filing of receipts or payment of purchase money to the board. The document of alienation would be signed and sealed at this point.

70. From the early 1920s, the minutes recording the board's proceedings were streamlined even further. A copy of the Kahiti would be pasted into the minute book at the commencement of the board's meeting. A number would be recorded in the margin of the minute book corresponding to the application number and a brief statement explaining the disposition of the application (refused, confirmed, adjourned). More detail would be added in more complex situations requiring greater investigation.

71. From 1909, the board usually dealt with Ōtaki and Manawatū applications at a monthly meeting in Wellington. These could be held in the government buildings

(where the board and the department were based), Parliament Buildings (usually the Native Affairs Committee room) or a nearby school room (in Stout Street). Applications in other parts of the Ikaroa district would usually be considered at meetings of the board in Hastings, Masterton and Greytown, though Ōtaki and Manawatū applications might come up at these meetings, presumably because they were urgent. Nevertheless, Ngāti Raukawa landowners would still have to travel from their homes in the Manawatū and Ōtaki to Wellington to participate in board proceedings. In July 1914, the newly constituted board held its first meeting in the Manawatū and Ōtaki when the Deputy President (Judge Rawson) and the Registrar (L.G. Teutenberg) convened at Palmerston North.[36] Regular meetings were held there from this time and Levin was added in 1916. Meetings at Ōtaki were held from the following year. However, matters relating to the alienation of Ngāti Rauakwa lands were still regularly dealt with in Wellington.

a Competing Purchasers or Occupiers

72. The cases which exercised the board and the Court most intently were where there was competing occupation of the land, particularly where two Pākehā farmers had obtained competing leases or there was a lease and a sale for consideration. Muhunoa 1B1 was one such case considered by the board in August 1910.[37] Joseph Death had occupied the block for more than a decade in 1896 on an incomplete lease (not all the owners had signed it). He had paid rents and made considerable improvements on the block. The board confirmed a lease to another Pākehā farmer and Joseph Death received no compensation for the improvements he had made and the board took the view that it had no power to do anything to remedy this situation.

73. The board's minutes sometimes record the circumstances in which land was alienated. For example, an application for confirmation of transfer of Otaki Township Section 85B was considered by the board meeting at Wellington in August 1910.[38] The transfer was entered into in April 1910 and the agreed purchase price was £35. A government valuation from March 1908 put the value of the land at £34. Counsel appeared to oppose the confirmation of the transfer. The vendor, Hamiora Kuka, had

[36] Ikaroa District Maori Land Board Minute Book 4, 28 July 1914, fol. 341.
[37] Ikaroa District Maori Land Board Minute Book 2, 31 August 1910, fol. 135.
[38] ibid., 18 August 1910, fol. 89.

agreed to the transfer as a security for costs in the defence of his son. He was willing to repay the amounts advanced but had never received a statement of account.

74. Hamiora gave evidence on oath to the board. His son's wife had died in 1908 and his son had got into difficulties. He signed the transfer before the board about eight or nine months earlier on condition that the purchaser would lend him £5. Another of his sons had got into difficulties at this time. He acknowledged that he had received about £25 in November 1908 from the purchaser and signed a receipt. Counsel representing the purchaser acknowledged there was about £10 in purchase money owing. The board agreed to confirm the transfer such to the parties rendering accounts and a revaluation of the land. It appears the purchaser already had a shed on the block and the value of this was to be allocated to him.

75. In another situation, the landowner alleged misrepresentation of the transfer document on the part of the interpreter. In April 1911, the board met at Wellington and considered an application to confirm the transfer of Ohau 3 Section 26.[39] The purchaser and vendor were both represented by counsel and the vendor, Ngawarahi Hana, opposed confirmation of the transfer. Her counsel told the board that the content of the document was misrepresented by the interpreter and that the transaction was not in her interests. The board took extensive evidence on the alienation. Ngawarahi was the first witness. She remembered signing the transfer:

> Kingi Tahiwi represented that the transfer was being signed at the wish of her cousin. The transfer was not explained to me before I signed. After the transfer was signed he explained the document. The cousin is Wiremu Tawharangi of Okoroire. That the only reason I signed the transfer. Kingi did not explain the amount of the purchase money I was to receive namely £10 an acre. I think he said Stevens was purchasing the land. I saw Wiremu Tawharangi about three days after I signed the deed. I sent my cousin Wiremu to the board with the cheque for £50 at the time I signed the deed. I never instructed Mr Stevens to take action against the lessee for non-payment of rent. I know of no other lands belonging to me apart from this land. I have a share on Okauai. I don't know about my share in Wharepuhunga. I have no share in Paengaroa nor in Tumu Kaituna. I don't want to sell this land. I have been getting £5.10.0 pa. The rent has been paid by Mr Ross Bevan. I have never told Kingi Tahiwi that rent was eight years in arrears. I know nothing about an older transfer. The reason I don't want to sell is that I have no other land so far as I am aware. I have not said to Wiremu that I would sell at £15 an acre. I have not been told to say I don't want to sell the land. I was only induced to sign the transfer because I understood that Wiremu my cousin had sent Kingi to me, and I feared that trouble may have arisen over a mortgage from our land at Okauia. Kingi came and said he came with the purpose of arranging a transfer of the lease on the land. I answer I had no desire for either. I explained that there was nothing wrong with the lease. He explained that the rents were not paid under the lease. He suggested that the better plan would be to sell

[39] Ikaroa District Maori Land Board Minute Book 2, 4 April 1911, fol. 261.

> the land. I said I don't intend to sell it. He said he would give £10 an acre. I explained that this was the only land I had. He repeatedly suggested the sale and I repeatedly objected. Seeing that I was obstinate in not agreeing to the sale he said Wiremu had him to me. I them put some questions to him to make certain that he had seen Wiremu's home and after his description I was satisfied that Kingi had seen Wiremu's home. I still said I did not desire to sell as that was all the land I possessed and I was a mother. If I sold what land would my children have to live on? Kingi then said 'Do you think I am deceiving you when I told you I had been to see your cousin.' After that I asked him for the paper Wiremu signed with a request that I should sign the transfer. He replied that he himself was the document that Wiremu sent. He added that Wiremu had directed me to sign the transfer in order to receive funds to clear the encumbrance on our land. I then signed the deed. … I remember going to Mr Sharp the lawyer. My husband was with me. He was also with me during the negotiations with Kingi prior going to Sharp. The document was not read over to me. I acknowledge my signature to the declaration before Mr Sharp. The declaration was not explained to me. I don't know the contents of the declaration. I signed three times perhaps, these different papers. I was under the impression that all signatures related to the sale. The documents were explained after I signed them, not before. Afterwards I went with Wiremu to Mr Gilchrist the lawyer at Te Aroha. I explained to him that Kingi had said that Wiremu had sent him to me to sign the deed and I instructed him to stop the sale on that ground. I can't explain why Mr Gilchrist wrote intimating opposition to the sale on the ground of inadequacy of value alone. I authorised Wiremu to represent me at the former board sitting to oppose the sale. Wiremu did not advise to sell at £15. I would not have signed deed unless Kingi had represented that Wiremu agreed to the sale. Then transfer was explained by Kingi after I signed the deed. The declaration was partly read over to me after I had signed it. There was not an interpreter with us when we saw Mr Gilchrist. I still say that the transfer was not explained to me before I signed, although Mr Sharp may swear that it was.[40]

76. The board dealt with other blocks while hearing this evidence and continued to receive evidence the following day. George Gower told the board that the lessee's rent was overdue and action had been taken to recover it. The lessee was expected to be evicted in consequence and Mr Gower wanted to take the land. He instructed his solicitor (Stevens) to offer £15 an acre.

77. Ngawhare's counsel (Upham) also called Wiremu Henare Tawhirangi (at the request of counsel for the purchaser, who was given the opportunity to cross-examine Wiremu first):

> I have about 242 acres at Kuranui Whaiti. I have improved that land to the extent of £600 or £700. It was fern land, and I have grassed it. I have 40 cattle and 6 draught horses on the land. These are mine. I live on the land. I have a small piece of land 75 acres in which 5 are interested nearer the mountain. I did not speak to Kingi about that land. Kingi called o me at my home. I spoke to Kingi about Ngawarahi's land at Okauia. I did not speak to Kingi about Wharepuhunga: I requested Kingi to make searches of Whaingaroa and other lands. I told Kingi that Ngawarawhi had 15 acres share in Okauia No. 2. Kingi said they wanted to buy Ngawarahi's land at Ohau. He said nothing about price. I told Kingi there was not any use in persuading Ngawarahi to sell the land to Stevens and Kingi as she had no other land. I instructed Mr Gilchrist to watch the case when it came before the Board and object to it. I was the spokesman for Ngawarahi when we saw Mr Gilchrist sometime in November, about

[40] ibid., fols 261-263.

> 4 days after signing the transfer. I saw Ngawarahi about three days after seeing Kingi. She came to see me. The reason I gave Gilchrist to oppose transfer was because of the misrepresentation to Ngawarahi by Kingi. I told Kingi on a former occasion that I would ??? to have Ngawarahi's land sold so as to improve my land and I would have given her some of my land. I said this to the representative of Kiri and Stevens. If Kingi swears that he did mention the sale on this occasion to may be true. If Kingi swears that £15 was mentioned, it is untrue. I was trustee for Ngawarahi up till 3 years ago. When Kingi came to my home, he entered into negotiations with regard to Ngawanahi's land. He then requested me to authorise him to upset Bevan's lease. 5 years had elapsed since rent had been paid. I replied that rents were all paid by Bevan. After that he suggested that I should suggest the amount of purchase money for the sale of the land. I replied that I have no desire to arrange any price with you or Mr Stevens because on a former occasion when Ngawarahi or I sold some land near this piece the transaction was not properly carried out. That transaction was last year, the land sec 16 Ohau 3. Our discussion ended here and I took Kingi to the station. I did not instruct Kingi to tell Ngawarahi that I wanted her to sell the land. If Kingi says I did the statement will be false. I have never told Ngawarahi to sell at £15 an acre. When Ngawarahi came to me after signing the deed, she told me to oppose the sale because Kingi had told her I had wanted her to sign the deed. Ngawarahi 15 acres in Okauia No. 2 is worth about £1 an acre. I don't know any other lands of Ngawarahi in NZ. I have searched the Auckland Native Office. I came to Wellington and opposed the application for confirmation at Ngawarahi's request. Ngawarahi handed me the cheque for £10 at the time she came to my home. She was angry when she arrived at my home. She told me to take the cheque and hand it back to the Board. Between the time of Ngawarahi signing the deed and my coming to the Board neither Ngawarahi nor myself received any communication from anyone about the land. Gilchrist's letter arrived on 20th November advising us that he written KoS.[41]

78. Hohepa Te Mete was Ngawarahi's husband and he too gave evidence about the arrangements for the transaction:

> I remember the interview between Kingi Tahiwi and Ngawarahi. I was present at the interview. Kingi said he had come to talk about the sale of her land at Ohau. Ngawarahi said she had no desire to sell. Kingi said it would be better to sell so as to improve land in occupation. She replied it would be useless to sell as she had no other land and besides as she had children she had no desire to sell. He said I have come and I want you to sign the deed of sale. She said she again refused to sell, the more so as her cousin was away. He replied that he would not have come unless Wiremu had sent him to get her signature. The woman asked if he spoke truthfully in say that Wiremu had sent him to get the signature and asked for a letter as evidence of Wiremu's wishes. He replied 'I am the message he sent to speak to you'. She then asked for a description of Wiremu's homestead, as a test of his bona fides. From the description Ngawarahi thought he was speaking truthfully although she through it strange that Wiremu had not sent a letter with Kingi. He repeatedly said it was Wiremu who sent him otherwise he shouldn't have gone as far as Tauranga. He also suggested that it would be better to sell the land in in order to clear liens on land which I was not aware of. Therefrom the woman jumped to the conclusion that Wiremu's homestead was in jeopardy. It was mentioned by Kingi that there was some trouble in connection with this land. The discussion was continued over 3 hours till midday and she persisted in refusing, but eventually gave way in the belief that Wiremu had sent Kingi to her. Ngawarahi had some doubt in the mind about the matter and in order to clear up those doubts she went to see Wiremu. I did not go. When she came back she told me that Kingi's statement that Wiremu had sent him to get the transfer request was not correct. Noticing Ngawarahi's obduracy in refusing to sell her land Kingi said to me that ti would be the proper thing for you, as her husband, to persuade your wife to sell the land. I replied that I would say nothing

[41] ibid., 5 April 1911, fols 269-271.

about the matter. I was at Mr Sharp's office when the deed was signed. The paper was read and after they were signed Kingi read me the paper. They were not explained before we went to Mr Sharp's office.[42]

79. Kingi Tahiwi was called to give evidence by the purchaser's counsel:

I am a 1st grade licensed interpreter. I went to Okoroire in connection with office business apart from the purchase of Ohau. I met Tawharangi at his home. He spoke of the troubel had had had with a Mr Harris in connection with the completion of the purchase of some land sold to Mr Gower previously. I told Ngawarahi that I came from Kirk and Stevens. I did say I was sent by Wiremu. I was at Tauranga about a month after I was at Henare's place. I told them Wiremu had a scheme of selling this land and improving his own and of transferring part to her. I had twice explained the document to Ngawarahi before they were signed. Wiremu when I saw him was in favour of selling the Ohau land. I am certain of this. Henare told me Bevan had been defaulting for 10 years. Ngawarahi said she received no money from Bevan. I am perfectly certain Ngawarahi understood the contents of the other declaration before she signed the declaration. Wiremu told me that Mr Harrison was not much class and had beaten him for some money out of the sale of section 16 Ohau. When Wiremu told me that Bevan's rent was in arrears, it was the first I heard of it. I sent a wife to KoS stating that Wiremu had placed £15 an acre on the land and got a reply 'offer Ngawarahi £10 direct'. I sent a message to Ngawarahi 'Come to Tauranga, some money for you'. I had a blank cheque of KoS to fill in the money necessary to be paid in the sale. I will not admit that I said to Ngawarahi that Henare dad sent me to get the signature. The transfer was rent to me at Rotorua by Mr Stevens. I used a blank cheque which I had on account of another native whom I did not find. Ngawarahi said she had received no money under the lease. I am certain there was no misrepresentation on my part. This is the first time I have been accused of misrepresentation.[43]

80. The board gave its decision on the application the following week:

This is an application for confirmation of transfer dated 10th of November, 1910, from Ngawarahi Hana, to George Gower of 55 acres. The application is opposed by Ngawarahi, on the grounds:– 1. That Kingi Tahiwi, the agent in the purchase negotiations, induced her to sign the transfer by a misrepresentation of fact, and 2. That she has not sufficient maintenance lands left for her support. But evidence has been adduced really extraneous to the real issues involved, and allowed on account of the gravity of the charge of misrepresentation. While unable to say that there was a direct and intentional misrepresentation by Kingi Tahiwi inducing the signing of the document, the Board is of the opinion that Ngawarahi signed the transfer only because of her belief that her cousin Wiremu Henare wished to do so in order to aid him in his own financial matters. Ngawarahi's acts subsequent to the signing, in going to see her cousin, then instructing a solicitor to oppose the sale, and later sending her cousin to Wellington to the Board with instructions to oppose the confirmation, and to return the cheque paid to her as a deposit all point to the conclusion that at the time of the signing she was under a misconception as to the propriety or necessity for the sale, and that this misconception was removed from her mind when she saw Wiremu. We are not satisfied that all Wiremu's evidence is truthful, and are therefore unable to impugn Kingi Tahiwi for intentionally creating the misconception in Ngawarahi's mind. The board cannot give credence to the statements as to the absence of the proper formalities at the time of the signing of the transfer. The defect in the negotiations was anterior to that. Apart from the foregoing it has not been established that Ngawarahi has sufficient other land for her maintenance, and on that ground alone, the Board would have refused to confirm the sale. The application is therefore dismissed. The Board will refund the deposit of £50

[42] ibid., fols 271-272.
[43] ibid., fols 272-273.

> to the person entitled. The Board here intimates that in connection with the schedules of maintenance lands filed with applications for confirmation, it will require more care to be exercised than has hitherto been the custom with some practitioners.[44]

81. In this situation, the board refused to confirm the transfer. The minutes do not specify exactly which part of Ohau 3 Section 26 was the subject of this application (the block was divided into many different parts). It was likely Lot 18A2, which was vested in Ngawaraihi Hana on partition when she was a child, and acquired by another European purchaser in 1932.[45]

b Issues of Law in the Board's Proceedings

82. In June 1914, the board dealt with an application for the transfer of an undivided half interest in Himatangi 4B containing 128 acres 3 roods 7 perches. The legal issues raised by this transaction were reviewed by the Supreme Court because of the competing interests of European farmers. Himatangi 4B was subject to a transfer signed in April. Myers and Baldwin represented the applicant and Luckie appeared for the estate of James Barber (which was occupying the land). Luckie opposed confirmation on the basis of s 93 of the Native Land Amendment Act 1913: 'He submitted that a breach of faith existed in as much as the Natives had promised to give his clients first right of refusal to buy or lease'. Their lease was due to expire in September 1918 and they had occupied it for about 36 years. Walter Barber was called to give evidence. He was a trustee of his father's estate; his father had died twelve years earlier. The trustees had given a sublease of the block to Henry Barber and John Davis. Significant improvements had been made to the land. Walter Barber was not eligible to acquire the land but R.H. Barber was.

83. The Māori landowner, Te Atua Renata, had told Walter that the Barbers would have first right of refusal in any sale. Edward Daniel Barber, another trustee of the estate, also gave evidence that Te Atua had told him that he would sell the land to his family. Another transfer by Te Atua for an interest in Himatangi 4C1 was considered by the board immediately after this and both applications were adjourned to allow the President to state a case for the determination of the Supreme Court on the meaning of s 93 of the Native Land Amendment Act 1913 (relating to the alienation of interests in

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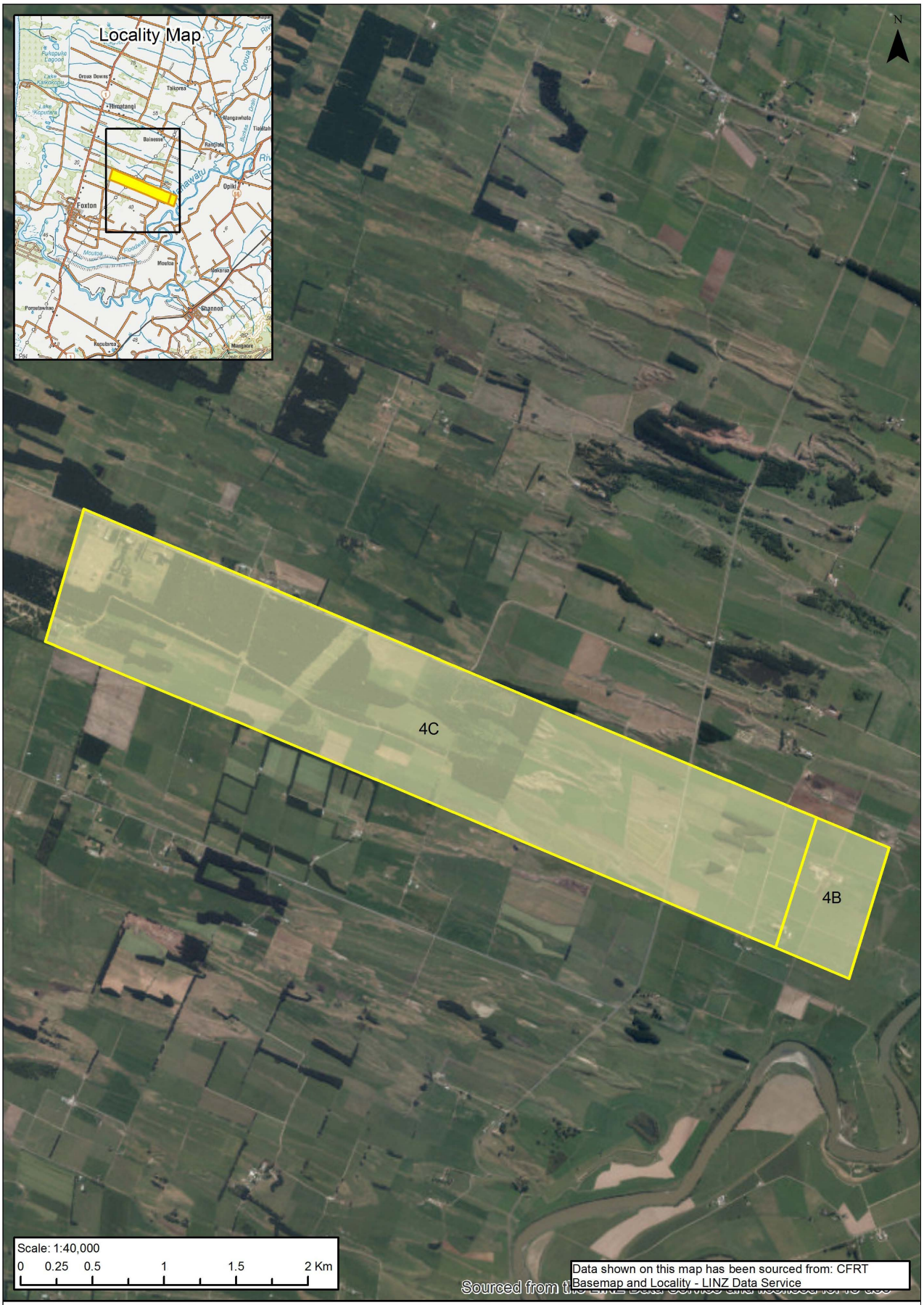
[44] ibid., 12 April 1911, fol. 293.
[45] Walghan Partners, 'Block Research Narratives' DRAFT, 1 May 2017, vol. III, p. 120.



Rangatiratanga Versus Kawanatanga: **Himatangi 4B and 4C**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 021 Map projection: New Zealand Transverse Mercator Date: 19/05/2017

Map 11: Himatangi 4B and 4C

land subject to lease and the protection of the tenant's interests in any improvements to the land). Application for confirmation of transfer of Himatangi 4C4, which was owned by another member of the Renata whānau, was adjourned for the same reason.[46]

84. The question stated by the board came before the Supreme Court at Wellington in March and April 1915 and a decision was given by Justice Chapman in July.[47] The purchasers and the trustees were represented by senior Wellington counsel (Charles Skerrett KC (the future chief justice) for the trustees and Sir Francis Bell KC for the applicants). Two questions were submitted for consideration but the Court considered it was only necessary to consider one of them:

> Are the said Walter Edward Barber and Richard Henry Barber, or either of them, or the other persons who are beneficiaries of the said James Barber, or any of them, entitled to the benefits conferred by section 93 of the Native Land Amendment Act, 1913?

85. The Court's reported decision noted that a memorandum of lease to James Barber was entered into in 1894 for a period of 21 years. The lease was over three interests and expired separately at different times in September and October 1915. There was no provision for compensation for improvements. After James Barber died, his trustees arranged subleases to continue occupation of the block and they were all due to expire in September 1915. Te Atua Renata succeeded to four interests subject to lease and signed transfers for these interests to different purchasers. The applications for confirmation were opposed by the trustees for James Barber's estate on the basis of s 93 of the Native Land Amendment Act 1913. One of the trustees was disqualified by this claim and the applicants alleged that the other beneficiaries were similarly disqualified from the benefits of s 93. It was assumed for the purposes of the hearing that substantial improvements had been made by the lessees to the block (the interests of the sub-lessees were transferred to the trustees of the estate by them during the course of the proceedings). This resolved the issue of whether the trustees were sub-lessees or tenants of the Māori landowners (as required under s 93). The section provided:

> In the case of an application to confirm any alienation of any interest and land held by a tenant under an existing lease direct from the Native owner, but containing no

[46] After the proceedings described below were concluded, this transfer was confirmed on 28 July 1915, see Ikaroa District Maori Land Board Minute Book 5, 28 July 1915, fol. 205.
[47] *In re Himatangi No. 4B and No. 4C* (1915) 24 NZLR 740 (SC).

> provision for compensating the tenant for improvements, the tribunal dealing with such application for confirmation may (if such alienation be to such person other than such tenant) refuse confirmation of such alienation if it appears that the tenant holding of the Native owner has executed substantial improvements on the said land, and it is of opinion that such alienation is not in good faith so far as regards such tenant, and calculated to deter him from proceeding with the improvement of the land and his lease, provided such tenant shall himself be willing to purchase or lease the land at the same price or rent as the applicant for confirmation has agreed to pay, and is not disqualified from acquiring such land.

86. The latter was also raised as an issue in the hearing as to whether the trustees were disqualified from acquiring the land (for example, due to the extent of the lands of the estate). This issue was the subject of an inquiry by an independent King's Counsel and resolved prior to the second stage of the Court proceedings. However, Justice Chapman noted anyway that:

> The section in question does not actually give the tenant a pre-emptive right to purchase the land, as the case stated assumes, but it enables him to prevent any stranger from buying it provided the tenant is willing to pay the price which the applicant has agreed to pay. As the Native owner is assumed to be a seller, the Legislature considers that he is only interested in the price and not in the choice of his buyer. The disqualification (if any) of the objectors arises under section 72 and the following sections. It is not disputed that the objectors are or represent the executors of the late tenant's will. They are not, therefore, acquiring any Native freehold land as the beneficial owners. They are merely performing their duty as trustees, just as the Public Trustee might at any time have to perform it.

87. The Supreme Court found that the trustees did meet the requirements of s 93 and could claim the rights created under it.

88. After these proceedings, the application for confirmation of transfer of the Himatangi 4B block returned to the board meeting at Wellington in August 1915. Counsel representing the applicant and the trustees attended. One of the trustees gave evidence about their occupation of the block and counsel also addressed the board.[48] The President noted that the board's power to refuse under s 93 was discretionary. He rejected their claim under s 93 for reasons which are relatively obscure: he acknowledged the transfer might be against the interests of the trustees, their legal rights were not compromised: 'They were not cut short in carrying out improvements on the reasonable expectation of getting a renewal of the lease or a transfer of the property as no improvements were then in progress. Their loss if any is a damnum sine injuria for which neither common law nor the statute under consideration gives a legal remedy'.[49] The board moved immediately to consider the application for

[48] Ikaroa District Maori Land Board Minute Book 5, 16 August 1915, fol. 228.
[49] ibid., fol. 233.

confirmation under s 220 of the Native Land Act 1909. Te Atua Renata gave evidence. He told the board:

> I bought horses and dray and furniture at a cost of nearly £200. That is all I bought with monies I received from the sale of land. I sold Tahoraiti to the Government for £200. I sold Porangahau 1A3B2 for £500. I spent some of it. I paid £150 of this to buy other land. The other £350 I spent on clothes etc. I sold Whititara. I have no idea of the value of land. I signed the transfer at £17 an acre which was the Government valuation. I was offered £20 an acre on Saturday by both parties. I have been sued for stores. I owe Mr Baldwin over £50 money lent to me I borrowed from no one else. I do not know Ernest Chapman or anything about him. He was away before the transfer was put through. I got no part of the purchase money. I owe a little at our local store about £8. I have not signed a lease of 4B or 4C. To Mr Upham [who represented the purchaser]. I desire to buy land at Koputuaroa. It is European land. I am paying £43 an acre. There is stock and a house on the land. I am milking 56 cows. It would carry 75 cows. I desire to settle down and make a home for myself. Mr McMillan milks cows on the adjoining. I paid £150 of my own and borrowed £1600 to pay as a deposit. I desire therefore to sell Himatangi.

89. Despite Mr Upham's efforts to get Te Atua to present himself as a respectable and sober individual intent on improving himself and his financial situation, his earlier evidence and actions were more compelling for Judge Gilfedder. After all of the litigation to allow the alienation to proceed, the board declined to confirm the transfer, 'As the Native has sold other lands and has gone through the money, the Board does not, after hearing his evidence today, consider it in his interest to sell this land, which at a rental of £1 per acre would return to him £64 per annum. Therefore the application for confirmation of the sale to Chapman will be refused'.

90. Nevertheless, transfers of parts of all three blocks (Himatangi 4B2, 4C1 and 4D1A) were confirmed by Judge Rawson a few years later in December 1920.[50] The board's decision was simply revisited a short time later and the land was alienated.

91. Likewise, the board refused to confirm the transfers for Himatangi 4D1 (owned jointly by Ieni Renata and Te Atua) and Himatangi 4C1 (owned by Te Atua alone). Judge Gilfedder observed that it would be 'detrimental' to their interests and he advised them to lease so they would have an annual income.[51] However, Taonui Ahuaturanga 1F1B, containing 48 acres, was the subject of an inquiry by the board under the same provision in June 1915.[52] A lessee claimed under s 93 against a transfer to another Pakeha. The board heard evidence from both parties and visited the

[50] Ikaroa District Maori Land Board Minute Book 9, 21 December 1920, fol. 279.
[51] Ikaroa District Maori Land Board Minute Book 5, 16 August 1915, fol. 234.
[52] ibid., 10 June 1915, fol. 150.

land but appears to have concluded that the improvements claimed by the lessee were not 'substantial' as required by the legislation. It therefore confirmed the transfer.[53]

c Transfer of Income Generating Land

92. For a time, Judge Gilfedder, the board president, was relatively assiduous in refusing to confirm transfers or recommend mortgages where he considered the land could generate a lucrative income for the owner, the purpose for which the funds (either purchase money or loan) was unsuitable or an owner was rendered landless by a transfer. However, the last point was not always determinative. For example, the board considered an application to confirm a transfer of Manawatu Kukutauaki 3 Section 2E1.[54] This was a small block of just over 13 acres which was valued at £405. The vendor was Karaitiana Te Ahu and the board observed that '[p]robably the vendor has insufficient other Native lands for adequate maintenance. However, the solicitor acting for the purchaser argued that she was the wife of John McMillan. The board agreed to confirm the transfer subject to an increase in the purchase price from £300 to £405 and required payment to the board.

93. He wanted further information about a transfer of Waiorongomai 2 to F.S. Simcox.[55] The block was leased to Simcox but the rent was not paying the interest on the mortgage. Judge Gilfedder was also concerned that the vendor, Whata Hakaraia, would become landless. Whata told the board that he owed £20 (including £10 to the purchaser/lessee) and wanted to sell to pay off the mortgage. Simcox's lease had more then twelve months to run. He certainly had other land which was also generating income (both rent and flax royalty). These lands were in Manawatu Kukutauaki, Papangaio and Moutere Tahuna. He was due to succeed to other land belonging to his grandmother at Maketu. He also noted that he worked as a farm labourer and earned 9s a day (he had been in employment for 20 months). He did not want the purchase money paid to the board. However, Judge Gilfedder was extremely concerned about why Whata had received no income under the lease:

> It seems the vendor received no rent for the last nine years. He was told that Simcox paid the rent for the whole term in advance to his father. He was not shown any receipt and he took no legal steps to get his rent. Application deferred until further inquiries made into the dealings between Simcox and Whata his father.

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[53] ibid., fol. 168.
[54] Ikaroa District Maori Land Board Minute Book 6, 15 March 1916, fol. 17.
[55] ibid., 17 May 1916, fol. 56.

94. Twelve days later, the board confirmed the transfer (and was willing to receive receipts showing payment had been made direct to the vendor). No information about its inquiries into the lease were recorded by the board in its minutes.

d Dealings with Purchase Money

95. In August 1921, the board considered an application to confirm the transfer of Manawatu Kukutauaki 7D1 Section 4B2.[56] Hirini Pouwhao was the vendor and told the board that he was a dairy farmer who wanted to sell the block so he could buy land adjoining his farm:

> I am a diary farmer. I desire to sell in order to buy adjacent land. I am agreeable to the Board holding the money. I earn £300 a year. I have entered into negotiations for the purchase of land. I am buying land from McDonald at £45 for 10 acres. Tiaki is a casual labourer and is paid to be a good worker. Kerehoma is said to be a casual worker.

96. The board noted that the owners 'appear to be landless' but confirmed the transfer anyway under s 91 of the Native Land Amendment Act 1913. The purchase money was to be paid to the board which would hold it under s 92 'for investment for the benefit of the vendors'. Hirini's share of the purchase money was apparently used to acquire Manawatu Kukutauaki 7D2D Section 57B2 and Manawatu Kukutauaki 7D2D Section 37 from L.A. McDonald.[57] The land was transferred to the board to hold on trust for Hirini (and was later transferred by the Maori Trustee, which took over the board's functions, to Hirini's successors).

97. The Court had a wide discretion when it came to the applications of funds realised from the alienation of a block of land. For example, Taonui Ahuaturanga 1F1A3 contained six acres and was vested in one owner. The Court confirmed a transfer of this block in July 1952 for £480.[58] In confirming the alienation, the Court directed the board to hold the purchase money under s 281 of the Native Land Act 1931 for housing purposes.[59] However, the owner and her husband subsequently advised officials that they did not want to take on a mortgage for a house:

> On confirmation the Court directed that purchase money herein be held under Section 281/31 for housing purposes.

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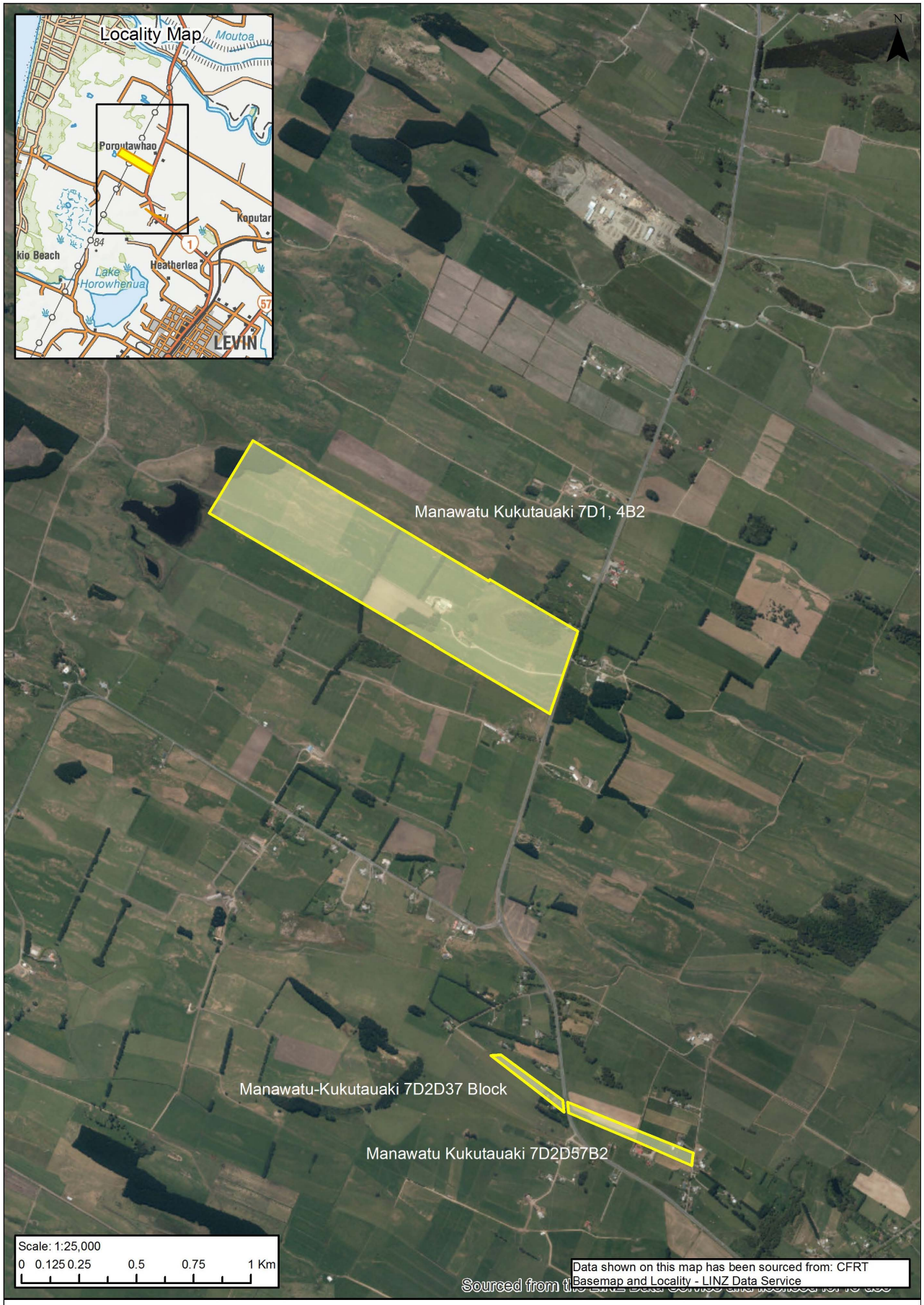
[56] Ikaroa District Maori Land Board Minute Book 9, 11 August 1921, fol. 342.
[57] Park and Cullinane to the Registrar, 30 January 1956, 3/8762, Manawatu Kukutauaki 7D1 Section 4B2, Maori Land Court, Whanganui.
[58] Otaki Maori Land Court Minute Book 64, 25 July 1952, fol. 357.
[59] Minute Sheet, 3/9420 Taonui Ahuaturanga 1F1A3, Maori Land Court, Whanganui.



Rangatiratanga Versus Kawanatanga: **Manawatu Kukutauaki 7D1,4B2**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 023 Map projection: New Zealand Transverse Mercator Date: 19/06/2017

Map 12: Manawatu Kukutauaki 7D1 Section 4B2, 7D2D Section 57B2 and 7D2D Section 37

> Beneficiary and her husband called today. They are an old couple, family grown up and left home and do not want to saddle themselves with repayment of a housing mortgage. Instead they have purchased a three roomed army hut and are renovating it to suit their purposes. Erected on land owned by husband who engages in market gardening.[60]

98. They submitted accounts from local merchants and suppliers totalling £208 1s 6d for payment by the board from the purchase money. Further accounts were still to come in and the balance of the purchase money was to be used for furnishings:

> Some small accounts are yet to come for roofing iron etc. Any surplus funds left over after completion of this work, the beneficiary desires to use for purchase of furnishings.
> Both beneficiary and her husband impressed me as being hardworking and reliable.
> I would recommend that payment of £208 1s 6d as set out in paragraph 3 be approved and also any further accounts submitted for the same purpose.[61]

99. This recommendation was approved by the Assistant District Officer after consultation with Mason Durie (to ensure the couple had no other debts to pay).

100. In Manawatu Kukutauki 4E3 Section 1D6, a meeting of owners was held to consider the sale of the block. Three owners attended the meeting at Ōtaki in July 1953 in person and four others were represented by proxy. They held just over 36% of the shares in the block. One of the owners represented by proxy held a one quarter share in the block while the others were all successors to owners and held very small itnerests. The Court's recording officer chaired the meeting. The purchaser spoke first and increased his offer. He owned four blocks of adjacent land and had occupied the land informally for many years. He told those present that he had paid rent during this time. A number of owners also spoke. Hanatia Rewi, who was not present but represented by proxy, was the largest shareholder in the block and lived in Petone:

> … where she owned quite a good house which needed some repairs. She desired to use her share of the purchase money for this purpose.[62]

101. Ngamihi Ranapiri stated that all those present wanted to sell:

> The land was a small block and apart of the share of Hanatia Rewi and of two absentee owners who lived in the Waikato the shares were so small that none of them would have enough land to use personally and a lease would only bring them in a few shillings a year each. She herself had a new house and could use the share of purchase money to buy furniture.[63]

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[60] File Note, 28 April 1953, 3/9420 Taonui Ahuaturanga 1F1A3, Maori Land Court, Whanganui.
[61] ibid.
[62] Minutes of Meeting of Assembled Owners, 22 July 1953, 3/9498 Manawatu Kukutauaki 4E3 Section 1D6, Maori Land Court, Whanganui.
[63] ibid.

102. Two other owners would require housing loans in the next two years and wanted to have their share of the purchase money held for this purpose. The owners agreed to sell the block (but also passed an alternative resolution to lease if the Court would not confirm the resolution to sell). The Court confirmed the resolution to sell in November.[64]

e Ahi kā

103. It does appear that ahi kā was an important consideration in the decisions of Māori landowners to alienate their interests in lands. The Aotea District Maori Land Board confirmed the transfer of the interests of two of the original owners in Reureu 2A, representing 41 acres 1 rood 19 perches, in November 1918 for £1,264 14s 9d and the transfer of another four interests (all successors to an original owner), representing 26 acres 2 roods 23 perches, in October 1919 for £711 8s 3d.[65] The block had a total area of 90 acres and these interests, all acquired by the same Pākehā purchaser, were partitioned into 2A2. The land was valuable with a government valuation, in January 1919 of £2,403. The schedule of other lands filed by the solictors for the purchaser in the second transaction shows that their other lands were all located in the Waikato (parts of Rangitoto A, Puketarata and Rangitoto Tuhua).

104. There were, however, instances where meetings of owners conducted away from the rohe rejected proposals to alienate their lands. For example, in relation to Reureu 2C1A, an application to summon a meeting of owners to consider the sale (and, in the alternative, a lease) of the block led the board to direct the Registrar to call a meeting to consider the resolution. It was narrowly rejected by the owners, meeting at Te Kuiti in August 1920 (2 1/6 in favour and 2 5/6 shares against). Three days after the meeting, Mason Durie (Hoani Meihana) approached the Registrar for details about the application and where the meeting was to be held.[66] He had evidently heard a meeting had been called but had not received any notice. The minutes do not show that he attended the meeting.

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[64] Otaki Maori Land Court Minute Book 65, 4 November 1953, fol. 122.
[65] See 3/9920 Reureu 2A (now 2A2), Maori Land Court, Whanganui.
[66] Mason Durie to the Registrar, 9 August 1920, 3/9927, Maori Land Court, Whanganui.

Rangatiratanga Versus Kawanatanga: **Matau Marae Site**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 011 Map projection: New Zealand Transverse Mercator Date: 7/06/2017

Map 13: Matau Marae (Manawatu Kukutauki 7D2D Section 57B)

105. The arrangements regarding Matau Marae and the alienation of the Manawatu Kukutauaki 7D2D Section 57B block demonstrate the disruption caused to continuing land ownership and hapū when those in whom the land was vested as owners were no longer ahi kā. In May 1939, the Court considered an application under s 31 of the Native Land Act 1931 to vest the meeting house and dining hall on Manawatu Kukutauaki 7D2D Section 57B in trustees.[67] It appears the application related only to the buildings, and not to the land. Counsel for the applicant told the Court that the buildings were to be vested for benefit of Ngāti Matau. The owner of land:

> Desires to vest buildings in trustees in order that they can attend to repairs and maintenance and control the use of the building. There is no question involved as to the owner and possession of the buildings – but the buildings are accustomed to being used by the Natives of Poroutawhao for public purposes.[68]

106. The owner of the land, Paeroa Wi Neera, gave evidence in support of the application:

> Live at Porirua. Am owner of Man Kuk 7D2D 57B block. There is a big Maori Meeting House on this [block]. There is a dining room also. It is separate from Meeting House. Both buildings on my land. My mother's father built the Meeting House. The dining hall was built by Rawiri Tatana. I think it was Rawiri Tatana's money that was used in building dining hall but he should be able to tell you. I am sister of Rawiri Tatana. Money provided by my grandfather to erect the Meeting House. Later information I have received is that House reviewed and renovated by my mother and father. There is no dispute as to Meeting House being owned by me. The freehold of land on which buildings are erected is mine. But the buildings belong to our families. Myself and my family and the people of Poroutawhao Ngāti Matau Tribe. Are the people accustomed to use the buildings. Dining Hall is named after Parekawhai after Matau's wife. Matau was the ancestor of Tribe. Is my wish that the buildings be vested in trustees and that my personal right to the buildings go with the vesting. Am not giving the land only surrendering any personal claim to the buildings. Am agreeable to giving a right of way over my land to persons using these buildings. Have discussed question of Trusteeship with my brother. I am quite prepared to leave it to discretion of Court and wishes of people.[69]

107. Rawiri Tatana, who leased the land and was the sister of the owner, also gave evidence in support of the application:

> I live at Poroutawhao. Am lessee of my sister's land. Dining Room erected by myself and Ngati Matau. A collection was taken to provide funds for the purpose. As lessee of land I have no objection to buildings being vested in Trustees. Am prepared to grant right of way to the buildings. The block has a road frontage. The right of way asked for is over the land from the road to the buildings. Actually well defined track across the land to buildings. There has been a meeting of the people to discuss question of these Houses and Trustees. The names of the persons to be appointed Trustees have been decided upon. A list will be submitted to the Court.[70]

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[67] Otaki Native Land Court Minute Book 60, 31 May 1939, fols 346-348.
[68] ibid.
[69] ibid.
[70] ibid.

108. There were no objections and the Court made the order requested, vesting the buildings but not the land in trustees to be be identified 'for the use and enjoyment of the Ngāti Matau Tribe, the owner and lessee of the said land the Māori community at and near Poroutawhao'. A right of way to the buildings was also included in the order. The Court dealt with an application by Rawiri Tatana to appoint new trustees to replace two who had died in May 1945.[71]

109. Difficulties arose in 1958, when Rawiri Tatana wrote to the Minister of Maori Affairs regarding his sister's intention to alienate the land on which the buildings sat. He opposed the proposed alienation because the area 'was set aside for a marae site' and was 'a Pakakainga for our family and people'. He explained the family arrangements which left his sister with the land:

> When successions orders were put through in Maori Land Court, we, the family of our deceased parents, being entitled to succeed to their Estates, agreed that Paeroa be Successor to the Marae Site, where she was resident at the time; unanimously feeling that she would be a good Caretaker for the Marae. But she left the Marae and became resident of Porirua. We had such a great faith and confidence in her; and we never knew, she would think ever of doing such a thing. I think we would not have consented to her having Marae Site so quickly, had we known that this would eventuate.[72]

110. The proposed purchaser had already acquired the surrounding land at Poroutawhao and he was concerned about aggregation. He was also most concerned that alienation of the block would isolate the marae as it was some distance from the road.

111. Rawiri's request to the minister was to assist in funding his acquisition of the land from his sister so the marae could be preserved:

> I am very perturbed; and if my sister sold to him, we would have no marae. I would sooner be the purchaser of this property if my sister is desperate for money; but, owing to lack of finance, I can do nothing unless your Board would favour me with the necessary finance. Meaning, if your Board of Maori Affairs would consider purchasing the property for me.

112. However, he was also willing to use the lands he held for his dairy farm as security for a loan from the board. He noted that he had freehold interests and leases of the land across the road from the marae.

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[71] Otaki Native Land Court Minute Book 62, 30 May 1945, fols 370-371.
[72] Rawiri Tatana to the Minister of Maori Affairs, 15 October 1958, 3/9184 Manawatu Kukutauaki 7D2D Section 57B1, Maori Land Court, Whanganui.

113. A request for an urgent report was sent to the district officer at Wellington. The district officer advised that no application for confirmation had been received at that point.[73] The parent block, Manawatu Kukutauaki 7D2D Section 57B1 containing 13 acres 3 roods 2 perches, was formerly owned by Mihipeka Tatana and Hemi Hohaia. Hemi Hohaia alienated his interest in the block, which was divided on 4 May 1926 and his interest was included in Manawatu Kukutauaki 7D2D Section 57B1. The successors to Mihipeka came to an arrangement to vest the block in Paeroa Wi Neera as sole successor (as Rawiri explained). The district officer noted that the buildings were vested in trustees and appeared to suggest that as the land was subject to an order under s 31 of the Native Land Act 1931, it was inalienable:

> The present position is that the buildings are vested in trustees who have at all times access over the land. Section 31/1931, subsection 4, said that property covered by an order under this section shall be absolutely inalienable except with the consent of the Governor-General in Council. The Order of 1939 appointing trustees has not been registered in the Land Transfer Office, but the partition order has been registered.

114. The district officer also noted that the writer of the letter was a lessee of the land (and any transfer of the freehold would still be subject to Rawiri's lease).

115. The point raised by the district officer regarding s 31 was the focus of the minister's response to Rawiri. After noting that the buildings had been vested in trustees for Ngāti Matau, but not the land, and that there was a right of access over the land from the public road to the buildings, the minister observed:

> In terms of this Order, the buildings are absolutely inalienable except with the consent of the Governor General and Council. It therefore appears that even if the land is disposed of by your sister the people entitled to the use of the buildings will still have the right of access and enjoyment. Any lessee or purchaser of the land would be bound by the provisions of the order, but you might be wise to get your solicitor to arrange for production of the order to the District Land Registrar so that it may be placed on record against the title.[74]

116. The minister observed that this 'safeguard' might deal with Rawiri's concern:

> You may consider that the safeguards already operating to ensure the continued availability of the buildings make it unnecessary for you to burden yourself with a loan to purchase the land.[75]

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[73] O'Kane to the Secretary, 10 November 1958, 3/9184 Manawatu Kukutauaki 7D2D Section 57B1, Maori Land Court, Whanganui.
[74] Skinner to Tatana, 20 November 1958, 3/9184 Manawatu Kukutauaki 7D2D Section 57B1, Maori Land Court, Whanganui.
[75] ibid.

117. If Rawiri did want to proceed with a loan, he suggested he apply to the Maori Trustee through the district office at Wellington. His department would take account of 'the security offered and the repayment prospects' in assessing any application. The extent of the funds available would be up to 60% of the value of the security. Evidence of a loan application by Rawiri has not been located.

118. While the minister attempted to reassure Rawiri by citing s 31 of the Native Land Act 1931, an important issue was missed. Certainly subsection 4 appeared to provide security for the marae and dining hall. Subsection 2 also gave the Court power to create a right of access over adjoining land to use the buildings. It also allowed the trustees to occupy the building free of rent: 'the trustees shall be entitled to hold and occupy and allow others to occupy the said building free of rent'. Whatever the ownership of the land, the buildings would remain. However, both of these concessions were contingent on the continuing existence of the building:

> … so long as the said building is in existence, or to remove the same if they see fit. If the building is burnt down, or is otherwise totally destroyed, or is removed, the rights of the trustees and of those beneficially entitled over the land under such order shall cease.

119. It would appear that Rawiri had obtained a new lease from his sister as it was entered into on 17 February 1949 at an annual rental of £20. The lease was confirmed by Judge Whitehead 16 November 1949. It referred specifically to the s 31 order issued by the Court in May 1939. The lease term was eleven years so it was due to expire in February 1960. On 8 October 1963, the Maori Land Court received an application for confirmation of alienation of the block. The vendor had entered into an agreement to alienate the land on 2 October. The particulars of title submitted with the application made no reference to the lease or the s 31 order and described the land as 'vacant'. The purchaser already owned the surrounding land. The application was considered by Judge Jeune at Levin in November and received provisional confirmation, subject to the payment of the purchase money directly to the vendor.[76] The hearing was brief and did not refer to the buildings on the block. The purchase price was £1,350, considerably in excess of the government valuation of £720. The judge signed the certificate of confirmation on 25 February 1964 (despite the three month deadline for completion).

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[76] Otaki Maori Land Court Minute Book 70, 18 November 1963, fol. 242.

120. According to Wayne Kiriona (Wai 757), the whare tupuna remained there until early 1970s when Ngāti Huia pulled it down so they could start work on the new Matau Marae.

121. The owners of blocks meeting to consider offers to sell were often divided on how to proceed. The owners of Pukehou 4C4A met at Levin in December 1977 to consider a proposal to sell the block containing 58 acres 1 rood 4 perches for $30,000.[77] The purchaser's solicitor told the owners that the offer was 'generous' and well above the capital value. The purchaser was planning to farm the land. However, after he and his client left the owners, there was opposition. One did not want to sell 'and suggested to the owners that they consider setting up a trust with the idea of dividing the property into sections and selling them as housing sites'. Another owner supported her. A number considered the offer too low and wanted $90,000 instead. The Court's recording officer conveyed this to the purchaser who agreed to increase his offer to $50,000 and this was accepted by the owners on a vote (4993.520 in favour and 2044.373 against). Four owners signed memorials of dissent. Their interests in the block represented 1609.373 shares.[78]

122. After the purchaser applied to the Court for confirmation and it was advertised in the pānui, a relation of one of the owners who had opposed the sale and had signed a memorial of dissent wrote to the Court in April 1978 to indicate his uncle's opposition to the proposed sale.[79] The writer was a police officer at Levin. The owner was unable to attend the forthcoming hearing as he had recently been discharged from hospital:

> His instructions are as follows:
> 1. He is totally opposed to the sale of any of his land interests.
> 2. He holds proxy to his sister Peggy's interests and advises that she also is not in favour of the sale listed in the present Panui.
> 3. He has only just come out of hospital where he lost an eye and is unable to drive the distance required to represent his own interests.
> 4. He is unable to afford and doesn't wish to employ a Solicitor.[80]

[77] Statement of Proceedings of Meeting of Assembled Owners, 7 December 1977, 3/9730 Pukehou 4C4A, Maori Land Court, Whanganui.
[78] Report of Recording Office at Meeting of Assembled Owners, 14 December 1977, 3/9730 Pukehou 4C4A, Maori Land Court, Whanganui.
[79] Perenara to the Registrar, 26 April 1978, 3/9730 Pukehou 4C4A, Maori Land Court, Whanganui.
[80] ibid.

123. It does not appear that this intervention had any impact as the Court confirmed the resolution to sell for $50,000 in July.[81] The purchase was subject to a lease to the Otaki and Porirua Trust Board which did not expire until 1 January 1980.

f Mortgage

124. Alienation was one way of obtaining funds from lands but mortgages were also used. It was not unusual for Māori land to be security in obtaining a loan and mortgages had to be reviwed by the board which would issue a recommendation to the Governor-General in Council. The consent of the Governor-General in Council was required to give effect to a mortgage.

125. In Taonui Ahuaturanga 2B8, the board considered an application to confirm a transfer entered into in September 1911.[82] The vendor was Tura Mariti and the area of the block was 8 acres 0 roods 15 perches. It was subject to a mortgage registered the previous year of £120. The purchase price was £500. Aranui Hoata opposed confirmation of the transfer and was represented by counsel at the meeting. He told the board that the 'vendor has insufficient land for his maintenance'. Aranui was present and raised questions about the accuracy of the schedule of lands owner by the vendor. Tura Mariti told the board that his Sandon land was leased and he was received 15s an acre. The lease was to run for another ten years. Apparently the schedule referred to Awahuri lands and Tura described them as several parts of Aorangi. He intended to use the purchase money to acquire other land adjacent to his Aorangi lands (Aorangi 1 Section 5B). He advised that his debt to the bank manager was £100 and he owned £200 to the State Advances Office.

126. The board reserved its decision on this application and gave it in early February.[83] It decided to confirm the transfer but with conditions on the *vendor*. These included the discharge of the mortgage to the State Advances Office and £200 of the purchase money was to be lodged with the board by him 'for investment in other land as stated by vendor in his evidence'. A receipt for the payment of the remaining £300 direct to the vendor was to be provided to the board.

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[81] Otaki Maori Land Court Minute Book 81, 3 July 1978, fol. 181.
[82] Ikaroa District Maori Land Board Minute Book 3, 28 November 1911, fol. 96.
[83] ibid., 6 February 1912, fol. 143.

127. While the application for a recommendation to the governor to give consent in relation to Manawatu Kukutauaki 4E3 Section 1C was unsuccessful, the evidence given to the board by Ruiha Te Angiangi, the applicant, was significant.[84] The block was already leased and generating nearly £60 per year divided among eight owners but Ruiha needed additional funds to pursue her Waikato interests:

> I wish to give a mortgage to Mr Harper. I desire the money. The rental I receive is £30 a year and in two years I can repay the amount to Mr Harper. There are lands in the Waikato I ought to be in. I want the money to pay my expenses till I go up to fight the cases on investigation of title. I am almost sure to be included if I go up and contest the matter. I produce a letter from my agent in the Waikato asking me to send him money. I wish also to appeal re the Mangakautu Block. I require the sinews of war to enable me to fight in the Courts. My instalment of rent will not fall due till next February.

128. The board gave no reasons for declining to issue a recommendation.

129. In Moutere 8B1, containing 4 acres 1 rood 19 perches, the board agreed to confirm the transfer of the block.[85] The indebtedness of the vendor was a key consideration:

> Naera Hapeta (sworn) said I am an owner. I think I have other lands. I work at the flaxmill. I worked 5 years at 14s a day. I work four months a year at the Mill, the rest of the year I work on the farm. There is a mortgage of £270 on the land. I passed the money over to my sister Raiha to build a house. I made no effort to pay off the mortgage. I owe £12 outside the mortgage and interest on it. I got about £30 in advance on signing the transfer. Byron Brown is the mortgagee. It is now occupied. My brother leased the land to chinamen. I got no rent.

130. Naera was the only owner in the block. It does not appear a schedule of other lands was filed with the board. However, Judge Gilfedder confirmed the transfer subject to payment of the balance of the purchase money to the board and production of receipts for the payment already made to the vendor. The purchase price was £470 (of which £440 was paid to the board).[86] The board would pay off the mortgage and other 'present pressing debts of the vendor'. Eventually, the balance of £151 8s 3d was paid to the vendor.

131. The situation regarding Reureu 2D1 and 2D3 indicates that Māori landowners sometimes had to engage in risky borrowing because other institutions like the Public Trustee had requirements which could not be met (this mortgage was established before the Native Trustee, which also engaged in extensive lending on Māori land through the 1920s).

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[84] Ikaroa District Maori Land Board Minute Book 5, 4 November 1914, fol. 24.
[85] Ikaroa District Maori Land Board Minute Book 9, 2 March 1920, fol. 140.
[86] See 3/8492 Moutere 8B1, Maori Land Court, Whanganui.

132. The Aotea board dealt with an application to approve a mortgage of £300 on this block in March 1920. The money was to be lent by a European and secured on the two blocks containing 14 acres 1 rood.[87] The recommendation by the board to the Governor-General in Council to consent stated that:

- The terms offered by the European lending the funds were more lenient than the terms offered by the Public Trustee which required an assignment of rent. The applicant had no rents to assign and could not obtain a loan from the Public Trustee in consequence;
- The interest rate was 8% reducing to 7% (but this compared to 6.5% charged by the Public Trustee);
- The applicant was purchasing Reureu 2D3 (one of the blocks to be mortgaged) for £193, which was due to the Aotea board;
- The funds would also be used to pay for addition to her home located on Reureu 2D1 (which would also be mortgaged);
- The applicant's husband was employed (formerly as a porter on the railways and more recently at the Kakariki Freezing Works near Marton).

133. Consent was given and the certificate of confirmation completed in July. A lease of both blocks was confirmed in 1921. The annual rental was £32 1s 3d and, as part of the arrangements, the lessee (who was likely the owner's husband) undertook to pay the interest due (the interest became the first charge on the rental to be paid under the lease).

g Sale of Land to Returned Service Personnel

134. In February 1920, the board considered an application to recommend the Governor-General consent to the transfer of Oturoa 1 and Oturoa 3A.[88] Consent was required under s 330 of the Native Land Act 1909 because the owners of the two blocks were incorporated. The owners were incorporated in 1911 on the application of Te Aohau Neketini. At that hearing, at Ōtaki before Judge Gilfedder, Eruera Neketini had told the Court that the owners wanted to farm the land with one person to manage the enterprise. He added the '[o]wners considered that the land can best be managed as a whole because if partitioned some of the persons may sell'.[89]

135. At the board meeting in 1920, the solicitor representing the applicants addressed the board on the proposed sale of the land:

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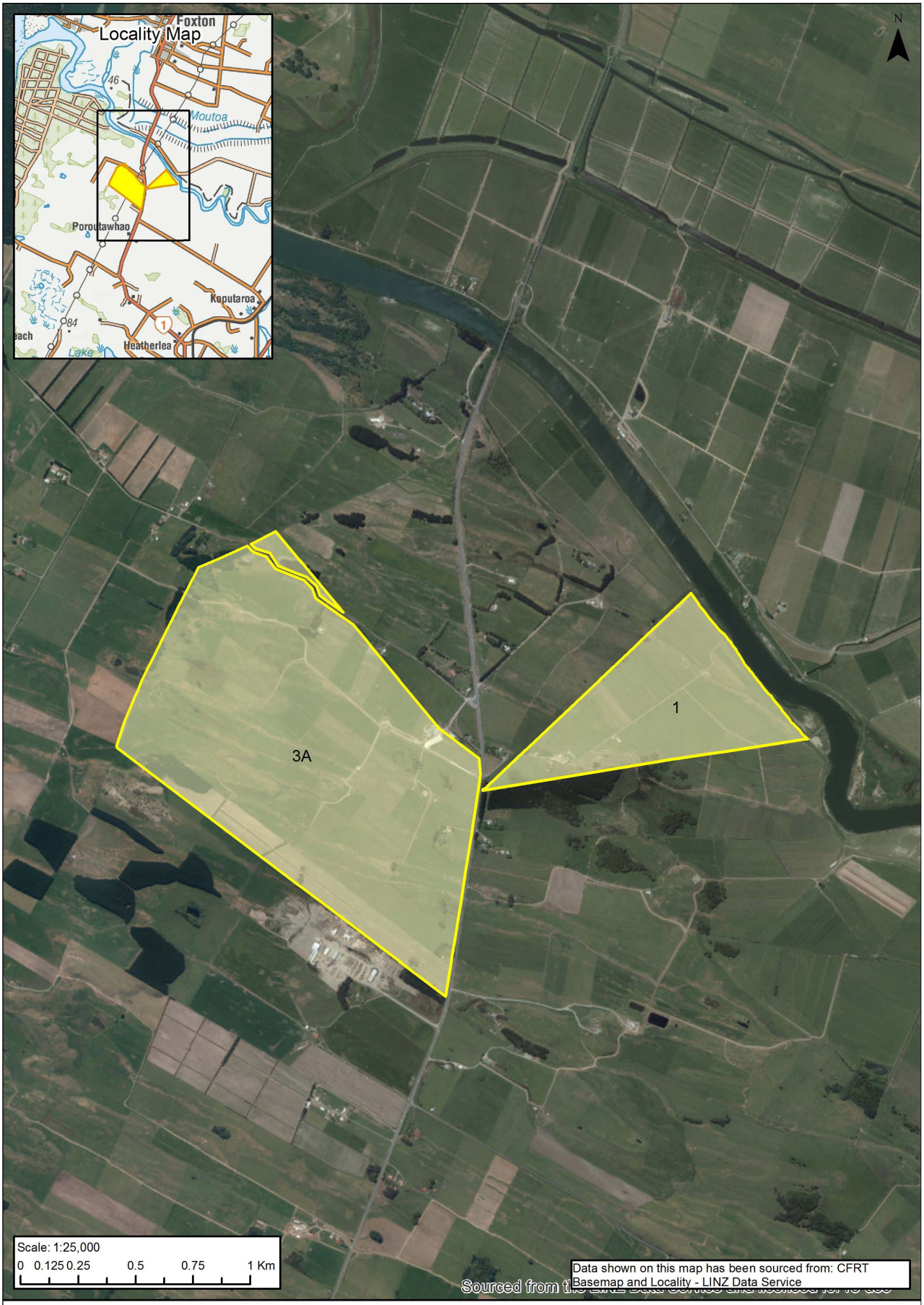
[87] Recommendation by the Aotea District Maori Land Board, 27 March 1920, 3/9931 Reureu 2D1 and 2D3, Maori Land Court, Whanganui.
[88] Ikaroa District Maori Land Board Minute Book 9, 25 February 1920, fol. 135.
[89] Otaki Native Land Court Minute Book 52, 7 July 1911, fol. 9.



Rangatiratanga Versus Kawanatanga: **Oturoa 1 and 3A**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 022 Map projection: New Zealand Transverse Mercator Date: 19/05/2017

Map 14: Oturoa 1 and 3A

> Mr Blenkhorn said the purchasers are returned soldiers who desire to take up farming pursuits. They are getting advances from the Government. The incorporated body desire to sell and to get permission to do so. There is a sum of nearly £450 due on mortgage to the Advances Offices. The committee of management constitute all owners except Kararaina Pera a sister of the Nicholsons. The price is adequate and the vendors are not landless. A recommendation will be made that the consent of the Governor General in Council be granted to the sale and also for the payment of the balance of the purchase money direct to the registered proprietors. Mortgages on Nos 1 and 3A will be paid out of the purchase money.

136. In this instance, funds provided by the Crown were to be used by returned soldiers to acquire Māori land. It appears that the alienation of Oturoa 1 proceeded but that the alienation of Oturoa 3A did not (it was subsequently partitioned on a number of occasions and several parts later alienated).[90]

h Quorum Requirements

137. Towards the end of the twentieth century, quorum requirements became more onerous and this sometimes made dealing with land difficult, particularly where titles contained many owners holding tiny shares. In Reureu 2C2, the quorum which attended the meeting limited the period of the lease which could be allowed, while in Pukekaraka 2B, meetings called in 1992 and 1994 lapsed due to the lack of a quorum.[91] In Pukekaraka 2A, three meetings of owners were called in the late 1990s which did not reach a quorum (and an informal agreement was required to arrange occupation of the block).[92] This situation can be contrasted by the powers of the Court, which had effectively unlimited powers to deal with land by using s 438 trusts and vesting blocks in the Maori Trustee. It frequently exercised these powers to sell land, especially where the owners could not be located (see Papangaio A to H as an example).

138. In another block, Reureu 1 Section 23D3B, a meeting of owners was called in August 1985 at Whanagnui to consider the sale to one of the owners.[93] The applicant already held nearly 50% of the shares in the block and attended the meeting. She also held proxies for two other owners. However, the requirements for a quorum was 4311 shares out of 5748 and owners holding 4281.845 shares attended. That meant the owners meeting was 29.155 shares short of the quorum requirement. The meeting was

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[90] Walghan Partners, 'Block Research Narratives' DRAFT, 1 May 2017, vol. III, p. 147.
[91] See 3/10186 Pukekaraka 2B, Maori Land Court, Whanganui.
[92] See 3/10185 Pukekaraka 2A, Maori Land Court, Whanganui.
[93] Minutes of Meeting of Assembled Owners, 23 August 1985, 3/8314 Reureu 1 Section 23D3B, Maori Land Court, Whanganui.

told that owners holding another 228 shares were due to attend but had not yet arrived.

139. The meeting was adjourned until lunchtime but the owners had still not arrived and proxies signed by them had not been received either. Someone was sent to Levin to collect another proxy and they were due back later in the afternoon. Another owner who was present had to return to work but signed a proxy for his brother to hold. The meeting was adjourned again and when it resumed later in the afternoon, a further proxy for another owner holding 61.060 share was presented and the quorum requirements were met. The owners immediately approved the resolution to sell and the meeting closed five minutes later. The total purchase price was $57,000.00 but the amount to be paid was $20,803.73 (in recognition of the shares already held by the purchaser).

i Undivided Interests

140. Over time, purchasers would acquire undivided interests in Māori land where they could not purchase it outright. In April 1960, the Court confirmed the alienation of two interests in Manawatu Kukutauaki 7D2D Section 56A3B. This block had a total area of 2 acres 3 roods 21 perches and the purchaser, who was already one of the four Māori owners in the block, was acquiring 294 shares out of 461.[94] This block was no longer Māori freehold land. In Pukehou 4G11B, the Court confirmed an alienation of shares in the block in April 1972.[95] The purchaser in this case already owned all the other shares and he was acquiring the interest of the remaining owner.[96] A transfer of Waitohu 1B2 was arranged by the Maori Trustee in September 1964. The purchaser was an Ōtaki farmer who had purchased half the shares in the block and jointly owned it with one other Māori owner. The Maori Trustee acted as agent for him under s 447 of the Maori Affairs Act 1953 because he was deceased.[97]

141. Through the second half of the twentieth-century, the Court also continued to confirm alienations of land despite opposition from some landowners and the failure of resolutions to pass at meetings of owners. In December 1965, the Court considered an

[94] Confirmation of Alienations Action Sheet, 3/9504 Manawatu Kukutauaki 7D2D Section 56A3B, Maori Land Court, Whanganui.
[95] Otaki Maori Land Court Minute Book 76, 27 April 1972, fol. 228.
[96] See 3/10143 Pukehou 4G11B, Maori Land Court, Whanganui.
[97] See 3/10036 Waitohu 1B2, Maori Land Court, Whanganui.

application for the confirmation of sale of undivided interests in Pukehou 4C5.[98] This had followed a meeting of assembled owners earlier in September to consider a resolution to sell to the same purchaser. Of the 37,120 shares in the block, 20,673.777 were represented at the meeting and the resolution to sell was lost by 14,037.333 shares to 6,636.444 shares. The transfer of undivided interests under consideration by the Court affected the interest of nineteen owners who collectively held 16,071.113 shares in the block. All had signed the transfer individually after the meeting. Counsel for the purchaser also advised the Court that a second transfer was being executed by other owners who were prepared to sell. It was expected that the purchaser would hold about half of the shares in the block on the basis of the two transfers. Another owner in the block held 13,440 shares and he had opposed the sale of the land. The Court noted:

> In view of the course upon which the Court has decided, it is not necessary here to elaborate upon the disadvantages of such transactions from the point of view of the Maori owners – particularly the non-sellers – but a reference may be had to page 130 of Norman Smith's "Maori Land Law".

142. The Court observed that another meeting of owners might result in a resolution in favour of sale to the purchaser. If the resolution was passed (and confirmed by the Court), then the major shareholder could assert their rights under s 320. The Court decided to recall the meeting of assembled owners provided. However, it also decided to allow the trustees of the major shareholders a period of six months to deal with outstanding matters, negotiate the purchase of the shares of other owners or file an application to call a meeting of owners if they wanted to acquire the entire block. The recalled meeting would not be held until six months had elapsed in consequence.

j Adjacent Landowners

143. It was common for small areas of land in difficult circumstances to be acquired by those farming adjacent lands. In Taonui Ahuaturanga 1F1A3, the purchaser already farmed the block on an informal tenancy, which was unfenced, with surrounding land as part of his dairy farm.[99] The alienation of this block was confirmed by the Court in July 1952. In Waitohu 1A, the alienation of the block was confirmed in November

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[98] Otaki Maori Land Court Minute Book 72, 21 December 1965, fol. 170.
[99] Field Supervisor to the District Officer, 15 May 1952, 3/9420 Taonui Ahuaturanga 1F1A3, Maori Land Court, Whanganui.

1964. The purchaser was the owner of adajcent land.[100] The same farmer also acquired the Pukehou 5G2A block in 1963 after a meeting of owners. One of the owners advised the Registrar that he was unable to attend the meeting at Levin and had been unable to make contact with any of the other owners and, in consequence, 'would just have to abide by the wishes of the majority'.[101]

k Section 438 Trusts

144. Through the 1960s, s 438 of the Maori Affairs Act 1953 was used by the department and the Court to remedy all sorts of difficulties relating to Ngāti Raukawa lands. Trusts administered by the Maori Trustee were frequently used as a mechanism for alienating land, especially in complicated situations.

145. For example, in June 1963, a Kakariki farmer submitted an application to the Maori Land Court to call a meeting of owners to consider a resolution to sell Reureu 2C1B to him for £150 per acre.[102] The block contained 22 acres 0 roods 30 perches. The judge approved the request but initially directed the Registrar to call a meeting only after the applicant or his solicitors located the largest shareholder (or made serious efforts to locate her). It would appear, however, that she had passed away and the Court subsequently decided that the meeting would proceed only after succession to her interest had been arranged. Due to the time required to make these arrangements, the lease over the block, which was also held by the applicant, was extended until the end of 1964 by the Court via an order under s 438 vesting the block in the Maori Trustee.[103]

146. This decision was subject to a rehearing by Judge Smith (who made the original decision) in August 1964. When the hearing opened, counsel representing one of the owners advised that his client (Tukoro Te Hika Poutama) had passed away the previous weekend. He was instructed by his client's widow to proceed with the application and she gave evidence. Her husband was a local sheep farmer who farmed nearby land (approximately 179 acres runing 700 breeding ewes, 171 wether hoggets, 161 ewe hoggets, 28 stud rams and 23 stud ewes). He was also an owner in the block.

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[100] See 3/10046 Waitohu 1A, Maori Land Court, Whanganui.
[101] Hohepa Ranapiri to the Registrar, 9 October 1963, 3/9852 Pukehou 5G2A, Maori Land Court, Whanganui.
[102] Miscellaneous Alienations Action Sheet, 3/9928, Maori Land Court, Whanganui.
[103] Otaki Maori Land Court Minute Book 71, 16 June 1964, fol. 27.

He had acquired a substantial number of shares in the block by exchange. Apparently he had interests in land near Te Kuiti and exchanged those with owners in Reureu 2C1B who lived in Te Kuiti (money was paid though evidence given to the Court indicated the documentation was not completed correctly). Mrs Poutama was very critical of the state of the block, which had been used as part of a dairy farm.

147. On the basis of this evidence, counsel for the applicant told the Court that no case for reviewing the original order had been made as there were no serious grounds given for review (this requirement for reviewing the original decision was disputed by counsel for Mr Poutama). He offered to call evidence if required and the Court accepted this offer. The lessee/applicant gave evidence about his dairy farming activities and use of the land. During the course of his evidence, he noted that his offer to buy the land was about double the present government valuation. He wanted to buy the land because it was 'very handy for me … and I can't get out of it just now without hardship'.[104] This was because he had retained cattle and needed the land to graze them.

148. Several other witnesses from the Otimi whānau who had exchanged their shares with Mr Poutama also gave evidence regarding the arrangements. They raised issues about the valuation of their interests, the amount Mr Poutama paid for them and his representations of the state of the land. Some were concerned that the lessee was offering a considerably higher price to buy the land than they had received for their interests and wanted them back. Others insisted that they did not realise they were transferring the interests to Mr Poutama and repudiated the alleged transactions.

149. Another example involved Waitohu 1A. The block was small, containing 1 acres 2 roods 13 perches. Difficulties had arisen because no title to the block had ever been issued and it was still customary land. The Court originally made an order for title in August 1885 but a Crown grant did not follow and certificates of title forwarded to the chief surveyor in 1918 were apparently lost. No order relating to the block had been registered by the District Land Registrar. Successors had been appointed to two of the original owners and six were listed in the Court's records. As a result, the Deputy Registrar pursued an application to vest the block in the Maori Trustee.[105] It

[104] ibid., 6 August 1964, fol. 107.
[105] Otaki Maori Land Court Minute Book 73, 15 December 1966, fols 100-101.

was likely that those appointed successors were all deceased but, in any case, on the basis that contacting them was impossible, in April 1964 the Court issued an order under s 447. This authorised the Maori Trustee to execute a transfer to a Pākehā purchaser.

150. This followed and the transfer was confirmed by the Court in November. However, in the absence of a valid title, the purchaser was unable to obtain a secure tenure. The Deputy Registrar argued that vesting the block in the Maori Trustee under s 438, in light of subs 12, would permit the purchaser to obtain a valid title. He therefore asked for an order vesting the block in the Maori Trustee to transfer the land to the Pākehā purchaser for a specified sum and hold the proceeds for those identified as beneficial owners. The Court agreed to make these orders, noting that its earlier s 447 order was a 'nullity.' In contrast to Waitohu 1A, the adjacent block, Waitohu 1B, had been subject to further partition and there were valid titles to that part of the block.

151. The Maori Trustee was also used to complete instruments of alienations where owners could not be located. In Ohau 3A2 Section 4A2B, the Maori Trustee was directed to sign a memorandum of transfer on behalf of several deceased owners under s 447.[106] Counsel for the purchaser told the Court that an elderly owner had advised he was the only living owner of the land and he did not know where the successors to the other deceased owners were. The land had come to the attention of the noxious weeds inspector as it was unoccupied and apparently infested with gorse. The remaining living owner had been prosecuted and fined. The noxious weeds inspector had continued to pressure the owner who asked the purchaser's solicitor to arrange a sale. Successors to one of the owners were to be arranged and they would sign the transfer. The Court agreed to direct the Maori Trustee under s 447 to execute the transfer for five 'missing' owners.

152. The Huritini 3D block came before the Court in April 1970.[107] Flowers appeared in support of an application under s 438 to vest the block in the Maori Trustee for sale. Flowers was not known to be a departmental official at this time (and is not identified by the Court as one) and it is possible that he was still working for the Horowhenua County Council (though he is not identified by the Court in this capacity either but the

[106] ibid., 18 April 1967, fol. 134.
[107] Otaki Maori Land Court Minute Book 75, 22 April 1970, fol. 97.

hearing was concerned with unpaid rates). The block was exceptionally long and narrow, containing 30 acres 0 roods 6 perches and had a capital valuation of $560. It had an average width of four chains (approximately 80 metres) and was about 75 chains long. Much of it was sandhills with a small area of swamp. The gorse on the block was spreading.

153. The adjoining neighbour was a Māori farmer who was settled on his land through the Manawatu Development Scheme. He was willing to acquire the land as it would improve the drainage on his farm. The rates had, until recently, been paid by another person but he was no longer willing to do so because of the cost of clearing the gorse. Flowers did not consider a lease viable, due to the shape of the land and the cost of fencing and clearing noxious weeds, and asked the Court to vest the land in the Maori Trustee under s 438 to sell the block. After reporting that he had discussed the identity of the whānau who owned the land and their successors, the youngest of whom was 20 in 1924, he also suggested the purchase money should be distributed to Manakau Marae. The trust specified the sale of the land for a particular price to an identified person (the neighbouring Māori farmer).

154. Once the unpaid rates had been discharged (just under $8.00), the balance of the purchase money the Maori Trustee was to hold it on behalf of the beneficial owners and their successors. It would not be distributed to the marae. Mangapouri 3 was dealt with in an almost identical way (though the Court expressed an interest in distributing the balance of the purchase money to the Tainui Marae Trustees and Flowers was to be reimbursed $30 for his expenses.[108]

155. Piritaha 9B, Piritaha 9D and Whakahokiatapango 4A2 were also blocks occupied by Pākehā for many years with the owners long deceased.[109] In April 1972, the District Officer appeared for the Maori Trustee at a sitting in Palmerston North.[110] He told the Court that the three blocks were used for market-gardening with the surrounding lands. The boundaries could only be identified by survey and none of the blocks had access. This could only be obtained through negotiations with adjoining landowners and the district officer doubted it could be arranged. The land had apparently been

[108] Otaki Maori Land Court Minute Book 76, 10 November 1971, fol. 147.
[109] ibid., 10 November 1971, fol. 148.
[110] ibid., 5 April 1972, fol. 202.

occupied for many years by the surrounding market gardeners who paid the rates but no rent had been paid to the landowners (two owned a half share in Piritaha 9B).

156. The value of the land would need to be determined but the district officer recommended vesting the blocks in the Maori Trustee, initially for lease but with provision in the lease for purchase. The alternative was to allow the market gardeners to continue occupying the land rent-free. The Maori Trustee was prepared to accept a trust for the three blocks to lease the land for five years at $250 per annum with the lessees to purchase the three blocks at this end of this period at specified prices ($750 for Whakahokiatapango 4A2, $3,200 for the Māori owners' shares in Piritaha 9B and $550 for Piritaha 9D). The department agreed to pay Flowers' expenses of $30 from the first year's rental.

157. The balance of the rental and the purchase money would be paid to Te Pou-O-Tainui Marae in Ōtaki for the benefit of Ngāti Kapu (a renovation programme was planned for the marae). The Court vested in the land in the Maori Trustee as requested with power to lease. The leases were to contain compulsory purchase clauses for the specified prices. After all liabilities and the Maori Trustee's expenses had been paid, the Court authorised the payment of $30 to Flowers and the balance to the trustees of Tainui Marae (Pukekaraka 4B and 4A3 Reservation).

l Impact of Rates on County Lands

158. The Horowhenua County Council pursued unpaid rates on Māori land through the registration of rates charging orders in the Native Land Court.[111] Of land belonging to the people of Ngāti Raukawa, there was a particular focus on Ohau. Other areas of focus were parts of Manawatu Kukutauaki, Aratangata, Muhunoa, Waiwiri East and lands at Ōtaki. Outside the borough, other lands were also subject to applications by the county. Where charging orders were issued by the Court, and where rates remained unpaid, the county could apply to the Court for the land to be vested in a receiver. The receiver, usually the board or Maori Trustee, would be responsible for arranging occupation of the land by way of a lease. Rental income earned would be used to pay the rates secured by charging orders and current rates. In many instances,

[111] This section deals with the alienation of land in counties for rates; lands in the takiwā of Ngāti Raukawa located in the Ōtaki borough were subject to a unique regime and the administration and alienation of these lands are dealt with in the following section.

the owners of land affected by unpaid rates either lived away from the land or were deceased.

159. In the case of the Horowhenua County, it would appear that although rates charging orders had been issued by the Court, the Court was unwilling to act to enforce the order. In the case of Waiwiri East 1A, the Court considered it would be unjust to enforce a rates charging order because the owners were unable to recover the amounts due from the lessee who occupied the land.[112] In 1941, the county solicitor's identified a number of blocks which they considered could be leased (including parts of Ohau, Ngakaroro and Manawatu Kukutauki) and recommended applications to the Court to have them vested in the board under s 108 of the Rating Act 1925 as receiver to lease. The amount of unpaid rates on all of the blocks identified was £173 15s 2d.

160. Whatever arrangements owners had made for the occupation of the land would be negated by vesting it in the board and difficulties were created by the Court's decision on the first block.[113] This was Manawatu Kukutauaki 2E10A, containing 92 acres 1 rood 25 perches, and subject to a charging order of £41 17s 2d. The county's solicitor had no idea who was occupying the land but the board found, after the block had been vested in it, that two owners occupied it and did not want the board to arrange a lease. They had been told to either pay the rates or vacate the property and they had paid the rates. The board applied to be discharged from the receivership in June 1942. In December 1944, the owners leased the block for ten years though the board was again appointed a receiver in 1949. The block is no longer Māori freehold land.

161. The situation regarding Ohau 2A1A2B exemplifies the difficulties with dealing with some land.[114] It is also an example where the Minister of Maori Affairs rejected a proposal to lease in favour of sale. The block contained 26 acres 0 roods 27 perches and was located near the mouth of the Ohau River. It was unusual in that it was three chains wide and nearly a mile long – that is, it was a very long and narrow strip approximately 20 metres wide and 1600 metres long.

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[112] Suzanne Woodley, 'Porirua ki Manawatū Inquiry District: Local Government Issues Report', June 2017, p. 492.
[113] Woodley, pp. 494-495.
[114] Woodley, p. 553.

162. Manawatu Kukutauaki 4D1 Section 5B2 was a quarter acre section considered suitable for a dwelling. The county's rates officer, who was particularly vigorous in pursuing owners for unpaid rates in the 1960s and 1970s and arranging the sale of land where those rates remained unpaid, told the Court that the owners lived in Tauranga and had little interest in their Manawatu lands.[115] It was initially vested in the Maori Trustee under s 109 in November 1966 but the block did not sell and the order was cancelled in November 1970. The Maori Trustee's costs of $40 arising out of attempts to sell the block were added to the unpaid rates. In May 1973, the block was vested in the county rates officer under s 438 with power to sell. He believed the section would be desirable. All charges were to be deducted from the purchase money. The sale was finalised in 1974.

163. Section 438 trusts were frequently used to deal with unoccupied blocks with unpaid rates in the late 1960s and early 1970s. Often the Court vested the block in the county rates officer as trustee. In the case of Ohau 1 Section 6, containing 4 acres 2 roods 11 perches, the owner was long deceased (in the late 1880s) and successors had not been identified. The block was described as sand hills and was sold to an adjacent landowner in 1969. Leases were apparently not suitable for these blocks because the income generated by the lease was less than the rates levied.[116]

[115] Woodley, p. 549.
[116] Woodley, p. 554-555.

D CROWN PURCHASE ACTIVITY

164. The Crown continued to acquire land throughout the twentieth century but it no longer pursued an aggressive land purchase policy in the takiwā of Ngāti Raukawa as it had in the nineteenth century. Land was no longer simply purchased in advance of general settlement (as in the nineteenth century), because private purchasers were able to negotiate transactions with Māori landowners directly if they wanted to acquire land. However, the Crown still acquired Māori land where there was a reason for doing so and public purposes or 'public interest' were particular considerations. There were three significant purchases of Ngāti Raukawa lands by the Crown in the twentieth century: Kāpiti Island, land at Ōtaki acquired through a rates compromise and Papangaio J. Discussion of the last two Crown purchases draws primarily on Ms Woodward's report on local authority issues.

165. The Native Land Purchase Board was established under Section 361 of the Native Land Act 1909 and all Crown purchase activity was channelled through the board. It made decisions regarding negotiations and provided the funds for the acquisition of Māori land. In general, the Crown's purchase activity was required to go through the same formal process as that of private purchasers in that any alienation had to be administered and confirmed by the Ikaroa District Maori Land Board. It could nevertheless pursue negotiations free from interference from private purchasers using statutory provisions which prohibited such negotiations for a defined period of time by proclamation. Under s 363, the governor could, following a recommendation of the board, issue an order in council prohibiting all alienation other than to the Crown. Such proclamations and extensions to their deadlines were used commonly from 1914 to about 1960 (including in relation to Kāpiti Island) though such mechanisms had a much longer history.

166. The Crown could purchase land from a district Maori Land Board or an incorporation, or by resolution of a meeting of owners. Any resolution of a meeting of owners to sell to the Crown had to be confirmed by the district Maori Land Board but under s 368(2), the Native Land Purchase Board could adopt or reject the resolution. In addition, the Crown could, under s 369, purchase interests in a block of Māori land and these purchases did not have to be confirmed by the district Maori Land Board

(this was an advantage over private purchasers who were required to submit transactions involving undivided interests to the board for confirmation). However, under s 370, the Crown could only purchase a block owned by more than ten owners by resolution of a meeting of owners. This conflicted somewhat with s 371 which permitted the purchase of undivided shares in Māori land by the Crown. The Crown could apply to have its undivided interest in a block of land determined by the Court (which private purchasers were unable to do either). Section 372 required the Crown to pay a price not less than the capital value as determined under the Valuation of Land Act 1908. No purchase by the Crown could render a vendor landless (s 373) except where a purchase was by a resolution of a meeting of owners which was confirmed. Such a determination was made by the Native Land Purchase Board. Furthermore, sub-section 2 stated that 'No purchase shall be invalidated by any breach of the requirements of this section'.

167. These provisions were modified by the Native Land Amendment Act 1913. The new provisions related primarily to the acquisition of Māori land which was subject to a lease and the rights of the lessee to acquire the freehold from the Crown. A significant change was the repeal of s 370 which meant the Crown was no longer required to purchase blocks owned by more than ten owners by resolution of a meeting of owners (s 112).

168. This legislation replaced Part XIX of the Native Land Act 1931 which governed the acquisition of Māori land by the Crown. The Native Land Purchase Board continued to manage the Crown's purchase activity (s 440 and s 441) and the system established in 1909 and modified in 1913 remained substantially unchanged. The governor-general's power to issue an order in council prohibiting alienation other than to the Crown on the recommendation of the board was retained (s 442). The Crown could also continue to purchase undivided interests (s 448) or acquire a block by resolution of a meeting of owners which had been confirmed by the district Maori Land Board and submitted to the Native Land Purchase Board (s 450). Section 452 required the Crown to purchase interests at a price which was not less than the capital value of the interest under the Valuation of Land Act 1925. Crown purchases could not render a vendor landless unless a purchase was made by way of a resolution of a meeting of owners which was confirmed or where the vendor had another source of income (s

453). As in the 1909 legislation, sub-section 2 stated that no purchase would be invalidated if this provision was not met.

i CROWN DEALINGS WITH NGĀTI RAUKAWA INTERESTS IN KĀPITI ISLAND

a The Wallace Whānau and Kāpiti Island

169. The progenitor of the Wallace whānau was James Howard Wallace. His mother was Pipi Kutia and she was the daughter of Te Akau and Hape-ki-Tuarangi of Ngāti Raukawa.[117] After the death of her father, she was married to Te Rauparaha. She subsequently had a relationship with William Ellerslie Wallace, a hotel keeper at Ngauranga, which produced a child, James Howard Wallace. This relationship ended and she returned to Ōtaki. James Howard Wallace was the beneficiary of Tamihana Te Rauparaha's will. This included a farm at Te Horo, a house at Ōtaki and interests in land on Kāpiti Island. Pipi Kutia died in April 1891 in tragic circumstances and James Howard Wallace passed away on 1 March 1894 leaving a wife and a large but very young whānau (his youngest child was yet to be born).

b Summary of Partitions of Rangatira Kāpiti 4

170. The Native Land Court issued titles for Rangatira Kāpiti No. 4 on 1 May 1874. It was awarded in three parts:

- Rangatira Kapiti 4;
- Rangatira Kapiti 4A;
- Rangatira Kapiti 4B.

4	1/5/1874	1575:0:00	Vested in Tamihana Te Rauparaha, Matene Te Whiwhi, Rakapa Topeora, Pipi Kutia, Hoani Te Okaro and Heni Matene Te Whiwhi	
4 Section 1	14/12/1901	821:3:10	Vested in the Crown on partition	Crown
4 Section 2	14/12/1901	304:0:00	Vested in the Crown on partition, representing the interests of Heni Matene Te Whiwhi (Heni Te Rei Parewhanake, Heni Te Rei)	Crown
4 Section 3	14/12/1901	6:0:00	Vested in the Crown on partition, representing the interest of Heni Matene Te Whiwhi (Heni Te Rei Parewhanake, Heni Te Rei)	Crown
4 Section 4	14/12/1901	370:0:30	Vested in Hemi Warahi, Amy Helen Wallace, Elsie Wallace, Erina Wallace, Eric Vincent Wallace, Lacy	Partitioned

[117] Barbara Swabey and Helen Dempsey, 'The Historic Graves of Rangiatea', *Otaki Historical Journal*, 2 (1979), p. 37.

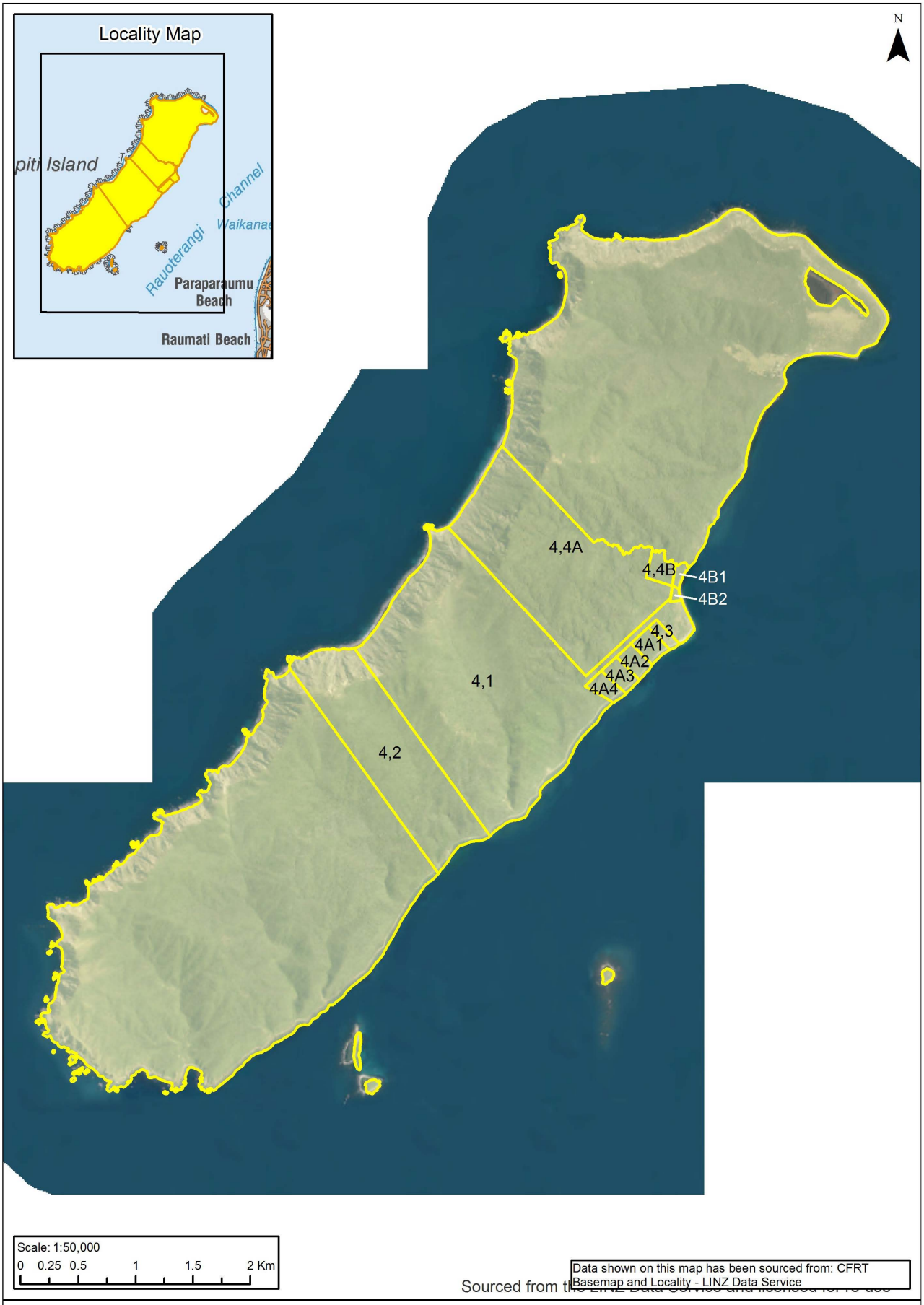
			Euston Bruce Wallace, Enid Theresa Wallace and Elva Patricia Wallace	
4 Section 4A	25/7/1922	16:1:00	Vested in Marion Wallace as successor to James Howard Wallace [Wn 23/244]	Crown
4 Section 4B	25/7/1922	353:3:30	Vested in the Crown on partition [WN 23/245]	Crown
4A	1/5/1874	50:0:00	Vested in Hiria Te Aratangata, Kerehi Te Teke, Hohepa Nohorua and Pumipi Pikiwera	Partitioned
4A1	5/7/1887	12:2:00	Interest of Hohepa Nohorua (Hohepa Horomona)	Crown
4A2	5/7/1887	12:2:00	Vested in the Crown on 13/12/1901, interest of Hira Te Aratangata	Crown
4A3	5/7/1887	12:2:00	Interest of Pumipi Pikiwera	Crown
4A4	5/7/1887	12:2:00	Vested in the Crown on 13/12/1901, interest of Kerehi Te Teke	Crown
4B	1/5/1874	10:0:00	Vested in Parauihia Paru Paru, Erenora Ngahaka and Pare Kaahu	Partitioned
4B1	2/3/1923	6:2:26	Vested in the Crown on partition	Crown
4B2	2/3/1923	3:1:14		Crown

171. The interests of Māori landowners in Kapiti 4A1 and Kapiti 4A3 had been acquired by Pākehā prior to the Kapiti Island Public Reserve Act 1897, the first by W.H. Field (a Wellington solicitor and the member of the House of Representatives for Otaki) and by Malcolm McLean (the caretaker, whose partnership with his brother leased other parts of the block). Both these blocks were dealt with under the terms of the Act in consequence (they were vested in the Crown and compensation was paid to the owners).[118]

c Initial offers of Rangatira Kapiti 4 Section 4

172. George Harper, a solicitor of Ōtaki, initially wrote to the Crown's land purchase officer in May 1901 referring to the 'Hombersley Estate'. Catherine Hombersley was the widow of James Howard Wallace and mother of the Wallace children – she married her husband's accountant after the death of James Howard Wallace and became Mrs Hombersley. It would appear that the Crown already held a lease over the Wallace whānau land at Kāpiti and that it was generating rent as Harper referred to a conversation on 9 May regarding the payment of rent. He had received a demand for payment of land tax from the Commissioner of Taxes and required the rent from

[118] 'Return Showing Particulars in Respect of the Island of Kapiti' AJHR, 1904, G-8.



Rangatiratanga Versus Kawanatanga: **Kapiti Island**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 016 Map projection: New Zealand Transverse Mercator Date: 19/05/2017

Map 15: Partitions of Rangatira Kapiti 4

the Crown to meet this obligation. He also referred to a separate letter which specified his costs in dealing with unidentified Māori interest at Kāpiti but this has not been located.[119]

173. In September he contacted the land purchase officer again and advised that Marion Wallace wished to dispose of her interest in the island as she was about to marry and was 'in need of money':

> Miss Marion Wallace, now of age, is very anxious to dispose of her share in Kapiti. She is in need of the money in view of the fact that she is shortly to be married. She has asked me to write to you inquiring whether it would be possible for her to dispose of her share and draw the money therefor without waiting for the Native Land Court to appoint successors to Pipi Kutia deceased. As you are no doubt aware the Native Land Court which was gazetted for Levin of August 27th has been further adjourned to 8th October. In fact I presume that it is not impossible that it may still be further adjourned. I would be much obliged if you would give the matter your kind consideration and advise me whether you think that the sale can be effected at once. Should you think so I will make arrangements for Miss Wallace to proceed to Wellington early date.[120]

174. It does not appear that the Crown's land purchase officer responded to this letter, either in writing or in person, for Harper sent Marion to Wellington about a month later with a letter of introduction:

> Miss M. Wallace will hand you this note. She wishes to make arrangements for the sale of her shares in Kapiti and if possible to call something on account. The Native Land Court is now sitting at Levin and it would be most convenient for you to come up. Mrs Hombersley and myself would accompany you to Levin and there apply for succession to Pipi Kutia and to have Mrs Hombersley and to myself appointed trustees of the children's interests. With you kindly inform me through Miss Wallace when it would be most convenient for you to attend at Levin.[121]

175. It is not clear if the land purchase officer received Marion or what he told her as there is no record of a conversation but the alienation did not occur and, in fact, Marion resisted the Crown's efforts to acquire these interests in Kāpiti for the rest of her life.

176. The Wallace whānau did not participate in the initial alienation of interests in Rangatira Kapiti 4, which were finalized at a Court hearing at Ōtaki in December 1901. The Court dealt with a number of applications by the Crown to determine its interests in different parts of Kāpiti Island.[122] The applications included the partition of Rangatira Kapiti 4, Rangitira Kapiti 4A2 (awarded to the Crown), Rangatira Kapiti

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[119] Harper to Sheridan, 28 May 1901, MA1 5/5/126 [2] Box 82, Archives New Zealand, Wellington.
[120] Harper to Sheridan, 19 September 1901, MA1 5/5/126 [2] Box 82, Archives New Zealand, Wellington.
[121] Harper to Sheridan, 14 October 1901, MA1 5/5/126 [2] Box 82, Archives New Zealand, Wellington.
[122] Otaki Native Land Court Minute Book 37, 13 December 1901, fol. 250.

4A4 (awarded to the Crown) and Rangatira Kapiti 4B. In relation to Rangatira Kapiti 4, the Crown's representative, Patrick Sheridan, asked for the block to be divided into four. Section 1 was vested in the Crown, Section 2 in Hemi Te Rei, Section 3 also in Hemi Te Rei and Section 4 in James Howard Wallace (Hemi Warihi) and seven of his children (the exception was Marion). It is likely that James Howard Wallace's children had succeeded directly to the interest of their grandmother in the block and that, for some reason, Marion did not receive a share (it has not been possible to determine why). Two other Kāpiti partition applications were adjourned to Wellington. The hearing was very brief.

177. On completing this business, the Court proceeded to consider an application by Mrs Hombersley for succession to the interests of James Howard Wallace.[123] He was described as a successor to Pipi Kutia (but his children except Marion had already succeeded to her interests in the island).[124] Pipi Kutia was an original owner in the block, with Tamihana Te Rauparaha, but James Howard Wallace was also the beneficiary of Tamihana's will and had succeeded to Tamihana's interests in the island. On this occasion, all the children succeeded to James Howard Wallace's land at Kāpiti. Amy was the only sibling who was not considered a minor. Marion (20), Elsie (18), Irina (16), Eric (14), Lacy (12), Enid (9) and Elva (8) were still minors and trustees were appointed.[125]

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[123] ibid., 13 December 1901, fol. 256.

[124] The interest of Pipi Kutia in Kapiti was located in Rangatira Kapiti 4 (with that of Tamihana Te Rauparaha) and a certificate of title (31/105) was issued under the Land Transfer Act for this block. A caveat registered against the title indicates that Mrs Hombersley had transferred the interest of Pipi Kutia in this block (130 acres) via a document dated 16 October 1895. The caveat states that the transferees were Thomas Coldham Williams, Alfred Knocks and Ernest Somerset Von Sturmer. It does not appear that this transaction proceeded as the land remained with the Wallace whānau who alienated it to the Crown several years later. Moreover, had this transaction proceeded, the land would have been vested in the Crown under the Kapiti Island Reserve Act 1897. She had also dealt with another mainland block, Ngakaroro 4, in the same document and a caveat was lodged against this title too but it subsequently lapsed (to allow the Wellington and Manawatu Railway Company Limited to register transfers of this block to be registered by the company for the railway line). See 'Caveat Forbidding Registration or Dealings with Estate or Interest', 27 February 1897 and Travers and Ollivier to the District Land Registrar, 1 July 1898, MA1 5/5/126 [2] Box 82, Archives New Zealand, Wellington.

[125] A rent payment schedule maintained by the Native Department showed the date at which each of the children turned 21: Amy Helen Wallace: 29 August 1900; Marion Wallace: 10 August 1901; Elsie Wallace: 4 June 1903; Irma Wallace: 7 January 1906; Eric Vincent Wallace: 25 March 1908; Lacey Euston Bruce Wallace: 10 September 1910; Enid Theresa Wallace: 3 September 1912; Elva Patricia Wallace: 10 March 1915.

178. Initially George Harper and Mrs Hombersley were appointed trustees but Alfred Knocks was added the next day.[126] All three were to be trustees for the children who had succeeded to Tamihana Te Rauparaha's interests and for the children who succeeded to Pipi Kutia. The Court also recorded that it had received evidence that Marion was over the age of 21 years and the earlier order was to be amended. The Crown's representative also announced that he had acquired the interests of the Wallace whānau in the island except that held by Marion. They were to be located on Rangatira Kapiti 4 Section 4 but the Court did not issue an order vesting the land in the Crown. Given subsequent events, as discussed below, it appears that Sheridan was anticipating a transaction which had not occurred and would not be finalised for some years (though Marion would remain resolute in refusing to alienate her interest in the island). In the expectation of acquiring further interests in the block, the Crown did not pursue the formal process of dividing and vesting the land until 1922.[127]

179. There is an important point to note in relation to Marion's interest. Marion's share was 16 acres 1 rood while the other sibling's shares were all 50 acres 2 roods 10 perches. Marion's share was about 4% of the block while the others sibling's share of the block was about 14%. Presumably this was connected with the succession arrangements to the shares of Tamihana Te Rauparaha (via their father James Howard Wallace) and Pipi Kutia (their grandmother). She definitely succeeded to the interest of her father but perhaps did not, unlike her siblings, receive an interest through her grandmother. It has not been possible to determine the succession arrangements precisely for the purposes of this report.

180. On 4 April 1902, Harper wrote to the land purchase officer on the possibility of alienating the interests of the whānau in Kāpiti:

> I have seen Mr Alfred Knocks re the sale of the above interests to the Government. We are anxious to sell if the purchase money can be made available for investment on freehold security instead of being locked up in the hands of the Public Trustee. If you can undertake that the money will be available from time to time as investments offer, I think that there will be no difficulty in obtaining Mrs Hombersley's consent to the sale. An early reply will oblige.[128]

181. An early reply did not follow but several months later, probably on 11 June, the land purchase officer sent an undated telegram responding to Harper's inquiry regarding

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[126] Otaki Native Land Court Minute Book 37, 14 December 1901, fol. 263.
[127] Wellington Native Land Court Minute Book 23, 25 July 1922, fol. 244.
[128] Harper to Sheridan, 4 April 1902, MA1 5/5/126 [2] Box 82, Archives New Zealand, Wellington.

the arrangements with any money realized in the alienation of the whānau lands at Kāpiti:

> If the trustees desire to sell the interests of the minors in Kapiti, I will pay the money over to the Public Trustee. My connection with the transaction will then cease absolutely. If the trustees wish to draw upon the Public Trustee, they can apply to a judge of the Native Land Court for an order which will be made if the judge is satisfied as to the purposes for which the money is required. I see no difficulty in the way but I cannot make any promise as to what the judge may see fit to do. I have never known a judge to refuse an order except for sufficient reasons.[129]

182. Harper advised that he would consult the chief judge but it would appear the trustees were looking at the possibility of selling the Kāpiti land to discharge mortgages on other properties:

> We should require the purchase money lodged with the Public Trustee, to be paid out for the following purposes.
> 1. To invest (on investments authorized by the Trustee Acts) for the benefit of the minors;
> 2. To pay off mortgages now encumbering the property of the minor's at Ngawhakangutu and Ngakaroro.
>
> There seems little doubt that both these purposes are authorized by Section 108 of the Native Land Court Act 1894. I should like however, before definitely deciding to sell, to obtain an expression of opinion from a Judge of the Native Land Court on the matter. I shall therefore write to the Chief Judge on the matter and on receipt of his reply will communicate with you further. Mrs Hombersley [James Howard Wallace's widow] has not yet been approach by me as to the sale but I have not much doubt that she will fall in with my views on the matter.[130]

183. In July 1902, the land purchase officer provided an update to the surveyor general on the Crown's dealings with Kāpiti Island and supplied a map showing the different blocks on the island.[131] Leases of the Crown lands were to be arranged and the land purchase officer noted a number of areas which were to be excluded from any lease. In one instance, some graves were to be fenced. He concluded his letter with a comment on the interests of the Wallace whānau:

> The purchase of the land marked Wallace family will be completed as the children come of age, meanwhile I will endeavour to obtain a 21 years lease on the same terms as the blocks referred to as coloured green.[132]

184. The lease was arranged later in the year. Two of the siblings, Amy and Marion signed the lease documents in their own right.[133] Three others (Catherine Margaret

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[129] Sheridan to Harper, undated, MA1 5/5/126 [2] Box 82, Archives New Zealand, Wellington.
[130] Harper to Sheridan, 11 June 1902, MA 1 5/5/126 [2] Box 82, Archives New Zealand, Wellington.
[131] Sheridan to the Surveyor General, 9 July 1902, MA1 5/5/126 [2] Box 82, Archives New Zealand, Wellington.
[132] ibid.
[133] All of the siblings were minors at the time of the death of their grandmother and their father. Amy and Marion were both able to deal with their landholdings as adults at the time the lease was entered into in 1902 and signed it in their own name in consequence.

Hombersley, George Harper (a solicitor) and Alfred Knocks (an interpreter at Ōtaki) also signed the lease as trustees. The lease was to the Crown for twenty-one years from 1 January 1902 at an annual rental of £13 7s 6d (9d per acre).[134] It was accepted by the governor on 28 October. The lease was shortly afterwards registered by the District Land Registrar. Leases were also arranged for Rangatira Kapiti 4 Section 2 and Rangatira Kapiti 4 Section 3 at the same time (details for these leases have not been located).[135]

185. On 27 March 1903, Cabinet made several decisions about the Crown's interest in Kāpiti Island. The initial legislation had acquired the European lands on the island but had left Māori land untouched. At its meeting, in addition to allowing a farmer grazing rights on the island, Cabinet directed officials to draft a bill giving the government 'the necessary power to take the land owned by the Maoris compulsorily, as under the Land for Settlements' Act'.[136] It does not appear that the government pursued this approach at this time (and a later attempt was rejected by the Native Affairs Committee).

186. With regard to the lease, a schedule maintained by the Native Department showed the payments made to each of the Wallace siblings from 1 January 1902 to 1 January 1909. All the siblings except Marion alienated their interests to the Crown (either directly or via their trustees) around this time (this is explained below). There is no indication that further payments of rent were made after this time. It is possible that due to a change in record keeping, the amounts paid were not recorded in this way. It is also not clear if Marion continued to receive the annual rental due to her through to the expiry of the lease (and, indeed, whether a new lease was arranged, as the lease expired in 1923 and there is no indication a new lease was entered into with her).

d The Alienation of Wallace Whānau Interests in Kāpiti Island

187. In late June 1910, Eric Wallace wrote to the Native Minister, Sir James Carroll to offer his interest in Kāpiti Island to the Crown. He told Sir James that he was the

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[134] 'Memorandum of Lease', MA1 W2459 5/5/126 4 Box 27; Sheridan to Kensington, 23 October 1903, MA1 5/5/126 [2] Box 82, Archives New Zealand, Wellington.
[135] Advice to the Governor, 24 October 1902, MA1 5/5/126 [2] Box 82, Archives New Zealand, Wellington.
[136] File Note of Cabinet Decision, 27 March 1903, MA1 5/5/126 [2] Box 82, Archives New Zealand, Wellington.

eldest married son of the family and needs the money to 'make a new start in life.'[137] He indicated that he had received an offer from Hemi Matenga (brother of Wi Parata) who had interests elsewhere on the island. He added that six of the eight members of the family were willing to sell their interests. Two were still minors:

> I beg to write to you in the Kapiti Island property of the Wallace family. As I am desirous of going into business of my own account I wish to realise on my share of the property either by private sale or disposing of it to the Government. Will you kindly inform me if I can do this at as early a date as possible as I am anxious to get the matter settled. I am the eldest son of the Wallace family am married and badly in need of money to make a start in life. Mr Martin Stubbs [Hemi Matenga] has already offered £5.10.0 an acre for the property and 6 out of 8 of the family are willing to dispose of it the two latters being minors. If you would kindly let me have an interview with you on the matter I should be greatly obliged.[138]

188. The offer was referred to Patrick Sheridan, the clerk of the Native Land Purchase Board, who, while noting the Crown Lands Department wanted to acquire Kāpiti, was very cautious about it and advised against proceeding until March 1915:

> The Crown Lands Department has I believe decided upon some scheme for acquiring the balance of Kapiti Island.
> In respect of this particular part on the Wallace block, coloured green on tracing attached, the Crown has a lease which has several years to run and I don't think the arrangement made when the other portions of Kapiti were purchased, that is the Wallace block should not be purchased until 15 March 1915 when the youngest child will become of age, should be disturbed.
> The writer has just got out of his minority and in no way represents the other members of the family. The price had for other property of Kapiti was 25/ per acre. You had I think pass this on to the Land Department.[139]

189. The offer was also referred to the Under Secretary for Crown Lands for his comment and he noted that legislation would be required before purchases could be made.[140] Eric Wallace was advised that he was unable to sell his interest until the legislation dealing with the island was amended. He was therefore unable to take up the offer he had received for his interest either:

> Your letter of the 28th June, addressed to the Honourable Mr Carroll, has been referred to me for attention. Upon making inquiry, and looking up the title to the Kapiti Island, I find that before purchase can be made, an amendment of the Act is necessary. You will, therefore, note that your interest may not be sold.[141]

190. It would appear that Mr Wallace lobbied Sir James directly as the minister wrote to the Under Secretary of the Crown Lands Department in October to repeat the offer:

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[137] Eric Wallace to Carroll, 28 June 1910, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[138] ibid.
[139] Sheridan to Pitt, 15 July 1910, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[140] Kensington to Fisher, 4 August 1910, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[141] Under Secretary to Eric Wallace, 13 August 1910, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.

> The bearer Mr Wallace has an interest in the 'Kapiti Island' which he wants to sell to the Crown. The purchase of that land and interests wherein have always been in the hands of the Lands Department. I therefore sent him along to you.
> I think the state should acquire the whole of that lands if possible having considerable interests there already.[142]

191. Despite Sheridan's earlier advice, the Native Land Purchase entertained the offer further by requesting a special valuation.[143]

192. Shortly afterward, a further offer was received from another of the Wallace siblings. The Native Land Purchase Board considered these offers almost immediately. The board authorised the department to enter into negotiations to acquire the land.[144] The following day, Lacy Euston Bruce Wallace of Wellington signed a document on 11 October in which he agreed to sell his interest in Rangatira Kapiti 4 Section 4 to the Crown for the government valuation. He also acknowledged that he had received £15 as an advance on the transfer. This document was witnessed by the Registrar of the Native Land Court at Wellington and the Chief Clerk of the Native Department.[145]

193. The Valuation Report was received by the Native Department the following month. The valuer sent to inspect the land wrote of the difficulties he faced in assessing its value, particularly the block held by the Wallace whānau:

> I have to report having visited Kapiti Island on the 5th inst., for the purpose of valuing Rangatira Kapiti No. 4, Section 4, and Section 4A No. 1. The valuation of Rangatira Kapiti No. 4 Section 4, containing 370 acres presents considerable difficulties as on account of the system pursued in cutting out the interests of the different native owners acquired by the Crown, the land has been left without practicable access. It is hemmed in on three boundaries by Crown land, and the western boundary on Cook Strait is a cliff face about 700 feet high.

194. Due to the manner in which the land had been divided, the Wallace whānau block was effectively inaccessible. Legislation prohibiting dealings with land on the island further complicated the situation:

> Again the Kapiti Island Public Reserve Act, 1897 expressly prohibits and determines all dealings in respect to Native owned lands on the Island pending acquisition by the Crown as a Public Reserve. Viewed in the light of this restriction, and the face that there is at present no practicable access, the land is to all intents and purposes valueless.

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[142] Carroll to Kensington, October 1910, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[143] Fisher to the Valuer-General, 10 October 1910, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[144] Native Land Purchase Board Minute, 3 October 1910, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[145] Lacey Euston Wallace, 11 October 1910, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.

195. However, the valuer considered the property needed to be valued as a farming unit without regard to these difficulties:

> As it has been ruled on more than one occasion in the Supreme Court that no restrictions can be imposed which have the effect of depreciating the value of the land, and also as a matter of equity, I have viewed the property from a different standpoint. The Island generally has a carrying capacity of 1 ½ sheep per acre, but as the available area of flat land is so small compared with the area of hilly land, it could not be put to its full use.

196. It was also necessary to account for the issues with transporting stock and managing them on the steep terrain:

> Taking this into consideration, and also the extra expense in transshipment of stock and wool, and the difficulty of effectively mustering when compared with similar land on the main land, and the fact that approximately 50 acres of this particular block are high cliffs, I consider that £2 per acre fairly represents the unimproved value of the land proposed to be acquired.[146]

197. Despite the steepness of the land and the difficulties of access, there was a building on the property and this was described as the caretaker's hut: 'The Government Caretaker's hut is on the block, but as it is about 20 years old, and attacked by the borer, it is not worth more than £50'. The lease, which had thirteen years to run, had the effect of reducing the value of the block but the valuer considered that the full capital value of the block, including improvements, should be paid:

> The block is subject to lease to the Crown which has 13 years to run at £13/17/16 per annum. This reduces the purchasable interest of the owners to £557, but as the lease could not have been taken for the purpose of preventing any European dealing with the Native owners, seeing that the Act of 1897 was prohibitive, and the lease is dated 1902, I consider that the Crown as a matter of justice should pay the full present value of £805.

198. The valuer concluded his report by commenting on the role of the wild goats in undermining the attempts to preserve wildlife on the island, though he thought the risk of fire had been reduced by their activities. He was optimistic about the possibility of developing a recreational facility on the island, which he believed could be consistent with the Crown's intention to create a preserve there:

> At present the wild goats threaten to exterminate the few Native birds on the Island, the utility of which as a bird sanctuary and preserve for New Zealand flora would be completely destroyed were a fire to break out during a high wind. This risk has happily been reduced to a minimum by the good work done by the wild goats in cleaning out the undergrowth. I regret that it is not within my province to recommend the development of the property as a health resort, and watering place, which could easily be done without interfering with its present use as a preserve for fauna and

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[146] (Part 1 of 2) Martin to the Valuer General, 8 November 1910, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.

> flora, as it could be made a source of considerable revenue, at a comparatively small outlay.[147]

199. By way of contrast, the same valuer assessed the value of Rangatira Kapiti 4A1, containing 12 acres 2 roods, in a separate report at £15 per acre (a total of £180, including £15 of unidentified improvements). This valuation was made for the purposes of assessing compensation due to W.H. Field under the Kapiti Island Reserve Act 1897, after he had previously acquired the land from the original Māori owners. The valuer had applied the same principle, dealing with it as farm land, but the block was 'practically level land' and would provide 'a central homestead site to the rest of the Island'. In making this assessment, he had 'diregard[ed] altogether its historical value and associations as one of the three settlements of Te Rauparaha, and also its latent possibilities as a health resort were the Island put to its full use'.[148]

200. The day the valuer's report was received by the Native Department, Elsie Wallace (now known as Elsie Charlton) and Lacy Wallace signed an agreement to sell their shares in the Wallace whānau land at Kāpiti for £2 5s (a 5s premium on the price recommended by the valuer the previous month).[149] Elsie's husband, Arthur, and their mother (Catherine Hombersley) witnessed their signatures. As noted above, Lacy had already signed a document agreeing to sell the land the previous month.

201. A few days later, after these offers had apparently been considered by the Native Land Purchase Board and departmental officials and although the department had already made advances (to Lacy Wallace recently and Elsie Wallace three years earlier in May 1907), the Under Secretary referred the matter to the Lands Department for the approval of the Minister of Lands:

> A portion of the above island called Rangatira Kapiti, No. 4, Section 4, containing 370 acres, owned by the Wallace family, has been offered to the Crown. The matter was submitted to the Native Land Purchase Board, who decided, as the land in question was something outside the scope of the Native Land Settlement procedure, it being a Fauna reserve, that it should be referred to the Right Hon. the Minister for Lands to approve of the purchase. The Native Department has already made advances and upon receipt of above approval will proceed to complete the sale.[150]

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[147] (Part 2 of 2) Martin to the Valuer General, 8 November 1910, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[148] Martin, 8 November 1910, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[149] Elise Charlton and Lacey Wallace, 11 November 1910, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[150] Fisher to Kensington, 16 November 1910, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.

202. The offer was submitted to the Minister of Lands who approved the acquisition of the Wallace whānau lands on 28 November.[151] The Under Secretary subsequently asked Mrs Charlton to visit his office and officials were directed to locate certain records to prepare a transfer for the Wallace whānau interests.[152] An advance of £50 was also paid to Eric Wallace on 1 December 1910 (though the payment had been prepared a week earlier, presumably pending ministerial approval of the acquisition).[153] By the middle of December, the Under Secretary of the Native Department advised the Land Department that the interests of Elsie, Irma, Eric and Lacy in the island had been acquired. They had each been paid £110.[154]

203. At about this time, two of the trustees for other members of the Wallace whānau contacted the department to indicate they were prepared to alienate the interests they administered to the Crown. Initially, Harper wrote to the Under Secretary:

> I have been asked to inform you that the Trustees of the children of James H. Wallace are willing to sell the remaining shares (now vested in minors) of the above block.[155]

204. A day later, A.J. Knocks, another trustee, also wrote to the Under Secretary. His willingness to alienation the interests was, however, qualified:

> In connection with the sale of the interests of Enid and Elva Wallace at Kapiti to the Government I as one of the trustees will, if their mother is agreeable, sign a transfer of their shares and Mr Geo Harper who is one of the trustees, will I think also sign.[156]

205. Several months later, the Under Secretary advised Harper that a memorandum of transfer had been forward to the Post Office at Ōtaki for him to complete:

> Referring to your letter of the 15th December last, I have to inform you that the Memorandum of Transfer herein has been forwarded to the Postmaster at Otaki, and I would be glad if you will attend there to sign same as trustee for the minors named in the block.

206. The Under Secretary expected only Harper to sign the transfer at this stage.[157] Three days later, he asked the Postmaster by telegram to return the deed to him if it had been

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[151] Kensington to Fisher, 28 November 1910, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[152] Unknown, Date Unknown, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[153] Native Department, 25 November 1910, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[154] Under Secretary, 17 December 1910, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[155] Harper to Fisher, 15 December 1910, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[156] A.J. Knocks to Fisher, 16 December 1910, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[157] Under Secretary to the Otaki Postmaster, 20 March 1911, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.

completed.[158] The Postmaster advised by letter in reply that Harper had asked for clarification on the payment of the purpose money and the Postmaster had his own concerns:

> Mr Harper wishes to know before signing where the money is and if paid over to the other trustees he wishes to see their receipt.
> I also do not see how I can sign as having seen the money paid as per clause 2 – cannot this clause be struck out.
> Mr Harper wishes reply at once as he has had telegrams in reference to the payment.[159]

207. The Under Secretary immediately responded by telegram to the Postmaster advising that the money would be paid to the Public Trustee under s 185 of the Native Land Act 1909. He also suggested the Postmaster note, presumably on the transfer, that payment would be made in this way.[160] After further consideration, however, the Under Secretary sent a further telegram the same day to ask for the deed to be returned to his office 'today without fail'.[161] After the Postmaster wired to say Harper was away, a further telegram was sent asking for the transfer to be sent immediately and without Harper's signature.[162] The following day, the Under Secretary received a letter from Harper suggesting a cheque be sent with the deed:

> I am in receipt of your letter of 20th inst. asking me to sign the transfer herein at the Otaki Post Office. I notice however that by Sec. 185 of the Native Land Act 1909 all purchase money, over the amount of ten pounds, payable to trustees under that act must be paid over to the Public Trustee.
> I should therefore require to be satisfied that the purchase money will be paid to the Public Trustee before I can sign the transfer.
> I would suggest that a cheque for the amount payable to the Public Trustee be forwarded to the Postmaster Otaki to be lodged by him to the credit of the Public Trustee in the Otaki Post Office on the execution of the transfer by me.[163]

208. The same day, the Under Secretary again asked the Postmaster to send the transfer urgently.[164] While awaiting its return, he advised Harper he would be forwarding a

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[158] Under Secretary to the Otaki Postmaster, 23 March 1911, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[159] Otaki Postmaster to the Under Secretary, 23 March 1911, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[160] Fisher to the Otaki Postmaster, 24 March 1911, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[161] ibid.
[162] Postmaster to Fisher, 24 March 1911; Mr Fisher to the Otaki Postmaster, Undated, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[163] Harper to the Under Secretary, 23 March 1911, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[164] Fisher to the Otaki Postmaster, 25 March 1911, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.

cheque to the Postmaster at Ōtaki to be deposited with the Public Trustee after the transfer had been signed.

> Referring to your letter of the 25th instant. I am sending my Imprest cheque for £220 – being the value of the interests of the two minors in the above block – to the Post-master at Otaki, with instructions that, on your executing the transfer, the amount shall be placed to the credit of the account with the Public Trustee in the usual manner.
> Owing to the 31st March being close to hand I would feel obliged if you will call at the Post office and complete, so that the documents can be returned and the cheque cleared at the bank before the date mentioned.[165]

209. The transfer was received by the Under Secretary from the Postmaster on 25 March and it was returned to the Postmaster with the cheque on two days later for Harper to sign.

> With reference to my memorandum of the 20th instant, the document then forwarded were duly received on Saturday and I am now returning them again for completion by Mr Harper.
> I enclose cheque for £220, being the interest of the two minors, and this amount you will lodge to the credit of the Public Trustee in the usual manner on Mr Harper executing the document.
> I may state I have written Mr Harper hereon asking him to call so that matters may be completed and cheque cashed before the 31st instant.[166]

210. The completed transfer was subsequently returned to the Under Secretary.[167] Payments were also made to Elva, Enid and Amy at about this time. Marion's interest was not acquired at this time and in the following years, the Crown's focus shifted to alienating other parts of the island from Māori ownership. It appears that officials considered there was little urgency in acquiring her interest as the Crown already held a lease over the land.[168] Nevertheless, in January 1917, the Under Secretary reported to the Department of Lands and Survey 'that the Native Land Purchase Board is making an effort to acquire all available outstanding interests in Kapiti Island, and it is anticipated that a considerable area can yet be acquired on behalf of the Crown'.[169] He advised that applications to partition Crown interests would be made 'in due course'. An estate which held interests on the island (outside Rangatira Kapiti 4) was subject to a will which only provided for the alienation of that land if it were taken by

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[165] Under Secretary to Harper, 27 March 1911, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[166] Under Secretary to the Otaki Postmaster, 27 March 1911, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[167] Otaki Postmaster to the Under Secretary, Undated, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[168] O'Neill to Jordan, 18 January 1917, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[169] Jordan to Broderick, 26 January 1917, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.

the Crown and the Under Secretary for Lands and Survey indicated legislation would be passed in the near future to acquire this land compulsorily.[170]

211. In July 1917, the question of the rental due to Marion D'Ath (formerly Wallace) was raised by the Under Secretary as it appears the rent had not been paid for several years:

> Mrs R.M. D'Ath of Otaki is the owner of the sole outstanding interest in the above block, and consistently refuses to sell the freehold to the Crown. I understand that a lease of the block was obtained by the Lands Department form the Wallace family some years ago, and that certain payments of rent are due to Mrs D'Ath in respect of her interest. I am advising Mrs D'Ath that the matter of payment is one entirely for the Lands Department to arrange. I understand that payment sent c/o Post Office, Otaki will reach her. She is shown in the title as Marion Wallace and received her last payment three or four years ago.[171]

212. A few months later, the Under Secretary wrote again to the Department of Lands and Survey regarding Marion D'Arth's interest in the island:

> In Rangatira Kapiti 4 No.4 there is one interest of about 16½ acres still outstanding and owned by Mrs F.H. D'Ath, (Marion Wallace) of Otaki. The Crown at present pays rent to her in respect of this interest. This lady positively refuses to sell her interest in Kapiti. It is possible that she might be induced to exchange her interest in Rangatira Kapiti 4 No. 4 for an area of similar value in Waiorua Kapiti 5 Section 1B No. 2B. Before negotiations can be entered into by the Native Land Purchase Board, it is necessary to have the consent in writing of the Minister of Lands. A similar exchange is referred to in my memorandum of even date affecting Hemi Matenga's interest of 108 acres in Maraetakaroro Kapiti 2B 1. Distinct negotiations and exchange will be necessary but it may be advisable to deal with both matters concurrently, as regards valuation, tracings, etc.[172]

213. The Native Land Purchase Board was authorised to engage in the negotiations with Marion D'Arth by the Minister of Lands under s 382 of the Native Land Act 1909.[173] However, the Under Secretary for Lands and Survey was reluctant to facilitate the acquisition of land on the island by exchanges involving Crown Land on the island:

> Before, however, any proposal is made upon the subject of exchange, I would be glad if your Department would endeavour to acquire the outstanding interests in this Block by direct purchase. It is possible that the owners may be agreeable to sell which would be preferable from the Crown's point of view to cutting out a small area for exchange purposes.[174]

214. Nevertheless, the same day, the Under Secretary asked the board to clarify whether she would consider an exchange, 'in order that a suitable exchange area may be

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[170] Broderick to Jordon, 31 January 1917, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[171] Jordan to Broderick, 4 July 1917, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[172] Jordan to Broderick, 19 September 1917, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[173] Broderick to Jordan, 29 October 1917, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[174] ibid.

selected'.[175] It is possible officials envisaged an exchange involving an area of Crown land away from Kāpiti Island on the mainland.

215. The Under Secretary of the Native Department wrote to Marion D'Ath at some length at the start of December to explain the proposal:

> Referring to previous correspondence hereon, the Lands Department has now put forward a proposal for an exchange of a suitable area of Crown land on Kapiti Island for the interest of about 16½ acres held by you in Kapiti 4 Section 4 and at present leased to the Crown.
> The proposal is that, in exchange for a transfer of your freehold interest, the Governor-General should issue his warrant vesting in you for an estate in fee simple free and unencumbered an area of Crown Land on Kapiti Island equivalent in value to your value of your interest in Kapiti 4 section 4.
> The Crown desires to consolidate its interest in Kapiti Island and doubtless you will wish to obtain a clear title to a definite area rather than retain an individual interest in a large area already under lease to the Crown.
> I shall be glad if you will advise me whether you are prepared to carry out the proposed exchange, and, if so, where you desire your interest to be located. Probably it would facilitate matters if you could call at the office here and inspect the plan of the Island. An official from the Lands Department would then be asked to point out the locality where a piece of Crown land could be made available.
> As it is proposed to send Valuers and Surveyors across to Kapiti shortly to arrange about another similar exchange, I trust you will give this matter early consideration and let me know your views some time next week.[176]

216. The Under Secretary was clear that the land Marion would receive was to be on Kāpiti. However, it appears this letter received no response as the Under Secretary wrote again in the new year to again ask for Marion's views on a proposed exchange:

> Referring to previous correspondence hereon, I beg to inform you that the negotiations with other owners for an exchange of interests in Kapiti Island are now will under way, and it is anticipated that the exchange will be completed at an early date. If you desire to obtain a title to a definite area instead of retaining an undivided interest in the large area already under lease to the Crown, I would suggest that you communicate your views on the subject to me or call at the Office here as soon as convenient. The position was explained to you in my memorandum of the 1st ultimo. I trust that you will give this matter your earliest consideration.[177]

217. This proposal was not pursued further.

218. In June 1919, the Minister of Lands 'approved of legislation being prepared for the consideration of the Government with a view to the Crown acquiring the balance of the Native interests in the Island'.[178] Further negotiation with the Māori landowners

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[175] ibid.
[176] Jordan to Marion D'Ath, 1 December 1917, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[177] Jordan to Marion D'Ath, 17 January 1918, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[178] Broderick to Jordan, 6 June 1919, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.

were to halt pending a final decision on how to proceed (though the Under Secretary for Lands and Survey suggested they should continue where 'a substantial area could be bought'). A draft clause was prepared to be added to the 'washing up' bill:

> Whereas pursuant to the provisions of the Kapiti Island Public Reserve Act, 1897, the Crown has acquired certain portions of the said island of Kapiti: And whereas other portions of the said island are still held by the Native owners as the registered proprietors thereof: And whereas it is expedient that the whole of the island should now become the property of the Crown: Be it therefore enacted as follows:–
> 1. The Governor-General may, by Proclamation approved in Executive Council, declare that all or any part of the Island of Kapiti that is not now vested in his Majesty the King shall, as from the date of such Proclamation, or as from such later date a may be specified therein, be vested in His Majesty, and the said Proclamation shall take affect according to its tenor.
> 2. Upon the vesting in His Majesty of any land pursuant to this section the District Land Registrar of the Wellington Land Registration District shall register His Majesty as the proprietor thereof.
> 3. Failing any agreement being made as to compensation to be paid for land vested in His Majesty pursuant to this section, every person deprived of any estate or interest in any such land shall be entitled to compensation therefor, to be ascertained and determined under the Public Works Act, 1908, as in the case of Native lands taken for a public work.[179]

219. However, the clause was struck out of the bill by the Native Affairs Committee.[180] The Minister of Lands approached the Native Minister the following year to have the claused added to the Native Land Amendment Bill as it was 'very desirable that the Crown should become the owner of the whole of the island'.[181] Herries referred the request to the Attorney-General for his opinion.[182] The Attorney-General thought the clause should proceed as acquiring all the land on the island was 'really essential for the preservation of native lfora and birds' and 'only a very small area remains in native hands'. The island, like Little Barrier, had been the subject of special legislation so it would not be setting 'a precedent for the mainland'.[183] In October, the Native Minister's private secretary asked whether it was to be included in the 'Native Washing Up Bill or the European one?'[184] The Native Minister directed his private secretary to add it to the 'Native bill' to save time:

> It would save time to put it in the Native Bill at once as if it is put in the Lands Bill it would have to be referred to Native Affairs Committee.[185]

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[179] Draft Clause, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[180] Guthrie to Herries, 17 May 1920, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[181] ibid.
[182] Herries to Bell, 18 May 1920, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[183] Bell to Herries, 19 May 1920, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[184] Balneavis to Herries, 28 October 1920, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[185] Herries to Balneavis, 28 October 1920, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.

220. The Native Minister's logic is difficult to follow but it is possible that the Māori land bill had already been approved by the select committee while the European one was still passing through this process. In any case, his attempts to enact the legislation quickly did not come to pass as Balneavis advised the Under Secretary a few days later that although the clause had been added to the 'Native Washing Up Bill', it had been 'struck out by the Native Affairs Committee'.[186] Marion D'Ath's interest remained untouched for the time being.

221. However, the Minister of Lands was unhappy with this outcome and asked the Native Minister to add it to the Native Land Amendment Bill in the new session.[187] This suggestion was approved by the Native Minister, who believed that the 'completion of the government title to Kapiti is really essential for the preservation of native flora and birds'.[188] He noted that 'only a very small area remains in native hands' and did not consider this approach would set a 'precedent' as '[t]hese islands (and Little Barrier) have been more than one the subject of special legislation'. It appears that again the clause was not enacted.

222. Instead, the Crown's next step was to apply to the Native Land Court to define its interests in the island. The partition of the block was completed in July 1922. Marion Wallace appeared at the partition hearing in July 1922 and the partition was arranged 'by mutual consent'.[189] Marion was awarded Rangatira Kapiti 4 Section 4A containing 16 acres 1 rood as a 1/8 successor in the block to her father. The balance of 353 acres 3 roods 30 perches, representing the interests of the children who had alienated their shares, was vested in the Crown.

223. The following year, in March 1923, the Court considered an application by Marion to cancel the partition orders made in relation to Rangatira Kapiti 4 Section 4. Carkeek represented her at the hearing and told the Court that the area awarded to her was:

> … practically inaccessible. There is no means of getting up the steep face from the beachside.[190]

224. In response, Judge Gilfedder doubted there was anything he could do:

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[186] Balneavis to Jones, 2 November 1920, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[187] Minister of Lands to Herries, 18 May 1920, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[188] Herries to Jordan, 19 May 1920, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[189] Wellington Native Land Court Minute Book 23, 25 July 1922, fol. 244.
[190] Otaki Native Land Court Minute Book 57, 1 March 1923, fols 45-46.

> The judge said the parties seem to be satisfied with the pieces at the time of partition but since then the non-sellers have found that the part they got is of little value. He feared that it was now too late to reconsider the partition as probably the part vested in the King had since been proclaimed Crown land outside his jurisdiction. No doubt the Lands Department if the matter were represented to them would be willing to consider an exchange whereby Mrs D'Ath would get a better piece of ground with access to the shore. Held over in order to view the locality.[191]

225. Although the judge was speculating, the land was not proclaimed Crown land for several decades. It is not clear if the judge did 'view the locality', which would have been very difficult, or dismissed the application, but about three months later, he prepared a report for the Native Minister on the arrangements made at the original partition and at the subsequent hearing:

> … a partition of Rangatira Kapiti 4 No.4 was effected by the Native Land Court at Wellington on July 25th 1922, when the interest of Marion D'Ath (nee Wallace), comprising 16 ¼ acres, was cut off from the area acquired by the Crown, and called Rangatira Kapiti 4 No.4A, while the residue 353a 3r 30p was called 4 No. 4B, and was vested in His Majesty The King. The Crown Lands Department was represented at the sitting of the Court and Mrs D'Ath was present in person, and both parties seemed to be satisfied with the partition. Afterwards Mrs D'Ath ascertained that her division was precipitous, inaccessible and useless to her and she made an application to the Court at Levin on March 2nd 1923 for the cancellation of the partition order, when the matter was adjourned to enable Mrs D'Ath to confer with the Lands Department with a view of effecting an exchange, A conference has taken place and I beg to recommend that the Crown give Mrs D'Ath 16¼ acres at Kahuoterangi Marked 'A' on accompanying lithographic plan by way of exchange for her 16¼ acres in 4 No. 4A marked 'B' on plan; or in the alternative give her 10 acres to the South of Tame Tuari's area, being 4 acres on the flat and 6 acres on the face of the hill marked '0' on such plan.[192]

226. In referring the judge's report to the Native Minister, the Under Secretary noted that the exchange could only be undertaken with the prior written consent of the Minister of Lands under s 382 and 383 of the Native Land Act 1909.[193] The Native Minister referred the report to the Minister of Lands, making no recommendation on whether consent should be given:

> This matter was thrashed out with your predecessor some time ago. A mistake was no doubt made at the time the partition was made in the location of the subdivision for Mrs D'Ath. It has since been found that instead of her piece being located at the spot intended it is situated in useless and precipitous country quite inaccessible for her purposes. She will not sell to the Crown, but desires to exchange this piece for a portion of Crown land indicated on plan herewith. Before the Native Land Court can consider proposals for such an exchange, your prior consent must be first had and obtained.
> Referred accordingly.[194]

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[191] ibid.
[192] Judge Gilfedder to Coates, 23 May 1923, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[193] Jones to Coates, 25 July 1923, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[194] Coates to the Minister of Lands, 26 July 1923, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.

227. It appears the Minister of Lands refused his consent, arguing that he was unable to give it due to the provisions of the Kapiti Island Reserves Act 1897 (though an earlier exchange of Crown land was arranged despite the provisions of the Act). The minister's response is located in a different part of the file and there are no details about the receiver. However, a document refers to the Native Minister's memorandum and the request by Marion D'Ath for an exchange and does appear to be a direct response to this request:

> In reply to your memorandum of the 26th July, regarding Mrs D'Ath's application for an area of Crown land in exchange for her interest in an adjoining subdivision, I have carefully perused the correspondence and now have to inform you that it is not advisable to agree to the exchange for the following reasons.
> The Kapiti Island Public Reserve Act, 1897, set the island aside as a sanctuary for the preservation of the native fauna and flora. For this purpose the Government has from time to time acquired the interest of all private persons therein until at present the only persons owning land on the island outside the Government are Mrs Webber, who holds a compact block at the north end of the island and whose property is being cut off from the Crown portion by a dividing fence; Mrs D'Ath, who had an undefined interest of 16 ¼ac in Rangatira, Kapiti 4 No. 4 Block in the middle of the island and Tame Tuari (Thomas Stewart) who holds an area of 3⅛ acres in Rangatira, Kapiti No. 4B. At a recent sitting of the Native Land Court Mrs D'Ath made application to partition her interest in the block and wished her area to be located in the exact position in which it was finally awarded to her, but she now states that it is precipitous, inaccessible and useless to her. She desires in exchange an equal area of good land belonging to the Crown on the coast.
> The whole object of the reservation of Kapiti is to maintain it as a sanctuary for the native fauna and flora. For this purpose the Crown has consistently acquired all interests in the land, and discouraged all settlement there. Should the present request be agreed to, it would inevitably mean that in course of time a private dwelling house or public boarding house would be erected in an advantageous position to which pleasure seekers and others could resort whenever they wished. It would be impossible to keep Kapiti as a safe sanctuary and the whole object of the reservation would be destroyed. Moreover, those persons whose lands have been acquired by the Government would protest against different treatment being meted out to them as compared with Mrs D'Ath.
> In the circumstances, therefore, I regret that I do not see my way to take any action in the matter, and I can hold out no hope that the policy of the Government in this matter will be changed.[195]

228. No exchange was ever effected and Marion D'Ath's interest in Rangatira Kāpiti remained undefined. The Native Minister did request the minutes of the 1922 partition hearing in June 1925 but there is no indication that he took any action and the papers were returned five years later.[196]

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[195] Minister of Lands, Undated, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.
[196] Coates to Jones, 11 June 1925, MA1 5/5/126 2 Box 82, Archives New Zealand, Wellington.

e Little Progress, 1940 to 1954

229. A report from the Commissioner of Crown Lands, prepared in November 1940, identifies the Māori land on the island. There were a number of parts of Waiorua Kāpiti which were explained and Rangatira Kapiti 4B2 was included too. A comment on Rangatira Kapiti 4 Section 4A, owned by Marion D'Arth, indicated that the location of her land was yet to be determined and was unsurveyed. It added that 'Mrs D'Ath appealed against the previous location that was precipice'.[197] The report noted that the District Valuer's assessment for 4B2 in April 1938 was £5; no valuation for 4 Section 4A was given (presumably because Mrs D'Ath was not willing to sell).

230. In 1954, the Commissioner of Crown Lands at Wellington was keen to resume efforts to acquire the remaining Māori land on Kāpiti.[198] However, without approaching the owners, it was difficult to estimate the cost acquiring their interests. Moreover, the scenic value of the island and the Crown's enthusiasm to take control and establish a sanctuary meant the Māori owners were well placed to negotiate value at their own prices. Combined estimates from the latest Government valuation, which had been discussed with the District Field Officer who was prepared to value as farmland, had revised the valuation to:

Improvements	£630
Unimproved value	£730
Total	£1,360

231. Officials considered acquiring the land using compulsory means was the best option, if necessary by special legislation leaving the Land Valuation Court to assess compensation. They believed it would be very difficult to get agreement on prices by means of voluntary negotiations, especially as the Māori landowners were apparently not united in their views.[199]

232. However, the Director General refused to entertain a proposal which included acquiring the land by compulsion.[200] The Commissioner of Crown Lands was instructed to follow the procedure set out in the Maori Affairs Act 1953; compulsory

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[197] Commissioner to the Under Secretary, 12 November 1940, AANS 6095 W5491 4/53/5 Box 5, Archives New Zealand, Wellington.
[198] Assistant Commissioner to the Director-General, 8 March 1954, AANS 6095 W5491 4/53/5 Box 5, Archives New Zealand, Wellington.
[199] ibid.
[200] Director-General to the Commissioner, 19 March 1954, AANS 6095 W5491 4/53/5 Box 5, Archives New Zealand, Wellington.

action to acquire Māori interests in Kāpiti would not be contemplated. Officials were also directed not to pursue the matter in the meantime while the department consulted the Secretary of Maori Affairs for his opinion. The price to be paid and the area which could be acquired in consequence would depend on the availability of funding at the time.

233. In approaching the Secretary of Maori Affairs, the Director General noted that a prominent landowner in one of the other blocks was recently deceased and suggested 'it may be opportune to consider purchasing, or attempting to purchase further areas from the present owners'.[201] He was keen to see the remaining Māori land on Kāpiti transferred to the Crown. The Secretary cautioned the Director General about taking any action as an early intervention might do 'more harm than good':

> It may well be that the Crown's efforts will be attended with more success if a little time is allowed to elapse before negotiations are recommended.[202]

234. On the basis of this advice, the Director General agreed to leave the matter for twelve months and the Commissioner of Crown Lands was advised accordingly.[203]

f Rangatira Kapiti 4 Section 4A

235. In June 1955, the Secretary for Maori Affairs wrote to the Director General of Lands:

> The Crown purchased all the interests in this block [Rangatira Kapiti No. 4 Section 4] except those of Marion Wallace (now Mrs D'Ath). I have here the uncompleted purchase deed by which the transfer of the interests was effected.
> The matter of having Mrs D'Ath's interest partitioned out was before the Maori Land Court on 25 July 1922 when orders were made with the agreement of the parties. Mrs D'Ath evidently later complained about the location of her interest and an application was adjourned to enable the parties to discuss a proposed exchange, but there is no record on my file as to what was the outcome.
> I should be pleased if you would let me know whether the interest of Marion Wallace (Mrs D'Ath) is still shown as outstanding in your records. I understand that Mrs D'Ath is still living and is still opposed to a sale.[204]

236. Rangatira Kapiti 4 Section 4A was located away from the coast at the inland boundary of Rangatira Kapiti 4 Section 4 and did not have any legal access (due to the absence of roads). There was a stream running near it but it is unlikely that this would have

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[201] Director-General to the Secretary, 19 March 1954, AANS 6095 W5491 4/53/5 Box 5, Archives New Zealand, Wellington.
[202] Maori Affairs Department to the Director-General, 25 March 1954, AANS 6095 W5491 4/53/5 Box 5, Archives New Zealand, Wellington.
[203] Director-General to the Secretary for Maori Affairs, 1 April 1954; Director-General to the Commissioner, 1 April 1954, AANS 6095 W5491 4/53/5 Box 5, Archives New Zealand, Wellington.
[204] Secretary for Maori Affairs to the Director General, 21 June 1955, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.

been effective access. A proposal for exchange was noted by the Native Land Purchase Board in November 1917 (and the board approved the exchange) but no information on the arrangements or whether they were implemented was given.

237. The Secretary pursued the matter again in August before the Director General responded to advise that he was investigating the question with the Commissioner of Crown Lands.[205] Later that month the Director General explained the situation:

> Mrs D'Ath's interest in the above land [Rangatira Kapiti No 4 Section 4] is still outstanding in our books. This block is shown in our uncompleted Maori Purchases Ledger and the particulars are as follows:
>
Purchase price	£770
Administration Expenses	£19.5/-
Area	370 acres 30 perches

> The possible acquisition of Mrs D'Ath's interest was discussed with her by the Commissioner of Crown Lands, Wellington, when she called at his office during last year and she was strongly opposed to the sale of her interest. Mrs D'Ath is in ill health at present and I understand from her daughter who is looking after her that Mrs D'Ath is still definitely opposed to selling her interest.
>
> I feel in the circumstances that no good purpose could be served by pressing the matter of sale to the Crown at this stage. Possibly purchase could be reviewed in say 12 months' time.[206]

238. The position changed significantly at this time as Mrs D'Ath passed away during August. At the end of the month, the Secretary brought this to the attention of the Director General. He advised that 'after an appropriate interval, it is suggested that the question of Crown purchase of her interests could be taken up with the successors'.[207] In October, the Director General raised the matter with the Secretary again asking if there was any progress in dealing with the estate of Mrs D'Ath and whether her successors had given any indication of their intentions about their mother's land at Kāpiti.[208] He pursued it again in July the following year and on this occasion, the Secretary asked for a report from the district officer at Wellington.[209]

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[205] Secretary for Maori Affairs to the Director General, 21 June 1955; Greig to Maori Affairs Department, 10 August 1955, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[206] Greig to Maori Affairs, 23 August 1955, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[207] Secretary for Maori Affairs to the Director General, 30 August 1955, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[208] Greig to the Secretary for Maori Affairs, 18 October 1955, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[209] Greig to the Secretary for Maori Affairs, 2 July 1956; Secretary to District Officer, 5 July 1956, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.

239. The Registrar at Wellington responded promptly. It would appear applications for succession had been submitted to the Court but had not been prosecuted. Letters had been sent to the likely successors and the Public Trustee:

> I have written to the probable successors regarding the possibility of their selling to the Crown and I have also written to the Public Trustee, Lower Hutt, who is apparently administering the Estate of Marion D'Ath.[210]

240. In late September, the Registrar provided a further brief update after he received a letter from the successors of Mrs D'Ath:

> 1. I have received a letter from the successors of Mrs D'Ath.
> 2. They do not wish to sell their share to the Lands and Survey Department.[211]

241. It appears the department did not pass this on to the Director General who asked for an update in March 1958.[212] He was advised that, as Mrs D'Ath's successors did not wish to sell the land to the Crown, 'there does not appear much point in pursuing the matter further at this stage'.[213] This appears to have been the last word at that time as a comprehensive valuation of the island completed in early 1962, as part of negotiations for other parts of the island, did refer to Rangatira Kapiti 4B2 but did not consider Rangatira Kapiti 4 Section 4A.

242. By 1963, Kāpiti Island was largely a bird sanctuary administered by the Department of Lands and Survey. The majority of the island was under Crown ownership but there were some areas of Māori land, mainly at the northern end of the island. Towards the end of 1963, the Director General of the Department of Lands and Survey advised the Secretary of Maori Affairs that negotiations to acquire Rangatira Kapiti 4 Section 4A had made progress:

> For some years negotiations have been proceeding for the purchase of the Maori areas and agreement has now been reached as to the purchase of 16 acres 1 rood being Rangatira-Kapiti 4 No. 4A Block owned by Beryl Catherine Walker and Wallace Michael D'Arth for £100.[214]

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[210] Whaanga to Head Office, 19 July 1956, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[211] Whaanga to Head Office, 28 September 1956, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[212] Greig to the Secretary for Maori Affairs, 20 March 1958, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[213] Secretary for Maori Affairs to the Director General, 26 March 1958, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[214] MacLachlan to the Secretary for Maori Affairs, 5 November 1963, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington.

243. This outcome was the result of negotiations undertaken by the Commissioner of Crown Lands at Wellington. He had earlier advised the Director General that the unwillingness of Marion's children to alienate the land had been overcome:

> Over the years, several approaches have been made to the owners without success. Their reluctance to sell appears to have been based on the prestige value they place on being Kapiti landowners, in relation to the small return they may receive from any sale, and their desire to retain through land ownership the family connection with the island.
> In recent discussions with the owners stress has been laid on the unattractive location in general and inaccessibility of the land and the Crown's aim of acquiring the whole island as evidenced by recent purchases. That little can be achieved by continuing to hold this land is now agreed and the owners are willing to negotiate a sale.[215]

244. Reference to the 'Crown's aim of acquiring the whole island' suggests some level of threat to acquire the land by other means may have been applied in these discussions with Mrs D'Ath's children.

245. A valuation completed in 1963 described the land as:

> … mainly very rough sidling contour with little soil on greywacke. Cover consists of ake ake, kanuka, odd karaka, and rewarewa.

246. The value of the block was assessed at £40 (so the proposed purchase price was more than double the government valuation). In late October, the Director General advised the minister that an agreement to acquire the land had been reached and he recommended it proceed so the area could be added to the bird sanctuary.[216] The minister agreed and the approval of the Board of Maori Affairs was requested so the transaction could proceed.

247. This was given on 8 November at the price arranged.[217] The necessary paperwork was completed on 18 December 1963 and, in January 1964, the Director General advised that the acquisition had been finalised.[218] The purchase money was paid directly to the two vendors. The partition order had never been completed by survey and sealed. This situation would be dealt with by declaring the block Crown land subject to the Land Act 1948 under s 265 of the Maori Affairs Act 1953. The Secretary of Maori Affairs

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[215] Commissioner to the Director General, 21 October 1963, AANS 6095 W5491 4/53/5 Box 5, Archives New Zealand, Wellington.
[216] Director General to the Minister, 24 October 1963, AANS 6095 W5491 4/53/5 Box 5, Archives New Zealand, Wellington.
[217] Souter, 8 November 1963, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington.
[218] MacLachlan to the Secretary for Maori Affairs, 21 January 1964, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington; see also Commissioner to the Director General, 15 January 1964, AANS 6095 W5491 4/53/5 Box 5, Archives New Zealand, Wellington.

was asked to arrange the proclamation. There was some discussion among officials about including Rangatira Kapiti 4B in the proclamation. This had been vested in the Crown in 1922 by order of the Native Land Court but it would appear it was never declared Crown land.[219] Once the description of the entire area, which contained 370 acres 0 roods 30 perches, was settled on, the proclamation was prepared and submitted to the minister for his approval.[220] The Governor General signed it on 3 March 1964.[221] It would appear there was some confusion over arrangements for the payment of purchase money following the proclamation as this was raised by the District Officer at Palmerston North later in the month.[222] The Department of Lands and Survey responded by stating that the two owners were paid £100 directly.[223]

248. By the end of 1964, four small blocks of land on Kāpiti remained in Māori ownership.[224] These areas constituted 37 acres out of a total 4,855 acres. The Crown continued to negotiate the acquisition of other Māori land on Kāpiti through the late 1960s and into the 1970s.

g Rangatira Kapiti 4B2

249. In June 1933, the Commissioner for Crown Lands wrote to the Under Secretary of the Department of Lands and Survey requesting a prohibition on the alienation of Rangatira Kapiti 4B2 except to the Crown. The correspondence identified the five owners at this time as: Heni Matene, Heperi Paneta, Arapere Paneta, Hera Paneta and Tame Tuari in equal shares.[225] The block contained 3 acres 1 rood and 14 perches and was held under a partition order recently issued by the Native Land Court on 2 May 1933.[226] The order in council was issued the following month.[227] The approval to

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[219] Hercus to Stephenson, 27 January 1964, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington.
[220] McBevan to the Minister, 26 February 1964, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington.
[221] Fergusson, Governor General declaring land to be Crown land, 3 March 1964, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington.
[222] Williams to Palmerston North Head Office, 19 March 1964, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington.
[223] Secretary, Department of Lands and Survey, 8 April 1964, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington.
[224] Wellington Native Land Court Minute Book 44, 26 November 1964, fol. 28.
[225] Mackintosh to the Under Secretary, 12 June 1933, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[226] Partition Order Details, 16 June 1933, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[227] Extract from *New Zealand Gazette*, 20 July 1933, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.

acquire this land in exchange for Crown land was given many years earlier by the Native Land Purchase Board on 29 October 1917. It appears that these interests were those the Crown had been unable to acquire in earlier transactions.[228]

250. In July 1935, the Acting Under Secretary of the Native Department wrote to Pirimi Tahiwi of Ōtaki to ask whether the owners of Rangatira Kapiti 4B2 were 'disposed to sell their interests to the Crown'.[229] The correspondence asked if the owners were still alive and their current addresses, so the department could make contact with them. He replied promptly advising that neither he nor 'any local Maori' could give any information regarding them.[230] He was unable to locate them but would pass the information on should there be any luck with further enquiries.

251. Several months later, on 7 October, the Under Secretary wrote to the Court Registrar at Wellington in pursuit of the owners:

> The Crown is desirous of purchasing this land from the native owners. I am informed that the main owner, Tame Tuari (Tom Stewart) resides at Paraparaumu and will be in a position to give the addresses of the other owners.
> I enclose herewith a list of the owners and shall be pleased if you will instruct Mr Flowers to enquire from Mr Stewart whether or not he is prepapred to sell his interest to the Crown and if so to indicate what price he will require; also to supply the addresses of the other owners.[231]

252. An official from the district Maori Land Board, J.H. Flowers, was sent to investigate and reported back to the Registrar the same month:

> … from enquiries made I found that Tame Tuari and all the other owners are dead and their successors will be spread over a wide area. Successors to the Paneta family will be found at Kaikoura. There will be two successors to Tame Tuari, a daughter at Waikanae and another daughter in the Waikato. Stewart's sister died in the Waikato (I presume she was Heni Matene). I am making further enquiries to trace the successors and will advise the result in due course. I am retaining list of owners.[232]

253. The following month, the Under Secretary enquired if any progress had been made with tracing the successors of the deceased owners of the block.[233] A further enquiry

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[228] Native Land Purchase Board Memorandum, 29 October 1917, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[229] Acting Under Secretary to P. Tahiwi, 3 July 1935, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[230] P. Tahiwi to Campbell, 11 July 1935, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[231] Campbell to the Registrar, 7 October 1935, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[232] Flowers to the Registrar, 13 October 1935, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[233] Under Secretary to the Registrar, 21 November 1935, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.

was made in January 1936.[234] That same month Flowers reponded stating he had been unsuccessful in gathering any information but was expecting to get information from Mr Webber of Kāpiti Island who seldom came to town: 'I expect to see him shortly as I propose to employ the Waikanae unemployed clearing scrub on the island'. [235]

254. Persistent enquiries were made by the Under Secretary in June, September and October of 1936 and again in January 1937[236]. In January 1937, Flowers wrote that:

> I regret I have not been able to ascertain any addresses of the owners. I had hoped to obtain the information from Mr Webber Senior of Kapiti Island but I have not seen him for about 18 months. It would probably be more satisfactory if you wrote to him direct for the information, he would collect his mail from Paraparaumu Post Office. I will keep a look out for him but he is seldom in town.[237]

255. As suggested, the Under Secretary wrote to Mr Hona Webber in January 1937, seeking information on the location of the successors to owners in Rangatira Kapiti 4B2.[238] It appears that his wife visited the department shortly after to advise that the children of one of the owners lived at Te Kuiti:

> Mrs Webber called. She stated that the children of Hera Paneta deceased. reside at Te Kuiti but she does not know their names.[239]

256. The department had greater success in writing to Te Rihi Matene (Lizzie Martin). It was understood that Te Rihi was one of Heni Matene's children.[240] She lived in Kaikoura and, the following month, the Under Secretary asked if she was willing to to sell her interests to the Crown and sought information on other successors. A further letter was sent in March 1937.[241] Te Rihi responded on 15 March and indicated that she required more information:

> Sorry you have been kept waiting for a reply as I only received it to day. In regards to Block 4B2 Ranagtira Kapiti I am writing you on behalf of myself and brothers also, the other owners. We are willing to sell but first I would like to know what price the

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[234] Under Secretary to the Registrar, 25 January 1936, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[235] Flowers to the Registrar, 18 January 1936, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[236] Under Secretary to the Registrar, 9 June, 29 September, 29 October 1936 and 7 January 1937, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[237] Flowers to the Registrar, 15 January 1937, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[238] Under Secretary to Hona Webber, 25 January 1937, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[239] File Note, 28 January 1937, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[240] Under Secretary to Te Rihi Matene, 1 February 1937, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[241] Under Secretary to Te Rihi Matene, 9 March 1937, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.

> Crown is offering for the said piece of land before I can decide what is best for the rest of the owners.[242]

257. Her letter was acknowledged but her question was referred on to the Lands Department to specify the price to be paid.[243] It was also noted that successors would need to be appointed by the Court before negotiations could be concluded:

> Apparently there is no valuation of this block. I shall be pleased if you will take this matter up with your Head Office with a view to obtaining the authority of the Dominion Land Purchase Board and advise this Office as to the price to be offered to the Native owners. Before any negotiations can be completed the successors will have to be appointed as such by the Native Land Court.[244]

258. The Commissioner of Crown Lands requested a valuation but it took some time for it to be completed.[245]

259. Over twelve months later, on 6 April 1938, the Commissioner of Crown Lands wrote to the Under Secretary advising that:

> Mr. R. Self, District Valuer, recently visited Kapiti Island and assessed the value of this Block as follows:– Rangatira-Kapiti 4B2 – 3 acres 1 rood 14 perches – £5. I am communicating with my Head Office with regard to the survey lien on the Block and the acquisition of the Native interest.[246]

260. The Under Secretary responded in April 1938 to news of the valuation stating:

> … it is felt that there may be some difficulty in obtaining the consent of the owners of the above block to a sale to the Crown at the amount of the Government Valuation, viz £5. There were five original owners all of whom are now deceased leaving numerous successors residing in various parts of both the North and South Islands. The purchase money payable to each owner, therefore, would be very small. In addition, the survey charges outstanding with respect to the block amount to £15. 8.0 together with interest at 5% from the 25th August, 1925. I should be pleased to have your comments with regard to this manner.[247]

261. The Under Secretary of the Department of Lands and Survey was keen to proceed with the acquisition of the block and asked the Native Department for advice on how to proceed:

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[242] Irihapeti Matene to the Under Secretary, 15 March 1937, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[243] Under Secretary to Irihapeti Matene, 19 March 1937, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[244] Under Secretary to the Commissioner, 19 March 1937, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[245] Mackintosh to the Under Secretary, 25 May 1937, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[246] Mackintosh to the Under Secretary, 6 April 1938, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[247] Under Secretary to the Commissioner of Crown Lands, 26 April 1938, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.

> The outstanding survey lien is for £15.8.0, plus interest which, at the 15th April, amounted to £9.14.6. The Commissioner of Crown Lands suggests that an endeavour be made to secure the land in satisfaction of the survey lien or, failing that, and provided the successors in title do not exceed twenty-five, that they be offered 10/- each for their interests. Will you please let me have your comments.[248]

262. A senior official in the department, Norman Smith, advised the Under Secretary that successors would have to be appointed for negotiations with the owners to proceed.[249] The Under Secretary wrote to the Native Land Court in Auckland seeking assistance with this task.[250] In March 1939, the Registrar provided information on the successors to Hera Paneta who had five children:

1. Ngatai Harimate, Ratana
2. Te Ahuarangi Harimate, Tauwhare, near Cambridge
3. Tame Harimate, Ohaupo
4. Tu Harimate, Ohaupo
5. Ngarongo Harimate, Te Kuiti

263. The field officer was unable to get any definite information about Tiemi Matene.[251] The Under Secretary followed up the question of successors to Tiemi Matene in April 1939.[252] The Registrar responded the following month stating there was no progress in tracing the successors and requested help from the Native Land Court in Wellington to supply further information regarding the title and next of kin.[253]

264. The Under Secretary set about communicating with successors to other owners, indicating that the Crown intended to acquire outstanding interests in Kāpiti Island and seeking further information to contact others successors. A letter was sent to R.M. Tairoa of Te Awamutu but returned the following month unclaimed.[254] A letter was sent to Henare Te Awanui Norton of Kaikoura on 24 July 1940[255].

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[248] Under Secretary, Memorandum 24 May 1938, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[249] Smith to the Under Secretary, 15 November 1938, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[250] Under Secretary to the Registrar, 2 February 1939, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[251] Jones to the Registrar, 21 March 1939, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[252] Under Secretary to the Registrar, 26 April 1939, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[253] Registrar to the Under Secretary, 16 May 1939, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[254] Under Secretary to R.M. Tairoa, 8 June 1939, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[255] Under Secretary to Henare Te Awanui Norton, 24 July 1940, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.

265. In March 1940, the Under Secretary wrote to the Registrar enclosing applications to succeed to Tame Tuari, Arapera Paneta, Heni Matene and Hera Paneta in Rangatira Kapiti 4B2. He stated:

> I understand a succession order has already been made (on 25/5/27) to Heperi Paneta's share of the block. The Crown is desirous of acquiring the above block on Kapiti Island for the purposes of extending the bird sanctuary. There should be no difficulty in arranging for the prosecution of the applications to all except, perhaps, to Arapera Paneta's interest. I shall be glad of any assistance you can render to obtain a succession order to this latter interest.[256]

266. Further enquiries were made in May and June the same year about whether it was possible to arrange a hearing of applications to succeed to the block at a forthcoming Levin sitting.[257] An official noted that the applications was listed on the Wellington pānui but had 'not yet been prosecuted'.[258]

267. Little progress was made until October 1945, when Wiki Roberts wrote to the department in response to a recent letter, apparently on another matter. She addressed the subject of the letter before raising an issue relating to a parcel of land at Kāpiti Island:

> Also there is one other matter I would like your comment on.
> The late Thomas Stewart had interest in a section on Kapiti Island, and as the family refuse to do anything about the above piece, which I think rather foolish, but if the trustee make an application on behalf of James Alexander Stewart grandson of Thomas Stewart, the others interested may come forward to claim and pay for their share.
> I sincerely hope this is clear to you. Would not like to see the section sold and would if possible and collect to have James A. Stewart claim entered for the Kapiti piece.[259]

268. It would appear she thought the section at Kāpiti Island could be a mechanism for dealing with difficulties on other land belonging to her whānau. The letter was also signed by James Alexander Stewart. The Under Secretary identified J.A. Stewart as a successor to Tame Tuari (Thomas Stuart) in Rangatira Kapiti 4B2. However, he was pessimistic that any progress would be made in the Crown dealings on the block:

> I have to advise that James Alexander Stewart is apparently one of the successors to Tame Tuari in the above [Rangatira Kapiti 4B2] block. The Crown is desirous of acquiring the block but only if it is possible to purchase the whole area. There are a large number of successors to the original owners and previous attempts to purchase

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[256] Under Secretary to the Registrar, 1 March 1940, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[257] Under Secretary to the Registrar, 3 May and 19 June 1940, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[258] File Note, 18 July 1940, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.
[259] Wiki Roberts to Shepherd, 29 October 1945, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.

> interests have been unsuccessful. In the circumstances, therefore, it does not appear that there is any likelihood of selling this land. The block was valued at £5 in 1930.[260]

269. A relatively comprehensive valuation of the island was completed in early 1962. A valuer from the Valuation Department was accompanied to the island by a representative of the New Zealand Forest Service, a trustee of an estate which administered land on the island and they also met with the caretaker on the island. The group reviewed a number of blocks and farming activities on the island, some of which are not relevant here (though it might be noted that some of these lands were subsequently subject to exchanges involving Motungarara Island). Rangitira Kapiti 4B2 was located near the caretaker's home and described in some detail:

> It has approximately 4 chains frontage to a shingly beach with a rather exposed position. In the early days a whaling station was operated on the shore adjacent to this area and two try pots are still there. There is no fresh water on this area. It consists of a small area of flat in cutty grass, rushes etcetera (say ¼ to ½ an acre) on beach frontage, it then ascends steeply the face of the island and is in mixed light buish, on a very thin soil on greywacke.[261]

270. The valuer thought it was suitable for occupation and the construction of a recreational dwelling and had good access, both of which he thought should be included in the valuation:

> Mr Mackey suggests that this area might appeal as a bach site and therefore could be more valuable, however additional expenses such as boating for access and transport and the need to haul out boats because of the elements should be considered. The capital value of this land block is £85.

271. In August 1964 the Department of Lands and Survey remained keen to acquire Māori land on Kāpiti Island. Of the 4,855 acres on Kāpiti Island only 50 acres remained in private ownership. The purpose was to acquire the whole of the island for a sanctuary for the preservation of floura and fauna was proving difficult. The Commissioner of Crown Lands was particularly interested in Waiorua Kapiti 5A2 and Rangatira Kapiti 4B2:

> Negotiations to acquire these above two blocks [Waiorua Kapiti 5A2 and Rangatira Kapiti 4B2] would be difficult, if not impossible, to complete in the normal manner under Part XXI of the Maori Affairs Act 1953. Waiorua 5A2 has 45 owners and a Capital Valuation of £5, and Rangatira 4B2 has 15 owners and a Capital Valuation of

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[260] Under Secretary to Wiki Roberts, 12 November 1945, MA1 5/5/126 3 Box 82, Archives New Zealand, Wellington.

[261] Mackey to the Commissioner, 15 January 1962, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington. See also Memorandum from Branch Manager, 15 January 1962, AANS 6095 W5491 4/53/5 Box 5, Archives New Zealand, Wellington.

> £85. I have made an endeavour to trace these owners but can only obtain addresses for 26 owners of 5A2 and 2 owners of 4B2.[262]

272. The Department of Lands and Survey had discussed the options with the office solicitor at the Department of Maori Affairs and the solution they arrived at was to apply to the Court to have the two blocks vested in the Maori Trustee under s 438 of the Maori Affairs Act 1953 'with power to sell to the Crown'.[263]

273. The Maori Trustee had no objection to dealing with the blocks in this way but also suggested that it might be easier to apply for a consolidated order under s 475 of the Maori Affairs Act 1953. During the course of this process, uneconomic interests would be vested in the Maori Trustee (presumably in reviewing the title, officials noted that in effecting succession, many of the interests would be rendered 'uneconomic'). The land could then be taken under the Public Works Act.[264]

274. It was nevertheless decided to proceed with an application under s 438 and the Court made the necessary order for Rangatira 4B2 in November 1964. This required the approval of the Minister of Maori Affairs. A similar application for the other block (Waiorua Kapiti 5A2) was also dealt with at the hearing but adjourned due to opposition from an owner (this block is not relevant for the purposes of this report and was eventually acquired by the Crown but the different outcome is noted).[265]

275. In his submissions in support of the application, the Crown's representative emphasised that the island was managed as a 'sanctuary' but acknowledged that it 'has not officially been declared as such'.[266] He referred to the bird life on the island and the restrictions on visiting it. Such restrictions could not be enforced if parts of the island remained privately owned and '[s]o that proper control may be exercised over the whole island and it may be safeguarded as a national asset … the Crown is seeking to purchase the remaining few blocks still in private ownership'.[267] The order

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[262] McGone to the Maori Trustee, 26 August 1964, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington.
[263] ibid.
[264] Maori Trustee to the Commissioner, 31 August 1964, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington.
[265] MacLachlan to the Secretary for Maori Affairs, 5 March 1965, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington.
[266] Wellington Maori Land Court Minute Book 44, 26 November 1964, fol. 29.
[267] ibid.

vested the block in the Maori Trustee on trust to sell to the Crown was issued by the Court without further comment.[268]

276. The Director General requested approval from the Board of Maori Affairs 'to the sale of Rangatira Kapiti 4B2 to the Crown for £85 and to a lease of Waiorua Kapiti 5A2 to the Crown for a term of 50 years from 1.3.65 free of rent'.[269] The district officer at Palmerston North was uncomfortable with the price offered and suggested it should be raised to £110. His personal view was that valuing areas such as these two blocks was difficult owing to the 'lack of valid comparable sales'.[270] After some discussion with the Valuation Department, the Director General agreed to this price.[271]

277. Despite adopting this process for acquiring the land via a s 438 trust, at the end of March 1965, the Department of Lands and Survey's own land purchase officer confirmed that he had been in contact with the owners who were willing to sell:

> Land Department has now advised that as their Land Purchase Officer has been in touch with the owners of the Rangatira Kapiti 4B2 Block, they are prepared to attend to the preparation of the transfer to the Crown and to obtain execution.[272]

278. This was in stark contrast to the statement made to the Maori Land Court in November the previous year when it was considering the Crown's application to vest the land in a trust to sell. On that occasion, it was noted that 'extensive enquiries to

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[268] Similar submissions were made in relation to Waiorua Kapiti 5A2 but an objection had been received from one of the owners and, although he had been advised of the hearing, he was not present. Despite the Crown representative insisting that the objection was not 'meritorious' under s 438(3) of the Maori Affairs Act 1953, the Court elected to adjourn this application to the next Wellington sitting as it considered the proposal was not urgent and the judge wanted to give the owner an opportunity to speak to the Court. The Crown's representative acknowledged that the owner would have received notice of the hearing the previous day. During the course of his submissions, the Crown's representative expressed 'appreciation' for the owner's 'offer to allow the nation to use the land gratis and forever' but told the Court that this was not acceptable to the Crown as it: 'would not give effect to the real need which is to have the island declared a sanctuary. Only in this way can the Crown exercise a control necessary to preserve Kapiti Island. Preservation which will make Kapiti Island the nation's heritage'. The Crown's representative also referred to the alienation of much as the island as 'surely indicative of the previous owners agreement to the sanctuary proposal' (Wellington Maori Land Court Minute Book 44, 26 November 1964, fol. 30).

[269] MacLachlan to the Secretary for Maori Affairs, 5 March 1965, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington.

[270] Williams, Memorandum to Head Office, 15 March 1965, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington.

[271] MacLachlan to the Secretary for Maori Affairs, 18 March 1965, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington.

[272] Stephenson to Head Office, 30 March 1965, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington.

locate the owners were carried out'.[273] It was also noted that the owners were not in beneficial use or occupation of the block nor appear to have been in 1897.[274]

279. The Director General was advised on 3 May that the Minister of Maori Affairs had approved the Court's order vesting the land in the Maori Trustee under s 438.[275] A week later, on 10 May, the transfer document for Rangatira Kapiti 4B2 was executed by an official acting on behalf of the Maori Trustee. The purchase money was paid to the Palmerston North office of the Maori Trustee.[276] The Director General was advised and a proclamation declaring the block Crown land was arranged.[277] In submitted the proclamation to the Minister of Maori Affairs for approval, the deputy secretary noted that the department had been 'unable to trace any of the owners of the above block' and had pursued a s 438 trust instead.[278] This is at odds with the memorandum of the Department of Lands and Survey and advice from the Commissioner of Crown Lands that the details of two shareholders were located. The Governor General signed the proclamation on 11 June 1965.[279]

ii ŌTAKI TOWNSHIP LANDS

280. This section of the report addresses the Crown's acquisition of several parts of the Taumanuka block in the early 1930s. A later section examines the administration of Ngāti Raukawa lands in the Ōtaki borough. A detailed account of what led to the arrangements and the effect of them is given. However, the administration of these lands provide an important context for the Crown's purchase of parts of Taumanuka. To summarise very briefly, land in the borough was subject to a severe rating burden and Māori land accrued substantial rate arrears over the course of several years. After discussions with the borough and among Crown officials (but not with the Māori owners or residents), special legislation was enacted which allowed the Crown to vest Māori land subject to rate arrears in the borough in the Ikaroa District Maori Land

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[273] Wellington Native Land Court Minute Book 44, 26 November 1964, fol. 29-30, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington.
[274] ibid.
[275] Maori Trustee to the Director General, 3 May 1965, AANS 6095 W5491 4/53/5 Box 5, Archives New Zealand, Wellington.
[276] Memorandum of Transfer, Rangatira Kapiti 4B2 to the Crown, 10 May 1965, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington.
[277] Hercus to the Director General, 10 May 1965, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington.
[278] Souter to the Minister, 9 June 1965, MA1 W2459 5/5/126 4 Box 27, Archives New Zealand, Wellington.
[279] *New Zealand Gazette*, 17 June 1965, p. 971.

Board. In the same legislation, the board was given wide powers to administer and alienate the land for the purposes of paying current rates and rate arrears. In December 1929, 135 blocks of land comprising a total area of 204 acres 1 rood 34 perches was vested in the board under section 32 of the Native Land Amendment and Native Land Claims Adjustment Act 1928.[280]

281. Six months after the land was vested in the Ikaroa board, the Minister of Health expressed an interest in the Crown acquiring several Taumanuka blocks vested in the board.[281] The government was planning to build a hospital at Ōtaki. The following month, Apirana Ngata, the Native Minister, indicated a purchase price in the vicinity of £1,500 was likely. A subsequent valuation found that there were no improvements on the blocks in which the Crown was interested.[282]

282. The purchase of a number of Taumanuka partitions was approved by the Native Land Purchase Board in February 1931 and a meeting with owners was convened the following month to discuss the transfer.[283] This was not necessary as the Ikaroa board had full power to sell the land to the Crown under the 1928 legislation. It was a concession by the department, though the authorisation to acquire the land had also been made by the Native Land Purchase Board. Ngāti Raukawa was to be consulted on a transaction which was ready to proceed and could be completed by officials in Wellington.

283. The minutes of the meeting suggest a number of owners were concerned at the price offered while Mason Durie's opposition to the sale of his whānau interests in Taumanuka 3J led to the exclusion of this block from the proposed transaction. Those present also indicated that they wanted the purchase money used to rebuild and upgrade the Raukawa Meeting House (though one owner objected to this proposal). It was subsequently clarified that the owners had agreed that the funds held for the owners of Taumanuka 3A only would be used for this purpose (and after the transaction was complete, the president of the board authorised the payment of the purchase money to the marae trustees).

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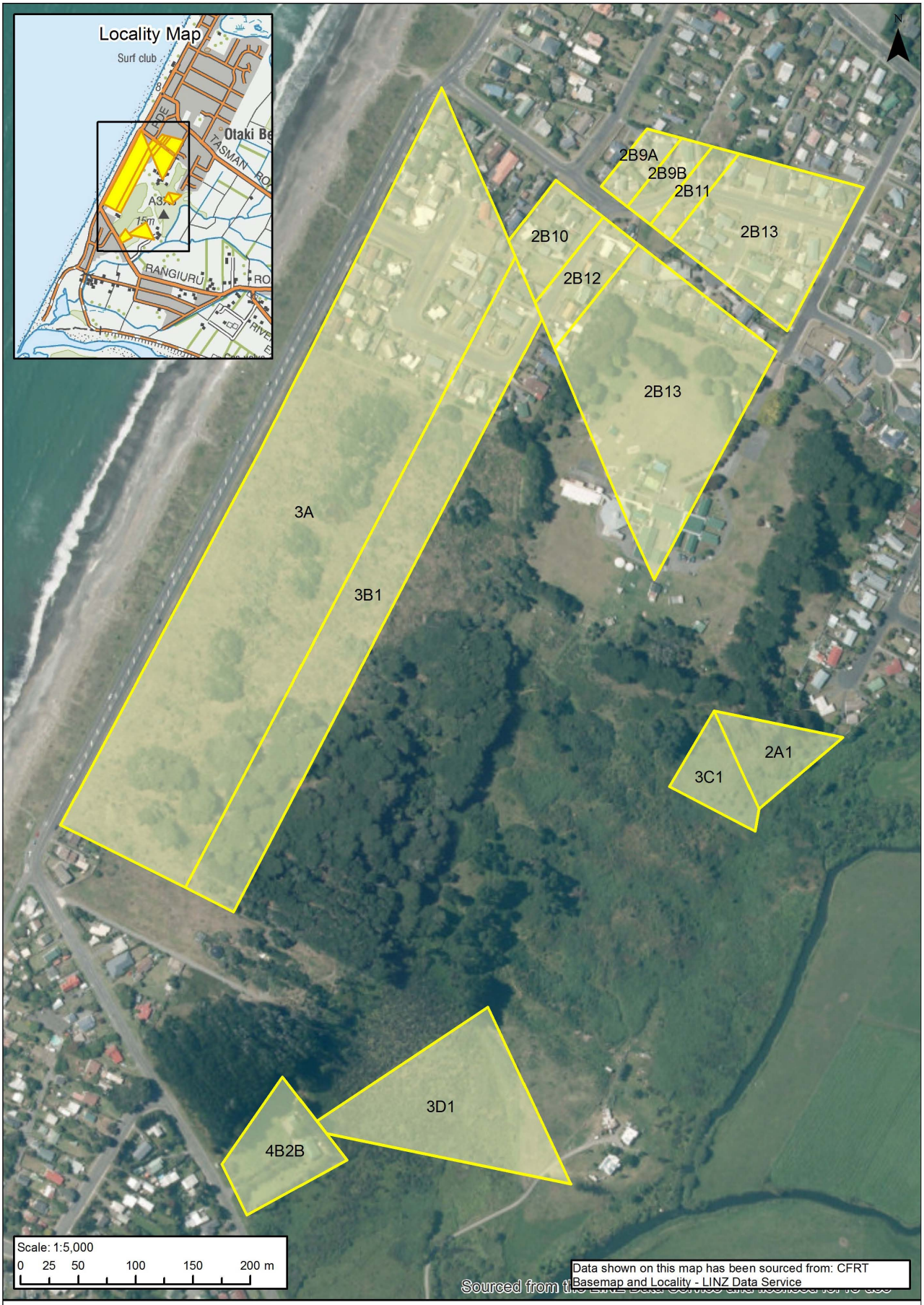
[280] Suzanne Woodley, 'Porirua ki Manawatū Inquiry District: Local Government Issues Report', June 2017, p. 361.
[281] Woodley, pp. 366-367.
[282] Woodley, p. 368.
[283] ibid.



Rangatiratanga Versus Kawanatanga: **Crown Purchases in Taumanuka**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 018 Map projection: New Zealand Transverse Mercator Date: 19/05/2017

Map 16: Crown purchases in Taumanuka

284. As a result of the meeting, the following blocks were to be transferred to the Crown:

Taumanuka 2A1	1:0:10.7
Taumanuka 3C1	0:3:27
Taumanuka 2B9A	0:2:0
Taumanuka 2B9B	0:2:0
Taumanuka 2B10	1:0:0
Taumanuka 2B11	0:2:0
Taumanuka 2B12	1:0:0
Taumanuka 2B13	10:2:0
Taumanuka 3A	20:0:0
Taumanuka 3B1	7:0:30.5
Taumanuka 3D1	3:2:30
Taumanuka 4B2B	1:2:17.3

285. The owners had demanded a higher purchase price for Taumanuka 3A (the block adjacent to the foreshore) and the proposal put to Cabinet accepted this request (as withdrawing Taumanuka 3J from the transaction left the total expenditure the same). The total area acquired by the Crown in eleven blocks was 46 acres 3 roods 18.2 perches. The exact amount of unpaid rates owing on these blocks is unclear from the records due to errors in the charging orders. The transfer was completed in April and the land declared Crown land in May.[284]

iii THE ACQUISITION OF PAPANGAIO

286. Papangaio, located on the southern side of the mouth of the Manawatū River, was created by the Native Land Court in 1891. It contained 800 acres. In May 1923, it was partitioned into nine parts (A-H and J). The mouth of the Manawatū River had shifted to the south since the block was first surveyed and it was thought part of the block was located either in the river or on the north bank. Papangaio J contained this area and was vested in all the owners of the block. Most of the block, with the exception of the part of Papangaio J lying to the north of the river, was vested in the Ikaroa District Maori Land Board in July 1946 on trust to manage the land for the purposes of reclamation, farming and other activites.[285] The trust had been established under s 8(10) of the Maori Purposes Act 1943, which had become s 438 of the Maori Affairs Act 1953.

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[284] *New Zealand Gazette*, 4 June 1931, p. 1680.
[285] 'Proposed Acquisition of Maori Land by Crown under Part XXI of the Maori Affairs Act 1953', 14 May 1957, 3/9660 Papangaio A to H, Maori Land Court, Whanganui.

Rangatiratanga Versus Kawanatanga: **Crown purchase of Papangaio**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 033 Map projection: New Zealand Transverse Mercator Date: 19/05/2017

Map 17: Partitions of Papangaio

287. By the late 1950s, little had been done with the block.[286] Officials stated that the reclamation and development of the land was 'beyond the resources of the Maori Trustee'. The Department of Lands and Survey was undertaking afforestation activities on nearby land (the Waitarere State Forest) and wanted to include the Papangaio block. It adjoined other land which was acquired by the Crown the previous year (Te Rerengaohau 1 and part of Te Rerengaohau 2). The Crown wanted to add Papangaio to the reclamation area. In May 1957, the Board of Maori Affairs approved a recommendation to enter into negotiaitons with the owners of partitions A to H of the Papangaio block. The total area of these partitions was 661 acres 3 roods 8 perches.

288. A valuation of the block in June 1955 was £178 and the Crown was prepared to offer a total purchase price of just over £330 (10s per acre). There were no improvements on the blocks. Outstanding survey liens and interest totalled £250 and the Crown was willing to discharge these. A detailed description of the land explained the unstable nature of it:

> 79 acres of the area is stable, covered in lupin and rough grass, 235 acres is subject to river, wind and forshore erosion and the balance is bare drifting sand. The stable area is of fair quality but its scattered nature makes development impracticable. In recent years, the Manawatu River has been eroding the eastern end of the Papangaio A Subdivision and some concern exists over the bank erosion and the incipient loop that is developing below the Whirokino Cut. It is very desirable that the Block be acquired in order to stabilise the area and to protect the adjoining Whirokino Farm Settlement and Cut from moving sand.[287]

289. Given the land was vested in the Maori Trustee and that there were around 500 owners in the block, the department's initial plan was to seek an amendment to the trust order allowing the Maori Trustee to sell the land to the Crown. This was because 'the individual interests of the majority are so small that it would not warrant their losing a day's wages to attend a meeting of owners'. This was rejected by the Court as it believed 'that notwithstanding the great number of owners, their wishes should be sought before the Crown's offer can be considered'. The board approved the offer and an application was submitted to the Court to summon a meeting of owners.[288] The

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[286] 'Proposed Acquisition of Maori Land by Crown under Part XXI of the Maori Affairs Act 1953', 14 May 1957, 3/9660 Papangaio A to H, Maori Land Court, Whanganui; Woodley, p. 200.
[287] 'Proposed Acquisition of Maori Land by the Crown under Part XXI of the Maori Affairs Act 1953', 14 May 1957, 3/9660 Papangaio A to H, Maori Land Court, Whanganui.
[288] 'Application to Summon Meeting of Owners, 21 May 1957', 3/9660 Papangaio A to H, Maori Land Court, Whanganui.

Crown eventually increased its offer to 36s per acre (a total purchase price of £1,191 12s) for Papangaio A to H (but not J) which was accepted by the Maori Trustee.[289]

290. The Foxton Harbour Board, which had first been established in 1876 but faded into the control of government, was re-established in 1908 as an independent entity with the support of endowment land, which it was authorised to lease out.[290] Its endowment land adjourned Papangaio J and it entered into leases of the block. Lessees built dwellings and other buildings and made improvements to the land on the basis of these leases. About seventeen leases were entered into. The owners of the block objected to these arrangements but nothing was done to address those objections.

291. By the mid-1950s, the government concluded there was no need to maintain a port at Foxton and plans were developed to abolish the board. The intention was to transfer its endowments land to the Manawatu County Council and this was approved in principle by the Minister of Lands in March 1955. Section 21 of the Reserves and Others Lands Disposal Act 1956 gave effect to these proposals. In addition, following a meeting with the Minister of Maori Affairs in October, the legislation included a clause allowing for the Maori Land Court to examine whether part of the endowment area was an accretion of Papangaio J:

> If any portion of the endowment area is found by the Maori Land Court to be accretion to Papangaio J Block over which title should be granted to the owners of that block, that portion shall thereupon cease to be subject to the provisions of this section, and the Minister of Lands may vary, in such manner as appears to him to be just and reasonable in the circumstances of the case, the terms and conditions set out in subsection five of this section.[291]

292. Before the Court had undertaken its investigation, Crown officials and the local authority indicated their preference to acquire the land so it could be included with the endowment.[292] A submission to the Land Settlement Board in 1959 seeking authority to purchase the land stated that ongoing Māori ownership of the land in a 'popular and expanding holiday resort … [was] hampering the development and improvement of the area'.[293] The submission noted that the Harbour Board had issued leases over part of the land and collected the rentals. Reference was also made to the camping ground at the beach occupying part of the block. According to the Director General of Lands:

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[289] Woodley, pp. 270-271.
[290] Woodley, pp. 271-272.
[291] Woodley, p. 274.
[292] Woodley, p. 275.
[293] Woodley, p. 276.

> As it is desirable that the whole of the township area should be under the control of the Manawatu County Council in order to allow the roading and development of the beach township to be carried out, the Land Settlement Board at its meeting of 7 October 1959 agreed to enter into negotiations with the Maori owners to acquire their interests in the Papangaio J Block at a figure of up to £4,000 plus a proportion of accrued rents received from the lessees on the area.[294]

293. The Minister of Lands approved negotiations to purchase.

294. Little progress was made by September 1960 when a solicitor acting for some of the owners issued an ultimatum. The Crown had to concede the extent of the Papangaio J block or they would take the matter to the Maori Land Court. The Commissioner of Crown Lands recommended contesting the claims and the Director General of Lands agreed.[295]

295. The Court hearing on the matter was held in May 1962 when the Court found that part of the old river bed had dried up and formed an accretion to Papangaio J. The Court also found that there were accretions to adjacent blocks. Officials in the Department of Lands and Survey were unhappy with the Court's decision because it determined that the accretion to Papangaio J was from the mid-point of the old river bed. This incorporated a large portion of what was treated by the Harbour Board as its endowment lands. Following advice from the solicitor general, the Crown lodged an appeal. The Maori Appellate Court gave its decision in December 1962, finding that there was an accretion to Papangaio J but that it was much smaller than the area determined by the Maori Land Court.[296] The impact on the occupied lands treated by the Harbour Board as its endowed lands was much smaller. The Crown accepted this finding and the Acting Commissioner of Crown Lands advised the Manawatu County Council that the Māori owners did too.[297] The accretion was over three areas of 46 acres 1 rood, 24 acres 0 roods 10 perches and 1 acre 3 roods. The last two areas were those leased by the Harbour Board and the board's activities on the land constituted a trespass (which was continuing while the lessees remained in occupation) for which the Māori landowners were due compensation.

296. There followed an extended discussion among officials of the Department of Lands and Survey and the Department of Maori Affairs about how to complete any

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[294] Woodley, pp. 276-277.
[295] Woodley, pp. 277.
[296] Woodley, pp. 279-280.
[297] Woodley, p. 280.

purchase. The question of compensation for trespass was also considered.[298] A statutory requirement that the Crown purchase the land at the capital value (including improvements) was a serious issue for officials. Eventually the Director General of Lands suggested negotiations to settle compensation (for both the acquisition of the land and trespass) should be undertaken and ratified by special legislation. Throughout these discussions, it appears the assumption was that the Māori owners would alienate the land – it does not appear there was any significant participation by them, though there was limited engagement with a solicitor acting for some of the owners. The Secretary of Maori Affairs agreed with this approach.[299]

297. An offer was put to the solicitor acting for some of the owners at the end of 1963 and in October 1964 he advised the Commissioner of Crown Lands that the Māori owners would accept £20,000 as a settlement of all their claims in relation to Papangaio J. They also wanted their legal costs met by the Crown and these were estimated to be £750. The Department of Lands and Survey, which managed the negotiations, relied entirely on the solicitor who acted for some of the owners as their point of contact with them (it is notable that the Department of Maori Affairs had no role in these negotiations). There is no evidence that officials had any direct discussions with the owners, assessed the authority of the solicitor to act on behalf of any or all of the owners (especially when they were aware that other owners were represented by another solicitor but made no effort to contact him) or tested the extent to which the offer reflected the opinion of owners. The only consideration for officials was whether the price demanded was one the Crown would be willing to pay. The Commissioner of Crown Lands described the offer as 'if not exactly generous' then 'at least … reasonable'.[300]

298. In reporting to the Secretary of Maori Affairs, the Director General of Lands and Survey referred to solicitors, plural, and various meetings of owners which led to a final unanimous decision to make the offer to the Crown. However, it is not clear that this account is supported by the reports provided to him. The Commissioner of Crown Lands made no reference to the meetings of owners and only identified contact with one solicitor (who was to get in touch with another). Officials in the Department of

[298] Woodley, p. 288.
[299] Woodley, p. 291.
[300] Woodley, p. 294.

Maori Affairs debated how to proceed with this proposal, with one suggesting that the Palmerston North district office should approach some of the owners to see if this reflected their view. However, that suggestion appears to have been ignored and the Director General of Lands and Survey was advised that the arrangement was suitable for the circumstances. The Maori Trustee was willing to distribute the compensation to the owners without charging commission.[301]

299. Funding for the settlement was approved by the Minister of Lands in December 1964. In March the following year, the Commissioner of Crown Lands confirmed that the solicitor acting for the owners gave an undertaking that the compensation was a 'full and final settlement' subject to the payment of his costs and distribution of the funds by the Maori Trustee. Distribution would not be subject to the usual commission. Payment was made to the Maori Trustee later that month.[302] The 'full and final settlement' was based on an undertaking by a solicitor acting for the owners and none were involved in signing off the arrangement. The Palmerston North office did report that they had received enquiries from owners about the distribution of funds but this was withheld pending legislation to give effect to the acquisition by the Crown. This was enacted in s 9 of the Reserves and Other Lands Disposal Act 1965.[303]

[301] Woodley, p. 295.
[302] Woodley, p. 296.
[303] Woodley, pp. 298-299.

E ADMINISTRATION OF NGĀTI RAUKAWA LANDS

i LEASING

300. The leasing of Māori land was a common practice in the twentieth century and specific regimes were established in relation to different types of Māori land. These were particularly associated with certain types of reserved land and land subject to recommendations of the Native Land Commission (which became known as vested lands). None of the Ngāti Raukawa lands considered in this report were of these kinds and the leasing regime was much more straightforward. The Crown established a separate and quite unique regime in relation to the Ōtaki vested lands, and its dealings with and the board's administration of these lands are examined in some detail below.

301. In these circumstances, the arrangements by which leases of Ngāti Raukawa lands were entered into were very similar to those which applied in sales. As noted above, the Native Land Act 1909 removed all existing restrictions on the alienation of Native land (s 207) and required any lease of land to be confirmed by the district Maori Land Board (s217). The board had to be satisfied on a number of matters before confirming any lease (s 220), including that the document effecting the lease complied with the Act, that the proposed rental was fair, based on a recent valuation, and that the rental would be paid (either to the owner directly or to the board for distribution to owners). The board had particular powers to compel payment of rental to it for application for the benefit of the landowner or for distribution to the landowner (s 226). No lease could exceed fifty years (s 227). As with sales of Māori land, where the land was owned by fewer than ten owners, a lease could be negotiated directly with them and submitted to the board for confirmation.

302. Where a block was owned by more than ten owners, a lease could be arranged through a meeting of assembled owners under Part XVIII of the Act (s 209) or with the precedent consent of the board (but in relation to the latter, all the owners would have to sign any lease document and there is no indication this path was ever used). A meeting of owners would be summoned at the direction of the board with the date, time and place determined by the Registrar who would post notices to landowners. A board representative would attend the meeting and chair it. This official would provide a report to the board on the discussions and outcome of the meeting.

303. If a resolution to lease was passed, a similar process was followed as that which applied to a sale. The applicant applied to the board for the confirmation of the resolution. The board was required to make a decision to confirm or disallow the resolution after taking into account the public interest and the interests of the owners (s 348). It also had to be satisfied that none of the owners would become landless by the alienation (s 349). If a lease met these requirements and the board confirmed the lease, it would become the agent on the behalf of the owners to execute the lease document on their behalf (s 356).

304. Payment of the rental under the lease was made to the board for distribution to the owners. The board would add a commission to the amount of the rental to offset the cost of this work and this commission would usually be paid by the lessee. During the course of the lease, a board official would periodically inspect the property to ensure the maintenance of the land was in accordance with the covenants of the lease. For example, the lease would usually contain requirements relating to fencing, the payment of rates, noxious weeds and the application of fertiliser and pasture development. The characteristics of particular blocks might be taken into account when arranging a lease. A short initial period rent-free was common where a block required new boundary fencing or there was a serious infestation of noxious weeds. Leases would usually contain a rent review clause too to allow the rent to be reassessed after half of it had elapsed.

305. The Native Land Act 1909 established a framework which would be maintained largely unchanged through the Native Land Act 1931 and the Maori Affairs Act 1953. The major changes came in 1932 when, as noted above, the Native Land Court took over the judicial functions of the board. The Court managed the application process, called meetings of owners, Court appointed officials reported on those meetings and the Court decided on whether or not to confirm a lease. If confirmed, the process was passed on to the board which acted as agent for the owners. It executed and administered the lease. This included receiving the rental and distributing the funds to landowners. This remained the case until the board's were disestablished in 1952 and their role in relation to leases passed to the Maori Trustee. From this time, the Maori Trustee acted as agent for the owners and administered leases confirmed by the Maori Land Court. This agency continued until the lease expired and the owners were

usually advised by the Maori Trustee that it was their responsibility to make provision for future occupation of the land.

306. One final point in relation to the Maori Trustee should be noted. Under the Maori Affairs Act 1953, provision was made for land to be vested in trustees in certain circumstances (s 438). Such provisions had existed prior to the Maori Affairs Act 1953 but were infrequently exercised by the Court. Vesting land in '438 Trusts' became much more common, particularly as a way of dealing with the difficulties associated with titles to Māori land. Where titles had numerous deceased owners without successors or where the location of living owners were unknown, the Court would vest land in the Maori Trustee on trust under s 438 for it to be dealt with. Such trusts were administered according to trust deeds approved by the Court which could include arrangements to sell or lease or otherwise arrange occupation of the block. They were very different to the agency role of the Maori Trustee which was defined in statute and followed the decisions of meetings of owners as confirmed or modified by the Court. Section 438 trusts were a tool used to deal with Ngāti Raukawa lands, particularly to arrange sales of small or inaccessible blocks of land where the owners could not be located. The land was vested in the Maori Trustee and it remained responsible for the land until it was discharged as trustee.

307. One pattern that is particularly clear from the records is that lessees regularly acquired the land they had been leasing when it expired. Indeed, there was a further round of alienations by sale in the 1950s as long-term leases entered into in the 1930s came to an end and lessees purchased the land that they were already occupying.The unavailability of the Maori Trustee's leasing records do limit the extent to which we can comment on its general administration of leases of Ngāti Raukawa lands but some information is available from the sources that are available.

a Board Leases

308. In Himatangi 1C, a block of 57 acres 3 roods 28 perches, the board considered an application to confirm a lease for 21 years from 1 July 1913.[304] The annual rental was 16s per acre. The block was owned by Wini Pitihira and was to be leased to Agnes Barber. However, the lease to one family with interests in the land was in competition

[304] Ikaroa District Maori Land Board Minute Book 4, 12 June 1913, fol. 61.

with another family who were attempting to acquire the land by transfer. Lucken appeared in support of the application for confirmation and told the board that there was an old informal lease on the block:

> Mr Lucken stated that the circumstances under which the old leases were granted were perfectly in order at a rental approved by the Native Land Court by Judge Mackey [in] 1897 and the rent has been regularly paid ever since. Now the leases are expiring the members of the Beale family have been trying to get very large areas among themselves and you will remember that the Board refused several portions of the Himatangi Block to members of the family because they were very largely in excess of the area allowed by law, involving several thousand acres, included among those transfers was one for this Himatangi 1C Block comprising 1264 and including the area now applied for and this was refused same reason. My contention is that both parties are precisely in the same position but there is the distinction that in the one case it is quite clear that the Native will be benefited and it is equally clear and in other she won't, and I submit that the chief intent of the Board is to consider the interest of the Native, if the lease is confirmed the Native gets an immediate increase in her rent from £5 per annum to £41 per annum for the next five years the date up to which the present lease last, and a further period sixteen years after its expiry. She will still be the owner of the property in the case of a sale there is not the slightest likelihood of her ever caring any money as suggested by Mr McGrath, and it will be spent in a few months. I submit under ordinary conditions the board leases to a part of a lease, by a native, instead of a transfer by a native, this native as I am informed is exceedingly extravagant and will not reap any permanent benefit from the sale. The Native expressed her desire to lease this land prior to the execution of these documents and received £5 on account at that time. The members of the Beal family have been applying transfer for those and other portions of this block for the last six months ever since they knew that the lease was expiring. I submit so far as my friend's contention, as to priority of time is concerned, that the transfer or any dealing connected by a Native is not binding or enforceable until confirmed by this Board and it is intended to give a Native the opportunity of considering this position and of her ??? to be relied in consequences of it and to enable the Board to consider what is the best in the Natives interests. My client's lease is entirely in order and the transaction is a perfectly bona fide one and complies with conditions of section 220 and 227 and is evidently more in the intent of the native than Mr Beal's transfer. There has been no attempt made by my clients or on her behalf to induce the native to break away from the previous transfer. They Native approached my client and proposed herself to get a new lease of the property as many of the owners had already done. The land was examined an offer of 16s per acre made and accepted by the native who desires to lease rather than transfer.[305]

309. The board reserved its decision on the application to allow the parties to be notified. The same day, the board confirmed a lease of Himatangi 1D to the same woman (this block was much larger at just over 320 acres and the annual rental was £98). A transfer of the undivided interest of Hemi Kupa in Himatangi 3A3A to her husband, Harold Barber, was also confirmed by the board.[306] A number of other dealings by the Barber family (Agnes, Harold, Alice and George) with several parts of the Himatangi 1 block were considered by the board and confirmed over the following several months. Five days later, in a brief decision, the board decided to confirm the lease and

[305] ibid., fols 61-63.
[306] ibid., 12 June 1913, fol. 69.

refused to confirm the transfer.[307] The decision was based on a review of the evidence and the interests of the owner.

310. In February 1914, before the new board established under the Native Land Amendment Act 1913 took office, an application to confirm the lease of Manawatu Kukutauaki 4B2 from Wiremu Toka to Robert Bevan was considered.[308] The block contained 25 acres and the lease was for 21 years from 1 January 1914. The board confirmed the lease subject to the payment of the first half year's rental. This would be paid direct to the landowner and a receipt file with the board. However, later in the day the board withdrew confirmation at the request of McGrath and without objection from Harper.[309] It agreed to hear from the parties in the afternoon.

311. Harper represented the applicant and called Wiremu Toka to give evidence.[310] He lived at Ohau and told the board that he had decided to lease the land to Bevan:

> I saw Mr Bob Bevan with Mr Harper to draw up a lease to his father. The lease was drawn up in Maori and explain to him before he signed it. I undertook that I was leasing to Bob Bevan's father and I signed it and I understood that the rent is 23s per acre. I am satisfied I cannot go beyond the GV. I have other lanes outside the least about 8 acres. I did not want to lease to Bob. I told Bob I wish to lease to his father, and when the lease was read over by him I did not know his name was in it. I thought it was his fathers, I would rather lease to the father than any of them. I saw Mr Bob Bevan this morning and he told me that the lease was passed, but if I can keep it back I want to. I only came here to stop the lease. The only reason I want to stop the lease is because it is to Bob and not the old man. I have never at any time agreed to lease to Mr Robert Bevan and I do not agree to lease to him now. I object to him getting possession of my land. I first heard that the lease was in Mr Rob's name when I got the copy and I at once sent a letter to Mr Harper and the Board to stop the lease to R. Bevan. I have had a good many dealings with the old Mr Bevan. I have been dealing with him all my life and I am quite prepared if he were alive that he should have my land, at the present time, now that he is dead I want it myself, I meant by the old man Mr Thomas Bevan senior. I came to Wellington last night to stop the lease. It is not correct that I changed my mind since last night. I was not pleased when I heard it was confirmed. I have never had any dealings with Mr Bob Bevan over this land. I want the land for myself. I do not want to sell it. I was angry but I did not say anything to Mr R. Bevan. I have talked to Mr W. Bevan about this lease and I have not had any money from him. I did not tell Mr R. Bevan that I had. He asked me to sign some papers for Mr W. Bevan. I asked Mr R. Bevan for a £1. I thought the lease was passed. He did not give me any money and if he had given my any, I would now have returned it to him.[311]

312. Robert Bevan was also sworn to give evidence and appeared before the board. He explained his view of the negotiations:

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[307] ibid., 17 June 1913, fol. 77.
[308] ibid., 10 February 1914, fol. 196.
[309] ibid., fol. 198.
[310] ibid., fol. 200.
[311] ibid., fols 200-202.

> W. Toka and a half-brother came to my house and in the presence of Bevan Senior they agreed to lease a strip of land in my name. The reason was that there was only about two years to run and they thought it good to make a lease in my name and then if anything happened to father that they would either sell or cancel the old lease. After they were quite satisfied and William Toka went with me to instruct Mr Harper to put here this lease. I did not see the lease signed. Either before or after the signing W. Toka asked me for £4 which I paid to him. I never heard anything from W. Toka objecting to the lease being in my name. I have had a dispute with my brother over this lease. My brother objecting to my having the lease. He obtained a copy and brought it down to the Public Trust Office. I feel myself at liberty to go on with this lease, Toka met me this morning after the confirmation and told me he was quite satisfied if his interest was partitioned off. I have possession of that portion and have been in occupation before father died, some six months ??? Mr McGrath this land was not taken by me for my father's benefit but for my own. Not trust that I was only acting as agent for my father. I think I have just as much right as my brother to take a lease of so small a strip of land. Letter to Mr Zacharish handed in. My father who was not in the best of health was ready at my house when W. Toka ???. I sent for W. Toka at my father's request and my father was present. I am not sure when the £4 was advanced but I think it was that day. Mr R. Bevan said his father was quite satisfied the lease being in his and my name. My father did not want his brother William to have a lease of this land as he had all the other under my father's will. I have about 30 or 40 acres. The part of present lease, the first portion, was leased to me by my father.[312]

313. The final witness was Zackarish who addressed the board on a family arrangement:

> Mr Robert was willing under certain conditions to give up this land to his brother William on condition that he carried out a family arrangement made at Otaki to pay creditors etc which was not carried out. The Public Trustee has no interest outside the existing lease and the Public Trustee has not been asked anything about the lease. In reply to Mr McGrath stated that the whole land was leased to Bevans and the lease was confirmed by Judge Mackay 2 March 1893 expiry 3 April 1915. The PT has administered leased for the whole of the surrounding land. I cannot remember what Mr R. Bevan told me about the lease. It was not this particular block I went up to Manakau but the whole generally. It was generally understood that the party inside the green was held by Mr Thomas Bevan Senior sub leasing to Edward Bevan deceased. It does not matter to PT whether the lease goes through or not but it might increase our chances of a sale if the PT held a lease. The position would have been the same if Mr Thomas Bevan had taken the head lease. The rental under the old lease is 2s per acre. No objection to surrendered and accept a sublease.[313]

314. The board gave its decision two days later.[314] It would confirm the lease to Robert Bevan. No reasons were given other than that it reviewed the evidence.

315. The lease of land could create difficulties for adjacent Māori landowners, particularly over the use of water and other resources. In August 1921, the Court considered an application for an injunction to prevent W.H. Simcox from draining Lake Waiorongomai at a hearing in Levin.[315] The applicant, Pairoroku Rikihana, was represented by counsel as was Simcox (who leased adjacent land from the Ikaroa

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[312] ibid., fols 202-203.
[313] ibid., fols 203-204.
[314] Ikaroa District Maori Land Board Minute Book 4, 12 February 1914, fol. 219.
[315] Otaki Native Land Court Minute Book 56, 10 August 1921, fol. 56.

board). His representative, Upham, told the Court that 'there is a large swamp and without drains it is impossible to get any good out of the land'. Pairoroku explained his application for an injunction:

> I am the applicant and man applying for an injunction against Simcox and others who in draining Lake Waiorongomai where we get eels. It is a reserve for food for us. I have not caught any eels there lately. There are eels in this lake but as drains were made the eels escaped to the seashore. This lake or lagoon contains 25 1/2 acres and is not included in the land leased to Simcox. Subdivision 3 contains 95 1/4 acres exclusive of the lake which is subdivision 10 and is an inalienable reserve. We held a meeting and invited Mr Simcox to attend. He was there but no finality was reached. Simcox asked that the matter be deferred till his son who was away at the time. Kahuwera was a small lake on the block adjacent to Waiorongomai. Simcox rained Kahuwera into Waiorongomai and as this caused the latter to rise he cut a drain to dry the Waiorongomai Lake as well. The result is that we were this last season deprived of our eel supply. Since the cutting of the drain from Waiorongomai to the beach the latter became almost dry. The drain reduced the height of the water by at least 19 inches. We desire to prevent Simcox from draining the lake.[316]

316. Pairoroku was cross-examined by Upham for Simcox. He was an owner in the lake, which was not leased to Simcox, but not the surrounding land. He told the Court that the outlet between Kahuwera and Waiorongomai had been deepened by Simcox and Kahuwera drained into Waiorongomai. This was the main source of the difficulties.

317. Hori Te Waru also gave evidence in support of the application. He described himself as a rangatira of Ngāti Raukawa. He stated that draining the lake was 'prejudicial to us and our food supply'.[317] He lived there. The owners did not consent to Simcox draining the lake, which was reserved to them. A new drain had been constructed from Waiorongomai to the sea lowering the water level about three feet.

318. Upham invited the Court to visit the lake to view what had been done but the judge declined to do so, deciding that the Court had no jurisdiction under s 24(f) of the Native Land Act 1909 to issue an injunction in relation to Lake Waiorongomai. The matter was one for the Supreme Court:

> The proper procedure was an action in the Supreme Court for damages and an injunction. Mr Simcox was not only permitted to drain his leasehold but was obliged by the covenants in his lease to do so but such did not justify him in committing waste or in detrimentally interfering with another block. The Court had no jurisdiction to issue or power to enforce an injunction.[318]

319. The application was dismissed as a result. However, it is difficult to understand the judge's logic in reaching this result. Section 24(f) gave the Court a wide jurisdiction

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[316] ibid.
[317] ibid., fol. 57.
[318] ibid., fol. 58

to issue injunctions to prevent dealings or injury to any property which was the subject of an application before the Court:

> To grant an injunction prohibiting any person from dealing with or doing any injury to any property which is the subject-matter of any application to the Court.

320. There was an application before the Court dealing with Lake Waiorongomai and there was at least an arguable case that damage was being done to this property. However, the Court's view appeared to be that an application could not be brought under s 24 and that, in consequence, there was no application for the Court to consider. Section 24 did not therefore apply. Were there an application to succeed to an interest in the lake or partition it, then presumably the Court would have jurisdiction to issue the injunction under s 24.

321. The board was responsible for executing and administering leases (or at least receiving rents on behalf of the owners) where the land was owned by ten or more people. However, the board had no power to accept a surrender of a lease. Once confirmed, the lessee was responsible for paying the rent and maintaing the land in accordance with the terms (covenants) set out in the lease. The lease documents used tended to be standard templates but they could be modified to suit particular circumstances. For example, where a block was to be farmed with adjacent land, the requirement to erect and maintain boundary fencing was not considered necessary. Another example was an arrangement to provide a rent-free period at the commencement of the lease (one to five years) to permit the lessee to spend money developing the block. This might include fencing, clearing and sowing pasture and this approach was applied when land was 'badly rundown' and fences needed to be replaced and noxious weeds removed. The owners of the block would receive no rental during this time but it was anticipated they would benefit by the improvements to their land.

322. Lessees therefore remained liable until they were able to surrender the lease. In August 1931, the Harper Brothers who leased Waiwiri East 1A asked the Court sitting at Levin for permission to surrender their lease of the block. His counsel advised the Court that s 30 of the Native Land Amendment and Native Land Claims Adjustment Act 1927 applied. However, this is either an error in his submission or in the recording of it as s 30 ended the right of the Governor-General to take Māori land for

roads without payment of compensation. His counsel further indicated that they wished to surrender the lease because the 'government wish to develop and make a dairy farm of it'.[319] Upham represented the Māori landowners but was not present at this hearing.

323. William Harper, one of the lessees, gave evidence on this occasion. They had occupied the land for about nine years. An area of 100 acres of the block (out of a total of 138 acres) was swamp which yielded only flax (which they sold but which he claimed there was no market for). They had scrubbed, drained and fenced the block and, while the rent was fully paid up, they had abandoned it as they were unable to continue the development. Further funds were required to erect more fences and further drain and plough the land before it could be sown in pasture. They could not find anyone to take over the lease but understood the Native Department was interested in adding the block to their development scheme.

324. Tuiti Makitanara, the local Māori MP, indicated that officials from the department had visited the land and favoured the inclusion of the block in the development scheme with Matakarapa. He knew the land and though it would make a good dairy farm once drained and sown in grass. He was keen for the lease to be surrendered so this could be achieved. However, he noted that nearly all of the owners opposed the surrender of the lease 'as they feared the land would pass away from them as it is improbable they would ever get the block back'.[320]

325. The hearing resumed in Wellington the following month and Upham appeared for all the owners except one. G.P. Shepherd of the Native Department also spoke to the Court setting out the negotiations which had occurred with the department. He believed the land was originally leased for the flax:

> It was leased mainly on account of its flax. Flax milling is not now a paying industry and besides this a fire has destroyed the flax. The lessees who have paid the rent up to the end of 1931 desire to be released from their contract without payment of compensation or damages for breach of the covenants in the lease. There are some ten lessors and nine of these object to allow the lessees to surrender. The husband of the tenth lessor, who is now using the land under some agreement with Harper Bros has requested the Native Department to spend some £600 on the block in draining, fencing and improving it and converting it from flax producing land paying 8s per acre per annum to dairying land, probably producing two or three times that rent or return. The other native owners object to this and state that if the lessees fail to pay

[319] Otaki Native Land Court Minute Book 59, 11 August 1931, fol. 71.
[320] Otaki Native Land Court Minute Book 59, 11 August 1931, fol. 72.

> the rent to perform the covenants set out in the lease they will take steps to re-enter and determine the lease and then decided what to do next with the land.[321]

326. The nine owners were willing to divide off the section belonging to the tenth owner but were opposed to bringing the land into the development scheme. Judge Gilfedder noted that under s 13 of the Native Land Amendment and Native Land Claims Adjustment Act 1927, the Court could direct the board to arrange a surrender of the lease. However, given the views of the owners, the judge did not think the Court would be justified in exercising its power. Apparently Shepherd had also indicated that the department was not planning to expend money to develop the block and settle the husband of one of the owners on it. The application was refused in consequence but a lease, discussed below, was subsequently arranged.

327. Through much of the twentieth century, landowners struggled to find the resources to permit them to occupy their ancestral land. At the Court sitting at October in 1938, Judge Harvey considered an application to confirm a lease of Manawatu Kukutauaki 7D2D Section 55C3.[322] The lease was for 21 years from 1 December 1938. All of the owners had signed the lease except Haua Kiriona. Haua Matenga (presumably the same woman) appeared in opposition to confirmation of the lease:

> I object to the land being leased for 21 years. I also want to take over the family share, going back there to live. I have a young family and I think my people should not have to authorise. I would like to see what I can do. I want it brought under development scheme. My two sisters lived on the land or next door to it. They should work it. If they do not want it now I will go back and work it. They have had some years in which to do something and have done nothing.[323]

328. The Court agreed to adjourn the application so that further consideration to occupation of the land by Haua Matenga could be considered:

> Adjourned for a report by Mr Flowers on the possibility of incorporating this land in a development holding for a suitable unit. If Haua's co-owners have not use for the land except as a source of rent for the next 21 years, they can have no objection to Haua taking it over if she arranges to pay the same rental. The Court views with displeasure the leasing of land which is within what might be terms the papakainga of the Maori people.[324]

329. In early December, the matter was considered by Judge Shepherd at Otaki.[325] Of the

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[321] ibid., 14 September 1931, fols 83-84.
[322] Otaki Native Land Court Minute Book 60, 8 October 1938, fol. 221.
[323] ibid., fols 221-222.
[324] ibid., fol. 222.
[325] ibid., 8 December 1938, fol. 253.

Rangatiratanga Versus Kawanatanga: **Manawatu Kukutauaki 7D1,55C3**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 024 Map projection: New Zealand Transverse Mercator Date: 19/06/2017

Map 18: Manawatu Kukutauaki 7D2D55C3

two sisters who owned the block (Amokura and Haua), one had signed the lease and confirmation was for her interest only. It was confirmed by the Court on this occasion. There was no reference to any report from the department on Haua's proposal to occupy the land.

330. In August 1939, Judge Shepherd considered an application to confirm a lease of Haua's interest too.[326] This lease was to commence from 1 December the previous year (so the leases of both interests would end at the same time). The lease was confirmed by the Court, again with no reference to Haua's earlier aspirations. It does not appear that she was present at the court hearing on this occasion.

331. A transfer of the block from Haua, the sole owner, was confirmed by the Court in April 1958. The purchaser was already occupying the block as lessee. At the hearing, the purchaser's solicitor advised that the vendor wanted to use the purchase money to buy a section at Waikanae, where she was living.[327] There was a dispute over the price but she eventually accepted £600. In confirming the transfer, Judge Jeune directed the money to be held in the trust account of the purchaser's solicitor (Park and Cullinane) pending the purchase of a section and completion of a dwelling.[328]

332. In another situation, attempts by landowners to place their whānau on Waiwiri East 1A failed as a lease had already been arranged. In June 1944, Judge Whitehead considered an application for the confirmation of a lease of one interest in Waiwiri East 1A. The application was opposed by the Māori landowners who were represented by counsel. Several of the owners, including Norman Perawiti and Eruera Perawiti, wanted their cousin, Thomson Perawiti, to occupy the land. He was a returned soldier who had applied to the Rehabilitation Board for financial support.[329] James Wallace, one of the department's field supervisors, knew the land and thought it could be drained and developed into two farms, but at some cost. The applicant lessee's solicitor noted that the lessee also had a son who was a returned soldier who he wanted to settle on the land.

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[326] ibid., 28 August 1939, fol. 277.
[327] Otaki Maori Land Court Minute Book 67, 22 April 1958, fol. 81.
[328] 3/9476 Manawatu Kukutauaki 7D2D Section 55C3, Maori Land Court, Whanganui.
[329] Otaki Native Land Court Minute Book 62, 22 June 1944, fols 306-307.

Rangatiratanga Versus Kawanatanga: **Waiwiri East 1A**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 026 Map projection: New Zealand Transverse Mercator Date: 19/06/2017

Map 19: Waiwiri East 1A

333. Judge Whitehead's written decision on the application sets out the complications involved.[330] The application related only to the interest of Heni Hoani Kuiti, who owned the block with the Perawiti whānau. The Court had confirmed a lease of their interests to the same lessee in September 1943. When the lease was confirmed, Heni's interest was not included but the lessee, who would occupy the entire block, was required by the Court to pay rent for the entire block. The Court was also told at the confirmation hearing that it would be arranged for the remaining owner to sign the lease and a separate application for confirmation would follow.

334. This application arrived in June 1944 and it was found at this time that the certificate of confirmation for the original lease had never been signed and sealed. The judge indicated that the court clerk had elected not to put the papers before the judge for completion pending the arrival of the second application. By this time, the lessee had occupied the land and paid rent which had been distributed to the owners, including Heni. Judge Whitehead proceed to explain the opposition of the owners to the lease:

> At the hearing of the second application two officers of the Rehabilitation Department attended in the interest of two returned soldiers one of whom was a Perawiti and the other a Kuiti. Many of the owners were present in Court and they were represented by Counsel. The grounds of opposition were that the owners now desired to lease their land to the two soldiers and the Rehabilitation Department would arrange the necessary finance. It was pointed out to the Court that the first confirmation was incomplete and that the Court could still exercise a discretionary power to review the position and refuse confirmation.[331]

335. The Court considered that while it still retained discretionary power in relation to the application for confirmation to lease Heni's interest, the Court had exercised its discretion in relation to the other interests and could not revoke it. Once any conditions were met, the applicant could request completion of the certificate of confirmation. The judge found that the only grounds on which confirmation could be revoked was fraud. He added:

> The objections of the owners do not come within any of the provisions of Section 273, but merely give expression to a natural desire to reserve the land for the use of ex-servicemen. With this desire the Court is in full sympathy, but holding the view that the matter is complete so far as the greater portion of the block is concerned, the balance area would be useless for the purpose desired.[332]

336. The lease of the remaining interest was therefore confirmed. This block remains Māori freehold land.

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[330] Otaki Native Land Court Minute Book 62, 5 September 1944, fol. 317.
[331] ibid., fol. 218.
[332] ibid.

b Maori Trustee Administration

337. The Maori Trustee's administration of any block was dependent on its ability to recover costs, particularly where legal action was required against lessees. Reureu 1 Section 19B2 had been subject to a lease for a period of ten years from 1 October 1964. The lease contained a right of renewal for a further ten years, which was exercised, and it expired on 30 September 1986. Over this period, it was held by three different lessees (the original lessee transferred it, and this person transferred it too). A standard inspection undertaken by Maori Trustee staff prior to the expiry of the lease found a number of the covenants in the lease had been breached.[333] These related to fencing (the most significant issue), noxious weeds, and the application of fertilizer (leaving the pasture in poor condition). With regard to the boundary fence, an inspection report noted that the area of both 19B2 and 21B, which contained 3.1060 hectares, was:

> … composed entirely of one very steep hillside and is therefore uneconomic when not farmed in conjunction with other land. As a result the erection boundary fences may not necessarily add to its value. It would also create the demand for water reticulation to the block. This means that the demand that the block be boundary fenced may not be realistic from a, farming point of view.[334]

338. The lessees were advised that the cost of remedying the breaches in this block was $2,307. They were also advised that as the lease had expired, they could no longer enter or occupy the land and the Maori Trustee demanded financial compensation instead.[335] The same lessees also leased on Reureu 1 blocks (23D3B, 23C1 and 23D2B1A) and the Maori Trustee notified them of breaches of the covenants of those leases too. All of the leases had expired and the Maori Trustee's claim for compensation across all of them (including 19B2 and 21B) totalled $7,599. The Maori Trustee received no response to these letters. Legal action was the only option but this was a matter for the owners to pursue. The Maori Trustee advised three of the owners (including an estate) of Section 21B that:

> It seems apparent that the lessee is going to resist the claim and it may be necessary to resort to legal action. It should be borne in mind that there is no guarantee of success in any court action against the lessee and the owners might feel that the legal costs involved in such an action would not warrant any further action. There are only

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[333] Pirikahu to the Section Clerk Titles, 20 August 1986, 3/8346 Reureu 1 Section 10B2 and 21B, Maori Land Court, Whanganui.
[334] Inspection Report, 25 June 1984, 3/8346 Reureu 1 Section 10B2 and 21B, Maori Land Court, Whanganui.
[335] Teki to Leamy, 7 January 1985, 3/8346 Reureu 1 Section 10B2 and 21B, Maori Land Court, Whanganui.

> six owners in the block and this matter is referred to the owners for any further action they may wish to take. You may recall that at the time the lease was drawn up the negotiations were carried out directly between the owners and the C and it is appropriate that this claim now be pursued by the owners if the owners consider it worthwhile.[336]

339. The Maori Trustee acted as agent for the owners in executing the lease and administering it (collecting and distributing the rental and enforcing covenants). It did not hold the land in trust and apparently took no interest in pursuing the lessee for the necessary compensation (in other districts, the Maori Trustee was willing to engage in litigation for this purpose but only where it held funds in trust for the owners or the owners were prepared to provide the Maori Trustee with funds for this purpose).

340. It does not appear that formal occupation of the block was arranged after the expiry of the lease. A resolution of owners to sell three parts of Reureu 1 (Sections 19B2, 21B and 23D2B1A) was confirmed by the Court on 28 October 1987.[337] The Court required settlement with the Maori Trustee within three months but, given the financial situation at the time, an extension of two further months was given on 22 February 1988.[338]

341. In more recent years, the Maori Trustee has had a policy 'to withhold the last six months' rent in case the owners wanted to use this money for civil action'.[339] This comment arose at a meeting of owners in Palmerston North in September 1998 to consider a lease of Reureu 1 Section 23C3. The required quorum was 1012.2 shares (30% of the total shares of 3374). Three owners attended who held just under 1805 shares so a quorum was present.[340] The resolution was passed unanimously and confirmed by the Court.[341] Much of the discussion at the meeting focused on the management of the land and the administration of the former lease which had expired.

342. Pukehou 4C4A was leased to the Otaki and Porirua Trust Board for 21 years from 1 January 1959 at an annual rental of $540.60. The board had sublet the block to another company. The final inspection in April 1977 found the property was 'infested

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[336] Teki to the Owners of Reureu 1 Section 21B, 1 October 1985, 3/8346 Reureu 1 Section 10B2 and 21B, Maori Land Court, Whanganui.
[337] Otaki Maori Land Court Minute Book 92, 28 October 1987, fol. 275.
[338] Aotea Maori Land Court Minute Book 1, 22 February 1988, fol. 150.
[339] ibid.
[340] Statement of Proceedings of Meeting of Assembled Owners, 18 September 1998, 3/8354 Reureu 1 Section 23C3, Maori Land Court, Whanganui.
[341] Aotea Maori Land Court Minute Book 88, 1 December 1998, fol. 62.

with gorse'. This breached a covenant of the lease and the matter was raised with the lessee so it could be remedied.[342] However, the Maori Trustee's farm supervisor recognised the difficulty of dealing with the gorse:

> The farm supervisor advised that as this area was close to the market garden land it is very difficult to carry out spraying operations. However, the board accept the responsibility to control noxious weeds and every effort will be made to carry out the required work next year. A further inspection will be made next year to ensure that this breach is remedied.

343. The block was alienated the following year with some owners opposed to the sale and others wanting to develop it.

344. It was not uncommon for Māori land to be occupied by nearby farmers informally. They usually paid the rates as part of any arangement. Organising leases could be exceptionally difficult and great persistence on the part of landowners was necessary. In February 1985, an owner in the block wrote to the Court regarding the occupation of Reureu 2C2. It appears that a farmer in Feilding had occupied the land and paid the rates for some years on an informal basis. It was believed that no rent was paid on the block. This owner was keen to arrange formal occupation via a trust established under s 438 of the Maori Affairs Act 1953. He was resident in Hamilton and believed many of the owners also lived in the Waikato. He thought arranging a meeting of owners in the Waikato to discuss a proposal would be most sensible. However, he considered any meeting 'would be pointless unless they have made a visit to the land or had a comprehensive utilisation report for guidance'.[343] He asked for a full report on the block to be prepared by a member of the office field staff for the owners to consider. The Title Improvement Officer agreed with this suggestion and requested a report from the District Field Officer.

345. The report which was prepared showed the block was located near Kakariki on Bryces Line. It contained about 20 hectares and was considered uneconomic to farm alone. At that time the land was farmed with other blocks. There were no buildings on the block and one of the boundaries was not fenced; other boundary fences required minor maintenance. The water supply was limited and relied to some extent on a neighbour and there was some gorse along fence lines. The field officer described it

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[342] Maori Trustee to the Owners, 19 October 1977, 3/9730 Pukehou 4C4A, Maori Land Court, Whanganui.
[343] Raupatu to Te Kanawa, 15 February 1985, 3/9929, Maori Land Court, Whanganui.

as 'a small useful block'.[344] It was occupied by a local farmer who farmed adjacent lands. Some of the land had been cropped and most of the balance was in 'fair pasture'. The field officer's recommendation was that the department call for tenders to lease and include a requirement to fence one of the boundaries with a reduction in the first year rental to reflect this cost.

346. The owner who initially approached the department also approached the Maori Trustee to seek its agreement to act as trustee for a proposed trust.[345] A meeting of owners had been arranged the following month at Piopio and he intended to propose vesting the land in a trust. It does not appear that the owner had yet received the utilisation report prepared by the department (and a senior official in the department was unhappy with the manner in which the utilisation report had been prepared because it did not follow the 'proper channels'). In the event, the Maori Trustee indicated that it was willing to take on the trust but suggested a short term lease pending a wider review of other informally occupied Māori land in the vicinity:

> As also discussed, there is quite an area in this general locality which is not subject to formal occupation and from our point of view it would be preferable to look at land utilisation of the whole area at one time. In this regard the owners may be prepared to look at a very short term lease for your block and this will give us time to undertake more intensive land utilisation study of the area. No doubt you will be in touch with me further once the meeting has been held but in the meantime I am enclosing a copy of the Field Officer's report on your block as requested earlier.

347. The report was made available to the owner in time for the April meeting. A record of this meeting has not been found but as a result of the meeting, the Court vested the land in the Maori Trustee at the end of 1985. The terms of the trust allowed the Maori Trustee to lease the land for a term of up to six years. The land was leased to the previous informal occupier from 1 August 1986 for six years at an annual rental of $4,000.[346] Subsequent leases to him would be arranged by the Maori Trustee though further amendments to the trust were evidently required to distribute accumulated rentals and to permit the Maori Trustee to enter into these leases.

348. A large number of owners attended a meeting at Piopio in October 1993. This followed an earlier meeting in July which was recalled by the Court due to administrative errors. Another meeting in February could not proceed for lack of a

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[344] Morgan, Utilisation Report, 15 March 1985, 3/9929, Maori Land Court, Whanganui.
[345] Raupatu to the Maori Trustee, 15 March 1985, 3/9929, Maori Land Court, Whanganui.
[346] Aotea Maori Land Court Minute Book 38, 5 April 1994, fol. 123.

quorum. The purpose of these meetings was to discuss a new lease arrangement. A number of owners were also represented by proxy. However, there were difficulties establishing a quorum and when the meeting convened, the quorum which was present could only consider a lease of a period up to seven years.[347] At this meeting the former lessee, who was seeking a new lease, paid rent of $5,000 for a period between leases when he occupied the land informally again. He was using the land to grow peas on contract with a canning company. On this occasion, there was another offer to lease the land but the owners were unable to accept either of them because of the shareholding requirements. Instead, the Maori Trustee was reappointed as trustee of an Ahu Whenua Trust to negotiate a lease with the former lessee for a period of seven years from 1 August 1993. The annual rental for the first three years was specified in the resolution.

349. Small blocks of Māori land were often occupied by farmers who owned or leased adjacent land. Reureu 1 Section 23C1 is one example.[348] Another is Reureu 1 Section 4C2B, which was inspected by the Maori Trustee in February 1988 as a 21 year lease was coming to a conclusion.[349] The lease had commenced from 1 July 1967 and was to expire at the end of June 1988. The field inspector noted that the block was 'uneconomic' at 5.881 hectares and could not be farmed on its own. It was divided into two by Reureu Road and one severance adjourned the Rangitikei River. The block was largely flat but included river terrace and 'sidling'. The present lessee had held the lease for a short period and leased adjourning blocks which he farmed with other land in the area. The inspector understood the lessee wanted to obtain a new lease and the inspector doubted anyone else would be interested in farming the block (though a new fence on one of the boundaries would be required if it was farmed separately from the adjoining land). He believed it was only suitable for grazing and could not be cropped.[350] Puketotara 5B1B1, containing 8.7892 hectares, was another example of land which was leased by nearby farmers and used in conjunction with other land for dairy farming.

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[347] Statement of Proceedings of Meeting of Assembled Owners, 19 October 1993, 3/9929, Maori Land Court, Whanganui.
[348] Rural Valuation and Short Report, 3 October 1984, 3/8352 Reureu 1 Section 23C1, Maori Land Court, Whanganui.
[349] Field Inspection Report, 24 February 1988, 3/8321 Reureu 1 Section 4C2B, Maori Land Court, Whanganui.
[350] Jamieson-Bell to Green, 18 March 1988, 3/8321 Reureu 1 Section 4C2B, Maori Land Court, Whanganui.

ii CROWN POLICY OF MĀORI LAND DEVELOPMENT

350. In his annual report for the financial year ended 31 March 1937, the Under Secretary of the Native Department and Native Trustee provided a candid assessment of the Crown's attempts to deal with the occupation and use of Māori land in the early twentieth century:

> The settlement of Native land has for many years been a vexed question, and many and varied have been the attempts to deal with it. The problem has always been a major one, and the departmental report for the year ended 31st of March, 1911, drew attention to the effect the passing of the Native Land Act, 1909, as contributing to the elimination of the cry of 'unoccupied Native land'. This was accomplished, however, by the then policy of encouraging the alienation of Native lands, both to the Crown (for European settlement) and to private persons. The effect of this policy, whilst accelerating land-settlement generally, was to deprive the Native race of its lands and to create a rentier class of the non-sellers. It did not solve the problem of those lands which remained in Native occupation, but the provision made for the incorporation of the owners of areas of Native land was of some assistance in enabling them to raise finance for the farming of their lands themselves. Comparatively little use was, however, made of this provision except for the settlement of large holdings as sheep and cattle grazing propositions.[351]

351. Between 1909 and 1929, two steps were taken to address this situation. The district Maori Land Boards were authorised to make advances to Māori farmers. Provision was also made for the consolidation of Māori land titles as a step to allowing owners to raise finance on their land for the purpose of developing farms. Neither proved particularly successful. From the late 1920s, development finance was made available by the state under s 23 of the Native Land Amendment Act 1929. The Under Secretary considered this policy much more successful.

a The District Maori Land Boards and Development

352. By the early 1920s, the district Maori Land Boards had accumulated significant funds which they held on trust for beneficiaries. These were funds from leases or sales which could not be distributed (either because the landowner could not be located or was deceased and successors had not been appointed) or which the board decided to retain and invest on behalf of the Māori beneficiary. These funds were also accumulating substantial sums of interest. All of this money was held by the board's on trust for beneficiaries and did not belong to either the board or the Crown though it was controlled by the boards whose activities were directly supervised by the Native Minister (and later the Board of Native Affairs). However, it became an important

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[351] 'Annual Report of the Under Secretary of the Native Department for the Year Ended 31st March 1937', AJHR, 1937, G-9, p. 2.

source of funding for the development of Māori land from 1922 through to 1931 when the Crown began to fund development schemes from an appropriation and would continue to be used for these purposes even after the Crown commenced funding development activities.

353. The Report of the Royal Commission on Native Affairs provided an overview of key legislative developments from 1922 which underpinned the board's lending activities:

- Section 19 of the Act 1922 (now s 99 of the Native Land Act 1931), the board could with the consent of the Native Minister (now the Native Land Settlement Board) advance funds on a mortgage.
- Section 8 of the Act 1926 (now s 100 of the Native Land Act 1931), the board could, with the consent of the Native Minister (now the Native Land Settlement Board), advance funds for farming, improvement and settlement of Maori land. A mortgage was not required but security was necessary and this became a statutory charge binding all the owners.
- Section 12 of the Act 1927 (now s 106 of the Native Land Act 1931), the board could acquire any land on behalf of any Maori or group of Maori which it would hold on trust for them. The cost of acquiring the land, the board's charges for administration and any other payments made by the board in dealing with the land. Any acquisition initially had to be authorised by the Native Minister but this was superseded with the creation of the Native Land Settlement Board.
- Section 3 of the Act 1928 (now s 523 of the Native Land Act 1931), could with the consent of a majority of the owners manage all or part of a block and undertake any commercial activity on the land (whether agricultural, pastoral or any other business) on behalf of the owners or any other interested Māori. The board could exercise such powers under an order of the Native Land Court. An order under this provision was the same as the majority of owners giving consent.
- Section 26 of the Act 1929 (now section 105 of the Native Land Act 1931), authorised a board, with the approval of the Native Minister to purchase land for farming purposes using any of the funds available to it. Managers could be employed by the board to manage such land.
- Section 24 of the Act 1929 (now 103 of the Native Land Act 1931), allowed the board, with the approval of the Native Minister, to provide a guarantee to dairy co-operatives the accounts of Maori dairy farmers up to £300.[352]

354. According to the Royal Commission, the:

> … common Fund of all the Maori Land Boards comprises all moneys of the Boards not expressly forbidden to be invested or not expressly invested on behalf of a particular estate or trust. The Fund comprises money paid on alienations, compensation-moneys payable to lessees, and other moneys held for private uses. It is obvious that great care and discretion should be exercised in the use of such a fund for farming purposes. The undivided share of each Maori Land Board in the present

[352] 'Report of the Commission on Native Affairs', AJHR, 1934, G-11, pp. 9-10.

> Common Funds seems still to be referred to as the Common Fund of each Maori Land Board.[353]

355. A district Maori Land Board was entitled to use these funds in its accounts for development and farming purposes. Section 19 of the Native Land Amendment Act 1932 consolidated all the separate Common Funds of the district Maori Land Boards into a single Common Fund for the purposes of making investments and advances (see s 101 of the Native Land Act 1931).

b The Native Trustee and Development

356. The Native Trustee played a key role in managing these financial activities in conjunction with the district Maori Land Boards. The Native Trustee was established in 1920 under the Native Trustee Act 1920 and merged with the Native Department in 1934 (on the recommendation of the Royal Commission). Until then it operated as a substantial and separate entity. It was responsible for the management of certain reserves and large-scale farming operations. None affected land in the Ngāti Raukawa takiwā. The Native Trustee was also responsible for the administration a large number of estates (minors, deceased, incapacity, prisoners) and a substantial investment portfolio (which amounted to £622,668 in the year ended 31 March 1937). The Native Trustee was also used by the Crown, when circumstances required it, to distribute funds allocated for particular purposes. An example was the payment of advances from the 'Native Housing Fund'.

357. Until 1929, the Native Trustee's powers of investment were limited to those of 'an ordinary trustee'. Amendments to its legislation in 1929 and the Native Trustee Act 1930 authorised the Native Trustee to engage in large-scale farming. All of the funds under its control could be applied for these purposes. The funds administered by the Native Trustee were its Common Fund and special investments. The Common Fund was made up of purchase money and compensation awards held on behalf of beneficiaries, rents received by the Native Trustee for particular beneficiaries (such as deceased estates and those unable to manage their own affairs), rents received from reserves vested in the Native Trustee (such as Taranaki and South Island reserves), funds deposited by the district Maori Land Board and funds deposited by other Māori

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[353] ibid., p. 10.

organisations, such as the Maori Purposes Fund. Special investments were those held on behalf of beneficiaries but subject to special trust arrangements.

358. Prior to 1929, advances by the Native Trustee were by way of mortgages secured on land up to an amount equivalent to 60% of the value of the land. Section 2 of the Native Trustee Amendment Act 1929 allowed the Native Trustee to use any funds it held to make advances secured by mortgage on lands vested in or administered by the Native Trustee. The Native Trustee could also make advances not secured by mortgage but by a 'floating charge or otherwise' to a co-operative dairy company or other organisation where the majority of the shareholders or members were Māori. Advances could only be made by the Native Trustee to companies or organisations approved by the Native Minister. However, the advances made under these provisions were limited (five mortgages and one payment to a Māori dairy company on the East Coast).

359. Section 25 of the Native Trustee Act 1930 significantly extended the powers of the Native Trustee to make advances from its Common Fund for farming purposes. This provision allowed the Native Minister to give notice in the *Kahiti*, or the Court on the application of the Native Minister by order, to vest land in the Native Trustee. The Native Minister appears to have exercised this power on one occasion to establish a development scheme administered by the Native Trustee (located outside the scope of this report). The Native Trustee had full control over the land and could appoint managers to run the property and raise money by mortgage over the land to undertake farming activities on it. Owners could be settled on part of the land and the Native Trustee could also make advances to them for the purposes of development or to acquire stock. This provision was based on s 45 of the Native Land Amendment and Native Land Claims Adjustment Act 1929, which related to a specific block of land in the Wairarapa. Section 114 of the Native Purposes Act 1931 further broadened the circumstances in which the Native Trustee could make advances to owners farming land vested in the Native Trustee and the nature of the security required. It also validated a number of these kinds of advances which had already been made.

360. There was limited supervision of the Native Trustee in exercising these powers until s 17 of the Native Land Amendment Act 1932 vested control in the Native Land Settlement Board, while the Native Minister's power to bring land under the control

of the Native Trustee was withdrawn by s 15 of the Native Land Amendment Act 1932. Section 8 of the Native Purposes Act 1933 also increased the supervision of the Native Trustee by the Native Land Settlement Board by requiring it to approve the appointment of managers and borrowing money. The Native Trustee was effectively using the funds of beneficiaries it controlled to support a government policy of land development rather than making investment decisions in the best interests of its beneficiaries (and the Royal Commission, while acknowledging the Native Trustee's evidence to it that no such advances had been made, took a very dim view of this situation).[354] None of these powers were exercised in relation to Ngāti Raukawa lands but trust funds held by the Ikaroa board on behalf of Ngāti Raukawa beneficiaries was among the money available to the Native Trustee for these purposes.

361. As at 31 March 1934, the Native Trustee held funds available of £30,923 and liabilities to beneficiaries, the district Maori Land Boards, Treasury and other creditors totalled more than £650,000. The Native Trustee was recklessly over extended and could not meet beneficiary payments in 1932 and 1933 and had as a result 'to ration his payment to this beneficiaries'.[355] The commission provided examples of the inconvenience this had created for beneficiaries who did not receive the full distributions owing to them. Through the 1920s, the Native Trustees investments had been shifted from government and local body securities to mortgage advances.

362. Attempts to obtain additional funds from the government under the State guarantee were partially successful (s 42 of the Native Trustee Act 1930), but did not cover the entire liability of the Native Trustee. A large sum of £100,000 was paid to the Native Trustee under s 6 of the Finance Act 1930 (No. 2) and further amounts up to £39,800 were advanced under s 521 of the Native Land Act 1931. By August 1933, the Treasury had provided a total of £139,800 to the Native Trustee (the commission noted that the State guarantee remained in force under s 42 but that the Minister of Finance had a discretion in relation to s 521 advances – no request had been made under the s 42 guarantee).[356] The shortfall required to meets its obligations was

[354] ibid., p. 28.
[355] ibid., p. 144.
[356] ibid., p. 146.

addressed by raising a loan from a private company on one of the stations managed by the Native Trustee.

363. Until 1929, development finance was provided by the Native Trustee and the district Maori Land Boards who used their accumulated funds held on behalf of Māori to make advances for farming activities and other commercial purposes. The availability of funding from the Crown did not come about until the enactment of s 23 of the Native Land Amendment and Native Land Claims Adjustment Act 1931 (which was subsequently incorporated into s 522 of the Native Land Act 1931). The department could either take over land and expend funds for development and stock or it make advances to existing landowners and farmers who could provide suitable security (though apparently the latter had hardly been used).[357]

364. The Native Land Settlement Board was created in 1932 to supervise expenditure on land development schemes. It also took over the functions of the Native Trust Board and the Native Land Purchase Board so had some control over the investments of the Maori Land Boards and the Native Trustee. As such, the total capital under its supervision was in the vicinity of £1,500,000.[358]

365. Initially, the minister was not authorised to acquire land for a development scheme although he was empowered to expend funds for many other purposes connected with the development of land. Under s 9(b) of the Act 1930, the Native Minister was authorised to direct the acquisition of land (presumably by the Native Land Purchase Board) for development purposes. In exercising this power, the Crown acquired an area of 11,852 acres for the sum of £28,883 but none of it was located in the Ikaroa district.[359]

c The Maori Purposes Fund Board

366. The Maori Purposes Fund was established under s 3 of the Native Land Amendment and Native Land Claims Adjustment Act 1924 and came into existence on 1 April 1925.[360] It subsequently operated under s 46 Native Purposes Act 1931. The statute provided for an initial payment of £90,000 from the 'unallotted interest' held by the

[357] ibid., p. 32.
[358] ibid., p. 43.
[359] ibid., p. 62.
[360] ibid., p. 107.

district Maori Land Boards. This was interest earned on funds held by the boards on behalf of beneficiaries. This amount would be paid into the 'Maori Purposes Fund Account' held by the Native Trustee and subject to the control of a board to be called the 'Maori Purposes Fund Control Board'. The contribution by each of the seven boards was to be determined by the Native Minister. The Ikaroa board contributed £3,000 or 3.33%. This was one of the smaller contributions (Waikato-Maniapoto contributed £30,250, Tairawhiti contributed £11,000 and the South Island contributed £850). The statute also provided for a further annual contribution of £7,500 by the boards, if directed by the Native Minister. A direction to this effect was never issued.

367. Instead, s 13 of the Native Land Amendment Act and Native Land Claims Adjustment Act 1925 authorized a payment from the consolidated fund annually for five years of £3,000 from 1 April 1926. These payments had been made into the fund's accounts. This amendment also gave the board power to make grants for high education and 'advancement of Natives'. From 1 April 1926 to 31 March 1934, the fund had received revenues of £142,195.[361] Over the same period, the board had authorized payments of £82,642 (leaving a surplus of £59,533).[362] The list of payments for educational purposes (scholarships and grants) indicate that no payments were made to the Ōtaki school in this period. Scholarships were provided to girls attending the Turakina school and a grant was made available to the school to support its building programme (though only part of that was drawn).

368. The members of the board and the regulation of its activities were defined by delegated legislation. In 1934, the members were the Native Minister, the Under Secretary of the Native Department, the director of education, the members of the House of Representatives representing the Māori electorates and others appointed by the Native Minister for a term of two years. The purposes to which the fund could be applied were general but there were a number of specific purposes including: education, scholarships, exhibitions, contribution to the Maori Secondary Schools' Aid Fund (established under s 6 of the Native Land Amendment and Native Land Claims Adjustment Act 1921-22), contributions to the Maori Ethnological Research Fund (established under s 9 of the Native Land Amendment and Native Land Claims

[361] ibid., p. 108.
[362] ibid., p. 109.

Adjustment Act 1923) and support the Polynesian Society and other organizations which study matters relating to Māori and other Pacific peoples.

d Financial Activities in the Ikaroa District

369. As at 31 March 1934, the Ikaroa board's share of the Common Fund was £36,464 (out of £521,296).[363] Its investments were in the following forms:

Mortgage	£20,434
Deposit with Native Trustee	£12,353
Government securities	£1,500
Cash	£295
Advances on overdraft	£915
Sundry debtors	£1,125
Office furniture and fittings	£194

370. The board undertook no farming operations on its own account and all advances to Māori farmers were made through mortgages. From both its Common Fund and other 'estates' it administered, advances of £41,634 had been made to 34 Māori *and* Pakeha. Twenty-two Māori farmers had received £16,249 in advances while twelve Pākehā farmers had received £25,385. Some of the advances to Pākehā farmers represented unpaid purchase-money due to Māori landowners (they were effectively paying the owners for the land they acquired over an extended period). Interest was in arrears in five of the mortgages but the security was described as 'ample'. Repossession by the board had occurred in only one case.

371. The Native Trustee's financial activities in the Ikaroa district were much more extensive (and the Native Trustee had access to much larger amounts because all the district Maori Land Boards deposited their surplus funds for investment. In the Ikaroa district, the Native Trustee held 120 mortgages and had lent a total of £181,924 0s 1d (there was the largest amount advanced by the Native Trustee to any of the districts).[364] Of this, £39,981 4s 10d had been repaid. On 31 March 1934, the outstanding principal due was £141,942 15s 3d and £8,004 13s 1d was owing in interest. At this time, the Native Trustee farmed two properties directly in the Ikaroa district, both located in Hawkes Bay.[365]

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[363] ibid., pp. 23-24.
[364] ibid., p. 136.
[365] ibid., pp. 142-144.

372. As at 31 March 1934, there were two development schemes funded by the Crown in the Ikaroa district and one of those was in the Ngāti Raukawa rohe: Manawatū, near Foxton (Matakarapa). It had been established in August 1931 on 759 acres of land. An area of 130 acres had been developed in the time since and it was carrying 33 dairy animals and 8 horses. The total next expenditure on this scheme (gross expenditure less returns) was £2,161.[366] The report noted that most of the expenditure had been related to drainage, grass seed, fencing materials and acquisition of stock. The scheme was supporting five farmers and a total of 25 adults and children.[367] In relation to the State funded development schemes in the Ikaroa district (there were no schemes in Ikaroa funded by the district Maori Land Board), the entire district had received a total subsidy from the Unemployment Fund of £242 (out of £71,878 nationally) and net expenditure by the government on the two schemes in the Ikaroa district was £4,208 (out of £602,303 nationally, nearly half of this amount was spent in the Waiariki district).

e The Royal Commission Investigates

373. Much of the information drawn on above was compiled for the Royal Commission on Native Affairs. It was appointed in 1934 following controversy over the management of development schemes by the Native Minister and the department. A number of concerns had been raised by the Controller and Auditor-General. The commission pursued not just the development schemes funded by the Crown (including the administration of funds provided from the Unemployment Fund) but also reviewed the financial activities of the district Maori Land Boards and the Native Trustee. The commission and its report have generally been seen as an attack on a Native Minister (Sir Apirana Ngata) who drove the development schemes and maintained a high degree of personal control over them. However, it is also clear that after more than a decade of using their beneficiaries' funds to invest in mortgages and business activities, and in ways which were not obviously to assist their beneficiaries, the district Maori Land Board and the Native Trustee were in serious trouble. In addition, funds belonging to beneficiaries had simply been appropriated by the Crown to fund the Maori Purposes Fund Board.

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[366] ibid., p. 169.
[367] ibid., p. 174.

374. As noted above, the commission also examined the administration of funds provided from the Unemployment Fund. The Unemployment Board was established under the Unemployment Act 1930. The Act required all men over the age of 20, except Māori, to register and pay a levy on their income. Māori were not subject to the requirement to pay the levy but could apply to the board for approval to become contributors (by 1937, more than 13,000 Māori contributors had been accepted). Once approved, the Māori contributers were eligible to receive benefits under the Act. In particular, the levy paid by contributors received a subsidy from the Crown's consolidated fund. The board used this money to fund employment schemes and pay sustenance allowances. The Native Department, the district Maori Land Boards and the department's Welfare Officers were given the power, by the Minister of Labour who had been lobbied by Apirana Ngata, to select applicants to become contributors to the fund. In 1931, Ngata approached the Unemployment Board with a proposal to employ people through the Native Department's land development scheme. According to Butterworth, the board was initially resistant but subsequently agreed.[368]

375. Initially Māori did not contribute to the fund but over time there was growth. The Under Secretary of the Native Department later observed that some Māori 'who have become contributors have done so with the object of obtaining subsidies on works carried out on their lands'.[369] The department's policy was for Māori relief-workers to be employed on the land development schemes (either departmental schemes or those with Māori settlers).[370] The Unemployment Board, in April 1931, recommended that the Minister of Finance grant £10,000 from the Unemployment Fund 'to supplement the funds at the disposal of the Native Department in the relief of unemployed Maoris'.[371]

376. The grant would be administered by the Native Department and local unemployment committees would be absolved of responsibility for finding relief work for Māori, except in certain circumstances. This recommendation was accepted by the minister subject to two conditions: the funds had to be used for developing rural land and there

[368] See G.V. Butterworth and H.R. Young, *Maori Affairs*, Wellington: GP Books, 1990, p. 75.
[369] 'Annual Report of the Under Secretary of the Native Department for the Year Ended 31st March 1937', 31 March 1937, AJHR, 1937, G-9, p. 2.
[370] Since 1930, £525,300 had been expended on this arrangement and a further £275,000 was included in the budget estimates for the 1937-1938 financial year.
[371] 'Report of the Commission on Native Affairs', AJHR, 1934, G-11, p. 56.

would be limits on the amount of assistance. The allocation of the funds was managed by the Native Minister's office. In the Manawatū, the local officers responsible were Rore Rangiheuia and Hone McMillan. In the Ikaroa district (Wellington, Hawkes Bay and Manawatū), there were 1,225 contributors to the Unemployment Fund.[372] These contributors had received a total of £407 in subsidies for their contributions, which worked out at an average of 6s 8d per Māori contributed. This was far below the national average for Māori contributors of about £10.

377. Many of the issues investigated by the commission related to other areas (particularly Waikato-Maniapoto, Waiariki and Tairawhiti) and the commission did not raise any concerns with the development schemes affecting Ngāti Raukawa lands in the Porirua ki Manawatū inquiry district. Most notably, while recommending the appointment of a 'Head Supervisor' for schemes in Tokerau, Waikato-Maniapoto, Waiariki and Tairawhiti, the commission did not make a similar recommendation in relation to Ikaroa or Aotea, leaving any appointment to the discretion of the Native Land Settlement Board.[373]

378. The commission also investigated complaints by the Controller and Auditor-General about the financial administration of development schemes (both state funded and board funded) and the use of unemployment funds allocated to Māori. None related to the activities of the Ikaroa board (and were primarily focused on the minister's involvement in decisions about lands on the East Coast north of Gisborne and the minister's personal expenditure, neither of which are relevant here). However, some of these activities did involve the funds held on behalf of Ngāti Raukawa in the board's Common Fund and as contributors to the Unemployment Fund.

f The Commission's Criticisms

379. The commission's general view of the financial administration of the Native Trustee was poor:

> They [counsel representing certain Māori beneficiaries of the Native Trustee] both stressed the fact that the result of the operations of the Native Trustee was such that, notwithstanding the State guarantee of the Common Fund, his Native beneficiaries had been seriously inconvenienced because he did not have at this disposal when required during the years 1932 and 1933 sufficient ready money. Complaints were also made to us by officers of various Maori Land Boards that they had deposited

[372] ibid., p. 59.
[373] ibid., p. 43.

> larger funds with the Native Trustee, and that the beneficiaries of the Maori Land Boards had also been seriously inconvenienced for the same reason. We have come to the conclusion that the complaints were well founded, that there is at present a dislike of the Native Trustee among many Natives, and that a review of his policy is necessary.[374]

380. It rejected a proposal to disestablish the district Maori Land Boards and transfer their activities to the Native Trustee in consequence:

> There is strong evidence that the administration of the Native Trust Office does not at present command the sympathy of the Natives. The Natives have been disappointed that they have not received their interest and rent from the Native Trustee as they should have done. The Common Fund of the Native Trustee is guaranteed by the State, and, under such circumstances, the failure to pay the moneys of beneficiaries at due times is certainly not creditable.[375]

381. The commissioners went to recommend that the district Maori Land Boards should be limited in the level of financial assistance they could advance for farming purposes and that all investments by the boards should be secured by mortgages. The limit proposed was two-thirds of the board's total funds with the remaining one-third to be held in 'liquid securities, easily realizable'.

382. The reason for this recommendation was that boards had been unable in recent years to make payment due to beneficiaries and those payments had been 'rationed' in consequence.[376] The financial situations of the boards arose because funds had been advanced to develop land and acquire stock, some mortgagors had been unable to meet their interest payments (in consequence of low prices during the depression). The Native Trustee had been unable to repay funds deposited by the boards in its Common Funds because of its farming activities. The commission considered this recommendation was to 'make as much use as possible of the money available for farming and development' while ensuring 'that the claims of beneficiaries and depositors are likely to be safeguarded'.[377]

383. As for the Maori Purposes Fund Board, also funded by beneficiary money (or interest), the commission criticized its decisions to fund a number of general activities, arguing 'that an undue proportion of Natives came from the Hawke's Bay and East Coast district' and noted that the contributions of other districts to the funds

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[374] ibid., p. 134.
[375] ibid., p. 25.
[376] ibid., p. 26.
[377] ibid., p. 26.

of the board were much greater.[378] It does not appear that Ngāti Raukawa benefitted from these funds (though the fund did contribute to the cost of opening Raukawa Marae at Ōtaki). The commission went on to add:

> There can be no doubt that funds of the Board have, since April, 1929, been expended under the general clause, invalid though it may be, excessively in the interests of people resident on the East Coast and in Hawke's Bay, and in the interests of a few members of leading families there and in Rotorua. We think that unjust discrimination has been exercised under the general clause in expending moneys held for the benefit of the Maoris of all districts in New Zealand.[379]

384. The commission was very concerned about the use of capital by the board in its decision and the lack of financial support to replenish the fund's capital base.[380] There was no particular source of funding available, other than funds held by the district Maori Land Boards, and the fund would struggle to support the scholarships provided by the board for much longer. In consequence, the commission found 'it plain that the policy of the Board much be drastically altered and a comprehensive and responsible survey must be taken of the field of operations, and a proper policy determined'.[381] A number of recommendations re-organizing the membership of the board and regulating the decision-making and record keeping processes followed.

g Development Schemes After the Royal Commission

385. Following the commission's report, Sir Apirana Ngata resigned as Native Minister and he was replaced by the Prime Minister George Forbes until the election of the first Labour government the following year when his successor as Prime Minister, M.J. Savage, also became Native Minister. The key concern of the commission, that the Native Minister should not be personally involved in the operation and direction of the development schemes, was addressed with the creation of the Board of Native Affairs. It was established by the Board of Native Affairs Act 1934-1935 and succeeded the Native Land Settlement Board in supervising expenditure on land development schemes and the investment activities of the Native Trustee and the district Maori Land Boards. It was chaired by the Native Minister but its membership was senior Crown officials in various relevant departments (Native Affairs, Lands and Survey, Valuation).

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[378] ibid., p. 115.
[379] ibid., p. 116.
[380] ibid.
[381] ibid.

386. However, the district Maori Land Boards continued to have significant surplus funds which were made available for investment purposes. To the year ended 31 March 1937, the boards were responsible for a total of 73,200 beneficiary accounts and received funds of £295,437. Total payments made to beneficiaries were £313,171. The funds held by the board pending distribution and other funds held on trust 'provide the source from which investments are made by the Boards'.[382] In his 1937 annual report, the Under Secretary characterised the funds used for the investment as money held by the board on trust for distribution rather than any income those funds generated. What were described as 'surplus funds' were deposited with the Native Trustee who paid interest at the 'Common Fund rate'. He noted that in addition to credit secured by mortgage and advances for farming purposes not otherwise secured by mortgage, the boards could also extend credit for farming operations on land vested in the boards. To the year ended 31 March 1937, the boards held cash and investments totalling £701,781 in the form of government securities (£57,828), mortgages and charges (£424,243), deposits with the Native Trustee (£163,602) and cash (£16,108). A substantial area was vested in the board's too but no land in the Ngāti Raukawa takiwā was administered in this way.

387. Employment subsidies were granted towards to the development of Māori land up to 1948. The total amount of the subsidies from 1933 to 1948 was £2,850,000.[383] These were drawn from the Unemployment Fund, the Employment Promotion Fund and later the Consolidated Fund. This amount was shown as a liability in the Maori Land Settlement Account. It does not include subsidies paid for work on Māori land which was not included in a development scheme. As lands were discharged from development schemes, the amount of the subsidy was written off but there remained an amount in excess of £1,000,000 still shown in the accounts which was to be 'eliminated' in the accounts for the year ended March 1952.[384]

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[382] 'Annual Report of the Under Secretary of the Native Department for the Year Ended 31st March 1937', AJHR, 1937, G-9, p. 3.

[383] For example, in the twelve months to March 1939, the department employed 4,000 Māori workers and the wages bill for them was £454,600. Of this amount, £383,000 was expended on development schemes. The balance was used for the improvement of other Māori land and the construction of houses funded by the Special Housing Fund. See 'Annual Report of the Under Secretary of the Native Department for the Year Ended 31st March 1939', AJHR, 1940, G-9, p. 3.

[384] 'Annual Report of the Board of Maori Affairs and of the Secretary, Department of Maori Affairs, for the Year Ended 31 March 1953', AJHR, 1953, G-9, p. 14.

388. The Board of Maori Affairs and the department kept a tight grip on the control of the development schemes. However, in 1950 district Maori Land Committees were established.[385] The committees were initially advisory only but from 1952, certain powers of the Board of Maori Affairs relating to land development and housing matters were delegated to them. The membership of the committee was dominated by Crown officials and comprised the district officer, the Commissioner of Crown Land and the District Field Supervisor. It also included 'one reputable well-known Maori farmer in the area'.[386] In the Ikaroa district, Mason Durie served on this committee for many years.[387]

h Ikaroa Development Schemes

389. By 1938, the development schemes were administered by the Board of Native Affairs under Part I of the Native Land Amendment Act 1936.[388] Three types of development schemes had evolved. The first was the general development scheme where blocks were to be developed into small farms and settled by individual Māori farmers. The second was the provision of finance to develop existing small holdings. The third were described as 'base farms', which were established to prepare stock for distribution to other schemes.

390. The schemes which related to Ngāti Raukawa lands were located across two districts, the Aotea Maori land district and the Ikaroa Maori land district. Ngāti Raukawa lands in the Aotea district were primarily reserves created in the Rangitikei-Manawatu purchase and the Rangitikei-Turakina purchase. They included, in particular, the Ohinepuhiawe Reserve and the Reureu Reserve. There were no Native Land Court blocks in the Aotea Maori land district within the Porirua ki Manawatū district inquiry boundary – all were located in the Ikaroa Maori land district.

391. However, much of the development in the Ikaroa district was focused on the Hawkes Bay. The following overviews of each of the schemes – Ohinepuhiawe, Reureu and Manawatū – are based primarily on the department's annual report. More detailed

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[385] 'Annual Report of the Board of Maori Affairs and of the Secretary, Department of Maori Affairs, for the Year Ended 31 March 1953', AJHR, 1953, G-9, p. 5
[386] 'Annual Report of the Board of Maori Affairs and of the Secretary, Department of Maori Affairs, for the Year Ended 31 March 1954', AJHR, 1954, G-9, p. 22.
[387] 'District Maori Land Committee Minute Book', Maori Land Court, Whanganui.
[388] 'Annual Report of the Under-Secretary of the Native Department for the Year Ended 31st March 1937', AJHR, 1937, G-9, p. 15.

accounts of the operation of each of these schemes, and the Ōtaki nursery, are given below.

i Ohinepuhiawe

392. This scheme was located approximately half a mile from Bulls. It had been created in October 1933. The total area was 96 acres of flat land. By 1938, two settlers had been located on the scheme as dairy farmers and they were described as 'young and energetic … making every endeavour to become efficient farmers'.[389] They were supporting five adults and four children and it was reported that they were living in 'comfortable houses'.[390] The scheme had produced 4,185 pounds of butterfat and from the income generated had returned £95 to the department. The department had also received £5 from the sale of cattle. During the course of the year, the focus had been on clearing 18 acres of gorse, sowing 16 acres of grass, erecting fences and improving drainage. A water pump had also been installed. A small area remained in gorse but was not to be removed as gravel was close to the surface in that area of the block. The property was carrying 30 dairy cows, 9 other dairy animal and two horses.

393. The overall financial state of this scheme, taking account of all receipts generated from farming activity and employment promotion subsidies received to 31 March 1938, show that the total received by the department was £1,184 9s 10d and the outstanding liability was £774 5s 8d. The department's total liability on the scheme, including interest charged, was £1,958 15s 6d. By way of comparison, the Ranana scheme managed by the Aotea board had an initial liability in excess of £60,000.

j Reureu

394. This scheme, located about seven miles from Halcombe, was created on 27 January 1938 (shortly before the department's annual report was compiled). An area of 309 acres had been included in this scheme. The land were described as largely rich river-flats, with some rolling country. The focus on the initial activity had been river protection work. This had been undertaken by ten men (responsible for 38 dependents) under the direction of the County Engineer. The Rangitikei River had

[389] 'Report on Native Land Development and the Provision of Houses for Maoris, including Employment Promotion by the Board of Native Affairs', AJHR, 1938, G-10, p. 69.
[390] ibid.

caused significant erosion on some parts of the lands and stone groynes had been built and willows trees planted. Some fencing had also been done as a further protection against erosion. General development of the fertile land was to proceed once the protection works had been completed.

395. The Reureu scheme had not generated any income and the financial information suggests that the report anticipated significant river protection work but that little had been undertaken. The board did receive a small sum in employment promotion subsidies of £5 5s but expenditure was also very limited so the department's liability for the scheme at the end of March 1938 amounted to £11 12s 2d.

k Manawatū

396. South of the Rangitikei and Oroua River, in the Ikaroa District, the key scheme was the Manawatu Development Scheme. In the 1938 annual report, the department observed 'that an old prejudice against allowing the Department to develop their lands is being dissipated amongst the Maoris, who are now becoming more and more convinced of the benefits of State aid towards improving their farms and developing virgin country'.[391]

397. The Manawatu Development Scheme was created in August 1931 had, at this time, two parts. The general scheme comprised 645 acres while the Matakarapa block added a further 368 acres. Of this area, 642 acres had been developed and the balance was to be developed too. Six dairy farmers were settled on the scheme and they were supported by twenty labourers. In total, the farmers and labourers supported 62 dependents. The scheme produced 35,846 pounds of butterfat and returned £934 to the department. The department received another £124 from the sale of stock, crops and general sources of income. There were six cottages in the scheme and four milking sheds. Stock on the farms numbered 177 cows, 38 other dairy animals and an undefined number of pigs. Fencing had been undertaken and 38 acres had been sown in new pasture. Flooding at Matakarapa together with drainage remained a problem but the department considered the land 'of excellent quality' and anticipated it would provide four farms. At the time of the report, two share-milkers were employed on the scheme.

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[391] ibid., p. 72.

398. The scheme had returned a total amount to 31 March 1938 of £5,110 19s 11d. This included employment promotion subsidies. The total liability held by the department at this time was £2,851 12s 8d. The total expenditure on the scheme, including interest charges, was £7,962 12s 7d. By 31 March 1939, the Manawatu Development Scheme comprised fourteen farms. A total of 1,605 acres had been included in the scheme and 681 acres were developed. The scheme supported 232 people. The focus of work was clearing land, erected new fences and digging drains.[392]

iii MANAWATU DEVELOPMENT SCHEME

Seeking Cabinet Funding

399. Initial approval for funding the Manawatu Development Scheme was given in early September 1930. On 3 September 1930 the Under Secretary wrote to the Native Minister seeking Cabinet approval for the provision of £2,210 for the Manawatu Development Scheme. The initial request was general in nature, with a more detailed estimate to follow:

> A detailed estimate of our requirements for these lands will be made shortly, but in the meantime it is desired that provision be made in the Supplementary Estimates to the extent of at least £2,210 for the development of these lands'.[393]

400. This was approved on 5 September. A year later on 19 September 1931, the Under Secretary again wrote to the Native Minister advising that £1,000 had been allocated for the development scheme for the coming year. He asked for approval from Cabinet for this sum, which was given at the end of the month.[394]

Development Scheme Enquiries in the Ōtaki - Manawatū District in the 1930s

401. In the early 1930s, at a time when the development schemes and the purpose of them were quite novel, local European leaders took an interest in the plans and how they could apply to Māori land. For example, in September 1930, the editor of the Levin Daily Chronicle asked the Native Minister for further information about the

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[392] 'Report on Native Land Development and the Provision of Houses for Maoris, including Employment Promotion', AJHR, 1939, G-10, p. 55.
[393] Under Secretary to Ngata, 3 September 1930, AAMK 869 W3074 Box 1432a 66/3/1 1, Archives New Zealand, Wellington.
[394] Under Secretary to Ngata, 19 September 1931, AAMK 869 W3074 Box 1432a 66/3/1 1, Archives New Zealand, Wellington.

development of land at Ohau.[395] He had spoken to the chairperson of the Palmerston North Hospital Board (J.K. Hornblow) about a plan to establish a land settlement scheme there. The minister replied that the land was being investigated but the Ohau lands did not appear suitable for the scheme:

> The conditions of land holding and occupation are being looked into and it looks as if the idea of a group settlement in the ordinary sense is not suitable. Cabinet has approved the provision of £2,200 for what is officially known as Manawatu Native Lands Development. It is most likely this will be expended in assisting individual cases of Maoris who have small holdings (1) suitable for dairying where the provision of a few cows, manuring of pastures and a little cropping will enable a small beginning to be made and (2) Cultivation for crops of areas too small for grazing stock.[396]

402. However, the living conditions in Māori communities were also a relevant consideration. The Under Secretary requested a report from the Registrar of the Native Land Court at Wellington in late 1930 on this point:

> The Hon. Native Minister has directed me to request you to supply immediately a progress report on your investigations of the economic conditions of the Maori people as regards that area lying between Otaki and Palmerston North (Manawatu District). It is proposed to take steps to see what areas of Native land in this area are sutiable for the application thereto of Section 23/1929 and the Minister desires to have your progress report, which has a close relation to the matter, when considering the matter.[397]

403. Local European organizations were also keen to participate in this process. In May 1931, a local newspaper reported on a request from the Foxton Chamber of Commerce for the Native Minister to visit the town. The president of the chamber, Mr Hornblow, was also chairman of the hospital board. He believed that if the area was properly cultivated there was no reason why a dairy factory shouldn't be erected. The articles states:

> A number of the Natives at both Motuiti and Matakarapa had a few months ago been reduced to the lowest depths of poverty. They were a proud race and declined to seek assistance until almost desperate and anything that could be done to bring the existing waste land into cultivation should be done to assist them. Sir Apirana Ngata had a scheme in view and he [Mr Hornblow] suggested that he should be invited to visit Foxton for the purpose of inspecting Matakarapa, which properly treated, would become some of the finest land in the country.[398]

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[395] Kerslake to Ngata, 11 September 1930, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[396] Ngata to Kerslake, 12 Septmeber 1930, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[397] Shepherd to Sim, 12 December 1930, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[398] Cultivation of Native Lands newspaper article, 4 May 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.

404. Around the same time, the Foxton Unemployment Committee wrote to the Native Minister to seek his endorsement for the committee to collaborate with the department. The committee was engaged in directing the activites of the Unemployment Board by 'providing work for Natives registered as unemployed and who are at present receiving work under the board's various relief schemes'.[399] The committee observed:

> As an unemployment Committee with a good number of registered Natives on our books we think that something of a more useful nature could be done if your Department would take the matter up in an energetic manner.
> Just accross the river from the townshp here is a large tract of unpartitioned land, supporting a few natives and their families. (I should say they are only living on the land at present) most of whom are registered unemployed.
> The Board's No. 4 C scheme could, with very little amendment, easily be adapted to enable these Natives to turn this land to some good use, by banking, scrub-cutting, and cultivating. The area of land is known as Matakarapa and must contain about 2,000 acres, about a quarter of it being flat. The Committee feels that this matter only requires bringing to your notice for something to be done, and we ask that you go into the question more fully.[400]

405. The department was asked to report on this suggestion but, in the meantime, the Foxton Chamber of Commerce also wrote to the minister suggesting the land at Matakarapa, located across the river from the township, was suitable for development. The minister was asked to meet and discuss this with them and they assured him of their 'hearty co-operation in any possible way'.[401]

406. However, following the department's investigation of the proposal, the minister was reluctant to proceed because the block identified 'only contained 300 acres'. He insisted that funds would be applied to land in the Manawatu District but the amount available was 'so small':

> It is intended to apply some funds to development schemes in the Manawatu District, but the sum at my disposal is so small it will only be sufficient for making a commencement and cannot be used for the purpose of relieving unemployment, except as it incidentally may do so. Where there are so many calls, it is difficult to choose where to commence, but I am having enquiries made into the various schemes suggested and if it is found possible to assist the Foxton proposal to a small extent, it will be done.[402]

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[399] Unemployment Committee, Foxton to Ngata, 5 May 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[400] ibid.
[401] Hornblow to Ngata, 29 May 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[402] Ngata to the Secretary, Chamber of Commerce, 9 June 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.

407. Unemployment and the living conditions of Māori communities were not the focus of the land development schemes, at least in the Manawatū region. A summary of the Native Minister's response was published in a local newspaper.[403]

408. The minister, nevertheless, moved forward with plans for what would become the Manawatu Development Scheme. He advised the Under Secretary that he had recently spoken to Hone Makemereni (John McMillan of Foxton) about taking on the role of supervisor if required. He also asked Mr Makemereni to report to him on the living conditions of people at Ohau and Matakarapa 'and other parts' and how they could be assisted by the proposed scheme.[404] It was later acknowledged by the Ikaroa board Registrar that McMillan was not remunerated for his work (and it appears his costs were not paid either or paid only with the grudging approval of the Under Secretary).[405]

409. At the end of June, the chief clerk, G.P. Shepherd, was sent to Foxton to investigate further the Matakarapa blocks and meet with Mr McMillan (who collected him from the train station at Levin and drove him to Foxton). His report of this trip to the Under Secretary was detailed. The Manawatū River was in flood at the time of the visit which made the inspection 'difficult and hazardous'. Part of the visit was spent discussing the procedures required around developing Māori land under the schemes that were currently being carried out by the department elsewhere in the country. This was an attempt to ensure landowners were 'fully conversant with the procedure followed and its effect as regards their lands in the event of their consenting to the land being brought under the provisions of Section 23/1929'.[406] He met with a number of owners and those residing on the Matakarapa blocks:

> The occupants present were given every opportunity to ask any questions with regard to the development of their lands and to bring before us any matter affecting the land or their present occupation. Later in the day, the Mayor of Foxton, the Secretary of the Chamber of Commerce and the Secretary of the Unemployment Committee, waited upon Mr McMillan and me and urged upon us the necessity and desirability of undertaking the development of the idle Native lands across the river from Foxton in order to provide present employment for the Maoris and as a means of ensuring a

[403] Matakarapa Swamp newspaper article, date unknown, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[404] Ngata to Jones, 1 June 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[405] Fordham to Pearce, 30 August 1934; Pearce to Fordham, 6 September 1934, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[406] Shepherd to the Under Secretary, 10 July 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.

> future livelihood for the Maori owners who were prepared to engage in farming pursuits. Incidentally the development of these lands will be of benefits to the borough of Foxton. The Mayer of Foxton, who is also Chairman of the local Unemployment Committee, appeared to be genuinely interested in the matter of promoting the welfare of the resident Maori.
> Mr Roore Rangiheuea very kindly arranged for the Harbour Board launch to be placed at our disposal on Sunday 28 June and accompanied by the Mayor, the Chairman of County Council, the Secretary of the Unemployment Committee, and Mr Roore. Rangiheuea, we made an early start at the river. The landing was made at a suitable spot and an inspection made of the land from the heel of the peninsula towards the toe. In the meantime the launch returned down the river and picked us up again at the point near Hartley's Bend below the Borough. We then proceeded further down the river to the Rerengaohau Block and inspected the land in that block, as well as the lands lying between that Block and the river towards the river mouth (Papangaio Block). Eventually we landed at Manawatu Heads about 3.30pm the rain making further investigations impossible. Mr Roore Rangiheuea again acted as our good Samaritan by telephoning to town for his car to come there for us.

410. His inspection of the land was limited by the weather but he was still able to form a view on whether it should be included in the development scheme:

> Owing to the inclemency of the weather, I saw the land under the worst possible conditions, but this, possibly, was an advantage in that it rendered undue optimism unlikely. The Rerengaohau Block subdivisions and the lands between that Block and the river west of Hartley's Bend are, in my opinion, entirely unsuitable for development, being almost wholly covered with drift sand, the fixation of which, if that where possible, would cost infinitely more then the land would ever be worth. Manawatu 7E Block also appeared to me to be an unsuitable for development although there were a few small areas on that Block which might be grazed in conjunction with Matakarapa Block but it would not pay to expend money on their improvement.
> The Matakarapa Block subdivisions are free from sand and from their position with water on three sides, are not likely to be affected by the prevailing sand drift from the West. The soil consists of deep river silt, the surface being flat, with sufficient fall outwards to permit of any necessary draining being successfully undertaken, and could, I think, be developed and improved with reasonable cost limits. The area capable of being developed comprises an area of a little over 200 acres and in my opinion would subdivide into 4 nice properties of approximately 50 acres each, which would provide a reasonable living for the settlers as the land is stated to be rich and strong.

411. Mr McMillan considered the owners would provide a pool of labour to undertake the work:

> Mr McMillan is confident that he can arrange the necessary labour gangs from amongst the owners to develop the land and promised to let me have a list of the men if selected by him. The list has not yet been received, but in a letter dated 2 July (attached) he states he has consulted the Maoris at Foxton who have stated they are prepared to undertake the scrubbing of the land at a pound (£1) per acre. A scrub nowhere appeared to be very heavy or thick, That there is a good deal of flax on the land and I presume the price quoted would cover the removal of the flax roots. In discussing the matter with Mr McMillan , I asked him to see that any prices obtained cover the removal of flax roots, that is silent on the point.
> Once the land was cleared of scrub and flax, a certain amount of draining and banking would be necessary, and when completed, the land would be ready for ploughing and other cultivation to prepare it for seeding. It would be advisable to construct a suitable internal road to give each section access to a convenient spot on

> the river to permit of cream transport to the factory but this would not be an expensive matter and indeed might prove unnecessary when the land is cleared up.

412. A number of significant works were recommended including scrub cutting, drainage and banking, ploughing and sowing grass seed and fencing. Shepherd could not give a detailed costing of the work but thought the 'usual low prices' would apply:

> I regret that owing to incomplete knowledge of the extent of each class of work, I cannot give estimates of the cost of the works recommended, but I have no doubt that these can be carried out at the usual low prices at which our other schemes are being developed.[407]

413. Shortly after Shepherd had visited, Hone McMillan wrote to advise that he spoken to people in Foxton about 'scrubbing' Matakarapa:

> I have consulted the Maoris at Foxton in connection with the scrubbing of the Matakarapa Block all swamp and they are prepared to give it a trial at 1 pound per acre, and does not include an area of about 15 acres which is already clear.
> The site with the houses I would be about seven or eight acres which would not be included in that area to be scrapped, they would do that themselves.
> If the proposal is suitable kindly advise so that I can arrange and get them started.[408]

414. There is no indication that McMillan was instructed to proceed (though the development scheme would not be officially established until early the following month).

415. Searches on a number of Manawatū blocks were undertaken at this time (presumably to identify land which could be included in the scheme). The blocks included Matakarapa, Pukehou, Te Rerengaohau and Manawatu Kukutauaki. Hone McMillan subsequently advised that:

> Owing to some of the interested people being away I was unable to make the necessary arrangements for the commencement of the work. We are having a meeting at Matakarapa on Sunday to finalise arrangements for the commencement of operations and will advise you in due course and also as to the necessary tools that will be required.[409]

416. On 1 August 1931, under s 23(3) of the Native Land Amendment and Native Land Claims Adjustment Act 1929, the Native Minister announced his decision to make a number of Matakarapa blocks subject to the provisions of the Act (include them in a development scheme).[410] They were:

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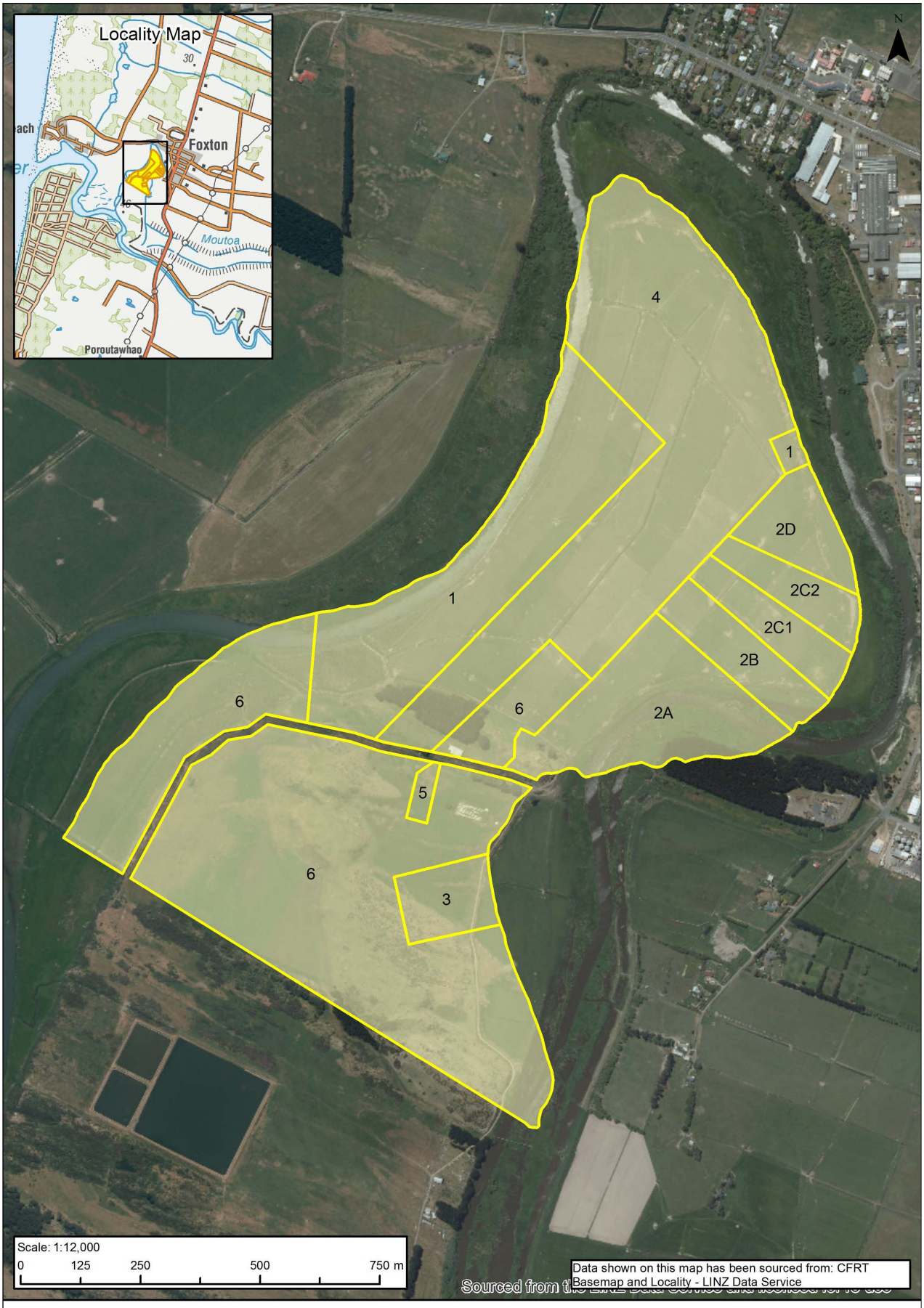
[407] ibid.
[408] Hone McMillan to Shepherd, 2 July 1931, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[409] Hone McMillan to Shepherd 29 July 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[410] See *New Zealand Gazette*, 1931, p. 2222.



Rangatiratanga Versus Kawanatanga: **Manawatu Development Scheme: Matakarapa Block**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 015 Map projection: New Zealand Transverse Mercator Date: 19/06/2017

Map 20: Principal subdivisions of the Matakarapa block

Block	Area: (a. r. p.)
1	40. 0. 00
2A	23. 1. 08
2B	9. 0. 36
2C1	6. 3. 25
2C2	6. 3. 25
2D	9. 0. 36
3	7. 0. 00
4	70. 0. 00
6	99. 0. 00
	271. 2. 10

417. The notice was publised in the *New Zealand Gazette* a few days later.[411]Other lands, including parts Manawatu Kukutauaki 2E containing 34 acres 1 rood 26.03 perches, were added the same month.[412]

418. The notification was forwarded to the Registrar of the Ikaroa District Maori Land Board by the Under Secretary to whom the minister had delegated his authority:

> I have to inform you that it is proposed that the development of these lands shall be carried out by the Ikaroa District Maori Land Board, subject to the control of the Native Minister out of funds to be supplied for the purpose from the Native Land Settlement Account.
> The Native Minister has executed a formal delegation of his powers under the section above quoted in favour of the Ikaroa District Maori Land Board. Cabinet has approved of the expenditure for the current year, but estimates have not yet been submitted by Mr Hone McMillan, who will supervise operations.[413]

419. The delegation to the board was forwarded with the notifications and the Under Secretary asked the board to provide a formal, sealed, document accepting the delegation. The board had apparently administered other development schemes as the Under Secretary noted that the same accounting and payments systems would be used. The board's acceptance was completed by Judge Gilfedder, the board's president, and C.V. Fordham, a member of the board and Registrar, a few days later.[414]

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[411] Extract from *New Zealand Gazette*, 6 August 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[412] See *New Zealand Gazette*, 27 August 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[413] Jones to the Registrar, 12 August 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[414] President, Ikaroa District Maori Land Board statement, 14 August 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.

420. As the formal process of establishing a scheme continued, the department told Hone McMillan that the blocks had been notified and asked for a list of contracts he would enter into and supplies he required:

> Will you please submit lists of the contracts proposed to be let by you together with the contract price and the names of the men to be employed on each contract.
> If you will let me have a list of tools etc., required, I will arrange to help them get ordered from the Government contractors. Will you require any tents? If so, please state sizes etc.[415]

421. While progress was being made in establishing the scheme in mid-1931, there remained concern about the living conditions of Māori in the Manawatū. Shortly after these actions were taken, a Pākehā resident of Manakau wrote to his local member of the House of Representatives to draw his attention to the poverty of those living nearby:

> For some time past I have been carefully watching our Maori settlers and feel that in the very near future their position will be such as to demand the attention of the Government.
> That they are fast becoming impoverished to a serious extent is glaringly apparent, and a regretable feature is that they are allowing their homes to fall into a state of disrepair; in fact several families here, within a few years, if things are not allowed to drift, will be homeless.
> Most of them are dairying and have reduced the productivity of their farms by not top-dressing that it is very necessary that something should be done to educate them in the fundamentals of farming if they are to continue to eke out a livelihood.
> I am writing to you to get your views on the matter, and to see if you thought it worth while to bring the matter before Parliament.
> You will readily appreciate that the manner in which they are farming their lands incurs an enormous economic waste, which will become an increasing burden on the taxpayer as the years roll by.
> We know that now is not the time to enter on any elaborate scheme of rehabilitation but it seems to me that the Agricultural Dept. could perhaps arrange for an Instructor, to devote some of his time at least to the Maori farmers in our district. The result of an experiment of this kind, would then determine the advisability of extending such a scheme.
> You with your intimate knowledge of the Maori will realise the need of a man with those qualities, that has an understanding of the temperament an psychology of our Native people.
> I might say that I intend bringing this matter up at our local Progressive Association next week and will in turn seek the support of the Uku Branch of the Farmers' Union which bodies I feel sure will be pleased to afford you their support in any endeavour you might make to arrest what I believe will be a serious National problem if allowed to go unheeded.
> I would appreciate your early reply, setting forth your viewpoint and any suggestions you might take.
> I take this opportunity of extending my congratulations in again securing the backing of Reformers for the next election.[416]

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[415] Shepherd to Hone McMillan, 15 August 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[416] Atkins to Field, 9 September 1931, MA 31 13, Archives New Zealand, Wellington.

422. Field was a Wellington solicitor and the local member of House of Representatives at Otaki (who had begun his political career with the Liberal Party but shifted his allegiance to the Reform Party). This was forwarded by Feild to Sir Apirana Ngata for his consideration:

> I enclose a rather neglected letter which reached me recently from Mr L.H. Atkins, a wellknown and public spirited resident of Manakau on the subject of the deplorable condition of some of the Natives and their lands and buildings in the Manakau district. I fear that Mr. Atkins' statements fairly describe the circumstances, and I think his suggestions are worthy of consideration. I will see Mr Taite te Tomo, MP, on the matter, and cooperate with him if I can be of any use.[417]

423. The Native Minister responded the following day who asked for assistance in identifying where assistance was required:

> I am in receipt of your letter of this morning forwarded Mr Atkins' letter about the condition of the Natives at Manakau. I have been prepared since the beginning of last year to apply the provisions of Section 23 of the Native Land Act etc, 1929 to such Native owned areas in the Manawatu district as would be found suitable. Nothing was done last year as the Natives in the district were suspicious of the legislation and the intentions of the Department. Another attempt was made this year and I enlisted the assistance of Mr Hone McMillan. So far the Matakarapa block near Fielding [sic] is the only one that has been gazetted under what is termed the Manawatu Development Scheme, for which Cabinet has authorised £1000 as a beginning. The Department's difficulty is to make contact with the areas that should have assistance. I wonder if Mr Atkins will submit some cases which may be investigated. Although the financial provision seems limited it is probably that once a beginning is made in districts round Manakau, Ohau and Levin further finance could be made available.[418]

424. Field subsequently received a resolution of the Manakau Progressive Association and a letter sent by the association to the Provincial Executive of the New Zealand Farmers' Union (which were returned by the minister to Field).[419] The MHR insisted that it was 'quite certain that active steps are necessary at the earliest date possible, to help these natives, and put them on the right track to earn their livelihood'.[420]

425. The Native Minister acknowledged these letters but repeated his request for help in locating those 'areas that should have assistance':

> As I told you in my letter of 30 September, the chief difficulty in promoting land development in the Manawatu district is to make contact with the areas that should have assistance. No doubt the commencement of operations on the Matakarapa block near Foxton will serve to bring the advantages of land development before the

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[417] Field to Ngata, 29 September 1931, MA 31 13, Archives New Zealand, Wellington.
[418] Native Minister to Field, 30 September 1931, MA 31 13, Archives New Zealand, Wellington.
[419] Receipt of letter from Farmers' Union.
[420] Field, to the Native Minister, 13 October 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.

> Maoris owning lands in the district and widen the opportunity for the extension of our assistance towards that purpose.[421]

426. Contact from individual farmers who took the opportunity to enquire and seek assistance under the development scheme provided another way of identifying suitable lands. On 27 May 1931, Tira Putu wrote to the Under Secretary of the Native Department seeking assistance in his dairy farming operations. He was farming the following blocks:

Pukehou 4G3:	20 a	2 r	23 p
Pukehou 4G2A and 2B:	34 a	3 r	33 p
Pukehou 3B2:	11 a	0 r	0 p
Total:	66 a	2 r	16 p

427. It was subsequently clarified that Pukehou 4G3B2 containined 14 acres 2 roods 38 perches. Tira had twenty dairy cows and was supplying the Otaki Dairy Company. The dairy company held a debt of £200 and he requested £400 to repay this debt and make improvements to his farm. He was occupying two of the blocks rent free and he was paying a grazing fee on the third. He had an interest in one of the blocks.[422] Several months later, the Under Secretary asked the Registrar of the Court for details of the ownership of the blocks identified by Tira and these were sent through.[423]

428. In mid-November, the chief clerk wrote to Hone McMillan for advice:

> Tira Putu of Otaki has asked for assistance to enable him to pay off a debt to the Otaki Dairy Company and to improve his farm.
> He states he is farming on the following sections:
> …
> Tira owns 5/12ths. undivided interest in 4G3A, but claims to be occupying 4G3A and 4G3B2 under arrangement with the owners rent free. Pukehou 4G2A and 4G2B he states to occupy by arrangement with the owners by paying a grazing fee of £2 per acre per annum.
> I should be glad if you would kindly look into the matter and advise me of Tira's position and whether, in your opinion, this is a case where the Department should assist.
> You should ascertain the views of the owners of these sections as to whether they would be agreeable to Tira appointed occupier if the land were brought under the Development Scheme.[424]

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[421] Ngata to Field, 5 November 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[422] Tira Putu to the Under Secretary, 27 May 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[423] Jones to the Registrar, 20 October 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington; Fordham to the Under Secretary, 24 October 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[424] Shepherd to Hone McMillan, 16 November 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.

429. The board's Field Supervisor, Flowers, subsequently visited the land with Mr McMillan. He reported, in March 1932, that 'although the lands are not first class from a dairying point of view it is possible for a man to make a good living and recommend that the blocks be included in the Development Scheme'.[425]

430. However, it does not appear that much was done with Pukehou 4G3B2. In March 1955, the District Land Committee approved the release of this block from the development scheme. It was reported that the land had been included in the scheme in 1932 but never occupied and development funds were never applied to it:

> The land was originally brought under the development in 1932 along with other lands in this area. It has never been included in any unit area and no development funds have been expended on it.

431. In 1955, it was being farmed by Mihi Taylor with adjacent land and she was preparing to acquire all the interests in the block (she held 28 of the 55 shares). There was nothing owing on the land and she was the only farmer in a position to farm the land successfully.[426] The decision to release the land was notified on 25 March 1955.[427]

432. As the department was dealing with Tira's request for assistance, the Native Minister received another request for assistance from a Māori resident of Foxton. He had apparently received a letter about Matakarapa because he was an owner:

> I am in receipt of your letter in regards to the development of Matakarapa Block. I asked the owners as to the position. They stated that when the land is fully improved the owners will be given an opportunity to farm it. I have a small interest in this land on it stands my home. I want to return to it. Kindly arrange so that I might be able to return to this block and participate in farming it.[428]

433. An alternative, more recent translation of the correspondence, is:

> Your letter came in respect of the activity at Matakarapa. I asked people who own that land about it. Their advice was as follows: - When that land has been improved, the farming will be done by those people themselves, along with other shareholders in that land. I have some small shares in land back in my own home area, and my desire is now to return and take up a farm there. Can you please find a way for me and my family to return home for this purpose?[429]

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[425] Flowers to the Under Secretary, 29 March 1932, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[426] District Land Committee Report, Pukehou 4G3B2, 21 February 1955, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.
[427] Release of Pukehou 4G3B2, 25 March 1955, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.
[428] R. Te Awa to Ngata, 18 November 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[429] Translation by Piripi Walker, 10 August 2016.

434. The more recent translation better reflects subsequent correspondence. The Under Secretary asked Hone McMillan for information on 'who this person is, and what interest he has in the Matakarapa Blocks'[430]. He also Mr McMillan to advise whether the corresondent was a suitable settler and if he should be taken on as a workman. Mr McMillan told the Under Secretary that:

> This man comes from the Bay of Island and belongs to the Ngapuhi people.
> He has never lived at Matakarapa and has no interest in the Block.[431]

435. It appears that the original request was mistranslated and that the Foxton resident wished to return to his own land in the north and not to Matakarapa. Despite this confusion, the Native Minister replied that there was little chance he could be settled at Matakarapa because he was not an owner in the block:

> I have received your letter of the 18th. November last in which you have expressed a wish to return to the Matakarapa Block and participate in the farming of it under the Development Scheme. Employment on this block will be confined as far as possible to those owners who desire to work on the land and who are prepared to farm the land when it has been developed. It is unlikely that there will be any openings for outsiders but if there should be any I will remember your request.[432]

436. The response was written in te reo Māori.

Inital Steps at Matakarapa

437. At Foxton Hone McMillan was making progress at Matakarapa, impeded somewhat by water on the land. He advised the Under Secretary in mid-October that it was planning to 'open up some of the old drains':

> There has been a considerable amount of delay in getting this matter completed owing to lack of Natives in getting their registration papers in order so I could forward them on.
> Some have just been handed to me, which are herein enclosed. There is about three more that I have not yet received, but will forward them as soon as I obtain them.
> Having inspected the land together with the Natives, I have come to the conclusion owing to a large quantity of surface water laying on the ground, it will be necessary to open up some of the old drains to carry water away.
> By doing this it will be more satisfactory for scrub cutting purposes and clearing.[433]

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[430] Jones to Hone McMillan, 18 December 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[431] Hone McMillan to Jones, 24 December 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[432] Ngata to R. Te Awa, 19 January 1932, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[433] Hone McMillan to Jones, 16 October 1931, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

438. The old drains would be opened and a new drain would be cut. Scrub, including flax, gorse, rushes, toetoe and cabbage trees, would be cut on about 100 acres for £1 per acre. The Māori workers had agreed to this price. The remaining 60 acres were heavily covered and he recommended a price on that area should be arranged after the initial area had been cleared.[434] Among those working on the block were Kereopa Makerika, Hare Makerika, Tonihi Piripi, Ihaka Makerika (Hokowhtiu McGregor), Paina Stretch and Te Au Makerika.

439. In February 1932, the field supervisor met with McMillan and visited the block. Progress had been made in clearing the drains and scrub cutting but the work was slow:

> In company with Mr Hone McMillan I visited the above blocks on the fourth instant and beg to report that the drains have been completed and 40 acres cleared ready for ploughing. The clearing work is very heavy going, and after much discussion it was decided to pay 27/6 per acre. This should be ample for sustenance, but would not return to them a wage. When the present breaks are cut out there will be an area of 80 acres at least to be ploughed and sown down in the autumn and on which is estimated that 40 cows can be milked next season. The difficulty is how to get this work done as the natives have no horses capable of pulling swamp plough. They could only manage discing and harrowing with their light horses. It is important that the whole area is ploughed immediately and both Mr McMillan and myself think a tractor is the only means of getting the work done in time, although the work on this block does not warrant the purchase. Mr McMillan states that a further area of approximately 400 acres near Ohau will be coming into the Scheme about the end of March and that considerable ploughing on this area will be necessary. It would be possible to secure a team of horses, but a good team of five would cost about £200. A medium swamp plough, disc, and harrows are also required.[435]

440. The Under Secretary asked the Native Minister if he could 'give a lead of what should be done and advise what amount may be available for these sections'.[436] The Under Secretary considered a tractor and implements would only be justified if used on other blocks in the district. However, the tractor proposal was rejected by the minister who thought horses and a swamp plough were more useful. The minister was planning to visit the land the following month so he could decide if it could be included in the budget for the following financial year.[437]

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[434] ibid.
[435] Flowers to the Under Secretary, Date Obscured, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[436] Jones to Ngata, 11 February 1932, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[437] Ngata to Jones, 13 February 1932, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

441. It does not appear that the minister was able to visit the land and there was a report the following month that the land had been inundated by spring tides. McMillan was asked to visit the block and advise what was required to prevent this from happening again.[438] McMillan and the field supervisor visited the block about a week later to look into the report and advised that the situation was serious:

> It was known that with floods, spring tides and westerly winds combined, part of the block was covered with water, but the clearing of the land has revealed this flooding to be more serious than anticipated. It was thought originally that a 2ft 6in bank for about 15/20 chains would prevent this, but it is now evident that considerable banking is necessary. The average cost of this bank by contract should run out and about £4 10s 0d per chain and to meet this additional unexected expenditure it wil be necessary to cut out further clearing and limited the area to be ploughed and grassed to about 120 acres.

442. Despite the additional work required, the field supervisor considered the quality of the land of justified the expenditure:

> The quality of this land amply justifies the expenditure on banking and this course has had to be adopted by Europeans on both banks of the river in this locality.[439]

443. The same day, McMillan advised the field supervisor that he had spoken to Patea Kauri and visited Matakarapa with him to get a quote for the proposed banking and he was waiting on the estimates.[440] He also asked for more iron to complete a shed which was being built. The following month he advised Shepherd that a quote had been received from a Māori contractor using Māori labour and teams and that the cost was lower that an estimate he had received from Pākehā contractors.[441] He asked for authority to proceed and this approval was given by the minister (subject to some consideration being given to reducing the size of the bank to contain the cost).[442] McMillan was also asking for assistance in reducing the wages of the labourers by ensuring they were contributing to the Unemployment Fund:

> It would be helpful to the owners of the block if some small grant towards the labour costs of working the bank could be obtained from the Maori Unemployment Grant. Are the contractors and their workmen registered and accepted as contributors to the Unemployment Fund? If not, would you please arrange for them to complete the

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[438] Shepherd to Hone McMillan, 21 April 1932, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[439] Flowers to Jones, 28 April 1932, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[440] Hone McMillan to Flowers, 28 April 1932, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[441] Hone McMillan to Shepherd, 12 May 1932, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[442] Shepherd to Hone McMillan, 17 May 1932, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

> necessary application forms, copies of which maybe obtained from the Postmaster at Foxton. As any subsidy granted must necessarily be upon the wages of the work, will you please advise me of the estimated amount to be expended on wages and completing the contract for the erection of the bank.[443]

444. The chief clerk's reference to assisting the owners arose out of a concern to keep the costs of constructing the bank down. This reduced the debt registered against the land which the owners had to repay.

445. Near the end of April 1932, as discussions on the construction of the bank were progressing, the minister sent a detailed assessment of the scheme to the department with questions and directions for each of the farmers in the scheme.[444] It would appear that occupiers had been identified although the land was not yet in a position to be occupied. He recorded that to the end of the previous month, the total amount spent on the scheme was £184 15s 2d and a further £122 12s 1d had been spent to the 28 April. Estimates submitted for the scheme included £1,374 for Matakarapa, £40 15s for a particular farmer (Hone Takerei Whiti) and £2,330 10s for '12 new units'. The minister wanted the estimates rigorously reviewed:

> The estimate should be subjected to the closest examination and the title, position and occupation arrangements carefully considered. The Manawatu is an old settled district that is bound to have complicated problems and the Department's policy in relation thereto must be one of caution.[445]

446. He asked for a detailed report on what had been achieved on Matakarapa to the end of March as he was concerned about the impact of the proposed intensity of dairy farming on the pasture:

> I should like a report on the development work done up to March 31st and especially as to the amount of pasture available for grazing dairy cows. The estimates are not intelligible without such information and an explanation of the plan of development is now pursued. There appears to be an attempt to force dairying on a considerable scale of pasture not yet established.[446]

447. He also asked detailed questions about the financial arrangements and development of each of the farms created in the scheme. The comments suggest an intimate knowledge of the scheme and those participating in it. For example, of one 'unit', he asked about the arrangements for leasing the land:

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[443] Shepherd to Hone McMillan, 17 May 1932, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[444] Native Minister to the Under Secretary, 28 April 1932, AMMK 869 W3074 Box 1432a 66/3/1 1, Archives New Zealand, Wellington.
[445] ibid.
[446] ibid.

> Something better than an informal lease of the adjoining 20 acres is required to justify and increase in the number of cows, which was what is already on the property raises the question of overstocking. The purchase of a plough and the taking over of a factory debt cost over 30/- an acre.[447]

448. Of another he wrote:

> In the notes re this unit mention is made of the rental of £50 to be paid. The estimate of cattle requirements is as high as for very rich pastures. There is a debt of nearly £60 to the Dairy Company. There is not sufficient consideration in the report and recommendation of the risk and complications of this proposal.[448]

449. Another farm should not have received support from the development scheme:

> The area is only 33 acres. The freehold of 11 acres is subject to a mortgage of £250 to the Board. Although the occupier has 14 cows and heifers a further eight cows are asked for. This unit should not have been recommended as an investment for development funds.[449]

450. The minister was critical of the land and the stock of another farmer and insisted greater focus should be given to improving the land rather than increasing the herd. He supported another proposal involving sheep:

> The area is 60 acres. The estimates provide for an expenditure of £306 in order to establish a herd of 12 cows. Fencing material and equipment for cultivation will cost £120 and and it is assumed that the occupier will carry out the cultivation with his own labour. Stock, cow-shed and dairy requisites will absorb £136. Provision is made for the purchase of 100 sheep which will be sold in the spring. This proposal is worth trying out.[450]

451. Other comments suggest the minister was most concerned that expenditure on milking equipment should be restrained and stock numbers needed to be reconsidered and should suit the available pasture. In this regard, he concluded: 'Greater moderation is necessary in regard to speed of stocking in the estimates of possible revenue'. He appeared particularly concerned that stock numbers were being increased to generate higher revenue but that the land would not cope and scheme would be undermined.

452. The board's field supervisor, Flowers, provided a lengthy and detailed response to the matters raised by the minister in his letter to the Under Secretary.[451] Considerable progress had been made in clearing the land and preparing pasture:

> The development work completed on the above blocks as at 31 March 32 consisted of clearing 75 acres scrub and flax and deepening and clearing 214 chains of old

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[447] ibid.
[448] ibid.
[449] ibid.
[450] ibid.
[451] Flowers to the Under Secretary, 30 April 1932, AMMK 869 W3074 Box 1432a 66/3/1 1, Archives New Zealand, Wellington.

> drains. These works were completed at a cost of £150:16:6d. At the present time there is no pasture available for grazing cows. A few are being milked by the natives but no more could be accommodated. It was hoped to sow down a small area last month, but ploughing operations were delayed on account of flooding (see my report of 28/4/32). The proposed plan of development for the year is now to be restricted to enable banking to be done and the work proposed to be undertaken includes erecting 75 chains of stop banks and ploughing, grassing and fencing approximately 120 acres in the spring. This will be the total area cleared when existing contracts are completed. The herd of cows is based on what Mr Hone McMillan is confident the land will carry next season.
> As regards the cows these are budgeted for in anticipation of grass being available and their purchase would be postponed until such time as it could be seen that feed would actually be available.

453. An estimate of expenditure was set out in the report:

40 heifers	240
Cow shed	30
Stop bank and further draining	380
Cans	6
70 gallon separator	18
Grass seed for 120 acres	200
Ploughing etc 120 acres	240
Fertilizers	48
Fencing materials, wages etc.	150
	£1,312

454. Detailed personal and financial information was given about each of the farmers (known as 'units') to be settled on the land:

> Unit 1: … This man has £300 with the Board under Section 92/13 and I recommend that the Hon. Native Minister be asked to approve of a sufficient sum being released to cover this man's estimated requirements. In this way the expenditure of his money will be under supervision.
> Unit 2: … Tenacy of adjoining 20 acres is not altogether satisfactory, but understand the unit is not likely to be disturbed in her occupation. Plough could possibly be dispensed with. Have been careful in all cases to avoid overstating carrying capacity and in no case would supply stock unless was assured that ample provision was being made for winter feeding. However, if accepted under the circumstances suggest the cows be reduced to 5.
> Unit 3: … As previously reported consider this man a good unit. Dairy Company report that on 1/1/29 he had received advances from them for the puchases of stock &c. totalling £206 odd and has been hampered to some extent as regards increasing his herd and applying necessary fertilizers. Rental of £50 is misleading as to quality of land and is based on some 43 acres, the owner, Manahi Hiakai, allowing Gardiner the use of 10 acres and house in return for his keep. Rental is asked so as to provide interest and sinking fund on a mortgage of £500 on the freehold of Manawatu Kukutauaki 4E 2B 1 to the Native Trustee. The valuation of Manawatu Kukutauaki 4E 2B 1 Block as at 31/3/30 is as under:
>
> | Capital: | Unimproved: | Improvements: |
> |---|---|---|
> | £1,760 | £1,075 | £685 |
>
> Considerable improvements can be effected on the 43 acre portion. The number of cows budgeted for is based on the known carrying capacity of the land. His present stock is insufficient to keep his feed down.
> Unit 4: … This man has a loan of £250 from the Ikaroa Board and it seemed to me to be necessary for the preservation of the Board's security that it should be supervised.

> His position can be improved only by seeing his land is developed to capacity. It is anticipated that he will be milking 14 of his present stock next season. He should be milking 20 cows to enable him to make good.
> Unit 5: … The cows in this case are provided for as replacements for inferior stock. With top dressing and surface sowing ample feed should be available and method of further development would depend on how the land responds to treatment. The urgent need of this settlor is fertilizer and the supply of stock to him would depend upon the response of property to the fertilizer.
> Unit 6: … This man can do all necessary labour himself.
> Unit 7: … Machine can be dispensed with as I think this man has overestimated the number the land will carry next season.
> Unit 8: … This man is a capable farmer and the question of the possibility of overstocking was raised by me at the interview, but he is very confident the land will carry the cows and he has the necessary hay paddocks. Under the circumstances I suggest the cows budgeted to be supplied from 10 to 5. He has an ample supply of hay for present stock.
> Unit 10: … This is a son of the above unit, and the work will be more or less directed by his father who is assisting with the labour in regard to cleaning up the block and erecting subdivisional fences &c. When the blocks were inspected in March the pastures were such as to indicate that 300 sheep would be wintered comfortably but in view of the drought and the consequent shortage of feed generally in the Manawatu a further inspection will be necessary to determine the number it will winter.
> … Cow shed. Ransfield desired that a shed be erected to meet with the City Council's requirements for supply of milk to the city. Have since learned that there are poor prospects of his being accepted as a supplier and accordingly there is no necessity to comply with the requirements for a Registered Dairy and a cheap efficient shed will suffice.[452]

455. The estimates were revised to reflect the particular needs of each farm.

456. Early the following year, the Native Minister was advised that departmental officials had visited Matakarapa at the end of January. Progress on the pasture had been made but was held up by the availability of suitable ploughs:

> The grass is doing well on the area sown down in the Spring and the banks erected have effectually dried the land. The contractor for the ploughing has proved a distinct failure and further progress is at a standstill for want of means of ploughing. The purchase of three horses will have to be made to enable the balance of the area to be ploughed for someone this autumn as well as for discing the working of the ploughed area.[453]

457. Officials considered the acquisition of the horses could be completed within the existing budget:

> The expenditure on Matakarapa has reached the budget approval but there is sufficient saving on other items of the Manawatu Scheme to cover the cost of horses which Mr Flowers can obtain at £30 each or £90 pounds including collars.[454]

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[452] Manawatu Development Scheme Report, 30 April 1932, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[453] Shepherd to Ngata, 3 February 1933, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[454] ibid.

458. Approval for the purchase of the horses was requested and given by the minister the same day.[455]

459. Reports at this time show that stock acquired by the scheme were running on Matakarapa but progress was slow and the owners occupying the land appeared somewhat indifferent to the work undertaken on it. An undated report to support a budget for the 1933-34 financial year of £837 15s set out some of these details:

> The work on this block has not proceeded as rapidly as it should have done chiefly through the flooding of the block in April last and partly through the ploughing contractor not being quite equal to the work. Those owners residing on the Block and also, until recently, shown no real interest in the work and have to some extent been more of a hindrance to help. Now that part of the area has been satisfactorily grassed and they can see the possibilities they are very anxious about allotments. It is only some few months ago that some of the owners suggested that it should be let to Chinese for market gardening purposes. Approximately 85 acres have been ploughed (71 by contract in 14 by our own team). The block is very rough in places and requires a lot of working to get in order, but the quality of the land such is to warrant the necessary expenditure.[456]

460. An area which had been ploughed during the year was to be sown in grass immediately. The block was currently running 80 cattle and horses and it was planned to milk 50 cows in the next season. The plan for the following year was to clear the rest of the low lying land protected by the stop bank, containing about 120 acres, and it was believed this area could run 100 cows. Included in the attached budget was the construction of a cow shed, cream cans, separator, horses, harnesses and related equipment, further scrub cutting, ploughing and discing, grass seed, superphosphate, wages for sharemilkers and fence posts and wire. They block was expected to return £250 from dairying activities.

Māori Contractor Complaints

461. In March 1933, Hema Whata Hakaraia of Ōtaki wrote to the Native Minister about a dispute regarding contracting on Matakarapa. He had been contracted to plough at Matakarapa:

> I respectfully request that you cause an inquiry to be made in respect to the above job. When I got my horses and gear onto the work I found that the ground was not ready to plough and had to wait until it was cleared of gorse and roots grubbed and was also delayed owing to the area being flooded.

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[455] Ngata to Shepherd, 3 February 1933, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[456] Undated Report, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

> I was kept idle from 20th April to 19th May while the matter of banking the ground was being considered and for broken periods for progress of the work, totalling a further month was idle – my horses cost me £18 per month to feed.
> I have also to complain re area allowed on the account furnished by your dept. I have ploughed disced and rolled a far greater area than shown on the account which brings me in debt £19:11:8 whereas if the correct figures in respect of the area worked are used, it will be found that I have a credit of say £33 in addition to which I respectfully ask that I should be paid for the horse feed used during the periods I was kept idle through no fault of my own.[457]

462. The minister referred the matter to the department for a report and this was prepared by Flowers and acknowledged by the minister.[458] It is not clear the outcome was communicated to Hakaraia but the field supervisor subsequently requested a survey of the ploughed area.[459]

463. The following month, the matter was raised with Taite Te Tomo, the local Māori member of the House of Representatives in August.[460] Te Tomo forwarded it to the Native Minister with an endorsement of the allegations made:

> I have viewed and seen this portion of Matakarapa which is under development. Verily the above statement made by this young man [Hema Whata Hakaraia] is correct. I have seen all that area which he ploughed.[461]

464. Many months later, in March 1934, the Under Secretary asked the Ikaroa District Maori Land Board about any underpayment and was advised that Hakaraia had no grounds for complaint. A survey had been undertaken and he had ploughed 75 acres 2 roods but was paid for 71 acres at 37s per acre.[462] The Registrar acknowledged this was an underpayment but insisted 'actually this was not the case':

> Hema has received every consideration from the Department and although he had practically no equipment he was given contracts and advanced moneys for equipment. If he had approached the job in a workmanlike manner he should have made money but he preferred to spend his time in supervising his employees and arguing on trivialities with the office Supervisor.
> Progress payments were made and on the completion of his contracts it was found that the amount received and payments to give out with advances for equipment were more than he had earned and as it was impossible to obtain any repayment from him the only method of adjustment was to increase his contract prices to the amount of the deficit, approximately £22, so that although he was paid £8.6.6 short on ploughing he actually received a benefit of £13.13.6.[463]

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[457] H.W. Hakaraia to the Native Minister, 5 March 1933, MA 31 13, Archives New Zealand, Wellington.
[458] Jones to Ngata, 23 March 1933, MA1 66/3/3 Box 807, Archives New Zealand, Wellington.
[459] Flowers to Jones, 7 July 1933, MA1 66/3/3 Box 807, Archives New Zealand, Wellington.
[460] Hema Whata Hakaraia to Te Tomo, 20 August 1933, MA1 66/3/3 Box 807, Archives New Zealand, Wellington.
[461] Te Tomo to Ngata, 20 August 1933, MA1 66/3/3 Box 807, Archives New Zealand, Wellington.
[462] Jones to the Surveyor-General, 6 December 1933; Chief Surveyor to Jones, 16 February 1934, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[463] Pearce to Fordham, 23 March 1934, MA1 66/3/3 Box 807, Archives New Zealand, Wellington.

465. The board was instructed to advise Hakaraia of the situation. The department's chief clerk had apparently spoken to him while he was undertaking the ploughing and told that the increase in the price per acre would be 'applied to any increase in the area found on survey'.[464] A note records that a representative of the the board had spoken to him.

Complaints from the Matakarapa Owners

466. In May 1933, Hokowhitu Makarika on behalf of the owners of Matakarapa wrote in te reo to the Native Minister seeking full information about the scheme and their role as landowners. It would appear that the activities of the scheme had interfered with the existing occupation of the land at Matakarapa:

> Greetings. I am writing to ask you to give us for information in regard to the Matakarapa Scheme. When Hoone McMillan and Tuiti Makitanara came here the owners of Matakarapa attended a meeting convened by them. At that meeting they set out the purport of the scheme. They stated that the scheme would be a means of improving our land after which it would be subdivided into four or five farms when we would be given the occupation and settlement thereof. They stated further our cultivations would not be interfered with by those persons employed on the scheme. They said that you would come here to adjust finalise the arrangements. They asked us to adopt the scheme and we did.
> Today our cultivations around our meeting house and Church house have been ploughed and sown in grass. The fence surrounding Paina Tereti's cultivation has been taken down and the cultivation plot has been sown in grass.
> Forty six cows were bought for use on Matakarapa. We have heard that these have been sold and that heifers are being bought.
> We have not been supplied yet with a statement of accounts in connection with the Matakarapa Scheme. We wish you to come here. Your officers who visit us do not explain matters to us.[465]

467. The letter was referred to the department for the preparation of a reply. It does not appear that the complaints were investigated but the minister insisted he intended to visit the block:

> It is my intention to visit this block at some time but until the work has been further advanced it will not be possible to arrange for the subdivision settlement of the land. When the land has been settled the cost of its development will be apportioned over the various sections and the settlers will be informed of the amount which each will require to pay for the improvements and stock put on the land.
> It is considered wiser not to proceed with milking on the block in the coming season owing to the request by the British Government that our dairy exports should be restricted and under these circumstances the cows now on the block will be used elsewhere and more heifers bought to run there.[466]

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[464] File Note, Shepherd, 10 April 1934, MA1 66/3/3 Box 807, Archives New Zealand, Wellington.
[465] Hokowhitu Makarika to the Native Minister, 29 May 1933, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[466] Ngata to Hokowhitu Makarika, 8 June 1933, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.

468. The minister's response was translated to te reo Māori before it was sent to Matakarapa.

Disappearing Cows

469. In June 1933, the board supervisor wrote to the Registrar to advise that over a five-month period one of the farmers in the scheme had been 'systematically defrauding the Board in respect of his cows which are covered by a Bill of Sale. At the present time only 11 out of a total of 22 remain'.[467] The letter accused the farmer of selling his cows which were provided under the development scheme and suggested that the balance of cows and plant be transferred to his sister with no further action being taken as the farmer had invested sufficient to cover the missing stock. He was farming two parts of Manawatu Kukutauaki 2E, containing 34 acres 1 rood 26.03 perches, which he owned jointly with his sister. This land had been included in the scheme in August 1931.[468]

470. The board Registrar reported to the Under Secretary that much of the money expended by the board had come from funds held on trust for the farmer and his sister.[469] At the direction of the Native Minister in October and December 1931, these funds (£249 9s held for the farmer and £110 for his sister) had been expended by the board to acquire the leasehold of the farm and stock on the property.[470] All of the money held for the farmer had been used for this purpose and £108 1s of the funds held for his sister had been applied in this way. The farmer received 22 cows and eight heifers and was also provided for a pedigree bull by the scheme.

471. The scheme had expended £34 15s 3d and received £38 12s 11d from the dairy company after the farmer had assigned his cream cheques to the scheme. By the end of March 1933, he was indebted to the scheme for £11 14s 4d plus 3/9d interest. The Registrar further pointed out the dairy company secretary at Shannon advised that the

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[467] Flowers to the Registrar, 28 June 1933, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[468] Ngata's statement of inclusion in Manawatu Development Scheme, 19 August 1931, AAMK 869 W3074 Box 1431c 66/3 1, also *New Zealand Gazette*, 27 August 1931, p 2481, AAMK 869 W3074 Box 1433a 66/3/4, Archives New Zealand, Wellington.
[469] Fordham to the Under Secretary, 30 June 1933, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[470] The farmer and his sister who owned the blocks had entered into a lease in 1925. The scheme had arranged the purchase of this lease, along with stock and chattels in 1931 using funds held by the board on trust for the farmer. Clear title was required before the Crown would advance funds on land through the development scheme.

farmer had received £83 6s 10 for the season. However, his store account was £71 1s 4d, £14 14s 7d had been paid to the board, the farmer had received a cash advance of £2 0s 2d and the dairy company was owed £4 9s 3d. The Registrar suspected that the farmer had also paid for stores on behalf of his sister but was not aware that the debt she was owed had been repaid. The Registrar observed that the farm was located near to Shannon 'and it would appear that its proximity to the township is a drawback in his case'. The farmer was heavily indebted but to his sister rather than the scheme or the dairy company.

472. The Under Secretary advised the minister that 'this unit … is a failure and I do not think he will make good even if given a further chance'.[471] The letter recommended that the farmer's sister and her husband should be supplied with cows and be nominated to occupy the farm. The minister agreed and this was communicated to the board.[472] The scheme would supply more cows for the farm to replace those sold but they would be paid for using other funds held for her by the board.[473]

Ongoing Development Work

473. In August 1933, the field supervisor advised the Under Secretary that the Foxton Borough Council had offered one of their groups of unemployed workers to clear cabbage trees at Matakarapa. The group offered included 'a large proportion of whom are Maoris'.[474] Approval of the minister was required because the borough asked for the department to pay a proportion of the wages of their supervisor (£5 or £6). The field supervisor recommended the proposal, which he considered very good value and would save the scheme a considerable sum. This was approved by the minister.[475] The

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[471] Jones to the Native Minister, 11 July 1933, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[472] Shepherd to the Registrar, 13 July 1933, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[473] A report prepared in 1948 suggests the new arrangements did not last long. The advances from the scheme were said to have been repaid in 1935 and 'since then the property has been informally leased. Endeavours have been made to obtain a suitable Maori occupier but without success'. An application for confirmation of a twenty-one year lease was considered by the Court in February 1946 and confirmed subject to the release of the land from Part I of the Native Land Amendment Act 1936. The Board of Native Affairs agreed to withdraw the land from the scheme in February 1948 to allow the lease to proceed. Board of Native Affairs report on Manawatu Kukutauaki 2E Secs 11 and 12, February 1948, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.
[474] Flowers to Jones, 19 August 1933, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[475] Ngata to Jones, 19 August 1933, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

work was completed the following month and the field supervisor was very happy with the job that had been done.[476] The supervisor's wages were paid out of the 'Maori Unemployment Grant' (which totalled £1,000).[477]

474. Another undated report, probably prepared by the field supervisor in late 1933 or early 1934, indicated that water remained a problem on the block but one the field supervisor considered manageable. In introducing the report, he explained that the block was partly swamp and partly sandhills:

> Area 368 acres acres consisting of approximately half of low sandhills and the balance of heavy swampland previously covered with flax and toitoi. The Manawatu River runs around three sides of the low part and prior to the erection of the stopbank the lower part used to flood.
> The stopbank appears to have effectively stopped this as no flood has been over it since erected. The level of the swamp area I do not think would be higher than high water mark and no doubt lower than a spring tide backed by high wind. Floodgates have been put in to prevent this water running back and these were necessary.
> I would like to have the levels of the lower end and the river level taken, as I would like to endeavour to assure myself if possible as to whether there is a seepage back from the river leaving say a pan of water under the surface and if so how far down.
> I have made one hole and found that at about 2' 6" down water and black sand poured out. I am having others made which may give me some idea in this direction.
> I am mostly concerned with this depth on account of winter conditions and also the effect on the grass roots. If there is a permanent pan of water at a lesser depth it may burn the grass and will have the effect of keeping land to some extent sour.[478]

475. It was reported that the total amount expended on the block to date was £1,485. The subsidy received from the Unemployment Fund was £242 and the balance had been charged against the land. The field supervisor considered this debt level 'has been justified and can be repaid'. Scrub and swamp had been replaced by pasture which would carry milking cows in the next season. He believed it was too early to consider subdivision of the area in farms for occupation until the extent of the area which could be converted to pasture and the water situation had been resolved. He estimated 40 to 45 cows could be milked in the next season by labour already working on the scheme. The cows were apparently already on the land but a cottage, shed, separator, buckets and other equipment would be necessary (a budget of £686 was included with the report – this would take the debt on the block to £2,181, net £1,939). A single shed would suffice initially. He anticipated that once completed, the area could be divided

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[476] Flowers to Jones, 18 September 1933, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[477] Balneavis to Jones, 13 October 1933, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[478] This document is unsigned and undated and it is unclear if it is attached to another document. It is located in AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

into four to five farms each carying 20 to 25 cows. He expressed concern that the labour would not be available but recommended increasing stock numbers in anticipation of moving to these arrangements (if it did not prove possible to establish owners on the land in this way, the stock could be 'bulk grazed' and transferred to other farms when required).

476. In July 1934, the field supervisor was able to report that the focus on the Manawatu scheme was preparing for the forthcoming milking season. A shed for one of the farmers was under way, some additional heifers had been acquired for another farmer and some fertiliser had been spread. At Matakarapa, a new house had been built, a building constructed for milking and a separator installed. A further shed was in construction for milking. It was expected that 80 heifers would be milked on the block during the season. There had been a great deal of flooding in the Manawatū during July and 'a certain amount of anxiety was experienced over the stop banks'.[479] Two episodes of flooding had coincided with a spring tide and a strong westerly had occurred at the same time as one of them. The water had come near the top of the stop bank and a small amount came over in 'one or two places'. These issues had been noted and remedial action would be taken to address them. An earthquake had also caused cracks in the bank and disturbed the floods gates. This had allowed other water to pass through. Repairs had been made to these and steps taken to strengthen the flood gates.

477. Later that month, the field supervisor advised that a dispute involving the McGregor whānau had been settled by arranging to fence their part of Matakarapa and settle a member of the whānau on the block to milk heifers owned by the scheme. According to the field supervisor:

> Some little time ago trouble was experienced with the McGregor family who are part owners of the above block. They appear to think that the development was going to benefit Honi McMillan solely. McGregor owns part of the block and it has now been decided to fence their part off and stock it with cows this year and allow one of them to run it.[480]

478. A shed had already been built and the heifers were running on the land so there was no additional cost in dealing with the issue in this way (though it would mean that no

[479] Latta to the Registrar, 6 August 1934, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[480] Latta to the Registrar, 15 July 1934, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

heifers could be transferred to the board's schemes at Hawkes Bay for milking). Towards the end of the month, the field supervisor advised that the whānau had nominated an occupier for their farm and both the field supervisor and Hone McMillan accepted their nomination.[481]

479. On 28 July, the board resolved to enter into a sharemilking agreement with Harry McGregor. It would own the cows and the revenue would be divided equally between the board and the occupier:

> Resolved that (1) Costs of establishing this as a family unit are to be isolated from the general expenditure (2) Harry McGregor is to be put on the place as a share milker. As there will only be heifers milking this first season the shares of the proceeds will be 50% to the Share milker and 50% to the Board, the latter to be applied in liquidation of the costs of development and costs of stock, such liquidation to be for the benefit of the owners of the land in the shares in which they hold in such land. Sharemilker's duties are to include care of stock and provision of winter feed and repairs to fences. All heifer calves to be reared, the board paying 10/- each for those properly raised to weaner age. Next year the proportion may become 40% to McGregor and 60% to Board. Board to find all necessary plant. Rubbers, brushes and the like to be maintained by the sharemilker. Pigs are to be on a 50/50 basis this year – Board to supply stock if required – note there may not be sufficient skim in the early part of the season to warrant keeping pigs.[482]

480. The Registrar was to arrange an agreement with Harry. The Crown would own the stock on trust for the owners of the land. The resolution was forwarded to the Under Secretary for the approval of the Native Land Settlement Board.[483] The Registrar noted that it was intended to include areas belonging to other whānau in the agreement. He described them as 'absentee relatives' of the McGregor whānau. This was approved by the Native Land Settlement Board on 22 August. The recommendation to the board noted that 40 heifers would not be available for transfer as the 80 animals would be milked at Matakarapa in two sheds. The board subsequently decided to run the entire Matakarapa block on a sharemilking basis during that season and another sharemilker was to be allocated another part of the block.[484] A further approval by the Native Land Settlement Board was required to give effect to this proposal though it does not appear that the two sharemilking agreements were arranged (several months after the two sharemilkers started work the Registrar

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[481] Latta to the Registrar, 25 July 1934, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[482] Ikaroa District Maori Land Board Minute Book 11, 28 July 1934, fol. 75.
[483] Fordham to Jones, 7 August 1934, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[484] Fordham to Pearce, 26 September 1934, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

suggested making new agreement with the new milking season commenced).[485] Milking was undertaken by hand as there were no milking machines on the block.[486]

481. However, in early November, the field supervisor advised that whānau disputes had created difficulties. One of the three sharemilkers had departed, another was milking the cows but neglecting other duties and there were complaints about the third from the McGregor whānau. The field supervisor considered the elder McGregor to be at fault:

> I am not suprised at this as the old man McGregor appears to be behind the whole of it. Last Monday in Foxton he stopped me and complained about Waaka and said that he was no good there as he neglected the cows and could not do anything and he objected to his staying there. He also objected to Hone McMillan running the show. He stated that as they were paying for it he was watching everything. He is a bad influence I have no doubt. I told him that a conference with yourself or the Judge and the other owners where he could voice his complaint would be best I thought.[487]

482. The matter was referred to the Under Secretary who directed the Registrar to investigate the disputes at Matakarapa and provide recommendations for action if required.[488] A meeting was convened in Foxton in early December. It was attended by Judge Harvey, the Registrar and the owners. The Registrar identified Hokowhitu McGregor as the complainant and his concern related arose out of the Native Minister's failure to meet with them:

> The complainant was Hokowhitu McGregor whose chief grievance seemed to be that when it was arranged to bring the land under development, the owners were promised that they would receive a visit from the Native Minister to finalise matters. This visit was not paid but now that he has seen the Judge and myself he appears to be satisfied.[489]

483. The Registrar rejected his complaint about one of the sharemilkers, which the Registrar did not consider was supported by the owners or the reports of the field supervisor. He was also under the impression that their whānau was responsible for the debts accrued on the land occupied by both sharemilkers. He was reassured on this point – that the debt his whānau was responsible for was only that on the land they

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[485] Fordham to Pearce, 20 March 1935, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[486] Fordham to Pearce, 1 June 1935, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[487] Latta to Fordham, 1 November 1934, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[488] Pearce to Fordham, 10 November 1934, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[489] Fordham to Pearce, 10 December 1934, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

owned and occupied by their sharemilker – and the Registrar believed 'he appeared to be quite content'.[490] This dealt with all the complaints though the Registrar concluded his report by paraphrasing comments made by McMillan, who characterised them 'as trivial and rose only from neighbourly jealousy and a sense of neglect by those in authority'.[491]

484. Several months later, in March 1935, reports on general activities on the block, included hay making, fencing repairs, pasture improvements, maintenance of the flood gates and the completion of an implement shed.[492] He indicated that unemployed workers were still clearing parts of the block:

> The unemployed still continue with grubbing goats rue, fescue, two weeds which are very difficult to control, as the flats have been covered for years with floods and the ground appears to have been impregnated with the seeds.[493]

485. He was also unhappy with the performance of one of the sharemilkers and 'if no improvement is shown before start of next season I will be obliged to recommend his discharge'.[494]

486. Later in the year, as the field supervisor was preparing for the new milking season, a third sharemilker to milk another 40 cows was approved.[495] The field supervisor explained plans for the block:

> For the coming season the question of a further unit has to be considered as with difficulty in getting labour to milk a big number of cows is considerable. Without a great deal of experience it is difficult to properly attend to any number. There will be approximately 110 milking this year and I would suggest that the bottom end be cut off and a unit put there with 35 cows and Waaka be left with 50. This will mean another small house and shed costing about £185. Further fencing will also be necessary.[496]

487. Another shed was urgently required to milk them too. A new house was also to be constructed:

> This year a new house will be required on McGregors section as the old building will have to be condemned. This will cost about £140 to £150. I understand a new unit

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[490] ibid.
[491] ibid.
[492] Fordham to Pearce, 8 May 1935, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[493] ibid.
[494] ibid.
[495] Campbell to Fordham, 6 July 1935, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[496] ibid.

> can be obtained. The McGregor family are I understand going to make a reommendation in regard to McGregors in the event of H. McGregor being put off. The estimated expenditure for 1935-36 is in the vicinity of £500 and the returns next season should be in the vicinity of £280 more than paying interest.[497]

488. The approval of the Native Land Settlement Board to these proposals was requested so that detailed estimates for the new house and shed could be prepared. At this time, it was believed the Matakarapa block could sustain four farmers milking 100 to 120 cows.

489. As the number of cows grew, there was growing pressure to mechanise the milking process. By August 1935, three farmers were preparing to milk 110 cows in the forthcoming season. One of them was considered 'unsatisfactory' while another was new and the size of their herds reflected their ability and experience. The third was considered 'experienced' but was struggling to find labour to assist him in milking a substantial number of cows. The field supervisor recommended a milking machine driven by a diesel engine to deal with these difficulties. The purchase of a three cow machine was approved by the Board of Native Affairs in November. It was supplied by a Levin company.

490. In November, the field superviser reported that the unemployed workers had dug new or widened existing drains and worked on the stop bank. Gorse had been grubbed and further clearing work had been done on part of the block. Two houses had been completed. Two milking sheds had been erected and the concrete for a third had been laid. The milking machine had been installed and was operational. The field supervisor was keen to improve the water supply to the farms and wells had been dug for this purpose; a pump was to be installed to supply the sheds and houses. A third farmer was to be established on the block and Whata Hakaraia had been nominated. He had arrived and commenced work and the field supervisor spoke highly of his activities. However, he became unwell and had recently passed away in Ōtaki. One of the sharemilkers, who was considered more capable, was milking the majority of the cows while the other was milking a much lighter load. Pigs were now being kept on the property and improved facilities for holding them were in progress. Feed levels on

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[497] Latta, Report on Matakarapa, 16 May 1935, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

Matakarapa were low due to water levels, cold winds and rain but he considered the stock was in good condition.[498]

491. In May 1936, the field supervisor expressed concern that the land had sunk since it was developed and that drainage remained a problem. He invited the chief property supervisor to visit to review activity. The third house and farm were still without an occupier and the other farmers continued to run the property as sharemilkers. The field supervisor suggested they should be given tenure of the land (though they were still farming under share milking contracts in February 1938).[499] At this time, there were 107 cows, 3 heifers, 3 horses, 9 pigs and 12 calves on the block. There was a debt of £2,643 on the block and the annual interest charge was £60. Other than dealing with the flooding issue, no major development works were planned and the focus was on maintenance for the year. A budget of £418 for material and £255 for labour was submitted. This was against an estimated income of £850. A further report the following year indicated that the field supervisor was unhappy with development progress. He considered the land was good but there was a lack of labour to work on the block (though he also complained abou the 'lack of industry on the part of the settlers'). Apparently the labour problem was the 'revival of the flax industry and certain roadworks' which provided employment to those available for work around Foxton.

492. In late 1937, the department's chief supervisor visited the Manawatu scheme and, with Mr McMillan and an assistant field supervisor, identified a number of other blocks which should be included in the scheme.[500] Judge Harvey had already taken action on some of these suggestions. The chief supervisor was particularly concerned to use unemployed Māori labour in the district more effectively. He also wanted to secure the land for occupation by its owners, and warned that if 'immediate action is not taken on these lines the result will be that some person gets free and cheap grazing and no lasting benefit is obtained'. In relation to Matakarapa, he recommended 'transferring all single relief workers from Ōtaki and other places' and providing

[498] Flowers to Fordham, 30 November 1935, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[499] Fordham to Pearce, 4 February 1938, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[500] Chief Supervisor to Fordham, 14 December 1937, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

accommodation for them on the block. He believed they should be paid standard rates.

493. During 1938, concerns were raised about the levels of flooding and subsequent erosion on the Matakarapa Block. On 11 March, the Under Secretary requested a report on the matter from the Engineer-in-Chief of the Public Works Department.[501] Engineers provided reports and recommendations which were far from promising:

> The area is this swampy flat on the left bank of the of the Manawatu River, directly opposite Foxton, where the Native Department is underaking development.
> The area has been enclosed with a low stopbank some years ago and in one point the river is slowly eroding the bank, to the extent that a portion of the stopbank is now within a few feet of the riverbank.
> The erosion is slow, the land protected is merely moderately valued farm land under native occupation, and protection against erosion would be expensive and unwarranted.
> For these reasons I recommend merely that the stopbank be moved back over a length of about 15 chains. This bank is only 3 feet high and will not cost very much, particularly as the Native Department can undertake the work with their own forces on the area.[502]

494. The recommendation was supported by the Registrar but he pointed out another important matter:

> My main objective in calling for the report was to obtain advice in the matter of levels for the difficult question of drainage but apparently this request was not conveyed to the Engineer who has not mentioned it in his report.[503]

495. In August 1938 the field supervisor wrote to the Registrar to suggest that the remedy to the flooding at Matakarapa was to install a flood pump and to close the flood gates completely.[504] Since late autumn, fifty to fifty-five acres of the block had been covered in water and were still wet. Another ten acres had been ploughed and sown in grass but four acres of it had been affected by flooding. Another ten acres were ploughed and ready to sow but were affected by water and pasture had not been established. It was left fallow over winter but was still too wet to plough. A new drain had been installed and the flood gates repaired but water remained a problem. Unemployed Māori had cleared the some of the wet lands of weeds and rushes but the

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[501] Under Secretary to the Engineer in Chief, 11 March 1938, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[502] Grant to the District Engineer, 1 March 1938, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[503] Fordham to the Under Secretary, 25 March 1938, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[504] Mulcahy to the Registrar, Native Land Court, 24 August 1938, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

field supervisor considered any further work on the area would be wasted if it were to flood again the following winter.

496. The board made repeated attempts to get the Public Works Department to assess water levels on the block (after the Native Department authorised the installation of a flood pump).[505] This proved difficult, and by March 1939, the board considered the issue urgent.[506] In April, the Engineer-in-Chief reported that the block had been inspected and that the engineer recommended repairs to the existing flood gate (which leaked) and if required, after a period of time, the installation of a pump nearby.[507] While the department approved adding a pump to the earthworks, it is not clear that it went ahead as the Public Works Department wanted to assess the effect of repairs to the flood gates first.

497. While the board and the department continued to deal with the water issue, the two farmers milking cows on the block had reduced the debt on the land by £600 in two years (from £2,801 6s 7d in March 1936 to £2,207 4s 8d in February 1938). Near the end of 1938, another issue over the management of the block arose in that the field supervisor alleged the two sharemilkers were selling pigs they raised separately. The Registrar reported that the original arrangement was that the scheme would supply the animals to be raised by the sharemilkers and the proceeds divided equally between the sharemilker and the board when they were sold. The Registrar recommended that the sharemilkers should be allowed to retain all the proceeds from the sale of the pigs. The field supervisor believed he would 'obtain more co-operation from the milkers and would have more control over the sale of pigs than he has at present'.[508] This would ensure he controlled stock levels on the block. The Registrar suggested that the sharemilkers pay for the pigs already on the property 'by foregoing their share until such time as the total cost of pigs to the Department is repaid'. Once this debt had been cleared, the sharemilkers would retain all the proceeds of the sale of pigs. It is not clear if this proposal was approved.

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[505] Campbell to the Engineer-in-Chief, 2 March 1939, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[506] Fordham to Campbell, 2 March 1939, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[507] Wood to Campbell, 21 April 1939, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[508] Fordham to Campbell, 6 December 1938, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

498. One of the sharemilkers passed away in April 1939 and his widow took over the property. It appears she left just under twelve months later and a new sharemilker was appointed in her place.[509] It was not until November 1940, that a clear plan to settle the Matakarapa block was developed. The field supervisor had reviewed the property and come up with a proposed subdivision for the block. Sharemilkers were still occupying the land with no security of tenure and the funds advanced on the block were secured as a debt against the owners. The department had not yet approved the sharemilkers becoming 'units' with tenure. The field supervisor's recommendation was for four farms of about 35 acres:

> I suggested the flat be divided into four farms each of approximately 35 acres and each unit to be given 28 to 30 cows to milk and that the unit receive 3/5 of the proceeds and the Board 2/5, the unit to rear at least 25% of calves for replacement. Pigs to be supplied by units at his own cost and he to have all proceeds. The units to maintain the fencing on each farm and to grub all goat's rhue and gorse. In the event of the unit not keeping his portion clear the Board could have the work done by Unemployed Labour and deduct the subsidy from the unit's share of proceeds.[510]

499. This plan would establish a fourth farm, and a house, cowshed, stock, separator, cans, water supply and other infrastructure would be required. The estimated cost of this work was £650. Boundaries between the farms were to follow existing fences. Judge Shepherd had reviewed the plan and queried whether the occupiers were to be sharemilkers or 'units'. If the latter, an application needed to be made to the Court for a recommendation under s 16 of the Native Land Amendment Act 1936 to the Board of Native Affairs. It would also remove the need to enter into new sharemilking agreements with the occupiers. The judge asked the Registrar to obtain directions from Head Office on this point. An official from Head Office subsequently met with the field supervisor at Matakarapa and together they decided the block could sustain three farms.[511] The Under Secretary also advised that recommendations from the Court regarding 'units' should be sent through for consideration.

500. However, it appears the field supervisor and his Head Office colleague had also decided that the two sharemilkers currently occupying the block would continue to do so on the basis of a 50/50 agreement (they were previously on 2/5 and were reported

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[509] Board of Native Affairs, 20 March 1940, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[510] Registrar to Campbell, 5 November 1940, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[511] Campbell to the Registrar, 7 January 1941, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

to have 'had a fairly lean time'). They would be supplied with milking machines to allow them to milk a minimum of 40 cows.[512] They would be trialled for two years and, if successful, would be given tenure as 'units'. The two sharemilkers had agreed to the new arrangements (which would increase their income). The field supervisor also raised the question of adjoining land:

> Adjoining the Matakarapa block is a piece of rough sand hill country which is often used by us as winter grazing. Mr Hone McMillan is one of the largest owners of this block and I feel sure that a lease of this could be arranged through him. He has given us permission to graze this but it would be more satisfactory if we could have a lease as there is a Native now milking a few cows on a portion of this piece and his bulls are a menace to our stock. We could force him to either fence or get out, as Mr McMillan has told me that this Native has no interest there at all, if we had a lease.[513]

501. A Head Office official was going to look into this proposal but the sharemilking arrangements were approved.[514] Following further discussions, McMillan was less enthusiastic about leasing as he was about to lose land due to the new Whirokino cut. He was prepared to let the block for grazing purposes though.[515]

502. However, a few months later, storms were causing problems with flooding. The field supervisor reported in May 1941 that a recent flood had caused substantial damage:

> The recent flood in the Manawatu River has played havoc with the stopbank at Matakarapa. There was very little water on the Block itself but when the flood waters were receding the wash of the water cleaned away approximately 5 acres of land, right back to the existing stopbank.
> I have applied for authority for the erection of another bank which will be built about two chains further in. This work has already been started.
> The soakage from the river on to the Block itself has been cleared off thanks to the efficiency of the flood pump.[516]

503. Part of the cost of this was to be met by a labour subsidy. These arrangements were approved later in the year.[517]

504. In August 1942, the field supervisor provided critical reports on two of the sharemilkers and recommended one should be 'put off'.[518] The Registrar noted that an

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[512] Dodson to Campbell, 20 January 1941, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[513] ibid.
[514] Campbell to Dodson, 24 January 1941, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[515] Dudson to Campbell, 8 July 1941, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[516] Dudson, Manawatu Development Scheme: Matakarapa Block, 14 May 1941, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[517] Dudson to Campbell, 2 November 1941, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

area of about 140 acres had been developed. The average cost per acre was £16. He observed 'it is evidence that this place cannot carry passengers'. The Chief Supervisor at the department was asked to review the situation and acknowledged difficult circumstances for the farmers on the block:

> This place has fared badly during the past two months. The earthquake opened up cracks in the river bank and a flood soon afterwards broke through the stop bank causing serious flooding. It appears as though 30/40 acres of grass has been destroyed, and I do not favour regrassing this area until after the cut has been put in to divert the flood waters of the river and the effect is found to be a value to this property.[519]

505. Repairs to one of the cottages was also required after the earthquake. He believed that both of the sharemilkers should be given warnings to improve their performance and complete their work as directed by the supervisor 'who is the Department's representative'. One was to be encouraged to leave and the other told that unless his work improved he would be shifted from a 50/50 contract to a 1/3 contract.

506. It does not appear that further complaints were made about the sharemilkers and for two or three years, the farms operated without issue, with the department focusing on stock management issues in the main. There were questions regarding the payment of rates on the land and it appears these arose as the block became profitable and there was a surplus to pay the rates demanded. The government's policy was that rates would be paid on land in development schemes once it was generating a profit and it appears Matakarapa met this threshold around this time.[520]

507. Nevertheless, the block remained marginal due to flooding. In September 1943, the field supervisor reported that a recent flood had washed away the stop bank:

> I wish to advise that this block has recently had a succession of floods over it and is at present flooded. The position has been that the flood bank was washed away about two months ago and there has not been time between floods to complete a new bank and each time the fresh work has gone before it has been completed or consolidated. I doubt very much if Williams at the lower end of the block will have any pasture left on which to milk this season. The position will be remedied when the cut being put on by the Public Works Department is through and this I understand will be in about

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[518] Dudson to Campbell, 13 August 1942, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[519] Campbell to Dudson, 27 August 1942, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[520] Native Minister to the Manawatu-Oroua River Board, 21 December 1942, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

> four week's time. Of late we have no sooner got rid of one lot of flood water than we get another and they leave pastures silted and dirty.[521]

508. The chief supervisor discussed the problem with an engineer at the Public Works Department at Palmerston North and was assured that the new cut would resolve the problem of flooding at Matakarapa.

509. The situation was, nevertheless, exceptionally difficult. In November, the field supervisor reported that there was insufficient pasture for the stock at Matakarapa:

> I wish to advise that the position on this scheme, owing to continuous flooding, is far from satisfactory. On the good land the bulk of pasture has been completely destroyed and will have to be ploughed and re-grassed. I should say in the area of 120 acres will need re-grassing.
> Since the inspection made by Mr Blackburn along with myself some months ago, when the worst erosion that took part of the stop bank had occurred, there have been several minor floods each following close on one another. The result of these floods was that further erosion took place and the new bank being erected was carried away on three different occasions before it could be built high enough.
> To meet the position of the shortage of pastures for the cows which are having a hard time I am shifting approximately half of them to Himatangi where at present the feed position is fairly good and these extra cows can be carried during this milking season with the assistance of some sort supplementary feed, soft turnips which will be sown there.
> The only remedy for the flooding at Matakarapa is the new cut to be put in by the PWD. This cut, I understand, is 10' below low water level and is completed but the water has not yet been diverted through it but when this is done the flooding of Matakarapa should be eliminated.
> It is essential that the ploughing of the block to be started as early as possible so as to get the land ready for sewing early in the autumn. We have at Makirikiri a fairly decent team of horses and a single furrow light lever plough. This team would be unable to cope with the job and I would recommend getting in a contractor. There is a Fordson tractor handy which could be hired but a plough would have to be secured. As part of the area is in heavy rushes, a light tractor plough would be suitable and probably could be hired in the district.[522]

510. The Registrar estimated the necessary expenditure to be £600 although the chief supervisor corrected this to £380 after reducing the amount required for grass seed.[523] The field supervisor was also keen to acquire a plough and roller for the district as there was land at Himatangi and elsewhere requiring a swamp plough. The chief supervisor viewed the block and made arrangements with the field supervisor

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[521] Dudson to Campbell, 22 September 1943, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[522] Wallace to Dudson, 8 November 1943, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[523] Dudson to Campbell, 3 December 1943, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

regarding the ploughing and discing of parts of it. The planned expenditure, as amended by the chief supervisor, was approved.[524]

511. However, in March 1944, it appears the board was close to giving up on at least part of Matakarapa. One of the cottages housing a sharemilker and his whānau had been destroyed by fire and the department gave consideration to replacing it. However, the board decided against doing so immediately:

> There appears to be every possibility that a considerable portion of this block will be turned over to flax growing instead of dairying. The whole matter depends on the success or otherwise of the cut being put in by the public works department, to give the river a direct outlet.[525]

512. A report prepared for the end of the financial year in June was more optimistic. At this time, the Matakarapa block constituted the extent of the Manawatu Development Scheme. Butterfat output was down considerably on the previous year but this was a result of one of the three sharemilkers leaving his farm and the impact of flooding (which reduced the pasture available to stock and required increased expenditure to deal with the damage). The department had developed 200 acres but there remained 115 acres undeveloped but little progress was made on that due to the flooding and a shortage of labour. The department, nevertheless, had high expectations for the land:

> The future prospects of this area appear to be satisfactory. The total area of the block is 315 acres of which 200 acres are rich river flats suitable for dairying. These flats in the past have been subject to extensive flooding and during the year under review, two floods occurred, the second one being particularly heavy and extensive. The Public Works Department have now practically completed the scheme for the diversion of the Manawatu River, and it is anticipated that in future there will be a considerable diminution in the danger of flooding.[526]

513. An area of 115 acres was described as 'light, hilly country, badly infested with gorse and lupin'. It was used primarily for running dry stock and wintering the dairy herds. Two sharemilkers were on the block and they were frequently 'encouraged' to improve butterfat production. Further land would be developed as labour became available. At this time, the debt held by the Crown totalled £3,625 (with interest of £192 charged).

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[524] Shepherd to Dudson, 21 January 1944, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[525] Dudson to Shepherd, 24 March 1944, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[526] Report and Balance Sheet of Manawatu Development Scheme (Matakarapa), AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

514. In October 1944, the Under Secretary inspected the farms with the department's chief supervisor and was most critical of both the field supervisor and the sharemilkers. The field supervisor had, in their view, failed to provide suitable supervision and the sharemilkers were not meeting the requirements of their agreements. Stock management was poor and the field supervisor was particularly concerned about the lack of water available to them. He was also concerned that the farms were not properly stocked. The Registrar was directed to take immediate steps to improve the water supply and increase the number of cows on the block. The field supervisor was also to more closely manage the sharemilkers:

> It is expected that the Supervisor should attend at one milking of each herd not less than once a month, and get personal instruction on correct shed management. Unless faults are corrected by Field Supervisor, we cannot hope for much improvement and the system of handling a very important aspect of dairy farming.[527]

515. The Under Secretary also referred to a recent meeting, presumably with the owners of the block, where a number had spoken about the administration of the scheme. The Registrar was asked to prepare a proposal for future development and the Under Secretary referred to an area of six acres which was under cultivation. He indicated that the Registrar would receive approval for any proposal which employed 'as many of the interested owners in onion or other vegetable growing projects'. A more modest proposal to put two and a half acres of land in onions and potatoes was approved in September 1945 with detailed instructions on lines and spraying.[528]

516. The field supervisor did respond to these comments and explained a machine fault had limited the water supply to part of the property but that improvements to the water supply were planned. He also noted that flooding had created difficulties with both pasture and stock numbers and this situation had only stabilised in the last few months. He added that a dispute between the two sharemilkers had created difficulties with milking a larger number of cows. He insisted that the deficiencies identified by the Under Secretary were not a result of a lack of direction from him to the sharemilker who showed little interest in raising calves and pigs.[529]

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[527] Campbell to Dudson, 18 October 1944, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[528] Shepherd to Dudson, 2 September 1945, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[529] Wallace to Shepherd, 20 November 1944, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

517. It would appear this was the meeting referred to by the Under Secretary. It was connected with the performance of one of the sharemilkers (who had been cautioned in 1942). The owners of the block he occupied, his whānau, were advised of this situation at a meeting at Foxton (which the sharemilker did not attend) and they decided to nominate a new sharemilker. This move was supported by the field supervisor. The Court was required to make a recommendation under s 16 of the Native Land Amendment Act 1936 and this followed at a Levin hearing which was attended by the sharemilker.[530] However, he remained living in the cottage he occupied while working on the farm until the department took steps in September 1948 to evict him. Initially the Board of Native Affairs approved a resolution permitting the Registrar to issue a warning under s 42 of the Native Land Amendment Act 1946 and then take legal proceedings to evict him.[531]

518. Whatever effect the Whirokino cut might have had on flooding, it created new difficulties. In November, the Registrar wrote to the department to advise that the farms were effectively cut off:

> The cut put through by the Public Works Department has now virtually turned the Matakarapa Block into an island and the access for both stock and stores has now become a problem.
> Would you please take this matter up with the Head Office of the Public Works Department, as the only solution appears to be the installation of a barge ferry service.[532]

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[530] Otaki Native Land Court Minute Book 62, 10 November 1944, fols 343-344.

[531] Shepherd to Dudson, 3 October 1946, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington. He was later convicted of trespass in the Magistrate's Court and fined. The Magistrate also threatened a term of imprisonment if further proceedings were required for vacant possession. See Cooper, Rapley and Rutherford to Dudson, 14 July 1947, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington. However, it appears other officials intervened at this point and spoke to Mr Sciascia, the chairperson of the Takihiku Tribal Committee. A handwritten report advises that there were three people living in the cottage (including the former sharemilker, his sister and her child), that they owned the land and that they had no other house to live in. The former sharemilker was receiving an old age pension and have lived on the land all his life. He had other lands elsewhere which were included in development schemes for which he received no rental. He wanted the former sharemilker to be able to live in the cottage at Matakarapa and was opposed to any attempt to move him out; the alternative was to build him a new home on the block. He was supported by another official and the chief supervisor subsequently agreed that 'we should avoid further Court action at all costs'. A weekly rental of 10s was suggested. See Blackburn to Shepherd, 8 August 1947, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington. The Registrar was instructed to negotiate an arrangement with the former sharemilker and, if successful, instruct the Crown Solicitor at Palmerston North not to pursue further action for possession. A tenancy was arranged shortly afterwards with the former sharemilker offering to give up the cottage to a new 'unit' or sharemilker if the department provided him with accommodation on the property. See Dudson to Shepherd, 9 September 1947, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington. Further action was to be withdrawn.

[532] Registrar to Head Office, 14 November 1944, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

519. The Public Works Department replied that they believed that stocks and stores were always taken to the property by water across the Manawatū River from Foxton Wharf and that the cut had been carefully considered:

> I may say that before the Whirokino Cut was carried out the question of access to this property was carefully considered and discussed with your Department. It was agreed, however, that in view of the above the access to the property will virtually not be affected. There is no practical means of giving access to the property by land.[533]

520. The Under Secretary was not satisfied with this response:

> … I have to advise that the statement that 'stores and stock have always been taken to the property by water' is only partly correct. Stores were carried across the river in boats but we had access by land to the property for stock movements. The fact remains that we have now been deprived of that land access and made into an island and the position has to be met.

521. The question was how the government would make provision for access:

> I would like to know if we are to take an Item for that purpose, at the cost of the Government, or if your Department on whom the responsibility rests will undertake to cure the loss.[534]

522. No progress had been made by May when the Registrar again pointed out that access to the farms was 'now a decided problem'.[535] In November 1946, the field supervisor had suggested a small pontoon with an outboard motor would be suitable for carrying small numbers of stock and supplies across the Manawatū River (which surrounded the property).[536] He referred to the difficulties of managing the farms without access to a vessel of this kind (stock had to swim across the river).

523. In the annual report for the scheme for the financial year to 30 June 1946, no reference was made to the problem of access (though there was frequent complaint by the field supervisor about the limited supply of suitable labour to allow the balance of the property to be developed further).[537] The report referred to the market gardening activities on the block, which were considered 'a success from an experimental point of view' because they resulted in a financial loss of only £106. This situation was

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[533] Public Works Department to the Under Secretary, 2 February 1945, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[534] Under Secretary to the Engineer in Chief, 12 March 1945, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[535] Dudson to Shepherd, 22 May 1945, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[536] Registrar to the Under Secretary, 25 November 1946, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.
[537] Report and Balance Sheet of Manawatu Development Scheme (Matakarapa), AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

blamed on the high cost of establishing the gardens and delays in harvesting which contributed to the loss of crops. The field supervisor was optimistic that the 'experience gained should result in a better financial return in future cropping activities'. The exercise while 'not a financial success … made a valuable contribution to the demand for vegetable crops'.[538]

524. The field supervisor considered the dairy farms were in a better position now that sharemilker agreements had finally been arranged. The men and the board were placed in a more secure position as a result and they were performing very well. However, reference was made to 'the continued set-backs being experienced' and the overall prospects of the farms were assessed as 'reasonably satisfactory' (downgraded from the earlier 'satisfactory').

525. Despite the field supervisor's report on the performance of the sharemilkers, the Registrar reported a few months later in March 1947, that one of them was investigated by the police following stock losses. The police eventually decided there was insufficient evidence to charge him. However, the Registrar also considered the stock losses were a result of the sharemilker's failure to properly care and attend to his herd. There was also a complaint about his maintenace of the property and a reference to the absence of a sharemilking agreement. In consequence, the Registrar had instructed the dairy company to pay the bonus for the season of £108 5s 8d to the board. On the basis of the board's agreement with him, he would receive half of this amount. The Registrar considered it 'reasonable to assume' the stock losses were a result of the sharemilker's poor performance and proposed to withold the bonus to offset the cost of these losses.

526. The performance issues identified by the Registrar were quite at odds with the field supervisor's annual report and not necessarily the fault of the sharemilker. Subject to clarification on the management of the stock, the chief supervisor agreed that the bonus should be witheld and legal action taken to recover the total loss. The field supervisor thought the latter was inadvisable as the sharemilker 'has nothing beyond his weekly pay'.[539] However, the Registrar apparently also reviewed his position and

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[538] ibid.
[539] Dudson to Shepherd, 3 May 1947, AAMK 869 W3074 Box 1432c 66/3/1 2, Archives New Zealand, Wellington.

suggested that if proceedings were taken against the sharemilker 'and proved unsuccessful it might be difficult to justify retention of the bonus money'.[540]

527. The Under Secretary, nevertheless, remained insistent that the loss of any stock managed directly by the sharemilker was his responsibility and he should pay to correct the loss (from the bonus and from income received in future years). However, another official noted that there was no sharemilking agreement (it had never been arranged by the board) and as the sharemilker had been told to leave, there would be no future cream cheques from which to deduct the cost. All of this was based on a suspicion that he was involved in the loss of the stock or that he failed to properly manage the stock to prevent the loss.

528. By 1948, the initial 'experiment' in cultivating part of the block had blossomed into a nursery.[541] However, the Under Secretary was unclear how this had been authorised and by August, it had been shut down.[542] Any seedlings or trees left were 'available for transfer to Scheme and Unit properties'.[543]

529. Access to the farms remained a major difficulty and no progress had been made on the field supervisor's earlier suggestion of a pontoon with an outboard motor. In November 1948, the field supervisor again reported to the Registrar on the problem of access. It appeared that the promises made by the Public Works Department to provide better access for farmers to their block were never fulfilled following the river cut. He stated:

> The only means of access at present is by way of a small flat bottomed dingy, which, in good weather will carry three or four persons across the river from Foxton to the Scheme land. Even this boat is leaking very badly and cannot be expected to last much longer.
> The difficulty of getting manure, fencing materials, implements and stores of all kinds across on to the block is a herculean task and would break any man's heart under the existing conditions. The difficulty of getting surplus stock across the river from the Scheme with the present facilities is almost impossible - pigs for instance are kept in their respective stys, legs are tied, and the pigs then sledged to the water's edge and carried into the boat. They are then rowed across approximately 150/200 yards of deep water to the Foxton Railway Station Yard. Yesterday, when bringing across a consignment of pigs for the sale, 6 pigs valued at approximately £5 pounds

[540] ibid.
[541] Registrar to the Under Secretary, 1 April 1948, AAMK 869 W3074 Box 1433b 66/4/1, Archives New Zealand, Wellington.
[542] Shepherd to the Registrar, 1 April 1948, AAMK 869 W3074 Box 1433b 66/4/1, Archives New Zealand, Wellington.
[543] Registrar to the Under Secretary, 20 August 1948, AAMK 869 W3074 Box 1433b 66/4/1, Archives New Zealand, Wellington.

> each died on arrival at the Foxton side. On a hot day, pigs get very overheated under this rough treatment and it is a wonder that any survived at all. The time of day was, in this case as always, governed by the high tide (11am).
> To bring dairy cows across from the scheme to the markets it is necessary to swim each beast across the river by means of a tow rope behind the 'flatty'. There are no yards on either side at the water's image to facilitate this difficult and, at times, dangerous task. [544]

530. In April the following year, the Ministry of Works provided suggestions to the chief supervisor for road access to the farms and there was an exchange of correspondence during 1949.

531. On 7 April 1949, Mr G.D. Turnbull, Engineer of the Ministry of Works wrote to Mr Blackburn of the Department of Maori Affairs with suggestions of road access to alleviate the access issues.[545] Further correspondence was undertaken within the Ministry of Works to investigate Matakarapa access during 1949. One of the engineers suggested a road could be built alongside plans to create a 'flume' to carry waste from the flaxmill:

> At present a survey is in hand for design of a flume to carry flaxmill wastes across the river loop at Foxton to the far side of the 'island' (Matakarapa Block). It seems probable that the decision will be to carry the flume across the river loop on an embankment and short length of bridging, in which case the embankment and bridge could be made wide enough to carry a road also.
> Proposals to be prepared for in the flume in the next few weeks can be made to include roading access to Matakarapa Block.
> If it is decided not to construct a flume across the river, the best method of providing access to Matakarapa Block would probably be by means of an embankment and short bridge across the river loop to Foxton. The merits of this compared with provision of a road along the length of the 'island' from near the top end to Whirokino cut, could only be decided after further surveys.[546]

532. The access issues raised by the field supervisor nevertheless remained unresolved. A raft which could carry up to four tonnes was subsequently loaned to the scheme to provide transport for stock and supplies.[547]

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[544] Romminger, Field Supervisor to the Registrar, 30 November 1948, AAMK 869 W3074 Box 1433b 66/4/1, Archives New Zealand, Wellington.
[545] Turnbull to Blackburn, 7 April 1949, AAMK 869 W3074 Box 1433b 66/4/1, Archives New Zealand, Wellington.
[546] Jamieson, 8 July 1949, AAMK 869 W3074 Box 1433b 66/4/1, Archives New Zealand, Wellington.
[547] Henshilwood to the Under Secretary, 22 December 1949, AAMK 869 W3074 Box 1433b 66/4/1, Archives New Zealand, Wellington.

Disposal of Effulent from Foxton Flax Mill

533. During September 1949 there was an exchange of correspondence about the disposal of effluent from the Foxton Flax Mill. The Soil Conservation and Rivers Control Council wrote to the Under Secretary as it would affect the Matakarapa Block:

> As you are no doubt aware, the disposal of the effluent from the flax mills at Foxton has created a nuisance since the Whirokino Cut was put there, and Cabinet has now authorised the fluming of the effluent across to the far side of the river loop. This flume will be partly in cut and partly on trestle. It will pass across the Native Development area opposite the Borough of Foxton which is, I understand, being administered by your Department. Attached is a copy of a plan giving some details of the proposed work.
> There will be a cut 7 to 8 feet deep across the peninsula between two lines of sand hills and the effluent will be discharged on the old river bank on the western side of the loop as indicated. It was at first considered that the effluent could be flumed across the loop somewhat to the north of the position indicated, but this would have meant interfering with the three cottages in that locality. In its present position it will be necessary to allow for at least one crossing of the Cut for access purposes.
> In order to compensate the Maori settlers for the slight inconvenience and damage to property, it is proposed to construct a foot-bridge on the top of the fluming to give all weather access to those on the island. Up to the present it is understood that practically all their supplies have had to be taken across by boat.
> It would be appreciated if your Department would explain the position to the Maori owners concerned and endeavour to get their full co-operation. Cabinet is most anxious that this work shall be completed as soon as possible.[548]

534. In explaining the proposal to the board Registrar, the Under Secretary observed the adverse effects on those farming the land:

> The provision of a footbridge access at the point where it is decided to erect the pipeline, is not likely to be of much convenience to the Maori residents on the Scheme, and as the work is intended to relieve the inhabitants of Foxton from the unpleasant odours arising from the effluent, there is a possibility that the Maori residents will unduly suffer. The question of erosion and damage to property will be a matter for compensation. [549]

535. The field supervisor met with a consultative committee representing the landowners in Matakarapa block about the proposal and reported to the Registrar in October. Present at the meeting were Hone McMillan, Jack Sciacia and Tuiti McDonald. They had a number of concerns about the proposal:

> The plans drawn up by the Rivers Control Board to solve the Foxton smell nuisance by carrying the effluent by pipe across the old river loop and further by open cut across the sand country on Matakarapa, were inspected by me during my visit to District Office last week.
> I have since endeavoured to explain the proposed work to the Consultative Committee of Owners, Hone MacMillan [sic], Jack Sciascia and Tuiti McDonald.

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[548] Newnham to the Under Secretary, 2 September 1949, AAMK 869 W3074 Box 1432b 66/3/1 2, Archives New Zealand, Wellington.
[549] Under Secretary to the Registrar, 5 October 1949, AAMK 869 W3074 Box 1432b 66/3/1 2, Archives New Zealand, Wellington.

> This executive of owners have asked me to convey to the Under Secretary, their concern in the whole matter generally and on several points in particular:
> ACCESS. The suggestion by the Rivers Board that a footbridge placed on top of the pipe-line crossing by river loop, especially situated as it will be, a mile or more away from the Foxton Township, will provide access and compensation, is not acceptable to the Owners of the land. They state that a footbridge would be very little used and of very little benefit to anyone. The development and progress of the land under Part I, together with other adjoining Maori Land, is being seriously retarded through lack of lorry access for stores, implements, and farm produce and satisfactory access for crossing over live-stock. Assurances given when Whirokino Cut was put through, that alternative road access would be provided has never materialised. The Owners now ask that consideration be given to this promise in relation to the present proposed work.
> OPEN CUT. The Owners are concerned as to the probability that, with the depositing of the effluent on to the low river-loop flat, that a smell nuisance will be created for the residents and sharemilkers on Matakarapa who will be in a direct line with the prevailing westerly winds. This may be detrimental both to the health of the Matakarapa residents and to the production of good first grade butterfat.
> As the work, as planned, is proceeding, that matter is one of extreme urgency. The Owners ask that a Meeting be convened as soon as possible and that those present include senior Officers from this Department, the responsible Engineer of the Rivers Control Board and the Matakarapa Consultative Committee of Owners, to enable the proposed work and its effects to be thoroughly explained, that matter of satisfactory access decided and a mutual arrangement arrived at.[550]

536. A meeting was subsequently arranged between the owners of Matakarapa and an engineer from the Soil Conservation and Rivers Control Council.[551] In early November, the Registrar advised that:

> A meeting of owners was held at Foxton on 28 October 1949 attended by Mr Acheson from the Ministry of Works, Mr Turnbull and myself. The position was explained to about a dozen owners, but no serious objections were made to the proposals, and the owners apparently realised that there was no alternative to the works underway. It was explained that as the Works Department was taking the rights over the land, that any matters requiring attention could be fixed at the Court when the application for compensation came on for hearing.
> The question of land access was also discussed and the Ministry of Works undertook that the cut would eventually be closed and a road right arranged.[552]

537. With the arrangement to dispose of the effluent finally came road access to the farms (which officials in the Native Department insisted was supposed to come with the Whirokino Cut). An engineer from the Ministry of Works referred to the costs of constructing the road:

> To sum up, the only practical route to the Native Settlement is via the Whirokino cut on the route GHJKL shown on plan PN 1160. This will cost approximately £6000 is

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[550] Department of Māori Affairs to the Registrar, 10 October 1949, AAMK 869 W3074 Box 1432b 66/3/1 2, Archives New Zealand, Wellington.
[551] Dudson to the Under Secretary, 19 October 1949, AAMK 869 W3074 Box 1432b 66/3/1 2, Archives New Zealand, Wellington.
[552] Dudson to the Under Secretary, 4 November 1949, AAMK 869 W3074 Box 1432b 66/3/1 2, Archives New Zealand, Wellington.

> built to County road standard, but can be considerably reduced by lowering the standard of metalling.[553]

538. By May 1950, the Ministry of Works had completed a metalled road to the property (though a subsequent report stated that it was usual practice to swim stock across the river to Foxton rather than use what was described as a 'rough track').[554]

539. In the early 1950s, the two sharemilkers still on Matakarapa were preparing to retire. A meeting of the owners was held in May 1951 to consider the future use of the land. A report prepared for the Board of Maori Affairs referred candidly to the limitations of the sharemilkers (despite earlier reports to the contrary) and their unwillingness to undertake maintenance work. This had contributed to the debt incurred by the scheme because outside labour had to be employed. The impact of frequent flooding on the pasture and crops was acknowledged. However, there was no suggestion that this might have affected the performance of the sharemilkers. The owners decided to advertise for a sharemilker to manage the entire herd and call for tenders to lease the block for ten years. While the block would remain under the control of the department, it would no longer directly supervise farming activities or provide credit. The outstanding debt on the land would be recovered from the rentals paid for the lease.[555]

540. In August 1951 the Board of Maori Affairs approved a lease of all of the partitions of Matakarapa for a period of ten years from 1 July 1951.[556] Two applications by Māori farmers (one of whom was an owner) to go onto the farms as sharemilkers were rejected (though the owner who applied agreed the land should be leased). The lease was to make provision for compensation for improvements at 50%. It does not appear that the lessee was one of the landowners or connected to them. The board also decided to sell stock and plant, a requirement not otherwise required to offset the liability to the Crown on the block. That amounted to approximately £4,907 while the

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[553] Jamieson, Ministry of Works, 2 December 1949, AAMK 869 W3074 Box 1433b 66/4/1, Archives New Zealand, Wellington.
[554] Dudson to the Under Secretary, 11 May 1950, AAMK 869 W3074 Box 1433b 66/4/1, Archives New Zealand, Wellington.
[555] Mills to the Board of Maori Affairs, 14 June 1951, AAMK 869 W3074 Box 1433b 66/4/1, Archives New Zealand, Wellington.
[556] Board of Maori Affairs Recommendations to Lease, 15 August 1951, AAMK 869 W3074 Box 1433b 66/4/1, Archives New Zealand, Wellington.

stock and chattels had an estimated value of around £1,500. Five years later, the liability had been reduced to just over £1,035.

Alienation

541. By the end of the lease, the debt had been fully repaid and the lessee wanted to purchase the land. As the blocks were still administered by the Board of Maori Affairs as development land, its consent was required for any negotiations to alienate the land:

> The Matakarapa Blocks situated at the mouth of the Manawatu River were at one time part of the Manawatu (Matakarapa) Development Scheme. They were leased together by the Board of Maori Affairs, for ten years from 1 July 1951 at a rental of £815 per annum for the first two years reducing to £626 per annum for the final four years of the term.
> There was a clause providing that the lessee should receive compensation to the extent of 50% of the value of approved improvements. The present lessees of the land are Douglas Arnold Stewart and Bruce Douglas Stewart, both of Levin. Messrs Park and Cullinane have advised that Mr Stewart is negotiating with the Maori owners for the purchase of Matakarapa No. 1 and Matakarapa No. 4 by way of an Instrument of Alienation signed by the owners. He has also made application for Meetings of Assembled Owners in respect of Matakarapa Nos 2A, 2C1, 2C2, and 6 and proposes to apply in due course for meetings and respect of the remaining sections.
> The solicitors have asked for the consent of the Board of Maori Affairs to the proposed alienations and there does not appear to be any reason why the owners of the land should not be permitted to exercise their rights of ownership. In terms of Interim Advice No. 240 the Board's consent is sought to these alienations in terms of Section 330(5) of the Maori Affairs Act 1953 as delegated to the Secretary for Maori Affairs under Interim Advice No. 240.
> There is no Development Debt now outstanding and the account should be in credit to the extent of about £1000 by the date of the expiry of the lease on 30 June 1961 but on a winding up under Section 454 of the Maori Affairs Act 1953, the apportionment might put one or two of the blocks into debit while there would be a substantial credit in others. It is felt that this is an additional reason why the proposed alienations should be consented to so that matters of this sort can be put in order by the time of sale.[557]

542. The Acting Secretary of Maori Affairs gave consent under s 330(5) of the Maori Affairs Act 1953 a week later.[558] An official noted that this was a consent to authorise negotiations and any alienation was subject to confirmation by the Maori Land Court. The board was not consenting to the sale of the land. In March 1961, the district officer reported that the accounts for each of the partitions had been brought up to

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[557] Apperley to Hunn, 15 December 1960, AAMK 869 W3074 Box 1433b 66/4/1, Archives New Zealand, Wellington.
[558] Hunn to Apperly, 22 December 1960, AAMK 869 W3074 Box 1433b 66/4/1, Archives New Zealand, Wellington.

date and all of them were in credit.[559] Negotiations for each of the partitions were conducted separately and confirmed through the Maori Land Court. All but Matakarapa 5 were alienated in the first half of the 1960s.

Taru Gardiner

543. While Matakarapa was the major property in the Manawatu Development Scheme, other farmers received development assistance. In November 1931, Taru Gardiner (Taru Katene) wrote to the Native Department seeking assistance under the scheme:

> I hereby apply for assistance in terms of Sec 23 of the Act of 1929.
> I am at present occupying 10 acres of Manahi te Hiakai's land known as Man-Kuk 4E 2B1 and containing in all 53a. 2r. 08p. together with Man-Kuk 4E 2A2 containing 33a. 1r. 19p. adjoining, which I hold under confirmed lease. I am a married man with ten children and have been farming on my own for about 19 years but have been hampered by lack of capital.
> At the present time my farm is carrying 20 milking cows, 8 15 month old heifers, 1 bull and about 30 sheep and lambs.
> My object in applying for assistance is to enable me to take over the balance of my uncle's (Manahi te Hiakai) land and add it to my present holding for which purpose I will require more stock. The lease of the balance of his land will expire in February next.[560]

544. His request was forwarded by the Ikaroa District Maori Land Board to the Under Secretary of the Native Department along with the particulars of title to the lands identified. The Registrar enthusiastically supported the application stating that he knew the applicant personally 'as a good hardworking native, well worthy of encouragement'.[561]

545. Early the next month, the board's field officer reported that Mr Gardiner was milking 20 cows. The Manakau Dairy Company was owed £54 2s 1d and this amount was secured by the cattle. The report states:

> This man is endeavouring to obtain a lease from his uncle of part Manawatu Kukutauaki 4E2B1 containing 43 ac.2r.00p and it is contingent on obtaining this lease that he desires the land to be included in the Manawatu Development Scheme.
> The land was currently under lease to Europeans with the lease due to expire in February 1932. The block was mortgaged to the Native Trustee for £500 and would likely continue to be leased to the Europeans unless Mr Gardiner was successful in obtaining a lease and securing finance through the scheme.[562]

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[559] Apperly to Hunn, 14 March 1961, AAMK 869 W3074 Box 1433b 66/4/1, Archives New Zealand, Wellington.
[560] Taru Gardiner to the Under Secretary, 20 November 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[561] Fordham to the Under Secretary, Native Department, 20 November 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[562] Native Department to the Under Secretary, 6 December 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.

546. Of the applicant's character, the field officer advised: 'Gardiner is a splendid type of native and has a family of ten who can assist in clearing the land and milking'. He considered the proposed farming venture to be financially viable:

> The property has been neglected by the European tenants and there is a good deal of work to be done to get the land in good order. In the event of his obtaining a lease I recommend that the undermentioned lands be included in the Development scheme. The only assistance Gardiner would require is finance to purchase 20 cows and to pay off the Dairy Company's stock mortgage, his returns above his rent would be ample to enable him to do all the necessary clearing etc and keep his family in comfort.

547. Valuation details on four parts of Manawatu Kukutauaki 4E2 were provided with the report. The secretary of the dairy company had supplied financial information to the field supervisor to assist in the preparation of this report. This information was appended and he was managing his debt well:

> In recent times his a/c was quite satisfactory and he never had to ask for concessions in the way of waiving of monthly deductions, with present low prices on top of a poor productive season, he may want looking after.[563]

548. However, the department was not keen to advance development funds on land already mortgaged. The Under Secretary advised the Registrar that he did 'not look with favour on the inclusion, under Section 23 of the 1929 Act, of lands already under mortgage, save in exceptional cases.'[564] He went on:

> From the search supplied, it would appear that the whole of Manawatu Kukutauaki 4E2B1 is covered by a mortgage, including the 10 acres already in occupation by Taru. Further, Taru has no guarantee that he will obtain a lease of this section at a reasonable rental on the expiry of the present lease as his Uncle, who is the sole owner, it is understood, will accept the best offer of a lease irrespective of relationship.[565]

549. However, the department was willing to consider further the inclusion of other lands in the scheme, subject to an assessment of the suitability of those areas for farming purposes and the agreement of the owners:

> The inclusion of Manawatu Kukutauaki 4E2B7 and 4E2A2 in the Scheme will be considered on receipt of advice from Mr Flowers that they would be sufficent to enable Taru to become a successful unit and giving full details of Taru's requirements.
> Mr Flowers should ascertain the views of Takapau Reone (owner of ½ share in 4E2B7) in the matter as it must be understood that if Taru is appointed occupier, he cannot later be disturbed in his occupation.

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[563] Bendall to Flowers, Ikaroa Maori Land Board, 3 December 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[564] Shepherd to the Registrar, 10 December 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[565] ibid.

> With regards to the leased section (4E2A2), it has been ascertained that the rent is not paid through the Board and some assurance should be given that it has been paid and that Taru will not find it over difficult to meet this amount each year. The rent amounts to £55 per annum.[566]

550. On 18 March 1932 the field supervisor advised that 'Manahi Hiakai now desires that his block be included in the above scheme and that his nephew, Taru Gardiner, be nominated as occupier on condition that a rental of £50 per annum is paid'[567]. He recommended that blocks Manawatu Kukutauaki 4E2B1 and 4E2A2 be included in the scheme. Attached to the recommendation was a document signed by Manahi Hiakai to indicate his agreement. The mortgage held by the Maori Trustee was to be repaid from the rental. The sum of £45 would be diverted for this purpose and the balance, apart from a small exception in the first year, would be paid to Manahi.[568]

Karanamu Ruihi

551. In December 1931, the Ikaroa District Maori Land Board recommended bringing several adjoining parts of Manawatu Kukutauaki 4E2A (3, 3A, 4B) under s 13 of the Native Land Amendment and Native Land Claims Adjustment Act 1929.[569] These blocks were farmed by Karanamu Ruihi and the field supervisor's report shows the board held a mortgage over one of the blocks of land and stock. The other two were leased by the farmer:

> The Board's position as a Mortgagee can be briefly summed up as follows:- An advance of £250 was made against Manawatu Kukutauaki 4E 2A Sec 4A containing 11 ac.0r.20p. valued at £410 and a Bill of Sale taken over the stock, 15 head which may roughly be valued at £80.
> You will observe from the attached schedule that £91.3.7. is owing for rent from 1/5/29 to 1/11/31. The Solicitors for the Lessors are prepared to settle as at 1/11/31 for the payment of one year's rent viz. £58.8.0 plus cost of distraining, £2. and I recommend a settlement on these terms. I am informed that Rates amounting to £8.19.3. are due on these lands.

552. The field supervisor acknowledged issues with the payment of rent on the leased land but considered this was a consequence of a lack of cows. He thought it sensible to pay the rent and preserve the leases to establish a workable farm with appropriate stock numbers:

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[566] ibid.
[567] Flowers to the Under Secretary, 18 March 1932, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[568] Manahi Hiakai to the Native Department, 10 March 1931 [1932], AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[569] Fordham to the Under Secretary, 8 December 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.

> I find that Karanamu is a good worker but is inclined to muddle things, his failure to pay rent is due to the fact that he has insufficient cows and is paying £1 per acre too much for rent. At present he is only milking 9 cows on a property which should run 22. Apart from his cows he has endeavoured to carry on market gardening and his land is not suitable for this purpose, consequently he has not earned sufficient to live and pay his rent. As far as I can see it will be in the Board's interest to increase the mortgage so as to clear the rent to 1/11/31 as it will be in no worse position than if the stock were sold as at a forced sale it is doubtful whether they would realise sufficient to pay the rent and if the Lessors later decided to re-enter it would leave the Board with a Mortgage on a small area which has no permanent water supply and the chances of obtaining interest would be small.
> Karanamu is anxious to obtain more cows and desires that his lands be brought under the Manawatu Development Scheme and I recommend their inclusion. If he were supplied with eight more cows he would have a herd of 22 for the next season (18 cows and 4 heifers) which would enable him to pay interest and rent. I am satisfied that with a little supervision this man would be a success. He is prepared to give an order for 50% of proceeds of dairy produce and this would more than pay his interest, rent etc.

553. The field supervisor also noted that the rental was calculated using a valuation which was ten years old. The amount was 'out of all reason' and he asked for action to be taken under s 115 of the Native Land Act 1931 to get a reduction.[570] The Under Secretary refused to bring the land into the scheme until a reduction in the rent had been secured.[571] This was finalised in March 1932.[572] One of the landowners had also agreed to waive the rent due to him for two to four years.[573] It is not clear that these blocks were included in the scheme.

Tohikura and Walter Kohika

554. On 29 March 1932, the field supervisor advised the Under Secretary that he and Mr McMillan had inspected Manawatu Kukutauaki 2E10A. The block was located about a mile from Shannon. He wrote:

> Owing to lack of finance they [the owners] can make no further progress. The land is of fair quality and somewhat broken, about 70 acres being ploughable. The pasture is showing signs of running out and about 30 acres requires to be top dressed and surface sown. 35 acres have been ploughed and sown down during the past few years but no fertilizer was used and top dressing is also required for this area. The fencing is in a bad state of disrepair and there is no implement shed. At present they are milking 27 cows, but many should be culled as last year's average was 200 lbs of fat

[570] Field Report on Manawatu Kukutauaki to Registrar, 5 December 1931, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[571] Jones to the Registrar, 18 February 1932, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[572] Flowers to the Under Secretary, 19 March 1932, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[573] Eru Ruihi to Flowers, 29 February 1932, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.

> per cow. When in order this property will run 35/40 cows and we recommend that the block be brought under the Manawatu Development Scheme.[574]

555. However, Takerei Wi Kohika indicated that his siblings did not agree to the inclusion of the land in the development scheme:

> As arranged with you I have to report that our other brother Mark Downes, will not agree to the above block being included in the Development Scheme: in fact he assures me that our two sisters will not agree also. Under these circumstances I will suggest that your Department drop the matter. [575]

556. In fact, the department had already decided against it and he was advised of this in reply.[576]

Harehare Te Hatete

557. Harehare Te Hatete farmed six partitions of Manawatu Kukutauaki 4E3. In March 1932, the field supervisor and Mr McMillan visted his property and found that 14 cows were being milked there. They recommended, subject to obtaining a more secure tenure, that the land should be included in the development scheme:

> Harehare is sole owner of 4E 3 No. 2A 1B and has an interest of 1 a 2r 39p in 4E3 No. 2A1D. Harehare is a good stamp of native and in order that his tenure can be secured I beg to recommend that the above Blocks be included in the Manawatu Development Scheme. The areas are not first class dairying land and 14 cows the maximum carrying capacity and in addition it will be necessary to purchase hay for winter feeding. The 8 cows purchased from Hornig for £54 is fair value and I recommend their purchase if the lands he is occupying are included in the Development Scheme. His requirements are small and his own money can be utilised as payment. I enclose particulars of requirements in the event of the lands being included in the Development Scheme.[577]

558. The Registrar noted that the board held £300 in trust for him and he considered the funds could be used to buy the cows.[578]

559. In August the following year, the field supervisor reported that the shed used by Harehare for milking was located on another part of Manawatu Kukutauaki 4E3 and

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[574] Flowers to the Under Secretary, 29 March 1932, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[575] Takerei Wi Kohika to the Chief Clerk, 9 May 1932, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[576] Jones to T.W. Kohika, 17 May 1932, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[577] Field Report to the Registrar, 25 March 1932, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[578] Fordham to the Under Secretary, 30 March 1932, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.

suggested it too should be included in the development scheme.[579] The Under Secretary wanted to know if 'the owner or life tenant has any objection to the land being brought under the provisions of Section 522 of the Native Land Act, 1931'.[580] However, the field supervisor was unable to locate the owner and the life tenant was dead.[581] The Under Secretary decided, in the circumstances, that the block should remain outside the scheme for the time being.[582]

560. The Board of Native Affairs eventually approved bringing two of the Manawatu Kukutauaki 4E3 partitions in the Manawatu scheme and authorised expenditure of up to £757 (a third was possibly added later). This was to offset by the payment of £140 from funds held by the board to reduce the development advances. Harehare Te Hatete would farm the property.[583] However, a report prepared in April 1936 found that Harehare was struggling to provide for a large whānau (he was supporting eleven children under the age of sixteen). He was farming 14 cows and one bull but had a large debt to the storekeeper to whom his milk cheque was assigned. His four roomed house was described as in a poor state of repair. The report advised that the land should come out of the scheme:

> Property for most part stoney and inclined to dry up in summer. This land was brought under scheme originally to see that moneys held by Board on behalf of Unit were properly expended. There is no scope for development and I recommend that after repairing fences and house, land be excluded from Scheme (except for supervision).[584]

561. Later that year, Harehare himself wrote to the Prime Minister (with the assistance of the secretary of the Māori branch of the Labour Party) and the difficulties he was having in meeting the needs of his whānau:

> It would give me great pleasure to be allowed an appointment with you as Native Minister. I have several Maori requests to place before yourself not forgetting also Honorable Prime Minister of His Royal House of Parliament in the Dominion of NZ. New Zealand. And as Native Minister Sir I am appealing for your help in my time of

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[579] Flowers to the Under Secretary, 7 August 1933, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[580] Jones to Flowers, 25 August 1933, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[581] Flowers to Jones, 25 August 1933, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[582] Jones to Flowers, 3 November 1933, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[583] Board of Native Affairs Manawatu Development Scheme Report, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[584] Native Department Report, 29 April 1936, MA1 15/6/41 Box 302, Archives New Zealand, Wellington.

> distress and in what I think an apology to a very interesting case, 1st. I am a Married man with a wife and 12 children, ranging in age from 6 months to 15 years old. I'm dairying on a small scale. I own several small blocks of land right here and some up the Line in Waikato. Some of these small Blocks are leased to European and I have also a small interest in a block of Land sold some years ago to which the Land Board hold all proceeds ever since the sale was granted by the said Board. Man-Kuk 4E 3. You will notice Sir mine is a large family with 3 or 4 going to school to keep and to provide for their upbringing and I find myself hard pressed to meet my obligation to my children and their Mother. So you see, to my friend the storekeeper Powell who have been very good to me I made over my cream cheque and all rent cheques to keep going on, of course now I regret this move of mine very much in what was the only salvation to myself and to my children, was in fact to mean an obstruction to them. The worst blow to me and my family. My friend the storekeeper Mr A.O. Powell has sold his business and everything. With everything gone I'm left with nothing and my family's only hope and chance of consideration is through the Native Minister's Office and that is yourself sir. As I have stated the Land Board hold the only consolation for my family. Though small it would mean something. I may state after the Board passed the sale the Board blocked payment unless of course I was putting up Building etc already I own 2 houses. One of 4 rooms and the one I live in is a 6 roomed house. I cannot understand why I should be penalized and made to wait. You will understand how difficult it is for myself and my family. All my cheques gone. The store closed and here I'm left with nothing and without a chance to trade anywhere. Now Sir, I'm appealing straight to you, if you could grant me the right to ask'd the Board for something, it would I'm sure give me and my family a very great help. I am ready any time should you wish to call. I would esteem it an honor and a great pleasure to call on you at any time and explain.[585]

562. The Prime Minister would not agree to Harehare's request, insisting that the funds held by the board in trust for him had to be used appropriately and to benefit his descendants:

> Referring to your letter of the 19th November last, I have to advise that the money held by the Maori Land Board on your behalf is derived from the sale of lands and as such is capital moneys which, according to Native Custom, belong not only to yourself but to your successors as well. In the interests of the successors the Maori Land Board requires this money to be expended in creating some permanent asset – such as land improvements, buildings, etc. – and I think you will agree that this is a wise procedure.[586]

563. He had also been advised that only part of Harehare's income was applied to the reduction of his store debt:

> Your statement that the storekeeper, Mr Powell gets all your money in settlement of old debts does not appear to be correct as I am informed that only one quarter of the money is kept for that purpose, the balance being available to meet current expenses.[587]

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[585] H. Hatete to the Prime Minister, 19 November 1936, MA1 15/6/41 Box 302, Archives New Zealand, Wellington.
[586] Prime Minister to H. Hatete, 14 January 1937, MA1 15/6/41 Box 302, Archives New Zealand, Wellington.
[587] ibid.

564. Some months later, the Under Secretary advised the Registrar that the Board of Native Affairs had amended its earlier decision which required funds held by the Ikaroa board to be used to reduce the development debt:

> The Board of Native Affairs has now agreed to delete from its minute the words 'subject to the amount of £140 held by the Ikaroa Board being paid in reduction of development advances'.
> I now enclose herewith authority for the expenditure of £757 from development funds for Harehare Te Hatete and I shall have the Manawatu-Kukutauaki 4E3 Subs 1C1 and 1D1 gazetted at the first opportunity.
> I shall be pleased if you will advise as soon as the Native Land Court has approved of the proposed exchange of the Manawatu-Kukutauaki 4E3 Sub 2A1B Block containing 10 acres 1 rood 37 perches for the Manawatu-Kukutauaki 4E3 Subs 1D2 and 1D8 blocks so that the question of gazetting the latter blocks may be finalised.[588]

565. Two parts of Manawatu Kukutauaki 4E3 (1C1 and 1D1) were included in the scheme in October 1938 and a third (1D2) was added in December.[589]

566. Several other parts of Manawatu Kukutauaki 4E3 (2A1B, 2A1C, 2A1D) were to be occupied by Harehare but around this time Anaru Matenga Peka was nominated instead.[590] These blocks were included in the scheme but released in June 1941 as Anaru relied on other sources of funds to develop the blocks:

> The Board approved of Anaru Matenga Peka being nominated as occupier of the above lands. Shortly afterwards, however, Anaru decided that he did not desire any development moneys to be expended on his property as he was receiving financial assistance from an outside source.

567. The Board of Native Affairs agreed to release the land from the scheme.[591]

568. Harehare was still farming the other blocks in April 1952 when the Board of Maori Affairs was asked to release his blocks near Manakau (Manawatu Kukutauaki 4E3 Sections 1C1, 1D1 and 1D2). The farm was successfully operating after it had been fully developed. A report stated that the 'unit has repaid the loan liability and his

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[588] Under Secretary to the Registrar, 17 October 1938, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[589] Extract from *New Zealand Gazette*, 20 October 1938, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington; extract from *New Zealand Gazette*, No. 92, 15 December 1938, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[590] Registrar to the Under Secretary, 22 November 1940, MA1 15/6/41 Box 302, Archives New Zealand, Wellington.
[591] Report and Recommendations to the Board of Native Affairs, 15 June 1941, AMMK 869 W3074 Box 1431d 66/3 2; extract from *New Zealand Gazette*, 12 December 1940, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.

account is approximately £400 in credit.'[592] The application was approved and the blocks were released later that month.[593]

Maata Tamara (Mrs Cook)

569. On 29 March 1932, the field supervisor provided the Registrar with information about Manawatu Kukutauaki 4E3 Section 1C2 which was being considered for inclusion in the Manawatu Development Scheme:

> Maata Tamara of Manakau desires that Manawatu Kukutauaki 4E3 Sec. 1C2 containing approximately 28 acres be included in the above scheme to further dairying operations. Her husband, Alfred Cook, is at present milking sixteen cows requires another nine. The cows are being milked on the aforementioned and Manawatu Kukutauaki 4E3 No. 1B2 block containing approximately 20 acres over which Cook has an informal lease. Cook is said to be a good worker and has a family of 10 to support. I enclose a schedule of requirements in the event of the block being included in the scheme. Cook's cows and implements are subject to a Bill of Sale in favour of the Manakau Dairy Company and the amount at present owing is £24.10.7.[594]

570. Just over twelve months later, Mrs Cook wrote to the Native Minister in a rather desperate state:

> I gave all my security to the Native Development Scheme for a loan of £85 on the understanding that the loan could go on for 4 or 5 years if the interest was kept paid up. Now that prices are low and I want more assistance the Board are still taking interest and sinking fund and leaving me with nothing to live on. I am enclosing a note now received from the storekeeper who has been more help to me than the Board has. Will you please use your influence to help me go get at least £1.50 (25/-) per week through the winter months and act as quickly as possible as the matter is very urgent. I have a young family to keep.[595]

571. The letter that she enclosed was from A.O. Powell, the storekeeper at Manakau, indicated he would not be able to continue doing business with her until she could arrange for a greater proportion of her cheque from the dairy company to be used to reduce her account with him (which was nearly £100).[596]

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[592] Board of Maori Affairs Report on Manawatu Kukutauaki 4E3 Subs 1C1, 1D1 and 1D2, 1 April 1952, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.
[593] Extract from *New Zealand Gazette*, 8 May 1952, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.
[594] Flowers to the Registrar, Ikaroa District Maori Land Board, 29 March 1932, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[595] M. Cook to Ngata, 22 April 1933, MA1 15/6/42 Box 302, Archives New Zealand, Wellington.
[596] Powell to Mrs Cook, 20 April 1933, MA1 15/6/42 Box 302, Archives New Zealand, Wellington.

572. The letter was referred to the Under Secretary who requested a report from the Registrar.[597] The Registrar advised that:

> The usual order for 100% was forwarded to the Dairy Coy which was instructed to retain 2/3 and forward 1/3 to this office.
> On the 28th March last Mr Flowers advised that Cook was finding difficulty in meeting the rent for his leasehold which is an essential part of his farm and is also included in the Order in Council. Mr Flowers suggested that I endeavour to satisfy the lessor, one Arthur Brightwell of Herbertville. I instructed the Dairy Coy accordingly and enclose a copy of the reply.
> When the 100% assignment was forwarded the Company made no mention of any prior assignment to Powell.[598]

573. The department advised Mrs Cook, in late May, that:

> With reference to your letter of the 22nd. April to the Hon. The Native Minister; I have now ascertained that Mr Powell has an order on your cream cheque and this apparently was not mentioned to our Supervisor when it was decided to assist you under the Development Scheme.
> Under the circumstances this Department will only take one-third of the amount of your cream cheques and the balance will be paid to you or to the order of Mr Powell. Apart from this it is not possible to make any allowance to you during the Winter as suggested.[599]

574. The Registrar was also advised of this arrangement.[600]

575. In late 1953, the District Maori Land Committee approved the release of Manawatu Kukutauaki 4E3 Sections 1C2, 1B1 and 1B2 from the development scheme. A report identified the land area as 48 acres 3 roods 07 perches. Mrs Cook (Maata Tamara (Patuaka)) was the occupier of the farm but she lived in Wellington and the farm was 'capably and successfully managed by a son Horace Cook'.[601] The development loan was fully repaid. On 4 April 1956, the Board of Maori Affairs released Manawatu Kukutauaki 4E3 Section 1C2 from the provsisions of Part XXIV of the Maori Affairs Act 1953.[602]

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[597] Jones to the Registrar, Native Land Court, 5 May 1933, MA1 15/6/42 Box 302, Archives New Zealand, Wellington.
[598] Fordham to the Under Secretary, 24 May 1933, MA1 15/6/42 Box 302, Archives New Zealand, Wellington.
[599] Shepherd to M. Cook, 29 May 1933, MA1 15/6/42 Box 302, Archives New Zealand, Wellington.
[600] Shepherd to the Registrar, 29 May 1933, MA1 15/6/42 Box 302, Archives New Zealand, Wellington.
[601] Report to District Maori Land Committee on Manawatu Kukutauaki 4E3, Sec 1C2, 1B1 and 1B2, 8 December 1953, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.
[602] Land Release notice, Manawatu Kukutauaki 4E3 Sec 1C2, 4 April 1956, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.

Manawatu-Kukutauaki 3 Section 2 Blocks, 1939

576. On 22 May 1939, the Registrar forwarded an application from the owners of four partitions of Manawatu Kukutauaki 3 Section 2 to have them included in the Manawatu Development Scheme.[603] He also provided reports, title searches and estimates of expenditure to develop the land in the scheme.[604] This was a situation where the owners required capital to develop the land but did not have access to it:

> Development was first suggested by Mr. T.C. McDonald of Koputaroa on the grounds that the property was producing nothing owing to lack of sufficient capital to bring it into a productive state. This man is a keen supporter of the Department's development activities and has made constant representations to me throughout the last few months to have this particular proposal approved as soon as possible. He is anxious to have the property ready in time for next milking season.[605]

577. Only one farmer was to take over part of the land at this point as the consents of owners to a larger area which could sustain two farmers were yet to be provided:

> You will observe from the owners consent dated 15/8/38 that two units, Sam McGregor and Tuiti McDonald, were nominated. Two occupiers were then chosen as it was originally proposed to develop a much larger area but as yet I have been unsuccessful in securing the signatures of adjoining owners. Mr Mulcahy therefore nominates Tuiti McDonald as sole unit.[606]

578. The Registrar anticipated further land coming into the scheme but wanted to make a start on the area available:

> It is quite likely that a further area may be included later, but in the meantime I should be pleased if you would submit the proposal to include the above blocks in the Manawatu Development Scheme to the Board of Native Affairs for consideration during the coming sitting.[607]

579. On 6 June, the Under Secretary wrote to the Registrar advising of the approval and inclusion of the above mentioned blocks with Tuiti McDonald as occupier, and enclosed authority for expenditure of £1,020 from development funds.[608] The blocks were notified on 15 June.[609]

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[603] Landowners to the Native Department, 15 August 1938, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.
[604] See AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.
[605] Fordham to the Under Secretary, 22 May 1939, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.
[606] ibid.
[607] ibid.
[608] Under Secretary to the Registrar, 6 June 1939, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.
[609] *New Zealand Gazette*, 15 June 1939, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.

Himatangi 2A Partitions

580. The inclusion of a number of partitions of Himatangi 2A were first considered by the department in October 1933 after a request by Roore Rangiheuea for them to be included in the development scheme. This did not proceed during that year due to the allocation of all the available development funds.[610] The proposal was considered again in August 1936 when Mr Rangiheuea again contacted the department. He advised the Under Secretary that unemployed workers had been engaged on the land and made good progress:

> He [Mr Rangiheuea] states that the unemployed work recently undertaken hereon is progressing satisfactorily, but unless sufficient capital is now provided to make the development permanent, it would appear that the benefit of the unemployment work will be lost.[611]

581. A report on the land was requested which was carried out and supplied to the Registrar in September 1936.[612] However, no action was taken until Mr Rangiheuea spoke to the board's Registrar in 1938:

> Roore Rangiheuea has again renewed his application for development and Mr. Mulcahy has reported favourably in respect to 2A A, 2A 4, 2A 5 and 2A 6 excluding 2A 1 on which there is a mortgage of £2,000. This fact proved the stumbling block in the previous negotiations.
> Will you kindly persue your file and indicate whether you are prepared to revive the matter in respect to the Blocks now mentioned and, if so, what further information you require.[613]

582. Further reports were requested on the land's suitability to be included under the scheme.[614] The total area of the blocks was 571 acres 3 roods 4 perches and the Board of Native Affairs approved the inclusion of them in the Manawatu Development Scheme.[615] However, Roore Rangiheuea subsequently advised that he had 'been unsuccessful in obtaining the consents of the other owners to development, but he wishes to proceed with his own blocks 2A4 and 2A6 with his son as unit'. This suggestion was supported by the field supervisor:

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[610] Jones to Roore Rangiheuea, 25 October 1933, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[611] Under Secretary to the Registrar, Native Land Court, 21 August 1936, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[612] Flowers to the Registrar, 8 September 1936, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[613] Fordham to the Under Secretary, 23 March 1938, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[614] Under Secretary to the Registrar, date unknown, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[615] Under Secretary to the Registrar, date unknown, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.

> He [the field supervisor] is of the opinion that development should proceed on these two blocks only, as considerable work will be provided for Maoris in the vicinity. There is a reasonable chance of some of the other owners coming in at a later date and I recommend that authority be granted to commence on 2A4 and 2A6.[616]

583. On 1 September 1938 the Under Secretary wrote to the Registrar approving the inclusion of Himatangi 2A Sections 4 and 6 in the scheme (these two partitions totalled 254 acres). Expenditure of £1,446 was authorised from development funds.[617] The details were notified a week later.[618] Two months later, Himatangi 2A5B was added to the scheme and authority for the expenditure of £145 on the block from development funds was approved.[619] Consents from owners of other parts of Himatrangi 2A arrived shortly afterwards (2A2B, 2A2C, 2A2D, 2A2E and 2A2F). Consents for two other blocks had not been obtained. In one instance, the owner did not want the land included and in the other 'owing to the death of most the owners, no consents are forthcoming'. A further block was not included because it was subject to a mortgage. Four farmers had been identified to occupy these blocks.[620] Plans for the development of the blocks had already been prepared and submitted by the field supervisor when they were initially under consideration. These blocks were included in the scheme in January 1939 and the board was authorised to advance £934 from development funds on them.[621]

Muhunoa 3

584. In September 1932, Kipa Roera of Ohau wrote to the department anxiously awaiting an inspection of his property so it could be included in the development scheme.[622] The following month, the Under Secretary requested a written report from the board but stated that he had indicated to Mr Roera that his land would not be included in the

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[616] Fordham to the Under Secretary, 19 August 1938, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[617] Under Secretary to the Registrar, 1 September 1938, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[618] Extract from *New Zealand Gazette*, 8 September 1938, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[619] Fordham to the Under Secretary, 25 November 1938; Under Secretary to the Registrar, 2 December 1938; extract from *New Zealand Gazette*, 15 December 1938, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[620] Fordham to the Under Secretary, 1 December 1938, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.
[621] Under Secretary to the Registrar, 17 January 1939, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.
[622] Kipa Roera to Shepherd, 28 September 1932, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.

scheme.[623] No inspection was undertaken, however, as the block was subject to a lease to a European and also mortaged to the Native Trustee.[624]

Puketotara 334 and 335 Section 5A

585. In August 1938, the Registrar advised the Under Secretary that he had 'received application from Ngawhiro Heremaia and Heremaia Maika to have the above mentioned block developed and my Board recommends that it be brought in under the Manawatu Development Scheme with Ngawhiro Heremaia as unit'.[625] A detailed report on the Puketotara 334 and 335 Section 5A was susequently provided.[626] The department approved for inclusion in the scheme and £290 was authorised as expenditure from development funds.[627] The details were notified the following month.[628]

586. The land was released from the scheme many years later after the farmer's health deteriorated and he required funds to purchase a home. In December 1954, the District Maori Land Committee approved the release and a report to the committee identified Ngawhiro Heremaia as the sole owner of the block with area of 43 acres 1 rood 32.8 perches. Any development advances had been repaid. The report stated:

> This land comprised the Unit property of Ngawhiro Heremaia. In 1950 the Unit's health failed and the Board of Maori Affairs approved leasing the property to Leonard Hughes for a period of 10 years from 1.1.51 at a rental of £4.10. 0 per acre.
> Mr Hughes has proved to be a good leasee. He has now agreed to purchase the land for the sum of £3000. The sale has been confirmed by the Maori Land Court and to enable the transfer to Hughes to be effected, it is necessary to release the land from the provisions of Part XXIV of the 1953 Act.
> The Development Debt on the property has now been liquidated. Heremaia the vendor requires the purchase money for a house and it is therefore desired to complete the sale as soon as possible.[629]

587. The release decision was notified the following month.[630]

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[623] Jones to Flowers, 17 October 1932, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[624] Flowers to the Under Secretary, 7 November 1932, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[625] Fordham to the Under Secretary, Native Department, 9 August 1938, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[626] Report to Board of Native Affairs on Manawatu Development Scheme Puketotara 334 & 335 Sub. 5A, date unknown, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[627] Under Secretary to the Registrar, 1 September 1939, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[628] Extract from *New Zealand Gazette*, 8 September 1938, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[629] District Land Committee Report Puketotara 334 & 335 Sub 5A, 22 December 1954, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.

Rehabilitation Loans

588. In March 1932, the field officer recommended the inclusion of a number of partitions in Ohau 3 containing 546 acres in the Manawatu Development Scheme. He with Mr McMillan had inspected the blocks which had been leased to Europeans and found the pasture was poor and needed to be resown. He also mentioned that the natives were very industrious and anxious to work their own lands but '… the Natives in the past through lack of finance have had no option but to lease Europeans as there is no formed road access'.[631] He added:

> At the present time they are forming their own roads to Ohau 10B and 10C Blocks. They have been unable to obtain any sympathy or assistance from the Council for this work and in the event of the lands being included in the Scheme, I recommend that some financial assistance be given to enable them to complete road access to all sections as, until this is provided, it will not be possible to carry on dairying on Ohau 3, 6B1, 6C1 and 6C2 Blocks.[632]

589. Development finance was to provide access to the block. The field supervisor wanted to establish five dairy farms on the Ohau partitions and identified five farmers to occupy them. The needs of each farmer were a little different, with some requiring funds for cows, another to purchase a milking machine and others required fencing materials and superphosphate. A number already had cows but the road was necessary to provide access to several of the partitions. Two farms required much greater work on the pasture before they could carry cows and they would be stocked with 400 sheep in the short-term. A number of these blocks were brought into the scheme through the 1930s and 1940s as the owners agreed. Others remained outside the scheme because the owners refused their consent or other forms of occupation (such as a lease) were arranged.

590. In September 1940, one of the farmers was certified fit for military service and his brother was nominated to take over the farm in his absence (with the approval of the field supervisor).[633] There were subsequently difficulties with this arrangement as the new farmer was apparently sentenced to a period of imprisonment and their sister took over the farm but struggled to run it. The field supervisor was keen to have the

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[630] Release approval, Puketotara 334 & 335 Sub 5A, 12 January 1955, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.
[631] Flowers to the Under Secretary, Native Department, 29 March 1932, AAMK 869 W3074 Box 1431c 66/3 1, Archives New Zealand, Wellington.
[632] ibid.
[633] Registrar Memorandum, 2 September 1940, MA1 15/6/39 Box 302, Archives New Zealand, Wellington.

original brother returned to the farm. He had been told 'that he is being kept in the Army for football reasons and that he is a member of the Army first fifteen'. The Under Secretary was asked to arrange for his release so he could return to the farm.[634] In January 1947, arrangements were made to increase the number of cows on the property and make improvements. Authority to advance development funds was requested.[635]

591. The following year the Board of Maori Affairs authorised negotiations for the sale of the two blocks he farmed to him (he already owned 20% of them both).[636] The total value of the property, including stock, was nearly £3,000 and the development loan account through to end of the previous calendar year was nearly £760. However, the board enthusiastically endorsed his performance and a 'rehabilitation loan' of £2,400 was approved to fund the purchase.[637] The Ikaroa District Maori Land Committee subsequently approved the release of the land from the development scheme to give effect to these transactions. Their report indicates that he acquired some of the shares in the block but not others, which he continued to lease:

> The occupier, Thomas George, has been farming this land since 1932. In the past he owned ¼ share in the land and livestock the other ¾ share was owned by his brother Matai and his two sisters Whakarewa and Whaiwhai. Whaiwhai is now deceased.
> He has arranged to purchase Whakarewa's share in the land and livestock for £1000. In addition he has obtained a lease of Matai's share in the land for 21 years and Whaiwhai's successors through their trustee have agreed to lease their share to him for seven years. He has agreed to purchase both their shares in the livestock. This will mean that he will own all the stock and chattels, a half share in the land and will be leasing the other half, ¼ from his brother for 21 years and ¼ from his sister's successors for 7 years. A rehabilitation farming loan has been approved to enable him to finance the purchases.
> The mortgage, the leases and the transfer have been signed by the parties concerned, and the leases and transfer are awaiting the final approval of the Judge.
> To enable the mortgage to be registered it will be necessary to release the land from Part XXIV of the 1953 Act.[638]

592. This release decision was notified in June 1955 and the 'rehabilitation loan' was fully repaid in May 1965.[639]

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[634] Registrar to Head Office, 2 August 1944, MA1 15/6/39 Box 302, Archives New Zealand, Wellington.
[635] Registrar to the Under Secretary, 28 January 1947, MA1 15/6/39 Box 302, Archives New Zealand, Wellington.
[636] Board of Maori Affairs Recommendation, 24 June 1948, MA1 15/6/39 Box 302, Archives New Zealand, Wellington.
[637] Smith to Head Office, 14 April 1972, MA1 15/6/39 Box 302, Archives New Zealand, Wellington.
[638] District Maori Land Committee Report, Ohau 3 10F, 14 March 1955, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.

593. In the post-war period, another block to come into the Manawatu Development Scheme and be developed for returned service personnel was Rangitikei Manawatu B4. In September 1947, the Board of Native Affairs included the block in the scheme and authorised expenditure of £5,029 for developments. [640] The report supporting the recommendation states:

> Proposed occupiers: Dave Larkin and Wananga Matenga
> The above named "A" grade Maori ex-servicemen applied for Rehabilitation finances to establish themselves as dairy farmers on the Rangitikei-Manawatu B4 block. The property has been under lease to a European until 31/5/47. The leasee was milking 80 cows and butterfat yield for 1945/46 was 16.399 lbs.
> The question of the terms under which these two men could be settled, has been discussed with the Maori owners and although they were unanimous in their desire that their ex-serviceman relatives be settled on the property for sentimental reasons they could not see their way clear to dispose of the property to the ex-servicemen for settlement in accordance with Rehabilitation policy.
> The Registrar has now recommended that the two ex-servicemen be treated as joint units until the land has been further developed and subdivided.[641]

594. This was a situation where returned service personnel were located on land belonging to their people with financial support from the Crown. However, the board noted the situation was irregular in that the government's policy for rehabilitation loans was that the owners should give up the land to those who would occupy it. That is, the landowners were required to provide a form of tenure – apparently in this case a sale of the land to their whānau was necessary – which could be used as sufficient security for the loans advanced. Development finance through the scheme provided a mechanism for providing financial support to develop the land in Māori ownership in a way that rehabilitation loans did not.

General Comment

595. Many other parts of Manawatu Kukutauaki were considered by the field supervisor for inclusion in the development scheme in the 1930s. Parts of other blocks were included too. For example, parts of Waiorongomai, Oturoa, Carnarvon and Ngakaroro were considered and added to the scheme. In most instances, small amounts of development finance were required to improve relatively modest areas of land by the

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[639] Maori Trustee to Head Office, 19 April 1972, MA1 15/6/39 Box 302; Extract from *New Zealand Gazette*, 16 June 1955, MA1 15/6/39 Box 302; Release of Ohau No. 3 10F from Development Scheme, 9 June 1955, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.
[640] Under Secretary to the Registrar, 3 September 1947, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.
[641] Board of Native Affairs Report on Rangitikei Manawatu B4, AAMK 869 W3074 Box 1431d 66/3 2, Archives New Zealand, Wellington.

application of grass seed and superphosphate. Many of the farms ran low stock numbers and development finance was required to increase the number of cows being milked in particular. Fencing was not a particularly urgent requirement of many of the blocks and quite a number were already run by the owners of the land as very small scale dairy farms which provided a very modest income to the whānau living on them. At this time, these blocks of land were owned by those farming them or their immediate whānau (mother, father, uncle, aunt).

596. Development funds in the 1930s on these blocks of land were to assist in expanding small scale farming activities and although they remained small scale, they generated greater income. The farms remained small because they were limited by the area of land available in circumstances where the income generated did not permit the acquisition of further land and development finance was certainly not available for this purpose.

iv OHINEPUHIAWE DEVELOPMENT SCHEME

597. In March 1933, Pereki Te Huruhuru wrote to his local MP, Taite Te Tomo in te reo Māori, to advise that his people had decided to have their lands included in the development scheme:

> It was decided to place our land under the Government land development scheme to enable us and our children to obtain a livelihood. You, however, are aware of the distressing circumstances we are placed in its present.
> Be strong in asking the minister to assist us.

598. The Under Secretary asked the Registrar of the Aotea District Maori Land Board for a report from its field supervisor. He indicated that he understood the inquiry related to Ohinepuhiawe, near Bulls.[642] The Native Minister visited the block in May and found that Taite Te Tomo 'is anxious to have this dealt with under a development scheme'. Mr Te Tomo wanted £300 to be made available for development on the block. The field supervisor at Whanganui was still to report.[643] He was asked to send his report immediately.[644]

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[642] Pereki Te Huruhuru and unknown to Taite Te Tomo and Under Secretary to the Registrar. March 1933, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[643] Native Minister to the Under Secretary, 3 May 1933, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[644] Under Secretary to the Registrar, 9 May 1933, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.

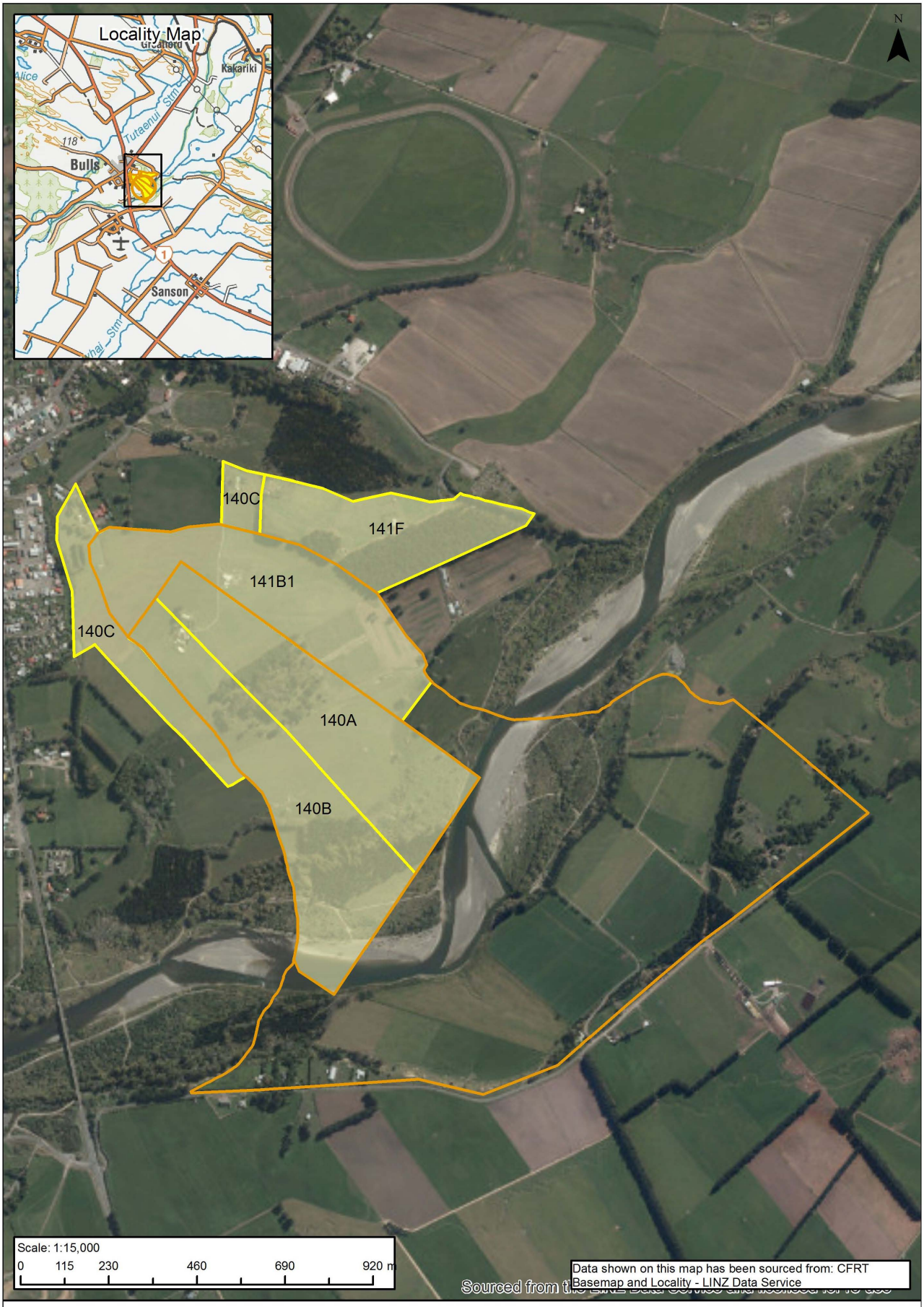
599. The report was forwarded a week later and stated that the area available for the Ohinepuhiawe Section for development totalled 60 acres 1 rood 8 perches. This land was river flats below the township of Bulls. It was described as good river silt, flat with good access. It was in a 'progressive district' and about 1.5 miles from the Rangitikei Dairy Company's factory. The sections available for inclusion in the scheme were:[645]

- Ohinepuhiawe 140A: 11 acres 1 rood 22 perches
- Ohinepuhiawe 140C (part): 14 acres 1 rood 31 perches
- Ohinepuhiawe 140C (part): 04 acres 0 rood 00 perches
- Ohinepuhiawe 141B1: 30 acres 1 rood 35 perches

600. A large part of these blocks (about two-fifths) was covered in gorse and approximately half was rough pasture that required ploughing and sowing. About ten to thirteen acres had gravel close to the surface. The boundary fence was adequate but required maintenance. One whare was located on the site. The report describes the land as suitable for dairying. Labour was available in that there were young, good men who could work and who 'are prepared to work at low wages'. Pereki Te Huruhuru, the kaumātua who originally raised the matter with Taite Te Tomo 'is keenly interested in the Development of this area and the welfare of his people [and] stresses the great need of providing work for these young people (who are on relief work) on their own land'. The estimated cost of developing the land – fencing, sowing grass and improving pasture, stock, plant, and buildings – was £464 17s 6d. The report concluded the land, 'when brought up to this point of development will be a very valuable asset to Te Huruhuru and his people'. The field supervisor was 'of the opinion that the development of this area is worthy of consideration'.[646]

601. In forwarding this report, Judge Browne provided plans and particulars of titles. He also noted that the block was adjacent to the township of Bulls. Large parts of the block on the river's edge had been taken by the Rangitikei County under the Public Works Act for river protection purposes. The judge believed the extensive excavations to this end would prevent erosion of the remaining parts of the block. He also noted that the proposed sections for inclusion in the development scheme were

[645] Mr Marumaru to Aotea District Maori Land Board, 8 May 1933, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[646] ibid.



Rangatiratanga Versus Kawanatanga: **Ohinepuhiawe Development Scheme**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 037 Map projection: New Zealand Transverse Mercator Date: 7/06/2017

Map 21: Ohinepuhiawe Development Scheme

not continuous: the 'intervening sections belong to Ratanaites who are not prepared at present to join in any development scheme'.[647] After further discussions with the owners of adjacent lands, two further blocks were identified as suitable for the scheme (and the estimated cost of developing them was a further £267 5s).[648]

602. The Under Secretary wanted clarification that the 60 acres available would create two viable farms. He also asked for nominations from the owners for those who would occupy and farm the land.[649] In response, the field supervisor advised his assessment was that the original four parts of Ohinepuhiawe containing 96 acres 1 rood 17 perches could 'comfortably support three units, this is really good soil and well situated'. However, he believed the nomination of occupiers should wait until the land had been developed (gorse cleared, pasture sown and fences erected):

> The nomination of the occupier of each section at this stage would, in my opinion, raise difficulties. My intention was to ascertain from the manner in which the work was done the most suitable persons to put on the sections and then to consult the owners. I could, of course, at the present time, nominate the occupiers, but it might be found as the work proceeded that the nominated person's were entirely unsuitable. In addition if the occupiers are nominated now the other persons considered will lose interest and be reluctant to do the work at the wages which is proposed pay them and it will consequently be left entirely to the nominated persons.[650]

603. The Under Secretary did not appear to respond to this proposal, instead asking Judge Brown if the owners were agreeable to the sections being developed and farmed under a development scheme and to the appointment of nominated occupiers when the supervisor was satisfied that the land was able to be subdivided and occupied by settlers.[651]

604. The field supervisor attended a meeting at Ohinepuhiawe in late April with some of the owners. They passed a unanimous resolution in favour of their lands coming under a development scheme. They agreed that the field supervisor would appoint occupiers from some of the owners or children as soon as the area was in a position to be subdivided and occupied by them. The elders present were Te Oti Te Huruhuru,

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[647] Aotea District Native Land Court and Maori Land Board to the Under Secretary, 15 May 1933, Image 99, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[648] Memorandum Aotea District Land Board, May 1933, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[649] Under Secretary to the Aotea District Maori Land Board, 19 May 1933, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[650] Aotea District Land Court and Maori Land Board to the Under Secretary, 20 May 1933, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[651] Under Secretary to the Aotea District Land Board, 25 May 1933, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.

Hoone Reweti and Kiniwe Paraone. Also present were T.K Reweti, R. Reweti and H. Reweti. In a subsequent meeting chaired by Taite Te Tomo, the resolution was further confirmed by those present. Mr Te Tomo informed the meeting that he had met most of the owners living in the Taupo-Tokaanu district and that they were in favour of the blocks coming under a development scheme. The owners in occupation advised that most of the owners living in other districts were occupying lands they owned there. Hoone Reweti who was the sole owner of Section 212F of 28 acres 1 rood 19 perches and also had interests in a third of another area submitted for development with the Te Huruhuru family. There were owners residing in Taupo are Tokaanu, Taumarunui, Kakahi, Okauriki, Manunui, Motuiti, Foxton, Ratana, Kauangaroa, Auckland and Ohinepuhiawe, Bulls. In view of the small interests held by quite a large number of people living away from Ohinepuhiawe, the field supervisor was hopeful the area could be brought under development without having to bring them all together to decide.[652]

605. Judge Browne forwarded the field supervisor's report to the Under Secretary with the observation that though it would be difficult to know the views of those who resided away from the land without calling a meeting, 'it is highly probable they will be guided by the desires of the resident owners'. The resident owners 'are all anxious to have a development scheme started'.[653] The Under Secretary did not initially respond to this difficulty but noted instead that none of the lands had road access. This was an essential requirement and the field supervisor was asked to address this issue.[654]

606. In July, the Under Secretary supplied a report to the Native Minister on progress.[655] Five blocks containing 96 acres 1 rood 27 perches had been identified and the cost of developing them had been estimated at £609 17s 6d. The Under Secretary asked if they were to be included in a development scheme and what funding would be allocated to it. The minister advised that no funds for stock or material were available in the current financial year. The field supervisor was asked to report on what work

[652] Property Supervisor to the Aotea District Land Board, 5 June 1933, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[653] Aotea District Native Land Court and Maori Land Board to the Under Secretary, 12 June 1933, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[654] Under Secretary to the Registrar, 16 June 1933, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[655] Under Secretary to the Native Minister, 18 July 1933, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.

could be completed with labour costs only. A submission was to be prepared for the Native Land Settlement Board.[656]

607. The field supervisor recommended that development on the blocks could be limited to gorse grubbing, ploughing, discing and harrowing (in preparation for autumn grass seed) and fencing repairs (which would require staples) at a cost of £236 15s. The field supervisor applied for this cost to be met from the Maori Unemployment Contract. He advised that contracts would be prepared as soon as the approval was given. He also suggested that the grass seed could be provided from 'Bulk Grass Seed' until the estimates for Ohinepuhiawe were prepared for approval.[657] This proposal was submitted to the Native Minister for his review and he directed that it should be submitted to the Native Land Settlement Board. The board approved the inclusion of the land in the development scheme and the work identified by the field supervisor:

> A 100% subsidy for this work from the Maori Unemployment Grant has been approved and Mr Marumaru should therefore, have the work put in hand as soon as he deems it necessary but necessary contracts should be submitted for prior approval. The only development expenditure required in this year estimates will be for staples in the repairing of the fences.
> The grass seed for sowing in the autumn will be provided from Bulk Grass Seed and transferred later to this scheme when provision has been made in the 1934-35 estimates for such expenditure.[658]

608. The Ohinepuhiawe Development Scheme was established on 11 October 1933 and the five blocks containing 96 acres 1 rood 27 perches was initially included in it.[659]

609. The initial focus was on the construction of a road to provide access to the block and the County Engineer from the Manawatu County Council inspected the land for this purpose.[660] Part of it was to pass through an adjacent and apparently disused recreation reserve (it was infested with gorse) and the Bulls Town Board was asked to

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[656] File Note, 18 July 1933, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[657] Farm Supervisor to the Under Secretary, 19 July 1933, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[658] Under Secretary to the Registrar, 11 October 1933, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[659] Native Minister, 11 October 1933, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[660] County Engineer to the Registrar, 8 September 1933, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.

give its consent (though the Lands Department was also asked to intervene).[661] It was anticipated that this would become a public road.[662] Authorisation to proceed with the construction of the road, the final route of which was on both Māori land and the adjacent domain land, was given in April 1934.[663] The survey and legalization of the road would be undertaken by the Department of Lands and Survey.

610. The road was surveyed but construction was delayed by difficulties in obtaining the consent of the Bulls Town Board to the part of the road passing through the domain.[664] It appears the town board was willing to give its consent to an alternative route (through a rifle range). The Registrar of the Aotea board advised the field supervisor was willing to accept this offer.[665] The Under Secretary for Lands subsequently advised that this proposed route differed to that surveyed by his department and he noted that, as the road would pass through the rifle range, some assessment of its impact on this site which was controlled by the Defence Department would be necessary.[666] A new survey was required and the Under Secretary for Lands suggested a preliminary agreement with the town board should be concluded before proceeding further.[667] This was obtained in August 1936.[668] A new survey was completed and a plan was prepared. After some delay, in October 1937, the town board signed it off. The plan and a description were forwarded to the Public Works Department for the

[661] Under Secretary to the Registrar, 16 November 1933, AAMK 869 W3074 Box 983a 65/7; Memorandum from the Under Secretary to the Under Secretary for Lands. 24 November 1933, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[662] Aotea District Native Land Court and Maori Land Board to the Under Secretary, 18 September 1933, AAMK 869 W3074 Box 983a 65/7; Commissioner of Crown Lands to the Under Secretary, 23 January 1934, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[663] Under Secretary to the Under Secretary for Lands, 3 April 1934, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[664] Under Secretary to the Under Secretary, 4 July 1935, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[665] Registrar to the Under Secretary, 27 August 1935, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[666] Under Secretary to the Under Secretary, October 1935, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[667] Under Secretary to the Under Secretary, 22 November 1955, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[668] Bulls Town Board to the Registrar, 20 August 1936, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.

issue of a proclamation under Section 12 of the Land Act 1924.[669] The proclamation was issued in January 1938.[670]

611. It would appear that development of the land continued while the access road was being negotiated and legalized. By 31 March 1938, advances of £1,828 5s 5d had been made on the block. Of this, £997 7s was derived from the Employment Promotion Fund and £774 3s 8d from development funds. The balance came from a 'Reserve Account'. Twelve months later, the liabilities of the scheme had increased to £2,452 5s (£1,155 4s 1d from development funds and £1,212 8s 9d from the Employment Promotion Fund).[671]

612. In the early 1950s, a small area was taken from one of the blocks to establish a water collection and treatment plant (apparently to supply Lake Alice Hospital north of Bulls).[672] An easement over the land to river to construct and maintain pipes was also taken.[673] Another area was possibly taken to provide an access road to these facilities. The Board of Maori Affairs (as successor the Board of Native Affairs and the Native Land Settlement Board) consented to the taking of the land and the easement.[674] The field supervisor assessed the proposed takings as having no impact on the development scheme.

613. In July 1955, steps were taken to have parts of the land included in the Ohinepuhiawe scheme released. It is not entirely clear what led to this situation but there were, at this time, two farmers in the scheme. One of the farmers had left the land he was occupying but the liability owed on it had been repaid. The land occupied by the other farmer, containing 23 acres 2 roods 12.7 perches, was still in debt and it was anticipated this would remain the case for some time. As the blocks had been partitioned, the department asked the Board of Maori Affairs to release all of the

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[669] Under Secretary to the Under Secretary, 1 November 1937, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[670] Under Secretary to the Under Secretary, 4 February 1938, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[671] Ohinepuhiawe Development Scheme Balance Sheet, 31 March 1939, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[672] District Engineer to the Registrar, 26 July 1949, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[673] Extract from the *New Zealand Gazette*, May 1951, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[674] Registrar to the Under Secretary, 12 August 1949, AAMK 869 W3074 Box 983a 65/7; Board of Maori Affairs, 12 October 1949, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.

original blocks and then make a new declaration for the areas still subject to debt. The board approved these recommendations and revoked the October 1933 notice creating the Ohinepuhiawe scheme and declared Ohinepuhiawe 140C1 and 141B1A subject to the provisions of Part XXIV of the Maori Affairs Act 1953.[675]

v THE OTAKI NURSERY

614. In September 1935, the Ikaroa board Registrar asked the Under Secretary of the Native Department for permission to investigate the possibility of using developing lands vested in the board in Ōtaki for fruit growing:

> A large area of land in the Borough of Otaki is vested in this Board under Section 32 of the Native Land Amendment and Native Land Claims Adjustment Act 1928 (now Section 63 of Native Purposes Act, 1931) for non payment of rates.
> Under the Section the Board has wide powers and may dispose of the land by lease, sale or mortgage or may administer under Section 523 of the principal Act, and shall be liable for rates only to the extent of revenue derived.
> At the present time most of the blocks are leased to Chinese for market gardening for which the land is particularly adapted, and the climate propitious.
> Owing to ambitious planning and injudicious spending the Borough of Otaki is extremely highly rated and in rare instances is the rental derived from the various lands in excess of the amount of rates levied, with the result that the owners of the lands receive no benefit therefrom.
> It has long been my opinion that certain parts of this land should produce crops of small fruits which would have a ready market in Wellington, with cheap and speedy transport, as against the present sources of supplies, which are more distant with the consequent extra expense and risk of deterioration.
> I consider that there may be the nucleus of a development scheme, which if practicable would be of enormous benefit to the natives of Otaki, and also to the township itself, from which we might expect the assistance of the Borough Council in some direction.

615. The Registrar wanted to approach the Department of Agriculture for advice on growing small fruit. The Under Secretary encouraged the Registrar to undertake the investigation and asked the Director-General of Agriculture if he could assist.[676]

616. An official from the Department of Agriculture visited Ōtaki with the Registrar the following month. His report was encouraging:

> When at Otaki on Wednesday, 9th instant, I was shown a number of sections of land; some under lease were carrying crops of market vegetables; others were in grass and subdivided; others again were planted with commercial crops of early vegetables and winter flowers for cutting, by the Maori occupiers. The latter and especially were looking well and showed real interest and knowledge of market gardening. The land

[675] Releasing Land from the Provisions of Part XXIV of the Maori Affairs Act, 20 January 1965, AAMK 869 W3074 Box 983a 65/7; extract from the *New Zealand Gazette*, 29 August 1955, AAMK 869 W3074 Box 983a 65/7; proclamation for the *New Zealand Gazette*, 29 August 1955, AAMK 869 W3074 Box 983a 65/7, Archives New Zealand, Wellington.
[676] Registrar to the Under Secretary, 17 September 1935; Campbell to the Director-General for Agriculture, 24 September 1935, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

> generally is very suitable for the purpose: some of the sections examined were rather badly infested with weeds, the worst being the convolvulus. Others again showed some signs of being overworked; this was evident in the texture and physical condition of the soil. Good farming, however, would soon put these matters right.
> I am of the opinion that this land would produce crops of commercial small fruits of most kinds usually grown in this country, as well as those crops above-mentioned, it's suitable land is chosen for the kind of fruit planted: the areas are of a size suitable for the use of horse-drawn implements, the crops is placed on the market in the customary manner. The commercial side of this business would be greatly assisted by co-operation between the growers, and Maori farmers could well be recommended to join the co-operative producers' association, if there is one in the locality, and, if not, to form one themselves.[677]

617. The Director-General indicated that an Orchard Instructor based at Palmerston North could visit Ōtaki on occasion and would be happy to advise on planning and maintaining the crops. The report was referred to the Registrar for consideration but it appears no action was taken immediately.

618. Instead, in May 1937, the Under Secretary asked the department's chief supervisor to discuss with the Ikaroa board's field supervisor board initiatives to address Māori unemployment in the Manawatū district. This request followed a call from the Native Minister who had been spoken to by a local MP. The local MP had received complaints from European farmers in his electorate that those farming freehold land were at a disadvantage over those farming Māori leasehold land because the cost of labour was subsidised by the Unemployment Fund. The local MP wanted Māori to be put to work on land and houses they occupied rather than their lands leased to Pakeha. In a report to the Under Secretary, the chief supervisor advised that the field supervisor estimated that half of the relief work undertaken between Foxton and Waikanae was on Māori land leased to Pākehā farmers. The other half was completed on land either owned or occupy by Māori. However, finding suitable work on Māori land within easy distance of where unemployed workers lived was difficult.

619. The field supervisor indicated that about thirty men could be put to useful work growing vegetables, in many cases on their own land. However, funds were required to purchase seed, fertiliser and to pay for ploughing. The chief supervisor estimated that at least £25 per man was required to get the scheme going.[678] He recommended proceeding with this proposal, securing advances against relief pay or liens on crops.

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[677] Robinson to Campbell, 14 October 1935, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[678] Chief Supervisor to the Under Secretary, 4 May 1937, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

Whānau could also assist in cultivating and harvesting crops, 'and the girls would not be obliged to work in the Chinese gardens' (possibly a passing reference to a recent moral panic about 'miscegenation' involving young Māori women working at market gardens near Auckland).[679] The chief supervisor believed that the proposal could save 30s per week per worker annually.[680]

620. The chief supervisor subsequently provided a more detailed report on what had been achieved in the last season by 'relief workers'. The field supervisor had been able to establish two garden plots but, as the chief supervisor noted in his earlier report, believed he could get thirty men employed if funds were made available. The chief supervisor believed useful work had been completed on Māori land but was keen to start a 'gardening scheme':

> He [the field supervisor] has certainly done some useful work on Native Land which is leased, but I am in favour of a scheme whereby the Maoris could be assisted to commence a 'gardening scheme'. If by this means 20 men could be absorbed I would suggest that Mr Flowers be instructed to see how many Manawatu men will go to Makirikiri and Rakautatahi for development work and that he be authorised to arrange for camp accommodation accordingly.
> Any men not absorbed by the above should be available to any farmer who is prepared to provide work and contribute 50% of the contract money, provided there is no development or unit property on which labour can be usefully employed.
> I cannot see any reason why relief labour should not be available on land owned by European if they will contribute 50%. That is if no work on scheme land can be joined handy to the workers homes.
> The gardening scheme should certainly be tried out, as there is a possibility of it being of some lasting and permanent benefit to the Maoris in this district, which is so handy to a good market in Wellington.[681]

621. The chief supervisor's further report indicates there was a hierarchy for allocating 'relief workers' supported by the Unemployment Fund to work: development schemes had first priority.

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[679] 'Report of Committee on Employment of Maoris on Market Gardens', AJHR, 1929, G-11. In her study of racism faced by Chinese migrants in New Zealand, Jenny Bol Jun Lee examines relationships between Māori and Chinese. This includes a chapter on interaction between Chinese men who had moved the from the goldfields and Māori women seeking seasonal work in market gardens in the 1920s and 1930s and the fears about miscegenation that this caused (particularly among Pakeha). She provides useful context on the background to moral panic which led to the 1929 commission of inquiry (and it is also worth noting that a Māori women's welfare organisation in Auckland was appalled by the whole affair and staunchly defended the right of Māori women to earn a living working in Chinese market gardens). The comments by the field supervisor (and later Judge Shepherd below) were consistent with were consistent with this type of discrimination. See Jenny Bol Jun Lee, *Jade Taniwha. Māori-Chinese Identity and Schooling in Aotearoa*, Auckland: Rautaki, 2007.

[680] Under Secretary to the Department of Labour, 16 July 1937, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

[681] Blackburn to Campbell, 10 May 1937, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

622. Another report by the field supervisor in June was also very encouraging, particularly given the difficulties of establishing development schemes in the district:

> I do not think there is anything new or novel in the scheme, it is really development on the other end of the scale. In this district there are no large tracts of land available for development, the holdings are small and the number of owners large and in many cases the land is encumbered and would not be acceptable for development purposes. There are, however, considerable small areas available suitable for gardening purposes such as potatoes, cabbages, peas, strawberries or even flowers, (good returns can be made from violets, Iceland poppies and the like). Those Maoris with whom I have discussed this scheme are very keen to garden and all are more or less skilled. Prior to the advent of the No. 5 Scheme a number made their living from the land which is now idle, while others worked for Chinese gardeners. Those who worked their own gardens abandoned them for the steady and easy money on No. 5 but many would like to go back to the land but cannot get the credit for seed, wire, manure and ploughing. Last year an experiment was made with two men both of whom would have drawn either relief or sustenance of £36.6. or £3.3.0. per week each, it was late in the season when a start was made and was more or less a gamble with the weather, these men were financed as far as seed and manure was concerned by the Maori Land Board who took an interest in this scheme, however, the net result was a saving of £2.15.0. per week to the Unemployment Board and I do not think the men received less over the period than they would have had they stayed on contract work as both are now keen to commence on a larger scale. I consider that the scheme should be worked from a central fund for seeds etc and an allowance made from Relief to each unit in accordance with the number of his family, sufficient to keep him in food until returns are available from his garden, the allowance would then cease. An allowance of 30/- per week would satisfy I think the largest family, leaving say 30/- per week to pay for seed etc the food allowance may seem small, but I would point out that there would be a certain amount of spare time for the men to find a few days casual employment to supplement their income.[682]

623. He provided an example of five acres of land planted in peas and potatoes which could generate £240 in six months. He did not consider his estimate 'unduly high' and noted that someone who had a successful crop would not receive relief for six months and the following six months 'and would probably have no need for relief assistance in the future'. He did not think the development would be a long-term one though. He suggested the board could take a lien on a crop to pay for the seed. He saw numerous advantages of this proposal, but identified five in particular:

> 1. There would be no need for so many of the Maori women and girls to work in the Chinese gardens, they could work at home. I do not say that there is the need now but they go, whereas if they had a garden of their own they could work at home and make more money.
> 2. It would stimulate the interest of the Maori in his own land.
> 3. The shortage of Maori labour would force the Chinese gardener to pay decent wages in the gardens and thus benefit those Maoris who have no land of their own.
> 4. Potato digging and pea picking in the larger gardens would create employment for other Natives on relief who did not own land.
> 5. Gardening is light work and employment could be found for semi unfit and prematurely aged Maoris at present on sustenance.

[682] Flowers to Fordham, 7 June 1937, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

624. The field supervisor was optimistic that such a scheme would reduce unemployment to a 'minimum' in three years and save the district around £2,000 annually. The two gardens tested last year were successful and he anticipated that, though late in the season, the scheme would be embraced by Māori landowners. Funding approval was required to implement it. The Registrar forwarded applications for subsidies to the Under Secretary along with the proposal.

625. The Under Secretary of the Native Department initially approached the Department of Labour for permission to implement the proposal. The Under Secretary explained the scheme, arguing that employment opportunities were limited in the Manawatū district and the field supervisor anticipated many Māori workers going on to 'sustenance' if suitable employment was not created for them. The funds for seed and fertilizer would come from the Employment Promotion Fund (but would be repaid). The Under Secretary expected the total cost of the proposal would be less than the sustenance allowance paid to unemployed works (which ranged from £100 to £150 per year).[683] The Secretary of the Department of Labour had no objections and approved the cost, which would be met by the fund.[684]

626. The Registrar was advised of the approval but with a warning:

> It is to be understood that this scheme is to provide only for registered eligible unemployed and its introduction must show a saving to the Employment Promotion Fund. We must take care to see that no Maori is encouraged to register in order to take advantage of the assistance and each Maori who is put under the scheme must be made to understand exactly what is being done and some assurance should be obtained from each man that he will stay on his place and work it. We do not wish the initial expense of cleaning up the land to be wasted.[685]

627. Approvals for the subsidies were also given. The Registrar subsequently indicated that the board would not purchase seed for those involved in the scheme; they were expected to supply their own seed and materials but their labour would be subsidised. He stated that 'it would give them an unfair advantage over other gardeners if they were allowed to purchase their requirements at special prices'.[686] Their purchases could be guaranteed by the field supervisor from their relief pay if necessary.

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[683] Campbell to Hunter, 16 July 1937, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[684] Hunter to Campbell, 26 July 1937, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[685] Under Secretary to the Registrar, 2 August 1937, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[686] Fordham to Campbell, 19 August 1937, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

628. This scheme was implemented in a very limited way. The Registrar reported in November 1939 that the field supervisor assisted six men and provided advances of between £6 and £28. No details of the returns for the crops had been received but he had been advised by the field supervisor 'that the results were not particularly good and they have abandoned all their sections'.[687] He described the scheme as 'merely an experiment by the Supervisor to reduce payments from the Unemployment Funds but it was not organised to any extent and was never vigorously prosecuted'.

629. In October 1939, the President of the Ikaroa District Maori Land Board, Judge Shepherd, tried again with aspirations for a much grander scheme (informed by his concern about Māori women and girls in Ōtaki working on Chinese market gardens):

> I have for many years been seeking to provide Maoris who reside in or near populous European centres with some permanent or at least more stable means of livelihood. The lack of a permanent or stable means of livelihood for Maoris in these communities is destructive of their moral fibre and tends continually to lower their standard of living, their general conduct and their sense of integrity.
> Enquiries made from the Maori manhood as to their occupation and means of livelihood invariably produces the reply that they are on Unemployment Relief; No. 13 Scheme more on some one or other of the Social Security benefits.
> With a view to improving the social and economic conditions of these Maoris – and incidentally to clean up and improve the general conditions of their Kaingas – it is necessary to find an economic back ground all the people which will it once be inexpensive; soundly economic; and provide employment for which they are fitted for the greatest number.
> The Maoris in the Otaki district, especially the women and girls, find employment in fair numbers in the Chinese market gardens. They are patient and industrious and perform good service in these gardens under the competent guidance and the control of their Chinese employers. And market gardening calls for intensive labour and produces a highly remunerative return for the large amount of labour employed.
> Having seen the Maoris working in Chinese market gardens in various parts of New Zealand, and considering the attendant evils which all know exist with regard to this employment by Asiatics; it has been borne in on my mind that sound definite and active steps should would be taken by the Native Department to establish the Maoris all near a small holdings as Market Gardeners operating on their own account.[688]

630. He had visited the land and homes of many Māori in the Ikaroa district and had identified 'ample small areas owned by Maoris' at Ōtaki, Ohau, Waikanae and in the Hawkes Bay. A supply of water which did not require significant infrastructure to irrigate the land was also available at these locations. Judge Shepherd also hoped that Māori landowners could move from market gardening to growing cut flowers and

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[687] Fordham to Campbell, 10 November 1939, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[688] Native Land Court to the Under Secretary, 6 October 1939, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

exporting bulbs in the future. However, capital was necessary but like all capital advanced by the Crown to Māori, it would be recovered:

> In order to get a start with the market gardening project mentioned above a certain amount of capital will be required. It would not be wise to pay wages to people to work in their own gardens, but where the people were without any means it might be necessary to make small advances to them against the sale of the garden produce. These would be recovered when the produce was sold from time to time as all marketing would necessarily be under the strict control and management of the Native Department.

631. It would provide a 'permanent and stable means of livelihood' for many people presently receiving some form of social security (either unemployment benefit or invalids pension). The judge estimated an initial capital outlay of £1,000 was required and he asked if it could come from the Social Security Fund as it would provide relief for unemployed Māori, 'quite apart from the social and economic benefits which it would bestow upon the Maori race'. The capital would be used to purchase seed and fertiliser rather than pay wages, 'but the benefit to the natives would be infinitely greater'. Once the scheme was large enough, a supervisor could be appointed and the cost of the wages would be paid by the Native Department. Judge Shepherd concluded by noting that land development 'will never find a place for the people whom it is hoped the gardening schemes will benefit' but he considered the proposal had merit because many more people were required and the income generated was much higher.

632. Three days later, Judge Shepherd wrote again to the Under Secretary and referred to a recent meeting at which they were both present with Hone McMillan. He reported that Mr McMillan had spoken to the Minister of Labour at Ōtaki about the scheme and the minister had shown considerable interest in the proposal and agreed to consider funding it from 'unemployment funds'. However, the minister asked for a detailed proposal in writing. Judge Shepherd referred to his earlier memorandum to the Under Secretary, which had been prepared for this purpose, and asked for it to be passed on to the Minister of Labour through the Native Minister. He also asked for the approval of the Minister of Finance to authorise expenditure of £50 from board funds to permit ploughing of three areas and pay for seed and fertiliser.[689] However, before officials could refer Judge Shepherd's proposal to the Native Minister as he requested, the

[689] Shepherd to Campell, 9 October 1939, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

minister elected to visit Ōtaki first to investigate the proposal and no progress would be made until he had done so.[690] He did, however, ask officials to compile more details information on the extent of unemployment among Māori, the expenditure of unemployment funds around Ōtaki and the department's other employment activities in the area (land development, housing, employment promotion).[691]

633. The Registrar provided a detailed account of the department's activities (or lack of activities) in Ōtaki. He advised that there were 43 Māori eligible for work funded from the Employment Promotion Fund. Thirty-eight of them were engaged in some sort of employment scheme and five were receiving social security benefits. The total amount paid to them per week was £177 1s. Over the last four years, the department had spent £4,465 on employment promotion activities in and around Ōtaki (the Under Secretary also found that another £1,323 had been spent by other departments). There were no development schemes, and no housing loans had been approved (meaning workers could be employed in building houses). There were no housing loans approved 'because of the indigent circumstances of the Maoris'. The Registrar also advised that Judge Shepherd was, apart from the market gardening proposal, looking into the development of unoccupied Māori land at Ōtaki (but he was 'not acquainted with the details'). He reported that there was one man on contract to the department and the field supervisor had work available for four other men for one month.[692]

634. This material was compiled for the Native Minister along with a document prepared for the Board of Native Affairs about Tainui Pā. The Under Secretary advised that this had been considered and deferred by the board in relation to the 'Indigent Housing Scheme'.[693] The Ikaroa board had undertaken a survey of Tainui Pā and found there were 50 people living there in about twelve homes. They were described as 'of a very inferior type and are in a bad state of repair'. Five were described the field supervisor as 'shacks' which would probably be condemned by the Health Department. He did not think repairs would be a cost-effective way of dealing with their condition. The housing was described in some detail:

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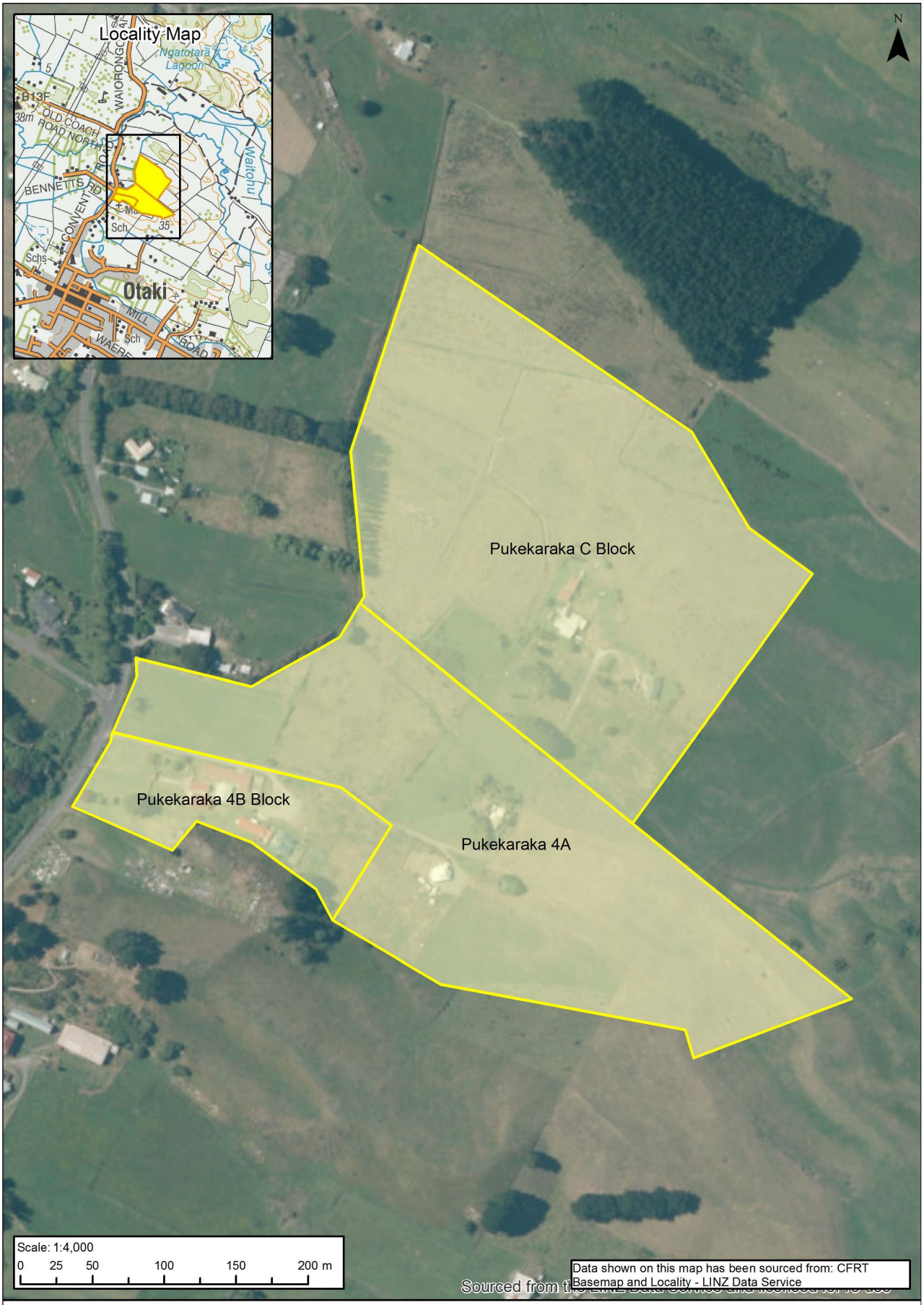
[690] File Note, 16 November 1939, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[691] Campbell to Fordham, 13 November 1939, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[692] Fordham to Campbell, 15 November 1939, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[693] Campbell to Langstone, 22 November 1939, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.



Rangatiratanga Versus Kawanatanga: **Tainui Pa**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 034 Map projection: New Zealand Transverse Mercator Date: 19/05/2017

Map 22: Tainui Pā

> If the houses have ever received a coat of paint it has long since been washed off, the weather-boards are covered with moss, ventilation is poor, roofing is not weather proof, the flooring is rotten in many cases, and chimneys require reconditioning. There are no sanitary conveniences and most of the dwellings are overcrowded in relation to their size.

635. There was also a marae and meeting house. Part of the marae adjoined a swamp and flooded in winter and the board described it as 'unhealthy and most unpleasant in the winter months'. The field supervisor noted that the meeting house required repair but he excluded this from his estimate of the cost of improving housing 'as Raukawa is now the principal House'. He noted the title to the land occupied by the pā had been vested in 32 people in 1881, most of whom were now deceased. He was not unsure how to proceed in those circumstances but suggested the government could buy or otherwise acquire the land and divide it into residential sites for those who needed houses – an uncertain title would provide sufficient security for lending money to improve housing. There were a number of people at Ōtaki living in houses 'not fit for habitation' who could be moved to the pā if they wanted to (and the Registrar separately noted that this development 'would, of course, meet with the wholehearted approval of Otaki residents generally'). As the pā was outside the borough, there was 'no serious rating problem to contend with'. The board's proposal was to develop the pā as a housing centre for Māori and move those living in the nearby township to it. The field supervisor estimated the cost of renovating some of the existing houses and building new houses with suitable sleeping accommodation to replace the shacks at £4,400. This would provide accommodation for 71 people, and involved constructing nine new dwellings and repairing three.

636. The report also noted that men living at the pā, work for the two local authorities on a casual basis but more recently had been employed on the department's unemployment scheme. The residents had very little other land and received no significant rental income from their land. The standard of living in the pā was described as 'necessarily low'.

637. A detailed schedule of the residents at the pā was prepared by the field supervisor:[694]

[694] Tainui Pā Housing Summary, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

Natives Residing on the Pa Reserve, Pukekaraka, 4B

Size of present dwelling	No of occupants	Condition	Security offered for advance
2 rooms	7	Unfit	Applicant has no interest on the block they are situated on
2 rooms	3	Unfit	Applicant not interested in the block they are situated on
2 rooms	7	Fair condition	No interest in Pukekaraka 4B but small undivided interest in Pukekaraka C of 1 rood. The Block consists of 17 acres 2 roods 3 perches
4 rooms	3	Beyond repair	No interest in Pukekaraka 4B
4 rooms	7	Beyond repair	No interest in Pukekaraka 4B
The following Natives live in the vicinity of the Pa			
4 rooms		General repairs	Owner of block on which present dwelling is situated Pukekaraka 4A 1 comprising 1 acre 1 rood 23.8 perches. Undivided interest in Tapaatekaahu 4 of 2 acres 2 roods 28.3perches. Small interest in Pa Reserve
2 rooms		Beyond repair	
4 rooms	11	Beyond repair	
4 rooms	9	Possible renovation	Undivided interest of 2 acres in Pukekaraka C comprising 17 acres 2 roods 3 perches
6 rooms	11	Beyond repair	
4 rooms	7	Fair state of repair	Present dwelling is on un-investigated Native Land. Applicant does not own the house but his wife has 1/7 interest in it.
3 rooms	6	Fair repair requires painting	Dwelling is on un-investigated Native Land.

638. The Board of Native Affairs decided to defer the proposal in September 1937 as it was particularly concerned that a community would be established in an area where there was no work.[695] The minister wanted to know if funding was available for this proposal and asked whether it had been considered when £100,000 was approved for 'special housing'. The minister wanted to 'inspect' the pā and noted that no additional funds were available as they could come from the 'special housing' appropriation. However, he also noted that the 'question of tidying up place is only a question of

[695] Maori Land Board's Report, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

energy by the residents, we must urge the Natives to take pride in their home and pas even if humble in construction'.[696]

639. The minister had been unable to visit Ōtaki by March 1940 and this had delayed both the market gardening scheme and the possible upgrade of Tainui Pā.[697] No decision had been made on either pending his planned trip. Apparently this was also delaying decisions on new tenancies for market gardeners at Ōtaki.[698] The Under Secretary, however, was not particularly sympathetic to the funding requirements for either:

> Regarding the market gardening scheme, it will be difficult to make provision for the advance of £1000 without more specific details as to the proposals. Are not the Otaki people already experienced market gardeners? Before the Employment Promotion Fund became available, it was a recognised industry amongst the local Maoris.
> It would also appear that finance is not the main difficulty with this project as some six men have already been given the necessary opportunity, apparently without success.
> The Hon. the Acting Minister has again mentioned to me the necessity for cleaning up the Tainui Pa area; this is considered to be quite within the capacity of the residents.[699]

640. It does not appear that the minister's visit to Ōtaki occurred and no progress was made on either proposal at this time (other than Judge Shepherd telling the residents of the pā that he 'saw no reason why they should not clean up the Pa with their own efforts and that I expected them to do so').[700]

641. The matter was pursued again in response to a request from Judge Shepherd, by now Under Secretary of the Native Department, to the department's horticulturist to visit Ōtaki with the board Registrar and field supervisor, to report on the suitability of the board's vested land for horticultural purposes. His advice was not encouraging:

> The total area of land available and not under cultivation either by the owners or lessees is insignificant and is composed of isolated sections ranging from 1 to 3 roods in extent. The other larger areas are either wet or too sandy and are suited only to grazing.[701]

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[696] Langstone to Campbell, 6 December 1939, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[697] Campbell to Dudson, 4 March 1940, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[698] Dudson to Campbell, 12 March 1940, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[699] Under Secretary to the Registrar, 15 March 1940, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[700] Registrar to the Under Secretary, 15 May 1940, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[701] McIndoe to Shepherd, 23 May 1945, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

642. The horticulturalist appeared to think there was greater value in Māori working in other market gardens than in running their own:

> The limited area and the isolation of the small sections appear to be the principal factors limiting the use. We were informed that thieving from growing crops is prevalent and there is a natural and very definite reluctance to grow crops on land not under the constant supervision of the cropper. There is work to be had by anyone capable of working, the standard rate being men £1 and women 14/- per day free of tax plus overtime and it was estimated that many employees' incomes are between £350 in in £400 per annum. The limitation of the employee's own time through the necessity to work overtime curbs any incentive they may have to start in cropping on their own account and the opening of one or possibly two factories in Otaki at an early date will further reduce the supply of labour. Consideration was given to the acquisition of land outside the borough for departmental development but this could not be recommended mainly through the absence of resident labour which would entail the provision of housing or living accommodation and establishment of employees in new quarters, or the alternative of providing daily transport to and from work which is too unsatisfactory to be considered, the installation of a water supply plus the provision of sheds implements etc which would involve very considerable expenditure.[702]

643. The availability of labour was a key consideration:

> Considering the difficulty of procuring and retaining labour during the peak harvesting periods when it is common for growers in desperation to entice people from the employment by increased wages which destroys the intended to work into promotes the imposition of unreasonable demands, it would be preferable to establish growers in business on their own account where their reward would depend upon their industry. Previous attempts along these lines and in fact efforts by Maoris on their own volition appear to have failed mainly through the lack of implements, the reluctance of merchants to give credit for manure, seeds etc, the impression that the Maori is not credit-worthy and therefore cannot get his ploughing done until the more reliable people are satisfied and in addition, having to wait perhaps for six months for a return from the crop.[703]

644. However, the availability of other employment created difficulties:

> These reasons and the abundance of employment is highly remunerative rates with the absence of the worries and responsibilities incumbent upon personal venture no doubt supply the answer to the disinclination of Maoris in general to embarking production on their own account.[704]

645. The horticulturalist and board officials had spoken to the priest at Tainui Pā who considered there was 'scope for considerable development in that area' but the horticulturalist observed 'the past history of the Tainui people does not inspire confidence'. He noted that the pā was some distance from employment centres and a scheme there might be more successful but they would face the same difficulties in obtaining credit and implements and the Under Secretary's agreement to the scheme

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[702] ibid.
[703] ibid.
[704] ibid.

would be required first. With regard to the land around Tainui Pā, the horticulturalist advised:

> This land would be more suitable for flower production than for vegetable growing, and is the successful production of flowers for market is depending almost entirely on timely planting, which cannot be assured under the existing conditions of availability of hire implements in Otaki, it would be necessary for us to make provision in this direction. This will involve employing someone to operate and be responsible for the implements, able to advise and instruct on propagation cultivation and rotation of crops and marketing. We would also have to procure and supply manures, seeds or plants etc and safe shed accommodation for the implements and manure. A rough estimate of initial costs would be £400 for implements etc Plus wages £400. A portion of this would be recoverable by Bill of Sale over the produce but this security over garden produce with unrestricted opportunities for dishonest practices is very hazardous and other than in exceptional circumstances cannot be recommended. In addition, anyone who terminated other employment to go into growing would require advances or the equivalent of wages until returns came in from crops.[705]

646. His overall view of any scheme was pessimistic:

> Well the ultimate aim is to assist these people to become independent and prosperous and provide funds for housing and improved living conditions, one cannot be other than diffident about incurring such heavy liabilities on such scanty security and before proceeding further I would appreciate your opinion and instructions. Should you consider that the risk is warranted I would canvass the people concerned and ascertain who are willing to participate and the individual requirements, but it would be inadvisable to raise expectation in these people if the matter is not acceptable to the Department.[706]

647. The Under Secretary wanted the horticulturalist, with other departmental and board officials, to visit Ōtaki and 'endeavour to find one or two local Maoris who would be prepared to engage in the growing of garden produce on their own land under the guidance and supervision of the department'.[707] Financial support secured against the crop would be provided to reliable people. The Under Secretary was keen to 'revive' cut flower growing on Māori land too as it was 'a very lucrative business' and 'many Maoris in the past have grown flowers for sale and have done well'.

648. Little progress was made immediately but in October 1946, as the lease on a block of land in Ōtaki was about to expire, the Under Secretary suggested to the horticulturalist that it would be used as a 'demonstration area'. The Under Secretary had apparently indicated that he wanted 'this place to be operated as a commercial proposition with the purpose of demonstrating and encouraging small-holding operations in that locality in flower and vegetable growing'. The horticulturalist was keen to move

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[705] ibid.
[706] ibid.
[707] Shepherd to Benson, 4 July 1945, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

quickly and avoid any delay in preparing the land but he noted the difficulties faced by Māori landowners in Ōtaki:

> One reason that is advanced as a deterrent influence cropping by Maoris in Otaki is the scarcity or absence of mechanical implements for preliminary cultivation, and holdings are too small to justify any individual in incurring the outlay. I am advised that more activity would be showing by the Otaki people if this deficiency could be overcome and their sincerity could be tested by equipping the project with implements, under the control of the manager, which could also be used on a hire basis in the Himatangi areas where the cropping prospects are promising.[708]

649. A manager would be required to live on the property and a dwelling and other buildings would be required. The horticulturalist asked the Under Secretary for clarification on the availability of funding for these activities so he could prepare a more detailed estimate.

650. The horticulturalist prepared a more detailed proposal for the utilisation of Moutere 8A in December. An area of about three acres was estimated to be available (building sites were to be excluded from the market garden). The block was owned by the Native Trustee, who had held a mortgage on the block from September 1923 and acquired it after the mortgagor defaulted in May 1936, rather than Māori landowners. It had previously been leased to market gardeners. The horticulturalist again repeated his assessment of the difficulties faced by Māori landowners in cultivating their small blocks of land:

> … the Otaki Maoris assert that this failure to utilise the small areas at the disposal lies in their inability to procure cultivation implements as required, the principal shortage being in ploughs and discs. There may be something in their contention, for the few suitable implements in the locality are in fairly constant use for owner's cropping, it would seldom be available when required for outside work. In addition, the holdings are mainly too small to warrant equipping for individual requirements, and while these conditions prevail little improvement can be expected. It would appear that the prospects are not sufficiently inviting for a private individual and until some organisation, or regulating of operations is accomplished the demand for hire of the implements would be small and irregular. If we were considering our own use at Otaki only, lighter and less expensive equipment would be suitable but with the prospect of more cropping in the Himatangi area, and possible use on the Matakarapa Scheme plus Otaki prospective general requirements, the heavier equipment would be necessary. Operating the property at Otaki as a base appears to be the logical way to meet these requirements and to maintain the necessary supervision and control over the implements involved. As a demonstration nursery, employing and instructing potential growers and at the same time producing flowers and a few

[708] McIndoe to Shepherd, 17 October 1946, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

Rangatiratanga Versus Kawanatanga: **Otaki Development Nursery**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 014 Map projection: New Zealand Transverse Mercator Date: 19/05/2017

Map 23: Otaki Development Nursery, Ōtaki (Te Moutere 8A)

> specified bulbs and plants for sale in addition to some vegetable crops, this property could provide the background for the utilisation of Otaki lands by Maoris as the leases mature and in altering the present undesirable state of affairs.[709]

651. Excluding a tractor and the heavy implements required, the budget for additional requirements such as fertiliser, tools, containers, seeds and other items was £296 5s. The cost of the tractor and associated equipment was estimated at £790 10s. The nursery would cultivate asparagus, berries, cauliflower, cabbage, potatoes, carrots, parsnips, lettuce and various flowers and other ornamental plants. The horticulturalist anticipated these crops would generate £325 in revenue. The total cost of establishing the market garden and labour using the horticulturalist's preferred option was £1,593 15s. The Under Secretary supported the proposal but wanted clarity on the availability of Māori land in Ōtaki, Levin, Poroutawhao, Foxton and Shannon and what would be grown in each location.[710]

652. The board Registrar supported the horticulturalist's proposal and provided several points of clarification. He recommended that the entire area of Moutere 8A should be used, including the building sites (removing them would create access difficulties and the back part of the block was wet in winter). He recommended the Board of Native Affairs bring the land under Part I of the Native Land Amendment Act 1936 (creating a development scheme) and that the board lease the land for £10 per acre for a minimum of five years and preferably ten years. Rates would be paid by the Native Trustee (which owned the block). The Registrar also suggested that one of the building sites on the block should be sold to the son of the proposed supervisor who would live with his son and be on site. The Registrar did not think the operation should be expected to generate a profit but should be able to demonstrate that a particular crop was suitable and profitable. The Registrar recommended the Under Secretary approve establishment costs of £705 and operating expenses of up to £1,000 in the first year.[711]

653. The Registrar subsequently provided further information on housing arrangements for the proposed supervisor and his son (who was wounded while on active service in the

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[709] Horticulturist to the Under Secretary, 11 December 1946, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[710] Shepherd to McIndoe, 23 December 1946, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[711] Registrar to the Under Secretary, 6 January 1946, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

war and carried ongoing disabilities in consequence). Difficulties had been encountered in finding suitable accommodation for them and the Registrar repeated his suggestion that a building site on Moutere 8A should be sold to the supervisor's son for them to build a home to live in. This would ensure the supervisor was living near the block he was managing and provide his son with suitable work.[712]

654. In preparing to implement the scheme, the Registrar compiled a list of Māori growers in the Manawatū district (those already cultivating their lands). They included Wally Kuiti and Ripera Tihiwi at Ohau, T. Winiata and Taare Rangi Kauwhata at Hokio Beach, Amiria Hartley at Foxton, J, Tiriputu at Kuku and Rau Tihema at Poroutawhao. At Ōtaki, Hakaraia Junior, Teora Baker, August Bishop and W. Roach were also engaged in various forms of market gardening.[713]

655. The Under Secretary was separately advised by the Controller of Maori Welfare (Rangi Royal) that the Raukawa Tribal Committee had discussed the question of Māori market gardens at a meeting at Ōtaki towards the end of May.[714] Like the horticulturalist, the Ngāti Raukawa leaders identified a lack of suitable implements as the key obstacle to the commercial cultivation of Māori land in the district:

> It was reported by the representatives of the Maori Growers Association that they have been handicapped in the cultivation of their gardens because of the lack of implements. There are contractors available in Otaki but their services have been commandeered by the Pakeha growers and are only available to the Maori growers when they have satisfied the Pakehas. The result is that their crops are either late or they miss the season.
> The request is that a tractor and cultivating implements be purchased by the Department and located at its experimental garden at Otaki for hire by the Maori gardeners. It was stated that if implements and particularly a tractor was available, more Maori owners would engage in gardening and in time the Maori sections in Otaki district would be producing.[715]

656. Eleven Māori growers were in the district and it was considered there was plenty of land which could be used for this purpose. With implements, more of it could be brought into production. A resolution by the Raukawa Tribal Committee moved by A. Knox and seconded by P. Baker and one from an earlier meeting in May 1945 moved by M. Baker and seconded by S. Cook were included with this report.

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[712] ibid.
[713] Dudson to Shepherd, 2 May 1947, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[714] Controller to Shepherd, 20 June 1947, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[715] ibid.

657. The Registrar was keen to proceed quickly with the implementation of this version of the scheme; a local horticulturalist would be employed to establish a market garden on Moutere 8A as a demonstration garden and heavy machinery would be acquired to support the development of other blocks of Māori land in the district. The land was to be made subject to Part I of the Native Land Amendment Act 1936 and would be administered by the Board of Maori Affairs. A shed had been ordered (to be transferred from the recently closed Whitanui Detention Camp at Shannon). Accommodation for the supervisor was still exercising the Registrar and, although he did not repeat his proposal for Moutere 8A, he wanted the cost of it included in the scheme. The Registrar's initial request was for authority to expend up to £2,415 for establishment costs and running expenses. This amount was approved by the Board of Native Affairs near the end of August when the land was also brought under Part I and the development scheme established.[716]

658. The Ikaroa board shortly afterwards resolved to purchase heavy machinery to support the scheme and requested the approval of the Minister of Finance to enter into business activities under s 107 of the Native Land Act 1931. This was because the board was planning to enter the business of agricultural and farming contractors by hiring out the equipment. The total cost of the tractor and associated machinery was £547 10s. It would be made available to both existing and new Māori gardeners. In seeking approval, the Under Secretary noted that:

> It is anticipated that the Board will have to provide financial assistance in only a few exceptional cases when growers are establishing themselves is the general financial position of those interested will enable them to meet commitments pending marketing of the crop. Their primary need is provision for working up the soil and provision for the supply of seed and manures which are particularly difficult for the small gardener to obtain.[717]

659. The sum of £2,500 was to be set aside as a capital sum from the Ikaroa board's funds for the purpose of operating this business. The Board of Native Affairs approved the arrangements in October and the Minister of Finance gave his approval under s 107 a few days later. As the Under Secretary noted in his memorandum to the Registrar, the scheme was operated as a business activity of the Ikaroa board and the capital was provided from the board's funds. The board was not acting as a trustee in this scheme.

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[716] Shepherd to Dudson, 5 August 1947, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[717] Under Secretary to the Minister, 9 October 1947, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

660. As noted earlier, the block was owned by the Maori Trustee which had been acquired after a mortgagor defaulted. As the block was now under Part I, the Maori Trustee was no longer earning any income from the investment and was still liable for rates. To resolve this difficulty, the Board of Maori Affairs decided the Crown should purchase the block.[718] This was completed in November 1948 under s 6 of the Native Land Amendment Act 1936 and the Crown paid £784 4s 4d to the Maori Trustee (most of the improvements had been made since the Board of Native Affairs approved the development of the block by the Ikaroa board).

661. The department's horticulturalist and the Registrar visited Ōtaki and the surrounding gardens in February 1948 to examine progress. The horticulturalist was enthusiastic about the impact of the scheme:

> We were impressed by the improved outlook towards these activities by all those interviewed and there is reason to believe that the object here is at least genuinely launched. From the friendly and co-operative relations between Mr Fell and the growers, and the financial success of practically all cropping operations under his direction, we feel justified in concluding that as time goes on more Maoris will follow the lead that has been given and many of the headaches associated with Otaki will disappear. It is apparent that the prime necessity is constant association with the growers by someone able to give sympathetic guidance and instruction and in this the position is being met. Difficulty is being experienced in procuring fertiliser supplies and consideration could be given to the purchase of bulk quantities for sale to growers on a cash before delivery basis.[719]

662. Twelve new growers had been established under the scheme (P. Climie and Pumau Baker, Arda Hakaraia, Fred Winterburn, August and John Bishop, S. Carkeek, C. Roach, Te Hema, J. Sciascia, F. Winiata, W. Kuiti and J. Teraputa). They were growing a wide variety of crops, including flowers, fruit, potatoes, tomatoes, peas and other vegetables. They had visited Tainui Pā too and found that much of the land needed to be drained though part was fit for cultivation and the local horticulturalist was going to pursue developing market gardening there. A tractor and machinery had been recently ordered by the board. Steps were also taken to build a house on what was now Crown land for the horticulturalist running the scheme. The erection of a

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[718] Board of Maori Affairs, 8 December 1947, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[719] Horticulturist to the Under Secretary, 12 February 1948, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

house and an authority to spend up to £2,250 was approved by the Board of Maori Affairs in October 1948 and steps taken over the following months to build it.[720]

663. A report and balance sheet for what became known as the 'Otaki Nursery' for the year ended 30 June 1948, showed a loss of £650. This was transferred to the Head Office account. The loss of was made up of revenue of £289 from crops (tomatoes, lettuce and potatoes all of which was sent to Wellington) and £11 from other crops. The total cost of production was £872 (incorporating £550 for wages). The loss on market gardening activities was £543 and the inclusion of 'general administration costs' increased the loss to £650. A Head Office official noted that the losses were to be transferred to their account 'in the initial stages' for the purposes of determining whether 'the scheme is economic'. The same official noted 'that the crops were ready at a very inopportune time' and he considered them 'hardly worth harvesting'. Much of the loss was in employing labour for this purpose and he thought it 'would probably have been better to plough the crop in'.[721] At this stage in the development of the nursery, however, no action was taken.

664. In March 1949, the department's horticulturalist reviewed the operation of the Otaki Nursery and complained that the 'area is being worked under great difficulties, not the least of which was the disinclination of the Maoris to undertaken personal responsibility in cropping'.[722] However, he referred to interest from many people between Waikanae and Waitarere who had planted a variety of small crops. However, the horticulturalist also identified an inadequate water supply as a problem at Moutere. The Registrar was asked to investigate this issue and a plan was prepared and quoted on but the Director of Maori Land Settlement consulted with the horticulturalist at Ōtaki and decided not to proceed with it due to the cost.[723]

665. A report and balance sheet for the nursery for the year ended June 1949 shows that the proceeds from crops had decreased from £300 to £224 but this was because a larger area had been planted in crops which would produce in later years (especially small fruit and asparagus). Most of the revenue generated came from the sale of tomatoes

[720] Board of Maori Affairs, 27 October 1948, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[721] Unidentified official to the Chief Accountant, 9 November 1948, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[722] Ropiha to Dudson, 9 March 1949, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[723] Ropiha to Dudson, 20 July 1949, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

and potatoes in the Wellington market. The total cost of production was £871 (compared with £872 the previous year) and the cost of wages included in this amount was £623 (compared with £550 the previous year). The loss on cropping was £433 (an improvement on £543 the previous year) and this change was due to the increase in the value of crops held by the nursery at the end of the year. Administration costs were £96 (compared to £108 the previous year). The net loss was £529 (compared to £650 the previous year). The capital liability for the scheme was £1,569 (though a Head Office official noted that this amount should also include accumulated losses of £1,173). The Registrar reported in September that his expectation for expenditure on the scheme for the year ended June 1950 was £930 and returns from a variety of crops were estimated at £572. Expenditure exceeded returns again but the Registrar expected the situation to improve 'as small-fruits come into production'.[724] Crops, including raspberries and asparagus, had been planted in previous years and were expected to come into production over the following years. However, officials at Head Office were becoming concerned about the extent of losses on the nursery and the debt carried by the land. The Registrar was asked to justify its continuing existence and consider whether alternative uses of the land should be considered.[725]

666. By April 1950, the Under Secretary was preparing to close the nursery. The Director of Maori Land Settlement visited the property in March and concluded there was no reason to keep it going:

> Later on, the Maori Trustee decided that there was a need for a demonstration nursery for the purpose of giving practical instruction to Maoris in propagating and growing of commercial flower plants and vegetable crops for sale. The thought behind it all was to stimulate interest amongst the Maoris residing in and around Otaki in order that they would become growers on their own account on their own lands, instead of working in the Chinese gardens.
> The local Maoris at the time asserted that their failure to utilise the small areas at their disposal was on account of their inability to procure cultivation implements as required.
> Upon investigation, I believe, it was found there was something in their contention. The individual holdings were mainly too small to warrant any occupier attempting to acquire sufficient plan to carry out gardening operations. Finally it was decided that the property should be acquired by the Department for the reasons above stated, and to provide a depot where a plant operating service could be provided, with the idea of better utilisation of Otaki lands by Maoris as leases expire and aid in altering the present undesirable state of affairs.

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[724] Dudson to Ropiha, 27 September 1949, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[725] Ropiha to Dudson, 18 November 1949, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

> From information gained during my recent visit, I have concluded that there does not appear to be any necessary to provide an implement service to the Otaki Maoris, as they are not making full use of it now. In fact the impression I gained was that the growers were employing outside contractors mainly.[726]

667. The Director of Maori Land Settlement was satisfied that the nursery had shown that raspberries and gooseberries could be grown successfully and that asparagus was probably not a profitable crop. There were other Māori growers in Ōtaki who had successfully grown other vegetables crops for many years. The Under Secretary agreed with the suggestion to close the nursery and the implement service and find other uses for the land. He asked the Registrar to prepare a proposal for the use of the back of the block (the road frontage was recommended for building sites with one site retained to provide access to the back).[727] The Registrar was also told to explain in any proposal that the losses were sustained because small fruit (raspberries and gooseberries) took at least two years to reach their maximum production.

668. The Ikaroa board moved slowly in response to this request and by November, the Director of Maori Land Settlement remained clear that the nursery should be closed immediately. He could 'still see no prospect of success in future' and did not 'see its value to the Maori community' either.[728] Funds totalling £2,000 had been expended without the authority of the Board of Maori Affairs and accumulated losses were £1,445. This amount did not include the cost of the residence for the horticulturalist. He recommended that the department 'close down without delay and avoid further losses'.

669. Shortly afterwards, the Registrar submitted a proposal for the subdivision of the block to create two further building sites fronting the existing road (in addition to the horticulturalist's house). The Registrar estimated the cost of subdivision to be around £1,100 and that the two sections would realise nearly £3,000 each. If a new road was built, a further five sections could be created and the Registrar estimated that they would realise a total of £1,000. He was not certain that the cost of building a road was justified in consequence. Horticultural activities had been kept to a minimum through the year and the Registrar estimated a deficit of £33 (expenditure of £488 for wages,

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[726] Director of Maori Land Settlement to the Under Secretary, undated, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[727] Ropiha to Dudson, 13 April 1950, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[728] Flowers to Ropiha, 8 November 1950, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

implement hire, fertilizer and seed, against receipts from the sales of produce of £455).

670. Head Office officials were divided on how to proceed although they were agreed that the nursery should be closed. The expectation was that the land should be sold but they were most concerned to retain the services of the horticulturalist in the Ikaroa district and preserve the house he lived in on the block. The Under Secretary also wanted to know whether Māori resident in Ōtaki would be interested in acquiring sections in the block.[729] The block was not an easy one to subdivide and the assessments took some time. While the horticulturalist remained resident there, no work was done on the nursery and, by April 1951, it was overgrown with weeds.[730] Maintenance on the board's tractor also ceased.

671. The Registrar was of the view that the nursery was not required to encourage market gardening among Māori in Ōtaki and that the land should be sold. It had a capital value of £4,400 (unimproved value of £2,500) and the debt owing on the property was £4,848. The Registrar wanted to dispose of the block in its entirety but finding accommodation for the horticulturalist was an issue which needed to be addressed. The Registrar was not inclined to subdivide the property because it was low lying and damp. The Under Secretary accepted this recommendation and asked for a submission to this effect for the Board of Maori Affairs to consider.[731] The dwelling on the block would be sold too (and the horticulturalist was told to apply for positions in other offices as the department as it was considered his role was no longer required in Wellington). The property was to be cleaned up in the meantime but at the lowest cost possible.

672. The Board of Maori Affairs considered a proposal to sell the block in December 1951. The sale of the block by tender with a reserve of £5,000, including the dwelling, was approved on 12 December. The submission prepared by the Registrar noted that in less than four years, operational losses totalling £2,110 had accrued. As at 31 August 1951, the total debt on the block was £3,515 with £204 in interest outstanding. He did not consider the nursery was required to support Māori market gardeners in the

[729] Ropiha to Dudson, 22 December 1950, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[730] Miller to Ropiha, 27 April 1951, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[731] Williams to Miller, 7 May 1951, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.

district (there were eighteen in Ōtaki, Hautere, Waikanae, Hokio and Levin cultivating more than 40 acres of land and generating an estimated £3,865 in revenue). The tractor and machinery acquired by the board was to be sold too as there was insufficient work to keep it fully occupied and there were suitable contractors to provide this service. Subdivision was not recommended as part of the block was damp and a depression would need to be filled; dividing off building sites would detract from the sale of the entire block.

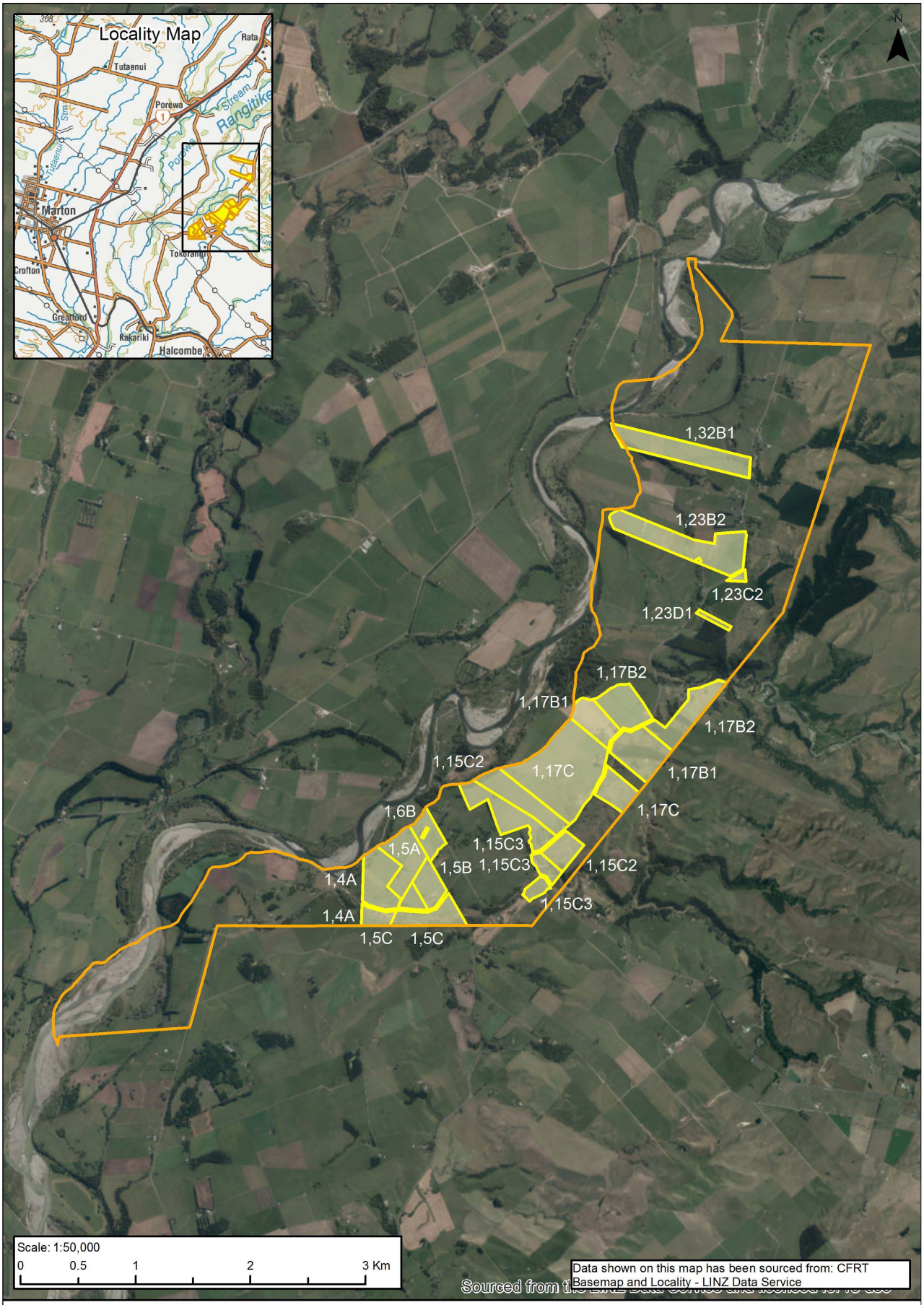
673. As part of the sale, it was also decided to offer an adjacent Māori landowner a 29 foot strip to give her land at the back of the block full access to the road. She would be permitted to purchase this strip for £355, conditional on fencing and shifting sheds on the block.[732]

674. Implements used at the nursery were sold by the board and the land was advertised for tender in January 1952. No offers were received by the time the tender closed but two were received during February. One offered £5,200 and the other £5,250 and the latter was approved by the Under Secretary.[733]

vi TE REUREU DEVELOPMENT SCHEME

675. In January 1938, a number of sections in Reureu 1 containing 308 aces 2 rooms 26 perches was declared subject to Part I of the Native Land Amendment Act 1936. The scheme was to be called the 'Reureu Development Scheme'.[734] The partitions of Reureu 1 included in the scheme were 15C2, 17B1, 17C (part), 23B2, 23C2 and 23D1. Farming activity had been undertaken on the Reureu blocks for some years by their Māori owners and the land had been brought to the attention of the Native Department by complaints from the owners since late 1933. The complaints arose because the Rangitikei County had fenced the river and prevented stock from gaining access to the water. The county had erected the fences to protect trees which had been

[732] Deputy Registrar to the Under Secretary, 5 November 1951, MA W2490 31/1/9 1 Box 22, Archives New Zealand, Wellington.
[733] Under Secretary to Miller, 7 March 1952, MA1 31/1/9 Box 636, Archives New Zealand, Wellington.
[734] Reureu Development Scheme Proposed Area and Constituents, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.



Rangatiratanga Versus Kawanatanga: **Reureu Development Scheme**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 038 Map projection: New Zealand Transverse Mercator Date: 7/06/2017

Map 24: Te Reureu Development Scheme

planted to prevent erosion of the riverbank at the Onepuhi Bridge.[735] Indeed, the county was deeply concerned about the course of the river, which had changed several times in recent decades, and the county engineer feared it could inundate Māori land cultivated by its owners.[736] A bridge was planned to protect the land and provide access.[737]

676. Early the following year, the field supervisor advised the Registrar of the Aotea board that there are 'quite a number concerned' and that 'the general feeling of those present at our meeting, is that the area in question belongs to them, and they are strongly opposed to the Rangitikei County Council taking over some, or part in the manner suggested'.[738] At a meeting held on 25 February, with 21 people present who would have been affected, the feeling was strongly against the proposals and it was noted that they '… are deeply suspicious that their rights are being usurped …'. One spokesman:

> … strongly stressed the fact that they still owned the whole of the River frontage to the Te Reureu block, they had exercised that right for many generations, without being questioned, until the Rangitikei County Council trespassed on their property, and [that] it is for the fact that we now appreciate the Pakeha's sense of justice that there has not been any bloodshed, [that] we are determined that our rights should be recognised, and we are prepared to go to any Court of justice or to the House of Parliament itself to fight it out.

677. They objected to the engineer's description of the land cut off as 'useless'. Many people present were born there, had cultivations there and felt 'deeply that this area should be unjustly taken from them.' They indicated that while the river course had changed, the shingle beach on which lupin and gorse had grown was stabilising the soil and grass growing there assisted to 'carry a great number of … livestock, but under the present suggestions, we are deprived of a very necessary source of wood supply and our stock is cut off from their water supply …' An elder believed that 'Te Pou Patate was the centre of the Ngahipikiahu [sic] tribe and this move of the County Council would go a long way towards breaking up that centre, and further, what is

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[735] Petition by Te Reureu Farmers, 1 November 1933, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[736] Rangitikei County Engineer to the Registrar. 11 December 1933, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[737] ibid.
[738] Property Supervisor to the Registrar, Aotea Land Board, 22 February 1934, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.

there to prevent the County Council taking from us other areas along the river similarly situated?'[739]

678. The county explained its plans for river protection in the area to the Public Works Department in April. According to the county, around 1918, severe erosion took place on the left bank that washed out several spans of the bridge and 'at that time practically the whole of the area now claimed by the natives as accretion was bare river bed with the main channel of the river separating it from the individualised properties of the natives on the left bank'. Initial reclamations and plantings had already occurred:

> … the County Engineer proposes to carry out protection work … [but needs] to consolidate the areas already reclaimed … [and] has partially planted the area… to provide a future source of protection material to maintain the protected area.'[740]

679. In regards to rights over the land, 'the Council has no intention of claiming any land which is the property of the natives and is prepared to pay a pepper corn rental for the portion to which the natives have a title in order to safeguard the latter's rights'. However, the county wanted the area be kept clear of grazing animals until the trees had grown sufficiently:

> The council will raise no objection to the natives getting driftwood off the area, provided they do not break the fences or let stock in. The natives are not cut off from water as there is ample in the Waituna which provides an adequate and unfailing supply.[741]

680. The owners of Reureu 1 at Rangitikei protested on 4 June 1933 to their local MP, Te Taite Te Tomo, and referred the matters for his consideration 'against the action of the River Board which in lieu of its riparian rights is carrying out on the banks of the Rangitikei River …'.[742]

681. However, the county's plan to protect the river banks proved unsuccessful. In late 1936, the Secretary of the Pikiahu–Waewae Maori Labour Committee wrote to the Minister of Native Affairs, submitting a resolution on behalf of all the Māori residents on Reureu No.1 Block. They wanted immediate action to stop erosion along the banks

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[739] Minutes to the Registrar re objection by Iwa Moeroe Karatea, 26 February 1934, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[740] Memorandum to the Public Works Department, 20 April 1934, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[741] ibid.
[742] Reureu No. 1 Rangitikei Owners to Taite Te Tomo, 4 June 1933, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.

of the Rangitikei River was needed. It stated that if nothing was done it would cause 'total loss of property, both land and houses and immediate necessaries in life.' An appeal was also made to the department for assistance via a general survey and financial assistance.[743]

682. The Minister for Public Works toured the Rangitikei electorate in January 1937 and was reported to have observed the severity of erosion of rivers. He told those with whom he met that 'the problem of the control of rivers … should never have been thrown on to drainage and river boards and the counties but should have been handled nationally'.[744] In March, the Aotea board Registrar told the Under Secretary that further inspection and discussions with the Māori owners of the block were needed to address the erosion difficulties.[745] The county engineer offered his services for free for the proposed protective works on the east bank of the Rangitikei River. He told the department that if the 'natives provide the labour and carting and give the willows free, £100 should cover the costs of the material required.' These funds would need to come from either the owners or the county.[746] The Reureu Development Scheme had not yet been constituted so the Native Department was unable to meet this request.

683. Raising the funds proved difficult and the possibility of development finance to assist the proposal was considered. The following month, the president of the Aotea board suggested the county could take a considerable area of riverbed to the north of the Onepuhi Bridge under the Public Works Act for river protection purposes. This would involve stabilising works but it did 'not extend northwards as far as the erosion complained of by the natives'. The Māori landowners themselves would be required to assist and the president stated that the field supervisor would, on behalf of the Māori landowners, 'make an application for an unemployment grant.[747] These funds totalling £200 were approved from the Maori Unemployment Funds to cover labour costs for the river protection work. However, this grant could only cover wages and

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[743] Pikiahu-Waewae Maori Labour Committee to the Minister, 20 December 1936, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[744] Newspaper Article, 28 January 1937, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[745] Registrar to the Under Secretary, 9 March 1937, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[746] County Engineer Report, 27 April 1937, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[747] Judge to the Under Secretary, 26 April 1937, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.

no additional funds were available for materials. It was suggested that the wages be used to make some arrangements for the material required.[748]

684. Several months later, it had still not been possible to find the £100 required for materials. In November, Judge Browne suggested that the land be brought under development and that protection work be undertaken as part of this. It was agreed that two directly affected blocks be brought under development and the required recommendations were issued. The other two sections would come under after successors were appointed to deceased owners.[749] Further letters indicate that it was only possible if the lands were used for farming purposes, the owners were agreeable and the smaller holdings were amalgamated into larger workable holdings.[750] As noted above, a number of the Reureu 1 blocks were included in a development scheme early the following year so that developments funds could be advanced on the land to meet the cost of river protection works. Such works would be supervised and controlled by the county engineer.[751]

685. A further block of land, Reureu 1 4A owned by Maora Ruruhira, was included in the scheme in April.[752] The house in which Maora Ruruhira and her husband Hewawa Paurini lived was described as being in 'wretched conditions' and they applied for assistance to build a house under the scheme.[753] At about the same time, 'units' were appointed for the scheme with the Board of Native Affairs approving the nominations of Richard Searancke, Poihaere Kingi and Hinetemarama Kereti and T. Herangi jointly as units and for Maora Ruruhira to be included in the scheme as unit.[754] In early June, a block previously under lease, Reureu 1 Section 17C containing 19 acres,

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[748] Campbell to Judge Browne, 7 June 1937, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[749] Judge Browne to Campbell, 13 November 1937, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[750] Campbell to Judge Browne, 26 November 1937, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[751] Campbell to Dudson, 12 January 1938, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[752] Campbell to Dudson, 12 April 1938, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[753] Board of Native Affairs minute, undated, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[754] Campbell to Dudson, 12 April 1938, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.

was added to the scheme.[755] In October, Reureu 1 Subdivision 17B2 was included in the scheme. An earlier inspection report described the block as a strong unit that was already farmed and suitable for expansion. The liabilities for this property totalled £435.[756] Twelve months later, Heta Tawhiri who owned Reureu 1 Subdivision 15C3 had his section approved for inclusion in the scheme and he was appointed the occupier.[757] Another block, Reureu 1 Section 32B1 containing 105 acres 2 roods was included in the scheme in September 1940. Whenua Rauhihi and Hoani Rauhihi were nominated the occupiers to farm the land.[758] It was reported that the land was sufficiently improved to carry a herd immediately.[759]

686. The Rangitikei County and the local road board continued to insist that to protect the Onepuhi Bridge a considerable area of land on the banks of the Rangitikei River was required. Judge Browne indicated that as

> … these owners would neither give the area nor agree to sell it. The County, therefore, will probably have to take the land under the Public Works Act, but with a view to negotiating with the owners individually.[760]

687. In late May 1938, it was definitely decided that the county 'should proceed to take the land required for the bridge protection under the Public Works Act … the matter of the claim of the Natives to the land taken and any … by the Crown could be dealt with when the Court sat to assess the compensation payable'.[761] A report prepared a few months later identified 200 acres of valuable land on Reureu No 1 that could possibly be affected by flooding of the river. The costs of protecting the land from inundation were estimated to be substantial and Judge Browne did not think they

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[755] Campbell to Dudson, 22 June 1938, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[756] Campbell to Dudson, 17 October 1938, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[757] Campbell to Dudson, 9 October 1939, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[758] Consent for Inclusion of Land in a Development Scheme, 11 September 1940, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[759] Board of Native Affairs minute, 7 August 1941, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[760] Judge Browne to Campbell, 22 April 1938, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[761] Judge Browne to Campbell, 30 May 1938, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.

should fall entirely on the owners of the section where the proposed works would be undertaken as all would benefit.[762]

688. It appears the county moved to have the land taken in early 1939 for protective works and a road.[763] The scheme's share of the cost of implementing the works was £283 13s 4d and the advance of this amount was approved by the Board of Native Affairs in June 1940.[764] However, in July 1941, the Court recorded that the protection work undertaken using these funds had been undermined by 'exceptional flooding'.[765] The costs were nevertheless charged against a number of partitions in Te Reureu 1 (including a large number of partitions not included in the development scheme). The charge was paid from development advances for the partitions included in the scheme.[766]

689. Three other blocks were considered for inclusion in the scheme in September 1949. They were owned by Rihi Iwikau and farmed by her son Abraham Gotty. The blocks were Reureu 1 Sections 5A, 5C and 6B and an additional block, 5B containing 20 acres, leased by Gotty from the Karatea estate.[767] The farm had a total value of £3,233 and carried debts of £1,040 in the form of a mortgage to the Native Trustee. The Cheltenham Dairy Co-operative held a security over the livestock. The field supervisor recommended the inclusion of these blocks in the development scheme and also recommended that a house be built for Gotty on the land for his whānau as his five children were living in terrible conditions. Some of the stock also needed to be culled and replaced with 15 new dairy cows.[768]

690. The scheme's balance sheet for the year ended March 1940 shows that development finance of nearly £6,700 had been advanced on the block. The following year, this advance had increased to just over £8,400 and had reduced to about £300 for the

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[762] Campbell to Dudson, 22 August 1938, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[763] Campbell to Cooper, Rapley and Rutherford, 27 February 1939, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[764] Registrar to the Solicitor, Native Department, 11 April 1940, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[765] Whanganui Native Land Court Minute Book 101, 25 July 1941, fols 252-254.
[766] Brooker to Campbell, 2 December 1941, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[767] Rihi Iwikau to the Registrar, 4 September 1945, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.
[768] Chick to the Registrar, 6 September 1945, AAMK 869 W3074 Box 986f 65/16 1, Archives New Zealand, Wellington.

eighteen months ended June 1942. For the year ended March 1940, just over £2,000 was advanced from the Employment Promotion Fund and by the early 1950s this had increased to just over £3,000 while the funds advanced by the department had been largely repaid (less than £200 remained outstanding).[769]

vii VESTED LANDS

691. Horowhenua County Council was created in 1885 and formed the southern part of the Manawatu County from the Waikanae River in the south to the Manawatū River in the north. Borough councils were established at Palmerston North (1877), Feilding (1881) and Foxton (1888) from the Manawatu County. The Levin Borough Council was created in 1906 and the Otaki Borough Council was in 1921 (both from the Horowhenua County Council, which was divided from Manawatu County in 1884).

692. The borough councils at Palmerston North and at Feilding had less impact on Ngāti Raukawa because there were limited areas of Māori land in the boroughs – the councils were responsible for colonial townships established on land alienated to the Crown in the nineteenth century. Most of the reserves created from these purchases and other land not included in them were located in the adjacent counties (Oroua and Kairanga). Levin was in a similar situation (but on land acquired by the Crown in its activities in the Horowhenua block) while much of Foxton borough was Crown land with some small reserves. Ōtaki was very different because large areas of Māori land surrounded and were located in the borough boundaries.[770]

693. Rates were a serious and ongoing issue for all landowners in the Ōtaki borough. Decisions taken by the council had led to a high level on indebtedness and the cost of servicing these debts was a substantial burden for ratepayers. Although borough representatives would frequently complain of the low levels of rates received on Māori land, the high cost of those rates and the poor value received by landowners were frequently referred to by Crown officials when they were lobbied by the borough. A mechanism was finally arrived at to address the issue – one which met the borough's needs – but it was a cost borne by Ngāti Raukawa for decisions they had little or no role in making.

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[769] As set out in AAMK 869 W3074 Box 986g 65/16 1, Archives New Zealand, Wellington.
[770] Suzanne Woodley, 'Porirua ki Manawatū Inquiry District: Local Government Issues Report', June 2017, p. 218.

694. It is worth noting that Ngāti Raukawa at Ōtaki were not the only iwi to face similar problems and they were not the only iwi whose lands would be alienated from their ownership because of a financial crisis in a local authority. The Thames Borough Council and the Matakaoa County Council (at Te Araroa on the East Coast) were also local authorities where there was a relatively high proportion of Māori landowners, which engaged in developments which required high levels of indebtedness, where those developments were based on expansion which did not follow and where financial crises followed. While all ratepayers had to bear the burden of these debts, the rating levels required often far exceeded what could be generated by Māori land and the alienation of land, usually in compromises negotiated by a commissioner, followed.

695. The initial step to deal with unpaid rates was taken by the Otaki Borough Council, which submitted 93 applications for rates charging orders to the Native Land Court. The Court considered them in March 1926.[771] Counsel for the borough advised the Court that a significant part of the rates owed were a special rate levied to pay debt. Nearly £1,000 was to be secured by the charging orders for the years 1924-1925 and 1925-1926. More than half of this (counsel estimated that it was somewhere between £500 and £600) was to pay interest on debentures issued by the council.

696. It would appear this debt was raised for the purposes of a drainage scheme (which had not been completed). Of the 93 applications, 19 were adjourned, one dismissed (the rates had been paid), there is no record regarding two and charging orders with costs of 20s were made in 69 instances.[772] The following month, a further 22 applications were considered by the Court. When these were heard, there were issues relating to the location of the meeting house and the rates which were to be recovered over the land it occupied.[773] In issuing orders, there is no record that the Court considered the circumstances of the owners, their capacity to pay, the occupation of the land or whether it was generating any revenue for the owners.

697. The rating of the land occupied by the marae was a matter of some confusion, as shown in correspondence between Ngāti Raukawa leaders (Hori Te Waru and Rere

[771] Woodley, p. 329.
[772] Woodley, p. 330.
[773] Woodley, pp. 331-332.

Nikitini) later in the year.[774] They gave a legal description of the land in a letter sent to the Native Minister which did not reflect the occupation of land as it was recorded by the Native Department. The marae was subsequently found to be located on part of section 166 and 168 of the Otaki Township. Hori Te Waru's home was also on this land. Under s 103 of the Rating Act 1925, the land occupied by the marae was exempt from rates. It would appear, however, that the Valuation Roll maintained by the Valuer General was not correct in that it should have noted part of the property was occupied by a meeting house (as the borough could not levy rates on that land). It would appear that rates continued to be levied for a period after these matters were raised but was exempted, possibly after the borough attempted to obtain a rates charging order on the land.[775]

698. The borough subsequently pursued applications under s 109 of the Rating Act 1925 to arrange the sale of Māori land to discharge the unpaid rates.[776] The necessary vesting order would be made by the Native Land Court but was subject to the consent of the Native Minister. There was substantial lobbying by the borough and the local member of Parliament of the minister in an effort to secure his consent. Much emphasis was placed on the difficult financial situation of the borough. On the one hand, it complained about the struggle it faced in collecting rates on Māori land and on the other had incurred significant debt in borrowing funds to establish a water supply and improve drainage. The drainage scheme was incomplete and there were no plans to complete it. Special rates and general rates had been levied to service these debts. In 1925-1926, just under 14% of the rates were levied on Māori land and just under 7% of the rates levied on Māori land been paid. In the following financial year just over 3% of rates levied on Māori land had been paid. The debts raised by the borough had created a financial burden which increased the pressure on Māori landowners to pay the rates levied on their lands.

699. In April 1927, the Court issued a s 109 order for two parts of Makuratawhiti.[777] The area of land was relatively small. Woodley notes that the minutes do not record the presence of the owners at the hearing. There were substantial rates owing on the

[774] Woodley, pp. 332-333.
[775] Woodley, p. 334.
[776] ibid.
[777] Woodley, p. 338.

blocks but the Court noted that the land was occupied by market gardens. The town clerk gave evidence that the rental which could be earned on the land would not be sufficient to pay the rates. It appears the Court accepted this evidence and did not hear from another witness on this point. The borough's counsel asked the Court to forward the order to the minister for his consideration promptly but the Court elected to wait for the expiry of the appeal period.

700. After this time had passed, it was sent to the minister who referred it to the Under Secretary of the Native Department for a report. He consulted the Registrar of the Ikaroa board who confirmed that no application for the appointment of a receiver had been submitted and noted deficiencies in the rating demands. Land subject to rates charging orders was vested in a receiver, usually the local district Maori land board, to arrange occupation of the land, generate income and pay the outstanding rates secured by the charging orders. The Under Secretary recommended against giving consent and Woodley believes this recommendation was adopted by the minister.[778]

701. While the events regarding the two Makuratawhiti partitions were continuing, the borough, with its local member of the House of Representatives, was lobbying the Prime Minister (who was also Native Minister and considering the s 109 order) about the borough's financial situation and the payment of rates on Māori land in the borough. The borough met with the Prime Minister in May 1927 and explained its financial position in some detail. In response to a question from the Prime Minister, the borough's representatives indicated that some of the affected Māori land was vacant but was vague in their response. The Prime Minister appeared reluctant to adopt the course proposed (the sale of vacant Māori land in the borough).

702. The debt held by the borough remained the crucial problem with the council's representative advising the Prime Minister the situation would not be an issue if he excused the borough, as he was excusing Māori landowners of Ōtaki, from the repayment of the borough's debt. The Prime Minister's preferred approach was to send his private secretary (Balneavis) to meet with Ngāti Raukawa leaders at Ōtaki to establish a committee to consider the issue.[779] He was particularly concerned that some of those living in dwellings on the land, such as the elderly, would have no

[778] Woodley, p. 340.
[779] Woodley, p. 341.

income with which to pay the rates levied. He nevertheless acknowledged that at some point 'the law must take its course'.[780] The names of those suggested for the committee were Hema Te Ao, Rere Nikitini, Hemi Kupa Hawea, Whata Hakaraia and Pirimi Tahiwi. The mayor endorsed this proposed membership.

703. A meeting between the Prime Minister's private secretary, a senior official from the Native Department and Ngāti Raukawa leaders took place the following month and possibly another in July but Woodley was unable to locate a formal report of the meetings or what followed from them. She did find notes about specific blocks of land. Some indicated that the committee agreed land could be sold, while in other cases, owners had requested land be vested in the board to lease so the rates could be paid. She did not find any instances of rates exemptions due to indigency (though there was evidence of this).[781]

704. The borough participated in another meeting with the Prime Minister and Apirana Ngata in October 1927 which focused on the attempts by a number of local authorities to collect rates on Māori land. In 1928, a commission of inquiry into the borough addressed the question of rating of Māori land. This commission followed two others in 1925 and 1926 which were established in response to complaints from Pākehā farmers that the rating demands of the borough placed an 'insufferable' burden on them (these commissions led to the removal of areas of land from the borough and returned them to the adjacent county).[782] A senior official from the Native Department, who had participated in the earlier meeting with Ngāti Raukawa leaders, gave evidence at the inquiry and explained many of the proposals developed by the government to address the issue. However, he also asked the commission for a recommendation to relieve the pressure on Māori landowners in the borough:

> Appearing on behalf of the Native Affairs Department, Mr G.P. Shepherd expressed the hope that the Commission would recommend that all arrears of Native rates should be remitted and that they should be exempted from future loans until, say, 31st March, 1930. This, he said, would give the Natives an opportunity of saving the remnants of their ancestral lands. The constitution of the Otaki town district imposed a real burden upon Native lands consequent upon the increased administrative costs, and extension of the town roads, streets, and other conveniences of life which were of more benefit to the pakeha than to the Natives. The present incidence of rates on Native lands in Otaki was so high, and the potential revenue of the land so low, that

[780] ibid.
[781] Woodley, pp. 342-343.
[782] Woodley, p. 348.

> to continue to levy the present high rates upon the lands looked remarkably like confiscation in a most insidious form.[783]

705. Rere Nikitini addressed the commission too:

> Rere Nikitini, a chief of the Ngati Raukawa Tribe, said that he strongly objected to the Pahianui block being included in the borough, as it was not fit for settlement purposes, it was subject to floods. He considered that it would be an injustice to levy rates on that land, which was more or less useless, and receive no benefit from the operations of the Borough Council. The witness also asked for the exclusion from the borough of the Titokitoka block, which he described as waste land and sand hills. If the Native lands were confiscated the Maori settlers would be placed much in the same position as other Native races in other parts of the world. If the worst came, they might go as far as to apply to the Native Minister to have the lands sold. The Natives did not apply for exemption from rates that were properly levied, but from those on lands which did not benefit them in any way.[784]

706. Nikitini was firmly of opinion that the people had better roads when the Horowhenua County Council controlled them than they had now. The rates were rising to such an extent that the Natives would soon be unable to pay them. He advocated the abolition of the borough, and thought that the Natives – and everyone else – would benefit more by being under the jurisdiction of the Horowhenua County Council, whose officers were experienced men. 'I am not', he added, 'casting any reflections on the officers of the Otaki Borough Council'.[785] Most of the unemployed in Ōtaki were Māori who, through lack of work, could not pay the rates. If the Native rates were written off, the Government could take over unoccupied land and pay the rates out of the rents. He thought that if relief were given, future rates would be paid.

707. Counsel for the Otaki Borough Council asked Rere Nicholson 'whether the Natives would guarantee the payment of rates, and if so, what the guarantee would be worth', to which Mr Nicholson responded:

> … that it would be worth the same as a guarantee given previously by the Mayor that the rates would not go up. (Laughter.)[786]

708. Another leader of Ngāti Raukawa, Inia Hoani Kiheroa, who lived at Te Horo also appeared before the commission, after Mr Nicholson, and 'strongly urged to that the borough should be abolished'.[787]

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[783] *Evening Post*, 11 May 1928, p. 14, cited in Woodley, p. 352.
[784] ibid.
[785] ibid.
[786] ibid.
[787] ibid.

709. The borough acknowledged at the commission's hearing that farmers did not benefit from the drainage scheme but did not extend this acknowledgment to Māori landowners.[788] Counsel for the borough continued to blame the borough financial position on the difficulties in recovering rates levied on Māori land through he told the commission that the rates levied on this land constituted approximately one-sixth of the total rates levied. He insisted that the rates had to be paid. The commission was also told that there 94 Māori ratepayers in the borough who represented 30% of the total ratepayer population.[789] A further detail given to the commission indicated the cost to landowners of the borough. The farmland previously excluded from the borough paid rates of £103 to the the county but were it still in the borough the same land, on the basis of the same valuation (the land had been revalued after it was excluded from the borough and had been 'considerably reduced' in value), the rates due would have been £349. As a consequence of the revaluation of the land after it came out of the borough, it was likely that the rates in the borough would have been considerably higher.

710. In its report, the commission used surprisingly strong language to criticise the activities of the borough:

> … it was clear from a perusal of the evidence that in the very year the borough was constituted, the Borough Council embarked by way of special loans upon costly and ill-conceived schemes for waterworks and sewerage, far in excess of the borough's requirements.[790]

711. The sewerage scheme served only part of the township but the cost of the loans were included in the general rate (so many ratepayers, including Māori landowners, were paying for a service which was not available to them). The commission considered a special rating area should have been established so the cost of the scheme was met by those properties which could use it.

712. The commission noted that witnesses for the borough and the government agreed that the unpaid rates due on Māori land in the borough, including a 10% penalty, was £3,444 5s 5d. It would appear the commissioners were involved in discussions with the borough to effect a compromise. Woodley notes that it does not appear Māori were included in these discussions. The result was that the borough agreed to accept a

[788] Woodley, p. 353.
[789] Woodley, p. 355.
[790] ibid.

cash payment of 25% of the total amount plus expenses (connected with Native Land Court proceedings) to settle all rates due on Māori land to 31 March 1928. However, the compromise included a proviso that the Native Department develop a scheme to vest all unoccupied Māori land in the district Maori Land Board to administer or sell with the revenue to be used to pay all future rates. The commission therefore recommended a cash payment of £861 1s 4d (25% of the total unpaid rates) plus costs and for all unoccupied Māori land to be vested in the Ikaroa board:

> … for administration, with powers of sale by public auction or private contract, leasing, accepting surrender of leases, and licensing, and power to apply the proceeds in the first place, in payment of outgoings, including rates, subject to such exemption from rating as Your Excellency in Council may think fit to order pursuant to the provisions of section 104 of the rating Act, 1925.[791]

713. Section 32 of the Native Land Amendment and Native Land Claims Adjustment Act 1928 was to give effect to the recommendations. It provided for land in the borough to be vested in the Ikaroa board on trust by order in council. The provision applied only to land in the Ōtaki borough and it affected any land, not just unoccupied land as recommended by the commission, where the rate due on 31 March 1928 were not paid within three months of a date to be given by notice in the Kahiti (s 32(1)). The board had wide powers to deal with the land vested under the provision, including sale, lease or exchange (s 32(7)).

714. Any funds generated by the sale or lease of the land was to be applied to the board's administration expenses and the payment of any liabilities (including rates). Any balance remaining would be distributed to the owners. Section 32(8) related to the compromise specified by the commission though it extended only to land vested in the board under the section – it did not specify the amount identified by the commission. Land where rates owing were paid by the due date (and therefore outside the scope of s 32(1)), did not receive the benefit of the rates compromise the Māori landowners were expected to paid in full. The amount paid by the board on account of the compromise would become a charge on the land, subject to interest, and would be repaid by the proceeds of any sale or rental income.

715. Section 32(11) addressed a situation where the net revenue generated by a particular area of land was less than the rates due (the board would not be liable for the excess

[791] Woodley, p. 356.

rates and, if they could not be paid after two years, these rates were to be written off). The subsection refers to 'net income' which presumably means after the board's administration costs had been deducted. Where in subsequent years rates were not paid on land in the borough not already vested in the board under s 32 subs 12 allowed the borough to apply to the Court to vest land in the board under s 32 for administration under the provision. It meant that this particular mechanism was available to the borough in future years.

716. The Native Land Amendment and Native Land Claims Adjustment Act 1928 was repealed by s 118 of the Native Purposes Act 1931. In its place, the same statute made provision for dealing with land vested in the board under s 32 of the 1928 Act (s 63). The effect of the new legislation was to maintain the administrative functions and the powers of the board in relation to the land already vested in it but remove the provisions dealing with the rates compromise. Māori land in the borough with unpaid rates could still be vested in the board under the s 63(8) by the Court on the application of the borough. The declaration of a trust also remained (s 63(1)). It appears this provision remains in force.

717. The order in council vesting land in the board was issued in December 1929. Some effort was expended by officials in the Native Department to identify the blocks, unpaid rates, the nature of occupation of the land and any arrangements for occupation. The instructions suggest the officials were to undertake their task with some discretion and it does not appear that any further discussions were held with Māori landowners.[792] The order in council included 135 blocks of land totalling an area of 204 acres 1 rood 34 perches, which were vested in the Ikaroa board. They had a value of £18,895 and comprised, by value, 80% of Māori land in the borough (which had a total value of £23, 519). They included the Pahianui and Titokitoki blocks referred to by Mr Nicholson in his evidence to the commission along with other blocks which were decades later exempted from rates because they were primarily sand dunes or river bed (and could not be occupied).

718. Woodley notes that among the blocks vested in the board for unpaid rates were a number owned by former town board commissioners, former borough councillors and

[792] Woodley, pp. 359-360.

those who were members of the committee consulted by the Prime Minister's private secretary. She adds that it is unclear if the unwillingness of these men to pay their rates was a protest at the borough council or reflected a lack of means to pay the rates. In the following decades, applications were made to the Court to have land revested in the beneficial owners. Several blocks of land were subsequently revested in the beneficial owners after the Ikaroa District Maori Land Board recommended that the order in council should be revoked. Four additional blocks were vested in the board in February 1931 (including Tutangatakino 4A2, which was described by officers of the Maori Trustee in 1951 as 'river bed covered in gorse' and was not leased).[793]

719. Evidence given by the mayor and town clerk of the borough to the Native Land Rates Committee, established in 1933, indicates that despite the rates compromise and the arrangements to administer the land so rates could be paid, the borough continued to complain about the payment of rates on Māori land.[794] The town clerk told the committee that little land had been let and complained that little of it could be let because it was occupied by Māori. They were unable to pay the rates levied because they had no income. The committee's questions and comments again indicate scepticism about the extent of the rates levied and the town clerk insisted they were 'not excessive'.[795] The town clerk also complained that they were able to recover little in unpaid current year rates from the Ikaroa board.[796]

720. There remained too a great deal of confusion about the status of different blocks of land and the extent they could be rated. In particular, the Mangapouri Market Reserve was vested in the board under s 32 but was customary land and was not rateable. In consequence, the rates had been incorrectly levied on the land and it should not have been vested under s 32. The order in council was supposed to be revoked but this did not occur and it appears the board and then the Maori Trustee arranged occupation of the area and received a rental income. In 1956 this block, together with sixteen others still administered by the Maori Trustee under s 53 of the Native Purposes Act 1931 were re-vested.[797]

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[793] Woodley, p. 378.
[794] Woodley, p. 381.
[795] ibid.
[796] Woodley, p. 382.
[797] Woodley, pp. 387-391.

721. By 1956, the Maori Trustee (which had taken over the functions of the Ikaroa District Maori Land Board when it was disestablished), still held 62 of the 135 blocks of land originally vested in it.[798] A number were leased or occupied by the owners but others were subject to some form of tenancy, usually for market gardens. In his report on the lands, the district officer noted that the payment of rates was the first call on any funds held by the Maori Trustee before any surplus was distributed to the owners. However, he added that in general the income generated was barely able to meet the cost of the rates and that 'in the past the amount of the annual rates appears to have been the main factor in fixing the rentals'.[799] That is, the rental was determined by the amount of the rates; little or no income was created for owners in these circumstances.

722. The district officer considered that the cost of managing these properties far exceeded the 5% commission the Maori Trustee received. The legislation and the Maori Trustee's administration of the land placed the Otaki Borough Council at an advantage over other local authorities when it came to collecting rates on Māori land. Indeed, in a subsequent paper prepared to support revoking the order in council, the Maori Trustee was described as 'an unpaid rate collector'.[800]

723. Following further internal discussions and after advising the borough, some of the blocks were revested and others would be revested over time as issues with leases or the payment of rates were dealt with. Some blocks were sold, including three of the Titokitoki blocks. In all three cases, adjoining owners had expressed an interest in acquiring the block (two of them were adjacent to the cemetery and the borough wanted to buy them). M. Winiata had also expressed an interest in purchasing one of these blocks. Officials discussed how they could seek the opinion of owners on these transfers but in two of the blocks it was found that many owners were deceased and successors had not been appointed. The department apparently held no addresses for any of the owners. It appears the Maori Trustee arranged the sale of two of the blocks in February 1957 without contacting any owners while the purchaser of the third obtained the agreement of some of the owners to the transfer.

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[798] Woodley, pp. 395-396.
[799] Woodley, p. 396.
[800] Woodley, p. 397.

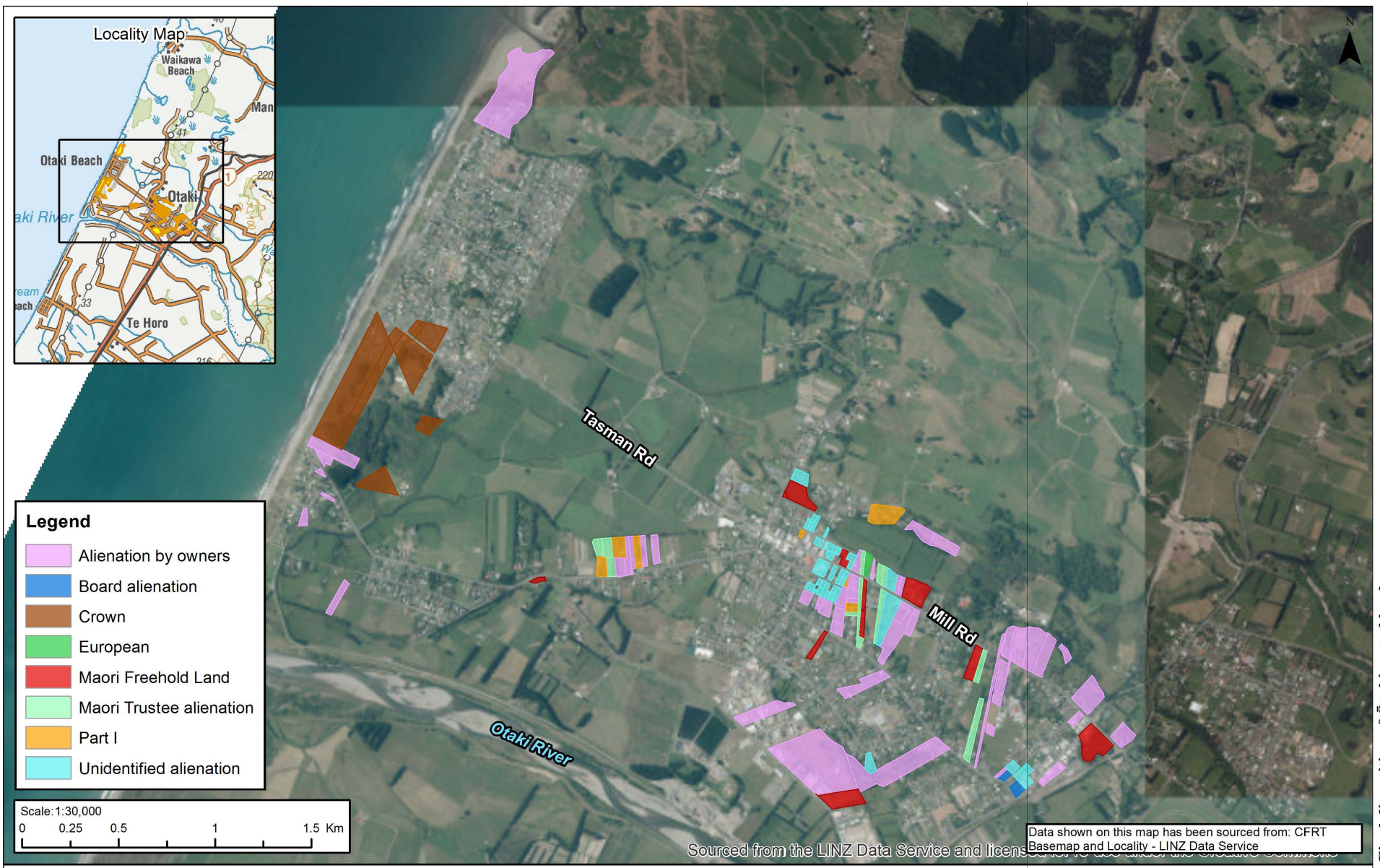
724. The Maori Trustee's dealings with Makuratawhiti 5A are instructive. This block was described as an irregular shape with poor access in Rangatira Street, containing 31 perches. It was thought only an adjoining landowner would be interested in it. It appears the block was unoccupied and there were unpaid rates of £57 7s 10d. Six owners of the sixteen owners had agreed to sell while two were opposed and the Maori Trustee elected to proceed in September 1959 and sold the block for £225.[801] In Haruatai 16A2, officials were clear that the Maori Trustee could proceed under its statutory powers and that consultation with owners was 'a matter of courtesy'.[802] This block was disposed off by the Maori Trustee in 1961.

725. Land was revested in owners as rates were paid or arrangements otherwise made to discharge any rates owing. However, where unpaid rates subsequently accrued, the borough council elected to seek charging orders and proceed under s 109 of the Rating Act 1925, rather than apply to the Court to have the land revested in the Maori Trustee (as successor the board). After the statutory requirements had been met, and a year had passed, the Court vested the land in the Maori Trustee for sale, concluding that '[t]hese small sections are not suitable for leasing on the rigid form of 387/53 lease and the Court is satisfied it is not expedient to appoint a receiver'.[803] The blocks affected were:

- Hanganoaiho 1E;
- Makuratawhiti 1H;
- Makuratawhiti 5B2;
- Makuratawhiti 6A1;
- Otaki township 178, 179, 186, 187 and parts 177 and 185;
- Whakarangirangi 29N1.

726. These orders were forwarded to the minister, whose consent was required, in October 1963 with advice from the district valuer that 'derelict cottages' awaiting demolition were located on three of the blocks, with the balance unoccupied. Moreover, the district valuer considered there would be 'no difficulty' in arranging a sale of the land. Woodley states that head office officials were reluctant to recommend the minister's consent given the value of the land. The district officer at Palmerston North was

[801] Woodley, pp. 407-408.
[802] Woodley, p. 408.
[803] Woodley, p. 420.



Rangatiratanga Versus Kawanatanga: **Otaki Vested Lands**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 017 Map projection: New Zealand Transverse Mercator Date: 7/06/2017

Map 25: Final disposition of Ōtaki vested lands

directed to provide more information, particularly regarding discussions with the owners, and this request was forwarded to the borough council whose town clerk responded. Despite a great deal of complaint about the owners and the state of the land, the town clerk provided no information about the views of owners.

727. Nevertheless, and even though one of the owners of the blocks was deceased, officials in the department's head office considered it appropriate to proceed and recommended the minister consent to the orders.[804] Other blocks were sold in similar circumstances in the following years. The Court also used s 155 of the Rating Act 1967 and s 438 of the Maori Affairs Act 1953 to achieve this outcome in relation to Makuratawhiti 6C.[805] In this instance, the block was vested in the borough's solicitor as trustee under s 438. A total of ten Ōtaki blocks, previously vested in the Ikaroa board, were subject to these arrangements and alienated between 1963 and 1971.

728. From the records available, the following blocks were vested in the board under s 32 of the Native Land Amendment and Native Land Claims Adjustment Act 1928. The table below shows the disposition of that land based on information obtained from the block research narratives project (all blocks other than those marked Māori Freehold Land were alienated):

Block	Area	Alienation Details
Awahohonu A4	2:1:10	4/7/1958
Hanganoaiho 1A	0:1:2	20/9/1965
Hanganoaiho 1B	0:2:8	6/1/1930 (Board alienation)
Hanganoaiho 1D	0:1:35	6/1/1930 (Board alienation)
Hanganoaiho 1E	0:1:35	6/1/1930 (Board alienation)
Hanganoaiho 1 Part	1:0:00	
Haruatai A (mill site)	0:0:27.5	European
Haruatai B (mill site)	0:2:2.5	European
Haruatai 3A1	0:1:28	European
Haruatai 3A2	2:2:12	European
Haruatai 5 Section 1	1:0:23	European
Haruatai 5 Section 2	1:2:20	European
Haruatai 5 Section 3	0:2:33.2	European
Haruatai 5 Section 5	0:1:36	22/9/1961
Haruatai 5A	0:3:27.3	European
Haruatai 6	0:1:21.6	European
Haruatai 12B Section 2A	2:0:24	MFL
Haruatai 12B Section 2B	1:0:12	25/11/1959 (Maori Trustee alienation)
Haruatai 13A	4:1:12.5	European
Haruatai 13B	2:3:5.1	European
Haruatai 16A2	2:1:15	15/7/1965 (Maori Trustee alienation?)

[804] Woodley, p. 424.
[805] Woodley, pp. 438-441.

Block	Area	Alienation Details
Kaingaraki 1B Part	3:1:3	European
Makuratawhiti 1 (Sections 171/174, Otaki Township)	0:3:14.3	MFL (s 174 containing 35 perches); 9/9/1969 (s 171 containing 32 perches)
Makuratawhiti 1A2B	0:1:5.5	1/11/1954 (Maori Trustee alienation)
Makuratawhiti 1B1	1:0:16	24/9/1971
Makuratawhiti 1B2A	0:3:19.3	MFL (1B2A1 containing 0.0704 ha and 1B2A2 containing 0.2819 ha)
Makuratawhiti 1B2C	0:3:18.8	MFL (1B2C2 containing 0.2573 ha); 20/5/1992 (1B2C1 containing 0.938 ha alienated acquired by the Crown for housing purposes)
Makuratawhiti 1C2	0:0:39.5	European
Makuratawhiti 1E2	0:2:32	10/9/1958 (Maori Trustee alienation)
Makuratawhiti 1F	0:2:25	19/11/1959 (Maori Trustee alienation)
Makuratawhiti 1H	1:1:27.2	30/11/1964 (Maori Trustee alienation)
Makuratawhiti 2A Part	0:2:13.4	European
Makuratawhiti 5A	0:0:31	Part I
Makuratawhiti 5B1	0:1:6.4	12/4/1961
Makuratawhiti 5B2	0:1:6.4	9/4/1965
Makuratawhiti 5C	0:2:13	European
Makuratawhiti 6A	0:2:32.1	European
Makuratawhiti 6B	0:3:32.3	25/7/1962
Makuratawhiti 6C	1:0:27.3	1/2/1971
Makuratawhiti 8B1	1:1:8	7/4/1952
Makuratawhiti 8B2B Part	2:2:00	MFL (8B2B1 containing 0.175 ha and 8B2B2 containing 02866 ha).
Makuratawhiti 8B3A	1:0:20.4	7/2/1951
Makuratawhiti 8B3B	4:2:7.6	7/2/1951
Makuratawhiti 9A2	0:1:16.9	23/2/1955 (Maori Trustee alienation)
Makuratawhiti 9A3	0:1:17	Part I
Makuratawhiti 9A4	0:1:17	Part I
Makuratawhiti 9A5	0:1:17	30/6/1958
Makuratawhiti 9A6	0:2:34	23/11/1961
Makuratawhiti 10A1	0:2:8.5	European
Makuratawhiti 10A2	0:2:8.5	European
Makuratawhiti 10B Part	1:0:00	
Makuratawhiti 11A1	0:1:15.5	14/5/1992
Makuratawhiti 11B2	1:0:10.6	7/2/1947
Makuratawhiti North	0:3:31	European
Moutere 8B1	4:1:19	Europpean
Moutere Hanganoaiho 1	4:3:21.4	MFL (1.515 ha); 19/7/1911, 8/8/1963 (parts)
Moutere Hanganoaiho 2B	0:1:31.1	European
Otaki Lot 17 DP 2015	1:0:5	
Otaki 106	0:0:32.5	
Otaki 110A and 114	0:1:23	
Otaki 120	0:0:37	
Otaki 122	0:0:37.9	
Otaki 123	0:0:35.4	
Otaki 124A and 125A	0:1:15.8	
Otaki 129A	0:0:7.9	
Otaki Sections 130 and 132 Part	0:1:23.8	
Otaki 134B	0:0:7.9	
Otaki 135A, B and C	0:0:30.33	
Otaki 134C	0:0:10.11	
Otaki 136	0:0:34	

Block	Area	Alienation Details
Otaki 137	0:0:34	
Otaki 138 and 139	0:1:28.2	
Otaki 140	0:0:33.7	
Otaki 142	0:0:33.7	
Otaki 143	0:0:34.5	
Otaki 144	0:0:33.7	
Otaki 145	0:0:34.5	
Otaki 146, 148, 149 and 151	0:3:16	
Otaki 147	0:0:24	
Otaki 150	0:0:33.5	
Otaki 154	0:0:33.7	
Otaki 155	0:0:35	
Otaki 158	0:0:33	
Otaki 159	0:0:34	
Otaki 160	0:0:33	
Otaki 161	0:0:34	
Otaki 163 and 165	0:1:24	
Otaki 164 Part	0:0:33	
Otaki 166	0:0:33	
Otaki 167	0:0:32.2	
Otaki 169	0:0:32.2	
Otaki 175, 176 and 176A	0:2:21.2	
Otaki 178, 179, 186, 187, and parts Sections 177 and 185	1:1:2.12	
Mangapouri Native Reserve	3:2:00	MFL
Otaki Lots 17 and 18	0:1:36	
Pahianui B1	3:3:15	30/6/1930
Pahianui B5A	3:3:15	MFL
Pahianui B5B	23:0:10	25/7/1968
Pahianui 2B	0:3:24	MFL
Pahianui 3A1	3:2:20	European
Paremata 15A5	1:2:24	21/7/1969
Takapu B	0:1:20	MFL
Taumanuka 1A	8:1:24	20/3/1959
Taumanuka 2A1	1:0:10.7	Crown (King George Memorial Fund Board)
Taumanuka 2B9B	0:2:0	Crown (King George Memorial Fund Board)
Taumanuka 2B10	1:0:00	Crown (King George Memorial Fund Board)
Taumanuka 2B11	0:2:00	Crown (King George Memorial Fund Board)
Taumanuka 2B12	1:0:00	Crown (King George Memorial Fund Board)
Taumanuka 2B13	10:2:00	Crown (King George Memorial Fund Board)
Taumanuka 3A	20:0:00	Crown (King George Memorial Fund Board)
Taumanuka 3B1	7:0:30.5	Crown (King George Memorial Fund Board)
Taumanuka 3C1	0:3:27	Crown (King George Memorial Fund Board)
Taumanuka 3D1	3:2:30	Crown (King George Memorial Fund Board)
Taumanuka 3E2	0:0:39	European
Taumanuka 3G1B2B	1:0:20.6	31/1/1952
Taumanuka 3I2	0:2:35.6	28/9/1960
Taumanuka 3J	3:3:34	European
Titokitoki 2	2:0:4	European
Titokitoki 2A	2:0:5	European
Titokitoki 3C5	3:2:37	Part I
Totaranui 11B2	0:1:27.5	30/4/1948
Totaranui 11B3	0:2:15.4	14/4/1963 (11B3A), 7/4/1965 (11B3B)
Totaranui 11B4	0:0:31.1	28/3/1930
Whakarangirangi 29N1	1:0:32	9/4/1963

Block	Area	Alienation Details
Whakarangirangi 29N3	1:0:32	European
Whakarangirangi 29N7	1:0:00	6/11/1962 (Maori Trustee alienation)
Whakarangirangi 29N8	1:0:26	Part I
Whakarangirangi 29N9	1:0:26	17/7/1961 (Maori Trustee alienation)
Whakarangirangi 29N10	1:0:26	7/2/1955 (Maori Trustee alienation)
Whakarangirangi 29N11	1:3:31	Part I
Whakarangirangi 29N12	1:0:26	20/12/1918
Whakarangirangi 29N13	1:0:26	20/12/1918
Whakarangirangi 29N14	1:0:26	26/3/1971
Whakarangirangi 29N15	1:0:26	Part I

viii ACCESS

729. There is no question that access to Māori land was a particular problem through the twentieth century. This is evident from many of the blocks already examined in this report. The Matakarapa Development Scheme, for instance, had serious difficulties with access after the Whirokino Cut was created and the land became an island surrounded by the Manawatū River. Likewise, Waiorongomai 3B3 had no road access.[806] A report prepared in September 1972 showed that access to the block was via a right of way over a two mile sand track. The Court frequently approved partitions of land where no road access was provided to the blocks created. Either the Court was later called on to repartition the land (requiring a new survey) or create rights of way. Alternatively, alienation of the land to an adjacent landowner (whose property did have legal road access) could be arranged.

730. Lack of access to land was frequently a consideration in dealing with alienations through the twentieth century. Manawatu Kukutauaki 4C5A2B2A, for example, was leased to an adjoining farmer as it was a narrow strip and the only access to it was over his land.[807] Another more complex situation arose when the board considered an application for confirmation of transfer of Manawatu Kukutauaki 4A2 Subdivision 1A1 at a meeting in Wellington in August 1910.[808] The transfer was signed in July 1910 and the block containing 31 acres 3 roods was to be sold for £618. It had recently been partitioned from the parent block, apparently to facilitate the alienation. The purchaser owned adjoining land and legal access was not required in

[806] 'Rural Valuation and Short Report', 15 September 1972, 9/733 Waiorongomai 3B3, Maori Land Court, Whanganui.
[807] Otaki Maori Land Court Minute Book 67, 13 August 1959, fols 391-393.
[808] Ikaroa District Maori Land Board Minute Book 2, 18 August 1910, fol. 89.

Rangatiratanga Versus Kawanatanga: **Manawatu Kukutauaki 4A2,1A1**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 020 Map projection: New Zealand Transverse Mercator Date: 7/06/2017

Map 26: Manawatu Kukutauaki 4A2 Subdivision 1A1

consequence. The land was already subject to a lease which expired in August 1912 and the lessee was represented at the meeting. The lessee had been negotiating to purchase the land but was unable to find 'sufficient other land' to create a farm. He had arranged a new lease and had applied to the board for confirmation. Without the block, he was unable to gain access to some of his freehold land.

731. Counsel for the purchaser called Reweti Te Whena. He was the husband of the vendor and was also her agent. The partition of the block had been arranged so that the other owners could lease their land to the lessee and his wife could sell her land. Initially there were negotiations with the lessee but these failed and instead a transfer was arranged with the purchaser. Reweti's wife, Ngarewa also gave evidence. She had been negotiating the sale of the block for several as 'as there was no road'. That is, the sale was driven by the lack of access to the property. She referred to the extensive negotiations to sell the block. Another person who expressed interest could not do so due to the lack of access but they heard that the purchaser owned adjoining land and offered it to him. He agreed to proceed with the sale. She had other, extensive, land interests in Tauranga, the Waikato (Tirau) and near Taupo. However, her kainga was at Manakau and her husband had land there too.

732. The board adjourned the application until the 29 August. On this occasion, an agent acting in the sale gave evidence. He recalled that Ngarewa had visited his office at Palmerston North with her husband. Another person looked at the plan but 'preferred not to touch it' because there was no road access.[809] Ngarewa indicated that she wanted to create access to the land and was willing to acquire a piece for this purpose. The agent suggested she contact one of the other neighbours to offer the block to him. Her husband told the board that he initially asked the neighbour to sell them a piece of his land to provide access to their block. The neighbour refused to do so. They subsequently discussed a sale of the land to him. In the course of the negotiations, his solicitor found that a new lease had been signed but the board had refused confirmation because the rent was inadequate. The purchaser and the vendor's solicitor gave evidence to the board about the lease and the Aotea board's dealings with it. The lessee was also called to give evidence.

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[809] ibid., 29 August 1910, fol. 123.

733. The board gave its decision in October.[810] The board introduced the situation by setting out the three applications before it (a transfer and two leases of parts of the block; the transfer was to one person and the two leases to another). The board found that the transfer complied with the requirements of the Act and could be confirmed. However, counsel for the lessee had argued that any transfer was subject to the rights of the lessee:

> It is however contended on behalf of Nos 2 and 3, that Mr Mason's lawful occupation of the 31 3/4 acres under an unexpired registered lease, carries with it a notice to all the world of everything the occupier claims under, including of course documents No 2 and 3, and that consequently Thomson's document should operate only subject to all Mason's rights. The Board cannot uphold such a contention. To do so would defeat the very purpose for which confirmation has been made necessary by statute, and would be in direct contravention of sec 16 of the Maori Land Settlement Act 1907 which was in operation when documents 2 and 3 were signed.
> Leases 2 and 3 are signed by the natives only and not by the lessee. They have therefore only offers, held apparently unconfirmed and incomplete, because it was known that the Board would not approve them on the consideration then expressed in them. When a person knowingly holds and in illicit document in order to get the benefit of a rental less than the real value, he must take the consequences of someone else stepping in and acquiring a legal title.

734. The board noted in particular that the lessee's solicitor, who was his agent, also witnessed the translation on the document but the statute required a person with no involvement in the transactions had to certify the translation. The board agreed to confirm the transfer and refused confirmation of the two leases. The transfer would not be sealed until one month had elapsed to allow the occupier to take advantage of s 220(5) of the Native Land Act 1909 (relating to the review of the refusal to confirm by the Supreme Court).

735. The transfer was considered further by the board in December because the board was unhappy with the schedule of other lands owned by Ngarewa (the vendor).[811] It was arranged that she would acquire an area of 26 acres of land using the purchase money. The land she acquired would have access. The transfer was to be presented to the board at its next meeting. The board nevertheless decided to seal the transfer (allowing him to present it for registration). The purchaser's solicitor was required to give an undertaking that the 26 acres would be purchased. A receipt for the purchase money was also required. The transfer was therefore sealed before any of the board's requirements had been met.

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[810] ibid., 4 October 1910, fol. 146.
[811] ibid., 8 December 1910, fol. 195.

736. Elsewhere the Court was required to deal with difficulties caused by former decisions. For example, Mihipeka Taharuku was the owner of Himatangi 2A3. At the Court sitting in Palmerston North in June 1913, she asked the Court to create a road to provide access to her land.[812] When Himatangi 2A was partitioned by Judge Sim, a general private right of way over the adjoining subdivisions created was included in the order. However, it was not defined. Mihipeka was unable to get a certificate of title until the road was located on the ground and she had made an application to the Chief Judge, which had been referred to Judge Gilfedder for inquiry. Mihipeka was unconcerned about where the access to her land was located, as long as she had access. The Court decided to create a roadway between Himatangi 2A and Himatangi 2B, with the owners of each block contributing equally:

> It was decided to lay off a roadway half a chain wide along the southern boundary of 2A so that with the half chain running along the northern boundary of 2B there will be a road one chain wide running from the road and railway on the west back to the river on the east. The intention is to make this a public road ultimately. In the meantime it will be vested in the owners of Himatangi 2 and their areas in the residue of the block will be adjusted accordingly. No compensation is to be paid to any of the owners. See section 10 of the Act of 1912. The lessee to be communicated with.

737. The divisions of Himatangi were all long narrow strips running between the road and the river. These strips were further divided into blocks and roads between some of the original divisions provided access to all of these partitions. The roads were not between alternate blocks and some were only half a chain in width. Judge Gilfedder noted 'much confusion' about the roading arrangements on the block, because several different plans and partitions had been undertaken at different times, so recorded his own diagram in the minute book to show the layout of the partitioned block.[813]

738. Another example occurred in Ōtaki. In March 1939, Judge Shepherd heard an application relating to a right of way to provide access to Haruatai 2B.[814] The right of way was to be provided over three blocks: Haruatai 2A, Moutere 8A and Haruatai 9A. However, Haruatai 2A had become European land. There was a document lodged against the title referring to a right of way over the block which became a public road under s 245 of the Counties Act 1886. This road provided access to a mill site. The document stated that the ownership of the land had not been determined. There was, in consequence, a right of way over Haruatai 2A but a further right of way over the

[812] Otaki Native Land Court Minute Book 52, 21 June 1913, fol. 348.
[813] ibid., 21 June 1913, fol. 350.
[814] Otaki Native Land Court Minute Book 60, 28 March 1939, fol. 271.

Moutere block was required to give access to Haruatai 2B. Searches of the titles of these two blocks were requested by the Court and the matter was adjourned for those to be made available.[815]

739. When Kikopiri Marae was created in the mid-1940s, access was a key issue to be resolved. The hearing dealt with Muhunoa 3A1E1 Section 8A under s 31 of the Native Land Act 1931.[816] Rangi Royal appeared before the Court and advised that difficulties had arisen over getting access to the meeting house on Muhunoa 2A1E1 Section 8A:

> I am instructed to inform the Court that the while of the owners are in agreement that the meeting house should be vested in trustees together with an area of 2 roods 16 perches surrounding the meeting house. The only difficulty which has arisen is the provision of suitable to access.

740. A right of way across Muhunoa 3A1A1 Section 8B was required to provide direct access from the road to the whare, in accordance to tikanga. However, the representative of the owners of the adjacent block (Walter Whiley), who was represented by counsel at the hearing, did not agree to creating a right of way over his property:

> We recognise that the persons visiting the meeting house have always traversed this section in the manner described by Mr Royal. It is submitted, however, that such access has a very adverse effect upon the suitability of 8B for building purposes. We recognise that some access must be given to the meeting house but this should cause the minimum of inconvenience to the owners of 8B. Mr Whiley is concerned chiefly in respect of the interests of certain minors. He is not at all adverse to the people continuing to use the approach as in the past but he does object to this being converted into a legal right of way. Speaking for himself and for the other members of his family he will never refuse permission to the people to make use of the route if they so desire (Otaki 63, 25 March 1947, fol. 118).

741. Mr Royal accepted this undertaking and agreed that legal access could be arranged around the boundary of 8B. Indeed, Mr Whiley gave this undertaking himself in evidence at the hearing but noted that providing legal access following the traditional track would cause inconvenience to his use of the land. He emphasised though that the did not want to interfere with the 'ancient custom':

> I undertake never to interfere with the passage by the people over 8B by the old recognised route, and if at any time circumstances should arise which prevents free use of this route I admit that the trustees would be entitled to ask the Court for better access than the one round the northern boundary of the block which I now propose.[817]

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[815] Wellington Native Land Court Minute Book 31, fol. 286.
[816] Otaki Native Land Court Minute Book 63, 22 May 1946, fols 54-55; 25 March 1947, fols 117-119.
[817] ibid., fol. 119.

Rangatiratanga Versus Kawanatanga: **Muhunoa 3A1E1,8A**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 027 Map projection: New Zealand Transverse Mercator Date: 19/05/2017

Map 27: Kikopiri Marae (Muhunoa 3A1E1 Section 8A) [027]

742. Mr Royal accepted this undertaking and the Court proceeded to make an order vesting the meeting house and part of the block in trustees under s 31 of the Native Land Act 1931 for the benefit of Ngāti Huia. The judge stated that the issue of access 'existed long before the block was partitioned and the access could have been more easily settled at that time'.[818] He added there 'is no doubt that the old established method of approaching the meeting house was by crossing the centre of Subdivision 8B but the Court is of opinion that when a right of way is laid off across any section, it should do the least possible harm to that section.' The track across the middle of the block would still be available for use but legal access from Muhunoa West Road would go around Subdivision 8B before rejoining the part of the track which passed over Subdivision 8A.[819]

[818] ibid., fol. 119.
[819] ibid., fol. 123.

F HOUSING

i NATIVE HOUSING POLICY IN THE 1930S

743. Until the mid-1930s, the Crown took little interest in Māori housing needs. Māori communities were isolated in rural areas and outside the colonial townships. From the mid-nineteenth century, when Māori came to provincial towns, usually to trade, they were provided with sites on the edges of the urban areas to occupy or hostels to reside in. Through the first three decades of the twentieth century, such contact between Māori and the colonial towns became much rarer and Māori communities became more isolated from the Pākehā world in nearby urban centres. Māori were not welcome in town. This is perhaps most clearly visible for Ngāti Raukawa in relation to Kai Iwi Pā near Feilding and Tainui Pā near Ōtaki. While there are likely other examples, both were Māori settlements on the margins but out of sight of the Pākehā towns nearby.

744. In the early twentieth century, there were efforts to improve sanitation and life expectancy in Māori communities but dwellings tended still to be rudimentary. Poverty, however, was clearly evident during the depression of the 1930s and afterwards. The development schemes demonstrated that the provision of finance to Māori in carefully managed circumstances was beneficial and land was available to use as security to obtain credit for the purposes of building a dwelling.

745. The first steps were taken by the Forbes government in 1935 when a Native Housing Bill was introduced. This bill arose out of discussions among ministers and officials the previous year. The initial approach was made by a deputation to the Prime Minister in August 1934. Present were Sir Apirana Ngata, Taite Te Tomo, Tau Henare, Russell of Hokianga and J.S. Jessep. They asked for financial assistance to support a housing scheme for Māori and Sir Apirana Ngata was asked to prepare a scheme for submission to Cabinet.[820] The discussion included the state of housing conditions of Māori, resources available, health of Māori and financial provisions for the scheme. The Under Secretary provided advice for the Native Minister the

[820] Deputation to Prime Minister, 23 August 1934, MA W2490 30/1/3 1 Box 19, Archives New Zealand, Wellington.

following month, suggesting an existing scheme for Pākehā workers could be extended to Māori:

> I have to comment as Under Secretary on the suggested scheme for providing houses for Natives on the same general principle as was adopted for pakeha workmen under the Advances to Workers plan.
>
> (1) When the Advances to Workers regulations first came into force, the chief conditions and concessions were:
>
> (a) Advances were permitted up to three-fourths of the Government valuation of the section plus buildings and fencing when completed with a limit of £350.
>
> (b) The loan could be, and generally was, paid over in progress payments.
>
> (c) The mortgagor was requried to produce a title to his section against which the mortgage could be registered.
>
> (d) Valuation and other fees were fixed on a lower scale than under the Advances to Settlers.
>
> (e) The mortgagor must possess no other lands and his income must not exceed a certain amount at the time of application.
>
> (f) At a later date the loan maximum was increased and the margin of security was reduced.
>
> In other respects there was little to distinguish between a Worker's loan and an ordinary Advances to Settlers loan in a city. Both bore the same rate of interest and were on the table or amortisation system.
>
> As most of the Workers' houses were in the cities and towns, building permits had to be obtained from the Local Authorities.
>
> (2) The scheme now proposed is designed to assist that section of Natives who do not own or occupy farms but who are in regular employment or have an assured income even although small. I can form no idea whatever as to how many there are within this category or how many would be likely to require houses.
>
> (3) The moneys for purpose would most likely come out of loan moneys in the Public Works Fund and would therefore require to be properly secured and safeguarded.
>
> If more is contemplated than was given under the Advances to Workers, I presume the Consolidated Fund or the Maori Purposes Fund would have to assist.
>
> Unemployment moneys would be available as a subsidy on labour.
>
> (4) In some cases Land Transfer Titles will be procurable and mortgages should then be taken and registered.
>
> In other cases the titles will only be Native Land Court orders with possibly survey liens and rating arrears charged against them. The advances would be registered in the Native Land Court only.
>
> To protect the Government moneys the securities must be saleable otherwise there is no means of satisfactorily dealing with defaulters. This may require statutory authority.
>
> (5) Assignments of rents or interests would be taken wherever there are any to take. If the mortgagor is on a salary or wages, monthly or even weekly payments should be demanded.
>
> (6) All mortgages would be on the Table system with interest computed at 6-monthly rests. The term of the mortgages would be from 10 to 20 years.
>
> (7) All buildings would have to comply with the by-laws of the Local Authorities concerned. I anticipate that the Public Works Department would be requested to arrange and supervise the building contracts.
>
> (8) It is most likely that the chief demand for assistance will come from the small towns. There would be no difficulty where Supervisors are located in the district but places like Taranaki, Ohinemuri, Taihape etc. Might be awkward to control.
>
> (9) The Native laws of succession might be troublesome.

> (10) Direct administration charges, including inspection fees and Public Works Department commission, should be paid out of the advances.[821]

746. This laid the framework for the housing scheme. Māori who owned land, or whose whānau was able to provide them with land, could use that as security to obtain a loan by way of a mortgage to build a house on that land. Interest would be charged on any funds advanced. Māori landowners would be expected to use their land interests only for this purpose and any income they received would be applied to the repayment of the mortgage. The entire scheme would be carefully controlled by the Native Department and effectively run on commercial terms. Despite the concern about poverty and living conditions, only those Māori with land or income were able to benefit.

747. The key question became how to fund it. The proposal was discussed by the Executive Committee of the Native Land Settlement Board in October but it did not make any decisions. The Native Minister reported that there 'was a general agreement that some such scheme was necessary and desirable'.[822] In addition, it was agreed that 'the surplus funds of the Maori Land Boards or of the Native Trustee, available for investment, should as far as possible be utilised for building loans, under the control and direction of the Native Land Settlement Board'. However, the Royal Commission on Native Affairs had demonstrated the extent to which the boards and the Native Trustee were already over extended (the Native Minister was about to resign from office) and the Maori Purposes Fund was already heavily committed. The Native Minister concluded that a 'housing scheme which will be made dependent on the Trust Funds or on the funds of Maori beneficiaries administered by the Maori Land Boards or the Native Trustee will not have much chance of functioning immediately, as the available cash resources are limited and subject to more pressing claims'.

748. Treasury advised the Minister of Finance that any housing scheme for Māori should be funded by the boards and Native Trustee using trust funds.[823] The Native Department considered there was sufficient discretion in existing legislation to allow investments from the board's common funds, the Native Trustee's common fund and

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[821] Under Secretary to the Native Minister, 12 September 1934, MA W2490 30/1/3 1 Box 19, Archives New Zealand, Wellington.
[822] Ngata to the Minister of Finance, 8 October 1934, MA W2490 30/1/3 1 Box 19, Archives New Zealand, Wellington.
[823] Park to the Minister of Finance, 18 October 1934, MA W2490 30/1/3 1 Box 19, Archives New Zealand, Wellington.

the Maori Purposes Fund for housing (though the Native Land Settlement Board's authority to direct the boards' investments were limited in some instances).[824]

749. The former Native Minister subsequently warned his successor about a proposal by the Under Secretary for the Native Land Settlement Board to be given greater power to 'requisition' the capital funds of the boards and not just, as had been the case in the past, the interest earned on those funds.[825] He described such a power, which would require legislation, as 'drastic' and considered it reflected a power struggle between the boards and the Native Department over the control of these substantial amounts of money. Careful consideration would be required before any action was taken. In any case, he considered that the government needed to provide resources for the scheme:

> I do not think that the Government can evade responsibility for assisting with its resources the carrying out of a housing scheme for the Maori people, which has become indispensable through the operation of so many factors imposed on the race through civilisation and its standards at a time when its resources have been seriously diminished, and in some districts almost depleted by the interaction of those factors.
> I do not think that the Maori people will be satisfied if the housing provision stops at the organisation of their resources without a State contribution towards at least the capital fund for advances.[826]

750. In late September, the Minister of Finance advised the Native Minister that although a draft bill had been prepared, further action would not be taken until an enquiry on housing generally had been completed:

> The Secretary to the Treasury has reported that a draft bill to provide facilities to enable Maoris to obtain houses through the Native Department has been submitted to his office for perusal.
> It is observed that the draft legislation is on similar lines to the Housing Act of 1919 and its amendments, and in view of the unsatisfactory results of the operation of that Act, I think that some further consideration should be given to the matter before legislation in that form is approved.
> As you are aware, the general housing question is now under consideration and the Committee dealing with it has received reports regarding Maori housing. It is suggested, therefore, that the matter of Maori housing could be left over until the Committee has fully investigated the position, so that the expert knowledge gained and the results of the recent enquiry into housing matters would be available for this aspect of the housing questions as well.[827]

751. Nevertheless, a Native Housing Bill was introduced to Parliament the following month. The bill received its first reading and passed through all the necessary stages

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[824] Under Secretary to the Native Minister, 29 October 1934, MA W2490 30/1/3 1 Box 19, Archives New Zealand, Wellington.
[825] Ngata to Forbes, 3 November 1934, MA W2490 30/1/3 1 Box 19, Archives New Zealand, Wellington.
[826] ibid.
[827] Coates to the Native Minister, 28 September 2935, MA W2490 30/1/3 1 Box 19, Archives New Zealand, Wellington.

in the House of Representatives on 25 October.[828] There was no discussion. Later the same day, the bill received its first reading in the Legislative Council.[829] The Leader of the Council (Masters) made a short statement, in which he told the Council that the bill was to extend housing benefits already available to Pākehā to Māori. He also referred to the terrible living conditions he had observed during a recent visit to Ōtaki. The bill was read a second and a third time after this speech. Parliament adjourned the following day for the election. The Governor General signed the bill on 26 October and it took effect immediately.

752. There was, however, no immediate action. The Forbes government was voted out of office shortly afterwards and the first Labour government elected. The legislation was enacted by the Forbes government but implemented by the Labour government. The Native Housing Act 1935 was implemented in January 1937 when regulations were published defining the circumstances in which loans would be granted and the terms of repayment.[830] With the regulations in place, the the Under Secretary set out the requirements for security and assignment of income for board registrars in April:

> Security: Loans must be secured by way of mortgage or 'charge' over the land giving the Board full control of the building – interest and sinking fund payments should be in sight – assignments of rents or other funds sufficient to cover at least a gross payment of 8% – interest is to be 4 ¼% - with a sinking fund sufficient to repay the loan as quickly as is reasonably possible. It is undesirable to grant loans for longer terms than 20 years. Assignments should be, if possible, sufficiently large to allow for contingencies, painting etc. An order on milking cheques, wages or other doubtful income is not favoured.
> Where assignments of rent etc are suggested as the security, some information as to the permanency of the revenue would be helpful – it is desirable of course that the rents should be assured for the full term of the mortgage.
> In cases where the land belongs to the applicant and is reliable and the value of the land is relatively high in proportion to the mortgage, the Board will not be so insistent on the value of any possible assignments of rent.[831]

753. He also advised that the boards would not be liable for losses under the scheme (the presidents of the Ikaroa board and the Aotea board had both expressed disquiet about the risk to their board from accepting undivided interests in Māori land as security and the extent to which their statutory duties would be compromised).[832]

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[828] NZPD, vol. 243, p. 612.
[829] NZPD, vol. 243, p. 591.
[830] 'Report on Native Land Development and the Provision of Houses for Maoris, including Employment Promotion by the Board of Native Affairs', AJHR, 1938, G-10, p. 6.
[831] Campbell to the Registrar, 13 April 1937, MA W2490 30/1/3 1 Box 19, Archives New Zealand, Wellington.
[832] ibid.

754. In November 1936, the Cabinet Committee on Native Housing decided to commission a survey of housing conditions. It was to be undertaken by the Native Department which would report back to the cabinet committee. A particular focus would be on pensioners who needed houses and 'indigent natives' who also required houses but were not pensioners. The survey would also identify those who could give security and needed a house.[833] The Under Secretary reported on progress to the Native Minister in August 1937 and explained the extent of the task faced by the boards:

> To make the housing survey of real value to the Government and the Department it will need to go much deeper than a mere superficial view of the houses and accommodation of the Maori race. The officers engaged upon the work will require to make close detailed enquiries as to the land and financial resources of every member of the household of the houses inspected, the ability of the male members to work for a living, the work available to them and whether in work at the moment, and other relevant matters.
> Last year (1936) Mr R.W. Pomare, Maori Health Inspector, carried out a survey of the housing conditions of the Maoris in the vicinity of Tauranga Borough. Judged from one's observation of the reports of Mr Pomare on the individual houses examined and treating the Tauranga District houses as typical of the general condition of the Maori homes, it is highly probable that there will be only a small proportion of the houses, in the North Island at least, which will be entitled to be classified as satisfactory.
> Mr Pomare's survey covered 36 Maori Pas and Settlements in the Tauranga County and approximately 369 homes were inspected.
> Of the homes inspected:
> 36.91% (86) were unfit for human habitation.
> 46.35% (108) without windows.
> 79.83% (186) defective roofing and lowlying and damp.
> 50.64% (118) without proper ventilation.
> 72.1% (168) walls unlined.
> 77.68% (181) ceilings unlined.
> 24.03% (56) earth floors
> 27.89% (65) floors (wood) unsound.[834]

755. The Under Secretary added that the example of Tauranga would 'will serve to illustrate the extent of the work involved in a comprehensive survey of the whole of Maori homes in New Zealand'.[835]

756. One of the earliest considerations in the housing scheme was the assignment of social security benefits, including the pension, to the department to repay the advances paid to build a house and the interest due. Those who received houses under the scheme had to have land available to use as security and income to repay the debt and interest

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[833] Campbell to the Registrar, 21 July 1937, MA W2490 30/1 1 Box 20, Archives New Zealand, Wellington.
[834] Under Secretary to the Native Minister, 4 August 1937, MA W2490 30/1 1 Box 20, Archives New Zealand, Wellington.
[835] ibid.

charged. This income might be wages, rentals received for other land or social security benefits. As the holder of the mortgage, the Ikaroa board could arrange for rental income it received on behalf of Māori landowners and other funds it held for them (such as purchase money) to be used to repay the debt. Income from other sources had to be assigned by the individual owing the debt for payment to the board.

757. In May 1937, the Under Secretary advised the Commissioner of Pensions that the Board of Native Affairs had resolved to accept an assignment of pensions as a means of repayment of advances used to erect dwellings for old age pensioners.[836] The commissioner responded that such an action would require legislation.[837] The Acting Native Minister was asked to 'approve of the introduction of suitable legislation enabling pensioners to give assignments of the whole or part of their pensions in favour of the Crown for housing purposes only.'[838] However, the department also considered options for an interim solution until legislation was in place. The proposal was for:

> … the applicant to give an authority in favour of the Maori Land Board to uplift his instalments if pension. The Board will then apply the agreed amount in reduction of the advance and remit the balance to the pensioner.[839]

758. The following pensions would be excluded from this arrangement as they were subject to change: enonomic pensions, war pensions, widows' pensions and family allowances. The Minister of Pensions was asked to approve this proposal.[840] The commissioner's advice to the minister was extensive though it appeared not to address the proposal developed by the Native Department and instead focused on legislation to continue the payment of reduced pensions to Māori:

> In the framing of the original Old-age Pensions Act of 1898 provision was made in Section 66 for special rules for assessing pensions in the cases of natives who enjoyed customary rights in land. The provisions of this section have remained unaltered since 1898, and now appear in Section 92 of the Pensions Act, 1926, as follows –
> 92 RULES FOR ASSESSMENT OF UNDETERMINED MAORI INTERESTS-

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[836] Under Secretary to the Commissioner of Pensions, 31 May 1937, MA1 30/1/7 1 Box 586, Archives New Zealand, Wellington.
[837] Commissioner of Pensions to the Under Secretary, Native Department, 7 June 1937, MA1 30/1/7 1 Box 586, Archives New Zealand, Wellington.
[838] Campbell to the Acting Native Minister, 18 June 1937, MA1 30/1/7 1 Box 586, Archives New Zealand, Wellington.
[839] Native Secretary to the Under Secretary, 28 June 1937, MA1 30/1/7 1 Box 586, Archives New Zealand, Wellington.
[840] Langstone to the Minister for Pensions, 19 August 1937, MA1 30/1/7 1 Box 586 Archives New Zealand, Wellington.

> a. In determining the claim of any aboriginal Maori to a pension under Part I or Part II hereof, in so far as the same may be affected by rights or property held or the same may be affected by rights or property held or enjoyed otherwise than under defined legal title, the Magistrate shall be guided by the following rules –
> b. In respect of 'income', any customary rights used or capable of being used in respect of land the title to which has not been ascertained, but which is enjoyed or is capable of enjoyment, shall be assessed and determined by such evidence and un such manner as the Magistrate in his discretion considers proper:
> c. In respect of 'accumulated property', the interest in land or other property held or enjoyed under Native custom, or in any way other than by defined legal title, shall be assessed and determined by the Magistrate in manner aforesaid, with the view of arriving as nearly as may be at a decision as to the net capital value thereof for the purposes of this Act; and the decision of the Magistrate thereon shall be final."[841]

759. The provisions applied to old-age and widows' pensions but did not apply to other types of benefits under the Act he administered, such as invalid pensions. The commissioner explained the reasons for paying lower pensions rates to Māori at some length:

> It is apparent that from the initiation of the legislation there was a full realisation of the problem presented by the Māori, with his customary rights in land, his lower living standard and his communal mode of life, benefiting under the Act on the same footing as a European, and from the outset Magistrates dealing in different districts take different views of the needs of the natives, however, there has never been any real uniformity as regards the assessment of pensions, so far as original grants are concerned, and the same position existed in relation to yearly renewals until 1926, when the duty of renewing pensions after the first year was placed in the hands of the Commissioner. The practice adopted at the time was to pay a maximum old-age pension of £32.10.0 per annum (£13 per annum less than the statutory maximum) and to assess widows' pension on a basis 25% lower than similar pensions to European widows. The only legal authority for granting pensions at less than the statutory maxima (except of course where the known interests in land are sufficient to account for a £13 reduction) was Section 92 already quoted, and the Department thus could not justify an arbitrary assessment of pension if the pensioner could establish the fact that he or she possessed no land under other than defined legal title or could establish definitely the extent of interests held so that the actual value could be ascertained. A certificate from a Judge of the Native Land Court setting out that the pensioner possesses no interests in land or the precise extent of interests held is, however, required by the Department before any increases will be considered, and although such certificates ordinarily are not easily obtained a number of pensions have been reviewed and increased to the full rate of £58.10.0 per annum, or (until last year's amendments) to the rate appropriate to the ascertained value of the interests.[842]

760. Very few Māori received the full rate of old-age pension or widow's pension:

> The number of old-age pensions payable to Maoris on 31.5.1937 was 2,380, of which 2,213 were payable at reduced rates, while the number of windows' pensions was 474 of which 429 were at rates below the ordinary maxima.[843]

761. Māori generally received 5s per week less than the maximum:

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[841] Commissioner of Pensions to the Minister of Pensions, 18 August 1937, MA1 30/1/7 1 Box 586, Archives New Zealand, Wellington.
[842] ibid.
[843] ibid.

> When the statutory maximum old-age pension was 17/6d a week, the usual grant to a Maori was 12/6d a week, and now that the maximum is 22/6d a week Maoris who have not submitted conclusive evidence as to the extent of their interests in land are receiving 17/6d a week.[844]

762. The situation was changed by Pensions Amendment Act 1936, when land was excluded from the calculation of the pension:

> The position was materially changed last year by Section 4(1)(a) of the Pensions Amendment Act, 1936 which reads as follows –
> 4(1) In computing, for the purposes of Part I of the principal Act, the capital value of the accumulated property of any applicant for a pension, no account shall be taken of –
> (2) His interest in any land (including his interest under any mortgage of any estate or interest in land.[845]

763. As most Māori land was held under title issued by the Native Land Court and was not customary land, there was no longer any reason to reduce the amount paid to Māori pensioners on account of their landholdings:

> This automatically rendered ineffective paragraph (b) of Section 92 of the Act without affecting in any way the provisions of paragraph (a), which still enable a reduced pension to be granted and paid where the applicant has customary rights used or capable of being used in respect of land the title to which has not been ascertained, but the Under Secretary of the Native Departments points out that the whole section is now almost a dead letter because there is very little customary land held in New Zealand today, practically all native land of any value having been investigated by the Courts an clothed with a title.[846]

764. Despite these changes to the legislation, there remained in the commissioner's view good reason to continue paying Māori pensioners a reduced rate:

> In view of the position brought about by the consolidation and development schemes which have been prosecuted by the Native Department for some years past and in connection with which land, in which customary rights were enjoyed has rapidly diminished, it is apparent that in a great proportion of cases there is no legal authority for continuing to pay reduced pensions, and there is the anomaly that in cases where natives have gone to the trouble of securing certificates from Judges of the Native Land Court full pensions have been awarded. There are, however, the following factors which must be kept in view in any consideration of the question of pensions to natives –
> 1. The Maori undoubtedly has a lower living standard than the European and his needs are fewer;
> 2. In some areas natives are still living in communal style, and there can be no guarantee that the pensioner alone benefits from his pension;
> 3. The fact of a Maori having an income from Government sources is known to lead not infrequently to needy or lazy natives making their home with him, whether he is living in a Maori community or not.[847]

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[844] ibid.
[845] ibid.
[846] ibid.
[847] ibid.

765. However, a reduced rate for Māori would need to be fixed by the government and legislation would be required:

> If it should be decided by the Government to fix a special scale of pensions for Maoris the decision could readily be given effect to by the Department in relation to the renewal of pensions from year to year, but in view of the number of Magistrates throughout the country who deal with original applications it probably would be a difficult matter to secure complete uniformity without an actual amendment of the law. Any action in the direction of fixing a lower scale of pensions for Maoris than for Europeans would, however, mean a reduction in those cases already payable at the statutory rate, and this naturally would create a difficult situation.[848]

766. It appears the commissioner raised these points in this context because any assignment of the pension would require legislation and a wider consideration of the government's policy was necessary. Following discussion in Cabinet, it appears the government decided to take the opposite approach and repeal any authority for paying Māori a reduced rate. The commissioner was asked for draft legislation and an estimate of the cost of paying Māori the full pension.[849] The commissioner advised that it would be necessary to repeal s 92 of the Pensions Act 1926. The total 'cost of increasing the old-age pensions now payable to Maoris at reduced rates to the full rate would be approximately £30,000 per annum' and the 'cost of correspondingly increasing the widows' pensions would be approximately £2,000 per annum'.[850]

767. The Minister of Finance also asked the Treasury for a report and the Assistant Secretary, like the Commissioner of Pensions, was exceptionally reluctant given the living arrangements of Māori:

> With regard to the attached papers concerning a suggestion that the old-age and widows pensions for natives be paid at the same money rates as for Europeans at an increased annual costs of approximately £32,000, the matter appears to be one which should receive very careful consideration before any increase is given additional to the general increase averaging 5/- per week which was conceded last year.
> On the face of it, it may appear equitable to pay the average Maori old-age pensioner the same amount per week as the average European pensioner, but in this matter questions of equity should be decided having regard to the circumstances, the needs and the outlook on life of the individuals concerned. While there may be frequent individual cases where there is no appreciable difference between Maori and pakeha in these respects, it seems the general opinion that the needs of the average European, or, as the Commissioner of Pensions comments, the living standard of the Maori is lower – and after all, the object of these pensions is to maintain standards rather than to raise them.
> Then there is also the danger of encouraging irresponsibility in regard to general conduct and family matters. It is well known that the Maori – the pa Maori – anyway

[848] ibid.
[849] Parry to the Commissioner of Pensions, 14 September 1937, MA1 30/1/7 1 Box 586, Archives New Zealand, Wellington.
[850] Commissioner of Pensions to Treasury, 15 September 1937, MA1 30/1/7 1 Box 586, Archives New Zealand, Wellington.

> – shares his wealth and it may be that the increase contemplated would be appropriated by persons other than those whom the Government intended.
> I would deprecate a rushed decision in this matter and would suggest that a report on its general aspects be obtained from the Native department before the strictly financial aspect is considered.[851]

768. The Under Secretary responded to the Treasury advice at some length and argued that Māori should receive the same rate as Pakeha. Where there were any issues with the funds received by Māori pensioners, the Under Secretary believed a judge of the Native Land Court could intervene to arrange for the appointment of an agent to properly manage the money:

> Any review of the Pensions payable to members of the Maori race must proceed upon the basis of the equality of the Maori and Pakeha, ie that there must not be any discrimination or differentiation as between Maori and Pakeha unless under, or pursuant to, statutory authority.
> What statutory authority exists for arbitrarily awarding or granting a smaller pension to Maoris that to Europeans? Section 92 of the Pensions Act 1926 lays down rules for assessment of undetermined Maori interests but a perusal of this section will show that it applies to income only where derived from the ownership or possession of 'any customary rights used or capable of being used in respect of land the title to which has not been ascertained, but which is enjoyed or is capable of enjoyment' and in respect of accumulated property applies only to an 'interest in land or other property held or enjoyed under Native Custom or in any other way other than by defined legal title'. This provision appeared in the original Pensions Act of 1898 as Section 66. At the time it had a certain significance because there were then considerable areas of Native Customary lands but to-day there are practically no such lands which means that all Native lands have been clothed with legal titles. This makes Section 92 of the Pensions Act 1926 to have little or no effect and its repeal would not materially alter the law as it applies to the grant of Pensions to Maoris. The section having no real significance the provisions of Section 4(1)(a) of the Pensions Amendment Act 1936 do not in themselves increase its ineffectiveness – the facts themselves did that already.
> But Section 92(a) is not authority for granting a lesser pension to Maoris than to Europeans under the Pensions Act 1926. The real effect of Section 4(1)(a) of the Pensions Amendment Act 1936 is to make more definite the absence of any statutory authority to grant a lesser pension to Maoris than to European because the question of his or her ownership of land is not now an issue and it was fictionally because of the difficulty of proving the full extent of his or her interests in land that the smaller pension was granted presumably under Section 92/1926. Section 92(a) is also ineffective as regards income as the possession of customary rights in land can only be determined after hearings by the Native Land Court – on an application for investigations of Title – quite apart from the fact that there are now practically no Native customary lands.
> In my opinion there is no legal power to differentiate in the amount of Pensions granted under the Pensions Act, 1926 as between Maoris and Maoris and [Pakehas] and that it is unnecessary to amend the law in the [direction] of removing the authority for such differentiation which does not exist. The repeal of Section 92 will not alter the position.
> If it is intended to continue the differentiation which has been adopted in the past, it will be necessary to take statutory authority and power to do so.[852]

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[851] Ashwin to the Minister of Finance, 20 September 1937, MA1 30/1/7 1 Box 586, Archives New Zealand, Wellington.
[852] Under Secretary to the Secretary to the Treasury, 1 November 1937, MA1 30/1/7 1 Box 586, Archives New Zealand, Wellington.

769. However, the Under Secretary did not support this approach:

> If it is felt that the individual circumstances if Maori Pensioners and their mode and standard of living should be subjected to a more searching investigation, the Judge of the Native Land Court would probably be the most competent authority to undertake the matter. If, on enquiry into any individual case, it was found that the pensions moneys were being squandered or misapplied, an agent could be appointed to manage the moneys on behalf of the Pensioner and if the misapplication of the moneys continued power should be given to cancel the pension on the recommendation of the investigating Judge.
> I do not think the matter of the difference in the living standards of Maoris and Europeans should be considered in relation to Old Age Pensions. The weekly payment to a pensioner is not more than sufficient to provide for a very frugal standard of living and communal sharing, if it does exist, will not go very far. Where the Native pensioners are living rent free the Pension is, of course, of increased value, but the matter of the amount of the pension is of importance at the moment in view of the attempts being made by this Department to improve the standard of living and housing conditions of the Maori.
> The matter of the amount of the Pension payable to Maoris calls for consideration in the case of Widows and Invalidity Pensions for the reason that the payments in some cases being quite considerable place too much money in the hands of the Pensioner at one time and thereby tend to induce extravagance immediately receipt of the monthly payment perhaps due to the fact that the pensioner has not got the business ability to handle so large a sum.[853]

770. In the meantime, the Under Secretary wrote to the board registrars asking them to arrange for the pension recipients of a housing loan, who were applying their old age pension to the repayment of the loan and interest, to be increased to the full rate (there being no statutory basis to continue paying the reduced rate).[854] The Under Secretary noted that Māori had received reduced pensions in the past where they did not pay rent but those who had a loan to build a house were repaying advances and this was no longer a justification for paying a reduced rate.

771. The initial proposal to assign pensions had got rather lost in the discussion about the rates paid to Māori. The Under Secretary raised this question again with the Commissioner of Pensions in March 1938. He observed that:

> … the Pensions Amendment Bill, which was passed by the House of Representatives some few days ago, contains no provision for Native pensioners to authorise payment of part of their pensions to this Department. I shall be pleased to learn whether it is intended to have a further Bill introduced this Session and, if not, when steps will be taken to obtain legislative sanction for the purpose of the payment of pension moneys to this Department in connection with the Native Housing Scheme.[855]

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[853] ibid.
[854] Campbell to the Registrar, 24 January 1938, MA1 30/1/7 1 Box 586, Archives New Zealand, Wellington.
[855] Under Secretary to the Commissioner of Pensions, 9 March 1938, MA1 30/1/7 1 Box 586, Archives New Zealand, Wellington.

772. The Commissioner responded saying the matter was 'at present receiving consideration'.[856] The Board of Native Affairs also considered it and in July 1938, the Under Secretary advised the Commissioner that a clause would be included in the Native Housing Amendment Bill to deal with the question:

> With reference to former correspondence herein, I have to inform you that at a recent meeting of the Board of Native Affairs the question of advances under the Native Housing Act, 1935 to pensioners was discussed and it was decided that, where approvals of advances were given subject to assignments of pensions being obtained, suitable legislation should be introduced giving the necessary legal authority for such assignments and rendering such assignments irrevocable.
> The matter was accordingly submitted to the Hon. The Acting Native Minister who has approved of a suitable clause being included in the Native Housing Amendment Bill and the Law Draftsman has been requested to take the appropriate action.[857]

773. The Law Draftsman was of the view that a clause was not necessary because the Pensions Act already provided sufficient authority to assign payments in the manner intended (a forthcoming Social Security Bill would provide additional authority). The Under Secretary asked the Commissioner of Pensions for advice on the relevant clauses.[858] The commissioner responded:

> … I have to advise that Section 67 of the Pensions Act, 1926, reads as follows:-
> "67. (1) Subject to regulations, and on production to the Postmaster of a warrant in the prescribed form, signed by the Commissioner, the instalments may be paid to any clergyman, Justice, or other reputable person named in the warrant for the benefit of the pensioner.
> 1) Such warrant may be issued by the Commissioner whenever he is satisfied that it is expedient so to do, having regard to the age, infirmity, or improvidence of the pensioner, or any other special circumstances."
> While it is considered that the section quoted above is sufficient to regularise the arrangements now being carried out, it is understood that even more authority will be given in the proposed Social Security Legislation shortly to be introduced in Parliament.[859]

774. However, these assignments could be revoked at any time by the individual receiving the pension.[860] Not long afterwards, the Board of Native Affairs decided that any assignment of rents to the board would be permanent and could not be revoked:

> At its last meeting the Board of Native Affairs discussed the question of assignments generally. The Board was of the opinion that when assignments of rent

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[856] Commissioner of Pensions to the Under Secretary, 14 March 1938, MA1 30/1/7 1 Box 586, Archives New Zealand, Wellington.
[857] Under Secretary to the Commissioner of Pensions, 21 July 1938, MA1 30/1/7 1 Box 586, Archives New Zealand, Wellington.
[858] Under Secretary to the Commissioner of Pensions, 28 July 1938, MA1 30/1/7 1 Box 586, Archives New Zealand, Wellington.
[859] Commissioner of Pensions to the Under Secretary, 2 August 1938, MA1 30/1/7 1 Box 586, Archives New Zealand, Wellington.
[860] Acting Commissioner to the Under Secretary, 24 June 1941, MA1 30/1/7 1 Box 586, Archives New Zealand, Wellington.

> are being taken the assignors should be given clearly to understand that once the rents are assigned they cannot be released until the house is paid off.
> There may be cases where the assignment of rents will create subsequent hardship and in such cases the applicants should not be permitted to commit themselves unless they clearly understand that rent assignments are irrevocable.[861]

775. The discussion on the assignment of income to the board to repay the advances received to build a house emphasises that, while the scheme was designed to address poverty and poor living conditions, capital and income were both required to participate in the scheme as any advances had to be repaid together with interest.

776. In 1938, the Native Minister could report that some progress had been made:

> Extensive surveys of native villages and pas throughout New Zealand have revealed the fact that better housing accommodation for the Maori is a vital problem, and that a present many of the people are living under conditions inimical to health and comfort in overcrowded and insanitary habitations. The investigations undertaken also disclose many problems which render a housing scheme for Natives more complex than is the case with Europeans. Indigency, defective land titles, multiplicity of ownership, insufficient security, Native custom and even religious beliefs are factors which have retarded the government's housing policy for Maoris, and the dearth of skilled labour has accentuated initial difficulties confronting the Department. These obstacles are gradually being surmounted, with the co-operation of the Public Works Department good progress is now being made erecting new houses and improving and renovating existing dwellings. Wherever possible, unemployed Natives are engaged as carpentering assistants, and the opportunity is being undertaken to train young Maoris in the building trade. The number of houses built for natives up to 31st March last, including those erected for sickness on development schemes, are 671.[862]

777. The Board of Native Affairs was responsible for the administration of the Native Housing Act 1935. It was intended to improve the quality of housing for Māori. This included the construction of new dwellings and the repair or alteration of existing dwellings. It also extended to improvements such as the installation of lighting and heating, sanitary fixtures and the provision of water. The board could purchase land or interests in land as sites for dwellings and provide for the development of a site on which a dwelling was built. In making advances for these purposes, the board could accept a number of different forms of security. These included a mortgage on land, a mortgage on an interest in land, the assignment of proceeds from the alienation of land (purchase money or rentals), or an assignment of any other funds to which a mortgagee might be entitled (such as the pension). The board had a broad discretion to accept other forms of security too. Interest was charged on any advances and they

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[861] Under Secretary to all Registrars, 30 September 1941, MA1 30/1/7 1 Box 586, Archives New Zealand, Wellington.
[862] 'Report on Native Land Development and the Provision of Houses for Maoris, including Employment Promotion by the Board of Native Affairs', AJHR, 1938, G-10, p. 6.

were not to exceed the rate fixed by the State Advances Corporation. Repayments could take the form of a lump sum at the end of a defined period, on demand or by regular payment. The board also had a broad discretion to accept other forms of repayment.

778. In addition, the government had decided to provide a separate fund of £100,000 to address the living conditions of those determined by the board to be 'indigent'. This money had been paid to the Native Trustee for distribution to the district Maori land boards at the direction of the Board of Native Affairs. Advances from the fund were to be repaid and that interest would be charged on any advances as interest and repayments and any other income generated was to be used for further advances for housing purposes.

779. As noted above, surveys of housing in Māori settlements had been undertaken and 'the deplorable fact has been substantiated that for years many Maoris have been living under distressing circumstances in surroundings gravely injurious to the health and welfare of the race'.[863] The measures put in place had 'already relieved many pressing cases'.[864] Nevertheless, the Under Secretary considered Māori themselves were a problem in dealing with the difficulties:

> At the same time, it is realised that Maoris are not ambitious in the matter of improving their habitations, being content to live as they have been accustomed and expend their moneys in a less essential direction than that suggested by the State's housing scheme. Before permanent success may be achieved in improving his living conditions it is essential to arouse within the Maori himself that desire to better his mode of living. When this state is achieved through the channel from which it should be expected – that of an inward realisation within each individual of the real value of living in comfortable, hygienic, and pleasant surroundings, evolved from methods of education and emulation – then the question of financing housing advances will be easier and more certain, and the proper maintenance of securities will naturally result.[865]

780. In the Ikaroa district, specifically, housing was reported to be one of the Maori Land Board's most significant activities.[866] Surveys of living conditions had found circumstances described as 'most unsatisfactory and in many cases appalling'.[867] The quality of the dwellings reflected the financial means of the applicants and were not comparable to the homes of Pakeha:

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[863] ibid., p. 7.
[864] ibid.
[865] ibid.
[866] ibid., p. 12.
[867] ibid.

> It is the aim to supply at the cans with the best type of dwelling that can be provided within their financial resources. In many cases arrangements have been made to provide dwellings which, while they possibly do not achieve the standard of the modern European home, are, nevertheless, substantially built and are designed to provide the maximum conveniences and comfort at the most possible cost.[868]

781. The board had attempted to establish syndicates using a structure similar to a building society, and it considered the early results encouraging. Ten to fifteen applicants for housing assistance were required to form a syndicate. They agreed to pay the board an amount not less than 10s per week and also to take on liability for all members of the syndicate. In the Ikaroa district, one such syndicate had been established in Hastings where one house had been completed and four others were under construction. Unemployed Māori had provided some of the labour for the construction of homes built through the scheme, working under the direction of a qualified builder. The intention was to produce skilled tradespeople and the board commented on how independent some of the workers were in the tasks required to build a dwelling.

782. Overall, the board had received 276 applications for assistance and 44 of them had been approved with a value of £16,570. Nineteen of these applications were under what was described as the 'indigent scheme' with a value of £6,045 while the remaining 25 were advances under the Act and had a value of £10,525 (this was for the entire Ikaroa district). Two houses had been purchased, four built and five others nearing completion. The board anticipated that building activity would increase significantly now that the organisation of the scheme, under its control, was established.

783. The Native Housing Act was amended in 1938 by the Native Housing Amendment Act. The bill received its first reading and its second reading on 6 September.[869] It was referred to the Native Affairs Committee for consideration. It came back to the House for consideration in committee on 14 September where it was subject to an extended debate.[870] The Minister of Education and Health told the House that:

> … the Bill extends the privileges of the Native Housing Act of 1935, which made it possible for the Board of Native Affairs, set up by that Act, to advance money for the building of houses for Natives who could give security. That left out of account Maoris who were unable to give security and who were indigent. The Bill makes it

[868] ibid.
[869] NZPD, vol. 253, p. 136.
[870] NZPD, vol. 253, pp. 424-431.

> possible for Maori people who can give no security to obtain money for the erection of houses, and those houses can be leased or sold to them.[871]

784. The government had earlier provided for an appropriation of £50,000 from the Consolidated Fund for this purpose (and the move was applauded by Sir Apirana Ngata). This issue had also been raised by the president of the Ikaroa board (who had established housing syndicates, including two at Ōtaki, to address the housing needs of such people).[872] Sir Apirana believed the bill 'solves a great many difficulties which has arisen during the last two years'. One of the many improvements he identified was that funds could be advanced to purchase an existing dwelling (the Native Housing Act 1935 had required any funds advanced to be used to build a new house). Following the debate, the bill was committed and read a third time. The following day, the bill received its first and second reading in the Legislative Council. It moved immediately to the committee stage where an amendment to clause 12(3) was adopted (it related to the definition of a 'native' for the purposes of the bill). After it was reported back with the amendment, it was read a third time. This amendment was referred back to the house the same day which agreed to it.[873] The Governor General signed the bill on 16 September and it took effect immediately.

785. At the end of the following financial year, the Under Secretary of the Native Department reported on the implemention of the amendment:

> The main purpose of the Native Housing Amendment Act is to extend the provisions of the principal Act by enabling those Natives who are in needy or indigent circumstances to enjoy the benefits of this social legislation. These cases are particularly dealt with in section 18 of the amending Act, which establishes the Special Native Housing Fund. The fund is to be utilized, insofar as money is available, in the provision of dwellings for those Natives, such as pensioners and workers with a number of dependents, who would ordinarily be unable to furnish the security or make the repayments required under the principal Act. Provision is also made for local authorities, trustees, and incorporated bodies to make contributions of land or money to the fund.[874]

786. Up to 31 March 1939, the board had received 465 applications in the Ikaroa and South Island district for housing assistance and the Board of Native Affairs approved 117 loans.[875] In addition, section 20 of the Native Housing Amendment Act 1938 was

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[871] NZPD, vol. 253, p. 424.
[872] President to the Under Secretary, 1 July 1937, MA W2490 30/1 1 Box 20, Archives New Zealand, Wellington.
[873] NZPD, vol. 253, pp. 467-468.
[874] 'Annual Report of the Under Secretary of the Native Department for the Year Ended 31st March 1939', AJHR, 1939, G-9, p. 5.
[875] ibid., p. 14.

being used by 'elders and relatives [to] have vested building sections in them for the purpose of providing sites for houses'.[876] Initially, the vast majority of houses constructed for Māori were under the development schemes. For the same period, across the country, 937 houses were built under the development schemes, 74 under the Native Housing Act (and its amendment) and 123 using the resources of the Special Native Housing Fund. The chairman of the Board of Native Affairs acknowledged that 'there is a wide field yet untouched'.[877] In the Ikaroa district, it was noted that a 'solution has yet to be found to the problem of providing homes for people who have no land and little income, but in the meantime this class of applicant is being encouraged to save a deposit'.[878]

787. In April 1939, the Registrar of the Ikaroa Board provided the Under Secretary with his expectations for housing construction in the near future and asked for the appointment of a building supervisor:

> With reference to the recent conversation between the members of the Ikaroa Board and yourself and Mr Blackburn, I now submit for your consideration certain proposals in connection with an organisation to meet the needs of Maori housing in this District.
> The Ikaroa Native Land District comprises the Wellington – Manawatu, the Wellington – Wairarapa District and the Hawkes Bay District. It stretches from Wellington to Feilding, Wellington to Woodville and northwards to the Mohaka river and covers a distance to its northern limits of over 250 miles from Wellington.
> Except in the Napier – Hastings area the population is nowhere very dense and Housing Construction is more or less widely distributed throughout the District among the scattered communities. The establishment of an organisation to cope efficiently and effectively with the Housing Construction over this wide area has been given much thought and it is felt that the time has arrived for the appointment of a building supervisor.
> If the Housing construction is to meet the demand for houses by the Maori population that can be anticipated that we will have to envisage the erection of from 40 to 50 houses per annum for a number of years to come, in addition to the Housing and other building requirements of Development Units.
> At the present time much of the Farm Supervisors' time is taken up in connection with Housing construction activities, thereby reducing their time available for supervision of land development and farming operations on the various development schemes.
> It is therefore suggested, for the consideration of the Department, that a Building Supervisor be appointed for the Ikaroa District. The duties of such an officer would be as follows, namely:
> 1. Inspect and report upon all applications for repairs to Maori Houses whether with funds held by the Board on behalf of the Maori applicant; with loan monies advanced under the Native Housing Act; the Indigent Scheme or out of Native Land Development Funds, and report upon the native and extent of the repairs, renovations or additions required with estimates of the cost of effecting such repairs etc.

[876] ibid.
[877] ibid., p. 7.
[878] ibid., p. 10.

> 2. To consider an report upon the plans, specifications and estimates of cost of houses for the building of which application is made to the Board of Native Affairs for a loan.
> 3. To select and approve of the proposed site for houses referred to it (2) above and to mark out such site on the ground or to point it out to the builder.
> 4. To find Key men or foreman carpenters and workmen to undertake the erection of the proposed houses, or to carry out repairs, renovations or additions to existing houses.
> 5. To notify the registrar of the material requirements for each house or other structure to enable arrangements to be made for the purchase and supply and to see that all materials are duly delivered on the job so that the work will proceed continuously and expeditously to completion.
> 6. To exercise careful supervision over the progress of the works and the workmenship and materials used and in due course to certify to the satisfactory completion of the jobs.
> 7. Such a other duties ancillary to the above as may be found is necessary from time to time.
>
> It is estimated that the cost of such an official would be £564 per annum being salary or wages £7 per week or £350 per year and a commuted travelling and car allowance of £200 pounds per annum. This cost would be recouped from Housing applicants by a general supervision charge of 5% on the completed cost of the house, or other structure, or repairs, renovations or additions to the existing houses. On an annual expenditure of £11,280 the whole of this cost would be recovered while if that sum were exceeded in any one year there would be a balance available to meet the administration costs of the Department in connection with housing and building construction. Taking the above-mentioned sum of £11,280 and assuming the average cost of each completed house at £450, a total of only 25 houses would be completed in each year. But estimating our building activities at 40 houses at an average cost £450 for the year our expenditure would be £18,000 and 5% on the sum would yield £900 which would leave a balance over supervision costs as proposed of £336. If 50 houses were completed each year the balance over cost of supervision would be much greater as once an expenditure of £11,280 had been reached the whole of the supervision charge would be available to the Department's ordinary administration expenses.
>
> To keep travelling time and expenses to a minimum consistent what effective discharge of the building supervisors duties, such an official if appointed should be required to reside as nearly as possible in the centre of the district which is as you are aware and three lines running from Woodville.[879]

788. At this time, the Under Secretary insisted that the department's housing activities should comply with the by-laws and regulations of the Health Department and officials should work with District Health Officers to ensure compliance, at least as far as possible:

> I should be glad, therefore, if you would in all these cases discuss the question of complying with regulations and by-laws with the District Health Officers and I will explain to the Director General that it is not always possible, when one views the case from a security view point, to make sure that there is complete compliance with these by-laws and regulations.
>
> Indeed the District Health Officers should realise that the efforts that are being made to improve the housing conditions of the Native race, while not perhaps completely

[879] Fordham to the Under Secretary, 11 April 1939, MA W2490 30/1/3 2 Box 19, Archives New Zealand, Wellington.

> adequate, result at least in a most decided improvement on the previous living conditions of those Natives whom we assist.[880]

789. However, the Under Secretary also pointed out to the Director General of Health that while officials were encouraged to comply with his department's regulations, it was not always possible:

> Native Housing must be viewed from a security stand point as well as from the aspect of improving security stand point as well as from the aspect of improving the living conditions of the Maori people, and while it is realised how desirable would be assistance in all cases of tuberculosis and other diseases it is not always possible to give assistance to even the most necessitous cases. Cabinet had ruled that all Native Housing monies must be recoverable and the Board of Native Affairs therefore requires that applicants provide their own house site and evidence as to their ability to meet the mortgage charges. When Native applicants can comply with these conditions their cases can be considered but there are only limited funds available for this class of applicant and the £100,000 voted by Parliament to constitute the Special Housing Fund is almost fully committed.
> It is estimated that £3,000,000 would be required to adequately house the Maori people.[881]

790. The need was far greater than the funds available (and the funds available were a fraction of the total required to address the issue) and even where advances were provided without security, there was still an expectation that they would be repaid.

791. Progress in building houses and ameliorating poverty and deprivation was slow. For the year ended March 1940, the department completed twenty-eight new houses in the entire Ikaroa district. Twenty-one were funded from appropriations under the Act and seven were funded by the Special Housing Fund.[882] In the year to the end of March 1941, the board completed eighteen houses in the Ikaroa district, twelve financed by appropriations and six funded by the Special Housing Fund.[883] In July 1941, the Acting Native Minister referred to his Private Secretary's recent visit to a Māori community which found 'no apparent improvement in the living conditions of the Maoris concerned'. Among a number of towns reported to him over the last few months was Ōtaki.[884] He observed:

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[880] Under Secretary to all Registrars, 19 May 1939, MA W2490 30/1/3 2 Box 19, Archives New Zealand, Wellington.
[881] Under Secretary to the Director General of Health, 18 May 1939, MA W2490 30/1/3 2 Box 19, Archives New Zealand, Wellington.
[882] 'Report on Native Land Development and the Provision of Houses for Maoris, including Employment Promotion', AJHR, 1940, G-10, p. 8.
[883] 'Report on Native Land Development and the Provision of Houses for Maoris, including Employment Promotion', AJHR, 1941, G-10, p. 9.
[884] Mason to the Under Secretary, 22 July 1941, MA W2490 30/1 1 Box 20, Archives New Zealand, Wellington.

> The Maori housing problem throughout New Zealand is becoming most difficult. The provision of better housing for the Maoris is not only an absolute necessity for the health and well-being of the race, but is also a necessary safeguard for the health of the general public in the districts in which these deplorable conditions prevail.[885]

792. He added that the problem 'is one which concerns the Health Department, and any move for its solution must therefore necessarily be taken in conjunction with that Department'.[886] However, he was concerned that the cost of housing made it difficult for those who had little income or financial resources to draw on:

> With the growing demand for better housing to improve Maori living conditions, I am convinced that to make any appreciable improvement under the present building methods of the Department would necessitate financial provision beyond the resources of the Government. Very generous grants have been made by the Government towards better housing for indigent Maoris, and in the present circumstances I am anxious that a more comprehensive scheme should be evolved with a view to the amount available being spread out to provide for more houses. In this connection I would ask that the special investigation be made into the cost of the mass production of portable temporary dwellings of two, three and four bedroom types. I am inclined to the idea that in a number of cases under the present building scheme it is too much to expect an occupant of a hovel to move into a house in which he would be expected to pay anything up to 25s a week in rent, or as the weekly instalment towards repayment of principal and interest. It is not intended that all houses to be built should be of these types. I am led to understand that a great number of Maoris who come into the category of indigent Natives usually have no economic justification for residing in particular spot in which they now live, and that a structure of the type suggested would be quite appropriate and suited to the present requirements and as a first step in educating them to a better standard of living.[887]

793. The Under Secretary was asked to investigate and report on this proposal but it does not appear that it was pursued. Houses were built but handwringing on poverty and living conditions in Māori communities continued as the government's policy initiatives were unable to address the extent of the problem (or that many Māori did not have access to capital).

794. The provision of homes to Māori applicants remained low through the early 1940s with a small number built each year in the entire Ikaroa district. A shortage of materials and labour was usually blamed for the low rate of construction. During the year ended March 1944, the minister decided to bring the construction of housing into the department:

> The past year has again seen little progress made in the way of providing homes for Maoris, due to the emergency conditions arising out of the war operating in the building industry. Although their now appears to be a gradual transition taking place from defence to general building works, the position with regard to shortage of

[885] ibid.
[886] ibid.
[887] ibid.

> materials and labour still remains difficult. It is anticipated, however, that the requirements of native housing Will receive its measure of priority under the national general works policies which are being formulated. In order to provide a more effective control of a progressive Native housing programme, It has been found necessary to establish a housing and building construction organisation within the Department. This need arises from a number of causes, chief of which is the necessity for a closer contact with the Maori people in all matters dealing with this important foundation to their social in general welfare. The question of training Maoris in useful technical trades and allied occupations becomes of considerable importance in developing any building organisation. Construction work will be undertaken as far as possible by small groups of Maori workers under the direction of qualified tradesmen who will also act in the capacity of instructors. As a measure to provide added amenities in keeping with a progressive welfare policy and at the same time to offset increased building-costs, as well as to bring its assistance within the reach of a larger number of Maoris, the department has revised the basis of its lending policy to one not only offering easy repayment terms, but also a higher standard of home consistent with the need for improved living standards among the Maori people. Better housing conditions can be considered as the basic solution to many of the health and sociological problems confronting the Maori race, and although present industrial emergencies will no doubt restrict building operations meantime, a progressive policy directed towards better standards of living for the Maori people will be vigourously pursued.[888]

795. In this period, four houses had been built in the Ikaroa district under the scheme though a further 13 had been purchased for Māori residents (though most of those purchased were in the eastern part of the district).[889] The slow progress of building houses for Māori residents was frequently the subject of comment in annual reports on the department's activities. The board made substantial progress in the year ended March 1947, reporting that in the Ikaroa and South Island districts, 95 loans were approved and 47 houses built (compared with 24 the previous year).[890]

ii HOUSING POLICY IN THE 1950S AND 1960S

796. By the mid-1950s, poverty and deprivation remained in Māori communities and a housing scheme continued to be a priority in government policy. The Ministry of Works was drawn into large-scale post-war residential subdivisions in urban centres and the Department of Maori Affairs frequently approached the Commissioner of Works for vacant sections in subdivisions created by the Ministry of Works for housing development. The department would acquire the section for housing purposes and arrange the construction of a dwelling. It would also identify a suitable whānau to settle in the home and provide the necessary finance for the purchase of the site and

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[888] 'Report on Native Land Development and the Provision of Houses for Maoris, including Employment Promotion', AJHR, 1939, G-10, pp. 3-4.
[889] ibid., p. 9.
[890] 'Statement upon the Progress of the Development and Settlement of Native Lands and the Provision of Houses for Maori by the Right Hon. P. Fraser, Minister of Native Affairs and Chairman of the Board of Native Affairs', AJHR, 1947, G-10, p. 20.

dwelling. It would also manage the repayment of the mortgage and interests in land would, if possible, be converted to cash (through alienation or conversion) to reduce the mortgage and rental income from land would also be applied to this purpose. The framework established in the 1930s of advancing funds and securing these against property by way of a mortgage remained. Indeed, by the end of the decade, the department was still operating under the Maori Housing Regulations 1936 and the Acting Secretary of Maori Affairs recommended to his minister that they should be replaced:

> … as the existing Maori Housing Regulations 1936 are somewhat out of date it would appear that the tidiest way to incorporate all that is required would be to revoke the present regulations and issues fresh ones. The original regulations contained many procedural matters which it does not seem necessary to cover at this stage.[891]

797. The major change was that the focus shifted to urban areas such as Wellington where the shortage of housing for Māori arriving from rural areas was acute.[892] The figures suggest that the Ministry of Works provided the Department of Maori Affairs with a small number of sections in their subdivisions and there was constant demand from the department for more. It was competing with the state housing construction programme for sections and Māori needs were definitely of lesser concern to the Commissioner of Works who told the department in August 1955 that:

> The Department's first consideration is to have sufficient serviced sites to meet the State house programme, and as soon sections are available over and above this requirement, some will be set aside for Maori applicants.[893]

798. The department did not provide houses to those without financial resources as this was the responsibility of the State Advances Corporation. The department was involved in allocating what houses were made available for Māori residents but demand, especially in Ōtaki, constantly exceeded the houses made available. Māori housing needs during the 1950s, both in terms of residential building sites for owner occupants and state houses for rental by those without the necessary capital requirements, certainly have the appearance of taking whatever crumbs were left over after the state housing programme.

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[891] Acting Secretary to the Acting Minister, 14 April 1960, MA1 30/1/2 2 Box 585, Archives New Zealand, Wellington.
[892] Barber to the Commissioner of Works, 8 August 1955, AATE W3322 32/0/6 Box 2, Archives New Zealand, Wellington.
[893] Hanson to Department of Maori Affairs, 30 August 1955, AATE W3322 32/0/6 Box 2, Archives New Zealand, Wellington.

799. A memorandum from the Department of Maori Affairs in July 1959 outlined a number of clear points regarding policy and procedures for obtaining sections for landless clients. It identified that the procurement of sections through the Ministry of Works was only one measure adopted to satisfy the section requirements of Māori housing applicants. Other sections were to be obtained through the Lands and Survey Department through subdivision of blocks of Māori land.[894]

800. The procedure for estimating the annual housing need required each district to submit to Head Office a schedule of sections required on 1 September each year. The Ministry of Works was then advised of the requirements, who were to ask their Housing Division to give an indication of the numbers of sections that can be supplied in the defined towns. Discussions would follow between Maori Affairs districts and the District Supervisor of the Housing Division to ascertain when the sections might be available and investigate their suitability. Districts would then make a submission to the Board of Maori Affairs to approve the purchase of sections at estimated prices. The timeframe for doing the submission was once per year in March or April.

801. When approved by the Board of Maori Affairs this would give authority for individual purchases to go ahead. Title was taken either by transfer or proclamation, and payment was made by Works as soon as the transfer or compensation certificate was registered with the District Land Registrar's office. Following purchase, a gazette notice would be issued declaring the land set aside for Māori housing (to allow advances to be made for a dwelling to be built). If districts found that the required sections were not becoming available when required, steps were to be taken in conjunction with the local District Land Purchase Officers to institute a special drive to acquire them.[895]

802. In April 1960, the Board of Maori Affairs approved the purchase of sections at Levin and Ōtaki to the value of £12,240 for the 1960/61 financial year. The details of the approval were outlined by the district officer in a memorandum to the Land Purchase Officer of the Ministry of Works:

> We have authority for the purchase on the open market of four sections in Levin and two in Otaki. We are enclosing a copy of our authority and should be pleased if you would endeavour to arrange the purchases.

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[894] Memorandum, 16 July 1959, AATE W3322 32/0/6 Box 2, Archives New Zealand, Wellington.
[895] ibid.

> We understand that the sections are hard to come by in Otaki. It may be of assistance to you to know that there were some sections available in Otaki last July at around £500 each. We were not needing sections in the area at the time, so did not proceed with the purchases. It could be these sections are still on the market and we set out here under the details:-
>
> a. Two sites in Convent Road about ¼ mile from Post Office. Further information from Chum Winiata of W. and T. Winiata, Mill Road, Otaki.
> b. Single section in Rangiuru Road, ¼ mile from Post Office owned by Mr Joseph of Wellington. The business is handled by Mt Atmore, Solicitor, Otaki.
> c. Single section in Atkinson Avenue off Rangiuru Road – in recent subdivision only one left – Vendor Otaki Borough Council.[896]

803. A memorandum dated February 1961 indicated the Board of Maori Affairs approved an additional £800 for the purchase of sections, bringing the annual total to £13,040. In May 1961, the Board of Maori Affairs approved funding of £19,875 for the purchase of sections during the financial year of 1961/62.

804. As this shows, increasingly the department looked for vacant sections in towns and cities for purchase rather than attempting to extract sections from Ministry of Works' developments. Any purchase of land was completed by the Ministry of Works and transferred afterwards to the department. This was to ensure the property staff at the Ministry signed off any land as suitable before it was purchased. The District Commissioner of Works advised the department in June 1960 that the supply of sections in Levin and Ōtaki was limited:

> In Levin we have experienced some difficulty in persuading subdividers to sell for this purpose and this will have the tendency to force us to deal with the owners of single sections generally at a slightly increased price over the original sale from the subdivider.
> The position in Otaki is not very clear as so much of the land within the Borough is at present Maori-owned land but private sections there have sold up to about the £800 mark, although the Crown recently acquired some sections for the Borough Council at about half this figure. The Housing Division has always experienced difficulty in buying sections in Otaki and it is suggested that the prices allowed should remain until a property has been selected and its value ascertained.[897]

805. Towards the end of the year, the senior officials in the Ministry of Works considered options for further increasing the number of sections available to the department for housing:

> As you know, the Department of Maori Affairs is anxious to obtain a higher proportion of developed Crown sections to assist with that Department's housing programme. During recent discussions with their head office it was suggested that it

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[896] Spring to the Land Purchase Officer, 5 December 1960, AATE W3322 32/0/6 Box 2, Archives New Zealand, Wellington.
[897] Malt to the District Officer, 23 June 1960, AATE W3322 32/0/6 Box 2, Archives New Zealand, Wellington.

> might be possible to reserve more Crown sections for Maoris if that Department's requirements were submitted two to three years ahead.
> The Acting Secretary for Maori Affairs has now been advised of that although definite Maori housing programmes for 1961/62, and for the two following years have not been fixed at this stage, based on known needs and taking into account the desirability of continuing to progressively increase the building programme, his Department's likely future section requirements have been estimated.
> The Department's scheme to promote the migration of Maori families from under-developed rural areas where employment is limited or lacking, to areas where adequate employment is available, such as in Wellington and Auckland, placing emphasis on these two metropolitan areas where co-operation is particularly sought in helping the re-location proposals. Should the Government decide to increase the Maori housing programme for next year, the bulk of the extra houses would likely be required in Auckland and Wellington, and in this case an amended requisition, based on the increased programme fixed would be supplied.
> The following is the Schedule of the estimated Maori sections requirements for the next three years, set out in accord with Department of Maori Affairs districts. Would you please confer with the District Supervisor of Housing in respect to the towns listed in your District with a view to programming ahead as far as possible, and making provision for the supply of the maximum number of developed Housing Division sections as is warranted by all the circumstances that pertain in meeting the various other priority requirements.[898]

806. In the Ngāti Raukawa takiwā, the number of sections available remained limited (as shown in a schedule prepared by the Ministry in these discussions):

Town	1961/62	1962/63	1963/64
Palmerston North	10	12	12
Feilding	5	5	5
Levin	3	3	3
Foxton	3	2	2
Otaki	2	2	2
Shannon	-	1	1

807. At this time, housing was of growing significance in the department and it was a particular focus of the Acting Secretary for Maori Affairs and Deputy Chairman of the Public Service Commission, J.K. Hunn, in the report on the department he completed in August 1960. Housing was the issue which Hunn believed would 'save' Māori. It would improve their social and economic position, encourage integration and the homes of whānau would replace their traditional lands as turangawaewae. He noted, in particular, that:

> The Maori Economic and Social Advancement Act 1945 is dedicated to the purposes indicated by its name; the most effective and fast-working agent of economic and social advancement could, in fact, be the Maori Housing Act 1935. Modern housing raises family status, social acceptability, educational and employment opportunities, not to mention health and happiness. It works for the good of the public in general as well as the Maoris in particular because it is a strong force for integration.[899]

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[898] Hanson to the District Commissioner of Works, 17 November 1960, AATE W3322 32/0/6 Box 2, Archives New Zealand, Wellington.
[899] J.K. Hunn, 'Report on Department of Maori Affairs, with Statistical Supplement, 24 August 1960', Wellington: Government Printer, 1961, p. 36.

808. ‘Integration’ was of particular concern when it came to the supply of suitable sections for Māori housing. He was critical of the subdivision of Māori-owned land near urban centres because it prevented ‘pepper-potting’, a policy he praised enthusiastically for encouraging integration:

> The dearth and cost of sections is forcing a departure from the “pepper-potting” policy of dispersing Maori houses amongst European houses to promote close integration. In Rotorua, Tauranga, and certain county areas, for example, blocks of Maori land have had to be subdivided into building sites, thus laying the foundations, consciously but regretfully, for all Maori settlements. A large and growing body of the Maoris themselves prefer the “pepper-potting” principle. In Rotorua, the situation is virtually: if no Maori settlements, then no Maori houses. The settlements there (Koutu, Ngapuna, Brent’s Farm) save the Maori housing programme from extinction in that area. Investigation is underway as to the possibility of buying some of the sections from the Maoris and reselling them to Europeans to achieve a mixed community.[900]

809. He noted that one of the difficulties with creating Māori communities like this was that there were no funds available for roads and municipal services. The funds which were available were for constructing houses only. He recommended that the department be given authority and resources to support the subdivision of Māori land with the cost becoming a charge on each section. Hunn, despite the importance of integration in his vision for the future for Māori, was also surprisingly critical of the Town and Country Planning Act. It prevented the partition of housing sites on rural Māori land:

> Another difficulty that besets Maoris more than other people is the insistence of certain counties, in virtue of the Town and Country Planning Act, that no land shall be subdivided into less than 5-acre allotments. Consequently, if a Maori has a house site in the country, close enough to permanent work he is often debarred from building a house on it because it is under the 5-acre minimum.[901]

810. It would appear, therefore, that local authorities used the district plans to prevent the construction of houses on properties by withholding building permits (planning legislation did not, at this time, prevent the Maori Land Court from partitioning land to form residential sections in rural areas though it did need to take account of the district plan in its decisions). Hunn recommended a large scale housing programme managed by a Maori Housing Authority within the Department of Maori Affairs to address the failure to provide sufficient and adequate housing for Māori.[902] In his view, the number of houses built needed to triple annually and he believed a

[900] ibid., p. 41.
[901] ibid., p. 41.
[902] ibid., p. 42.

substantial appropriation to support this plan was necessary. These funds would be loaned to Māori to build houses and, as they repaid them, the funds would be used again for new loans.

811. Hunn recognised the weaknesses of the land title system administered by the Court but he certainly did not acknowledge the importance of collectively held land for Māori. Indeed, he saw it as an anachronistic barrier to integration which needed to be done away with. In his words:

> Everybody's land is nobody's land. That, in short, is the story of Maori land today. Multiple ownership obstructs utilisation, so Maori land quite commonly lies in the rough or grazes a few animals apathetically, while a multitude of absentee owners rest happily on the proprietary rights, small as they are.[903]

812. He acknowledged the importance of retaining turangawaewae:

> Fragmentation of ownership of poses a serious bar to the proper use of land in the interest of the Maoris themselves, not to mention the national interest. While European land is usually in the name of one person, Maori land often has hundreds, even thousands, of owners in minute fractions. The reason is that even the smallest interest in land will save that owner from being a "landless" Maori, a person without "turangawaewae" or standing to speak on the tribal marae.[904]

813. But considered that turangawaewae needed to evolve:

> A growing number of Maoris would willingly sell their fractional interests in land; but, to the remainder, turangawaewae is an important feature of Maori culture. This feeling can be understood from our own history. It is not so long ago since the British electoral franchise reseted on the property qualification. But the British version of turangawaewae changed with the times and now finds expression in universal adult suffrage. It would be a good thing if the Maori people, with customary realism, could come to regard the ownership of a modern home in town (or country) as a stronger claim to speak on a marae than ownership of an infinitesimal share in scrub country that one has never seen. Within a generation, Maoris will all have a decent home and nothing but a microscopic interest in land, so small as to be scarcely a token of ownership. Turangawaewae based on home ownership would be a realistic gesture of recognition of those Maoris who have proved themselves of some consequence as citizens and have demonstrated the love of a particular plot of land in a practical way.[905]

814. Hunn's recommendations focused on reducing the number of owners in titles, particularly those with small interests, over time and often with obtaining their consent.

815. Hunn's solution to the weaknesses of the land title system was to reduce the number of people succeeding to interests in multiply-owned land while at the same time

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[903] ibid., p. 52.
[904] ibid., p. 52.
[905] ibid., p. 52.

reducing the number of people in the titles. These outcomes would be achieved by compulsion or by attracting Māori to a new form of land ownership. However, he also recognised the importance of the Maori Trustee in dealing with these weaknesses. He described the Maori Trustee as unique because the role was both an 'orthodox trustee' and a 'general factotum':

> The status of the Maori Trustee is unique. He is both orthodox trustee and general factotum. Under the Maori Trustee Act he has the normal trustee functions of estate and administration, much as the Public Trustee possesses under the Public Trust Office Act: under the Maori Affairs Act and related Acts, he is called into service whenever it is necessary to find a substitute for multiple ownership. Doubtless the law would regard all his diverse capacity is as being fiduciary in nature, but those acquired outside his own Act seen more administrative than fiduciary in essence. From the variety of duties entrusted to the Maori, it could be inferred that the Legislature has long since come to regard him as the appropriate custodian and conservator of the assets of Maoridom whenever one is needed. It is a most persuasive precedent for calling still further on the Maori Trustee's services as a way out of the "arithmetic trap" of multiple ownership.[906]

816. Hunn saw a possible solution to the problems he identified in the Maori Trustee but his recommendations focused on taking interests in land from Māori by compulsion rather than adopting a trust model of managing land. This was one which could conceivably recognise the role of rangatiratanga in decision-making processes about land as well as recognising that, while rangatira made decisions about land, they did so on behalf of iwi who collectively held interests in that land.

817. In his report, Hunn noted the many functions of the Maori Trustee. These included:

- Administration of deceased estates;
- Administration of the affairs of Maori 'under disability';
- Management and alienation of lands held in trust;
- Acting as agent for owners in completing instruments;
- Collection and distribution of purchase money and rents to owners;
- Investment of trust funds in the Common Fund;
- Provision of loans from funds held in the General Purposes Fund;
- Administration of the Conversion Fund.

818. Hunn took a relatively radical position on the question of the distribution of general trust funds held by the Maori Trustee. Whereas on earlier occasions, the Crown had unilaterally determined how these funds would be applied (advances for land development, acquisition of properties, Maori Purposes Fund), Hunn considered it appropriate for Māori to determine how the funds should be allocated:

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[906] ibid., pp. 66-67.

> At the point where the Maori Trustee becomes the guardian of Maori assets on broad general trusts, it should not be for him to decide who are to be the recipients of the revenue. The description is to disposition of moneys declared available by the Maori Trustee should rest primarily with the Maori people themselves. The national body, representative of the Maori race, would have to be constituted by law. As it would be, to all intents and purposes, akin to a Maori Trust Board but on a national rather than regional plane (it could well be called the New Zealand Maori Trust Board), it would rationally be subject only to supervision by the Minister of Maori Affairs.[907]

819. This position, which possibly envisaged the New Zealand Maori Council, was included among Hunn's recommendation and was a significant break from the manner in which the Crown dealt with these funds in the past.

820. Another source of housing for Māori in the early 1960s were houses newly built by the Ministry of Works for the State Advances Corporation as part of the government's state housing programme. A small number were made available to the department to sell to Māori purchasers (with the department arranging finance). In May 1961, the Director of Housing at the department indicated there was demand for two suitable houses of this kind in Ōtaki and another two in Levin. The houses were to be completed at a lower standard with the director instructing the district supervisor that '[w]here possible ancillary works, except fencing and drainage, should be deleted from the units selected for transfer to the Maori Affairs Department'. He also emphasised that provision of these houses would 'not affect requirements of the Maori Affairs Department for sections for their own building purposes'.[908]

821. A definitive policy statement on the department's dealings with these houses followed later in the year. The policy had been considered and approved by Cabinet. It was intended to add fifty new state houses and 100 existing vacant state houses previously used for renting to the department's housing scheme for sale in the 1961/62 financial year. This would bring the total number of houses available under the programme for the year to 900. An amendment to the Maori Housing Amendment Act 1938, which was still the legislation the department operated under, was required to implement the policy but preliminary action was required to ensure the department could meet the government's timetable. Officials were directed to commence discussions with the Ministry of Works and the State Advances Corporation immediately to identify and

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[907] ibid., p. 68.
[908] Jebson to the District Supervisor, 22 May 1961, AATE W3322 32/0/6 Box 2, Archives New Zealand, Wellington.

agree on the houses to be passed to the department. Once a house was made available, it was to be occupied as quickly as possible:

> It is vital that vacated State houses offered to the Department are re-occupied within a reasonably short time, and that new houses being provided are occupied immediately on completion. From the SAC viewpoint this prevents any adverse criticism about unoccupied houses. Interest would also be lost to the State until houses are sold.[909]

822. Officials were required to have 'suitable buyers lined up in advance and all arrangements possible at that stage finalised, i.e. deposit available, capitalisation of family benefit, etc'.[910] The district offices were instructed that they 'must build up a "pool" of potential purchasers i.e., local applicants and families for relocation, so that suitable buyers can be produced at the right time'.[911] The purchase of the houses would be made by way of a sale and purchase agreement, usually over 35 years, and there were deposit requirements (7.5% to 10% of the purchase price) and a specified rate of interest to be paid (5% reducible to 3% in certain circumstances). Title to the property remained with the Crown until the advances were repaid.[912]

823. In 1962 the Board of Maori Affairs approved the expenditure of £300,000 for the purchase of 519 sections for Māori housing.[913] This expenditure continued to increase through the second half of the 1960s. In 1965 the Board of Maori Affairs authorised the purchase of 793 sections for the 1965/66 financial year to the value of £597,505 in various parts of New Zealand for Māori housing. The requirements for the Palmerston North District for this period were:[914]

	Required	Average Price	Max Price	Total Cost
Hastings	6	£950	£1,000	£5,700
Napier	15	£850	£900	£12,750
Palmerston North	10	£850	£1,000	£8,500
Feilding	5	£600	£700	£3,000
Levin	6	£700	£800	£4,200
Otaki	2	£600	£650	£1,200
Wairarapa	10	£600	£650	£6,000
Wellington	80	£950	£1,000	£76,000
	134			£117,350

[909] ibid.
[910] ibid.
[911] ibid.
[912] Department of Maori Affairs Circular 1961/28, 10 October 1961, AATE W3322 32/0/6 Box 2, Archives New Zealand, Wellington.
[913] Spring to the Land Purchase Officer, 10 October 1962, AATE W3322 32/0/6 Box 2, Archives New Zealand, Wellington.
[914] Board of Maori Affairs Recommendation, 6 April 1965, AATE W3322 32/0/6 1 Box 2, Archives New Zealand, Wellington.

824. In 1966 the Board of Maori Affairs authorised the purchase of 888 sections for the 1966/67 financial year to the value of £699,110 in various parts of New Zealand for Māori housing. The requirements for the Palmerston North District for this period were:

	Number Required	Ave Price	Max Price	Total Cost
Feilding) Levin) Otaki)	20	£ 750	£800	£15,000
Palmerston North) Wellington and suburbs	80	£1,000	£1,100	£80,000[915]

825. In 1967 the Board of Maori Affairs authorised the purchase of 821 sections for the 1967/68 financial year to the value of £700,430 in various parts of New Zealand for Māori housing. The requirements for the Palmerston North District for this period were:[916]

	Number Required	Average Price	Maximum Price	
Feilding) Levin) Otaki)	20	£750	£800	£15,000
Palmerston North) Wellington District (including Featherston and Martinborough	80	£1,050	£1,200	£84,000

826. Revised paperwork for Māori housing section requirements for 1968/69 shows the following for the Palmerston North District:[917]

	Number Required	Average Price	Maximum Price
Feilding) Levin) Otaki)	20	£1,600	£2000
Palmerston North) Wellington District (including Featherston and Martinborough	65	£2,200	£2,650

827. In 1969 the Board of Maori Affairs gave project approval to the purchase of the following sections for the Palmerston North District:[918]

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[915] Board of Maori Affairs Recommendation, 7 April 1966, AATE W3322 32/0/6 1 Box 2, Archives New Zealand, Wellington.
[916] Board of Maori Affairs Recommendation, 9 February 1967, AATE W3322 32/0/6 1 Box 2, Archives New Zealand, Wellington.
[917] Hawkins to the District Commissioner of Works, 25 October 1968, AATE W3322 32/0/6 1 Box 2, Archives New Zealand, Wellington.

	Open Market	Ex MOW	Average Price	Max Price	Total Average Price
Feilding	2		1,800	2,000	3,200
Foxton	2		1,800	2,000	3,600
Levin	4		1,800	2,000	7,200
Otaki	2		1,800	2,000	3,600
Palmerston North	8	4	2,000	2,200	24,000
Paekakariki) Pukerua Bay) Paraparaumu)	4		2,000	2,000	8,000
Paremata) Plimmerston) Pauatahanui)	4		2,400	2,400	9,600

828. For the 1969/70 financial year the Board of Maori Affairs approved the purchase of 545 sections to the value of $1,067,300 in various parts of New Zealand for Māori housing. The following relates to the Palmerston North District:[919]

	Open Market	Ex MOW	Average Price	Max Price	Total Average Price
Feilding	2		£1,800	£2,000	£3,600
Foxton		2	£1,800	£2,000	£3,600
Levin		4	£1,800	£2,000	£7,200
Otaki	2		£1,800	£2,000	£3,600
Palmerston North	8	4	£2,000	£2,200	£24,000
Paekakariki) Pukerua Bay) Paraparaumu)	4		£2,000	£2,000	£8,000
Paremata) Plimmerston) Pauatahanui)	4		£2,400	£2,400	£9,600

829. By the late 1960s, demand for housing was moving away from provincial centres and rural areas to the major cities:

> A slackening in demand for new houses in the more rural districts has been evident over the past two years. A big backlog of housing applications no longer exists, and it is doubtful in these districts that the demand will grow again to any extent. The district most affected is Whangarei which fell a long way short of its building programme last year.
> There is still, and there will continue to be, a demand in the urban areas where the full potential has not been explored. A quick review has been made of the Wellington area, for instance, and it is clear this zone can manage a bigger building programme

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[918] Hartshorne to the District Commissioner of Works, 14 April 1969, AATE W3322 32/0/6 1 Box 2, Archives New Zealand, Wellington.
[919] Williams to the Ministry of Works, 14 April 1969, AATE W3322 32/0/6 1 Box 2, Archives New Zealand, Wellington.

> this year than originally planned, and so take up some of the slack from Whangarei, if an increased supply of building sections can be assured.
> With section price limits set at their present levels, barely enough sections can be bought to enable the current programme to be completed. If the upper price limits ranging from £2,000 to £2,650 are increased, a building programme of 70 houses may be possible this year.[920]

830. However, the Secretary also took the opportunity to review progress on Māori housing and was very enthusiastic about the progress which had been made:

> Since the scheme began [in 1935] 14,272 new houses have been built with finance made available, initially out of Maori land development finance, and later out of Maori Housing Act finance; a further 537 secondhand houses have been financed, and additions and improvements have been made to a further 5,151, a total of 19,960. It is also known that as a minimum 186 Maori families have been provided with houses out of finance made available by the Maori Trustee: another 5,071 have been helped by the State Advances Corporation either with finance to build or buy or by the allocation of State rental houses: and a further 435 have acquired houses through other State assistance. The average number of occupants in a Maori household is 5.5 persions, which means over 141,000 Maori people have been provided with improved housing in the relatively short period of 40 years. The total Maori population recorded at the 1956 census was 137,151 so it can be seen the achievement is spectacular.[921]

831. Indeed, despite the continuing need for housing in Māori communities, and the continuing evidence of deprivation identified by the department's welfare officers and other staff, the department had managed to build more dwellings than were required to house the Māori population. It is not clear why the benchmark was the 1956 census when there were more recent population figures available but presumably the Secretary was attempting to show the extent of the achievement. It is perhaps somewhat blunted by the figures from the Ikaroa district showing the modest numbers of houses constructed each year and recognition of the extent of land or financial resources Māori housing applicants were generally required to contribute.

832. For the 1970/71 financial year the Board of Maori Affairs approved the purchase of 532 sections to the value of $1,195,450 in various parts of New Zealand for Māori housing. The following relates to the Palmerston North District:[922]

	Number Required	Average Price	Max Price	Total Average Price
Palmerston North	11	$2000	$2200	$22,000
Feilding	2	$1600	$1700	$3,200
Foxton	3	$1150	$1250	$3,450

[920] Memorandum, 15 May 1969, AATE W3322 32/0/6 1 Box 2, Archives New Zealand, Wellington.
[921] 'Report of the Maori and Island Affairs Department and the Maori Trust Office and the Board of Maori Affairs for the Year Ended 31 March 1969', AJHR, 1969, G-9, pp. 10-11.
[922] Shea to the Ministry of Works, 17 March 1970, AATE W3322 32/0/6 1 Box 2, Archives New Zealand, Wellington.

Levin	5	$1700	$1800	$8,500
Otaki	2	$1200	$1300	$2,400
Paraparaumu	3	$2000	$2250	$6,000
Paekakariki) Pukerua Bay)	4	$2500	$2700	$10,000
Paremata) Plimmerton)	6	$2700	$3000	$16,200

iii HOUSING SURVEYS IN NGĀTI RAUKAWA KĀINGA

833. Housing surveys were undertaken in several Ngāti Raukawa kainga from the 1930s to the 1950s. These were relatively intimate assessments of the communities undertaken by Crown officials who expressed strong opinions about the failings of those they were sent to observe and their living conditions. Surveys were undertaken at Ōtaki, particularly Tainui Pā, at Levin, Foxton, Shannon and Kai Iwi Pā. The situation at Ōtaki was of particular concern to the Crown in the second half of the 1930s and, as noted above, was the subject of comment during parliamentary debates on the subject of Māori housing conditions at this time.

a Ōtaki

834. In June 1935, the acting Minister for Native Affairs, accompanied by Apirana Ngata visited the Ōtaki district for the purpose of inspecting Māori lands and housing conditions to gain first hand knowledge of the situation. In a record of the visit the following statement was made highlighting how significant the Māori housing situation in Ōtaki had become:

> Had the Prime Minister been in New Zealand he himself would have made the inspection, but the whole question would be discussed with him on his return.[923]

835. In a letter from the Registrar to the Under Secretary in September 1937, with respect to land at Tainui Pā within a 'half mile of the post office', the following reference is noted:

> … suggestion that part of the land be taken over by the Crown is worthy of consideration … a proposal was mooted during the rating proceedings in 1932 to settle Otaki Maori outside the Borough.[924]

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[923] Ministerial record, 6 June 1935, AAMK 869 W3074 Box 1022a 30/3/42, Archives New Zealand, Wellington.
[924] Registrar to the Under Secretary, 2 September 1937, AAMK 869 W3074 Box 1022a 30/3/42, Archives New Zealand, Wellington.

836. Over the next decade little progress was made to improve the Māori housing situation in Ōtaki. The introduction of the Native Housing Act 1935, with provisions to assist Māori housing, failed to make any significant impact on the situation in Ōtaki.

837. By 1947 Māori housing in the Ōtaki district had become a significant health related issue. Notes from a meeting held at Raukawa Marae in Ōtaki on 4 November 1947 describe how the advent of social security had exposed tuberculosis among Māori people but medical treatment was pointless if they were then returned to:

> … their miserable living conditions – just slipped right back. Housing was the root of all the trouble.[925]

838. Although some Ōtaki Māori had taken on loans to improve their housing situation many found difficulty in repaying their debts. A meeting at Raukawa Marae highlighted a concern around the rate of interest charged on Māori housing loans and asked that:

> … Maoris be treated on the same basis as the pakeha and given a loan on table mortgage. A good house cost more than £1000 and the Maori was not able to meet the interest and sinking fund on that type of house. He asked for a reduction in the rate of interest.[926]

839. There was also concern at the long delays in building houses for Māori in the district. Instances were cited where loads of building timber, roofing material, bricks, bath and stoves were on site and subject to deterioration, including the buckling of timber and weathering of materials, with no sign of builders. The one known builder in the area was, '… an old man and he had no one but apprentices to assist him, the result being that he could not manage all the work'[927]

840. In December 1947 the Controller, Maori Social and Economic Advancement, wrote to the Maori Welfare Officer at Levin asking that a housing survey of the Raukawa tribal district to be carried out:

> Details of the housing conditions at Otaki, including Tainui Pa and Levin are required urgently and should be given your immediate attention.[928]

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[925] Raukawa Marae meeting notes, 4 November 1947, AAMK 869 W3074 Box 1022a 30/3/42, Archives New Zealand, Wellington.
[926] ibid.
[927] ibid.
[928] Department of Maori Affairs to Welfare Officer, 8 December 1947, AAMK 869 W3074 Box 1022a 30/3/42, Archives New Zealand, Wellington.

841. The housing survey carried out in late 1947 and early 1948 evidenced a widespread need for improvements to Māori housing and by June of that year the Under Secretary was in receipt of housing survey findings describing an urgent need to address the situation:

> I am in receipt of a housing survey … there are some 13 cases which should receive immediate attention … Also mentioned as most unsatisfactory were the houses of … and … but these two have now been granted loans.[929]

842. Of course, the availability of finance did not necessarily mean that a house would be built or built in a timeframe which alleviated the serious need.

Builders and Supervisors

843. The supply and access to qualified builders and supervisors was another factor contributing to the poor housing and living conditions Māori of Ōtaki and Tainui Pā had to endure during the late 1940s. By March 1948 the situation where buildings were taking too long to be built and excuses were weak, was no longer tenable. Indeed, over a period of ten years only fourteen houses were built in the Ōtaki area for Māori housing, while private and state houses were being erected at a far greater rate. A letter from a meeting at Raukawa Marae was sent to the Under Secretary highlighting the issues:

> … the district is too large for one man to handle … The requirement of a building supervisor for the area is made manifest by your statistics which shows that for the past ten years only 14 houses have been erected out of the 55 applied for, yet all around private and state houses are springing up like mushrooms.[930]

844. Māori housing was a far lower priority than housing for those who obtained their finance from the State Advances Corporation or privately.

Lack of Materials

845. Concern was raised at the lack of materials being the excuse for building not to have taken place:

> … about 9 months ago a halfcaste (private means) bought a vacant section about 200 yards north and on the opposite side of the road to the meeting house at Ohau. His building is almost complete and he hopes to be living in the house in two or three

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[929] Under Secretary to the Registrar, 2 June 1948, AAMK 869 W3074 Box 1022a 30/3/42, Archives New Zealand, Wellington.
[930] Nepia Winiata to the Under Secretary, 26 March 1948, AAMK 869 W3074 Box 1022a 30/3/42, Archives New Zealand, Wellington.

> weeks time. I quote this because to my mind it discredits the oft repeated excuse that building material is difficult to get.[931]

846. Building was also delayed on another site:

> We wish in particular to quote the application of … Some of the material for which has been on the building site for the past 12 months but building operations has not yet commenced despite the fact the Hon. the Prime Minister wrote to us in January last and stated that the building would be commenced within 3 weeks.[932]

847. Materials were available but the builders and labourers to undertake the work were not. Political assurances proved of little value when it came to dealing with these issues.

Importance of Welfare Officers

848. Welfare Officers were at the front line of interactions with Māori whānau. The initiative to provide suitable housing for those experiencing poor living conditions was often at the behest and advocacy of welfare officers. By 1948 the area around Tainui Pā in Ōtaki had been identified as in need of particular housing support and the role of welfare officers to encourage and enlist applications from Māori became significant. In reference to the housing situation at Tainui Pā the following notes were recorded:

> … conditions were simply deplorable … There were 12 old house at Tainui Pa housing between 90 and 100 people.[933]

849. In a memorandum from the Under Secretary to the minister regarding the uptake of interest from Māori in housing around Tainui Pā, the role of welfare officers to obtain applications for Māori housing assistance to improve the situation was highlighted:

> The improvement of Tainui Pa has been under consideration for many years but the people have shown little interest. This Pa is covered in the Otaki survey and it is hoped that applications for assistance will result from the welfare officers efforts.[934]

850. However, despite the efforts of welfare officers to enlist applications, the uptake from Māori for the the Māori housing programme was dismal. Although poor housing conditions existed, and was impacting on the health and advancement of the people, by 1947 only 16 applications for Māori housing assistance in the Ōtaki district had

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[931] ibid.
[932] ibid.
[933] Raukawa Marae meeting notes, 4 November 1947, AAMK 869 W3074 Box 1022a 30/3/42, Archives New Zealand, Wellington.
[934] Under Secretary to the Minister, 11 May 1948, AAMK 869 W3074 Box 1022a 30/3/42, Archives New Zealand, Wellington.

been filed in the twelve years since the Act came into operation. Delivery of the programme by welfare officers was ineffective and seemingly lacked a commitment from the department to advance the programme by reviewing the performance of welfare officers in this regard, and how to address the issues preventing success of programme.

851. In another show of the lack of commitment for delivery of the Māori housing assistance programme in Otāki a letter from the Under Secretary to the Otaki Tribal Committee in November 1947 noted that, '… the Department can scarcely be expected to spend valuable time soliciting new applications'. The letter described how provisions of the Native Housing Act 1935 had accomplished a great deal to ameliorate poor Māori living conditions across the country. Success of the programme was now straining departmental resources to the point where valuable time spent on enlisting new applications was no longer warranted. The letter seemingly abrogating the department's responsibility to assist the uptake from Māori in Ōtaki, where living conditions were descibed as '*deplorable*', to make applications for housing assistance:

> … Maoris are becoming increasingly more house conscious and applications for assistance are being received at a correspondingly accelerated rate. This rate of increase has already begun to strain departmental resources … It is evident therefore that with the Building Organisation working at virtual capacity the Department can scarcely be expected to spend valuable time soliciting new applications.[935]

852. The allocation of departmental resources was a higher priority than the needs of communities living in substandard dwellings.

Inequitable Loan Conditions

853. The loan conditions for Māori were at odds with those offered to Pakeha. As already noted above concerns were raised at the Raukawa Marae meeting in November 1947 about Māori being treated on the same basis as the Pākehā and given a loan on table mortgage. The tenure of loans was also a concern for Māori during this period with loans typically twenty years making the repayments difficult for many Māori borrowers where Pākehā were able to borrow for 30 year terms. In November 1947 the Under Secretary, while attending the meeting at Raukawa Marae, replied to this situation:

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[935] Under Secretary to the Otaki Tribal Committee, 12 November 1947, AAMK 869 W3074 Box 1022a 30/3/42, Archives New Zealand, Wellington.

> Regarding the term of repayment the Department was at the present moment negotiating with the help of the Right the Honourable Native Minister for the introduction of a system of Table Mortgage in respect of Maori housing loans. If they were sucessful it would be for the borrower to say whether they wanted the money for 20, 25 or 30 years. That would be conditioned by his means.[936]

854. These complaints further emphasise that the Crown's building programme was funded by debt and, despite all of the political rhetoric about the poor living conditions of some of those living in Ngāti Raukawa kainga, it was directed at those with means rather than those in need.

Supply of Skilled Labour

855. Following the end of the Second World War, the late 1940s saw a limited supply of skilled workers, experienced carpenters, tradesmen and labourers to build houses in the Ōtaki district. The Raukawa Marae meeting asserted that:

> There was a severe shortage of materials and labour and on the other hand experienced carpenters were very hard to find. … Labour was also badly needed in the timber mills.[937]

856. The Raukawa Marae meeting was significant because not only did it raise significant issues concerning Māori housing in the Ōtaki district, appeals were made to the officials in attendance at the meeting to develop meaningful relationships with the tribal executive committee. By implication this could lead to an improved uptake of applications to assist with Māori housing, Māori supplying labour and upskilling for the building and milling industry and better communication between the department and local Māori. Turi Carroll, in attendance at the meeting, is recorded as saying that he:

> … was particularly concerned with housing conditions among the Maori people of Otaki. He had become associated with the people of the district for some time and was acquainted with their many problems. He appealed to Mr Shepherd to establish a proper relationship between the Tribal Executives and the Department.[938]

857. This remarkable situation indicates that even after ten years of concern about the living conditions of some of those living in the Tainui Pā at Ōtaki, people continued to live in unsuitable dwellings. The extent to which the Crown's Māori housing policy was effective in meeting the needs of these people is in serious doubt given these comments.

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[936] Raukawa Marae meeting notes, 4 November 1947, AAMK 869 W3074 Box 1022a 30/3/42, Archives New Zealand, Wellington.
[937] ibid.
[938] ibid.

Land acquistion for Māori housing

858. Over the period between 1960 and the mid-1970s the Ministry of Works, at the request of the Department of Maori Affairs, were active in the acquisition of land for Māori housing in the Ōtaki district. Large parcels of land were acquired from the Borough Council, the Roman Catholic Archbishop of Wellington and land held by the local Catholic priests. Smaller parcels of land were acquired from local landowners. The land was to be made available to Māori to build houses and improve the Māori housing situation in the area.

b Levin

859. In a record of a meeting held at Koputaroa in October 1948 the following statement by one of the attendees was recorded:

> The Maori housing record in Levin is negligible. Since 1935 there have been 5 houses reconditioned and 3 new ones built. The old cry that Maoris must apply is worn out. The Department has not assisted the Maoris, who are ignorant to apply. It is no excuse for doing nothing. … There are about 60 State houses going up for Pakehas and private buidling another 40 houses. Where do the Levin Maoris come in? … I am concerned about my own people who are living under deplorable conditions.[939]

860. One of the participants in that hui earlier had raised the problem of housing for Māori living in the Levin borough at a meeting with the Minister of State Advances in 1945:

> … in the Levin Borough there was a case of 76 Maori people (children and adults) all crammed into five houses. Also just out of the Borough 4 house with 44 people living in them … The position was further aggravated because in some cases some of these people were suffering from tuberculosis endangering all those living around them.[940]

861. In a letter to the Under Secretary from the Controller for Maori Social and Economic Advancement it is stated that the:

> … people have decided to adopt your original suggestion that the land be sold to the Department for housing purposes. … The Crown to purchase the land, subdivide, road and build the houses, then sell them back to those requiring housing.[941]

862. A suggestion by the department to establish a Māori housing area near the abbatoirs at Hokio Road was met with stern opposition by the meeting at Koputaroa:

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[939] Koputaroa meeting notes, 24 October 1948, AAMK W3730 30/4/1 Box 21, Archives New Zealand, Wellington.
[940] Under Secretary to the Registrar, 4 August 1947, AAMK W3730 30/4/1 Box 21, Archives New Zealand, Wellington.
[941] Rangi Royal to the Under Secretary, 3 August 1948, AAMK W3730 30/4/1 Box 21, Archives New Zealand, Wellington.

> This is a most unhealthy area because of the abbatoirs and it smells. The Pakehas will not build near it and are complaining of the smells. Why put Maoris there?[942]

863. Ngāti Raukawa were to be kept away from the town in an area that few others wanted to live.

c Foxton – Matakarapa – Opiki

864. By 1953 housing conditions for Māori in the Foxton-Matakarapa district had become a concern for the Board of the Combined District of the Manawatū County and Foxton Borough, the Palmerston North Hospital Board and, in turn, the Department of Maori Affairs. By June 1954, the Mayor of Foxton, Mr H. Podmore, wrote to the Minister of Maori Affairs to draw attention to the deplorable living conditions under which Māori families were living at Matakarapa, Foxton, in the vicinity of the old Manawatū River loop. He requested that steps be taken to investigate the matter with a view to effecting immediate improvement in the living conditions of for Māori families.

865. During 1954 reports to the Palmerston North Hospital Board Social Welfare Committee confirmed the situation.

> The Board is aware from reports submitted by its District Nurses that the living conditions of the Maori families concerned are extremely poor.[943]

866. The area of Foxton-Matakarapa and Opiki was a fertile plain with market gardens employing workers, many of whom lived on-site and in poor housing conditions. By September 1955, and following a meeting of the Palmerston North Hospital Board Social Welfare Committee, a letter from the Board was addressed to the District Officer, Wellington, seeking confirmation of a proposal of action to address the situation. In reference to the responsibility of market garden growers to provide adequate accommodation for their workers, the line of action agreed upon included:

> The Welfare Officer to (Mrs Garrett), to take up with the Labour Department, possible action in terms of Agricultural Workers Accommodation Regulations, and Health Act, against the garden employers at Shannon, in association with the Health Department and the Local Body.[944]

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[942] Koputaroa meeting notes, 24 October 1948, AAMK W3730 30/4/1 Box 21, Archives New Zealand, Wellington.
[943] Acting Managing Secretary, Palmerston North Hospital Board to the Minister, 21 July 1954, MA1 613, C301 317 30/3/147, Archives New Zealand, Wellington.
[944] Palmerston North Hospital Board to District Officer, Wellington, 12 September 1955, MA1 613, C301 317 30/3/147, Archives New Zealand, Wellington.

867. The various authorities of the area were encouraged to put forward a united effort to improve housing matters for Māori living in poor conditions. The Palmerston North Hospital Board provided a list of District Nurses and Welfare Officers who were urged to work alongside them to implement improvements. But in Shannon, Foxton, Matakarapa and at Kai Iwi Pā progress towards housing improvements for Māori families was made difficult by the requirement to leave settlements and move into townships.

868. The period between 1957-1987 evidenced the acquistion of various parcels of land throughout Foxton by the Crown, acting through the Department of Maori Affairs and under the Public Works Act, for the purposes of Māori housing. Properties owned by private individuals were purchased by the department at market value for the Māori housing programme in Foxton.

869. Of note is the acquisition of a property in Foxton in July 1986. Formerly a Police residence that was burned down in 1983 the property was deemed ideal for kaumātua flats, at odds with the viewpoint and tīkanga of some Māori.

d Shannon

870. In a letter from the Registrar to the Under Secretary, Department of Maori Affairs dated 6 May 1949 it was stated that:

> There is practically no Maori land in the Borough of Shannon but there are a number of Maoris living in Shannon who are making enquiries for loans under the Maori Housing Act 1935.[945]

871. Throughout 1949 a programme to purchase land in Shannon for Māori housing was put in place with an initial purchase of six sections and later four more being acquired by the Department of Maori Affairs for re-sale to Māori under the Māori housing programme through the Act.

872. In a letter from the Minister for Maori Affairs to the Town Clerk of the Shannon Borough Council dated 4 July 1952, the Minister made reference to the fact that although the acquisition of land for the purposes of 10 building sites for Māori housing in Shannon had taken place, no construction of any houses had commenced at

[945] Registrar to the Under Secretary, 6 May 1949, AAMK W3730 30/4/7 Box 22. Archives New Zealand, Wellington.

that point. He noted that only eight applicants had shown interest, despite knowing that:

> … several other Maori families are living in overcrowded and unsatisfactory conditions.[946]

873. The letter was also indicative of the experience in other districts where initially Māori had shown little interest in applying for housing assistance. The minister stated that:

> … the Department of Maori Affairs cannot compel these people to make applications for housing assistance. The Department officers are continuing their efforts to encourage people to seek housing assistance so that all the sites can be built on. [947]

874. Between 1956 and 1957 Department of Maori Affairs staff purchased and sub-divided another property in Stafford Street, Shannon, into six more sections for the Māori housing programme. The department noted that there remained substantial need in the area:

> The Welfare Officer estimates that between approximately 150-200 Māoris live in the area surrounding Shannon with something like 50% under the age of 21. Approximately 20-25 families require improved living conditions in and around this area.[948]

875. It was nearly two decades since a specific Māori housing policy had been implemented but still the need for housing for Māori families remained intense and the department was repeatedly unable to provide for demand.

e Kai Iwi Pā

876. The first survey of Māori housing in the Kai Iwi Pā district was made in March 1956:

> All of the people living in the Kai Iwi neighbourhood, and some who live further away (There are 31 families) have been interviewed personally for the purposes of ascertaining their housing needs and interest in bettering their housing conditions.[949]

877. Ten applications for home ownership were completed after the first survey in 1956 and subsequently later in the year three more applications were lodged by Māori of the area. But resistance for the housing programme was widespread among those living at Kai Iwi Pā.

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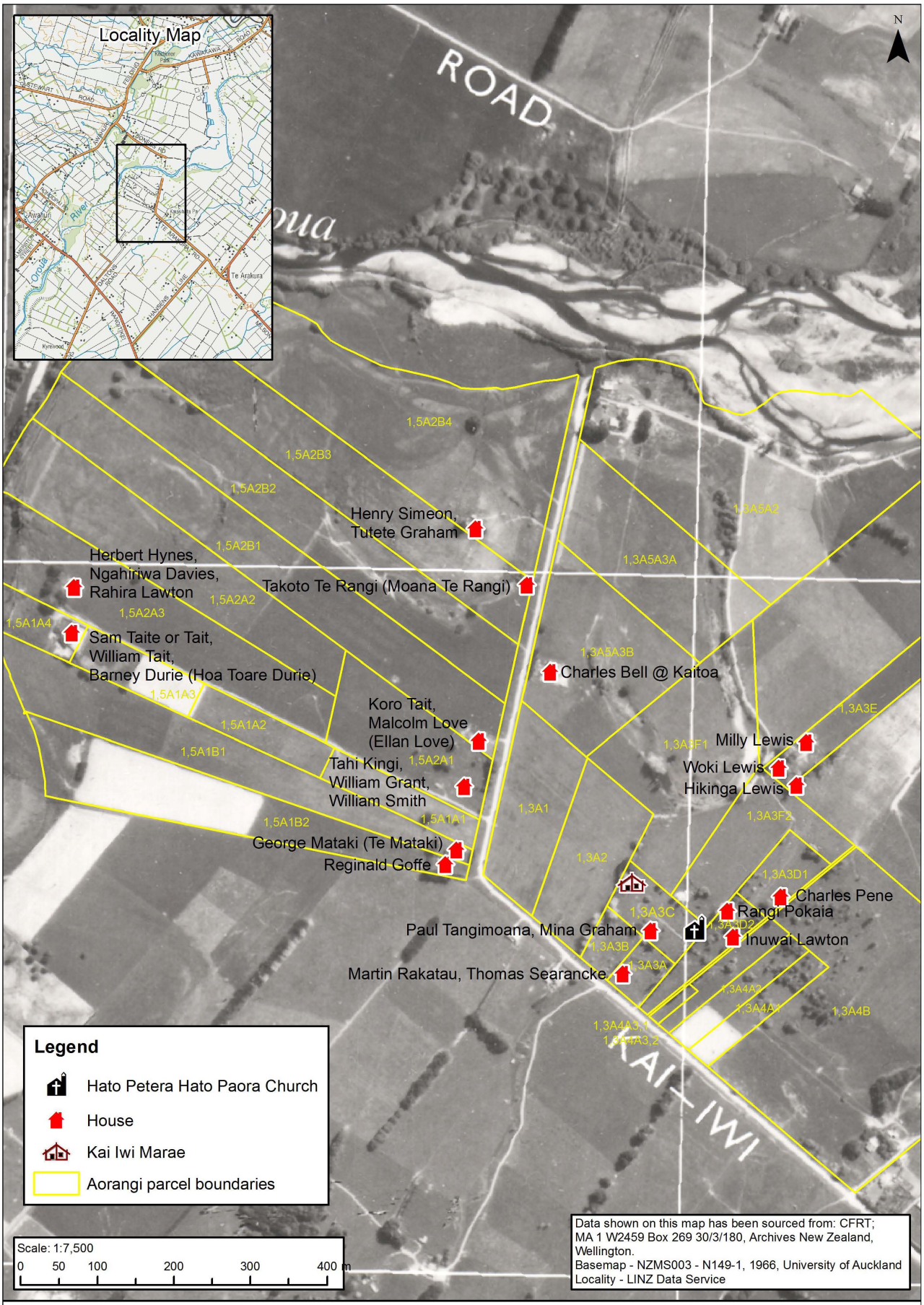
[946] Minister for Maori Affairs to the Town Clerk, 4 July 1952, AAMK W3730 30/4/1 Box 21, Archives New Zealand, Wellington.
[947] ibid.
[948] Board of Maori Affairs minute, 21 January 1956, AAMK W3730 30/4/7 Box 22. Archives New Zealand, Wellington.
[949] Maori Welfare Officer to District Officer, 4 April 1956, MA1 W2459 9/10/3 1 Box 122, Archives New Zealand, Wellington.



Rangatiratanga Versus Kawanatanga: **Kai Iwi Pa Sketch Map, C.1956**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 035 Map projection: New Zealand Transverse Mercator Date: 16/06/2017

Map 28: Kai Iwi Pā, based on a sketch map, c1956

> Twelve of the remaining people who were interviewed, were not interested. Some of these people categorically affirmed that they did not wish to build or ove into a better house…. In nearly all cases the houses are very overcrowded and substandard, and the amenities are primitive.[950]

878. The welfare officers dealing with families experiencing poor living and housing conditions at Kai Iwi Pā explored several means by which to address the problem. Discussions were held with the Medical Officer of Health, Palmerston North, in December 1957 regarding what could done to be bring about closing orders or demolition orders on sub-standard housing in the area. The question of indivdiual rights was highlighted by the medical officer, the response from the welfare officer being:

> … though every individual has a right, he has also has a responsibility. In those problem cases where the conditions are appalling or where the wife or children live in unsatisfactory conditions, the breadwinner has a responsibility to improve his housing not only from a health standpoint but also from a moral one. In the same way that parents fail to take proper care of their children the children may be removed from that home.[951]

879. The threat of removing children in these instances was supported by the district welfare officer:

> I favour your suggestion to work in collaboration with Child Welfare to threaten taking the children away while living under unhealthy conditions. [952]

880. The personal values of officials dealing with Māori families is clearly evident from the archival records. References to drinking and gambling behaviour among those living at Kai Iwi Pā, notes about the presence of beer bottles and general tidiness of properties are on record. In an exchange between the district officer and housing officer, the personal opinion of the district officer is recorded as:

> … we should do everything we can to discourage people from building at Kai Iwi Pa.[953]

881. The complexity of determining the owners of multiply-owned land at Kai Iwi Pā, compounded the difficulty for welfare officers dealing with the housing problem in the district.

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[950] ibid.
[951] Maori Welfare Officer to District Officer, 13 December 1957, MA1 W2459 9/10/3 1 Box 122, Archives New Zealand, Wellington.
[952] Maori Welfare Officer to District Officer, 14 January 1958, MA1 W2459 9/10/3 1 Box 122, Archives New Zealand, Wellington.
[953] District Officer to Housing Officer, 27 June 1956, MA1 W2459 9/10/3 1 Box 122, Archives New Zealand, Wellington.

> … the question of titles is very complicated, due to, in my opinion, the multiplicity of owners who have no knowledge of whether they have succeeded to their parents interest.[954]

882. Land had to be vested in individuals to obtain finance to build houses and multiply-owned Māori land, in a title system established by the Crown, made dealing with housing and the substandard living conditions of whānau very difficult to address.

iv DIVISION OF LAND FOR HOUSING SITES

883. A large number of residential sections were created among whānau in the decades after the Second World War to take advantage of the government's housing schemes. This followed the enactment of the Native Housing Amendment Act 1938 and was occurred before the end of the war. Indeed, the Under Secretary of the Native Department noted in 1940 that:

> The machinery of the Court was used extensively to assist Natives to acquire housing sites. In proper cases lands have been partitioned in order to give applicants a good registrable title to offer by way of security, and many gifts of sections have been confirmed by vesting orders made under section 20 of the Native Housing Amendment Act, 1938. The Native housing question is largely a sociological problem, but at present it is possible to provide dwellings only for those who can give the required margin of security and in adequate assignment of rents or other moneys. Notwithstanding the economic limitations of a large body of the Natives, steady progress has been made in providing houses and so improving the living in social conditions of the people. There has not been observed, as yet, a marked improvement in the grounds and surroundings of the houses erected, especially in the nature of gardens and ornamental trees, but it is hoped that the encouragement offered to the Natives to take pride in the beautification of their house-sites will have the desired result.[955]

884. However, the division of land for this purpose became a much more obvious part of the Court's work after the war ended. Often owners partitioned their lands into residential sections for their children and asked the Court for the land to be vested in their children's names so they could obtain finance from the department to build a house. Many blocks were subdivided to create housing sections which were vested in one owner (or a couple jointly) to obtain advances from the Crown to build houses.

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[954] Maori Welfare Officer to District Officer, 3 April 1956, MA1 W2459 9/10/3 1 Box 122, Archives New Zealand. Wellington.

[955] 'Annual Report of the Under Secretary of the Native Department for the Year Ended 31st March 1940', AJHR, 1940, G-9, p. 10.

Rangatiratanga Versus Kawanatanga: **Himatangi 3A2E1A**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 028 Map projection: New Zealand Transverse Mercator Date: 7/06/2017

Map 29: Himatangi 3A2E1A and adjacent blocks

885. In some instances, a sale would proceed on the basis that the funds realised would be applied to reduce a housing loan. For example, the Court dealt with an application to confirm a sale of land to Reupena Takarua in November 1948.[956] He was to acquire 1 acre 1 rood 14 perches in Himatangi 3A2E1 for £740. The minutes noted that the part of the block subject to the transfer was subject to a loan under the Native Housing Act. The purchaser and his family owned the entire block and the transfer was 'to make satisfactory arrangements to take over the house and liability'. The resolution was confirmed and immediately followed by an application for partition of this block and Himatangi 3B1 which was prosecuted by a departmental representative. He told the Court that the two blocks were owned by the same nine people (who were children of the original owner). One of them, Reupena, had acquired the housing site in Himatangi 3A2E1 but wished to consolidate his shares in both blocks into the housing site. The balance of both blocks would be vested in his brothers and sisters. Himatangi 3A2E1A was the housing site vested in Reupena alone while the rest of both blocks became Himatangi 3B1 and 3A2E1B, in a single title.[957]

886. In August 1949, the Court dealt with an application under s 7 of the Maori Purposes Act 1941 to vest an area of one rood (a quarter acre) of Manawatu Kukutauaki 4D1 Section 2A in Henare Hatete for a housing site.[958] Section 7, which replaced a provision of the 1938 housing amendment act, gave the Court power to vest all or part of any land (whether Māori freehold land or otherwise) in any Māori for a housing site (though the site could not exceed five acres). The applicant was Henare's father and he owned one-third of the block, which contained 32 acres 0 roods 38 perches. The housing site was for his son and he wanted it located in one corner of the block, fronting the road. The order, issued by the Court was requested with the appellation 4D1 Section 2A1 given to the housing site for Henare and the balance of the block was to be known as 4D1 Section 2A2 (map over page).

[956] Otaki Maori Land Court Minute Book 63, 2 November 1948, fol. 327.
[957] ibid., fol. 328.
[958] Otaki Maori Land Court Minute Book 64, 4 August 1949, fol. 16.

Rangatiratanga Versus Kawanatanga: **Manawatu Kukutauaki 4D1,2A1**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 029 Map projection: New Zealand Transverse Mercator Date: 19/05/2017

Map 30: Manawatu Kukutauaki 4D1 Section 2A

887. The following year, the Court considered a similar application in relation to Makuratawhiti 9A3. In this case, the owners of the land applied under s 7 to vest their interest in a husband and wife jointly for a housing site.[959] The department's solicitor prosecuted the application and told the Court that one of the applicants was a child of the landowners who were gifting them the block. It contained 1 rood 17 perches and was just large enough for a house. He assured the Court that the landowners had agreed to the proposal after receiving legal advice. Two days later, the Court issued orders at the request of the owner of Muhunoa 3A1E1 Section 10B to vest a housing site in her daughter.[960] The owner, Ngahira Kiniwe Roera, had her own house on the same block.

888. Another landowner, Maraea Bell, wanted to divide two sections from her block, Makuratawhiti 1B2A.[961] One section was for her daughter and the other for her grandson. The block was just over three quarters of an acre and it was divided into three resident sections of about a quarter of an acre. One section had road frontage at Mill Road and the other two were given access via a right of way down the western side of the block.

889. Akuhata Himiona had an undivided interest in Aorangi 1 Section 80E3 and held one quarter of the shares.[962] One rood was to be vested in Hinekura Te Rangi, his daughter, for a housing site. He and his brother also lived on the block along with another owner. The housing site became Aorangi 1 Section 80E3A (see map over page). This block was subsequently alienated.[963]

890. The Court dealt with many applications to create housing sites under this and subsequent provisions. The department (later via the Board of Maori Affairs) required those who received housing loans to hold land in their ownership. However, other interests they held in Māori land could also be subject to a charge to provide additional security, as in the case of the interest of Tauterangi Miratana in several parts of Manawatu Kukutauaki 4E2B.[964]

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[959] ibid., 1 August 1950, fol. 99.
[960] ibid., 3 August 1950, fol. 111.
[961] ibid., 4 August 1950, fol. 120.
[962] ibid., 4 April 1951, fol. 187.
[963] Walghan Partners, 'Block Research Narratives' DRAFT, 1 May 2017, vol. II, p. 47.
[964] Otaki Maori Land Court Minute Book 65, 26 November 1954, fol. 290.

Rangatiratanga Versus Kawanatanga: **Aorangi 1,80E3A**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 030 Map projection: New Zealand Transverse Mercator Date: 19/05/2017

Map 31: Aorangi 1 Section 80E3

891. When the Court came to confirm the transfer of Manawatu Kukutauaki 3 Subdivision 1A15 and 16, the purchaser's solicitor made extensive submissions on the circumstances of the owners and their reasons for selling. The block had an area of 44 acres 3 roods 27 perches and the proposed purchase price was £2493 (in excess of double the government valuation). The purchaser's solicitor told the Court:

> Land is not required for personal occupation of any of the vendors, and the price was fixed by public auction. Two of the owners are married to Europeans who reside in Otaki and are well able to support their families. Two owners are permanently resident in Wellington and in regular employment there. The remaining owner is hoping to complete a partition of other land to provide her with a site for a house. In every case each one of the owners desires to improve their living conditions with their respective shares of the purchase money, and desire the money to be held by the Board for that purpose.

892. The Court confirmed the transfer and required payment of the purchase money to the board. The judge also authorised the payment of several accounts which had been received.

893. In Waitarere 6D, the Court considered an application to confirm the transfer of three undivided interests. The solicitor acting for the purchaser gave extensive submissions on the living conditions of the three owners in support:

> None of the people have any worthwhile interests. Parehinu Epiha is living under bad conditions and is anxious to use the money which would be her share of the consideration to build a house at Foxton. Akuhata was in exactly the same position and has applied for a housing loan. I am now advised by the Registrar that Akuhata has withdrawn his application for a housing loan. Parehuia did not apply for a loan until she was able to get a section. She is now able to get a suitable section at Marton. Rawinia Hema lives at Marton and is married to a European. There is no likelihood of her ever wishing to live on this land. The vendor is willing to pay at the rate of £1500 for the whole block.[965]

894. The Court refused to confirm the transfer of the interest of Akuhata as he 'has insufficient other lands and apparently does not wish to improve his living conditions'. The transfer of the interests of the other two owners was confirmed with payment to the Maori Trustee required.

895. In the 1950s and 1960s, the focus of confirmation hearings was often the price to be paid. This was usually connected with housing proposals as Māori landowners wanted to ensure they received the maximum price payable for their lands. In December 1961, Judge Jeune gave his decision on an application by Belgium Ruihi (Gardner) to

[965] ibid., 17 March 1953, fol. 40.

vest housing sites in two of her daughters.[966] The block affected was Manawatu Kukutauaki 4D1 Section 3C1B. She owned by the block of just over 32 acres jointly with another person. She had partitioned out a quarter acre housing site for herself and resided there. The proposal was for her to vest two quarter acre sections in each of her daughters to the north of her house. Partition was opposed by the planning officer on behalf of the Horowhenua County Council. At this time, the Court was not bound the district scheme and was able to partition the land despite the opposition of the local authority. However, the Court was required to consider the district scheme in its assessment of the partition. The Court noted that there were a number of houses located near the marae at Manakau:

> Though there are already a number of houses in the locality of the meeting house at Manakau the area is about to be zoned as a rural land with a minimum of five acres for each subdivision. It is on the main highway, north. The planning officer acknowledged that his Council is concerned for the establishment in proper conditions of Maoris in overcrowded or sub-standard erections and to this end has consented to the owners of each existing piece of land making a available one (and only one) site for the houses of one of the number or of the children. Apart from the fact that it is a five-acre rural area it is on a Main Highway. The plan is at present beyond the 'undisclosed' state, objections having been called for and considered and it is expected that the plan will be finally approved just after the New Year. The application for approval has been submitted to the Planning Committee of the Council and such was refused. It appears that a very strong case would have to be presented for a reversal of that decision or an overriding by the whole Council.[967]

896. The judge had visited the land twice and received information about housing conditions from counsel for the applicant. Alternative sites on the land with road access were not available. The Court noted that both daughters had applied for housing advances and that they were both living nearby in less than ideal dwellings with their families:

> One daughter lives with her husband and three children of ages 7, 6 and 4 in an old building at Manakau 50 years old of two bedrooms and a kitchen without bathroom or conveniences. The husband is a carpenter. The other daughter with her husband and five children ages from 8 years to one year live in an old farm hour in poor order without conveniences set back about five chains from Boulder Road some mile from the Highway.[968]

897. The Court indicated its reluctance to proceed with the partition without the approval of the local body, even though it could do so, because there was a risk that the local authority could refuse a building permit (the planning officer had assured the judge this would not happen). It required the co-operation of the local authority to provide

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[966] Otaki Maori Land Court Minute Book 69, 14 December 1961, fol. 216.
[967] ibid.
[968] ibid.

improved living conditions for the whānau. The judge noted that the Court was not bound by the district scheme, for several reasons, but decided to approve the scheme of partition as it would be unlikely it could be approved when the amendment to the district scheme came into force:

> The Court is obliged to have regard to the provisions of an 'approved' district scheme. Though this is not one it is very nearly so. The Court is aware that 'have regard' is almost 'will comply with' but it thinks in this case, apart from it actually not conforming with the proposed rural area scheme, there would not be much objection to one site being cut out. The road is quite wide here and visibility is good. There is a very wide grass verge. In view of the possible last opportunity of these two obtaining sites on their own land the Court proposes to grant both applications. Once the plain is approved there does not appear such an opportunity again.[969]

898. Two housing sites were therefore created and vested in the applicant's daughters and the balance of the block was vested in her and the joint owner (with her share reduced proportionally).

v TOWN AND COUNTY PLANNING ACT 1953 (AND SUBSEQUENT AMENDMENTS)

a Legislative and Policy Overview

899. To understand the impact of the Town and Country Planning Act 1953 (and its successors), it is necessary to distinguish between land use and the subdivision of land. Land use was always subject to the Town and Country Planning Act 1953 and the district schemes created under that Act. Generally, questions of land use did not particularly affect Māori land. Māori land was generally rural land and where it was used for farming purposes (or simply left unoccupied), these activities were usually consistent with the requirements of the district scheme. Māori land zoned for rural purposes did not create any issues. Where Māori land was to be used for other purposes, for example for housing or for marae, issues did arise. It was not essential for a specified departure from the district scheme (or something similar) to be given by a local authority in that the land could be used without it (and in many instances, existing land uses simply continued) but planning requirements became more important as time passed, particularly given the role of territorial authorities in the partition of Māori land.

900. The Maori Land Court was responsible for the partition of Māori freehold land and the extent to which its powers to divide land were subject to the decisions of local

[969] ibid.

authorities changed over the course of the second half of the twentieth century. Initially, a specific type of partition of land in boroughs (for the purposes of subdivision to create building sites either to occupy or sell) required the consent of the local authority. Later, this regime was extended to land in counties too. The key points here were that land use was always subject to oversight by local authorities but as most Māori freehold land was used for farming purposes this was unlikely to conflict with district schemes. From 1953, borough councils, and from 1968, county councils and other local authorities, had to authorise a partition of land which was in effect a subdivision for residential sites. This was a subset of partitions undertaken by the Court but for Ngāti Raukawa it was a significant subset.

901. Under the Maori Affairs Act 1953, Māori land was not subject to the Town and Country Planning Act 1953. In partitioning land (s 173(5)) or laying out a roadway (s 415(3)), the Court was required to 'have regard' to any district scheme approved under the Town and Country Planning Act. However, it was not required to give effect to it and it was not bound by any scheme or any decisions of the local authority. This situation led to tensions between the Maori Land Court and local authorities through the 1960s. In relation to subdivision, the Court was initially able to exercise its jurisdiction to partition land with limited regard for planning regulations.[970]

902. However, while not bound by the Town and County Planning Act, a particular arrangement did exist for the partition of Māori land in a borough. The provisions of the Town and County Planning Act did not apply to the Court's decision making process when it came to partition. It did apply to the borough's decision making process and a plan had to be approved by the council before the Court could issue partition orders. Section 432 of the Maori Affairs Act 1953 provided that:

> For the purposes of section three hundred and thirty-two of the Municipal Corporations Act 1933 a partition of Maori freehold land shall be deemed to be a subdivision of that land, and, subject to the provisions of this section, the provisions of the said section three hundred and thirty-two shall apply with respect to the partition of any such land situated within a borough.

903. That meant that any Māori land located in a borough (or a town district, subs 9), and which was to be partitioned by the Court, was deemed to be a subdivision of the block and, subject to the provisions of s 432 of the Maori Affairs Act 1953, s 332 of the

[970] Michael Belgrave, Anna Deason and Grant Young, 'Crown Policy with Respect to Maori Land, 1953-1999', September 2004, p. 124.

Municipal Corporations Act 1933 was to apply to that partition (except for subs 8, which was surplus to requirements in the circumstances). This particularly affected Ngāti Raukawa lands around the Ōtaki township as some of this land was located in the borough. Subsection 2 of s 432 required a plan to be approved by a borough council under s 332 before partitions orders could be made. Borough councils had to approve any subdivision before the Court could issue orders. The balance of s 432 focused primarily on dealing with land to be vested in local authorities or other organisations for reserves or roads as part of any subdivision.

904. Section 332(1) of the Municipal Corporations Act 1933 defined land which had been subdivided. However, s 432 of the Maori Affairs Act 1953 already deemed any partition of land within a district to be a subdivision. This meant that land which was not Māori freehold land was subject to a different definition of subdivision, as set out in the Municipal Corporations Act 1933, and the division of that land, if not a subdivision, was not subject to s 332 as Māori freehold land always was. Where land was to be subdivided, s 332 provided for a plan to be submitted to the local borough council for consideration. The council could refuse permission, require a new plan to be submitted or approve the plan subject to amendments. There were rights of appeal from the council's decision. An offence was committed if any subdivision of land did not follow the plan approved by the council (or by a board on appeal) or if the plan was not deposited with the District Lands Registrar or Deeds Register Office prior to subdivision. A further subsection prevented any dealings with titles to the land without the consent of all those with interests in the land. The council had a wide discretion to reject, amend or approve any plan of subdivision and as this legislation predated the Town and Country Planning Act 1953, there were no district plans or other regulations to take into account.

905. The Maori Affairs Amendment Act 1967 effectively extended this regime to any subdivision of Māori land in a county. In particular, Part III added a new s 432A to the Maori Affairs Act 1953. This was given effect to by amending s 173(3) of the Maori Affairs Act 1953 by adding a reference to the new s 432A and limiting the Court's discretion in partitions involving land within a borough or town district to include land located within a county. In addition, subs 4 and 5 of s 173 of were repealed. Subsection 4 provided that s 3 of the Land Subdivision in Counties Act

1946 (or subsequently Part II of the Counties Amendment Act 1961) did not apply in any partition of land under the Maori Affairs Act 1953 and subs 5 required the Court to 'have regard' the any district scheme approved under the Town and Country Planning Act 1953 (but the Court was not bound by the scheme in reaching its decisions).[971] The effect of these amendments was that in certain types of partitions of Māori freehold land located in a county (rather than a borough) now required the approval of a scheme plan by the local authority before partitions orders could be issued. The district scheme under the Town and Country Planning Act 1953 was not a consideration for the Court in its decision but would be one for the local authority in deciding whether to approve a scheme plan of partition. Other provisions in the 1967 amendment related to consolidation schemes and roading but they are not relevant for the purpose of this discussion.

906. However, there was an important distinction between this amendment and the original s 432 of the Maori Affairs Act 1953. Whereas the earlier requirements in the Maori Affairs Act 1953 deemed any partition of Māori freehold land located in a borough to be a subdivision requiring the consent of the local authority, the new s 432A, which under the amended s 173(3) applied only to land located in a county, not all partitions of Māori freehold land under s 432A required the consent of the local authority. Section 432A(1) stated:

> The provisions of this section shall apply to any partition of land by the Court which divides the land in such a manner that, if the partition were a subdivision for the purposes of sale or for building purposes, it would require the preparation and approval of a scheme plan under Part II of the Counties Amendment Act 1961.

907. Only that land located in a county which was being subdivided for sale or the construction of buildings had to meet the requirements of Part II of the Counties Amendment Act 1961. Section 432A(2) required that any partition which met this criteria could only be on the basis of a preliminary plan approved by the local authority. The local authority was to process any application for approval under Part II of the Counties Amendment Act 1961 though s 432A(5) provided additional grounds over and above those set out in s 23 of the Counties Amendment Act 1961 to reject any application. This provision related to plans where more than two allotments were to be created in any subdivision and provided a very broad power to the local

[971] The Counties Amendment Act 1961 amended s 173(4), see s 43(1).

authority to reject the plan. In such circumstances, the local authority had the power to require landowners to subdivide the land under Part II of the Counties Amendment Act 1961. The amendment included new provisions authorising the Court to make vesting orders to give effect to any scheme plan (such as vesting land for the purposes of reserves or roads).

908. Part II of the Counties Amendment Act 1961 related to the subdivision of land. Section 21(3) set out the definition of a subdivision. Where the owner of land in a county whether held land in a single certificate of title issued under the Land Transfer Act 1952 or not disposed of part of the area which was less than the whole (or advertises it or offers it for sale), it was deemed to be subdivided. A subdivision occurred even if the landowner intended to retain part of the total area of land. A scheme plan was required in these circumstances (s 22) and the statute created an offence where land was subdivided in a county which did not accord with a scheme plan approved by the local authority (or the Town and Country Planning Appeal Board). No land could be sold, offered or advertised or the land otherwise altered until the plan was approved by the local authority. Section 23 set out the local authority's powers to deal with the scheme plan. The local authority could refuse approval where it considered:

> (a) The land is not suitable for subdivision; or
> (b) In the case of any allotment adequate provision has not been made or is not practicable for sanitary or stormwater drainage or the disposal of sewage; or
> (c) The proposed subdivision is contrary to a district planning scheme which affects the locality where the land in the scheme plan is situated and which is for the time being operative, or is a detrimental work within the meaning of the Town and Country Planning Act 1953, or has been prohibited under section 38 of that Act, or does not confonn to recognised principles of town and country planning; or
> (d) Closer subdivision or settlement of the land shown on the scheme plan is not in the public interest.

909. If approval was refused, the local authority could require a new scheme plan to be submitted, require modification to the scheme plan (in relation to roads and access) or provide conditional approval in certain circumstances (including river protection work). Other provisions set out the requirements for minimum frontage, access, the construction of new roads to provide access and the upgrade of existing roads due to increased traffic (which were also defined in Part II of the First Schedule to the Act), payments to the local authority for the provision of a water supply and sewage disposal and requirements for reserves for public purposes (including along the

seashore, lake edges and river banks) or payments in lieu of land. Where approval of a scheme plan had been given by a local authority, a survey plan had to be prepared and submitted to the local authority for approval under s 34. The local authority was required to be satisfied that the survey plan reflected the approved scheme plan and any variations or conditions before giving approval to the survey plan. Once approved, it would be presented for registration under s 35.[972]

910. Ngāti Raukawa relationships with their lands were not accounted for in the preparation of district schemes or in the decision-making processes local authorities went through on land use and subdivision proposals. This changed with the Town and Country Planning Act 1977, which required local authorities to take account of Māori values in developing district plans.[973] Section 3(1)(g) was an expansive provision which declared matters of national importance, and the introduction of a specific provision regarding Māori relationships with ancestral land had to be read in that context:

> **Matters of national importance –** (1) In the preparation, implementation, administration of regional, district, and maritime schemes, and in administering the provisions of Part II of this Act, the following matters which are to be declared of national importance shall in particular be recognised provided for:
> (a) The conservation, protection, and physical, cultural, and social environment:
> (b) The wise use and management of New Zealand's resources;
> (c) The preservation of the natural character of the coastal environment and the margins of lakes and rivers and the protection of them from unnecessary subdivision and development:
> (d) The avoidance of encroachment of urban development on, and the protection of, land having a high actual or potential value for the production of food:
> (e) The prevention of sporadic subdivision and urban development in rural areas:
> (f) The avoidance of unnecessary expansion of urban areas in the rule areas in or adjoining cities:
> (g) The relationship of the Maori people and their culture and traditions with their ancestral land.

911. This provision was considered in various Planning Tribunal decisions which tended to adopt a vague but narrow interpretation of 'ancestral land' by limiting the 'land' concerned to that which Māori continued to own. This approach was overruled by the High Court in March 1987 (in proceedings relating to mining at Kaitorete Spit near Lake Ellesmere). The Court found that there was no reason for such a narrow interpretation and determined that 'ancestral land' could include land no longer

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[972] Note that earlier approvals for subdivision of European land in counties was governed by the Land Act 1924 and subsequently the Land Subdivision in Counties Act 1946 and were given by the local authority, the Governor-General in Council or the Minister of Lands.
[973] Belgrave, Deason and Young, p. 198.

owned by Māori. Rather than focus on legal tenure, the proper question to consider was the relationship of Māori to their ancestral land.[974]

912. In his 1989 paper on the Treaty of Waitangi for the New Zealand Planning Council, Richard Boast examined s 3(1)(g). He acknowledged that he could not undertake a detailed study of all the approved schemes and how they implemented this requirement in the Act but he observed that 'it should be a safe prediction to make that provision for Maori community needs in district schemes is likely to be variable and inconsistent'.[975] He proceeded to refer to the 'balance' between kawanatanga and rangatiratanga in planning laws and rules:

> A consequence might be that if a Maori community so wish it, their taonga, and perhaps all Maori land, should fall outside the planning system altogether. Or possibly it could be integrated into the system in a way which will preserve rangatiratanga. There is no reason why the right of self-regulation implicit in rangatiratanga should not extend to planning consents and planning controls. If Maori communities wish to watch out why should they not be given an opportunity to do so? A community such as Ohinemutu could prepare its own scheme, and here to determine planning objections and applications itself. It could be linked into the rest of the system at the Planning Tribunal stage, which would hear appeals from applications mate to Maori community planning authorities just as it hears appeals from city and borough councils.[976]

913. On the planning process, under the 1977 Act, Boast describes a 'highly judicialised system'.[977] Applications for planning consent were made to local authorities and council planning committees reviewed them and conducted public hearings if necessary. There were rights of appeal to the Planning Tribunal from these decisions. Presumably Māori landowners who applied to their local authority for consent to partition by way of subdivision could have exercised these rights of appeal were a local authority to decline their application.

914. The question of land use and the circumstances of Māori land in the planning process were the subject of wananga arranged by the Department of Maori Affairs in 1980. The department's Head Office directed all district offices to conduct the wānanga and reports from district officers were requested in December 1981. At this time, the Ikaroa office in Palmerston North was in the process of being closed down and its

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[974] See *Royal Forest and Bird Protection Society Inc v W.A. Habgood Limited*, HC Wellington M855/86, 31 March 1987.
[975] R.P. Boast, 'The Treaty of Waitangi. A Framework for Resource Management Law', Wellington: New Zealand Planning Council and Victoria University of Wellington Law Review, 1989, p. 51.
[976] ibid.
[977] ibid., p. 50.

activities transferred to Hastings and Whanganui. It is not clear that a report was supplied by the Ikaroa office but one was received from the district officer at Whanganui. The Aotea district administered from Whanganui now included much of the Ngāti Raukawa takiwā on the Kāpiti Coast and in the Manawatū. Landowners who participated in the wānanga complained particularly about the difficulties created by the Town and Country Planning Act 'with respect to owners building on their land in rural areas and in undertaking new agricultural ventures, leasing issues, and problems with land tenure'.[978] Similar issues about housing and partitioning and subdividing land were referred to in a report from the district officer at Gisborne on the wānanga held there.[979]

915. Another source of criticism of the planning process in the early 1980s was the New Zealand Maori Council. In a paper published in February 1983, *Kaupapa: Te Wahanga Tuatahi*, the Council criticized the Town and Country Planning Act for limiting the jurisdiction of the Maori Land Court in partitioning land for housing and settlement. They were particularly concerned that although the 1977 Act provided for the inclusion of Māori values, this had been of little value to Māori as planning rules failed to meet the needs of Māori communities. The council wanted the Court to have much greater discretion in creating housing sites for owners.[980] This proposal was opposed by the department which was concerned about local authorities maintaining control over development and subdivision.[981]

b The Impact of Planning Regulations

916. The following discussion is based on Maori Land Court minutes and files created by the local authorities. The latter deal with scheme plans for the division of Māori land and applications for land use consents (primarily to use land zoned rural for housing or marae purposes). It is not comprehensive, though all the relevant files which could be connected with Māori freehold land in the takiwā of Ngāti Raukawa have been examined. It is likely that there were many other files dealing with, particularly from the start of 1968 (when the Maori Affairs Amendment Act 1967 came into force). The accounts which follow provide some indication of the impact of the Town and

[978] Belgrave, Deason and Young, p. 275.
[979] ibid., p. 276.
[980] ibid., p. 285.
[981] ibid., p. 290.

Country Planning Act 1953 (and subsequent amendments and consolidations) on Māori land in the Ngāti Raukawa takiwā. A number of the examples relate to Ngāti Raukawa marae in the region and although the applications were granted, with conditions, they demonstrate the earlier point that land zoned for rural purposes but used by a hapū as a communal space faced additional challenges under planning regulations (and in one instance a marae was compared to a community hall).

Otaki Township 147

917. The division of Otaki Township 147 (see map over page), in March 1955, required the approval of the borough council. The block was divided into four parts to create housing sites for several of the owners (there was already a house on the block which was to be vested in one of them). Those in whom the sections were vested were all successors to deceased owners, and the land was vested in them as sole owners on the basis of family arrangements relating to the successions. In giving approval for the partition, the borough required strips of land from the block for the purposes of widening adjoining roads (Mill Road and Aotaki Street).[982] Otaki Township 147A was acquired by the borough council in August 1974 and none of the other parts remain Maori freehold land.

Sandon 153 Section 21B1

918. Solicitors acting for the owners of Sandon 153 Section 21B1, located on the Feilding-Awahuri Road, submitted a general description of a proposed division of the block to the Manawatu County Council for their comment in August 1963. The county was asked if it was 'likely to raise any objections to either the proposed subdivision or the issue of building permits'.[983] It appears the first inquiry was a courtesy while the second was more significant. This was because the landowner wished to create two quarter acres sections out of the block which contained 15 acres 1 rood 20.6 perches. One was for his brother and the other was for him to build a house. The council responded the following month to 'advise that the sub-division is contrary to the

[982] Otaki Maori Land Court Minute Book 65, 24 March 1955, fol. 357.
[983] Abraham to the County Clerk, Manawatu County Council, 26 August 1963, MDC 00114 : 1 : 25, Archives Central, Feilding.

Rangatiratanga Versus Kawanatanga: **Otaki Township 147**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 031 Map projection: New Zealand Transverse Mercator Date: 19/05/2017

Map 32: Partition of Otaki Township 147

Council's undisclosed plan for the district, and is not in accordance with the principles of good Town and Country Planning'.[984] The council declined to approve the sub-division (though its approval was not necessary).

919. In November, a survey diagram was submitted to the council by a firm of Feilding surveyors for the council's 'consideration'.[985] The diagram showed the block to be divided into two parts of approximately five acres and ten acres. The surveyor advised that the owner wanted the five acre parcel to build a home on. Application had been made to the Maori Land Court for partition orders 'and the Court wishes to be satisfied that the subdivision has the approval of your Council before considering case'. The council gave the approval requested a few days later, just as the Court hearing was scheduled to commence.

Kikopiri Marae Reservation

920. In June 1968, the Maori Land Court at Palmerston North considered three applications by Te Ahukaramu Royal and others relating to Kikopiri Marae.[986] The first was an application for partition of Muhunoa 3A1E1 Section 8A (to divide the area used for the marae from the rest of the block). The second was an application for a recommendation that the new block be declared a Māori reservation. The third was to appoint new trustees. On investigation, the Court found that an order made in March 1947 was made under s 31 of the Native Land Act 1931 affecting 2 roods 16 perches of the block. Judge M.C. Smith described this as 'a curious section indeed' (Matau Marae at Poroutawhao was subject to the same provision and the alienation of this block is considered in another section of the report). Possession of the building could be vested in trustees, with or without the land. Compensation could be awarded by the Court to the owners of the land for any loss they suffered from such an order. The judge also noted that if the building burnt down, was removed or destroyed, the rights of the trustees and the beneficiaries of the trusts over the land would cease. The judge observed:

> It will thus be seen that an order under the said Section 31 conferred merely a temporary right to possession, which automatically cased if the building were burnt

[984] County Clerk to Abraham, 11 September 1963, MDC 00114 : 1 : 25, Archives Central, Feilding.
[985] Strong to the County Clerk, Manawatu County Council, 6 November 1963, MDC 00114 : 1 : 25, Archives Central, Feilding.
[986] Otaki Maori Land Court Minute Book 74, 26 June 1968, fol. 99.

> down, although the trustees could be required to pay compensation as though for the acquisition of the fee simple.

921. Section 439 of the Maori Affairs Act was very different in that it affected the land and the judge did not think that the order under s 31 relating only to the buildings did not create a Māori reservation (so the transitional provision relating to Māori reservations in the 1953 act did not apply). Section 31 created a limited and transitory right to the land unlike s 439 which declared the land to be a reservation. The Court supported the application but noted a scheme plan was necessary for the approval of the local authority before the Court could partition the land.

922. In December 1968, a firm of registered surveyors at Levin submitted a plan of the proposed reservation of Kikopiri Marae to Horowhenua County Council.[987] A partition was involved to create the reservation:

> The purpose of this partition is simply to legalise the existing use of this land as a Maori Meeting House Reservation. As long ago as 1947 the Maori Land Court vested this land in the trustees for this purpose, but when the present Maori Land Court Judge considered the order made by the then Judge, he was of opinion it had been made under the wrong Section of the Act, hence the requirement for a new plan and order.[988]

923. Access to the meeting house was to continue via an existing roadway and a right of way from Muhunoa Road.

924. The County Engineer undertook an inspection of the site and was unhappy with the proposed access as shown on the plan. The current access was not shown in the plan and he did not consider the access shown in the plan 'to be the most suitable'. He thought a more direct right of way access from Muhunoa Road would be better and wanted to know why that could not occur.

925. A further scheme plan was submitted to the council by the surveyors in February 1969.[989] The surveyors also advised that the owner of Muhunoa 3A1E1 Section 8A was unwilling to provide a right of way to the marae reservation from Muhunoa Road. This track was, at that time, used to give access to the site. The County Engineer advised the Registrar of the Court in September 1971 that the council was not prepared to approve the scheme plan:

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[987] Foster and Foster to the Engineer, Horowhenua County Council, 5 December 1968, HDC 00001 : 2 : RS 119, Archives Central, Feilding.
[988] ibid.
[989] Hall to the Registrar, 7 October 1971, HDC 00001 : 2 : RS 119, Archives Central, Feilding.

Rangatiratanga Versus Kawanatanga: **Kikopiri Marae Site**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 012 Map projection: New Zealand Transverse Mercator Date: 7/06/2017

Map 33: Kikopiri Marae

> Council was not prepared to approve this scheme and as it was understood that the partition was to be considered under section 439 of the Maori Affairs Act 1953, and thus not subject to the requirements of the Counties Amendment Act 1961, comments on the scheme were submitted to Messrs Foster and Foster [the surveyors] in a letter dated 18 March 1969 and I enclose a copy for your information.

926. The Registrar had forwarded a plan in September 1971 which partitioned the reservation from adjacent land but provided no access. The County Engineer noted that if the partition was considered under s 432A of the Maori Affairs Act, he understood that a scheme plan was required under the Counties Amendment Act 1961 and his council's approval to that scheme plan was required. Council would be unable to approve the scheme plan because the site did not have legal access: 'As the reservation does not have legal frontage to a road a Scheme Plan could not be approved'. It appears this statement was incorrect: the reservation did have road access but the County Engineer did not like it. He acknowledged this situation in the following paragraph when he insisted the council was not opposed to the creation of the reservation:

> My Council is not opposed to the creation of the Meeting House Reservation providing practical access is provided. Council has not however been prepared to approve a scheme previously submitted as it is believed that the access proposed would be impracticable and undesirable and contrary to town and country planning principles.

927. Undated file notes prepared in reviewing the survey plan indicate the county did not not think the land was subject to s 23 of the Counties Amendment Act because it was Māori freehold land not subject to the Land Transfer Act 1952. The same official thought the proposal was not a subdivision (and compared it to another plan involving a right of way over the Shannon Post Office site). Another official was 'doubtful' on this point. Certification under s 33 of the Town and Country Planning Act was required though this official had never seen any Māori land plan subject to a statutory declaration. Certification from the chief surveyor that the plan compiled with the Court order was required. The official observed that the 'general impression I get is that the Maori Land Court is virtually an authority unto itself and is not bound by local bodies – I wouldn't know whether this is correct'. The official noted that the marae site was partitioned in 1947 but was never completed by survey. The council's records showed it as a separate parcel of land despite this situation because the partition order was a title even if it was not fully completed.

928. However, a member of the Royal whānau subsequently decided to offer his adjacent block for the marae reservation. At a hearing in Christchurch in October 1973, D.G. Royal explained the background to Kikopiri Marae, which was built in 1889 by five brothers of the Roera whānau (Henare, Tauhu, Kiniwe, Kereihi and Kipa).[990] Mr Royal was apparently a staff member of the Court's office in Christchurch and the application was initially considered there at his request so he could speak of the significance of the whare and his proposal for its preservation and care.

929. Mr Royal told the Court that the whare was built on land which belonged to Henare and it was supposed to have been set aside with part of the adjacent land as a reservation for Ngāti Kikopiri or Ngāti Hāmua. The formalities were never completed and subsequent efforts to partition the land and create the reservation had not been successful. In consequence, he was willing to offer his adjacent block for the reservation and move the whare a short distance to the new site. The marae was located on Muhunoa 3A1E1 Section 8A and Mr Royal's adjoining section, Muhunoa 3A1E1 Section 9, contained 1 acre 1 rood 20 perches. He owned this block solely. It would be necessary to move the existing meeting house about 25 yards to the block. Mr Royal's cousin had secured the whare after it had been used for storing agricultural supplies (blood and bone manure). A railway cottage had been shifted next to the whare for conversion to a kitchen but this had not been completed (his parent's homestead located on his block had been used as a kitchen and dining room for the marae instead). He believed a majority of the owners of the block would oppose partition to create a separate parcel of land for the marae. His brother, Rangi, would call a meeting of the hapū to approve this proposal and seek consent from the local authority. He indicated the removal of the building would be undertaken in accordance with tikanga. The Court noted the offer was 'very generous' and adjourned the application back to Levin at the request of Mr Royal pending the meeting of the hapu and discussions with the local authority.

930. Shortly after this hearing, Mr Royal wrote to the chairman of the Horowhenua County Council. The letter is on Court letterhead and signed by Royal on behalf of the Registrar but it appears it dealt with a personal matter. According to Mr Royal, the

[990] Minutes of a Sitting of the Maori Land Court at Christchurch before Judge M.C. Smith, 9 October 1973, HDC 00003 : 7 : D 122, Archives Central, Feilding. Mr Royal gave evidence but was also the clerk and interpreter at this sitting.

ownership arrangements of the present marae were not suitable. Mr Royal noted that his parents' homestead was still located on the block he was offering but the buildings would be some distance apart and would not create a fire risk.

931. After some internal discussions, and a visit to the block by the County Building and Health Inspector, the County Engineer advised Mr Royal that as the land was zoned rural under the district scheme, a consent to a conditional use (officials characterised the whare tupuna as a 'hall') under s 32 of the Town and County Planning Act would be required.[991] The council required an application before it could pursue the proposal further as the process would allow for objections which had to be considered. However, the County Engineer informally indicated that 'the proposed site would be generally suitable and the establishment of the marae complex would be allowed subject to specified conditions'. Such conditions might include the renovation of the existing building, the construction of appropriate drainage, the provision of carparking facilities, creation of suitable access and the demolition or renovation of the existing dwelling on the property (the property inspection had found the house unoccupied and 'in a neglected state'). The County Building and Health Inspector had indicated that the meeting house would need to be located on the higher part of the block at the rear as the lower terrace below a stream was 'considered unsuitable for building' (this was evidently Mr Royal's plan). A crossing would need to be provided over the stream to the higher terrace beyond. Space was also available for carparking near the proposed site. The County Engineer subsequently advised that if a partition of the land was required, a scheme plan under s 432A of the Maori Affairs Act 1953 was required for the county to consider and approve under Part II of the Counties Amendment Act 1961.[992] Because of the area involved, an application for a specified departure from the district scheme might be required:

> As the proposed subdivision would not meet the minimum standard area (10 acres or 4 hectares) and frontage (5 chains or 100 metres) required for subdivisions in a rural zone it would appear that a specified departure application to permit the subdivision may be necessary.

932. The County Engineer advised that specified departures were issued under s 35 and conditional uses under s 28C of the Town and Country Planning Act but both went through the same procress (Regulation 32) and it was common for the two

[991] Hall to Royal, 5 November 1973, HDC 00003 : 7 : D 122, Archives Central, Feilding.
[992] Walker to Royal, 9 January 1974, HDC 00003 : 7 : D 122, Archives Central, Feilding.

applications to be considered together (a specified departure to permit the partition and the conditional use to allow the partitioned lands to be used for a marae site).

933. Mr Royal thanked the county engineer for his assistance and agreed to the suggested arrangements. He indicated that the existing dwelling on the property would probably be demolished and any suitable timber used to build a new shed. While the Court proceedings were continuing, he indicated that he still hoped arrangements could be made to leave the meeting house in its existing location and create a marae reservation in that block. He had offered his block 'as an alternative'.[993]

934. The marae trustees subsequently decided to establish the marae reservation on its existing site on Muhunoa 3A1E1 Section 8A without dividing it from the rest of the block. This reservation was created in August 1974.[994] The reservation covered 1.3466 hectares of the block and was set aside for Ngāti Hāmua of Ngāti Raukawa. Twelve months later, solicitors acting for the marae trustees applied to the Horowhenua County Council for a specified departure from the district plan for the 'purpose of a Maori Meeting Place, recreation ground, temporary and permanent residential accommodation, including a caravan park and three dwellinghouses, and Marae and incidental activities for the common use and benefit of the Ngāti Hamua hapu of the Ngāti Raukawa Tribe and for the erection of an appropriate sign at the entrance to the said land'.[995] A site plan had been prepared showing the proposed development of the reservation area. The solicitors initially asked the council for feedback on the application and notice before they were advertised and served on affected parties. They also asked for a list of people and organisations who would require copies of the notice and plans.

935. The County Engineer was initially concerned that the scope of the application for specified departure 'exceed[ed] the purposes for which the land has been reserved'.[996] The County Engineer noted that the reservation was for the purposes of a 'meeting place and recreation ground' and he could not understand why the description did not

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[993] Royal to the County Engineer, 16 November 1973, HDC 00003 : 7 : D 122, Archives Central, Feilding.
[994] *New Zealand Gazette*, 1974, p. 1676.
[995] Harper, Thomson and Steele to the County Clerk, Horowhenua County Council, 16 July 1975, Archives Central, Feilding.
[996] Walker to Harper, Thomson and Steele, 21 July 1975, HDC 00003 : 7 : D 122, Archives Central, Feilding.

include ‘marae’, given the contents of s 439. He was concerned that the site plan showed three residential sections which were not referred to in the application nor in the notice creating the reservation. A house for a caretaker on the property might have been permitted (but needed to be shown on the site plan). A description of the caravan park was also necessary. He thought the application should have been in the name of the marae trustees rather than Rahu Kipa Royal. The County Engineer also asked for further information to be added to the site plan (showing the location of drainage and distances from buildings to boundaries). He also asked for building plans to be supplied.

936. The solicitors acting for the marae asked for clarification on some of these points, including the question of the purposes for which the reservation was created. The County Engineer indicated that the Department of Maori Affairs had suggested a definition of ‘marae’ for inclusion in the district scheme:

> A Marae consists of a Maori Meeting House or Hall together with surrounding land (usually a significant area of open ground) and buildings used in conjunction with the meeting house or hall; the whole being located on a defined parcel or parcels of land and administered by legally appointed trustees or a trust body for the common use and benefit of a defined group of Maoris.

937. The county had not adopted this definition in its district scheme but it would be considered in a forthcoming review. To that end, the County Engineer thought that only one parcel of land would be allowed with the buildings to be used in conjunction with the whare to be defined (dining hall, kitchen, toilet facilities, caretaker’s house).

938. A further application and notice was submitted in August. Solicitors acting for the trustees acknowledged the issue raised by the County Engineer in that the purpose of the reservation did not include ‘marae’ but argued it was not relevant to the council’s considerations:

> We feel nevertheless with respect, that this apparent omission in the Gazette Notice is not relevant to the present proposed Application for Specified Departure. We suggest that the effect of the consent sought in this application is merely to enable this Reservation to be used for the various purposes indicated in the Application since otherwise these activities would be prohibited on this Reservation by virtue of the district scheme. If it should appear that any of these activities may, in effect, be ultra vires of the trustees of the Reservation, then the proper course would be we suggest for the trustees to apply through the Maori Affairs Department for an appropriate change in status of the Reservation to permit such activities. As far as the Council is concerned, we suggest, the question is confined to one of granting or otherwise of the

> consent sought under the application having regard only to the Town and Country Planning Act considerations.[997]

939. A revised site plan and building plans were also supplied. The site plan continued to show two residential sections and these had been retained at Mr Royal's request. The solicitors advised that he acknowledged it was unlikely the trustees would obtain consent for them but he wanted them in the plan anyway. They added that the proposed caravan park was for the purposes of providing accommodation during activities on the reservation and therefore was relevant to the operation of the reservation.

940. The County Engineer requested some further minor amendments to the application and notice and identified those to whom the documents should be sent. The owners of adjacent properties were to receive the application and notice and three government agencies were to receive them and the site plan. This was resubmitted in late August and the application was to be advertised on two occasions in September.[998] Any objections to the proposal had to be lodged by 6 October. None were received and a hearing was scheduled for 22 October at Levin. A submission prepared by council officials raised no issues with granting the consent requested; the submission noted that the property had been used for the purposes of a marae for many years and the application did not alter the activities on the land. It would allow an upgrade of the facilities and trustees had agreed to comply with council requirements.

941. In his recommendation to the council, the County Engineer remained opposed to the erection of three dwellings on the property. He thought this part of the proposal indicated that it would be used as a 'village site'. While the relevant provision in the Maori Affairs Act 1953 allowed this kind of development on a reservation, he noted that the Maori Land Court had not set aside any of the reservation for this purpose. In addition, he considered such use of the land was 'not in conformity with good planning principles and should be restricted to the caravan park which will provide means of accommodation for family gatherings and to the one dwelling for the caretaker'. The council gave consent at a meeting on 12 November after concluding

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[997] Harper, Thomson and Steele to the County Engineer, 20 August 1975, HDC 00003 : 7 : D 122, Archives Central, Feilding.
[998] Harper, Thomson and Steele to the County Engineer, 26 August 1975, HDC 00003 : 7 : D 122, Archives Central, Feilding.

that it was not contrary to public interest and would have little impact on planning outside of the immediate site. The council attached nine conditions to this consent:

- Building distances from boundaries;
- Internal roadway;
- Nature of sign;
- Use of the site and buildings was to be consistent with the purpose of the reservation as defined by the Maori Land Court;
- All work to be completed within two years and meet the requirements of the County Engineer (with provision for extensions if required);
- The boundary of the property was to be secured (and signed off by the County Engineer) prior to any building work on the property;
- The location of the toilet block and drainage was to be approved by the County Health Inspector and the facilities were to be signed off by him;
- Water rights (as required by the Manawatu Catchment Board);
- The caravan park was to be used for temporary accommodation of hapu members and their guests and caravans could not be permanently occupied.

942. This consent ensured the marae complied with the land use requirements of the district scheme and the local authority.

Ngāti Takihiku Marae

943. In May 1975, solicitors acting for the trustees of Ngāti Takihiku submitted an application to the Horowhenua County Council under s 35 of the Town and Country Planning Act 1953 for consent to a specified departure from the district scheme. The land affected was Manawatu Kukutauaki 3 Section 1A2B2A on Koputaroa Road. The trustees wanted to partition a site for a marae from the parent block and requested a specified departure from the provisions of the district scheme to allow the land to used as a marae and meeting place, adjacent their existing marae (Kererū Marae). They planned to establish buildings on the site suitable for this purpose. The trustees intended to amalgamate the site to be divided from the parent block with the land that was already being used for the marae (Manawatu Kukutauaki 3 Section 1A2B2C).[999] The application was to be advertised in the Levin Chronicle twice during the month.

[999] Macdonald to the County Clerk, Horowhenua County Council, 1 May 1975, HDC 00003 : 7 : D 119, Archives Central, Feilding.

Rangatiratanga Versus Kawanatanga: **Kereru Marae Site**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 013 Map projection: New Zealand Transverse Mercator Date: 7/06/2017

Map 34: Kererū Marae (Manawatu Kukutauaki 3 Section 1A2B2C)

944. The County Engineer identified a number of technical deficiencies in the application and asked for them to be corrected and the application re-submitted.[1000] Among these points, it was noted that part of the land described in the application was not owned by the applicants. If the applicants had agreed to purchase the land, this needed to be noted in the application, and the signatures of the owners of the land were otherwise required. The council also wanted a plan showing proposed development of the site, including buildings. The council also required service of the application and associated documentation on the Commissioner of Works, the District Commissioner of Works, the Valuation Department, the Registrar of the Maori Land Court at Palmerston North and the landowner. The application and notice (but not the scheme plan or site plan) also had to be served on the owners of adjacent lands. The solicitors for the trustees quickly prepared a revised application and a site plan as requested and served it on the necessary parties.[1001]

945. The County convened a hearing at the council chambers in Levin the following month.[1002] No objections to the application had been received. In his advice to the council, the County Engineer, after providing a lengthy explanation of the proposal, concluded that it could give consent 'only if':

> The effect of the departure will not be contrary to public interest and will have little town and country planning significance beyond the immediate vicinity of the land concerned, any provisions of the scheme can remain without change or variation.[1003]

946. At the hearing, Mr F. Sciacia presented evidence on behalf of Ngāti Takihiku. The tribe was purchasing land from an adjacent European landowner to add to the existing marae. He told the council that the marae would be used primarily for family events and possibly to host service organisations. It would not be available for public hire. He did not think the development of the site would create 'disturbance in the area'. He also hoped that it would 'get the young Māori people interested in Māori culture again as they have lost contact with this through moving to the towns'.

947. Consent for specified departure was given by the council subject to the trustees obtaining fire safety, building and drainage permits for any developments on the site, a restriction on the location of buildings in relation to boundaries and the provision of

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[1000] Walker to MacDonald, 7 May 1975, HDC 00003 : 7 : D 119, Archives Central, Feilding.
[1001] MacDonald to Talbot, 9 May 1975, HDC 00003 : 7 : D 119, Archives Central, Feilding.
[1002] Walker to MacDonald, 11 June 1975, HDC 00003 : 7 : D 119, Archives Central, Feilding.
[1003] ibid.

formed and sealed access. A scheme plan to give effect to the proposal (the division of the land to be sold by the neighbouring landowner and the amalgamation with the existing marae land) was submitted and approved by the council in July.[1004] This approval was subject to the conditions set down in the earlier consent. The land transfer plan was submitted in August for the council's approval. Prolonged discussions with the Maori Land Court over the partition orders meant that the approval lapsed and solicitors acting for the trustees asked the council to renew its consent in November 1977.[1005] This request was considered by the council which agreed to approve the plan again and the trustees returned to the Court for partitions orders to be issued.

Kuku Beach Road Market Garden

948. In June 1979, a survey company submitted a scheme plan to the Horowhenua County Council for approval. It was to be the subject of a Maori Land Court partition application. The scheme plan was described as a rural subdivision to divide Ohau 3 Section 20D in Kuku Beach Road into two parts, one containing 4.3220 hectares and the balance of 11.2700 hectares. The owner of the block intended to transfer the smaller of the two partitions to his son to establish a market garden on the land. The balance was leased for dairy farming activities. The block was zoned 'intensive agricultural rural' and the surveyor stated that the two blocks arising out the subdivision both met the criteria for this zone.[1006]

949. However, an initial assessment completed by a county surveyor found the road frontage did not meet the requirements of the district scheme unless the applicant could 'clearly show' it was a permitted use in the zone. A conditional use consent would also be required to erect a dwelling on the smaller partition because of its size. No road widening was required as part of the subdivision but an upgrade contribution of $740 would be payable. The County Engineer recommended approval of the scheme plan subject to conditions. As the land was immediately adjacent to the railway line, the District Commissioner of Works had to be consulted under s 279(8)

[1004] Walker to Foster, Ritchie and Co., 14 July 1975, HDC 00003 : 7 : D 119, Archives Central, Feilding.
[1005] MacDonald to the County Clerk, 4 November 1977, HDC 00003 : 7 : D 119, Archives Central, Feilding.
[1006] Foster and Company to the Engineer, Horowhenua County Council, 7 June 1979, HDC 00001 : 9 : RS 357, Archives Central, Feilding.

of the Local Government Act 1974.[1007] The council approved the scheme plan on 27 June subject to various conditions, including a reference to the 'comments and requirements of the District Commissioner of Works' under s 279(8) of the Local Government Act 1974. The surveyor was advised of this outcome and the requirements on 11 July.[1008]

950. The District Commissioner of Works subsequently advised that he considered the proposed subdivision was inconsistent with the county's district scheme:

> Section 274(1)(b) of the Local Government Amendment Act 1978 states that no subdivision can be permitted if the Council is satisfied that it is contrary to any proposed or operative district scheme. The Wehipeihana subdivision proposal does appear to contravene the proposed Review of your Council's District Scheme. The Department of Agriculture and Fisheries has advised this office that the 4.322 ha Lot 1 is too small to function as an independent economic unit criteria being a provision of the district scheme which needs to be met.
> To permit this subdivision, thereby creating an uneconomic farming unit, does not appear to accord with the County's own district scheme review No. 2 and therefore could not be granted under the Local Government Act.

951. The District Commissioner of Works also stated that planning permission was necessary before the subdivision could be approved and an application under s 75 of the Town and Country Planning Act 1977 'seems to be required'. The council was in a difficult position at this point. The County Engineer had previously advised the surveyor representing the applicant that the council had approved the scheme plan subject to conditions. The council could approve the scheme plan, as it had decided earlier to ignore the comments of the District Commissioner of Works but it had to give him notice and supply reasons. The District Commissioner also had a right of appeal to the Planning Tribunal under s 300 of the Local Government Act. Alternatively it could reverse its earlier decision and refuse consent. The applicant would also have a right of appeal under s 300 in those circumstances. A valuer's report supplied to the council apparently contradicted the view of the district commissioner that the subdivided block would be uneconomic (and therefore inconsistent with the district scheme).

952. The council reconsidered the scheme plan in light of the district commissioner's comments at a meeting on 25 July and determined that, despite the view of the Ministry of Agriculture and Fisheries, the two parcels of land were large enough to be

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[1007] Subdivision Report, 22 June 1979, HDC 00001 : 9 : RS 357, Archives Central, Feilding.
[1008] Walker to Foster and Co., 11 July 1979, HDC 00001 : 9 : RS 357, Archives Central, Feilding.

productive farm units. The approval of the consent plan was confirmed on 8 August.[1009]

Reureu 1 Section 2B2A

953. A firm of Feilding surveyors, on behalf of the trustees of an estate, submitted a scheme plan for subdividing Reureu 1 Section 2B2A in November 1978.[1010] The block was located in Pryces Line. The surveyor described the partition proposed as a 'boundary adjustment' with part to be transferred to one adjoining landowner and the other to be transferred to another adjoining landowner. It is not stated in the letter but this was probably to give effect to succession arrangements. The surveyor observed that amalgamating the parcels of land held by the two landowners could be a condition of the council's approval 'to ensure that no new substandard parcel is being created'. The county adopted this suggestion in its approval which was 'subject to no new titles being issued'.[1011]

954. Apparently this scheme plan did not proceed as a new one was submitted in its place in September 1981.[1012] In the revision of the scheme plan, the block was still to be divided in two but only one part (which included two houses) would be transferred to the adjoining owner. The county referred the scheme plan to external consultants in Wellington for review and they accepted it could be considered a boundary adjustment as no new lots were being created and there was no change to the situation on the land. They recommended approval subject to the amalgamation of the titles (the adjacent land and the land acquired in Reureu 1 Section 2B2A). The consultants noted that the approval of the District Land Registrar was necessary for the amalgamation and would be required to meet the condition. The approved plan for Reureu 1 Section 2B2A2B1 and Accretion was deposited with the District Land Registrar in early November 1982.

[1009] Walker to the District Commissioner of Works, 15 August 1979, HDC 00001 : 9 : RS 357, Archives Central, Feilding.
[1010] Truebridge Associates to the County Clerk, Oroua County Council, 3 November 1978, MDC 00119 : 4 : W51, Archives Central, Feilding.
[1011] Lovell to Truebridge Associates, 19 December 1978, MDC 00119 : 4 : W51, Archives Central, Feilding.
[1012] Stern to the County Clerk, Oroua County Council, 14 September 1981, MDC 00119 : 4 : W51, Archives Central, Feilding.

Ohau 3 Section 4B1B

955. A Levin surveyor submitted a scheme plan for a proposed subdivision of an existing house site to create a second house site. The block was Ohau 3 Section 4B1B and it fronted State Highway 1 at Ohau. One of the owners wanted to create another site for a family member. The scheme plan would be submitted to the Maori Land Court for partition.[1013]

956. A council official advised that the scheme plan did comply with the district scheme but it was also required to comply with District Scheme Change 8, which had been publicly notified, and it did not. The scheme plan could not be approved in consequence council was recommended to refuse approval. This recommendation was accepted by the council at a meeting on 26 January 1983 and approval was refused.

Waikawa Beach Road Severance

957. The Horowhenua County Council considered a scheme plan for the subdivision of what was described as 'a severed portion of Maori land' at Waikawa Beach Road in Manawatu Kukutauaki 4D1 Section 5B5B (ML 3397). The severance was created by the road. The landowner adjoining the parcel of land to be subdivided from the parent block was to purchase it and amalgamate with his property.[1014] The parent block contained 40 hectares and the severed area to be subdivided from it contained 961m^2. The County Engineer decided not to undertake a site visit because the proposed subdivision involved what was described as 'a small boundary change'. The council approved the scheme plan subject to the amalgamation of the subdivided part with the purchaser's adjoining land into a single certificate of title (this required the approval of the District Land Registrar, which had to be obtained first to meet the conditions).

Ohau 3 Section 4A

958. In August 1985, a Levin surveyor submitted a scheme plan to subdivide Ohau 3 Section 4A.[1015] The block contained 17.42 hectares and adjoined State Highway 1 at Ohau. It was a long and narrow parcel of land. The owner resided on the block and

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[1013] Foster and Company to the Engineer, Horowhenua County Council, 21 December 1982, HDC 00001 : 15 : RS 593, Archives Central, Feilding.
[1014] Shand to the Engineer, 17 July 1985, HDC 00001 : 31 : RS 1248, Archives Central, Feilding.
[1015] Shand to the Engineer, Horowhenua County Council, 13 August 1985, HDC 00001 : 20 : RS 763, Archives Central, Feilding.

wanted to sell six hectares of it to buy out the remaining smaller shareholders and finance the conversion of the other part of the block to forestry. An existing house on the block had access but new access was required for one of the partitions. The council asked for clarification on what the partition to be sold was to be used for and also asked for a copy of the plan to supply to the Horowhenua Electric Power Board. The council consulted the power board which had 'no recommendations or requirements regarding power lines'.[1016]

959. The council's initial assessment was that the front part of the block, which would be sold, was suitable for horticulture and part of the back of the block, which was steeper, was also suitable for horticulture. Council officials were also concerned about the shape of the two partitions, particularly the width of the back part. They wanted the boundaries altered to make the front section narrower but longer (to preserve the same area). This was incorporated into their recommendations 'to create a more viable farm unit'. There was also an issue with the access and an application to the National Roads Board was required for a new crossing place to the highway because access to it was limited (consent of the Minister of Works under s 158 of the Public Works Act 1981 was required as a condition). One further condition required the landowner, 'in the public interest', to satisfy the Noxious Plants Officer that the block was clear or all classified noxious plants or that an eradication programme had been implemented. The scheme plan was approved subject to these requirements.[1017]

960. The District Commissioner of Works was unhappy with the proposal, which was 'considered an undesirable multiplication of long thin lots in this area'.[1018] He suggested the council should consider creating a 'back road network' for these blocks (the owner's surveyor described this suggestion as 'ludicrous' and doubted the council would be interested in implementing it). Otherwise he had no objection and indicated that the National Road Board could recommend approval to the minister subject to moving the existing crossing point to serve both partitions. Retail sales would not be permitted at this access point. The minister's authorised representative

[1016] Eastham to the County Clerk, Horowhenua County Council, 12 September 1985, HDC 00001 : 20 : RS 763, Archives Central, Feilding.
[1017] Rogerson to Foster and Co., 9 October 1985, Archives Central, Feilding.
[1018] Tuli-Tay to the County Engineer, Horowhenua County Council, 14 November 1985, Archives Central, Feilding.

gave consent to the partition with no conditions. No other amendment to the scheme plan or the earlier approved conditions were made on the basis of these comments.

961. A land transfer plan was submitted in April 1987, after all the conditions had been met, for approval by the council.[1019] The boundaries had been adjusted as requested by the council but gorse on the property was still be dealt with. Consent was given and the proposed partition then moved to the Maori Land Court for orders to be made on the basis of the approved plan. In November, the final plans were submitted for execution by the council prior to deposit with the Land Transfer Plan.[1020]

Manawatu Kukutauaki 4D1 Section 3C1B3

962. This partition arose out of a gift of an area of land in the block for a house site. The purpose was to divide the gifted area from the rest of the block (presumably so finance could be arranged to erect a house on it). Access to the site was to be via Whakahoro Road rather than State Highway 1 at Manakau (which the block adjoined).[1021] An initial assessment of the application for consent by council officials indicated that it did comply with the council's requirements for rural subdivision, but it was 'contrary to council's general policy of discouraging semi-urban residential groupings'. The initial assessment noted that the remaining part of the block was large enough to be further subdivided for residential sites, 'without affecting the viability of the balance area'. The power board and phone line company were asked for their opinion and had no requirements. The Ministry of Transport had no objection either. However, officials initially recommended refusing approval by council because it was 'contrary to the Operative District Scheme':

> In particular, it is considered that the proposal is contrary to Ordinance 3.2.1.2 which requires that dwellinghouse / steppingstone farm lots shall be distributed evenly among the farm lots to ensure that semi urban residential groupings do not occur. In this case, the approval of the subdivision would increase the grouping of small lots in the vicinity and thereby lead to a further urbanisation of the rural areas.

963. This recommendation was rejected by the council, which approved the scheme plan. A file note indicated that the approval was given on 'special cultural grounds'. In advising the surveyor of the decision, the county planner indicated that '[i]n making

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[1019] Shand to Bills, 2 April 1987, HDC 00001 : 20 : RS 763, Archives Central, Feilding.
[1020] Shand to Bills, 9 November 1987, HDC 00001 : 20 : RS 763, Archives Central, Feilding.
[1021] Shand to the Engineer, Horowhenua County Council, 30 March 1988, HDC 00001 : 26 : RS 1033, Archives Central, Feilding.

the above decision, Council was concerned that subdivision would increase the existing grouping of small lots in the vicinity. Council, however, considered that this was not as an important consideration as the Maori cultural aspect of the proposal'.[1022] Conditions were attached to the approval, including payment of $550 as a reserve contribution. The approval of the Minister of Transport's representative was also received without any additional conditions and the land transfer plan was approved. The minister's consent was required because the block adjoined State Highway 1. Following partition of the block by the Maori Land Court, the land transfer plan was approved by the council in August 1989.

[1022] Rogerson to Shand, 16 September 1988, HDC 00001 : 26 : RS 1033, Archives Central, Feilding.

G TITLE RE-ORGANISATION

i STATUTORY DEFINITIONS OF 'MĀORI'

964. The Maori Affairs Amendment Act 1967 gave a Deputy Registrar of the Maori Land Court the power to convert Māori freehold land to what was then called Eruopean land where it was owned in defined circumstances. The amendment is considered in more detail below. It is sufficient to note here that this legislation reflected two Crown policies of the post-war period relating to Māori land. 'Europeanisation' was intended to deal with the the growing complications associated with the administration of Māori land, not by dealing with them, but by removing the land from the jurisdiction of the Maori Land Court. The second related policy, also applied in to conversion of uneconomic interests, was increasingly to apply them to Māori land without the consent or participation of the landowners.

965. The power to make declarations about the status of land prior to 1967 (and after 1974) was defined in statute and came within the jurisdiction of the *Native Appellate Court* and later the Maori Appellate Court. In addition, from late 1912, the Govenor could, by order in council, declare a person of Māori descent to be European. The order in council was issued on the recommendation of the Native Land Court which had to be satisfied on a number of conditions (set out in, for example, s 17 of the Native Land Amendment Act 1912. In consequence of this authority, in July 1914, the Court considered an application under s 17 of the Native Land Amendment Act 1912 to recommend that Hone Makimereni (John McMillan) should be declared a European. The Court did not have the power to make the declaration itself but was authorised to make a recommendation to the Governor.[1023] The Levin solicitor, Park, represented Mr McMillan who gave evidence. He spoke of his knowledge of English, his education and the level he attained (scholarship student at a school at Thames who passed Standard 6). He described himself as a 'half-caste' and he ran his own dairy farm from which he derived a 'good living'. He also told the Court that part of his farm '… is swamp. Local authority will not drain the swamp, that is will not force drainage board because it is thought there might be difficult in securing rates'.[1024] The

[1023] Otaki Native Land Court Minute Book 53, 23 July 1914, fol. 95.
[1024] ibid.

Court agreed to issue the recommendation, noting that the application was 'well known to Court and is a person well qualified to look after his own interests'.[1025]

966. The Native Land Act 1931 maintained the effect of these orders in council but contained no provision to make new ones (the focus shifted to the status of the land rather than of the owner(s)). The Maori Affairs Act 1953 continued this approach to the orders in council. However, the definition of who was Māori was applied by officials of the Department of Maori Affairs and the Court to reach the same outcome.

967. This issue was the subject of discussion among senior officials in the Department of Maori Affairs in the late 1950s who were very concerned that those who did not meet the statutory definition of Māori (more that 50% Māori blood quantum) might benefit from government policies designed to improve the position of Māori. Belgrave, Deason and Young summarise their considerations of how the Court should approach the question of land held by those who did not meet the definition of Māori under the Maori Affairs Act 1953:

> If the Court was to spend time investigating the whakapapa of all of these individuals, massive costs and administrative blockages would occur. The only solution that appeared workable was to assume that all land passing through the Court was Maori land and that all Maori were Maori unless evidence was presented otherwise.[1026]

968. Their solution, in effect, was to ignore the question.

969. The definition of 'Maori' was also considered by Hunn in his report. He identified a number of different statutory definitions other than that in the Maori Affairs Act 1953 (though it is the relevant one for the purposes of this report) and they were set out in Appendix C to his report.[1027] He recommended that the various definitions of 'Maori' should be made consistent and he preferred a narrow definition which would become narrower over time. Hunn argued:

> In essence, the definitions denote is either (a) half-blood (or more) or (b) a descendent. A Maori has to be at least half-blood to benefit under the Maori Affairs Act or the Education Act; but for housing, welfare, Maori Purposes Fund or Ngarimu scholarships, any descendent, however remote, of a Maori is eligible. As each generation of young people is more integrated and self-reliant than the last, the definition of a Maori, entitled to the privileges of special legislation, should become stricter and more exclusive. At first, the half-blood formula should be made universal.

[1025] ibid., p. 96.
[1026] Michael Belgrave, Anna Deason and Grant Young, 'Crown Policy with Respect to Maori Land, 1953-1999', September 2004, p. 51.
[1027] J.K. Hunn, 'Report on Department of Maori Affairs, with Statistical Supplement, 24 August 1960', Wellington: Government Printer, 1961, pp. 85-86.

> Later it may be advisable to confine the special protection of the law to "three-quarters blood", before finally removing it all together. Otherwise the host of eligible "Maoris" will rapidly become larger than is justified by the merits of their case and the Department of Maori Affairs itself will become far larger then was ever contemplated.[1028]

970. No action was taken on this recommendation and by the mid-1970s, the political consideration had fundamentally changed. The definition of 'Māori' was amended by s 7 of the Maori Purposes Act 1974, which took effect in early November. The definition of 'Māori' as contained in the original Maori Affairs Act 1953 was deleted and substituted with a new definition which read:

> "Maori" means a person of the Maori race of New Zealand; and includes any descendants of such a person.

971. While the definition contained a biological component ('race'), it moved away from blood quantum as the key feature of the definition to one based on descent.

972. This approach was applied to the Taumanuka 1 block at Otaki Beach. No part of the block at remains Māori freehold land today.[1029] Nearly 100 acres in a number of parts of Taumanuka 2, 3 and 4 were acquired by the Crown in the early 1930s from the Ikaroa District Maori Land Board and parts became the site of the children's health camp. These transactions are examined elsehwere in this report. Another part was taken in them mid-1950s for soil conservation and river control purposes (and this is outside the scope of this report).

973. None of Taumanuka 1, the northern part of the block which originally contained 171 acres 0 roods 19 perches, was acquired by the Crown. This block was located in the Ōtaki borough and parts became the beach subdivision. It was subsequently partitioned and Taumanuka 1A was located at the northern end of the beach. It was exempted from rates levied by the Otaki Borough Council under the Rating Act 1925 by order in council.

[1028] ibid., p. 19.

[1029] The Taumanuka Development Scheme created by the Department of Maori Affairs is not connected with the Taumanuka Block at Otaki but was the name given to a development scheme involving Puketapu 3C7B2B, a block of land located east of Taumarunui.

Rangatiratanga Versus Kawanatanga: **Partitions of Taumanuka 1A**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 019 Map projection: New Zealand Transverse Mercator Date: 19/05/2017

Map 35: Partitions of Taumanuka 1A

974. The ownership of Taumanuka 1A was complex and altered by transactions at different times. There were 1344 shares in the block and it appears five members of the Knox family held a total of 1264 shares. The remaining 80 shares were held by two owners (Makareta Pewene and Hera Pewene). These shareholdings were established following the transfer of 532 shares for £290 18s. This transaction had been effected by way of a meeting of owners in October 1958, which resolved to sell shares to members of the Knox whānau who already held shares in the block. The resolution was confirmed by the Maori Land Court sitting at Levin the following month.[1030]

975. The block was partitioned in 1962 and Hera Pewene was awarded Taumanuka 1A1 containing 23 perches. It would appear that the interests of Makareta Pewene were vested in eleven successors on partition and located in Taumanuka 1A2 also containing 23 perches. Both were very small residential sites (a standard quarter action section was 40 perches). The plan for Taumanuka 1A3 indicates that neither of these blocks had access but it was subsequently provided for through the subdivision of the adjoining Taumanuka 1A3 block. The balance of 1A became Taumanuka 1A3 containing 20 acres 0 roods 16 perches.

976. Taumanuka 1A3 was determined by the Court to be European land under s 30(1)(i) of the Maori Affairs Act 1953 on 20 April 1964. This provision stated:

> To determine for the purposes of any proceedings in the Court or for any other purpose whether any specified land is Maori freehold land or is European land.

977. The Court's decision was based on whakapapa evidence given by a member of the Knox whānau who told the Court he had 'only one quarter Maori blood':

> I live at Wellington. I am one of owners. These are five in all. They are three brothers of mine and my wife. I have only one quarter Maori blood. This is from my mother's side. She was Mary Bevan. My father Alfred Knox was a NZ born Scotsman – a full European. My mother was half Welsh and half Maori. The Maori blood came from her mother's side. She was Ngapaki Te Rei. Her father was William Bevan, born in Wales. My wife is full European. She was Ethel Bills before marriage. We acquired the land partly by gift from an aunt and partly by purchase. What I have said applies to the whole 20 acres 0 roods 16 perches in Taumanuka 1A3.[1031]

978. This determination was based on the definition of 'Maori freehold land' and 'Maori' in the act. The former was defined as any land, including an undivided share, other than European land, which 'is owned by a Maori for a beneficial estate in fee simple,

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[1030] See 3/9725 Taumanuka 1A, Maori Land Court, Whanganui.
[1031] Otaki Maori Land Court Minute Book 71, 20 April 1964, fol. 14.

whether legal or equitable'. The definition of Maori, in the act, was 'a person belonging to the aboriginal race of New Zealand; and includes a half-caste and a person intermediate in blood between half-castes and persons of pure descent from that race'. Under the statute, a person was not Māori by reason of their whakapapa but through their blood quantum. This mechanism was not used frequently in the post-war period but it was available to the Court and to landowners.

979. In the case of Taumanuka 1A3, the Court determined that the owners were not Māori because only one of their four grandparents was Māori. On this basis, the land was deemed to be European land because the owners were, under the definition specified in the Act, European and therefore the land they held was not subject to the jurisdiction of the Court. For completeness, it is noted that in 1970, Taumanuka 1A1 was subject to a status declaration under Part I of the Maori Affairs Amendment Act 1967. Finally, the alienation of Taumanuka 1A2 was confirmed by the Maori Land Court in February 1978.

ii CONVERSION AND CONSOLIDATED TITLE ORDERS

980. Conversion provided a mechanism for taking the owners of small interests out of titles to blocks. Initially this was for the landowner to choose and many owners found there was some benefit in releasing their equity in their Māori land interests to assist in settling in urban environments. Over time, however, conversion was imposed leaving the owners of usually small interests in Māori land without any choice in the matter. Conversion could be undertaken without consent and even without the knowledge of the landowner (or their successors).

981. As the twentieth century progressed, and the problems of multiple ownership of land became more acute, the Crown increasingly turned to compulsory mechanisms to deal with the issues. Māori landowners were marginalised in the process of alienating them from their land interests, particularly if they were small. Conversion was one of these mechanisms, and the policy framework was developed specifically on this basis.

982. Conversion generally occurred in one of three ways. The first was at succession where the Maori Trustee acquired uneconomic interests in a deceased person's estate. The second was when the Court issued consolidated title orders where old titles were brought up to date so the list of owners accurately reflected the owners of the block

and their shareholding. As part of this process, the Court could rank the shareholdings by value and vest all the uneconomic interests in the Maori Trustee (and the former owners would receive compensation via the conversion fund). The third option was for the Maori Trustee to purchase interests, usually at the request of an individual landowner. The Maori Trustee tended to buy interests only where there was a known purchaser (who had to be another landowner in the same block).

983. The Conversion Fund was established under the Maori Affairs Act 1953 and the Maori Trustee Act 1953 and the actual money which constituted the fund was derived from trust funds held by the Maori Trustee for beneficiaries. The conversion programme was an attempt to reduce the number of owners in individual titles. A fund of £50,000 was set up and it was drawn from the reserves of the Maori Trustee and the profits derived from the activities of the Maori Trustee and former Maori Land Boards. As Belgrave, Deason and Young note, this meant that 'Maori money was being used to alienate small land interests from owners'.[1032] This remained the case until 1967 when the Crown provided an appropriation for the fund.

984. Section 23 of the Maori Trustee Act 1953 organised the funds held by the Maori Trustee into four accounts:

- Special Investment Account;
- Common Fund: all money other than special investments which were held on trust (including unclaimed money, funds belonging to clients);
- Conversion Fund: a revolving fund to purchase and sell 'uneconomic interests';
- General Purposes Fund: all other money held by the Maori Trustee.

985. The Maori Trustee built up holdings in individual blocks of land which it looked to transfer to other owners in the block and owners with access to capital were able to increase the size of their shareholdings.

986. Uneconomic interests, those worth less than £25, could be compulsorily vested in the Maori Trustee on the recommendation of the Maori Land Court. Conversion was generally supposed to occur at the point of succession and the Maori Trustee would make payment to the owner's estate. There were two main exemptions. To encourage Māori to have wills which dealt with their interests in Māori land, any interests

[1032] Belgrave, Deason and Young, p. 66.

devised by will were exempt from vesting in the Maori Trustee. Any interests worth less than £25 which could be used as a house site or a unit of production were also exempt. Interests which were acquired by the Maori Trustee through conversion were supposed to be made available for purchase by other owners in the same block of land whether individuals, trustees or an incorporation. In this way, the fund was a revolving account.

987. The system of conversion was modified by Part VII of the Maori Affairs Amendment Act 1967. The bill as initially proposed increased the value of an uneconomic interest from £25 to £50 (which would affect a much larger number of shares). However, as a concession, when the bill was reintroduced after the committee stage the value was allowed to remain at £25. The sale of interests acquired by the Conversion Fund was restricted to any Māori, or an incorporation of Māori land, or the Crown. The most significant change was s 122 which provided for the conversion fund to be financed from the Consolidated Revenue Account. Provisions for conversion in the 1967 Act were based on the 1953 Act and the only real differences were that the conversion fund was to receive government funding and that when lands were going through the Court for partition, consolidation, or amalgamation the Maori Trustee could acquire the uneconomic interests.

988. The Maori Trustee had, since the Conversion Fund was established, the authority to purchase 'any Maori freehold land or any freehold interest therein'. This permitted the acquisition of shares other than those which were 'uneconomic'. The Maori Purposes Act (No. 2) 1973 extended this power somewhat but only in certain circumstances. The Maori Trustee retained the existing authority to purchase any uneconomic interest but the scope of the Maori Trustee to acquire interests through the Conversion Fund by purchase was extended to 'any beneficial freehold interests in any Maori freehold land'. This provision did not limit the Maori Trustee to acquiring 'uneconomic interests' only, but it only applied where the funds were to be used for the acquisition of a site for a dwelling, the purchase or construction of a dwelling, the extension or renovation of a dwelling, the repayment of any debt owed on a dwelling, or the purchase of chattels for a dwelling where it was to be occupied by the owner of the beneficial interest and his or her family.

989. The Maori Affairs Amendment Act 1974 halted the process of conversion of 'uneconomic interests'. The fund continued to exist into the 1980s as interests held by the fund were disposed of.[1033] The Maori Trustee also retained both general powers to purchase Māori freehold interests and specific powers where the funds were to be used for housing purposes. But the acquisition of 'uneconomic interests' was abolished. By the second half of the 1970s, the conversion fund had turned into something of a housing fund where owners of shares could sell to the Maori Trustee if they asked for the funds to be credited to their housing accounts. The overriding focus in this regard was on providing capital for housing. The size of the shareholdings did not matter and neither did resale. Even large economic interests would be purchased in these circumstances. It became a convenient way of converting land interests into cash to pay for housing requirements (a long established practice, as noted elsewhere). The Conversion Fund had increasingly been used to achieve other policy objectives (primarily to provide landowners with cash they could use to improve their standards of living) rather than tidy up increasingly fragmented titles and reduce the number of small shareholdings in blocks.

990. Over the two decade period that it operated, from 1954 to 1974, the Maori Trustee acquired 43,364 'uneconomic interests' in 4,154 blocks. Shares in 2,923 blocks had been resold but the fund continued to hold shares in 1,231 blocks. In 1984, the Maori Trustee recommended to the Minister of Maori Affairs that the fund be wound up. At this time, the actual cost of interests held by the Maori Trustee was $1,339,000 and these had a value, at that time, of $7,059,000. The Maori Trustee earned an income of $85,000 per annum on these interests. It proposed a scheme where interests worth less than $1000 would be transferred back to the owners of the land and those worth more would be provided with an interest free loan to buy them. Any income earned on the interests would be used to repay the loan.[1034] Eventually a proposal was adopted where the Crown gave up all claim to the Conversion Fund. It also provided for shares which were acquired by compulsion and shares worth less than $1000 to be revested without cost in the original owner(s) and adopted the interest free loan suggestion. This was given effect in the Maori Affairs Amendment Act 1987.[1035]

[1033] ibid., p. 266.
[1034] ibid., p. 267.
[1035] ibid., p. 270.

991. The key source available for the application of this policy to Ngāti Raukawa lands are the minutes of the Maori Land Court. Unfortunately, as noted elsewhere, the department's Palmerston North district office title improvement records have not been located. These would provide greater information on the department's dealings with Māori landowners and the Maori Trustee about conversion.

992. However, the minutes of Court hearings dealing with Ngāti Raukawa blocks show that conversion did occur when the title improvements officer was preparing consolidated title orders for the Court. These were title orders where title improvement officers had gone through a title to a block, located successors and prepared a current list of owners for the Court to consider. Part of the process was for the uneconomic shares of owners to be transferred to the Maori Trustee by conversion. This was a situation where owners might find their interests taken without their consent. The Court would require any proposed order where conversion was planned to be publicly available in the department's office for a period before the order was confirmed. This was intended to give affected landowners the opportunity to identify their interests and object if they wished to do so. The title improvements officer would report to the Court after the period for reviewing the proposed order had ended and there were no instances where objections were raised for the Court to deal with.

993. There were many instances where the Maori Trustee refused to acquire 'uneconomic interests' in blocks going through this process. The key consideration for the Maori Trustee in agreeing to compulsorily acquire uneconomic interests was whether another owner in the block was available to purchase them (and that landowner had to have access to the necessary funds or credit before the Maori Trustee would agree). This approach did limit the number of occasions in which this power was exercised by the Maori Trustee though when it was exercised, the power was compulsory in that owners who held shares in a block were taken out of the title without their consent.

994. The earliest round of applications for conversion of uneconomic interests which could be located were considered by the Court in May 1958. The Registrar submitted applications for a large number of Carnarvon, Horowhenua and Himatangi partitions under s 445 of the Maori Affairs Act 1953. At this initial hearing, the Conversion Officer produced consolidated lists and the valuation of each interest. The Court

directed the distribution of public notices to local Court offices, tribal committees and the Raukawa Tribal Executive.[1036] The lists were to be available for inspection for a period of four months. 'Uneconomic interests' were identified in a number of the blocks and recommendations to the Maori Trustee to acquire those interests by conversion were proposed. These blocks included Himatangi 5A5C2B and Himatangi 5A9C2 (many of the Horowhenua blocks were subject to recommendations relating to uneconomic interests).

995. In September, a departmental official advised the Court that the period for reviewing the proposed ownership lists was due to expire the following day.[1037] The Maori Trustee had asked for inspections of the lands but this had taken longer than expected and the field supervisor's report had not been completed. Once the report was received, it was expected a period of time to consider the report before a decision on the recommendations could be made. The Maori Trustee also had to engage in discussions with possible purchasers. The Court was asked to extend the deadline for review by a further two months to accommodate the Maori Trustee's activities. The department's official did not think any difficulties would be caused by this proposal. He noted that in future the Maori Trustee planned to make its inspections and decisions on conversion before the draft lists of owners were presented to the Court. The Court agreed to make the extension requested.

996. The application was considered by the Court again in November when the Court was advised that the Maori Trustee declined to purchased any of the uneconomic interests in the Himatangi and Horowhenua blocks. The Court issued final consolidated title orders under s 445.[1038] Himatangi 5A3A and Himatangi 5A3B were also subject to application under s 445 for consolidated title orders but no conversion was required as a family arrangement had reduced the ownership of the two blocks to four owners in equal shares. A draft of the proposed consolidated title order was to be available for public inspection the Court's Wellington office for two months before a final order would be issued.[1039] This was a situation where a family organised the ownership of the block to avoid any conversion by the Maori Trustee (and it is also possible that the

[1036] Otaki Maori Land Court Minute Book 67, 23 May 1958, fol. 116.
[1037] ibid., 22 September 1958, fol. 180.
[1038] ibid., 18 November 1958 fol. 241.
[1039] ibid., fol. 242.

conversion might lead to the same outcome anyway in that the Maori Trustee would acquire the uneconomic interests in the block and then sell them on to one of the other owners in the same whānau).

997. In August 1959, other Ngāti Raukawa blocks came before the Court for conversion and consolidated title orders.[1040] A number of parts of Horowhenua 11 were subject to applications as were Himatangi 2A7C, Ngakaroro 3D1 No. 3B, Pahianui 2B, Pukehou 4C7B, Tahamata 2, Tahamata 3B, Tahamata 3C and Waiorongomai 8F. There were 'uneconomic interests' in all these blocks and the Conversion Officer asked for recommendations that the Maori Trustee acquire them at the valuation given. The Maori Trustee had not given prior consent but the recommendation was requested anyway:

> … to facilitate arrangements being made during the period the draft Orders are open to public inspection. Such arrangements, apart from exchanges and transfers (213/53) that might be effected in the meantime, could possibly lead to the Maori Trustee being in a position to acquire because he has found a willing buyer. The nett result could then be a more compact Consolidated Order in each case which the very object of these applications.

998. The Court directed the draft consolidated title orders be made available for public viewing for two months at the department's offices in Wellington and Palmerston North and at the Raukawa Tribal Executive's office.

999. In November 1959, Himatangi 3A3G2 was subject to a further application for a consolidated title order after the Court had earlier made a final order.[1041] However, successions had been completed since and the Conversion Officer applied for a new order to update the ownership. A few months had passed but a new consolidated title order was already necessary. The Court had recommended the Maori Trustee acquire a number of uneconomic interests in the earlier order and the Conversion Officer asked the Court to recommend the Maori Trustee acquire further uneconomic interests. He told the Court that the Maori Trustee had found a purchaser for the interests and its consent to acquire them had been obtained. Eight uneconomic interests associated with one particular whānau were not included in the recommendation as the whānau planned to consolidate their shares through a family arrangement. The total number of shares vested in the Maori Trustee under both the

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[1040] ibid., 13 August 1959, fol. 397.
[1041] Otaki Maori Land Court Minute Book 68, 12 November 1959, fol. 47.

confirmed order and this order was 3885.987 (out of 40928), and the value of them was £194 12s 10d.

1000. However, the Court found that the Maori Purposes Act 1957 had altered its statutory powers under s 445 and directions were issued for the draft orders to be publicly notified again for two months.[1042] The draft order was to be made available at the Wellington office. The final order was made at the end of January 1960.[1043] Immediately afterwards, the Court issued a further order vesting the shares acquired by the Maori Trustee in one of the other owners.[1044] He paid £205 7s 5d for the shares. The additional amount in excess of the value paid by the Maori Trustee was the Maori Trustee's commission. A similar order was made in April in relation to Pukehou 4C7B. The Maori Trustee had earlier acquired by conversion 1366.667 (out of 14400) shares in the block and they were transferred to one of the other owners for £121 (the Maori Trustee had paid £110). The Court issued a vesting order to give effect to this transaction.[1045]

1001. Later in the year, twenty six partitions of the Aorangi block and ten partitions of Himatangi were brought to the Court by the Conversion Officer for consolidated title orders.[1046] The main purpose was to bring the records up to date and establish the present ownership. Valuations were not available for all blocks but, where they were, uneconomic interests had been identified in the lists of owners. The Conversion Officer advised the Court that:

> While the Maori Trustee had no immediate intention of acquiring uneconomic interests in any of these blocks, it is considered that a recommendation for acquisition in addition to directions should be obtained in any event, so that opportunity is given to owners to approach the Maori Trustee if they are interested in building up their shares by purchasing uneconomic interests. Valuations will be obtained where there are none, only when the Maori Trustee is approach by an owner who is keen to buy or alternatively, prepared to sell to the Maori Trustee under 151/53 with the view to selling to a pre-arranged purchaser.

1002. The Court issued directions for the draft orders to be made publicly available at the Palmerston North, Wellington and Hastings offices and recommended the Maori Trustee acquire uneconomic interests. Similar directions and recommendations for

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[1042] ibid., 25 November 1959, fol. 68.
[1043] ibid., 26 January 1960. Folio reference obscured in copy.
[1044] ibid.
[1045] ibid., 5 April 1960, fol. 89.
[1046] ibid., 27 July 1960, fol. 167.

Ngakaroro 3C7, Pahianui B5B and six partitions of Waiorongomai were given on separate applications for these blocks. The Maori Trustee subsequently declined to acquire any of the uneconomic interests and consolidated title orders were issued after the notification period expired.[1047]

1003. In addition to dealing with conversion, the Conversion Officer assisted owners in titles to consolidate their shares through family arrangements, either by purchase, gift or exchange, and arranged for the Court to make vesting orders to give effect to these arrangements. Tahamata 2A and Tahamata 3A were among the blocks where this occurred.[1048]

1004. In April 1961, the Court dealt with an application to create a new roadway for six partitions of Aorangi 1 Section 4C in place of an existing one.[1049] The Conversion Officer and Mason Durie addressed the Court on the application and Mr Durie gave evidence:

> I live about one mile away from this land know the subdivisions. I was clerk in Native Department on work of titles when this area was partitioned. I remember grandfather of applicant being on block in the early 1900s in fact. When section partitioned and right of way from back of 4C1 to river (4C6) was being fenced off along the south western side. Later I saw in office that the order of Court was for roadway on opposite side. I was then satisfied that they would not know the proper points of the compass. I told Tautari Wiremu (owner of Section 4C1 and part owner of others) that he was wrong. He would not believe that on wrong side. Later fenced right through from road. There has been metal spread in very wet places. Right up to present time until different with new tenant the fenced roadway was used. Stock from 4C6 was brought out along fenced roadway to road. The roadway along north-east is not fenced and I have never seen it used. I now have produced to me plan WD 2415 showing a fenced roadway along south western side in 1913 and I confirm the same. Only boundary fence along north east side. I am certain that the error arose at hearing in 1900 as that is what has been used.

1005. A new lessee of one of the blocks and created some difficulties for one of the occupants who had been told to use the legal roadway. This was not possible because a house had been erected on it and the garage was located across the boundary. Several of the owners were in Court and they supported the adoption of the existing access route as the legal access. The Court agreed with Mr Durie that the fenced roadway which was in use should be substituted for the legal roadway specified in the plan. The Court noted that the objection to one of the tenants using the roadway had arisen from farm gates being left open. However, the tenant who had created the

[1047] ibid., 9 November 1960, fol. 223.
[1048] ibid., 25 November 1959, fol. 69.
[1049] ibid., 12 April 1961, fol. 311.

difficulties was not present and the clerk was instructed to contact her by telephone to see if she wished to appear. The Court was later advised that she had retained counsel to represent her and the hearing was adjourned to hear his submissions. However, she did not oppose the proposal and the Court directed the preparation of orders.[1050] The roadway laid out in 1900 was subsequently cancelled and an order to lay of a new roadway was issued.[1051]

1006. When it came to dealing with consolidated title orders, the Conversion Officer would update and compile the lists of owners. This might include arranging succession orders and giving effect to family arrangements (where family members distributed the interests of their elders among them rather than all succeed to those interests to avoid them become 'uneconomic'). Where a valuation was available, the value of each interest would be determined and those deemed 'uneconomic' identified. The draft title order would be placed before the Court for directions to publicly notify the lists of names for review (they would usually be made available at one of the Court's offices) and a recommendation that the Maori Trustee acquire uneconomic interests. This became a standard request as the Court's recommendation was required before the Maori Trustee could exercise its powers in relation to the Conversion Fund. The Maori Trustee would only do so where it had a willing buyer of any interests. Someone would have to indicate that they would buy the interests. The purchaser had to pay the Maori Trustee's commission on the value of the interests (at the same they were sold by the Maori Trustee).

1007. For example, the Maori Trustee planned to acquire the uneconomic interests in Waiorongomai 9A and Reureu 1 Section 23D3B.[1052] In both cases, another owner would purchase the interests from the Maori Trustee (though the final order for Waiorongomai 9A was delayed due to difficulties the purchasers faced in arranging finance).[1053] In requesting a final consolidated title order for Waiorongomai 9A, the Conversion Officer advised the Court that there were 105 uneconomic interests (out of 115 owners). Notices had been sent to 60 owners and one had been returned unclaimed. Of the remaining owners, 18 were deceased and the Maori Trustee did not

[1050] ibid., 17 April 1961, fol. 324.
[1051] ibid., 17 April 1961, fol. 340.
[1052] Otaki Maori Land Court Minute Book 71, 20 April 1964, fols 7-8.
[1053] ibid., 7 August 1964, fol. 118.

have an address for the remaining 27.[1054] Two objections were received from two owners who also lodged an objection in relation to the interest of their deceased uncle to which they were entitled. Their three shares were valued at £40 5s and the Maori Trustee was not acquiring them. The Court issued orders for the consolidated title order and vesting the uneconomic shares of the 102 owners in the Maori Trustee.

1008. In Reureu 1 Section 24, the conversion of uneconomic interests, and selling them to the largest shareholder reduced the number of owners from 15 to six.[1055] In Reureu 1 Section 17B2B, the Maori Trustee was willing to acquire uneconomic interests in the block and planned to sell them a local farmer who occupied it. His mother-in-law already owned more than 90 percent of the shares in the block. Of the 11 owners, seven held uneconomic interests, which were valed at £69 15s 11d.[1056]

1009. In May 1978, Reureu 1 Section 12B was before the Court for a final consolidated title order. The Court had previously issued directions for the publication of the draft order and recommended the Maori Trustee acquire uneconomic interests in the block. It was a small piece of land containing 2 acres 1 roods 12 perches and, in consequence, of the 42 owners, the interests of 39 were 'uneconomic'. They held 261.064 shares out of a total of 372 and were valued at $364.84. Notices had been sent to 31 owners for which there were addresses. Three were returned unclaimed and there were no objections raised by the others. At least one of the owners was deceased. A consolidated title order and an order vesting the interests of 39 owners in the Maori Trustee were issued.[1057]

1010. In Pukehou 4C4C, an owner holding a large number of shares approached the Maori Trustee to acquire the uneconomic owners.[1058] This owner and his wife increased their shareholding in several Ōtaki blocks by acquiring 'uneconomic interests' through the Maori Trustee by conversion. The most recent valuation of the block indicated that 11 of the 14 owners held uneconomic shares (1432.434 shares with a value of $253.14). The owner who wished to acquire the uneconomic interests had deposited sufficient funds with the Maori Trustee for the purposes of acquiring any shares vested in the

[1054] ibid., 13 November 1964, fol. 197.
[1055] ibid., 20 April 1964, fol. 9.
[1056] ibid., 13 November 1964, fol. 196; 5 April 1965, fol. 277.
[1057] Otaki Maori Land Court Minute Book 74, 17 May 1968, fol. 92.
[1058] Otaki Maori Land Court Minute Book 75, 4 November 1970, fol. 220.

Maori Trustee by the Court. The draft order was to be made available at the district office in Palmerston North and the Post Office at Ōtaki for two months.

iii MAORI AFFAIRS AMENDMENT ACT 1967

1011. The Maori Affairs Amendment Act 1967 generated widespread protest from Māori. Part I of the amendment allowed blocks of Māori land where there were four or fewer owners, where none of the interests were held in trust and where none of the owners were under a disability, to be declared European land by a Registrar of the Court, without application by any of the Māori landowners. The New Zealand Maori Council objected most strongly to the compulsory nature of the declarations.

1012. Prior to the passage of the Maori Affairs Amendment Bill through Parliament, the Department of Maori Affairs laid the ground for its quick and easy implementation, with a particular focus on changing the status of Māori land. In August 1967, a Head Office official wrote to all district offices regarding the proposed provisions for Europeanisation in the Maori Affairs Amendment Bill 1967 and included a copy of draft instructions under Part I of the bill.[1059] These draft instructions from the Deputy Secretary set out the purpose of the legislation 'to enable all Maori freehold land owned by not more than four persons to be constituted European land provided there are no problems or difficulties which would prevent this'.[1060]

1013. It was thought that the new legislation might have some impact on staffing requirements although it was decided that no extra staff would be taken on. Instead there was to be closer co-operation between court and title improvement staff. Because the legislation was likely to increase the workload for the title staff and diminish it for the court staff, it was anticipated that court staff would be able to assist title improvement staff where necessary. Status declarations were to be given priority in straightforward cases and, where staffing levels permitted, complex and difficult cases would be dealt with.

1014. The Deputy Secretary stressed the importance of the Europeanisation work. It was to be:

[1059] Williams to District Officers, 1 August 1967, 45/131/1 2, Maori Land Court, Rotorua, cited in Grant Young, Michael Belgrave, Hazel Petrie, Anna Deason, Sara Buttsworth and Judy Walsh, 'Rotorua Twentieth Century Overview: the Alienation and Administration of Maori Land in Rotorua, 1900-1999', October 2004, Wai 1200, A079, pp. 494-496.
[1060] ibid.

> … given high priority and is to rank before any other title activities except development amalgamations.
> It is the intention that as many blocks be got rid of as soon as possible by the issue of status declarations. In the first place, the emphasis is to be on the blocks without complications followed by the least difficult of the 'problem' blocks and finally as time permits, those cases where extensive Title Improvement measures are necessary. Preliminary work should be commenced on receipt of this instruction so that when the legislation comes into force on 1 April 1968 there will be some cases ready for the issue of status declarations.[1061]

1015. Blocks under the criteria set out in the legislation were to be listed in a register:

> Work should be commenced by examining the titles for all blocks of land held in the Titles Registry and listing every block with four owners or less which meets the requirements of section 3 of the Act, that is to say:
> (a) It must be clear that the owners as shown on the Title hold for themselves and that none of them is a trustee for any other person:
> (b) There must be no one else entitled to hold above any of the four owners' head as a trustee or the like:
> (c) None of the owners is shown on the title to be a minor or to have a Part X trustee order existing in respect of his interest or to be shown on the record to be a mental patient for whom the Maori Trustee is acting as trustee under Part X of the Maori Affairs Act 1953.[1062]

1016. In the case of deceased owners, the Deputy Secretary instructed that:

> reasonable efforts are to be made to prevent the issue of a status declaration for appropriate blocks in which any of the owners are deceased. It will not be possible to have absolute certainty on the point at the stage ownership is being scrutinised and there is no legal obligation to go beyond the records of the Maori Land Court and the Maori Trustee. Nevertheless, short of extended correspondence and long drawn out enquiries, some care must be taken. It if can be done without too much trouble, known relatives or prospective successors could be advised to apply for succession to any owner who is shown to be deceased.
> …
> The basic rules are these:
> (a) Owners do not have to be proved alive. It is sufficient if there is no reason to believe they are deceased.
> (b) If there are any circumstances which suggest that an owner may be dead, the suggestion should be disproved before a declaration issues. For example, an owner's name may first have appeared on a title 60 years ago as an adult and nothing has since been heard of him.[1063]

1017. In some cases, however, it was recognised that status declarations could not be issued. Blocks which could not be effectively utilised came into this category. These included blocks without formed legal access, blocks which were housing sections in an area where housing would be impracticable or uneconomic and unoccupied rural blocks too small for effective occupation which should be amalgamated with adjoining land. Land also had to be surveyed before it could be Europeanised and any outstanding charges, such as survey liens and rates, paid. If the land met all the conditions for

[1061] ibid.
[1062] ibid.
[1063] ibid.

Europeanisation and it had not been surveyed, the Chief Surveyor was to be provided with the copies of the Court minutes describing the boundaries and any available sketch plan. Failing this the 'Chief Surveyor may be able to compile a plan sufficient to enable registration "limited as to parcels"'.[1064] The cost of the survey or the preparation of diagrams was to be met by the Department of Lands and Surveys.

1018. Little information is available to examine how the Maori Affairs Amendment Act 1967 was implemented in the Ngāti Raukawa takiwā, as the district office files are not available. However, returns to Head Office indicate some progress was made at the Palmerston North office:[1065]

		Six months ended 30 September 1968		Period 1 April 1968 to 30 December 1970	
		PN	Total	PN	Total
Cases under investigation		808	15,736	2,161	19,114
Cases where investigation completed	Deferred or not being proceeded with	203	4,210	452	6,687
	Deferred or not being proceeded with	334	4,940	1,539	10,687
Survey action	Returned from Chief Surveyor	283	3,465	1,317	9,801
	Not being processed with for lack of survey	4	404	279	1,952
Status declarations	Referred to DLR for registration	77	1,856	1,028	8,342
	Advice of registration received	77	58	1,028	8,069
	Action Completed	1,184	1,135	980	7,999

Figure 1: Progress Return of Europeanisation, Palmerston North District Office

1019. For the second period (1 April 1968 to 30 September 1970), the department had received requests from 130 owners or their solicitors for the issue of a status declaration (out of 1,144 nationally). This suggests that by far the majority of status declarations were issued by the Palmerston North district office exercising the compulsory provisions of the Act.

[1064] ibid.
[1065] ibid., p. 517.

1020. The table below is based on data taken from the draft block research narratives report prepared by Walghan Partners. The table shows the number of statutory declarations issued in each of the specified blocks and the total area of land affected. By the late 1960s, many blocks of land in the takiwā of Ngāti Raukawa had been alienated in their entirety. No statutory declarations could be issued for this land in consequence. The table is based on data which is subject to further review but, due to the nature of the archival record from which the data is drawn, it is likely any modification will be minor.

General Location	Block	Number	Area
Rangitikei Manawatu	Aorangi	14	250
Rangitikei Manawatu	Carnavon/Sandon	14	274
Rangitikei Manawatu	Himatangi	28	956
Rangitikei Manawatu	Ohinepuhiawe	1	5
Rangitikei Manawatu	Puketotara	5	279
Rangitikei Manawatu	Rangitikei Manawatu	6	117
Rangitikei Manawatu	Taonui Ahuaturanga	3	17
Rangitikei Manawatu	Te Reu Reu	33	472
Manawatu	Aratangata	2	236
Manawatu	Manawatu Kukutauaki	49	866
Manawatu	Ohinekakeao	4	46
Manawatu	Oturoa	2	52
Manawatu	Waitarere	1	11
North Otaki	Muhunoa	6	17
North Otaki	Ohau	24	145
North Otaki	Pukehou	4	74
North Otaki	Tahamata	2	8
North Otaki	Waiorongomai	1	24
Otaki	Otaki	31	23
South Otaki	Ngakaroro	2	2

1021. Part I of the Maori Affairs Amendment Act 1967 was repealed by s 13(3) of the Maori Purposes Act (No. 2) 1973. The same Act amended s 433 of the Maori Affairs Act 1953 and gave the Court power to declare Māori land to be European land *on the application of an owner or owners*.

H NGĀTI RAUKAWA ORGANISATIONS

i RAUKAWA MARAE TRUST

1022. For ten days in March 1936 Ngāti Raukawa celebrated the opening of a new carved meeting house in Otaki. The opening of the new whare had been anticipated for some years and the Native Minister and his private secretary had been closely involved completion of the new building:

> In 1931 the Ngati Raukawa of the Otaki and surrounding districts decided to pull down their tribal meeting house called "Raukawa".
> The Natives at their own expense re-erected the building – the walls and ends being of concrete – but omitted to obtain a building permit from the Otaki Borough Council. During the course of reconstruction the Town Clerk notified Mr Hone McMillan, who was in charge of the rebuilding operations that the work must cease until requirements of the Health Inspector had been complied and the building permit obtained.
> At this point Mr Hone McMillan and others came to ask the Hon. Sir Apirana Ngata, as Native Minister, to endeavour to get the District Engineer of the Public Works Department and the Government Architect to report on the suitability of the structure and to ask the Hon. Minister to inspect the new building himself. An inspection was duly made and in the course of the meeting Ngāti Raukawa asked that the carvings and tukutuku patterns be undertaken under the direction of the Hon. Sir Apirana Ngata and the Maori Purposes Board.
> Both District Engineer Ronayne and the Government Architect responded on the structure and made certain suggested additions to strengthen the walls.
> Most of these have been effected by the Natives.
> The Maori Arts and Crafts School at Rotorua was then instructed to proceed with the carvings which were duly finished and are now at Otaki awaiting to be put in position.
> Ngati Raukawa have paid to the Board a contribution of £200 to meet part of the cost of the carvings and internal decorations.
> At the meeting of the Board on the 18th April, 1934 it was resolved that an estimate be obtained as to the cost of completing the internal decorations of this meeting house.
> Mr R.J. Wills, who erected the Maori Carved Meeting Houses at Ngaruawahia, Gisborne, Waiomatatini and Tokomaru Bay, was instructed to inspect and submit an estimate of the costs. He visited Otaki and inspected the structure and submitted an estimate of £211. 0. 9.
> Mr Taite Te Tomo is asking that the sum of £200 contributed by Ngati Raukawa be subsidised by the Board.

1023. Extensive correspondence between the Native Department, the Maori Purposes Fund Board, the Board of Maori Arts in Rotorua and the Native Land Court showed the extent to which the Native Minister and his private secretary, Te Raumoa Belneavis, who was also secretary of the Maori Puposes Fund Board, were involved in the rebuilding of the whare. These letters related to payments for work completed and requests for payments. The project appears to have been led by Sir Apirana Ngata who had initiated and overseen marae building projects elsewhere. His leadership appears evident as highlighted in a response to an enquiry made to the Maori Purposes

Fund Board by Ellison of Otakou, Dunedin. Ellison enquired about the plans for the Raukawa carved meeting house and another in Taranaki. Balneavis advised:

> I regret I have no plans of the two buildings referred to, as the former building [Raukawa] was erected by the Natives themselves, the carvings only being undertaken and put into position under the instruction of the Hon. Sir Apirana Ngata … but the carvings and putting into position will also be carried out under the direction and supervision of Sir Apirana Ngata.
> The type of carving is decided upon in all cases by Sir Apirana Ngata but the actual designing and carving is done at the School of Maori Arts and Crafts at Rotorua which is under the direction of my Board.[1066]

1024. It seems the minister drew on the skills of a builder from the East Coast, R.J. Wills who was involved in a number of other related projects. He was working on the Tikitiki Dining Hall on the East Coast at the same time. Reimbursements for travel were made for Wills to travel to Ōtaki for inspections. In one letter Wills gives measurements required for the 52 panels of tukutuku required for the side walls and enclosed a small piece of tukutuku being used on the Tokomaru Bay whare.[1067]

1025. In the various correspondence exchanged during the construction period of the carvings and tukutuku panels, there is no mention of discussions with the local iwi. All correspondence appears to be organised and approved outside of Ōtaki and without involvement of iwi leaders. There is, however, a letter from Ngāti Raukawa in March 1932, written in te reo Māori to the minister and signed by Hori Te Waru and others:

> My friend, greetings
> Ngāti Raukawa held a hui today here in Otaki, to discuss plans for Raukawa meeting house, and decided that the interior should be completed forthwith and decorated with lattice work (harapaki = tukutuku) .
> The wish of all Ngati Raukawa is that this should be done quickly, so the opening can proceed. Therefore, the view is that the carved poupou (interior posts) which you spoke of can wait until they are completed in due course, and then be sent here to be installed in the house.
> But we are sending you TE KĀKĀKURA and INIA in person to let you know the full background of what was decided.

1026. The signatories were, in addition to Hori, Karaitiana Te Ahu, Wiremu Rikihana, Arekatera Te Ra, Mohi Wharewhitu, Utiku Hapeta, Pairoroku Rikihana, Tiemi Rikihana and Haru Raika.[1068]

[1066] Balneavis to Ellison, 19 September 1935, MA51 132/1 Box 13, Archives New Zealand, Wellington.
[1067] Wills to Ngata, 16 October 1933, MA51 132/1 Box 13, Archives New Zealand, Wellington.
[1068] Waru and others to Ngata, 1 March 1932, MA51 132/1 Box 13, Archives New Zealand, Wellington.

1027. Raukawa was opened on 14 March 1936 with many dignatories attending. The management committee at the time was chaired by T.H. Parata and Paora Temuera was the honorary secretary.[1069] Given the size and scale of the event, which was expected to draw thousands of guests, the committee wrote to the Native Minister requesting the services of Balneavis to assist with organisation.[1070] The Māori Purposes Fund Board, at the direction of Sir Apirana Ngata, was closely involved in the construction of the whare and installation of carvings and tukutuku panels. The board also funded the costs of opening the whare, including:

- Timber for carvings and tukutuku panels;
- Carver's wages (Rotorua);
- Freight and transportation costs of camping and other equipment used during opening;
- Hiring marquees, tarpaulins and after the event, the repairs;
- Repairs to flags and bunting (loaned from the Public Works Department);
- Grass seed in lieu of rent;
- Laundry charges, washing basins;
- Lamps and wiring for lighting.

1028. Belneavis arranged many of the required services for the opening event. In a letter to the borough council he stated that the iwi are expecting between one thousand and two thousand people to gather for the occasion and sought advice if the sanitary, cooking and housing arrangements being made were acceptable.

1029. Following the opening event much gratitude was expressed by local iwi for the bringing together of various elements to complete the meeting house. The management committee wrote to the Prime Minister to thank him for his assistance and that of his private secretary and the contribution and assistance of many people was acknowledged:

> I have the honour to convey to you the following Resolutions passed at a meeting of the Management Committee of the Opening Meeting of the Raukawa Maori Carved Meeting House held at Otaki on the 18th day of March 1936:-
> That the Management Committee of the Opening Meeting of the Raukawa Maori Carved Meeting House desires to place on record its deep sense of appreciation and gratitude for the valuable services and generous assistance rendered by the Board of Maori Arts and Crafts, the Maori Purposes Fund Board, the Hon. Sir Apirana Ngata, Mr Hone McMillan, the Director of the School and tukutuku girls, in connection with the designing, carving and tukutuku-ing of the Raukawa Carved Meeting House at Otaki; and that a copy of this resolution be send to each of the Boards and the ladies and gentlemen concerned accordingly.

[1069] Official Invitation, p. 162, MA51 132/1 Box 13, Archives New Zealand, Wellington.
[1070] Ropiha to Savage, 10 February 1936, MA51 132/1 Box 13, Archives New Zealand, Wellington.

> That the Management Committee of the Opening Meeting of the Raukawa Maori Carved Meeting House desires to express its appreciation of the action of the Hon. M.J. Savage, Native Minister, in kindly consenting to the desire of the Committee that the services of Mr H.R.H. Balneavis be made available to assist the Committee in the running of the opening meeting; and that a copy of this resolution be sent to the Hon. Mr Savage accordingly. Carried unanimously.

1030. The facilities opened in 1936 served the iwi for several decades until they were upgraded in the 1980s.[1071] Oddly enough, while the whare was opened in March, the creation of the Raukawa Marae Trustees did not occur until October. Obviously a committee had been formed to rebuild the whare and to arrange the opening but s 10 of the Native Purposes Act 1936, which provided for the appointment of trustees to control and administer the marae, did not come into force until 31 October. This provision established the trust for the benefit of Ngāti Raukawa, under which the marae operates today, and set out the powers of trustees and the Court's jurisdiction to appoint replacement trustees and otherwise supervise the trust. The trust's lands were exempt from rates.

1031. The 67 original trustees were named in third schedule to the Act. They were:

[1071] Piripi Walker, 'The Establishment of the Social and Cultural Institutions of Ngāti Raukawa Ki Te Tonga in the 19th – 21st Century', January 2017, p. 99.

Ngati Pare

1. Hori te Waru
2. Maremare Hori te Waru
3. Arapata Mita
4. Hopi Mahima
5. Puke to Ao
6. Puna Taipua
7. Matenga Baker

Ngati Maiotaki

8. Pirimi Tahiwi
9. Utiku Hapeta
10. Hona Webber

Ngati Ngarongo

11. Hawea te Hana
12. Hone Makimereni

Ngati Koroki

13. Rota Hohipuha
14. Tiemi Rikihana
15. Taipari Rikihana
16. Rikihana Kakik

Ngati Kikopiri

17. Horima Naera
18. Aperahama Roera
19. Wiremu Rooti

Ngati Wehiwehi

20. Hema Whata
21. Mita Honatana
22. Parima Warahi
23. Parakipane Kiingi

Ngati Kapu

24. Tarawaraki Arekatera
25. Wiremu Pewene
26. Whetu Enoka

Ngati Pareraukawa

27. Tuainuku Winiata
28. Nepia Winiata
29. Te Pate Hakopa
30. Wiremu Kingi te Awe Awe

Ngati Te Atiawa

31. Rakaherea Pomare
32. Tohuroa Parata
33. Herehere Ropata
34. Heremaia Eruini

Ngati Tukorehe

35. Rehua Heperi
36. Ti Patuaka
37. Valentine Bevan
38. Tumeke Wehipeihana
39. Tira Putu

Ngati Huia

40. Tamati Hawea
41. Kupa Hawea
42. Huia te Kapukai
43. Rawiri Tatana

Ngati Toa

44. Te Uenuku Reene
45. Hari Wi Katene
46. Hohepa Wi Neera
47. Kohe Webster
48. Rawiri Puaha

Ngati Whakatere

49. Taite te Tomo
50. Takerei Wi Kohika
51. Keepa Hihira

Ngati Rakau

52. Potaka Hotereni
53. Te Ahau Renata

Ngati Kauwhata

54. Meihana te Rama

Ngati Takihiku

55. Hare Makirika

Ngati Te Au

56. Haeana Hemara
57. Pitihira Reihana

Ngati Parewahawaha

58. Hone Reweti
59. Aperahana Kati
60. Kereama te Ngako

Ngati Pikiahu

61. Maraenui
62. Wero Keeni
63. Waeroa

Ngati Turanga

64. Aputa-ki-Wairau
65. Papi Nikora
66. Tawhai Eruera
67. Roore Rangiheuea

1032. Section 10(4) of the Act permitted the trustees to add further land to the trust. In the second half of the 1950s, at the request of W.R. Carkeek, other lands were vested in the trustees to administer. Initially, in April 1957, the Court considered an application to vest Waiorongomai 10 (the lake) in the trustees of Raukawa Marae. Mr Carkeek pursued the application and produced a list of owners who had given their consent under s 213 of the Maori Affairs Act 1953.

1033. However, the Court did not consider that a suitable provision as the freehold was not to be transferred to the trustees but held in trust for the owners. The Court suggested an appropriate order could be made under s 438. Apparently the issue had arisen because the owners were now so large in number that it was no longer possible to effectively manage recreational shooting activities. It also hoped that charging an access fee to the lake would generate revenue for marae purposes.

1034. However, the Court considered neither the marae committee nor the executive committee were suitable because they were so large. The Court thought a smaller number of trustees would be better and they were identified by Mr Carkeek, who was secretary of the marae committee. The Court subsequently issued an order establishing a trust to manage shooting rights on the block (the lake) and to apply the revenue to the Raukawa Marae Committee. The trustees were Maunga Roiri (chair), Rikihana Kakaki, Hema Whata Hakaraia, Mita Honatana, Whetu Enoka, Te Pate Hakopa, Tamati Hawea and Matenga Baker.

1035. Mr Carkeek also applied to vest the Mangapouri Market Reserve in the Raukawa Marae Committee under s 438. He told the Court that other than the memorial, the land was leased to market gardeners who paid rent to the Maori Trustee. The Maori Trustee had asked the marae committee to approve the tenants and the committee had to apply to the Maori Trustee for funds (which had been used to maintain Rangiatea Church and 'Kapu Marae' at Ōtaki). The trustees wanted to manage the block and receive the rentals directly.

1036. The Court thought that the land might have been set aside by order in council and vested in the Maori Trustee but on further investigation found that it had been vested in the district Maori Land Board under the special borough rating legislation. It was

Rangatiratanga Versus Kawanatanga: **Blocks vested in the Raukawa Marae Trustees**

Cartography by Geospatial Solutions Ltd. Map Number CFRT - RVK 032 Map projection: New Zealand Transverse Mercator Date: 7/06/2017

Map 36: Blocks vested in the Raukawa Marae Trustees

released in November 1956 but the Court also noted that it was customary land not subject to a freehold title order of the Court (so was exempt from rates). The cost of undertaking a title investigation to create a title was not worth pursuing. This was the Court's view and it had been decided by the people not to pursue an investigation of title in 1925.

1037. Instead, the Court exercised its power over customary land under s 438 to vest the block in the same trustees as for Waiorongomai 10. The revenue generated by the Court was to be applied 'for the benefit of the people in the Otaki District'.[1072] Other land adjoining the marae, on which some of the facilities were located, were later vested in the marae trustees under the Native Purposes Act 1936.[1073] This was completed with the consent of the owners of those lands. Otaki Township sections 167 and 169 were later vested in the marae trustees too.[1074]

ii OTAKI AND PORIRUA TRUST

1038. Land in Porirua had been gifted for Bishop Selwyn and lands at Ōtaki of nearly 600 acres had been gifted to the Church Missionary Society, by Ngāti Raukawa, Ngāti Awa (Te Atiawa) and Ngāti Toa Rangatira. The gifts arose out of express promises by the bishop and the CMS that schools would be erected for the education of Māori and Pākehā children. A school and hostel at Ōtaki were founded but the hostel closed in 1868.[1075] The school continued to operate but, in 1903, the hostel and school buildings burned down. Part of the land at Ōtaki, approximately 39 acres, was taken for hospital purposes in 1906.[1076] Following a Royal Commission of Inquiry, the two pieces of land were amalgamated by the Otaki and Porirua Empowering Act 1907 (a private act) and vested in trustees.[1077] The new organisation was able to build a new hostel and classrooms which were opened in 1909.

1039. The trust board was managed by the Anglican Dioceasan Office in Wellington and the secretary of the diocese was also the secretary of the trust board and handled all correspondence and negotiations with the Department of Education. There is no

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[1072] Otaki Maori Land Court Minute Book 66, 4 April 1957, fols 388-390.
[1073] Otaki Maori Land Court Minute Book 66, 1 August 1957, fol. 27.
[1074] Otaki Maori Land Court Minute Book 67, 4 June 1959, fol. 334.
[1075] Walker, p. 81.
[1076] ibid., p. 86.
[1077] Walker, p. 85; 'Report and Evidence of the Royal Commission on the Porirua, Otaki, Waikato, Kaikokirikiri and Motueka School Trusts', AJHR, 1905, G-5.

indication that the beneficiaries of the trust whose tūpuna donated the land were involved in the board's administration. After struggling for some years, the school was finally closed in 1939.[1078] After extensive negotiations between the Diocesan Office, acting for the trust board, and officials from the Department of Education, a lease of the school buildings was arranged to allow the Correspondence School to occupy the buildings.[1079]

1040. At around this time, there was growing unhappiness with the administration of the trusts by church officials. In particular, proposals to dispose of the land were strongly opposed by iwi leaders. In September 1940, leaders of Ngāti Raukawa gathered at Raukawa Marae in Ōtaki to discuss concerns with the proposed private bill which was before Parliament for consideration. It was drafted by the trust board and included wide powers to sell or dispose of land. The meeting considered that the Bill 'would appear to be tantamount to confiscation'.[1080] A further hui of Te Atiawa, Ngāti Raukawa and Ngāti Toa Rangatira in November 1942 repeated their opposition to the proposed changes:

> First, the whole of this Estate under the control of the Otaki Porirua Trust Board was donated by our elders to the Church Mission of New Zealand purely for one purpose only and nothing else and that is for the maintenance and upkeep for all time of our Rangiatea Church and our Otaki Maori College, Second to re-open our College again.[1081]

1041. A report prepared by W.J. Sim noted the 'unexpected hostility' the Trust was receiving from iwi leaders and that petitions had been submitted calling for change. He suggested that any net income of the Trust be made for the provision of scholarships for all children but that preference be made to 'boys and girls of the specified tribes and then to other Maoris or descendants of specified Maoris'.[1082]

1042. Proposals for change were eventually passed in the Otaki and Porirua Trusts Act 1943 (though a further amendment to the statute was required in 1946). The trust board did get the power to sell but it was subject to the oversight of the Minister of Education. The minister's authority to exercise this power was subject to the consent of the Native Land Court and the Court was required to investigate in any manner it chose

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[1078] See E3 37/24/11 1 Box 27, Archives New Zealand, Wellington.
[1079] See E2 37/24/11 2 Box 603, Archives New Zealand, Wellington.
[1080] Dominion Post article 4 September 1940, MA 31 50 Box 20, Archives New Zealand, Wellington.
[1081] Notes from Conference of Native Affairs and Ngati Raukawa, Ngati Toa and Te Atiawa at Raukawa Marae, 14 November 1942, MA 31 50 Box 20, Archives New Zealand, Wellington.
[1082] Address of Mr W.J. Sim KC, undated, MA 31 50 Box 20, Archives New Zealand, Wellington.

whether any sale was in accord with the wishes of the hapū who gave the land. The board had an unfettered power to lease the lands vested in it.

1043. More significantly, the board's membership also changed as a result of the intense disatisfaction and advocacy from Māori. All members would be appointed by the Governor-General but represent three different groups. The Anglican church would recommend four members, the Raukawa Marae Trustees would recommend three members from the iwi, one of whom had to be of Ngāti Toa descent, and the Minister of Education would recommend one member. Ngāti Raukawa and the other iwi were still a minority on the trust board but they were at the table for the first time. The legislation authorised the board to apply income earned by the trust for various purpose but, most importantly, provided for the creation of scholarships to support students at schools operated by the Anglican church.

1044. The Otaki and Porirua Trusts Amendment Act 1946 further altered the composition of the board. The Anglican Church and the Raukawa Marae Trustees were each able to recommend an additional member (five instead of four for the church and four instead of three for the marae trustees). However, one of the five members recommended by the Anglican Church had to be Māori (or a descendant of someone who was Māori) and of Ngāti Raukawa, Te Atiawa or Ngāti Toa descent. The Minister of Education continued to recommend the appointment of the tenth member. Five of the members of the board were therefore of Māori descent or appointed by the Raukawa Marae Trustees. Moreover, the minister's power to approve any proposal by the board to sell land no longer required the consent of the Native Land Court. Instead, the consent of the Raukawa Marae Trustees was necessary.[1083]

iii TRIBAL EXECUTIVES AND MARAE COMMITTEES

1045. Initially, tribal executives and tribal committees were established under the Maori Social and Economic Development Act 1945. They were a popular development an many were set up. They were closely connected to the growing welfare division of the Department of Maori Affairs (the Controller of Maori Social and Economic

[1083] Further amendments to the statute in 1969 allowed the board to engage in farming activities on its account over trust lands (as long-term leases of trust lands expired) and in 1977 permitted the board to extend its farming operations to other lands it had acquired.

Advancement through this period was Rangi Royal of Ngāti Kikopiri). They were a Crown initiative but iwi rapidly asserted their independence from the department.

1046. A district council in the Ikaroa district, comprising of tribal executives (themselves drawn from tribal committees) were established during 1952-1953. The councils were intended to provide a link between the minister and tribal leaders and were organised by the welfare division of the department. The councils were to provide advice to district offices, the department and the minister.

> The Maori Social and Economic Advancement Act 1945 (and amendments) has been repealed by the passing of the Maori Welfare Act 1962. The new Act came into force on 1 January 1963.
> The 1945 legislation provided for the establishment of a local tribal organisation, with the welfare officers of the Department as ex officio members. In the early stages the welfare officers organised the local committees and helped to bring them into being. District councils and a New Zealand council were added by amending legislation in 1961.
> The new measure consolidates the previous statutes and gives the Maori associations full independence, Maori Welfare Officers no longer being participants in their activities. The chief functions of the associations are to consider and discuss matters of relevance to the social and economic advancement of the Maori race and the promotion of harmonious and friendly relations between members of the race and other members of the community. In the latter field they are expected to take active steps to conserve and foster good race relations in New Zealand. In carrying out these functions they will collaborate with and assist State Departments and other organisations and agencies. Already the New Zealand Maori Council is represented on two national advisory committees – the Maori Education Committee and the Maori Committee of the Board of Health.
> Non-Maoris are now eligible for election as members of Maori associations at any of the four levels, that is committee, executive committee, district, or New Zealand Council level.[1084]

1047. The New Zealand Maori Council was established under the Maori Social and Economic Advancement Act 1961 and held its first meeting in Wellington 28 and 29 June 1962.[1085]

1048. It is unclear the extent to which Ngāti Raukawa organisations benefited from the funds held by the Maori Trustee as 'unclaimed moneys'. As noted earlier in the report, these funds and the income they generated were accumulated from the purchase money and rentals received by the District Maori Land Board (and later the Maori Trustee) on behalf of the beneficial owners of land and which were not distributed to those beneficiaries. They were used initially to fund the development schemes and the income from them was subsequently appropriate for various

[1084] 'Report of the Department of Maori Affairs and the Maori Trust Office and the Board of Maori Affairs for the Year Ended 31 March 1963', AJHR, 1963, G-9, p. 7.
[1085] ibid.

purposes (including the administration costs of the board, to fund the Maori Purposes Fund and for other activities). These funds continued to build through the twentieth-century. Difficulties over titles to land were often resolved through the alienation of it but difficulties in locating owners or large numbers of deceased owners were not dealt with by alienation. It simply allowed the land to be occupied. When the boards were abolished these funds were tranferred to the Maori Trustee to be held on trust for the beneficiaries of them. In 1957, the Secretary of Maori Affairs noted the circumstances in which the funds were accumulated:

> With the diffusion of Maori population over the last generation or two, seeking in most cases work in industry, it has been inevitable that many persons have been lost trace of in their 'home' districts. As a consequence of this movement, and through deceased persons not being succeeded to, one inevitable result has been that no claims have been lodged for payment of funds held for many beneficiaries. With the passing of the years this class has increased rapidly and the question of the disposal of funds held has assumed the proportions of a major problem for the office.[1086]

1049. Under s 30 of the Maori Trustee Act 1953 "unclaimed" funds were defined as money held by the Maori Trustee for a period of ten years or more for which no valid claim had been established.[1087] The statute further set out the arrangements for publication of the details and what would happen if they remained unclaimed after twelve months. Ten per cent was to be paid to the Maori Purposes Fund and the balance to be distributed according to a scheme approved by the minister and confirmed by the Maori Land Court. Such a scheme could provide for the transfer of funds to local tribal bodies, to other organisations concerned with the social and economic advancement of Maori, for education purposes or for general purposes.

1050. Committees were established in each Maori Land Court district to advise the minister on a scheme. The committees included the district officers and representatives of 'Maori members of the community'. The benefits were to be spread broadly, with a focus on:

> (a) The promotion of corporate cultural pursuits, both traditional and European:
> (b) Encouragement of sporting and athletic activities, especially where travelling of teams from rural areas or smaller centres to larger centres is involved:
> (c) Assistance to such organisations as the Maori Women's Welfare League in the promotion of social and cultural activities, with special attention to such projects as will promote improved home management in its health, mothercraft, and financial aspects:

[1086] 'Annual Report of the Board of Maori Affairs, Secretary, Department of Maori Affairs and the Maori Trustee for the Year Ended 31 March 1957', AJHR, 1957, G-9, p. 10.
[1087] ibid., p. 11.

> (d) Education in the broader sense, which would include hostels and auxiliary activities for apprentices, boys and girls of equivalent status, and Maoris visiting centres of population:
> (e) Assistance to voluntary organisations having as their objective the improvement of Maori farming and the lives of those engaged therein:
> (f) Provision of prizes for individual achievement in the sphere detailed above:
> (g) Grants to institutions (eg, general and mental hospitals, sanatoria, prisons, orphanages) for the provision of additional comforts and amenities for their Maori inmates.[1088]

1051. For the year ended March 1957, lists containing 19,000 names had been published for funds totalling £35,000. A sum of £8,000 would become available for distribution under the terms of the Act the following June (less any claims paid and the 10 per cent due to the Maori Purposes Fund). To 31 March 1959, five schemes of distribution had been approved and distributions of £13,847 had been made from the unclaimed funds. These were under the general categories of education, community purposes, health and sporting activities.[1089] There is no indication that the funds were used to assist any specific iwi.

1052. New legislation allowed ten per cent of the unclaimed money to be paid to the Maori Purposes Fund, 45 per cent to an Education Trust Fund and 45 per cent to a welfare fund. However, the government thought the funds should be applied primarily to education and decided that a Māori education foundation should be established to receive all the money except that going to the Maori Purposes Fund.[1090] This was given effect to by the Maori Purposes Act 1961 and the Maori Education Foundation Act 1961 (which established the foundation).[1091] That same year, £32,600 was held by the Maori Trustee in unclaimed money (which suggests a significant amount of unclaimed money had been distributed given this amount was considerably less than those identified by the Royal Commission nearly thirty years earlier).

[1088] ibid.
[1089] 'Report of the Board of Maori Affairs, Secretary, Department of Maori Affairs and the Maori Trustee, for the Year Ended 31 March 1959', AJHR, 1959, G-9, p. 42.
[1090] 'Report of the Board of Maori Affairs, Secretary, Department of Maori Affairs and the Maori Trustee for the Year Ended 31 March 1961', AJHR, 1961, G-9, p. 12.
[1091] See Belgrave, Deason and Young, p. 109.

I CONCLUSION: RANGATIRATANGA AND KAWANATANGA

1053. The overarching theme drawing the diverse strands of this report together is 'rangatiratanga versus kawanatanga'. The problem with characterising the relationship between rangatiratanga and kawanatanga in this way is that it creates a false dichotomy. It is not that rangatiratanga ceased to exist or that it could not be exercised or influential but that it was always subject to kawanatanga. Where the rangatiratanga and kawanatanga were in conflict, kawanatanga would always prevail. From 1905, with the establishment of the district Maori Land Boards appointed by the Crown, and only one Māori member (who was not necessarily of Ngāti Raukawa), a Crown bureaucracy grew over the twentieth century and came to affect every aspect of Māori life by the late 1980s when the apparatus was dismantled by the Iwi Transition Agency.

1054. Initially focused only on land (alienation, succession, division) and adoption, this Crown bureaucracy came to exercise control as well over finance, land development, welfare, housing, roading, sanitation, water services and communal activities at marae or gatherings elsewhere for hui. A substantial body of legislation gave effect to this bureaucracy which also needed a Court to be an independent decision-maker. Such was the extent of the activities of this bureaucracy and the diversity of Māori experience that the legislative framework was modified annually to authorise the bureaucracy to deal with Māori interests, to validate decisions already made and to address complaints from Māori.

1055. Through the twentieth century significant sums of money were accrued from the sale and lease of land and held by the Crown bureaucracy because they could not be distributed. These funds were held in trust on behalf of Māori landowners who were either deceased or whose address was not recorded. They were also administered by the Crown bureaucracy and applied to various purposes. Investments were designed to protect the capital but the benefit to those for whom the funds were held in trust was seldom clear and substantial sums were, on several occasions, diverted elsewhere for other general purposes. The disposition of the income earned on investments were not always treated as funds held on trust either. While legislation was enacted to

distribute these funds for the general benefit of Māori residing in a Māori land district, no evidence has been located to show steps were taken to give effect to it.

1056. Many of the actions of the Crown bureaucracy had to be submitted to the Maori Land Court to be validated (though the Court's powers were also subject to executive control and many actions required ministerial approval). At the margins were local authorities who demanded payment of rates, arranged the alienation of land when they were not paid and initially from 1953 and more extensively from the late 1960s had considerable control over the way in which Ngāti Raukawa could use and occupy their lands. The Court's power to divide land was fettered from 1967 and consent of the local authority was required. District schemes established land use requirements and rural Māori land which was used for farming purposes was generally acceptable. It became more difficult for Ngāti Raukawa to build houses on rural land (or subdivide residential sections for this purpose) and there were greater constraints when establishing or refurbishing and upgrading marae. The Court could create marae reservations without regard for planning rules but planning rules applied to that land and land use consents were necessary to get building permits. Local authorities authorised by the Crown had control over the subdivision of land for residential dwellings and not partitions of land but land use controls (zoning and building) always applied. They could be ignored by Māori landowners (and perhaps often were) but this was not the case with housing (where mortgages to the Crown meant dwellings had to be permitted) or with marae.

1057. There was no place for rangatiratanga in this structure and no room was made for it. Rangatiratanga, to the extent it could be exercised, worked informally to influence the Crown bureaucracy but had no control. Perhaps the most forceful example of this was the attempt by the Department of Maori Affairs to evict an elderly man from his cottage on land at Matakarapa included in the Manawatu Development Scheme. Prominent leaders of a local hapū of Ngāti Raukawa intervened and senior Crown officials in the department backed down. The error was not acknowledged but the action was corrected.

1058. Moreover, rangatiratanga was further undermined by kawanatanga in government policy which affected rural Māori communities. Government policy specifically encouraged or required Māori to move away from their rural homes to reside near

urban centres where Crown officials considered suitable jobs were more freely available and the housing scheme was designed primarily to provide whānau with homes near places of employment. While the Ngāti Raukawa takiwā included one major urban centre and several small provincial towns, many moved further south to Wellington where there was greater employment opportunity. There they were provided with homes by the Department of Maori Affairs but this also meant severing connections with their turangawaewae because getting a loan to build a house meant converting interests in land elsewhere, closer to their ancestral lands, into cash for a deposit or to repay the mortgage.

1059. However, while other iwi were affected by urbanisation, for Ngāti Raukawa, the experience was far more nuanced. The hapū of Ngāti Raukawa did not live disconnected from the urban centres in Palmerston North and Wellington or the towns at Marton, Feilding, Levin, Foxton, Bulls, Shannon and Ōtaki. Indeed, through the twentieth-century, a railway line connected them all together. These hapū lived apart from the Pākehā communities which developed nearby but their dislocation was a consequence of social norms rather than distance.

1060. In the first half of the twentieth century, Māori were increasingly unwelcome in colonial towns. Sites which had been occupied in towns such as Wellington, Whanganui (Moutoa) and Auckland (St George's Bay and Mechanics Bay), and even at Ōtaki (the Mangapouri Market Reserve), by iwi when they brought their goods to the colonial metropolis to trade went quiet as they no longer made the journey. Officials frankly observed that the Pākehā residents of Ōtaki were keen to see those Māori residing in the town moved out to Tainui Pā (and the borough council certainly pursued this outcome in its dealings with rates on Māori land).

1061. Those who remained on their whānau lands in the takiwā were, if they met the capital and income requirements, able to build a house with assistance from the Department of Maori Affairs. Nevertheless, Ngāti Raukawa, like other iwi, faced the social problems connected with lack of resources and a limited land base at a time the New Zealand economy was primarily focused on agricultural production. There was not enough land, jobs and income to support the iwi in the takiwā. The Crown targeted those who could be moved and settled elsewhere to take advantage of employment opportunities but in doing so undermined the cohesion of Ngāti Raukawa

communities. Those who left were usually required to alienate their interests in the tribal estate to fund the Crown's housing and resettlement policies by transferring capital from ancestral landholdings to a house in a town or city. This had a profound effect on rangatiratanga.

1062. Ahi kā is central to the exercise of rangatiratanga. Rangatira have a personal and reciprocal relationship with their iwi, defined by whakapapa, and it is through this relationship that they exercise rangatiratanga. While whakapapa always endures, ahi kā is based on physical presence of some form. Rangatiratanga is a relationship which requires physical presence or ahi kā. The land title system created by the Crown undermined this relationship because it allowed those who were unable to maintain their ahi kā by physical presence to make decisions about land without regard for rangatira. Many landowners holding interests in the rohe held tenaciously to them as a symbol of their ahi kā through the twentieth-century despite residing elsewhere. However, the title system permitted people who no longer directly occupied the land they held interests in to make decisions about that land independent of their rangatira and in consequence undermined rangatiratanga.

1063. The inability to maintain ahi kā by physical presence was often a central consideration in the alienation of land. Those who lived on or near land tended not to be the protagonists in any actions which could lead to the alienation of land. Indeed, they were often the key figures in ensuring that rates, in particular, were paid to avoid the scrutiny of a local authority and the Court. There were many reasons for selling land: difficulties with the title (either the size or shape of the land, difficulties or absence of access, long deceased owners for whom appointing successors would be a complex and arduous task), pressure from local authorities for payment of rates or the state of the land (noxious weeds), family disputes about the occupation of the land, to release capital to repay debt or obtain a mortgage or to improve an existing dwelling or buy furnishings.

1064. The marginalisation of owners through the long-term administration of the land also influenced its subsequent alienation. Forty-two year leases administered by the Ikaroa District Maori Land Board and its successors (21 year lease with a right of renewal for 21 years) separated Ngāti Raukawa landowners from their lands for two to three generations and in separating landowners from their land for so long, there was often

no one available and able to take over the land when the lease expired (along with the agency of the Maori Trustee, which was inherited from the board) and such land was generally sold, usually to the former lessee.

1065. This is clearly evident with the Ōtaki vested lands, which was administered initially by the board and subsequently by the Maori Trustee for two to three decades. Once re-vested in the owners in the 1960s, the blocks rapidly accrued rate arrears and were sold. In many cases none of the Ngāti Raukawa owners were involved in these processes. More generally, in the second half of the twentieth century, local authorities would seek the alienation of land for unpaid rates, insisting that no living owners could be located (or, alternatively, none who were prepared to act as nominated occupiers for the service of rate demands). These actions would be facilitated by the Maori Land Court, which would vest the land in the Maori Trustee under s 438 to sell, and the Maori Trustee would arrange the sale of the land according to the terms of the trust.

1066. There is no question that the Crown's approach to dealing with the 'problem' of unoccupied or unproductive Ngāti Raukawa lands evolved during the twentieth century. Until the late 1920s, this so-called problem was simply solved through alienation to Pākehā settlers. This continued to be the Court's solution for Ngāti Raukawa lands through the 1960s and 1970s. Section 438 trusts and the Maori Trustee were used for precisely this purpose. During this period, longstanding issues with the title system which the Crown attempted to address with different levels of compulsion through Conversion and 'Europeanisation', were key drivers in the difficulties associated with arranging occupation of Māori land. Such difficulties were compounded when landowners lived away from the takiwā, especially when they could not easily be contacted or informed about actions affecting their lands. However, the difficulties created by the title system could be just as problematic for those who maintained their ahi kā and continued to occupy their ancestral lands.

1067. It is also clear that the Māori housing scheme established in the mid-1930s arose from a genuine concern for the poor living conditions and poverty of Māori (though it came more than a decade after similar benefits were first available to Pākehā). However, despite high minded rhetoric, the scheme was not designed to meet the needs of Māori communities but to provide housing to Māori at no cost to the Crown. Funds were

advanced as loans and secured by mortgages against land or by capitalising the Family Benefit. Interest was charged and added to the debt. Income was necessary to service the loan and repay it. Those who lived in poverty were expected to bring capital in the form of land interests to this joint venture if they wanted a loan to build a house. The housing scheme evolved through several phases in response to demand but this basic framework remained unaltered from the 1930s to the 1970s.

1068. Those who had no land or income could obtain a state house for rent from the State Advances Corporation but the numbers available in towns in the Ngāti Raukawa takiwā and set aside for Māori were low. Ngāti Raukawa leaders did participate in committees established to identify need and ensure houses were provided to those living in difficult circumstances. However, the committees were dominated by government officials from the Department of Maori Affairs and other government departments and, like so much of Māori life for most of the twentieth century, it was a Pākehā bureaucracy made up of career public servants who made the decisions. Ngāti Raukawa leaders were not token members of these committees as they were a crucial interface with iwi but they were certainly marginal figures.

1069. Perhaps the most significant development in the late twentieth-century for Māori was the growing independence of the Raukawa District Maori Council and the various tribal executives and marae committees which supported the council. These were organisations which reflected and gave voice to rangatiratanga within Ngāti Raukawa. They were distinct from the bureaucracy in the Department of Maori Affairs which still managed so much of the resources and life of Māori communities and made decisions for them according to and within the limits of Crown policy. Indeed, incorporating Maori Welfare Officers, who were the interface between the council and the Crown, into the Department of Maori Affairs was a major step backwards for the hapū and kāinga of Ngāti Raukawa.

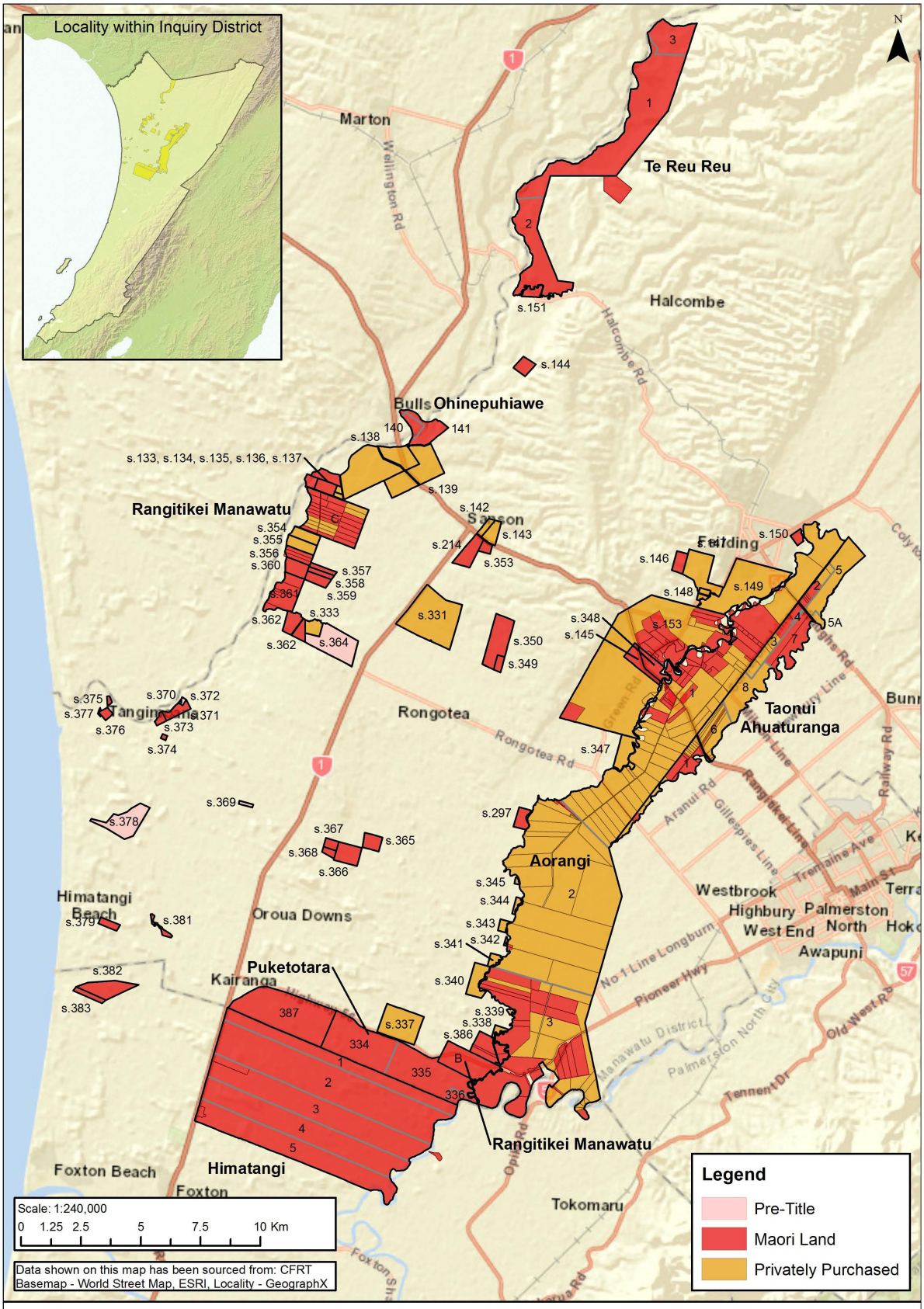
1070. The council nevertheless provided an independent voice for Ngāti Raukawa and it jealously guarded that independence from the department. Like the iwi members on departmental advisory committees in the 1950s and 1960s, the council had little capacity to do anything other than advise while control remained firmly with the department's district officer, but they provided an authoritative voice for Ngāti Raukawa and in time, as the bureaucracy was stripped away, to more clearly assert

and exercise rangatiratanga (though even now subject to and at the discretion of kawanatanga).

1071. Through much of the twentieth-century, the lands, resources and people of Ngāti Raukawa were subject to Crown actions which controlled most aspects of the life of the iwi. Most of the difficulties the iwi faced followed from colonisation and were inherited from the nineteenth-century. The consequences of a title system which vested interests in land in individuals and the marginal living conditions of those residing in kainga of Ngāti Raukawa were the most significant examples. The Crown's attempts to ameliorate some of the more serious outcomes, especially in its housing policy and dealings with lands vested in individuals, were pursued by a bureaucracy which increased in size and complexity through the twentieth century. However, little progress was made. The Crown, in its exercise of kawanatanga through most of the twentieth-century, left little space, if any, for the exercise of rangatiratanga.

J APPENDIX 1: SUB-DISTRICT LAND LOSS MAPS

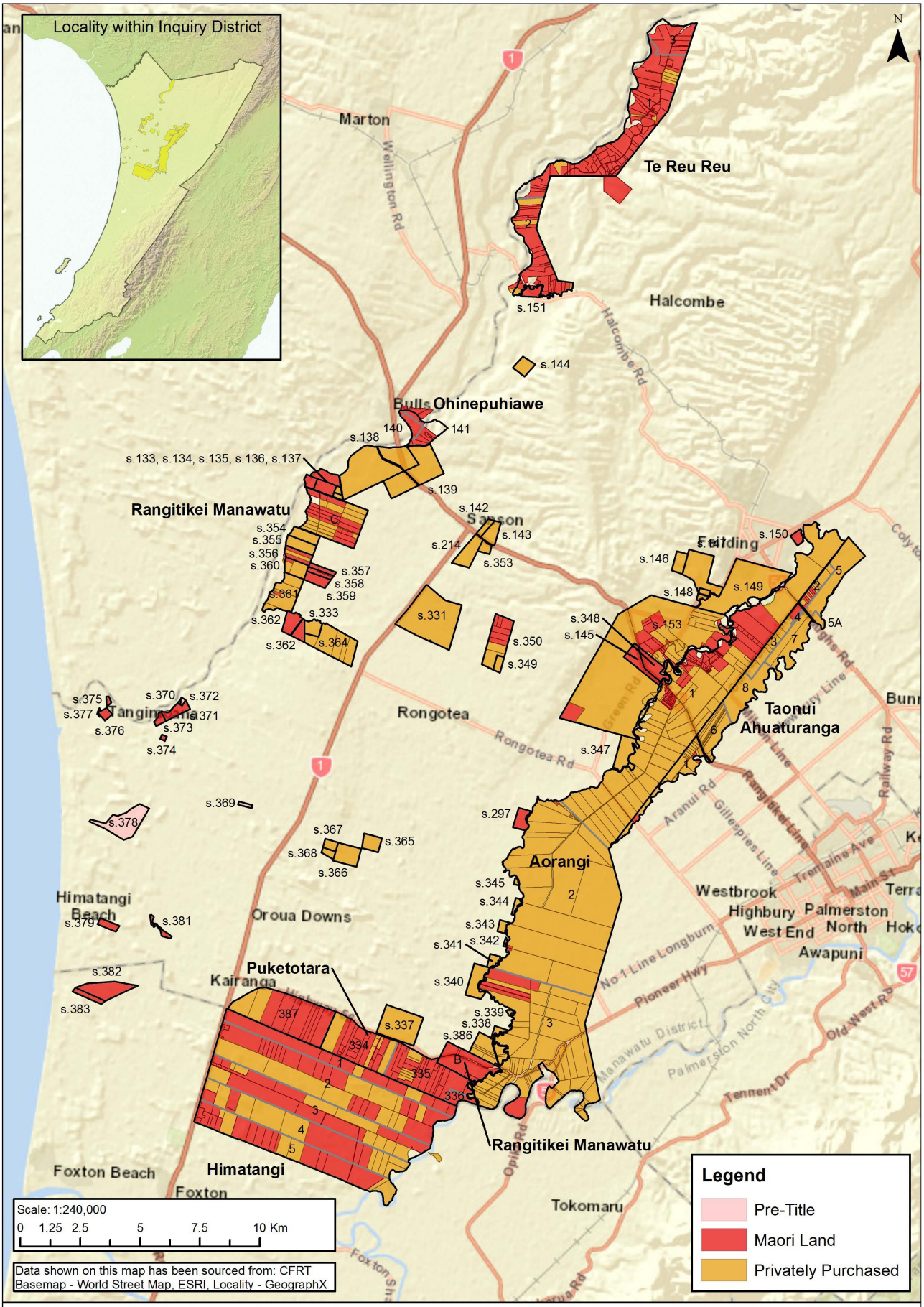
i RANGITIKEI MANAWATŪ



Porirua ki Manawatu Inquiry District: **Rangitikei - Manawatu Sub-district - Tenure by 1900**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 110 Map projection: New Zealand Transverse Mercator Date: 22/08/2017

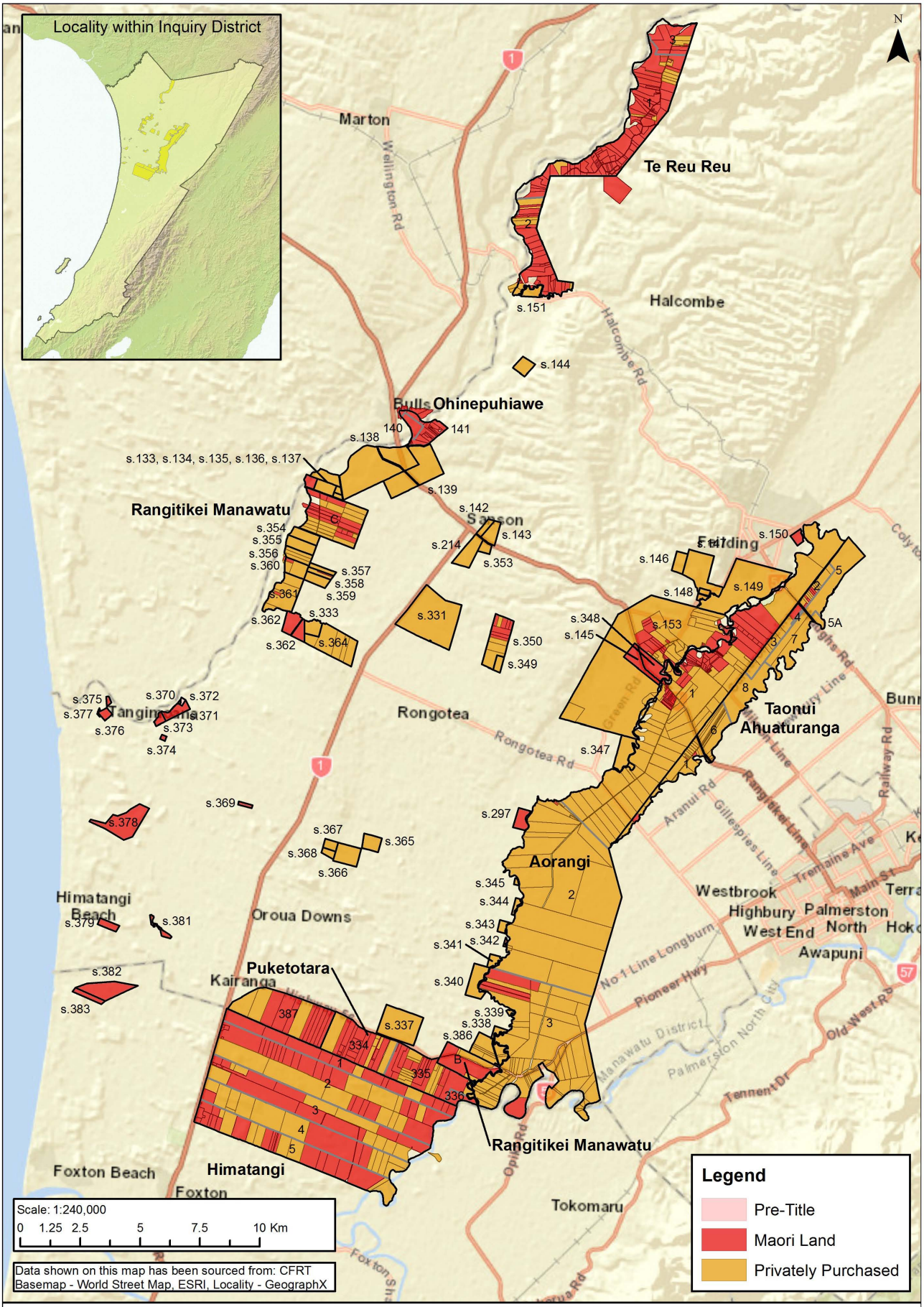
Map 37: Tenure by 1900



Porirua ki Manawatu Inquiry District: **Rangitikei - Manawatu Sub-district - Tenure by 1925**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 111 Map projection: New Zealand Transverse Mercator Date: 22/08/2017

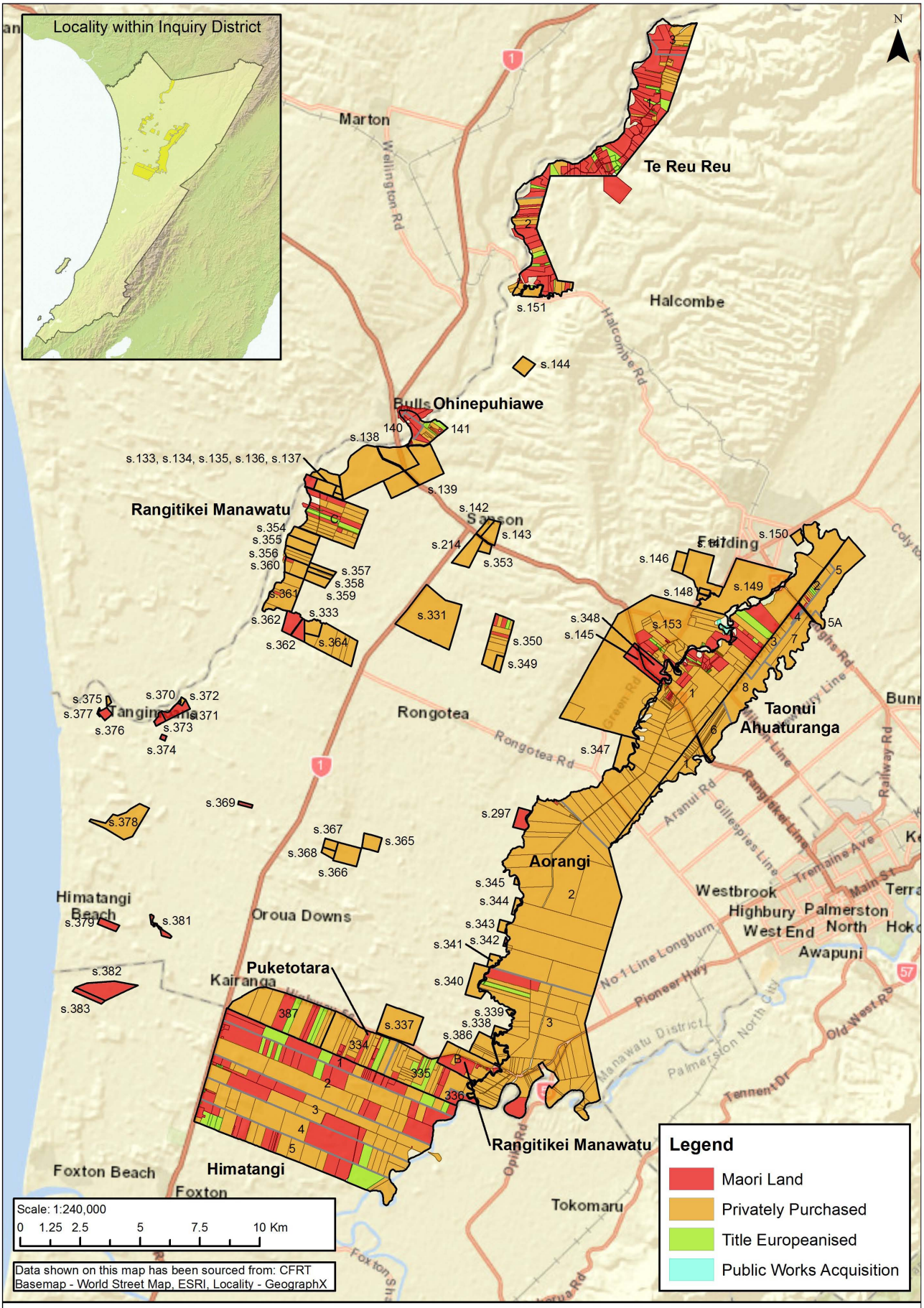
Map 38: Tenure by 1925



Porirua ki Manawatu Inquiry District: **Rangitikei - Manawatu Sub-district - Tenure by 1950**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 112 Map projection: New Zealand Transverse Mercator Date: 22/08/2017

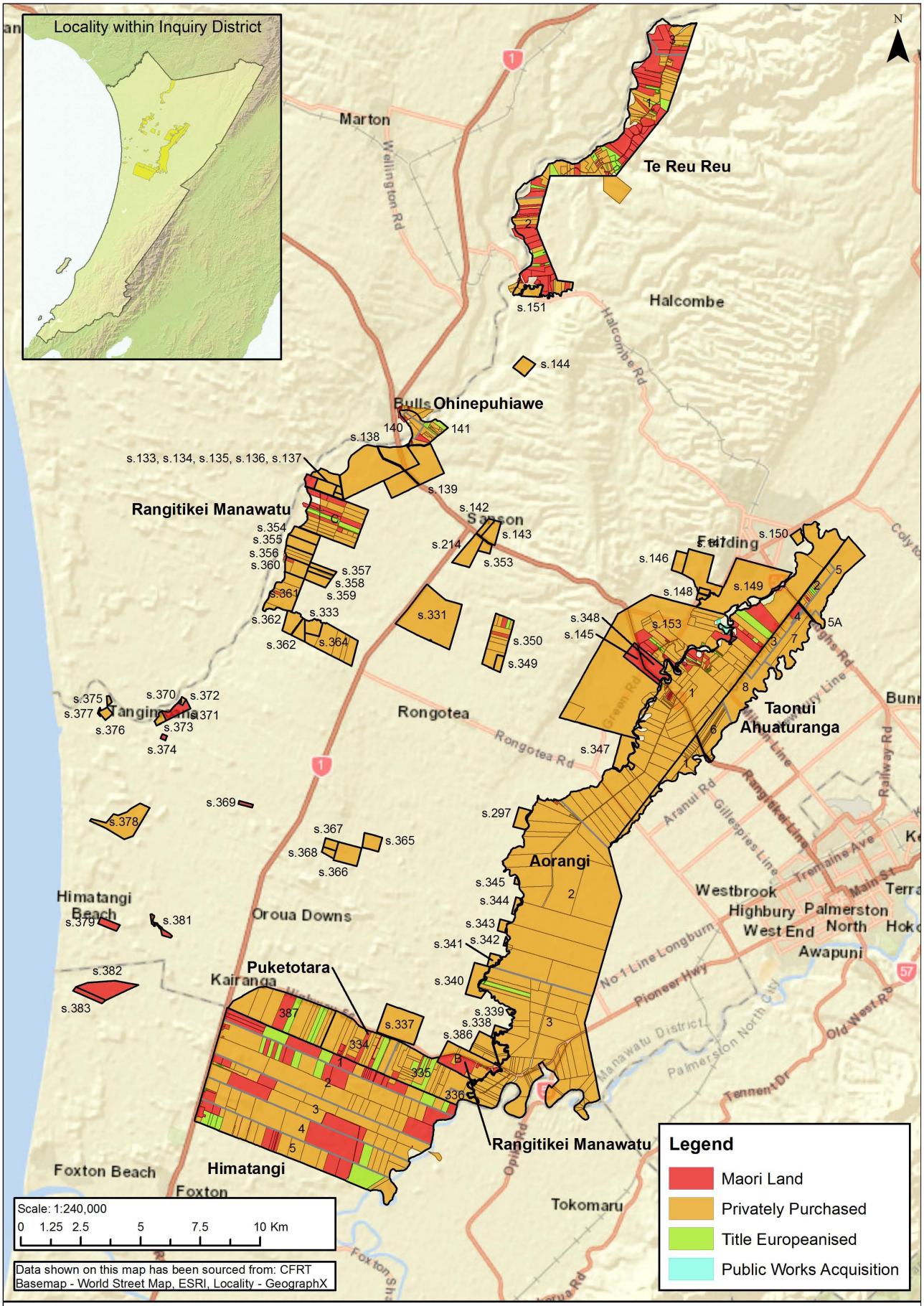
Map 39: Tenure by 1950



Porirua ki Manawatu Inquiry District: **Rangitikei - Manawatu Sub-district - Tenure by 1975**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 113 Map projection: New Zealand Transverse Mercator Date: 22/08/2017

Map 40: Tenure by 1975

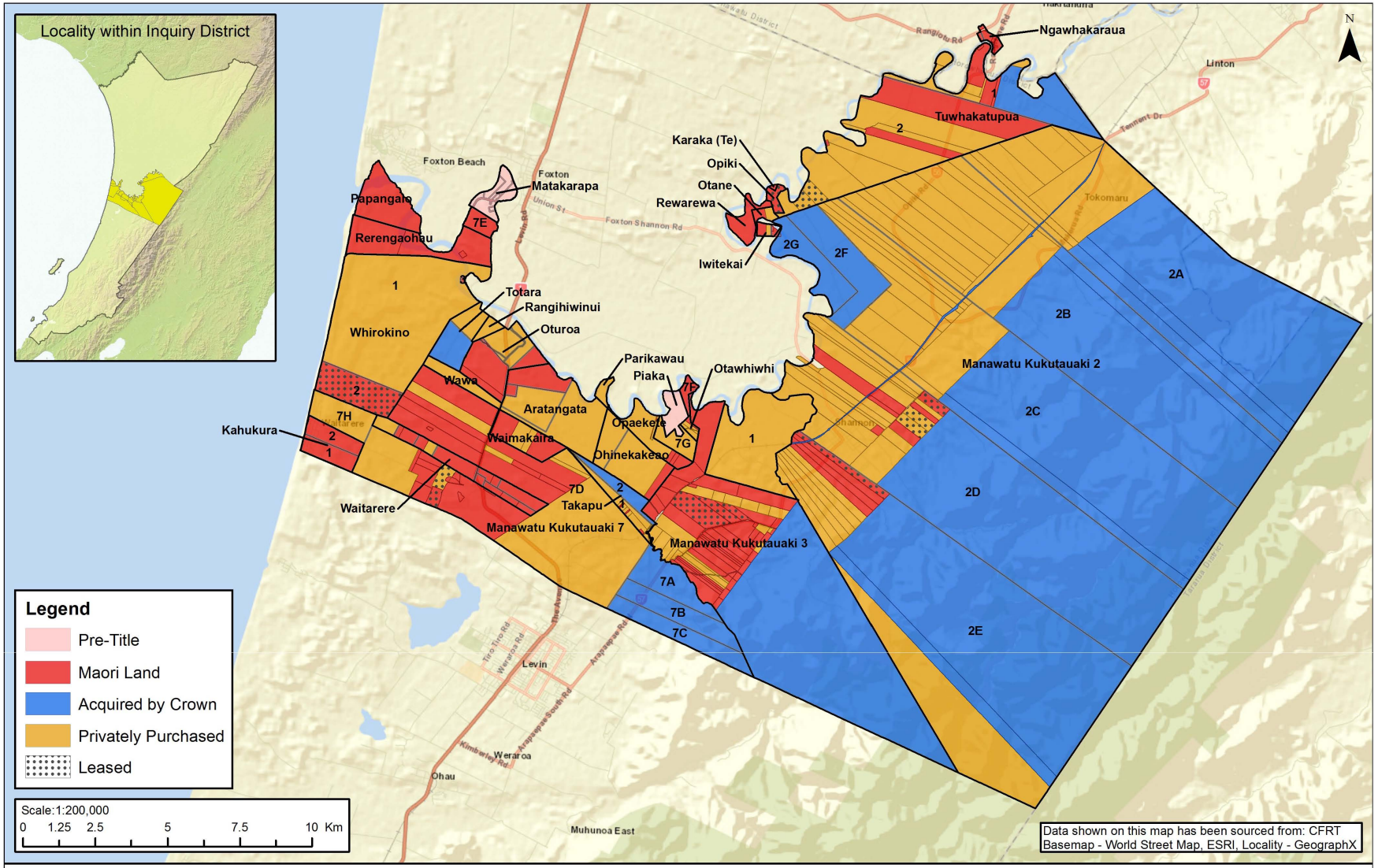


Porirua ki Manawatu Inquiry District: **Rangitikei - Manawatu Sub-district - Tenure by 2000**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 114 Map projection: New Zealand Transverse Mercator Date: 22/08/2017

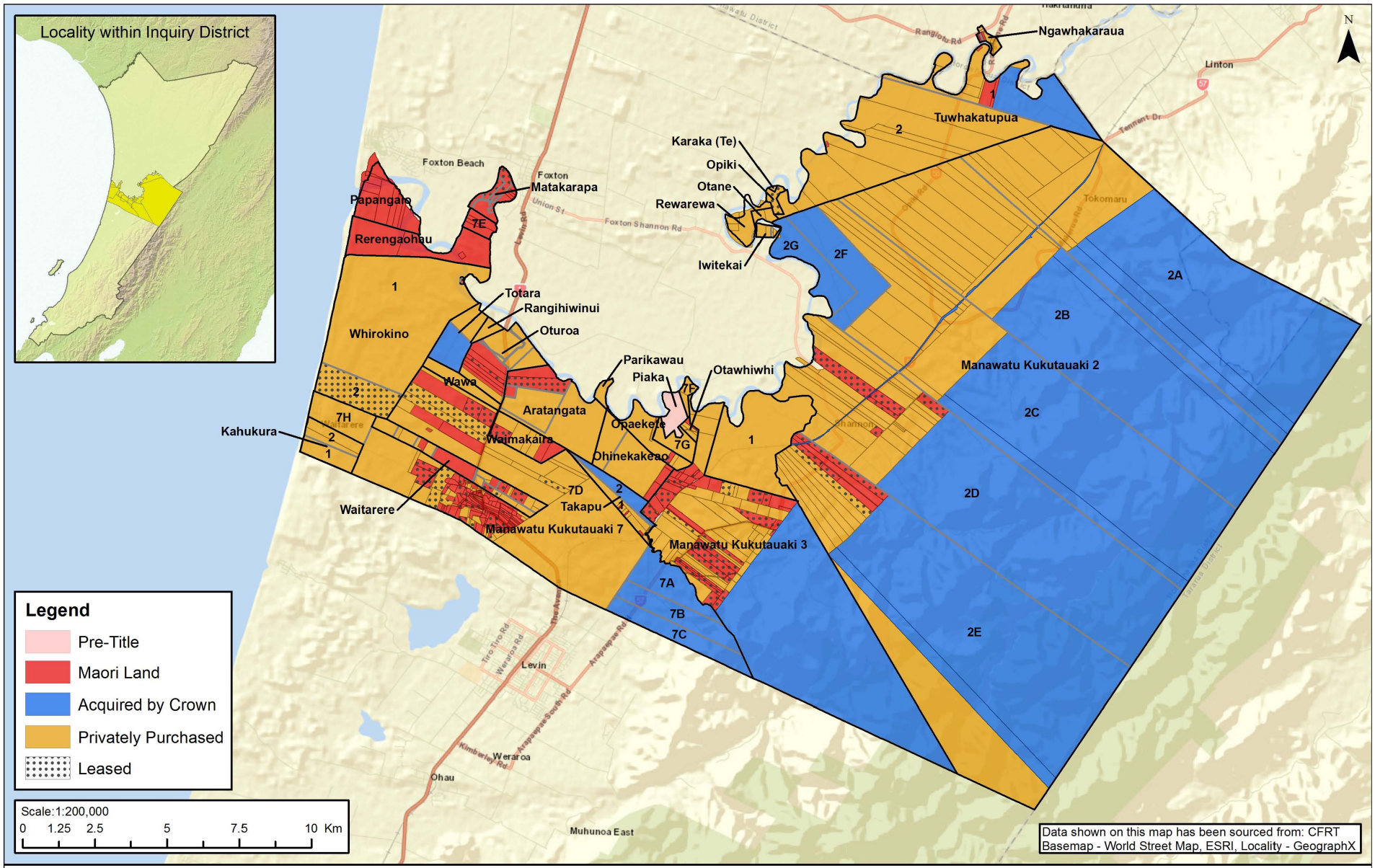
Map 41: Tenure by 2000

Map 42: Tenure by 1900



Porirua ki Manawatu Inquiry District: **Manawatu Blocks Sub-district - Tenure by 1900**

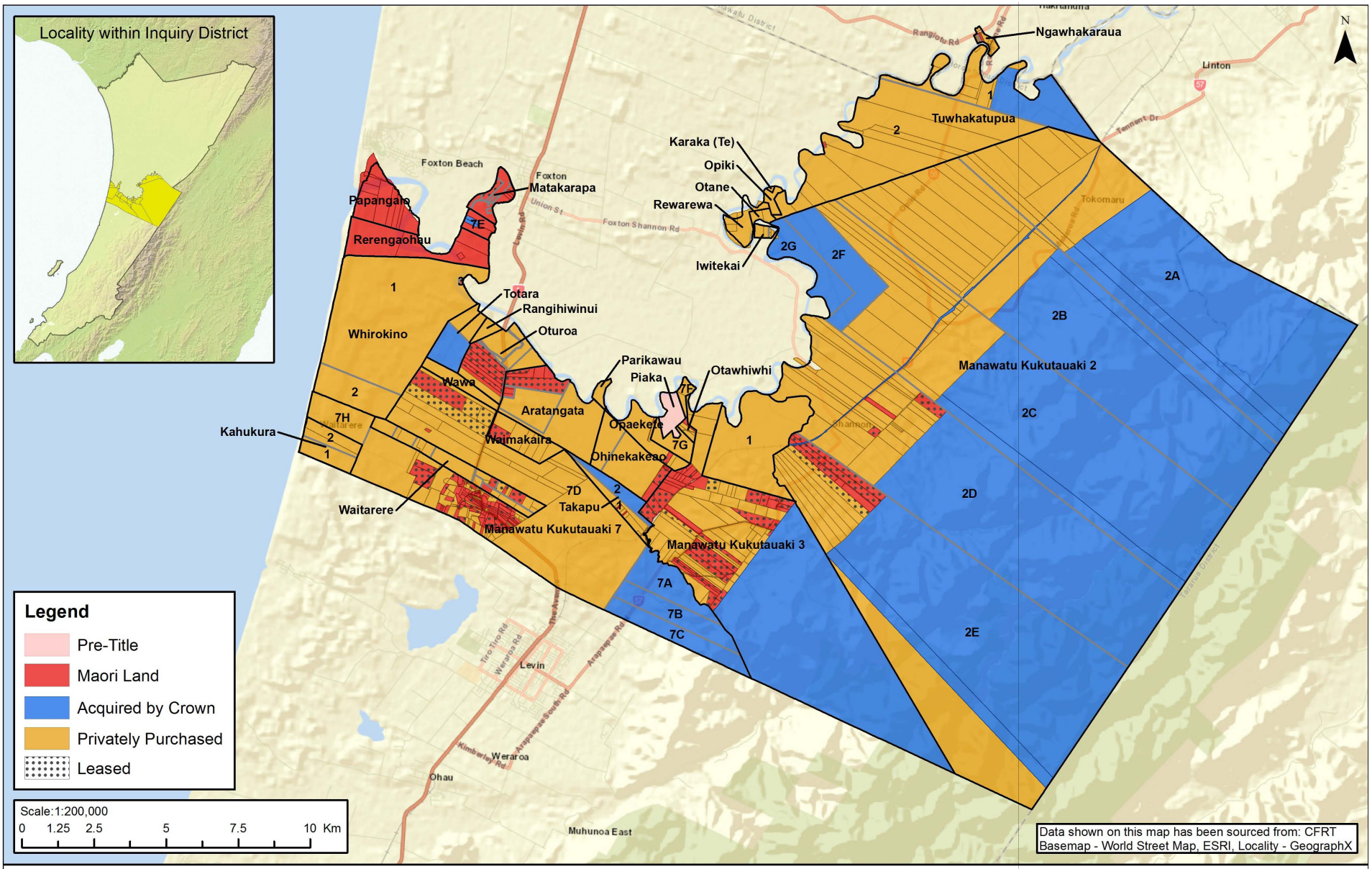
Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 028 Map projection: New Zealand Transverse Mercator Date: 22/08/2017



Porirua ki Manawatu Inquiry District: **Manawatu Blocks Sub-district - Tenure by 1925**

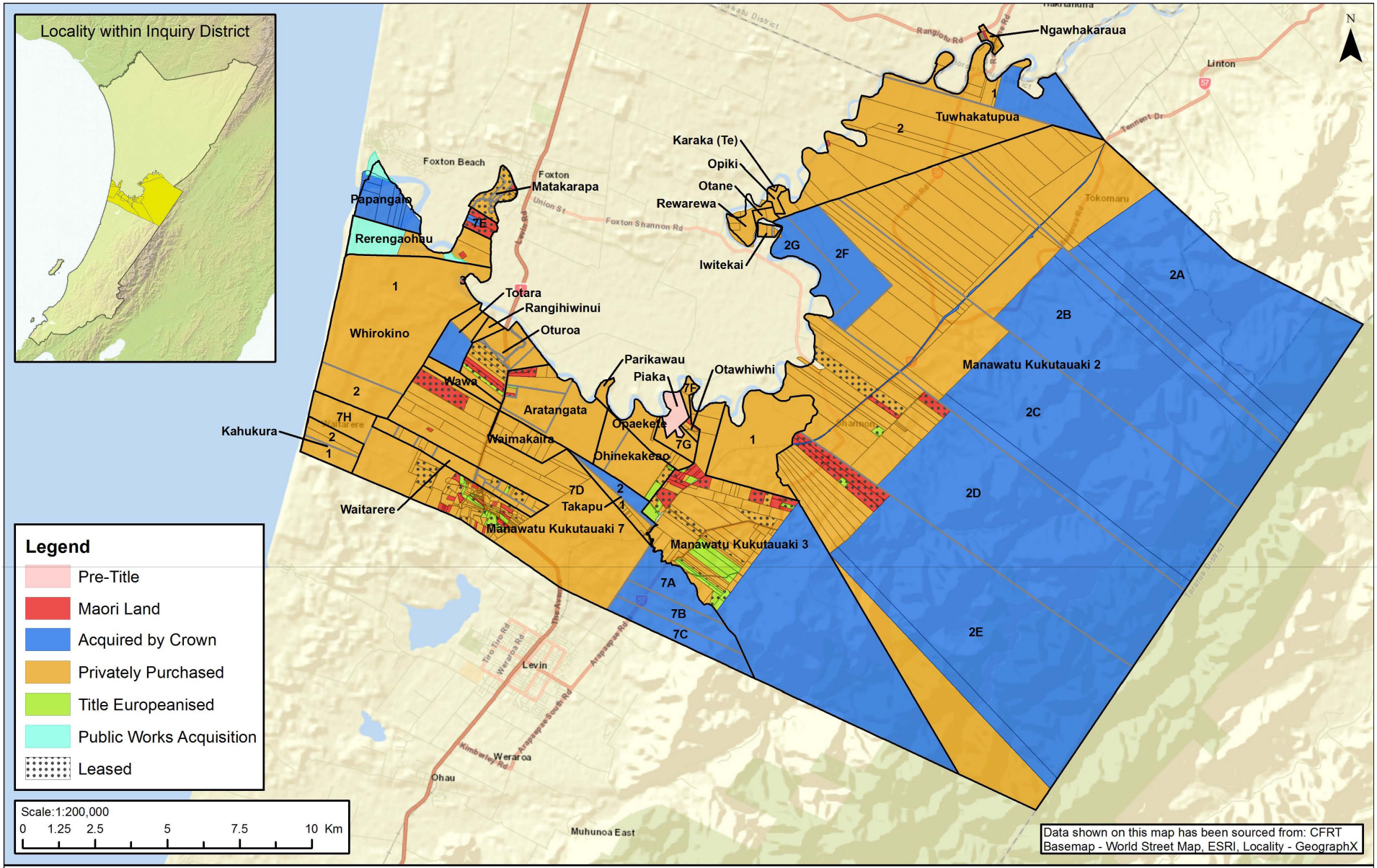
Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 029 Map projection: New Zealand Transverse Mercator Date: 22/08/2017

Map 43: Tenure by 1925



Porirua ki Manawatu Inquiry District: **Manawatu Blocks Sub-district - Tenure by 1950**

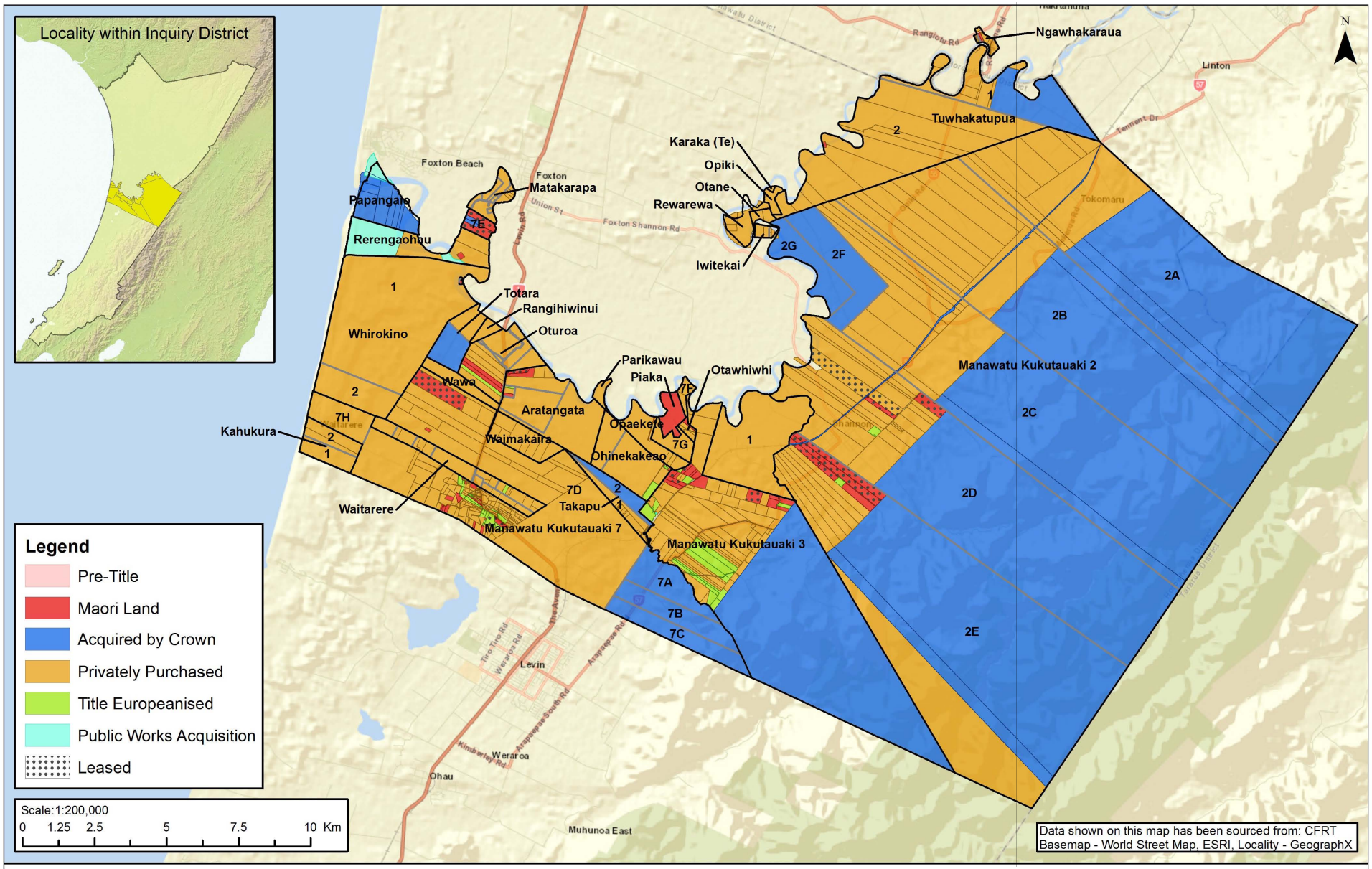
Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 030 Map projection: New Zealand Transverse Mercator Date: 22/08/2017



Porirua ki Manawatu Inquiry District: **Manawatu Blocks Sub-district - Tenure by 1975**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 031 Map projection: New Zealand Transverse Mercator Date: 22/08/2017

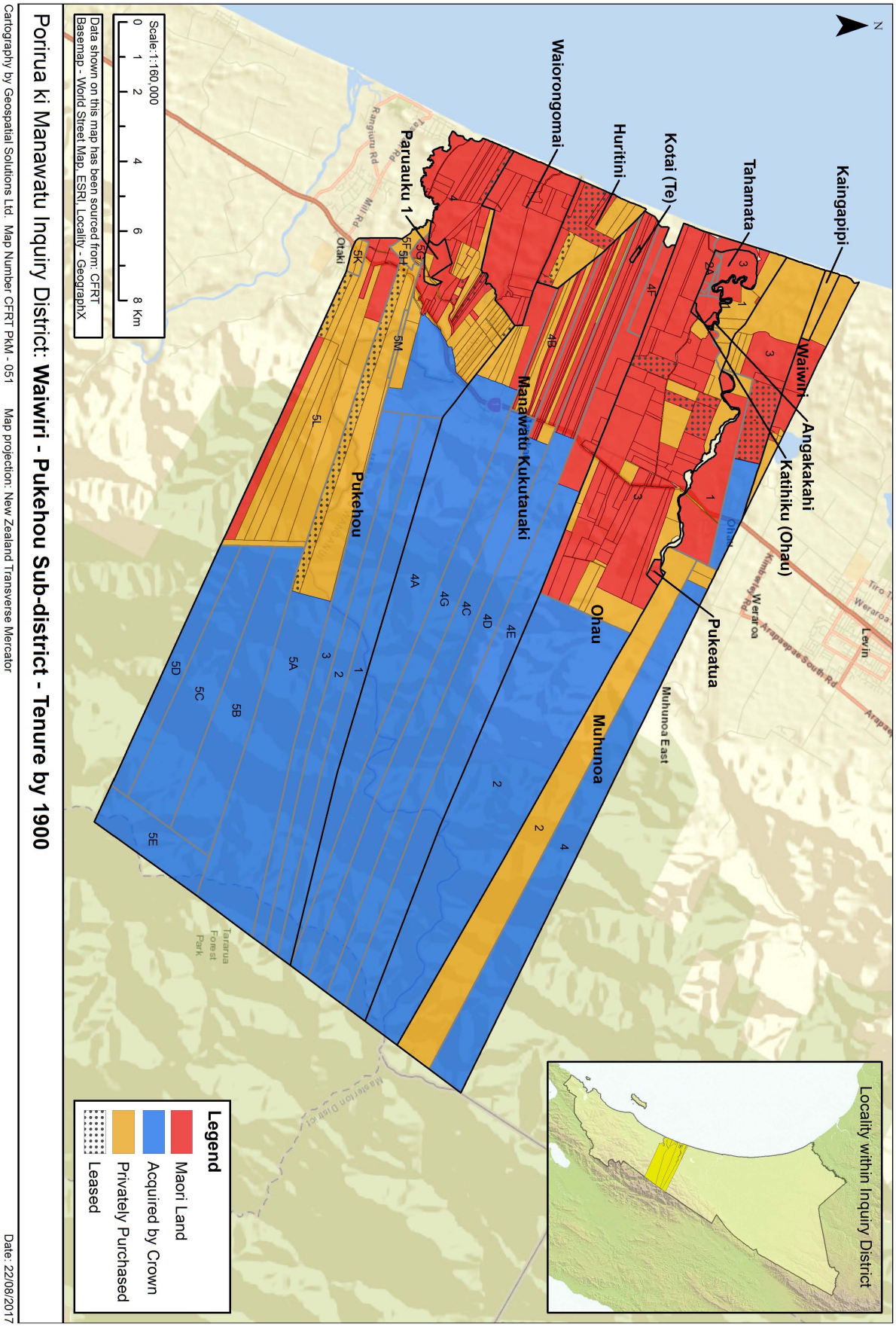
Map 45: Tenure by 1975



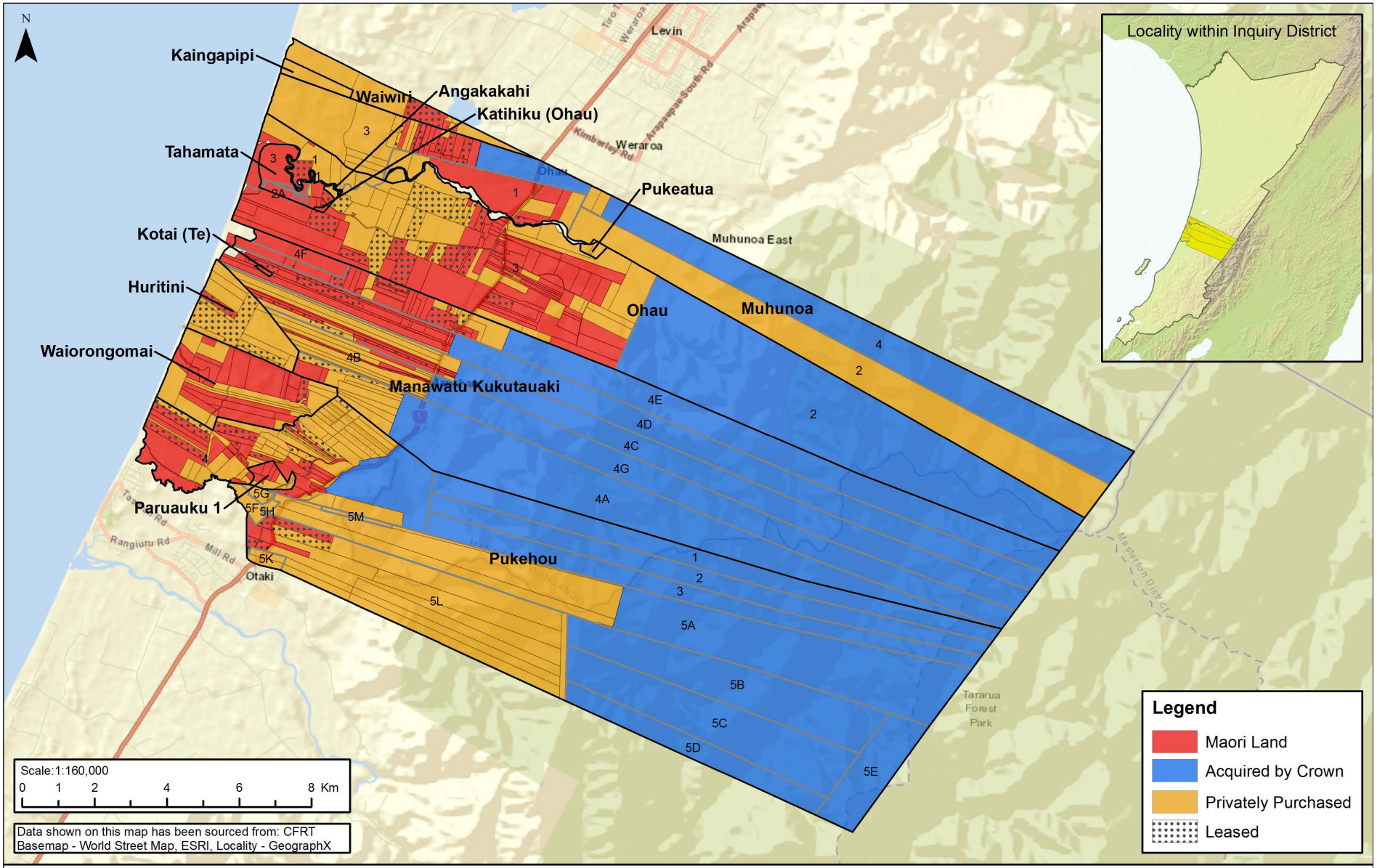
Porirua ki Manawatu Inquiry District: **Manawatu Blocks Sub-district - Tenure by 2000**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 032 Map projection: New Zealand Transverse Mercator Date: 22/08/2017

iii WAIWIRI TO PUKEHOU

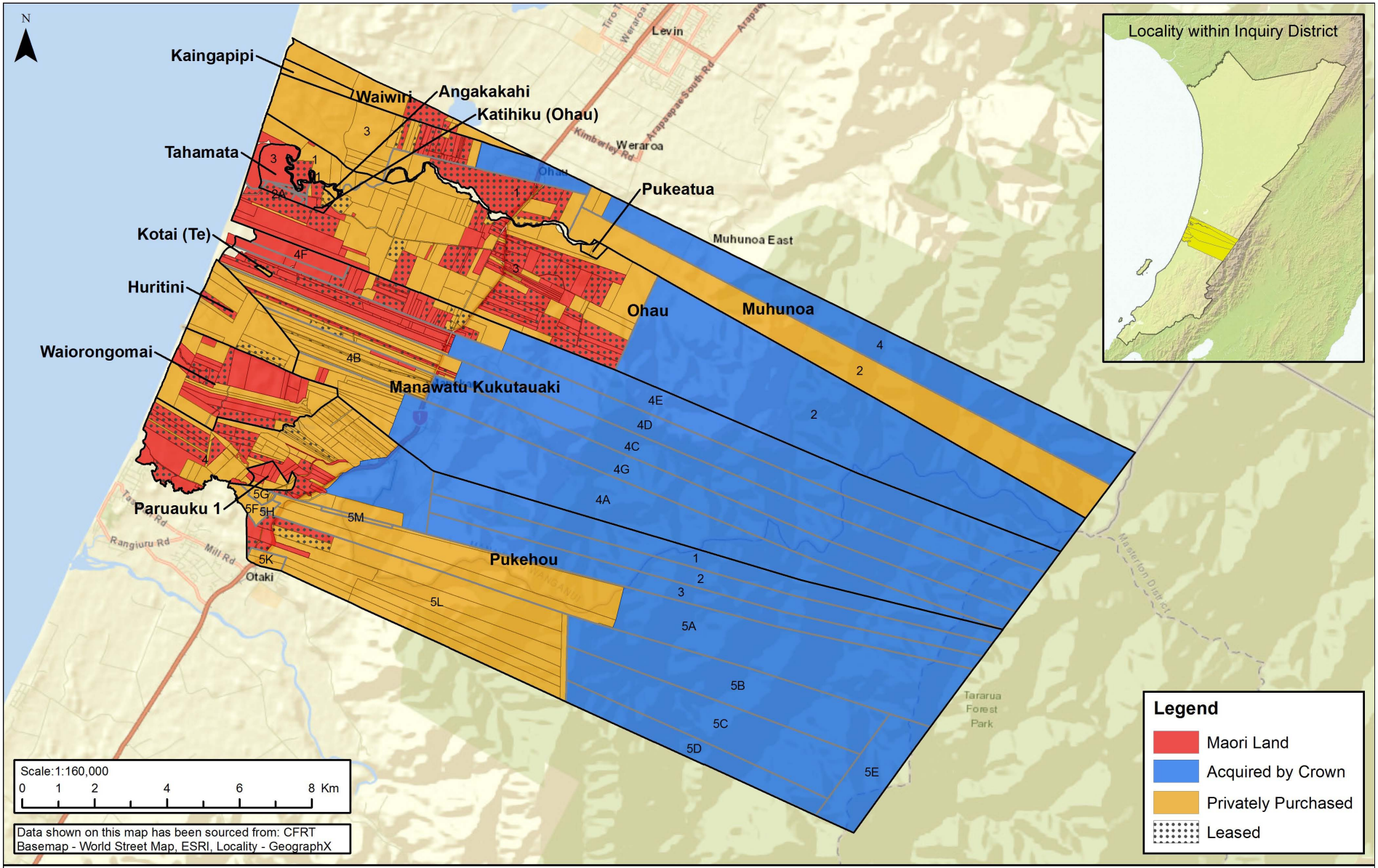


Map 47: Tenure by 1900



Porirua ki Manawatu Inquiry District: **Waiwiri - Pukehou Sub-district - Tenure by 1925**

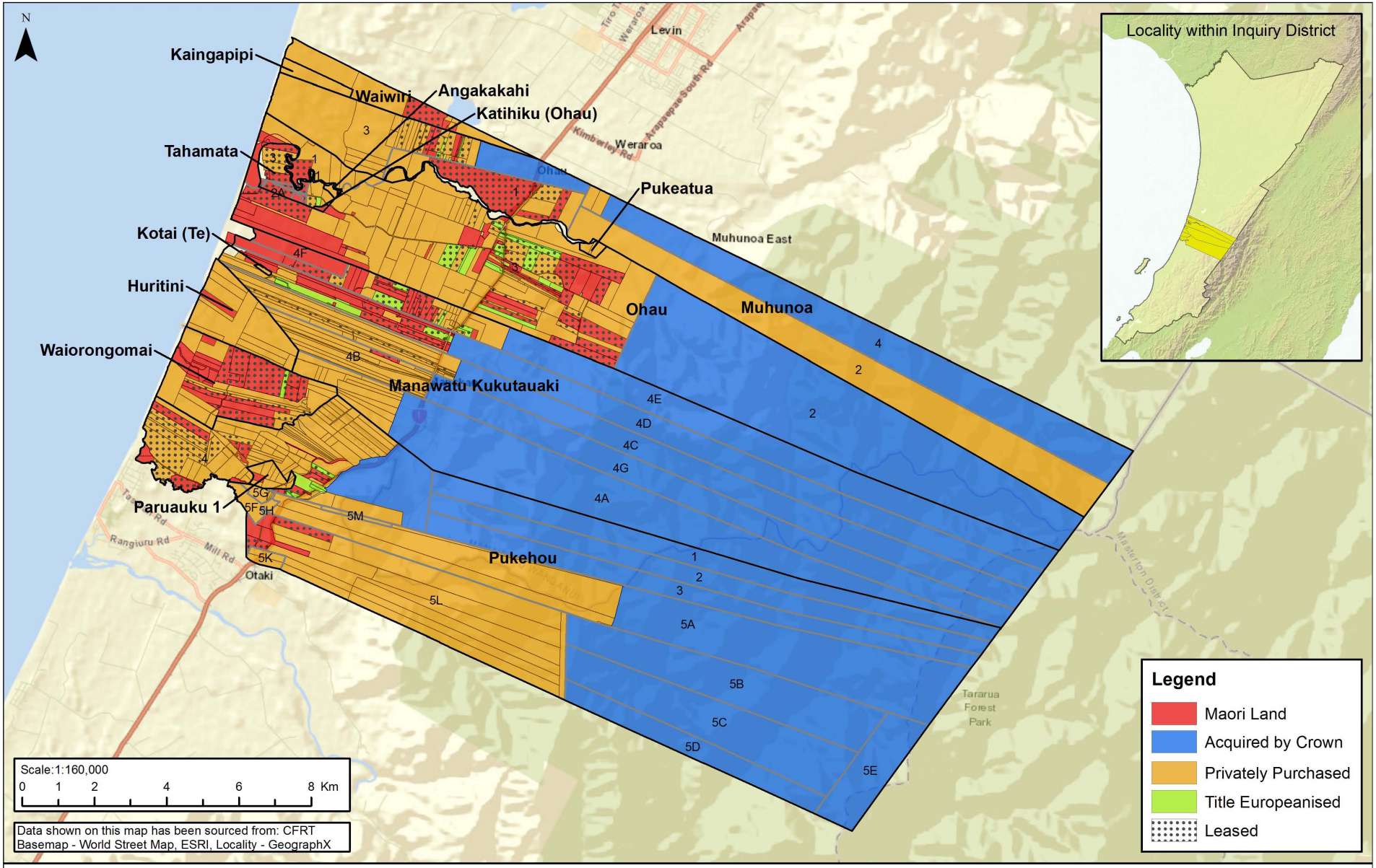
Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 052 Map projection: New Zealand Transverse Mercator Date: 22/08/2017



Porirua ki Manawatu Inquiry District: **Waiwiri - Pukehou Sub-district - Tenure by 1950**

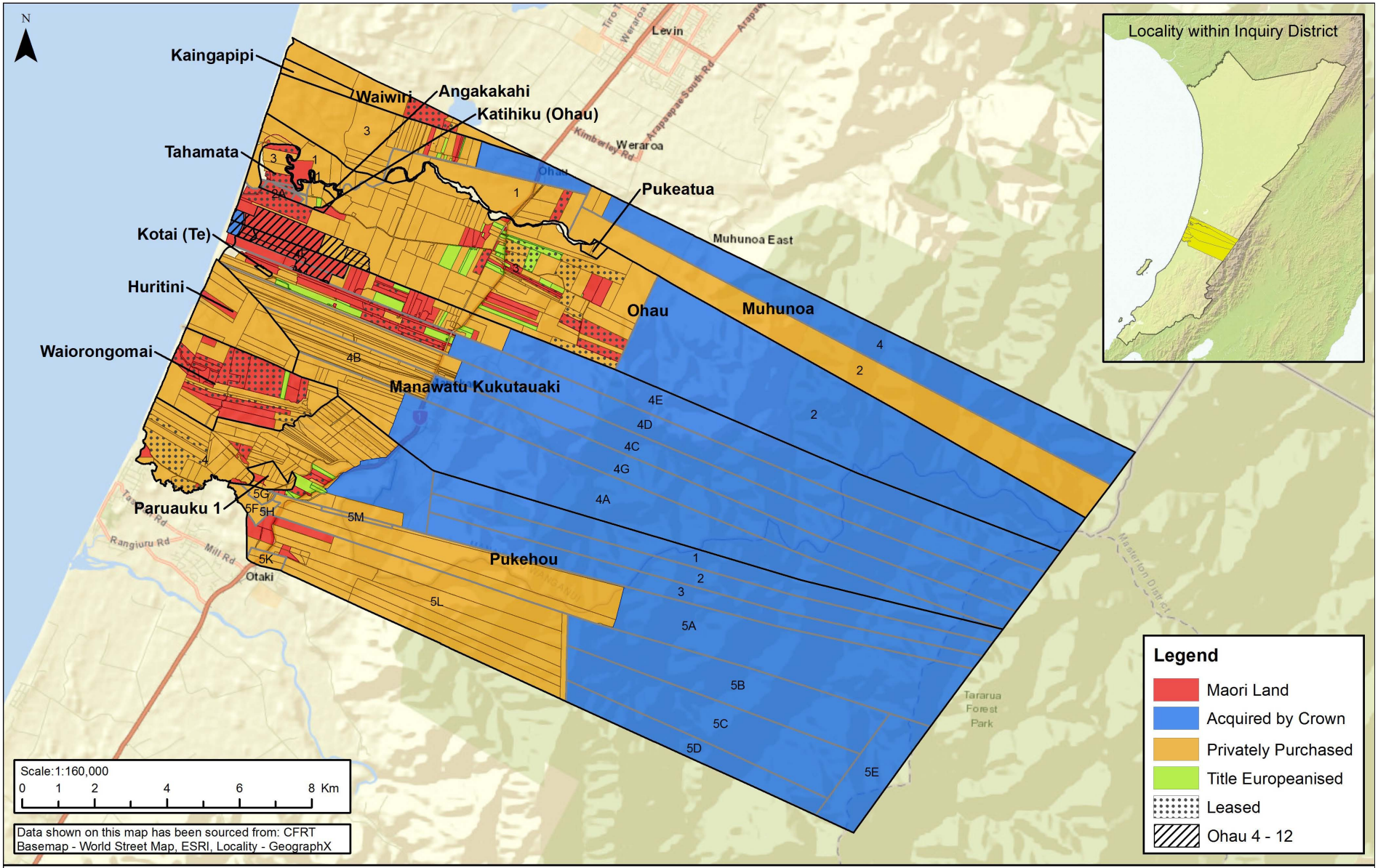
Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 053 Map projection: New Zealand Transverse Mercator Date: 22/08/2017

Map 49: Tenure by 1950



Porirua ki Manawatu Inquiry District: **Waiwiri - Pukehou Sub-district - Tenure by 1975**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 054 Map projection: New Zealand Transverse Mercator Date: 22/08/2017

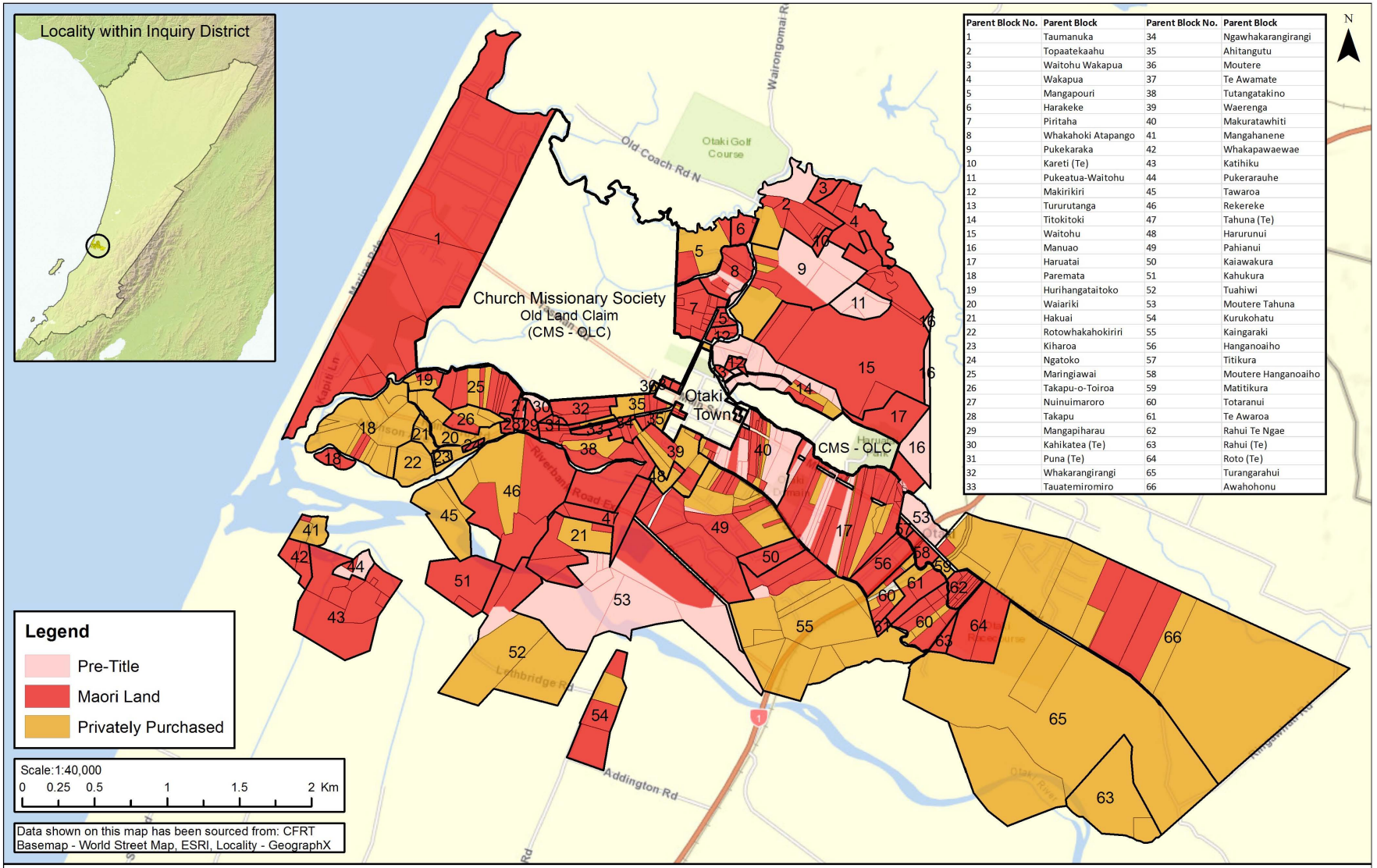


Porirua ki Manawatu Inquiry District: **Waiwiri - Pukehou Sub-district - Tenure by 2000**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 055 Map projection: New Zealand Transverse Mercator Date: 22/08/2017

Map 51: Tenure by 2000

Map 52: Tenure by 1895



Parent Block No.	Parent Block	Parent Block No.	Parent Block
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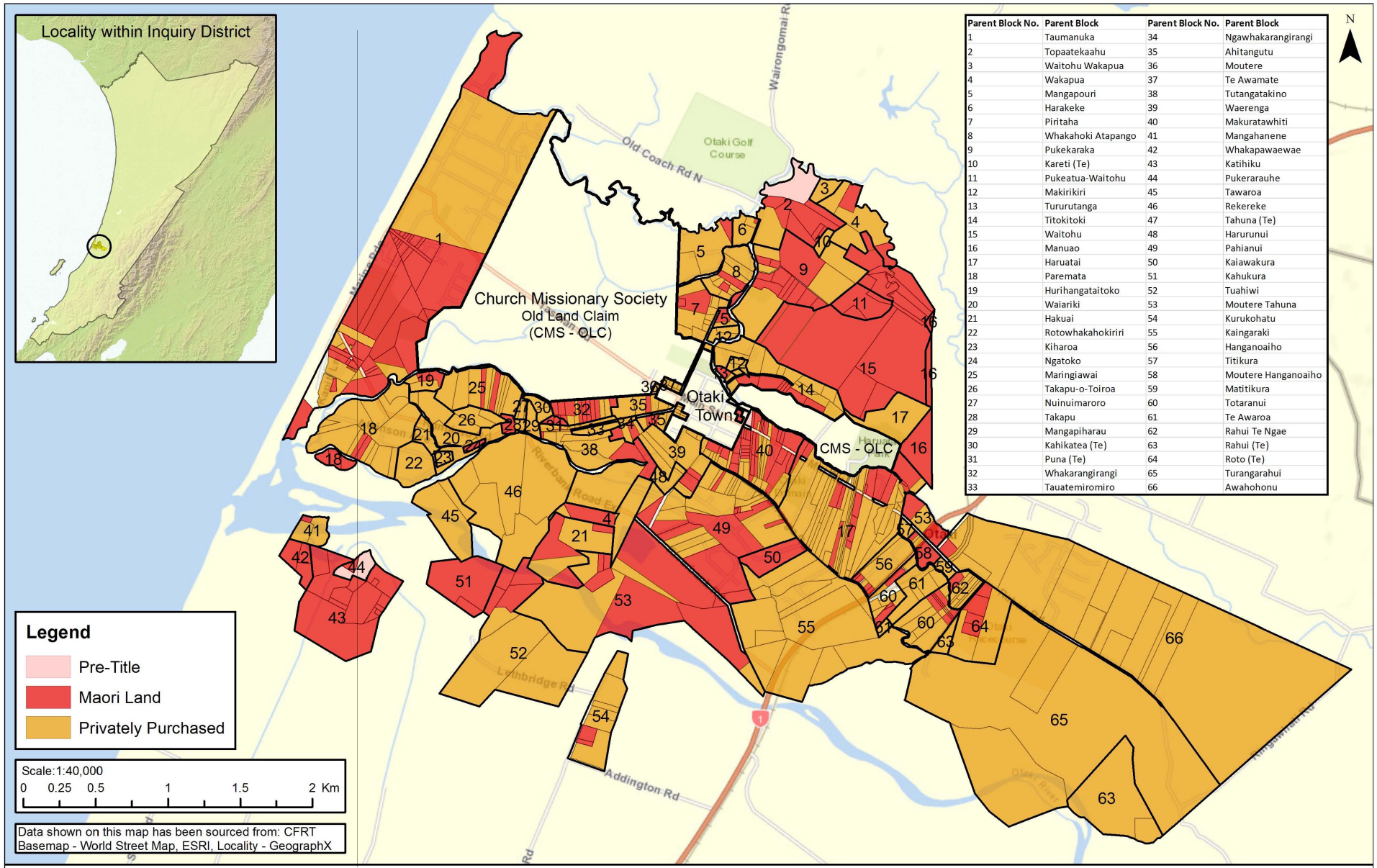
2	Topaatekaahu	35	Ahitangutu
3	Waitohu Wakapua	36	Moutere
4	Wakapua	37	Te Awamate
5	Mangapouri	38	Tutangatakino
6	Harakeke	39	Waerenga
7	Piritaha	40	Makuratawhiti
8	Whakahoki Atapango	41	Mangahanene
9	Pukekaraka	42	Whakapawaewae
10	Kareti (Te)	43	Katihiku
11	Pukeatua-Waitohu	44	Pukerarauhe
12	Makirikiri	45	Tawaroa
13	Tururutanga	46	Rekereke
14	Titokitoki	47	Tahuna (Te)
15	Waitohu	48	Hararunui
16	Manuao	49	Pahianui
17	Haruatai	50	Kaiawakura
18	Paremata	51	Kahukura
19	Hurihangataitoko	52	Tuahiwi
20	Waiariki	53	Moutere Tahuna
21	Hakuai	54	Kurukohatu
22	Rotowhakahokiriri	55	Kaingaraki
23	Kiharoa	56	Hanganoaiho
24	Ngatoko	57	Titikura
25	Maringiawai	58	Moutere Hanganoaiho
26	Takapu-o-Toiroa	59	Matitikura
27	Nuinuimaroro	60	Totaranui
28	Takapu	61	Te Awaroa
29	Mangapiharau	62	Rahui Te Ngae
30	Kahikatea (Te)	63	Rahui (Te)
31	Puna (Te)	64	Roto (Te)
32	Whakarangirangi	65	Turangarahui
33	Tauatemiromiro	66	Awahohonu

Porirua ki Manawatu Inquiry District: **Otaki Sub-district - Tenure by 1895**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 081 Map projection: New Zealand Transverse Mercator Date: 22/08/2017



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5	Mangapouri	38	Tutangatakino
6	Harakeke	39	Waerenga
7	Piritaha	40	Makuratawhiti
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9	Pukekaraka	42	Whakapawaewae
10	Kareti (Te)	43	Katihiku
11	Pukeatua-Waitohu	44	Pukerarauhe
12	Makirikiri	45	Tawaroa
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19	Hurihangataitoko	52	Tuahiwi
20	Waiariki	53	Moutere Tahuna
21	Hakuai	54	Kurukohatu
22	Rotowhakahokiriri	55	Kaingaraki
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27	Nuinuimaroro	60	Totaranui
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29	Mangapiharau	62	Rahui Te Ngae
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31	Puna (Te)	64	Roto (Te)
32	Whakarangirangi	65	Turangarahui
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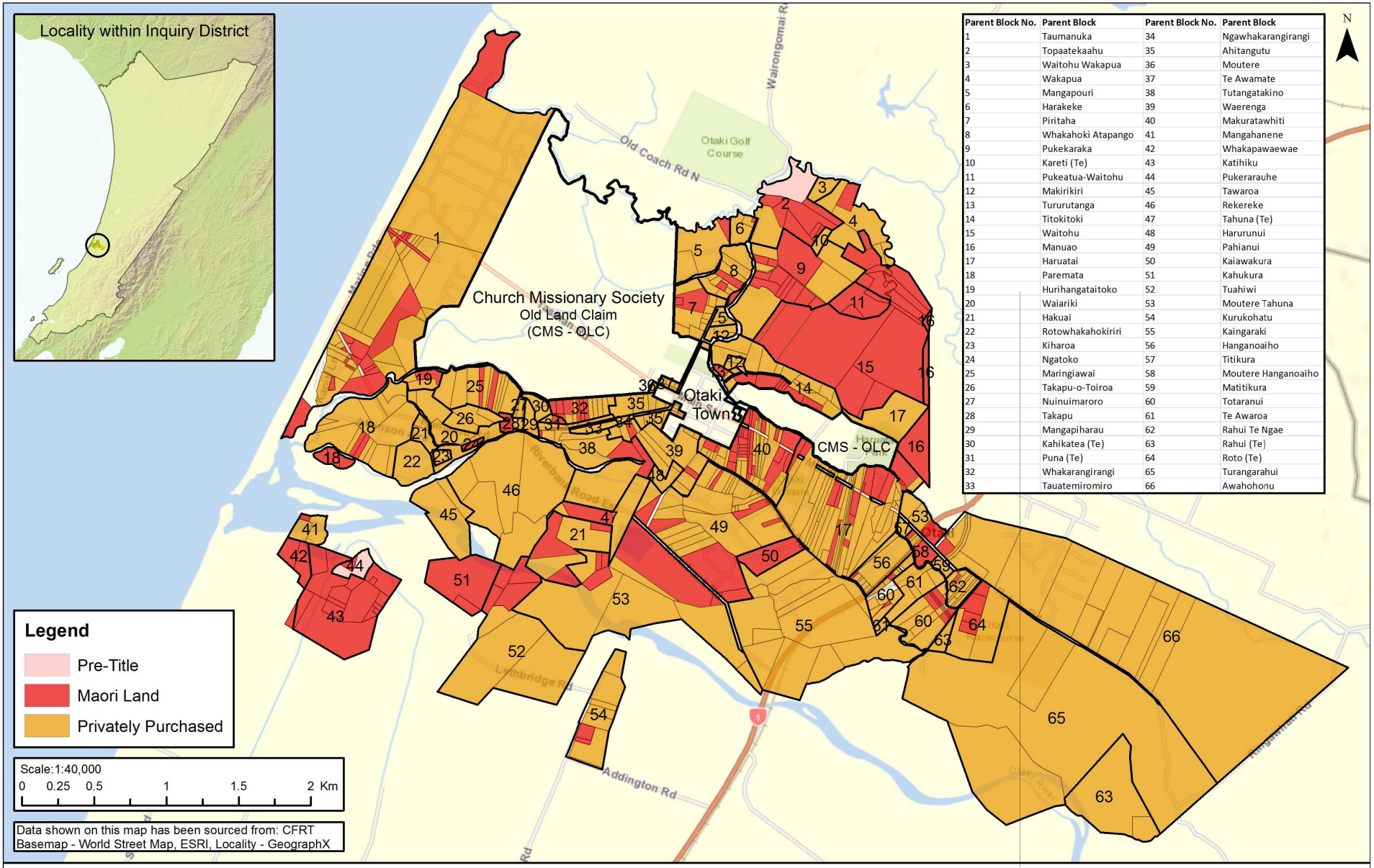
Porirua ki Manawatu Inquiry District: **Otaki Sub-district - Tenure by 1925**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 084 Map projection: New Zealand Transverse Mercator Date: 22/08/2017

Map 53: Tenure by 1925



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19	Hurihangataitoko	52	Tuahiwi
20	Waiariki	53	Moutere Tahuna
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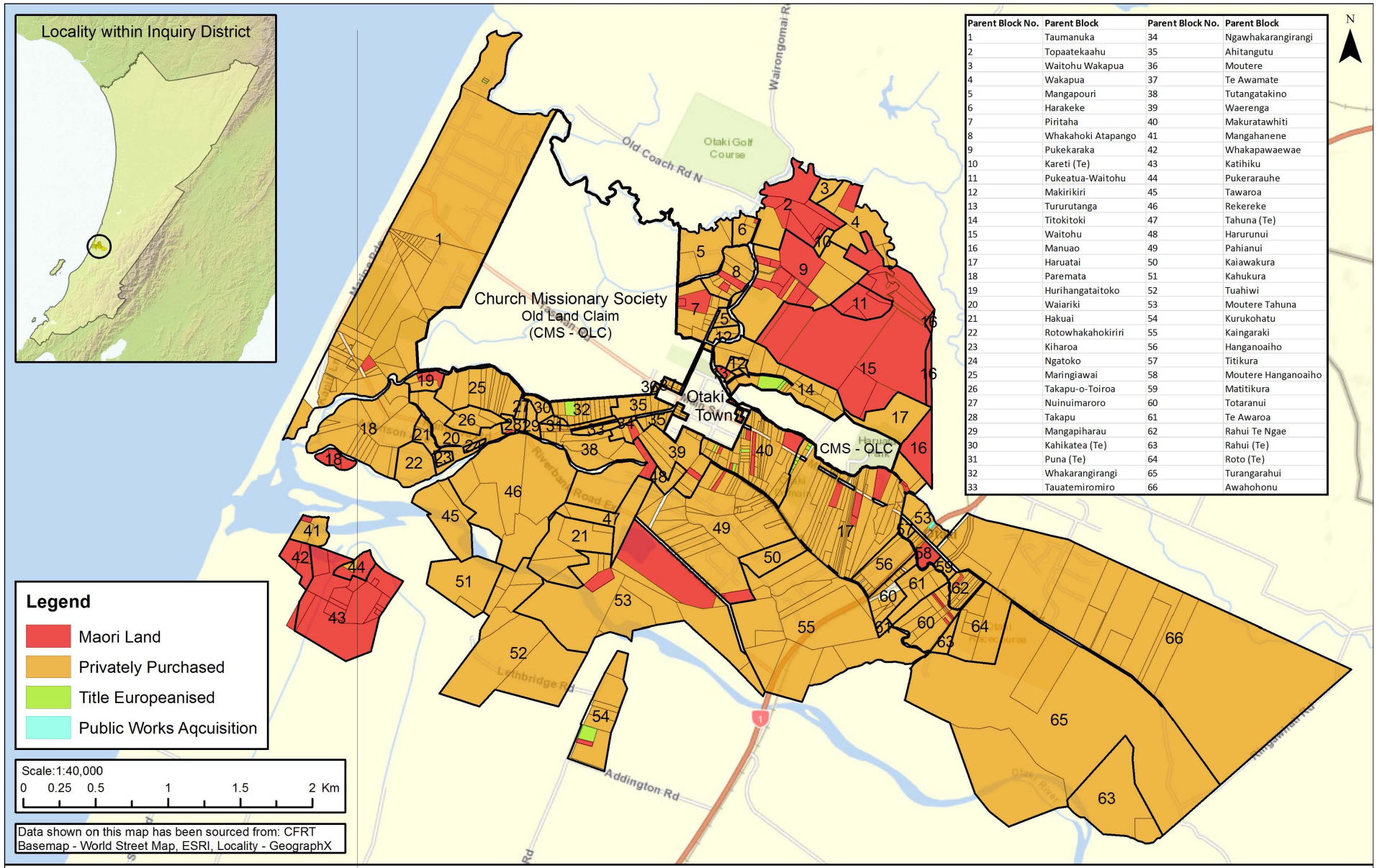
30	Kahikatea (Te)	63	Rahui (Te)
31	Puna (Te)	64	Roto (Te)
32	Whakarangirangi	65	Turangarahui
33	Tauatemiromiro	66	Awahohonu

Porirua ki Manawatu Inquiry District: **Otaki Sub-district - Tenure by 1950**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 137 Map projection: New Zealand Transverse Mercator Date: 22/08/2017



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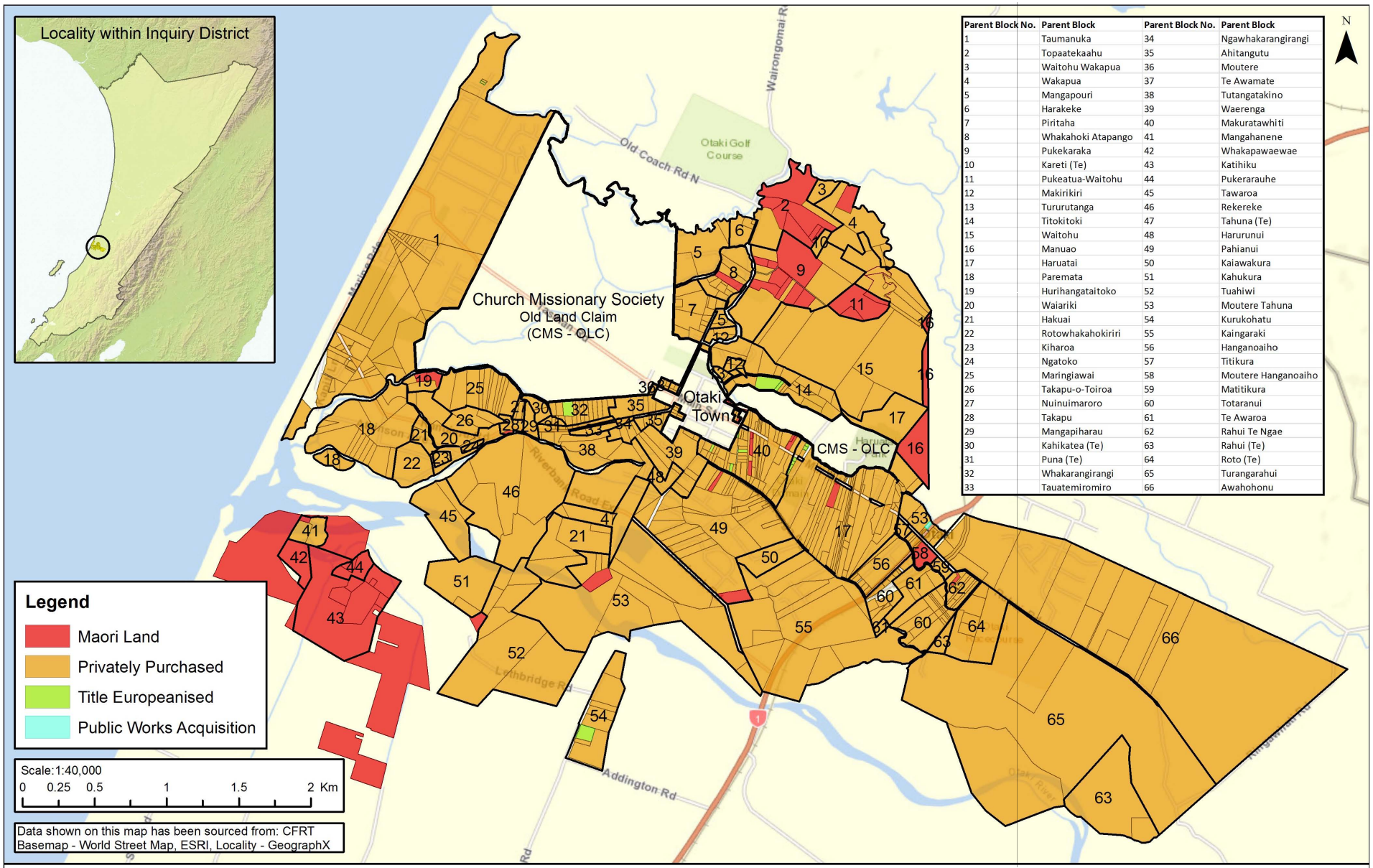
29	Mangapiharau	62	Rahui Te Ngae
30	Kahikatea (Te)	63	Rahui (Te)
31	Puna (Te)	64	Roto (Te)
32	Whakarangirangi	65	Turangarahui
33	Tauatemiromiro	66	Awahohonu

Porirua ki Manawatu Inquiry District: **Otaki Sub-district - Tenure by 1975**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 138 Map projection: New Zealand Transverse Mercator Date: 22/08/2017

Map 55: Tenure by 1975



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23	Kiharoa	56	Hanganoaiho
24	Ngatoko	57	Titikura
25	Maringiawai	58	Moutere Hanganoaiho
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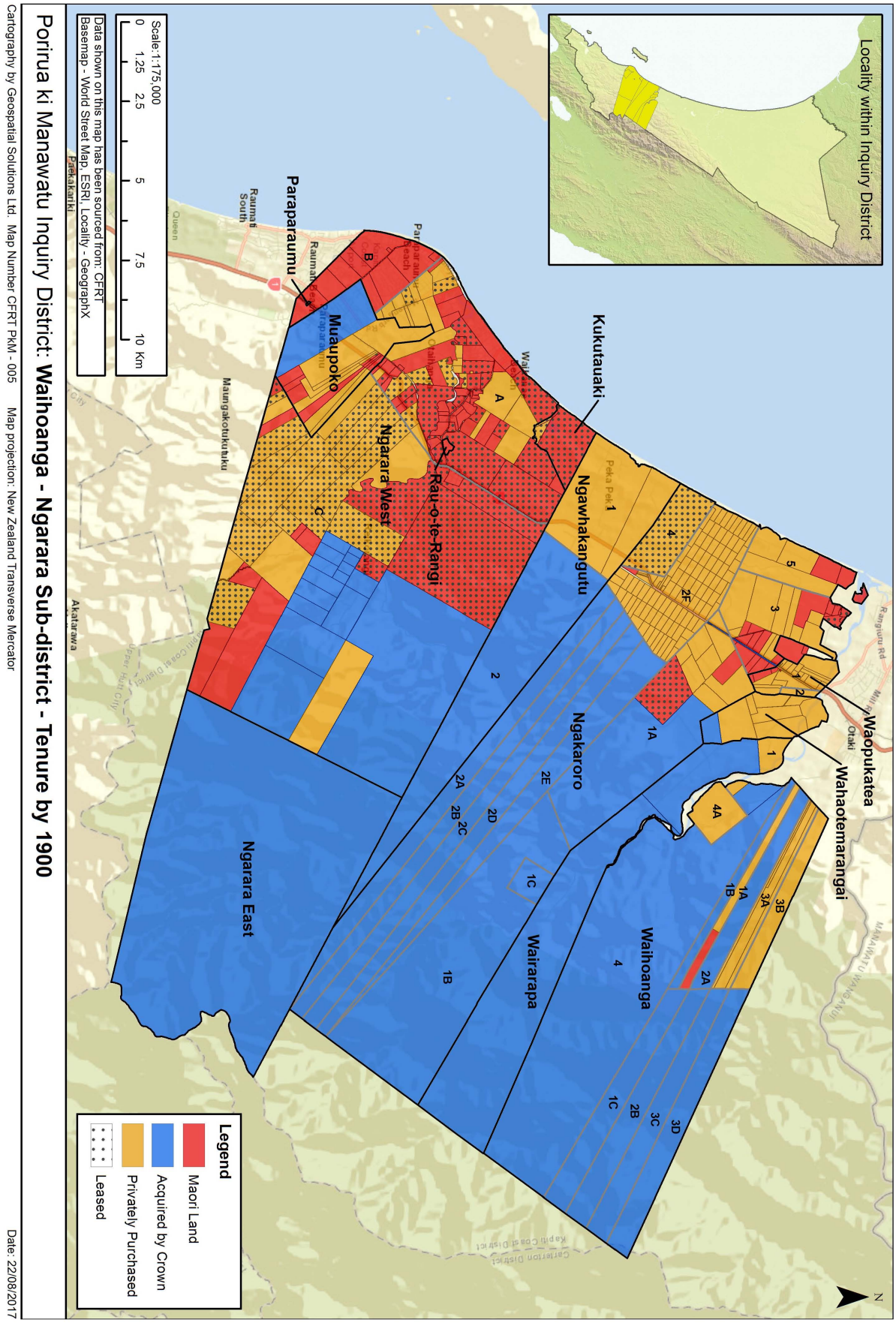
27	Nuinuimaroro	60	Totaranui
28	Takapu	61	Te Awaroa
29	Mangapiharau	62	Rahui Te Ngae
30	Kahikatea (Te)	63	Rahui (Te)
31	Puna (Te)	64	Roto (Te)
32	Whakarangirangi	65	Turangarahui
33	Tauatemiromiro	66	Awahohonu

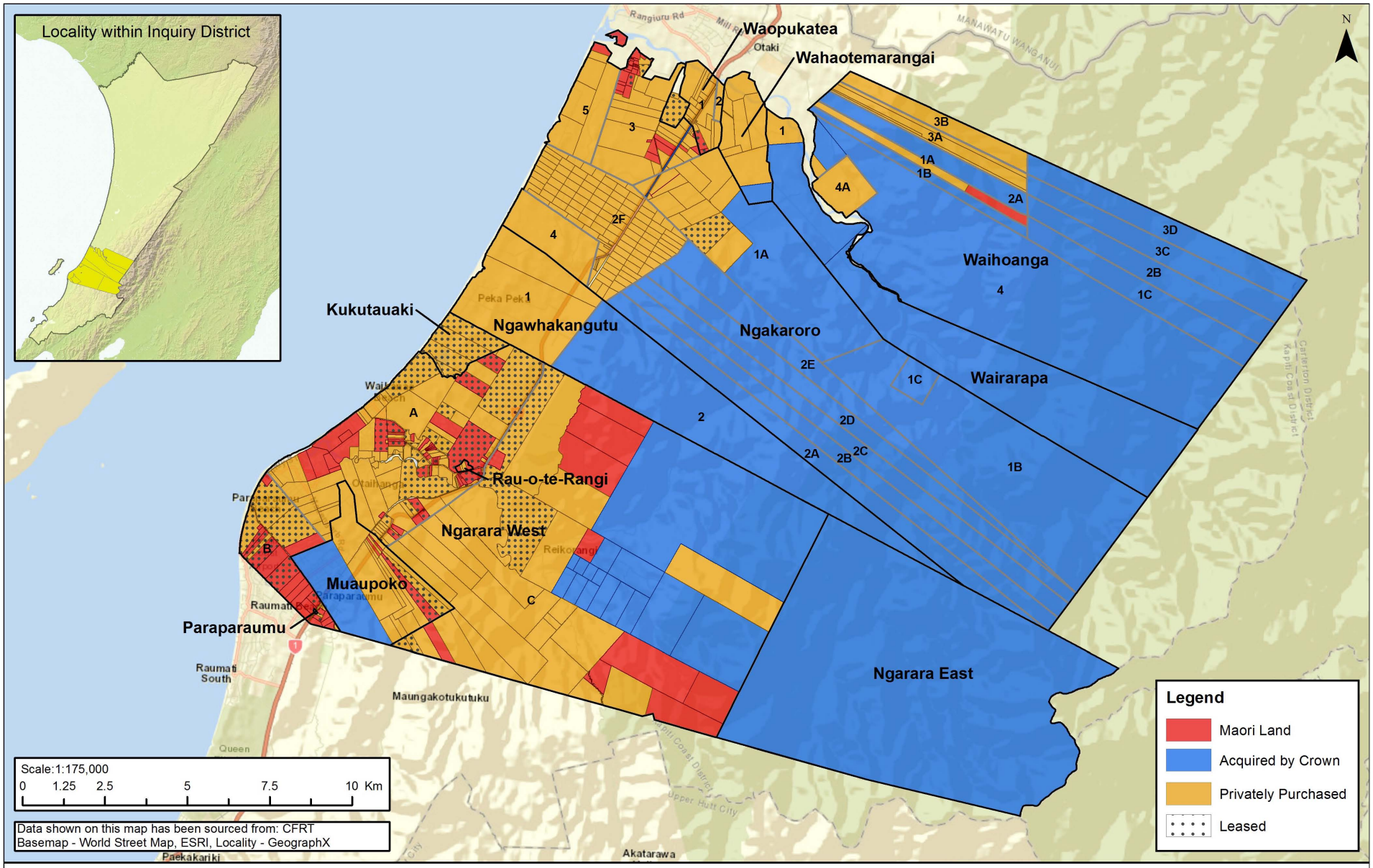
Porirua ki Manawatu Inquiry District: **Otaki Sub-district - Tenure by 2000**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 139 Map projection: New Zealand Transverse Mercator Date: 22/08/2017

v WAIHOANGA TO NGARARA

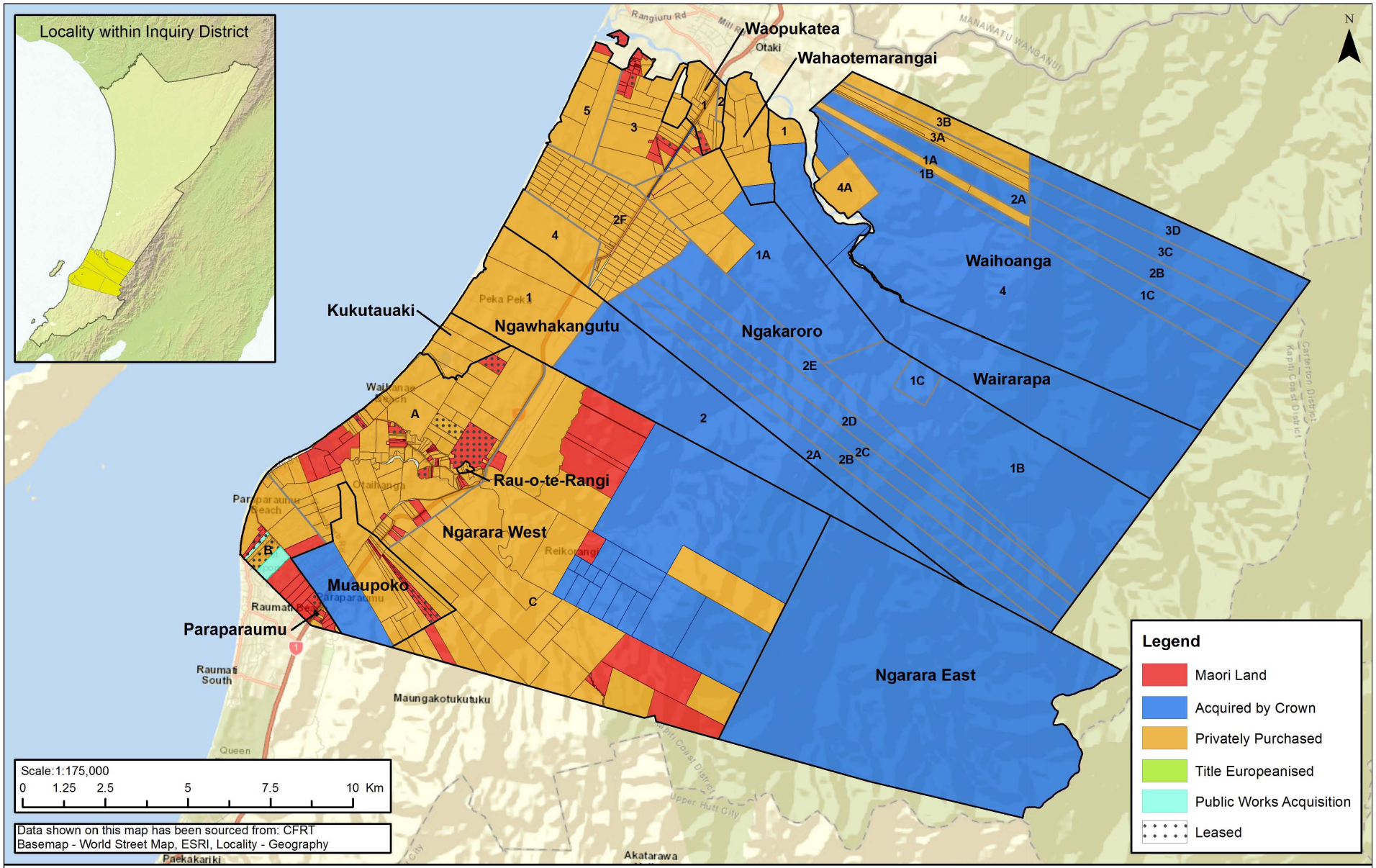


Map 57: Tenure by 1900



Porirua ki Manawatu Inquiry District: **Waihoanga - Ngarara Sub-district - Tenure by 1925**

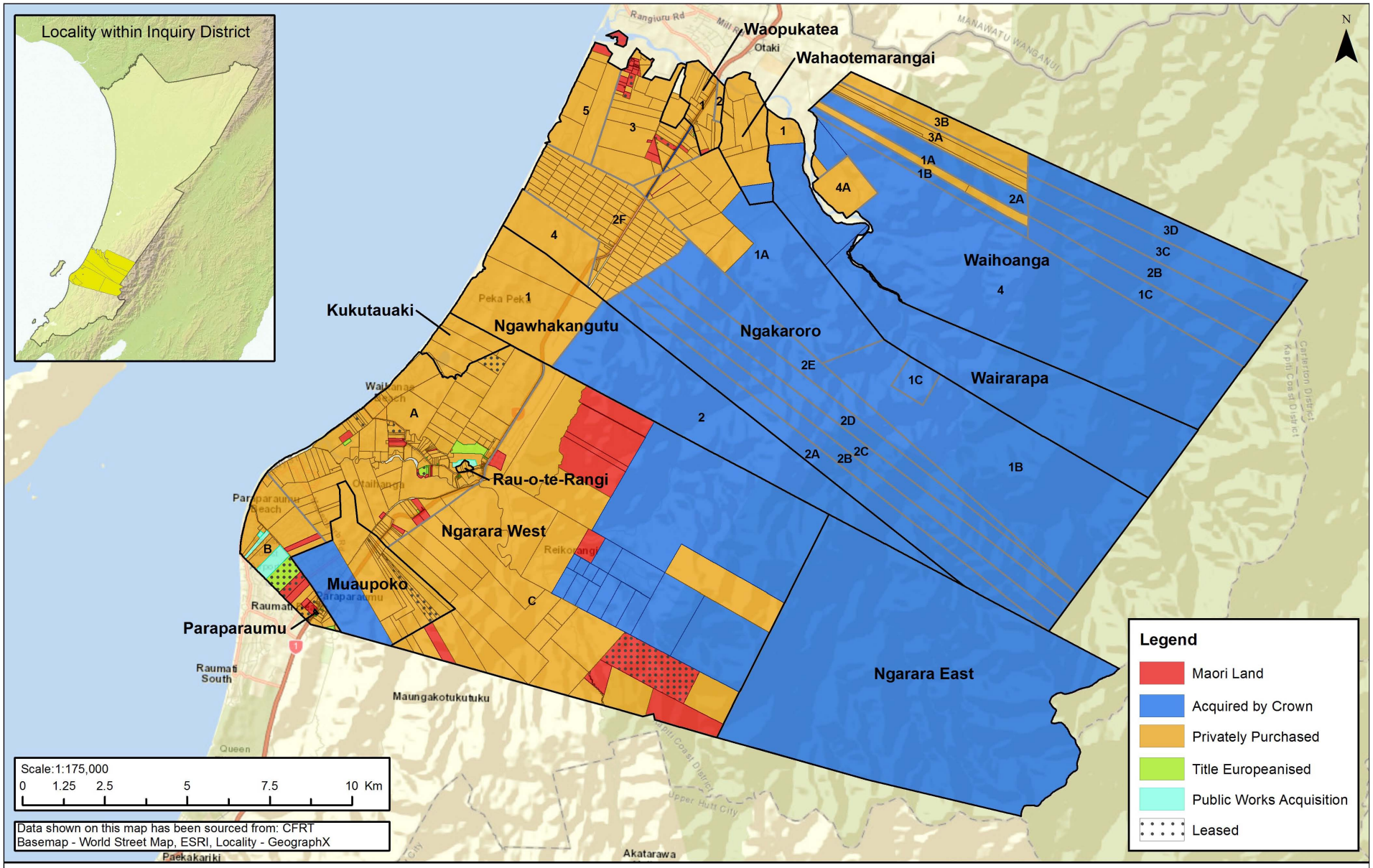
Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 004 Map projection: New Zealand Transverse Mercator Date: 22/08/2017



Porirua ki Manawatu Inquiry District: **Waihoanga - Ngarara Sub-district - Tenure by 1950**

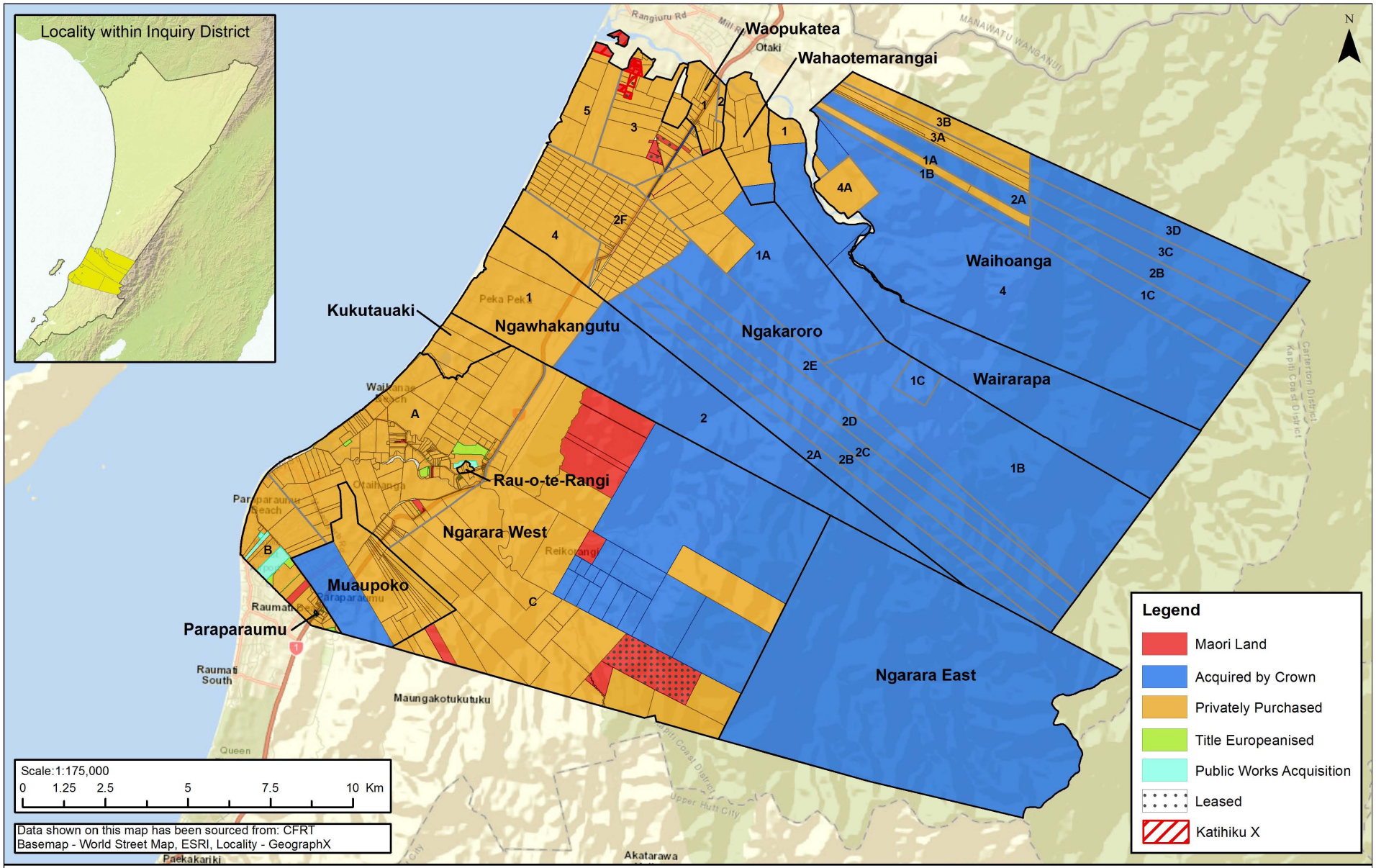
Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 003 Map projection: New Zealand Transverse Mercator Date: 22/08/2017

Map 59: Tenure by 1950



Porirua ki Manawatu Inquiry District: **Waihoanga - Ngarara Sub-district - Tenure by 1975**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 002 Map projection: New Zealand Transverse Mercator Date: 22/08/2017



Porirua ki Manawatu Inquiry District: **Waihoanga - Ngarara Sub-district - Tenure by 2000**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkM - 001 Map projection: New Zealand Transverse Mercator Date: 22/08/2017

Map 61: Tenure by 2000

K APPENDIX 2: PROJECT BRIEF

FINAL PROJECT BRIEF

Porirua ki Manawatū Inquiry: Historical Issues Research Project Four: Rangatiratanga Versus Kāwanatanga, 1890 – 2000

Timeframe: 1 February 2016 – 17 March 2017

Project Team:

Project Role	Provider
Historian	Dr Grant Young
Research Assistant/Writer	Areti Metuamate
Research Assistant/Writer	Eljon Fitzgerald
Assistant Researcher	Kiri Parata
Research Assistant	Tiratahi Taipana
Senior Interpreter	Piripi Walker
Coordinator	Rachael Selby
Honorary Technical Advisor	Sir Edward Taihākurei Durie
Honorary Technical Advisor	Professor Whatarangi Winiata
Project Management	Ken Goldsmith/Steven Michener

Background to the Project and Inquiry

1. In December 2012, the Porirua ki Manawatū Tribunal finalised the inquiry research programme after extensive consultation with claimants.[1] The Crown Forestry Rental Trust ('CFRT') agreed to fund aspects of this research programme in November 2013 (client-specific, iwi-specific and district-wide projects), which included:
   - Oral and traditional history scoping reports for its Approved Clients;
   - Historical Issues scoping report;
   - Environmental and Natural Resources issues;
   - Rivers and Waterways issues;
   - Cultural Significance of Waterways issues;
   - Local Government issues;
   - Public Works issues; and
   - Block Research Narratives (an overview research assistance project).

2. The Tribunal outlined the scope of the Iwi focussed Historical Issues reports as 'covering all land claim issues and all political autonomy/political engagement issues'.

3. This Historical Issues Research Project is one of four projects to be commissioned by the Trust for hapū and iwi affiliated with Ngāti Raukawa, and is part of the second

[1] Memorandum-Directions Finalising the Research Programme, 24 December 2012, Wai 2200, #2.5.58.

phase of research for the Porirua ki Manawatū Inquiry. The four projects are to be commissioned as a result of substantive recommendations contained in Dr Robyn Anderson's Historical Issues Scoping Report completed in 2014 as part of phase one of the research programme.[2]

4. The Historical Issues Scoping Report examined claims issues, the historiography of the region, recent reports, official publications and documents from National Archives, the Alexander Turnbull Library and the Māori Land Court, as well as data and analyses from existing reports. Extensive consultation on the draft Scoping Report took place to finalise and agree the Scoping Report's recommendations.

5. The Scoping Report made extensive recommendations on the structure, resourcing and methodology of further research projects. It provided an extensive section on possible source material.

6. Dr Anderson's recommendations were reached following a full scope and appraisal of the sources noted above, as well as attendance at Ngā Kōrero Tuku Iho hearings and discussions at hui held with Approved Clients, Tūmatanui Inc, Te Hono Ki Raukawa, and Tū Te Manawaroa, as well as the wider claimant community.

7. The report recommended that four substantive research reports be commissioned:

- Report one: Custom, colonisation and the Crown, 1820 – 1900
- Report two: Crown action and Māori response, land and politics, 1840 – 1900
- Report three: Māori aspirations, Crown response and reserves, 1840 – 2000
- Report four: Rangatiratanga versus Kāwanatanga, 1890 - 2000

8. A funding proposal and budget for the full Historical Issues Projects was agreed by the two Approved Clients and submitted to CFRT Trustees in November 2014. Trustees approved this funding at their November 2014 meeting.

9. The four reports document issues and events in a chronology. Where the first report focuses on introducing the claimants in terms of their occupation and ability to exercise customary rights, the second report looks more closely at the loss of land and the political relationships of the hapū with each other and with the Crown and its agents. The third report explores the creation of reserves and the ability of Māori to participate in decision making and to benefit from the arrival of settlers and land selling. The fourth and final report looks at nineteenth century processes of land individualisation, loss of land and resources, exclusion from decision making and how this affected Māori in terms of their ability to exercise mana, kāwanatanga and rangatiratanga.

For Whom Is this Project Commissioned?

10. The Historical Issues Projects are to be commissioned by CFRT for all of the hapū and iwi claims broadly associated with Ngāti Raukawa, who are participating in the Porirua ki Manawatū Inquiry. With respect to the definition of "hapū and iwi broadly affiliated with Ngāti Raukawa", the Tribunal states that their definition includes:

[2] Dr R Anderson, "Historical Issues scoping report for Hapū and Iwi broadly associated with Ngāti Raukawa", 9 December 2014, Wai 2200, # A128.

all the hapū of Ngāti Raukawa ki te Tonga and affiliated groups including Ngāti Kauwhata, Ngāti Wehi Wehi, Ngāti Tukōrehe, Ngāti Hinemata, Ngāti Hikitanga Te Paea and the hapū and iwi of Te Reureu including Ngāti Pikiahu, Ngāti Parewahawaha, Ngāti Whakatere, Ngāti Matakore, Ngāti Wae Wae and Ngāti Rangatahi.[3]

11. CFRT staff note that this definition includes ngā hapū of Himatangi (Ngāti Rakau, Ngāti Turanga and Ngāti Te Au) and ngā hapū o Kererū (including the abovementioned Ngāti Hinemata, Ngāti Takihiku and Ngāti Ngarongo). It is not practical to list here all hapū of Ngāti Raukawa ki te Tonga, but claimants are assured of their ability to participate in and engage with these projects should they self-define as a hapū of Ngāti Raukawa, Ngāti Kauwhata, Ngāti Wehi Wehi, Ngāti Tukorehe, and/or the hapū/iwi of Te Reureu.

12. This project includes Wai claimants who have chosen not to cluster within CFRT client groups. The Trust's Approved Clients for the Porirua ki Manawatū Inquiry are:

- Te Hono ki Raukawa Claims Settlement Trust;
- Tūmatanui Incorporated Society; and
- Tū Te Manawaroa.

13. Appendix I provides a map of the Porirua ki Manawatū Inquiry district. Appendix II sets out Ngāti Raukawa-affiliated hapū and iwi claims participating in the Inquiry. This includes claimants clustered with Te Hono ki Raukawa, Tūmatanui Inc, Tū Te Manawaroa and those Wai claims not presently clustered within a client group but who are invited to participate in this research project. There are approximately 49 Wai claims associated with the hapū and iwi of Ngāti Raukawa participating in the Porirua ki Manawatū Inquiry.

Project Purpose

14. The intention of the four Historical Issues Research Projects is to complement other Trust-commissioned projects, and tangata whenua evidence, to provide Approved Clients and claimants with a substantive evidential base upon which to support the presentation of their claims to the Tribunal.

15. Matua Whatarangi Winiata has suggested that the most appropriate way to examine the major historical issues in this Inquiry was by reflecting on three main questions;
    1. Where they [hapū/iwi] stood at the time the Treaty was signed;
    2. Where they might have been if the Crown had fulfilled its Treaty obligations; and
    3. Where they are now in terms of land holdings, resource access and control, and general well-being.

Project Themes and Issues: Rangatiratanga versus Kāwanatanga, 1890 – 2000

16. The "Rangatiratanga versus Kāwanatanga, 1890 – 2000" report will commence from the late nineteenth century, exploring Crown policies and practices relating to Māori and Māori land, and the impact on claimant hapū in terms of both declining resources and problems of land management. The other major theme of the report will concern

[3] Memorandum-Directions Finalising the Research Programme, 24 December 2012,Wai 2200, #2.5.58 para 7

general government legislation undermining iwi and hapū authority. This part of the report relates to broader social and cultural issues (such as tribal executives, marae redevelopment, housing, and planning rules and zoning restrictions).

17. The intention of this project is:

- To provide an overview of land management issues and land loss from c.1890 to c. 2000; and
- Discuss whether leadership was assisted – or thwarted – in efforts to exercise rangatiratanga.

18. It will describe:

- Key changes in land and other policies and the effects of those changes; and
- Key efforts by iwi/hapū to engage with land management problems and others issues of concern e.g. through Māori Councils, by the formation of Ngāti Raukawa Trust Board (1936); the Māori War effort; the Māori Women's Welfare League; marae committee; trusts and incorporations; and post 1970s political organisations.

19. Key issues include:

- The extent and location of land holdings held by claimant hapū, c.1900;
- The establishment of any Native Townships, the alienation of township sections (including compulsory alienations for public purposes), and the re-vesting of township lands;
- The creation of Kāpiti Island Public Reserve 1897; the tactics used by the Crown to acquire lands at Kāpiti Island; whether all right-holders were correctly identified; whether right-holders consented and were paid for their interests; whether this represented a change of Crown policy; and what the effect was on the whānau concerned;
- The impact, if any, of the introduction of Māori Land Councils in 1900 on land management;
- The impact of the introduction of Māori Land Boards on the leasing and sale of Māori land from 1905;
- The impact of the land alienation and administration provisions of the Native Land Act 1909 and the role of the District Māori Land Board in overseeing alienations;
- The mechanisms in place to protect claimant hapū from landlessness, and their effectiveness;
- The extent, reasons for, and conduct of Crown purchasing;
- The extent and conduct of private leasing and purchasing under the Māori Land Board regime;
- The impact of title fragmentation on Māori land holdings;
- The creation of access difficulties and land-locked blocks;
- Issues concerning the alleged mismanagement and lack of protection of Māori land and resources under the system of Māori land councils/boards and later the Public/Māori Trustee;
- The capacity to participate in other forms of state assistance, including soldier settlement after World War I and 'rehab' farms after World War II;
- The gifting of land at Kairanga and Rongotea for soldier settlement (as stated in the Ngā Kōrero Tuku Iho hearings), and subsequent utilisation (e.g. drainage);

- The extent and impact of local body rates charges including those of district councils and various boards e.g. river boards, and other local bodies on Māori land holdings; the policies and practices governing the levying and collection of rates; the government's role in any rates compromises; and compulsory alienations effected as a result of unpaid rates e.g. Taumanuka 3A cemetery;
- The provision (or absence) of land development assistance to Māori land owners, and to Māori generally, including under the Manawatū, Taumanuka, Ohinepuhiawe, and Te Reureu land development schemes, the impact on hapū and whānau e.g. at Marakarapa;
- The extent to which Crown housing assistance impacted on the location and distribution of Māori communities (including policies such as urban 'pepper potting');
- The impact of Native/Māori Land Court titles on the ability of Māori to obtain housing finance and impact of planning regimes (especially Town and Country Planning Act 1953) on rural Māori communities;
- The impact of title amalgamations, incorporations, and trusts;
- The impact of the 1953 Māori Affairs Act and compulsory alienation provisions in relation to 'uneconomic' shares and subsequent amendment;
- The impact of the alienation and 'Europeanisation' provisions of the Māori Affairs Amendment Act 1967; and
- The extent and location of land holdings held by claimant hapū, c.2000.

20. The report should also include a discussion on the general context of:

- Crown assertion of kāwanatanga powers in relation to drainage schemes, lakes and waterways, key public works takings, ownership of taonga and other important aspects of rangatiratanga (in conjunction with other CFRT commissioned reports); and
- The exercise of rangatiratanga by claimant hapū in their efforts to remedy the legacy of land legislation and engage with the 20th century economic and governance opportunities.

Roles and Responsibilities

Historian

21. The Contractor will provide technical historical expertise to Trust clients and claimants during the research project and will be responsible for the writing and production of the draft and final "Rangatiratanga versus Kāwanatanga, 1890 – 2000" report. The Contractor will provide expert advice on the evidential standard required by the Waitangi Tribunal.

    between October 2015 and December 2015.

22. The Contractor will be available for hui with hapū and iwi groups throughout the project and especially following the production of the draft version of the report to receive oral feedback. The Contractor will receive written feedback either directly from the claimant community, cultural advisors or via Trust staff.

23. The Contractor will identify any potential areas of issue overlap with other research projects and in concert with Trust staff, advise staff and claimants on the best way to manage project overlaps.

Research Assistants/Writers

The Research Assistants will work to the requirements and direction of the project's Historian. The Research Assistant will be an experienced provider who can demonstrate prior provision of effective and efficient research assistance services on historical projects, and who can demonstrate familiarity with all research repositories required to be accessed by the Historian. The role of the Research Assistants will be to locate, identify, collate and abstract archival source material for timely supply to the Historian. The Research Assistants may also have responsibility for assisting with the indexing and collation of the report's document bank.

Cultural Advice

1.
2. Cultural advisors will provide expert advice to the Contractor on matters of cultural significance to the claimants, including but not limited to advice on historical personalities, cultural interpretation of historical events and correspondence, Te Reo Māori, tikanga and customary lore. CFRT will directly contract Cultural Advisors nominated by the three Porirua ki Manawatū Approved Clients to provide cultural advice to the Historian.

24. The Cultural Advisors will work in accordance with the needs and requirements of the Historian and will be available to attend hui with hapū and iwi groups throughout the project. The Contractor/s will assist in assessing written and oral feedback from the claimants where matters within the nature of their expertise arise. The Contractors responsible for cultural advice will provide a key interface between the Historian and the Approved Clients' claimant communities. They may accompany the Historian to hui with hapū and iwi, and will provide assistance in defining claimant communities' perspectives and case theory on key claims issues. The Cultural Advisors may assist the project Historian in the identification of historical persons and any other required expertise in respect of identified historical issues.

25. The Contractors should be able to identify any areas of risk to the project where matters of cultural significance are concerned and should remain in regular communication with the Historian.

Quality Assurance

26. CFRT will commission a peer reviewer to provide an independent technical review of the draft "Rangatiratanga versus Kāwanatanga, 1890 – 2000" report which will be supplied to the Historian to take account of in their revision and finalisation of the report.

Translation Services

27. The project will be supported by translation capacity, in order to provide translation and interpretation of Te Reo Māori source material identified by the Historian and/or Research Assistant during the project. The Translators could provide translation services for more than one Historical Issues research project as required and negotiated.

Consultation with Trust Approved Clients, Claimants & Hapū/Iwi

28. CFRT will provide the Contractor with a list of Wai numbers, claimants and counsel participating in the Inquiry in addition to the appendix provided to this project brief.

29. The Contractor will be required to meet with Trust's Approved Clients and wider claimant community in the Inquiry frequently during the course of the project to ensure robust engagement with claimant perspectives and claim issues. Approved Clients may require the Contractors to meet with hapū and iwi and/or individual Wai claimants to clarify specific claims issues as the need arises. The Contractor will be resourced to undertake consultation and information-gathering hui with Approved Clients and participating claimants for the duration of the project.

30. Trust staff will organise initial introductory hui and feedback hui on the draft report. However other meetings will be the responsibility of the Contractor to organise in liaison with Approved Clients and claimant groups, and the Contractor will be required to notify Trust staff of consultation rounds with Approved Clients and claimants, and will ensure Trust staff are CCd into all important communications with claimants.

31. Approved Clients and claimants will also have the opportunity to provide written feedback on the Contractor's milestones. The Contractor will advise the Trust of any feedback received from Approved Clients, claimants or their counsel and how this has been attended to.

32. The Contractor will liaise with Approved Clients, claimants and their counsel, Waitangi Tribunal staff, and the Trust's Research Facilitator, to identify and access source material, both written and oral. Key documents and possible case studies may be identified in consultation with Approved Clients and the wider claimant community.

Sources

33. The Historical Issues Scoping report contains an extensive 153 page bibliography listing primary, secondary and archival sources relating to claims issues in the Inquiry District. The Contractor may also reference the 237-page bibliography in Dr Terrence Hearn's "The Porirua ki Manawatu Inquiry District: A Scoping Report", April 2010.

34. Repositories to be consulted include, but are not restricted to: Archives New Zealand Wellington and Auckland, National Library, Te Wānanga o Raukawa, Alexander Turnbull Library, Māori Land Court, regional libraries and any private collections or iwi repositories made available for review.

35. The Contractor should also access Diana Morrow's, "Iwi Interests in the Manawatū, c1820-1910", a report for the Office of Treaty Settlements, May 2002, and Angela Ballara's "*Iwi: The Dynamics of Maori Tribal Organisations c 1769- c 1945*", 1998.

36. Since the production of the Hearn Scoping Report, a number of reports and document banks have been filed on the Wai 2200 Record of Inquiry which should also be consulted.

37. The reports and documents of the Trust-commissioned research assistance projects are available for use and include a large number of primary source documents for review. The resources include:

- Crown and Private Purchases Records & Petitions Document Bank
- Newspapers Research & Document Bank
- Native/Māori Land Court Minutes, Index & Document Bank
- Māori Land Court Records Document Bank
- Te Reo Sources Document Banks
- GIS historical block data capture

Ownership of the Historical Issues Research Projects

38. The ownership of the "Rangatiratanga versus Kāwanatanga, 1890 – 2000" report will reside in Ngāti Raukawa ki te Tonga, Ngāti Kauwhata, Ngāti Wehi Wehi, Ngāti Tukōrehe, Ngāti Hinemata, Ngāti Hikitanga Te Paea and the hapū and iwi of Te Reureu including Ngāti Pikiahu, Ngāti Parewahawaha, Ngāti Whakatere, Ngāti Matakore, Ngāti Wae Wae and Ngāti Rangatahi.

39. The Trust will consult with Approved Clients and other Ngāti Raukawa affiliated claimants on filing the "Crown Action and Māori Response, Land and Politics 1840-1900" report on the Tribunal's Record of Inquiry.

Contracting and Reporting

40. The Contractor/s will be contracted directly to CFRT on behalf of Approved Clients and Ngāti Raukawa and affiliated claimants participating in the Porirua ki Manawatū Inquiry.

41. The Contractors' milestone reports will be distributed to Approved Clients and Ngāti Raukawa and affiliated claimants so they can keep abreast of matters arising with regard to sources, feedback and claim issues. CFRT staff will work with Approved Clients and Ngāti Raukawa and affiliated claimants to develop a mailing list to ensure all Wai claimants receive milestone reports and pānui for project hui. CFRT will not distribute those milestone reports to the entire Wai 2200 distribution list.

42. The Contractors' milestone reports will also be distributed to the personnel undertaking the other three Historical Issues Projects (set out in paragraph 7 above) in the interests of sharing information and avoiding research duplication.

Mapping

43. The Contractor will liaise with CFRT staff to ensure the production of quality maps to accompany the release of the final "Rangatiratanga versus Kāwanatanga, 1890 – 2000" report. A discussion of the likely mapping requirements should occur as early in the production of the project as possible. The Contractor is expected to provide

sufficient information and source material to support the development of the maps, and detailed feedback on draft map outputs.

44. The Contractor should be aware that CFRT has collated historical survey plans and maps relating to parent blocks, first (and sometimes second) generation partitions, and reserves within the Inquiry District and these can be supplied to the Contractor for research use and can be included in the final report.

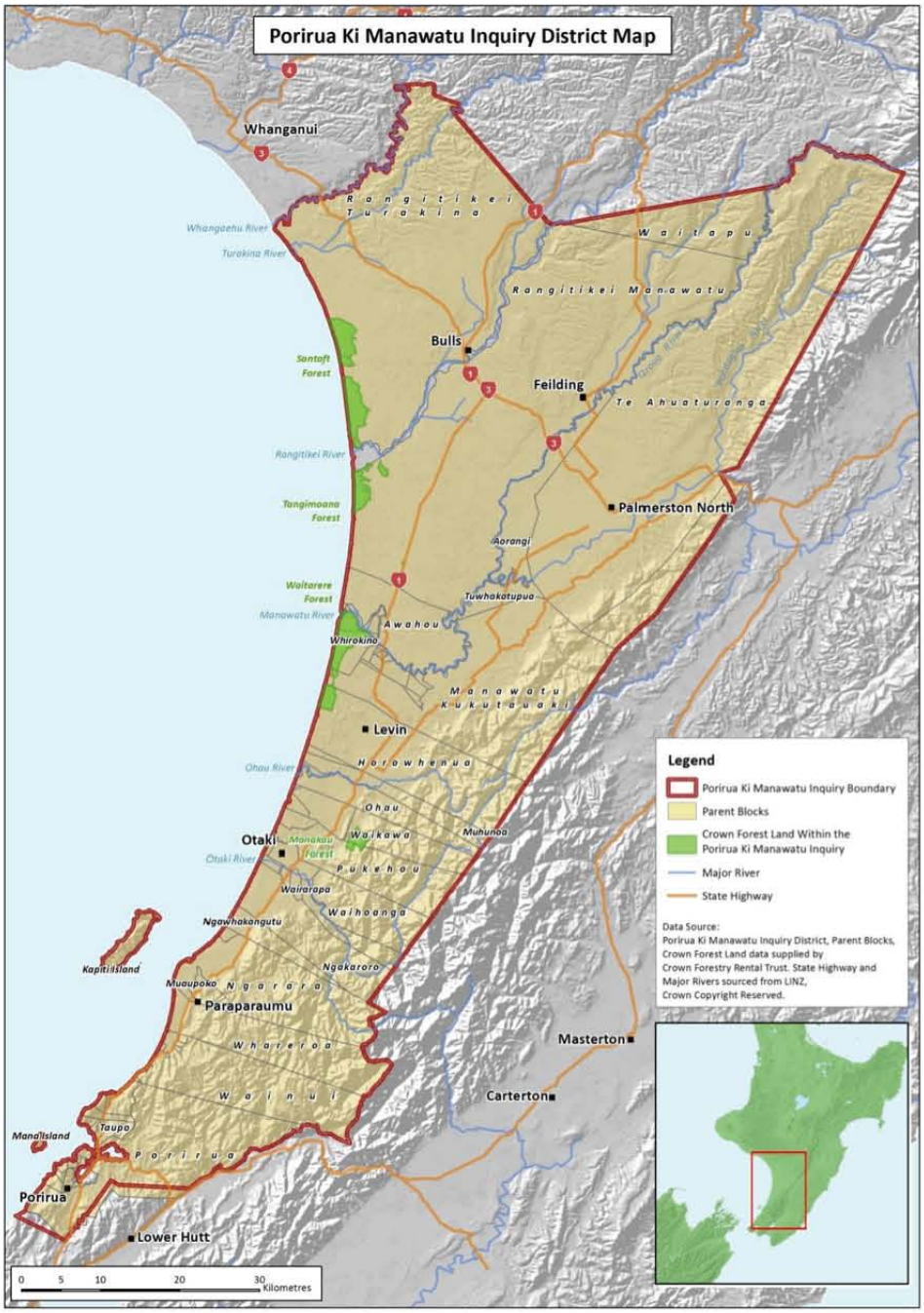
Format and Presentation

45. The Contractor will provide a hard and electronic copy of the draft and final reports in MS Word to CFRT. The Contractor will fully proof, edit and reference the draft and final reports and ensure that it complies with the CFRT's Style Guide.

46. The Contractor will submit all historical images, historical maps and photographs used (if any) in JPEG format with a DPI of 300 or more.

47. The Contractor will also submit a document bank of key supporting documentary sources with the final "Rangatiratanga versus Kāwanatanga, 1890 – 2000" report in both electronic and hardcopy format. The document bank will be indexed and paginated.

Appendix 1: Map of Porirua ki Manawatū Inquiry District



Appendix 2: Claims of Hapū and Iwi Associated with Ngāti Raukawa participating in the Porirua ki Manawatū Inquiry

Te Hono ki Raukawa claims

Wai number	Named claimants	Name of claim	Hapū
407	Turoa Kiniwe Royal and Robert Cooper	Parikawau-Ohau Lands Claim	
437	Whatarangi Winiata	Koha Ora and Church Mission Society Land claim	
651	Turoa Karatea and Anthony Nopera Karatea	Te Reureu Lands claim	
767	Te Awanuiarangi Black	Moutere Tahuna No 2 Block and other Otaki Lands claim	
1461	Dennis Emery	Ngāti Kauwhata ki te Tonga and Rangitīkei-Manawatū, Reureu blocks and Awahuri reserve lands claim	Ngāti Kauwhata
1580	Whatarangi Winiata and Annabel Mikaere	Ngāti Raukawa (Winiata/ Mikaere) claim	
1610	Piripi Walker	Walker Whanau Claim	
1619	John Kereopa and John Rewiti	Ngāti Parewahawaha (Reweti) claim	
1623	Turoa Karatea, Mason Durie, Danny Karatea-Goddard, Sue Herangi	Ngāti Rangatahi kei Rangitikei claim	Ngāti Rangatahi
1630	Heitia Raureti	Ngāti Kapumanawawhiti claim	Ngāti Kapumanawawhiti
1638	Ipimia Arapata	Descendants of Ngahuia Anderson claim	
1660	Oriana Paewai	Ngāti Kauwhata ki te Tonga (Paewai) claim	Ngāti Kauwhata
1729	Sara Poananga	Ngāti Kauwhata ki te Tonga Settlement Process claim	Ngāti Kauwhata
1815	Kahu Stirling	Ngāti Kauwhata ki te Tonga (Stirling) claim	Ngāti Kauwhata
1872	Hare Arapere and Puruhe Smith	Ngāti Pikiahu claim	Ngāti Pikiahu
1936	Maruhaeremuri Stirling	Ngāti Kauwhata ki te Tonga Public Works Takings (Stirling) claim	Ngāti Kauwhata
2032	Lee Iranui Lee	Ngāti Kauwhata ki te Tonga Rating Policy claim	Ngāti Kauwhata

2199	Kim Poananga	Mana Tane Claim	Ngāti Kauwhata
2261	Kim Poananga	Returned Māori Soldiers Claim	Ngāti Kauwhata

Tūmatanui claims

Wai number	Named claimants	Name of claim	Hapū
113	Iwikatea Nicholson	Ngāti Raukawa ki Te Tonga claim	
256	Rupene Waaka & Te Waari Carkeek	The Taumanuka 3A Cemetery - Otaki Claim	
267	Rupene Waaka	Palmerston North Hospital Claim	
366	Wayne Herbert	Hutt Valley Land Claim (Ngāti Rangatahi)	Ngāti Rangatahi
408	Ngawini Kuiti	Waiwiri block claim	
757	Wayne & Mark Kiriona	Ngāti Raukawa Fisheries claim	
784	Rodney Graham	Ngā Uri o Ngāti Kauwhata ki te Tonga claim	Ngāti Kauwhata
972	Edward Penetito & the Kauwhata Treaty claims committee	Te Kōmiti Marae o Kauwhata claim	Ngāti Kauwhata
977	M Morgan-Allen & Hikitanga Te Paea	Ngāti Hikitanga-Te Paea Horowhenua Lands Claim	Ngāti Hikitanga Te Paea
1064	Robert Herbert & Robert Johnathan	Ngāti Rangatahi Public Works Claim	Ngāti Rangatahi
1073	Petuere Kiwara	Mark McGhie	
1482	R Orzecki, P Jacobs, R Miratana, T H Hakaraia	Te Kotahitanga o Ngāti Wehi Wehi claim	Ngāti Wehiwehi
1932	Ngawini Kuiti & Carnavon 382 & 383 Koputara Trust	Koputara Reserve Claim	
2031	Simon Austin	Descendants of Wallace Whānau claim	

Tū Te Manawaroa claims

Wai number	Named claimants	Name of claim		Hapū
476	Horomona Parata Heperi and whānau	Ohau 3 Claim		
648	Grace Saxon	George Hori Thoms and Colonial Laws of Succession Claim		
1618	Milton Rauhihi, Ted Devonshire and Hayden Turoa	Ngā Hapū o Himatangi claim		Ngāti Rakau, Ngāti Turanga, Ngāti Te Au

1625	Te Waari Carkeek and Enereta Carkeek	Descendants of Te Rangihaeta, Te Rangitopeora, Matene Te Whiwhi and Heeni Te Whiwhi Te Rei claim		
1626	Te Waari Carkeek	Descendants of Hoani Te Puna I Rangiriri Taipua claim		
1764	John Te Hiwi Jnr	Te Hiwi Whānau Claim		Te Matewaea
1913	Kelly Bevan, Fiona Wilson, Martin Wehipeihana	Te Iwi o Ngāti Tūkorehe Trust Claim		Ngāti Tukorehe, Ngāti Te Rangitawhia, Te Mateawa, Ngāti Kapumanawhiti
1944	Te Kenehi Teira and others	Hinemata Hapū Claim		Ngāti Hinemata, Ngāti Takihiku and Ngāti Ngarongo

Unclustered claims

Wai number	Named claimants	Name of claim	Hapū
493	Hokio Māori Native Township, Hoko Boys School and Waitarere Forest Claim	Tom Waho and others	
979		Larry Parr	Ngāti Hikitanga
1260	Ngāti Waewae Lands Claim	Louis Chase, John Reweti and Wiremu Kane	Ngāti Waewae
1432	Descendants of Tumatakokiri Claim	Edward Francis Karaitiana	
1640	Ngāti Whakatere ki te Tonga claim	Te Meera Hyde, Te Huihuinga Tamara Sprott, Ngaroi Gilman, Peta Ann Kohika, Moana Mannsell, Robyn Kararaina Kohika, Huhana Susan Anderson, Ani Rauhihi, Tracey Robinson, Rhea Hyde and Amira Lena Tita Wikohika	
2093	Muaūpoko Lands (Brownie) Claim	Jean Brownie	Muaūpoko and Ngāti Raukawa
2167	Ngāti Kauwhata Lands (Mckinnon)	Te Heke Ihaia	Ngāti Kauwhata

	Claim	McKinnon	
2197	Rangitīkei River Lands (Heitia) Claim	Oma Heitia	
2232	Native Townships Act Claim	WM McGregor	
2299	Ngāti Te Kapuarangi (Fitzgerald) Claim	Lorene Fitzgerald	Ngāti Te Kapuarangi
2361	The Kapiti And Motungararo Islands (Webber) Claim	Christian Webber	Te Atiawa, Ngāti Toa, Ngāti Raukawa

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3/9773 Aorangi 1 Section 4C5

3/8383 Aorangi 1 Section 4C6 Part

3/8960 Aorangi 1 Section 4E1

3/9450 Aorangi 1 Section 4E2

3/9373 Aorangi 1 Section 5A1A1

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3/8348 Aorangi 1 Section 5B2B

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