Porirua ki Manawatū Inquiry District

Public Works Issues

A Report Commissioned by the Crown Forestry Rental Trust

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1. Introduction

1.1 The Authors

This report has been written by historians Heather Bassett and Richard Kay. Heather has a BA(Hons) degree majoring in history from Waikato University, and Richard has BA degree from Otago University and a MA(Hons) degree in history from Waikato University. Together, Bassett Kay Research has worked in the field of research for Treaty of Waitangi claims since 1995, and completed 40 historical research reports.

A number of previous research reports by Bassett Kay Research have dealt with issues relating to the compulsory acquisition of Māori land under the Public Works Act and similar legislation. These reports have examined the Crown acquisition of Māori land for aerodromes, quarries, rifle ranges, railways, schools, scenic reserves, water supply purposes, motorways and roads, sewage ponds, telecommunications purposes, transmission lines, and harbour works.

Dr Terence Green provided some research assistance gathering documents from Archives New Zealand in Wellington. Dr Green has a Masters of Arts from Victoria University and Phd in political science from Columbia University. He was part of the Ngāti Raukawa Treaty of Waitangi research team.

1.2 Project Brief

The requirements and parameters for the Public Works Issues report are laid out in the project brief drawn up by Crown Forestry Rental Trust (CFRT). The project brief was developed after consultation with approved clients, claimant groups and the Waitangi Tribunal and was circulated to claimants before this project was commissioned. The project brief set out the purpose and general requirements:

> ***Project Purpose:***
> The Public Works Issues report will examine the nature, extent, and impact of the compulsory acquisition of Māori land in the Porirua ki Manawatū district. It will consider all forms of acquisition under public works and related legislation, including land taken for roads. The report will analyse all public works takings in the inquiry district providing an overview of the scale of land loss, the nature of the acquisitions, and an in-depth coverage of a selection of case studies.
>
> Particular consideration for case studies will be given to the Paraparaumu Airport, North Island Main Trunk railway takings (and its private-sector predecessor), Kāpiti Island, river control works, takings for public roads (notably

> for what is now State Highway One), and takings for post offices and other government building sites. Other acquisitions could include: Waikanae harbour, Tītahi Bay land acquisition, and lighthouses. An important first step will be seeking advice from Approved Clients and claimants as to their particular concerns about land which was acquired for public purposes, which will direct the selection of final detailed case studies.
>
> The report will include a review of public works and related legislation as it affected the taking of Māori land for public works purposes in the Porirua ki Manawatū inquiry district, and will consider these affects in comparison with other districts.
>
> In the process of completing this report the Contractor will compile a database (in Excel spreadsheet format) identifying all takings under public works and other related legislation, and providing detailed information of the taking. The database should include the following (if available): the block name; the quantity of land taken; when it was acquired; the access it may have provided to other resources (such as water, oil, minerals, fisheries); the legislative provisions used; the amount of compensation offered and/or paid; the applicable reference/s in the *New Zealand Gazette*; the relevant plan number; Block and Survey District information; departmental file references; date of revocation; and any other information related to the takings deemed useful. As public works takings are not conveniently recorded as a group in one finding aid, compiling the database will likely be the largest research task for the project.

The project brief then listed a number of topics to be considered including; the purposes for which Māori land was acquired; the impact of land acquisition on the relationship between Māori and the Crown; the gifting of lands; notice, consultation and compensation procedures; protections for important sites; the disposal of land no longer required for public purposes; the role of local authorities; and scenic reserves.

A scoping report for the project was released in September 2016. In regard to the case studies suggested in the project brief, the scoping report explained that the Crown did not acquire Kapiti Island under public works legislation or related legislation, and the acquisition of blocks awarded to Ngāti Toa interests had already been dealt with under the Ngāti Toa deed of settlement (see Section 1.4). In liaison with Dr Grant Young, it was decided that the outstanding claims relating to Kapiti Island would be more correctly dealt with in the 'Ngāti Raukawa Rangatiratanga and Kāwanatanga: Land Management and Land Loss from the 1890s to 2000' report. Similarly it was decided that the suggested case study of the development of Titahi Bay for housing would not be appropriate due to the Ngāti Toa Deed of Settlement (see below).

In May 2018 parts of this report were released in the 'Preliminary Report on Te Atiawa/Ngāti Awa ki Kapiti Public Works Case Studies'. This was done to make the information relevant to the Te Atiawa/Ngāti Awa ki Kapiti available to counsel in time to particularise statements of claim for the Te Atiawa/Ngāti Awa ki Kapiti hearings which got underway in mid-2018. The material in the preliminary report has been included in this report.

In September 2018 a full draft 'Public Works Issues' report was released. A series of hui were held in the region in October 2018 to discuss the draft.

1.3 Defining Public Works: 'Taking' or 'Purchase'

An important first step is to explain the precise form of Crown land aquisition which is the subject of this report. This project has been largly designed to follow the model of public works reports already completed in other inquiry districts, most recently the 'Public Works and Other Takings in Te Rohe Potae District' report by David Alexander.[1] We have been guided by the approach Alexander took to defining the types of public works takings which will be the focus of the written report.

The Public Works Issues report is one of a series of research reports which separately detail the various means by which the Crown acquired Māori-owned land in the district. The majority of such acquisitions were achieved as part of the Crown's programme of general land purchasing, whereby large blocks were acquired through negotiation with Māori. These purchases were made for 'settlement' purposes, as land which the Crown would subdivide and on-sell for Pakeha settlement mainly as rural farms, but also suburban or township sections. At various times the Crown would also undertake infrastructure developments as part of preparing the land for settlement by laying off and constructing roads, and setting aside part of the purchased lands for public facilities such as post offices, police stations and other reserves. The important factor to note is that such public facilities were provided for *after* the land had already been alienated from Māori, and were developed on what was by then Crown land.

[1] David Alexander, 'Public Works and Other Takings in Te Rohe Potae Inquiry District', CFRT, December 2009, pp. 12-13, Wai 898 #A63.

Public works takings, on the other hand, were situations where the Crown had already determined on the need for, and location of, a public facility, and *then* took steps under the Public Works Act (and related legislation) to acquire the land, usually by compulsory taking. Thus, unlike the more general overview reports, the Public Works Issues report will be focused on a specific type of land acquired by the Crown – that is '*land acquired by the Crown for particular public purposes'*, to use the definition developed by Alexander.[2]

Land which became the site of a police station for example, might be viewed today as land which has a public purpose, but the history of the land shows the means whereby it was acquired from Māori was as part of a larger earlier Crown purchase rather, than under the Public Works Act (or related legislation). In the Porirua ki Manawatū district very large blocks were purchased by the Crown relatively early, and private syndicates subsequently became involved in some land and infrastructure developments. For the purposes of claims to the Waitangi Tribunal this means that for some commonly considered 'public works', the potential breach of the Treaty of Waitangi lies in the way the wider block was earlier alienated from Māori ownership, rather than a breach related to the Public Works Act or similar legislation.

The most self-evident form of 'land acquired by the Crown for particular public purposes' are lands taken under the various Public Works Acts. However, the project brief also refers to 'related legislation', such as the Scenery Preservation Act, gifting of land for schools, and roading. Alexander identified three key categories:

1. Lands taken specifically for road under a statutory mechanism that allowed for compulsory acquisition with no prior consultation, and with no payment of compensation. Originally established in order to prevent the development of gaps in a network of roads that would enable colonisation of the country, this mechanism came to be viewed by the Crown as a right that could be used as a first resort to take land for road, before it became necessary to use an alternative taking procedure under which compensation had to be paid.

2. Lands acquired by consent, but also with no payment of compensation. These giftings of land were for a particular purpose; primarily they were lands to be used for the establishment of schools for Maori communities, although they could also be for other community facilities. In the case of sites for Native schools, the Crown's policy of "no gift of land, no school" meant that there was a large element of coercion involved.

[2] ibid

3. Lands taken using the procedures established under the Public Works Acts. Although initially the takings were usually compulsory, with no consent given by the owners, from the early 1960s Crown policy changed and obtaining prior consent became the norm. The Acts intended that compensation would be paid, although in some instances the Native Land Court ordered nil compensation awards, thereby effectively turning those takings into giftings.[3]

The focus of the report has naturally been on the third category, with the first category discussed in the Roading Section. Some examples of gifted land have arisen in other different Sections of the report.,

1.4 Scope of Report

1.4.1 Geographic Scope

In terms of geography, the scope of this report was defined by the Waitangi Tribunal's Porirua ki Manawatū Inquiry District boundaries, as shown on Map 1. The district is essentially the strip of land between the Tararua and Ruahine Ranges and the West Coast, running from the Whangaehu River in the north to a point south west of the Wellington suburb of Tawa.

The Public Works Takings Porirua ki Manawatū Spreadsheet includes takings from the entire district from the Whangaehu River to just south of Tawa in Wellington. However, at the northern, southern and eastern extremity of the inquiry district, iwi claimant groups have already achieved negotiated settlements with the Crown. There are at least three Deeds of Settlement made with groups whose area of interest includes parts of the Porirua ki Manawatū inquiry district:

- Ngāti Toa Rangatira Deed of Settlement;
- Ngāti Apa (North Island) Deed of Settlement;
- Rangitane o Manawatū Deed of Settlement.

The impact of the Deeds of Settlement is to remove any claims included in the settlement from the jurisdiction of the Waitangi Tribunal. In relation to claims which overlap with the Ngāti Toa settlement in 2012 the Waitangi Tribunal said:

[3] ibid, p. 15.

> We will not hear claims made to lands where they relate to rights derived from Ngāti Toa, even if these fall within the Porirua ki Manawatū inquiry district. Neither will we commission research or hear issues which have been reported on in other inquiries, even if they cover lands in the Porirua ki Manawatū inquiry district.[4]

The case study content of this report has therefore focused on takings that are relevant for the claimant groups participating in the Porirua ki Manawatū Waitangi Tribunal hearings. In broad terms this means that public works takings from the area north of the Turakina River, and from the Porirua basin have not been researched as case studies for this report [with the exception of land taken for broadcasting and other purposes at Whitireia which is included in Statements of Claim from groups affiliated with Ngāti Raukawa and Te Atiawa / Ngātiawa]. Therefore the Porirua lands which were subject to substantial public works takings in the twentieth century for housing and town centre development, but which involved land most closely associated with Ngāti Toa, and claims which were included in the Ngāti Toa settlement, have not been discussed in this report.[5]

Thus discussion in the report about the overall impact of the Public Works Act in the district would be more correctly described as the impact of the Public Works Act in the Kapiti, Horowhenua, Manawatū and lower Rangitikei districts. This reflects the experience of the claimant groups who are actively engaging in the Waitangi Tribunal's inquiry.

While the focus of this written report was limited, the quantitative research PKM Public Works Takings Spreadsheet does include *all* public works and associated takings within the full boundaries of the inquiry district. All proclamations under the Public Works Act published in the *New Zealand Gazette* of land between Tawa and the Whangaehu River have been included. The spreadsheet can be filtered by land survey district to exclude certain parts of the inquiry district if required. Further information can be found in Section 3.

[4] Memorandum-Directions (No. 58) of Deputy Chief Judge CL Fox, Presiding Officer, Sir Tamati Reedy (Emeritus Professor), Dr Grant Phillipson and the Honourable Sir Doug Kidd, 24 December 2012, Wai 2200 #2.5.28, paragraphs 23-24.

[5] The Crown's development of the Porirua basin and taking of Māori land under the Public Works Act is examined in R.P. Boast and B.D. Gilling, 'Ngāti Toa Lands Research Project: Report 2: 1865-1975', CFRT, September 2008, chapter 11, Wai 2200 #A206.

1.4.2 Overlapping Issues with Other Reports

The public works issues report is part of a programme of separate technical research reports which have been written for the Porirua ki Manawatū inquiry district. There have been some issues relating to the use of Māori land for public works which have also fallen into the scope of other reports.

The nature of public works means that as land was required for public infrastructure, and then public facilities were constructed, there were flow-on environmental transformations and changes which have been of concern to local Māori communities. This naturally leads to overlaps between the public works research and the 'Environmental and Natural Resource Issues' and 'Inland Waterways Historical' reports.[6] In these cases the public works report examines the processes used by the Crown to acquire the land and ceases at the point when the land was declared Crown land and compensation paid. Apart from any objections made before the land was taken, the public works report does not investigate the impact the taking has had on the environment, or the way the Crown has managed the land since acquiring title. These matters fall more naturally into the environmental or waterways reports.

A large number of public works takings in the district were initiated at a local government level, which causes some overlap with the 'Local Government Issues' report by Suzanne Woodley.[7] That report should be consulted for more information about how agencies such as road boards operated, discussion about Māori representation and consultation with Māori on local developments, the effect of the Town and Country Planning legislation, and for some matters relating to resource consent applications for public works.

David Alexander's 'Rangitikei River and its Tributaries Historical Report' spanned the full length of the Rangitikei River for both the Taihape and Porirua ki Manawatū inquiry districts.[8] Alexander's report includes research on two specific public works

[6] Vaughan Wood et al, 'Environmental and Natural Resource Issues Report', CFRT, September 2017, Huhana Smith, 'Inland Waterways Cultural Perspectives Technical Report', CFRT, 2017.
[6] Suzanne Woodley, 'Porirua ki Manawatū Inquiry District: Local Government Issues Report', CFRT, June 2017.
[8] David Alexander, 'Rangitikei River and Its Tributaries Historical Report', CFRT, November 2015, Wai 2200 #A187.

matters raised by claimants, the taking of land from Te Reu Reu for the Onepuehu Bridge, and land taken as a consequence of the realignment of the river at Ohinepuhiawe. Further discussion about overlaps with this report can be found in the Section 6.

1.5 Structure of Report

The report starts with an introduction to the key features of the legislation which authorised Māori land to be taken for public purposes. **Section 2** covers not only the Public Works Acts, but also the provisions of the Māori land laws which allowed for roads to be taken from Māori land blocks, both with and without compensation. The section explains how the first public works legislation was developed as part of plans to encourage and expand European settlement and was tied to the idea that improving infrastructure and regional economic development could be a peaceful means of cementing Crown authority over areas which were still Māori dominated. The summaries of the various Acts focuses on the different requirements for taking land from Māori as opposed to European ownership.

Section 3 explains the contents of the accompanying Porirua ki Manawatū Public Works Takings Spreadsheet, which lists every acquisition of land under the public works and associated legislation which was proclaimed in the *New Zealand Gazette* between 1876 and 2010. The data contained in the spreadsheet is analysed to discuss the number of takings from Māori ownership as a proportion of takings from all types of ownership. This proportion is compared with data collected from other inquiry districts. Further trends relating to the impact of the public works legislation over time, and the geographical spread are discussed. The spreadsheet analysis identifies that the predominant reason for the acquisition of Māori land was for roading purposes.

The case studies in the remainder of the report are arranged thematically based on broad categories of the purposes for which the land was acquired.

Section 4 covers the use of Māori land for roading purposes. As road takings make up 73 percent of the number of all takings of Māori land, this is a large Section which covers a broad range of acquisitions. It begins by explaining how tracks and roads were provided across Māori land prior to the introduction of public works legislation through

negotiation between officials and local rangatira. It also emphasises how many Māori communities participated in the construction of roads, along with arrangements to provide land for ferry crossings. The compulsory acquisition powers were first used to acquire Māori land for roads in 1881. The section contains case studies of different main road lines which were laid out between 1881 and 1910 under the system of warrants issued by the Governor or Chief Surveyor. The case studies reveal growing Māori dissatisfaction with the taking of land for roads without compensation, and repeated failings by surveyors and road taking authorities to meet the proper legal requirements. The way roads were laid out over the Reu Reu reserve is the subject of detailed case study, which provides an example of a road being taken solely from Māori land rather than along the boundary between the Māori and European-owned block. Section 4 then examines the way Māori land was taken from roads in the twentieth century, both under the power of the Native Land Court to declare public roads, and under the Public Works Act. The section concludes by focusing on the Kapiti Expressway, from initials plans in the 1950s through to recent developments in the 2010s, particularly the legal action taken by Patricia Grace to prevent land being acquired from one section at Waikanae.

The first use of the public works legislation in the district was for railway purposes. **Section 5** covers the three portions of the railway network in the district: the Whanganui to Manawatu railway; the Foxton to Manawatū line, and the railway from Wellington to Longburn which was constructed by the private Wellington to Manawatū Railway Company, under legal authority from the Crown. The section also includes the taking of land at Kakariki by the Railways Department for a ballast pit, and the way that the owners secured an agreement that the land would be returned when no longer required.

Section 6 looks at the impact of the public works and related legislation on waterways and wetlands in the district. It includes case studies of Māori land taken from riverbanks and riverbeds for river control and flood protections schemes along the Waikanae, Otaki, Oroua and Rangitikei Rivers, and the land taken for the Whirokino Cut on the Manawatū River at Foxton. The section concludes with land taken for drainage purposes from Lower Aorangi 3 and the subsequent Native Land Court compensation hearing which illustrates the way the public works acts and the compensation system did not recognise the value placed on wetlands by Māori communities.

Section 7 focuses on land taken for scenic and recreation reserves. It includes the Paraparaumu Scenic Reserve, Hemi Matenga Scenic Reserve, and the areas of Māori land taken for Queen Elizabeth Park at Paekakariki.

Section 8 covers the history of Paraparaumu Airport. It includes details of how the Crown acquired land from Māori for the airport, including the degree of consultation and the compensation paid. It then explains the process created by the Crown to transfer the land into private ownership without first offering it for sale to the descendants of the former owners as required under the Public Works Act 1981. The subsequent investigations carried out by Crown agencies are examined, along with a brief discussion of ongoing attempts by local Māori to prevent commercial developments on the airport land.

The site of Otaki Hospital and Sanatorium is discussed in **Section 9.** It explains the background to the plans for the sanatorium, and how land was acquired from the Church Mission Trust and neighbouring Māori blocks. It concludes with a brief discussion of the way the site was used since the Sanatorium was closed and its current status.

Section 10 looks at Māori land used for education related purposes. Some of the school sites were donated, while others were purchased by the Education Board, and in other cases land was taken under the Public Works Act after negotiations with the owners. This section also include the history of the land taken from Hokio Māori Township and Hokio A for the child welfare institution and school at Hokio Beach.

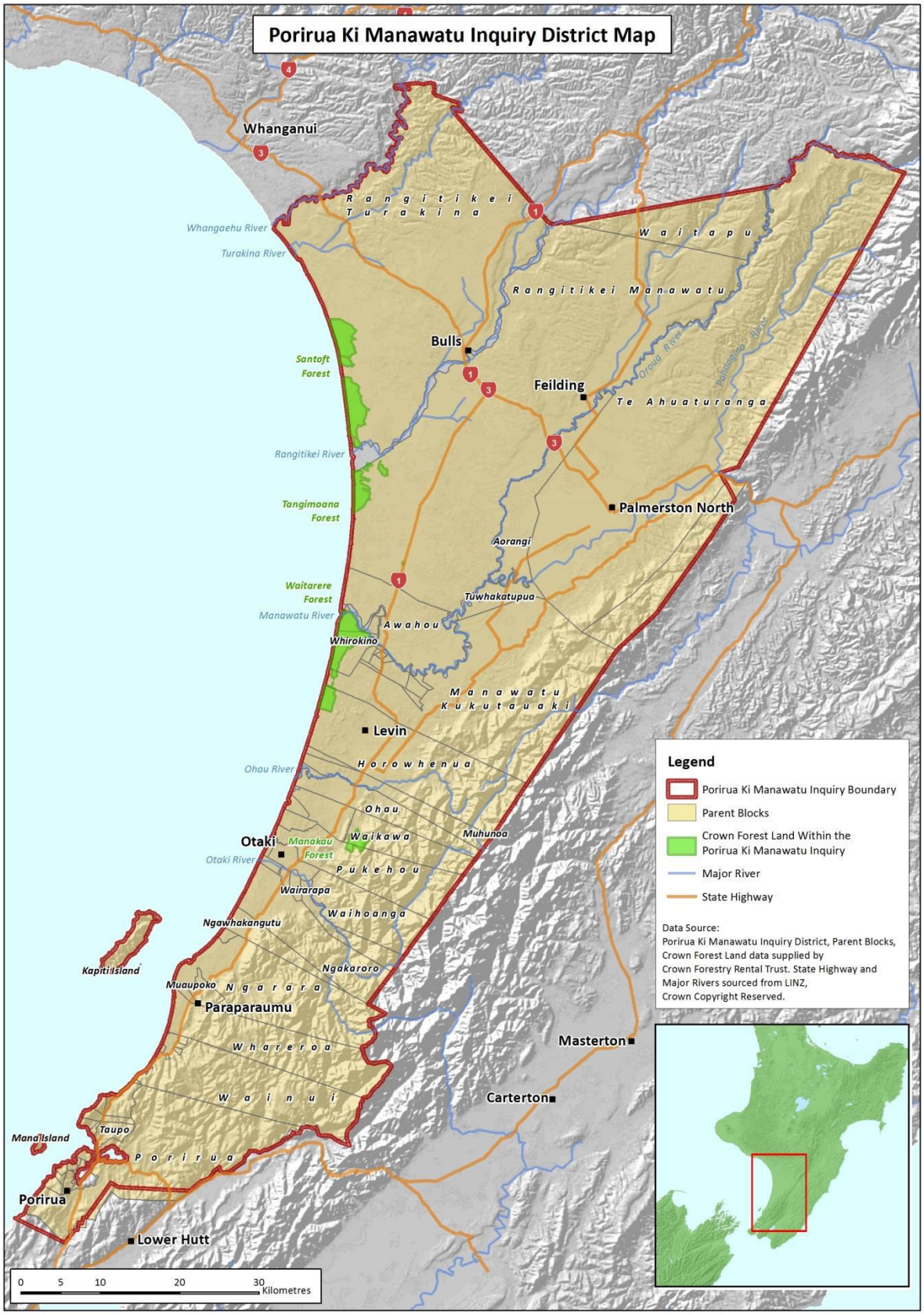
Section 11 covers land taken for post office sites at Waikanae and Ohau, along with small areas acquired for telecommunication equipment. It then examines the land taken from the Otaki and Porirua Trusts Board at Whitireia for better utilisation, part of which was used for broadcasting purposes as part of the transmitter station at Titahi Bay. The section explains how the Crown persisted with acquiring the land in the face of repeated opposition and refusal from the owners.

Section 12 is a miscellaneous collection of case studies. It includes the original site of the Otaki courthouse; land taken for a defence force fuel depot at Kakariki; a claim for

injurious affectation regarding the Mangahao power scheme; a small area acquired for water supply purposes for Lake Alice Hospital; land acquired by agreement with the owners for the horticultural research institute at Levin; and land taken and purchased from Māori around Whakarongotai Marae for the development of Waikanae Town Centre.

The report is accompanied by a digital document bank of the records cited in the footnotes. The letters and numbers in square brackets in the footnotes (ie – [DSCF 5432]) are image numbers for the document bank.

Throughout the report when sources have been quoted, the names of Māori places and individuals are spelt as they were in the original source.



Map 1: Boundaries of the Porirua ki Manawatū Inquiry District

2. The Legislative Framework

The legislation which allowed the Crown to compulsorily acquire Māori land for specified public purposes had two main strands: the Public Works Acts; and provisions in the Native Land Acts which allowed Māori land to be set aside for roads without compensation. Issues relating to the use of Māori land for public works have been considered in many previous Waitangi Tribunal Inquiries, and have been the subject of a number of comprehensive research reports. Published Waitangi Tribunal reports have summarised the legal and policy changes, and discussed whether they were in accordance with the principle of the Treaty of Waitangi.

This Section provides a brief overview of the main legislative developments regarding the Public Works Act, and other powers allowing Māori land to be used for roading purposes. It should be noted that this Section has been compiled mainly from the work of previous researchers and Waitangi Tribunal reports. While the Acts themselves have been consulted no further research has been carried out into general Crown policy development regarding the compulsory acquisition of land for public works. Instead research has focused on the implementation of these Acts in the Porirua ki Manawatū inquiry district. The purpose of this Section is to provide the necessary context of the Crown's legal powers and requirements regarding the takings discussed in the body of the report, rather than a wider Treaty analysis of those powers.

While the main Acts are discussed in this Section, further details about specific legal powers are also discussed where relevant in the separate Sections relating to different types of land acquisition. This specific Railways Act and the provisions in regard to taking land for railway lines are discussed in the Railways Section.

2.1 The Power to Take Land for Roads without Compensation[9]

As will be the seen, the first 'roadways' throughout the district were largely existing Māori tracks. The main road to travel through the area was largely along the beach/coast north of Paekakariki, with small diversions to cross the many large rivers. At this time,

[9] The following Section is largely based on David Alexander's summary of the various ways the Crown could obtain Māori land for roads in 'Public Works and Other Takings in Te Rohe Potae District', pp. 58-72.

roadways were more equivalent to access ways, in that they crossed over Māori land without the need for the land to be held in Crown ownership. David Alexander has explained that from the 1860s roads became more standardised, and had to be held in Crown ownership to guarantee public access:

> The more relaxed practices of the earlier years, which might be said to be closer to the principles of partnership that were supposed to be fostered under the Treaty of Waitangi, gave way to a more rigid and separatist approach that distinguished between public roads and adjoining private lands. These distinctions have today developed into a virtual industry, where each minor realignment of a road has to be accompanied by a survey and adjustments to the under land ownership pattern.[10]

The requirement for legislative action for minor road realignments is evident in the Public Works Takings Spreadsheet, where the vast majority of takings gazetted in the PKM district are very small areas of land taken for road purposes.

As the Crown purchased large blocks of land, which it then subdivided for Pakeha settlement, part of the process involved the laying off of road lines so that each parcel of land would be provided with access. The principle of ensuring access meant that when the Crown relinquished its pre-emptive right to purchase Māori land to allow for private purchasing, provisions were made to ensure that adequate road access would be provided. As Pakeha could purchase from Māori a block of land which included a track used for public access, the Crown wished to prevent the private landowner from obtaining the freehold to such tracks and then conceivably preventing public access. The Native Land Act 1862 therefore allowed, under Section 27, that when a block had been purchased from Māori, the Crown had the right to lay out public road lines over the block, which became vested in the Crown. The amount of land which could be so taken as a road was limited to no more than 5 acres per 100 acres. This became known as the five percent provision.

The Native Land Act 1862 was largely inoperative, and was then replaced by the Native Land Act 1865. While the five percent provision in the 1862 Act had been limited to land purchased from Māori, the 1865 Act applied the provision to Māori freehold land which had passed through the court. Cathy Marr has discussed how this policy was

[10] Alexander, 'Public Works and Other Takings in Te Rohe Potae District', p. 58.

likely derived from the Second Taranaki War when the military were prevented using a wagon road across Māori land.[11] At this time New Zealand politicians sought the opinion of the Colonial Office in Britain as to whether or not the settler government had the power to make a road across Māori land. The Secretary of State in Britain advised against attempting to force a road through Māori land, on the basis of Māori rights under the Treaty of Waitangi, and that special legislation would be required. Marr says he 'was convinced that the proposed appropriation would be considered a violation of native rights, would be resisted, and would provoke resentment and general mistrust of British good faith'.[12]

Section 76 of the Native Land Act 1865 allowed up to five percent of land to be taken for roads out of any land which had passed through the Native Land Court and had been issued with a Crown Grant. The right to take roads had to be exercised within ten years of title being issued. There was no requirement for Māori land owners to agree to the road line, and the only protection provided was designed to avoid disturbing sites of direct occupation: 'nothing herein contained shall authorise the taking of any land which shall be occupied by any buildings, gardens, orchards, plantations or ornamental grounds'. This limited list of exclusions was based on European understandings of what kind of land use was valuable, and did not include other aspects which may have been important to Māori land owners such as mahinga kai or wahi tapu (although Section 106 of Native Land Act 1873 expanded the list of exclusions to include 'burial grounds' this was narrowly interpreted as cemeteries in the European sense, rather than other forms of wahi tapu). Perhaps most importantly, no compensation was to be paid for the land set aside for roads.

After researching the use of the five percent provision in three inquiry districts, Alexander has concluded that it had 'huge consequences' for Māori. He has summarised the many ways it impacted on Māori land ownership and economic engagement:

> Although it might be argued that the provision of public roads would enhance the Māori land through which the roads passed, better enabling Māori to engage in commerce with the wider community, and thereby being of benefit to the

[11] Cathy Marr, 'Public Works Takings of Māori Land, 1840-1981', Waitangi Tribunal Rangahaua Whanui Series, National Theme G, 1997, pp. 48-53.
[12] ibid, p. 52.

> Māori landowners, such an argument is a weak one. Māori almost never asked for their land to be taken for public roads. The routes of many roads were often defined because of the ability to reach and service adjoining privately-owned and Crown–owned lands, rather than to establish a pattern for the benefit of use of the Māori-owned land. On constrained sites, such as in narrow valleys, newly developed roads could be quite destructive of, or in competition with, existing occupation patterns. Because Māori had no access to government land development funds, unlike the many indirect subsidies available to European settlers, there were limited opportunities for Māori to take advantage of the improved access provided by the roads. If anything, the most significant 'benefit' provided by public roads to the Māori-owned land through which they passed was to make that adjoining Māori-owned land more attractive to European purchasers. Certainly, given the overwhelming support for purchase and development by Europeans of Māori-owned land that was provided by the totality of the legislation passed during the nineteenth and early twentieth centuries, the loss for Māori of ownership of lands adjoining public roads turned out to be the most significant outcome of the powers that the Crown gave to itself in 1865.[13]

The five percent provision was repeated in the subsequent major Native Land Acts for the next six decades, with some changes along the way that generally expanded the power of the Crown. The Native Land Act Amendment Act (No 2) 1878 extended the length of time after a Crown Grant was issued within which roads could be taken from 10 to 15 years (Section 14).[14]

Another important change was made by Section 23 of the Public Works Act 1882, which extended the power to take roads under the Native Land Act 1873 to include land held under a Native Land Court certificate of title or memorial of ownership. Previously, the right was limited to Crown Grants, but the reality was that after blocks of land had been awarded Native Land Court titles or memorials there could be some delays before the further step was taken of applying for a Crown Grant. After 1882, the Crown no longer had to wait until a Crown Grant was issued before exercising the right to lay out a road.

The five percent provision was not repealed until 1927, by Section 30 of the Native Land Amendment and Native Land Claims Adjustment Act 1927. By this time, there

[13] Alexander, 'Public Works and Other Takings in Te Rohe Potae District', pp. 63-64.
[14] There were questions over whether or not this amendment only applied to Crown Grants issued after 1878. In 1886 the Court of Appeal said that it was not retrospective, but another Court of Appeal decision in 1891 overturned that decision. Alexander, Rohe Potae, p. 64.

was little use of the provision because the majority of Māori land had already been through the Native Land Court title investigation process.

There was also a further power which allowed the Native Land Court to lay out roads over Māori land without compensation by that time. The Native Land Amendment Act 1913 set out a new system for laying road lines over Māori land. In this case the road line remained Māori land, and did not automatically become a public road. However, provision was made that such roads could then be declared public roads. Section 48 of the Act said that when the court partitioned a block it could 'lay out road-lines (if any) as the Court thinks necessary or expedient for the use of the several parcels and for giving access, or better access, thereto'. The rationale for this Section was to avoid partitioning blocks in such a way that could leave subdivisions landlocked. The Section also provided that the Governor could proclaim any road line laid out under the Act as a public road, which was vested in the Crown. The laying out of such road lines as part of the partitioning process of the Native Land Court did mean that it was a more open process in that there was the opportunity for landowners to be heard in court about the road lines. Section 51 required that if the Court considered that the road line should be a public road that the Minister of Lands had to be notified. The power of the court to lay out roads on Māori blocks, and for those roads to be proclaimed public roads, without compensation, was continued in the Native Land Act 1931 (Section 487) the Māori Affairs Act 1953 (Section 487) and is currently in force under Section 320 of Te Ture Whenua Māori Act 1993.

The 1913 Act also allowed for Māori owners to be compensated for an access road through their property, but the compensation was not paid for by the Crown. Under Section 49 in the case of existing block partitions, 'any person interested' could apply for roads to be laid out if the subdivision 'was without reasonably practicable access to any public road'. In this case the court was to consider what compensation, if any, should be paid *by the applicant*. This provision was usually used by European's who were leasing or had purchased interests in blocks without access. As with Section 48, the road line remained Māori land unless proclaimed a public road.

It should be noted that there was also legislative provision for roads to be laid out without compensation over Crown and European land, under Section 13 of the Land

Act 1892. However, this differed from the powers regarding Māori land in that the consent of the lessee or landowner had to be first obtained.[15] The provision was repeated in the Land Act for 1908 and 1924. In 1948 the power was incorporated into the public works legislation as Section 29 of the Public Works Amendment Act 1948.[16] The Porirua Ki Manawatū Public Works Takings Spreadsheet contains 1748 such takings, of which 830 were over Crown land, 820 were from European land, 77 from local authorities, and 19 from Māori ownership (some of which were held as European land or vested in the Public Trustee).

As well as the specific roading powers under the Native Land Acts, there were other provisions in the Public Works Act which allowed roads to be vested in the Crown without compensation. Section 100 of the Public Works Act 1894 essentially ensured that where roads had generally been in public use (on Māori, Crown or European land) without being legalised that they could be considered to be public roads. Subsection (4) of Section 100 said that if a road had been formed out of public funds and a plan had been approved by the Chief Surveyor, then the registration of the plan, along with a certificate from the Chief Surveyor that the road had been used and formed from public funds, meant the road became a public road.[17] Similarly Section 245 of the Counties Act 1886 which said that county councils would have the care and management of public roads, included provision that 'All lines of roads or tracks passing through or over any Crown lands or Native lands, and generally used without obstruction as roads' were included in the definition of public roads. As Alexander has commented, the legislation meant the Crown ensured it had the power to somehow legalise existing roads on Māori lands:

> All these methods by which the Crown was able to obtain Maori-owned land for public roads reflected a determination on the part of the Crown to achieve its goals. Whenever a gap in its statutory arsenal emerged, or it failed for some reason to achieve its objective, it would pass another piece of legislation. The net result has been that, if ever any doubt emerged about the validity of the Crown's title to a road in public use, it was almost certain to be able to call upon a legislative mechanism to assert its rights and thereby overcome such doubt.[18]

[15] Section 13, Land Act 1892, Section 11, Land Act 1908, Section 12, Land Act 1924, and Section 29, Public Works Amendment Act 1948.
[16] Section 13, Land Act 1892, Section 11, Land Act 1908, Section 12, Land Act 1924, and Section 29, Public Works Amendment Act 1948.
[17] This power was repeated as Section 101 of the Public Works Act 1905, Section 101 of the Public Works Act 1908, and Section 110 of the Public Works Act 1928.
[18] Alexander, 'Public Works and Other Takings in Te Rohe Potae District', p. 72.

2.2 The Public Works Acts

In the early decades of colonial government, there were no specific laws for the compulsory acquisition of land for public purposes. Marr has explained how the British Colonial Office insisted that Māori land could not be taken for public works.[19] Instead, the Crown followed the practice of purchasing large areas of Māori land ahead of European settlement, and making provision for public facilities, such as roads and reserves for public buildings, when subdividing Crown land for settlement. As will be seen, when the Crown wished to establish public facilities on Māori land, such as ferry landings, it followed a policy of negotiating to purchase the land or other types of access agreements. As explained above the Crown was content for road lines to remain in Māori ownership, and encouraged Māori to build roads across their lands by giving them contracts to construct the roads. The provision of public facilities was also used by Governor Grey and Donald McLean as part of the proposed benefits that Māori could expect from selling land to the Crown and allowing European settlement in their rohe. While there were some instances of Māori objecting to roads and other public works, Marr has commented that many Māori communities saw the possible economic benefits:

> However, for the most part Maori appear to have welcomed public works for the new opportunities the brought. There is abundant evidence that in the early years at least, Maori participated successfully in the new economy and that Maori society was capable of change to new conditions as long as there was some ability to control that change. For some time Maori enterprise was crucial in the economy and the spending of large amounts of cash earned from public works projects, such as roads, had a significant impact on the whole economy. Maori were also eager to have access to markets and to obtain cash from building roads and other works. The opportunity for work, the promises of public amenities, and access to new markets were undoubtedly a consideration when land was purchased for public purposes.[20]

2.2.1 Vogel and the Immigration and Public Works Act 1870

The first piece of public works legislation to impact in the Porirua ki Manawatū district was the Immigration and Public Works Act 1870. The Crown's public works policy in the early 1870s was closely tied to immigration policy, as shown by the name of the key piece of legislation passed by Colonial Treasurer Julius Vogel being the

[19] Marr, 'Public Works Takings of Māori Land, 1840-1981', pp. 29-38.
[20] ibid, p. 38.

Immigration and Public Works Act 1870. The development of infrastructure, including railways, was part of an overall plan to stimulate the economy by improving access to isolated settlements and generally encourage immigration. This was also tied to the idea that improving infrastructure and encouraging settlement and regional economic development could be a peaceful means of cementing Crown authority over areas which were still Māori dominated.[21] William Gisborne (the first Minister of Public Works) told Parliament to not: 'reject a measure which, at least, affords a reasonable prospect – not by force of arms, but by the progress of settlement – order and tranquillity throughout the North Island; a prospect of achieving a bloodless conquest of peace'.[22]

The first half of the Act dealt with financing Vogel's scheme and land purchase and immigration matters. The second half of the Act dealt with the public works aspects. It allowed for the construction of three main forms of infrastructure: roads, railways and water supply to goldfields. Part VI gave the Governor the power to enter and take land for roads. It established principles which have governed compulsory acquisition since.[23] Under Section 49 a survey plan was required to define the area taken, and the proposed acquisition had to be publically notified. Objections to the taking had to be lodged within 40 days. Section 53 provided protection for occupied and improved land, which could not be taken within the prior written consent of the owner. This applied to any orchard, vineyard, garden yard, park, planted walk or enclosed ground planted as shelter or nursery for trees. This definition of occupied land was based on Eurocentric concepts of valuable land use (based on cultivation and enclosures), and did not provide protection for traditional Māori food-gathering or resource sites, or wahi tapu. Section 61 provided for an independent assessment of the amount of compensation to be paid if the owner did not agree with the amount offered by the Crown.

Part VII authorised the construction of certain railway routes, including those already underway by provincial governments. Section 70 gave the Governor the power to enter lands for the purposes of constructing authorised railways and to take land for railways. Under Section 71 compensation was to be assessed in accordance with the Land Clauses

[21] ibid, pp. 82-83.
[22] NZPD, 1870, vol 9, p. 185, cited in Phillip Cleaver and Jonathan Sarich, 'Turongo: The North Island Main Trunk Railway and the Rohe Potae, 1870-2008', Wai 898 #A20, Waitangi Tribunal, November 2009, p. 23.
[23] Alexander, 'Public Works and Other Takings in Te Rohe Potae District', p. 73.

Consolidation Act 1863. More details about the powers to take land for railways can be found in the Railways Section of this report.

Part IX of the Act established the Public Works Department, which centralised central government control over Public Works rather than the provincial councils.

2.2.2 Public Works Act 1876

When the provincial councils were abolished in 1876, a new Public Works Act was passed to bring together the various central and provincial taking powers. The Wellington Provincial Council had passed a number of ordinances relating to roads and other public works, but these had not generally applied to Māori owned land.[24] According to Marr the 1876 Act laid out more details for how land was to be taken and compensation assessed.[25]

Section 21 of the Act authorised land to be taken for general government works, along with public works carried out by county or district councils. Sections 21 to 24 again required that surveys had to be made, the taking had to be publicly notified, and 40 days were allowed for objections to be lodged. Once any objections had been properly considered, the taking authority, (ie. Minister of Works, County Council or Road Board) had to supply the Governor with a description of the land and map signed survey plan. Under Section 25 the Governor could then proclaim the land vested in the Crown in fee simple.

Section 29 provided that any land taken for public purposes that was no longer required for that purpose could be sold, but first it had to be offered for sale to the person it was originally taken from, and then to adjoining owners. If they did not want to buy the land it could then be sold by public auction.

Sections 33 to 73 covered the entitlement to and assessment of compensation for land taken. The Act established a special Compensation Court to hear compensation claims. Section 73 confirmed that any existing rights for the Crown to take land for roads (or railways) without compensation continued.

[24] Marr, 'Public Works Takings of Māori Land, 1840-1981', pp. 41-43.
[25] ibid, p. 89.

The 1876 Act laid out the powers of district road boards. Under Section 87 the road boards could make surveys, alter roads, take land for roads and construct drains to protect roads. All roads were declared to be vested in the Crown.

Marr has characterised the 1876 Act as generally even-handed in its treatment of Māori and European land, with the same rights and protections for both categories. The main exemption was the continued power to take up to five percent of Māori land for roads without compensation for a period of ten years, along with the definition of 'all roads' as vested in the Crown which meant existing routes over Māori-owned land could be declared public roads. Further, the definition of types of land occupation that could only be taken with the consent of the owner failed to include Māori concepts of land use.[26]

2.2.3 Public Works Acts 1882, 1894 and 1908

The Public Works Act 1882 introduced different provisions regarding the taking of Māori freehold land and Māori customary land than those for taking European land. In general, Māori land was given fewer protections than European land. Marr traces the change in policy to the Māori passive resistance at Parihaka which obstructed roads and calls the 1882 changes 'harsh and vindictive'.[27]

The Act defined a public works as any survey, railway, tramway, road, street, bridge, drain, harbour, lighthouse, dock, canal, waterworks, mining work, telegraph, and building (Section 2). The 1882 Act repeated many of the general provisions of the 1876 Act regarding the procedure for taking land, including a survey plan, notice period, hearing objections (Section 10), written consent for occupied land (Section 20), and assessment of compensation (Sections 27-73). However Sections 23 to 26 established separate sweeping procedures for the Governor to take Māori land. As noted above, Section 23 extended the power to take up to five percent of Crown granted Māori land for roads and railways without compensation for land held under Native Land Court certificate of title or memorial of ownership. Under Section 24 the Governor could issue an Order in Council to undertake 'any government' work on or over 'any' Native land, '*without complying with any of the provisions herein before proclaimed'* [emphasis

[26] ibid, pp. 88-89.
[27] ibid, p. 105.

added]. Section 25 then said that two months after the proclamation of the Order in Council the Governor could take the land, provided that no entry could be made onto land with cultivations or a dwelling without the consent of the occupier. Therefore, the general requirements for a defined survey and provisions for objections to be made did not apply in the case of both Māori customary or Māori freehold land.

The Act also established a separate procedure for awarding compensation for Māori land under Section 26. In the case of customary land, the Minister 'may' apply to the Native Land Court to determine the amount of compensation to be paid, and to whom it should be paid. The Native Land Court was given all the powers of the Compensation Court. In the case of Māori land where title was derived from the Crown, compensation would be assessed by the Compensation Court in the same manner as European land.

The policy of having separate provisions in the Public Works Act 1882 for the acquisition of Māori land established a pattern which was continued throughout most of the twentieth century.[28] Marr has summarised the impact of the Act as follows:

> Although some of the harshest provisions were amended within a few years, some of the discriminations begun in 1882 survived in some form for almost a century. The traditions established in 1882 also helped created entrenched attitudes in taking authorities that were to have a profound legacy on takings of Maori land for many years and also affected Maori attitudes to public works takings.[29]

The sweeping powers to take Māori freehold land were ameliorated in the Public Works Amendment Act 1887. Section 13 repealed and replaced Sections 23 to 25 of the 1882 Act. Under Section 13 the Governor could take any Māori land for government public works, and customary land was treated the same way as under the 1882 legislation (ie. no requirement to follow the general procedures). However, for Māori land that had been through the Native Land Court the general provisions of Part II of the Public Works Act 1882 were to apply. This meant that there were now the same requirements for Māori freehold land and European land regarding surveys, public notice, objections and so on.

[28] Separate provisions governing the acquisition of Māori land were repealed under the Māori Purposes Act 1974, Section 12, Marr, 'Public Works Takings of Māori Land, 1840-1981', p. 134.
[29] ibid, p. 105.

Section 13 of the 1887 Amendment Act also changed the compensation provisions, so that in the case of both customary land and land which had been through the Native Land Court, compensation was to be assessed by the Native Land Court, rather than the general Compensation Court. The wording of the Act placed the responsibility for applying to the court for compensation to be assessed on the Minister, leaving Māori land owners dependent on the Crown to initiate compensation proceedings. The jurisdiction of the Native Land Court was further extended by the Public Works Acts Amendment Act 1889. Under Section 16 the Native Land Court was to hear all claims relating to Māori land, even if Europeans held interests in the land. Section 16 also required that compensation cases were advertised in the *Kahiti* as well as the *New Zealand Gazette*.[30]

The Public Works Act 1894 was largely a consolidation of the previous legislation. However, the sweeping powers to take Māori customary land under the 1882 Act had been restricted to central government public works, but Sections 87 and 88 of the 1894 Act now applied to any taking of land, whether by central government or local authorities. The only exceptions were land taken for railway or defence purposes, which remained the purview of central government. The 1894 Act continued to have separate sections (Part IV) for the acquisition of Māori land, and assessment of compensation. As before, Māori customary land had none of the general protections, but Māori land with title derived from the Crown had to be taken in the same manner as general land (Section 87). Compensation for all takings from any type of Māori land was to be assessed by the Native Land Court (Section 90). Again, Māori land owners were dependent on the taking agency to initiate the compensation process. Local authorities were required to apply for a compensation hearing within six months from the date of taking the land, but the Minister of Public works could apply 'at any time'.

The Public Works Act 1908 was again a compilation of the previous legislation that continued the same procedures as the 1894 Act. The separate provisions regarding the taking of Māori land were in Part IV of the Act (Sections 89-91).

[30] ibid, p. 112.

2.2.4 Public Works Act 1928 and Amendments

The Public Works Act 1928 was again a consolidation of the previous legislation and amendments, following the long established principles regarding the taking of Māori land.

The definition of public works now included a wider range of purposes such as survey, railway, tramway, road, street, gravel pit, quarry, bridge, drain, harbour, dock, canal, river-work, mining work, sewerage, electric telegraph, fortification, rifle range, artillery range, lighthouse, or any buildings required for a public purpose, including mental health, ministerial, educational or other public buildings, defence, drainage, irrigation, water supply, forest plantation, recreation grounds, and show grounds. Later amendments continued to add new categories as the need arose, such as aerodromes, radio and telecommunications, recreational facilities, river and soil control, housing, motorways, noxious weed control, and works associated with town and country planning.[31] Under Section 30 of the Finance Act (No 2) 1945 very wide powers were given to take land for subdivision or development, or simply for 'regrouping or better utilisation'.

Under Section 32 of the 1928 Act there was provision for lands to be taken by agreement, rather than the use of the compulsory powers. This allowed the Public Works Department or local authority to enter into a written agreement with land owners allowing the land to be taken for the specified purposes. In such cases, there was therefore no requirement for public notice or allowing for objections. The agreements could also include an agreement on the amount of compensation to be paid or to allow compensation to be assessed by the Compensation Court for general land, or the Native Land Court for Māori land.

The compulsory acquisition procedure under Part II was very similar to previous Acts. Under Section 22 a survey plan was required and had to be publically displayed. Notice of the intended taking had to be given to the owners, with owners given 40 days to lodge written objections. The land could then be taken by proclamation under Section 23. These provisions applied to general European land as well as Māori land held under

[31] ibid, p. 134.

a title derived from the Crown (Section 103(2)). However, the Act also allowed for a lower level of requirement to inform Māori land owners. Under Section 22 the survey plans were required to show the names of the owners of the land taken (in practice in the case of Māori land they often just said 'Native owners') and for the owners to be given notice of the intended taking. However in the case of Māori land where the owners were not registered under the Land Transfer Act (ie. the common situation where a Native Land Court certificate of title had not been registered) then it was sufficient for a notice to be published in the *Kahiti* (Section 22(4)). This was later changed to publication in the Māori Land Court panui.[32] In 1974 the Māori Affairs Amendment Act said that notice of a proposed taking should be served on the Registrar of the Māori Land Court, who could arrange for a meeting of owners, or for at least some owners to be contacted.

Under the 1928 Act, the Native Land Court continued to be responsible for assessing compensation (Section 104). Again, it was up to the Minister to apply for compensation to be assessed 'at any time' or within six months for a local authority taking. There was no provision for Māori to initiate the compensation process. The compensation process for Māori land was significantly altered by the Public Works Amendment Act 1962, which repealed and replaced Section 104. Under the 1962 Act the Māori Land Court was no longer responsible for awarding compensation. In the case of Māori land with multiple owners, the Māori Trustee was required to negotiate compensation on behalf of the owners. If a compensation agreement could not be negotiated, claims for Māori land would be heard by the Land Valuation Court (which had replaced the Compensation Court) in the same way as general land. The Māori Trustee could only act once the land had been proclaimed as taken, which meant it was unable to enter into prior agreements under Section 32. The Māori Trustee's responsibility for compensation negotiations was repealed by Section 12 of the Māori Purposes Act 1974.

2.2.5 Public Works Act 1981

The current legislation governing the acquisition of land for public purposes is the Public Works Act 1981. While it too was largely a consolidation, some changes were made to address growing concerns that the protections under the Act had been eroded as the Public Works Department had been given expanded powers to take land for an

[32] ibid, p. 138.

increasing range of general purposes. Marr has pointed out that while this addressed some Māori concerns, there were still no requirements to specifically consider Māori interests or the Crown's obligations under the Treaty of Waitangi.[33]

The major change was that under Section 22 the powers for compulsory acquisition could only be used for 'essential' public works. In non-essential cases, a land purchase had to be negotiated. However, the question of what characterised an 'essential' work was not defined, and the requirement was repealed by the Public Works Amendment Act 1987 (No 2). Another change was an improvement in the offer back provisions for land that was no longer required for the public purposes. Under Sections 40 and 41, the original owner (or their successor) was to have first opportunity to buy back the land, unless it was impracticable, unreasonable or unfair. The former owner would be required to pay full market value for the land. More discussion on the details of Sections 40 and 41 can be found in the Paraparaumu Airport Section of this report.

[33] ibid, p. 149.

3. Public Works Takings Spreadsheet

One major requirement of this research project was the compilation of the Porirua ki Manawatū Public Works Takings database which accompanies this written report. The database is a Microsoft Excel spreadsheet which contains 9,264 separate entries of land taken under the public works and associated acts by proclamation in the *New Zealand Gazette*. The spreadsheet was designed to include *all* the takings in the district between 1870 and 2010.[34] This includes takings from Crown land, European land, local authorities as well as Māori land. The purpose of the spreadsheet was to assist in identifying Māori takings to be researched for this report, but also to allow for the amount of Māori land to be quantified and comparisons to be drawn with the impact of the Public Works Act on non-Māori landowners.

The takings have been identified using a combination of searching the *New Zealand Gazette* from 1870 to 2010, along with reviewing the Wellington Land District Survey Office plans for that period. Throughout most of the period, the Survey Office plans were annotated with references for land taken, although the amount of information provided varied during different periods, and becomes less frequent after the early 1970s.

As the spreadsheet is based around proclaimed takings in the *New Zealand Gazette* there are some forms of Māori land used for public purposes which will not be found in the spreadsheet. Mostly notably, where roads were laid out across Māori land blocks by the Native or Māori Land Court, such roads are only included in the spreadsheet if the road line was subsequently proclaimed by gazette notice. Similarly, in the early settlement period in the district, most road lines were laid out under a Warrant issued by the Governor, and not all such takings were followed by gazette notices. At other times, roads were legalised through the mechanism of registration by deposited plans without a gazette notice being required. The data in the spreadsheet about the number of takings and area of land taken for roading purposes is therefore necessarily an underestimate of the actual amount.

[34] The 2010 end-date was selected in order to provide parity with the existing spreadsheet compiled for 'Public Works and Others Takings in Te Rohe Potae Inquiry District' (Wai 898, #A63), for comparative purposes.

3.1 Structure of Spreadsheet

For consistency and comparative purposes, the spreadsheet uses the same format and fields as that compiled by David Alexander for the 'Public Works and Others Takings in Te Rohe Potae Inquiry District' project (Wai 898, #A63). The spreadsheet contains the following columns of information for each taking:

A - *Gazette Reference* - the year and page number the proclamation taking the land was published in the *New Zealand Gazette*.

B - *Date of Taking* - the date the proclamation took effect. If no date of effect is specified in the notice the date the proclamation was signed is given.

C - *Legislative Authority* - the statute referred to in the proclamation which authorises the taking of the land.

D - *Section of Legislation* - if the proclamation referred to a specific Section of the relevant Act, it is noted in this column.

E - *Purpose* - the purpose for which the land was taken as given in the proclamation.

F and G - *Survey District and Block* - the description of the land to be taken often referred to the particular Survey District and Block. This was part of the Survey Department's system whereby the entire country was organised under a grid system of named Survey Districts, which were themselves subdivided into 16 blocks. The blocks are numbered by Roman numeral. The 'Survey Districts and Blocks' map (at the end of this section) shows the Survey Districts and Blocks within the Porirua ki Manawatū Inquiry District boundaries. Searching the spreadsheet by Survey District and Block will provide a useful way of highlighting takings from specific locations.

H - *Land Taken From* - the legal description of the title to land being taken as given in the gazette notice. In the case of Māori-owned land this will usually be the Māori Land Court block name, and subdivision if relevant. The format used for describing blocks varies widely. For example Ngarara West A26A2 could be given as 'Ngarara West A No 26 section A2', 'Ngarara West A26 A2' or other variations. This means that searching by block names needs to be done using broad terms and trying different possible options.

I - *Area* - the amount of land taken by the Crown, shown in 'acres-roods-perches' (40 perches make a rood, and 4 roods make an acre), or 'hectares.square metres' after the transition to decimal land measurement.

J - *Vested In* - unless otherwise stated the land taken was vested in the Crown as a result of the proclamation, but in some cases it could be vested in local authorities, such as councils or boards.

K - *Ownership Type* - the main categories of ownership are Crown, European, or Māori, but this is divided into various sub-categories, such as Māori (European Lessee) where a lessee was noted on the plan. Other categories include Local Authority (councils or boards), District Māori Land Board, and the Public Trustee or the Māori Trustee. In a small number of cases the ownership falls within two categories, such as Māori land block where undivided interests had been purchased or a stream bed with different ownership types on either bank. In these cases the format Māori/European or Māori/Crown has been used. It should be noted the 'European' ownership refers to the legal category of land (more usually referred to as 'general' today). For example a block may have 'European' status, but actually be owned by someone of Asian or other ethnic descent. There will also be cases where individuals of Māori descent owned sections they had purchased, which technically are not categorised as Māori land under the Māori Land Court system. There are 28 entries which are blank, because research was unable to sufficiently confirm the ownership type.

L - *Wellington Plan Number* – the number of the plan in the Land Information New Zealand system, showing the parcel of land taken. As far as possible this records the Survey Office (SO) plan prepared specifically for the taking. If the whole of an already surveyed area was taken (such as the whole of a lot of a Deposited Plan) it was necessary to go back into the general plan records to find a plan reference that shows the boundaries of the land being taken. In these case the Deposited Plan (DP) or Māori Land (ML) plan number is given.

M - *Public Works Department or Other Taking Agency Plan Number* – most of the proclamations referred to the plan reference number used by the Public Works Department (PWD) and subsequently by the Ministry of Works (MOW). Plans relating to takings by the Railways Department have an LO or WR reference number. Plans produced by the Roads Department (1900-1909) have a R reference number. Some of the earlier takings were recorded on Surveyor

General (SG) plans. Unless otherwise stated, the plan numbers in the column are PWD plans.

N - *Head Office File Reference* - this is the reference to the file used by the Public Works Department to action the taking of the land. From the 1920s file numbers were noted at the end of the proclamation. This reference can be used to locate further information about the taking if the relevant file is still extant.

O - *District Office File Reference* - after 1951 the district offices of the Public Works Department proposed takings to head office for action. The file reference number was recorded at the end of the proclamation.

P - *Other File Reference* - in some cases other government departments such as Lands and Survey (LS), Housing (HC) and the Department of Conservation (DOC) were involved in executing the acquisition. The relevant departmental file reference number is given if it was included in the gazette notice.

Q - *Intention to Take* - if the taking was preceded by a notice of intention to take the land, the year and page number of the gazette notice is recorded.

R - *Consent to Take* - at certain periods under the Public Works Act if the land proposed to be taken was known to be 'occupied' it was not able to be taken without the consent of the Governor/Governor General. In such cases the Order in Council granting consent was published in the *New Zealand Gazette*. The year and page number is noted.

S - *Revocation* – refers to different forms of gazette notices issued when land was no longer required for the purpose for which it was taken. There were different types of proclamation covering differing circumstances. A 'revocation' was for takings cancelled when no compensation has been paid, usually made soon after the taking, and the land was returned to its former ownership. In the case of 'land no longer required for its taken purpose', the land was declared Crown land. Another type was 'directing the sale of land', which tended to authorise a local authority to sell taken land.The year and page number the revocation notice was published is recorded. It should be noted that this field has largely only been completed if the revocation was annotated on the Survey Plan as the task of cross-referencing over 9,000 gazette notices with possible later changes is beyond the scope of this project. It is made especially difficult by partial revocations/changes of purpose and changes in the legal description of the parcel of land.

T - *Compensation* - this column records the compensation awarded by the Native/Māori Land Court for the taking of Māori land, sourced primarily from Māori Land Court records. The spreadsheet does not include compensation awards for private European land, and mainly includes compensation awards made up till 1962 (when the Māori Land Court ceased to have responsibility for determining compensation).

U - *Comments* - this column provides space to note anything further of interest, such as if a road taking was a road realignment and there was an associated notice stopping or closing the previous road line. It may also contain further information about the purpose for which the land was taken, the dates warrants were issued to lay of roads, or the dates of Native/Māori Land Court roading orders, the ownership of the block, or if sources indicate the land provided Māori with access to natural resources.

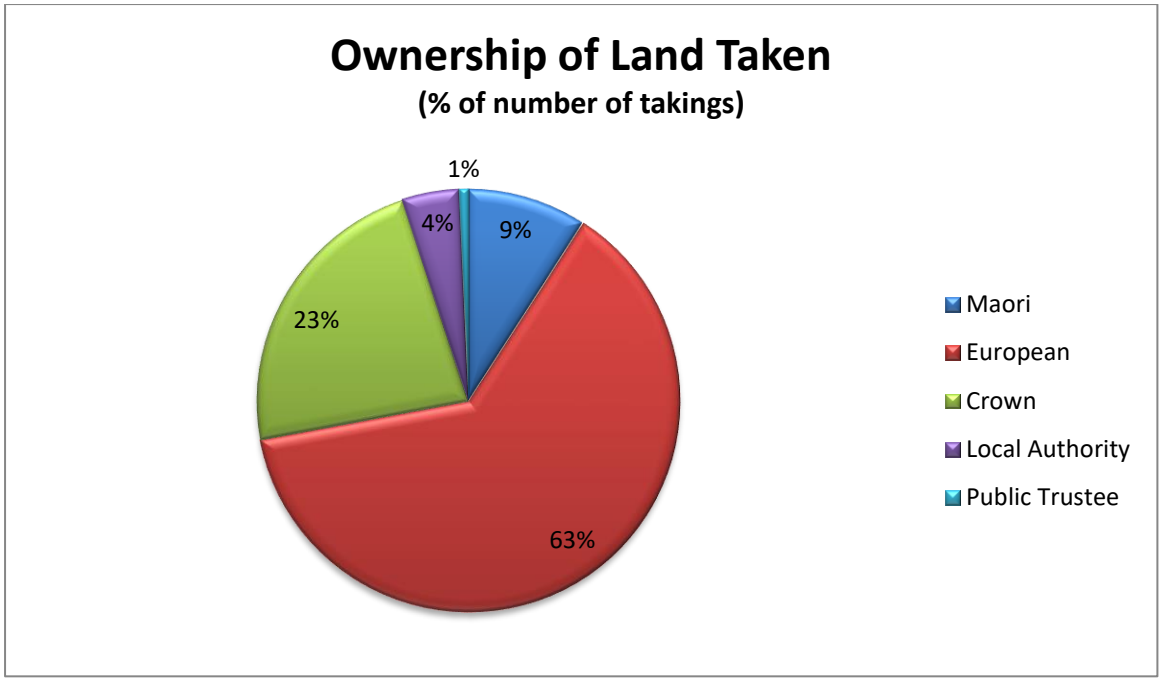
3.2 Analysis of Spreadsheet Data

The PKM Public Works Takings Spreadsheet contains 9,264 entries for separate acquisitions proclaimed in the *New Zealand Gazette* between 1876 and 2010.

The following table shows the number of takings from the different types of ownership categories as explained above [note: the total of the entries in the table is greater than the total 9,264 entries because of the relatively small number of takings that were part-owned by different entities]. It should be noted that the figures for Māori land do not include the land acquired through negotiations by the Wellington to Manawatū Railway Company. Section 5.3 of the report explains that approximately 640 acres was either purchased from or donated by the owners of 35 Māori land blocks.

Table 1: Number of Public Works Takings from Māori, European, Crown and Local Authorities 1870-2010

Type of Ownership	**Number of Takings**
Māori (including land vested in the Māori Land Board/Public Trustee/Māori Trustee)	841
European	5,831
Crown (including Crown land leased to European)	2,121
Local Authority (including councils, education and health boards)	404
Public Trustee (not Māori land)	63



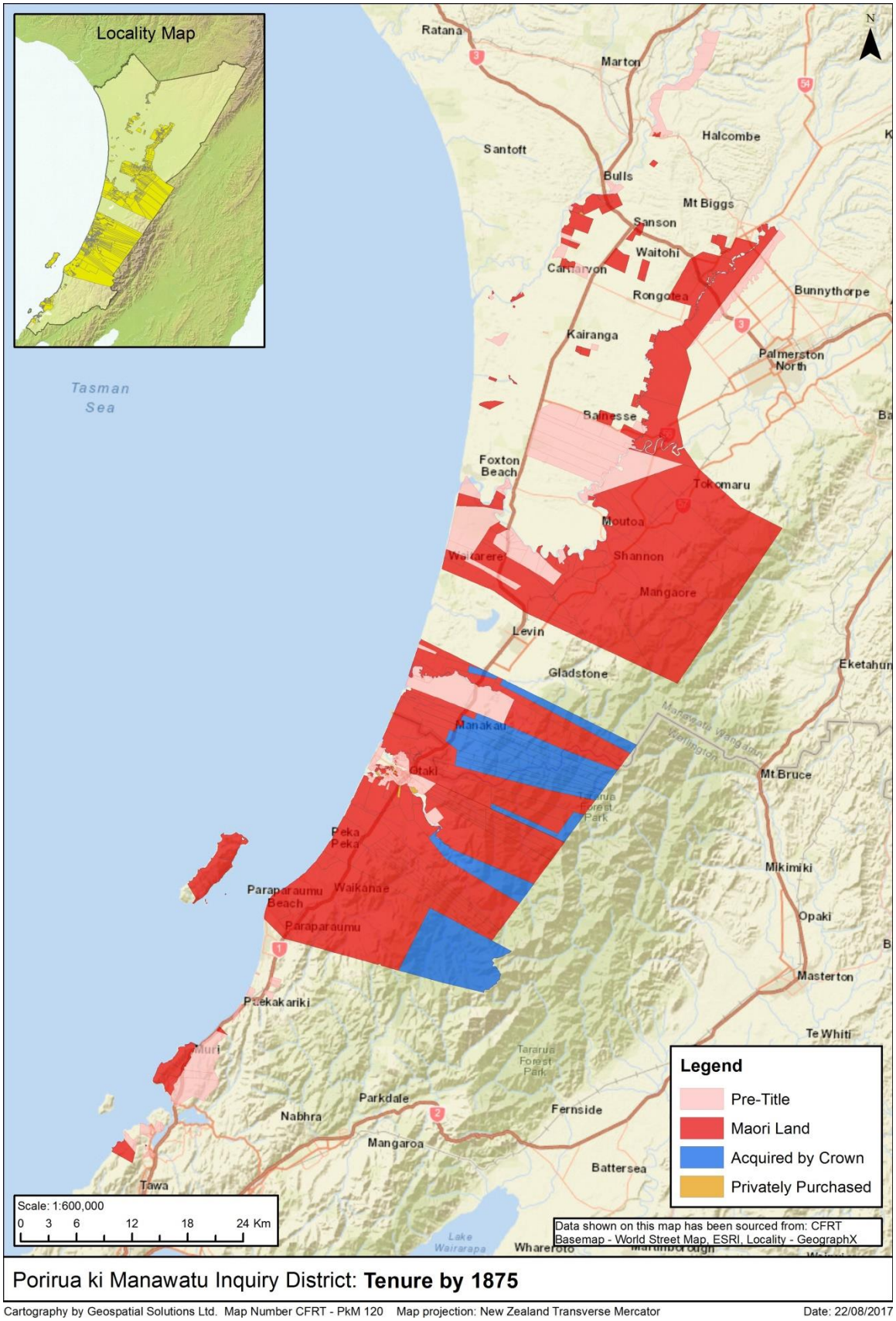
It should be noted that the figures for Crown land include cases where land had originally been acquired by the Crown for a public works purposes, which was subsequently subject to a later proclamation taking the land for a different purpose as land was allocated between different departments and agencies. For example, land could initially be taken under the Public Works Act for 'Better Utilisation', and later declared as taken for 'State Housing'.

The ownership table and graph show that the 63 percent of the takings were from European ownership, and 9 percent were from Māori land. On the face of it, the number from Māori ownership seems a relatively small percent. However, this figure needs to be put into the context of the pattern of Māori land alienation in the Porirua ki Manawatū district, whereby the Crown purchased very large blocks of Māori land in the 1850s and 1860s before the Public Works legislation came into effect.

The first taking of Māori land under the Public Works legislation recorded in the spreadsheet was in 1877. The following map, reproduced from the PKM 'Block Research Narratives' shows the amount of land still in Māori ownership (coloured red or pink) in the district by 1875.[35]

[35] Note the areas coloured blue as Crown purchases only refers to purchases post 1867. The areas which are not coloured were also purchased by the Crown pre 1867.

Map 2: Māori Land as at 1875[36]



[36] Map 129 in Walghan Partners, 'Block Research Narratives' Vol 1, Draft, December 2017, p. 134.

The map shows that before the public works legislation even began to be applied to Māori land, in the top half of the district Māori had already been reduced to strips of land and small reserves. It should be noted that the Horowhenua block was not included in the Block Research Narratives research, so is not coloured on the plan, but was also still in Māori ownership at that time. Between Foxton and Paraparaumu most of the land was still in Māori ownership, but the Crown had purchased some inland areas, and Māori were predominantly based along the more coastal strip west of the ranges. From Raumati south, the Crown had purchased most of the land, with Māori being restricted to small areas around Porirua/Titahi Bay and between Plimmerton and Pukerua Bay. The Block Research Narratives, and other research reports for the inquiry district, show that continued Crown, and private purchasing meant that by 1900 the amount of Māori land was 26 percent less than it had been in 1875.[37] By this time Māori were very much the minority land holders, retaining mostly small pockets of land.[38] With far less land remaining in Māori ownership than that held by the Crown and Europeans, it is to be expected that the proportion of takings from Māori-owned land compared to all the takings will be small.

When analysing the data for the Rohe Potae Inquiry District, Alexander pointed to a possible correlation between the extent of early Crown land purchasing and the percentage of public works takings from Māori ownership:

> Although no analysis has been carried out, the degree of impact of public works and associated takings can probably be correlated to the extent of Crown purchasing activity. The more Crown purchasing of blocks, especially during the nineteenth century before the use of the works legislation became more prevalent, the less Māori-owned land remained to be affected by takings, and the more likelihood there was that the Crown would locate community uses on its own lands. This was the experience of Maori in other districts, such as the whole of the South Island, Hawke's Bay, Taranaki, Hauraki and southern Kaipara. In these districts takings from Māori-owned land were a much smaller proportion of total takings from all ownerships.[39]

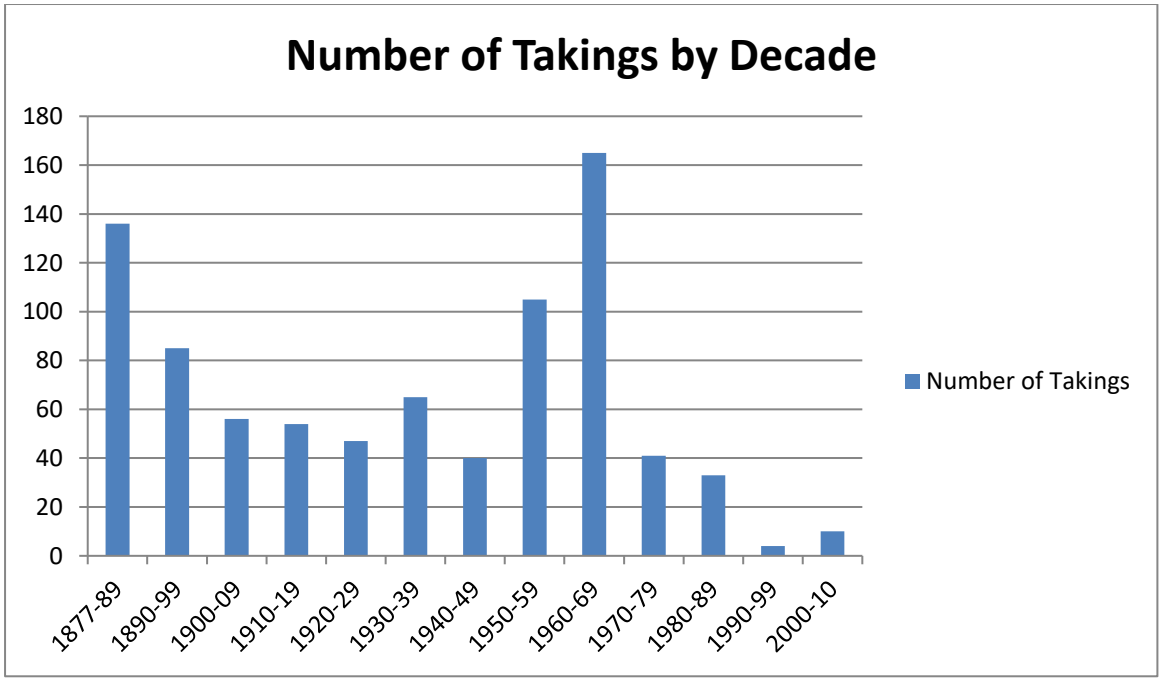
The pattern described by Alexander, whereby the Crown purchased large areas before the implementation of the public works legislation is that experienced in the Porirua ki Manawatū District, particularly in the northern districts. As will be seen in the sections

[37] Walghan Partners, 'Block Research Narratives' Vol 1, Draft, December 2017, p. 341.
[38] See map 130, ibid, p. 336.
[39] David Alexander, 'Public Works and Other Takings in Te Rohe Potae District', CFRT, December 2009, Wai 898 #A63, p. 110

on roading and railways, the initial road and rail networks were mostly first provided for on Crown land (or land which had already been on-sold for European settlement). The comparative figures for the different districts, discussed in Section 3.3, tend to support Alexander's suggested correlation.

Table 2: Number of Takings from Māori Land by Decade

Years	Number of Takings from Māori Land
1877-1889	136
1890-1899	85
1900-1909	56
1910-1919	54
1920-1929	47
1930-1939	65
1940-1949	40
1950-1959	105
1960-1969	165
1970-1979	41
1980-1989	33
1990	4
2000-2010	10



In general the graph demonstrates that the public works and related legislation had the most impact in the early period of the development of the basic roading and rail infrastructure in the district. The figures for 1877-99 would be far larger if the land

acquired for the Wellington to Manawatū railway was also included. It is also not surprising that the amount of land taken from Māori ownership would decrease over the course of the twentieth century as the amount of land still left in Māori ownership similarly decreased. However, the graph also shows an upswing in the 1950s and 1960. Most of this is accounted for by the large scale development of the Porirua Basin for housing purposes (along with associated roads, schools and other public facilities). Of the 167 takings in the 1960s, 70 were from the wider Porirua area. The 1950s and 1960s also saw a large amount of takings for roads as State Highway 1 was developed and improved, and land began to be taken for the motorway. This was also a period when local authorities took Māori land along riverbeds for river control schemes.

Section 2 of this report explained that there were a wide variety of purposes for which land could be acquired under the Public Works Act. The following table shows the purposes for which Māori land has been taken in broad categories. The table comes with some qualifications.

1. As explained in Sections 2 and 4, there were various means whereby roads were taken from Māori land without being proclaimed in the *New Zealand Gazette*. Also, the spreadsheet research ceased at 2010, so more recent acquisitions, such as the land for the Kapiti Expressway, are not included.
2. Similarly, some of the earliest acquisitions of land for railways were made by negotiated purchase rather than proclamation, and all of the Wellington to Manawatū railway was acquired by private negotiation (see Section 5.4). The amount of land taken for railways is much greater than the number of proclaimed takings suggest.
3. The numerical amount of takings does not necessarily equate to the area of land affected (for instance- while 'Airport' ranks relatively low in the list, the amount of Māori land taken was 259 acres).

Table 3: Purposes for Which Māori Land was Acquired 1870-2010

Purpose Land was Acquired	**Number of Takings from Māori land**
Roading (including roads, streets, motorways, state highways, severances, realignments, rest areas, lay-bys)	616
River control and flood protection	52

Railway (excluding Wellington Manawatū Railway Company purchases)	34
Housing (73% of the housing takings are from the Porirua/Titahi Bay area)	31
Better Utilisation and 'Proper Development and Use' (80% are from the Porirua area - also includes land included in QEII park)	23
Education (including schools, technical colleges, research centres and child welfare institutions)	23
Drainage	12
Hospitals (Otaki Hospital and Porirua Mental Hospital)	9
Reserves (recreational, scenic, scientific)	9
Sewage Treatment/Abattoir	8
Post Office/Telegraph/Broadcasting	7
Aerodrome (all Paraparaumu Airport, including airport land taken for 'defence' purposes)	7
Gravel Pit	3
Waterworks	3
Defence (excluding Paraparaumu Airport)	2
Police	1
Noxious Weeds	1
Total	**841**

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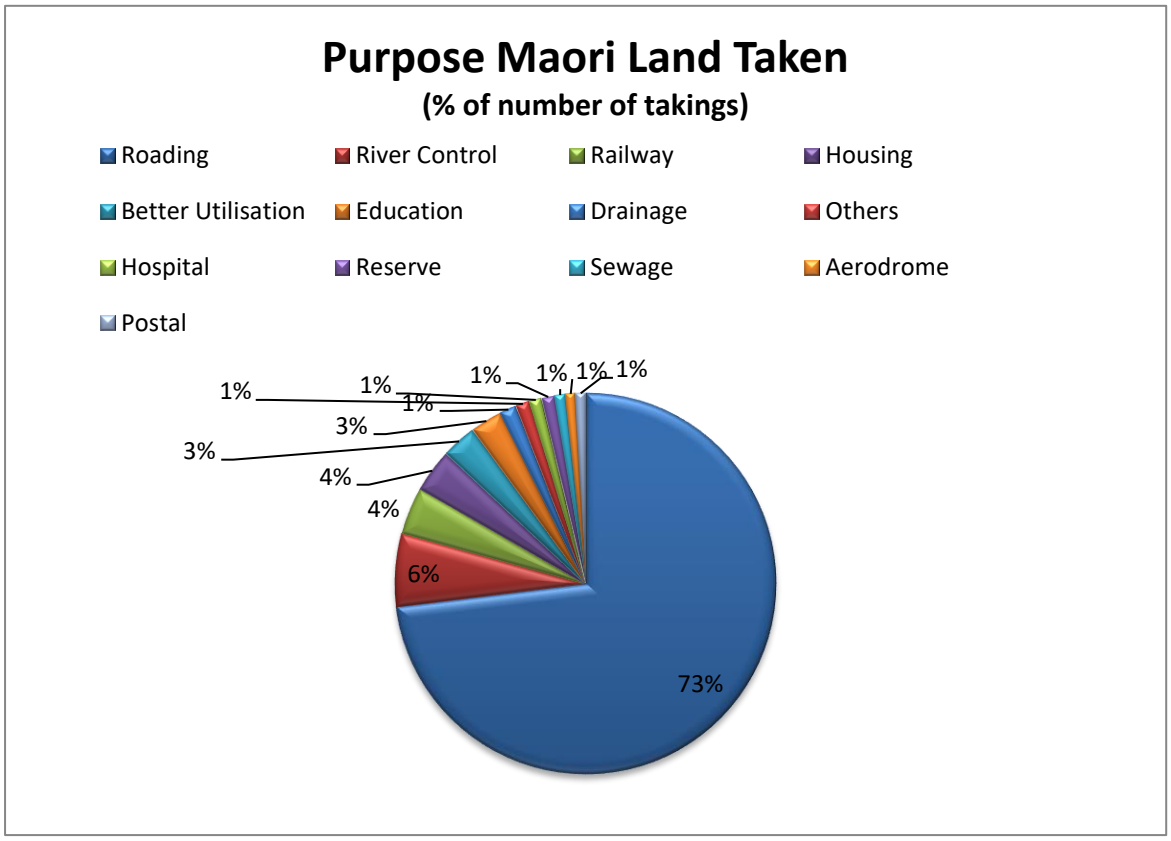
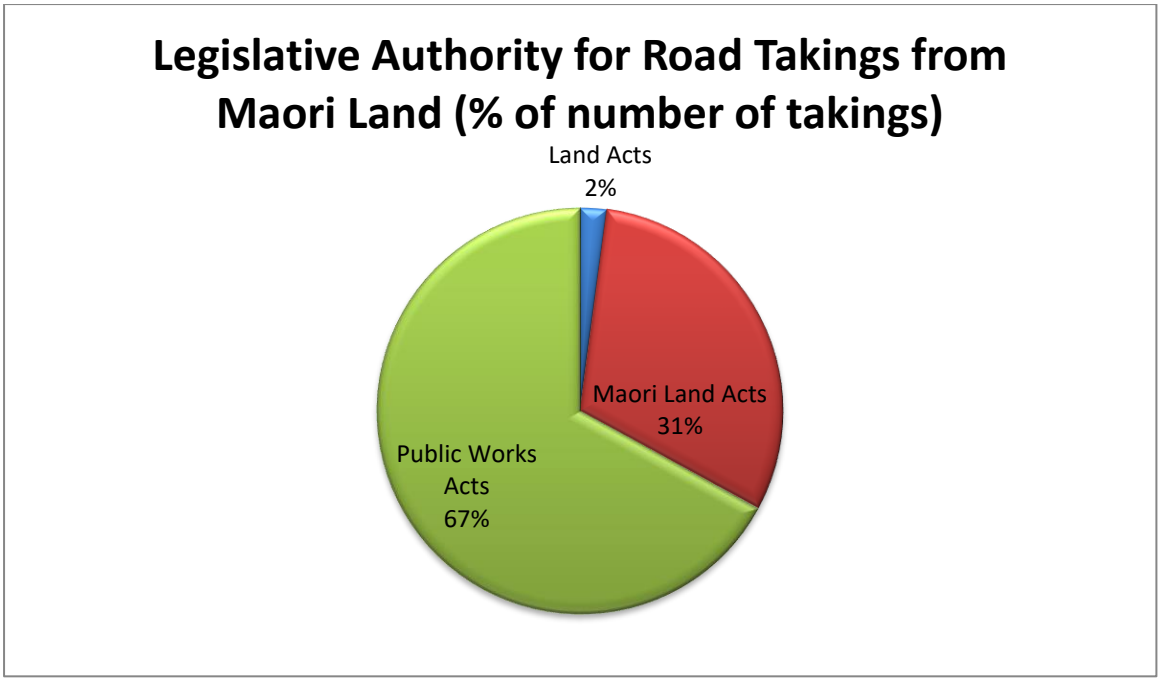


The table and graph demonstrate the roading was overwhelmingly the predominant purpose for which Māori land was taken. This is followed by river control purposes, and railways, which, as noted, had a greater effect on Māori land than indicated in the graph. Māori land in the district has also been used for wide variety of other purposes, particularly during the twentieth century when the emphasis moved away from basic road and rail network, to providing land for different branches of government, such as post-office, health and education, along with local body facilities such as sports grounds, sewage treatment and other reserves.

The spreadsheet can also be used to analyse which type of public works legislation had the most impact on Māori land holdings. The following table shows how many acquisitions for roading purposes were made under the various Māori land acts, as compared to the public works legislation.

Table 4: Legislative Authority for Road Takings from Maori Land

Legislation	**Number of Takings**	**Number of Takings**
Land Act 1892	3	
Land Act 1908	7	
Land Act 1924 Section 12	3	
Total under Land Acts		**13**
Native Land Act 1873	74	
Native Land Court Act 1886	30	
Native Land Court Act 1894	19	
Native Land Act 1909	4	
Native Land Amendment Act 1913	13	
Native Land Amendment and Native Land Claims Adjustment Act 1928	3	
Native Land 1931	7	
Māori Affairs Act 1953	40	
Total Under Māori Land Legislation		**190**
Public Works Act 1876	3	
Public Works Act 1882	61	
Public Works Act 1894	25	
Public Works Act 1905	10	
Public Works Act 1908	68	
Public Works Act 1928	221	
Public Works Amendment Act 1948	6	
Public Works Act 1981	19	
Total Under Public Works Legislation		**413**



The distinction between roads taken under the Public Works Act, and roads taken under the Land Act and Māori Land Act, is that in most cases, the roads taken under the various Māori Land Acts did not require the payment of compensation, as part of the five percent provisions.

To provide an indication of the geographical spread of takings throughout the district Table 3 below shows the number of takings from each Survey District block. The Survey District system was a nationwide grid of regularly sized individually named blocks. The Survey Districts and Blocks within the boundaries of the Porirua ki Manawatū district are shown on the 'Survey District and Blocks' map at the end of this section.

Table 5: Number of Takings from Māori land in Survey District Blocks 1870-2010

Survey District Block	Number of Takings
Ikitara	70
Whangaehu	18
Ongo	2
Apiti	0
Koitiata	3
Rangitoto	44
Oroua	9
Pohangina	0
Sandy	4

Te Kawau	25
Kairanga	27
Gorge	0
Moutere	33
Mount Robinson	110
Arawaru	1
Waitohu	234
Waiopehu	33
Kaitawa	70
Kapiti	16
Paekakariki	27
Akatarawa	0
Belmont	114

Of course, the number of separate takings cannot be equated with the actual amount of land taken in each survey district. For example, many of the 225 takings from the Waitohu district were made up of proclamations which took very small amounts of land for road realignments through many different blocks.

The geographical spread provides some support for the argument that large-scale early land purchases account for the relatively low number of takings from Māori land. The Survey Districts which roughly cover the Rangitikei-Turakina, Rangitikei-Manawatū and Te Ahuaturanga Crown purchases (Ikitara, Whangaehu, Ongo, Apiti, Koitiata, Rangitoto, Oroua, Pohangina, Sandy, Te Kawau, Kairanga and Gorge) total 202 takings. If the 70 takings in the Ikitara Survey District, which was the location of the large Ngāti Apa reserve between the Whangaehu and Turakina Rivers, are excluded, this brings the number of takings to 132, or 15 percent of the total 841 takings. While the proportion of takings in the Crown purchased districts may be small, it must be remembered that any land taken for public purposes from the relatively small reserves would have had a disproportionate effect on the remaining Māori land.

The geographical spread also correlates with the areas where Māori communities have found themselves in the midst of urban expansion, with the associated provision of roads and public facilities. As already discussed the large amount of takings from Belmont Survey District reflect the large-scale government planned development of housing and infrastructure in Porirua. Similarly, the Kaitawa and Kapiti Survey Districts, incorporating Paraparaumu and Waikanae, have a combined number of 70 takings.

3.3 Comparison with Other Districts

There are three other inquiry districts where similar data has been collected regarding public works and associated takings: Rohe Potae, Central North Island, and East Coast.[40] The research for the Rohe Potae inquiry is the most similar, in that it collected data on all takings, from all forms of ownership, however it did not include land acquired for railway purposes. The research for the East Coast and Central North Island (CNI) district only collected proclamations of takings from Māori land, and therefore cannot provide a comparison for the percentage of takings from Māori land compared to European and Crown land. The following comparison table are based on the comparative figures compiled by Alexander for his Rohe Potae district report, with the addition of data from the Porirua ki Manawatū spreadsheet.[41]

Table 6: Comparison with Data from Other Inquiry Districts[42]

Inquiry District	Total number of Takings	Takings from Māori Land	Māori Land Takings as % of Total Takings	% of Māori Takings for Roads
Porirua ki Manawatū	9,264	841	9%	73%
Rohe Potae[43]	5,634	1,567	28%	81%
CNI	-	654	-	54%
East Coast	-	1,152	-	82%

As a further point of comparison, Porirua ki Manawatū was the earliest district where the public works legislation was applied to Māori land. The first taking of Māori land in Porirua ki Manawatū was in 1877. It was 1884 in the East Coast district; 1901 for CNI, and 1897 in Te Rohe Potae.

Table 6 demonstrates a sizeable difference between the figures for Te Rohe Potae and Porirua ki Manawatū. This likely reflects the very different history of Crown purchasing

[40] David Alexander, 'Public Works and Other Takings in Te Rohe Potae District', CFRT, December 2009, Wai 898 #A63; David Alexander, 'Public Works and Other Takings: The Crown's Acquisition of Maori-owned Land on the East Coast for Specified Purposes', November 2007; Excel Spreadsheet accompanying 'Appendix 2 to the Evidence of David James Alexander on Te Matua Whenua (the Land History and Alienation Database): Alienation of Land out of Maori Ownership by Type and Decade', February 2005.

[41] David Alexander, 'Public Works and Other Takings in Te Rohe Potae District', CFRT, December 2009, Wai 898 #A63, p. 109.

[42] David Alexander, 'Public Works and Other Takings in Te Rohe Potae District', CFRT, December 2009, Wai 898 #A63, p. 109.

[43] Does not include land taken for railway purposes.

in the respective districts. As discussed above, in the Porirua ki Manawatū district the Crown purchased very large areas of land prior to 1875. However, the particular history of the Rohe Potae meant that large scale Crown purchasing did not get underway in the district until after 1890. Alexander noted that the lands purchased by the Crown in Te Rohe Potae tended to be fragmented, which led to a higher demand to create road lines over Māori land to link with Crown lands being opened for European settlements.[44] It will be shown in sections 4 and 5 that the first rail and road lines in Porirua ki Manawatū were largely laid out on land purchased by the Crown when it was cut up for European settlement. The comparative figures tend to support Alexander's suggestion that in those district with comparatively large early Crown purchases, the takings from Māori land would be a 'much smaller proportion of total takings from all ownerships'.[45]

3.4 Summary of Issues

The Porirua ki Manawatū Public Works Takings Spreadsheet contains 9,264 separate entries of land taken under the public works and associated acts by proclamation in the *New Zealand Gazette*. The spreadsheet includes *all* the takings in the district between 1870 and 2010 from Crown land, European land, local authorities as well as Māori land. There are 843 separate entries for land taken from Māori ownership, which represents 9.1 percent of the total takings from all forms of ownership. This figure does not account for road lines laid off on Māori land which were legalised by means other than proclamation, and does not include the 640 acres privately acquired for the Wellington to Manawatū Railway (now part of the Main Trunk Line). The takings listed in the spreadsheet should therefore be considered as a minimum indication of the amount of the Māori land acquired for public infrastructure throughout the district.

On the face of it, the takings from Māori ownership seem a relatively small percent. However, this figure needs to be put into the context of the pattern of Māori land alienation in the Porirua ki Manawatū district, whereby the Crown purchased very large blocks of Māori land in the 1850s and 1860s before the Public Works legislation came into effect. By 1900 Māori were very much the minority land holders, retaining mostly small pockets of land. With far less land remaining in Māori ownership than that held

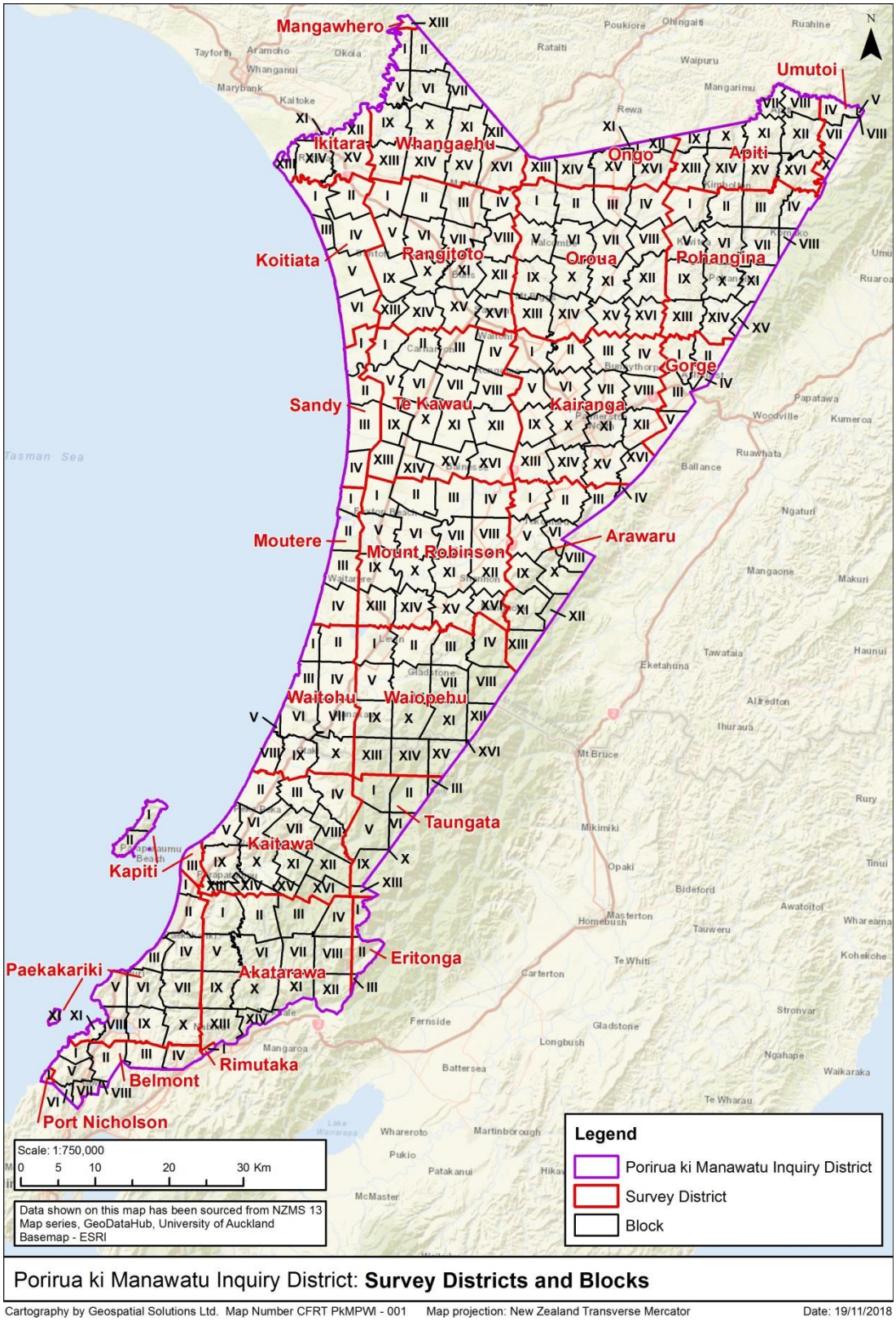
[44] David Alexander, 'Public Works and Other Takings in Te Rohe Potae District', CFRT, December 2009, Wai 898 #A63, p. 110.
[45] David Alexander, 'Public Works and Other Takings in Te Rohe Potae District', CFRT, December 2009, Wai 898 #A63, p. 110.

by the Crown and Europeans, it is to be expected that the proportion of takings from Māori-owned land compared to all the takings will be small. The correlation between large-scale early Crown purchasing and a lower proportion of takings from Māori land is borne out by comparison with data from the Rohe Potae inquiry district where 20 percent of the takings were from Māori-owned land, but Crown purchasing did not get underway until after 1890, and was more fragmented. It should also be noted that once Māori were reduced to small reserves, or pockets of Māori freehold land, any takings for public purposes further reduced the sustainability of whanau and hapū landholdings and traditional communities. The geographical distribution of takings also generally reflects the pattern of fewer takings in the northern half of the district which was purchased by the Crown before 1875.

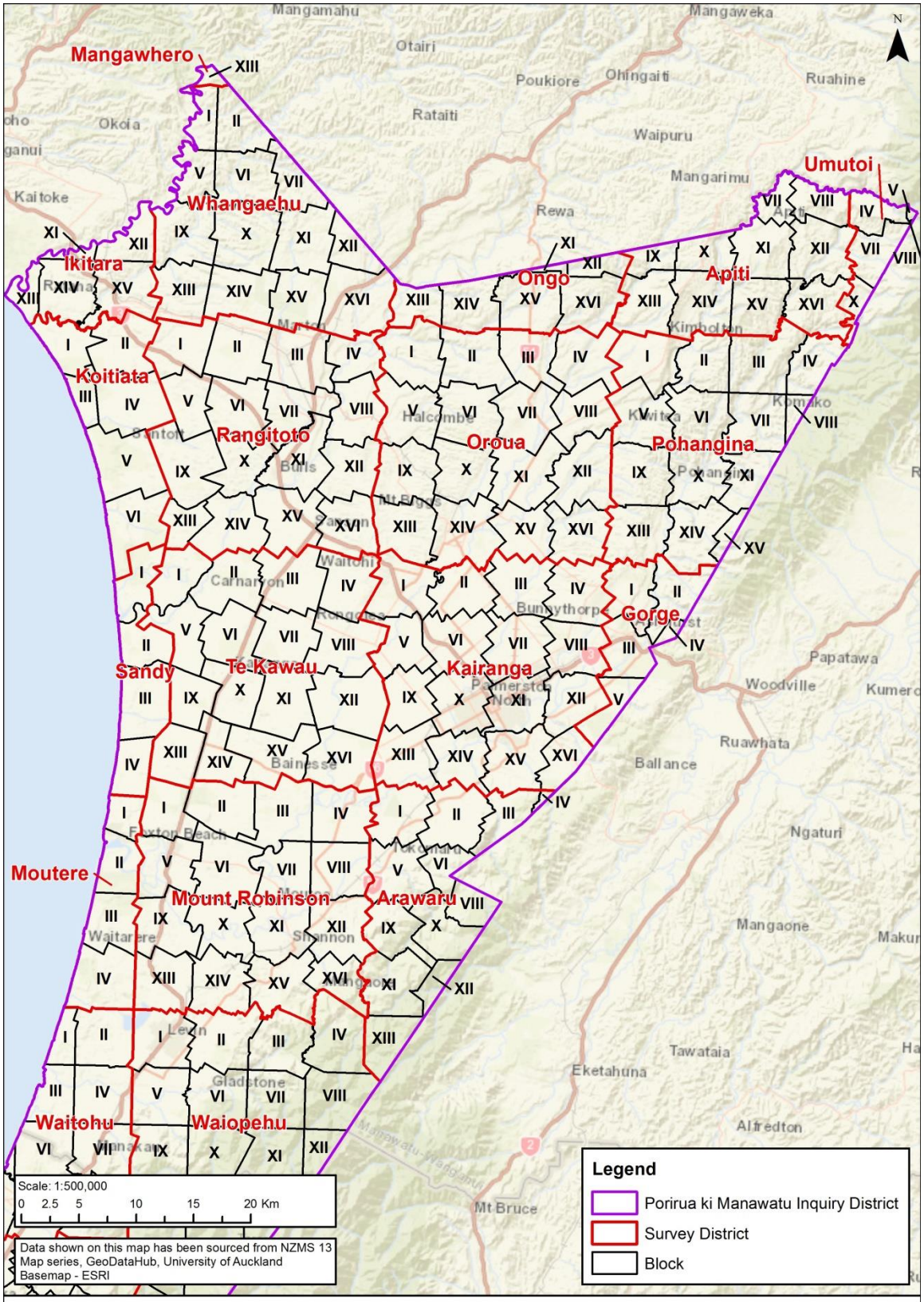
An analysis of the data by decade shows the general trend of the number of takings decreasing over time, in line with the decline in the amount of land remaining in Māori ownership. The period 1877-1890 had the greatest impact district wide as the main roading routes and the railway line were established. The figures show that the 1960s were actually the decade with the greatest number of takings, but this is slightly misleading from a district-wide perspective as 40 percent of the takings in the 1960s were from the Porirua area. The 1950s and 1960s were also a period when the roading network was being improved, leading to many quite small takings for road widening and realignment, and when catchment boards acquired Māori land on or adjoining river beds as part of flood control schemes.

The 3 major kinds of public works which have impacted on Māori land can be characterised as the ‘Three Rs’ – roading, rail, and river control. Roading has been overwhelmingly (73 percent) the most common purpose for which Māori land has been taken, under both the public works and Māori land legislation. Of the Māori land proclaimed as taken for roads, 31 percent were made under the various Māori land acts. This was the means preferred by the Crown and local authority, as it allowed for up to five percent of the area of a block to be taken without the payment of compensation.

Map 3: Survey Districts and Blocks (Full Inquiry District)



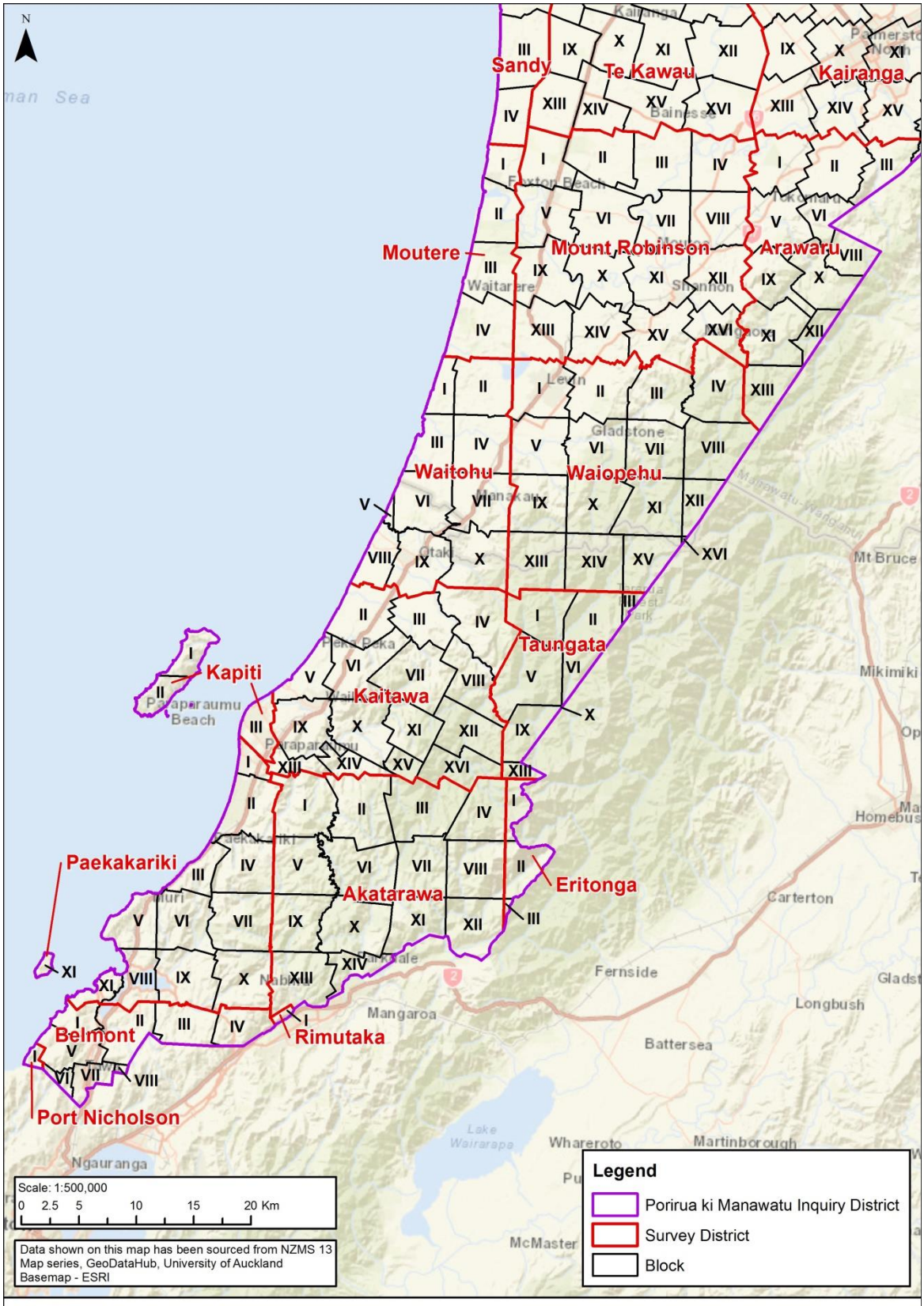
Map 4: Survey District and Blocks (Northern Detail)



Porirua ki Manawatu Inquiry District: **Survey Districts and Blocks (Northern)**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkMPWI - 001A Map projection: New Zealand Transverse Mercator Date: 19/11/2018

Map 5: Survey Districts and Blocks (Southern Detail)



Porirua ki Manawatu Inquiry District: **Survey Districts and Blocks (Southern)**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkMPWI - 001B Map projection: New Zealand Transverse Mercator Date: 19/11/2018

4. Roading

Section 3 of this report identified that the data collected for the Porirua ki Manawatū Public Works Takings Spreadsheet shows that land taking for roading purposes accounts for 73 percent of the number of takings from Māori land. As well as using the compulsory powers of the public works legislation, there were a number of other methods whereby the Crown could acquire Māori land for roads, both with and without the requirement to pay compensation (see Section 2.1). David Alexander has provided a comprehensive summary of the various means by which roads could be taken from Māori land without compensation at various dates.

- Laying off a road under a Governor's warrant issued in respect of the 5% provisions of the Native lands legislation (applicable from 1865 to 1927)
- Laying off a road under a Surveyor General's warrant, as provided in Native lands legislation (applicable from 1886 to 1910)
- Laying off a road through customary land by Proclamation issued by the Governor (applicable from 1910 to 1927)
- Declaring a formed road to be a public road upon presentation of a plan by the Minister of Public Works (applicable from 1894 to 1981)
- Declaring a formed road to be a public road upon presentation of a certificate and plan by the Chief Surveyor (applicable from 1894 to 1981)
- Declaring a road line/roadway laid out over Maori Land by the Native/Maori Land Court to be a public road (applicable from 1913 to the present day)
- Laying off a road on subdivision and vesting in the local authority
- Laying off a road, with or without the consent of the owner/occupier, under provisions in successive Land Acts and in the Public Works Amendment Act 1948 (applicable from 1892 to 1981).[46]

In the case of roads created under the authority of a warrant, the road lines became legal when the plan was approved, and proclamation in the gazette was not necessary. Although many of the examples in this report were proclaimed, there were likely others

[4646] David Alexander, 'Public Works and Other Takings in Te Rohe Potae District', CFRT, December 2009, Wai 898 #A63, p. 112.

that were not. In addition the methods involving declaring roads public through the registration of an approved survey plan were also not proclaimed in the *New Zealand Gazette*. This means that the 616 takings identified in the spreadsheet is the *minimum* number of roading acquisitions in the district.

The first gazetted taking of Māori land for roads was in 1881. However, before that time Māori tracks were used and basic roads were created within the district. The first section explains Māori involvement in the creation of the roading network prior to the implementation of the legislative powers to take land for roads.

4.1 Tracks, Ferries and Building Roads 1850s-1870s

Before the building of road and rail links there were a number of well used Māori tracks throughout the district, and the wide and flat beach that stretched for nearly 100 miles north of Paekakariki was also a key transport route.

The first track out of Wellington went along the Port Nicholson shoreline and over the hills into the Porirua Valley, then by boat or canoe across the harbour to Plimmerton. The route then went over the Pukerua Saddle to Paekakariki which included a three mile walk along the rocky foreshore. In 1846 a military road was constructed through the Ngaio Gorge and over the Johnsonville Saddle to Porirua, which was extended in 1849 around the eastern side of the Porirua Harbour to Pauatahanui and through the Horokiwi Valley to Paekakariki. The journey then proceeded along the coastline. Travellers could now journey by horse or coach from Wellington to Whanganui but the journey required that some passengers walk beside the coach on the steeper hills.[47]

The Cobb and Co coach service from Wellington to Whanganui started in 1858. It used the military road to Paekakariki and it then travelled along the beach. The coach journey between Wellington and Foxton in good weather took at least 12 hours and involved river and stream crossings at Otaki, Waitohu and Waikawa.[48]

[47] Hoy, D., *West of the Tararuas*, pp. 15-18.
[48] Macmorran, B., *In View of Kapiti: Earliest Days to the Late 1970s*, p. 81.

4.1.1 Māori Road Building 1850s

Public works legislation, such as it was, did not apply to customary Māori land. Roads were a matter of negotiation, tied up with the politics of expanding the reach of European settlement into Māori districts. For Māori rangatira, the decision to grant permission for roads through their lands was made in the context of developing their relationship with the Crown. According to Robyn Anderson, 'Māori fully embraced the concept, seeing it as of direct economic benefit; a project that they could undertake themselves and by which their rangatiratanga could be strengthened without challenge to the Crown.'[49]

Instead of paying Māori for the land, they were paid to carrying out the construction of the road. The title to the land under the road remained Māori land (for the time being at least). The income which could be earnt from road works was seen by the Crown as a way of encouraging Māori to sell land for European settlement.

In July 1852 Land Commissioner Donald McLean informed the Civil Secretary that 'Ngāti Raukawa' should have a reserve from 'south of the bank of the Manawatu to the Kukutauaki stream between Otaki and Waikanae as a permanent reserve for themselves excepting the right in favour of the government of have public roads and ferries…'. McLean also reported at this time that 'a tolerable road has been already cut by the natives from Manawatu to the entrance of the Ahuriri plains, which could be improved for the purposes of riding and driving stock at a moderate rate.'[50]

Later that year McLean provided an extended report which showed many Māori settlements were engaged in road construction. In October 1852 McLean reported that he had 'rode over and examined the roads made by Te Rangihaeata and other chiefs near Manawatu and the road made by Herunui te Tupe at Waikanae.'[51]

[49] Robyn Anderson, Terence Green, Lou Chase, 'Crown Action and Māori Response, Land and Politics', CFRT 2018, p. 161.
[50] D. McLean, Land Commissioner, Whanganui to Civil Secretary, Wellington 12 July 1852, ACIH 16027 MA24/8/16, ANZ Wellington [IMG 3922-3923].
[51] D. McLean, Land Commissioner, Wellington to Civil Secretary, 20 October 1852, ACIH 16027 MA24/8/16, ANZ Wellington [IMG 3924-3925].

McLean said the first road led to the Rangihaeata 'fishing village at Te Kairanga and is cut under to strike the beach about half way between the river Ohau and Manawatu'. He described the six mile road line as 'excellent', and about three miles had been completed at that time. The road would be cut through hills and swamps, and the cost of making the road 'by the native chiefs *at their own expense* could not be less than £240 a mile.'[emphasis added][52]

McLean said the second road has been made by 'Ngatitoa…not directly under Rangihaeata's influence', but he had given 'his sanction'. This road was five and a half miles long and 'it leads inland from Rangihaeata's Pa to Uturoa on the Manawatu.' He said they had been encouraged to make the road by the Roman Catholic missionary at Otaki, who had also encouraged them to build a flour mill near Poroutawhao, and the road would help to convey their flour and other produce to market. At the time 2 ¾ miles had been built, and McLean considered it was better constructed than Rangihaeata's road. He noted that the 'drains for carrying off the water are more skilfully made. The line has been judiciously selected.' He said the road was as good as government-made roads and they had made 'neatly and substantially built' sheds for the road makers.

The third road went across the district for about ten miles towards Horowhenua and Ohau. Work had commenced with the clearing of the direction of the road and 'there was a general desire on the part of the natives of the neighbouring villages to contribute food and labour towards it when their crops are harvested.[53]

McLean said the three roads in total would cover a distance of approximately 22 miles and 'open up…the most rugged swampy and unacceptable tracts of country between here and Taranaki'. He said 16 miles of the road would form the main road which would connect west coast settlements of Wellington, Whanganui and Taranaki.[54]

McLean also commented on the way that Te Rangihaeata had changed his view on allowing roads:

[52] ibid
[53] ibid
[54] ibid

> An important and striking feature in connection with these roads is the fact of their being constructed under the auspicious of the most turbulent disaffected chief that the Government had had to contend with in the Island and that they are carried by his concurrence and direction through a district which he always regarded as his safest stronghold and refuge.[55]

McLean recalled that in 1849 Rangihaeata had pointed out to him the impregnable nature of his district with its hills and swamps and plentiful lagoons and forests to supply food. At that time McLean explained that 'the very mention of a road used to excite his indignation so much that he frequently threatened to oppose the Horokiwi line being carried beyond its present termination at Paekakariki.' He said Rangihaeata was aware that the isolated nature of the district contributed to his power and he had come to the 'conclusion that the only object of roads was to conqueror the N. Zealanders.'[56]

McLean said the change in Rangihaeata in the last three years was 'incredible' to the extent that:

> he now proclaims the roads he is making to be the Governor's Iwituarroa [sic] or backbone using the term much in the same sense as the great Heuheu of Taupo declared the Tongariro Mountain to be his own back bone…and so Rangihaeata as a marked expression of good will has absolutely transferred accordingly to native custom the right of Chieftainship to the above roads to His Excellency and this circumstance will also have the effect of preventing the natives from hereafter expressing any exclusive privilege over them.[57]

McLean also reported that Herewini te Tupe was building a road at Waikanae, about six miles long. McLean said it would have cost the government £240 per mile to build it, and that 'with skilful management' the Māori roads were being built at 10 percent of that cost. He still argued though that Māori would benefit from the road.[58] Herewini te Tupe had also established a branch road for three miles from the police station which would help open up the area to Pakeha settlement.[59]

McLean also noted that Māori and settlers in the Rangitikei and Turakina districts had made a memorial requesting that a road be formed through to Whanganui to which

[55] ibid, [IMG 3926].
[56] ibid
[57] ibid, [IMG 3927]; backbone, iwi tuara, in, Ngata, H.M., *English-Māori Dictionary*, 1993.
[58] ibid, [IMG 3924-3925].
[59] ibid, [IMG 3927].

McLean said there was an ‘extreme necessity’. He said a bridge should be built at Turakina estimated to cost £500.[60] McLean said the government should take ‘advantage of the present disposition or rather mania the natives have for road making’ and he felt with skilful management roads could be made ‘at one third of what they would cost in the adjoining colonies’ or by employing Pakeha labour and he concluded Māori would be ‘civilised’ faster by building these roads.[61]

4.1.2 Ferry Landings

Of course the coastal road along the beach was interrupted by some substantial rivers. Anderson has examined the issue of engaging with Māori to provide ferry-crossing services from an economic and political viewpoint and states that: ‘This was a significant issue – and for Māori a major opportunity – in the Manawatū region, traversed as it was by many large rivers that were notoriously difficult to cross during flood. This wish to encourage trade and also to benefit directly from the services that the river crossings generated.’[62]

In 1849 the Resident Magistrate at Waikanae, recommended that the government should pay Māori to ferry travellers across the main rivers. He proposed that in return for an annual payment, local Māori should ‘have a large canoe and three men always ready’.[63] An annual salary of £6 per annum (or 10 shillings per month) was approved for each Māori who agreed to be available for ferry-crossings.[64]

As well as a ferry service for each river, an area of land on the banks at the crossing point came to be required as ferry landing sites. This was to provide somewhere for travellers to stay and graze horses and other animals while awaiting the opportunity to cross. A variety of arrangements were made for such landing sites, with some being leased, gifted, or other informal agreement allowing the use of the land, and others purchased.

[60] ibid, [IMG 3928].
[61] ibid, [IMG 3929].
[62] R. Anderson et al, ‘Crown Action and Māori Response, Land and Politics 1840-1900’, CFRT, 2018, p. 163.
[63] Durie to Woon, 5 February 1849, MS-Papers 0032-9254, cited Anderson, p. 163.
[64] ibid

4.1.2.1 Ohau Ferry

In February 1853 McLean was instructed by the Governor to purchase from Māori a piece of land for the Ohau ferry service, at the junction of the Ohau and Waikawa rivers. McLean reported that the Māori owners at Ohau initially agreed to sell two acres. However, after consultation with Ngāti Raukawa landowners at Otaki, they then refused to 'accept any payment fearing that their doing so might lead to more sales of land in their neighbourhood.' Instead they had 'agreed to make over the land required to the Governor of New Zealand without any payment and they have executed a deed of gift to that effect'.[65]

The Ohau and Waikawa Ferry deed land was given to the Crown as a gift without payment:

> the chiefs and people of Ngatiraukawa do fully consent at this our meeting on this day on the 12th of the days of February 1853 to entirely give up the piece of land at the Junction of the Waikawa and Ohau rivers as a ferrying place for the Europeans and Natives as a sure and certain land from us this day to the Governor of New Zealand as trustee for the said land for ever and ever, and we further agree to make this land over as a gift to the Governor for which we shall not either now or hereafter demand any payment.
> The boundaries commence at the Waikawa river at a place called Kaiuaua and from thence in a direct line till it reaches the centre of the top of the first ridge of sand hills thence right along the top of the said sand hill to the river of Ohau. We have fully discussed at a large meeting this day the transfer of this land and hereby make it over as a sure and certain land to the Governors of New Zealand for ever and ever.[66]

The deed was signed by Paora Taurua, Te Warihi, Raniera, Angiangi, Hoani Meihana, Aporo Mokohiti, Poari te Mata, Kerehoma Amotaua, Kerehoma Porirua, and Tamihana Rapene.[67]

Although it was clearly stated to be a gift, it appears that not everybody was happy with this arrangement. Two years later a payment of £15 was made for the land. On 22 December 1855 Paora Taurua, Timoti Taha, Te Wanahi te Hatete, Tamihana Putiki,

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[65] D. McLean, Land Commissioner Wellington to Civil Secretary, 26 February 1853, ACIH 16027 MA24/8/16, ANZ Wellington [IMG 3930-3931].
[66] Ohau and Waikawa Ferry, Deeds No 27, 12 February 1853, H.H. Turton, *Maori Deeds of Land Purchase in the North Island of New Zealand: Volume II*, 1878, p. 136.
[67] ibid

Hoani te Wharepore, and Meihana te Kareorehua signed a receipt for £15 for the 'resting place for travellers' at Waikawa which had already been conveyed.[68]

4.1.2.2 Wharangi Pilot Station - Foxton

The land for a pilot station for the ferry at the mouth of the Manawatū River at Foxton was leased in 1856.[69] The pilot station was on the northern bank of the river at Wharangi. The lease was limited to a period of ten years from 1 January 1856 in return for a payment of £500.[70] The lease said that the land, along with the ferry and a wooden house were included in the lease. At the end of the ten year period, the deed specified that 'a house similar to that now standing' and all fences were to revert to Māori. The lease also provided that if any buildings were built by Pakeha, Māori would purchase them at the end of the lease if they wished the ferry to revert to their control. The lease was signed by Nepia Taratoa, and 13 others.[71]

The Wharangi Pilot Station site was later included within the boundaries of the Awahou No 2 Crown purchase in 1858, although this was later disputed by Nepia Taratoa's son.

In October 1867 J.E. Featherston the Superintendent for Wellington received a recommendation from William Langley that land at the mouth of the Manawatū River at Wharangi should be set aside for a ferry site.[72] In November Provincial Government surveyor J.T. Stewart confirmed for Featherston that Wharangi was a suitable site for a ferry reserve. The area identified was 83 acres 2 roods 20 perches being rural Section 473 Township of Foxton. Stewart said it was a government reserve which had not yet been set aside for any special purpose. Although he did say that there was a 'want of pasturage in connection with the ferry station, the adjoining land being chiefly bare

[68] Waikawa Ferry Receipt, 22 December 1855, H.H. Turton, *Maori Deeds of Land Purchase in the North Island of New Zealand: Volume II*, 1878, p. 137.
[69] Manawatu Ferry (Ten Years Lease), 22 December 1855, H.H. Turton, *Maori Deeds of Land Purchase in the North Island of New Zealand: Volume II*, 1878, p. 172.
[70] ibid
[71] The full list of signatories was Taratoa Nepia, Porokoru, Werata te Waha, Ihakara Tahurangi, Arapata te Wioi, Wirikawa Toatoa, Hori Witiopai, Paratene Taupiri, Rangimaru Kurohau, Henari te Herekau, Aperahama te Huruhuru, Te Papa, Te Whatanui, Paora Taikapurua.
[72] Letter, Wharangi, Manawatū, 21 October 1867, ACIA 16195 WP3/22 506, ANZ Wellington [IMG 3934].

sand.' He also suggested that any land that was set aside as a ferry reserve should be fenced.[73]

In August 1878 Nepia and Winiata Taratoa petitioned Governor Grey about the use of land at Wharangi for the ferry service. They said Wharangi had been leased to the government since 1854 for the sum of £500 for a 12 year lease term.[74] Taratoa petitioned the government again in 1880 and 1881 for the return of Wharangi which he claimed had been excluded from the Awahou Crown purchase.[75]

The Native Minister, William Rolleston was told that District Engineer Stewart when he surveyed the block had not excluded Wharangi from the Awahou block.[76] The written description in English of the boundaries said that southern boundary ran 'down the Manawatu to its mouth, where it turns and follows the coastline to Kai Iwi'.[77] This description would have included the Wharangi site. The Minister was told that Taratoa needed to be informed that Wharangi had been part of the area purchased by the Crown.[78]

In February 1881 Nepia Taratoa and 83 others of Ngāti Parewahawaha threatened to evict the ferry master, A Seabury, and fishermen and remove the signal flagstaff from the site. They argued that the original 10 year lease had not been renewed and no further rental payments had been made. They claimed the Crown owed Ngāti Parewahawaha

[73] J.T. Stewart, Provincial Government Surveyor, Manawatū to J.E. Featherston, Superintendent, Wellington, 5 November 1867, ACIA 16195 WP3/22 506, ANZ Wellington [IMG 3933].
[74] Nepia and Winiata Taratoa, Manawatū to Sir George Grey, Premier of the Government, 22 August 1878, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3811]; see te reo Māori petition [IMG 3812].
[75] Nepia Taratoa, Ohau to Bryce, Native Minister, 17 September 1880, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3810]; see also Nepia Taratoa and others, Matahiwi to Bryce, Native Minister, 21 December 1880 [IMG 3806].
[76] A. McDonald to Lewis, 14 November 1880, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3809]; see also Nepia Taratoa and seven others, Ohau to Native Minister, 21 January 1881[IMG 3805].
[77] Awahou No 1, 12 November 1858, Deed No 51, H. Hanson Turton, *Maori Deeds of Land Purchases in the North Island of New Zealand*, Vol 2, 1878. More information about the boundaries of the purchase and the reserves which were excluded can be found in P. Husbands, 'Māori Aspirations, Crown Response and Reserves 1840-2000', Draft March 2018, CFRT, pp. 30-39.
[78] T.W. Lewis to Native Minister, 10 February 1881, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3804].

£750 in rent.[79] Seabury was presented with an eviction notice.[80] Seabury asked Resident Native Officer Samuel Baker to intervene. Baker visited Taratoa who informed him that Ngāti Parewahawaha had made repeated applications to the government and they produced a certified copy of the lease.[81]

Shortly after Baker had interviewed Taratoa, District Engineer Stewart produced copies of maps he had made for the Te Awahou block purchase when he was the Provincial Government surveyor. The maps identified reserves, but not Wharangi which as noted had been included in the purchase boundaries.[82] Resident Magistrate Robert Ward told Taratoa that the Crown had purchased the ferry station land at Wharangi [Awahou 2] in 1858. Taratoa said they would still eject the ferry master and Ward responded that they would be prosecuted.[83] At this point Native Minister Rolleston decided to go to Feilding to discuss the situation with Ward.[84] Taratoa was told further inquiry would be made and Ngāti Parewahawaha withdrew the notice of eviction.[85]

Native Interpreter William Searancke said the Wharangi ferry station was within the boundaries of the area sold to the Crown and he maintained that all the Māori owners were aware of this at the time.[86] Taratoa reiterated his statement that the land was only leased to the government.[87] Ward met with Taratoa to explain the position and Taratoa

[79] Telegram, T.W. Lewis, Wellington to Native Minister, New Plymouth, 14 February 1881, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3800-3803].
[80] Nepia Taratoa & 83 others, [eviction notice], 11 February 1881, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3794-3796].
[81] Samuel Baker, Clerk & Interpreter to Robert Ward, Resident Magistrate, Marton, 12 February 1881, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3797-3799]; see also R. Ward to Under Secretary, Native Department, 12 February 1881 [IMG 3793]; *New Zealand Times*, 17 February 1881 [IMG 3792].
[82] Manawatu Ferry lease 1856, and, Deeds of Purchase, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3779-3785].
[83] Telegram, T.W. Lewis to Native Minister, 16 February 1881, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3788-3789].
[84] Telegram, R. Ward, RM to Native Minister, 16 February 1881, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3787]; [IMG 3786].
[85] Memorandum, 18 February 1881, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3776].
[86] Telegram, W. Searancke to Rolleston, 26 February 1881, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3774-3775]; [IMG 3773].
[87] Nepia Taratoa & ors, Te Wharangi to Lewis, 25 February 1881, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3771]; [IMG 3770].

denied signing any deed.[88] He asked for a Native Land Court investigation.[89] Under Secretary T.W. Lewis said that the 'balance of evidence appears to be against Nepia Taratoa's claim & fear if he is recognised – no old title in the country will be safe'. It was also noted that the Native Land Court did not have the authority to hear Taratoa's claim and it would need to be brought before the Native Affairs Committee if Taratoa remained unsatisfied.[90]

At this time Ward said Nepia Taratoa's father had signed the sale and he argued:

> land owned by the father is owned by him only, a son would inherit such land or be able to exercise rights ownership over it only after the death of the father. In the matter referred to it is not disputed that Nepia Taratoa the Elder signed the Deed. And I am disposed to think that that is amply sufficient for the purpose.[91]

The Under Secretary was of the opinion that Ward's views were 'conclusive as shutting out Nepia's claim to Te Wharangi' and he recommended no further action be taken.[92]

Taratoa remained dissatisfied and in March 1883 he again petitioned Native Minister Rolleston for an inquiry of Wharangi.[93] The Minister was warned that if the government heard the claim it would expose itself to further claims which would 'have a prejudicial effect upon the interests of the Crown.'[94] Following further petitions the Under Secretary T.W. Lewis conceded the petitioners were 'ingenious' but he maintained they did not explain why they had allowed 24 years to elapse before lodging their objection.[95]

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[88] Telegram, R. Ward, RM to Under Secretary, 11 March 1881, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3767-3768]; [IMG 3766]; see also report of R. Ward, RM, 11 March 1881 [IMG 3757-3764].
[89] Nepia Taratoa & 13 ors, Te Wharangi to Rolleston, Native Minister, 11 March 1881, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3755].
[90] Minutes, T.W. Lewis to Native Minister, 16 March 1881, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3756].
[91] Robert Ward, Resident Magistrate, Foxton to T.W. Lewis, Under Secretary, Native Department, 16 March 1881, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3753-3754].
[92] Minute, T.W. Lewis, 22 March 1881, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3752].
[93] Ngahuia Te Papa, Te Watikena Te Papa to Bryce, Minister of Native Affairs, 9 March 1883, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3748]; see also te reo Māori petition [3749-3750]; see also petition of Ngahuia Te Papa, Te Watikena Te Papa to Bryce, Minister of Native Affairs, 14 April 1883 [IMG 3742-3744]; te reo Māori petition [IMG 3745-3746].
[94] Minute, for, Rolleston, 2 April 1883, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3747].
[95] Minute, T.W. Lewis to Native Minister, 30 April 1883, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3741].

In June 1883 Karaitaiana te Ahutaikapoura and five others petitioned the government about the Wharangi ferry site and claimed the government owed £900 back-rent.[96] The petition was referred to the Native Affairs Committee for consideration.[97]

In 1888 Otene Wirihana who was a son of Wirihana Taratoa instructed his Hastings solicitor P.J. Beetham to ask the Native Minister for information about Wharangi which he claimed his father had not sold to the Crown.[98] The official response was that 'the claim of Natives to Te Wharangi is without any foundation' and Beetham was told the claim could not be sustained.[99] The following year Wirihana instructed another solicitor W.A. Coates to inquire about Wharangi.[100] Coates was told that Hastings solicitor Beetham had received a reply the previous year that Wharangi was owned by the Crown and no claim would be 'entertained'.[101]

In 1896 Tuturu Paerata and ten others petitioned the government about Wharangi. Land Purchase Officer Sheridan said the government had received a similar petition in 1883. He said Wharangi had been Crown land since 14 May 1859 and the 'extinguishment of Native title is published in Gazette No. 2 of 7th January 1862.'[102]

Further details on this dispute can be found in the 'Crown Action and Māori Response, Land and Politics 1840-1900' report.[103]

[96] Karaitaiana Te Ahutaikapoura and 5 ors, Bull Town, 12 June 1883, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3738-3739].
[97] Robert Trimble, Chairman, Native Affairs Committee, report no. 80, 16 August 1883, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3740].
[98] P.J. Beetham, Hastings to Native Minister, Wellington, 25 September 1888, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3734-3735].
[99] Minute, Morpeth to Lewis, 28 September 1888 & Lewis to Native Minister, 29 October 1888, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3733].
[100] W.A. Coates, Hastings to Native Minister, Wellington, 10 September 1889, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3732]; [IMG 3731].
[101] Minute, T.W. Lewis, 7 September 1889, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3730].
[102] Sheridan, Land Purchase Officer, Report on Petition of Tuturu Paerata & 10 ors, report no. 464, 22 September 1896, ACGS 16211 J1/562/by 1896/1324, ANZ Wellington [IMG 3736]; see also petition of Tuturu Paerata & 9 ors [IMG 3737]; [IMG 3729].
[103] R. Anderson et al, 'Crown Action and Māori Response, Land and Politics 1840-1900', CFRT, 2018, pp. 731-733.

4.1.2.3 Otaki Ferry

The ferry land at the Otaki River mouth was leased for 20 years starting from 1 January 1856. The lease was signed by Tamihana te Rauparaha, Te Aku Karamu and Na Pairoroku on 31 December 1855. The lease laid out arrangements for only five acres to be used for the first two years, which then expanded to ten acres:

> WE THE CHIEFS of Ngatiraukawa whose names are written, to this paper, agree to give up for twenty (20) years a piece of land and the ferry at the mouth of the Otaki river for twenty pounds (£20) to be paid to us in each and every year up to the expiration of twenty (20) years.20 years' lease at £20 per annum.
> Five (5) acres are to be given up for the first two years; at the end of these two (2) years we shall extend the boundaries to include altogether ten (10) acres.
> The land and the fences shall revert to us at the expiration of this term. The houses erected to be paid for by us, if we desire to purchase them, so as to become ours at the end of this term of years agreed upon.[104]

The twenty-year lease expired at the end of 1876. In 1878 Hoani Taipua claimed that he was owed rent for the use of the Otaki reserve at the mouth of the river where ferry passengers travelled to Waikanae.[105] The Colonial Secretary's clerk W.S. Cooper claimed 'Nothing is due to ferryman at Otaki'.[106] A file note for the Colonial Secretary says 'Otaki Ferry Lessor asking for rent. Shall we pay on account of County to save trouble.'[107] Taipua persisted with his request to be paid rent and in March the chairman of the Manawatū County Council, E.S. Thynne asked the Colonial Secretary to address the issue:

> A chief Hoani Taipua, representing the hapu owning the reserve, has applied to this Council for rent for the same, stating his belief that there are two years rent due for the same. He explained that after repeated application to the representatives of the Provincial Government and to your Department, he was at last referred to this Council.
>
> Thynne said his council were not liable for two years rent because they had been in existence for less than two years. He said his council would accept a 'transfer of the Lease held by the representatives of the old Provincial Government provided the rent due to this date to Hoani Taipua is paid by them.'

[104] Otaki Ferry, 31 December 1855, Deeds Number 28, H.H. Turton, *Maori Deeds of Land Purchase in the North Island of New Zealand: Volume II*, 1878, p. 137.
[105] Translation of Hoani Taipua claim to G.S. Cooper, ACGO 8333 1A1/414/[47] 1878/4297, ANZ Wellington [IMG 0309]; see original te reo Māori, Hoani Taipua to te Kupa [IMG 0307-0308].
[106] Telegram, G.S. Cooper, Clerk [Treasury] to council, 11 January, 1878, ACGO 8333 1A1/414/[47] 1878/4297, ANZ Wellington [IMG 0306].
[107] File note, Colonial Secretary, 9 January 1878, ACGO 8333 1A1/414/[47] 1878/4297, ANZ Wellington [IMG 0305].

Thynne concluded:

> As the Maoris naturally feel aggrieved by the position they are now in, I trust you will give this matter your early consideration, so that this Council may make some permanent and satisfactory arrangement with them.[108]

An investigation of the Provincial Government records uncovered:

> The amount payable for the Native Reserve at Otaki referred to in these papers is £20.0.0. No written lease or agreement appears to have been made in respect of the matter. So far as can be ascertained the arrangement was a verbal one entered into by the late Dr Featherston then Supdt of Wn. The last payment by the Provl Govt was made in Sept 1876 (£20) but it included the period ended 31 st Dec of that year. Te Rauparaha was the receipient [sic]. That worthy chief has since departed this life. The present Claimant Hoani Taipua is believed to be his Successor – Rent would thus appear to be due for 15 months up to the 31st March last and not for 2 years as stated in these papers.[109]

Thynne asked the County Engineer to 'report on Ferries between here [Otaki] and Waikanae' and he explained that he had no complaints about the 'Otaki Ferry-man'.[110] Although the method and time of payment was under consideration the Native Minister and Colonel Whitmore agreed that the rent should be paid.[111] Taipua on 8 November acknowledged payment of £40 from the government from Cooper: 'This is the rent for the land on wh stands the ferry at Otaki wh is leased to the Govt & paid two years beginning after 1 Jan 1877 & ending on the 31 Dec 1878 which is now approaching.'[112] Thynne was told the government had paid the rent for two years which would be deducted from subsidies the government paid to the council. He was told that the search of the records had not provided any written agreement apart from a record of a £20 payment in September 1876 to Te Rauparaha of rent.[113]

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[108] E.S. Thynne, Chairman, Manawatū County Council to Colonial Secretary, Wellington, 28 March 1878, ACGO 8333 1A1/414/[47] 1878/4297, ANZ Wellington [IMG 0303-0304].
[109] R. Macalister, Chairman, Manawatū Company, Foxton to G.S. Cooper, Colonial Secretary [Treasury], 9 May 1878, ACGO 8333 1A1/414/[47] 1878/4297, ANZ Wellington [IMG 0302].
[110] E. Thynne, Chairman, Manawatū County Council to G.S. Cooper, Treasury, Wellington, 25 September 1878, ACGO 8333 1A1/414/[47] 1878/4297, ANZ Wellington [IMG 0301].
[111] Wilkinson to Under Secretary, 6 November 1878, ACGO 8333 1A1/414/[47] 1878/4297, ANZ Wellington [IMG 0299]; also witness to payment and signature of Hoani Taipua, in te reo Māori [IMG 0300].
[112] English translation of payment receipt to Hoani Taipua, Wellington, 8 November, ACGO 8333 1A1/414/[47] 1878/4297, ANZ Wellington [IMG 0298].
[113] Cooper to Thynne, chairman, Foxton, n/d, ACGO 8333 1A1/414/[47] 1878/4297, ANZ Wellington [IMG 0296-0297].

Further confusion about existing lease arrangements for ferry sites made by the Wellington Provincial Government was evident in 1879. At this time Ropata Ranapiri [Robert Ransfield] said the provincial government had paid £12 per annum rent for each ferry site at Waikanae and Ohau. He said that year's rent on Waikanae was due and two years' rent was overdue on Ohau.[114] The Native Department could not locate any records of lease agreements but was able to identify payment receipts and expenditure.[115] These showed that the Ohau rent had been previously received by James Ransfield and the Waikanae rent was paid to T. Ranapiri.[116] No further information has been located about whether the payments continued or whether the land continued to be used for ferry purposes after roads and bridges started to be constructed in the 1880s.

4.2 Road Construction 1870s

As the Crown purchased large areas of land in the Manawatū and Rangitikei areas in the 1860s, the ensuing complaints and extended negotiations over reserves were linked with the question of permitting roads to be constructed through remaining Māori areas (either with or without payment). Closing roads became a method of exercising and demonstrating rangatiratanga, and was also used as a tactic to draw attention to wider grievances. Nevertheless, there is also evidence that throughout the 1870s many Māori groups continued to be actively engaged with road making.

In the Manawatū region one of the key features was the initial acquisition of very large blocks of land from Māori by the Crown. This meant that the majority of the main roads laid out through northern Manawatū passed through lands already in Crown ownership. However, the pockets of Māori reserves within the Te Ahuaturanga, Rangitikei-Manawatū and Rangitikei-Turakina purchases meant that main roads did need to cross some Māori land to link the Crown/European areas.

The Wellington Provincial Government was initially responsible for laying out the land purchased from Māori for settlement, including main road lines. While the provincial government had passed a number of Ordinances relating to roads, central government

[114] File note to Gill, 17 February 1879, ACGO 8333 1A1/414/[47] 1878/4297, ANZ Wellington [IMG 0295].
[115] R.G. Gill to Smith, 18 February 1879, ACGO 8333 1A1/414/[47] 1878/4297, ANZ Wellington [IMG 0294].
[116] File note to Gill, 18 February 1879, ACGO 8333 1A1/414/[47] 1878/4297, ANZ Wellington [IMG 0294].

retained responsibility for the acquisition of Māori land for roads. Although the first Public Works Act came into force in 1876, it was not applied to Māori land in the district. If a road was required to run through Māori land during this time, it was usually a matter of negotiation between officials such as the Resident Magistrate and local rangatira. Again, the prospect of employment making the roads was an enticement for Māori.

In December 1869 Matene te Whiwhi informed Otaki Resident Magistrate J.A. Knocks that 'Wi Hapi and other Hauhau chiefs had asked him whether he objected or not to a road being made along the Otari into the Taupo country. Te Whiwhi told them he had nothing to do with the country through which the road is proposed to be taken, and that it was a question he did not want to address. He said the Hauhau's then told him that they would oppose the road-making if it passed through the Government boundary line at Te Houhou.'[117]

In April 1867 Hakaraia Paora, Reti Mana and Nohi Remu submitted an invoice for £45-13-6 for work on the 'continuation of Ahuriri horsetrack from Palmerston to Orohua [sic]'.[118]

In July 1867 Ihakara Tukumaru, Natana, Keremeneta, and Arona te Haua signed an agreement 'to give' a road line across Te Awahou Reserve. This was followed by a further agreement signed by Kereopa Tukumaru in August 1867.[119]

In January 1870 'Native Overseer' A. Burr was instructed by Premier William Fox to complete the Manawatū Road between Ngawhakaraua and Oroua Bush. Burr was also told that 'the work, as far as possible, to be constructed by Maori labour, which you will organise and control, paying monthly on requisition and pay-list forwarded to the Colonial Secretary, Wellington.'[120] The work was to either be done under contract or through daily wages.[121] The Provincial Engineer for Manawatū J.T. Stewart said:

[117] AJHR, A-16, 18 December 1870, Enclosure-30, p. 24.
[118] J.T. Stewart, Chief Engineer, Road Department, Warrant 750, Voucher 286, 29 April 1867, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0171].
[119] Te Awahou Reserve (right of road through), Manawatū District, Turton's Deeds, vol II, p. 183.
[120] AJHR, A-17, 28 January 1870, Enclosure-79, p. 37.
[121] AJHR, A-17, 16 February 1870, Enclosure-82, p. 38.

> The work is let out under written agreement by Mr. Burr, the overseer, to the Natives for a certain number of chains, at a rate approved of by me and similar to what was formerly paid, by [Provincial Government] and not called for by tender. You will observe by the accompanying list the small amount of some of these contracts. To refer each of these to Wellington for approval would be almost impracticable, as the Natives would probably be away before a reply.
> The few men employed at day wages are getting timber for culverts in the bush, fixing it, and on sundry works which it would be difficult to give out by contract. A portion of the work in the more open country near Foxton I am now getting ready, and propose in a few days calling for tenders for small contracts from either Europeans or Maoris, as authorized by Mr. Fox to do in this part of the road line, and to accept the lowest.[122]

Contracts for work on the Foxton to Oroua road were offered to Thomas U. Cook. Cook who initially received two contracts one for £103-8-6 and the other for £61-1-0. A third contract was with Rangimarehau, Epiha and 'other natives' for £55-0-0. The total sum paid to these contractors was £219-96. These contracts were for work on 2¾ miles of road.[123]

In April 1870 Stewart informed the government on the progress of the roads in Manawatū:

> The lines of road in progress are:-1. Ngawhakaraua and Oroua bush, two miles bush, rather heavy work, still incomplete; expenditure to date £410. 2. Oroua bush to Foxton, 12 miles, open country, light work, two and three-quarter miles partly done; expenditure to date, £100.[124]

Shortly, after this communication E.S. Thynne asked Premier Fox to provide for the employment of more men to complete the work between Oroua Bridge and the Palmerston road and he said: 'That, as all the contracts are held by Maoris, their character does not insure the work, should it become more difficult and expensive, being carried out, and to renew them would cause a greater delay.'[125] Thynne argued more men would ensure the road was completed before the 'wet season'.[126]

Provincial Engineer Stewart said that the:

> road-works at Ngawhakaraua and Oroua Bush, which is the part most liable to floods in winter, the whole of the remaining unfinished lengths of formation of

[122] AJHR, A-17, 28 February 1870, Enclosure-84, p. 38.
[123] AJHR, A-17, 24 March 1870, Enclosure-85, p. 38.
[124] AJHR, A-17, 6 April 1870, Enclosure-88, p. 39.
[125] AJHR, A-17, 22 April 1870, Enclosure-89, p. 39.
[126] ibid

> road have been taken up by parties of natives on the spot. The culverts are complete, and the various drains for taking off the surplus water from the road have been cut and finished to their outlets.
>
> I expect the remaining formation so taken in hand will be completed before the end of next month. I have called for tenders for cutting the sand hill at the west end of the bush road and spreading the sand over the formation.
>
> In the branch of road works, Oroua Bush to Foxton (mostly open country and not liable to be affected so much by winter rains) the work is also in a state of forwardness, a great part of the works approaching completion both as regards formation and culverts; and the remainder I hope to put in hand this month, so as to get nearly all of them done about the same time as the other branch.
>
> I have given instructions to the overseer to urge on the different parties at work. With native labour the same dispatch is not always practicable as with European labour, but the natives here on the whole [are] doing the work in a very satisfactory manner.[127]

A tender for £122-10-0 to cover 70 chains of new road was accepted from P. Stewart to cut through the sand hill at Oroua. This equated to 35 shillings per chain.[128] In June, following flooding, it was reported the road and culverts had performed well although a few loose logs had covered various parts of the road and would cost £2 to £3 to remove.[129]

A return showing the progress of roads constructed by the government in the Manawatū for 1870 indicates that road works were well underway and some Māori were engaged in the work. The return identifies 7 miles completed and ready for cart/dray traffic and 13¼ miles from Foxton to Oroua Bush and 1¾ miles from Oroua Bush to Ngawhakaraua. Māori had completed 3 miles of the Oroua to Foxton road for £236-5-3 and 'other persons' had completed 1 mile of this road for £48-4-0. Māori had completed 1½ miles of Oroua Bush to Ngawhakaraua for £371-6-9 and 'other persons' had completed ¼ mile of this road for £62-13-11. A further £225-13-11 had been spent on 'Culverts, overseer, outlet drains, improving formation in parts, tools, timber, carting, blacksmith.' At this stage 4 miles of the Foxton to Oroua Bush road had been completed for a total cost of £284-9-3 and 1¾ miles of Oroua Bush to Ngawhakaraua had been completed for £659-17-5. The report also provided an analysis of the work.

[127] AJHR, A-17, 10 May 1870, Enclosure-92, p. 40.
[128] AJHR, A-17, 14 May 1870, Enclosure-93, p. 40.
[129] AJHR, A-17, 20 June 1870, Enclosure-95, p. 40.

The road line from Foxton to Oroua Bush was 'naturally passable for light dray traffic' and the Oroua Bush to Ngawhakaraua was nearly completed but would not be passable for dray traffic until it was metalled in the summer. It was noted that the Foxton to Oroua Bush road line was to be of a 'permanent nature' and it was estimated the work would cost £565-10-9 to complete in total:

> Although some contracts on this line were taken by Europeans, still they chiefly employed Native labour, and it is so returned. The work was mostly done by a system of small contracts.[130]

It was also noted that the Manawatū district was 'extensive and one road would not be sufficient' although it was 'one of the most important, forming portion of through line to the eastward' and it had opened up the 'back country to the coast and the port of Manawatu.'[131]

In September 1870 Stewart reported to Under Secretary G.S. Cooper:

> Work on Foxton to Oroua Bush, thirteen miles, has been confined to making detached swamps and difficult places available for light dray traffic; the intervening flats have, however, become very heavy for traffic during wet weather. About £250 required to partially form and drain the road over three parts.[132]

Cooper advanced £75 for this work and asked the engineer to keep in mind the distinction between main trunk line roads and district roads 'as General Government will not be justified in spending money on latter, which are objects of local concern.' Stewart said: 'Expenditure has been wholly confined to main road or through line to East Coast and will strictly attend to instructions in this respect.'[133] For the Foxton to Oroua road 'Rangi' [Rangi Marehau], cleared three sections 'scrubbing and soiling' for £122-10-0.[134]

In December 1870 Stewart began investigations for taking the road and rail line through the Manawatū Gorge and he thought the southern left bank of the gorge which was five to six miles was 'practicable for the line at a small elevation above the river.'[135] In

[130] AJHR, A-17A, 23 June 1870, p. 4.
[131] ibid
[132] AJHR, D-1, 7 September 1870, 1871, Enclosure-45, p. vi, p. 36.
[133] AJHR, D-1, 1871, Enclosure-46, p. vi, p. 36.
[134] AJHR, D-1A, 30 June 1871, p. 12.
[135] AJHR, D-1, 1871, Enclosure-53, p. 40.

February and April 1871 initial survey work on making a road through the Manawatū Gorge began and Weber was in the process of surveying the road line and had made 'arrangement with Natives for clearing bush on part of line at Manawatū Gorge.'[136]

In May 1871 Resident Magistrate Knocks told the Act Native Department Under Secretary, H. Halse, that he had been present at a meeting when Matene te Whiwhi spoke to Ngawaka a Hau Hau leader about roads. According to Knocks te Whiwhi told Ngawaka that he 'had been requested by the Hon. Mr McLean to write to Rawiri te Koha to desist from opposing the survey at Rangitikei' and 'Ngawaka responded that their opposition to the survey was not intended as a real obstruction to the survey, but that they objected to the road passing through their houses.'[137]

In July 1871 the Acting Engineer in Chief inspected roads in the Manawatū district including the completed Oroua to Foxton road and the road to Palmerston. The road between Palmerston and Ngawhakaraua he wanted metalled because parts of the road ran through sandy country while others went through heavy clay.[138]

In 1871 a road from the Hawkes Bay through Seventy-Mile Bush to the Manawatū Gorge was under construction by the Public Works Departments and it was intended to link to the road through to Foxton:

> The continuation of this road to Foxton, at the mouth of the Manawatu, [Gorge?] a distance of thirty-five miles, is in course of completion, and about twenty-five miles of it are being laid down as a tramway, rendered necessary by the nature of the soil and the difficulty of procuring metal. The expenditure incurred and authorized on this work amounts to £24,803 6s. 3d.[139]

In his Public Works statement to Parliament in September 1871 the Minister William Gisborne noted the important role of these roads:

> We propose to push on the construction of those main lines of road in Native districts, which lines, when once fully formed, will constitute a permanent material guarantee for future internal peace, whilst providing the means of civilizing the Maori race, and of promoting the settlement of the North Island…[140]

[136] AJHR, D-1, 1871, Enclosure-47, p. v, p. 36.
[137] AJHR, F-6B, 1871, Enclosure-34, p. 20.
[138] AJHR, D-5, 31 July 1871, pp. 3-4.
[139] AJHR, B-2A, 27 September 1871, p. 4.
[140] ibid

The road from Oroua to Bulls 'part of which passes through Native land was laid off by J.T. Stewart in 1872 when the bush was felled a chain wide and 'temporary bridges were erected over the creeks' and:

> Tenders were called on by the Provincial Government for clearing the road of logs, and felling an extra half chain of bush eight tenders were received, the lowest that of Mr. Ames accepted. After the line was cleared tenders were called for the formation and metalling…[141]

In July 1872 Otaki Resident Magistrate W.J. Willis said:

> During the summer a great number of Maoris from Foxton and Oroua and those neighbourhoods, and a few from Otaki obtained employment on the Government road and tramway, and did their work in a satisfactory manner, but none are now working in consequence of the wet and cold weather.[142]

In April 1873 Willis said 'The Natives have not been so much occupied on public works as last year.'[143]

In June 1873 Māori had received a public works contract of £46-0-4 for the Foxton to Gorge road while 'other persons' for this road had received a contract of £3,180-8-0 and a further contract for 'others' for the Palmerston to Rangitikei road of £619-0-1. Māori day labour had received £1-3-0 and 'others' £1,328-7-9 contracted day labour for the Foxton to Gorge road and 'others' received a further £30 for the Palmerston to Rangitikei road. For the Foxton to Palmerston tramways the Māori public works contract received £332-14-7 and 'others' received a contract worth £9,679-15-6. Māori day labour was paid £10-14-0 and 'others' £1,832-7-9 for the Foxton to Palmerston tramways.[144] A further return for 1873 said: 'Ngatikauwhatas, 100 chains felling and clearing bush, at 30s' were paid £150-0-0 in total. Other contractors are identified with English names but do include the term 'and others' presumably referring to work gangs.[145] In September 1873 Matiu te Wheroro received £10 for 10 chains of road between Palmerston and Rangitikei at £1 per chain.[146]

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[141] J. Baird, Engineer to Engineers Office, Wellington, 2 July 1874, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0173-0174].
[142] AJHR, F-3, 5 July 1872, Enclosure-12, pp. 15-16.
[143] AJHR, G-1, 18 April 1873, Enclosure-20, p. 19.
[144] AJHR, E-01, 30 June 1873, p. 11.
[145] AJHR, E-6, 30 June 1873, p. 5.
[146] H. Bunny, Provincial Secretary, Voucher No 202, Warrant No 18, Matiu te Wheroro, 9 September 1873, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0172].

In April 1874 the Resident Magistrate made no mention of public works and he noted the 'money that has been paid to the Maoris for land has kept them from want'.[147] In May 1875 the Resident Magistrate commented land sales had helped sustain Māori.[148] In 1876 The Resident Magistrate said Matene te Whiwhi had attended a large meeting which proposed stopping future sales and leases to either the government or private individuals, 'and that no roads or railways should be made through Native lands'. Matene rejected this proposal and he declared his loyalty to the government and the law.[149]

In the 1870s when the Manchester block was being laid out for settlement a main road was laid off west of Palmerston to head towards Whanganui (Rangitikei Line). At Awahuri on the Oroua River, the road passed through land which had been reserved for Ngāti Kauwhata. Research for this project has not revealed any information about why this route was selected. There were ongoing negotiations and disputes with Crown officials about the extent and ownership of the Māori reserves along the Oroua River, and Ngāti Kauwhata had not yet been issued with a Crown Grant for the reserve. As a result Ngāti Kauwhata sometimes charged tolls for Pakeha passing through their land, or closed the road altogether.

On 30 April 1874 Alexander McDonald shot and killed one of the horses carrying the mail over the Oroua Bridge. When he was later on trial for killing the horse, McDonald said he did it to support Ngāti Kauwhata's rights to the land. According to Husbands:

> The community at Te Awahuri were evidently angry at the passage of Young's carriage across their land, and the shooting was intended to assert their's (and McDonald's) rights to the land and to warn the mail contractor 'not to come that way'.[150]

In May 1874 a warrant was issued for McDonald's arrest 'for maliciously stopping the carriage of Her Majesty's mails by Cobb's Coach, and shooting one horse.'[151] The

[147] AJHR, G-2, 18 May 1874, Enclosure-16, p. 23.
[148] AJHR, G-1, 17 May 1875, Enclosure-10, p. 14.
[149] AJHR, G-1, 31 May 1876, Enclosure-41, pp. 35-36.
[150] Paul Husbands, 'Ngati Kauwhata Reserves at Te Awahuri and Kawakawa', April 2018, p. 6.
[151] *Wanganui Herald*, 2 May 1874.

coach and horses were owned by Andrew Young who gave evidence at McDonald's trial:

> There is only one barrel loaded, or I should shoot the lot. I said it was a bad thing for such a thing to happen on Her Majesty's Highway. The accused said, the road, land, and bridge belonged to him, he was King, of that road and no mail coach should pass that way…..When the horse was shot there were no natives present beside the accused but there were natives 30 yards away at the hotel.[152]

McDonald was sent to prison for shooting the horse and a petition was organised to commute his sentence.[153] More information on the incident and its relationship to land transactions can be found in Husbands report.

In June 1874 Ngāti Kauwhata led by Tapa te Whata erected a gate across the Oroua Bridge to stop traffic.[154] They had erected the gate on the Palmerston side of the Oroua Bridge and placed notices of its closure.[155] The public notice that Ngāti Kauwhata issued that the bridge would be stopped to traffic said:

> Notice! Awa Huri, June 24th 1874- To the Inhabitants of Palmerston – On and after the 25th day of June, the road to Rangitikei will be stopped to traffic by a gate at the Oroua Bridge, erected by Ngati Kauwhata, and will continue closed until all disputes between the Government and Ngati Kauwhata are settled. Na te Koorote-one, Na Ngati Kauwhata. N.B. – no offer of money will be accepted as toll.[156]

In June the Wellington Superintendent informed Premier Julius Vogel about the road closure 'so the government may take such steps as it deems necessary.'[157] Fitzherbert enclosed for the Premier a series of telegrams from Mainwaring the overseer for the portion of road in dispute. He also asked for instruction on how to proceed and he warned that Ngāti Kauwhata had taken legal advice prior to closing the bridge.[158]

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[152] *Wanganui Chronicle*, 5 May 1874.
[153] *The Evening Herald*, 1 December 1874.
[154] J. Rusk, Bulls to J. Baird, Magistrate Office, Wellington, 25 June 1874, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0187].
[155] Telegram, R. Mainwaring, Foxton to H. Clarke, Wellington, 23 June 1874, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0181].
[156] *Wanganui Chronicle*, 4 July 1874; *Evening Post*, 1 July 1874.
[157] Superintendent, Wellington to J. Vogel, Premier, 25 June 1874, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0186].
[158] Telegram, R. Mainwaring to H. Clarke, Wellington, 7 June 1874, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0185]; [IMG 0184].

Mainwaring said he was going to Awahuri with Koro Ihakara.[159] Pollen said that Mainwaring should be instructed to tell Ngāti Kauwhata they would not be allowed to obstruct the road.[160] Pollen also asked for a legal opinion from the Attorney General.[161] On arriving at Awahuri, Mainwaring reported:

> I find that the bridge at Awahuri is closed by a gate in charge of two halfcastes [sic] named Hughes and Gotty. The coach did not attempt to pass on Thursday and no objection has been made to horsemen crossing the river or to pedestrians crossing the bridge. Last evening the gate was opened to allow a medical man to pass on horseback. Hitherto no one has been actually turned back it appears to me that there are two courses either to leave them entirely alone or to send the coach with a mail in order to test whether they will refuse it transit.[162]

Provincial Secretary Arthur Halcombe had a less pragmatic view than Mainwaring and he complained to Premier Vogel that if the road closure continued he would have to 'organise communication by Wanganui which means great expense & inconvenience please inform me if any action will be taken.'[163]

The Attorney General suggested that the road could be taken under the Public Works Act. Pollen suggested that part of the reason that Ngāti Kauwhata had closed the road was in:

> reference to the approaching trial of Mcdonald for shooting a horse in Youngs coach team – the natives are carefully advised and have erected the barrier upon their own land – it is not covered by a Crown Grant and there is therefore no power in the ordinary course to take a road through it.
> It may not be necessary to take the course advised by the Attr General & it appears the traffic is not absolutely interrupted.[164]

In July 1874 Engineer Baird explained that McDonald, on behalf of Ngāti Kauwhata had previously unsuccessfully tendered for the road construction work through their land:

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[159] Telegram, R. Mainwaring, Foxton to H. Clarke, Wellington, 16 June 1874, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0183].
[160] Telegram, D. Pollen, Auckland to H. Clarke, Wellington, 16 June 1874, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0182].
[161] File note, Pollen, on H. Clarke to S. Pollen, 27 June 1874, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0177].
[162] Telegram, R.C. Mainwaring, Foxton to H. Clarke, Wellington, 28 June 1874, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0179].
[163] Telegram, A. Halcombe, Marton to Vogel, Wellington, 26 June 1874, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0181].
[164] Pollen to Wellington, 29 June 1874, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0175-0176].

> During the progress of the work and when your Honor and Mr Bunny were at Oroua on your way to Wanganui the Natives argued that they should be paid the price of what it would have cost the Government for Bush falling for that portion of the road that passed ground that had originally been cleared by them. – Your Honor agreed to this, and the amount was paid.[165]

Matiu te Wheroro was paid £10 for this work. At this time Fitzherbert said the road had originally been laid off with the consent of the Māori owners 'and may be said to have formed an essential feature in the arrangements made with Dr. Featherston.' To support this statement he referred to a letter written by McDonald in August 1872 asking for the road to be expedited. Fitzgerald stated:

> Negotiations were proceeding between Mr McDonald (acting on behalf of the Natives) and the Superintendent for the leasing of the reserve and at that time not only did not the natives oppose the making the road they are now stopping; but actually brought pressure to bear on the Provincial Government to proceed at once with the construction of the road.[166]

McDonald's 1872 letter not only said Ngāti Kauwhata were anxious for the road, but also implied that the provision of the road had been seen as integral for Te Whata's assessment of the sufficient amount of reserve land, as he had intended developing a township:

> Tapa te Whata, who is the head of the family in question desires to submit to the Provincial Government that Dr Featherstone and subsequent authorities led him to believe that the road from Palmerston to Bulls would be made without delay and that in Consideration of the Value which the Reserve might be expected to acquire as a site for a Township, the area was reduced very much below what, as mere rural Land, would be necessary for the support of the family for whom the reserve was made – Tapa te Whata therefore considers that his family are entitled to anticipate in any increased value the land may acquire if as originally intended it is laid off as a Township.[167]

In February 1873 McDonald informed the Provincial Government that local Māori wanted the contract to construct the road between Palmerston to Bulls:

> Tapa te Whata and the Maoris at Awahuri are anxious to be employed in making the road from the Taonui Stream to Oroua, being 198 chains for which the Government have applied for tender. They have asked me…as to which price they should tender at to procure the work specified…I have taken the advice of Mr Bull and he says that if they obtain the contract at £4. 15/ pr chain he will

[165] J. Baird, Engineer to Engineers Office, Wellington, 2 July 1874, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0173-0174].
[166] W. Fitzgerald, Superintendent, Wellington to Colonial Secretary, Wellington, 2 July 1874, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0164-0166].
[167] Extract of letter, A. McDonald to Superintendent, Wellington, 27 August 1872, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0167].

> undertake to see that they complete the work satisfactorily. I beg therefore to tender on behalf of Tapu te Whatu, Haeta te Kahuhui, Matiu te Wheoro…the Natives promise if they obtain the contract to put a large number of men on the work.[168]

A marginal note on McDonald's letter made the following year says: 'The road referred to which the Natives desired to make is the part passing over land which the obstruction now exists'.[169] Tapu te Whata and others made a tender at £4-15 shillings per chain which made a total of £940-0-0. Te Whata's tender was unsuccessful. Seven tenders were received the highest being £940 and the lowest and accepted tender was £806-17-0.[170]

In response Pollen advised that:

> It appears that the roadway from the Oroua river to the boundary of the Upper Manawatu Block has not been dedicated by the native owners and that the land not being covered by a Crown Grant that action of the natives in stopping the road is not illegal. It is proposed now to take land for the purpose of this road under the authority of the "Public Works Lands Act" of 1864…[171]

In preparation for taking the road the Chief Surveyor provided a description and road tracing saying it was the main line of road between the north western part of the Awahuri Native Reserve and the Taonui Stream. The road was 150 links wide and the south western side of the road commenced at the north western side of the reserve.[172] The total length of the road between the north western side of the reserve and the Taonui Stream was 373 chains.[173] The description and tracing were passed on to the Attorney General.[174] An Order in Council was prepared but it was not executed because it was decided that it would be better to negotiate with the owners for the road rather than compulsorily take the land under the Public Works Act.[175]

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[168] A. McDonald to H. Bunny, Private Secretary, Wellington, 10 February 1873, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0168-0169].
[169] ibid
[170] Tenders received No 2 contract Palmerston to Bulls, 13 February 1873, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0170].
[171] Pollen to Fitzherbert, 4 July 1874, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0161, 0164].
[172] Chief Surveyor, description, 6 July 1874, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0160].
[173] See road tracing, n/d, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0159].
[174] File note, 7 July 1874, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0158].
[175] File note to Clarke, 13 July 1874, ACGO 8333 1A1/3/364[12] 1874/1745, ANZ Wellington [IMG 0156]; see also [IMG 0154-0155].

The matter of the roadway was finally resolved in 1877. Te Kooro te One and Tapa te Whata sold 30 acres of Upper Aorangi No 1 to the Crown for the road passing through the reserve as part of the main road from Palmerston to Whanganui, Rangitikei Line. The Crown paid £90 for the roadway.[176]

On another occasion it was the failure to construct a promised road which caused Māori to block public access. In September 1875 it was reported that Awahuri Māori intended to fence their land between Feilding and the Oroua Bridge to prevent traffic through the block. This was reportedly because they had been promised a road from Awahuri to Feilding, and although the road had been surveyed construction had not been completed. Nevertheless, they had allowed free passage over there land but the resulting damage from carts and other traffic meant they now preferred to block access until a proper road was made.[177]

On 19 October 1876 the *Rangitikei Advocate* reported that work on the new road bridge over the Rangitikei River would begin soon, and that Native Officer Booth had 'arranged with the Natives' for the road to go through the Native Reserve beside the river and connect with the main road to Feilding.[178] Booth was likely referring to arranging the road through Reu Reu reserve.

In 1878 the Resident Magistrate at Marton, R. Ward, said: 'Now that we have roads and railways the Natives are encouraged to cultivate largely, as they can find a ready and good market for their produce…..I am firmly convinced that there is no more effectual way of getting rid of the Native difficulty than by opening up the country by means of roads, bridges, and railways.'[179]

[176] Upper Aorangi No 1, Part of Main Road Line running through (Palmerston North to Bulls), 10 February 1877, ABWN W5279 8102/334 WGN 446, ANZ Wellington, cited in, P. Husbands, 'Maori Aspirations, Crown Response and Reserves 1840 to 2000', Draft, March 2018, p. 206.
[177] *Wanganui Herald*, 17 September 1875.
[178] *Rangitikei Advocate*, 19 October 1876.
[179] AJHR, G-1, 1 May 1878, Enclosure-16, p. 16.

4.3 Roads taken by Warrant 1880s-1890s

4.3.1 Road to Foxton Beach and Otaki-Foxton Inland Road 1880

Although the beach and coastline had been serving as a road, as the inland road network was developing in Manawatū local authorities began plans to build a proper road on an inland route from Foxton to Waikanae. In March 1879 the Manawatū County Council decided to make arrangements with Māori for felling and clearing the route of an inland road.[180] In 1879 the Resident Magistrate said: 'A country road is already in course of formation between Foxton and Otaki: this is also favourably considered by the Natives'.[181]

However, by this time Māori were no longer so content to donate their land in return for employment. Despite initial arrangements made between the council and different Māori communities to get work underway, Māori began to ask for compensation for their land. According to Anthony Dreaver, the road through Horowhenua was opposed by Muaūpoko who said 'rather than accept the ruling rate of 25/- per chain for bush felling, they would prefer the council to employ pakeha bushmen at £1 per chain and pay the extra 5/- per as compensation for the land.'[182]

It appears that the council had expected to gain the road line without payment, but when Māori started requesting compensation, the council started to threaten compulsory acquisition under the Public Works Act 1876. In the end the roads were taken under the provisions of the Native Land Act 1873 which allowed up to five percent of a block to be taken without compensation.

At a Manawatū County Council meeting on 5 April 1880, the council considered a letter received from Renao te Wharepakaru and Hoeta Kahuhui: 'We want to know about the road which crosses our land at Pukehou. We agree to let the road go, but require payment at the rate of £3 per acre for the ground taken by the road'. The councillors expressed surprise at the letter, as they thought the matter had been settled 'some

[180] Holcroft, M., *The Line of the Road*, p. 33.
[181] AJHR, G-1, 27 May 1879, Enclosure-11, p. 12.
[182] Dreaver, A.J., *Horowhenua County and its People*, p. 94.

months ago' with A. McDonald, acting as agent for the owner. The matter was referred to McDonald for further information about the nature of the prior agreement.[183]

Despite the growing protests in May 1880 Resident Magistrate Ward reported that progress was still being made on the road:

> A considerable portion of the inland road between Foxton and Otaki is being made by Native labour, many of whom have taken contracts from the Manawatu County Council, and I believe are carrying them out satisfactorily.[184]

In July 1880 the County Engineer reported that Māori had stopped work on bush felling the Foxton to Otaki inland road through the Horowhenua Block. He also reported that Wi Parata had consented to the line of the Otaki to Waikanae road passing through his block, and the only remaining objection came from Henaratewe regarding the Makahure 2 block.[185] Regarding the 'Horowhenua Road', the council had received a letter from 'several natives at Poroutawhao' about their claim to land along the proposed Foxton-Otaki road. The *Manawatu Herald* reported that according to the chairman, the council would take the land under Section 2 of the Public Works Act, and let Māori seek compensation. The council resolved that the chairman take the necessary steps to obtain the Foxton-Otaki road under the Public Works Act.[186]

In August 1880 the council received a letter from Tamihana te Hoea claiming compensation for the road line through Manawatū-Kukutauki 7D.[187] According to Monty Holcroft the council received letters in Te Reo Māori asking for compensation for the road, but neither the chairman nor his council could read them. In return the county clerk 'wrote 30 letters to Maori hapus…to explain that the recipients had no claim for compensation.'[188]

The public notice for the acquisition of the inland Foxton-Otaki Road was published in the *Manawatu Herald* on 7 August 1880. The notice did not name the actual blocks

[183] *Manawatu Herald*, 4 May 1880.
[184] AJHR, G-4, 11 May 1880, Enclosure-16, p. 13.
[185] *Manawatu Herald*, 6 July 1880.
[186] ibid
[187] ibid, 3 August 1880.
[188] Holcroft, M.H., *The Line of the Road*, p. 35.

affected, it merely advised that the plan of the road line was available for view and it gave 40 days for objections to be submitted in writing.[189]

On 10 September 1880 the council meeting considered the objections received to the inland Foxton to Otaki road. The newspaper account of the meeting does not contain any details of the discussion. Despite the objections, the council resolved that the work should proceed, and that any injurious affect would be covered by compensation.[190]

The route of the inland road from Foxton to Otaki was proclaimed in July 1881 under the powers of the Native Land Act 1873, Native Land Amendment Act 1878 and the Public Works Act 1880. The proclamation empowered Surveyor F.W. Knowles to 'take and lay down roads' over the blocks listed in the table below. The use of the Native Land Act powers meant that no compensation was required for the land taken. The following table shows the affected blocks and area of land taken.

Table 7: Land Taken for Inland Road from Foxton to Otaki 1881[191]

Block	**Area Taken**
Oturoa	10-1-16
Aratangata	7-2-18
Manawatū-Kukutauaki 7D	16-2-18
Horowhenua	42-1-21
Muhunoa No 3	3-0-03
Muhunoa No 1	6-0-33
Manawatū-Kukutauaki 4E	4-0-03
Manawatū-Kukutauaki 4D	2-2-16
Manawatū-Kukutauaki 4C	3-0-11
Manawatū-Kukutauaki 4B	3-3-14
Manawatū-Kukutauaki 4A	7-2-15
Pukehou No 4	15-0-28
Pukehou No 5A	2-0-19
Pukehou No 5L	5-0-08
Pukehou No 5K	5-0-16
Total	**134a 2r 39p**

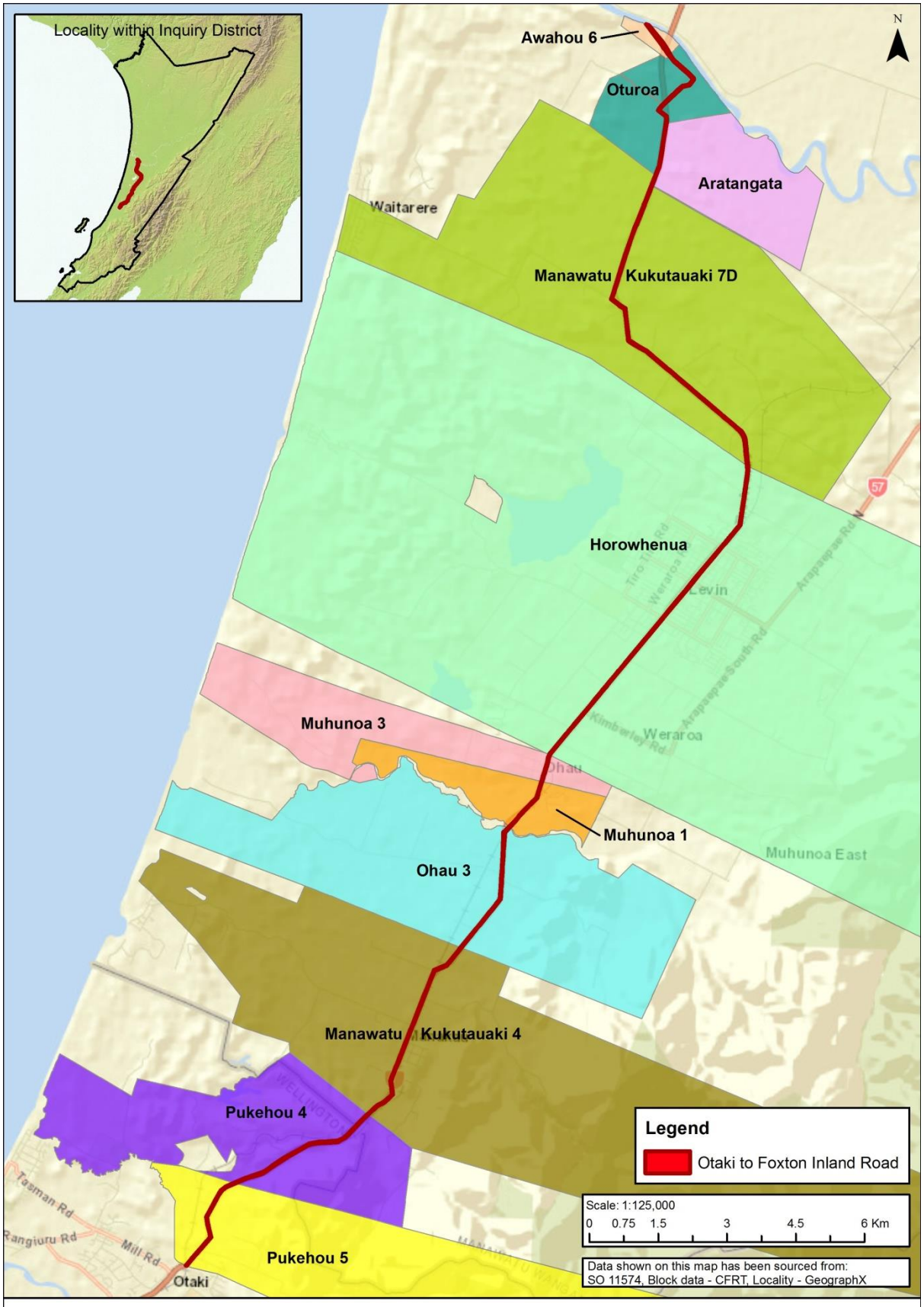
In 1884 a proclamation was issued for two further areas of the road at its northern end. Under Section 11 of the Public Works Act 1882 an area of 7 acres 1 rood 32 perches was taken from the 'Wirokino' block [later called Awahou 6], and 7 acres and 21

[189] *Manawatu Herald*, 9 August 1880. The Notice of Intention was also published in the *New Zealand Gazette*, NZG, 1880, p. 1098.
[190] ibid, 10 September 1880.
[191] NZG, 1881, p. 958; Wellington Survey Office Plan SO 11574.

perches from the Oturoa block.[192] The portion of the block which was taken through Ohau 3 for roads was not proclaimed in the *New Zealand Gazette*. Instead an area of 14 acres 1 rood 35 perches was taken by Chief Surveyor Marchant under a Governor's warrant dated 23 October 1883.[193] This taking brought the amount of Māori land used for the Foxton to Otaki road to 163 acres.

[192] NZG, 1884, p. 11; Wellington Survey Office Plan SO 12136.
[193] Annotation, Marchant, Chief Surveyor, 12 December 1888, on Wellington Survey Office Plan SO 12136.

Map 6: Land Taken for the Foxton to Otaki Road 1881-84



Porirua ki Manawatu Inquiry District: **Otaki to Foxton Inland Road 1881/1884**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkMPWI - 003 Map projection: New Zealand Transverse Mercator Date: 14/11/2018

4.3.2 Road from Foxton to the Coast

At the same time as Manawatū County Council was receiving objections to the inland road, a dispute was underway about the road over customary Māori land from Foxton Town to the beach south of the river. While the original ferry crossing was at Wharangi at the mouth of the Manawatū River (see above), as the town of Foxton developed further land, a ferry crossing started operating south of Foxton wharf (known as Cook's ferry). Travellers had to cross through Māori land on the south of the river between the coast and the ferry. The route travelled through Makarapa, Rerengaohau and Papangaio, but those lands had not been through the Native Land Court at that time, and were still customary land.

In early 1880, after the Foxton ferryman tried to charge Māori a toll for crossing river in a waka at Foxton, they responded by preventing travel through Māori land on the coast to the south of the river.[194] Assistance was sought from the government and on 1 March 1880 the county council considered a letter from the government 'stating that they would not take any further action regarding the road from Foxton to the beach, and recommending the Council to take the ordinary steps to secure a road'. The *Manawatu Herald* however commented that it believed it would not be possible to declare a road under the Public Works Act because the Māori land had not been through the Native Land Court.[195]

As the dispute continued further assistance was sought from the government. At its April 1880 meeting it was noted that the Manawatū County Council had received advice that if the council got government permission to survey a road, and then if the surveyor was stopped by Māori, then the government would get involved. The council resolved accordingly to write to the Minister for permission to survey a road from the ferry to the beach.[196]

In mid-April a meeting took place between the council and Māori to attempt to resolve the matter. However, when the council said it intended to acquire the land under the

[194] *Wanganui Herald*, 23 March 1880.
[195] *Manawatu Herald*, 2 March 1880.
[196] ibid, 9 April 1880.

Public Works Act, Māori responded that they would be seeking £600 compensation, and threatened to send off the surveyors:

> A conference took place on Saturday last, at the County office, Foxton, regarding the road from the Foxton ferry to the Beach, of which our readers have heard so much lately. Mr Macarthur representing the County Council, whilst Ihakara Tukumaru, Natana Pipito, and a few Maoris of less repute attended on behalf of the native owners. The Rev. Mr Duncan acted as interpreter. Mr Macarthur fully explained the law on the question, and informed the natives that the County Council was determined to carry a line of road through the land, and that the owners would have fair compensation awarded them by a Court which would sit for that purpose. The natives were very determined on the matter, and said that until the £600 they asked was paid, they would allow no road line to be made, but would continue to charge toll, and that if any surveyors were sent on the ground they would drive them off. Mr Macarthur replied that they would be liable to a fine of £50 if they did so, and the natives said they would stand the consequences. We understand the Mr Hayns (County Engineer), assisted by Mr Owen, will begin the survey of the road on Tuesday, the fourth of May. The natives express themselves fully determined not to permit the survey to proceed, and state that one of their old women will throw the chain into the river if a surveyor attempts to lay off the line of road before their claim for *utu* is satisfied.[197]

The *Manawatu Herald* reported that the council had received a letter from the Public Works Office which authorised Surveyor Owen to enter Native land and lay off a road from the Foxton ferry to the beach, under Section 78 of the Public Works Act 1876.[198]

On 3 May 1880 Native Officer, Samuel Baker, became involved in negotiations for the Foxton road to the beach, and gained Māori agreement to allow the survey to proceed, with a formal protest:

> Mr Saml. M. Baker, Native Officer, was yesterday engaged for a considerable time in fully explaining the law relating to surveys to the native owners of the land between Foxton and the Beach. The natives now express their determination to make a formal protest this day, when the survey is commenced, and demand £550 as the price of the roadway, but will offer no other obstruction to the survey, provided the surveyor produces an authority from the Government. The survey will therefore be pushed through with all possible speed, and the natives will take their claim to a Compensation Court. This settlement of the expected difficulty will doubtless be regarded with great satisfaction. Had the matter been placed in the hands of Mr Baker when the trouble first arose, we have no doubt it would have been settled long ago.[199]

[197] ibid, 20 April 1880.
[198] ibid, 4 May 1880.
[199] ibid

Later in May correspondence was received by the Manawatū County Council from a solicitor acting for 'Natana', 'from which it appeared Natives demand the sum of £800 as compensation'. The council forwarded the claim to the government.[200]

Resident Magistrate Ward reported somewhat optimistically that the matter was now resolved:

> Some months ago, in consequence of a misunderstanding between the Foxton ferryman and the Natives living on the south bank of the Manawatu River, the latter determined to stop the road over their land between the said ferry and the sea-beach. Finding that the travelling public would be much inconvenienced by this, they decided to permit travellers to pass on paying a slight toll, which, for the present in being levied. The Manawatu County Council is, however, now taking steps to survey and lay off a public road through this land (which, by the way, has not passed through the Native Land Court) under the provisions of the "The Public Works Act." The several sections of this Act having been explained to the Natives, they have decided to give the surveyors and Council every facility in doing what is necessary by law to cause the land to be taken over for road purposes, and will avail themselves of the compensation clause of the Act for any loss they may sustain for land so taken.[201]

In July 1880 the County Engineer reported that the survey of the ferry to beach road had been completed.[202] The *Manawatu Herald* reported that according to the chairman, the council would take the land under Section 2 of the Public Works Act, and let Māori seek compensation. The council resolved that the chairman take the necessary steps to obtain the road under the Public Works Act.[203]

The Māori owners were still charging a toll to pass to the beach at this time, a situation which the *Rangitikei Advocate* (based at Marton) found unacceptable and which it also argued reflected badly on the citizens of Foxton:

> The Maori tollgate between the Foxton beach and the Manawatu ford is still in existence, and affords a constant source of trouble to passengers, who are bailed-up by the keeper on the questionable grounds of Native impudence. The exorbitant charge of 3s for a trap, and 4s for a coach, and 4s 6d for a bullock-dray, 1s for a horse, and 3d for a foot passenger is too much of the nature of black-mail to be calmly endured, and while we pity the Foxtonians who enjoy the standing pleasure of being bailed up whenever they go out for a walk or drive, we think it serves them right for the pusillanimity in enduring the extortion, especially when it is remembered that the bar is erected across the

[200] ibid, 21 May 1880.
[201] AJHR, G-4, 11 May 1880, Enclosure-16, p. 13.
[202] *Manawatu Herald*, 6 July 1880.
[203] ibid

> track through the sand hills, where there is no occasion for the annoyance, and no attempt is made to keep the road in order.[204]

However, in response the *Manawatu Herald* not only defended the Foxtonians, but displayed a full understanding of the legal position and rights of the Māori landowners:

> In erecting the tollgate, the natives have acted legally, and as they were perfectly entitled to do. What the writer adds regarding the people of Foxton is simple "rot", as they have no right whatever to enter forcibly on native land, and if the owners choose to charge tolls on a road which passes through their property, the European settlers can only patiently submit until the necessary steps are taken to acquire the roadway. If the writer in the Advocate is willing to show an example of the bravery he professes to desire an exhibition of, and will "storm" the gate, we will guarantee all expenses will be paid. We fear, however, that unless his physical strength is greater than his mental, Natana would only need to tell off one of his oldest waihenas to give the valorous scribe the "ducking" he would most certainly get for his pains.[205]

On 2 August 1880 the council reported receiving a letter written on behalf of the Māori owners, objecting to the road from Foxton to the beach.[206] The public notice for the road was both published in the *Manawatu Herald* on 7 August 1880. The notice advised that the plan of the road line was available for view and giving 40 days for objections to be submitted in writing.[207] The County Engineer reported that notices of intention had been published for the road to the beach, in the county papers, and served on at least some of the owners: 'The necessary notices I have also occasioned to be served on the land owners and occupiers, so far as they can be ascertained, through which the road line runs'.[208]

At the beginning of November it was reported that the council was holding over consideration of the objections to beach road while awaiting advice from solicitors.[209]

It appears that despite all the activity to survey a road line, that in the end no road to the beach was formally taking. Research for this project has not identified any relevant proclamation, or the survey plan. It is possible that the acquisition was put on hold because the land had not passed through the Native Land Court, and the council was unwilling to pay compensation. The opening up of the inland route from Foxton to

[204] ibid, 16 July 1880.
[205] ibid
[206] ibid, 3 August 1880.
[207] ibid, 9 August 1880.
[208] ibid
[209] ibid, 3 November 1880.

Otaki may also have removed the immediate need for the road, as the beach route was no longer the main road. A survey plan drawn in 1943 shows a road line through Matakarapa 2A and 2B and it is annotated 'old coach track Wellington-Foxton, no evidence of legality, possibly public by use in the coaching days'.[210]

4.3.3 Otaki River 1880s (Rahui Road)

In 1881 a warrant for roads to be taken at Otaki was issued.[211] In May 1881 surveyor Morgan Carkeek forwarded plans for a road from Otaki to 'Ririu'. An attached file note commented on the plan and said the scale was not correct and it was noted that the name of the Māori owners was not given and there was a query: 'Is it necessary in Native Lands?' Other than these discrepancies the plan was judged to be correct.[212] The surveyor was told in future to adhere to instructions when it came to plan, scale and identifying ownership of land.[213]

In 1882 surveyor J.D. Climie was provided with a Governor's warrant to take and lay off roads near the Otaki River. He was to place road survey pegs for the road and he was told 'to inform the owners or occupiers of the land of what he is about to do, and to invite their inspection of the Road as it is laid out producing the Governor's warrant if desired.' Once the plan was completed Climie was to place a certificate with date explaining the taking under the warrant. This was then to be sent to the Surveyor General who would deliver it to the office of the Governor General for signature. Once this was completed it would be recorded that it met with the requirements of the Land Transfer and Deeds Registry Acts. A description was also to be sent to the General Survey office for gazetting.[214]

The road went through Te Roto 1 and 2, Turangarahui 2 and the Rahui blocks and ended at a point marked 'x' on the plan where it entered the old river bed.[215] There were owner objections about the path of the road. Climie had contacted the owners and Pineaha te

[210] Wellington Deposited Plan DP 14663.
[211] Assistant Under Secretary, Public Works, Wellington to T.W. Marchant, Chief Surveyor, Wellington, 29 June 1881, ADXS 19483 LS W1/20 842, ANZ Wellington [P 1160591].
[212] File note, on, Deputy Inspector of Surveys, 21 May 1881, ADXS 19483 LS W1/20 842, ANZ Wellington [P 1160592].
[213] Signature illegible, Wellington to Carkeek, 19 May 1881, ADXS 19483 LS W1/20 842, ANZ Wellington [P 1160593].
[214] Surveyor General, General Survey Office, Wellington to Chief Surveyor, 1882, ADXS 19483 LS-W1/37 1544, ANZ Wellington [IMG 0935].
[215] Road plan tracing, n/d, [c 1883], ADXS 19483 LS-W1/37 1544, ANZ Wellington [IMG 0922].

Mahauariki objected to the line of the road through his land in Te Roto 1: 'My sister will show you don't go in the middle of the block I am glad that you wrote to me'.[216] Climie enclosed the letter of objection for the Chief Surveyor and said: 'I may also mention that Messrs Gear & Ling also object to the Rd cutting the block in two'.[217]

No further information has been located about how the objections were handled. On 29 December 1883 Climie annotated the plan as requested: 'I hereby certify that I have laid off and taken the road from A to B under the warrant of His Excellency the Governor dated August 28 1883.'[218]

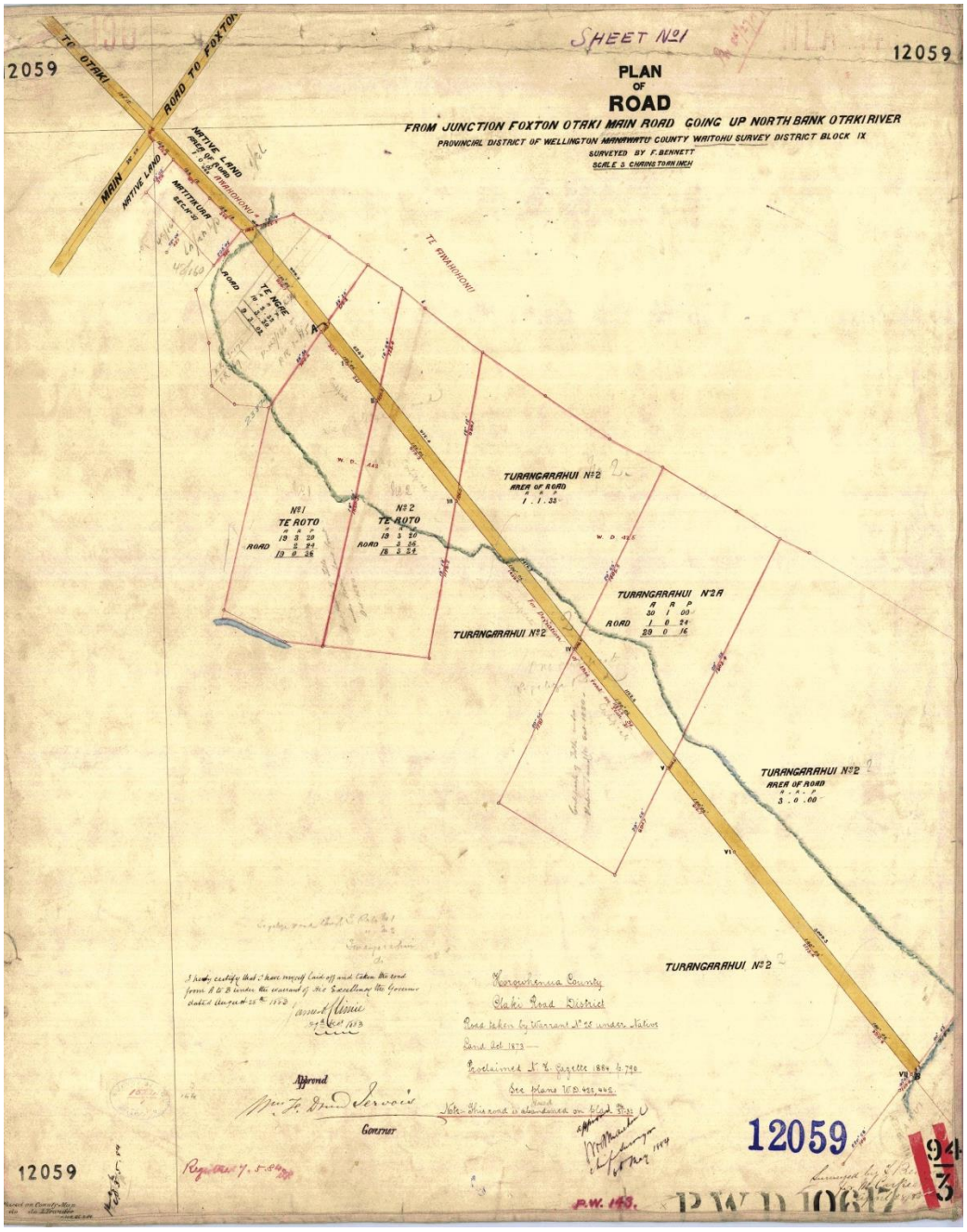
In April 1884 a proclamation was issued declaring that the line of road had been taken under the Governor's warrant in accordance with the Native Land Act 1873. The following table shows the affected blocks and the amount of land taken.

Table 8: Land Taken for Road along Otaki River 1884[219]

Block Name	**Area Taken**
Te Roto 1	0-2-24
Te Roto 2	0-3-36
Turangarahui 2	4-1-33
Turangarahui 2A	1-0-24
Rahui	3-0-39
Te Roto 1	0-2-24
Total	**11a 0r 20p**

[216] Pineaha te Mahauariki, Masterton to J.D. Climie, 28 December 1883, ADXS 19483 LS-W1/37 1544, ANZ Wellington [IMG 0919-0920].
[217] J.D. Climie, Lower Hut to Chief Surveyor, Wellington, 5 January 1884, ADXS 19483 LS-W1/37 1544, ANZ Wellington [IMG 0918].
[218] Wellington Survey Office Plan SO 12059.
[219] NZG, 1884, pp. 790-791.

Map 7: Otaki Blocks Taken for Road 1884[220]



In April 1896 the chairman of the Hutt Council said the road from Otaki Beach that ran north to south had been used as a road since 1858. The road was fenced on both sides except for the Otaki River bed and sand hill section near the beach.[221] It had been built

[220] Wellington Survey Office Plan SO 12059.
[221] J. Kebble, Chairman, Hutt County Council, Otaki to Assistant Surveyor General, 1 May 1896, ADXS 19483 LS W1/275 12637, ANZ Wellington [P 1160443].

using public money and ran through Kaingarahi 2, Waopukatea 1 and 2, Ngakororo 1A Section 6, 2F and 4. A file note said 'DLR notified road legalised.'[222]

4.3.4 Ngakaroro 1A Section 7, 1888

In July 1888 the Member of Parliament for Western Māori, Hoani Taipua, raised the issue of the way that local authorities had laid roads unfairly over Māori lands:

> Mr Taipua asked the Colonial Secretary, if he will take steps to prevent local bodies from injuring Native lands by running roads through the same, irrespective of the damage done; and to direct that, where a road has to be made through private lands, the same be laid out as fairly as possible for all parties interested? He put the question in the hope that the Government would give some instruction to the local bodies to secure that the making of roads should be carried out more fairly to the Natives. Where possible, the roads should be taken equal to all, one-half of the land being taken from the Europeans and one-half from the Native people, so that the Natives should not be injured solely by the taking of land for roads. The roads were for the benefit of both races, and should not be taken entirely at the expense of the Natives.[223]

Taipua's complaint met with a sympathetic response from the Minister of Public Works, who was already familiar with complaints presented by Taipua and others relating to roads in the Otaki district:

> He was quite convinced that wrong had been done; and; upon making inquiry at the Survey Department on the subject, he felt that proper care was not taken to ascertain facts before issuing the warrant to take the roads. He was informed that local bodies surveyed roads through Native land without the slightest consideration for the Native interests. He thought some steps should be taken to prevent this from being done in the manner in which it was being done now. The Natives were not considered in any way. In cases where a European owned land adjoining a Native's land, the whole width of the road was taken from the Native's land, and none from the European's land. He thought that this was decidedly unfair. In such cases half should be taken from one and half from the other. In the Public Works Department it was usual to pay compensation for the land so taken, and the Native Department was first consulted. If local bodies would only do that, a great deal of friction would be saved; but they never did it. [224]

The tendency of road boards and councils to rely on taking land under the five percent provisions, and avoid paying compensation, meant that the processes referred to in the

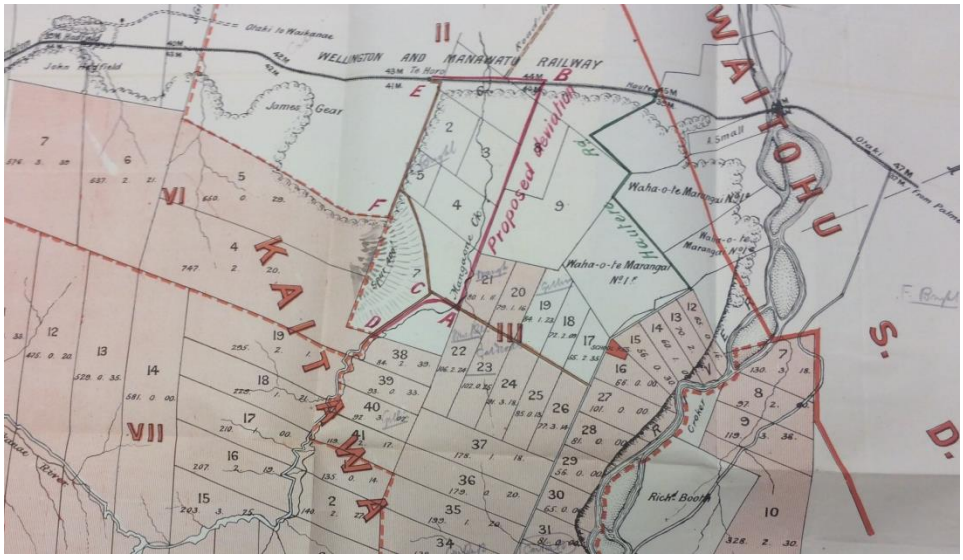
[222] J. Kebble, Chairman, Hutt County Council to Assistant Surveyor General, Wellington, 29 April 1896, ADXS 19483 LS W1/275 12637, ANZ Wellington [P 1160444].
[223] NZPD, 1888, vol LXI, p. 609.
[224] ibid

above quote which provided a degree of protection for Māori interests, were routinely avoided.

One of the cases Taipua and Mitchelson were referring to was a road over the Ngakaroro block from Otaki Railway Station, which had been laid out by the Wellington and Manawatū Railway Company (see Section 5.4) which was also responsible for a number of road routes. As part of its land development and sales programme (which helped finance the railway), it was involved in laying off roads not only through its own lands, but also roads designed to provide access to lands it was offering for sale. The route of the road through the Ngakaroro block to provide inland access from Te Horo station for settlers was to become the cause of complaint because of the manner in which it cut through one block instead of following block boundaries.

The road was surveyed under warrant by Carkeek, one of the Wellington and Manawatū Railway Company surveyors. Carkeek laid off the road in a way which divided Ngakaroro 1A Section 7 into three pieces (see Map below).

Map 8: Proposed Road through Ngakaroro 1A[225]



After the Te Horo Road Board complained that the company was cutting up blocks unnecessarily, Carkeek responded that the road by Sections 2 and 5 went along the

[225] Detail of Plan of Land for Future Sale, [1887], ADXS 19483 LS-W1/74 3068, ANZ Wellington [IMG 4132].

boundary, and was a half chain from the blocks on either side. He said that the diagonal line through Section 7 (rather than along the boundary) was necessary because of the natural features of the block. He also argued that all the blocks had now been made more valuable because they had previously been without any access to the main road and/or railway station.[226]

Section 7 was Māori land, owned by members of the Moroati whanau, which had been leased to Cresswell. Both the owners and Cresswell (along with other settlers) complained about the route, particularly the way that Section 7 was divided into three portions, each of which would require fencing. The owners asked the Chief Surveyor to refuse to approve the road, and to instead instruct that the road go around the boundaries of the block: 'If it was necessary for the Company to have these roads they should have taken them through their own land or at any rate only along the borders of ours.'[227]

James Wallace, the secretary of the company, responded by pointing out that the road had been laid out in accordance with the warrant and sketches already approved by the Surveyor General, and he argued that the route benefitted more land, and was in fact supported by the local Pakeha landowners. He also said that the lessee of Ngakaroro 1A Section 7, Creswell, had only taken up occupation of the land after the road was laid off.[228] A series of letters then followed from local settlers saying that they now agreed that the proposed route was the best option, largely because it was slightly shorter for some to access the station, and because the alternative would involve multiple bridges over the Mangaone Stream, which was also prone to flooding.[229]

The owners sought assistance from their local Māori Member of Parliament, Hoani Taipua, who raised the issue of local authorities taking roads unfairly from Native lands in Parliament in July 1888. The next month Taipua asked a Parliamentary question

[226] Carkeek and Martin, Authorised Surveyors to Chief Surveyor, Wellington 15 June 1888, ADXS 19483 LS-W1/74 3068, ANZ Wellington [IMG 4138-4139].
[227] Moroati Kiharoa, Te Matenga Moroati, Hihira Moroati, and Rihi Moroati to Chief Surveyor, 5 July 1888, and Bell Gully & Co to Chief Surveyor, 4 July 1888, ADXS 19483 LS-W1/74 3068, ANZ Wellington [IMG 4135-4137].
[228] J. Wallace, Secretary, Wellington and Manawatu Railway Company to J. Marchant, Chief Surveyor, 19 July 1888, ADXS 19483 LS-W1/74 3068, ANZ Wellington [IMG 4129-4131].
[229] John Gillies & ors to Chief Surveyor, 16 July 1888, ADXS 19483 LS-W1/74 3068, ANZ Wellington [IMG 4127-4128].

specifically about the Ngakaroro case. He referred to the three road lines proposed to cut through the block and said it would require 6 miles of fencing, costing £500. Taipua said that the Minister had seen plans of the proposed road and agreed that 'a hardship had been inflicted upon the owner'. He now asked what the government had decided to do about the matter. The Minister responded that he was awaiting a report from the Surveyor General.[230]

The Chief Surveyor decided to inspect the land for himself and to judge the most appropriate route. After doing so, he agreed with Carkeek that the low-lying nature of the flood prone block meant that the alternative route was unsuitable.[231] He responded to the Moroati whanau complaints that the roads 'appear to have been fairly laid off and that I do not see how the roads could follow the boundaries'.[232] This response did not satisfy the owners, who again complained that the road would 'cause a great deal of extra fencing and cut the land inconveniently'.[233]

In November 1888 Hoani Taipua wrote to the Chief Surveyor on behalf of the owners about the matter. He said that Māori land owners were being discriminated against by having the road solely on their land:

> To my mind this is very hard on the Natives to have land roads laid off on land that belongs solely to Maoris if this land belonged to Europeans they would not have allowed it to be cut up in this manner. I have been told that the road has not touched Mr Gears or Mr Brights land, that adjoins Moroatis. Is it because they are Europeans that their land has not been touched.[234]

Taipua also said that the Native Minister agreed with him. The Chief Surveyor responded by saying that he had been assured by the surveyors that where the road ran between Māori and European sections that it had been laid off equally from each (but he was still awaiting the plans for this to be confirmed). He denied that Māori interests were not being protected: 'I always guard the interests of the owners of the land,

[230] NZPD, 1888, vol LXII, p. 399.
[231] J. Marchant, Chief Surveyor to Carkeek and Martin, Otaki, 15 October 1888, ADXS 19483 LS-W1/74 3068, ANZ Wellington [IMG 4119].
[232] J. Marchant, Chief Surveyor to Moroati Kiharoa and ors, Otaki, 15 October 1888, ADXS 19483 LS-W1/74 3068, ANZ Wellington [IMG 4116].
[233] Moroati Kiharoa, Matenga Moroati to J. Marchant, Chief Surveyor, 28 October 1888, ADXS 19483 LS-W1/74 3068, ANZ Wellington [IMG 4115].
[234] Hoani Taipua to Marchant, 2 November 1888, ADXS 19483 LS-W1/74 3068, ANZ Wellington [IMG 4113-4114].

whether or not Maori, in this and similar cases'. He recommended that Taipua should walk over the boundaries of the land himself to judge whether or not the road was fair.[235]

The lessee, Cresswell, continued to object, and the chair of the Te Horo Road Board then requested the Chief Surveyor to meet on the site with Cresswell and himself to resolve the matter. Carkeek sent in his plan in March 1889, but the Chief Surveyor said approval had to await inspection by the Surveyor General.[236] A compromise was then reached when Taipua, the Surveyor General, the Chief Surveyor, Carkeek, Cresswell and the chair of the road board all met on the block. The compromise, as shown on the plan below ran partway along the boundary of Section 7, before cutting into the block. The owners had also agreed to this route.[237]

[235] J. Marchant, Chief Surveyor to Hoani Taipua, MHR, 10 November 1888, ADXS 19483 LS-W1/74 3068, ANZ Wellington [IMG 4112].
[236] Morgan Carkeek, Authorised Surveyor to Chief Surveyor, 25 March 1889, and annotations, ADXS 19483 LS-W1/74 3068, ANZ Wellington [IMG 4108].
[237] Chief Surveyor to Surveyor General, 3 June 1889, ADXS 19483 LS-W1/74 3068, ANZ Wellington [IMG 4103].

Map 9: Land Taken from Ngakaroro 1A for Road 1890[238]

Although the secretary of the WMRC again objected to the road line being changed, the Surveyor General and the Chief Surveyor insisted that the line had to be laid out as per the agreement made on site, with the Surveyor General commenting that if the company insisted on the original route, it would not be able to be taken by warrant and the company would have to negotiate to purchase the land from the Māori owners.[239]

The road was proclaimed as taken under the Native Land Court Act in May 1890.[240] A total of 13 acres 2 roods 16 perches was taken from the 500 acre Section 7 block. The amount of land taken from each section is shown in the table below.

[238] Wellington Survey Plan SO 12906.
[239] Surveyor General to Chief Surveyor, 16 August 1889, ADXS 19483 LS-W1/74 3068, ANZ Wellington [IMG 4101].
[240] NZG, 1890, p. 583.

Table 9: Land Taken From Ngakaroro 1A for Road, 1890[241]

Block	Area	Ownership Type
Section 6 Ngakaroro 1A	0-0-33	Māori
Section 2 Ngakaroro 1A	2-0-13	European
Section 5 Ngakaroro 1A	2-1-14	European
Section 7 Ngakaroro 1A	13-2-16	Māori
Section 4 Ngakaroro 1A	0-0-10	Māori
Ngakaroro 2F	4-1-32	European
Total	22a 2r 38p	

That was not quite the end of the complaints against the roads. In March 1891 Gear, the owner of Ngakaroro 2F, requested that the Te Horo Road Board reduce the width of the line from one chain wide to half a chain. This was followed by a request from Hoani Taipua that if the road along Gear's land was reduced, then the road line through Section 7 should also be reduced to a half-chain width.[242] It does not appear that the road line was reduced for either party.

4.3.5 Wi Parata Attempts to Stop Waikanae Beach Road 1886-1895

In February 1886 Wi Parata objected to a road being made from Waikanae Beach to the railway station.[243] The Chief Surveyor asked the Wellington and Manawatū Railway Company under what authority this road was being made.[244] The company said it had not given authority for a road although it acknowledged that some railway contractors had assumed a right to use the route.[245]

In July 1887 Wi Parata fenced off access across his land which isolated settler Nichols.[246] In August a solicitor for the Pakeha 'owners and occupiers' said Nichols grant in the Ngarara block located:

> Between the Railway station and the sea. The Natives who consider themselves the owners of that part of the Ngarara have fenced all around this land [Nicols Grant], and thus the aforesaid Natives will not permit the occupiers to go over the adjoining land (the Ngarara) to pass or repass to the Railway Station or the sea, either on foot or otherwise.

[241] Wellington Survey Office Plan SO 12906.
[242] Hoani Taipua to J. Marchant, Chief Surveyor, 18 March 1891, ADXS 19483 LS-W1/74 3068, ANZ Wellington [IMG 4095].
[243] File note, 8 February 1886, ADXS 19483 LS W1/73 3000, ANZ Wellington [IMG 2910].
[244] W. Marchant, Chief Surveyor, Wellington to J. Wallace, Secretary, W & M Railway Co, Wellington, 9 February 1896, ADXS 19483 LS W1/73 3000, ANZ Wellington [IMG 2909].
[245] J. Wallace, Secretary, Wellington & Manawatū Railway Co, Wellington to W. Marchant, Chief Surveyor, Wellington, 9 February 1886, ADXS 19483 LS W1/73 3000, ANZ Wellington [IMG 2908].
[246] Note to Marchant, Chief Surveyor, 6 July 1887, ADXS 19483 LS W1/73 3000, ANZ Wellington [IMG 2907].

> This renders it impossible to occupy…or put it to any use, and, as a road from and to the Railway Station through Waikanae is urgently needed. I would ask you if possible to have something done to remedy the present state of affairs.[247]

Occupier Henry Walton also complained to the Chief Surveyor and asked 'when there is a likelihood of our getting a road opened as although Mr Wi Parata had proclaimed me a lien the gate is still locked except for foot traffic'.[248] Walton also drew a rough sketch plan that showed where Wi Parata had fenced and blocked access to the beach and railway station and isolated the Nichol's land grant.[249] At this time the Chief Surveyor told the Te Horo Road Board a road was needed to provide access to the Nichol's and Walton properties.[250] The road board chairman said he would give instruction for the road to proceed 'as soon as possible' but he noted there were difficulties with the Māori owners.[251]

In October 1887 Climie was given a warrant to survey and 'to take roads through the Wellington District'.[252] In November 1887 the Chief Surveyor asked Climie when Nichol's would receive road access.[253]

In July 1888 Walton said Wi Parata's fence and padlocked gates were depriving the occupiers of a living and 'forcing me into bankruptcy' and he said 'Natives are also precluded the free use of a road'.[254]

In August 1888 Wi Parata and other Ngarara block owners consulted a solicitor about Climie's efforts to use his Governor's warrant on their land. Their solicitor, Jellicoe,

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[247] Solicitor to W. Marchant, Chief Surveyor, Wellington, 25 August 1887, ADXS 19483 LS W1/73 3000, ANZ Wellington [IMG 2904-2905].
[248] H. Walton, Waikanae to Marchant, Chief Surveyor, Wellington, 24 October 1887, ADXS 19483 LS W1/73 3000, ANZ Wellington [IMG 2903].
[249] H. Walton, sketch plan for Marchant, 29 October 1887, ADXS 19483 LS W1/73 3000, ANZ Wellington [IMG 2898].
[250] W. Marchant, Chief Surveyor, Wellington to A. Small, Chairman, Te Horo Road Board, Otaki, 19 July 1888, ADXS 19483 LS W1/73 3000, ANZ Wellington [IMG 2891]; see also [IMG 2890].
[251] A. Small, Chairman, Te Horo Road Board, Otaki to Chief Surveyor, Wellington, 31 July 1888, ADXS 19483 LS W1/73 3000, ANZ Wellington [IMG 2889].
[252] Surveyor General, Wellington to Chief Surveyor, Wellington, 7 October 1887, ADXS 19483 LS W1/73 3000, ANZ Wellington [IMG 2901].
[253] Marchant, 14 November 1887, ADXS 19483 LS W1/73 3000, ANZ Wellington [IMG 2897]; see also [IMG 2896].
[254] H. Walton, Waikanae to W. Marchant, Chief Surveyor, Wellington, 5 July 1888, ADXS 19483 LS W1/73 3000, ANZ Wellington [IMG 2892].

said they objected until some provision was made in regard to compensation.[255] An annotation on this correspondence stated that officials maintained the road could be taken under warrant in the 'public interest'.[256] The Chief Surveyor noted that the road board were now also asking for a road through Ngarara.[257] Jellicoe was told that the government was aware of his client's situation but this would not stop the road being made.[258]

In January 1889 the Magistrate's Court decision against Wi Parata for obstruction of a survey brought by surveyor Climie was published. The case had been heard on 23 December 1888. Chapman had appeared for Climie and Jellicoe for Parata. The court was told that on 25 August 1888 Climie had gone on to Parata's land with the warrant to make the survey. Climie began to peg the ground, and Parata pulled the survey pegs out and threw them away and told Climie that he could not continue the survey. Jellicoe argued that because the land was Native land an Order in Council should have been made. He also said that for the Magistrates Court to have jurisdiction and hear the case it first had to determine whether or not the land was Native land. Judge Robinson decided that 'for the purposes of this case' the land was not Native land and was not outside the court's jurisdiction. He said the court was not hearing about the title to the land, it was hearing a case of obstruction under the Public Works Act. The Judge said the Governor's warrant was in order, and the offence appeared to have been proven. Jellicoe asked the Judge to allow Parata to make a statement. Parata and a witness Ellison both stated that Climie only produced the warrant when the pegs had been pulled out. Judge Robinson said faced with such an important contradiction he would have to reconsider his decision to prosecute Parata. He reserved his decision.[259]
At the end of the month Judge Robinson found against Parata and fined him £5-1-0, along with costs of £1-18-0.[260]

[255] G. Jellicoe, Solicitor, Wellington, to Surveyor General, 28 August 1888, ADXS 19483 LS W1/73 3000, ANZ Wellington [IMG 2884-2885].
[256] Surveyor General to Chief Surveyor, Wellington, 19 September 1888, ADXS 19483 LS W1/73 3000, ANZ Wellington [IMG 2886].
[257] File note, W. Marchant to Secretary General, 29 August 1888, ADXS 19483 LS W1/73 3000, ANZ Wellington [IMG 2887].
[258] J. McKenzie, for, Chief Surveyor to G. Jellicoe, Barrister, Wellington, 1 October 1888, ADXS 19483 LS W1/73 3000, ANZ Wellington [IMG 2883].
[259] *Evening Post*, 10 January 1889.
[260] *Manawatu Herald*, 29 January 1889.

Parata appealed the decision to the Supreme Court. The case was heard before Justice Richmond on 18 September 1889. Richmond found that the warrant was valid, and dismissed Parata's appeal:

> In this case, I feel no difficulty on the points which appear to have been raised before the Magistrate. It appears to me to have been sufficiently proved that Mr. Climie was a surveyor appointed within the meaning of the Public Works Act. He is a surveyor appointed by the local authority, the Horowhenua County Council, and the Te Horo Road Board, and he is also a person authorized to make the survey by the Governor. I think the fact that he swears he was employed by the local authority justifies the inference that he was appointed by it to do this work. I see no difficulty in the fact that he would thus have a double authority, but it was necessary that that should be so. I think also that this road was a public work within the meaning of the Public Works Act. [261]

Parata also tried to argue that no evidence had been produced to confirm whether or not the land taken (along with any other land already taken) exceeded the allowable five percent, and that no evidence had been presented to confirm that the Ngarara block was within the boundaries of the road board. However, Richmond said it was not appropriate for new matters such as this to be raised as part of the appeal. The appeal was dismissed, and costs of £7-7-0 were awarded against Parata.[262]

Although Parata lost the case the road board did not proceed with acquiring the road until 1895. In February 1895 the Assistant Surveyor General, Mackenzie informed Surveyor General, Smith that the road from Waikanae Beach to the railway station had been informally used for a number of years. He recounted how Wi Parata stopped traffic 'seemingly when he sees fit' and the outcome of the Supreme Court case of *Climie v Parata*. Mackenzie did not know why the road board had not followed up on this matter after the judgment, but he pointed out that the legal right to make the road under the warrant without paying compensation existed for another year. He concluded that roads were needed in the Ngarara block to serve the many sub-divisional interests.[263]

In September 1895 the Te Horo Road Board requested a Governor's warrant to be issued so a road through Ngarara West from the railway station to Waikanae Beach

[261] *New Zealand Times*, 'The Courts', 19 September 1889; *Evening Post*, 19 September 1889.
[262] ibid
[263] J. McKenzie, for, Assistant Surveyor General, Wellington to Surveyor General, Wellington, 22 February 1895, ADXS 19483 LS W1/73 3000, ANZ Wellington [IMG 2880].

could be surveyed.[264] In May 1896 surveyor H.A. Field was issued a warrant by the Surveyor General to survey the road from the beach to the railway station.[265] To enable Field to commence work immediately the Surveyor General issued a warrant 'under clause 72 of the Native Land Court Act 1894, which now gives you the same power over land adjudicated on by the Court as was given under previous Acts for purely Native Lands.'[266] Smith authorised Field to make immediate entry on Ngarara West to make the survey for the road.[267] Smith also thought it advisable to get the Governor's warrant in the usual way.[268] A Governor's warrant was duly issued.[269] Although issued Field did not receive this warrant which was to subsequently cause future problems (see below).

In June 1896 H.A. Field had pegged and chained the road from the station to the beach and issued notices to the owners.[270] In 1901 the Engineer for Works received and approved the plans for the Waikanae Beach Road.[271] Once again the taking of the land for the road did not proceed at that time. The next section explains how the subsequent taking of road to the beach (Te Moana Road) and Ngarara Road became subject to a legal challenge from one of the European land owners.

4.3.6 Ngarara West A Roads - Elder v Climie 1903-1907

The previous section explained how the laying off and acquisition of a road line between Waikanae Railway Station and the coast was obstructed by Wi Parata. Attempts to obtain the beach road, along with another road through Ngarara West A (Ngarara Road) were then to become subject to legal action from H.R. Elder, who had

[264] Clerk, Te Horo Road Board, Otaki to Chief Surveyor, Wellington, 20 September 1895, ADXS 19483 LS W1/291 14120, ANZ Wellington [P 1160386].
[265] Surveyor General, Wellington to Assistant Surveyor General, Wellington, 30 May 1896, ADXS 19483 LS W1/291 14120, ANZ Wellington [P 1160394]; see also McKenzie, Minister of Lands, Authorising the Taking and Laying-off of Roads over Native Land in the Wellington Provincial District, 26 May 1896 [P 1160393].
[266] Assistant Surveyor General to Surveyor General, n/d, ADXS 19483 LS W1/291 14120, ANZ Wellington [P 1160387].
[267] S.P. Smith, Surveyor General, Wellington, 15 May 1896, ADXS 19483 LS W1/291 14120, ANZ Wellington [P 1160388].
[268] S.P. Smith, Lands & Survey, Wellington to Assistant Surveyor General, 14 May 1896, ADXS 19483 LS W1/291 14120, ANZ Wellington [P 1160389].
[269] Governor's warrant, 26 May 1896, ADXS 19483 LS W1/291 14120, ANZ Wellington [P 1160393]; see also warrant instructions [P 1160394].
[270] H.A. Field, Surveyor, Wellington to Assistant Surveyor General, Wellington, 1 June 1896, ADXS 19483 LS W1/291 14120, ANZ Wellington [P 1160395].
[271] Chief Surveyor to Engineer, Roads, Bridges Division, Wellington, 11 April 1901, ADXS 19483 LS W1/291 14120, ANZ Wellington [P 1160396].

purchased one of the subdivisions of the block. Although Elder's action did not concern Māori interests, it is dealt with here both because it explains how the two road lines were eventually legalised, and reveals shortcomings in the Native Land Court's processes dealing with road lines over Māori block which were subsequently subdivided.

In the background to Elder's legal action was a long standing enmity with local Member of Parliament W.H. Field. Throughout this period W.H. Field (brother of Surveyor H.A. Field) continued to promote roads through the Ngarara block arguing that a lack of roads was an impediment to his region's development. These arguments were often made in the House of Representatives and also involved direct approaches to Crown Minister's including the Premier. Field had entered Parliament after winning a by-election against solicitor C.B. Morison. The by-election had taken place when Field's older brother H.A. Field who had originally been elected died from heart failure shortly before he was to enter Parliament.[272] To better understand the relationship between W.H. Field, H.R. Elder and C.B. Morison (Elder's lawyer and brother in law) and their extensive land acquisitions and rivalry the reader should refer to Barry Rigby and Leanne Boulton's 'Te Atiawa/ Ngāti Awa ki Kapiti: Twentieth Century Land and Local Issues Report'. Field and Morison were both lawyers and all three men contended a number of disputes over Ngarara lands, roads, fence lines, drains and rivers.[273]

In July 1903 the Surveyor General inquired whether the roads on the Ngarara block were 'public roads duly and properly dedicated to the public' or if not, queried how this could be achieved.[274] The Chief Surveyor responded that he believed that a number of roads in the Ngarara block were actually right of ways which he called 'accommodation

[272] Head Office file 50914 notes, ADXS 18483 LS-W1 184/8696 pt 3, ANZ Wellington [IMG 4480-4481].
[273] Barry Rigby and Leanne Boulton, 'Te Atiawa/ Ngāti Awa ki Kapiti: Twentieth Century Land and Local Issues Report', Waitangi Tribunal, Draft, July 2018, pp. 244-279.
[274] Marchant, Surveyor General to Chief Surveyor, Wellington, 23 July 1903, ADXS 18483 LS-W1 184/8696 pt 2, ANZ Wellington [IMG 4383].

roads for the use of the owners of this Block, in terms of Section 69 of 'The Public Works Act 1894."[275]

The Chief Surveyor instructed M.C. Smith to consult with Judge Mackay. Mackay agreed there were 'private accommodation roads for the use of the holders of the block and not for the use of the public as thoroughfares'. Judge Mackay said the roads were required to be taken under the Public Works Act.[276]

The Minister agreed action was needed to legalise the Ngarara roads and in August 1903 an application was made for a Governor's warrant. However, the time limit had expired to take the land under that method and it was decided that the roads should be taken under the Public Works Act. The Chief Surveyor explained that although the Governor's warrant had expired:

> They could however be taken under section 88 of "The Public Works Act 1894", which however possibly involves compensation. The roads were of course part of the original Block as it existed prior to subdivision by the Court, and were owned as part of it by certain natives. The Block was subdivided, and the respectful; ownerships defined for the various subdivisions, except for the roads, which remain therefore as parts of the original block and belonging to the original owners collectively.
> The roads therefore fall under section 88 stated, as being held (by collective owners) under title not derived from the Crown. Although compensation or other difficulties are not likely to arise in this case, nevertheless this section of the Act does make provision for compensation, unlike the Governor's powers of taking without compensation…[277]

In September 1903, 40 acres 1 rood 5 perches of Ngarara West A was proclaimed as taken for roads under Section 88 of the Public Works Act 1894.[278] The taking was to take effect from 29 October 1903.

One of the subdivisions, Sections 45, affected by the road taking was now owned by Elder, who sought an injunction from the Supreme Court to prevent the acquisition from taking effect. A temporary restraining injunction was issued. Part of Elder's

[275] Chief Surveyor to Surveyor General, Wellington, 24 July 1903, ADXS 18483 LS-W1 184/8696 pt 2, ANZ Wellington [IMG 4382].
[276] M.C. Smith to Chief Surveyor, 15 July 1904, ADXS 18483 LS-W1 184/8696 pt 2, ANZ Wellington [IMG 4385].
[277] Chief Surveyor to Surveyor General, Wellington, 18 August 1903, ADXS 18483 LS-W1 184/8696 pt 2, ANZ Wellington [IMG 4381].
[278] NZG, 1903, p. 2121; on, ADXS 18483 LS-W1 184/8696 pt 2, ANZ Wellington [IMG 4379].

argument was that the purpose of the road line was solely to benefit the owner of the section beyond his, Isobel Field.[279] She was the wife of W.H. Field, who quickly urged the government to take action to allow the road to proceed. Rigby and Boulton note 'Field called upon Seddon to defend public road access as a fundamental right.'[280] They also provide further occasions when Field contacted Premier Seddon about the roads:

> Field in late 1903 telegraphed Seddon on three separate occasions over the Supreme Court Ngarara road case. The first telegram began 'Attorney General [and] Minister of Lands promised [to] deal with Waikanae Road matter in Cabinet today. Cannot too strongly impress urgency [of] inserting clause in Public Works bill…Then, five days later he telegraphed 'Regret to learn govt. wavering in determination [to] insert clause…respecting roads…' Finally, three weeks later he expressed annoyance to Seddon that Morison had apparently convinced the Supreme Court to issue a temporary injunction preventing the imminent Gazetting of Ngarara road.[281]

In January 1904 Lands and Survey, Under Secretary Kensingston informed the Chief Surveyor that the temporary restraining injunction which had been obtained by Elder meant Climie was required to cease work on the road.[282] The Chief Surveyor decided the legal challenge 'shows however that a need exists for a clearer recognition by our Department of the position of these Native Land Court roads, and an amendment of the practice in shewing them in plans as roads and excluding them from areas and from titles.' He said:

> Native Plans, used by his Court, [Chief Judge] areas, and orders and diagrams thereon, approved by his Judges, constantly exclude these "right-of-way" from titles, or shew titles as bounded by them, under the name of roads.
> If all this practice of the Native Land Court is wrong, it appears to me that it is advisable after consultation with that Court, to direct that only roads formally legalised shall be shewn as roads (in sienna) and excluded from areas on Native plans, or on Native titles; that all others shall not be shown in sienna as roads, and shall not be excluded from areas either on plans or titles.
> Seeing that these "roads" have been commonly excluded by wording and areas on plans and area and diagrams in titles without objection from the Native Land Court officers under whose notice they are constantly passing, it seems pardonable that this Department, knowing them not to be public roads, should have treated them as in the presence instance, as strips of the original block not included in titles. There are, I believe, so many blocks affected by this loose and

[279] Supreme Court, Wellington, *H.R. Elder, plaintiff v J.D. Climie and inhabitants Te Horo road district*, defendants, amended statement of claim, ADXS 18483 LS-W1 184/8696 pt 3, ANZ Wellington [IMG 4488-4489].
[280] Field to Seddon, 19 July 1903, FL vol 1o, pp. 267-268; cited in Rigby and Boulton, 'Te Atiawa/ Ngāti Awa ki Kapiti: Twentieth Century Land and Local Issues Report', p. 280.
[281] ibid, p. 281.
[282] Kensington, Under Secretary, Lands & Survey to Chief Surveyor, Wellington 18 January 1904, ADXS 18483 LS-W1 184/8696 pt 2, ANZ Wellington [IMG 4373].

> vague practice that I would respectfully suggest its amendment for your consideration.[283]

In July 1904 the Chief Surveyor reiterated that there were a number of inconsistencies with Survey Office practices when legalising roads. He said all the roads taken needed to be included in current titles and this had not been done so 'these are now wrong in that respect' and he wondered 'Should not all these titles be corrected?' He recommended that:

> as these roads have never been "taken" by formal process of law, they ought all to have been included in the titles as right of ways, not public roads. But as the practice of surveyors, confirmed by the practice of this Department, and hitherto not objected to by the Native Land Court authorities, has been to shew them and treat them when issuing titles as roads…[284]

The Chief Surveyor also said the current block titles excluded the roads and were further complicated because there were also roads which formed the boundary and which had more than one title issued at different dates. He again argued these roads should be shown on plans as right of ways or private roads.[285]

The Surveyor General responded it had been decided to take and lay off roads under Section 92 of the Public Works Act 1894.[286] In August 1904 Climie was informed that the Chief Surveyor had applied for a Governor's warrant on his behalf and he explained the need for care in his work: 'The existing roads in the Block are to be taken, and owing to some local opposition it will be desirable to be particular is serving proper notices and retaining evidence thereof…in case the action may be challenged.'[287] In September 1904 the Surveyor General forwarded the Governor's warrant for Climie to take roads. The warrant was for sections 3, 14, 18-20, 23-35, 37, 40-46, 77-79 and 'Rau-o-te-Rangi; all of Ngarara West "A" Block.'[288]

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[283] Chief Surveyor to Surveyor General, Wellington, 8 January 1904, ADXS 18483 LS-W1 184/8696 pt 2, ANZ Wellington [IMG 4374-4375].
[284] Chief Surveyor to Surveyor General, Wellington, 1 July 1904, ADXS 18483 LS-W1 184/8696 pt 2, ANZ Wellington [IMG 4369].
[285] ibid
[286] Marchant, Surveyor General to Chief Surveyor, Wellington, 29 June 1904, ADXS 18483 LS-W1 184/8696 pt 2, ANZ Wellington [IMG 4370].
[287] J. Strauchon, Chief Surveyor to J.D. Climie, District Surveyor, Lower Hutt, 26 August 1904, ADXS 18483 LS-W1 184/8696 pt 2, ANZ Wellington [IMG 4366].
[288] Governor's warrant, No 202 to J.D. Climie, 9 September 1904, ADXS 18483 LS-W1 184/8696 pt 3, ANZ Wellington [IMG 4490].

Elder's application for an injunction claimed the warrant did not authorise Climie to enter Section 45; that his land was not Native Land; and that the time within which a road could be laid off under Section 92 of the Act had elapsed.[289] In an amended statement of claim Elder said the Public Works Act required roads to be taken in the public interest and it was not in the public interest that a road be taken through his land and he claimed:

> That the said road through section 45 is not being taken bona fide as a public road but as a road to the property of one Isobel Jane Field the wife of William Hughes Field a Member of the House of Representatives and to the property of the William Hughes Field.[290]

In December 1904 the Minister of Lands approved the appointment of H. Bell the Crown Solicitor 'to uphold the action of the Department in taking steps to legalise the roads on the Ngarara 'A' Block'. Bell was also asked for an opinion on the objections of Elder, Walton and other land holders.[291] The Crown Solicitor said:

> I am told by Mr. Field that the Government acted entirely on the recommendation of the Surveyor General and other responsible permanent officers, and neither the Government nor those officers were aware that either Mr. or Mrs. Field was in any way interested in the road.[292]

Bell received an affidavit from Elder which expressed concern that taking Section 45 for a road would cut it off from the water and Elder reiterated that it was to give access to Field's land and the 'purpose of throwing the burden of maintaining what is really a private way on the ratepayers of The Te Horo Road District.' An affidavit was also received from Walton the occupier of Section 44 who also claimed that the road should not be a burden for local rate payers.[293]

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[289] Supreme Court, Wellington, *H.R. Elder v J.D. Climie and the inhabitants of the Te Horo road District*, 9 December 1904, ADXS 18483 LS-W1 184/8696 pt 3, ANZ Wellington [IMG 4495].
[290] Supreme Court, Wellington, *H.R. Elder, plaintiff v J.D. Climie and inhabitants Te Horo road district*, defendants, amended statement of claim, ADXS 18483 LS-W1 184/8696 pt 3, ANZ Wellington [IMG 4488-4489].
[291] Marchant, Surveyor General to Chief Surveyor, Wellington, 6 December 1904, ADXS 18483 LS-W1 184/8696 pt 3, ANZ Wellington [IMG 4501].
[292] H. Bell, Crown Solicitor to Chief Surveyor, 5 April 1905, ADXS 18483 LS-W1 184/8696 pt 3, ANZ Wellington [IMG 4485-4487].
[293] H. Bell, Crown Solicitor to Chief Surveyor, 10 April 1905, ADXS 18483 LS-W1 184/8696 pt 3, ANZ Wellington [IMG 4482-4484].

On examining departmental records in May 1905, Lands and Survey discovered that a Governor's warrant had been issued to H.A. Field to survey the Waikanae Beach Road. The Surveyor General explained the history of this warrant to the Crown Solicitor:

> I was previously assured that there was no record in that office of any such warrant. Further I found from the discovery, a reference to yet another file in my own office containing more history of that proposed taking, and also the actual warrant itself.
> Although two officers had traced up every file in the office seeming to bear in any manner of this subject, the right one had remained undiscovered owing to negligent indexing at the date of action. I enclose the file 14120, and would point out that although the warrant reached this office, it did so on the 2nd. June, 1896, the day on which the right to take was believed to lapse, and consequently the warrant was never sent out to the surveyor (hence its non-record in register of warrants), who acted only under the Surveyor General's authority to "enter" and survey, not under the Governor's warrant to "take."[294]

The Supreme Court heard Elder's application for an injunction in May 1906. The judgment of Chief Justice Stout in *Elder v Climie and the Te Horo Road Board* was delivered on 26 May 1906. Morison had appeared for Elder, and H.D. Bell and Skerrett for Climie, and Stafford for the Te Horo Road Board. The motion from Morison had been for a perpetual injunction to prevent the Crown from laying off roads on Section 45 of Ngarara West A. Chief Justice Stout rejected Morison's motion and found in favour of the defendants. The argument centred on the meaning of Sections 91 to 95 of the Public Works Act 1894 which provided for the taking and laying off of roads on Native land, and in this case the argument centred on what the term 'Native Lands' meant. Stout provided a history of the law in dealing with and laying off of roads on Native Lands prior to the 1894 Act.[295] Stout explained Sections 70 to 72 of the 1894 Act provided the power for the Governor to take Native Land for roads for a limited period of up to 15 years after the first issue of a certificate of title or other instrument conferring title.[296] Stout said:

> If, then, Sections 91 to 95 of the Public Works Act refer to lands granted under the provisions of the Native Lands Acts, but which have been transferred to Europeans, then it is clear that the Plaintiff must fail in his action.[297]

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[294] Chief Surveyor to H.D. Bell, Crown Solicitor, Wellington, 4 May 1905, ADXS 18483 LS-W1 184/8696 pt 3, ANZ Wellington [IMG 4474, 4473].
[295] Supreme Court, Wellington, Judgment, CJ Stout, *Elder v Climie and the Te Horo Road Board*, 26 May 1906, ADXS 18483 LS-W1 184/8696 pt 3, ANZ Wellington [IMG 4464]; see also *NZLR*, vol 24, pp. 1204-1207.
[296] ibid, [IMG 4465].
[297] ibid, [IMG 4466].

Morison had put forward the arguments that Sections 91 to 95 referred to Native lands still in the occupation of Māori and not to Native lands which had been transferred to Europeans. He also argued that if these Sections did refer to Native lands in the occupation of Europeans then the manner of laying off the roads was not in accordance with Section 17 of the Public Works Act 1894. Stout disagreed and said Section 17 was unnecessary as long the 'mode of taking a road under Section 92 and the following is properly carried out by the Governor proceeding has been done in this case.'[298]

In regard to the question of whether or not Elder's land was Native land, Chief Justice Stout found: 'In a strict sense these lands are Native lands, though not Native land, that is, these lands, which are now held by a European, were not ordinary waste lands of the Crown; they were Native lands…'[299] Stout also dealt with the question of a 15 year limitation from the issue of a title and said if any inconsistencies existed over this issue they must give way to the 'predominate' Sections 92 to 95 of the 1894 Act.[300]

Morison on Elder's behalf appealed Chief Justice Stout's ruling.[301] The appeal was dismissed in October 1906.[302]

In February 1907 a new proclamation was issued which declared that under Section 93 of the Public Works Act 1905 roads lines had been taken and laid off on 19 December 1904 under the authority of a Warrant by the Governor dated 9 September 1904.[303] The amount of land taken is shown in the table below, and on the following plan.

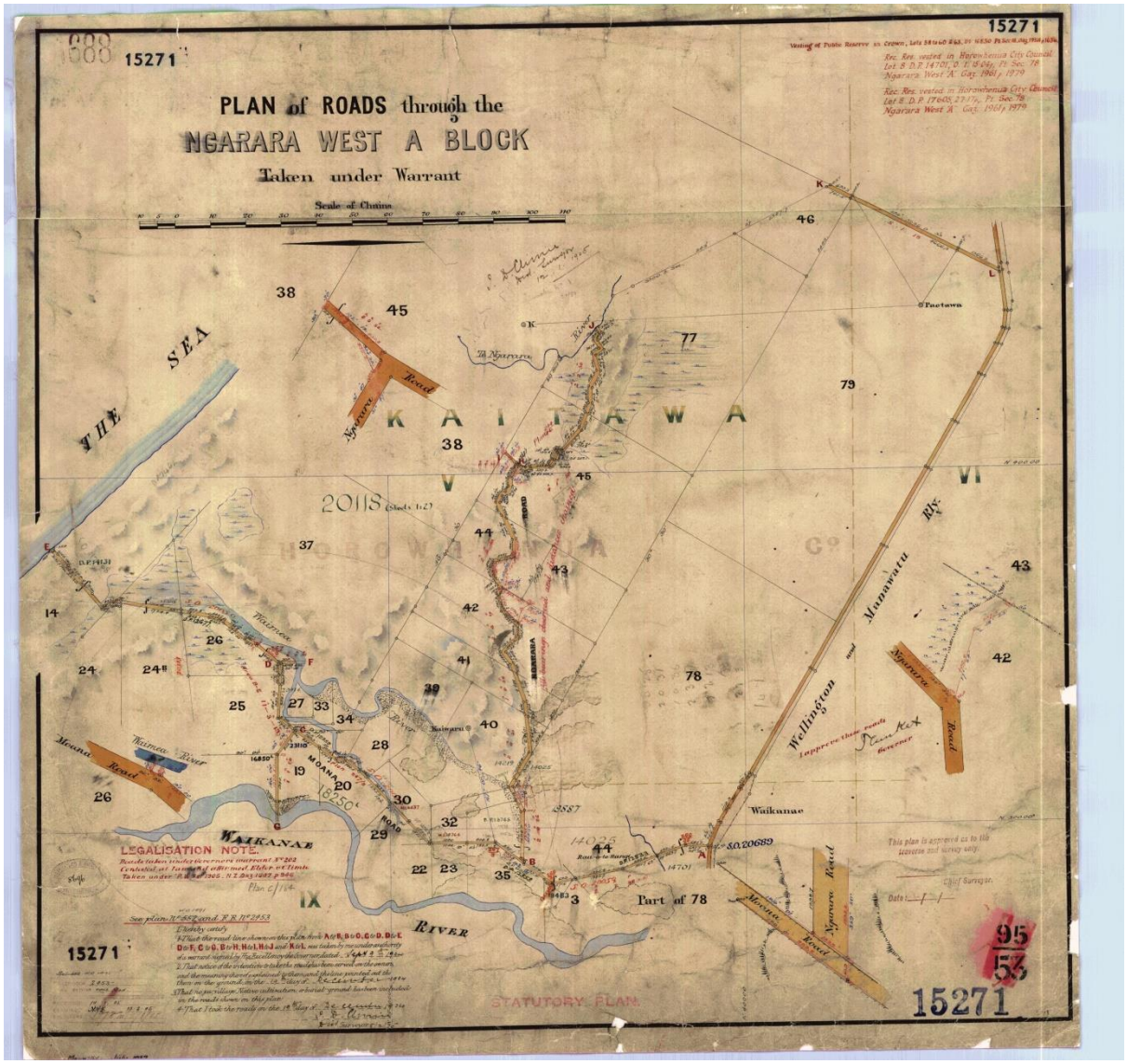
Table 10: Land Taken for Roads in Ngarara West A 1904[304]

Block	Area Taken
Ngarara West A	24-3-05
Ngarara West A Lot 44	4-2-38
Ngarara West A Lot 40	2-0-31
Ngarara West A Lot 41	1-0-36
Ngarara West A Lot 42	2-3-17

[298] ibid
[299] ibid, [IMG 4467].
[300] ibid, [IMG 4468-4469].
[301] H. Bell, Crown Solicitor to Commissioner of Crown Lands, 25 June 1906, ADXS 18483 LS-W1 184/8696 pt 3, ANZ Wellington [IMG 4461].
[302] H. Bell, Crown Solicitor to Commissioner of Crown Lands, 26 October 1906, ADXS 18483 LS-W1 184/8696 pt 3, ANZ Wellington [IMG 4459].
[303] NZG, 1907, p. 946; see also Wellington Survey Office Plan SO 15271.
[304] NZG, 1907, p. 946.

Ngarara West A Lot 45	4-1-30
Ngarara West A Lot 77	2-2-30
Total Area	**42a 0r 22.5p**

Map 10: Land Taken for Roads in Ngarara West A 1904[305]



4.3.7 Ngarara West C - Waikanae Hutt Road 1893

In December 1891 the Chief Surveyor applied for a Governor's warrant for surveyor N.F. Haszard to take and peg roads in Ngarara West from the Waikanae Railway Station.[306] Haszard was instructed that before starting the work he was to inform the owners about what he was doing and invite them to inspect the roads lines. If required by the owners he was to provide authorisation for the work by presenting the

[305] Wellington Survey Office Plan SO 15271.
[306] Chief Surveyor to Surveyor General, 8 December 1891, ADXS 19483 LS W1/148 6439, ANZ Wellington [P 1160456].

Governor's warrant. On the finished plan Haszard was told to certify he had taken the delineated roads under the warrant and supply a date. He was also told to try to ensure access to the remainder of the block could still be obtained once the roads were taken.[307]

Haszard presented a notice to Wi Parata in English and Te Reo Māori. The English version said:

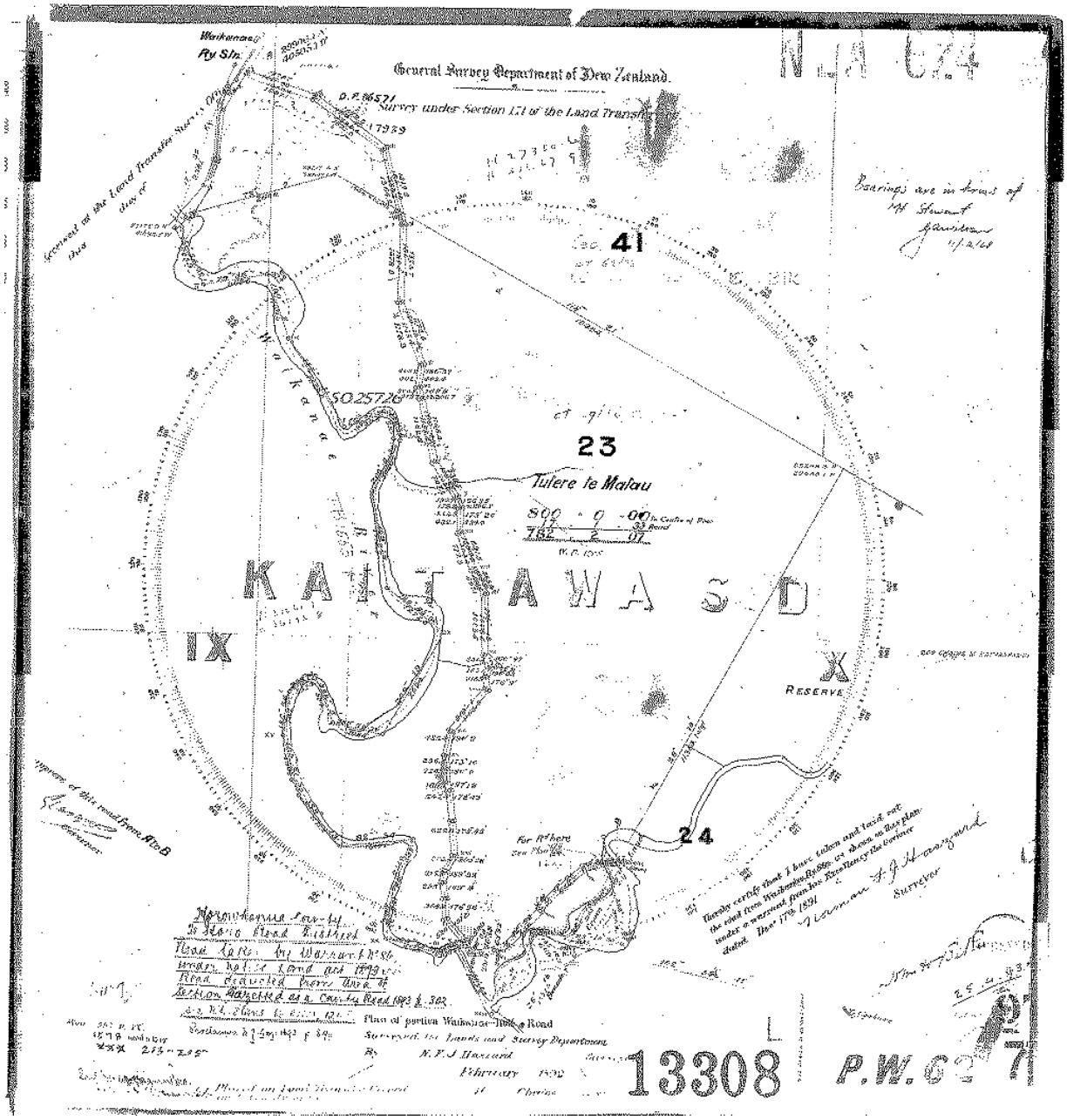
> I have the honor to inform you that I am about to enter upon the Ngarara Block in the District of Wellington for the purpose of laying off roads through the same, in conformity with a warrant issued in my name, under the Native Lands and Public Works Acts, by His Excellency the Governor The Earl of Onslow, dated 17th day of December 1891.[308]

In February 1892 Haszard sent the Survey Office plans for road access to Crown land and returned the warrant and notices served on the owners. The plan also identified Section 23 (800 acres) which belonged to owner Tutere te Matau whose section bounded Crown land.[309] In March Haszard said although the main road from Waikanae Railway Station did not pass through any cultivation it did pass through grassed areas.[310]

In April 1893 instructions were given to prepare a gazette notice which required checking that the surveyor had the 'proper authority' and had 'Taken road in due form'.[311] A proclamation declaring the laying off of the Waikanae-Hutt road through Ngarara West C Subdivisions 41 and 23 under the Native Land Court Act 1886 was issued in June 1893.[312] The notice said a total of 21 acres 1 rood 28 perches was taken from both blocks. The road line is shown in the Map below.

[307] Governor's warrant, N.F. Haszard, Waikanae, 19 January 1892, ADXS 19483 LS W1/148 6439, ANZ Wellington [P 1160458].
[308] N.F. Haszard, Surveyor to Wi Parata, Waikanae, 21 January 1892, ADXS 19483 LS W1/148 6439, ANZ Wellington [P 1160459].
[309] N.F. Haszard, Waikanae to Survey Office, 7 February 1892, ADXS 19483 LS W1/148 6439, ANZ Wellington [P 1160460].
[310] N.F. Haszard, Waikanae to J.H. Baker, Assistant Surveyor General, Wellington, 18 March 1892, ADXS 19483 LS W1/148 6439, ANZ Wellington [P 1160461].
[311] File note, to Black, on, N.F. Haszard, Waikanae to J.H. Baker, Assistant Surveyor General, Wellington, 19 April 1893, ADXS 19483 LS W1/148 6439, ANZ Wellington [P 1160461].
[312] NZG, 1893, p. 896.

Map 11: Ngarara West C Road Line 1893[313]



4.3.8 Ngarara West A/Muaupoko - Hutt County Road 1895

In March 1892 the Hutt County Council applied to the Commissioner of Crown Lands for a Governor's warrant so that surveyor F. Bennett could lay off roads in 'Ngarara Blk 9 Waikanae & Muaupoko Blk 9 Waikanae'.[314] No immediate action was taken to issue a warrant and the council subsequently asked about the situation with the

[313] Wellington Survey Office Plan SO 13308.
[314] F.A. Malt, Chairman, Hutt County Council, Wellington to J.H. Baker, Commissioner of Crown Lands, Wellington, 30 March 1892, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160399].

warrant.[315] In August 1892 the council was told the Surveyor General would issue a 'warrant under the hand of His Excellency the Governor to take roads through the Muaupoko block'.[316] The road was to pass through Muaupoko A Nos 1-9 and Muaupoko B.[317]

In September 1892 surveyor Bennett was issued with a Governor's warrant which included his authorisation to lay off roads and instructions on how to proceed when dealing with the owners of the Muaupoko block. Bennett received a standard form of instructions that said:

> I have the honour to forward herewith a warrant under the hand of His Excellency the Governor, authorizing you to take and lay off roads in the Blocks described in the Schedule hereunder…..
>
> Before starting the work you will be good enough to inform the owners or occupiers of the land of what you are about to do (forms herewith), and invite their inspection of the road or roads as they are laid out, producing the Governor's warrant if desired.
>
> You will place on the finished plan a certificate that you have taken the road or roads thereon under the warrant, quoting the date, and forward the plan here for the Governor's signature, and state the exact date when the road was formally taken.
>
> As complaints have been received from the Natives that the roads taken through their lands are sometimes not only injurious to their properties but in some cases unnecessary, you will please take care to ascertain beforehand that the position of any road you intend to take, as affecting the Block it intersects, is so far as you know the best, and selected in such a way that it can, where necessary, be continued to give access to land beyond.
>
> Please return the warrant as soon as it has been acted upon, together with copies of the notices sent by you to the owners or occupiers of lands.[318]

The instructions above issued by Surveyor General, S.P. Smith also included an explanation to the Assistant Surveyor General of his role in this procedure:

> When the Governor has approved of the Roads, the plans will be recorded by you, so that dealings under the Land Transfer or Deeds Registry Act may shew

[315] F.A. Malt, Chairman, Hutt County Council, Wellington to J.H. Baker, Commissioner of Crown Lands, Wellington, 2 August 1892, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160401].
[316] Surveyor General, Wellington to Chairman, Hutt County Council, Wellington, 10 August 1892, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160403].
[317] Schedule, n/d, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160402].
[318] J.H. Baker, Assistant Surveyor General, Wellington to F. Bennett, Surveyor, Otaki, 13 September 1892, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160405].

> the Roads taken. A description will also be prepared and sent to this Office for insertion in the Gazettes.[319]

A series of form notices had been served on owners along the route of the road. On record there are copies of notices sent out by Bennett for the owner's signature. These copies in a number of instances are unsigned and undated.[320] As noted the notice was on one sheet in English and then Te Reo Māori. The English version read:

> Sir,
>
> I have the honour to inform you that I am about to enter upon the…for the purpose of laying off roads through the same, in conformity with a warrant issued in my name, under the Native Lands and Public Works Acts, by His Excellency the Governor The Earl of Onslow, dated the…

The Te Reo Māori version on the same sheet read:

> Ehoa,
> Tena koe He Kepu atu tenei naku kia koe, kia mohio ai Koe Ka haere ake ahau Kirunga ki te…kit e re rou i peira Kea rite ki ta te waraati a His Excellency te Kawana
> i puta mai nei i runga i taku ingoa i paro i nga Tiere mo nga Whenua Maori mo nga Mahi Numui o te Koroni hoki i te….[321]

Bennett was piecemeal in sending out notices to owners and was asked by officials to follow up on owners he had overlooked in Muaupoko and Ngarara West. In 1892 notices were addressed to H.S. Hadfield (Sections 3, 4, 8 and Muaupoko B), Mrs H. Field (Sections 3, 4), E. Hohika, E. Enoka (Section 7), Mrs C. McGrath (Section 52), Kahutatara (Section 50), K. Kahutatara (Section 53), L. Hohiki, I. Tuhata (Section 5), W.H. Field (Section 48), C.B. Morison (Section 47).[322] At this time Bennett had not identified all the owners and subsequent notices were sent to other owners as they became known to the surveyor. The road also passed through the land of W. Tamati (Section 49), M.T. Mehu (Section 56), Tangotango (Section 54), and H. Tamihana.[323]

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[319] S.P. Smith, Surveyor General to Assistant Surveyor General, Wellington, 2 September 1892, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160404].
[320] Notices to Muaupoko and Ngarara West A owners, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160416-1160432].
[321] Copy of notice, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160422].
[322] Notices, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160406, 1160416-1160424, 1160426, 1160428, 1160430, 1160431].
[323] Schedule through which Hutt County Road passes, n/d, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160433].

In April 1894 Bennett supplied a plan for part of the 'Hutt County Road from the Waikanae River to the southern boundary of section No 1 Paraparaumu'. The plan was accompanied by a list which named some of the owners.[324] Bennett was asked to supply verified copies of the notices sent to the owners as per his instructions.[325]

In May 1894 Inia Tuhata of Otaihanga objected to the road running through Ngarara West A Section 5. The road included a deviation into part of Tuhata's section and through an area which had recently been fenced. The deviation also brought the road close to the back door of her new seven roomed house and she objected because she had built the house with regard to the original road line. She said the road was 'inconvenient' and 'oppressive'. Tuhata's solicitors claimed the road line did not reflect the road line pegged by the council's surveyor and there was also a shed on the actual road line which was owned by their client.[326]

At this time J.H. Baker the Assistant Surveyor General again asked Bennett to provide the signed notices served on the owners that were to accompany the plan for the road.[327] In mid-November Baker said Bennett's list of owners remained incomplete. Bennett was asked to provide a record that notices had been sent to C.B. Morison (Section 47), W. Tamati (Section 49), Kahutatara (Section 50), M. te Mehu (Section 56), and Tangotango (Section 54). Verified copies of these notices were required by Lands and Survey before the road plans could be approved. Baker asked:

> Why did you not attend to the plain instructions given you about these notices? I am now notifying the various local bodies their plans cannot be passed until you comply with the instructions given you.[328]

Bennett obtained some of the signed notices and said that Te Mehu had sold to W.A. Field on whom a notice had been served.[329] Bennett also served a notice at this time on

[324] F. Baker, Otaki to J.H. Baker, Wellington, 30 April 1894, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160407].
[325] J.H. Baker, Assistant Surveyor General, Wellington to F. Bennett, Otaki, 8 May 1894, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160408].
[326] Morison & Atkinson, Solicitors, Wellington to Chief Surveyor, Wellington, 17 May 1894, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160409-1160410].
[327] J.H. Baker, Assistant Surveyor General to F. Baker, Otaki, 8 May 1894, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160408].
[328] J.H. Baker, Assistant Surveyor General, Wellington to F. Bennett, Otaki, 18 November 1894, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160411].
[329] F. Bennett, Otaki to J.H. Baker, 19 November 1894, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160412].

C.B. Morison and Kahutatara.[330] A few days later Bennett sent Baker a signed copy of Kahutatara's notice.[331] In late November 1894 Baker again reprimanded Bennett that it was 'most unsatisfactory again and again to get you to send in your work' and it 'gives me perfectly unnecessary trouble in the matter.'[332]

In August 1895 a gazette notice was published under the Native Land Court Act 1894 that the following road line had been laid off in August 1894, as per the warrants of 17 March and 1 September 1892.[333] The following areas of land were taken from the following blocks for roads:

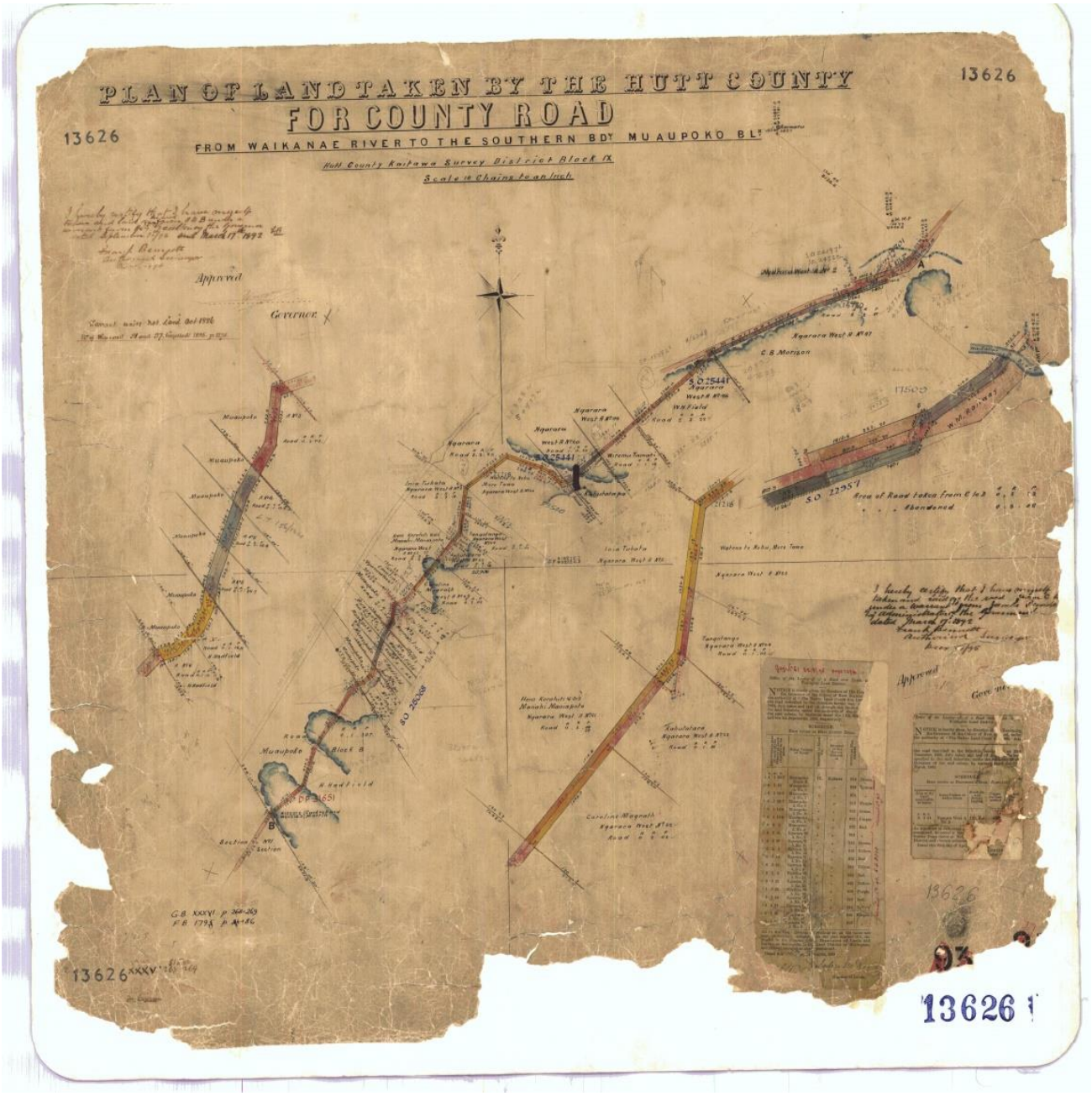
Table 11: Ngarara West A and Muaupoko Land Taken for Road 1895[334]

Block	Area Taken	Ownership
Muaupoko B	4-1-30.7	European
Muaupoko A8	0-1-12	European
Muaupoko A7	0-1-18.6	European
Muaupoko A6	0-1-26.7	Māori
Muaupoko A5	0-1-16.8	Māori
Muaupoko A4	0-1-13.9	Māori
Muaupoko A3	0-3-03	Māori
Ngarara West A7	0-2-16	Māori
Ngarara West A51	0-3-20	Māori
Ngarara West A52	0-2-03	European
Ngarara West A53	0-1-18	Māori
Ngarara West A5	0-3-18	Māori
Ngarara West A54	0-1-02	Māori
Ngarara West A55	3-2-25	Māori
Ngarara West A50	1-0-35	Māori
Ngarara West A49	1-1-18	Māori
Ngarara West A48	2-3-22	European
Ngarara West A47	5-1-16	European
Ngarara West A2	0-3-25	Māori
Total	**9a 2r 19.7p**	

The road line is shown on the Map below.

[330] F. Bennett, Otaki to J.H. Baker, 23 November 1894, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160414].
[331] F. Bennett, Otaki to J.H. Baker, 29 November 1894, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160415].
[332] J.H. Baker, Assistant Surveyor General to F. Bennett, Otaki, 28 November 1894, ADXS 19483 LS W1/164 7143, ANZ Wellington [P 1160413].
[333] NZG, 1895, p. 1274.
[334] NZG, 1895, p. 1274.

Map 12: Land Taken from Ngarara West A and Muaupoko Block 1893 and 1896[335]



In December 1896 a notice was published in the *New Zealand Gazette* that a road line had been laid off through Ngarara West A2 (3r 34p) on 23 December 1895. This was portion C to D shown on Survey Office Plan SO 13626 above.[336]

[335] Wellington Survey Office Plan SO 13626.
[336] NZG, 1896, p. 657.

4.3.9 Whareroa 1, 2, 3, 4 Paekakariki 1896 (SH1)

This land had originally been native reserve but was subsequently brought under the provisions of the Native Land Court Act 1886 and subdivided among individual owners. The certificates had not been issued. The Surveyor General was asked because the land had been native reserve and certificates had not been issued how the road should be taken.[337] The Surveyor General said the land to be taken for roads 'rights reserved under the above Act, may be exercised as from the date of the order made by the court.'[338]

On 17 July 1893 the Assistant Surveyor General applied to the Surveyor General for a Governor's warrant on behalf of the Governor for surveyor Bennett to proceed with work in Whareroa 1, 2, 3 and 4.[339] Bennett was provided the warrant the following day.[340] As per standardised instructions Bennett was told to inform and invite the owners to inspect the road lines and, if asked, produce the warrant and provide the necessary documentation for the Governor's signature with the eventual objective being the gazetting of the land taken. An addendum to the instructions says: 'Forms of Notice to be served on Native Owners attached hereto.'[341]

Records for July 1893 from the Native Land Court registers identified Whareroa 1 with eight owners; Whareroa 2 five owners; Whareroa 3 two owners; and Whareroa 4 seven owners.[342] There were no addresses attached but Bennett was told a notice given to two leading owners in each block would be sufficient contact and to inform any lessees about the road.[343]

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[337] Memorandum, S.P. Smith, Surveyor General, Wellington, 30 May 1893, ADXS 19483 LS-W1/227 10086, ANZ Wellington [DSCF 5853].
[338] S.P. Smith, Surveyor General, Wellington to Assistant Surveyor General, 2 June 1893, ADXS 19483 LS-W1/227 10086, ANZ Wellington [DSCF 5852].
[339] Assistant Surveyor General to Surveyor General, 16 June 1893, ADXS 19483 LS-W1/227 10086, ANZ Wellington [DSCF 5851].
[340] W.H. Baker, Assistant Surveyor General, Wellington to F. Bennett, Otaki, 18 July 1893, ADXS 19483 LS-W1/227 10086, ANZ Wellington [DSCF 5847].
[341] Surveyor General, General Survey Office, Wellington to F. Bennett, 8 July 1893, ADXS 19483 LS-W1/227 10086, ANZ Wellington [DSCF 5850].
[342] List of owners Whareroa 1, 2, 3, 4, 17 July 1893, ADXS 19483 LS-W1/227 10086, ANZ Wellington [DSCF 5848].
[343] File note, on Assistant Surveyor General, Wellington to F. Bennett, Otaki, 18 July 1893, ADXS 19483 LS-W1/227 10086, ANZ Wellington [DSCF 5847].

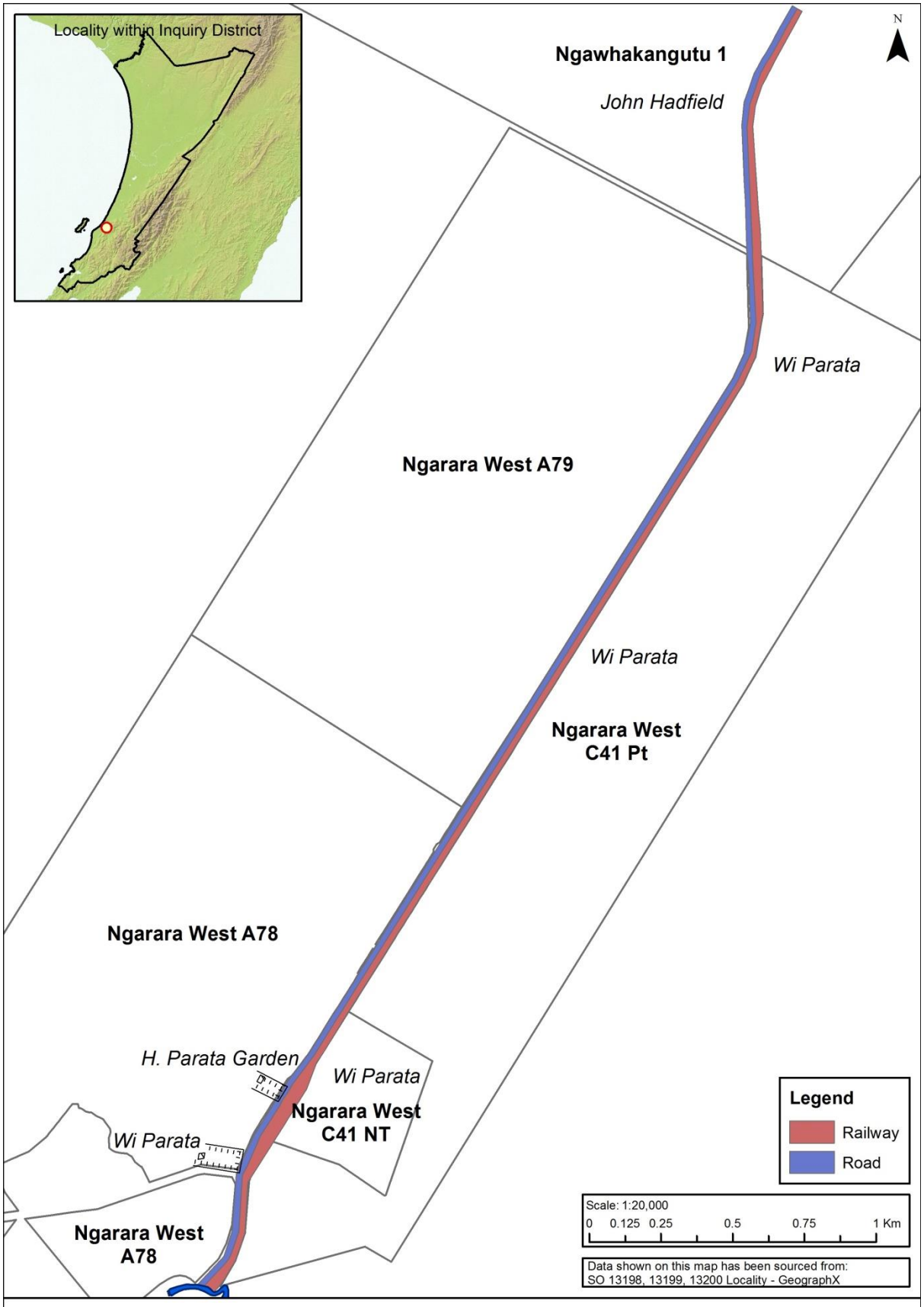
In 1896 a proclamation was issued for land taken under the Public Works Act 1894 for the Paekakariki to Paraparaumu Road. Most of the road was acquired through European blocks, but 1 rood 20 perches was taken from Whareroa 1 and 1 acre 1 rood 25 perches from Whareroa 2.[344]

4.3.10 Ngarara West A Section 78, 1897

In January 1896 a notice was issued that a road line had been laid off through the Ngawhakangutu and Ngarara blocks under the Native Land Court Act 1886.[345] The notice only referred to the 'Te Ngarara' block, rather than any subdivisions. A total of 20 acres 2 roods 22 perches were taken for the road. The line of the road is shown on the map below:

[344] NZG, 1896, p. 1667.
[345] NZG, 1896, p. 11.

Map 13: Te Ngarara Road 1897



Porirua ki Manawatu Inquiry District: **Te Ngarara Road 1897**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkMPWI - 003 Map projection: New Zealand Transverse Mercator Date: 13/11/2018

It can be seen that the road line passed through the garden of Hira Parata. Land occupied by gardens or orchards, buildings and the like could not be compulsorily acquired without the consent of the Governor. This meant that a new notice had to be issued taking that section under the Public Works Act 1894 rather than the Native Land Act 1886.[346] In June 1897 an area of 34.7 perches of Ngarara West A Section 78 was proclaimed as taken for the main road at Waikanae.[347] On the same date, a notice was issued under Section 14 of the Public Works Act 1894 that the Governor consented to the land being taken.[348]

In April 1900 Judge A. Mackay held a compensation hearing for Ngarara West A Section 78.[349] The Horowhenua County Council had applied under Section 90 of the Public Works Act 1894 for the Native Land Court to determine compensation for Section 78. When the case first came before the court there were differences of opinion on the value of the land and the case was postponed while valuations were made. Claimant Hira Parata claimed £100 and damages to a garden. This involved the removal of fruit trees and a hedge on either side of the road and fences and a gate leading to a house. Bennett said the value of the damage was £25 to £30 but other valuations were higher. J. Stevens also provided a valuation of £150 for the damage to the front of the property and loss of cultivations and shelter belt protection.[350] A further valuation was made by G. Bethune who took into consideration land value, loss of shelter trees and the cost of removing and erecting new fences and gates at £110. The fruit trees were independently valued by Mr Grapes at £46. Judge Mackay decided that the new valuations vindicated Parata's claim and explained that a valuation became more complicated when damages occurred because of compulsory acquisition. The Judge took into account the value of the property taken and injurious affection which he called 'consequential damage.'[351] He said the land taken by the council was 'an appurtenant' to the adjacent house occupied by Hira Parata and cited English case law which considered 'house' to include shed and garden and court yard which were necessary for

[346] S.P. Smith, Lands & Survey, Wellington to Chief Surveyor, Wellington, 25 June 1897, ADXS 19483 LS W1/275 12637, ANZ Wellington [P 1160453].
[347] NZG, 1897, p. 1187.
[348] ibid
[349] Well MB 9, 6 April 1900, pp. 331-336, [P 1170165-1170176].
[350] ibid, p. 332.
[351] ibid, p. 333.

the enjoyment of the house. He noted Parata asked to be compensated for the portion taken and this was done on the basis of its condition at time of taking.[352]

Judge Mackay noted that under New Zealand statute law:

> ornamental grounds or lands occupied by orchards, gardens, or buildings which are especially excepted from compulsory taking within the Public Works Act excepting with the consent of the Governor in Council in manner prescribed.
>
> In assessing the value of compensation to be paid for land taken Section 69 of 'The Public Works Act 1894' provides that the amount to be paid shall be the value at the time it was first entered upon for the purpose of constructing or carrying out the public work. No definition is however furnished as to what is to [be] considered as an act of entry on such land whether the survey of the road line is to be deemed a sufficient entry, or whether the term is to be construed to mean the actual commencement of the works.
>
> Under sub-section 4 of section 18 the land taken for a road does not vest in Her Majesty or the Local Authority until after a day named in the Proclamation.
>
> In the case under consideration a Proclamation dated the 14th day of June 1897 was issued by the Governor in Council…[353]

Judge Mackay then decided no right of entry existed prior to 14 June 1897 and deemed this to be date from which the value should be fixed. He said ornamental land was of higher intrinsic value than agricultural land. Although there had been no comparable sales in the area the court decided that the claim of £100 was not unreasonable and awarded a further sum of £13-12-0 costs.[354]

4.3.11 Ngarara West B - Beach Road 1898 (Kapiti Road)

In May 1893 the Commissioner of Crown Lands was asked to provide a surveyor to lay off a road in Ngarara West B through Māori land which would provide access to Paraparaumu Beach.[355] There were concerns that unless the work commenced, the right to take the road would lapse on 3 June 1896 and those living in the settlement of

[352] ibid, p. 334.
[353] ibid, p. 335.
[354] ibid, p. 336.
[355] J.A. Wilson to Commissioner of Crown Lands, Wellington, 12 May 1893, ADXS 19483 LS W1/234 10595, ANZ Wellington [P 1160561]; see also S.P. Smith, Surveyor General, Wellington to Assistant Surveyor, Wellington, 5 October 1893 [P 1160562].

Paraparaumu would not have right of way access to the beach, which was also access out of the settlement south to Wellington.[356]

In December the District Surveyor said he had been accompanied by an owner over the Ngarara West B block. According to the District Surveyor the owner said 'due notice should be given to the owners before the surveyor goes upon the ground' and claimed the owners would offer no opposition. He had noticed a grave near the road which 'could easily be avoided'.[357] The surveyor said the road could not be straight to the beach because of sand hills and a swamp.[358]

In March 1896 the Hutt County Council asked the Minister of Lands to take further Ngarara West B land for roads to connect Otaihanga Railway Station with the Manawatū County Road. The council wanted areas of land along-side the railway and in the western corner of the township and near the beach.[359] The land was owned by Ihaka te Ngarara and others and £40 was made available as 'compensation'. It was noted that part of the Ngarara Beach road through Ngarara West B block had already been surveyed by Bennett.[360] Bennett had surveyed from the western point (Section 5) of the Paraparaumu Block to the sea, in Ngarara West B block. He had also surveyed a road running alongside the railway line south of the town through the Ngarara West B block.[361]

In April 1896 Hutt County councillor H.A. Field presented Baker the Assistant Surveyor General with arguments in support of a road through Ngarara West B block which would connect with the main road and connect Wellington with the coastal settlements. Field argued the construction of the road would 'materially enhance the value of the Ngarara West B block' because it was near the town of Paraparaumu and

[356] File note, S. Smith, District Surveyor, 15 November 1893, ADXS 19483 LS W1/234 10595, ANZ Wellington [P 1160560].
[357] Smith, District Survey Office, Wellington to Assistant Surveyor General, Wellington, 14 December 1893, ADXS 19483 LS W1/234 10595, ANZ Wellington [P 1160564].
[358] Smith, District Survey Office, Wellington to Assistant Surveyor General, Wellington, 15 November 1893, ADXS 19483 LS W1/234 10595, ANZ Wellington [P 1160565].
[359] G. Brown, Chairman, Hutt County Council, Wellington to Minister of Lands, Wellington, 16 March 1896, ADXS 19483 LS W1/234 10595, ANZ Wellington [P 1160566].
[360] H.D. Atkinson, Clerk, Hutt County Council, Wellington to Assistant Surveyor General, Wellington, 16 April 1896, ADXS 19483 LS W1/234 10595, ANZ Wellington [P 1160567].
[361] J.H. Baker, Assistant Surveyor General to F. Bennett, Otaki, 14 May 1896, ADXS 19483 LS W1/234 10595, ANZ Wellington [P 1160572].

recognised as potentially valuable for residential subdivision. Roads, he argued, would 'facilitate the subdivision of the block'. He claimed such a subdivision was 'contemplated by the owners' and the road would also provide access for the owners. Field said before the construction of the railway the land had been '£2 to £3 per acre…the value has increased to something like ten times that amount' and 'is not in any way attributable to any effort of the owners of this land' and on this basis £40 was a 'fair price'. He asked that the road be taken as directly as possible to 'meet the convenience of owners' and concluded that no objections existed to the road to the beach.[362]

In May 1896 Bennett was authorised under Governor's warrant to survey a road through Ngarara West B block and told to follow usual process when dealing with the owners. He was told that Field was dealing with the owners over the £40 'compensation' and the Governor would not approve the plan 'until it is known that the Natives have been fairly dealt with.' He was to survey a 'short piece of road connecting Otaihanga Railway Station with the Manawatu County Road, which Councillor Field says has been arranged with the Natives'. He had limited time to complete the work as the warrant lapsed on 2 June.[363] In a postscript to these instructions Bennett was told:

> Since writing the above Inia Tuhata, through her solicitors, Mr Morison, objects to the road being taken, unless an alleged agreement with the County Council for the deviation of the County Road, is carried out. It is also stated that the land is cultivated, and if this is so, the road cannot be taken without the consent of the owners. Mr. Morision will endeavour [sic] to arrange matters with Mr. Field and Inia. In the meantime do not take the road till further advised.[364]

In May 1896 Bennett provided the plan for the first part of the Paraparaumu Beach road to Section 5. Accompanied by Field and the owners he had walked the line of the road and all concerned 'were quite satisfied with it.'[365] In June 1896 Assistant Surveyor General Baker said Lands and Survey had received the Ngarara West B block road plan. However, Bennett's work was again reprimanded:

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[362] H.A. Field, Councillor, Whareroa Riding, Wellington to Assistant Surveyor General, Wellington, 15 April 1896, ADXS 19483 LS W1/234 10595, ANZ Wellington [P 1160569-1160571].
[363] J.H. Baker, Assistant Surveyor General to F. Bennett, Otaki, 14 May 1896, ADXS 19483 LS W1/234 10595, ANZ Wellington [P 1160572-1160573].
[364] J.H. Baker, Assistant Surveyor General to F. Bennett, Otaki, 14 May 1896, ADXS 19483 LS W1/234 10595, ANZ Wellington [P 1160572-1160574]; also see map [P 1160575].
[365] F. Bennett, Otaki to J.H. Baker, 25 May 1896, ADXS 19483 LS W1/234 10595, ANZ Wellington [P 1160576].

> The notices have not been dated, which of course renders them valueless in the event of their ever being required in a Court of Law.
>
> In all your surveys you give this Department perfectly unnecessary work and trouble by not carrying out ordinary matters necessary for the proper finishing of your work, which if you continue doing, I must ask the local bodies to employ another surveyor who will give more attention to details.
>
> I return your notices for dating; if it is necessary at any time hereafter to prove these notices were served, how are we to do so without any date of serving?
>
> Will you also please advise as to when the other plans will be in, and also the warrant. The right having now lapsed there can be no object in your retaining it longer.[366]

In response Bennett said he had dated the notices and returned them with the warrant to Lands and Survey. It is unclear whether he had dated these notices in the presence of the owners. He said in regard to the second survey he reminded Baker that in May he had been advised because of Tuhata's objections and the cultivations on the land not to take the road at that time.[367] Bennett was told to make the plan, supply the notices and it would not be sent to the Governor until the £40 had been paid to the owners.[368] The road was officially laid out on 25 May 1896.[369]

In April 1898 Lands and Survey was told that Ihaka te Ngarara had received £50 on 16 October 1896 for the road in the presence of H. Field and a voucher for this sum had been made.[370]

In September 1898 a proclamation that a road had been laid out through 'Te Ngarara Block West' was published in the *New Zealand Gazette*. The road was taken under Section 92 of the Public Works Act 1894, and the amount of land acquired was 10 acres 17 perches.[371] The road is shown on the Map below.

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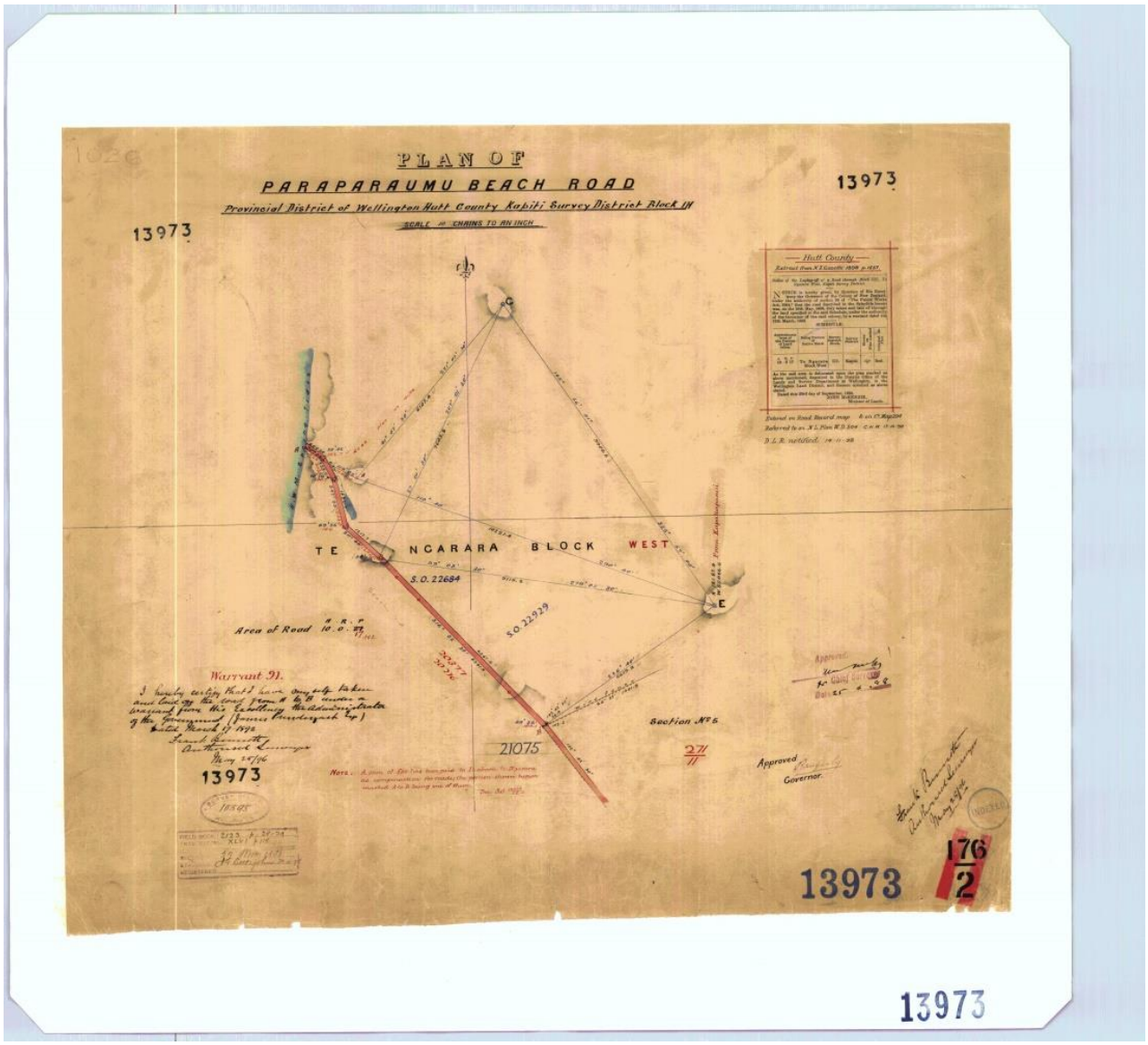
[366] J.H. Baker, Assistant Surveyor General to F. Bennett, Otaki, 17 June 1896, ADXS 19483 LS W1/234 10595, ANZ Wellington [P 1160582].
[367] F. Bennett, Otaki to J.H. Baker, 22 June 1896, ADXS 19483 LS W1/234 10595, ANZ Wellington [P 1160583].
[368] J.H. Baker, Assistant Surveyor General to F. Bennett, Otaki, 6 July 1896, ADXS 19483 LS W1/234 10595, ANZ Wellington [P 1160584].
[369] Chief Surveyor to Moorehouse & Hadfield, Solicitors, Wellington, 22 March 1898, ADXS 19483 LS W1/234 10595, ANZ Wellington [P 1160589].
[370] F. Brady, Chairman, Hutt County Council, Wellington to Chief Surveyor, Wellington, 15 April 1898, ADXS 19483 LS W1/234 10595, ANZ Wellington [P 1160586].
[371] NZG, 1898, p. 1557.

Map 14: Land Taken for Road from Ngarara West B 1894[372]



4.4 Roading in the Reu Reu Block 1890s to 1930

4.4.1 Approach Road to Combined Kakariki Road and Rail Bridge 1879

In May 1897 the Rangitikei County Council asked Public Works to change the proposed rail bridge over the Rangitikei River at Kakariki into a combined bridge for road and rail traffic. At this time the bridge at Onepuehu had been destroyed by flooding and the council was willing to contribute to the costs of a combined use bridge.[373] The council

[372] Wellington Survey Office Plan SO 13973.
[373] J. Marshall, Chairman, Rangitikei County Council, Marton to Minister of Public Works, Wellington, 4 May 1897, ADQD 17447 R4/100 1898/4480, ANZ Wellington [IMG 4083].

and the Manchester Road Board said they were willing to pay an annual sum of £150 to cover the wages of a gatekeeper. It was also noted that it would be necessary to take a road approach to the bridge under the Public Works Act.[374]

The Chief Engineer commented: 'No doubt with the combined bridge there must be much inconvenience to the general public using the road and this will be increased proportionately with the number of trains' and a road and rail bridge would 'add considerably to the costs.'[375]

A deed between the Crown and the Rangitikei County Council saw the Crown agree to convert the rail-bridge to a combined road and rail-bridge, and the council was to pay £50 per annum for it maintenance. The council was also required as noted above to pay a further £150 per annum for the services of a gatekeeper and signalman who was to be appointed and under the control of the Railway Department. The council was also empowered to make roads on the railway reserve which were to be fenced and maintained by the council. If the council failed to pay the required sums the Minister of Railways 'may close the bridge against road traffic while such default of payment continues'.[376]

In September 1899 the Manchester Road Board applied to Lands and Survey for a warrant for surveyor F. Owen to be authorised to enter on to Māori land and survey a road to the northern side of the Kakariki combined railway and traffic bridge through Reu Reu 2.[377] An attached file said: 'The land referred to is in the Reu Reu Block. Title not yet determined 126 out of 204 acres allowed has already been taken.'[378] A

[374] J. Marshall, Chairman, Rangitikei County Council, Marton to Minister of Railways, Wellington, 23 June 1897, ADQD 17447 R4/100 1898/4480, ANZ Wellington [IMG 4082].
[375] J. Coom, for, Chief Engineer, Working Railways, Wellington to General Manager, 3 July 1899, ADQD 17447 R4/100 1898/4480, ANZ Wellington [IMG 4079].
[376] Unsigned Copy of Deed between, A.I. Cadman, Minister of Railways, for, Crown and J.W. Marshall, Chairman, Rangitikei County Council and R.M. Simpson, Councillor, R. Mackett, Councillor, Seal of Manchester Road District, Witnesses, F.Y. Lethbridge, Chairman, G. Wheeler, Treasurer, 3 November 1899, ADQD 17447 R4/100 1898/4480, ANZ Wellington [IMG 4077-4078].
[377] C. Bray, Clerk, Manchester Road Board, Feilding to Chief Surveyor, Wellington, 26 September 1899, ADXS 19483 LS-W1/382 19406, ANZ Wellington [IMG 2965].
[378] File note, Chief Draughtsman, 5 October 1899, on, C. Bray, Clerk, Manchester Road Board, Feilding to Chief Surveyor, Wellington, 26 September 1899, ADXS 19483 LS-W1/382 19406, ANZ Wellington [IMG 2965].

calculation was done of the total area of the block, and how much land had already been taken under the five percent rule. The Reu Reu block in total was 4,096 acres:

> Area of Roads, Railways & Reserves to be excluded from titles = 126 ac.
> 5% of the gross area of the Block = 204.8 ac.
> This leaves 79 acres available for further roads taking the block as a whole.
> Subdivision 2 through which the road applied for will pass.
> Gross area ---------- = 1033 ac.
> Roads, Railway & Reserve to be excluded from title = 50 ac.
>
> 5% of gross area = 51.6 ac.
> Leaving 1.6ac available for roads etc
> The road asked for = 1.73 ac.
> The areas given are as near as can be obtained until the survey of the subdivisions is made.[379]

The calculation was made so that the road board knew how much land was still available to be taken without paying compensation. A tracing of the required area was made by Littlejohn and in October 1899 an application for a warrant was made.[380]

The road board was informed that only a little more than an acre could be used for roads in Reu Reu 2 before the five percent threshold was met and it was suggested that because there were 87 owners in the block Sections 17 and 18 of the Public Works Act 1894 should be applied.[381] The road board asked the Chief Surveyor to grant it authority to take the land under the Public Works Act for the road through the reserve.[382]

In March 1901 an Order in Council under Section 88 of the Public Works Act was issued which proclaimed that 1 acre 3 roods 9 perches was taken from Te Reu Reu Native Reserve No 2 for the Halcombe Kakariki Road.[383] The land taken is shown in yellow next to the pink railway line on the Map below.

[379] J.E. Littlejohn, Wellington to Chief Surveyor, 24 October 1899, ADXS 19483 LS-W1/382 19406, ANZ Wellington [IMG 2963].
[380] File notes, 21 & 24 October, on, C. Bray, Clerk, Manchester Road Board, Feilding to Chief Surveyor, Wellington, 18 October 1899, ADXS 19483 LS-W1/382 19406, ANZ Wellington [IMG 2964].
[381] Marchant, Chief Surveyor to Clerk, Manchester Road Board, Feilding, 30 October 1899, ADXS 19483 LS-W1/382 19406, ANZ Wellington [IMG 2962].
[382] C. Bray, Clerk, Manchester Road Board, Feilding to Chief Surveyor, Wellington, 6 November 1899, ADXS 19483 LS-W1/382 19406, ANZ Wellington [IMG 2961].
[383] NZG, 1899, pp. 529, 579, 670, 709; A. Barren, Lands & Survey, Wellington to Chief Surveyor, Wellington, 25 March 1901, ADXS 19483 LS-W1/382 19406, ANZ Wellington [IMG 2960].

Map 15: Land Taken for Road from Reu Reu 2 1901[384]

4.4.2 Roads Laid Out by Warrant over Reu Reu 1, 2, 3 1883-1910

Main roads were surveyed in the late nineteenth century and early part of the twentieth century through the Reu Reu block that were intended to connect Onepuehu to Kakariki and Waitapu. However an extended history of mistakes and confusion when

[384] Wellington Survey Office Plan SO 14480.

implementing the surveys meant most of the roads were not legalised until 1910, and one portion was not finalised until 1930.[385]

In July 1883 surveyor C.A. Mountfort was given the Chief Surveyor's approval to enter Reu Reu to survey roads but he held no warrant and the roads were therefore not legal. In October surveyor J.T. Sicely was provided a warrant approved by the Chief Surveyor to enter the Reu Reu block for survey purposes, especially the area of Makino Road, and survey roads but he was not given the authority to take roads. Another survey was made in March 1895 by J.G. Littlejohn, but those roads were not approved by the Chief Surveyor and he did not hold a warrant. The failings to properly execute the surveys and/or warrants meant that the roads had not been legalised.[386] Furthermore, because Reu Reu was a Native Reserve, there was no legal power at the time to take roads without paying compensation.[387] This may have been a factor in the road board's decision not to proceed with legalising the survey at that time.

In January 1901 Charles Bray, the clerk for the Manchester Road Board asked the Native Minister how roads in the Reu Reu reserve could be legalised when the land had not yet been through the Native Land Court:

> The Board has made a road leading to the Kakariki combined Railway and traffic Bridge through Native Reserve Block VIII Oroua Survey District in the Manchester Road District and find that the land has not been through the Native Land Court and that there is a great number of those interested that cannot be found if alive, it is therefore impossible to get their signatures, or consent[.]
> Mrs Miti Matawha waited on the Board & stated that the land taken for the roads had been taken out of her portion, and asked the Board to pay her £10 for the land taken. Would you kindly let me know what steps the Board must take to get a legal title to the road on the piece of land taken.[388]

[385] Smith, for, Chief Surveyor to Clerk, Oroua County Council, 1 May 1905, ADXS 19483 LS W1 43 1829 pt 3, ANZ Wellington; cited in, P. Husbands, 'Maori Aspirations, Crown Response and Reserves 1840 to 2000', Draft, March 2018, p. 549.
[386] [Sicely Plans 96/1 and 96/2], [Mountfort Plan 96/3], [Littlejohn Plan 96/26] on, Decision of Native Land Court – Reureu Road Case, Wanganui, 17 August 1922, on, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0375-0381].
[387] M.C. Smith, for, Chief Surveyor to Clerk, Oroua County Council, 1 May 1905, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3872-3873].
[388] C. Bray, Clerk, Manchester Road Board, Feilding to J. Carroll, Native Minister, Wellington, 17 January 1901, J1/653/bb 1901/79, ANZ Wellington [IMG 3886].

The Native Minister advised the road board to apply the Public Works Act 1894 to take the roads through the reserve.[389]

In July 1901 the road board engineer asked for a tracing of the 'road or roads' through Reu Reu 1 and 2 native reserve blocks on the eastern side of the Rangitikei River from the Kakariki Road or rail crossing near the Kakariki Railway Station to the northern boundary of the Manchester block.[390] There is no record of a reply to this correspondence, although there is a file note asking whether the Resident Surveyor in Wellington can get this done.[391]

In November 1901 surveyor R.R. Richmond adopted the previous road surveys which showed the Kakariki-Onepuehi Road through the Reu Reu block.[392] The legal situation and procedure was reviewed by M.C. Smith from Lands and Survey in June 1902:

> The position of roads within the boundaries of Reu Reu is as follows. Reu Reu Block is a Native Reserve…There is no right to take roads without compensation through there never has been. (Until passing of P.W. Act 1894)
> J.T. Sicely surveyed roads over and through the block, having a warrant in his possession. This warrant could only give him power to enter on the block to make the survey – not to "take" the roads.
> The roads could only be taken by legal process – either by consent, or under the P.W. Act compulsory clauses.
> The roads within the Block have so far not been taken by such legal processes.
> Mason & Richmond's native plan of Reu Reu Block, shews certain of Sicely's roads adopted, and in relation to a certain part of the Kakariki-Onepuehu road, the last paragraph of 1829/39 from S.G. indicates that the consent of the native owners will probably be given enabling that road to be made public by consent for such a distance as to give access to subivn 3, which will practically be its whole length.
> A part of the Kakariki-Onepuehu road lies outside the Reu Reu Block & within Subdivision B Manchester Block.
> That part of this road fronting sections 13.12. and 1 of the above subdivisions, is described in the grants to those sections as a public road & as a line of road, and, being originally Crown land, has never been included in any grant.*[added subsequently in red pen 'or/&[?] is legal]*
> This portion fronting sections 13.12. & 1 is a public road.

[389] F. Waldegrave, Under Secretary, Department of Justice, Wellington to Clerk, Manchester Road Board, Feilding, 8 February 1901, J1/653/bb 1901/79, ANZ Wellington [IMG 3884]; [IMG 3885].
[390] C. Bray, Engineer, Manchester Road Board to C.W. Hursthouse, Chief Engineer, Wellington, 9 July 1901, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0405].
[391] File note, 15 July 1901, on, C. Bray, Engineer, Manchester Road Board to C.W. Hursthouse, Chief Engineer, Wellington, 9 July 1901, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0405, 0406].
[392] Roll Plan 564 or WD 1695, on, Decision of Native Land Court – Reureu Road Case, Wanganui, 17 August 1922, on, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0375-0381].

> Section 3 of this subdivision was granted in Jan 1876 bounded on the South by an abutment of a public road. & S.W. by the Native Reserve no road being excluded or shewn on grant as Roll plan 400 shews it. This plan however is a survey by Gillett dated 1875, before issue of grant, & Gillett not being a Government, but the Manchester Block corporation surveyor, presumably did not act under the instructions of the Chief Surveyor in laying out this road. The roads within section 3 are therefore included in the title & probably not legal.[393]

The legislation now allowed the Crown to take up to five percent of a native reserve for 'necessary roads' without compensation.[394]

In January 1905 forty six Māori owners in the Reu Reu block asked the Oroua County Council to:

> lay out a new road in vicinity of the said Block. That the Old Road has been damage[d] by the Rangitikei River. And therefore we have much pleasure in placing the matter before your "Honourable" Committee. This is the prayer of the petitioners. It is agreed animously [sic] that the propose[d] road should be in a place deem[ed] fit. Enclosing you lists of names of those interested in it – herewith.
> English Translation.[395]

In March 1905 the Oroua County Council informed the Chief Surveyor that they had decided to take a:

> diversion of the road through the Northern portion of the Reu Reu Native Reserve from the Waituna Creek to the Northern boundary of the County. The Natives have agreed to take the present road in exchange for the new one, and the Council has arranged with Mr. Newton Gillett to make the survey.[396]

The area where the road was required adjoined a section of European land owned by Herbert Pryce. It was usual practice that when a road ran between two blocks, that the same amount of land was taken from each block. However, in this case the road was laid out completely on the Māori land, and not on Pryce's property.

[393] M.C. Smith, Note on Kakariki-Onepuehi Road – Roads through Reu Reu Block, 1829/66, 19 June 1902, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3876-3877].
[394] File note, M.C. Smith, 12 December 1906, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3877].
[395] See petition for names, Te Reu Reu 'shareholders' to Oroua District County Council, 30 January 1905, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3866].
[396] C. Bray, County Clerk, Oroua County Council, Feilding to Chief Surveyor, Wellington, 25 March 1905, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3875].

In April 1905 the Oroua County Council Chairman G. Wheeler asked the Surveyor General if the Kakariki Onepuehu Road had been gazetted as taken and he noted that the 'Maoris maintain that the road should be on Pryce's land, and they assisted him to erect the fence between their and his properties.' Wheeler also said:

> Referring to your plan will show a mysterious deviation where the Kakariki-Onepuehu Road approaches Mr. Pryce's boundary and as this question may lead to litigation the Oroua County Council are anxious to be sure of their portion before declaring the road as shown upon your plan to be open.[397]

In May 1905 an application from the Oroua County Council was made for a Governor's warrant to provide surveyor G.N. Gillett with authority to take roads in Reu Reu 1, 2 and 3. The Minister of Lands authorised the surveyor to take and lay off these roads.[398] Chief Surveyor in response to the question of the legal status of these roads explained at this point:

> No roads have been formally and legally taken within the Reu Reu Block (except the deviation at Kakariki by Owen on north side of railway). The roads coloured brown are legal tho [sic] uncoloured, although surveyed, have never been legalized. That colour blue is, I understand, in public use and formed and maintained out of public money; if so it is by virtue of user also public although not taken or vested in the Crown…..
> These roads in Reu Reu, although surveyed, were not legalized because the Block being a Native Reserve, was in a different category to Native Land, and there was no power to take roads without paying compensation under the Public Works Acts, for which no provision was made.[399]

Smith explained that the new legislation meant the road could be taken and a Governor's warrant would be issued to Gillett.[400] However, Gillett failed to properly execute the warrant, which meant that once again the road could not be legalised.

Smith provided the surveyor with the names of some of the owners of the Reu Reu Native Reserve so that they could be informed as per the warrant requirements:

> No. 1 229 owners.
> Kereti te Mahia: Ahihau Hakopua: Kereti Teimana:
> Heta Ngoringori: Poni Peita: Poni te Hikopo.

[397] G. Wheeler, Chairman, Oroua County Council to Chief Surveyor, Wellington, 24 April 1905, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3874].
[398] Chief Surveyor, Lands & Survey, Wellington to Surveyor General, Wellington, 1 May 1905, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0404]; see also F. Duncan, Minister of Lands, 8 May 1905, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0403].
[399] M.C. Smith, for, Chief Surveyor to Clerk, Oroua County Council, 1 May 1905, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3872-3873].
[400] ibid

No. 2 97 owners –
Hakaraia te Katoa: Toa Rangatira: Tarikama:
Hamapiri Tarakama: Hahona: Riwai te Ruakirikiri.
No. 3 97 owners –
Hakaraia te Katoa: Toa Rangatira: Tarikama:
Riwai te Riakirikiri: Reweti te Raheroa: Tauteori Patua.[401]

Smith's instructions also said:

> The above is a selection of names of the larger owners; no addresses are known and it will therefore be desirable to ascertain if possible their whereabouts from natives on the ground, and also in any case serve notices on the natives, if any, on the ground or in the neighourhood.[402]

In June 1905 Smith sent the Oroua Council the Governor's warrant authorizing Gillett to enter and take lands for roads and issue notices to owners in the Reu Reu block. This memorandum also included: Enclosures; Warrant 207; covering memo; list of owners; and notice forms.[403] Gillett's warrant was to make a diversion of Waituna Road to the back boundary of the Manchester block. Shortly after making the survey Gillett left the district.[404]

In October 1905 the Oroua County Council clerk asked for a warrant for surveyor G.L. Scott to survey a portion of road from Kakariki to Makino Road. He also asked if there was a cheaper way to legalise a road than to send an authorised surveyor 'seeing that the whole of the road has already been surveyed' and if 'there is no other way kindly send a warrant for Mr. Scott to do the work.'[405]

A few days later the Chief Surveyor broadly explained some of the ways that roads could be legalised. He said the easiest way was under Section 100 of the Public Works Act where a road must be in public use, formed and maintained through public money. For other roads where no public money had been spent and they were not in public use, Section 15 of the Land Act 1892 was 'simplest' where consents of owners and local the body was required. He said however in the case of Māori land multiple ownership and scattered ownership could make this Section of the Act difficult to apply. He then cited

[401] Smith, for, Chief Surveyor, n/d, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3871].
[402] ibid
[403] Smith, for, Chief Surveyor to Clerk, Oroua County Council, Feilding, 5 June 1905, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3870].
[404] Clerk, Oroua County Council, Feilding to Chief Surveyor, Wellington, 3 October 1905, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3869].
[405] ibid

Sections 17 and 18 of the Public Works Act and compulsory takings which required advertising the taking and the payment of compensation. The next option was the Governor's warrant which:

> enabled the roads to be taken without compensation but with preliminary notification of owners, and with the personal taking on the ground by the surveyor authorized, he need not resurvey the road but can adopt the previous surveys and must go over the line himself on the notified day…..
> With reference to Mr. Gillett's work which you inform me has been done, if you refer to my memo to you of the 5th June and the documents sent therewith, you will see that it was required to return the warrant, duplicate notices, and plan after the work was completed, and it is essential that this be done. It is necessary that the Governor approves the road taken on his behalf, and that it can be proclaimed in the Gazette as taken. No further warrant will be issued over Reu Reu until the former is returned, and no private surveyor can be allowed to retain the delegation of the Governor's powers indefinitely. Very strong steps in relation to his right to practice in the colony at all might have to be taken if he neglected to return it, and difficulties of this kind would no doubt lead to a curtailment of the assistance given to local bodies by allowing their surveyors to exercise as the Governor's right to take without compensation.[406]

In early November 1905 the Oroua County Council asked for a Governor's warrant for roads to be laid off from 'the Waituna Creek to the Waitapu Creek through the Reu Reu Native Reserve together with petition from Natives requesting Council to lay off this this Road'.[407]

In late November 1905 the Rangitikei County Council applied for a Governor's warrant to provide surveyor G.L. Scott with authority to take roads through Reu Reu 1, 2 and 3.[408] Scott was issued a Governor's warrant on 23 December 1905.[409] In late 1906 a tracing and schedule of the land taken for roads under the warrant was in the process of being prepared for gazetting.[410]

[406] J. Strauchon, Chief Surveyor, Wellington to Clerk, Oroua County Council, Feilding, 10 October 1905, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3867-3868].
[407] C. Bray, County Engineer, Oroua County Council, Feilding to Chief Surveyor, Wellington, 11 November 1905, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3865].
[408] Plan 189/2, J. Strauchon, Chief Surveyor, Wellington to Surveyor General, Wellington, 28 November 1905, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0402].
[409] J.W. Marchant, Surveyor General to Chief Surveyor, Wellington, 6 January 1906, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0400].
[410] J. Strauchon, Chief Surveyor, Wellington to Chief Engineer, Wellington, 13 December 1906, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0399].

In April 1906 Scott told the Chief Surveyor that he had completed the road through the Reu Reu reserve and the requisite documentation which included a plan and notice forms. Scott said:

> The notice forms of which I supplied a copy each to the native owners were given to the Maoris interested in the land through which the Road was surveyed & the date of taking the Road was the 31st day of March 1906.[411]

In October 1906 Scott was reissued his Governor's warrant to complete further roads on Reu Reu.[412]

In December 1906 the Chief Surveyor told Scott that the Makino Road, although formed and in use for many years, had never been legalised and the 'soil of it therefore is vested in the Natives'. Scott was told to use his warrant to formally legalise the road. He was also told there was no legal connection between his road and Gillett's road. The Chief Surveyor also pointed out some technical errors in Scott's plans.[413]

Wheeler the chairman of the Oroua County Council, in December 1906 acknowledged that there were a number of Reu Reu block roads including a 'portion of the Makino Rd to the Rangitikei River' and some of Gillett's work which had not been legally taken. He suggested that this work be completed under Scott's warrant. Along with Scott and an interpreter Wheeler had visited these portions of the road that needed to be 'legalised' and he claimed 'notices were duly given to the natives'. He also suggested 'a search be made in case there should be other roads through Native Land which have not been legalised.' He asked whether the road at 'Kakariki beside the Railway to the Rangitikei, duly legalised?'[414] Scott's survey like Gillett's was to present problems.[415]

At this time, concerned with the amount of work required to legalise roads through Reu Reu, the Surveyor General commented on the legal status of roads previously made on

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[411] G.L. Scott, Surveyor, Palmerston North to Chief Surveyor, Wellington, 30 April 1906, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3864]; see also Scotts warrant for Reu Reu 1, 2, 3, 9 October 1906 [IMG 3863].
[412] J. Strauchon, Chief Surveyor, Wellington to Clerk, Oroua County Council, Feilding, 9 October 1906, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3862].
[413] J. Strauchon, Chief Surveyor, Wellington to G.L. Scott, Surveyor, Palmerston North, 14 December 1906, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3858-3859].
[414] G. Wheeler, Chairman, Oroua County Council, Feilding to Surveyor General, 22 December 1906, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0397].
[415] Scotts Plan WD 1342.

the block. He said there was no evidence that Sicely's 1883 road plans were legal. Although previously it was believed these roads were not able to be legalised Smith now believed that this was incorrect. He maintained the Acts existed which allowed these roads to be made and cited the Native Lands Act, Native Reserves Act 1873 but he also believed that Sicely's warrant had only allowed him to enter and survey but not take land:

> It appears to me therefore Sicely could have taken the roads had he been given a warrant from the Governor, but that as he did not hold this authority the roads are not taken & not legal [.][416]

In January 1907 the Chief Surveyor received Gillett's Reu Reu road plans and commented that the surveyor had altered the date under his signature by a month:

> You do not appear to have grasped the difficulty pointed out to you in my former memo. The date of the warrant given you to take the road is 12th May, 1905.
> You could only take the road after that date.
> Nevertheless you declare on plan that you pointed out the line on the ground on the 16th February, 1905; three months earlier; this therefore was not the taking of the road.
> If you did not go over the road with the warrant in your possession, after the 12th May above, then the road is not taken.
> Please inform me if you went formally over the road with the warrant, and if so, on what date did you do so.[417]

Gillett responded: 'So far as I can recollect I did not have the Warrant with me when on the ground at all'.[418] Survey Office Secretary M.C. Smith commented: 'It appears from the above statement that the warrant has not been exercised' and another file note says 'no – his "taking" is irregular & of no effect.'[419] In response to Gillett's statements the marginal note in another file consisted of a double exclamation [!!] mark. The Chief Surveyor decided: 'Under these circumstances I have informed his employers, the Rangitikei County Council that the road is not taken, and beg to withdraw my previous request for proclamation.' An attached file note says 'No further action at present'.[420]

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[416] File note 1829/124, re Reu Reu Plans 96/1 & 2, Smith, 14 December 1906, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3857].
[417] M.C. Smith, for, Chief Surveyor, Wellington to N.C. Gillett, Surveyor, New Plymouth, 23 January 1907, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3856].
[418] N. Gillett, Surveyor, Wanganui to Smith, Survey Office, Wellington, 18 February 1907, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3855].
[419] File note, M.C. Smith, 26 February 1907, on, N. Gillett, Surveyor, Wanganui to Smith, Survey Office, Wellington, 18 February 1907, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3855].
[420] J. Strauchon, Chief Surveyor, Wellington to Surveyor Chief Engineer Roads, Wellington, 5 March 1907, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0395].

In March 1907 the Rangitikei County Council was informed by the Chief Surveyor that Gillett's road was not legal:

> Mr. Gillett now naively explains that he does not recollect having the warrant with him on the ground at all, and it is evident that his actual survey was made before he had legal authority to do so, and that he did not trouble to make it formal as he should have done by a visit of "taking" to the ground on a day pre-arranged with the owners after his authorisation.
> The road therefore is not taken or legal, and your Council, having now Mr. Scott authorised in the same manner who is more accustomed to these procedures, had better direct him to complete the formalities over the whole of the road your council wishes to make public.[421]

The Chief Surveyor told Gillett that he had 'entirely misunderstood the purpose of issuing a Governor's warrant' and the roads had not been taken and the council would have to employ 'another surveyor to do your work over again properly.' He was told:

> You must go over the line of road on a set day – whether the owners whom you have notified thereof, appear or not, and you must have the warrant with you at the time for exhibition to the owners…[422]

In May 1907 surveyor G.L. Scott forwarded plans and tracings of roads taken through the Reu Reu reserve. He also attached his Governor's warrant and 'copies of notices supplied to several owners'.[423]

In August 1907 Wiari Rawiri asked the Surveyor General to withhold the survey authority given to surveyors Richmond and Newton to survey the Reu Reu 2 road deviation. He said his plantations, houses and fences on Reu Reu 2D, 2F and 2G had been awarded by the Native Land Court to other people and he had made an application to the court for their return. He was going to also petition Parliament for the court to

[421] J. Strauchon, Chief Surveyor, Wellington to Clerk, Rangitikei County Council, Marton, 5 March 1907, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3854].
[422] J. Strauchon, Chief Surveyor, Wellington to N.C. Gillett, Surveyor, Wanganui, 5 March 1907, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3853].
[423] G.L. Scott, Surveyor, Palmerston North to Chief Surveyor, Wellington, 21 May 1907, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3852].

have a rehearing about the subdivisions.[424] Rawiri was told that the survey would be carried out in accordance with the Native Land Court order.[425]

In September 1907 fourteen Māori owners asked for an investigation of the road through Reu Reu 1.[426] They complained that the road passed through cultivated land, orchards and native bush. The road line had not been used for through traffic on a regular basis, and when it was the consent of the owners was required and a toll was paid. They had not consented or been consulted about the road.[427] They instructed surveyor R.R. Richmond to prepare a plan that showed the areas of their occupation and cultivations and the line of the road through the block. According to Richmond the owners had plans to lease the block.[428]

In October 1907 Richmond, on behalf of Poaneki te Momo, Tawhi Paranihi, Wirite Kuri and two others, informed the Commissioner of Crown Lands of their objection to the road between Pryce's gate where the existing public road ended and Onepuehu. He explained Scott's road line passed through cultivations, an orchard and a bush area which the Reu Reu reserve owners had saved as shelter belt for their cultivations and orchard:

> Also the road lines have never been used for traffic though permission has been given occasionally by the maoris [sic] to drive stock through and I am informed that Mr Price [sic] is asked for one pound when he wishes to pass through.[429]

[424] Wiari Rawiri, Kakariki to Surveyor General, Wellington, 6 August 1907, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3850].
[425] M.C. Smith, for, Chief Surveyor, Wellington to R.R. Richmond, Surveyor, Marton, 27 August 1907, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3849]; see also sketch plan of road deviation through Pts Reu Reu N.R. No. 1, 3 October 1907 [IMG 3848].
[426] Translation of petition of Poaneki te Momo, Tawhi Piranihi, Keeni Paranihi, A.P Riwai, Mere Poaneki, Riwai Teruakirikiri, Riria Riwai, Teoro Tekoko, Wiremu Ngahana, Ngaheke Ngahana, Rangihawera Te Kai Rangatira, Tangiamio te Moko, Putipiti Tawhi, Hiratako Ngapaki to Robert Richmond, Surveyor, 25 September 1907, OTI/641, Reu Reu Correspondence File, vol 1, Aotea MLC, MLC Records DB Project, vol XXIII, p. 689; signed te reo Māori in original, pp. 690-691.
[427] Part letter (page missing) to Commissioner of Crown Works, Wellington, 1 October 1907, OTI/641, Reu Reu Correspondence File, vol 1, Aotea MLC, MLC Records: DB Project vol XXIII, p. 693.
[428] R.R. Richmond, Surveyor, Wellington to Judge R. Sim, Native Land Court, Wanganui, 12 September 1907, OTI/641, Reu Reu Correspondence File, vol 1, Aotea MLC, MLC Records: DB Project vol XXIII, p. 695; see also te reo Māori instruction from Te Heuheu Tukino, Tawhi Piranihi to Richmond with sketch map, p. 696.
[429] R.R. Richmond, Richmond & Newton, Surveyors, Wellington on behalf of Poaneki te Momo, Tawhi Paranihi, Wirite Kuri and two ors to Commissioner of Crown Lands, Wellington, 1 October 1907, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3845-3847].

There was also an objection to the Kakariki Onepuehu Road that followed the inland boundary of the Reu Reu reserve. Richmond said the road had been taken on the western side of the boundary within the Native reserve rather than through the European land owned by Herbert Pryce. This, Richmond said had been done 'without the consent of the Natives or their due appraisal of the nature of proceedings'. He claimed the reason this had been approved by the council was because Pryce had demanded compensation if the road was taken across his land, whereas no compensation needed to be paid for the Māori land. He considered there was no practical reason for the road to only lie across the Māori land:

> Speaking of the road along the NW portion of the Manchester Block it is ridiculous that the true engineering road line should be sacrificed and that all the native rights should be flouted by taking the road line within the ReuReu Block for the sake of a wealthy land owner.[430]

The Chief Surveyor told the clerk of the Oroua County Council that he had received a 'protest' from some Māori about the line of the road through their cultivations:

> It is of course not intended that the delegation of the Governor's powers of road taking shall be permitted to be used against Native interests by taking lands from them merely because there is no compensation to be paid them…..Your Council will understand that this would not be a just exercise of the right.[431]

Richmond was told the objection would be investigated, and that in the case of Scott's survey the warrant had been exercised by a 'private surveyor, and there is of course no intention of allowing it to be used harshly against Native owners'.[432]

The Chief Surveyor instructed Inspecting Surveyor J.D. Climie to investigate the road through the Reu Reu reserve and determine whether it went through cultivations and whether it was the 'proper engineering line'. He said if the allegation was true:

> it is not legal to take cultivations &c. without a special Order in Council….it is necessary under the law when a road is being taken on the boundary of Native and English lands to take it equally from either if the nature of the ground permits. It would be an injustice to Native owners also, to take an inferior line of road from them merely because no compensation is payable to them, and to

[430] R.R. Richmond, Richmond & Newton, Surveyors, Wellington on behalf of Poaneki te Momo, Tawhi Paranihi, Wirite Kuri and two ors to Commissioner of Crown Lands, Wellington, 1 October 1907, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3845-3847].
[431] Chief Surveyor, Wellington to Clerk, Oroua County Council, 15 October 1907, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3844].
[432] J. Strauchon, Chief Surveyor, Wellington to R.R. Richmond, Richmond & Newton, 15 October 1907, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3843].

> neglect a better or the proper line only because European owners must be compensated. The Governor's powers are not to be exercised in this way either by private or any other surveyor.[433]

The chairman of the Oroua County Council, Wheeler, responded to the Māori objection by saying the area in dispute had not been laid off by Scott but by a government surveyor and the cultivations the Māori owners claimed were interfered with by the road 'are not many years old' and had been made since the government survey 'while the trees have been planted quite lately, with the hope of blocking the road' and furthermore:

> There can be no doubt why these trees were placed on the road – It was, that they were advised that no road could be driven through a plantation – This road however was laid off years before the trees were planted – I am glad you are sending an officer to inspect & trust that you will give me ample notice of the day, because someone conversant with the other side of this question, certainly ought to be on the ground as well as the Natives and their surveyor [.][434]

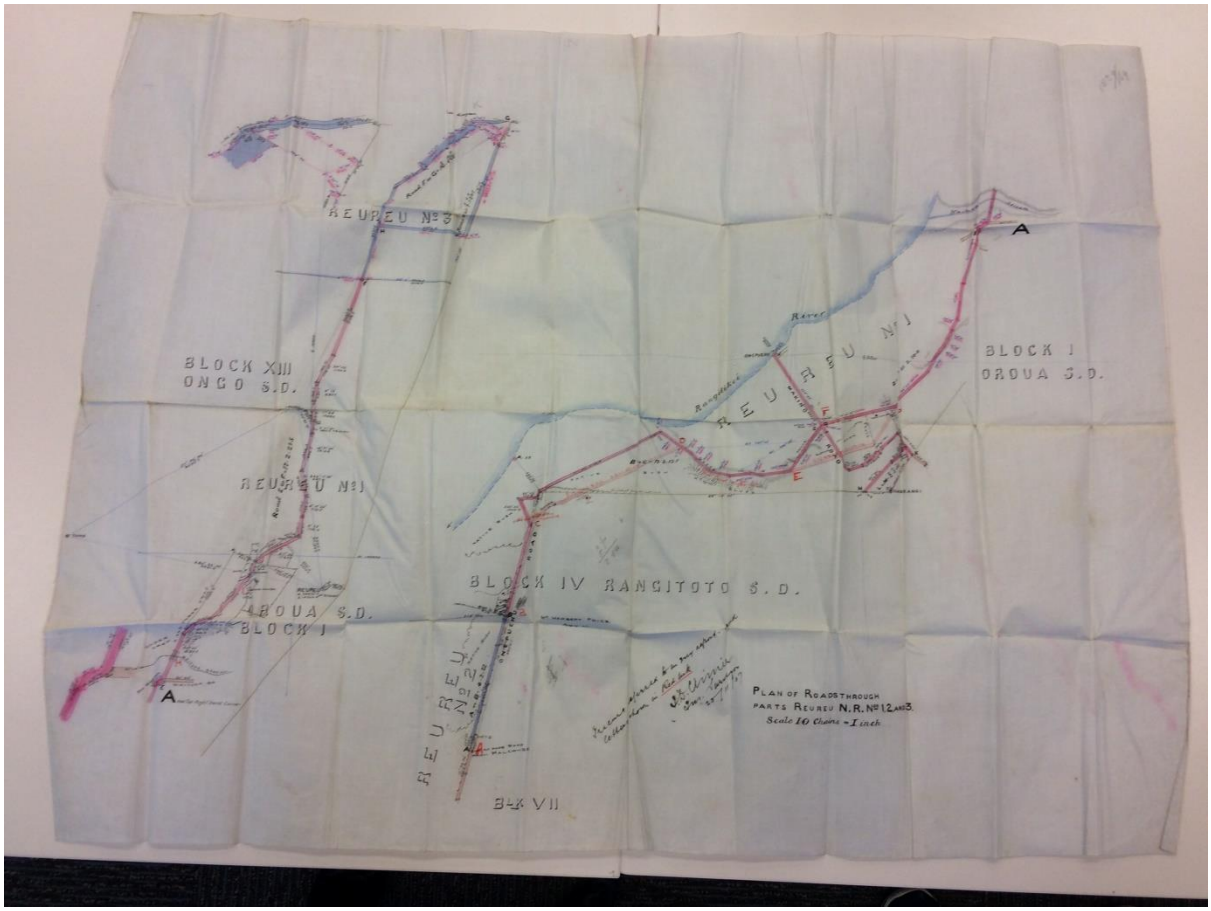
In November 1907 J.D. Climie investigated the objection and reported to the Chief Surveyor. He had inspected the road in the company of Wheeler, Scott and Richmond and 'a number of Natives'. He confirmed that a portion of the road from Pryce's gate should have been placed on the eastern side through European owned land which was free of bush and cultivations. He also said the only reason to take the road through the Māori reserve was to avoid paying Pryce compensation:

> It appears to me ridiculous to make a bend in the road…merely to take it through the Reu Reu Block and where it would involve the destruction of Native Bush and pass through the Natives' enclosure and near the house as indicated on the tracing.[435]

Climie said approximately five acres of Pryce's land should be taken for the road.[436] The tracing plan submitted by Climie is shown below:

Map 16: Plan of road through Pts Reu Reu N.R. No. 1, 2, 3, 20 November 1907[437]

[433] J. Strauchon, Chief Surveyor, Wellington to J.D. Climie, Inspecting Surveyor, Lower Hutt, 15 October 1906 [sic], ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3841-3842].
[434] G. Wheeler, Chairman, Oroua County Council, Feilding to Chief Surveyor, 25 October 1907, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3838-3840].
[435] J.D. Climie, Inspecting Surveyor, Wellington to Chief Surveyor, Wellington, 25 November 1907, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3835-3836].
[436] ibid
[437] Plan of road through Pts Reu Reu N.R. No. 1, 2, 3, 20 November 1907, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3837].



When Wheeler again asked about the status of the road in November 1907, a memorandum attached to the file said: 'This is the case where the surveyor [Gillett] failed to execute the Govs warrant'.[438] Wheeler wanted the roads proclaimed as taken and he had little sympathy with the 'Maoris [who] use the County Roads & Bridges (especially the Onepuehu Bridge) & pay no rates'. He reiterated that the trees on the Māori owned reserve had been planted as an obstruction to the road which he claimed was beyond dispute. He said the situation could be remedied if an Order in Council was issued.[439]

In January 1908 M.C. Smith for Lands and Survey stated that Scott's roads had been knowingly taken through Māori cultivations:

> As to the law of the matter, it is obvious that Mr Scotts present taking has been vitiated by the existence of crops, plantations on the land taken by him, & it

[438] Memorandum, 14 November 1907, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0394].
[439] G. Wheeler, Chairman, Oroua County Council, Feilding to Chief Commissioner, 27 November 1907, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3832-3834].

> should be noted here that he deliberately declares on his plan that his road takes not such cultivations. He should be asked to explain this apparently false declaration. These cultivations can be taken but a special Order in Council must be obtained to do so.
> As to the local body's contention as to the effect of sec: 96 of the P.W. Act 1905. The Dept. has recent specific advice that this is merely a vesting section & gives no powers of taking…this contention is void.
> It is also required by the Act that if a road lies on the boundary of Native & European lands it shall be taken equally from each if there are no engineering obstacles. The present case appears to fall absolutely under this requirement & to leave no choice of line whatever.
> To sum up. It appears to me that Scotts "taking" has been completely upset by the existence of improvements on the line which falls under the head of "cultivations" in the Act; and that a Special Order in Council is required if his line is to be re-instated…..
> Finally – the present position is, that of all the surveys & all the takings, nothing is yet legal in the way of roads within Reureu, except the pieces formed & maintained by the local body & in public use, & even these are vested in the natives & not in the Crown.[440]

In July 1908 Chief Surveyor J. Strauchon told Wheeler that because there were cultivations where Scott had taken the road this made his 'warrant void', and it would therefore require a special Order in Council to complete the taking. Wheeler was also told that the Act required that when a road followed a boundary it was required that it be taken equally from European and Māori owned land. Strauchon said compensation would be required for the taking of the 6 acres of European land but not for the 60 acres of Māori land:

> This disproportion should surely balance your contention to which I grant some weight that Natives use the public roads without paying rates…..If this long road connection is of real public use, as it certainly appears to be, the compensation for 6 acres can surely be compassed by your Council, for the gift of the remaining 60 acres can only be obtained for some few years yet; after that, the right will expire, and the whole will have to be paid for.[441]

Surveyor Scott was asked to explain why he took the road through cultivations and why his plan did not show the existence of Māori cultivations on the line of his road.[442] Scott said he had only gone over a previous survey of the road by Gillett, whom he blamed for the error, and he accepted some fault for not drawing attention to the existence of

[440] M.C. Smith, Roads within Reu Reu, 6 January 1908, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3828-3831].
[441] J. Strauchon, Chief Surveyor, Wellington to Chairman, Oroua County Council, Feilding, 7 July 1908, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3626-3827].
[442] M.C. Smith, for, Chief Surveyor, Wellington to G.L. Scott, Surveyor, Palmerston North, 16 January 1908, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3825].

cultivations. Scott said the late council engineer Mr Bray had told him that Māori at a Native Land Court hearing said they were agreeable to a road.[443] The Oroua County Council was told what Scott had said and: 'I presume there is no record of Mr. Scott's statements in your office.'[444]

Wheeler dismissed the cultivated area as a 'sickly orchard' on Reu Reu 3 just across from the Waituna Stream. He reiterated that a special Order in Council should be issued before the right to take the road lapsed, and 'to overcome the obstruction now raised: this road will be successfully stopped by what we will in courtesy call "an Orchard". He said other cultivations on Reu Reu 1 were 'deliberately planted about three years ago'.[445] Strauchon said the situation remained unchanged and Scott's explanation did not assist in legalising the road because the warrant was now invalid.[446]

The Commissioner of Crown Land confirmed previous warrants were invalid.[447] The right to take the road under Governor's warrant without compensation was due to expire on 8 December 1911.[448]

In October 1909 Scott was told the Oroua County Council had decided to 'drop the roads southwards of Makino roads and legalise those northwards of it' although it was acknowledged that there was a pa site and cultivations in the northern part which Scott had ignored, but had been acknowledged on the earlier plans made by Gillett. These roads required an Order in Council to validate. Scott was again asked to explain how his plans and declaration were wrong: 'You must have gone over the road to take it'.

[443] G.L. Scott, Surveyor, Palmerston North to Chief Surveyor, Wellington, 25 January 1908, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3824].
[444] M.C. Smith, for, Chief Surveyor, Wellington to Chairman, Oroua County Council, Feilding, 4 February 1908, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3823].
[445] G. Wheeler, Oroua County Council, Feilding to Chief Surveyor, 25 January 1908, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3822].
[446] J. Strauchon, Chief Surveyor, Wellington to Chairman, Oroua County Council, Feilding, 10 February 1908, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3819].
[447] J. Mackenzie, Commissioner of Crown Lands, Wellington to G. Wheeler, Chairman, Oroua County Council, Feilding, 19 September 1908, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3815].
[448] F.A. Thompson, Reu Reu Road, 1829/197, 11 January 1909, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3814].

Scott was told the plan would need amendment and he would be issued with a new Governor's warrant.[449]

On 17 November 1909 Scott said he had already had correspondence from Lands and Survey about his failure to report cultivations on his road line and he restated that he had been 'in the wrong in not bringing the matter under your notice.' The county council had asked Scott to apply for the warrant so that settlers near the Waituna Stream could have road access.[450]

In late November 1909 the Chief Surveyor had these Reu Reu cultivations, fences and pa valued:

> The actual value of the fences &c., Mr. Mountfort buts [sic] at about £37.10.0; but the cost of moving them back instead at about £8 to £14. The crops shewn have been put in since the taking and issue of notices for the road and need not be taken into account. Mr. Mountfort also states that all the Natives he saw seemed anxious to have the road and have it formed. I have to respectfully ask therefore that you will have matters put in train for obtaining issue of an Order in Council over the Reu Reu Block Subdivision No 1.[451]

In December 1909 Scott said a Māori owner W. Tapine of Onepuehu asked for part of the road to be altered south of the junction at the Waituna Stream. Tapine wanted the road to follow the foot of the hill because the road line surveyed cut up his flat land and separated him from his water source:

> The first line up the Waituna cuts through Mr. Tapines cultivations, to avoid this I will have to survey the road nearer the stream, the other lines are along the present formation, the old pegs being still in the ground.[452]

Scott was told that if the local body authorised the deviation he could change the survey line and amend the plan accordingly.[453] Scott subsequently said:

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[449] J. Mackenzie, Chief Surveyor to G.L. Scott, Surveyor, Palmerston North, 27 October 1909, ADXS 19483 LS-W1-43/1829 pt 4, ANZ Wellington [IMG 3999].
[450] G.L. Scott, Surveyor, Palmerston North to Chief Surveyor, Wellington, 17 November 1909, ADXS 19483 LS-W1-43/1829 pt 4, ANZ Wellington [IMG 3997]; see also sketch plan proposed deviation, n/d [IMG 3996].
[451] M.C. Smith, for, Chief Surveyor, Wellington to Under Secretary Lands, Wellington, 15 November 1909, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0391].
[452] G.L. Scott, Surveyor, Palmerston North to Chief Surveyor, Wellington, 11 December 1909, ADXS 19483 LS-W1-43/1829 pt 4, ANZ Wellington [IMG 3995].
[453] M.C. Smith, for, Chief Surveyor, Wellington to G.L. Scott, Surveyor, Palmerston North, 16 December 1909, ADXS 19483 LS-W1-43/1829 pt 4, ANZ Wellington [IMG 3993].

> The Native owners are satisfied with the alterations & the chairman of the Oroua County Council left it in my hands to alter the old road as surveyed by me so as to satisfy the Native owners.
> The only owner (Tapine) not on the land at the time of survey lines is a house at the junction of roads & claims the land where the alterations have been made & up the Waituna Stream.[454]

In December 1909 an Order in Council was signed granting consent for a road to be taken through Reu Reu 1 which passed through Māori cultivations.[455]

The proclamation taking the roads through Reu Reu 1, 2, and 3 was signed on 6 September 1910.[456] The amount of land taken is shown in the following table.

Table 12: Land Taken for Roads from Reu Reu 1, 2, 3 1910[457]

Block	**Area Taken**
Reureu No 3	23-1-30.7
Reureu No 1	45-0-10.8
Reureu No 2	5-2-20
Total	74a 0r 21.5p

Richmond made a further road plan on 22 October 1910 of Reu Reu 1 and provided a road line through Reu Reu 2A. The plan was approved by the Chief Surveyor as a sketch plan for the use of the Native Land Court.[458]

Judge Jack on 14 October 1913 approved 'Annabel's tracing' for the use of the Native Land Court on the partitioning of the Reu Reu blocks and this tracing included lines but does not indicate whether they are roads or right of ways.[459]

A plan approved by the Chief Surveyor on 1 May 1918 shows an area from Pryce's gate to the southern boundary of Reu Reu 2A as a private road. South of Pryce's gate it is shown as the Onepuehi Kakariki Road.[460]

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[454] G.L. Scott, Surveyor, Palmerston North to Chief Surveyor, Wellington, 18 April 1910, ADXS 19483 LS-W1-43/1829 pt 4, ANZ Wellington [IMG 3991].
[455] NZG, 1909, p. 3210.
[456] NZG, 1910, p. 3362.
[457] NZG, 1910, p. 3362.
[458] Decision of Native Land Court – Reureu Road Case, Wanganui, 17 August 1922, on, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0375-0381].
[459] Wang MB 64, fol 77, on, Decision of Native Land Court – Reureu Road Case, Wanganui, 17 August 1922, on, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0375-0381].
[460] Plan WD 3295, on, Decision of Native Land Court, Reureu Road Case, Wanganui, 17 August 1922, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0375-0381].

4.4.3 Pryces Line

While most of the roads through Reu Reu had been taken in 1910, the problematic line between Reu Reu 2 and Pryce's land had not been included in those proclamations.

On 8 January 1921 the Chief Surveyor informed law firm Christensen and Stanford:

> I have to advise you that the road shown on your tracing from Price's [sic] gate in Reureu 2B1A to the northern boundary of Reureu 1 sub 1B1 is not a legal public road.
>
> This road was laid off in 1883 through the Reureu Block but never legalised on account of irregularities in the taking, and in 1906 was definitely abandoned by the County Council.
>
> A road parallel to or beside this road would traverse section 3 of subdivision B of the Manchester Block, but the Crown Grant of this subdivision issued in 1876 (to Mr Price) does not show a road excluded therefrom nor has any road been taken through since.
>
> The road to the South of price's gate is a legal public road having been excluded from the Crown Grant of section 1 of subdivision B of the Manchester Block issued in 1878.[461]

On 4 April 1921 the Chief Surveyor informed the Registrar of the Native Land Court:

> From a point, known locally as Price's gate, to the Makino road on north-Eastern boundary of Reureu 1 sub.6 this is not a legal public road, but on the several subdivisional plans in this in this office the area has not been included in the partitions.[462]

A problem had arisen, because the existence of the road line on court plans meant that when the Native Land Court had partitioned the block, the area of the road line was not included in the partition. Some partitions had since been sold, and the new owner found he was without legal road access. In July 1921 Neil Blunden told the Minister of Lands he owned Reu Reu 2A2 where there was no road access. He said the 'original map shows a road at present fenced into Mr Price's [sic] property.'[463] The Commissioner of Crown Lands said the road had been excluded from plans of the area 'with the exception

[461] Chief Surveyor to Christensen & Stanford, Solicitors, 8 January 1921, on, Decision of Native Land Court, Reureu Road Case, Wanganui, 17 August 1922, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0375-0381].
[462] Chief Surveyor, Wellington to Registrar, Native Land Court, 4 April 1921, on, Decision of Native Land Court, Reureu Road Case, Wanganui, 17 August 1922, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0375-0381].
[463] N. Blunden, Halcombe to Guthrie, Minister of Lands, 27 June 1921, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0389]; see also plan [IMG 0388].

of Reu-Reu 2A which shows the road as a right of way'. The Native Land Court was asked to rectify the situation.[464] The Minister of Lands informed Blunden:

> It appears that you property comprises a Native Land Court subdivision known as Reu-Reu 2A No. 2 Block containing 74 acres. The question as to providing legal access to these subdivisions is more a matter for consideration of the Native Land Court and my Department is now in communication with the Court officials in regard to the matter.[465]

A court hearing was held in August 1921. Blunden's solicitor Aynsley, said he also represented 'various natives' owners of 2A1 (16 acres) and other areas of Reu Reu. The minutes identify a group of Māori in court for the hearing some of whom may have been owners in 2A1.[466] The court was told that Kupe Wiremu (William Williams) and his wife Paki Wiremu, owners of Reu Reu 1 Sections 4C1, 4B1 and Section 3 had made their own road along the boundary of Reu Reu 2 (the surveyed road line). Their road had interfered with fences, orchard and gardens. Judge Acheson issued an interlocutory injunction which stopped Kupe and his wife Paki, or anyone acting on their behalf, from entering parts of Reu Reu 1 and 2 where they contended a public road existed.[467] The court had examined records which laid-off of a road line along the eastern boundary of Reu Reu 2 and found that they 'are by no means clear'. The court would not make a final order until other affected parties could appear and therefore adjourned.[468] The minutes indicate that Judge Acheson was concerned about conflict between the owners and considered a rehearing an urgent matter.

On 30 August 1921 Judge Acheson held a second Native Land Court hearing on roads through Reu Reu as an 'Informal enquiry as to exact position re a certain roadline or right of way.' Aynsley appeared for Blunden and some Māori owners. Mason Durie appeared for some Reu Reu 2 Māori owners and Watene te Momo for some Reu Reu 1 owners. Adjoining Pakeha farmer Pryce was represented by Ladley. Wiremu was represented by Graham.[469] The evidence of these solicitors presented a range of

[464] Commissioner of Crown Lands, Wellington to Under Secretary Lands, 21 July 1921, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0386-0387].
[465] Minister of Lands, Wellington to N. Blunden, Kakariki, Halcombe, n/d [1921], ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0385].
[466] Taihape MB 1, 4 August 1921, pp. 209-210, [IMG 0444-0465].
[467] ibid, pp. 210-211.
[468] ibid, pp. 209-210.
[469] Taihape MB 1, 30 August 1921, p. 225.

technical arguments that highlighted the legal complexity and the conflicting opinions and confusion that existed around these roads.

Pryce's lawyer, Ladley objected to the court hearing whether the road went through his client's land which the court overruled. Despite this ruling Ladley argued the Native Land Court did not have the authority to rule whether a road went over European land.[470]

Wiremu's lawyer, Graham, said a plan used by the court to subdivide Reu Reu 1 and 2 had shown a road line through the block. Titles had been issued for a number of blocks and he observed that when the court partitioned Reu Reu 1 and 2 it was presented with plans that showed roads and the minutes also referred to the sections being bound by the road.[471]

Aynsley for Blunden denied the existence of a road, or road line or right of way over the eastern boundary of 2A and 2B or Reu Reu 1 and he said a number of owners had over the years 'strenuously' objected to attempts to survey the block. He highlighted the various efforts to lay off roads on the block including the 1883 surveyor who surveyed the road prior to the award of the reserve to its Māori owners.[472]

Durie, for the Reu Reu 2 owners, said his clients wanted to know if access had ever been authorised by the court and he claimed there was nothing in the court minutes to show a road or road line through the block was ever laid off.[473]

Judge Acheson said:

> The court has perused the Court records and the exact position is by no means clear. The evidence in the Minute Books is very conflicting and so far the Court has found no Order of the Court definitely laying off any roadline or right of way through this land. Numerous references appear to a road alongside of or bounding or along the boundary of Reureu 2.

[470] ibid, p. 226.
[471] ibid, p. 226, p. 230.
[472] ibid, pp. 227-228.
[473] ibid, p. 229.

> The whole matter is both difficult and important and the Court will order the Registrar to lodge two formal applications with the Court for the next available Wanganui sitting.
> (1) To cancel any existing orders laying off roadlines or right of ways through Reureu 2 if it be found that such orders have not been made
> (2) To lay off such roadlines or right of ways as may appear to the Court to be access ways [.][474]

The court also ordered that the existing interlocutory injunction against Kupe Wiremu and his wife Paki and their supporters remain in force and it issued a further injunction:

> restraining any person whatever (1) blocking or interfering with or (2) preventing any owners or occupiers…from using the track or tracks through Reureu No 2 which for many years past have been used continuously as a means of access over the Reureu No 2 block & such track or tracks being well defined, and well known to the owners of Reureu No 2.[475]

As requested the Registrar lodged an application for the Native Land Court to hear the question of existing rights.

On 14 March 1922 Judge Acheson held a hearing into whether a legal road, road line or right of way existed between Onepuehu and Kakariki. There was an application to cancel existing right of ways on Reu Reu 1 and 2, and an application to lay off right of ways on road lines. The minutes refer the reader to see the previous page of the minute which includes the phase used above by Acheson 'as may appear to the Court to be access ways'.[476] The area involved was an area between Pryce's gate and Makino Road at Onepuehu and the matter in dispute was limited to the question of whether a legal road, or road line or right of way from Pryce's gate to Makino Road existed.

Māori owners Kupe Wiremu (owner of Reu Reu 1 Subdivisions 4C1 and 4B1) and his wife Paki Wiremu (owner of Reu Reu 1 Section 3) and Moeroa Karatea (owner of Reu Reu 1 Section 2B) were again represented by Graham.[477] They wanted the court to declare a road line so there would be access to Kakariki Road for Reu Reu 1 subdivisions.

[474] ibid, pp. 225-231.
[475] ibid, p. 231.
[476] Taihape MB 1, 14 March 1922, p. 232.
[477] ibid, p. 232.

Neil Blunden and Riwai te Kirikiri (owner of the ten acres balance of 2A), and the owners of Reu Reu 2A were represented by Aynsley.[478] Aynsley argued there was no access through 2A and 2B. While the introductory proceedings were taking place Aynsley was also instructed to act for the Poanaki family who owned Reu Reu 1 Section 1A.[479]

Mason Durie said he represented the Kairangatira family and other owners of Reu Reu 2B1B.[480]

Graham represented Pryce and he referred the court to the previous evidence he had presented and said: 'I contend that as far as Ruereu 1 is concerned, the road from the junction of Reureu 1 with…Reureu 2A is a public road over which the public have a right to go' and he noted the court had issued an order restraining his client from going over the 'road'. He proceeded to refer the court to the 1910 gazette notice allowing the road to be taken through a native cultivation.[481] He said a warrant had been made but no proclamation had ever been issued. The surveyor, Lands Department acted on the Order in Council and prepared a plan which was approved by the Chief Surveyor and signed as approved by the court by Judge Jack on '14/10/13'. He referred the court to the Public Works Act and said:

> The Road has not been formed but the partitions of Reureu 1 & all the plans are based on the assumption that the road through No 1 is a legal road. The L.T. [Land Transfer] title for Reureu 1 has been issued & shows the road & all the orders have been endorsed with the plans.
>
> I am instructed to oppose any alteration of the orders for Reureu No 1 – I do not admit that the Court has power to amend the orders.
> Any alteration in Reureu No 1 would entail great expense to the Natives. The line of road is a convenient one & is all pegged off. The survey of it was expensive.
>
> I contend that the road through Reureu No 1 is a public highway….. [*cited case law*].[482]
>
> I contend that the Native owners are in the same position as if they had contracted between themselves with regard to this roadline.

[478] ibid, p. 232.
[479] ibid, p. 233.
[480] ibid
[481] ibid
[482] [Illegible] v Jackson, Supreme Court, p. 27; Rhodes v Beckett, 29 *NZLR*, p. 363.

> If the Court holds against me on this point I contend also that the Court should carry out the evident intention of the Court & the Natives & now lay off the roadline through Reureu No 1.[483]

Graham then presented his arguments concerning Reu Reu 2 which he dealt with from the point of view that the court intended to lay off a road line if it found that one had not already been laid off.[484]

Aynsley said it had not been proved that a proclamation had been issued.[485] The court then adjourned for lunch in which time they made a site visit and Judge Acheson's reaction is then recorded in the minute book:

> Court is quite unable to understand how it came about that the road was not in the first place carried through Mr Price's [sic] land along the Manchester Block boundary. There is a splendid track for a road there. The Court cannot see why Mr Price was allowed to escape the deduction for a road. The Grant of the whole block without the deduction for a road cannot be altered now. The result is that the Native owners of Reureu have to suffer & they must provide the whole of the land for the road or right of way. Mr Price does not even have to give half the land.
>
> The road or right of way through Reureu 2 will go close to some houses & right through some Native fences & gardens – but it is too late to stop this now.[486]

Graham contended that Reu Reu 2 was a public road from the deviation from Pryce's gate to the junction of Reu Reu 1 and 2 and he referred the court to the 1910 gazette notice, Public Works plan and other evidence. A marginal note stated however that the court on examining the Survey Office plan found that the proclamation 'relates to entirely different land but same area.' Graham contended that if the court did not agree the area was a public road it should take the position it would lay off a road line to provide access to the subdivision of Reu Reu 1. According to Graham, Reu Reu 2 was a public road from the deviation at Pryce's gate and it was the 'most convenient' way 'through the Native block.'[487] If the road was found to be a public road he asked the

[483] ibid, pp. 234-235.
[484] ibid, p. 235.
[485] ibid
[486] ibid, p. 236.
[487] ibid, p. 237.

court to annul the injunctions issued and the opportunity to seek payment for damages for Kupe Wiremu and costs for his appearance.[488]

Aynsley for Blunden and Te Kirikiri rejected the idea that a public road through Reu Reu 2 existed and he cited the Chief Surveyor's letter of January 1921 that it was not a legal road. He said the injunction should remain until the question of access was resolved.[489]

Durie said he had been told by the Lands Department that the 'roads were not legal roads' and his clients had been put to a lot of trouble and expense as a result of Kupe Wiremu who 'did a lot of damage to my people's property.'[490]

Aware that it required more of the official record at this juncture the 'Court intimated that before giving any decision it would search the records at Wellington & ascertain definitely whether or not the warrants taking roads through Reu Reu 1 & 2 remained unrevoked.'[491]

On the question of costs and damages the court stated:

> Kupe Wiremu has not shown by his harsh action in breaking through fences & cutting down trees that he is entitled to any consideration from the Court. The other Natives are not to blame in any way for the present position of affairs – the fault if any lies with the Court & the Public Works Dept & the Lands Dept. They have suffered enough already over this road. The road should have been taken through Mr Price's property in the first place & not through the Native Land. The existing injunction will be annulled if the Court finds that roads have been taken or proclaimed.[492]

On 26 July 1922 the Native Land Court decided it was satisfied on various points, although it would still provide a written judgment to give as much information as possible to the parties on the decision if they wanted to appeal to a higher court. The court said it was satisfied that:

[488] ibid, p. 237.
[489] ibid, p. 238.
[490] ibid, p. 239.
[491] ibid, p. 240.
[492] ibid

(1) That no road or roads had been proclaimed in Reureu 1 or Reureu 2 for the portions in dispute – although often sections of road were on a different footing.
(2) That at the most a right of way (sometimes called private Road) 100 links wide runs along the boundary of Reureu 1. The plan endorsed in partition orders for Reureu 2 shows this section as a road & not as a private road or roadline but all the later Survey plans & endorsements for Court Orders for Reureu 2A & 2B & further subdvns show it as a private road or private right of way.
(3) That such right of way should only be appurtenant to the subdvns 2A & 2B & further subdvns thereof, & should not be appurtenant to the subdvns of Reureu 1, which have access to Makino Rd.
(4) That the right of way might have been with advantage half a chain instead of a full chain wide but that this can hardly be altered now.
(5) That on all the plans & orders & endorsements for subdvns of Reureu 1 the access through Reureu 1 is shown as a public road & not as a private right of way. All these sections have access to Makino Rd by this public road. Court does not consider it advisable to interfere in any way with these orders at present [.]
(6) That information against going [?] the Road through Reureu 1 should now be removed. Injunction to remain however at present re Reureu 2.
(7) That it will be necessary for assistance of the Chief Judge to be secured, as some of the orders are dated before the 1909 Act & so will require to be amended by the Chief Judge if he is so agreeable, unless this Court takes responsibility of amending under Sec 27 of 19[-] Court will submit certain matters to the Chief Judge for amendment & will then give its decision in writing [.][493]

The written decision of Judge Acheson was delivered on 17 August 1922. The Judge provided a background to the initial proceedings (Kupe Wiremu's cutting a road ran through Reu Reu 2A and 2B) and the legal arguments followed which resulted in the current applications.[494] The Judge mentioned his site visit and the:

> Court found that the natural and best route for the road runs along and inside the boundary of Mr Price's land (Section 3 Manchester B) and that a road or right of way 100 links wide along the boundary of Reureu 2 will go close to some houses and right through some Natives' fences and gardens.[495]

Judge Acheson said that since the court hearing, an extensive search of the written record in Wellington had been made. The situation with Reu Reu 1 was found to be extremely complicated because of the large number of alienations which had taken place. He decided to defer his decision of Reu Reu 1 'until it can be found out definitely

[493] Taihape MB 1, 26 July 1922, pp. 268-270.
[494] Decision of Native Land Court, Reureu Road Case, Wanganui, 17 August 1922, on, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0375].
[495] ibid, [IMG 0376].

whether its decision in Reu Reu No. 2 will be upheld on the Appeal which is almost certain to be lodged.'[496]

The court found that no road line or private right of way had ever been laid off from Pryce's gate being where the formed road from Halcombe through Reu Reu 2 or its subdivisions either side across Reu Reu 2A and 2B. The court also found that no road had ever been completely or properly or legally proclaimed from Pryce's gate through Reu Reu 2. Acheson said:

> The Court has made a very careful search of all the Native Land Court and Native Appellate Court Minute Books from the time of the original investigation down to the present time and the search has entirely failed to disclose any record whatever of the laying off of any roadline or private road or right of way through either Reureu No. 2 or Reureu No. 1 from Price's Gate (Reureu 2B) to the Makino Road (Reureu 1 sub 6).[497]

Judge Acheson then decided: (1) whether the court would lay off a road line from Pryce's gate along the eastern boundary of Reu Reu 2A and 2B, or (2) whether it should create a private right of way giving Reu Reu 2A and 2B sub-divisional access to Kakariki, or (3) should the court create a right of way to Kakariki Road including all the subdivisions of Reu Reu 1 to Makino Road and to Reu Reu 2A and 2B, and (4) what action should be taken by the court in respect to the injunctions?[498]

In answer to (4) Judge Acheson ruled the injunction in respect to Reu Reu 1 was cancelled and the injunction affecting Reu Reu 2A and 2B (against Kupe and Paki Wiremu) remained 'in full force and effect'. In answer to (3) Acheson refused to create any right of way over Reu Reu 2A and 2B. In answer to (2) Acheson granted a private right of way over 2A and 2B of half a chain in width giving access to Kakariki Road. In answer to (1) Acheson refused to lay off a road 'at present' from Pryce's gate through Reu Reu 2A and 2B.[499]

Judge Acheson said the Māori owners should not be required to give up a considerable area of land which included fencing, gardens and orchards when the road should have

[496] ibid, [IMG 0376].
[497] ibid, [IMG 0379].
[498] ibid, [IMG 0380].
[499] ibid, [IMG 0380-0381].

gone along Pryce's boundary and concluded that it would be unfair for the Māori owners of Reu Reu 2A and 2B:

> To be compelled to sacrifice valuable land along a much less suitable route, and incidentally to give Mr Price's [sic] section a road frontage for nothing. The court will certainly not be party to any such action.[500]

As noted the court withheld its decision in regard to the position of roads in Reu Reu 1 until it was decided whether its position in regard to Reu Reu 2 would be appealed.

Kupe Wiremu appealed Judge Acheson's 1922 Reu Reu 2 judgment outlined above.[501] The Appellate Court of Chief Judge R.H. Jones and Judge C.E. MacCormick heard the appeal of Kupe Wiremu in Whanganui on 17 March 1923. The reserved decision of the Appellate Court found the Native Land Court did not have the jurisdiction to decide principles of law and it was annulled as given without jurisdiction and the case was to be referred to the Supreme Court.[502] The Appellate Court stated:

> In this case the application [to the Native Land Court] was ostensibly lodged to clear up the whole question of roads and ways and to test whether those shown on plans or in diagrams attached to orders were legal or not. The Native Land Court is a statutory one and in the exercise of its jurisdiction is bound by the Native Land Act 1909 and its amendments. No where in that statute is it authorized to exercise jurisdiction of this nature.[503]

The Appellate Court said:

> As it is contended that the land within the road line has been taken as a road this involves delicate questions of construction of the varying statutes affecting such matters of the legal effect and validity of Governors Warrants, and of the exact requirements for constructing a highway. Similarly intricate questions of law arise as to the rights of parties who have purchased on the assumption they were getting access by such road or way. These are questions properly determinable by the Supreme Court especially where they affect European rights. It is no doubt an excellent aim for the Native Land Court to clear the path for those to follow but it is extremely dangerous to attempt it in a case where many conflicting interests are concerned and where whatever defect there may be have been in existence for a quarter of a century.
>
> Even if the Court had jurisdiction it would be impossible for this Court with the material before the Court safely to give an opinion as to whether what was done

[500] ibid, [IMG 0375].
[501] Commissioner of Crown Lands, Wellington to Under Secretary Lands, Wellington, 29 August 1922, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0373].
[502] File copy, Wang Appellate MB 10/420/1, R.N. Jones, Chief Judge, C.E. MacCormick, Judge, 17 March 1923, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0371].
[503] ibid, [IMG 0371-0372].

> amounted to a sufficient taking and laying off of the roads through the land. That could only be decided when the facts were fully before the Court. We might observe however that the opinions of departmental officers by no means settle the knotty question. There are some very important principles involved in this phase of the case which call for the judicial pronouncement of the Supreme Court to satisfactorily solve them. If it is found that the various attempts to lay off a road have proved ineffective there still remains the no less difficult problem of the position as to access of those who have acquired [land] from the native owners. It is manifest this Court cannot exercise jurisdiction regarding the European rights and interests and that the Supreme Court alone can give a binding decision.
>
> Meanwhile we see no reason for withholding the title from registration unless steps are taken by the parties affected to forbid such registration by caveat. The proprietors will of course, take subject to all legal rights and to any defects that are in existence.
>
> The decision of the lower Court will be annulled was given without jurisdiction.[504]

The road was finally proclaimed in 1931. In 1930 the court heard an application from Blunden to have a public road laid off on Reu Reu 1 and 2 between Pryce's Gate and Makino Road. Blunden was supported by the Oroua County Council, on the condition that the council would not pay compensation for the road taken. The council's engineer L. Harding told the court the proposed road was the only means of access for Reu Reu 1 and 2 and he was unaware of anyone objecting to the legalisation of the proposed route.[505]

In 1930 J.G. Cobbe the Minister of Justice, who had been contacted by Blunden about the road, told the Native Minister that: 'A large number of settlers are interested [in the road proclamation] and the dairy factory lorry could collect cream if the road were formed'.[506] All the lessees consented to the taking without requesting compensation as it was noted the road would connect these properties with the dairy factory.[507]

[504] ibid, [IMG 0372].
[505] Wang MB 92, 1 September 1930, pp. 42-44.
[506] J.G. Cobbe, Minister of Justice, Wellington to Native Minister, 18 November 1930, ACIH 16036 MA1/1551 1931/43, ANZ Wellington [IMG 0421].
[507] Under Secretary, R.N. Jones, Native Department, Wellington to Native Minister, 6 June 1931, ACIH 16036 MA1/1551 1931/43, ANZ Wellington [IMG 0417]; see also telegram, Native Department, Wellington, 1931 [IMG 0419].

In November 1930 the Native Land Court informed the Native Department that the matter of the roads through the Reu Reu blocks was currently before the court and it was stated that: 'A large part of it runs through what is now European land and completion has been delayed awaiting information as to the date of alienation in each case.'[508]

The Native Land Court, on 21 November 1930, in pursuance of Section 49 of the Native Land Amendment Act 1913 laid a road line through Reu Reu 1 and 2 for the purpose of giving better access to subdivisions. The court was of the opinion that it was in the public interest that the road line be declared a public road.[509] In February 1931 the Native Minister had received the court's recommendation that the road line be proclaimed a public road and he noted that before the proclamation the local authority was to be given one month's written notice of the intention to proclaim the road.[510]

In June 1931 the solicitor for Blunden said his client's State Advances loan had been granted on the basis that his property had road access and the Oroua County Council had yet to receive any official communication and he asked the Justice Minister if the matter could be expedited.[511] The Native Minister was told that the delay had occurred because Lands required an assurance that the lessees had consented to the road:

> It is not usual to question the Court orders as to the steps leading up to their making, but as it was possible that the Department had been made aware that the Court had overlooked something, I telegraphed yesterday to Wanganui and ascertained that all the lessees had consented and were not asking for compensation.[512]

[508] L.J. Brooker, Acting Registrar, Aotea District Native Land Court & Māori Land Board, Wanganui to Under Secretary, Native Department, Wellington, 20 November 1930, ACIH 16036 MA1/1551 1931/43, ANZ Wellington [IMG 0423].
[509] Judge J.W. Browne, Native Land Court to Minister of Lands, Wellington, 21 November 1930, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0369].
[510] A.T. Ngata, Native Minister to Hon J.G. Cobbe, Wellington, 25 February 1931, ACIH 16036 MA1/1551 1931/43, ANZ Wellington [IMG 0422].
[511] L. Seddon, Solicitor, Feilding to Hon J.G. Cobbe, Minister of Justice, Wellington, 2 June 1931, ACIH 16036 MA1/1551 1931/43, ANZ Wellington [IMG 0418].
[512] R.N. Jones, Under Secretary, Native Department, Wellington to Hon Native Minister, 6 June 1931, ACIH 16036 MA1/1551 1931/43, ANZ Wellington [IMG 0417].

In August 1931 Blunden's solicitor contacted the Native Department and made the same plea for the road's proclamation that he had made to the Minister of Justice, saying the date for his client to uplift the State Advances loan was about to expire.[513]

In August 1931 Judge Browne recommended the proclamation of a public road through Reu Reu 1, 2, 2B1B1, 2B1B2A and 2B and through Reu Reu 2A and Reu Reu 1 Sections 1, 2, 3, 4 and 5 and Sections 6A and 6C of Reu Reu 1 at Onepuehu.[514]

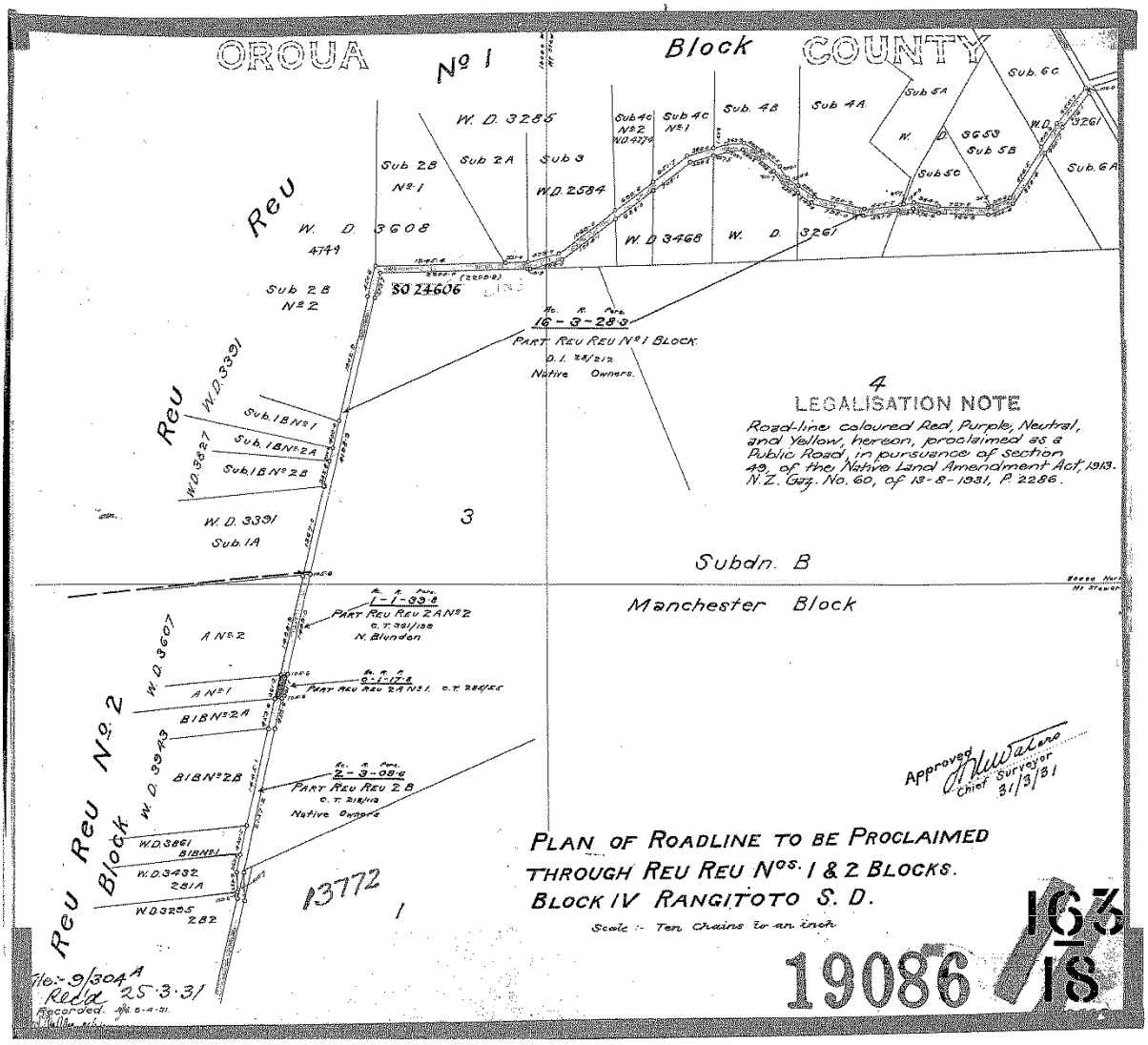
The proclamation was finally issued on 8 August 1931.[515] The amount of land taken is shown in the following table.

Table 13: Land Taken for Road from Reu Reu 1 and 2 1931

Block	**Area Taken**
Reu Reu 1	16-3-28.3
Reu Reu 2A2	1-1-39.8
Reu Reu 2A1	0-1-17.8
Reu Reu 2B	2-3-09.6
Total	**21a 2r 15.5p**

[513] L. Seddon, Solicitor, Feilding to Under Secretary, Native Department, Wellington, 22 August 1931, ACIH 16036 MA1/1551 1931/43, ANZ Wellington [IMG 0416].
[514] NZG, 1931, p. 2286.
[515] NZG, 1931, p. 2286; see also H.E. Walshe, Surveyor General to County Clerk, Oroua County Council, Feilding, 9 June 1931, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0364].

Table 14: Road Line Proclaimed Through Reu Reu 1 and 2 1931[516]



On 31 August Blunden's solicitor was told that the road through Reu Reu had been proclaimed a public road on 8 August and gazetted on 13 August 1931.[517]

In September 1931 some Māori owners in the Reu Reu block objected to the line of the road. Member of Parliament Taite te Tomo informed the Native Minister:

> Trouble arose between Kupe [Wiremu] and these women in 1922 over this road when Pakura [?] was nearly stunned by a blow with a hammer on the head delivered by Kupe's wife [.] The matter came before Judge Acheson who refused to make an order for a road on this block [.] The matter was submitted to the Chief Judge who referred it to the Native Land Court who granted a road over this land, such road to be a public road. These women strongly object to

[516] Wellington Survey Office Plan SO 19086.
[517] R.N. Jones, Under Secretary to L. Seddon, Solicitor, Feilding, 31 August 1931, ACGT 18190 LS1/1576 16/890, ANZ Wellington [IMG 0475].

> this order and have threatened to lay down their lives for their land. The land contains 18 acres and the proposed road is to be a chain wide. This road will have to run along a strip of land 10 chains wide that is on a slip of land laying between its boundary & the Rangitikei River which is only 10 chains therefrom. This is an injustice.[518]

Native Minister Apirana Ngata told the Minister of Public Works that Taite te Tomo had brought the matter of Māori objection to the Reu Reu 2A road to his attention and it was decided to arrange a meeting with the 'Native objectors', Judge Browne and the council engineer. Ngata said:

> It was only when the Engineer to the Oroua County Council commenced operations for the construction of the road that the Natives knew of it and objected to the cutting up of their sections by this road which they alleged was put in to serve one settler who has or could get a better outlet elsewhere.[519]

In October 1931 Judge Browne, Taite te Tomo and Oroua County Engineer, Harding, Herman from Public Works, and Marumaru from Native Affairs met with two (unidentified) objectors who argued that the road should run outside their fence line on Pryce's property. Judge Browne explained that on the partition of Reu Reu 1 and 2 both areas had a right to proper access to a public road and it was the court's duty to make this access and 'for this purpose it could not have gone outside the Reu Reu Block'. Browne asked Harding how the county might consider the owners' concerns and the engineer said although the road was a chain wide they would only use half a chain. Browne explained if the land was sold, the owners would lose their right to the half chain. The objectors said that now that they understood the situation they agreed to the route of the proposed road.[520]

The history of the Reu Reu roads illustrates a persistent pattern of roading authorities expecting to obtain land for roads without compensation, and placing the interests of European land owners ahead of Māori interests. It also illustrates a disregard on the part of road boards, councils, and some surveyors for carrying out all their legal requirements when it came to roads on Māori land. While the Chief Surveyor and Judge Acheson recognised the errors which had been made, and refused to legalise Pryces

[518] Telegram, Taite te Tomo, MP, Halcombe to Sir Apirana Ngata, Native Minister, Wellington, 12 September, ACIH 16036 MA1/1551 1931/43, ANZ Wellington [IMG 0413].
[519] A.T. Ngata, Native Minister to Coates, Minister of Public Works, Wellington, 29 September 1931, ACIH 16036 MA1/1551 1931/43, ANZ Wellington [IMG 0410].
[520] Judge J.W. Browne, Wanganui to Under Secretary, Native Department, Wellington, 5 October 1931, ACIH 16036 MA1/1551 1931/43, ANZ Wellington [IMG 0408].

Line, eventually the road was proclaimed under legal powers which were designed to ensure that land purchasers could obtain legal access to their properties.

4.5 General Twentieth Century Road Takings

Although the main routes through the Manawatū ki Porirua district were laid down at the end of the nineteenth century, throughout the twentieth century and into the twenty-first century the roading network has naturally expanded. As motor vehicles became the main form of transport, more and more emphasis was placed on ensuring that all sections of land (both large rural units and small suburban plots) were provided with some form of road access. For Māori land this has meant the use of orders under the roading provisions of the Māori Land Court legislation both with and without compensation.

The existing main routes have also seen constant alterations and upgrades. Every deviation, road alignment or road widening required the acquisition of narrow strips of land from adjoining blocks. These were usually done under the provisions of the Public Works Acts, and it became more and more common for councils or the Crown to negotiate with owners before the land was proclaimed. The previous main roads became State Highway 1 and 3, and since the mid-1950s plans have been underway to construct new motorways.

For the period 1910 to 2010 the database records 386 takings of Māori land for roading purposes. Many were very small, starting at 00.09 of a perch, and there are 172 takings which were for less than 1 rood.

4.5.1 Native/Māori Land Court Road Lines

The legislation allowing the Māori Land Court to set aside land as a roadway when partitioning blocks, or to provide access to adjoining sections was explained in Section 2.1. Such roads remained in Māori title unless they were subsequently declared to be public roads.

4.5.1.1 Himatangi Roading Scheme 1931-1957

In June 1931 Member of Parliament Taite te Tomo made representations to the Works Department on behalf of Komahi Renata for a road to access Himatangi 5. Te Tomo said Renata had paid rates for 30 years and was reliant on a right of way which she paid

£2 per annum to use.[521] Renata's access was through land leased by W.E. Barber, a Pakeha farmer who opposed the formation of a road.[522] The road was declined due to financial constraints.[523] In 1932 Public Works received 'a petition' from 'several settlers' and Māori owners for a road from Himatangi 5 to be formed.[524]

In 1937 a committee of Manawatū County councillors and the Public Works engineer was set up to consider the issue of roads in the Himatangi block.[525] In 1940 the Minister of Public Works was told that the Native Land Court had made a number of right of ways for Māori land, and 'while these look alright on paper, in actual practice they are mostly useless.'[526]

Between 1937 and 1950 agitation for roads through the Himatangi block (approximately 10,000 acres) from Pakeha settlers and local bodies and Member of Parliament saw provisional plans made for roads but first a consolidation of titles was considered necessary.[527] As noted above access to the block was through unformed right of ways. In 1947 a scheme of consolidation and roads was agreed to by the local body, Works and Māori Affairs Department. In August 1947 Native Minister Peter Fraser said in regard to consolidation:

> Until this is done, and the European freehold owners have signified their willingness to co-operate in a scheme of consolidation, any attempt to introduce a scheme of roading would be unwise and uneconomic.[528]

However, in December 1950 Under Secretary for Māori Affairs T.T. Ropiha questioned the need for roads and a consolidation scheme on Himatangi. He said:

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[521] Under Secretary, Public Works, Wellington, 26 June 1931, ABKK 889 W4357/170 41/787 pt 1, ANZ Wellington [P 1170657].
[522] Memorandum, for, Permanent Head, Public Works, Wellington, 10 August 1931, ABKK 889 W4357/170 41/787 pt 1, ANZ Wellington [P 1170659-1170662].
[523] A. Murdoch, for, Minister of Public Works to Taite te Tomo, MP, Wellington, 24 August 1931, ABKK 889 W4357/170 41/787 pt 1, ANZ Wellington [P 1170664].
[524] F.W. Furkert to District Engineer, Public Works, Wellington, 24 May 1932, ABKK 889 W4357/170 41/787 pt 1, ANZ Wellington [P 1170665]; see also [P 1170666].
[525] Manawatū County Council, Sanson, Himatangi block, n/d, ABKK 889 W4357/170 41/787 pt 1, ANZ Wellington [P 1170669].
[526] T.M. Rodgers, Solicitor, Palmerston North to Minister of Works, Wellington, 3 October 1940, ABKK 889 W4357/170 41/787 pt 1, ANZ Wellington [P 1170673-1170675].
[527] Drew, County Clerk, Manawatū County Council, Sanson to C.L. Hunter, MP, Wellington, 28 September 1937, ACIH 16036 MA1/490 22/1/185 pt 1, ANZ Wellington [P 1170563].
[528] P. Fraser, Minister of Native Affairs, Wellington to Minister of Works, 7 August 1947, ABKK 889 W4357/170 41/787 pt 1, ANZ Wellington [P 1170676].

> A perusal of plan shews that the bulk of the land still in Maori hands is well served by roading and that proposed internal roads would cost possibly more than the land could stand.
> It appears to this Office that the most appropriate time to commence Consolidation in this area, if at all, would be after completion of through roads…..In view of the cost of roading etc., and the fact that no move has been made by the owners for Development assistance, it is thought we should move with caution unless a worth while area is likely to be available for Development.[529]

Although Māori Affairs had tried to withdraw from the scheme of consolidation and roads, it was acknowledged that in the late 1940s Works had made a preliminary survey of the road needs through Himatangi and extensive consultation between departments and local interests had been undertaken for more than a decade. Māori Affairs were concerned about the costs of carrying out the work of consolidation and roads.[530]

The cost of the roads and who should pay was debated for more than a decade.[531]Although it was estimated that half the area was Māori land, Māori Affairs questioned whether those areas would benefit from the road, and decided the consolidation of titles should be 'deferred'.[532] Five roads had been proposed of which two were through roads and three were internal block roads.[533] Māori Affairs said it only contributed funds to roads which were in Māori land development schemes but this was not the case at Himatangi.[534]

In February 1952 a meeting was held about the lack of roads in the Himatangi block with the Departments of Māori Affairs, Lands, Works and the Manawatū County Council. The council asked Māori Affairs to pay the rates bill on Māori land in the Himatangi block and Under Secretary Ropiha said:

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[529] T.T. Ropiha, Under Secretary to Registrar, Wellington, 4 December 1950, ACIH 16036 MA1/490 22/1/185 pt 1, ANZ Wellington [P 1170620].
[530] D. Laing, Director General, Lands & Survey, Wellington to Under Secretary, Māori Affairs, Wellington, 7 May 1951, ACIH 16036 MA1/490 22/1/185 pt 2, ANZ Wellington [P 1170632]; see also [P 1170636-1170637].
[531] E.R. McKillop, Commissioner of Works, Wellington to Under Secretary, Māori Affairs, Wellington, 8 December 1952, ACIH 16036 MA1/490 22/1/185 pt 2, ANZ Wellington [P 1170649].
[532] J. Duncan to Under Secretary, 15 June 1951, ACIH 16036 MA1/490 22/1/185 pt 2, ANZ Wellington [P 1170638-1170640].
[533] Minister of Māori Affairs to Minister of Works, Wellington, 13 August 1951, ACIH 16036 MA1/490 22/1/185 pt 2, ANZ Wellington [P 1170644].
[534] E.B. Corbett to Hon. M.H. Oram, Wellington, 27 September 1951, ACIH 16036 MA1/490 22/1/185 pt 2, ANZ Wellington [P 1170646].

> rates rests wholly on the private arrangements with the appropriate County Council. He understood that the Manawatu County Council collected about 60% of the Maori rates demanded annually. He felt that there was sufficiently machinery to enable the County Council to collect the balance.[535]

Corbett, the Minister of Māori Affairs, said only 1,700 acres of the 10,000 acre block was in Māori control and a further 3,500 acres was leased to Pakeha farmers and the remaining 5,000 acres was in Pakeha ownership so the 'problem could not rightly be called Maori land problem.'[536]

In 1953 Ropiha said Māori Affairs now considered the roads could be made without the need for consolidation of titles.[537] In 1954 the Manawatū County Council said it was reconsidering roads for the Himatangi block because the funding was inadequate to cover the costs.[538]

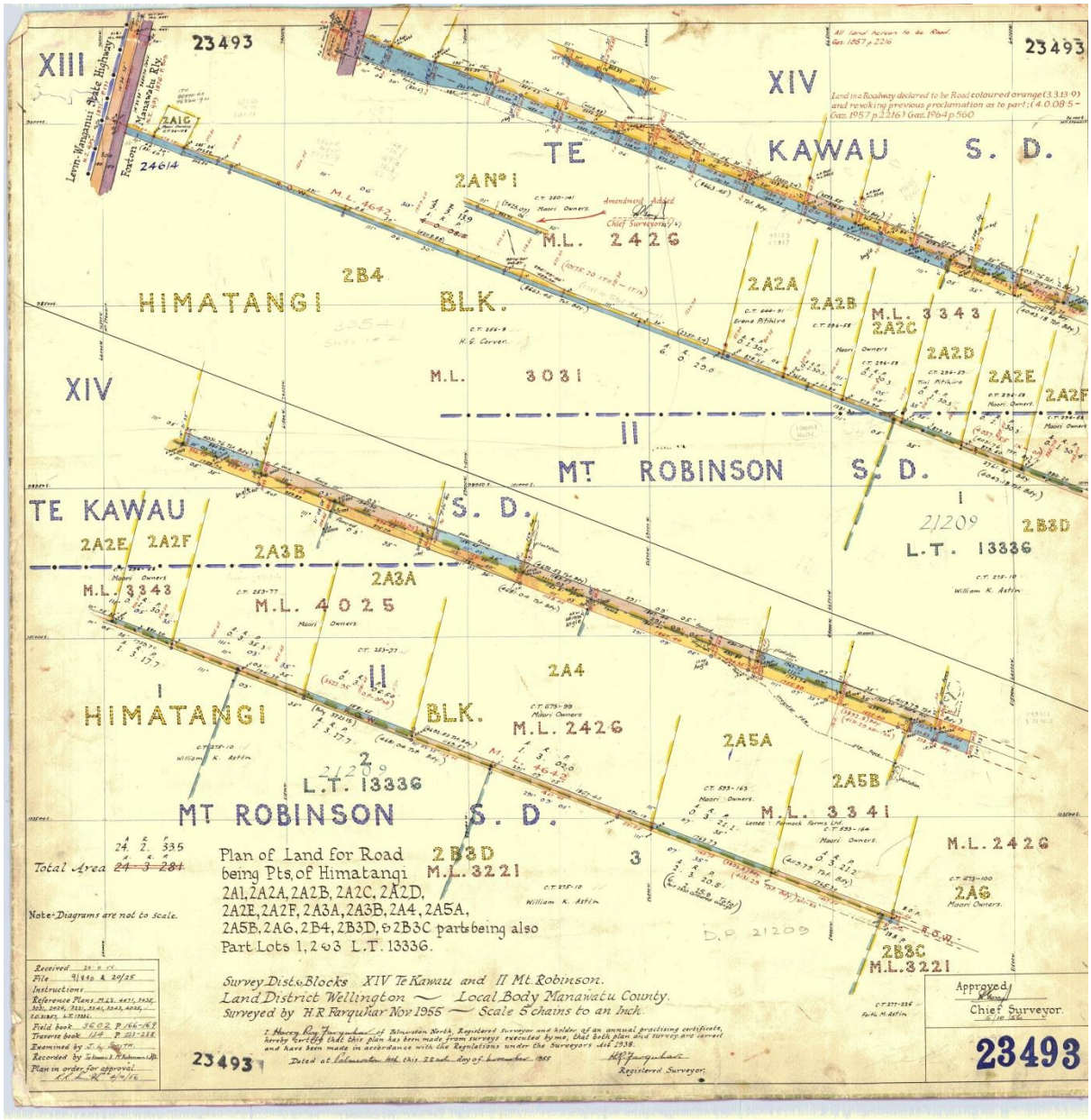
In June 1956 the Māori Land Court heard an application from the Manawatū County Council for a road to be declared through Himatangi. Rapley, for the council said a meeting had been held with Māori and Pakeha owners. The council proposed to fence and accept existing rights of way over Māori land as a road without any compensation. The court was satisfied the road would be a 'betterment to the Maori land affected'. The court also laid out orders for the construction of other roads on Himatangi (see below).[539]

In September 1956 the Manawatū County Council consented to the proclamation of a road in Parts Himatangi 2A1, 2A2A, 2A2B, 2A2C, 2A2D, 2A2E, 2A2F, 2A3B, 2A3A, 2A4, 2A5A, 2A5B, 2A6, 2B3C, and Part Lots 3, 2, 1, and 2B4.[540] The roadway was proclaimed as a road under Section 421 of the Māori Affairs Act 1953 in November

[535] T.T. Ropiha, Under Secretary, Māori Affairs, Wellington to Commissioner of Works, Wellington, 28 January 1953, ABKK 889 W4357/170 41/787 pt 1, ANZ Wellington [P 1170694].
[536] Himatangi Road meeting, 29 February 1952, ACIH 16036 MA1/490 22/1/185 pt 2, ANZ Wellington [P 1170647-1170648].
[537] T.T. Ropiha, Under Secretary, Māori Affairs, Wellington to Commissioner of Works, Wellington, 28 January 1953, ABKK 889 W4357/170 41/787 pt 1, ANZ Wellington [P 1170694].
[538] S.L. Kent, Clerk, Manawatū County Council, Sanson to Sir Matthew Oram, MHR, Wellington, 6 September 1954, ABKK 889 W4357/170 41/787 pt 1, ANZ Wellington [P 117097-1170698].
[539] Extract Otaki MB 66, 13 June 1956, pp. 256-259, on, ABKK 889 W4357/170 41/787 pt 1, ANZ Wellington [P 1170701-1170702].
[540] NZG, 1957, p. 2216; on, Manawatū County Council consent, 11 September 1956, ABKK 889 W4357/170 41/787 pt 1, ANZ Wellington [P 1170700]; on Wellington Survey Office Plan SO 23493.

1957. The total area taken was 24 acres 3 roods 33.5 perches, approximately half of which was from Māori land.[541] The area taken from 2A1 (4a 0r 8.5p) was subsequently reduced to 3 acres 3 roods 13.9 perches when the court pointed out that the boundary of 2A1 was intended to be a straight line.[542] The line of the road was amended.[543]

Map 17: Himatangi 2A and 2B Roads Declared 1957[544]

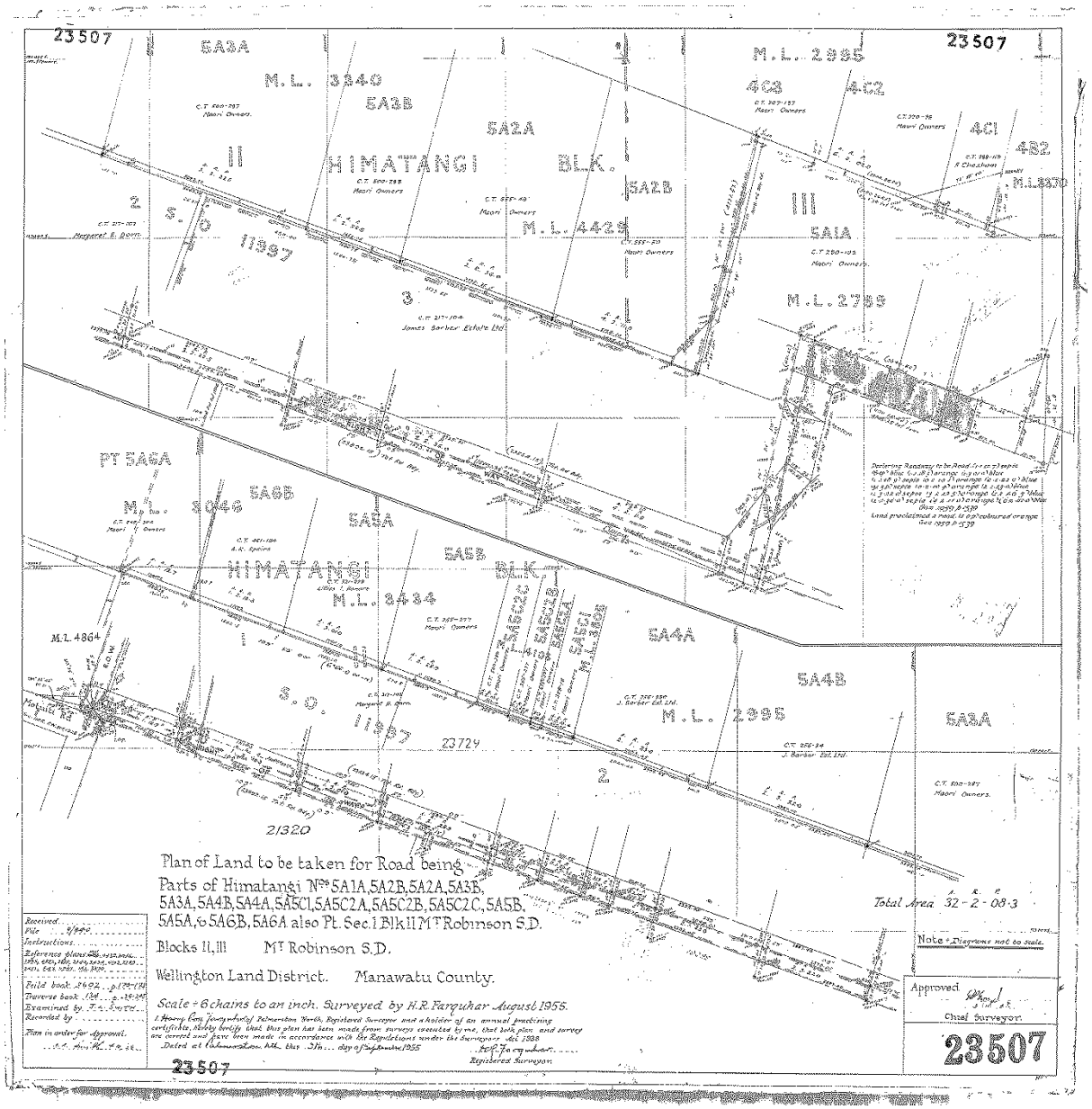


[541] NZG, 1957, p. 2216.
[542] M.J. Gardner, Chief Surveyor, Wellington to District Commissioner of Works, Wanganui, 20 November 1963, ABKK 889 W4357/170 41/787 pt 2, ANZ Wellington [IMG 0814-0815].
[543] NZG, 1956, p. 560.
[544] Wellington Survey Office Plan SO 23493.

In July 1957 the Manawatū County Council applied to the court for land in Part Himatangi 5A6A, 5A6B, 5A5A, 5A5B, 5A5C2C, 5A5C2B, 5A5C2A, 5A5C1, 5A4A, 5A4B, 5A3A, 5A3B, 5A2A, 5A2B and 5A1A (Motuiti Road) blocks II and III which were Māori and European to be declared roads to improve access.[545] The council submitted signed consents from the European landowners and told the court that a council officer had 'interviewed most in the district and met with no objection'. Letters had also been sent to 'many' Māori owners which had either been unclaimed or there was no reply.[546] The court agreed to the council's application, but it took over another year for the road to be confirmed as the council completed the requirements for the order. In August 1958 the court made an order under Section 415 of the Māori Affairs Act 1953 laying out a roadway, and ordered that no compensation was required.[547] A total of 32 acres 2 roods 8 perches was proclaimed as taken in October 1959, of which approximately 8 acres was from European land.[548]

[545] Recommendation for proclamation of a roadway as a public road or street, Māori Land Court, Levin, 6 August 1956, ABKK 889 W4357/170 41/787 pt 2, ANZ Wellington [IMG 0824].
[546] Otaki MB 66, 29 July 1957, pp. 498-500 [IMG 0831-0833].
[547] Otaki MB 67, 6 August 1958, p. 163 [IMG P1160859]; and Judge J. Jeune, Order laying out road, Māori Land Court, 6 August 1958, ABKK 889 W4357/170 41/787 pt 2, ANZ Wellington [IMG 0823].
[548] NZG, 1959, p. 1539.

Map 18: Himatangi 5A Roads Declared 1958[549]

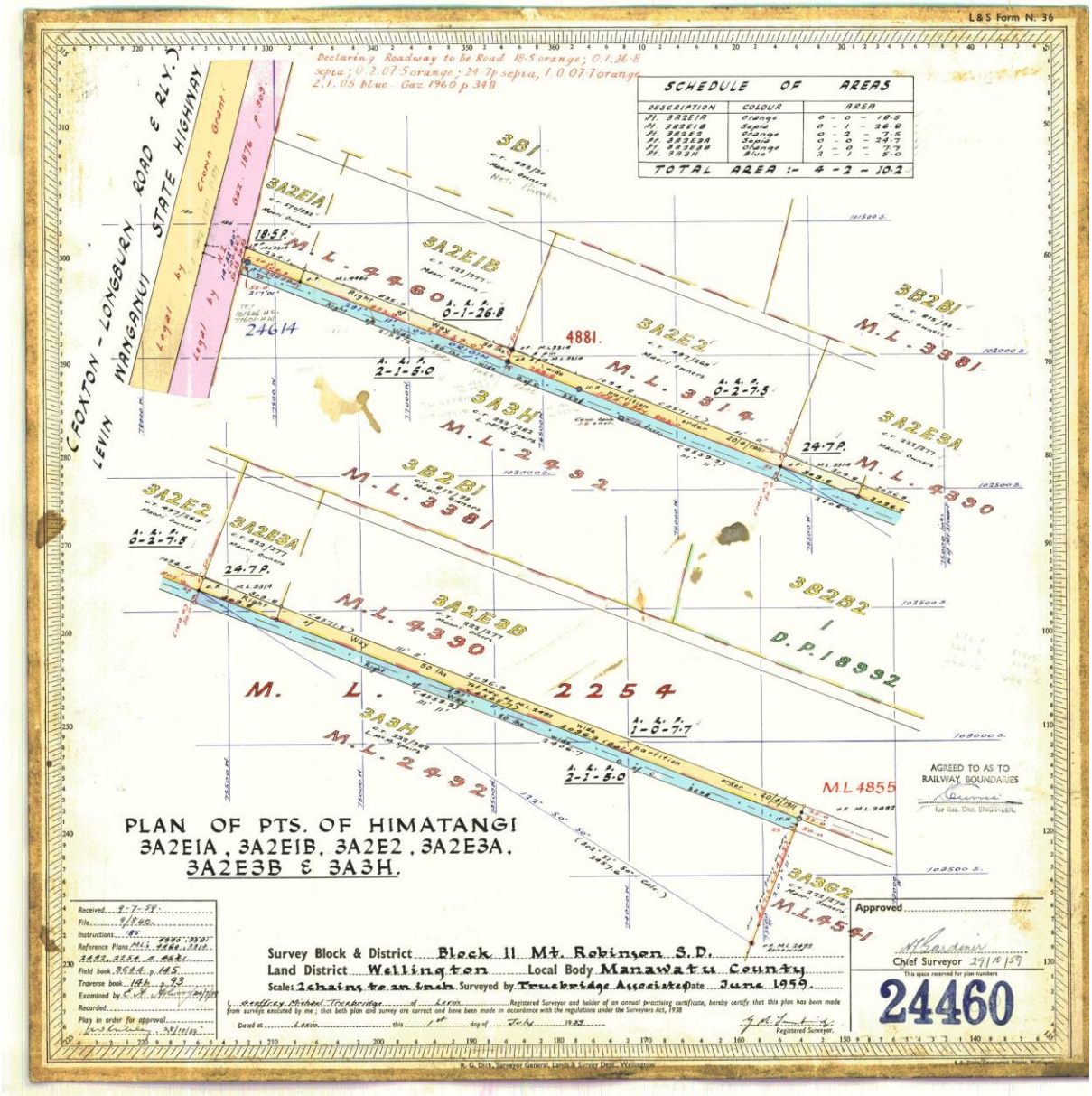


In August 1959 the Manawatū County Council made an application to the court for land in Himatangi 3A2E1A, 3A2E1A, 3A2E1B, 3A2E2, 3A2E3A, 3A3E3B and 3A3H (Totara Park Road) to be declared a road. The court was told by the council that the Māori owners did not want any compensation as it improved access to the blocks.[550] The court granted the road line order and ordered no compensation was to be paid.[551]

[549] Wellington Survey Office Plan SO 23507.
[550] Otaki MB 67, 10 August 1959, p. 69 [P 1160863].
[551] Judge J. Jeune, Order laying out road, Māori Land Court, 10 August 1959, ABKK 889 W4357/170 41/787 pt 2, ANZ Wellington [IMG 0818].

These areas were proclaimed as taken in March 1960.[552] The total area taken was 4 acres 2 roods 10 perches, of which half was taken from a European owned block.[553]

Map 19: Himatangi 3A Roads Declared 1960[554]



In 1967 the Māori owners of Part Himatangi 4C3 objected to part of their land being taken for a road and its route through their block. The owner's solicitors said they had never been notified about the road and they 'doubt it is really in the public interest for road readjustments so close to an existing road. Is the scheme really for some personal

[552] NZG, 1960, p. 348.
[553] Wellington Survey Office Plan SO 24460.
[554] ibid

benefit?'[555] The route of the road through 4C3 created a 30 acre severance which their solicitors argued made their land uneconomic but Works said: 'Access to this severance will still be available by crossing the road'.[556] Previously roads had been carried out over existing right of ways and the court had not awarded compensation, but in this case compensation of $2,273 was awarded to the Māori owners.[557]

In July 1970 a proclamation declaring land in a roadway laid out as a road in the Himatangi block was issued. The areas taken were Part 6A1A (37.2p), Part 6A1B and 6A2 of Puketotara 334 and 335 (3a 0r 36p), Parts Himatangi 1D1 (2a 1r 27.8p), 4C3 (4a 3r 9.5p), and 3A3E (2a 3r 21.3p). The land was taken under Section 421 of the Māori Affairs Act 1953.[558]

4.5.1.2 Other Māori Land Court Public Roads 1912-1970

The following table is compiled from the PKM Public Works Takings Spreadsheet. It shows all the entries for roads taken under the various Māori land Acts in the twentieth century, excluding the Himatangi and Reu Reu blocks discussed above. The table only includes those roadway orders which were later proclaimed in the *New Zealand Gazette*, and there will have been other cases.

Table 15: Māori Land Court Roads Declared Public Roads (excluding Himatangi)

Gazette Reference	Block	Area Taken
1912/13-14	Pukerua 3C2A2	1-0-03.4
1912/13-14	Pukerua 3C1E	0-3-13.1
1912/13-14	Pukerua 3C1D	2-0-06
1912/13-14	Pukerua 3C1C	0-2-17.2
1915/3602-3603	Taumanuka 3J	0-0-15.1
1915/3602-3603	Taumanuka 3G1	0-3-06.8
1915/3602-3603	Taumanuka 3G2	0-0-23.2
1915/3602-3603	Taumanuka 3H2	0-1-34.5
1915/3602-3603	Taumanuka 4B	0-1-24.9
1930/648	Pukehou 4B4A	3-1-24
1930/648	Pukehou 4B3	0-3-39

[555] Hallett O'Dowd & Co, Solicitors, Hastings to Commissioner of Works, Wellington, 3 April 1967, ABKK 889 W4357/170 41/787 pt 2, ANZ Wellington [IMG 0811].
[556] E. Emms, Resident Engineer, Palmerston North to District Commissioner of Works, Wanganui, 28 April 1967, ABKK 889 W4357/170 41/787 pt 2, ANZ Wellington [IMG 0805]; see also map [IMG 0806].
[557] E. Emms, Resident Engineer, Palmerston North to District Commissioner of Works, Wanganui, 20 February 1968, ABKK 889 W4357/170 41/787 pt 2, ANZ Wellington [IMG 0804].
[558] NZG, 1970, p. 1366.

1931/1528	Ohau 3A2 No 6	1-0-02
1933/2123	Aorangi No 1	2-1-22.27
1933/2123	Aorangi No 1 4B	0-2-00
1935/2059	Taumanuka 2B14	1-0-07.4
1948/1018	Part Ngarara West B	1-2-03.6
1950/884	Horowhenua XIB 36	3-0-09
1950/884	Horowhenua XIB 36	3-2-31
1957/2345	Ngarara West A78E 16	0-1-27.57
1958/1132	Ngarara West A78B8	2-1-1.4
1970/1366	Part 6A1A Puketotara 334 & 335	0-0-37.2
1970/1366	Part 6A1B & 6A2 Puketotara 334 & 335	3-0-36

Ngarara West A78B8 1958

In June 1958 the Māori Land Court recommended that Ngarara West A78B8 Block IX be declared a road.[559] The road was required to provide legal access to various sections of Ngarara West A78A near the Paekakariki-Foxton Highway.[560] In July 1958 Ngarara West A78B8 (2a 1r 1.4p) was declared a public road.[561] The land was owned by U. Paki, T. Parata, T. Graham, K. Parata, H. Parata, W. Parata and H. Horomana.[562] In August 1958 a proclamation taking Ngarara West A78B8 for a road was issued.[563]

Ngarara West A78 E16 -1957

Ngarara West A 78E16 was owned by the Parata whanau, who in 1957 instructed solicitors to apply for the block to be taken as a road.[564] It was explained that the way the Māori Land Court had set aside land for a road in 1955 in anticipation of future requirements had impacted on the status of other partitions.

> In 1955 this block was partitioned by the Māori Land Court and a strip of land along the Main Highway and the Beach Road was named by the Court Ngarara West A78 E16 and set aside for road widening.
> There appears to have been no legal obligation of our clients to do this and the land was only set aside to prevent the eventual taking of the land for road widening disrupting the scheme of partition.

[559] Recommendation for proclamation of a roadway as road, Well MB 41, 27 June 1958, p. 140, Judge Jeune, AAQU 889 W3428/62 41/1274, ANZ Wellington [P 1160480].
[560] P.L. Laing, District Commissioner of Works to Commissioner of Works, 13 August 1958, AAQU 889 W3428/62 41/1274, ANZ Wellington [P 1160481].
[561] Consent Horowhenua Borough Council, 28 July 1958, AAQU 889 W3428/62 41/1274, ANZ Wellington [P 1160479].
[562] File note, Ngarara West A78B8, CT 745/14 NL, n/d, AAQU 889 W3428/62 41/1274, ANZ Wellington [P 1160478].
[563] NZG, 1958, p. 1132.
[564] Hadfield Peacock & Tripe, Solicitors, Wellington to Permanent Head, Works, Wellington, 19 July 1957, AAZZ 889 W4923/145 70/9/13/0, ANZ Wellington [P 1160599-1160600].

> Our clients now find that they are unable to register the Transfer of any of the individual sections which they received under the partition as the strip of land prevents the sections from having legal access to the public road.[565]

The owners had accordingly applied to the Māori Land Court to have the road formalised. In July 1957 Judge Jeune recommended the Minister of Works approve a road be laid out as a public road over Ngarara West A 78E16 (1r 27.57p).[566] The National Roads Board and the Horowhenua County Council agreed and accepted the dedication of this land as a road.[567] Works agreed to make the road which involved widening an existing road on both frontages.[568] In December 1957 a proclamation was issued declaring land in a roadway laid out to be a road in Ngarara West A 78E16.[569]

4.5.2 Acquisitions under the Public Works Acts

4.5.2.1 Paekakariki 2B2 Road (Tearooms) 1939

In October 1939 a proclamation taking Paekakariki 2B1 (2a 1r 8p) and Part Paekakariki 2B2 (5a 2r 35p) at Pukerua Bay for a road was issued.[570] Paekakariki 2B2 was Māori land and 2B1 was European land owned by E.F. Smith.[571] The acquisition was for part of the new coastal State Highway between Plimmerton and Paekakariki, and took all the land between the existing railway line and the coast.[572] As a middle line proclamation for the State Highway had already been issued, the Public Works Department was not required to issue a notice of intention to take the Māori land.[573] While the land was taken for the specified purpose of a 'road', at the time the land was taken, Works intended to use part of the land as a site to be leased for a tearoom [today it is the site of the current Fisherman's Table Restaurant].[574]

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[565] Hadfield Peacock & Tripe, Solicitors, Wellington to Permanent Head, Works, Wellington, 19 July 1957, AAZZ 889 W4923/145 70/9/13/0, ANZ Wellington [P 1160599-1160600].
[566] Order laying out roadway, Section 415 of Māori Affairs Act 1953, 10 July 1957, AAZZ 889 W4923/145 70/9/13/0, ANZ Wellington [P 1160602-1160603].
[567] P.L. Laing, District Commissioner of Works to Commissioner of Works, 17 September 1957, AAZZ 889 W4923/145 70/9/13/0, ANZ Wellington [P 1160604]; see also [P 1160606].
[568] H. Wotten, District Highway Engineer, Works, Wellington to District Solicitor, Wellington, 10 December 1957, AAZZ 889 W4923/145 70/9/13/0, ANZ Wellington [P 1160605].
[569] NZG, 1957, p. 2345.
[570] NZG, 1939, p. 2672.
[571] District Land Registrar, Land and Deeds Registry, Wellington to Permanent Head, Public Works, Wellington, 27 October 1939, ACHL 19111 W1/1133 41/187/1 pt 1, ANZ Wellington [P 1160374].
[572] Wellington Survey Office Plan SO 20383.
[573] Sketch plan, Paekakariki 2B2, n/d, ABKK 889 W4357/161 41/187/57, ANZ Wellington [IMG 3913].
[574] H. Watkinson, District Engineer, Public Works, Wellington to Permanent Head, Public Works, Wellington, 4 October 1939, ACHL 19111 W1/1133 41/187/1 pt 1, ANZ Wellington [P 1160367].

At the end of October the Public Works Department made the necessary application to the Native Land Court for a compensation hearing.[575] As noted part of the area taken from Paekakariki 2B2 was to be used as a tearoom and it was decided that the survey of the 'Tearoom site should not be done until this court is settled, as it might otherwise prejudice this Department's offer.' The court case was a reference to the Native Land Court's compensation hearing.[576] The Assistant Under Secretary said the 'Tearoom site should, however, not be surveyed until the compensation for the taking of subdivision 2B2 has been settled by the Native Land Court.'[577]

In December 1939 the solicitor for an owner of Paekakariki 2B2, Utauta Webber said his client owned an interest of 2 acres 3 roods 17 perches in the 5 acre 2 rood 35 perches block taken for the road. Public Works were told that Webber was 'very anxious' to retain a one acre area of the land taken so she could build a home for her son, Tukumaru Webber.[578]

In February 1940 the Land Purchase Officer told Webber's solicitor that the whole block was required for 'road purposes', although the 'whole of the land taken will not immediately [be] used for road purposes.' He offered the sum of £100 as 'appropriate compensation.'[579]

In June 1940 Utauta Webber met the Chief Land Purchase Officer and signed a memorandum of agreement on behalf of herself and her sisters, Mahia Parata and Ngapera Parata. Webber had agreed to sell the land for £100 per acre subject to Public Works paying any Native Land Court costs.[580] Public Works considered the arrangement for compensation 'amicable'. It was noted that Webber and her sisters

[575] N.E. Hutchings, Assistant Under Secretary, Public Works, Wellington to Registrar, Ikaroa District Native Land Court, Wellington, 30 October 1939, ACHL 19111 W1/1133 41/187/1 pt 1, ANZ Wellington [P 1160372].
[576] H. Watkinson, District Engineer, Public Works, Wellington to Permanent Head, Public Works, Wellington, 14 May 1940, ACHL 19111 W1/1133 41/187/1 pt 1, ANZ Wellington [P 1160380-1160381].
[577] Assistant Under Secretary to District Engineer, Wellington, 27 May 1940, ACHL 19111 W1/1133 41/187/1 pt 1, ANZ Wellington [P 1160382].
[578] Bell Gully Mackenzie & Evans, Solicitors, Wellington to Land Purchase Officer, Public Works, Wellington, 22 December 1939, ABKK 889 W4357/161 41/187/57, ANZ Wellington [IMG 3914-3915].
[579] J.D. Brosnan, Chief Land Purchase Officer to Bell Gully Mackenzie & Evans, Solicitors, Wellington, 29 February 1940, ABKK 889 W4357/161 41/187/57, ANZ Wellington [IMG 3912].
[580] Bell Gully Mackenzie & Evans, Solicitors, Wellington to Chief Land Purchase Officer, Public Works, Wellington, 19 July 1940, ABKK 889 W4357/161 41/187/57, ANZ Wellington [IMG 3910-3911].

owned 2-635/768 shares and 2-3191/7680 and 2-635/768 shares respectively in the block with the total number of shares being 34-4502.15360. The other owners had made no application for settlement and Public Works proposed to ask the court to award compensation 'without prejudice' for settlement already arrived at with Webber and her sisters.[581]

On 3 October 1940 Native Land Court Judge G.P. Shepherd awarded compensation for Paekakariki 2B2 (5a 2r 35p) of £571-17-6 and legal costs of £11-11 making a total award of £583-8-6 and it was also ordered 'that no compensation shall be payable to the holders of any other right title or interest in the said land.'[582] On 10 October 1940 Cabinet approved the payment of £100 per acre to Webber and her Parata whanau and £150 to Mrs Smith who owned the 'best sites on the waterfront' where the tearoom was to be located.[583]

4.5.2.2 Road Widening/Deviations Examples

Gravel Pit – Horowhenua 3E2 Subdivision 2 1947

In 1911 approximately 5 acres were taken from Horowhenua 3E2 Subdivision 2 under the Public Works Act for the purposes of a road.[584] The survey plan showed that while 2 acres 37 perches was for the road line (Tararua Road), 3 acres was taken as a rectangle extending from the road into the block.[585] While this area was taken for road purposes, it is likely that it was taken as a gravel pit for road construction.

In June 1947 Public Works informed the Native Department that a further area of Part Horowhenua 3E2 Subdivision 2 (5a 3r 25p) was required for a gravel pit. The land was Māori owned and leased. The lessee had no objection to the taking.[586] In July 1947 a notice of intent to take 3E2 for a gravel pit was issued.[587] The Registrar said he had

[581] Otaki MB 61, 3 October 1940, pp. 220-221, [DSCF 5153-5155]; see also N.E. Hutchings, Assistant Under Secretary to Registrar, Native Land Court, Wellington, 5 August 1940, ABKK 889 W4357/161 41/187/57, ANZ Wellington [IMG 3909].
[582] Judge G.P. Shepherd, Native Land Court, 3 October 1940, ABKK 889 W4357/161 41/187/57, ANZ Wellington [IMG 3905]; see also [IMG 3904].
[583] J.B. Brosnan to Under Secretary, 10 October 1940, ABKK 889 W4357/161 41/187/57, ANZ Wellington [IMG 3906].
[584] NZG, 1911, p. 3061.
[585] Wellington Survey Office Plan SO 16394.
[586] Under Secretary, Public Works, Wellington to Under Secretary, Native Department, Wellington, 27 June 1947, ACIH 16036 MAW2490/177 38/2 pt 1, ANZ Wellington [DSCF 0439].
[587] NZG, 1947, p. 880

informed the owners of the notice of intention and 'if I do not receive any advice from them within a reasonable time or three weeks they will be presumed to have no objection.'[588] The Registrar said in September he had not received an objection to the taking from the owners 'except from the Native Trustee'.[589] Research has not located any further information about the nature of the objection or how it was handled. In November 1947 the land was proclaimed as taken under the Public Works Act 'for a gravel pit'.[590]

In March 1952 Native Land Court Judge A.A. Whitehead sitting in Levin heard the application for assessment of compensation for Part Horowhenua 3E2 subdivision 2. The applicant was the Public Works Department represented by Findlay, and Thompson represented the Māori owners. The gravel pit had a capital value of £230 and an unimproved value of £185. Valuer S.B. Steadman said he had made the valuation on 1 December 1947 which included amounts for clearing, cultivation and grassing. He valued the land at £30 per acre on the basis of the Valuation Land Sales Act. The valuation had taken into account comparable land sales in the Levin area and was 'supported by judgment of the Land Sales Court' for a similar area of 'gravel strata' where the court had fixed the unimproved value at £35 per acre for land on the Hokio Beach road. The valuer noted 'There is a greater demand for land in that locality.' He said the area taken had a layer of soil but the area taken was the poorest part of the block and was unsuitable for subdivision.[591] Steadman noted that the land was near the post office and stockyards but he felt it had little value for stock holding purposes and there was in his opinion 'no injurious affection of the balance area'.

The court adjourned so the parties could confer, and on resumption Findlay said a settlement had been reached. In line with the agreement, the court awarded £600 as compensation, including interest. The money was to be paid to the Māori Land Board

[588] P. Dudson, Registrar, Wellington to Under Secretary, Native Department, Wellington, 4 August 1947, ACIH 16036 MAW2490/177 38/2 pt 1, ANZ Wellington [IMG 0435]; [on ND 10/3753 Native Trust correspondence]
[589] P. Dudson, Registrar, Wellington to Under Secretary, Native Department, Wellington, 22 September 1947, ACIH 16036 MAW2490/177 38/2 pt 1, ANZ Wellington [DSCF 0434].
[590] NZG, 1947, p. 1760.
[591] Otaki MB 64, 18 March 1952, p. 321, [IMG 0340-0342].

which was authorised to deduct survey costs for a partition subsequent to the land being taken, and other expenses.[592]

Ohau Bridge - 1955

In November 1955 a cottage at Ohau had to be shifted for an overbridge which was part of the programme to widen the Levin Paekakariki State Highway.[593] Five separate areas were taken for the southern approach to the Ohau Overbridge. The owners who had consented to the taking were paid the following compensation: W. Heperi (£556-15-0), S. Kon Yau (£13-10-0), Ohau Shingle Supplies (£40-0-0), and J.A. Kilsby (£800-0-0).[594] In December 1958 an area of 1 rood 12.8 perches of Ohau 3 subdivision 26 Section 1A, along with 4 sections of European land were proclaimed taken for a road.[595]

Horowhenua XIB42 Section 14 realignment 1959

Road realignments or deviations usually also involved disposing of part of the original road which was now no longer required. Those parts had to first be declared 'closed' before arrangements were made to vest them in the adjoining blocks.

As part of the Levin-Hokio Main Highway deviation in 1959, a small area of land from Horowhenua XIB42 Section 14 was to be taken for a road deviation. The owner was to be compensated for the taking by the revesting of a closed piece of road, which was said to actually improve access to the block. As part of the standard process, in January 1959 the Resident Engineer reported that the following requirements of Section 29 of the Public Works Amendment Act 1948 had been complied with:

(1) Consent of all parties obtained through Maori Land Court.
(2) Land in vicinity has now equal, if not better access.
(3) There is neither public nor private objection to the closing.
(4) Any land exchange is equitable.[596]

[592] ibid, pp. 322-323.
[593] D.B. Dallas, Resident Engineer, Works, Porirua to District Commissioner of Works, 14 November 1955, AAZZ 889 W4923/145 70/9/13/0, ANZ Wellington [P 1160610].
[594] P.L. Laing, District Commissioner of Works to Commissioner of Works, 18 November 1958, AAZZ 889 W4923/145 70/9/13/0, ANZ Wellington [P 1160611].
[595] NZG, 1958, p. 1744.
[596] D.J. Halley, Resident Engineer, Works, Porirua to District Commissioner of Works, Wellington, 12 January 1959, AAZZ 889 W4923/16 62/9/374/0, ANZ Wellington [P 1160164].

In 1959 the Minister of Works consented to the Horowhenua County Council closing part of a road through Horowhenua 11B42 Section 14 (1r 19.5p).[597] The land had originally been Māori owned and the council intended to vest the land in 'owners of the adjoining Maori land.'[598] The road deviation had removed part of the frontage and the vesting was aimed to restore the area lost.[599]

In May 1959 a proclamation taking 8.1 perches of Horowhenua 11B42 Section 14 and 0.1 perches of Section 1 Hokio township for roads was issued.[600] In June 1959 land taken for a road that adjoined Horowhenua 11B42 Section 14 being an area of 18.9 perches and 0.6 perches of Block IV and 0.1 perches of Part Section Block IV Hokio township were closed.[601] It was proposed to vest the surplus road from the closure in the adjoining owners.[602]

Part Pukehou 4G2A and 4G2B & ors 1968

In March 1968 the following areas of the Pukehou 4 blocks were proclaimed as taken for a road.[603]

Table 16: Pukehou 4 Blocks Taken for Road 1968[604]

Block	Area Taken
Part Pukehou 4B4A2	0-0-19.8
Part Pukehou 4G2A	0-1-32.8
Part Pukehou 4G2B	0-2-39
Part Pukehou 4G3A	0-0-36.2
Part Pukehou 4B4A1A	1-1-34.1
Part Pukehou 4B4A1B1	1-1-07.1
Parts Pukehou 4B4A1B3	1-2-25.3

Compensation for the taking was negotiated by the Māori Trustee. All of the sections were leased. Works offered a settlement of $630 for the area taken from Pukehou

[597] Consent under Section 425 Māori Affairs Act 1953, Minister of Works, 1959, AAZZ 889 W4923/16 62/9/374/0, ANZ Wellington [P 1160165].
[598] P.L. Laing, District Commissioner of Works to Commissioner of Works, 21 January 1959, AAZZ 889 W4923/16 62/9/374/0, ANZ Wellington [P 1160168].
[599] P.L. Laing, District Commissioner of Works to Commissioner of Works, 19 February 1959, AAZZ 889 W4923/16 62/9/374/0, ANZ Wellington [P 1160169].
[600] NZG, 1959, p. 685.
[601] Consent under Section 425 Māori Affairs Act 1953, H. Watt, Minister of Works, 24 June 1959, AAZZ 889 W4923/16 62/9/374/0, ANZ Wellington [P 1160177].
[602] L.C. Malt, District Commissioner of Works to Commissioner of Works, 12 June 1959, AAZZ 889 W4923/16 62/9/374/0, ANZ Wellington [P 1160178]; see also [P 1160179].
[603] NZG, 1968, p. 412.
[604] NZG, 1968, p. 412.

4B4A1B3 which was considered 'reasonable' by the Assistant District Officer.[605] The Māori Affairs valuer assessed compensation for the land taken from the other six blocks at $1,325, while Works valued them at $1,262.[606] In July 1970 the Māori Trustee received total compensation of $1,885 which included interest of 5 percent and the valuer's fee.[607]

Pukehou 5A1 and 5L Legalisation -1948

In December 1947 the Under Secretary noted that part of the Levin to Paekakariki main highway through Pukehou 5A1 was not a legal road. He said: 'through an oversight [it] has never been legalised'. A Māori Land Court search did not 'clearly show any title to the land in question.' He proposed issuing a notice of intention to take the land for a road.[608] The title order for Pukehou 5A1 was dated 21 October 1881. An ownership list for Pukehou 5A was attached. The road also went through Pukehou 5L which had a Native Land Court order for 2 May 1874.[609]

In May 1948 a notice of intention to taking Part Pukehou 5A1 (1a 1r 17.1p) and Part Pukehou 5L (3a 2r 4.4p) for a road was issued.[610] The names of the owners had not been found and the intention to take these Pukehou lands was served on the Māori Affairs Under Secretary.[611] In November 1948 the road lines were proclaimed as taken.[612]

In July 1951 the Minister of Works made an application to the Māori Land Court for compensation to be assessed for Part Pukehou 5L which had been taken for a road. The Minister was represented by Mr Findlay who told the court that the proclamation taking the road had been issued on 15 November 1948 for an area of 3 acres 2 roods and 4.4

[605] J. Trevenen, Assistant District Officer, Palmerston North to Māori Affairs, 5 July 1969, ACIH 16036 MAW2490/178 38/2 pt 5, ANZ Wellington [DSCF 0617].
[606] J.E. Lewin, District Officer, Palmerston North to Māori Affairs, 12 November 1969, ACIH 16036 MAW2490/178 38/2 pt 5, ANZ Wellington [DSCF 0613].
[607] M.G. McKellar, District Officer, Palmerston North to Māori Affairs, 13 July 1970, ACIH 16036 MAW2490/178 38/2 pt 5, ANZ Wellington [DSCF 0607-0608].
[608] C.E. Hutchings, Under Secretary, Public Works, Wellington to Under Secretary, Māori Department, Wellington, 16 December 1947, ACIH 16036 MAW2490/177 38/2 pt 1, ANZ Wellington [DSCF 0433].
[609] P.H. Dudson, Registrar, 8 June 1948, ACIH 16036 MAW2490/177 38/2 pt 1, ANZ Wellington [DSCF 0430].
[610] NZG, 1948, p. 621.
[611] C. Langbein, District Engineer, Public Works, Wellington to Under Secretary, Māori Affairs, Wellington, 24 June 1948, ACIH 16036 MAW2490/177 38/2 pt 1, ANZ Wellington [DSCF 0428].
[612] NZG, 1948, p. 1367.

perches. Findlay said the situation with 5L was unusual because 5L had been partitioned in 1874 'but the titles then issued did not include this particular part of 5L' and:

> Even at this time this constituted the main highway and the boundaries of the subdivision of 5L had this roadway as a boundary. I agree that the present owners of this strip are the original owners of 5L. The roadway has been in existence for so long and the subsequent partition orders indicate an assumption that the road had been properly dedicated. We now find this has never been completed and to put the matter into proper order the present application has been made. It may well be that when the road was originally constructed satisfactory arrangements were made with the owners and from the partition orders it would appear the court had knowledge of these arrangements. There can be no doubt whatsoever that no Maori has suffered any loss but have actually benefitted from the use of the road. It is sought to regularize a portion which has been in operation for at least a century.[613]

The court found there was 'ample justification for a nil award' of compensation.[614]

4.6 Sandhills Motorway to Kapiti Expressway 1950s-2010s

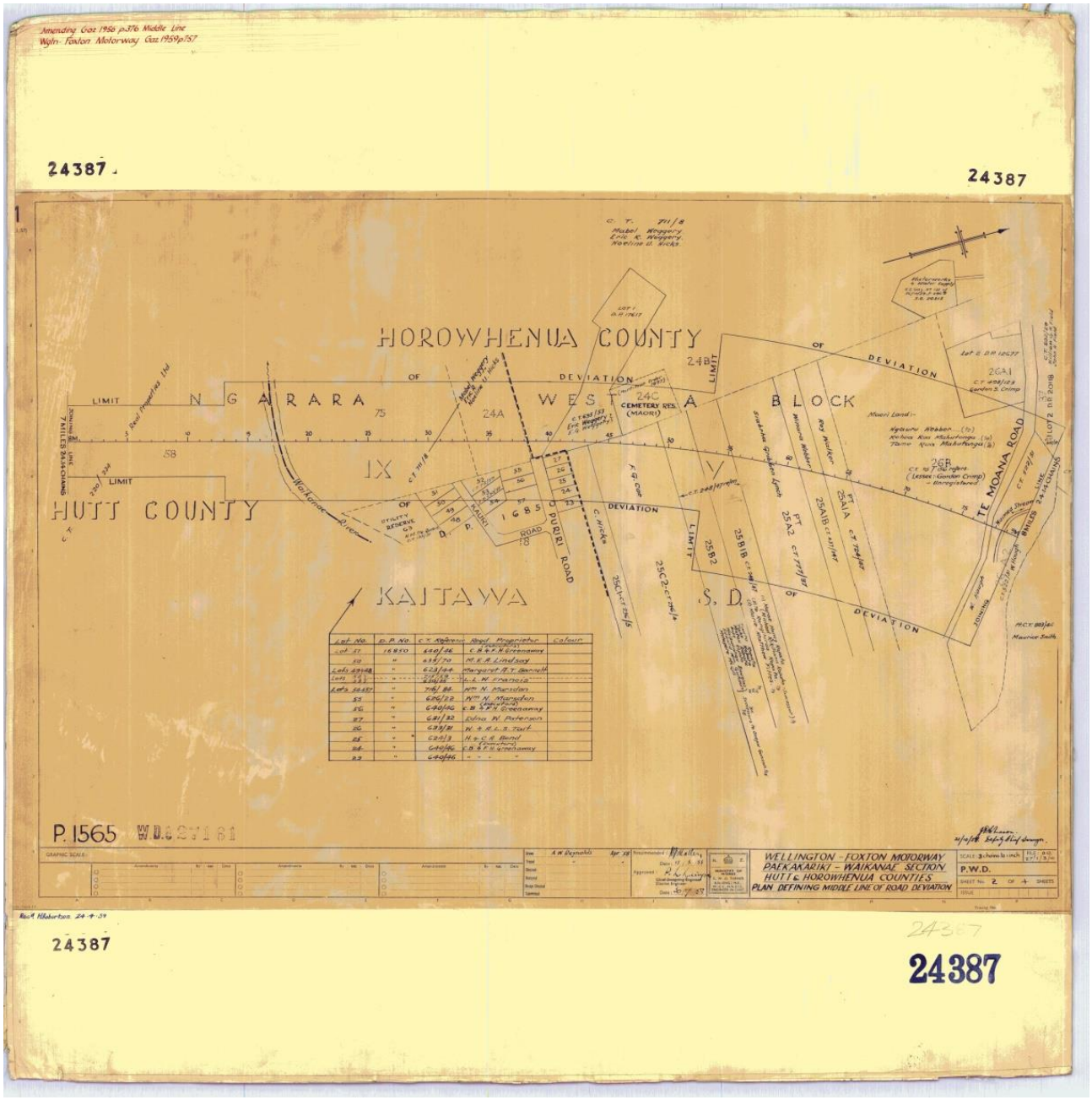
In the mid-1950s various proclamations were issued defining the middle line of a proposed motorway designed to bypass Paraparaumu and Waikanae townships. The proposed route lay along the largely undeveloped sandhill area to the west of the townships.

Despite the designation, the motorway itself was not constructed during the twentieth century. However the existence of the middle line proclamation did lead to the Public Works Department acquiring some land along the route. The potential for land to be compulsorily acquired limited the options for landowners, who would have been unwilling to invest in developing their block and/or unable to attract other buyers should they wish to sell. In such circumstances affected owners offered it to the Crown for purchase.

The route cut through many Māori-owned blocks, including the Ngarara West A24C urupa (Takamore). Some of the affected blocks are shown in the following Map, which shows the portion of the proposed route between the Waikanae River and Te Moana Road.

[613] Otaki MB 64, 26 July 1951, p. 222 [P 1160836].
[614] ibid

Map 20: Land Subject to Motorway Middle Line Proclamation at Waikanae 1958[615]



4.6.1 Ngarara West A26A2

One of the Māori land blocks along the route of the motorway middle line proclamation was Ngarara West A26A2 (7a 2r 3p), owned by W. Hough. The block is shown on the far-right of Survey Office Plan SO 24387 above, on the northern side of Te Moana Road. In May 1957 G.S. Crimp, aware that the highway from Paekakariki would pass through Hough's property, offered to purchase Ngarara West A26A2 for '£800 plus

[615] Wellington Survey Office Plan SO 24387.

commission to him'.[616] Hough responded: 'my price is (One thousand pounds) up to and not beyond Mr J. Field's right-of-way.'[617]

On 3 April 1958 Hough informed Public Works that he understood that they intended to take Ngarara West A26A2 for roads. He asked: 'As your Department's proposal has spoilt any chance I had of selling the property, would your Department be prepared to negotiate a sale now, or failing that, give me an assurance that the property will not be taken over by your Department.'[618] As noted above Hough had received an offer and made a counter offer for A26A2 in 1957.

The Commissioner of Works was informed of Hough's approach and he was asked to approve the taking of Ngarara West A26A2 as Māori land under the Public Works Act.[619] A file note says the 'proposal to take was approved by Legal'.[620]

Public Works advised Hough on 24 April 1958 that his property was situated on the intended route of the Wellington Foxton motorway but the route had not been proclaimed and it would be several years before construction began. On 5 May 1958 he was advised because his land was Māori-owned the 'normal method of acquisition was to take under the Public Works Act - compensation being settled in the Land Court'. According to the District Commissioner of Works the 'owner replied in due course agreeing to his land being taken'.[621]

[616] P.W. Lindsay, Land & Estate Agent, Raumati South to H.A. Kennard, Solicitor, Wellington, 27 May 1957, AAZZ 889 W4923/211 71/9/0/98, ANZ Wellington [DSCF 5522].
[617] W. Hough, Taupo to Luckie Hain Wiren & Kennard, Solicitors, Wellington, 25 June 1957, AAZZ 889 W4923/211 71/9/0/98, ANZ Wellington [DSCF 5523].
[618] W. Hough, Taupo to Purchase Officer, Works, Wellington, 3 April 1958, AAZZ 889 W4923/211 71/9/0/98, ANZ Wellington [DSCF 5531].
[619] P.L. Laing, District Commissioner of Works, Wellington to Commissioner of Works, 24 April 1958, AAZZ 889 W4923/211 71/9/0/98, ANZ Wellington [DSCF 5530].
[620] File note, 1 February 1958 on P.L. Laing, District Commissioner of Works, Wellington to Commissioner of Works, 24 April 1958, AAZZ 889 W4923/211 71/9/0/98, ANZ Wellington [DSCF 5530].
[621] L.C. Malt, District Commissioner of Works to Commissioner of Works, Wellington, 20 August 1959, AAZZ 889 W4923/211 71/9/0/98, ANZ Wellington [DSCF 5520-5521].

On 10 September 1958 Mr Solomon made an offer to purchase Part Ngarara West A26A2 for £1,000.[622] Hough accepted Solomon's offer.[623] On the same day Crimp made an offer to purchase the remainder of A26A2 for £250.[624] In October 1958 a notice of intention to take Ngarara West A26A2 for better utilisation was gazetted.[625] The proclamation taking Ngarara West A26A2 (7a 2r 3p) under the Public Works Act for better utilisation was issued in April 1959.[626]

In June 1959 Hough claimed £1,250 compensation which equated to £166-13-4 per acre.[627] The Minister of Works declined the claim and applied to the Māori Land Court for compensation to be assessed.[628] Law firm, Luckie Hain Wiren & Kennard, under instruction from Hough, asked Public Works to 'release the owner from any obligation to consent to the land being taken under the Public Works Act.' They were declined and told the Crown would proceed with the proclamation.[629]

In August 1959 the Māori Land Court heard the compensation application for Ngarara West A26A2. The court was told that 'on 20/4/58 owner wrote that any roading proposals would spoil prty' and the owner agreed to land being taken. Kennard for Hough said his client had received several offers which amounted to £1,250 for the land.[630]

Public Works Land Purchase Officer, Warmington, said Ngarara West A26A2 was unsuitable for residential subdivision and was worth £630.[631] District Valuer, S. Steedman said the land would require bridge access to make it suitable for subdivision

[622] W.L. Ellingham, Atkinson Dale Ellingham & Jenkins, Wellington to Luckie Hain Wiren & Kennard, Solicitors, Wellington, 10 September 1958, AAZZ 889 W4923/211 71/9/0/98, ANZ Wellington [DSCF 5526].
[623] Typed copy of Telegram of acceptance on file says: 'Date Stamped 27.8.58.', which being a month prior to the offer date may be a typo, AAZZ 889 W4923/211 71/9/0/98, ANZ Wellington [DSCF 5525].
[624] G.S. Crimp, Wellington to Luckie Hain Wiren & Kennard, Wellington, 10 September 1958, AAZZ 889 W4923/211 71/9/0/98, ANZ Wellington [DSCF 5527].
[625] NZG, 1958, p. 1388.
[626] NZG, 1959, p. 479.
[627] W. Hough, C/- Luckie Hain Wiren & Kennard, Wellington to Minister of Works, Wellington, 20 June 1959, AAZZ 889 W4923/211 71/9/0/98, ANZ Wellington [DSCF 5529].
[628] F.M. Hanson, Commissioner of Crown Works, Wellington to W. Hough, C/- Luckie Hain Wiren & Kennard, Wellington, 17 July 1959, AAZZ 889 W4923/211 71/9/0/98, ANZ Wellington [DSCF 5528].
[629] L.C. Malt, District Commissioner of Works to Commissioner of Works, Wellington, 20 August 1959, AAZZ 889 W4923/211 71/9/0/98, ANZ Wellington [DSCF 5520-5521].
[630] Otaki MB 67, 12 August 1959, p. 37.
[631] Otaki MB 67, 12 August 1959, pp. 375-376, [DSCF 5532-5537, IMG 0835-0842, P 1160859-1160863].

and ‘I do not know of any comparable sales supporting a £1200 other than the two I have named’ which he said were not comparable. Under cross examination Steedman said he was unaware of the offers Hough had received and would not believe the £1,000 offer ‘until I have seen it signed up.’[632]

When Kennard asked Hough to give evidence about the offers Warmington for Public Works objected to the inclusion of offers as evidence. He argued on the grounds that it was legally inadmissible and produced prepared notes that cited several Australian and Canadian case law examples. This indicates he was aware Hough had been made private offers for his land and had come to court with a prearranged plan for this evidence to be excluded. The court allowed the evidence concerning the offers to be admitted.[633]

Hough said Ngarara West A26A2 was the only land he solely owned and he received an offer of £800 for it in May 1957 from Crimp which he did not accept. He said Crimp increased his offer to £900 which he also refused. In August 1958 he received an offer of £1,200 from Solomon which he accepted.[634] Under cross examination Hough said he was aware that the proposed motorway would go through his land but he had no idea when this would happen. He said: ‘I cannot say that the offers were made with the knowledge that the offerors would get their money back on taking’.[635]

Waikanae Land Agent, W. Harvey for Hough said that if it was rezoned residential, the seven acres could be cut into three sections and sold for £600 each. He said nearby land had quarter acre sections for sale at £500 and he felt the ‘offer of £1250 was a reasonable one.’[636] Under cross examination he did not give any comparable valuations and acknowledged he was not a registered valuer.[637]

Judge Jeune was unable to rule on the admissibility of the Crown submission to have the offers excluded from evidence so he reserved his decision and asked counsel to

[632] ibid, p. 376-377.
[633] ibid, p. 378.
[634] ibid, pp. 378-379.
[635] ibid, p. 380.
[636] ibid, p. 381.
[637] ibid, p. 382.

provide written submissions on these questions of law.[638] Crown Law provided the Māori Land Court with a written submission.[639] Kennard for Hough also provided Judge Jeune with a written submission.[640]

In May 1960 Judge Jeune's reserved decision for Ngarara West A26A2 was delivered. The Judge said the Crown case was based on the view that the land was worth £630 and it required Hough to prove the land was of a greater value which he had attempted to do by presenting offers he had received for the land since 1957. The Crown objected to these offers arguing they were inadmissible. Judge Jeune said this tactic took the 'owner's counsel by surprise' and he added:

> The Court will require in future that if any legal point is to be raised the Court and Counsel be accorded the courtesy of having such propounded by Counsel properly qualified to argue his submissions sufficiently to advise the Court adequately on the law. This should be noted by the Applicant for future practice.[641]

The Judge found that the evidence of Hough's land agent showed an 'absence of preparation' and his estimates for the three sections valued at £600 reflected the proposed offer of £1,250. In Jeune's opinion this 'had little effect as [to] contradicting the valuer of the Applicant [Crown] and was no help to the Court.' The Judge dismissed Hough's valuer on the grounds that he was trying to convey a figure for the land that approximated the offer and the fact that he was unqualified. The Judge said the whole case for the owner relied on the two offers of £800 and £1,000 that were not accepted because the Minister would not release Hough from his prior 'agreement' with the Crown. Counsel for the owner said the £1,250 would have been accepted by Hough if the Minister had not held the owner to his 'agreement'. Jeune said too much was made of this agreement with the Crown.[642] He said no binding agreement had been made and: 'In the opinion of the Court what the solicitors for the owner should have done was promptly to accept the two offers by…executing manner required by Statute an

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[638] ibid, p. 383.
[639] 'Wellington-Foxton Motorway – William Hough Admissibility of Offers as Evidence of Market Value', G.W. Matthewson, Crown Solicitor, Crown Law Office, Wellington to Commissioner of Works, 1 September 1959, AAZZ 889 W4923/211 71/9/0/98, ANZ Wellington [DSCF 5513-5517, 5509-5512].
[640] H.A. Kennard, Submission by Counsel for William Hough, copy, no date, AAZZ 889 W4923/211 71/9/0/98, ANZ Wellington [DSCF 5507].
[641] Reserved decision of Judge Jeune for Ngarara West A26A2, Wellington, 2 May 1960, AAZZ 889 W4923/211 71/9/0/98, ANZ Wellington [DSCF 5499].
[642] ibid, [DSCF 5500].

acceptance, and obtaining confirmation. This could have been done at Levin in October 1958 or at Wellington in January 1959. The notice of intention of October 1958 would not have affected the position.' The court acknowledged it was easy to be wise after the event 'but it was entirely his own fault that the owner had not converted the offers into concluded sales before the taking.'[643]

Judge Jeune said that there had been no need for the Crown to take Ngarara West A26A2 for a road which would not be 'constructed there for some twenty years' and in the interim the land would not be paying rates and would be growing noxious weeds. The Judge said the 'owner talked the Ministry into taking and the wheels have commenced the cumbersome process' and the 'Country's money has been unnecessarily spent on taking this land.'[644]

Judge Jeune concluded that the only valuation for the land had been the £630 valuation produced by the government valuer. The court made an additional payment. The court found that the owner had been injuriously affected by being unable to bring the 'lessee of the rear land to heel' and the court awarded £800 including interest to the owner. Full costs were not awarded and the Crown was ordered to pay the former owner's solicitor £8-8-0.[645]

The Commissioner of Crown Works did note that an addition to the value of the land (£630 GV) had been made in the form of injurious affection. He said no claim for injurious affection regarding the lessee had been made during the court hearing but because the additional sum was small he did not want to delay the settlement with a legal challenge. Works decided to pay the amount awarded by the court.[646] In May 1960 Public Works authorised the payment of £808-8-0 to the former owner's solicitors.[647] In August 1960 the solicitors received payment of the sum.[648]

[643] ibid, [DSCF 5503].
[644] ibid, [DSCF 5504].
[645] ibid
[646] F.H. Hanson, Commissioner of Works to Registrar, Māori Land Court, Wellington, 27 May 1960, AAZZ 889 W4923/211 71/9/0/98, ANZ Wellington [DSCF 5496].
[647] D. Warmington, Land Purchase, Works, Wellington to L.C. Malt, District Commissioner of Works, Wellington, 18 May 1960, AAZZ 889 W4923/211 71/9/0/98, ANZ Wellington [DSCF 5497-5498].
[648] Departmental record of payment to Luckie Hain Wiren & Kennard, 4 August 1960, AAZZ 889 W4923/211 71/9/0/98, ANZ Wellington [DSCF 5495].

4.6.2 Kapiti Expressway

The use of the Public Works Act is not only an historical issue. The most recent large-scale public infrastructure development in the Kapiti region, the Kapiti Expressway, has involved local Māori in years of legal proceedings and consultation rounds in efforts to minimise the amount of Māori land it was originally proposed to acquire.

The Kapiti Expressway is one of three 'roads of national significance' designed to alleviate congestion on State Highway 1 north of Wellington. The section from Raumati South to Peka Peka, known as Mackays to Peka Peka or M2PP, was designed to run to the west of the existing State Highway 1, and thus avoid delays to local traffic through Paraparaumu and Waikanae. The proposed expressway route required the Crown acquisition of numerous private properties, and was opposed by many affected local groups. This section will examine the impact on two blocks of Ngāti Awa / Te Atiawa land which lie along the route of the expressway between the Waikanae River and Te Moana Road at Waikanae.

Many of the legal proceedings relating to confirming the line of the expressway were matters concerning the Resource Management Act, and were dealt with in the Environment Court. How the Crown has dealt with resource management, and environment and heritage issues are outside the scope of this report, and most cases have therefore not been closely examined in this section. The exception is Patricia Grace's successful action in the Environment Court, which had implications for the interpretation of the application of the Public Works Act to Māori Reservation land.

The expressway grew out of the earlier proposal for a motorway line outlined in the section above. While construction of the motorway had not proceeded in the twentieth century, local authorities had at various times pushed for the by-pass route in various forms and with various options for the exact line of the road. In the late 1990s this developed into a proposed 'Western Link Road'. In 1997 the Kapiti Coast District Council issued a notice of requirement to designate the proposed Western Link Road. The proposal was confirmed by an independent hearing commission in 1998. However, this led to a series of appeals under the resource management consent process. Between 1998 and 2006 there were two hearings by appointed commissioners, two cases in the

Environment Court and two High Court challenges. Final designation of the route of the Western Link Road was not approved until July 2006.[649]

The New Zealand Transport Authority (NZTA) was similarly developing plans for a four lane expressway along the same route as the proposed Western Link Road. In December 2009 NZTA confirmed the preferred route followed the already designated Western Link Road corridor. In 2010 the route was declared a 'road of national significance' under the National government's policy to prioritise a select number of large scale road projects.

As mentioned in the previous section, the original motorway middle line proclamation in the mid-1950s had included a large proportion of Ngarara West A24C block, which was an urupa. In 1965 Māori had objected to the proposed acquisition.[650] In 1969 the two acre block was declared a Māori Reservation 'for the purposes of a burial ground for the common use and benefit of the Atiawa Tribe'.[651]

When the route of the expressway was confirmed it did not include land from the urupa reservation. However, the two acre reservation itself was only part of a wider area of great significance to Te Atiawa / Ngāti Awa ki Kapiti, known as Tuku Rakau. The expressway route included land to the south of the boundaries of the reservation, which is a wahi tapu known as the 'Maketu Tree'. At that time the land on which the wahi tapu is situated was owned by the council, but the Takamore Trust sought to have the wahi tapu protected from motorway (or other) development and included in the Takamore Wahi Tapu area.[652] A report on the application written by Bruce Stirling provides a very full history of the cultural and historical significance of the Tuku Rakau area, along with information on the trust's application to have the Maketu Tree site

[649] *Save Kapiti Incorporated v New Zealand Transport Agency* [2013] NZHC 2104, 19 August 2013, p. 2.
[650] Extract from Otaki MB 75, 6 November 1969, folios 24-25, AAMK 869 W3074/722j 21/1/258, ANZ Wellington [IMG 1419].
[651] ibid
[652] As well as representing various Te Atiawa/ Ngāti Awa hapu, the Takamore Trust 'has also been entrusted with the mandate to protect the historical, spiritual and cultural interests of the iwi grouping of Muaupoko within the Takamore wahi tapu, 'Statement of Evidence of Amos Kamo (Cultural/Heritage Effects) for the NZ Transport Agency', 7 September 2012, Board of Inquiry, MacKays to Peka Peka Expressway Proposal, https://epa.govt.nz/assets/FileAPI/proposal/NSP000005/Evidence/Amos-Kamo-Cultural-and-Heritage-Effects-Evidence.pdf

excluded from the motorway through both Environment Court and Historic Places protection mechanisms.[653] It is not considered necessary to duplicate that material in this report.

As part of the Takamore Trust's proactive approach, in March 2012 it signed a Memorandum of Understanding with NZTA to establish a framework for negotiations.[654] Members of the Takamore Trust who were involved in the negotiations may be able to present evidence to the Tribunal on their views of the process, and the impact of the final outcomes.

In April 2012 NZTA applied for 29 resource consents and a notice of requirement to build the Mackays to Peka Peka Expressway. Under Section 149J of the Resource Management Act 1991 a Board of Inquiry was appointed by the Minister for the Environment to hear the application. In April 2013 the board issued its decision which confirmed the notice of requirement and granted the resource consents, subject to certain conditions.[655] The board was dealing with matters under the Resource Management Act, rather than the Public Works Act, but it did make some comments regarding the views of Māori objectors:

> [1027] Te Ati Awa ki Whakarongotai suggested that NZTA should seek to avoid all impacts on Maori freehold land, Maori owned general land and Maori reservations along the extent of the proposed expressway and that the iwi are prepared to support Maori landowners where impacts on their land interests are unavoidable.
> [1028] We note Te Ati Awa ki Whakarongotai concerns and encourage NZTA to continue its engagement with Maori land owners, however, we acknowledge this matter is outside our jurisdiction....
> [1085] Ms Grace gave evidence that she opposed the Project and supported the Takamore Trust submission. Ms Grace also advised that she owns land that is within the Tuku Rakau village area and that the expressway will cut through her land. In her evidence Ms Grace said she had been served a Public Works Act notice in regards to the Crown acquiring a piece of her land. As previously

[653] Bruce Stirling, 'Review Report for a Wahi Tapu Area: Takamore Wahi Tapu Area', New Zealand Historic Places Trust, August 2011.
[654] Memorandum of Understanding and Heads of Agreement in Relation to a Contract for Services, The New Zealand Transport Agency (NZTA) – Waka Kotahi and the Takamore Trustees, 5 March 2012.
[655] *Save Kapiti Incorporated v New Zealand Transport Agency* [2013] NZHC 2104, 19 August 2013, p. 1.

> discussed the acquisition of land by the Crown is a matter outside our jurisdiction.[656]

4.6.2.1 Ngarara West A25B2A – Grace v Minister for Land Information

Two other blocks of Māori-owned land in the Tuku Rakau area were affected by the Kapiti Expressway. On the other side of the expressway from Takamore Urupa lay two long narrow blocks: Ngarara West A25B2B (owned by an Ahu Whenua trust) and Ngarara West A25B2A (owned by Patricia Grace). While the Takamore Trustees were able to work with NZTA to mitigate the impact and negotiate an acceptable outcome, Grace had to take action in both the Māori Land Court and Environment Court to prevent any of her ancestral land being acquired.

A notice of intention to take 983m^2 from Ngarara West A25B2A was signed 6 June 2013.[657] The notice said the land was required for 'construction of State Highway 1 Wellington Northern Corridor (Mackays to Peka Peka Expressway)…..More particularly the land is required for road and state highway'.[658] The notification sent to the owners further explained the reason for the proposed taking:

> The reasons why the Minister for Land Information considers it reasonably necessary to take your interest in the Land … are to cater for increasing traffic volumes and to improve the safety and efficiency of State Highway 1 and the local road network.[659]

Grace had declined to negotiate an agreement for the sale of the block to the Crown for the purposes of the expressway because she was unwilling 'to part with any of the land other than, perhaps, to other Māori who share her links with the land and its former Māori owners'.[660]

Although the notice said the land was required for road and state highway, the proposed design did not actually use Grace's land for the highway itself, but rather it was proposed to run the accompanying cycleway/shared pathway over the block. The actual requirement was to construct batters on the side of the cutting where the highway ran

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656 *Final Report of the Board of Inquiry Concerning a Request for Notice of Requirement and Applications for Resource Consents to Allow the Mackays to Peka Peka Expressway Project*, cited in *Grace v Minister for Land Information*, [2014] NZEnvC 82, p. 4.
657 NZG, 2013, p. 2154.
658 ibid
659 *Grace v Minister for Land Information* [2014] NZEnvC 82, p. 2.
660 ibid

between Grace's land and Takamore Urupa. The cycleway would be constructed along the top of the batters.[661]

Māori Land Court Case

As a means to protecting Māori ownership of her block, in May 2013 Grace applied to the Māori Land Court for Ngarara West A25B2A to be declared a Māori Reservation under Section 338 of Te Ture Whenua Māori Act 1993 (TTWMA). The reservation was to be for the benefit of the descendants of Wiremu Parata Te Kakakura as a place of cultural and historical significance 'and/or', a wahi tapu of special significance according to tikanga Māori. A similar application was also lodged by the Pitama Trust for the Ngarara West A25B2B block, but did not proceed. The application was heard in March 2014.

At the same time Grace also pursued action through the Environment Court. The Māori Land Court and Environment Court cases were closely related, as designating the block as a Māori Reservation would have an impact on how it was treated by the Environment Court. Judge Isaac considered the legal issues relating to the relationship between the Public Works Act and Te Ture Whenua Māori Act, specifically whether a notice of intention to take land under the Public Works Act had any impact on an application for a Māori Reservation under Section 338 of Te Ture Whenua Māori Act. At the heart of the matter was Section 338(11) which said:

> (11) Except as provided in subsection (12) of this section, the land comprised within a Maori reservation shall, while the reservation subsists, be inalienable, whether to the Crown or to any other person. [sub(12) allowed for granting lease or occupation rights for up to 14 years].

As Section 338(11) specifically mentioned the land was inalienable to the Crown, the issue was whether a declaration under Section 338 would mean the Crown could not compulsorily acquire the land. Judge Isaac said that the Transport Agency was correct to be concerned that declaring a reservation would prevent part of the land being acquired. The judgment laid out his reasons, including:

> Next, there is no provision in the PWA that states the Crown may acquire land subject to a Māori reservation. More importantly, there is nothing in TTWMA, and specifically nothing in s 338(11) that states that Māori reservations are subject to the PWA.

[661] ibid, p. 3.

> Further, with respect to the submission by counsel for the Transport Agency as to the definition of "inalienable" in this context, in my view counsel blurs the clear and unambiguous meaning of s 338(11) and the overall purpose of the legislation. As Judge Harvey has said in the *Gibbs* case, s 338(11) is unequivocal. Land that has received the overlay of Māori reservation status is inalienable as against the Crown.
>
> The words "inalienable against the Crown" mean simply that. No other meaning can be attributed to those words and notwithstanding the submission by counsel for the Transport Agency, I cannot stretch the meaning of "inalienable" to mean "alienable". "Alienation" under TTWMA is "every form of disposition of Māori land", apart from the listed exceptions. Compulsory acquisition by the Crown under the PWA is not a listed exception. In short, s 338(11) means that once a Māori reservation status has been recommended and gazetted, the Crown cannot acquire this land.
>
> This interpretation accords with the purpose of TTWMA. The preamble and ss 2 and 17 set out the principle purposes of the Act. These include the retention and utilisation of Māori land in the hands of its owners, whānau and hapū as the cornerstone or fundamental principle that must guide the Māori Land Court when considering all applications that come before it. Mrs Grace's application is no different from any other in this regard.[662]

The application was for the whole Ngarara West A25B2A Block (5770m^2) to be declared a reservation. Evidence was given about the significance of the Tuku Rākau papakainga, and that the land in question was the last vestige of the land held by Wi Parata Te Kakakura at Waikanae. Grace's submission explained the significance of the land to her whanau:

> The land in question, as part of the area known as Tuku Rakau, is where Wiremu Parata Te Kakakura and his people settled and lived for many years. It is waahi tapu, being where people lived their lives, harvested resources, established their wharenui and wharemate, their urupa, their homes and gardens. It is where they constructed their birthing shelters, buried the whenua and secreted the pito of their offspring. It is where they discussed, negotiated and made important decisions for life and survival. It is a historic place, a place of archaeological interest and is likely to include an area of human interment. I say 'likely' because we have been told that burials took place in the upper parts of the land – which makes sense to me because it is the high, safe ground.[663]

[662] *Grace – Ngarara West A25B2A* (2014) 317 Aotea MB 294-295.
[663] ibid, 297.

NZTA objected to the Section 338 application, partly on the grounds that it was not necessary to declare the whole block a reservation. NZTA did concede that part of the block was of cultural and historical significance:

> the Tuku Rākau land, of which the Grace land forms a part, is of cultural and historical significance to Mrs Grace. Mrs Grace's customary association with the land, and the manner in which she derived her title and interest, is not in dispute. The Transport Agency does not oppose Mrs Grace's application so far as it relates to the land not sought for the expressway.[664]

However, NZTA argued that it was not necessary to make a reservation of the entire block, and that the portion intended to be used for the expressway was not especially significant. It argued that 'tangible' evidence was required to establish that the area sought included burial sites, and that the 'physical evidence' was contradictory.

In response Grace told the court that NZTA was 'obsessed' with establishing the precise location of significant places, such as Wi Parata's house, rather than acknowledging 'that it is the connection between places and people of the area as a whole that contribute to the cultural and historical significance of her land'.[665]

Judge Isaac did not accept the arguments put forward by NZTA:

> It should also be noted that the evidence and submissions presented by the Transport Agency do not dispute the historical background to Mrs Grace's land and the wider Waikanae area. Nor do they dispute that Tuku Rākau was located in the vicinity of the Grace land. The only aspect of the application that is challenged is as it relates to the 983m2 of Mrs Grace's land required for the expressway.
>
> Looking at all the evidence before me in relation to all of Mrs Grace's land, the distinction created by the Transport Agency and Vector between a portion of Mrs Grace's land compared to all of her land is arbitrary and false.[666]

The Judge went on to note that witnesses from NZTA agreed the land was of cultural and historical significance:

> Therefore, when faced with such compelling evidence given in respect to this application, I am satisfied that the entirety of Mrs Grace's land is a place of cultural and historical significance and a wāhi tapu in accordance with tikanga Māori to Mrs Grace and Te Atiawa ki Whakarongotai.

[664] ibid, 277.
[665] ibid, 275.
[666] ibid, 299.

> This is one of the vestigial blocks of Wi Parata's land remaining in the ownership of his descendants. Wi Parata was a man who donated a large amount of land for development in the form of railways, churches, schools, and the Waikanae township. This land has been in continual Māori ownership and control since before 1840. It has special significance not only for the descendants of Wi Parata, but also for Te Atiawa ki Whakarongotai, and has been protected though the generations to the present time. This protection should continue into the future.[667]

Further to the cultural and legal arguments NZTA also argued that the 'context' of the overall expressway works had to be taken into account:

> The land is sought to be acquired for a road of national significance. The upgrade to State Highway 1 is required to sustain urban growth in the region, reduce congestion, improve travel times and improve road safety. The proposal to upgrade was first raised in the late 1940s/early 1950s. The Transport Agency has been in an extended period of discussions and consultation with affected parties, and has actively sought to engage with Mrs Grace. The requisite consultations, design works and plans, and consents have been put in place. The Board of Inquiry was satisfied that alternative routes, consultation and cultural mitigation had been sufficiently addressed. A notice under s 18 of the Public Works Act 1981 (PWA) was issued in respect of the part of Mrs Grace's land sought for the expressway. This was followed by unsuccessful attempts to negotiate and discuss the proposal with Mrs Grace. A s 23 PWA notice was issued when no agreement could be reached with Mrs Grace to acquire the land. The acquisition of this land is the least invasive in terms of land take, and has the least impact on Māori freehold land. Mitigation proposals have been agreed upon with the Takamore Trust to address concerns and compensate for taking of land. Construction has already commenced on other parts of the expressway upgrade and further delay will hinder work.[668]

It further submitted that the cost of an alternative route which avoided Grace's land would be 'around $10 to $15 million' if it was even feasible. However, during the hearing a NZTA witness stated they were looking at a potential small realignment. The court was also advised that different options were being considered, which Judge Isaac considered appeared to be feasible. The Judge commented that an alternative option which avoided Grace's land would be in accordance with Te Ture Whenua Māori Act. The Judge felt that was a matter which should be left for the Environment Court to consider, saying it was not of primary importance for a Section 338 application.[669] The Judge then made the order under Section 338 that Ngarara West A25B2A should be set

[667] ibid, 299-300.
[668] ibid, 281.
[669] ibid, 295.

aside as a Māori Reservation for the benefit of the descendants of Wiremu Parata Te Kakakura.[670]

Environment Court Case

The Environment Court heard Grace's objection four days after the Māori Land Court issued its judgment, and then released its report on 8 April 2014. The effect of the Māori Land Court Section 338 order was a recommendation that the Chief Executive of Te Puni Kokiri declare the block a Māori Reservation by proclamation in the *New Zealand Gazette*. Thus at the time of the Environment Court case, the Māori Land Court had granted Grace's application for a reservation, but that reservation had yet to be bought into effect.

The Environment Court report addressed the potential impact of the block being declared a reservation under Section 338 of Te Ture Whenua Māori Act. It quoted the Māori Land Court judgment which had concluded that land reserved under Section 338 was completely inalienable, even to the Crown. In terms of the scope of the Environment Court inquiry, which included deciding whether it would be 'fair, sound or reasonably necessary' for the land to be taken, the Environment Court concluded that if the gazette notice was issued, the taking would not be 'sound':

> [15] That being so, if and when the Chief Executive of Te Puni Kokiri does arrange for the appropriate Gazette notice, the taking of the land will not be *sound* as a matter of law and, consequently, the Notice of Intention and the Minister's reasons for wishing to compulsorily acquire the land will both become redundant. If the land cannot be alienated, even if Mrs Grace and/or its Trustees wish to do so, then plainly the Expressway, or at least this portion of its cycleway and pathway (and batters, a matter we shall come to) will have to avoid Mrs Grace's land - even the possibility of some kind of easement to allow for construction of the batters is prohibited by Te Ture Whenua Maori Act.[671]

If the gazette notice had been issued, that point alone would mean the Environment Court report would not be required. However, as the matter was still subject to possible appeals, the court went on to consider other aspects of the case, most particularly the question as to 'adequacy of consideration of alternative sites, routes or other methods'.

[670] ibid, 300.
[671] *Grace v Minister for Land Information* [2014] NZEnvC 82, p. 8.

There were public claims that avoiding Grace's land would cost in the vicinity of sixteen million dollars, a claim repeated in the closing submission by counsel representing the Minister.[672] However, the evidence heard by the Environment Court did not support that claim. NZTA's project manager said the proposed route had been chosen on the grounds that it avoided encroaching on Takamore Urupa, and took the least amount of land from Grace. The sixteen million dollar figure had come from one of the other options explored, but that was clearly the most expensive option, and the project manager said it was the least favoured possibility. Similarly, it was claimed shifting the entire route east or west to completely avoid both Takamore and Grace's land would be very expensive and possibly not feasible. However, in December 2013 another option was developed by the design team which was 'a quite minor realignment of the carriageway, within the existing designation'. The alternative proposal would avoid requiring land from either Grace or the Takamore Urupa, and would possibly cost less than 2.3 million dollars. The Environment Court estimated that would be 0.4% of the entire construction cost for the M2PP project.[673]

The last minute proposal would not allow for an adjacent cycleway/shared pathway, but the Environment Court pointed out that there were other sections along the expressway where the route of the shared pathway diverted from the expressway to neighbouring streets and the like.[674]

The information about the new proposal led the Environment Court to conclude that there was a potential alternative route:

> Our conclusion on the question in subparagraph (b) must then be that there is at least one potential alternative route (within the existing designation corridor) available that can avoid the taking and use of any of Mrs Grace's land. Until it came to light in the course of the hearing before us, it had never been suggested to Mrs Grace, and there is no trace of it, or anything having a similar effect, being given any, let alone *adequate*, consideration as a means of achieving the Minister's objectives. We acknowledge that the cost of adopting it is not insignificant, but in the context of the other issues we shall discuss it might at least have been given adequate consideration.[675]

[672] ibid, p. 10.
[673] ibid, p. 12.
[674] ibid, p. 12.
[675] ibid, pp. 12-13.

When considering the question of whether the taking was 'fair', the Environment Court report laid out background material about the history of Wi Parata Te Kakakura and the significance of the land to his descendants. This repeated much of the evidence given in the Māori Land Court hearing, including pointing out the extent that Wi Parata and Te Atiawa had already contributed land for public use. The block was now a last rare remnant of Wi Parata's land, and was owned by one of his direct descendants. It was Grace's desire to protect the land for future generations that led to the application for a reservation. These circumstances meant it was not '*fair*, to regard this piece of land as an asset which an owner may use so as to extract maximum value'.[676]

Considering the background the Environment Court concluded 'that it would not be *fair* to compulsorily take this land, particularly when an alternative route or method is available, making the taking unnecessary.'[677]

Overall, the Environment Court found that the proposed taking did not meet any of the criteria under Section 27(4)(d):

> It is plainly not, in our view, *reasonably necessary* to take this land to achieve the Minister's objectives. Those objectives can be achieved without having to acquire the Grace land at all, within the existing designation and within the area of land already owned by the Crown. Any additional construction cost incurred will be partly, perhaps wholly, offset by not having to pay compensation for the Grace land. If it would not be *fair* to do so, nor *reasonably necessary* to do so, it cannot possibly be *sound* to do so.[678]

It therefore reported that the taking should not proceed any further.

While Grace was successful, and no land was actually acquired from Ngarara West A25B2B, the neighbouring Ngarara West A25B2B block, administered by an Ahu Whenua Trust, did lose land to the expressway. On 5 December 2013 a proclamation was issued taking 4150m^2 for the purposes of a road, along with 12m^2 for the 'functioning indirectly of a road'.[679] This area (shown in green on the Map below) effectively cut the block in half, and cut the link from the Te Moana Road side of the block to Takamore Urupa. In February 2015 an agreement was signed between the Ahu

[676] ibid, p. 18.
[677] ibid, pp. 18-19.
[678] ibid, p. 19.
[679] NZG, 2013, p. 4567.

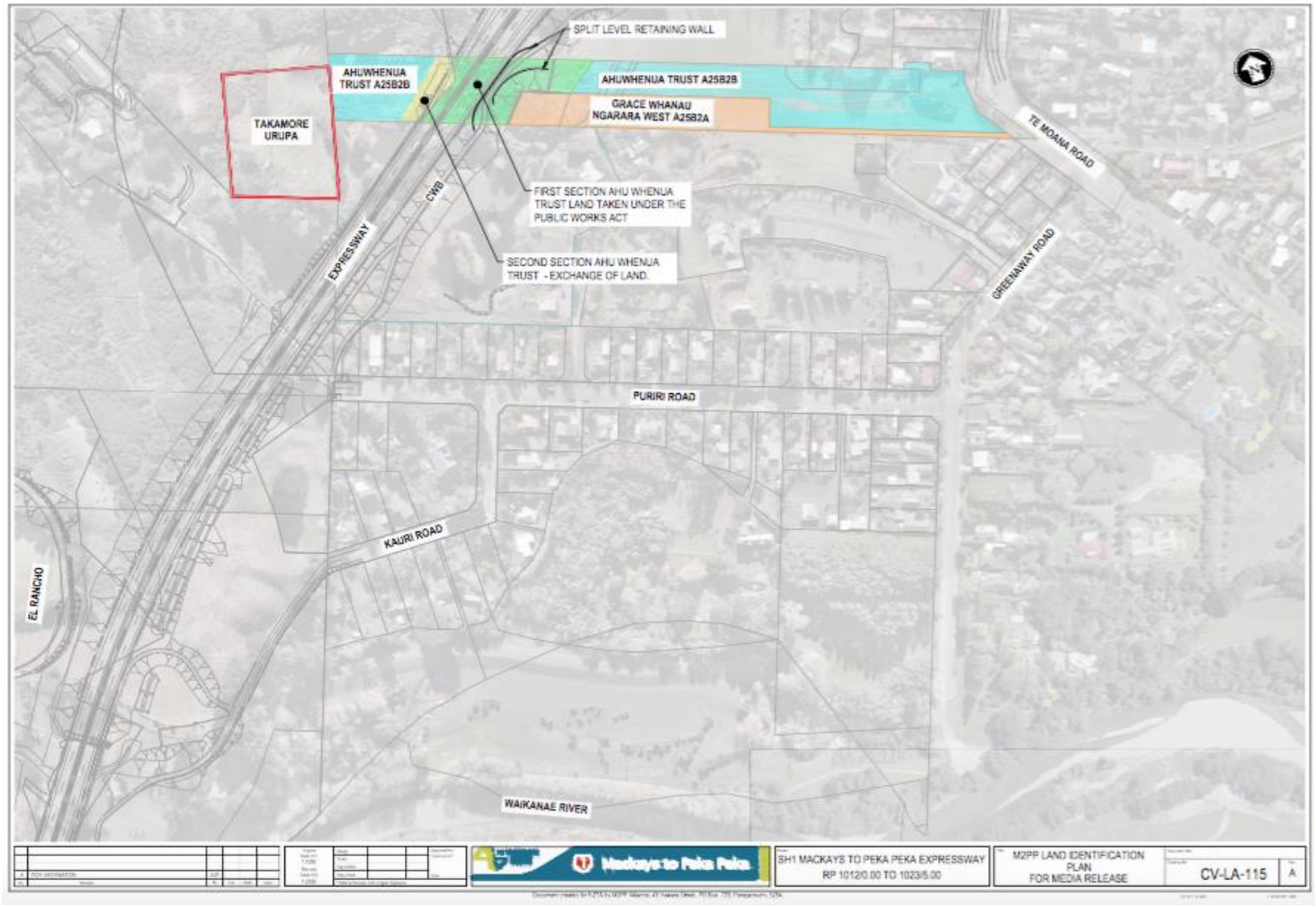
Whenua trust and the Crown transferring a further area of land to the Crown 'in trust' for roadway purposes, while remaining Māori Freehold Land.[680] This area is shown in yellow on the Map below.

Some of the background to this arrangement is given in a 2015 panui from Te Atiawa ki Kapiti:

> The first section (marked 'first section Ahu Whenua Trust taken by Public Works Act' on the attached map) was taken through the Public Works Act in December 2013. Compulsory acquisition of the first parcel of Ahu Whenua Trust land severed the Trust's physical connection to the Takamore urupa. This area known as Tuku Rakau has such cultural and historic significance to the Trust that in the ordinary course of events it would be viewed by the Trust as inalienable.
> The NZ Transport Agency has apologised for any actions and omissions that have damaged the unique relationship between the Trust's landowners, the Tuku Rakau area and all of the waahi tapu therein. And expressed regret that, while having engaged with the sole trustee in good faith as the landowners' representative, it could have engaged more meaningfully with all of the Trust's landowners in respect of the acquisition of the land.
> This apology signified the beginning of a restored and enduring relationship between the Trust's land owners and the Transport Agency, based on mutual trust and cooperation, good faith and respect for the Treaty of Waitangi and its principles. 2. Agreement around a second smaller piece of Ahu Whenua Trust land occurred because the Transport Agency needed to find a way to realign the expressway. This has happened through an exchange of land (marked 'second section of Ahu Whenua Trust exchanged land' on the attached map) and has allowed the route to move slightly to the west with minimal disruption to affected landowners, the waahi tapu area and the local community.[681]

[680] Memorial Schedule, Ngarara West A25B2B and Section 9 Survey Office Plan SO 459355 and Section 1 Survey Office Plan SO 491799, Māori Land Online.
[681] Update on Expressway and whanau land in Waikanae, 3 September 2015, Te Atiawa ki Kapiti, http://teatiawakikapiti.co.nz/wp-content/uploads/2015/09/Ropata-Grace-Media-Te-Atiawa-iwi-panui-FINALdoc.pdf

Map 21: Land Taken from Ngarara West A25B2B for Kapiti Expressway[682]



[682] Update on Expressway and whanau land in Waikanae, 3 September 2015, Te Atiawa ki Kapiti, http://teatiawakikapiti.co.nz/wp-content/uploads/2015/09/Ropata-Grace-Media-Te-Atiawa-iwi-panui-FINALdoc.pdf

The Kapiti Expressway has since been constructed and opened for use in February 2017. Claimant groups may be able to inform the Tribunal about the construction process and any involvement in the design process of the final landscaping and mitigation measures.

While the Kapiti Expressway is now completed, it was only one stage of the Wellington Northern Corridor, which is planned to extend to Levin. The next stage, known as the Peka Peka to North Otaki Expressway was approved by a Board of Inquiry on 12 February 2014. The Board of Inquiry was told that NZTA consulted with Te Runanga o Raukawa and Muaupoko Tribal Authority about the project. A Memorandum of Partnership was signed with Nga Hapu o Otaki a collective group of five Otaki hapu of Ngāti Raukawa, which was mandated by Te Runanga o Raukawa and Muaupoko Iwi Authority to represent their interests regarding the expressway.[683]

We have not carried out research into land acquired for this stretch of the expressway, but note that the route required the acquisition of land from various blocks in Māori ownership. The acquisition and compensation was negotiated directly between the land owners and NZTA.[684] In addition, the impact of the route on the local council owned Pare-o-Matangi Reserve was a matter of concern to Otaki Māori, and as part of the Board approval, NZTA was expected to engage with Ngā Hapū o Otaki about proposed landscaping and mitigation effects at Pare-o-Matangi.[685] Claimant witnesses may be able to inform the Tribunal about the negotiations process.

4.7 Summary of Issues

The creation of a roading network went hand in hand with the acquisition of land from Māori for European settlement. As the Crown (and later the Wellington and Manawatū Railway Company) acquired blocks of land from Māori to be subdivided and on-sold to settlers, it was standard practice to ensure that roads were laid out to provide access to each parcel of land. Roads (and railways) were also perceived as vital for regional

[683] 'Statement of Evidence of Niketi Steve Toataua (Cultural Effects) on Behalf of the Applicants' 12 July 2013, Before a Board of Inquiry: Peka Peka to North Otaki Expressway Project https://epa.govt.nz/assets/FileAPI/proposal/NSP000022/Evidence-Applicants-evidence/18.-Niketi-Toataua-Cultural.pdf
[684] ibid, p. 8.
[685] ibid, pp. 7-8.

economic development, allowing stock, crops and other resources such as flax to be transported to the coast for shipping to Wellington and other markets.

The spreadsheet contains 616 entries for Māori land taken for roading purposes. This should be considered as the *minimum* impact of roading on Māori land ownership, as the Crown also had other legal means to have public roads declared on Māori land without proclamation in the *New Zealand Gazette*.

Before the building of road and rail links there were a number of well used Māori tracks throughout the district, and the wide and flat beach that stretched for nearly 100 miles north of Paekakariki was also a key transport route. From 1858 a coach service ran from Wellington to Foxton, mostly along the coast. Before the passage of the Public Works Act 1876, roads were a matter of negotiation between local rangatira and Crown officials, tied up with the politics of expanding the reach of European settlement into Māori districts. For Māori rangatira, the decision to grant permission for roads through their lands was made in the context of developing their relationship with the Crown, and their attitude towards encouraging European settlement.

Instead of paying Māori for the land used for a road, hapū were paid to carry out the construction of the road. A key point was that during the 1850s the title to the land under the road remained Māori land. The income which could be earnt from road works was seen by the Crown as a way of encouraging Māori to sell land for European settlement. In 1852 Donald MacLean reported that many Māori communities were enthusiastically engaged in creating roads.

The geography of the district, with significant rivers running from the ranges to the coast meant that the coastal route, and some inland routes, required ferry services for travellers. Local Māori could be paid to be available to provide waka for river crossings. As well as a ferry service for each river, an area of land on the banks at the crossing point came to be required as ferry landing and accommodation sites. A variety of arrangements were made for such landing sites, with some being leased, gifted, or other informal agreements allowing the use of the land, and others were purchased. At Ohau the Crown negotiated to acquire the land. A lease was initially arranged for the site of a pilot station on the north bank of the mouth of the Manawatū River, however the

Crown then permanently acquired the land as part of the Awahou purchase. Some of the former owners claimed that the pilot station had not been sold, and repeatedly sought the payment of rent and/or the return of the land. At Otaki and Waikanae the provincial government leased ferry landing sites.

As the Crown purchased large areas of land in the Manawatū and Rangitikei regions in the 1860s, the ensuing complaints and extended negotiations over reserves were linked with the question of permitting roads to be constructed through the remaining Māori areas (either with or without payment). Closing roads became a method of exercising and demonstrating rangatiratanga, and was also used as a strategy to draw attention to wider grievances. Nevertheless, there is also evidence that throughout the 1870s many Māori groups continued to be actively engaged with road making.

The majority of the main roads laid out through northern Manawatū passed through lands already in Crown ownership. However, the pockets of Māori reserves within the Te Ahuaturanga, Rangitikei-Manawatū and Rangitikei-Turakina purchases meant that main roads did need to cross some Māori land to link the Crown/European areas. If a road was required to run through Māori land prior to 1876, it was usually a matter of negotiation between officials such as the Resident Magistrate and local rangatira. Again, the prospect of employment making the roads was an enticement for Māori, along with the benefits of linking Māori land with markets for produce.

After the introduction of the public works and Māori land laws which allowed land to be taken without compensation and little, if any, consultation, a change of attitude became evident. Māori communities along the route of the Foxton to Otaki inland road perceived that their willingness to engage in the labour economy of road building was coming at the cost of their ancestral whenua. Previous arrangements to allow the land to be surveyed changed to requests to be paid pay for their land, and in some cases action taken to prevent the survey. The council responded by invoking the powers which allowed up to five percent of a block to be taken without compensation, and dismissed the objections which were received. A total area of 163 acres was taken from Māori land for the inland road (now part of State Highway 1).

At the same time a vehement dispute arose over access through Māori customary land as part of the coastal route at Foxton. The dispute reveals strong feeling from the Māori owners about any of their land being taken for the road, in the face of threats by the council to invoke the compulsory powers to take land without compensation.

There is evidence of growing Māori dissatisfaction at the way councils and road boards ran road lines through Māori blocks. The local Māori Member of Parliament expressed the view in Parliament that Māori land seemed to be unfairly affected compared to private land, and that roads were being created through Māori blocks for the benefit of settlers. The reliance by local authorities on using the five percent provisions under the Native land laws, meant there was no requirement to consult with Māori about the routes of roads. The provisions contained within the Public Works Act which might have given Māori more protection were thus ineffectual in these cases. Agitation by the Member of Parliament did eventually see a compromise reached in the case of a road through the Ngakaroro 1A7 block, which was supported by the Chief Surveyor in the face of repeated opposition from the Wellington and Manawatū Railway Company which was arranging the roading scheme.

In the late 1880s Wi Parata attempted to stop the road from Waikanae Beach to the railway station. The legislation governing roads laid out by warrant did not allow for objections to be made to the proposed road. Before the road was surveyed he had exercised his right to block access over his land. When the survey was underway, Parata removed the survey pegs and refused to let the surveyor across his land. For this action he was charged with obstruction under the Public Works Act, and fined £5 plus legal costs. Parata was legally unable to challenge the authority of the road board over the Ngarara block or have his objections heard, because the warrant had been issued in the proper form. Nevertheless, the road board did not proceed with legalising the road at that time, although the track continued to be used. A later attempt to survey the road and others over Ngarara West A was then unsuccessfully challenged by a European who had purchased land, and disputed the right to take his land under the Native Land Act provisions. This case revealed that the Native Land Court had not been following correct procedure when it came to subdividing land where road lines had been surveyed but not yet legalised.

The road lines were supposed to avoid ‘occupied’ land, such as houses, cultivations or orchards. In cases where land was occupied, the Public Works Act required that the taking had the consent of the Governor, as an extra protection mechanism. In practice consents were signed and gazetted at the same time as the taking proclamations. This was largely a bureaucratic matter whereby the Governor was presented with a recommendation to sign the consent which explained the necessity of the work, and the nature of the ‘occupation’. Hira Parata successfully sought £100 compensation for a road line which passed through a garden area in front of his house, and another owner objected to the way a road line interfered with a fence line.

The examples given demonstrate that roading authorities generally tried to ensure that roads were laid off within the ten or 15 year period which did not require compensation. Under the warrant system there were specific requirements for the surveyor to meet with owners on the ground and present them with the warrant. In some cases, the surveyor failed to properly meet the requirements and was required to subsequently gain the proper certifications from the owners. In many of the examples given, although the Surveyor General was concerned to meet the legal requirements, the surveyors themselves did not seem to know what the legal requirements were. It is easy to form the perception that the execution of warrants to both lay off and take land for roads was bungled more often than properly executed. In a number of cases different warrants were issued, and surveys were repeated because of problems with previous surveys.

The most striking example is the Reu Reu block, where road lines were first surveyed in 1883. An extended history of mistakes and confusion when implementing the surveys, and the desire of roading authorities to avoid paying compensation meant most of the roads were not legalised until 1910, and one portion was not finalised until 1930. Reu Reu also provides a clear case of a road being taken unfairly from Māori land. A factor in the road board’s decision not to proceed with legalising the surveyed road in the 1890s may have been because Reu Reu was a Native Reserve and there was no legal power at the time to take roads from reserves without paying compensation. After the legislation was changed the council again sought to legalise roads over the block.

In 1905 a new road line was also required because one of the original roads had been washed away by changes in the course of the Rangitikei River. The area where the road

was required adjoined a section of European land owned by Pryce. It was usual practice that when a road ran between two blocks, that the same amount of land was taken from each block. However, in this case the road was laid out completely on the Māori land, and not on Pryce's property, even though it was then called 'Pryces Line'. This was a blatant example of a road being laid out unfairly over Māori land, as it was later acknowledged that the landscape did not require the 'mysterious deviation' of the road solely into the Māori land.[686] However, Pryce wanted compensation for any road deduction from his land, whereas the council could obtain the Reu Reu land without cost. The road board and council were adverse to spending money on the road and had previously sought to avoid the cost of having new surveys made.

Local Māori immediately protested that some of the road should be on Pryce's land. Not only were Māori losing more land then necessary, but the deviation of the road line interfered with cultivations and bought the road near houses. In spite of official instructions that the survey was not legal, the council continued to seek to have the road proclaimed, and denigrated the nature of the Māori cultivations on the land. While the dispute over Pryces Line continued, the other roads through the Reu Reu blocks were proclaimed as taken in 1910, before the right to take land without compensation expired in 1911. The total area taken at this time was 74 acres.

In 1921 the issue of Pryces Line was raised again because the existence of the road line on court plans meant that when the Native Land Court had partitioned the Reu Reu 2A block, the area of the road line was not included in the partitions. Some partitions had since been sold, and the new owner found he was without legal road access. When the purchaser sought a Native Land Court to declare the land a public road, Judge Acheson held an investigation into the status of the roadway. He refused to accept arguments that it should be considered a public road and was very critical of the original decision to not lay the road partly on Pryce's land. He concluded that it would be unfair to expect Māori to sacrifice their land for the full width of the road. However, Acheson's decision was annulled by the Appellate Court on the grounds that the Native Land Court did not have jurisdiction, partly because the issue involved interpreting the law regarding roads,

[686] G. Wheeler, Chairman, Oroua County Council to Chief Surveyor, Wellington, 24 April 1905, ADXS 19483 LS-W1/42 1829 pt 3, ANZ Wellington [IMG 3874].

including questions about the access rights for Europeans who had purchased land. While Judge Acheson had perceived the injustice for Māori owners, other legal powers favoured ensuring European purchasers of Māori land were provided with access to their properties.

Pryces Line was finally declared a public road by the Native Land Court in 1931. At this time Acheson was no longer serving in the Aotea district, and Judge Browne was satisfied that it was in the public interest. The circumstances seem to have changed as more land in the vicinity of the road was either owned or occupied by European dairy farmers seeking access for milk collection. Although Judge Browne was told there were no objections, once again when the road began to be surveyed and formed Māori objected that the width of the road would leave one subdivision with only a narrow strip of land between the road and the river. A compromise was negotiated on site that the constructed road would not take up the full one chain width of the roadway.

The history of the Reu Reu roads illustrates a persistent pattern of roading authorities expecting to obtain land for roads without compensation, and placing the interests of European land owners ahead of Māori interests. It also illustrates a disregard on the part of road boards, councils, and some surveyors for carrying out all their legal requirements when it came to roads on Māori land. While the Chief Surveyor and Judge Acheson recognised the errors which had been made, and refused to legalise Pryces Line, eventually the road was proclaimed under legal powers which were designed to ensure that land purchasers could obtain legal access to their properties.

Although the main routes through the Manawatū ki Porirua district were laid down at the end of the nineteenth century, throughout the twentieth century and into the twenty-first century the roading network has naturally expanded. As motor vehicles became the main form of transport, more and more emphasis was placed on ensuring that all sections of land (both large rural units and small suburban plots) were provided with some form of road access. For Māori land this has meant the use of orders under the roading provisions of the Māori Land Court legislation both with and without compensation.

The existing main routes have also seen constant alterations and upgrades. Every deviation, road alignment or road widening required the acquisition of narrow strips of land from adjoining blocks. These were usually done under the provisions of the Public Works Acts, and it became more and more common for councils or the Crown to negotiate with the owners before the land was proclaimed. The case of Pukehou 5B1 and 5L is an example where a road was not properly legalised in the nineteenth century. Nevertheless, authorities had assumed it was a legal road, and because it was marked on plans and used as a public road meant that it could be declared a public road in 1948. In such cases no consideration was given to whether Māori should have been compensated for the use of their land as a road for decades without proper legal authority, and no compensation was paid for taking the land in 1948 on the grounds that Māori land owners were assumed to have benefitted from the road.

The previous main roads became State Highway 1 and 3, and since the mid-1950s plans have been underway to construct new motorways. In the Kapiti district proposals were made for a new motorway running through the sandhills between the inland townships of Waikanae and Paraparaumu and coastal settlements. From the mid-1950s a series of middle line proclamations were issued. The existence of the middle line notifications affected owners' decisions about what to do with their land and limited options for development or sale. It was in this context that the owner of Ngarara West A26A offered to sell his block to the Crown for the proposed motorway. The owner subsequently disputed the compensation offered by the Crown, based on other purchase offers he had received, but was unable to retract his previous agreement, even though the Public Works Department was aware that the land was not actually required for the motorway at that time.

Motorway and by-pass proposals by local authorities and central government continued to threaten Māori ownership of a number of Kapiti blocks, including the Takamore Urupa reserve. Māori land owners and other representatives were involved in decades of legal proceedings and consultation rounds in efforts to minimise the amount of Māori land it was originally proposed to acquire. The proposals eventually became the Kapiti Expressway. The trustees of the Takamore Urupa were involved in a long struggle to protect not only the reserve block, but also adjoining wahi tapu which were no longer in Māori ownership. As a result, the Takamore Trust entered into a Memorandum of

Understanding with NZTA and managed to avoid land alienation and be involved in decisions about mitigating the effects of the expressway.

However, although NZTA was willing to work with the Takamore Trust, it still persisted in wanting to acquire land from two neighbouring Māori blocks. When it failed to negotiate an agreement, a notice of intention was issued. As a result of taking action in the Māori Land Court and the Environment Court, one owner successfully prevented any land being taken. This required the land to be declared a Māori Reservation which made it strictly inalienable so that it could not be acquired by the Crown under the Public Works Act. While that case was successful, NZTA did still acquire land from the neighbouring Māori block. The acquisition of land for the expressway and the impact of construction on wahi tapu is an ongoing issue for Māori communities in Kapiti and Horowhenua as work proceeds on the expressway north of Pekapeka.

5. Railways

Today the Porirua ki Manawatū Inquiry District is traversed by the Main Trunk Railway Line running from Tawa through Palmerston North to Marton. The Marton – New Plymouth railway line also continues through the north-western part of the district. Between the mid-1870s and 1959 there was also a railway line running from Foxton to Longburn, where it linked with the main route. Most of the regions within the inquiry district were therefore affected by railway line construction.

This Section is divided into subsections which deal separately with the main parts of the railway network in the district. First, the Whanganui to Manawatū line, which was the first rail route designed to link the inland Manawatū from Palmerston North to the coast (and coastal shipping) at Whanganui. This Section starts with a brief outline of the nineteenth century Crown policy and legislation which empowered the construction of the railway network. Second, the line from Foxton to Longburn which linked Foxton Harbour to Palmerston North and the rail line to Whanganui. The Foxton line was originally intended as part of an eventual West Coast railway to Wellington, but became a branch line when the Wellington and Manawatū Railway Company built the line directly from Wellington to Longburn, which is now part of the North Island Main Trunk Railway. It will be seen that most of the land for all the railway lines was acquired before 1900. The final Section of this report briefly outlines Māori land taken for railway purposes in the twentieth century.

Railways were an important tool for the spread of Pakeha settlement and colonisation. A railway line not only improved access and transport links, but also opened up new areas for resource exploitation, thus attracting further settlement. Transporting both timber and flax from the inland Manawatū to the coast at both Whanganui and Foxton was a key part of the economic development of the region. The railway was also designed to link the large areas of land purchased by the Crown which was opened up for settlement by the Provincial Government. Railway stations were vital and valuable additions to new communities.

5.1 Whanganui to Manawatū (Palmerston North) Line

When Vogel established his public works policy with the Immigration and Public Works Act 1870 (see Section 2.2.1) the development of a railway network was a key part of his plan to expand Pakeha settlement. Vogel is even referred to as the 'father' of railways in New Zealand.[687] Under the Act the decisions about where railways should be constructed were to be made by the government (in consultation with Provincial Councils).[688] Under Section 13 if a railway was authorised, a proclamation was to be published in the *New Zealand Gazette* describing the 'limits and description' of the line, and the lands proposed to be taken. Once a railway was proclaimed, Part VII of the Act governed the construction of the railway and acquisition of land. Section 70 empowered the Governor to enter upon, survey and 'take and hold all the lands required for the railway along the line' described in the proclamation. Thus the initial proclamation of the railway line under Section 13 was all that was required to take the land. There were no provisions for objections to be made to the proposed line. Compensation was to be paid for land taken or damaged during the construction of the railway in accordance with the Land Clauses Consolidation Act 1863. In practise, as will be shown below, any compensation for Māori land for the railway in Manawatū tended to be a matter of negotiation in the 1870s and 1880s.

In addition to the provisions of the public works legislation which governed the acquisition of land for railway purposes, there were separate Railways Acts which authorised the construction of railway lines, laid out the acquisition procedures, and allocated government funds to construct the railways.

In the Manawatū region one of the key features was the initial acquisition of very large blocks of land from Māori by the Crown. This meant that the majority of the route of the railway line through northern Manawatū passed through lands already in Crown ownership. Large parts of the railway were set aside by proclamation as a 'railway reserve' on Crown land. However, the pockets of Māori reserves within the Te Ahuaturanga, Rangitikei-Manawatū and Rangitikei-Turakina purchases meant the railway line did need to cross some Māori land to link the Crown/European areas. The

[687] Phillip Cleaver and Jonathan Sarich, 'Turongo: The North Island Main Trunk Railway and the Rohe Potae, 1870-2008', November 2009, Waitangi Tribunal, Wai 898 #A20, p. 23.
[688] Sections 6 and 9, Immigration and Public Works Act 1870.

first use of the Public Works legislation in the district was to acquire these lands for railway purposes.

The Provincial Government was initially responsible for laying out the land purchased from Māori for settlement, including with main road lines. When the Township of Palmerston was surveyed in 1866 the plan showed a railway reserve, and line for a proposed tramway heading north-west.[689] At the time Vogel's introduced his plans for a national railway network plans were already underway for a wooden tramway from Palmerston to Whanganui. This was to be converted into a railway under the new infrastructure plans. In June 1871 the Chief Surveyor sought confirmation as to whether the proposed railway would follow the line already laid out by W. Fitzgerald from Palmerston to the Rangitikei. If so, he recommended that two chains each side of the line should be reserved as soon as possible.[690]

The Railways Act 1871 provided for the construction of certain railways under the Public Works and Immigration Act and clarified how railways were to be funded from the sale of 'waste lands' in their respective districts. Section 17 provided for lands that had already taken by Provincial Governments for authorized railway lines, including the Whanganui to Palmerston tramway, could be surrendered to the Crown. It also appropriated £116,000 for the construction of the line. The next year, the Railways Act 1872 provided for a further £90,000 so that the portion of the line between Whanganui and the Manawatū could be constructed as a railway, rather than wooden tramway.[691]

The Immigration and Public Works Act 1872 had specific sections about the compulsory acquisition of land for the authorised railways. The effect was that there was no provision for objections to proposed takings, and the registration of the survey plan resulted in the land being acquired. Under Part III it was provided that 21 days after the proclamation of a portion of a railway, the Crown could 'enter upon, take possession, use and hold' the land proposed to be taken, 'notwithstanding that an agreement shall not have been come to or an award made for the purchase or

[689] Wellington Survey Office Plan SO 10770.
[690] Chief Surveyor to Commissioner of Crown Lands, 5 June 1871, ADXS 19480 LS-W2/21 1871/240, ANZ Wellington [IMG 0234].
[691] Second Schedule, Railways Act 1872, and AJHR, 1874, Enclosure-3, p. 4.

compensation money to be paid'. Furthermore, if an owner or occupier (or anyone else) tried to obstruct entry on the land the Minister of Public Works could issue a warrant for the Sheriff to take possession of the land.[692] The Act also allowed that before a proclamation was issued, surveyors were permitted to enter lands for the purposes of surveying an authorised line.[693] Marr has commented that the lesser protections for owners when land was being taken for railway purposes were because of a 'mania' for railways as 'a railway through a district was widely believed to almost guarantee economic prosperity'.[694] This applied to both Māori and European land. However there was one provision which was discriminatory against Māori land. Section 36 extended the power to take Māori land for roads without compensation (the five percent provisions) to include land taken for railways.

The transfer of land for railway purposes was achieved under Part V of the 1872 Act. Under Section 26 a map of all the land to be taken or purchased for the railway was to be prepared. After being authenticated by the Minister, the map was to be deposited with the Registrar of Deeds. Under Section 28 the Governor could then proclaim that the land in the map had been taken or acquired. Section 29 provided that 21 days after that proclamation the land would be vested in the Crown.

This was followed by a series of proclamations defining portions of the line as surveys were underway on different sections. In November 1873 the beginning of the line from Whanganui to the bank of the Whangaehu River was defined.[695] The main route for the line between Turakina and Marton was surveyed by Fitzgerald in 1873.[696] This section ran through land already in European ownership. The survey of the section between the Rangitikei and Oroua River was completed by J.T. Stewart in 1874, who had been working on surveying the tramline since at least 1871 when he submitted a trial survey for a bridge over the Raumanga Stream at Te Reu Reu.[697]

[692] Sections 16 and 17, Immigration and Public Works Act 1872.
[693] Section 19, Immigration and Public Works Act 1872.
[694] Cathy Marr, 'Public Works Takings of Maori Land, 1840-1981', Rangahaua Whanui Series, National Theme G, Waitangi Tribunal, May 1997, p. 81.
[695] NZG, 1873, pp. 615-616.
[696] See ACHL 22541 W5/1141, ANZ Wellington.
[697] See ABZK 24411 W5431/1 PWD 1663 and ACHL 22541 W5/13 205, ANZ Wellington.

In 1874 projected growth with the Feilding settlement meant a tramway was no longer thought sufficient, and there was a further appropriation to make it a railway the full length.[698] At the beginning of January 1875 the description of the portion of the line from Palmerston North to the Manchester Block west of Feilding was proclaimed. This section included the existing Crown road and railway reserves, and Kawakawa Native Reserve.[699] Research for this project has not located any information on how the exact route was chosen.

The line was fully surveyed in 1875.[700] During 1876 a number of proclamations were issued defining various portions, which were then followed by the proclamations that the plan had been deposited with the District Land Registrar.[701] This meant that the land became Crown land 21 days after the proclamation. The 1876 statement of the Minister of Public Works to Parliament commented: 'The Patea and Wanganui and the Wanganui to Manawatu lines do not call for special remark, except that the land claims are very much in excess of any estimates which have been made'.[702] Parts of the line opened at various times as construction of the line was completed in sections. The full route from Palmerston to Whanganui was opened in April and May 1878.[703]

The various gazette notices and accompanying plans have been entered into the Public Works Spreadsheet. These entries have been used to compile the following table showing how much Crown land was set aside as Railway Reserve, and how much European and Māori land was taken for the railway line from Turakina to Bunnythorpe [the survey plan for the Bunnythorpe-Palmerston section which showed the areas to be taken appears to not have survived].

[698] AJHR, 1874, Enclosure-3, p. 4.
[699] NZG, 1875, pp. 4-5.
[700] AJHR, 1875, Enclosure-3, p. 4.
[701] NZG, 1876, pp. 138-141, 267-268, 656, 833, NZG, 1877, pp. 167-168, 1514.
[702] AJHR, 1876, Enclosure-1, p. 2.
[703] AJHR, 1878, Enclosure-1, pp. 21-22.

Table 17: Land Set Aside or Acquired for the Railway from Turakina to Bunnythorpe 1876-1877[704]

Block	Ownership Type	Area
Sections 18, 20, 24,26, 28, 32, 33, 42, 54 Turakina District	European	44a 3r 4.75p
Sections 14, 15, 23, 24, pt 25, 26 Rangitikei Agricultural Reserve	European	33a 2r 27.5
Pt Section 15 Rangitikei Agricultural Reserve	Crown Reserve	1a 1r 18p
Subdivisions 11, 12, 13, Section VIII Rangitikei District	European	11a 1r 3.75p
Subdivisions 3, 4, 17-19, 23-25 Section VIa Rangitikei District	European	15a 1r 29.5
Section VR Rangitikei District	European	4a 1r 35.5
Block V Rangitikei District	European	11a 1r 5p
Block Va Rangitikei District	European	13a 1r 5p
Rangitikei River Bed	Crown	8a 0r 5p
Kawakawa Native Reserve	Māori	11a 2r 00p
Township of Feilding	Crown Railway Reserve	13a 3r 37p
Railway Reserve	Crown Railway Reserve	10a 2r 33p
Manchester Block	Crown Railway Reserve	156a 2r 30p
Kakariki Native Reserve [Te Reu Reu]	Māori	14a 3r 00p
Railway Reserve	Crown Railway Reserve	66a 2r 20p
Taonui Ahuaturanga	Māori	16a 2r 00p
Upper Aorangi	Māori	13a 2r 00p
Total		**448a 2r 14p**

Out of the total of 448 acres, 56 acres were acquired from Māori blocks, and 134 acres from European land. The remaining 258 acres was Crown land which had been reserved for road and/or railway purposes as part of the process of subdividing Crown lands for settlement.

Upper Aorangi Railway Line

One of the Māori reserves which lay along the proposed line from Palmerston to Feilding was the (Upper) Aorangi Reserve. The Crown obtained the land for the railway to pass through the block by a negotiated purchase. On 10 April 1873 the Native Land Court awarded a strip of land through the reserve, totalling 13 acres 2 roods to Te Kooro te One as a block named Upper Aorangi No 2 Te Kooro applied for a grant to the 13 acres 2 rood informing the court that 'all the people are willing that this Certificate should be issued in my name – there will be no confusion or disturbance afterwards.'

[704] Compiled from NZG, 1876, pp. 138-141, 267-268, 656, 833, NZG, 1877, pp. 167-168, NZG, 1878, pp. 1514-1515; and PWD 2206, 5253, 5506, 5508 and 6676.

The court made order issuing a certificate of title in Te Kooro's name.[705] It appears that the Native Land Court award was formalising an earlier negotiation, as four days later, Te Kooro te One signed an agreement to 13 acres 2 roods through Upper Aorangi to the Crown for the railway line. The Crown paid £16-17-6 for this strip of land.[706]

Taonui Ahuaturanga Railway Line

The land adjoining Upper Aorangi to the east was referred to in proclamations defining the railway line as 'Native Land in vicinity of Taonui Stream'.[707] This was a strip of disputed land, which lay between the surveyed boundary of the Upper Aorangi reserve, and the Taonui River, which Ngāti Kauwhata argued was the proper boundary of the reserve. In 1872 McLean agreed that the stream should be the boundary, but the Provincial Government disagreed, and legal technicalities required special legislation to empower the Native Land Court to award ownership. The Taonui Ahuaturanga Land Act was passed in 1880, and titles were awarded in 1881.[708]

In the meantime the line of the railway, (and the road prior to that), had already been surveyed through the land, probably between 1871 and 1874. The land for the railway (16 acres 2 roods) was formally taken by the proclamation declaring the deposit of the survey plan in November 1878.[709] The plan described the land through which the railway passed as 'Native Land' and 'Ahuaturanga Block', although technically at that time is was not Native land. The description of the land in the 1880 Act said the boundaries excluded two 'road' lines that bisected the block, but did not specifically mention the railway. However, it seems likely that the railway line was referred to as 'road' because it was initially surveyed as a road line, (and when marked on the survey plan was called a road and railway line). We have yet to locate any record to indicate whether or not the Crown negotiated to purchase the rail strip similarly to the arrangement in Upper Aorangi 2. It appears that the Native Land Court awards made in 1881 simply excluded the railway line from the land available to be awarded to Māori,

[705] 'Upper Aorangi Block (part of) Manawatu District', Deeds No 60, Turton's Deeds, Vol II, p. 191; and Otaki MB 2, 10 April 1873, p. 65. Wellington District Māori Land Plan ML 387.
[706] 'Upper Aorangi Block (part of) Manawatu District', Deeds No 60, Turton's Deeds, Vol II, p. 191.
[707] NZG, 1875, pp. 308-310.
[708] For further information see Paul Husbands, 'Maori Aspirations, Crown Response and Reserves 1840 to 2000', CFRT, Draft, 20 March 2018, vol 1, pp. 211-214.
[709] NZG, 1878, pp. 1514-1515; and Survey Plan PWD 6676, ABZK 24411 W5433/3/F2, PWD 6676, ANZ Wellington.

as the plans accompanying the title order simply treat the railway line as the boundary. This may mean that it was not considered necessary to purchase or pay compensation. Husbands has noted that during the Native Land Court hearing, when disputing the location of different subdivisions: 'Connection to the railway line was much sought after because it greatly increased the value of the land, while reducing transportation costs for the land's owners'.[710]

Kawakawa Reserve

Research for this project has uncovered almost no information how land was acquired for the railway line through the Kawakawa reserve (Section 149 Township of Sandon). When Commissioner Alexander Mackay was subsequently investigating the sale of the Kawakawa reserve, he noted that 11½ acres had already been 'sold to the Government for the railway line'.[711]

Kakariki Reserve [Te Reu Reu] Railway Line

Taking the line of the railway through Kakariki Reserve on the east bank of the Rangitikei River was a contentious issue for at least some Māori, as it became linked with general dissatisfaction at the allocation of reserves for Māori. In February 1872 McLean finalised the size and boundaries of the Reu Reu reserve at a meeting with Ngāti Raukawa and others. It appears that negotiations to allow the railway line through the reserve were also underway at this time, although at least one rangatira expressed opposition. After McLean had reduced the expected size of the reserve, Rawiri te Koha said he would not allow the planned railway to cross the land they had left: 'I have given you most of my land and still you want to take a large portion of what remains by the railway'.[712] Rawiri had previously been involved in obstructing the survey of the railway at Kakariki with a small group of Ngāti Maniapoto.[713] Nevertheless the survey proceeded and the proclamation defining the line was issued in April 1876.[714] It appears that this again caused some protest from Māori, as Resident Magistrate Willis reported

[710] Paul Husbands, 'Maori Aspirations, Crown Response and Reserves 1840 to 2000', CFRT, Draft, March 2018, vol 1, p. 213.
[711] A. Mackay, Commissioner to Under Secretary Native Department, 3 March 1884, MA13/74 42d, ANZ Wellington, p. 4, cited in Husbands, ''Maori Aspirations, Crown Response and Reserves 1840 to 2000', p. 446.
[712] 'Notes of a Meeting held at Marton with Ngati Raukawa', 25 March 1872, MA13/74A, p. 81, ANZ Wellington, cited in Husbands, 'Maori Aspirations, Crown Response and Reserves 1840-2000', p. 124.
[713] *Evening Post*, 7 September 1872.
[714] NZG, 1876, pp. 267-268.

that ‘trouble’ regarding the land being taken for railway purposes had ‘been satisfactorily settled’ by James Booth.[715] In February 1877, 14 acres and 3 roods were taken from Kakariki Native Reserve for railway purposes.[716]

On 31 August 1894 during the compensation hearing for land taken for a gravel pit at Kakariki (see 5.1.1 below), Reweti te Rakaherea told the Native Land Court that he had made enquiries about the money paid to Ngāti Rangatahi and Ngāti Maniapoto for the railway line. He said the money was paid to Tarikama (£6), Toa Rangatira (£10), Mika Hakaraia (£6), Riwai te Ruakinikini (£6), and Hiri te Kawa (£6). Te Wiari Rawiri (£10), Te Katua (£10), and Te Otini (£6). He said: ‘The last three are Ngāti Maniapoto = £34 & £26 = £60.’[717]

5.1.1 Kakariki Ballast Pit (Paiaka) 1888-1915

As noted above, the railway line at Kakariki had attracted Māori opposition since at least 1871. It is therefore not surprising that when the Crown decided to take more Māori land at Kakariki for railway purposes in the late 1880s that local Māori refused to agree. This time they were supported by the Native Affairs Department, and a compromise limited term agreement was reached instead.

In 1888 land at Kakariki, also known as the Paiaka Native reserve, (25a 0r 25p) was proclaimed as taken for the purposes of a ballast pit for the construction of the railway.[718] In August 1888 it was noted that the Māori owners had made objections and Railways was told to ‘take no further steps to enter upon the land’ until the objections had been settled.[719] The objections were sent to the Chief Judge of the Native Land Court.[720] The Minister of Native Affairs also asked Railways to not enter the reserve.[721]

[715] AJHR, G-1, 19 May 1876, Enclosure-42, p. 36.
[716] NZG, 1877, p. 168; and ML 1695.
[717] Whang MB 21, 31 August 1894, p. 427 [IMG 0325].
[718] NZG, 1888, p. 631; see also map Ballast Reserve at Kakariki, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4195].
[719] General Manager, Railway Department, Wellington to Engineer, Working Railways, 4 August 1888, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4187].
[720] T. Mackay, Land Purchase Officer, Public Works, Wellington to Engineer, Working Railways, Wellington, 10 May 1889, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4188].
[721] Acting Chief Engineer to Under Secretary, Native Department, Wellington, 27 January 1893, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4207].

As Railways laid tracks closer to Kakariki their need for a ballast pit there became more urgent.[722] The Land Purchase Officer said the Native Land Court had the authority to determine the value of the stone taken for ballast.[723] In July 1889 the cost of ballast was considered high and the need to use the Kakariki ballast was considered urgent.[724] The Native Department suggested 'purchase of land at Kakariki for conveyance to Natives in lieu of land acquired for ballast pit.'[725] The land that was proposed for exchange for the ballast pit land 'was on the opposite side of the line to the piece we want' and described as 'better land than what we want from the Maoris'.[726]

In February 1892 the Engineer for Railways asked the Commissioner of Railways for permission to enter the reserve and take stone for railway ballast.[727] In June an owner of land near the railway station on the north side offered to sell it for £9 per acre.[728] The land had shingle which was considered suitable for ballast although it was not as good as the ballast on the Māori reserve.[729] The engineer said:

> At the same time, it may be as well to ascertain if the natives will consent to part with a lesser area than taken by proclamation.
> I have been informed that a portion of the land has been used as a burial ground, and perhaps if this portion is excluded they may agree to part with the remainder.[730]

It was later revealed in the Native Land Court that the owners had deliberately misled the engineer about there being a burial site on the land in order to strengthen their case to prevent the gravel pit (see below).

In 1892 the Land Purchase Officer recommended that because the land had already been proclaimed as taken that Railways could enter the reserve and 'settled with the

[722] C.B. Hankey, New Zealand Railways, Wanganui to Engineer, Working Railways, 31 July 1889, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4189].
[723] File note, T. Mackay to Mr. Lowe, 1889, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4190].
[724] Telegram, C.B. Hankey, Wanganui to Engineer, Working Railways, Wellington, 24 July 1889, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4191].
[725] File note, Engineer's Department to Railway Commissioner, Wellington, 4 June 1890, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4193].
[726] File note, Engineer, n/d, [June 1890], AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4194].
[727] Engineer to Railways Commissioner, 1 February 1892, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4197].
[728] File note, New Zealand Railways, Wanganui to Chief Engineer, Wellington, 9 June 1892, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4200].
[729] Chief Engineer to Railways Commissioner, Wellington, 28 June 1892, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4201].
[730] ibid

Natives afterwards.'[731] However, a year later he negotiated an arrangement for Railways to use part of the land. In January 1893 the Native Land Purchase Officer said he had:

> interviewed the Resident Natives interested in the 25 ac. Of Railway Ballast Reserve at Kakariki, and with the exception of Wiari Te Kuri they have agreed to the following conditions of compensation viz:-
> 1) Rate per acre £7.
> 2) Right to use all the land that is not being operated upon for ballast working.
> 3) Grave in the centre of Reserve to be protected.
> 4) The land to be reconveyed when the Dept. have removed all the ballast they require.
>
> Wiari Te Kuri had notice to attend each of the different meetings to discuss the terms of compensation, but failed to attend evidently with the intention of preventing a settlement. He may, therefore, when ballasting operations commence, offer obstruction in some form or other. If he does this I think he should be promptly proceeded against.
>
> I understand he is now in Wellington probably with the intention of working matters to his own ends, if this is so I trust the Dept will not recognise him in any way except as a party to the above arrangement.
>
> I recommend the Dept. to write a memo to Reweti [.][732]

The Māori owners were to be advised of the terms of compensation in writing.[733] It was also decided to approach the Native Department and ask it to withdraw its objection to Railways' entry on to the reserve.[734] In late January 1893 the Minister of Native Affairs was asked to withdraw the restriction from entry on to the reserve.[735] In February the Resident Engineer was told he could lay a siding but he was instructed to not enter the reserve.[736] In February the Land Purchase Officer said 'Wiari Te Kuri and his party have withdrawn their objections to the commencement of ballasting operations'.[737] Shortly after this removal of the owner objections the Native Minister, A.J. Cadman approved the withdrawal of the objection restricting entry on to the reserve.[738]

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[731] New Zealand Railways, Wanganui to Chief Engineer, Wellington, 30 August 1892, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4203].
[732] [Butler], Wanganui to Resident Engineer, Wanganui, 12 January 1893, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4204].
[733] J. Lawson, Resident Engineer, Wanganui to Chief Engineer, Wellington, 12 January 1893, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4205].
[734] File note, 18 January 1893, on J. Acheson, Resident Engineer, Wanganui to Chief Engineer, Wellington, 12 January 1893, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4205].
[735] Acting Chief Engineer to Under Secretary, Native Department, Wellington, 27 January 1893, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4207].
[736] Acting Chief Engineer to Resident Engineer, Wanganui, 2 February 1893, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4209].
[737] W.J. Butler to G.J. Haselden, 11 February 1893, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4212].
[738] File note, 24 February 1893, on W.J. Butler to G.J. Haselden, 11 February 1893, AAEB W3293/1 100 pt 1, ANZ Wellington [IMG 4212].

On 2 August 1894 Judge Mair began hearing an application by the Railways Department for compensation for land taken for the Kakariki Ballast Pit. Initial discussion centred on whether the gravel pit should be heard as part of the Reu Reu block or separately as the Kakariki Ballast Pit for which the court had an approved plan. The court adjourned so that the parties involved could discuss the matter.[739]

On resumption on 27 August the court heard applications from counsel for Ngāti Rangatahi, Ngāti Pikiahu, and Ngāti Maniapoto. Cuff for Ngāti Pikiahu asked for the court to adjourn until the survey of Reu Reu was completed. Eruera Whakaahu for Ngāti Maniapoto said: 'It is known that his clients have always occupied the lower end of Te Reu Reu reserve including Kakariki'. Cuff noted that Mackay was making enquiries about ownership and acreage and Judge Mair decided the court would adjourn.[740]

On 29 August Cuff told the court that Ngāti Pikiahu and Ngāti Waewae withdrew any claims to the gravel pit. They were also willing to place the boundary of the Reu Reu 'partition' at Te Karaka which adjoined the Ngāti Maniapoto and Ngāti Rangatahi land in the 'lower end of the block.' Taraua Utiki said because all the parties were present for the sitting that the court should 'give them today to talk over the matter.'

The court noted that Mackay's enquiry had 'so far as he could do so' now fixed the acreage and names of each hapu. In response Tapiri and others said they were not satisfied with Mackay's findings and they had told him so. To allow discussion Judge Mair decided to adjourn until the following day and on resumption he was told they had been unable to come to any satisfactory arrangements. Whakaahu for Ngāti Maniapoto and Ngāti Rangatahi said they could not accept Te Karaka as the boundary proposed by Ngāti Pikiahu. The court decided the wider Reu Reu block would be heard separately and it would proceed to hear the Kakariki Ballast Pit.[741]

Judge Mair explained his reasoning:

> Court decides to call in this case the land is part of the South end of Te Reureu Reserve and is occupied by Ngatimaniapoto & Ngatirangatahi and it is

[739] Whang MB 21, 2 August 1894, p. 335 [IMG 0318].
[740] Whang MB 21, 27 August 1894, p. 419 [IMG 0319].
[741] Whang MB 21, 30 August 1894, p. 422 [IMG 0320].

> expressly understood that the evidence offered is to be confined to the claim to the ballast pit and that the Ngatipikiahu & Ngatiwaewae who claim the North part of the Reureu Reserve are not to be prejudiced by any evidence given in this matter. It is understood also that to whichever hapu the gravel pit is awarded that award will form part of such hapu's share of Te Reureu Reserve. The above understanding was come to so that Ngatipikiahu & Ngatiwaewae need not offer any opposition to the claims of the two hapus at present.[742]

Whakaahu asked for an adjournment so that the parties he represented could arrange a list of names to receive the compensation.[743] This was granted and on returning to court Whakaahu said that the parties had come to an understanding.[744]

Rewiti Rakaherea said in 1866 Ngāti Rangatahi had 'come on to this land' and in 1868 they built a house called te Mihia Kakara near Kakariki, the location of the ballast pit. They had planted and fenced the area and at this time Ngāti Maniapoto were living at Karaka. He said in 1875 he had placed sheep and pens at Kakariki.[745] Rewiti said that when the government engineer arrived at Kakariki:

> Wiari misled him saying that under the gate post of the pen was a corpse buried, the Engineer believed it and showed it on the map as a grave. I wish to point out where there really are some graves. (indicates the place on the Plan). Afterwards Mr Buller came he asked me about Wiari' grave and I said it was really a gate post. I think afterwards Rangatahi left this place…[746]

Rewiti Rakahiria said Wiari Rawiri had sheep at Mangumuku near Te Karaka and the first money for gravel was received in 1878 and 'Wiari insisted upon having the control of it' to which Ngāti Rangatahi had agreed and in 1879 Wiari fenced the gravel pit.[747]

Hone Manuera for Ngāti Maniapoto said they had been at Reu Reu since 1847 and 'I live sometimes at Kakariki and sometimes at te Mihia Te Karaka and 'Karaka belonged to both hapu' and he said 'Wiari was the chief of both hapu'.[748] Manuera said if Wiari 'was here now he would renew his fence, if the Govt had not taken the land' and explained the lengths Wiari was willing to go to retain the land:

[742] ibid, p. 423 [IMG 0321].
[743] ibid
[744] ibid, p. 424 [IMG 0322].
[745] ibid
[746] ibid
[747] ibid
[748] ibid, p. 425 [IMG 0323].

> It is correct that Wiari did not speak the truth about a tupapaku. Wiari invented that story because all of us of both hapu wanted to keep the land – Returning to the money taken by Wiari he considered that the land was his because it was his paddock…..We have all abandoned that place now we live now like pakeha scattered about. There is one grave just outside another in the middle. viz Pirini te Whai both relatives of Wiari both half Rangatahi.[749]

Under cross examination from Reweti, Manuera said Wiari Rawiri was a Ngāti Maniapoto chief and he also reiterated that both Ngāti Maniapoto and Ngāti Rangatahi had built Te Mihia te Karaka and he agreed that Reweti had built the ditch, bank, pens and shed before Wiari had put up his own fence around the pit. He acknowledged that Reweti had sheep on the land before Wiari fenced the gravel pit. Manuera explained a burial on the land:

> Hai [?] was buried on the land for the purpose of keeping out the Government he was a suicide and the police would permit him to be buried in a cemetery otherwise we would have taken him to one – so far [?] as we could not take the body to a cemetery we buried him on this land.[750]

Manuera said Ngāti Rangatahi left Kakariki because the government purchased the gravel pit. Under cross examination from the court he said Wiari was paid £10 which he did not distribute and 'that is all the money paid for ballast, a sum was also paid for the Railway line. I do not know how much that was distributed among both hapus'. Manuera concluded:

> We were angry with Reweti for agreeing to give up this land to the Govt we wished to keep the land on this account Maniapoto separated from Rangatahi. We all agreed to the fib about the tupapaku under the post because we wanted to keep the land – I consider that Wiari should be considered the owner of the part inside his fence. I would not apply this argument to the rest of the block.[751]

The court recalled Reweti to question him about payments for ballast and he said: 'I believe that £20 was drawn by Wiari in two payments for ballast.'[752] The court was unable to confirm whether or not this sum was correct.

Judge Mair called on both sides to present the names of those they believed were entitled to compensation for Kakariki. Rewiti Rakaherea presented eight names for

[749] ibid, p. 426 [IMG 0324].
[750] ibid
[751] ibid, p. 427 [IMG 0325].
[752] ibid

Ngāti Rangatahi. Hone Manuera presented a list with ten names for Ngāti Maniapoto. The court decided that of the two hapu:

> Ngati Rangatahi have the largest claim and it apportions the money agreed upon by the Railways Department viz £176-2-0. To the eight persons in Ngatirangatahi list £117-8-0 in equal shares. To the ten persons in Ngatimaniapoto list £58-14-0 in equal shares.[753]

The names on the Ngāti Rangatahi list were Reweti te Rakaherea, Hamapiri te Arahori, Toa Rangatira, Mika Hakaraia, Hamapiri Tarikama, Riwai te Ruakirikiri, Tamapota te Ngarara and Hakaraia te Arihi.[754]

The names on the Ngāti Maniapoto list were Wiari Rawiri, Tai Hakunui, Tuku te Taihiki, Hina Manuera, Te Kai Rangatira, Ngaheki Ngahana, Wiremu Rautahi, Te Wihona Teoio, Te Naihi Hikiwa and the sole female on either list was Riria te Ruakirikiri.[755]

In October 1895 the Whanganui Appellate Court held a rehearing of the Kakariki Ballast Pit compensation. The applicant was Wiari Rawiri who had been away when the Native Land Court awarded compensation in Marton in August 1894. Wiari claimed all the money awarded at the 1894 hearing for himself and Ngāti Maniapoto.[756] Wiari said that his father lived on Kakariki for the first time in 1847 and in 1855 he planted cultivations, and in 1856 Rawiri planted his own cultivations and he had 'lived there ever since.'[757] He acknowledged that Ngāti Maniapoto and Ngāti Rangatahi had lived together at Kakariki but 'I object to their having any interest in the Kakariki Gravel Pit.' Rawiri explained:

> Before this 25 acres was taken by Governor [.] Government took gravel from part of it. The money was paid to me. £20 was paid to me: no one else got any money. I gave my uncle Te Otene £5 out of each payment.
> The arrangements about the land were made with me & no one else. I objected to sell the land. I objected on four different occasions. I have a large house on the land. It was a large settlement of ours, including N Rangatahi. But they did not cultivate on this part of the land N Rangatahi cultivated just outside to the North. N Maniapoto & N Rangatahi never cultivated together: we always had separate cultivations.[758]

[753] Whang MB 21, 31 August 1894, p. 428 [IMG 0326].
[754] ibid
[755] ibid, pp. 428-429 [IMG 0327].
[756] Whang Appellate MB 4, 21 October 1895, p. 237 [IMG 0330].
[757] ibid, p. 238 [IMG 0329].
[758] ibid, p. 239 [IMG 0331].

Wiari Rawiri acknowledged that Ngāti Maniapoto and Ngāti Rangatahi lived closely together and had houses together at Kakariki. He said however that his father had objected when others had tried to use the land and had burnt seed crops they planted. He acknowledged in 1865 that Ngāti Maniapoto and Ngāti Rangatahi had gone together to fight at Waitara. He said Ngāti Rangatahi had helped to build the meeting house because 'We were all N Maniapoto then.'[759]

Although Wiari acknowledged the rights of others, he did not extend these to the gravel pit: 'But not to my paddock'. Under cross examination from Reweti when asked: 'Did not N Maniapoto chiefly live at Karaka [2 miles away]? No, they lived at Kakariki.'[760]

The court had been told that Mackay had decided that Ngāti Maniapoto had a larger interest than Ngāti Rangatahi. Reweti denied this and said no evidence had been presented except occupation and Reweti claimed Ngāti Rangatahi were first to occupy.[761]

The court rejected Wiara's argument that he had sole rights to the portion taken for the gravel pit. The Judge said he:

> could see no reason for giving one hapu more than another. The land was reserved on the sale of the Rangitikei Block & it has been decided that the N Maniapoto & the N Rangatahi are two of the hapu entitled. Residence on this particular part would not in the opinion of the court give a greater right to the individuals who so occupied.[762]

The court decided to award half the compensation money to each side. Wiari did not agree to the award being made to those previously named and he wanted to select the beneficiaries of the award. The court gave the hapu time to discuss who should receive payment.[763]

[759] ibid, p. 240 [IMG 0332].
[760] ibid, p. 241 [IMG 0333].
[761] ibid, p. 242 [IMG 0334].
[762] ibid, p. 241 [IMG 0333].
[763] ibid, p. 242 [IMG 0334].

The court awarded the sum of £176-2-0 of which £88-1-0 was awarded to 9 members of Ngāti Rangatahi and £88-1-0 to 12 members of Ngāti Maniapoto.[764]

Although there was an agreement made which allowed Railways to use the ballast pit temporarily, the legal position was that the freehold of the land had been vested in Crown ownership after the taking was proclaimed in 1888. In 1911 the Railways Department leased the reserve for seven years to a local farmer, seemingly having forgotten the agreement reached in 1893. In 1913, 'one of the original Native owners' pointed out to the Railways Department that the land was intended to revest, and asked for the right to graze on the land until it was returned. Railways then reviewed their file and found a copy of the agreement.[765] As the block had already been leased, the General Manager of Railways asked the Native Department to ascertain whether the former owners would accept a purchase payment instead of having the land revested.[766] The Native Department sought the advice of the former head Native Land Purchase officer, Sheridan, who advised that 'the equities of the case' would be met by paying over the rents already received to the former owners, and revesting the land once the lease expired.[767]

In 1915 the Railways Department decided to take steps to revest the land, but preserve the existing lease.[768] Special legislation was required to revest the land. The Kakariki Ballast Pit also known as the Paiaka Native Reserve was revested by Section 13 of the Native Land Amendment and Native Land Claims Adjustment Act 1915. Section 13 outlined the history of the taking of the land, and compensation agreement, and the condition that the land would be returned when Railways had removed the required ballast. The Act then vested the land in the former owners, or their successors, as Native freehold land, subject to the lease. When it was revested the lease arranged by the Crown still had two years to run. The Act provided that the annual rental from the lease would be paid to the owners.[769]

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[764] ibid, p. 243 [IMG 0335].
[765] General Manager, Railways to Under Secretary, Native Department, Wellington, 16 January 1913, ACIH 16036 MA1/430 21/2/4, ANZ Wellington [IMG 0249-0250].
[766] ibid
[767] Under-Secretary Native Department to General Manager, New Zealand Railways, 6 March 1913, ACIH 16036 MA1/430 21/2/4, ANZ Wellington [IMG 0246].
[768] General Manager, Railway Department to Minister of Railways, 1 October 1915, ACIH 16036 MA1/430 21/2/4, ANZ Wellington [IMG 0244-0245].
[769] Section 13, Native Land Claim and Native Land Adjustment Act 1915, pp. 349-350.

In November 1915 the Railways informed the Native Department that the total accumulated rent as of 31 December 1915 was £71-14-6. The Native Minister then wrote to the Aotea Native Land Court to apply for the court determine who the block should be vested in, and their respective shares of the rent money.[770]

The Court hearing did not take place until September 1919. Although the Minister had asked the court to determine the matter in 1915, no action was taken at that time, and the application appears to have been misplaced. In early 1919 Mason Durie asked for another application to be made so the rent could be distributed.[771] A further application was lodged by the Minister in January 1919.[772]

On 15 September 1919 the Native Land Court investigated the title to the Kakariki Ballast Pit and awarded the area to the original owners in their respective portions and that the accumulated rents be paid to those named. In October 1919 the sum of £105-2-0 from 1 April 1911 to 31 March 1918 at £15-2-0 per annum was available for distribution.[773] The Railways Department 'found it impracticable to pay the amounts to the individual owners' which was £105-14-0 and instead on 5 August 1922 it was paid to the Aotea District Māori Board for distribution.[774]

In 1936 Ngohe Ngohe Taera petitioned the government about the Kakariki Gravel Pit for which he said he had received no rents.[775] Taera also appealed to the Prime Minister claiming gravel was still being taken from the pit and the Prime Minister asked for an investigation.[776] Judge Browne accompanied by the Rangitikei and Oroua County Council engineers and Mr Marumaru investigated. They found no indication that gravel

[770] W.H. Herries, Native Minister to Native Land Court, Aotea District, 23 November 1915, ACIH 16036 MA1/430 21/2/4, ANZ Wellington [IMG 0242].
[771] Registrar, Native Land Court, Wanganui to Under Secretary, Native Department, Wellington, 14 January 1919, ACIH 16036 MA1/430 21/2/4, ANZ Wellington [IMG 0234].
[772] W.H. Herries, Native Minister to Native Land Court, Aotea District, 16 January 1919, ACIH 16036 MA1/430 21/2/4, ANZ Wellington [IMG 0236].
[773] C.B. Jordan, Under Secretary to Judge Browne, Native Land Court, Wanganui, 1 October 1919, ACIH 16036 MA1/430 21/2/4, ANZ Wellington [IMG 0233].
[774] M.J. Lawless, Registrar, Wanganui to Under Secretary, Native Department, 1 December 1936, ACIH 16036 MA1/430 21/2/4, ANZ Wellington [IMG 0229-0230].
[775] Petition of Ngohe Ngohe Taera, No 304/1936, 19 October 1936, ACIH 16036 MA1/430 21/2/4, ANZ Wellington [IMG 0231-0232].
[776] Under Secretary to Clerk, Native Affairs Committee, Wellington, 23 September 1937, ACIH 16036 MA1/430 21/2/4, ANZ Wellington [IMG 0222].

had recently been taken from the pit and Browne said it was 'in exactly the same condition as when the Railway Department had left it.' The Railways Department were now supplied with gravel by the Rangitikei County Council who had 'erected extensive works'. Judge Browne concluded 'any money to which the Native interested are entitled as royalty has been paid to them through the Board.'[777] The Native Affairs Committee declined to make a recommendation on the petition and Taera was told he had been paid all rents due for the gravel pit.[778]

There were two further small takings of land at Kakariki for railway purposes. In 1901, 2 acres 1 rood 8.6 perches were taken from Reu Reu 2L, and in 1912, 1 acre 1 rood 3 perches was taken from Reu Reu 2M.[779] Both takings were associated with providing access to gravel on the Rangitikei River bed. As well as the land taken from 2M, the same proclamation also took 40 acres of the riverbed for railway purposes. The issue of the Crown using the riverbed appurtenant to the Te Reu Reu blocks, and acting as if it was Crown land, has been discussed in David Alexander's report on the Rangitikei River. Like Alexander, we have been unable to locate surviving Public Works or Railways records regarding these takings.[780]

5.2 Foxton to Longburn Line

The route inland from the mouth of the Manawatū River to Palmerston was described as a 'bush road' in January 1870. It had been commenced by the Provincial government. At this time the Government decided to complete the road, using Māori labour.[781] Thomas U. Cook and Rangimarehua and Epiha were the successful tenderers for £219 worth of work 2¾ miles.[782] The swampy conditions in the Ngawhakaraua/Oroua Bridge area meant there was some urgency to get as much work completed as was possible before winter, which meant 'parties of natives on the spot' were taking up construction.[783]

[777] Judge Browne, Native Land Court and Board, Hawera to Under Secretary, Native Department, Wellington, 27 April 1937, ACIH 16036 MA1/430 21/2/4, ANZ Wellington [IMG 0224-0225].
[778] F. Langstone, Acting Native Minister to Ngohe Ngohe Taera, Auckland, 20 May 1937, ACIH 16036 MA1/430 21/2/4, ANZ Wellington [IMG 0223]; see also Report Native Affairs Committee on Petition 304/1936 – no recommendation to make [IMG 0218].
[779] NZG, 1901, p. 749; and NZG, 1912, pp. 957-958.
[780] David Alexander, 'Rangitikei River and its Tributaries Historical Report', CFRT, November 2015, pp. 443-444.
[781] William Fox, Premier to A. Burr, Foxton, 18 January 1870, AJHR, 1870, A-17, p. 37.
[782] J.T. Stewart to Cooper, Acting Secretary for Defence, 24 March 1870, AJHR, 1870, A-17, p. 38.
[783] J.T. Steward to Lieut-Col Reader, 10 May 1870, AJHR, 1870, A-17, p. 40.

In 1870 the Commissioner of Crown Lands reported on the land available for Immigration and Public Purposes along the main road/rail lines in Wairarapa and Manawatū. He said that the railway from Wairarapa to Whanganui passed good quality Crown land from Palmerston to Whanganui. He also commented on the Foxton-Napier road, the first 13 miles of which he described as 'poor quality' land in the Manawatū-Rangitikei block, including through Native reserves, followed by three miles through Māori bush land of good quality, with the remainder of the route through Crown land to Palmerston.[784] The tramway was to be laid on one side of the road line, and a new bridge was to be built for crossing the Oroua River.

In April 1871 the road between Foxton and the Manawatū Gorge was declared a road under the Immigration and Public Works Act 1870. The effect of the proclamation was to bring construction of the road under the responsibility of central rather than Provincial Government, as a main route for the benefit of the country. The proclamation of the forty mile route described the land through which the road passed, but did not specify how much land was taken from each block or section (it has therefore not been included in the Public Works Takings Spreadsheet). The description of the route included Māori blocks and customary land:

> And through the award of the Native Lands Court to Te Kooro Te One and others, crossing the River Oroua at a point where there is a bridge erected by the Provincial Government of Wellington; thence proceeding through Native land to Nga Whakarau; thence proceeding through Native land to the western boundary of the township of Palmerston …[785]

The original Public Works Department plan defining the line of the roadway appears to have not survived.[786]

Before the road route was even fully completed proposals were made to convert it to a wooden tramway. The main reason was the swampy nature of the route, especially between Ngawhakaraua and Palmerston, where there were no gravel supplies to metal

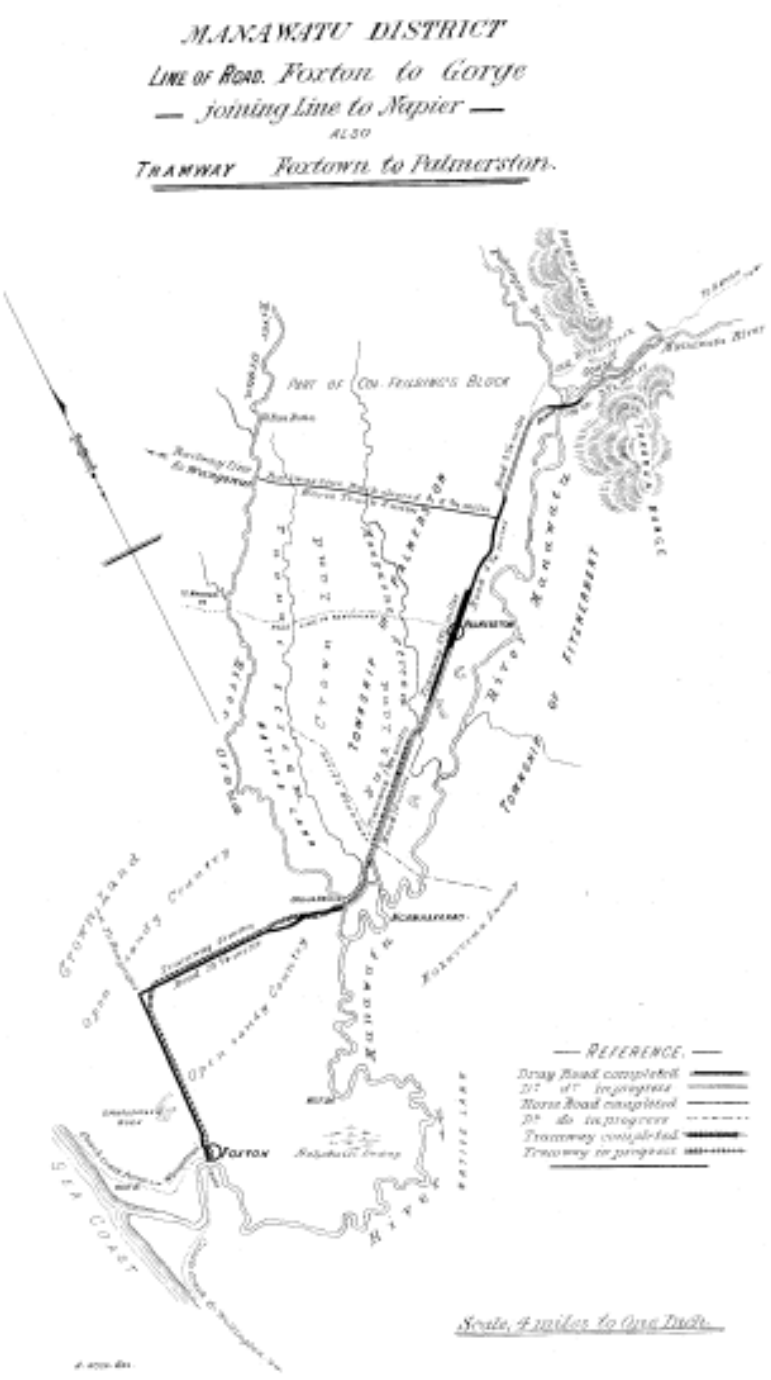
[784] J.G. Molesworth, Commissioner of Crown Lands to Charles Heaphy, Office of Surveyor of Interior Roads, Auckland, 10 December 1870, AECW 18683 MA-MT1/2/[144] [NR70/97], ANZ Wellington [IMG 0706-0707].
[785] NZG, 1871, pp. 171-172.
[786] Annotations on SO 16347 say that when the Crown was preparing to close the railway line the original plan could not be located, and that SO 16347 would have to be used.

the road. As the route was virtually flat, it was considered ideal for a wooden tramway.[787]

The following Map shows the route of the road and progress on tramway construction as at mid-1872.

[787] A. Halcombe, Provincial Secretary to Minister of Public Works, 22 April 1871, AJHR, D-2, p. 4.

Map 22: Foxton to Manawatū Road and Tramway 1872[788]



A tramway was laid along the road line in 1873, which was converted into a railway under the Railways Act 1874.[789] This applied a government appropriation towards the

[788] Report on Public Works by the Assistant Engineer in Chief, 30 June 1872, AJHR, 1872, D-6, 39.
[789] Land Officer, New Zealand Railways to General Manager, New Zealand Railways, 23 November 1942, AAEB W3199/77 05/1779, ANZ Wellington [IMG 526-527].

cost of constructing the railway.[790] The middle line of the railway was proclaimed in May 1875. Although the same route as the road proclaimed in 1871, the 1875 proclamation was a bit more specific about the Māori land involved, but once again did not specify the amount of land taken from each area. The Māori land listed in the gazette notice was Native Reserves 334, 335 and 337 in the Township of Carnarvon [subsequently the Puketotara Reserve], another unnamed 'Native Reserve', and 'Native land in the vicinity of the Taonui Stream'. Taking the land for the railway was finalised by a further proclamation in July 1876 that the memorial plan of lands taken for the railway had been deposited with the District Land Registrar. The proclamation declared the lands described in the plan to be taken for the Foxton-Manawatū Railway under the Railways Act 1874 and the Immigration and Public Works Act 1882.[791]

The 'Native Reserve' land the line passed through was also known as the 'Rangitane Reserve', being sections 334, 335 and 337 of the Township of Carnarvon (subsequently the Puketotara Native Land Court block). The reserves ran between Himatangi and the point where the line crossed the Oroua Bridge at Rangiotu (formerly known as Oroua Bridge). In 1875 the rail line became the subject of a protest by Rangitane at Oroua. In January 1875 Peeti te Awe Awe stopped telegraph poles being laid over his land, reportedly arguing that he 'gave the land for the road and not for the wire'.[792] For the next nine months, progress on the telegraph was halted as Peeti te Awe Awe had requested payment for each post erected.[793] Attempted mediation by Wi Parata and Mainwaring had been unsuccessful, and Rangitane had sought assistance from George Grey, and lodged a petition.[794] In mid-September it was reported that as well as blocking the telegraph work, Rangitane now intended to prevent the laying of iron rails on the tramway.[795] As a result Resident Magistrate Booth and Keepa te Rangihiwinui met with Rangitane on 25 September. Rangitane had engaged Buller to advise them. According to the *Wanganui Chronicle*, Buller said that before he would enter into negotiations on their grievances, Rangitane should immediately allow the railway construction to continue. They agreed, but only after 'a good deal of discussion' during

[790] Section 4, Railways Act 1874.
[791] NZG, 1876, p. 486.
[792] *Wanganui Herald*, 8 January 1875.
[793] ibid, 18 February 1875.
[794] *Wanganui Chronicle*, 29 September 1875.
[795] *Wairarapa Standard*, 14 September 1875.

which they 'held out for the right to lease the land to the Government'. After Buller's insistence, a memorandum was signed allowing work to proceed and agreement reached to refer their complaints to mediators.[796]

Resident Magistrate W.J. Willis reported in 1876 that: 'the only trouble during the year have been at Oroua Bridge, with regard to railway works, and at Kakariki on the question of land being taken for railway purposes. Both difficulties have been satisfactorily settled by Mr. J. Booth, Resident Magistrate.'[797] In 1879 the Resident Magistrate said that the 'Natives on the south side of the Manawatū River owning land through which it is proposed to take the Foxton-Wellington Railway are favourably disposed to the project, knowing that it will improve the value of their property, and afford them what they have always wanted-a means of transmitting their produce to a ready and good market.'[798] He said 'I notice that the Natives living contiguous to the railway line in my district make greater use thereof, in fact quite as much as, if not more than, their European neighbours.'[799]

Trains were running on the line by 1876, and in 1878, as the Manawatū-Whanganui line was completed, which meant the full route from Foxton to Whanganui was open. Much of the railway had actually been built on the road line gazetted in 1871. In 1880 an attempt was made to proclaim the road line as taken for railway purposes, but according to a Railways Department memorandum written in 1942, the proclamation could not proceed because of 'a ruling by the Solicitor-General that road could not be taken for railway but only used'.[800] In 1883 a new proclamation was issued that took strips of land along either one or both sides of the railway line for most of its length. It appears that these takings were in order to 'make good deficiencies in the width of the road'.[801] Documents from the 1940s and 1960s, along with annotations on the original survey plan that were made when the line was being closed indicate a great deal of

[796] *Wanganui Chronicle*, 29 September 1875.
[797] AJHR, G-1, 19 May 1876, E-42, p. 36.
[798] AJHR, G-1, 27 May 1879, E-11, p. 12.
[799] AJHR, G-1, 27 May 1879, E-11, p. 13.
[800] G.N. Davis, Land Officer, New Zealand Railways, Wellington to General Manager, New Zealand Railways, 23 November 1942, AAEB W3199/77 05/1779, ANZ Wellington [IMG 0526-0527].
[801] ibid

confusion over the years about exactly which pieces had been proclaimed as road or railway land.[802]

The proclamation issued in January 1883 was largely made up the Crown railway reserve, but also included almost 58 acres of Māori land.

Table 18: Land Taken for the Foxton-New Plymouth Railway 1883[803]

Block	Area Taken	Type of Ownership
Pubic Reserve 477	1-0-00	Crown
Railway Reserve	141-3-08	Crown
Section 334 Township of Carnavon	0-2-00	Māori
Rangitikei-Manawatū Block B Township of Carnavon	5-1-08	Māori
Native Land Abutting on the Western Bank of the Oroua Stream Rangitikei-Manawatū Block B	9-0-00	Māori
Lower Horangi [Aorangi] Block	24-1-37	Māori
Lower Horangi [Aorangi] Block	6-2-21	Māori
Lower Horangi [Aorangi] Block	7-3-15	Māori
Lower Horangi [Aorangi] Block	3-1-07	Māori

The strip taken in 1883 was of a similar width to the existing road/rail corridor, indicating that a similar amount of Māori land may have been used for the first road line proclaimed in 1871. This means that it is likely that the total amount of Māori land used for the Foxton-Longburn Railway and adjoining road was in the vicinity of 116 acres.

A further area of land was taken for the Foxton-New Plymouth Railway from the Aorangi block in 1889. Although the land was ostensibly taken for railway purposes, it was actually taken for drainage near the Oroua Bridge Station. The title of the accompanying plan was 'Foxton-New Plymouth Railway: Main Outlet Drain Near Oroua Bridge Rwy Station', and the gazette notice said the taking was for the 'use, convenience and enjoyment of the Foxton-New Plymouth Railway'.[804] The amount of land taken was 11 acres 3 roods 13 perches from the Lower Aorangi block, and 6 perches from Lower Aorangi No 2.[805]

[802] Wellington Survey Office Plan SO 16347.
[803] NZG, 1883, pp. 17-18.
[804] Wellington Survey Office Plan SO 12812; NZG, 1889, p. 113.
[805] ibid

The railway from Foxton was initially well used, as a link with coastal passenger and goods, including flax, shipping to and from Wellington. However, once the direct railway from Wellington to Palmerston was opened in 1886 traffic on the Foxton branch line suffered. It was further reduced when the Railways Department stopped shipping coal through Foxton in 1908. Passenger trains ceased running along the line in 1932, and the line from Foxton to Manawatū formally ceased operation in 1959.[806]

In the early 1960s portions of the railway land were declared Crown land, and some areas were disposed of to the adjoining land owners.[807] However, title records indicate that some of the former railway land adjoining Māori-owned blocks at Himatangi have remained as Crown land. A comparison of title and survey data from QuickMap and Māori Land on Line shows that in the case of the European-owned blocks along State Highway 1 between Foxton and Himatangi, the adjoining strip of former railway land has either been incorporated into the adjoining block or if it is a separate title, it is owned by the owners of the adjoining land. However, it is a mixed situation for Māori-owned Himatangi blocks. The Paranui marae reservation (Himatangai 2A1B) does include the former railway strip, which was vested in the block in 1976.[808] It is a similar situation for Himatangi 5B, Himatangi 6, Part Himatangi 2A1, Part Himatangi 2H1B2 and 2H2B3, and Himatangi 1H1A. However, there are 5 other Māori-owned blocks were the former railway strip has no title, and there is nothing on Māori Land Online to indicate they have been revested.

5.3 Wellington and Manawatū Railway Company 1880-1909

One of the major pieces of public infrastructure between Porirua and Palmerston North is the main trunk railway line. The line south of Palmerston North was not constructed by the Crown, and most of the land over which it runs was not acquired through the mechanism of the Public Works Act. Instead the Crown permitted a private company to construct and run the line. The Crown facilitated the private railway by allowing Crown land (part of larger blocks already purchased from Māori) to be used for the line, and empowering the company to negotiate with European and Māori land owners to

[806] Cassells, K.R., *The Foxton and Wanganui Railway*, Wellington 1984, pp. 176-177.
[807] See ABWN 6095 W5021/451 16/1387, ANZ Wellington, which has details of disposals to adjoining Pakeha land owners, but does not include the area of the line adjoining the Puketotara blocks. See also NZG, 1963, p. 948; and Wellington Survey Office Plan SO 24614.
[808] Status of Land Order, 79 Oti 328-329, Himatangi 2A1B, Maori Land Online.

obtain land for the railway. The Crown also assisted the railway company by effectively subsidising the company's costs with large grants of Crown land for on-sale to settlers (this aspect of the company's operation lies outside the scope of this report). In 1908 the Crown took over ownership of the Wellington to Manawatū railway.

The acquisition of Māori land for the railway line was essentially a private, rather than Crown, action.[809] This section explains how the Crown came to delegate the railway line to a private company, and gives basic details about the amount of Māori land which was either gifted or sold to the company. Little evidence remains of any negotiations carried out between the company and Māori, largely because when the Crown took over the railway in 1908, it destroyed the company's historical records.[810]

As seen above, throughout the mid-1870s the Crown had been expanding the railway network and investing in surveys and line construction. In 1878 the Minister for Public Works proposed linking Wellington directly to the Manawatū railway lines by constructing a new line from Wellington to Foxton. Although he acknowledged that most of the land along the proposed line was still in Māori ownership, he argued that as well as facilitating settlement in the region, it would provide a vital direct rail link from Auckland to Wellington: 'If the two great centres, Wellington and Auckland, are to be efficiently connected by railway, this Wellington to Foxton portion must be constructed at some time.'[811] The Wellington to Foxton railway was authorised under the Railways Construction Act 1878.

A report was prepared on the proposed route. At that time the alternatives were to either run a line from Upper Hutt station over the Akatarawa Hills to the Waikanae River (a very steep route), or a route similar to the Haywards Hill road to Pahautanui, which then proceeded to Paekakariki in a similar route to the Transmission Gully motorway today. At the other end there were the alternatives of crossing the Manawatū River to Foxton, and linking with the existing line, or taking a line south of the river directly to

[809] Waitangi Tribunal, 'Horowhenua: The Muaūpoko Priority Report', Pre-publication Version, 2017, p. 223.
[810] G. A. Mills, 'O'er Swamp and Range: A History of the Wellington and Manawatu Co. Ltd, 1882-1909, MA Thesis, Victoria University College, 1928, p. I; cited in Grant Young, 'Muaūpoko Land Alienation Report', Wai 2200 #A16, August 2015, p. 19.
[811] Public Works Statement by the Minister for Public Works, 27 August 1878, AJHR, 1878, E-1, p. v.

Palmerston North. Both routes involved traversing swamp areas.[812] In 1879 it was decided the route from Wellington should go through Kaiwharawhara and Johnsonville, and tenders were prepared for the work, while surveys were underway for the Manawatū portion.[813]

By the end of 1879 however, an economic downturn meant a rapid change of policy towards the construction of new railways. The new Minister of Public Works questioned whether the financing of some of the proposed railways had been properly considered. He therefore proposed a Royal Commission to examine the costs and economic benefits of proposed railway lines.[814]

In March 1880 the Railways Commission heard evidence in Palmerston, Bulls, Foxton, Otaki and Wellington in favour of the west coast route. Local settlers, officials and businessmen gave evidence about the quality of the land and transport needs for timber and farming industries. Journalist G.W. Russell quoted returns of amount of Native land purchased and under negotiation, and the commissioners asked questions to determine how much purchasing had actually been completed. Russell told the commission that Māori between Foxton and Otaki 'have expressed themselves strongly in favour of extending the line to Foxton. They signed a petition to that effect which I presented to the Minister of Public Works some few months ago in Wellington.'[815] The commission asked whether Māori would be willing to give their land for the railway, to which Russell replied: 'I question if they would do that', but did note that they had already given land for the road between Foxton and Otaki, and were engaged in the road work.' Reverend Hadfield also urged the commission to favour the Wellington to Foxton line, emphasising the value of the land. He also told the commission that he had heard local Māori say they would give land for the rail line.[816] Similarly, run-holder A. Braithwaite, said that Horowhenua Māori would give land for the railway, and wished the rail line to run alongside the road under construction from Otaki to the Manawatū River.[817] The

[812] Report No 1 on the Hutt-Waikanae Section of the Wellington-Manawatu Railway, Knopp to Engineer in Chief, 17 May 1878, and Report on the Waikanae-Manawatu Section of the Wellington-Manawatu Railway, Knopp to Engineer in Chief, 29 July 1878, AJHR, 1878, E-1, pp. 25-27.
[813] AJHR, 1879, sess I, Enclosure-1, pp. ii, 30.
[814] AJHR, 1879, sess II, Enclosure-1, p. v.
[815] AJHR, 1880, Enclosure-3, p. 11.
[816] AJHR, 1880, Enclosure-3, p. 15.
[817] AJHR, 1880, Enclosure-3, p. 16.

commission did not hear evidence from any local Māori leaders themselves. The Under Secretary of the Native Land Purchase Department, J. Gill, was questioned by the commission about the land title situation, and progress of Crown purchase negotiations. Gill told the commission that purchase negotiations had been completed but the Crown was still awaiting Native Land Court orders and surveys before the land could be transferred.[818]

The Railways Commission reported in 1880. In regard to the best route from Wellington to link with the Manawatū-Whanganui line, the commission recommended that the rail route through the Wairarapa should be linked through the Manawatū Gorge. This recommendation was largely based on the fact that the Crown already owned most of the land for the Wairarapa route:

> We consider that the proposal is premature on the ground that a large part of the country it would open up is still in the hands of Native owners; and inexpedient on the ground that the value of the land it would serve has been greatly overrated, and that the undertaking would be an unprofitable one, which the colony would not be justified in entering upon.[819]

After the report of the railways commission decided against the west coast line to Foxton, members of the Wellington Chamber of Commerce continued to argue for the necessity of a direct link. At a meeting in September 1880, Wellington businessman W.H. Levin argued that if the government did not have sufficient funds, local businessmen needed to signal they would be willing to contribute finance in return for some concessions from the Crown.[820] The chamber voted for a committee to advance proposals for a private company to be formed and obtain special legislation to allow them to construct the railway with a government guarantee.

The committee met with the government in October 1880, following which the government agreed to assist with the preliminaries of the proposal:

1. The Government will complete the survey of the line, and will hand to the promoters the plans and estimates;
2. On satisfactory guarantees for carrying out the work being given, the Government will transfer to the proposed company the land already acquired for the line, together with the rails and bridge materials remaining

[818] AJHR, 1880, Enclosure-3, pp. 18-20.
[819] AJHR, 1880, Enclosure-3, p. ix.
[820] Minutes of Meeting of Chamber of Commerce, 22 September 1880, MSX–2557, Alexander Turnbull Library (ATL) [IMG 3004-3006].

on hand, subject to the right of the Government to resume possession if the company should fail to complete the work within a specified time.

3. With regard to the acquisition of the balance of the land which is now privately owned, the Government trust that it will be given gratuitously by the owners; but should such prove not to be the case, the Government will, on the request of the company, use their powers for acquiring such land, the cost to be defrayed by the company.[821]

However, the state of government finances meant that it would not agree to the financial concessions asked for at that time to guarantee the cost of construction, which led to further negotiations. Solicitor W.L. Travers, one of the leading proponents of the railway scheme, reported on the negotiations that in his view the government and individual Ministers supported the importance of the railway, but 'They were not prepared at present to enter into any arrangement by which the line should be constructed out of borrowed money; and they suggested in effect that if the line is to be by private enterprise'.[822] Travers then asked Cabinet to consider allowing the company to purchase the Māori land in the district not yet acquired by the Crown.

At the next meeting of the committee which hoped to gain enough financial subscribers to form a railway company, the proposal to guarantee sufficient financial return through the sale of land for settlement was discussed. Part of this plan hinged on the Crown allowing the company to purchase Māori land for resale. As one of the company founders explained, this required Māori being willing to sell for low prices:

> He understood that a great inducement was that they were to be allowed to acquire a great quantity of Native land along the line, from which they could make a profit. Was that so? Of course the concessions were all very useful in their way, but he thought they fell short of what would ensure success, unless they were able to get this Native land.…No doubt some of the better educated chiefs were desirous of selling and have the line made, because they knew it would greatly increase the value of their property; still, they would try to make as much profit out of it as possible.[823]

[821] John Hall, Premier to W.T.L. Travers, 23 October 1880, cited in West Coast Railway Committee, Meeting held in the Chamber of Commerce, 11 January 1880, MSX–2557, ATL [IMG 3012-3013].
[822] West Coast Railway Committee, Meeting held in the Chamber of Commerce, 11 January 1880, MSX–2557, ATL [IMG 3013].
[823] The West Coast Railway, Meeting held in the Chamber of Commerce, 20 January 1881, MSX-2557, ATL [IMG 3015].

James Wallace argued that the Crown had abandoned attempts to purchase the land between Waikanae and Palmerston North, but that the company should be able to acquire it:

> The land in question was about 2 miles wide and forty long, and extended from Waikanae to Fitzherbert. It was all flat land, some of it being forest, but a large portion open. On one portion was a most valuable totara bush. The whole amount was about 170,000 acres, but the Government would be likely to want large reserves for the Natives. There were not many Natives there, and the land was not necessary for their subsistence – they would all prefer going away to Taranaki or elsewhere. … The line would increase that land in value at least five-fold.[824]

The group raised £50,000 and registered the Wellington and Manawatū Railway Company in 1881.[825]

After the negotiations, the Crown passed the Railways Construction and Land Act 1881 to allow for private companies to construct railway lines the Crown was unwilling to fund. The companies would be still be subsidised by the Crown through grants of Crown land for sale. When the Bill was debated in Parliament, the discussion on the implication for Māori landowners focused on whether or not Māori should have to pay rates for land traversed by the railway. This was part of general political moves at the time to amend the Rating Act to make more Māori land was liable for rating. For instance, Waterhouse said:

> With regard to the Wellington and Foxton Railway, for a distance of perhaps thirty miles it runs through Native land. Now, it appears to me that, so far as Native land is concerned, seeing the great extent to which they are sure to benefit, they should in some degree be made to contribute to the cost of these railways. We cannot, seeing the lands have not passed through the Court, make the Native proprietors pay immediately and promptly the rates that may be proposed on other land in connection with the railways; but we may introduce a principle in the Bill which was contemplated to be introduced into our legislation generally, so far as local taxation is concerned - that these Native lands should be rated in the same way as European lands are rated, and that the rate so imposed upon the land should be a permanent charge upon the land, to be paid by the purchaser when the land was subsequently sold. I think it is only due to the European settlers that the Natives should contribute their quota towards the cost of these works in the shape of a rate.[826]

[824] The West Coast Railway, Meeting held in the Chamber of Commerce, 20 January 1881, MSX-2557, ATL [IMG 3015].
[825] The Wellington and Manawatu Railway, 'Driving the Last Spike', MSX 2557, ATL [IMG 3020-3024].
[826] NZPD, 1881, vol 40, p. 594.

The purpose of the Railways Construction and Land Act was stated in the preamble: 'Whereas it would conduce to the more speedy settlement of the colony if provision were made enabling joint-stock companies to enter into contracts for the construction of railways, or the construction and working thereof, upon receiving aid for all or any of such purposes by grants of Crown lands'.[827] In essence the Act empowered the Crown to enter into contracts with private companies to construct specified lines of railway in return for grants of Crown land along the lines to fund part of the cost.

Under Part II of the Act the company was required to make a plan of the proposed middle line of the railway, accompanied by a 'book of reference' showing the land to be taken and the names of the owners and occupiers. The plan and book of reference were to be available for public inspection, notice of which was to be published in at least two local newspapers. Further, copies of the notice were to be given to each owner (and occupier) named in the book of reference.[828] Section 26 gave the company the power to enter and survey the land in the book of reference and to take and hold the land, or temporarily occupy it. There was no provision for objections to be made, except under Section 28, where the prior written consent of the owner had to be obtained if the land was occupied by any building, yard, garden, orchard, vineyard, ornamental park or pleasure-ground.

Compensation for land taken by the company, or damaged in the construction of the railway, was to be assessed in accordance with Part III of the Public Works Act 1876. After the compensation had been paid by the company, the Compensation Court could make an order which vested the fee-simple of the land in the company.[829] A separate provision was made for Māori land, which allowed the company to negotiate purchase or cession agreements with the owners. Under section 121 the Native Land Court was empowered to investigate any deed and make an order vesting the land in the company. This meant that Māori land for that railway line was not acquired under the Public Works Act.

[827] Preamble, Railways Construction and Land Act 1881.
[828] Sections 17-22, Railways Construction and Land Act 1881.
[829] Sections 29-31, Railway Construction and Land Act 1881.

Part V of the Act allowed the Crown to remove Crown land from public sale, and to grant an agreed proportionate amount of land to the company as all or part of the railway line was completed. The value of the Crown lands that were granted to the company was not to exceed thirty percent of the cost of the railway. Under the Act, once the railway had been operating for ten years, the Crown had the right to decide to purchase the railway at any time.[830]

In March 1882 an agreement was signed between the Crown and the Wellington and Manawatū Railway Company for the company to construct the railway between Wellington and Palmerston North.[831] The length of the line was estimated at 84 miles. Under the agreement the company was allowed five years to complete construction and was required to spend at least £50,000 in the first year, and meet certain technical requirements such as engineering standards. In return the Crown would transfer the land for the proposed line of the railway on Crown land, and granted the right to reclaim land from Wellington harbour along the line. In addition to land for the railway line, the agreement provided that the company would be entitled to grants of Crown land as each section of the line was completed. The agreement specified that every mile of line was estimated to cost £5,000, and the company would be eligible to receive land equivalent in value to 30 percent of the cost of construction. As part of the agreement, 210,000 acres of Crown land had been allocated for the company, valued at £96,570. As this sum was less than the amount the company was expected to be entitled to, the agreement also provided that the company would also have a claim to any further Māori land purchased by the Crown in the next five years. The company was required to open the land it was granted for sale within 12 months of each section of the line being completed.[832] Therefore, not only did the government delegate the power of making a railway to the private company, but to a large extent it also delegated the role of providing for Pakeha settlement in the Kapiti/Horowhenua/Manawatū districts. The Wellington and Manawatū Railway Company in essence became a land development business as well as building and running the railway.

[830] Section 114, Railway Construction and Land Act 1881.
[831] Wellington and Manawatu Railway, Contract Entered into between Her Majesty the Queen and the Wellington and Manawatu Railway Company Ltd, 20 March 1882, AJHR, 1882, Sess I, D-7.
[832] Prospectus Issue for Loan of £250,000 and The Wellington and Manawatu Railway Contract, 20 March 1881, MSX 2557, ATL [IMG 3031-3032, 3042-3049].

When the company took over the route, it decided to run the line direct from Otaki to connect with the government's Manawatū line at Longburn. This route excluded the option of linking at Foxton, and relegated the Foxton to Palmerston line to a branch line.[833]

A series of notices were issued in 1882 and 1884 that the company had deposited plans for specific sections of the line for public view, along with the required book of reference showing the names of the owners and occupiers.

For instance in January 1883 a notice was published in the *New Zealand Times* that the middle line plan and book of reference for the portion of the railway line from Porirua to Plimmerton. The book of reference listed the affected blocks of land and the owners and/or occupiers, including sections 105 and 106 Block II Belmont Survey District which were owned by Wi Parata and others, and leased to J. McGrath.[834] The book of reference did not give any area for the amount of land required, but the plans had some acreages noted. For instance the land required from section 105 was given as 36 perches (with most of the line running along the foreshore rather than through the block itself).[835] Similarly, at the end of January 1884 a notice was published in the *New Zealand Times* and the *New Zealand Gazette* that the plan and book of reference for the section from Pukerua to Paekakariki had been drawn up.[836] They were available for inspection at the Pahautanui Post Office. The book of reference gave a written description of the line and listed the affected sections with the names of the owners. The Pukerua sections all had Māori owners.[837] Again, the notice and book of reference did not say how much land was required, but it was annotated on the survey plan.

At the first annual meeting of the company held in April 1882, it was reported that nearly all the land for the line had been obtained:

> The Directors have made very large purchases of land from the Natives and others on the West Coast, and had now acquired nearly the whole of the line, so that only twelve miles remained to be dealt with. They had to thank the chiefs owning the land for the liberal manner in which they had dealt with them. Major

[833] Robyn Anderson et al, 'Crown Action and Māori Response, Land and Politics 1840-1900', CFRT, 2018 p. 748.
[834] NZG, 1883, p. 130.
[835] Wellington Survey Office Plan SO 13375.
[836] NZG, 1884, p. 229.
[837] Wellington and Manawatu Railway Company, Book of Reference of Portion of the Railway between 21.58 chains and 26.20 chains, ACHL 19295 W32/63 11211, ANZ, Wellington [IMG 2873-2876].

> Kemp and a number of others had accepted £1 per acre, and invested the amount that would have been realized by taking up paid-up shares in the Company to the full value. The land from Europeans had cost something more, but on the whole they had got it at an average of 16s 3d per acre. They must bear in mind that they had the very pick of the land.[838]

It should be noted, that as anticipated, the company had relied on goodwill from Māori, who had not demanded high prices for their land, and had also been willing to take shares in the company as payment (see Table 20).

Keepa te Rangihiwinui (Major Kemp) agreed to allow the line to pass through the Horowhenua block in anticipation of the creation of a township. The company prospectus contained a copy of an enthusiastic letter from him supporting the project:

> Dr Buller and myself have talked about the railway and I have put my name to the deed.
> It is now my earnest desire to see railway stations and a township established on the Horowhenua Block – perhaps two stations; but that will be for you to consider. I am anxious by this means to improve the position of my tribe.
> When the land court business is over, I shall accompany Dr Buller and Mr Alexander McDonald to where my people (the Muaupoko) reside, and explain the matter fully to them.
> This is another word. I am filled with delight about the proposed railway; and if I were a rich man I would construct this part myself, and hand it over after the manner of a chief.[839]

During the expedited Muaūpoko hearings the Waitangi Tribunal heard evidence about the nature of the transaction made between Te Keepa te Rangihiwinui and the company, and the details will not be repeated here.[840] In brief, as part of his plan to create a township on the Horowhenua block, Te Keepa agreed to gift the railway company 76 acres of land, subsequently awarded as the Horowhenua 1 block. While the exact nature of the transaction remains uncertain, Te Keepa received 15 shares in the company, but the other owners of the Horowhenua land did not receive any payment. The Crown has argued that this was a private agreement, and the Crown was therefore not responsible.

[838] Report of the First Annual Meeting of Shareholders 3 April 1882, MSX 2557, ATL [IMG 3018].
[839] Major Kemp Rangihiwinui to Nathan, Chairman of the Wellington and Manawatu Railway Company, 15 May 1882, cited in Prospectus Issue for Loan of £250,000 and The Wellington and Manawatu Railway Contract, 20 March 1881, MSX 2557, ATL [IMG 3056].
[840] For further information see Waitangi Tribunal, 'Waitangi Tribunal, 'Horowhenua: The Muaūpoko Priority Report', Pre-publication Version, 2017, pp. 221-223; and Jane Luiten and Kesaia Walker, 'Muaupoko Land Alienation and Political Engagement Report', Waitangi Tribunal, August 2015, Wai 2200 #A163.

While the Tribunal did agree with this argument, it also pointed out the underlying responsibility for the legislative framework: 'We agree. But the Crown was responsible for the native land laws which allowed a transaction to be approved in which only one of 143 owners received payment'.[841] Although they were private transactions, under Section 121 of the Railways Construction and Land Act 1881, sales or gifts of Māori land had to be confirmed by the Native Land Court. Nevertheless, the Tribunal also noted that the transaction was intended as a gift, 'and the tribe having approved the gift in 1886', meant that no Treaty breaches had arisen.[842]

It was a similar situation for the railway line through the Ngarara block. At the end of June 1884 representatives of the railway company attended a large hui at Waikanae. The *Evening Post* reported that a map of the land the company required for the railway was presented and discussed and that Wi Parata spoke in agreement with the proposal:

> Wi Parata made an eloquent harangue in reply and expressed the desire of the tribe to facilitate the making of the railway, and welcomed it because it would bring great good to his people. At the same time, he wished it to be understood that the tribe had resolved to hold their lands in tribal interest and allow no subdivision. Whatever boon the railway brought was for the benefit of all. After two hour's speechifying, Wi Parata stated that the tribe were agreed to give a free right-of-way for the railway – a distance of nearly seven miles – through their lands, and that he would, on their behalf, sign an agreement to that effect.[843]

The actual transfer of land to the company was delayed while the ownership and subdivision of the Ngarara block went through the Native Land Court, and then subsequent appeals and re-hearings. The process used to transfer the land for the railway line was that when the Native Land Court was partitioning the block, the areas purchased by the company were set aside as separate 'Railway Reserve' subdivisions which could then be transferred to the company. The subsequent transfer was facilitated by the court awarding the Railway Reserve blocks to one or two individuals. For example Ngarara West A4 Railway Reserve was awarded to Wi Parata solely when the block was partitioned in May 1887.[844] It could then be transferred by him to the company. A Memorandum of Transfer was signed by Wi Parata on 8 July 1887, which

[841] Waitangi Tribunal, 'Waitangi Tribunal, 'Horowhenua: The Muaūpoko Priority Report', Pre-publication Version, 2017, p. 223.
[842] ibid
[843] *Evening Post*, 30 June 1884.
[844] Otaki MB 7, 14 May 1887, p. 257.

stated that he transferred Ngarara West A4 Railway Reserve (51 acres 11 perches): 'In consideration of the sum of one hundred and five pounds' paid to him by the company, and 'in pursuance of a promise made by me and to the said company in Waikanae' in 1884'.[845]

The following table shows the blocks which were transferred to the Wellington and Manawatū Railway Company for the railway corridor between Pukerua and Linton (as opposed to other larger block purchases made by the company for land development). In most of the cases the Native Land Court created what were referred to as 'railway reserve' blocks, which were awarded to either one owner or a small group of owners, who then executed a transfer to the company. This award finalised previous negotiations with the company.

Table 19: Māori blocks transferred for the Wellington and Manawatū Railway Line[846]

Block Name	Area
Te Awahohonu A1 Railway Reserve	0a 2r 00p
Te Awahohonu A2 Railway Reserve	1a 0r 33p
Horowhenua 1	76a 2r 26p
Manawatū Kukutauaki 2A Railway Reserve	34a 2r 08p
Manawatū Kukutauaki 2B Railway Reserve	10a 0r 20p
Manawatū Kukutauaki 2C Railway Reserve	38a 0r 00p
Manawatū Kukutauaki 2D Railway Reserve	37a 0r 00p
Manawatū Kukutauaki 2E Railway Reserve	23a 0r 00p
Manawatū Kukutauaki 7D3 Railway Reserve	21a 2r 30p
Muhunoa 1 Railway Reserve	10a 2r 03p
Ngakaroro 3A1 Railway Reserve	0a 1r 19p
Ngakaroro 3D Railway Reserve	12a 3r 07p
Ngakaroro 3E Railway Reserve	16a 2r 20p
Ngakaroro 1A6	9a 9r 00p
Ngakaroro 1A6A	6a 3r 01p
Ngarara West A4 Railway Reserve	47a 3r 03.5p
Ngarara West B1 Railway Reserve 1	1a 2r 30p
Ngarara West B1 Railway Reserve 2	1a 3r 32p
Paekakariki 1A Railway Reserve	5a 1r 08p
Paekakariki 2A Railway Reserve	9a 0r 37p
Pukehou 4G10	3a 3r 00p
Pukehou 5A Nth 1 Railway Reserve	49a 3r 32p
Pukehou 5A Sth 1 Railway Reserve	49a 3r 32p
Pukehou 5G3	1a 2r 38p

[845] Memorandum of Transfer, Wi Parata, 8 July 1887, Higgott Papers [IMG 2528].
[846] This table is compiled from the individual block histories in Walghan Partners, 'Porirua ki Manawatū Block Research Narratives', CFRT, Draft, December 2017, along with Wellington Survey Office Plans SO 12334-12338.

Pukehou 5L3 Railway Reserve	1a 2r 15p
Pukerua 1	53a 0r 30p
Pukerua 2	45a 3r 08p
Pukerua 3B Railway Reserve	1a 3r 33p
Pukerua 3C	36a 0r 21p
Takapu 1	2a 3r 06p
Takapu 1 sec 7	6a 0r 00p
Totaranui 11F Railway Reserve	2a 0r 10p
Waopukatea	15a 0r 01p
Whareroa	5a 1r 08p
Total	**639a 2r 31p**

Many Māori agreed to accept shares in the company in return for granting the land. A 1901 list of shareholders included the following Māori who obtained shares as part of any agreement they made to allow their land to be used for the railway. The total number of shares in the company at that time were 65,897, so those Māori who did receive shares were very much minority shareholders.

Table 20: Māori Shareholders in the Wellington and Manawatū Railway Company 1901[847]

Shareholder	**Block**	**Number of Shares**
Meiha Keepa (Executors) [Keepa te Rangihiwinui]	Not Specified [Horowhenua]	15
Natanahira Umutapu [Natanahira Umutapu Wi Parata]	Not specified	13
Ngahina Hami	Manawatū-Kukutauaki 2B	11
Huru te Hiaro	Manawatū-Kukutauaki 2B	12
Poaneke te Momo	Manawatū-Kukutauaki 2C	19
Neri Puatahi	Manawatū-Kukutauaki 2D	19
Huru te Hiaro	Manawatū-Kukutauaki 2E	7
Hoani Taipua	Waopukatea 1	6
Karepa Karenama	Waopukatea 1	5
Natanahira Umutapu [Ngatanahira Umutapu Wi Parata]	Ngakaroro 3D	8
Hoani Taipua	Ngakaroro 2F	5
Tamihana te Hoia	Ngakaroro 2F	5
Karepa Kapukai	Ngakaroro 2F	3
Matiu Hemara	Ngakaroro 2F	3
Arahia te Maiha & Te Hiko te Hika	Ngakaroro 2F	3
Tiaki Hawea	Ngakaroro 2F	1

[847] List of shareholders on 12 November 1901, ADQD 17422 R3W2278/8 1900/2117 pt 3, ANZ Wellington [IMG 2858-2871].

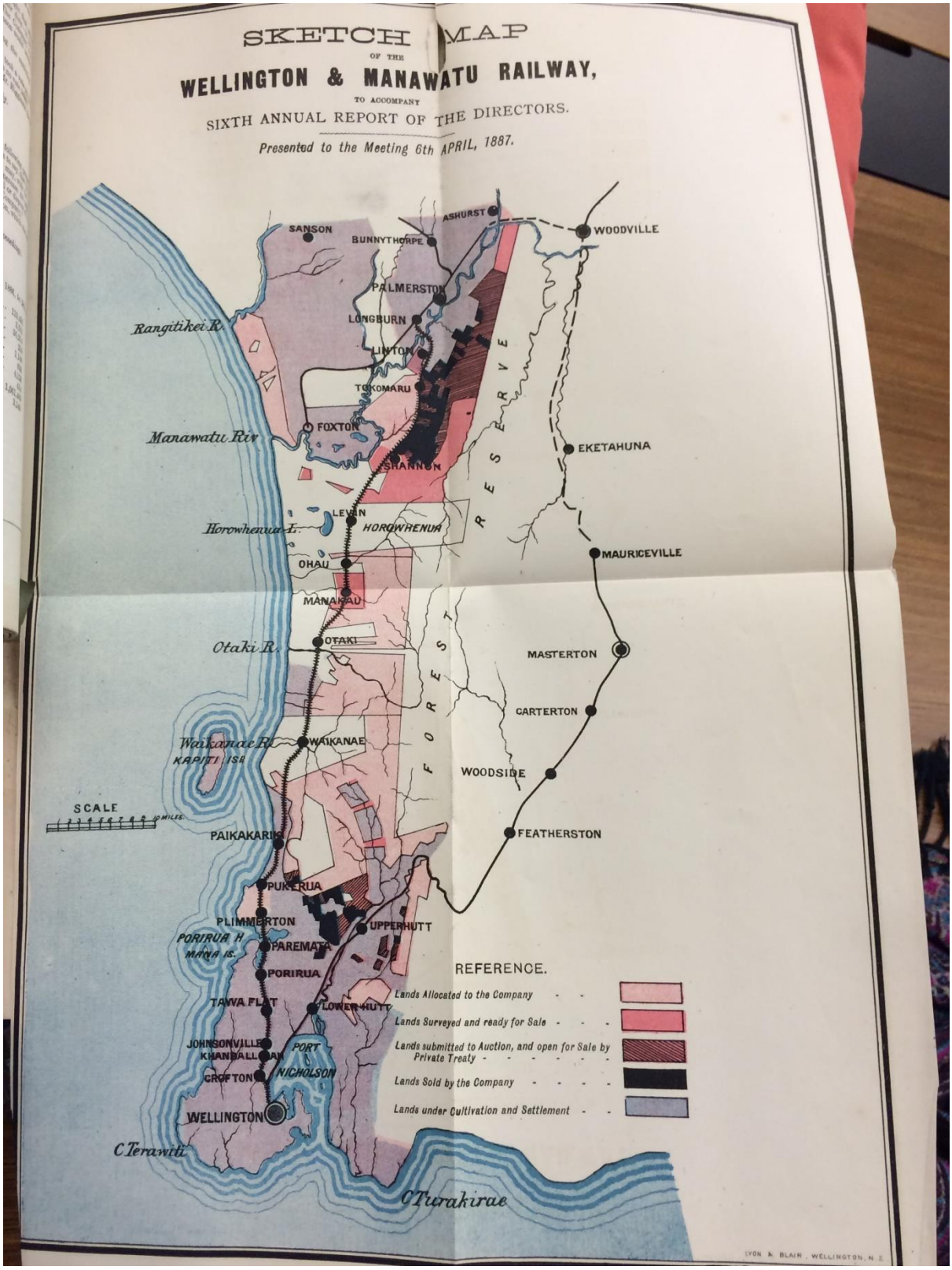
It is not clear whether the land owners of each block in the table also received any cash payment for the land. As noted above it was reported that Wi Parata agreed to give 'a free right-of-way for the railway' through Ngarara A.[848] However, subsequent alienation files record that the following payments were made for some Ngarara Railway Reserve blocks and others:

Ngarara West A4	£105
Ngarara West B1 Railway Reserves 1 and 2	£19
Pukehou 4G10	£36.[849]

During the opening ceremony for the railway in 1886, one speaker commended Wi Parata for having 'presented' land for eight miles of track, and not attempting to 'suck the company', as 'many of his white neighbours did'.[850] Whether this means the land was gifted for free, or that £105 was considered a very reasonable price is not clear at this stage. For the 47 acre Ngarara West A4 railway reserve, £105 would be equivalent to approximately £2 5s per acre.

[848] *Evening Post*, 30 June 1884.
[849] Walghan Partners, 'PKM Block Research Narratives', CFRT, Draft, December 2017, pp. 68, 74, 205.
[850] The Wellington and Manawatu Railway, 'Driving the Last Spike', MSX 2557, ATL [IMG 3020-3024].

Map 23: Wellington and Manawatū Railway Line 1887[851]



[851] Sketch Plan of the Wellington and Manawatu Railway to accompany the Sixth Annual Report of the Directors, 6 April 1887, MSX 2557, ATL [IMG 3068].

Various sections of the railway opened as they were completed from during 1885. By 3 October 1885 a train ran from Wellington to Plimmerton, and the line was completed through to Pukerua on 3 January 1886. From the other direction the line between Longburn and Otaki was opened on 2 August 1886. The last spike on the connection between Otaki and Pukerua was driven on 2 November 1886, and the line opened for traffic 29 November 1886.[852]

The ceremony to drive the last spike was held at Otaihenga, just north of Waikanae, on 2 November 1886. The special train which travelled from Wellington for the ceremony was met by a party of Māori at Paekakariki. During the opening ceremony, speeches were made about the anticipated economic benefits for both Wellington and the area served by the line. Governor Jervois, spoke about the way that Māori could expect to participate in those benefits:

> I will refer to only one other point and that is the enormous importance of this line, forming as it does a link of communication between the Maori country and the European, and tending to cement those happy relations which now exist between the two races. I am glad to see around me now many of our Maori friends witnessing the celebration of the conclusion of this line, and I am sure that as we go on they will be the more grateful that this line has been constructed, and that we shall have trains running from the country bringing their produce to the markets – from the country to Port Nicholson.[853]

Wi Parata did not attend the opening ceremony due to a 'family bereavement', but sent a note of apology. The chairman as noted took this opportunity to commend Parata for having 'presented' land for eight miles of track, and not attempting to 'suck the company', as 'many of his white neighbours did'.[854]

The Wellington and Manawatū Railway Company ran the line for over twenty years. In December 1907 the government gave the company official notice that it intended to acquire the railway.[855] Negotiations as to the price to be paid took place during 1908 between the directors and the government. In August an agreement was reached to

[852] Annotation, Annual Reports of the Wellington and Manawatu Railway Company, p. 2, MSX-2557, ATL [IMG 2998].
[853] The Wellington and Manawatu Railway, 'Driving the Last Spike', MSX 2557, ATL [IMG 3020-3024].
[854] ibid
[855] Twenty-Seventh Annual Meeting of the Shareholders of the Company, Wellington, 1 April 1908, MSX 2557, ATL [IMG 3228-3229].

accept £900,000 for the railway and rolling stock and other assets.[856] This was formalised by the Wellington and Manawatū Railway Purchase Act 1908, and the government resumed control on 7 December 1908.

The Wellington and Manawatū Railway Company were a major player in the development of the Kapiti/Horowhenua/Manawatū region, not only through the construction of the railway line, but through the sale of the land transferred to it by the Crown, its own land purchases and sales, and developments like the drainage of the Makerua Swamp. The company also laid out eight townships along the track, including Plimmerton, Paraparaumu, Tokomaru, Levin, Linton, Shannon, and Ohau. The company's legacy also continues in the names of towns along the railway line, which were named after company directors: W.H. Levin, J. Plimmer, G.V. Shannon, and J. Linton.

An example of the way the company acquired Māori land for purposes associated with the railway, but not for the line itself was the Motuhara block just north of Plimmerton. Plimmerton itself was developed by the company as a seaside destination for day trips by train from Wellington. In the late 1880s, at the time the company was making its Plimmerton plans, it also negotiated with Wi Parata and others for the Motuhara and Hongoeka blocks. The line did not run through those blocks, but they wanted the land for future recreational/residential development and possible infrastructure:

> The purpose for which the company desires to obtain the land is for the use of the company's passengers, on holidays, as a place for picnicking and recreation. They might rent one or two bedroom villa residences along the Beach line. They intend laying [off] of the township of Plimmerton upon the land acquired by them from Mr Walker near the Plimmerton Station.
> They are also desirous of obtaining the land in case of it being necessary for them to extend their line to any wharf which may be erected in the Bay near Plimmerton.[857]

The case also serves as an example of how the Trust Commissioner system worked in regard to removing restrictions on alienation for the railway. The company submitted a 42 year lease, but the blocks were restricted to leases for up to 21 years. The annual

[856] Appendix A, 'Extraordinary General Meeting of Shareholders', 12 October 1908, MSX-2557, ATL [IMG 3238-3240].
[857] W. Travers, Solicitor to G.E. Barton, Royal Commissioner, 17 November 1886, ACIH 16046 MA13/51 29d, ANZ Wellington [IMG 2931-2932].

rent was £100. On realising that the blocks were 'some distance' from the railway line, the Trust Commissioner sought the information quoted above about the purpose of the lease.[858] He then met with representatives of the company, Wi Parata, Piripi Kohe, Te Karehana and Pene Roti. At this meeting Wi Parata said he had not understood that the lease was to be for 42 years, and thought it was only for 21 years. The commissioner explained that the existence of a 42 year lease would decrease the sale value of the block should they wish to sell during the lease, while a 21 year lease would not have such an impact on the sale price. The commissioner said that if the possible implication was fully understood, and the owners still wanted to proceed with a 42 year lease, he was not inclined to prevent them. However, he then recommended that in order to protect their interests, a clause should be inserted in the lease which specified the price the company should pay to purchase the land should the owners decide they wished to sell. He also suggested the owners engage their own valuer to decide at what price they would sell.[859] A new agreement was then negotiated to lease the blocks for 42 years, at £100 per annum for the first 21 years, and £200 per annum for the remaining years. After the first seven years, should the owners request to sell, the company was to purchase the land for £3 per acres.[860] The commissioner then recommended that the restrictions be removed for the purposes of the lease to the company.[861] In 1895 the company purchased all the Motuhara subdivisions.[862] It did not purchase the Hongoeka blocks.

5.4 Main Trunk Railway Acquisitions Post 1900

The main railway routes were completed by 1900. Public works takings after that date were a matter of relatively small takings for purposes such as realignments, station expansion, ballast pits, and accommodation sites for railway staff. There were 529 takings for railway purposes between 1900 and 2010. Only 14 of these were from land in Māori freehold ownership. The breakdown of types of ownership is as follows:

Māori	14 takings

[858] G.E. Barton, Commissioner to His Excellency the Governor of New Zealand, 23 December 1886, ACIH 16046 MA13/51 29d, ANZ Wellington [IMG 2923].
[859] Interview notes, 20 December 1886, ACIH 16046 MA13/51 29d, ANZ Wellington [IMG 2933-2935].
[860] Wi Parata Kakakura, Riaihi Puaha, Wi Neera, Karehana Te Weta, Piripi Kohe, Pene Roti, Hoani Warena Tunui to G.E. Barton, Royal Commissioner, ACIH 16046 MA13/51 29d, ANZ Wellington [IMG 2936-2937].
[861] G.E. Barton, Commissioner to His Excellency the Governor of New Zealand, 23 December 1886, ACIH 16046 MA13/51 29d, ANZ Wellington [IMG 2923].
[862] Walghan Partners, 'PKM Block Research Narratives', Vol II, CFRT, Draft, December 2017, p. 398.

Crown	132 takings
European	364 takings
Local Authority	13 takings
Unknown	6 takings

The relatively low number of takings from Māori ownership after the main line had been constructed may be explained by the way that the rail corridor itself bought development to the lands adjoining the railway. The advent of the railway made Pakeha settlement more attractive and land purchases followed the opening up of Māori areas. The number of takings of Crown land includes a high proportion of roads or streets which effectively had their purpose changed in the many places where roadways adjoined the railway line, and various access ways or crossings were realigned. The Crown land takings also include areas of the bed of Porirua Harbour, and land taken from riverbeds.

Table 21: Māori Land Taken for Railway Purposes Post 1900[863]

NZG Year/Page	Block	Area Taken
1901/749	Reu Reu Native Reserve	2-1-08.6
1908/2889	Rakautaua 1A2	0-2-18.5
1910/1951	Totaranui 11D1	0-1-20.1
1910/3579	Ngakaroro 1A6	0-3-04.6
1912/957-958	Reureu 2M	1-1-03
1941/129-130	River Bed Wangaehu River	0-1-22.7
1941/129-130	Ruatangata 1E3A	7-0-09.7
1941/129-130	Ruatangata 1E3B	5-2-08.5
1941/129-130	Ruatangata 1B4C2	6-1-06.6
1941/129-130	Ruatangata 1B4D	5-1-20
1942/2531	Ngarara West B2A	0-1-01.6
1945/1536	Part Kenepuru 1A	0-0-27
1946/673	Part Manawatū-Kukutauaki 3 1A2	0-2-09.2
1951/863	Part Paekakariki 2B2	33-1-29

In 1910, 3 roods 4.6 perches were taken from the Ngakaroro 1A6 block for railway purposes.[864] Although it was said to be for railway purposes, the full definition of the purpose given in the gazette notices was ‘for a road in connection with the Wellington

[863] Compiled from the PKM Public Works Takings Spreadsheet.
[864] NZG, 1910, pp. 3578-3579.

and Manawatu Railway'. The survey plan also referred to the land being taken for a road, and shows that it adjoined the railway line. In 1911 it was proclaimed a county road, and is now the portion of School Road running beside the line.[865] The Native Land Court awarded compensation in July 1911. The block had two Māori owners, who were represented by a solicitor in court. The Crown Solicitor advised that the Crown had agreed to give the owners £40 for the land. The solicitor for the owners confirmed that they had agreed to accept this offer, and the court awarded £40 compensation accordingly.[866]

In case of the 2 roods taken from Manawatū-Kukutauaki 3 Section 1A2 in 1946, the Railways Department negotiated with the sole owner, Stone McMillan, before the land was taken. They agreed on £70 compensation. When the matter came before the Native Land Court, the department submitted a special government valuation of £55 and told the court that the remaining 45 acres of the block would not be adversely affected by the taking. Although taken for 'railway purposes', the court was told that the land was going to be used for railway housing. The court also had a copy of a signed consent to the £70 by Mr McMillan, who the Judge described as 'well known as being able to look after his own affairs' and compensation was ordered accordingly.[867]

Paekakariki 2B2

In 1939 the five acre portion of Paekakariki 2B2 between the railway line and the coastline had been taken for road purposes. In June 1951 the remaining portion of the block (33a 1r 29p), which was the hills above the railway line, was taken for railway purposes for the Wellington-Foxton railway.[868] Research was unable to locate a Public Works or Railway Department file for the acquisition, and the reason it was considered necessary for railway purposes.

In October 1951 Judge A.A. Whitehead heard the Paekakariki 2B2 Māori Land Court compensation application. Currie represented the Railway Department and Blackburn and Webber appeared as Trustees for the Estate of Hemi Matenga, which was recorded as 'owner of part of the land'. Blackburn asked for the matter to be adjourned so that

[865] Wellington Survey Office Plan SO 16249.
[866] Otaki MB 52, 12 July 1911, p. 42 [P 1160722].
[867] Otaki MB 63, 23 March 1947, p. 120 [P1160829].
[868] NZG, 1951, p. 863.

the Māori owners could be 'competently represented'. Currie agreed, and the court adjourned, and Wellington solicitor Vickerman was appointed to represent the owners.[869]

On 2 October 1954 the Māori Land Court awarded compensation for the taking of Paekakariki 2B2 for railway purposes, in line with an agreement that had been reached. Vickerman referred the court to valuation reports which had been made (the minutes do not record the details of the report). He said that meetings had taken place to discuss the valuations, and that while Utauta Webber considered the value should be higher based on amount paid for flat land, the trustees of the Hemi Matenga Estate agreed to the amount of £250. The court was satisfied the matter had been sufficiently investigated and it awarded compensation of £250 plus interest of £25 and costs of £20-14-6 and it required that all outstanding rates at time of taking be paid.[870]

5.5 Summary of Key Issues

The first use of the Public Works legislation in the Porirua ki Manawatū district was for railway purposes. When Vogel established his public works policy with the Immigration and Public Works Act 1870 the development of a railway network was a key part of his plan to expand Pakeha settlement. Railways were an important infrastructure tool for the spread of Pakeha settlement and colonisation. A railway line not only improved access and transport links, but also opened up new areas for resource exploitation, thus attracting further settlement. Transporting both timber and flax from the inland Manawatū to the coast at both Whanganui and Foxton was a key part of the economic development of the region. The railway was also designed to link the large areas of land purchased by the Crown which was opened up for settlement by the Provincial Government. Railway stations were seen as vital and valuable additions to new communities.

The legislation governing the acquisition of land for railway purposes contained less protections for owners than other land taken for other purposes. Railways were considered so important that land acquisition was almost automatic once the line of the railway had been determined. There was no provision for objections to proposed

[869] Well MB 38, 10 October 1951, p. 91, [IMG 0337].
[870] Well MB 39, 2 November 1954, p. 265, [IMG 2978].

takings, and the registration of the survey plan resulted in the land being acquired. Furthermore, if an owner or occupier tried to obstruct entry on the land the Minister of Public Works could issue a warrant for the Sheriff to take possession of the land. This applied to both Māori and European land. However there was one provision which was discriminatory against Māori land. Section 36 of the Immigration and Public Works Act 1872 extended the power to take Māori land for roads without compensation (the five percent provisions) to include land taken for railways.

In the Manawatū region one of the key features was the initial acquisition of very large blocks of land from Māori by the Crown. This meant that the majority of the route of the railway line from Palmerston North to Whanganui passed through lands already in Crown ownership. Large parts of the railway were set aside by proclamation as a 'railway reserve' on Crown land, and land was taken from European settlers. However, the pockets of Māori reserves within the Te Ahuaturanga, Rangitikei-Manawatū and Rangitikei-Turakina purchases meant the railway line crossed some Māori land to link the Crown/European areas. Between Turakina and Bunnythorpe a total of 448 acres was set aside or acquired for the railway. Of that 56 acres were acquired from Māori land, and 134 acres from European land. The remaining 258 acres was Crown land which had been reserved for road and/or railway purposes as part of the process of subdividing Crown lands for settlement.

Few details have been located about the circumstances surrounding the land taken for the railway through the Kakariki, Kawakawa, Upper Aorangi and Taonui-Ahuaturanga Māori reserves. While the legislation provided for land to be taken without compensation, it seems that the Crown took the approach of negotiating to purchase the railway land. Although details are sparse, the Crown purchased and paid for the land taken from Kakariki, Kawakawa, and Upper Aorangi. Research has not been able to confirm whether or not payment was made for the line through Taonui-Ahuaturanga. Questions remain as to whether any consideration was given to altering the line to avoid Māori land, the nature of the negotiations and the attitude of the affected iwi and hapū towards the railway. Although technically a negotiated purchase it seems unlikely that Māori communities had a genuine choice in the matter as the line of the railway had been already been determined, and survey work had commenced in the early 1870s.

The railway line at Kakariki had attracted Māori opposition since at least 1871. It is therefore not surprising that when the Crown decided to take more Māori land at Kakariki for railway purposes in the late 1880s that local Māori refused to agree. This time they were supported by the Native Affairs Department, and a compromise limited term agreement was reached. In 1888, 25 acres of Paiaka Native reserve, was proclaimed as taken for the purposes of a ballast pit for the construction of the railway. However, opposition from the owners meant that although it was technically taken in 1888, it was not until 1893 that an arrangement was made to allow Railways to use the land. The arrangement was unique in the district, in that it provided that when the Railways Department had removed all the ballast required, the land would be returned to the owners. Although the agreement allowed Railways to use the ballast pit temporarily, the legal position was that the freehold of the land had been vested in Crown ownership as a result of the 1888 proclamation. By the time the ballast pit was no longer required in 1911, officials were unaware of the agreement, and failed to return the land as agreed. Instead it was leased to a Pakeha farmer. It was only after objections from local Māori that the Crown acknowledged its obligation to return the land, although the revesting was not achieved until 1919. Rent due to the owners for the lease of the land were not paid by the Railways Department until 1922.

The construction of a link between Palmerston North and the coast at Foxton started as plans for a road, but the swampy nature of much of the route meant that a wooden tramway was laid along the route in 1872. In 1875 it was proclaimed as the Foxton to Manawatū Railway. The route passed through Māori reserves between Himatangi and Oroua Bridge. Details have not been located about any arrangements made for laying off the original road line through the Māori reserves, although in 1875 Peeti Te Awe Awe said that while he had agreed to give land for the road, he objected to the telegraph line, and then to the construction of the tramway. The original survey plans for the road line line appear to have been lost, and the amount of land acquired cannot be confirmed. However, a further proclamation was issued in 1883 taking land either side of the original road/railway line to allow sufficient width for both the road and railway. At this time almost 58 acres were acquired from Māori-owned blocks, indicating that the total amount of Māori land used for the Foxton-Longburn Railway and adjoining road was in the vicinity of 116 acres. The railway route ceased operation in 1959. In the early 1960s portions of the railway land were declared Crown land, and some areas were

disposed of to the adjoining land owners. However, title records indicate that some of the former railway land adjoining Māori-owned blocks at Himatangi has remained as Crown land, while in other cases it was been revested in the adjoining Māori block.

One of the major pieces of public infrastructure between Porirua and Palmerston North is the main trunk railway line. The line south of Palmerston North was not constructed by the Crown, and most of the land over which it runs was not acquired through the mechanism of the Public Works Act. Instead, the Crown permitted a private company to construct and run the line. The Crown facilitated the private railway by allowing Crown land (part of larger blocks already purchased from Māori) to be used for the line, and empowering the company to negotiate with European and Māori land owners to obtain land for the railway. The Crown also assisted the railway company by effectively subsidising the company's costs with large grants of Crown land for on-sale to settlers. In 1908 the Crown took over ownership of the Wellington to Manawatū Railway, which is not part of the main trunk line.

The acquisition of Māori land for the railway line was essentially a private, rather than Crown, action. However, it took place under the provisions of the Railways Construction and Land Act 1881 by which the Crown delegated construction of the line to the private company. The Act contained separate provisions for the acquisition of Māori land, which allowed the company to negotiate purchase or cession agreements with the owners. A degree of oversight to protect Māori interests was provided under Section 121, whereby the Native Land Court was empowered to investigate any deed and make an order vesting the land in the company.

Little evidence remains of any negotiations carried out between the company and Māori, largely because when the Crown took over the railway in 1908, it destroyed the company's historical records. Newspaper accounts suggest Māori agreements were based on the argument that Māori communities would economically benefit from the railway line. The process used to transfer the land for the railway line was that the Native Land Court partitioned the areas purchased by the company as separate 'Railway Reserve' subdivisions which could then be transferred to the company. The subsequent transfer was facilitated by the court awarding the Railway Reserve blocks to one person,

or a small number of individuals. In this manner a total of 639 acres of Māori land was acquired for the Wellington to Manawatū Railway.

The main railway routes were completed by 1900. Public works takings after that date were a matter of relatively small takings for purposes such as realignments, station expansion, ballast pits, and accommodation sites for railway staff. There were 529 takings for railway purposes between 1900 and 2010. Only 14 of these were from land in Māori freehold ownership. The relatively low number of takings from Māori ownership after the main line had been constructed may be explained by the way that the rail corridor itself bought development to the lands adjoining the railway. The advent of the railway made Pakeha settlement more attractive and land purchases followed the opening up of Māori areas. Thus while Māori communities were told in the 1880s that the railway would bring economic opportunity and increase the value of their land, the reality was that the railway made Māori land more available and attractive to private land purchasers.

6. Waterways: Land Taken for River Control Purposes and Drainage

The Porirua ki Manawatū Inquiry District is punctuated by major waterways travelling through the district from the ranges in the east to the west coast. The rivers were extremely important to the iwi and hapū of the district, as transport routes, mahinga kai and other resources, as well as water supply. On a deeper level the rivers were and are an integral part of the identity of their Māori communities.

From the viewpoint of developing the infrastructure of European settlement, the Waikanae, Otaki, Manawatū and Rangitikei Rivers were major features that needed to be bridged for the road and railway network. The transformation of the adjoining bush and wetlands into pastoral lands meant that settlers and local authorities saw the need to control the flow of rivers to prevent flooding and land erosion, and to protect bridges approaches and supports.

The environmental and cultural impacts of the changes made by central and local government to wetlands and waterways have been considered in other reports for the inquiry district: the 'Environmental and Natural Resources Issues' report by Vaughan Wood and others; and the 'Inland Waterways Cultural Perspectives Technical Report' by Huhana Smith; and 'Te Atiawa / Ngāti Awa ki Kapiti – Inland Waterways' report by Ross Webb.[871] The discussion of land taken for river control purposes and drainage in this Section focuses solely on the process by which land was taken from Māori owners, in terms of notification, how any objections were handled, and the assessment of compensation. Wider questions about whether or not Māori environmental and cultural interests were considered and the subsequent impact of river and drainage scheme on Māori interests are outside the scope of this report.

In addition to the above reports, a detailed report has been written on the Rangitikei River by David Alexander.[872] This includes many details about use of the riverbed by local and central government, including land taken from the riverbed, and some

[871] Vaughan Wood et al, 'Environmental and Natural Resource Issues Report', CFRT, September 2017; Huhana Smith, 'Inland Waterways Cultural Perspectives Technical Report', CFRT, 2017; Ross Webb, 'Te Atiawa / Ngāti Awa ki Kapiti – Inland Waterways', Waitangi Tribunal, Draft, July 2018.
[872] David Alexander, 'Rangitikei River and its Tributaries Historical Report', CFRT, November 2015.

riverbank Māori blocks, under the Public Works Act. We have not duplicated Alexander's research, and his report should be consulted for further information about the impact of the Public Works Act on the Rangitikei River, particularly riverbed areas adjoining Māori-owned blocks, which the Crown acquired under the assumption of Crown title.

6.1 Lands Taken for River Control Purposes and Flood Protection

This Section is arranged by river starting in the south of the district.

6.1.1 Waikanae River Scheme 1959-1969

The title to Ngarara West A blocks along the Waikanae River extended to the middle line of the river, rather than the more usual practise of adopting the riverbank as the boundary.[873] Webb has explained how the Crown was reluctant to undertake flood protection works while the riverbed remained in private ownership (both Māori and European landowners along the river).[874]

In May 1959 a notice of intention to take Ngarara West A3C, A22A1 and A22A2 for soil conservation and river control was gazetted by the Manawatū Catchment Board.[875] In 1960 the Soil Conservation and River Control Council gave the Manawatū Catchment Board approval to acquire the land along the Waikanae River. The total area affected was approximately 72 acres of European and Māori land (see Map below). In May 1964 the Resident Engineer explained that the Manawatū Catchment Board, to give itself 'undisputed control of the river bed', had 'embarked on a programme' of 'steadily pursuing land acquisition' of areas where the owners had not cooperated with the board in the planting of trees to control river erosion.[876] Areas of the river in European ownership were subsequently vested in the board for the nominal figure of one shilling, while the three Māori land blocks were to be acquired by proclamation under the Public Works Act, with compensation determined through the Māori Land Court.[877]

[873] Ross Webb, 'Te Atiawa / Ngāti Awa ki Kapiti – Inland Waterways', Waitangi Tribunal, Draft, July 2018, pp. 31-35.
[874] ibid, pp. 39-49.
[875] NZG, 1959, p. 663.
[876] M.S. Goddard, Resident Engineer, Public Works, Porirua to District Commissioner of Works, Wellington, 6 May 1964, AATE W3392/76 96/315000, ANZ Wellington [P 1160120].
[877] A.T. Brown, Secretary, Manawatū Catchment Board, Palmerston North to District Commissioner of Works, Wellington, 14 June 1962, AATE W3392/76 96/315000/0/3, ANZ Wellington [IMG 0657].

The proclamation taking land from Ngarara West A3C was issued in April 1962.[878] It had been preceded by a notice of intention in July 1961.[879] The area acquired from the block totalled 8 acres 2 roods 11 perches. The land acquired spanned the river with 2 roods 11 perches taken from the northern bank, 3 acres of riverbed and 5 acres south of the river.[880]

Ngarara West A3C was owned by Patrick Paddon, Hau Tamate and others and was located off Te Moana Road at Waikanae. The Māori Land Court heard the application for assessment of compensation in July 1963. There were no improvements on A3C and the Valuation Department placed a capital value of £215 on the land taken. The Māori owners had been receiving a royalty of 9 shillings a cubic yard for removal of river shingle. The valuer for the owners valued the land at £225. Neither of these valuations included the value of the shingle extracted. [881]

Phillips, the solicitor for the owners, argued that they should be compensated for the land on the basis it was a gravel pit, and the court agreed stating that there 'can be no doubt that the land will produce shingle but it is impossible to say how much.' Judge Prichard noted there was a good demand for shingle for which the catchment board received £1,000 per annum.[882] The court awarded compensation of £450 along with £21 legal costs and £9-16s for witness expenses.[883]

In March 1963 a proclamation taking Parts Ngarara West A Section 21D (6a 1r 36p) for soil protection purposes was issued.[884] The registered owner was the Estate of Rameka Watene.[885] Notices of intention to take the land had been issued in February

[878] NZG, 1962, p. 663.
[879] NZG, 1961, p. 1101.
[880] Sketch plan Ngarara West A3C, AATE W3392/76 96/315000/0/3, ANZ Wellington [IMG 0654].
[881] D.A. Howe, District Valuer, Valuation Department, 27 May 1963, AATE W3392/76 96/315000/0/3, ANZ Wellington [IMG 0650].
[882] Extract Otaki MB 70, 24 July 1963, pp. 179-184, Chief Judge I. Prichard, AATE W3392/76 96/315000/0/3, ANZ Wellington [IMG 0644-646].
[883] E.L. Staples, Land Purchase Officer, Works, Wellington to District Commissioner of Works, Wellington, 1 August 1963, AATE W3392/76 96/315000/0/3, ANZ Wellington [IMG 0647].
[884] NZG, 1963, p. 327.
[885] H.A. Fullarton, District Commissioner of Works to Secretary, Manawatū Catchment Board, Palmerston North, 6 April 1966, AATE W3392/76 96/315000/0/4, ANZ Wellington [IMG 0663].

1962.[886] The land had a capital value of £100.[887] Compensation was negotiated between the Ministry of Works and the Māori Trustee. In March 1966 an agreement was reached, to pay £320-17-9 in settlement, which consisted of £200 for the land, along with interest of £85-16-9 and costs of £35-1s. This amounted to £30 per acre was according to the Assistant Land Purchase Officer in line with other similar settlements on the river.[888]

In June 1964 a proclamation taking parts of Ngarara West A22A1 (1r 21.4p) and Ngarara West A22A2 (2r 39.7p), making a total of (1a 0r 21.1p), for soil conservation was issued.[889] The land was owned by H. Tamati and others and notices of intention to take the land had been issued in 1963.[890]

The entire Ngarara West A22A1 block had a total capital value of $875 with an unimproved value of $850. Ngarara West A22A2 had a total capital value of $3,300 with an unimproved value of $1,700 as of 1 November 1965. Compensation was negotiated between the Ministry of Works and the Māori Trustee because the block had multiple owners. Although the land was taken in 1964, the matter of compensation was not dealt with until 1968. Works initially offered $90 to $100 for the two areas taken.[891] A file note on the Māori Trustee file says the '$100 offered by Works seems a bit miserable' and another in response says: 'It certainly looks as if $100 is far too little'.[892]

The Māori Trustee approved Registered Valuer Jim Flowers to make a valuation of Ngarara West A22A1 and A22A2 for compensation purposes.[893] Flowers had for a long period worked for the Māori Affairs Department as a Field Supervisor and in the early

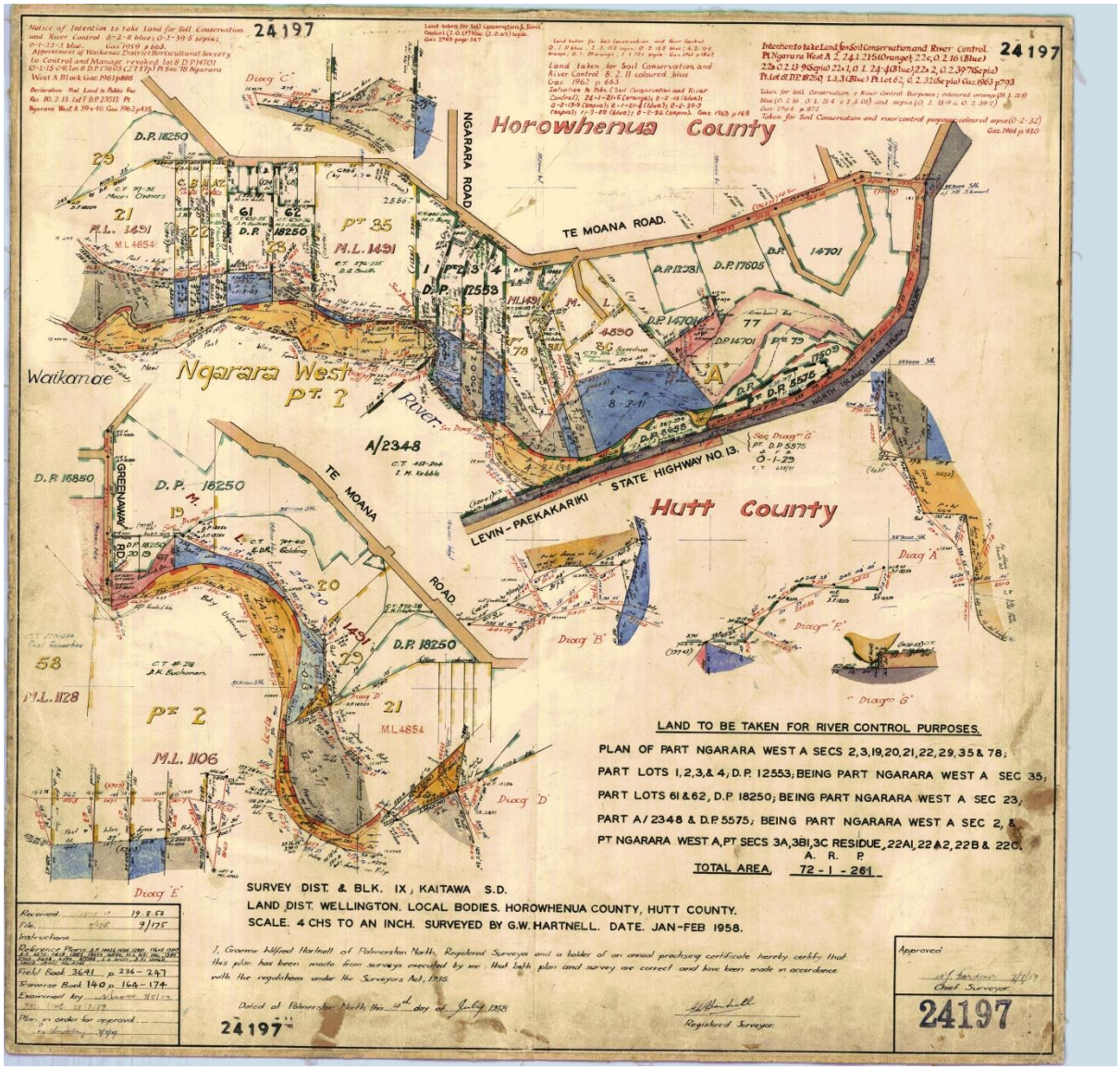
[886] NZG, 1962, p. 326; NZG, 1962, p. 944.
[887] D.A. Howe, District Valuer, Valuation Department, 16 September 1963, AATE W3392/76 96/315000/0/4, ANZ Wellington [IMG 0670].
[888] E.D. Fogarty, Assistant Land Purchase Officer, Works, Wellington to District Commissioner of Works, Wellington, 24 March 1966, AATE W3392/76 96/315000/0/4, ANZ Wellington [IMG 0665-0666].
[889] NZG, 1964, p. 872.
[890] NZG, 1963, p. 169; NZG, 1963, p. 793.
[891] J. Trevenen, Assistant District Officer to Works, 13 November 1968, ACIH 16036 MA1/763 54/19/63, ANZ Wellington [IMG 2309-2310].
[892] File notes, on, J. Trevenen, Assistant District Officer to Works, 13 November 1968, ACIH 16036 MA1/763 54/19/63, ANZ Wellington [IMG 2309-2310]; C.J. Tustin, District Commissioner of Works to District Officer, Māori Affairs, Palmerston North, 5 July 1968, AATE W3392/76 96/315000/0/7, ANZ Wellington [IMG 0679].
[893] D.W. Stewart, for, Māori Trustee, Palmerston North to Wellington, 28 November 1968, ACIH 16036 MA1/763 54/19/63, ANZ Wellington [IMG 2308]; [IMG 2309].

1960s he was employed by the Horowhenua County Council as a rates collector.[894] Flowers met with the Land Purchase Officer for the Ministry of Works to discuss the compensation figure and to negotiate a 'compromised' settlement. Flowers explained that land owners of adjoining sections above A22A1 and A22A2 had received $300 for 1 acre 1 rood 22.7 perches, of which one acre was good pasture, plus $140 for water rights. In another case that had gone before the Land Valuation Court the owner had been declined compensation for metal. Flowers decided that because of these two cases the 'only course open was to make the best possible deal on the land value and water rights.' He said survey plans showed the land was eroded since 1950, and Valuation Rolls back to 1955 showed that the 'area was not valued' and no rates had been levied. This situation, Flower said, left him with 'little scope for bargaining'. The sum of $535 was to be a 'compromise' because the land had been eroded by the river and other parts were riverbed and it was, in his opinion, not productive and 'I appealed for more generous treatment than the $100, originally offered in view of the land being Maori owned'. Flowers concluded that he had considered the offer of $100 too low and 'my hopes did not extend to more than some $300/$400 & I consider the Ministry of Works were generous in their offer particularly as metal has been ruled out.'[895]

Works agreed to the 'compensation of $535 for Ngarara West A22A1 and A22A2, which consisted of $60 for the land of A22A1 with water rights of $140 making a total of $200. Ngarara West A22A2 consisted of $160 for the land and water rights of $140 making a total of $300. This made a total of $500 and a further $35 was to cover valuer's costs. It was also suggested that rates of $21.09 owed to the catchment board be written off.[896] Settlement was executed in November 1969.[897]

[894] S. Woodley, 'Local Government Issues Report', CFRT, June 2017, p. 507.
[895] J.H. Flowers to Māori Trustee, Palmerston North, 18 January 1969, ACIH 16036 MA1/763 54/19/63, ANZ Wellington [IMG 2306-2307].
[896] J.E. Lewin, District Officer, Works, 3 July 1967, ACIH 16036 MA1/763 54/19/63, ANZ Wellington [IMG 2305]; see also J.E. Lewin, District Officer, Māori Affairs to District Commissioner of Works, 5 February 1968, AATE W3392/76 96/315000/0/7 [IMG 0678]; E.D. Fogarty, Senior Land Purchase Officer to District Commissioner of Works, 25 March 1969 [IMG 0748]; P.L. Laing, Commissioner of Works to Secretary, Manawatū Catchment Board, 6 May 1969 [IMG 0675].
[897] J.E. Lewin, District Officer, Palmerston North to Works, 18 November 1969, ACIH 16036 MA1/763 54/19/63, ANZ Wellington [IMG 2303].

Map 24: Ngarara West Land to be Taken for River Control Purposes 1958[898]



6.1.2 Otaki River Scheme 1950s

Between 1945 and 1946 Public Works had carried out straightening and planting work along the Otaki River from the main highway to the sea. This work was done without the legal right to execute the work, and in 1953 Works decided it needed to take an area on both sides of the river near the river mouth under the Public Works Act. The Commissioner of Works had no record of the titles involved, although Works had gained consents to enter the area for the work from Pakeha farmers F.F. Richmond,

[898] Wellington Survey Office Plan SO 24197.

H.B. Lethbridge and T.J. Ryder. The commissioner had not identified the Māori ownership for other areas involved in the work.[899]

The Soil Conservation Council were concerned these delays in obtaining title and ownership details had meant that a number of shingle extraction licenses had not been issued.[900] In 1954 some owners had begun to be identified but the list was not complete.[901] The District Commissioner of Works when providing the notice to take the land had said: 'Several areas are Maori land. One other appears in the Deed Index – the owner cannot be traced. Another area is owned jointly by a European and two Maoris. I think, at this late stage, seven or eight years after the work is completed, the sooner the matter is finalised, the better.'[902]

Owners identified along the Otaki River by Māori Affairs included Te Pehara who had been the original grantee of Paremata 15A3 (3r 30p) in 1881 and was now presumed deceased. Owners of Moutere Tahuna 7B (0.6p) were Kerenapu te Raike and Piatarihi Mohi. Owners of Moutere Tahuna 4A (3a 1r 19p) were Peneamine Matenga, Hihira Moroatai and Peene Arama. The owners of Hikuwai 20 (4a 1r 16.2p) were Hihira Moroatai, Pitiera Taipua, Tohuroa Parata, Te Punairangiriri Rongowhitiao Taipua, Iraea Matenga, and Peni Rauhihi Tupotahi. The majority of the land, which was approximately 130 acres, was identified as 'Customary Maori' with 'No title in Maori Land Court records.'[903]

In October 1954 a proclamation taking approximately 100 acres of ungranted Māori land in Blocks VIII and IX Waitohu Survey District for soil conservation and river control purposes was gazetted. The schedule described three areas as being taken. The first area was: 'Ungranted land adjoining Cook Strait, Taumanuka 3F, Paremata 15A,

[899] E.R. McKillop, Commissioner of Works, Wellington to District Commission of Works, Wellington, 25 February 1953, AAQU 889 W3428/132 96/318000/0, ANZ Wellington [IMG 0578].
[900] E.R. McKillop, Commissioner of Works, Wellington to District Commission of Works, Wellington, 6 September 1954, AAQU 889 W3428/132 96/318000/0, ANZ Wellington [IMG 0577]; see also file note on, C. Langbein, District Commissioner of Works, to Commissioner of Works, Wellington, 29 January 1953 [IMG 0580].
[901] Registrar, Māori Affairs, Wellington to District Commissioner of Works, Wellington, 27 April 1954, AAQU 889 W3428/132 96/318000/0, ANZ Wellington [IMG 0576].
[902] C. Langbein, District Commissioner of Works, Wellington to Commissioner of Works, Wellington, 24 August 1954, AAQU 889 W3428/132 96/318000/0, ANZ Wellington [IMG 0570].
[903] Registrar, Māori Affairs, Wellington to District Commissioner of Works, 27 April 1954, AAQU 889 W3428/132 96/318000/0, ANZ Wellington [IMG 0572-0573].

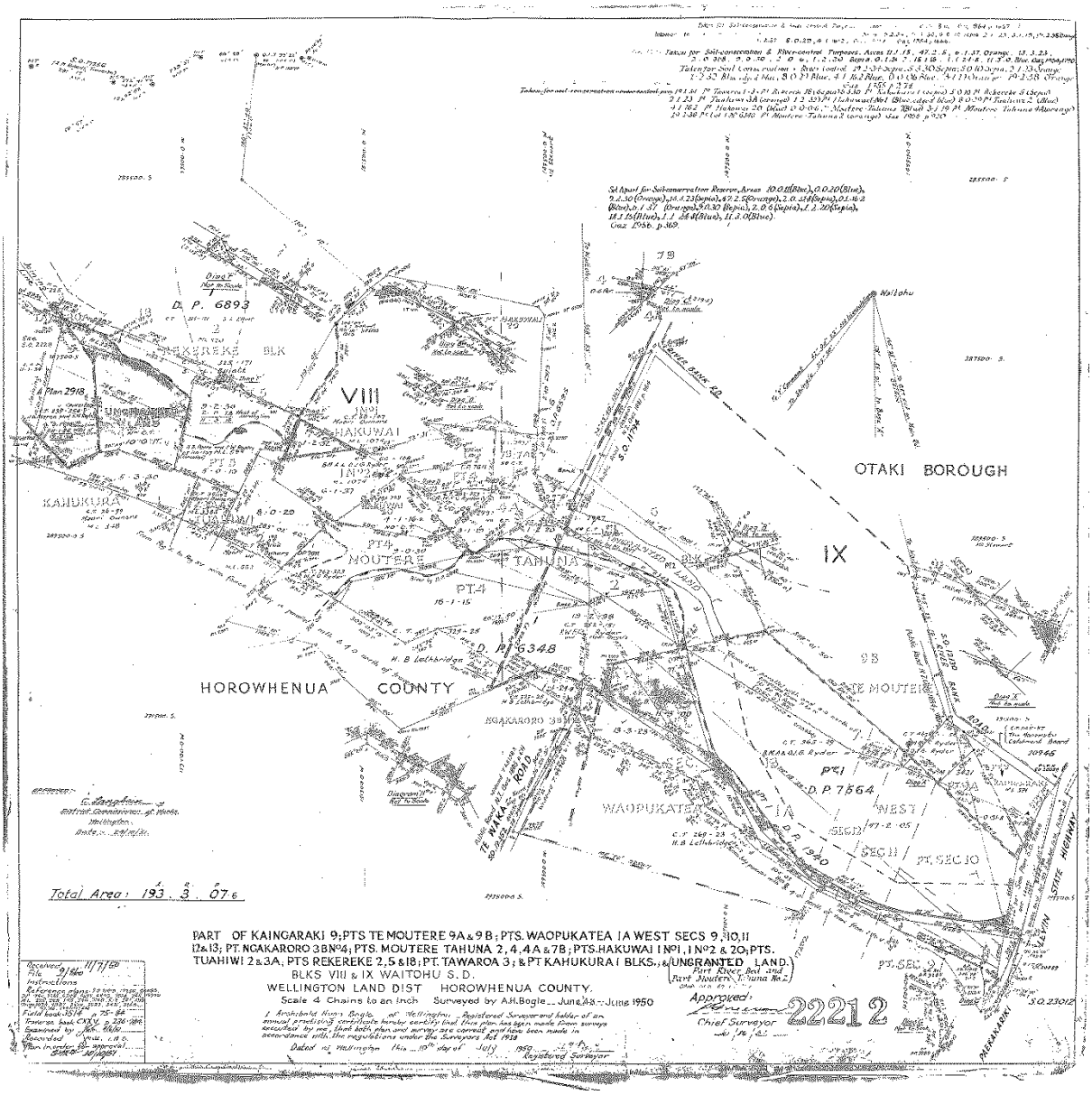
15B, and 11, Subdivisions 4A and 4B, Tawaroa No. 1, Kahukura No. 1, Part Ngakaroro 5E, and Parts ungranted land (SO 22211.)'. In total these areas consisted of 90 acres 2 roods 30 perches in size. The second area was: 'Ungranted land adjoining Tawaroa 1, Rekereke 18 and 5, Kahukura 1'. This area was 10 acres 0 roods 11 perches in size. The third area was: 'Part ungranted land adjoining Part Moutere Tahuna 2 and 4, and ungranted land (SO 22212.)'. This area was 20 perches in total.[904]

The 90 acre area contained the mouth of the river and consisted of beach gravel and shingle and areas of land separated by channels in the river. The 10 acre area was approximately a mile from the mouth of the river and the land was between two channels in the river.[905]

[904] NZG, 1954, p. 1657.
[905] J.L. Green, Assistant Land Purchase Officer, N.F. Oldfield, Assistant District Property Officer, Works, Wellington to District Commissioner of Works, Wellington, 19 June 1974, AAQU 889 W3428/132 96/318000/0, ANZ Wellington [IMG 0547-0548].

Map 25: Survey Plans of Land Taken from Mouth of Otaki River 1954-1955[906]

[906] Wellington Survey Office Plans SO 22211 and SO 22212.



After the ungranted land had been acquired by the Crown, in March 1956 the 90 acres and other areas held for soil conservation purposes were set apart for a soil conservation reserve.[907]

It appears no steps were taken to arrange for compensation to be paid for the customary land taken in 1954 until 20 years later. In 1974 the District Commissioner of Works said that: 'The Department of Maori and Island Affairs has now claimed compensation for the land. As there is a five year limitation in which they can claim compensation I recommend that compensation should be paid and interest should be assessed for five

[907] NZG, 1956, p. 369.

years only'.[908] The Assistant Land Purchase Officer noted: 'This land was described as ungranted Maori land in the above [NZG 1954, p. 1657; NZG 1956, p. 369] gazette notices, however a decision made by the Maori Land Court in 1966 regards this as customary Maori land. As ungranted Maori land has no defined owners, it has been presumed that this was the reason that no compensation was paid at the time.' He recommended Works pay the compensation.[909] The Māori Trustee accepted an offer of $700 with interest at 5 percent for 5 years from 22 November 1954.[910]

On 20 October 1954 a Notice of Intention to take approximately 96 acres from Parts Taumanuka, Paremata, Ngakaroro, Tawaroa, Kahukura, Rekereke, Tuahiwi, Hakuwai and Moutere Tahuna for soil conservation and river control was issued.[911] The gazette notice was exhibited in the Otaki Post Office for the required 40 day period.[912] No objections were received and the District Commissioner of Works reported that: 'Compulsory acquisition is being resorted to because it has been impossible to obtain properly attested consents from Maori owners and the titles of several European owners are obscure. The Maori Affairs Dept. has no objection.'[913] In blocks were proclaimed as taken under the Public Works Act in February 1955.[914] The areas taken, plus compensation awarded, are listed in the following table.

Table 22: Land Taken for Otaki River Scheme 1955[915]

Block	Area	Compensation
Taumanuka 3F	5a 3r 30p	£69-0-0
Paremata 15B	1a 3r 05p	£34-0-0
Paremata 15A	6a 3r 30p	£23-0-0
Ngakaroro 5E	16a 3r 30p	£150-0-0
Tawaroa 1	19a 0r 38p	£146-0-0
Tawaroa 3	0a 2r 08p	£5-0-0
Rekereke 18	1a 0r 16p	£9-0-0

[908] A. Peart, District Commissioner of Works, Wellington to Commissioner of Works, Wellington, 1 May 1974, AAQU 889 W3428/132 96/318000/0, ANZ Wellington [IMG 0550].
[909] J.L. Green, Assistant Land Purchase Officer, N.F. Oldfield, Assistant District Property Officer, Works, Wellington to District Commissioner of Works, Wellington, 19 June 1974, AAQU 889 W3428/132 96/318000/0, ANZ Wellington [IMG 0547-0548].
[910] K.A. Newton, District Officer, Māori Affairs, Palmerston North to District Commissioner of Works, Wellington, 15 May 1974, AAQU 889 W3428/132 96/318000/0, ANZ Wellington [IMG 0549].
[911] NZG, 1954, p. 1666.
[912] W.G. Taylor, Chief Postmaster, Wellington to Permanent Head, Works, Wellington, 20 December 1954, AAQU 889 W3428/132 96/318000/0, ANZ Wellington [IMG 0567].
[913] P.L. Laing, District Commissioner of Works to Commissioner of Works, 14 February 1955, AAQU 889 W3428/132 96/318000/0, ANZ Wellington [IMG 0566].
[914] NZG, 1955, p. 274.
[915] R. Love, Deputy Registrar, Order Assessing Compensation for Land Taken, Māori Land Court, Judge Jeune, 30 July 1957, AAQU 889 W3428/132 96/318000/0, ANZ Wellington [IMG 0564].

Rekereke 5	5a 0r 10p	£46-0-0
Kahukura 1	5a 3r 30p	£150-0-0
Tuahiwi 2	8a 0r 29p	£81-10-0
Tuahiwi 3A	2a 1r 23p	£23-0-0
Hikuwai 1 No 1	1a 2r 32p	£11-10-0
Hikuwai 20	4a 1r 16.2p	£23-0-0
Moutere Tahuna 7B	0a 0r 00.6p	£0-0-0
Moutere Tahuna 4A	3a 1r 19p	£23-0-0
Lot 1 DP 6348 Part Moutere Tahuna 2	19a 2r 38p	£160-0-0
Total		**£954-0-0**

In July 1957 the Māori Land Court assessed compensation for the land taken in February 1955. The court was told that Works and the Māori Trustee had reached an agreement on compensation. Part of the agreement was that the owners would retain access along the riverfront reserve to their lands, which meant that there was no requirement to include an allowance for injurious affection in the compensation. The Judge commented that it was 'imperative that they retain such right'.[916] A total of £954 compensation was awarded, as laid out in the table above, for approximately 100 acres. The compensation was to be paid to the Māori Trustee for distribution to the owners. The court awarded disbursements of £50-18-6 legal fees.[917]

The compensation awarded by the court had been agreed on by solicitors and valuers for the owners and the District Valuer. The Land Purchase Officer considered the 'compensation to be very reasonable' and he recommended the payment of £1,004-18-6 inclusive of legal fees.[918] Authority for payment of the legal costs was given in December 1957.[919] The £954 for the land taken was also paid to the Māori Trustee.[920]

[916] Otaki MB 66, 30 July 1957, p. 490, [P 1160851].
[917] Order Assessing Compensation for Land Taken, Otaki MB 66, 30 July 1957, p. 490, AAQU 889 W3428/132 96/318000/0, ANZ Wellington [IMG 0564].
[918] G.C. Mayo, Land Purchase Officer, Works, Wellington to District Commissioner of Works, Wellington, 5 September 1957, AAQU 889 W3428/132 96/318000/0, ANZ Wellington [IMG 0563].
[919] C.F. Stubbs to Morison Spratt Taylor & Co, Solicitors, Wellington, 4 December 1957, AAQU 889 W3428/132 96/318000/0, ANZ Wellington [IMG 0561-0562].
[920] C.F. Stubbs to Māori Trustee, Māori Land Court, Wellington, 4 December 1957, AAQU 889 W3428/132 96/318000/0, ANZ Wellington [IMG 0560].

6.1.2.1 Other Otaki River Bed Takings - Noxious Weeds 1961

In March 1960 the Horowhenua County Council issued a notice of intention to take 25 acres along the south bank of the Otaki River for noxious weed clearance.[921] Not only did the council wish to have the weeds on the land itself cleared, but weed eradication was also seen as a way of improving noxious weeds compliance by neighbouring landowners: 'It is a source of infection for adjacent farms, and, whilst it remains in this condition, the farmers are naturally reluctant to devote time and money on the eradication of weeds on their own properties'.[922]

The 25 acres to be taken did not have any title, and was described as 'ungranted land'. As can be seen on the plan below, it adjoined some blocks still in Māori ownership, and another area of 'ungranted land' which had been taken for river control in the mid-1950s.

[921] The notice confirming the intention to take the land says it was first published in March 1960, NZG, 1961, p. 377.
[922] M.S. Goddard, Resident Engineer to District Commissioner of Works, 30 November 1960, AATE W3392/12 19/2/8, ANZ Wellington [P1170398].

Map 26: 'Ungranted Land' at Otaki Taken for Noxious Weeds 1961[923]

The council did inform at least some of the surrounding land owners (through their solicitors) about the acquisition, as they later advised one law firm that their objection would be heard in August and invited them to attend the hearing.[924] The available documents do not give the name of the objector or identify whether they were Māori or not. A Māori objection was mentioned in 1961 (see below), but it is not certain if this referred to the same objection. When the council meeting considered the acquisition, the objectors did not appear. The council passed a motion which stated that it did 'not acknowledge the objectors' title to the land' and maintained that the 'objection is not

[923] Wellington Survey Office Plan SO 24591.
[924] J.H. Hudson, Clerk, Horowhenua County Council to Morison Spratt & Taylor, Solicitors, Wellington, 2 August 1960, AATE W3392/12 19/2/8, ANZ Wellington [P 1170396].

well grounded', and the council considered it 'expedient' that the work be done and compensation was provided by the Act. The council decided to apply to the Crown for the land to be taken for public works.[925]

The Resident Engineer reported on the council proposal and supported its scheme to encourage noxious weeds control. Even though the council had received at least one objection, the Resident Engineer said 'there is no known objection, public or private, to the proposal' and that the land was not occupied or used for any of the purposes specified in the Public Works Act.[926] The Resident Engineer described it as 'a "no man's land" to which no one has title'.[927] However, there were some interdepartmental questions over whether the land was customary Māori land or Crown land.[928]

The District Commissioner of Works advised that Māori Affairs should be asked whether or not it was customary Māori land, and if so, whether it agreed the land should be taken.[929] The Deputy Registrar responded that there were no Māori Land Court titles to the 25 acres. He also suggested that the adjoining land owner, Tamati Hawea could be interested in obtaining the land from the council. The Deputy Registrar reported that Hema Whata Hakaraia of Otaki had 'expressed his opposition to the proposed taking of this land.' A pencil annotation beside this comment said 'out of time.'[930] It is not clear whether Hakaraia had lodged a formal objection, and how the judgment was made that the objection was too late. There is no further correspondence on the Public Works Department records in regard to this objection. The Deputy Registrar concluded: 'This office is not aware of any other objections or evidence of interest in this land', which was likely taken by the council and Public Works Department as consent to the acquisition.

[925] J.H. Hudson, Clerk, Horowhenua County Council, Levin, Extract of meeting minutes, 10 August 1960, AATE W3392/12 19/2/8, ANZ Wellington [P 1170395].
[926] M.S. Goddard, Resident Engineer, Porirua to District Commissioner of Works, Wellington, 30 November 1960, AATE W3392/12 19/2/8, ANZ Wellington [P 1170398].
[927] ibid
[928] F.M. Hanson, Commissioner of Crown Works, Wellington to District Commissioner of Works, Wellington, 2 February 1961, AATE W3392/12 19/2/8, ANZ Wellington [P 1170400].
[929] H.A. Fullerton, District Commissioner of Works to Park & Cullinane, Solicitors, Levin, 10 February 1961, AATE W3392/12 19/2/8, ANZ Wellington [P 1170402].
[930] F.T. O'Kane, Deputy Registrar, Palmerston North to Park & Cullinane, Solicitors, Levin, 26 May 1961, AATE W3392/12 19/2/8, ANZ Wellington [P 1170409].

The solicitors acting for the council investigated the status of the land, and in doing so referred to the history of the adjoining 90 acres of 'ungranted land' which was taken in 1954. In this case the Chief Surveyor had decided that the 25 acre area was Māori customary land, and the solicitors requested the department to accept that finding along with the advice from the court that there was no title to the area, and to proceed with the taking.[931] While the title question was still being resolved, the District Commissioner of Works advised the council:

> In the meantime, if the County wishes to clear the land of weeds, I suggest that the County Clerk should write to both the Commissioner of Crown Lands and Maori Affairs Department for permission to do so. I cannot see any reason why such a request should not be granted.[932]

At no point in the departmental correspondence did Public Works officials question why the council needed to permanently acquire the land, when it was possible for the necessary weed clearance to be undertaken in the short-term without acquiring the freehold. The department was aware that once the council had cleared the weeds from the land it intended to sell or lease it to an adjoining owner:

> The council can acquire title at the cost of survey and legal expenses, and that done it proposes to clear the land of noxious weeds and then to sell or lease it to one of the adjoining owners by tender. It hopes to recover its outlay by this means.[933]

Effectively, the Crown and the council were making use of the Public Works Act to transfer a piece of customary Māori land to private ownership, so that it would be easier for the council to ensure that the land was 'properly' managed.

In March 1961 the council issued a notice confirming its intention to take ungranted land (25a 2r 34p) on the south side of the Otaki River.[934] The land was then proclaimed as taken in August 1961 under Section 27 of the Noxious Weeds Act 1927 and Section 103(a) and Section 35 of the Public Works Act 1928.[935] The proclamation referred to 'Maori land' being taken, and the land was identified as 'ungranted land adjoining

[931] Park & Cullinane, Solicitors, Levin to District Commissioner of Works, 20 July 1960, AATE W3392/12 19/2/8, ANZ Wellington [P 1170411]; N.J. Gardiner, Chief Surveyor, Wellington to District Commissioner of Works, Wellington, 26 July 1961 [P 1170412].
[932] H.A. Fullarton, District Commissioner of Works to Park & Cullinane, Solicitors, Levin, 5 May 1961, AATE W3392/12 19/2/8, ANZ Wellington [P 1170407].
[933] M.S. Goddard, Resident Engineer, Porirua to District Commissioner of Works, Wellington, 30 November 1960, AATE W3392/12 19/2/8, ANZ Wellington [P 1170398].
[934] NZG, 1961, p. 377; *Dominion*, 2 March 1961.
[935] NZG, 1961, p. 1259.

Kahukura 1, Pukerarauhi 1, Katihiku 1B, Ngakaroro 3F1, and parts Ngakaroro 3F and 3E'. The land was vested in the Horowhenua County Council.

Once the 'ungranted' land had been cleared of weeds the council was then authorised to sell the land.[936] The council intended to sell the land by tender to an adjoining owner.[937] Because there was no land title, an Order in Council was required by Section 103(a)(III) of the Public Works Act 1928 to direct the sale and prepare the land to be gazetted.[938] Although the Deputy Registrar had suggested that Tamati Hawea, the owner of Katihiku 1B, might be interested in acquiring the land, it appears that the council subsequently sold it to the European owners of Kahukura 1 as the area was subsequently incorporated into one title with adjoining lands to the east.[939] No information has been located to indicate whether the Māori Land Court or Māori Trustee subsequently sought compensation for the land taken, and if any investigation was done to determine the potential customary owners.

6.1.3 Manawatū River-Whirokino Cut 1940-1945

A flood protection scheme at Foxton was considered necessary in the 1930s after extensive flooding of the lower Manawatū River, and initial flood protection work was undertaken. A series of flood banks and spillways were built in the following decades, including what was known as the Whirokino cut. In 1939 the Minister of Public Works said work would commence in the near future on the Whirokino cut.[940] The cut was the 'most important item and will effect an improvement upstream as far as Shannon. The meander is over six miles in length, so that the river at this point would reduce to one mile. This should be one of the first works undertaken in the scheme.'[941]

Where the Manawatū River made a long loop west of Foxton, the 'cut' was designed to prevent flooding by creating a spillway across the neck of the loop, so the river travelled in a straighter line to its mouth. The spillway was to provide protection for

[936] D.K. Guy, Chairman Horowhenua County Council, J.D. Aitcheson, Councillor to Governor General, April 1962, ABKK 889 W4357/364 53/54/1 pt 1, ANZ Wellington [IMG 0490-0491].
[937] M.S. Goddard, Resident Engineer, Porirua to District Commissioner of Works, Wellington, 18 May 1962, ABKK 889 W4357/364 53/54/1 pt 1, ANZ Wellington [IMG 0489].
[938] NZG, 1962, p. 1502; see also W. McRae, for, Chief Surveyor, Wellington to District Commissioner of Works, Wellington, 5 October 1961, AATE W3392/12 19/2/8, ANZ Wellington [P 1170417].
[939] Wellington Deposited Plan DP 53870.
[940] *Evening Post*, 2 August 1939.
[941] *Horowhenua Chronicle*, 23 August 1939.

adjoining farmers but was also to seriously affect the way that Māori had traditionally used the area, and impacted on Māori owned blocks in the vicinity. This section provides details on the Māori land taken by the Crown to construct the spillway, and some details about how Māori blocks that lay within the 'loop' area were also affected by being cut off by the new course of the river. The traditional Māori use of the waterways in the Whirokino area is covered in the 'Inland Waterways Historical Report', as are the problems caused by the construction of the spillway.[942] The 'Ngāti Raukawa Rangatiratanga and Kāwanatanga: Land Management and Land Loss from the 1890s to 2000' report also discusses the way the Whirokino Cut caused problems relating to access and effluent disposal for the Matakarapa development scheme.[943]

In July 1940 a delegation of the Manawatū Oroua River Board placed a financial proposal before the Minister of Public Works and the Minister accepted the proposal to shorten the river by approximately five and a half miles.[944] At this time work began on the spillways construction and flood banks west of the Whirokino Bridge across the Foxton Loop. The course of the river continued to change and create areas of silt and lagoons and the district council sought Crown help to address these problems. On 1 August 1940 the Manawatū Oroua River Board passed a resolution to set this work in motion and requested government assistance:

> That in the opinion of this Board it is desirable that the Whirokino Cut be undertaken in the Manawatu River, for the use, convenience, and enjoyment of a Public Work: viz. stopbanks controlled by this Board in the Manawatu River, and that the Public Works Dept. be asked to take the necessary steps to this end, under Clause 207 of the Public Works Act, 1928. Also that the Dept. of Internal Affairs be requested on behalf of the Board to make application for the issue of an Order-in-Council as required by the Finance Act, 1938, enabling the Board to incur the necessary liability of £8,000 for its portion of the cost of this Public Work.[945]

The cut went through Whirokino 1 which was European land owned by the Guardian Trust and the Executors Company of New Zealand, and through Māori owned Te

[942] H. Potter, et el, 'Porirua ki Manawatū Inland Waterways Historical Report', Draft, CFRT, April 2017, pp. 158-162.
[943] Fitzgerald, E., Young, Grant, et el, 'Ngāti Raukawa Rangatiratanga and Kāwanatanga: Land Management and Land Loss from the 1890s to 2000', CFRT, June 2017, pp. 203-205.
[944] *Evening Post*, 26 July 1940.
[945] R.H. Spence, Clerk, Manawatū Oroua River Board, Palmerston North to Under Secretary, Internal Affairs, Wellington, 1 August 1940, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4266].

Rerengaohau 2B and Whirokino 3 blocks. In mid-August 1940 the District Engineer said the owners of Whirokino and Te Rerengaohau had been contacted and consents for entry were being gathered from owners and occupiers. A proclamation for taking the Whirokino cut land was in the process of being compiled.[946] The area that was required for the cut was approximately 155 acres.[947]

Watkinson the Resident Engineer said by the time the proclamation was gazetted he would have obtained the written consents from the owners and occupiers to enter their properties. The cut through Whirokino 1 was three chains wide on the northern side which was considered wide enough to stack the spoil along the side of the cut. The engineer reported that the area to be taken 'carefully excludes' the Te Rerengaohau 3 cemetery reserve block. To the south, the area to be taken became wider and would be planted in pine trees, which was to be included in the area taken for the cut 'in order to find a reasonable boundary for fencing.' The south side of the cut was to be eight chains wide.[948] The Resident Engineer acknowledged that work on the cut was now considered 'urgent' and he noted that the Minister of Public Works 'desires this work to be prosecuted without delay' and the owners' and occupiers' were also 'urgently' required to allow entry on to the Māori-owned Te Rerengaohau 2B and Whirokino 3.[949]

Whirokino 1 owned by the Guardian Trust and the Executors Company of New Zealand was occupied and farmed by S. Jackson, one of the beneficiaries of the Estate.[950] At the end of August the occupier Jackson signed a consent that allowed the Crown to enter the land, construct the cut, and he also agreed to the land being taken under the Public Works Act.[951]

[946] H. Watkinson, District Engineer, Public Works, Wellington to Permanent Head, Public Works, Wellington, 20 August 1940, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4270].
[947] H. Watkinson, District Engineer, Public Works, Wellington to Permanent Head, Public Works, Wellington, 30 August 1940, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4265].
[948] Grant, Resident Engineer, Palmerston North to District Engineer, Wellington, 20 August 1940, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4268-4269].
[949] H. Watkinson, District Engineer, Public Works, Wellington to Permanent Head, Public Works, Wellington, 22 August 1940, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4267].
[950] H. Watkinson, District Engineer, Public Works, Wellington to Permanent Head, Public Works, Wellington, 3 September 1940, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4260].
[951] Signed and witnessed consent, Pt Whirokino 1 & 3, 27 August 1940, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4262].

The registered owner of Whirokino 3 which adjoined Whirokino 1 was Koroati Kiharoa who was deceased and for whom no succession orders had been made. The District Engineer acknowledged Whirokino 3 was 'Native Land for which there is at present time no owner' but it was being used by the farmer on Whirokino 1, Jackson.[952] There is no information as to the basis by which Whirokino 3 was being used by Jackson. The consent signed by Jackson in August 1940, also consented to Whirokino 3 being taken for the Whirokino cut work. There are no other indications on file that the Public Works Department sought further information about whether any Māori individuals should be contacted for consent to enter Whirokino 3. It appears that obtaining the consent of the occupier was treated as sufficient authority to enter the land and begin work.

The original registered owners of Te Rerengaohau 2B in 1871 were Ihakara Tukumaru, Erua Ihakara and Ruanui Tukumaru. In this case succession orders had been made, and the current owner was a minor, Naina McMillan. Her trustees were H. McMillan and K. Ruanui, and the block was occupied by H. McMillan.[953] The trustees McMillan and Ruanui signed a consent for the Public Works Department to enter and construct the cut, and they agreed to 2B being taken under the Public Works Act.[954]

In September 1940 a gazette notice was issued under Section 207 of the Public Works Act 1928 which declared that the Manawatū River 'shall be altered or diverted' through approximately 155 acres of land in Whirokino 1 and 3 and Te Rerengaohau 2B.[955] This proclamation did not actually take any land at that time, but made the work a 'public work' for the purposes of the Act. At this time it was publically announced by Armstrong the Minister of Public Works that the government would contribute to the work:

> To supplement the Whirokino cut undertaking by doing other flood control work in the Manawatu River came before the Manawatu-Oroua River Board Yesterday. The scheme is estimated to cost £97,000 (including the cost of the Whirokino cut), of which amount the Government would find £48,000. The

[952] H. Watkinson, District Engineer, Public Works, Wellington to Permanent Head, Public Works, Wellington, 3 September 1940, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4260].
[953] Search of land title, 20 August 1940, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4264].
[954] Signed and witnessed consent, Pt Rerengaohau 2B, 27 August 1940, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4263].
[955] NZG, 1940, p. 2264.

> scheme would shorten the river by 11 ½ miles, give a new outfall for the Oroua tributary…[956]

In October 1940 the consent of the Guardian Trust and the Executors Company of New Zealand had been obtained allowing entry which was the final consent required by Public Works who were awaiting the financial authority to commence the work.[957]

In July 1941 the survey plans for the cut had been completed.[958] The Resident Engineer identified the amount of land taken for the cut and which were to be vested in the Crown:

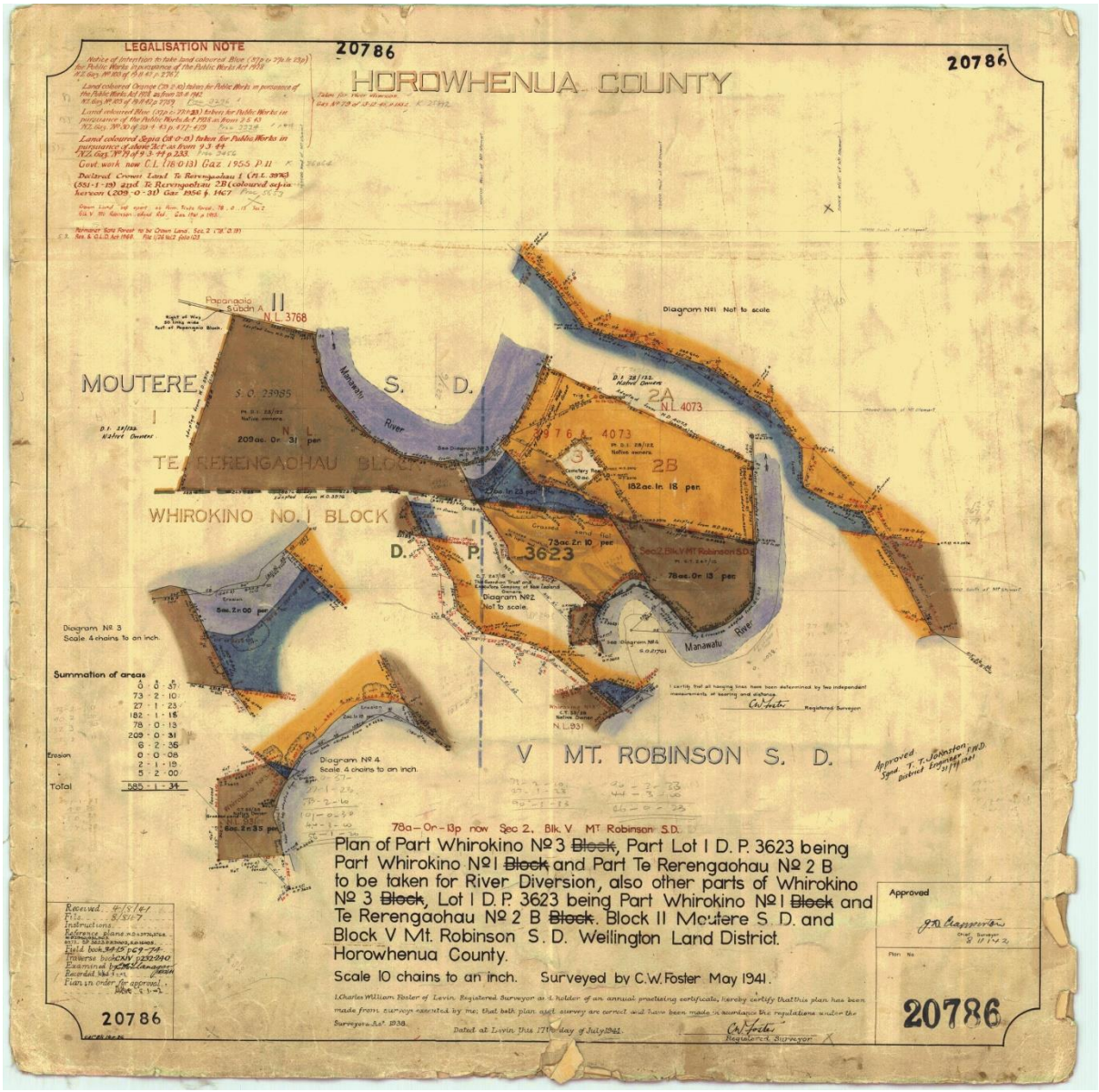
Table 23: Land to be Taken for the Whirokino Cut 1942-1943[959]

Block	**Area to be Taken**	**Ownership**
Part Whirokino 3	0a 0r 37.2p	Māori
Part Whirokino 1	73a 2r 10.3p	European
Te Rerengaohau 2B	27a 1r 23p	Māori

In December 1942 the plan and notice of intention for the land taken for the Whirokino cut were exhibited for forty days in the office of the postmaster in Foxton.[960] In February 1943 the District Engineer, as required by the Public Works Act, advised his department that the land to be taken had no buildings, yards, gardens or burial grounds on it.[961] In March 1944 the Whirokino cut was nearing completion.[962]

[956] *Evening Post*, 5 September 1941.
[957] H. Watkinson, District Engineer, Public Works, Palmerston North to Permanent Head, Public Works, Wellington, 11 October 1940, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4256].
[958] T.A. Johnston, District Engineer, Public Works, Wellington to Permanent Head, Public Works, Wellington, 8 July 1941, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4252].
[959] ibid
[960] Chief Postmaster, Palmerston North to Assistant Under Secretary, Public Works, Wellington, 19 January 1943, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4244]; see also [IMG 4245].
[961] T.A. Johnston, Resident Engineer, Public Works, Wellington to Permanent Head, Public Works, Wellington, 25 February 1943, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4243].
[962] District Engineer, Public Works, Wellington to Permanent Head, Wellington, 7 March 1944, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4246].

Map 27: Land Taken for the Whirokino Cut 1943[963]



The European land, Whirokino 1, was taken by proclamation in November 1942.[964] On 2 May 1943 a proclamation was issued that took Part Whirokino 3 (37.2p) and Part Te Rerengaohau 2B (27a 1r 23p) for 'public works'.[965] The purpose of the taking was not specified in the 1943 gazette notice because during the war years the purposes were not published, so that land taken for defence or other strategic infrastructure could not be publically identified. Instead, in accordance with the Land Acquisition Emergency

[963] Wellington Survey Office Plan SO 20786.
[964] NZG, 1942, p. 2759.
[965] NZG, 1943, pp. 477-479.

Regulations 1942 bulk notices were issued. In December 1945 a new notice was issued which specified that Whirokino 3 and Te Rerengaohau 2B had been taken in 1942 for river diversion purposes.[966]

On 12 May 1943 Public Works requested that the Native Land Court arrange an application to assess compensation for the Manawatū River diversion and partitions of Whirokino 3 and Te Rerengaohau 2B. Although advertised for sittings of the court since 1943 as late as January 1947 the application had not been heard.[967]

In March 1947 the Native Land Court determined compensation for Whirokino 3 and Te Rerengaohau 2B. Public Works had arranged for special valuations to be made on 13 May 1942. Because the amount of compensation was 'very small' the court was asked to 'waive an appearance by the native owners.' Judge Whitehead stated:

> The valuation of these sections makes it quite apparent that the land takne [sic] is of little value, and the native owners would gain very little by the employment of a valuer on their own behalf. The land is under water and there can be no possible doubt that its value to the natives is negligible. The circumstances are quite unusual and the Court feels justified in accepting the special Government valuation as the basis for computing compensation.
> Compensation is assessed as follows:-
> In respect of Part Whirokino No 3 containing 37 perches, £1.10.0
> In respect of Part Te Rerengaohau No 2B containing 27a 1r 23p £40.0.0
> Payment to be made to the Ikaroa District Maori Land Board and held under Sec 550/31.[968]

In July 1947 Public Works approved the payment of compensation of £41-10-0 for Part Whirokino 3 (37p) and Part Te Rerengaohau 2B (27a 1r 23p).[969]

In February 1945 Public Works received complaints that access to the Matakarapa blocks and land within the loop had been made more difficult as result of the cut. Parts of the blocks were both Māori and European owned, and the Māori Affairs Department

[966] NZG, 1945, p. 1553.
[967] Registrar, Native Land Court, Wellington to Under Secretary, Public Works, Wellington, 20 January 1947, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4237].
[968] Extract of Minutes, Otaki MB 63, 26 March 1947, pp. 127-128, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4236].
[969] Public Works payment authorised 23 July 1947, [IMG 4232]; see also Public Works to Ikaroa District Māori Land Board, Wellington, 7 May 1947, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4233].

was operating a development scheme on the Matakarapa blocks.[970] The Engineer in Chief said in the past supplies had been ferried by boat across the Manawatū River from the Foxton Wharf and he claimed access to the block had been 'virtually not affected' and there was 'no practical means of giving access to the property by land.'[971] Native Affairs responded that supplies were only in part taken to the block by boat:

> 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.
> 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.[972]

In May 1946 the Resident Engineer said a fenced road following the line of the river would interfere with the watering of stock and he suggested water could be pumped on to the affected blocks and wells could be dug which he estimated would cost approximately £4,000.[973]

In June 1947 Public Works was still giving consideration to providing access to the properties affected by the cut. The Resident Engineer suggested extending a road reserve (or at least an easement) 'through to the stopbank across the old loop of the river to give access to the northern side of the cut, and the Māori land which had been cut off.[974] However, the lack of access continued to be a problem for the Matakarapa development scheme lands on the peninsula, and it was not until 1950 that the Public Works Department constructed a metalled access road.[975] Further details about the way the Whirokino Cut impacted on the development scheme blocks can be found in 'Ngāti

[970] E., Fitzgerald and Grant Young et el, 'Ngāti Raukawa Rangatiratanga and Kāwanatanga: Land Management and Land Loss from the 1890s to 2000', CFRT, June 2017, pp. 174-177.
[971] W.L. Newnham, Engineer in Chief, Public Works, Wellington to Under Secretary, Native Department, Wellington, 2 February 1945, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4240].
[972] Under Secretary, Native Department, Wellington to Engineer in Chief, Public Works, Wellington, 12 March 1945, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4239].
[973] Resident Engineer, Public Works, Palmerston North to District Engineer, Public Works, Wellington, 28 May 1946, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4238].
[974] A.K. Acheson, Resident Engineer, Palmerston North to District Engineer, Public Works, Wellington, 16 June 1947, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4231].
[975] E., Fitzgerald and Grant Young, et el, 'Ngāti Raukawa Rangatiratanga and Kāwanatanga: Land Management and Land Loss from the 1890s to 2000', CFRT, June 2017, p. 215.

Raukawa Rangatiratanga and Kāwanatanga: Land Management and Land Loss from the 1890s to 2000'.[976]

As well as leaving land within the loop without access, the takings had left the remainder of Whirokino 1 and Te Rerengaohau 2B as severances. In March 1941 the District Engineer gave consideration to the severed areas that had been created by the cut:

> It will be seen that a considerable portion of Whirokino No.1 Block will be severed to the east of the river diversion and it is probable that this severed area, being useless to the present owners, will be required to be added to the Native block adjoining to the north. This Native block itself will be severed by the river cut and claims will doubtless be received for damages in this connection.[977]

In July 1941 the Resident Engineer suggested that the two severed areas could be exchanged but he also noted that: 'The areas concerned are of sandy country, part covered with sand dunes, some fixed and some of live sand, part in a rough state covered with lupin and gorse, and of sandy flats. Section 2 above is little better than worthless.'[978] The exchange did not proceed. Instead the European owner of Whirokino 1 claimed the severance of 78 acres was land 'rendered useless to him'. An agreement was reached that £1,000 would be paid as compensation and the chairman of the Soil Conservation and Rivers Control Council concurred with this compensation figure.[979] A proclamation was issued in March 1944 taking the severed area for 'river diversion' purposes.[980] The idea of transferring this land to the owner of Te Rerengaohau may still have been under consideration at this time, but the Resident Engineer reiterated the land was 'difficult to make use of in any capacity as I do not think the natives would be willing to pay rental for the relatively small amount of grazing on it' and he suggested that it be planted in trees.[981]

[976] ibid, pp. 203-215.
[977] T.A. Johnston, District Engineer, Public Works, Wellington to Permanent Head, Public Works, Wellington, 20 March 1941, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4255].
[978] Grant, Resident Engineer, Palmerston North to District Engineer, Public Works, Wellington, 29 July 1941, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4254].
[979] File note, 1 March 1944, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4248].
[980] NZG, 1944, p. 233.
[981] Resident Engineer, Public Works, Palmerston North to District Engineer, Public Works, Wellington, 25 February 1944, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4247].

In December 1944 the Manawatū Oroua River Board asked Public Works to plant trees on the sand dunes 'adjacent to the Manawatu River in the lower reaches.' The board wanted the trees planted so the sand dunes would be stabilized. They were concerned that moving sand would close the river channel which had already been reduced in flow since the making of the cut.[982] In January 1945 the Resident Engineer agreed the sand dunes would need to be planted in lupin and marram grass and eventually trees, and he noted that the 'whole of the area is Native Land and it would be desirable to acquire at least that portion consisting of sand dunes and the area could then be treated in conjunction with the sand dunes reclamation work being carried out at Waitarere.'[983] The Crown did not use the Public Works Act to acquire the residue of Te Rerengaohau for sand dune reclamation instead the block was vested in the Ikaroa Māori Trust Board, and later acquired by the Crown from the board.[984]

6.1.4 Oroua River

6.1.4.1 Awahuri Bridge Protection 1930s

In April 1928 it was reported that the Awahuri Bridge over the Oroua River would only be operational for a few more years.[985] In May the Minister of Lands visited the Manawatū to inspect flood protection work and to consider the river board's request 'for Government help to divert Manawatu and Oroua Rivers.'[986] In November following floods it was noted that: 'Had the Oroua river burst its banks higher up there would have been a disastrous unprecedented flood covering the whole of the Kairanga district.'[987] In December a meeting of the Manawatū River Board discussed the district's river protection needs.[988] Throughout this period there were a number of demands for flood protection of the Oroua River.[989]

[982] Clerk, Manawatū Oroua River Board, Palmerston North to District Engineer, Public Works, Palmerston North, 21 December 1944, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4242].
[983] Resident Engineer, Public Works, Palmerston North to District Engineer, Public Works, Wellington, 5 January 1945, ACHL 19111 W1/1227 48/270/8 pt 10, ANZ Wellington [IMG 4241].
[984] Walghan Partners, PKM Block Research Narratives, Vol III, CFRT, Draft, December 2017, p. 260.
[985] *Manawatu Times*, 17 April 1928.
[986] ibid, 5 May 1928.
[987] *Horowhenua Chronicle*, 3 November 1928.
[988] *Manawatu Times*, 7 December 1928; *Horowhenua Chronicle*, 19 December 1928.
[989] *Horowhenua Chronicle*, 17 January 1929.

In January 1929 a gazette notice declared that a 'portion of the left bank of the Oroua River… shall be protected' under Section 207 of the Public Works Act 1928. Section 207 provided the power to divert streams, rivers and to protect and maintain riverbanks as public works. The areas protected included Lot 273 Part Section 145 **(**4a 3r 3p) and Subdivision 5B1 Upper Aorangi 1 (1r 13p), Subdivision 5B1 Aorangi 1 (1a 1r 18p), Old River Bed (1a 2r 9p), and Old River Bed (4a 0r 13p) of the Oroua River.[990] The work was undertaken to safeguard the approaches to the Awahuri Bridge and the areas listed were, in part, accretions created when the river had changed direction while in flood. The work involved the planting of lupin, willow and gum trees to protect the riverbanks.

In July 1930 a deputation of the Manawatū Oroua River Board members and farming community asked for government assistance to protect the region from flooding. The work they argued was urgently needed.[991] In October 1931 it was noted that the Oroua River was 'continually shifting' its course.[992]

In July 1932 the owners of Aorangi Part Lot 273 Part Section 145 Township of Sandon objected to their land being 'protected' under the Public Works Act. Their 'spokesperson' was Richard Drummond who ran cattle on the block.[993] He said the Māori owners did not want to lose their land but were willing to allow the council to plant willows along the dry riverbed.[994] Native Department Officer J.H. Flowers said Part Lot 273 Part Section 145 was a 'protected area' and the land had been planted with groundcover and trees but there were no cultivations. He also noted Drummond grazed his cattle on this land which damaged the protecting ground cover which concerned local authorities and Public Works. Flowers said approximately £300 had been spent on the protection work. Royayne for Works said only part of the Māori land (4a 3r .03p) was required for river protection purposes. Flowers recommended the council acquire the area and he could see 'no special reason' why they should not take the land.[995] The

[990] NZG, 1929, p. 233.
[991] *Horowhenua Chronicle*, 28 July 1930.
[992] ibid, 3 October 1931.
[993] J.H. Flowers, Native Department, Wellington to Registrar, Ikaroa Māori Land Board, Wellington, 9 September 1932, ACIH 16036 MA1/345 19/1/46, ANZ Wellington [IMG 0702].
[994] R. Drummond, Feilding to Under Secretary, Native Department, 21 July 1932, ACIH 16036 MA1/345 19/1/46, ANZ Wellington [IMG 0704].
[995] J.H. Flowers, Native Department, Wellington to Registrar, Ikaroa Māori Land Board, Wellington, 9 September 1932, ACIH 16036 MA1/345 19/1/46, ANZ Wellington [IMG 0702].

Under Secretary for Works agreed the 'protected area' included the four acres and he acknowledged that the Māori owners wished to still use their land.[996] Public Works suggested the land should be taken 'to give them [the council] better control of the area'. At this time no application had been received from the council for the land to be taken.[997]

In October 1932 the county clerk said the 'Council are not anxious to obtain control over the whole of the area…but ultimately propose taking steps to secure one chain in width along the river frontage' for the purpose of willow planting for flood protection.[998] Native Affairs decided because the council intended to acquire an area only one chain wide the owners might not object, because 'protection will be of advantage to the remainder of their section'.[999]

In response Drummond said the Māori owners were willing to help plant trees and fence a one chain strip along the riverbanks. He said the Māori owners had wanted to plant the area in potatoes but the engineer would not allow lupin within five chains of the river banks to be cleared, and 'he told us then that they own that part and I happened to see in the paper they were applying for part of this Section to be declared Crown land.' Drummond said the river had changed course over Lot 273 Section 145 and where it had once been on the boundary of the section it now ran through the centre of the block and allowing an area of one chain for river protection did not take into account future changes to the course of the river. He argued the Māori owners could still retain their land if it was planted in willows and retention would take into account any future changes to the river.[1000]

[996] R.N. Jones, Under Secretary to Under Secretary, Public Works, Wellington, 28 September 1932, ACIH 16036 MA1/345 19/1/46, ANZ Wellington [IMG 0701].
[997] C.E. Bennett, Assistant Under Secretary, Public Works, Wellington to Under Secretary, Native Department, Wellington, 5 October 1932, ACIH 16036 MA1/345 19/1/46, ANZ Wellington [IMG 0700].
[998] N.J. Neilsen, Clerk, Kairanga County Council, Palmerston North to Under Secretary, Native Department, Wellington, 13 October 1932, ACIH 16036 MA1/345 19/1/46, ANZ Wellington [IMG 0699].
[999] R.N. Jones, Under Secretary to R. Drummond, Feilding, 15 October 1932, ACIH 16036 MA1/345 19/1/46, ANZ Wellington [IMG 0698].
[1000] R. Drummond, Feilding to Under Secretary, Native Department, Wellington, 23 October 1932, ACIH 16036 MA1/345 19/1/46, ANZ Wellington [IMG 0696-0697].

In November 1932 the council's engineer said Māori owned cattle had been found within the five chain planted area which he said made the £800 of protection work pointless. He claimed there was no law under which the Māori owners could be prosecuted. The council told Works they had been advised by the Land Purchase Officer that acquisition under the Public Works Act was the best course of action when a large number of Māori owners were involved.[1001]

In June 1933 owner Haimona Renao informed the council that Pakeha and Māori non-owners of Lot 273 Section 145 had grazed this land and as a member of 'Kauwhata Tribe' he was willing to sell the council Lot 273. Suzanne Woodley the author of the, 'Porirua ki Manawatū Inquiry District: Local Government Issues Report' was unable to locate a response to this letter and she found no evidence that the council engaged in any negotiations to purchase the land.[1002]

In September 1933 the Kairanga County Council clerk N.J. Neilsen said the council was undertaking steps to take Lot 273 Part Section 145, but instead of referring to taking an area of approximately 4 acres the council planned to take 7 acres 3 roods 28.7 perches under the Public Works Act for river protection. He said the plan to take all the land had been approved by the Chief Surveyor. They had the names of three original owners Peri Turi, Kooro Renao and Hori te Mataku. Neilsen asked the Native Department what steps the council should take if the owners were deceased. All three original owners were deceased.[1003] He queried whether it would be sufficient notice to serve the intention to take the land under the Act solely on Haimona Renao a known successor.[1004] In 1920 the court had made an order for eighteen successors of whom ten had died for whom successors had not been appointed. Neilsen was told by the Native Department Under Secretary:

[1001] N.J. Neilsen, Clerk, Kairanga County Council to District Engineer, Public Works, Wellington, 15 February 1933, 10 June 1933, PNCC K3/4/4:7:35; in, S. Woodley, 'Porirua ki Manawatū Inquiry District: Local Government Issues Report', CFRT, June 2017, p. 159.

[1002] Haimona Renao to Kairanga County Council, 1 June 1933, PNCC K3/4/4:7:35, Ian Matheson Archives; in, S. Woodley, 'Porirua ki Manawatū Inquiry District: Local Government Issues Report', June 2017, p. 159.

[1003] N.J. Neilsen, County Clerk, Kairanga County Council, Palmerston North to Under Secretary, Native Department, Wellington, 26 October 1933, ACIH 16036 MA1/345 19/1/46, ANZ Wellington [IMG 0692].

[1004] N.J. Neilsen, Clerk, Kairanga County Council, Palmerston North to Under Secretary, Native Department, Wellington, 30 September 1933, ACIH 16036 MA1/345 19/1/46, ANZ Wellington [IMG 0694-0695].

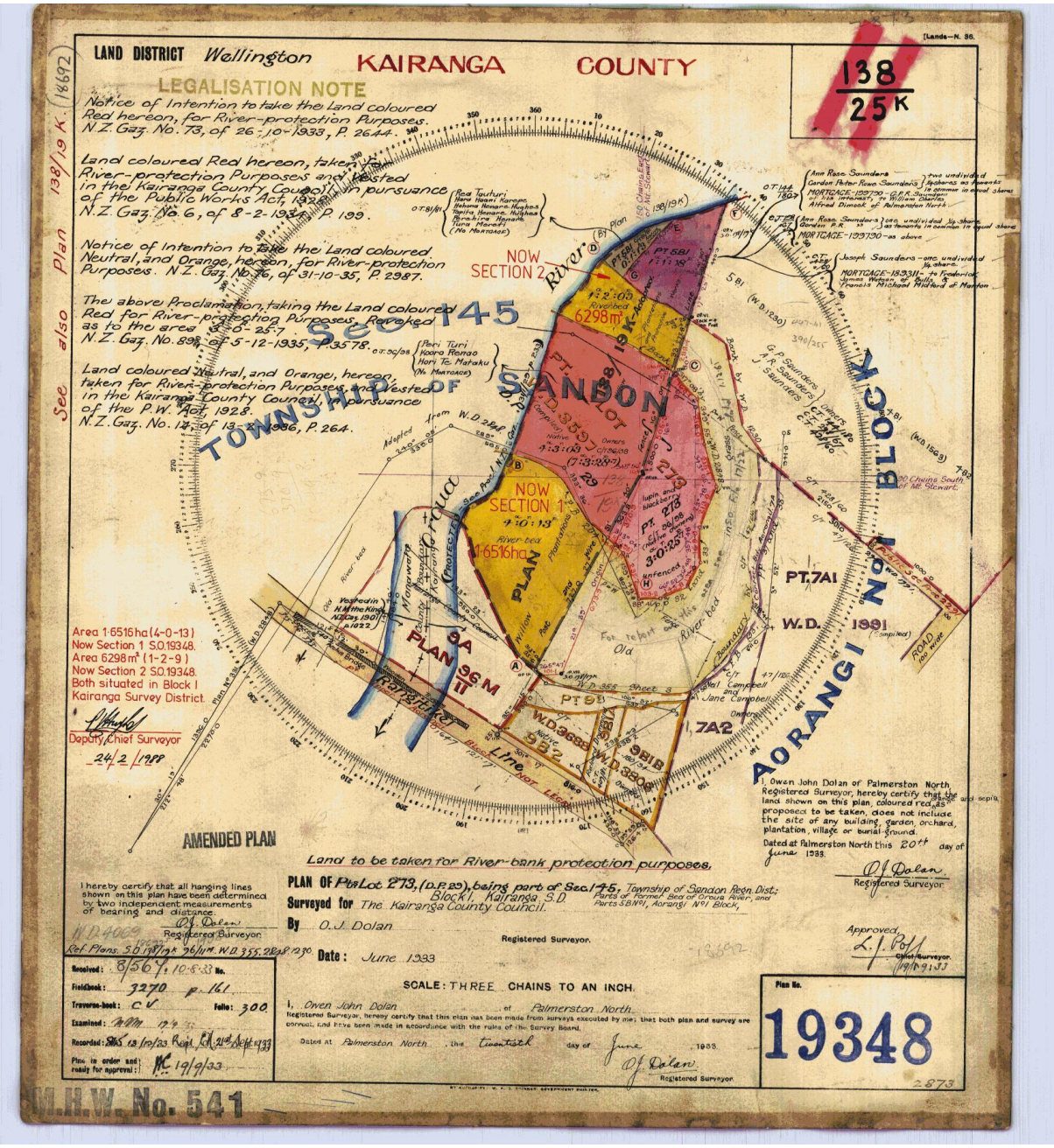
> I am unable to advise you authoritatively, but as the Act requires the service of notices on the owners and occupiers so far as they can be ascertained possibly if it is served on the living owners or the bulk of them it would be sufficient. The application for assessment of compensation has to be lodged within 6 months after the gazetting of the notice taking the land.[1005]

On 26 October 1933 Māori owners living in Awahuri, Palmerston North, Wairoa and Manakau were served letters and some made an unsuccessful approach to the council to meet with the clerk, Neilsen.[1006] Neilsen had however met with one Māori owner and enquired about the addresses of other owners whom he had been informed were deceased. Successors to Ngawai te Kooro were identified as Eruea Karipa, Miritana Karipa, and Rurarаki Karipa [Karepa].[1007]

In October 1933 a notice of intention to take land from Lot 273 Part Section 145 Township of Sandon was issued for river protection work and to safeguard the approaches to the Awahuri Bridge.[1008] In February 1934 the proclamation taking 7 acres 3 roods 28.7 perches of Lot 273 Part Section 145 Township of Sandon for river protection was issued (see Map below). The land was vested in the Kairanga County Council.[1009] This notice was partly revoked in November 1935 when it was discovered that not all the land taken was required for river protection purposes. The area returned to the Māori owners was 3 acres and 25.7 perches which was the severance at the bend in the river adjoining the part taken (shown in pink on the plan below).[1010]

[1005] R.N. Jones, Under Secretary to Clerk, Kairanga County Council, Palmerston North, 4 October 1933, ACIH 16036 MA1/345 19/1/46, ANZ Wellington [IMG 0693].
[1006] S. Woodley, 'Porirua ki Manawatū Inquiry District: Local Government Issues Report', CFRT, June 2017, p. 161.
[1007] N.J. Neilsen, County Clerk, Kairanga County Council, Palmerston North to Under Secretary, Native Department, Wellington, 26 October 1933, ACIH 16036 MA1/345 19/1/46, ANZ Wellington [IMG 0692].
[1008] NZG, 1933, p. 2644.
[1009] NZG, 1934, p. 199.
[1010] NZG, 1935, p. 3578.

Map 28: Land Taken from Lot 273 Section 145 Township of Sandon for River Protection 1934-1935[1011]



In September 1935 the Kairanga County Council said it also needed to take a small area (1r 13p) from the neighbouring Aorangi 5B1 block for river protection work. Aorangi 5B1 was owned by Rea Tautari, Hara Hoani Karepe, Hohora Henare Hughes, Tapita Henare Hughes, Perihira Henare and Tura Mereti. Neilsen asked the Native Department to enquire about the appointment of successors so he could serve these owners with notices. The Under Secretary asked for the matter to be investigated and names and

[1011] Wellington Survey Office Plan SO 19348.

addresses supplied to the council clerk.[1012] The Registrar said H.H. Hughes and T.H. Hughes were dead and the other listed owners were probably also deceased and no successors had been appointed.[1013] He was unable to supply any addresses for Aorangi 5B1 owners.[1014]

In October 1935 a notice of intention to take Aorangi 5B1 (1r 13p), Old River Bed (1a 2r 9p), and Old River Bed (4a 0r 13p) for river protection purposes was issued.[1015] At this time the Manawatū and Oroua rivers were in flood and there were serious concerns that the banks of the Oroua River would be breached.[1016]

In February 1936 the proclamation taking Part Aorangi 5B1 (1r 13p) and two areas of Old River Bed (Oroua River) being (5a 2r 12p) was issued.[1017] The Manawatū and Oroua rivers were again in flood and the bank of the Oroua River had in places been breached.[1018] It was noted that: 'Awahuri road was blocked early this afternoon through the backing up of the Oroua river and the substantial area of the low-lying country was under water last evening with the highway impassable.'[1019]

In March 1936 the Native Land Court heard a compensation application for Part Lot 273 Part Section 145 Township of Sandon (4a 3r 03p), Old River Bed (5a 2r 12p), and Part Aorangi 5B1 (1r 13p). The court noted the description of the land in the proclamations did not correspond with the title issued by the Native Land Court. The court was told that access to the site had been arranged and it had been fenced for a cost of £19-15 to the county council. The court awarded £63-12-6 compensation for Part Lot 273 Part Section 145, £80 for the 'Old River Bed' areas, and £1 for Aorangi 5B1. This amounted in total to £144-12-6 which was to be paid to the Ikaroa District Māori

[1012] N.J. Neilsen, County Clerk, Kairanga County Council, Palmerston North to Under Secretary, Native Department, Wellington, 1 November 1935, ACIH 16036 MA1/345 19/1/46, ANZ Wellington [IMG 0691]; attached file note, Under Secretary, 5 November 1935.
[1013] L.V. Fordham, Registrar, Ikaroa Native Land Court & Māori Land Board, Wellington to Under Secretary, Native Department, Wellington, 8 November 1935, ACIH 16036 MA1/345 19/1/46, ANZ Wellington [IMG 690].
[1014] Memorandum, Registrar to Under Secretary, Native Department, Wellington, 14 November 1935, ACIH 16036 MA1/345 19/1/46, ANZ Wellington [IMG 0689]; see also Under Secretary, Wellington to Clerk, Kairanga County Council, Palmerston North, 18 November 1935 [IMG 0688].
[1015] NZG, 1935, p. 2987.
[1016] *Horowhenua Chronicle*, 31 October 1935.
[1017] NZG, 1936, p. 264.
[1018] *Horowhenua Chronicle*, 5 February 1936.
[1019] ibid, 27 February 1936.

Land Board for distribution to the beneficial owners of the area taken. The amount due to each owner could only be determined when a plan was made showing the areas taken from each title.[1020]

6.1.4.2 Part Aorangi 3G2B6 – River Control 1964

In March 1964 a notice of intention to take Part Lower Aorangi 3G2B6 (7a 3r 2.4p) for soil conservation and river control purposes was issued.[1021] In September 1964 the proclamation was issued taking 7 acres 3 roods 2.4 perches of Lower Aorangi 3G2B6.[1022] The area was vested in the Manawatū Catchment Board. The block ran between the lower Oroua River and the Manawatū River, and land was taken from both ends of the block on the banks of both rivers. The Map below shows that the amount of land taken from the Oroua River end of the block was 6 acres 1 rood 17.2 perches, while 1 acre 1 rood 25.2 perches were taken adjoining the Manawatū River.

[1020] Otaki MB 59, 25 March 1936, p. 364, [P 1160770].
[1021] NZG, 1964, p. 512.
[1022] NZG, 1964, p. 1557.

Map 29: Land taken for River Control from Lower Aorangi 3G2B6 1964[1023]

Instead of a payment of compensation the Ministry of Works proposed to grant the Māori owners an exchange of two areas of catchment board land. The areas offered in exchange were others parts of Lower Aorangi 3G2B6 of (3a 0r 1p) and (4a 0r 35p). The taking of the seven acre area had denied the Māori owners access to the Oroua and Manawatū rivers and the board had made a bore to supply water for stock on the Māori and catchment board land. The Ministry of Works and the board based compensation on the basis that the exchange was a 'straight swop' [sic] with the board to pay the fencing and survey costs and the Māori owners to be provided with the right to draw

[1023] Wellington Survey Office Plan SO 25751.

water from the bore. Works had written to owners for whom it had addresses and it recommended they accept an exchange. They had received favourable responses from seven owners who represented 3435.149 out of a total ownership of 5978.000 shares. The value of the taken land was £75 per acre and the land exchanged was valued at £150 per acre and the fencing was improved on the new land. Because the land exchange was being offered as a form of compensation the proposal was to be referred to the Māori Trustee as the statutory agent to negotiate compensation for multiply-owned Māori land.[1024]

The lessee A.R. Clarke was concerned about fencing the block and whether the owners, lessee or the board should pay for the fence. This question, along with the need to provide a water supply to the land which had before the taking been able to access the Manawatū and Oroua rivers took up considerable time.[1025] Before the taking the land had not required fencing because the rivers were the boundaries. The catchment board was to pay for the cost of the survey. Public Works decided the board should also pay for the fence and the bore to supply the water.[1026] Clarke had also issued the board with a claim of compensation for the loss of production he had suffered as a result of the land being taken.[1027] This claim appears to have been subsequently withdrawn.[1028] In 1966 the Māori Trustee said they would have to consult with the owners and Public Works took this up as the reason for the delays.[1029] In February 1967 Clarke agreed to the conditions of the land exchange which placed certain responsibilities on the parties.[1030] In May 1967 the board said the delays in settling the matter were 'most embarrassing to this Board.'[1031] The board secretary said Public Works had 'fobbed off' settling the issue:

[1024] E.W. Williams, District Office, Works, 3 March 1967, ACIH 16036 MA1/763 54/19/47, ANZ Wellington [IMG 2314-2315]; see also Plan Aorangi 3G2B6 [IMG 2316].
[1025] Map of Lower Aorangi 3G2B6, AATE W3392/78 96/325000/0/52, ANZ Wellington [IMG 3276].
[1026] E.D. Fogarty, Land Purchase Officer to T. de Cleene, Solicitor, Palmerston North, 27 September 1967, AATE W3392/78 96/325000/0/52, ANZ Wellington [IMG 3256].
[1027] T. de Cleene, Solicitor, Palmerston North to Officer in Charge, Manawatū Catchment Board, Palmerston North, 14 October 1965, AATE W3392/78 96/325000/0/52, ANZ Wellington [IMG 3274].
[1028] H.A. Fullarton, District Commissioner of Works to Secretary, Manawatū Catchment Board, Palmerston North, 13 June 1966, AATE W3392/78 96/325000/0/52, ANZ Wellington [IMG 3269].
[1029] A.J. Douglas, for, Māori Trustee, Māori Affairs, Palmerston North to District Commissioner of Works, Wellington, 16 August 1966, AATE W3392/78 96/325000/0/52, ANZ Wellington [IMG 3267]; [IMG 3266]; [IMG 3263].
[1030] H.A. Fullarton, District Commissioner of Works to Secretary, Manawatū Catchment Board, 1 February 1968, AATE W3392/78 96/325000/0/52, ANZ Wellington [IMG 3254]; see also [IMG 3258].
[1031] A.T. Brown, Secretary, Manawatū Catchment Board to District Commissioner, Wellington, 19 May 1967, AATE W3392/78 96/325000/0/52, ANZ Wellington [IMG 3261].

> I will agree that it is always difficult when dealing with Maori Land, but in view of the time that has elapsed since this matter was first referred to the Ministry of Works for a settlement it does appear as though the matter has not received the application it needs to be completed.[1032]

In June 1967 the Land Purchase Officer again responded that the delays were caused by the Māori Trustee consulting with the Māori owners:

> The problems associated in dealing with Maori land are well known in business circles, and it would be fair to state that if the land in question were European freehold the problem would have been resolved one way or another.[1033]

In March 1968 Public Works and the Māori Trustee reached an agreement over the compensation settlement. Public Works maintained that:

> Negotiations for settlement of compensation…have been protracted, due mainly to the fact that the Maori owners have not been prepared to contribute in any way to the cost of erecting the fences between the land to be granted in exchange and the balance of the catchment board land…..The settlement reached with the Maori Trustee is a generous one in so far as the land to be granted in exchange is of better [quality].[1034]

In April 1968 the secretary of the Manawatū Catchment Board was instructed by Public Works to make the land exchange as settlement to the Māori Trustee.[1035]

Although the agreement about the land exchange had effectively been settled in early 1968, there were then delays implementing the land exchange. In February 1972 the Māori Trustee said they had heard nothing further about the settlement since 1968. The District Commissioner of Works also told the catchment board that 'no action had been taken to effect [sic] the exchange of land which was agreed to in 1968.'[1036] The board secretary claimed the Māori Trustee had 'misunderstood the position' and it was merely a clerical problem saying that the certificate of title was still with the District Land Registrar and: 'When this has been uplifted no doubt transfer of the land to the Maoris

[1032] A.T. Brown, Secretary, Manawatū Catchment Board to L.E. Grace, Land Purchase Officer, Public Works, Wellington, 19 May 1967, AATE W3392/51 96/2/0, ANZ Wellington [IMG 4396].
[1033] L.E. Grace, Chief Land Purchase Officer to A.T. Brown, Secretary, Manawatū Catchment Board, 14 June 1967, AATE W3392/51 96/2/0, ANZ Wellington [IMG 4389].
[1034] Land Purchase Officer to Acting District Commissioner of Works, Wellington, 12 March 1968, AATE W3392/78 96/325000/0/52, ANZ Wellington [IMG 3251]; see also [IMG 3258].
[1035] P.L. Laing, Commissioner of Works to Secretary, Manawatū Catchment Board, Palmerston North, 2 April 1968, AATE W3392/78 96/325000/0/52, ANZ Wellington [IMG 3250].
[1036] C.J. Tustin, District Commissioner of Works to Secretary, Manawatū Catchment Board, Palmerston North, 29 February 1972, AATE W3392/78 96/325000/0/52, ANZ Wellington [IMG 3249].

from the Board and from the Maoris to the Board can be followed up' and 'I will keep this matter under constant review until transfers have been completed.'[1037] At this time Public Works instructed the Māori Trustee to contact the board's solicitor Opie about the exchange.[1038] Opie responded: that: 'We think that the Maori Trustee's right hand does not always know what his left hand is doing…..Any delay now occurring is through failure either by the Department of Maori Affairs or the Land Transfer Office to locate the title.'[1039]

In August 1973 the District Commissioner of Works asked for Public Works to finalise the exchange and he said 'apparently the Manawatu Catchment Board solicitor seems unable for one reason or another to complete this matter.'[1040] Although the Public Works Department had exercised its legal duty to take land required by local bodies for public purposes, it had left the matter of ensuring that the compensation requirements were met, to the local authority, and not acted to ensure that compensation was implemented in a timely manner.

6.1.5 Rangitikei River – Ohinepuhiawe Reserve and Bulls Bridge

As noted above David Alexander has written the 'Rangitikei River and Tributaries Historical Report' which includes information about land taken under the Public Works Act for river control, flood protection and building bridges.[1041] Alexander's report includes information about land taken from the bed of the river, and some riverbank takings for the following public works:

-bridging the river at Kakariki;

-accretions taken for river protection works and land taken for road at Onepuehu in 1939, along with the subsequent disposal of that land when the bridge was removed;

-the construction of the Bulls Bridge and associated riverbank protection works; and

[1037] A.T. Brown, Secretary, District Commissioner of Works, Wellington, 22 March 1972, AATE W3392/78 96/325000/0/52, ANZ Wellington [IMG 3248].
[1038] Public Works to Māori Trustee, Palmerston North, 28 April 1972, AATE W3392/78 96/325000/0/52, ANZ Wellington [IMG 3247].
[1039] Opie & Dron, Solicitors, Palmerston North to District Commissioner of Works, Wellington, 8 May 1972, AATE W3392/78 96/325000/0/52, ANZ Wellington [IMG 3246].
[1040] E.S. Charrott, District Commissioner of Works to District Commissioner of Works, Wellington, 22 August 1973, AATE W3392/78 96/325000/0/52, ANZ Wellington [IMG 3243].
[1041] David Alexander, 'Rangitikei River and its Tributaries Historical Report', CFRT, November 2015.

-riverbed land taken for gravel extraction from Ohinepuhiawe reserve in 1981.

In some instances Alexander noted that he had been unable to locate the relevant Public Works files or that while he had researched riverbed acquisitions, he had not researched associated takings of Māori land on the riverbanks. In these cases, we were also unable to locate the original Public Works Department files.

We have not duplicated Alexander's research, and his report should be consulted for further information about the impact of the Public Works Act on the Rangitikei River, particularly riverbed areas adjoining Māori-owned blocks. The one exception relates to land taken in 1932 for river control purposes at Bulls, where we have located further information about the taking and compensation paid. While the land was taken from the Ohinepuhiawe reserve at Bulls for 'river control' purposes, the purpose of diverting the river was to protect the bridge at Bulls from being undermined. Some brief background is first given below about the history of the construction of the bridge before detailing the 1932 acquisition.

In 1872 the Provincial Council decided to ask the government for assistance to build a bridge 'over the Rangitikei river at Bull Town' because they felt 'it was of importance to set aside large blocks of land for the settlement of small farmers it was of equal importance to give them roads to enable them to get to market.'[1042] Work on the first bridge at Bulls began in 1873.[1043] In 1876 Native Officer Booth 'arranged with the Natives' for the road to go through the Native Reserve beside the river and connect with the main road to Feilding.[1044]

In June 1896 the bridge underwent repairs which were 'practically…the rebuilding of the Bulls bridge'.[1045] Following flooding in April 1897 the bridge was 'swept away' and the Rangitikei River had forged a new channel and parts of the Ohinepuhiawe

[1042] *Wanganui Herald*, 11 May 1872.
[1043] ibid, 27 March 1873.
[1044] *Rangitikei Advocate*, 19 October 1876.
[1045] *Feilding Star*, 20 June 1896.

reserve were lost to the new river course.[1046] In September 1897 the council decided to ask the government for £2 on every £1 spent by the council to rebuild the bridge.[1047]

In August 1898 the council set aside 49 acres for bridge protection work.[1048] At this time a temporary bridge was in operation. In 1900 the Rangitikei and Manawatū councils and the government signed an agreement to build a new bridge.[1049]

In March 1903 the new bridge at Bulls had been completed and it was opened by Premier Richard Seddon. It was reported that: 'The Maoris took a leading part. They gave Mr Seddon a splendid welcome and presented him with mats.'[1050] Ratana Ngahina 'at the head of his people', in a brief translated speech welcomed "the Premier of New Zealand, the father of the Maori as of the European race."[1051]

Work on the road approaches and river protection measures were ongoing and still considered urgent.[1052] Although the council showed some reluctance about paying these further costs they recognised the necessity of protecting the bridge and surrounding lands. In October 1903 a commissioner to determine in which local body the bridge would be vested and how maintenance costs would be distributed between the Rangitikei (41 percent), Manawatū (41 percent) county councils' and the Bulls Town Board (18 percent) was appointed.[1053]

In 1930, to protect the bridge from being undermined by the flow of the river it was decided that part of the Māori owned reserve at Ohinepuhiawe on the western (Bulls) side of the river would be taken where the river was striking the bank opposite Bulls at cemetery point. The required river bank land was surveyed. A notice of intention to take land from Sections 140 and 141 Ohinepuhiawe was gazetted in August 1931. The notice was displayed at the offices of the Rangitikei County Council in Marton the Manawatū County Council in Sanson and by the Bulls Town Board in Bulls.[1054]

[1046] *Wanganui Herald,* 30 April 1897.
[1047] *Manawatu Herald,* 21 October 1897.
[1048] *Feilding Star,* 12 August 1898.
[1049] *Manawatu Herald,* 20 October 1900.
[1050] *Wanganui Herald,* 26 March 1903.
[1051] *Manawatu Times,* 26 March 1903.
[1052] *Manawatu Standard,* 24 August 1903.
[1053] ibid, 15 October 1903.
[1054] NZG, 1931, p. 2550; te reo Māori notice NZG, 29 Akuhata 1931, p. 2797.

Initially it was proposed that the council would arrange a long term lease with the Māori owners but it was decided that protective planting work would require ongoing maintenance on these Ohinepuhiawe sections. Hone Reweti and other Māori owners were aware of the proposed taking of their land and Reweti appealed to the Native Minister for help on behalf of the owners:

> We earnestly appeal for your assistance to retain our lands. Our very existence depends on the few acres we now possess. We use the said land for dairying purposes. Confiscation would deprive us of our means of livelihood. We beseech your immediate investigation into the matter.[1055]

The Native Minister told Hone Reweti to object to the Rangitikei County Council.[1056] The county engineer had advised the Rangitikei Catchment Board about the protective work and the washing away of cemetery point: 'The only way the trouble can be obviated is to define a proper course for the river flow throughout over a very considerable length of the river above the bridge and cemetery point.'[1057] Reweti and some owners then had a lawyer negotiate with the council about the proposed taking. Evidence was later presented to the Native Land Court (see below) that an agreement was reached to allow the land to be taken. The agreement included the amount of compensation to be paid, and that the council would employ Māori to carry out the river improvement work.

In February 1932 the following areas were proclaimed taken for river protection purposes and vested in the Rangitikei County Council.[1058]

Table 24: Ohinepuhiawe Sections Taken for River Protection 1932[1059]

Block	Area Taken
Section 140C Ohinepuhiawe	1-1-09

[1055] Hoone Reweti and others, Bulls to Native Minister, 8 June 1931, Māori Affairs Head Office file 1926/50, in, D. Alexander, 'Rangitikei River and Tributaries Historical Report', CFRT, 2015, p. 225.
[1056] Native Minister to Hoone Reweti, Bulls, 3 July 1931, Māori Affairs Head Office file 1926/50, in, D. Alexander, 'Rangitikei River and Tributaries Historical Report', 2015, p. 225.
[1057] County Engineer, Rangitikei County Council to Rangitikei Catchment Board, 27 August 1945, Rangitikei Catchment Board miscellaneous correspondence, in, D. Alexander, 'Rangitikei River and Tributaries Historical Report', 2015, p. 226.
[1058] NZG, 1932, p. 315.
[1059] NZG, 1932, p. 315.

Section 140B Ohinepuhiawe	5-0-27
Section 140A Ohinepuhiawe	10-0-28
Section 141B1 Ohinepuhiawe	12-0-30
Section 141G Ohinepuhiawe	25-2-26
Total	**54a 2r 00p**

The affected land is shown on the plan below:

Map 30: Ohinepuhiawe Land Taken for River Protection 1932[1060]

[1060] Wellington Survey Office Plan SO 19115.

In August 1932 the Native Land Court heard the application for compensation to be awarded for Ohinepuhiawe 140C, 140B, 140A, 141G. The court was presented with an agreement that had been reached by some owners with the council, but when other owners objected it undertook its own assessment of compensation.

Langley appeared for the Rangitikei County Council and Brown for some of the owners. Taite te Tomo appeared for Piata te Teira and other Ohinepuhiawe owners.[1061] Brown said he had been instructed by Hone Reweti in August 1931 to represent the owners in negotiations with the council and he had supplied Reweti with a written draft of the agreement which the owners, after discussion, approved. Brown outlined for court the terms of the agreement (see below).[1062]

Langley said the Rangitikei County Council was prepared to pay £114-10-0 as compensation which was the amount arrived at after a land valuation by Mr. Moriarty. Brown said he had valuations prepared by Duigan and Monrad who had advised him to accept the council's offer.[1063] Hone Reweti said he was an owner in Ohinepuhiawe Sections 140B and 141B1 and he consented to the sum offered by the council 'because I consider it adequate.'[1064]

Taite te Tomo was not prepared to accept the sum of £114-10-0 on behalf of the owners he represented, who included Kereopa Reweti. Kereopa said he was an owner of Ohinepuhiawe Section 140B and he did not accept the compensation figure offered by the council. Te Tomo said the compensation 'shd be £10 per acre.' The court asked the parties to adjourn and consult, which did not result in a resolution. Te Tomo asked for an adjournment to 25 August so he could provide evidence to support his claim of £10 per acre compensation.[1065]

Langley said council engineer Sydney Mair would not be available on 25 August and asked for Mair's evidence to be heard at the current sitting to which the Judge agreed.

[1061] Whang MB 94, 11 August 1932, p. 153, [P 1170259-1170278].
[1062] ibid, p. 154.
[1063] ibid, p. 155.
[1064] ibid, p. 156.
[1065] ibid, p. 156.

The river, according to Mair, like all rivers on the west coast did not 'keep in its proper bed' and during the last storm it had cut into the 'west bank at the lower end of the land we propose to take'. Mair felt that if the land was not taken there was a danger of the western approach to the bridge being cut off.[1066] Some of the land had disappeared since the survey had been made and he said further work had to be done to protect the remaining land of the Māori owners and he contended the council had carried out its agreement with the owners.[1067] Under cross examination from Langley he said the Māori owners had been employed to do the river protection work.[1068]

On 25 August 1932 the court resumed the Ohinepuhiawe compensation hearing. Local farmer John Blundall, who occupied part of Ohinepuhiawe, said the land was reasonable for grazing and he had made a 'rough estimate' of 15 acres which he considered worth about £8 per acre and a further 10 acres at £2 with the balance of 30 acres at £5 per acre.[1069] Under cross examination he admitted he was not a valuer.[1070] Blundell's total valuation was £370.[1071]

Langley called valuer, O. Monrad who in April 1932 had made a valuation of Ohinepuhiawe. The council engineer and chairman had accompanied Monrad and they pointed out the sections. They had instructed Monrad that if there was any doubt about the valuation to give the owners the benefit of this doubt.[1072] Monrad gave the land a total valuation of £114-10-0 and said most of it would be lost to erosion without the protection work.[1073]

Valuer for the Māori owners, H.J. Duigan said before the 1906 flood Ohinepuhiawe sections had been in good condition. On 20 August 1931 in the company of another valuer, I. Saunders, he had inspected Ohinepuhiawe. When they arrived for the inspection council planting work was underway and they were shown around by Hone Reweti who pointed out the boundaries.[1074] Duigan said much of the land was covered

[1066] ibid, p. 157.
[1067] ibid, p. 158.
[1068] ibid, p. 159.
[1069] Whang MB 94, 25 August 1932, p. 222.
[1070] ibid, p. 223.
[1071] Whang MB 94, 26 August 1932, p. 273.
[1072] Whang MB 94, 25 August 1932, p. 225.
[1073] ibid, pp. 225-228.
[1074] ibid, p. 228.

in gorse and he valued it at £106-15-0 and he recommended the council pay £110 and costs.[1075] Under cross examination from Te Tomo, Duigan said Blundell's valuation was optimistic and 'too high' and without the protection work there would have been little left of Ohinepuhiawe Section 140C.[1076]

The Rangitikei County Council clerk H.H. Richardson said the Ohinepuhiawe sections had been taken for river protection and the area known as 'cemetery point' was 'excluded by Govt Warrant' from being taken 'by proclm dated 20/3/31'. Richardson said the 'Natives were employed as far as possible on the works' and they 'planted the trees' and were 'paid about £200 in wages' which he said without the agreement the 'greater part of this money wd have been paid to Europeans.'[1077]

The Native Land Court in its judgment noted that the Rangitikei County Council, in addition to a cash payment of compensation, had also agreed to other conditions:

1. To erect at its own expense a dividing fence between the land taken and the balance of those divisions from which it was taken.
2. To fence the right of way.
3. To employ the owners for six months on the protection works.
4. To provide right of way to the River.
5. To provide a scheme for protection works for land on the other side of the river without charge.
6. To pay any legal costs incurred by the Native owners in connection with the agreement.[1078]

The court noted that the agreement had been reached at a meeting between the council and the Māori owners. The court found the council had erected a dividing fence, fenced one right of way and employed the Māori owners. The court noted that owner representative Taite te Tomo had rejected a compensation offer of £114-10-0 but the court said in awarding compensation it had to take into account the fact that part of Ohinepuhiawe 140C had been washed away by the river and the survey had been made prior to the protection work being carried out. The court believed that without the protection work other sections would have been damaged by the river along with the

[1075] ibid, p. 229.
[1076] ibid, p. 230.
[1077] ibid, p. 230.
[1078] Whang MB 94, 26 August 1932, p. 273.

approaches to the bridge and it felt the Māori owners should recognise that this work also protected their remaining land.[1079]

The court found that the council had not fulfilled its agreement to provide access to the river nor had it provided a right of way to Ohinepuhiawe 140A, 140B and 140C and it was unknown whether the owners could cross Section 141B1 to get to the right of way and: 'As a consequence they would appear now to have no proper access to the River.'[1080]

The court awarded a total of £126 compensation.[1081] The following table shows how the compensation was allocated for each section.

Table 25: Compensation Awarded for Ohinepuhiawe Land Taken for River Protection[1082]

Block	Area Taken	Compensation
Section 140C Ohinepuhiawe	1-1-09	£16-10-0
Section 140B Ohinepuhiawe	5-0-27	£25-0-0
Section 140A Ohinepuhiawe	10-0-28	£15-0-0
Section 141B1 Ohinepuhiawe	12-0-30	£18-0-0
Section 141G Ohinepuhiawe	25-2-26	£51-10-0
Total	**54a 2r 00p**	

David Alexander's report on the Rangitikei River examines how the land taken in 1932 was subsequently dealt with as Crown land and vested in the Rangitikei Manawatū Catchment Board.[1083]

6.2 Drainage Purposes

Land drainage schemes were a feature of the development of the Manawatū into a farming district. There were several large-scale drainage schemes undertaken in the late

[1079] ibid
[1080] ibid, p. 273.
[1081] ibid, p. 274.
[1082] ibid
[1083] D. Alexander, 'Rangitikei River and Tributaries Historical Report', CFRT, 2015, pp. 226-228.

nineteenth and twentieth century. More information about those schemes can be found in the environmental research reports.

Despite the widespread drainage works, there were relatively few acquisitions of land for drainage purposes. This may be because the nature of drainage works were that drains could be constructed without necessarily having to take the land into Crown or local authority ownership. The spreadsheet contains a total of 43 entries for land taken for drainage related purposes. Of these, 12 were taken from Māori land, and the majority of the land was taken from the Lower Aorangi block at the junction of the Oroua and Manawatū rivers in the 1890s.

Table 26: Māori Land Taken for Drainage Purposes 1870-2010[1084]

Gazette Reference	**Block**	**Area** (a-r-p)
1895/675	Lower Aorangi 3E	31-2-30
1895/1447	Lower Aorangi 3G	7-2-04
1897/6	Lower Aorangi 3G	15-1-16
1897/697	Lower Aorangi 3E	32-3-36
1897/1632	Lower Aorangi 3J	0-3-17
1897/1632	Lower Aorangi 3G	6-1-29
1897/1678	Ngawhakaraua 1C	0-3-00
1904/2252	Section 361 Township of Palmerston North	0-0-29.6
1905/1914-1915	Te Puru	0-2-28
1907/3376	Section 381 Native Reserve	0-1-38.2
1907/3376	Section 379 Native Reserve	4-0-21.5
Total		**101a 0r 09p**

6.2.1 Lower Aorangi Drainage 1895-1897

A series of proclamations were issued between 1895 and 1897 taking land from part of various Lower Aorangi 3 blocks for drainage purposes. The takings were for long strips of land along the Taonui Stream which ran through the blocks. The area around the drain was subject to regular flooding for several months of the year. The drainage boards wanted to prevent the flooding to protect the road and railway, and generally 'improve' the quality of the land in the river basin. However, for Māori the stream and the flooded areas had been an important fishery.

[1084] Compiled from the PKM Public Works Takings Spreadsheet.

On 8 April 1895 the Governor signed an Order in Council taking 31 acres 2 roods 30 perches of Aorangi 3E under Section 88 of the Public Works Act 1894 and the Land Drainage Act 1893 for the construction of drains in the Aorangi Drainage District. The land was vested in the Aorangi Drainage Board from 1 June 1895.[1085]

In February 1895 a notice of intention to take two parcels of land for a drain through Aorangi 3G (7a 2r 4p and 15a 1r 16p) was gazetted. The notice stated:

> A plan showing generally the nature of the proposed work and the land required to be taken, together with the names of the owners and occupiers of such land, has been deposited at the residence of William Coombs, on Section 1, Block XII., Te Kawau Survey District, in the said district, and is open for inspection there by all persons at reasonable hours.
> All persons affected by the proposed work are required to set forth in writing any well-grounded objection to the execution of such works or to the taking of such lands, and to send such writing within forty days from the day of the date hereof to the Aorangi Drainage Board at their office in the Square, Palmerston North.[1086]

In September 1895 7 acres 2 roods 4 perches from Aorangi 3G was proclaimed as taken for drainage purposes.[1087]

In October 1896 a notice of intention to take 8 acres 6 perches from Aorangi 3G and 32 acres 3 roods 6 perches from Aorangi 3E Subdivisions 1 to 5 was gazetted. [Note the notice of intention reads 6 perches but the subsequent proclamation taking the land was 36 perches]. The notice of intention stated:

> The public work which the said Manawatu Land Drainage Board propose to execute is the constructing, laying-down, and making a drain from the Government drain at the northern boundary of said Subdivision No. 5 through said subdivisions numbered 4, 3, 2, and 1 respectively, and through lower Aorangi No. 3G aforesaid, connecting therein with the main drain; and the doing of all necessary sinking, excavating, and other works in connection therewith.
> Copies of the plans numbered 940, 941, and 942, showing the lands required to be taken for the said public work, together with the names of the owners and occupies of the said lands so far as they can be ascertained, are deposited at the store of G. McBeath and Co., at Longburn, in the Provincial District of Wellington, and are open for inspection by all persons at all reasonable hours.[1088]

[1085] NZG, 1895, p. 675.
[1086] NZG, 1895, pp. 434-435.
[1087] NZG, 1895, p. 1447.
[1088] NZG, 1896, pp. 1829-1830.

The notice of intention also contained the usual method of objection as recorded in the previous quote.

In January 1897 a further 15 acres 1 rood 16 perches of Aorangi 3G was taken for drainage in the Manawatū Drainage District.[1089] In March 1897 Aorangi 3G 8 acres 0 roods 6 perches and Aorangi 3E, 32 acres 3 roods 36 perches were taken for drains.[1090] The March gazette notice revoked the taking of Aorangi 3G 8 acres 0 roods 6 perches and a new notice was issued taking 6 acres.[1091] In September 1897 Aorangi 3J, 3 roods 17 perches and Aorangi 3G 6 acres 1 rood 29 perches were taken for drains.[1092] In October 1897 Ngawhakaraua 1C, 3 roods was taken for drains and vested in the Manawatū Drainage Board from 13 October 1897.[1093]

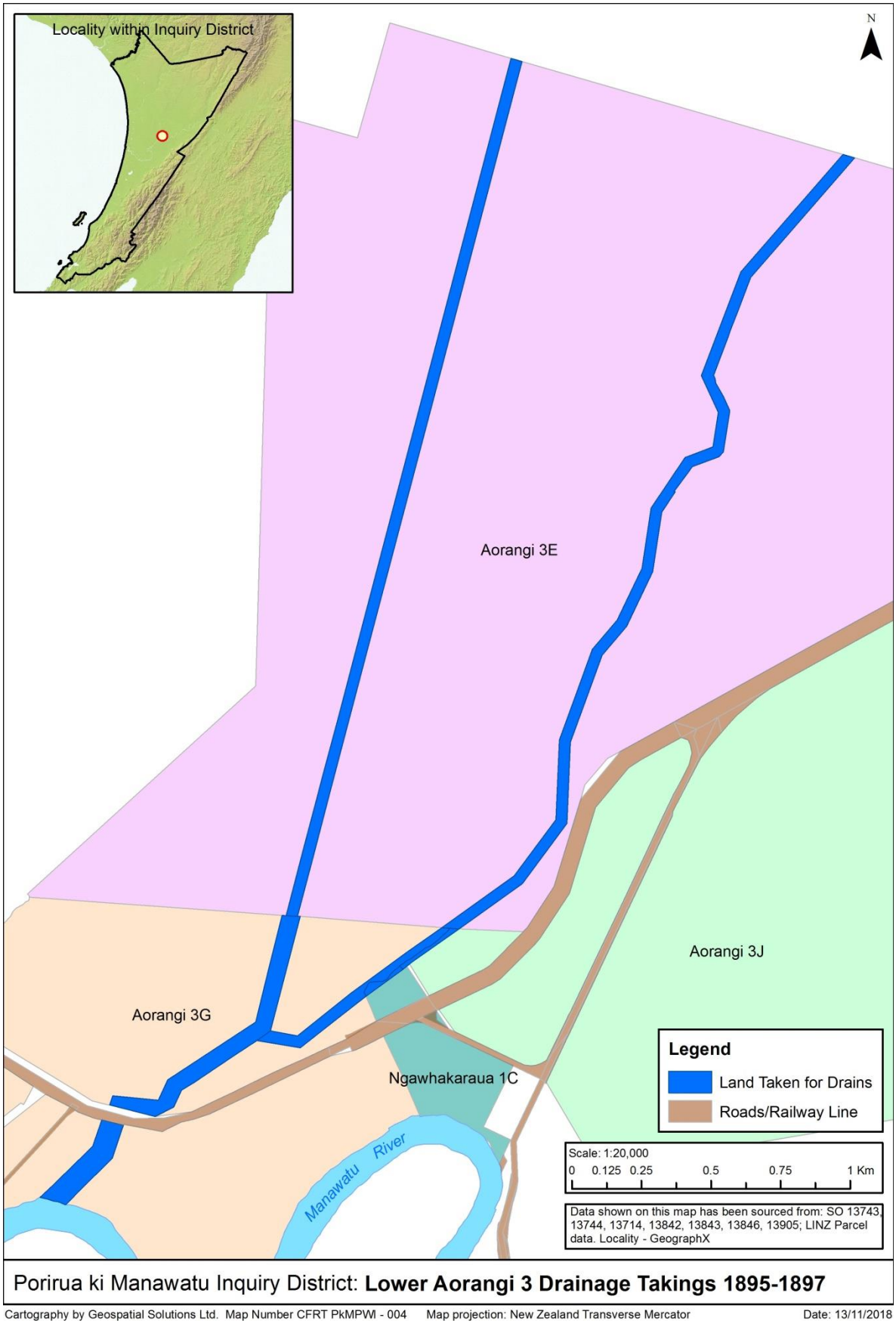
Table 27: Proclamations Taking Parts of Lower Aorangi 3 and Ngawhakaraua for Drainage 1895-1897[1094]

Date Taken	Block	Area Taken a-r-p	Notice of Intent NZG Year/Page
8/4/1895	Aorangi 3E	31-2-30	
19/9/1895	Aorangi 3G	7-2-04	1895/434-435
7/1/1897	Aorangi 3G	15-1-16	
18/3/1897 [Revoked 1897/1633]	Aorangi 3G	8-0-06	1896/1829-30
18/3/1897	Aorangi 3E	32-3-36	1896/1829-30
16/9/1897	Aorangi 3J	0-3-17	
16/9/1897	Aorangi 3G	6-1-29	
30/10/1897	Ngawhakaraua 1C	0-3-00	

The areas of land taken are shown on the map below.

[1089] NZG, 1897, p. 6.
[1090] NZG, 1897, p. 697.
[1091] NZG, 1897, p. 697.
[1092] NZG, 1897, p. 1632.
[1093] NZG, 1897, p. 1678.
[1094] Compiled from PKM Public Works Takings Spreadsheet.

Map 31: Land Taken from Lower Aorangi 3 for Drainage 1895-1897



On 10 March 1898 the Native Land Court began hearing the compensation application for the land taken in 1897 from parts of Aorangi 3G (6a 1r 29p), 3J (3r 17p), 3E Sections 1-5 (32a 3r 6p), Ngawhakaraua 1C (3r 0p) by the Manawatū Drainage Board and Aorangi Drainage Board. Not only did the court have to consider how much should be paid for the land taken, but it was also asked to award compensation for the destruction of the eel fishery.

Cooke appeared for the board and Innes and Ellison for the Māori owners.[1095] Ellison for the owners claimed £4 per acre compensation and a further claim of 'special damages of £3,000' which was 'for loss of eel weirs by taking the Taonui Stm.'[1096]

Surveyor, W. Flyger said he had known the Aorangi blocks since 1869, when he had surveyed the district with fellow surveyor G.L. Scott. The drain followed the line of the Taonui Stream and he said prior to the drainage work the land would flood in winter and the area near the railway line was damp and also susceptible to flooding.[1097] Flyger said the land next to the main Aorangi drain and the Taonui drain was in bush and was worth £4 an acre at the time the drain was taken, and was now worth £5 an acre. The surveyor said most of the Aorangi sections were wet and the Taonui Stream when flooded had 'unclear…water traps'.[1098] Aorangi 3E was surveyed by Flyger and Mr. Self and it was 'food rich alluvial land but very wet during certain portions of the year Easter to…October'.[1099] Prior to the drains 3E could be 'very wet or in flood' for eight months in the year.[1100] The drainage board had felled four chains of bush on Aorangi 3G and Flyger had surveyed 3G before the drain was made.[1101]

Surveyor George Scott told the court he had worked in the district for 18 years and was familiar with the Aorangi block before the drains were made. The reason for the drains, he said was 'to relieve the Manawatu Road District of Water' and now the 'whole of the water of the Kairanga water is brought down to the 2 drains running through 3E'.

[1095] Whang MB 37, 10 March 1898, p. 75 [P 1170073-1170122].
[1096] ibid, p. 76.
[1097] ibid, p. 78.
[1098] ibid, p. 83.
[1099] ibid, p. 79.
[1100] Whang MB 37, 10 March 1898, p. 82.
[1101] ibid, pp. 80-81.

The Aorangi block, prior to the drains was in his opinion worth £4 an acre.[1102] If the Aorangi drain had not been constructed he did not believe the Manawatū drain would have been sufficient to clear the block of flood waters. Aorangi 3G was higher and dryer than 3E and therefore more valuable land: 'I believe the effect of these two drains sd improve the value of this land towards Palmerston.' Under cross examination from Cooke, Scott said:

> Before the drain was made the water from up country Kairanga & Palmerston found its way to the swamp 3D, 3E & 3G. & this has been going on for years, both these drains wd relieve that water - & the Manawatu Drain relieves the water from 3E – In the time of flood wen the Manawatu went [?] the effect of this drain wd be to clear this flow [?] of the flood water very much quicker than it did before…[1103]

Scott said Aorangi 3E was worth £4 an acre and the swamp land through which the drain ran was worth £1-10-0 an acre before the drain was made.[1104]

Owner Wi Mahuri said he lived on Ngawhakaraua and he knew the Taonui Stream:

> I was first acquainted with the land in my childhood. I am about 60 years of age. There is no Stm in New Zealand equal to the Taonui for food purposes. The food obtain are eels, Koura, Patiki, Inanga, Koropu…..At certain seasons we get fish…I have caught some of [?] fish…All these fish was obtained from the Stm before the Board made the drain…..The Taonui Stm was the meat [stop/shop?] for all the Maoris but after the Board dug outside the Stm we were unable to get our supplies of fish [.] [1105]

Mahuri said the Manawatū River swamped the land and cultivations were still lost in winter and in summer other parts were now sand.[1106] Mahuri explained the area was resource rich and he said:

> We had eel weirs all up this Taonui Creek – The weirs were built for this land…all were right across this stm…all these various weirs had names – These weirs went all up the Taonui Stm – throughout the lands now before the Court[-] We consider £3,000 is a fair sum we shd have to compensate us for this loss – I cannot explain how we arrived at the conclusion to demand £3,000 as our damages – We have to go to butchers to get food now – Which wd cost us now about £10 a week [.][1107]

[1102] Whang MB 37, 11 March 1898, p. 85.
[1103] ibid, p. 86.
[1104] ibid, p. 87.
[1105] ibid, p. 88.
[1106] ibid
[1107] ibid, p. 89.

Mahuri said since work began on the drain in 1894 the loss of tuna fisheries meant that buying meat now took place weekly whereas in the past they had been able to make gifts of fish to other tribes. In 1893 Mahuri said they had obtained two cart loads of fish: 'I consider we cd [take] £500 worth of fish out of this stm each year before the drain'.[1108] Before the drain was made they had tracks along both sides of the stream to access tuna pa. Although they had other eel fisheries they were not as good as the Taonui Stream and he had asked for the drain not to be dug. They had made a claim for £3,000 to the board and in 1897 he said their solicitor received a reply. Under cross examination from Cooke, Mahuri said he had interests in most of the blocks and had signed a memorandum of transfer with Baldwin for Aorangi 3E4.[1109] For the sale he received £1-10-0 an acre for 3E4. Before the drain was made he said 3E4 was leased to Hawkins at 1/6 shillings an acre for 21 years. The lease had been made before the drains and nothing in the lease was said anything about the eels and other fish.[1110] There was to be incremental increases in the amount of rent as the lease term progressed.[1111] Aorangi 3G (approximately 80 acres) was in his opinion 'worth £10 an acre, I mean before the drain was made'. Mahuri said:

> This £3,000 is for all the natives & the chief – in the Manawatu…..This £3,000 covers the claim against the Manawatu Drainage Board by all Natives in the district for being deprived of the fish we used to get from the Taonui Stream.[1112]

Under cross examination from Ellison, Mahuri said while the land was leased to Hawkins they continued to fish the Taonui Stream and they only stopped when the drain was dug. He had a 'special weir called Takamautiri' on Aorangi 3G1 and the 'eel weirs on Taonui taken up by the drain was supposed to supply eels to the Natives of 3E-3G.' He said he would have received a better price for Aorangi 3E4 if the land had not been subject to a lease to Hawkins at the time of sale and:

> Since the drains have been made (Straight Cat.[?]) the land has been flooded worse because the backwater from the Manawatu River can…get on the land It has happened that the Manawatu River has been in flood & the water has backed up into the creeks but not to overflow on to the land [.][1113]

[1108] ibid
[1109] ibid, p. 90.
[1110] ibid, p. 91.
[1111] ibid, p. 92.
[1112] ibid
[1113] ibid, p. 93.

Teira te Panau said he knew Ngawhakaraua and he had a cultivation on Aorangi 3G1. The land in the past he said was dry and now it was subject to floods for months of the year: 'from this overflow of the Manawatu, Oroua, & from Mangaone Stm Palmerston…upper drains bring a lot of water into the Taonui & so cause the overflow.'[1114]

George Nye had been a Public Works inspector and he was familiar with Aorangi since 1873. Before the drain he said in 1880 the 'whole of 3E was then under water 8 months in the year March to Nov'.[1115] There were depressions in the ground in some areas where the water pooled and he explained that Aorangi continued to flood until the Manawatū Drainage Board made the drain. The value of the land was £2 an acre near the Taonui Stream and he did not believe the value had increased. The 'eel pas' and the build-up of fallen timber he claimed were the reasons the 'Taonui used to silt up at the lower end…and back the water on to the land.'[1116] He estimated there was approximately 800 acres on both sides of the Taonui Stream and the drains had made it drier and the 'drain has had a good effect on the Railway line and it was now carried through the drain to the Manawatu River'. Nye said:

> I have had much experience in drainage work while in the Public Works Department & since I have left the Service…I think that 900 or 800 acres of 3E & 3G have been improved – I considered to the extent of £1 per acre more. It is now worth £2 – per acre.
> In the old times the flood would…remain for 3 to 4 months & now it runs off in a week…..The flood water from the Manawatu or Oroua may back up…but it goes away sooner.[1117]

Baldwin said Aorangi 3E and 3D flooded in 1879 and work on the drain through Aorangi 3E4 started in March 1880.[1118] He agreed with Nye that the Taonui Stream had been 'blocked up with "pa tunas". He claimed that as long as the 'Manawatu River is low the Oroua stm will not flood seriously' and when the Oroua overflowed the Aorangi drain would clear the land.[1119]

[1114] ibid, p. 94.
[1115] ibid
[1116] ibid, p. 95.
[1117] ibid, p. 96.
[1118] ibid, p. 97.
[1119] ibid, p. 98.

Licensed Native Interpreter Alexander McDonald said he knew the Taonui Stream which extended from the 'Manawatu River to near Feilding – all along that stm was originally Native Land'. Large areas of land he said had been sold to Europeans and fishing rights were not part of these sales and: 'As to claim of £3,000 for fish. No doubt 40 or 50 years ago…they can now have meat & do not depend on the eel weirs for food'.[1120] McDonald had also acted as an interpreter when Hawkins leased Aorangi 3E4 and at the time of leasing he told the Māori owners about the Aorangi drainage plans and there was 'no reservation for eels' made nor was anything said about the drainage of the Taonui Stream in '92 or 93'.[1121]

In the case of Aorangi 3E5 McDonald did acknowledge that some owners of 3E5 wanted to sell while 'others who did not want to sell claimed as a reason that the eel fisheries were being injured'.[1122] In his opinion eels had no value from a European point of view but had once had some value 'many years ago they were of feast value, because the Natives largely subsisted on them & exchanged fish with other people for other forms of food.'[1123] Under cross examination from Cooke, McDonald reiterated that Wi Mahuri had said nothing to Hawkins about the eels when he leased the land and: 'The fisheries extend pretty well all up the length of the stm.'[1124]

Auctioneer R. Abraham had been a member of the drainage board and he believed that the drains had improved Aorangi which he said could previously be wet for nine months of the year. He agreed with Nye that 3E was a basin.[1125] Abraham provided a valuation for the sections before and after the drainage work. Abraham said it was 'very difficult to put a value on No 3, 4 & 5 were worth less' and 1, 2 and 3 were 'higher & could be made use of. Value £1 per acre' for stock and '3G more valuable still about £2-10'.[1126] Abraham believed: 'Sections 4 & 5 are now worth £3 per acre & sections 1, 2 & 3 are now worth £3 per acre – formerly worth £2-10-0' an acre. Without the drains, he said

[1120] Whang MB 37, 12 March 1898, p. 99.
[1121] ibid, p. 100.
[1122] ibid, p. 101.
[1123] ibid, p. 102.
[1124] ibid, p. 103.
[1125] ibid
[1126] ibid, p. 104.

stock, could not be moved across the land but Aorangi 3J 'is better it is dry' and worth £6 because it was higher & dryer' and 'these drains do not affect this land.'[1127]

Foxton fisherman Hans Andersen told the court that in the past he had purchased eels from the Māori owners:

> I deal with Maoris – buy eels & other fish from them, market price of eels are 4/- a cart – Not much sale for them, The best eels are what known as silver eels…get some in creeks where there is running water eels dry out if mud[?] wd not be so good[.][1128]

Manawatū Drainage Board Engineer and Aorangi Drainage Board member E.J. Armstrong said he first dealt with Aorangi on 20 March 1880 after the flood when part of 3E and 3G and the railway line which was four feet above the lowest part of 3E remained under water for two months. The Aorangi block was he claimed again flooded in 1882, 1883 and 1887.[1129]

Armstrong had made a survey on the condition of the Aorangi block before the drainage work commenced. A contract to cut a drain on 3E was made on 5 October 1896. The contractor was to also 'widen & deepen the Taonui' Stream which Armstrong said doubled its carrying capacity.[1130] Armstrong agreed with Nye and Baldwin that the stream was blocked by timber and eel weirs. The Taonui drain was to carry water away from the Manawatū district and he said 'including the overflow of the Mangaone stm.'[1131] The Taonui overflow drained into a swamp and he said: 'I think the Taonui drain wd influence about ½ of the land between Taonui & Taonui drain'.[1132] According to Armstrong:

> The Taonui drain has put increased value on 3E The increased value is £1 per acre – present value 3E is £1 per acre – Present value 3E is £3 an acre as against £2-10-0 former valuation – In making the Taonui Drain we came across three eel pas [in] working order 2 in 3G & 1 [in] No 3 1E. We left it…[1133]

[1127] ibid, p. 105.
[1128] ibid, p. 106.
[1129] ibid, pp. 106-107.
[1130] ibid, p. 107.
[1131] ibid, p. 108.
[1132] ibid, p. 109.
[1133] ibid, p. 110.

Although there were further floods in April 1895 and April 1896 the water receded in days instead of months.[1134] The drains also helped keep water from flooding the railway line.[1135] Armstrong said the Taonui Stream had been shallower through Aorangi 3 and 4 and 'you could take a horse across these parts of the stream before the drain was made'.[1136] He said the Taonui Stream used to 'silt up at its juncture with the Oroua' River.[1137] The Taonui drain cost £1,623 and was 162 chains in length.[1138] He concluded the board had passed a resolution to leave the question of compensation to the Native Land Court.[1139]

Hare Rakena te Awe Awe said he was an owner in Aorangi 3G and lower Aorangi blocks. He had fished the Taonui Stream at the junction with Te Paka. Te Awe Awe said that his:

> Elders thought much of it, - Neither the Oroua or Manawatu are as good as this stm. The Taonui is a sluggish stm. I heard the ev: of Wi Mahura this ev: was quite correct – but he said nothing about the water fowl – I [?] to get eels there in 1890…..A number of people living at Ngawhakaraua when that stm was taken by the Board, I have heard this Rangitane seriously speak of abandoning their settlement because they could not use their eel weirs. Another reason was because there land was flooded so much [.] In 1890 there were a great number of eel pas in the Taonui St – in 1890.[1140]

Under cross examination from Cooke, Te Awe Awe said: 'I think £3,000 is a fair sum to claim for loss of fish – along this the Taonui from its source to Te Paka – In fact this claim is to include the fish for the whole block.'[1141]

On 15 March 1898 Native Land Court Judge Robert Ward made the compensation award. Different awards were made to spread the cost of compensation between the Manawatū and Aorangi Drainage Boards. In regards to the land taken by the Manawatū Drainage Board for the construction of the Taonui drain, the court awarded £100 for the land taken from Aorangi 3E and 3G. The Judge commented

[1134] ibid
[1135] ibid, p. 111.
[1136] Whang MB 37, 14 March 1898, p. 113.
[1137] ibid, p. 114.
[1138] ibid, p. 115.
[1139] ibid, p. 116.
[1140] ibid, pp. 116-117.
[1141] ibid, p. 117.

> This amount is arrived at after carefully weighing all matters for consideration both for and against the said Drainage Board and the persons who now claim compensation at the hands of the Court.[1142]

With regards to the £3,000 claim for the loss of the fishery, the court essentially rejected the value placed on the fishery by local Māori, and awarded only £20 compensation, which was to be paid to the owners of the affected Aorangi 3G and 3E sections 'for their fisheries in the Taonui Stream destroyed in making the said Taonui Drain'.[1143]

Regarding the land taken by the Aorangi Drainage Board, the court said the board had offered £2 per acre for the land taken from Aorangi 3E, totalling £63-10-0. The solicitor acting on behalf of the owners had accepted this offer, and the court made an award accordingly. The Aorangi Drainage Board had also offered £75 'in full satisfaction for all claims by the owners' of Aorangi 3G2. Again the solicitor said the owners accepted the offer.[1144] The various types of compensation for each block are listed in the table below.

Table 28: Compensation for Aorangi 3 Land Taken for Drainage and Loss of Fishery

Block	Taonui Drain Manawatū DB	Loss of Fishery Manawatū DB	Land Taken by Aorangi DB	Total Compensation
3E No. 1	£22-0-0	£4-10-0	£21-0-0	£47-10-0
3E No. 2	£19-0-0	£0-0-0	£16-0-0	£35-0-0
3E No. 3	£10-0-0	£1-0-0	£7-15-0	£18-15-0
3E No. 4	£17-0-0	£2-0-0	£11-0-0	£30-0-0
3E No. 5	£14-0-0	£1-0-0	£7-15-0	£22-15-0
3G No. 1	£6-0-0	£4-10-0		£10-10-0
3G No. 2	£12-0-0	£7-0-0	£75-0-0	£94-0-0
Total	£100-0-0	£20-0-0	£138-10-0	£248-10-0

The minutes also include a list of owners and the amounts they were each to receive. Aorangi 3E1 at this time had nine owners. Aorangi 3E2 had ten owners. Aorangi 3E3 had one owner. Aorangi 3E4 had eleven owners. Aorangi 3E5 had one owner. Aorangi 3G1 had ten owners. Aorangi 3G2 had twenty owners.[1145]

[1142] Whang MB 37, 15 March 1898, p. 121.
[1143] ibid
[1144] ibid, p. 122.
[1145] ibid, pp. 128-129.

6.3 Summary of Issues

An assessment of the full impact of the Public Works Act on waterways and wetlands in the district needs to also consider the evidence contained in other technical research reports on the Rangitikei River and environmental impacts. River control, drainage and flood protection schemes had wider impacts on Māori communities than simply the loss of land. They could also involve the loss of mahinga kai and access to other resources, or have other unwanted consequences such as leaving portions of Māori-owned blocks without access.

From the viewpoint of developing the infrastructure of European settlement, the Waikanae, Otaki, Manawatū and Rangitikei Rivers were major features that needed to be bridged for the road and railway network. The transformation of the adjoining bush and wetlands into pastoral lands meant that settlers and local authorities saw the need to control the flow of rivers to prevent flooding and land erosion, and to protect bridges approaches and supports. Māori values relating to waterways, and differing uses that Māori communities had for rivers and wetlands were not taken into account when making decisions about river control, drainage and land acquisitions.

The title to Ngarara West A blocks along the Waikanae River extended to the middle line of the river, rather than the more usual practise of adopting the riverbank as the boundary. The Crown and local authorities were reluctant to undertake flood protection works while the riverbed remained in private ownership of Māori and European landowners along the river. Between 1962 and 1964 sixteen acres were acquired from Māori ownership. In the case of the largest area, the Māori Land Court compensation award included an allowance for the commercial value of the riverbed shingle. In the case of the two later takings compensation was negotiated on behalf of the owners by the Māori Trustee. The Māori Trustee had appointed a valuer to successfully counter an initial low compensation offer from the Ministry of Works for an area of land which had been completely eroded by the river.

Between 1945 and 1946 Public Works had carried out straightening and planting work along the Otaki River from the main highway to the sea. This work was done without legal authority, and no attempt was made to seek consent from Māori land owners. The

affected area included shingle banks along the river mouth, and in between channels of the river. In 1953 Works decided it needed to take the freehold of the area on both sides of the river under the Public Works Act. The council intended to allow commercial gravel extraction activities in the area. In 1954 100 acres of ungranted Māori land was taken for river control purposes. It appears no steps were taken to arrange for compensation to be paid for the 'ungranted' Māori land until 20 years later. In 1974 compensation was negotiated by the Māori Trustee, but despite the 20 year delay, only 5 years interest was paid on the compensation. A further 96 acres was taken from various Māori blocks adjoining the river in 1956. In this case the Public Works Department reported it was too difficult to identify the owners to obtain their prior consent or agreement. The Māori Affairs department agreed to the land being taken. The Māori Trustee negotiated compensation on behalf of the owners. Part of the agreement was that the owners would be able to access their blocks along the riverfront reserve, which meant no compensation had to be paid for injurious affectation. A total of almost £1,000 was paid for the 96 acres.

A further 25 acres of 'ungranted' Māori land along the Otaki River was taken under the Public Works Act in 1961, but this time for the purposes of noxious weeds control. Once the council had cleared the lands of weeds, it planned to sell it to neighbouring farmers. At no point did officials question why the council needed to permanently acquire the land, when it was possible for the necessary weed clearance to be undertaken in the short-term without acquiring the freehold. Effectively, the Crown and the council were making use of the Public Works Act to transfer a piece of customary Māori land to private ownership, so that it would be easier for the council to ensure that the land was 'properly' managed. At least one local Māori objected to the land being taken, but that objection was dismissed, and the Māori Land Court approved the taking. No information has been located to indicate whether the Māori Land Court or Māori Trustee subsequently sought compensation for the land taken, and if any investigation was done to determine the potential customary owners. Although mention was made in the record of neighbouring Māori land owners potentially being interested in the land, the council later sold it to an adjoining European-owned block.

The report on the Rangitikei River should be consulted for more information about the impact of public works takings on Māori holdings along the Rangitikei River. In 1931

a notice of intention was issued to take land from Ohinepuhiawe 140 and 141 for river control purposes to protect the approaches to the bridge at Bulls. The council wanted to prevent further erosion by planting trees along the riverbank. An initial suggestion to lease the land from Māori was rejected as the council was concerned about ongoing maintenance. The owners objected to the proposed acquisition, on the grounds that it would make their dairying operations uneconomic. An agreement to take 54 acres was then negotiated between some owners and the council, which included Māori being employed for the tree planting work. Given that the former owners were carrying out the tree-planting, and recognised that protecting the land from erosion was in their interests, it is difficult to see why it was necessary for the freehold to be acquired, beyond the prejudiced assumption that Māori land owners would not properly maintain their property. The agreement also included provision for a right of way to the river from the remaining Māori land, but this had not been provided at the time compensation was assessed.

The Whirokino Cut was a radical alteration to the course of the Manawatū River at Foxton. By cutting across the neck of the loop of the river, the spillway was designed to provide protection for adjoining farmers but was also to seriously affect the way that Māori had traditionally used the area, and impacted on Māori owned blocks in the vicinity. A total of 155 acres was taken for the cut, of which approximately 28 acres was taken from two Māori-owned blocks: Whirokino 3 and Te Rerengohau 2B. In the case of Whirokino 3, the registered owner was deceased. Works obtained consent to land being taken from the Pakeha farmer who was occupying the land as part of his farming operations on Whirokino 1. The owner of Te Rerengaohau 3 was a minor, but her trustees (who were members of her whanau) signed an agreement for land to be taken for the cut. The land was taken by proclamation in 1943 for river diversion purposes. When compensation was assessed by the Native Land Court, the land was described as having very little value, which led to the court agreeing that the owners did not need to be represented or have a valuation made on their behalf. The court awarded £41 compensation in line with the Special Government Valuation.

Despite the widespread drainage works, in the Manawatū, there were relatively few acquisitions of land for drainage purposes. This may be because the nature of drainage works were that drains could be constructed without necessarily having to take the land

into Crown or local authority ownership. The spreadsheet contains a total of 43 entries for land taken for drainage related purposes. Of these, 12 were taken from Māori land, and the majority of the land was taken from the Lower Aorangi block at the junction of the Oroua and Manawatū rivers in the 1890s. The drainage boards wanted to prevent flooding along the Taonui Stream to protect the road and railway line, and generally 'improve' the quality of the land in the river basin. However, for Māori the stream and the flooded areas had been an important fishery.

When the Native Land Court held a hearing to assess compensation, not only did the court have to consider how much should be paid for the land taken, but it was also asked to award compensation for the destruction of the eel fishery. Such was the value of the stream for the Māori community that they claimed £3,000 in damages. The minutes of the hearing provide extensive evidence about how Māori used the wetland for various food and other resources and the importance of the annual flooding. On the other hand European settlers and valuers considered the land to be poor quality with a low financial value because it was flood prone. With regards to the £3,000 claim for the loss of the fishery, the court essentially rejected the value placed on the fishery by local Māori, and awarded only £20 compensation, which was to be paid to the owners of the affected Aorangi 3G and 3E sections. The case graphically demonstrates how the land valuation and compensation system was not designed to reflect Māori values.

7. Scenic and Recreation Reserves

The Public Works Acts gave both central and local government the power to acquire land for a variety of recreational reserve purposes such as parks and sportsgrounds. In addition in 1903 a special Act was passed to allow land to be taken for Scenic Reserves under the Public Works Act. This grew out of growing concern at the disappearance of native bush lands. The Act was passed with the intention of conserving bush areas amid concern at their rate of destruction, and Premier Richard Seddon commented during the debate on the Bill 'and you see your beauty-spots being destroyed, and they can never be restored'.[1146] During this debate, Heke, the Member for Northern Māori, supported the principle of creating scenic and historic reserves but objected to compensation for Māori land being assessed by the Native Land Court. Heke said:

> the Native Land Court, which is the only tribunal for the purpose of assessing the value of Native lands, is not the proper tribunal for that purpose. I would submit to the Government that that part of the Public Works Act should be done away with, and that the same tribunal should assess the value of Native lands that assesses the value of pakeha lands - a tribunal consisting of an Assessor appointed by each side, and presided over by a Magistrate or Judge of the Supreme Court, according to the value of the land.[1147]

The Act established the Scenery Preservation Commission to inspect and report on Crown, Māori or European lands of scenic or historic interest. Under Section 3 the commission could recommend they be permanently reserved for scenic, thermal or historic purposes. Under Section 5, the land was to be acquired using the mechanism of the Public Works Act. It will be seen that the local Member of Parliament, W.H. Field, was to play an influential role in seeking to have scenic reserves established in the Kapiti region.

It will be seen that there was only one area of Māori-owned land in the district which was acquired as a scenic reserve under the public works and scenery preservation legislation: Paraparaumu Scenic Reserve. This section also includes the history of Hemi Matenga Scenic Reserve which was not acquired under the Public Works Act, despite numerous attempts, and a brief history of Awahuri Scenic Reserve, which had already passed from Māori to European ownership before it was acquired by the Crown. This section also

[1146] NZPD, 23 October 1903, vol 126, p. 704.
[1147] ibid, p. 711.

covers three blocks of Māori land which were acquired for inclusion in Queen Elizabeth Park.

7.1 Paraparaumu Scenic Reserve 1905-1907

Paraparaumu Scenic Reserve was established largely on the Ngarara West C7 and Muaupoko A2 blocks. Both blocks had been owned by Hannah Field, who was part Māori, and who had died in 1904. Her will left 187 acres as a bush reserve, but the will was not recognised by the Native Land Court, which awarded the blocks to her half-sister.[1148] In 1905, the local Member of Parliament, who was also Hannah Field's brother in law, instead proposed that it be acquired by the Crown as a scenic reserve.

In August 1905, following a query about establishing a scenic reserve near Paraparaumu from the Prime Minister, the Surveyor General J.W. Marchant asked S.P. Smith, Chairman of the Scenery Preservation Commission, to have the proposed reserve inspected.[1149] S.P. Smith advised Marchant the Surveyor General who was also a scenery commissioner to attend the site visit so the boundaries could be pointed out. He also said a meeting of the Native Land Court might be necessary.[1150] Marchant and scenery preservation officer W.W. Smith visited the property on 5 September.[1151]

W.W. Smith provided the Scenery Preservation Commission with a report on his inspection of the Paraparaumu bush area known locally as the 'bird reserve'. The report also included an interview with local land owner and Member of Parliament W.H. Field. Smith and Marchant approached the proposed reserve through Ngarara West A Section 53 (20 acres owned by J.A. McGrath) which fronted the 'bird reserve'. They obtained a view of the entire reserve area from the trig station. Smith said the 'area is a very typical and beautiful piece of West Coast bush now very rare near the Railway line, and, in the opinion of the Commissioners who inspected it, is well adapted for

[1148] W.W. Smith, Department of Tourist & Health Resorts to Chairman, Scenery Preservation Commission, New Plymouth, 1905, AECB 8615 TO1/59 1905/333, ANZ Wellington [DSCF 5236-5238].
[1149] J.W. Marchant, Surveyor General to S.P. Smith, Chairman, Scenery Preservation Commission, 25 August 1905, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5107].
[1150] File note, 4 September 1905, on, S.P. Smith, Chairman, Lands & Survey, Commission appointed under Scenery Preservation Act 1903, New Plymouth to Surveyor General, 30 August 1905, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5106].
[1151] W.A. Marchant, Surveyor General to S.P. Smith, Matai Moana, New Plymouth, 28 September 1905, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5105].

acquiring as a Scenic reserve.' He said access to the bush reserve could be taken through Ngarara A2 Section 2 Subdivision 1 (owner Rameke Watene te Awhio) and he noted Ngarara A2 Section 1 of approximately four acres was bequeathed by Hannah Field to a Pakeha named Watters 'for life who now resides on it. It is now a very old orchard.'[1152]

Smith explained the history of the title situation:

> At present time there is considerable complications respecting the ownership of the larger areas proposed to be reserved. The late Mrs Field bequeathed it to the State as a bird reserve. Subsequently the legality or validity of the will was challenged by relatives, and on it being tested in the Native Land Court the Judge awarded it to a Muaupoko woman who sold it to Mrs Jepson. This lady is now negotiating its sale to Mr Hadfield whose 6000 acre block adjoins it.
> On calling on Mr Field M.H.R. to obtain information as to the urgency of the Government acquiring it that gentleman stated in the meantime negotiations for its sale are suspended. Meanwhile Mr Field is of opinion that the Government should move with the matter of acquiring it to prevent its further disposal and probable destruction. Mr Field further stated that Mr Hadfield is negotiating for the purchase of the property at £4 per acre. If submitted to auction he (Mr Field) would be prepared to bid up to £6 per acre for the whole area.[1153]

Mrs Ellen Jepson/Ereni Tepihana was the half-sister of Hannah and whom the Native Land Court acknowledged as the successor to the Hannah Field Estate. There is no indication on file that the commissioners met with the owner to discuss the proposed reserve. The commission resolved to recommend to the Governor to acquire parts of Muaupoko A2 (100 acres), less an area of 4 acres occupied by Watters, making it 96 acres and a further 185 acres of Ngarara West C Part 7 and a half chain road through the Muaupoko block for scenic purposes.[1154] It was considered essential to protect the bush from felling that the land be proclaimed as a scenic reserve under the Public Works Act.[1155]

The Superintendent explained to the Minister of Tourist and Health Resorts:

[1152] W.W. Smith, Department of Tourist & Health Resorts to Chairman, Scenery Preservation Commission, New Plymouth, 1905, AECB 8615 TO1/59 1905/333, ANZ Wellington [DSCF 5236-5238].
[1153] ibid
[1154] Scenery Preservation Commission, twelfth interim report, No 265, n/d, AECB 8615 TO1/59 1905/333, ANZ Wellington [DSCF 5235].
[1155] T.E. Donne, Superintendent to Under Secretary, Public Works, 1 November 1905, AECB 8615 TO1/59 1905/333, ANZ Wellington [DSCF 5234].

> The area in question is still Native land, although the title is somewhat involved and if acquired it will be necessary to take action by Order in Council issued under Section 88 of The Public Works Act.[1156]

Sir Joseph Ward was told that the Native Land Court had 'upset' the will of Hannah Field and allowed her land to go to a relative instead of being set aside as a bird reserve. Jepson's certificate of title had not been issued and surveyors were completing plans so it could be 'gazetted as early as possible in accordance with Cabinet direction.'[1157]

In November 1905 the Tourist Department asked Lands and Survey to take Parts Muaupoko A2 Section 1 and Ngarara West C Part Section 7, along with a narrow access strip under the Public Works Act for scenic purposes. H.J. Blow, Under Secretary for Public Works, said because the work was urgent Lands and Survey should immediately engage a surveyor.[1158] C.A. Mountfort began to survey the area for a 'bird reserve'. On 1 December 1905 a notice of intention to take 185 acres of Ngarara West C Part 7 and 98 acres of Muaupoko A2 Section 1 for scenic purposes was issued.[1159] The notice and accompanying plan were to be displayed at the Paraparaumu Post Office, and 40 days were allowed for objections in writing.

On 18 December 1905 solicitor C.B. Morison, acting on behalf of Ereni Tepihana/Ellen Jepson, lodged a claim for compensation for Ngarara West C Part Section 7 (185 acres). He said that Jepson would accept £745 for the land which was the price she had already negotiated for its sale to H.J. Hadfield. W.H. Field had also offered to purchase the land on a number of occasions for more money than this sum.[1160] Hadfield had agreed to pay Jepson £4 an acre for the 185 acre block and had made a down payment to Jepson of £80. He agreed to withdraw his purchase if the down payment money was returned. The Crown was willing to pay Jepson the amount suggested if the Native Land Court

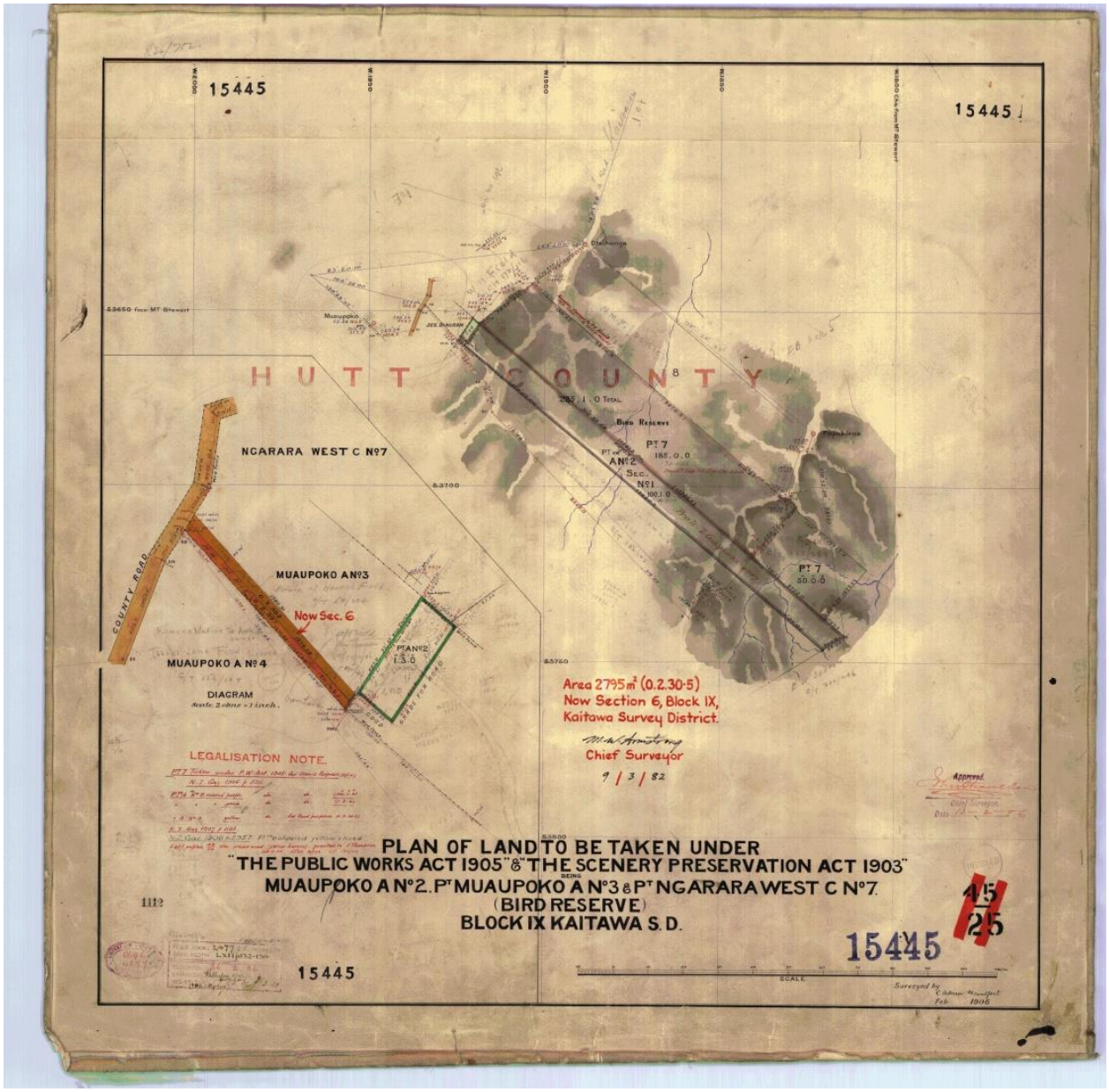
[1156] T.E. Donne, Superintendent to Minister, Tourist & Health Resorts, Wellington, 17 October 1905, AECB 8615 TO1/59 1905/333, ANZ Wellington [DSCF 5233].
[1157] T.E. Donne to Sir Joseph Ward, Dunedin, 14 November 1905, AECB 8615 TO1/59 1905/333, ANZ Wellington [DSCF 5232].
[1158] H.J. Blow, Under Secretary, Public Works, Wellington to Chief Surveyor, Wellington, 2 November 1905, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5102]; see also Copy of Tracing accompanying Blow's letter No 156/106 PW 1095/6611, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5103].
[1159] NZG, 1905, p. 2771.
[1160] C.B. Morison, Solicitor, Wellington to Sir J. Ward, 18 December 1905, AECB 8615 TO1/59 1905/333, ANZ Wellington [DSCF 5229-5231].

provided her with a certificate identifying her as sole owner.[1161] It was agreed a £300 down payment would be made.[1162] The Audit Office initially declined to make this payment until the Crown received clear title to the land.[1163] The compensation hearing for this land indicated Jepson did receive an advance of £300.[1164]

On 15 February 1906 Ngarara West C Part Section 7 (185a 0r 0p) was proclaimed a scenic reserve under the Public Works Act 1905 and the Scenery Preservation Act 1903.[1165] The area taken is shown on the Map below, along with subsequent takings.

[1161] H. Thompson to Under Secretary, 4 January 1906, AECB 8615 TO1/59 1905/333, ANZ Wellington [DSCF 5227].
[1162] T.E. Donne, Superintendent to Under Secretary, Public Works, 15 January 1906, AECB 8615 TO1/59 1905/333, ANZ Wellington [DSCF 5226]; see also H.J. Blow, Under Secretary, Public Works to Superintendent, Tourist Department, 2 February 1906 [DSCF 5223].
[1163] T.E. Donne, Superintendent to Under Secretary, Public Works, 7 February 1906, AECB 8615 TO1/59 1905/333, ANZ Wellington [DSCF 5222]; see also file note [DSCF 5221].
[1164] Well MB 15, 6 April 1906, p. 26, [P 1170213].
[1165] NZG, 1906, p. 536.

Map 32: Land Taken for Paraparaumu Scenic Reserve[1166]



On 6 April 1906 the Native Land Court heard the compensation claim for Part Ngarara West C Section 7 (185 acres). Morison appeared for Jepson and told Chief Judge Jackson Palmer that his client was the sole successor to Hannah/Hana Field and: 'The price was agreed upon between my client & the Govt. at £4 per acre 185 acres.' He presented the court with the government proclamation and a letter '(158/832)' of 22 March 1906. The sum of £4 per acre amounted to £740 and the advance payment of

[1166] Wellington Survey Office Plan SO 15445.

£300 left a balance of £440 to be paid. Thomson for the Crown agreed with the sum and consented to Morison being paid costs of £5-5s. The court made and signed an order that it was 'satisfied Mrs Jepson is the owner.'[1167]

The acquisition of the rest of the reserve and access way did not take place until the next year because of complications regarding access, and land exchange arrangements. The plan was to take the access way from Muaupoko A3, in exchange for a small portion of Muaupoko A2, which contained a house (shown in green on Wellington Survey Office Plan SO 15445), that was to be vested in the owners of A3.[1168] However, there was no power at the time for such exchanges to be made under the Scenery Preservation Act. W.H. Field objected to an access way being surveyed through his wife's land in Muaupoko A3, which bisected an orchard and in January 1906 he told Mountfort to stop surveying. He said the Native Land Court had already made an order for a road alongside the one the surveyor had pegged.[1169] Field told the Chief Surveyor that a right of way had been surveyed on the ground along the south western boundary of Muaupoko 3. The Chief Surveyor discovered:

> This right of way…is an Order of the Native Land Court, plans of which have been referred through the Registrar to the Judge of the Native Land Court for definite instructions as to Order, particulars of which have not reached this office. From this you will gather that the right of way has yet to be legalized.[1170]

H.J. Blow, for Public Works, said the plan would also need to show an access road and identify the existing cottage (now occupied/owned by J. Warrilow) and the orchard on Muaupoko A2 which once taken for the reserve it would be vested in the owner of Muaupoko A3.[1171]

[1167] Well MB 15, 6 April 1906, p. 26, [P 1170213]; see also W.C. Kensington, Under Secretary, Lands & Survey to Under Secretary, Public Works, Wellington, 23 July 1905, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5098].
[1168] H.J. Blow, Under Secretary, Public Works, Wellington to Chief Surveyor, Wellington, 19 January 1906, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5099].
[1169] J.W. Marchant, Surveyor General to Chief Surveyor, Wellington, 18 January 1906, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5104].
[1170] Strauchon, Chief Surveyor, Lands & Survey, Wellington to Surveyor General, Wellington, 19 January 1906, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5100-5101].
[1171] H.J. Blow, Under Secretary, Public Works, Wellington to Chief Surveyor, Wellington, 19 January 1906, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5099].

On 27 March 1907 three areas of the Muaupoko block were proclaimed taken for the scenic preservation purposes and a road.[1172] They were Muaupoko A2 Section 1 (100a 1r 0p), Muaupoko A2 Section 1 (1a 3r 0p) which were both taken for scenic purposes, along with Muaupoko A3 (2r 30.5p) taken for road purposes to provide access to the reserve.

On 3 July 1907 the Native Land Court held a compensation hearing for Muaupoko A2 Section 1. Thompson for Public Works said the Crown had paid £4 per acre for Part Ngarara West C Section 7 (185 acres) which adjoined these areas and the Crown was prepared to pay that price again. He said the sum of £4 per acre was what H.J. Hadfield had offered Jepson. The block was long and narrow which he said would make fencing costly. He agreed to provide the court with a government valuation.[1173] There were no improvements on the land and the valuation was £306. Compensation was fixed by the court at £4 per acre.[1174] At that rate the total compensation was £408.

In June 1907 Field complained that the taking of Muaupoko A3 (2r 30.5p) severed an area adjoining his property. The Under Secretary said that if this was the case the land should be revested in the owners. The proposed road as noted cut through Field's orchard.[1175] In July 1907 Field told the Minister of Lands:

> The Native Appellate Court, in dealing with the late Mrs Hannah Field's Will, cut off a strip, half a chain wide, along the South western boundary of Muaupoko A No. 3 (my late brother's orchard), from the County Road Eastwards, and awarded it to Ereni Tepihana, in order to give her access to land at the back – since acquired by the Government as a Scenic Reserve. In return for this half chain strip, the Court decreed that an area of Sec. 1 of Muaupoko A. No 2 (also part of Mrs Hannah Field's estate) and now taken as part of the Scenic Reserve should be added to the back of the orchard property.[1176]

Field wanted the Native Land Court instruction implemented. He explained Ereni Tepihana/Ellen Jepson had received title for the access route (Part Muaupoko A3) to her land which she had subsequently sold to Field for approximately £30. Public Works,

[1172] NZG, 1907, p. 1133.
[1173] Otaki MB 48, 3 July 1907, pp. 230-231, [P 1160702-1160706].
[1174] Otaki MB 48, 15 July 1907, p. 279.
[1175] Under Secretary, Public Works, Wellington to Under Secretary, Lands, 4 June 1907, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5084]; see also Plan of Bird Reserve Block IX Kaitawa SD [DSCF 5083].
[1176] W.H. Field, MHR, Wellington to Minister of Lands, Wellington, 23 July 1907, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5080].

as noted, had taken the back of the orchard for the road and he asked that the government take the purchase from Tepihana as the access road to the reserve and leave the orchard intact.[1177]

In March 1908 the Under Secretary recommended that the Crown purchase Part Muaupoko A3 (2r 30.5p) that Field had purchased from Tepihana.[1178] Although Field wanted an exchange for this area the Crown preferred to purchase the land and offered £30.[1179] The Minister said if Field agreed the Crown would revest the land in the Māori owners of Muaupoko A3.[1180] Although Field was annoyed with this decision which he said was not important for the bird reserve but was 'an integral part of the orchard property'. He said with the road the boundary was now three feet from the back wall of the cottage. He agreed to accept a monetary payment but argued time and effort and interest meant he should receive more money.[1181] The Minister offered Field £34 and asked whether he would pay half the cost of fencing between his property and the reserve.[1182] The exchange was implemented, and the 2 roods 30.5 perch road and 1 acre 3 roods of scenic reserve which included the cottage were transferred on 18 February 1909.[1183]

7.2 Hemi Matenga Memorial Park 1902-1958

Throughout the first part of the twentieth century the Crown was interested in reserving bush areas around Waikanae for scenery preservation. Wi Parata owned Lot 5 Part Ngarara West C41 (805 acres), which was located on a hill above Waikanae Railway Station. In the end the scenic reserve was not acquired by the Crown through the use of either the Public Works Acts or the Scenery Preservation Acts and was instead obtained as a reserve contribution for the subdivision of other lands held by the Hemi Matenga

[1177] W.H. Field, MHR, Wellington to Minister of Lands, Wellington, 23 July 1907, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5080-5082].
[1178] W.C. Kensington, Under Secretary to Under Secretary, Public Works, 31 March 1908, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5077].
[1179] Under Secretary, Public Works to Under Secretary, Lands, 8 May 1908, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5073].
[1180] R. McNab, Minister of Lands to W.H. Field, 14 May 1907, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5072].
[1181] W.H. Field to Minister of Lands, Wellington, 9 June 1908, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5069-5071].
[1182] R. McNab, Minister of Lands to W.H. Field, 25 June 1908, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5067-5068].
[1183] A.D. McLeod, Minister Scenery Preservation, Wellington to W.H. Field, 7 December 1926, AANS 6095 W5491/342 4/1016, ANZ Wellington [DSCF 5057-5058].

Estate. Nevertheless, the history of the Crown's interest in acquiring and reserving the block has been included in this report as it is a very large area of land which has been raised as an issue by the claimants.

In September 1902 the *Evening Post* reported that Wi Parata had offered to 'preserve the bush upon and convert into a public domain or reserve' the forest-clad hill above Waikanae. The article said that 'the terms proposed by Wi Parata' might require a special Act of Parliament, but did not specify what terms were envisaged. It was reported that Parata had met with the Minister of Lands and Native Affairs along with the local Member of Parliament, W.H. Field.[1184]

The next year, the Scenery Preservation Act 1903 was passed which established a Scenery Preservation Commission and allowed the Crown to take land under the Act and the Public Works Act for scenery preservation purposes. During the debate on the Bill W.H. Field made reference to bush areas he was preserving, and to other areas in his district, including 'the bush hill at Waikanae', that 'would inevitably be destroyed' without scenery preservation legislation.[1185]

In 1904 three areas of land near Waikanae were recommended for scenery reservation by the Scenic Preservation Commission.[1186] They were Ngarara 7 (235 acres), Ngarara C23 and 24, and an area referred as 'Wi Parata's land Resoln 201'. Ngarara West C23 (100 acres) was 'two miles inland from Waikanae Railway Station, and suitable for picnics.'[1187] The land was leased by H.R. Elder and part of the area in question was called Elder's Bluff.[1188] The commission decided it was necessary to purchase Elder's Bluff because it was private land which was not used by tourists.[1189]

[1184] *Evening Post*, 1 September 1902, Rawhiti Higgott Papers [IMG 2659-2660].
[1185] NZPD, 1903, vol 126, p. 712.
[1186] A. Hogg, Library General Assembly to S.P. Smith, Chairman, Scenic Preservation Commission, 29 June 1904, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5812].
[1187] Scenery Preservation Commission, Resolution 202, n/d, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5809].
[1188] Plan Ngarara West C No 23, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5808]; see also Proposed Scenic Reserve [DSCF 5801].
[1189] Surveyor General to Under Secretary, 2 March 1907, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5802].

In regard to Parata's land Field asked the Minister of Lands in the House 'whether you would take steps to acquire it from the native owners, and you replied that as it belonged to the representatives of the late Wi Parata, who had expressed his intention of donating it as a scenic reserve, the Government as yet taken no steps in the matter.'[1190]

The land proposed for a scenic reserve was Ngarara West C41 and Field again in Parliament question time suggested the 'Hill in question is likely soon to pass from Native to European Hands, when doubtless the bush will be destroyed and the district and the colony will suffer an irreparable loss'.[1191] Strauchon the Chief Surveyor said 'I understood personally from the late Wi Parata that he had an intention of donating it for the purpose stated above' being scenic reserve.[1192]

In October 1906 Hemi Matenga made it clear in a letter to the *Evening Post* that he was preserving the bush himself and he resented Field's involvement:

> I see by your issue of the 8th inst. that Mr. Field M.H.R., is urging the Government to acquire the bush-clad hill near Waikanae. I think it would have been a better course for Mr. Field to have taken, if he had first enquired who was likely to succeed to that part of my late brother's land, and to have first interviewed the new owner. Wi Parata was always anxious to preserve the forest, and when granting any leases of the flat land he made stringent provisions for the preservation of the forest on the slopes. I have myself always urged upon him the advisability of saving the forest on that land, and now that I have succeeded to it under the provisions of his will, I intend to preserve the forest with the same care. I, however, resent the course adopted by Mr. Field in publicly urging the Government to acquire the land without first speaking to me about it-I am, etc. HEMI MATENGA. Waikanae, 12 October, 1906.[1193]

Further Crown attempts to acquire Ngarara West C41 were made six years later. In 1912 the Inspector of Scenic Reserves said the lessee Mr Elder was 'agreeable' to the Crown's acquisition of Elder's Bluff and the inspector noted that: 'Now that Mr Matenga is dead and his estate in the hands of trustees, it seems an opportune time to

[1190] Under Secretary, Department of Lands, Wellington to Minister of Lands, 2 November 1906, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5803-5804].
[1191] Under Secretary, Lands, Wellington to Commissioner of Crown Lands, Wellington, 6 October 1906, ADXS 19483 LS-W1/486 24681, ANZ Wellington [DSCF 5298]; see also map Ngarara West C41 estate of late Wi Parata [DSCF 5297].
[1192] Strauchon, Chief Surveyor, Wellington to Under Secretary, Lands, Wellington, 6 October 1906, ADXS 19483 LS-W1/486 24681, ANZ Wellington [DSCF 5296].
[1193] *Evening Post*, 15 October 1906, ADXS 19483 LS-W1/486 24681, ANZ Wellington [DSCF 5295].

again negotiate for the acquisition of the bush'. The trustee was Nelson resident P. Webster.[1194] No further action appears to have been taken at this time.

In 1929 the Minister of Education had representation from the Nelson Bush and Bird Preservation who were concerned about the destruction of bush areas around Waikanae.[1195] Lands and Survey asked for more detail about the exact area and no further action appears to have been taken at this time.[1196]

In 1936 it was noted that approximately 800 acres of land owned by the 'Martini' [sic] estate had not been reserved and it was the 'only piece of virgin bush of any extent adjacent to the railway between Wellington and New Plymouth, and its destruction would be inexcusable.'[1197] The area was Lot 5 Part Ngarara West C41 (995a 3r 20p). The area the Crown wanted to reserve was 810 acres of bush. The remainder of the block was in grass. The registered owner at this time was Thomas Neal of Nelson, who was the executor of the Estate of Wi Parata Waipunahau.[1198] A 1930 valuation had an unimproved value of £960, with improvements of £200 for fencing, making a total of £1,160. The Commissioner of Crown land recommended that Lot 5 Part Ngarara West C41 be obtained by the Crown for scenic purposes.[1199]

The Under Secretary for Lands and Survey noted:

> Under Section 264 of the Native Land Act, 1931, as amended by Section 46 of the Native Land Amendment Act, 1936, the provisions of Part XIII of the Native Land Act relating to alienation of native land apply to the area. Any negotiations for its acquisition would therefore have to be conducted through the Native Department, and I recommend that you approve of that Department being asked to approach the owner with a view to ascertaining if he is willing to sell, and if so at what price.[1200]

[1194] Inspector of Scenic Reserves, Lands & Survey, Wellington to Under Secretary, Lands, Wellington, 26 July 1912, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5800].
[1195] Minister of Education, Wellington to Minister Scenery Preservation, 17 April 1929, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5799].
[1196] G.W. Forbes, Lands & Survey, Wellington to H. Atmore, 29 May 1929, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5798].
[1197] A.H. Burgess, Waikanae to L.G. Lowry, MHR, Wellington, 4 June 1936, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5797].
[1198] Map Lot 5 DP 3433 being Pt Ngarara West C No. 41 Blocks V, VI, IX, X Kaitawa Survey District, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5795].
[1199] Commissioner of Crown Lands, Wellington to Under Secretary, Lands, 28 September 1936, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5794].
[1200] Under Secretary, Lands & Survey, Wellington to Minister Scenery Preservation, 7 May 1937, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5793].

The Scenery Preservation Board agreed Lot 5 Part Ngarara West C41 should be acquired for scenic purposes.[1201] The Native Department were asked to approach the owner about their willingness to sell and their price.[1202] The sole trustee T. Neale said he was in favour of a sale and: 'I do wish also to promote the interests of the Crown in securing the area…..The first step would be to try and arrive at the terms and conditions they would suggest, and I, representing my trust, could accept.'[1203] Neale subsequently said he would not offer to sell the land 'but if the Crown, under their powers, proceeds to acquire it, I would not oppose them.'[1204] Official consideration was given to taking the land under the Public Works Act.[1205] The Commissioner of Works said the land should be taken under the Public Works Act for more than the government valuation of £1,050 for 810 acres.[1206] However, nothing further happened at this time.

The Crown eventually obtained the long desired reserve in 1954 without using the Public Works Act. The Hemi Matenga Estate was in the process of subdividing parts of the estate land for residential purposes. The trustees proposed gifting the bush reserve area in order to meet the requirements of Section 12 of the Land Subdivision in Counties Act 1946 to set aside public reserves:

> There is a an area of Native bush along the western slopes of the hill which has been preserved over the years and the Trustees feel that this bush should be preserved as a Public Reserve and suggest it be set aside with suitable access for that purpose.[1207]

[1201] File note, 25 February 1938, Resolution No. 884, on Under Secretary, Lands & Survey, Wellington to Minister Scenery Preservation, 7 May 1937, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5793].
[1202] W. Robertson, Under Secretary, Lands & Survey to Under Secretary, Native Department, Wellington, 13 May 1937, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5792].
[1203] T. Neale, Trustee Estate late Hemi Matenga, Nelson to C.A. Campbell, Under Secretary, Native Department, Wellington, 12 June 1937, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5791].
[1204] T. Neale, Trustee, Estate late Hemi Matenga, Nelson to C.A. Campbell, Under Secretary, Native Department, Wellington, 22 June 1937, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5790].
[1205] Under Secretary to Commissioner of Crown Lands, Wellington, 8 November 1937, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5789].
[1206] Commissioner of Crown Lands, Wellington to Under Secretary, Lands, 15 November 1937, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5788].
[1207] Fletcher & Moore, Solicitors, Nelson to Surveyor General, Wellington, 20 September 1954, Rawhiti Higgott Papers [IMG 2664].

The letter suggests that the trustees had preserved the bush area in accordance with the intention Hemi Matenga as stated in 1906 without the need to transfer it to the Crown or seek legal reserve status up until that time. The gift of the reserve was intended to meet the reserve requirements of two subdivisions planned at the time and also 'any future subdivisions' of the Estate's land at Waikanae.[1208] Section 12 of the Land Subdivision in Counties Act 1946 provided for an area of land equivalent to at least three perches for each residential allotment of less than two acres had to be provided as a public reserve.[1209]

On 25 November 1954 a Deed of Agreement with the trustees of the Hemi Matenga Estate transferred approximately 720 acres of Part Section 41 Ngarara West C, along with two right of ways, to the Crown for the purposes of a scenic reserve.[1210] The Director General of Lands and Survey elaborated: 'The reserve is intended to be a contribution in respect of a subdivision already carried out and for future subdivision of the land still held by the owners.'[1211] The transfer to the Crown was registered on 15 May 1956.[1212]

It was recommended that the Minister of Lands dedicate Part Ngarara West C41 under Section 14 of the Reserves and Domains Act 1953 as a scenic reserve to be known as the Hemi Matenga Scenic Reserve.[1213] It was noted that the Deed of Agreement referred to the reserve as the Hemi Matenga Memorial Park.[1214] The trustees were A.F. Blackburn and T.H. Webber.[1215]

[1208] Chief Surveyor, Wellington to Surveyor General, 12 November 1954, Rawhiti Higgott Papers [IMG 2666].
[1209] Section 12, Land Subdivision in Counties Act 1946, as amended by Section 4, Land Subdivision in Counties Amendment Act 1954.
[1210] Deed dated 25 November 1954, Rawhiti Higgott Papers [IMG 2672-2675].
[1211] D.M. Grieg, Director General, Lands & Survey, Wellington to Minister of Lands, 15 November 1956, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5778].
[1212] Head Office Committee, Definition of purpose of reserve and naming of scenic reserve, 1956, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5784].
[1213] ibid
[1214] D. Webb, Commissioner of Crown Lands, Wellington to Director General, Lands, 4 September 1956, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5779].
[1215] Deed of Agreement, A.F. Blackburn, T.H. Webber, for the Crown, Minister of Lands, Commissioner of Crown Lands, 25 November 1954, AANS 7613 W5491/987 RES 7/3/24, ANZ Wellington [DSCF 5780-5783].

A gazette notice was issued in November 1956 proclaiming the reserve on Part Lot 1 Part Ngarara West C41 (805 acres) as a scenic reserve subject to Part IV of the Reserves and Domains Act 1953. The reserve was gazetted with the name Hemi Matenga Memorial Park.[1216] We have seen no explanation for the increase in size between the 'approximately 720 acres listed in the deed of transfer and the 805 acres gazetted, though it may be accounted for by a survey finding that the area was larger than earlier thought.

As noted above, the legislation governing land subdivision required a public reserves contribution equivalent of three perches per residential allotment. In 1958 an official calculated that the area of the Hemi Matenga Estate land which was available for subdivision meant that the amount of land required for public reserves was approximately 46 acres. However the Assistant Commissioner argued on a potential land value basis that the 805 acre bush reserve did not have the same monetary value as the residential land, although he did acknowledge that even if the Crown had accepted a 46 acre public reserve, it would likely have purchased the scenic reserve as well:

> In summing up the position it does seem that Hemi Matenga Estate has, in one sense, made a very good bargain with the Crown in handing over the bush area in lieu of reserves under the Land Subdivision in Counties Act. On the other hand the Crown has also made a very good bargain because it has secured a very acceptable bush area as a scenic reserve and really at no cost to itself. Again, had an area of 46 odd acres been set aside there seems to be no doubt in my mind that pressure would have been on the Crown to acquire the bush area.[1217]

7.3 Queen Elizabeth Park 1941-1954

In May 1941 Cabinet approved the proposed purchase of 900 acres between Raumati South and Paekakariki to be set aside as a recreation reserve.[1218] Most of this area was in European ownership by that time, but it also included parts of the Wainui Māori reserve and Whareroa reserve. At this stage, the proposal was for Lands and Survey to

[1216] NZG, 1956, p. 1660.
[1217] E. McKenzie, Assistant Commissioner of Crown Lands to Webb, Head Office, Lands & Survey, 26 February 1958, Rawhiti Higgott Papers [IMG 2676].
[1218] Secretary, Treasury to Permanent Head, Public Works, 26 May 1941, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5409].

negotiate to purchase the land, rather than acquire it under the Public Works Act.[1219] However, because the land was being used as a military camp, questions of compensation had complicated negotiations, and no land had been acquired by October 1944. The Minister of Lands directed that if negotiations could not be concluded, compulsory acquisition should be considered.[1220] A proposal was underway to subdivide part of the desired land at Raumati South for residential purposes.

The Native Land Purchase Officer report focussed on obtaining the Pakeha farmers' leases as the first step to obtaining the land for the park. He said the 'Wainui Blocks' were owned by a number of Māori living in different parts of the country of whom none lived on the block. The blocks were leased, with the exception of a small area, to the Smith family who had negotiated an agreement for their leasehold areas to be purchased and vested in the Crown. He suggested that in the first instance the Crown should try to negotiate with the Māori owners for these blocks and if this was 'impracticable', acquire them under the Public Works Act. He had been unable to find any records on the Whareroa reserve. The records were 'missing' and he recommended: 'If it would not offend Maori sentiment, this area should be acquired and the matter will be investigated further when possible.'[1221]

In June 1943 an inspection was made of the land, which was immediately north of the United States Military Corp campground. It was noted there was a Māori burial ground on the property. The inspection found that the area had been 'used quite extensively' for field operations and contained filled and unfilled weapon pits, and vehicle tracks causing soil erosion. Overall the damage was 'not great' and it appeared the block was no longer being used by military personnel.[1222]

As far as the Public Works Department was concerned, because the block was leased, it was only the lessee who was due compensation for the temporary use of the land by

[1219] Secretary, Treasury to Under Secretary, Lands & Survey, 12 June 1941, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5408].
[1220] Under Secretary, Lands & Survey Department to Under Secretary, Public Works, 12 October 1944, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5407].
[1221] Land Purchase Officer to Under Secretary, Public Works, Wellington, 22 July 1946, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5389-5392].
[1222] W.A.P, Lt Col, Central Military District to C.M.D Headquarters, Wellington, 16 June 1943, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5488].

the military. The block was leased by H.D. and A.F. Smith, who had already negotiated a settlement for the impact on their farming operation. The Chief Land Purchase Officer considered that as the Māori owners had still been receiving their full rent, they had not been affected by the military use of the property. He did note that the matter of reinstating the property to its original condition would be arranged at the end of the war. He expected that if this satisfied the lessees and the owners continued to receive the same rent, the matter would be settled.[1223] The solicitors for the owners responded that if the 'satisfactory reinstatement' occurred after the war there would be no claim for compensation.[1224]

The Public Works Department then sought valuations for approximately 750 acres of general land, along with Wainui B3B and Wainui B3A, which were Māori land. It was acknowledged that although the land had been used for military exercises and campground, the valuations were to be for the original state of the land before military use (as the owners were entitled to have the land restored or compensation paid for damages).[1225]

A government valuation of Whareroa Native Reserve/Pa (18a 3r 20p) as at 3 January 1945 gave a capital value of £4,005, which included improvements of £5 for fencing.[1226] The government valuation of Wainui B3B2 (37a 1r 38p) as at 3 January 1945 gave a capital value of £2,655 with an unimproved value of £2,550 and improvements of £105. The owners' interest was assessed at £2,065, and the lessees interest £590. The lease was for a 21 years term from 1941 for £16-10s for the first 10 years, and then 5 percent of government valuation at 1 January 1957.[1227]

In February 1945 a committee report produced by the Lands and Survey Purchase Officer, the Public Works Purchase Office and the Town Planner decided to proceed

[1223] Chief Land Purchase Officer, Public Works, to O. & R. Beere, Solicitors, Wellington, 21 October 1943, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5487].
[1224] R. Beere to Chief Land Purchase Officer, Public Works, 22 October 1943, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5486].
[1225] Under Secretary, Public Works to Valuer General, 6 October 1944, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5406].
[1226] Government Valuation, Whareroa Native Reserve, 3 January 1945, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5404].
[1227] Government Valuation, Wainui B3B2 Block II Paekakariki, 3 January 1945, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5403].

with negotiating for the purchase of the European owned areas. The committee recommended the purchase of approximately 864 acres. It was aware that the area was about to become more desirable for housing developments and that land values would increase:

> The recent electrification of the railway and provision of a modern State highway has greatly affected values, which will become fully apparent only after the war. It is considered by the Committee that access to the sea-front with full adjacent recreational facilities should be preserved at the present time in the public interest.[1228]

The committee recommended the acquisition of four properties where the owners agreed to sell at an average value of £36 per acre, and they also recommended that negotiations continue to acquire two other areas, or for these two areas to be taken compulsorily if necessary.[1229]

One year later and the Crown had successfully negotiated to purchase 1,916 acres from four European landowners. In some cases the purchase included hill country not strictly required for the park, but where the vendor wished to sell the whole property rather than just the flat land.[1230] There were still seven areas of land the Crown wished to acquire, including 76 acres of Māori land on the coast, much of which was leased to the Smith family. The Under Secretary for Public Works commented: 'It is unlikely that this land could be purchased by negotiation'.[1231]

The Māori Land Court supplied the following information on the Māori-owned blocks the Crown wished to acquire:

- Wainui B3B2 (37a 1r 38p) originally had four owners being R.K. Hemara, T.U.M. Campbell, H. Campbell, and M. Horomona of whom the court had two addresses with one in Taranaki and the other in Lower Hutt. Wainui B3B2 was

[1228] Land Purchase Inspector, Lands & Survey and Chief Land Purchase Officer, Public Works to Minister of Lands, 19 February 1945, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5399-5402].
[1229] ibid
[1230] Under Secretary, Public Works to Secretary of the Treasury, 29 January 1946, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5397-5398].
[1231] ibid

leased to H.D. and A.F. Smith for 21 years from 1941 at £16 per annum for the first 10 years, then 5 percent of government valuation for remainder of term.[1232]

- Wainui B2 (16a 2r 35p) was solely owned by Miriona Mutu (Mrs Budge) for whom the court claimed it had no address. Part of Wainui B2 (14a 2r 35p) was leased to H.D. and A.F Smith for 21 years from 1939 at £16-10-6 per annum for the first 10 years and then 5 percent of government valuation for remainder of term. The whole block was mortgaged by Budge under a Native Housing Act. A court order of 14 May 1945 vested 1 rood in J.M. Ellison as a house site. This area had at this time not been surveyed.[1233]
- Whareroa Pa - At this time the court Registrar noted that the file for the Whareroa reserve was missing.[1234]

In July 1946 the Land Purchase Officer reported that further agreements had been reached, including with the Smith family, who leased the Wainui Māori blocks. One condition was that if the Crown purchased the area H. Smith was offering, it would also take over their leases of the adjoining Māori land. Regarding the Wainui blocks, he advised that they were owned by 'a number of Natives in different part of the country. None of the Natives live on the land which is leased'. The Land Purchase Officer said it was 'obviously advisable' for the land to be acquired for the proposed park, and he suggested that attempts should be made to negotiate a purchase, but that it might be necessary to acquire these areas under the Public Works Act. He also reported that while the records relating to the ownership of Whareroa Reserve were missing that 'If it would not offend Māori sentiment, this area should be acquired'.[1235]

At this time a total of 2,070 acres had been purchased, of which 1,315 acres were between the highway and the sea which was the location for the proposed park. The Crown still wished to acquire a further 355 acres, including 57 acres of Māori land. In August 1946 Cabinet approved the proposal to negotiate the purchase of the 355 acres, and if necessary for land to be subsequently taken under the Public Works Act. At that

[1232] P.A. Dudson, Registrar to Under Secretary, Public Works, Wellington, 9 July 1946, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5485]; see also Particulars of title [DSCF 5468].
[1233] ibid
[1234] ibid, [DSCF 5485].
[1235] Land Purchase Officer to Under Secretary, Public Works, 22 July 1946, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5389-5392].

time it was known that one of the European blocks would have to be compulsorily acquired.[1236]

In September 1946 the solicitor for the owners of Wainui B3B2 was asked whether they would agree to sell to the Crown. If so, they were asked to further agree to the land being proclaimed as taken under the Public Works Act subject to compensation being settled by agreement and approved by the Native Land Court, or compensation determined by the court.[1237] The solicitors responded: 'We are instructed by the Natives to say they agree to a proclamation being issued vesting the land in the Crown, subject to compensation being fixed by agreement or by the court'.[1238] There is no further information to confirm whether the solicitors had contacted all four of the owners.

The owner of Wainui B2, (16a 2r 35p) Mrs Budge, told the Public Works Department that the solicitors were not acting for her, and that she did not wish to sell the B2 block, because there were family graves on it.[1239]

On 6 March 1947 Public Works asked the Māori Land Court whether the Whareroa reserve file had been found, and 'whether there is likely to be any objection from Native owners to its acquisition by the Crown under the provisions of the Public Works Act 1928.' The Under Secretary for Public Works noted that the Crown now owned the surrounding lands.[1240]

On 18 March 1947 the Māori Land Court forward the minutes of the title award for Whareroa Pa. On 7 April 1886 it was awarded in three divisions to Ngāti Mutanga (7 named owners), Ngāti Maru (17 named owners), and Puketapu (5 named owners).[1241]

[1236] Commissioner of Works to Minister of Works, 23 July 1946, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5388].
[1237] Under Secretary, Public Works to O. & R. Beere, 4 September 1946, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5484].
[1238] R. Beere to Under Secretary, Public Works, 10 September 1946, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5483].
[1239] Annotation, 5 March 1947, on, R. Beere to Under Secretary, Public Works, 10 September 1946, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5483]; see also Particulars of title [DSCF 5467].
[1240] N.E. Hutchings to Registrar, Ikaroa District Māori Land Board, Wellington, 6 March 1947, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5481].
[1241] Extract from Well MB 2, 7 April 1888, pp. 254-255; on, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5480].

The Ngāti Mutanga owners were: Poihipi Hikairo, Tuku te Raponga, Maikara te Ropunga, Te Maihea Naenae, Enoka Hokireinga, Mata Naenae and Naera Taupunga.[1242] The Ngāti Maru owners were: Hermaia te Rua, Reweti te Rua, Ripini Haeretuterangi, Roka Hikairo, Wirape Taukawa, Kararurangi, Te Whita, Horopapera Rurangi, Teira te Mapuna, Rakorako, Kamaru, Raruhi Taukawa, Hone Haeretuterangi, Ihakara Rangawhenua, Rota Takirau, Wi Takana Takirau and Hemara Rangawhenua.[1243] The Puketapu owners were: Tamati te Wakapake, Romangunuku, Arama Karaka, Pirimona te Kahukino and Whiwha.[1244]

The Registrar said that most of the owners are deceased and 'it would appear that all the owners and their probable successors live or lived in the Wanganui and Taranaki districts'. He therefore could not advise whether or not the Māori owners would object to the land being acquired under the Public Works Act.[1245]

When the Under Secretary for Public Works reported to the Lands Department on the progress of the acquisitions he said he had not obtained any information about the legal status of Whareroa Pa. Instead information had been gained from the neighbouring Pakeha farmer:

> Mr L.S. Smith, who owned the adjoining land until it was purchased by the Crown, states that he has known the area since boyhood and, to his knowledge, no one has ever displayed any interest in it and he grazed it in conjunction with his adjoining land. I think, therefore, your Department could take possession of it but it would be inadvisable to place any permanent improvements on the area until the question of taking the land under the Public Works Act has been decided.[1246]

One of the Pakeha landowners, Mrs Brown, had consistently refused to sell her land for the park, and in July 1947 a notice of intention to take the 50 acre block was issued.[1247] Mrs Brown, who lived in Dannevirke, objected on the grounds that the land had sentimental value because it belonged to her father, and she planned to live on it when

[1242] ibid
[1243] ibid
[1244] ibid
[1245] Registrar, Native Land Court, Wellington to Under Secretary, Public Works, 18 March 1947, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5479].
[1246] Under Secretary, Public Works to Under Secretary, Lands, 18 March 1947, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5384-5385].
[1247] NZG, 1947, p. 858.

she retired. There was also timber on the land she wanted to use for fencing and firewood.[1248] Her objections were rejected on the grounds that the compensation would cover the loss of timber and the land would be compensated under the Act, and while it was 'regretted' that she would lose the property which had a sentimental value to her, the block was 'essential' for the proposed park.[1249] Her solicitors then lodged a claim for £2,513 compensation for the loss of the land, prior damage, and two years' rent for use during the war.[1250] The department agreed to pay that amount.[1251] Part Lot 15 Part Sections 6, 21 and 22 were proclaimed as taken for better utilisation on 20 October 1947.[1252]

The plans required to accompany the notice of intention to take the Māori land to be acquired for the park were drawn up in April 1948.[1253] The location of Māori graves on Wainui B2 was noted.[1254] The owner of Wainui B2, Mrs Budge sought assistance from E. Tirikatene (Member of the Legislative Council) to retain ownership of Wainui B2. She explained her plans to provide house sites for her children, and that she was not interested in exchanging the land for land elsewhere:

> I said NO my people were all buried there, and were born and bred there. I am the last of a big family – my parents, uncles and aunts, cousins and all, are buried there, besides my grandparents made my parents and the rest of their family promise this land as 'whenua here, not to be sold, but can be leased'.
> The small portion of land is worth more to me, than 100 acres elsewhere. I value my people who are lying there and I have no desire to sell, exchange at any price.[1255]

In response, the Minister of Works assured Tirikatene that no further steps would be taken without consulting Mrs Budge, and 'giving her wishes every consideration', and in the meantime acquiring the land was 'in abeyance'. He also said Mrs Budge had been

[1248] M.D. Smith, Solicitor to Minister of Works, 29 July 1947, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5380].
[1249] Minister of Works to Lloyd & Smith, September 1947, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5382].
[1250] Lloyd & Smith to Permanent Head, Public Works, 14 October 1947, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5378-5379].
[1251] Land Purchase Officer to Lloyd & Smith, 22 October 1947, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5377].
[1252] NZG, 1947, p. 1668.
[1253] District Engineer to Chief Surveyor, 5 May 1948, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5374].
[1254] ibid
[1255] Miriona Utu Budge to Hon. E. Tirikatene, 18 May 1948, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5477-5478].

told the burial ground would be protected, and proposed excluding it from any future land acquisition. The Crown had already acquired the leasehold interest of the Smith family, which meant it had occupation of the property for the remaining twelve years of the lease, which may explain why Works was content to delay any compulsory acquisition in the hope that Mrs Budge would agree to sell in the future.[1256]

The Ministry of Works also notified the Māori Affairs Department of its plans for the three Māori blocks it wished to include in the park:

- 'Wainui Native Reserve' [sic - the Whareroa Pa block] the Minister of Works explained that no successors had been appointed since the original 1886 title order. He also claimed that 'from enquiries made by this Department that none of the Maori owners or their successors have shown any interest in the land or entered upon it in living memory'. While the acquisition of the block was currently 'in abeyance', the Minister said it was likely that permission would be sought in the future to take the land under the Public Works Act;
- Wainui B3B2 – negotiations would be entered into with the owners, who had indicated through their solicitor they were willing to sell to the Crown;
- Wainui B2 – the Minister explained Mrs Budge's objections, and that the Crown would not be taking action at that time, but commented that it would 'undoubtedly be necessary for the Crown to ultimately acquire the area'.[1257]

The next month Tirikatene reported that Mrs Budge had again met with him about the Wainui block. He had suggested that perhaps it could be exchanged for other land, to which he said Mrs Budge 'was inclined to agree' as long as the burial ground could be protected. He suggested the department should enter into negotiations with her.[1258]

In 1948 Māori Affairs said Whareroa Pa (18a 3r 20p) could be taken for the park. The title order of 7 April 1888 had 3 subdivisions 1-5, 2-14 and 3-8 of which each subdivision had 5 owners. As noted, Part 1 was in favour of the 'Puketapu tribe', Part

[1256] Minister of Works to Hon. E.T. Tirikatene, 8 June 1948, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5475].
[1257] Minister of Works to Under Secretary, Māori Affairs, 17 June 1948, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5473-5474].
[1258] Hon. E.T. Tirikatene to Minister of Works, 6 July 1948, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5472].

2 in favour of 'Ngati-Maru tribe' and Part 3 'Ngati-Mutunga Hapu' and: 'These orders…have not been be [sic] signed nor are the areas of each part shown.'[1259] The Under Secretary of Māori Affairs gave permission for the Crown to acquire the block, based on the Māori Land Court Registrar's advice that 'there seems to be no special reasons of policy or expediency why this land should not be taken.'[1260]

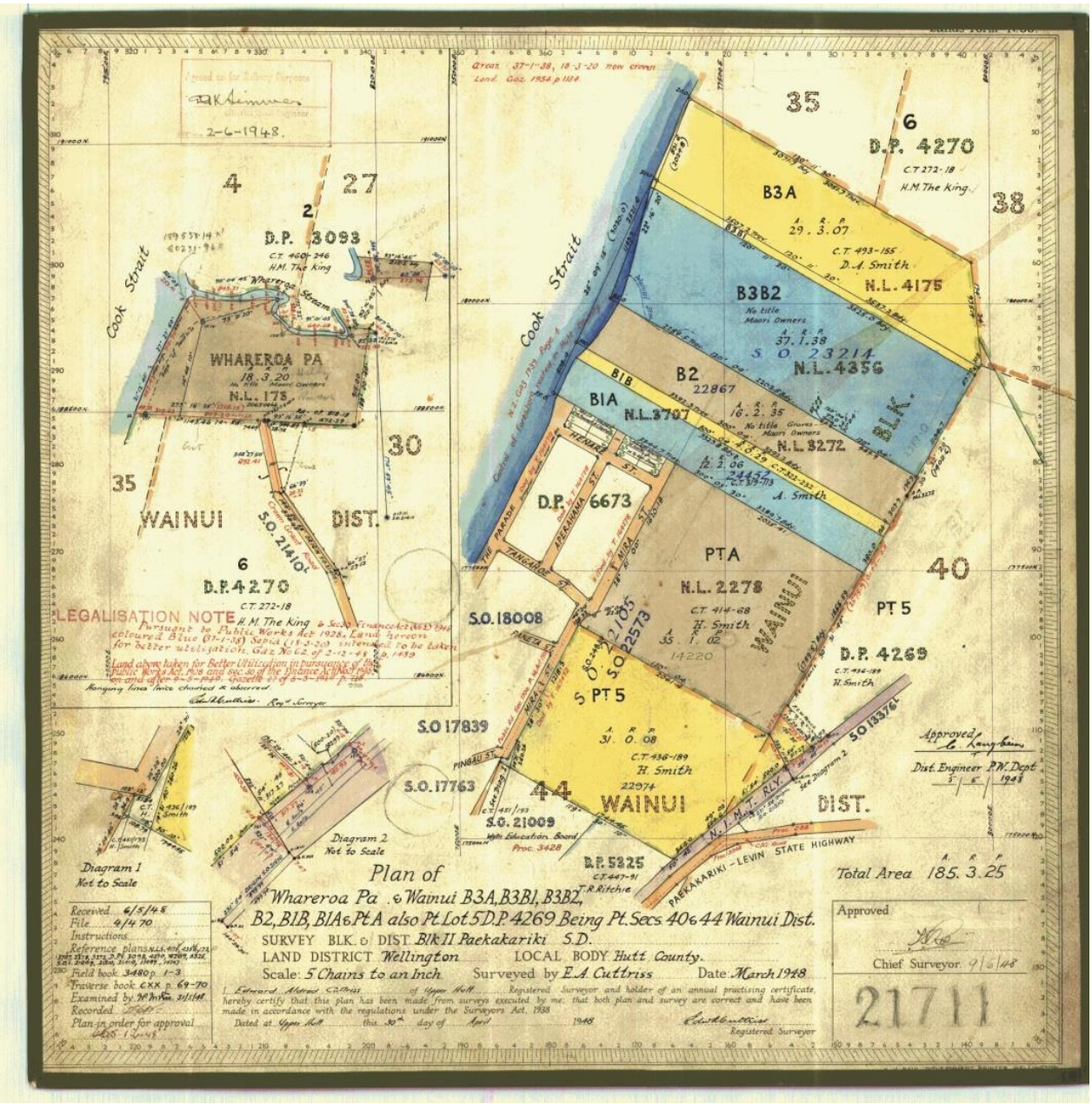
A notice of intention was issued on 30 November 1948 to take Wainui B3B2 (37a 1r 38p) and Whareroa Pa (18a 3r 20p) for 'better utilisation'.[1261] The Minister of Works was advised that the land was required 'mainly as a recreation reserve', and that 'the Department of Māori Affairs has advised that it sees no reason why these areas should not be taken'.[1262] The Ministry of Works file records indicate the notice of intention was delivered to the Māori Affairs Department.[1263] Although contact had been made with representatives of the owners of Wainui B3B2, there is no record of any further steps being taken by Works to contact the potential owners of the Whareroa Pa reserve. The notice was advertised in the *Evening Post* and *Southern Cross* newspapers.[1264] No objections were received in response to the notice of intention.[1265]

In 1948 a valuation report for Wainui B3B2 considered it 'suitable' for subdivision, but dismissed valuing it on the basis of its potential access and town planning issues and other alternative subdivision sites. The valuer instead referred to surrounding sales/compensation accepted and came up with total value of £2,040 'based on surrounding sales.'[1266]

[1259] Particulars of title, Māori Land Court, P.H. Dudson, 13 July 1948, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5466].
[1260] Shepherd, Under Secretary, Māori Affairs, to Commissioner of Works, 23 July 1948, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5465]; see also Particulars of title [DSCF 5466].
[1261] NZG, 1948, p. 1489.
[1262] District Engineer to Acting Commissioner of Works, 16 October 1948, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5370].
[1263] District Engineer to Commissioner of Works, 23 March 1949, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5364].
[1264] *Evening Post*, 9 December 1948; *Southern Cross*, 9 December 1948.
[1265] District Engineer to Commissioner of Works, 18 March 1949, ABKK 889 W4357/318 50/695 pt 1, ANZ Wellington [DSCF 5363].
[1266] H.E. Leighton Ltd, Valuer to O. & R. Beere, Solicitors, Wellington, 5 October 1948, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5462].

In May 1949 Wainui B3B2 (37a 1r 38p) and Whareroa Pa (18a 3r 20p) were proclaimed as taken under the Public Works Act for 'Better Utilisation'.[1267] The areas taken are shown in the Map below.

Map 33: Land Taken for Queen Elizabeth Park 1949[1268]



The Māori Land Court awarded compensation for the land taken from Wainui B3B2 and Whareroa Pa in October 1949. Prior to that, in August 1949, Kaponga Eruiti, from Normanby in Taranaki, appeared in court regarding the compensation. His wife, Pare

[1267] NZG, 1949, p. 978.
[1268] Wellington Survey Office Plan SO 21711.

Whakairo Ngatai, was 'an owner in subdivision 2 of Whareroa Pa', and he said that her grandmother was buried on the land taken. He told the court that the land had been valued at £4,005 and that they did not want compensation to be awarded for less than that amount.[1269]

In October the court heard from the Crown, and the solicitor Beere acting for the owners. They had reached an agreement on the amount of compensation to be paid, and Beere submitted two valuer's reports. He said 'I have taken all possible steps to safeguard the interests of the owners'. Although he was presenting the agreed amounts, Beere first tried to argue that recent decisions by the court when confirming sales of land at Waikanae should be applied in this case. He said that sales of sections had been approved at 70 percent more than the agreed sale price, and that therefore the compensation should be increased by 70 percent. However, the Judge disagreed:

> The Court is unable to accept this argument. In the Waikanae transactions the duty of the Court was to secure the best possible price in accordance with the provisions governing confirmations by the Court of sales of Native land. In the present case the Court is sitting as a Compensation Court and its duties and powers in this capacity are clearly set out by statute. The fact that the award of compensation is by an order of the Court does not make the transactions exempt from the provisions of the Land Sales Act. The transaction is 'effected' on the issue of the proclamation.[1270]

Beere then said that he was satisfied with the terms of the agreement. He explained that the valuation of Whareroa Pa had originally been £4,005, but that had been made on the assumption that the area was 20 acres, when it was actually 18 acres 3 roods 20 perches. The valuation had then been reduced to £3,780, and the valuation for Wainui 3B2B was £1,990. The court awarded compensation in accordance with the agreement.[1271]

In 1948 the Māori Land Court Registrar contacted the Public Works Department when Mrs Budge's daughter applied for a mortgage from Māori Affairs to build on one of the house sites on Wainui B2. The Registrar wanted to know if permitting the house to be built would interfere with Crown's plans for the land:

[1269] Well MB 37, 12 August 1949, p. 193 [IMG 2972].
[1270] Well MB 37, 12 October 1949, pp. 217-218 [IMG 2973-2974].
[1271] ibid

> as it is known that the Crown is interested in acquiring the whole of this area for a recreation ground, it occurs to me that to allow further building operations without your knowledge and consent might cause embarrassment to all concerned when the time arrives for the Crown to take over the land and settle the question of compensation.[1272]

The Commissioner of Works was pleased with the action taken by the Registrar, and in return confirmed that allowing a house to be built was undesirable when the Crown definitely intended on buying the land in the future:

> The Crown definitely desires to acquire the whole area of 16 acres 2 roods 35 perches. The acquisition is not at present urgent and because Mrs. Budge objects to the acquisition of her land by the Crown the matter has been left temporarily in abeyance, but the Crown has either acquired or is in process of acquiring adjoining sections.
>
> No detailed proposals for the use of the area at Paekakariki have yet been drawn up, but it is considered that it will be necessary to acquire Mrs. Budge's area at some time in the future. This Department would, therefore, not like to see any further buildings erected upon the land and if you are able in any way to prevent this being done I would be obliged.
>
> In the normal course under such circumstances the Department would take steps to acquire the property in question under the compulsory provisions of the Public Works Act, but in view of Mrs. Budge's strong objections to losing her land it is not proposed to take any compulsory action unless and until this becomes absolutely necessary.[1273]

It is interesting to note that while the Crown obviously still planned to acquire the land, the hope was that Mrs Budge would eventually agree to sell, and that compulsory acquisition could be avoided in the face of her opposition.[1274] So while willing to respect her objections to the land being taken, her objections did not actually change the Crown's desire to acquire the land. It is tempting to speculate whether the Crown would have been so accommodating if it had not already obtained leasehold occupation of the land.

There is nothing further relating to the acquisition of the Wainui B2 from Mrs Budge on the Public Works Department file. However, in October 1953 Part Wainui B2 (16a

[1272] Registrar, Māori Land Court, Wellington to Commissioner of Works, 14 December 1948, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5461].
[1273] F. Langbein, per, Acting Commissioner of Works to Registrar, Māori Land Court, Wellington, 22 December 1948, ACHL 19111 W1/812 23/698/1/10, ANZ Wellington [DSCF 5460].
[1274] ibid

2r 25p) was declared Crown land under Section 454 of the Māori Land Act 1931.[1275] This form of proclamation was for land purchased by the Crown through negotiation with the owner, and made no reference to the Public Works Act. The land purchase file is not held at Archives New Zealand which means that research cannot confirm the extent to which the potential acquisition of the land under the Public Works Act was a factor in the negotiations to purchase the block. As part of the purchase an area of ten perches was set aside as a Māori Reservation as a burial ground, which remains in Māori ownership.[1276] The residue of Wainui B2 purchased by the Crown was part of the 1,563 acres set apart as the Queen Elizabeth Park recreation reserve.[1277]

7.4 Awahuri Scenic Reserve 1914

The Awahuri Scenic Reserve was raised as a case study in the consultation process for this report. Preliminary research revealed that at the time the reserve was acquired by the Crown, it had already passed out of Māori ownership, having been purchased by Riddiford. Although the acquisition of the land for a Scenic Reserve is therefore not within the scope of this report, the preliminary research information has been included here for the information of claimants associated with the Kawakawa Māori reserve.

In 1912 Lands and Survey considered an area known as 'Riddiford's bush, on Feilding-Awahuri Road' of 15 acres for scenery preservation. The land was part of Section 149 Town of Sandon.[1278] This had formerly been the Kawakawa Reserve, but which had been leased and then purchased by Riddiford.[1279] The scenery preservation board agreed to take Section 149 Sandon for scenic purposes and the owner V. Riddiford wanted the matter settled 'as soon as possible' and 'we would sell the area at the rate of £60 (sixty pounds) per acre'.[1280] This equated to £801. The Feilding Borough Council urged the Crown to purchase land for a reserve and the 'Council negotiated with Riddiford, and purchased an area of 15a 1r 32p of Native land on the Feilding-Awahuri

[1275] NZG, 1953, p. 1788.
[1276] NZG, 1953, p. 1736.
[1277] NZG, 1954, p. 1435.
[1278] Acting Superintendent to Native Land Purchase Officer, Wellington, 2 August [1912], ABWN 7601 W5021/820 700, ANZ Wellington [DSCF 5838].
[1279] Walghan Partners, PKM Block Research Narratives, Draft, CFRT, December 2017, vol II, p. 82; Wellington Deposited Plan DP 2613, dated 1912, which describes the land as part of the estate of E.J. Riddiford.
[1280] V. Riddiford, Lower Hutt to Under Secretary, Lands & Survey, Wellington, 21 November 1912, ABWN 7601 W5021/820 700, ANZ Wellington [DSCF 5843].

Road.' The capital value was £616 which included £130 of timber.[1281] Riddiford said the 'trustees are prepared to accept £50 per acre cash provided the Government fences the bush off' and paid for legal, fencing and survey costs.[1282]A proclamation taking Section 149 Township of Sandon (15a 1r 30p) Oroua Survey District for scenic purposes was issued in August 1914.[1283] Riddiford was paid £771-17-6.[1284]

7.5 Summary of Issues

At the beginning of the twentieth century local Member of Parliament, W.H. Field was prominent in promoting the acquisition of Māori land for scenic reserves to preserve the bush-clad hillsides. He was the driving force behind the Crown deciding to acquire Paraparaumu Scenic Reserve, which had a complicated ownership, involving members of his Māori wife's family. After the notice of intention to take the land was issued, the legal owner had her solicitor negotiate compensation which was equivalent to the amount she had been previously offered to sell the block.

The history of Hemi Matenga Scenic Reserve shows that both Wi Parata and Hemi Matenga clearly intended to protect the native bush on the large hillside overlooking Waikanae. It is equally clear that they objected to the Crown taking the land under the Scenery Preservation Act. From at least 1902 Wi Parata, Hemi Matenga, and the subsequent estate trustees, preserved the bush on the land themselves, without requiring Crown involvement. This was despite repeated Crown interest in purchasing or compulsorily acquiring the land throughout the first half of the twentieth century. The reserve was eventually transferred to the Crown by the Hemi Matenga Estate as a compromise agreement so that the estate, which was undertaking a residential subdivision, could both meet its reserve requirements under the Land Subdivision in Counties Act, and maximise the area of residential subdivision. The actual amount of land which would have been required was a maximum of 46 acres, so the 800 acre area transferred was far greater. On the other hand 46 acres of residential land may have had a greater financial value than the 800 acre bush reserve.

[1281] Under Secretary, Lands & Survey, Wellington to Minister of Lands, 3 May 1913, ABWN 7601 W5021/820 700, ANZ Wellington [DSCF 5841].
[1282] Strauchon, Under Secretary, Lands & Survey, Wellington to Minister of Lands, 11 August 1913, ABWN 7601 W5021/820 700, ANZ Wellington [DSCF 5840].
[1283] NZG, 1914, p. 2913.
[1284] File note, on NZG, 1914, ABWN 7601 W5021/820 700, ANZ Wellington [DSCF 5837].

The Māori reserves at Paekakariki were part of the land used for military training during the Second World War. Wainui B2 and Wainui B3B2 were already leased to Pakeha at the time. No compensation was paid to the owners for the temporary occupation and use of the land on the grounds that they continued to receive rent. The owners agreed, through their solicitor, on the proviso that the condition of the land was reinstated when no longer required by the military. When the Crown decided to acquire the land for Queen Elizabeth Park (most of which was in European ownership) it tried to do so by negotiation rather than compulsory acquisition. The owners of Wainui B3B2 agreed in advance to the land being taken under the Public Works Act and compensation being assessed by the Māori Land Court. An agreement on the amount of compensation was then negotiated by the owners' solicitor, which was confirmed by the Māori Land Court.

In the case of Whareroa Pa, the Crown did not contact any owners or local Māori about the acquisition. The block was still in the legal ownership of those awarded title in 1886. Māori Affairs advised that the registered owners were deceased, and that any of their successors were likely to be absentee owners, based in Taranaki. Without making any attempt to contact the owners, Māori Affairs agreed to the acquisition, and the land was taken by proclamation. The notice of intention to take the land was sent to the Māori Land Court. At least one owner became aware of the taking after the proclamation, and it appears that the solicitor acting for Wainui B3B2 also acted on behalf of the owners of Whareroa Pa. A compensation agreement was negotiated by the solicitor which was confirmed by the court.

However, the sole owner of Wainui B2 was quite adamant that she wished to retain the block, as its status as ancestral land was important to her and because of a whanau urupa on the block. The Crown was initially able to delay acquisition in accordance with her wishes because it had already acquired the leasehold. The Māori Land Court worked with the Crown to prevent a house being built for the owner's daughter on the block. It appears the Crown eventually successfully negotiated to purchase the block, on the condition of excluding the urupa, which has been retained as Māori reservation, surrounded by the parkland.

8. Paraparaumu Airport

8.1 Acquisition of Land for Paraparaumu Airport

8.1.1 Background and Land Taken in 1939

8.1.1.1 Background

In 1936, as part of an investigation into the suitability of the Wellington Airport at Rongotai, a committee and the Controller of Civil Aviation recommended that an emergency aerodrome be established at Paraparaumu.[1285] The Paraparaumu land was classified as poor and sandy which was considered ideal for aerodrome purposes. The area had been identified as the best site in the district because of the following features:

> It is well clear of the hills, and the power lines on Beach Road and Wharemoukou Road would not be troublesome.
> The surface is broken up into low grass-covered sand hills and small swampy areas, the height from swamp to top of sand hills being six or seven feet. The swampy areas have a good bottom, unlike most of the swamps in the locality which have several feet of spongy peat.
> The area is used for grazing sheep and dry cattle, being too dry in summer for dairying.[1286]

The initial plan for the aerodrome was as an alternative to Wellington Airport when poor visibility and high winds were a problem at Rongotai.

The initial proposal was for approximately 287 acres of the Ngarara block, all of which, apart from 31 acres, was in Māori ownership.[1287] According to Gallen, in his report for Paraparaumu Airport Ltd, initial Crown policy in regard to emergency landing grounds was 'to lease them out on a peppercorn rental with the owners able to graze land in return for improvements such as fencing, levelling and grassing'. However, this policy changed with the prospect of war, which meant that an aerodrome was considered a 'strategic installation', which necessitated securing the freehold.[1288]

[1285] J. Wood to Minister of Public Works, 30 August 1938, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5288].
[1286] H.H. Sharp, District Engineer to Permanent Head, Public Works, 11 November 1935, Public Works File 23/381/154, Rawhiti Higgott Papers [IMG 2658].
[1287] Assistant Land Registrar to Assistant Under Secretary, Public Works, 2 October 1936, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5291-5292].
[1288] A.F.J. Gallen , 'A History of the Taking of the Land for the Core Paraparaumu Aerodrome Under the Provisions of the Public Works Act 1928' for Paraparaumu Airport Ltd, March 2008, p. 4, Wai 609 Documents [IMG 2077].

8.1.1.2 Notice of Intention to Take Land 1938

At the end of August 1938 it was decided to issue a notice of intention to take the land. The intended area to be acquired had been reduced to 257 acres. The instruction to the Land Purchase Officer said it was 'considered desirable' to acquire the freehold, because 'as much of the area is native owned land, the usual 'Agreement' for the use of the land for aerodrome purposes over a period of years does not seem practicable'.[1289] This suggests that Gallen's explanation above only applied to European land, and there was no mention of defence considerations factored into the decision to acquire the freehold.

At this stage the intention was to acquire the land as an emergency landing field, but it was noted that it was likely the site could be developed as a 'first class licensed field' as an alternative to Wellington Airport, and to serve the local area.[1290] On 13 September 1938 Cabinet approved the proposed emergency landing ground at Paraparaumu.[1291] Cabinet approved an estimated budget of £5,000 to acquire the land.[1292]

In October 1938 a notice of intention to take the 257 acres 3 roods 9 perches at Paraparaumu for the purposes of 'the construction of an aerodrome' was issued, and published in two Wellington newspapers. The schedule identified the areas to be taken as:

- Ngarara West B7 Subdivision 2A 30a 0r 0p
- Ngarara West B7 Subdivision 2B 30a 0r 0p
- Ngarara West B7 Subdivision 1 90a 0r 0p
- Part Ngarara West B5 107a 3r 9p.[1293]

Three of the four subdivisions were Māori Freehold Land, while Ngarara West B7 Subdivision 2A was European Land, owned by G.W. MacLean. The block had been

[1289] Minute for the Land Purchase Officer, 11 August 1938, from Public Works File 23/381/49, Rawhiti Higgott Papers [IMG 2544].
[1290] ibid
[1291] J. Wood to Minister of Public Works, 30 August 1938, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5288].
[1292] G. Wakelin to Under Secretary, 12 October 1938, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5286].
[1293] NZG, 1939, p. 2214; *Dominion*, 26 October 1938; *Evening Post*, 26 October 1938, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5283]; see also Paraparaumu Aerodrome – plan of area to be acquired [DSCF 5289].

purchased for £500 in 1924 from Te Ata Ihakara by the lessee at that time, R.G. MacLean.[1294]

Public Works Department records listed the registered owner of Ngarara West B7 Subdivision 2B at this date as Hoani Ihakara. However, he was deceased and the Native Land Court had appointed successors. In 1938 the block was owned by Te Wanikau Teira (twelve years old), Tahu Wiki Teira (ten years old), and Utiku Heketa Teira (eight and a half years old). These owners were all minors, and Paoka Hoani Taylor was trustee for their interests at the time of taking. The land was leased to R.G. MacLean at £22-10-0 per annum for 21 years from 14 October 1923.[1295]

Ngarara West B7 Subdivision 1 was owned by Kaiherau Takurua. A Native Land Court title search described her as 'a person under mental difficulty', and the block was vested in the Native Trustee, with the power to lease the land for up to ten years. The land was leased to M.G. MacLean for 10 years for £53 per annum from 14 October 1933.[1296] Before she had leased the block to MacLean, in 1922 Kaiherau had written to two of her sons, saying that the current lease was due to expire. There was still money owing on a mortgage, and MacLean wanted to take a new lease, but she would not agree to a new lease 'to a Pakeha' until she had heard from her children. She also said that when 'all expenses are paid' she would lease it to her children.[1297]

Part Ngarara West B5 was owned by Pirihiria te Uru, Takiri Akuhata Eruini (aka M. Love), and the successors to deceased owner Irihapeti Retimana Pitiro, were Te Korenga-o-te Tanga Tare Rangikauhata, Peti Tare Rangikauhata and Ropata Tare Rangikauhata.[1298] The land was leased to brothers W.H. and R.H. Howell for 42 years from 27 July 1907 at £18-17-0 for the first 21 years and £29-12-6 for the balance of the

[1294] C.V. Fordham, Registrar, Ikaroa District Native Land Court & Māori Land Board, Wellington to Engineer-in-Chief & Under Secretary, Public Works, Wellington, 10 November 1938, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5277-5278].
[1295] ibid; see also Certificate of title, 14 July 1924, AAQB 889 W3950/71 23/381/49/0 pt 1, ANZ Wellington [DSCF 5673].
[1296] C.V. Fordham, Registrar, Ikaroa District Native Land Court & Māori Land Board, Wellington to Engineer-in-Chief & Under Secretary, Public Works, Wellington, 10 November 1938, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5277-5278].
[1297] Kaiherau Tamati to Te Kore, 27 January 1922 [and translation], Wai 609 Documents [IMG 2218, 2222].
[1298] N.E. Hutchings, Assistant Under Secretary to I. Prichard, Solicitor, Waitara, 9 August 1939, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5260].

term. William and Riwai Howell were Māori farmers who ran a successful dairy farm and piggery on various Ngarara West B leasehold blocks.[1299]

As well as being advertised in the newspapers the notice of intention was posted to:

- P.H. Taylor in Waitara as trustee for Ngarara West B7 Subdivison 2B;
- Native Trustee in Wellington for Ngarara West B1; and
- Pirihira te Uru, Te Korenga-o-te Tanga Tare Rangikauhata, Peti Tare Rangikauhata and Ropata Tare Rangikauhata in Paraparaumu, and the Wellington solicitors for Takiri Akuhata Eruni.[1300]

The covering letter sent with the copy of the notice of intention simply stated: 'Forwarded herewith please find notice of intention to take, for the above purposes, an area of 107 acres 3 roods 9 perches being part of Ngarara West B No. 5 Block. You are part owner of this property. Kindly acknowledge receipt of the enclosed notice.'[1301]

The notice itself said there were 40 days for any objections to be made. P.H. Taylor (as trustee for the owners of Section 2B) responded to the notice to take the land, objecting to it being taken from her children, and proposed instead that the land be leased by the Crown:

> I regret that it is your department's intention to take my children's land at Paraparaumu being Ngarara West B7 Subdivision 2B Block for their father left for them this piece of land to provide a living for them. This is the only piece of land from which my children obtain any revenue. I would like to know whether instead of taking the land you would take a lease of same. If this proposition does not meet with your approval what are you offering as the sale price?...Your intention to take this land I consider an injustice to my children.[1302]

The Minister responded 'I have carefully considered your suggestion' to lease the land but 'as a considerable amount of work will be carried out by the Government on the

[1299] J. Brosnan, Chief Land Purchase Officer, Public Works, Wellington, 'Application for Ministerial Approval: Compensation for Land Taken and Land Injuriously Affected: Paraparaumu Aerodrome: Howell Brothers', no date [October 1943], AAQB 889 W3950/71 23/381/49/5 pt 1, ANZ Wellington [DSCF 5126-5127].
[1300] H. Watkinson, District Engineer, Public Works, Wellington to the Permanent Head, Public Works, Wellington, 28 October 1938, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5282].
[1301] H. Watkinson, District Engineer, Public Works, Wellington to Pirihira te Uru (Epiha), Paraparaumu, 28 October 1938; personal correspondence attached to 28 January 2018 letter supplied by Mrs P. Love Erskine, Paraparaumu.
[1302] Translation of te reo Māori letter from Paoka Hoani Taylor, Auckland to Minister of Public Works, Wellington, 6 January 1939, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5273-5275].

land, and for other reasons', it was 'essential' to obtain the freehold. He explained that compensation would be heard by the Native Land Court, which would fully consider the rights of the children.[1303]

Taylor instructed solicitor Ivor Prichard to act for the owners of Ngarara West B7 Subdivision 2B. Prichard asked the Public Works Department for a list of owners of other blocks being taken and the names of their solicitors so valuations could be made.[1304]

Peti Tare Rangikauhata acknowledged receipt of the notice to take the land and asked for the government valuation of Part Ngarara West B5.[1305] The government valuation of 1936 was £1,625 for Part Ngarara West B5 and the Assistant Under Secretary for Public Works said there was 'no objection' to giving this information to Rangikauhata.[1306]

8.1.1.3 Arrangements with European Owner and Lessees

The notices of intention to take the land were personally served on the lessees of the blocks.[1307] The lessees of Ngarara West B5, William and Riwai Howell, signed an agreement allowing potential tenderers to enter the property in October 1938, and in January 1939 agreed to allow Public Works to enter the land to clear gorse and deepen drains in preparation for the aerodrome.[1308]

In October 1938 the Crown entered negotiations with the Pakeha owner of Ngarara West B7 Subdivision 2A, for both the taking of the block, and for their leasehold interests in the other Māori-owned blocks. The Crown offered the MacLean's £850 compensation for the loss of both their freehold and leasehold land. The MacLean estate

[1303] Unsigned file copy of letter, Minister of Works to Paoka Hoani Taylor, Auckland, 20 January 1939, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5272].
[1304] I. Prichard, Solicitor, Waitara to District Engineer, Wellington, 27 March 1939, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5267].
[1305] H. Watkinson, District Engineer, Public Works, Wellington to Permanent Head, Public Works, Wellington, 7 November 1938, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5280].
[1306] N.E. Hutchings, Assistant Under Secretary to District Engineer, Public Works, Wellington, 17 November 1938, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5279].
[1307] H. Watkinson, District Engineer, Public Works, Wellington to Permanent Head, Public Works, Wellington, 1 November 1938, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5281].
[1308] Agreement – W. & R. Howell with Minister of Public Works, Witness, J. Brosnan, Public Servant, Wellington, 11 October 1938, ACHL 19111 W1/678 23/381/49/5 pt 1, ANZ Wellington [DSCF 5139, 5138, 5137].

countered with a claim of £1,050 which consisted of £600 for the 30 acres freehold of Ngarara West B7 Subdivision 2A and compensation of £400 for the surrender of the leases for 120 acres and £50 for interference with their farming operation.[1309] Public Works considered £600 for the land and £60 for interference 'reasonable' but the £400 for the lease surrender was considered too high and Works assessed the sum to be £235-16-3.[1310] A sum of £1,000 was negotiated as compensation.[1311]

Ngarara West B5 was leased by brothers William and Riwai Howell, who operated a lucrative dairy farm on the 500 acre block. Compensation for the loss of the lease of 108 acres from their dairy operation was negotiated by the Public Works Department. In April 1939 the Howell brothers signed an agreement for £800 compensation for their leasehold interest.[1312]

8.1.1.4 Proclamation under the Public Works Act 1939

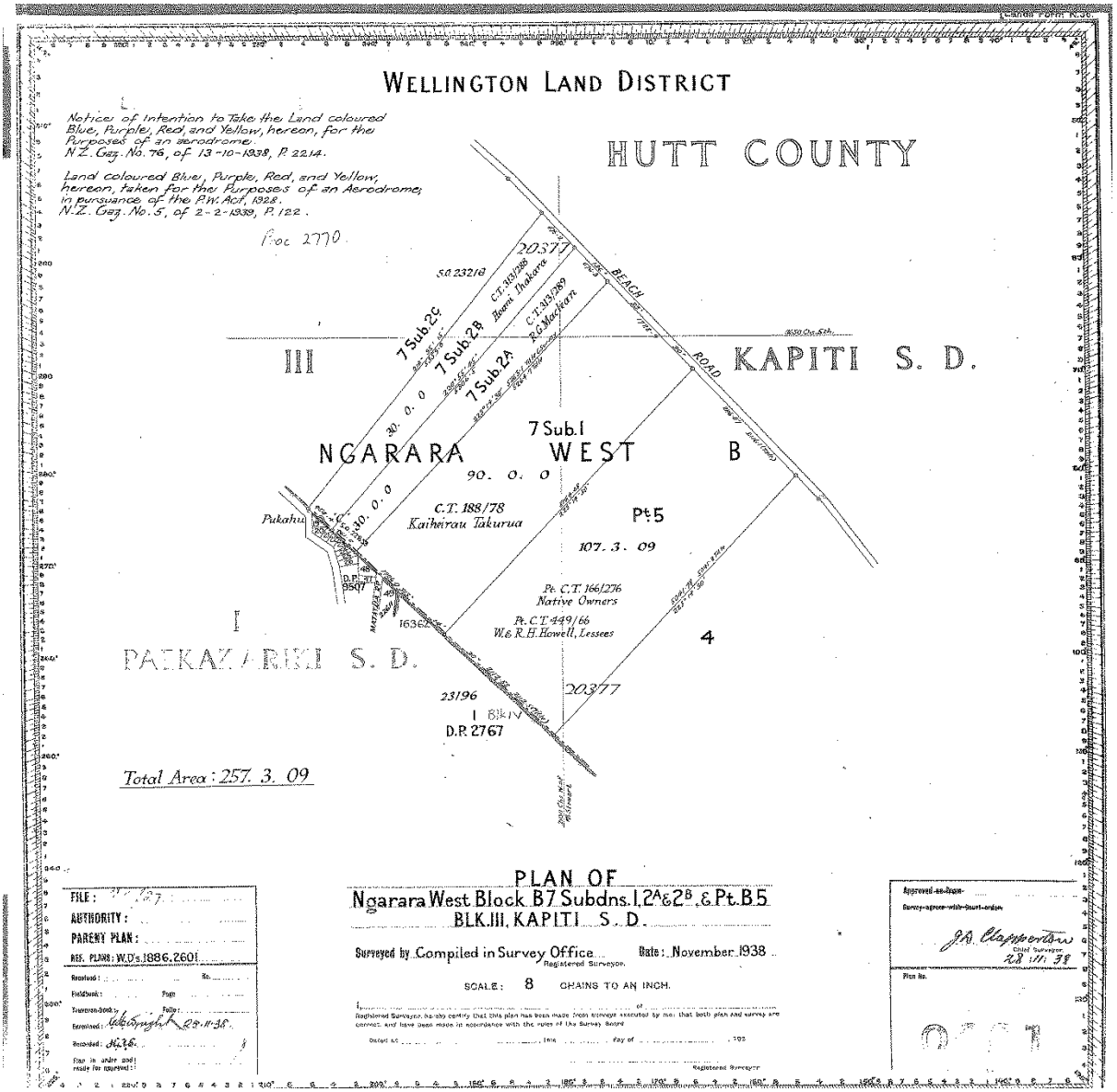
On 31 January 1939 the proclamation was signed taking the land under the Public Works Act 1928.[1313] Although earlier correspondence referred to the land being taken for an emergency landing ground, the actual proclamation simply said the taking was for the purposes of 'an aerodrome'. The proclamation was to take effect from 1 April 1939. The land taken was the same as that listed in the notice of intention:

- Ngarara West B7 Subdivision 2A 30a 0r 0p
- Ngarara West B7 Subdivision 2B 30a 0r 0p
- Ngarara West B7 Subdivision 1 90a 0r 0p
- Part Ngarara West B5 107a 3r 9p.

The area taken is shown in the Map below.

[1309] M. & R. MacLean, Paraparaumu to Permanent Head, Public Works, Wellington, 17 October 1938, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5285].
[1310] J. Wood, Engineer-in-Chief & Under Secretary, 27 October 1938, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5284].
[1311] J.B. Brosnan, Public Works to Under Secretary, 11 January 1939, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5269].
[1312] J.B. Brosnan to Under Secretary, 28 April 1939, ACHL 19111 W1/678 23/381/49/5 pt 1, ANZ Wellington [DSCF 5135].
[1313] NZG, 1939, p. 122.

Map 34: Land Taken for Paraparaumu Aerodrome 1939[1314]



[1314] Wellington Survey Office Plan SO 20216.

Earthmoving work to level the land for a landing strip started in June 1939. The following month there was a public demonstration of the capabilities of the relatively new earthmoving machinery. It was reported at this time that there were no plans for the landing-ground to be developed into an airport, and that the purpose was purely as an emergency-landing ground if planes could not land at Rongotai in Wellington:

> It is not proposed to erect buildings; the field will presumably return to grazing and will simply be one of the chain of passive fields set out by the aerodrome branch of the Public Works Department from end to end of the Dominion, preferably not used at all by passenger and mail machines but essential should emergency arise. The field has, of course, a clear place in the system of air defence.[1315]

8.1.1.5 Compensation for Māori Land Taken

Compensation for the three Māori-owned blocks was awarded by the Native Land Court in accordance with the requirements of the Public Works Act. There is some evidence that the amount of compensation was negotiated with owner 'representatives' before the Native Land Court hearings. After the compensation awards were made the Assistant Under Secretary of Public Works said that 'With regard to the areas of 30 acres and 90 acres…the representatives of the native owners arrived at verbal agreements with the Department as to the compensation acceptable to them and the Court was asked to confirm such agreements.'[1316] However, it remains unclear whether any of the actual owners took part in these discussions. The 'representative' for the owner of Ngarara West B7 Subdivision 1 was the Native Trustee, in whom the block was vested. The owners of Ngarara West B7 Subdivision 2B were represented by their solicitor, Prichard. In the week before the compensation case was to be heard, Prichard proposed to inspect the block, and then confer with the Land Purchase Officer to agree on a sum before the hearing. He anticipated that since an agreement had been reached with the MacLean's for Subdivision 2A, that if his inspection confirmed they were of a similar value, that compensation could be agreed on that basis.[1317] MacLean had accepted £600 for the freehold of 2A, which was the same size as 2B.

[1315] Extract from *Evening Post*, 17 July 1939, from Public Works File 23/381/49, Rawhiti Higgott Papers [IMG 2541].
[1316] N.E. Hutchings, Assistant Under Secretary to Registrar, Ikaroa District Māori Land Board, Wellington, 1 September 1939, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5259].
[1317] I. Prichard, Solicitor, Waitara to District Engineer, Public Works, Wellington, 22 May 1939, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5265].

On 30 May 1939 the Native Land Court held a compensation hearing for Ngarara West B7 Subdivision 2B.[1318] Judge Shepherd ordered the owners were to be compensated £611 with interest of 5 percent per annum from 13 June 1939 until payment was made to the Ikaroa District Māori Land Board on behalf of the owners. An additional £25 towards the costs and expenses of the owners was to be paid to the board.[1319] The total payment was £647-2-8 which consisted of the compensation and interest payment of £11-2-8 and costs.[1320] The compensation money was to be administered by the board under Section 552 of the Native Land Act 1931. Section 552 allowed the board to retain compensation money as a trust fund. Presumably this was ordered by the court as the owners were minors. At the end of October Prichard wrote to the Public Works Department asking if the compensation money had been paid.[1321] Three weeks later he was informed that the voucher for payment had been forwarded to Treasury on 9 November, and that the funds should now have been received by the Māori Land Board.[1322]

On 28 June and 13 July 1939 the Native Land Court held the compensation hearing for Ngarara West B7 Subdivision 1. The block was owned by Kaiheirau Takirau for whom the Native Trustee was trustee and lessee. The Native Trustee had instructed its solicitor to accept £1,890 as compensation and the court was asked to confirm the offer. The land earned £53 annual rent and the lease had four and a half years to run and the present value of the rental was £209. The land was valued at £23 per acre with the 'total of both values = £1871. Agreed to compromise of £1890 = equal to £21 pa [per acre] for the 90 acres'. Haughey for the Native Trustee claimed that from 'point of view owner will be in equally good position' whether she received rent or compensation.[1323] Judge Shepherd ordered £1,890 compensation plus interest of 5 percent per annum from 13 August 1939 until payment was made to the Native Trustee on behalf of the owner. The lessees, M. and R. MacLean, were awarded the agreed £1,000 compensation for all their

[1318] Otaki MB 60, 30 May 1939, pp. 332-334.
[1319] Judge G.P. Shepherd, Judgment, Ngarara West B7 Subdivision 2B, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5252-5253].
[1320] G.W. Matthewson, Public Works, Wellington, 8 November 1939, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5250].
[1321] I. Prichard, Solicitor, Waitara to the Under Secretary, Public Works, Wellington, 30 October 1939, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5248].
[1322] Assistant Under Secretary, Public Works, Wellington to Ivor Prichard, Solicitor, Waitara, 24 November 1939, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5247].
[1323] Wellington MB 31, 28 June 1939, p. 316 [DSCF 5141].

freehold and leasehold interests in this and other blocks.[1324] Cabinet approved payment of compensation for Ngarara West 7B Subdivisions 1 and 2B on 20 October 1939.[1325] The total payment was £1,913-0-10 which consisted of the compensation and interest of £23-0-10.[1326]

While agreements were reached in the above two cases, Public Works was unable to negotiate an agreement with the owners of Ngarara West B5, and the compensation hearing was contested. In June 1939 the Native Land Court held a compensation hearing for Ngarara West B5. Solicitor D.G. Morison represented the owners and said that they disputed the Crown's freehold valuation of the block.[1327] The valuer for the owners, Herbert Leighton, said the climate in the area of Paraparaumu provided a longer growing season making 'it good early and late country' for lambing ewes. Ngarara West B5 was sheltered from wind and frosts by Kapiti Island and it was the 'Best Block in district as regards quality of land'. The land had been ploughed and had potential as a market garden. Leighton said demand for land between Foxton and Paekakariki was good and if advertised on the open market would quickly sell but he said the 'land not available for purchase' – owners won't sell'.[1328] There was a cowshed valued at £150, and Leighton estimated Ngarara West B5 was worth at least £30 per acre but believed demand, comparative values and its proximity to Paraparaumu would make it ideal as a small farm. He noted 28.5 acres of B5 was valued at £40 per acre which was said to average out to be £31 per acre.[1329] Under Crown cross examination he said it was not comparable with adjoining land because it was much better. He would not vary his valuation to be in 'accord' with the 'purpose for which valuation made'. Leighton provided the court with a compensation figure of £3,395-17-6.[1330]

Another valuer, Victor Williamson, said Ngarara West B5 was worth £32 per acre. He valued the cowshed at £150 and agreed the land was good quality which he thought

[1324] Judge G.P. Shepherd, Judgment, Ngarara West B7 Subdivision 1, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5254-5255].
[1325] N.E. Hutchings to Minister of Public Works, 11 October 1939, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5251].
[1326] G.W. Matthewson, Public Works, Wellington, 8 November 1939, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5249].
[1327] Wellington MB 31, 28 June 1939, pp. 317-318 [DSCF 5142].
[1328] ibid, p. 319 [DSCF 5143].
[1329] ibid, p. 320 [DSCF 5143].
[1330] ibid, p. 321 [DSCF 5144].

would 'readily' sell for £34 per acre.[1331] Both Leighton and Williamson included a cowshed in their valuations which was based on values for a dairy farm. Williamson presented the court with a compensation figure of £3,665-8-3.[1332]

District Valuer, Richard Self for the Public Works Department valued Ngarara West B5 at £18 per acre (£1,915) and a total value of £2,035 which equated to £18-17-6 per acre.[1333] He valued the cowshed at £120. He said that there remained areas of swamp and gorse and the pasture was not first class and was unsuitable for market gardening. The sand hill portion he did not value because he considered it to be 'useless'.[1334] Local valuer, Frank Duncan said Ngarara West B5 was worth approximately £15 per acre with a capital value of £2,035.[1335] Duncan also explained the government valuation in 1936 in which he had assisted Mr Self. Duncan also gave a number of comparative examples of sales of similar land in the district.[1336]

Judge Shepherd noted there was a 'wide divergence' between the claimant and Public Works' valuations.[1337] The court found more generally in line with the owners' valuations. It considered the land to be worth £30 per acre and awarded total compensation of £2,426-11-0 to be paid to the Ikaroa District Māori Land Board under Section 552 of the Māori Land Act 1931.[1338] The sum of £78-18-0 was added to the compensation to pay solicitors fees of £60 and valuation costs of £18-18-0.[1339]

An example of how the District Land Board operated under Section 552 when it came to distributing the compensation to the owners is on file. In November 1939 Mr H. Jackson complained on behalf of his wife Korenga Rangikauhata who had approached the Registrar about the payment of her share of the compensation for land taken from Ngarara West B5 for Paraparaumu Aerodrome. He said they were aware that the compensation had been paid and he wanted to know 'why is it she cannot draw on some of the amount due to her.' On visiting the trust office Rangikauhata was initially told

[1331] ibid, pp. 321-323 [DSCF 5144-5145].
[1332] ibid, p. 330 [DSCF 5148].
[1333] ibid, p. 324 [DSCF 5145].
[1334] ibid, pp. 325-326 [DSCF 5146].
[1335] ibid, pp. 326-327 [DSCF 5146-5147].
[1336] ibid, pp. 327-328 [DSCF 5147].
[1337] Wellington MB 31, 16 August 1939, p. 367 [DSCF 5150].
[1338] ibid, p. 369 [DSCF 5151].
[1339] ibid, pp. 369-370 [DSCF 5151].

'she could have no money'. She asked if she could have a furniture order, and the Registrar agreed to allow £8 for second hand furniture only. Her husband queried whether the Registrar had second hand furniture in his house.[1340] The Registrar responded that Rangikauhata's share of the compensation was £264, and because her house was borer-ridden he had told her she should wait until she had a better home, and gave her an £8 order for second hand furniture. He concluded: 'It is, of course, understood, that all compensation moneys must be subject to a degree of restriction in order to ensure that some lasting benefit may be conferred by its expenditure.'[1341] The Native Minister Frank Langston advised H. Jackson there had been a misunderstanding. The Registrar, he said, was concerned about putting new furniture into a 'borer-ridden' house and he concluded that every consideration would be given for a request for payment for something of a 'real and lasting benefit.'[1342] While the Minister may have considered it a simple 'misunderstanding' this example demonstrates the paternalistic nature of paying compensation to the board. In this case the statutory power meant the registrar was able to assume that he knew best how Māori should spend money which was rightfully their own.

8.1.2 Subsequent Additional Land Taken 1940-1954

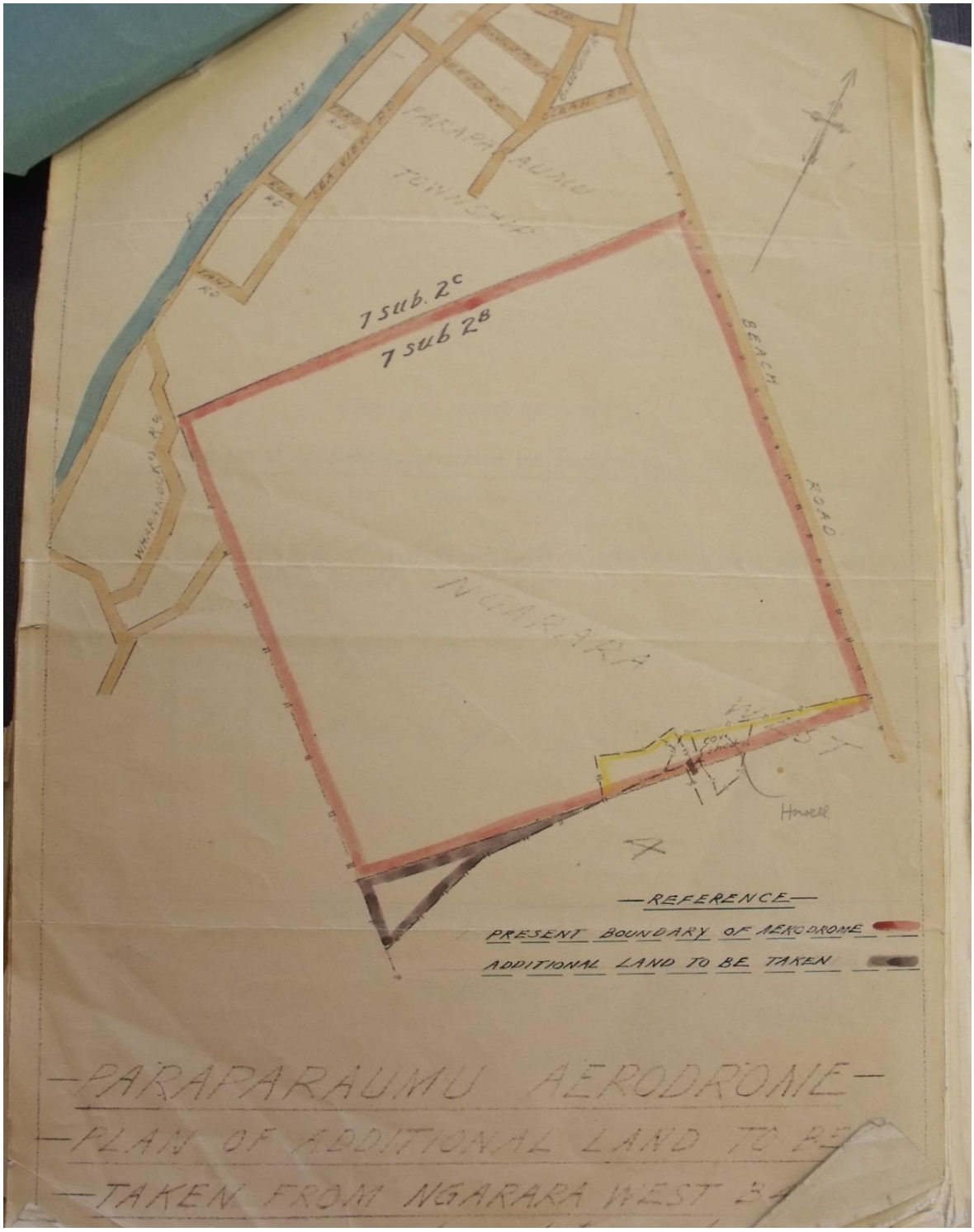
8.1.2.1 1940 - Ngarara West B4

A small area of additional land was acquired in 1940, due to a misunderstanding about the location of the Howell's cowshed. When the aerodrome was proclaimed in 1939 it was thought that the cowshed lay wholly on subdivision B4 (and therefore outside the land taken), however, it was then realised that it was situated on both B5 and B4.[1343] It was initially proposed to take a small area of B4 in exchange for revoking the proclamation over the portion of B5 including the cowshed (see Map below).[1344] This would therefore not affect the compensation already paid to the Howell's for their leasehold interest. However, when it was realised that compensation had already been

[1340] H. Jackson, Korenga Rangikauhata (Mrs Jackson), Paraparaumu to B. Semple, Minister of Public Works, 28 November 1939, ACIH 16036 MAW2490/176 38/1/1 pt 1, ANZ Wellington [DSCF 0741-0743].
[1341] C.V. Fordham, Registrar to Under Secretary, Native Department, Wellington, 15 December 1939, ACIH 16036 MAW2490/176 38/1/1 pt 1, ANZ Wellington [DSCF 0739].
[1342] F. Langstone, Native Minister to H. Jackson, Paraparaumu, 20 December 1939, ACIH 16036 MAW2490/176 38/1/1 pt 1, ANZ Wellington [DSCF 0738].
[1343] J.D. Brosnan to Under Secretary, 9 June 1939, ACHL 19111 W1/678 23/381/49/5 pt 1, ANZ Wellington [DSCF 5134].
[1344] Wellington Survey Office Plan SO 20377.

awarded for the area taken from B5, this meant it was no longer possible to partially revoke the proclamation.[1345]

Map 35: Land to be Taken from Ngarara West B4 1940[1346]



[1345] [illegible] to Brosnan, 19 March 1940, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5245].

[1346] Paraparaumu, Plan of Additional Land to Be Taken from Ngarara West B4, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5241].

A notice of intention to take 6 acres 3 roods 14.5 perches from Ngarara West B4 was issued in March 1940.[1347]

The registered owner of Ngarara West B4 was Teira te Ngarara, who was deceased. The successors in equal shares were Mouti Erueti Mira Teira, Ngahina Metapere Teira, Ngapera Taupiri Teira and Maikara Karo Teira who was a minor at that time.[1348] While the Native Land Court had appointed successors, they had not been registered as owners under the Land Transfer system. This technicality may have meant that the appointed successors were not served with the notice of intention. The District Engineer did receive the names of the successors, along with their addresses (in Waitara), and while he forwarded this information to the Permanent Head of Public Works, he noted:

> As advised verbally by the Proclamation Branch the Notices of Intention are not being served on the present unregistered owners and the above information is merely for the possible use of the Land Purchase Officer.[1349]

While the practice of not serving notices on unregistered owners during wartime seems to have been adopted by the Public Works Department, it raises the question of whether there was any legal authority for adopting this practice in this case. Section 22(e) of the Public Works Act 1928 required notices of intention to take land served upon owners and occupiers 'so far as they can be ascertained'. While the department might have generally considered it was difficult to ascertain the names of unregistered Māori land owners, in this case the names and address of the owners had indeed been ascertained, thus removing the legal justification for failing to serve notice. Unless the requirement had been altered in a wartime regulation, it seems the Crown failed to follow its legal obligations to notify the owners of the intention to take their land under the Public Works Act.

We have not viewed any record to suggest that the Land Purchase Officer did indeed contact the unregistered owners. The lessees, W. and R. Howell, were served with the notice of intention on 26 April 1940. At this time it was reported that the land was not

[1347] NZG, 1940, p. 705.
[1348] H. Watkinson, District Engineer, Public Works, Wellington to Permanent Head, Public Works, Wellington, 23 April 1940, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5243].
[1349] ibid

occupied by any Māori burial ground, and was used for grazing.[1350] The land was leased for 42 years from 27 July 1907 to W. and R. Howell.[1351] The annual rental was £31-10 for the first 21 years and £46-10 for the balance of the term. The government valuation of the nearly seven acres to be acquired, as at 15 August 1940, gave a capital value of £198. Curiously, the capital value was made up wholly of improvements, being £43 for fencing and £155 for drainage. The unimproved value was therefore assessed as 'nil'.[1352]

The additional area was proclaimed as taken under the Public Works Act on 29 July 1940. The proclamation declared that 6 acres 3 roods 14.5 perches of Ngarara West B4 was acquired by the Crown for 'an aerodrome'.[1353]

In October 1940 the Native Land Court held a compensation hearing for Ngarara West B4. There were no owners present or represented at the hearing, nor was there any evidence presented about the value of the land from the owners' viewpoint. Leighton, the valuer appointed by the Crown said that half the area was good land and the other half was of 'little value'. He had arrived at his valuation of £15 per acre by valuing the good land at £30 per acre, but assigning no value at all to the poor land because it was full of stumps and lumber and 'to bring it into cultivation would cost more than it was worth'.[1354] The valuer also said that the owners should be entitled to half the value of the fencing. Judge Gilfedder noted that the valuer valued half the land as 'worth nothing' and the 'Court finds it difficult to believe that any land in this locality has no value but the witness is very definite on this point.'[1355] The court said that given no other evidence had been presented from the owners it had to accept the evidence in the government valuation and in the valuer's testimony. The court ordered compensation in line with the suggestion of Public Works, being £149-9-10, which included £46-5-0 for fencing. The court also ordered that no interest was to be paid from the date of

[1350] H. Watkinson, District Engineer, Public Works, Wellington to Permanent Head, Public Works, Wellington, 6 May 1940, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5242].
[1351] District Land Registrar, Land and Deeds Registry Office, Wellington to Permanent Head, Public Works, Wellington, 6 December 1939, ACHL 19111 W1/678 23/381/49/0, ANZ Wellington [DSCF 5246].
[1352] L. Crosbie, for Valuer General, 22 August 1940, AAQB 889 W3950/71 23/381/49/0 pt 2, ANZ Wellington [DSCF 5302].
[1353] NZG, 1940, p. 1741.
[1354] Otaki MB 61, 3 October 1940, pp. 221-222 [DSCF 5153].
[1355] ibid, pp. 222-223 [DSCF 5153-5154].

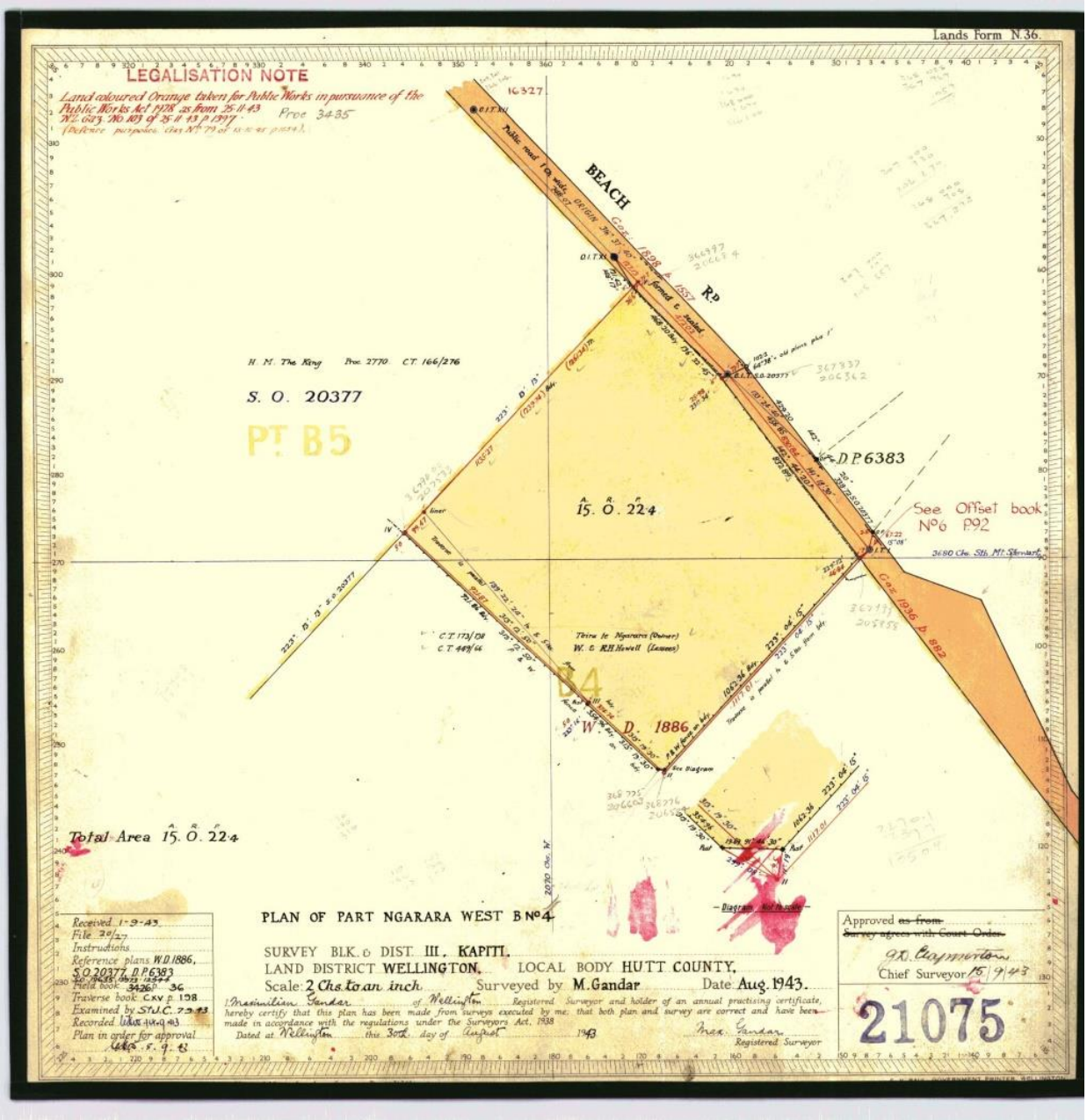
vesting to the award of compensation, and that the compensation under Section 552 of the Native Land Act 1931 was to be paid to the Māori Land Board.[1356] In October Public Works approved payment of £149-9-10.[1357]

8.1.2.2 1943 - Ngarara West B4

In early 1942 it was decided to establish a Royal New Zealand Air Force [RNZAF] base at Paraparaumu Aerodrome, and transfer part of the flying school from Ohakea.[1358] In April 1942 work was getting underway on extending the east to west runway, which was roughly parallel to Beach Road (now Kapiti Road). The aerodrome authority informed Public Works that the extended runway necessitated acquiring further land from Ngarara West B4.[1359]

[1356] ibid, pp. 223-224 [DSCF 5154].
[1357] J.B. Brosnan to Under Secretary, Public Works, 7 October 1940, AAQB 889 W3950/71 23/381/49/0 pt 2, ANZ Wellington [DSCF 5300].
[1358] Acting Aerodrome Engineer to Brosnan, Public Works, 23 February 1942, AAQB 889 W3950/71 23/381/49/0 pt 2, ANZ Wellington [DSCF 5343].
[1359] Acting Aerodrome Engineer to Wakelin, Public Works, 30 April 1942, AAQB 889 W3950/71 23/381/49/0 pt 2, ANZ Wellington [DSCF 5342].

Map 36: Land Taken from Ngarara West B4 1943[1360]



The required land was part of the block leased by the Howell brothers from the successors to Teira te Ngarara (as above). In May 1942 a notice was issued to the Howell's that the Public Works Department planned to enter the land for 'Defence purposes'.[1361] A similar notice was sent to G. MacLean, the lessee of Ngarara West B7 Subdivision 2C, which the department planned to temporarily enter 'for the clearing of

[1360] Wellington Survey Office Plan SO 21075.
[1361] District Engineer, Public Works, Wellington to Riwai Howell, Paraparaumu, 19 May 1942, AAQB 889 W3950/71 23/381/49/0 pt 2, ANZ Wellington [DSCF 5340].

obstructions' [perhaps tree felling in the runway area], but not to actually take any land.[1362] It does not appear that similar notices were sent to the Māori owners of either block.

An extended negotiation took place with the Howell brothers over compensation for the land. These negotiations also involved the need for land remediation and the relocation of farm buildings and compensation for adverse impact on other parts of their leasehold property. Following the mix-up over the location of the cowshed in the original 1939 taking, the Howell's had been permitted to continue using approximately ten acres of the aerodrome land which included the cowshed and farm access. Airport authorities wanted to prevent them using this land in the future, which meant the cowshed had to be moved and re-erected, and a new access way to the cowshed and house had to be constructed. Public Works agreed to carry out this work (with some contribution from the Howell's). There was a piggery on the land taken, and the Howell's sought compensation for the loss of that operation. In addition spoil had been taken from a further six acre area, which required remediation into grass. An agreement was reached in September 1943. The lessees agreed to accept a total of £500 compensation for the impact of the taking on their dairy farm and piggery, and the adverse impact on the six acres used for spoil. That amount was calculated on the basis of the impact on farm earnings. In addition to the £500 compensation, the estimated cost to the department to relocate the cowshed and other work was £663-10-0. The agreement was approved by the Minister in November 1943.[1363]

The Land Purchase Officer argued that the cost to the department of relocating the cowshed and associated works was less than if the Howell's had pursued a compensation claim through the Native Land Court for the various impacts, including things like noise and dust disturbance for the house. He also commented that the relatively straightforward negotiated settlement made it simpler to assess the compensation for the Māori owners:

> If a settlement of this nature were approved, there would be little difficulty in assessing the reversionary compensation for the native owners, it being readily seen that the farm, although losing the piggery side of the business, is still a

[1362] File note on ibid.
[1363] J. Brosnan, Chief Land Purchase Officer to Assistant Under Secretary, Public Works, 20 September 1943, ACHL 19111 W1/678 23/381/49/5 pt 1, ANZ Wellington [DSCF 5120-5121].

> going concern with no diminution of rent except for the actual area taken, viz. 15 acres approximately.
> If all phases of this claim were fully argued, I am of the opinion that no less compensation would be awarded for the lessees' interest than the settlement set forth above, and fairly heavy costs and expenses would in addition have to be paid by the Crown, especially when it came to the reversioners' [owners] interest.[1364]

This seems to be implying that if the lessees had sought full compensation for all the aspects of the impact of the land takings and defence works, then the owners too would have received more compensation. However, it could also mean that if the Public Works Department had not carried out the relocation and remedial works, the overall value of the property would have been further diminished.

The additional land was taken by a proclamation issued in November 1943. The gazette notice said that 15 acres 0 roods 15.4 perches was taken from Ngarara West B4 as from 25 November 1943.[1365] In line with common practice throughout the war, the purpose of the acquisition was only given as 'for public works'. This was presumably for security reasons, so that the enemy would not be so readily able to identify the location of new strategic infrastructure. In these cases, after the war ended new gazette notices were issued which retrospectively applied the specified purpose to the taking. In the case of Ngarara West B4 a gazette notice was issued in December 1945 which declared the purpose of the taking as for 'Defence purposes'.[1366]

While the departmental file labelled 'Maori Owners' contains details of the Howell negotiations, which were concluded prior to the taking, there is no record of any contact being made with the Māori landowners either before the taking or soon after. Due to wartime emergency powers there was no requirement to issue a notice of intention. The registered owner was still recorded as Teira te Ngarara, who was deceased.[1367]

[1364] J. Brosnan, Chief Land Purchase Officer to Private Secretary, Minister of Finance, 4 November 1943, ACHL 19111 W1/678 23/381/49/5 pt 1, ANZ Wellington [DSCF 5124-5125].
[1365] NZG, 1943, p. 1397.
[1366] NZG, 1943, p. 1554.
[1367] A.F.J. Gallen, 'A History of the Taking of the Land for the Core Paraparaumu Aerodrome Under the Provisions of the Public Works Act 1928' for Paraparaumu Airport Ltd, March 2008, p. 13, Wai 609 Documents [IMG 2089].

In December 1943 the Public Works Department submitted the necessary application to the Native Land Court for compensation to be assessed, and it requested the names and addresses of the owners.[1368] However, the compensation case was not prosecuted during the war, although it appears some steps were taken to get a valuation in 1945-1946. In November 1946 a valuer reported that the land was owned by Moti Taylor, Uma Taiaki and Miria Taylor, all of whom lived in Waitara. His report referred to a previous inspection of the property in January 1945. He assessed the capital value of the 15 acres at £425, with an unimproved value of £300 and improvements of £125.[1369]

While a valuation had been obtained, for some reason the compensation case did not proceed. It was only in 1951, after a subsequent compensation award for another taking from Ngarara West B4 (see below), that officials realised that compensation had never been awarded for the 15 acres taken in 1943.[1370] A special government valuation was obtained in 16 January 1952, which was £2,230.[1371]

The compensation hearing was held nearly nine years after the land was taken in May 1952. The minutes suggest that the Crown and solicitor for the owners had come to an agreement before the hearing. The Ministry of Works representative, Skinner, explained that the land had been taken in 1943. He referred to the award in 1940 of £149 for six acres taken from the block, but conceded: 'The Minister appreciates that a higher rate should be paid in regard to the present application and suggests a sum of £3,500 would be a reasonable assessment for all purposes'.[1372] Simpson, for the owners, said they were in agreement with the Crown about total compensation although they disagreed about how the sum was assessed. Valuers for both the Crown and the owners gave evidence about how they had reached their valuation. Norman Mackie for the owners valued B4 at £209 per acre, based on other Crown awards, giving a valuation

[1368] Commissioner of Works, Wellington to District Commissioner of Works, Wellington, 21 September 1951, R.G. Wall to J.D. Brosnan, Public Works, Wellington, 19 November 1942, ACHL 19111 W1/678 23/381/49/5 pt 1, ANZ Wellington [DSCF 5113].
[1369] R.G. Wall to J.D. Brosnan, Public Works, Wellington, 19 November 1942, ACHL 19111 W1/678 23/381/49/5 pt 1, ANZ Wellington [DSCF 5114].
[1370] C. Langbein, District Commissioner of Works to Commissioner of Works, 10 September 1951, ACHL 19111 W1/678 23/381/49/5 pt 1, ANZ Wellington [DSCF 5111].
[1371] J. Skinner, Assistant Purchase Officer and A.T. Bell, District Land Purchase Officer, Works, Wellington to District Commissioner of Works, 21 May 1952, ACHL 19111 W1/678 23/381/49/5 pt 2, ANZ Wellington [DSCF 5157].
[1372] Well MB 38, 16 May 1952, pp. 155-156 [DSCF 5183].

of £3,186 plus loss of rent of £180 and injurious affection of £180, being a total of £3,497.[1373] Government valuer, Charles Moreland, said he valued the land 'as in 1943' at £2,230 and had 'made no allowance for injurious affection or for undue loss of frontage.' He concluded that £3,500 would 'reasonably' cover any compensation claim, presumably allowing for interest for the previous nine years. Judge Whitehead agreed and awarded £3,500 compensation, plus solicitor's costs of £42 and valuer's fees of £36-15-6.[1374] The Ministry of Works recommendation for payment of the compensation award confirmed that the total amount included an allowance for 4 percent interest from the date the land was taken. Payment was approved on 17 May 1952.[1375]

8.1.2.3 1949 - Ngarara West B4

In 1948 the Air Department decided that the north-south runway needed to be extended to accommodate larger planes. One factor in this decision was a Royal Tour scheduled for March 1949 required a longer runway for the King's plane. The tour was subsequently cancelled due to the King's poor health.[1376] The land required was approximately five acres of Ngarara West B4 (adjoining the land taken in 1940). The block was still leased to the Howell brothers, who signed an agreement in June 1948 allowing Public Works to enter the land for the purpose of constructing a runway extension and clearing obstructions to the landing path.[1377] The 1948 valuation of the five and half acres was a capital value of £165, with no improvements.[1378]

In June 1948 Works informed the Māori Affairs Department about the proposed taking. The registered owners were Mouti Erueti Mira Teira (Taylor), Ngahina Metapere Teira (Taylor), Ngapera Taupiri Teira (Taylor), and Maikara Karo Teira (Taylor) who was deceased. Two of the surviving owners lived in Waitara, while the other was in Rotorua.[1379] The Under Secretary for Māori Affairs replied: 'There seem to be no

[1373] ibid, pp. 155-156 [DSCF 5183].
[1374] ibid, p. 156.
[1375] J. Skinner, Assistant Purchase Officer and A.T. Bell, District Land Purchase Officer, Works, Wellington to District Commissioner of Works, 21 May 1952, ACHL 19111 W1/678 23/381/49/5 pt 2, ANZ Wellington [DSCF 5157].
[1376] District Engineer to Commissioner of Works, 26 June 1948, AAQB 889 W3950/71 23/381/49/0 pt 2, ANZ Wellington [DSCF 5316].
[1377] F. Langbein, Acting Commissioner of Crown Works to District Engineer, Works, Wellington, 3 September 1948, AAQB 889 W3950/71 23/381/49/0 pt 2, ANZ Wellington [DSCF 5311].
[1378] Valuation, for Valuer General, 30 July 1948, AAQB 889 W3950/71 23/381/49/0 pt 2, ANZ Wellington [DSCF 5313].
[1379] District Engineer to Under Secretary, Māori Affairs, 16 June 1940, AAQB 889 W3950/71 23/381/49/0 pt 2, ANZ Wellington [DSCF 5317].

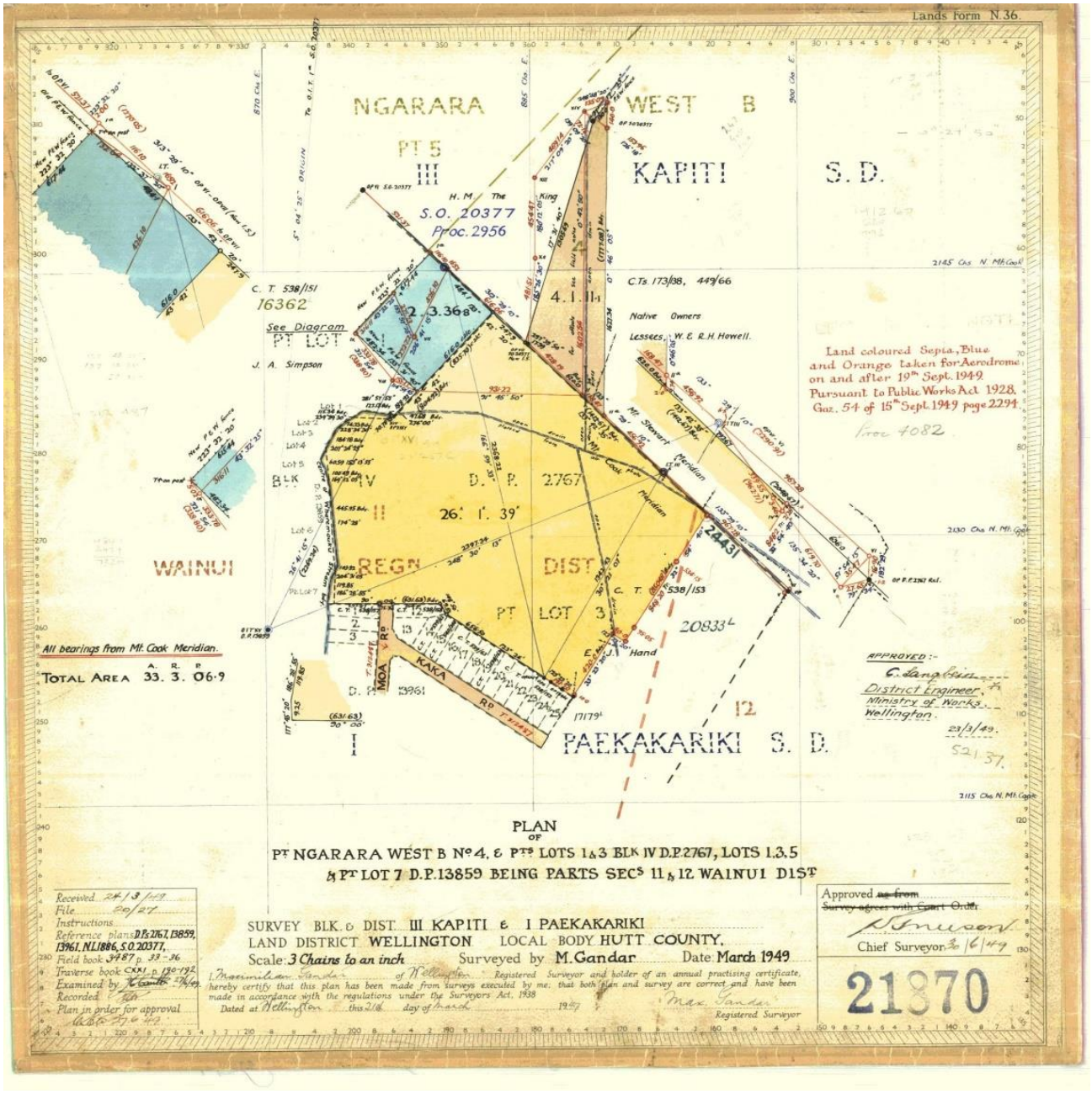
reasons of policy or expediency why this land should not be taken, particularly as the owners are absentees and the land is leased.'[1380] This was a standard sort of response from Māori Affairs which did not account for any Māori concerns about retaining ancestral land.

A notice of intention to take the land was issued at the beginning of July 1948.[1381] The notice said it was intended to take approximately 5 acres 2 roods from Ngarara West B4 for an aerodrome. The notice was served on 'the Teira family at Waitara' on 26 July 1948, at which time they signed consents for the department to enter the property before it was taken.[1382] No objections were received to the notice of intention.[1383]

The land was taken by proclamation effective from 19 September 1949 for the purposes of an aerodrome.[1384] While the notice of intention had said that 5.5 acres were to be taken from Ngarara West B4, the area actually taken was reduced slightly to 4 acres 1 rood 11.1 perches. The proclamation at the same time also took two areas of European-owned land adjoining B4 (with a total area of approximately 29 acres). The area taken from Ngarara West B4 is the triangular shape shown in orange at the top of the Survey Office plan below.

[1380] G.P. Shepherd, Māori Affairs, Wellington to Commissioner of Works, Wellington, 14 July 1948, AAQB 889 W3950/71 23/381/49/0 pt 2, ANZ Wellington [DSCF 5314].
[1381] NZG, 1948, p. 863.
[1382] District Engineer to Acting Commissioner of Works, Wellington, 17 August 1948, AAQB 889 W3950/71 23/381/49/0 pt 2, ANZ Wellington [DSCF 5312] and 'Agreement to entry for Construction Purposes', 26 July 1948, AAQB 889 W3950/71 23/381/49/0 pt 3, ANZ Wellington [DSCF 5458].
[1383] Acting Commissioner of Works to District Engineer, Works, Wellington, 13 September 1948, AAQB 889 W3950/71 23/381/49/0 pt 2, ANZ Wellington [DSCF 5311].
[1384] NZG, 1949, p. 2294. Three small sections of European land (totalling nearly 3 roods) were also taken for the purposes of the same runway extension by NZG, 1949, p. 1209.

Map 37: Land Taken from Ngarara West B4 1949[1385]



In December 1949 the Public Works Department submitted an application for compensation to be assessed by the Māori Land Court.[1386] In August 1950, over a year after the land was taken, the Ministry of Works started taking steps to have a date set for the compensation hearing, in response to a request from the owners 'for an early

[1385] Wellington Survey Office Plan SO 21870.

[1386] A.F.J. Gallen, 'A History of the Taking of the Land for the Core Paraparaumu Aerodrome Under the Provisions of the Public Works Act 1928' for Paraparaumu Airport Ltd, March 2008, p. 24 Wai 609 Documents.

hearing of compensation'.[1387] The compensation hearing took place on 10 August 1951.[1388] A special government valuation for the Crown valued the land taken at £150, or approximately £34-16s per acre. The valuation submitted on behalf of the owners was £50 per acre, which equated to £216 in total. The court awarded £185 compensation, along with £15 for legal fees.[1389] Public Works authorised the £200 payment in October 1951.[1390]

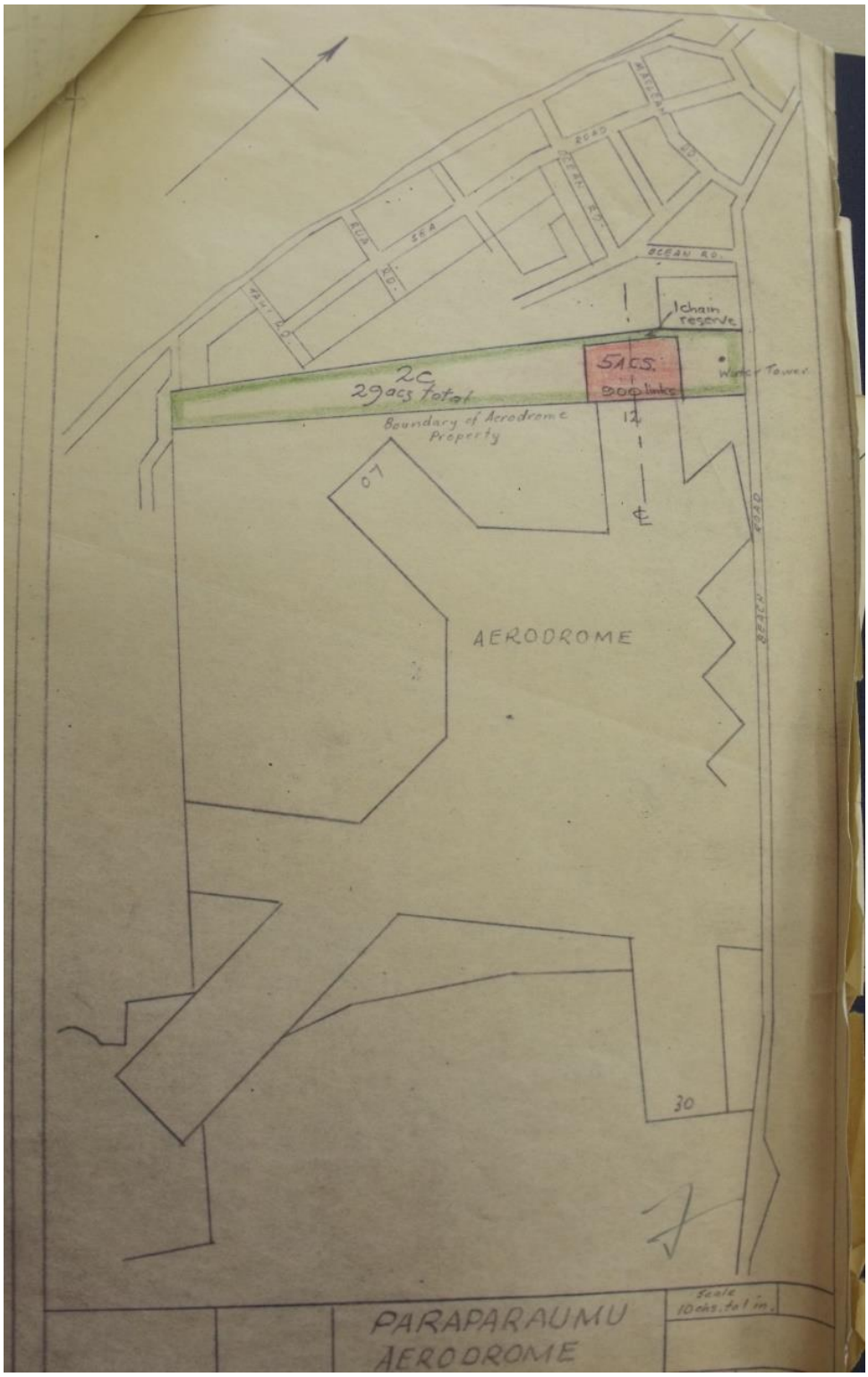
8.1.2.4 1954 - Part Ngarara West B7 Subdivision 2C

The additional airport takings outlined above were all to the south-east of the original aerodrome. Teoti Tapu [George] Ropata owned Ngarara West B7 Subdivision 2C which ran the full length of the north-western boundary. His property was affected by Air Department plans for enlarging the aerodrome, which had earmarked 10.5 acres of the block for purchase if the expansion went ahead. Ropata was planning to subdivide the block for residential purposes but could not readily proceed until a decision was made on possible aerodrome requirements. In response to pressure from Ropata's agent for a decision, the Aerodrome Engineer considered that even if the north western runway itself was not extended on to Ropata's property, that it would be necessary to impose height restrictions against buildings and trees on the runway approach line. The engineer advised it would be better to purchase the land because the potential compensation for any restriction against building which impacted on his subdivision plans would be not much less than purchasing the required land.[1391]

As an alternative the Ministry of Works recommended reducing the amount of land to be required to a five acre area directly in line with the runway, and leaving a strip at the rear to allow the rest of the block access to Beach Road.[1392] This would still allow Ropata to subdivide the block. The proposed area to be taken is shown on the following sketch plan of land to be acquired from Ngarara West B7 Section 2C.

[1387] C. Langbien, District Engineer, to Commissioner of Works, Works, Wellington, 10 August 1950, AAQB 889 W3950/71 23/381/49/0 pt 3, ANZ Wellington [DSCF 5445].
[1388] Well MB 38, 10 August 1951, pp. 71-72.
[1389] G. Mays, Land Purchase Officer, A. Bell, District Land Purchase Officer, Works to Commissioner of Works, 21 August 1951, ACHL 19111 W1/678 23/381/49/5 pt 1, ANZ Wellington [DSCF 5112].
[1390] Commissioner of Works, Wellington to Ikaroa Māori Land Board, Wellington, 4 October 1951, AAQB 889 W3950/71 23/381/49/0 pt 3, ANZ Wellington [DSCF 5431].
[1391] Aerodrome Engineer to Commissioner of Works, 12 May 1952, AAQB 889 W3950/71 23/381/49/0 pt 3, ANZ Wellington [DSCF 5430].
[1392] E.R. McKillop, Commissioner of Works to Air Secretary, Air Department, Wellington, 4 June 1952, AAQB 889 W3950/71 23/381/49/0 pt 3, ANZ Wellington [DSCF 5425].

Map 38: Land Proposed to be Taken from Ngarara West B7 2C 1952[1393]



[1393] Sketch plan of land proposed to be acquired from Ngarara West B7 Subdivision 2C [1952], AAQB 889 W3950/71 23/381/49/0 pt 3, ANZ Wellington [DSCF 5425].

The land agent representing Ropata was informed that while a final decision about the possible development of the aerodrome had yet to be made, that an area of five acres was 'of vital concern to the aerodrome, more particularly for ensuring that the approaches to one of the exisiting runways is kept clear of buildings or other obstructions that might otherwise affect the safety of flying from the aerodrome'.[1394]

Nevertheless, budget reasons meant the Civil Aviation Department did not want to acquire the land in that financial year.[1395] Works informed the Hutt County Council of its interest in protecting the runway approach, and asked to be advised should Ropata submit a scheme of subdivision for approval. Furthermore, it requested the council to not take any action on such application until the Ministry had time to consider if it needed to take action.[1396]

In November 1952 the Commissioner of Works told Ropata's agent, Morrah, that while the land was not definitely required at that time, the Crown could be interested in purchasing 5 acres, and inquired what price Ropata wanted for the land.[1397] In response, Morrah said that Ropata would sell 5 acres for £4,000. Ropata wanted to build a house with the payment, and planned to sell the residue of subdivision 2C as a potential residential subdivision once the Crown's plans were confirmed.[1398]

The special government valuation made on 6 May 1953 gave a capital value of £2,000 for the land. The valuation was made on the basis that the land could be used for development into housing sections.[1399] As a result Works considered that Ropata's claim for £4,000 was 'considerably on the high side'.[1400] In August 1953 Works informed the Air Department that it was negotiating the purchase of the land, but that

[1394] W.S. Goosman, Minister of Works to L.W. Morrah, Land Agent, 5 June 1952, AAQB 889 W3950/71 23/381/49/0 pt 3, ANZ Wellington [DSCF 5424].
[1395] E.R. McKillop, Commissioner of Works to District Commissioner of Works, 17 December 1952, AAQB 889 W3950/71 23/381/49/0 pt 3, ANZ Wellington [DSCF 5418].
[1396] E.R. McKillop, Commissioner of Works to County Clerk, Hutt County Council, 11 November 1952, AAQB 889 W3950/71 23/381/49/0 pt 3, ANZ Wellington [DSCF 5422].
[1397] E.R. McKillop, Commissioner of Works to L.W. Morrah, Land Agent, Waikanae, 25 November 1952, AAQB 889 W3950/71 23/381/49/0 pt 3, ANZ Wellington [DSCF 5421].
[1398] L.W. Morrah, Licensed Land Agent, Waikanae to Commissioner of Works, Wellington, 6 December 1952, AATE W3401/33 20/2/0/11, ANZ Wellington [DSCN 5177].
[1399] C.H. Moreland, District Valuer to District Commissioner of Works, Wellington, 6 May 1953, AATE W3401/33 20/2/0/11, ANZ Wellington [DSCF 5175].
[1400] C. Langbein, District Commissioner of Works, Wellington to Commissioner of Works, 14 August 1953, AAQB 889 W3950/71 23/381/49/0 pt 3, ANZ Wellington [DSCF 5416].

compensation would have to be assessed by the Māori Land Court. Works pointed out that while the five acres was valued at £2,000 there could also be a claim for injurious affection on the value of the residue of the block. Accordingly he suggested they should allow up to £3,000, 'although every endeavour will be made to keep the compensation below this figure'.[1401] Ministerial approval to take the land by agreement was given in January 1954.[1402]

In June 1953 Ropata signed consent to the Crown to acquire five acres by proclamation with compensation to be assessed by the Māori Land Court.[1403] In July 1954 Morrah wrote to the Prime Minister to complain that the purchase had not yet been completed. He explained that Ropata had an outstanding rates bill which could not be paid until compensation was settled, and that the Hutt County Council was threatening to take legal action. According to Morrah, an agreement had been reached to sell the block for £2,000, but this was annotated with a comment that the Land Purchase Officer said no agreement had been reached. Morrah also argued that in the time since the Crown had first expressed interest in taking some of the block, that land values had fallen, which would affect the sale price of the remainder of the block. He requested the matter be completed as soon as possible.[1404]

Works had taken steps to get the required land surveyed in March 1954, but the staff member dealing with this had become ill which had delayed completion of the plans.[1405] Negotiations were entered into with solicitors acting for Ropata. Works suggested that in order to speed up the process the requirement to issue a notice of intention, and then wait 40 days, could be avoided if Ropata submitted a written consent for the land to be taken. Ropata did sign a consent which was witnessed by his solicitor, and forwarded to the Māori Land Court for confirmation under Sections 222 and 224 of the Māori

[1401] E.R. McKillop, Commissioner of Works to Air Secretary, Air Department, 21 August 1953, AAQB 889 W3950/71 23/381/49/0 pt 3, ANZ Wellington [DSCF 5415].
[1402] Director of Civil Aviation to Commissioner of Works, 6 January 1954, AAQB 889 W3950/71 23/381/49/0 pt 3, ANZ Wellington [DSCF 5414].
[1403] T.T. Ropata to Commissioner of Works, Wellington, 29 June 1953, AATE W3401/33 20/2/0/11, ANZ Wellington [DSCF 5174].
[1404] Morrah's letter to Prime Minister cited in E.R. McKillop, Commissioner of Works to District Commissioner of Works, Wellington, 22 July 1954, AAQB 889 W3950/71 23/381/49/0 pt 3, ANZ Wellington [DSCF 5412].
[1405] Minister of Works to L.W. Morrah, Waikanae, 2 September 1954, AATE W3401/33 20/2/0/11, ANZ Wellington [DSCF 5167].

Affairs Act 1953.[1406] The proclamation taking the land was issued in November 1954. It declared that 5 acres 1 rood 7.5 perches of Ngarara West B7 Subdivision 2C was taken for the purposes of an aerodrome.[1407]

Six months later an agreement was reached on the amount of compensation. Ropata agreed to accept £2,635 plus legal and valuation costs of £36-5-0.[1408] In May 1955 the Māori Land Court heard the compensation application. Maye, for the Crown, said the government valuation was worth £2,000, but an agreement had been reached to pay £2,635 and legal and valuation expenses of £36-5-0. Kember, Ropata's solicitor, confirmed the agreement. The Māori Land Court made the compensation award accordingly.[1409] Public Works approved payment in July 1955.[1410]

Table 29: Summary of Land Taken for Paraparaumu Airport 1939-1954

Date	Block	Area Taken	Owner(s)	Purpose
1/4/1939	Ngarara West B7 Sub 2B	30a 0r 00p	Descendants of Hoani Ihakara	Aerodrome
1/4/1939	Ngarara West B7 Sub 2A	30a 0r 00p	R.G. MacLean	Aerodrome
1/4/1939	Ngarara West B7 Sub 1	90a 0r 00p	Kaiherau Takurua	Aerodrome
1/4/1939	Pt Ngarara West B5	107a 3r 09p	P. te Uru and others	Aerodrome
23/7/1940	Pt Ngarara West B4	6a 3r 14.5p	Successors to Teira te Ngarara	Aerodrome
23/11/1943	Pt Ngarara West B4	15a 0r 22.4p	Successors to Teira te Ngarara	Defence
30/5/1949	Lot 14 DP 13961	0a 0r 32p	E. Rowland	Aerodrome
30/5/1949	Lot 12 DP 13961	0a 0r 33.42p	H.F. Rowland	Aerodrome
30/5/1949	Lot 13 DP 13961	0a 0r 34.55	F. Brown	Aerodrome
19/9/1949	Pt Ngarara West B4	4a 1r 11.1p	Successors to Teira te Ngarara	Aerodrome
19/9/1949	Pt Lot 1 Blk IV DP 2767	2a 3r 26.8p	J.A. Simpson	Aerodrome
19/9/1949	Pt Lot 3 Blk IV DP 2767 & Lots 1, 3 & 5 & pt Lot 7 DP 13859	26a 1r 39p	E.J. Hand	Aerodrome
4/10/1954	Pt Lot 1 Blk IV DP 2767	12a 0r 00.6p	J.A. Simpson	Aerodrome
13/11/1954	Pt Ngarara West B7 Sub 2C	5a 1r 07.5p	T.T. Ropata	Aerodrome

[1406] District Solicitor, Works to Judge, Māori Land Court, Hastings, 8 September 1954, AATE W3401/33 20/2/0/11, ANZ Wellington [DSCF 5165-5166].
[1407] NZG, 1954, p. 1788.
[1408] J.A. Scott & Kember, Solicitors, Wellington to District Commissioner of Works, Wellington, 19 May 1955, AATE W3401/33 20/2/0/11, ANZ Wellington [DSCF 5163].
[1409] Well MB 39, 27 May 1955, p. 391.
[1410] District Land Purchaser, Wellington to District Commissioner of Works, 13 July 1955, AATE W3401/33 20/2/0/11, ANZ Wellington [DSCF 5160, 5159].

In total, an area of 331 acres 1 rood 10.87 perches was taken for the airport at Paraparaumu. Of this amount, 259 acres 1 rood 24.5 perches were in Māori ownership at the time the land was taken.

8.2 Disposal of Paraparaumu Airport 1988-1995

The following section explains how the Paraparaumu Airport land was transferred from the Crown to private ownership as a going concern. The land had been acquired under the Public Works Act for the public purpose of an aerodrome, and under ordinary circumstances, if the airport passed out of Crown (public) ownership it would cease to be considered as required for public purposes. Under the Public Works Act 1981, if land was no longer required for public purposes, Sections 40 and 41 required the land to be offered to the former owner, or their successor, to purchase before being sold on the open market. Section 40 is quoted in full below, but it should be noted that the 1981 Act did provide some exceptions to the offer back requirement, namely that the land could be used for a different public purpose, or did not need to be offered back if it was considered unreasonable or impractical to do so. These were to become key issues for the descendants of the former Māori owners of the airport land.

Section 40 of the Public Works Act 1981 stated:

> **40. Disposal to former owner of land not required for public work –** (1) Where any land held under this or any other Act or in any other manner for any public work –
> (a) Is no longer required for that public work; and
> (b) Is not required for any essential work; and
> (c) Is not required for any exchange under section 105 of this Act –
> the Commissioner of Works or local authority, as the case may be shall endeavour to sell the land in accordance with subsection (2) of this section, if that subsection is applicable to that land.
>
> (2) Except as provided in subsection (4) of this section, the Commissioner or local authority shall, unless he or it considers that it would be impractical, unreasonable or unfair to do so, offer to sell the land by private contract to the person from whom the land was acquired or to the successor of that person, at a price fixed by a registered valuer, or, if the parties to agree, at a price to be determined by the Land Valuation Tribunal.
>
> (3) Subsection (2) of this section shall only apply in respect of land that was acquire or taken –
> (a) Before the commencement of this Part of this Act; or
> (b) For an essential work after the commencement of this Part of this Act.

(4) Where the Commissioner or local authority believes on reasonable grounds that, because of the size, shape, or situation of the land he or it could not expect to sell the land to any person who did not own land adjacent to the land to be sold, the land may be sold to an owner of adjacent land at a price negotiated between the parties.

(5) For the purposes of this section, the term 'successor', in relation to any person, means the person who would have been entitled to the land under the will intestacy of that person had he owned the land at the date of his death; and, in any case where part of a person's land was acquired or taken, includes the successor in title of that person.[1411]

8.2.1 Government Policy to Devolve Aerodromes

By the 1980s the airport was considered a 'minor facility' mostly used by local aero clubs and small operators. The Civil Aviation Flying Unit had ceased to use the facilities and the landing charges were not meeting the airports full operational costs. Some of the airport land was leased for residential (Avion Terrace), grazing and commercial purposes (along Kapiti Road). In 1988 the government decided that the Ministry of Transport no longer needed to operate the aerodrome, and that it should be disposed of as a surplus asset.[1412] Various options were investigated, as part of which Landcorp prepared a proposal to make the aerodrome more economically viable by using 'surplus' areas to redevelop an industrial park (or sell land to a developer for an industrial park) and to create a residential subdivision on the western side.[1413]

After the 1990 general election the National government introduced a capital charge on Crown assets to encourage government departments to dispose of unnecessary or underperforming assets. At this time the overall policy framework factors which decided the aerodrome should be sold were that civil aerodromes should be run as businesses; government departments should not be running businesses; profitable state owned businesses should be corporatized and either operated by the state or privatised; and that state owned businesses that were not commercially viable should be offered for sale on the open market.[1414]

[1411] Section 40, Public Works Act 1981.
[1412] 'Report of the Controller and Auditor-General: Inquiry into the Sale of Paraparaumu Aerodrome by the Ministry of Transport', September 2005, pp. 16-17.
[1413] Landcorp, Paraparaumu Aerodrome Proposal for Air Transport, December 1989, ABGX 16127/238 1999/231 pt 2, ANZ Wellington [IMG 1474-1481].
[1414] 'Report of the Controller and Auditor-General: Inquiry into the Sale of Paraparaumu Aerodrome by the Ministry of Transport', September 2005, p. 6.

The Ministry of Transport advised Cabinet in March 1991:

> Expedited disposal of [the Crown's] aerodromes has become imperative because the Ministry does not believe it can generate sufficient revenue from the aerodromes to meet return requirements expected to be set under the proposed capital asset charging regime [due to be implemented in July 1991]. The problem in earning sufficient revenue stems from the return target that is expected to be set as well as an over-valuation of the aerodrome assets on the Ministry's balance sheet.[1415]

The new National government confirmed the previous decision that the airport was a surplus asset for disposal. A number of factors were taken into account by the Ministry when considering whether the airport met the criteria for sale. One option considered was to improve the financial return of the airport while retaining Crown ownership by selling off surplus land. This option would have triggered procedures under the Public Works Act to offer the land to former owners to purchase, which officials said might jeopardise continued operations as an airport. If viable, the government wanted the airport to continue operation so it preferred to sell the 'aerodrome as a going concern and let the market (and/or the local community) decide about its continued operation.'[1416]

Ministry officials also argued that if Paraparaumu Aerodrome ceased operations any remaining regional airports would be placed under pressure to take up the workload.[1417] The March 1991 memorandum to Cabinet explained the potential risks:

> The closure of Paraparaumu, with 50,000 aircraft movements annually, would place an increased strain on general aviation traffic in the Wellington region. It is likely that this traffic would either shift to Wellington International airport, or possibly Palmerston North or Masterton airports. Wellington International airport, with 120,000 movements annually, is already experiencing problems with airways congestion at peak hours, and these problems would be compounded. There would be increased risk to aircraft safety, if Wellington were to be required to absorb increased general aviation traffic from Paraparaumu, especially following the increase in commuter airline traffic stemming from the recent withdrawal of Friendship services by Air New Zealand.
>
> The Airways Corporation also considers that Paraparaumu should be retained and has stressed its importance in relieving general aviation congestion at New Zealand's main domestic hub.[1418]

[1415] ibid, pp. 17-18.
[1416] ibid, p. 18.
[1417] ibid, p. 19.
[1418] ibid, pp. 18-19.

Following the Ministry advice, Cabinet authorised the Ministry of Transport to enter into negotiations with Wellington International Airport Ltd over a possible sale of Paraparaumu airport. Official advice recognised that some of the airport land was surplus to operational requirements which would be taken into account when assessing the commercial viability.

In July 1991 the Minister of Transport advised Cabinet:

> Paraparaumu is unlikely to be commercially viable although it could be after an extensive land rationalisation programme [meaning disposing of surplus land]. However, there has been interest shown in its purchase for continued use as an aerodrome but prospective purchasers are also likely to have in mind the development potential of the surplus land. On balance, I believe that the best option for Paraparaumu would be sale on an open market basis.[1419]

In July 1991 Cabinet decided that the airport should be sold with the requirement that keeping the airport operational was a condition of the sale.[1420]

In July 1991 Cabinet considered the implication of Treaty of Waitangi claims affecting Paraparaumu Aerodrome. A memorandum from the Minister of Transport Rob Storey to the Cabinet Committee on Enterprise, Growth and Employment examining the disposal of the Ministry of Transports aerodromes stated:

> As you are aware, the disposal of any Crown land is complicated by the possibility of Treaty claims. There are claims in existence over Paraparaumu and it is understood that claims will be forthcoming in respect of Ardmore.
>
> Where there is the possibility of Crown-owned land being subject to the Treaty of Waitangi claims, Manatu Maori are of the view that the Crown should avoid disposal of any of the Ministry's aerodromes until any claims are resolved. Retaining ownership of such land allows the Crown to use it as compensation should any claims involving the land be successful. Obviously, once sold, the Crown is no longer in a position to use the land for compensation. However, Manatu Maori have also acknowledged that it would be unreasonable to impede the sale of the Ministry of Transport's aerodrome land, preventing the Ministry realising its financial objectives. Therefore, Manatu Maori have recommended that, in order to allow sale to proceed, the Airport Authorities Act should be amended to set in place memorial provisions similar to those in the State Owned Enterprises Act 1986 which would allow the Crown to resume ownership of

[1419] Minister of Transport to Cabinet, July 1991, cited in 'Report of the Controller and Auditor-General: Inquiry into the Sale of Paraparaumu Aerodrome by the Ministry of Transport September 2005', p. 19.
[1420] 'Report of the Controller and Auditor-General: Inquiry into the Sale of Paraparaumu Aerodrome by the Ministry of Transport September 2005', p. 19.

> land transferred to airport companies should it be required to satisfy recommendations of the Waitangi Tribunal.
>
> The Justice Department is of the view that disposal of the Ministry's aerodromes, especially Milford Sound, should be put on hold to allow for Cabinet consideration of a substantive paper on the disposal of Crown assets and Treaty of Waitangi claims.
>
> I am reluctant to recommend changes to the Airport Authorities Act of an ad hoc nature to aid disposal. It is essential that the Government develops an overall policy in respect of Treaty of Waitangi implications for the sale of Crown owned land. Any changes to the Airport Authorities Act should only be considered in the context of that policy, but it could be some time until such a policy is finalised. It is also noted that memorial provisions would have major implications for airport companies already in existence. Major policy issues are raised because, unlike SOEs, the Crown does not wholly own these companies, land transferred to them was not solely Crown land, and future privatisation of the companies is possible.[1421]

On 1 August 1991 Cabinet decided:

> Agree that, pending resolution of Treaty claims and amendments to the Airport Authorities Act 1966, the land comprising Ardmore, Chatham Islands and Paraparaumu Aerodromes should be retained in Crown ownership and prepared for sale.[1422]

Concerns about the implications of the Public Works Act 1981 when Crown assets were being sold were 'noted in most 1991 Cabinet papers.' For example memorandum to the Cabinet Committee on Enterprise Growth and Employment in August 1991 stated:

> Public Works Act 1981
>
> 10. In addition to Treaty of Waitangi issues. DOSLI has strongly recommended that the Airport Authorities Act 1966 be amended prior to the transfer of any further Crown land to airport companies. It is of the view that the Act does not satisfactorily protect the rights of former owners who had land acquired for the purpose of establishing the aerodromes. While the Airport Authorities Act allows the Crown to transfer land to an airport company without invoking the offer-back sections of the Public Works Act, these sections are also intended to apply if an airport company then decides to on-sell land. The State Owned Enterprises Act 1986 establishes a similar regime for SOEs.
>
> 11. DOSLI, however, are strongly of the view that the Airport Authorities Act is inadequate to transfer land to an airport company because of an apparent

[1421] W. Rob Storey, Minister of Transport, Memorandum for the Cabinet Committee on Enterprise, Growth and Employment, no date [July 1991], ABGX 16127/238 1999/231 pt 4, ANZ Wellington [IMG 1624-1630].
[1422] CEG(91)(137), cited in 'Report of the Transport and Industrial Relations Committee, Hon Mark Gosche, Chairperson, May 2004', on Petition 1999/231 of Ross Sutherland and 584 others, p. 54.

> conflict between that Act and the Public Works Act in that a "public work", even if a "Government work" as in the Airport Authorities Act, must be operated by the Crown or a local authority. This view casts doubt on the past transfer of land to existing airport companies (excluding Auckland and Wellington), and despite what is intended, allows an airport company to on-sell land, by-passing offer-back. Accordingly, it is my recommendation that no further Crown land be transferred to airport companies until the issue has been thoroughly investigated and the Airport Authorities Act has been strengthened as necessary.[1423]

On 7 October 1991 Cabinet decided to amend the Airport Authorities Act:

> agreed, in order to protect the rights of former owners, that:
>
> (i) the Airport Authorities Act 1966 be amended; and
> (ii) the Articles of Association of the Ardmore and Paraparaumu Airport companies stipulate that the Public Works Act 1981 provisions be followed in respect of the disposal of land that was compulsorily acquired under this Act;[1424]

This Cabinet decision led to Section 3A(6A) of the Airport Authorities Act.[1425] In 1992 the Airport Authorities Act 1966 was amended to allow the transfer of land which had been compulsorily acquired to an airport company formed under the Act.[1426] The Crown's interest in the airport company could then be sold, without affecting the Public Works Act offer back rights of the former owners. This meant that if the sale proceeded before any land was declared surplus it was considered unnecessary for the Ministry of Transport to contact former owners of the land as their offer back rights would still be protected under private ownership.

Under the Civil Aviation Amendment Act 1992 a new Section 3A(6A) was inserted in the Airport Authorities Act 1966 which said:

> Nothing in sections 40 to 42 of the Public Works Act 1981 shall apply to the transfer of land to an airport company under this Act, but sections 40 and 41 of that Act shall after that transfer apply to the land as if the airport company were the Crown and the land had not been transferred under this Act.[1427]

[1423] GEG(91)137, cited in 'Report of Transport and Industrial Relations Committee, Hon Mark Gosche, Chairperson, May 2004', on Petition 1999/231 of Ross Sutherland and 584 others, p. 64; see also, p. 51.
[1424] CAB(91)M41/3f), cited in 'Report of Transport and Industrial Relations Committee, Hon Mark Gosche, Chairperson, May 2004', on Petition 1999/231 of Ross Sutherland and 584 others, p. 64; see also pp. 51-52.
[1425] 'Report of Transport and Industrial Relations Committee, Hon Mark Gosche, Chairperson, May 2004', on Petition 1999/231 of Ross Sutherland and 584 others, p. 64; see also p. 51.
[1426] Civil Aviation Amendment Act 1992.
[1427] Section 3A(6A), Airport Authorities Act 1966.

In short, the idea was that the Crown could sell its interests to an airport company without the former owners' rights under the Public Works Act being affected. The Auditor General subsequently explained that the airports legislation conferred fewer protections of the rights of former owners than the state-owned enterprises legislation:

> This provision largely mirrored section 24(4) of the State-Owned Enterprises Act, which applied sections 40 to 42 of the Public Works Act to surplus land held by State Enterprises. But land transferred by the Crown to State enterprises was also protected by the Treaty of Waitangi (State Enterprises) Act 1988 and by memorials placed on certificates of title, providing that the Waitangi Tribunal could order its return to Māori. No such protection was inserted in the Airport Authorities Act.[1428]

As a result of concerns about the costs to government to run the aerodrome in 1993 the Ministry of Transport and Treasury concluded that aerodromes, including Paraparaumu should be sold. A recommendation was put to Cabinet that it:

> direct the Ministry of Transport, subject to fulfilling the Crown's obligations under the Treaty of Waitangi and the Public Works Act, to offer for sale:
> i the shares in an airport company established for each core aerodrome by:
> EITHER
> - tender of the open market (preferred option):
>
> OR
> - negotiation with use groups;
>
> ii the surplus assets by tender on the open market where separate disposal is expected to maximize return;
>
> agree that there be no restriction on purchasers designed to prevent the closure of the aerodromes …[1429]

The government was concerned that the preferred option could lead to the aerodrome being closed, but also considered negotiating a sale to a local user was not acceptable. Instead in April 1993 Cabinet decided to transfer the airport assets to an airport company (Crown entity), and then sell the Crown shares in the company by negotiation or closed tender to user/and or local groups which were likely to keep the airport running:

> Directed the Ministry of Transport, subject to fulfilling the Crown's obligations under the Treaty of Waitangi and the Public Works Act, to offer for sale the shares in an airport company established for each core aerodrome by negotiation

[1428] 'Report of Transport and Industrial Relations Committee, Hon Mark Gosche, Chairperson, May 2004', on Petition 1999/231 of Ross Sutherland and 584 others, p. 24.
[1429] ibid, p. 20.

with user groups and/or local groups, or by restricted tender involving user groups and/or other local groups.[1430]

8.2.2 Consultation with Māori 1989-1995

The Ministry of Transport was aware that Sections 40 and 41 of the Public Works Act 1981 and the principles of the Treaty of Waitangi required it to consult with Māori.[1431] In accordance with the potential for offer back procedures, in December 1988 the Ministry of Transport asked the Lands Department to begin an investigation of ownership history of the aerodrome land. While referring to acting under Section 40, the request also specified that the Lands Department should not go as far as offering the land back to former owners at this stage.[1432]

In 1989 a series of Section 40 reports were prepared for each of the blocks, which looked at the circumstances surrounding the acquisition, and whether they required the land to be offered back to the former owners if it was declared surplus. In June 1990 a summary identified fifteen land parcels as making up the aerodrome land of which 130 hectares had compulsorily been acquired. Seven parcels were identified as Māori freehold at the time of taking.[1433] In the cases of Ngarara West B7 Subdivision 1, Ngarara West B4, and Ngarara West B5, the report said that if the land was declared surplus an offer back would be required. In the case of Ngarara West B7 Subdivision 2C it was considered to be exempt from the offer back requirements 'on the grounds that it would be unreasonable to do so'. This was because the owner had offered the land for purchase to the Crown and consented to a sale agreement. For Ngarara West B7 Subdivision 2A and 2B, both had been partly exempted because they included the Avion Terrace housing area, and were occupied by the Meteorological Service, and an overall decision in both cases had been delayed until any decision was made about what land could be declared surplus.[1434]

[1430] Cited in 'Report of the Controller and Auditor-General: Inquiry into the Sale of Paraparaumu Aerodrome by the Ministry of Transport September 2005', p. 20.
[1431] ibid, p. 7.
[1432] Property Officer, Ministry of Transport to Acting Director-General of Lands, 8 December 1998, MOT 76/20/0 vol 7, NZTA Wellington [IMG 1991-1992].
[1433] District Manager/Chief Surveyor, Department of Survey and Land Information, 26 June 1990, Rawhiti Higgott Papers [IMG 2551-2553].
[1434] Summary [no date], attached to Suzanne M. Blatch, for District Manager, Lands Department to Ian Marlow, Air Department, 6 June 1991, MOT 76/20/0 vol 5, NZTA Wellington [IMG 1926-1932].

LINZ were asked to identify (but not make contact with) the former owners of the land, but in May 1991 it claimed that this would be a difficult task without approaching people to confirm whether or not they were former owners or their successors.[1435]

On 21 March 1991 the Minister of Transport issued a press release that the Ministry of Transport planned to sell seven aerodromes. The statement said that the Ministry's role was regulation while the operation of aerodromes was a commercial undertaking. The Minister said that before any decision was made the government wanted to consult with interested parties, and that a range of options were being considered:

> Possible options could be corporatisation of viable airports, followed by sale of shares, or direct sale of an aerodrome to an airport company or local authority. That would preserve the rights of former owners under the Public Works Act 1981, should the new owners wish to dispose of aerodrome land in the future. For some airports, it may be possible to arrive at a structure which would allow local communities to control and run their airports in a way best suited to their needs.[1436]

Two representatives of former owners approached the Ministry of Transport independently. One was Mrs Lake [nee te Teira, a descendant of Ihakara te Ngarara]. In mid-May the Lake whanau concerns were supported by Ati Awa ki Whakarongotai Inc who had lodged claims Wai 88 and Wai 89, which include the airport. The chair complained they had not been notified about the potential sale, and stated they would be assisting the Lake whanau.[1437] He was told that no final decision had yet been made by the Crown to sell the airport. The Acting General Manager for the Ministry of Transport said that their objection would be noted, and advised that officials planned to meet with Mrs Lake.[1438] In June 1991 Mrs Lake and her solicitors met with officials about the possibility of the family being offered the land. They asked for further information about any agreements made at the time the land was taken, and whether the rights of former owners would be protected if the government sold the airport.[1439]

[1435] Suzanne M. Blatch, for District Manager, Lands Department to Ian Marlow, Air Department, 6 June 1991, MOT 76/20/0 vol 5, NZTA Wellington [IMG 1925].
[1436] Office of the Minister of Transport, News Release, 21 March 1991, MOT 76/20/0 vol 7, NZTA Wellington [IMG 1984-1985].
[1437] Ati Awa ki Whakarongotai Inc to Ministry of Transport, 13 May 1991, Rawhiti Higgott Papers [IMG 2588].
[1438] Stewart Milne, Acting General Manager, Ministry of Transport to Ati Awa ki Whakarongotai Trust Inc, Rawhiti Higgott Papers [IMG 2587].
[1439] File note, Tee & McCardle, 27 June 1991, Rawhiti Higgott Papers [IMG 2572].

Later that year the Ministry of Transport forwarded her the former certificates of title for the land taken for the airport.[1440]

The other approach was from Mrs Erskine. On 7 August 1991 Mrs P. Erskine of Paraparaumu wrote and supplied her home phone number to N. Mowatt [Mouat] the Controller Domestic Air Services:

> Recent publicity regarding the proposed sale of the Paraparaumu Airport has prompted me to write to your Department.
>
> I am a descendant of the original owners of Ngarara West B 5 Block and have been waiting for some correspondence or otherwise from Air Transport with regards the proposed sale. Section 40 of the Public Works Act states this should be so.
>
> Enclosed is a copy of a letter received from the Public Works Department, Wellington, dated 28th October 1938 to support my claim. I look forward to hearing from your Office as it appears that a claim has been made to the Waitangi Tribunal by the Ngati Toa people claiming original ownership.[1441]

She enclosed a copy of the notice of intention to acquire Ngarara West B5 which was sent to Pirihia te Uru in 1938. In response, Transport told her that no decision had yet been made to sell or close the airport, and that the Ministry was discussing with other government agencies how to protect the rights of former owners under the Public Works Act.[1442]

The Transport Department was also approached at this time by the Ngahina Trust, which owned the adjoining Ngarara West E block. Ngarara West E was a consolidation of the Ngarara West B blocks between the airport and the main road, and included the residue of Ngarara West B4 which had had parts taken for the airport. The trust said that all the former owners of land taken for the airport or their successors were beneficiaries of the trust. The trust had a proposal for the Crown which would allow the airport to keep operating, while returning it to Māori ownership. The trust stated that any sale to an airport company would trigger the offer back provisions of the Public

[1440] John Edwards, Acting General Manager, Air Transport to Mrs H.E. Lake, 30 September 1991, MOT 76/20/0 vol 3, NZTA Wellington [IMG 1809].
[1441] Mrs P. Erskine, Paraparaumu to Nigel Mowatt, [Mouat] Controller Domestic Air Services, Lower Hutt, 7 August 1991; personal correspondence supplied by Mrs P. Love Erskine, Paraparaumu on 28 January 2018.
[1442] Acting General Manager, Air Transport to P. Erskine, 19 August 1991, Rawhiti Higgott Papers [IMG 2577].

Works Act. It recognised that an airport company would want to continue to operate the airport, and therefore proposed a compromise whereby the former Māori owners were given the freehold title to the airport with a long-term lease to the Crown. This would allow the Crown to sell the airport by transferring the lease while the land remained in Māori ownership.[1443]

After the Airport Authorities Act had been amended, in May 1993, on advice from the Crown Law Office, Treaty of Waitangi Policy Unit, Department of Justice and Te Puni Kokiri the Ministry of Transport decided to consult only with groups who had lodged Waitangi Tribunal claims to the area where the aerodrome was located.[1444] This decision was made on the grounds that the amendment to the Airport Authorities Act meant it was unnecessary to contact the successors to the former owners because their offer-back rights were supposed to be protected. However, while their rights were supposedly protected, if the land passed out of Crown ownership it would no longer be available as part of a potential Treaty settlement package, which is why claimants were contacted.

NZTA identified five Waitangi Tribunal claimant groups whose claims included Paraparaumu Aerodrome: Runanga ki Muaupoko; Tama-i-uia Ruru; Raukawa Trustees; Te Runanga o Ngati Toa Rangatira; and Ati Awa ki Whakarongotai. Some of these claims were not specific to the aerodrome but covered a larger rohe which included Paraparaumu. The claimant groups were sent a letter on 14 May 1993 which stated:

> The Government…has decided that the Ministry of Transport should offer the aerodromes, including Paraparaumu, for sale to the current aerodrome users and/or nearby international airports and/or local authorities. However, before disposing of the aerodrome the Ministry of Transport must fulfil the Crown's obligation under the Public Works Act and the Treaty of Waitangi.
>
> Development of Disposal options for disposing of the aerodrome has been difficult because the majority, if not all of the aerodrome land is subject to the Public Works Act, which requires any land that is no longer required by the Crown for public works to first be offered back to its former owners prior to any sale on the open market. Acceptance by the former owners of the offer back

[1443] Oakley Moran to Acting General Manager, Department of Transport, 16 May 1991, Rawhiti Higgott Papers [IMG 2580-2581].
[1444] 'Report of the Controller and Auditor-General: Inquiry into the Sale of Paraparaumu Aerodrome by the Ministry of Transport September 2005', p. 25.

> under the Public Works Act may have led to closure of the aerodrome, and the loss of a worthwhile aviation facility.
>
> In order to allow the aerodrome to remain operational, the Government has decided that the aerodrome will be formed into an airport company which will then be sold. The Airport Authorities Act allows for land to be transferred to an airport company without requiring the land to first be offered back to the former owners. However, if the airport company should later wish to sell land at Paraparaumu which it no longer requires for aerodrome purposes, it will be required to offer the land back to the former owners in accordance with the Public Works Act.
>
> In recognition of the Crown's Treaty of Waitangi obligation of good faith, the Ministry of Transport seeks the comments of the iwi and hapu that may be affected by the proposal for the sale of Paraparaumu aerodrome, before inviting any tenders. If you have any concerns about the proposed timetable or you wish us to provide you with further information, please contact me without delay.
>
> Any submissions you wish to make should be forwarded to the Ministry of Transport by 1 July 1993, but as a first step we would be grateful if you could indicate before the end of May whether or not you wish to comment.[1445]

Claimant group Ati Awa ki Whakarongotai Incorporated responded to the 14 May letter before the 1 July deadline. On 28 June 1993 they briefly told Transport:

1. Ati Awa are happy to support their whanau who are the descendants of the original owners of the airport land in their quest for the return of any surplus land under section 40 of the Public Works Act.
2. Their [sic] are concerns regarding the payment for improvements when that land is returned both immediately and in the future.
3. Their [sic] are concerns with the limitations placed upon the land usage after it is returned.
4. Their [sic] are concerns about the lack of detail available to the Iwi in order to make informed decisions on this matter.[1446] [Emphasis added]

This was accompanied by a more detailed submission from Ati Awa ki Whakarongotai, which explained that if any land was returned as part of a settlement, they would not be in a position to purchase the improvements on the land without government assistance.

[1445] Nigel Mouat for Secretary of Transport: to Te Pehi Parata, Chairman, Ati Awa ki Waikanae Committee; to Tama-i-uia Ruru, Levin; to Whata Karaka Davis, Chairman, Raukawa Trustees; to Akuwhata Wineera, Te Runanganui o Toa Rangatira; to Tamihana Tukupua, Muaupoko Runanga, 14 May 1993, MOT 76/20/0 vol 3, NZTA Wellington [IMG 1833-1840].

[1446] 'Report of the Controller and Auditor-General: Inquiry into the Sale of Paraparaumu Aerodrome by the Ministry of Transport September 2005', p. 26.

They asked for more information and time to prepare a response, and indicated they would be looking into whether they could be involved in the tender process.[1447]

At the same time as making contact with Waitangi Tribunal claimants, Transport wrote to Mrs Lake, who had approached them as a descendant of a former owner. She was told that selling the land as an airport company safeguarded the former owners' interest. She was assured that if the private company later wanted to sell part of the aerodrome land 'it will be required to offer the land back to the former owners in accordance with the Public Works Act. Consequently, the position of former owners and their descendants will be unaffected' [Emphasis in original].[1448] One of her children responded in April 1994 that while they were still researching the ownership of the land, they wanted to register their interest in the airport land.[1449]

In August 1993 the Treaty of Waitangi Policy Unit advised Transport because it had transferred the aerodrome land to an airport company it would mean this land would be unavailable for use in a Treaty settlement. It explained that this situation could place the Crown in breach of the Treaty Principle that the Crown should not place impediments to redressing grievances. Crown Law advised Transport to further consult with claimant groups in order to comply with its Treaty obligations. Once this was done it could be decided whether a mechanism was needed to ensure that the title transfers did not make a barrier to settling Treaty breaches.[1450] Transport was advised to establish what special significance the claimant groups placed on the land. If the land was not of special significance an exchange would be possible. It was also told to establish whether the claimants would continue to be satisfied with the land being used as airport if they had 'ownership or control of the underlying title'. When the claimants were the 'immediate' previous owners of land declared surplus, they were protected by Section 3A(6A) of the Airport Authorities Act.[1451]

[1447] Te Pehi Parata, Chairperson, Ati Awa ki Whakarongotai Incorporated to Rob Storey, Minister of Transport, 28 June 1993, MOT 76/20/0 vol 3, NZTA Wellington [IMG 1829-1830].
[1448] Secretary for Transport to Mrs Lake, 17 May 1993, MOT 76/20/0 vol 3, NZTA Wellington [IMG 1831].
[1449] Nora Pidduck, Paraparaumu to Nigel Mouat, Ministry of Transport, 21 April 1994, MOT 76/20/0 vol 3, NZTA Wellington [IMG 1807-1808].
[1450] 'Report of the Controller and Auditor-General: Inquiry into the Sale of Paraparaumu Aerodrome by the Ministry of Transport September 2005', p. 26.
[1451] ibid, p. 26.

Accordingly, in October 1993 Transport wrote again to the claimant groups and asked four questions:

> a Do you claim that the land upon which the aerodrome is located is of particular significance? Is it for example wahi tapu?
> b Does your claim extend to the whole of the land upon which the aerodrome is located or simply part of that land, which part?
> c Do you accept that the land should continue to be used as an airport, given that there is limited land in the vicinity available for airports and that the provision of airport facilities is of wider benefit to the community?
> d In your claim to the Waitangi Tribunal (WAI 88) you have referred to the Paraparaumu Airport but given no particulars of the basis of the claim to that piece of land. Has any research been commissioned or completed in respect of particular claim to the aerodrome?[1452]

The Raukawa Trustees responded that they did not have a claim on the aerodrome, and advised that the appropriate 'tangata whenua' group to deal with was Te Ati Awa ki Whakarongotai.[1453] Te Runanga o Toa Rangatira wanted to participate in discussions about the airport disposal.[1454] Te Runanga ki Mua-Upoko said they had concerns about the disposal of the airport and would forward further information after their next meeting.[1455] Tama Ruru advised that his claim did not include the airport but that another claimant, Thompson Takapua, might be interested in the issue.[1456]

By early 1994 three claimant groups, Te Ati Awa ki Whakarongotai, Te Runanga ki Mua-Upoko, and Te Runanga O Toa Rangatira had indicated they wanted the land retained in Crown ownership for potential return. In early February 1994 the manager of the Air Services Division of the Ministry of Transport drew up a memorandum outlining the Crown's options for dealing with the claimants. He explained:

> In general, the concern that has been expressed by claimants seems to relate to the prospect that the disposal of the aerodromes will alienate the aerodrome land from Crown ownership while there are claims outstanding. Consequently,

[1452] Nigel Mouat, Head Domestic Air Services to Te Pehi Parata, Chairperson, Ati Awa ki Whakarongotai Inc, 7 October 1993, MOT 76/20/0 vol 3, NZTA Wellington [IMG 1815-1816].
[1453] Rupene M.T. Waaka, Chairman, Raukawa Trustees to Nigel Mouat, Te Manatū Waka, 12 October 1993, MOT 76/20/0 vol 3, NZTA Wellington [IMG 1828].
[1454] Matiu Rei, Executive Director, Te Runanga o Toa Rangatira, no date [c. October 1993], MOT 76/20/0 vol 3, NZTA Wellington [IMG 1827].
[1455] Brian Rose, Runanga ki a Mua-Upoko Inc, 16 October 1993, MOT 76/20/0 vol 3, NZTA Wellington [IMG 1825].
[1456] Tama Ruru, Levin to Nigel Mouat, Ministry of Transport, 17 December 1993, MOT 76/20/0 vol 3, NZTA Wellington [IMG 1821].

> should any of the claimants be successful with their claim, the Crown would not be in a position to restore the land to Maori ownership.[1457]

After considering and dismissing various options, he argued that the underlying Section 40 offer back right of the former owners would mean that ultimately the airport land would remain unavailable to be used as part of a Treaty settlement package, because should the Crown decide it was surplus to requirements, the former owners would have preference. He then referred to the Crown's general policy regarding the disposal of surplus Crown assets, and the 'consultative clearance mechanism' used by the Crown to assess whether such assets needed to be land banked for future Treaty settlements or could be disposed of. In particular, the decision regarding retaining Crown assets for settlement required claimant groups to establish that the particular site had a 'special significance' for them. If not, it was considered that other land or assets could be used in a future settlement. The memorandum concluded:

> The aerodromes must be sold as going concerns through the airport company sales vehicle because of the implications of the Public Works Act disposal for the aerodromes. As s. 40 will continue to take precedence over any claims, no matter what action is taken by the Crown to preserve ownership of land short of special legislation cancelling the rights of former owners, the claimants will never have any guarantee that land ownership could be transferred to them. As well, it is clear that Government policy puts emphasis on establishing protective mechanisms only for those assets which are surplus and overcome the substitutability principle.
>
> In light of these points, the Ministry should proceed to tender if, following reasonable efforts to ascertain the nature and type of Treaty claims, no particular significance attaching to the claim has been ascertained.[1458]

In line with this recommendation, Mouat wrote again to the chair of Ati Awa ki Whakarongotai, asking for a response to the October request for further information about the significance of the airport land for their claim. He said that if he did not receive a reply by the end of March he would assume they did not have anything further to add.[1459] A similar letter was sent to Te Runanga o Toa Rangatira and Runanga ki Mua-Upoko Inc. In response, the chair repeated his previous advice that Ati Awa ki

[1457] John Edwards, HDAS to MAS, Ministry of Transport, 11 February 1994, ABGX 16127/238 1999/231 pt 1, ANZ Wellington [IMG 1427-1431].
[1458] ibid
[1459] Nigel Mouat, Head, Domestic Air Services to Pehi Parata, Chair, Ati Awa ki Whakarongotai Inc, 25 February 1994, Rawhiti Higgott Papers [IMG 2566].

Whakarongotai would hand over the negotiations to the family of the former owners, once again informing the Crown that they were the proper people to deal with.[1460]

At the end of February 1994 the Minister of Transport was updated on how the need to consult with claimant groups had delayed the potential tender offer:

> Under the Treaty, there are three general principles that the Crown is expected to observe. The three principles are that the Crown should act reasonably and in good faith, that it should make well informed decisions, and that it should avoid creating impediments to redressing claims. A number of claimants have expressed concerns with the proposed disposal but not in great detail. The Ministry has therefore sought more specific information from the various claimants but with mixed success. Given the time that has elapsed, on Crown Law advice, the Ministry has recently written to the various claimants giving March 25 as a final deadline for the receipt of the additional information requested. In general terms, the thrust of the Ministry's approach is to identify whether or not the aerodromes have particular significance for the claimants. If not, the Crown could consider other forms of redress such as monetary compensation should any of the claims be eventually proven following the sale of the aerodromes.[1461]

In May 1994 Transport had received no further written comments from the claimant groups and it asked the Crown Law Office for further advice. They were advised to meet with the claimants or make offers to meet the claimants and try to establish their interests and whether they agreed to the continued use of the land as an aerodrome. With the help of Te Puni Kokiri meetings were held between Transport and the claimant groups.

Following a meeting with Te Runanga o Toa Rangatira on 21 November 1994 the claimants placed on record with the Department of Transport their overall position in respect to aerodrome land:

> Should Ngati Toa be successful in its Treaty Claim the most appropriate form of compensation is land. We have reconsidered our view on becoming part-owner in the new airport company and have decided to keep this option open.
>
> We are in favour of the airport continuing in its present function and that any lands so disposed of be used exclusively for that purpose. We do not agree that the successful tenderer should determine the amount of lands required. Any

[1460] Pehi Parata, Chair, Ati Awa ki Whakarongotai Inc to Nigel Mouat, Head, Domestic Air Services, 1 March 1994, Rawhiti Higgott Papers [IMG 2567].
[1461] John Bradbury, Acting Secretary for Transport to Minister of Transport, 28 February 1994, MOT 76/20/0 vol 3, NZTA Wellington [IMG 1817-1818].

> excess lands not then required may appreciate in value thereby causing more difficulty in returning the lands, under the Public Works Act to the previous owners. We fail to understand why the Ministry as an experienced airport operator, cannot determine the requirement for the airport to function. Thus, lands surplus to requirements will be available for treaty compensation.[1462]

Te Ati Awa ki Whakarongotai met with officials at the end of September 1994. Following the meeting the Secretary for Transport wrote to them to record the discussion and seek a final response. He reiterated that the interests of the Lake whanau would be protected under the Airport Authorities Act, and that the Ministry was determined to withdraw from the airport. He asked whether Te Ati Awa ki Whakarongotai would be willing to accept other land or compensation if their claim was upheld in the future, and also sought their opinion as to whether or not the airport should continue to function.[1463] A similar letter was also sent to representatives from Runanga ki Mua-Upoko, after a meeting with them on 21 October 1994.[1464]

On 22 November 1994 the chair of Te Ati Awa ki Whakarongotai told the Secretary for Transport that the claimant group's interest in the aerodrome was now in the hands of a representative of the Lake whanau, Mr Taiaki. The Secretary recorded that they supported the continued operation of the airport, and were prepared to accept other land as compensation if their claim was successful. He also recorded that Te Ati Awa ki Whakarongotai had told him about an urupā within the boundaries of the airport. However, the Secretary had then contacted Mr Taiaki, who reportedly told him that there was not an urupā on the airport land, and that the nearest one was 'now under the Maori old peoples' home'.[1465]

In December 1994 Transport officials told the Minister of Transport the consultation process was complete and the Ministry had decided to go ahead with offering the airport for sale by tender:

[1462] 'Report of the Controller and Auditor-General: Inquiry into the Sale of Paraparaumu Aerodrome by the Ministry of Transport September 2005', p. 29.
[1463] Russell Armitage, for Secretary for Transport to Te Pehi Parata, Chairperson, Te Ati Awa ki Whakarongotai, 3 October 1994, MOT 76/20/0 vol 3, NZTA Wellington [IMG 1795-1796].
[1464] Russell Armitage, for Secretary for Transport to Mrs Williams, Runanga ki Mua-Upoko, 21 October 1994, Blue Folder from Office of Auditor General, NZTA Wellington [IMG 1901-1902].
[1465] Russell Armitage, Secretary for Transport to Te Pehi Parata, Ati Awa ki Whakarongotai Inc, 22 November 1994, Rawhiti Higgott Papers [IMG 2564]. Mr Taiaki may have been referring to the Ngarara West B10 block, which adjoined Ngarara West B7 Sub 2C, and was marked as a cemetery on ML 1886 and DP 22985.

> The three basic principles under the Treaty are that the Crown should act reasonably and in good faith, should make informed decisions, and should avoid creating impediments to redress. In the Ministry's view, these principles have been adhered to; the consultation process has been extensive and claimants have had every opportunity to express their views. After taking into account the views that have been expressed, the Ministry has decided to proceed with the calling of tenders for the sale of both these aerodromes. During the process, advice was sought from Te Puni Kokiri, the Treaty of Waitangi Policy Unit in the Department of Justice, and the Crown Law Office and all concur with the recommendation to proceed to tender.
>
> The reasons for this decision are as follows:
>
> - All claimant groups considered that the aerodromes should continue to function.
> - There was no evidence submitted to the Ministry which indicated that any areas of special significance, as interpreted under the Crown protection mechanism, were located within the aerodromes' boundaries.
> - Based on the responses of those groups who met with the Ministry, it was the Ministry's view that it would be possible to meet any successful claim by the use of substitute land or in some cases other compensation.
> - There were considerable limitations in the way the aerodrome land could be used for the settlement of any claims, other than as a going concern, due to the implications of the offer back provisions of the Public Works Act.
> - Transferring the aerodromes as a going concern to settle claims would have to be delayed until the various issues had been resolved before negotiations with the Crown could commence. These issues are: which is the rightful claimant group, which is the rightful claim, and what compensation, if any, is considered appropriate. This possibility of these being resolved would be some time away.
> - There is an urgent need for commercial management of the aerodromes to enable decisions about the long term future to be made. It would be unreasonable for aerodrome users and local residents to delay this any longer.[1466]

The Minister approved the recommendation. The decision was communicated to the three claimant groups, Runanga ki Mua-Upoko, Te Runanga o Toa Rangatira, and Ati Awa ki Whakarongotai, in a letter which contained the same reasons given in the advice to the Minister above.[1467]

On 7 February 1995, prior to commencement of the tender process, solicitors for Mrs Lake approached Transport about the intended sale. Transport responded that the

[1466] John Bradbury, Secretary for Transport to Minister of Transport, 12 December 1994, MOT 76/20/0 vol 3A, NZTA Wellington [IMG 1883-1885].
[1467] N.D. Mouat, Head, Domestic Air Services: to Brian Rose, Runanga o Mua-Upoko Inc; to Matiu Rei, Te Runanga o Toa Rangatira Inc; to Te Pehi Parata, Ati Awa ki Whakarongotai Inc, 14 December 1994, MOT 76/20/0 vol 3A, NZTA Wellington [IMG 1877-1882].

airport was being sold as a going concern and Section 3A(6A) of the Airport Authorities Act meant there would still be protection for former owners:

> should Paraparaumu Airport Ltd determine any land to be surplus in the future, or the land ceases to be used for a public work, the company must satisfy the offer-back provisions of the Public Works Act.[1468]

On 17 February 1995 Transport issued an Information Memorandum for tenderers which clarified that the land would not be subject to resumption in the future for Treaty claims settlements:

> The Crown believes that it has properly discharged its Treaty of Waitangi duties concerning disposal of the land by extensively consulting with interested Maori. A protection mechanism will not be invoked to protect the as yet unproven claims after alienation of the land from the Crown.
>
> Accordingly, once the Aerodrome land has been transferred to Paraparaumu Airport Limited, it will not be available to satisfy existing or future Maori claims.[1469]

The memorandum did specify that if any land became surplus, Sections 40 and 41 of the Public Works Act would apply, which would mean that it would have to be offered for sale to the former owners.[1470]

In May 1995 Cabinet was asked to approve the order that would make Paraparaumu Airport Limited a company under the Airport Authorities Act 1966. The recommendation assured Cabinet that the Crown had met its obligations under the Treaty of Waitangi:

> The sale process has involved extensive consultation with relevant Maori interests under the guidance of the Office of Treaty Settlements and the Crown Law Office. Those organisations are satisfied that the Crown has complied with its Treaty duties.[1471]

The recommendation also gave the assurance that the transfer to the airport company would not trigger the offer-back requirements under Sections 40 and 41 of the Public

[1468] Nigel Mouat, Head, Domestic Air Services to Tee & McCardle, Paraparaumu, 15 February 1995, Rawhiti Higgott Papers [IMG 2569-2570].
[1469] 'Report of Transport and Industrial Relations Committee, Hon Mark Gosche, Chairperson, May 2004' on Petition 1999/231 of Ross Sutherland and 584 others, p. 54.
[1470] Ministry of Transport, Information Memorandum, 17 February 1995, MOT 76/20/0 vol 5, NZTA Wellington [IMG 1937].
[1471] John Bradbury, General Manager, Air Services to Minister of Transport, 2 May 1995, Wai 609 Documents [IMG 2128-2133].

Works Act, which would 'continue to apply to the land as if each Airport Company were the Crown'.[1472]

In April 1995 Transport were approached by Te Whanau o Ngarara who were the descendants of a former owner. They said they had learnt of the aerodrome sale through the news media. On 13 April George Jenkins and Ra Higgott met with Transport representatives. Officials supplied an explanation of the sale process and the Section 3A(6A) of the Airport Authorities Act, and they gave an assurance that the rights of former owners would be protected:

> However, sections 40 and 41 of the Public Works Act will apply to the Company's land as if the Company were the Crown and the land had not been transferred to the Company. The practical effect will be that the Company will need to satisfy the offer-back provisions contained in the Public Works Act if it either decides to sell any land or the land ceases to be used as a public work. In other words, the former owners (and their descendants) retain their rights under the Public Works Act after the Ministry has sold the airport.[1473]

A note produced by Transport following the meeting said Te Whanau a Ngarara were concerned about the sale because they believed the Crown deprived them of their offer back rights and they argued that the use of the airport had changed over the years from a 'defence' and 'emergency' field to a 'recreational' airfield. They asked for a delay of the sale process while they researched the matter.[1474]

This was followed by a letter on 19 April from Huirangi Lake, on behalf of the 'descendants of Puketapu Hapu'. They argued that the airport land was no longer required for the purposes it was taken:

> The original purposes for Paraparaumu Airport were stated as defence and as a back up for Rongotai. The requirement of the land taken by crown proclamation to serve these purposes has since been exhausted by the crown and these purposes have not been served for some time and will continue not to.[1475]

[1472] John Bradbury, General Manager, Air Services to Minister of Transport, 2 May 1995, Wai 609 Documents [IMG 2128-2133].
[1473] Nigel Mouat, John Bradbury, Air Services, Meeting with George Jenkins and Ra Higgott, 11 April 1995, Rawhiti Higgott Papers [IMG 2589].
[1474] Cited in 'Report of the Controller and Auditor-General: Inquiry into the Sale of Paraparaumu Aerodrome by the Ministry of Transport September 2005', p. 33.
[1475] Huirangi E. Lake to Nigel Mouat, Air Services, Ministry of Transport, 17 April 1995, MOT 76/20/0 vol 4, NZTA Wellington [IMG 1866].

They asked for the land to be returned to the rightful owners without cost, and asked for the sale to be halted to allow their representatives, George Jenkins and Ra Higgott, time to prepare a further submission. In response, the General Manager of Air Services said as Mrs Lake's letter was intended as a claim under the Public Works Act, he had forwarded it to the Commissioner of Crown Lands, who held responsibility for land no longer required for public purposes. However, the General Manager also pointed out that land taken for public works was not offered back if it was still required for 'any' public work, even if the original purpose had changed. He also referred to Section 3A(6A) of the Airport Authorities Act which allowed the land to be sold without first being offered back.[1476] The general manager did forward Mrs Lake's letter to the Commissioner of Crown Lands, as notification of a claim under Section 40 of the Public Works Act. In doing so, he also advised the commissioner that tenders were due to close in two days.[1477]

On 4 May 1995 Ra Higgott, on behalf of 'the concerned descendants of the Puketapu Hapu', wrote to the Minister of Transport asking for a meeting to discuss their concerns about the possible change of ownership and the implications for the descendants of the original landowners.[1478]

On 16 May the Lands and Survey Department responded to the April letters from George Jenkins. The response explained that the transfer to an airport company under the Airport Authorities Act 1996 meant that Section 40 of the Public Works Act did not apply and the Lands and Survey Department was not required to consider offering the land to 'the person from whom it was taken or the successor to that person'.[1479]

The Minister of Transport declined to meet with the Puketapu representatives. He pointed out that Ministry of Transport staff had had 'previous consultations' with Mrs Lake, her legal representatives and other family representatives and that the 'advice consistently given to the family by the Ministry has been that the rights of the former

[1476] J. Bradbury, General Manager, Air Services to George Jenkins, Waikanae, 19 April 1995, MOT 76/20/0 vol 4, NZTA Wellington [IMG 1864].
[1477] ibid, vol 4 [IMG 1865].
[1478] Ra Higgott, Waikanae to Minister of Transport, 4 May 1995, Wai 609 Documents [IMG 2134].
[1479] D.A. Levitt, for Director General, Lands and Survey to George Jenkins, 16 May 1995, Wai 609 Documents [IMG 2137-2138].

owners and their successors will remain protected under new ownership'.[1480] He also pointed out that any future offer back to the former owners or their successors would be at current market value. The reason he gave for declining to meet with the whanau was that it was important that the commercial sale went ahead without any perception of political interference, which meant that Ministers and Members of Parliament should avoid personal involvement. He instead suggested that they seek a meeting with the General Manager of Air Services.

On 19 May 1995 NZTA officials met for four hours with the Puketapu representatives. The Ministry's notes of the meeting record that the former owners were concerned that they had not known about the sale before April 1995, and that the use of the land had changed from the purpose for which it was taken. Officials said they were surprised that the Puketapu representatives had been unaware of the sale 'given the regular and recent communication' with the one former landowner. They explained that consultation had only been with those who had made claims to the Tribunal, and 'there had never been any intention to consult former owners because of Section 3A (6A) of the Airport Authorities Act'. The Puketapu representatives said Transport had been dealing with groups with no traditional claim to the aerodrome, while a moral obligation existed to consult with the former owners. Transport said the sale process was too far along to stop, and that the land was still going to be used as an airport. The Puketapu representatives questioned why they had not been given the opportunity to tender for the airport themselves.[1481]

Following the outcome of the meeting the Puketapu representatives took legal advice. Their solicitors asked Transport to make it very clear to any successful tenderer of their responsibilities under Section 3A(6A) of the Airport Authorities Act and to inform them of the concerns of the former Puketapu owners.[1482] Transport now pointed out that the land had been obtained from several freehold owners, (both Māori and European) and not from Hapu as suggested' and stated:

[1480] Maurice Williamson, Minister of Transport to George Jenkins, 11 May 1995, Wai 609 Documents [IMG 2139-2140].
[1481] Sale of Paraparaumu Aerodrome, Meeting on 19 May 1995, Rawhiti Higgott Papers [IMG 2601-2603].
[1482] D.M. Howden, Cain & Co to Nigel Mouat, Ministry of Transport, 22 May 1995, Rawhiti Higgott Papers [IMG 2604].

> Regardless of your clients' views, it is a fact that five Iwi have lodged claims with the Waitangi Tribunal regarding the aerodrome land and the Ministry was specifically instructed by the Government to consult with any claimants. We see a clear distinction between the Crown's obligation under the Treaty of Waitangi and the rights of your clients under the Public Works Act, and understand this is accepted by your clients.[1483]

The tender and sale process went ahead as explained below. When the sale was confirmed there were a further round of meetings and unsuccessful attempts by Māori to halt the process.

8.2.3 Sale Process 1995

Crown officials were told to complete the sale of the airport company by 30 June 1995. The two main considerations of the sale process was the need for the aerodrome to continue operating and maximise the returns from the sale.[1484] As both considerations were not mutually exclusive, considering a future buyer might want to sell land to maximise profits, various options including a caveat on the title restricting the use of the land to aerodrome purposes were discussed by officials, but there was concern such an action would restrict government's efforts to maximise price. The government wanted both considerations met, so it was decided to restrict the tender process to those who demonstrated a commitment to keeping the aerodrome in operation 'for the foreseeable future'.[1485]

The valuation of the airport was to be on the basis that it was 'a going concern' and Ernst & Young were contracted to operate the tender process. The 1992 valuation was on a 'discounted cashflow' basis with future income and cost assumptions and cash flow projection to be made over a fifteen year period. As a 'going concern' the Paraparaumu Aerodrome was assessed to be worth $1.6 million, with land value which might be surplus to requirement of $700,000.[1486] Ernst & Young were to evaluate the tenders and make a recommendation to the Secretary of Transport, but in practice government officials and private contractors worked together.[1487]

[1483] N.D. Mouat, Head, Domestic Air Servies to D.M. Howden, Cai & Co, 23 May 1995, MOT 76/20/0 vol 5, NZTA Wellington [IMG 1935-1936].
[1484] 'Report of the Controller and Auditor-General: Inquiry into the Sale of Paraparaumu Aerodrome by the Ministry of Transport September 2005', p. 42.
[1485] ibid, p. 43.
[1486] ibid, p. 44.
[1487] ibid, p. 46.

Initially the interested parties were the Kapiti Coast District Council, Wellington International Airport Limited and the Paraparaumu Airfield Users Group. There was public concern about a development-led tender and Transport was confident that the term 'user' would help determine the tenderers' eligibility.[1488] Later groups that expressed an interest and made tenders were Kapiti Avion Holdings, Kapiti Regional Airport Limited, and Paraparaumu Aerodrome Development Consortium. Wellington International Airport and the district council decided not to tender.[1489] The two final contenders in the tender process were Kapiti Avion Holdings and Kapiti Regional Airport Limited. Kapiti Avion Holdings was a partnership between four local businessmen (M.C. Cole, W.N. Doak, M.B. Mainey and D.L. Hayward) who were aerodrome users who expressed a desire to retain the aerodrome for community benefit. They had initially approached the district council for their involvement but the council had declined. Kapiti Regional Airline Limited included the flying school, an air charter business and the local aero and gliding clubs.[1490]

The main criteria when considering the successful tenderer were their commitment to the continuation of the airport; financial resources; commercial expertise; and intentions in regard to aerodrome development.[1491] An Information Memorandum was prepared and it gave consideration to the surplus land and said tenders for the operational areas and any lesser area would 'without prejudice' be considered.[1492] The government's preference however was to sell the aerodrome area as a single asset.

On 2 May 1995 Kapiti Avion Holdings made a bid of $1.7 million for the aerodrome conditional on a staggered series of payments over 12 months and the 'Ministry giving an indemnity against claims under the Treaty of Waitangi.'[1493] Kapiti Regional Airport Limited had also made a bid of $1.5 million which took into account the aerodrome and the potential for surplus land which: 'Their research into the previous ownership history of the land had indicated that realising some of the potentially surplus land would be a

[1488] ibid, p. 47.
[1489] ibid, p. 49.
[1490] ibid, p. 50.
[1491] ibid, p. 48.
[1492] ibid, p. 49.
[1493] ibid, p. 52.

complex exercise.'[1494] They attached a condition that 'Crown would deliver the surplus land in a form which would enable it to be sold and the increased [tender] price recouped.' On 5 May Kapiti Avion Holdings agreed to withdraw its conditions on the terms of payment and the 'proposed indemnity over Treaty claims' in return for a reduced price of $1,650,000.[1495] The sale and purchase and share transfer agreements were executed on 23 May 1995.[1496]

On 30 May 1995 solicitors acting for Mrs Erskine, Mrs M.U. Parata and Mr T. Love, descendants of the former Māori owners of Ngarara West B5 wrote to the Ministry of Transport seeking assurances that the airport was going to continue to operate, and that their rights were protected if the airport closed. They also asked for confirmation that there had been no other uses of the land which would have triggered the offer back provisions, especially in relation to leases of sites to non-aviation related businesses.[1497] On the question of whether any of the airport land was surplus to requirements officials later advised the Minister:

> *Former Owners' Concerns*
> Representatives of some of the former owners believe there is surplus land which should be given back. They also believe they should have been given the opportunity to tender for the aerodrome.
> Some of the aerodrome land may appear under-utilised, but this does not make it surplus, particularly if a long-term view is taken. It would have been inappropriate for the Ministry to have arbitrarily reduced the landholding prior to the tender process. Prospective purchasers were given the option of tendering for a lessor area but none did so.
> In determining those who could tender, the Government was concerned to see continued operation and targeted groups most likely to keep the aerodrome open.[1498]

On 19 June Te Whanau a Ngarara representatives met with Kapiti Avion Holdings and Mouat from the Ministry of Transport. Mouat's brief notes of the meeting indicate that much of the discussion was about whether any of the airport land was surplus to requirements and not being used for airport purposes. Mouat also noted that he confirmed that the Ministry had not given any 'consideration' to allowing former

[1494] ibid, p. 53.
[1495] ibid, p. 54.
[1496] ibid, p. 56.
[1497] Richard Cathie, Kensington Swan to Secretary for Transport, 30 May 1995, plus annotation, MOT 76/20/0 vol 5, NZTA Wellington [IMG 1923-1924].
[1498] Draft Reply, Question of Oral Answer Due: 27 June 1995, MOT 76/20/0 vol 8, NZTA Wellington [IMG 1846-1848].

owners to bid for the land.[1499] Following the meeting Mouat wrote to confirm the Ministry's position, saying that the sale would not be halted or postponed, and would go ahead on the settlement date of 30 June 1995. The Ministry rejected Te Whanau a Ngarara argument that some of the land was surplus, saying instead: 'We accept that some of the land may appear under-utilised, but this does not make it surplus land'.[1500] In regard to leases of land along Kapiti Road Mouat said that the majority were for aviation purposes, but some non-aviation leases had been granted if no other tenant was interested. He considered that the non-aviation leases and rental of Avion Terrace houses to the public (see below) did 'not affect the continued use of the aerodrome land for a public work'. He summarised the Ministry's position:

> … the Crown is not obliged to consult with former landowners as sufficient protection exists for them under the Public Works Act. That protection remains. We believe that any decisions as to whether or not aerodrome land is surplus (including houses and land for the time-being currently leased) is a matter for the new owners. [1501]

In 2005 George Jenkins, of Te Whanau a Ngarara, gave an account of the meeting to the Auditor-General:

> We immediately asked to be recognised as eligible tenderers, as users of Paraparaumu Aerodrome, since two of our families were tenants of Paraparaumu Airport houses situated in Avion Terrace. We were denied. We intended to make a bid in conjunction with existing airport users because it was *clearly the best option to ensure continued operation of the aerodrome and satisfy the needs of the Crown and the Community*, This is because we were informed that the Ministry was operating the aerodrome at a loss, and that its continued viability rested on the ability of an Airport Authority to develop the business of an airport.
>
> …
>
> I refute any argument that our capacity was insufficient to effectively partake in the tender process. As I refer to below, there was never any intention to investigate that possibility.[1502] [emphasis in original]

[1499] Notes of Meeting 19 June 1995, Lindale, and Te Whanau a Ngarara Opening Statement, 19 June 1995, MOT 76/20/0 vol 6, NZTA Wellington [IMG 1968, 1960-1961].
[1500] N.D. Mouat, Head, Domestic Air Services to Te Whanau a Ngarara, 22 June 1995, Wai 609 Documents [IMG 2145-2146].
[1501] ibid
[1502] George Jenkins, Chairperson, Te Whanau a Ngarara to Office of the Controller and Auditor General, 15 March 2005, POAV 3/9, NZTA Wellington [IMG 2002-2006].

On 29 June 1995 a group of former owners sought a High Court injunction to stop the sale proceeding the following day.[1503] They were unsuccessful in their application. Judge Neazor cited Section 3A(6A) of the Airport Authorities Act and said:

> It is in my view perfectly clear that the plaintiffs' interest in being able to repurchase the land (if they are entitled to do so) is protected by that subsection once the land is transferred, as is proposed to be, to the second defendant [PAL]. If the second defendant tries to dispose of it, or if in the hands of the second defendant events occur which would trigger the entitlement under s40 if the land was still held by the Crown, the plaintiffs' rights would be unchanged. Whatever rights they have today they would have then; whatever rights they have today in respect of the valuation on the basis of which the land would be offered for sale would be (in terms of legal entitlement) the same, as it would continue to enure to the amount of the same statutory terms.[1504]

A small area of land within the airport has remained in Crown ownership. This is the site of the weather reporting station. Weather reporting from the aerodrome commenced in 1943 and between 1947 and 1959 the Meteorological Service ran a weather station which was moved to a new observatory site in August 1987.[1505] In February 1993 an area of 3.0785 hectares was set apart for Meteorological Purposes.[1506] The site was described as being Part Ngarara West B7 Subdivision 2A, 2B and 1. The Map below shows that the weather station itself is situated on the former Ngarara West B7 Subdivision 1 block, and the access way runs through the former Subdivisions 2A and 2B. Today the appellation of the site is Section 1 Wellington Survey Office Plan SO 36625, and it is vested in the Meteorological Service of New Zealand. This site is subject to Section 27B of the State-Owned Enterprises Act 1986, providing for the resumption of land on recommendation of the Waitangi Tribunal.[1507]

[1503] 'Report of the Controller and Auditor-General: Inquiry into the Sale of Paraparaumu Aerodrome by the Ministry of Transport September 2005', p. 35.

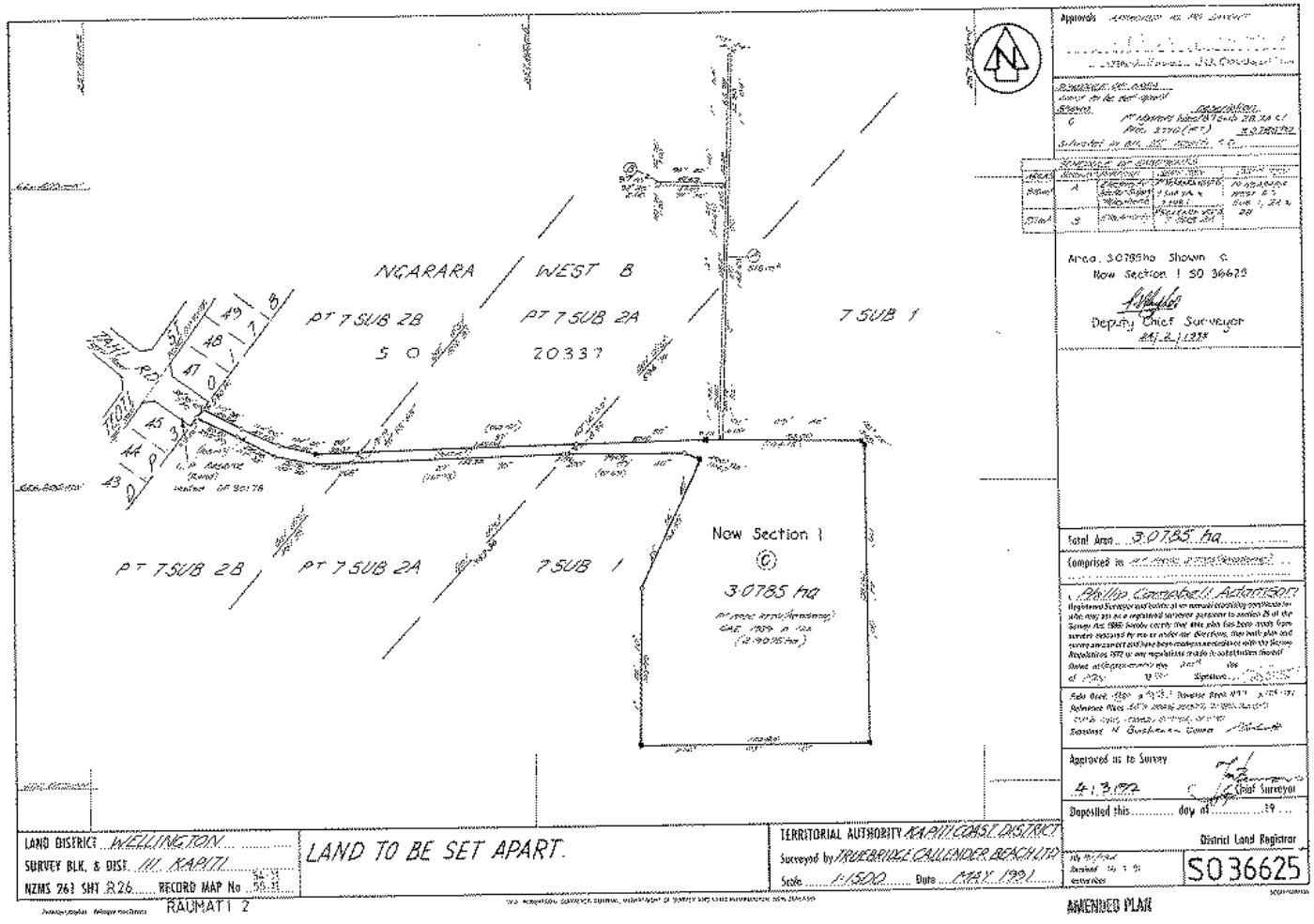
[1504] enure, *Law*, to come into operation, take effect; The Judgment, Jackson & Ors v The Attorney-General, Paraparaumu Airport Limited, Kapiti Avion Holdings Limited and Kapiti District Council, (unreported oral Judgment of Neazor J dated 30 June 1995, Wellington High Court Registry, CP No. 149/95), Rawhiti Higgott Papers [IMG 2628-2636].

[1505] J.S. Falconer, Brief History Paraparaumu, 16 November 1987, ABLO W4117/20 20/2/13 pt 2, ANZ Wellington [IMG 1441-1442].

[1506] NZG, 1993, p. 470.

[1507] QuickMap title information CT WN4C/187.

Map 39: Plan of Meteorological Service Land at Paraparaumu Airport[1508]



[1508] Wellington Survey Office Plan SO 36625.

8.3 Inquiries and Airport Developments 1995-2018

Once the airport passed out of Crown ownership, the actions (or omissions) of the private owners are not within the jurisdiction of the Waitangi Tribunal. However, in the more than twenty year period since the sale, Crown agencies have been repeatedly requested to investigate the way the airport was sold, and/or to take steps to ensure that it either remains operational, or that any land not used for airport purposes is offered back to descendants of the former owners. The focus of this section is on how the assurances given by the Crown to representatives of former owners that their rights would be protected should airport land be surplus to requirements have operated under private airport ownership.

Key events of the previous twenty years are summarised in this section, but events, such as changes in zoning and environment court hearings, are not examined in detail. The 'Local Government Issues Report' by Suzanne Woodley includes details about the various rezoning applications and hearings between 1995 and 2012.[1509] Woodley considers the issues relating to how the changes in zoning have permitted some of the original airport land to be used for residential and non-aviation commercial purposes. She also covers the numerous objections to this process by Te Whanau a Ngarara and other Māori groups.

Many of the claimants along with their legal counsel were personally involved in these events and will be able to provide personal accounts and more details to the Tribunal. Yvonne Mitchell and Rawhiti Higgott kindly allowed us to make use of their personal correspondence records from the period concerned.

8.3.1 Sale of Avion Terrace

In the 1950s an area of land at the south-west corner of the airport was developed into housing for airport staff. A new street, called Avion Terrace was constructed, and eight houses were built. Avion Terrace and the house sites were on land which had formerly been part of Ngarara West B7 Subdivisions 2A and 2B.

[1509] Suzanne Woodley, 'Porirua ki Manawatū Inquiry District: Local Government Issues Report', CFRT, June 2017, pp. 670-704.

In 1984 the Crown was planning to sell the sections. Individual titles were being surveyed and the tenants were to be given the option to purchase.[1510] The houses were owned by the Ministry of Transport and were to be transferred to Lands and Survey for sale.[1511] As part of this process officials prepared a recommendation that it was not necessary to first offer the land back to the former owners, on the grounds that 'the Crown has erected a number of fully serviced dwellings on the land hence it is considered impractical to offer the land back'.[1512] The recommendation and proposed sale were approved, but the majority of the sections were not sold at that time.[1513] Lands and Survey continued to administer leases of the properties.

In 1996, not long after the airport company had been sold by the Crown, Paraparaumu Airport Limited (PAL) sold 11.9 hectares at Avion Terrace to KTS Property Development Limited for $885,000. The Avion Terrace land was not offered back to the original land owners or their successors even though Te Whanau a Te Ngarara was well known to the airport company. The company decided to interpret its obligations regarding Section 40 of the Public Works Act in terms of it not being necessary to offer back the land if it would be 'impractical, unreasonable, or unfair to do so.'[1514] Airport owner Murray Cole was asked about the offer back provisions by a journalism student. Cole when asked about whether the offer back provisions were applied in the case of the Avion Terrace sale said: 'Avion Terrace was not required as an offerback as it was impracticable to do so due to Houses built over boundaries [i.e. couldn't cut the houses up!]'.[1515] When Crown amended the Airport Authorites Act to allow for the sale of the

[1510] D.N. Fisher, Assistant Land Purchase Officer, Ministry of Works & Development to Secretary, Ministry of Transport, 23 February 1984, AAQB 889 W3950/71 23/381/49/0 pt 1, ANZ Wellington [DSCN 5634-5636].
[1511] D.N. Fisher, Assistant Land Purchase Officer, Ministry of Works & Development to Secretary, Ministry of Transport, 20 March 1984, AAQB 889 W3950/71 23/381/49/0 pt 1, ANZ Wellington [DSCN 5630-5632].
[1512] D.N. Fisher, Assistant Land Purchase Officer, Ministry of Works & Development to Secretary, Ministry of Transport, 23 February 1984, AAQB 889 W3950/71 23/381/49/0 pt 1, ANZ Wellington [DSCN 5634-5636].
[1513] One section, on Wharemauku Road, was declared Crown land before the passage of the Public Works Act 1981, and subsequently sold, I.F. Marlow, Advisor Airport Administration to R.A. Jolly, Department of Land and Survey Information, 27 November 1995, MOT 76/20/0 vol 8, NZTA Wellington [IMG 1855-1865].
[1514] 'Report of Transport and Industrial Relations Committee, Hon Mark Gosche, Chairperson, May 2004' on Petition 1999/231 of Ross Sutherland and 584 others, p. 50.
[1515] Cole, Murray email, August 2003; in, A. Morison, N. Churchouse, S. Wikaira, 'The Seizure of Paraparaumu Airport Wai 609', 29 August 2003, Massey Journalism School, ABGX 16127/238 1999/231 pt 3, ANZ Wellington [IMG 1547].

airport, it had not provided for any oversight of how the new owners interpreted their obligations under the Public Works Act. Further evidence regarding the sale of Avion Terrace can be found below in the discussion of the 2004 Select Committee investigation.

The Avion Terrace houses were removed by the development company which subdivided the land into smaller sections. The airport financial accounts for the year ended 31 March 2001 showed a sale profit of $850,000.00 being realised in the year ended 31 March 2000 as well as a realisation of an earlier revaluation of that asset of $35,500 with a total profit of $885,500. At this time Avion Terrace was the only land that had been sold by the company.[1516]

In April 1999 Jim Stewart, George Jenkins with other Te Whanau a Ngarara occupied the disputed land at Avion Terrace.[1517] They were charged by Police but on 30 June 2000 the charges were withdrawn.[1518]

8.3.2 Ministry of Transport Objection to Removing the Open Space Zoning 2000-2001

As noted above, more information can be found in the report on 'Local Government Issues' about the various applications by the airport owners to change the zoning of the airport land to allow for commercial and other developments. The airport had been zoned as 'open space', and the company applied to have that changed. Te Whanau a Ngarara and other Māori objected to the zoning changes on the grounds that they could interfere with the offer back rights of the former owners if any land was no longer required for airport purposes.[1519]

The Crown too recognised that the actions of the Paraparaumu Airport Limited (PAL) might breach its responsibilities under the Airport Authorities Act. However, as the quote below recognised, the Crown had failed to provide a mechanism to ensure that airport owners complied with those responsibilities. As part of a review of the Public

[1516] 'Report of Transport and Industrial Relations Committee, Hon Mark Gosche, Chairperson, May 2004' on Petition 1999/231 of Ross Sutherland and 584 others, p. 42.
[1517] Photograph, *Evening Post* and *Dominion Post*, 19 April 1999, Ross Giblin, Ref No EP/1999/1096; in 'The Dominion Post Collection, Alexander Turnbull Library'.
[1518] *New Zealand Herald*, 30 June 2000.
[1519] For example, Submission in Respect of the Proposed Private Plan Change Paraparaumu Airport (Paraparaumu Airport Ltd) from Te Whanau a Ngarara Inc, [no date – 2000], JPAR 02/1, NZTA Wellington [IMG 2025-2028].

Works Act, the Minister for Land Information, Trevor Mallard, wrote to the Minister of Transport, Mark Goshe, that the previous government (which had implemented the sale) had become concerned about the outcome of the Paraparaumu sale:

> I am advised that Land Information New Zealand's interest in this Bill arose after Ministers in the previous government became concerned over the disposal of surplus Public Works Act land by Paraparaumu Airport Company. The former owners, Te Whanau A Te Ngarara, complained that they were not offered back the land and questioned the airport company's compliance with, and the enforcement of, the offer back provisions in the Airport Authorities Act 1922. Ministers were particularly concerned because of the associated potential for allegations of a contemporary Treaty breach and directed officials to address the problem of airport company compliance with their statutory offer-back obligations.[1520]

However, the problem was that the legislative framework set up when the airport was disposed of had shortcomings:

> Although these provisions were similar to those built into the State Owned Enterprises Act of 1986, the Crown Research Institutes Act of 1992, and some other legislation providing for the transfer of public works out of central Crown control, they are different in one key respect. Unlike the above mentioned entities that need to come to LINZ for exercise of the statutory decision relating to offer back, the airport companies (like local authorities) are themselves responsible for executing the offer back requirements.
> Furthermore, the 1986 and 1992 amendments to the Airport Authorities Act give no guidance to airport companies as to when they must consider airport land surplus and execute the offer back. Clearly, the Public Works Act 1981 could not have foreseen the privatisation forces of the mid-1980s.[1521]

Paraparaumu Airport Ltd (PAL) applied to the Kapiti District Council to rezone the airport to allow recreation, residential and industrial and service activities. Such was the concern at the Ministry of Transport that it decided to lodge its own submission against the zone change. The submission was made on the grounds that the proposed residential, business and industrial areas clearly were 'not being developed for airport purposes' and that PAL had therefore failed to meet its statutory obligations to undertake an offer back process for those areas.[1522]

[1520] Trevor Mallard, Acting Minister of Land Information to Mark Goshe, Minister of Transport, 12 June 2000, JPAR 02/1, NZTA Wellington [IMG 2029-2030].
[1521] ibid
[1522] Alistair Bisley, Secretary for Transport to Kapiti District Council, 6 November 2000, JPAR 02/1, NZTA Wellington [IMG 2017-2018].

In 1991 the Kapiti Coast District Council appointed commissioners to hear changes to the district plan. Commissioners P.T. Cavanagh (QC) and S. Kinnear held hearings at Paraparaumu between 6 and 10 August and 24 and 25 October 2001. Murray Cole, from PAL, told the commission he was unable to identify who were the descendants of the original Māori owners.[1523] Te Whanau a Te Ngarara, Kapakapanui Te Ati Awa ki Whakarongotai and Ngati Komako Hapu presented the commission with evidence. Te Whanau a Te Ngarara asked the commission to rule about the relevance of their claim in terms of Section 40 of the Public Works Act, while Te Ati Awa ki Whakarongotai opposed the proposed district plan in its entirety.[1524] Ngati Komako expressed concerns about Section 40 of the Act and the airport's ability to offer back surplus land. On 8 August 2001 Rodney Moffat speaking for the MacLean family told the Kapiti Coast District Council that rezoning should be postponed until the former owners' rights were clarified 'because, we were under the impression, that the land had to be offered back, if not used as an airport. In the case of Avion Terrace, this was not so.'[1525]

In discussing the preliminary issues the commissioners said a number of submissions questioned whether the hearing could proceed because it concerned a change of plan which changed the 'core' business of the airport and made land available as surplus in terms of Section 40. They argued this change of purpose meant it should be offered back to the original owners or their successors.[1526] The commissioners considered the issue 'not relevant' because the plan changes were about 'zoning issues' and 'not land ownership'. This meant the issue to be addressed by the commission was 'therefore whether the proposed zoning change would be consistent with the purposes and principles of the [Resource Management] Act.' They also said zoning of land was 'permissive (s9 RMA)' and does not require identification of owners and that the Kapiti Coast District Council did not have the authority to investigate questions of land

[1523] Proposed Change 18 Kapiti Coast District Plan Request by Paraparaumu Airport Ltd to introduce airport, industrial service and residential zones, 20 December 2001, ABGX 16127/238 1999/231 pt 3, ANZ Wellington [IMG 1496].
[1524] P.T. Cavanagh (QC), S. Kinnear, Commissioners Hearing Paraparaumu, 6-10 August and 24-25 October 2001, ABGX 16127/238 1999/231 pt 3, ANZ Wellington [IMG 1509].
[1525] R. Moffat, Otaki Gorge to Kapiti Coast District Council, 8 August 2001, ABGX 16127/238 1999/231 pt 2, ANZ Wellington [IMG 1469-1471].
[1526] Proposed Change 18 Kapiti Coast District Plan Request by Paraparaumu Airport Ltd to introduce airport, industrial service and residential zones, 20 December 2001, ABGX 16127/238 1999/231, ANZ Wellington [IMG 1492].

ownership.[1527] The commissioners found in favour of the application and the Kapiti District Council resolved to change the district plan.[1528]

8.3.3 Transport and Industrial Relations Select Committee Report

In 1999 Ross Sutherland and 584 others petitioned Parliament to legislate to safeguard the long term viability of Paraparaumu Airport as a fully operational facility. They asked for no airport land to be sold, including being offered back to former owners, only with the consent of the regional council. They also requested that the promises made by the current airport owner made to the Crown be honoured in full.[1529]

In 2003 the Transport and Industrial Relations Select Committee held an inquiry into the petition by Ross Sutherland and others about the sale of Paraparaumu Airport. The petition raised concerns from different groups about the ongoing operation of the airport including the issue of Māori rights:

> The [airport] owners are flouting the law by ignoring the owners' (mainly Maori) rights. The entitlements of the original owners are a good deal clearer in this situation under the provisions of the Public Works Act than for lands currently the subject of Waitangi Tribunal Claims.[1530]

The Select Committee report covered many aspects relating to consultation, the tender and sale process, and the subsequent actions of the airport company. Among the evidence presented to the committee were submissions about the way that the company had disposed of the Avion Terrace land.

PAL argued before the Select Committee that it had complied with its legal requirements regarding the sale of Avion Terrace:

> Investigation was completed by Impact Legal, and confirmed that an offer back was impracticable (under the terms set out in the exception to the offer back provisions contained in section 40 of the PWA). The committee's attention is also drawn to the change in use by the Crown in the 1960s, such that the land has been occupied by a Residential Housing Estate since that date.
> The Housing Estate was built over the original land boundaries and offer back in 1998 was impracticable without destroying some house properties.[1531]

[1527] ibid
[1528] Decision on plan change 18 Paraparaumu Airport, 20 December 2001, ABGX 16127/238 1999/231 pt 3, ANZ Wellington [IMG 1488].
[1529] 'Report of Transport and Industrial Relations Committee, Hon Mark Gosche, Chairperson, May 2004' on Petition 1999/231 of Ross Sutherland and 584 others, p. 69.
[1530] ibid, p. 45.
[1531] Paraparaumu Airport Ltd to the Transport and Industrial Relations Select Committee, 7 April 2004, ABGX 16127/239 1999/231 pt 6, ANZ Wellington [IMG 1670-1674].

As well as Avion Terrace, Lots 12, 13 and 14 at Kaka Road, which were formerly European land, were also subsequently sold but in these sales PAL complied with the 'offer back' requirements under Section 40 of the Act.[1532]

On 24 July 2003, solicitor G.D. Pearson made a written submission on behalf of R. Moffat that there had been no offer back to the former owners:

> Mr Cole stated that all four parcels of land that had been sold have all been offered back in full compliance with the law. This claim is untrue. Enquiries with Te Whanau A Te Ngarara Inc and the descendants of the MacLean family (refer Moffat papers) reveal no offer back has been made. Furthermore, the Leprosy Foundation is taking action due to a failure to comply with the requirement to offer back lawfully.[1533]

Pearson was referring to the 2003 case of Pacific Leprosy Foundation versus Attorney General and Paraparaumu Airport Limited.[1534] The foundation said it was the successor for 4.8386 hectares of land acquired by the Crown in 1954 from J.A. Simpson for the aerodrome and which PAL decided in 1999 it no longer required. The foundation argued that as at 1 February 1982 the Crown was under an obligation to offer to sell the land to the foundation under Section 40 but it did not. Although PAL had offered the land to the foundation under Section 40, the offer was not accepted and the foundation then registered a caveat against the land. The foundation went ahead with the court action to acquire the land at its 1982 valuation when, it argued, the Crown offer back should have made.[1535]

Further evidence that the Avion Terrace properties had not been offered back was supplied by Matthew Love-Parata, Chairperson of Te Whanau a Te Ngarara Incorporated. Love-Parata referred to their unsuccessful attempt to halt the sale in the High Court, and Justice Neazor's comments that their rights under the Public Works Act would be protected. However, Te Whanau a Te Ngarara 'have been unable to stop the current owner from selling land and buildings (Avion Terrace). The current owner

[1532] Report of Transport and Industrial Relations Committee, Hon Mark Gosche, Chairperson, May 2004' on Petition 1999/231 of Ross Sutherland and 584 others, p. 64; see also p. 49.
[1533] G.D. Pearson, Counsel for Petitioners, Submission for the Petitioner, 29 July 2003, ABGX 16127/239 1999/231 pt 2, ANZ Wellington [IMG 1461-1465].
[1534] Wellington Registry, CP 170/02.
[1535] 'Report of Transport and Industrial Relations Committee, Hon Mark Gosche, Chairperson, May 2004' on Petition 1999/231 of Ross Sutherland and 584 others, p. 49. Research has not revealed the outcome of this case. According to Leo Watson, the Crown reached a confidential settlement with the Leprosy Foundation, personal communication, 8 March 2018.

has not offered surplus (with or without buildings) back to our group or as required under the offer back provisions of the Public Works Act.'[1536] Love-Parata said that the whanau supported the continued operation of the airport facility, but that there were 'large tracts of land not required for the running of an aerodrome', which should be offered back to the former owners. He also made a comment which expressed the concern of both the Pakeha and Māori groups associated with the petition: 'The airport was sold as an on-going concern with the intent to continue as an airport. It was not sold as a property developers opportunity'.[1537]

In December 2003 G.L. Jenkins provided an affidavit on behalf of Te Whanau a Te Ngarara and the descendants of R.G. MacLean to the Select Committee. Jenkins said: 'no part of that land formerly known as Avion Terrace was offered back to any person, either represented Te Whanau a Ngarara Incorporated in this matter or not, and I refute any claim by the airport authority having the effect that any of this land was offered back.'[1538] Similarly, Rodney Moffat, a descendant of R.G. MacLean, the Pakeha farmer and owner of Ngarara West B 72A made a statement that they first became aware of the sale of Avion Terrace after the event through a friend, and had received no prior notification from PAL.[1539]

In May 2004 the Transport and Industrial Relations Select Committee inquiry reported on the Ross petition. The Select Committee recommended that the government hold an inquiry into the sale process to investigate 'whether any land found to be surplus to requirements, and had been compulsorily acquired in the 1930s to form the airport, had been offered back to the previous owners.' The Select Committee said: 'We believe that, following recent restructuring, the ministry's focus by this time was limited to policy issues and that it did not fully consider strategic issues relating to the sale of Paraparaumu Airport.' The Select Committee found the airport had been sold under value, Crown processes were flawed, and that the interests of Te Whanau a Ngarara were not adequately protected. The committee noted that the assumption that Māori

[1536] M. Parata-Love, Chairman, Te Whanau A Te Ngarara Inc to R. Taylor, Friends of the Airport, 30 April 2003, ABGX 16127/238 1999/231 pt 2, ANZ Wellington [IMG 1467].
[1537] ibid
[1538] Affidavit, G.L. Jenkins, Waikanae, signed in presence of, E. Cameron, Solicitor, Waikanae, 10 December 2003, ABGX 16127/238 1999/231 pt 3, ANZ Wellington [IMG 1484-1487].
[1539] Rodney Hugh Moffat to Whom it May Concern, no date [2003], ABGX 16127/238 1999/231 pt 3, ANZ Wellington [IMG 1486].

interests would be protected through Sections 40 and 41 of the Public Works Act was 'unfounded'.[1540] In respect to Te Whanau a Ngarara interests in Avion Terrace it found:

> To date there have only been small parcels of land disposed of by PAL since it acquired the airport. The land known as Avion Terrace was sold shortly after acquisition and PAL did not make an offer-back to the original land owners or their successors.[1541]

8.3.4 Report of the Auditor General 2004

Following the recommendation of the Select Committee, on 19 October 2004 the Minister of Transport asked the Controller and Auditor General, K.B. Brady, to undertake an inquiry. The Inquiry into the sale of Paraparaumu Aerodrome by the Ministry of Transport under Sections 16 and 18 of the Public Audit Act 2001 produced the 'Report of the Controller and Auditor-General: Inquiry into the Sale of Paraparaumu Aerodrome by the Ministry of Transport'. The Auditor Generals inquiry focused on two issues:

> -consultation with Māori and formers owners of the airport land; and
>
> -the sale of the aerodrome by a restricted tender process. [1542]

Although the Auditor General said that Transport was correct to seek the advice of other departments about obligations under the Public Works Act and the Treaty of Waitangi it should have contacted the former owners:

> Former Māori owners and the hapū were, it appears, effectively the same group. Contacting the former owners (including non-Māori owners) would have provided additional assurance that all those with an interest in the sale had been identified and, where appropriate, informed of their rights under section 3A(6A). In this case, the Ministry needed to consider the implications of both the Public Works Act and the Treaty. It acted correctly by seeking advice from other departments. But it did have an opportunity to identify the full range of affected interests, by seeking more information about former owners of the land as well as claimants. Section 3A(6A) of the Airport Authorities Act protected the rights of former owners. It would have been desirable, at the least, to have informed them of the proposed sale and of the protection of their Public Works Act rights by section 3A(6A).[1543]

[1540] 'Report of Transport and Industrial Relations Committee, Hon Mark Gosche, Chairperson, May 2004' on Petition 1999/231 of Ross Sutherland and 584 others, p. 11.
[1541] ibid, p. 64.
[1542] K.B. Brady, Controller and Auditor General, 'Report of the Controller and Auditor-General: Inquiry into the Sale of Paraparaumu Aerodrome by the Ministry of Transport September 2005'.
[1543] 'Report of the Controller and Auditor-General: Inquiry into the Sale of Paraparaumu Aerodrome by the Ministry of Transport September 2005', p. 67.

The Auditor General also pointed out some 'lessons' learned from the investigation, including a need for any department to be clear on how the Crown's Treaty partnership affects its work. When selling or transferring Crown-owned land he said it is important to consider the implications of both the Public Works Act and the Treaty. He said:

> The events leading up to the sale provide a useful case study of what depth of consultation can be required in terms of the Treaty, the need to consider the full range of Māori interests that may be affected, and the need to keep an open mind on how those interests might best be addressed.[1544]

The Auditor General said Transport believed it had consulted adequately with Māori about the sale but a condition of the Māori claimant groups agreeing to the sale of the aerodrome land had '2 important riders':

> Māori were keen to see the aerodrome continue in operation as an aerodrome, as a public good asset. Their approach to the sale would have been quite different were the aerodrome likely to close. There were also indications that Māori interests would be interested in being involved in the running of the aerodrome, as an alternative to closure.
>
> There was ongoing concern about 'surplus' aerodrome land, and a clear indication that Māori would expect surplus land to be returned to former owners.[1545]

While the Auditor General's report was critical of several aspects of the Māori consultation process, its overall findings were that: 'The Ministry's approach was consistent with the legislation applicable at the time', and that the 'approach of contacting Tribunal claimants was acceptable at the time'.[1546] These conclusions were based on legislative and policy guidelines, rather than examining the issues in terms of the Treaty of Waitangi relationship.

8.3.5 Airport Developments

In 2006 the airport was sold again at a considerable profit to Paraparaumu Airport Holdings Ltd (PAL). The price was reported to have been 'well under $40 million'. The company was owned by businessman Noel Robinson who proposed a thirty year development plan, which included an airport upgrade, new terminal, along with a commercial business park. The proposed commercial developments raise the question as to whether some of the airport land was surplus to requirements, and thus should

[1544] ibid, p. 12.
[1545] ibid, p. 62.
[1546] ibid, pp. 7-8.

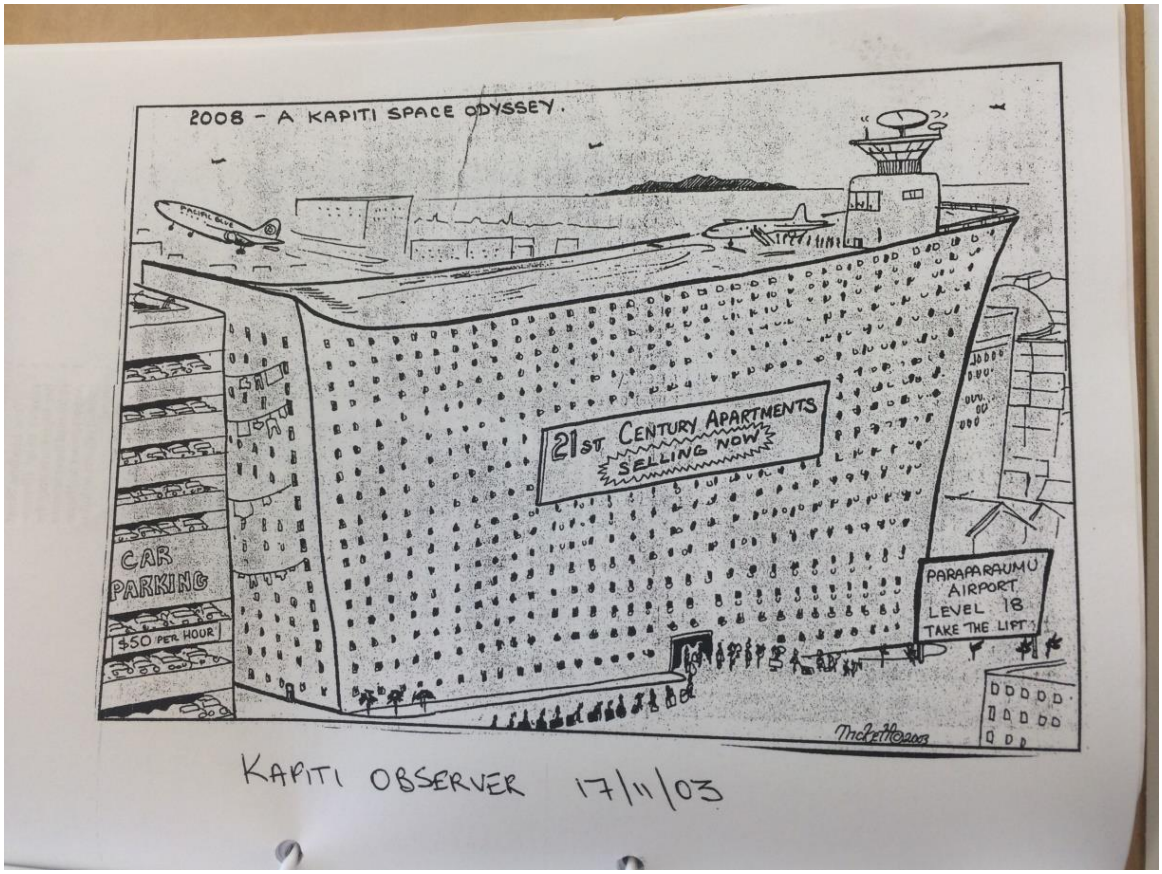
have been offered back to the representatives of the former owners. PAL and subsequent owners have argued that commercial developments were necessary in order to maintain the economic viability of the airport.

The development plan was subject to Environment Court hearings in 2008 and 2009. In 2008 the Kapiti Coast District Council approved the redevelopment application to change the district plan to allow commercial development. That decision was appealed by the Paraparaumu Airport Coalition, but the coalition lost this case and the redevelopment was approved.[1547] Again the court considered that it did not have the statutory jurisdiction to satisfy the Māori owners concerns about Section 40 of the Public Works Act.[1548]

The following satirical cartoon from the *Kapiti Observer* expresses local concerns that the development plans for the airport were more concerned with commercial developments rather than operating as an airport.[1549]

[1547] Paraparaumu Airport Coalition Incorporated v Kapiti Coast District Council W077/2008 NZENvC 320 (5 November 2008).
[1548] See, Cammack v Kapiti Coast District Council W069/2009 [2009] NZEnvC 222 (2 September 2009); Cammack v Kapiti Coast District Council W82/2009 [2009] NZENvC 282 916 October 2009; Paraparaumu Airport Coalition Incorporated v Kapiti Coast District Council W077/2008 NZENvC 320 (5 November 2008).
[1549] *Kapiti Observer*, 17 November 2003, ABGX 16127/238 1999/231 pt 3, ANZ Wellington [IMG 1555].

Figure 1: 2003 Cartoon about Airport Redevelopment[1550]



Te Whanau a Ngarara and other Māori groups continued to oppose development proposals on the grounds that any land not required for airport purposes should be offered back to the owners. The Mayor of the Kapiti Coast District Council and the local Member of Parliament became involved in mediating negotiations between representatives of the former owners and PAL.[1551] In April 2009 Member of Parliament, Darren Hughes, put together a settlement offer to take to the Crown. However, in 2010 the Attorney General advised that the Crown would not engage in negotiations.[1552]

In 2012 a private agreement was reached between Te Whanau a Ngarara and Paraparaumu Airport Ltd. A condition of the agreement was that the amount paid remains confidential. The agreement itself does not prevent claims regarding the sale

[1550] ibid
[1551] This section is largely based on papers held by Yvonne Mitchell and her lawyer, and personal communication from Leo Watson.
[1552] Leo Watson, Personal Communication, 8 March 2018.

of the airport by the Crown being pursued through the Waitangi Tribunal. During the course of negotiating this agreement, a further limitation on the rights of descendants of the former owners was revealed, which has in turn led to further grievances. The Public Works Act refers to the 'successor' of former owners, which has a particular legal interpretation. Section 40(5) says that for the purposes of an offer-back of land no longer required a successor 'means the person who would have been entitled to the land under the will or intestacy of that person'.[1553] Furthermore, the LINZ 'Standard for disposal of land held for a public work' says:

> 9.1 If there are no exemptions to the requirement to offer back, the vendor agency must make reasonable efforts to identify and locate the former owners or their successor, and make the offer back to the that person.
> …
> 9.3 If the former owner has died, the vendor agency must provide LINZ with:
> (a) verification of the death of the former owner and the identity of their successor, which may include a will, grant of probate, birth and death certificates or other evidence,
> (b) an interpretation of the will of the former owner, prepared by a lawyer, taking into account the definition of successor in s 40(5) of the PWA, or
> (c) if the former owner died intestate, and interpretation of the provisions of the Administration Act that applied at the date of the death of the former owner, taking into account the definition of successor in s40(5) of the PWA.[1554]

Rather than the tikanga Māori viewpoint of descendants through whakapapa, the Crown interpretation of 'successors' is limited to actual individuals named in the will of the former owner and further limited to only one generation. Legal counsel will be better able to provide the Tribunal with the relevant legislative and case law on this issue.

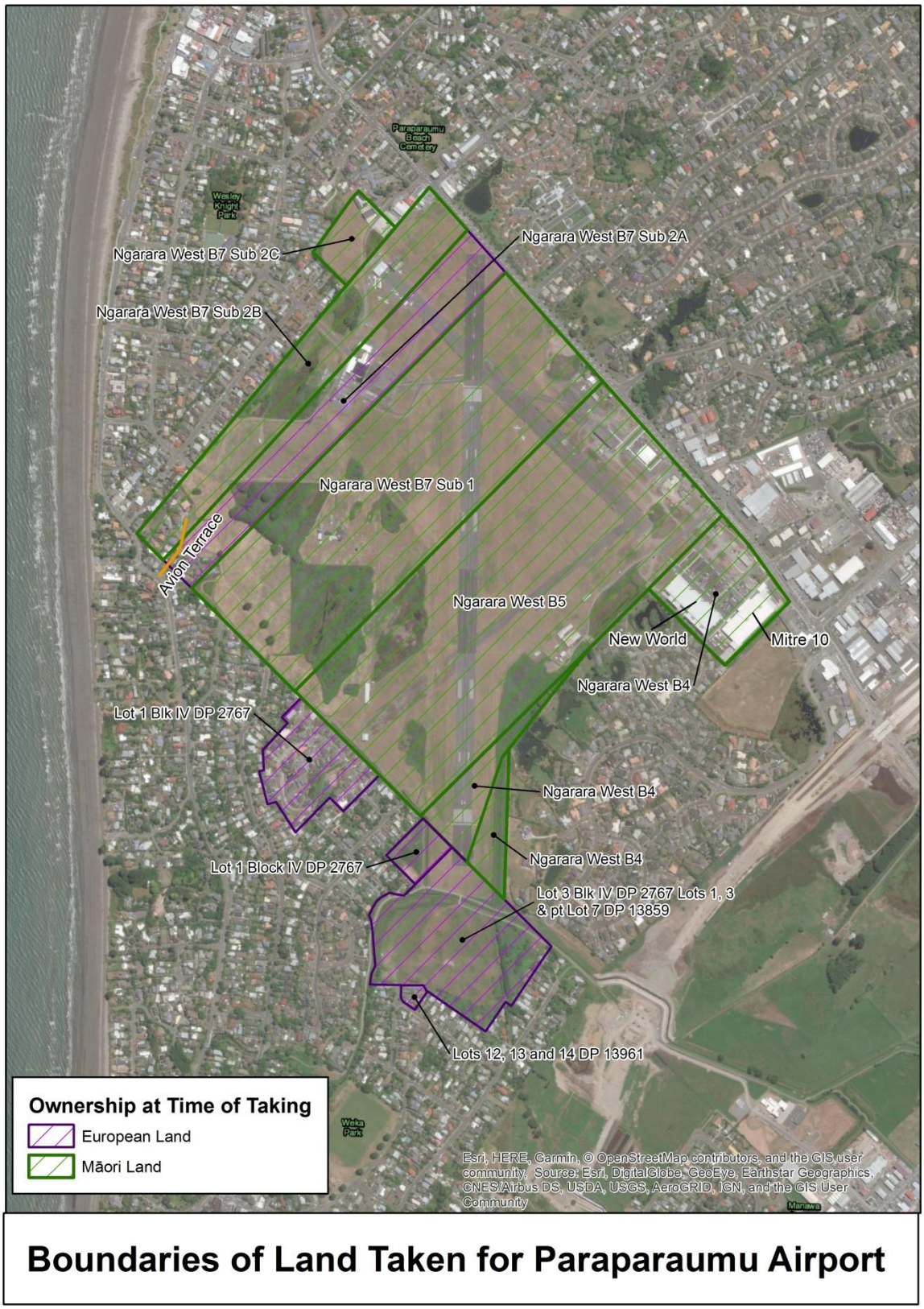
The result was that most of those who were grand-children of the former owners were not entitled to participate in the settlement agreement. Some grand-children were entitled, because their parent had pre-deceased the former owner, and thus they themselves were technical 'successors'. Regardless of the rights or wrongs of the interpretation of 'successors', it should be remembered that prior to the sale in 1995 Crown officials gave assurances that 'the position of the former owners and their descendants will be unaffected' [emphasis added]. [1555] We have not viewed any official

[1553] Section 40(5), Public Works Act 1981.
[1554] Land Information New Zealand, 'Standard for disposal of land held for a public work' LINZS15000, 13 November 2009, https://www.linz.govt.nz/regulatory/15000.
[1555] Secretary for Transport to Mrs Lake, 17 May 1993, MOT 76/20/0 vol 3, NZTA Wellington [IMG 1831].

correspondence with Māori which made it clear that only legal ‘successors’ would be entitled to a first offer on surplus land, even though some correspondence used the term ‘successor’.

Since 2012 commercial properties have been constructed on the eastern edge of the airport land. They include a supermarket and large hardware chain store (with an 18 year lease), along with a large carpark. These businesses are sited on the 15 acre area of land originally acquired from Ngarara West B4 in 1943. The Map below shows the boundaries of the land originally taken overlaid on a recent aerial photograph.

Map 40: Boundaries of Land Taken for Paraparaumu Airport[1556]



[1556] Map drawn by Clinton McMillan, Crown Forestry Rental Trust, boundaries taken from Wellington Survey Office Plans SO 20216, SO 20377, SO 21075, DP 13961, SO 21870, SO 23196, SO 23216.

In 2012 ownership of the airport changed again, with the Todd Property Group forming Kapiti Coast Airport Holdings. In November 2017 further development of the airport site was approved by the Kapiti Coast District Council when the council changed restrictions on the district plan.[1557] Kapiti Coast Airport Holdings continues to plan for an extensive business park development called Kapiti Landing. It is clear from their website advertisement that many non-airport related activities are planned on a large area of the airport land:

> New Zealand's most extraordinary business park:
> $5 million airport upgrade, 125 hectares of land, 300,000m^2 of developable area, 25 hectares of landscaped parks ….
> Whether your business requires 300m^2 or 30,000m^2, Kapiti Landing can provide purpose built that exactly fit your commercial requirements ….
> Kapiti Landing will have a range of amenities suited to its purpose. It is the intention to include restaurants and cafes, paths for walking and cycling; outdoor artworks and more than 4,000 car parks ….
> The perimeter of the airport and business park is softened and beautified with a 15 hectare buffer zone of walking paths, mountain bike tracks, art and sculptures, parks and distinctive landscape features.[1558]

The description is accompanied by the following illustration:

Figure 2: 'Paraparaumu Landing' Artist's Impression[1559]

The most recent development as to the viability of Kapiti Coast Airport was the announcement by Air New Zealand in early 2018 that it would no longer be operating

[1557] Virginia Fallon and Joel Maxwell, Stuff, 3 November 2017, https://www.stuff.co.nz/business/property/98512674/chocks-away-major-development-on-cards-at-kpiti-airport-as-planning-restrictions-lifted
[1558] http://www.kapiticoastairport.co.nz/Kapiti-Landing-Business-Park.html
[1559] ibid

commercial passenger flights at Paraparaumu. At the time of writing talks were underway with Chatham Air about whether it could provide a passenger service.

8.4 Summary of Issues

A total of 259 acres of Māori land was taken for Paraparaumu Airport, along with 72 acres of European land.

The origin of Paraparaumu Airport lay in plans to create an emergency landing ground as a backup for both Wellington and Palmerston North airports. However, during planning it was also envisaged that it could later develop into a fully operational aerodrome. Both the notice of intention and the proclamation taking the land in 1939 stated it was for the purposes of 'an aerodrome', without any mention of emergency landing ground. All the subsequent additional takings were also for the purposes of 'an aerodrome', with the exception of 15 acres taken from Ngarara West B4 in 1943 for 'defence' purposes.

In the case of emergency landing grounds (which were essentially levelled into landing strips and then grazed) on Pakeha land it was general practice to lease rather than acquire the freehold of the land. In the case of Paraparaumu three out of the four blocks affected were owned by Māori. This led officials to decide that it was necessary to take the land under the Public Works Act. After receiving the notice of intention to take the land, the trustee for one group of owners objected strongly to her children being dispossessed, and raised the possibility of a lease rather than sale. However, this option was rejected.

Notices of intention to take the land were served on the owners, with the exception of the one owner whose affairs were administered by the Native Trustee. Without examining any Māori Trustee records, no comment can be made about whether or not she, or her whanau, were informed the land was being taken. For two out of three of the blocks the amount of compensation was negotiated by legal representatives with the Public Works Department, before being confirmed by the Native Land Court. The Māori owners of Ngarara West B7 Subdivision 2B received a similar amount for their land as the Pakeha owner of Subdivision 2A, which was the same size. In the third case, a prior agreement could not be reached and the court heard evidence from valuers for

both parties. The court awarded an amount in between the values claimed by the owners and Public Works. Compensation was paid by the Crown to the Māori Land Board or Māori Trustee to be held on behalf of the owners. The board/trustee then had the paternalistic role of deciding when and how the compensation was made available to the owners.

In the case of approximately 7 acres taken from Ngarara West B4 in 1940 the notice of intention was not served on the owners. The Native Land Court had appointed successors to the deceased owner however the successors had not been registered on the land transfer system certificate of title. It was the practice of the Public Works Department at that time to only serve notices on registered owners. Although this was partly a wartime exigency, it was prejudiced against the Native Land Court title system. In this case the department had also managed to locate and contact the successors when the land was being taken in 1938/39, and should have been able to at least send them a notice. Questions remain as to whether the owner knew that the land had been taken at all. They were not represented at the compensation hearing, although they had used legal representation in 1939. Futhermore no valuation was submitted on their behalf. This led to the Judge awarding compensation in accordance with the Crown's valuation evidence, even though he expressed some scepticism.

Further land was taken from Ngarara West B4 in 1943. Again, there is no record on file that the owners were contacted either before or after the land was taken. Extended negotiations took place with the leaseholders regarding compensation for the effect on their farming operation, along with the provision of mitigation measures. Although Public Works did make the necessary application to the Native Land Court for a compensation hearing soon after the taking, the matter seems to have then been completely overlooked. It was not until compensation was being awarded for a subsequent taking that officials realised they had failed to pay for the 1943 acquisition. Compensation was eventually awarded in 1952, nearly nine years after the taking. When further land was taken from the block in 1949 the owners were served with notices of intention and signed consents.

The final acquisition of Māori land was from Ngarara West B7 Subdivision 2C. In recent times this transaction has been characterised as a willing sale by the owner. This

is based on the fact that the owners offered the land to the Crown and signed agreements to sell. However it must be remembered that the reason Ropata offered the land was because it was known that the airport was interested in expanding, and that was preventing Ropata from making other arrangements for his entire block. He made the offer to sell to seek finality, so he could get on with subdivision plans. He similarly signed the consent to sell, on advice from officials, in order to speed up the compensation process, because he needed payment to meet a rates bill. In the 1990s, when Lands and Survey produced Section 40 reports regarding whether or not land had to be offered first to the owners if it was declared surplus, in the case of Ngarara West B7 Subdivision 2C, it reported that because the owner was a willing seller, there was no requirement to offer back the land to the former owner or successor.

Crown policy regarding the privatisation of state assets led to the decision to sell Paraparaumu Airport, which struggled to generate sufficient revenue. However, political considerations also meant the Crown preferred to ensure that the airport continued to operate as a local facility. This created a difficulty because under Section 40 of the Public Works Act if land acquired for a public purpose was no longer required, the Crown had to first offer to sell it back to the former owners. The Crown choosing to sell the airport would mean it was no longer required for public purposes, but officials feared the requirement to offer the land to the owners would be incompatible with the joint goal of keeping the airport operating.

This assumption led to the passage of legislation which permitted the Crown to transfer ownership to an airport company, without first offering the land to the former owners. However, this assumption was based on the view that Māori ownership would close the airport, and it denied former owners the opportunity of forming a joint venture to finance purchasing the airport and the development of surplus land. An early approach by a Māori trust which proposed a lease-back to the Crown was rejected, and we have seen no evidence that similar options were explored.

Parts of the airport land had long been used for non-aviation related purposes. Commercial properties were leased along Kapiti Road, houses were built on Avion Terrace (initially for airport staff, but later leased privately), and parts of the outer area were grazed or used by groups such as a pony club. When the Crown offered the airport

for sale by tender, it chose not to first exclude those areas which were not being used for airport purposes and declare them surplus. Instead it was argued that tenderers could choose to tender for only part of the land, or that it would be better for the new owner to decide what areas it required for airport operations. This decision again denied the former owners (many of whom supported keeping the airport open) the opportunity to purchase and develop the residential and/or commercial land. For example, some descendants of former owners were renting houses on Avion Terrace. If that land had been declared surplus, there may have been the opportunity for it to have been used by the whanau and hapū of the land as a papakainga area.

Once the Crown had passed the amendment to the Airport Authorities Act which was supposed to preserve the Section 40 rights of former owners after the airport was sold, the Crown saw its duty under the Treaty of Waitangi as solely relating to those groups who had Waitangi Tribunal claims over an area including the airport. It did not consider its Treaty responsibilities to the descendants of former owners. This led to a somewhat misguided focus on dealing with groups with broad claims over the area and a long period spent getting groups without direct links to the airport site to sign off on its disposal. The claimant group with the most direct link to former owners, Te Ati Awa ki Whakarongotai repeatedly told the Crown that it should be dealing with the descendants of the former owners. Officials kept in touch with the family of one woman who had expressed her interest as the daughter of a former owner, but not the other. As NZTA had instructed Lands and Survey not to identify the former owners and their successors, NZTA seems to have failed to realise that more than one family was involved. It took no steps to check whether those they were in contact with represented all of the original blocks, which explains why officials were surprised when Te Whanau a Ngarara and other descendants of former owners objected to the sale at the last minute.

Whenever the issue was raised of the rights of the former owners, officials repeatedly gave explicit assurances that their rights would be protected under private ownership by Section 3A 6(A) of the Airport Authorities Act. However, subsequent events have demonstrated that the Crown failed to provide sufficient legal protection of the rights of former owners. In particular, there are no legislative enforcement measures to ensure the airport owners comply with their Section 40 obligations, and no definition of what should be considered ‘surplus’ land.

Representatives of the former owners were denied a High Court injunction to prevent the sale of the airport on the basis of the supposed protection of the Airport Authorities Act. Similarly, they have found themselves unable to prevent re-zoning of the land to allow for non-aviation uses. The Airport Authorities Act also did not prevent the new owners of the airport immediately selling the Avion Terrace land, without first offering it to the former owners. Unlike other land sold under the State-Owned Enterprises Act, the terms of the sale of the airport mean that the land cannot be resumed as part of a Treaty settlement package.

The current owner of the airport is continuing with plans for commercial developments. Although a financial settlement was privately negotiated by the company, only some of the descendants of the former owners were eligible to receive the settlement payment. The legal definition of 'successor' to the former owner limits the offer back right to successors under a will or intestacy, and to only one generation. Therefore, most grandchildren of the former owners do not have any rights under the law to have the opportunity to purchase any surplus land. We have not seen any evidence that this technicality was conveyed to the descendants of former owners when they were given written assurances that their rights would be protected under the Airport Authorities Act.

9. Otaki Hospital and Sanatorium

The hospital at Otaki was first established on land which had been originally been gifted to the Church Missionary Society.[1560] The Mission Trust agreed to lease land for a hospital site. As part of developing a sanatorium for tuberculosis (consumption) patients the Wellington Hospital Board decided to acquire the freehold of the leased site, along with a larger area of land from both the Mission Trust and neighbouring Māori land owners. Research has been unable to locate the Public Works file relating to the acquisition of the hospital site in 1906. The records of the Wellington District Hospital Board and newspaper accounts have been used to explain the circumstances surrounding the land being taken for hospital and sanatorium purposes.

9.1 Cottage Hospital 1899 and Background to Sanatorium

In May 1896 a meeting of the Wellington District Hospital Board considered an application for a hospital at Otaki from Dr Mason, Reverend J. McWilliams, M. Elder and J. Swainson from Otaki. They said the population at Otaki was 'larger than that of any other district between Wellington and Palmerston North.' The board resolved that it was in favour of a cottage hospital at Otaki if the funds could be raised locally or by the government. A copy of the resolution was forwarded to the Inspector General of Hospitals Dr MacGregor. The Minister of Charitable Aid W.C. Walker was asked whether the government would assist the project by subsidising a local subscription to which he agreed.[1561] Hospital board member Mr Majendie said if 'a hospital were established at Otaki it would be used to such an extent by the natives that the Government would assist it.'[1562]

In June 1896 Otaki Māori petitioned their local Member of Parliament, J.G. Wilson, for financial assistance to establish a cottage hospital on Māori land for Māori at Otaki. Wilson told the Native Minister: 'There is a great deal of sickness amongst the natives just now & as there is no Hospital in the district there is no where [for] them to go'. He asked that the grant to establish the hospital come from the native vote.[1563] The petition

[1560] E. Fitzgerald and Grant Young et el, 'Ngāti Raukawa Rangatiratanga and Kāwanatanga: Land Management and Land Loss from the 1890s to 2000', CFRT, June 2017; Richard Boast and Bryan Gilling, 'Ngāti Toa Lands Research Project: Report 2: 1865-1975', CFRT, September 2008.
[1561] *New Zealand Times*, 23 May 1896.
[1562] *Evening Post*, 23 May 1896.
[1563] J.G. Wilson, Wellington, 8 June 1896, ACGS 16211 J1/558/bg 1896/869, ANZ Wellington [IMG 0242].

to establish a hospital had been agreed to by 40 Māori, who offered 24 shillings in the pound for every one pound subscription towards the cost of the building. They wanted a £200 grant towards the cost of building the hospital.[1564]

In July 1897 the Wellington District Hospital Board met to discuss the proposed Otaki Cottage Hospital. The amount collected at this time was £300 which the government subsidy would double, and it was noted:

> The lease of two acres of Maori Mission land has been offered for 21 years at a yearly rental of £2, with the right of renewal for another 21 years. The Board decided that the Chairman and Mr. Majendie should inspect the land offered, and that when the sketch plan has been approved by the Inspector-General of Hospitals Messrs. Clere & Fitzgerald should be instructed to prepare plans…[1565]

In February 1898 a letter to the Editor of the *New Zealand Times* asked:

> Sir-Can any of your correspondents kindly give me any information as to what has become of the money collected for the Otaki Cottage Hospital? Everybody in the Otaki district and a good many outsiders were asked to subscribe to this fund, and it is now about nine months since the amount collected, with subsidy from Government added, totalled over £600, whilst the estimated cost of the Hospital was £500.[1566]

The letter writer said the local committee had collected the money and secured a site and submitted a plan to the Wellington Hospital Board.[1567]

In March 1898 a meeting of the Wellington District Hospital Board discussed whether the 'Hospital at Otaki should be managed by a local committee or by the Board itself direct was left over until next meeting.'[1568] This sum of £500 was proposed for Otaki Cottage Hospital with half payable by local bodies and half by the government. The secretary of the hospital board, Loveday, said he had received £308-14-4 from 'subscribers to the Otaki Hospital and a claim had been made for the subsidy on that amount.'[1569]

[1564] Petition to Native Minister, 1896, te reo Māori and English translation, ACGS 16211 J1/558/bg 1896/869, ANZ Wellington [IMG 0236-0240].
[1565] *Evening Post*, 24 July 1897.
[1566] *New Zealand Times*, 4 February 1898.
[1567] ibid
[1568] *Evening Post*, 29 March 1898.
[1569] *New Zealand Times*, 30 March 1898.

Otaki Cottage Hospital was opened on 7 August 1899 on approximately 12 acres of land leased from the Church Mission Trust.[1570] The area is marked 'present hospital site' on Survey Office Plan SO 15526 below.

The Governor Lord Ranfurly officially opened the Otaki Cottage Hospital. The Premier, Richard Seddon and Members of the House of Representatives, Field, Duncan, Lawry, and Stevens and R.C. Kirk chairman of the Otaki Hospital Board also attended the opening along with 'a large crowd of which enthusiastic Maoris formed a goodly proportion.' An account of the opening stated:

> After partaking of refreshments at Rangiuru House, the party drove to the historic native church…..Led by the Maori Band, a procession formed at the church, and proceeded [sic] through the township to the native quarter, halting in front of Raukawa, or meeting-house. A dance of welcome, all too brief, was given by a party of women. A clear space was kept in front of the house by the natives, whose women and children squatted around. Wi Parata, head of the Ngatiawas and Ngatitoas, paraded in the clear space, dressed in European style, and carrying a wrapped umbrella.[1571]

Wi Parata welcomed the guests and expressed concern about the Crown's 'interference with the native and his land' particularly in regard to roads. The Governor responded that Parata's comments about roads were directed towards the Premier because the Governor was 'above politics'.[1572] The Governor also said that: 'He believed that the Otaki natives would find the new hospital of great service.'[1573] The Premier said the 'establishment of a hospital in Otaki would also result in much good to the natives.' After lunch the cottage hospital was officially opened. Kirk provided the audience with a background to the hospital and said a 'long lease of the ground had been obtained from the Maoris' and informed those gathered that Dr Mason had been engaged to run the hospital. The official party toured the hospital which consisted of two wards, with three beds in each. The wards were separated by a hallway and dispensary and an operating room. There was also a sitting room for the matron and a caretaker's room and a kitchen. The hospital also had a 'special destructor' to burn all infected matter

[1570] *Bush Advocate*, 23 May 1904.
[1571] *Evening Post*, 8 August 1899.
[1572] *New Zealand Times*, 8 August 1899.
[1573] *Evening Post*, 8 August 1899.

and it was noted 'Dr. Mason, who is an experienced bacteriologist, having strong and up-to-date opinions on this subject.'[1574]

In February 1902 a meeting of the Executive Committee received a letter from Otaki Hospital suggesting the purchase of a house within the grounds for £250 be used as a caretaker's residence.[1575]

In January 1903 a meeting of the Wellington Hospital Board was presented with a plan for additions to the Otaki Hospital.[1576] In March a meeting of the Wellington Hospital Board was told that the operating estimates for Otaki Hospital for the year were £10,600.[1577] Otaki Hospital was considered a 'costly institution' and it was questioned whether it should be 'enlarged'. The cost of maintaining the hospital was considered 'exceptionally high' and the per-patient cost when compared with Wellington Hospital was not favourable. Kirk representing the Horowhenua District Board pointed out that when the cottage hospital was first built it only had eight beds, and they now had a proposal to increase capacity to twenty beds. Evans suggested that Otaki could be worked in conjunction with Wellington Hospital. The chairman was asked to arrange a conference between the Wellington District Board and the cottage hospital trustees to consider working more closely together. It was suggested that capacity could be increased if the hospital was used for accident and emergencies or as a convalescent home. The meeting considered and rejected three tenders for additions to the hospital.[1578]

Horowhenua County Council representative Kirk responded to the negative coverage by saying the initial cottage hospital had been built too small and beds in recent times had been placed on the veranda and in the hall and a number of cases were refused admission. This situation he said had repeatedly been brought to the attention of the board and the 'Otaki Committee has expressly brought under the notice of the Board the necessity for further ward accommodation'. A sketch plan for extensions was made

[1574] ibid, 8 August 1899.
[1575] Executive Committee meeting minutes, 20 February 1902, pp. 95-96, ABRR 7266 W4743/1 pt 1, ANZ Wellington [IMG 4058-4059].
[1576] Wellington Hospital Board meeting minutes, 6 January 1903, p. 116, ABRR 7266 W4743/1 pt 1, ANZ Wellington [IMG 4060].
[1577] *New Zealand Times*, 21 March 1903.
[1578] ibid

which he said would bring down overall per-patient running costs. He suggested Otaki could treat infectious cases 'which it could do quite well in the ample grounds of Otaki Hospital.'[1579] The lack of capacity at Otaki hospital, Kirk argued, had been exaggerated but he also stated that the Horowhenua district should be able to accommodate its own infectious cases instead of relying on Wellington Hospital.[1580]

In September 1903 the Inspector General of Hospitals and Charitable Institutions Dr MacGregor presented his annual report to Parliament. He said Otaki Cottage Hospital, although well-equipped, needed to be enlarged, and in consultation with a member of the local committee it was decided to drain the swamp east of the hospital.[1581]

In January 1904 the Minister of Public Health announced that the government intended to treat up to thirty tuberculosis cases at Otaki Hospital.[1582] In March the Chief Health Officer Dr Mason agreed Otaki should treat tuberculosis cases. Mason said it:

> was a move in the right direction on the part of the Wellington Hospital Board in putting up tents in the grounds of the Otaki Hospital for the treatment of consumption. He hoped the same would be done in at least twelve other places in the colony.[1583]

The treatment at Otaki involved tuberculosis tents known as 'consumptive shelters', or the 'open-air cure'. The tents were eight by ten feet with canvas ceilings and wooden floors and were open from floor to ceiling for ventilation but were able to be closed in wet weather. It was noted that the 'two patients at Otaki speak very highly of their treatment, and the benefit of the Otaki air.'[1584] The shelters at Otaki were considered a success and:

> The Health Board is of the opinion that the Health Department would be well advised if it were to abandon the idea of a consumption annexe to the Wellington Hospital, and have the Otaki institution gazetted as a permanent sanatorium for this end of the island – a purpose for which its climate and position render it eminently suitable.[1585]

[1579] *New Zealand Times*, 26 March 1903.
[1580] *Evening Post*, 13 April 1903.
[1581] ibid, 22 September 1903.
[1582] ibid, 9 January 1904.
[1583] ibid, 9 March 1904.
[1584] *Wairarapa Daily Times*, 23 March 1904.
[1585] *Auckland Star*, 21 April 1904.

Doctor Mason agreed that Otaki was the best site to serve the Wellington cases of tuberculosis.[1586]

In February 1904 the Wellington Hospital building committee was told there would be a male and female ward and £1,500 was provided and it was 'resolved that the sum applied for by the Wellington Hospital Trustees viz £12,000 be agreed to.'[1587]

In May 1904 the Wellington Hospital Board had erected 'several tents at Otaki and additions were underway to Otaki Hospital.[1588] At this time the main hospital held approximately 18 patients and was staffed by a doctor, matron, two nurses, cook, gardener, and caretaker.[1589] In August it was suggested that Otaki should have sufficient facility for ten tuberculosis patients.[1590] In September the Wellington Hospital Board visited Otaki Hospital and decided 'a number shelters for the treatment of consumptives, on the portion of the Otaki Hospital grounds near the trig station' would be built. They were to be of a similar design to the existing shelters 'but will be permanencies, and erected in groups of three or four in each building.'[1591] At this time the hospital board had established a 'small camp at Otaki'.[1592] In December Parliament voted for £1,000 in assistance 'to assist the District Hospital Board to establish a hospital for consumptives at Otaki.'[1593] No immediate action was taken to increase the hospital further because of concerns with running costs and health dangers to the public.[1594] Amidst these health fears it was argued that Otaki should be used as a form of open-air treatment for less severe cases of the illness.[1595]

In March 1905 a public meeting was held in Wellington to discuss tuberculosis treatment at Wellington Hospital and J.P. Luke said there 'was no use sending to Otaki people who were acutely affected with the disease.' There were 12 tuberculosis patients

[1586] ibid, 23 April 1904.
[1587] Wellington Hospital Board meeting minutes, 12 February 1904, p. 139, ABRR 7266 W4743/1 pt 1, ANZ Wellington [IMG 4061].
[1588] *New Zealand Herald*, 17 May 1904; *New Zealand Times*, 18 May 1904.
[1589] *Bush Advocate*, 23 May 1904.
[1590] *Hawkes Bay Herald*, 2 August 1904.
[1591] *Wairarapa Daily Times*, 9 September 1904.
[1592] *Wanganui Herald*, 3 October 1904.
[1593] *Manawatu Standard*, 10 December 1904.
[1594] *New Zealand Times*, 25 February 1905.
[1595] *Wairarapa Daily Times*, 28 March 1905; *New Zealand Times*, 28 April 1905.

at Otaki at this time.[1596] In May it was proposed that Otaki Hospital would 'provide between 35 and 40 cubicles' for treatment.[1597] In June it was announced that the hospital board was committed to spending £1,500 to £2,000 on a 'consumptives' sanatorium adjacent to Otaki Hospital'. Arguments remained whether it would be better to spend the money in Wellington or Otaki. The money for treatment and structures came from the government and local subscriptions.[1598] Otaki Hospital grounds at this time could house 16 tuberculosis patients and it was suggested this could be increased to 'thirty shelters'.[1599]

The meeting of the Wellington Hospital Board in May 1905 received nine tenders for the proposed sanatorium which ranged between £1,617 and £2,466. The board resolved to accept the tender of £1,617. They believed the sum of £2,500 would be the 'probable cost of this sanatorium including furnishings'.[1600]

In June 1905 the Wellington Hospital Board held a further meeting to discuss using Otaki Hospital grounds for tuberculosis treatment. The Horowhenua County Council and the Advisory Committee of Otaki Hospital made resolutions to the Wellington Hospital Board against the proposed use. Although it had received several objections to the sanatorium ,the board resolved enlarging the facility would be 'more economical & efficient' treatment of tuberculosis. Wellington Hospital Board wanted to increase Otaki Hospital to thirty beds.[1601] Mr Nodine who opposed the increase in size said the 'Minister of Public health had expressed an opinion adverse to the location of the hospital in the township.' The resolution to increase the hospital's size and provide for tuberculosis patients was carried.[1602]

In June a deputation of Otaki people who opposed the enlargement of the hospital for tuberculosis care asked Sir Joseph Ward the Minister of Health to stop the work.[1603]

[1596] *New Zealand Times*, 30 March 1905.
[1597] ibid, 29 May 1905.
[1598] ibid, 7 June 1905.
[1599] *Evening Post*, 8 June 1905.
[1600] Wellington Hospital Board meeting minutes, 14 May 1905, p. 156, ABRR 7266 W4743/1 pt 1, ANZ Wellington [IMG 4038].
[1601] Wellington Hospital Board meeting minutes, 21 June 1905, p. 162, ABRR 7266 W4743/1 pt 1, ANZ Wellington [IMG 4040]; see also [IMG 4039].
[1602] *Evening Post*, 21 June 1905.
[1603] *New Zealand Herald*, 4 July 1905.

Field told the Minister that any hospital should be at least two miles from the post office and that 'recently a consumptive patient went into the Post Office at Otaki, and had an attack there and died.' Member of Parliament Hone Heke said 'the natives at Otaki had signed a petition against the sanatorium being on the site selected.' Venn the chairman of the Horowhenua County Council said 'a more unfortunate site could not have been selected' with drainage passing through the town and 'if the germs of the disease got among the natives it would spread very fast'. He argued there were a number of places less damp being more suitable for a tuberculosis hospital. Simcox, chairman of the Otaki Hospital Advisory Committee, said they had only objected when it was known that Otaki was to be the site for all of the Wellington region's patients. The objectors included 'a Māori' who was not identified by name in the newspaper report:

> A Maori who accompanied the deputation said he had been asked by the Maori people to support the objection. The site was very near the native residences, which would increase in number in future, and the Maori idea was that it would be better to move away altogether than live so near a place which might be a source of danger.[1604]

The Minister of Health said:

> To the Maoris, he said the Health Department had a Maori doctor attending especially to Maori patients, and he had been especially considering the question of consumption. If he thought there was going to be any danger at Otaki he would have said so long ago.[1605]

Further Otaki deputations to the Minister of Health objecting to the location of the tuberculosis hospital were made in July.[1606] There was some suggestion that if sufficient funds could be raised the tuberculosis part of the hospital could be moved.[1607]

On 19 July 1905 W.H. Field asked the Minister of Public Health Sir Joseph Ward in the House whether it was true that the partly completed Otaki tuberculosis sanatorium could be 'removed to a site sufficiently removed from the Otaki Township to allay the anxiety of the Otaki people'. Ward replied that the site could not be moved unless local fundraising was undertaken to defray the costs. He said an Otaki deputation had met with him and undertook the task of collecting local subscriptions so that the site of the sanatorium could be moved further away from the township and hospital. He said the

[1604] *Evening Post*, 4 July 1905.
[1605] ibid
[1606] *Manawatu Times*, 4 July 1905.
[1607] *New Zealand Times*, 20 July 1905.

appeal had 'elicited practically no response' at the time of the current sitting of the House. He said the government could not defray the costs of moving the sanatorium because it would be an admission that the local objections to the current site were valid and his advice from medical experts were that these concerns were groundless and furthermore it would cause other objections from other communities in the colony. Ward concluded:

> The Otaki people allowed an administrative block and sixteen shelters to be partially erected without comment, and only raised objections when it was proposed to increase the accommodation for thirty patients.[1608]

In July 1905 the Wellington Hospital Board received an objection from the Otaki Hospital Board protesting against the proposed sanatorium.[1609]

In August 1905 the Wellington Hospital Board resolved to acquire land at Otaki for the sanatorium.[1610] Doctor Valintine representing the 'Trustees of the Consumptive Hospital Fund' presented the Wellington District Hospital Board with £2,500 towards the purchase of land at Otaki. The board passed a resolution:

> That for the purpose of a sanatorium for the treatment of consumption the Wellington District Hospital board resolves to acquire either by private purchase or under the provisions of the Public Works Act 1894, the 50 acres (more or less) of land adjacent to the Otaki Hospital grounds at present owned & occupied as a grazing run by Mr. G. McBeath.
> And further to acquire the lease or purchase by means aforesaid such land as the Board deem necessary to connect the present Hospital ground with Mr. McBeath's acres.[1611]

In November 1905 the Wellington Hospital Board received a valuation for McBeath's Otaki block. McBeath had agreed to accept the valuation sum.[1612]

In February 1906 Dr A.K. Newman, treasurer of the Wellington Hospital Trustees, announced £1,600 would be used to build a tuberculosis hospital at Otaki where:

> Tedious legal delays have been necessary because of land titles. A really beautiful site has been chosen near the Otaki Hospital, and here tenders will be

[1608] NZPD, 19 July 1905, vol 132, p. 675.
[1609] Wellington Hospital Board meeting minutes, 19 July 1905, p. 163, ABRR 7266 W4743/1 pt 1, ANZ Wellington [IMG 4041]; see also *Evening Post*, 19 July 1905.
[1610] Wellington Hospital Board meeting minutes, 16 August 1905, p. 165, ABRR 7266 W4743/1 pt 1, ANZ Wellington [IMG 4043].
[1611] ibid, p. 164, ABRR 7266 W4743/1 pt 1, ANZ Wellington [IMG 4042].
[1612] Wellington Hospital Board meeting minutes, 15 November 1905, p. 169, ABRR 7266 W4743/1 pt 1, ANZ Wellington [IMG 4045].

> called for to accommodate forty consumptives. Altogether £3100 clear of expenses was subscribed by a generous public. Nearly £10,000 will be spent upon the buildings, land, furniture etc., for the consumptives…[1613]

In February 1906 the Wellington Hospital Board resolved to purchase C. Bells interest in the lease of the Titokitoki Church Mission Grant for £85. The land was to go to the site of the sanatorium. This was swampy land and the board agreed to visit Otaki to inspect the sanatorium site.[1614]

In April 1906 the final meeting of the committee to collect subscriptions for tuberculosis treatment was held. It was noted further small funds would keep coming in and be used to pay for the buildings at Otaki where an 'admirable site has been obtained' of which '(fifty acres) was partly European and partly Maori' and this meant 'there was an unavoidable delay in getting it.' The shelters were in the process of being erected and treasurer, Dr Newman was instructed to pay over 'any remains money to the Otaki Home for Consumptives.'[1615]

In April 1906 the Wellington Hospital Board decided to visit Otaki Sanatorium and it was resolved 'to ascertain what the Mission Trust would accept as compensation for the 12 acres now held under lease for Hospital purposes & also for the paddock of 25 to 30 acres should the board decide to take them under the Public Works Act.'[1616]

9.2 Land Taken for the Hospital and Sanatorium 1906

In May 1906 the Wellington Hospital Board began the formal steps to take land at Otaki for hospital purposes.[1617] The board was told that there was no chance of the government moving the site of Otaki Hospital because some of it was built on leasehold land. The board resolved that the block should be acquired under the Public Works Act 'encompassing 12 acres now held under lease from the NZ Mission Trust & the adjoining block comprising about 30 acres now held under lease from Mr. C. Bell'.[1618]

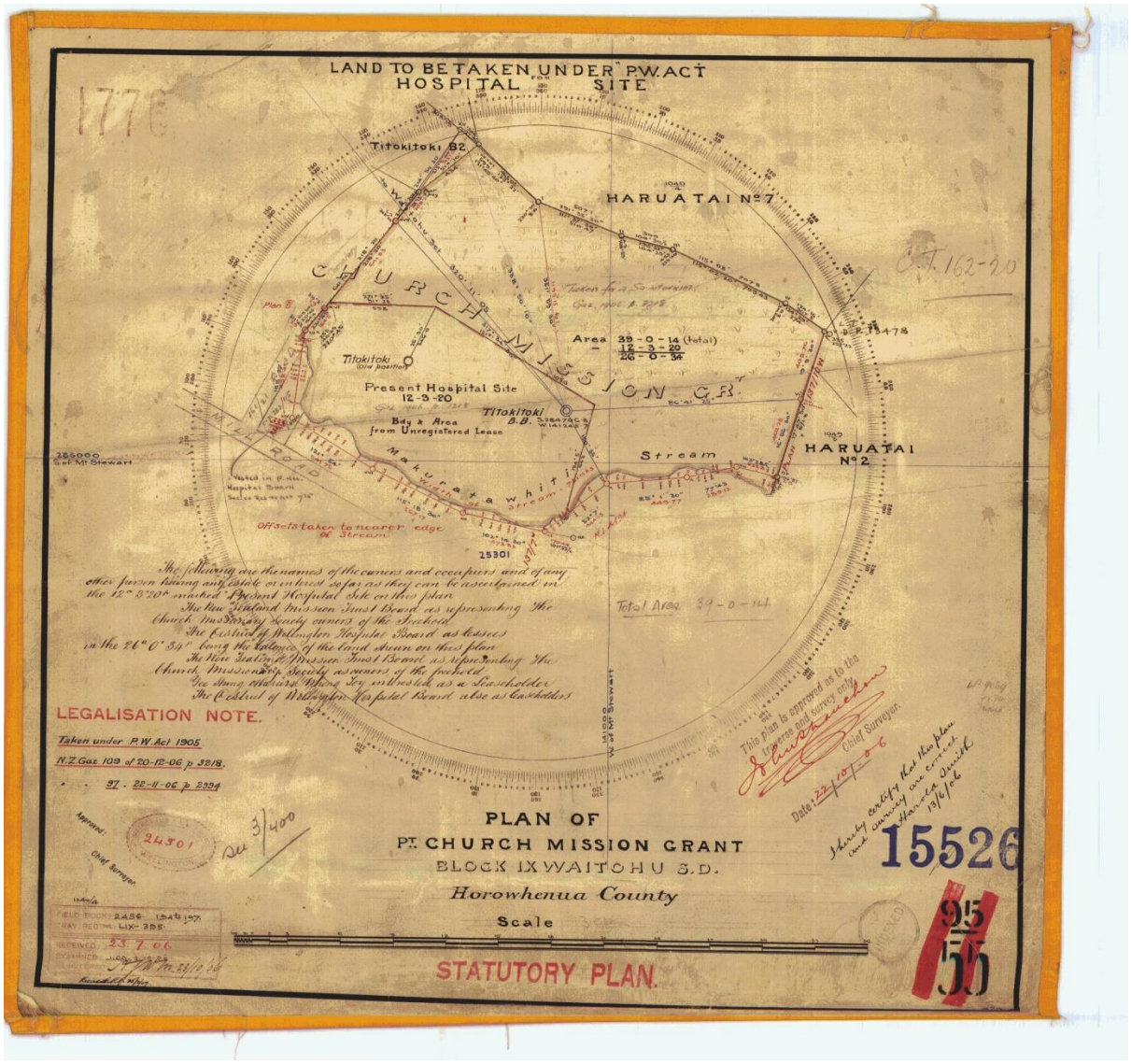
[1613] *Evening Post*, 10 February 1906.
[1614] Wellington Hospital Board meeting minutes, 22 February 1906, p. 174, ABRR 7266 W4743/1 pt 1, ANZ Wellington [IMG 4046].
[1615] *Evening Post*, 21 April 1906.
[1616] Wellington Hospital Board meeting minutes, 20 April 1906, p. 181, ABRR 7266 W4743/1 pt 1, ANZ Wellington [IMG 4050].
[1617] W.H. Quick, Wellington to J. Strauchon, Chief Surveyor, 7 May 1906, ADXS 19483 LS-W1/481 24501, ANZ Wellington [IMG 0129].
[1618] Wellington Hospital Board meeting minutes, 30 May 1906, p. 182, ABRR 7266 W4743/1 pt 1, ANZ Wellington [IMG 4051].

In July 1906 a notice of intention to take land for the purposes of the existing hospital was issued.[1619] The cottage hospital as noted had been partly built on land owned by the New Zealand Mission Trust Board and leased by the Wellington Hospital Board.[1620]

In November 1906 a total of 39 acres 14 perches was proclaimed as taken from the Church Mission Grant for hospital and sanatorium purposes.[1621] A new proclamation was issued in December 1906 which concerned the same overall area of land, but specified which areas were for hospital and sanatorium purposes, as shown on the Map below. The December proclamation was that 12 acres 3 roods 20 perches was taken for hospital purposes and 26 acres 34 perches for sanatorium purposes.[1622]

[1619] NZG, 1906, p. 2070.
[1620] W.H. Quick, Wellington to J. Strauchon, Chief Surveyor, 23 July 1906, ADXS 19483 LS-W1/481 24501, ANZ Wellington [IMG 0128].
[1621] NZG, 1906, p. 2994.
[1622] NZG, 1906, p. 3218.

Map 41: Church Mission Trust Land Taken for Otaki Hospital and Sanatorium 1906[1623]



In May 1906 a notice of intention to take Māori land for the purposes of a hospital was issued. The areas in the notice were Haruatai 7 and Waitohu 11C2.[1624] These blocks were Māori land that had been leased to McBeath, and McBeath had also purchased some interests in Haruatai 7.

An objection was lodged with the board by Piripi te Ra, but in June 1906 the Wellington Hospital Board resolved that the taking should proceed:

> A letter read from Mr. Quick…covering an objection from Piripi te Ra as trustee for 8 native owners to this Boards acquisition under the Public Works Act Block No 11A No 1 being a subdivision of Waitohu 11C[.]

[1623] Wellington Survey Office Plan SO 15526.
[1624] NZG, 1906, p. 1175.

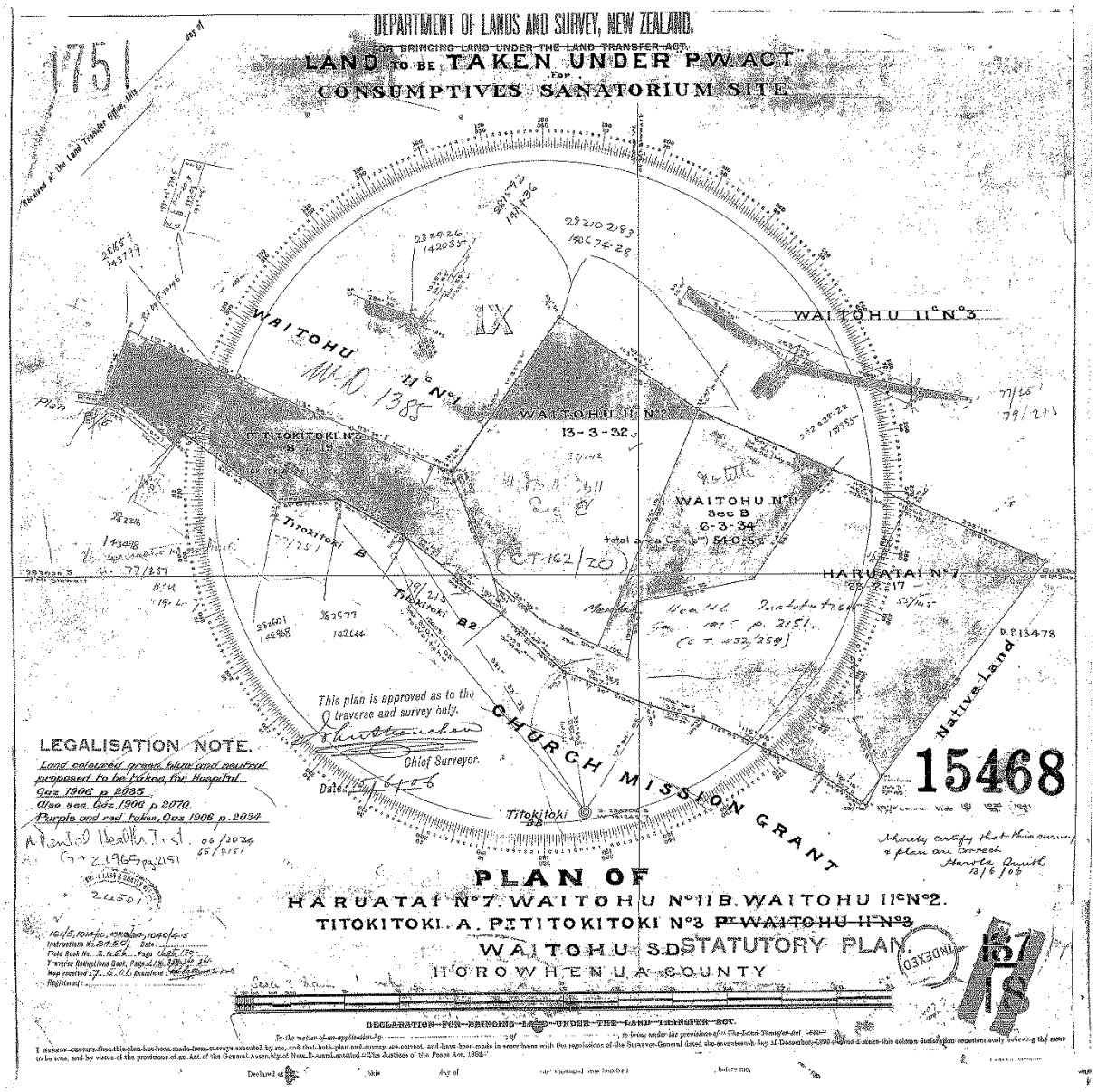
> The following resolution was duly passed That the District of Wellington Hospital Board having received Piripi te Ra's letter objecting to Waitohu 11C No 2 block being taken under the Public Works Act 1905 and there being no other objection forward to that Board as regards the taking of the said block, and no objection having been received as regards the taking of the block known as Haruatai No 7 and more than 40 days having elapsed since notice of the intention of the Board to take the said block was first published. This board is of opinion that it is expedient that the proposed works (mentioned in such notice) should be executed and that no private injury will be done thereby for which due compensation is not provided by the Public Works Act 1905[.][1625]

In July 1906 the proclamation taking Waitohu 11C2 (13a 3r 32p) and Haruatai 7 (23a 2r 17p) for hospital or sanatorium purposes was signed.[1626] The land taken is shown on the Map below. In August 1906 the Wellington Hospital Board was told that the owners of Waitohu 11C2 had declined the board's offer of £15 per acre.[1627] 1a 2r 9p

Another notice was issued in July 1906 that it was proposed to take a further 16 acres of Māori land for hospital or sanatorium purposes as from 5 September 1906. The land to be taken was Titokitoki 3 (8a 2r 19.8p), Titokitoki A (1a 0r 26p) and Waitohu 11B (6a 3r 34p), as shown on the Map below.[1628] These blocks were taken separately from Waitohu 11C2 and Haruatai 7 because they were not held under a title derived from the Crown. This meant that a different Public Works Act procedure applied, whereby instead of issuing notices of intention, the proposed taking was gazetted with a delayed date for coming into effect. 1a 2r 39.8

[1625] Wellington Hospital Board meeting minutes, 2 June 1906, p. 183, ABRR 7266 W4743/1 pt 1, ANZ Wellington [IMG 4052].
[1626] NZG, 1906, p. 2034.
[1627] Wellington Hospital Board meeting minutes, 15 August 1906, p. 187, ABRR 7266 W4743/1 pt 1, ANZ Wellington [IMG 4054].
[1628] NZG, 1906, pp. 2035-2036.

Map 42: Māori Land Taken for Otaki Hospital and Sanatorium 1906[1629]



In October 1906 it was announced that the Otaki Sanatorium was near completion:

> As the area taken was native lands, application was made to the Native Land Court to assess the value of the land so taken, and also to determine to whom the compensation fixed upon was to be paid under the Public Works Act. But it happened that some Europeans had purchased certain undivided portions of this land from the natives, had also obtained leases of other portions, and had effected improvements under these leases-£110 had been expended in fencing alone.[1630]

[1629] Wellington Survey Office Plan SO 15468.
[1630] *New Zealand Times*, 17 October 1906.

The Wellington District Hospital Board's solicitor W.H. Quick made an application in September 1906 for the Native Land Court to determine compensation for Waitohu 11C2, Haruatai 7, Titokitoki (part 8), Titokitoki A, and Waitohu 11B. The sitting of the court was set for 9 October 1906.[1631]

In October 1906 Chief Judge Jackson Palmer held a Native Land Court compensation hearing for Waitohu 11B, Waitohu 11C2, Haruatai 7, Titokitoki 3 and Titokitoki A. The area totalled 54 acres 1 rood 8 perches. Quick represented the Wellington Hospital Board. Keith and Stevens represented the freehold interest of Pakeha farmer McBeth (Haruatai 7). Keith told the court that it did not have the jurisdiction to assess compensation for the freehold of European land but it could assess compensation for the leasehold interests McBeth held. Upham represented the owners of Waitohu 11C2. Hakaraia te Whena represented his wife, Mere Niniha's interest. Quick provided the court with a special government valuation:

> Haruatai 7 (23a 2r 17p) was valued at £256.[1632]
> Waitohu 11B (6a 3r 34p) was valued at £88.
> Waitohu 11C2 (13a 3r 32p) was valued at £162.
> Titokitoki 3 (8a 2r 19.8p) was valued at £133.
> Titokitoki A (1a 0r 26p) was valued at £15.[1633]

McBeth's farm manager Robert Lee told the court there were no improvements on Haruatai 7, apart from a number of fences on the land which he believed was worth £30 an acre. Under cross examination from Quick he said: 'All the land taken is of an equal value. The Mission ground adjoining is swampy.'[1634] The land according to Lee was suitable for grazing and the flats for cultivations.[1635]

Te Whena said he knew the land, and was an owner in Waitohu 11C1 apart from an area of 13 acres which he had sold for £30 an acre. A further portion of 11C1 (10 acres) Te Whena had leased for use as a cabbage garden at 30 shillings an acre. The lease had a purchasing clause for £30 per acre. Under cross examination from Quick he said:

[1631] NZG, 1906, p. 2542.
[1632] Well MB 14, 12 October 1906, p. 112 [P 1170198].
[1633] ibid, p. 113 [P 1170199].
[1634] ibid
[1635] ibid, p. 114 [P 1170200].

> It is all good land. Where the Sanitorium [sic] is was formerly all bush, the Sanitorium trustees had to put sods down keep the sand from slipping. If the land is ploughed this would not cause any shifting of sand. The land on the top of the hill is not of equal value with the flat but the hill is a very small portion. There is about 10 acres of the 54 acres taken that is hill, & of this about 5 acres on Haruatai 7.[1636]

Under cross examination from Steven, Te Whena said if the bush was cleared 40 of 50 acres could be ploughed and would be worth £30 an acre.[1637]

Stevens told the court that his client McBeth held a 21 year lease from 29 March 1906 for (3a 3r 10p) of Haruatai 7 for 10 shillings an acre and a lease for Haruatai 11C2 from 22 December 1904 for 10 shillings an acre and a 10 year lease of Waitohu 11B from 12 September 1904 for 10 shillings an acre. McBeth also held leases from the Māori owners for Titokitoki 3C1, 3A2, 3B and A and Stevens said: 'When we heard the Board was going to take the land we desisted from going on to complete our leases.' He said in 1904 the government valuation was under £5.[1638]

Judge Palmer commented that they were asking the court to value the land at £30 and to not consider leases at ten shillings as 'fair leases'. Stevens reiterated that 22 acres had been sold in Waitohu 7 for £30 an acre and this particular deed was confirmed by Captain Mair. The land had since been sold again for £30 an acre.[1639] Judge Palmer decided he would make a site visit of Waitohu 11C and the other blocks taken by the hospital board.[1640]

Quick called government valuer Finlay Martin who said he had made the valuation for McBeth's 23 acres 2 roods 17 perches (Haruatai 7), which had a capital value of £126 with an unimproved value of £120. He said the hospital was built on this portion of the land and 'works out about £12 an acre.' Martin claimed:

> The land all round works out about similar to this. We keep a register of sales in our books in the Dept & this is a good test of the values. I fixed this value partly from this. The average increase in value in the District [Horowhenua] since 1905 is about 50%. I took into consideration in the value the proximity of

[1636] ibid
[1637] ibid, pp. 114-115 [P 1170201].
[1638] ibid, p. 115 [P 1170201].
[1639] ibid, p. 116 [P 1170202].
[1640] ibid, p. 117 [P 1170203].

> Otaki township, & the bad approach to this land. I would not put up the value of the land at £30 because of one sale, I would consider it wrong. I would not pay £30 an acre for this land myself, nor like any friend of mine to pay it. I would not pay £10 an acre unimproved value for it. In Sept. 1904 Haruatai sold (Mr McBeths behalf) at £60 according to land transfer.[1641]

Under cross examination from Stevens the valuer said he had not made many valuations in Horowhenua County and the capital value of Titokitoki A in 1904 was £8 with improvements of £1. Under cross examination from Te Whena he said: 'You got too much for your land if you got £30 an acre.' Under cross examination from Upham he said: 'The unimproved value of Haruatai has been increased by about 75% since 1904 by our present value.' Under cross examination from the court assessor and Member of the House of Representatives Hone Heke, the valuer said: 'This is good sheep country' and in the 'improved value I allowed for clearing, grassing & fencing.' Under further cross examination from Quick he said the only water supply on the land was from a swamp and there was 'no access to the land when it was taken by the Board except to Titokitoki No 3.'[1642]

Te Whena said he had sold land in the block to Noble for £30 an acre and other nearby land to Brown for £21 an acre.[1643] He produced a signed deed indicating the sum of £30 an acre to Noble which was 'only bush land when sold.' The land sold to Brown was mainly hilly. He said there was a spring on the north eastern corner of Haruatai 7. At this point Stevens:

> puts in an incomplete transfer Himiona te Oha & Heta Takurua to [G] Atkinson for £36 for No 7 in 1899. Copy of valuation £126 attached to deed. Vide Minute Book Otaki 46/230.[1644]

On 18 October the court delivered its judgment regarding the compensation. Chief Judge Palmer said the court had inspected each block. The hospital board had a government valuation of the land for £654. The court was satisfied the owners had established that the adjoining land had sold for £30 an acre in 'prairie condition without improvements.' Judge Palmer stated:

> If these sales were taken as a guide they would increase the Government Valuation by 260% [.] The lands taken by the Board have no access by road except Titokitoki No 3 block, & in consequence their value is greatly reduced.

[1641] Well MB 14, 16 October 1906, pp. 118-119 [P 1170204-1170205].
[1642] ibid, p. 119 [P 1170205].
[1643] ibid
[1644] ibid, p. 120 [P 1170206].

> The Government Valuer was when asked if he had not valued the lands too low & if he was prepared to increase the valuations for the next assessment Court in view of the evidence as to adjoining sales but the Valuer declined to increase his valuation.
> This Court is satisfied from the evidence adduced and from its inspection the land that the Government Valuation though made for Taxation purposes is far too low & we have decided to increase for the purposes of this case the Govt Valuation by 40%.[1645]

The increase in this sum of £654 by 40 percent meant the court made a compensation order for £915-12-0 which was to be paid by the Wellington Hospital Board to the Public Trustee.[1646] The court reserved the question as to 'whom and in what relative proportions this assessed compensation should be paid. This is a matter that does not immediately concern the Board.'[1647]

9.3 Subsequent Use of the Hospital and Sanatorium

In October 1906 a meeting of the Wellington Hospital Board was informed that the Otaki Sanatorium had cost £2,155-6-5 to date for buildings, foundations and roads and estimated costs in total at this time were £4,000.[1648]

In January 1907 the Auckland region was considering an open-air tuberculosis treatment area and it was informed by Dr Mason, now Chief Health Officer, that the Wellington region had a 'beautiful little place at Otaki capable of holding 30 patients'.[1649] At this time it was considered necessary for Otaki Hospital to have septic tank drainage rather than use the river, which had at times been considered a potential public health risk.[1650] All the shelters were full, and hospital board chairman J.P. Luke recommended where there were no vacancies patients who were willing and able should erect their own shelters and pay for treatment. He recommended that additional nursing staff be employed and it 'grieved him much to have to disappoint people who applied for admission to the shelters' at Otaki.[1651] In February there was further demand for more treatment shelters at Otaki.[1652] In March the board said Otaki treatment shelters

[1645] Well MB 14, 18 October 1906, pp. 121-122 [P 1170207-1170209].
[1646] ibid, p. 121 [P 1170207].
[1647] ibid, p. 122 [P 1170209].
[1648] Wellington Hospital Board meeting minutes, 17 October 1906, p. 191, ABRR 7266 W4743/1 pt 1, ANZ Wellington [IMG 4055].
[1649] *Auckland Star*, 14 January 1907.
[1650] *New Zealand Times*, 17 January 1907.
[1651] *New Zealand Times*, 17 January 1907.
[1652] *Evening Post*, 12 February 1907.

remained full and it was decided to increase the grant to the district board to £18,500 for extra shelters.[1653] There were at this time four shelters operating and ten patients were discharged and 16 remained at Otaki.[1654]

On Empire Day on 24 May 1907 the tuberculosis sanatorium at Otaki was officially opened by Dr T.K. Newman:

> The building provides accommodation for 30 inmates. The sanatorium, which stands in about 70 acres of land cost £9000 to build and equip. of this sum £1700 was raised by private subscriptions.[1655]

The opening was attended by the Ministers of Public Health, George Fowlds, and Native Affairs, James Carroll, along with Member of Parliament W.H. Field, Dr H.A. Valintine, Inspector General of Hospitals, and the hospital board and trustees. Fowlds said there was no doubt that Queen Victoria, whose birthday was being celebrated, had a 'great deal to do with the rise and development of the humanitarian spirit that characterised the closing years of the last century' and which he claimed was evidenced by the opening of the sanatorium. Carroll told the gathering that:

> When it was first talked of, the Otaki people strongly objected, but the objection was completely met by placing the sanatorium further off from the residential portion of the town. There was no danger from infection, and gloomy prognostications as to the depreciation in land values were not in the least likely to be realised. The Otaki people were now satisfied.[1656]

Doctor Newman said once the sanatorium had 'stamped out that great plague-consumption' it would be handed over to the hospital board as a convalescent home. In respect to Māori tuberculosis patients Newman said he 'hoped that it would shelter many Maoris, amongst whom consumption to a large extent existed.'[1657] Otaki according to Newman was more affordable than the other potential sites in the Wairarapa where the 'sick and poor would be less able to go' and 'Undoubtedly the sandhills were the most healthy that could be imagined'. He said the building faced the sun and if more bedrooms were needed, he said they could be built on the present site.[1658]

[1653] *New Zealand Herald*, 4 March 1907.
[1654] *Evening Post*, 20 March 1907.
[1655] *New Zealand Herald*, 25 May 1907.
[1656] *New Zealand Times*, 25 May 1907.
[1657] ibid
[1658] ibid, 25 May 1907.

Doctor Valintine said the sanatorium should be 'kept for the consumptive poor of the Wellington district.' Although better off patients would be admitted as long as they paid for their care.[1659]

The buildings that made up the sanatorium were located on the northern slope of a low range of sand hills and were approximately a mile from the Otaki Railway Station. The site was north facing and the main building which was 'somewhat Swiss in character' contained the nurse's quarters, office, kitchen, sculleries, sitting rooms, and upstairs, staff bedrooms. In front of the main building to the north were two large dining-rooms where the 'whole front of the building can be opened up from floor to window-tops, giving access to wide verandahs [sic] and terraces below.'[1660]

To the right and left of the main building and connected to it by a covered balcony were six shelters of which three were for men and three for women with bathrooms and lavatories attached. To the east and spreading along the hillside were five more detached shelters able to accommodate sixteen men and to the west there was a row of similar detached shelters for eight women giving a total accommodation for thirty 'inmates'. Some of the shelters could accommodate either two or four beds. The sanatorium also had a large laundry, dairy store, boot-room, box-room and it was described 'by a medical authority as the best arranged and up-to-date consumptive sanatorium in the State.'[1661]

Between June and July 1907 thirteen male patients and seven female patients were treated by the Otaki Sanatorium and there had also been the death of one patient where the disease was advanced 'causing great distress to the other patients' and it was admitting curable cases be; rigorously enforced.'[1662]

In September 1907 there were complaints that Otaki Sanatorium was being filled with paying patients from outside the region.[1663] Hogg a Member of the House of

[1659] ibid
[1660] ibid
[1661] ibid
[1662] ibid, 22 August 1907; *Evening Post*, 6 September 1907.
[1663] *Evening Post*, 4 September 1907.

Representatives speaking in the House on the Estimates for Public Health Department discussed the provision of health for the 'indigent' poor and Māori. Hogg:

> Quoted an instance of a man in Wairarapa who had been compelled to give up his dairy business by the health authorities, and yet could not get into the Otaki Sanatorium.[1664]

In respect to other patients Herries asked:

> Why it was the Department [Health] did nothing for the native that native medical officers recommended. The Government as a whole must take the blame for neglecting to attend or carry out the recommendations made by a medical officer whose duty it was to attend to the native race. In connection with this, he drew attention to the Estimates, which shows although £2700 was voted last year to the administration of the native medical health service, only £69 had been expended. If they suppressed tohungas they must give more assistance to Dr Pomare to look after the natives…[1665]

Member of the House James Allen said 'though natives were now ready to go to the hospitals, there was difficulty getting them admitted.' Member A.D. Fraser said it was impossible for Dr Pomare and his assistant to provide for the Māori population of two islands. Fowlds said he had given hospital boards to understand 'so far as Maoris were concerned as patients they were on the same footing as Europeans' and if it was established that these boards had not done so he would address the issue. A number of Members agreed more Māori 'girls' were needed to be trained as nurses.[1666]

The Wellington Hospital Board refuted the claim that patients were rejected at Otaki Sanatorium if they could not pay and said the medical officer decided the admission of cases on whether or not they could be cured.[1667] In September there were further concerns for the Otaki community that incurable cases were being sent to the sanatorium.[1668] A conference was held between the district hospital board and the Wellington Hospital trustees. Doctor Valintine said a promise had been made to the Otaki community to not treat incurable patients at the sanatorium to which the board said they were unaware of this promise.[1669] In October there were twenty patients in the

[1664] *Taranaki Daily News*, 6 September 1907.
[1665] ibid
[1666] ibid
[1667] *Auckland Star*, 11 September 1907.
[1668] *New Zealand Times*, 12 September 1907.
[1669] *New Zealand Herald*, 25 September 1907.

sanatorium.[1670] In December there were twenty two patients being treated by the sanatorium.[1671]

In February 1908 it was acknowledged that Māori were unhappy about the way they had been treated at Otaki Hospital. At a meeting of the hospital trustees a member F.C. Bolton said that a former member of the district hospital board G. Brown had informed him:

> The hospital was built primarily for the benefit of the native race. Now he was given to understand that they were not accorded the ordinary facilities. Nominally, but only nominally, the natives were landowners, and because of this, although they were visibly without money, they were refused admission to the hospital because they were unable to pay. Mr. Bolton further stated that he was given to understand that the situation was a public scandal.[1672]

Kirk, who had been hospital chairman at the time of the hospital's construction, said Bolton's statements were a complete surprise to him and the hospital had begun as an emergency facility. He asked for any evidence of any cases where patients either European or Māori were refused admission. He went further and said:

> Large numbers of natives had been treated at the hospital, and in many cases no money had been received for the treatment. It was true that a few natives had a prejudice against being treated by white people, and preferred to die instead of going into hospital. It was their own fault if they did not take advantage of the facilities that had been provided them….and the speaker was sure that such a state of things did not exist.[1673]

Again the idea that treatment was ever rejected because of an inability to pay was rejected.[1674] George Brown then explained the original reasons for the establishment of the hospital. He said the Chief Medical Officer Dr Mason had presented two reasons for a hospital at Otaki. Brown said:

> (1) The need of medical aid to natives; (2) the need for surgical attention in case of accidents. The first he [Mason] specially emphasized. He pointed out the complaints they suffered from…..His plea was to help preserve the native race…..
>
> My point just here is that the primary object of the undertaking were to provide a hospital for the native sick-not the pakeha-and for accident cases. Now, on the most reliable authority, I have it that a native was just lately

[1670] *Evening Post*, 16 October 1907.
[1671] ibid, 18 December 1907.
[1672] ibid, 25 February 1908.
[1673] ibid
[1674] ibid, 28 February 1908.

> refused admission on the ground that the Hospital was full; not of sick Maoris or accident cases. Again, on the same authority native patients, have been charged £1 a week, others, needing its benefits, but unable to pay, have not ventured to take advantage of the institution.[1675]

Again there was official denial that any Māori had been refused treatment because of an inability to pay.[1676] There were at this time twenty two patients in the sanatorium. Between June 1907 and March 1908 forty patients had been admitted to the sanatorium and two of these patients had died.[1677] These figures for the sanatorium although providing a division of patients by sex (male/female) do not identify European or Māori patients.

However, the Report of the Inspector of Hospitals and Charitable Aid does in the early part of the twentieth century identify the number of patients treated at Otaki Hospital but not the sanatorium for the early 1900s. In 1901 the number of patients treated by the Otaki Hospital (not the sanatorium) was identified as 42 patients of whom 4 were identified as Māori.[1678] In 1902, 72 patients were treated and 4 were Māori.[1679] In 1903, 77 patients were treated and 5 were Māori.[1680] In 1904, 80 patients were treated and 8 were Māori.[1681] In 1905, 98 patients were treated and 14 were Māori.[1682] In 1906, 122 patients were treated and 10 were Māori.[1683] In 1907, 56 patients were treated and 13 Māori.[1684] In 1908, 129 patients were treated and 14 were Māori.[1685] In 1909, 124 patients were treated and 11 were Maori.[1686] Generally the patients treated by the hospital at this time came from the Wellington, Horowhenua, Wairarapa, Manawatu, Hawkes Bay and other nearby regions such as Taranaki.[1687]

[1675] ibid, 2 March 1908.
[1676] *Dominion*, 3 March 1908.
[1677] ibid, 21 May 1908.
[1678] AJHR, H22, 1901, p. 20.
[1679] AJHR, H22, 1902, p. 19.
[1680] AJHR, H22, 1903, p. 19.
[1681] AJHR, H22, 1904, p. 20.
[1682] AJHR, H22, 1905, p. 21.
[1683] AJHR, H22, 1906, p. 22.
[1684] AJHR, H22, 1907, p. 24.
[1685] AJHR, H22, 1908, p. 40.
[1686] AJHR, H22, 1909, p. 35.
[1687] AJHR, 1910, H22, p. 28.

By 1932 the Wellington Hospital Board had ceased administering the sanatorium, and it was transferred to the Crown for the purposes of a sanatorium.[1688] In November 1935 the Otaki Sanatorium reserve was vested in the Palmerston North Hospital Board.[1689]

By the mid-1960s the construction of a new hospital at Levin meant the Otaki Hospital was no longer required. It was closed in 1964, although Palmerston North Hospital continued to operate an x-ray facility on the site.[1690] In 1965 *Truth* published an article titled 'Sanatorium Left to Rot Away' and described it as 'That much-discussed bone of contention'. It stated that the people of Otaki were unhappy the hospital was 'left to rot' while a new hospital was built at Levin. The Otaki Sanatorium was 'in splendid condition, despite the fact it has been vacant for more than one year.' Truth journalist David Gapes on a tour of the sanatorium said:

> The buildings are in wonderful condition and resemble my conception of a huge, low, rambling tropical hotel. A magnificent view is available from practically every room in the buildings. It seems a great waste to allow this valuable asset to go to seed.[1691]

The Ministry of Works looked at alternative public uses for the site, and at first it was thought it could be used by the Education Department for child welfare purposes.[1692] While the Crown was considering options for the use of the site, local Māori sought information about how the land was acquired, as part of their interest in having it returned to them.

In 1964 Otaki Māori expressed concern about the disposal of the site of the Otaki Sanatorium. At a meeting held in May 1964 with the Secretary for Māori Affairs questions were raised about what the Crown planned for the site, and the argument presented that it should be returned to the original owners:

> One of the matters discussed was the question of the future of the land at present occupied by the T.B. Sanitorium [sic] at Otaki. According to speakers, the land had been given to the Government because the Otaki Māori were concerned at the high incidence of T.B. amongst their own people. Having heard that the

[1688] E.D. Fogerty, Assistant Land Purchase Officer, Works, 'Otaki Sanatorium: Status of Land', 15 April 1965, AAQB 889 W3950/284 24/962/2, ANZ Wellington [IMG 0286-0287].
[1689] NZG, 1935, p. 3361; AADS W3562/180 6/8/20, ANZ Wellington [IMG 3708].
[1690] D.N. McKay, Minister of Health to Town Clerk, Otaki Borough Council, 28 May 1965, AAQB 889 W3950/284 24/962/2, ANZ Wellington [IMG 0283].
[1691] *Truth*, 2 June 1965; on, AADS W3562/180 6/8/20, ANZ Wellington [IMG 3706].
[1692] P.L. Laing, Commissioner of Works to the Minister of Works, 23 June 1965, AAQB 889 W3950/284 24/962/2, ANZ Wellington [IMG 0282].

> sanatorium [sic] is shortly to be closed, the families of the donors were concerned at the possibility that this very valuable land might simply be subdivided and sold for residential purposes. They felt if the land was no longer to be used for the purpose in which it was donated or for some kindred purpose, it should be returned to the original owners or their descendants.[1693]

The Director General of Health told Māori Affairs that enquiries were being made about whether a deed of covenant or other documents existed about the 'original transaction'. He also asked Māori Affairs to search their own records and concluded that:

> Both the Secretary and the Medical Superintendent expressed themselves definitely that they did not think that the Board would have any intention of disposing of the land for subdivisional purposes or in any other way that impinged upon any rights that the descendants of the original donors might be able to sustain.[1694]

The Registrar of the Māori Land Court researched the issue and concluded that Otaki Māori were concerned about the part of the land which had been taken from the Church Mission Grant. He said a search of the records had not revealed any information and suggested a search of the land transfer titles.[1695] The Secretary for Māori Affairs said there was nothing in the record to show that the Church Mission was paid compensation for the land taken but he presumed it had been. He argued that: 'This is a point which needs to be established in case it is asserted and proved that the Church Mission land was originally a gift.'[1696]

In the absence of the Public Works Department file for the taking, research for this project has not confirmed what compensation, if any, was paid to the Church Mission Trust. However, as noted above, in April 1906 the Wellington Hospital Board resolved 'to ascertain what the Mission Trust would accept as compensation', indicating that there were some compensation negotiations.[1697]

[1693] R.M. Stephenson, for, Secretary to Hema Hakaraia, Otaki, 10 August 1964, ACIH 16036 MA1/149 5/13/266, ANZ Wellington [IMG 3893].
[1694] G. Blake-Palmer, for, Director General of Health, Wellington to Secretary, Māori Affairs, Wellington, 1 July 1964, ACIH 16036 MA1/149 5/13/266, ANZ Wellington [IMG 3901].
[1695] F.T. Kane, Māori Land Court, Ikaroa District, Palmerston North to Bob, Māori Affairs, ACIH 16036 MA1/149 5/13/266, ANZ Wellington [IMG 3896].
[1696] J.M. McEwen, Secretary, Māori Affairs to Director General of Health, Wellington, 20 July 1964, ACIH 16036 MA1/149 5/13/266, ANZ Wellington [IMG 3894-3895].
[1697] Wellington Hospital Board meeting minutes, 20 April 1906, p. 181, ABRR 7266 W4743/1 pt 1, ANZ Wellington [IMG 4050].

In response to the questions raised at the May 1964 meeting, a letter was written in August 1964 to Hema Hakaraia. The letter laid out the different subdivisions of Māori land and Church Mission Trust land which had been taken for the hospital. It then explained that the Native Land Court had awarded £915 compensation for the Māori land:

> It would seem therefore, that although the owners may have agreed to the taking of their land, they were paid for their interests and there is no question of the land having been gifted.[1698]

While true of the Māori-owned blocks which were taken, that statement did not cover the land taken from the Church Mission Trust, which was not subject to a Native Land Court compensation hearing as it had the status of European land at the time.

In October 1965 the majority of the former sanatorium site, which included the land taken from the Māori-owned blocks and part of the Church Mission Trust lands, was set apart under Section 25 of the Public Works Act 1928 for a 'public institution under the Mental Health Act 1911' (coloured blue on the Map below).[1699] Between 1965 and 1987 the former hospital site was used a residential facility for young adults with intellectual disabilities, later called 'Koha Ora'.[1700]

The 83 acre area, now called Section 83 Block IX Waitohu Survey District was vested in the Palmerston North Hospital Board for hospital purposes.[1701] In 2002 the Midland Central District Health Board transferred the site to the Crown, and it is now held by the Crown under the Land Act 1948.[1702] The land immediately around the hospital buildings, which was the site of the original hospital remained vested in the Palmerston North Hospital Board. In 2002 it too was transferred from the MidCentral District Health Board to the Crown.[1703] Today it is the site of the Otaki Community Health Centre, with community health organisations and clinics run by MidCentral Health

[1698] R.M. Stephenson, for, Secretary to Hema Hakaraia, Otaki, 10 August 1964, ACIH 16036 MA1/149 5/13/266, ANZ Wellington [IMG 3893].
[1699] NZG, 1965, pp. 1812-1813.
[1700] Paul Husbands, 'Māori Aspirations, Crown Response and Reserves 1840 to 2000', CFRT, November 2018, pp. 771-772.
[1701] NZG, 1976, p. 1223.
[1702] QuickMap Title Details, CT WN21B/85.
[1703] CT WN422/123.

(shown in orange on the plan below). Both areas are now held by the Office of Treaty Settlements as part of its land bank to be used for future settlements.[1704]

In the 'Māori Aspirations, Crown Response and Reserves 1840-2000' report Husbands details the long history of unsuccessful attempts by both the Otaki and Porirua Trusts Board and the Whanaunui Trusts, a group representing the former owners of the Māori land blocks taken for the hospital, to regain ownership of the hospital site once it was no longer required. Interested parties should refer to that report for further information. Of particular note is the failure to properly identify the Otaki and Porirua Trusts Board and the Whanaunui Trusts as the appropriate groups to be offered the site for purchase at the time that MidCentral Health transferred the land to the Crown.[1705]

The remaining area, Section 82 Block IX Waitohu Survey District (16 acres 20 perches), is now Haruatai Park (shown in green on the plan below). In 1968 the Minister of Health approved of this area of the Mental Health reserve being released for recreation purposes, to be developed into playing fields by the Otaki Borough Council.[1706] In September 1970 it was set apart under the Land Act 1948 as a reserve for recreation purposes and vested in the Otaki Domain Board.[1707]

After the Koha Ora centre was closed, the question was again raised as to whether the Church Mission Trust received compensation for the land taken under the Public Works Act in 1906. At this time solicitors acting for the Otaki and Porirua Trusts Board made an official information request into the background of the site of what was then the Koha Ora Annexe.[1708] Once again, the lack of original records meant that the Crown could not confirm whether or not compensation was paid to the Church Mission Trust. The Assistant Commissioner of Works forwarded the previous correspondence from 1965 about the original taking, and compensation paid for the Māori-owned blocks, but commented that:

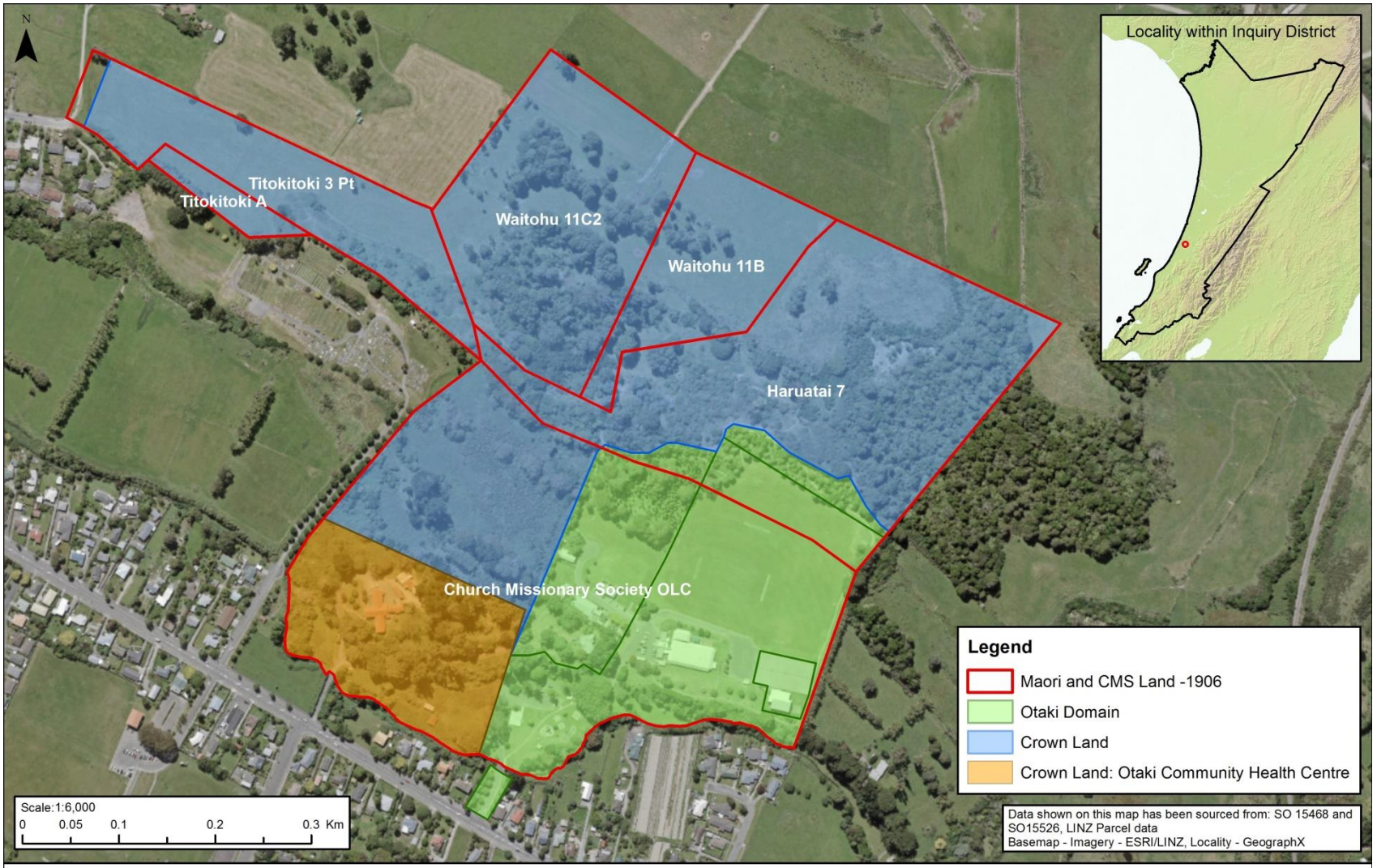
[1704] Paul Husbands, 'Māori Aspirations, Crown Response and Reserves 1840 to 2000', CFRT, November 2018, p. 779.
[1705] Paul Husbands, 'Māori Aspirations, Crown Response and Reserves 1840 to 2000', CFRT, November 2018, p. 770-779.
[1706] A.P. Jack, Assistant Land Purchase Officer to District Commissioner of Works, Wellington, 15 April 1970, AAQB 889 W3950/284 24/962/2, ANZ Wellington [IMG 0268].
[1707] NZG, 1970, p. 1770.
[1708] D.J.S. Laing, Brandon Brookfield, to the Commissioner of Works, Wellington, 4 March 1988, AAQB 889 W3950/284 24/962/2, ANZ Wellington [IMG 0259].

> Records of this taking have proven very hard to trace. A former investigation of the same question in 1981 revealed that the Department of Māori Affairs could find no record of any compensation having been paid to the Church Mission Trust.[1709]

At the time the land was acquired in 1906 the Church Mission Trust was an independent organisation, and the Native Land Court/Native Department was unlikely to have been involved in any compensation negotiations. If there were any records of compensation it was most likely held by the Trust itself at that time.

[1709] I.R. Davies, for Assistant Commissioner of Works to D.J.S Laing, Brandon Brookfield, 10 March 1988, AAQB 889 W3950/284 24/962/2, ANZ Wellington [IMG 0258].

Map 43: Land Taken for Otaki Hospital and Current Status



Porirua ki Manawatu Inquiry District: **Land Taken for Otaki Hospital 1906 and Current Status**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkMPWI - 005 Map projection: New Zealand Transverse Mercator Date: 13/11/2018

9.4 Summary of Issues

The hospital at Otaki was first established on land which had been originally been gifted to the Church Missionary Society. The Mission Trust agreed to lease land for a hospital site. As part of developing a sanatorium for tuberculosis patients the Wellington Hospital Board decided to acquire the freehold of the leased site, along with a larger area of land from both the Mission Trust and neighbouring Māori land owners. Research has been unable to locate the Public Works file relating to the acquisition of the hospital site in 1906, which has meant that questions remain about the extent to which Māori were consulted before the acquisition and any compensation negotiations which took place with the Mission Trust.

Although records relating to direct consultation with Māori land owners have not been located, Otaki Māori were generally aware of the hospital board's plan for the sanatorium. Māori were among those who expressed concern about tuberculosis patients being housed in close proximity to the township, and to areas where Māori were living.

Thirty nine acres were proclaimed as taken from the Church Mission Grant for hospital and sanatorium purposes in November 1906. This included the 12 acres which the board was already leasing for the hospital. No records have been located to confirm whether or not the board paid compensation to the Mission Trust for this land, but there are references to the board entering into negotiations with the trust.

In July 1906 approximately 37 acres were taken from Waitohu 11C2 and Haruatai 7. Although the blocks were Māori freehold land, the Pakeha lessee had purchased some undivided interests in Haruatai 7. The board had negotiated with the lessee/part owner before the land was taken. One Māori owner objected after the notice of intention was issued, but the board dismissed his objection. A further area of 13 acres was taken from 3 other Māori blocks in September 1906. Compensation was assessed by the Native Land Court the next month. On behalf of the owners evidence was presented about neighbouring land sales, and the improvements made by the lessee. The Crown disputed that the land was equivalent in value to recent sales. The court found that the valuations

presented by the Crown were too low, and awarded compensation based on adding 40 percent to the government valuation. The total award was £915.

The sanatorium was closed in 1964. At this time it was vested in the Palmerston North Hospital Board. Following usual procedure the Crown offered the site to other government agencies for alternative public uses. At this time Otaki Māori argued that if the hospital was closed it should be returned to the former owners, including the land taken from the Mission Trust. By this time the rest of the Church Mission Grant land was held by the Otaki and Porirua Trusts Board. As compensation had been paid for the Māori land taken, the Crown considered there was no obligation to revest the site. This was in line with the provisions of the Public Works Act 1928. The former hospital was then declared 'an institution under the Public Health Act' and was used as a residential facility for intellectually handicapped youth until 1987.

In 1970, sixteen acres of the hospital land were set apart under the Land Act 1948 as a reserve for recreation purposes and vested in the Otaki Domain Board. It is now part of Haruatai Park.

After the institution was closed, it was no longer required by MidCentral Health. The subsequent attempts by the Otaki and Porirua Trusts Board and representatives of the former owners of the Māori land blocks to regain ownership of the site are covered in a separate research report. Of particular note is the failure to properly identify the Otaki and Porirua Trusts Board and the Whanaunui Trusts as the appropriate groups to be offered the site for purchase at the time that MidCentral Health transferred the land to the Crown in 2002. It is now held by the Office of Treaty Settlements as part of its land bank to be used for future settlements.

10. Education: Schools and Child Welfare Institution

Perhaps one of the most well-known cases of Māori in the district gifting land for educational purposes were not made to the Crown, but to the Church Missionary Society. The history of what was to become the Otaki and Porirua Trust which administered these lands, and the long-running efforts to have the land returned to Māori control and ownership have been covered in the 'Ngāti Raukawa Rangatiratanga and Kāwanatanga: Land Management and Land Loss from the 1890s to 2000' report and the 'Ngati Toa Lands Research Project: Report 2: 1865-1975'.[1710] While the mission school at Otaki is not discussed in this report, the acquisition of part of the school site for hospital purposes in covered in Section 9 of the report.

10.1 Waikanae School 1895

Parata Native Township was proclaimed under the Native Townships Act 1895 in August 1899.[1711] The history of the establishment of Parata Native Township and how it was administered by the Crown is discussed in the 'Te Atiawa / Ngāti Awa ki Kapiti: Twentieth Century Land and Local Issues Report'.[1712] The following information gives brief information on the site of Waikanae Primary School from a public works' perspective.

Prior to agreeing to the establishment of the township, Wi Parata had agreed to land being used for a school site, within the area which was to become the township. In October 1895 it was reported that Wi Parata had agreed to lease land at Waikanae for a school for £5 per year.[1713] When Parata Native Township was subsequently surveyed, the school site became Section 43 (3 roods 35.8 perches) of the township, and was designated as an Education Reserve.[1714] Under the Native Township Act 1895, sections could be set aside as reserves for public purposes, and were vested in Crown ownership without payment.[1715]

[1710] E. Fitzgerald and Grant Young et el, 'Ngāti Raukawa Rangatiratanga and Kāwanatanga: Land Management and Land Loss from the 1890s to 2000', CFRT, June 2017; Richard Boast and Bryan Gilling, 'Ngāti Toa Lands Research Project: Report 2: 1865-1975', CFRT, September 2008, Wai 2200 #A206.
[1711] NZG, 1899, p. 1587.
[1712] Barry Rigby and Leanne Boulton, 'Te Atiawa/ Ngāti ki Kapiti: Twentieth Century Land and Local Issues Report', Waitangi Tribunal, Draft, July 2018.
[1713] *Evening Post*, 30 October 1895, p. 2.
[1714] Wellington Deposited Plan DP 1031.
[1715] Section 12(2), Native Townships Act 1895.

The school site was then vested in the Wellington Education Board. However, because the site of the school was swampy it was considered unsuitable. In 1908 the Education Department informed the Native Department that 'arrangements have been made with the Native owners' to shift the school to Sections 18 and 19 of the township.[1716] Special legislation was required to implement this arrangement. Section 38 of the Māori Land Laws Amendment Act 1908 provided for Sections 18, 19 and 23 to be vested in the Wellington Education Board for a school and teacher's dwelling. It also provided that any person with an interest in the land was entitled to compensation under the Public Works Act.[1717]

Compensation was assessed by the Native Land Court in December 1910. The representative of the Māori Land Board told the court it had reached an agreement with the Wellington Education Board that compensation would be £150. The court made a compensation award accordingly.[1718] It appears that the 'arrangement' did not provide for the original school site to be revested in the owners. In 1915 the Education Board subdivided Section 43 into 7 smaller sections, presumably for sale as residential properties.[1719]

10.2 Tokorangi School 1908

A notice of intention to take 2 acres 3 roods 36.2 perches for a school in Tokorangi Reserve was issued in December 1907.[1720] In July 1908 a proclamation taking Section 1 (Tokorangi Reserve) for a public school was issued.[1721] The area taken was vested in the Wanganui Education Board, which applied in 1910 to the Native Land Court to assess the compensation. Mr Hutton appeared for the Education Board and called the lessee John Morrison as a witness. Morrison said his lease would expire in 1912 and he was not seeking any compensation. He claimed to be well acquainted with the value of land in the area and he said a 'fair value' for the two acres was £20 an acre. The court was told that Mr Pleasants also valued the land at £20 an acre. Owner Te Rua Hoera te

[1716] Secretary, Education, to Under Secretary, Native Department, 26 August 1908, Rawhiti Higgott Papers [IMG 2739].
[1717] Section 38, Māori Land Laws Amendment Act 1908.
[1718] Well MB 17, 9 December 1910, p. 220, [P 1170239]
[1719] Wellington Deposited Plan DP 3241.
[1720] NZG, 1907, 1908, p. 127.
[1721] NZG, 1908, p. 1952.

Rango (aka) Te Hira Hoera te Rango told the court that he and his sisters had all agreed to accept £20 an acre. Morrison told the court that Mere Tuatini had authorised him to say she accepted £20 an acre. Judge Gilfedder awarded compensation of £59-15-0 to be paid by the Wanganui Education Board to Mere Tuatini, Auta Tua, Puke Tuatini and Te Hira Hoera te Rango in equal shares to be 'paid to them direct as restrictions have been removed by Act'.[1722]

10.3 Palmerston North Technical School 1936

In 1941 the Education Department requested that the Crown purchase Suburban Section 228 (5a 0r 1.2p), Section 229 (5a) and Part Section 236 (3a 1r 23.62p) and Part Section 236 (13.33p) Palmerston North Block X for a technical school. Section 229 was an Education reserve. Section 228 was a part of the Palmerston North Native Reserves held by the Native Trustee on behalf of 'Waiwhetu Māori'.[1723] The trustee agreed to the acquisition of the land for a technical school with compensation to be assessed by the Native Land Court.[1724] Section 236 was owned by M.J. Sutherland and the remaining smaller portion of 236 by G.S. Leader.[1725]

In November 1941 a gazette notice consenting to the taking of Parts Suburban Section 236 (3a 1r 25.3p) and (13.33p) and Suburban Section 228 (5a 0r 1.2p) was issued.[1726] The proclamation taking 5 acres and 1 rood from Suburban Section 223 Town of Palmerston North for a technical school was signed on 1 December 1941.[1727]

In June 1942 the Native Land Court heard the application for compensation for Section 228 to be assessed. Although there had been prior negotiations between the Public

[1722] Whang MB 59, 5 July 1910, pp. 168-169, [P 1170613-1170164].
[1723] The Palmerston North Native Reserves originated from reserves allocated by the New Zealand Company at Lowry Bay in Wellington for Waiwhetu Māori. Governor Grey later sold the reserves to European Settlers, and the proceeds of the sale were used to purchase 20 sections in the Township of Palmerston North as replacement reserves. For further information about the history of the Palmerston North Reserves see Ralph Johnson and Rachael Willan, 'The Sale and Administration of Waiwhetu Reserves at Lowry Bay and Palmerston North', November 1997, Wai 145 #I10.
[1724] P.N. Duncan, Registrar, for, Native Trustee, Wellington to Director of Education, Wellington, 27 September 1940, AAQU 889 W3428/181 31/457/1, ANZ Wellington [P 11704431]; see also C. Beeby, Director of Education to Under Secretary, Public Works, 21 March 1941 [P 1170434].
[1725] C.E. Beeby, Director of Education, Wellington to Under Secretary, Public Works, Wellington, 3 March 1941, AAQU 889 W3428/181 31/457/1, ANZ Wellington [P 1170425-1170426]; see also District Land Registrar, Wellington to Permanent Head, Public Works, Wellington, 18 March 1941 [P 1170428-1170429].
[1726] NZG, 1941, p. 3758.
[1727] NZG, 1941, p. 3752.

Works Department and the Native Trustee, these had failed to agree on the basis on which the land should be valued. The Native Trustee argued that the potential value of the land as a residential subdivision should be taken into account. Plans for such a subdivision were already underway. The trustee argued that the returns on the residential subdivision would have been greater than the investment returns which would now be earned from the compensation sum.

On 30 June 1942 Chief Judge G.P. Shepherd gave his judgment. He said it had been admitted into evidence that if the land had not been acquired by the Crown the Māori owners would have subdivided it for house sites. The Native Trustee claimed £2,800 and the Crown was offering £2,000. The Judge noted that four valuers had been used and 'there was no great difference between the values both gross and net put upon the land by the valuers'.[1728] However, a Crown witness said £500 should be deducted to represent the profit which a hypothetical buyer of the area would require from a purchase of the land. It was over this £500 sum that divergence between the valuations became apparent. Chief Judge Shepherd said:

> The Native Trustee included in his claim an unspecified amount as representing the loss which he would suffer by reason of the difficulty of finding an investment equal to five per cent on the compensation moneys. He based this claim on the rentals which it was considered he could look for within a reasonable time from the building sites. To allow this part of the claim would be a case of finding the value by capitalizing the prospective income from the land, including the cost of subdivision into building sites, which is not the true measure of compensation.[1729]

The court awarded compensation of £2,470 and costs of £28-7-0. Compensation was to be paid to the Native Trustee and to be held in trust 'for such Natives and their successors'.[1730]

The Assistant Under Secretary of Public Works considered that £2,470 was too much and wanted it appealed.[1731] The Crown Solicitor agreed that the Crown should appeal

[1728] Otaki MB 62, 30 June 1942, p. 159, [P 1160819-1160820].
[1729] ibid, p. 160.
[1730] ibid; see Native Land Court Judgment, 30 June 1942, Chief Judge G.P. Shepherd, AAQU 889 W3428/181 31/457/1, ANZ Wellington [P 1170464].
[1731] N.E. Hutchings, Assistant Under Secretary, Public Works to Solicitor General, July 1942, AAQU 889 W3428/181 31/457/1, ANZ Wellington [P 1170455-1170456].

the sum awarded.[1732] In July 1942 the Crown appealed the compensation award as being 'excessive'.[1733] In September 1942 the Native Trustee also appealed the compensation award as being 'inadequate.'[1734] In November 1942 the Native Appellate Court heard the compensation appeals.[1735] The Native Appellate Court found that although the compensation award did not follow precedent, the land in question would have been developed for housing purposes, if it had not been taken for the technical school. The Appellate Court did not alter the compensation sum.[1736]

In December 1942 the Chief Land Purchase Officer recommended the matter should be settled to avoid further costs.[1737] Cabinet approval was sought to make a compensation payment.[1738] In February 1943 approval was given for a payment £2,560-2-0 which included costs of £28-7-0 and interest of £61-15-5.[1739] The Native Trustee received payment of £2,470 in February and asked about the payment of interest.[1740] An application was made to the Director of Education for the payment of interest to the Native Trustee.[1741]

10.4 Oroua Bridge/Rangiotu Primary School Sites 1887 and 1941

In the late 1880s the Wanganui Education Board negotiated with the two owners of Rangitikei Manawatū B to obtain a site for a primary school. In April 1887 solicitors on behalf of the Wanganui Education Board informed the Native Land Commissioner that Enereta Rangiotu and Tino Tangata 'have had a small portion of this block containing two acres according to the enclosed plan cut off and have made a gift of it

[1732] Crown Solicitor, Wellington to Under Secretary, Public Works, 7 July 1942, AAQU 889 W3428/181 31/457/1, ANZ Wellington [P 1170457].
[1733] Notice of Appeal (Rule 126), J.B. Brosnan, Solicitor for respondent to Registrar, Native Land Court, Wellington, 21 July 1942, AAQU 889 W3428/181 31/457/1, ANZ Wellington [P 1170458].
[1734] P.H. Dudson, Registrar to Under Secretary, Public Works, Wellington, 11 September 1942, AAQU 889 W3428/181 31/457/1, ANZ Wellington [P 1170459].
[1735] P.H. Dudson, Registrar, Ikaroa Māori Land Board, Wellington to J.D. Brosnan, Public Works, Wellington, 19 November 1942, AAQU 889 W3428/181 31/457/1, ANZ Wellington [P 1170460].
[1736] J.D.B. to Under Secretary, 2 December 1942, AAQU 889 W3428/181 31/457/1, ANZ Wellington [P 1170463].
[1737] J.D. Brosnan, Chief Land Purchase Officer to Under Secretary, 15 December 1942, AAQU 889 W3428/181 31/457/1, ANZ Wellington [P 1170465].
[1738] Assistant Under Secretary, Public Works, Wellington to Director of Education, Wellington, 18 December 1942, AAQU 889 W3428/181 31/457/1, ANZ Wellington [P 1170466-1170467].
[1739] C. Beeby, Director of Education to Under Secretary, Public Works, Wellington, 2 February 1943, AAQU 889 W3428/181 31/457/1, ANZ Wellington [P 1170469].
[1740] O.N. Campbell, Native Trustee, Wellington to Engineer in Chief & Under Secretary, Public Works, Wellington, 17 February 1943, AAQU 889 W3428/181 31/457/1, ANZ Wellington [P 1170472].
[1741] Assistant Under Secretary, Public Works, Wellington to Native Trustee, Wellington, 21 May 1943, AAQU 889 W3428/181 31/457/1, ANZ Wellington [P 1170475].

to the Education Board of Wanganui for a school site.'[1742] The Wanganui Education Board had instructed the solicitors to have the land transferred to its control. However, the prohibition against private sales under the Native Land Administration Act 1886 meant that the direct transfer from the owners to the board could not be completed. The Education Board's solicitors asked the commissioner for advice on the best means of transferring the land to the board's control and they noted the board had already spent money erecting buildings. They also stressed that consideration should be given to 'the fact of its being acquired by a public body for commendable purposes'.[1743]

The Native Minister wanted the matter 'facilitated' and officials were asked for possible solutions.[1744] A meeting of owners was recommended.[1745] A notice for a meeting was published in the *Kahiti* regarding the sale of Rangitikei Manawatū Native Reserve Section 51.[1746] Land Purchase Officer Butler said any 'consideration' on price was to be for a 'nominal' sum.[1747] Research has not revealed how or when the transfer to the Education Board was completed, although it was later noted that the 'Certificate of Title was not completed until 1898'.[1748]

At this time the school was known as the Oroua Bridge School. In 1894 the school building was burnt to the ground.[1749] The school was rebuilt and in 1899 a teacher's residence had been added to the site.[1750]

[1742] Fitzgerald & Marshall, Wanganui to J.W. Marchant, Native Land Commissioner, Wellington, 30 April 1887, AECZ 18714 MA MLP1 22p 1887/207, ANZ Wellington [IMG 0357-0359].
[1743] ibid
[1744] File note, T.W. Lewis, 10 May 1887, AECZ 18714 MA MLP1 22p 1887/207, ANZ Wellington [IMG 0358].
[1745] Native Office, minute, T.W. Lewis, 1 June 1887, AECZ 18714 MA MLP1 22p 1887/207, ANZ Wellington [IMG 0355].
[1746] J. Marchant, Commissioner to Under Secretary, Native Department, 13 June 1887, AECZ 18714 MA MLP1 22p 1887/207, ANZ Wellington [IMG 0351, 0352, 0353].
[1747] File note, W.J. Butler to Sheridan, 25 June 1887, AECZ 18714 MA MLP1 22p 1887/207, ANZ Wellington [IMG 0354].
[1748] E.R. Fowler, for, W.A. Stephens, Secretary Manager, Wanganui Education Board to Regional Superintendent of Education, Wellington, 3 April 1970, ABFI W3608/13 7/4 CRO pt 2, ANZ Wellington [IMG 0299].
[1749] *Feilding Star*, 5 September 1894; *Wanganui Chronicle*, 6 September 1894.
[1750] Barsanti, for, W.A. Stephens, Secretary Manager, Wanganui Education Board to Regional Superintendent of Education, Wellington, 4 November 1969, ABFI W3608/13 7/4 CRO pt 2, ANZ Wellington [IMG 0300]; see also H.W. Sayers, Regional Superintendent of Education to Commissioner of Crown Lands, 22 December 1970 [IMG 0297].

In 1902 tenders were called for alterations and additions to the school which were completed in 1903.[1751] In 1907 the teacher at Rangiotu School commented 'the Maoris took a keen interest in the educational welfare of their children' and a Māori parent said he wanted one of his children to be a lawyer and the other a Doctor and he told the teacher to work them hard.[1752] In 1909 the need for drainage work at the school was under consideration.[1753] In 1914 the name of the school was changed from the Oroua Bridge School to Rangiotu School.[1754]

Further building additions were made to Rangiotu School in 1920 and in 1921 it was reported that due to population growth in the district Rangiotu School was overcrowded and a new school would be required.[1755] As evidence to support an increase in its roll it was noted that five of the children who attended Rangiotu travelled fifteen miles a day by horse.[1756]

In 1925 the Inspector of Schools reported that the site of Rangiotu School was unsuitable. A body had been buried in a cemetery that was less than a chain away from the school teacher's house. The inspector listed health issues including scarlet fever, typhoid, blood poisoning, and gastric problems which he indirectly linked to the school and the cemetery.[1757]

In 1926 steps were taken to remove the house from its site because it was built 'in a hollow below the level of the adjoining cemetery. Complaints have been made that the health of the teacher's family has been affected.'[1758] The costs of moving the house were considered too high and taking another section of land under the Public Works Act was being considered.[1759] The school committee advised the department that

[1751] *Manawatu Standard*, 19 May 1903; ibid, 1 December 1902.
[1752] ibid, 25 February 1907.
[1753] *Manawatu Herald*, 9 December 1909.
[1754] *Feilding Star*, 13 August 1914; see W. Savage, Wanganui Education Board to Secretary, Education, Wellington, 14 August 1914, ABFI W3450/63 7/4, ANZ Wellington [IMG 0210].
[1755] *Manawatu Standard*, 27 July 1921.
[1756] ibid, 24 November 1921.
[1757] J.W. Huggins, Inspector, Palmerston North to Medical Officer of Health, Wellington, 23 November 1925, ABFI W3450/63 7/4, ANZ Wellington [IMG 0209].
[1758] W.E. Spencer, Education, Wellington to Minister, 28 January 1926, ABFI W3450/63 7/4, ANZ Wellington [IMG 0208].
[1759] W.E. Spencer, Director of Education to Secretary, Education Board, Wellington, 5 February 1926, ABFI W3450/63 7/4, ANZ Wellington [IMG 0207].

Manawaroa te Awe Awe owned the land.[1760] In 1931 the Education Board withdrew its application to move the residence saying the current teacher was satisfied with the house.[1761]

In 1939 the Wanganui Education Board placed the erection of a new Rangiotu School site as 'seventh on the list of Urgent Works for 1939.'[1762] In 1940 the need for a new school site was third on the list of urgent works.[1763] At this time it was proposed that Rangiotu would be consolidated with nearby Bainesse School and a new school would be built on yet to be selected site.[1764]

In April 1941 Cabinet approval was given for the purchase of a new school site.[1765] In August 1941 the Education Board sought to acquire Part Rangitikei Manawatū B4 (5a 2r 37.6p) for the new public school at Rangiotu.[1766] The District Engineer reported that there were no objections to the land being taken and 'the only buildings on the ground are the present school buildings'.[1767] There is no further information about any arrangements for school buildings to be erected on the land before it was taken. The Education Board had previously entered into negotiations with the owners to purchase the land, which may mean some permission was given for temporary occupation.[1768]

In October 1941 the Wanganui Education Board explained that the land was to be taken as a 'new site' for Rangiotu School, and explained the board was anxious to get construction underway:

> The Board would be glad if you could expedite this matter as one of urgency as cannot commence the erection of the new school and this being so, we will

[1760] L.J. Walker, Secretary, Rangiotu School Committee to Secretary, Education, Wellington, 22 February 1926, ABFI W3450/63 7/4, ANZ Wellington [IMG 0206].
[1761] Secretary, Wanganui Education Board to Director of Education, Wellington, 22 May 1931, ABFI W3450/63 7/4, ANZ Wellington [IMG 0205].
[1762] Director to Minister, 9 May 1939, ABFI W3450/63 7/4, ANZ Wellington [IMG 0204].
[1763] Secretary, Wanganui Education Board to Director of Education, Wellington, 24 April 1940, ABFI W3450/63 7/4, ANZ Wellington [IMG 0202-0203].
[1764] Director, Education, Wellington to Minister of Education, 6 May 1940, ABFI W3450/63 7/4, ANZ Wellington [IMG 0200-0201].
[1765] In Cabinet, 16 April 1941, approved, on Director of Education to Minister of Education, 24 July 1941, ABFI W3450/63 7/4, ANZ Wellington [IMG 0199].
[1766] P. Munro, J.W. Batchelor, Members, Wanganui District Education Board to Governor General, 11 August 1941, AAQB W4073/295 31/1074, ANZ Wellington [P 1160936-1160937]; see also [P 1160938].
[1767] T.A. Johnston, Resident Engineer, Public Works, Wellington to Permanent Head, Public Works, 4 September 1941, AAQB W4073/295 31/1074, ANZ Wellington [P 1160939].
[1768] Otaki MB 62, 27 November 1942, p. 41.

> shortly have a number of workmen without a job. The matter of erecting the new school at Rangiotu has been delayed for various reasons for a number of years and the local residents are pressing the Board for an immediate commencement with the work.[1769]

The registered owners of the site were Wiremu Kingi te Awe Awe, Tareuhe Manawaroa Wharawhara, Leonard Tuhimareikura Manawaroa and Ema Manawaroa. The B4 block was leased to farmer W. Hills for 15 years from 1 June 1932.[1770] The land was taken in October 1941. Because there were buildings on the land the Governor General had to consent to the taking, which was done by a proclamation signed on 22 October 1941.[1771] A proclamation taking 5 acres 1 rood 37.6 perches of Part Rangitikei-Manawatū B4 for a public school was signed on 23 October 1941.[1772]

On 27 November 1941 the Native Land Court held a compensation hearing for Part Rangitikei-Manawatū B4 (5a 1r 37.6p) taken for a school. Wilson appeared for the applicant the Wanganui Education Board and Rodgers for the lessee Hills. The Māori owners were not represented.[1773] The court noted that it had originally been intended that the land would be taken by transfer but this was found to be 'impractical'. The special government valuation made on 18 November 1941 had a capital value of £90 an unimproved value of £80 with improvements of £10. When a transfer was being considered the Wanganui Education Board and Māori owners had agreed on the sum of £165. The court agreed that this amount was 'fair value', and awarded £165 compensation. The lessee Hills was awarded £10 for the cost of moving a boundary fence.[1774]

After the school was relocated to the new site, the original site continued to be used for the teacher's residence until the 1960s. Although the house had been refurbished in 1944, the Education Board in 1962 said a house across the road from the new school site was on the market and the time was opportune to replace the original school

[1769] Secretary, Education Board, Wanganui, to Under Secretary, Public Works, Wellington, 9 October 1941, AAQB W4073/295 31/1074, ANZ Wellington [P 1160941].
[1770] District Land Registrar, Lands and Deeds Registry, Wellington to Permanent Head, Public Works, Wellington, 18 September 1941, AAQB W4073/295 31/1074, ANZ Wellington [P 1160940].
[1771] NZG, 1941, p. 3277.
[1772] NZG, 1941, p. 3270.
[1773] Otaki MB 62, 27 November 1942, pp. 40-42, [P 1160821-1160823].
[1774] ibid, p. 42.

house.[1775] An architect's report agreed and recommended the disposal of the original teacher's house. The architect noted that the land was originally Māori leased land to which the board had obtained title. He suggested if the house and land were sold the money could go towards the new residence. Official reports were made but it was decided that the Rangiotu teacher's residence had a further five years life and the alternative site was considered too expensive.[1776]

In April 1965 an area of 11 perches was taken from the original school site by the Post and Telegraph Department for an automatic telephone exchange.[1777]

In 1970 the grandson of one of the original owners, William Larkin (Wiremu Kingi te Awe Awe) asked to take possession of the old school site when it was no longer required for education purposes.[1778] Ministerial approval to return the site was sought.[1779] Before any action could be taken Larkin died and his wife's family asked for the site to be returned to her.[1780] The Director General recommended the Minister of Education consent to the disposal of the old school house and site.[1781] The Minister approved the disposal to the Crown and then for its transfer to Mrs W. Larkin.[1782] In June 1971 a proclamation for Part Rangitikei-Manawatū B4 (1a 3r 29p) was issued that vested the area in the Crown and 'freed and discharged from every educational trust affecting the same.'[1783]

Since Rangiotu School was closed in the late 1990s, the site acquired in 1941 has also been revested in Māori. In November 2003 the school site was declared to be Māori

[1775] Acting Secretary, Wanganui Education Board to Director of Education, Wellington, 22 February 1962, ABFI W3450/63 7/4, ANZ Wellington [IMG 0198].
[1776] W. Stephens, Secretary, Wanganui Education Board to Director of Education, Wellington, 12 July 1962, ABFI W3450/63 7/4, ANZ Wellington [IMG 0197]; see also [IMG 0190, 0194-0196].
[1777] NZG, 1965, pp. 599-600; see also ABFI W3450/63 7/4, ANZ Wellington [IMG 0192].
[1778] E. Fowler, for, W.A. Stephens, Secretary Manager, Wanganui Education Board to Regional Superintendent of Education, Wellington, 3 April 1970, ABFI W3608/13 7/4 CRO pt 2, ANZ Wellington [IMG 0299].
[1779] H.W. Sayers, Regional Superintendent of Education, Wellington to Commissioner of Crown Lands, Wellington, 22 December 1970, ABFI W3608/13 7/4 CRO pt 2, ANZ Wellington [IMG 0297].
[1780] Petersen Silver & Hubbard, Palmerston North to Secretary Manager, Wanganui Education Board, 29 January 1971, ABFI W3608/13 7/4 CRO pt 2, ANZ Wellington [IMG 0295, 0296].
[1781] Director General, Wellington to Minister of Education, 2 February 1971, ABFI W3608/13 7/4 CRO pt 2, ANZ Wellington [IMG 0294].
[1782] H.W. Sayers, Regional Superintendent of Education to District Commissioner of Works, Wanganui, 16 February 1971, ABFI W3608/13 7/4 CRO pt 2, ANZ Wellington [IMG 0293].
[1783] NZG, 1971, p. 1181.

freehold land and vested in trustees. In April 2004 the site of the school (2.2197ha) was declared a Māori Reservation under Section 338(1) of Te Ture Whenua Maori Act 1993, 'for the common use and benefit of the descendants of Wiremu Te Awe Awe and Manawaroa Te Awe Awe'.[1784]

10.5 Paraparaumu School 1959

Ngarara West B2A2C was an 11 acre block that the Māori owners intended to subdivide for housing. They instructed surveyor Foster in December 1958 to produce a subdivision scheme. However, in April 1959 the Assistant Director of Education asked the Ministry of Works to commence negotiations with the Māori owners to acquire 6 acres of Ngarara West B2A2C, which had been identified as a site for a future school under the Town Planning Scheme.[1785]

The land was owned by Mrs Kore Jackson (Korenga Rangikauhata) and Mr Mouti Taylor (Erueti Mouti Mira Teira). In May 1960 the owners were told their land was being taken for a school. In December 1960 they instructed their solicitors to consent to the land being taken for a school. The Education Department intended to build Paraparaumu Primary School on Part Ngarara West B2A2C.[1786]

The government valuation for Ngarara West B2A2C was £1,510. A private valuation for the Crown valued B2A2C at £4,550 and a valuation by the Māori owners valued it at £7,755. These valuations may have been higher than the government valuation because they took the potential residential value of the land into account. Solicitors for the owners agreed to B2A2C being taken under the Public Works Act and compensation being assessed by the Māori Land Court.[1787] It was noted taking land under the Act 'is of course normal procedure with Maori land' and the 'husband of the owner has already approached this office in connection with the progress of the transaction'.[1788]

[1784] NZG, 2004, p. 1165, corrigendum/correction to NZG, 2004, p. 180.
[1785] F.M. Hanson, Commissioner of Works to Director of Education, Wellington, 17 July 1961, AAQB W4073/346 31/2233, ANZ Wellington [P 1160347-1160348]; see also proclamation, H.A. Fullarton, District Commissioner of Works to Minister of Works [P 1160354].
[1786] M.S. Goddard, Resident Engineer, Porirua to District Commissioner of Works, Wellington, 8 February 1961, AAQB W4073/346 31/2233, ANZ Wellington [P 1160342].
[1787] D. Warmington, Land Purchase Officer, A. Hawkins, District Land Purchase Officer, Works to District Commissioner of Works, Wellington, 10 March 1961, AAQB W4073/346 31/2233, ANZ Wellington [P 1160343-1160344].
[1788] F.M. Hanson, Commissioner of Works to Director of Education, Wellington, 21 July 1961, AAQB W4073/346 31/2233, ANZ Wellington [P 1160349]; see also [P 1160350].

There were delays with the process because a drain ran through the site and the district council was not satisfied with Work's proposed solution. Despite this situation being unresolved the Minister of Education approved the land being taken under the Act.[1789] In January 1962 a proclamation taking Part Ngarara West B2A2C (6 acres) for a public school was issued.[1790]

On 3 July 1962 the Māori Land Court heard the compensation case for Part Ngarara West B2A2C. The Crown presented a special government valuation of £4,905 and a private Crown valuation of £5,200. The owners had private valuations of £6,140 and £6,350. The court awarded compensation of £5,670 including £130 lump sum interest and legal costs of £244-15-6 making a total of £5,914-15-6. The sum was payable to the owner's solicitors, and the Land Purchase Officer said it 'is based on a compromise of valuations…and is reasonable.' He also noted that substantial costs had been involved because of lengthy negotiations, separate lawyers and valuers.[1791] The Director of Education agreed to pay the sum awarded.[1792]

10.6 Otaki Primary School Extension 1964

The land for Otaki Primary School was purchased by the Wellington Education Board, rather than taken under the Public Works Act. In 1893 the Otaki Primary School was badly damaged by fire. The Education Board decided to relocate the school to a more central site, and purchased Haruatai 10A and part of 10B, where the new school was built.[1793] However, 'shortly after this' the Education Board decided to purchase a more 'convenient' site, approximately four and half acres of the Makuratawhiti 1 blocks.[1794] In December 1893 the Education Board signed deeds of transfer with the owners of Makuratawhiti 1C (Pene te Hapupu), 1D (Hori te Waru) and 1F (Pene te Hapupu) to

[1789] A.E. Campbell, Director of Education, Wellington to Commissioner of Works, Wellington, 3 October 1961, AAQB W4073/346 31/2233, ANZ Wellington [P 1160353].
[1790] NZG, 1962, p. 2.
[1791] E.L. Staples, Land Purchase Officer, Skinner, District Land Purchase Officer to District Commissioner of Works, Wellington, 17 July 1962, AAQB W4073/346 31/2233, ANZ Wellington [P 1160357-1160358].
[1792] A.E. Campbell, Director of Education, Wellington to Commissioner of Works, Wellington, 26 July 1962, AAQB W4073/346 31/2233, ANZ Wellington [P 1160359].
[1793] A. Dorset, Secretary, Wellington Education Board to Education Department, 3 April 1895, ABFI W3540/138 7/6, ANZ Wellington [IMG 0305].
[1794] ibid

purchase the areas of the blocks south of Mill Road.[1795] The sum of £90 was paid for the 1D land.[1796] Makuratawhiti 1E1, south of Mill Road, was awarded to the Wellington Education Board by a Native Land Court partition order on 7 April 1894.[1797]

After building a new school at on the Makuratawhiti blocks, in 1895 the Education Board sought to dispose of the original school site along with Haruatai 10A and part 10B.[1798] In 1906 the Education Board transferred Haruatai 10A to the Wellington Hospital Board.[1799]

In 1953, 1958 and 1961 unsuccessful negotiations had been carried out with land owners near the school to extend the school site which was long and narrow. The area the Education Department wanted to acquire was Makuratawhiti 1B2D1 (1r 28.9p) and Makuratawhiti 1B2D2 (1r 28.9p).[1800] The sections were Māori land, owned by the Estate of Mrs M. Bell, and the trustees of the estate wanted the Crown to purchase all of the sections including a home and garage.[1801] Negotiations with the Bell estate did not continue at this time and other land owners near the school refused to sell in following years.[1802]

In 1963 the Crown recommenced negotiations with Bell's successors.[1803] The owner of Makuratawhiti 1B2D2 which as noted had a house and garage was Raniera Benjamin Bell of Otaki.[1804] Makuratawhiti 1B2D1 was a vacant section which the school used as

[1795] NZG, 1894, p. 64.
[1796] Walghan Partners, PKM Block Research Narratives, Draft, CFRT, December 2017, p. 270.
[1797] Makuratawhiti 1E1 Partition Order, 7 April 1894, Walghan Partners, 'Maori Land Court Records: Document Bank Project: Porirua ki Manawatu Series', September 2010, Vol X, p. 681.
[1798] A. Dorset, Secretary, Wellington Education Board to Education Department, 3 April 1895, ABFI W3540/138 7/6, ANZ Wellington [IMG 0305].
[1799] Secretary, Wellington Education Board to Secretary, Education, 26 April 1906, ABFI W3540/138 7/6, ANZ Wellington [IMG 0303].
[1800] C.G. Ellis, Assistant Director, Education, Wellington to Commissioner of Works, Wellington, 31 October 1957, AAQB W4073/328 31/1549, ANZ Wellington [P 1170012].
[1801] P.L. Laing, District Commissioner of Works to Assistant Director of Education, Wellington, 13 January 1958, AAQB W4073/328 31/1549, ANZ Wellington [P 1170013]; see also 'Plan of Prepared Additional Land for School Otaki' [P 1170015].
[1802] H.A. Fullarton, District Commissioner of Works to Director of Education, Wellington, 3 October 1962, AAQB W4073/328 31/1549, ANZ Wellington [P 1170020]. An area of 1 rood of European land was taken under the Public Works Act in 1957, NZG, 1957, p. 463, and a further 24 perches taken from the same block for a teacher's residence in 1959, NZG, 1959, p. 950.
[1803] A.E. Campbell, Director of Education to District Commissioner of Works, 17 May 1963, AAQB W4073/328 31/1549, ANZ Wellington [P 1170021].
[1804] File note, S.H. Wogan, 29 May 1963, Certificate of title 551/19 & CT 551/20, AAQB W4073/328 31/1549, ANZ Wellington [P 1170023].

a playground. Bell agreed to sell both sections for £4,100 which consisted of £3,357 for the house and garage and £725 for 1B2D2. The Māori Land Court approved the sale and the Land Purchase Officer approved the sum of £4,100 as payment.[1805] A proclamation taking Makuratawhiti 1B2D1 and 1B2D2 by consent for a public school was issued in August 1964.[1806]

In January 1966 the Education Department agreed to purchase additional land from R.B. Bell for the school. The area was Part Makuratawhiti 1B2B (2r 12.8p). Bell negotiated £800 compensation, which the Land Purchase Officer considered 'not unreasonable.'[1807] A proclamation taking by consent Part Makuratawhiti 1B2B as additional land for a public school was issued in January 1967.[1808]

10.7 Hokio Beach Child Welfare Institution

The Hokio Boys Training Farm/School was a school and home for boys in state care situated at Hokio Beach. The land taken and purchased for the school was part of Hokio Native Township, which had been laid out on Part Horowhenua IX B Section 42. A specific report on the establishment and management of Hokio Native Township under the Native Townships Act has been written by David Armstrong.[1809] That report explains how the township was vested in the Māori Land Board for subdivision into sections to lease to Pakeha. Under the Native Townships Act the Māori Land Board had the power to negotiate sale of the sections to the Crown.

10.7.1 Land Taken from Hokio Māori Township 1928-1970

In his research Armstrong incorrectly suggests that the institution at Hokio was first established and built on Section 1-4 Block IV of the township which the Education Department had leased from the Ikaroa District Māori Land Board.[1810] The more detailed research carried out for this project has confirmed that the Education

[1805] E.L. Staples, Land Purchase Officer, District Land Purchase Officer, Works, Wellington to District Commissioner of Works, Wellington, 10 December 1963, AAQB W4073/328 31/1549, ANZ Wellington [P 1170026-1170027].
[1806] NZG, 1964, p. 1331.
[1807] E.D. Fogarty, Assistant Land Purchase Officer, L.L. McClintock, District Land Purchase Officer, Works, Wellington to District Commissioner of Works, Wellington, 27 January 1966, AAQB W4073/328 31/1549, ANZ Wellington [P 1170032-1170034].
[1808] NZG, 1967, p. 83.
[1809] David Armstrong, 'Hokio Native Township', CFRT, July 2015, Wai 2200 #A154.
[1810] ibid, p. 13.

Department did not lease those sections, as when they were later taken in 1961, they were held under three private leases (see below).

According to a Ministry for Social Development report the facility at Hokio started 'as a beach retreat for staff at Weraroa Training Farm'.[1811] According to the report, it was used for staff holidays, and the practice developed of taking boys from the training farm there as well.

The original 'beach retreat' site was acquired by purchase in 1925. In 1925 the Education Department began negotiations with W.G. Vickers for Lot 2 Block III Hokio Native Township (1r 13p). Vickers had been the lessee of Lot 2, but had exercised his right to purchase the section. A purchase price of £100 was agreed.[1812]

10.7.1.1 Lot 4 Block III 1928-1950

The Education Department decided to expand facilities at Hokio to provide for accommodation and schooling for boys. In 1928 the Education Department started the process of acquiring more sections, which were still held by the Māori Land Board. On 14 September 1928 Ministerial approval was received to acquire Lot 4 Block III at government valuation. The Education Department considered it urgent that the school be expanded and on 7 September 1928 it had accepted a tender for the erection of a classroom and the contractor concerned about delays over securing the site and starting the work sought extensions which prompted the Education Department to act swiftly to secure the site.[1813] In August 1928 the *Horowhenua Chronicle* reported on plans for the school:

> The importance of Hokio, with its healthful environment of beach, stream and bush, has been recognised by the Education Department, as the controlling authority of the Weraroa Boys' Training Farm, a number of the boys from which institution have been taken there from time to time for suitable work and instruction. Last year a building to accommodate them was completed, and since the beginning of this year farm boys up to the age of 14 have been living there. The need of a school building has been felt, as up to the present the lads drafted to Hokio have had to receive their education in the structure which

[1811] 'Social Welfare Residential Care 1950-1994: Volume II: Residential Institutions' [no date], www.msd.govt.nz/documents/about-msd-and-our-work/contact-us/complaints/social-welfare-residential-care-1950-1994-volume-2-part1.pdf.
[1812] C.E. Bennett, Assistant Under Secretary, Public Works, Wellington to Crown Solicitor, Wellington, 17 June 1925, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0906].
[1813] C.E. Beeby, Director, Education, to Registrar, Ikaroa District Māori Land Board, Wellington, 24 January 1944, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington [IMG 0415].

> serves for their living quarters. The necessary facilities will shortly be provided, however, as the Department (through the Education Board) is calling tenders, closing on Wednesday, for the erection of a small school of an up-to-date type.[1814]

At this time the Education Department entered into negotiations for the purchase of Lot 4 Block III. The lot was considered unusual because the main road ran through the middle of it and was recommended that a one chain strip be retained to provide access to other areas. The land was valued at £50, if the access strip was excluded from the area taken.[1815]

The Education Department was told in October 1928 that if it required any further assistance in the negotiations to purchase the land from the Māori Land Board, the Public Works Department would assist.[1816]

The Under Secretary for Public Works suggested that when District Valuer, N.H. Mackie visited Hokio, the manager of the training farm should get him to make a valuation on the basis of purchasing Lot 4 Block III. It was also suggested that the Māori Land Board should retain the road line area, but sell the balance of Lot 4.[1817] Mackie on inspecting Lot 4 Block III with the manager said the situation with the land was 'somewhat unusual' because the main access road from Levin to Hokio township ran through the middle of the lot and it would need to be retained as a road. He valued Lot 4 and its existing access at £50 and a sum of £25 for the residue.[1818]

The training farm manager interviewed the local engineer who had said the council intended to have a survey of the road made by the end of the year.[1819] The manager said the Education Department should buy Lot 4 Block III and then sell part of it for the

[1814] *Horowhenua Chronicle*, 30 August 1928.
[1815] N.H. Mackie, District Valuer, Palmerston North to Valuer General, Wellington, 20 September 1928, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0900].
[1816] C.E. Bennett, Assistant Under Secretary, Public Works to Director of Education, 8 October 1928, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0899].
[1817] C.E. Bennett, Assistant Under Secretary, Public Works to Director of Education, Wellington, 8 October 1928, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington [IMG 0419].
[1818] N.H. Mackie, District Valuer to Valuer General, Wellington, 20 September 1928, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington [IMG 0418].
[1819] J. O'Donohue, Manager to Superintendent, Child Welfare Branch, Wellington, 10 November 1928, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington [IMG 0419].

road.[1820] The Education Department wanted to commence building on Lot 4 Block III 'at once.'[1821] The Education Department said they were agreeable to the Māori Land Board retaining the area for the undedicated road and the Director of Education reiterated Education were 'anxious to commence building operations (class room)' on part of Lot 4.[1822]

The Superintendent for the Child Welfare Branch discussed Lot 4 Block III with Judge Gilfedder who suggested taking the land under the Public Works Act to fulfil the roading requirement, and he suggested the council should be approached about a survey. If necessary to expedite the Education Department building plans, the manager was authorised to arrange a survey for the portion required for building.[1823]

On 21 March 1929 although work on the classroom had been completed on Lot 4 Block III, the Education Department had failed to complete the necessary steps to acquire the land, presumably because of the complications regarding the road.[1824]

We have not seen any records to indicate if, how or why the Ikaroa District Māori Land Board permitted the Education Department to occupy Lot 4 Block III between 1928 and 1944. The matter was not resolved until more than 20 years later.

In 1943 it was realised that Lot 4 Block III was still vested in the Māori Land Board.[1825] In 1943 the Registrar for the Māori Land Board was unaware of its status saying 'It may be that the section has been taken by proclamation under the Public Works Act for Education purposes but I am unable to trace any record of such taking' and he asked the Director of Education for his comments.[1826] Director of Education Beeby said:

[1820] J. O'Donohue, Manager Boys' Training Farm, Weraroa to Superintendent, Child Welfare Branch, 27 September 1928, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington [IMG 0418].
[1821] J. Caughley, Director to Ikaroa Maori Land Board, 19 September 1928, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington [IMG 0416].
[1822] J. Caughley, Director to Registrar, Ikaroa Native Land Board, Wellington, 12 October 1928, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington [IMG 0416].
[1823] J. Beck Superintendent to Centre, 25 October 1928, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington [IMG 0417].
[1824] C.E. Beeby, Director of Education, Wellington to Permanent Head, Works, Wellington, 22 November 1949, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0898].
[1825] Memorandum for Judge Whitehead, 25 February 1944, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington, cited by D. Armstrong, 'Hokio Native Township', p. 13.
[1826] Registrar to Director of Education, Wellington, 3 September 1943, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington [IMG 0420].

> It would seem that transfer was postponed pending the County Council surveying off the strip necessary for the road and acquiring same under the Public Works Act. Apparently this was not done and for that reason finality was not reached in the matter of the Education Department acquiring the balance of the section.
> It would seem desirable that transfer be effected as soon as possible and I would be glad of your Board's views on the matter.[1827]

In a file memorandum in February 1944 Judge Whitehead was told the valuation for Lot 4 Block III 'should be the valuation of the land as it would have been at the present time if it had remained in the condition that it was in in 1928 when negotiations were first entered into.' He was also told the Education Board should pay a rental of five percent government valuation per annum. It was noted that the 1944 valuation would be difficult to assess because the Education Department had a building on the lot since 1929 and the road had been formed for fifteen years.[1828] The Judge was told that the Māori Land Board, with the owners' 'special' authority could transfer the land to the Education Department or it could be taken under the Public Works Act which would require a title for the school building and a title for the road which required a survey plan:

> It is difficult to say at this stage what price should be asked for the school site but it is considered that as the delay is not the fault of the Board a rental should be paid for use & occupation.[1829]

No further action appears to have been taken for the next three years. In February 1947 the Registrar said on 'perusing' his Hokio Native Township file he discovered the Director of Education had no reply to his letter of 24 January 1944. He said the President of the Ikaroa District Māori Land Board had instructed him to offer to transfer title to the Education Department all of Lot 4 Block III for the sum of £50, being the 1928 valuation, plus interest of 4 percent on the purchase price from 1 January 1929. The Registrar said that previous delays had centred on how the road was to be taken. He said:

> There is a note on my file following a discussion with Mr. Beck of your Department on 25/10/1928 that your Department would approach the Local

[1827] C.E. Beeby, Director of Education to Registrar, Ikaroa District Māori Land Board, Wellington, 24 January 1944, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington [IMG 0415].
[1828] File memorandum, Registrar, 17 February 1944, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington [IMG 0414].
[1829] File memorandum to Judge Whitehead, 25 February 1944, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington [IMG 0414].

> Body and arrange for the portion to be taken for a road. This was apparently not arranged.[1830]

In 1947 the Māori Land Board offered to sell Lot 4 Block III (less the area of the road) to the Education Department for £50 plus interest since 1929.[1831] The offer was not accepted at the time, possibly because the Education Department wanted the matter of the road resolved. The Secretary for Education asked for the road to be surveyed before any transfer of title and he suggested his department pay £25 plus interest at 4 percent per annum from 1928 which was when the building work had commenced.[1832]

The Registrar said the road had been proclaimed a public highway, apart from the portion which departed the legal road and passed through Lot 4 Block III of Hokio Native Township. He said an application to assess compensation for this portion of the road had been lodged with the Native Land Court and until the situation with the road had been addressed 'it is difficult to make progress.'[1833]

In 1948 the Acting Engineer for the Horowhenua County Council told the Registrar that recently the Main Highways Board had instructed that when surveying main highways, a width of 1.5 chains was required. The total area of Lot 4 was 63 perches which would leave 2 severances of 6 and 7 perches respectively. He recommended that in view of the small areas of the severance that all of Lot 4 Block III should be dedicated as road.[1834]

The Registrar responded to the county council saying said the Māori Land Board would have no objection to all of Lot 4 Block III being taken for a road and compensation assessed by the Māori Land Court, but he noted the Education Department wanted to

[1830] Registrar to Director of Education, Wellington, 19 February 1947, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington [IMG 0413].
[1831] Registrar to Director of Education, 19 February 1947, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington, cited by D. Armstrong, 'Hokio Native Township', July 2015, p. 13.
[1832] Secretary, Education Department to Registrar, Ikaroa District Māori Land Board, Wellington, 28 March 1947, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington [IMG 0411-0412].
[1833] Registrar to Under Secretary, Public Works, Wellington, 9 April 1947, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington [IMG 0410]; see also Plan of Pt Levin-Hokio MH No 374 [IMG 0409].
[1834] Acting Engineer, Horowhenua County Council, Levin to Registrar, Ikaroa Māori Land Court, Wellington, 25 February 1948, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington [IMG 0408].

purchase 6.9 perches and he suggested this area should be excluded from the proclamation.[1835]

In April 1949 the Registrar told the Director of Education that he had received a survey plan for the area of Lot 4 Block III being taken under the Public Works Act and he expected the proclamation would be made in the 'near future.' He said once the proclaimed area had been taken an area of 1 rood 0.5 perches would remain and the board would be able to sell this area to the Crown. The remaining area was two-thirds of the original lot and it 'is considered that the purchase price should be not less than two-thirds of the sum of £50 plus interest from 25/10/28 to date of payment at 4% per annum.'[1836]

In November 1949 Director of Education Beeby requested that the Public Works Department arrange for Lot 4 Block III to be acquired. Beeby said the transfer had not been completed in 1928 because of the title situation with the road as his department would not 'accept a title clouded by the use of part of the land as a road.'[1837] Steps had finally been taken to resolve the road situation. In August 1949 a proclamation had been made under the Public Works Act to take the road from Lots 4 and 5 Block III.[1838]

Now that the road line had been settled, the Education Department requested that the residue of Lot 4 (1 rood 0.5 perches) be taken under the Public Works Act. On the basis of the £50 valuation made in 1928 for the 1 rood 23 perches section before the road was taken the Education Department had agreed to accept this area for £33-6-8 with interest of £4 per annum from 25 October 1928 to be paid.[1839]

[1835] P.H. Dudson, Registrar to Acting Engineer, Horowhenua County Council, Levin, 2 March 1948, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington [IMG 0407].
[1836] P.H. Dudson, Registrar to Director of Education, Wellington, 1 April 1949, ABRP 6844 W4598/59 6/1/1 pt 5, ANZ Wellington [IMG 0406].
[1837] C.E. Beeby, Director of Education, Wellington to Permanent Head, Works, Wellington, 22 November 1949, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0898].
[1838] NZG, 1949, p. 1706.
[1839] C.E. Beeby, Director of Education, Wellington to Permanent Head, Works, Wellington, 22 November 1949, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0898].

In February 1950 the Māori Land Board was asked to consent to the sale and confirm that there were no objections to completing the transfer of title.[1840] The board gave its consent.[1841] In October 1950 a proclamation taking the balance of Lot 4 (1r 0.5p) for 'an institution established under the Child Welfare Act 1925 was issued.[1842]

In 1950 Lot 4 Block III had a capital value of £995. The unimproved land was valued at £100 and improvements were main buildings (£655), other buildings (£220), fencing (£15), and planting (£5).[1843]

In 1951 the Minister of Works made an application to the Māori Land Court for the assessment of compensation for Lot 4 Block III taken for an institution. Mr Findlay appeared for Works and Mr Herries for the Ikaroa District Māori Land Board.[1844] Findlay said although the land had been occupied since 1928, the proclamation was issued in 1950 and the Crown was willing to settle compensation on the basis of the value of the land when it was first occupied plus interest at 4 percent for 23 years. He said the Crown should pay £60 but it considered the sum 'excessive' and the 'Crown is entitled to relate the value back to the commencement of occupation' at which time it was worth £33-6-8 with the added 4 percent interest this amounted to £65. Herries said the basis for assessing compensation as suggested by Findlay was 'reasonable' but because the land was currently worth £100 with road improvements he suggested £70 would satisfy the claim of the owners. Findlay agreed to this sum and the court awarded £70 compensation.[1845]

10.7.1.2 Lots 1-4 Block IV 1961

In August 1959 the Education Department decided to acquire Lots 1-4 Block IV Hokio Māori Township. The 4 lots were held under 3 separate 21 year leases issued by the Māori Land Board in May 1950. Section 1 Block IV (1 rood) was leased to N. L. Cundy, Section 2 Block IV (1 rood) was leased to P. Stunell, and Sections 2 and 4 (2 roods)

[1840] C. Langbein, District Engineer, Works to Registrar, Ikaroa Māori Land Board, Wellington, 23 February 1950, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0897].
[1841] G.H. Wahelm, Office Solicitor, Works, 22 September 1950, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0895].
[1842] NZG, 1950, p. 1804.
[1843] L. Stanaway, Valuation 3/24/19, [nd], AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0893].
[1844] Otaki MB 64, 5 April 1951, p. 190 [IMG 0909].
[1845] ibid, p. 191 [IMG 0910]; A.M. Bell, District Land Purchase Officer, Works, Wellington to District Engineer, 6 April 1951, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0892, 0890].

were leased to T. Dick.[1846] Works negotiated with the leaseholders to purchase their lease interests for a total of £205.[1847] In November 1960 the leasehold estates were taken under the Public Works Act.[1848]

The Ministry of Works had approached the Māori Trustee about purchasing the freehold. The trustee had advised the Education Department that the 'very numerous' ownership made it impractical to call a meeting of owners to consider selling the sections for the school, and it would be better to take the land under the Public Works Act. The Ministry of Works District Land Purchase Officer noted that section prices had recently increased significantly with a growing demand for beach house sites.[1849]

A notice of intention to take Lots 1-4 Block IV for additional land for an institution was issued in October 1960.[1850] The District Commissioner of Works told the Commissioner that: 'The Maori Trustee was served with the Notice and he advised that it would not be practicable to serve Notices on the Maori owners owing to their large number and also owing to the fact that a compilation of their names had only just commenced. The Maori Trustee has raised no objections to the taking of the land and will act for the owners in the Maori Land Court.'[1851] In March 1961 a proclamation was issued taking Lots 1-4 Block IV Hokio Māori Township (1 acre) for 'an institution established under the Child Welfare Act'.[1852]

The Māori Trustee considered that the land should have a valuation based on the 'potentialities' of the township rather than 'the usual conservative Government Valuation.'[1853] A private valuation was made by Blackburn for the Māori Trustee,

[1846] Warmington, Land Purchase Officer, Hawkins, District Land Purchase Officer, Works, Wellington to Commissioner of Works, Wellington, 18 September 1959, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0886-0888].
[1847] H.A. Fullarton, District Commissioner of Works to Commissioner of Works, 30 August 1960, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0874].
[1848] NZG, 1960, p. 1765.
[1849] Warmington, Land Purchase Officer, Hawkins, District Land Purchase Officer, Works, Wellington to Commissioner of Works, Wellington, 18 September 1959, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0886-0888].
[1850] NZG, 1960, p. 1657.
[1851] H.A. Fullarton, District Commissioner of Works to Commissioner of Works, 9 January 1961, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0864].
[1852] NZG, 1961, p. 414.
[1853] A.J. Hilkie, Assistant District Officer to Māori Affairs, 28 April 1961, AAVN 3599/237/54/16/2 pt 1, ANZ Wellington [IMG 0361].

which commented that the potential residential value was in itself offset by the existence of the Child Welfare Institution which made the area less desirable for purchasers.[1854] The compensation hearing took place in November 1961, when the Ministry of Works submitted a valuation of £840 for the freehold, which was apportioned as £570 for the lessor and £270 for the lessee. The representative from the Māori Trustee told the court he had been instructed to agree to £600. Wi Ranginui said he was there on behalf of the beneficial owners, and agreed that £600 was reasonable. The court awarded £600 compensation to be paid to the Māori Trustee.[1855]

Two sections which were now owned by Europeans were also acquired around this time. Part Section 5 Block IV (1 rood) was owned by E.R. Strong and R.M. Mitchell. The 1956 government valuation had a capital value of £555 with an unimproved value of £30 and improvements of £525. In 1959 the owners agreed to a settlement of £1,000 on the condition that two baches on Section 5 were moved to another section. Works agreed £1,000 was reasonable and noted that the value of bach sites had been rapidly increasing.[1856] In April 1960 a proclamation taking Part Section 5 Block IV (1 rood) for a public school was issued.[1857] The sum of £1,000 was paid in compensation for Part Section 5. In November 1960 a gazette notice was issued changing the purpose of the taking from public school to being set apart for an institution under the Child Welfare Act 1925.[1858]

In October 1959 Section 6 and Part Section 5 Block III (3r 4.23p) were acquired from M.F. Upton for £2,300 for a public school.[1859] A proclamation for the taking was issued in October 1959.[1860]

[1854] D. Armstrong, 'Hokio Native Township', July 2015, p. 14.
[1855] Otaki MB 69, 23 November 1961, p. 193, [P 1160884].
[1856] Warmington, Land Purchase Officer, Hawkins, District Land Purchase Officer, Works, Wellington to Commissioner of Works, Wellington, 29 September 1959, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0884-0885].
[1857] NZG, 1960, p. 457.
[1858] NZG, 1960, p. 1731.
[1859] L.C. Malt, District Commissioner of Works to Commissioner of Works, 8 October 1959, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0883].
[1860] NZG, 1959, p. 1499.

10.7.1.3 Lot 2 and Parts Lot 3 & 4 Block V 1962

In 1961 the Education Department decided on further extensions to the institution and negotiations began to obtain the leasehold interest of A.H. Streeter in Lot 2 and Part Lots 3 and 4 Block V (2a 1r 6.7p). The lease was for 21 years from 1 May 1950 and the rent was £10 per annum. The lease expired in 1971. The government valuation had a capital value of £2,700, with an unimproved value of £800 and improvements of £1,920. The parties agreed the leasehold interest was worth £3,200. The Māori Trustee had advised there would be 'no difficulty arranging a sale of the freehold to the Crown'.[1861] The Streeter estate was paid £3,200 compensation.[1862]

In November 1961 the Ministry of Works initiated action on taking the freehold.[1863] Works estimated that the freehold would cost approximately £700.[1864] The Māori Trustee agreed to the land being taken, with compensation to be assessed by the Māori Land Court.[1865] In October 1962 a proclamation taking the freehold interest in Lot 2, and Part Lots 3 and 4 Block V Hokio Māori Township was issued.[1866]

After the land was taken neither the Education Department, Ministry of Works nor Māori Trustee ensured that compensation was settled in a timely manner. While the Ministry of Works had lodged an application with the Māori Land Court, in 1962 the court ceased to be responsible for assessing compensation. None of the agencies involved acted on their new legal requirements to negotiate compensation on behalf of the owners. Instead, the Education Department continued to pay rent for the lots under the terms of the lease it had purchased from Streeter. It was not until May 1971 that the Māori Trustee realised the rent was still being paid in error, and sought information

[1861] Warmington, Land Purchase Officer, Hawkins, District Land Purchase Officer, Works, Wellington to District Commissioner of Works, Wellington, 10 February 1961, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0866-0867].
[1862] H.A. Fullarton, District Commissioner of Works to Commissioner of Works, 18 July 1961, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0858].
[1863] H.A. Fullarton, District Commissioner of Works to Commissioner of Works, 8 November 1961, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0856].
[1864] F.M. Hanson, Commissioner of Works to Director of Education, Wellington, 13 November 1961, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0855].
[1865] A.P. Jack, Assistant Land Purchase Officer, K.C. Kidd, Assistant District Land Purchase Officer, Works, Wellington to District Commissioner of Works, 16 November 1971, ABWN 889 W5021/187 31/155/0, ANZ Wellington [P 1170306-1170307].
[1866] NZG, 1962, p. 1667.

about what compensation had been paid, seemingly not realising that it was the job of the Māori Trustee to have negotiated compensation.[1867]

A negotiated agreement on the amount of compensation was then reached in December 1971 (more than nine years after the land was taken). The total amount of compensation was $2,144. This was made up of $1,600 for the land, along with $680 for interest at 5 percent for 8.5 years less a deduction of the rent paid in error of $136. The Assistant Land Purchase Officer recognised that the reason for the delay was the fault of the Ministry of Works:

> From a perusal of my file I find that no action was taken by this department to complete a settlement after the land was taken and I therefore consider payment of interest is reasonable.[1868]

A further area of European land was added to the school in 1969. In December 1969 Sections 12, 13 and 14 Block II (3 roods) were taken for additional land for a child welfare institution.[1869] The special government valuation of 5 April 1968 valued the land unimproved at $2,175. The owners asked for $2,700 for the freehold.[1870] The government valuation was £2,000.[1871] In 1969 L.J. Prouse as trustee for the estates of J.P. and H.S. Prouse was paid $2,500 compensation.[1872]

In October 1970 it was determined that Sections 12, 13 and 14 were European land. Following this a general instruction was issued to ensure that no action was taken in compensation cases until it was verified that the land was Māori owned.[1873]

[1867] A.P. Jack, Assistant Land Purchase Officer, K.C. Kidd, Assistant District Land Purchase Officer, Works, Wellington to District Commissioner of Works, 16 November 1971, ABWN 889 W5021/187 31/155/0, ANZ Wellington [P 1170306-1170307]; see also A.J. Douglas, for, Māori Trustee, Māori Affairs to District Commissioner of Works, 8 December 1971 [P 1170310].
[1868] ibid
[1869] NZG, 1969, p. 2537.
[1870] File note, District Commissioner of Works, Wellington, 1 May 1969, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0778].
[1871] M.G. McKellar, District Officer to Māori Affairs, 25 May 1970, AAVN 3599/237/54/16/2 pt 1, ANZ Wellington [IMG 0360].
[1872] C.J. Tustin, District Commissioner of Works to Commissioner of Works, 19 November 1969, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0794].
[1873] M.G. McKellar, District Officer to Māori Affairs, 15 January 1971, AAVN 3599/237/54/16/2 pt 1, ANZ Wellington [IMG 0358].

10.7.1.4 Closed Roads

At this time consideration was given to closing portions of the road that disrupted the lots that the school occupied. This included an unformed road that ran along the frontage of Lots 1 to 5.[1874] In 1961 a gazette notice was issued that closed roads adjoining or passing through Lots 1 to 3, Block III, and Lots 1 to 5, Block IV. The closed road amounted to 2 roods 0.1 perches and was added to the land used by the school.

The Education Department asked for additional road closures but these proposed road closures interfered with access to the Hokio Stream, which the Māori owners wanted to retain. In 1963 the owners refused to agree to the closing of the old main road and a compromise (being part of Kemp Street (34.41p) and (28.8p) of legal road (being portion of old Hokio Road) between Lots 4 and 5 was presented but the owners continued to object to losing access to their fishing ground. In 1968 the Education Department was informed that the Māori Trustee despite the offer of an easement would not consent to the road closures. As well as the road closures the Education Department at a later date wanted to acquire Section 12 (3 acres 3 roods 38 perches) which adjoined the Hokio Stream.[1875] The District Commissioner said the land should be taken because the owners had alternative access to the stream.[1876]

In June 1969 the Director of Education asked why the 'trivial' matter of the road closures had not been completed and complained 'the nuisance of having members of the public able to wander freely continues unabated.'[1877]

In September 1970 the Commissioner of Works advised that he would not seek permission from the Minister of Lands to close the roads for the school:

> The Department's policy with any areas adjoining a lake or river is to see that adequate areas exist to provide for public access now and in the future. In this particular case the stream is used by the general public for fishing while the

[1874] Warmington, Land Purchase Officer, Hawkins, District Land Purchase Officer, Works, Wellington to District Commissioner of Works, Wellington, 23 February 1960, AAQB W4073/255 31/155/0 pt 1, ANZ Wellington [IMG 0880].
[1875] I.G. MacArthur, for, Acting Director General of Education, Wellington to Commissioner of Works, Wellington, 15 October 1968, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0782-0783].
[1876] C.J. Tustin, District Commissioner of Works, Wellington to Commissioner of Works, Wellington, 25 October 1968, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0780].
[1877] L.G. Anderson, for, Director General of Education, Wellington to Commissioner of Works, 30 June 1969, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0776-0777].

> Maori people in particular have specific fishing rights. The road area at present gives access across to the northern bank and along the southern bank of the stream which in parts present an attractive grassed area and it is clear that because of the stream's public usage, adequate access must be preserved.[1878]

10.7.2 Land Taken from Hokio A 1962-1971

In 1962 with ongoing extensions to the facilities of the institution there were concerns with the capacity to deal with sewerage and a new round of negotiations to take further additional land commenced.[1879] The Māori Trustee was concerned about what the placement of a sewerage plant on the land would have on values and future leasing. Works advised that instead of taking land from the Māori Township the Crown should take 278 acres of neighbouring Hokio A for education purposes.[1880]

The engineer commented: 'I should point out that the area of land (278 acres) mentioned in Education Depts' memo of 19 July is many times in excess of the requirements for a permanent sewage treatment plant. Not more than 2 acres would be required for the plant'.[1881] The Commissioner of Works said 'in view of the known feelings of some of the Maori owners, an early solution is not anticipated.'[1882] However the Education Department had large ambitions to acquire 'as much land across the Hokio Stream that can be acquired from the Maori owners, to be used for farming, recreation activities, forestry and a small field for a sewerage plant'.[1883]

A notice of intention to take Part Hokio A (278 acres) adjacent to the Hokio Stream and Tasman Sea for a child welfare institution was issued in June 1969.[1884] There were 372

[1878] C.J. Tustin, District Commissioner of Works to Superintendent, Education, Wellington, 16 September 1970, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0753].
[1879] J.M. Brownlie, Medical Officer of Health, to Superintendent, Child Welfare Division, Education, Wellington, 4 July 1967, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0788-0789].
[1880] H.A. Fullarton, District Commissioner of Works to Regional Superintendent, Education, Wellington, 11 May 1967, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0790-0792].
[1881] Minute sheet, A.L. Thorstensen, Engineer to MOW, 29 September 1967, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0786].
[1882] P.L. Laing, Commissioner of Works to Director General, Education, Wellington, 4 October 1967, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0785].
[1883] H.W. Sayers, Regional Superintendent of Education, Wellington to Commissioner of Works, Wellington, 1 March 1968, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0784].
[1884] NZG, 1969, p. 1371.

owners and it was considered 'impractical to gain consents to the taking.'[1885] On 29 August the Māori Trustee lodged an objection to the taking.[1886]

In September 1969 the Māori Trustee decided to discuss the notice with the owners.[1887] The Māori Trustee noted that after discussing the matter with the owners it was possible the objection might be withdrawn.[1888] The Commissioner of Works said: 'While the Secretary of the Maori Committee has apparently no legal standing (the Maori Trustee having been appointed trustee) any relevant representations from the Committee will receive consideration. I note that no supporting reasons have been advanced.'[1889]

At this time N. McMillan secretary of the Muaupoko Māori Committee on behalf of the beneficial owners wrote to the Minister of Works saying her committee 'strongly objected to the taking of 278 acres under the Public Works Act'.[1890] McMillan also wrote to the Minister of Māori Affairs asking for his support opposing the taking. She informed him that the owners and adjoining farmers had been in the process of placing the land in forestry.[1891] Duncan MacIntyre's office responded the matter would be investigated.[1892] The Minister subsequently told McMillan that he was aware the owners had approached the Palmerston North District Officer and as a result the Māori Trustee had lodged an objection on behalf of the owners. He noted the owners were arranging a meeting of all the owners to discuss the future use of the land. He did not offer support to the objection to the taking.[1893]

[1885] C.J. Tustin, District Commissioner of Works to P.L. Laing, Commissioner of Works, 3 July 1969, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0775].
[1886] Notice of objection to NZG, 24 July 1969, p. 1371, lodged, 29 August 1969, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2363].
[1887] P.B. Allen, Minister of Works to Secretary, Muaupoko Māori Committee, Levin, 16 September 1969, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0771].
[1888] Māori Trustee to Minister of Works, Wellington, 29 August 1969, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0770].
[1889] F.R. Askin, Commissioner of Works to District Commissioner of Works, Wellington, 16 September 1969, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0769].
[1890] N. McMillan, Secretary, Muaupoko Māori Committee, Levin to P.B. Allen, Minister of Works, Wellington, 2 September 1969, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0772].
[1891] N. McMillan, Secretary, Muaupoko Māori Committee to D. MacIntyre, Māori Affairs, Wellington, 2 September 1969, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2371].
[1892] D. MacIntyre, Minister of Māori Affairs to N. McMillan, Levin, 4 September 1969, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2369].
[1893] D. MacIntyre, Minister of Māori Affairs to McMillan, [19] September 1969, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2368]; see also [IMG 2365].

The District Officer, J.E. Lewin noted that efforts to get someone to use the land had been unsuccessful with much of the area covered in 'raw sand', and if planted in grass and trees he considered there would be little return for such work. He said of the owners:

> These are fairly difficult people. There are factions one of which seems to be led by the Minister's correspondent, and another by Simeon and Hurinui, the persons who saw me. None of them have very large shares.[1894]

Lewin said there was one title for the 278 acre area in which there were 2,505 shares divided among 370 owners. The capital value was $5,010 with an unimproved value of $4,850 as of 1 November 1965. The owner with the largest land interest held 113.279 shares.[1895]

Despite describing the owners as 'difficult', Lewin did outline for the Ministry of Works what he considered the unusual manner of the taking and failure to explain the taking to the owners: 'Actually I am more than a little surprised that the acquisition of the land by this method has been initiated. The usual practice is by way of consultation with the owners'.[1896]

The Forestry Service had been approached by the Manawatū Catchment Board about planting the sand hills to protect neighbouring farm land. They were willing to carry out the work but noted the forest being permanent would be non-productive and 'a leasing scheme would be of no benefit to the owners and purchase of the land the only practicable' measure.[1897]

In October 1969 the Child Welfare Division reiterated to Works that they required the 278 acres of Hokio A to 'provide future expansion to its institution in order to facilitate plans for forestry and farming activities in addition to recreational purposes.'[1898]

[1894] J.E. Lewin, District Officer, Palmerston North to Minister, 16 September 1969, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2366-2367].
[1895] ibid
[1896] J.E. Lewin, District Officer to District Commissioner of Works, Wellington, 24 September 1969, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2362].
[1897] J. Ure, Conservator of Forests, Palmerston North to District Officer, Māori Affairs, Palmerston North, 10 October 1969, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2364].
[1898] C.J. Tustin, District Commissioner of Works, Wellington to District Officer, Māori Affairs, Palmerston North, 30 October 1969, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2361].

At this time District Officer Lewin wrote to the owners about the Māori Trustee's objection to the taking of land and the need to meet with the owners at Koutaroa Pa on 1 November and discuss alternative proposals for the 278 acres.[1899]

On 1 November 1969 District Officer Lewin and the Assistant District Officer met with 29 owners at Koutaroa Pa to discuss Hokio A. The owners were told the meeting was informal and the circular letter had only been sent to owners living close to Levin. Mr. A. Blackburn, speaking on behalf of his deceased wife, said the land should be retained 'for the Muaupoko people'. Mr. S. Morgan opposed a sale and said the entire block should be made available for forestry. Mrs. McMillan and Tau Ranginui agreed, and Mr. Hurunui also objected to a sale. Mrs. Paki said she spoke on behalf of absentee and deceased owners, of whom 'None would be in favour of any sale.' Morgan moved that 50 acres of beach frontage be retained for township development and he said the remainder apart from 15 acres for the school should be planted in forestry. This was seconded by McMillan. This motion was discussed and then carried unanimously be those present.[1900]

District Office Lewin informed his superiors of the meeting and said:

> 4. There are certain aspects of this matter which I think should be emphasized:
> (a) It seems out of all proportion that the school should require the area which it proposes to take;
> (b) In any case no attempt was made to negotiate with the owners which is the normal procedure when the Crown wants Maori land of this size;
> (c) When the land was originally vested in the Maori Trustee Forestry was not interested in it – that has now changed;
> (d) It is quite apparent that the owners can now make proper use of the land even if long term with the help of Forestry, and because someone in the school has got the idea that the school take the land to employ the boys on is not sufficient reason to take it from the owners. (In any case I understand the owners have acquiesced in some of the land being used for recreational purposes for the school and have never been paid anything).
>
> 5. I feel that this is a matter which should be taken up at the highest level. The Muaupoko people complain that they have very few lands and are opposed to the loss of any.[1901]

[1899] J.E. Lewin, District Officer, Palmerston North, circular letter, October 1969, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2360].
[1900] J.E. Lewin, District Officer, Minutes of meeting, Koutaroa Pa, 1 November 1969, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2357-2358].
[1901] J.E. Lewin, District Officer, Palmerston North to Head Office, 3 November 1969, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2356].

A file note on behalf of the Māori Trustee about the taking of Hokio A said:

> With such a large area involved I think the Crown should have gone about it by way of a meeting of owners, or at least some discussions with the beneficial owners. They obviously take an interest in their land. I have been personally bailed up…in the last couple of weekends by some of the owners over this & their feeling is running very high.[1902]

It was then proposed by the Māori Trustee that a meeting with Works, Forestry, Child Welfare and representatives of the Māori owners be held.[1903]

On 4 December 1969 R.E. Jepsen, the district council Noxious Weed Inspector, wrote to Māori Affairs about concerns over noxious weeds on Hokio A block, along with the non-payment of rates.[1904]

On 9 December 1969 a meeting was held at Hokio Beach School which was attended by ten Crown officials from the Māori Affairs, Education, Forestry and Works departments, Horowhenua County Council and 18 owners. Mrs. M. McMillan said the previous meeting was not formal and Mr. S. Morgan noted all the owners had not been notified. Māori Affairs District Officer and meeting chairman, M.G. McKellar, agreed the previous meeting had been an informal gathering to obtain the owners views. Woulfe for Education said his department needed more land and wanted to look 50 years ahead and added it also needed a new sewerage treatment plant. He said there were 60 children and a 'large number are Maoris.' Morgan said 278 acres was a large area for playing fields and buildings and T. Ranginui agreed. Woulfe said 40 acres would be the minimum acceptable to his department. Ranginui said the school should leave Hokio, to which Woulfe responded 'this was a serious thing to say.' Pahau Williams agreed with the two previous owners that 278 acres was too much for the school to take and said 15 acres was adequate. S. Heremaia said 'most of the children here are Maoris and I would like to see the Education Department get 40 acres.' When asked whether the school could handle the noxious weeds problem, Woulfe said it was intended to develop the land over a long period. Bainbridge for Forestry said the land

[1902] File note, 12 November 1969, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2355].
[1903] D.W. Stewart, for, Māori Trustee, 26 November 1969, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2353].
[1904] R.E. Jepsen, Inspector Noxious Weeds, Horowhenua County Council, Levin to Secretary, Māori Affairs, Wellington, 4 December 1969, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2351].

could be planted, and Morgan said the owners only wanted to lease the land to which Bainbridge responded the rental would only be a peppercorn. S. Heremaia said Education had worked out their requirements and agreed to it taking 40 acres. Mrs. Hape did not agree and said: 'Land has already been taken from or given by the Muaupoko Tribe. I think 20 acres is sufficient. Mr. Hape agreed that 20 acres was sufficient. McKellar said the owners would receive compensation for the taking. Williams said: 'The people have already agreed to 15 acres'. R. Hook said 20 acres is sufficient and asked how the price would be negotiated. McKellar said it appeared the owners wanted Education to have between 15 to 40 acres of Hokio A. A resolution was moved by Ranginui and seconded by Mrs. Taylor and passed unanimously:

> That the owners agreed to the Education Department taking an area which they can satisfy the Maori Trustee being reasonably within their requirements, provided that a figure not in excess of 30 acres is agreed upon.[1905]

McKellar told the meeting that if more than 30 acres was required the Māori Trustee would go back to consult with the owners.[1906]

The Ministry of Works identified 30 acres of Hokio A required for the school, which was made up of 2 acres for rubbish disposal; 2 acres for sewerage treatment; 3 acres for building; 8 acres for chicken and animal husbandry; and 15 acres for sports fields and adventure training.[1907]

A special government valuation of 5 May 1970 for the 30 acres valued improvements at $900 with an unimproved value at $1,650, giving a capital value of $2,550. The Māori Trustee had received an independent valuation of $3,384 which consisted of $2,550 for the 30 acres and $250 for the loss of value to the balance area and $550 for a half share in fencing and $34 valuation fee.[1908] The Commissioner of Works offered $2,584. He did not accept that the acquisition of 30 acres would have an adverse effect on the balance of Hokio A.[1909] The independent valuer, Steedman, agreed the

[1905] Minutes of meeting, Hokio Beach School, 9 December 1969, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2347-2350].
[1906] ibid
[1907] M.G. McKellar, Palmerston North to Head Office, 27 May 1970, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2342].
[1908] M.G. McKellar, Palmerston North to Head Office, 3 July 1970, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2339].
[1909] C.J. Tustin, District Commissioner of Works to District Officer, Māori Affairs, Palmerston North, 9 July 1970, ABWN 889 W5021/187 31/155/0, ANZ Wellington [P 1170301]; see also C.J. Tustin, District

commissioner's figure would be fair.[1910] The Māori Trustee agreed to accept $2,584 on the condition that the Māori owners were not required to contribute to fencing costs.[1911] A file note says: 'I think we'd better agree to this smartly. Mow are offering $2500 for the land – Steedman's valuation was only $2050. The other items are only side issues.' Below this comment it was noted 'appd 3:7:70'.[1912] In August 1970 a notice of intention to take 30 acres of Part Hokio A was gazetted.[1913] The notice and an attached map were displayed at the Weraroa Post Office.[1914] In December 1971 a proclamation taking 29 acres 3 roods 23 perches of Hokio A for the purposes of a child welfare institution was issued.[1915]

The following table summarises the details of the various sections taken from Hokio Native Township and Hokio A. They are also shown on the map below:

Table 30: Māori and European Land Taken for Hokio Child Welfare Institution 1925-1971

Year	Block	Area Taken from Māori Ownership	Area Taken from European Ownership	Compensation
1925	Lot 2 Block III		0a 1r 13p	£100
1950 [1916]	Lot 4 Block III	0a 1r 05p		£70
1959	Lot 6 and Part Lot 5 Block III		0a 3r 4.23p	£2,300
1960	Lot 5 Block IV		0a 1r 00p	£1,000
1961	Lots 1-4, Block IV	1a 0r 00p		£600
1962	Lot 2 and Part Lots 3 & 4 Block V	2a 1r 06.7p		$2,144
1969	Lots 12-14 Block II		0a 3r 00p	$2,500
1971	Hokio A	29a 3r 23p		$2,500
	Totals	**33a 1r 34.7p**	**2a 0r 17.23p**	

Commissioner of Works to Commissioner of Works, 7 August 1970, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0761].

[1910] M.G. McKellar, District Officer, Palmerston North to Head Office, 28 July 1970, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2337].

[1911] A.P. Jack, Assistant Land Purchase Officer, Works, Wellington to District Commissioner of Works, Wellington, 25 August 1970, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0759-0760]; see also D.W. Stewart, for, Secretary to Head Office [IMG 2336].

[1912] File note, Stewart to Williams, 30 July 1970, on, M.G. McKellar, District Officer, Palmerston North to Head Office, 28 July 1970, ABOG W5004 869/50 54/19/72, ANZ Wellington [IMG 2337].

[1913] NZG, 1970, p. 1477.

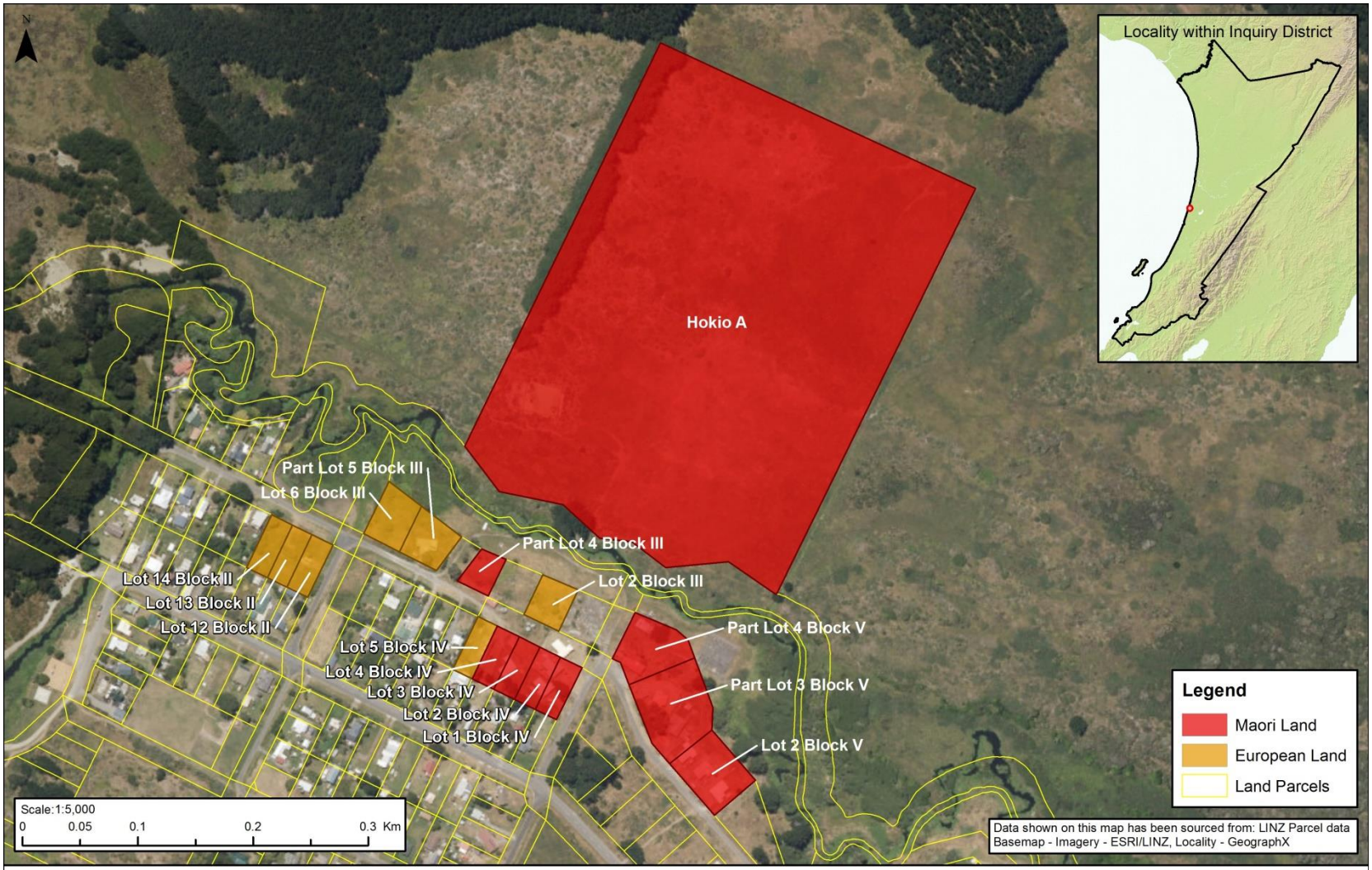
[1914] C.V. Jury, Chief Postmaster, Palmerston North to Commissioner of Works, Wellington, 29 October 1970, AAQB W4073/255 31/155/0 pt 2, ANZ Wellington [IMG 0755].

[1915] NZG, 1971, p. 2906.

[1916] Occupied by Education Department since 1928.

In regard to the compensation, the figures for land taken from European ownership are for total compensation for both land and improvements (ie. baches), whereas the compensation for the Māori Lots was for the land only.

Map 44: Māori and European Land Taken for Hokio School and Welfare Institution 1925-1971



Porirua ki Manawatu Inquiry District: **Maori and European Land Taken for Hokio School and Welfare Institution 1925-1971**

Cartography by Geospatial Solutions Ltd. Map Number CFRT PkMPWI - 006 Map projection: New Zealand Transverse Mercator Date: 19/11/2018

10.7.3 Revesting in Hokio A Trust

In October 1988 Brenton Tukapua, the coordinator for Runanga ki Muaupoko wrote to the Minister of Social Welfare, Dr Michael Cullen, explaining that the iwi were aware that social welfare intended to close Hokio Boys School in December 1989. In anticipation the iwi had considered a number of proposals for the future use of the school. He said the runanga had recently been concerned that the Minister's department intended to close the school seven months earlier than planned and before the Minister had heard the runanga's proposals. Tukapua asked the Minister to meet with the runanga so they could discuss the 'community based proposals' they wanted to implement. He also said a copy of his letter had been sent to their local Member of Parliament and the Minister of Māori Affairs, Annette King whom they also wanted to attend the requested meeting.[1917]

The Minister of Social Welfare asked for a report and this was provided by J. Scott who informed Dr Cullen that the date of closure for Hokio Beach School had been moved forward from December to May 1989 because the school's roll had declined and many experienced staff had left. This decision, Scott said, 'has now been negotiated and agreed with all parties involved, although some are not happy understandably.' He noted that under the Public Works Act 1981 Landcorp were required to offer the property back to the owners of whom: 'There are possibly several.' He suggested that the Minister tell Tukapua to contact him to discuss the runanga's proposal.[1918]

In November 1988 Dr Cullen responded to Tukapua. The Minister said that as required by law Landcorp had begun the process under the Public Works Act 'to offer the property back to the original owners of the property who had it before the Crown took possession.' Cullen said that he understood there were several owners, which meant the process would take time, but in the interim he invited the runanga to discuss their proposals with John Scott the Assistant Director General for the Central Region. The Minister supplied Scott's Palmerston North phone number and mailing address and he

[1917] Brenton Tukapua, Coordinator, Runanga ki Muaupoko (Inc), Levin to Dr M. Cullen, Minister of Social Welfare, 13 October 1988, ABFW W3646/44, ANZ Wellington [IMG 0215].
[1918] J.D. Scott, Assistant Director General, Central Regional Office, Social Welfare, Palmerston North – Report for the Minister of Social Welfare, 31 October 1988, ABFW W3646/44, ANZ Wellington [IMG 0213].

concluded: 'Mr Scott has responsibility for overseeing the disposal of the property and he is aware of the many interested parties who have asked for details about the property.'[1919] The school and child welfare institution at Hokio Beach were closed in 1989.

In August 1992 the Crown began to consider disposing of the land, and meetings were held with the trustees of the Hokio Māori Township and Hokio A. The manager of the Office of Crown Lands, D Ian Gray reported that the school site had been 'subject to vandalism and continue to deteriorate' and the 'central block, it has been partly gutted by fire' and the 'sewerage system is a major problem' and some of the 'improvements encroach on the legal road' and the 'road legalisation has held up any constructive progress being made for well over a year.' At this stage, despite the serious shortcomings of the buildings and sewerage system, Gray said the offer back should be at current market value 'that is, unless there is ample reason not to do so.' The reasons why land could be offered back at a lesser sum included amongst others that the land had been gifted to the Crown or the land had been taken without compensation.[1920]

In September 1992 Crown officials had arrived at a method of settlement for the disposal of the Hokio Boys School which involved proceeding 'with an offer back at a lesser price than the current market valuation.' It was acknowledged that there was a sewerage problem and Gray stated:

> I am of the opinion that in this case there are grounds; land entered on without ground; land entered on without consent or taking notified - land damaged – public work operation continuing that damage compensation not paid; upon which a decision in principle can be made now, to offer the land back at a price less than the current market value.[1921]

As part of his evidence to the expedited Muaūpoko hearings Eugene Henare submitted the above document from the Office of Crown Lands which recommended that the land

[1919] Hon. Michael Cullen, Minister of Social Welfare, Wellington to Brenton Tukapua, Coordinator, Runanga ki Muaupoko Inc, Levin, 4 November 1988, ABFW W3646/44, ANZ Wellington [IMG 0214].
[1920] D. Ian Gray, Manager, Office of Crown Lands to Director General, Department of Social Welfare, Wellington and copy to Johnny Edmonds, Commissioner of Crown Lands, DOSLI Head Office, date obscured, B6 (a), Wai 2200 #B6.
[1921] D. Ian Gray, Manager Lands & Property, WDO to Commissioner of Crown Lands, Wellington, 3 September 1992, B6 (a), Wai 2200 #B6.

should be offered to the Hokio A Trust at less than market value due to a number of significant factors noted in the above quote including:

- serious building damage,
- land damage,
- lack of legal access,
- problems with the sewer system.

It was also noted that the sewer outfall pipe traversed the Hokio A block without authorisation or compensation having been paid.[1922]

In 1996 an agreement was signed between the Crown and the Hokio A Lands Trust. Under the agreement, all the land previously taken under the Public Works Act was transferred to the Trust, in return for a nominal ten cents payment.[1923]

During the Muaūpoko hearings evidence was given by Eugene Henare about the poor state of the Hokio Beach School buildings at the time they were returned, and the ongoing costs and liabilities this situation placed on the Trust. Henare said the Crown's hand back of the school was a 'let down' and the Trust did not have the financial resources to make repairs and fix the sewerage problem. In conclusion he said the treatment they had received from the Crown lacked respect or concern for Mauapoko economic and social opportunities:

> It seems to me that this is the Crown's obligation – to ensure that we have a fair and proper say in the management and control of our resources in our district. But we have example after example where our Muaupoko voice is reduced to just another member of the community…..I do not believe that the vision that my ancestors had for the Treaty of Waitangi have been honoured by the Crown.[1924]

10.8 Summary of Issues

The site for the primary school at Waikanae was made available by Wi Parata, who leased it to the Education Board. When Parata Native Township was subsequently surveyed, the school site became an Education Reserve. Under the provisions of the Native Townships Act such public reserves were vested in the Crown without

[1922] ibid
[1923] Crown Closing Submissions for Expedited Muaūpoko Hearings, 31 March 2016, Wai 2200 3.3.024, p. 219.
[1924] Submission of Evidence, 25 September 2015 Evidence of Eugene Henare for Muaupoko and the beneficial owners of Hokio A Trust (Wai 1491), para 21-28, Wai 2200 #B6.

compensation for the owners. The site proved too swampy to be suitable for a school and in 1908 special legislation was passed to allow for three other Native Township sections to be vested in the Education Board. On this occasion compensation did have to be paid, and the sum of £150 was negotiated between the Māori Land Board and the Education Board. The section originally reserved for the school was not revested in the owners, and was subdivided by the Education Board presumably for sale as residential properties.

Land for the original Oroua Bridge School was donated by two owners of Rangitikei-Manawatū B. The land was for a public school and was subsequently transferred to the Wanganui Education Board. In 1941 the board negotiated to purchase a new school site on Rangitikei Manawatū B4, which was then taken under the Public Works Act, while the original site was used for a teacher's residence. In April 1965 an area of 11 perches was taken from the original school site by the Post and Telegraph Department for an automatic telephone exchange. In 1971 the original school site was revested in the descendants of the former owners, and after Rangiotu School was closed in the late 1990s the site taken in 1941 has been revested in Māori and declared a Māori reservation.

In 1941 five acres of a Māori reserve in Palmerston North were taken under the Public Works Act for a 'technical school'. The compensation hearing centred around how the potential value of the land for residential subdivision should be taken into account. The Native Trustee already had subdivision plans underway when the land was taken, and argued that the returns on the residential subdivision would have been greater than the investment returns from the compensation sum. The Native Land Court rejected that argument and effectively 'split the difference' between the Crown and Native Trustee valuations, which was a common outcome of compensation hearings.

The history of the acquisition of sections of Hokio Native Township for a child welfare institution and school is characterised by both the Education Department and the Māori Land Board/Māori Trustee failing to ensure that legal requirements were met. The institution started with the purchase of one section from a European owner. In 1928 the Education Board planned to build a school and accommodation on one of the Māori sections. Although the school was built in 1929, initial complications caused by a paper

road laid out through the section, meant that the necessary steps to take the land were not completed at that time. Once the school was occupying the site the Education Deparment ceased to be proactive, and the Ikaroa District Māori Land Board seems to have just assumed that the school had a legal right to occupy the land. It is difficult to understand how the an institution like the Māori Land Board, whose job was to administer land on behalf of Māori failed to follow up on matters like ensuring that compensation had been paid. The error was not identified until 1944.

Even then the matter was allowed to lapse while the status of the roadline was dealt with. Neither the Education Department or the Māori Land Board were concerned with speedily rectifying the situation. It was not until 1949, 20 years after the school was built, that the Education Department asked the Public Works Department to acquire the land under the Public Works Act. In 1950 the Māori Land Board consented to the land being taken. There is no reference on file to the beneficial owners being consulted about the taking, or informed of the 20 year delay. Compensation was awarded by the Native Land Court in accordance with arrangements made between the Education Department and the Māori Land Board. The board agreed to accept the amount agreed as compensation in 1928, plus interest at 4 percent per annum for 23 years.

In 1961 the institution was expanded when the Education Department acquired four more Māori sections. The Māori Trustee said that it would be impractical for the department to acquire the site by purchase because of the numerous owners of the township. Instead the Māori Trustee consented to the land being taken under the Public Works Act. The Māori Trustee sought to ensure that the potential residential value of the sections was taken into account when compensation was assessed, the Māori Trustee's own valuer found that the potential residential value was in itself offset by the existence of the Child Welfare Institution which made the area less desirable for purchasers. The extent to which the Māori Trustee consulted with the owners about the matter is not known, but at least one owner was present when the Māori Land Court awarded compensation, and expressed his agreement to the amount of compensation sought by the trustee, which was slightly higher than the Crown's valuation. Two other sections which were owned by Europeans were also taken under the Public Works Act around this time.

In 1961 the Māori Trustee agreed to the Education Board acquiring three further sections, which were then taken by proclamation in 1962. After the land was taken neither the Education Department, Ministry of Works nor the Māori Trustee ensured that compensation was settled in a timely manner. Instead, the Education Department continued to pay rent for the lots under the terms of an existing lease. It was not until May 1971 that the Māori Trustee realised the rent was still being paid in error, and sought information about what compensation had been paid, seemingly not realising that it was the job of the Māori Trustee to have negotiated compensation. An agreement was negotiated with the department, which included interest from the time the land was taken. Three other sections of European land were taken in 1969.

In 1962 the Education Department extrapolated the need to construct a sewerage plant, which only required approximately 2 acres, into ambitious plans to make use 278 acres of adjoining Hokio A for farming activities, forestry and recreation grounds for the school. A notice of intention to take 278 acres for a child welfare institution was issued in 1969. Hokio A was vested in the Māori Trustee, who objected to the notice of intention on behalf of the owners. The Muaupoko Māori Committee also objected to the proposal. At the time the owners of Hokio were investigating land use possibilities, including forestry. The proposed taking was strongly opposed at meetings with the owners, who felt that there was no reason the institution needed to acquire such a large area of land. A meeting of owners agreed that the Education Department could take an area no larger than 30 acres. The Māori Trustee reached an agreement with the Ministry of Works about the amount of compensation which would be paid. In 1971 a proclamation was issued taking approximately 30 acres for the purposes of a child welfare institution.

A total of 33 acres was taken from Māori land for the Hokio school, along with 2 acres of European land. In 1989 the facility was closed. Under the Public Works Act 1981 the Crown was obliged to offer the land back to the former owners for purchase. In 1992 officials decided that the circumstances, and poor state of the facilities justified offering the land for less than market value. In 1996 an agreement was signed between the Crown and the Hokio A Lands Trust. Under the agreement, all the land previously taken under the Public Works Act was transferred to the trust, in return for a nominal ten cents payment. The trust has informed the Tribunal about its concerns regarding the

state the property was in when it was returned and the ongoing costs and liabilities faced by the trust.

11. Communications: Post/Telegraph/Broadcasting

This Section includes a variety of small takings for purposes associated with the Post Office, which later included responsibility for telegraph and telephone communication. It also includes the acquisition of part of the Otaki and Porirua Trusts Board land at Whitireia in Porirua. While that land was proclaimed as taken for 'better utilisation', part of the reason for the taking was for broadcasting purposes.

Table 31: Māori Land Taken for Post Office and Associated Purposes[1925]

Gazette	Purpose	Block	Area
1907/2176	Post Office	Section 4 Block V Parata Township	0-1-01
1921/1933	Post Office	Muhunoa 1B2B	1-0-00
1955/1875	Better Utilisation	Part College Reserve	89-0-00
1956/779	Better Utilisation	Part College Reserve	0-0-35
1957/1282	Automatic Telephone Exchange	Makuratawhiti North	0-3-31
1958/751	Post & Telegraph	Part Carnarvon 387A No 1C	0-0-02.11
1960/1734	Post Office	Section 50 Ratana Pa	0-0-31.5

11.1 Post and Telegraph Purposes

11.1.1 Waikanae Post Office - Parata Native Township 1907

On 25 March 1907 the Under Secretary of Public Works asked for Section 4 Parata Native Township to be surveyed so the land could be acquired by the Crown. In April Surveyor Lawe was told to peg off half the section for the post office site. In May the Under Secretary received a plan of the section and informed the Commissioner of Crown Lands that to avoid any delays it should be taken under Section 27.[1926] On 20 June 1907 a proclamation was issued taking Part Section 4 but the area was incorrectly identified and a further proclamation was issued in July 1907 taking 1 rood 1 perch for post office purposes.[1927]

Parata Native Township was Māori land which was vested in the Crown for administration under the Native Townships Acts. When administration of the township

[1925] Compiled from the PKM Public Works Takings Spreadsheet.
[1926] Outline of history of taking Section 4 Parata Native Township for post office site, n/d**,** ABRP 6844 W4598/60 6/2/1 pt 1, ANZ Wellington [P 1170814]; see also [P 1170814-1170815].
[1927] NZG, 1907, p. 2176.

was transferred from the Commissioner of Crown Lands to the Aotea District Land Board in 1908 the commissioner told the president of the board that half of Section 4 Block I Parata Native Township had been taken for the post office. The commissioner had been asked by Public Works to have the land valued, and passed on the Valuer General's valuation so that the board could claim compensation on behalf of the owners.[1928]

Correspondence shows that the Māori Land Board was not aware of how it was required to act in regard to land taken for public works. In February 1909 the board sought further information about the process for seeking compensation.[1929] The Commissioner of Crown Lands explained: 'As this township is the property of your Board the claim should be made by you.'[1930] Further instruction was supplied in March 1909 when the Under Secretary for Public Works told the clerk of the Aotea District Māori Land Board that:

> The question was then raised as to what was the proper procedure to adopt for ascertaining the amount of compensation to be paid and the question was referred to the Solicitor General who now advises as follows:-
>
> "The land was originally vested in the Crown under the Native Township Act 1895 in trust for the Native owners according to their relative shares or interests therein…The effect of the proclamation taking the land is to discharge the land from this trust but the trust attaches to the Compensation money. Although the case is not expressly provided for in the act, I think that the Native Land Court has jurisdiction under Section 22 to assess the compensation and ascertain the Native owners entitled thereto. When this is done the Crown can pay the money accordingly. If necessary a regulation could be made under Section 25 to meet the case."[1931]

The Māori Land Board clerk was told the board should apply to the Native Land Court for a compensation hearing.[1932] In July 1909 the board applied to the court to hold a compensation hearing for Part Section 4 (1r 0.1p) Parata Native Township taken for the

[1928] J.W. Davis, for, Commissioner of Crown Lands, Wellington to President, Aotea Māori Land Board, Wanganui, 5 November 1908, ABRP 6844 W4598/60 6/2/1 pt 1, ANZ Wellington [P 1170810].
[1929] Letter to Under Secretary, Public Works, Wellington, 19 February 1909, ABRP 6844 W4598/60 6/2/1 pt 1, ANZ Wellington [P 1170807]; see also [P 1170809].
[1930] Commissioner of Crown Lands, Wellington to Clerk, Aotea District Land Board, Wanganui, 19 February 1909, ABRP 6844 W4598/60 6/2/1 pt 1, ANZ Wellington [P 1170809].
[1931] H.J. Block, Under Secretary, Public Works, Wellington to Clerk, Aotea District Māori Land Board, Wanganui, 19 March 1909, ABRP 6844 W4598/60 6/2/1 pt 1, ANZ Wellington [P 1170811-1170812].
[1932] ibid

post office site.[1933] In June 1910 the president of the board, unable to attend the hearing, asked the Native Land Court to adjourn the hearing.[1934] The Land Purchase Officer at this time advised the board president that the amount of compensation would be fixed at £62, which was the capitalised value of the rental at time of taking for the unexpired term of the lease 'plus the then value of the reversion based on the assessed value of £60.' It also included interest for three years at five percent for the delay in settlement.[1935]

In July 1910 accounts for Parata Native Township were transferred from the Aotea District Māori Land Board to the Ikaroa District Māori Board. The board president J.B. Jack noted that two areas of land for a post office and school had been taken but the court had yet to determine compensation. He also pointed out that the rents were in some cases 'much in arrears' and the 'ownership of this Township was somewhat in doubt, and for that reason the Board has not paid out any of the accruing rents'.[1936]

Jack told the Land Purchase Officer the delays were caused 'through this land now being under the jurisdiction of the Ikaroa Board, which has not held at [sic] meeting to deal with your letter until this week.' The board agreed 'to accept the sum of £62 as compensation for the area taken as a site for the Waikanae Post Office.'[1937] In January 1911 the Native Land Court compensation payment was available and was to be sent to the board.[1938]

In 1982 a new post office was opened in the Waikanae Town Centre on the other side of the road and railway tracks on Mahara Place. In 1983 the original site was declared

[1933] T.W. Fisher, President, T.M. Kingi, Member to Native Land Court, 31 July 1909, ABRP 6844 W4598/60 6/2/1 pt 1, ANZ Wellington [P 1170813].
[1934] J.B. Jack, President, Aotea District Māori Land Board, Wanganui to Under Secretary, Public Works, Wellington, 16 June 1910, ABRP 6844 W4598/60 6/2/1 pt 1, ANZ Wellington [P 1170816].
[1935] E. Bold, Land Purchase Officer to J.B. Jack, President, Aotea Māori Land Board, Wanganui, n/d, ABRP 6844 W4598/60 6/2/1 pt 1, ANZ Wellington [P 1170817].
[1936] J.B. Jack, Aotea District Māori Land Board, Wanganui to President, Ikaroa District Māori Land Board, Wellington, 11 July 1910, ABRP 6844 W4598/60 6/2/1 pt 1, ANZ Wellington [P 1170819].
[1937] J.B. Jack, President, Ikaroa District Māori Land Board, Wellington to E. Bold, Land Purchase Officer, Public Works, Wellington, 5 September 1910, ABRP 6844 W4598/60 6/2/1 pt 1, ANZ Wellington [P 1170818].
[1938] Blow, Under Secretary, Public Works, Wellington to President, Ikaroa District Māori Land Board, Wellington, 31 January 1911, ABRP 6844 W4598/60 6/2/1 pt 1, ANZ Wellington [P 1170820].

as taken under Sections 20 and 50 of the Public Works Act 1981 for cultural and community centre purposes, and vested in the Horowhenua County Council.[1939]

11.1.2 Ohau Post Office - Muhunoa 1B2B, 1921

In 1919 Hema te Ao (aka Hema Ropata te Ao), the sole owner of Muhunoa 1B2B (1 acre) offered to sell the block to the Crown for £100 for a post office at Ohau. The Crown accepted the offer, but it was subsequently withdrawn by Te Ao, and the Postmaster General approved taking the land under the Public Works Act instead.[1940] A notice of intention to take the land was prepared.[1941] The notice of intention to take 1B2B for a post office site was gazetted on 26 May 1920.[1942]

Te Ao owned land on both sides of the road and preferred that the site taken was from a smaller triangular piece on the other side of the road from the gazetted site. The area the Crown proposed to take was suitable for farming and he 'did not want it mutilated by cutting out a small portion.'[1943] The post office preferred the gazetted site because it was on higher ground, and said 'any loss sustained by the owner can be met by the payment of compensation.'[1944] Te Ao's solicitors were told that the Crown would take its preferred site, and the objection was 'not a well-grounded one within the meaning of the Public Works Act 1908'. They were told the 40 day notice period would shortly expire and a formal proclamation taking the land would be issued and their client could seek compensation.[1945]

[1939] NZG, 1983, p. 1930.
[1940] H.A. Higgins, Acting Second Assistant Secretary, General Post Office, Wellington to Under Secretary, Public Works, Wellington, 2 July 1920, ACHL 19111 W1/459 20/865 pt 1, ANZ Wellington [DSCF 5211].
[1941] F.S. Read to Under Secretary, Public Works, 16 May 1921, ACHL 19111 W1/459 20/865 pt 1, ANZ Wellington [DSCF 5210].
[1942] NZG, 1920, p. 1367; ACHL 19111 W1/459 20/865 pt 1, ANZ Wellington [DSCF 5207].
[1943] Harper & Atmore, Solicitors, Otaki to Minister of Public Works, Wellington, 9 June 1921, ACHL 19111 W1/459 20/865 pt 1, ANZ Wellington [DSCF 5208-5209].
[1944] G.C. Godfrey to Minister, 7 July 1921, ACHL 19111 W1/459 20/865 pt 1, ANZ Wellington [DSCF 5205].
[1945] G.C. Godfrey, Assistant Under Secretary to Harper & Atmore, Solicitors, Otaki, ACHL 19111 W1/459 20/865 pt 1, ANZ Wellington [DSCF 5204].

In July 1921 Muhunoa 1B2B (1 acre) was proclaimed taken for post office purposes.[1946] Te Ao was informed of the gazette notice.[1947] In December the court held a compensation hearing for 1B2B.[1948] The Crown offered £100.[1949] Te Ao asked for £200, making a comparison with other land across the road. Judge Gilfedder, Hemi Te Ao, Native Land Purchase Officer G. Halliday and the government valuer made a site visit. The Judge decided compensation of £150 would be paid with £130 going to the owners and £20 to the lessee. The money was to be distributed by the Ikaroa District Māori Land Board.[1950]

Halliday subsequently reported that the only compensation figure presented was the government valuation of £100 and he criticised Judge Gilfedder: 'I was afterwards informed by the Judge himself that he had tossed a coin with the Solicitor for the Natives to decide whether he would award £125 or £150. The whole proceeding was farcical, and I think the Minister should be approached to take steps to prevent a recurrence of such a method of disposing public money. I consider the Judge's last two awards (Porirua and this case) have cost the Department about a thousand pounds in additional compensation; an expenditure absolutely unwarranted; the Crown's evidence in both cases being practically ignored.'[1951]

Porirua was a reference to the taking of five sections for a mental hospital and the compensation award. The Minister was informed that Judge Gilfedder's methods could not be considered satisfactory judgments and appeared to have been given 'without regard to the weight of evidence' and 'after the case at Levin was over the Judge called upon the claimant to shout for the party which was duly done.'[1952] Despite the claims

[1946] NZG, 1921, p. 1933.
[1947] G.C. Godfrey, Assistant Under Secretary to Hema te Ao c/o Harper & Atmore, Solicitors, Otaki, 30 July 1921, ACHL 19111 W1/459 20/865 pt 1, ANZ Wellington [DSCF 5202].
[1948] Otaki MB 56, 1 December 1921, p. 94 [DSCF 5216].
[1949] G. Halliday, Land Purchase Officer to Hema Ropata te Ao, Otaki, 29 November 1921, ACHL 19111 W1/459 20/865 pt 1, ANZ Wellington [DSCF 5201].
[1950] Otaki MB 56, 1 December 1921, p. 94 [DSCF 5215, 5216]; see also ACHL 19111 W1/459 20/865 pt 1, ANZ Wellington [DSCF 5197].
[1951] G. Halliday, Land Purchase Officer to Assistant Under Secretary, 2 December 1921, ACHL 19111 W1/459 20/865 pt 1, ANZ Wellington [DSCF 5200].
[1952] F.W. Furnesh to Minister of Public Works, 5 December 1921, ACHL 19111 W1/459 20/865 pt 1, ANZ Wellington [DSCF 5199].

against the judgment the Minister was asked to authorise the £150 compensation payment.[1953]

In September 1953 the Minister was asked to approve the disposal of a portion of the Muhunoa 1B2B post office site because the one acre was 'much in excess of present and future departmental requirements' which could be met by the 'retention of a strip of approximately 208' by 66''. The site was valued at £10-2-2. Disposal was approved.[1954]

The portion disposed was proposed for road widening purposes.[1955] The unused portion was used free of charge for grazing purposes.[1956] The Resident Engineer warned against disposal claiming there might be a potential future Crown need for this land.[1957] The areas for disposal and retention for post office and road widening were valued. The post office area was 1 rood 6 perches. The road widening area was 14 perches. The area for disposal was 2 roods and 20 perches and valued at £60.[1958] Approval was given for 2 roods 20.7 perches to be disposed of as surplus to requirements for £60 and the balance of 13.3 perches was to be proclaimed for road widening in conjunction with the Ohau Bridge road deviation.[1959]

In March 1955 a gazette notice was issued declaring Part Muhunoa 1B2B (2 rood 20.7 perches) to be no longer required for post office purposes and now being Crown land.[1960] In April 1955 Part Muhunoa 1B2B (13.3 perches) was proclaimed as a road.[1961] The post office received £60 for the 2 roods and 20.7 perches and in 1958

[1953] F.W. Furnesh to Minister of Public Works, 5 January 1922, ACHL 19111 W1/459 20/865 pt 1, ANZ Wellington [DSCF 5198].
[1954] P.N. Cryer, 2 September 1953, ACHL 19111 W1/459 20/865 pt 1, ANZ Wellington [DSCF 5194].
[1955] Director General, General Post Office, Wellington to Commissioner of Works, Wellington, 9 September 1953, ACHL 19111 W1/459 20/865 pt 1, ANZ Wellington [DSCF 5193]; see also E.R. McKillop, Commissioner of Works, Wellington to District Commissioner of Works, 22 September 1953 [DSCF 5192].
[1956] P.H. Cryer, Director General, General Post Office, Wellington to Commissioner of Works, Wellington, 28 September 1953, ACHL 19111 W1/459 20/865 pt 1, ANZ Wellington [DSCF 5191].
[1957] H.J. Wotten, Resident Engineer, Porirua to District Commissioner of Works, Wellington, 7 December 1953, ACHL 19111 W1/459 20/865 pt 1, ANZ Wellington [DSCF 5190].
[1958] J. Dalton, Assistant Land Purchase Officer, A.J. Bell, District Land Purchase Officer, Wellington to District Commissioner of Works, Wellington, 25 September 1954, ACHL 19111 W1/459 20/865 pt 1, ANZ Wellington [DSCF 5188-5189].
[1959] P.L. Laing, District Commissioner of Works to Commissioner of Works, 16 February 1955, ACHL 19111 W1/459 20/865 pt 1, ANZ Wellington [DSCF 5187].
[1960] NZG, 1955, p. 337.
[1961] NZG, 1955, p. 706.

Lands and Survey transferred this land for railway purposes.[1962] At this time there was no requirement under the Public Works Act to offer land no longer required for the purpose it was taken back to the former owners.

11.1.3 Otaki Telephone Exchange – Part Makuratawhiti 1955

In February 1955 it was proposed a telephone exchange would be built on Section 50 Part Makuratawhiti 5C (2r 13p).[1963] According to the Post Office Department Director General the block was owned by the Tahu whanau and Whetu Matahaere.[1964] The Land Purchase Officer attempted unsuccessfully to contact the owners, but was then told by Otaki councillor Hema Hakaraia that the land had been sold to 'two other Maoris who had no wish to sell the block.'[1965]

The Post Office Department then asked for an alternative site it described as 'unclaimed land' to be obtained.[1966] The land was Part Subdivision Makuratawhiti (3 roods 31 perches) and it contained two cottages.[1967] The 1953 valuation had a capital value of £1,135 with improvements of £445.[1968] The Land Purchase Officer in 1955 recommended a purchase price of £1,350.[1969] The land was occupied by August Bishop and owned by the Bishop whanau but it was vested in the Māori Trustee.[1970] In May 1956 the Māori Trustee sent a letter to all the owners it had addresses for asking them whether they were willing to sell their land.[1971] The Māori Trustee received replies from the owners who were not keen to sell, although some owners suggested a price of £1,500 at which the Māori Trustee could sell without further contact with the owners.

[1962] NZG, 1956, p. 379.
[1963] Director General, Post Office, Wellington to District Commissioner of Works, Wellington, 7 February 1955, AATE 889 W3323/11 26/2/21, ANZ Wellington [P 1160986].
[1964] Land Purchase Officer, Wellington to Hema Hakaraia, Otaki, n/d, [1955], AATE 889 W3323/11 26/2/21, ANZ Wellington [P 1160987].
[1965] R.L. Laing, District Commissioner of Works, Wellington to Director General, Post Office, Wellington, 23 June 1955, AATE 889 W3323/11 26/2/21, ANZ Wellington [P 1160988].
[1966] Director General, Post Office, Wellington to District Commissioner of Works, Wellington, 9 September 1955, AATE 889 W3323/11 26/2/21, ANZ Wellington [P 1160989].
[1967] Particulars of title of owners, Makuratawhiti North (3r 31p), Original owners, Mohi Hekeira, Maata Pikiwai, Hohepa Wiremu Kiriwehi, Ruanui Kiriwehi, Pipi Eparaima, Wiremu Rewweti, Anihaera Rewiti, Emere Whareahuru, Rira, AATE 889 W3323/11 26/2/21, ANZ Wellington [P 1170008].
[1968] P.L. Laing, District Commissioner of Works, Wellington to District Officer, Māori Affairs, Wellington, 27 September 1955, AATE 889 W3323/11 26/2/21, ANZ Wellington [P 1160990].
[1969] Land Purchase Officer to District Officer, Māori Affairs, Wellington, 13 December 1955, AATE 889 W3323/11 26/2/21, ANZ Wellington [P 1160992].
[1970] J.A. Mills, District Officer, Māori Affairs, Wellington to A.F. Bell, Works, Wellington, 1 December 1955, AATE 889 W3323/11 26/2/21, ANZ Wellington [P 1160991].
[1971] Māori Trustee, Wellington to Land Purchase Officer, Works, Wellington, 7 May 1956, AATE 889 W3323/11 26/2/21, ANZ Wellington [P 1160993].

The Māori Trustee said if there was no increase in price it would be necessary to call a meeting of owners to discuss the matter.[1972] The Land Purchase Officer agreed to pay £1,500 for the land on the condition of vacant possession.[1973] The Māori Trustee said negotiations with the Bishop whanau had been carried out on the basis they would maintain possession of their cottages.[1974] The Post Office reconfirmed they wanted vacant possession but suggested that £400 to £500 could be withheld until the cottages were made vacant.[1975] A further meeting of owners was held on 17 October at Raukawa Marae Otaki to discuss whether to sell and for what price, and whether August Bishop's occupation of a cottage would continue.[1976] Bishop agreed to vacate the cottage.[1977] The owners agreed to sell the land for £1,500 and the payment was to be made to the Māori Trustee.[1978] The Land Purchase Officer noted prices in Otaki had 'increased considerably in two years and the 'price fixed is not at all unreasonable.'[1979]

A proclamation taking Makuratawhiti North (3 roods 31 perches) for an automatic telephone exchange was issued in July 1957.[1980]

11.1.4 Repeater Station – Section 387A 1C Township of Carnarvon 1957

In 1957 Post and Telegraph proposed to take a small area (2.11 perches) of Section 387A 1C Township of Carnarvon for a co-axial cable repeater station. This involved building a small brick building on the area taken.[1981] In January 1958 a notice of intention to take land from Section 387A 1C was issued.[1982] The notice was served on

[1972] Māori Trustee, Māori Affairs, Wellington to Land Purchase Officer, Works, Wellington, 14 June 1956, AATE 889 W3323/11 26/2/21, ANZ Wellington [P 1160994].
[1973] Land Purchase Officer to District Officer, Māori Affairs, Wellington, 22 June 1956, AATE 889 W3323/11 26/2/21, ANZ Wellington [P 1160995].
[1974] Māori Trustee, Māori Affairs, Wellington to Land Purchase Officer, Works, Wellington, 11 July 1956, AATE 889 W3323/11 26/2/21, ANZ Wellington [P 1160996].
[1975] Land Purchase Officer to District Officer, Māori Affairs, Wellington, 24 July 1956, AATE 889 W3323/11 26/2/21, ANZ Wellington [P 1160997].
[1976] Māori Trustee, Māori Affairs, Wellington to owners Makuratawhiti North, 27 September 1956, AATE 889 W3323/11 26/2/21, ANZ Wellington [P 1170001].
[1977] File note, on, C.A. McFarlane, Director General, Post Office, Wellington to District Commissioner of Works, Wellington, 5 October 1956, AATE 889 W3323/11 26/2/21, ANZ Wellington [P 1170002].
[1978] Māori Trustee, Māori Affairs, Wellington to Land Purchase Officer, Works, Wellington, 29 October 1956, AATE 889 W3323/11 26/2/21, ANZ Wellington [P 117003].
[1979] Land Purchase Officer, District Land Purchase Officer to District Commissioner of Works, Wellington, 6 November 1956, AATE 889 W3323/11 26/2/21, ANZ Wellington [P 117004].
[1980] NZG, 1957, p. 1282.
[1981] J.C. Riddell, District Commissioner of Works, Wanganui to Commissioner of Works, Wellington, 7 August 1957, ABWN 889 W5021/119 20/1574/7, ANZ Wellington [P 1170039].
[1982] NZG, 1958, p. 99.

Wiremu Kingi te Awe Awe, Ema te Awe Awe and Tariuha Manawaroa te Awe Awe. Wiremu Kingi responded that he had no objections to the taking. The other two owners did not acknowledge receipt of letters.[1983]

In June 1958 a proclamation taking 2.11 perches of Section 387A 1C Township of Carnarvon for 'Post and Telegraph (Co-axial Cable Repeater Station)' purposes was issued.[1984] A special government valuation for July 1958 valued the 2.11 perch area at £5.[1985] The Māori Land Court awarded compensation of £5. The money was to be paid to the Māori Trustee on behalf of the owners.[1986] A cheque was sent to the Māori Trustee for £5 in September 1958.[1987]

11.2 Whitireia Land Taken for Broadcasting and Housing

This Section concerns land at Whitireia, in Porirua, which was titled 'College Reserve'. It had originally been gifted by local Māori to the Church Missionary Society for Māori for the purposes of Māori education. The failure of the church to provide a school and the long history of Māori attempts to regain ownership and control of the land has been covered in Boast and Gilling's research for the Ngāti Toa claims.[1988] This Section is only concerned with land which was acquired from the College Reserve under the Public Works Act. The impact of the takings was to reduce the endowment land held by the Trust administering the reserve. The history of the acquisition of the Whitireia lands demonstrates the Crown's determination to acquire the land in the face of repeated objections from the owners.

In 1935 the Porirua College Trust Board sold 100 acres of land to the New Zealand Broadcasting Board.[1989] This parcel was then called Section 186 Porirua District.

[1983] E.A. Flynn, Resident Engineer, Palmerston North to District Commissioner of Works, Wanganui, 18 March 1958, ABWN 889 W5021/119 20/1574/7, ANZ Wellington [P 1170047]; see also [P 1170046].
[1984] NZG, 1958, p. 751.
[1985] R.A. Lynch, District Land Purchase Officer, Works, Wanganui to District Commissioner of Works, Wanganui, 20 August 1958, ABWN 889 W5021/119 20/1574/7, ANZ Wellington [P 1170052].
[1986] Extract from Otaki MB 67, 30 July 1958, p. 134, Judge G.J. Jeune, ABWN 889 W5021/119 20/1574/7, ANZ Wellington [P 1170051].
[1987] J.C. Russell, District Commissioner of Works to Registrar, Māori Land Court, Wellington, 28 September 1958, ABWN 889 W5021/119 20/1574/7, ANZ Wellington [P 1170054].
[1988] Richard Boast and Bryan Gilling, 'Ngāti Toa Lands Research Project: Report 2: 1865-1975', CFRT, September 2008, Wai 2200 #A206.
[1989] ibid, p. 294.

In July 1938 the Public Works Department was told that the National Broadcasting Service wanted to acquire eight acres of Subdivision 2 Onepoto Block at Titahi Bay for a radio receiving and transmitting station.[1990] The land owner, Mr Marshall did not want to sell because it would make other land in the block unusable. He was however prepared to sell Lot 2 (21a 2r 38p) of Onepoto Block for £1,650. Public Works believed the price was too high and suggested that the land could be taken under the Public Works Act.[1991]

Instead, part of the land held by the Porirua College Trusts Board at Whitireia, titled 'College Reserve' was selected as a site. The trust board had leased the land to A. Emmett. In September 1938 the Broadcasting Service arranged a sublease of lessee A. Emmett's land for use as a receiving station.[1992] Emmett was paid £1 per annum for the remaining period of his lease.[1993] The trust board agreed to the arrangement and to the erection of aerials and buildings. The Broadcasting Service was able to operate on the site without acquiring the land at that time.

Further land at Titahi Bay was required by the Broadcasting Service in the 1940s. At this time, under the Otaki and Porirua Trusts Act 1943, Part College Reserve (375 acres) was vested in the Otaki and Porirua Trusts Board. The board consisted of ten members appointed by the Governor General, of whom five were nominated by the Church of England; four by the Raukawa Marae Trustees; and one by the Minister of Education. The trusts funds were to be used to provide scholarships and for general education purposes. Under Section 14 of the Otaki and Porirua Trusts Act 1943 (amended by Section 8 of Otaki and Porirua Trusts Amendment Act 1946) the board could not sell land without the consent of the Minister of Education and the Raukawa Marae Trustees.[1994]

[1990] James Shelley, Director, National Broadcasting Service, Wellington to Permanent Head, Public Works, Wellington, 6 July 1938, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0180].
[1991] J. Wood, Engineer in Chief to Director, National Broadcasting Service, Wellington, 15 September 1938, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0179].
[1992] S.T. Sprott, Diocesan Secretary, Wellington to Under Secretary, Public Works, Wellington, 30 September 1938, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0178].
[1993] E.H. Wakelin to Under Secretary, 7 November 1938, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0177].
[1994] S.T. Sprott, Secretary, Otaki and Porirua Trusts Board, Wellington to District Engineer, Public Works, Wellington, 23 August 1949, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0174].

In 1947 Cabinet approved expenditure for alterations and extensions to the transmitter and although the trusts board refused to sell land to the Crown, the work was completed without acquiring the land under statutory authority.[1995]

In December 1947 the Otaki and Porirua Trusts Board was again asked to consider selling Part College Reserve and to give permission for Works staff to enter and survey the block.[1996] This was at the time that the Crown embarked on a large scale housing development in the Porirua and Titahi Bay areas. The Minister of Works considered the acquisition of the reserve a 'logical extension' to a nearby acquisition from Marshall for housing purposes and asked the Minister of Education for his consent.[1997] The Minister of Education responded:

> I would advise you that it is known that the Maoris concerned with this property have so far shown a great reluctance to dispose of any land.
> In the circumstances I do not think it would be proper for me to give my consent until the consent of the Raukawa Marae Trustees is first forthcoming.[1998]

At this time the Broadcasting Service again requested additional land at Titahi Bay for radio transmitter purposes.[1999]

The Raukawa Marae Secretary Rikihana Carkeek (aka) Bunny Rikihana said a meeting would be held with Ngāti Toa at Porirua.[2000] Works had suggested an exchange of land

[1995] E.R. McKillop, Commissioner of Works, Wellington to Minister of Works, 13 December 1954, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0144]; see also 'Plan of Pt College Reserve Blk XI Paekakariki SD' [IMG 0141].
[1996] District Supervisor, Wellington, 19 December 1947, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150952].
[1997] C. Skinner, for, Minister of Works to Minister of Education, 2 March 1948, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150954].
[1998] R.B. Hammond, Assistant Director of Housing Construction, Wellington to District Supervisor Wellington, 22 March 1948, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150955].
[1999] W. Yates, Director, New Zealand Broadcasting Service, Wellington to Commissioner of Works, Wellington, 26 July 1949, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0176].
[2000] E.R. McKillop, Commissioner of Works to Director of Broadcasting, Wellington, 13 October 1949, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0173]; see also Diocesan Secretary, Wellington to District Supervisor, Housing Construction, Wellington, 3 June 1948, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150958].

was a possibility.[2001] In June 1948 a meeting of the Raukawa Marae Trustees again decided they did not want to part with the land.[2002]

In February 1949, although aware that the Raukawa Marae Trustees did not want to sell the reserve, the Under Secretary for Māori Affairs said he would approach the trustees about a possible sale, and he asked to be informed about what the Crown was prepared to pay for the reserve.[2003] The Director of Housing Construction requested a government valuation of Part College Reserve (375 acre).[2004] The block was valued as farm land with a capital value in 1948 of £5,685, with an unimproved value of £3,365 and improvements of £2,320.[2005]

In March 1951 a meeting of the Raukawa Marae Trustees again unanimously decided against selling the College Reserve.[2006] In April the Commissioner of Works decided Cabinet approval would be required for the compulsory acquisition of the reserve.[2007] The Director of Broadcasting asked for other options to be considered before compulsory acquisition.[2008]

In October 1952 the District Commissioner reiterated the Commissioner of Works' position and said 'it appears that the property will not be offered voluntarily, it is proposed to recommend compulsory acquisition for better utilisation' for housing, broadcasting, and school purposes.[2009]

[2001] District Supervisor to Rikihana Carkeek, Secretary, Otaki & Porirua Trusts Board, Wellington, 10 June 1948, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150960]; see also [P 1150962].
[2002] R. Carkeek, Secretary, Raukawa Marae Trustees, Otaki to District Supervisor, Housing Construction, Wellington, 7 July 1948, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150963]; see also Secretary, Otaki and Porirua Trusts Board, Wellington to District Supervisor, Housing Construction, Wellington, 15 June 1948 [P 1150961].
[2003] R.B. Hammond, Director Housing Construction, Wellington to District Supervisor, Wellington, 9 February 1949, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150967].
[2004] Director Housing Construction to District Supervisor, Wellington, 27 October 1948, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150965].
[2005] H. Stevens, District Supervisor, Works, Wellington to Director Housing Construction, Wellington, 25 November 1948, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150966].
[2006] S.T. Sprott, Secretary, Otaki and Porirua Trusts Board, Wellington to District Engineer, Works, Wellington, 29 March 1951, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0172].
[2007] E.R. McKillop, Commissioner of Works to Director, New Zealand Broadcasting Service, Wellington, 11 April 1951, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0171].
[2008] W. Yates, Director, New Zealand Broadcasting Service, Wellington to Commissioner of Works, Wellington, 19 June 1951, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0170].
[2009] C. Langbein, District Commissioner of Works, Wellington to District Supervisor Housing, Wellington, 20 October 1952, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150972]; see also 'Plan of subdivision…Otaki & Porirua Maori Trusts Block, Block I Titahi Bay' [P 1150973].

In January 1953 Works again asked the Otaki and Porirua Trusts Board to help gain the consent of the Raukawa Marae Trustees to a sale.[2010] The board said a sale of Whitireia land was 'contrary to the feelings of the Maori people whose ancestors donated the land.'[2011] Works again suggested a land exchange was possible but this offer was not taken up by the marae trustees.[2012]

In February 1953 the District Engineer broadened the scope for the need for an acquisition when he emphasised other departments required land in the area for state housing and school purposes and he suggested compulsorily taking the reserve for the purpose of better utilisation.[2013] At this time all of the 375 acre reserve was leased to farmer L.W. Iggulden for a term of 7 years with a right of renewal from 20 March 1953.[2014]

The District Commissioner of Works noted the unsuccessful negotiations for the reserve had been going on for a number of years. He reiterated a range of departments required land in the reserve. He said the marae trustees' response 'definitely close any avenue for purchase by negotiations' so a 'proclamation will be required'.[2015] In July, after consultation between the departments about their requirements, it appeared 'only Broadcasting is really interested in the land'.[2016] However, by December the Departments of Housing and Education had revised their positions and decided they too required land in the reserve.[2017]

[2010] C. Langbein, District Commissioner of Works, Wellington to Secretary, Otaki & Porirua Trusts Board, Wellington, 16 January 1953, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150975].
[2011] S.T. Sprott, Secretary, Otaki and Porirua Trusts Board, Wellington to District Commissioner of Works, Wellington, 21 January 1953, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0166].
[2012] C. Langbein, District Commissioner of Works, Wellington to Secretary, Otaki & Porirua Trusts Board, Wellington, 16 January 1953, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0165].
[2013] C. Langbein, District Commissioner of Works, Wellington to Commissioner of Works, Wellington, 17 February 1953, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0164].
[2014] 'Plan of Pt College Reserve Blk XI Paekakariki SD', AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0141].
[2015] C. Langbein, District Commissioner of Works, Wellington to Commissioner of Works, Wellington, 17 February 1953, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1159077].
[2016] C. Langbein, District Commissioner of Works, Wellington to Commissioner of Works, Wellington, 21 July 1953, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150986].
[2017] E.R. McKillop, Commissioner of Crown Lands, Wellington to Director of Broadcasting, Wellington, 18 December 1953, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150987].

In March 1954 the District Supervisor for Works noted that since the inception of the 'Porirua Basin Development Scheme' it had been envisaged that all of the College Reserve block would be acquired and developed for housing purposes with the associated water and sewerage treatment and road infrastructure. He recommended that because of the resistance to negotiating a sale, the reserve should be compulsorily acquired.[2018] In May 1954 the Commissioner of Works reiterated the need for compulsory acquisition and noted that the board had recently leased the area for grazing.[2019]

The Ministers of Works, Education and Broadcasting were asked to consider a joint approach to the compulsory acquisition of the land which their officials considered essential.[2020] Works had for years considered Cabinet should be approached for its consent for a compulsorily acquisition.[2021] A decision to approach Cabinet was delayed while Treasury asked the Broadcasting Service whether easements over the transmitter areas would be sufficient.[2022] The Broadcasting Service said easements would not provide a 'permanent solution.'[2023]

In June 1954 D. Prosser a member of the Raukawa Marae Trustees and the Otaki and Porirua Trusts Board was asked to assist the Crown in acquiring the Whitireia Block.[2024] At this time the Land Purchase Officer argued the need for an additional four to five acres for a school site was 'urgent'.[2025]

[2018] F.C. Basire, District Supervisor, Works, Housing Division, Wellington to Commissioner Housing and Construction, Wellington, 17 March 1954, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150988-1150989].
[2019] E.R. McKillop, Commissioner of Works to Director of Education, Wellington, 13 May 1954, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150990].
[2020] W. Yates, Director, 25 May 1954, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0157-0158]; see also 'Plan of Pt College Reserve Blk XI, Paekakariki SD' [IMG 0156].
[2021] E.R. McKillop, Commissioner of Works, Wellington to District Commissioner of Works, Wellington, 25 March 1953, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150978].
[2022] E.R. McKillop, Commissioner of Works to Director, New Zealand Broadcasting Service, Wellington, 3 August 1954, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0152].
[2023] W. Yates, Director, New Zealand Broadcasting Service, Wellington to Commissioner of Works, Wellington, 11 August 1954, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0151].
[2024] Land Purchase Officer, Wellington to D. Prosser, Porirua, 9 June 1954, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150991].
[2025] Land Purchase Officer, Wellington to Secretary, Otaki and Porirua Trusts Board, Wellington, 9 June 1954, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150992].

The Commissioner of Works again recommended an interdepartmental approach to Cabinet that emphasised the urgent need for the entire Whitireia Block.[2026] The Ministers' of Works, Māori Affairs, Education, Housing, and Broadcasting in September 1954 agreed to a joint approach to Cabinet. Before this approach was made Māori Affairs, Under Secretary T.T. Ropiha was again asked to informally discuss the matter with the marae trustees.[2027]

The Ministers of Works and Lands decided an initial area of 89 acres would be compulsorily acquired with the remainder of the reserve being acquired at a later date.[2028] The Valuation Department was asked for a new valuation of 375 acres of Whitireia.[2029]

In November 1954 Māori Affairs met with eight members of the Raukawa Marae Committee. Marae committee secretary, Rikihana Carkeek said they had discussed the issue of the Crown taking the reserve in the past and had opposed selling any of the land. This remained their position, with the exception of one member who agreed the Crown could acquire five acres for the school.[2030] The Commissioner of Works was advised there was 'no strong reaction' when the committee was told their land would be compulsorily acquired, nor did it appear that they 'would raise any strong objections'.[2031]

In December 1954 the Commissioner of Works recommended that the Crown compulsorily acquire 5 acres for the Titahi Bay North School site; 44 acres for broadcasting purposes; and 40 acres for housing purposes. He claimed that the owners

[2026] E.R. McKillop, Commissioner of Works to Minister of Housing, 4 June 1954, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150993].
[2027] Conference in Office of Minister of Works, 1 September 1954, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0150].
[2028] File note, A.B., 'Otaki & Porirua Trust Land', 15 September 1954, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150998].
[2029] C.L. Langbein, District Commissioner of Works, Wellington to District Officer, Valuation Department, Wellington, 19 October 1954, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1150999].
[2030] The members were Rikihana Carkeek, Mangu Roiri, Dave Prosser, Hema Hakaraia, Nepia Winiata, Tamati Hawea, Matenga Baker, Mita Johnson; J.A. Mills, District Officer to Māori Trustee, 5 November 1954, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 149].
[2031] E.R. McKillop, Commissioner of Works, Wellington to Minister of Works, 1 December 1954, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0148].

would suffer no hardship as a result of the taking, and that the return from investing the compensation payment would probably be better than annual grazing rental.[2032]

In June 1955 Cabinet decided that approximately 89 acres of Part College Reserve owned by the Otaki and Porirua Trusts Board would be compulsorily taken.[2033] A notice of intention to take the 89 acres of Part College Reserve for better utilisation was issued at the end of June 1955.[2034] The notice and plan were displayed in the Titahi Bay Post Office.[2035]

In August 1955 the Otaki and Porirua Trusts Board, at the request of the Raukawa Marae Trustees, lodged an objection to the taking and stated that the 'Raukawa Marae Trustees regard this land as sacred and are very adverse to being deprived of any part of it.'[2036] The Minister of Works responded that the land was:

> in a very different category from ancestral lands of the Maoris which are actually occupied by them. The land being acquired by the Crown has been alienated from the Maoris under long-term lease for several years and is at present being used for farming purposes by a European lessee whose rights extend until 1967. The land is in effect an endowment to provide an income to the Board for certain trust purpose.[2037]

The Minister said the trust could fulfil its purposes using the income from the compensation payment and concluded it was in the 'public interest' that the Crown developed the land for 'essential public purposes'.[2038]

The Minister therefore effectively dismissed the idea that the land was 'sacred' or an ancestral taonga, merely by virtue that it had not been in direct Māori occupation. This attitude ignored the long history of Māori protest about the way the land originally was donated for education purposes but had resulted in permanent land loss, and it did not

[2032] E.R. McKillop, Commissioner of Works, Wellington to Minister of Works, 13 December 1954, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0144].
[2033] NZG, 1955, p. 1042; P.L. Laing, District Commissioner of Works to Commissioner of Works, 17 June 1955, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0161]; see also Secretary of the Cabinet to Minister of Works, 26 January 1955 [IMG 0143].
[2034] NZG, 1955, p. 1042.
[2035] W.B. Russell, Chief Postmaster, Wellington to Commissioner of Works, Wellington, 19 September 1955, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0140].
[2036] Martin & Hurley, Solicitors, Wellington to Minister of Works, Wellington, 8 August 1955, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0138-0139].
[2037] W.S. Goosman, Minister of Works to Martin & Hurley, Wellington, 23 August 1955, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0137].
[2038] ibid

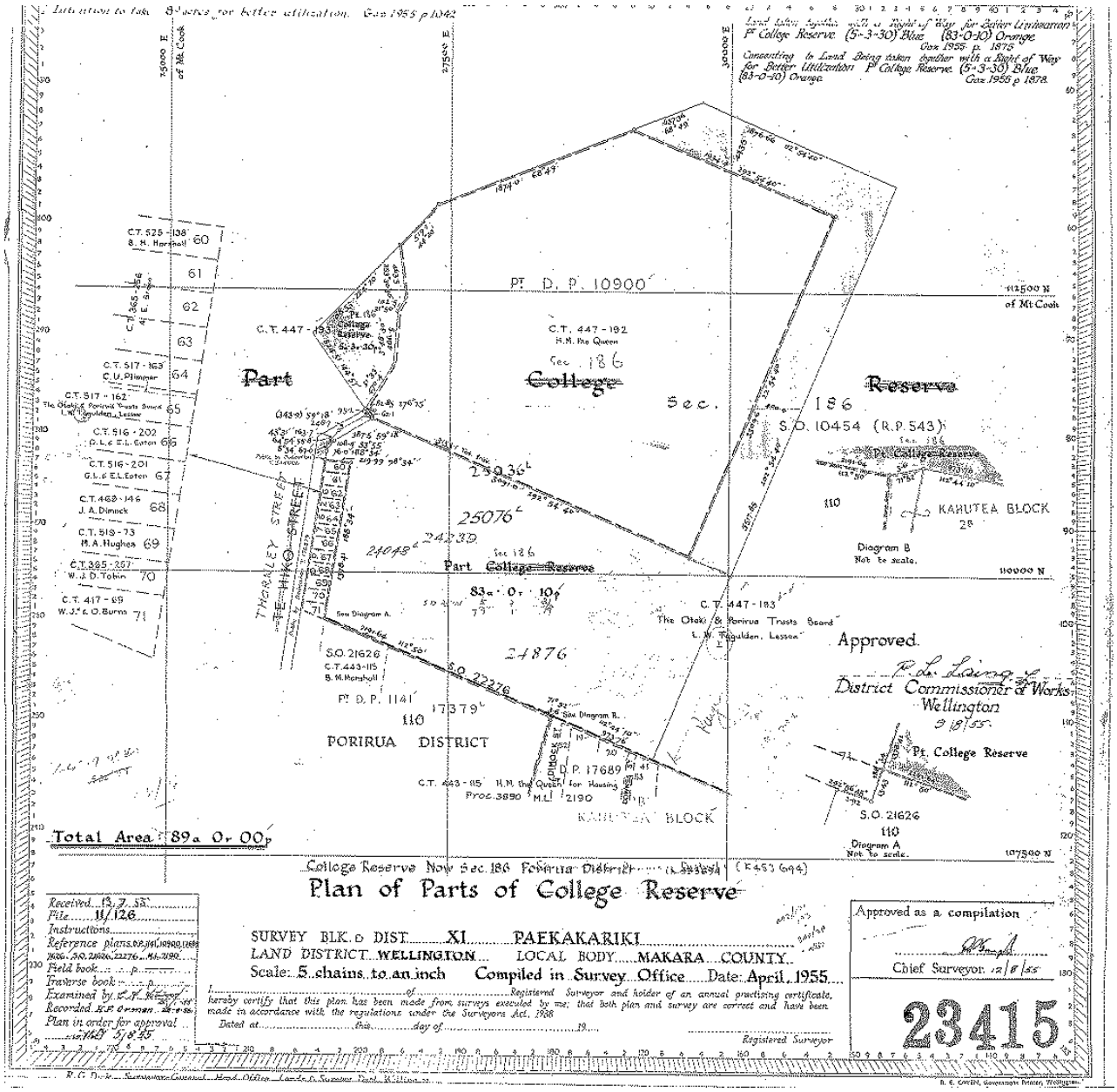
allow for the Māori concept of enduring ancestral ties regardless of the legal status of the land.

The lessee L.W. Iggulden also objected to the notice to take the 89 acres because it would make his farming operation 'virtually impossible'.[2039] The Minister of Works said the objection was not well grounded and concluded any loss suffered by Iggulden would be covered by compensation.[2040]

In December 1955 a proclamation taking Part College Reserve (89 acres) Block XI Paekakariki Survey District for better utilisation was issued.[2041] The land taken is shown on the plan below as two separate areas: a large 83 acre block to the south, and a five acre triangular piece on the west. The central block is Section 186 Porirua District which had been purchased from the trust board in 1935.

[2039] Brandon Ward MacAndrew & Watts, Solicitors, Wellington to Minister of Works, Wellington, 5 August 1955, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0136].
[2040] W.S. Goosman, Minister of Works to Brandon Ward MacAndrew & Watts, Wellington, 20 October 1955, AAQB 889 W3950/358 24/2495/1 pt 1, ANZ Wellington [IMG 0135].
[2041] NZG, 1955, p. 1875.

Map 45: Whitireia Land Taken for Better Utilisation 1955[2042]



The Valuation Department valued the reserve with a capital value of £16,200, with an unimproved value of £15,200 and improvements of £1,100. The 89 acres consisted of approximately 39 acres for housing; 44 acres for broadcasting; and a 5 acre school site.[2043]

[2042] Wellington Survey Office Plan SO 23415.

[2043] H.A. Fullarton, District Commissioner of Works to Branch Manager, Valuation Department, Wellington, 12 December 1960, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160028].

After the Otaki and Porirua Trusts Board objection failed, the board asked the Crown to purchase Part Lot 65 (35.3p), which was now unusable, as it had provided access to the area acquired by the Crown.[2044] The Commissioner of Works in February 1956 sought and received Iggulden's consent to the taking.[2045] Part Lot 65 was proclaimed taken for better utilisation in June 1956.[2046]

In July 1956 a valuation for Part College Reserve and Part Lot 65 was being made by rural valuer N.H. Mackie. Mackie was concerned about access to the remaining land. The issue of access was not resolved at this time and due to illness a new valuer J.V. MacFarlane was engaged two years later. Iggulden wanted access over the 'Broadcasting roads' so he could move stock to the northern shores of Porirua Harbour. The Broadcasting Service did not allow access to their sites.[2047]

In August 1956 the Otaki and Porirua Trusts Board claimed compensation of £19,500 for the 89 acres taken for better utilisation.[2048] This sum was subsequently adjusted to account for interest during the intervening years between the taking and the payment of compensation.[2049]

In September 1956 solicitors acting for the Otaki and Porirua Trusts Board were concerned that the remaining trust owned land was left without access. They said as long as the issue of access remained unaddressed compensation could not accurately be assessed.[2050] They were told the trusts land would be provided with access.[2051]

[2044] Martin & Hurley, Wellington to Minister of Works, 21 September 1955, AAQU 889 W3429/527 24/2495/1 pt 2, ANZ Wellington [IMG 0260].
[2045] Correspondence history College Reserve, Ministry of Works to Porirua Trusts Board, Wellington, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160029-1160036].
[2046] NZG, 1956, p. 779.
[2047] Correspondence history College Reserve, Ministry of Works to Porirua Trusts Board, Wellington, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160029-1160036].
[2048] Martin Evans-Scott & Hurley, to Minister of Works, 8 August 1956, AAQU 889 W3429/527 24/2495/1 pt 2, ANZ Wellington [IMG 0257].
[2049] Correspondence history College Reserve, Ministry of Works to Porirua Trusts Board, Wellington, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160029-1160036].
[2050] Martin & Hurley, Wellington to District Supervisor, Housing Division, Wellington, 28 September 1956, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160006]; see also [P 1160007].
[2051] F.C. Basire, District Supervisor, Wellington to Martin & Hurley, Wellington, 24 October 1956, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160008].

In July 1958 the Broadcasting Service requested an update on the compensation negotiations for the 89 acres of which 44 acres adjoined the broadcasting site.[2052] The trusts' solicitors were 'pressing for settlement' and the issue of access and the re-siting of a woolshed resolved. The solicitors also claimed interest, which Works refuted.[2053]

In February 1959 this situation was addressed and Iggulden was granted access. The chairman of the Otaki and Porirua Trusts Board approved negotiations be finalised 'on the basis of an access road from Downes Road'. The Ministry of Works proposed the 'extension of Downes Street to residue of Board's land'.[2054] In February 1960 the trusts' solicitor returned plans indicating a road line acceptable to the board which gave legal access from an extension to Downes Street to the residue of the board's land.[2055]

In March 1960 Iggulden's solicitor expressed concern with the ongoing delays in paying compensation and noted there was a five year limitation on filing applications for compensation.[2056] An agreement was reached before the five year expiration date.[2057] Compensation was not paid at this time.[2058]

In July 1960 the Otaki and Porirua Trusts Board solicitor presented the Crown with a claim of £24,235 of compensation for the 89 acres.[2059] The solicitor did not receive an immediate reply and in December they presented Works with an adjusted figure of

[2052] W. Yates, Director of Broadcasting, Wellington to Land Purchase Officer, Works, 25 July 1958, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160009-1160010].
[2053] F.C. Basire, District Supervisor, Works, Wellington to District Commissioner of Works, Wellington, 10 February 1959, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160012-1160013].
[2054] Correspondence history College Reserve, Works to Porirua Trusts Board, Wellington, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160029-1160036].
[2055] L.C. Malt, District Commissioner of Works to District Supervisor, Works, Wellington, 11 February 1960, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160015]; see also 'Plan showing location of proposed access to Māori Trust land' [P 1160016].
[2056] Martin Evans-Scott & Hurley, Wellington to District Commissioner of Works, Wellington, 2 March 1960, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160018-1160019].
[2057] Land Purchase Officer, Works, Wellington to District Commissioner of Works, Wellington, 21 January 1961, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160043-1160045].
[2058] Martin Evans-Scott & Hurley, Wellington to District Commissioner, Works, Wellington, 2 March 1960, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160018-1160019].
[2059] Martin Evans-Scott & Hurley, Wellington to Land Purchase Officer, Works, Wellington, 5 July 1960, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160022-1160023].

£24,537.[2060] Similarly, Iggulden in December 1960 instructed his solicitor to ascertain the date of entry on the block so that interest for that period could be calculated.[2061]

In December 1960 the Valuation Department provided Works with the special government valuation for the 89 acres: housing approximately 39 acres £7,350; broadcasting approximately 44 acres £7,700; school site 5 acres £1,150; making a total of £16,200.[2062]

However, in January 1961 the Land Purchase Officer made an assessment that the sum of £24,551-7-4 was 'fair and reasonable' as full and final compensation settlement. The valuation of J.V. McFarlane had been £24,235 plus costs and interest. Part of the final agreement was the vesting of the access strip in the board. The valuation divided the land into residential subdivision land; rural land with urban potential; and solely rural land.[2063] In February 1961 a payment of £24,559-7-8 was made to the trusts board's solicitors.[2064]

When the solicitors received this payment of £24,559-7-8 from the Ministry of Works they noted that the Treasury Voucher stated it was full and final settlement for all claims. They said the board still required access rights to the broadcasting land and a chain wide strip to be vested in the board.[2065] Works said both arrangements would be made. The board was granted by licence a right of access and a one chain strip under Section 99 of the Public Works Act 1928 and the strip was vested in the board.[2066]

[2060] Martin Evans-Scott & Hurley, Wellington to Land Purchase Officer, Works, Wellington, 5 July 1960, AATE W3387/25 22/1/2/27, ANZ Wellington [P 116026-1160027]; Martin Evans-Scott & Hurley to Land Purchase Officer, 15 December 1960, [P 1160037-1160038]; see also D. Warmington, Land Purchase Officer to District Commissioner of Works, 21 January 1961, AAQU 889 W3429/527 24/2495/1 pt 2, ANZ Wellington [IMG 0252].

[2061] Martin Evans-Scott & Hurley, Wellington to Land Purchase Officer, Works, Wellington, 9 December 1960, AATE W3387/25 22/1/2/27, ANZ Wellington [P 116026-116027].

[2062] J.S. Riddick, Assistant Branch Manager, Valuation Department, Wellington to District Commissioner of Works, Wellington, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160042].

[2063] Land Purchase Officer, Works, Wellington to District Commissioner of Works, Wellington, 21 January 1961, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160043-1160045].

[2064] K.O. Stephens, Wellington to Martin Evan-Scott & Hurley, 15 February 1961, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160049].

[2065] Martin Evans-Scott & Hurley, Wellington to District Commissioner of Works, Wellington, 16 February 1961, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160050].

[2066] H.A. Fullarton, District Commissioner of Works, Wellington to Martin Evans-Scott & Hurley, Wellington, 19 April 1961, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160051]; see also licence agreement, E.A. Maxwell, 18 August 1961 [P 1160052-1160053].

Because the right of entry was to be revocable at any time a licence instead of an easement had been granted.[2067]

In December 1961 it was proposed that a further two and a quarter acres of Otaki and Porirua Trusts Board land would be taken for housing purposes.[2068] In April 1963 the trusts board decided to visit the site of the proposed taking and expressed concern that Works had a 'master plan' to take other board land at Titahi Bay.[2069] They were told that Works 'division has no other designs on the Board's land'.[2070] By July 1964 an agreement had been reached between Works and the Otaki and Porirua Trusts Board that approximately two and a quarter acres of board land would be taken.[2071] The area was Part Lot 64 (2a 0r 20p) which had a capital value of £2,430 and an unimproved value of £2,400.[2072] A condition of the agreement was that Works would form the access way to the board's land that had been promised in 1961.[2073] Works agreed to provide the access road.[2074] Works were advised that the land should be compulsorily acquired because the land could only be sold with the consent of the Minister of Education and the consent of the Raukawa Marae Trustees.[2075]

In September 1965 the Otaki and Porirua Trusts Board's solicitors were advised that Works had decided the area was no longer essential and asked whether the board would like to terminate negotiations.[2076] Works justified ending negotiations on the basis that

[2067] L.J.H. [illegible], for, District Solicitor to Maxwell, 18 August 1961, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160054].
[2068] K.C. Kidd, for, District Land Purchase Officer, to Martin Evans-Scott & Hurley, Wellington, 14 December 1961, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160060].
[2069] Martin Evans-Scott & Hurley, Wellington to District Land Purchase Officer, Works, Wellington, 3 April 1963, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160064].
[2070] F.C. Basire, District Supervisor, Works, Wellington to District Land Purchase Officer, Wellington, 26 April 1963, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160065]; see also K.C. Kidd, for, District Land Purchase Officer to Martin Evans-Scott & Hurley, Wellington, 3 May 1963 [P 1160066].
[2071] Martin Evans-Scott & Hurley, Wellington to District Land Purchase Officer, Works, 8 July 1964, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160070-1160071].
[2072] D.A. Howe, District Valuer, Valuation, 20 May 1964, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160072].
[2073] K.A. Fullarton, District Commissioner of Works to District Supervisor, Works, Wellington, 11 August 1964, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160073].
[2074] K.C. Kidd, for, District Land Purchase Officer to Martin Evans-Scott & Hurley, Wellington, 26 August 1964, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160075].
[2075] Martin Evans-Scott & Hurley, Wellington to District Land Purchase Officer, Works, Wellington, 5 May 1965, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160082].
[2076] H.A. Fullarton, District Commissioner of Works to Martin Evans-Scott & Hurley, Wellington, 16 June 1965, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160083].

conditions placed on the transfer were 'unnecessary and unjustifiable'.[2077] Works said it would complete the purchase if the board agreed to waive the condition of an access road.[2078] Works was reminded that the access road was a condition of the original taking of 89 acres and they were told that the Porirua Council had no objection to the board obtaining access from a proposed new road. The board was prepared to complete negotiations for the taking of the two and a quarter acres for £2,500 with interest of 5 percent from the end of 1963, which was a period of 2 years and amounted to £250. Legal and survey expenses were added making the total sum £2,844-15-0. It was reiterated that the board preferred the land to be taken by proclamation rather than through a transfer.[2079] In December 1965 solicitors for the board acknowledged and returned the agreement for the Crown to take 2 acres 20 perches.[2080]

11.3 Summary of Issues

In 1907 a section in Parata Native Township was acquired under the Public Works Act as a site for the post office. Changes in the administration of the township meant that compensation was not awarded until 1910 and not received by the Māori Land Board until 1911. After a new post office was opened in the Waikanae town centre in 1983, the original site was declared as taken for cultural and community centre purposes, and vested in the Horowhenua County Council.

The owner of land proposed to be taken for the Ohau post office objected to the portion of his land that was required because it would interfere with his farming operations and he suggested an alternative part of his property. However the Crown rejected his objection, on the grounds that any injurious affection for the remaining land would be covered by compensation. The owner claimed twice as much compensation as that offered by the Crown. The Native Land Court 'split the difference' after inspecting the site. Officials later complained about the way the judge had made the compensation award, since no valuation evidence had been presented on behalf of the owner.

[2077] F.C. Basire, District Supervisor, Works, Wellington to District Commissioner of Works, Wellington, 26 June 1965, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160084].
[2078] K.C. Kidd, for, District Land Purchase Officer to Martin Evans-Scott & Hurley, Wellington, 5 August 1965, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160085].
[2079] Martin Evans-Scott & Hurley, Wellington to District Land Purchase Officer, Works, Wellington, 13 December 1965, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160088-1160090].
[2080] Martin Evans-Scott & Hurley, Wellington to Land Purchase Officer, Works, 17 December 1965, AATE W3387/25 22/1/2/27, ANZ Wellington [P 1160091].

The history of the Crown's acquisition of over 89 acres of the Part College Reserve block at Whitireia demonstrates the Crown's persistence in compulsorily acquiring the land against the repeated objections from the owners and local Māori. Initially the Broadcasting Service was able to occupy the land under lease, but it later insisted that it needed to acquire the freehold. In addition the Crown wanted to use part of the land for its Titahi Bay housing development, and a school site. It was well known to officials in the various government departments which drew up plans for the land that the Raukawa Marae trustees were against the sale. Between 1947 and 1954 there was consistent opposition from the trustees. While officials seemed to realise that a negotiated agreement was preferable to compulsorily acquiring the land in the face of opposition, the failure to negotiate an agreement did not mean the taking was abandoned.

In June 1955 Cabinet decided that approximately 89 acres of Part College Reserve owned by the Otaki and Porirua Trusts Board would be compulsorily taken, and a notice of intention to take the land for 'better utilisation' was issued. The 'better utilisation' purpose was used as a way to acquire an area of land which the Crown intended to use for different purposes. The 89 acres consisted of approximately 44 acres intended for broadcasting, 39 acres intended for housing; and a 5 acre school site.

The Minister's response to the objection to the notice of intention to take the land used the troubled history of the block against the owners' objections. He referred to the block as an endowment, and argued that the compensation money would also serve as an endowment that could be invested on behalf of the owners. However this response did not recognise the original tangata whenua ties to the land. After the land was taken in 1955, it took over five years to settle compensation, and the trustees had an ongoing struggle to get the Ministry of Works to provide the accessway which was a condition of 1961 compensation agreement.

12. Miscellaneous

12.1 Otaki Court House – Mangapouri 1865-1893

The township at Otaki was laid out on Māori land by arrangement among Ngāti Raukawa. Further information about the creation of Otaki Township can be found in the 'Crown Action and Māori Response, Land and Politics 1840-1900' report.[2081] Between 1865 and 1893 the Mangapouri section of the township was leased to the Crown for the courthouse, until a new site was purchased from a European in 1893.

In November 1860 Member of the Executive Council F.H. Weld authorised Circuit Magistrate H.H. Turton to spend 'a sum not exceeding' £35 on a court house at Otaki:

> I consider it important that Government aid should be offered towards the immediate completion of the Native Court House at Otaki as an encouragement to the loyally disposed natives in that district.[2082]

In July 1867 the Native Land Court heard about the allocation of sections for Otaki township. Parakaia Pouepa of Ngatiraukawa gave evidence about Mangapouri. He said he lived at Otaki and he knew the land, although he had not been present at the meeting at Rangiuru about laying out the township where 'All agreed to it there was no dissentient' and land was also 'set apart as a reserve for a court house'.[2083] He said the 'sketch of the township E is correct as the township was laid out – The allotment No 185 was given to Uruhia and Nga Paura' and 'Te Rei Paehua his brother received rent for the whole 6 sections 185 to 187 and 177 to 179'.[2084] He reiterated 'The allotment 185 was given to Nga Paura and he occupied it in Uruhia's name.'[2085]

Rawiri Whanui of Ngatiraukawa lived at Otaki and he was present when the meeting to arrange the township had been held with the Bishop of the Church of England:

> The Bishop approved of this and it was settled – Hakaraia and I were the teachers – I heard the assent of all the rangatira's to have the town here – it was that the Ngatiraukawa might live together as a Church of England there was no one who could have opposed the chiefs about the town.[2086]

[2081] Robyn Anderson, Terence Green, Louise Chase, 'Crown Action and Māori Response, Land and Politics 1840-1900', CFRT, 2018, pp. 96-97.
[2082] F.H. Weld, Member of Executive Council to H.H. Turton, Circuit Magistrate, Wellington, 13 November 1860, ACIH 16036 MA1/831 1860/169, ANZ Wellington [IMG 3888].
[2083] Otaki MB 1B, 12 July 1867, p. 77, [IMG 3715-3722].
[2084] ibid, p. 78.
[2085] ibid, p. 79.
[2086] ibid

Whanui also said land 'was set apart as a site for a hospital and court house for the whole tribe' and allotments were provided and if a person left his rights could lapse and the allotment would be given to another.[2087] He said Nga Paura and Uruhia were in occupation when the town was surveyed.[2088]

Matene te Whiwhi said he was present when the town was surveyed and the land claimed by Hipiruni Taiwaraki 'It was set apart as a reserve and market and court house a public place'. He agreed that the site of the township had unanimously been 'agreed on by all Ngatiraukawa and he said 'I consider that the land is still public property and set apart as a market place and site for court house'.[2089]

Hipiruni Taiwaraki the claimant said: 'I know nothing about the agreement to set apart this land as a market and site for a court house'. He said he had no further evidence to present.[2090]

The court rejected Taiwaraki's claim and said the land was 'land set apart for public purposes.' A certificate of title for allotment 185 was issued to H. Taiwaraki and K. Rangikahiri.[2091] It continued to be rented by the Crown as a court house.

In May 1881 the Resident Magistrate at Otaki reported that the court house was in a very poor state of repair needing a new roof and windows, and entry was through the neighbouring owners garden which was a 'quagmire' in winter. The court house was 'a wretched barn like erection' and 'one can see through the roof in a great number of places'. He said the building was owned by Hoani Taipua and other Māori who received £10 per annum for its use. He said he had tried to get the Māori owners to repair the building but they had declined because 'they say they intend taking possession of it…for their own purposes.' He had not asked the government to build a new court house at Otaki because the railway would pass three miles from the township and 'this is a Maori settlement and most of the land there is owned by them. I do not think it will

[2087] ibid, p. 80.
[2088] ibid, p. 81.
[2089] ibid
[2090] ibid, p. 82.
[2091] ibid

ever be much of a town for Europeans.' He said Otaki was a 'Maori fishing village' and the 'European township in this part of the district will most likely quite contiguous to the Railway line.'[2092]

In March 1882 the Resident Magistrate informed the Justice Department that:

> I have the honour again to refer to the wretched state of the building used as a court house at Otaki. I examined the building on Wednesday last and find it quite out of repair and badly situated. The local Justices told me that the court could be held in a more suitable building or this one be put in repair they must decline to sit.[2093]

The Magistrate said although the owners declined to repair the building they were prepared to move it to another site near the college grounds and provide the government with a five year lease. The rental would be used to pay for the removal and repairs.[2094] Officials agreed to the proposal on the condition that the government could get a five year lease.[2095] The Magistrate subsequently informed the Department of Justice he had been offered a suitable building in Otaki for a court house by Frederick Bright.[2096]

On 9 May 1882 the *Wanganui Herald* reported that the Otaki Court House 'an old dilapidated building, was burnt down'.[2097] It was noted that: 'It has not been discovered who set fire to it, and as it was not insured the natives are the losers.'[2098]

In November 1893 the Under Secretary for the Department of Justice inspected sites at Otaki for a new court house. He said land should be purchased from F. Bright for £100 an acre which was 'central & convenient' and land nearer the railway station was more expensive and 'too far from the business & native part of town.' He said Hoani Taipua had also offered quarter of an acre but it was on a back street and too small. Hemi Kuki had offered half an acre near the railway station but it was too far out of the way.[2099]

[2092] Resident Magistrate, Otaki to Resident Magistrate, Marton, 14 May 1881, ACGS 16211 J1/306/m 1882/1032, ANZ Wellington [IMG 2854-2856].
[2093] Resident Magistrate, Otaki to Under Secretary, Justice Department, Wellington, 18 March 1882, ACGS 16211 J1/306/m 1882/1032, ANZ Wellington [IMG 2853].
[2094] ibid
[2095] File note, T. Dick, 23 March 1882, ACGS 16211 J1/306/m 1882/1032, ANZ Wellington [IMG 2852].
[2096] Resident Magistrate, Otaki to Resident Magistrate, Wanganui, 25 March 1882, ACGS 16211 J1/306/m 1882/1032, ANZ Wellington [IMG 2851].
[2097] *Wanganui Herald*, 10 May 1882.
[2098] ibid, 17 May 1882.
[2099] Haseldean to Minister of Justice, 4 November 1893, ACGS 16211 J1/544/y 1895/1178, ANZ Wellington [IMG 3940-3941].

In March 1894 F. Bright offered to sell Waerenga 1 (1 acre) on the Otaki Main Road to the railway station near the Jubilee Hotel for £110 as the site for the court house and police station.[2100] In June the conveyance of Waerenga 1 and 2 to the Lands Department for a court house had been completed.[2101]

12.2 Kakariki Fuel Depot - Reu Reu 2F and Paiaka 1942-1956

In June 1942 Kahurautete Matawha [Mrs Durie] on behalf of the owners of Reu Reu 2F agreed to the use and occupation by the Air Force of ten acres of land, and a seven bedroom house and buildings at Kakariki. There were four conditions to the agreement:

- The house was to be repaired and returned after the war.
- A rental of 30 shillings an acre was to be paid to the owners through the Māori Land Board.
- The sum of £20 was to be paid to the board for any damages to the land.
- The Crown was also to build farm worker cottages for those Māori currently entitled to use the house. At the conclusion of the war the cottages could be removed by the Crown or the owners could pay rent of ten shillings a week.

The witness to the agreement between Matawha and the Minister of Public Works was her husband Mason Durie.[2102]

In August 1942 a double unit workers cottage was built on Reu Reu 2B1B2B2. The house on 2F2 was not used by the Air Force and was relocated to 2B1B2B1 in April 1944. Part of the land was used by the Air Force to construct a fuel depot during the war, and the remainder was used for grazing.

As stated above, the 1942 agreement had provided that the Air Force would vacate the land after the war. However, the Crown wished to retain the land. In June 1948 the Commissioner of Works said:

[2100] F. Bright, Otaki to J. Haseldean, Under Secretary, Justice, Wellington, 3 March 1894, ACGS 16211 J1/544/y 1895/1178, ANZ Wellington [IMG 3938]; also see map [IMG 3939].
[2101] H. Blow, Under Secretary, Public Works, Wellington to Under Secretary, Justice, 30 June 1894, ACGS 16211 J1/544/y 1895/1178, ANZ Wellington [IMG 3937]; also see map [IMG 3936].
[2102] Copy of agreement for Kakariki, Kahurautete Matawha, [witness Mason Durie], Feilding, and Minister of Public Works, Wellington, 26 June 1942, ACIH 16036 MA1/68 5/5/20, ANZ Wellington [DSCF 0292]; see also Particulars of title Reu Reu 2F, AATC 5114 W3457/235 16/15, ANZ Wellington [DSCF 0342].

> It is clear that no further progress can be made by negotiations with the Maoris…..It seems that probably the only way of recouping the amount spent by the Crown in the erection of the dwelling, will be by purchasing the site, but obviously this course would not be practicable if the dwelling has been erected say in the middle of the farm away from any legal access road.[2103]

Taking all the land for defence purposes was seen as a way of resolving problems with the tenant of the cottage who refused to pay rent or purchase the cottage.[2104]

However, it became evident that officials had been confused about the location of exactly which house had been provided by the Crown and how that related to the fuel depot site. According to the Resident Engineer this was because there were people named Poutama living on the block at separate locations, and because there had been two different officers producing different information during different periods. Mr T.J. Poutama, the son of Mrs P.H. Poutama, occupied the house that had been moved while Mrs Poutama occupied the workers cottage. Mrs Poutama's cottage was near the marae and Mr Poutama's house was on a two rood site near Reu Reu Road. Poutama was the sole owner of the two rood site being Reu Reu 2B1B2B section 1. It was noted that because Mrs Poutama's cottage was on Māori land and near the meeting house the taking might be more difficult. The engineer concluded: 'After interviewing Mr. T.J. Poutama and reading the correspondence file, it would appear to me that Mrs. P.H. Poutama has been very greatly inconvenienced throughout, by what has occurred and the matter might be cleaned up by giving this house to Mrs. P.H. Poutama.'[2105]

The Under Secretary said the status of the agreement made in 1942 was unclear and advised Works to 'proceed with the taking as speedily as may be, and bring the whole circumstances before the Māori Land Court on the assessment of compensation. The Court, would, I am sure, endeavour to see that equity was done to all parties.' He

[2103] F. Langbein, Acting Commissioner of Works to District Engineer, Wanganui, 23 June 1948, AATC 5114 W3457/235 16/15, ANZ Wellington [DSCF 0354].
[2104] E.R. McKillop, Commissioner of Works, Wellington to District Engineer, Works, Wanganui, 10 January 1949, AATC 5114 W3457/235 16/15, ANZ Wellington [DSCF 0353].
[2105] L.P. Jamieson, Resident Engineer, Works, Palmerston North to District Engineer, Works, Wellington, 10 March 1949, AATC 5114 W3457/235 16/15, ANZ Wellington [DSCF 0350]; see also Sketch plan Section B1B2B Block VIII Rangitoto SD [DSCF 0351]; see also Particulars of title [DSCF 0349].

suggested that the matter should be discussed with Mrs Durie.[2106] The matter was discussed with Mrs Durie but remained unresolved.[2107]

In July 1952 officials identified that the area in the 1942 agreement consisted of 9 acres 2 roods 19 perches of Reu Reu 2F and 33 perches of the 'Reu Reu Maori Reserve.'[2108] The Reu Reu Māori Reserve was referring to the Paiaka reserve (see Section 5.1.1) of which 33 perches was used by the Air Force. There were approximately 100 owners in the reserve.[2109] Reu Reu 2F (95 acres), of which the Air Force fuel depot occupied 9 acres 2 roods 19 perches, had approximately 30 owners.[2110] In October 1952 a notice of intention to take 9 acres 2 roods 19 perches of Reu Reu 2F was prepared.[2111]

In January 1953 the proposed plan to take approximately ten acres was reconsidered and amended to include only the existing fuel depot area and an easement to access the pipeline and fuel tank.[2112]

In May 1956 proclamation taking Part Piaka (33p) and Part Reu Reu 2F (1r 20.2p) for defence purposes, along with easements over Part Reu Reu 2F (1r 5.7p) and Part Reu Reu 2F (32.7p) was gazetted.[2113]

Part Piaka (33p) was valued at £10 and Part Reu Reu 2F (1r 20.2p) was valued at £10. In September 1956 the Māori Land Court was told Part Piaka (33p) and Reu Reu 2F (1r 20.2p) at Kakariki was taken for defence purposes. The court was told that the taking was intended to 'affect the Maori owners as little as possible' by restricting the land

[2106] Under Secretary, Wellington to Permanent Head, Works, Wellington, 12 February 1951, ACIH 16036 MA1/68 5/5/20, ANZ Wellington [DSCF 0279].
[2107] E.R. McKillop, Commissioner of Works to Air Secretary, Air Department, Wellington, 9 May 1951, AATC 5114 W3457/235 16/15, ANZ Wellington [DSCF 0347].
[2108] J.O. Riddell, District Commissioner of Works, Wanganui to Registrar, Māori Land Court, Wanganui, 10 July 1952, ACIH 16036 MA1/68 5/5/20, ANZ Wellington [DSCF 0278].
[2109] Particulars of title Kakariki Gravel Reserve No 2, AATC 5114 W3457/235 16/15, ANZ Wellington [DSCF 0344].
[2110] Particulars of title Reu Reu 2F, AATC 5114 W3457/235 16/15, ANZ Wellington [DSCF 343].
[2111] District Commissioner of Works to Commissioner of Works, 31 October 1952, AATC 5114 W3457/235 16/15, ANZ Wellington [DSCF 0341].
[2112] E.R. McKillop, Commissioner of Works, Wellington to District Commissioner of Works, Wanganui, 21 January 1953, AATC 5114 W3457/235 16/15, ANZ Wellington [DSCF 0338].
[2113] NZG, 1956, p. 609; spelling here as per gazette notice.

taken to the fuel depot and easement for the pipeline. The court awarded £20 compensation in total for the two areas.[2114]

In June 1939 the land taken from Part Piaka and Part Reu Reu 2F was no longer required for government purposes, and was declared to be Crown land.[2115] It was then given the appellation Section 45 Block VII Rangitoto Survey District.[2116] Today it is general land, but is owned by one of the members of the whanau from whom it was acquired.

12.3 Mangahao Power Scheme 1932

Research for the PKM Public Works Spreadsheet did not identify any Māori land was taken for the construction of the power scheme on the Mangaone Stream in the 1930s. However, there was one claim for compensation for 'injurious affection' caused by the construction of the dam.

In April 1932 Te Oti Taone asked Public Works for compensation for damage to his land caused by the construction of a tail-race diverted into the Mangaone Stream for the Mangahao Power Scheme. The affected lands were Part Manawatū-Kukutauaki 2D Section 4B. The land was leased to T.P. and W.J. Moynihan for dairy farming and the diversion meant at least one acre either side of the stream had been lost due to erosion. As well as land loss, the claim included compensation for work undertaken and ongoing maintenance: one acre land loss (£50); compensation for potential loss of seven acres through erosion (£350); maintenance and protective work (£400); contingent sum for bridge maintenance (£400); fence maintenance (£20) making a total of claim of £1,220.[2117] The Minister of Public Works declined the claim.[2118]

In August 1932 Te Oti Taone told the Minister of Works that he had filed his claim for damages with the Supreme Court.[2119] Court action did not take place. In November

[2114] Whang MB 117, 14 September 1956, pp. 137-140, [P1170292-1170295].
[2115] NZG, 1959, p. 842.
[2116] Wellington Survey Office Plan SO 24500.
[2117] Claimant, Te Oti Taone, 13 April 1932 to Minister of Public Works, Wellington, AADO 569 319/d 58/25/15, ANZ Wellington [DSCF 5826-5828]; see also Shanks, for, District Land Registrar, Lands and Deeds Registry, Wellington to Assistant Under Secretary, Public Works, Wellington, 3 March 1933 [DSCF 5816].
[2118] C.E. Bennett, Assistant Under Secretary, 8 June 1932, AADO 569 319/d 58/25/15, ANZ Wellington [DSCF 5825].
[2119] Te Oti Taone, c/o, E.T. Moody, Solicitor, Shannon to Minister of Public Works, Wellington, 16 August 1932, AADO 569 319/d 58/25/15, ANZ Wellington [DSCF 5824].

1932 Taone inspected the property for the first time in many years and found that more water ran through the stream than in the past. Public Works had said they would maintain the bridge. Taone demanded £200 in full satisfaction of his claim.[2120] The Moynihan's asked for £55 for their lease which expired in 1941.[2121] In September 1932 Taone said he would accept £152 in full settlement of his claim.[2122] This was made on the condition that Public Works continue to maintain the bridge which provided access to his land until the bridge was taken over by the Horowhenua County Council.[2123] Taone had a mortgage with the Public Trustee who accepted payment of £75 with the remainder going to Taone.[2124]

12.4 Water Works 1951 – Ohinepuhiawe 141F

In June 1945 it was proposed to take land from some Ohinepuhiawe sections for a water supply site (waterworks) for Lake Alice Hospital. One of the sections required was Māori owned and administered by the Māori Land Board.[2125] Ohinepuhiawe 141F was part of the Ohinepuhiawe Development Scheme and Works asked for the board's consent to take this part of the scheme for the water supply site. The board approved the taking.[2126] The owner was Hone Rewiti.[2127] The District Engineer said the board's consent was not sufficient and asked that the consent of owner Hone Rewiti be obtained.[2128] Rewiti consented to the taking of Part Ohinepuhiawe.[2129] In May 1951 a proclamation taking 3 roods 36 perches of Ohinepuhiawe 141F for water works

[2120] A. Withers, MacBeth & Withers, Solicitors, Shannon to E.T. Moody, Solicitor, Shannon, 25 November 1932, AADO 569 319/d 58/25/15, ANZ Wellington [DSCF 5822-5823].
[2121] E.T. Moody, Solicitor, Shannon to Public Works, 30 November 1932, AADO 569 319/d 58/25/15, ANZ Wellington [DSCF 5820-5821].
[2122] E.T. Moody, Solicitor, Shannon to Under Secretary, Public Works, Wellington, 15 December 1932, AADO 569 319/d 58/25/15, ANZ Wellington [DSCF 5819].
[2123] Agreement, Te Oti Taone, witnessed, Withers, Solicitor, Wanganui, 9 February 1933, and Voucher, 9 March 1933, AADO 569 319/d 58/25/15, ANZ Wellington [DSCF 5814, 5818].
[2124] E.T. Moody, Solicitor, Shannon to Public Works, Wellington, 28 February 1933, AADO 569 319/d 58/25/15, ANZ Wellington [DSCF 5817].
[2125] Under Secretary to Acting District Engineer, Wanganui, 6 June 1945, AAQB 889 W3950/380 24/2602/1 pt 2, ANZ Wellington [P 1160974].
[2126] Board of Māori Affairs, 2 December 1945, AAQB 889 W3950/380 24/2602/1 pt 2, ANZ Wellington [P 1160975].
[2127] Particulars of title, Part Ohinepuhiawe 141F (3 roods 36 perches), n/d, AAQB 889 W3950/380 24/2602/1 pt 2, ANZ Wellington [P 1160976].
[2128] G.W. Sampson, District Engineer, Works, Wanganui to Registrar, Maori Affairs, Wanganui, 9 March 1951, AAQB 889 W3950/380 24/2602/1 pt 2, ANZ Wellington [P 1160980].
[2129] Consent of Hone Rewiti, Ohinepuhiawe 141F, Palmerston North, 19 April 1951, AAQB 889 W3950/380 24/2602/1 pt 2, ANZ Wellington [P 1160981].

purposes was issued.[2130] An area of 1 acre 3 roods 20 perches owned by the Rangitikei County Council was taken at the same time.

12.5 Levin Horticulture Research Centre

1n 1970 Cabinet was asked to approve the expansion of the Levin Horticulture Research Centre which carried out crop, weed and fertiliser experiments. The existing site had been established on Crown reserve land which had been reserved as a site for a mental hospital. In 1947 the purpose of part of the reserve was changed to 'a site for a horticultural research station'.[2131] There were a number of Crown and private properties adjoining the 90 acre centre that were considered suitable in 1970. Approximately 160 acres was required to enlarge the centre and a budget of $150,000 was under consideration.[2132] The Department of Agriculture warned that housing subdivisions were being built in the area and immediate action was required. The Ministry of Works estimated that acquiring suitable land in the district would cost approximately £1,000 per acre.[2133]

In September 1970, at the request of the Minister of Agriculture, Works began investigating acquiring Part Horowhenua 3E2 Section 1B (33a 3r 24.6p) by negotiation. The land fronted on to Tararua Road, and the rear part adjoined the centre.[2134] It was Māori land and the seven owners were M.A. Roach, L.W. Retter, J.S. Retter, J. Taylor, N.J. Taylor, M. Retter and J.E. Retter. An agreement was reached to pay $28,800 for the land.[2135] In 1972 a proclamation taking Part Horowhenua 3E2 Section 1B was issued.[2136] Works recommended that the purchase be approved.[2137]

[2130] NZG, 1951, p. 771.
[2131] NZG, 1947, p. 78.
[2132] Appendix: Copy of draft paper for submission to Cabinet Works Committee, AAQU 889 W3428/557 24/3554/0, ANZ Wellington [DSCF 0230-0232].
[2133] Director General, Department of Agriculture, Wellington to Minister of Agriculture, 14 June 1971, AAQU 889 W3428/557 24/3554/0, ANZ Wellington [DSCF 0220-0221].
[2134] Sketch plan, AAQU 889 W3428/557 24/3554/0, ANZ Wellington [DSCF 0223].
[2135] A.P. Jack, Assistant Purchase Officer, L.H. Lakeman, District Land Purchase Officer, Works, Wellington to District Commissioner of Works, Wellington, 28 September 1970, AAQU 889 W3428/557 24/3554/0, ANZ Wellington [DSCF 0224-0225]; see also D.J. Carter, Minister of Agriculture, n/d [DSCF 0228-0229].
[2136] NZG, 1972, p. 268.
[2137] A.P. Jack, Assistant Purchase Officer, L.H. Lakeman, District Land Purchase Officer, Works, Wellington to District Commissioner of Works, Wellington, 28 September 1970, AAQU 889 W3428/557 24/3554/0, ANZ Wellington [DSCF 0224-0225].

In March 1971 solicitors for the Estate of Hera Hana Cracknell (Tikara) offered to sell Horowhenua 3E2 Subdivision 2A (29a 1r 35.2p) to the Crown.[2138] There were 14 owners of whom one was a minor.[2139] The land at this time was leased to Pescimi who had 20 acres in potatoes. There were no structures on the land.[2140] The Resident Engineer said that because part of the land was in garden and was occupied for one of the purposes of Section 18(b) of the Public Works Act 1928 compulsory acquisition was required.[2141] In August 1971 the land was inspected and valued at $20,600 or $700 per acre with a rental of $35 to $40 per acre.[2142]

In December 1971 a notice of intention to take Horowhenua 3E2 Subdivision 2A for agricultural purposes was gazetted.[2143] The notice was publicly displayed for the statutory 40 day period.[2144] In May 1972 consent for the taking was issued.[2145] On 22 May 1972 the proclamation taking the land came into effect.[2146] It was decided that because a movement in the market a new valuation would be made.[2147] The Māori Trustee agreed that new valuations should be made because: 'Too much is at stake to rely upon a year old assessment.'[2148] Prior to settlement the Māori Trustee said a further effort should be made by Māori Affairs to consult with the owners. There is no record on file of this happening.[2149] Horowhenua 3E2 Subdivision 2A at the time of taking had a capital value of $21,000 and the Māori Trustee agreed to accept $22,125.35 as full

[2138] Harper Thomson & Steele, Solicitors, Levin to Officer in Charge, Horticultural Research Centre, Levin, 9 March 1971, AAQU 889 W3428/557 24/3554/0, ANZ Wellington [DSCF 0222].
[2139] Owners of Horowhenua 3E2 Subdivision 2A on 2 January 1972 were: H. Hedgecombe, C. Harawira, A. Waaka, W. Waaka, Te Whetu Waaka, M.P. Waikai, Messrs Bannerman Brydone, L. Herangi, R. Flutey, W. Harawira, Y. Reiri, A. Baker, AAQU 889 W3428/557 24/3554/0, ANZ Wellington [DSCF 0203, 0202].
[2140] J.A. Langbein, Resident Engineer, Works, Porirua to District Commissioner of Works, Wellington, 6 April 1972, AAQU 889 W3428/557 24/3554/0, ANZ Wellington [DSCF 0204].
[2141] C.J. Tustin, District Commissioner of Works to Commissioner of Works, 17 April 1972, AAQU 889 W3428/557 24/3554/0, ANZ Wellington [DSCF 0202].
[2142] A.K. Ford, District Rural Valuer, Valuation Department, Palmerston North to District Commissioner of Works, Wellington, 20 August 1972 [sic], ACIH 16036 MAW2490/179 38/2 pt 6, ANZ Wellington [DSCF 0624-0625].
[2143] NZG, 1971, p. 3024.
[2144] J.H. Macky, Commissioner of Works, Wellington to District Commissioner of Works, Wellington, 6 March 1972, AAQU 889 W3428/557 24/3554/0, ANZ Wellington [DSCF 0205].
[2145] NZG, 1972, p. 967.
[2146] NZG, 1972, p. 1061.
[2147] T.B. Henry, District Officer, Palmerston North to Māori Affairs, 10 October 1972, ACIH 16036 MAW2490/179 38/2 pt 6, ANZ Wellington [DSCF 0623].
[2148] J.H. Dark, for, Māori Trustee, Palmerston North to Māori Affairs, 17 October 1972, ACIH 16036 MAW2490/179 38/2 pt 6, ANZ Wellington [DSCF 0622].
[2149] J.H. Dark, for, Māori Trustee to Māori Affairs, 28 November 1972, ACIH 16036 MAW2490/179 38/2 pt 6, ANZ Wellington [DSCF 0620].

settlement. The amount consisted of $21,000 for the land and interest of $1,050 from 14 May 1973 and the valuation fee.[2150]

12.6 Waikanae Town Centre and Whakarongotai Marae 1970s

In the early 1970s two small blocks of land were taken for inclusion in the Horowhenua County Council's development of Waikanae Town Centre. The development proposals dated back to the mid-1960s, and largely involved purchasing land for redevelopment. The development took place right next door to Whakarongotai Marae, and has an ongoing impact on marae activities. The Māori land blocks which were purchased or acquired under the Public Works Act formed part of the kainga around the Whakarongotai Marae section.

In 1965 the council purchased two blocks of Māori land adjoining the marae reserve block, which are now a public carpark. The council acquired Ngarara West A78E2 through enforcing outstanding rates charges to have the block vested in the Māori Trustee, which then sold it to the council. More details about the rates charges, sale by the Māori Trustee, and attempts to halt the sale by the Baker whanau can be found in Suzanne Woodley's 'Local Government Issues Report'.[2151]

In June 1969 Horowhenua Council issued a notice of intention to take seven small parcels of land, three of which were in Māori ownership: Ngarara West A78B9C (2r 5.95p), A78B9D (2r 5.96p), and A78B9B (2r 5.96p).[2152] The land was being taken:

> For the purposes of the operative district scheme for the County of Horowhenua and for the regrouping, improvement and development of the said lands for letting or leasing or resale for commercial purposes; the Council being of the opinion that it is necessary and expedient to do so for the proper development and use of the said lands and for the improvement of areas that are too closely subdivided.[2153]

The power to compulsorily acquire land for such a wide-ranging purpose was given by Section 47 of the Town and Country Planning Act 1953, which allowed councils to

[2150] N.R. Bishop, Land Purchase Officer, E.D. Fogarty, Assistant District Land Purchase Officer, Works, Wellington to District Commissioner of Works, Wellington, 30 April 1973, AAQU 889 W3428/557 24/3554/0, ANZ Wellington [DSCF 0195-0196].
[2151] Suzanne Woodley, 'Porirua ki Manawatū Inquiry District: Local Government Issues Report', CFRT, June 2017, pp. 539-545, 595.
[2152] NZG, 1969, p. 1104.
[2153] ibid

purchase or acquire land under the Public Works Act in accordance with an operative District Scheme.[2154] Therefore, once Horowhenua County Council had zoned the land in the vicinity of Whakarongotai Marae as a town centre, it was able to compulsorily acquire the land for that purpose.

Ngarara West A78B9C (2r 5.95p) was owned by D.H. Parata, who lived in Kilbirnie, Wellington. He had a firm of solicitors representing him in the matter. As no objections were received to the notice of intention, in October 1969 Mr Parata was given a notice that Horowhenua County Council confirmed its intention to acquire the land. It was to be taken under the compulsory provisions of the Public Works Act 1928 and Section 47 of the Town and Country Planning Act 1953.[2155] The matter then passed to the Public Works Department to implement on behalf of the council. The District Engineer reported the block was fenced and had a building and shelter trees. The land was used for grazing. The owner did not live on the land but the engineer suggested he may object to his land being taken.[2156] The shed and shelter trees on the land meant the consent of the Governor General was required.[2157] The consent notice was signed on 13 April 1970, and then the notice taking Ngarara West A78B9C was signed on 14 April 1970.[2158] Both notices said that the land was taken for the purposes of the proper development and use of the land in accordance with the Horowhenua County Operative District Scheme. In 1970 D.H. Parata rejected a council compensation offer of $8,500 and the compensation was to be determined by the compensation court.[2159] The final amount paid by the council was $9,310.[2160]

[2154] A. Eaton Hurley, Solicitor to County Clerk, Horowhenua County Council, 15 June 1967, Rawhiti Higgott Papers [IMG 2724-2726].
[2155] Martin Evans-Scott & Hurley, Solicitors, Wellington to District Commissioner of Works, Wellington, 3 March 1970, ABKK 889 W4357/364 53/54/1 pt 1, ANZ Wellington [IMG 0484-0485].
[2156] J.A. Langbein, Resident Engineer, Porirua to District Commissioner of Works, Wellington, 18 March 1970, ABKK 889 W4357/364 53/54/1 pt 1, ANZ Wellington [IMG 0486].
[2157] C.J. Tustin, District Commissioner of Works to Commissioner of Works, 24 March 1970, ABKK 889 W4357/364 53/54/1 pt 1, ANZ Wellington [IMG 0482].
[2158] NZG, 1970, p. 705.
[2159] J.H. Hudson, County Clerk, Confidential Report to Chairman & Members Waikanae County Town Committee & Chairman & Councillors, Horowhenua County Council, 17 June 1970, Rawhiti Higgott Papers [IMG 2719].
[2160] J.H. Hudson, Report to Horowhenua County Council, 18 November 1970, Rawhiti Higgott Papers [IMG 2764-2765].

Neighbouring Ngarara West A78B9D (2r 5.96p) was owned by T.W. Parata who was served notice of the council's intention in June 1969.[2161] The Resident Engineer reported that the block was in pasture and fenced, but there were no buildings or gardens on the land.[2162] As the block was in sole-ownership, the Māori Land Court had issued a status declaration order that it was European land, which meant that compensation would have been negotiated directly with Parata (or his solicitors). In June 1971 the council reported that no action had yet been taken to negotiate a settlement, as it had been decided to wait until the court had determined compensation for Ngarara West A789C as a guideline.[2163] The final proclamation taking the land was gazetted in April 1971.[2164]

Ngarara West A78B9B (2r 5.96p) was subject to the council's notice of intention to take land for the town centre.[2165] In this instance the council were able to acquire the land through negotiation rather than compulsory acquisition. The block was owned by Te Aputa Kauri, and was whanau ancestral land. The notice of intention was served on Mrs Kauri, and a few days later she met with the county clerk. He said that the council would offer $10,000 for her land, but she complained that would not be 'barely enough' for her to buy a new home. She also requested to be able to keep occupying her home for up to three years, paying an amount equivalent in rates as rental.[2166] Kauri's solicitor informed the council that she was opposed to the taking of the land, and lodged an official objection. That being said, he then said that 'without prejudice', she would sell the block to the council for $12,000, on the condition that she be allowed to continue living there for up to three years.[2167] This made it clear that although she was agreeing to sell, it was an agreement made in the context of the council planning to take her land anyway. The council purchased the block on 1 April 1970, and Mrs Kauri initially

[2161] Martin Evans-Scott & Hurley, Wellington to District Commissioner of Works, Wellington, 16 December 1970, ABKK 889 W4357/364 53/54/1 pt 1, ANZ Wellington [IMG 0477-0478].
[2162] J.A. Langbein, Resident Engineer to District Commissioner of Works, 16 February 1971, ABKK 889 W4357/364 53/54/1 pt 1, ANZ Wellington [IMG 0480].
[2163] J.H. Hudson, County Clerk, Confidential Report to Chairman & Members Waikanae County Town Committee & Chairman & Councillors, Horowhenua County Council, 17 June 1970, Rawhiti Higgott Papers [IMG 2720].
[2164] NZG, 1971, p. 569.
[2165] NZG, 1969, p. 1104.
[2166] J.H. Hudson, County Clerk, Memorandum of a meeting between County Clerk and Mrs T.A.K. Kauri, 18 June 1969, Rawhiti Higgott Papers [IMG 2768].
[2167] Feist, Solicitor, to J.H. Hudson, County Clerk, 30 June 1969, Rawhiti Higgott Papers [IMG 2769].

continued to occupy the property, by paying rent to the council.[2168] Kauri received $12,000 for the land.[2169]

The council also negotiated the purchase of at least two other parcels of Māori-owned land for the town centre. One of the earliest was in 1965, when Uruorangi Paki and Tama Parata were asked whether they would be interested in selling Ngarara West A78E1 (3 roods 21 perches) 'for Civic purposes'.[2170] In light of the rezoning of their land for the civic centre, the owners asked for $2,000 for the section, which was agreed to by the council.[2171] Ngarara West A78E14 (36.98 perches) was purchased from T. Parata. The area was required 'to assist in providing service lane access', to the rear of the commercial area. After Parata asked for $3,500 a final agreement was reached to purchase for $3,300.[2172]

As well as the land acquired by the council for the town centre, the development of the Waikanae shopping centre has had an ongoing detrimental impact on Whakarongotai Marae. The issue of how the council changed the marae access way to the main road was raised as part of the feedback on the draft preliminary report for the Te Atiawa / Ngāti Awa ki Kapiti claims. Although this is not strictly a Public Works Act issue (being more related to Local Government Issues), it is briefly covered below based on material supplied by Rawhiti Higgott (including papers he sourced from Kapiti Coast District Council records). Time constraints mean we have not conducted our own further research into this issue. Claimants will also be able to give their own evidence on this matter, but it may require further gap-filling research in the future.

Whakarongotai Marae is situated on the Ngarara West A78A block. In January 1952 a survey plan was presented to the Māori Land Court to complete a recommendation made in October 1948 that Māori freehold land 'with a right-of-way to the main road'

[2168] J.H. Hudson, County Clerk, Confidential Report to Chairman & members Waikanae County Town Committee & Chairman & Councillors, Horowhenua County Council, 17 June 1970, Rawhiti Higgott Papers [IMG 2720].
[2169] ibid, [IMG 2719].
[2170] J.H. Hudson, County Clerk to R. Feist, Hadfield Peacock & Tripe, Solicitors, 6 April 1965, Rawhiti Higgott Papers [IMG 2762].
[2171] J.H. Hudson, County Clerk to Park Cullinane & Turnbull, 5 July 1965, Rawhiti Higgott Papers [IMG 2763].
[2172] Extract from Horowhenua County Council Minutes, no date [c.1970], Rawhiti Higgott Papers [IMG 2760].

being ‘Sec 78A with Right-of-way appurtenant thereto’ be set aside as a reserve for a marae. The marae was vested in Paioke Eruini, Wikitoria Jenkins Ropata, Hana Matenga Baker, Rangiauahi Puni Tamati, Teiaroa Ropata, Pahemata Pirihana Erihana and Tere Rauara Parata as trustees.[2173] In June 1952 Ngarara West 78A (2r 30.37p) a proclamation was issued for a Māori Reservation for the common use of Ngatiawa, Ngatitoa and Ngāti Raukawa as a meeting place.[2174]

The right of way led from the marae block through to the main road. At that time, this was the only access way which allowed vehicles to drive up to the marae (the current Marae Lane was formed as part of the town centre development – see below). While the marae is on the west of the main road, the church and burial ground used for local tangi were on the other-side of the road, over the railway lines. Among other things, the access way was used at tangi to convey the tupapaku from lying at the marae to church and/or burial services across the road.

In 1969 a confidential report was presented to the chairman and members of the Waikanae County Town Committee for a ‘Commercial Centre Re-development Scheme’. The sub-committee recommended that the commercial centre was to be redesigned with a focus on carparks and service lanes. There were three propositions to include land in the commercial development plans:

> ‘First: That the Marae property might become available for incorporation in the Scheme.
> Second: That failing that, vehicle access between Te Moana and Ngaio Roads through the Marae property might be arranged.
> Third: That in the last resort a cul-de-sac access from Ngaio Road could be provided.’[2175]

The sub-committee also met with the marae trustees and reported that the trustees ‘did not see any problem in confining the access to their property from the Highway to pedestrian access only’ and the committee noted ‘Nothing further can be done until we hear from the Maoris.’[2176] Rawhiti Higgott argues it is hard to believe that the trustees

[2173] Extract from Well MB, 24 January 1952, fol 128, Rawhiti Higgott Papers.
[2174] NZG, 1952, p. 1086.
[2175] S.T. Barnett, Chairman, Confidential Report, Chairman & members Waikanae County Town Committee, Commercial Centre Re-development Scheme, 11 December 1969, Rawhiti Higgott Papers [IMG 2716].
[2176] ibid

would agree to the loss of vehicle access considering the trustees and beneficial owners to his knowledge had subsequent ongoing complaints about the loss of vehicle access.[2177] At this time the council were purchasing surrounding lands for the shopping centre and the chairman noted 'we shall have to pause whilst we proceed to sell off the sites...to enable us to press forward to purchase the remaining properties we require.'[2178] Between 1969 and 1970 the council expended $30,028 on purchasing properties in Waikanae for the shopping centre. A further $51,364 expenditure on purchasing land and buildings and associated costs was estimated for the 1970 to 1971 financial year.[2179]

In October 1970 Horowhenua County Council wrote to one of the marae trustees, Mrs P.J. Ellison, to explain its proposals and seek a meeting to discuss them. The County Clerk said the council was developing a shopping centre in Waikanae between the Waikanae Hotel and Ngaio Road which would have areas set aside as carparks and service lanes. Ellison was told that the council had a 'talk' with members of the marae committee about a service lane and carparks and the 'Marae Committee did impress upon the Council that this matter is one for the Marae Trustees to decide, and I was asked to get in touch with you about it to see if you and your co-trustees Mrs Haua Baker and Mrs Piki Barratt, are agreeable.' The council wanted to show the trustees the plan prepared for the shopping centre. The council clerk said he wanted to discuss the plan 'on the site of the marae at Waikanae' and proposed some meeting dates.[2180] Mrs Ellison was subsequently sent a drawing of the commercial area for development and the council wanted the trustees' consent for a service lane to be constructed across the marae's eastern boundary which would be exchanged for council owned land. A toilet block belonging to the marae which was in the path of the service lane was to be demolished. The letter asked for the trustees' consent to close the existing right of way

[2177] Rawhiti Higgott personal correspondence regarding 'Te Atiawa Public Works Draft', 2018, 27 April 2018.
[2178] S.T. Barnett, Chairman, Confidential Report, Chairman & members Waikanae County Town Committee, Commercial Centre Re-development Scheme, 11 December 1969, Rawhiti Higgott Papers [IMG 2717].
[2179] J.H. Hudson, County Clerk, Confidential Report to Chairman & members Waikanae County Town Committee & Chairman & Councillors, Horowhenua County Council, 17 June 1970, Rawhiti Higgott Papers [IMG 2719].
[2180] [County Clerk] to Mrs P.J. Ellison, Plimmerton, 1 October 1970, Rawhiti Higgott Papers [IMG 2703].

to vehicles, meaning there would only be pedestrian access between the marae and the main road.[2181]

On 18 October 1970 the county clerk, J.H. Hudson met Mrs Ellison and other trustees at Whakarongotai Marae. The trustees subsequently sent a list of points that they had agreed upon with the council. They approved a strip on the marae's eastern boundary for a service lane which would result in a land exchange. They agreed to the toilets being demolished and rebuilt on marae land. The council was to build a gate on the eastern boundary and finally clause six which stated:

> Due to exposure of the Marae to the Public Eye the County Council undertake the erection of a Brick wall or Concrete wall on the East, North and Western Boundaries.[2182]

The county clerk responded that he was surprised to hear about the wall which he said was not discussed nor could the council afford to build the wall.[2183] It is also noticeable that there was no mention in the letter from the trustees of any consent to the proposal to stop vehicles using the existing right of way.

In November 1972 the County Engineer explained to the council's solicitors the record of correspondence with two marae trustees (Mrs Ellison and Mrs Lake) since 1 October 1970. This included a request from Mrs Lake regarding a removal of clause six regarding the wall from the agreement. It was noted that on 13 May 1971 the marae trustees engaged solicitors to act on their behalf when dealing with the council and the shopping centre development.[2184]

In August 1973 solicitors acting for the marae trustees said that six or seven trustees to ensure the privacy of the reinstated clause six requiring the wall to be built. They also required an 'alternative access' to the rear of the marae with the qualification that if the access from Te Moana Road to the marae was permanent, no alternative would be

[2181] J.N. Hall, County Engineer, Horowhenua County Council, Levin to P.J. Ellison, Plimmerton, 9 October 1970, Rawhiti Higgott Papers [IMG 2706-2707].
[2182] B.W. Lake, Raumati to J.N. Hall, Horowhenua County Council, Levin, 25 February 1971, Rawhiti Higgott Papers [IMG 2708].
[2183] J.H. Hudson, County Clerk, Horowhenua County Council, Levin to P.J. Ellison, Plimmerton, 15 March 1971, Rawhiti Higgott Papers [IMG 2709].
[2184] J.N. Hall, County Engineer to Martin Evan-Scott & Hurley, Solicitors, Wellington, 13 November 1972, Rawhiti Higgott Papers [IMG 2710].

required. The marae was concerned it had no 'rights over the strip of land which is 78E17 on plan 20/624.' The trustees also required the building of a new toilet block. The solicitors concluded that if the requirements: 'are met in full, the Marae will reluctantly accept the loss of its existing vehicular right of way from the state highway. This is, of course, subject to the creation of a permanent pedestrian access way [emphasis added].' They reiterated that the marae trustees had 'never agreed' to this and 'this point is insisted upon by our clients'. They explained that no final agreement had ever been reached between the council and the trustees and given the length of negotiations it was unsurprising the trustees had adjusted their position.[2185] It was also clear that the marae trustees were very unhappy about the situation:

> However, we must advise that the Trustees are extremely concerned at what they consider to be the interference and unsatisfactory nature of the offer of exchange. This point of view was very strongly expressed throughout the metting [sic] and we advise you of it as we feel the Marae is unlikely to consent to any exchange at all other than on the basis of this letter.[2186]

In November 1974 the Māori Land Court heard the application to include additional land in the reserve and to exclude land from the reservation of Ngarara West A78A. Eaton Hurley for the council said they had yet to acquire all the land required for the shopping centre and the land exchange for the service lane. The council was to take 28.6 perches for the service lane in exchange for 25.82 perches. He said the council's 'new' plan included land from Waikanae Holdings Ltd (Waikanae Hotel) 'which will give marae access to a public road.' Pohl, representing the marae trustees, said: 'a public street provided giving legal access to the marae has not been considered by trustees but it will be for the benefit of the marae. So far as I know nobody objects to the proposals.' Judge M.C. Smith ordered that the 28.6 perches be excluded from the reserve and vested in the county and the area of 25.82 perches and 2.78 perches vested in the beneficial owners of A78A. The road over Ngarara West A78E2, A78E7 and A78 appurtenant to Ngarara West A78A was to be cancelled.[2187] Rawhiti Higgott has commented these

[2185] McGrath Robinson & Co, Solicitors, Wellington to Martin Evans-Scott & Hurley, Solicitors, Wellington, 21 August 1973, Rawhiti Higgott Papers [IMG 2711-2712]; see also plan Waikanae Shopping Centre June 1974, Rawhiti Higgott Papers [IMG 2713].
[2186] ibid
[2187] Extract from Otaki MB 78, 6 November 1974, fols 313-314, Rawhiti Higgott Papers [IMG 2714-2715].

were 'issues that hadn't been discussed with trustees as the court minutes read. The trustees were backed into a corner by council and their lawyers.'[2188]

Rawhiti Higgott further elaborates about the impact on the Whakarongotai Marae:

> I remember as a child attending functions and tangi at the marae. There was a roadway (ROW) from the state highway that ran to the front entrance of the marae and buses and cars were able to drive in and would park on land on the entrance side of the marae. This entrance was also the traditional pathway to our urupa which was across on the eastern side of the main highway (Ruakohatu urupa). We would walk and carry the coffin of our deceased across the main road…..Since the creation of the commercial shopping centre, the access we had has been cancelled, although it is now a pedestrian walkway for the community use. This was not an original permission from the marae trustees…..The council simply said that they were to cancel our right to drive on the ROW from the highway. They said we could access the marae via the new service lane that was to be formed. This has caused stress at times of tangi and special hui that we have. Manuhiri have to stand on the footpath in public…..Shop entrances open up to the ROW making our procession to the urupa quite public. This is becoming worse by the year with more traffic and pedestrians.[2189]

By the 1980s it was widely acknowledged that the service lane was more than an access way for shops and the marae. Higgott says council minutes of 29 November 1986 acknowledge that the service lane had developed 'over the years into a convenient road with access between Ngaio Road and Te Moana Road.'[2190] In December 1986 a notice of consent declaring Ngarara West A78A (699sqm) known as 'Marae Lane' to be gazetted as a road was issued.[2191]

The marae's problems with access and privacy were further compromised and exacerbated when:

> The Greater Wellington Regional Council (GWRC) has developed a commuter car park on the south side of the marae. Commuters now use the ROW to get to the railway station causing more foot traffic.
> Car parking has now become a huge issue, especially when we have tangi as the carpark has limited hourly parking…..In the creation of GWRC carpark, the heavy machinery work (vibration) we believe, has caused the land in front of the meeting house to drop therefore water now 'ponds' and causes much distress to the people.[2192]

[2188] Rawhiti Higgott personal correspondence re 'Te Atiawa Public Works Draft 2018', 27 April 2018.
[2189] ibid
[2190] ibid
[2191] Consent to Gazette Notice, 10 December 1986, Rawhiti Higgott Papers [IMG 2718].
[2192] Rawhiti Higgott personal correspondence re 'Te Atiawa Public Works Draft 2018', 27 April 2018.

In 2003 the council informed the marae about ‘parking restrictions’ for the carpark in front of the marae. Rawhiti Higgott said previous arrangements with the council had been predicated on the understanding ‘that car parking would be available to marae users’ which he says is evident from the correspondence between the council, their lawyers and the marae trustees and their lawyers.[2193]

In summary, the Horowhenua County Council choose to develop a town centre in the area where Wi Parata had established a Māori kainga at the end of the nineteenth century. Whakarongotai Marae had been relocated from its original coastal position to be near the railway station, and while European settlement was provided for on the eastern side of the railway at Parata Native Township, Wi Parata, Hemi Matenga and others had houses around the marae, with their associated church and urupa across the road. The Horowhenua County Council used a combination of its powers under the Land Subdivision in Counties Act, the Rating Act and the Public Works Act to rezone the land for a town centre, and to both purchase and compulsorily acquire sections from both Māori and Pakeha. The development has had an ongoing negative impact on Whakarongotai Marae which is now hemmed in by carparking, and it has lost its vehicular access to the main road.

[2193] ibid

Bibliography

Primary Sources

Archives New Zealand, Wellington

Airport

ACHL 19111 W1/678 23/381/49/5 part 1 Defence Works and Buildings Airports, Aerodromes and Landing Grounds – Paraparaumu Aerodrome – Compensation claim – Maori owners 1938-1951

ACHL 19111 W1/678 23/381/49/5 part 2 Defence Works and Buildings Airports, Aerodromes and Landing Grounds – Paraparaumu Aerodrome – Compensation claim 1952

ACHL 19111 W1/678 23/381/49/0 Defence Works and Buildings Airports, Aerodromes and Landing Grounds – Paraparaumu Aerodrome – Legislation 1936-1940

AAQB 889 W3950/71 23/381/49/0 pt 1 Paraparaumu Aerodrome: Legalisation 1973-84

AAQB 889 W3950/71 23/381/49/0 pt 2 Paraparaumu Aerodrome: Legalisation 1940-49

AAQB 889 W3950/71 23/381/49/0 pt 3 Paraparaumu Aerodrome: Legalisation 1949-54

AAQB 889 W3950/71 23/381/49/0 pt 4 Paraparaumu Aerodrome: Legalisation 1954-73

AAQB W4073/66 23/381/49 Transport – Paraparaumu Aerodrome 1984-86

AAQB W4073/66 23/381/49/0 pt 2 Transport – Paraparaumu Aerodrome – Land Legalisation 1984-87

AATE W3401/33 20/2/0/11 Aerodromes – Paraparaumu: Legal: Land Claims T T Ropata 1952-61

AATE W3401/33 20/2/0/30 Aerodromes – Paraparaumu: Legal: Land Claims – Maori Cemetery Investigation 1965

AAMA W4320 101 38/208/1 Surplus MOT Land – Paraparaumu Airport – General Correspondence 1984-1986

ABLO W4117/20 20/2/13/pt 2 Meteorological Office: Branch Offices: Paraparaumu Aerodrome - Policy and General

AAMA W4320/98 38/88/1 General Correspondence and Survey Information, Avion Tce Paraparaumu 1984-1987

ABGX 16127/238 1999/231 pt 1 Transport and Industrial Relations Committee – Ross Sutherland and 584 others 2002-2004

ABGX 16127/238 1999/231 pt 2 Transport and Industrial Relations Committee – Ross Sutherland and 584 others 2002-2004

ABGX 16127/238 1999/231 pt 3 Transport and Industrial Relations Committee – Ross Sutherland and 584 others 2002-2004

ABGX 16127/238 1999/231 pt 4 Transport and Industrial Relations Committee – Ross Sutherland and 584 others 2002-2004

ABGX 16127/238 1999/231 pt 5 Transport and Industrial Relations Committee – Ross Sutherland and 584 others 2002-2004

ABGX 16127/95 1999/231 pt 6 Transport and Industrial Relations Committee – Ross Sutherland and 584 others 2002-2004

ABGX 16127/96 1999/231 pt 7 Transport and Industrial Relations Committee – 1999/231 Petition of Ross Sutherland and 584 others 2002-2004

Scenic Reserves/Recreation

AANS 6095 W5491/342 4/1016 Scenic Reserves – Paraparaumu Scenic Reserve 1905-1955

AECB 8615 TO1/59 1905/333 Paraparaumu Scenic Reserve 1905-1906

ADXS 19483 LS-W1/486 24681 Proposed Scenic Reserve: Part of Ngarara West C No 41 [Waikanae] 1906

ADXS 19483 LS-W1/619 20/27 Paraparaumu Scenic Reserve 4277/Ngarara West A blocks 1911-1915

AANS 6095 W5491/136 1/6 Recreation Reserves – Kaitawa Domain 1889-1948

ADXS 19483 LS-W1/482 24546 Proposed Scenic Reserve on Hutt-Waikanae Road, Akatarawa SD Blk II, Kaitawa SD Blk XIV, 1906-07

AADX 889 W3148/75 82/24 Blocks Paekakariki SD Mrs M J Caldwell [QEII Park] 1955-70

ABKK 889 W4357/318 50/695 pt 1 Recreation Reserve – 900 acres between Paekakariki and Raumati South (Queen Elizabeth Park) 1941-60

ABKK 889 W4357/318 50/695 pt 2 Recreation Reserve – 900 acres between Paekakariki and Raumati South (Queen Elizabeth Park) 1960-74

ACHL 19111 W1/811 23/698/1 Defence Works and Buildings – Military Camps – Paekakariki District 1942-48

ACHL 19111 W1/812 23/698/1/10 Defence Works and Buildings – Special Unit Camp – Paekakariki – Wainui Native Reserve, 1943-48

ACHL 19348 W46/5 151/415 Hemi Matenga Estate v Horowhenua County Council, 1959

AANS 7613 W5491/987 RES 7/3/24 Hemi Matenga Memorial Park Scenic Reserve 1956-74

ABWN 7601 W5021/820 700 Awahuri Scenic Reserve 1904-66

ADXS 19483 LS-W1/605 29493 Part Section 149 Township of Sandon, Part Kawa Kawa [Kawakawa] Native Reserve, Block 14 Oroua Survey District 1914

AAQU 889 W3428/102 53/560 Local Authorities: Marton Borough Council - General 1930-87

AATC 5114 W3457/247 19/6/0/1 Land Matters General - Wanganui District 1958-72

AANS 619 W5883/71 8/5/520/8 Proposed Wildlife Reserve - Kapiti Road – Paraparaumu 1978-82

<u>Post Office/Police/Government Buildings/School</u>

ADXS 19483 LS-W1/482 24538 Tokorangi Native Reserve - Block 1 – proposed school at Tokorangi near Halcombe 1906-1908

ACIH 16036 MA1/831 1860/169 Authorises Turton to spend £25 on a Court House at Otaki and £20 on special services performed by Natives 1860

ACGS 16211 J1/9/c 1860/512 From: Resident Magistrate, Wellington 20 September 1860 Subject: Enclosing letter from Roman Catholic Priest on the subject of courts being held at Otaki – requesting instructions as to holding courts in that district

ACGS 16211 J1/306/m 1882/1032 Report from Constable Carr regarding burning down of courthouse 1882

ACGS 16211 J1/544/y 1895/1178 Warrant appointing sittings of the Magistrates Court at Otaki 1895

ACHL 19111 W1/459 20/865 pt 1 Ohau Post Office and Site 1920-1955

ACHL 19111 W1/459 20/865 pt 2 Ohau Post Office and Site 1955-58

AAQB W4073/295 31/1074 Rangiotu School Site, Wanganui Education Board 1941-71

AAQU 889 W3428/181 31/457/1 Education - Palmerston North Technical School (old): Taking of Additional Land 1936-76

AAQB 889 W3950/380 24/2602/1 pt 2 Lake Alice Hospital: Land Required for Purposes 1945-51

AAQB 889 W3950/498 24/3888 Hospitals: Palmerston North Hospital Board, Levin 1949-73

AAQU 889 W3428/257 31/2311 Levin South Primary 1953-67

AATE 889 W3323/11 26/2/21 Manawatū District: Otaki Telephone Exchange 1955-64

ABWN 889 W5021/119 20/1574/7 Postal Buildings - Co-axial Cable Station Sites - Wellington-Palmerston Nth - Bainesse Site 1957-58

AAQB W4073/346 31/2233 Paraparaumu Primary No. 2 1959-78

AAQB W4073/328 31/1549 Otaki Primary 1953-80

AAQU 889 W3428/613 25/719 Police - Waikanae Police Housing 1983-87

ABWN 889 W5021/78 20/781/1 Post Office - Paraparaumu - Postmaster's Residence 1944-85

AAQB W4073/255 31/155/0 pt 1 Levin School - Legal 1925-63

AAQB W4073/255 31/155/0 pt 2 Levin School - Legal 1963-71

ABWN 889 W5021/187 31/155/0 Education - Levin School - Legal 1971-83

ABRP 6844 W4598/59 6/2/1 pt 1 Parata Maori Township 1908-13

<u>Housing</u>

AATE W3322/4 32/0/6/68 Land Taken for State Housing – Maori Housing – Paraparaumu – Maori Owners 1964-66

AATE W3322/5 32/0/6/100 Land Taken for State Housing – Maori Housing – Paraparaumu – M.E.M. Teira 1964-65

AATE 889 W3323/11 26/2/37/0 Paraparaumu Site for Departmental [Residence] – Maori owners 1962

AATE W3399/94 32/0/6/229 Land for Maori Housing – T T Rapata, Paraparaumu Beach 1967-70

ABKK 889 W4357/419 53/575/1 Local Bodies - Otaki Borough Council, Legalisation 1956-60

AATC 5114 W3457/243 19/2/3 Taking Land - Palmerston North District 1947-57

AAQU 889 W3428/95 53/395/0 Local Authorities: Feilding Borough Council Legalisation 1957-86

AAQB 889 W3950/416 pt 1 24/2646/11/5 Maori Housing (Otaki) 1961-75

AATE W3401/64 32/0/6/429 Land for Maori Housing Otaki - R V Hohipuha 1972-74

Roads

ACGO 8333 IAI/3/364/[12] 1874/1745 From: William Fitzherbert, Wellington To: Colonial Secretary, Wellington Date: 6 July 1874: Subject: Forwarding as requested description of tracing or road line from NW boundary of Awahuri Reserve to Taonui Stream

ACIH 16057 MA24/8/16 Native Land Purchase Commissioner Outwards Letters 10 January 1852-12 September 1853

ADXS 19480 LS-W2/19 1869/244 F. Robinson, Foxton, Manawatū 20 September 1869 Subject: Relative to the purchase of certain sections for the Foxton Road Board

ADXS 19483 LS-W1/12 475 Road Through Kaiwana, Harbour and Porirua Districts, Wellington to Foxton Railway Line plans 1880-1882

ADXS 19483 LS-W1/38 1572 Relative to plan etc of Foxton-Otaki Road, Whirokino and Oturoa Blocks 1883

ADXS 19483 LS-W1/116 4881 Foxton – Otaki Road 1889-1892

ADXS 19483 LS-W1/257 11730 Deviation of Foxton – Palmerston North Road 1899

ADXS 19483 LS-W1/353 17326 Beach Road, Foxton 1898-1902

ADXS 19483 LS-W1/605 29466 Road and Railway from Foxton to Oroua Road 1914

ADXS 19483 LS-W1/54 2304 Otaki Township Roads 1885

ADXS 19483 LS-W1/17 725 Otaki Beach Road Plan 1880-1903

ADXS 19483 LS-W1/40 1708 Otaki Road Plans 1884

ADXS 19483 LS1-W1/4 76 Manawatū Kairanga District – Blocks 5,6,9,10,13 Reports on progress of works, including alteration of road in Kairanga Native Reserve 1879-1880

ADXS 19483 LS1-W1/24 1016 Regarding laying off roads through native reserves without compensation 1881

ADXS 19483 LS1-W1/42 1791 For authority to survey certain roads through Native lands for Whirokini Road Board 1884

ADXS 19483 LS-W1/9 Tracings by John F. Sicely, Assistant Surveyor [Manawatu]: Tracings showing original cattle tracks surveyed as road lines; Diagram showing the way in which roads were originally formed in the Rangitikei District 1879

ABKK 24411/32 P5133 Proposed Link Road Soldiers Road to Mazengarb Road Paraparaumu 1975

AAMK 869 W3074/722j 21/1/258 Burial Ground Reserves, Ngarara West A Section 24C (Burial Ground) 1969-73

ACIH 16036 MA1/964 1908/683 Onepoto Block Claim for compensation referred for inquiry to Native Land Court

AAMK 869 W3074 box 737/b 22/1 pt 1 Maori Land Roading – Policy 1944-50

AAMK 869 W3074 box 737/c 22/1 pt 2 Maori Land Roading – Policy – Powers of Maori Land Court for Roading 1951-54

AAMK 869 W3074 box 738/a 22/1 pt 7 Maori Land Roading – Policy 1966-68

AAMK 869 W3074 box 738/b 22/1 pt 8 Maori Land Roading – Policy 1969-71

AAMK 869 W3074 box 738/c 22/1 pt 10 Maori Land Roading – Policy 1977-82

AAMK 869 W3074 box 739/c 2/2 pt 2 Roading Legislation – Power of the Maori Land Court etc 1959-77

AAVN 869 W3599 box 116 22/2 pt 2 Roading Legislation and General Powers of the Maori Land Court 1964-79

AAVN 869 W3599 box 115 22/1 pt 9 Maori Land Roading Policy 1971-77

ACIH 16036 MA1/471 22/1/1 pt 1 Roading Miscellaneous Applications 1947-48

ACIH 16036 MA1/471 22/1/1 pt 2 Roading Miscellaneous Applications 1931-54

ACIH 16036 MA1/471 22/1/1 pt 3 Roading Miscellaneous Applications 1955-61

AAVN 869 W3599/116 22/1/1 pt 4 Roading Miscellaneous Applications 1958-73

ABJZ 869 W4644 box 61 22/1/1 pt 5 Roading – General – Miscellaneous Application 1973-1991

ABJZ 869 W4644 box 61 22/1 pt 11 Roading – General Roading – Maori Land Roading Policy 1982-86

ABJZ 869 W4644 box 61 22/2 pt 3 Roading Legislation and General Power of the Maori Land Court 1978-86

ABJZ 869 W4644 box 61 22/2 pt 4 Roading Legislation and General Power of the Maori Land Court 1983-88

ABJZ 869 W4644 box 61 22/5 pt 1 Roading – Closing of Roads –Gazetting 1953-85

AAZZ 889 W4923/16 62/9/374/0 Levin-Hokio Main Highway: Legalisation 1949-64

AAQU 889 W3428/348 71/9/0/1 Motorways Wellington-Paekakariki-Levin-Foxton Motorway: Claims and settlements – general 1950-83

AAZZ 889 W4923/211 71/9/0/98 Wellington – Foxton Motorway Claim: Hough 1958-64

ADXS 19483 LS-W1/18 781 Expenditure of surveyors relating to Manawatu-Kukutauaku Block, Wairarapa and papers regarding road in Otaki 1881

ADXS 19483 LS-W1/20 842 Regards plans for roads to beach and river from Otaki 1881

ADXS 19483 LS-W1/37 1544 Relative to roads up the Otaki river; Te Roto, Turangarahui, Rahui Blocks 1883-84

ADXS 19483 LS-W1/227 10086 Authorising Road Works – Whareroa No 1,2,3 and 4 Paekakariki SD 1893

AAMK 869 W3074 box 740/b 22/3/5 Roading – Aotea District Matters 1948

ABJZ 869 W4644 box 169 38/2/6 pt 1 Boulder Road – Manawatu Kuku 4d No 1 1961-75

AAQU 889 W3428/63 41/1305 Local Authorities: Wellington Road District -Land for Road; Block II, Waiopehu SD 1982

AAQU 889 W3428/62 41/1274 Local Authorities: Wellington Road District -Land for Road; Block IX, V, III, II and X, Kaitawa SD, Horowhenua County 1958-87

ACIH 16036 MA1/496 22/1/263 Manawatu-Kukutauaki 2D 12F - Public road, 1951

ABKK 889 W4357/167 41/654 Land for Road Part No. 1A, 6B Ngakaroro Block II Kaitawa Survey District, Hutt County 1927-70

ABOG 869 W5004/50 54/19/3 Maori Trustee - Compensation for Land taken For Public Works - Waopukatea East 1A2, Ngakaroro 1A9A and Waha - o - Te Marangai 1B, 1963-1985

ACIH 16036 MA1/490 22/1/185 pt 1 Himatangi Blocks – Roading 1937-1950

ACIH 16036 MA1/490 22/1/185 pt 2 Himatangi Blocks – Roading 1951-53

ABKK 889 W4357/170 41/787 pt 1 Wellington Road District - Himatangi Block Roading, Manawatu County 1931-57

ABKK 889 W4357/170 41/787 pt 2 Wellington Road District - Himatangi Block Roading, Manawatu County 1958-87

ACGT 18190 LS1/1591 16/1860 Roads - Ohau 3A Number Section 6 and Section 7 – 1913/1927

ACGT 18190 LS1/1576 16/890 Roads - Reu Reu Number 2A2

ACIH 16036 MA1/1551 1931/43 Received: 6th February 1931. - From: Registrar, Aotea Native Land Court, Wanganui. - Subject: Reureu 1 and 2 Blocks - Order of Court laying off road-lines 1931-32

ACGT 18190 LS1/1567 16/86 Roads - Taumanuka 2B14

ACHL 19111 W1/1475 70/9/13/2 Levin Porirua SH Otaki Borough 1934-56

AAZZ 889 W4923/145 70/9/13/0 Levin - Paekakariki SH 1955-61

AAZZ 889 W4923/145 70/9/13/0/1 Levin Paekakariki SH Paraparaumu Bridge 1936-1939

AAZZ 889 W4923/145 70/9/13/0/2 Levin Paekakariki SH Paraparaumu Bridge 1936-1939

ACHL 19111 W1/1475 70/9/13/3 Levin Paekakariki SH Ohau River Bridge 1937-57

ACHL 19111 W1/1133 41/187/1 pt 1 Roads - Wellington Road District - Legalisation 1923-40

ABKK 889 W4357/161 41/187/57 Plimmerton to Paekakariki Road Legalisation Claims 1939-40

ACHL 19111 W1/1400 62/9/372/1 Main Highways - Waikanae-Waimea - Horowhenua County 1928-60

ACGT 18190 LS1/1607 16/3078 Roads - Ngarara West B

ADXS 19483 LS-W1/42 1829 pt 1 Reu Reu Block 1884-1896

ADXS 19483 LS-W1/42 1829 pt 2 Reu Reu Block 1882-1901

ADXS 19483 LS-W1/42 1829 pt 3 Reu Reu Block 1901-1909

ADXS 19483 LS-W1/43 1829 pt 4 Reu Reu Block 1909-1912

ADXS 19483 LS-W1/43 1829 pt 5 Reu Reu Block 1912-1917

ADXS 19483 LS-W1/43 1829 pt 6 Reu Reu Block 1917-1919

ADXS 19483 LS-W1/73 8125 Te Reu Reu Block 1892-1893

ADXS 19483 LS-W1/73 3000 Pukehou Blocks 5A, 5L, 5K and Waopukatea No 2; Kaitawa Survey District - Ngakaroro Block Nos, 1,2,3, and 4; Ngawhakangutu No 1 North Block and No 1 South Block; Waitohu and Kaitawa Survey District Waopukatea No 1 - authorising laying of roads through Native Land 1887

ADXS 19483 LS-W1/137 5750 Blocks Ngarara, Muhunoa, Pukehou, Maukuri, and Horowhenua - Warrants to take roads through Native Lands 1891

ADXS 19483 LS-W1/139 5807 Road through Native Lands, Sections 48/53 Native Land Amendment Act 1913 1891-1917

ADXS 19483 LS-W1 184/8696 pt. 2 Ngarara West A Block 1900-1906

ADXS 18483 LS-W1 184/8696 pt. 3 Ngarara West A Block Kaitawa Survey District 1904-1907

ADXS 19483 LS-W1/350 17012 Notices to owners regarding roads through Native lands, translation into English 1897

ADXS 19483 LS-W1/490 24850 Horowhenua County Council – Mount Robinson Survey District – Tahitiki Subdivision – [Native Reserve] of Tuwhakatupua Block – land taken for road 1907

ADXS 19483 LS-W1/602 29340 Roads through Native Lands 1914

AATC W3413/74 R 44/629 Kakariki Road Bridge – Rangitikei County – 1965-1970

ABKK 889 W4357/164 41/435/1 Kakariki Road – Oroua County 1926-1960

AATC 5114 W3456/93 PW 45/102 Kakariki Bridge Approaches 1899-1919

AATC 5114 W3456/22 PW 12/234 Kakariki Road 1924-25

AATC 5114 W3456/93 PW 45/101 Kakariki Road 1894-1919

AATC 5114 W3457/219 15/5 Rangitikei Gravel Deposits Kakariki 1914-1959

ADXS 19483 LS-W1/382 19406 Halcombe-Kakariki Road 1899-1901

ACIH 16036 MA1/420 21/1/12 petition No 31/33 of Taite Te Tomo, Wakawehe Block – Foxton Township, Section 113 Cemetery Reserve – vesting in trustees for Ngatiwhakatere 1922-48

ACGS 16211 J1/653/bb 1901/79 From: Manchester Road Board, Feilding, 5 February 1901, That they have taken a road through Te Reu Reu Native Reserve, and wish to be advised of proper steps to secure title

AATC 5114 W3457/212 14/22 Reu Reu Road Oroua County 1927-1978

ACHL 19111 W1/1396 62/8/830/2 Main Highways – Feilding Cliff Road via Stanway – Rangitikei River Bridge – Onepuhi 1946-62

ADXS 19483 LS-W1/148 6439 Waikanae Hutt Road, Ngarara West Block ; Kaitawa Survey District Blocks IX and X 1891-1905

ADXS 19483 LS-W1/164 7143 [Te] Ngarara West Block B, Hutt County Road 1892-1906

ADXS 19483 LS-W1/234 10595 Paraparaumu Beach Road, Paraparaumu-Waikanae Road, Ngarara West B Block 1893-1899

ADXS 19483 LS-W1/275 12637 Ngarara Block - Road through Wi Parata's Land 1896-1899

ADXS 19483 LS-W1/291 14120 Waikanae beach road, Ngarara West Block 1895-1901

ACIH 16036 MA1/762 54/19/29 Maori Trustee - Ngarara West A3C and A32C2 - Land taken for Public Works 1965-66

ACGT 18190 LS1/1608 16/3144 Road- Horowhenua X 1B36

AATE W3410/1 A/374 Contracts, Highways - Levin - Hokio Horowhenua County 1928-49

AATE W3400/23 21/9/13/8 pt 2 Levin-Paekakariki 1957-60

ABKK 889 W4357/166 41/579 Wellington Road District - Kawiu - Foxton Road, Horowhenua County 1924-53

AATE W3410/45 16/705 Roads and Bridges - Horowhenua - Kawiu - Foxton Road 1924-53

AATE W3400/23 21/9/13/0 Paekakariki - Levin 1958

ABKK 889 W4357/176 41/1131 Wellington Road District - Otaki Farm Settlement, Horowhenua County 1952-57

AATE W3410/33 16/1028/32 Roads and Bridges - Access Roads - Otaki Farm - Horowhenua

ABKK W4069/32 51/852 9/385 Streets - Otaki, Dunstan Street 1925-58

AATE W3387/2 9/385 Streets - Otaki - Mill Road - General 1909-1975

ABKK W4069/94 51/4039 Streets- Otaki 1957-59

AAZZ 889 W4923/209 71/9/0 pt 4 Wellington - Foxton Motorway: Proclamations 1957-1959

AAZZ 889 W4923/17 62/9/831/0 Greatford - Ashhurst MH [Main Highway]: Legalisation 1939-70

AATC 5114 W3457/214 14/160 Palmerston North District Oroua County 1953-62

ABKK 889 W4357/172 41/880 Wellington Road District - Koputara Beach Road (Himatangi Beach Road), Manawatu County 1946-60

AATC 5114 W3457/211 14/13/3 Land for Road at Moutoa 1955-60, 1960-79

ABKK 889 W4357/163 41/356 Wellington Road District - Road Blocks II, VI, VII Waitohu Survey District, Horowhenua County 1917-86

AATE W3410/29 16/547 pt 1 Roads and Bridges - Horowhenua County - General (Legal) 1908-64

AATE W3410/43 16/547 pt 2 Roads and Bridges - Horowhenua County - General (Legal) 1964-68

ABKK 889 W4357/180 41/1286 Wellington Road District - Land for Road Block IV Rangitoto Survey District, Oroua County 1959-72

ABKK W4069/52 51/2271 Streets - Otaki 1937-74

AATE W3410/31 16/970 Roads and Bridges - Foreshore Road-Otaki Road - Horowhenua County 1937-55

ABKK W4069/107 51/4529 Streets - Otaki 1962

AATC 5114 W3457/215 14/182 Tokorangi Road Oroua County 1959-61

ABKK 889 W4357/166 41/597 Land for Road, Horowhenua 9B Block II Waitohu Survey District, Horowhenua County 1925-68

ABKK 889 W4357/149 39/584 Wanganui Road District - Parewanui Farm Settlement (Bulls), Rangitikei County 1953-66

AATC 5114 W3457/361 44/426 Parewanui Farm Settlement Erection of Memorial 1953-68

AAZZ 889 W4923/262 72/1/9B/0 Awanui - Bluff SH [State Highway] 1: Number 9B District: Legalisation - General 1960-67

AAQU 889 W3428/403 72/56/9A/0 NRB [National Roads Board] - Palmerston North-Himatangi SH [State Highway]: Legalisation 1962-67

AATC 5114 W3457/199 9/56/0 SH 56 [State Highway 56] Palmerston North-Himatangi Legal 1962-76

ABKK 889 W4357/149 39/631 Wanganui Road District - Closing Road Blocks IV and V Koitiata Survey District, Rangitikei County 1959-68

AATC 5114 W3457/339 44/19/0 Rangitikei County Legal 1965-67

ABKK 889 W4357/176 41/1093 Wellington Road District - Land for Road, Moutere and Mt Robinson Survey Districts, Manawatu County 1950-81

ABKK 889 W4357/145 39/258 Wanganui Road District - Taurimu and Ngaruru Roads, Rangitikei County 1920-70

AATC 5114 W3457/369 44/647 Kapakapa Road - Rangitikei County 1969-71

ABKK 889 W4357/147 39/518 Wanganui Road District - Tuckers Road, Rangitikei County 1967-72

AATC 5114 W3457/369 44/648 Pukehou Road - Rangitikei County 1970-71

ABKK W4069/30 51/633 Streets - Otaki, Rangiuru 1923-76

ACIH 16036 MA1/84 5/5/155 Moutere Part Lot 1 of 8 B 1 - Road widening at Otaki - Crown purchase 1960-61

ACIH 16036 MA1/79 5/5/115 Waikare 32 Part - Crown purchase 1954-56

ADXS 19483 LS-W1/342 16642 Road through Sections 361, 367 etc Block X Kairanga 1897-1900

Railway

AECW 18683 MA-MT1/2/[144] [NR70/97] Molesworth to Heaphy, 10 December 1870, Lands traversed by proposed Wellington-Wairarapa-Wanganui railway, and Foxton - Napier Road

ADXS 19483 LS-W1/14 543 Surveys relating to railways lines - Wellington to Foxton, Wanganui to Patea 1880

ADXS 19480 LS-W2/28 1876/716 From: Crown Land Wellington 23 December 1876 Subject: Forwarding copy gazette containing Order in Council reserving land for line of railway

ACGT 18190 LS1/1372 318 1 Wellington - Manawatu Railway 2 Section 300 (Gladstone Square) Town of Linton (Rec Reserve) no date

AAEB W3199/190 12/2209/3 Kakariki Deviation: Grade Easement Aramoho - Marton - Palmerston North 1913-1973

ACIH 16036 MA1/430 21/2/4 Petition 304/1936 Ngohengohe Taera te Moko – Rent and Royalties – Kakariki Gravel Reserve 1913-1937

AAEB W3293/1 100 Kakariki Ballast Pit and private siding 1888-1965

AAEB W3438/61 22/2645 NZ Railway: Application by Rangitikei County Council for site for building metal crushing plant and siding to riverbed at Kakariki 1922-1982

ADQD 17447 R4/100 1898/4480 Rangitikei Combined Bridge near Kakariki 1897-1911

ADXS 19483 LS1-W1/30 1298 Monthly Report regarding railway surveys from Surveyor General 1882-1884

ADXS 19483 LS1-W1/40 1689 Plans etc of land acquired in Foxton for railway purposes 1884

ADXS 19483 LS1-W1/52 2114 Land taken for railways, Manawatu-Wanganui Railways 1885

ADXS 19483 LS1-W1/401 20717 Land taken for purposes of Foxton-New Plymouth Railway 1901

ADXS 19483 LS1-W1/415 21736 Railway Purposes [Foxton-New Plymouth] 1902

ADXS 19483 LS1-W1/521 25911 Plan 691 Land for railway at Foxton Block V Mt Robinson 1909

ADXS 19483 LS1-W1/425 22387 Railway land, Longburn 1902-1910

ADXS 19483 LS1-W1/545 26950 General file regarding land for Wellington Manawatu Railway near Otaki, Block 9 Waitohu 1909-1910

ADXS 19483 LS1-W1/11 412 Plans and tracings for Foxton-New Plymouth Railway (branch line) 1879-1882

ADXS 19483 LS1-W1/15 582 Tracings of land to be acquired under 'Public Works Act' for Foxton – New Plymouth Railway 1880-1910

ADXS 19483 LS1-W1/72 2917 Rangitikei- Manawatu Block – Native Reserve 51 – comparison with railway survey 1887-1888

ADXS 19483 LS1-W1/72 2932 Waitohu Survey District – Pukehou No 5A Section 1 North [Otaki] – Interest from Wellington and Manawatu Railway Company Ltd 1887-1895

AAVK W3180/84 Pro 24 74 Historical Research Reference Sheet – Proposed Railway: Wellington – Foxton Railway – proposed Levin-Greatford Railway 1878-1895

ADXS 19483 LS1-W1/74 3068 Kaitawa Survey District – Ngakaroro Blocks No 1A and 2F, sections 2, 4, 5, 6, 7 Alterations of roads through blocks – reduction of road from Te Horo Station to Ngakaroro 1887

ADXS 19483 LS1-W1/102 4479 Roads and railway between Oroua and Bunnythorpe within Manawatu District 1889

ADXS 19483 LS1-W1/143 6045 Awarua Survey District Block I, V; Mount Robinson Survey District VIII, XII, XI, X 1891-1893

ADXS 19483 LS1-W1/180 8404 Wellington and Manawatu Railway Reserves 1892

ACIH 16046 MA13/51/29c Removal of Restrictions on Alienated Land – correspondence, grants relating to land at Kawakawa in Maori and translated, Report of Railway Commission 1880

ACIH 16046 MA13/51/29d Removal of Restrictions on Alienated Land – Correspondence in Maori and translated – Grants relating to land at Tolaga Bay – Wellington – Wairarapa and Manawatu Railway Company 1883-1887

ACGS 17314 JW27381/13 WLR 1886/6 Wellington District Land Registrar Re: Delay in obtaining CTs of the Wellington, Manawatu Railway Company 1886

ACGS 17314 JW27381/13 WLR 1889/13 Wellington District Land Registrar Re: Alterations of restrictions on Titles issued to Wellington, Manawatu Railway company ltd 1889

ADQD 17422 R3W2278/8 1900/2117 pt 3 [WMRC] List of Shareholders on 12 November 1891

ADQD 17422 R3W2278/8 1900/2117 pt 8 [WMRC] Statement of Receipts and Expenditure – 1881-1883, 1899-1900

AAVK W3180/84 Pro 24 122 Historical Research Reference Sheet – Wanganui Section: Foxton- Wanganui 1871-1893

ACHL 19295 W32/63 10118 Book of reference for Wellington and Manawatu Railway Company no date – just list of blocks with names of owners/occupiers and written description

ACHL 19295 W32/63 10877 Book of reference for Porirua-Pukerua – Wellington and Manawatu Railway Company 1883

ACHL 19295 W32/63 11211 Book of reference for portions of railway – Wellington and Manawatu Railway 1884

ADXS 19480 LS-W2/21 1871/240 From: Chief Surveyor Date: 5 June 1871 Subject: Enquiring whether proposed railway from Palmerston to Rangitikei will pass along Fitzgerald 1871

ACHL 22541 W5/92 1674 pt 1 Wanganui and Manawatu Railway, Oroua to Rangitikei, from 10 miles to Rangitikei River 3 sheets, 2 sheets bridge sites, 1 sheet cross section, 1 sheet part of Kakaraki [Kakariki] N.R. [Native Reserve], J.H. Jackson 1874 [six sheets] 7 parts is 1876 proclamation plan

ACHL 22541 W5/372 8994 Foxton and New Plymouth Railway and Wellington and Foxton Railway, Foxton to Greymouth, Foxton to Horowhenua, Sketch Map of the Manawatu District showing railways constructed, under construction, surveyed etc, to accompany annual report 31 March 1882

ACHL 22541 W5/458 7459 Foxton and Sanson Railway, plan for proclamation purposes showing district through which line passes, Foxton to Sanson, Foxton and Sanson Railway Company 1879

ACHL 22541 W5/3053 Public Works map - Manawatu - Oroua River from Puketotara to Te Awahuri, no date

ABWN 6095 W5021/451 16/1387 [Disposal of Former Railway Land – Foxton, Himatangi] 1963-1969

AAMX 6095 W3268/15 16/1387/1 Roads – Ex Railway Land – Foxton Branch Line 1940-80

ACGS 16211 J1/527/e 1894/1377 From: Chief Judge Native Land Court, Wellington, Date: 21 September 1894; subject: forwarding order of freehold tenure in favour of Wellington and Manawatu Railway Company

AAFV 997 126 W134A Wellington, West Coast railway, Manawatu – blocks, place names, reserves, roads &c, no date – no date

AAFV 997 126 W134B Wellington West Coast Railway, Manawatu – blocks, place names, reserves, roads &c, no date – no date

ADXS 19483 LS-W1/52 2102, Wellington and Manawatu Railway land plans, 1885-1888

AAEB W3199/77 05/1779 General file Re: Land Required for Railway and Road Purposes Foxton to Longburn also Maintenance of Open Drains in the Area 1877-1965

AAJM 7697 W5022/2 Wellington and Manawatu Railway – Wellington to Waikanae 0M-36M copies of PWD plans, plans and Native Land Court documentation 1882-1906

AAJM 7697 W5022/3 Wellington and Manawatu Railway – Longburn – Waikanae 0M-47M Whirokino and Te Horo Road Board District Plans 1882-1906

ADQD 17530 R17W2382/11 081/21/8 Samson Himatangi Tramway 1914-1945

ACHL 19111 W1/271 19/14 pt 1 Levin, Foxton and Greatford Line 1896-1924

ACHL 19111 W1/347 19/540 pt 1 Foxton Beach – proposed light railway 1899-1925

ACHL 19111 W1/432 19/14 pt 2 Levin, Foxton and Greatford Line 1924-59

ACHL 19111 W1/442 19/540 pt 2 Foxton Beach – proposed light railway 1926-45

ACHL 19111 W1/439 19/386 Longburn-Foxton line – land 1918-65

Finding Aids

AFIH 22355 W5687 box 10 Index to Plan Cross References of Bar Numbers to Survey Office Plan numbers 1947

AFIH 22877 W5687 box 228 Register of Survey Office Plans by Survey District ĀK

AFIH 22877 W5687 box 253 Index of Warrants for Roads over Maori Land

Miscellaneous

ACGO 8333 IA1/414/[47] 1878/4297 From: Ernest S Thynne Chairman County Council of Manawatu, Foxton To: G S Cooper Esquire Treasury, Wellington Date: 25 September 1878 Subject: As to Otaki Ferry

ACGS 16211 J1/562/by 1896/1324 Report of Native Affairs Committee on petition of Tuturu Paerata and others that certain land may be returned to them (Wharangi Ferry)

ACIA 16195 WP3/22 506 John T Stewart – Manawatu – 5 November 1867 – Replying to a memorandum and enclosing a tracing of the land referred to in Foxton. Recommended that the land or a portion of it be used as a ferry reserve. Enclosed: Letter from William Langley concerning land set aside for the ferry at Wharangi, Manawatu 1867

ADXS 19480 LS-W2/36 1881/335 From Clerk to Manawatu County Council, Foxton, 24 June 1881, Subject: As to Section 269, Foxton (Ferry Reserve) 1881

ASXS 19480 LS-W2/36 [1881]/48 From: Edward Peck, Foxton: 25 January 1881 Subject: As to Ferry Reserve 1881

ADXS 19483 LS-W1/481 24501 Otaki Sanatorium – Waitohu Survey District – Block Haruatai No 7 and Block Waitohu 11C No 2; Block IX 1906

ACGS 16211 J1/558/bg 1896/869 From: James G Wilson, Wellington Date: 10 July 1896 Subject: That grant be made out of Vote for Native purposes to assist in erection of Hospital at Otaki 1896

ACHL 19111 W1/938 24/962 pt 2 Government Buildings – Otaki Sanatorium 1922-1931

AADS W3562/180 6/8/20 Wellington – Otaki Sanatorium 1921-65

ACIH 16036 MA1/149 5/13/266 Sanatorium Site – Otaki 1964

ACIH 16036 MA1/906 1906/1376 Received: 10th December 1906. - From: Kirk and Stevens, Otaki. - Subject: Titokitoki 3C No. [Number] 2. Transfer Mere Ruiha to Hakaraia for endorsement of Governors Consul. (Aotea) 1904-06

ABRR 7266 W4743/1 pt 1 Wellington District [Hospital] Board Minutes 1885-1909

AUCKLAND BAAA 1001/988/a 44/6 Maori Schools – General Correspondence and Inspection Report –Otaki 1894-1917

ACGT 18190 LS1/1501 6/8/56 Hospital Sites - Health Camp Otaki – Roxburgh – purchased under Native Land Amendment Act 1919 NZG 1931/1688

ACIH 16036 MA1/68 5/5/20 Reureu 2F2 2B1 B2B1 4 2B1B2 - Crown Acquisition - R.N.Z.A.F. (Royal New Zealand Air Force) - Bulk Fuel Installation 1942-52

AAQB W4073/203 28/31/4 pt 2 Acquisition of Land for the Crown (Including Other Government Departments) Documents Relating to Formal Taking Proclamations etc 1943

AAQB W4073/203 28/31/4 pt 3 Acquisition of Land for the Crown 1944

AATC 5114 W3457/235 16/15 RNZAF [Royal NZ Air Force] Fuel Depot AR5 Kakariki 1947-59

ACIH 16036 MAW2459/50 5/14/2 pt 1 Rerengaohau and Papangaio Blocks - Sand Dune Reclamation 1943-56

ACIH 16036 MAW2490/176 38/1/1 pt 1 Assessment of Compensation for Maori Land taken for or damaged by Public Works 1939-61

ACIH 16036 MAW2490/177 38/2 pt 1 Maori Land required for Public Works - Separate cases 1947-50

ACIH 16036 MA W2490/177 38/2 pt 2 Maori Land required for Public Works - Separate cases 1950-53

ACIH 16036 MA W2490/177 38/2 pt 3 Maori Land required for Public Works - Separate cases 1954-59

ACIH 16036 MAW2490/178 38/2 pt 4 Maori Land required for Public Works - Separate cases 1959-69

ACIH 16036 MAW2490/178 38/2 pt 5 Maori Land required for Public Works - Separate cases 1969-71

ACIH 16036 MAW2490/179 38/2 pt 6 Maori Land required for Public Works - Separate cases 1971-72

ACIH 16036 MAW2490/178 38/2 pt 7 Maori Land required for Public Works - Separate cases 1974-76

AAVN 869 W3599/195 38/2 pt 8 Individual Cases 1975-81

ABJZ 869 W4644 box 169 38/2 pt 9 Maori Lands Required for Public Works – Individual Cases 1981-83

ABOG 869 W5004/50 54/19/72 Maori Trustee - Compensation for Land taken For Public Works - Hokio A Block (Child Welfare Institution at Hokio Beach) 1969-1987

AAVN 869 W3599/237 54/16/2 pt 1 Hokio Maori Township 1937-79

ABRP 6844 W4598/59 6/1/1 pt 3 Hokio Maori Township 1925-33

ABRP 6844 W4598/59 6/1/1 pt 4 Hokio Maori Township 1924-26

ABRP 6844 W4598/59 6/1/1 pt 5 Hokio Maori Township 1942-1950

ABRP 6844 W4598/59 6/1/1 pt 6 Hokio Maori Township 1950-75

ABRX 6880 W4612/34 6/1/1 pt 7 Maori Reserves – Hokio Maori Township 1976-80

AADO 569 319/d 58/25/15 Mangahao Power Scheme – Mangaore Stream – claim for compensation – Te Oti Taone 1932-33

AAQB 889 W3950/358 24/2495/1 pt 1 Otaki and Porirua Trust Board: Titahi Bay 1938-55

AAQU 889 W3429/527 24/2495/1 pt 2 Broadcasting Stations 2YA: Land Required 1956-83

AAMK 869 W3074 box 665/b 19/1/314 pt 1 Misc – Church Trust Lands – Horowhenua and Wairarapa District 1927-46

AATE W3387/25 22/1/2/27 Porirua/Titahi Bay Development - Porirua Trust Board 1947-68

AAQB W4073/114 24/2495 pt 3 2YA - National Broadcasting, Titahi Bay 1963-78

ABKK 889 W4357/364 53/54/1 pt 1 Local Bodies - Horowhenua County Council, Legalisation 1951-81

AATE W3392/12 19/2/8 Horowhenua: General 1948-68

AATE W3392/12 19/2/8 Horowhenua: General 1968-74

ABKK 889 W4357/303 50/408 pt 2 Feilding Borough Council, Sewerage, Drainage and Water Supply 1963-78

AATC 5114 W3457/215 14/172 Feilding Borough Council 1955-81

AAQU 889 W3428/557 24/3554/0 Agriculture and Fisheries - Levin: Horticultural Research Station - Legalisation 1969-82

AATE W3388/71 94/5/53/0 Government Buildings: Levin Horticultural Research Centre: Legalisation 1974-80

ABKK 889 W4357/423 53/648 pt 3 Local Bodies - Palmerston North City Council 1969-73 [424 pt 4 1973-76]

AAQU 889 W3428/110 54/747 Legal and Gravel Pits - Application to Maori Land Court: Assessment of Compensations – 1947

AECZ 18714 MA-MLP1/31/t 1892/79 Tracing of Native Land at Porirua Required for Extension of Asylum Grounds 1892

AECZ 18714 MA-MLP1 10/ai 1882/30 From: James Booth, Wanganui Date: 2 February 1882 Subject: Forwards letter from Natives declining to sell the land required for site for Ferryman's residence at Waikanae

River Protection

AATC 5114 W3457/396 48/16 Matakarapa

ABKK 889 W4357/285 50/115 pt 2 Land Miscellaneous - Sewerage and Water Supply, Foxton Borough 1967-82 (already Crown land in 1960s – offered to council)

ACHL 19111 W1/1391 62/9/57/1 Main Highways – Sanson-Palmerston North 1924-1936 (Oroua River Protection)

AAMA 619 W3150/26 20/228 pt 2 Aorangi 1921-39

ACIH 16036 MA1/345 19/1/46 Kairanga County Council Awahuri D part – Kairanga SD Block I, Section 273 part 1932-34

AAQU 889 W3428/132 96/318000/0 River Control Schemes - Otaki River, Horowhenua County: Legalisation - General 1953-80

AATE 889 W3404/34 96/31800 pt 5 SC [Soil Conservation] and RC [River Control]: Otaki River 1951-64

AATE W3392/76 96/315000 Soil Conservation/River Control - Manawatu Catchment Board - Waikanae River 1950-86

AATE W3392/51 96/2/0 Soil Conservation/River Control - Manawatu Catchment Board - Legalisation 1951-71

AATE W3392/76 96/315000/0/3 Soil Conservation/River Control - Manawatu Catchment Board - Waikanae River Claim: Maori Owners 62-64

AATE W3392/76 96/315000/0/4 Soil Conservation/River Control - Manawatu Catchment Board - Waikanae River Claim: Rameka Watene Estate 1963-66

AATE W3392/76 96/315000/0/7 Soil Conservation/River Control - Manawatu Catchment Board - Waikanae River Claim: Honai Tamati and others 1965-69

AATE W3392/76 96/315000/0/13 Soil Conservation/River Control - Manawatu Catchment Board - Waikanae River Claim: Maori owners Palmerston North

AATE W3392/77 96/325000/0 Soil Conservation/River Control - Manawatu River (Legalisation) 1960-86

AATE W3392/78 96/325000/0/49 Soil Conservation/River Control - Manawatu River - Claim: Maori Owners

AATE 889 W3404/41 96/327000/0 pt 1 Soil Conservation and River Control: Rangitikei Catchment Board: Legalisation 1967-72

AATE 889 W3404/41 96/327000/0 pt 2 Soil Conservation and River Control: Rangitikei Catchment Board: Legalisation 1972-1980

AAQU 889 W3428/133 96/327000/0 River Control Schemes – Rangitikei River: Legalisation 1980-88

AAQU 889 W3428/133 96/327000/0/13 River Control Schemes- Rangitikei River: Claim – Maori Owners 1972-84

ACIH 16036 MA1/763 54/19/47 Maori Trustee - Part Aorangi 3G2B6 - Compensation for land taken

AATE W3392-78 96-325000-0-52 Claim: Warbrick Family – Manawatu River 1965-1974

ACIH 16036 MA1/763 54/19/63 Land Taken for River Control Purposes

ACHL 19111 W1/1227 48/270/8 part 10 Rivers Improvement and Protection - Manawatu River - Whirokino Cut, 1940-1948

ACHL 19111 W1/1224 48/270 pt 1 Rivers Improvement and Protection - Manawatu - Oroua River Board - Report re Drainage of Lands in the basin of the Oroua and Pohangina Rivers 1884-1908

ACHL 19111 W1/1230 48/302 Rivers Improvement and Protection - Drainage Kairanga- Awapuni Palmerston North 1899-1936

Wellington Provincial Council Series

ACIA 16194 WP2/1 Inwards Letters 26 November 1855 – 24 October 1876

ACIA 16194 WP2/2 Outwards Letters 7 December 1853-30 August 1866

ACIA 16195 series – inwards correspondence series – listed individually

ACIA 16195 WP3/21 157 James Hogg, District Engineer, Wanganui – 1 April 1876 – Report on Public Works in Wanganui and Rangitikei during the year ended 31 March 1867, enclosing tabulated statement of roads opened up [enclosure missing] 1867

ACIA 16195 WP3/21 177 John T Stewart, Manawatu – 5 April 1867 – Forwarding statement of works done in Manawatu during year ended 31 March 1867

ACIA 16195 WP3/22 612 Memo concerning a letter from Mr Robinson on the subject of a proposed road through his land at Manawatu plus enclosures [Foxton] 1867

ACIA 16195 WP3/23 68/447 Provincial Solicitor – 12 December 1868- gives opinion on roads reserved as public roads

ACIA 16195 WP3/23 68/73 Thomas M. Cook – 17 February 1868- States that Mr Evans has been appointed teacher at Foxton School. Encloses tracing of land and Ihakara's receipt for land

ACIA 16195 WP3/23 68/87 William Langly, Wharangi, Manawatu – 24 February 1868 – States that the punt at the ferry is in need of repair or replacement. Requests that the Superintendent sanction that some further land be added to the ferry reserve

ACIA 16195 WP3/22 424 W. Langley, Wanganui, 13 September 1867 – requesting possession of 60 acres of land which he had heard was to be laid off as a ferry reserve

ACIA 16195 WP3/22 506 John T. Stewart – Manawatu – 5 November 1867 – Replying to a memorandum and enclosing a tracing of the land referred to in Foxton. Recommended that the land or a portion of it be used as a ferry reserve

ACIA 16201 WP9 series – outward letterbooks

ACIA 16200 WP8 series – inward letterbooks 1871-1877

ACIA 16196 WP4 series – inwards letters from commissioner of crown lands and general government 1872-1872

New Zealand Transport Agency (NZTA), Wellington

MOT 76/20/0 vol 3 Paraparaumu Airport General 1993-1994

MOT 76/20/0 vol 3A Paraparaumu Airport General 1988-1994

MOT 76/20/0 vol 4 Paraparaumu Airport General 1995

MOT 76/20/0 vol 5 Paraparaumu Airport General 1995

MOT 76/20/0 vol 6 Paraparaumu Airport General 1995

MOT 76/20/0 vol 7 Paraparaumu Airport General 1995

MOT 76/20/0 vol 8 Paraparaumu Airport General 1995-1996

MOT 76/20/1 vol 7 Paraparaumu Airport – Acquisition and Disposal and Utilisation

JPAR-02/1 Airport Investigation Correspondence

L3/15/1 vol 1 Paraparaumu Judicial Review 1996-1998

OPAP 14/6 Paraparaumu Airport General 2003-2006

POAV 3/9 Policy Paraparaumu 2001-2005

Alexander Turnbull Library, Wellington

MSX–2557 Wellington and Manawatu Railway Company, Annual Reports, 1881-1909

New Zealand Gazette

New Zealand Parliamentary Debates

Appendices to the Journals House of Representatives

Māori Land Court Minute Books

Aotea Minute Book [*Grace – Ngarara West A25B2A* (2014)]

Otaki Minute Book

Taihape Minute Book

Wellington Minute Book

Wanganui Appellate Minute Book

Whanganui Minute Book

New Zealand High Court

Save Kapiti Incorporated v New Zealand Transport Agency [2013] NZHC 2104, 19 August 2013

New Zealand Environment Court

Grace v Minister for Land Information [2014] NZEnvC 82

National Libraries Papers Past

Auckland Star

Bush Advocate

Dominion

Dominion Post

Evening Post

Feilding Star

Hawkes Bay Herald

Horowhenua Chronicle

Kapiti Observer

Manawatu Standard

Manawatu Times

New Zealand Herald

New Zealand Times

Rangitikei Advocate

Southern Cross

Taranaki Daily News

The Evening Herald

Truth
Wanganui Chronicle
Wanganui Herald
Wairarapa Daily Times
https://paperspast.natlib.govt.nz/newspapers

Private Collections

Rawhiti Higgott Papers
Wai 609 Document

Secondary Sources

Unpublished

Report of the Controller and Auditor-General: 'Inquiry into the Sale of Paraparaumu Aerodrome by the Ministry of Transport', September, 2005

Report of Transport and Industrial Relations Committee, Hon Mark Gosche, Chairperson, May 2004, 'on Petition 1999/231 of Ross Sutherland and 584 others'

Takamore Trustees v Kapiti Coast District Council - [2003] 3 NZLR 496

Reports

Aitken, Graeme, 'Kapiti Island – Overview of Treaty of Waitangi claims on Crown land', 1997

Alexander, David, 'Public Works and Other Takings: The Crown's Acquisition of Maori-Owned Land on the East Coast for Specified Public Purposes', CFRT, November 2007

Alexander, David, 'Public Works and Other Takings in Te Rohe Potae District', CFRT, December 2009, Wai 898 #A63

Alexander, David, ‘Final Historical Report dated June 2008 prepared by David Alexander Filed in the Maori Land Court Application by Hokio A and Part Hokio Land Trusts (A20050009249)’, Wai 2200 #A12

Alexander, David, ‘Further Historical Report on Hokio Beach Land Definition and Status Issues: A report prepared for the Maori Land Court’, April 2010, Wai 2200 #A164

Alexander, David, ‘Rangitikei River and its Tributaries Historical Report’, CFRT, November 2015

Anderson, Robyn, Pickens, Keith, ‘Rangahaua Whanui District 12: Wellington District, Port Nicholson, Hutt Valley, Porirua, Rangitikei and Manawatu’, Waitangi Tribunal, 1996

Anderson, Robyn, Green, Terence, Chase, Louise, ‘Crown Action and Māori Response, Land and Politics 1840-1900’, CFRT, 2018

Armstrong, David, ‘Hokio Native Township’, CFRT, July 2015, Wai 2200 #A154

Boast, R.P., B.D. Gilling, B.D., ‘Ngāti Toa Lands Research Project: Report 2: 1865-1975’, CFRT, September 2008, Wai 2200 #A206

Brooks, E., Jacomb, C., Walter, R., ‘Final report on pre-construction archaeological investigations, Mackays to Pekapeka Expressway, Kapiti Coast, Otago University, 2016

Chase, Lou, ‘Ngātiawa/Te Ati Awa Oral & Traditional History Report’, Waitangi Tribunal, February 2018, Wai 2200 #A195

Cleaver, Phillip, ‘The Taking of Maori Land for Public Works in the Whanganui Inquiry District: 1850-2000’, Waitangi Tribunal, September 2004, Wai 903 #A57

Cleaver, Phillip, Sarich, Jonathan, ‘Turongo: The North Island Main Trunk Railway and the Rohe Potae, 1870-2008’, Waitangi Tribunal, November 2009, Wai 898 #A20

Cleaver, Phillip, ‘Taking of Land for Public Works in the Taihape Inquiry District’, Waitangi Tribunal, November 2012, Wai 2180 #A9

Fitzgerald, E., Young, Grant et el, ‘Ngāti Raukawa Rangatiratanga and Kāwanatanga: Land Management and Land Loss from the 1890s to 2000’, CFRT, June 2017

Gallen, A.F.J., ‘A History of the Taking of the Land for the Core Paraparaumu Aerodrome Under the Provisions of the Public Works Act 1928’, for, Paraparaumu Airport Ltd, March 2008

Hamer, Paul, ‘A Tangled Skein’: Lake Horowhenua, Muaūpoko, and the Crown 1898-2000’, Waitangi Tribunal, June 2015, Wai 2200 #A150

Hearn, T.J., ‘The Waitangi Tribunal Porirua ki Manawatu Inquiry District: A Technical Research Scoping Report’, CFRT, May 2010

Hearn, T.J., ‘One past many histories: tribal land and politics in the nineteenth century’, CFRT, June 2015, Wai 2200 #A152

Husbands, Paul, ‘Māori Aspirations, Crown Response and Reserves 1840 to 2000’, CFRT, Draft, March 2018

Husbands, Paul, ‘Māori Aspirations, Crown Response and Reserves 1840 to 2000’, CFRT, November 2018 [Final Report]

Johnson, Ralph, Willan, Rachael, ‘The Sale and Administration of Waiwhetu Reserves at Lowry Bay and Palmerston North’, November 1997, Wai 145 #I10

Luiten, Jane, Walker, Kesaia, ‘Muaupoko Land Alienation Political Engagement Report’, Waitangi Tribunal, August 2015, Wai 2200 #A163

Marr, Cathy, ‘Public Works Takings of Maori Land, 1840-1981’, Rangahaua Whanui Series, National Theme G, Waitangi Tribunal, 1997 (first release)

Potter, H., et el, ‘Porirua ki Manawatū Inland Waterways Historical Report’, Draft, CFRT, April 2017

Poutama, M., Spinks, A., Raumata, L., ‘Inland Waterways Cultural Perspective Collation of Oral Narrative Report’, CFRT, February 2017

Rigby, Barry, Boulton, Leanne, ‘Te Atiawa/ Ngāti ki Kapiti: Twentieth Century Land and Local Issues Report’, Waitangi Tribunal, Draft, July 2018

Smith, Huhana, ‘Inland Waterways Cultural Perspectives Technical Report’, CFRT, 2017

Stirling, Bruce, ‘Review Report for a Wahi Tapu Area: Takamore Wahi Tapu Area’, New Zealand Historic Places Trust, August 2011

Walzl, Tony, ‘Porirua ki Manawatu Block Data Collation Project’, CFRT, July 2012

Walzl, Tony, ‘Ngatiawa / Te Ati Awa Research Needs Scoping Report’, Waitangi Tribunal, January 2016

Walzl, Tony, ‘Ngatiawa: land and political engagement issues c. 1819-1900’, Waitangi Tribunal, December 2017, Wai 2200 #A194

Walghan Partners, ‘Maori Land Court Records: Document Bank Project: Porirua ki Manawatu Series’, September 2010

Walghan Partners, ‘Porirua Ki Manawatū Block Research Narratives, Vols I-III’, CFRT, Draft, December 2017

Walghan Partners, ‘Block Research Narratives: Ngatiawa Edition’, CFRT, March 2018

Webb, Ross, ‘Te Atiawa / Ngāti Awa ki Kapiti – Inland Waterways’, Waitangi Tribunal, Draft, July 2018

Wood, Vaughan et al, ‘Environmental and Natural Resource Issues Report’, CFRT, September 2017

Woodley, Suzanne, ‘Porirua ki Manawatū Inquiry District: Local Government Issues Report’, CFRT, June 2017

Young, Grant, ‘Muaūpoko Land Alienation Report’, CFRT, August 2015, Wai 2200 #A161

Published

Adkins, G.L., *Horowhenua*, Wellington 1948

Baldwin, Olive, *The Celebration History of the Kapiti District: 100 years plus*, Paraparaumu 1988

Baldwin, Olive, *Kapiti Coast: History of New Zealand’s Paraparaumu beach, Paraparaumu Airport and Kapiti Island*, Paraparaumu 1993

Buick, Thomas, Lindsay, *Old Manawatu, or, The Wild Days of the West*, Christchurch 1903 reprint 1975

Cassells, K.R., *The Sanson Tramway*, Wellington 1962

Cassells, K.R., *The Foxton and Wanganui Railway*, Wellington 1984

Cassells, K.R., *Uncommon carrier: The history of the Wellington and Manawatu Railway Company, 1882-1908*, Wellington 1994

Carkeek, W.C., *The Kapiti Coast*, Wellington 1966

Doreen, W.F., *75 Years in Levin*, Levin 1981

Dreaver, Anthony, *Horowhenua County and its people: A centennial history*, Palmerston North 1984

Dreaver, Anthony, *Levin, the making of a town*, Levin 2006

Elliot, Jacqueline, *Raumati South, heart and soul: Our community's story of our history*, Otaki 2008

Gore, Ross, *Levin 1841-1941, the history of the first hundred years*, Wellington 1956

Holcroft, M.H., *The line of the road: A history of Manawatu County, 1876-1976*, for Manawatu County Council 1977

Hoy, Douglas, *West of the Tararuas: An illustrated history of the Wellington and Manawatu Railway Company*, Wellington and Dunedin 1972

Hunt, Tony, *Foxton 1888-1988: The first 100 years*, Foxton 1987

Jones, Howard J., *From Bush to Borough: Commemorating the golden jubilee of the Borough of Levin*, Levin 1956

Kerr, Rex, *Otaki Railway: A station and its people since 1886*, Otaki 2001

Law, Majorie D., *From Bush and Swamp: The centenary of Shannon, 1887-1987*, Palmerston North 1987

Maclean, Chris and Joan, *Waikanae: Past and present*, Waikanae 1988

Maclean, Chris, *Kapiti*, Wellington 1999

Macmorran, Barbara, *In View of Kapiti: Earliest days to the 1970s*, Palmerston North 2009

McGavin, T.A., *The Manawatu Line: A commemoration of the Wellington and Manawatu Railway Company*, Wellington 1982

Maysmor, Bob, *North Road: Revisiting the map of the road from Johnsonville to Paekakariki drawn by Thomas Henry Fitzgerald in 1849*, Porirua 2008

Melody, Paul, *They Called it Marton; the life and times of Marton 1866-1979*, Christchurch 1999

New Zealand Historic Place Trust Pouhere Taonga Heritage Assessment, 0647, June 2012

Peterson, George, Conrad, *Palmerston North, A centennial history*, Wellington 1973

Sheehan, Mark, *An Introduction to the History of Porirua, Volume 1*, Porirua 1998

Simcox, Francis, Selwyn, *Otaki: The town and district*, Wellington 1952

H.H. Turton, *Maori Deeds of Land Purchase in the North Island of New Zealand: Volume II*, 1878

Waitangi Tribunal, *Orakei Report*, Wellington 1987

Waitangi Tribunal, *Ngati Rangiteaorere Report*, Wellington 1990

Waitangi Tribunal, *Turangi Township Report*, Wellington 1995

Waitangi Tribunal, *Te Maunga Railways Land Report*, Wellington 1994

Waitangi Tribunal, *He Maunga Rongo: Report on Central North Island Claims, Stage One*, Volume 2, Wellington 2008

Waitangi Tribunal, ‘Horowhenua: The Muaūpoko Priority Report’, Pre-publication Version, 2017

Wellington-Manawatu Railway Company: 100 years ago, Wellington 1986

Williams, Alexia, *The Chalkface: Reikorangi and Waikanae Schools, 1895-1996*, Waikanae 1996

Williams, David, ‘Public Works Takings and Treaty Settlements’, *New Zealand Law Journal*, 1999