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Māori Aspirations, Crown Response and Reserves 1840 to 2000

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Porirua ki Manawatū Inquiry

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1. INTRODUCTION **1**

2. RESERVES IN PRINCIPLE AND PRACTICE: FROM NORMANBY'S INSTRUCTIONS TO THE RANGITĪKEI-TURAKINA PURCHASE **5**

2.1 FIRST PRINCIPLES 5
2.2 PROVISION FOR RESERVES IN EARLY CROWN PURCHASES 7
'Adequate' and 'Ample' *9*
Mutually Agreed *10*
Boundaries Clearly Marked *11*
Permanent and Inalienable *12*
2.3 THE RANGITĪKEI-TURAKINA PURCHASE (1849) 13
McLean's Instructions *14*
Negotiating the Reserves *15*
Defining the Reserves *17*
'Ample' for Present and Future Needs *20*
Permanent and Inalienable *22*

3. THE TE AWAHOU PURCHASE RESERVES, 1858-2016 ..... **24**

3.1 THE TE AWAHOU PURCHASE, 1858-1859 24
3.2 THE TE AWAHOU RESERVES 26
The reserves *28*
Defining the boundaries *28*
Sufficient for 'present and future requirements'? *30*
Permanent and Inalienable? *36*
3.3 KAWAROA, HOTUITI AND PARETAO 37
3.4 THE ALIENATION OF THE AWAHOU RESERVE 41
3.5 THE RESERVES AT MOUTOA AND WHAKAWEHI 44
3.6 CONCLUSION 52
The Awahou Reserves and Māori Aspirations *53*

4. THE RANGITĪKEI-MANAWATŪ PURCHASE RESERVES **56**

4.1 INTRODUCTION 56
4.2 OPPOSITION TO THE PURCHASE OF RANGITĪKEI-MANAWATŪ 59
4.3 FEATHERSTON'S RESERVES 62
The sellers' reserves *63*
Rangitāne's reserve at Puketōtara *66*
Featherston's reserves for Ngāti Apa *69*
Featherston's reserves for the Ngāti Raukawa sellers *71*
Featherston's purchase of Rangitīkei-Manawatū and McLean's purchase of Rangitīkei-Turakina *77*
Conclusion *78*
4.4 THE NON-SELLERS AND THE NATIVE LAND COURT 80
The Native Land Court hearing at Wellington, July-August 1869 ..... *84*
The Native Land Court's awards *87*
The claimants' response to the Native Land Court's awards *91*
The extinguishment of native title over Rangitīkei-Manawatū *93*
The non-sellers disrupt the survey of Rangitīkei-Manawatū *94*
Conclusion *99*
4.5 MCLEAN'S RESERVES 102
McLean and Ngāti Kauwhata, Ngāti Kahoro and Ngāti Parewahawaha *103*
The Te Reureu reserve *112*
Other reserves made by McLean and Kemp *126*
Colonial and provincial officials respond to McLean's settlement *130*
4.6 THE LONG WAIT FOR CROWN GRANTS 133
Delays to the survey of the reserves *133*
Legal and legislative delays *150*
Issuing the Crown Grants *156*
The Reureu Reserve *165*
4.7 THE NON-SELLERS CONTINUE THEIR STRUGGLE 169
4.8 CONCLUSION 174

4. THE 'OROUA RESERVE': NGĀTI KAUWHATA AND AORANGI AND TAONUI AHUATURANGA....... 191
5.1 INTRODUCTION 191
5.2 THE TE AHUATURANGA OR UPPER MANAWATŪ PURCHASE 195
The 'Oroua Reserve'....... 198
5.3 THE SUBDIVISION OF THE AORANGI BLOCK 1873-1881 199
The Partitioning of Upper Aorangi....... 202
5.3 THE ALIENATION OF UPPER AORANGI, 1873-1900....... 213
5.4 THE TAONUI AHUATURANGA BLOCK 218
5.5 THE PARTITIONING AND ALIENATION OF UPPER AORANGI AND TAONUI AHUATURANGA 1, 2 AND 3, 1887 TO 1990....... 223
The partitioning of Upper Aorangi 223
The partitioning of Taonui-Ahuaturanga 1, 2 and 3 228
The alienation of Upper Aorangi and Taonui Ahuaturanga 1, 2 and 3....... 230
The compulsory 'Europeanisation' of Māori Freehold land....... 235
5.6 UPPER AORANGI AND TAONUI AHUATURANGA LAND IN MĀORI OWNERSHIP TODAY 237
5.7 CONCLUSION....... 241

6. RESERVES AND LAND RESTRICTED FROM PURCHASE SOUTH OF THE MANAWATŪ RIVER, 1865-2016 244
6.1 INTRODUCTION 244
6.2 THE NATIVE LAND COURT AND RESTRICTIONS ON THE ALIENATION OF NGĀTI RAUKAWA LAND .. 247
Land restricted from alienation by the Native Land Court....... 250
Restrictions on alienation made under the Native Lands Acts 1865, 1866 and 1867.......252
Temporary restrictions under Section 17 of the Native Lands Act 1867.......260
Restrictions on alienation made under the Native Land Court Act 1880.......264
Conclusion.......268
6.3 LAND PURCHASING AND RESERVES 275
Crown land purchasing and the provision of reserves.......280
The Waikawa Reserve – Manawatū Kukutauaki 4A, B, C, D, and E.......283
Manawatū Kukutauaki 3 – 'Ihakara's Reserve'.......288
The Kaihinu Blocks – Manawatū Kukutauaki 2A, B, C, D, and E.......292
The Wairarapa and Waihoanga Reserves 307
6.4 WHAT HAPPENED TO NGĀTI RAUKAWA LAND RESTRICTED FROM ALIENATION UNDER THE 1865, 1866 AND 1867 NATIVE LANDS ACTS AND THE NATIVE LAND COURT ACT 1880?....... 319
1875-1900 319
The Twentieth Century....... 322
Te Rerengaohau....... 329
The situation today 335
6.5 WHAT HAPPENED TO NGĀTI RAUKAWA LAND SET ASIDE FROM CROWN PURCHASES?....... 340
The Waikawa Reserve....... 340
The Partitioning of the Waikawa Reserve 341
Succession disputes and the undermining of community control over the Waikawa Reserve 350
The Alienation of most of the Waikawa Reserve 356
The Manawatū Kukutauaki 3 Reserve....... 373
Partitions and restrictions.......373
The Alienation of the Manawatū Kukutauaki 3 Reserve up to 31 March 1910.......377
The Alienation of the Manawatū Kukutauaki 3 Reserve, 1910-1940.......379
The Alienation of the Manawatū Kukutauaki 3 Reserve, 1940-1975.......381
The Compulsory 'Europeanisation' of a land within the Manawatū Kukutauaki 3 Reserve.......383
The Manawatū Kukutauaki 3 Reserve Today 385
The Kaihinu Blocks (Manawatū Kukutauaki 2)....... 389
The Continued Alienation of the Kaihinu Blocks, 1895-1990 389
The Compulsory 'Europeanisation' of Māori Land within the Kaihinu Blocks 390
The Kaihinu Blocks Today.......391
6.6 CONCLUSION....... 394
The Situation Today....... 398

7. THE FATE OF THE RANGITĪKEI-MANAWATŪ RESERVES, 1874-2000....... 404
7.1 NGĀTI KAUWHATA'S RESERVES AT TE AWAHURI AND KAWAKAWA 404
The Crown Grants for the Te Awahuri and Kawakawa Reserves....... 405
The Imprisonment of Alexander McDonald....... 408

Alexander McDonald Resumes his Position as Agent for Ngāti Kauwhata ... *410*
The Grantees Agree to a Second Mortgage and the Subdivision of Te Awahuri Reserve ... *414*
The Foreclosure of the Te Awahuri Mortgages ... *418*
The Purchase of the Te Awahuri Reserve by Alexander McDonald ... *422*
McDonald Begins to Sell Portions of the Te Awahuri Reserve ... *425*
The Ngāti Kauwhata 'Non-Sellers' Petition the Governor for the Removal of Restrictions on the Sale of the Kawakawa Reserve ... *427*
Alexander Mackay's Investigation and His Meetings with Ngāti Kauwhata at Kawakawa ... 429
Mackay's Report ... 432
The Alienation of the Kawakawa Reserve and Repurchase of Part of the Te Awahuri Reserve ... *434*
The 1887 Supreme Court Case: Te Ara Takana and Others v. Alexander and Annie McDonald ... *436*
The McDonalds' Unsuccessful Appeal and the Auctioning off of their Land at Te Awahuri ... 439
The Issuing of Crown Grants for the Repurchased Portion of the Te Awahuri Reserve ... *442*
The Removal of Restrictions on the Remaining Sections of the Te Awahuri Reserve ... *448*
The Breaking Up of Ngāti Kauwhata's Remaining Te Awahuri Land 1891-2000 ... *454*
The Taking of Portions of the Te Awahuri Reserve Under the Public Works Act for the Borough of Feilding Sewerage Treatment Works ... 457
The compulsory 'Europeanisation' of land within the Te Awahuri Reserve ... 461
Ngāti Kauwhata's Other Reserves in the Vicinity of Te Awahuri ... *462*
The alienation of Ngāti Kauwhata's smaller reserves around Te Awahuri ... 464
The 'Europeanisation' of portions of the Te Awahuri Township reserve ... 466
Portions of Ngāti Kauwhata's Rangitīkei-Manawatū Reserves Remaining as Māori Land Today ... *467*
Rangitīkei Manawatū B at Rangiotū ... *470*
7.2 NGĀTI WEHIWEHI RESERVES AT OAU AND MANGAWHERO ... 473
7.3 THE REUREU RESERVE ... 475
Defining the Owners of the Reureu Reserve ... *476*
Alexander Mackay's Royal Commission ... 478
The 1895 Native Land Court Hearing and Decision ... 481
The 1896 Native Appellate Court Hearing and Judgment ... 485
The Campaign to Reinvestigate the Ownership of Te Reureu 1 ... 490
The Native Land Court's Inquiry into the Ownership of Te Reureu 1, 21 May to 16 July 1912 ... 495
The Subdivision of Te Reureu 1 ... 499
Protests Against the Native Land Court's 1912 Judgment ... 500
Te Taite Te Tomo's 1924 Petition and Further Inquiries by the Native Land and Native Appellate Courts ... 501
Further Petitions, 1929-1937 ... 505
Conclusion: The Consequences of More than Half a Century of Uncertainty ... 509
The Subdivision of the Reureu Reserve ... *511*
The Partitioning of Reureu 2 and 3 ... 511
The Partitioning of Te Reureu 1 ... 513
The Fragmentation of the Te Reureu Reserve ... 521
The Costs of Subdivision ... 522
Aspirations for Self-Government and Economic Development ... *534*
The Reureu Dairy Farmers' Union ... 535
The Roads of Te Reureu ... 539
The Reureu Reserve and the Rangitīkei River ... 553
The Alienation of Land Within the Reureu Reserve ... *575*
Land taken by the Crown from the Reureu Reserve prior to 1895 ... 575
Land Permanently Alienated from Reureu 1, 2 and 3 between 1900 and 1940 ... 576
Land Permanently Alienated from Reureu 1, 2 and 3 between 1940 and 2000 ... 579
The Long-Term Leasing of Land within the Reureu Reserve ... 581
The compulsory 'Europeanisation' of land within the Reureu Reserve ... 588
The Reureu Reserve Today ... *592*
Reureu 1 Today ... 595
Reureu 2 and 3 Today ... 597
7.4 NGĀTI PAREWAHAWAHA AND NGĀTI KAHORO'S RESERVES ON THE LOWER RANGITĪKEI RIVER ... 599
The Poutū Reserve ... *604*
Donald Fraser's acquisition of Sections 3, 4 and 5 of the Poutū Reserve ... 605
Marjorie Fraser Purchases Section 1 of the Poutu Reserve ... 611
Maramaihoea, Mangamāhoe and Matahiwi ... *613*
The Fraser family's purchase of Maramaihoea ... 613
Rangitīkei-Manawatū C at Mangamāhoe ... 616
Other Ngāti Raukawa reserves at Mangamāhoe and Matahiwi ... 622
Ohinepuhiawe Reserve ... *626*

The Ōhinepuhiawe Reserve and the Rangitīkei River 628
The Subdivision of Sections 140 and 141 632
The Old Rangitīkei River Bed and the Rifle Range 638
The Ohinepuhiawe Development Scheme 645
Land Taken for River Protection Works, 1931 and 1932 647
The Alienation of Parts of the Ōhinepuhiawe Reserve to Private Purchasers 651
The Ōhinepuhiawe Reserve Today 652
Reserves 'Near Small Town' (Sanson) 657
7.5 THE KŌPŪTARA RESERVE 659
The Creation of the Kōpūtara Reserve 659
The Crown Fails to Issue Crown Grants for the Kōpūtara Reserves 661
The Crown Fails to Provide Access to the Land-Locked Kōpūtara Reserve 662
Ngāti Kahoro and Ngāti Parewahawaha's Continuing Claims to the Kōpūtara Reserve 665
The Kōpūtara Reserve Finally Receives a Legal Title 667
The Long Struggle to Obtain Access to the Kōpūtara Reserve 672
Government Attempts to Resolve the Problem of Access to the Kōpūtara Reserve, 1981-1985 674
The Kōpūtara Trustees Apply to the High Court for Access to their Reserve 683
The Kōpūtara Trustees Finally Secure Access to their Reserve 684
The Environmental Degradation of the Kōpūtara Reserve and Lake Kōpūtara 688
The Hīmatangi Drainage Scheme 688
The Impact of the Himatangi Drainage Scheme upon Lake Kōpūtara and the Kōpūtara Reserve 694
7.6 CONCLUSION 701

8. NGĀTI RAUKAWA AND THE CHURCH MISSION GRANT LANDS AT ŌTAKI **711**

8.1 THE ŌTAKI CROWN GRANTS 711
8.2 THE 'INDUSTRIAL' BOARDING SCHOOL AT ŌTAKI 715
The Church Missionary Society at Ōtaki 715
Governor Grey and the 1847 Education Ordinance 716
The Gifting of the Ōtaki Grant Lands 720
Establishing the Ōtaki Industrial Boarding School 724
The Operation of the Ōtaki Industrial Boarding School, 1854-1868 725
The Closing of the Boarding School, July 1868 728
8.3 THE DAY SCHOOL, 1868-1909 729
The Church Mission Grant Lands at Ōtaki, 1868-1907 731
8.4 THE MERGING OF THE ŌTAKI AND PORIRUA TRUSTS, 1896-1907 732
Hēni Te Whiwhi's 1896 Petition and Proposals to Merge the Ōtaki and Porirua Trusts 733
The Church Proposes to Use the Whitireia Funds for a School in the Wairarapa 735
The 1905 Royal Commission on the Porirua, Ōtaki and other School Trusts 739
The Otaki and Porirua Empowering Act, 1907 742
8.5 THE ŌTAKI MĀORI COLLEGE, 1909-1939 744
The Closing of the Ōtaki Māori College, 1939 749
8.6 DISAGREEMENTS OVER THE FUTURE USE OF THE ŌTAKI AND PORIRUA TRUST LANDS, 1940-1946 751
The Church Seeks Legislative Authority to use the Funds from the Porirua and Wairarapa Trusts for Scholarships to its Schools at Te Aute and Hukarere, 1940 752
Contending Petitions and the 'Otaki-Porirua and Pāpāwai-Kaikōkirikiri Church Trusts Committee', 1941-1943 752
The Otaki and Porirua Trusts Act 1943 759
Opposition to the Otaki and Porirua Trusts Act, 1943-1944 761
A Resolution to the Dispute, 1945-1946 763
8.7 THE CHURCH MISSION GRANT LANDS AT ŌTAKI, 1905-1945 765
Public Works Takings for the Otaki Sanatorium, 1906 767
The Ōtaki Sanatorium Lands After 1907 770
8.8 THE ŌTAKI AND PORIRUA TRUST BOARD AND THE ŌTAKI TRUST LANDS 1945-2000 779
Scholarships and Grants 779
New Leases on the Ōtaki Trust Lands 782
The Otaki and Porirua Trusts Amendment Act 1969 783
The Ōtaki and Porirua Trusts Board and the 'Redevelopment' of Ngāti Raukawa, 1975-2000 785
8.9 CONCLUSION: THE ŌTAKI CHURCH MISSION GRANT LANDS AND THE CROWN 787

BIBLIOGRAPHY **796**

Maps

Rangitīkei-Turakina Reserves 19

Boundaries of the Te Awahou Block and land set aside from the purchase 27
The Te Awahou reserves 33
Kawaroa, Hotuiti, Paretao, and Parakaia's reserve 38
The alienation of Parakaia Te Pouepa's reserve at Paretao 40
Te Awahou Block reserves remaining as Māori land today 50
Te Awahou Block reserves remaining as Māori Land Today (Foxton) 51

Rangitīkei-Manawatū Purchase boundaries 57
Reserves made by Isaac Featherston for those who signed the Rangitīkei-Manawatū Deed of Purchase 65
Featherston's Reserves for Ngāti Raukawa who signed the Deed of Purchase 75
Ngāti Raukawa 'Non-Sellers' claims to Rangitīkei-Manawatū referred to the Native Land Court 82
Reserves ordered by the Native Land Court, 25 September 1869 89
The Reureu Reserve 124
'Additional Reserves' made by Donald McLean, H T Kemp, and other Crown officials, for Ngāti Kauwhata, and Ngāti Raukawa affiliated hapū and iwi 129
All of the Reserves made for Ngāti Kauwhata, and Ngāti Raukawa affiliated hapū and iwi within Rangitīkei-Manawatū 149

The Oroua Reserve as divided by the Native Land Court in March 1873 200
The subdivisions of Upper Aorangi and subsequent land alienations 212
The Taonui-Ahuaturanga Block as subdivided by the Native Land Court in October 1881 221
The partitioning of Upper Aorangi sections 3A, 4A, 5A and 80 227
Māori land in Upper Aorangi and Taonui-Ahuaturanga today 239

Land owned by Ngāti Raukawa affiliated hapū and iwi permanently restricted from alienation under the Native Lands Acts of 1865, 1866, and 1867 255
Land owned by Ngāti Raukawa affiliated hapū and iwi rendered temporarily inalienable Under Section 17 of the Native Lands Act 1867 263
Land owned by Ngāti Raukawa affiliated hapū and iwi permanently restricted from alienation by the Native Land Court, 1881-1889 266
Ngāti Raukawa land purchased by the Crown between December 1874 and December 1881 276
'The Waikawa Reserve': Land Reserved from Crown Land Purchases in Manawatū Kukutauaki 4 285
Land Purchasing in the Manawatū Kukutauaki 2 subdivisions 301
The Wairarapa, Wairarapa 1, and Waihoanga 4 and 4A Blocks 311

Māori land remaining within blocks permanently restricted from alienation under the Native Lands Acts 1865, 1866 and 1867 338
Māori land remaining within Māori land permanently restricted from alienation by the Native Land Court, 1881-1889 339
Sections of the Waikawa Reserve (Manawatū Kukutauaki 4) remaining as Māori land today 371
Sections of Manawatū Kukutauaki 3 reserved from Crown purchase remaining as Māori land today 388
Sections of the Kaihinu Blocks (Manawatū Kukutauaki 2) excluded from Crown purchase remaining as Māori land today 393

The Partitioning and Alienation of the Te Awahuri Non-Sellers' Reserve, 1875 to 1881 447
Ngāti Kauwhata Reserves in an around Te Awahuri remaining as Māori land today 469
The Reureu Reserve as Divided by the Native Land Court, 1895 482
Reureu 1, 2 and 3 as defined by the Native Appellate Court, 1896 488
The subdivision of the Reureu Reserve up to 1913 515
Roads within the Reureu Reserve 552
Plan of the 131 acres taken by the Crown under the Public Works Act for the 'maintenance' and 'protection' of the Onepuhi Bridge, 9 November 1939 559
Sections of the Reureu Reserve Remaining as Māori land today 594
Reserves awarded to Ngāti Raukawa affiliated hapū and individuals along the Lower Rangitīkei River 603
Sections of the Ohinepuhiawe Reserve remaining as Māori land today 656
Kōpūtara Reserve – Surrounded by European Land 1981 676
Kōpūtara Reserve – Surrounded by European Land 1981 687
Kōpūtara Reserve and Lake Kōpūtara: From the 1870s to the Present Day 700

Figures

4.1.	John Tiffen Stewart's sketch of the Rangitāne reserve at Puketōtara, March 1867	68
4.2	Sketch map of the non-sellers' claims to Rangitīkei Manawatū referred to the Native Land Court	85
4.3.	Sketch of the Native Land Court's Award to the Ngāti Kauwhata Non-Sellers at Te Awahuri	90
4.4	Sketch of the Native Land Court's Award to the Ngāti Parewahawaha and Ngāti Kahoro Non-Sellers at Mangamahoe	91
4.5	Survey Plan of Reureu 1, 2, and 3	168
5.1	John Tiffin Stewart's Survey Plan of the Te Ahuaturanga-Upper Manawatu and Oroua Block	194
5.2	Plan of the Te Ahuaturanga or Upper Manawatū Block included with the deed of sale	197
5.3.	Upper Aorangi No 1	202
5.4.	Taonui Ahuaturanga 1F	229
6.1	Sketch of Manawatū Kukutauaki 4A Crown Purchase	287
6.2	Sketch of Manawatū Kukutauaki 4C Crown Purchase	287
6.3	Sketch of Manawatū Kukutauaki 4D Crown Purchase	287
6.4	Sketch plan of the Crown's purchase of Manawatū Kukutauaki 3	289
6.5	Sketch of the area purchased by the Crown in Manawatū Kukutauaki 2A	294
6.6	Sketch of the area purchased by the Crown in Manawatū Kukutauaki 2B	294
6.7	Sketch of the area purchased by the Crown in Manawatū Kukutauaki 2C	295
6.8	Sketch of the area purchased by the Crown in Manawatū Kukutauaki 2D	295
6.9	Sketch of the area purchased by the Crown in Manawatū Kukutauaki 2E	296
6.10	Plan of the Wairarapa Reserve, purchased by the Crown 6 February 1877	312
6.11	Sketch of the subdivision of Manawatū Kukutauaki 4B4	347
6.12	Plan of Manawatū Kukutauaki 4B3 Sec 2	349
6.13	Manawatū Kukutauaki 4B4C1	350
7.1	Tracing of the Subdivision of the Te Awahuri Reserve (December 1878)	416
7.2	Survey Plan of Proposed Takings for the Feilding Sewerage Treatment Works, February 1962	459
7.3	Plan of Ngāti Kauwhata's Reserves in the Vicinity of Te Awahuri	463
7.4	Wiriharai Te Angiangi's Reserve at Oau and the Neighbouring Ngāti Wehiwehi Reserve at Paparata, 1877	474
7.5	The road between Kākāriki and Onepuehu including the contested portion between Pryce's Gate and the Makino Road	544
7.6	Sketch of Reureu No 1 Sec 17C	564
7.7	Sketch of Reureu No 1 Sec 17B 2	571
7.8	Sketch of Reureu No 1 Sec 15C 3	573
7.9	Plan of the Subdivisions of Rangitīkei-Manawatū C at Mangamahoe	618

7.10 Matahiwi Native Reserve (Section 133) Today 625
7.11 Rough Sketch' by Harry Lundius of the Ōhinepuhiawe Native Reserve, showing the Old River Bed and new course of the Rangitīkei River through the Reserve, 10 December 1900 630
7.12 Plan by T W Downes of the Ōhinepuhiawe Native Reserve 632
7.13 Sketch of the Subdivision of Section 141 Ōhinepuhiawe Reserve, March 1909 635
7.14 Subdivision of the former Rangitīkei River bed adjoining Ōhinepuhiawe Reserve 639
7.15 Plan showing the location of the Bulls Rifle Range in relation to the Old River Bed of the Rangitīkei River 645
7.16 Plan of the 'Near Small Town' reserves and the Township of Sanson 658
7.17 Survey Plan of the two Kōpūtara Reserves (completed between April 1873 and June 1890) 661
7.18 'Allocation Block No 1' transferred by the Crown to the Wellington and Manawatu Railway Company, 7 June 1890 664
7.19 Aerial photograph showing sand drifts to the west of Lake Kōpūtara (including Carnarvon Town Sections 383 and 383), 16 March 1942 671
7.20 Aerial photograph showing sand drifts to the west of Lake Kōpūtara, encroaching on the Kōpūtara Reserve, 10 August 1971 671
7.21 Plan of Right of Way Over Lot 1 DP 18813 to Kōpūtara Reserve 686
7.22 Plan of the 'Kōpūtara Lake Outlet', 1959 689
7.23 Plan of the 'Koputara Lake Outlet', with Lake Kōpūtara and the Kōpūtara Reserve, 1959 690
7.24 Sketch of the Kōpūtara Lakes and various drains constructed as part of the Himatangi Drainage Scheme, 1974 693
7.25 Aerial photograph of the Kōpūtara Lakes, March 1942 694
7.26 Aerial photograph of the Kōpūtara Lakes, 10 August 1971 695
7.27 Survey Plan of Lake Kōpūtara and the Kōpūtara Reserves, September 1889 696
7.28 Aerial photograph showing sand drift across the Kōpūtara Reserve towards the Kōpūtara Lakes, April 1979 698

8.1 'Grant to the Church Missionary Society for a School Adjoining the Town of Hadfield, Otaki Containing 386 acres 2 roods 30 perches' 712
8.2 'Grant to the Church Missionary Society for a School, Town of Hadfield, Otaki' 712
8.3 'Grant to the Church Missionary Society, Town of Hadfield, Otaki' 713
8.4 Map of Ōtaki Borough Showing the Ōtaki Church Mission Grant Lands 766
8.5 Plan of the Ōtaki Hospital and Sanatorium 768
8.6 The Ōtaki Sanatorium in the 1950s 771
8.7 The Ōtaki Hospital and Sanatorium as shown on a 1939 AA Map 772

Tables

3.1 Reserves defined in the second Awahou Deed, 14 May 1859 26
3.2 Land set aside for repurchase by signatories of the Awahou Deeds, as set out in the second Awahou Deed, 14 May 1859 26
3.3 Additional land set aside for repurchase by Māori after the signing of the Awahou Deed, 14 May 1859 26
3.4 Area 'withheld' from the Awahou purchase to cover rights of non-sellers 26
3.5 Land gifted by the vendors of the Awahou Block, as set out in the second Awahou Deed, 15 May 1859 26
3.6 The 11 sections of the Awahou Reserve (Block 8) 42
3.7 Reserves in the Awahou Block that are still Māori Freehold Land 52

4.1 Reserves made by Featherston for the Ngāti Raukawa and Ngāti Kauwhata sellers 73
4.2 Non-sellers' claims to land within Rangitīkei-Manawatū referred by Governor Bowen to the Native Land Court 81
4.3 Awards ordered by the Native Land Court, 25 September 1869 88
4.4 Reserves granted by McLean to the Ngāti Kauwhata, Ngāti Parewahawaha and Ngāti Kahoro non-sellers and Wiriharai Te Angiangi according to the 23 November 1870 agreement 108
4.5 'Additional Reserves' made by Donald McLean in November 1870 for those from Ngāti Kauwhata who signed the Rangitīkei-Manawatū deed of purchase 111
4.6 'Additional Reserves' made by Donald McLean in November 1870 for those from Ngāti Kahoro and Ngāti Parewahawaha who signed the Rangitīkei-Manawatū deed of purchase 111
4.7 The changing dimensions of the Reureu Reserve 122
4.8 Reserves made Donald McLean and Henry Tacy Kemp for non-sellers excluded by the Native Land Court 127
4.9 'Additional Reserves' made by Henry Tacy Kemp for members of Ngāti Kauwhata 127
4.10 'Additional Reserves' made by Henry Tacy Kemp for members of Ngāti Parewahawha and Ngāti Kahoro 127
4.11 The changing dimensions of the Poutū Reserve 128
4.12 Surveyed reserves included in the schedule delivered by William Fitzherbert to Donald McLean, 3 September 1872 145
4.13 Reserves created as a result of the Agreement of 1 February 1877 173

5.1. Aorangi Block Subdivisions, March 1873 201
5.2. Initial Subdivisions of Upper Aorangi and Upper Aorangi 1 206
5.3. Survey Liens imposed by the Native Land Court on Sections of Upper Aorangi 1 211

5.4. Alienations of Sections of Upper Aorangi: Nineteenth Century 217
5.5. Alienations of Sections of Upper Aorangi: Date Unknown (Probably late nineteenth/early twentieth centuries) 218
5.6. Subdivisions of the Taonui-Ahuaturanga Block (ordered by the Native Land Court 5 October 1881) 222
5.7. Survey charges imposed by the Native Land Court on Sections of Upper Aorangi 1 3A and 5A, 1895-1931 228
5.8. Sections of Upper Aorangi 1 Alienated in the Twentieth Century 231
5.9. Sections of Taonui-Ahuaturanga 1, 3, and 3, alienated in the Twentieth Century (date and purchaser known) 233
5.10. Sections of Taonui-Ahuaturanga alienated after partition (date and purchaser unknown) 233
5.11. Sections of Aorangi 1 compulsorily 'Europeanized' under Part I of the Māori Affairs Amendment Act 1967 236
5.12. Sections of Aorangi 1 remaining as Māori land 240
5.13. Sections of Taonui-Ahuaturanga 1, 2 & 3 remaining as Māori land 240

6.1 Māori land permanently restricted from alienation under the Native Lands Acts 1865, 1866 and 1867 251
6.2 Blocks rendered temporarily inalienable under Section 17, Native Lands Act 1867 261
6.3 Māori land permanently restricted from alienation by the Native Land Court, 1881-1889 265
6.4 Blocks of Ngāti Raukawa land for which Certificates of Title were ordered in 1873 and 1874 271
6.5 Ngāti Raukawa land purchased by the Crown between December 1874 and December 1881 277
6.6 Ngāti Raukawa land purchased by private interests 1876 to 1893 278
6.7 Blocks of Ngāti Raukawa land purchased by the Crown in their entirety between December 1874 and December 1881 281
6.8 Blocks of Ngāti Raukawa land partially purchased by the Crown, December 1874 to December 1881 282
6.9 The Waikawa Reserve 284
6.10 Land Retained by the Māori owners of Manawatū Kukutauaki 2A-E after Crown purchase, 1880 and 1881 297
6.11 The Subdivision and subsequent sale of the Kaihinu Blocks (Manawatū Kukutauaki 2A, 2B, 2C, 2D, and 2E) 302
6.12 'Inalienable' land alienated from Māori ownership 1875-1883 320
6.13 Removal of restrictions on Raukawa-owned land made inalienable under the Native Lands Acts 1865, 1866, 1867: 1892-1902 321
6.14 Removal of restrictions on Raukawa-owned land made inalienable under the Native Land Court Act 1880: 1892-1902 321
6.15 'Inalienable' land alienated from Māori ownership 1890-1900 322
6.16 'Inalienable' land alienated from Māori ownership 1901-1940 325

6.17 'Inalienable' land alienated from Māori ownership 1940-2000 326
6.18 'Inalienable' land alienated from Māori ownership at an unknown date 328
6.19 Previously 'Inalienable' Land Compulsorily Converted to General land 329
6.20 'Inalienable' land still Māori land today 337
6.21 Sections of the Waikawa Reserve alienated from Māori ownership between 1890 and 31 March 1910 (Manawatū Kukutauaki 4A-E) 360
6.22 Sections of the Waikawa Reserve alienated from Māori ownership between 1 April 1910 and 31 December 1929 (Manawatū Kukutauaki 4A-E) 362
6.23 Sections of the Waikawa Reserve alienated from Māori ownership between 1930 and 1975 (Manawatū Kukutauaki 4A-E) 365
6.24 Sections of the Waikawa Reserve subject to compulsory conversion from Māori Freehold to General freehold land, 1968 to 1972 368
6.25 Sections of the Waikawa Reserve alienated from Māori ownership between 1975 and 1990 (Manawatū Kukutauaki 4A-E) 369
6.26 Sections of the Waikawa Reserve alienated from Māori ownership at an unknown date 369
6.27 Sections of the Waikawa Reserve remaining as Māori land today 372
6.28 The Partitioning of Manawatū Kukutauaki 3 Section 1A (24 February 1898) 375
6.29 Sections of the Manawatū Kukutauaki 3 Reserve alienated from Māori ownership between 1890 and 31 March 1910 378
6.30 Sections of the Manawatū Kukutauaki 3 Reserve alienated from Māori ownership between 1 April 1910 and 31 December 1939 380
6.31 Sections of the Manawatū Kukutauaki 3 Reserve alienated from Māori ownership between 1940 and 1975 382
6.32 Sections of the Manawatū Kukutauaki 3 Reserve subject to compulsory conversion from Māori freehold to general freehold land, 1968 to 1975 383
6.33 Sections of the Manawatū Kukuatuaki 3 Reserve alienated from Māori ownership between 1975 and 2000 384
6.34 Sections of the Manawatū Kukuatuaki 3 Reserve alienated from Māori ownership at an unknown date 385
6.35 Sections of the Manawatū Kukutauaki 3 Reserve remaining as Māori land today 386
6.36 Sections of Manawatū Kukutauaki 2 alienated from Māori ownership between 1895 and 1990 390
6.37 Sections of the Manawatū Kukutauaki 2 subject to compulsory conversion from Māori Freehold to General freehold land, 1968 to 1972 390
6.38 Sections of Manawatū Kukutauaki 2 remaining as Māori land today 392
6.39 Sections of Ngāti Raukawa reserves still Māori land today 400

7.1 The subdivision of the Te Awahuri Reserve, 30 November 1876 417
7.2 Parts of the Te Awahuri and Kawakawa reserves alienated 1875 to 1890 441
7.3 Crown Grants issued for the Te Awahuri Reserve under the Special Powers and Contracts Act 1886, 26 October 1891 446

7.4 Sections of the Te Awahuri Reserve remaining as Māori Land Today 455
7.5 The permanent alienation of sections of the Te Awahuri Reserve, 1891-1992 457
7.6 Sections of the Te Awahuri Reserve subject to compulsory conversion from Māori freehold to general freehold land, 1968 to 1972 462
7.7 The permanent alienation of smaller Ngāti Kauwhata Reserves within Rangitīkei-Manawatū 465
7.8 The permanent alienation of parts of Te Awahuri Township (Township of Sandon 145, Native Section 348 Township of Carnarvon) 466
7.9 Sections of the Te Awahuri Township subject to compulsory conversion from Māori freehold to general freehold land, 1968 to 1972 467
7.10 Sections of the Te Awahuri Reserve remaining as Māori land Today 470
7.11 Sections of the Te Awahuri Township remaining as Māori Land Today 470
7.12 The permanent alienation of sections of the Rangitīkei Manawatū B Reserve 471
7.13 Sections of the Rangitīkei Manawatū B remaining as Māori Land Today 472
7.14 Te Reureu 3 subdivisions, 25 November 1905 512
7.15 Te Reureu 2 subdivisions, 29 November 1905 512
7.16 Te Reureu 1 subdivisions, 7 December 1912 516
7.17 Survey liens placed on sections within Te Reureu 1 528
7.18 Survey liens placed on sections within Te Reureu 2 531
7.19 Payments for survey charges and interest on survey liens: Te Reureu 1 532
7.20 Payments for survey charges and interest on survey liens: Te Reureu 2 and 3 533
7.21 Land notified as being 'taken and laid off for Public Roads under the Public Works Act', 6 September 1910 545
7.22 Land notified as being 'taken and laid off for a Public Road under Section 49 of the Native Land Amendment Act 1913, 8 August 1931 549
7.23 Land initially included in the Reureu Development Scheme, 25 January 1938 563
7.24 Land added to the Reureu Development Scheme, 20 April 1938 to 11 September 1941 565
7.25 Charging Orders for Reureu River Protection Works under Native Land Amendment Act 1936 s 18, 25 July 1941 569
7.26 Charging Orders for Reureu River Protection Works under the Native Land Amendment Act 1936 s 19, 25 July 1941 569
7.27 Sections of Reureu 1 alienated from Māori ownership, 1900 to 1940 577
7.28 Sections of Reureu 2 and 3 alienated from Māori ownership, 1900 to 1940 578
7.29 Sections of Reureu 1 alienated from Māori ownership, 1940 to 1990 580
7.30 Sections of Reureu 2 and 3 alienated from Māori ownership, 1940 to 1990 580
7.31 Sections of Reureu 1 leased to Europeans, 1900-1950 583
7.32 Sections of Reureu 2 and 3 leased to Europeans, 1900-1950 583
7.33 Sections of Reureu 1 leased to Europeans, 1950-2000 585
7.34 Sections of Reureu 2 and 3 leased to Europeans, 1950-2000 585
7.35 Sections of Reureu 1 leased by members of the Reureu Community, 1900-2000 587
7.36 Sections of Reureu 2 & 3 leased by members of the Reureu Community, 1900-2000 588

7.37 Sections of Te Reureu 1 subject to compulsory conversion from Māori freehold to general freehold land, 1968 to 1972 589
7.38 Sections of Te Reureu 1 selected for compulsory conversion from Māori freehold to general freehold land, but not converted because 'survey required' 591
7.39 Sections of Te Reureu 2 and 3 Subject to compulsory conversion from Māori Freehold to general freehold land, 1968 to 1972 591
7.40 Sections Te Reureu 1 remaining as Māori land today 596
7.41 Sections of Reureu 2 and 3 remaining as Māori land today 598
7.42 Reserves awarded to Ngāti Raukawa affiliated hapū and individuals along the Rangitīkei River from Ohinepuhiawe to Tawhirihoe 600
7.43 Sections of reserves at or near Maramaihoea alienated from Māori ownership 616
7.44 Sections of Rangitīkei-Manawatū C permanently alienated from Māori ownership 619
7.45 Sections of Rangitīkei-Manawatū C subject to compulsory conversion from Māori freehold to general freehold land, 1968 to 1972 621
7.46 Sections of Rangitīkei-Manawatū C remaining as Māori land today 622
7.47 Land proclaimed as part of the Ōhinepuhiawe Development Scheme, 11 October 1933 646
7.48 Land within the Ōhinepuhiawe Reserve taken for River Protection Works by proclamation under the Public Works Act 1928, 13 February 1932 649
7.49 Compensation ordered by the Native Land Court for land taken for Rangitīkei River protection works, 21 September 1933 650
7.50 Sections of the Ōhinepuhiawe Reserve purchased by J & N H Bartlett & Co 652 652
7.51 Sections of the Ōhinepuhiawe Reserve subject to compulsory conversion from Māori Freehold to General freehold land, 1968 to 1972 653
7.52 Sections of the Ōhinepuhiawe Reserve remaining as Māori land today 655
7.53 Reserves awarded to Ngāti Raukawa affiliated hapū and individuals 'near small town' (Sanson) 657
7.54 Rangitīkei-Manawatū reserve land alienated prior to 1900 702
7.55 Rangitīkei-Manawatū reserve land alienated between 1900 and 1930 704
7.56 Rangitīkei-Manawatū reserves alienated between 1900 and 1930 706
7.57 Sections of Rangitīkei-Manawatū reserves subject to compulsory conversion from Māori freehold to general freehold land, 1968 to 1972 707
7.58 Land within the Rangitīkei-Manawatū reserves remaining as Māori land today 710

8.1 Crown Grants of land at Ōtaki made by Governor George Grey to Trustees of the Church Missionary Society, 1852 and 1853 715
8.2 Leases to Ōtaki Trust Lands Agreed by the Ōtaki and Porirua Trusts Board, 5 July 1951 783

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1. Introduction

This report is primarily a study of reserves set apart by the Crown for the associated hapū and iwi of Ngāti Raukawa and Ngāti Kauwhata when it purchased land in the Porirua ki Manawatū Inquiry District in the nineteenth century. The first significant Crown purchase of land in which Ngāti Raukawa had an interest was Donald McLean's purchase of Rangitīkei-Turakina in 1849. This purchase was followed by the Te Awahou purchase in 1858-59, and the Te Ahuaturanga-Upper Manawatū purchase, negotiated in 1858 but not completed until July 1864. The final large Crown purchase involving Ngāti Raukawa and Ngāti Kauwhata land north of the Manawatū River was the Rangitīkei-Manawatū purchase, consummated in December 1866. This purchase, undertaken on the Crown's behalf by Isaac Earl Featherston and Walter Buller, was carried out despite the explicit and determined opposition of many within Ngāti Raukawa and Ngāti Kauwhata.

Crown purchasing of Raukawa land south of the Manawatū River followed a somewhat different process, with ownership of large areas or 'blocks' being defined by the Native Land Court prior to purchase. In theory, at least, this meant that Court could designate as 'inalienable' areas of particular importance to the Māori owners before purchase negotiations began. In practice, however, 'restrictions' on alienation recommended or imposed by the Native Land Court had a minimal impact upon the Crown's land purchasing programme. Between December 1874 and December 1881, the Crown acquired 50 'blocks' of Raukawa land between the Manawatū River and the Kukutauaki Stream, containing more than 140,000 acres.

When purchasing from Māori in the nineteenth century, Crown land purchase agents were expected to ensure that enough land was set aside or 'reserved' to be 'ample' or 'sufficient' for the former owners' 'present' and 'future' needs. What this meant in practice was the subject of debate between Crown officials, both in London and New Zealand. The meaning of sufficiency also had a different significance for members of Ngāti Raukawa and Ngāti Kauwhata, and their affiliated of the hapū and iwi, who saw reserves, not just in terms of subsistence and economic development, but also from the perspective of continuing community autonomy or rangatiratanga. Consequently, tribal and hapū leaders often insisted upon reserves that were much larger than Crown officials were willing to recognize or allow.

In addition to examining the process by which Crown officials created (or failed to create) reserves from their purchases of Raukawa and Kauwhata land, and asking whether the land set apart corresponded to the needs and aspirations of the former owners, this report also focuses upon what happened to the Raukawa and Kauwhata reserves after they had been created. In particular it shows how tribal and hapū aspirations for rangatiratanga were undermined by a Native land tenure system – imposed by the Crown under the 1865 and 1873 Native Lands Acts and their legislative descendants – which vested ownership in individual shareholders rather than the community as a whole. This individualization of Māori land tenure led to the fragmentation of remaining tribal and hapū holdings, and the wholesale alienation (usually to private European purchasers) of much of the limited areas of land that the Crown had set aside from its land purchasing activity. The report follows the fortunes of the reserves created by the Crown for Ngāti Raukawa, Ngāti Kauwhata and affiliated hapū and iwi, from the nineteenth century, through the twentieth, up to the present day. In the process it shows how these crucial areas of land were fragmented and all too often alienated, leaving the hapū and iwi of today with usually only a small, and strikingly insufficient, fraction of what they had previously possessed.

In order to reconstruct the processes by which the reserves were first created and then, all too often, broken apart and alienated, this report makes use of a large quantity of documentary evidence. In particular, the report draws heavily upon letters, petitions, memoranda, reports, land purchase deeds, maps and plans held at Archives New Zealand, Wellington. While mainly produced by Crown officials writing in English, these documents also contain a substantial quantity of material written in Te Reo Māori. Much of this material was translated by Government officials at the time. When they were not, I have endeavoured to have documents in Te Reo Māori translated.

Amongst the metres upon metres of files held by Archives New Zealand, Wellington, perhaps the most important for the purposes of this report have been the massive MA 13 files concerning Featherston's purchase of Rangitīkei-Manawatū, and subsequent efforts by Crown officials – including most notably Native Minister Donald McLean – to repair relations with the resident hapū and iwi by furnishing them with additional reserves. The MA 13 files relating to Rangitikei-Manawatū run to several thousand hand-written pages and have been reproduced in pdf form by the Waitangi Tribunal. For convenience and preservation purposes, I have referred – where possible – to these pdfs when referencing from the relevant files, rather than the original documents still held at Archives.

In addition to the Government files held at Archives New Zealand, the report has also drawn heavily upon the records of the Māori Land Court. Although often frustratingly incomplete, these files – compiled in electronic form for the Crown Forestry Rental Trust – make it possible to trace the history of the reserves which remained, at least partially, in Māori ownership into the twentieth century.[1] The block order and alienation files of the Native and Māori Land Court make it possible to follow the often relentless process by which segments of reserved land – often insufficient in the first place – were divided into ever smaller fragments and eventually alienated. This process, repeated again and again across Ngāti Raukawa and Ngāti Kauwhata's southern rohe, is a major theme of this report.

The report draws as well upon archival material held in other repositories, including the Alexander Turnbull and National Libraries, the Grey Collection at Auckland Central Library, Land Information New Zealand, and Archives Central in Feilding (the repository for local government records from the Manawatū, Horowhenua, Whanganui and Hawkes Bay). The report also makes substantial use of printed historical documents, including the *Appendices to the Journals of the House of Representatives* (*AJHR*), and the local and national newspapers electronically preserved on the National Library of New Zealand's *Papers Past* website.[2]

Although traversing more than 10,000 pages of archival material, both in English and Te Reo Māori, this report is only a partial history of the land it surveys. Although it follows, as comprehensively and in as much detail as possible, the histories of the various reserves made by the Crown for Ngāti Raukawa, Ngāti Kauwhata and their affiliated hapū and iwi – from their creation, through their eventual fragmentation and partial or complete alienation, to the present day – the report is not able to do full justice to these areas of land as *whenua*, cherished, lived upon, and handed down by their owners from generation to generation. This crucial part of the land's history is best conveyed in waiata and ngā korero tuku iho, presented to the Waitangi Tribunal by the claimants themselves. It is also evident in the land itself: in the many marae and whare tūpuna that populate the Porirua ki Manawatū Inquiry District to this day. Many of these marae, including – to name just a sample – Te Tikanga Marae at Tokorangi; Parewahawaha Marae at Ohinepuhiawe (modern-day Bulls); Kauwhata Marae (near Feilding); Poutū Marae at Whakawehi (near Shannon); Kererū Marae at Kōputaroa; Tukorehe Marae at

[1] Crown Forestry Rental Trust, 'Taihape: Rangitīkei ki Rangipo (Wai 2180) and Porirua ki Manawatū (Wai 2200) Inquiry Districts Research Assistance Projects: Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. I to XXVIII'

[2] https://atojs.natlib.govt.nz/cgi-bin/atojs; https://paperspast.natlib.govt.nz (both accessed 19 March 2018)

Kuku; and Wehiwehi Marae at Waikawa; are located on land that had previously been, either formally or informally, set aside as reserves after Crown purchases.

The focus of this report is upon reserves created from Crown land purchasing activity. The report does not deal with other forms of reserves created by central or local government – such as recreation, scenic or nature reserves – unless the land in question was also part of a reserve made for Ngāti Raukawa, Ngāti Kauwhata or one of their affiliated hapū and iwi by the Crown or Native Land Court. The one exception to this rule are the Church Mission Grant Lands at Ōtaki, which were gifted by the hapū and iwi affiliated with Ngāti Raukawa in the early 1850s to support an 'industrial' boarding school for Māori children. The gifted land, was the subject of Crown grants issued by Governor Sir George Grey to Octavius Hadfield, William Williams and Richard Taylor as trustees for the Church Missionary Society in 1852 and 1853. While the industrial boarding school for which the land was originally gifted was closed in 1868, the 585½ acres granted to the three trustees on the Church Missionary Society's behalf were never returned to their donors. Instead, the land remained under the control of a succession of trustees and trust boards, including the New Zealand Mission Trust Board (from 1891 to 1907), and the Porirua College Trustees (1907 to 1943). Since 1943, the Ōtaki Church Mission Grant lands have been managed by the Ōtaki and Porirua Trusts Board, which is also responsible for the church grant land at Whitireia (originally gifted by Ngāti Toa to Bishop George August Selwyn in the late 1840s).

The distinct and complicated history of the Ōtaki Church Mission Grant Lands is the subject of the final chapter of this report. The chapter traces the history of the use and governance of these extremely significant pieces of land from the original gifts in the 1850s through to the present day. The chapter also sets out the histories of the educational institutions that the Church Mission Grant lands supported, including the original 'industrial' boarding school opened by Hadfield in 1854, and the Ōtaki Māori College, which was opened in 1909 and closed in 1939. In the process, the chapter chronicles the often-contentious debates over how the revenue from the Ōtaki trust lands should be used. The subject of a Royal Commission in 1905 and an investigation by a specially-constituted joint select committee of members of the Legislative Council and House of Representatives in 1942 and 1943, arguments over the control and use of the Ōtaki lands exposed sharp differences, not only between the Anglican Church and hapū and iwi that had originally donated the land, but also within the Ngāti Raukawa confederation itself.

2. Reserves in Principle and Practice: From Normanby's Instructions to the Rangitīkei-Turakina Purchase

2.1 First Principles

The setting aside or reserving for Māori of sufficient land for their 'comfort, safety or subsistence' was – as the Wairarapa ki Tararua Tribunal put it – 'the policy counterweight' to the Crown's strategy of financing the settlement of the new colony through the purchase, and subsequent on sale 'of large tracts of cheaply acquired land.'[3] From its inception, Crown officials assumed that the British colonization of Aotearoa/New Zealand would be based on the wholesale acquisition of Māori land. Purchased cheaply by the Crown, this land would then be on sold – at a much higher price – to British settlers. The Crown's profit from these transactions would fund its purchase of further Māori land for future European settlement, as well as the construction of roads and other infrastructure necessary for the development of the colony.

In theory, at least, the Crown's purchase of Māori land for European settlement was to be limited to land that the Māori owners were not using, 'waste lands' in the parlance of Crown officials. The Crown was not to acquire land that Māori needed for themselves. As Lord Normanby put it in his 1839 instructions to William Hobson, Crown officials were not to purchase from Māori: 'any territory, the retention of which by them would be essential, or highly conducive to their own comfort, safety or subsistence.' Instead, Normanby instructed, 'the acquisition of land by the Crown for the future settlement of British subjects' was to 'be confined to such districts' as Māori could 'alienate, without distress or serious injury to themselves.'[4]

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[3] Waitangi Tribunal, *The Wairarapa ki Tararua Report, Vol. 1: The People and the Land*, (Wellington, Legislation Direct), 2010, p. 101.

[4] 'From the Marquis of Normanby to Captain Hobson, RN', 14 August 1839, *British Parliamentary Papers. Colonies: New Zealand*, http://digital.liby.waikato.ac.nz/bppnz?e=d-01000-00---off-0despatch--00-1----0-10-0---0---0direct-10---4-------0-1l--11-en-50---20-bpphome---00-3-1-00-0-0-11-1-0utfZz-8-00&a=d&cl=CL3.1&d=HASHfb489ba599518637869851 (accessed 7 March 2016), p. 39.

The question for Crown officials in the early years of New Zealand's colonization was how much land should be set aside for Māori needs. Writing from London in 1846, Earl Grey (Secretary of State for War and the Colonies) suggested that Māori could lay claim to no more than the ground they actually lived upon and cultivated. By Grey's estimations this amounted to 'far less than one-hundredth' of the new colony's available land.[5] From the altogether more intimate position of Auckland, Governor George Grey countered that, as well as their settlements and cultivations, Māori would also need sufficient land to maintain the part of their livelihood earned from hunting, fishing and food gathering. 'The natives do not support themselves solely by cultivation', he informed his London-based superior, 'but from fern-root, from fishing, from eel ponds, from taking ducks, from hunting wild pigs, for which they have extensive runs, and by such like pursuits.' 'To deprive' Māori of their 'wild lands, and to limit them to lands for the purpose of cultivation', would, Grey cautioned, 'cut off from them some of their most important means of subsistence.'[6]

Although differing as to the extent of the land that needed to be reserved for Māori – whether it should be limited to areas that were intensively occupied such as kāinga and cultivations or expanded to include more extensive mahinga kai – Crown officials agreed that the land should be enough for Māori to live upon. Outlining his approach to land purchasing in 1848, Governor Grey described how his policy was to 'extinguish absolutely the native title to the tract purchased, but to reserve an adequate portion for the future wants of the natives.'[7] A somewhat more generous formulation was provided by Under-Secretary for Colonial Affairs Herman Merivale who (in a letter to the Wesleyan Missionary Committee) wrote that the Crown should ensure that Māori 'were secured in the enjoyment of an ample extent of land to meet all their real wants.'[8]

As well as being 'adequate' or even 'ample' for their holders' present and future needs, Crown officials initially agreed that the reserves they made for Māori should be permanent. In his 1841 dispatch to Governor Hobson, Lord John Russell (Secretary of State for War and the

[5] 'Copy of a Despatch from Right Hon Earl Grey to Governor Grey', 23 December 1846', *British Parliamentary Papers. Colonies: New Zealand*, http://digital.liby.waikato.ac.nz/bppnz?e=d-01000-00---off-0despatch--00-1----0-10-0---0---0direct-10---4-------0-1l--11-en-50---20-bpphome---00-3-1-00-0-0-11-1-0utfZz-8-00&a=d&cl=CL3.8&d=HASHa3d53900af9c62015e2cb8 (accessed 7 March 2016)
[6] 'Copy of a Despatch from Governor Grey to Earl Grey', 7 April 1847, *British Parliamentary Papers. Colonies: New Zealand*, http://digital.liby.waikato.ac.nz/bppnz?e=d-01000-00---off-0despatch--00-1----0-10-0---0---0direct-10---4-------0-1l--11-en-50---20-bpphome---00-3-1-00-0-0-11-1-0utfZz-8-00&a=d&cl=CL3.9&d=HASH9129fa7cf5e666a84479e3 (accessed 7 March 2016).
[7] 'Copy of a Despatch from Governor Grey to Earl Grey', 15 May 1848, *British Parliamentary Papers. Colonies: New Zealand*, Vol. 6, p. 25.
[8] 'H Merivale to Rev R Beecham', 13 April 1848, *British Parliamentary Papers. Colonies: New Zealand*, Vol. 6, p. 154.

Colonies) instructed that land considered 'desirable' for Māori to 'permanently retain for their own use and occupation' should be defined and made 'inalienable'. Where possible these 'inalienable tracts' were to be 'defined by natural and indelible land marks.'[9] Five years later Governor Grey told his superior in London that 'the security which is afforded' by the definition of permanent reserves was 'the real payment' Māori vendors received from the Crown upon selling their lands. Guaranteed by the Crown, such reserves offered those who had sold land to the Government the assurance of having somewhere 'that themselves and their children shall for ever occupy.' Particularly when located in 'the vicinity of a dense European population', such permanent reserves were, by Grey's estimation, considered to be of 'great value' by Māori.[10]

2.2 Provision for Reserves in Early Crown Purchases

As a succession of Waitangi Tribunal reports have shown, Crown land purchases from Māori seldom conformed in practice to the principles set out by officials in Auckland, Wellington or London.[11] Sometimes, as in Henry Tacy Kemp's purchase of the better part of the South Island (1848), this was because the officer charged with making the purchase failed to follow the instructions of his superior.[12] In other cases, such as Governor Grey's Waipounamu purchases (1853-56) of Ngāti Toa and Te Atiawa's land interests in the upper South Island and many of the purchases made by Donald McLean in the Wairarapa (1853-64), opportunism and expediency simply triumphed over principle and theory as colonial authorities rushed to acquire the maximum area of Māori land for European settlement in the minimum amount of time.[13]

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[9] 'Copy of a Despatch from Lord John Russell to Governor Hobson', 28 January 1841, *British Parliamentary Papers. Colonies: New Zealand*, http://digital.liby.waikato.ac.nz/bppnz?e=d-01000-00---off-0despatch--00-1----0-10-0---0---0direct-10---4-------0-11--11-en-50---20-bpphome---00-3-1-00-0-0-11-1-0utfZz-8-00&a=d&cl=CL3.3&d=HASH01446f5ad681d9c36fca62d3 (accessed 7 March 2016).
[10] 'Copy of a Despatch from Governor Grey to Earl Grey', 15 May 1848, *British Parliamentary Papers. Colonies: New Zealand*, Vol. 6, p. 25.
[11] Waitangi Tribunal, *Ngai Tahu Report 1991*, (Wellington, Brooker & Friend), 1991; Waitangi Tribunal, *Muriwhenua Land Report (Wai 45)*, (Wellington, GP Publications), 1997; Waitangi Tribunal, *Te Tau Ihu o Te Waka a Maui: Report on Northern South Island Claims*, (Wellington, Legislation Direct), 2008; Waitangi Tribunal, *The Wairarapa ki Tararua Report, Vol 1: The People and the Land*, (Wellington, Legislation Direct), 2010; Waitangi Tribunal, *He Whiritaunoka: The Whanganui Land Report*, (Wellington, Legislation Direct), 2015.
[12] *Ngai Tahu Report*, Vol. 1, p. 455.
[13] *Te Tau Ihu*, Vol. 1, pp. 380-381; *Wairarapa ki Tararua Report*, Vol. 1, pp. 147-148, 153, 176, 180.

Even when the Crown followed its own policy prescriptions with regards to the provision of reserves, it generally did so in a manner that was partial and inconsistent. As a result, what the Government provided with one hand it often took away with the other. Reserves that might have been adequate or even ample when awarded could be quickly alienated, often as a result of subsequent Crown purchases. The lasting benefits that Ngāti Toa might have accrued from the extensive reserve allowed by Governor Grey out of the Wairau purchase (1847), for example, was eliminated when most of the 117,000 acres were consumed as part of the Waipounamu purchases.[14] The utility of reserves to local Māori could also be undermined by the failure of Crown land purchase officers to properly describe their boundaries. Such was the case in the Wairarapa where the haphazard and inaccurate definition of reserves was exacerbated by the eagerness of Crown officers to buy them up in subsequent purchases.[15]

While the provision of reserves in most Crown purchases was flawed, and no purchase was perfect, by looking at the actions and instructions of government officials in a number of purchases it is possible to construct a composite of what constituted best practice by the Crown. As articulated, and on occasion put into practice, in the 1840s and 1850s this best practice had four key components:

1. The land set aside had to be 'ample' and 'adequate' for the 'present' and 'future' needs of the former Māori owners.
2. The location and extent of the reserves cut out of a particular piece of land needed to be discussed and agreed to by the vendors prior to purchase, not simply defined or imposed by Crown officials either before or after the fact.
3. The boundaries of the reserves needed to be clearly marked and described both on paper (in the deed of sale and accompanying map or plan) and on the ground (through the erection of prominent markers, referral to important natural forms such as streams or ridgelines, the walking of boundaries, and where possible, formal survey).
4. Reserves should be permanent and inalienable.

[14] *Te Tau Ihu*, Vol. 1, p 344.
[15] *Wairarapa ki Tararua Report*, Vol. 1, pp. 192-193.

'Adequate' and 'Ample'

In theory at least, the whole point making reserves out of Crown land purchases was to ensure that the former owners had sufficient land to support themselves and their children. In their instructions for the purchase of the central part of the South Island from Ngāi Tahu, Governor Grey and Lieutenant-Governor Edward John Eyre both stipulated that the officer charged with completing the purchase should reserve 'to the Natives ample portions for their present and prospective wants.'[16] Although the reserves made for Ngāi Tahu from the Kemp Purchase were anything but ample – embracing a mere 6359 acres of the 20 million alienated – there were occasions when Crown land purchasers did in fact make significant provision for the present and future needs of Māori vendors.[17]

In both George Grey's Wairau purchase of 1847 and Donald McLean's 1853 Castlepoint purchase large areas of land were set aside. The Wairau reserve covered an estimated 117,000 acres north of the Wairau River to Pelorus and Queen Charlotte Sounds. Although 'mainly hilly bush country' this large expanse did provide ample scope for Ngāti Toa to continue their more extensive subsistence actives such as 'gathering fern root, running pigs, catching eels and birds, and fishing.'[18] The Castlepoint reserves, which included almost 28,000 acres, or approximately 10 percent of the estimated purchase area, were another example where the Crown seemingly provided to Māori vendors ample space for expansive as well as intensive land use.[19]

In these cases, at least, the reserves created by the Crown extended well beyond the former owners' settlements and cultivations to include – as the Wairarapa ki Tararua Tribunal put it – 'a range of lands and resources: forested land in which they could snare birds, hunt, gather firewood and rongoa [herbal medicines], narrow strips of coastland and river valleys for shifting their cultivations; and their important fishing spots, both freshwater and coastal.'[20] 'Ample' reserves might also – as was envisioned by Crown officials on at least some occasions – provide the basis for Māori vendors to engage fully with the emerging colonial economy, for instance by running sheep or cattle of their own or by leasing some of the land to European settlers.[21]

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[16] *Ngai Tahu Report*, Vol. 2, pp. 402, 403-404.
[17] Ibid., p 482.
[18] *Te Tau Ihu*, Vol. 2, p 538
[19] *Wairarapa ki Tararua Report*, Vol. 1, p 107.
[20] Ibid., p 259
[21] Ibid., p. 102

Mutually Agreed

Crown officials stressed that reserves should be agreed between the Māori vendors and the Crown through a process of negotiation. As part of this process of mutual consent Crown officials were expected to walk the land with the Māori vendors, allowing them the opportunity to indicate the parts they wanted to retain. Reserves were not –as occurred in Waipounamu and other purchases – supposed to be unilaterally designated by Crown officials.[22]

Reflecting upon the process prescribed for the purchase of the central South Island, the Ngāi Tahu Tribunal has noted that had Kemp followed the instructions given him 'there would have been an ongoing dialogue between him and the various hapū of Ngai Tahu.' Through this negotiation, which should have taken place before the purchase was completed, the Crown's officer would have 'learned what land' the hapū 'wished to keep and what they were prepared to sell.'[23] In reality, however, the scant reserves that Ngāi Tahu received from Kemp's purchase were allocated in a decidedly one-sided process, by an unsympathetic Crown agent (Walter Mantell), after the deed had been signed.[24]

In the best of cases, government buyers and Māori vendors did negotiate over the location and area of reserves before completing a purchase. Prior to the signing of the Castlepoint deed Māori appear to have discussed the location of reserves with both McLean and Governor Grey.[25] In negotiating the Whanganui purchase (1848), Crown agents John Jermyn Shortland and McLean entered into considerable discussions with the Māori owners over the location and size of their reserves. As part of this process they traversed the block with tribal leaders who pointed out the places that they wished to keep from the purchase.[26]

Although predicated upon the Government's desire to pare back the reserves that had been promised in the original, unconsummated New Zealand Company purchase of Whanganui, the negotiations did result in a few notable gains on the Māori side. Te Māwae, for example, succeeded in having the reserve at Pūtiki increased by 700 acres, while Maketu, Tahana Tūroa and others had the reserve at Waipākura expanded from 300 to 650 acres.[27] Several smaller reserves were also agreed to by the Crown. Elsewhere, however, it was the Māori vendors who

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[22] *Te Tau Ihu*, Vol. 1, p 400.
[23] *Ngai Tahu Report,* Vol. 2, p 456
[24] *Ngai Tahu Report*, Vol. 2, pp 456 and 481.
[25] *Wairarapa ki Tararua Report*, Vol. 1, p 114; Philip Cleaver, 'A History of the Purchase and Reserves of the Castle Point Block', A Report Commissioned by the Crown Forestry Rental Trust, 2000, Wai 863, A6, p 30.
[26] *Whanganui Land Report*, Vol. 1, p 261;
[27] Michael Macky, 'Whanganui Land and Politics, 1840-1865', A report for the Crown Law Office, 2006, Wai 903, A100, pp 159-160

had to give up land, with McLean refusing to reserve the sites of a number of significant pā and kāinga.[28]

Boundaries Clearly Marked

Clearly and accurately marked boundaries were essential if Māori vendors were to know exactly what they were giving up and what they were keeping when they entered into a transaction with the Crown. Well-defined boundaries were also important to the Crown because they reduced the risk of misunderstandings that might lead to disputes after the purchase had been completed.

In their directions to land purchasers Crown officials insisted that reserves should be defined prior to the completion of a purchase. In his instructions for what came to be known as Kemp's Purchase, Governor Grey stipulated that the boundaries of Ngāi Tahu's reserves were to be marked before the purchase was completed.[29] Likewise, in 1861 Chief Land Purchase Commissioner Donald McLean directed that 'in all cases the Reserves should be defined and marked off before the final payment is made for the block of land of which they form a part.'[30]

What this might mean in practice is demonstrated by the Whanganui purchase. In 1846 Symonds assured Whanganui Māori that the boundaries of their reserves would 'be most carefully surveyed and marked off in the presence of persons deputed by you who will be witnesses of these surveys.'[31] Although this was not exactly what happened, the boundaries of the Whanganui reserve were defined both on paper and on the ground prior to the signing of the deed on 26 May 1848. The deed itself itemized the reserves, describing the boundaries in some detail. Some of these boundaries – such as those for the reserve at Aramoho – had been formally surveyed in the presence of the Māori vendors. Others, like the large Waipākura reserve, were marked out on the ground by the Alfred Wills, the government's surveyor, either at the direction, or in the presence, of Māori owners accompanied by McLean. Still other reserve boundaries were laid out by Whanganui Māori themselves. Some of these lines, like the 'one marked on the ground by George King, Māwae and other natives' at Putiki, were subsequently surveyed by Wills. The reserves described in the Whanganui deed also often

[28] *Whanganui Land Report*, Vol. 1, pp 261-262; Macky, pp 162-163.
[29] *Ngai Tahu Report,* Vol. 2, p 402.
[30] 'Circular Instructions Issued by Chief Land Purchase Commissioner to District Commissioners' *AJHR*, 1861, C-8.
[31] '4 pages written 1846-1846 by John Jermyn Symonds and Alfred Wills in Wanganui to John Jermyn Symonds', Alexander Turnbull Library, Object ID: 1011555, TAPUHI Ref: MS-Group-1551, http://mp.natlib.govt.nz/detail/?id=1011555 (accessed 15 March 2016)

followed natural boundaries, including one or another bank of the Whanganui River, the Kaitoke Lake, and the Mākirikiri, Matarua, Tūtaeieka and Waipākura streams.[32]

In addition to being marked on the ground, and defined in the deed, the boundaries of the Whanganui reserves were also set out on a plan that McLean showed to the vendors prior to the signing of the deed. This map was referred to in the deed in formulations such as: 'This land is shewn in the plan made by Mr McLean'; 'This land is shewn on the map given to us by Mr McLean'; and 'this land is now clearly shown and described on the map given to us by Mr McLean.'[33]

While not perfect the Whanganui purchase was, as the Waitangi Tribunal put it, 'one of the better examples of Crown purchasing practice at the time.'[34] By marking off the reserve boundaries in the presence of Whanganui Māori, and allowing them to point out the boundaries themselves, McLean and Symonds ensured that the vendors were clear about the land they would retain after the purchase. The possibility of confusion was further guarded against by the definition of the reserves' boundaries both on the deed itself, and on the plan that McLean 'shewed' to the sellers before the signing of the deed. As a result, the Whanganui purchase was marked by relatively few of the boundary disputes that marred other Crown transactions.[35]

Permanent and Inalienable

In principle, Crown policy was that land reserved for Māori from Crown purchases should remain permanently in Māori ownership. In 1854, Chief Land Purchase Commissioner McLean told the Colonial Secretary that 'in general . . . there has been a distinct understanding' that Māori owners 'should not at any time be called upon to alienate any lands' that had been 'excepted' from a Crown purchase 'for their own use and subsistence.' 'In general cultivated and occupied by' Māori, such reserves were necessary 'to provide for their present and future wants.'[36]

The permanency of the reserves agreed between the Crown and Māori was made explicit in the Whanganui Deed. The land had been 'made sacred' to the Māori owners 'forever' ('kua oti nei te whakatapu tonu mo matou'). 'These reserves', read the deed, 'shall be surely and

[32] 'Whanganui Deed' (English Translation), 1848, Archives New Zealand, Wellington, ABWN 8102, WGN 286.
[33] Ibid.
[34] *Whanganui Land Report*, Vol. 1, p 238.
[35] Macky, pp. 303-304.
[36] McLean to Colonial Secretary, 29 July 1854, cited in *Wairarapa ki Tararua Report*, Vol. 1, p 259.

certainly for us, for our children, and for all our descendants for ever' ('kia waiho hei wenua pumau iho mo matou mo a matou tamariki me o matou uri i muri iho i a matou ake tonu atu').[37]

This clear Crown principle of safeguarding reserves from alienation was frequently violated in practice. In the Wairarapa in the 1850s and 1860s, for example, Crown officials began purchasing land from reserves almost as soon as they had been set aside.[38]

2.3 The Rangitīkei-Turakina Purchase (1849)

Although by no means perfect, the Rangitīkei-Turakina purchase, negotiated between McLean and Ngāti Apa in the first half of 1849, provides an example of government best practice in action. The transaction has generally been regarded as one of the better purchases undertaken by the Crown. The Mōhaka ki Ahuriri Waitangi Tribunal, for example, held up Rangitīkei-Turakina as a transaction where tikanga was given an 'opportunity to operate', through the holding of tribal hui to debate the purchase prior to the signing of the deed on 15 May 1849.[39] The relatively correct way in which McLean went about completing this purchase was also highlighted by local Māori who, at a hui at Oroua in 1870, contrasted his conduct in Rangitīkei-Turakina with that of Isaac Featherston in the flawed Rangitīkei-Manawatū purchase. Hoani Meihana (Rangitāne), for example, praised McLean for having ensured that 'everything was satisfactorily arranged' in his purchase of Rangitīkei-Turakina.[40]

As an example of a transaction that was 'satisfactorily arranged', as well as a counterpoint to the decidedly unsatisfactory Rangitīkei-Manawatū purchase, it is important to examine how McLean, in association with Ngāti Apa, went about making reserves in Rangitīkei-Turakina. The Crown's purchase of Rangitīkei-Turakina from Ngāti Apa involved the land between the Rangitīkei and Turakina Rivers from the sea to about 30 miles (50 kilometres) upstream. As set out in the deed, the area adjacent, between the Turakina and Whangaehu rivers (about 40,000 acres or 16,000 hectares), was reserved as a tribal homeland for Ngāti Apa.[41] Less substantial reserves were also agreed between the Turakina River and the Mākirikiri Stream

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[37] 'Whanganui Deed', 1848, Archives New Zealand, Wellington, ABWN 8102, WGN 286; *Whanganui Land Report*, Vol. 1, p 267.
[38] *Wairarapa ki Tararua Report*, Vol. 1, p 192.
[39] Waitangi Tribunal, *The Mohaka ki Ahuriri Report*, (Wellington, Legislation Direct), 2004, pp 120-121.
[40] 'Oroua, 18th Novr 1870', MA13-72a, pp 71-72 [77-78].
[41] Major Alfred Francis William Wyatt, 'Hand-written copy of the English translation of the Rangitikei-Turakina Deed, ATL, MS-Group-1551, Object #1013852, http://mp.natlib.govt.nz/detail/?id=1013852&recordNum=0&q=1013852&s=a&l=en (accessed 28 March 2016).

(900 acres or 640 hectares); along the Rangitīkei River at Parewanui (1600 acres or 640 hectares), and just downstream from Bulls (450 acres or 180 hectares); and at Otakapu (100 acres or 40 hectares).[42] The deed also allowed the people of Ngāti Apa to continue 'to fish and take eels' from 'lagoons and other places' that had not been drained by European settlers.[43]

McLean's Instructions

The Crown's purchase of Rangitīkei-Turakina was part of its plans to purchase all of 'the country between Porirua and Whangaehu'. In December 1848 McLean was charged with ascertaining the 'claims' of the various tribes of the North Island's lower west coast, 'their disposition as to parting with lands, and their wishes as to the Reserves to be made for them.' In his instructions to McLean, Colonial Secretary Alfred Domett made it clear that the definition of reserves for those tribes who were willing to sell was integral to the land-purchasing process. 'Reserves', he wrote, 'will be ascertained and defined', with the government's land purchase agent taking 'care to reserve such tracts for the Natives, as they may now or at a future time require.' A surveyor was to be provided as soon as McLean indicated that negotiations were sufficiently advanced to 'render his services necessary in defining Reserves and boundaries.'[44]

According to McLean's instructions, the Crown's land purchase agent was required to ascertain what prospective Māori land sellers wanted with regards to reserves, and to make sure that these would be sufficient for their current and future requirements. Once agreed to, reserves were to be clearly defined by a surveyor. The importance of securing Māori agreement, and the proper definition of reserves, was underlined by Lieutenant Governor Eyre when he authorized McLean to purchase the 'district between the Rangitikei River and the Whanganui Block' from Ngāti Apa in April 1849. Eyre 'strongly' advised that 'every one' of the 'Reserves to be set aside' for Ngāti Apa 'should be clearly agreed upon, distinctly marked down up the ground', with the plans 'given to the natives of each, prior to the payment of the first instalment' in the purchase.[45]

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[42] Ibid; 'Rangitikei, Turakina Districts – Survey Office Plan SO 10586', ANZ Wellington, AFIH W5692, 22381 Box 53, RP 421 (R 22 549 132); David Anderson Armstrong, '"A Sure and Certain Possession": The 1849 Rangitikei/Turakina Transaction and its Aftermath', Report Produced for Te Runanga o Ngati Apa, 2004, p 141.
[43] Wyatt, 'English translation of the Rangitikei-Turakina Deed'.
[44] Alfred Domett (Colonial Secretary, New Munster) to Donald McLean, Wellington, 12 December 1848, *AJHR*, 1861, I, C-1, p 251.
[45] Copy of letter from Edward Eyre to Alfred Domett and Donald McLean, 25 April 1849, ATL, MS-Group-1551, Object #1000154,

Negotiating the Reserves

Perhaps the key factor that distinguished McLean's purchase of Rangitīkei-Turakina from less well conducted Crown transactions was the amount of time he spent prior to the signing of the deed meeting and negotiating with Ngāti Apa. In addition to meetings with individual chiefs such as Aperahama Tīpae and Kīngi Hōri, McLean discussed the purchase with the iwi at large at four hui. The first of these, at Parewanui on 10 January 1849, was 'attended by all the Rangitīkei people about 115 in number.' McLean wrote in his diary account of the meeting that he told those gathered 'that they had a full opportunity of considering what they intended to do with their land.'[46] A second major meeting was held at Turakina, where a number spoke of the places – including cultivations, woodland, a church, and urupā – which they wished to retain after the purchase.[47] Reserves were also discussed at a third hui at Rangitīkei on 28 March, as well as at the final hui (where the deed was signed) at Whanganui on 16 May 1849.[48]

As well as talking about the reserves at hui, McLean also examined the land that members of Ngāti Apa sought to have set aside. On 24 March, for example, he 'walked around the land' between the Turakina River and Mākirikiri Stream that speakers at the previous day's hui had asked to have reserved. Having seen for himself 'the extent' of what he was being asked to reserve, McLean agreed to have the land, that he described as 'covered with bush and cultivations', set aside from the purchase.[49] A month later, McLean travelled from Turakina to Otakapu to look over 'some eel cuts and cultivations' that were also being sought as a reserve. Having inspected the land with his surveyor, McLean agreed to set the land aside.[50]

On most occasions, however, McLean refused to reserve land that he had been shown. In his diary entry of 31 March 1849, for example, McLean described travelling over 'a fine country'

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http://mp.natlib.govt.nz/detail/?id=1000154&recordNum=0&t=items&q=1000154&s=a&l=en (accessed 28 March 2016).

[46] McLean Diary, May-July 1848, Dec 1848-Jan 1849, ATL, MS-1222, Object #1030957, pp 58-59, http://mp.natlib.govt.nz/detail/?id=1030957&recordNum=0&t=items&q=1030957&s=a&l=en (accessed 28 March 2016).

[47] McLean Diary, 6 March-8 April 1849, ATL, MS-1220, Object #1030504, pp 56-59, http://mp.natlib.govt.nz/detail/?id=1030504&recordNum=0&t=items&q=1030504&s=a&l=en (accessed 28 March 2016).

[48] Donald McLean to the Colonial Secretary, Wanganui, 10 April 1849, ATL, MS-Group-1551, Object #1017840, http://mp.natlib.govt.nz/detail/?id=1017840&recordNum=0&t=items&q=1017840&s=a&l=en (accessed 28 March 2016), pp 7-8; Donald McLean to the Colonial Secretary, Wanganui, 21 May 1849, ATL, MS-Group-1551, Object #1013115, http://mp.natlib.govt.nz/detail/?id=1013115&recordNum=0&t=items&q=1013115&s=a&l=en (accessed 28 March 2016).

[49] McLean Diary, 6 March-8 April 1849, pp 72-73

[50] McLean Diary, 4 April-11 May, 1-16 June 1849, ATL, MS-1225, Object #1032034, pp 68-69, http://mp.natlib.govt.nz/detail/?id=1032034&recordNum=0&t=items&q=1032034&s=a&l=en (accessed 28 March 2016).

between the Rangitīkei River and Tūtaenui Stream where 'Reihana and the Parewanui' people were seeking 'a large reserve.' Despite acknowledging that the land was highly prized by Ngāti Apa, McLean declined this request because of the 'great extent' of the land in question.[51] McLean also refused requests for reserves across the Rangitīkei River from the Awahou Pā (where the Te Awahou people had cultivations), between the Porewa Stream and the Rangitīkei River, and near Te Aki Aki, where the chief Mohi Mahi had marked out 'a large tract he desired to claim.'[52]

Although the negotiations over Rangitīkei-Turakina did not lead to the reserving of all the land that Ngāti Apa wished to keep, the tribe did succeed in securing a number of concessions from the Crown's land purchase agent. McLean's initial preference had been to limit the iwi to one large tribal reserve between the Turakina and Whangaehu Rivers. As discussions progressed, however, he was obliged to agree to additional reserves between the Rangitīkei and Turakina Rivers at Parewanui, Otakapu, and between the Turakina River and the Mākirikiri Stream. The area surrounding Te Kāwana Hakeke's grave was also reserved, although the cattle of European graziers were to be allowed to range over it.[53] At the request of Kāwana Hūnia (Hakeke's son), McLean also allowed the Te Awahou people to retain their cultivations on the eastern side of the Rangitīkei for three years, after which they were to 'be abandoned . . . and given up to the Europeans.'[54] In addition, after 'the old men' of the tribe had 'objected to sell the woodland & ranges as they would lose all their bird snaring country', McLean promised Ngāti Apa that they would be able to 'snare birds in the forest ranges as long as they pleased and fish eels in the eel cuts, streams & lakes and lagoons.'[55]

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[51] McLean Diary, 6 March-8 April 1849, p 84; Donald McLean to the Colonial Secretary, Wanganui, 10 April 1849, pp 15-16.
[52] McLean Diary, 6 March-8 April 1849, pp 70, 78; Donald McLean to the Colonial Secretary, Wanganui, 10 April 1849, pp 11-12; McLean Diary and Māori notes, 17 June-17 August 1849, ATL, MS-1226, Object #1031416, pp 45-46, http://mp.natlib.govt.nz/detail/?id=1031416&recordNum=0&t=items&q=1031416&s=a&l=en (accessed 28 March 2016).
[53] Wyatt, 'English translation of the Rangitīkei-Turakina Deed'., pp 2-3, 5-6.
[54] McLean Diary, 6 March-8 April 1849, p 80; Wyatt, 'English translation of the Rangitīkei-Turakina Deed', pp 5-6,
[55] McLean Diary, 6 March-8 April 1849, pp 76-77.

Defining the Reserves

Before making payment for Rangitīkei-Turakina McLean had been instructed to ensure that the boundaries of each reserve were 'clearly agreed upon', and 'distinctly marked upon the ground'. Plans of the reserves were to be drawn up and given to the Ngāti Apa sellers.[56] Although he did not follow these instructions to the letter, McLean did make considerable efforts to ensure that the boundaries of each reserve had been clearly defined and, where necessary, marked out on the ground. Although the reserve at Otakapu was not completely defined until July 1849, the boundaries of the other reserves appear to have been all surveyed by the time the deed was signed and the first payment made.[57]

In his discussions with Ngāti Apa, McLean made clear his preference for a reserve that was defined by indisputable natural boundaries. Sketching the Rangitīkei and Turakina Rivers on the ground during the Turakina hui of 23 March, he appealed to the tribe 'to let these rivers be our only boundaries from the sea to the interior to preserve peace between us'.[58] As McLean saw it natural features such as rivers and streams reduced the risk of disputes, not only between Māori and the Crown, but also between Māori and European settlers. McLean's preference for natural boundaries was also evident in the boundaries of the smaller reserve on the eastern side, or left bank, of the Turakina River, where all but the narrow northern boundary was defined by waterways.[59]

Boundaries that were not defined by rivers or streams had to be walked, marked off, and eventually surveyed. Accompanied by the Parewanui and Te Awahou people of Ngāti Apa, McLean marked out the boundaries of the Parewanui reserve and the area around Te Hakeke's grave on 17 March.[60] The formal survey of the Parewanui reserve was carried out in early April after the arrival of the surveyor Robert Park (who had been seconded by the New Zealand Company at McLean's request to 'lay out [the] Native Reserves and fix the external boundaries' of the purchase).[61]

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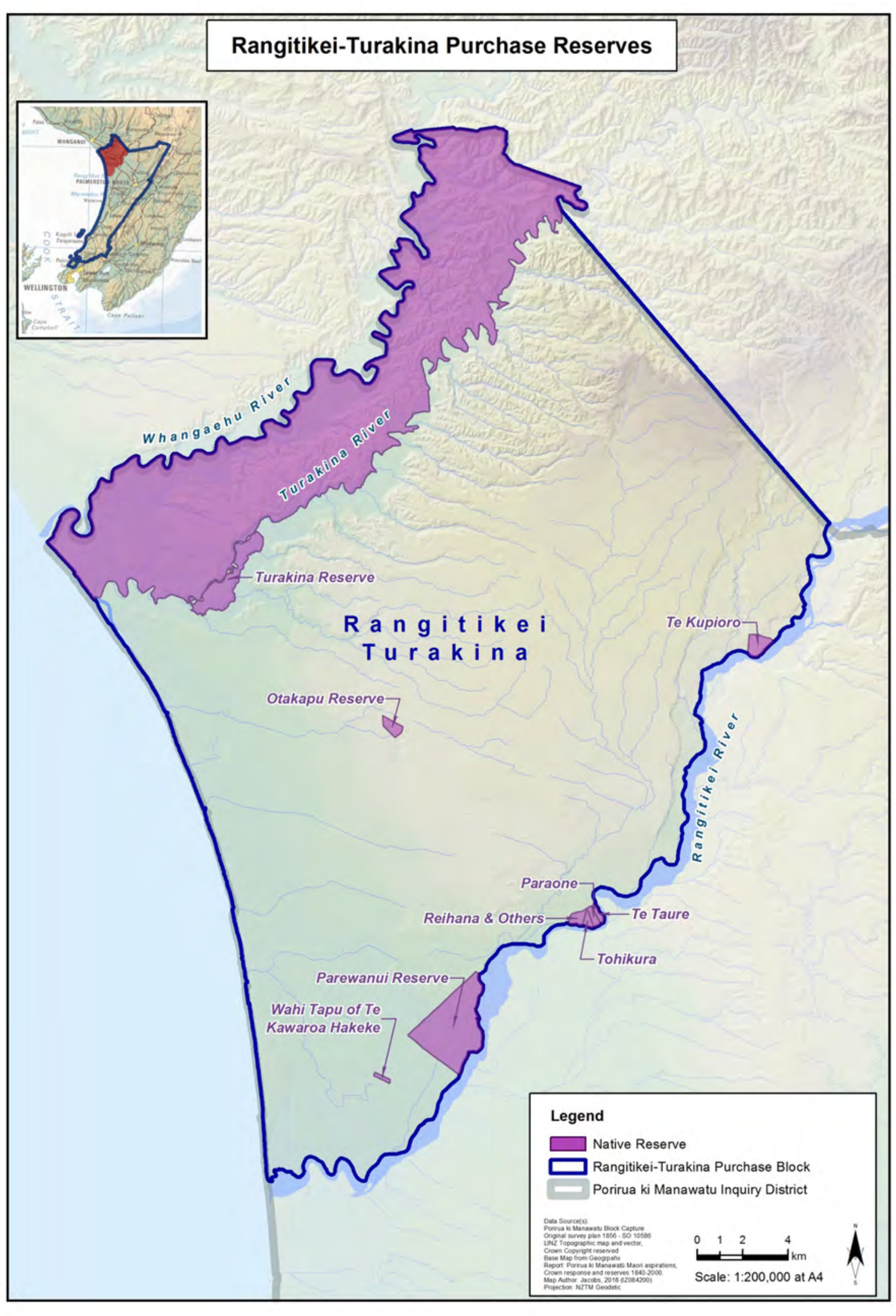
[56] Copy of letter from Edward Eyre to Alfred Domett and Donald McLean, 25 April 1849; Letter from Alfred Domett, Colonial Secretary, to Donald McLean, 25 April 1849, ATL, MS-Group-1551, Object #1005421, http://mp.natlib.govt.nz/detail/?id=1005421&recordNum=0&t=items&q=1005421&s=a&l=en (accessed 28 March 2016).
[57] McLean Diary and Māori notes, 17 June-17 August 1849, pp 34-35; Robert Park, Surveyor to James Kelham (Acting Principal Agent NZC), Wanganui, 7 May 1849, ANZ Wellington, NZC108 2 10 (R15 411 151).
[58] McLean Diary, 6 March-8 April 1849, pp 58-59.
[59] Rangitīkei, Turakina Districts – Survey Office Plan SO 10586, ANZ Wellington, AFIH W5692 22381 Box 53, RP 421 (R 22 549 132)
[60] McLean Diary, 6 March-8 April 1849, p 70.
[61] McLean Diary, 6 March-8 April 1849, p 90; Park to Kelham, p 1.

On 23 April, McLean, Park and the interested parties from Ngāti Apa 'agreed', and marked out, the boundaries of the Otakapu Reserve.[62] From there, Park went on to survey the reserve 'upon the left bank of the Turakina river'. Having completed that survey, Park travelled on to Whanganui 'for the purpose of plotting the survey and making maps of the reserves.'[63]

Park's maps of the reserves were not ready when the deed for Rangitīkei-Turakina was discussed and signed on 15 and 16 May in Whanganui. Instead, McLean and the Ngāti Apa vendors had to make do with a rough sketch map outlining the extent of the purchase and reserves. McLean promised that once Park had completed them, he would pass the surveyor's maps, along 'with copies of the Deed', on to the chiefs of Ngāti Apa as 'records of reference.'[64]

At the end of July1849 McLean and Park returned to Otakapu to complete the marking out of that reserve. They were accompanied by the chief Whaitere and his wife Taituka who were 'anxious' to ensure that their huts, cultivations and urupā were included within the boundaries of the reserve. McLean wrote in his diary that his party 'succeeded in fixing up posts and laying out the reserve so as to be quite understood by the natives.' 'These reserves', he noted, 'require much time although it is absolutely necessary they should be laid out as accurately as possible.' Although clearly marked out on the ground, the Otakapu reserve was 'not accurately surveyed' at this time as this would have taken 'a week.' It is not clear when the formal survey was completed.[65]

[62] McLean Diary, 4 April-11 May, 1-16 June 1849, pp 68-69. Park to Kelham, p 4.
[63] Park to Kelham, p 6.
[64] Donald McLean to the Colonial Secretary, Wanganui, 21 May 1849, p 14.
[65] McLean Diary and Māori notes, 17 June-17 August 1849, pp 34-35.



Rangitikei-Turakina Purchase Reserves
Whangaehu River
Turakina River
Turakina Reserve
Rangitikei
Turakina
Te Kupioro
Otakapu Reserve
Rangitikei River
Paraone
Reihana & Others
Te Taure
Tohikura
Parewanui Reserve
Wahi Tapu of Te Kawaroa Hakeke
Legend
Native Reserve
Rangitikei-Turakina Purchase Block
Porirua ki Manawatu Inquiry District
0 1 2 4 km
Scale: 1:200,000 at A4

'Ample' for Present and Future Needs

Possibly inspired by what he had read about the reserves created by the federal government for the Creek Nation in the United States, McLean originally envisaged locating all of Ngāti Apa on a single, large, geographically bounded reserve 'that would be ample for their present and future needs.'[66] Estimated to extend to 40,000 acres, the reserve between the Turakina and Whangaehu Rivers was intended to be large enough to allow the tribe a degree of continuing political autonomy as well as economic security. Speaking with the Rangitīkei chief Kīngi Hōri, McLean suggested that Ngāti Apa 'might form a happy small community' between the two rivers, 'and have a town like Otaki.'[67]

Writing to his superior in April 1849, McLean described the Turakina-Whangaehu reserve as 'ample' and 'from its extent . . . a sufficient and desirable situation for the eventual settlement of the whole tribe.'[68] The additional reserves negotiated by the Ngāti Apa chiefs were also reported to be good quality land. Writing to James Kelham (the acting Principal Agent for the New Zealand Company), Robert Park described the Parewanui Reserve, 'which included the principal pā and cultivations', as 'including plenty of timber and excellent soil.'[69] He also hailed the reserve between the Turakina River and Mākirikiri Stream as 'one of the most beautiful spots' he had seen in New Zealand – 'finely timbered and watered.'[70] Overall, Park believed that Ngāti Apa had 'shown great judgment' in 'fixing upon the best places for their Pas and cultivations' both at Parewanui and Turakina.[71]

As prime as the Turakina and Parewanui reserves were judged to be, they were by no means all that Ngāti Apa had wished to have set aside from the purchase. Particularly significant to the tribe was the rich land on the western (right) side of the Rangitīkei River, north and south of Parewanui. Included in this area that McLean had refused to reserve were the tribe's cultivations across from Te Awahou and the land between the Rangitīkei and the Tūtaenui Stream (which McLean himself described as 'fine country').[72] Elders of the tribe had also

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[66] McLean Diary, May-July 1848, Dec 1848-Jan 1849, pp 11-14; McLean Diary, 6 March-8 April 1849, pp 58-59.
[67] McLean Diary, 12 Jan-17 March 1849, ATL, MS-1224; Object #1032831, p 63, http://mp.natlib.govt.nz/detail/?id=1032831&recordNum=0&t=items&q=1032831&s=a&l=en (accessed 28 March 2016).
[68] Donald McLean to the Colonial Secretary, Wanganui, 21 May 1849, p 12.
[69] Park to Kelham, p 5.
[70] Ibid.
[71] Ibid.
[72] McLean Diary, 6 March-8 April 1849, p 84; Donald McLean to the Colonial Secretary, Wanganui, 10 April 1849, p 15.

expressed concerns over losing their 'bird snaring country' if 'the interior woodland and ranges' were included in the purchase (as they eventually were).[73]

Notwithstanding the land that was not granted by McLean, the reserves created by the Crown for Ngāti Apa were extensive compared to other Crown purchases. In 1850 'the whole of Ngāti Apa' was estimated to 'scarcely amount to more than 300 souls.'[74] Having secured approximately 43,000 acres (17,200 hectares) of reserves (including 450 acres on the Rangitīkei that McLean granted after the deed had been signed), the tribe had an average of something like 140 acres (56 hectares) for every man, woman, and child.[75] By way of comparison, the 7400 acres of reserves from the Whanganui purchase 'equated to a bit less than 10 acres per person.'[76]

In making what he considered to be 'ample' reserves from out of the Rangitīkei-Turakina purchase, McLean appears to have been following the Crown's best practice of the time. The reserves he negotiated with Ngāti Apa were not only extensive, and located on what was generally good quality land, but also covered a variety of different terrain, riverside lands for settlements and cultivations, wood land for timber and bird catching, lakes and streams for catching eels and fishing, as well as a small coastal strip for access to the sea and gathering kai moana.[77] Significant space was also available for running the 'considerable' 'quantity of the stock' that the members of the tribe had reportedly acquired.[78] In addition to all of this, the Rangitīkei-Turakina deed allowed Ngāti Apa to continue to fish and 'take eels' from lagoons and lakes that had not been 'drained by Europeans.'[79] Although an asset of diminishing value, this concession from McLean nevertheless kept an important food source at the tribe's disposal for a time at least.

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[73] McLean Diary, 6 March-8 April 1849, p 76.
[74] 'Notes taken under the direction of Government, embracing Statistical Returns in connexion with the Native Population, and other Miscellaneous Information within the Districts of Port Nicholson, Porirua, Waikanae, Otaki, Manawatū, Rangitīkei, and Wairarapa, in the Province of New Munster, in the beginning of 1850', *Irish University Press Series of British Parliamentary Papers. Colonies: New Zealand 7*, (Shannon, Ireland, Irish University Press), p 237.
[75] Armstrong, '"A Sure and Certain Possession"', p 141; Rangitikei, Turakina Districts – Survey Office Plan SO 10586.
[76] *Whanganui Land Report*, Vol. 1, p 269.
[77] *Wairarapa ki Tararua Report*, Vol. 1, p 259.
[78] 'Notes taken under the direction of Government, embracing Statistical Returns in connexion with the Native Population, and other Miscellaneous Information within the Districts of Port Nicholson, Porirua, Waikanae, Otaki, Manawatu, Rangitikei, and Wairarapa, in the Province of New Munster, in the beginning of 1850', p 237.
[79] Wyatt, 'English translation of the Rangitikei-Turakina Deed', pp 4-5.

Permanent and Inalienable

Described in the deed 'as a place for all the members of the Ngāti Apa tribe, to collect and settle on', the reserve between the Turakina and Whangaehu Rivers was intended to be a permanent homeland for the iwi.[80] McLean, himself, made this very clear when he called upon the Resident Magistrate at Whanganui (Major David Stark Durie) to crack down upon European settlers who were attempting to arrange unauthorized leases of parts of the reserve. Instructing the Magistrate to 'prevent Europeans from leasing any portion' of the Turakina-Whangaehu reserve, he noted that the land was 'duly registered as a permanent property for the Natives and their descendants.' Government 'toleration' of illegal leasing would, McLean warned, be 'generally regarded' by Ngāti Apa:

> as a violation of the treaty under which the Government in acquiring the Rangitikei district assured to Ngatiapa that they should not only not be interfered with in the quiet and continued possession of the said district, but that every means should be taken to prevent the unauthorized occupation of it by Europeans.[81]

In agreeing to the Turakina-Whangaehu reserve as a homeland for all of Ngāti Apa, therefore, the Crown had promised, not only that the land would be the 'permanent property' of the tribe and its 'descendants', but also that it should be protected from unauthorized encroachment by European settlers. Thus, according to McLean's understanding, the reserve was not only to be permanent, but also protected, with its territorial integrity actively guaranteed by the Crown.

The situation of the other seven reserves listed in the Rangitīkei-Turakina deed was less clear-cut. Some, like the cultivations across the river from Te Awahou pā, or the lagoons or lakes from which Ngāti Apa were to be allowed to continue to fish and take eels, were to be only temporary or contingent on European settlement. Others, such as the 1600 acres embracing 'the principal pā and cultivations' of the Parewanui people were intended to be permanent.[82] That, at least, was the strong implication in the Māori wording of the deed. Described as 'wahi tapu' ('sacred places' or 'sacred sites'), the areas listed were to be 'reserved

[80] Ibid., pp 2-3.
[81] Donald McLean to Major [David Stark] Durie, 22 September 1852. ATL, MS-Papers-0032-0038, Object #1018670 http://mp.natlib.govt.nz/detail/?id=1018670&recordNum=0&t=items&q=1018670&s=a&l=en (accessed 28 March 2016).
[82] Park to Kelham, p 1.

and made sacred' for the Māori people ('Kia Wakatapua etahi wahi mo matou, mo nga tangata Māori').[83]

Despite the apparently unambiguous wording of the deed, McLean expected that one, at least, of the supposedly permanent reserves would soon be sold. Reporting to the Colonial Secretary just after the signing of the Rangitīkei-Turakina deed, McLean suggested that 'the Chief of Turakina' would 'in the course of a few years . . . dispose' of the reserve bounded by the Turakina and Mākirikiri stream.[84] This, in fact, did not happen and the land was still in Ngāti Apa hands in 1867 when it was taken through the Native Land Court.[85]

[83] Rangitikei-Turakina Deed, ANZ Wellington, ABWN W5279 8102 Box 319 WGN 16 (R 23 446 329); *Whanganui Land Report*, Vol. 1, p 267.
[84] Donald McLean to the Colonial Secretary, Wanganui, 21 May 1849, p 13.
[85] Armstrong, pp 122-123.

3. The Te Awahou Purchase Reserves, 1858-2016

3.1 The Te Awahou Purchase, 1858-1859

The Te Awahou purchase was the first significant land transaction between the Crown and Ngāti Raukawa hapū in the Porirua ki Manawatū inquiry district. Enclosed on three sides by the lower stretches of the Manawatū River and the Tasman Sea, and including the township of Te Awahou or Foxton, Te Awahou was offered to the Crown in March 1858 by Ihakara Tukumaru of Ngāti Ngarongo.[86] Ihakara wanted to encourage European settlement in the Manawatū in order to promote commercial activity and bring prosperity to his people. In a letter to the *Māori Messenger: Te Karere Māori*, justifying his decision to sell, Ihakara explained that 'it would be wise to dispose of a portion to the Europeans to settle upon, that they may dwell near us and carry out among us their good system [of commerce].' Such a transaction, however, was contingent on the Māori owners 'carefully' securing to themselves 'such land for cultivation as may be required' for their 'subsistence.'[87]

Ihakara's proposed sale divided Ngāti Raukawa, with Nēpia Taratoa foremost amongst those who opposed the transaction. Confronted by the strenuous opposition of Nēpia and others, Crown officials initially held back from the purchase. A large hui was held in August 1858, with reportedly 150 and 200 Ngāti Raukawa present, divided into 'two distinct parties . . . sellers and non-sellers.'[88] With 'Ihakara and his friends' insisting that the purchase should go ahead, and Nēpia and his party still staunchly opposed, district land purchase commissioner William N Searancke agreed to buy the land for £2500, with an initial down payment to Ihakara of £400.[89]

[86] Mr Commissioner Searancke to the Chief Commissioner [Donald McLean], 15 November 1858, *AJHR*, 1861, C-1, pp 282-283, p 282; Otaki Minute Book, 1C, 17 March 1868, pp 258, 260; 18 March 1868, p 262.
[87] 'Letter of Ihakara Tukumaru', *Māori Messenger: Te Karere Māori*, Vol V, Issue 13, 16 August 1858, pp 8-9, http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=MMTKM18580816&e=-------10--1----0-- (accessed 1 June 2016)
[88] Journal of James Grindell, Interpreter, N.L.P.D., from June 1st to July 31st, 1858, *AJHR*, 1861, C-1, p 278; Searancke to the Chief Commissioner, 15 November 1858, p 283; 283; Otaki Minute Book, 1C, 17 March 1868, p 259.
[89] Searancke to the Chief Commissioner, 15 November 1858, p 283,

Signed on 12 November by Searancke on behalf of the Crown and Ihakara Tukumaru and 66 others for the vendors, the initial agreement made the payment of the outstanding £2100 contingent on the 'portions of the block to be reserved' being 'arranged' and 'approved by Mr Searancke.'[90] The agreement, however, made no mention of where these reserves might be located or what their boundaries might be. This went against established government practice requiring that reserves be agreed to and marked off prior to the signing of the deed of purchase. In the Rangitīkei-Turakina purchase, for example, McLean had taken care to ensure that all of the reserves had been agreed to, and clearly defined prior to the payment of the first instalment.

Justifying his decision to go ahead with an initial agreement and prepayment for the purchase of Te Awahou, despite the continuing opposition of a significant portion of those with interests in the land, Searancke explained that by doing so he had acquired crucial leverage against those who were yet to agree to the sale. 'Many now wavering between selling and holding the land,' he wrote, 'will consider that any further opposition to the sale of the Manawatū district will be useless.'[91]

Although Searancke did not say so in his report, the 12 November agreement also placed the Crown in a strong position when it came to negotiating the location and extent of the reserves to be created from the Te Awahou purchase. By making payment of the bulk of the purchase price dependent on the district land purchase commissioner's approval of any reserves to be set aside, while not stipulating where or how large these areas might be, the initial agreement took away much of the bargaining power that the owners might have been able to apply had the reserves been negotiated prior to the purchase. Rather than being a negotiation between equals, therefore, the definition of the Te Awahou reserves took place after the purchase had already been agreed to, with the land purchase commissioner in a position to veto any arrangement he did not like.

The Awahou purchase was completed in May 1859, after another large hui, with the signing of a second deed. Dated 14 May 1859, this second deed was signed by Nēpia Taratoa and others, such as Parakaia Te Pouepa, who had opposed the initial transaction.[92] Nēpia and Parakaia's agreement appears to have been based on the understanding that land conveyed by the deed comprised all of Ihakara's rights to land north of the Manawatū River.[93]

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[90] 'Deed Receipt £400 Te Awahou Block', 12 November 1858, Archives New Zealand, Wellington, ABWN W5279 8102 Box 319, WGN 14 (R23 446 327).
[91] Searancke to the Chief Commissioner, 15 November 1858, p 283.
[92] 'Deed of Sale, £ 2335, Awahou Block, Manawatū District, Executed at the Awahou May 14th 1859 ', Archives New Zealand, Wellington, ABWN W5279 8102 Box 319, WGN 14 (R23 446 327).
[93] Otaki Minute Book, 1C, 17 March 1868, pp 259-261.

3.2 The Te Awahou Reserves

Table 3.1 Reserves defined in the second Awahou Deed, 14 May 1859

For whom	Where	Estimated area	Surveyed area
Ihakara Tukumaru & Kereopa Ngatahuna	Te Awahou Township	'more than 20 acres'	36a 2r 20p
Communal	Moutoa Burial ground		20 a 1r 30p
Communal	Whakawehi Burial ground		34 a 0 r 0 p

Table 3.2 Land set aside for repurchase by signatories of the Awahou Deeds, as set out in the second Awahou Deed, 14 May 1859

For whom	Where	Price	Surveyed area
Nēpia Taratoa	Te Awahou	£5 per ¼ acre	1a 1r 5p
Kereopa Ngatahuna	Te Awahou	£5 per ¼ acre	0a 2r 2p
Te Wirihana	Moutoa		5a 0r 15p

Table 3.3 Additional land set aside for repurchase by Māori after the signing of the Awahou Deed, 14 May 1859

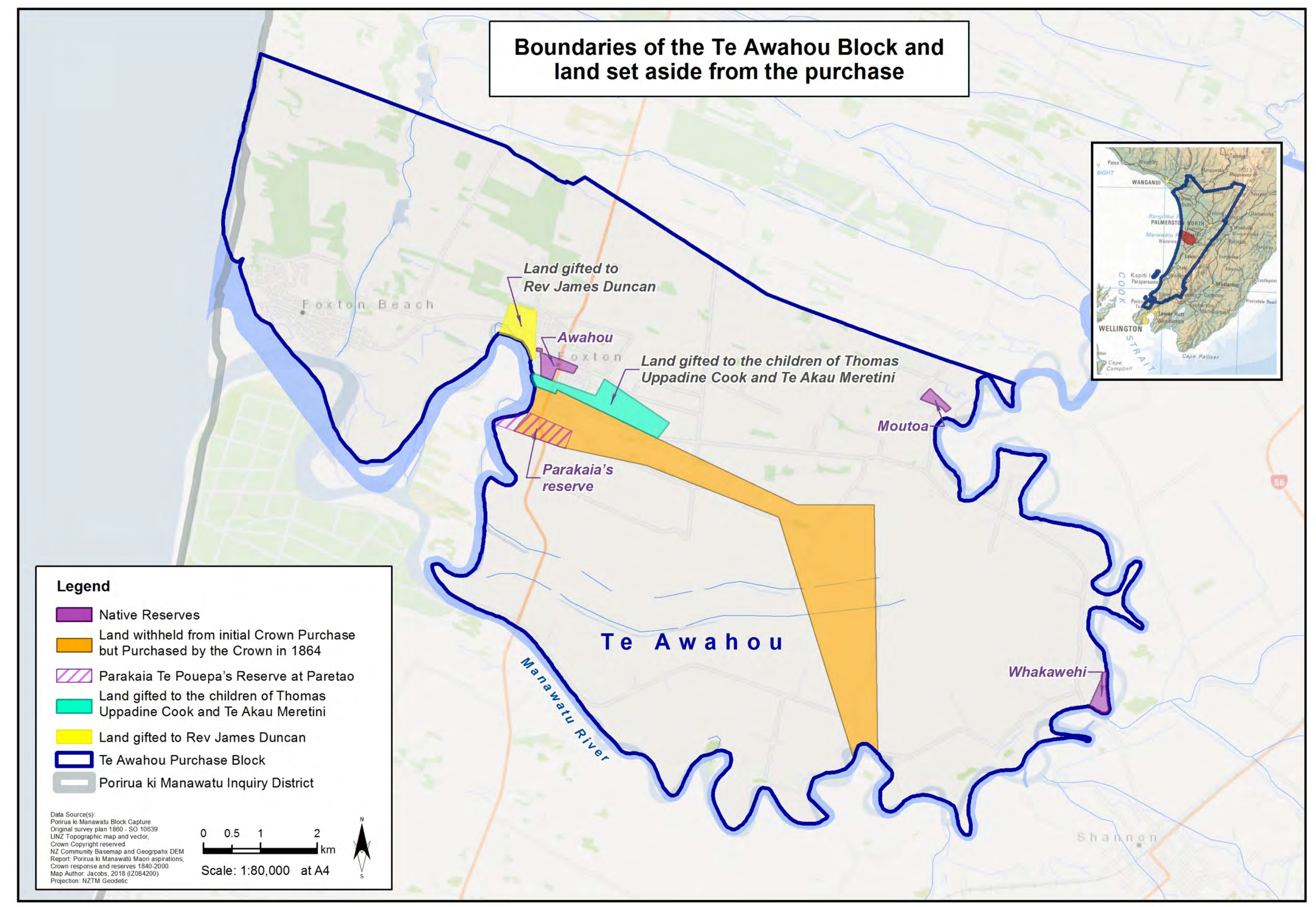
For whom	Where	Surveyed area
Ihakara Tukumaru	Te Awahou	16a 0r 5p
'Natives'	Te Awahou	1a 1r 8p

Table 3.4 Area 'withheld' from the Awahou purchase to cover the rights of non-sellers

For whom	Surveyed area
Non-sellers	1960 acres

Table 3.5 Land gifted by the vendors of the Awahou Block, as set out in the second Awahou Deed, 15 May 1859

For whom	Where	Surveyed area
Children of Thomas Uppadine Cook & Te Ākau Meretini	Te Awahou	197a 2r 0p
James Duncan	Te Awahou	91a 0r 0p



Boundaries of the Te Awahou Block and land set aside from the purchase
Land gifted to Rev James Duncan
Awahou
Land gifted to the children of Thomas Uppadine Cook and Te Akau Meretini
Moutoa
Parakaia's reserve
Whakawehi
Te Awahou
Manawatu River
Foxton
Foxton Beach
Shannon
WANGANUI
WELLINGTON
COOK STRAIT
Legend
Native Reserves
Land withheld from initial Crown Purchase but Purchased by the Crown in 1864
Parakaia Te Pouepa's Reserve at Paretao
Land gifted to the children of Thomas Uppadine Cook and Te Akau Meretini
Land gifted to Rev James Duncan
Te Awahou Purchase Block
Porirua ki Manawatu Inquiry District
Data Source(s):
Porirua ki Manawatu Block Capture
Original survey plan 1860 - SO 10639
LINZ Topographic map and vector,
Crown Copyright reserved
NZ Community Basemap and Geogrpahx DEM
Report: Porirua ki Manawatū Maori aspirations,
Crown response and reserves 1840-2000.
Map Author: Jacobs, 2018 (IZ084200)
Projection: NZTM Geodetic
0 0.5 1 2 km
Scale: 1:80,000 at A4
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The reserves

Unlike the November 1858 agreement, the May 1859 deed detailed the land that was to be excluded from the purchase. In keeping with Ihakara's wish to live close by the Europeans and share in the commercial benefits that he saw as coming with European settlement, a reserve of 'more than twenty acres' was set aside for himself and Kereopa Ngatahuna adjacent to the Te Awahou township. Nēpia Taratoa kept the kāinga he had fenced off, also at Te Awahou. The vendors also retained their burial places at Moutoa and Whakawehi. In addition, 'a piece of land at Te Awahou' was gifted to the half-caste children of Thomas Uppadine Cook, an early settler, who had married Te Ākau Meretini, of Ngāti Kikopiri, the step granddaughter of Te Rauparaha. The deed granted preemptive rights to Nēpia and Kereopa to purchase sections at Te Awahou for five pounds per quarter acre. Te Wirihana was also given the right to buy back the kāinga at Moutoa from the Government.[94]

The May deed also cut out from the purchase a band of land running from Te Awahou township, across and down to Karikari, which was near the bottom of the big bend in the Manawatū River that defined the Te Awahou block. Rather than a permanent reserve, this area was meant to encapsulate the claims of Te Peina, Weretā Te Waha, and Hōrima who, still opposed to the purchase, had refused to accept their share of Searancke's payment.[95]

Defining the boundaries

The boundaries of the Te Awahou reserves were not surveyed before the purchase was completed in May 1859. According to the second deed, Ihakara had pointed out to Searancke the boundaries of the land gifted to the children of Thomas Cook and Te Akau, as well as those of a further piece of land granted to the Presbyterian missionary James Duncan (know to his Māori neighbours as Taukena). After the May deed was signed Ihakara also showed Searancke the boundaries of the strip that had been left out of the purchase to cover the claims of those who still refused to take part in the purchase. Although it seems reasonable to assume that Ihakara would have pointed out the boundaries of his and Kereopa's reserve at Te Awahou township, we have no positive evidence to show that this was in fact the case. Nor do we know the process through which the boundaries of the burial reserves at Moutoa and Whakawehi came to be defined.

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[94] 'Translation of Awahou Deed, 14 May 1859', Archives New Zealand, Wellington, ABWN W5279 8102 Box 319, WGN 14 (R23 446 327).
[95] 'Deed of Sale Awahou Block, Manawatu District'; William N Searancke to Thomas H Smith, 31 May 1860, *AJHR,* 1861, C-1, p 291

In June 1859 Searancke pointed out the boundaries of the Te Awahou block to John Tiffin Stewart, an assistant surveyor with the Land Purchase Department who was charged with making a formal survey and plan of the purchase. We do not know whether Searancke included Ihakara or any of the other former owners in this process. If he did, he did not say so in his report.[96]

Stewart did not begin his survey of Te Awahou until the final week of July 1859. While the survey of the sections around Te Awahou township appear to have proceeded without incident, the assistant surveyor was prevented by those still opposed to the purchase from marking out and measuring the northeastern corner of the strip between Te Awahou and Karikari.[97]

Stewart finished his survey by the end of 1859, but his plan of the Te Awahou block and reserves was not available until some time in the new year. Writing from Wellington at the close of May 1860, Searancke told Assistant Native Secretary Thomas Smith that he had 'not yet received' Stewart's plan of Te Awahou but understood that it had been completed.'[98]

Stewart's 'Plan of the Awahou Block of Land Manawatu' – the product of his survey work – mapped the boundaries and showed the acreage of each of the reserves outlined in the second deed. Ihakara and Kereopa's Te Awahou reserve was calculated to be 36 acres 2 roods and 20 perches, almost double the 'more than 20 acres' stipulated in the deed. Nēpia Taratoa's kāinga reserve was slightly more than half an acre, while the adjacent sections designated for repurchase by Nēpia and Kereopa at Te Awahou were one-and-a-quarter acres each. A further 16 acres abutting Ihakara and Kereopa's reserve was also marked for re-purchase by the former Māori owners. Slightly set apart from these sections, which were grouped together in what was defined on the plan as Block VIII, was a small one-acre 'burial ground reserve'.[99]

Away from Te Awahou township, Stewart mapped the burial reserves at Moutoa (Motoa on the map) and Whakawehi. Moutoa reserve was calculated to be slightly less than 20½ acres, while the adjacent section set aside for re-purchase by Te Wirihana was just under five acres. The downriver Whakawehi reserve was measured by Stewart as 34 acres.[100]

Stewart also surveyed the boundaries of the land set aside from the purchase for the children of Thomas Cook and Te Ākau, as well as an additional gift of land, also detailed in the May 1859 deed, to the Presbyterian missionary James Duncan. The grant to Cook and Te Ākau's

[96] William N Searancke to Thomas H Smith, 31 May 1860, p 291.
[97] John T Stewart, 'Plan of the Awa Hou Block of Land Manawatu' (1859), Survey Office Plan 10602, Archives New Zealand Wellington, AFIH W5692 22381 Box 49, RP 390, (R 22 549 112); William N Searancke to Thomas H Smith, 31 May 1860, p 291.
[98] William N Searancke to Thomas H Smith, 31 May 1860, p 291
[99] Stewart, 'Plan of the Awa Hou Block of Land Manawatu'.
[100] Ibid.

children included 197½ acres, and ran inland from the riverside at Te Awahou township. It included not only the Cook homestead but also a store and hotel. The Reverend Duncan's land, the boundaries of which had also been shown by Ihakara to Searancke, was found by Stewart to include 91 acres, substantially more than the estimated 40 acres mentioned in the deed.[101]

Sufficient for 'present and future requirements'?

In directions addressed two months prior to the signing of the initial agreement to purchase Te Awahou, Chief Land Purchase Commissioner McLean reiterated to Searancke 'the necessity' of setting apart 'reserves of sufficient extent for the present and future requirements' of the Māori whose land was being transacted.[102] Notwithstanding the instructions of his superior, Searancke allowed only a limited number of relatively small reserves to be created for the Ngāti Raukawa vendors out of the Te Awahou purchase. Indeed, three out of the eight pieces set aside were not really reserves at all, given that they would have to be repurchased by their recipients. Nor was the sizeable strip between Te Awahou and Karikari meant as a permanent reserve, covering as it was the as yet unresolved claims of three non-sellers.

Although not sizeable enough to sustain a significant number of people, the reserves at Te Awahou township did fulfil Ihakara's stated desire to be 'near' the European settlement that would grow out of the purchase.[103] In this sense the value of the Te Awahou reserves was not so much their size, but their proximity to the commerce and prosperity that the river port settlement was expected to bring. In 1858 Te Awahou/Foxton was the leading colonial settlement on the Manawatū River and seemed – to Searancke at least – to be 'the key to the whole of the fine timbered inland country' as well as 'the rich and fertile district situated between the Oroua and Rangitīkei Rivers.'[104]

Yet even taking into account the virtues of their location, the reserves designated for Ihakara, Kereopa and Nēpia Taratoa compared poorly with the other sections of land set aside by the May deed. Also at Te Awahou township, the land provided for the children of Cook and Te Ākau covered more than 197 acres, compared to the 40 set aside for the Ngāti Raukawa

[101] Ibid; Translation of Awahou Deed, 14 May 1859.
[102] 'The Chief Commissioner to Mr Commissioner Searancke Wellington – As to Gifts of Land by Natives to Half-caste Children', 10 September 1858, in H. Hanson Turton (ed), *An Epitome of Official Documents Relative to Native Affairs and Land Purchases in the North Island of New Zealand*, (Wellington), 1883, p D 30.
[103] Letter of Ihakara Tukumaru.
[104] Mr Commissioner Searancke to the Chief Commissioner, 6 August 1861, *AJHR*, 1861, C-1, p 295; A N (Tony) Hunt (ed), *Foxton 1888-1988: The First Hundred Years*, (Foxton, Foxton Borough Council), 1987, pp 9, 16-18.

vendors. Just as crucially, the Cook family's block also had river and wharf access, something the Te Awahou township reserves lacked. Given that the settlement's future was seen to lie in its function as a river and seaport, the lack of direct wharf access placed the reserve owners at an immediate disadvantage to their European and 'half-caste' neighbours. The reserves at Te Awahou also compared unfavourably with the grant made to James Duncan. The Scottish missionary received what was shown upon survey to be 91 acres for himself, his wife and four children. Like the Cooks, Duncan also enjoyed the advantage of river access.[105]

The sufficiency of the Te Awahou Purchase reserves for 'the present and future requirements' of the community as a whole was also called into question by most of the reserves listed in the May deed being conferred upon individual rangatira rather than iwi or hapū. The exceptions were the burial reserves at Moutoa and Whakawehi, which were vested communally. Writing about other Crown purchases in the Wairarapa in the 1850s, the Waitangi Tribunal noted that Crown officials (including Searancke) saw the granting of reserves to individual rangatira, 'secured to them as their own property', as 'a recognition of their status, and also a reward for their agreement to sell.'[106] Acknowledging the chiefly rights of individuals, while ignoring 'the underlying rights of the community', the vesting of the reserves in individual, rather than collective ownership, meant that any prosperity that might come from European settlement at Te Awahou was likely to be spread unevenly. While the reserve owners might profit from the benefits of land ownership (including appreciating land values), the rest of the Māori population was likely to have to rely upon wage labour for a living. The vesting of areas of importance to 'the wider hapū' in individual chiefs also meant that the community as a whole stood to lose any benefit it could accrue from the reserves if that individual later chose, or was forced by indebtedness or other causes, to sell the land.[107]

Ihakara and Kereopa mitigated somewhat the inequity of the 36½ acre Te Awahou reserve being in their names rather than the community as a whole by having Stewart subdivide the land into 11 subdivisions. While Ihakara and Kereopa took the largest and second largest pieces, the other eight sections were given to individuals with claims to the land, including Keremeneta (four-and-a-half acres), Arona (4 acres), Natana (three-and-a-half acres) and Teira and Miratana (one-and-a-half acres). Nēpia Taratoa received three acres, next to the section he had been given the right to repurchase. Gifted to individuals, rather to hapū or whānau, this

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[105] Stewart, 'Plan of the Awa Hou Block of Land Manawatu'; Hunt, *Foxton, 1888-1988*, p 19; G S Parsonson, 'Duncan, James (1813-1907)', *Dictionary of New Zealand Biography, Volume One, 1769-1869*, (Wellington, Allen & Unwin and the Department of Internal Affairs), 1990, pp 114-115.
[106] *Wairarapa ki Tararua Report*, Vol. 1, p. 231.
[107] Ibid.

subdivision at least meant that the promised benefits of European settlement would be spread somewhat wider than set out in the May deed.[108]

While taking into account Ihakara's desire to locate himself and his community in close proximity to a growing and prosperous European settlement and trading centre, the second Awahou deed made little provision for the economic and cultural requirements of other groups with interests in the land. Ngāti Whakatere – who do not appear to have participated in the purchase – were particularly hard hit. While allowing the small burial reserves at Moutoa and Whakawehi, the Awahou deed failed to make allowance for other areas of obvious significance to Ngāti Whakatere. Cultivations at Iwitekai, Parikawau, Taupunga and Tahumataroa (all located along the river between Moutoa and Whakawehi), were left unreserved, as was the site of Henere Te Herekau's recently-constructed Anglican Church at Moutoa.[109]

With almost no land set aside for Ngāti Whakatere by the Crown, Henere Te Herekau appealed to the Government to increase the size of the small reserve at Whakawehi. Others within the tribe took more direct action. In February 1861 Searancke informed his superior that 'some relations of Heneri Te Herekau' had 'taken possession of and fenced in' a 'piece of land at the Iwi te Kai.' Confronted by these protests, the District Land Purchase Commissioner flatly dismissed Ngāti Whakatere's claims to the land they had occupied as 'indefensible', and insisted that boundaries of the reserve should 'not by any means' be extended. He did, however, recommend that the occupied land be held back from sale to European settlers 'for the present', and that the 'Ngāti Whakatere tribe be allowed' the right to re-purchase from the Crown up to 50 acres of the land adjacent to the reserve at Whakawehi.[110]

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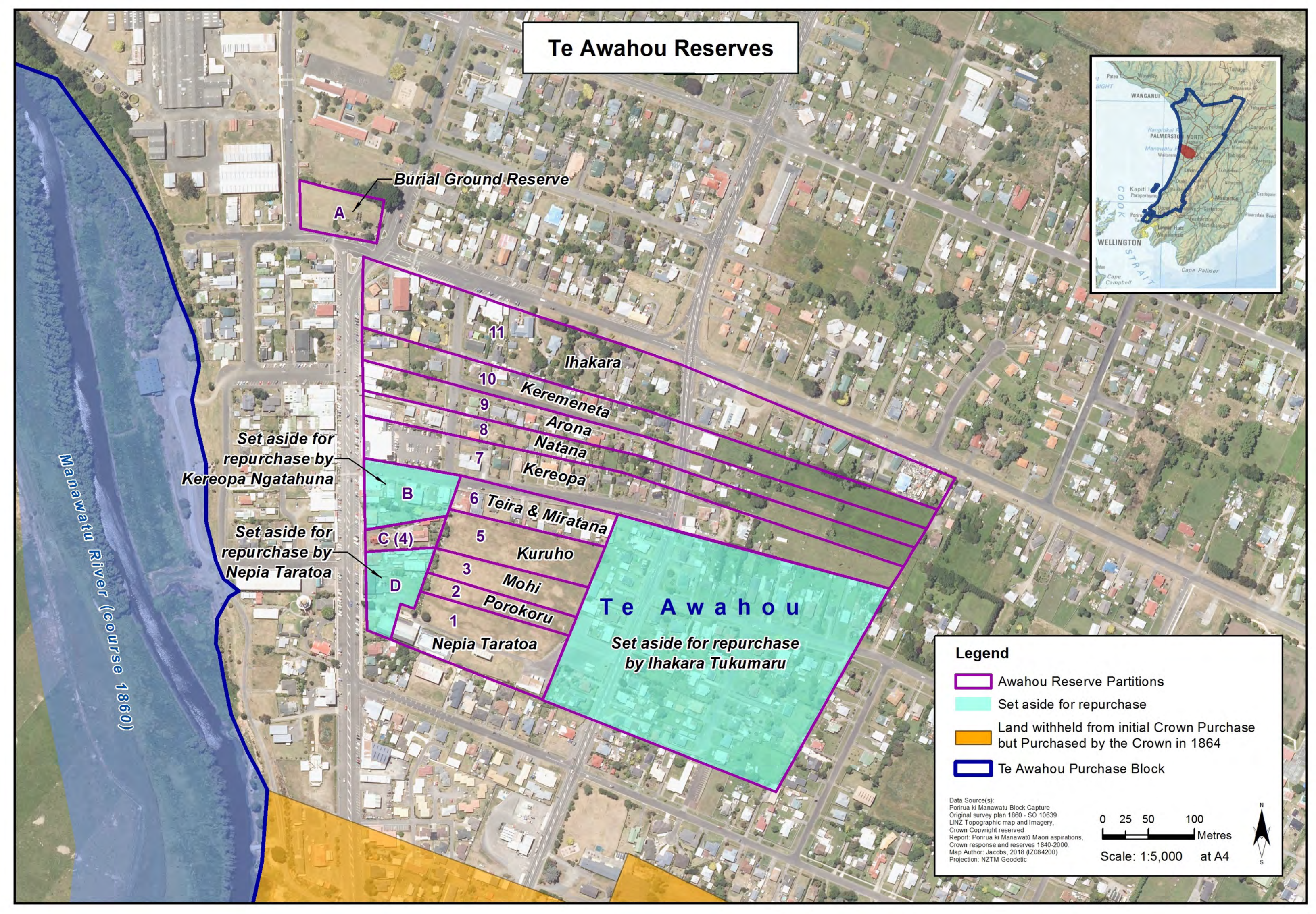
[108] Stewart, 'Plan of the Awa Hou Block of Land Manawatū'; 'Plan of the Awa-Hou Block of Land Manawatū', (November 1860), Survey Office Plan 10639, Archives New Zealand Wellington, AFIH W5692 22381 Box 49, RP 389, (R 22 549 113).

[109] Stewart, 'Plan of the Awa Hou Block of Land Manawatu'.

[110] Mr Commissioner Searancke to the Chief Commissioner [Donald McLean], 1 February 1861, *AJHR*, 1861 C-1, pp 301-302.



Te Awahou Reserves
Burial Ground Reserve
A
11
Ihakara
10
Keremeneta
9
Arona
8
Natana
7
Kereopa
Set aside for repurchase by Kereopa Ngatahuna
B
6 Teira & Miratana
C (4)
5
Kuruho
Set aside for repurchase by Nepia Taratoa
D
3
Mohi
2
Porokoru
1
Nepia Taratoa
Te Awahou
Set aside for repurchase by Ihakara Tukumaru
Manawatu River (course 1860)
Legend
Awahou Reserve Partitions
Set aside for repurchase
Land withheld from initial Crown Purchase but Purchased by the Crown in 1864
Te Awahou Purchase Block
Data Source(s):
Porirua ki Manawatu Block Capture
Original survey plan 1860 - SO 10639
LINZ Topographic map and Imagery,
Crown Copyright reserved
Report: Porirua ki Manawatū Maori aspirations, Crown response and reserves 1840-2000.
Map Author: Jacobs, 2018 (IZ084200)
Projection: NZTM Geodetic
0 25 50 100 Metres
Scale: 1:5,000 at A4

The Government does not appear to have acted on Searancke's recommendation that Ngāti Whakatere should be allowed to buy back some of the land around Whakawehi. In 1890 members of the tribe applied to the Commissioner of Crown Lands to purchase for one pound an acre some of the adjoining sections.[111] Native Department officials, however, rejected this request, stating that they were unable to find any 'evidence whatever' in the papers 'to support the claim of the Natives.'[112]

Members of Ngāti Whakatere nevertheless did succeed in purchasing back some of the Crown land adjoining the Whakawehi reserve. According to the Wellington register of Crown Grants, Section 114 of the Moutoa Block (slightly less than 14 acres) was granted to Hone Takere (Hoani Takerei) while Section 87 (four and one quarter acres) was registered in the name Hemi Hatahi (or Katahi). It is unclear from the register when these grants were made, except that it was some time between 1866 and 1914.[113] In 1875 Tūrau Ngāwhena secured Crown grants to sections 109 to 112 of the Moutoa Block, a strip of almost 14 acres running from the Foxton-Shannon road to the reserve.[114] In addition, the kāinga at Moutoa, set aside for repurchase by Te Warena in the second Te Awahou deed, was eventually bought back by the original Māori owners. According to the Crown grants register, the five-acre section 72 was granted to Pineaha Te Mahauaraki (Ngāti Turanga) and 'another'.[115]

After a struggle covering more than eight decades Ngāti Whakatere also finally secured title to the grounds of their church at Moutoa. Despite being constructed in 1856, well before the Crown's purchase of Te Awahou, no reserve was created for the church and its grounds. In 1887 Henere Te Herekau, Karehana Te Whare and 12 others petitioned Native Minister John Ballance for a Crown grant to the 20-acre section upon which the church was situated (section 70 of the Moutoa Block), as well as their 20-acre burial reserve (which had been set aside in the 1859) deed.[116] Three years later, the Native Land Court belatedly ordered certificates of title to the Moutoa and Whakawehi burial reserves (sections 74 and 117) but declined a similar application for the church reserve because it was Crown land.[117]

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[111] J W [?] Marchant (Commissioner of Crown Lands) to the Under Secretary, Native Department, 19 June 1890, ANZ Wellington, MA-MLP1 27, 1890/197 (R 23 904 330)

[112] Minute from P Sheridan to T W Lewis, 24 June 1890, ANZ Wellington, MA-MLP1 27, 1890/197 (R 23 904 330)

[113] 'Crown Grants By Registration District – Page 1 to Page 182', 1866-1914, Vol 3, pp 139-140

[114] Ibid., p 139

[115] Ibid., p 138

[116] Petition from Henere Te Herekau, Kerehana Te Whare & 12 others, 26 January 1887, ANZ Wellington, AAMK W3074 869 Box 67, 5/9/71 (R 11 835 590)

[117] Extracts from Judge Robert Trimble's Notebook, 13 & 14 February 1890, ANZ Wellington, AAMK W3074 869 Box 67, 5/9/71 (R 11 835 590)

Following unsuccessful petitions in 1891 and 1894, another attempt to have title investigated by the Native Land Court in 1917, and a letter from their solicitors to the Under Secretary Native Department in 1931, the church's advocates finally received a favourable hearing in 1937, after Te Taite Te Tomo and Teria Roria brought the case before the Surveyor General.[118] The Surveyor General passed the case on to the Under Secretary of the Native Department who suggested that the matter be investigated under section 542 of the Native Land Act 1931.[119] The case was heard by the Native Land Court in June 1940, but not reported upon until July 1945, when the Court ruled in favour of Ngāti Whakatere, recommending that the church's land should be vested in trustees under 'section 527 of the Native Land Act, 1931, as modified by section 9 of the Native Purposes Act 1943.'[120]

'Section 527 of the Native Land Act, 1931 as modified by section 9 of the Native Purposes act 1943', allowed the Governor General, upon the recommendation of the Native Land Court, 'to direct' the District Land Registrar to issue a certificate of title transferring ownership of Crown land to a trustee or trustees 'for some group or class' of Māori.[121] This was duly done, but due to bureaucratic delays, the failure of the initial warrant to stipulate whether the land was to be vested 'in the trustees as joint tenants or as tenants in common', and a hold up in the payment of the one pound registration fee, section 70 at Moutoa was not finally returned to its pre-1859 owners until April 1953.[122]

The fact that members of Ngāti Whakatere were obliged to purchase back from the Crown 37 acres of land around their reserve at Whakawehi, and battle for 65 years to secure the return of their church lands at Moutoa shows that the land reserved for them from the Awahou purchase was insufficient, both for their subsistence and cultural needs. Even if he did not know this at the time of the purchase, the Crown's land purchaser had made been made well

[118] Petition form Matenga Moroati and others, 1891; 'Report upon the petition of Te Roore Rangiheua and 26 others'; Morison, Spratt & Morison to the Under-Secretary for Lands, 31 July 1931; Taite Te Tomo and Teri Roria to the Surveyor General, 19 September 1937; J D Clapperton (Chief Surveyor), 'Memorandum for the Surveyor General, Wellington. 20 acres Moutoa Section-Church Site. WD 857', 14 January 1938; J D Clapperton (Chief Surveyor), 'Memorandum for the Surveyor General, Wellington, 20 acre Section 70, Church Site (WD 857)', 16 February 1938; all in ANZ Wellington, AAMK W3074 869 Box 67, 5/9/71 (R 11 835 590)
[119] Memorandum from Under-Secretary Native Department to the Chief Judge, Native Land Court, 10 October 1938, ANZ Wellington, AAMK W3074 869 Box 67, 5/9/71 (R 11 835 590)
[120] George Patrick Shepherd (Chief Judge, Native Land Court), 'In the Matter of Section 542 of the Native Land Act, 1931 and In the Matter of the land known as Section 70, Township of Foxton, Section 70, Moutoa', 4 July 1945, ANZ Wellington, AAMK W3074 869 Box 67, 5/9/71 (R 11 835 590)
[121] Native Land Act 1931, s 527; Native Purposes Act 1943, s 9
[122] D A Paterson (Commissioner of Crown Lands), 'Memorandum for the Director General: Section 70 Moutoa Block – Township of Foxton', 22 February 1952; F F O'Kane to Under Secretary, 'Sec 70 Moutoa Block: Township of Foxton', 7 October 1952; D A Paters (Commissioner of Crown Lands) to the Under-Secretary, Māori Affairs Department, 24 November 1953; Memorandum from the District Officer to Head Office, MA 5/9/71, 17 April 1953; all in ANZ Wellington, AAMK W3074 869 Box 67, 5/9/71 (R 11 835 590)

aware of the problem in the months following the purchase. The 'Native Church' at Moutoa was clearly marked on Stewart's plan of the Awahou block, while Henere Te Herekau asked the Government to increase the size of the reserve at Whakawehi.[123] Despite this, the Crown did not add to the very limited area allowed for the former Māori owners in the second May 1859 Awahou Deed.

That the Crown could make provision for claims within the Awahou block that had not been properly provided for at the time of purchase was demonstrated in 1873 when 76 acres were cut out of the Awahou block for a reserve at Iwitekai. The reserve was not, however, for Ngāti Whakatere (who had occupied the land after the Awahou purchase) but rather for Peeti Te Aweawe and Hemi Warena of Rangitāne.[124] The new reserve was the outcome of a six-year long dispute between Te Aweawe and Wellington Superintendent Isaac Earl Featherston, and was created with the Ngāti Raukawa's consent. Te Peeti Te Aweawe told the Native Land Court that Ihakara Tukumaru and Parakaia Te Pouepa had 'substantiated' his claim to the land. Apparently speaking for all of Raukawa, Hoani Taipua (Ngāti Pare) then confirmed that they had reserved 'this land for Te Peeti, Te Warena and others.'[125]

Permanent and Inalienable?

As we have seen, reserves set aside for Māori from Crown purchases were originally intended to be permanent and inalienable. By the first decade of the twentieth century, however, most of the land reserved or withheld from the Awahou purchase had passed out of Māori ownership. First to go was the substantial band of land withheld from sale in 1859. This was purchased by the Crown at the end of 1864, with 88 acres being subsequently reserved by the Native Land Court for Parakaia Te Pouepa, who had refused to sell his share. In 1867 Ihakara sold to the Crown his pre-emptive right to 16 acres adjoining the Awahou reserve. The Awahou reserve itself was purchased mainly by private buyers. By 1907 all but Section 5, and parts of Section 9 and Section 11 appear to have been in European ownership. Title to the burial reserves at Moutoa and Whakawehi was not confirmed by the Native Land Court until 1890.

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[123] Stewart, 'Plan of the Awa Hou Block of Land Manawatu'; Searancke to the Chief Commissioner, 6 August 1861, *AJHR,* 1861, C-1, p 295.
[124] 'Iwitekai A', Certificate of Title, 13 May 1873, CFRT Māori Land Court Records Document Bank, Vol IX, p 825; 'Iwitekai B', Certificate of Title, 13 May 1870, CFRT Māori Land Court Records Document Bank, Vol IX, p 820
[125] Otaki Minute Book, 2, 10 April 1873, pp 73-74

This land remains in Māori ownership to day, as does Section 5 of the Awahou Reserve (2 acres), now part of Easton Park.[126]

3.3 Kawaroa, Hotuiti and Paretao

Containing 1960 acres, the band of land set aside to cover the claims of those who had refused to sign the 1859 Awahou Deed, was purchased by the Crown in three parts, in November and December 1864. The southern and central portions, Te Kawaroa and Hotuiti (1520 acres), were purchased for a total of £250 by Land Purchase Commissioner and Wellington Superintendent Isaac Featherston on 17 November 1864. The two deeds of sale were signed by Te Rei Paehua, Winiata Taiaho, Karekeha Te Paehua and Te Keremihana Wairaka.[127] Paretao, the 440-acre western section, was purchased by Featherston on 5 December from Wereta Te Waha (Ngāti Te Ao) and five others.[128]

Weretā Te Waha's right to sell Paretao was challenged by Parakaia Te Pouepa who claimed that he and Weretā were joint owners of the land. When, in August 1864, he learned that Te Weretā had offered Paretao to the Crown, Parakaia complained to Walter Buller, Featherston's assistant. After Buller rejected his claim, Parakaia marked out his own boundary on the ground, dividing the land between what Te Weretā could sell and what he wished to keep. He then wrote 'to the Government and also to Dr Featherston' to inform them of his actions.[129]

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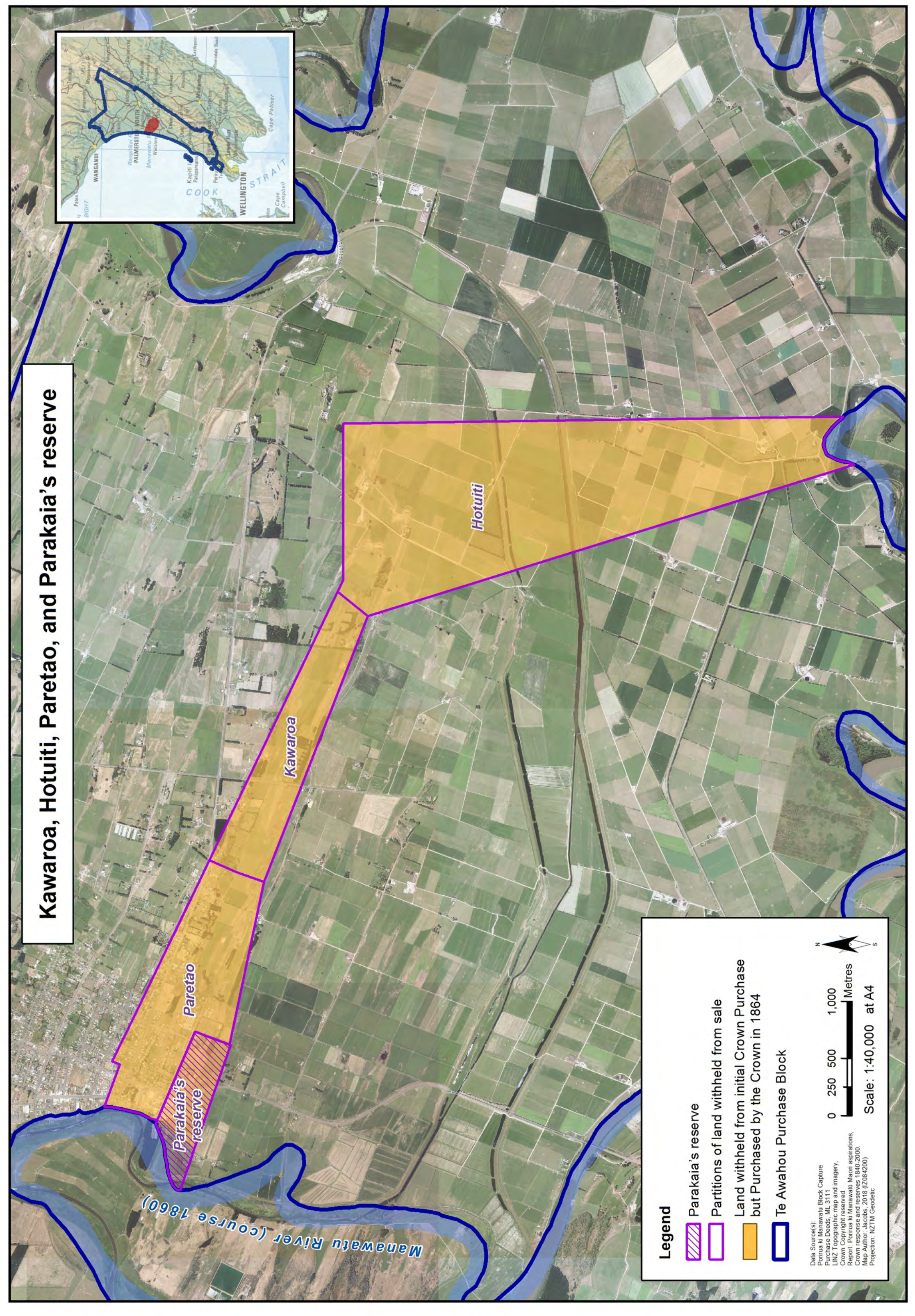
[126] 'Lot 5 Block VIII Awahou Block. Formerly known as Section 5 Block VIII Manawatū District Te Awahou Block (Part Easton Park)', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/45212.htm (accessed 18 May 2016)
[127] 'Deed of Conveyance. Kawaroa Block, Manawatu District, Wellington Province, 17 November 1864', ABWN W5279 8102 Box 328, WGN 229, (R 23 446 528); 'Deed of Conveyance. Kawaroa-Hotuiti Block', Manawatu District, Wellington Province, 17 November 1864', ANZ Wellington, ABWN W5279 8102 Box 328, WGN 230, (R 23 446 529)
[128] 'Deed of Conveyance. Te Paretao Block, Manwatu District, Wellington Province, 5 December 1864', ABWN W5279 8102 Box 320, WGN 19 (R 23 446 332)
[129] Otaki Minute Book, 1G, 2 February 1869, p 4


Kawaroa, Hotuiti, Paretao, and Parakaia's reserve
Hotuiti
Kawaroa
Paretao
Parakaia's reserve
Manawatu River (course 1860)
Legend
Parakaia's reserve
Partitions of land withheld from sale
Land withheld from initial Crown Purchase but Purchased by the Crown in 1864
Te Awahou Purchase Block
0 250 500 1,000 Metres
Scale: 1:40,000 at A4
N
S

Disregarding Parakaia's claims and ignoring his boundary, Featherston purchased the whole of Paretao from Weretā for £500.[130] Parakaia, however, took his claim to the newly-established Native Land Court, and in February 1869 the Court upheld his claim to a share of Paretao. Rather than regarding him as co-owner with Weretā, however, the Court found that Parakaia was one of five owners, each with equal rights, and therefore 'entitled to one fifth of the land' or 88 acres.[131] In the certificate of title awarding the land to Parakaia, the court declared the 88 acres at Paretao to be 'a Native Reserve within the meaning of the Native Lands Act, 1867.'[132] This meant that, the land was to be 'inalienable except with the consent of the Governor by sale, or mortgage or by lease for a longer period than 21 years.'[133]

Despite the restriction on alienation imposed by the Native Land Court, and Parakaia's expressed wish to hold on to the land, virtually all of the Paretao reserve was sold to European buyers in less than 10 years. In June 1872 Parakaia died leaving no will and no obvious successors.[134] After a contested hearing in March 1872, the Native Land Court ordered that ownership of Paretao Reserve should pass to his sister Hera Tūhangahanga.[135] Having secured title to the land, Tūhangahanga set about selling it off piece by piece. In late April and early May of 1873 she sold five sections (constituting well over half of her brother's original block) to four different Europeans, including John Tiffin Stewart, J Purcell and P Neylan. Two of the last three remaining sections were sold in 1874 and 1876, including a piece of riverside land to Walter Buller.[136]

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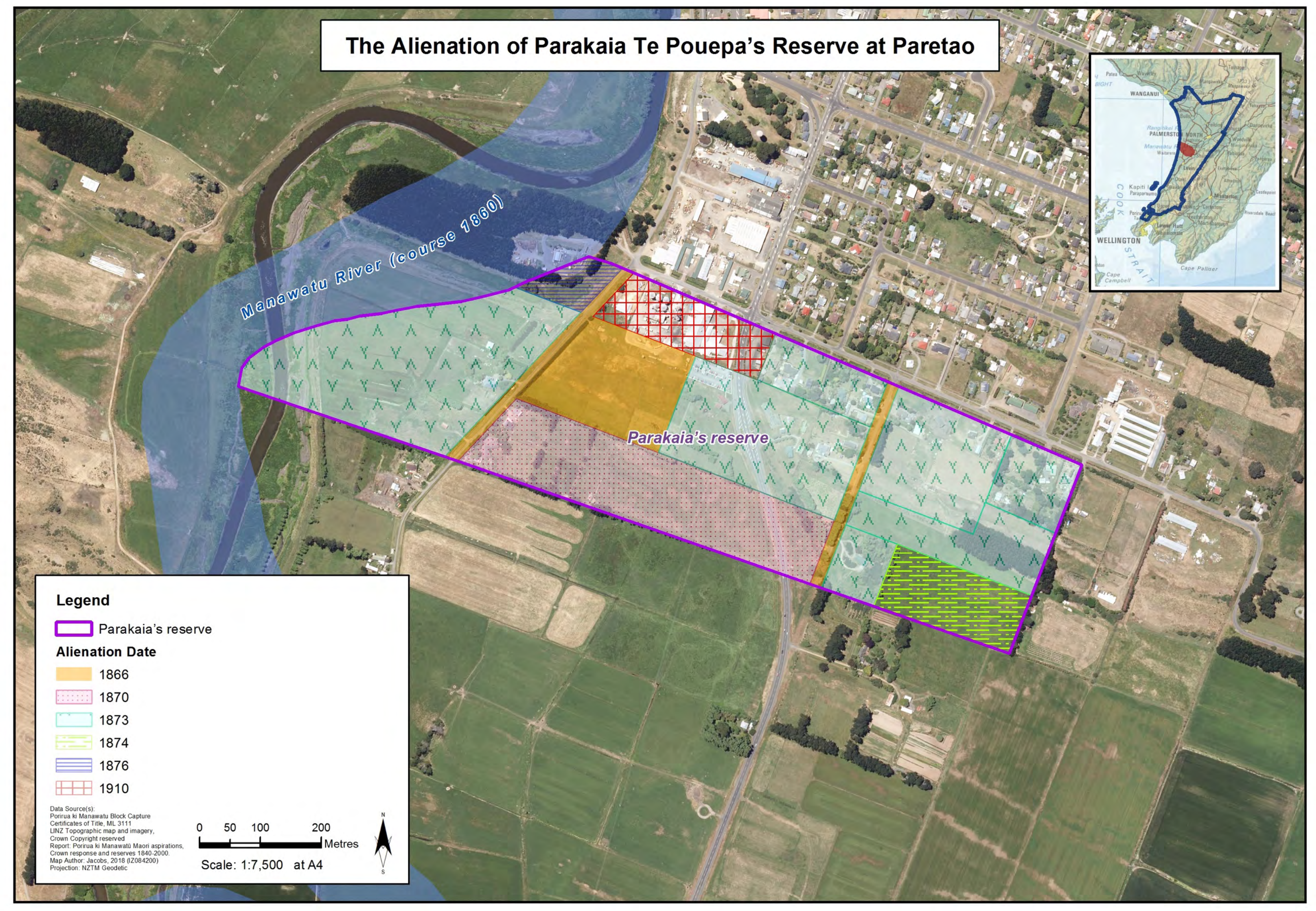
[130] Ibid., p 5
[131] Ibid., p 30
[132] 'Paretao Block', Certificate of Title, 3 February 1869, CFRT Māori Land Court Records Document Bank, Vol IX, p 172
[133] Native Lands Act 1867, s 13
[134] *Wellington Independent*, 8 June 1872, p 3 http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&cl=search&d=WI18720608.2.18&srpos=9&e=01-01-1871-31-12-1872--10--1----0Parakaia-- (accessed 16 May 2016); Otaki Minute Book, 14 March 1873
[135] Otaki Minute Book, 1, 14 March 1873
[136] 'Paretao', Memorial schedule and sketch of block, CFRT Māori Land Court Records Document Bank, Vol XXI, pp 169-170


The Alienation of Parakaia Te Pouepa's Reserve at Paretao
Manawatu River (course 1860)
Parakaia's reserve
WANGANUI
PALMERSTON NORTH
COOK
STRAIT
WELLINGTON
Cape Palliser
Legend
Parakaia's reserve
Alienation Date
1866
1870
1873
1874
1876
1910
Data Source(s):
Porirua ki Manawatu Block Capture
Certificates of Title, ML 3111
LINZ Topographic map and imagery,
Crown Copyright reserved
Report: Porirua ki Manawatū Maori aspirations,
Crown response and reserves 1840-2000.
Map Author: Jacobs, 2018 (IZ084200)
Projection: NZTM Geodetic
0 50 100 200
Metres
Scale: 1:7,500 at A4
N
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The remaining six acres of the Paretao Reserve (Lot 6, fronting on to Purcell Street, Foxton) were sold to James Nash Symons in March 1910 for the Government Valuation of £133.[137] The sale, which under the Māori Lands Administration Amendment Act, 1901 had to be approved by the District Māori Land before going ahead, was supported by all but one of the lot's 18 owners.[138]

3.4 The Alienation of the Awahou Reserve

The alienation history of the 11 sections of the Awahou reserve is more difficult to reconstruct than that of the Kawaroa, Hotuiti and Paretao blocks. Because most of the land was sold to private Europeans, we cannot rely upon Crown purchase deeds to tell us exactly when and by whom the land was sold. Native Land Court records for the Awahou reserve are also extremely sparse, being restricted to the only two pieces of land (Section 5 and part of Section 9) that were still under Māori freehold title in the twentieth century. In the absence of these key sources we are obliged to piece together what we can from a variety of available sources including survey plans, valuation rolls and official correspondence.

Crown grants for 11 Awahou sections were issued in August and September 1863, and May 1864.[139] As discussed above, the land was vested in individuals rather than tribal or hapū groups. This, along with its subdivision into almost a dozen small sections, left the Awahou reserve vulnerable to being sold off piece by piece, as individual section owners were drawn into transactions with private European buyers keen on acquiring real estate in the business district of Foxton. This appears to have been what happened: between 1864 and 1914 all but one of the 11 sections passed either entirely or partially into European ownership. Apart from one acre gifted by Ihakara to the Crown for a courthouse, all of this land appears to have been purchased by private buyers.

[137] 'Declaration by W Moffatt, In the Matter of a Deed of Conveyance dated 21 March 1910 of certain undivided interests in a piece of land containing 5 ac. 3ro. 30 pers. Part of the Te Paretao Block situate in the township of Foxton whereby the whole of the said piece of land excepting the interest of Hokimate Parata and Te Utauata Wi Parata is conveyed to J. N. Symons', 190 August 1910, ANZ Wellington, MA1 1010, 1910/4082 (R 22 402 884); 'Te Paretao Block Lot 6', ANZ Wellington, MA1 1010, 1910/4082 (R 22 402 884)

[138] 'Application to recommend His Excellency the Governor to remove Restrictions upon, and consent to the Sale of Māori Land', 19 July 1909; 'Recommendation for Removal of Restrictions, and Consent to Sale, 28 January 1910, both in ANZ Wellington, MA1 1010, 1910/4082 (R 22 402 884)

[139] 'Return of all Grants of Land or Other Endowments Made for the Benefit of the Native Race', *AJHR*, 1865, E-7, p 1.

Table 3.6 The 11 sections of the Awahou Reserve (Block 8)

Section	Owners	Acreage	Date of Crown Grant
1	Nēpia Taratoa, Maukiringutu	3a 0r 0p	11 September 1863
2	Porokoru	1a 0r 0p	20 August 1863
3	Mohi	1a 1r 2p	20 August 1863
4	Nēpia Taratoa, Maukiringutu, Kereopa	0a 2r 12 p	11 September 1863
5	Ahenata Kuruho, Kereopa Ngatahuna	2a 0r 0p	19 May 1864
6	Teira Ngawhanga	1a 1r 25p	20 August 1863
7	Kereopa Ngatahuna	6a 2r 10p	20 August 1863
8	Nātana Taowharoro	3a 2r 11p	20 August 1863
9	Ārona	4a 0r 25p	20 August 1863
10	Keremeneta	4a 2r 0p	20 August 1863
11	Ihakara Tukumaru	9a 0r 27p	20 August 1863

Sources: 'Return of Native Reserves Made in the Cession of Native Territory to the Crown: Also of Crown Grants to be Issued to Natives and of Crown Grants Already Issued', *AJHR*, 1862, E-10, p 23; 'Return of all Grants of Land or Other Endowments Made for the Benefit of the Native Race', *AJHR*, 1865, E-7, p 1.

Ihakara made his gift to the Crown of one acre 'as a site for a Court House and General Government Station' on 28 December 1863.[140] The acre was situated at the western end of Section 11, at the corner of what is now Avenue Road and Main Street, Foxton.[141] In 1878, at the request of the Manawatū County Council, Ihakara agreed to allow part of the land to be used for a building for the Council.[142] The Government subsequently consented to lease part of what was now called the Court House Reserve for this purpose.[143]

In July 1867, Ihakara sold to the Provincial Government for £500 his 'presumptive right' to 16 acres adjacent to the Awahou Reserve.[144] Ihakara had been given the right to repurchase this land from the Crown after the Awahou purchase.[145]

The purchase of sections of the Awahou Reserve by private, European buyers appears to have started in the 1870s and 1880s. A survey, completed in December 1880 'in fulfillment of requirements of the Land Transfer Act' indicates that sections one, two and three were by then

[140] Walter Buller to the Colonial Secretary (Native Department), 28 December 1863, ANZ Wellington, J1 233, 1878/3274 (R 24 360 309)
[141] Sketch of the Eleven Allotments of Block VIII Awahou Reserve attached to Walter Buller to the Native Minister, 15 October 1863, ANZ Wellington, J1 233, 1878/3274 (R 24 360 309)
[142] Ihakara Tukumaru to the Under Secretary, Crown Lands, 31 August 1878, Sketch of the Eleven Allotments of Block VIII Awahou Reserve attached to Walter Buller to the Native Minister, 15 October 1863, ANZ Wellington, J1 233, 1878/3274 (R 24 360 309); Stewart, 'Plan of the Awa Hou Block of Land Manawatu'.
[143] 'No objection to leasing portion of CºHo Reserve Foxton to County Council', 4 October 1878, Justice 78/3274, ANZ Wellington, J1 233, 1878/3274 (R 24 360 309)
[144] Ihakara Tukumaru, 'Memorandum of Purchase', 3 July 1867, ANZ Wellington, ABWN W5279 8102 Box 342, WGN 684, (R 23 474 996)
[145] Stewart, 'Plan of the Awa Hou Block of Land Manawatu'.

‘the property of A Gray Esq.’ Together, these three sections made up slightly more than five of the reserve’s 36½ acres.[146] Section 7 (six-and-a-half acres) also appears to have been sold at this time. In February 1882 an official at the Stamp Office in New Plymouth wrote to the Commissioner of Crown Lands to ask if ‘a conveyance of section 7 Block VIII Foxton’ by Kereopa Ngatahuna was subject to ‘Native Stamp Duty.’ The conveyance had been brought into the office to be stamped in December of the previous year.[147]

In the absence of the actual deeds of conveyance it is impossible to tell exactly when and to whom most of the sections of the Awahou Reserve were sold. The exception is a 2 roods and 14 perches (slightly more than half an acre) portion of Ihakara’s Section 11 (lot 261). The surviving deed indicates that the lot was sold by Ihakara Tukumaru and Hoani Makareka to Joseph James Birchley for £75 on 7 March 1879. According to the sketch at the bottom of the deed, the land being transacted faced on to Avenue Road and was adjoined on its right (the eastern, State Highway One side) by two other similarly-sized lots that had already been sold to Europeans (lots 235 and 260). The rest of Section 11 (with the exception of the Court House reserve) appears to have been alienated after March 1879.[148]

The transfer, by the early part of the twentieth century, of most of the Awahou reserve from Māori to European ownership is testified to in the Valuation Roll for the Borough of Foxton commencing 1907. According to the roll, Section 5 was still in Māori ownership, as was part of Section 9, and three-quarters of an acre of Ihakara’s Section 11 (owned by Apatu Tukumaru).[149] The rest of the former reserve was the property of Europeans. Sections 7, 8, 9 and 10 for example, were now predominantly owned by the flaxmiller Frederick Spencer Easton and his company Easton & Austin.[150] Apart from Apatu Tukumaru’s three-quarters of an acre, and the one-acre Court House Reserve, Section 11 was divided between Richard Thomas Berry; Richard Gray; Andrew Johnson (a carpenter); Annie Lovell; Staples & Co Brewery; and Bernard Spelman (a carter).[151] Section 4 was the property of All Saints Anglican Church.[152]

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[146] ‘Part of Town of Foxton Being Sections 1, 2, & 3 of Te Awahou Block VIII, Plan No 219’, December 1880.
[147] W Stuart (Stamp Office, New Plymouth) to The Commissioner of Crown Lands, 27 February 1882, ANZ Wellington, LS-W2 37, 1882/124, (R 24 485 700)
[148] ‘Deed’, 7 March 1879, ANZ Wellington, AAAR W3558 24723 Box 227, 1258 (R 24 008 341)
[149] ‘District Valuation Roll for the Borough of Foxton. For the Period Commencing 1st April 1907’, Archives NZ Wellington, V-WRolls 79, 3/3, (R 17 839 724), pp 53, 56 & 57.
[150] Ibid., pp 21, 58, 73, 80, 92; Thomas Ward to the District Land Registrar, 12 August 1913, ANZ Wellington, LS-W1 597, 29129 (R 24 017 688)
[151] ‘District Valuation Roll for the Borough of Foxton. For the Period Commencing 1st April 1907’, pp 7, 22, 34, 35, 37, 42.
[152] Ibid., p 35.

According to existing Native Land Court records only two parts of the original Awahou reserve remained as Māori land in the twentieth century: all of Section 5 (2 acres), and part of Section 9 (slightly less than one-and-a-half of the original four acres). The two properties remained intact as Māori freehold land until the latter part of the 1960s when each was converted to 'European' or 'General' land.[153] Although not made explicit in the Māori Land Court record, this conversion was probably carried under the Māori Affairs Amendment 1967, which introduced the compulsory 'Europeanization' of Māori freehold land owned by 'not more than for persons', and considered by the Registrar of the Māori Land Court to be 'suitable for effective use and occupation.'[154] After the Māori Affairs Amendment Act 1974 made it possible for Māori landowners to have the 'Europeanisation' of their land reversed, Section 5 was converted back to Māori freehold land.[155]

According to Māori Land Online, Section 5, the last remaining portion of the original Awahou Reserve (now known as Lot 5 Block VIII Awahou Block) is today owned by 229 owners and managed by the Easton Pātaka Park Trust. The two acres of Māori freehold land are part of Easton Park (Foxton's rugby ground).[156]

3.5 The Reserves at Moutoa and Whakawehi

For the owners of the burial reserves at Moutoa and Whakawehi the initial question was not whether they would be able to hold on to the land that had been set aside for them from the Te Awahou purchase, but whether they would ever secure a proper Crown title. On 2 October 1876 (more than a decade-and-a-half after the reserves had been agreed to) Henere Te Herekau and 18 others wrote to Parliament to request that a Crown grant be issued for their 'cemetery' at Moutoa. The burial ground, they observed, had been 'reserved by the Government . . . surveyed by their surveyors . . . and is shown on the plan', but no grant had been made. Noting that 'the cemetery of the Europeans' had been consecrated but not theirs, the petitioners asked why the Government had delayed for so long 'the issue of the Crown Grant for this burial place?'[157]

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[153] 'Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series', Vol II, pp 521-525
[154] Māori Affairs Amendment Act 1967, ss 3-4
[155] Māori Affairs Amendment Act 1974, s 68.
[156] http://www.maorilandonline.govt.nz/gis/title/45212.htm (accessed 19 May 2016)
[157] Translation of a letter from the Revd Henare Te Herekau and 18 others to Honai Nehe, MHR, 2 October 1876, ANZ Wellington, AAMK W3074 869 Box 67, 5/9/71, (R 11 835 590)

In 1886, the Crown Grant not having been issued, Hemi Warena petitioned Parliament for a Crown Grant for the Moutoa reserve to be 'returned to them'.[158] The following year, with the Crown Grant still not forthcoming, Henere Te Herekau, Nerehana Te Whare and 12 others wrote to Native Minister John Ballance. The correspondents asked for a Crown Grant to be issued for both their burial ground and their church at Moutoa. Giving vent to more than a quarter century of frustration, Te Herekau and his co-signatories complained that: 'We have now been in occupation of this reserve for many years but have not yet received any Crown grant for it.'[159]

Roused to action, Native Department officials finally brought the Moutoa and Whakawehi reserves before the Native Land Court. The Court heard the two cases on 13 February 1890. Speaking for the Crown, Patrick Sheridan of the Land Purchase Department told the Court that each reserve should 'be held in trust for a burial ground' and be made 'absolutely inalienable.' The Court made orders to this effect, and the following day the Māori owners provided lists of the names of those they had chosen as trustees for each of the reserves. Certificates of title were then drawn up.[160]

That, however, was not the end of the story. While the certificate of title for the Moutoa Reserve (also known as Section 74 Township of Foxton) made clear that the 20 acres was to be held 'in trust for burial purposes', the certificate of title for Whakawehi (Section 113, Township of Foxton) did not. This meant that while 11 individuals listed on the Moutoa certificate of title were described as holding the land in trust, the 25 appearing on the Whakawehi title were categorized simply as owners. As a result, the 25 individuals on the Certificate of Title – not the community as a whole – became the legal owners of the Whakawehi reserve.[161]

Although not apparent at the outset, perhaps because the 25 had been chosen by the community, and the land had been declared inalienable, the mischaracterization of the trustees as 'owners' on the Whakawehi certificate of title was, over time, to pose a very serious problem. This was because, as each of the original trustees passed away, their share in the

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[158] 'Native Affairs Committee (Reports of the), *AJHR*, 1886, I-2, p 41
[159] Henere Te Herekau, Nerehana Te Whare, Moroati Kiharoa and 11 others to Te Parani Minita mo te taha Maori (Mr Ballance, Native Minister), 26 Hanuere 1887, ANZ Wellington, AAMK W3074 869 Box 67, 5/9/71, (R 11 835 590). (Original letter in Te Reo Māori with English translation),
[160] Otaki Minute Book, 13, 13 February 1890, p 81
[161] 'Moutoa or Sect. 74 Township of Foxton', Certificate of Title, 13 February 1890, CFRT Māori Land Court Records Document Bank, Vol III, p 369-370 (371-372 in pdf); 'Wakawehe or Sec 113 Township of Foxton', Certificate of Title, 13 February 1890, MLIS.

reserve passed – not to another trustee chosen by the community – but rather to their individual successors.

The implications of this for Ngāti Whakatere, and the continued integrity of the reserve at Whakawehi, became apparent in the early 1920s. Between September 1917 and June 1922 seven of the original trustees died. Their shares were inherited by 22 individual successors, including six who were under the age of 21. This meant that by the end of 1922 – rather than being vested in 25 trustees – Whakawehi now had 40 legal owners, more than half of whom had not been chosen by the community.[162]

Alarmed by this shift in the ownership of their reserve, Te Taite Te Tomo, Miiria Tokomaouri, Tapa Atanatiu, Kerenapu Herekau, Te Iwiata Arapare and Rauhihi Tupatahi had written in November 1921 to the Chief Judge of the Native Land Court and Parliament. In their letter they protested that the 'list of owners' for Whakawehi now included 'persons who have no right whatsoever to this reserve', and that 'the persons who were intended as trustees' had 'become the actual owners of the land', and no longer appeared 'as trustees acting on behalf of the people for the cemeteries.' Noting that Whakawehi had originally been intended for Ngāti Whakatere as a whole, the correspondents asked 'that the land be set aside as a reserve and that new trustees be appointed.'[163]

In June 1925, after the usual bureaucratic delays, the Government responded to Ngāti Whakatere's request by issuing an Order in Council giving the Native Land Court jurisdiction (under Part V of the Native Land Act, 1909) to 'determine' whether Whakawehi had been intended 'to be held by the nominal owners in trust for persons not named in title to the land.' If this was found to be the case, the Court could then either cancel or amend the existing certificate of title, and issue 'such new instruments of title as may be necessary.'[164]

Acting on the Order in Council, the Court appointed, in November 1925, three new trustees for Whakawehi: Te Iwiata Arapere; Te Taite Te Tomo; and Hekenui Rauhihi.[165] It did not, however, cancel the original certificate of title. In April 1930 this title was registered in the Land Transfer Office, giving the original 25 owners and their successors a freehold title to the land.[166]

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[162] A Mackay (Registrar Native Land Court), 'Whakawehe or Section 113 Township of Foxton', received 1 May by the Native Department 1 May 1925, ANZ Wellington, MA1 Box 420, 21/1/12, (R 19 526 520).
[163] ANZ Wellington, MA1 Box 420, 21/1/12, (R 19 526 520)
[164] Charles Fergusson, Governor General, 'Order in Council', 22 June 1925, *NZ Gazette*, No 49, 25 June 1925.
[165] 'Whakawehi 113', Memorandum from L V Fordham (Registrar Ikaroa District Native Land Court) to the Under Secretary Native Department, 3 February 1930, ANZ Wellington, MA1 Box 420, 21/1/12, (R 19 526 520)
[166] R N Jones to the Chairman, Native Affairs Committee, 'Petition No. 31 of 1933 (Session II) Wakawehe Block (Section 113 Foxton), 6 October 1933, ANZ Wellington, MA1 Box 420, 21/1/12, (R 19 526 520)

Faced by this new challenge to the Ngāti Whakatere's ownership of its own reserve, Te Taite Te Tomo and Tanaihengia Ropoama petitioned Parliament in September 1933. Warning that there was a danger that the reserve might be alienated, the petitioners asked Parliament to authorize the Native Land Court to cancel the certificate of title for Whakawehi, and vest the land in themselves as trustees.[167]

Acting with uncharacteristic efficiency, the Government added a section to the 1933 Māori Purposes Act cancelling the flawed 1890 certificate of title, and clarifying Whakawehi's status as a reserve 'for the common use of the Ngāti Whakatere tribe.' Section 20 of the Native Purposes Act 1933 also empowered the Native Land Court 'to appoint trustees to hold and administer' the reserve, and to make by-laws to prevent trespass. It also declared the land to be inalienable to either 'the Crown or any other person.'[168]

With Whakawehi finally back in tribal ownership, the people of Ngāti Whakatere established a framework for managing the reserve, which they presented to the Native Land Court in October 1934. In addition to naming three trustees for the reserve, the iwi also elected a 14-person committee 'to work under the trustees.' They also had the Court institute a by-law empowering the trustees 'to prevent any trespass on the land by unauthorized persons particularly Europeans.'[169] On 24 October 1934, when Judge J Harvey of the Native Land Court issued orders 'setting apart the land as a reserve for the tribe', and appointing Te Tāite Te Tomo, Marama Ngāhui and Keepa Hihira as trustees, Ngāti Whakatere finally received a secure, corporate title to their reserve at Whakawehi.[170] This was more than 75 years after the land had originally been set apart.

Even with the issue of ownership finally cleared up, the tribe continued to face challenges in the management and maintenance of its reserve. In particular, the trustees and owners of Whakawehi had to deal with rates that they believed were unfairly levied by the Manawatū District Council; the question of who owned land that had been added to the reserve by the Manawatū River; and how to obtain revenue from the reserve in order to support their marae.

In August 1937 the Manawatū District Council issued a rates demand of £34 8s 7d for the reserve. The demand included £9 18s 9d in rates for the 1937-1938 financial year; £22 14s 10d in unpaid arrears between 1934 and 1937; and a ten percent penalty of £2 5s.[171] Te Taite Te

[167] Petition from Te Taite Te Tomo and Tanaihengia Ropoama, (1933), ANZ Wellington, MA1 Box 420, 21/1/12, (R 19 526 520); 'Native Affairs Committee (Reports of), *AJHR*, 1933, I-3, p 2.
[168] Māori Purposes Act 1933, s 20.
[169] 'Extract from Otaki Minute Book 59, pp 253-254', ANZ Wellington, MA1 Box 420, 21/1/12, (R 19 526 520)
[170] Ibid.
[171] Manawatū County Council, 'Rates Demand 1937-38', 23 August 1937, ANZ Wellington, MA1 Box 420, 21/1/12, (R 19 526 520)

Tomo challenged the demand, arguing that, as Whakawehi was a burial reserve, it should not be subject to rating, and that Ngāti Whakatere had agreed to allow the taking of land for a road on condition that the rest of the reserve would be exempted from rates.[172]

Upon the advice of the Native Department, the District Council eventually agreed to exempt five acres from rating under Section 103(b) of the Rating Act 1925 (which allowed up to five acres to be exempted from rating for 'any Native burial-ground').[173] Te Tomo responded that there were in fact four distinct cemeteries on Whakawehi, each of which should be exempt from rating. He asked for a government surveyor to be sent to survey the burial sites, in order to define 'the exact area upon which I am to pay rates.'[174] The surveyor, however, found all four of the 'burial grounds could be included in an area of five acres.'[175]

Investigating Te Tomo's claim that land had given for a road in return for exemption from rates, the Engineer in Chief of the Public Works Department reported that in 1928 an area of 1 acre 1 rood and 24 perches had been taken from 'the old river bed adjoining' Whakawehi. A further 2 roods and 29 perches (slightly less than three-quarters of an acre) were subsequently taken in 1930 to widen 'the existing road.' Although 'no claim for compensation was ever received', the Chief Engineer noted that the Manawatū County Council's Engineer had met with Te Tomo 'in respect of the taking of this land'. 'Possibly', he speculated, these were 'the roading transactions' Te Tomo was referring to in his claim for a rates exemption.[176] In a subsequent letter to the Under Secretary of the Native Department, Te Tomo confirmed that he had indeed come to a 'verbal arrangement with the County Engineer of Manawatū' over the location of the road over the former river bed.[177]

The uncompensated taking of land from 'the old river bed' next to Whakawehi was significant because Ngāti Whakatere believed this 'accretion' from the Manawatū River to be part of their reserve.[178] Their claim was given legal force by section 20 of the Native Purposes

[172] Under Secretary [Native Department] to the County Clerk, Manawatū County Council, 'Section 113 Block XI Mt. Robinson S.D. Whakawehi Block 113 – 34 acres', ANZ Wellington, MA1 Box 420, 21/1/12, (R 19 526 520).
[173] A K Drew (County Clerk, Manawatū County Council) to the Under Secretary, Native Department, 14 July 1938, ANZ Wellington, MA1 Box 420, 21/1/12, (R 19 526 520); Rating Act 1925 s 103 (a).
[174] Taite Te Tomo to Mr Campbell, Under Secretary, Native Department, 9 November 1938, ANZ Wellington, MA1 Box 420, 21/1/12, (R 19 526 520).
[175] B Mulcahy to the Registrar, Native Land Court, 'Section 113 Block XI Mt Robinson S.D. – Whakawehi Block 113', 15 May 1939, ANZ Wellington, MA1 Box 420, 21/1/12, (R 19 526 520).
[176] J Wood (Engineer-in-Chief and Under-Secretary Public Works Department) to the Under Secretary, Native Department, 'Section 113, Block XI, Mount Robinson S.D. Whakawehi Block: 34 Acres', 15 September 1938, ANZ Wellington, MA1 Box 420, 21/1/12, (R 19 526 520).
[177] Te Taite Te Tomo to Mr Campbell, 9 November 1938.
[178] 'Petition of Taite Te Tomo and Tanaihengia Ropoama', ANZ Wellington, MA1 Box 420, 21/1/12, (R 19 526 520).

Act 1933 which had included 'any accretion' to the original reserve as part of the area to be 'set apart . . . for the common use of the Ngatiwhakatere tribe.'[179] Noting however, that 'no title to the land had been established' and 'no claim for compensation . . . was ever made', the Under Secretary for Native Affairs found no grounds for Te Tomo's claim for a rates exemption.[180]

In order for Whakawehi's trustees to pay rates and other expenses they had to find the means to make an income off the land. In the 1920s some of the owners were running dairy cows on the portion of the reserve which was not urupā. By 1950, however, thanks to the proliferation of mechanized milking, the average size of a Manawatū dairy farm was 112 acres.[181] Whakawehi's 34 acres (29 acres if one excludes the four cemetery sites) was simply insufficient for a stand-alone farm. With neither the acreage nor the capital to engage in farming on their own behalf, the trustees looked to lease out 'the greater portion' of their reserve which was not being used 'for burials or other tribal purposes.' The imperative to lease was intensified by the need to raise money to improve the condition of the marae and residential part of the reserve (known to Europeans as Poutū Pā).[182]

However, because the reserve had been declared to be inalienable Ngāti Whakatere were legally prevented from leasing out their land. Sensitive to the appeals of both the Māori owners and the legal representatives of the European farmer who wished to lease the land, the Government enacted legislation to remove the restriction upon leasing.[183] Section 16 of the Māori Purposes Act 1948 empowered the trustees of Whakawehi to alienate all or part of the reserve 'by way of lease' for a period of up to 21 years. Each lease had to be signed off 'by not less than two trustees' and approved by the Māori Land Court.[184]

According to the Māori Land Court's Memorial Schedule for Whakawehi, the reserve has since been leased out for periods ranging from 2½ to five years. The last recorded lease was in November 1991, to I. and B. A. Parlato for a period of three years with a right of renewal.[185]

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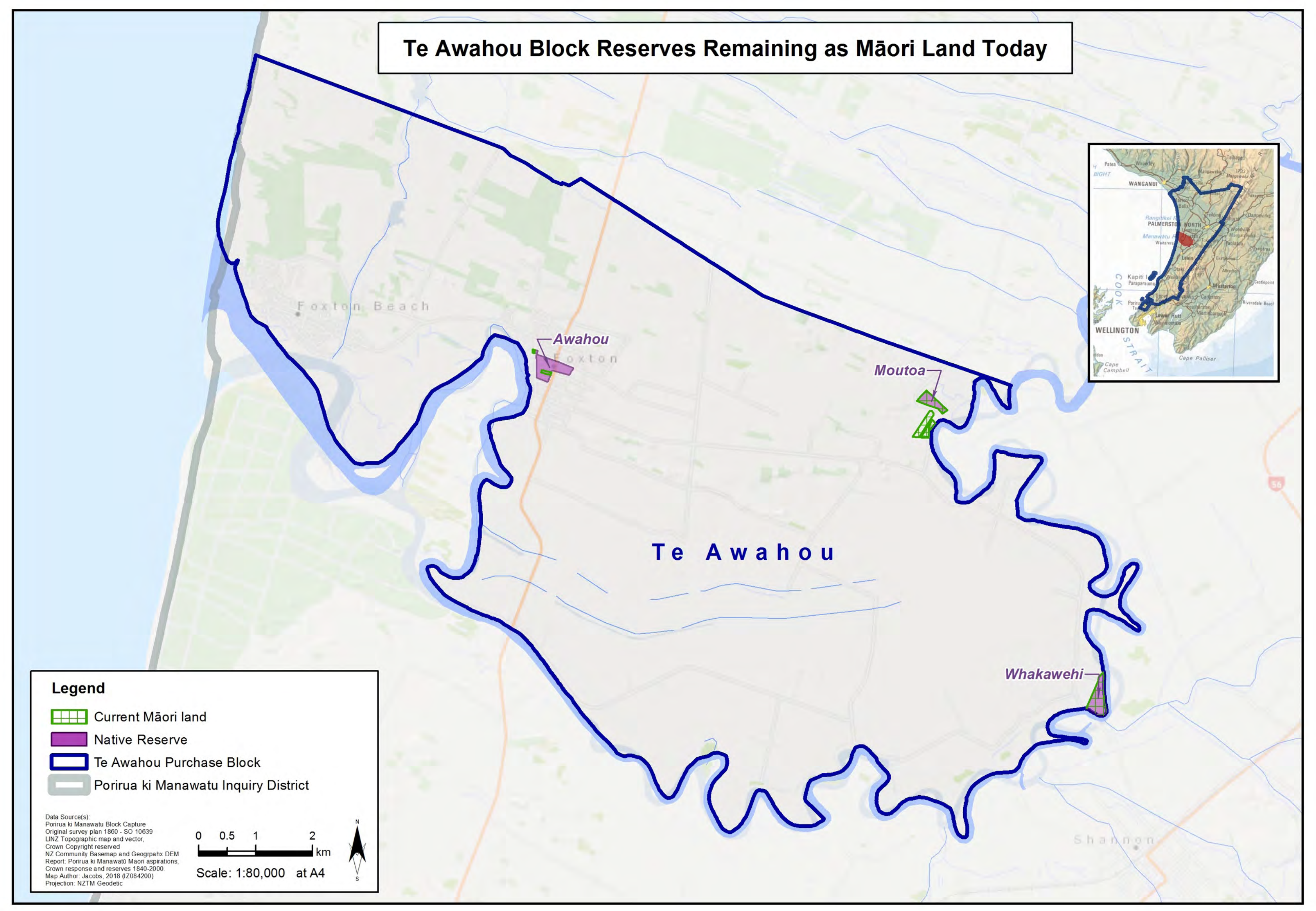
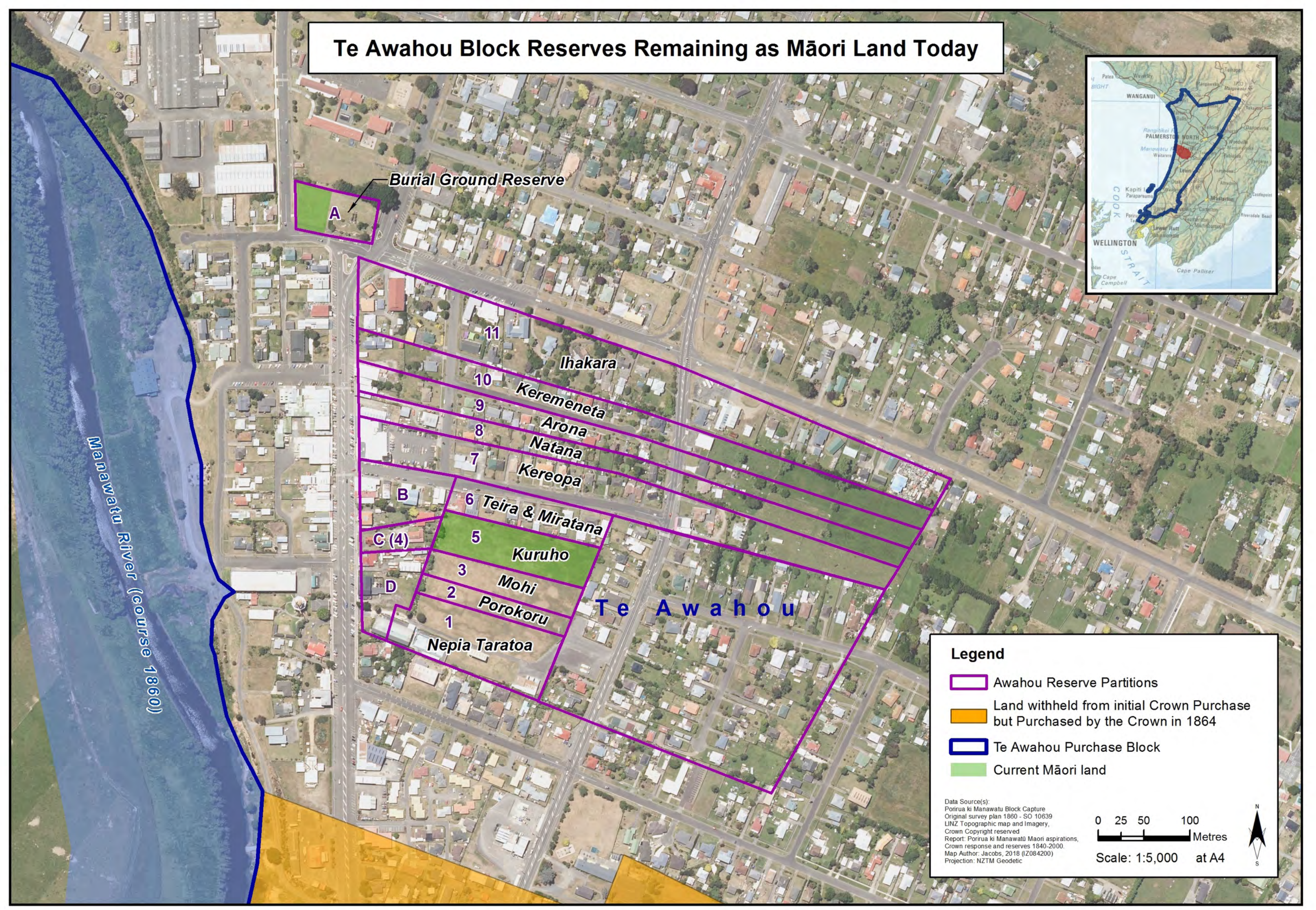
[179] Māori Purposes Act 1933, s 20
[180] Under Secretary to Te Taite Te Tomo (English draft of a letter to be written in Te Reo Māori), 18 October 1938, ANZ Wellington, MA1 Box 420, 21/1/12, (R 19 526 520).
[181] *The New Zealand Official Year Book, 1955,* https://www3.stats.govt.nz/New_Zealand_Official_Yearbooks/1955/NZOYB_1955.html#idchapter_1_157887 (accessed 25 May 2016).
[182] Under-Secretary to Minister of Māori Affairs, 'Section 113 Town of Foxton', 6 February 1948, ANZ Wellington, MA1 Box 420, 21/1/12, (R 19 526 520).
[183] James Todd (Blenkhorn & Todd Solicitors) to the Under Secretary, Department of Native Affairs, 're Poutū Pā, Shannon', 20 October 1947, ANZ Wellington, MA1 Box 420, 21/1/12, (R 19 526 520).
[184] Māori Purposes Act 1948, s 16
[185] 'Memorial Schedule: Foxton Township Sec. 113 (Whakawehe)'.



Te Awahou Block Reserves Remaining as Māori Land Today
Te Awahou
Awahou
Moutoa
Whakawehi
Foxton
Foxton Beach
Shannon
Legend
Current Māori land
Native Reserve
Te Awahou Purchase Block
Porirua ki Manawatu Inquiry District
0 0.5 1 2 km
Scale: 1:80,000 at A4



Te Awahou Block Reserves Remaining as Māori Land Today
Burial Ground Reserve
A
11
Ihakara
10
Keremeneta
9
Arona
8
Natana
7
Kereopa
B
6
Teira & Miratana
C (4)
5
Kuruho
3
Mohi
D
2
Porokoru
1
Nepia Taratoa
Te Awahou
Manawatu River (course 1860)
WANGANUI
PALMERSTON NORTH
COOK STRAIT
WELLINGTON
Cape Palliser
Legend
Awahou Reserve Partitions
Land withheld from initial Crown Purchase but Purchased by the Crown in 1864
Te Awahou Purchase Block
Current Māori land
Data Source(s):
Porirua ki Manawatu Block Capture
Original survey plan 1860 - SO 10639
LINZ Topographic map and Imagery,
Crown Copyright reserved
Report: Porirua ki Manawatū Maori aspirations,
Crown response and reserves 1840-2000.
Map Author: Jacobs, 2018 (IZ084200)
Projection: NZTM Geodetic
0 25 50 100
Metres
Scale: 1:5,000 at A4
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3.6 Conclusion

Of the reserves created from the Crown's purchase of Te Awahou only the burial grounds at Moutoa and Whakawehi, and Section 5 of the Awahou reserve remain as Māori freehold land today.[186] In addition, slightly less than half (0.16 hectares) of the one acre surveyed by Stewart in 1859 as a burial ground at Te Awahou township (now part of Ihakara Gardens), and all of the church reserve at Moutoa are still Māori land.[187]

Table 3.7 Reserves in the Awahou Block that are still Māori Freehold Land

Original Name	Current Name	Original Area	Current Area
Awahou Reserve, Section 5	Lot 5 Block VIII Awahou Block	2 acres	2 acres
Burial Ground Reserve, Awahou	Foxton Township Sec 97A	1 acre	0.4 acre
Moutoa Burial Reserve	Moutoa or Sect 74 Township of Foxton	20 acres	20 acres
Moutoa Church Reserve	Part Section 70 Moutoa District	20 acres	18.8 acres
Whakawehi Burial Reserve	Whakawehe Res Sec. 113 Township of Foxton	34 acres	34 acres

Source: Māori Land Online.

Thus, while the former owners of the Awahou block have been able, through considerable effort, to hold on to their sacred places, most of the other areas that were reserved by the Crown for their use have been alienated. A key factor in this loss was the manner in which the reserves were granted. Reserves set aside or subdivided for individual owners has been almost entirely alienated. Land vested in communities has been largely retained. As we have seen with the cemetery and church reserves at Moutoa and Whakawehi, this was because the community as a whole rallied around to fight for, and maintain them. Without such communal investment and protection, reserves owned by one, two or three individuals were all too vulnerable to alienation. Such was the case even when – as was the case with Paretao – the original owner was very much opposed to selling the land.

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[186] 'Moutoa or Sect 74 Township of Foxton, Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20768.htm 'Whakawehe Res Sec. 1123 Township of Foxton', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20766.htm; 'Lot 5 Block VIII Awahou Block', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/45212.htm (All accessed 26 May 2016)

[187] 'Foxton Township Sec 97A', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20764.htm ; 'Part Section 70 Moutoa District', Māori Landonline, http://www.maorilandonline.govt.nz/gis/title/20769.htm (both accessed 26 May 2016)

The Awahou Reserves and Māori Aspirations

In agreeing to sell the Te Awahou block to the Crown, Ihakara Tukumaru hoped to encourage European settlement in the lower Manawatū. He believed that local Māori would gain from the economic development and business activity that such settlement would bring. Ihakara's vision of a process of colonization that benefited both the European newcomers and tangata whenua was evident in the reserve he selected for himself and Kereopa in the heart of what is now Foxton. Situated right next to the tiny but growing European township of Awahou, the reserve was positioned so its Māori owners could share in the settlement's growth, and profit from the commerce that they expected to flow through the river port as the Manawatū as a whole was opened up to colonisation. In order to spread the benefits of Awahou's anticipated expansion, Ihakara and Kereopa had their reserve subdivided into 11 sections for themselves and nine other rangatira. In 1863 Ihakara underlined his commitment to Awahou as an emerging urban centre for both Māori and Europeans when he gifted an acre for a courthouse and other government buildings.

Unfortunately, Ihakara's vision for Awahou was not to be realized. Rather than being partners in the town's development, the former Māori owners of Te Awahou had, by the beginning of the twentieth century, largely disappeared as owners of property in Foxton's business district. By 1907 the valuation roll for the Borough of Foxton consisted almost entirely of European names. The exceptions were Apatu Tukumaru (who owned a small part of Ihakara's original reserve) and Kereopa Tukumaru (who was listed as the occupier of the one acre 'Native Cemetery'). Of the original 36½ acre Awahou reserve all but Section 5 and parts of Section 9 and 11 had passed into European ownership.

While advocating the sale of Te Awahou to foster European settlement, Ihakara had also recognized the necessity of Māori owners retaining sufficient land to support themselves. Searancke's second Awahou deed signally failed to do this. Other than Ihakara and Kereopa's reserve at Awahou, and the land temporarily left out of the purchase to cover the interests of non-sellers, the only land retained by Māori were the burial reserves at Moutoa and Whakawehi. As we have seen, these two reserves, did not even encompass all of the former owners' spiritual needs, let alone satisfy their material requirements. By 1950 the land at Whakawehi (the larger of the two burial reserves) was not large enough even to run a modest dairy farm, and had to be leased out in order to provide its owners with much-needed revenue.

If the Crown did not know that the reserves at Moutoa and Whakawehi were insufficient upon the signing of the second Awahou Deed in May 1859, the fact was quickly communicated

to them afterwards: first by Henere Te Herekau, who asked Searancke to increase the size of the reserve at Whakawehi; and then by other members of Ngāti Whakatere who occupied Iwitekai.

The land set aside in the May 1859 deed, therefore, was not enough to ensure the previous Māori owners a significant part, either individually or collectively, in the ongoing development of the town of Awahou/Foxton or the surrounding countryside. The exception seems to have been one of the children of Thomas Uppadine Cook and Te Ākau Meretini, for whom the 1859 deed had allotted an area of 197½ acres, stretching inland from their father's homestead and hotel at Awahou township. The Crown grant, dated 11 September 1863, had vested this land in Cook to hold in trust for his and Te Ākau's children.[188] Known as 'The Father of Foxton', Cook owned the first two ships to trade between Te Awahou and Wellington, was the settlement's first postmaster and the proprietor of its first licensed hotel. From 1874 he operated the tramway between Palmerston North and Foxton.[189]

Thomas and Te Ākau's third daughter Mary (Mere) Symons appears to have been a successful businesswoman in her own right. According to the 1907 valuation roll for Foxton Borough, she owned properties on Harbour, Main and Whitaker Streets with a combined value of £1800.[190] Her European husband James Nash Symons (who was also the son of an early settler) was the proprietor of Herston Flax Mill and a 200-acre farm at Moutoa.[191]

In September 1909 James and Mary purchased a 'fine farm' in the 'Hastings district.' Before leaving for the Hawkes Bay, the 'highly esteemed', 'life-long' residents, were farewelled at a reception put on by the townspeople of Foxton. In addition to the Mayor, who 'presented Mr and Mrs Symons with a very handsome framed address', speakers included the Reverends G Young-Woodward (Anglican), G K Aitken (Presbyterian), P J Mairs (Methodist); and Mr John Davies of Koputaroa ('one of the pioneers of the Manawatū'). The reception concluded with

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[188] 'Grant to Thomas U Cook', 11 September 1873, ANZ Wellington, AAAR W3558 24723 Box 231, 2250, (R 24 009 193)

[189] *Pioneers of Foxton: Book One*, (Foxton, Foxton Historical Society), 1988, pp 10-11, http://horowhenua.kete.net.nz/en/site/topics/76-thomas-uppadine-cook (accessed 31 May 2016)

[190] 'District Valuation Roll for the Borough of Foxton. For the Period Commencing 1st April 1907', pp 19, 21, 36, 37, 77, 78.

[191] 'Mr James Nash Symons', *The Cyclopedia of New Zealand. Taranaki, Hawke's Bay, and Wellington Provincial Districts*, Christchurch, 1908, p 699, http://nzetc.victoria.ac.nz/tm/scholarly/tei-Cyc06Cycl-t1-body1-d3-d36-d2.html#Cyc06Cycl-fig-Cyc06Cycl703c (accessed 31 May 2016)

all present singing ''Auld Land Syne' amid hearty cheers for . . . the family.' No Māori were recorded as speaking at the farewell.[192]

[192] *Manawatū Standard*, Vol XLI, Issue 9033, 1 October 1909, p 5, http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=MS19091001.2.23 (accessed 31 May 2016).

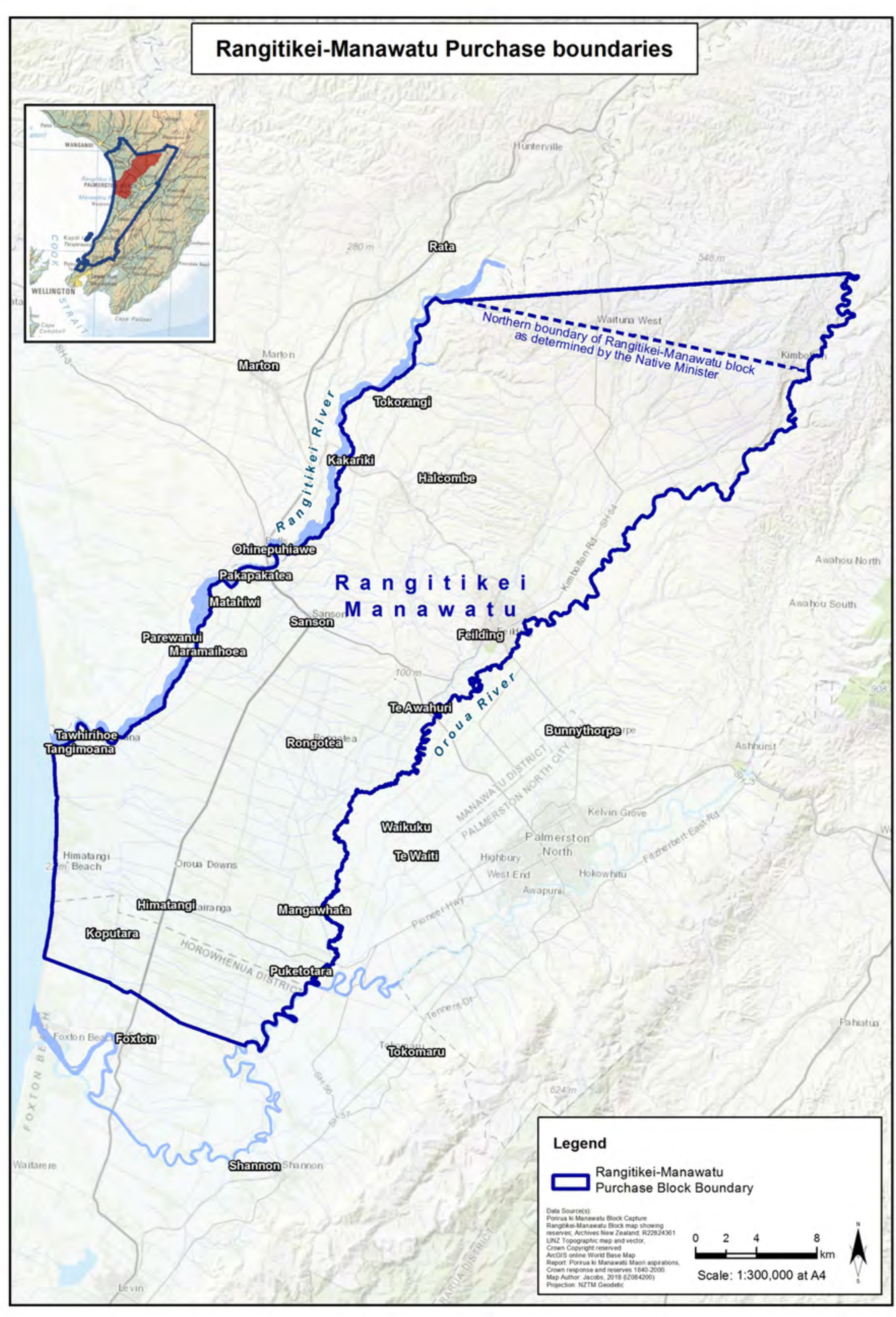
4. The Rangitīkei-Manawatū Purchase Reserves

4.1 Introduction

Isaac Earl Featherston's purchase of Rangitīkei-Manawatū was the largest and most contentious Crown purchase of Māori land in the Porirua ki Manawatū Inquiry district. Formally completed on 15 December 1866 with the payment of £25,000 to Ngāti Apa and those within Ngāti Raukawa who had agreed to the sale, the Rangitīkei-Manawatū purchase covered much of what we now know as the Manawatū. Embracing an estimated 240,000 acres or 96,000 hectares, the boundaries of this enormous purchase extended from the Oroua and Manawatū Rivers in the east to the Tasman Sea and Rangitīkei River in the west, from Whitireia (just above Foxton) in the south to Āpiti in the North.

Supported by Ngāti Apa, Rangitāne and some within Ngāti Raukawa – including most notably Ihakara Tukumaru, Aperahama Te Huruhuru and Tapa Te Whata (of Ngāti Kauwhata) – Featherston's purchase was strongly opposed by many others from Ngāti Raukawa, including Ngāti Huia, Ngāti Ngarongo, Ngāti Kapu, Ngāti Maiotaki, Ngāti Tukorehe and Ngāti Whakatere. Particularly resolute in their opposition were the hapū and iwi who lived on the purchased land: Ngāti Pare, Ngāti Turanga, and Ngāti Rākau at Hīmatangi; Ngāti Kauwhata and Ngāti Wehiwehi along the Oroua River; and Ngāti Kahoro, Ngāti Parewahawaha, Ngāti Pikiahu, Ngāti Maniapoto and Ngāti Waewae beside the Rangitīkei.

In the months leading up to the purchase, and the years that followed, these groups continued to express their opposition to the Crown's purchase of Rangitīkei-Manawatū, insisting upon their rights to land that they had never agreed to sell. Despite rulings of the Native Land Court in 1868 and 1869 partially upholding the rights of some of the resident Raukawa non-sellers to a portion of the purchase area, and the personal intervention of Native Minister Donald McLean at the end of 1870, the dispute remained unresolved for more than a decade. Throughout this period the non-sellers of Rangitīkei-Manawatū relied upon correspondence and petitions, applications to the Native Land Court, the lobbying of their European agents, and the disruption of surveys to press their claims against the Crown.



Rangitikei-Manawatu Purchase boundaries
Northern boundary of Rangitikei-Manawatu block as determined by the Native Minister
Rangitikei Manawatu
Rangitikei River
Oroua River
Rata
Marton
Tokorangi
Kakariki
Halcombe
Ohinepuhiawe
Pakapakatea
Matahiwi
Sanson
Feilding
Parewanui
Maramaihoea
Te Awahuri
Tawhirihoe
Tangimoana
Rongotea
Bunnythorpe
Waikuku
Te Waiti
Himatangi
Mangawhata
Koputara
Puketotara
Foxton
Tokomaru
Shannon
Palmerston North
Hunterville
Waituna West
Awahou North
Awahou South
Ashhurst
Kelvin Grove
Levin
Legend
Rangitikei-Manawatu Purchase Block Boundary
Scale: 1:300,000 at A4

Confronted by continued protests from those who had opposed Featherston's purchase, and keen to have Rangitīkei-Manawatū opened up for European settlement, the Colonial Government attempted to resolve the matter first by offering arbitration, then by allowing the non-sellers to take their claims to the Native Land Court, and finally by offering additional reserves in return for a 'final settlement'. Negotiated by Native Minister Donald McLean at a series of hui in November 1870, these 'additional reserves' supplemented the very limited reserves set aside by Featherston after the purchase, and the land granted to the non-sellers of Ngāti Kauwhata, Ngāti Kahoro, and Ngāti Parewahawaha by the Native Land Court. Taken together, the land set aside by Featherston, the Native Land Court, and the Native Minister for the Māori owners of Rangitīkei-Manawatū – sellers and non-sellers alike; Ngāti Apa and Rangitāne as well as Ngāti Raukawa – came to 24,615 acres (9944 hectares), or about 10 percent of the purchase area. Of this total, slightly less than 18,000 acres (7272 hectares) – 647 acres (2613 hectares) from Featherston, 6,226 acres (2,522 hectares) from the Native Land Court, 10,448 acres (4353 hectares) from McLean, and an additional 675 acres awarded in 1877 – was granted to Ngāti Raukawa affiliated iwi and hapū, including Ngāti Kauwhata, Ngāti Wehi Wehi, Ngāti Kahoro, Ngāti Parewahawaha, and the people of Te Reureu (Ngāti Pikiahu, Ngāti Waewae, Ngāti Maniapoto, and Ngāti Rangatahi).

Sizeable as these reserves may seem, they were much less than the non-sellers claimed, and not as much as the sellers had expected. Nor were they necessarily sufficient to support the sizeable numbers of people and stock that were expected to live upon them. Generally situated on the edges of the purchase area, alongside the Oroua, Manawatū and Rangitīkei Rivers, the Rangtitikei-Manawatū reserves were also vulnerable to flooding and erosion, while wetlands valued for mahinga kai and tuna were subject to draining by European settlers.

Intended as a 'final settlement of all . . . claims between the Rangitīkei and Oroua Rivers', McLean's arrangement in fact only marked the beginning of further rounds of contention, protest, and expensive delay for the Māori inhabitants of Rangitīkei-Manawatū. The long wait for legal title proved very costly for Ngāti Kauwhata and other Raukawa-affiliated groups. In addition to the expenses of lobbying Government, they also suffered from being unable to protect their land from trespassers, raise capital upon it, or undertake meaningful improvements.

Legislation authorizing the reserves promised by McLean was not passed until September 1873, with most Crown grants being issued only in 1874 and some not being completed until September 1887. A major reason for the hold up in issuing Crown titles to some of the most important reserves within Rangitīkei-Manawatū was the requirement, under Native land

legislation, that ownership be vested – not in tribal, hapū or whānau groups – but in lists of individual owners with geographically-undefined shares. Crown officials had such difficulty identifying the eligible owners to reserves such as those at Te Reureu, Poutū, Ohinepuhiawe, Maramaihoea and Matahiwi that in 1882 the colonial Government appointed a Royal Commission to establish exactly whose names should be included on the ownership lists.

4.2 Opposition to the Purchase of Rangitīkei-Manawatū

Featherston's purchase of Rangitīkei-Manawatū for the Crown, which he carried out while both Land Purchase Commissioner for the colonial government and Superintendent or elected head of Wellington Province, was undertaken despite the expressed opposition of much of Ngāti Raukawa. Members of Ngāti Huia, Ngāti Kapu, Ngāti Maiotaki, Ngāti Huia, Ngāti Tukorehe, Ngāti Whakatere and Ngāti Wehiwehi all claimed rights to the land and insisted that it should not be sold without their consent.[193] Resistance to the purchase was especially strong from the hapū and iwi who were living upon the land: Ngāti Turanga, Ngāti Rākau and Ngāti Pare; Ngāti Kauwhata, Ngāti Wehiwehi, and Ngāti Tukorehe, Ngāti Parewahwaha and Ngāti Kahoro; Ngāti Pikiahu, Ngāti Waewae and Ngāti Maniapoto. In the months leading up to Featherston's purchase, members of these groups repeatedly expressed their disapproval at hui at Maramaihoea, Oroua, and Te Takapu and in letters addressed to the Governor, the Native Minister, and the colonial Parliament.

At hui on 4 December 1865, Wiriharai Te Angiangi and Te Kooro Te One of Ngāti Wehiwehi and Ngāti Kauwhata told Featherston and his assistant Walter Buller that they were 'entirely opposed to a sale of the land' and 'never would consent.'[194] Five months later at the Te Takapu hui, called by Featherston to confirm tribal agreement to the sale of Rangitīkei-Manawatū, Wiriharai and Te Kooro again spoke against the purchase. They were joined by Takana Te Kawa and Reupena Te One of Ngāti Kauwhata; Henere Te Herekau of Ngāti Whakatere; Hare Hemi Taharape of Ngāti Tukorehe; Reweti of Ngāti Parewahawaha; Parakaia Te Pouepa of Ngāti Turanga; and Paranihi Te Tau of Ngāti Pikiahu.[195]

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[193] Affidavit signed by 151 RangitīkeiRangitīkei-Manawatū Non-Sellers made before J T Edwards, Otaki, 1 November 1866, MA 13/73A, pp 164-170; E W Puckey, Untitled memorandum, 13 November 1866, MA 13/73A, pp 193-194; Te Kooro Te One's Analysis of the 151 signatories to the Otaki Affidavit', MA 13/73A, pp 196-204.

[194] 'Notes of a Meeting at Maramaihoea (Rangitīkei), on Monday, the 4 December, 1865', *AJHR*, 1866, A-4, pp 17 & 18.

[195] 'Notes of various Meetings held with the several tribes engaged in the Rangitīkei land dispute during March and April, 1866', *AJHR*, 1866, A-4, pp 25-26

When the majority at the Te Takapu hui – including Ngāti Apa, Rangitāne, Muaupoko and some from Ngāti Raukawa and Ngāti Kauwhata – resolved to sell Rangitīkei-Manawatū to Featherston, the opponents of the purchase turned to letter writing to attempt to stop the sale. In a letter dated 14 April 1866, Parakaia Te Pouepa and Henere Te Herekau – writing on behalf of the hapū and iwi opposed to the purchase – told the colonial Parliament that they would 'hold' on to their land and not accept the Government's money ('"Ka puritia e au toku whenua, e kore au e tango i te moni", penei tonu te kupu e nga tangata katoa').[196] Similar sentiments were expressed in letters from Henere Te Herekau, Hare Hemi Taharape, Te Moroati Kiharoa (Ngāti Pare) and others (20 April); and Nēpia Taratoa, Aperahama Te Huruhuru (who would eventually agree to the purchase), Hoeta Te Kahuhui (Ngāti Kauwhata), Takana Te Kawa, Paranihi Te Tau and others (April 24 and April 30).[197]

In the months that followed those opposed to the Crown's purchase of Rangitīkei-Manawatū wrote more letters expressing their determination not to give in to the sale of their land. On 13 June, 'the people of Ngāti Kauwhata and Ngāti Wehiwehi ('Na matou na nga tangata o Ngāti Kauwhata o Ngāti Wehiwehi') led by Te Kooro Te One wrote to Governor Grey, telling him that they wished to hold on to their land 'as a lasting possession for us' ('hei wahi tuturu tenei mo matou').[198] They wrote again a month latter, informing the Governor that they had refused to sign the deed of purchase presented to them by Featherston's assistant Walter Buller, and were still 'not willing to sell' their land.[199] On 13 November, with the final settlement of the purchase looming, Te Kooro addressed the Under Secretary of Native Affairs, William Rolleston. Noting that 'there will be more to eat (oranga) for both man and beast ('me te oranga hoki mō te tangata me te kararehe anō hoki') if they retained their land, Te Kooro warned that neither he nor his hapū would accept 'the money in payment for Rangitīkei', nor would they be present at the hui at Parewanui where the payment was to be made ('Ahakoa takoto te moni o Rangitīkei e kore au e tango i tena moni, e kore au e tae ki tena huihuinga me toku hapū hoki').[200]

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[196] 'Copy of a Letter from Parakaia Te Pouepa and others, to the Assembly', 14 Aperira 1866, *AJHR*, 1866, A-4, pp 9-10

[197] 'Copy of a Letter from Henare Te Herekau and others, to the Hon. the Native Minister', 20 Aperira 1866, *AJHR*, 1866, A-4, p 3; 'Copy of Letter from Nēpia, Taratoa, and others, to His Excellency the Governor', 24 Aperira 1866, *AJHR*, 1866, A-4, p 12; 'Copy of a Letter from Nēpia Taratoa and others, to the Hon. the Native Minister', 30 Aperira 1866, *AJHR*, 1866, A-4, pp 12-13.

[198] 'Copy of a Letter from Te Kooro Te One and others to His Excellency the Governor', 13 Hune 1866, *AJHR*, 1866, A-4, pp 30-31

[199] 'Copy of a Letter from Te Kooro Te One and others to His Excellency the Governor', 13 Hurae 1866, *AJHR*, 1866, A-4, p 31.

[200] Kooro Te One to Rolleston, 13 November 1866, MA 13/73A, pp 205-208

Kooro Te One and the 'people of Oroua' continued to oppose the purchase even after the Crown's payment for Rangitīkei-Manawatū at Parewanui. On 2 January 1867 they wrote to Native Minister J C Richmond that they had not taken any of the purchase money, nor even attended the meeting at Parewanui, and were still 'not willing to part' with their land ('Ko matou kaore i tango i te moni mo Rangitīkei, kore rawa, kore rawa atu. Kaore hoki matou i tae ki tena huihuinga, kaore hoki matou i pai kia riro to matou whenua').[201] On the 22nd of the same month they wrote again to notify the Minister that they had refused Buller's offer of 'a portion of the purchase money', as they were still unwilling to 'receive Dr Featherston's money' and 'altogether opposed to having' their 'land sold.' Te Kooro and the other signatories warned that if the Government sent a surveyor to mark out the purchase they would 'take away his chain; for we are not willing that he come, and carry out his work upon our land.'[202]

Featherston's decision to 'complete' the purchase of Rangitīkei-Manawatū at Parewanui, despite the clear opposition of a significant portion of the land's owners drew sharp criticism from Native Minister Richmond. The Native Minister had earlier 'repeatedly' warned Featherston of 'the general principles' which the Government had 'laid down as necessary to be observed in the completion of land purchases'. In November 1866, less than a month before the Parewanui hui was to take place, Richmond reminded the Land Purchase Commissioner that 'the Government has never yet recognized the right of a majority in a tribe to overrule the minority in the absolute way'.[203] The Native Minister's concerns were multiplied by the fact that Featherston had not defined in any way 'the proportions and general position of the land' that was to be set aside for the non-sellers once the purchase was completed. Such an approach, noted Richmond, was 'new to the practice of the Government in land purchases.'[204]

Despite this acknowledgement that Featherston had violated established Government principles and practice, neither Richmond, nor the Government of which he was part, intervened to cancel or delay the Crown's acquisition of Rangitīkei-Manawatū. Reserves for those opposed to the sale were not defined. Instead, the hui finalizing the purchase went ahead as planned – in the absence of those opposed – at Parewanui from 5 to 15 December 1866.

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[201] 'Copy of a letter from Hoeta Kahuki [sic], Kooro Te One and 22 others to the Hon J C Richmond', 2 January 1867, MA13/70d, pp 56-57 (copy of Te Reo Māori original), 58 (English translation).
[202] 'Copy of a letter from Te Kooro te One and others to Hon J G Richmond', 22 January 1867, MA 13/70d, pp 23-24 (copy of Reo Māori original), pp 25-26 (English translation)
[203] 'Copy of a letter from the Hon J C Richmond to His Honor I E Featherston', 11 November 1866, MA 13/70c, p 63 [2 pdf]; 'Copy of a letter from the Hon J C Richmond to His Honor I E Featherston', 21 November 1866, MA 13/70c, p 168 [79 pdf].
[204] 'Copy of a letter from the Hon J C Richmond to His Honor I E Featherston', 11 November 1866, MA 13/70c, pp 64-65 [3-4 pdf]; 'Copy of a letter from the Hon J C Richmond to His Honor I E Featherston', 21 November 1866, MA 13/70c, p 168 [79 pdf].

4.3 Featherston's Reserves

Unlike in earlier Crown transactions, no reserves were either agreed or defined before Featherston's purchase of Rangitīkei-Manawatū. No reserves were marked out on the ground, and there was no mention of reserves in the deed of purchase.[205] Instead, Featherston assumed complete control over the process. The 'extent and position' of the Rangitīkei-Manawatū reserves were 'left entirely' to his 'discretion', to be defined only after the entire block had been 'ceded to the Crown.'[206]

In breaking so dramatically with established Crown land purchasing principles, Featherston claimed to be acting 'at the express request' of those from Ngāti Apa, Rangitāne and Ngāti Raukawa who had agreed to the sale. He argued that with
'the whole block . . . in dispute', and 'every acre of it . . . fighting ground', any attempt to define reserves prior to purchase would be 'a constant cause of contention between the tribes.' In such circumstances the only solution was for the Crown to take complete ownership of all the disputed land. Once the purchase had been completed, and the 'contention between the tribes' brought to a close by the absolute alienation of all of the disputed land to the Crown, Featherston promised to 'grant' 'suitable and ample reserves' to the former owners.[207]

Featherston's decision to proceed with the purchase of Rangitīkei-Manawatū without first defining the areas that would be reserved for the Māori residents and owners was sharply criticized by other Government officials. As we have seen, Native Minister Richmond criticized the Land Purchase Commissioner for ignoring established principles in Government land purchasing practice. On 11 November 1866 Richmond urged Featherston to make 'provision in the shape of reserves' for those within Ngāti Raukawa who were opposed to the sale. Such reserves, he wrote, 'should be as fully defined as possible'.[208]

Featherston's decision not to follow established Government procedure with regards to the definition of reserves prior to purchase was also remarked upon in a long memorandum that

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[205] RangitīkeiRangitīkei-Manawatū Deed of Purchase, 13 December 1866, Archives New Zealand Wellington, ABWN W5279 8102 Box 319, WGN 12 (R23 446 325)
[206] I E Featherston, 'Final report on the Manawatū Rangitīkei Purchase', 14 November 1866, MA 13/73A, pp 135-149; Letter from I E Featherston to the Hon J. C. Richmond', Wellington, 23 March 1867, MA13/72B, pp 35-54 (original letter) , MA 13/70f, pp 304-324 (2-22 pdf) (Copy of letter)
[207] I E Featherston, 'Final report on the Manawatū Rangitīkei Purchase', 14 November 1866, MA 13/73A, pp 135-149; 'Opening of the Provincial Council', *Wellington Independent*, 24 May 1866, p 5, c 6, http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=WI18660524.1.5&e=-------10--1----0-- (accessed 7 June 2016)
[208] 'Copy of a letter from the Hon J C Richmond to His Honor I E Featherston', 11 November 1866, MA 13/70c, pp 64-65 [3-4 pdf]

appears to have been authored by McLean after he had become Native Minister. Referring to Deed of Purchase for Rangitīkei-Manawatū, the memorandum noted that:

> It is somewhat singular that no mention of reserves for the Natives is made in the deed, for it has always been the custom in properly conducted transactions of the kind to state in the deeds what special portions of the land ceded should be reserved for the use of the Natives, all the arrangements respecting which land should be clearly understood before the final completion of the transaction by payment of the purchase money.[209]

According to the memorandum, Featherston's failure to make 'definite reserves' for those who agreed to sell Rangitīkei-Manawatū 'before their signatures were affixed to the deed', was the principal reason McLean was obliged to agree to 'additional reserves for the sellers' at the end of 1870.[210]

The sellers' reserves

With the number, size and location of the Rangitīkei-Manawatū reserves left entirely to his discretion, Featherston promised to 'set apart suitable portions for the use of the several tribes' who had participated in the purchase.[211] These reserves, he assured, would 'be ample' and would take into account, 'as far as possible, the feelings and prejudices of the Natives.'[212] Featherston did not explain what, exactly, he meant by 'suitable and ample reserves' except that they would include all of the 'existing settlements' that the former owners 'may wish to retain.'[213] No mention was made of land used for cultivations or other mahinga kai.

Also undiscussed was how Featherston intended to account for the claims of those who were still opposed to his purchase. Significant numbers of whom were living on the land, often – as was the case for the Ngāti Kauwhata and Ngāti Wehiwehi communities at the intersection of the Oroua and Manawatū Rivers, and the Ngāti Raukawa groups along the lower Rangitīkei – in close proximity to those who had signed the deed of purchase and were expecting to be granted reserves.

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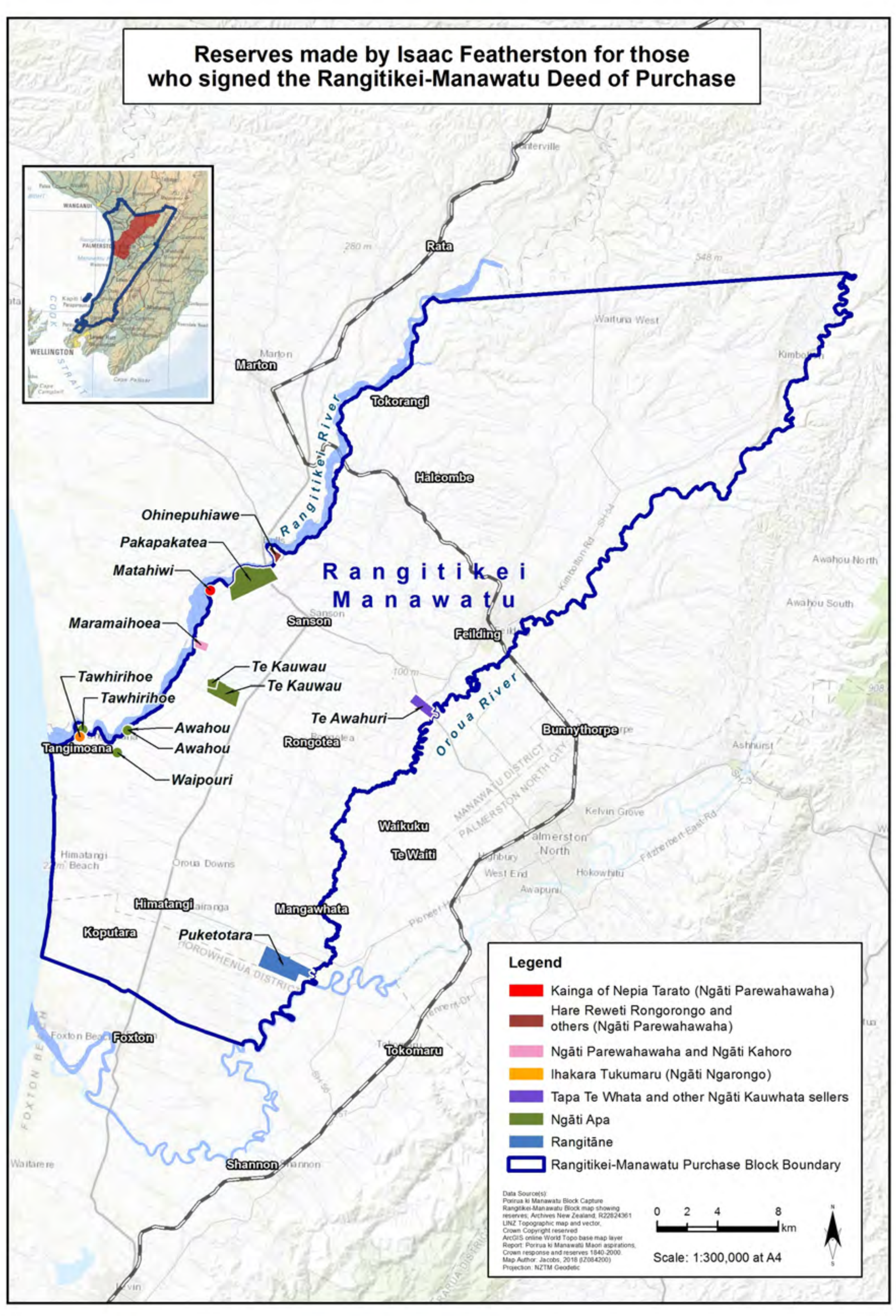
209 'Memorandum', MA 13/74A, p 499
210 Ibid., p 514
211 Featherston to Richmond', Wellington, 23 March 1867, MA13/72B, p 51
212 Ibid., p 52
213 I E Featherston, 'Final report on the Manawatū Rangitīkei Purchase', 14 November 1866, MA 13/73A, pp 135-149

Particularly when one takes into account the vast area of land purchased, the reserves eventually created by Featherston for the sellers of Rangitīkei-Manawatū were very limited in size. Together, the reserves made for the sellers of Ngāti Apa, Rangitāne and Ngāti Raukawa initially made up slightly more than 3000 acres or not much more than one percent of the entire purchase area.

Out of this total, Featherston granted 1514 acres to Ngāti Apa, 1000 acres to Rangitāne, and 500 acres to those who had agreed to the purchase from Ngāti Kauwhata and Ngāti Raukawa.[214] A further 50 acres was later granted to Ihakara and Kereopa Tukumaru at Tawhirihoe. Although the actual area of the reserves made by Featherston was eventually increased to 3400 acres (647 acres for Ngāti Kauwhata and the other Ngāti Raukawa groups) after survey, this was much less than the sellers had expected to receive after signing away all of Rangitīkei-Manawatū to the Crown. Particularly aggrieved were the most prominent sellers from Ngāti Kauwhata and Ngāti Raukawa, such as Tapa Te Whata, and Aperahama Te Huruhuru, who received from Featherston only a fraction of the areas to which they believed themselves entitled.[215]

[214] 'Walter Buller, 'Memorandum: Native Reserves in the Rangitīkei-Manawatū Block', 17 December 1869, MA 13/75A, pp 196-199
[215] 'Oroua, 18th November 1870', MA13/72A, pp 83-84, 91; 'Bull's Rangitīkei, November 22nd 1870', MA13-72A, pp 148 & 150.



Reserves made by Isaac Featherston for those who signed the Rangitikei-Manawatu Deed of Purchase
Rangitikei Manawatu
Rangitikei River
Oroua River
Ohinepuhiawe
Pakapakatea
Matahiwi
Maramaihoea
Tawhirihoe
Tawhirihoe
Awahou
Awahou
Waipouri
Te Kauwau
Te Kauwau
Te Awahuri
Puketotara
Tangimoana
Rata
Marton
Tokorangi
Halcombe
Sanson
Feilding
Rongotea
Bunnythorpe
Waikuku
Te Waiti
Himatangi
Koputara
Mangawhata
Foxton
Tokomaru
Shannon
Legend
Kainga of Nepia Tarato (Ngāti Parewahawaha)
Hare Reweti Rongorongo and others (Ngāti Parewahawaha)
Ngāti Parewahawaha and Ngāti Kahoro
Ihakara Tukumaru (Ngāti Ngarongo)
Tapa Te Whata and other Ngāti Kauwhata sellers
Ngāti Apa
Rangitāne
Rangitikei-Manawatu Purchase Block Boundary
Scale: 1:300,000 at A4

Rangitāne's reserve at Puketōtara

The first reserve created by Featherston (in January 1867) was 1000 acres for Rangitāne at Puketōtara. Situated at the confluence of the Oroua and Manawatū Rivers, Puketōtara was also the home of Te Kooro Te One's community of Ngāti Kauwhata and Ngāti Wehiwehi who strongly opposed the purchase of Rangitīkei-Manawatū. Confronted by complaints that they had been short-changed by Ngāti Apa in the division of the purchase payment, Featherston provided the Rangitāne with what he considered to be a 'liberal' allotment.[216] The 1000 acres granted, which included land the Provincial government had designated for a township, was, however, significantly less than the 3000 acres sought by Te Peeti Te Awe Awe or the 2000 acres asked for by Hoani Meihana Te Rangiotū. The award was conditional upon Rangitāne cutting the boundary lines themselves under the supervision of Crown surveyor J T Stewart.[217]

Featherston's designation of a reserve for Rangitāne at Puketōtara was strongly opposed by the non-sellers of Ngāti Kauwhata and Ngāti Wehiwehi who were living there. They made their opposition clear, first in a series of letters to Richmond and Under Secretary of the Native Department William Rolleston, and then through peaceful direct action against the survey of the reserve. On 22 January 1867, Kooro Te One and 12 other non sellers (incuding Te Kooro's wife Erina, his brother Reupena and Henare Hatete) wrote to Richmond complaining that 'Dr Featherston' was 'laying off Reserves for his friends upon our land.' They warned that should a survey of the reserve be attempted they would 'take away' the surveyor's 'chain . . . for we are not willing that he come, and carry out his work upon our land.'[218] In reply Rolleston told Te Kooro that the Government had 'not given direction for any surveys' to be made at Puketōtara, and that Featherston would be told that none should be undertaken 'at present'.[219]

Despite these assurances, and a direct request from Richmond to Featherston to not proceed with any survey of reserves until the claims of the non-sellers had been dealt with, preparations for the survey of the Rangitāne reserve continued.[220] On 30 January, Te Kooro informed Rolleston that Stewart, acting on Featherston's orders, was intending to proceed with the survey despite the non-sellers' opposition.[221] On 22 February, Te Kooro wrote that Stewart had

[216] 'Notes of a Meeting of the Rangitane Tribe at Puketotara, January 18, 1867', MA 13/72B, p 134
[217] Ibid., p 134
[218] 'Copy of a letter from Te Kooro te One and others to Hon J G Richmond', 22 January 1867, MA 13/70D, pp 23-24 (copy of Reo Māori original), pp 25-26 (English translation)
[219] 'Copy of a letter from Mr Rolleston to Kooro Te One', 26 January 1867, MA13/70d, pp 31-32
[220] 'Copy of a letter from the Hon J C Richmond to His Honor I E Featherston', 26 January 1867, MA13/70d, p 22
[221] 'Copy of a letter from Te Kooro Te One to His Honor I E Featherston', 30 January 1867, MA13/70d, pp 60-61 (copy of Reo Māori original), 62-63 (English translation).

'been at work daily on the reserves at Puketōtara', and that 'constant fear' of the non-sellers was the only thing holding him back from going on with the formal survey ('Engari ko Tuari he ra mahi katoa nana enei ra i te porohita i Puketotara, na te wehi tonu ki a matou i kore ai e takoto tana tini inaianei').[222]

The survey of the Puketōtara reserve began in earnest on 4 March 1867. It was immediately opposed by the non-sellers who, headed by Te Kooro, pulled down all the survey poles, took away the workers' billhooks, and impeded 'the line of survey.' Attempts by Stewart and Buller to recommence the survey in the following days were also disrupted. With tensions mounting, Te Kooro Te One, Henere Te Herekau and the other non-sellers wrote once more to Rolleston. Giving their account of the dispute, they warned that – though in great fear of violent retaliation – they would 'go on pulling down' the surveyors' poles, 'and preventing them from drawing their chain over our lands.'[223]

Although successful in preventing a formal survey of the Puketōtara reserve, the non-sellers were unable to stop Stewart, Buller and the young men of Rangitāne from marking out the boundaries on the ground. When Te Kooro presented Buller with the correspondence he had received from Rolleston (dated 26 January), stating that no survey of Puketōtara had been authorized by the government, Buller simply denied the letter's authenticity and continued the marking out of the boundaries.[224] On 13 March, after more than a week of confrontation, Stewart informed Featherston that the Rangitāne reserve had been 'distinctly defined on the ground.'[225] He also enclosed a sketch map of the reserve showing the boundaries as they had been marked out.[226] A formal survey and plan of the Puketōtara reserve was finally completed in October 1868.[227]

Although the reserve at Puketōtara was eventually defined and granted to Rangitāne, the sustained opposition by the Ngāti Kauwhata and Ngāti Wehiwehi non-sellers exposed the flaws in both Featherston's, and the central government's approach to the unresolved issues of Rangitīkei-Manawatū. Most strikingly it revealed the continuing injustice caused by the Land

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[222] 'Copy of a letter from Te Kooro Te One and Parakaia Tokoroa to Mr Rolleston', 5 February 1867, MA13/70e, pp 69-70 (copy of Māori original), 71-72 (English translation)

[223] Te Kooro Te One, Henere Herekau, Henere Waiatua, Te Reikana Puki, Reupena Te One and others to Te Roretana (Rolleston), 6 Maehe (March) 1867, MA13/73b, pp 141-144 (Reo Māori original) 138-140 (English translation)

[224] 'Copy of a statement by Te Kooro Te One', 18 March 1867, MA13/70e, pp 48 (original Reo Māori version) and 49 (English translation).

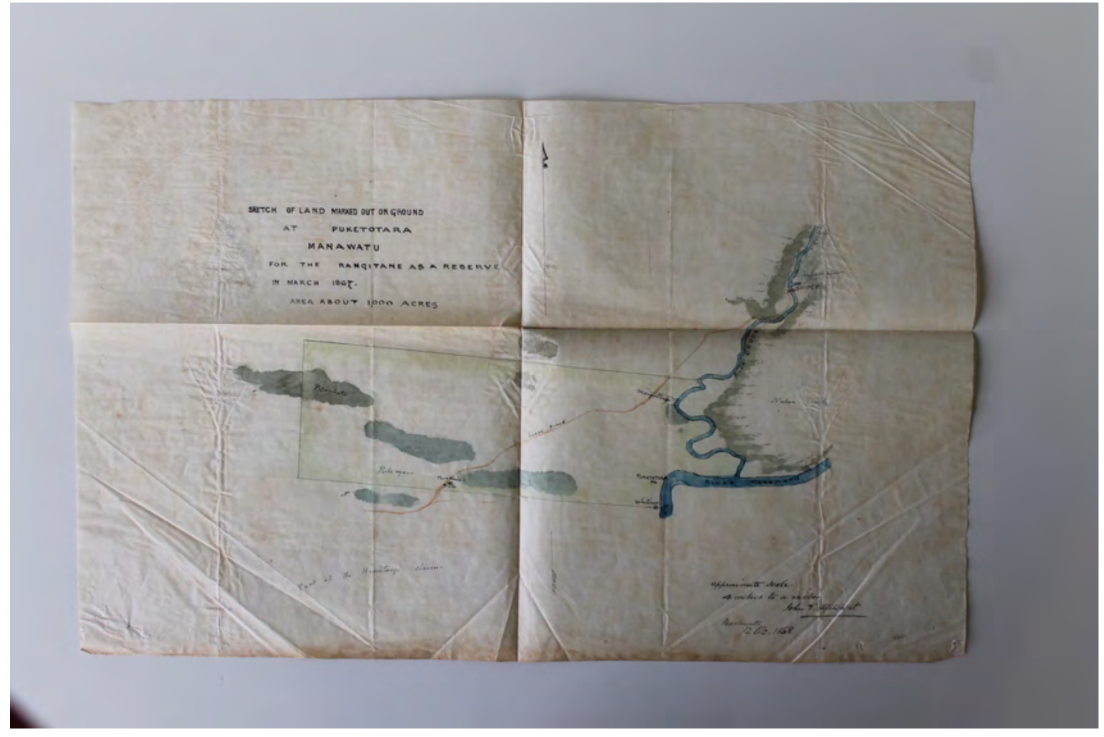
[225] John T Stewart to I E Featherston, Superintendent Wellington, 13 March 1867, MA13/69B, Pt 2, pp 3-4.

[226] John T Stewart, 'Sketch of Land Marked out on Ground at Puketōtara Manawatū for the Rangitāne as a Reserve in March 1867, Area about 1000 acres', 12 October 1868, MA13/73B, pp 237-238. [IMG 6939-6940]

[227] I E Featherston to J C Richmond, 23 October 1868, MA13/73B, pp 239-242.

Purchase Commissioner's decision to proceed, first with the purchase, and then with the definition of reserves, without acknowledging the rights and objections of those affiliated with Ngāti Raukawa who were opposed to the sale. As a result, the non-sellers suffered the double injustice of seeing land that they owned and occupied sold against their will and then 'granted' back to another iwi. Furthermore, Featherston and Buller's decision to press on with the survey of Puketōtara – despite the protests of Te Kooro Te One and the other non-sellers – unnecessarily provoked conflict between the non-sellers and Rangitāne, driving a wedge between groups that had hitherto lived closely and peaceably together.

Figure 4.1. John Tiffen Stewart's sketch of the Rangitāne reserve at Puketōtara, March 1867 (Source MA 13/73B, pp 237-238)



In addition, the disputed survey of Puketōtara exposed the incoherence and effective duplicity of Crown policy towards the Ngāti-Raukawa non-sellers. One can only imagine the confusion and dismay that Te Kooro Te One and the other non-sellers must have felt when – having been assured by the Under Secretary of the Native Department that no survey of Puketōtara had been authorized – they saw the survey undertaken regardless, under the supervision of the Crown's Resident Magistrate Walter Buller. Insult would only have been

added to injury when Buller bluntly rejected the authenticity and authority of Rolleston's letter to Te Kooro.[228]

Featherston's reserves for Ngāti Apa

Acting in consultation with the tribe's rangatira Kawana Hunia Te Hakeke, Featherston granted two relatively substantial reserves to Ngāti Apa. The largest, of 1000 acres, was located next to the Rangitīkei River at Pakapakatea. According to the memorandum of agreement signed on 11 February 1867, the reserve was 'to be granted to Kawana Hunia Te Hakeke in trust for the Ngati Apa tribe.'[229] The second reserve for Ngāti Apa consisted of 500 acres 'for Kawana Hunia Te Hakeke and family'.[230] Initially intended for Tawhirihoe at the mouth of the Rangitīkei River, the reserve was ultimately located at Te Kauwau, on the Makowhai Stream, close to the Rangitīkei River, just south of Pakapakatea.[231] Featherston also allowed a number of smaller reserves including 12 acres around the Te Rātana Ngāhina's kāinga and wāhi tapu at Te Awahou (also by the Rangitīkei River), and 2 acres (later increased to 13) at Tāwhirihoe (providing canoe access to the sea 'for fishing purposes').[232] In addition, Featherston awarded Ngāti Apa 'the exclusive right to the Kaikokopu and Pukepuke eel fisheries', coastal dune lakes south of the Rangitīkei River.[233]

Like the Rangitāne reserve at Puketōtara, the reserves made by Featherston for Ngāti Apa were located on land that was claimed and occupied by non-sellers. Particularly contentious was the 1000 acres at Pakapakatea which included a number of Raukawa settlements including the kāinga and cultivations of Te Mateawa (an offshoot of Ngāti Tukorehe) as well as a steam sawmill owned by James Bull which had been erected 'with the full consent of all the tribes of Pakapakatea'.[234]

Apparently having learned from their experience at Puketōtara, Crown officials did not initially attempt a survey of Pakapakatea and the other Ngāti Apa reserves. The survey was further delayed when the non-sellers were finally allowed to take their claims to the Native Land Court. Akapita Te Tewe (of Te Mateawa) and Pumipi Te Kākā (Ngāti Tukorehe) laid

[228] 'Copy of a statement by Te Kooro Te One', 18 March 1867, MA13/70e, pp 48 (original Reo Māori version) and 49 (English translation); I E Featherston to the Hon J C Richmond (Draft), 23 March 1867, MA 1/69B, Pt 2, pp 42-43.
[229] 'Enclosure 4. Memorandum of Agreement with the Ngatiapa as to Reserves', MA 13/72B, p 121
[230] Ibid.
[231] Walter Buller, 'Memorandum: Native Reserves in the Rangitīkei-Manawatū Block', 17 December 1869, MA 13/75A, p 196
[232] Ibid pp 196-197; I E Featherston to J C Richmond, 23 October 1868, MA13/73B, p 240', 'Schedule of Reserves given to Natives in the Rangitīkei-Manawatū Block by the Dr Featherston', MA 13/74A, p 825
[233] 'Memorandum of Agreement with the Ngatiapa as to Reserves', MA 13/72B, p 122
[234] A McDonald to E W Stafford, 17 December 1868, MA 13/73B, p 128

claim to Pakapakatea and the surrounding land, while Rāwiri Te Wānui (of Ngāti Maiotaki) claimed Te Kauwau, and Hare Hemi Taharape (Ngāti Tukorehe) and Wiriharai Te Angiangi (Ngāti Wehiwehi) asserted rights over the eel lagoons at Kaikōkopu and Pukepuke.[235] In October 1868 Featherston reported that the Ngāti Apa reserves had still not 'been surveyed or marked off.'[236] A month later, on 20 November, Kāwana Hūnia, Rātana Ngāhina and other sellers wrote to Governor Bowen demanding that the Native Land Court 'cease', and the reserves at Pakapakatea and Tāwhirihoe, as well as the 'eel ponds' at Kaikōkopu and Pukepuke be finally surveyed.[237]

Conflict over the reserves escalated in December of 1868 when Kawana Hūnia forcibly took possession of Pakapakatea, erecting 'fighting pas', 'setting fire to the whares of two or three Ngāti Raukawa residents', and threatening to demolish Bull's sawmill 'unless his title to the land' was 'immediately acknowledged'.[238] Ngāti Raukawa, for their part, rushed to protect Bull's property, insisting that he keep 'working the mill without any interference from Hunia.'[239] The conflict threatened to intensify further when Te Mateawa – led by Te Peina and Keremihana Wairaka – signaled their intention to reoccupy their recently abandoned kāinga at Pakapakatea, which Kāwana Hūnia had burnt down. Such a move, the non-seller's agent Alexander McDonald warned, would lead to 'the commencement of serious disturbance in this district.'[240] The dispute over the Ngāti Apa reserves also spread to Te Kauwau, where Akapita Te Tewe complained that Rātana Ngāhina had issued an unauthorized lease to a European pastoralist.[241]

In September 1869 the Native Land Court eventually rejected the non-sellers' claims to Pakapakatea and the other reserves granted by Featherston to Ngāti Apa. Recognizing Ngāti Apa's previous ownership of the land, the Court found that Te Mateawa, Ngāti Tukorehe, Ngāti Maiotaki and Ngāti Wehiwehi had no such rights.[242] Survey of the Ngāti Apa reserves began on 25 November 1869 with the 'tribe assembled in large numbers to assist the surveyors in

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[235] 'Plan of the Rangitikei Manawatu Block Shewing Native Reserves', Archives NZ, AAFV 997 Box 131, WR 30A (R22 824 361); Plan of Non-Sellers' Claims to the Rangitikei-Manawatu, MA 13/74A, p 206
[236] I E Featherston to J C Richmond, 23 October 1868, MA13/73B, pp 239-240
[237] Kawana Hunia, Hamuera Taumanu, Mohi Mohi, Wiremu Mokomoko, Ratana Ngahina, Matene Te Matuku, Tapa te Whata, Reupena Kewetone to Governor Bowen, Featherston, and Mr. Fox, Rangitīkei, November 20, 1868, MA13/69B Pt 3, pp 17-20.
[238] McDonald to Stafford, 17 December 1868, MA 13/73B, pp 128-129
[239] James Bull to G S Cooper, 17 December 1868, MA 13/73B, p 126
[240] A McDonald to G S Cooper, 8 May 1869, MA 13/73B, pp 448-449
[241] Akapita Te Tewe to Retimana (Richmond), 11 January 1869, MA 13/73B, pp 332 (reo Māori original), 330-331 (English translation)
[242] 'Rehearing judgment, (Chief Judge Fenton, Judge Maning, Ihaia Whakamairu, Assessor), 25 September 1869', reproduced in Richard Boast, *The Native Land Court 1862-1887: A Historical Study, Cases and Commentary*, (Wellington, Brookers), 2013, pp 570-578

carrying on their work.'[243] Despite this show of force, the survey of Pakapakatea was opposed by a group of non-sellers, including Atereti Taratoa, Weretā Kimate, and Miratana Te Rangi who was subsequently convicted for breaking the Trigonometrical Survey Act, and fined £30.[244] According to a report in the *Evening Post*, the opponents of the survey 'pulled down one flag and then the work continued without opposition.'[245] The survey – which included not only the Ngāti Apa reserves, but also the awards the Native Land Court had made to Ngāti Kauwhata, Ngāti Parewahawaha and Ngāti Kahoro (the only Raukawa groups whose rights to Rangitīkei-Manawatū had been recognized by the Court) was further disrupted at the end of December, when 'some 60 or 80 dissentients gathered together, pulled down some trig stations, and otherwise disrupted the work.'[246]

Featherston's reserves for the Ngāti Raukawa sellers

In addition to Ngāti Apa and Rangitāne, Featherston also promised reserves for those within Ngāti Raukawa who signed the deed of purchase. These included Ihakara Tukumaru. Kereopa Tukumaru and Keremeneta Puritia of Ngāti Ngārongo; Moroati Kiharoa of Ngāti Pare, and Arapata Te Whioi of Ngāti Tūranga; Wiremu Pukapuka of Ngāti Maniapoto, and Noa Te Rauhihi of Ngāti Pikiahu; Horomona Toremi and Te Rei Paehua of Ngāti Kahoro; and Aperahama Te Huruhuru, Te Meihana Te Ngē, Kereama Taiporotu and Hare Reweti Rongorongo of Ngāti Parewahawaha. Also included were those from Ngāti Kauwhata who had agreed to the purchase such as Tapa Te Whata, Haimona Te Whata, Metapere Te Whata, Tāmihana Wharekākā, Āreta Pekamu and Te Koro Wharepakaru.[247]

From the outset, the Land Purchase Commissioner intended only to set aside land for those who were resident within the purchase area. This excluded many of the 341 Ngāti Raukawa who were reported to have signed the deed but were living south of the Manawatū River.

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[243] 'The Manawatu Survey', *Evening Post*, 2 December 1869, p 2 http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=EP18691202.2.6&e=-------10--1----0-- (accessed 20 August 2016)
[244] 'Affidavit of John T Stewart', 11 March 1870, MA 13/74A, p 714; 'The Manawatu Survey Case', *Wellington Independent*, 25 December 1869, p 3 https://paperspast.natlib.govt.nz/newspapers/WI18691225.2.17?query=the%20manawatu%20survey%20case (accessed 20 August 2016)
[245] 'The Manawatu Survey', *Evening Post*, 2 December 1869, p 2
[246] *Evening Post*, 29 December 1869, p 2, c 3, http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=EP18691229.1.2&e=-------10--1----0-- (accessed 20 August 2016)
[247] 'Rangitikei-Manawatu Block, Rangitikei District', H Hanson Turton, *Maori Deeds of Purchases in the North Island of New Zealand*, Vol. II, (Wellington), 1878, pp 217-229

Featherston categorized such individuals as having only a 'secondary' or 'remote' connection to the land, and therefore had no need for reserves.[248]

Featherston also initially offered 'a reserve' to the 'non-sellers' of Ngāti Raukawa. The area of this reserve was to be based on 'the extent' that their 'claims' were 'admitted' by those who had agreed to the purchase.[249] Unsurprisingly, the non-sellers rejected this offer, preferring to continue their campaign to win full recognition from the Crown of their rights to Rangitīkei-Manawatū.

While Featherston quickly came to agreement with Ngāti Apa and Rangitāne about the size and location of their reserves, he took much longer to decide the areas to be set aside for those from Ngāti Raukawa who had sold their land. In July 1867 Featherston reported to Richmond that although 'the reserves for the Ngāti Raukawa tribe have not yet been defined', he had 'promised the chiefs that they shall not be required to relinquish any of their permanent settlements, that their burial places shall be held sacred, and that ample reserves shall be set apart for all the resident hapus.'[250]

More than a year later, the reserves for the Ngāti Raukawa sellers had still not been defined. In another report to Richmond, dated 23 October 1868, Featherston admitted that 'no definite promises' had yet been made 'to the Ngāti Raukawa beyond an intimation that there is no intention to dispossess them of any of the kāinga which they have permanently occupied and may wish to retain.'[251] 'Upon this understanding', he reckoned that reserves would 'have to be made' for:

- 'Nēpia Taratoa and his people at Matahiwi';
- 'Ihakara and his people at Tawhirihoe';
- Aperahama Te Huruhuru and 'his people' at Mingiroa;
- Tapa Te Whata 'and his people at Awahuri on the Oroua';
- Wiremu Pukapuka 'and his party' at Maramaihoea;
- Hare Reweti and his group at Ohinepuhiawe.[252]

[248] 'Copy of letter from His Honor I E Featherston to the Hon J C Richmond', 23 March 1867, MA 13/70f, pp 10-11
[249] 'Copy of a Letter from His Honor I E Featherston to the Hon J C Richmond', 27 July 1867, *AJHR*, 1867, A-19, p 7
[250] Ibid
[251] I E Featherston to J C Richmond, 23 October 1868, MA 13/73B, p 240
[252] Ibid., pp 240-241

Featherston anticipated, that 'the acreage of these reserves' would 'probably vary from five and ten acres up to three and four hundred.'[253]

Table 4.1 Reserves made by Featherston for the Ngāti Raukawa and Ngāti Kauwhata sellers

For whom	Where	Area in acres
Tapa Te Whata and other Ngāti Kauwhata sellers	Te Awahuri	300
Ngāti Parewahawaha and Ngāti Kahoro	Maramaihoea	100
Nēpia Taratoa's kāinga	Matahiwi	50
Hare Reweti and others	Ohinepuhiawe	50
Ihakara Tukumaru	Tawhirihoe	50

Source: Walter Buller, 'Memorandum: Native Reserves in the Rangitikei-Manawatu Block', 17 December 1869, MA 13/75A, p 198

According to Walter Buller's memorandum of 17 December 1869, Featherston eventually made five reserves for sellers affiliated with Ngāti Raukawa (no reserve was made for Aperahama at Mingiroa). Only one of these, the 300 acres set aside for Tapa Te Whata and the 24 other Ngāti Kauwhata sellers (and their dependents) at Te Awahuri, was in the upper range of what Featherston had envisioned in October of the previous year. The next largest – at Maramaihoea – was 100 acres 'including the Mangamahoe and Maramaihoea pahs with portage to the Rangitikei River.'[254] Two reserves of 50 acres each were created for Nēpia Taratoa's kāinga at Matahiwi, and Aperahama Te Huruhuru's settlement at Ohinepuhiawe.[255] Together, the three reserves were expected to accommodate 21 sellers from Ngāti Parewahawha and 16 from Ngāti Kahoro, as well as their children. The area of the fifth reserve, at Tawhirihoe, was still – at the end of 1869 – undefined. Its 'exact extent and position' was to be set by Buller, once the adjacent township for European settlers had been 'laid off.'[256] Created for Ihakara Tukumaru, the Tāwhirihoe reserve was eventually fixed at 50 acres.[257]

Ranging from 300 to 50 acres the reserves made by Featherston were the minimum he could have made while claiming to keep the promises he had made to the Native Minister and Ngāti Raukawa chiefs. Encompassing the 'permanent settlements' of Te Awahuri on the Oroua

[253] Ibid., p 241
[254] Walter Buller, 'Memorandum: Native Reserves in the Rangitīkei-Manawatū Block', 17 December 1869, MA 13/75A, p 198
[255] Ibid.
[256] Ibid., p 199
[257] 'Schedule of Reserves given to Natives in the Rangitīkei-Manawatū Block by the Dr Featherston, MA 13/74A, p 825; 'Resident Ngāti Raukawa Claimants', MA 13/71, pp 350-352

River, and Ohinepuhiawe, Matahiwi, Maramaihoea and Tawhirihoe on the Rangitīkei, as well as – one presumes – at least some of their cultivations, the reserves allowed for a basic agricultural subsistence but not much else. No consideration was made of the more extensive food-gathering practices that were crucial to the Māori economy, such as snaring birds, catching eels and gathering rongoā or firewood. Apart from access to Rangitīkei and Oroua Rivers, the Ngāti Raukawa sellers were not granted rights to significant natural food sources such as the lakes at Kaikōkopu and Pukepuke that had been guaranteed to Ngāti Apa. Nor did the reserves granted by Featherston provide much scope for future engagement with the developing colonial economy. Between 50 and 300 acres, they were simply too small to support significant numbers of sheep or cattle or to allow for the leasing of land to European settlers.

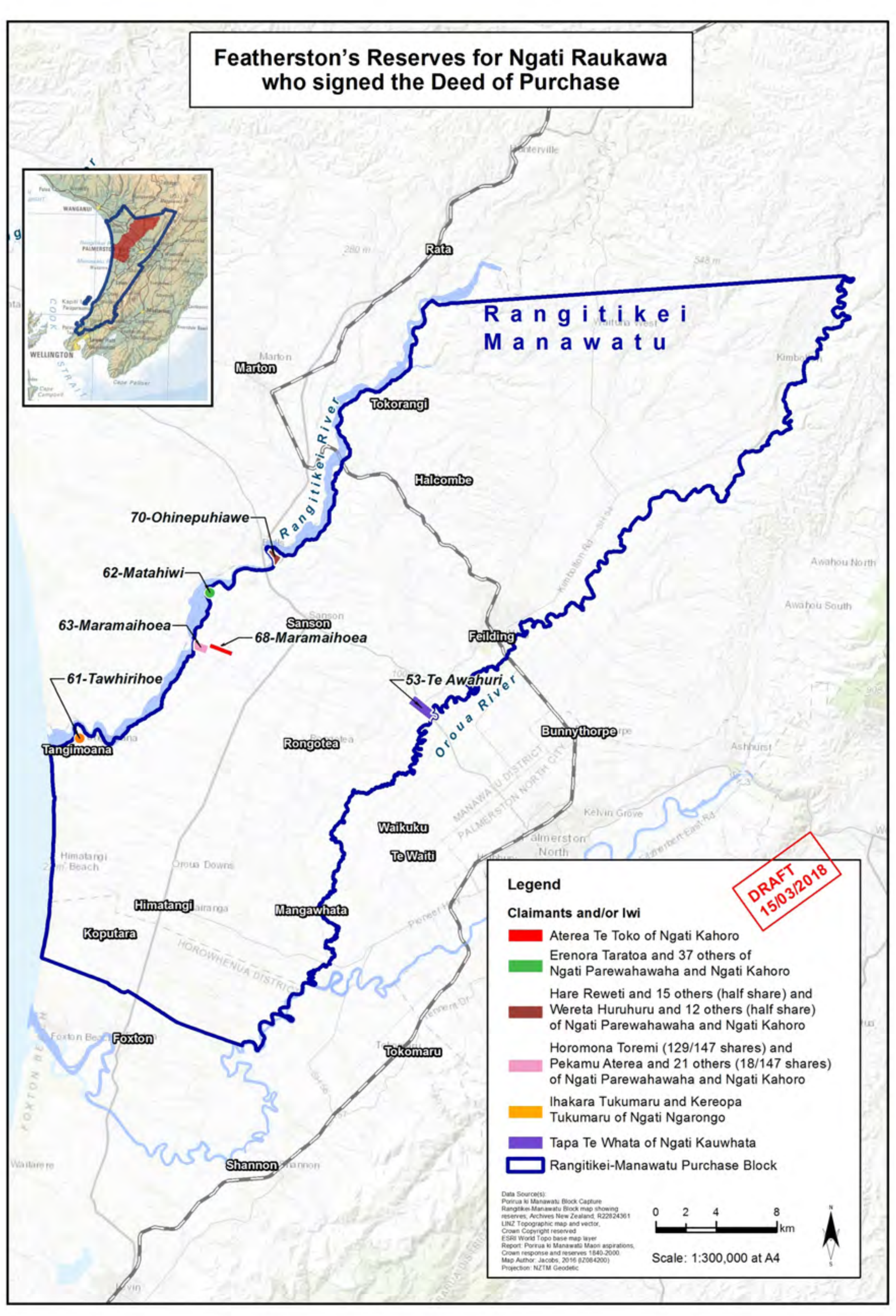
Leading Ngāti Raukawa and Ngāti Kauwhata sellers such as Aperahama Te Huruhuru, Hare Reweti Rongorongo and Tapa Te Whata were greatly disappointed by the reserves they finally received from Featherston. In August 1869, before he knew the area of the land granted to him, Tapa Te Whata told the Native Land Court that he had asked Featherston for a reserve of 4000 acres, much more then the 300 acres he and the other Ngāti Kauwhata sellers were eventually granted.[258]

Addressing McLean in November 1870, Āperahama Te Huruhuru expressed consternation that, having agreed to the sale of all of Rangitīkei-Manawatū, he had received only 100 acres in return. 'I am the man who sold Rangitikei', he told the Native Minister:

> now my friend I have not a bit of land, it is all gone. After it was sold I wondered where I was to have some of the land, and what have I got? 100 acres![259]

Hare Reweti was similarly scathing, describing the land awarded to Parewahawaha as 'nothing outside the door of the house.'[260]

[258] MA 13/71A, pp 191 & 206.
[259] 'Oroua, 18th November 1870', MA 13/72A, p 91
[260] 'Bull's Rangitīkei, November 22nd 1870', MA 13/72A, p 151



Featherston's Reserves for Ngati Raukawa
who signed the Deed of Purchase
Rangitikei
Manawatu
70-Ohinepuhiawe
62-Matahiwi
63-Maramaihoea
68-Maramaihoea
61-Tawhirihoe
53-Te Awahuri
Rangitikei River
Oroua River
Rata
Marton
Tokorangi
Halcombe
Sanson
Feilding
Tangimoana
Rongotea
Bunnythorpe
Waikuku
Te Waiti
Himatangi
Koputara
Mangawhata
Foxton
Tokomaru
Shannon
Legend
Claimants and/or Iwi
Aterea Te Toko of Ngati Kahoro
Erenora Taratoa and 37 others of Ngati Parewahawaha and Ngati Kahoro
Hare Reweti and 15 others (half share) and Wereta Huruhuru and 12 others (half share) of Ngati Parewahawaha and Ngati Kahoro
Horomona Toremi (129/147 shares) and Pekamu Aterea and 21 others (18/147 shares) of Ngati Parewahawaha and Ngati Kahoro
Ihakara Tukumaru and Kereopa Tukumaru of Ngati Ngarongo
Tapa Te Whata of Ngati Kauwhata
Rangitikei-Manawatu Purchase Block
DRAFT 15/03/2018
0 2 4 8 km
Scale: 1:300,000 at A4

Speaking to McLean, many of those who had signed the Rangitīkei-Manawatū deed of purchase believed they had been misled by Featherston and Buller who – they claimed – had promised extensive reserves prior to the purchase, only to go back on their words once the sale was complete. Nēpia Taratoa, for example, said he had been 'humbugged by a promise of a reserve, but . . . only got 50 acres.'[261] Tapa and Metapere Te Whata insisted that Buller had promised them large reserves if they gave up all their land to their 'old man Featherston.'[262] Having agreed to the Crown's purchase of Rangitīkei-Manawatū to bring an end to the 'strife' between Ngāti Apa and Ngāti Raukawa, Tapa Te Whata said he had asked Featherston for reserves of 4000 acres at Awahuri; 2000 acres at Puketōtara; 400 acres at Te Kairākau and Te Pouatatua; and 200 acres at Mangawhata. Despite having 'continued to make the same requests afterwards', Tapa and the other Ngāti Kauwhata sellers had received just 300 acres. 'This matter', Tapa told McLean, 'distresses me very much.'[263]

Other sellers complained of not having received any reserve at all, despite being assured that they would. Raimapaha Ahitana told McLean that they had hoped to 'retain part of the land', and had been promised by Featherston that if they gave 'all up' he would 'return some' to them.[264] A Ngāti Parewahawaha woman named Hareta said she had received similar assurances from Buller. 'I asked Mr Buller for land to be given back to me', she told McLean on 22 November 1870, 'he said "Yes old woman, yes give it all up to your old man, and he will give part back to you."' Having not received any land, Hareta now believed that Featherston had 'destroyed a lot' of those who had agreed to the sale.[265] Patoropa Te Rahaki said that Buller had promised him the land he was cultivating at Pakapakatea when he agreed to sign the deed of purchase. When this land was instead granted to Kāwana Hūnia, Patoropa claimed that Featherston had promised him 'a larger reserve elsewhere'. He had, however, received nothing.[266]

The Ngāti Raukawa sellers' conviction that Featherston and Buller had promised them generous reserves grew stronger as time passed. At a hui at Te Awahuri in March 1874 Tapa Te Whata stated that he had agreed to the purchase 'in order to put an end to the native disputes' over Rangitīkei Manawatū *and* 'because he understood large reserves would be made for him.'[267] At the same meeting Hare Reweti claimed that Featherston 'had promised to reserve

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[261] 'Oroua, 18th November 1870', MA 13/72A, p 80
[262] 'Oroua, 18th November 1870', MA 13/72A, pp 88-89
[263] 'Bull's Rangitīkei, November 22nd 1870', MA 13/72A, p 148
[264] [264] 'Oroua, 18th November 1870', MA 13/72A, p 88
[265] 'Bull's Rangitīkei, November 22nd 1870', MA 13/72A, pp 153-154
[266] Ibid., p 155
[267] T E Young to the Under Secretary of Native Affairs', 16 March 1874, MA 13/74A, p 895

5000 acres for the Ngāti Parewahawaha.'[268] Kereama Paoe (of Ngāti Kahoro and Ngāti Kauwhata) meanwhile recalled that Featherston's purchase had been preceded by an offer from a private European of '£50,000 for the block.' Featherston, in reply, had 'said he would give £25,000 and land.' This, however, 'had not been done.'[269]

Featherston's purchase of Rangitīkei-Manawatū and McLean's purchase of Rangitīkei-Turakina

Addressing the Native Minister at Oroua on 18 November 1870 Aperahama Te Huruhuru contrasted McLean's purchase of the adjacent Rangitīkei-Turakina block with Featherston's actions in acquiring Rangitīkei-Manawatū. Unlike McLean's earlier purchases, Rangitīkei-Manawatū, the Ngāti Parewahawaha rangatira declared, 'was not properly dealt with.'[270]

The purchase of Rangitīkei-Manawatū compared particularly badly with that of Rangitīkei-Turakina when it came to the definition of reserves. As we saw in Chapter One, in Rangitīkei-Turakina the size and location of reserves were discussed prior to the purchase's completion, when the prospective vendors were still in a position to negotiate with the Crown, and if necessary reject what McLean was offering. Once agreed, the reserves' boundaries were clearly defined and, where necessary, marked out on the ground. In most cases, the boundaries were also surveyed. All this was undertaken prior to the formal signing of the deed of purchase, and payment of the purchase money. In the Deed of Purchase itself, each reserve was listed with their respective boundaries and estimated areas.

At the time of purchase, therefore, the Ngāti Apa vendors of Rangitīkei-Turakina and the Crown as purchaser were clear as to exactly which land was to be alienated and which was to be retained by the former owners. The process followed by Featherston in the purchase of Rangitīkei-Manawatū could not have been more different. Prior to the purchase, the size and location of the reserves to be set aside for those who had sold their rights were neither marked on the ground nor delineated in the deed of purchase. Instead they were to be left entirely to the discretion of the Land Purchase Commissioner himself, to be decided only after the purchase had been completed.

Featherston's approach placed the sellers from Ngāti Raukawa in an unenviable position. With the extent of their reserves not to be defined until after the purchase, they were obliged

[268] Ibid., p 894
[269] Ibid.
[270] 'Oroua, 18th November 1870', MA 13/72A, p 91

to rely on the promises and purported good faith of the Land Purchase Commissioner and his assistant. As we have seen, such trust was to prove badly misplaced. Moreover, Featherston's decision to make reserves only after the purchase had been completed, and the entire area transferred into Crown ownership, stripped the sellers of any leverage they might have had if negotiations had been carried out before the purchase. When the land was still in Māori hands its owners might choose to delay or even abandon a transaction if they did not like what the Crown was offering. Once, however, the purchase had been completed, and the Land Purchase Commissioner achieved his objective, the balance of power moved dramatically away from the former owners. This was particularly so for the sellers from Ngāti Raukawa who – unlike Ngāti Apa who had been armed by the Government – lacked the means to threaten armed force. Instead, they found themselves reduced to the position of supplicants, dependent upon Featherston's 'discretion' and benevolence.

As became clear only after the purchase, Featherston and the sellers of Ngāti Raukawa and Ngāti Kauwhata had very different expectations as to the area that should be set aside for the former owners of Rangitīkei-Manawatū. While Featherston looked to restrict reserves to 'existing', 'permanently occupied' settlements, the sellers sought much more extensive areas, more in keeping with the reserves established during the Rangitīkei-Turakina purchase. In that transaction, involving an area significantly smaller than Rangitīkei-Manawatū, McLean had agreed to a large (40,000 acre) tribal reservation between the Turakina and Whangaehu River, as well as a significant (1600 acre) reserve on the Rangitīkei River side of the block. Given the enormous disparity between what they expected and what Featherston was willing to grant them, it seems unlikely that leading Raukawa sellers like Aperahama Te Huruhuru, Erenora Taratoa, Hare Reweti, and Tapa Te Whata, would have agreed to the Crown's purchase of Rangitīkei-Manawatū had they known beforehand the extent of the reserves they would eventually be offered.

Conclusion

Before completing the purchase of Rangitīkei-Manawatū Featherston promised to provide those who had sold their land with 'ample' reserves. After the purchase, however, he awarded the sellers of Ngāti Kauwhata and Ngāti Raukawa a combined total of 550 acres, or just 0.2 percent of the entire purchase area. Even allowing for the unresolved claims of those who had not agreed to the purchase, such a small area was anything but 'ample' and was inadequate for the present and future needs of the groups for which they were intended. The reserves created

for the Ngāti Raukawa sellers were also significantly smaller than those Featherston had granted to Rangitāne and Ngāti Apa. Together, the Ngāti Kauwhata, Ngāti Parewahawaha, Ngāti Ngarongo and Ngāti Maniapoto sellers received half the area set aside for Rangitāne and one third that allowed Ngāti Apa. Moreover, Featherston's grant to Ngāti Apa included exclusive rights to valuable eel fisheries which were not extended to the Ngāti Raukawa groups.

Why did Featherston grant reserves which were clearly so insufficient? One reason was because he could. With no agreement on reserves prior to purchase, and no mention of them in the deed of sale, Featherston was free to dictate their size and location after the fact. With the purchase complete, and the entirety of Rangitīkei-Manawatū in Crown hands before their reserves were finally defined, the disappointed Raukawa sellers were unable to do more than complain when they received much less than they had expected.

Furthermore, as Superintendent of Wellington Province as well as Land Purchase Commissioner for the central, colonial government Featherston had a powerful incentive to ensure reserves were kept as minimal as possible. With the Province keen to attract European settlers and dependent on land sales for revenue, Featherston was aware that every acre set aside for the former Māori owners was an acre that could not be made available for settlement and sale. The imperative to maximize land sales to Europeans, while minimizing the area allowed for reserves was intensified by the financial crisis Wellington Province found itself in. As Terry Hearn has shown, provincial expenditure significantly exceeded revenue in both 1866 and 1867 and by the middle of 1868 the province was £208,000 in debt.[271] In such circumstances the Superintendent had a strong incentive to be sparing when awarding reserves.

Finally, and more disturbingly, Featherston appears not to have granted larger reserves to the sellers of Rangitīkei-Manawatū because he did not believe that they would ultimately need them. Like many other educated colonists, Featherston expected the future Māori population to decline rather than increase. Convinced that Māori were "dying out, and nothing can save them", Featherston told a colonial audience in 1856 that "our plain duty, as good, compassionate colonists, is to smooth down their dying pillow."[272] Featherston reportedly repeated these statements in early 1866, when he told an election meeting that: "as it is utterly

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[271] T J Hearn, 'One past, many histories: tribal land and politics in the nineteenth Century', (Report commissioned by the Waitangi Tribunal for the Porirua ki Manawatū Inquiry), 2015, Wai 2200 #A152, pp 440-442

[272] Te Rangi Hiroa (P H Buck), 'The Passing of the Maori', *Transactions and Proceedings of the Royal Society of New Zealand*, (55), 1924, p 362 http://rsnz.natlib.govt.nz/images/rsnz_55/rsnz_55_00_0440_0362_ac_01.gif (accessed 23 August 2016)

impossible to preserve the Native race from ultimate extinction, from annihilation through their connexion with a civilized people", the "chief duty" of colonial native policy was to make "the dying couch of the race as easy and comfortable to them as possible."[273] From this perspective, reserves were places where a declining Māori population might be placed, safely removed from the onrush of European settlement, until they disappeared altogether.

4.4 The Non-Sellers and the Native Land Court

Rejecting Featherston's offer of a reserve based upon the sellers' estimation of their claims, the non-sellers of Ngāti Raukawa and Ngāti Kauwhata continued to express their opposition to the Crown's purchase of Rangitīkei-Manawatū. On 29 June 1867 Paranihi Te Tau and Eruini Te Tau took their complaints directly to Queen Victoria. Petitioning the Queen on behalf of Ngāti Pikiahu, Ngāti Waewae, Ngāti Maniapoto and Ngāti Hinewai, they protested Featherston's purchase, and the exclusion by the Native Lands Act 1862 of Rangitīkei-Manawatū from the jurisdiction of the Native Land Court.[274] The petitioners asked Victoria 'to send an investigator of sound judgment to inquire into the particulars of this act of injustice.'[275] Responding to this and other protests, Featherston agreed, in July 1867, to submit the non-sellers claims to arbitration.[276] When this fell through, the Colonial government finally agreed to allow the non-sellers to place their claims before the Native Land Court.[277]

Passed on 10 October 1867, the Native Lands Act 1867 empowered the Governor to refer to the Native Land Court the claims of 'any person' to land within Rangitīkei-Manawatū, so long as they had not signed the deed of purchase.[278] The non-sellers lodged 11 claims, which Governor George Ferguson Bowen referred to the Native Land Court between November 1867 and the end of March 1868. Together, the 11 claims covered the entire Rangitīkei-Manawatū purchase area.[279]

Despite being filed by individuals, reflecting the requirements of the Act, the applications actually represented broader tribal or hapū claims. Te Kooro Te One and Te Ara Takana's claims for the land along the western side of the Oroua River, for example, were on behalf of

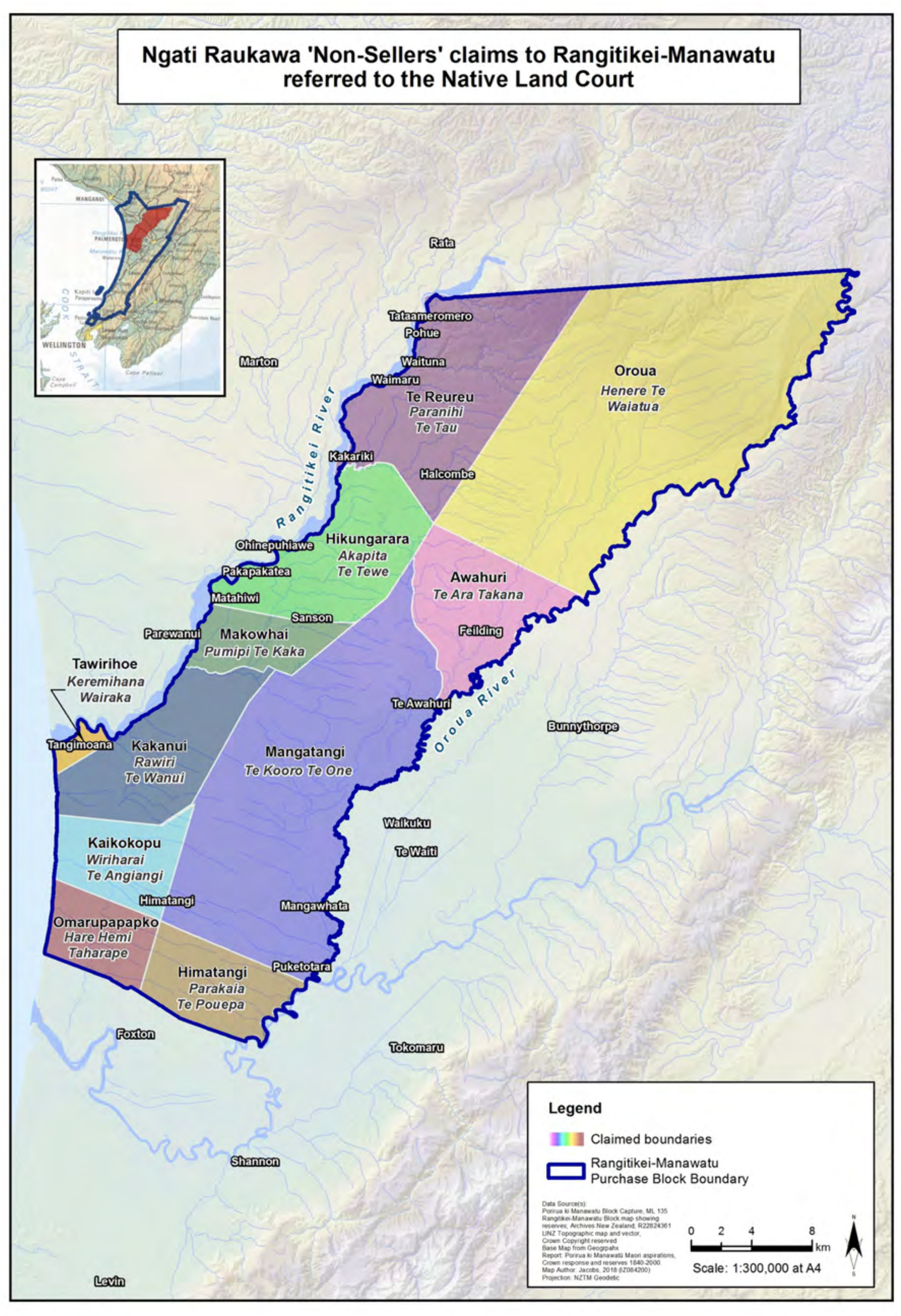
[273] Cited in Hearn, p 255.
[274] Native Lands Act 1862, s 31 and Schedule
[275] 'Return of Correspondence Relative to the Manawatu Block', *AJHR*, 1866, A-19, pp 3-4. Also reproduced in *Daily Southern Cross*, 19 July 1867, p 4, c 5, http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=DSC18670719.1.4&e=-------10--1----0-- (accessed 10 June 2016)
[276] Return of Correspondence Relative to the Manawatū Block', *AJHR*, 1866, A-19, p 8, 10-11.
[277] Hearn, pp 398 & 402
[278] Native Lands Act 1867, s 40
[279] MA 13/74A, p 206

the Ngāti Kauwhata non-sellers as a whole, while Pumipi Te Kaka's claim to Mākōwhai, on the Rangitīkei River, was for Ngāti Kahoro. Rāwiri Te Wānui, meanwhile, represented Ngāti Maiotaki; Wiriharai Te Angiangi and Henere Te Waiatua Ngāti Wehiwehi; and Hare Hemi Taharape, Keremihana Waiaraka and Akapita Te Tewe Te Mateawa.[280]

Table 4.2 Non-sellers' claims to land within Rangitīkei-Manawatū referred by Governor Bowen to the Native Land Court

Claimant	Area	Iwi/Hapū
Parakaia Te Pouepa	Hīmatangi	Ngāti Turanga, Ngāti Te Au and Ngāti Rākau
Hare Hemi Taharape	Omarupapaka	Te Mateawa
Wiriharai Te Angiangi	Kaikokopu	Ngāti Wehiwehi
Keremihana Wairaka	Tawhirihoe	Te Mateawa
Rawiri Te Wanui	Kakanui	Ngāti Maiotaki
Pumipi Te Kaka	Makowhai	Ngāti Kahoro
Akapita Te Tewe	Hikungarara	Te Mateawa
Paranihi Te Tau	Te Reureu	Ngāti Pikiahu
Henere Te Waiatua	Oroua	Ngāti Wehi Wehi
Te Ara Takana	Awahuri	Ngāti Kauwhata
Te Kooro Te One	Mangatangi	Ngāti Kauwhata

[280] See table.


Ngati Raukawa 'Non-Sellers' claims to Rangitikei-Manawatu referred to the Native Land Court
Rata
Tataameromero
Pohue
Marton
Waituna
Waimaru
Te Reureu
Paranihi
Te Tau
Oroua
Henere Te
Waiatua
Rangitikei River
Kakariki
Halcombe
Ohinepuhiawe
Hikungarara
Akapita
Te Tewe
Pakapakatea
Matahiwi
Awahuri
Te Ara Takana
Sanson
Parewanui
Makowhai
Pumipi Te Kaka
Feilding
Tawirihoe
Keremihana
Wairaka
Te Awahuri
Oroua River
Bunnythorpe
Tangimoana
Kakanui
Rawiri
Te Wanui
Mangatangi
Te Kooro Te One
Waikuku
Te Waiti
Kaikokopu
Wiriharai
Te Angiangi
Himatangi
Mangawhata
Omarupapapko
Hare Hemi
Taharape
Himatangi
Parakaia
Te Pouepa
Puketotara
Foxton
Tokomaru
Shannon
Levin
WANGANUI
WELLINGTON
COOK STRAIT
Legend
Claimed boundaries
Rangitikei-Manawatu Purchase Block Boundary
0 2 4 8 km
Scale: 1:300,000 at A4

The first of the non-sellers' claims to be heard by the Native Land Court was Parakaia Te Pouepa's claim on behalf of Ngāti Turanga, Ngāti Te Au and Ngāti Rākau to Hīmatangi, in the southeastern corner of the Rangitīkei-Manawatū purchase area. The hearing began on 11 March 1868 at Otaki, where the non-sellers hoped that all of their claims would be heard.[281]

Parakaia's claim to ownership of Hīmatangi was opposed, on the Crown's behalf, by the former Premier and major Rangitīkei landowner William Fox. Relying upon the testimony of those who had signed the deed of purchase, Fox insisted upon Ngāti Apa's ongoing rights to the land up to the moment they had sold it to the Crown.[282]

In its judgment, delivered on 27 April 1868, the Court ruled that, the Ngāti Raukawa hapū in 'actual occupation' of Hīmatangi, Ngāti Turanga, Ngāti Te Au and Ngāti Rākau shared equal rights to the land with the 'original owners', Ngāti Apa. Ngāti Raukawa as a whole, however, had no 'tribal interest' in the land, other than that which had been established by the three occupying hapū.[283] The decision of the Court was bitterly opposed by Parakaia who refused to allow the survey of the half of Hīmatangi (less two twenty sevenths, for the two of Parakaia's hapū who had signed the deed of purchase) that had been awarded to him.

Rather than continuing with the hearing of the remaining claims in Otaki, as the Crown had initially intended, and the Ngāti Raukawa non-sellers preferred, the Court then adjourned to the Rangitīkei. The move was bitterly opposed by Te Kooro Te One and the other nine remaining claimants.[284] When the Court reconvened at Bulls in November 1868, the non-sellers petitioned the Governor to have their claims withdrawn on the grounds that, 'opposed by all the power, prestige, and influence of the Crown' ('Katahi ka kitea ko o ratou kaiwhakahe ko te kaha me te mana me te ingoa nui o te Karaone'), they had no reasonable chance of success.[285] Following the intervention of Native Minister Richmond, the claimants were eventually allowed to withdraw their cases and the hearing was adjourned indefinitely.[286]

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[281] Otaki Minute Book, 1C
[282] Otaki Minute Book, 1C
[283] Otaki Minute Book 1E, pp 719-720
[284] Kooro Te One and others to Te Roretana, 24 Aperira 1868, MA13/73B, pp 64-65 (original Reo Māori), 62-63 (English translation)
[285] Petition from Henere Te Herekau, Akapita Te Tewe, Kooro Te One and other non-sellers to Kawana Ta Hori Powene (Governor Bowen), 13 November 1868, MA 13/73B, pp 302-306 (Reo Māori original), 298-301 (English translation).
[286] Hearn, p 449

The Native Land Court hearing at Wellington, July-August 1869

After another unsuccessful attempt to have the issue settled by arbitration, the Crown referred the ten outstanding non-sellers' claims back to the Native Land Court.[287] The claims were heard by a special sitting of the Court presided over by Chief Judge Francis Dart Fenton and Frederick Edward Maning at the Supreme Court House in Wellington. As at Otaki and Bulls the previous year, the non-sellers' claims were actively opposed by the Crown, this time represented by Attorney General James Prendergast.[288] Commencing 14 July 1869, and running for more than a month, the hearing was effectively a contest between the competing narratives of the non-selling claimants and those who had participated in the purchase.

On the claimants' behalf witnesses such as Matene Te Whiwhi, Keremihana Te Wairaka and Atereti Taratoa argued that prior to 1840 Ngāti Raukawa had domain over all the land from Whangaehu or Turakina to Otaki, and that Ngāti Apa had lived under their protection as their servants.[289] They testified that Ngāti Raukawa hapū had occupied the Rangitīkei-Manawatū purchase area since the Battle of Haowhenua, with Ngāti Te Rangi, Ngāti Rākau, Ngāti Patukohuru, Te Mateawa, Ngāti Parewahawaha, Ngāti Kahoro, Ngāti Maiotaki, Ngāti Maniapoto, Ngāti Pikiahu, Ngāti Kauwhata, Ngāti Wehiwhei and Ngāti Whakatere all living upon the land.[290]

Testifying for the Crown, sellers including Aperahama Te Huruhuru, Tapa Te Whata, and Horomona Toremi, told a very different story. They insisted that Ngāti Apa and Rangitāne had maintained their independence, and had welcomed the Raukawa groups that came to Oroua and Rangitīkei, living on friendly terms with them.[291] Denying the claims of most of the non-selling hapū, they stated that only Ngāti Kauwhata, Ngāti Parewahawaha and Ngāti Kahoro had been living permanently at Rangitīkei-Manawatū at the time of the Treaty.[292]

[287] Hearn, pp 449-450
[288] Walter Buller, 'Memorandum on the RangitīkeiRangitīkei-Manawatū Land Claims', *AJHR*, 1870, A-25, p 3
[289] 'Native Lands Court. Wellington. RangitīkeiRangitīkei-Manawatū Claims. Notes of Evidence', MA 13/71, pp 40, 258-259, 504, 506-508
[290] Ibid., pp 5A, 258-259, 506
[291] Ibid., pp 96, 174, 176-178, 488, 490, 492-493
[292] Ibid., pp 114, 184-185, 493-494

Figure 4.2 Sketch map of the non-sellers' claims to Rangitīkei Manawatū referred to the Native Land Court

Presented with these two competing accounts of Ngāti Raukawa's connection to Rangitīkei-Manawatū, Fenton and Maning ruled decisively in favour of the sellers. In an initial judgment dated 23 August 1869 the Judges found that Ngāti Raukawa 'as a tribe' had acquired no rights to Rangitīkei-Manawatū either by conquest or occupation. Only 'three hapus of Raukawa' – Ngāti Kauwhata, Ngāti Kahoro and Ngāti Parewahawaha – had obtained ownership rights, 'by occupation and with the consent of Ngāti Apa.' The claims of Te Mateawa, Ngāti Maiotaki, Ngāti Pikiahu, and – after the hearing of additional evidence – Ngāti Wehiwehi, were all entirely rejected.[293] Also left out, albeit implicitly, were Ngāti Tūranga, Ngāti Te Au and Ngāti Rākau whose ownership rights within Rangitīkei-Manawatū were effectively restricted by the Court to the land they had already been awarded at Hīmatangi.[294]

Having ruled on the collective rights of Ngāti Raukawa and its associated hapū to ownership of Rangitīkei-Manawatū, the Court proceeded to scrutinize the eligibility of each individual whose name had been placed on lists submitted by the claimants. This was necessary because under Native land law ownership of Māori land was vested in lists of individual owners, rather than the iwi or hapū as a whole. Altogether, the names of '500 or more' individuals were presented to the Court.[295] This included names on lists submitted by unsuccessful claimants who, despite their hapū having been excluded from ownership by the Court, continued to press their claims to the contested land.[296]

Operating with the advice of the Attorney General and the sellers', as well as that of successful claimants such as Te Kooro Te One and Te Ara Takana, the Court worked its way through the lists, 'admitting' on to the ownership lists those who were considered eligible, while striking out those who were not. Although a few individuals like Reweti Te Kohu were able to argue their case before the Court, or like Pumipi Te Kākā or Kipihana Te Wewero had their eligbility vouched for by witnesses, the overwhelming majority of the names submitted were struck out without comment or debate.[297] Among those excluded were all 154 of the names on the list submitted by Paranihi Te Tau from Te Reureu, which included members of Ngāti Pikiahu, Ngāti Waewae and Ngāti Maniapoto.[298]

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[293]Buller, 'Memorandum', *AJHR*, 1870, A-25, p 3
[294] Otaki Minute Book 1E, pp 719-720
[295] Buller, 'Memorandum', *AJHR*, 1870, A-25, p 3
[296] 'Wiriharai Te Angi Angi Kaikokopu Dissentients', MA 13/71, pp 326-328; 'Paranihi Te Tau Reu Reu claim', MA 13/71, pp 329-333; 'Rawiri Te Wanui me etahi atu', MA 13/71, pp 334-338
[297] MA 13/71, pp 565-579
[298]'Paranihi Te Tau Reu Reu claim', MA 13/71, pp 329-333

By the end of the process the Court had admitted just 62 men, women and children as having unsold ownership rights to the Rangitīkei-Manawatū purchase area.[299] This included 41 from Ngāti Kauwhata, 20 from Ngāti Kahoro and Ngāti Parewahawaha, and one (Wiriharai Te Angiangi) of Ngāti Wehiwehi.[300]

The Native Land Court's awards

Having completed their analysis of the claimants' lists, on 8 September 1869 the Judges adjourned the Court until the 17th of the same month, allowing those whose names had been struck off in their absence slightly more than a week to travel to Wellington and present their claims for inclusion in person. Chief Judge Fenton also hoped that the three successful Raukawa hapū and Ngāti Apa would use the adjournment period to come to an agreement over the areas that were to be set aside for those whose ownership rights had been recognized by the Court. Addressing the interested parties, the Chief Judge 'expressed his belief that the natives would have no difficulty in arranging this among themselves without the interference of the Court.'[301]

Instead of allowing time for such an arrangement to be negotiated, Featherston and Buller hurried to the Manawatū to organize their own settlement. Meeting at Oroua in the absence of both Te Kooro Te One and Te Ara Takana, the Land Purchase Commissioner secured agreement from Ngāti Apa and some of the Ngāti Kauwhata non-sellers to his proposal to award 100 acres to each of those who had been admitted by the Court. When Featherston and Buller submitted the same offer to the non-sellers of Ngāti Parewahawaha and Ngāti Kahoro at Matahiwi, however, the proposal was rejected.[302]

Undaunted, and without the agreement of either the leading Ngāti Kauwhata claimants or any of those from Ngāti Parewahawaha and Ngāti Kahoro, Featherston returned to Wellington. On 25 September 1869, sitting at short notice and in the absence of the non-sellers' agent Alexander McDonald and most of those he represented, Judge Maning confirmed Featherston's settlement of the Ngāti Kauwhata, Ngāti Parewahawaha and Ngāti Kahoro non-sellers' claims to Rangitīkei Manawatū. After confirming that no new names had been admitted to the list of

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[299] Buller, 'Memorandum', *AJHR*, 1870, A-25, p 3
[300] Ibid., p 8
[301] *Wellington Independent*, 9 September 1869, p 2, https://paperspast.natlib.govt.nz/newspapers/WI18690909.2.10 (accessed 1 September 2016)
[302] Buller, 'Memorandum', *AJHR*, 1870, A-25, p 4

successful claimants, and delivering an extended judgment, Maning ordered that certificates of titles be issued for four blocks of land containing altogether 6200 acres.[303]

Table 4.3 Awards ordered by the Native Land Court, 25 September 1869

For whom	Where	Area in acres
'The Ngāti Kauwhata people mentioned in List A'	Te Awahuri	4500
'The Ngāti Parewahawaha and Ngāti Kahoro mentioned in list C	Mangamahoe	1000
'Te Kooro Te One and others mentioned in B'	Oroua Bridge	500
Wiriharai Te Angiangi	Oau	200

Source: 'Order of Court In the Native Lands Court. Wellington, New Zealand', 25 September 1869, MA 13/71, p 276

The first and largest block awarded by Maning was 4500 acres granted to Takana Te Kawa and 35 other Ngāti Kauwhata non-sellers. Located at Awahuri, this block of land was to be known as Rangitīkei-Manawatū A. A second block of 500 acres was awarded to Te Kooro Te One, Reupene Te One, Noa Te Tata, Tino Tangata and Erina Te One. Known as Rangitīkei-Manawatū B, this land was situated above the Rangitāne reserve at Puketōtara, on the Oroua River. The third block ordered by Maning – Rangitīkei-Manawatū C – consisted of 1000 acres for the 20 non-sellers of Ngāti Kahoro and Ngāti Parewahawaha. This land was placed beside the Rangitīkei River between Matahiwi and Maramaihoea. The final block of land ordered by Maning consisted of 200 acres for Te Wiriharai Te Angiangi. Known as Rangitīkei D, the block was located at Oau, near modern day Rongotea.[304] Together, the four awards included a total of 6200 acres, which as an aggregate corresponded with Featherston's allowance of 100 acres for each of the 62 individual owners approved by the Native Land Court.

Maning ordered all four of the non-sellers' blocks 'to be inalienable by sale' for 21 years. He also made the grants provisional on the completion within six months of a survey 'of the whole' Rangitīkei-Manawatū 'block', on which the four reserves were to be 'accurately represented from actual survey made on the land.'[305]

[303] Ibid.; 'Order of Court In the Native Lands Court. Wellington, New Zealand', 25 September 1869, MA 13/71, p 276
[304] 'Order of Court In the Native Lands Court. Wellington, New Zealand', 25 September 1869, MA 13/71, pp 276-278
[305] Ibid., p 276

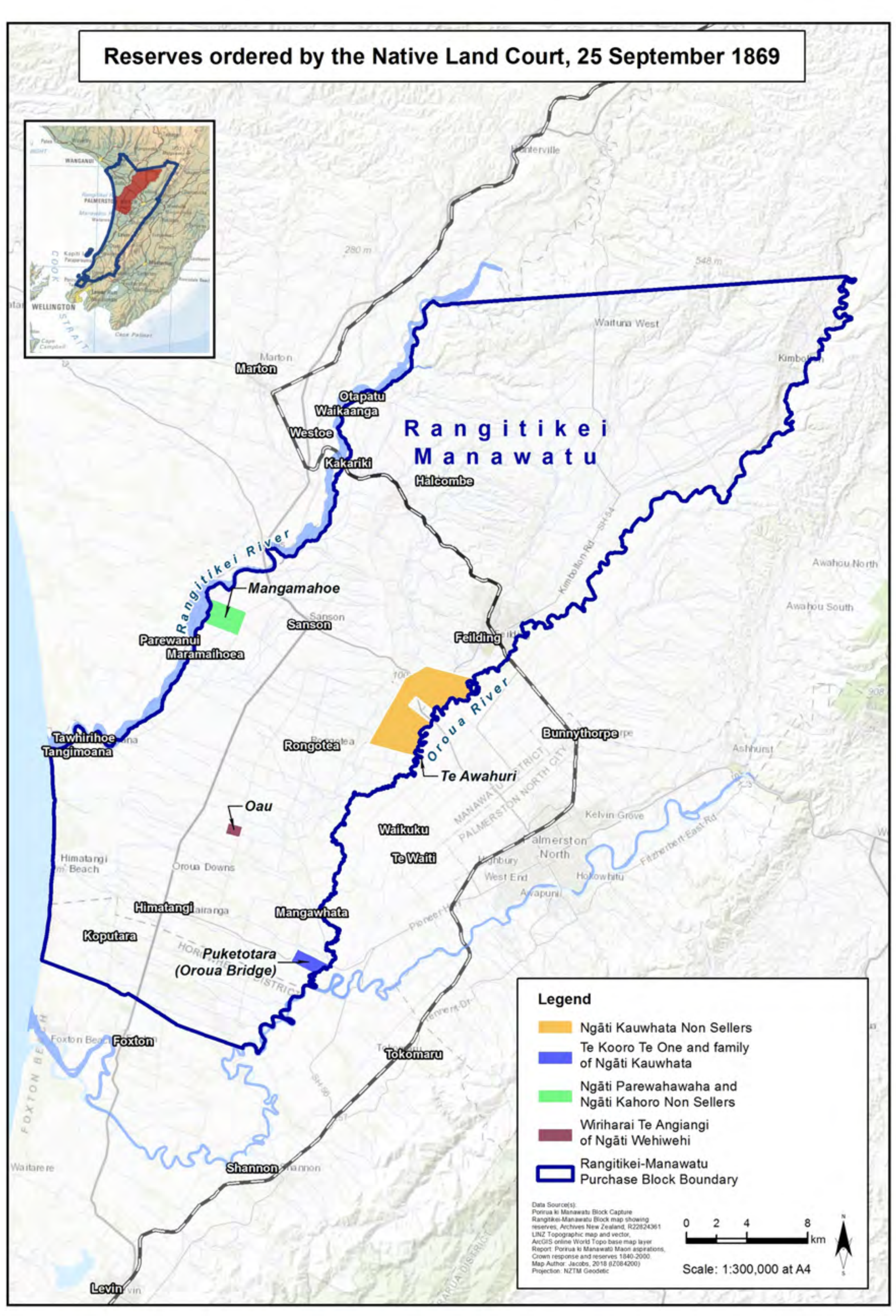
Reserves ordered by the Native Land Court, 25 September 1869
Rangitikei Manawatu
Rangitikei River
Oroua River
Mangamahoe
Te Awahuri
Oau
Puketotara (Oroua Bridge)
Marton
Otapatu
Waikaanga
Westoe
Kakariki
Halcombe
Sanson
Parewanui
Maramaihoea
Feilding
Tawhirihoe
Tangimoana
Rongotea
Bunnythorpe
Waikuku
Te Waiti
Himatangi
Mangawhata
Koputara
Foxton
Tokomaru
Shannon
Levin
Legend
Ngāti Kauwhata Non Sellers
Te Kooro Te One and family of Ngāti Kauwhata
Ngāti Parewahawaha and Ngāti Kahoro Non Sellers
Wiriharai Te Angiangi of Ngāti Wehiwehi
Rangitikei-Manawatu Purchase Block Boundary
Scale: 1:300,000 at A4

Figure 4.3. Sketch of the Native Land Court's Award to the Ngāti Kauwhata Non-Sellers at Te Awahuri

Figure 4.4 Sketch of the Native Land Court's Award to the Ngāti Parewahawaha and Ngāti Kahoro Non-Sellers at Mangamahoe

The claimants' response to the Native Land Court's awards

Maning's sudden decision to confirm the settlement submitted by Featherston, rather than allowing Ngāti Kauwhata, Kahoro and Parewahawaha time to come to an arrangement between themselves and Ngāti Apa, caused great consternation and a lasting sense of injustice amongst the non-sellers of Rangitīkei-Manawatū. Petitioning Parliament in August 1870, 30 of the non-sellers admitted by the Court claimed that, having first adjourned to allow them time to reach an agreement with Ngāti Apa, the Court had then, 'at the instance of the Agent for the Crown and without any notice whatsoever', held the sitting on 25 September 1869. At that sitting, without hearing evidence from the petitioners and other admitted non-sellers, the Court had 'made a final decision' and unjustly allotted the lands set out in its 'judgment'.[306]

The petitioners disputed 'the justice' of the Court's judgment on at least four grounds. First they claimed that they had received 'no notice that there was to be a sitting of the Court on 25 September 1869 'for the purpose of making a division of the land or any other purpose.' As a consequence, the petitioners had been left 'entirely unrepresented.'[307] Secondly, the petitioners

[306] MA 13/70G, p 4 (pdf)
[307] Ibid

argued that by granting land to individuals from the three admitted Raukawa groups, rather than to the groups themselves, Maning's awards of 25 September had been contrary to Court judgment on 23 August 1869, which had recognized the ownership rights of Ngāti Kauwhata, Ngāti Kahoro and Ngāti Parewahawaha as a whole.[308]

The third source of injustice for the petitioners was that the Court's awards had not been 'made upon evidence . . . as to the quantity and situation of the land' to which they were entitled.[309] The Court had not allowed the Kauwhata, Kahoro and Parewahawaha non-sellers any opportunity to testify about the extent of the land they occupied or the location of their settlements, wāhi tapu or mahinga kai. Rather than being based on evidence from those who knew the land best, the Court's awards had, as Alexander McDonald put it in a letter to the *Evening Post*, been 'perfectly arbitrary.'[310]

Finally, the petitioners argued that the Court's actions had been unjust because 'at the time of the judgment' Ngāti Kauwhata, Parewahawaha and Kahoro had been 'honestly engaged' in attempting to carry out the earlier instructions of the Court and come to an agreement with Ngāti Apa 'as to their respective boundaries.' 'Failing an agreement within some reasonable time', the petitioners maintained that they 'would have submitted to a ruling of the Court' so long as it was based upon evidence submitted 'after due notice.'[311]

The petitioners' complaints were entirely rejected by Judge Maning. In a letter addressed to William Fox (who had become Premier again in June 1869), and read by him to Parliament, Maning maintained that Ngāti Kauwhata, Parewahawaha and Kahoro 'were not taken by surprise' by the 25 September judgment. The 'short time' allowed them 'to agree about the precise spot and boundaries' of their awards was 'given as a favour' by the Court. The Kauwhata, Parewahawaha and Kahoro non-sellers, Maning insisted, 'were clearly informed that if they did not come to an agreement shortly, and during the time given by the Court, that the Court would decide the matter without any reference to their wishes and consent.' Such a step, however, had proven unnecessary because 'the provincial authorities and others' had informed the Court 'that an actual agreement as to boundaries had been come to.' This statement, Maning noted, 'had not been distrusted at all.' Dismissing suggestions that the Court should have waited for an agreement to be reached between the three Raukawa groups and Ngāti Apa as 'simply an absurdity', Maning described the non-sellers' claims 'as to boundaries

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[308] Ibid., p 5
[309] Ibid
[310] *Evening Post*, 2 June 1870, p 2, http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=EP18700602.2.8&e=-------10--1----0--
[311] Ibid., p 5

and localities' as 'merely vexation . . . with the deliberate intention to procrastinate and to delay perpetually any final judgment being come to.'[312]

The extinguishment of native title over Rangitīkei-Manawatū

Two days after Judge Maning issued his orders Featherston, acting in his capacity as Superintendent of Wellington Province, asked the colonial government to issue a formal proclamation declaring native title over Rangitīkei-Manawatū to be definitively extinguished.[313] This move was very important because it eliminated all legal claims the non-sellers might have had to land outside of the 6200 acres defined by the Court, and effectively opened up the purchase area to large-scale European settlement.

When the Superintendent's request was referred to Attorney General Prendergast he advised that before notice of extinguishment could be issued it was necessary to first ascertain 'with sufficient accuracy' the boundaries of the land that the Court had awarded to the non-sellers so that these could be properly defined in the proclamation. Following the Attorney General's advice, Premier Fox ruled that Featherston needed to 'satisfy the Government' that the boundaries of the non-sellers' awards had indeed 'been laid down, and were agreed to by the parties concerned.' Once this had been done, however, Fox saw 'no reason for further delay in notifying the extinguishment of the title.'[314]

Lacking a formal survey plan or the expressed agreement of the non-sellers themselves, the Superintendent instead provided the Attorney General 'with a tracing of the boundary of the lands awarded by the Native Land Court.'[315] The Government, however, found this to be sufficient and, on 16 October 1869, Colonial Secretary William Gisborne issued a proclamation in the *New Zealand Gazette* declaring Native title to have been extinguished across the entire Rangitīkei-Manawatū purchase area, excepting the four 'parcels' of land that Judge Maning had granted to the non-sellers on 25 September.[316]

With native title formally extinguished, and the non-sellers whom the Native Land Court had considered entitled restricted to four reserves of a combined 6200 acres, the Wellington Superintendent ordered a comprehensive survey of Rangitīkei-Manawatū in preparation for its subdivision and sale to European settlers. As part of this large-scale survey, the province's surveyors were required to mark out both the land that had been granted by the Native Land

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[312] 'Manawatū Block', *Evening Herald*, p 2, c 3-5, http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=WH18700920.2.10&e=-------10--1----0-- (accessed 6 September 2016)
[313] 'Manawatū Case', *AJHR*, 1874, H-18, p 5
[314] Ibid
[315] Ibid
[316] *The New Zealand Gazette*, 60, 16 October 1869, pp 544-545

Court to the non-sellers, and the reserves that Featherston had made for those who had agreed to the purchase.[317]

The non-sellers disrupt the survey of Rangitīkei-Manawatū

If the Provincial and Colonial Governments considered the claims of the Ngāti-Raukawa non-sellers to have been finally settled, the non-sellers themselves did not. Taking the Chief Judge at his word, that they and Ngāti Apa should arrange the boundaries of the land to be awarded to them 'without the interference of the Court', the non-sellers whose claims had been accepted by the Court returned to the Manawatū after the adjournment of 8 September 1869 intent on coming to an agreement with their neighbours. On 9 October they wrote to Fenton to outline their progress. Determined on 'working in accordance with that word of the Court' ('kore rawa mātou e mangere ana ki te mahi i runga i taua kupu a te kooti'), Ngāti Kauwhata, Ngāti Parewahawaha, and Ngāti Kahoro had 'assembled' their 'hapus' to discuss the location of their promised grants. With the exception of Kāwana Hūnia Te Hakeke, however, no one from Ngāti Apa had attended the hui (which had been called for 5 October 1869). Despite this setback, the three hapū remained 'engaged' in working out an agreement with Ngāti Apa.[318]

Efforts by the three hapū to define distinct areas for themselves had also been complicated by the absence of clear boundaries, either between Ngāti Apa and the other groups, or between Ngāti Kahoro and Ngāti Parewahawaha who were accustomed to living together. In these circumstances the best that they were able to tell the Chief Judge was that 'Ngāti Kauwhata together with their friends of Ngāti Apa and Rangitāne' were 'on the Oroua portion of the block right up to the top and down to Whitirea' ('heoi ano te mea i kitea e matou ko Ngāti Kauwhata me ona hoa o Ngāti Apa o Rangitāne ki te papa ki Oroua tae noa ki Whitirea'), while 'Ngāti Parewahawaha, Ngāti Kahoro and their friends of Ngāti Apa' were 'on the Rangitīkei portion of the block' ('Ko Ngāti Parewahawaha ko Ngāti Kahoro me o raua hoa o Ngāti Apa ki te papa ki Rangitīkei'). The dividing line between these two loose associations ran through the middle of the purchase area, 'right up to the top and right down to the lower end' ('Na, ko te rohe kei waenganui o te whenua e takoto ana puta noa ki runga puta noa ki raro'). Clearly the non-sellers were thinking of a much larger area for themselves than the few thousand acres defined by Judge Maning.[319]

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[317] Hearn, pp 472-472
[318] Kooro Te One to the Government, 9 October 1869, MA 13/73B, pp 395-400 (Reo Māori original) and 391-394 (English translation).
[319] Ibid.

Despite the orders issued by the Judge Maning on 25 September, and the subsequent Crown proclamation extinguishing native title to Rangitīkei-Manawatū, the Ngāti Kauwhata, Parewahawaha, and Kahoro non-sellers continued to insist that they, in consultation with Ngāti Apa, should be allowed to define the boundaries of the land to be awarded to them. On 18 November 1869, when John Tiffin Stewart and his party attempted to survey the 4500 acres ordered by the Court at Awahuri they were stopped by a delegation from Ngāti Kauwhata including Te Kooro Te One, Te Ara Takana, and Takana Te Kawa. The delegation 'refused to allow' Stewart 'to proceed with the survey'. 'To avoid a collision with the natives', Stewart halted his work.[320] He later reported that neither he nor any of his survey team had felt 'under the slightest fear of injury' from Ngāti Kauwhata, but had considered it 'impracticable to carry on the survey in the face of their opposition.'[321]

Having 'turned back' Stewart and his party, the Ngāti Kauwhata delegation wrote immediately to Native Minister McLean to explain their actions. In a letter that was signed by Tapa Te Whata, Hoani Meihana, and Peeti Te Awe Awe as well as by Te Kooro Te One and the other Kauwhata non-sellers, the correspondents told the Native Minister that they had prevented the survey because they 'were not all clear about the judgment of the Court published on the 25th of September, nor about the proclamation of the Government' which claimed 'that the native title' had 'been extinguished over this block of land at Rangitīkei.' The signatories were sure that the two 'proclamations were based upon the erroneous belief on the part of the Court and of the Government, that all the rightful owners of the land agreed to the purchasing work and reserve work of Dr Featherston.' Unable to set out on paper all the reasons they had for opposing the survey, the Kauwhata non-sellers and their supporters asked the Native Minister to send 'some clear person' to meet with them so that they could explain 'quietly' why they had turned Stewart back.[322]

In response to this attempt at dialogue, Premier Fox wrote back to Ngāti Kauwhata warning them that they were being misled by the 'lies' of 'some evil pakeha', and that the decisions made by the Native Land Court regarding Rangitīkei-Manawatū were final and would not be reopened by the Government. The case, the Premier insisted, had 'been heard by the Court

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[320] Affidavit of John T Stewart, 11 March 1870, MA 13/74A, p 713
[321] John T Stewart, Surveyor, 'To the Editor of the Independent', 27 November 1869, *Wellington Independent*, 2 December 1869, p 3.
[322] 'Manawatū', *Evening Post,* 27 November 1869, p 2. http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=EP18691127.2.11&e=-------10--1----0-- (accessed 5 September 2016)

three times; at Otaki, at Rangitīkei, and at Wellington', and would 'never be heard again – never, never, never!'[323]

Opening the Session of the Wellington Provincial Council on 22 November 1869, Featherston took an even harder line. Discounting any possibility of debate or negotiation with those who had disrupted Stewart's survey, the Superintendent argued that the only way to have them 'cease from their vile intrigues' was to submit the offending parties 'to the pains and penalties of the Disturbed Districts Act.'[324] Passed to deal with Māori who were 'in open rebellion and engaged in levying war against the Queen', the Disturbed Districts Act 1869 allowed for the arrest and summary conviction of 'disorderly persons' for a maximum of '18 calendar months with or without hard labour.'[325]

Despite Featheston's threats, opposition to the survey of the Rangitīkei-Manawatū reserves only intensified. On 29 November, J A Knocks (an interpreter and clerk for the Resident Magistrate's Court in Otaki) reported that Tapa Te Whata and Peeti Te Aweawe (of Rangitāne) had joined the Kauwhata non-sellers in opposing the survey of the Native Land Court's award at Te Awahuri. According to Knocks, the two prominent 'sellers' 'were dissatisfied', both 'with the number of acres awarded' by the Court, and with the reserves that Featherston had made 'for them and their people.'[326]

Prevented from surveying the 4500 acres at Te Awahuri, the surveyors moved on to the Rangitīkei, where they were to lay out the 1000 acres granted by the Court to the non-sellers of Ngāti Parewahawaha and Ngāti Kahoro, as well as the reserves created by Featherston for Ngāti Apa and the 'sellers' from Ngāti Raukawa. The surveyors – led by Stewart and the Province of Wellington's Chief Surveyor Henry Jackson, and accompanied by Walter Buller – began on 25 November with the survey of Ngāti Apa's reserve at Pakapakatea. This reserve 'adjoined' the Court's award to the Parewahawaha and Kahoro non-sellers.

The survey was 'forcibly opposed' by Atereti Taratoa, Miratana Te Rangi, and Weretā Kīmate, all of whose names had been included in the Court's grant to Ngāti Parewahawaha and Ngāti Kahoro.[327] Faced by this additional opposition to the Native Land Court's orders, Buller

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[323] Letter from William Fox [Premier] to 'the Ngatiraukawa at Manawatū, and at Rangitīkei, at Oroua and elsewhere', 26 November 1869, MA 13/73B, pp 507-509 (English original) 510-512 (Reo Māori translation).
[324] 'Report on the Claim of the Province of Wellington in Respect of the Manawatū Reserves', *AJHR*, 1874, H-18, p 6
[325] The Disturbed Districts Act 1869, preamble & s 16
[326] 'Report on the Claim of the Province of Wellington in Respect of the Manawatu Reserves', *AJHR*, 1874, H-18, p 6
[327] Affidavit of John T Stewart, 11 March 1870, MA 13/74A, p 714; Affidavit of Henry Jackson, 11 March 1870, MA 13/74A, pp 720-722

ordered the surveyors to halt their attempts to define the non-sellers' blocks.[328] Miratana was subsequently arrested for destroying a trigonometrical station and, when he was unable to pay the £25 fine – sentenced to three months in prison.[329]

With the survey of the Native Land Court grants temporarily halted, the non-sellers continued their opposition to the survey of the sellers' reserves and the Rangitīkei-Manawatū purchase area in general. On 29 December 1869 the *Evening Post* reported that 'some 60 or 80 dissentients' had 'gathered together, pulled down some trig stations, and otherwise interrupted the [survey] work.'[330] This was followed, in early January by the destruction of 'the major trig. station at Mount Stewart.'[331] Further disruptions of the survey, along with the removal of more trigonometrical stations were reported in April, May and June.[332]

Opposition to the provincial government's survey of Rangitīkei-Manawatū, and the Court decisions that informed it, came not only from those non-sellers who had been recognized by the Native Land Court, but also from those whose claims had not. On 1 April 1870 the surveyors began marking out the land around Te Reureu but were immediately ordered to leave. On 4 April 'about 40' Māori from Te Reureu met with an interpreter to explain 'their reasons for obstructing the survey.' Eruini Te Tau told the interpreter that '"he had brought his dray down to cart over the surveyors' things and tents to the other side of the river," and that they must not return till there had been another sitting of the Court.' The interpreter replied that the Rangitīkei-Manawatū case "was finally settled; and there could not be another hearing; that the land was no longer theirs, and now belonged to the Government; that the Native title had been extinguished . . . and that if they removed the tents, it would be at their peril." Eruini agreed not to remove the surveyors' camp but warned 'if any more pegs were put down he would pull them up again.'[333]

The Reureu people were true to their word. On 16 May Assistant Surveyor J W Downes reported that Hopa had 'destroyed pegs along five miles of traverse lines', pulling up three pegs 'in our presence.' After Downes refused to pack up his camp, Ngāwaka Waeroa had the

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[328] Affidavit of John T Stewart, 11 March 1870, MA 13/74A, p 714
[329] 'Manawatu', *Wellington Independent*, 23 December 1869, p 2
[330] *Evening Post*, 29 December 1869, p 2, c 3, http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=EP18691229.1.2&e=-------10--1----0-- (accessed 5 September 2016)
[331] 'Report on the Claim of the Province of Wellington in Respect of the Manawatū Reserves', *AJHR*, 1874, H-18, p 7
[332] Affidavit of W H R Flyger', 5 September 1870, MA 13/74A, pp 701-702; Affidavit of T W Downes', 5 September 1870, MA 13/74A, pp 703-704; Affidavit of A Dundas, 5 September 1870, MA 13/74A, pp 705-706; Affidavit of John T Stewart, 11 March 1870, MA 13/74A, pp 713-715, 719
[333] Ibid., p 9

‘tents taken down and removed across the Rangitīkei River.’[334] According to a subsequent newspaper article, the survey had first been ‘hindered by some of the women’ of Te Reureu, before ‘about fifty or sixty natives came down, destroyed some of the trigonometrical stations, tore up the flags, and when Mr Downes refused to move off the block, they struck his camp, and removed all his baggage over the boundary.’[335]

Reporting back to the Colonial Secretary, Buller referred to the Native Land Court’s judgment to dismiss the actions of the Reureu people. “The Natives concerned in this outrage”, he wrote, “were declared by the Native Land Court to have no title or interest in the block.”[336]

In September 1870 opposition to the survey of Rangitīkei-Manawatū switched back to Te Awahuri. On 13 September a group of Ngāti Kauwhata ‘pulled up 25 tranverse pegs near Awahuri pah’.[337] At a subsequent meeting with Downes the ‘principal’ men and women of Ngāti Kauwhata – sellers as well as non-sellers –unanimously opposed the survey of their land, including the grants that had been made for them by the Native Land Court. Recalling that the Court had initially allowed time for a ‘tribal division’ of the land, Takana Te Kawa told the surveyor that he opposed the survey because all ‘the parties had not agreed’ and that ‘one disputant’ (the Crown) ‘was not competent’ to unilaterally ‘cause the land to be surveyed.’ Tapa Te Whata and Areta Pekamu, both of whom had signed the deed of purchase, also spoke in support of the tribe’s decision to stop the survey. Pekamu agreed that Ngāti Kauwhata should be allowed to define their own land as the Court had initially ordered. ‘Leave the Ngāti Kauwhata to find out their own boundaries’, she told Downes, ‘when they had done so they would arrange all disputes.’[338]

Noting that ‘one and all’, young and old, were in agreement, Te Kooro Te One informed the surveyor that ‘notwithstanding any thing the Government might say’, Ngāti Kauwhata would not allow the survey of their land. While the tribe would not prevent Downes ‘from traversing the river or laying off the road lines’, Te Kooro warned that ‘if any boundary lines were commenced to be cut, the surveyors and their tents would be moved off the ground and all their work destroyed.’[339] Convinced that the tribe was ‘thoroughly determined on stopping me’,

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[334] Telegram from J W Downes to H Jackson, Chief Surveyor, 16 May 1870, MA 13/75A, p 370
[335] ‘Stoppage of the Manawatū Survey’, *Evening Herald*, 18 May 1870, p 2, c 1-2, http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=EP18691229.1.2&e=-------10--1----0--
[336] ‘Report on the Claim of the Province of Wellington in Respect of the Manawatū Reserves’, *AJHR*, 1874, H-18, p 9
[337] ‘Interruption of the Survey at Manawatū’, *Evening Herald*, 21 September 1870, p 2 https://paperspast.natlib.govt.nz/newspapers/WH18700921.2.8?query=Interruption%20of%20the%20survey (accessed 7 September 2016)
[338] T W Downes to Walter Buller, Deputy Land Commissioner, 18 September 1870, MA 13/73B pp 603-606
[339] Ibid., p 607

Downes chose not to press the issue. Instead he focused his energies on 'taking steps to preserve' the survey pegs that not been pulled up, and making new pegs 'to replace those' that had been 'destroyed.'[340]

On 30 September 1870, after receiving affidavits from five of the surveyors working in the Manawatū, Chief Judge Fenton was obliged to extend by a further six months the Court's deadline for receiving survey plans of the grants it had made to the non-sellers.[341] In his affidavit Stewart admitted that 'owing to the repeated interference of certain natives to the continuation of the Survey of the Rangitīkei-Manawatū Block' he was 'unable . . . to furnish plans' of the Court's awards to Ngāti Kauwhata at Te Awahuri or to Te Kooro Te One at Oroua Bridge.[342]

The affidavits of the four other surveyors bore witness to opposition throughout the Rangitīkei-Manawatū purchase area. James Mitchell, for example, stated 'that on or about' the fourth and 25th of May 1870 trigonometrical stations he had 'caused to be erected' had been 'removed by the Natives residing at Kakariki and Awahuri.'[343] Similar actions were reported by Alexander Dundas, who swore that 'about the months of April and June', Māori living 'at Papakiri in the Hīmatangi Block, at Oroua Bridge and Oau' had removed trig stations that he had 'caused to be inserted in the land.'[344] The Māori referred to by Dundas as living at Oau were probably Wiriharai Te Angiangi's group of Ngāti Wehiwehi. The Court had awarded 200 acres to Wiriharai at Oau but had rejected the claim of Ngāti Wehiwehi as a whole.[345]

Conclusion

The Native Land Court's decisions in August and September 1869 regarding Rangitīkei-Manawatū were disastrous for the non-sellers of Ngāti Raukawa. Particularly hard-hit were those from Te Mateawa, Ngāti Tukorehe, Ngāti Maiotaki, Ngāti Wehiwehi, and Te Reureu whose claims to ownership were rejected by the Court. As far as the Court and the Crown was concerned, these communities had no legal right to any of the land within the Rangitīkei-Manawatū purchase area. The Court did accept the claims of the non-sellers from Ngāti Kauwhata, Ngāti Parewahawaha, and Ngāti Kahoro, but the awards it made to individuals from these three groups had been without their input or agreement, and were much smaller than they had expected.

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[340] Ibid., p 608
[341] F D Fenton, 'Manawatu Block', 30 September 1870, MA 13/74A, pp 696-698.
[342] Affidavit by John Tiffin Stewart, 5 September 1870, pp 699-700
[343] Affidavit of J Mitchell, 12 September 1870, MA 13/74A, pp 707-708
[344] Affidavit of A Dundas, 5 September 1870, MA 13/74A, pp 705-706
[345] Buller, 'Memorandum', *AJHR*, 1870, A-25, pp 3 & 8

Intent on defending Featherston's purchase, the colonial government had done what it could to limit the non-sellers' claims. In Court, the non-sellers had been opposed by the Attorney General who marshalled what Alexander McDonald described as 'a cloud of witnesses' from amongst those who had signed the deed of purchase.[346] Particularly striking had been the action of Crown officials after the Court made its initial judgment. Short-circuiting attempts by the successful claimants to arrange the boundaries of their land amongst themselves and in consultation with Ngāti Apa, Featherston and Buller had rushed to the Manawatū and organized their own settlement. Having obtained this in the absence of the leading Ngāti Kauwhata claimants, and despite the opposition of the Ngāti Parewahawaha and Ngāti Kahoro non-sellers, Featherston had then presented the settlement to Judge Maning, who swiftly ratified it on 25 September 1869. The Wellington Superintendent then sought, and obtained, from the colonial government a proclamation formally extinguishing native title to the Rangitīkei-Manawatū purchase area, thereby closing any avenue of appeal the non-sellers might have attempted to take.

Rushed through in two-and-a-half weeks, when the primary means of transportation between the Manawatū and Wellington was still by horse or foot, Featherston's settlement was met with outrage by the non-sellers and their Pākehā supporters. It also drew criticism from Native Minister McLean. Reflecting on the actions of Featherston and Buller in his unsigned 'Memorandum on the Manawatu Land Dispute', McLean concluded that:

> . . . considering the short time that did elapse between the date of that order of the Court and the final judgment it does seem plain to an unbiased person that these representatives of the Crown when so great interests were at stake acted in too hurried a manner, and there is no reason to doubt that a little concession in point of time would have led to a settlement within a very short period after the decision of the Court was given.

With their claims to the Rangitīkei-Manawatū either restricted to a total of 6200 acres (less than three percent of the entire block) or rejected altogether, the non-sellers responded by disrupting the survey that followed the final decision of the Court, and the proclamation extinguishing native title. The Ngāti Kauwhata, Ngāti Kahoro and Ngāti Parewahawaha non-

[346] *Evening Post*, 2 June 1870, p 2, http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=EP18700602.2.8&e=-------10--1----0-- (accessed 7 September 2016)

sellers, in particular, insisted upon their right to define for themselves the boundaries of land that they had never agreed to sell, and had been confirmed to them by the Native Land Court. In so doing they were not just acting upon their understanding of the Court's original instructions to them, but also exercising their Treaty right of tino rangatiratanga. Tino rangatiratanga was also asserted by the people of Te Reureu who, despite the Court's rejection of their ownership rights, continued to resist the survey of the land upon which they were living.

Responding to the non-sellers' protests, Premier Fox and other Crown officials refused out of hand non-sellers' requests for a rehearing of the Native Land Court case or even a reconsideration of the Court's orders of 25 September. In a letter to the Ngāti Kauwhata non-sellers Fox insisted that the Rangitīkei-Manawatū case would never be heard again – never, never, never!'[347] When the non-sellers disrupted the survey of the Native Land Court grants, Featherston – in his capacity as Wellington Superintendent – threatened the protesters with summary imprisonment. At least four of those who opposed the survey were in fact arrested, and one – Miratana Te Rangi (a former government policeman) – was sentenced to three months in prison. When opposition to the survey of the Court's grants continued, the provincial surveyors stopped their work and moved to other parts of the block where their work was also disrupted.

Confronted by this continued opposition to the judgment and orders of the Court, and apparently unable to admit that those who blocked the surveys were acting on their own initiative, Featherston, Fox and Maning blamed the non-sellers' European supporters for misleading and inciting 'the Natives.' Maning was particularly forthright. 'I am perfectly certain, the Judge wrote in his letter that Fox subsequently read to Parliament:

> that the Ngatiraukawa would have submitted quietly, if not with satisfaction, to the decision in the Manawatū case, if they had not been set on and let astray, in the most malevolent manner, by Europeans, whose action may yet end in murder and confusion – people who lead the Natives to think that the decisions of the Court are as nothing in comparison to their own truculent wills, and that by persistence in opposition they can carry their point at last. If there is one thing more utterly wicked than another it is this

[347] Letter from William Fox [Premier] to 'the Ngatiraukawa at Manawatū, and at Rangitīkei, at Oroua and elsewhere', 26 November 1869, MA 13/73B, pp 507-509 (English original) 510-512 (Reo Māori translation).

urging the Natives to resist what I feel convinced they themselves know is right and a more favorable decision than they would have expected if left to themselves.[348]

4.5 McLean's Reserves

In November 1870 Donald McLean travelled to the Rangitīkei-Manawatū to bring a resolution to the long-running dispute. The intervention was undertaken at the urging of the Provincial Government, which hoped that McLean would 'use his personal influence to persuade the Natives to allow the surveys to proceed.' Failing that, the provincial authorities looked to the native and defence Minister to use the power of the colonial government to bring an end to the dispute by force.[349] McLean's intervention was also welcomed by the Māori inhabitants of Rangitīkei-Manawatū who called upon the Minister to put right the injustices created by Featherston and the Native Land Court. Speaking at the first of a series of hui held at Manawatū, Parewanui, Te Awahuri, Bulls, Kākāriki, and Te Reureu, Henere Te Herekau likened McLean's arrival to the coming of Matariki, bringing light to a land that had been covered in darkness. 'Last winter we were in great distress,' the Ngāti Whakatere rangatira told the Native Minister, 'Matariki was under the earth. Now Matariki has appeared.' Continuing the metaphor, Te Herekau asked McLean to 'show us light' and 'settle the matter' from Hīmatangi to Rangitīkei.[350]

Intent on achieving a rapid resolution that would allow the 'peaceable and undisturbed occupation' of the district 'by Europeans', while reducing the non-sellers' claims 'to the lowest extent which the Natives would accept', McLean refused to revisit the decisions of the Native Land Court, or the subsequent proclamation extinguishing Native title over Rangitīkei-Manawatū.[351] Instead, he offered sellers and non-sellers alike a number of 'additional reservations' as a final settlement of their claims within Rangitīkei-Manawatū.[352] The non-sellers of Ngāti Kauwhata, for example, received – in addition to the Native Land Court grant of 4,500 acres – 1000 acres at Kawakawa, and 500 acres at Te Rakehou, while Tapa Te Whata and the other sellers were granted an extra 300 acres at Pīkōtuku.[353] Likewise, McLean allowed an additional 1000 acres to the non-sellers of Ngāti Parewahawaha and Ngāti Kahoro, while

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[348] 'Manawatu Block', *Evening Herald*, p 2, c 3-5, http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=WH18700920.2.10&e=-------10--1----0--
[349] Mr A F Halcombe to the Superintendent, 15 May 1871, *AJHR*, 1874, H-18, pp 15-16
[350] 'Manawatu, 10th November 1870', MA 13/72A, p 36
[351] 'Telegram from Donald McLean to I E Featherston,' 15 February 1871, MA 13/75A, p 156; 'Rangitikei-Manawatu Block. 21st November 1870', MA13/72A, p 198
[352] 'Rangitikei-Manawatu Block. 21st November 1870', MA13/72A, p 199
[353] 'Additional Reserves Manawatu Rangitikei Block', MA 13/73B. pp 655-656

also granting extra land to sellers such as Aperahama Te Huruhuru, Hare Reweti and Erenora Taratoa.[354] The Native Minister also provided new reserves for Rangitāne and Ngāti Apa.[355]

In addition, McLean made allowance for some of those whose claims had been rejected by the Native Land Court in August 1869. The largest of these was the Te Reureu reserve awarded to Ngāti Pikiahu, Ngāti Waewae, Ngāti Rangatahi and Ngāti Maniapoto. McLean also made grants of 100 acres each to Mātene Te Whiwhi at Kairākau, Ngāti Wehiwehi at Paparata, and 'the Waikato Natives living with Ngāti Kauwhata at Awahuri.'[356]

Distributed by McLean from a position of strength, after only a few days discussion, the 'additional reserves' – while relatively generous compared to those allowed by Featherston – were much less than the various Rangitīkei-Manawatū groups had sought. The Ngāti Kauwhata, Ngāti Kahoro, and Ngāti Parewahawha non-sellers, in particular, had continued to insist that they should be allowed to define their own boundaries with Ngāti Apa, as Judge Fenton had originally intended. The reserves they finally accepted from the Native Minister were thousands of acres less than the area they originally claimed.[357]

McLean's determination to restrict as far as possible the extent of his 'additional' awards was particularly evident in his treatment of Te Reureu. With a combined population of 'about two hundred', the hapū of Te Reureu were initially granted 2500 acres by the Native Minister.[358] After meeting with the reserve's inhabitants, the Native Minister's assistant Henry Tacy Kemp agreed to increase its area to 6,000 acres, to accommodate the 'many interests' living upon the land and their 'increasing' numbers of livestock.[359] Following complaints from Fox and Featherston, however, McLean insisted that the reserve should be cut back to 4400 acres, with no allowance for the residents' livestock.[360]

McLean and Ngāti Kauwhata, Ngāti Kahoro and Ngāti Parewahawaha

In November 1870 McLean set out to settle all outstanding Māori claims to Rangitīkei-Manawatū. These included complaints from those from Ngāti Apa, Rangitāne and Ngāti Raukawa who had signed the deed of purchase but had not received the reserves they had expected. The most pressing issue for the Native Minister, however, concerned the claims of

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[354] 'Reserves for non-sellers made for the Hon D McLean in addition to awards of Native Land Court', MA 13/72A, p 346; MA 13/75A p 189
[355] MA 13/75A, pp 188 & 190
[356] 'Additional Reserves Rangitikei-Manawatu Block', MA 13/75A, pp 204
[357] 'Telegram from Donald McLean to I E Featherston,' 15 February 1871, MA 13/75A, p 156
[358] MA 13/73B, p 812
[359] Ibid; H T Kemp to the Honorable Donald McLean, 3 March 1871, MA 13/72a, pp 271-272
[360] MA 13/75A, p 38

the non-sellers of Ngāti Kauwhata, Ngāti Kahoro, and Ngāti Parewahawaha whose claims had been recognized by the Native Land Court. While accepting the Court's initial decision that had acknowledged their rights of ownership to Rangitīkei-Manawatū in association with Ngāti Apa, the three groups remained furiously opposed to the Court's orders of 25 September 1869, which had restricted them to just 6200 acres of the purchase areas. Ngāti Kauwhata, in particular, continued to block the survey of the land grants made for them, and Kooro Te One and his family, at Te Awahuri and Oroua Bridge.

The Native Minister attended two hui with Ngāti Kauwhata, Ngāti Kahoro and Ngāti Parewahawaha. The first was at Te Awahuri on 18 November 1870, while the second was at Bulls on the 22nd and 23rd.[361] Each meeting was attended by both the sellers and non-sellers of the three groups. McLean also met with Ngāti Kauwhata's agent Alexander McDonald on 21 November.[362]

At Te Awahuri the leaders of the Ngāti Kauwhata non-sellers continued to insist that the extent of their land rights, as recognized by the Court, should be properly investigated and defined. 'My course is to ask for strict justice, and to have the matter carefully investigated', Te Kooro Te One told McLean. 'The law says Kauwhata have a claim,' he continued, 'but in what spot? If you decide clearly I will abide by it, but if not I will not.'[363] Te Ara Takana also expressed her determination to have her rights to the land properly defined. 'The Court,' she noted, 'said that four tribes were to divide the land; I will stick to my boundary, and I will arrange with the sellers inside of it.' Like Te Kooro, Te Ara warned the Native Minister that she, too, was in no mood to give up her struggle, but would rather 'go on to the end' if no satisfactory agreement could be reached.[364]

In reply, McLean refused to revise the orders of the Court. 'I am not going to interfere with the past or with what has been concluded by the Court', he told the Te Awahuri gathering, 'all that I desire is to effect such a settlement as will prevent difficulties in the future.' 'The grievances you have brought forward today will be considered', the Native Minister continued, 'but you cannot expect the land you ask for to be given back.' Despite this blunt rejection of the non-sellers claim McLean had 'no doubt' that they could 'come to some agreement which will lead to peace.'[365]

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[361] 'Oroua, 18th November 1870', MA13/72A, pp 74-112; 'Bull's Rangitikei, November 22nd 1870', MA13/72A, pp 148-169.
[362] 'Rangitikei', 21 November 1870, MA 13/72a, pp 203-204
[363] 'Oroua, 18th November 1870', MA 13/72A, p 100
[364] Ibid., p 107
[365] Ibid., pp 103-104

At Bulls the non-sellers continued to press to have their Court-recognized rights properly defined. Having previously noted the absence of boundaries between the groups living within Rangitīkei-Manawatū, Te Kooro Te One called for the land to be divided in proportion to the number of those from Ngāti Kauwhata, Ngāti Kahoro, Ngāti Parewahawaha and Ngāti Apa who had signed the Rangitīkei-Manawatū deed of purchase and those who had not. 'Four hapus have been found to have a claim over the whole block', he argued:

> now seek out what each person's share is; the members of the hapū should also be shown who have a title. I know the number of Nonsellers. I want the acreage defined, and then the portion to which each man is entitled defined.[366]

Harking back to the original 23 August 1869 decision of the Court, Te Ara Takana also called for a subdivision based on the proportion of sellers and non-sellers recognized by the Court. 'I sit on the stool with which the Court provided me in Wellington', she told McLean, 'that the land was to be properly subdivided in proportion to the acreage so that the persons who sold may be properly defined, and also those who retained.'[367]

The Ngāti Kauwhata leader's request to McLean was supported by the other non-sellers whose claims had been recognized by the Court. Keremihana Wairaka, for example, asked the Native Minister 'to help us subdivide the land, lest it be as Featherston did.'[368] Weretā Kīmate, also of Ngāti Kahoro and Ngāti Parewahawaha, told McLean that he wanted 'the acreage defined and the question settled in proportion to the number of acres.'[369] The same claim came from Wiriharai Te Angiangi who said:

> I want the acreage of the land defined, so that it may be done as the Court decided, that four hapus were to subdivide the land, let the quantity for the Sellers and non-sellers be defined.[370]

Once again, however, McLean refused to revisit the decision of the Court. Instead, he told the non-sellers that while their speeches would have been appropriate for 'a new negotiation for the sale of land', they were now 'near the conclusion of the affair.' The Crown had

[366] 'Bulls Rangitikei, November 22nd 1870', MA 13/72A, p 156
[367] Ibid., p 157
[368] Ibid., p 159
[369] Ibid.
[370] Ibid., pp 159-160

purchased the land, the Native Land Court had issued its judgments, and there was no going back. Intent on bringing the Rangitīkei-Manawatū dispute to a rapid and final conclusion McLean warned the gathered hapū and iwi that time was running out. 'Tonight or tomorrow', he warned 'some decision must be arrived at.'[371]

Bargaining for a final settlement of all of Ngāti Kauwhata, Ngāti Kahoro and Ngāti Parewahawaha's claims to Rangitīkei-Manawatū began the following day. The non-sellers' were represented by Alexander McDonald, who had met with McLean two days earlier.[372] McDonald began by reiterating his clients' request that 'the Land be divided proportionately to acreage' amongst the sellers and non-sellers of the 'four hapū' whose claims had been recognized by the Court.[373] In his earlier meeting with McLean, McDonald had suggested that such a division would result in the non-sellers receiving an extra 12,000 acres, in addition to the 6200 acres they had already been awarded by the Court.[374]

McLean replied that such a division would 'take too long' to carry out, and would mean that the non-sellers would have to take land from 'everywhere, good and bad alike.' 'If you want your land all to be good', he cautioned, 'the number of acres will be fewer.'[375] McLean then offered the Ngāti Kauwhata non-sellers 1000 acres. McDonald responded by asking for 1500 acres 'in consideration of all our claims.' McLean agreed, on the condition that the '1500 acres added to the award of the Court (4,500 acres)' would settle 'all the troubles' between the Crown and Ngāti Kauwhata, and was 'a final settlement.' McDonald agreed that the 1500 acres would indeed constitute 'a final settlement.'[376]

McDonald then asked if McLean could provide 'a little' piece of land for Wiriharai Te Angiangi. The Native Minister agreed to 'give him 40 acres at Kaikokopu.'[377] Negotiations then moved to where the 1500 acres granted to the Ngāti Kauwhata non-sellers would be located. McDonald asked 'for 500 acres at Te Kawakawa, 500 at Pouatatua, [and] 500 at Te Rakehou.' McLean objected to the land at Pouatatua because it was occupied by a European settler named Jonathan Cameron.[378]

Up to this point, the negotiation between McLean and McDonald appears to have been followed in silence by those assembled. Upon McLean's refusal to return the 500 acres at

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[371] Ibid., p 162
[372] 'Rangitikei, Nov^{r} 211870', MA 13/72A, pp 203-204
[373] 'Ngatikauwhata Non-sellers', MA 13/72A, p 192
[374] 'Rangitikei, Nov^{r} 211870', MA 13/72A, p 203
[375] 'Ngatikauwhata Non-sellers', MA 13/72A, p 192
[376] Ibid., p 193
[377] Ibid
[378] Ibid., p 194

Pouatatua, however, Hoeta Te Kahuhui spoke up, expressing his determination to keep the land in question. Hoeta persisted even after McDonald asked him to 'give up Pouatatua to Cameron.'[379]

Te Ara Takana then raised her voice. Clearly dismayed by the negotiation she had just witnessed, Te Ara told McLean that her understanding had 'always' been that McLean 'would agreed to subdivide the land proportionately to acreage.' 'We have not yet come to justice', she declared:

> our agent spoke to soon. . . . Now I ask for strict justice, because I want the land of my mother. I am very fond of it. I want Te Iringa, Waitohi, Te Rakehou, all of it.[380]

Despite her obvious misgivings, Te Ara eventually consented to the agreement McDonald had negotiated. So too did Hoeta, even though the 500 acres at Pouatatua was not included amongst the land returned by McLean.[381]

Signed the same day it was negotiated (23 November 1870), the agreement between McLean ('on behalf of the Government of New Zealand') and the non-sellers of Ngāti Kauwhata, Ngāti Parewahawaha and Ngāti Kahoro was 'a final settlement' of all of their 'claims within the land between the Rangitīkei and Oroua rivers.' 'In consideration' of the 'lands' given to them by 'the Minister for Native Affairs', the non-sellers 'absolutely' agreed that 'neither' they nor their 'tribe' would 'interfere' with the Government's purchase of Rangitīkei-Manawatū, 'and the peaceful occupation by the Europeans when they settle upon this land.'[382]

According to the agreement, McLean granted to the non-sellers of Ngāti Kauwhata 1000 acres at Kawakawa, Oroua, 500 acres at Te Rakehou, and a 50-acre 'eel fishery' at Rotonuiahau (where the Mangaone and Mākino Streams met). Te Ara was given a 10-acre 'eel fishery' at Turanganui, on the Oroua River.[383] The Ngāti Parewahawaha and Ngāti Kahoro non-sellers received from the Native Minister a total of 1000 acres, including 750 acres at Hikungārara, south of Ohinepuhiawe.[384] In return for the final settlement of his claims, Wirihari Te Angiangi of Ngāti Wehiwehi, was given by McLean an additional 50 acres at Oau, and 'part' (40 acres) of the 'eel fishery' at Kaikōkopu.[385]

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379 Ibid
380 Ibid
381 MA 13/73B, p 652
382 MA 13/73B, p 647
383 Ibid
384 MA 13/73B, p 649
385 MA 13/73B, p 648

Outside of the formal agreement, McLean also agreed to allow the non-sellers of Ngāti Kahoro and Ngāti Parewahawaha 10 acres at the 'eel fishing place "Kōpūtara"'. He also granted 100 acres, including 'some totara' to Matene Te Whiwhi at Kairākau on the Oroua River.[386] This may have been meant as compensation for the support Te Whiwhi had provided the non-sellers as their leading witness in their Native Land Court case in Wellington in July 1869.[387]

Table 4.4 Reserves granted by McLean to the Ngāti Kauwhata, Ngāti Parewahawaha and Ngāti Kahoro non-sellers and Wiriharai Te Angiangi according to the 23 November 1870 agreement

For whom	Where	Area in acres
Ngāti Kauwhata non-sellers	Kawakawa	1000
Ngāti Kauwhata non-sellers	Te Rakehou	500
Ngāti Kauwhata non-sellers	Rotonuiahau	50
Te Ara Takana	Tauranganui	10
Ngāti Kahoro and Ngāti Parewahawaha non-sellers	Hikungārara	750
Ngāti Kahoro and Ngāti Parewahawaha non-sellers	To be chosen by recipients and surveyor	250
Wiriharai Te Angiangi	Oau	50
Wiriharai Te Angiangi	Kaikōkopu	40

Source: MA 13/73B, p 647

The non-sellers' agreement with McLean provided them with much less than they had claimed or considered just. In return for giving up all of their claims 'within the land between the Rangitīkei and Oroua Rivers' and agreeing not to 'interfere' in its settlement by Europeans, the non-sellers had received from McLean a total of 2,650 additional acres.[388] This was just a fraction of the area they had claimed before the Native Land Court. It was also considerably less than the area the non-sellers believed they would have been allowed if the acreage owed to them had been calculated 'proportionately', in accordance with the relative numbers of eligible sellers and non-sellers. McLean later reported that the non-sellers had 'computed the

[386] 'Additional Reserves Rangitikei-Manawatu Block', MA 13/75A, pp 188-189; 'Additonal Reserves. Rangitikei Manawatu Block', MA 13/75A, p 203
[387] 'Native Lands Court. Wellington, Rangitikei-Manawatu Claims. Notes of Evidence', MA 13/71, pp 3-50
[388] MA 13/73B, pp 647-648

area to which they were entitled at 19,000 acres'.[389] A similar figure was suggested by McDonald, in his meeting with the Native Minister on 21 November. The agent for the non-sellers told McLean that his clients 'would ask for about 12,000 acres in addition to' the 6200 acres already awarded by the Court.[390]

Why did the non-sellers of Ngāti Kauwhata, Ngāti Parewahawaha, and Ngāti Kahoro consent to a settlement that fell so far short of what they had fought for? Speaking at a hui at Te Awahuri on 5 July 1873, Te Ara explained that she had signed the agreement with McLean, 'not because' she 'thought it was a just settlement', but 'because' she 'was wearied and worried to death.' 'I was compelled to submit to injustice', she claimed.[391] Speaking at the same hui, Atereti Taratoa said that she, too, had 'agreed to accept a small piece' of what she was entitled to in 'order to end the disputes.'[392]

The struggle over Rangitīkei-Manawatū had certainly taken a huge toll on the non-selling communities. The four-year confrontation with the provincial and colonial governments had consumed a great deal of time, energy, and resources. While the dispute continued, the non-sellers' kāinga, cultivations, and sheep and cattle runs remained legally unprotected, and vulnerable to confiscation or encroachment. Moreover, by persisting in their opposition to the provincial government's survey, the non-sellers risked arrest, prosecution and imprisonment.[393]

Furthermore, in taking their fight to the colonial authorities in Wellington, and through the Native Land Court, the non-sellers had incurred considerable debts. On 17 September 1870 the Ngāti Kauwhata non-sellers signed a document acknowledging a debt of £1500 to Alexander McDonald 'for monies and services advanced and rendered by him . . . for the purpose of paying the costs of surveying and services attending the investigation' of their claims.[394] This debt was eventually paid off by the sale to the Crown of the 500 acres at Te Rakehou that McLean had granted to the non-sellers as part of the 23 November agreement.[395]

McLean, on the other hand, negotiated from a position of the strength. Refusing to 'interfere with the past or with what has been concluded by the Court', he pushed the non-sellers to settle in a few days a dispute that had gone on for more than four years.[396] Having rejected the

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[389] McLean to Featherston, 15 February 1871, MA 13/75A, p 156
[390] 'Rangitikei, Nov^{r} 211870', MA 13/72A, p 203
[391] Alexander McDonald to Major Willis RM, 28 July 1873, MA 13/74A, p 750
[392] Ibid., p 754
[393] Halcombe to the Superintendent, 15 May 1871, *AJHR*, 1874, H-18, p 15
[394] 'MA 13/74A, p 203
[395] Morgan Carkeek to H Halse, 20 April 1872, MA 13/75A, p 34
[396] 'Oroua, 18th November 1870', MA 13/72A, pp 103-104

fundamental issue of the non-sellers' rights to land they had never agreed to sell, the Native Minister instead restricted negotiations to the size and location of a limited number of 'additional reserves' that the Government was willing to concede in return for a final settlement. In the process he achieved his objective of ensuring a swift settlement of a long-running dispute while reducing the non-sellers claims 'to the lowest extent the Natives would accept.'[397]

As well as the reserves agreed with the non-sellers, the Native Minister also made additional reserves to satisfy the claims of those from Ngāti Kauwhata, Ngāti Parewahawaha, and Ngāti Kahoro who had signed the Rangitīkei-Manawatū deed of purchase but had not received sufficient reserves. McLean agreed to three new reserves for the Ngāti Kauwhata 'sellers.' He granted 200 acres for Tapa Te Whata at Mangawhata on the Oroua River. Tapa, in turn, promised to include Te Kooro Te One, and Kerei Te Panau of Rangitāne in the list of owners for this reserve. McLean gave a further 300 acres to the Ngāti Kauwhata 'sellers' at 'Pikotuku near Mount Stewart'. He also granted an additional 50 acres to Tapa and Te Kooro to compensate for land the two had given up at Te Awahuri for a township that was 'to be common' to all of Ngāti Kauwhata.[398]

McLean also made several reserves along the Rangitīkei River for individuals within Ngāti Kahoro and Ngāti Parewahawaha who had agreed to the purchase of Rangitīkei-Manawatū. He provided 100 acres for Nēpia Taratoa, and 10 acres for Aheneta Rangimaru at Matahiwi; 100 acres each for Atereta Taratoa and Kereama Taiporotu near Maramaihoea; and 110 acres 'for Erenora Taratoa and her half-caste son Whineata Paraka [Winiata Pātaka]', also at Matahiwi. McLean provided 100 acres for Hare Reweti at Ohinepuhiawe, to supplement the 50-acre reserve made by Featherston; and a 100-acre reserve for Aperahama Te Huruhuru at Mingiroa (which Featherston had promised but not made). The Native Minister also allowed reserves to be marked out for urupā at Poutū and Maramaihoea.[399]

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[397] McLean to Featherston, 15 February 1871, MA 13/75A, p 157

[398] 'Ngatikauwhata Sellers, November 23rd 1870', MA13/72A, p 191; 'Additional Reserves on the Manawatū-Rangitīkei Block. Sellers of the Ngāti Kauwhata', MA 13/73B, p 656

[399] 'Additional Reserves Rangitīkei-Manawatū Block' 30 December 1870, MA 13/75A, p 189; Morgan Carkeek to H Halse, 20 April 1872 MA 13/75A, p 37

Table 4.5 ‘Additional Reserves’ made by Donald McLean in November 1870 for those from Ngāti Kauwhata who signed the Rangitīkei-Manawatū deed of purchase

For whom	Where	Area in acres
Tapa Te Whata ‘and several others named by him’	Mangawhata	200
Tapa Te Whata and Te Kooro Te One	Near Te Awahuri	50
‘The Sellers of Ngāti Kauwhata’	Pīkotuku	300

Source: ‘Additional Reserves Rangitikei-Manawatu Block. Sellers of the Ngatikauwhata’, MA 13/75A, p 187

Table 4.6 ‘Additional Reserves’ made by Donald McLean in November 1870 for those from Ngāti Kahoro and Ngāti Parewahawaha who signed the Rangitīkei-Manawatū deed of purchase

For whom	Where	Area in acres
Nēpia Taratoa and Aheneta Rangimaru	Matahiwi	110
Atereta Taratoa	Near Maramaihoea	100
Erenora Taratoa and Winiata Pataka	Matahiwi	110
Hare Reweti	Ohinepuhiawe	100
Aperahama Te Huruhuru	Mingiroa	100
Kerehama Taiporotu	Mangamahoe	100
Urupā	Poutū	10
Urupā	Maramaihoea	-

Source: ‘Additional Reserves Rangitikei-Manawatu Block. Sellers of the Ngatikauwhata’, MA 13/75A, p 189

Ngāti Apa and Rangitāne, too, received ‘additional reserves’ to supplement those made by Featherston. McLean granted Ngāti Apa an additional 1850 acres, including 1000 acres at Taurerua, ‘for Hamuera and Hunia’s descendants’; 400 acres for Ngāti Tūpōtāne at Waitohi; and an additional 200 acres for Ngāti Apa’s reserve at Te Kauwau. Rangitāne, meanwhile, were given an additional 1000 acres at Puketōtara. Hare Rakena and others from Rangitāne who had not agreed to Featherston’s purchase received 500 acres adjoining the tribe’s reserve at Puketōtara. McLean also allowed Hoani Meihana a small eel fishing reserve at Waipunoke, on the Oroua River.[400]

[400] Ibid., pp 188 & 190, Morgan Carkeek to H Halse, 20 April 1872 MA 13/75A, pp 36 & 38

The Te Reureu reserve

Having reached an agreement with the non-sellers whose rights to Rangitīkei-Manawatū had been recognized by the Native Land Court, McLean then moved to deal with the groups living on the land whose claims had not been upheld by the Court. The largest of these were the four hapū of Te Reureu: Ngāti Pikiahu, Ngāti Waewae, Ngāti Maniapoto and Ngāti Rangatahi. Ngāti Pikiahu and Ngāti Waewae had been living at Te Reureu since at least the time of McLean's purchase of Rangitīkei-Turakina. Having settled earlier at Ōtara (across the river from modern day Ōhingaiti), they had travelled down the Rangitīkei River to Pourewa (on the other side of the river from Te Reureu) where they had erected a manuka pou to mark the northern limit of Ngāti Apa's land sales to the Crown. Once the Crown's purchase of Rangitīkei-Turakina had been completed the two hapū settled permanently at Te Reureu.[401] Ngāti Pikiahu and Ngāti Waewae were subsequently joined by Ngāti Maniapoto and Ngāti Rangatahi (who in February 1846 had been forcibly expelled from the Hutt Valley by Governor Grey).[402]

While the four hapū's permanent occupation of Te Reureu may have dated to only the late 1840s and early 1850s, their claims to ownership of the land extended back beyond 1840 to when Te Heuheu Tukino had led a party of Ngāti Tuwharetoa down from Taupo to fight alongside Ngāti Raukawa at Haowhenua.[403] In his testimony before the Native Land Court in Wellington, Henere Te Herekau told how Te Heuheu had taken possession of the land after burying his sister beside the Rangataua Stream.[404]

A few of the Te Reureu people, including Noa Te Rauhihi and Ngāwaka Waeroa of Ngāti Pikiahu, signed the Rangitīkei-Manawatū deed of purchase, apparently in the understanding that they would be provided with a reserve by Featherston. On 7 May 1866, not long after the hui at Takapu where the purchase of Rangitīkei-Manawatū had been agreed to, Noa Te Rauhihi wrote to Buller and Featherston asking for a reserve to be made at Te Reureu including 'the

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[401] Evidence of Eruini and Wineti Paranihi, Whanganui Appellate Book, No 5, pp 249 & 262; evidence of Ihaka Te Raro and Retimana Te Rango, Wanganui Minute Book, No 19, pp 253-254, 279, 513-514; Donald McLean to the Colonial Secretary, Rangitīkei, 30 July 1850, Alexander Turnbull Library, Sir Donald McLean Papers, Object ID: 1024548, TAPUHI Ref: MS-Group-1551. See also: Bernadette Roka, Arapere ''Maku ano hei hanga i toku nei whare': Hapū Dynamics in the Rangitīkei Area, 1830-1872', MA Thesis, University of Auckland, 1999, pp 56-58; John Reweti, 'Brief of Evidence of John Reweti Dated the 7th Day of September 2007', Wai 903, #D24.

[402] Waitangi Tribunal, *Te Whanganui A Tara Me Ona Takiwa. Report on the Wellington District (Wai 145)*, (Wellington, Legislation Direct), 2003, pp 211-213

[403] Angela Ballara, *Taua: 'Musket wars,' 'land wars' or tikanga? Warfare in Māori Society in the Early Nineteenth Century*, (Auckland, Penguin Books), 2003, p 349

[404] 'Notes of Evidence', MA 13/71, pp 50-52

old burial places.'[405] Despite his promise to 'the chiefs' that had signed the deed of purchase 'that they should not be required to relinquish any of their permanent settlements, [and] that their burial places shall be held sacred', Featherston did not make a reserve at Te Reureu.[406]

In keeping with their commitment to the Kingitanga, most of the Te Reureu people did not agree to the Crown's purchase of Rangitīkei-Manawatū. On 29 June 1867 Paranihi and Eruini Te Tau petitioned Queen Victoria on behalf of those from Ngāti Pikiahu, Ngāti Waewae, Ngāti Maniapoto, and Ngāti Hinewai who had not 'taken any of Dr Featherston's money.' According to the petitioners, 72 of the owners of their 'portion of the Rangitīkei country' had opposed the purchase, while only one – Noa Te Rauhihi – had accepted any of the Crown's payment. Noting the Treaty of Waitangi's promise that the Queen would 'take care' of them and their lands, the petitioners expressed confidence that Featherston's purchase had not been 'done by the authority of the Queen', but rather was 'an unauthorized proceeding on the part of the Assembly of Wellington.' They asked the Queen to order the repeal of the restriction on their land being investigated by the Native Land Court, and to send 'wise and just judges to investigate' the wrong that had been done to them.[407]

After the Native Lands Act 1867 allowed the Native Land Court to investigate their claims, Paranihi Te Tau joined the other Raukawa non-sellers in submitting an application to the Court. The western boundary of the Reureu claim began where the Waitapu Stream entered the Rangitīkei River and followed the river downstream to where it met the Rangataua. Away from the river, the northern boundary of the claim ran about three-and-a-half miles inland, while the southern boundary followed the Rangataua Stream for approximately two miles, before running for three miles down to Pāhekeheke. The 12-mile inland eastern boundary connected the northern and southern boundaries in a straight line. Depending on the curves in the river, the distance between the eastern and western boundaries of the Reureu claim varied from three-and-a-half miles (at the top), to almost seven in (the middle), and five (at the bottom).[408]

The Native Land Court did not, however, accept Paranihi's claim, finding that only Ngāti Kauwhata, Ngāti Parewahawaha, and Ngāti Kahoro had acquired rights in Rangitīkei-Manawatū by January 1840.[409] Despite this the Reureu claimants then submitted 154 names

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[405] Noa Te Rauhihi kia Te Pura, kia Te Petatone, 7 Mei 1866, MA 13/75A pp 268-269 (description in English, p 244)
[406] 'Copy of a Letter from his Honor I E Featherston to the Hon J C Richmond', 27 July 1867, *AJHR*, 1867, A-19, p 7
[407] 'The Manawatū Block' (From the "Wanganui Times," July 9)', *Daily Southern Cross*, 19 July 1867, p 4, https://paperspast.natlib.govt.nz/newspapers/DSC18670719.2.24 (accessed 16 September 2016)
[408] T Haultain, Order of George Ferguson Bowen referring claims of non-sellers to the Native Land Court, 28 March 1868, MA13/73B, p 53; George F Swainson, 'Ko RangitīkeiRangitīkei-Manawatū', 1 July 1868
[409] Buller, 'Memorandum on the RangitīkeiRangitīkei-Manawatū Land Claims, *AJHR*, 1870, A-25, p 3

from Ngāti Pikiahu, Ngāti Waewae, Ngāti Maniapoto, and Ngāti Tūwharetoa, to be included by the Court in the list of non-sellers with ownership rights to Rangitīkei-Manawatū. The Court, however, rejected all of the Reureu names, effectively rendering the people landless.[410]

Arbitrarily basing their judgment upon their understanding of the state of things in Rangitīkei-Manawatū in January 1840, Judges Fenton and Maning legally dispossessed the Reureu non-sellers of the kāinga and cultivations upon which they had been living and working for two decades. On 4 November 1869, not long after the publication of the colonial government's proclamation extinguishing native title to Rangitīkei-Manawatū, Noa Te Rauhihi wrote to Premier Fox (who was also the proprietor of a large estate across the River from Reureu) asking him to 'hearken' to the plight of Ngāti Pikiahu, Ngāti Maniapoto and the other tribes who now had 'no abiding place. . . at Rangitīkei'. Noa warned that if nothing was done for them, the Ngāti Pikiahu and Ngāti Maniapoto groups at Te Reureu would leave for the 'Waikato and Hauraki.' In order to prevent this, he asked Fox and Featherston to establish reserves for the Reureu people at Onepuehu and Te Reureu.[411]

Writing in the margins of the letter, Fox expressed support for 'a small reserve' at the places Noa had requested. He noted that the groups referred to were 'among the oldest Ngāti Raukawa residents in Rangitīkei' and had 'been loyal all through the troubles'. The Premier's suggestion, however, was strongly opposed by Featherston who maintained that it would be 'extremely impolitic . . . to grant any lands to Hapus excluded from the Block by the decision of the N L Court.' Deferring to the Land Purchase Commissioner, Fox ordered the Native Secretary to write back to Noa telling him that 'the word of the Court . . . must be respected', and that 'the land' was now 'with Dr Featherston.'[412]

On 26 November 1869, Noa Te Rauhihi again addressed the Premier. Writing this time on behalf of himself and his brother Ngāwaka he asked Fox to protect the burial places at Te Reureu village. Noting that he and Ngāwaka had agreed to Featherston's purchase, Noa asked again for a reserve to live upon. 'I am willing to remain at Rangitikei,' he told the Premier, 'if there is any place on which I can live . . . If I could get some acres here . . . I would return to Rangitikei to live.'[413] In the margins Fox noted that:

[410] 'N L Court, Wellington, Aug 27-Aug 28 1869, MA 13/71, pp 565-575

[411] Noa Te Rauhihi to 'Te Pokiha' (William Fox), 4 November 1869, MA 13/73B, pp 442-444 (Reo Māori original), 438-439 (English translation)

[412] Ibid., pp 438-439

[413] Noa Te Rauhihi to 'Te Pokiha' (William Fox), 26 November 1869, MA 13/73B, pp 435-437 (original letter in Reo Māori), 433-434 (English translation).

> Noa Te Rauhihi & old Rawiri [Te Koha] of Kakariki, & some few others ought to have their Kainga's reserved for them. . . . They are behaving loyally & ought to be distinguished from the lot who have opposed the sale & survey & who only came into the district when the negotiations for sale commenced.

The Premier also noted that he had told Noa and Rawiri 'that they will be provided for' but 'no action' by Crown officials was 'required at present.'[414]

With the colonial government taking no action to reserve land for them, and the survey of the Rangitīkei-Manawatū purchase area proceeding as fast as possible, the people of Te Reureu took matters into their own hands. In April and May 1870 they prevented the surveyors from encroaching upon what they still considered to be their land. On 26 May 1870 the prominent Kingitanga chief Wī Hapi – who had been living at Reureu since he and Ngāwaka had returned from the Waikato war in July 1866 – reasserted the community's original boundaries, as set out in their claim to the Native Land Court. In a panui addressed to 'the Government at Wellington' he informed the authorities:

> that the boundary of Ngāwaka and his tribe commences at Rangataua and goes on to Tūtūmiro. This was the boundary of the land, a notice respecting which was sent by Nēpia, Ngāwaka, and Paranihi to the Kahiti [the Māori Gazette]. You have seen it. Paranihi is dead and Ngāwaka and his tribe take their stand upon the same boundary. The peg at Tūtūmiro has been taken up and the iron peg has been brought away.[415]
>
> (ko te rohe a Ngawaka ratou ko tana iwi kei Rangataua tae noa ki Tutumiro. Ko tenei rohe na Nepia na Ngawaka na Paranihi i tuhi ki te Kahiti, kua kite iho na koutou. Kua mate Paranihi, kua tu ko Ngawaka ratou ko tana iwi ki taua rohe ano. Ko te pou peke i Tutumiro kua unuhia, me te pou rino kua tangohia mai.)[416]

The Te Reureu people's continuing resistance to the survey of their land, and the possibility that they might leave the Rangitīkei to join King Tāwhiao at Te Kuiti, informed the Native and

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[414] Ibid., p 433
[415] Panui from Whiti to the Government, 26 May 1870, MA 13/73B, pp 609-610. On Ngawaka and Wi Hapi's return from Waikato see: *The Otago Daily Times*, 25 July 1866, p. 4
[416] MA 13/73B p 610

Defence Minister's decision to finally seek a settlement with them.[417] A memorandum dated 21 November 1870 (days before McLean's hui at Te Reureu) warned that Ngāti Pikiahu, Ngāti Maniapoto and the other tribes whose claims had been rejected by the Court 'in consequence of their being recent arrivals':

> are numerous and industrious and require some provision to be made for them to prevent their scattering about in marauding bands and joining any disaffected leaders in any parts of the island such as Taupo, Waikato, Upper Wanganui, [and] Mokau from which places they have come.[418]

McLean met with the chiefs of Te Reureu on 25 November 1870 at Te Reureu village. Opening the meeting, Ngāwaka emphasized his peaceful intentions. Recounting what he had recently said to Premier Fox, he told the Native Minister that he had not come 'to bear the sword but only in order to get my land back.'[419] Ngāwaka, it would appear, wanted the colonial government to agree to the boundaries set out in the Te Reureu Native Land Court claim, and recently asserted by Wī Hapi. Other speakers, too, insisted that the boundaries of Te Reureu must extend from Waitapu to Rangataua. Asserting that both Rangataua and Waitapu were boundaries 'made by God and not by man', Eruera Paranihi told McLean that:

> the places inhabited by these tribes extend from Rangataua to Waitapu. I say let the land be from Rangataua to Te Waitapu.[420]

As he had in his meetings with Ngāti Kauwhata, Ngāti Parewahawaha and Ngāti Kahoro, McLean refused to call into question any of the judgments of the Native Land Court regarding Rangitīkei-Manawatū. 'I have come solely to complete the matter', he told the Te Reureu hui:

> there can be no going back to what has been left behind. Your position on this land is very undefined, all this land is mine, it belongs to the Europeans, that is to say all these

[417] 'Ngawaka and his hapu' to Mātene Te Whiwhi, Karanama, Parakaia and 'to all the chiefs of Ngāti Raukawa, 18 May 1870, MA 13/73b, pp 619-620 (Reo Māori original), 614-615 (English translation).
[418] 'Rangitīkei-Manawatū Block. 21st November 1870', MA13/72A, pp 201-202
[419] 'Te Reureu. November 25 1870', MA 13/72A, p 229
[420] Ibid., p 231.

> places: Te Waitapu, Rangataua, and Kakariki. The rights of the other hapus on the land have been decided but you are not fixed.[421]

Although unwilling to revise the judgment that had rendered them legally landless, McLean told the Te Reureu chiefs that he and Fox had 'decided to give' them back their cultivations along the Rangitīkei River.[422] 'This gift of land', he insisted 'is an act of grace on the part of the Government, lest, having no land here, you should return to Maungatautari.'[423]

While eventually agreeing to the chiefs' request that the reserve should run from Waitapu to Rangataua, the Native Minister refused to allow it to extend any further inland than their cultivations next to the Rangitīkei River. Claiming it was 'nonsense for you to attempt to plant your feet upon the land beyond', McLean told the Reureu chiefs that:

> I will not consent to let your boundary be at yonder mountains, it should be confined to the banks of the river, to the places where the land is rich and suitable for cultivations.[424]

Rather than extending inland to Pāhekeheke or Tūtūmiro as described in Paranihi Te Tau's application to the Native Land Court and Wī Hapi's declaration, the inland boundary set by McLean was to 'run along the ridge' directly overlooking the Rangitīkei River.[425] This meant that while the Reureu reserve was long it was also very narrow, particularly at its southern end.[426]

Having agreed to a reserve running beside the Rangitīkei River from Waitapu to Rangataua, McLean left the arrangement of the exact boundary to his Native Department agent Henry Tacy Kemp. When Kemp met with the Reureu people, however, they insisted that – instead of following the bends of the Rangitīkei River – the inland, eastern boundary of their reserve should run in a straight line from Waitapu to a point on the Rangataua stream called Makara. The Ngāti Maniapoto chief Rawiri Te Koha was particularly emphatic, rejecting McLean's original boundary as 'too crooked' and excluding some of his cultivations.[427]

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[421] Ibid., pp 230 & 232
[422] Ibid., pp 232-233
[423] Ibid., p 240
[424] Ibid., pp 233-234
[425] Ibid., pp 239-240
[426] 'Rangitīkei-Manawatū block land, granted by Hon. Minister of Defence – Drawing', Archives New Zealand, AAFV 997, 131/WR30B (R22824362)
[427] 'Notes of meeting held at Marton with Ngāti Raukawa', 25 March 1872, MA 13/74A, pp 70 & 75

The preferred boundary was pointed out to Kemp and Morgan Carkeek (the surveyor charged with marking out the reserves made by McLean) by a party from Te Reureu including Ngāwaka, Hue Te Huri and Paranihi Te Tau. When the party reached Makara they lit a fire and 'marked a tree' to indicate the boundary's end point.[428] Carkeek calculated that the proposed boundary would increase the area of the Te Reureu reserve from the estimated 3400 acres agreed to by McLean to 10,000 acres. Kemp then suggested a compromise boundary that would add approximately 3000 acres to the original area.[429] Kemp's award, however, was opposed by McLean who thought that the whole of the Te Reureu reserve should not 'exceed 2500 or at the utmost 3000 acres in extent.'[430]

Reporting back to the Native Minister on 3 March 1871, Kemp defended his decision to add another 3000 acres to the Te Reureu reserve. The decision, he assured his superior, had only been reached after 'much time' had been 'taken up in negotiation and in examining the ground itself'. Observing that 'the arguments brought to bear upon the subject' by the Te Reureu non-sellers 'were both cogent and even reasonable', Kemp explained that he and Carkeek had been faced:

> with a considerable body of Natives who as Non-Sellers repudiated the sale of that part of the [Rangitīkei-Manawatū] Block altogether, and consequently reserved to themselves the right of selection.[431]

Despite their insistence that they, and not a government official, should define their boundaries, the Te Reureu people had 'finally agreed upon' a 'quantity' of land that was 'very far short' from area they had originally 'proposed to hold for their own use'. This compromise, moreover, had only been achieved by 'causing annoyance to some of the older chiefs'.[432]

Kemp also noted that the 'young chiefs' of Te Reureu 'were owners of a considerable and increasing flock of sheep, some cattle, working teams of oxen, and many horses'.[433] In order to accommodate this livestock, and the interests of those who owned them, the Te Reureu chiefs had seen it as 'absolutely necessary' for Kemp, 'to make reasonable provision in the shape of a Run for their stock without the risk of encroaching upon the lands of their white

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[428] Ibid., p 70; 'Memo from D McLean to Mr Kemp', 7 February 1872. MA13/70g, p 37
[429] Telegram from H T Kemp to Donald McLean, 2 January 1871, MA 13/74A, pp 544-545; Copy of telegram MA13/72A, pp 21-22.
[430] Telegram from Donald McLean to H T Kemp, MA 13/74A, pp 546-548.
[431] H T Kemp to the Honorable Donald McLean, 3 March 1871, MA 13/72A, p 271
[432] Ibid
[433] Ibid

neighbours.[434] In return, 'the young chief Paranihi' had agreed to give up his claims 'to a settlement and plantation' of nearly 1000 acres at Takapau, outside of the boundaries of the Reureu reserve.[435]

In a later telegram (dated 29 January 1872) Kemp provided a further reason for extending the area of the Reureu reserve. The 'lower land' next to the Rangitīkei River – which constituted most of the area originally given by McLean – was subject to regular flooding and soil erosion.[436] The reserve's vulnerability to the ravages of the River was also commented upon by McDonald who, in a letter to Wellington's new Superintendent William Fitzherbert, noted that the Reureu reserve's:

> frontage to the Rangitīkei River would not be considered an advantage by European settlers, but rather the contrary, as the floods are continuously altering the banks, taking away good land and leaving only shingle banks, or mud flats.[437]

In agreeing to extend the eastern boundary of their reserve and increase its area by 3000 acres the Reureu chiefs assumed that Kemp was acting with the full authority of the Native Minister and the Colonial Government. This, however, did not turn out to be case. Premier Fox repudiated the agreement, and ordered Carkeek not to survey the boundary Kemp had negotiated with the Reureu chiefs.[438] The boundaries of the Reureu reserve remained unresolved for most of 1871, with some of the chiefs believing that the extra 3000 acres awarded by Kemp was indeed theirs, and others, such as Rāwiri Te Koha and Wī Hapi, continuing to insist on the 10,000 acres contained within the original Makara boundary.[439]

Determined not to allow the 3,000 acres that Kemp had agreed to, but intent on securing a final settlement to the affair, McLean met the Reureu people again at Marton between 31 January and 2 February 1872.[440] At the hui, Rāwiri Te Koha argued strongly in favour of the boundary that the Reureu chiefs had originally set in the presence of Carkeek and Kemp at Makara. 'A party went to Makara accompanied by Mr Kemp', the Ngāti Maniapoto chief told McLean:

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[434] Ibid., p 271
[435] Ibid
[436] Telegram from H T Kemp to Hon D McLean, 29 January 1872, MA 13/73B, p 794
[437] Alexander McDonald to W Fitzherbert, 2 August 1871, MA 13/75A, pp 413-414.
[438] A McDonald to W Fitzherbert, Superintendent, 26 July 1871, MA 13/75A, p 409; Alexander McDonald to W Fitzherbert, 2 August 1871, MA 13/75A, p 414
[439] Whiti to Te Makarini, 17 January 1871, MA 13/73B, pp 824-825 (Reo Māori original) 822 to 823 (English translation)
[440] 'Notes of meeting held at Marton with Ngāti Raukawa', 25 March 1872, MA 13/74A, pp 57-85

> they lighted a fire, and marked a tree, in consequence of this I maintain that the boundary should be there, and shall persist in it. The boundary I want is from Makara to Waitapu, the straight line, and not the crooked one to Rangataua. I shall persist in this demand as the greater part of my land has fallen into your hands.[441]

Rawiri's claim that Kemp, and by extension, the colonial government had agreed to the boundary at Makara, was supported by Hamapiri, who had been part of the party that had accompanied Kemp and Carkeek. [442]

Paranihi Te Tau and Hue Te Huri struck a more conciliatory tone. Both agreed that Kemp had in fact 'made another boundary' that had given the Te Reureu people a total of 6000 acres.[443] This, Te Huri, told McLean was the area he had expected to receive:

> You have heard that Mr Kemp gave us these 6000 acres, if you do not confirm it, it will be very hard on us as we have all this time looked upon them as belonging to us.[444]

McLean, however, refused to honour his agent's agreement to grant the Reureu people an additional 3000 acres. Kemp, he said, 'had no authority to give land', but had only been 'left as a companion for the surveyors.'[445] The Reureu people, McLean told the hui, 'have already received very extensive reserves, far larger than you are entitled to, or would have received at the hands of any other person.'[446] The original 3400 acres, he argued, was more than enough for their cultivations. 'The land which you have from Waitapu to Rangataua is sufficient', McLean insisted, 'you have plenty of land, you will not be able to cultivate it all.'[447]

Hue Te Huri and Rawiri Te Koha, however, argued that the area originally set aside by the Native Minister would not be enough. 'The 3400 acres are fast disappearing', warned Rāwiri, 'they are being swallowed up by your friend Rangitikei.'[448] The Ngāti Maniapoto rangatira told how 'a portion of the land on the bank of the Rangitikei River' had already 'been carried away by floods', along with some of Carkeek's survey pegs. As a result, Rawiri said that he no longer

[441] Ibid., pp 69-70
[442] Ibid., pp 70, 73-74
[443] Ibid., pp 71-72
[444] Ibid., p 78
[445] Ibid., p 70
[446] Ibid., p 74
[447] Ibid., pp 76-77
[448] Ibid., p 80

had ‘sufficient land below the hill for cultivations.’ ‘All the good portions’ had ‘been washed away by the River.’[449]

In order to secure a final settlement, and to compensate for the damage caused by the flooding of the Rangitīkei, McLean eventually agreed to add 1000 acres to the 3400 acres he had originally agreed to in November 1870. He had already, it turned out, promised 500 acres to Ngāwaka ‘on behalf of the whole people’, and now granted a further 500 to Rawiri.[450] McLean also promised to provide £500 in ‘money and agricultural implements’ in compensation for the land the Reureu people had been obliged to give up, and on condition that Carkeek would not be obstructed in laying out the reserve’s boundaries.[451]

Having made his final offer, Mclean made it clear that, as far as he was concerned, the time for negotiation was over. ‘We have now been contesting these points for two days’, he told the Te Reureu chiefs:

> I now tell you that this is my final determination. You people have more land in comparison than any of the other people; Takana and Ngati Kauwhata have much less. I have now made up the 3400 to 4400 acres. These matters would have all been long since settled, had it not been for yourselves.[452]

With the Native Minister having declared his decision to be final, the Te Reureu chiefs had little choice but to accept it. If not, they ran the very real risk of being left completely landless. As Hue Te Huri pointed out, with the Native Land Court having rejected their claim, it was only through McLean that they had any land at all. ‘We only got this land from McLean’, he admitted, ‘who really is the tupuna from which we have got this land. Let us accept the offer made by McLean and end the matter at once.’[453] Ngāwaka, too, argued that matters should be settled and an agreement reached ‘today.’[454]

The fact that the Te Reureu chiefs accepted McLean’s final offer did not mean that they were happy with it. Rāwiri Te Koha, in particular, expressed his continued disgruntlement. Characterizing the Native Minister as a “very dreadful old man”, he warned that he would not allow the Government to take its planned North Island main trunk railway across what

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[449] Ibid., pp 75-76
[450] Ibid., pp 80-81
[451] Ibid., pp 81, 83-84; Donald McLean to the Superintendent, Wellington, 6 February 1872, MA 13/75A, p 115
[452] ‘Notes of meeting held at Marton with Ngati Raukawa’, 25 March 1872, MA 13/74A, p 81
[453] Ibid., pp 81-82
[454] Ibid., p 83

remained of his land. 'I have given you most of my land', he complained, 'and still you want to take a large portion of what remains by the railway.'[455]

Having secured 'a final settlement' with the Reureu people, while reducing from 3000 to 1000 acres the area conceded by Kemp, McLean moved swiftly to ensure the survey of the Reureu reserve's final boundaries. On 3 February 1872 (the day after the Te Reureu chiefs had agreed to the settlement) he ordered Carkeek to 'lose no time in defining and marking off the back boundary of the Reureu reserve.' The surveyor was to be accompanied by 'the young chiefs Paranihi Te Tau and Hue Te Huri' who would 'assist' him 'in laying off the boundaries and in explaining any points to the old chiefs that may be necessary.' The two Reureu rangatira would 'also be important witnesses to the boundaries' that Carkeek marked out.[456]

Because of 'the great number of Natives of different tribes' living on the Reureu reserve, McLean warned Carkeek that its survey would require 'greater care . . . than any' of the other Rangitīkei-Manawatū reserves. He authorized the surveyor to 'meet the wishes' of the Reureu people 'as far as' possible 'by including' within the reserve's 4400 acres 'such graves, cultivations or other spots as they may be particularly attached to.'[457]

Table 4.7 The changing dimensions of the Reureu Reserve

	Date	Area (acres)
Area originally granted by Donald McLean	25 November 1870	3,400
Area included within the boundary between Waitapu and Makara 'proposed by Ngawaka'.	December 1870	10,000
Area including the additional 3000 acres given by H T Kemp	January 1871	6400
Area agreed to by Donald McLean	2 February 1872	4400
Area as finally surveyed	June 1872	4510

Source: Donald McLean to the Superintendent, Wellington, 6 February 1872, MA 13/75A, pp 114-115

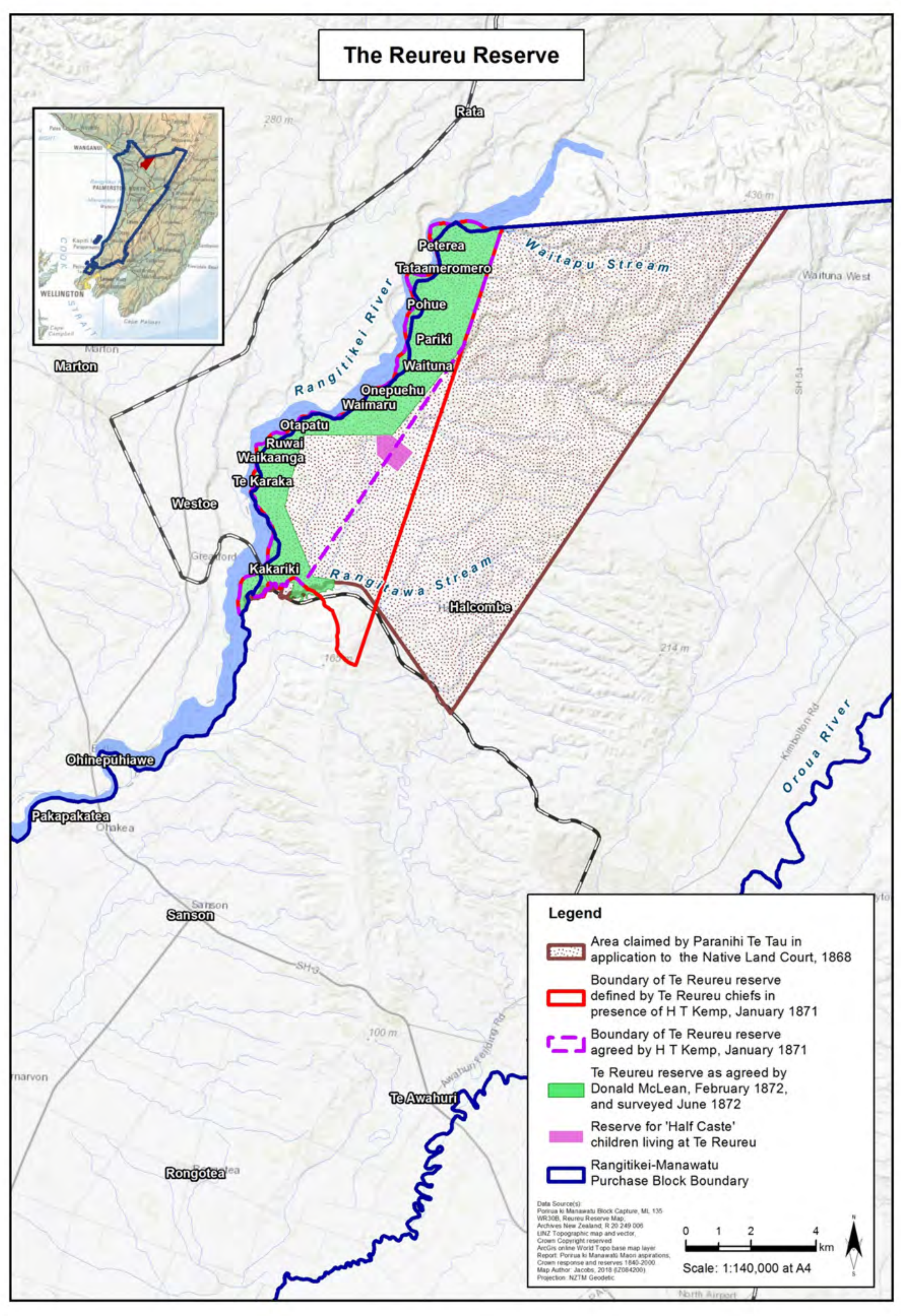
Like the non-sellers of Ngāti Kauwhata, Ngāti Parewahawa, and Ngāti Kahoro, the people of Te Reureu were obliged to accept from McLean much less land than they had originally claimed or believed to be just. The Reureu people's experience was particularly bitter because the area of their reserve was effectively reduced three times. The first cut was made by McLean on 25 November 1870 when he insisted that its eastern, or 'back' boundary should run along

455 Ibid, p 82
456 'True Copy' of a letter from Donald McLean to [Morgan] Carkeek, 3 February 1872, MA 13/74A, pp 252-253
457 Ibid., p 253

the ridge line immediately overlooking the river, rather than extending to include the Reureu people's land further inland. The second reduction was made by Kemp and Carkeek who, after marking out the boundary proposed by Ngawaka and the other Reureu chiefs at Makara on the Rangataua Stream, had moved the line back towards the Rangitīkei River. While the boundary eventually set by Kemp added an extra 3000 acres to the Reureu reserve's original area of 3400 acres, this was still much less than the estimated 10,000 areas that would have been included if the Makara boundary had been accepted. The third and final cut to the Reureu reserve was made by McLean in February 1872 when, a year after Kemp increased the reserve's area to 6400 acres, he narrowed it back down to 4400.

In refusing to allow the Reureu people more than 4400 acres, McLean argued that they had already received much more from him than any of the other Rangitīkei-Manawatū non-sellers. The Ngāti-Kauwhata non-sellers in particular, he noted, had received much less. While the Native Minister's comparison with Ngāti Kauwhata was strictly correct, he failed to mention the 4500 acres that the non-sellers had already been granted by the Native Land Court. Moreover, in contrast to the land at Te Awahuri, which was mainly flat and of high quality, half of the Reureu reserve was estimated by Kemp to be of 'broken and little value.' The other half, upon which the Reureu people had most of their cultivations, was subject to flooding, erosion and encroachment from the Rangitīkei River.[458]

[458] Telegram from H T Kemp to Hon D McLean, 29 January 1872, MA 13/73B, p 794



The Reureu Reserve
Rata
Peterea
Tataameromero
Pohue
Pariki
Waituna
Onepuehu
Waimaru
Otapatu
Ruwai
Waikaanga
Te Karaka
Kakariki
Halcombe
Marton
Westoe
Ohinepuhiawe
Pakapakatea
Sanson
Te Awahuri
Rongotea
Rangitikei River
Waitapu Stream
Rangitawa Stream
Oroua River
Waituna West
Legend
Area claimed by Paranihi Te Tau in application to the Native Land Court, 1868
Boundary of Te Reureu reserve defined by Te Reureu chiefs in presence of H T Kemp, January 1871
Boundary of Te Reureu reserve agreed by H T Kemp, January 1871
Te Reureu reserve as agreed by Donald McLean, February 1872, and surveyed June 1872
Reserve for 'Half Caste' children living at Te Reureu
Rangitikei-Manawatu Purchase Block Boundary
Data Source(s):
Porirua ki Manawatu Block Capture, ML 135
WR30B, Reureu Reserve Map,
Archives New Zealand, R 20 249 006
LINZ Topographic map and vector,
Crown Copyright reserved
ArcGis online World Topo base map layer
Report: Porirua ki Manawatū Maori aspirations,
Crown response and reserves 1840-2000
Map Author: Jacobs, 2018 (IZ084200)
Projection: NZTM Geodetic
0 1 2 4 km
Scale: 1:140,000 at A4

Of course, in comparing the Reureu reserve to the 1500 acres he had granted the Ngāti Kauwhata non-sellers, McLean failed to recognize that neither of these areas were sufficient to allow their inhabitants either to maintain their established life-ways, or to participate fully in the developing colonial economy. Rather than allowing extensive areas for the gathering of mahinga kai and the running of livestock – such as he had laid out for Ngāti Apa in his purchase of Rangitīkei-Turakina – McLean limited as far as possible his land grants within Rangitīkei-Manawatū to land the people were actually cultivating. This was made particularly explicit in the negotiations with the Reureu people, where the Native Minister repeatedly linked the area of land he was willing to give to the location and extent of their cultivations. Unwilling to extend the reserve beyond its original area, McLean argued that its inhabitants were not 'able to cultivate the whole' of what they 'already' had.[459] Unlike his subordinate Kemp, McLean does not appear to have made allowance for the extensive areas the 'young chiefs' of Te Reureu said they needed for 'their considerable and increasing' numbers of livestock.[460] Such expanses were essential if the Reureu people were truly to have the opportunity to participate fully in a colonial economy that – in the Manawatū and Rangitīkei at least – was (and still is) based upon sheep and cattle.

The 4400 acres McLean allowed for the four hapū of Te Reureu compared particularly poorly with Premier Fox's large estate directly across the Rangitīkei River. While the estimated 200 men, women, and children of Ngāti Pikiahu, Ngāti Waewae, Ngāti Maniapoto, and Ngāti Rangatahi, as well as their 'considerable and increasing' herds of stock, were confined to an area that allowed for not much more than 20 acres per person, William Fox and his wife Sarah were the sole proprietors of more than 3500 acres.[461] The Fox's estate provided the couple with wealth and opportunities that their neighbours might have only have imagined. As well as supporting William's long political career, the income generated from their estate allowed the couple to enjoy extended overseas trips to Australia, North America and Great Britain.[462]

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[459] 'Notes of meeting held at Marton with Ngāti Raukawa', 25 March 1872, MA 13/74A, p 76
[460] Kemp to McLean, 3 March 1871, MA 13/72A, p 271
[461] 'Districts of Rangitikei and Turakina plotted from the original survey 1858', Archives New Zealand, Wellington, AFIH W5692 22381 Box 53, RP 421, (R 22 549 132)
[462] Raewyn Dalziel and Keith Sinclair, 'Fox, William 1812?-1893', *The Dictionary of New Zealand Biography. Volume One. 1769-1869*, (Wellington, Allen & Unwin, Department of Internal Affairs), 1990, pp 134-138 http://www.teara.govt.nz/en/biographies/1f15/fox-william (accessed 31 October 2016)

Other reserves made by McLean and Kemp

In addition to the Te Reureu reserve, McLean and Kemp (who the Native Minister had 'charged with the completion of his work' upon leaving the Manawatū at the end of November 1870) made several smaller land grants to other non-sellers who were living within Rangitīkei-Manawatū, but had been denied ownership rights by the Native Land Court.[463] Te Peina Tahipara of Te Mateawa – whose former kāinga lay within the 1000 acres Featherston had reserved for Ngāti Apa at Pakapakatea – received 100 acres on the Rangitīkei River, next to the Native Land Court's award to the non-sellers of Ngāti Parewahawaha and Ngāti Kahoro.[464] Hone Te Tihi, also of Te Mateawa, received 10 acres. This small reserve was increased to 110 acres by Kemp to allow space for Te Peina and Hone Te Tihi's relatives.[465]

Kemp also granted a 100-acre reserve to the Ngāti Wehiwehi who were living at Paparata, next to Wiriharai Te Angiangi's land at Oau.[466] This was in addition to the 40 and 50-acre reserves that McLean had already made for Wiriharai. Kemp made another reserve of 100 acres for the 'Waikato Natives' who were living with Ngāti Kauwhata at Te Awahuri. This group had also been rendered landless by the Native Land Court.[467]

Following McLean's departure from the Manawatū at the end of November 1870, Kemp also made a few extra reserves for members of Ngāti Kauwhata, Ngāti Parewahawaha and Ngāti Kahoro. Kemp added 100 acres to the 300 the Native Minister had granted to the Ngāti Kauwhata 'sellers' at Pīkotuku. He also gave 50 acres each to Āreta Pekamu and Taimona Pīkauroa. Areta had signed the Rangitīkei-Manawatū deed of purchase, while Taimona was one of the 36 Ngāti Kauwhata non-sellers who the Court had admitted as owners of Rangitīkei-Manawatū A at Te Awahuri.[468]

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[463] 'Manawatu Case', *AJHR*, 1874, H-18, p 11
[464] 'Analysis and abstract of Additional Reserves in the RangitīkeiRangitīkei-Manawatu Block', MA 13/75A, p 204; 'Plan of the Rangitīkei Manawatu Block Shewing Native Reserves', Archives New Zealand, Wellington, AAFV 997, 131/WR30
A, (R22 824 361)
[465] 'Additional Reserves Rangitikei-Manawatu Block made by Mr Kemp', MA 13/73B, p 812
[466] Ibid
[467] 'Additional Reserves Rangitikei-Manawatu Block made by Mr Kemp', MA 13/73B, p 812
[468] Ibid., 'Plan of the Rangitikei Manawatu Block Shewing Native Reserves'

Table 4.8 Reserves made Donald McLean and Henry Tacy Kemp for non-sellers excluded by the Native Land Court

For whom	Where	Area in acres
Ngāti Pikiahu, Ngāti Waewae, Ngāti Maniapoto and Ngāti Rangatahi	Te Reureu	4400
Te Peina Tahipara (Te Mateawa)	Near Mangamāhoe	100
Hone Te Tihi	'Small Farm Town'	10
Relatives of Te Peina and Hone Te Tihi	'Small Farm Town'	100
Ngāti Wehiwehi living at Paparata	Paparata	100
'Waikato Natives' living with Ngāti Kauwhata	Te Awahuri	100

Sources: 'Analysis and abstract of Additional Reserves in the Rangitikei-Manawatu Block', MA 13/75A, p 204; 'Additional Reserves Rangitikei-Manawatu Block made by Mr Kemp', MA 13/73B, p 812

Table 4.9 'Additional Reserves' made by Henry Tacy Kemp for members of Ngāti Kauwhata

For whom	Where	Area in acres
'The sellers of Ngāti Kauwhata'	Pikotuku	100
Areta Pekamu	'Near Small Farm Town'	50
Taimona Pikauroa	Near Kawakawa	50

Source: 'Additional Reserves Rangitīkei-Manawatū Block made by Mr Kemp', MA 13/73B, p 812

Table 4.10 'Additional Reserves' made by Henry Tacy Kemp for members of Ngāti Parewahawha and Ngāti Kahoro

For whom	Where	Area in acres
Hare Reweti and others of Ngāti Parewhawaha	Poutū	650
Hare Reweti and others of Ngāti Parewhawaha	Ohinepuhiawe	50
Ngāti Kahoro and Ngāti Parewahawha	Tawhirihoe	1

Source: Morgan Carkeek, 'Memo for the Hon Nat. Minister Relative to Reserves in the Rangitikei-Manawatu Block', [October 1871], MA 13/74A, pp 317-318; Morgan Carkeek to H Halse, 20 April 1872, MA 13/75A, p 37

For Ngāti Kahoro and Ngāti Parewahawaha, Kemp added approximately 50 acres to their reserve at Ohinepuhiawe, and granted them one acre at Tawhirihoe 'for a canoe landing place.'[469] Most significantly, he also agreed to create a 650-acre reserve for Ngāti Parewahawaha and Ngāti Kahoro at Poutū, Ngāti Parewahawaha's 'principal kāinga' on the

469 Morgan Carkeek, 'Memo for the Hon Nat. Minister Relative to Reserves in the Rangitikei-Manawatu Block', [October 1871], MA 13/74A, p 318

Rangitīkei River.[470] McLean had already consented to a 10-acre urupā reserve at Poutū, but Kemp agreed to expand the reserve to 650 acres to include the adjacent Ngāti Parewahawaha kāinga and cultivations. Part of this expansion involved the consolidation of reserves that had already been made, including a 50-acre reserve created by Featherston and the 10 acres allowed by McLean.[471]

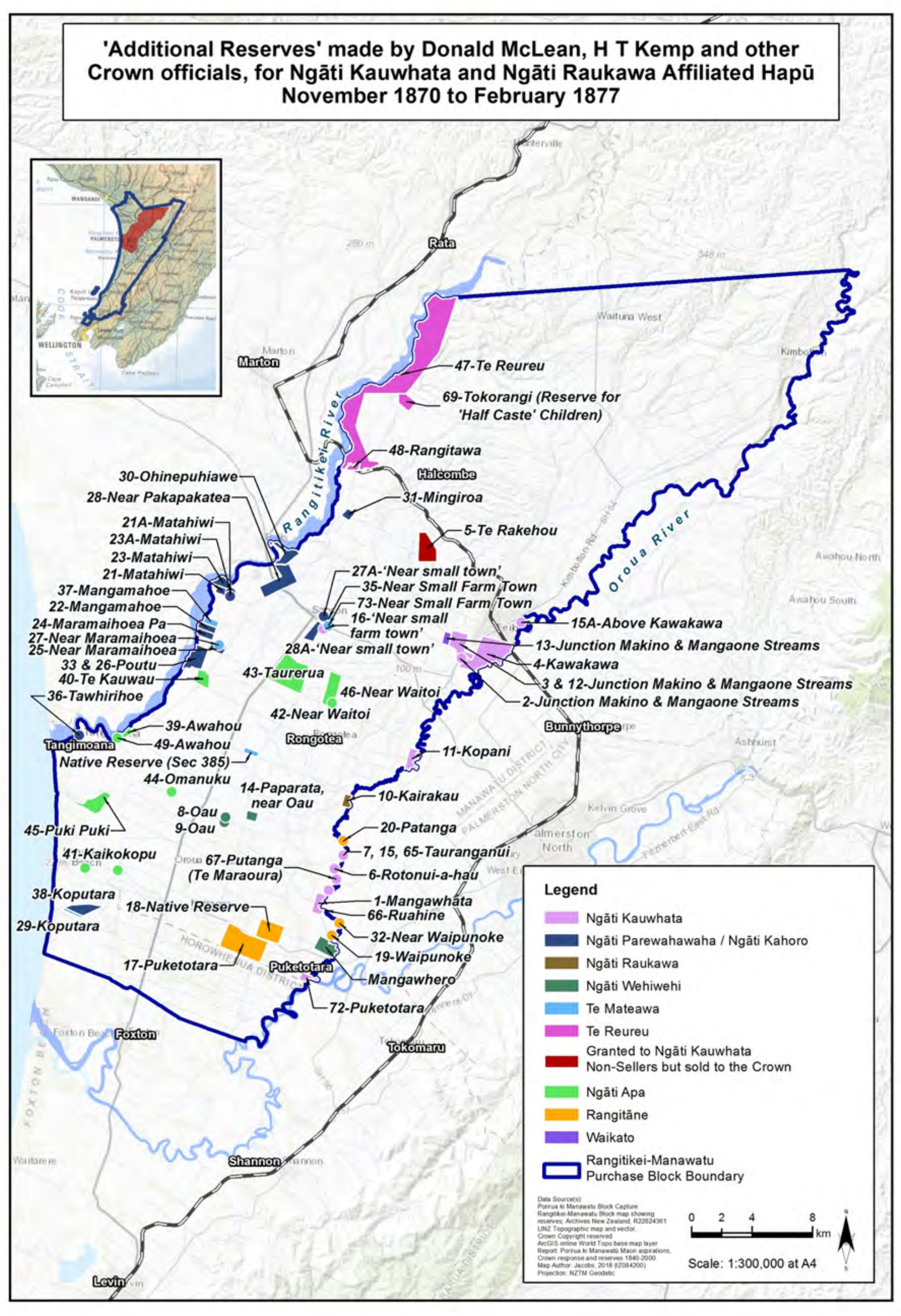
Premier Fox, however, rejected Kemp's grant and refused to allow the 650 acres at Poutū to be surveyed.[472] After several months of uncertainty and growing discontent on the part of the Ngāti Parewahawaha people, McLean eventually ordered the survey of a smaller area on 23 October 1871.[473] Including a combined area of 439 acres, the reserve authorized by the Native Minister included 100 acres that had previously been reserved for Te Peina, as well as the two reserves that had already been made for Ngāti Parewahawaha. The additional area provided by Kemp was reduced to 270 acres from an original 590 (or 490 according to another calculation by Carkeek).[474]

Table 4.11 The changing dimensions of the Poutū Reserve

	Date	Area (acres)
Area originally agreed by H T Kemp	December 1870	650
Reduced area allowed by Donald McLean	23 October 1871	439

Morgan Carkeek to H Halse, 20 April 1872, MA 13/75A, p 37; 'Schedule of Reserves given to Natives in the Rangitikei-Manawatu Block by the Hon the Native Minister', MA 13/74A, p 82

[470] Arapere, p 54
[471] Morgan Carkeek, 'Memo for the Hon Nat. Minister Relative to Reserves in the Rangitikei-Manawatu Block', [October 1871], MA 13/74A, p 317; Morgan Carkeek to H Halse, 20 April 1872, MA 13/75A, p 37
[472] A McDonald to W Fitzherbert, Superintendent, 26 July 1871, MA 13/75A, p 409; Alexander McDonald to W Fitzherbert, 2 August 1871, MA 13/75A, p 414
[473] Donald McLean, marginal note, in Carkeek, 'Memo', MA 13/74A, p 314
[474] Carkeek, 'Memo', MA 13/74A, p 317; 'Schedule of Reserves given to Natives in the Rangitikei-Manawatu Block by the Hon the Native Minister', MA 13/74A, p 823; 'Plan of the Rangitikei-Manawatu Block Shewing Native Reserves', Archives New Zealand, Wellington, AAFV 997, 131/WR30A, (R22 824 361)



'Additional Reserves' made by Donald McLean, H T Kemp and other Crown officials, for Ngāti Kauwhata and Ngāti Raukawa Affiliated Hapū November 1870 to February 1877
47-Te Reureu
69-Tokorangi (Reserve for 'Half Caste' Children)
48-Rangitawa
30-Ohinepuhiawe
28-Near Pakapakatea
31-Mingiroa
5-Te Rakehou
21A-Matahiwi
23A-Matahiwi
23-Matahiwi
21-Matahiwi
37-Mangamahoe
22-Mangamahoe
24-Maramaihoea Pa
27-Near Maramaihoea
25-Near Maramaihoea
33 & 26-Poutu
40-Te Kauwau
36-Tawhirihoe
27A-'Near small town'
35-Near Small Farm Town
73-Near Small Farm Town
16-'Near small farm town'
28A-'Near small town'
15A-Above Kawakawa
13-Junction Makino & Mangaone Streams
4-Kawakawa
3 & 12-Junction Makino & Mangaone Streams
2-Junction Makino & Mangaone Streams
43-Taurerua
46-Near Waitoi
42-Near Waitoi
39-Awahou
49-Awahou
Native Reserve (Sec 385)
11-Kopani
44-Omanuku
14-Paparata, near Oau
10-Kairakau
8-Oau
9-Oau
20-Patanga
45-Puki Puki
7, 15, 65-Tauranganui
41-Kaikokopu
67-Putanga (Te Maraoura)
6-Rotonui-a-hau
38-Koputara
1-Mangawhata
66-Ruahine
18-Native Reserve
29-Koputara
32-Near Waipunoke
19-Waipunoke
17-Puketotara
Mangawhero
72-Puketotara
Rangitikei River
Oroua River
Rata
Marton
Halcombe
Bunnythorpe
Tangimoana
Rongotea
Puketotara
Foxton
Tokomaru
Shannon
Levin
Legend
Ngāti Kauwhata
Ngāti Parewahawaha / Ngāti Kahoro
Ngāti Raukawa
Ngāti Wehiwehi
Te Mateawa
Te Reureu
Granted to Ngāti Kauwhata Non-Sellers but sold to the Crown
Ngāti Apa
Rangitāne
Waikato
Rangitikei-Manawatu Purchase Block Boundary
0 2 4 8 km
Scale: 1:300,000 at A4

Colonial and provincial officials respond to McLean's settlement

McLean's settlement of the non-sellers' and sellers' claims to Rangitīkei-Manawatū was greeted with contrasting responses from the heads of the Colonial and Provincial Governments. In a telegram to Colonial Secretary Gisborne on 25 November 1870 Premier Fox welcomed the arrangement reached by his Native Minister 'as a most favourable settlement for the province and colony at large.' 'The Province', he reported 'will get more than nine-tenths of the whole block after deducting all that the sellers and non-sellers receive, either by award of Court, Dr. Featherston's reserves, or Mr McLean's additions.'[475]

On 28 November Fox publicly announced to the Wellington Provincial Council that 'the Manawatu affair was finally settled.' Altogether, the estimated '600 resident Natives' of Rangitīkei-Manawatū would 'receive about 20,000 acres' of reserves, 'leaving to the Province, the balance of 200,000.' Fox considered the 'course pursued' by McLean to have 'been by far the best and cheapest' available. The settlement, he assured his provincial colleagues:

> will not only advance the prosperity of this coast a hundredfold, but tell on the Native question all over the island. The grumbling Hauhaus on this coast have no longer any motive to support the King, and will soon forget his very existence. Mr McLean did his work with great tact and judgment, and deserves great credit.[476]

McLean's settlement, however, was greeted with outrage by Featherston, who arrived back in New Zealand the following month, after a year away in England. Addressing the Colonial Secretary on 16 January 1871, Featherston – who had resumed his position as Wellington Superintendent – lambasted McLean for having 'without the knowledge or consent of the Provincial Council, made large gifts of land to the Natives, both sellers and non-sellers.' In the Superintendent's estimation these 'concessions' to the Māori of Rangitīkei-Manawatū were both unjustified and illegal. The Native Land Court's judgment, he contended, had completely vindicated his purchase, while the proclamation extinguishing native title had made all but 'the portions awarded by the Land Court . . . the territorial estate of the Province.' Instead of rewarding the 'dissatisfied Natives' with additional acres of land, Featherston argued that the government should have continued the 'vigorous action' that had led to the arrest and imprisonment of Miratana for 'a "Breach of the Trigonometrical Stations Act".' Maintaining that 'further concessions to the Natives' had been unnecessary, the Superintendent, on the

[475] 'Manawatu Case', *AJHR*, 1874, H-18, p 11
[476] Ibid.

behalf of Wellington Province, claimed compensation of one pound for every acre that the Native Minister had either 'given' or promised to give while 'carrying out of a General Government policy.[477]

Featherston also protested directly to McLean. In a telegram dated 9 February 1871 he accused the Native Minister of having 'given away to sellers, non-sellers, and parties excluded by the Native Land Court . . . by far the choicest and most valuable land in the whole block'. The Government, he insisted, had no right 'to deal with the Provincial estate' in such a manner.[478]

In reply to Featherston's complaint Colonial Secretary Gisborne suggested that the Superintendent had 'not sufficiently estimated the advantageous position' which Wellington Province now enjoyed, thanks to McLean's 'final solution of the long-pending difficulties' concerning Rangitīkei-Manawatū. Estimating the entire purchase area to be 240,000 acres, Gisborne calculated that the combined acreage of all the reserves granted to the former owners – by the Native Land Court, Featherston himself, and McLean – added up to '25,000 acres at the outside.' The Province, on the other hand, had received '215,000 out of 240,000, or about nine-tenths of the whole.'[479]

Highlighting the 'triumphant position' that both the Colonial and Provincial Governments now found themselves, Gisborne contrasted the acreage received by Rangitīkei-Manawatū Māori with the altogether larger area that the Ngāti Raukawa non-sellers had originally demanded. 'Not three years ago', he reminded Featherston, 'the dissentient Ngāti Raukawa' claimed all of the purchase area, 'subject only to some small deductions' for Ngāti Apa. Even after they had reduced their demands 'as a compromise', the non-sellers still demanded '80,000 or 90,000 acres.' Compared to these much larger figures, the Colonial Secretary argued that the peaceful 'acquisition of the district' had been 'cheaply purchased at the price of from 10,000 to 15,000 acres' conceded by the Native Minister.[480]

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[477] His Honor the Superintendent to the Hon the Colonial Secretary 26 January 1871, 'Further Papers Relative to the Rangitikei-Manawatu Block, *Council Paper. Province of Wellington*, Session XX, MA 13/75A, pp 166-167.
[478] Telegram from I E Featherston, Superintendent to D McLean, 9 February 1871, MA 13/75A, pp 180-181
[479] W Gisborne (Colonial Secretary) to His Honor the Superintendent, Wellington, 10 February 1871, MA 13/74A, pp 562-563
[480] Ibid., pp 564-565

For his part, McLean explained that he had done his:

> utmost on behalf of the province and colony to bring about as reasonable an adjustment of this interminable question as could possibly be effected consistently with a peaceable occupation of the district by European settlers.[481]

Confronted by 'a considerable section of the sellers' who wished 'to repudiate the sale altogether', and the non-sellers who had calculated 'the area to which they entitled at 19,000 acres', the Native Minister had done all that he could to keep concessions to a minimum.[482] Thanks to this hard line, sellers' and non-sellers' claims 'were all reduced to the lowest extent they would accept'.[483] Insisting that 'it was absolutely necessary that additional reserves should be made for the Natives', McLean claimed that most were on land that was of little value to Europeans. He assured the Superintendent that, 'with the exception of the 1800 acres adjoining the award of the Native Land Court at Oroua', the greater portion of the reserves he had made were 'composed of sand hills, swamp, & broken bush.'[484]

While McLean probably understated the quality of the land he had given away (just as Featherston had exaggerated its value) he and his cabinet colleagues clearly believed that the Crown had secured very much the better part of his settlement with the former owners of Rangitīkei-Manawatū. In return for less than 15,000 acres of additional reserves of variable quality, McLean had secured for the Crown unhindered possession of something like 200,000 acres. In acknowledging this achievement, Fox, Gisborne and McLean himself all emphasized how much the Colonial and Provincial Governments had gained from settlement and how much the Māori claimants had been obliged to concede. In his reply to Featherston, McLean emphasized that he had done his 'utmost' to secure the most 'reasonable' outcome possible for the colony and province by reducing claims 'to the lowest extent the Natives would accept.' The non-sellers of Ngāti Raukawa and Ngāti Kauwhata (including the Te Reureu people) had seen their claims successively reduced from almost all of Rangitīkei-Manawatū's 240,000 acres, to a 'compromise' of 80,000 or 90,000 acres, to the 19,000 they believed they were owed by the Court, down to the 8000 acres that McLean finally allowed them, in addition to the 6,200

[481] Telegram from Donald McLean to I E Featherston, 15 February 1871, MA 13/75A, pp 157-158
[482] Ibid., p 156
[483] Ibid., p 157
[484] Ibid., p 155

acres they had been granted by the Court. Altogether this meant that the non-sellers were left with just six percent of an area they were living upon and had never agreed to sell.

As Superintendent of Wellington Province, Featherston opposed McLean's agreement not because he considered it unfair on the Māori of Rangitīkei-Manawatū, but because he believed that the extra land granted to them was unnecessary and illegal. In his opinion a settlement of the long-running dispute could have been achieved through a 'vigorous' enforcement of the law against those who had disrupted the survey of the purchase area. If carried out such action would have resulted in the arrest and imprisonment of most of Ngāti Kauwhata, as well as many from Ngāti Parewahawaha and Te Reureu.

4.6 The Long Wait for Crown Grants

At the end of November 1870 the dispute over the Rangitkei-Manawatū reserves appeared, from the Colonial government's perspective at least, to have been finally resolved. The reality, however, was to prove very different. Having agreed to the settlement offered by McLean, the sellers and non-sellers of Rangitīkei-Manawatū expected to quickly receive legal title to the land set aside for them. Instead, they had to wait more than three years to be issued with Crown grants to their reserves. The long wait was caused, first by delays in the survey of the land granted by McLean and Kemp, and then by a further long holdup in the passage of legislation needed to create the reserves. Frustrated by the legal limbo in which they and their land had been placed, and angered by what they regarded as the Native Minister's betrayal of his promises to them, Ngāti Kauwhata, Ngāti Parewahawaha and Ngāti Kahoro resolved to again disrupt the European settlement of Rangitīkei-Manawatū, if the Government did not finally provide them with secure title to their reserves.

Delays to the survey of the reserves

In his settlements with the various iwi and hapū of Rangitīkei-Manawatū McLean had agreed to the creation of 'additional reserves' for both sellers and non-sellers. While stipulating the location and extent of these reserves in general terms, the Native Minister, who departed the Rangitīkei-Manawatū area after his hui at Te Reureu on 25 November 1870, left the arrangement of the details to his assistant H T Kemp. Kemp allowed further reserves for those whose claims had not been overlooked by McLean during his two-week visit to the district, and also increased the boundaries of the areas the Native Minister had granted at reserves such as Te Reureu, Poutū and Ōhinepuhiawe. Altogether, McLean and Kemp created more than 50

reserves for the sellers and non-sellers of Rangitīkei-Manawatū. Before the boundaries of these reserves could be surveyed, however, Kemp, too, left the district to stand for Parliament in the Bay of Islands.[485]

What followed was a long period of confusion, contention, and delay as central and provincial politicians in Wellington, surveyors on the ground, and the Māori groups themselves argued over exactly what had been authorized and agreed to, and who should have the right to define the boundaries of the reserves. According to Alexander McDonald, Ngāti Kauwhata's agent and advocate, the delay and dissension had been caused by Premier Fox's 'disallowance' of Kemp's awards, and the 'hasty departure' of Kemp 'from the district' in January 1871.[486] Writing to William Fitzherbert, who in April 1871 had replaced Featherston as Wellington Superintendent, McDonald explained that:

> after both Mr McLean and Mr Kemp had left the district Mr Carkeek, who was engaged in laying off the reserves and awards, received orders direct from Mr Fox not to survey Mr Kemp's awards, but as Mr Kemp was understood by the natives to represent Mr McLean they said that the awards must be laid off as arranged or not at all, and hence there has been much delay and confusion.[487]

Further 'delay and irritation' had been caused by 'the absence of any authority' able to make adjustments to the reserves when 'the boundaries marked upon the ground were found to disagree' with the area granted by McLean.[488] It had been Kemp's job to deal with such discrepancies, and following his departure the surveyors engaged in marking out the reserves had been obliged to follow the strict wording of their written instructions with no space for compromise or flexibility.

A further source of contention, according to McDonald, was that 'in several important particulars' the agreements made by McLean and Kemp with Ngāti Kauwhata, Ngāti Parewahawaha and the other Raukawa-affiliated groups had been oral, rather than written. As a result, it was likely that 'promises and arrangements' reached between the Crown officials and the Rangitīkei-Manawatū groups had 'been meant and understood differently by the parties.'[489] Such differences created difficulties on the ground when surveyors, following

485 Telegram from Walter Buller to Dr Featherston, 2 January 1871, MA 13/75A, p 326
486 Alexander McDonald to W Fitzherbert, 2 August 1871, MA 13/75A, p 415
487 A McDonald to W Fitzherbert, Superintendent, 26 July 1871, MA 13/75A, p 409
488 Ibid., pp 409-410
489 Alexander McDonald to the Superintendent, Wellington, 15 September 1871, MA 13/75A, p 426

instructions based strictly on written agreements, came into conflict with local Māori groups whose understanding was informed by oral undertakings and commitments they had received from Crown officials.

In order to clear up these points of contention and confusion, and to ensure the speedy survey of their land, Ngāti Kauwhata sent McDonald to Wellington in July 1871 to seek McLean's help in adjusting the outstanding 'discrepancies' in the surveyed boundaries of their reserves, and 'to ascertain the validity or otherwise' of the awards that Kemp had made. They also asked their agent to enquire as to whether the Native Minister would take any action with regards to the land that they believed to be still outstanding to them from the Native Land Court judgment of 23 August 1869.[490] According to McDonald's calculations, once the awards made by the Native Land Court and McLean himself had been deducted, this stood at 11,599 acres. While not expecting to receive 'the entire acreage', the non-sellers remained hopeful that the Native Minister would agree to grant them a 'proportion' that he considered 'fair and reasonable.'[491]

With McLean apparently unable or unwilling to intervene, and the survey of their land still stalled, the people of Ngāti Kauwhata, Ngāti Parewahawaha and the other Raukawa-affiliated groups living within Rangitīkei-Manawatū became increasingly frustrated and angry. On 2 August 1871 McDonald warned Fitzherbert that his clients now thought that they had been 'humbugged' by McLean 'solely with a view to keep them quiet while a portion' of Rangitīkei-Manawatū (the Carnarvon block, in the western part of the purchase area) 'was being sold to intending settlers.'[492]

The situation was particularly preoccupying for the non-sellers of Ngāti Kauwhata, Ngāti Kahoro and Ngāti Parewahawaha who had incurred considerable expenses in their three-year struggle to have their claims recognized by the Native Land Court. Without legal title to the land that had been awarded to them by McLean and the Court, the non-sellers were unable to pay the £1500 debt they owed for legal and survey costs. By 25 August 1871 'the pressure of pecuniary liabilities' had become 'so severe and urgent' for his clients that McDonald appealed to the Native Minister for help. With the non-sellers unable to raise money on their untitled land except at ruinous interest rates, McDonald asked McLean if the government could either lend the £1500 to them directly 'on security of their land', or guarantee a loan 'pending the issue' of their Crown grants.[493]

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[490] McDonald to Fitzherbert, 26 July 1871, MA 13/75A, p 410
[491] Alexander McDonald to Donald McLean, 24 July 1871, MA 13/74A, pp 164-165
[492] McDonald to Fitzherbert, 2 August 1871, MA 13/75A, pp 414-415
[493] Alexander McDonald to Donald McLean, 25 August 1871, MA 13/74A, pp 157-158

The increasing frustration and anger felt by Ngāti Kauwhata, Ngāti Parewahawaha and the other Raukawa hapū of Rangitīkei-Manawatū was expressed at a hui held at Matahiwi on 13 and 14 September 1871. Speakers were particularly outraged that while their reserves remained unsurveyed the provincial and central governments were proceeding with the subdivision and sale of the rest of the purchase area. Tamihana Wharekākā (one of the Ngāti Kauwhata who had agreed to Featherston's purchase) likened the survey of the land to the branding of 'the pigs of different people in the same run'. 'It is not right', he observed:

> that one should mark the young pigs without the knowledge of the other. Mr McLean has already marked some pigs for himself. Let ours now be marked before any more are marked for him.[494]

Miratana Te Rangi, who had already been imprisoned once for disrupting the survey of Rangitīkei-Manawatū, declared his intention 'to stop all surveys, sales and leases by the Government' until McLean had completed 'his arrangements with the Natives.'[495] Miratana's resolution was supported by the other speakers at the hui including: Hare Reweti Rongorongo, Nēpia Taratoa, and Aperahama Te Huruhuru of Ngāti Parewahawaha; Te Ara Takana, Takana Te Kawa, and Tapa Te Whata of Ngāti Kauwhata; Te Peina Tahipara of Te Mateawa and Wiriharai Te Angiangi of Ngāti Wehiwehi.[496] 'There is no division among us' declared Te Peina:

> Old and young. Chiefs and people. Sellers and nonsellers are alike involved in this trouble. The only remedy is to stop the work of the Government on the land until Mr McLean's promises are fulfilled.[497]

Having agreed unanimously that the 'surveys and settlement of Europeans should cease pending Mr McLean's leisure to fulfill his promises' the hui appointed McDonald to communicate their resolution to the Native Minister.[498]

Not having received any reply from McLean, a further meeting on 29 September resolved to put the tribes' decision into effect. On 2 October 'a party of about 20 men' confronted

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[494] Alexander McDonald to the Superintendent, Wellington, 15 September 1871, MA 13/75A, p 433
[495] Ibid., p 432
[496] Ibid., pp 432-437
[497] Ibid., p 437
[498] Ibid., p 438

Alexander Dundas, the 'district surveyor at Manawatū', and told him to stop work until 'McLean's promises had been fulfilled.'[499] Dundas agreed to stop the survey, but only until he had received further instructions from Wellington. After being ordered back to work, Dundas and his survey team were confronted again on 12 October. The group from Ngāti Kauwhata asked the surveyors 'to leave quietly'. When they refused, the Kauwhata party 'struck' the surveyors' tents, 'packed up' their 'instruments' and 'conveyed them across the Rangitīkei River.'[500]

Ngāti Kauwhata's halting of the subdivision of Rangitīkei-Manawatū persuaded the Native Minister to finally take action over the undefined reserves. On 18 October McLean asked Carkeek to provide him with a report on the continuing 'discontent' amongst the Ngāti Raukawa affiliated groups. Carkeek explained that the dispute had been caused by disagreement over the boundaries of the reserves made by McLean and the Native Land Court, as well as the Government's refusal to recognize the reserves that Kemp had promised. Ngāti Kauwhata and the other Raukawa groups had expected that they would be allowed to point out themselves the boundaries of their reserves. The surveyors, however, had 'restricted' themselves 'to the areas contained in the written agreements which had been made with the Natives.' 'In all cases', Carkeek noted, the boundaries preferred by the local groups 'largely' exceeded the area set down in writing.[501]

The awards made by the Native Land Court and McLean for the Ngāti Kauwhata non-sellers at Te Awahuri and Kawakawa were particularly contentious. 'When laid out according to the instructions of the Court', the Native Land Court's award of 4500 acres failed to 'extend, in any direction to the boundaries' which the non-sellers had 'supposed it would.'[502] The non-sellers claimed that their boundaries should run all the way to Hoeta's Pole. Carkeek, however, dismissed this as 'an unreasonable demand' that 'would greatly increase the area of their reserve.'[503] The boundaries of the Kawakawa reserve marked out by Kemp included 50 acres more than McLean had agreed to. Kemp had also apparently agreed to allow the non-sellers to have 200 acres on the Oroua River south of Te Awahuri, to be deducted from the 1000 acres

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[499] 'The Manawatu Difficulty', *Evening Post*, 7 October 1871, p 2, c 4-5, https://paperspast.natlib.govt.nz/newspapers/evening-post/1871/10/7/2 (accessed 27 September 2016)
[500] *Evening Post*, 16 October 1871, p 2, c 3, https://paperspast.natlib.govt.nz/newspapers/evening-post/1871/10/16/2 (accessed 27 September 2016)
[501] Morgan Carkeek, 'Memo for the Hon Nat. Minister relative to Reserves in the Rangitikei-Manawatu Block', MA 13/74A, pp 314-315
[502] Ibid., p 315
[503] Morgan Carkeek, 'Memorandum for the Honorable the Native Minister', MA 13/74A, p 269

at Kawakawa. Now, however, Ngāti Kauwhata was claiming 'both the reserves of land in question.'[504]

Carkeek told McLean that Ngāti Kauwhata were also concerned about the 'small' reserves Kemp had given to Āreta Pekamu and Taimona Pīkauroa, as well as the land he had promised to the 'Waikato Natives living with them' at Te Awahuri, and the Ngāti Wehiwehi, 'resident at Paparata'. Carkeek believed 'that if these Reserves were consented to, and their survey at once proceeded with all cause of discontent on the part of the Ngāti Kauwhata would be removed.'[505]

As far as Ngāti Parewahawaha and Ngāti Kahoro were concerned, Carkeek reported that the non-sellers were unhappy with the location of the 750 acres McLean had granted them at Hikungārara. They also wanted the extensions Kemp had made to their reserves at Poutū and Ohinepuhiawe to be surveyed. Carkeek suggested that the boundaries of the Poutū reserve be readjusted so that Kemp's 'addition' could be reduced from 490 to 270 acres. This, he believed, 'would be a fair settlement which would be satisfactory' to those concerned.[506]

McLean authorized Carkeek 'to carry out a settlement' of the reserves that he had suggested should be surveyed or adjusted. This appears to have included the reserves Kemp had created for the Waikato people at Te Awahuri, Ngāti Wehiwehi at Paparata, and Āreta Pekamu and Taimona Pīkauroa of Ngāti Kauwhata. McLean's authorization also appears to have extended to the adjustment Carkeek had proposed to Ngāti Parewahawaha's reserve at Poutū and the 50 acres Kemp had added to the Ōhinepuhiawe reserve.[507]

On 30 November 1871 McLean issued Carkeek with detailed instructions for the survey of the Rangitīkei-Manawatū reserves. Carkeek was 'to proceed immediately to Rangitīkei' where he would be assisted by 'two additional surveyors and their parties.' With his knowledge of Te Reo Māori, Carkeek was instructed to meet with the various Māori groups and determine 'with them on the boundaries & areas of each respective reserve.' Once they had been surveyed, a map was to be made showing the reserves. This was to be:

> accompanied by an agreement signed by the principal chiefs to the effect that they fully comprehend the extent and position of the reserves and their boundaries, that the latter

[504] Morgan Carkeek, 'Memo for the Hon Nat. Minister relative to Reserves in the Rangitikei-Manawatu Block', MA 13/74A, p 316
[505] Ibid., p 316
[506] Ibid., pp 317-318
[507] Donald McLean, Marginal Note, MA 13/74A, p 314

had been laid off in the presence of witnesses, to avoid future disputes respecting the boundaries so laid off.[508]

Beginning with Ngāti Kauwhata's reserves, Carkeek first marked out the 500 acres that McLean had granted to the non-sellers at Te Rakehou.[509] He then 'altered the boundary' of the Court's 4500-acre award at Te Awahuri 'without increasing the area.' While the non-sellers agreed to allow the survey of the revised boundary, they also marked out the land to Hoeta's Pole, which they claimed should also be included in the award.[510] On 11 December 1871 Carkeek reported that he was 'at Rangitīkei to arrange with the Ngāti Kahoro and Ngāti Parewahawaha about their reserves' which were to be surveyed by George Dundas. Next he planned 'to proceed to Puketōtara' with William Flyger, 'to commence the survey of the Rangitāne reserves.' After that Carkeek intended to return to Te Awahuri and complete the survey of the 1000-acre reserve at Kawakawa.[511]

As well as finally ordering the survey of the reserves he and Kemp had created, McLean also reached an agreement over the £1500 debt that the non-sellers of Ngāti Kauwhata, Ngāti Parewahawaha, and Ngāti Kahoro had accrued while pursuing their claims for their land.[512] In return for the outstanding £1500, the three groups agreed on 23 January 1872 to give up the 500-acre reserve at Te Rakehou, as well as 'all their claims' to the 1150 acres of 'disputed land at Hoeta's pole.' They also consented to withdraw their claims 'for costs and damages sustained' in 'seeking to establish their claims to any parts of the Rangitīkei-Manawatū', and to forever relinquish 'all other claims and demands on the General Government for or in respect of any land in the said Rangitikei-Manawatu block.'[513]

With the dispute over the land at Hoeta's pole settled, the non-sellers' £1500 debt paid, and the survey of the reserves granted by McLean and Kemp in full swing, the Native Minister wrote to Alexander McDonald on 7 February 1872 to ask if his clients' claims had finally been settled. 'I wish to be informed', the Minister wrote:

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[508] Donald McLean to Morgan Carkeek, 30 November 1871, MA 123/74A, pp 360-361.
[509] Carkeek, 'Memorandum for the Honorable the Native Minister', MA 13/74A, p 269
[510] Morgan Carkeek to the Hon the Native Minister, 11 December 1871, MA 13/74A, p 283
[511] Ibid., pp 283-284
[512] 'Copy of Agreement made with Natives, 23 January, 1872, at Wanganui in Connection with Rangitikei Manawatu land', MA 13/74a, pp 393-398
[513] Ibid., pp 395-398

> whether you consider that all the difficulties and obstructions on the part of the natives whom you represent are now completely removed, and whether you deem the arrangements to be final and binding.[514]

In reply, McDonald assured McLean that his clients 'the nonsellers of the Rangitikei Manawatu Block' were 'perfectly satisfied with the arrangements' the Minister had 'now made for the final satisfaction of their claims.' 'If the arrangements you have now made are carried out at once', McDonald continued, 'I feel justified in saying that neither my clients nor I will make or advocate any further claims within the disputed block.'[515]

The survey of the Rangitīkei-Manawatū reserves continued through the first half of 1872. On 28 March 1872, Alexander Dundas reported that all of the 6200 acres awarded by the Native Land Court to the Ngāti Kauwhata, Ngāti Parewahawaha, and Ngāti Kahoro non-sellers had been surveyed; as had the reserves that Featherston had created for those who had agreed to the Rangitīkei-Manawatū purchase. The surveyors had marked out most of the additional reserves that McLean and Kemp had made, including Ngāti Kauwhata's 1000-acre reserve at Kawakawa, and Ngāti Parewahawaha's reserves at Ohinepuhiawe and Poutū. The smaller reserves for individuals like Nēpia, Āreta, and Erenora Taratoa, Aperahama Te Huruhuru and Wiriharai Te Angiangi had also been surveyed.[516] Amongst the surveys still in progress were those of the Reureu reserve, Rangitāne's reserves at Puketōtara, and the 100 acres that Kemp had granted to the Ngāti Wehiwehi people living at Paparata.[517]

A number of reserves remained completely unsurveyed at the end of March 1872. The most contentious were the eel-fishing reserves that McLean had allowed for the Ngāti Kauwhata non-sellers, and Hoani Meihana of Rangitāne along the Oroua River south of Te Awahuri. The reserves McLean had granted were small: 10 acres for Te Ara Takana at Tūranganui; 50 acres at Te Rotonuiahau for all of the Ngāti Kauwhata non-sellers, and an unspecified area for Hoani Meihana at Waipunoke.[518] In a letter to Fitzherbert on 25 March 1872, McDonald warned that surveying the eel-fishing reserves would be difficult because they were:

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514 Donald McLean to Alexander McDonald, 7 February 1872, MA 13/74A, p 143
515 Alexander McDonald to Donald McLean, 7 February 1872, MA 3/74A, pp 145-147
516 'Rangitikei-Manawatu Block: Reserves which have been surveyed', MA 13/75A, pp 54-55
517 'Rangitikei-Manawatu Block: Reserves which are partly surveyed or of which the survey is in progress', MA 13/75A, p 56
518 'Additional Reserves Manawatū Rangitīkei Block, pp 655 & 657

> intended to include the course of tortuous streams flowing from extensive swamps and lagoons, through a margin of higher but occasionally inundated land, into the Oroua River.[519]

'The higher margin' that ran alongside the streams varied 'from one to thirty chains' (20 to 600 metres), meaning that it would be 'difficult . . . to secure the fisheries without . . . making awkward and unshapely sections leaving valueless corners or strips between.' The survey of such contorted sections, McDonald suggested, could only be avoided by 'altering the specified acreage' of the reserves.[520]

The relatively small size of the eel-fishing reserves appears to have based on the assumption – on the part of Ngāti Kauwhata and Rangitāne at least – that the wetlands that fed their fishing streams would remain intact. Since their agreement with McLean in November 1870, however, the Ngāti Kauwhata and Rangitāne residents of Rangitikei-Manawatu had become concerned that the 'swamps and lagoons' surrounding their reserves would 'be sold and drained', destroying 'the eel fishing for which the original reserves were made.'[521] As a result, they now insisted that their reserves be expanded to include some of the wetlands that kept their fishing places alive. Most important was the area of 'swamps and lagoons known as Te roto nui a hau' which, according to McDonald, was 'the principal source from which' the 'eel fishing streams flowed.'[522] The Ngāti Kauwhata non-sellers wanted their fishing reserve to be increased to include Te Rotonuiahau in its entirety, an area that the surveyors estimated to extend to 1000 acres.[523] Te Ara Takana, too, sought to expand her reserve to include 'some of the swamps and lagoons' to the west of her fishing places.[524]

There was also disagreement over the reserves that Featherston and McLean had made for members of different tribal groups at the dune lakes of Kōpūtara and Kaikōkopu. All or part of Kaikōkopu had been awarded to Ngāti Apa by Featherston, and to Wiriharai Te Angiangi of Ngāti Wehiwehi by McLean. McLean had also awarded 10 acres to Ngāti Parewahawaha and Ngāti Kahoro at Kōpūtara, where 60 acres had also been granted to Matenga Te Matuku of Ngāti Apa.[525] According to Dundas, the problem was aggravated by the fact that – while the lakes were each of 'considerable size' – their outlets were 'the only part' which were 'of any

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[519] A McDonald to the Superintendent, 25 March 1872, MA 13/75A, p 489
[520] Ibid
[521] Alexander Dundas to J G Holdsworth, 28 March 1872, MA 13/75A, p 46
[522] McDonald to the Superintendent, 25 March 1872, MA 13/75A, pp 489-490
[523] 'Rangitikei-Manawatu Block: Unsurveyed Reserves in the Block', p 58
[524] Alexander Dundas to J G Holdsworth, 28 March 1872, MA 13/75A, p 46
[525] 'Rangitikei-Manawatu Block: Unsurveyed Reserves in the Block', MA 13/75A, p 58

use for the purpose of catching eels.' With 'the same spot' having been apparently 'awarded to different tribes', these outlets were now the subject of dispute.[526]

Another area of dispute was the land around Puketōtara, where Te Kooro Te One continued to claim 'land to the west and north' of the 500 acres that he and his family had been awarded by the Native Land Court. William Flyger, the surveyor working on the Puketōtara reserves, estimated the additional area to be about 1200 acres. Te Kooro claimed the land, in part on behalf of Ngāti Wehiwehi relatives who had been excluded from ownership by the Native Land Court, and in part because the land included cultivations that belonged to him. Unwilling to negotiate with the surveyors, the Ngāti Kauwhata rangatira insisted the matter to be settled by McLean.[527]

According to McDonald, the disputes that were holding up the completion of the survey of the Rangitīkei-Manawatū reserves could only be settled by the intervention of the Native Minister. McLean, however, did not return to the Manawatū. Instead, on 30 March, he transferred responsibility for the management of Rangitīkei-Manawatū back to Wellington Province. Agreeing with Superintendent Fitzherbert's estimation that 'the main difficulties connected with the question have been removed', McLean concluded that:

> all arrangements concerning the larger reserves and those whose adjustment was attended with the greatest difficulties, have been completed so to obviate any further complications.[528]

The Native Minister did, however, recognize that there were 'still details to be settled' including 'the definition of burial grounds, eel lagoons, etc.' These 'details', it would appear, were to be dealt with by the Provincial Government not by McLean.[529]

We do not know how Te Kooro Te One and the other Ngāti Kauwhata non-sellers responded to McLean's decision to conclude his engagement with Rangitīkei-Manawatū. It is easy, however, to imagine that they were less than happy, considering that they were still looking to him to settle their claims concerning the expansion of their fishing reserves, and Te Kooro's land near Puketōtara. Given the importance of the eel fishery, and the wetlands that sustained

[526] Alexander Dundas to J G Holdsworth, 28 March 1872, MA 13/75A, p 49
[527] T E Young to the Under Secretary Native Affairs, 16 March 1874, p 898
[528] Donald McLean to His Honour the Superintendent Wellington, 30 March 1872, MA 13/74A, p 389
[529] Ibid

it, to their subsistence, it is certain that Ngāti Kauwhata and the other Raukawa groups would have considered the definition of their 'eel lagoons' to be much more than just a 'detail'.

With most of the Rangitīkei-Manawatū reserves surveyed, and the disputes over their boundaries apparently settled, McLean allowed the provincial government to redeploy all of the surveyors but Carkeek away from the remaining work. This inevitably delayed the rate at which the surveys of the outstanding reserves were completed. On 20 April 1872, Carkeek acknowledged to the Native Minister that 'the surveys of the reserves' were 'not so far advanced' as he 'should have wished.' This was because the surveyors who had been working on the Reureu reserve, and the Rangitāne reserves at Puketōtara had been 'engaged elsewhere on Provincial service.' Carkeek was also concerned that another surveyor had been directed to survey 'the eel fishery and grave reserves on the Oroua River.' With his understanding of Te Reo Māori Carkeek had intended to do this survey himself, as he considered there was 'likely to be some little trouble as to the boundaries.'[530]

Seven weeks later, the remaining surveys were still not all completed. On 11 June 1872 Carkeek reported that he had finally finished the survey of the boundaries of the Reureu reserve. The survey of all the other reserves, he promised, would be completed by the end of the month.[531] This does not appear to have been quite the case. On 31 August 1872 McLean told Fitzherbert that the survey of the reserves had 'only been very recently completed,' and that while Carkeek had informed him that 'plans of the surveys and lists of the reserves' had 'been completed', he had 'not as yet seen any of them'.[532]

A few days later (on 3 September) the Wellington Superintendent forwarded to McLean the lists of the surveyed reserves. The 'detailed schedules' included each of the 'Native Reserves in the Rangitīkei Manawatū Block' along with their 'position', 'owners', and surveyed area.[533] The Superintendent also enclosed a 'tracing' of the survey plan that mapped 'the position of each reserve.' 'All the reserves . . . on the tracing', Fitzherbert informed the Native Minister, had 'been surveyed and pegged off on the ground.'[534]

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[530] Morgan Carkeek to the Native Minister, 20 April 1872, MA 13/74A, pp 228-230
[531] Telegram from Morgan Carkeek to Hon D McLean, 11 June 1872, MA 13/74A, p 32
[532] Donald McLean to the Superintendent, Wellington, 31 August 1872, MA 13/75A, p 25
[533] 'Schedule of Reserves given to Natives in the Rangitikei-Manawatu Block, by the Hon the Native Minister', MA 13/74A, pp 820-824; 'Schedule of Reserves given to Natives in the Rangitikei-Manawatu Block, by Dr Featherston', MA 13/74A, p 825; 'Schedule of Reserves in the Rangitikei-Manawatu Block. Awarded by the Native Lands Court on the 16th of October 1869', MA 13/74A, p 826
[534] William Fitzherbert to the Hon D McLean, 3 September 1872, MA 13/74A, p 818; 'Plan of the Rangitikei Manawatu Block Shewing Native Reserves', Archives New Zealand, Wellington, AAFV 997, 131/WR30A, (R22 824 361)

Some of the surveyed reserves were slightly larger than the areas originally ordered. The Ngāti Kauwhata non-sellers' 1000-acre reserve at Kawakawa turned out to be 1035 acres after survey, while the Native Land Court's grant of 1000 acres to Ngāti Parewahawaha and Ngāti Kahoro was 1026 acres.[535] The 4400 acres allowed by McLean to the Reureu people finished as 4510 acres once the survey had been completed.[536] Other surveyed areas – including those for Ngāti Parewahawaha at Poutū and Ōhinepuhiawe – incorporated within their boundaries more than one of the reserves that had been created by Featherston or McLean.[537]

Perhaps reflecting the oral agreements that Kemp had come to with Ngāti Kauwhata, the final schedule and plan of surveyed reserves showed more small eel-fishing reserves along the Oroua River than had previously been listed. Te Ara's 10-acre reserve at Tauranganui had been increased to 30 acres, including 10 acres for Hoeta Te Kahuhui. Further downstream, Āreta Pekamu had a reserve of 10 acres, while the surveyors marked out 40 acres for Te Kooro Te One and the Ngāti Kauwhata tribe at Ruahine (just above Tapa Te Whata's 200 acres at Mangawhata).[538]

While increasing the number and area of the reserves along the Oroua River, the surveyors did not include the more substantial areas of wetland that Te Kooro, Te Ara, and Hoani Meihana had campaigned to have included within their fishing reserves. The Rotonuiahau wetland remained unsurveyed, despite Te Kooro and McDonald's insistence that McLean had agreed that a survey would be undertaken. Nor was there any increase to Te Kooro's 500 acres at Oroua Bridge to accommodate his Ngāti Wehiwehi relatives and the cultivations that had been left out of the Native Land Court's grant.[539]

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[535] 'Schedule of Reserves given to Natives in the Rangitikei-ManawatuBlock, by the Hon the Native Minister', MA 13/74A, p 820; 'Schedule of Reserves in the Rangitikei-Manawatu Block. Awarded by the Native Lands Court on the 16th of October 1869', MA 13/74A, p 826
[536] 'Schedule of Reserves given to Natives in the Rangitikei-ManawatuBlock, by the Hon the Native Minister', MA 13/74A, p 824
[537] Carkeek, 'Memo for the Hon Nat. Minister relative to Reserves in the Rangitikei-Manawatu Block', MA 13/74A, p 317; 'Plan of the Rangitikei Manawatu Block Shewing Native Reserves'
[538] Schedule of Reserves given to Natives in the Rangitikei-Manawatu Block, by the Hon the Native Minister', MA 13/74A, pp 820 & 824; 'Plan of the Rangitikei Manawatu Block Shewing Native Reserves'
[539] 'Plan of the Rangitikei Manawatu Block Shewing Native Reserves'; A McDonald to the Superintendent, 25 March 1872, MA 13/75A, pp 489-490; T E Young to the Under Secretary Native Affairs, 16 March 1874, pp 897-898

Table 4.12 Surveyed reserves included in the schedule delivered by William Fitzherbert to Donald McLean, 3 September 1872

Reserves made by Isaac Featherston

No	Acres	Location	Owners	Hapū/Iwi
53	300	Awahuri	Tapa Te Whata	Ngāti Kauwhata
54	1000	Pakapakatea	Kawana Hunia Te Hakeke	Ngāti Apa
55	500	Te Kauwau	Ngāti Apa Tribe	Ngāti Apa
56	100	Te Kauwau	Ratana Ngahina (presumptive right to be paid for)	Ngāti Apa
57	11	Awahou	Ngāti Apa	Ngāti Apa
58	3	Awahou	Kāwana Hunia Te Hakeke	Ngāti Apa
59	13	Tāwhirihoe	Ngāti Apa Tribe	Ngāti Apa
60	10	Waipori	Ngāti Apa Tribe	Ngāti Apa
61	50	Tāwhirihoe	Ihakara Tukumaru	Ngāti Ngarongo
62	50	Mataihiwi	Nēpia Taratoa & others	Ngāti Parewahawaha
63	147	Near Maraimaihoea	Horomona Toremi	Ngāti Kahoro
68	50	Near Maramaihoea	Atarea Taratoa	Ngāti Parewahawaha
70	100	Ōhinepuhiawe	Hare Reweti & others	Ngāti Parewahawaha
71	1066	Puketōtara	Rangitāne Tribe	Rangitāne

Native Land Court Awards to non-sellers

No	Acres	Location	Owners
50	4500	Awahuri	Ngāti Kauwhata Tribe
51	500	Oroua Bridge	Kooro Te One
52	200	Oau	Wiriharai Te Angiangi
64	1026	Mangamāhoe	Ngāti Parewahawaha & Ngāti Kahoro non-sellers

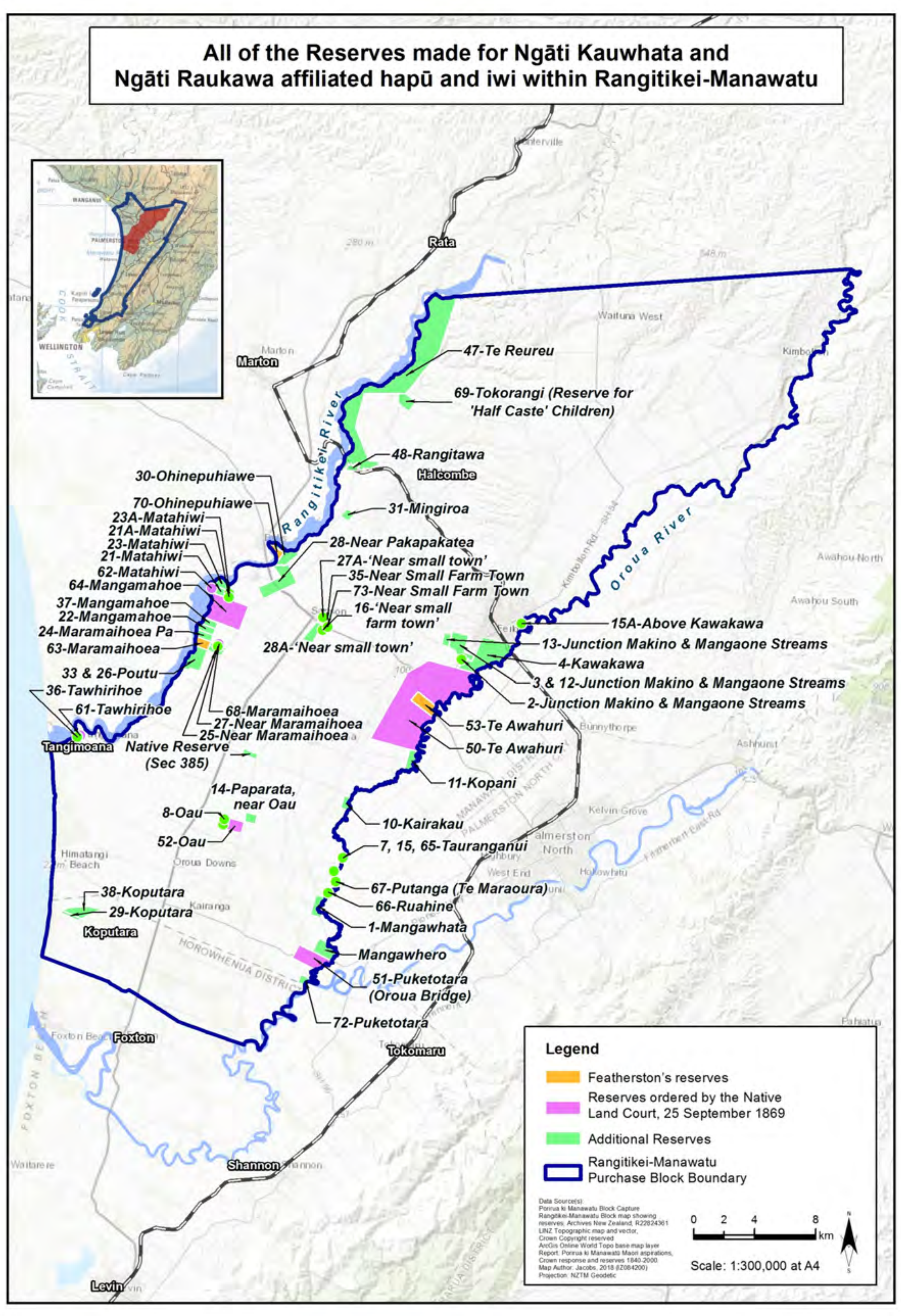
Reserves made by Donald McLean and H T Kemp

No	Acres	Location	Owners	Hapū/Iwi	Status
1	200	Mangawhata, Oroua River	Tapa Te Whata	Ngāti Kauwhata	Seller
2	50	Junction of Mākino & Mangaone Streams	Ngāti Kauwhata Tribe	Ngāti Kauwhata	Sellers/Non Sellers
4	1035	Kawakawa	Ngāti Kauwhata Tribe	Ngāti Kauwhata	Non-Sellers
3 & 12	400	Junction of Mākino & Mangaone	Ngāti Kauwhata Tribe	Ngāti Kauwhata	Sellers
5	514	Reserve at Rakehou	Purchased from Ngāti Kauwhata non-sellers	Ngāti Kauwhata	Non-Sellers
6	40	Rotonui-a-hau on the Oroua River	Ngāti Kauwhata Tribe	Ngāti Kauwhata	Non-Sellers
7, 15, 65	20	Tauranganui on the Oroua river	Te Ara Takana	Ngāti Kauwhata	Non-Sellers
8	50	Oau	Wirihari Te Angi Angi	Ngāti Wehiwehi	Non-Seller
9	40	Oau	Wirihari Te Angi Angi	Ngāti Wehiwehi	Non-Seller
10	100	Kairākau on the Oroua River	Mātene Te Whiwhi	Ngāti Raukawa	Excluded by NLC
11	200	Kopani [Kopanui] on the Oroua River	Ngāti Kauwhata Tribe	Ngāti Kauwhata	Non-Sellers
12		Vide No 3			
13	100	Adjoining 3 & 12 [Junction of Makino & Mangaone]	'Waikato Natives'	Waikato	Excluded by NLC
14	110½	Paparata near Oau	Ngāti Wehi Wehi Tribe	Ngāti Wehiwehi	Excluded by NLC
15A	50	Above Kawakawa on the Oroua River	Taimona Pikauroa	Ngāti Kauwhata	Non-Seller
16	50	Near Small Farm Town	Areta Pekamu	Ngāti Kauwhata	Seller
17	1100	Puketōtara	Rangitāne Tribe	Rangitāne	Sellers
18	500	Adjoining the above	Hare Rakena	Rangitāne	Non-Sellers
19	35½	Waipunoke on the Oroua River	Hoani Meihana	Rangitāne	Seller
20	10	Patanga on the Oroua River	Kerei Te Panau	Rangitāne	Seller
21	100	Mataihiwi [Matahiwi]	Nēpia Taratoa	Ngāti Parewahawaha	Seller
21A	19	Mataihiwi [Matahiwi]	Ahenata Rangimaru	Ngāti Parewahawaha	Seller
22	125	Near Mangamāhoe [Next to Rangitīkei-Manawatū C]	Kereama Taiporutu	Ngāti Parewahawaha/Ngāti Kahoro	Seller
23	100	Mataihiwi	Erenora Taratoa	Ngāti Parewahawaha	Seller
23A	19	Mataihiwi	Winiata Pātaka	Ngāti Parewahawaha	Seller

No	Acres	Location	Owners	Hapū/Iwi	Status
24	124	Maramahoru Pā [Maramaihoea]	Ngāti Kahoro Tribe	Ngāti Kahoro	
25	100	Near Maramahoru [Maramaihoea]	Atereta Taratoa	Ngāti Parewahawaha	Non-Seller
27	50	Near Maramahoru [Maramaihoea]	Keremihana Wairaka	Te Mateawa	Non-Seller
27A	50	Near Small Farm Town	Weretā Kīmate	Ngāti Parewahawaha / Kahoro	Non-seller
28	615	Near Pakapakatea	Ngāti Parewahawaha	Ngāti Parewahawaha	Non-Sellers
28A	192	Near Small Farm town	Ngāti Parewahawaha	Ngāti Parewahwaha	Non-sellers
29	8	Kōpūtara	Not Settled	Ngāti Kahoro	
30	285	Ohinepuhiawe	Hare Reweti & others	Ngāti Parewahawaha	Sellers
31	100	Mingiroa	Aperahama Te Huruhuru	Ngāti Parewahawaha	Seller
32	11	Near Waipunoke at the Oroua River	Hoani Meihana	Rangitāne	Seller
33 & 26	439	Poutū, near Makowai	Hare Reweti & others	Ngāti Parewahawaha / Kahoro	Sellers, non sellers, & excluded by NLC
34	Included in Maramaihoea Reserve	Maramaihoea	Aperahama Te Huruhuru	Ngāti Parewahawaha	Seller
36	3	Tawhirihoe	Ngāti Kahoro Tribe	Ngāti Kahoro	
37	102	Near Mangamahoe	Te Peina Tahipara	Te Mateawa	Excluded by NLC
38		Kōpūtara: 60 acres, not settled	Matenga Te Matuku	Ngāti Apa	Seller
39	100	Awahou	Kawana Hunia Te Hakeke	Ngāti Apa	Seller
40	200	Te Kauwau	Ngāti Apa Tribe	Ngāti Apa	Sellers
41	87	Kaikokopu	Kawana Hunia Te Hakeke	Ngai Apa	Seller
42	50	Near Waitoi	Hakaraia	Ngāti Apa	Seller
43	1000	Taurerua	Hamuera & others	Ngāti Apa	Sellers
44	20	Ōmānuka	Kawana Hunia Te Hakeke	Ngāti Apa	Seller
45	390	Pukipuki	Ngāti Apa tribe	Ngāti Apa	Sellers
46	400	Near Waitoi	Utiku & others	Ngāti Apa	Sellers
47	4510	Te Reureu	The Ngāti Pikiahu & others	Ngāti Pikiahu etc	Excluded by NLC
48	77	Rangitawa	Mata Hori		
49	35½	Awahou	Ponapu	Ngāti Apa	Seller
65		Vide No 7 Ngapiro Oroua River	Te Ara Takana		
66	40	Ruahine (Oroua River)	Ngāti Kauwhata Tribe	Ngāti Kauwhata	Non-Sellers

No	Acres	Location	Owners	Hapū/Iwi	Status
67	10	Te Maraoura, on the Oroua River	Hoeta Kahuhui	Ngāti Kauwhata	Non-seller
69	211	Tokorangi	Surveyed by Mr Carkeek under instructions of the Native Minister	'Half-caste' children of absent European fathers living at Te Reureu	Excluded by NLC
72	100	Puketōtara	Metapere Te Whata	Ngāti Kauwhata	Seller
73 & 35	110	Near Small Farm Town	100 acres for Te Peina Tahipara & others	Te Mateawa	Excluded by NLC

Source**:** 'Schedule of Reserves given to Natives in the Rangitikei-Manawatu Block, by the Hon the Native Minister', MA 13/74A, pp 820-824; 'Schedule of Reserves given to Natives in the Rangitikei-Manawatu Block, by Dr Featherston', MA 13/74A, p 825; 'Schedule of Reserves in the Rangitikei-Manawatu Block. Awarded by the Native Lands Court on the 16th of October 1869', MA 13/74A, p 826


All of the Reserves made for Ngāti Kauwhata and
Ngāti Raukawa affiliated hapū and iwi within Rangitikei-Manawatu
47-Te Reureu
69-Tokorangi (Reserve for 'Half Caste' Children)
48-Rangitawa
30-Ohinepuhiawe
70-Ohinepuhiawe
23A-Matahiwi
21A-Matahiwi
23-Matahiwi
21-Matahiwi
62-Matahiwi
64-Mangamahoe
37-Mangamahoe
22-Mangamahoe
24-Maramaihoea Pa
63-Maramaihoea
33 & 26-Poutu
36-Tawhirihoe
61-Tawhirihoe
31-Mingiroa
28-Near Pakapakatea
27A-'Near small town'
35-Near Small Farm Town
73-Near Small Farm Town
16-'Near small farm town'
28A-'Near small town'
68-Maramaihoea
27-Near Maramaihoea
25-Near Maramaihoea
Native Reserve (Sec 385)
15A-Above Kawakawa
13-Junction Makino & Mangaone Streams
4-Kawakawa
3 & 12-Junction Makino & Mangaone Streams
2-Junction Makino & Mangaone Streams
53-Te Awahuri
50-Te Awahuri
11-Kopani
14-Paparata, near Oau
8-Oau
52-Oau
10-Kairakau
7, 15, 65-Tauranganui
67-Putanga (Te Maraoura)
66-Ruahine
1-Mangawhata
38-Koputara
29-Koputara
Mangawhero
51-Puketotara (Oroua Bridge)
72-Puketotara
Rangitikei River
Oroua River
Rata
Marton
Halcombe
Tangimoana
Koputara
Foxton
Tokomaru
Shannon
Levin
Waituna West
Kimbolton
Awahou North
Awahou South
Bunnythorpe
Ashhurst
Kelvin Grove
Palmerston North
West End
Himatangi Beach
Oroua Downs
Kairanga
Foxton Beach
Waitarere
HOROWHENUA DISTRICT
MANAWATU DISTRICT
PALMERSTON NORTH CITY
WELLINGTON
COOK STRAIT
Legend
Featherston's reserves
Reserves ordered by the Native Land Court, 25 September 1869
Additional Reserves
Rangitikei-Manawatu Purchase Block Boundary
0 2 4 8 km
Scale: 1:300,000 at A4

Legal and legislative delays

With the completion of the surveys it appeared that the people of Rangitīkei-Manawatū would finally receive the Crown grants that would give them formal, legal ownership of their reserves. The long delay had been a source of anxiety, frustration and financial loss for Ngāti Kauwhata, Ngāti Parewahawaha and the other Ngāti Raukawa groups. On 24 August 1872 McDonald warned Wellington's Provincial Secretary Henry Bunny that the Māori of Rangitīkei-Manawatū were 'becoming seriously uneasy and alarmed by the delay in issuing tangible titles to their lands.'[540] In the absence of formal titles, ownership of the 'reserves and awards' made by Featherston, the Native Land Court, and McLean remained legally uncertain, making it impossible for 'the reputed owners' to 'enter into any safe or legal transaction so as to derive benefit from the property.' The uncertainty was aggravated by 'private Europeans' making informal arrangements with individual Māori who had become 'impatient of the delay in issuing proper titles.' Such transactions caused conflict within tribal groups, and raised the possibility of 'trouble and litigation in the future.'[541]

The difficulties Rangitīkei-Manawatū Māori faced in putting their untitled land to profitable use was epitomized by Ngāti Kauwhata's ill-fated attempt to establish a flour and flax mill on the Mangaone Stream near Te Awahuri. Ngāti Kauwhata contracted to rent the mill to the flax millers 'Rees and Richardson of Rangitikei', who promised to grind the tribe's wheat 'at a low fixed rate.' The Rangitīkei flaxmillers would also pay Ngāti Kauwhata 'for the right to cut flax in the neighbourhood of the mill.'[542] To pay for the mill – which was estimated to cost nearly £550 – the tribe proposed to raise money from the land that had been awarded to them. In order to secure a mortgage, however, they first needed legal titles to their reserves. At the end of March 1872, McDonald told the Native Minister that Ngāti Kauwhata's inability to raise a mortgage on their untitled lands was all that prevented the mill project from proceeding.[543]

The continued delay in the issuing of Crown grants for the tribe's land turned what had promised to be a profitable commercial enterprise for Ngāti Kauwhata into a serious financial loss. On 3 August 1872 McDonald warned McLean that Ngāti Kauwhata would 'in all probability be subjected to a very heavy financial loss' unless the Native Minister secured 'the speedy issue of some tangible title to their reserves.'[544] Without such titles the tribe was unable to raise money except 'on terms which would probably result in the ultimate loss of the Land,

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[540] Copy of a letter from A McDonald to Henry Bunny, 24 August 1872, MA 13/74A, p 844
[541] Ibid., pp 845-846
[542] A McDonald, 'Memo for Native Minister', 28 March 1872, MA 13/75A, p 97
[543] Ibid., pp 96-98
[544] A McDonald to D McLean, 3 August 1872, MA 13/74A, p 540

mill and all.'[545] The following month, with the Crown grants still not forthcoming, and Ngāti Kauwhata unable to raise the funds needed to fund the mill's completion, McDonald appealed to the Wellington Superintendent for £150 to allow work to continue.[546] At the end of October McDonald was still trying to raise funds for the mill.[547] On 30 October 1872 he telegrammed Rees and Richardson that the 'Superintendent was doing all that is possible to obtain Crown Grants or money to carry on mill; but difficulties seem interminable.'[548] In the end, neither the Crown Grants nor the necessary money arrived in time to save the Mangaone mill, leaving Ngāti Kauwhata with a loss of £500 and still another grievance against the Crown.[549]

Crown officials initially thought that Crown grants for the Rangitīkei-Manawatū reserves could be issued under existing legislation. Attorney-General Prendergast, however, disagreed. Arguing that that there was 'no authority in law' for the grants, the Attorney General told McLean that they would have to be authorized by an Act of Parliament. The problem was that Native title over Rangitīkei-Manawatū had already been extinguished, and the Colonial Government had no legal means of returning what was now Crown land back to its former Māori owners.[550]

The Government introduced the necessary legislation to the House of Representatives on 16 October 1872.[551] The Rangitīkei and Manawatū Crown Grants Bill authorized the Governor 'to fulfill and carry into effect the agreements' that McLean had reached with Rangitīkei-Manawatū Māori. The Governor was 'authorized and empowered' to issue Crown grants for the land that had been 'agreed to be reserved.' The grants were to be made 'to such persons and on such terms and conditions and subject to such restrictions on alienation' as the Governor 'may from time to time think fit.'[552] The introduction of the Bill was welcomed by McDonald, who assured the Wellington Superintendent that it 'will, no doubt, have the effect of completely satisfying the Natives as to the security of their reserves, and of the perfect good faith of the Government towards them.'[553]

On 22 October the Rangitīkei and Manawatū Crown Grants Bill received its second reading and was debated in the House of Representatives. Leading off the debate, McLean stressed the

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[545] Ibid., p 542
[546] A McDonald to His Honor the Superintendent, 16 September 1872, MA 13/75B p 515
[547] A McDonald to His Honor the Superintendent, 19 October 1872, MA 13/75B pp 525-526
[548] Telegram from A McDonald to Messrs Rees & Richardson, 30 October 1872, MA 13/75B, p 556
[549] A McDonald to the Honble Mr McLean, Minister for Native Affairs, 27 January 1874, MA 13/74A, p 875
[550] J Prendergast to the Hon Minister of Native Affairs, 6 September 1872, MA 13/74A, p 836
[551] *New Zealand Parliamentary Debates*, 1872, p 256
[552] 'Rangitikei-Manawatu Crown Grants Bill', 22 October 1872, MA 13/74A, p 802
[553] A McDonald to His Honor the Superintendent, 19 October 1872, MA 13/75B, p 525

relatively limited size of the area that he had agreed to grant back to Rangitīkei-Manawatū Māori: '14,000 acres, scattered over different parts of the block', from a total of 240,000 acres, over which Wellington now enjoyed 'a clear title.'[554] The Native Minister placed particular emphasis upon the settlement he had reached with the Te Reureu people. While their initial demands 'were very excessive indeed, amounting to 18,000 or 20,000 acres of land', McLean had 'eventually . . . satisfied' them with 4,400 acres and 'certain payments for abandoning their scattered cultivations.' [555]

Fitzherbert, who in addition to being Wellington Superintendent was also the Member for Hutt, argued that Wellington Province should be compensated for the reserves that, he said, were being 'taken' from out of the Wellington provincial estate. He introduced an amendment that would appoint Speaker of the House Francis Dillon Bill as arbitrator, to 'consider and decide' the compensation the Province should receive. Despite the strong opposition of Fox – who, although no longer Premier, was still the member for Rangitīkei – the House passed Fitzherbert's amendment.[556]

The Bill then moved to the Legislative Council. On 24 October, the Council struck out the Superintendent's amendment, and then adjourned until the end of the parliamentary session the following day.[557] This meant that the Rangitīkei and Manawatū Crown Grants Bill would only pass if the House agreed to the Council's removal of the amendment. Fitzherbert, however, refused to back down, and the Bill was defeated by 29 votes to 22.[558]

Clearly angered by the Bill's defeat, Fox condemned the vote as 'the maddest thing he had ever known any Assembly to be guilty of.' The House, he thundered, 'had lost the opportunity of finally closing and settling' a 'long vexed and dangerous question.' Fox accused the House of inflicting 'a grave disappointment of a highly practical character' upon Rangitīkei-Manawatū's Māori residents. He warned that without the long-promised Crown grants, 'the establishment of saw mills, flax mills, and other improvements would be abandoned.'[559] Having suffered such a disappointment, local Māori would be 'in a position' to 'repudiate' the 'bargain' they had made with the Native Minister, throwing 'the title to the whole district' back into question, and making it 'impossible' or 'madness, for any European to settle the district.'[560]

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[554] *New Zealand Parliamentary Debates*, 1872, XIII, p 890
[555] Ibid., pp 889-890
[556] Ibid., pp 891, 894
[557] Ibid., p 928
[558] Ibid., pp 935-936
[559] Ibid., p 937
[560] Ibid., p 940

In reply, Fitzherbert downplayed the impact of Bill's defeat upon Rangitīkei-Manawatū Māori. 'At the worst', he assured the House, it meant 'only the deferring for a few months' of the issuing of their Crown grants.[561] The Superintendent promised that:

> he would do his utmost to facilitate the issue of Crown grants, and, long before the next session of Parliament, the Natives would, he believed, have them.[562]

In fact, the Crown grants to the Rangitīkei-Manawatū reserves were not issued within 'a few months' of the defeat of the Rangitīkei and Manawatū Crown Grants Bill. Nor were they ready when the next session of Parliament sat on 15 July 1873.[563]

On May 1873 McDonald wrote to both McLean and Fox urging them to expedite the issuing of Crown grants for the reserves that had been created by Featherston and the Native Land Court. As these grants 'were not in any way disputed', McDonald had hoped that they that they 'would be issued without delay.'[564] Instead, more than six months after the failure of the Rangitīkei and Manawatū Crown Grants Bill, there was 'yet no sign of the promised titles.' In the meantime, McDonald noted, the Provincial Government had 'sold a large number of sections' in the Rangitīkei-Manawatū Block.[565]

McDonald also asked the colonial Government to end the ongoing uncertainty over who exactly owned the various reserves. In the absence of clear titles with lists of owners or trustees, ownership of all but a few 'unimportant awards' remained 'indefinite.' As a result, the presumed owners were unable to 'authoritatively subdivide' their land 'for cultivation or make any beneficial use of the land.'[566] McDonald called upon the Government to resolve the confusion by taking 'immediate steps to nominate the intended grantees and trustees' for each of the reserves. 'Until this is done', McDonald warned:

> the reserves are a source of continued irritation rather than a benefit to the better disposed and most intelligent Maoris. Much confusion and irritation arises from leases and crop leases given by the less scrupulous among the Maoris, to Europeans who

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[561] Ibid., p 937
[562] Ibid., p 938
[563] *New Zealand Parliamentary Debates*, XIV, 1873
[564] A McDonald to the Native Minister, 6 May 1873, MA 13/74A, p 806; Alexander McDonald to William Fox, 7 May 1873, MA 13/74A, p 919
[565] McDonald to Fox, 7 May 1873, MA 13/74A, p 919
[566] Ibid., p 920

> choose to risk a bad title, and there are constant disturbances about the extent and portion occupied by the stock of the more industrious and prudent Maoris.[567]

A further source of uncertainty, while the Crown grants remained unissued, was the terms upon which the reserves were to be granted. Were they to be held in trust or owned absolutely by individual grantees? Would the reserves be inalienable or eligible for sale or lease? According to McDonald, Ngāti Kauwhata, Ngāti Parewahawaha and the other Raukawa groups wanted the titles to their reserves 'to be issued as soon as possible without restrictions.' This was so they would be able to choose themselves which land they would sell to repay debts and buy stock, and which they would retain for their future use. The non-sellers were particularly keen on being able to alienate some of the land that had been awarded to them by the Native Land Court – in what McDonald described as 'an entirely arbitrary manner' – while keeping the 'cultivations, eel fisheries, and grave yards' they had received from McLean.[568]

With the Crown grants to their reserves still not forthcoming, Ngāti Kauwhata and Ngāti Parewahawaha articulated their anger and frustration at two hui held at Te Awahuri and Matahiwi on 5 and 25 July respectively.[569] At Te Awahuri, Te Ara Takana spoke of the damage she had suffered as a result of the continued uncertainty over the Ngāti Kauwhata reserves. 'I have been shown a map', she said,

> and I have been told "there is 4500 acres awarded to you by the Court and there is 1000 acres awarded to you by Mr McLean." But Maoris and Europeans run all over that 4500 acres and that 1000 acres the same as before. Last year my lambs were killed by persons hunting horses, pigs, and cattle. This year a European has put wethers to fatten on the ground occupied by my sheep and is continually hunting them to catch some to kill. My ewes are heavy in lamb and are being injured. The European says "Takana allowed him to put his wethers there and that Takana's right is as good as mine, and so it is. But if the promises made to me by Mr McLean had been fulfilled Takana would know his own piece, and I mine, and there would be no disputes.[570]

[567] Alexander McDonald to William Fox, 23 May 1873, MA 13/74A, p 812
[568] McDonald to the Native Minister, 6 May 1873, MA 13/74A, p 807
[569] A McDonald to Major Willis RM, 28 July 1873, MA 13/74A, pp 750-764
[570] Ibid., pp 750-751

Likening McLean's intervention in November 1870 to 'that of a man laying bait', Hoeta Te Kahuhui expressed the tribes' disillusionment with the Native Minister's settlement. 'I have waited year after year and I have not got my reserves yet', Hoeta Te Kahuhui told the gathering at Te Awahuri:

> I hear there is a reserve here, and reserve there and I have been shown a map, but I can get no certainty. Meantime the Government are selling land to settlers and I suspect that when the Government share of the Block is sold, my reserves will disappear from the map.[571]

Hoeta noted how 'last year' the Government had told them that 'there would be some delay for the reserves made by Mr McLean, but that the Grants for Dr Featherston's reserves, and for the reserves of the Court would be issued at once.' 'Those words', however, had 'proved as false as those which had been said before.' Hoeta now proposed 'to ask once more for sure titles to the reserves promised to us.' 'If refused', he would 'consider that the part now occupied by Europeans have been stolen from us, and that it will be right to retake possession of those parts.'[572]

Hoeta's denunciation of the Government and determination to take back the Rangitīkei-Manawatū purchase area received unanimous support from the other speakers at Te Awahuri and Matahiwi. Takana Te Kawa, for example, considered himself to have been 'murdered' by the Government's breach of faith.[573] Noting that the promises of Featherston and McLean had 'not been fulfilled', Tapa Te Whata declared that he would 'not be bound by agreements which they entirely disregard', and that he would 'at once . . . occupy all that portion of the Block not yet settled by Europeans.'[574] Speaking at Matahiwi, Te Ara declared that she had 'ceased to beg for these Crown Grants' and would now 'occupy' her land and drive the settlers' stock away.[575] From Ngāti Parewahawaha and Ngāti Kahoro, Atereti Taratoa, Kereama Taiporutu, Kereama Paoe, and Weretā Kīmate all spoke in favour of reoccupying Rangitīkei-Manawatū. Erenora Taratoa warned that she would:

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571 Ibid., pp 751-752
572 Ibid., p 752
573 Ibid.
574 Ibid., p 753
575 Ibid., p 761

> go all over the land until the promises of Dr Featherston and Mr McLean have been fulfilled. My reserves are still held by the Government. I will hold all the land. I will proceed to drive all stock from my land.[576]

Ngāti Kauwhata, Ngāti Parewahawaha, and Ngāti Kahoro's resolution to disrupt the European settlement of Rangitīkei-Manawatū seems to have finally spurred the Colonial Government to action. On 6 August 1873 it introduced a new Rangitīkei and Manawatū Crown Grants Bill to the House of Representatives. At the Bill's second reading, on 13 August, both McLean and Fitzherbert spoke in its support. The Bill passed the House without further debate on 22 August and was endorsed by the Legislative Council on 26 August.[577]

The Rangitīkei-Manawatū Crown Grants Act 1873 was enacted on 22 September 1873, more than a year after the completion of the surveys of the Rangitīkei-Manawatū reserves. The Act legalized McLean's agreements with Rangitīkei-Manawatū Māori and empowered the Crown to grant land to them either in fee-simple or as reserves. While land in fee simple was granted absolutely to the individuals listed on the title, grants of reserves were conditional and subject to 'restrictions on alienation.'[578] In a victory for Fitzherbert and his provincial government, the Act also included the section he had added to the 1872 Bill, appointing Francis Dillon Bell arbitrator to decide 'what compensation (if any) shall be paid to the Province of Wellington' for the land McLean had awarded to Māori.[579]

Issuing the Crown Grants

The Rangitikei-Manawatu Crown Grants Act 1873 empowered Crown officials to finally issue legal titles to the more than 70 reserves that Featherston, the Native Land Court and McLean had created across Rangitīkei-Manawatū. Straight forward when the land in question had been explicitly granted to one or two individuals, the drawing up of such titles was to prove much more difficult when the intended owners of a reserve had either not been clearly defined, or were a hapū or tribal group. Rather than placing the land under some form of communal or corporate title, Native land law required that ownership of tribal or hapū land should be vested in individual owners. While previously limited to just ten owners, the Native Land Act 1873 required that titles to Māori land should include all the owners of the land in question. Coming

[576] Ibid., p 762
[577] *New Zealand Parliamentary Debates*, 1873, pp 256, 494, 597, 622
[578] Rangitikei-Manawatu Crown Grants Act 1873, s 4
[579] Ibid., s 5

up with such lists could prove time consuming and contentious, as those connected to a particular piece of land argued over exactly which names should and should not be included on the list of owners.

In Rangitīkei-Manawatū the process of drawing up Crown Grants for many of the reserves was complicated by uncertainty over for whom, exactly, particular reserves had been made. With regards to the reserves that Featherston had granted to those who had signed the Deed of Purchase, the question was whether the pieces of land had been set aside for particular rangatira, or for all of those who had agreed to sell their land. While the Native Department insisted that the reserves were for the sellers in 'general', McDonald reported that 'in nearly every case' the reserves had been 'seized and dealt with by some particular chief' who claimed Featherston's 'authority for so doing.'[580] The problem with the reserves made by McLean, was that, rather than being granted to 'particular individuals in trust, or otherwise', they had – 'except in a few unimportant cases' – been promised to what McDonald described as 'indefinite, tribes, hapus or families.'[581] Matters were aggravated by the fact that some of the reserves granted – or believed by Māori to have been granted – by McLean and Kemp had been the subject of oral, rather than written agreements.[582]

In order to remove confusion over what exactly had been granted to whom, McDonald urged the Native Minister after the passage of the Rangitikei-Manawatu Crown Grants Act to fulfill his promise to visit the Manawatū, so that the names of those to be included on the Crown grants could be drawn up in consultation with the Māori groups concerned. McDonald also hoped the Native Minister and Ngāti Kauwhata, Ngāti Parewahawaha and Ngāti Kahoro would be able to reach a settlement regarding 'the alleged verbal agreements' which the Māori groups believed McLean had made with them during his visit in November 1870. McLean, however, chose not to visit the Manawatū, preferring instead to return to his home in Napier after Parliament had concluded. In the meantime, Native Department officials in Wellington began work on a schedule of Crown grants, apparently not in consultation with Rangitīkei-Manawatū Māori.[583]

On 24 January 1874 William Jarvis Wills, the Resident Magistrate for Otaki and Rangitīkei, met with Ngāti Kauwhata at Te Awahuri and offered to forward 'to the proper quarter' any 'suggestions as to names of Grantees' that they might wish to have included on the Crown

[580] Copy of a letter from A McDonald to Henry Bunny, 24 August 1872, MA 13/74A, p 844
[581] Ibid., p 845
[582] Ibid
[583] A McDonald to the Superintendent, Wellington, 18 November 1873, MA 13/75B, pp 167-168

grants for their reserves. As a number of the Grants had already been drawn up, the tribe preferred to wait for their delivery before considering any modifications. Noting that there will still issues to be settled between themselves and the Native Minister, Ngāti Kauwhata asked Willis to 'urge' McLean to visit them as promised. Amongst the outstanding issues the tribe wished to discuss with the Minister were 'the fishing lagoon at Rotonuiahau', which they believed McLean had promised to them, Te Kooro Te One's claim to additional land near Puketōtara, and the £500 debt Ngāti Kauwhata had incurred as a result of 'the non-completion' of the mill on the Mangaone Stream.[584]

Dated 21 January 1874, the first 25 of the Rangitīkei-Manawatū Crown Grants were forwarded to the Commissioner of Crown Lands on 11 February 'for registration and delivery.'[585] Sixteen of these grants were made out for individuals belonging to Ngāti Kauwhata, Ngāti Parewahawaha or other Ngāti Raukawa-affiliated groups. Thirteen of the sixteen concerned relatively small areas that had been granted to individuals, including 122 acres for Erenora Taratoa at Matahiwi, 102 acres for Te Peina Tahipara at Mangamāhoe and 50 acres for Āreta Pekamu at what was known as the 'small farm town'. The largest grant was for the 400 acres that McLean and Kemp had allowed the Ngāti Kauwhata 'sellers' at the junction of the Mākino and Mangaone streams. This land was granted to Tapa Te Whata, Kereama Te Paoe and Āreta Pekamu who appear to have acted as trustees. Another grant for 50 acres, given by McLean to Ngāti Kauwhata, was made out to Kooro Te One, Tapa Te Whata and seven other leading Kauwhata rangatira including Te Ara Takana and Āreta Pekamu.[586]

On 20 February 1874 the Governor signed off on a second instalment of Crown Grants for Rangitīkei-Manawatū reserves, including 10 for those from Ngāti Kauwhata, Ngāti Parewahawaha and the other Raukawa-affiliated groups. Included in this round was the 100 acres for Mātene Te Whiwhi at Kairākau; 40 acres for Wiriharai Te Angiangi at Oau; and 100 acres for Aperahama Te Huruhuru at Maramaihoea. Also included were the grants for the eel-fishing reserves along the Oroua River, including the 40 acres for the Ngāti Kauwhata non-sellers at Ruahine (made out to Kooro Te One, Te Ara Takana, Hoeta Te Kahuhui, Takana Te Kawa, Karehana Tauranga, and Hepi Te Wheoro); 30 acres at Tauranganui for Te Ara Takana

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[584] A McDonald to the Honble Mr McLean, Minister for Native Affairs, 27 January 1874, MA 13/74A, pp 873-875

[585] C E Haughton, Under Sec Crown Lands to Under Secretary, Native Department, 11 February 1874, MA 13/74A, p 876

[586] 'Crown Grants: Schedule of twenty five (25) Crown Grants forwarded from the Crown Lands Office, Wellington, to the Commissioner of Crown Lands, Wellington the 11 day of February 1874', MA 13/74A, pp 878-879; 'Abstracts of Titles: Wairarapa and Manawatū', Archives New Zealand, Wellington, MA 12 13 (R 12 777 980)

and Hoeta Kahuhui; and two reserves at Waipunoke for Hoani Meihana of Rangitāne. The largest Crown grant issued on 20 February was for the 1000 acres at Kawakawa that McLean had promised to the non-sellers of Ngāti Kauwhata. The grant was made out to Kooro Te One, Takana Te Kawa, Te Ara Takana, Hepi Te Wheoro and Hoeta Te Kahuhui, who appear to have acted as trustees for the larger group. This appears to have been contrary to the requirements of the Native Land Act 1873, according to which the names of all owners were to be listed on the title.[587]

On 3 March 1874 Government officials finally completed the Crown grants for three of the four awards made by the Native Land Court on 25 September 1869. The grants were for Te Kooro Te One and his family's award at Oroua Bridge (Rangitīkei-Manawatū B); the Ngāti Parewahawaha and Ngāti Kahoro non-sellers award at Mangamāhoe (Rangitīkei-Manawatū C); and Wiriharai Te Angiangi's award at Oau (Rangitīkei-Manawatū D).[588] The Crown grant for the Native Land Court's award to the Ngāti Kauwhata non-sellers (Rangitīkei-Manawatū A) was not signed until 20 October 1874. Rather than including all 41 of the owners who had been listed on the original Court order, the Crown Grant for the 4500 acres at Te Awahuri included the same six Ngāti Kauwhata chiefs who had been named on the Kawakawa Crown grant. As in that case, the six named owners appear to have been acting as trustees for the Ngāti Kauwhata non-sellers as a whole.[589]

Further Crown grants for Rangitīkei-Manawatū reserves were issued in July and October 1874. The grant for Tapa Te Whata's 200 acres at Mangawhata was dated 15 July 1874, while the grant for the 300 acres awarded to him by Featherston was dated 20 October 1874. While Featherston's reserve seems to have been intended for all of those from Ngāti Kauwhata who had signed the Rangitīkei-Manawatū Deed of Purchase, only Tapa Te Whata's name appeared on the grant.[590]

By the end of 1874, 32 of the surveyed 47 reserves for Ngāti Kauwhata, Ngāti Parewahawaha, Ngāti Kahoro, and the other Raukawa-affiliated groups had received Crown grants. On 4 February 1875, Aterea Te Toko received the grant to her 50 acres near Maramaihoea, bringing the total to 33. No further Crown Grants for Raukawa-affiliated groups within Rangitīkei-Manawatū were issued until 1877, when six grants were made, including

[587] 'Abstracts of Titles: Wairarapa and Manawatū'
[588] 'Grant to Kooro Te One & others', 3 March 1874, MA 13/74A, pp 1017-1019; Crown Grant for Rangitikei-Manawatu C, 3 March 1874, MA 13/74A, pp 1011-1012; 'Grant to Wiriharai Te Angiangi', 3 March 1874, MA 13/74A, pp 1014-1016, 'Abstracts of Titles: Wairarapa and Manawatu'
[589] 'Abstracts of Titles: Wairarapa and Manawatu'
[590] Ibid

two for reserves made for the whānau of Hone Te Tihi (Te Mateawa) that had not been included on the schedule of surveyed reserves forwarded by Fitzherbert to McLean on 3 September 1872. On 20 July 1877, for example, a Crown grant was issued to Ihakara and Kereopa Tukumaru for 50 acres at Tawhirihoe, while on 5 December 1877 the grant for the reserve promised by Kemp to the Ngāti Wehiwehi people living at Paparata was finally signed.[591]

The long delay in completing the Crown grants for these reserves appears to have been caused by difficulties Crown officials experienced in deciding who, exactly, the owners of the reserves were. Unable to issue titles to tribe or hapū groups, the authorities charged with drawing up the Crown grants instead had to identify the appropriate individual owners. This could be a drawn-out process. Listed as being for 'the sellers of Ngāti Kauwhata', the 100 acres granted by Kemp at Pīkōtuku near Puketōtara was eventually granted on 21 June 1877 to Metapere Tapa and Ema Hēni Te Aweawe (the daughter of Hoani Meihana Te Rangiotū and Enereta Te One, the sister of Kooro Te One). The Crown grant for the 50 acres at Tāwhirihoe may have been delayed by confusion as to whether Featherston had intended the reserve to be for Ihakara Tukumaru alone or for Ngāti Ngārongo as a whole. The Crown grant for the reserve at Paparata also appears to have been delayed by difficulties in deciding which names were to appear on the title.[592]

Delays in issuing the Crown grants for certain reserves were also caused by contention within tribal or hapū groups over who should or should not be included as owners of a particular piece of land. The potential for such disagreements was accentuated by the 1873 Native Land Act's stipulation that the name of every single owner be included on the memorial of title for a piece of Māori land.[593] Ngāti Parewahawaha and Ngāti Kahoro appear to have been particularly afflicted by differences over who should be named as owners of their reserves.

The reserves at Ōhinepuhiawe and Poutū were especially contested. Ngāti Parewahawaha's reserve at Ōhinepuhiawe had been granted in two parts. The first section of the reserve had been awarded by Featherston; while the second, larger part had been made by McLean and Kemp. On 16 May 1874 Hare Reweti Rongorongo wrote to Native Secretary H T Clarke to object to the inclusion of 'Wi Tana [Witana] his wife and children' on the Crown Grants for Ōhinepuhiawe.[594] Hare Reweti repeated his objections in a further letter on 2 July, arguing

[591] Ibid
[592] Ibid
[593] Richard Boast, *Buying the Land, Selling the Land: Governments and Maori Land in the North Island 1865-1921*, (Wellington, Victoria University Press), 2008, p 141
[594] Hare Reweti Rongorongo to Te Karaka (Henry Tacy Clarke), 16 May 1874, MA 13/74A, pp 614-615 (Reo Māori original) 612-613 (English translation).

that Wi Tana Pairua (Witana Parera) should be excluded from the Crown Grants because 'he would dispose of it to Europeans' (he mahi hoko tana ki nga pakeha'). The Ngāti Parewahawaha chief also accused Wītana of having committed a 'treacherous assault' ('tana patunga kohurutanga i a au') on him.[595] Although Hare Reweti's dispute with Wītana appears to have been patched up, Crown officials were still unable to decide which names should be included on the Crown grants for Ohinepuhiawe.[596] On 13 April 1882 Hare Reweti telegrammed the Commissioner of Crown Lands to find out whether the Ohinepuhiawe Crown grants were finally ready for issue.[597] In response, the civil servant charged with looking into the case admitted that, while he was able to identify the land in question, he could not 'from the papers make out' which 'Natives should be included in the Crown grant.'[598]

Ownership of Ngāti Parewahawaha and Ngāti Kahoro's reserve at Poutū was similarly unclear to Crown officials. Hare Reweti claimed that McLean had allotted the entire 439 acres to him.[599] Other members of the hapū, however, insisted that Kemp had extended the reserve beyond its original 10 acres to accommodate those who had not been included in the Native Land Court's award to the Ngāti Parewahawaha and Kahoro non-sellers.[600] Alexander McDonald later testified that Kemp had enlarged the reserve to provide land for Mere Timiuha and her family of about eight. He also said that 50 acres had been set apart 'as a common ground' upon which both the sellers and non-sellers of the hapū 'could meet.'[601] As with Ōhinepuhiawe, Crown officials' attempts to make sense of the competing claims to Poutū reserve do not appear to have been helped by reference to the written record, with Kemp apparently having not left any account of his deliberations.

In order to finally resolve the questions over the ownership of Ōhinepuhiawe, Poutū, and other reserves for which Crown officials had been unable to issue Crown Grants, the colonial government on 22 May 1882 appointed a Royal Commission under Alexander Mackay. Mackay was commissioned to investigate the claims of all those who asserted ownership 'in any of the reserves set apart for Native purposes in the Provincial District of Wellington.' In addition to Poutū and Ōhinepuhiawe, Mckay's investigation included reserves that had been made for Ngāti Parewahawaha, Ngāti Kahoro and other Raukawa-affiliated groups at

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595 Hare Reweti Rongorongo to Te Karaka (Henry Tacy Clarke), 2 July 1874, MA 13 74A, pp 609-610 (reo Māori original) 616 (English translation)
596 Hare Reweti Rongorongo to Te Makarini (Donald McLean), 23 January 1875, MA 13/74A, p 606
597 Telegram from Hare Reweti Rongorongo to J S Holdsworth, 3 April 1882, MA 13/74A, pp 601-602
598 W Morpeth to the Under Secretary for Crown lands, MA 13/74A, p 598
599 'Evidence taken in re claims to Poutu Reserve', Archives New Zealand, Wellington, WGTN G UC 43 c (C 500 252), p 1
600 Ibid., pp 6-7
601 Ibid., pp 3-4

Kaikōkopu, Kōpūtara, Mangawhero, Maramaihoea, and Matahiwi. It also included the Te Reureu reserve, whose owners had also still to be defined by Crown officials.[602]

According to a notice in the *New Zealand Gazette* and Māori language *Kahiti,* Mackay intended to begin his inquiry into claims to reserves in the Rangitīkei-Manawatū block (which included a number of Ngāti Apa reserves) at Bulls on 15 November 1882. The notice asked those 'claiming ownership or beneficial interest' in any of the contested reserves to appear at that 'date and place' to present their cases.[603]

In his investigation of the Poutū reserve – the only one to which we have a record – Mackay heard evidence from Hare Reweti, Hoani Meihana, Riria Aperahama Tautuku, Kātene Tinui, Weretā Kīmate and Rōpata Ranapiri. He also consulted the Native Department's correspondence files concerning Poutū.[604] Having heard the witnesses, and called back Hare Reweti for further questioning, Mackay rejected Reweti's claim to ownership of the whole reserve, instead dividing it into five sections. Mackay awarded 200 acres to Mere Timiuha and her children; 100 acres to Winiata Taiaho and four others, and 40 acres to Timihua Taiporutu. The Commissioner also awarded 89 acres to a list of 70 owners headed by Hare Reweti that also included Weretā Kīmate, Winiata Pātaka, Erenora Taratoa and Riria Aperahama. The original 10-acre urupā was placed in the hands of eight trustees including Hare Reweti and Erenora Taratoa.[605]

On 2 February 1884 Mackay reported that he had 'satisfactorily disposed' of 'all the cases' before him apart from the Reureu reserve, which he was in the process of investigating.[606] According to Mackay, the ownership of the Reureu reserve was the subject of 'a good deal of contention'. Members of the four hapū residing on the block disagreed over whom the Crown grant should be made out to and whether separate Crown grants should be made for each group. While these 'local and internal difficulties' had 'been partially adjusted', a more fundamental challenge had come from 'outsiders' who claimed that the Reureu reserve had been intended by McLean for all of those whose claims to Rangitīkei-Manawatū had been rejected by the Native Land Court and had not been provided for in other reserves. After hearing 'a good deal of evidence', Mackay ruled in favour of those living on the land, dividing the acreage of the reserve 'proportionately amongst the four hapu'.[607]

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[602] Alexander Mackay, Commissioner, *New Zealand Gazette*, 92, 8 September 1882, p 1283
[603] Ibid
[604] 'Evidence taken in re claims to Poutu Reserve', pp 1-10
[605] Ibid., pp 10-11
[606] [Alexander Mackay], 'Re Native Reserves Inquiry in the Rangitikei-Manawatu Block', 2 February 1884, MA 13/74B, p 196
[607] Ibid.; A Mackay to the Under Secretary, Native Department, 8 August 1885, MA 13/74B, p 223

As Native land legislation required, Mackay did not award ownership of the reserves he investigated to tribal or hapū groups, but rather listed every eligible individual owner. These lists could be long. As we have seen, Mackay listed 70 individuals as owners of an 89-acre section of the Poutū reserve. The Commissioner also named 36 individual owners of the 50-acre reserve at Matahiwi, and 50 owners of the 285-acres that Kemp and McLean had granted to Ngāti Parewahawaha at Ōhinepuhiawe.[608] For the Te Reureu reserve Mackay listed no less than 287 individual owners: 79 from Ngāti Pikiahu, 90 from Ngāti Waewae, 61 from Ngāti Maniapoto, and 57 from Ngāti Rangatahi.[609]

Once Mackay had completed his inquiry and identified the owners of the reserves he had been commissioned to investigate Crown officials were finally in a position to issue grants for the outstanding Rangitīkei-Manawatū reserves. According to 'Mackay's Book', which listed all of the reserves he had investigated, initial Crown grants were issued on 1 March 1884.[610] That, however, was not the end of the story. Both Hare Reweti and Rōpata Ranapiri contested the Commissioner's findings for the Poutū reserve. Hare Reweti petitioned Parliament for redress, while Ranapiri and Merania Honoiti asked the Native Minister to allow a rehearing of the case. [611] Further delays followed during which the Native Affairs Committee heard testimony on Hare Reweti's petition (in June 1886).[612] Definitive Crown grants for the Ngāti Parewahawaha and Ngāti Kahoro reserves at Matahiwi, Maramaihoea, Ōhinepuhiawe, and Poutū were not finally issued until July and September 1887.[613]

The Rangitikei-Manawatu Crown Grants Act empowered the Governor to issue Crown grants for land that had been set aside for Māori either in 'fee simple', with no limits on future sale, or as 'reserves' with 'such restrictions on alienation' as the Government 'may from time to time think fit.'[614] Most of the Crown grants made out between January 1874 and February 1875 for members of Ngāti Kauwhata, Ngāti Parewahawaha, Ngāti Kahoro and other Raukawa-affiliated groups (28 out of 33) were issued with no restrictions on the future

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[608] 'Mackay's Book', Archives New Zealand, Wellington, ABWN W5280 8093 Box 197 (R 18 611 782), pp 1-7
[609] 'Reureu', MA 13/71, pp 452-460
[610] 'Mackay's Book', pp 1-7
[611] 'Reports of the Native Affairs Committee', *AJHR*, 1884, II, I-2, p 23; Ropata Ranapiri and Merania Honoiti to Te Paraihe he Minita te Taha Māori, 19 Pepuere 1884, MA 13/74B pp 289-290 (reo Māori original), 291-292 (English translation)
[612] 'House of Representatives. Native Affairs Committee 1886, Petition of Hare Reweti', Archives New Zealand, Wellington, WGTN G UC 43 c (C 500 252),
[613] 'Abstracts of Titles: Wairarapa and Manawatu'
[614] Rangitikei-Manawatu Crown Grants Act 1873, s 3 & 4

alienation of the land. All but one of the 16 reserves with one owner were granted in fee simple, meaning that the owner was free to sell the land if he or she so chose to.[615]

Also unprotected from future sale or lease were the Native Land Court's four awards to the non-sellers of Ngāti Kauwhata, Ngāti Parewahawaha, and Ngāti Kahoro. This overturned the initial order of the Court, which had declared the four blocks to 'be inalienable by sale for the period of twenty one years.'[616] The removal of the restrictions imposed by the Court appears to have been at the request of the non-sellers themselves. In May 1873 McDonald told McLean that 'the owners unanimously' opposed any restrictions on the awards made by the Native Land Court. This was because – faced by the necessity of selling some of their land to repay loans and purchase stock – they preferred to alienate 'part of the awards of the Court which were made in an entirely arbitrary manner', rather than sell any of the areas that McLean had granted, 'all of which had reference to existing, cultivations, eel fisheries, grave yards, or other special attachment of the residents.'[617]

The Ngāti Kauwhata non-sellers' intention to hold on to the reserves they had received from McLean, while having the option to sell or lease some of the 4500 acres awarded by the Court, was reflected in the restrictions placed on their land at Kawakawa. The Crown grant for the 1035-acre reserve declared it to be 'inalienable by Sale without the consent of the Governor being previously obtained.'[618] The Ngāti Parewahawaha and Ngāti Kahoro non-sellers followed a similar strategy. While the Crown grant for the 1000 acres awarded to them by the Court was issued without restrictions, the 614 and 192-acre grants to Weretā Kīmate, Miratana Te Rangi, and Atereti Taratoa were both made 'inalienable by sale, lease or by mortgage without the consent of the Governor.'[619]

In contrast to those issued in 1874 and 1875, all but two of the 12 Crown grants made to members of Ngāti Raukawa affiliated groups from 1877 onwards included restrictions on alienation. The exceptions were the 100 acres granted to Metapere Tapa and Ema Hēni Te Aweawe on 12 June 1877, and the 50 acres awarded to Ihakara and Kereopa Tukumaru on 20 July 1877. The other 10 reserves – including all of those investigated by Mackay – were declared to be inalienable. Most of these were larger sections with multiple owners that McLean and Kemp had set aside for tribal, hapū or family groups. The restrictions set out in the later Crown grants differed in one important regard from those included on grants issued

[615] 'Abstracts of Titles: Wairarapa and Manawatu'
[616] 'Order of Court', 25 September 1869, MA 13/71, p 276
[617] A McDonald to the Native Minister, 6 May 1873, MA 13/74A, pp 806-807
[618] 'Abstracts of Titles: Wairarapa and Manawatu'
[619] Ibid.

in 1874 and 1875. While the earlier grants had declared the reserves concerned to be 'inalienable by sale, lease or by mortgage without the consent of the Governor', the grants issued in 1877 and after allowed for the land to be mortgaged or leased for periods of no more than 21 years.[620]

The Reureu Reserve

By the end of September 1887 – 14 years after the passage of the Rangitīkei-Manawatū Crown Grants Act, and more than two decades since Featherston's purchase – Crown grants had been issued for all but one of the Rangitīkei-Manawatū reserves. The title for the Reureu reserve, however, remained still unresolved. The composition of the Crown grant for the Reureu reserve had been the subject of ongoing dispute, with the residents disagreeing over whose names should be included on the grant, and whether separate grants should be made for each of the four hapū. On 15 August 1873 Resident Magistrate William Willis told McLean that there was 'a difference of opinion as to how the title should be made out.' While some, including Noa Te Rauhihi and Hue Te Huri, wished 'to have title made out in the names of certain chiefs to be considered as trustees for the blocks', others sought to have 'the reserve divided and individualised' amongst all of the owners.[621]

In February 1884 Mackay vested ownership of Reureu in lists of individuals from each of the four resident hapū. The 'acreage' of the reserve was to be 'divided proportionately' between the four groups.[622] The hapū living in the northern part of the reserve (Ngāti Pikiahu and Ngāti Waewae), however, disagreed with those living in the southern portion (Ngāti Maniapoto and Ngāti Rangatahi) over the share of the reserve each should receive. The issue came to a head when Ngāti Maniapoto and Ngāti Rangatahi employed their own surveyor to mark out the boundaries between them and the northern hapū. Ngāti Pikiahu and Ngāti Waewae then hired a surveyor of their own.[623] On 8 August 1885 Mackay reported to the Under Secretary of the Native Department that matters were at an impasse, with both sides refusing to 'change their position.'[624]

On 31 January 1888, with the issue still unresolved and no Crown grant issued, the colonial Government transferred, by Order in Council, jurisdiction over the Reureu reserve to the Native

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[620] Ibid.
[621] William J Willis RM to the Native Minister, 15 August 1873, MA 13/74A, p 738
[622] A Mackay to the Under Secretary, Native Department, 8 August 1885, MA 13/74B, p 223
[623] Thomas William Downes to Mackay, 12 February 1885, MA 13/74B, pp 238-239
[624] A Mackay to the Under Secretary, Native Department, 8 August 1885, MA 13/74B, pp 223-224

Land Court.[625] After another long delay, the Native Land Court finally heard the case in December 1895.[626] Despite efforts to reach a settlement outside of the Court, the northern and southern hapū were unable to come to any agreement over how the reserve should be divided, other than that Ngāti Pikiahu and Ngāti Waewae were to have the 'up-river portion', and Ngāti Rangatahi and Ngāti Maniapoto the 'down river part'.[627]

The dispute between the upper and lower residents of the Reureu reserve appears to have been informed and aggravated by the continued encroachment of the Rangitīkei River upon their reserve. By 1895 the area of the reserve had been reduced from its surveyed area of 4510 acres to just 3970 acres. Some of this land had been taken by -the Crown for a gravel pit (25 acres), 'railway purposes' (approximately 12 acres), and for roads (89 acres). No less than 414 acres, however, had been lost to the River.[628]

From the Reureu reserve's reduced area the Native Land Court on 6 December 1895 awarded 2270 acres to Ngāti Pikiahu and Ngāti Waewae, and 1700 acres to Ngāti Maniapoto and Ngāti Rangatahi. Because Ngāti Maniapoto and Ngāti Rangatahi had received payments from the Railway Department for the land it had taken for the gravel pit and reserve, the Court decided to apportion an extra 25 acres to the northern hapū (reducing the southern group's share from 1725 to 1700 acres).[629] The Court named 183 individuals (87 from Ngāti Pikiahu and 96 from Ngāti Waewae) as owners of the up-river section of the Reureu reserve.[630] The down-river section was awarded by the Court to 93 individuals: 49 from Ngāti Maniapoto and 44 from Ngāti Rangatahi.[631]

Hue Te Huri and others from Ngāti Pikiahu and Ngāti Waewae appealed the Court's decision. Before the Native Appellate Court at Marton, they argued that the division set by the Native Land Court violated a longstanding boundary between the hapū and failed to take into account the fact that Ngāti Maniapoto and Ngāti Rangatahi had never cultivated beyond Te Karaka (about five kilometres upriver from Kakariki).[632] After a three-and-a-half day hearing the Appellate Court, on 7 December 1896, ruled that Ngāti Maniapoto and Ngāti Rangatahi should not be confined to the 'comparatively small section of the whole reserve' that they were occupying and using. Instead the Court found that 'all the members' of the hapū 'actually

[625] Wanganui Appellate Court Minute Book 5, p 316
[626] Wanganui Minute Book 27, pp 259-270, 307, 343-350.
[627] Ibid., pp 259-261
[628] Ibid., p 264
[629] Ibid., pp 263-264
[630] Ibid., pp 344-350
[631] Ibid., pp 267-269
[632] Wanganui Appellate Court Minute Book 5, pp 235-309

occupying when the reserve was made' were entitled to equal shares.[633] In order, however, to take account of Ngāti Pikiahu and Ngāti Waewae's occupation of the greater part of the reserve, north of Te Karaka, the Court decided to divide Ngāti Rangatahi and Ngāti Maniapoto's share in two. The Court directed that the eligible members of the two hapū should receive 1033 acres (including the land taken for the railway and gravel pit) in the bottom part of the reserve, as well as an additional 517 acres (including roads) at the very top. The remaining 2546 acres in the middle were to be granted to individuals from Ngāti Pikiahu and Ngāti Waewae.[634]

Having delivered its judgment on the division of Reureu reserve, the Appellate Court moved to consider the lists of owners from each of the four hapū. The Court's task was complicated by the fact that a number of the reserve's original owners had died in the dozen years since Mackay had drawn up his list of owners. As a result, a number of new names had been added 'as successors' to those who had passed away. The lists, however, did not make clear who was succeeding from whom, leading to 'considerable confusion'.[635] In the end, the four hapū took matters into their own hands and reached an agreement amongst themselves. Under the terms of this agreement each of the four hapū were allowed to name their own lists of owners. Ngāti Maniapoto and Ngāti Rangatahi also allowed Ngāti Pikiahu and Ngāti Waewae to remove any 'standing crops', houses or fences they had in the northern portion of the reserve, and promised to fence off any burial places.[636]

On 9 December 1896 the people of Te Reureu finally received legal titles to the land McLean had granted to them in November 1870. The Native Appellate Court awarded Te Reureu No 1 (2546 acres in the middle of the original reserve) to 229 individual owners from Ngāti Pikiahu and Ngāti Waewae, each of whom had equal shares in the land.[637] Te Reureu No 2 (1033 acres at the bottom of the original reserve), and Te Reureu No 3 (517 acres at the top), were granted to 97 owners from Ngāti Maniapoto and Ngāti Rangatahi.[638] All three portions of the subdivided reserve were declared by the Appellate Court to be absolutely inalienable.[639]

[633] Ibid., p 317
[634] Ibid., pp 317-318, 328-329
[635] Ibid., p 320
[636] Ibid., pp 324-325
[637] 'Te Reureu No 1', Māori Land Court Records: Document Bank Project, CFRT, Vol XXIV, p 170
[638] Wanganui Appellate Court Minute Book 5, p 328
[639] Ibid.; 'Te Reureu No 1', Māori Land Court Records: Document Bank Project, CFRT, Vol XXIV, p 170

Figure 4.5 Survey Plan of Reureu 1, 2, and 3

4.7 The Non-Sellers Continue their Struggle

Even as the colonial Government finally removed the legal barriers to awarding titles to the Rangitīkei-Manawatū reserves, and Crown grants eventually began to be issued, those who had opposed Featherston's purchase from the outset continued their struggle for the restoration of the rest of their lands. On 15 August 1873 Resident Magistrate William Willis reported that 'Noa Te Rauhihi and Hue [Te Huri] from Te Reu Reu' had asked for 'a free passage' to Wellington in order 'to have a personal interview with the Government.' In addition to discussing the Crown grant for their reserve, the two rangatira 'wished to press a petition' they had sent to the Governor calling for a rehearing of the Native Land Court's investigation of the Rangitīkei-Manawatū case. Willis did not grant the chiefs' request, considering 'the matter' not to be of 'sufficient importance' to justify the granting of a free passage.[640]

While the people of Te Reureu petitioned for a reconsideration of the Native Land Court judgment that had denied their claims to ownership of the land they lived upon, those who had seen their claims upheld by the Court continued to insist that they receive all of the land that they believed was due to them. Maintaining the position they had articulated in their meetings with McLean in November 1870, the non-sellers of Ngāti Kauwhata, Ngāti Parewahawaha, and Ngāti Kahoro insisted that they were entitled to a share of Rangitīkei-Manawatū that was 'proportionate' to their numbers within the overall population of owners recognized by the Native Land Court.[641]

They based their claims on calculations set out by Alexander McDonald in a letter to McLean on 24 July 1871. Noting that the Court had recognized 650 individuals as owners of the Rangitīkei-Manawatū Block (outside of Hīmatangi), McDonald had calculated that each recognized owner had the right to 323 acres. As the Court had recognized 63 non-sellers from Ngāti Kauwhata, Ngāti Parewahawaha, and Ngāti Kahoro as having rights to the land, McDonald found that together they were entitled to 20,349 acres. Subtracting the awards the Native Land Court had already made (6200 acres) and the reserves granted by McLean and Kemp (2550 acres), the non-sellers' agent calculated that his clients were still owed an additional 11,599 acres.[642]

Ngāti Kauwhata, Ngāti Parewahawaha, and Ngāti Kahoro reiterated their claims to the outstanding acres at a hui at Te Awahuri on 6 March 1874. Speaking first for the non-sellers, Te Kooro Te One recounted their long struggle, from Featherston's negotiations for the

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[640] Willis to the Native Minister, 15 August 1873, MA 13/74A, pp 737-738
[641] MA 13/72A, pp 159-160, 192, 194
[642] Alexander McDonald to Donald McLean, 24 July 1871, MA 13/74A, p 164

purchase of Rangitīkei-Manawatū, through to the judgment of the Native Land Court and McLean's subsequent intervention. He warned that the Rangitīkei-Manawatū dispute could only be entirely settled if the Colonial government agreed to give the non-sellers 'the balance' of the land they claimed.[643] Te Kooro called for 'all surveys and lands sales' within the Rangitīkei-Manawatū purchase area to 'be stopped' until the outstanding land was returned.[644] Te Kooro was supported by Miratana, Te Ara Takana, and Hoeta Kahuhui, all of whom vowed to oppose any further survey of the surrounding land until their claim was settled.[645]

In addition to the outstanding acres, Te Kooro maintained his claim to Rotonuiahau. He noted that while McLean had promised to have the wetland surveyed, no survey had yet been undertaken. Te Kooro also continued to insist that his non-selling Ngāti Wehiwehi relatives, who had been excluded by the Native Land Court, should receive some land.[646] McLean, however, denied that he had made any promise to either Te Kooro or Hone Meihana regarding Rotonuiahau or any of the other lakes in the vicinity of the Oroua River. He told Native Secretary Clarke to warn Te Kooro that 'after the lenient treatment' he had 'received' he should 'withdraw from further opposition.'[647]

Despite the warnings of the Native Minister, the non-sellers of Ngāti Kauwhata, Ngāti Parewahawaha, and Ngāti Kahoro continued to press their claim for a 'proportionate share' of Rangitīkei-Manawatū. On 8 May 1876 they and McDonald (who had recently been released from prison for having in April 1874 'maliciously wounded' a horse pulling the Whanganui to Napier mail coach as it crossed the Oroua River) met with Resident Magistrate James Booth and a Native Department translator at Te Awahuri.[648] As the Resident Magistrate, and colonial government official responsible for 'Native Affairs' in the district, Booth had been charged with investigating the non-sellers' claims to the extra acres calculated by McDonald. At the meeting McDonald confirmed that by his calculations the Ngāti Kauwhata, Ngāti Parewahawaha and Ngāti Kahoro non-sellers were entitled to 20,349 acres as their 'proportion' of the Rangitīkei-Manawatū block. He did, however, concede that the Government might

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[643] T E Young to the Under Secretary Native Affairs, 16 March 1874, MA 213/74A, pp 897-899.
[644] Ibid., p 901
[645] Ibid., pp 900-901
[646] Ibid., p 898
[647] Telegram from Donald McLean to H T Clarke, 20 November 1874, MA 13/74A, p 927
[648] For more information on McDonald's arrest, conviction and eventual pardon for shooting the lead horse of the coach owned by 'the contractor for the conveyance of Her Majesty's mails between Wanganui and Napier' see: 'The Shooting Case', *Wanganui Chronicle*, 5 May 1874, p 2; 'The Stoppage of the Napier Mail by McDonald', *Wellington Independent*, 6 May 1874, p 2; 'The Trial of McDonald', *Wanganui Chronicle*, 9 July 1874, p 2; 'Wellington', *Wanganui Chronicle*, 20 July 1874, p 2; 'Alexander McDonald', *Wanganui Herald*, 27 October 1875, p 2; 'Wellington', *Wanganui Chronicle*, 30 October 1875, p 2

deduct from this total any land it had given to resident hapū (such as the Te Reureu people) who had been excluded by the Native Land Court's judgment.[649]

Making his own calculations, Booth rejected the non-sellers' claims that there was a large area of land still outstanding to them. Starting with McDonald's figure of more than 20,000 acres, Booth first deducted the 9220 acres that had already been awarded to Ngāti Kauwhata, Ngāti Parewahawaha, and Ngāti Kahoro. He then subtracted 3000 acres for the £1500 the central Government had paid to the non-sellers for land at Te Rakehou and Hoeta's Pole, and the £1500 that had been 'advanced' to them as a mortgage.[650] Booth next took away 2000 acres to take account of McLean's statement that the land he had 'given to the non-sellers was of much better quality than that of the bulk of the estate.'[651] He then subtracted a further 4108 acres for the non-sellers' share of the land that McLean and Kemp had granted to those whose claims had not been recognized by the Native Land Court. This, by what Booth called his 'most favourable computation', left a 'balance of 1533 acres' outstanding to the non-sellers of Ngāti Kauwhata, Parewahawaha, and Kahoro.[652] To be deducted from this, however, was 'a fair proportion . . . of the expenses connected with the survey of the land awarded to the non-sellers.' Booth suggested that charging the non-sellers with 'one-half' of these expenses would be 'fair'.[653] Summarizing Booth's report for the Native Minister, Native Secretary Clarke praised Booth for having gone 'thoroughly into the Ngāti Kauwhata & others' claims to Rangitīkei-Manawatū Block. He concluded that once 'survey expenses' had been 'deducted' the 'claimants' would be left with 'nothing' from the more than 20,000 acres McDonald had calculated they were entitled to.[654]

Having rejected the non-sellers' claims to an outstanding 'balance' of land within Rangitīkei-Manawatū, the colonial government offered to take what remained of the dispute to arbitration. The scope of the arbitration, however, was to be strictly limited to the question of whether the terms of McLean's agreement with Ngāti Kauwhata, Ngāti Parewahawaha and Ngāti Kahoro on 23 January 1872 had been carried out.[655] According to this agreement the non-sellers had agreed to give up their claims within Rangitīkei-Manawatū in return for a £1500 payment for the 500-acre reserve at Te Rakehou and the disputed land at Hoeta's pole.

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[649] H T Clarke, 'Memo re Oroua difficulty, 20 April 1876, MA 13/74A, pp 1022-1023, 1028
[650] James Booth RM to the Under Secretary Native Department, 30 June 1876, MA 13/74A, p 1044
[651] Ibid., p 1046
[652] Ibid., p 1049
[653] Ibid.
[654] H T Clarke to the Native Minister, 3 July 1876, MA 13/74A, p 1034
[655] Draft of a Deed 'Between members of the Ngatikauwhata, Ngatiparewahawaha, and Ngatikahoro tribes . . . And the Honorable Sir Donald McLean . . . for and on behalf of the General Government of New Zealand of the other part, No Date [September 1876], MA 13/74A, pp 942-943

McDonald, however, rejected the Government's proposal, arguing that any arbitration should include consideration of 'the total area' of the 'Awards of Land' that McLean had promised to his clients, as well as the compensation they were owed 'for neglect or unnecessary delay on the part of the Native Minister of the General Government in officially designating' them 'as the lawful owners' of their reserves.[656]

The Colonial government in turn rejected McDonald's proposal, demanding that his clients either 'accept the sum of £1500 in satisfaction of all of their alleged claims' or agree to the government's terms for arbitration.[657] Te Kooro Te One, however, turned down the Government's ultimatum.[658] The pressure on Ngāti Kauwhata and the other non-selling groups was intensified by the Government's granting of a large area of land in the vicinity of Te Awahuri to the Douglas Company. Tensions rose as the Company began cutting tracks and draining land that both Ngāti Kauwhata and Rangitāne still claimed.[659] In response, McDonald warned on 4 December 1876 that he had 'advised Ngāti Kauwhata to close the tracks'.[660] Members of Rangitāne took matters further, threatening to burn down a hut that had been erected on the Douglas block.[661]

Prodded perhaps by a petition from the European 'inhabitants of Foxton, Carnarvon, and Sandon' who complained that the ongoing dispute had 'considerably retarded the prosperity' of the district and urged the Native Minister to 'if possible settle the Native claims', the Colonial government finally came to an agreement with Ngāti Kauwhata and the other non-selling groups.[662] At a hui at Te Awahuri on 1 February 1877, the Government accepted Te Kooro Te One's claim for additional land for himself and his Ngāti Wehiwehi relatives near Puketōtara and agreed to the survey of a 310-acre reserve at Mangawhero. It also agreed to an extra 90-acre reserve for Hone Te Tihi of Te Mateawa, and to create the reserve that had been promised to Ngāti Parewahawaha and Ngāti Kahoro non-sellers at Kōpūtara. In addition, the Government agreed to make a payment of £4500 to McDonald on the first of May.[663] What

[656] Draft by Alexander McDonald of a Deed of Agreement between members of Ngāti Kauwhata, Ngāti Parewahawaha and Ngāti Kahoro and Donald McLean, Native Minister 'for and on behalf of the General Government, [30 September 1876], MA 13/74A, pp 937-940
[657] H T Clarke to the Native Minister, 17 November 1876, MA 13/74B, p 13
[658] Telegram from Te Kooro Te One on behalf of Ngāti Kauwhata, MA 13/74A, pp 955-956 (Reo Māori original), 957 (English translation)
[659] Alexander McDonald to A Mackay, 4 December 1876, MA 13/74A, pp 986-991
[660] Ibid., p 989
[661] Telegram from James Booth to A Mackay, 2 January 1877, MA 13/74B, p 19
[662] Memorial or Petition (in English) from 'the undersigned inhabitants of Foxton, Carnarvon and Sandon in the County of Manawatū' to 'the Honorable the Defence Minister Wellington', MA 13/74B, pp 31-34
[663] Telegram from James Booth to A Mackay, 2 February 1877, MA 13/74B, pp 42-43; A Mackay to James Booth, 30 January 1877, MA 13/74B, p 44

exactly the £4500 was for was not stipulated, but it was probably at least in part to cover further debts that Ngāti Kauwhata and the other non-selling groups had run up while fighting their claim, as well as the losses they had incurred through their ill-fated mill venture. In March 1874 T E Young, a Native Department translator, had reported that the non-sellers were seeking £2500 in costs from the Government as well as £270 for the Mangaone mill.[664]

The Crown grant for Hone Te Tihi's 90-acre reserve was issued to five members of the Te Tihi whānau on 23 October 1877.[665] Ownership of the other two reserves agreed to on 1 February 1877, however, had to be investigated by Alexander Mackay. As a result, the Crown grant for the reserve at Mangawhero was not issued until 27 October 1887 when it was vested in 14 individual owners, each with equal shares.[666] It is not clear when the Crown grant for the Kōpūtara reserve was issued, if indeed it was. In March 1884 Mackay had placed ownership of the reserve in the hands of the 20 Ngāti Parewahawaha and Ngāti Kahoro non-sellers who had been named by the Native Land Court on 25 September 1869.[667]

While the agreement of 1 February 1877 resolved some of the non-sellers' outstanding claims it did nothing to address their primary grievance: that Ngāti Kauwhata, Ngāti Parewahawaha and Ngāti Kahoro had received much less land in reserves than they were entitled to. Nor did the agreement offer anything to Ngāti Kauwhata with regards to the wetlands at Te Rotonuiahau.

Table 4.13 Reserves created as a result of the Agreement of 1 February 1877

For whom	Where	Area in acres
Non-selling Ngāti Wehiwehi relatives of Te Kooro Te One, excluded by the Native Land Court	Mangawhero (Carnarvon Sec 386)	310
Hone Te Tihi and whānau	Carnarvon Sec 385	90
Ngāti Parewahawaha and Ngāti Kahoro non-sellers	Kōpūtara (Carnavon Sec 382)	275

Source: James Booth to A Mackay, 2 February 1877, MA 13/74B, pp 42-43

The potentially disastrous consequences for Māori of the colonial Government's decision to set aside only small eel fishing reserves, while leaving most of the wetlands available for European settlement, was at that time being made apparent to Ngāti Kauwhata's Rangitāne

[664] T E Young to the Under Secretary Native Affairs, 16 March 1874, MA 13/74A, p 902
[665] 'Abstracts of Titles: Wairarapa and Manawatū'
[666] Ibid; 'Mangawhero No 3', Māori Land Court Records: Document Bank Project, CFRT, Vol III, p 164
[667] 'Mackay's Book', pp 1 & 7

neighbours. McLean had allowed Hoani Meihana Te Rangiotū two small eel fishing reserves upstream from Puketōtara on the Oroua River. The Rangitāne rangatira, however, had also claimed the wetlands that fed the reserves. Covering an area of '2500 acres more or less' this network of streams and lagoons was known as Te Awa a Punoke and, as Ema Hēni Te Rangiotū pointed out to Native Secretary Clarke in November 1874, had been used by Rangitāne for generations 'to catch eels.'[668] The Government sold the unreserved part of Te Awa a Punoke to the Douglas Company who planned to drain the wetlands. Fearing that their ancestral eel fishery would be 'destroyed', Ema Hēni, her father Hoani Meihana, and others from Rangitāne in February 1877 appealed to the Government in Wellington to stop the draining of Te Awa a Punoke, and to meet with them to discuss its future.[669] In May 1877 with no intervention forthcoming, and his tribe 'in great trouble', Hoani Meihana again wrote for help asking Walter Buller to intercede with the Government on Rangitāne's behalf.[670]

4.8 Conclusion

In Rangitīkei-Manawatū the Crown was obliged to make reserves both for those who had agreed to the December 1866 purchase and those who had opposed it and had not wished to sell their lands. Both groups were to receive less land than they expected and believed they were entitled to. Those, like Tapa Te Whata of Ngāti Kauwhata, and Aperahama Te Huruhuru and Hare Reweti Rongorongo of Ngāti Parewahawaha, who signed the Rangitīkei-Manawatū deed of purchase did so on the promise that they would receive 'ample reserves'.[671] Tapa Te Whata, for example, told McLean that he had asked Featherston for a total of 7000 acres, including 2000 acres at Puketōtara, and 4000 acres at Te Awahuri. Hare Reweti had also expected a substantial reserve including his hapū's cultivations at Ohinepuhiawe, Matahiwi, and Maramaihoea.[672]

Those who had opposed the Crown's purchase initially sought to have all of their land returned to them. In 12 applications to the Native Land Court, submitted between November

[668] Ema Heni Te Rangiotu and others to Te Karaka (H T Clarke), 5 November 1874, MA 13/74A, pp 932 (Reo Māori original) and 931 (English translation); Ema Heni Te Rangiotu and four others to Nga Minita o te Kawanatanga kei Poneke, 21 Pepuere 1877, MA 13/74B, pp 64-66 (reo Māori original), 61-63 (English translation).
[669] H M Te Rangiotu to Te Karaka, 24 Pepuere, MA 13/74B, pp 59 (reo Māori original), 57-58 (English translation.
[670] Copy of an extract from a letter from Hoani Meihana to Walter Buller, 19 May 1877, MA 13/74B, pp 128-129
[671] 'Opening of the Provincial Council', *Wellington Independent*, 24 May 1866, p 5 c 6.
[672] MA 13/72A, pp 148 & 151

1867 and March 1868, tribal leaders from Ngāti Turanga, Ngāti Te Au, and Ngāti Rākau, Ngāti Kauwhata, Ngāti Wehiwehi, Ngāti Kahoro, Ngāti Maiotaki, Ngāti Pikiahu and Te Mateawa laid claim to the whole of the purchase area. Following the Court's rejection of all the non-sellers' claims outside of Hīmatangi, apart from those of Ngāti Kauwhata, Ngāti Parewahawaha, and Ngāti Kahoro, the successful groups sought to mark out their boundaries in conjunction with Ngāti Apa. When this effort was pre-empted by Featherston and Judge Maning, the non-sellers of Ngāti Kauwhata, Parewahawaha and Kahoro claimed an area that was in proportion to their numbers in relation to the total number of owners of Rangitīkei-Manawatū recognized by the Court. According to the calculations of their agent Alexander McDonald this would have given them slightly more than 20,000 acres out of a total purchase area of 240,000 acres.

Despite seeing their claim to the land they were living on rejected by the Native Land Court, the people of Te Reureu held to their established boundaries. These extended from the Waitapu stream in the north to the Rangataua in the south, and from the Rangitīkei River in the west across Tūtūmiro or Pāhekeheke in the east. When McLean pulled their eastern boundary back to the ridge overlooking the Rangitīkei, the Reureu people marked out a new line that incorporated an estimated 10,000 acres. When McLean's assistant H T Kemp did not agree to this, they agreed to a compromise boundary encompassing 6400 acres.

Both Featherston and McLean did their best to keep the reserves allowed for Māori within Rangitīkei-Manawatū at a minimum. Having promised to provide reserves that were 'suitable and ample', and included all 'existing settlements', Featherston initially allowed just 500 acres in reserves for those affiliated with Ngāti Raukawa who signed the deed of purchase.[673]This included 300 acres for Tapa Te Whata and the other Ngāti Kauwhata sellers, and a total of 200 acres for Ngāti Parewahawaha and Ngāti Kahoro at Maramaihoea, Matahiwi and Ōhinepuhiawe. After survey and the addition of 50 acres at Tāwhirihoe for Ihakara and Kereopa Tukumaru, the total area of Featherston's reserves for those from Ngāti Kauwhata and the other Ngāti Raukawa groups who had agreed to his purchase increased to 647 acres.

The reserves made by Featherston were an enormous disappointment for those who had agreed to sell their land. Tapa Te Whata described himself as being 'very much' distressed, while Aperahama Te Huruhuru contrasted the 100 acres Featherston had provided him with the vast expanse of Rangitīkei he had agreed to sell. Other sellers spoke of the reserves that

[673] Featherston, 'Final report on the Manawatu Rangitikei Purchase', 14 November 1866, MA 13/73A, p 144

had been promised by Featherston or Walter Buller prior to the purchase but had been subsequently forgotten or ignored once the transaction was complete.[674]

It seems clear that Tapa Te Whata, Aperahama Te Huruhuru, Hare Reweti, and many of the others from Ngāti Kauwhata, Ngāti Parewahawaha, and Ngāti Kahoro who agreed to Featherston's purchase of Rangitīkei-Manawatū would not have done so if they had known beforehand the extent of the reserves they would subsequently be offered. However, in a clear break with established Government land-purchasing practice Featherston made a point of not agreeing to any reserves prior to the completion of the purchase in December 1866. Rather than being negotiated and defined while the land was still in Māori hands, the Rangitīkei-Manawatū reserves were to be granted by Featherston after the fact, with 'their extent and precise locality being left entirely' to his 'decision.'[675]

In both their limited size and the fact that they were created after the fact, the reserves granted by Featherston in Rangitīkei-Manawatū compared very poorly with those McLean had made in his purchase of Rangitīkei-Turakina. The reserves made by McLean were not only negotiated and marked out before the final signing of the purchase deed, but were also sufficiently ample to allow for the continued gathering of traditional food sources and the running of sheep and cattle. Narrowly restricted to established cultivations and kāinga, Featherston's reserves, on the other hand, allowed for little more than the barest of subsistence for their Māori inhabitants.

Such was Featherston's determination to restrict the area of his purchase set aside for Māori – and thereby maximize the acreage available for sale by the Province of Wellington to European settlers – that he intervened in the Native Land Court's award of land to the non-sellers of Ngāti Kauwhata, Ngāti Parewahawaha, and Ngāti Kahoro. Bypassing the leading non-sellers of Ngāti Kauwhata, and ignoring the opposition of the non-sellers of Ngāti Parewahawaha and Ngāti Kahoro, Featherston presented to the Court a settlement that would limit the land awarded to the non-sellers to a total of 6200 acres. Sitting at short notice, on 25 September 1869 Judge Maning confirmed the arrangement. Two days later, Featherston applied to the Colonial Government for a formal proclamation declaring Native title – and the non-sellers' remaining claims – to be definitively extinguished. The proclamation was duly issued on 16 October 1869.

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[674] MA 13/72A, pp 148, 151, 153-155

[675] 'Opening of the Provincial Council', *Wellington Independent*, 24 May 1866, p 5 c 6.

Outraged at Featherston's short-circuiting of the Court's process, and the arbitrary awards they were presented with, the non-sellers responded by disrupting the Provincial Government's survey of the Rangitīkei-Manawatū purchase area. They were joined by the people of Te Reureu who, in April and May 1870, broke up the survey of land within their boundaries. Further disruptions were recorded across Rangitīkei-Manawatū, including the destruction of trigonometrical stations necessary for the subdivision of the land for European settlement.

It was in order to bring an end to these disruptions that McLean travelled to the Manawatū and Rangitīkei in November 1870. Intent on bringing about a rapid and 'reasonable' resolution to the long-running dispute that would allow the 'peaceable and undisturbed occupation' of the purchase area by Europeans, McLean recognized that it 'was absolutely necessary that additional reserves should be made'. The Native Minister, however, did his best to ensure that these concessions would be kept 'to the lowest extent' that local Māori would accept.[676] Stating that he was 'not going to interfere with the past or with what has been concluded by the Court', McLean refused to revisit Featherston's purchase, or allow a rehearing of the Native Land Court.[677] Nor was he willing to consider the Ngāti Kauwhata, Ngāti Parewahawaha and Ngāti Kahoro non-sellers' claim for a settlement based on their proportion of the total number of owners of Rangitīkei-Manawatū recognized by the Court.[678]

Instead, the Native Minister offered those who had agreed to Featherston's purchase and those who had opposed it a limited number of additional reserves to supplement the ones that had already been granted by Featherston and the Native Land Court. As a 'final settlement of all' of their claims McLean provided the Ngāti Kauwhata non-sellers with 1500 acres (500 of which was to be sold to cover the debts they had incurred pursuing their case), as well as two small eel fishing reserves. The non-sellers of Ngāti Parewahawaha and Ngāti Kahoro received 1000 acres. McLean also provided an additional 500 acres to the portion of Ngāti Kauwhata that had agreed to the Crown's purchase, and slightly more than 600 acres to those from Ngāti Parewahawaha and Ngāti Kahoro who had signed the Rangitīkei Manawatū deed of purchase.

The largest reserve McLean made was for Ngāti Pikiahu, Ngāti Waewae, Ngāti Maniapoto and Ngāti Rangatahi at Te Reureu. Although larger than the other reserves created by the Native Minister, the Reureu reserve was much less than the four hapū had sought. McLean told Parliament in 1872 that the Te Reureu people had initially claimed '18,000 or 20,000 acres of

[676] McLean to Featherston, 15 February 1871, MA 13/75A, pp 155-157
[677] MA 13/72A, pp 103-104
[678] Ibid., p 203

land'.[679] Restricting the reserve to the narrow strip between the Rangitīkei River and the first ridge inland, McLean initially allowed an area of approximately 3400 acres. When Kemp, after meeting with the Reureu people and walking the boundary, extended the area of the reserve to an estimated 6400 acres, McLean insisted that it be reduced back to 4400 acres. This was despite Kemp's advice that the 'considerable body of Natives' living at Te Reureu needed additional land for their livestock, and warnings from the Reureu people themselves that the western part of the reserve was being eroded away by the Rangitīkei River.[680]

Including several supplementary awards made by Kemp after McLean had left the district, the total surveyed area of the reserves allowed by the Native Minister was 14,316½ acres. Of this 10,448½ acres were granted to iwi, hapū, whānau or individuals with connections to Ngāti Raukawa. Excluding the Hīmatangi block, this amounted to about five percent of the Rangitīkei-Manawatū purchase area.

Having accepted from the Native Minister very much less than they had claimed, Ngāti Kauwhata, Ngāti Parewahawaha and the other Raukawa-affiliated groups expected to quickly receive legal title to their reserves. The necessary Crown grants, however, were to prove a long time coming. Delays, first in the survey of the reserves, and then in passing the legislation that Attorney General Prendergast deemed necessary for the awards to be legal, meant that the first Crown grants were not issued until January 1874. For the predominatly Ngāti Parewahawaha and Ngāti Kahoro owners of the reserves at Maramaihoea, Matahiwi, Ōhinepuhiawe and Poutū, as well as the people of Te Reureu, the wait was to prove much longer. Due in part to the failure of McLean and Kemp to clearly stipulate who the reserves were for, as well as the legal requirement (set by the Native Land Act 1873) that the name of every individual owner be included on the memorial of title, Crown officials were often unable to identify exactly whose names should be included on Crown grants for tribal, hapū, or sometimes even whānau reserves. In May 1882 the Governor was obliged to appoint a Royal Commission under Alexander Mackay to ascertain the ownership of 21 Rangitīkei-Manawatū reserves, including 14 which had been granted to iwi, hapū or whānau connected to Ngāti Raukawa. Crown grants for the reserves at Maramaihoea, Matahiwi, Ōhinepuhiawe and Poutū were eventually issued in September 1887. The Te Reureu people had to wait longer still. They did not receive legal title to their land until 9 December 1896.

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[679] *New Zealand Parliamentary Debates*, 1872, XIII, p 889

[680] Kemp to McLean, 3 March 1871, MA 13/72A, pp 271-272; 'Notes of a meeting held at Marton', MA 13/74A, pp 75-76

Altogether, the Ngāti Raukawa-affiliated iwi and hapū of Rangitīkei-Manawatū (sellers and non-sellers together) received just under 18,000 acres of reserves from the Colonial Government and Native Land Court. This was less than nine percent of the Rangitīkei-Manawatū purchase area (excluding Hīmatangi). The non-sellers of Ngāti Kauwhata, Ngāti Parewahawaha, Ngāti Kahoro, and Te Reureu, in particular, received much less than they had claimed, despite having never consented to the alienation of their land.

Even by the standards the Colonial Government set for itself the reserves made for Ngāti Kauwhata and the other Ngāti Raukawa-affiliated groups within Rangitīkei-Manawatū were inadequate. Section 24 of the Native Land Act 1873 required that 'an aggregate amount of not less than fifty acres per head for every Native man woman and child' should be set aside in each district so that Māori would have a 'sufficiency' to live upon. In the 1874 'Census of the Māori Population', Resident Magistrate W J Willis estimated the Ngāti Raukawa population of the Rangitīkei District to be 536. This included an estimated 220 Ngāti Pikiahu, Ngāti Maniapoto, and Ngāti Rangatahi, living within the Reureu reserve; 101 Ngāti Parewahawaha living at Matahiwi and Ōhinepuhiawe; and 215 Ngāti Kauwhata at Te Awahuri and Oroua (Puketōtara).[681] If the 1873 Act's 50-acre minimum had been applied to these figures, the Ngāti Raukawa-affiliated iwi and hapū of Rangitīkei Manawatū would have been entitled to a total of 26,800 acres of land. Ngāti Kauwhata would have received 10,750 acres, Ngāti Parewahawaha 5050 acres, and the Te Reureu people 11,000 acres. In fact, the sellers and non-sellers of Ngāti Kauwhata were granted a total of less than 7959 acres (8669 acres if one includes Ngāti Wehiwehi); Ngāti Parewawaha and Ngāti Kahoro 3600 acres; and the four hapū of Te Reureu 4510 acres (which by 1895 had been reduced by the Rangitīkei River to 4096 acres).

[681] 'Approximate Census of the Maori Population', *AJHR*, 1874, G-7, p 17

Appendix 3.1 Crown grants for reserves in Rangitikei-Manawatu created for Ngāti Kauwhata, Ngāti Parewahawaha, Ngāti Kahoro, Te Mateawa and members of other Ngāti Raukawa-affiliated groups.

No	Location	Block or Section	Area in acres	Owners	Tribe/Hapu	Date of Grant	Restricted?
2	Junction Mākino & Mangaone Streams	Native Section 148 Township of Sandon	50	Kooro Te One, Takana Te Kawa, Tapa Te Whata, Hoeta Te Kahuhui, Kereama Paoe, Hopi Te Wheoro, Te Ara Takana, Areta Te Pekamu, Karehana Tauranga	Ngāti Kauwhata	21 January 1874	Yes
3, 12	Junction Mākino & Mangaone Streams	Native Section 147 Township of Sandon	400	Tapa Te Whata, Kereama Te Paoe, Areta Pekamu	Ngāti Kauwhata	21 January 1874	No
8	Oau	Native Section 367 Township of Carnarvon	50	Wiriharai Te Angiangi	Ngāti Wehiwehi	21 January 1874	No
11	Kopani on the Oroua River	Native Section 347 Township of Carnarvon	200	Karehana Tauranga	Ngāti Kauwhata	21 January 1874	Yes
13	Junction Mākino & Mangaone Streams	Native Section 146 Township of Sandon	100	Matiu Te Wheoro	Waikato	21 January 1874	No
16	‘Near small farm town’	Native Section 353 Township of Carnarvon	50	Areta Pekamu	Ngāti Kauwhata	21 January 1874	No
21	Matahiwi	Native Section 134 Township of Sandon	100.5	Nepia Taratoa	Ngāti Parewahawaha	21 January 1874	No
21a	Matahiwi	Native Section 135 Township of Sandon	19	Aterete Rangimaru	Ngāti Parewahawaha / Kahoro	21 January 1874	No
22	Mangamāhoe	Native Section 355 Township of Carnarvon	125	Kereama Taiporutu	Ngāti Parewahawaha / Kahoro	21 January 1874	No
23	Matahiwi	Native Section 137 Township of Sandon	122	Erenora Taratoa	Ngāti Parewahawaha	21 January 1874	No
23a	Matahiwi	Native Section 136 Township of Sandon	19	Winiata Taiaho	Ngāti Parewahawaha / Kahoro	21 January 1874	No
25	Near Maramaihoea	Native Section 359 Township of Carnarvon	100	Aterete Taratoa	Ngāti Parewahawaha	21 January 1874	No

No	Location	Block or Section	Area in acres	Owners	Tribe/Hapu	Date of Grant	Restricted?
27	Near Maramaihoea	Native Section 358 Township of Carnarvon	50	Keremihana Wairaka	Te Mateawa	21 January 1874	No
27a	‘Near small town’	Native Section 142 Township of Sandon	50	Wereta Kimate	Ngāti Parewahawaha / Kahoro	21 January 1874	No
28a	‘Near small town’	Native Section 214, 215 Township of Carnarvon	192	Wereta Kimate, Miratana Te Rangi, Aterete Taratoa	Ngāti Parewahawaha / Kahoro	21 January 1874	Yes
37	Mangamāhoe	Native Section 354 Township of Carnarvon	102	Te Peina Tahipara	Te Mateawa	21 January 1874	No
48	Rangitawa	Native Section 151 Township of Sandon	77	Mata Hori		21 January 1874	No
4	Kawakawa	Native Section 149 Township of Sandon	1035	Kooro Te One, Takana Te Kawa, Te Ara Takana, Hepi Te Wheoro, Hoeta Te Kahuhui	Ngāti Kauwhata	20 February 1874	Yes
7, 15, 65	Tauranganui on the Oroua River	Native Section 344 Township of Carnarvon	30	Te Ara Takana, Hoeta Te Kahuhui	Ngāti Kauwhata	20 February 1874	No
10	Kairākau	Native Section 297 Township of Carnarvon	100	Matene Te Whiwhi	Ngāti Raukawa	20 February 1874	No
15a	Kawakawa	Native Section 150 Township of Sandon	50	Taimona Pikauroa	Ngāti Kauwhata	20 February 1874	No
28	Near Pakapakatea	Native Section 139 Township of Sandon	614	Wereta Kīmate, Miratana Te Rangi, Aterete Taratoa	Ngāti Parewahawaha / Kahoro	20 February 1874	Yes
31	Mingiroa	Native Section 144 Township of Sandon	100	Aperahama Te Huruhuru	Parewahawaha	20 February 1874	No
66	Ruahine on Oroua River	Native Section 341 Township of Carnarvon	40	Kooro Te One, Te Ara Takana, Hoeta Te Kahuhui, Takana Te Kawa, Karehana Tauranga, Hepi Te Wheoro	Ngāti Kauwhata	20 February 1874	No
67	Putanga (Te Maraoura, on the Oroua River)	Native Section 342 Township of Carnarvon	10	Areta Pekamu	Ngāti Kauwhata	20 February 1874	No

No	Location	Block or Section	Area in acres	Owners	Tribe/Hapu	Date of Grant	Restricted?
51	Oroua	Rangitikei Manawatu B	519	Kooro Te One, Reupena Te One, Noa Te Tata, Tino Tangata, Erina Te Kooro	Ngāti Kauwhata	3 March 1874	No
64	Mangamāhoe	Rangitikei-Manawatu C	1026	Atereti Taratoa, Wiremu Taratoa, Keremihana Wairaka, Pirihira Wairaka, Wereta Kimate, Apia Te Hiwi, Pita Te Akiha, Mere Te Hiwi, Te Au Te Hiwi, Arapata Te Hiwi, Eruera Te Taiaho, Hore Ngawhare, Hemi Rangiwhakairi, Miratana Te Rangi, Pumipi Te Kaka, Paiura Taiporutu, Taniera Rehua, Hepere Matuiha, Kepa Paiura, and Rutu Te Kaimate	Ngāti Parewahawaha/ Kahoro	3 March 1874	No
52	Oau	Rangitikei Manawatu D	200	Wiriharai Te Angiangi	Ngāti Wehiwhei	3 March 1874	No
1	Mangawhata	Section 340 Township of Carnarvon	200	Tapa Te Whata	Ngāti Kauwhata	15 July 1874	No
36	Tāwhirihoe	Native Section 377 Township of Carnarvon	3	Miratana Te Rangi	Ngāti Parewahawaha/ Kahoro	21 July 1874	No
50	Te Awahuri	Rangitikei Manawatu A: Native Section 153 Township of Sandon. Native Section 346 Township of Carnarvon	4500	Kooro Te One, Takana Te Kawa, Hoeta Kahuhui, Karehana Tauranga, Te Ara Takana, Hepi Te Wheoro	Ngāti Kauwhata	20 October 1874	No
53	Te Awahuri	Native Section 145 Township of Sandon, Native Section 348 Township of Carnarvon	300	Tapa Te Whata	Ngāti Kauwhata	20 October 1874	No
68	Near Maramaihoea	Native Section 357 Township of Carnarvon	50	Aterea Te Toko	Ngāti Kahoro	4 February 1875	No
72	Puketōtara	Native Section 336 Township of Carnarvon	100	Metapere Tapa, Ema Hēni Te Aweawe	Ngāti Kauwhata	21 June 1877	No

No	Location	Block or Section	Area in acres	Owners	Tribe/Hapu	Date of Grant	Restricted?
61	Tāwhirihoe	Native Section 376 Township of Carnarvon	50	Ihakara Tukumaru, Kereopa Tukumaru	Ngāti Ngarongo	20 July 1877	No
73 35	'Near small town'	Native Section 143 Township of Sandon	100	Pine Honga, Paremene Tewe	Te Mateawa	23 October 1877	Yes
		Part 2 of Section 142 Township of Sandon	10	Makarete Te Tihi, Hōhepa Te Tihi, Mohi Te Tihi, Karauria Te Tihi, Wi Tāriana Te Tihi	Te Mateawa	23 October 1877	Yes
		Section 385 Township of Carnarvon	90	Makarete Te Tihi, Hōhepa Te Tihi, Mohi Te Tihi, Karauria Te Tihi, Wi Tariana Te Tihi	Te Mateawa	23 October 1877	Yes
14	Paparata, Near Oau	Native Section 365 Township of Carnarvon	110.5	Pine Whareakaka, Tohutohu, Temuera Te Naku, Timoti Taha	Ngāti Wehiwehi	5 December 1877	Yes
24	Maramaihoea Pa	Rural Section 356 Township of Carnarvon	124	Aterea Te Toko, Wiremu Pukapuka, Hārata Waipae	Ngāti Kahoro	21 October 1879	Yes
62	Matahiwi	Matahiwi Native Reserve, Sec 133	57	Erenora Taratoa and 37 others	Ngāti Parewahawaha/ Kahoro	22 July 1887	Yes
70	Ōhinepuhiawe	Ohinepuhiawe Native Reserve Sec 140	100	Hare Reweti and 15 others (half share); Weretā Huruhuru and 12 others (half share)	Ngāti Parewahawaha/ Kahoro	22 July 1887	Yes
63	Maramaihoea	Part of Maramaihoea Native Reserve, Sec 360	147	Horomona Toremi (129/147 shares); Pekamu Aterea and 21 others (18/147 shares)	Ngāti Parewahawaha/ Kahoro	23 September 1887	Yes
30	Ohinepuhiawe	Part of Ohinepuhiawe Native Reserve, Sec 141	285	Rewi Reweti and others	Ngāti Parewahawaha/ Kahoro	23 September 1887	Yes
33	Poutū	Poutu Native Reserve, Sec 361 Carnarvon Township	410	Hare Reweti Rongorongo and others	Ngāti Parewahawaha/ Kahoro	23 September 1887	Yes
69	Tokorangi Native Reserve	Tokorangi	211	Mere Tuatini (Swainson), Areta Tuatine (Swainson), Peeke Tuatini (Swainson), Rira Tuatini (Swainson), Pipi Hōri, Mata Lynch	'Half caste' children living at Te Reureu	23 September 1887	Yes

No	Location	Block or Section	Area in acres	Owners	Tribe/Hapu	Date of Grant	Restricted?
	Mangawhero	Native Section 386 Township of Carnarvon	304½	Te Reihana and 13 others (shares to be divided equally)	Ngāti Wehiwehi	27 October 1887	Yes

Source: 'Abstracts of Titles: Wairarapa and Manawatu', Archives New Zealand, Wellington, MA 12 13 (R 12 777 980); Crown Grant for Rangitkei-Manawatu C, 3 March 1874, MA 13/74A, pp 1011-1012

Appendix 3.2 Reserves for whom a Crown grant could not be found.

No	Location	Block or Section	Area in acres	Owners	Tribe/Hapu	Date of Court Order	Restricted?
47	Te Reureu		4510 reduced to 4096 by encroachment of Rangitikei River	Partitioned into three sections: Te Reureu 1 (2546 acres): 229 owners from Ngāti Pikiahu and Ngāti Waewae Te Reureu 2 & 3 (1033 & 517 acres): 97 owners from Ngāti Maniapoto and Ngāti Rangatahi	Ngatu Pikiahu, Ngāti Waewae	9 December 1896	Yes
	Kōpūtara	Carnarvon Sec 382	276	The 20 Ngāti Parewahawaha and Ngāti Kahoro non-sellers admitted by the Native Land Court 25 September 1869	Ngāti Parewahawa and Ngāti Kahoro		Yes

Source: 'Plan Shewing Native Reserves on the Rangitikei-Manawatu Block', 14 August 1872, Archives New Zealand, Wellington, AFIH W5692 22381 Box 64, RP 488, (R 22 549 189); 'Mackay's Book', Archives New Zealand, Wellington, ABWN W5280 8093 Box 197 (R 18 611 782), p 7; Wanganui Appellate Court Minute Book 5, p 328

Appendix 3.3 Reserves investigated by Alexander MacKay, 1882-1884

No	Location	Block or Section	Area in acres	Owners	Tribe/Hapu	Restriction
68	Maramaihoea	Native Section 357 township of Carnarvon	50	Aterea Te Toko	Ngāti Kahoro	Inalienable by sale or mortgage or by lease beyond a period of 21 years
29	Kōputara	Native Sections 382 & 383 Township of Carnarvon	9	Hare Reweti Rongorongo & 9 others	Ngāti Parewahawaha/ Kahoro	Inalienable by sale or mortgage or by lease beyond a period of 21 years
30	Ōhinepuhiawe	Part of Ōhinepuhiawe Native Reserve, Section 141	285	Rewi Reweti & 49 others	Ngāti Parewahawaha/ Kahoro	Inalienable by sale or mortgage or by lease beyond a period of 21 years
30	Ōhinepuhiawe	Part of Ōhinepuhiawe Native Reserve, Section 140	87	Hare Reweti Rongorongo & 10 others	Ngāti Parewahawaha/ Kahoro	Inalienable by sale or mortgage or by lease beyond a period of 21 years.
33, 26	Poutū	Native Section 361 Township of Carnarvon	439	Subdivided into five sections: 1. Hare Reweti Rongorongo & 69 others: 89 acres. 2. Hare Reweti & 7 other trustees: 10 acres (urupa) 3. Mere Timihua & 9 others: 200 acres 4. Timiuha Taiporutu: 40 acres 5. Winiata Taiaho & 4 others: 100 acres.	Ngāti Parewahawaha/ Kahoro	Inalienable by sale or mortgage or by lease beyond a period of 21 years
62	Matahiwi	Matahiwi Native Reserve Sec 133	50	Erenora Taratoa & 35 others	Ngāti Parewahawaha/ Kahoro	Inalienable by sale or mortgage or by lease beyond a period of 21 years.

No	Location	Block or Section	Area in acres	Owners	Tribe/Hapu	Restriction
63	Maramaihoea	Native Section 360 Township of Carnarvon	147	Horomona Toremi (to the extent of 100 acres); Pekama Atarea & Wiari Te Kuri (trustees for Ngāti Maniapoto); Hunia Te Haua & Arai Te Rei (trustees for Ngāti Kahoro); Hare Reweti, Rahapa Reweti, Erenora Taratoa & Atereti Kuruho (trustees for Ngāti Parewahawaha); Arihia Te Kou, Tarekanui, Maraku (trustees for Ngāti Rangatahi, Ngāti Toa); Raita Te Huruhuru (trustee for Ngāti Rangihita); Harata Pekamu (Ngāti Rongonui); Wereta Kimate, Unaiki Rititana, Erenora Te Hope & Ruma Wereta (Mateawa); Ropata Ranopeiha and Ruta Wereta (Ngāti Rangi); Katene Timu (Panekawa); Mei Te Kaka (Ngāti Hinekaka)	Ngāti Maniapoto, Ngāti Kahoro, Ngāti Parewahawaha, Ngāti Rangatahi, Ngāti Toa, Ngāti Rangihita, Ngāti Rongonui, Te Mateawa, Ngāti Rangi, Panekawa, Ngāti Hinekaka	Inalienable by sale or mortgage or by lease beyond a period of 21 years.
69	Tokorangi		211	Mere Tuatini (Swainson); Areta Tuatini (Swainson); Oeke Tuatini (Swainson); Rira Tuatini (Swainson); Pipi Hori; Mata Lynch.		Inalienable by sale or mortgage or by lease beyond a period of 21 years.
70	Ōhinepuhiawe	Ōhinephuiawe Native Reserve Sect 14	100	Hare Reweti Rongorongo & 16 others (50 acres). Wereta Huruhuru & 12 others (50 acres)	Ngāti Parewahawaha/ Kahoro	Inalienable by sale or mortgage or by lease beyond a period of 21 years.

No	Location	Block or Section	Area in acres	Owners	Tribe/Hapu	Restriction
47	Reureu	Sections 153 & 346	4510	Pākete Te Kaenga & 78 others from Ngāti Pikiahu; Keretu Te Mahua & 89 others from Ngāti Waewae; Wiari Rawiri & 60 others from Ngāti Maniapoto; Tanita Te Katoa & 56 others from Ngāti Rangatahi: Total owners 287	Ngāti Pikiahu, Ngāti Waewae, Ngāti Maniapoto, Ngāti Rangatahi.	Inalienable by sale or mortgage or by lease beyond a period of 21 years.
	Kōpūtara	Native Section 382 Township of Carnarvon	275	Atereti Taratoa, Wiremu Taratoa, Keremihana Wairaka, Pirihira Wairaka, Wereta Kīmate, Āpia Te Hiwi, Pita Te Aikiha, Mere Te Hiwi, Te Au Te Hiwi, Arapata Te Hiwi, Eruera Taiaho, Hōri Ngāwhare, Hēmi Rangiwhakairi, Miratana Te Rangi, Pumipi Te Kaka, Paiura Taiporutu, Taniora Rehua, Heperi Matiaha, Hepa Paiura, Ruta Kīmate	Ngāti Parewahawaha/ Kahoro	Inalienable by sale or mortgage or by lease beyond a period of 21 years.
	Mangawhero	Native Section 386	310	Te Reihana and 20 others (land to be divided equally)	Ngāti Wehiwehi	Inalienable by sale or mortgage or by lease beyond a period of 21 years.

Source: ‘Mackay’s Book’, Archives New Zealand, Wellington, ABWN W5280 8093 Box 197 (R 18 611 782), pp 1-8

Appendix 3.4 Reserves with restrictions on alienation

No	Location	Area in acres	Owners	Tribe/Hapu	Date of Grant	Restrictions
2	Junction Mākino & Mangaone Streams	50	Kooro Te One, Takana Te Kawa, Tapa Te Whata, Hoeta Te Kahuhui, Kereama Paoe, Hopi Te Wheoro, Te Ara Takana, Areta Te Pekamu, Karehana Tauranga	Ngāti Kauwhata	21 January 1874	Inalienable by sale, lease or by mortgage without the consent of the Governor being previously obtained.
11	Kopani on the Oroua River	200	Karehana Tauranga	Ngāti Kauwhata	21 January 1874	Inalienable by sale, lease or by mortgage without the consent of the Governor being previously obtained.
28a	‘Near small town’	192	Wereta Kimate, Miratana Te Rangi, Aterete Taratoa	Ngāti Parewahawaha / Kahoro	21 January 1874	Inalienable by sale, lease or by mortgage without the consent of the Governor being previously obtained.
4	Kawakawa	1035	Kooro Te One, Takana Te Kawa, Te Ara Takana, Hepi Te Wheoro, Hoeta Te Kahuhui	Ngāti Kauwhata	20 February 1874	Inalienable by Sale without the consent of the Governor being previously obtained.
28	Near Pakapakatea	614	Wereta Kimate, Miratana Te Rangi, Aterete Taratoa	Ngāti Parewahawaha / Kahoro	20 February 1874	Inalienable by sale, lease or by mortgage without the consent of the Governor being previously obtained.
73 35	‘Near small town’	100	Pine Honga, Paremene Tewe	Te Mateawa	23 October 1877	Inalienable by sale, lease or by mortgage for a longer period than 21 years without the consent of the Governor being previously obtained.

No	Location	Area in acres	Owners	Tribe/Hapu	Date of Grant	Restrictions
		10	Makarete Te Tihi, Hohepa Te Tihi, Mohi Te Tihi, Karauria Te Tihi, Wi Tariana Te Tihi	Te Mateawa	23 October 1877	Inalienable by sale, lease or by mortgage for a longer period than 21 years without the consent of the Governor being previously obtained.
		90	Makarete Te Tihi, Hohepa Te Tihi, Mohi Te Tihi, Karauria Te Tihi, Wi Tariana Te Tihi	Te Mateawa	23 October 1877	Inalienable by sale, lease or by mortgage for a longer period than 21 years without the consent of the Governor being previously obtained.
14	Paparata, Near Oau	110.5	Pine Whareakaka, Tohutohu, Temuera Te Naku, Tīmoti Taha	Ngāti Wehiwehi	5 December 1877	Inalienable by sale, lease or by mortgage for a longer period than 21 years without the consent of the Governor being previously obtained.
24	Maramaihoea Pa	124	Aterea Te Toko, Wiremu Pukapuka, Harata Waipae	Ngāti Kahoro	21 October 1879	Inalienable by sale, lease or by mortgage without the consent of the Governor being previously obtained.
62	Matahiwi	57	Erenora Taratoa and 37 others	Ngāti Parewahawaha/ Kahoro	22 July 1887	Inalienable by sale or mortgage or by lease for more than 21 years.
70	Ōhinepuhiawe	100	Hare Reweti and 15 others (half share); Weretā Huruhuru and 12 others (half share)	Ngāti Parewahawaha/ Kahoro	22 July 1887	Inalienable by sale or mortgage or by lease for more than 21 years.
63	Maramaihoea	147	Horomona Toremi (129/147 shares); Pekamu Aterea and 21 others (18/147 shares)	Ngāti Parewahawaha/ Kahoro	23 September 1887	Inalienable by sale or mortgage or by lease for more than 21 years.

No	Location	Area in acres	Owners	Tribe/Hapu	Date of Grant	Restrictions
30	Ōhinepuhiawe	285	Rewi Reweti and others	Ngāti Parewahawaha/ Kahoro	23 September 1887	Inalienable by sale or mortgage or by lease for more than 21 years.
33	Poutū	410	Hare Reweti Rongorongo and others	Ngāti Parewahawaha/ Kahoro	23 September 1887	Inalienable by sale or mortgage or by lease for more than 21 years.
69	Tokorangi Native Reserve	211	Mere Tuatini (Swainson), Areta Tuatini (Swainson), Peeke Tuatini (Swainson), Rira Tuatini (Swainson), Pipi Hōri, Mata Lynch		23 September 1887	Inalienable by sale or mortgage or by lease for more than 21 years.
	Kōpūtara	275	Atereti Taratoa and 19 others	Ngāti Parewahawaha/ Kahoro		Inalienable by sale or mortgage or by lease beyond a period of 21 years.
29	Kōpūtara	9	Hare Reweti Rongorongo & 9 others	Ngāti Parewahawaha/ Kahoro		Inalienable by sale or mortgage or by lease beyond a period of 21 years
	Mangawhero	310	Te Reihana and 13 others (shares to be divided equally)	Ngāti Wehiwehi	27 October 1887	Inalienable by sale or mortgage or by lease for more than 21 years except by consent of Governor
47	Te Reureu	4096	Te Reureu 1: 229 owners Te Reureu 2 & 3: 97 owners	Ngāti Pikiahu &Ngāti Waewea (Te Reureu 1) Ngāti Maniapoto and Ngāti Rangatahi (Te Reureu 2 & 3)	9 December 1897	Inalienable

Source: 'Abstracts of Titles: Wairarapa and Manawatu', Archives New Zealand, Wellington, MA 12 13 (R 12 777 980); 'Mackay's Book', Archives New Zealand, Wellington, ABWN W5280 8093 Box 197 (R 18 611 782); MA 13/71, pp 1-8; Wanganui Appellate Court Minute Book 5, p 328

4. The ‘Oroua Reserve’: Ngāti Kauwhata and Aorangi and Taonui Ahuaturanga

5.1 Introduction

Known officially first as the Oroua Block, and then as the Aorangi and Taonui Ahuaturanga Blocks, the ‘Oroua Reserve’ was a more than 20,000-acre strip of land between the southwestern boundary of the Te Ahuaturanga-Upper Manawatū Crown purchase and the Oroua River. The land had been excluded from the Crown purchase at the insistence of Ngāti Kauwhata and Hoani Meihana Te Rangiotu of Rangitāne. Addressing Land Purchase Commissioner Isaac Featherston in December 1865, Hoani Meihana and Te Kooro Te One of Ngāti Kauwhata referred to the land as the ‘Oroua Reserve’ and insisted that it should never be sold, but rather kept in perpetuity for themselves and their descendants.

Although it had been set aside from the Crown’s purchase of Te Ahuaturanga-Upper Manawatū, what Crown officials called the Oroua Block was never officially designated as a reserve. Rather than permanently protecting it from alienation as Hoani Meihana and Te Kooro Te One had wished, Crown officials viewed the Oroua Block as simply another area of Māori land to be purchased at a later date.

The significance of the ‘Oroua Reserve’ to Ngāti Kauwhata was increased by the Crown’s purchase of Rangitīkei Manawatū in December 1866. Opposed by Te Kooro Te One and most of Ngāti Kauwhata, the Rangitīkei-Manawatū purchase conveyed all of the tribe’s land west of the Oroua River into Crown ownership. In 1873 Ngāti Kauwhata agreed to the division of what the Native Land Court called the Aorangi Block into three sections. The largest of these, Upper Aorangi or Aorangi 1 (7526 acres), was awarded by the Court to Ngāti Kauwhata, while the other two were granted to Ngāti Tauira (a hapū of Ngāti Apa) and Rangitāne respectively.

Ngāti Kauwhata had understood that the Aorangi Block was to include all of the land between the Oroua and Taonui Rivers. After an objection from Wellington Province, however, the Native Land Court restricted the Block’s boundaries to those set out in the Te Ahuaturanga-Upper Manawatū Deed of Purchase. Following an Act of Parliament in 1880, the outstanding strip of land – known as the Taonui Ahuaturanga Block – was divided by the Native Land

Court between Ngāti Kauwhata, Ngāti Tauira and Rangitāne in 1881. The Court made the division even though the new block adjoined exclusively onto Ngāti Kauwhata's section of the Aorangi Block.

In the period between the Court's creation of Upper Aorangi and his death in May 1877, circumstances obliged Te Kooro Te One to modify somewhat his resolution to hold on to all of Ngāti Kauwhata's share of the 'Oroua Reserve.' In particular, he and the other Ngāti Kauwhata chiefs agreed to sell 400 acres to cover debts they had incurred in the course of their long struggle to secure the return of their lands within Rangitīkei-Manawatū, and a further 400 acres to pay for the survey of their subdivision of Upper Aorangi.

Despite these land sales, which were forced upon the tribe by necessity, Ngāti Kauwhata in May 1877 still had possession of almost 90 percent of Upper Aorangi. In the years that followed Te Kooro Te One's death, however, Ngāti Kauwhata's position within Upper Aorangi deteriorated dramatically. Between December 1879 and May 1892 more than 3500 acres, or 47 percent of the land's original area was sold to private buyers. Most of this land was sold after the Native Land Court oversaw the partition of the greater part of Upper Aorangi into 45 sections in November 1881. While a few of these pieces of land were shared by most of the tribe, most were made out to only one or two individuals.

Te Kooro Te One's unexpected death, the obligation to pay off further debts incurred over Rangitīkei Manawatū, and the sometimes substantial sums offered by private European purchasers were all elements in the rapid sell-off of Ngāti Kauwhata's share of Upper Aorangi in the latter decades of the nineteenth century. The key factor, however, was the imposition by the Colonial Government of a form of Native title that vested ownership of tribal or hapū land, not in the community itself, but rather in lists of individual owners, each with a discrete but geographically undefined share. Most often identified with the Native Land Act 1873, the introduction of this individualized title undermined the ability of tribal groups like Ngāti Kauwhata to control their most crucial community resource, while encouraging individuals to partition out and often sell their particular shares.

The necessity for individual owners to partition out their own shares of a piece of land, so they might know exactly what belonged to them, set in motion a process of division and re-division of Ngāti Kauwhata's holdings within Aorangi and Taonui Ahuaturanga. Beginning with the subdivision of 1881, and continuing through the rest of the nineteenth and much of the twentieth century, this relentless process led to the fragmentation of the remaining Ngāti Kauwhata-owned portions into smaller and smaller sections. As sections became smaller they became less and less adequate to support their owners, much less the wider community. In

such circumstances individual owners, often took the only economically rational decision available to them and sold their small sections to European farmers who were looking to add to their holdings, and were willing to pay significant sums for adjoining pieces of Māori land.

Today only slightly more than 500 of the original 7526 acres of Upper Aorangi remain as Māori land. Within Ngāti Kauwhata's portion of Taonui Ahuaturanga just 55 acres out of 993 are still in Māori freehold tenure. With a few notable exceptions most of the surviving sections are small. Sixteen of the remaining 30 sections in Upper Aorangi and five of the six in Taonui Ahuaturanga are of four acres or less.

Figure 5.1. John Tiffin Stewart's Survey Plan of the Te Ahuaturanga – Upper Manawatu and Oroua Block.

Source: 'Plan Shewing the Ahuaturanga or Upper Manawatu, the Oroua, and the Awa Hou Blocks, Manawatu District, Province of Wellington', Archives New Zealand, Wellington, AAFV 997 Box 122, W39, (R 22 824 248)

5.2 The Te Ahuaturanga or Upper Manawatū Purchase

Negotiated in 1858, but not completed until 23 July 1864, the Crown's purchase of Te Ahuaturanga covered all of the Pohangina Valley across to the eastern banks of the upper part of the Oroua River. It also included a large area south of the Pohangina River's confluence with the Manawatū River (near the western end of the Manawatū Gorge), stretching from the Tararua Ranges in the east towards the lower stretches of the Oroua River to the west.[682] Estimated at a quarter of a million acres, the entire area was offered for sale by the Rangitāne rangatira Te Hirawanu in June 1858.[683] Te Hirawanu's proposal to sell what was then known as Upper Manawatū was approved by Ngāti Raukawa who, in August 1858, 'formally returned' the land to him so that the transaction with the Crown could proceed.[684]

When Crown officials began negotiations with Te Hirawanu and Rangitāne for the purchase of Upper Manawatū in July 1858 they were 'anxious to have the Oroua River as a western boundary'.[685] Ngāti Kauwhata, however, objected because they had kāinga and cultivations on the eastern side of the Oroua including pā at Whitianga and Kai Iwi.[686] After meeting with Ngāti Kauwhata and Rangitāne at Te Awahuri and Raukawa (Hirawanu's kāinga on the Manawatū River) in September and October 1858, Crown Land Purchase Commissioner William Searancke agreed to exclude the lower part of the Oroua River from the Crown purchase.[687] Ngāti Kauwhata and Hoani Meihana Te Rangiotu of Rangitāne understood the Taonui Stream to be 'the natural boundary' of the purchase area.[688] Searancke and Hirawanu, however, agreed to a western boundary that was not 'defined by any natural features' but rather divided the country in a series of straight lines.[689]

As surveyed by the Land Purchase Department's assistant surveyor John Tiffin Stewart, the western boundary of the Te Ahuaturanga-Upper Manawatū purchase area followed the Oroua River down to Te Rua Puha (about ten miles upriver from Te Awahuri). From there it left the river and traced a straight line to Waikuku on the Taonui Stream. The boundary then deviated towards the east through Te Waiti and Te Puka before reaching the Manawatū River at Te

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[682] 'Plan Shewing the Ahuaturanga or Upper Manawatu, the Oroua, and the Awa Hou Blocks, Manawatu District, Province of Wellington', Archives New Zealand, Wellington, AAFV 997 Box 122, W39, (R 22 824 248)

[683] Ibid; 'Journal of James Grindell, Interpreter, N.L.P.D., from June 1st to July 31st, 1858, *AJHR*, 1861, C-1, p 277

[684] Mr Commissioner Searancke to the Chief Commissioner, Manawatū River, 27 September 1858, *AJHR*, 1861, C-1, p 280

[685] Journal of James Grindell, p 277

[686] Otaki Minute Book 1A, p 204

[687] Searancke to the Chief Commissioner, 27 September 1858, p 280

[688] Otaki Minute Book 1A, p 213

[689] Searancke to the Chief Commissioner, 27 September 1858, p 280

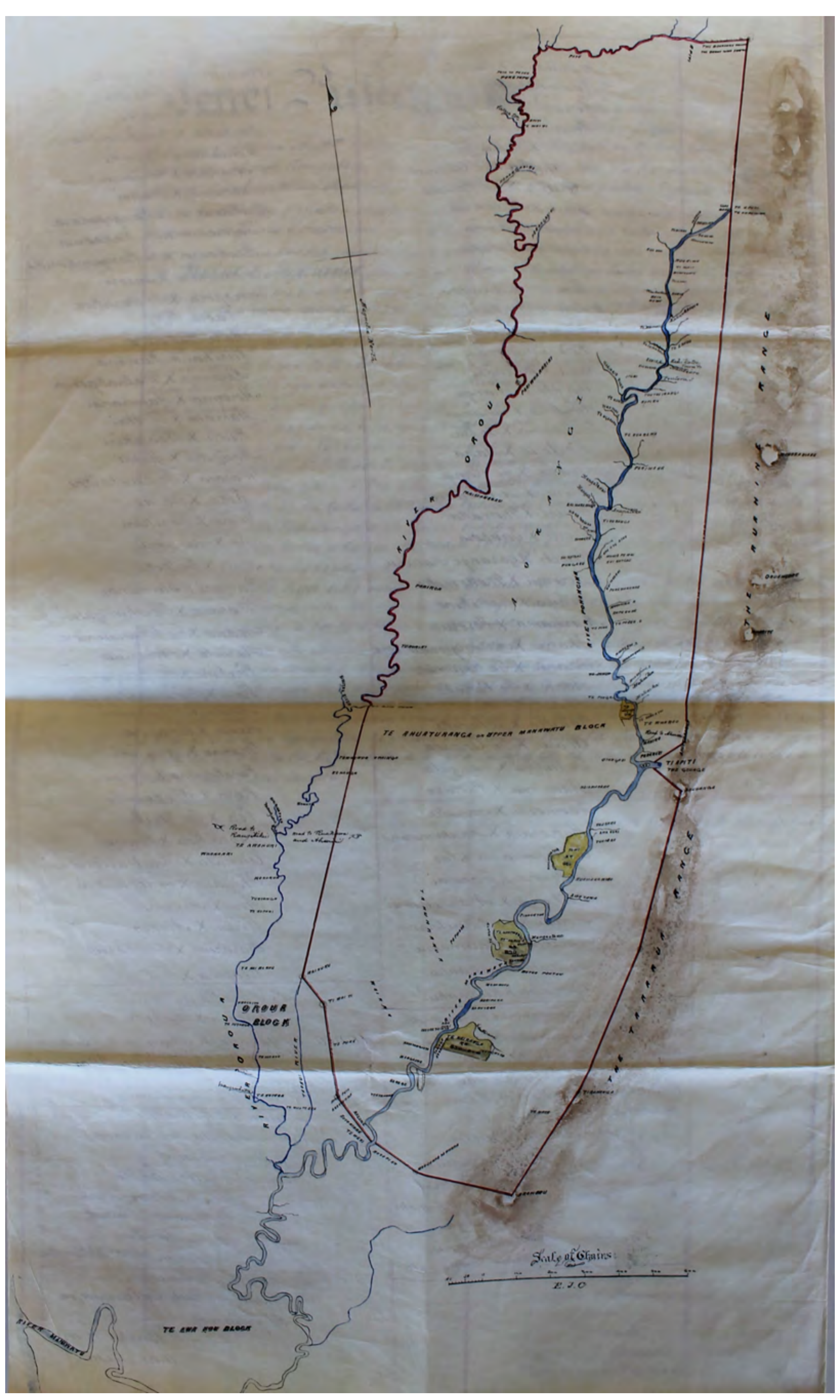
Weki.[690] On his survey plan Stewart called the area between Te Ahuatauranga-Upper Manawatū's western boundary and the Oroua River the 'Oroua Block' and estimated that it contained 20,000 acres.[691]

Having resolved the issues of the western boundary of the purchase area, and the size and location of a small number of reserves to be set aside for Rangitāne, Searancke was unable to agree with Hirawanu over the price the Crown should pay for Te Ahuaturanga-Upper Manawatū. When, at the end of October 1858, Te Hirawanu refused his offer of £5000 Searancke suspended negotiations, leaving Stewart to complete the survey of the purchase area.[692] The transaction was further delayed by the outbreak of fighting between the Crown and Māori in Taranaki in March 1860.[693]

The Crown's purchase of Te Ahuaturanga-Upper Manawatū was finally completed by Isaac Featherston (Searancke's successor as Land Purchase Commissioner) on 23 July 1864. Featherston paid £12,000 pounds for Upper Manawatū and granted Rangitāne the reserves that had been agreed by Searancke and surveyed by Stewart.[694] These reserves included 200 acres on the Pohangina River at Wairarapa, near present day Ashurst; 650 acres at Te Wi on the Manawatū River (across the river from Te Hirawanu's pā at Raukawa); 890 acres at Ruahine, adjacent to the Papaioea clearing which would become Palmerston North; and 830 acres at Te Kairanga, where the Kahuterawa Stream entered the Manawatū River (near today's Linton Army Camp).[695]

[690] Te Ahuaturanga or Upper Manawatu Deed, Archives New Zealand, Wellington, ABWN W5279 8102 Box 319, WGN 13, (R 23 446 326)
[691] 'Plan Shewing the Ahuaturanga or Upper Manawatu, the Oroua, and the Awa Hou Blocks'.
[692] Mr Commissioner Searancke to the Chief Commissioner, Manawatū, 12 November 1855 [1858], *AJHR*, 1861, C-1, p 282
[693] Mr Commissioner Searancke to the Chief Commissioner, 29 August 1860, *AJHR*, 1861, C-1, p 296
[694] Te Ahuaturanga or Upper Manawatu Deed
[695] Ibid.; 'Plan Shewing the Ahuaturanga or Upper Manawatu, the Oroua, and the Awa Hou Blocks'.

Figure 5.2. Plan of the Te Ahuaturanga or Upper Manawatū Block included with the deed of sale. Reserves made for Rangitāne are shaded yellow



The 'Oroua Reserve'

Apart from the strip of land between the western boundary of the purchase area and the Oroua River, which had been excluded from the sale, the Crown made no reserves for Ngāti Kauwhata or other Ngāti Raukawa-affiliated groups from its purchase of Te Ahuaturanga-Upper Manawatū. Crown land purchasers and local Māori had different perspectives as to the status of what had officially become known as the Oroua Block. While officials regarded the land as another piece of Māori land to be purchased by the Crown, the Ngāti Kauwhata and Rangitāne rangatira living on the land saw it as a reserve to be kept for future generations.

Reporting to the Chief Land Purchase Commissioner on 12 November 1858, Searancke described 'the portion of land on the Oroua River' that had been 'cut off' from the Te Ahuaturanga or Upper Manawatū Block 'as a distinct purchase' to be negotiated with Ngāti Kauwhata and Rangitāne separately from the larger transaction.[696] The Crown's interest in purchasing the Oroua Block continued into the early 1870s when Donald McLean described it as 'exceedingly valuable from its position and from the timber upon it.'[697]

Te Kooro Te One (of Ngāti Kauwhata and Ngāti Wehiwehi) and Hoani Meihana Te Rangiotu (of Rangitāne), however, articulated a very different vision for their land along the Oroua. Speaking to Isaac Featherston (who had succeeded Searancke as Land Purchase Commissioner) at Puketōtara in December 1865, the two rangatira referred to the Oroua land, not as a block to be purchased by the Crown, but rather as a 'reserve' that should remain permanently with its Māori owners. Noting that some Māori had suggested selling 'the Oroua Reserve', Te Kooro insisted the he would 'never consent' to such a proposal.[698] Hoani Meihana (who was married to Te Kooro's sister Enereta Te One) was still more emphatic. He told Featherston that the land on the eastern side of the Oroua River must be kept 'as a reserve for our children, and for their children after them.' Rather than selling the land along the Oroua to the Crown, he insisted that the Rangitāne and Ngāti Kauwhata owners should partition the land amongst themselves and obtain their own 'Crown grants for it'.[699]

The significance of the land on the eastern side of the Oroua River to Ngāti Kauwhata and their Rangitāne neighbours was greatly increased by the Crown's contentious purchase of Rangitīkei-Manawatū in December 1866. This left the Oroua block as the only area of unsold Māori land between the Turakina and Manawatū Rivers. In May 1873 Hoani Meihana

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[696] Searancke to the Chief Commissioner, 12 November 1855 [1858], *AJHR*, 1861, C-1, p 282
[697] Telegram from Donald Mclean to His Honor Mr Fitzherbert, 26 January 1872, MA 13/75A, pp 450-451
[698] I E Featherston, 'Notes of a Meeting at Puketotara (Manawatu), 6th December, 1865', 30 June 1866, *AJHR*, 1866, A-4, p 19
[699] Ibid., p 20

reiterated to Wellington Superintendent William Fitzherbert his commitment to holding on to Rangitāne's portion of the Oroua land. 'I will never consent to the sale of this piece', he warned the Superintendent, 'it must be left for the maintenance of ourselves and our children.'[700]

5.3 The Subdivision of the Aorangi Block 1873-1881

In 1870 members of Ngāti Kauwhata and Rangitāne held a rūnanga at Te Awahuri to agree on a division of Oroua between the two tribes.[701] The runanga agreed that Ngāti Kauwhata should have the larger upper portion of the block (estimated at 15,000 acres) while Rangitāne should receive the lower part (of about 5000 acres).[702] Testifying before the Native Land Court in 1873, Te Kooro Te One argued that the 'the division' of Oroua had been 'made deliberately . . . with love and affection for one another' and 'no ill feeling.'[703] When the division was brought before the Native Land Court in March 1873, however, it was challenged by objectors from Ngāti Apa, Rangitāne, and the Wellington Provincial Government (who maintained that the block's inland boundary should be as defined in the Ahuaturanga-Upper Manawatū Deed of Purchase, rather than the Taonui Stream as Tapa Te Whata of Ngāti Kauwhata had set out).[704]

Appearing before the Court, the Rangitāne chief Hoani Meihana argued that the land should be divided into three, with portions for Rangitāne, Ngāti Kauwhata, and Ngāti Tauira (a hapū of Ngāti Apa).[705] Intent on reaching an agreement between the three groups so 'that our disputings should cease', the Ngāti Kauwhata chiefs Tapa Te Whata and Te Kooro Te One agreed to give up almost half of their tribe's land to Ngāti Tauira.[706] The Court then divided what it called the Aorangi Block into three parts. 'Upper Aorangi' (7526 acres) was awarded to Ngāti Kauwhata; Middle Aorangi (7000 acres) to Ngāti Apa; and 'Lower Aorangi' (4923 acres) to Rangitāne.[707]

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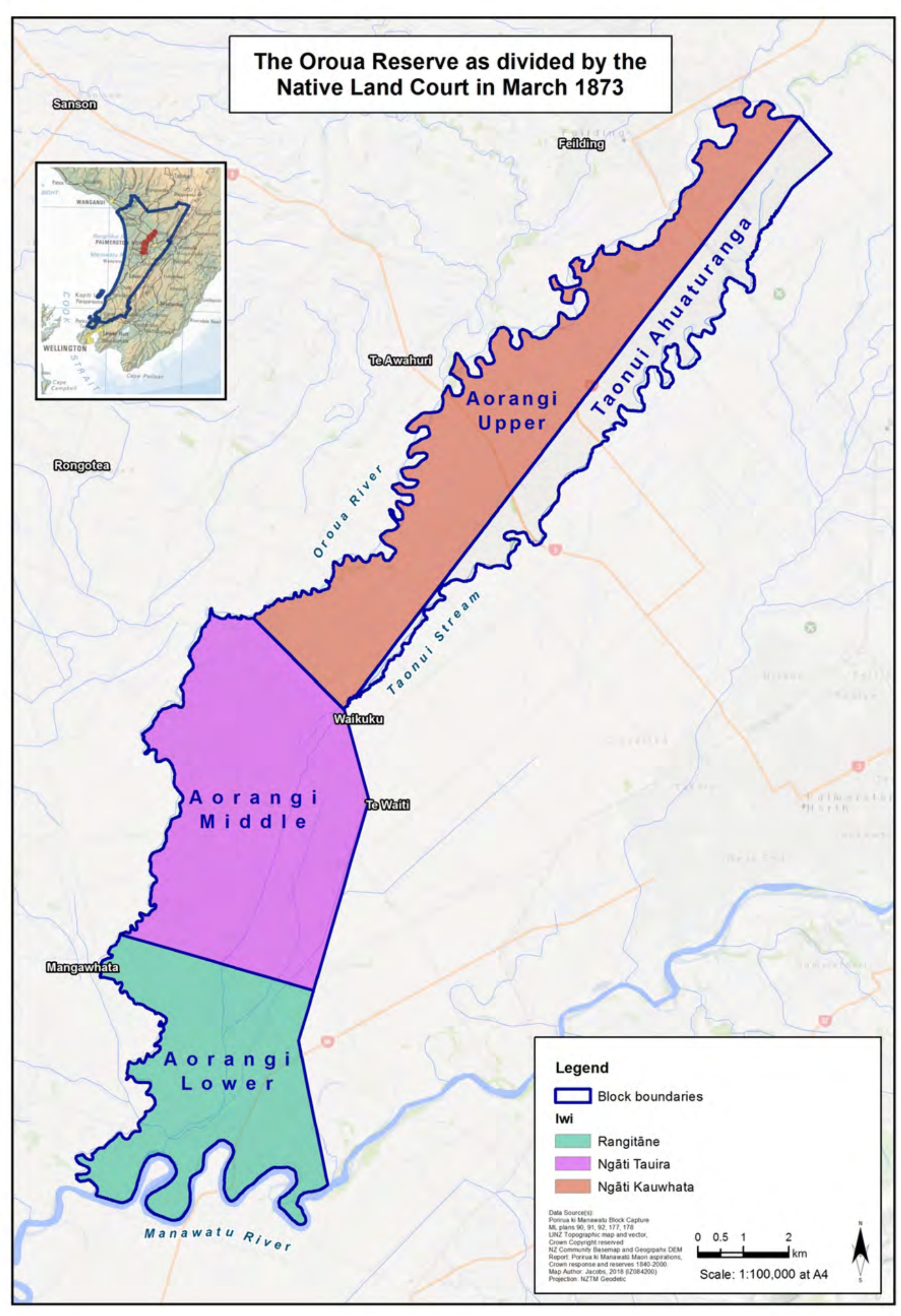
[700] Hoani Meihana Te Rangiotu to Pitahapeti Hupiritene o te Porowini (Fitzherbert, Superintendent of the Province), 31 May 1873, MA 13/75B, pp 83 (English translation) & 84 (Te Reo Māori original)
[701] Otaki Minute Book, 4, p 78 (testimony of Alexander McDonald)
[702] Otaki Minute Book 1A, p 211
[703] Ibid, p 212
[704] Ibid., pp 205 & 213
[705] Ibid, p 211
[706] Ibid., pp 204 & 212
[707] Diana Morrow, 'Iwi interests in the Manawatu, c. 1820-c. 1910. A Report for the Office of Treaty Settlements', May 2002, p 3



The Oroua Reserve as divided by the Native Land Court in March 1873
Sanson
Feilding
Te Awahuri
Rongotea
Aorangi Upper
Taonui Ahuaturanga
Oroua River
Taonui Stream
Waikuku
Aorangi Middle
Te Waiti
Mangawhata
Aorangi Lower
Manawatu River
Legend
Block boundaries
Iwi
Rangitāne
Ngāti Tauira
Ngāti Kauwhata
Scale: 1:100,000 at A4

Table 5.1. Aorangi Block Subdivisions, March 1873

	Iwi/Hapū	Acres
Aorangi 1	Ngāti Kauwhata	7526
Aorangi 2	Ngāti Tauira	7000
Aorangi 3	Rangitāne	4923

Source: Diana Morrow, 'Iwi interests in the Manawatū c. 1820 – c. 1910', 2002, p 3.

In what appears to have been an attempt to maintain chiefly control, Te Kooro initially submitted just five names to be entered by the Court as owners of Upper Aorangi. These five were to act as trustees for the whole tribe. The five rangatira – who appear to have been Tapa Te Whata, Te Kooro Te One, Takana Te Kawa, Kereama Paoe, and Hoeta Te Kahuhui – had, the Court was told, been approved by 'the whole of Ngāti Kauwhata and Ngāti Wehiwehi.'[708] When this arrangement was objected to, the Court decided to make 'a tribal order in favour of Ngāti Kauwhata', vesting ownership in a list of 69 individuals (reduced to 67 on the Certificate of Title).[709] The Court placed no restrictions on the land, meaning that all or part could be made available for sale or lease. Similar orders were made by the Court for Ngāti Tauira with regards to Middle Aorangi, and Rangitāne for Lower Aorangi.[710]

Despite being largely arranged between the three tribal groups outside of Court, the division of Oroua/Aorangi was opposed by Kawana Hunia Te Hakeke (of Ngāti Apa) and Te Keepa Rangihiwinui (Ngāti Apa, Whanganui and Muaupoko) who denied Ngāti Kauwhata's rights to any of the land.[711] In March 1878, following the issuing of an Order in Council signed by the Governor in October 1877, a rehearing of the case was heard before the Native Land Court in Palmerston North. After hearing evidence from Kawana Hunia and other witnesses from Ngāti Apa, as well as Hoani Meihana of Rangitāne, and Tapa Te Whata and Hoeta Te Kahuhui of Ngāti Kauwhata, the Court upheld the division agreed to in 1873.[712]

[708] Otaki Minute Book 1A, p 217 & 237
[709] Ibid., pp 235-237; 'Memorial of Ownership', Upper Aorangi No 1, 26 March 1878, ABWN 8910, W5278, (R25306022)
[710] Ibid., pp 238-239, 241-242
[711] Morrow, p 4
[712] Otaki Minute Book 3, pp 158-190

Figure 5.3. Upper Aorangi No 1

Source: 'Memorial of Ownership', Aorangi 1 Section 2, 13 December 1879, Archives NZ, Wellington, ABWN 8910, W5278, (R25305997)

The Partitioning of Upper Aorangi

After the Native Land Court hearing in 1873 Ngāti Kauwhata agreed to partition Upper Aorangi between the hapū Ngāti Kiamata and Ngāti Tūroa. Under this agreement the land was then to be subdivided between the principal whānau of the two hapū: the Ngāti Kiamata whānau of Tapa Te Whata, Te Kooro Te One, Takana Te Kawa, and Kereama Paoe; and the whānau of Hoeta Te Kahuhui, Karehana Tauranga, and Hepi Te Wheoro from Ngāti Turoa.[713] Although

[713] Otaki Minute Book 4, pp 150-151

it was agreed that each family should have 1000 acres, 'no actual subdivision of the land' could be carried out 'in consequence' of what Tapa Te Whata described as 'numerous quarrels.'[714]

While the exact nature of these 'quarrels' are not disclosed in the written evidence, it is very likely that they were aggravated by Native land law that weakened chiefly authority and tribal cohesion by vesting ownership in individuals rather than the tribe or hapū as a whole.[715] In such circumstances individual owners had a strong incentive to insist on their own, specific legal rights rather than deferring to the decisions of their chiefs or the interests of the iwi as a collective. Time-honoured methods of reaching agreement such as hui-a-iwi – at least one of which was held at Te Awahuri to discuss the division of Upper Aorangi – were also undermined by the colonial Parliament's elevation of the Native Land Court as the final arbiter in disputes over the ownership of Māori land. This meant that individual owners unhappy with the deliberations of their hapū or tribe could apply directly to the Court in the expectation of receiving a more favourable decision from its Pakeha judge. Such an option made some landowners less inclined to compromise and more likely to insist upon their individual rights.[716] The potential for conflict between Māori landowners was further aggravated by a colonial land tenure system that arbitrarily divided land into blocks and sections defined by lines drawn by surveyors. Such divisions often failed to reflect the complex, overlapping, and mutual nature of Māori land ownership, in which more than one hapū or family group might share rights to the same area.[717]

Attempts within Ngāti Kauwhata to arrange a subdivision of their Aorangi lands were further disrupted by the sudden and unexpected death of Te Kooro Te One on 19 May 1877.[718] This led to a dispute between Te Kooro's sister and successor Enereta Te Rangiotu and the rest of the tribe over the area of Upper Aorangi that would be set aside for herself and her family. In December 1879 she took her case to the Native Land Court. Enereta's claim was opposed by almost all of the other Ngāti Kauwhata owners who were represented by the tribe's longstanding agent Alexander McDonald. At issue was whether the 1000 acres originally set

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[714] Ibid., pp 154 & 163

[715] Waitangi Tribunal, *Turanga Tangata Turanga Whenua: The Report on the Turanganui a Kiwa Claims,* (Wellington, Waitangi Tribunal), 2004, pp 407, 425, 444; Waitangi Tribunal, *Te Urewera Report*, Part II, Vol 2, 2010, (Pre-publication), p 496

[716] Waitangi Tribunal, *The Hauraki Report*, Vol. II, (Wellington, Waitangi Tribunal), 2004, pp 728-729; Waitangi Tribunal, *The Wairarapa ki Tararua Report. Vol. II: The Struggle for Control*, (Wellington, Legislation Direct), 2010, p 531; Waitangi Tribunal, *He Wiritaunoka: The Whanganui Land Report*, Vol 1, (Wellington, Legislation Direct), 2015, p 426

[717] Waitangi Tribunal, *He Maunga Rongo: Report on Central North Island Claims. Stage One, Volume 2*, (Wellington, Legislation Direct), 2008, pp 484-485

[718] *Manawatū Times*, 23 May 1877, p 2, c 3 https://paperspast.natlib.govt.nz/newspapers/Manawatū-times/1877/5/23/2 (accessed 6 December 2016)

aside for the family of Te Kooro and Reupene Te One (Te Kooro and Enereta's father) should be reduced to take into account the portion of Upper Aorangi that the tribe had already agreed to sell.[719]

McDonald, Tapa Te Whata, and Takana Te Kawa told the Court that, after the creation of Upper Aorangi in 1873, Ngāti Kauwhata had set aside 1200 acres for sale. Four hundred acres had been sold to John Stevens for £800 to pay for the survey of the tribe's subdivision of Upper Aorangi. When the subdivision could not be agreed upon McDonald had used the £800 to cover other expenses incurred by the tribe.[720] Another 400 acres of Upper Aorangi had been sold to James Bull for £1200. This was to cover a debt that McDonald had accrued while representing Ngāti Kauwhata in its long struggle with the Crown over Rangitīkei-Manawatū.[721] The final 400 acres had not yet been sold and were being held by McDonald. According to Tapa Te Whata the proceeds from this land were to be placed at McDonald's 'disposal for the benefit of the tribe.'[722]

According to Tapa Te Whata, the decision to sell the 1200 acres had been taken at the initiative of 'Te Kooro and his people' with the agreement of 'all Ngāti Kauwhata.'[723] Hoeta Te Kahuhui agreed, noting that 'no person in Ngāti Kauwhata had objected.'[724] Speaking for most of Ngāti Kauwhata, McDonald argued that, as the entire tribe had agreed to part with the 800 acres that had been sold (thereby reducing the area available for subdivision), the shares of each family should be reduced proportionately.[725] The Native Land Court agreed and ordered that the original 1000 acres set aside for the whānau of Reupene and Te Kooro Te One should be reduced to 776 acres. The Court awarded the land, to be known as Upper Aorangi 1 Section 4, to Enereta Rangiotu, Hareta Kiore, Tino Tangata, and four successors of Erina Te Kooro (who had also passed away).[726]

At Tapa Te Whata and Hoeta Te Kahuhui's request, the Court also created a block of 400 acres (Upper Aorangi 1 Section 2) as the area that Ngāti Kauwhata had sold to James Bull. This block was placed in Tapa's name for transfer to its European purchaser.[727] In addition, McDonald asked the Court to make 'a subdivisional order' in favour of the 'chief heads of

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[719] Otaki Minute Book 4, pp 147-149
[720] Ibid., p 152, 155, 163, 165
[721] Ibid., pp 152, 156, 164-165
[722] Ibid., pp 152, 155, 164
[723] Ibid., pp 154-155
[724] Ibid., p 163
[725] Ibid., pp 152, 164
[726] Ibid., p 167
[727] Ibid., pp 169-170; 'Memorial of Ownership', Aorangi 1 Section 2, 13 December 1879, Archives NZ, Wellington, ABWN 8910, W5278, (R25305997)

families in Ngāti Kauwhata': Tapa Te Whata, Hoeta Te Kahuhui, Karehana Tauranga, Takana Te Kawa, Kereama Paoe and Hepi Te Wheoro.[728] Made with the agreement of the 'whole' tribe, the nine sections (Upper Aorangi 1 Sections 1-9) were bundled together into two orders of 660 and 325 acres and immediately sold.[729]

The nine sections appear to have been sold to cover a mortgage of £960 that was outstanding on Ngāti Kauwhata's reserve at Te Awahuri (on the other side of the Oroua River). McDonald told the Court that he had 'expended' the 'proceeds' of the mortgage 'in various ways, as occasion required, for payment in debts and distribution' to members of the tribe. The interest on the mortgage, however, had 'been in arrear' since the previous February, and the mortgagee had 'advertised the property for sale.' McDonald told the Court that he had 'endeavoured to persuade' Ngāti Kauwhata 'to redeem the mortgage', and this appears to have been the purpose of the cutting out and sale of the nine sections. Sold at one pound an acre for a total of £985, the alienation of the sections appears to have covered the cost of the mortgage and outstanding interest.[730]

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[728] Otaki Minute Book 4, p 170

[729] 'Memorial of Ownership', Aorangi 1 Sections 1, 2, 3, 4, 7 & 8, 13 December 1879, Archives NZ, Wellington, ABWN 8910, W5278, (R25305994); 'Memorial of Ownership', Aorangi 1 Sections 5, 6, & 9, 13 December 1879, Archives NZ, Wellington, ABWN 8910, W5278, (R25305993)

[730] Otaki Minute Book 4, p 165

Table 5.2. Initial Subdivisions of Upper Aorangi and Upper Aorangi 1

	Acres	Owners	Date of Order
Upper Aorangi 2	13.5	Kooro Te One	10 April 1873
Upper Aorangi 1	7236	Ngāti Kauwhata: 67 individuals	26 March 1878
Upper Aorangi 1A	98	Tapita Matenga, Hana Peka	26 March 1878
Upper Aorangi 1B	2	Tapita Matenga, Hana Peka	26 March 1878
Upper Aorangi 1 Section 4	776	Enereta Rangiotu, Hareta Kiore, Tino Tangata, Winia Paora, Amiria Paora	12 Dec 1879
Upper Aorangi 1 Sections 1, 2, 3, 7, 8	660	Tapa Te Whata, Takana Te Kawa, Kereama Paoe, Hoeta Te Kahuhui	13 Dec 1879
Upper Aorangi 1 Sections 5, 6, 9	325	Karehana Tauranga, Hoeta Te Kahuhui, Hepi Te Wheoro	13 Dec 1879
Upper Aorangi 1 Section 2	400	Tapa Te Whata	13 Dec 1879
Upper Aorangi 1 Section 1C	456	Hoeta Te Kahuhui, Takana Te Kawa	15 Nov 1881
Upper Aorangi 1 Section 1D	80.5	Takana Te Kawa, Ruera Te Kawa	15 Nov 1881
Upper Aorangi 1 Section 1E	55	Pape Titaha, Hoeta Te Kahuhui	16 Nov 1881
Upper Aorangi 1 Section 2A	100	Takana Te Kawa, Ruera Te Kawa	16 Nov 1881
Upper Aorangi 1 Section 2B	55	Ramari Kahuhui, Epiha Te Moanakino	16 Nov 1881
Upper Aorangi 1 Sections 3A (with 4A & 5A)	318.5	Takana Te Kawa, Teiti Tauranga, Ruera Te Kawa, Retimana Hapoki, Meteria Te Kawa, Hori Te Hapoki, Wiremu Hohimi, Ataneta Parutawhiti, Te Wani Turanga, Tatiana Te Kawa, Areta Hemokanga, Raimapaha Ahitana, Weti Pekamu, Wiremu Pekamu, Noa Pekamu, Ratima Pekamu, Miriana Pape, Makereti Ahitana, Turuhura Pekamu, Mihi Rangiahitana, Te Ara Takana, Hamiora Pikauroa, Maraki Te Rangikaitu, Kereama Paoe, Herewini Kereama, Te Otene Kereama, Te Raika Paoe, Iwi Kereama, Mereaina Kereama	16 Nov 1881
Upper Aorangi 1 Section 3B	101	Mokena Pahurahi, Merehira Tauranga	16 Nov 1881
Upper Aorangi 1 Section 4A (with 3A & 5A	117	Takana Te Kawa and 28 others (same as 3A)	16 Nov 1881
Upper Aorangi 1 Section 4B	60	Hepi Te Wheoro, Tapa Ahitana, Teo Rangatira and 5 successors of Mata Kahupureke	16 Nov 1881

	Acres	Owners	Date of Order
Upper Aorangi 1 Section 5A (with 3A & 4A)	102	Takana Te Kawa and 28 others (same as 3A)	16 Nov 1881
Upper Aorangi 1 Section 5B	128	Karehana Tauranga, Rahira Kahuhui, Hepe Kahuhui, Hepi Te Wheoro, Ramari Kahuhui, Pirihira Kahuhui, Hoeta Te Kahuhui	16 Nov 1881
Upper Aorangi 1 Section 5C	268	Hoeta Te Kahuhui, Takana Te Kawa	15 Nov 1881
Upper Aorangi 1 Section 6A	400	Hoeta Te Kahuhui, Takana Te Kawa	15 Nov 1881
Upper Aorangi 1 Section 7A	50.7	Takana Te Kawa, Ruera Te Kawa	16 Nov 1881
Upper Aorangi 1 Sections 8A, 8B, 10	103	Hauapeka, Tapita	16 Nov 1881
Upper Aorangi 1 Section 80	88	Takana Te Kawa, Teieti Turanga, Ruera Te Kawa, Retimana Hapoki, Meteria Te Kawa, Hoeta Te Hapoki, Wiremu Hohimi, Te Wane Tauranga, Areta Hemokanga, Makereti Ahitana, Raimapaha Ahitana, Weti Pekamu, Wiremu Pekamu, Noa Pekamu, Ratima Pekamu, Miriana Pape, Turuhira Pekamu, Mihi Rangi Ahitana, Te Ara Takana, Taimona Pekauroa, Kereama Paoe, Herewini Kereama, Te Raita Kereama, Mereaina Kereama, Hoeta Te Kahuhui, Karehana Tauranga, Rahira Kahuhui, Hepi Te Wheoro, Tura Kahuhui, Metapere Kahuhui, Marara Kahuhui, Tupataia Kahuhui, Tapa Te Whata, Metapere Tapa, Haimona Tapa	16 Nov 1881
Upper Aorangi 1 Section 9A	5.75	Hakaraka Whakaneke	16 Nov 1881
Upper Aorangi 1 Section 9B	3.76	Rahira Kahuhui	16 Nov 1881
Upper Aorangi 1 Section 10A	108	Hoeta Te Kahuhui	16 Nov 1881
Upper Aorangi 1 Section 11	100.6	Haimona Tapa	15 Nov 1881
Upper Aorangi 1 Section 11A	43	Tapa Te Whata	15 Nov 1881
Upper Aorangi 1 Section 11B	12	Te Ara Takana	15 Nov 1881
Upper Aorangi 1 Section 11C (with 15)	15	Hepi Te Wheoro, Mekeruki Te Awa	16 Nov 1881
Upper Aorangi 1 Section 12	108.5	Tapa Te Whata	15 Nov 1881

	Acres	Owners	Date of Order
Upper Aorangi 1 Section 13	108.1	Hara Tauranga	16 Nov 1881
Upper Aorangi 1 Section 14	109	Tapa Te Whata	15 Nov 1881
Upper Aorangi 1 Section 15 (with 11C)	35.1	Hepi Te Wheoro	16 Nov 1881
Upper Aorangi 1 Section 16	131.25	Kereama Paoe	16 Nov 1881
Upper Aorangi 1 Section 17	111	Rahira Kahuhui, Tupataia Kahuhui, Riria Te Moanakino, Wetini Tangata, Erena Kereama	15 Nov 1881
Upper Aorangi 1 Section 18	108	Tapa Te Whata	15 Nov 1881
Upper Aorangi 1 Section 19	107.9	Kereama Paoe, Erena Kereama, Mereaina Kereama, Te Raika Kereama	16 Nov 1881
Upper Aorangi 1 Section 20	58.6	Hoeta Te Kahuhui	16 Nov 1881
Upper Aorangi 1 Section 21	93.2	Metapere Kahuhui	16 Nov 1881
Upper Aorangi 1 Sections 22, 23	130	Tapa Te Whata, Hoeta Te Kahuhui, Takana Te Kawaa	16 Nov 1881
Upper Aorangi 1 Section 24	39.25	Areta Hemokanga	16 Nov 1881
Upper Aorangi 1 Section 24A	62	Metapere Tapa	16 Nov 1881
Upper Aorangi 1 Section 26	46	Metapere Tapa	16 Nov 1881
Upper Aorangi 1 Section 26A	30	Unknown	15 or 16 Nov 1881
Upper Aorangi 1 Section 27	100	Tapa Te Whata	15 Nov 1881
Upper Aorangi 1 Section 28	100	Tapa Te Whata	15 Nov 1881
Upper Aorangi 1 Section 29	92.7	Hoeta Te Kahuhui, Marara Kahuhui	16 Nov 1881
Upper Aorangi 1 Section 30	12	Kereama Paoe	16 Nov 1881
Upper Aorangi 1 Section 31	55	Tura Kahuhui	16 Nov 1881
Upper Aorangi 1 Section 32	55	Ruiha Pere	16 Nov 1881

Sources: Memorials of Ownership and Certificates of Title for Upper Aorangi, Archives New Zealand, Wellington, ABWN 8910, W5278, Boxes 15, 33, 34; 'Māori Land Court Records Document Bank Project. Porirua ki Manwatu Series. Vol. I, Ahitangutu to Aorangi'; Otaki Minute Book 5, pp 327-329, 331-337, 340-342

The subdivision of the remaining portions of Upper Aorangi (slightly more than 4000 acres) was finally brought before the Court in November 1881. The details of the subdivision were arranged by the owners themselves (apart from Enereta Te Rangiotu and her family who had already had their share defined by the Court) and then submitted to the Court by McDonald. Most of the sections were passed without objection or investigation, with the Court simply issuing orders for the areas and owners presented by the Ngāti Kauwhata agent.[731]

The 61 owners of Upper Aorangi 1 whose shares had not already been defined by the Court divided their 4000 acres into 45 sections. Including the subdivisions that had already been ordered by the Court, this meant that the original Upper Aorangi Block had by the end of November 1881 been divided into no less than 57 distinct parts. The sections presented by McDonald to the Court on 15 and 16 November 1881 varied in size from four to 456 acres. Most were between 50 and 110 acres. More than half (25 of the 45) were vested in just one owner while 10 (including Section 6A which consisted of the 400 acres that the tribe had sold to John Stevens) had two owners.[732] Most of the sections with one or two owners were placed in the hands of family heads such as Tapa Te Whata (who had six sections), Hoeta Te Kahuhui, Kereama Paoe, and Takana Te Kawa (who with Ruera Te Kawa was the owner of four sections).[733] Prominent women such as Te Ara Takana, Metapere Te Whata, and Rahira Kahuhui also received sections.[734]

It was the Crown's imposition of an inappropriate and destructive form of native title that led to Ngāti Kauwhata dividing their Aorangi land into so many portions owned by one or two owners. Nineteenth-century native land legislation provided no workable form of communal,

[731] Otaki Minute Book 5, pp 327-329, 331-342
[732] Memorials of Ownership and Certificates of Title for Upper Aorangi, Archives New Zealand, Wellington, ABWN 8910, W5278, Boxes 15, 33, 34; 'Māori Land Court Records Document Bank Project. Porirua ki Manwatu Series. Vol. I, Ahitangutu to Aorangi', pp 418-417, 422, 426, 429, 431, 437, 439, 441-444, 448, 450, 452, 456-460, 463, 643, 663, 672-673, 708, 767, 771-777, 797, 804-805, 807-808, 811-817; 4; Otaki Minute Book 5, pp 327-329, 331-337, 340-342
[733] 'Certificate of Title', Upper Aorangi 1 Sections 11A, 12, 14, 18, 27 & 28, 15 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286907); 'Certificate of Title', Upper Aorangi No 1 Section 10A, 16 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286951); 'Certificate of Title', Upper Aorangi No 1 Section 29, 16 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286877); 'Certificate of Title', Upper Aorangi No 1 Section 16, 16 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286872); 'Certificate of Title', Upper Aorangi No 1 Sections 1D and 2A, 16 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286868); 'Certificate of Title', Upper Aorangi No 1 Section 7A, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286886).
[734] 'Māori Land Court Records Document Bank Project. Porirua ki Manwatu Series. Vol. I, Ahitangutu to Aorangi', pp 458-459, 672-673; 'Certificate of Title', Upper Aorangi 1 Section 11B, 15 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286952); 'Certificate of Title', Upper Aorangi 1 Section 24, 16 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286954).

tribal title, but instead vested ownership of Māori land in lists of individuals with geographically undefined shares. This meant that while an individual owner might know the size of his or her share in a piece of land, they did not know where that share was located. The only way to remove this uncertainty – particularly in large areas of land with substantial numbers of owners – was to divide the land up so that each individual or family group knew exactly which portion belonged to them. While allowing each owner or group of owners to cultivate and develop their land without fear of expropriation, such partitions necessarily led to the fragmentation of land that had previously been held collectively as a tribal or hapū resource.[735]

While dividing most of their land into sections owned by one or two individuals, Ngāti Kauwhata placed some of their land in the ownership of larger numbers. Sections 3A, 4A, and 5A (537½ acres altogether) were vested in 29 owners, including Takana Te Kawa, Hori Te Hapoki, Areta Hemokanga, Raimapaha Ahitana, Te Ara Takana, and Kereama Paoe.[736] Section 8 or 80 (88 acres) was awarded to a list of 35 individuals headed by Takana Te Kawa and including Te Ara Takana, Taimona Pekauroa, Kereama Paoe, Rahira Kahuhui, Hepi Te Wheoro, and Tapa Te Whata.[737] The leaders of Ngāti Kauwhata appear to have intended for these sections to belong to the tribe as a whole – as much as that was possible with a form of native title that did not allow for communal ownership.

The division of Ngāti Kauwhata's Aorangi holding into 57 distinct sections not only fragmented tribal ownership, but also placed a serious financial burden upon the tribe. In December 1879, Deputy Inspector of Surveys William Allman Marchant told the Native Land Court that the survey of Upper Aorangi (also known as Aorangi 1) had cost the tribe £408, of which £308 was still outstanding.[738] Many of the sections established by the Court on 15 and 16 November 1881 were burdened with survey liens or mortgages which had to be paid off by their owners. Takana and Ruera Takana, for example, owed £15 14s for the survey of Sections 1D and 2A of Upper Aorangi 1 (which together made up 180.5 acres).[739] Hoeta Te Kahuhui and Takana Te Kawa had a survey lien of £23 7s placed on Section 5C (268 acres).[740] Amongst the other sections to have survey liens placed upon them were Kereama Te Paoe's 131¼ acre

[735] Waitangi Tribunal, *Turanga Tangata Turanga Whenua: The Report on the Turanganui a Kiwa Claims,* (Wellington, Waitangi Tribunal), 2004, p 426
[736] Otaki Minute Book 5, p 337
[737] 'Māori Land Court Records Document Bank Project. Porirua ki Manwatu Series. Vol. I, Ahitangutu to Aorangi', p 708
[738] Otaki Minute Book 4, p 162
[739] 'Māori Land Court Records Document Bank Project. Porirua ki Manwatu Series. Vol. I, Ahitangutu to Aorangi', pp 811-812
[740] Ibid., pp b776-777

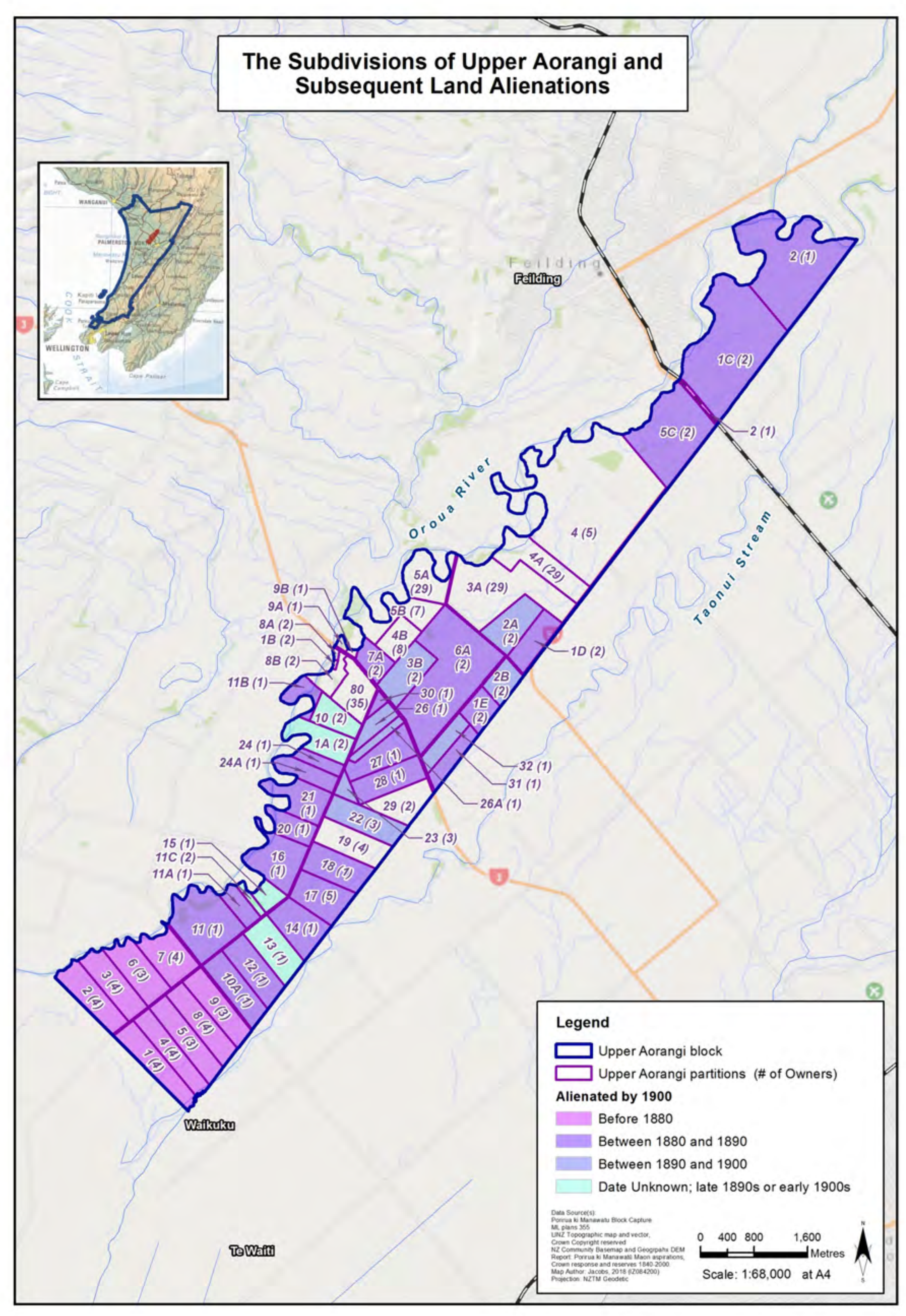
Section 16 (£11 8s 5d); Metapere Te Kahuhui's 93 acre Section 21 (£8 2s 1d); and Ruiha Pere's 55 acre Section 32 (£4 15s 8d).[741]

Table 5.3. Survey Liens imposed by the Native Land Court on Sections of Upper Aorangi 1

Section Name	Acres	Date of Order	Owners	Survey Lien
1C	456	15 Nov 1881	Hoeta Te Kahuhui, Takana Te Kawa	£39.13.1
1E	55	16 Nov 1881	Pape Titaha & Hoeta Te Kahuhui	£4.15.8
1D & 2A	18.5	16 Nov 1881	Takana Te Kawa, Ruera Te Kawa	£15.14.0
3B	101	16 Nov 1881	Mokena Pahurahi, Merehira Tauranga	£8.16.0
5C	268	15 Nov 1881	Hoeta Te Kahuhui, Takana Te Kawa	£23.7.0
6A	400	15 Nov 1881	Hoeta Te Kahuhui, Takana Te Kawa	£34.15.8
7A	50.7	16 Nov 1881	Takana Te Kawa, Ruera Te Kawa	£4.8.2
9B	3.8	16 Nov 1881	Rahira Kahuhui	£0.6.8
13	108.1	16 Nov 1881	Hara Tauranga	£9.8.0
16	131.25	16 Nov 1881	Kereama Paoe	£11.8.5
17	111	15 Nov 1881	Rahira Kahuhui, Tupataia Kahuhui, Riria Te Moanakino, Wetini Tangata, Erena Kereama	£9.13.1
19	107.9	16 Nov 1881	Kereama Paoe, Erena Kereama, Mereaina Kereama, Te Raika Kereama	£9.7.8
20	58.6	16 Nov 1881	Hoeta Te Kahuhui	£5.1.11
22,23	93.2	16 Nov 1881	Tapa Te Whata, Hoeta Te Kahuhui, Takana Te Kawa	£8.2.1
26	130	16 Nov 1881	Metapere Tapa	£11.6.2
29	92.7	16 Nov 1881	Hoeta Te Kahuhui, Marara Kahuhui	£8.0.0
30	12	16 Nov 1881	Kereama Paoe	£1.1.19
31	55	16 Nov 1881	Tura Kahuhui	£1.1.19
32	55	16 Nov 1881	Ruiha Pere	£4.15.8

Source: 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. I, Ahitangutu to Aorangi', pp 417, 418, 422, 426, 437, 439, 441-442, 443-444, 448, 450, 452, 672-673, 772-773, 774-775, 776-777, 804-805, 807-808, 811-812, 813-814, 816-817.

[741] Ibid., pp 418, 439, 450


The Subdivisions of Upper Aorangi and Subsequent Land Alienations
Feilding
Oroua River
Taonui Stream
Waikuku
Te Waiti
WELLINGTON
2 (1)
1C (2)
5C (2)
2 (1)
4 (5)
4A (29)
5A (29)
3A (29)
9B (1)
9A (1)
8A (2)
1B (2)
8B (2)
5B (7)
4B (8)
7A (2)
3B (2)
6A (2)
2A (2)
1D (2)
2B (2)
1E (2)
11B (1)
80 (35)
30 (1)
26 (1)
10 (2)
1A (2)
24 (1)
24A (1)
27 (1)
28 (1)
32 (1)
31 (1)
26A (1)
21 (1)
20 (1)
22 (3)
29 (2)
23 (3)
19 (4)
15 (1)
11C (2)
11A (1)
16 (1)
18 (1)
17 (5)
11 (1)
14 (1)
13 (1)
12 (1)
10A (1)
7 (4)
6 (3)
3 (4)
2 (4)
9 (3)
8 (4)
5 (3)
4 (4)
1 (4)
Legend
Upper Aorangi block
Upper Aorangi partitions (# of Owners)
Alienated by 1900
Before 1880
Between 1880 and 1890
Between 1890 and 1900
Date Unknown; late 1890s or early 1900s
0 400 800 1,600 Metres
Scale: 1:68,000 at A4

5.3 The Alienation of Upper Aorangi, 1873-1900

In March 1873 Upper Aorangi (or Aorangi 1) was the single largest piece of land still in Ngāti Kauwhata ownership. Its 7526 acres encompassed a larger area than all of the tribe's reserves in Rangitīkei-Manawatū combined. Te Kooro Te One had bluntly informed Featherston in December 1865 that he would 'never consent' to the sale of what he called the 'Oroua Reserve'.[742] The Ngāti Kauwhata rangatira was obliged to modify this position somewhat in the years that followed. In April 1873 Te Kooro agreed to sell to the Crown a 13½ acre strip of land which allowed the railway line between Palmerston North and Feilding to traverse Upper Aorangi.[743] Known to the Native Land Court as Upper Aorangi No 2, the 900 by 60 metre railway strip was purchased by the Crown for £16 17s and 6d.[744] In February 1877 Te Kooro and Tapa Te Whata also sold to the Crown a further 30 acres for the roadway between Palmerston North and Whanganui (today's SH3).[745] The Crown purchased this land for £90. According to Alexander McDonald, Tapa Te Whata, and Hoeta Te Kahuhui, Te Kooro had also supported Ngāti Kauwhata's sale of 400 acres to John Stevens to cover the cost of surveying Upper Aorangi, as well as 400 acres to James Bull to repay the £1125 debt McDonald had run up defending Ngāti Kauwhata's claim to Rangitīkei-Manawatū.[746]

By the time of Te Kooro Te One's death on 19 May 1877, Ngāti Kauwhata had sold 846½ acres of Upper Aorangi, leaving more than 6500 acres, or almost 90 percent of the land, still in tribal ownership. In the decade and a half that followed, however, Ngāti Kauwhata lost more than half of their holdings in Upper Aorangi, with 3533 acres being sold between December 1879 and May 1892. This constituted 47 percent of Upper Aorangi's original area.

As we have seen, the first land to be sold after Te Kooro Te One's death were the nine sections created by the Native Land Court at McDonald's request in December 1879 and vested in the heads of the leading families of Ngāti Kauwhata. Coming to 985 acres altogether, the sections appear to have been sold to pay off the mortgage and outstanding interest on the tribe's Te Awahuri reserve.[747]

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[742] Featherston, 'Notes of a Meeting at Puketōtara (Manawatū), 6th December, 1865', 30 June 1866, *AJHR*, 1866, A-4, p 19

[743] Deed, 14 April 1873, Archives New Zealand, Wellington, ABWN W5279 8102 Box 324, WGN 132, (R 23 446 437)

[744] Ibid.; 'Upper Aorangi No 2', 10 April 1873, Archives New Zealand, Wellington, ABWN W5279 8102 Box 324, WGN 132, (R 23 446 437)

[745] 'Upper Aorangi No 1 Part of main road line running through (Palmerston N to Bulls)', 10 February 1877, ABWN W5279 8102 Box 334, WGN 446, (R 23 446 666)

[746] Otaki Minute Book 4, pp 152, 154-155, 163, 169

[747] 'Memorial of Ownership', Aorangi 1 Sections 1, 2, 3, 4, 7 & 8, 13 December 1879, Archives NZ, Wellington, ABWN 8910, W5278, (R25305994); 'Memorial of Ownership', Aorangi 1 Sections 5, 6, & 9, 13 December 1879, Archives NZ, Wellington, ABWN 8910, W5278, (R25305993)

In 1882, the year immediately following the major subdivision of Upper Aorangi, four sections (1C, 5C, 28 and 31), including a total of 879 acres, were sold.[748] This does not include Section 6A (400 acres), which Ngāti Kauwhata had already sold to John Stevens informally but was not legally transferred into his ownership until September 1882.[749] In 1883 another 10 sections (10A, 11, 11A, 12, 14, 16, 18, 20, 24A, 27), making up 979 acres, were sold off. Four of these (11A, 12, 14 and 18) were sold by Tapa Te Whata.[750] Section 30 (12 acres) was sold in 1884, while a further five sections, comprising 359 acres, were alienated between July 1885 and November 1886 (sections 7A, 11B, 17, 21, and 24).[751] Sections 1D (80.2 acres) and 1E (55 acres) were sold in 1888 and 1889 respectively, while Sections 2A (100 acres) and 32 (55 acres) were sold in January and July 1890.[752] Sections 22 and 23 (130 acres together) were alienated on 6 May 1892.[753]

Four more sections of Upper Aorangi 1 (2B, 3B, 26, and 26a), including 232 acres, were sold in 1895 and 1899.[754] Altogether, 30 of the 45 sections created by Ngāti Kauwhata's subdivision of Upper Aorangi 1 in November 1881 had been sold by the end of the century

[748] 'Certificate of Title', Upper Aorangi No 1 Section 1C', 15 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R 25 286 881); 'Certificate of Title', Upper Aorangi No 1 Section 5C, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R 25 286 884); 'Certificate of Title', Upper Aorangi No 1 Sections 11A, 12, 14, 18, 27 & 28, 15; 'Certificate of Title', Upper Aorangi No 1 Section 31, 16 November 1881, Archives New Zealand, Wellington, ABWN W5278 8910 Box 15, (R 25 286 870)

[749] 'Certificate of Title', Upper Aorangi No 1 Section 6A, 15 November 1881, Archives New Zealand, Wellington, ABWN W5278 8910 Box 15, (R 25 286 885)

[750] 'Certificate of Title', Upper Aorangi No 1 Section 10A, 16 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286951); 'Certificate of Title', Upper Aorangi No 1 Section 11', 15 November 1881, ABWN 8910, W5278, Box 15, (R25286906); 'Certificate of Title', Upper Aorangi No 1 Sections 11A, 12, 14, 18, 27 & 28, 15 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286907); 'Certificate of Title', Upper Aorangi No 1 Section 16, 16 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286872); 'Certificate of Title', Upper Aorangi No 1 Section 20, 16 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286874); 'Certificate of Title', Upper Aorangi No 1 Section 24A, 16 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286955); 'Certificate of Title'

[751] 'Certificate of Title', Upper Aorangi No 1 Section 7A, 16 November 1881; 'Certificate of Title', Upper Aorangi No 1 Section 11B, 15 November 1881; 'Certificate of Title', Upper Aorangi No 1 Section 17, 16 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286873); 'Certificate of Title', Upper Aorangi 1 Section 21, 16 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286875); 'Certificate of Title', Upper Aorangi 1 Section 24, 16 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286954)

[752] 'Certificate of Title', Upper Aorangi No 1 Sections 1D and 2A, 16 November 1881; 'Certificate of Title', Upper Aorangi 1 Section 1E, 16 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286869); 'Certificate of Title', Upper Aorangi 1 Section 32, 16 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286879)

[753] Upper Aorangi 1 Sections 22 and 23, 16 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286876)

[754] 'Māori Land Court Records Document Bank Project. Porirua ki Manwatu Series. Vol. I, Ahitangutu to Aorangi' , pp 413-414, 417 ; 'Taihape: Rangitīkei ki Rangipo and Porirua ki Manawatū Inquiry Districts. Research Assistance Project. Crown and Land Purchasing Reords and Petitions Document Bank, Wa 2200 A67A, p 334; 'Māori Land Court Records Document Bank Project. Porirua ki Manwatu Series. Vol. I, Ahitangutu to Aorangi', p 334

(not counting Section 6A which had been sold prior to the subdivision). Added together, these sections made up 2726 acres, or more than two-thirds of the 4000 acres that Ngāti Kauwhata's leaders had subdivided. The picture is even bleaker still if we include the five sections (1A, 10 11C, 13 and 15) which we know were alienated, but do not know exactly when. Together, these five sections make up a further 293 acres alienated from Ngāti Kauwhata ownership.[755]

All of but one of the sections were bought by private Europeans. Such purchasers tended to pay more than the Crown was usually willing to offer. Andrew Campbell, for example, paid £200 for Tura Kahuhui's 55-acre Section 31 in February 1882, while James Bull paid £1368 and £804 for Sections 1C (456 acres) and 5C (268 acres) in March of the same year.[756] In November 1886 Richard S Abraham paid £333 for the 111 acres of Section 17, while in May 1892 Joseph Wilton Bennett handed over £500 for the 130 acres of Sections 22 and 23.[757]

We do not know exactly why Upper Aorangi's Ngāti Kauwhata owners sold so much of their land in such a short period of time. One important factor must have been the eye-watering levels of debt the tribe had incurred in the course of its prolonged struggle to win back its lost lands in Rangitīkei-Manawatū and around Maungatautari, in southern Waikato. In February 1884, Alexander McDonald estimated that he had expended £12,300 in pursuit of the Ngāti Kauwhata 'non-sellers'' Rangitīkei-Manawatū claims between 1867 and 1874. McDonald also claimed to have outlaid a further £3250 on Ngāti Kauwhata's ultimately unsuccessful campaign to recover their ancestral land in southern Waikato, which had been lost as a result of an adverse decision of the Native Land Court in November 1868. Included in McDonald's Waikato expenses – which unlike Ngāti Kauwhata's Rangitīkei-Manawatū expenditure were not even partially offset by compensation from the Crown – was £1450 spent on 'journeys to Waikato' (including, one assumes, to the Ngāti Kauwhata Claims Commission hearing at Cambridge in February 1881), and £1800 on legal fees.[758] The latter figure was, if anything, an underestimate.

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[755] 'Māori Land Court Records Document Bank Project. Porirua ki Manwatu Series. Vol. I, Ahitangutu to Aorangi' , pp 413-414

[756] 'Certificate of Title', Upper Aorangi No 1 Section 31, 16 November 1881; 'Certificate of Title', Upper Aorangi No 1 Section 1C, 15 November 1881; 'Certificate of Title', Upper Aorangi No 1 Section 5C

[757] Upper Aorangi 1 Sections 22 and 23, 16 November 1881; Upper Aorangi 1 Sections 22 and 23, 16 November 1881

[758] 'Exhibit K. Account, McDonald with the Natives, Produced at the Kawa Kawa Meeting', 'In the Court of Appeal of New Zealand. Between Alexander McDonald and Annie McDonald (Appellants) and Te Ara Takana, Ruera Te Nuku, Hoeta Te Kahuhui, Hepi Te Wheoro, Enereta Te Rangiotu, and Hara Tauranga (Respondents), p 23 (97)

Testifying before the Supreme Court in November 1887, McDonald claimed to have paid out £3150 to Ngāti Kauwhata's solicitor, while still being liable for 'quite as much again.'[759]

It appears almost certain that at least some of the Upper Aorangi sections sold by members of the Ngāti Kauwhata in the 1880s were alienated to pay off the debts the tribe had incurred in the course of its campaigns to recover its Rangitīkei-Manawatū and Waikato lands. The imperative to sell land in order to pay off the tribe's debt perhaps explains the sale of eight sections of Upper Aorangi to Alexander McDonald in May and September of 1883. The sale of the eight sections, which had a combined area of 568 acres, realized a total of £1265, which may have been put towards debts that McDonald had incurred on the Ngāti Kauwhata's behalf.[760]

In addition to selling land to pay off debt, the owners of Upper Aorangi 1 may also have decided to sell off some of their land to raise capital in order to purchase stock and pay for the fencing and clearing of their remaining land. According to McDonald, Ngāti Kauwhata had possessed 'nothing but land', and had needed to raise money to cover the expenses of converting their land to commercial agricultural production.[761]

What is clear is that the subdivision of Upper Aorangi into so many sections owned by one, two, or a few individuals made it much easier for such owners to sell their land, and much harder for the community as a whole to prevent or control its alienation. By imposing a form of Native title that vested ownership of land in lists of individual owners, rather than the iwi or hapū to which those individuals and the land belonged, the colonial government weighted the scales decisively in favour of the division and alienation of tribal land and against community control and retention. As the Waitangi Tribunal has reported for other inquiry districts, the individualization of Māori land ownership set in place by the 1873 Native Land Act and maintained by subsequent legislation fostered 'a process of community separation through subdivision' which made 'the retention and control of Māori land by Māori communities'

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[759] 'Notes of Evidence', In the Court of Appeal of New Zealand. Between Alexander McDonald and Annie McDonald (Appellants) and Te Ara Takana, Ruera Te Nuku, Hoeta Te Kahuhui, Hepi Te Wheoro, Enereta Te Rangiotu, and Hara Tauranga (Respondents), p 67

[760] Upper Aorangi No 1 Section 11', 15 November 1881, ABWN 8910, W5278, Box 15, (R25286906); 'Certificate of Title', Upper Aorangi No 1 Sections 11A, 12, 14, 18, 27 & 28, 15 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286907); 'Certificate of Title', Upper Aorangi No 1 Section 16, 16 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286872); 'Certificate of Title', Upper Aorangi No 1 Section 20, 16 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286874); 'Certificate of Title', Upper Aorangi No 1 Section 24A, 16 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286955)

[761] 'Notes of Evidence', p 61

virtually impossible.[762] Given this bias within the later nineteenth-century legal framework towards the fragmentation and alienation of Māori land, it would have been very difficult, if not impossible for the people of Ngāti Kauwhata to have kept their Upper Aorangi land intact, even if they had all agreed to do so.

Table 5.4. Alienations of Sections of Upper Aorangi: Nineteenth Century

Section	Acres	Acres sold	To whom sold	Date of sale	Price paid
2	13.5	13.5	The Crown	14 April 1873	£16 17s 6d
1, 2, 3, 4, 7, 8	660	660	Alexander McDonald	16 Dec 1879	£660
5, 6, 9	325	324	Alexander McDonald	16 Dec 1879	£324 10s
2	400	400	James Bull	19 June 1881	£1200
31	55	55	Andrew Campbell	21 Feb 1882	£200
1C	456	456	James Bull	10 March 1882	£1368
5C	268	268	James Bull	10 March 1882	£804
6A	400	400	John Stevens	14 Sept 1882	£800
28	100	100	Henry Bennett	18 Dec 1882	£300
11	100.6	100.6	Alexander McDonald	16 May 1883	£200
20	58.6	58.6	Alexander McDonald	16 May 1883	£117
11A, 12, 14, 18	368.5	368.5	Alexander McDonald	19 May 1883	£368
24A	62	62	Alexander McDonald	3 Sept 1883	£186
16	131.25	131.25	Alexander McDonald	10 Sept 1883	£394
10A	108	108	Hema Te Ao, Hoani Taipua (of Otaki)	18 Sept 1883	10s
27	100	50	Peter Garrity	3 October 1883	£150
30	12	12	Robert Were	12 March 1884	£48
11B	42	42	Alexander McDonald	16 July 1885	£168
21	93.2	93.2	Alexander McDonald	17 July 1885	£370
7A	50.7	50.7	Andrew Campbell	16 July 1886	£256
17	111	111	Richard S Abraham	15 Nov 1886	£333
24	62	62	Alexander McDonald	16 Nov 1886	£157
1D	80.2	80.2	George Wilcox	12 Sept 1888	£200
1E	55	55	Arthur Southey Baker	26 April 1889	£240
2A	100	100	James Bennett Cousin	6 January 1890	£300
32	55	55	Cameron Cousins	12 June 1890	£357.10
22, 23	130	130	Joseph Wilton Bennett	6 May 1892	£500
26	46	46	???? Mends	March 1895	
26a	30	30		March 1895	
2B	55	55	???? Saunders	Dec 1895 (Before)	
3B1	45	45		1899	
3B2	56	56		1899	

[762] Waitangi Tribunal, *Turanga Tangata, Turanga Whenua*, pp 440, 525; Waitangi Tribunal, *The Hauraki Report*, pp 728-729, 731, 779, 785; Waitangi Tribunal, *Te Urewera*, Part II, V 2, pp 803-804

Table 5.5. Alienations of Sections of Upper Aorangi: Date Unknown (Probably late nineteenth/early twentieth centuries)

Section	Acres	Acres sold	To whom sold
1A	98	83	O'Grady (60 acres), Reed (23 acres)
10	52	52	J S Saunders
11C & 15	50.1	50.1	Thomson Bros
13	108.1	108.1	Abraham

5.4 The Taonui Ahuaturanga Block

The deed of purchase for Te Ahuaturanga – Upper Manawatū described the boundary between the Crown purchase and the 'Oroua Reserve' or Aorangi as running in a straight line from Ruapuha (about ten miles upstream from Te Awahuri on the Oroua River) down to Waikuku on the Taonui Stream. From Waikuku the boundary cut inland past Te Waiti and Te Puka to Te Weki on the Manawatū River.[763] Although this boundary had been surveyed and mapped by John Tiffin Stewart in 1859, it had not been definitively marked out on the ground and was not accepted by Ngāti Kauwhata.[764] They argued that the proper boundary between their land at Aorangi and the Te Ahuaturanga – Upper Manawatū purchase area was not the arbitrary line drawn by Stewart but rather the much more tangible Taonui River. Testifying before the Native Land Court in September 1881, Takana Te Kawa maintained that Ngāti Kauwhata had known of 'no other boundary than the Taonui River.' Takana told the Court that while Hirawanu had agreed to the Oroua River as the western boundary of Te Ahuaturanga – Upper Manawatū, he had 'brought it back to Taonui.'[765]

Ngāti Kauwhata continued to insist upon the Taonui boundary during the years following the purchase. The tribe raised the issue with Donald McLean when he met with them at Te Awahuri on 18 November 1870 to discuss the Rangitīkei-Manawatū dispute. The Native Minister agreed that, 'instead of being in one straight line' between Te Ruapuha and Waikuku, the boundary should 'follow the course of the Taonui stream from Waikuku upwards.'[766] McLean's adjustment added a 'strip of land, nearly nine miles long with an average width of half a mile' to the land still in Māori ownership at Oroua/Aorangi.[767]

[763] Te Ahuaturanga or Upper Manawatū Deed, Archives New Zealand, Wellington, ABWN W5279 8102 Box 319, WGN 13, (R 23 446 326)
[764] Donald McLean to Mr Carkeek, 3 February 1872, MA 13/74A, p 255
[765] 'Taonui Ahuaturanga Minutes', Archives New Zealand, Wellington, MLC3 27, 32, (R 15 395 761)
[766] 'Memo', MA 13/72A, p 352
[767] 'Judgment', Taonui Ahuaturanga Minutes

As well as settling an outstanding dispute with Ngāti Kauwhata, McLean agreed to move the boundary of Oroua/Aorangi to the Taonui because he believed it would make it easier for the Crown to purchase the land in the future. In February 1872 he told the surveyor Morgan Carkeek that he considered that using the Taonui Stream as a boundary would 'be preferable' to Stewart's unmarked line because it would facilitate 'the acquisition of [the] adjacent land.'[768]

Although approved and surveyed by the Colonial government, the extension of Oroua/Aorangi to the Taonui Stream was blocked by Wellington Province. When the Aorangi Block, with the Taonui boundary, was brought before the Native Land Court in March 1873 for title investigation and partition, the Provincial Government objected to the new boundary. Despite the protests of Hoani Meihana, who noted that the Taonui boundary had been agreed by both the Native Minister and Native Secretary and surveyed, the Native Land Court restricted its orders to the land encompassed by the boundaries set out in the Te Ahuaturanga-Upper Manawatū Deed. As with the reserves created by McLean within Rangitīkei-Manawatū, the problem was that, because the extra land had been purchased by the Crown and Native title extinguished, it could only be legally returned to Māori tenure through an Act of Parliament.[769]

The necessary legislation was finally passed in July 1880 as 'the Taonui-Ahuaturanga Land Act', and the strip of land was sent back to the Native Land Court to have its ownership defined.[770] When title to what was now officially known as the Taonui-Ahuaturanga block was brought before the Court in September 1881 it was claimed, not just by Ngāti Kauwhata, but by Rangitāne and Ngāti Apa as well. In the hearing that followed, Takana Te Kawa and Hoeta Te Kahuhui argued that, as the Taonui Stream had been the original boundary, the contested land should be seen as part of Aorangi and simply incorporated into the existing Upper and Middle Aorangi Blocks.[771] Peeti Te Awe Awe, however, argued that Rangitāne should have a share in the land as well, and that the 3070 acres should be divided between Rangitāne, Ngāti Kauwhata, and Ngāti Tauira (as the Aorangi Block had been).[772] Kawana Hunia, for his part, maintained that all of the land belonged to the Ngāti Apa hapū Ngāti Tumokai.[773]

Although acknowledging that the land in question shared a boundary with only Ngāti Kauwhata's portion of the Aorangi Block, the Native Land Court decided to divide Taonui-

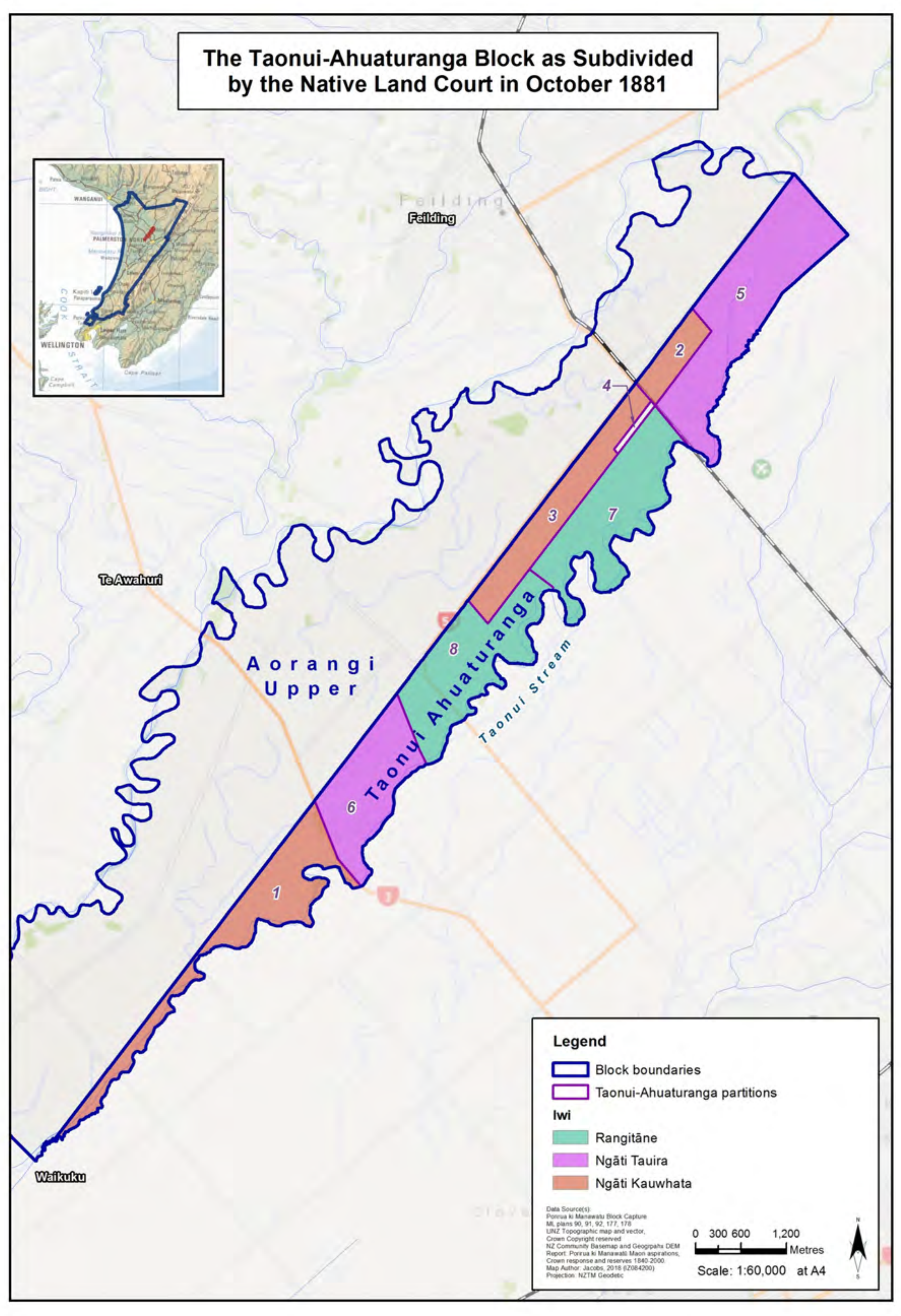
[768] McLean to Carkeek, 3 February 1872, p 255
[769] Otaki Minute Book 1A, pp 213-214
[770] The Taonui-Ahuaturanga Land Act, 1880
[771] Taonui Ahuaturanga Minutes
[772] Ibid
[773] Ibid

Ahuaturanga equally between Ngāti Kauwhata, Ngāti Tauira, and Rangitāne. The Court took this decision so as 'not to increase the inequality' of the original division of Aorangi. Noting that Ngāti Kauwhata and Ngāti Tauira's combined holdings in the Aorangi block were already 'only a little less than three times' that of Rangitāne, the Court believed that it would be unfair to award all of Taonui-Ahuaturanga to the former two groups while allowing nothing for the latter.[774]

Despite the 'noisy and violent' objections of the unsuccessful Ngāti Apa/Ngāti Tumokai contingent (who the Judgment had included with Ngāti Tauira), the Court proceeded to partition Taonui-Ahuaturanga into eight sections. The first three sections were awarded to Ngāti Kauwhata. Taonui 1 (459 acres) and Taonui 2 (200 acres 'more or less') were awarded to a list of 44 individuals from Ngāti Kauwhata headed by Karehana Tauranga and Te Ara Takana. Taonui 3 (334 acres) was awarded by the Court to Hoeta Te Kahuhui, Enereta Te Rangiotu, Areta Hemokanga, Takana Te Kawa, Kereama Paoe, and Hepi Te Wheoro. All three of the Ngāti Kauwhata sections fronted onto the railway line, Taonui 1 from the north, and Taonui 2 and 3 from the south. 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.[775]

The Court granted Taonui 4 (15 acres) to Tapita Matenga and Hanapeka Mahina who had a 100-acre share of Upper Aorangi (Sections 1A and 1B). Taonui 5 and 6 (608 and 400 acres) were awarded by the Court to Ngāti Tauira, while Taonui 7 and 8 (505 and 549) acres were made out to individuals from Rangitāne.[776]

[774] 'Judgment', Taonui Ahuaturanga Minutes
[775] Taonui Ahuaturanga Minutes
[776] Ibid



The Taonui-Ahuaturanga Block as Subdivided by the Native Land Court in October 1881
Feilding
Te Awahuri
Aorangi Upper
Taonui Ahuaturanga
Taonui Stream
Waikuku
1
2
3
4
5
6
7
8
Legend
Block boundaries
Taonui-Ahuaturanga partitions
Iwi
Rangitāne
Ngāti Tauira
Ngāti Kauwhata
0 300 600 1,200
Metres
Scale: 1:60,000 at A4

Table 5.6. Subdivisions of the Taonui-Ahuaturanga Block (ordered by the Native Land Court 5 October 1881)

	Acres	Iwi/Hapū	Owners
Taonui-Ahuaturanga 1	459	Ngāti Kauwhata	Karehana Tauranga, Te Ara Takana, Ratina Kahuhui, Taimona Paikauroa, Tereti Tauranga, Merekeruki Te Aewa, Epiha Te Moanakino, Ruera Te Kawa, Tura Kahuhui, Mokena Pahurahi, Retimana Te Hapoki, Hakaraia Whakaneke, Papa Te Rama, Hepi Te Wheoro, Hara Tauranga, Ramera Kahuhui, Hori Te Hapoki, Moringa Te Hapoki, Matapeu Kahuhui, Marama Kahuhui, Tupotaia Kahuhui, Te Wari Turanga, Harata Kiore, Tino Tangata, Haimona Tapa, Teo Kairangatuia, Tapa Ahitana, Raika Kereama, Weti Pekamu, Ratima Pekamu, Wiremu Pekamu, Metapere Tapa, Areta Hemo Kanga, Erena Kereama, Raiha Paoe, Ruiha Pere, Kooro Te Whare Pakaru, Mereaina Kereama, Makere Te Ahitana, Mihi Rangi Ahitana, Tapa Te Whata, Takana Te Kawa, Kereama Paoe, Hoeta Te Kahuhui
Taonui-Ahuaturanga 2	200	Ngāti Kauwhata	
Taonui-Ahuaturanga 3	334	Ngāti Kauwhata	Hoeta Te Kahuhui, Enereta Te Rangiotu, Areta Hemokanga, Takana Te Kawa, Kereama Paoe, Hepi Te Wheoro
Taonui-Ahuaturanga 4	15		Tapita Mahina, Hanapeka Mahina
Taonui-Ahuaturanga 5	608	Ngāti Tauira	
Taonui-Ahuaturanga 6	400	Ngāti Tauira	
Taonui-Ahuaturanga 7	505	Rangitāne	Peeti Te Awe Awe, Hoani Meihana Te Rangiotu, Ereni Te Awe Awe, Raiura Manotohuanga, Emi Heni [Te Rangiotu]
Taonui-Ahuaturanga 8	549	Rangitāne	Hanita Te Aweawe, Hormona Paro, Wiremu Te Mataitaua, Hutana Kaihinu, Hoeta Pari

Source: 'Taonui Ahuaturanga Minutes', Archives New Zealand, Wellington, MLC3 27, 32, (R 15 395 761)

5.5 The Partitioning and Alienation of Upper Aorangi and Taonui Ahuaturanga 1, 2 and 3, 1887 to 1990

As we have seen, when Ngāti Kauwhata's land in Upper Aorangi and Taonui Ahuaturanga was passed through the Native Land Court it was vested, not in the tribe itself, but in lists of individual owners. These lists included the names of each individual with an ownership right or share in the land in question. Such lists could be long. The certificate of title for Aorangi 1 listed 67 individuals with rights to the land, while the court orders creating Taonui Ahuaturanga 1 and 2 listed 44 individual owners. Lists such as these, which established an owner's right to a share of the land but did not specify where that land might be, made further partitioning of the land inevitable. From May 1887 Ngāti Kauwhata land owners repeatedly went to the Native Land Court to have their land divided between its respective owners. While ensuring owners their geographically-defined piece of the original area of land, such partitions inevitably led to the fragmentation of the tribal estate into smaller and smaller sections.

As the twentieth century progressed successive partitions rendered many of the sections of Upper Aorangi and Taonui Ahuaturanga too small to be economically viable. Unable to provide a living for their owners, these sections were coveted by local European farmers who were looking to expand their holdings. Between October 1963 and August 1984 at least 25 sections of the original Upper Aorangi, with a median size of just 7.5 acres, were sold by their Māori owners. A further 10 were compulsorily converted from Māori to 'General' or 'European' land under Part I of the Māori Affairs Act 1967. By the twenty first century only slightly more than 500 of the original 7526 acres of Upper Aorangi were still held in Māori title. These 506 acres were dispersed amongst 30 sections, half of which were less than four acres in area. A similar pattern is evident in Taonui-Ahuaturanga where just 55 of the 993 acres originally awarded to Ngāti Kauwhata remains as Māori land in 2016.[777]

The partitioning of Upper Aorangi

By the end of November 1881 Ngāti Kauwhata's land in Upper Aorangi had already been divided into 57 distinct sections. Some of these sections had been deliberately set aside by Ngāti Kauwhata's leaders to pay off debts, survey costs and other tribal expenses. Most of the others had been vested in a few individual owners (usually just one or two). As we have seen, many of these blocks were soon alienated to private European purchasers.

[777] Māori Land Online, http://www.maorilandonline.govt.nz

A small number of the sections defined by the Ngāti Kauwhata leaders appear to have been intended to be held by the community as a whole and not alienated. In the absence of any form of useable tribal title, these sections were placed in the ownership of all of the beneficial owners. Upper Aorangi 1 Sections 3A (318½ acres), 4A (117 acres), and 5A (102 acres) were vested in 29 individual owners including Takana Te Kawa, Teiti Tauranga, Areta Hemokanga, Raimapaha Ahitana, Te Ara Takana, Hamiora Pikauroa and Kereama Paoe.[778] Upper Aorangi 1 Section 80 (88 acres) was placed in the ownership of 35 individuals including Takana Te Kawa, Hoeta Te Hapoki, Mihirangi Ahitana, Te Ara Takana, Kereama Paoe, Hoeta Te Kahuhui, Karehana Tauranga, Hepi Te Wheoro, Tapa Te Whata and Metapere and Haimona Tapa.[779]

Sections 3A, 4A, 5A and 80 were vested in a community of owners that included members of the most of the leading families within Ngāti Kauwhata. In the years that followed, however, the community struggled to maintain control of the land as individual owners in the four sections took the opportunity allowed for them under Native land law to partition off their shares in each section. As a result Ngāti Kauwhata experienced the same fate suffered by Māori communities across the North Island with most of their landholdings repeatedly divided into small, uneconomic, individually owned fragments. In its report on the Turanga a Kiwa claims in the Gisborne region, the Waitangi Tribunal described this process as 'community separation through subdivision.'[780]

The serial partitioning of Aorangi 1 Section 3A, the largest of the communally owned blocks, demonstrates how this process of 'community separation through subdivision' worked upon Ngāti Kauwhata. Section 3A had been created with Sections 4A and 5A on 16 November 1881. Sections 3A, 4A, and 5A shared the same 29 owners and together encompassed an area of 537½ acres.[781] On 31 May 1887 the three sections were partitioned with Section 5A being divided into two and Section 4A into three.[782]

Section 3A was partitioned into five sections: 3A1 (5 acres); 3A2 (5 acres); 3A3 (103¾ acres); 3A4 (30 acres); 3A5 (50 acres).[783] Section 3A5 was again divided on 1 May 1891 into 3A5A (43 and one third acres) and 3A5B (8 and two thirds acres).[784] Section 3A4 was also

[778] Otaki Minute Book 5, pp 338-340
[779] 'Upper Aorangi No 1 Section 80', 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. I, p 708
[780] Waitangi Tribunal, *Turanga Tangata Turanga Whenua*, p 440
[781] 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. I, p 413
[782] Ibid, pp 360-361
[783] Ibid., p 360
[784] Ibid

partitioned on 23 August 1893 into 3A4A (5 acres and three owners) and 3A4B (25 acres). Section 3A4B was subsequently sold to James Bennett.[785] On 10 April 1913 the largest subdivision of Section 3A, 3A3 was divided into six: 3A3A (66 acres); 3A3B (1 acre); 3A3C (2 acres); 3A3D (3 acres); 3A3E (¼ acre); and 3A3F (31 acres and four owners).[786] Section 3A3A has disappeared from the Māori Land Court record, and must have been sold soon after the partition. Section 3A3F was divided once more in August 1921 into 3A3F1 (10 acres and 2 owners) and 3A3F2 (17¼ acres), while Section 3A3D was partitioned in March 1949 into 3A3D1 and 3A3D2 (each 1½ acres).[787]

The relentless fragmentation of what was initially a community asset is also evident in the partition history of Upper Aorangi 1 Section 80. Upon its creation on 16 November 1881 Section 80 consisted of 88 acres and had 35 owners.[788] The land was first partitioned by the Native Land Court on 6 February 1890 when it was divided into seven parts (Sections 80A-G). Not surprisingly, given the size of the original piece of land, none of the subsections were particularly big. Section 80C consisted of two acres; 80D four acres; 80E slightly less than 37 acres; 80F 13 acres; and 80G 21 acres.[789] Section 80C (on Rangitīkei Line) is the site of Te Iwa Tekau Marae and in July 1974 was gazetted as a 'Māori Reservation' under Section 439 of the Māori Affairs Act 1953.[790] All of the other subsections of Section 80, with the exception of A and B (for which there is no Native Land Court record, suggesting that they were alienated after the 1890 partition) were subject to ongoing subdivisions.[791]

Section 80E, the largest of the subsections created by the 1890 partition went through eight distinct rounds of partition between March 1909 and November 1984. Declared to be 'inalienable' by the Native Land Court order that created it, Section 80E initially had 21 owners including Hoeta Te Kahuhui, Hepi Te Wheoro, Tapa Te Whata, and Makereti Ahitana.[792] In March 1909 the land was divided in to four: Section 80E1 (15½ acres with nine owners); 80E2 (slightly more than 8¼ acres with nine owners); Section 80E3 (8¼ acres with two owners); and 80E4 (just under five acres with four owners).[793] In April 1912 Section 80E1 was itself

[785] Ibid
[786] Ibid., pp 366-367, 370, 378-379, 385, 390
[787] Ibid., pp 363-364, 373-374, 376-377
[788] Ibid., p 708
[789] Ibid., pp 238, 252-253, 702, 705, 760
[790] Ibid., p 704
[791] Ibid., pp 201-202, 211, 217, 225, 230, 235, 250, 258, 265, 267, 272, 276-277, 690, 712, 714, 725-726, 731-734, 741, 750
[792] Ibid., p 759
[793] Ibid., pp 262, 270, 726, 757-758

partitioned into two: 80E1A (2½ acres) and 80E1B (13 acres).[794] Section 80E1B was in turn divided in February 1919 into Sections 80E1B1 (4¾ acres) and 80E1B2 (8¼ acres).[795]

Similar rounds of partition were experienced in the smaller sections 80E2 and 80E3. In June 1913 Section 80E2 was divided into three: Section 80E2A (2½ acres with three owners); 80E2B (2½ acres with 12 owners); and 80E2C (3¼ acres and one owner).[796] Section 80E2A was subsequently (in November 1950) partitioned into three parts, the largest of which was Section 80E2A3 (one acre).[797] The land within Section 80E3 was partitioned three times between 1951 and 1984. In April 1951 the 8¼ acres were split into Sections 80E3A (one quarter acre) and 80E3B (eight acres).[798] Then in November 1981 Section 80E3B was divided into Sections 80E3B1 (six acres) and 80E3B2 (two acres).[799] Three years later (in November 1984) Section 80E3B1 was broken into Sections 80E3B1A (two acres) and 80E3B1B (six acres).[800]

The repeated partitioning of Upper Aorangi 1 Sections 3A, 4A, 5A and 80 not only fragmented a community resource into ever smaller and economically unviable portions, it also created a financial charge for the land's owners in the form of survey costs. Such costs were cumulative: every new subsection ordered by the Native Land Court had to be surveyed, and each survey had to be paid for by the subsection's owners. The partitioning of Section 3A3 (103¾ acres) in April 1913, for example, cost the owners of the six new sections a total of £25 3s 2d.[801] The division of Section 3A5A (43 and one third acres) into three in August 1921 cost a total of £33 15s 2d.[802]

[794] Ibid., pp 267, 276
[795] Ibid., pp 265, 750
[796] Ibid., pp 725, 728, 734,
[797] Ibid., pp 731, 741
[798] Ibid., pp 272, 720
[799] Ibid., pp 714, 717
[800] Ibid., p 712
[801] Ibid., p 359
[802] Ibid

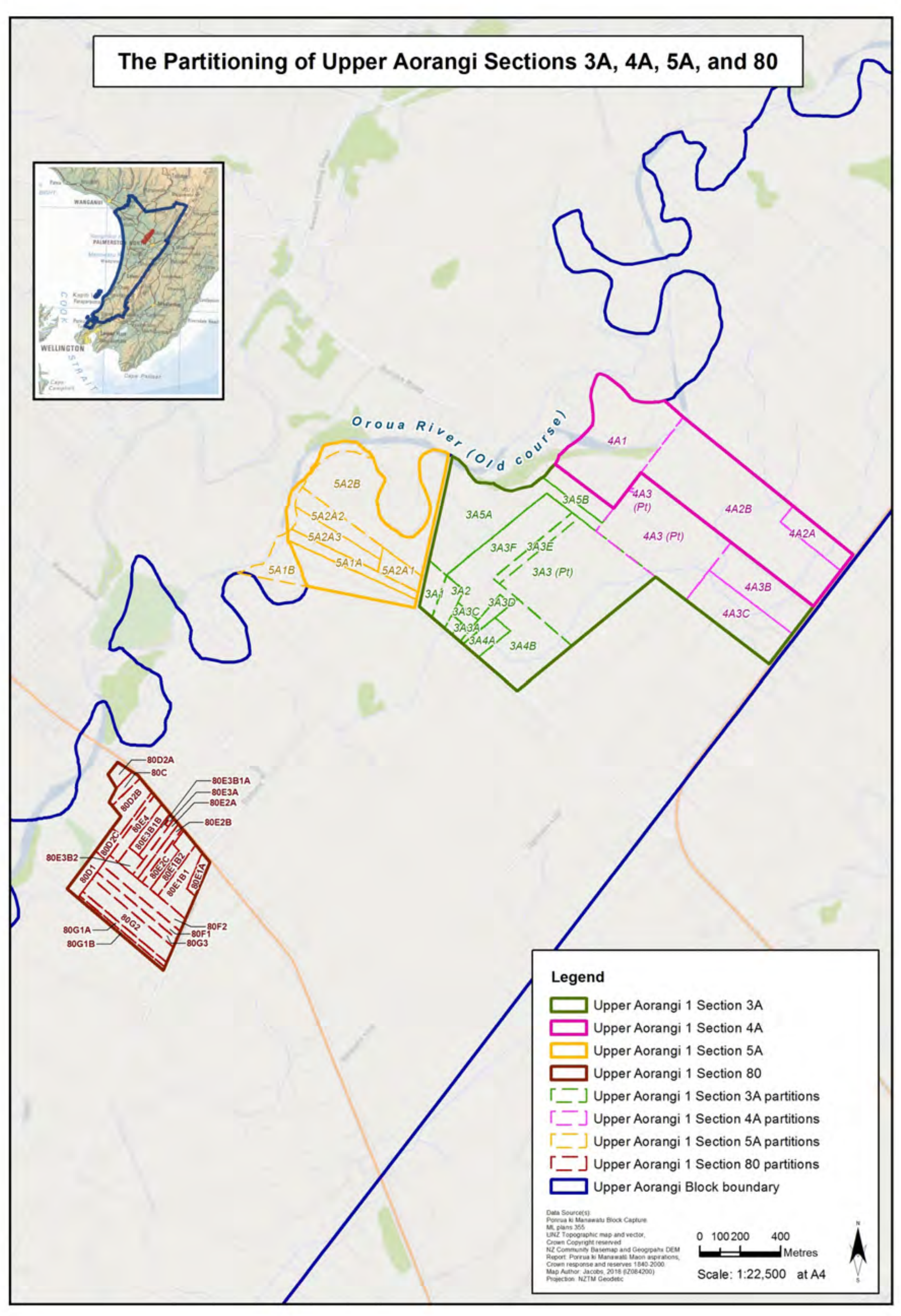

The Partitioning of Upper Aorangi Sections 3A, 4A, 5A, and 80
Oroua River (Old course)
4A1
4A2B
4A2A
4A3 (Pt)
4A3B
4A3C
3A5A
3A5B
3A3F
3A3E
3A3 (Pt)
3A2
3A3C
3A3D
3A3A
3A4A
3A4B
5A2B
5A2A2
5A2A3
5A1A
5A2A1
5A1B
80D2A
80C
80E3B1A
80E3A
80E2A
80E2B
80E3B2
80D2B
80D2C
80E4
80E3B1B
80D1
80E2C
80E1B2
80E1B1
80E1A
80G2
80G1A
80G1B
80F2
80F1
80G3
WANGANUI
PALMERSTON NORTH
WELLINGTON
Legend
Upper Aorangi 1 Section 3A
Upper Aorangi 1 Section 4A
Upper Aorangi 1 Section 5A
Upper Aorangi 1 Section 80
Upper Aorangi 1 Section 3A partitions
Upper Aorangi 1 Section 4A partitions
Upper Aorangi 1 Section 5A partitions
Upper Aorangi 1 Section 80 partitions
Upper Aorangi Block boundary
0 100 200 400
Metres
Scale: 1:22,500 at A4

Table 5.7. Survey charges imposed by the Native Land Court on Sections of Upper Aorangi 1 3A and 5A, 1895-1931

Section	Date of Charge	Amount (£.s.d)
5A1	5 June 1895	2.4.8
5A2	5 June 1895	6.13.10
3A3A	9 August 1915	1.4.0
3A3B	9 August 1915	1.4.0
3A3C	9 August 1915	2.5.0
3A3D	9 August 1915	3.6.0
3A3E	9 August 1915	5.8.0
3A3F	9 August 1915	17.16.2
5A2A1	24 February 1920	2.7.8
5A2A2	24 February 1920	4.15.3
5A2A3	24 February 1920	4.15.3
5A2B	24 February 1920	19.1.6
3A5A1	28 February 1922	5.2.2
3A5A2	28 February 1922	14.6.6
3A5A3	28 February 1922	14.6.6
3A3F1	27 February 1923	6.3.3
3A3F2	27 February 1923	12.19.3
5A1A	27 February 1923	8.2.0
5A1B	27 February 1923	17.4.1
3A5B1	20 October 1924	5.8.7
3A5B2	20 October 1924	5.8.7
3A5B3	20 October 1924	5.8.7
5A1A1	20 October 1924	5.2.7
5A1A2	20 October 1924	5.2.7
5A1A3	20 October 1924	5.2.7
5A1A4	20 October 1924	5.2.7
5A1B1	10 March 1931	7.1.3
5A1B2	10 March 1931	7.1.3

Source: 'Aorangi 1, 3A, 4A and 5A. Survey Costs', 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. I, Ahitangutu to Aorangi', p 359

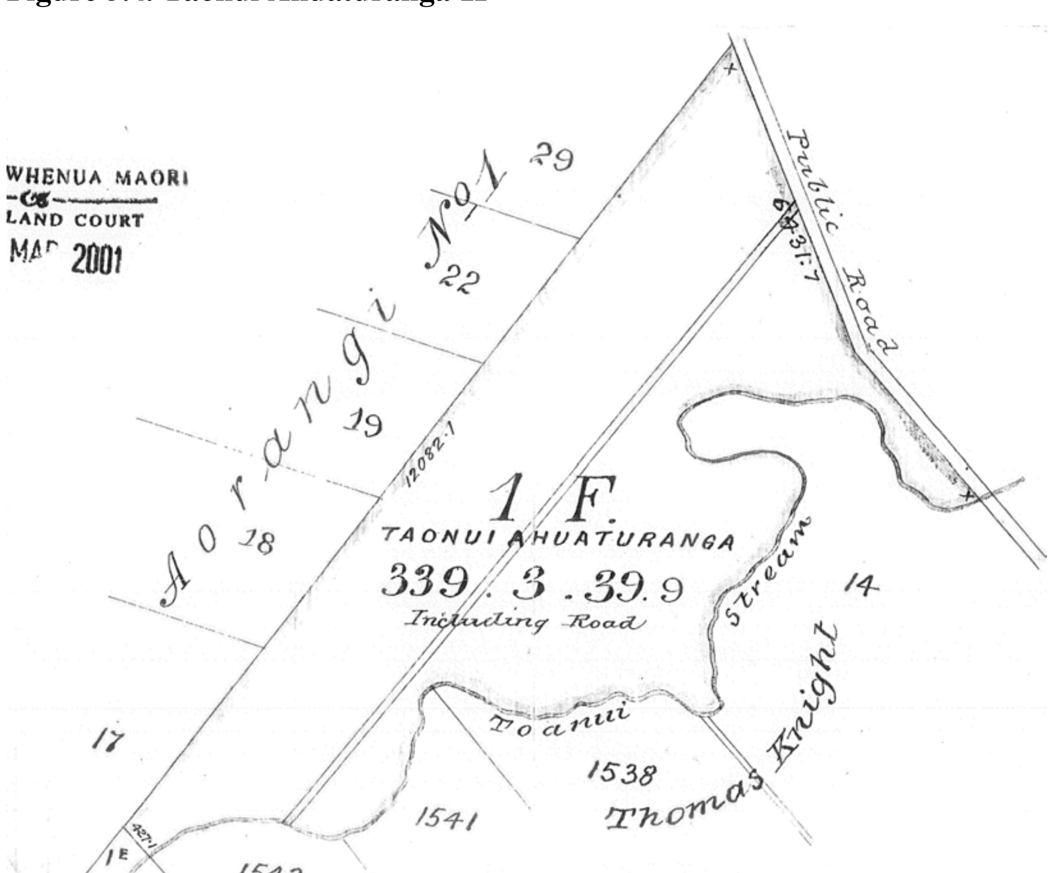
The partitioning of Taonui-Ahuaturanga 1, 2 and 3

The relentless fragmentation of what had once had been community assets into smaller and smaller sections was also evident in Ngāti Kauwhata's Taonui Ahuaturanga holdings. Once again, the key factor was the flawed Native land title imposed by the Crown, which placed ownership of tribal land in lists of individual owners.

The Native Land Court, in 1881, had divided Ngāti Kauwhata's portion of Taonui-Ahuaturanga into three sections. Taonui Ahuaturanga 1 (459 acres) and 2 (200 acres) were

placed in the ownership of 44 individuals including Karehana Tauranga, Te Ara Takana, Epiha Moanakino, Retimana Te Hapoki, Tapa Te Whata, Kereama Paoe, and Hoeta Te Kahuhui. As with Sections 3A, 4A, 5A and 80 of Upper Aorangi 1, the listing of so many owners suggests that Taonui Ahuaturanga 1 and 2 were viewed by Ngāti Kauwhata as community assets owned by all of the tribe. That, however, was not how the land was viewed by Native land law, which instead saw the two sections as the property of 44 individual shareholders, each with a right to their own, as yet geographically undefined, portion of land.

Figure 5.4. Taonui Ahuaturanga 1F



Source: 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. XXVI, Takapuwahi Sections to Taumanuka', p 488

The division of Taonui-Ahuaturanga 1 began in May 1887 when the land was divided into six sections: Taonui Ahuaturanga 1A (38½ acres); Taonui Ahuaturanga 1B (18 acres); Taonui Ahuaturanga 1C (21 acres); Taonui Ahuaturanga 1D (17½ acres); Taonui Ahuaturanga 1E (24¼ acres); and Taonui Ahuaturanga 1F (340 acres).[803] Sections 1A to 1E were each vested

[803] 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. XXVI, Takapuwahi Sections to Taumanuka', pp 491-497

in one or two individual owners and appear to have been quickly sold.[804] The much larger Section 1F, however, was placed in the hands of 29 owners and appears to have been intended by the tribe to be kept in community ownership.[805]

Whatever the intentions of the 29 owners as a whole, the determination of some owners to have their individual shares defined and cut out of the block led to the partitioning of Section 1F in January 1890. The 340-acre piece of land was divided into nine. Seven of the nine sections divided by the Native Land Court were issued to individual owners. Sections 1F3, 1F4, 1F5, and 1F6 (all 9¾ acres or thereabouts) and 1F8 (10 acres) were placed in the hands of single owners who had each wished to have their specific share in Section 1F cut out. Section 1F1 (120 acres) was awarded to Tapa Te Whata and Section 1F2 (13 acres) to Te Ara Takana. Section 1F7 (6¾) was vested in two owners. The residual 120 acres were designated as Section 1F9 and vested in the remaining 17 owners.[806]

Section 1F9 was itself partitioned in December 1894. Each of the three sections – 1F9A (12 and five-eighths acres with five owners); 1F9B (94 acres with 12 owners); and 1F9C (10 acres with one owner) – were declared by the Native Land Court to be 'inalienable as to sale.'[807] The Court's restrictions on alienation did not, however, guard against further partitioning and the eventual sale of most of these lands. In August 1897 Section 1F9A was divided into Sections 1F9A1 (just under 5 acres) and 1F9A2.[808] In August 1916 Section 1F9A2 was partitioned into 1F9A2A (2 acres) and 1F9A2B (5.8 acres).[809] Section 1F9A2A is the only part of the original Taonui Ahuaturanga 1 remaining as Māori freehold land today.[810]

The alienation of Upper Aorangi and Taonui Ahuaturanga 1, 2 and 3

The division of the remaining pieces of Upper Aorangi and Taonui Ahuaturanga into smaller and smaller sections, most of which were insufficient to support their owners, let alone the community at large, left the land vulnerable to further alienation. As had been the case in the nineteenth century, most of the sections of Upper Aorangi and Taonui Ahuaturanga 1, 2, and 3 sold in the twentieth century were purchased by private purchasers. Usually the buyers

[804] Ibid., p 434
[805] Ibid., pp 487-488
[806] Ibid., pp 445-447, 449, 451-453, 459-460, 485-486
[807] Ibid., pp 435, 437-438, 443
[808] Ibid., pp 434 and 441
[809] Ibid., pp 434 and 439
[810] 'Taonui No 1F Sec9A No2A' Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/19615.htm (accessed 16 December 2016)

were European farmers looking to add to their holdings. In contrast to the nineteenth century, most of the pieces of land sold were small, often less than 10 acres in area.

Typical were the eight sections of Aorangi 1 Section 80 purchased by Edwin Cuthbert Latham between April 1964 and August 1966. Covering a combined area of 46 acres, the sections ranged from 11.9 to two acres.[811] Graham Sinclair Avery collected a similar portfolio of small sections of Māori land between 1968 and 1972 including Sections 3A5B3 (2.2 acres); 3A5B1 and 3A5B2 (4.3 acres); and 4A1 (7½ acres) of Aorangi 1.[812]

Table 5.8. Sections of Upper Aorangi 1 Alienated in the Twentieth Century

Section	Acres	Acres sold	To whom alienated	Date of sale	Price paid
5B1	10.75	1.4	Public Works Act	8 Feb 1934	
9A	2.2	2.2	Public Works Act	8 Feb 1934	
4E2	134.5	134.5	Cecil Sinclair Avery	18 March 1952	£10,000
3D1A, 3D1B3	88.6	88.6	Emmett G A O'Brian	3 October 1963	£8,862.10
4C6	47.1	30.6	Taken for Sewage Purposes	16 Jan 1964	
80D2C & 80E1B2	11.9	11.9	Edwin Cuthbert Latham	17 April 1964	£2000
80F1	5.2	5.2	Edwin Cuthbert Latham	21 July 1965	£1456
80F2	7.8	7.8	Edwin Cuthbert Latham	21 July 1965	£2184
80G1A	3.3	3.3	Edwin Cuthbert Latham	21 July 1965	£10334
80G2	10.5	10.5	Edwin Cuthbert Latham	21 July 1965	£2940
80G1B	2	2	Edwin Cuthbert Lambert	26 Aug 1966	£620.3
80G3	5.25	5.25	Edwin Cuthbert Lambert	29 Aug 1966	£1470
5B2A	12.8	12.8	Clarence Noel Houghton	1 May 1968	$5000
3A5B3	2.2	2.2	Graham Sinclair Avery	Dec 1968	$600
3A5B1, 3A5B2	4.3	4.3	Graham Sinclair Avery	16 Jan 1969	£1200
4C5	10	10	Cecil Sinclair Avery	13 Oct 1970	$1800
80E2A3	1	1	Trustees of EC Latham Children's Trust	28 Jan 1971	$600
1B (with 8A & 8B)	2	2	Trustees of EC Latham Children's Trust	6 July 1971	$8000
8A & 8B (with 1B)	44	44	Trustees of EC Latham Children's Trust	6 July 1971	$8000
4A1	7.5	7.5	Graham Sinclair Avery	24 August 1972	$2300
5A1B2	8.6	8.6	Diana Pirihira Te Oka	27 Sept 1974	$8100
80D2A & 2B	7.9	7.9	Edwin Cuthbart	5 March 1975	6445.31

[811] 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. I, Ahitangutu to Aorangi', pp 210, 216, 225, 229, 241, 689-690

[812] 'Application for Confirmation. Aorangi No 1 Section 3A5B3', 2 December 1968, Aotea Māori Land Court, Whanganui, File 3/10/10120 (Aorangi 1 Section 3A5B3); 'Sheet – Application for Confirmation of Alienation. Aorangi No 1 Sec 3A5B1 & 3A5B2', 16 January 1969, Aotea Māori Land Court, Whanganui, File 3/10/10119 (Aorangi 1 Section 3A5B1&2); 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. I, Ahitangutu to Aorangi', p 185

Section	Acres	Acres sold	To whom alienated	Date of sale	Price paid
80E1A	2.5	2.5	Kenneth Merritt	11 June 1975	$2127.5
80E1B1	4.8	4.8		1 October 1975	$5500
3A3F2	17.25	17.25	Kevin & Ngaire Cowen	1 August 1979	$27,300
3A5A2	16.75	16.75	Jeanette Patricia Johnson	1 August 1979	$24,500
3A3E, 3A5A1	11.2	11.2	Gordon Brian Johnston	21 Jan 1981	$9000
3A1	5	2.5	Gordon Brian Johnston	15 August 1984	$15,000
3A1	5	2.5	Kevin & Ngaire Cowen	2 Dec 1993	$29,000

Sources: 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. I, Ahitangutu to Aorangi', pp 60, 62, 63, 69, 96, 97, 105, 131, 185, 195, 201, 216, 225, 229, 241, 254, 264, 274-275, 280, 555, 596, 634-635, 671, 689, 749, 768. Aotea Māori Land Court, Whanganui, Files: 3/8418 (Aorangi 1 Sections 3A3E & 3A5A1); 3/8924 (Aorangi 1 Sections 3D1A and 3D1B3); 3/9319 (Aorangi 1 Sections 3A3F2 and 3A5A2); 3/9773 (Aorangi 4C5); 3/10119 (Aorangi 1 Section 3A5B1&2); 3/10120 (Aorangi 1 Section 3A5B3).

The alienation of Ngāti Kauwhata-owned land in the neighbouring Taonui Ahuaturanga sections followed a similar pattern. Taonui Ahuaturanga 1F1A (40 acres), for example, was partitioned into four sections in March 1914.[813] Section 1F1A1 (25½ acres) was sold in October 1920; 1F1A2 (six acres) in May 1924; 1F1A4 (10½ acres) in June 1931; and 1F1A3 (six acres) in July 1952. On each occasion the purchaser was a local European farmer. Sections 1F1A1 and 1F1A3 were purchased by Neil Campbell for £2500 and £545, while Sections 1F1A2 and 1F1A4 were bought by Gertrude Alice Campbell for £315 and £480.[814]

The pattern of partitioning, followed by eventual alienation, when the divided land proved to be insufficient to provide a living for its owners, was also evident in the fate of the subsections of Taonui Ahuaturanga 2B. In June 1901 the 92-acre section had been partitioned into 11 equally-sized parts of slightly more than 8-acres each. Eight of the sections were subsequently sold, including Taonui 2B4 which was purchased by George Dymes Remnant in December 1937 for £550.[815]

[813] 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. XXV1, Takapuwahi Sections to Taumanuka', pp 483-484
[814] Ibid., pp 466, 471, 475, 480
[815] Ibid., pp 546, 569, 571, 573, 575, 585, 587, 591, 599-600

Table 5.9. Sections of Taonui-Ahuaturanga 1, 3, and 3, alienated in the Twentieth Century (date and purchaser known)

Section	Acres	Acres sold	To whom sold	Date of sale	Price paid
1F1B	48	48	Neil Campbell	17 June 1915	
2A3A	6.4	6.4	Henry Dewar	14 May 1918	
2A3B	1	1	Henry Dewar	2 March 1920	£100
1F1A1	25.5	25.5	Neil Campbell	8 Oct 1920	£2500
1F1A2	6	6	Gertrude Alice Campbell	12 May 1924	£315
1F1A4	10.5	10.5	Neil Campbell	5 June 1931	£545
2B4	8.1	8.1	George Dymes Remnant	15 Dec 1937	£550
2B1	8.1	8.1	Reupena Eruini Mereti	1 May 1939	£275
1F1A3	6	6	Gertrude Alice Campbell	25 July 1952	£480

Source: Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. XXV1, Takapuwahi Sections to Taumanuka', pp 463, 466, 480, 471, 475, 587, 595, 602,

Table 5.10. Sections of Taonui-Ahuaturanga alienated after partition (date and purchaser unknown)

Section	Date of Partition	Area	Number of Owners
1F2	27 January 1890	13	1
1F3	27 January 1890	9.75	1
1F4	27 January 1890	9.75	1
1F5	27 January 1890	9.75	1
1F6	27 January 1890	9.75	1
1F7	27 January 1890	9.75	2
1F8	27 January 1890	10	1
1F9A1	31 August 1897	4.9	1
2B8	20 June 1901	8.1	1
2B9	20 June 1901	8.1	1
2B10	20 June 1901	8.1	1
2B11	20 June 1901	8.1	1
2C	20 June 1901	58.2	7
2D	20 June 1901	25	5
3B1	27 July 1908		

Source: 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. XXV1, Takapuwahi Sections to Taumanuka', pp 546-547,

Usually holding small pieces of land that offered little tangible benefit unless sold to neighbouring farmers, owners of the sections of Upper Aorangi and Taonui Ahuaturanga that remained in Māori ownership in the second half of the twentieth century often made a calculated, and economically rational decision to sell their land. At a meeting of assembled owners called to discuss the alienation of Aorangi 1 Sections 3A3F2 (17¼ acres) and 3A5A2

(16¾ acres) on 16 May 1979, for example, the leading shareholder argued the land would not 'be worth anything' to his eight children, and that he 'would rather have the money' from its sale to 'pay off' the loan on his house.[816] Despite the misgivings of one 'small shareholder' (section 3A5A2 had 35 owners), the owners eventually agreed to sell the two sections at a subsequent meeting on 1 August 1979.[817]

Owners of small sections, however, did not always choose to sell their land, despite the powerful economic incentives pushing them to do so. On 28 June 1979, for example, three of the 11 owners of eight and five-eighths-acre Aorangi 5A1B1 met to consider Gordon Brian Johnston's offer to purchase the section for $10,000. Some owners, including the largest shareholder present at the meeting, wanted to accept the offer. The daughter of Hori Mataki (who held 153.33 of the block's 1380 shares), however, opposed the sale and told the meeting that she and her brothers and sisters wished to purchase the land for themselves as she and her siblings 'had been born and brought up' on Section 5A1B1 and 'it was the only roots they had.' Although they did not have the necessary money 'at present', the Mataki children were 'willing to sell assets to obtain the finance.' With the 'assembled owners' unable to agree the meeting was 'adjourned sine die.'[818] Section 5A1B1 is still Māori land today.[819]

Not all of the sections of Upper Aorangi and Taonui Ahuaturanga 1, 2 and 3 alienated in the twentieth century were small and fragmented. In July 1915 the Ikaroa District Māori Land Board confirmed the sale of the 48-acre Taonui Ahuaturanga Section 1F1B to Neil Campbell. [820] The 134½ acres of Upper Aorangi 1 Section 4E2 were purchased by Cecil Sinclair Avery, a Feilding-based dairy farmer, in March 1952 for £10,000. Avery had been leasing the land prior to purchasing it.[821]

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[816] 'Statement of Proceedings of Meeting of Assembled Owners', Aorangi 1 Section 3A5A2, 16 May 1979, Aotea Māori Land Court, Whanganui, File 3/9319 (Aorangi 1 Section 3A3F2 and 3A5A2)
[817] 'Statement of Proceedings of Meeting of Assembled Owners', Aorangi 1 Sec 3A3F2 and Aorangi 1 Sec 3A5A2, 1 August 1979, Aotea Māori Land Court, Whanganui, File 3/9319, (Aorangi 1 Section 3A3F2 and 3A5A2)
[818] 'Statement of Proceedings of Meeting of Assembled Owners', Aorangi 1 Sec 5A1B1, 5 July 1979, Aotea Māori Land Court, Whanganui, File 3/10196 (Aorangi 5A1B1),
[819] 'Aorangi No 1 Section 5A 1B Section 1', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20897.htm (accessed 19 December 2016)
[820] 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. XXV1, Takapuwahi Sections to Taumanuka', p 463
[821] 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. I, Ahitangutu to Aorangi', pp 130-131

Parts of Upper Aorangi were also compulsorily acquired by the Crown under the Public Works Act 1928.[822] As amended in 1931, the 1928 Act allowed the Crown to compulsorily acquire Māori land simply by issuing a proclamation in the *New Zealand Gazett*e.[823] In 1934, slightly more than 1 acre of Section 5B1 (10¾ acres) and all of Section 9A (2.2 acres of the Oroua's old river bed) were taken by the Crown for 'river protection purposes.'[824] A much larger taking was proclaimed in January 1964 when the Minister of Works took two-thirds of Aorangi 1 Section 4C6 (30.6 out of 47.1 acres) for a new sewerage treatment plant for Feilding. The proclaimed land (along with more than 50 acres from Ngāti Kauwhata's Te Awahuri reserve, which were also taken under the Minister of Works' proclamation) was to be vested 'in the Mayor, Councillors, and Citizens of the Borough of Feilding.'[825]

The compulsory 'Europeanisation' of Māori Freehold land

The division of what was left of Ngāti Kauwhata's holdings into so many small sections made the land vulnerable to the process of compulsory 'Europeanisation' set in place by the Māori Affairs Amendment Act 1967. Part 1 of this Act required that Māori freehold land with four or less owners that was considered to be 'suitable for effective use and occupation' should be converted to the status of general freehold land.[826] This process of 'Europeanisation' was to be carried out by the Registrar of the Māori Land Court who was empowered, after ensuring that a piece of Māori land was indeed 'suitable for effective use and occupation', to declare that it 'shall cease to be . . . Māori land.'[827] No allowance was made in the legislation for the wishes of Māori owners who might have preferred that their land remain in Māori freehold tenure. Instead, the status of a piece of land considered by the Registrar to be eligible for 'Europeanisation' was to be changed whether the owners wanted it or not.[828]

Māori Land Court records regarding the compulsory conversion of Māori land within Upper Aorangi and Taonui Ahuaturanga are incomplete and sometimes unclear. It appears, however, that at least 10 sections of Upper Aorangi 1 and one from Taonui Ahuaturanga 3 were

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[822] Public Works Act 1928, Part IV

[823] Waitangi Tribunal, *The Wairarapa ki Tararua Report. Volume II: The Struggle for Control*, (Wellington, Legislation Direct), 2010, p 757

[824] *New Zealand Gazette*, 14, 13 February 1936, p 264; 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. I, Ahitangutu to Aorangi', pp 634-635

[825] *New Zealand Gazette*, 1, 16 January 1964, pp 1-2; 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. I, Ahitangutu to Aorangi', p 555

[826] Māori Affairs Amendment Act 1967, ss 3 & 4

[827] Ibid., s 6

[828] Ibid., s 7

compulsorily converted by the Māori Land Court to general land between May 1968 and June 1972. All but one of the sections were of 10 acres or less, and some were much smaller. Sections 4E1A and 4C1B1 of Aorangi 1, and Section 3A1 of Taonui Ahuaturanga were half an acre respectively, while Sections 4C1A and 9B2A of Aorangi 1 were just a quarter acre each.[829] The exception was the 134-acre portion of Section 4E1 which on 14 June 1968 was declared by a Deputy Registrar of the Māori Land Court to have 'ceased' to have the status of Māori land.[830]

Table 5.11. Sections of Aorangi 1 compulsorily 'Europeanized' under Part I of the Māori Affairs Amendment Act 1967

Section	Area (acres)	Date section ceased to be Māori land
4C1A	0.25	28 May 1968
9B2A	0.25	28 May 1968
4E1 (Part of)	134	14 June 1968
4E1A	0.5	14 June 1968
4C1B1	0.5	30 July 1970
4C2	10	1 May 1971
5A2A1	5.5	15 July 1971
3A4A3 No 2	1.4	30 November 1971
5A1A3	2.2	17 June 1972
5A1B1	8.6	27 June 1972

Source: 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. I, Ahitangutu to Aorangi', pp 50, 77, 111, 126, 135, 140, 151, 160, 165, 483; 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. XXV1, Takapuwahi Sections to Taumanuka', pp 558-559

Compulsory Europeanisation was unpopular with Māori, and the process was abolished by the Labour Government in 1973.[831] The next year provision was made in the Māori Affairs Amendment Act 1974 for owners whose land had been converted to general status to apply to have it returned to Māori freehold land.[832] The owners of two pieces within Aorangi 1 – Sections 4C1B1 (0.5 acre) and 5A1B1 (8.6 acres) – appear to have taken advantage of this

[829] 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. I, Ahitangutu to Aorangi', pp 50, 135, 160, 165; 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. XXVI, Takapuwahi Sections to Taumanuka', pp 558-559
[830] Ibid., p 140
[831] Māori Purposes Act (No 2) 1973
[832] Māori Affairs Amendment Act 1974, s 68

opportunity and had their land returned to Māori freehold status.[833] Both of these sections remain as Māori land today.[834]

The other eight sections of Aorangi 1 that had been compulsorily converted to general land, including Section 4E1, do not appear to have been returned to Māori freehold status. As a result, we do not know whether they are still in Māori ownership or have since been sold to non-Māori buyers.

5.6 Upper Aorangi and Taonui Ahuaturanga Land in Māori Ownership Today

Today there are 30 sections of Māori land remaining in Ngāti Kauwhata's portion of the original 'Oroua Reserve'. Together, they make up a total of 506½ acres of Māori freehold land, or less than seven percent of the 7526 acres awarded to Ngāti Kauwhata by the Native Land Court in 1873. Most of the surviving sections are small, with more than half being less than four acres in area. Thirteen of the sections are less than one hectare (2.47 acres).

As well as being small, many of the surviving Aorangi sections have multiple owners – a legacy of the Colonial Government's practice of vesting ownership of Māori land in individuals rather than tribal or hapū groups. As individual owners died they often left more than one successor, leading over generations to an often exponential increase in the number of owners of a single piece of land. This process, by which an ever-increasing number of individual owners came to hold ever-diminishing shares in a piece of land, is often termed fractionation. Only eight of the remaining Upper Aorangi sections (including two of the larger pieces) have one owner. On the other hand, seven sections have between 12 and 19 owners, while another seven have between 22 and 45 owners each. Section 4C3 (10 acres), for example has 19 owners while Section 5A1A2 (2.2 acres) has 31.[835] Three sections of Aorangi 1 have between 92 and 97 owners, while three more have between 115 and 118. The one-acre Section 3A3B has 117

[833] 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. I, Ahitangutu to Aorangi', pp 488, 588, 590

[834] http://www.maorilandonline.govt.nz/gis/title/297060.htm and http://www.maorilandonline.govt.nz/gis/title/20897.htm (accessed 20 December 2016)

[835] http://www.maorilandonline.govt.nz/gis/title/20903.htm and http://www.maorilandonline.govt.nz/gis/title/20898.htm (accessed 21 December 2016)

individual owners, while Sections 3A5A3A (8.4 acres) and 3A3F1 (9.8) have 115 and 118 owners respectively.[836]

The small size of most of the surviving sections of Māori land within Upper Aorangi, and the fact that ownership is more often than not divided amongst a dozen or more individual shareholders, makes it very difficult for individual owners, much less Ngāti Kauwhata as a whole, to secure any significant or ongoing economic benefit from their land.

The partial exception to this pattern of fragmentation and fractionation are the remaining sections of Upper Aorangi 1 Section 4, which the Native Land Court in 1879 had ordered cut out for Enereta Te Rangiotu and other members of Te Kooro Te One's family. Of the original 776 acres awarded by the Court, 374¼ acres remain as Māori land. Most of this land (319 acres) is concentrated in just three sections, the largest of which – Section 4D – contains 203 acres.[837] All of this land appears to have been handed down from Enereta herself, who in August 1885 received an order from the Court for 476 acres.[838] While the challenge of maintaining significant sections of land in the ownership of one chiefly family might not have proven insurmountable, the task of achieving the same for Ngāti Kauwhata as whole, with more than half a dozen major families, and 67 individual owners on the original certificate of title for Aorangi 1 proved to be of an entirely different order of difficulty altogether.

The Crown-imposed system of individualized land tenure proved as destructive in Taonui Ahuaturanga. Of the 993 acres awarded by the Native Land Court to Ngāti Kauwhata in October 1881 just under 55 remain as Māori land today. Most of this land – 42.7 acres – is concentrated in one section: part of Section 3A2.[839] The other 12 acres are divided between five sections, none of which is more than four acres. All of the five smaller sections have just one owner with the exception of Section 1F9A2A (2 acres) which has 15.[840] The part of Section 3A2 still in Māori freehold tenure has 11 owners.[841]

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836 http://www.maorilandonline.govt.nz/gis/title/20922.htm;
http://www.maorilandonline.govt.nz/gis/title/20922.htm; and
http://www.maorilandonline.govt.nz/gis/title/20917.htm (accessed 21 December 2016)

837 http://www.maorilandonline.govt.nz/gis/title/20900.htm. The other two sections are 4B1 (69.3 acres) and 4B2 (46.2 acres): http://www.maorilandonline.govt.nz/gis/title/292994.htm and
http://www.maorilandonline.govt.nz/gis/title/292995.htm

838 'Aorangi 1 Sec 4 Block', 'Māori Land Court Records Document Bank Project. Porirua ki Manawatū Series. Vol. I, Ahitangutu to Aorangi', p 611

839 http://www.maorilandonline.govt.nz/gis/title/19137.htm (accessed 21 December 2016)

840 http://www.maorilandonline.govt.nz/gis/title/19615.htm;
http://www.maorilandonline.govt.nz/gis/title/19610.htm;
http://www.maorilandonline.govt.nz/gis/title/19607.htm;
http://www.maorilandonline.govt.nz/gis/title/19585.htm;
http://www.maorilandonline.govt.nz/gis/title/19584.htm

841 http://www.maorilandonline.govt.nz/gis/title/19137.htm (accessed 21 December 2016)

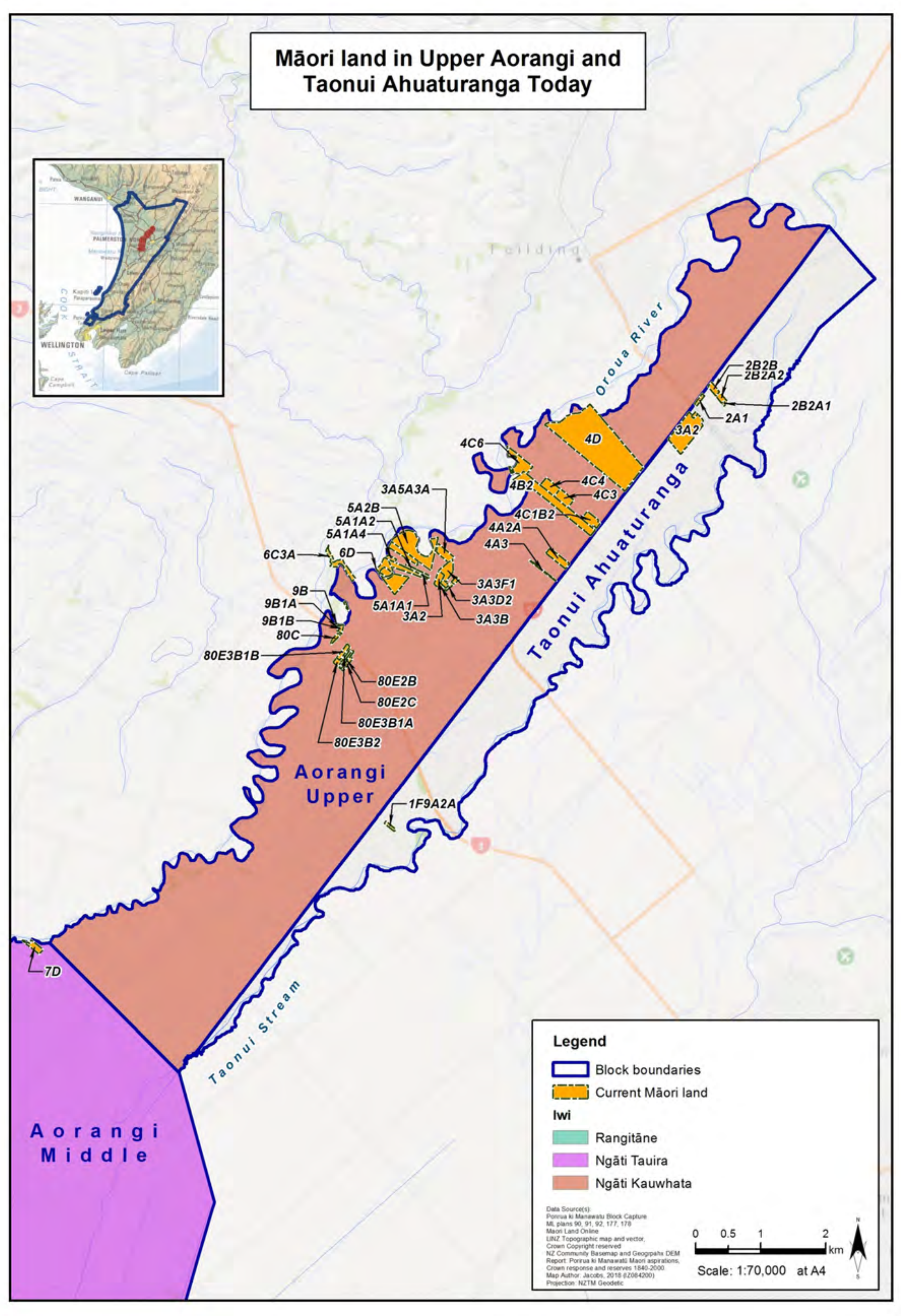
Māori land in Upper Aorangi and Taonui Ahuaturanga Today
Feilding
Oroua River
Taonui Ahuaturanga
Aorangi Upper
Aorangi Middle
Taonui Stream
4D
3A2
2B2B
2B2A2
2B2A1
2A1
4C6
4B2
4C4
4C3
4C1B2
4A2A
4A3
3A5A3A
5A2B
5A1A2
5A1A4
6C3A
6D
3A3F1
3A3D2
3A3B
5A1A1
3A2
9B
9B1A
9B1B
80C
80E3B1B
80E2B
80E2C
80E3B1A
80E3B2
1F9A2A
7D
Legend
Block boundaries
Current Māori land
Iwi
Rangitāne
Ngāti Tauira
Ngāti Kauwhata
Scale: 1:70,000 at A4
km

Table 5.12 Sections of Aorangi 1 remaining as Māori land

Sections	Area hectares	Area acres	Owners	Shares	Title Order Date	Plan
3A3B	0.4	1	117	159.4	10 April 1913	ML 2586
3A3C	0.8	2	1	1	10 April 1913	ML 2586
3A3D1	0.65	1.6	13	239.5	24 March 1949	ML 5392
3A3D2	0.65	1.6	17	239.5	24 March 1949	ML 5392
3A3F1	4.0	9.8	118	1572	10 August 1921	ML 3614
3A5A3A	3.4	8.4	115	1343	18 December 1935	ML 5392
4A2A	3.8	9.5	14	1520	29 April 1891	ML 1157
4B1	28	69.3	1	9600	17 March 1911	ML 448631
4B2	18.7	46.2	1	6400	17 March 1911	ML 448631
4C1B1	0.2	0.5	1	1	10 September 1915	ML5103
4C1B2	3.7	9.25	22	1480	20 November 1962	ML 5103
4C3	4.0	10.0	19	1600	11 April 1900	ML 2415
4C4	4.0	10.0	1	1600	11 April 1900	ML 2415
4C6	6.7	16.4	12	7530	11 April 1900	ML 4240
4D	82.2	203.1	13	32494	28 July 1922	ML 3964
5A1A1	0.9	2.2	45	349	1 March 1923	ML 3687
5A1A2	0.9	2.2	31	349	1 March 1923	ML 3687
5A1A4	0.9	2.2	1	1	6 December 1994	ML 3687
5A1B1	3.5	8.6	45	1380	28 February 1930	ML 4197
5A2A2	4.4	10.9	6	1747	29 October 1918	ML 3373
5A2B	19.7	48.7	92	7788	14 August 1908	ML 3373
5B2B	6.0	14.9	93	2385	27 August 1924	ML 3836
9B1A	0.2	0.5	38	79	7 September 1923	ML 3806
9B1B	0.6	1.5	19	238	7 September 23	ML 3806
80C	0.8	2.0	Māori Reservation	0	6 February 1890	ML 3416, ML 2835
80E2B	1	2.5	43	398	17 June 1913	ML 3331
80E2C	1.3	3.3	97	523	17 June 13	ML 3331
80E3B1A	0.8	1.9	1	1	7 November 1984	ML 5470
80E3B1B	1.6	3.9	23	626.8	7 November 1984	ML 5432
80E3B2	0.9	2.1	1	342.1	26 November 1981	ML 5432

Source: Māori Land Online.

Table 5.13. Sections of Taonui-Ahuaturanga 1, 2 & 3 remaining as Māori land

Sections	Area hectares	Area acres	Total Owners	Shares	Title Order Date	Plan
1F9A2A	0.8	2	15	311.5	1 Aug 1908	ML 2526
2A1	0.8	2	1	320	30 Oct 1920	ML 2840
2B2A1	0.2	0.5	1	80	9 Nov 1953	ML 5367
2B2A2	1.4	3.5	1	567.8	9 Nov 1953	ML 5389
2B2B	1.6	4	1	647.8	18 Aug 1949	ML 5389
3A2 Part	17.3	42.7	11	5	26 July 1967	ML 5171

Source: Māori Land Online

5.7 Conclusion

The 'Oroua Reserve' was excluded from the Crown's purchase of Te Ahuaturanga – Upper Manawatū at the insistence of Ngāti Kauwhata and Hoani Meihana Te Rangiotu of Rangitāne. Hoani Meihana and Te Kooro Te One (of Ngāti Kauwhata and Ngāti Wehiwehi) were determined that the land between the Oroua and Taonui Rivers should be set aside permanently for Ngāti Kauwhata and Rangitāne as a reserve for their children, 'and for their children after them.' In December 1865 Te Kooro Te One emphatically told Land Purchase Commissioner Isaac Featherston that he would 'never consent' to the sale of 'the Oroua Reserve.'[842]

Despite the clearly expressed intentions of the leading Māori owners of the land, Crown officials never considered what they referred to, first as the Oroua Block, and then as the Aorangi Block to be a permanent reserve for Ngāti Kauwhata or Rangitāne. The land was never accorded any special status by the Crown or vested with any formal protections against alienation. Instead, Crown officials began plans to acquire the Oroua/Aorangi Block from its Māori owners. In 1855 Land Purchase Commissioner William Searancke, for example described the Oroua land as 'a distinct purchase' to be negotiated separately from the Crown's acquisition of Te Ahuaturanga – Upper Manawatū.[843] The eligibility of the Oroua/Aorangi Block for purchase was also underlined by Native Minister McLean who in January 1872 described the land as 'exceedingly valuable from its position and from the timber upon it.'[844]

In the end, the Crown did not follow up on its interests in purchasing Ngāti Kauwhata's portion of the 'Oroua Reserve.' Instead, it was to be the Native Land Court process that led to Ngāti Kauwhata losing most of its land between the Oroua and the Taonui. With no allowance in colonial Native land law for communal ownership by hapū or iwi, Ngāti Kauwhata's portion of what the Native Land Court called the Aorangi Block was vested by the Court, in March 1873, in a list of 69 individual owners. The placing of such a large area of land (7526 acres) in so many owners made partitioning of the tribal estate inevitable. The chiefs of Ngāti Kauwhata did their best to control this process, holding hui-a-iwi to decide upon the division of Upper Aorangi, and agreeing to set aside portions to be sold to cover the costs of survey, and to pay off the substantial debts the tribe had accrued in its long struggles with the Crown over Rangitīkei-Manawatū and Maungatautari. By the time of Te Kooro Te One's sudden death in May 1877, Ngāti Kauwhata had sold 846½ acres of Upper Aorangi, leaving more than 6500 acres, or almost 90 percent of the land's original area, still in tribal ownership.

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842 Featherston, 'Notes of a Meeting at Puketōtara (Manawatū), *AJHR*, 1866, A-4, p 19
843 Searancke to the Chief Commissioner, 12 November 1855 [1858], AJHR, 1861, C-1, p 282
844 Telegram from Donald McLean to Fitzherbert, 26 January 1872, MA 13/75A, pp 450-451

In the quarter century that followed Te Kooro's death the powerful centrifugal forces embedded in the individualized title imposed by the Crown proved impossible for Ngāti Kauwhata to contain, and the tribe's holdings in Upper Aorangi were subjected to large-scale subdivision and alienation. In November 1881 the Native Land Court approved the division of 4000 acres of Upper Aorangi 1 into 45 sections. Many of these sections were subsequently sold. By the end of the century at least 30 of the 45 sections, including 2726 acres, had been purchased by private Europeans.

The process of 'community separation through subdivision', caused in large part by the inappropriate and destructive form of individual land title imposed by the Crown, continued to divide and diminish Ngāti Kauwhata's holdings in Upper Aorangi and Taonui Ahuaturanga through most of the twentieth century. Land such as Sections 3A, 4A, 5A and 80 of Upper Aorangi 1 intended by the tribe to be held communally, but for want of a useable form of collective title were instead vested by the Native Land Court in lists of more than 20 individuals, were subjected to repeated rounds of partitioning as individual owners sought to have their holdings defined and cut out.

The division of Ngāti Kauwhata's remaining land within Upper Aorangi and Taonui Ahuaturanga into smaller and smaller individually-owned sections led in turn to further alienation. Left with fragments of land that were often too small to be economically viable, many individual owners sold their sections to neighbouring European farmers. Between October 1963 and August 1984, Pakeha farmers purchased 26 sections of Māori land within Upper Aorangi.

The fragmentation of what was left of Ngāti Kauwhata's land within Upper Aorangi and Taonui Ahuaturanga also made it vulnerable to compulsory conversion from Māori to general freehold land under Section I of the Māori Affairs Amendment Act 1967. Between May 1968 and June 1972, 10 sections of Upper Aorangi were compulsorily converted from Māori to general freehold land. Only two were subsequently restored to Māori land.

In addition, over the course of the twentieth century Ngāti Kauwhata lost land within Upper Aorangi to Public Works takings by the Crown. In 1964 the Minister of Works took almost 31 acres from Aorangi 1 Section 4C 6 for Feilding's new sewerage treatment plant. Given the amount of land that had already been alienated from Upper Aorangi, this loss was far from insignificant, especially as it was combined with the taking of 50 acres from Ngāti Kauwhata's reserve at Te Awahuri.

Of the original 'Oroua Reserve' sought by Te Kooro Te One and Hoani Meihana only fragments remain as Māori land today. Just 506½ acres of the 7526 acres awarded to Ngāti

Kauwhata by the Native Land Court in 1873 as Aorangi 1 or Upper Aorangi still have the status of Māori land. Most of the surviving 30 sections are small. With the exception of three portions of Upper Aorangi Section 4 still held by the descendants of Enereta Te Rangiotu, and Section 5A2B (49 acres), all are less than 20 acres in area. More than half of the surviving sections are less than four acres, while 13 of the 30 are less than one hectare (2.47 acres). Only one section, 4D, is of more than 100 acres. Within Taonui Ahuaturanga just 55 of the 993 acres awarded by the Native Land Court to Ngāti Kauwhata in 1881 are still Māori land. Of the six surviving sections, five are of four acres or less.

6. Reserves and Land Restricted from Purchase South of the Manawatū River, 1865-2016

6.1 Introduction

In contrast to the Rangitīkei-Manawatū, ownership of Ngāti Raukawa's land to the south of the Manawatū River was defined by the Native Land Court before being made available for purchase by the Crown and private European purchasers. Between 1867 and 1886 the Native Land Court divided up and designated the owners of virtually all of Ngāti Raukawa's land between the Manawatū River and the Kukutauaki Stream. In 1873 and 1874 alone the Court ordered certificates of title for at least 75 blocks of Raukawa land, covering a combined area of 221,000 acres. Much of the land processed by the Court was subsequently purchased by the Crown. In seven years – between December 1874 and December 1881 – the Crown purchased 141,330 acres of Ngāti Raukawa land from 50 Court-defined blocks. A further 40,000 acres were purchased by private interests between 1876 and 1893, including almost 25,000 acres by the Wellington and Manawatu Railway Company.

Reserves of Ngāti Raukawa land south of the Manawatū River were created in two ways. Land could be designated as 'inalienable' when it was first brought before the Native Land Court. In accordance with the Native Lands Acts of 1865, 1866, and 1867, the Native Land Court could recommend to the Governor that a particular piece of land be made inalienable by sale, mortgage, or by lease for periods of more than 21 years. The Native Land Court Act 1880 allowed the Court to order that specific sections of Māori land be made inalienable without the need for the Governor's approval.

As well as being created prior to land purchasing, when the Court defined title or ownership to an area of land, reserves could also be created from Crown land purchasing. As with Donald McLean's purchase of Rangitīkei-Turakina, reserves could be explicitly defined in Crown purchase deeds. Such was the case in the Crown's purchases of the Wairarapa and Waihoanga 4 blocks, as well as sections of Manawatū Kukutauaki 2, 3 and 4. In some cases, such as the Waikawa (Manawatū Kukutauaki 4) and Manawatū Kukutauaki 3 reserves, the land set aside in the deeds of purchase was later granted formal protection from alienation, either by statute or order of the Native Land Court. In other cases, such as Wairarapa, Waihoanga 4 and the

Kaihinu blocks (Manawatū Kukutauaki 2A-E), no restrictions on alienation were imposed and all or most of the set aside land was soon purchased, either by the Crown itself or by private interests.

Only a relatively small portion of Ngāti Raukawa's land to the south of the Manawatū River was permanently reserved from purchase, either through the Native Land Court or in land purchase deeds drawn up by the Crown. Rather than pursuing a systematic and consistent policy, the Native Land Court and Crown Land Purchase Officers acted in an ad hoc and inconsistent manner, reserving land on the rare occasions when explicitly requested to by Māori land owners but otherwise taking little action to ensure that the various hapū and tribes affiliated with Ngāti Raukawa were left with sufficient land for their present and future needs.

Between 1867 and 1874 the Native Land Court recommended that 26 pieces of land (ranging from two tenths of an acre to 2555 acres) be made 'inalienable' ('except with the consent of the Governor' or 'Governor in Council'). A further 17 sections of Ngāti Raukawa land were declared inalienable by the Court between 1881 and 1886. Altogether, the 43 sections recommended or ordered to be inalienable by the Native Land Court between 1867 and 1874, and 1881 and 1886 made up a combined area of less than 10,000 acres out of the approximately quarter million acres of Raukawa land south of the Manawatū River that received titles from the Native Land Court during this period.

Of the 50 blocks of Ngāti Raukawa owned land purchased by the Crown between December 1874 and December 1881, 31 were purchased outright with no provision for reserves. Of the 19 areas in which reserves were defined, significant areas were set aside – at the insistence of the Raukawa owners – from the Crown's purchases of Manawatū Kukutauaki 4 A-E (Waikawa), Manawatū Kukutuaki 3, and Manawatū Kukutauaki 2 A-E (the Kaihinu blocks), as well as Wairarapa, Waihoanga 4, Muhunoa 3 and 4 and Pukehou 5A. Altogether, slightly more than 41,000 acres were set aside from the Crown's purchase of more than 141,000 acres. While the area reserved was far from insubstantial, much of it was subsequently alienated, either to the Crown (as with most of the Wairarapa and Waihoanga 4 reserves) or private purchasers (such as the almost 25,000 acres acquired by the Wellington and Manawatū Railway Company from what was left of the Kaihinu blocks between September 1882 and June 1891).

Only a fraction of the land that was set aside from Crown land purchases south of the Manawatū River was formally protected from further alienation. Manawatū Kukutauaki 4A, 4C and 4E of the Waikawa Reserve were designated as inalienable reserves by legislation, while Ngāti Ngārongo and Ngāti Takihiku's portions of the Manawatū Kukutauaki 3 Reserve were restricted from alienation by the Native Land Court in 1889. Such protections did not,

however, exclude reserves from the jurisdiction of the Native Lands Acts. As a result, ownership of community lands was placed, not in the hapū or tribe as a whole, but rather in lists of individual owners, each with a discrete but geographically undefined share. This individualization of what had previously been a community-owned resource led inevitably to the fragmenting of the reserves as individual owners applied to the Native Land Court to have their shares partitioned out.

The legal restrictions on alienation provided for Ngāti Raukawa land under the Native Lands Acts was never absolute. Restrictions could be waived by the Governor either acting alone or in Council. Between 1875 and 1900 the Governor – acting on the advice of his ministers and officials – allowed the complete or partial purchase of 12 of the 26 Raukawa-owned sections that had been made inalienable at the recommendation of the Native Land Court between 1867 and 1874. The Governor also authorized the sale of significant portions of the Waikawa and Manawatū Kukutauaki 3 reserves. Between December 1892 and January 1910 the Governor allowed restrictions on alienation to be removed from 14 sections of the Waikawa reserve, leading to the sale of 852 acres, or 19 percent of the reserve's original area. In Ngāti Ngārongo's 3000-acre portion of the Manawatū Kukutauaki 3 Reserve, the Governor, between 1898 and 1909, agreed to the sale to private European purchasers of 30 sections of previously protected land, containing 1600 acres.

The remaining restrictions on the alienation of reserved land were annulled by the Native Land Act 1909, which stipulated that previously protected Māori land could be bought and sold 'in the same manner' as European land. The removal of restrictions by the 1909 Act was followed by the purchase of all or parts of several of the sections that had been designated as inalienable by the Native Land Court, as well as significant portions of both the Waikawa and Manawatū Kukutauaki 3 reserves. Between 31 March 1910 and the end of 1929, more than 1200 acres of the Waikawa reserve, and 839 acres of the Manawatū Kukutauaki 3 Reserve were purchased by private European buyers.

The alienation of previously protected Raukawa land continued in the decades during and after World War II. Between 1940 and 1975 at least 33 sections, containing a combined total of 482 acres, were alienated from the Waikawa Reserve. During the same period 438 acres of what was left of the Manawatū Kukutauaki 3 Reserve were also purchased by private Europeans. While private European buyers were responsible for most of the purchases of reserved Raukawa land after 1940, the largest single alienation was undertaken by the Crown when, in December 1955, it acquired 760 acres of the Te Rerengaohau block (across the Manawatū River from Foxton).

Today, only fragments of Ngāti Raukawa's reserves south of the Manawatū River remain as Māori freehold land. Just one of the 26 sections rendered inalienable at the recommendation of the Native Land Court between 1867 and 1874 remains entirely intact today. Parts of another six also remain as Māori land. Of the 17 sections made inalienable by the Court between 1881 and 1886, three are still partially Māori land. From the more than 41,000 acres originally set aside from Crown purchases of Raukawa land between the Manawatū River and Kukutauaki Stream, 1605 acres (or four percent) remain as Māori land today. Within the Waikawa Reserve 932 of the original 4521 acres are still Māori land today, while in the Manawatū Kukutauaki 3 Reserve 306 acres out of 4000 remain as Māori land. In the Kaihinu blocks only 215 acres of Māori land are left from the 27,640 acres originally set aside from the Crown's purchases of Manawatū Kukutauaki 2A-E. Elsewhere, such as in the Wairarapa and Waihoanga 4 blocks on either side of the Ōtaki River, no Māori land remains from the reserves set aside in the nineteenth century.

6.2 The Native Land Court and Restrictions on the Alienation of Ngāti Raukawa land

North of the Manawatū River, all of Ngāti Raukawa's tribal land – with the exception of the Oroua Reserve – was purchased directly by the Crown. South of the Manawatū the process was different, with almost all of the tribal estate being passed through the Native Land Court before being made available to the Crown or private buyers. First established by the Native Lands Act 1862 as an 'impermanent' panel of 'Māori co-judges', chaired by the local resident magistrate, the Native Land Court was transformed by the Native Lands Act 1865 'into a permanent and formal Court of Record' with European judges assisted by Māori assessors.[845] The purpose of the Native Land Court was to 'investigate' claims of ownership to pieces of customary Māori land. When, as it often was, ownership of a particular piece of land was contested, the Court heard the claims of the competing parties and then came to a decision as to who, in its judgment, the actual owners of the land were. The owners designated by the Court had their names placed on a 'certificate of title', which, upon being ratified by the Governor, established them as the land's legal owners. Their rights formally established, the owners were then issued with a Crown grant.[846]

[845] Boast, *Buying the Land, Selling the Land*, p 66
[846] Ibid., pp 66-67

Crucially, the Native Land Court established by the Native Lands Act 1865 awarded ownership to land of less than 5,000 acres, not to Māori communities such as iwi, hapū or whānau, but rather to individual Māori whose names were listed on the certificate of title. These individuals then became the absolute owners of the land for which the certificate of title had been made. The 1865 Act limited the number of names that could be included on any one certificate of title to no more than 10.[847] This restriction was subsequently modified: first in 1867 when the Court was authorized to append to the certificate of title a list of all those whom the Court had recognized as having an interest in the block; and then in 1873 when the Native Land Act of that year allowed the Court to include on the certificate of title 'all the persons' whom it considered to be owners of particular piece of land. Depending on the size and significance of the land in question the lists of owners compiled by the Court after 1873 could run from as few as one or two to as many as several hundred.[848]

As well as establishing the legal owners of particular pieces of Māori land, the Native Land Court in 1865 was also empowered to recommend that certain pieces of land be formally protected from subsequent sale or long-term lease. The Native Lands Act 1865 allowed the Court 'to take evidence as to the propriety or otherwise of placing any restriction on the alienability' of land it was investigating.[849] If the Court concluded that such a restriction was appropriate it could forward its recommendation to the Governor. If the Governor saw fit, the restriction would then be added as a condition of ownership of the piece of land in question.[850]

The exact restriction to be imposed by the Governor, following the recommendation of the Native Land Court, was set out in the Native Lands Act 1866. Section V of this Act required that land set aside as Native reserves 'shall be inalienable by sale or mortgage or by lease for a longer period than twenty-one years except with the assent of the Governor in Council.'[851] Such restrictions on alienation could, however, be overturned at any time by the Governor in Council's written endorsement of the sale or lease of the land in question. Such an endorsement cancelled the restriction in place and rendered the land legally 'alienable.'[852] The process was simplified further by the Native Lands Act 1867, which removed the requirement that the Governor be 'in Council' in order to sign off on the alienation of previously protected land.[853]

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[847] Native Lands Act 1865, s xxiii
[848] Native Lands Act 1867, s 17; Native Land Act 1873, s 47
[849] Native Lands Act 1865, s xxvii
[850] Native Lands Act 1865, s xlvi
[851] Native Lands Act 1866, s v
[852] Native Lands Act 1866, s vi
[853] Native Lands Act 1867, s 14

The system established by the 1865, 1866 and 1867 Native Lands Acts remained in effect until 1 January 1874, when it was replaced by a new framework laid out in the Native Land Act 1873. Section 48 of this act required that every piece of land investigated by the Court should be inalienable (except by lease for no more than 21 years) unless all of the owners agreed to its sale.[854] This restriction, however, was accompanied by a huge loophole: although a piece of Māori land could not be sold without the unanimous support of all owners, it could be partitioned. This meant that those who intended to sell their interests in a piece of land could simply apply to the Court to have their share 'cut out' from the block as a whole.[855] Once this had been done, the newly-defined section could be lawfully sold. Moreover, according to Section 59 of the 1873 Act, individual owners did not even have to wait until the partition had been completed before selling their land. Instead, they could sell their interests first and then apply to the Court to have their shares cut out. This enabled Crown land purchase officers and private buyers to purchase individually-owned interests in a piece of land and then apply to the Court to have these interests partitioned out and declared sold.[856] The purchase of individual interests, which were then aggregated into actual acres of land that were partitioned out by the Native Land Court, was the primary means by which Māori land was alienated in the latter quarter of the nineteenth century.[857]

The uncontrolled purchase, and partitioning out of the interests of individual owners by Crown and private buyers, eventually persuaded the colonial authorities to return to a more targeted system of protecting Māori land from wholesale alienation. The Native Land Court Act 1880 required the Native Land Court to 'inquire into' whether restrictions should be placed on the 'alienability' of all or part of any area of Māori land brought before it. If the Court found such restrictions to be appropriate it could add them to the certificate of title for the piece of land concerned. The Court was able to impose such restrictions on its own authority, without the approval of the Governor (as had been the case under the 1865 and 1867 Native Lands Acts).[858]

At the same time as the colonial Parliament empowered the Native Land Court to place restrictions on the alienation of certain pieces of Māori land, it also continued to provide means by which those restrictions could be removed. The Native Reserves Act 1882, for example, authorised the owners of any native reserve subject to restrictions on alienation to apply to the

[854] Native Land Act 1873, s 48
[855] Ibid., ss 48-49
[856] Ibid., s 59
[857] Boast, *Buying the Land, Selling the Land*
[858] Native Land Court Act 1880, s 36

Native Land Court to have those restrictions lifted.[859] The Native Land Court Amendment Act 1888 allowed a simple majority of owners to apply to the Court for the removal of restrictions on a piece of land. Such restrictions could be annulled or varied by the Court after a public inquiry and notification in the *New Zealand Gazette* and *Kahiti* (the Māori language version of the Gazette).[860]

In the 1890s the Liberal Government made it even easier for restrictions on the alienation of Māori land to be lifted. The Native Land Purchases Act 1892 allowed the Governor to remove 'at any time' any 'restrictions on alienation of any Native land' that the Crown wished to purchase.[861] The Native Land Court Act 1894 enabled restrictions on the alienation of 'any' Māori land to be lifted by the Governor (upon the recommendation of the Native Land Court) with the agreement of just one third of the owners.[862]

Land restricted from alienation by the Native Land Court

Between 1867 and 1886 the Native Land Court issued orders for virtually all of Ngāti Raukawa's tribal lands south of the Manawatū River. Beginning with the multitude of small allotments and sections in and around Ōtaki in the late 1860s, the Court then proceeded to define ownership of, and then divide up, the vast Manawatū Kukutauaki block (which stretched from the Manawatū River in the north to the Kukutauaki Stream in the south). In 1873 and 1874 the Court ordered certificates of title for the various subdivisions of the Manawatū-Kukutauaki block including: Manawatū Kukutauaki 1, 2A-G, 3, 4A-H, and 7 A-H; Ōhau (Manawatū Kukutauaki 6); Pukehou 1-5; Muhunoa 1-4; Ngāwhakangutu 1 and 2; Ngākaroro 1-5; Waihoanga and Wairarapa blocks (amongst others). The Crown oversaw further partitions and ordered more certificates of title in 1880, 1881 and 1885 including 12 sections each out of Manawatū Kukutaukai 2B and 2D, 13 sections out of Manawatū Kukutauaki 2E, and no less than 98 sections from Ngākaroro 2F.

Between 1867 and 1886, therefore, the Native Land Court made orders for an almost countless number of blocks, sections and allotments within Ngāti Raukawa's tribal estate. Only a small number of these orders, however, placed lasting restrictions upon the alienation of the land for which they were issued. According to the existing records, the Native Land Court between 1867 and October 1874 recommended that permanent restrictions on alienation be placed on just 26 pieces of land. The majority of these areas were small: 15 of the 26 were less

[859] Native Reserves Act 1882, s 22
[860] Native Land Court Act 1886 Amendment Act 1888, s 6
[861] Native Land Purchase Act 1892, s 14
[862] Native Land Court Act 1894, s 52

than 10 acres. A few, however, were much larger. Six of the restricted blocks were of more than 500 acres, while four (Ōtūroa, Te Rerengaohau, Manawatū Kukutuaki 4B and Ngāwhakangutu1) were larger than 1000 acres. Between 1881 and 1889 the Court placed restrictions on the alienation of a further 19 sections, ranging from one quarter to 3000 acres.

Table 6.1 Māori land permanently restricted from alienation under the Native Lands Acts 1865, 1866 and 1867

Block	Date of Order	Area (acres.roods. perches)	Owners
Mangapouri 185, Ōtaki	2 July 1867	0.0.32	Matarena Ngareti, Teira Ngapawa and Mere Ngapaua
Kiharoa 1	12 July 1867	2.3.7	Kiharoa Mahauariki
Whakarangirangi	5 July 1867	9.0.26	Hemi Kūti and Raita Kūti
Te Rotowhakahokiriri	2 July 1867	16.0.0	Horomona Toremi, Kerekeha Haerewharara, Patihona Kakaitemarama
Ōtaki, Lots 89, 91, 93	28 Feb 1868	0.2.18	Hoani Taipua, Kipa Te Mātia, Paranihia Whāwhā
Ōtaki Lots 155 & 170	29 Feb 1868	0.1.28	Te Rei Parewhanake
Te Waerenga 2A	29 Feb 1868	1.0.31	Hapeta Te Rangikatukua
Te Waerenga 2B	29 Feb 1868	0.2.39	Weneta Rārua
Piritaha	23 April 1868	1.3.20	Poihira Te Ahu, Alfred Te Ahu, Ruiha Te Ahu
Te Whakahokiatapango 2	3 March 1868	3.1.29	Haimona Ranapiri
Takapūotoiroa 1	3 March 1868	4.2.27	Kararaina Whāwhā
Pahianui 3	26 March 1868	38.0.0	Paranihia Whāwhā, Kipa Te Whatanui
Ōtaki Lots 101, 103, 105 107	13 Feb 1869	0.3.18	Karanama Te Kapukai, Ahenata Tūmahue, Kareka Karanama, Taia Ruapuha, Hapi Te Hōtoke, Matiu Pūangitangi, Rāmari Rangikaraka and Wiriti
Ōtaki Lots 102, 104, 106	13 Feb 1869	0.2.16	Wiremu Hopihona, Ihikiera Te Wharewhiti, Tāmati Puhiwaero, Nuna Te Hira
Oturoa	5 Feb 1869	1014.0.0	Kararaina Whāwhā, Tauteka Rauhora, Ngapaiana Pareraukawa
Ngawhakarangirangi	29 June 1870	1.0.10	Meri Kaumātua
Te Rekereke 2	1 July 1870	33.0.24	Mātene Te Whiwhi
Waiariki 2	4 July 1870	8.0.5	Kipa Te Whatanui, Riria Kipa, Turia Kipa, Mere Kipa, Paranihia Kipa
Te Rerengaohau	7 July 1870	1226.0.0	Ihakara Tukumaru, Ema Ihakara, Ruanui Tukumaru
Manawatū Kukutauaki 7E	23 April 1873	180.2.0	Henere Te Herekau, Takerei Te Hawe, Heri Puratahi, Hori Kerei Te Waharoa, Wātihi Tūrongo, Arapere Tukuwhare, Hoani Te Kawe, Herehana Te Whare, Epiha Te Reinunui, Watikena Te Pūrangi

Block	Date of Order	Area (acres.roods. perches)	Owners
Manawatū Kukutauaki 7G	23 April 1873	260.0.0	Hoani Taipua, Ria Haukōraki, Merekai Parekairaru, Hiria Taipua, Karaitiana Te Tupo, Weretā Te Waha, Pitera Hoani, Hākopa Wahine, Piniaha Mahauariki
Manawatū Kukutauaki 7H	23 April 1873	569.1.7	Roera Hūkiki, Ruta Rōera, Henare Rōera, Hoani Kūti
Ōhau 1	9 May 1873	630.0.0	Nātana Te Hiwi, Peina Tahipara, Atereti Taratoa, Koroniria Te Whakawhiti, Winiata Te Tarehu, Pataropa Te Ngē, Kātene Rongorongo, Perihira Koroniria, Kapariera Mahirahi, Winara Pariarua
Manawatū Kukutauaki 4B	12 May 1873	1403.0.0	Rāwiri Te Rangitekehua, Pohe Te Rangitekehua, Te Keepa Toka, Hakaraia Te Whena, Maikara Te Whena, Manahi Pohotīraha, Horopera Te Kaukau, Wenia Pohotīraha, Ihakara Te Kaukau, Moko Hikitanga.
Ngāwhakangutu 1	16 April 1874	2555.0.0	Mātene Te Whiwhi, Rākapa Topeora, Hoani Te Ōkoro, Tāmihana Te Rauparaha
Pahiko Ngākaroro 6	2 May 1874	142.1.12	Heni Mātene Te Whiwhi, Wirihana Rei, Rāwiri Wirihana, Henare Wirihana

Sources: 'Return of Inalienable Land – Ōtaki 1870-1882', ACIH 18593, W1369, MAW1369, 40, (R11187906); Certificates of Title.

Restrictions on alienation made under the Native Lands Acts 1865, 1866 and 1867

The Ōtaki Reserves

The majority of the restrictions on alienation placed on Ngāti Raukawa land taken through the Native Land Court were ordered under the Native Lands Acts 1865, 1866 and 1867. Two thirds of these (17 out of 26) were for relatively small sections of land in and around Ōtaki township. Seven – including town lots 89, 91, 93 (awarded by the Court to Hoani Taipua, Kipa Te Matia and Paranihia Whāwhā); 102, 104, 106 (awarded to Wiremu Hopihona and three others); and 155 and 170 (granted to Te Rei Parewhanake) were less than an acre.[863] The section set aside for the three children of Erihapeti Poia and Nga Pawa at Mangapouri was just 32 perches, or not even a quarter of an acre.[864] A further three sections rendered inalienable at the

[863] 'Certificate of Title – Lot Nos 89, 91, and 93 Otaki Town in the District of Otaki', ABWN 8910, W5278 Box 11, 1573, (R 25 286 091); 'Certificate of Title – Lot Nos 102, 104, and 106 Town of Otaki in the District of Otaki', ABWN 8910, W5278 Box 11, 1603, (R 25 286 121); 'Certificate of Title – Lot Nos 155 and 170 Otaki Town in the District of Otaki', ABWN 8910, W5278 Box 11, 1558, (R 25 286 076); 'Certificate of Title – Lot Nos 101, 103, 105 and 107 Town of Otaki in the District of Otaki', ABWN 8910, W5278 Box 11, 1604, (R 25 286 122); 'Certificate of Title – Te Waerenga No 2B at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1565, (R 25 286 083)

[864] 'Certificate of Title – Mangapouri (Lot 185 Township of Hafield) at Otaki in the District of Otaki', ABWN 8910, W5278 Box 11, 1544, (R 25 286 062)

Native Land Court's recommendation in and around Ōtaki were less than two acres, including Meri Kaumātua's one and one sixteenth acres at Ngāwhakarangirangi and Hāpeta Te Rangikatukua's land at Te Waerenga 2A.[865] The other Ōtaki sections were somewhat larger, but still hardly sufficient to support more than a few individuals, or a single family. Hemi and Raita Kūti's restricted land at Whakarangirangi was slightly more than nine acres; Horomona Toremi's protected section was 16 acres, while Mātene Te Whiwhi's holding at Te Rekereke was 33 acres.[866]

Generally, the Native Land Court at Ōtaki seems to have recommended that a piece of land be restricted only when asked to do so by the owners themselves. In July 1867, for example, the Court recommended that a restriction be placed on the 16 acres known as Te Rotowhakahokiriri after Horomona Toremi had testified that he wished the 'land to be kept and not sold'.[867] In June 1870 Mere Kaumātua asked that a restriction be placed upon her land at Ngawhakarangirangi so that 'it may remain for her children.'[868] Hemi Kūti, Hoani Taipua, Te Rei Parewhanake, and Mātene Te Whiwhi – the owners of Whakarangirangi; Ōtaki Lots 89, 91 and 93; Ōtaki Lots 155 and 170; and Te Rekereke respectively – are also recorded as asking the Court to restrict their land from alienation.[869]

While the Court usually recommended that a piece of Māori land be made inalienable only when requested to do so by the land's owners, it made an exception for land that was being held in trust for owners who were under age. Such was the case for the 2¾ acres known as Kiharoa 1 which Kiharoa Mahauariki held in trust for Mere Hakaraia Tuatete (the daughter of Hakaraia) and Hakaraia Tuatete and Winia Tuatete (children of Hone Hakaraia). The Court recommended that the land receive the same protection as Native reserves, as set out in clause 5 of the Native Lands Act 1866.[870] The Court recommended similar protection for the section

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[865] 'Certificate of Title – Ngawhakarangirangi at Otaki in the District of Otaki', ABWN 8910, W5278 Box 11, 1615, (R 25 286 133); 'Certificate of Title – Te Waerenga No 2A at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1564, (R 25 286 082); 'Certificate of Title – Piritaha at Otaki in the District of taki, ABWN 8910, W5278 Box 11, 1570, (R 25 286 088)

[866] 'Certificate of Title – Whakarangirangi at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1580, (R 25 286 060); 'Certificate of Title – Te Rotowhakahokiriri at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1572, (R 25 286 090); 'Certificate of Title – Te Rekereke 2 at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1608, (R 25 286 126); 'Certificate of Title – Kiharoa No 1 at Otaki in the District of Otaki', ABWN 8910, W5278 Box 11, 1542, (R 25 286 059); 'Certificate of Title – Te Whakahokiatapango No 2 at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1580, (R 25 286 098); 'Certificate of Title – Waiariki No 2 at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1613, (R 25 286 131); 'Certificate of Title – Takapuotoiroa No 1', ABWN 8910, W5278, Box 11, 1577.

[867] Otaki MB 1B, p 11

[868] Otaki MB 1E, 736

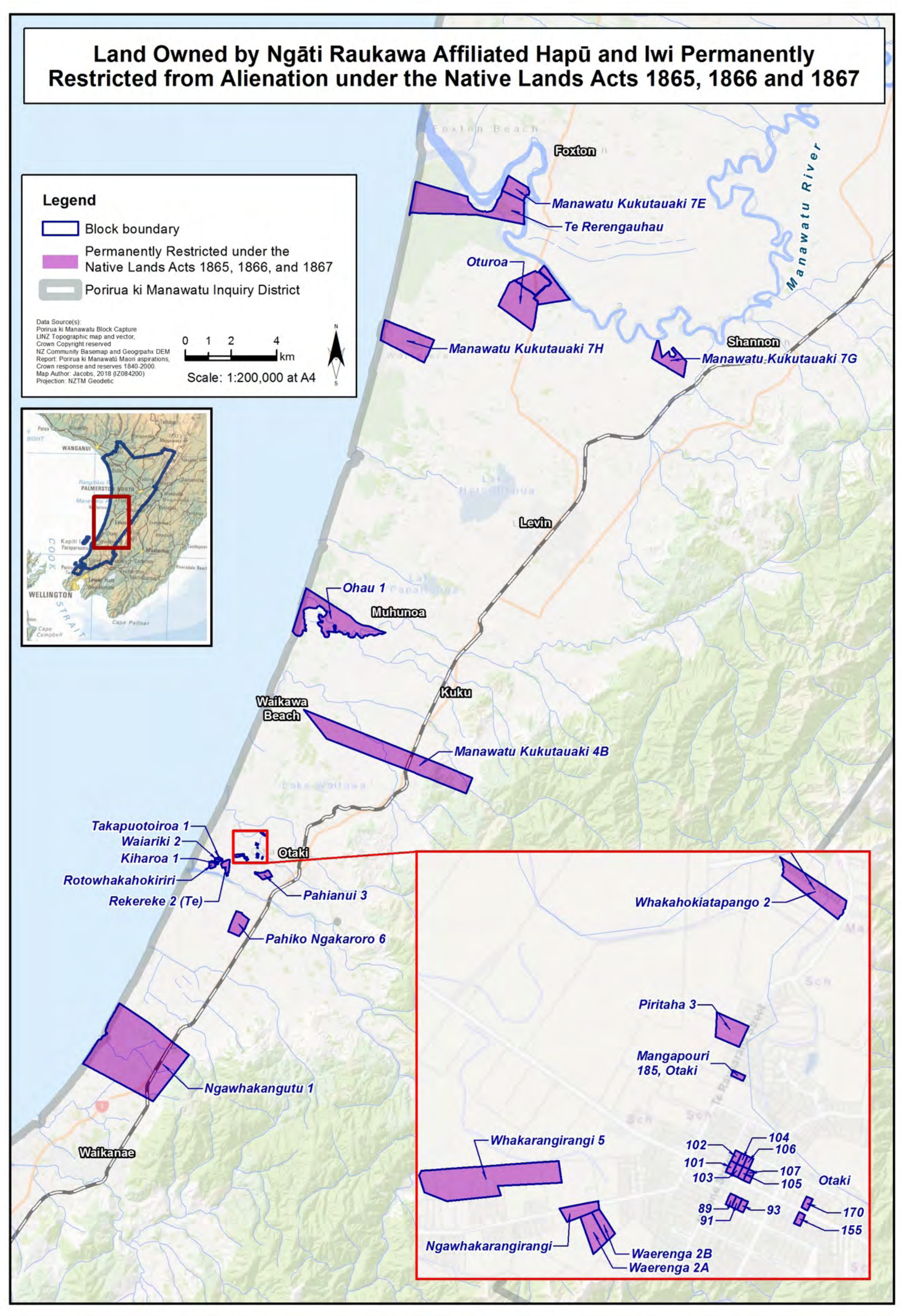
[869] Otaki MB 1B, pp 29, 117, 119; Otaki MB 1E, p 753

[870] Otaki MB 1B, p 86

at Mangapouri it had awarded to the children of Erihapeti Poia and Nga Pawa.[871] Also restricted from alienation at the recommendation of the Court were the 8 acres of Waiariki No 2 which the Court awarded to the five living children of Hinenui Te Po and Robert Skipwith, the youngest two of whom were still teenagers.[872]

The sections that the Native Land Court recommended should be restricted from alienation around Ōtaki conformed to the very narrow definition of Native reserves advocated by Imperial officials like Secretary of State for the Colonies Earl Grey and settler politicians such as Isaac Featherston. According to their prescription, land set aside for the permanent use of Māori should be strictly limited to areas that were visibly occupied and under cultivation. In addition to being limited in size, most of the Ōtaki sections were either entirely or partially fenced in with houses and cultivations. Hemi and Raita Kūti's nine acres at Whakarangirangi, for example, was described as being 'entirely fenced in', and under cultivation with a house that Hemi Kūti was living in.[873] Karanama Te Kapukai's lots 101, 103, 105 and 107 of Ōtaki township were also described as being fenced in and occupied by their owner.[874] Horomona Toremi told the Court how he and his father had cultivated their land at Te Rotowhakahokiriri, while Hāpeta Te Rangikatukua (the sole owner of Te Waerenga 2A) was credited by surveyor George Swainson as living on the land and cultivating it.[875]

[871] Otaki MB 1B, pp 83 & 122
[872] Otaki MB 1F, p 765
[873] Otaki MB 1B, pp 28-30
[874] Otaki MB 1G, p 152
[875] Otaki MB 1B, p 11


Land Owned by Ngāti Raukawa Affiliated Hapū and Iwi Permanently Restricted from Alienation under the Native Lands Acts 1865, 1866 and 1867
Legend
Block boundary
Permanently Restricted under the Native Lands Acts 1865, 1866, and 1867
Porirua ki Manawatu Inquiry District
Scale: 1:200,000 at A4
km
Foxton
Manawatu River
Manawatu Kukutauaki 7E
Te Rerengauhau
Oturoa
Manawatu Kukutauaki 7H
Shannon
Manawatu Kukutauaki 7G
Levin
Ohau 1
Muhunoa
Kuku
Waikawa Beach
Manawatu Kukutauaki 4B
Takapuotoiroa 1
Waiariki 2
Kiharoa 1
Rotowhakahokiriri
Rekereke 2 (Te)
Otaki
Pahianui 3
Pahiko Ngakaroro 6
Ngawhakangutu 1
Waikanae
Whakahokiatapango 2
Piritaha 3
Mangapouri 185, Otaki
Whakarangirangi 5
102
104
106
101
107
103
105
Otaki
89
93
91
170
155
Ngawhakarangirangi
Waerenga 2B
Waerenga 2A

Larger areas restricted from alienation

In addition to the relatively small sections of land declared 'inalienable' in and around Ōtaki, the Native Land Court and Governor also placed restrictions on a few much larger areas of land. Nine blocks of Ngāti Raukawa-owned land of 100 acres or more were restricted from alienation under the Native Lands Acts of 1865 and 1867. Five of these were in the vicinity of the Manawatū River, including the 1226-acre Te Rerengaohau block (across the river from Foxton), the 1014-acre Ōtūroa block, and Manawatū Kukutauaki 7E, 7G and 7H (180½, 300, and 559 acres respectively).[876] Another two – Ōhau 1 (630 acres) and Manawatū Kukutauaki 4B (1403 acres) – were at Ōhau and Waikawa respectively.[877] The final two large areas – Ngākaroro 6 (Pāhiko) and Ngāwhakangutu 1 – were located south of Ōtaki township, on the other side of the Ōtaki River.[878]

Stretching from the Manawatū River to the sea, Te Rerengaohau block was awarded by the Court in July 1870 to Ihakara Tukumaru, his wife Ema and Ihakara's 'teina' Ruanui Tukumaru. Ihakara told the Court that the land had been occupied by his hapū, Ngāti Patukohuru, continuously since before the battle of Haowhenua in 1834. He testified that he had cultivations next to the Manawatū River on the eastern side of the block, and a 'wooden house', also on the Manawatū, at Te Rerengaohau kainga.[879]

According to testimony before the Native Land Court, the land contained within the Ōtūroa block (which also abutted onto the Manawatū River to the east of Te Rerengaohau) was originally owned by Te Whatanui and Ngāpaki who had taken possession of the land after Raukawa's migration from Maungatautari. After a contested hearing, the Native Land Court awarded ownership of the block to Kararaina Whāwhā (Te Whatanui's great niece), Tauteka (Te Whatanui's widow), Rāhera Ngapaki (Ngapaki's widow) and Pareraukawa.[880] Kararaina Whāwhā testified that she had come to Ōtūroa after Te Whatanui's son (also named Te

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[876] 'Certificate of Title – Te Rerengaohau at Manawatu in the District of Otaki, ABWN 8910, W5278, Box 11, 1609, (R 25 286 127); 'Certificate of Title – Oturoa at Manawatu in the District of Manawatu', ABWN 8910, W5278 Box 11, 1573, (R 25 286 123); 'Certificate of Title – Manawatu Kukutauaki No 7E at Manawatu in the District of Manawatu', ABWN 8910, W5278 Box 13, 1852, (R 25 286 495); 'Certificate of Title – Manawatu Kukutauaki No 7H at Manawatu in the District of Manawatu', ABWN 8910, W5278 Box 11, 17282, (R 25 286 246); 'Return of Inalienable Land – Otaki 1870-1882', Archives New Zealand Wellington, ACIH 18593, W1369, MAW1369, 40, (R11187906)

[877] 'Certificate of Title – Ohau 1 in the District of Otaki', ABWN 8910, W5278 Box 11, 1653, (R 25 286 171); 'Certificate of Title – Manawatu Kukutauaki No 4B at Waikawa in the District of Manawatu', ABWN 8910, W5278 Box 11, 1656, (R25 286 174)

[878] 'Certificate of Title – Pahiko Ngakaroro 6 at Otaki in the District of Manawatu, ABWN 8910, W5278 Box 13, 1869, (R 25 286 511); 'Certificate of Title – Ngawhakangutu No 1 at Kukutauaki in the District of Otaki', ABWN 8910, W5278 Box 11, 1727, (R 25 286 245)

[879] Otaki MB 1F, pp 803-806

[880] Otaki MB 1G, p 54

Whatanui) had returned from the Bay of Islands, and claimed to have occupied and cultivated land on the block 'for ten years'.[881] Rāhera Ngāpaki told the Court that she had first settled the land with her husband two years before the battle of Kuititanga (1839), and had lived there since, building houses and cultivating the land.[882]

Ihakara Tukumaru spoke of Te Rerengaohau as being settled by Ngāti Patukōhuru, while Rāhera Ngāpaki and other witnesses referred to Ōtūroa as being occupied by Ngāti Huia. Despite this evidence of broader, community ownership, there is no indication that the Native Land Court intended the two blocks to be reserved for anyone other than the individuals whose names it ordered listed as owners on the respective certificates of title. In neither case, for example, did the Court see the need to list any other individuals with interests in the two blocks as allowed for under Section 17 of the Native Lands Act 1867.[883] If the owners of Ōtūroa and Te Rerengaohau did intend to hold the land on behalf of their hapū or whānau communities, they did so only informally, under tikanga Māori. As far as Native land law was concerned Ihakara Tukumaru, Kararaina Whāwhā, Rāhera Ngāpaki and the other owners of Ōtūroa and Te Rerengaohau were absolute owners, with no legal responsibility to anyone other than themselves.

Land set aside for tribal or hapū groups

Despite their much greater size, Ōtūroa and Te Rerengaohau appear to have conformed to the same pattern as the pieces of land in and around Otaki for which the Native Land Court had recommended restrictions on alienation. As with the Otaki reserves, Ōtūroa and Te Rerengaohau were protected from sale for the benefit of a small number of individuals or families. They do not appear to have been intended – by the Native Land Court and Governor at least – as permanent homelands for hapū or tribal communities.

A different pattern, however, seems to be evident with regard to Manawatū Kukutauaki blocks 4B, 7E, 7G, 7H and Ohau 1. Passed through the Native Land Court in April and May 1873 when the Court partitioned much of the original Manawatū Kukutauaki block, these pieces of land seem to have been deliberately designated as areas to be protected from purchase for the benefit of particular tribal or hapū groups. The decision to set aside such areas appears to have been taken outside of the Native Land Court, at hui-ā-iwi where the interested hapū

[881] Otaki MB 1G, p 50
[882] Otaki MB 1G, p 41
[883] 'Certificate of Title – Te Rerengaohau at Manawatu in the District of Otaki, ABWN 8910, W5278, Box 11, 1609, (R 25 286 127); 'Certificate of Title – Oturoa at Manawatu in the District of Manawatu', ABWN 8910, W5278 Box 11, 1573, (R 25 286 123)

and tribal groups of Raukawa agreed upon the division of their land, before submitting the various portions to the Native Land Court for formal ratification, and the issuing of certificates of title and Crown grants.

What became known as Manawatū Kukutauaki 4B, for example, was part of a long strip of land at Waikawa, the homeland of Ngāti Wehiwehi since before Haowhenua. On 12 May 1873 Akapita Te Tewe handed to the Court a list of ten individuals whose names he asked to be included on the certificate of title for the land. The ten – which was the maximum number of owners allowed on a certificate of title by the 1865 Native Lands Act – had been agreed previously and were not contested in Court. Akapita asked the Court to issue two certificates of title for the land: 'one to be restricted, the other to be unrestricted', with the same ten names on each. 'The restricted portion' was to be 'nearest the sea', while the larger, 'unrestricted' part was to be inland. The Court accordingly made orders for two certificates of title: Manawatū Kukutauaki 4B (the smaller, seaside portion) was to be 'inalienable by sale or mortgage or by lease for a longer period than 21 years', while Manawatū Kukutauaki 4G (2305 acres) had no restrictions on its future sale or lease.[884]

Arranged outside of the Court, apparently by the hapū or iwi themselves, Manawatū Kukutauaki 4B appears to have been set aside as part of a permanent base for Ngāti Wehiwehi. All ten of the official owners or 'grantees' belonged to Ngāti Wehiwehi, including Hakaraia and Maikara Te Whena, Manahi and Winia Pohotīraha, Ihakara Te Kaukau, Te Keepa Toka, and Rāwiri and Pohe Te Rangitekehua.[885]

Ngāti Wehiwehi was not the only Raukawa hapū or tribe to apply to the Native Land Court to have a portion of its land protected from alienation. Of the eight divisions created from the partitioning of Manawatū Kukutauaki 7 in April 1873, three were recommended by the Court to be inalienable. On 22 April 1873 Henare Te Herekau of Ngāti Whakatere applied for a certificate of title for Manawatū Kukutauaki 7E (Kapahaka). He submitted the names of ten individuals to be included on the certificate, and asked the Court to recommend that the land 'be inalienable by sale but not by lease.' The ten grantees, all of whom seem to have belonged to Ngāti Whakatere, had been agreed to beforehand, and appear to have been intended as trustees for the tribe, not as absolute owners.[886]

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[884] Ōtaki Minute Book 2, Monday May 12th 1873
[885] 'Certificate of Title – Manawatu Kukutauaki No 4B at Waikawa in the District of Manawatu', ABWN 8910, W5278 Box 11, 1656, (R25 286 174); 'Brief of Evidence of Rev. Te Hopehuia Hakaraia', 25 March 2013, Wai 898, #K5, p 1
[886] Ōtaki Minute Book 2, Saturday 23 April 1873

Henare Te Herekau was followed by Hoani Taipua of Ngāti Pare who asked the Court for a certificate of title to Manawatū Kukutauaki 7G (Ōtāwhiwhi). Taipua submitted a prepared list of nine people from Ngāti Pare including himself, Karaitiana Te Tupe and Pineaha Mahauariki. The Court accepted the list and recommended that the land 'be inalienable by sale or by lease for a longer period than 21 years.'[887] Roera Te Hūkiki then 'handed in a list of grantees' for Manawatū Kukutauaki 7H which included himself, and three others from Ngāti Kikopiri.The Court recommended that this land, too, be inalienable.[888]

Bounded on two sides by the meanders of the Ōhau River and the Tasman Sea, the 630-acre Ōhau 1 block appears to have been set aside by Ngāti Tukorehe/Te Mateawa. The list of ten submitted to the Court on 9 May 1873 included Nātana Te Hiwi, Peina Tahipara, Koroniria Te Whakawhiti and Pirihiria Koroniria from Ngāti Tukorehe/Te Mateawa. Also included were Atereti Taratoa, Pataropa Te Ngē, and Kātene Rongorongo of Ngāti Parewahawaha. Although no request was recorded in the Minute Book, the Court recommended to the Governor that Ōhau 1 'be inalienable by sale or mortgage or by lease for a longer period than 21 years.'[889]

Ngākaroro 6 (Pāhiko) and Ngāwhakangutu 1

The final two areas of land to be restricted from alienation at the recommendation of the Native Land Court under the 1865 and 1867 Native Lands Act were portions of the Ngākaroro and Ngāwhakangutu blocks. Extending from the coast to the heights of the Tararua ranges, the Ngākaroro and Ngāwhakangutu blocks together accounted for most of the land between the Ōtaki River and the Kukutauaki Stream (just north of Waikanae).[890] Despite being partitioned in April and May 1874, the two blocks came under the jurisdiction of the 1865 and 1867 Acts because proceedings had begun prior to 1 January 1874, the date the Native Land Act 1873 came into force.[891]

The massive Ngākaroro block was divided by the Native Land Court into 13 sections, the largest of which were Ngākaroro 1A and 1B (4426 and 6139 acres respectively).[892] Ngākaroro 6 or Pahiko was the smallest and final section defined by the Court. It was also the only one of the Ngākaroro subdivisions to be made inalienable. The 142-acre subdivision was awarded by

887 Ibid
888 Ibid
889 Ōtaki Minute Book 2, Saturday 9 May 1873
890 Walzl
891 Native Land Act 1873, ss 2 & 4
892 Walzl Report

the Court on 2 May 1874 to Heni Mātene Te Whiwhi (Mātene Te Whiwhi's daughter), Wirihana Rei, Rāwiri Wirihana and Henare Wirihana.[893]

The Ngāwhakangutu block, which shared its northern boundary with the larger Ngākaroro, was awarded by the Court to Mātene Te Whiwhi, his half-sister Rākapa Topeora, Hoani Te Okoro, and Tamihana Te Rauparaha (who was Mātene's uncle). On 15 April 1874 Mātene Te Whiwhi asked the Court to divide Ngāwhakangutu into two sections, each with the same four owners. The larger section, Ngāwhakangutu 2 (4443 acres) had no restrictions placed upon its future sale or lease.[894] Ngāwhakangutu 1 (2555 acres), however, was recommended by the Court to be 'inalienable by sale or mortgage or by lease for a longer period than 21 years.'[895] While there is no mention of such a request in the Ōtaki Minute Book, it would appear that the decision to make Ngāwhakangutu 'absolutely inalienable' came at the initiative of Mātene Te Whiwhi and the other three owners, all of whom were high-born chiefs of Ngāti Raukawa and Ngāti Toa.[896]

Temporary restrictions under Section 17 of the Native Lands Act 1867

In addition to recommending that a limited number of generally small pieces of Raukawa-owned land be protected permanently from sale or long-term lease, the Native Land Court also placed temporary restrictions on the alienation of a similar number of much larger areas. These temporary restrictions were imposed under Section 17 of the Native Lands Act 1867. Intended to reduce the destructive impact of the Native Lands Act 1865, which arbitrarily limited the number of owners allowed on a certificate of title to 10, Section 17 permitted the Native Land Court, at its discretion, to issue a 'certificate' listing 'the names of all persons interested' in a particular piece of land. Attached to the certificate of title (which was still restricted to no more than ten names), this 'certificate' prevented the sale, mortgage or lease for more than 21 years, of any of the land on the certificate of title until after it had been subdivided.[897] This was to prevent the ten or less owners listed on the certificate of title from selling the land (and pocketing the proceeds) before it could be divided amongst all of those who had a share in it.

[893] 'Certificate of Title – Pahiko Ngakaroro 6 at Otaki in the District of Manawatu, Archives New Zealand, Wellington, ABWN 8910, W5278 Box 13, 1869, (R 25 286 511)
[894] 'Certificate of Title – Ngāwhakangutu No 2 at Otaki in the District of Otaki', Archives New Zealand, Wellington, ABWN 8910, W5278 Box 11, 1648, (R 25 286 166)
[895] 'Certificate of Title – Ngāwhakangutu No 1 at Kukutauaki in the District of Otaki', Archives New Zealand, Wellington, ABWN 8910, W5278 Box 11, 1727, (R 25 286 245)
[896] Ōtaki Minute Book 2, p 399
[897] Native Lands Act 1867, s 17

At least 26 blocks of Raukawa land between the Manawatū River and Kukutauaki Stream were temporarily restricted from alienation under Section 17 of the Native Lands Act 1867. Most of the restrictions were issued in 1873 and 1874, when the Native Land Court was engaged in the initial subdivision of the Manawatū Kukutauaki block.

Table 6.2 Blocks rendered temporarily inalienable under Section 17, Native Lands Act 1867

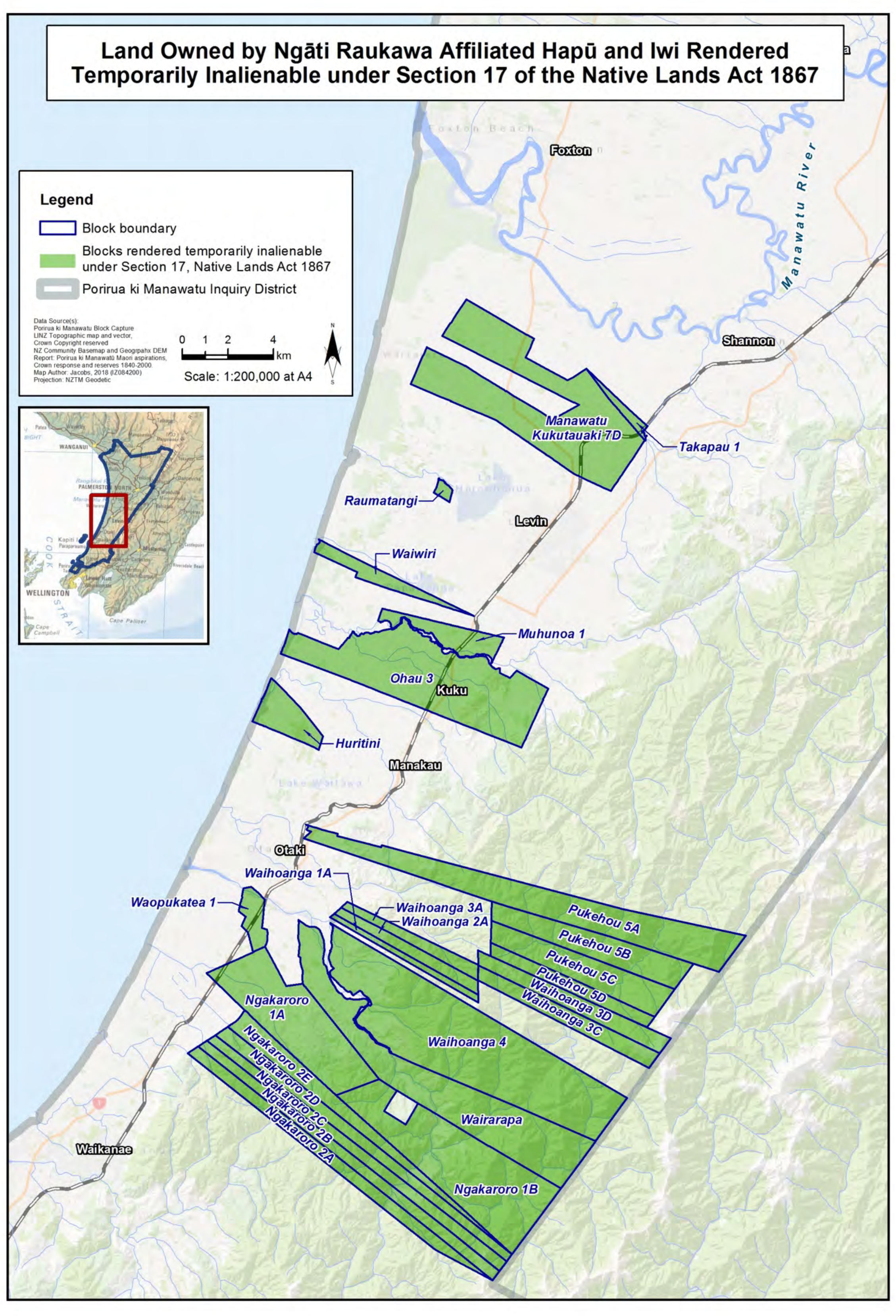
Block	Date of Order	Area in acres
Huritini	28 June 1870	1077
Manawatū Kukutauaki 7D	22 May 1873	10,487
Muhunoa 1	14 April 1874	1075
Ngākaroro 1A	14 April 1874	4444
Ngākaroro 1B	14 April 1874	6138
Ngākaroro 2A	22 April 1874	1933
Ngākaroro 2B	22 April 1874	1933
Ngākaroro 2C	22 April 1874	1933
Ngākaroro 2D	22 April 1874	1984
Ngākaroro 2E	22 April 1874	1933
Ōhau 3	17 May 1873	6799
Pukehou 5A	2 May 1874	5600
Pukehou 5B	2 May 1874	2356
Pukehou 5C	2 May 1874	2314
Pukehou 5D	2 May 1874	1062
Raumatangi	5 April 1873	100
Takapū 1	13 March 1874	264
Waihoanga 1A	14 April 1874	467
Waihoanga 2A	14 April 1874	4945
Waihoanga 3A	16 April 1874	797
Waihoanga 3C	16 April 1874	1454
Waihoanga 3D	16 April 1874	1527
Waihoanga 4	14 April 1874	9750
Wairarapa	14 April 1874	6100
Waiwiri	16 April 1874	820
Waopukatea 1	1 April 18974	561

Sources: 'Land Possessed by Maoris, North Island (Return of)', *AJHR*, 1886, G-15, pp 18-19; Certificates of Title.

In contrast to the pieces of land that the Court recommended for permanent protection from alienation, most of the blocks temporarily protected under Section 17 were large. Twenty of the 26 were larger than 1000 acres and six were more than 5000 acres. The two largest blocks, Manawatū Kukutauaki 7D, at Poroutāwhao, and Waihoanga 4, on the Ōtaki River, were 10,487

and 9750 acres respectively. The smallest block temporarily restricted from alienation under Section 17 was the 100-acre Raumatangi block, to the west of Lake Horowhenua.[898]

[898] 'Certificate of Title – Manawatu Kukutauaki No 7D at Porotawhao in the District of Otaki', ABWN 8910, W5278, Box 11, 1650, (R 25 286 168); 'Certificate of Title – Waihoanga No 4 at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1667, (R 25 286 185); 'Certificate of Title – Ohau No 3 at Ohau in the District of Manawatu, ABWN 8910, W5278, Box 13, 1856, (R 25 286 499); 'Certificate of Title – Ngakaroro No 1B at Otaki in the District of Otaki', 2 March 1880, ABWN 8910, W5278, Box 11, 1659, (R 25 286 177); 'Certificate of Title – Wairarapa at Otaki in the District of Otaki', ABWN 8910, W5278, Box 11, 1634, (R25 286 170); 'Certificate of Title – Pukehou No 5A at Pukehou in the District of Otaki;, ABWN 8910, W5278, Box 11, 1685, (R25 286 203); 'Certificate of Title – Waihoanga No 2A at Otaki in the District of Otaki', 6 September 1880, ABWN W5278 8910, Box 11, 1695, (R25 286 213); 'Certificate of Title – Ngakaroro No 1A at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1658, (R 25 286 176); 'Certificate of Title – Pukehou No 5B at Pukehou in the District of Otaki, ABWN 8910, W5278, Box 11, 1686, (R 25 286 204); 'Certificate of Title – Pukehou No 5C at Pukehou in the District of Otaki, ABWN 8910, W5278, Box 11, 1687, (R 25 286 205); 'Certificate of Title – Ngakaroro No 2D at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1664, (R 25 286 182); 'Certificate of Title – Ngakaroro No 2A at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1661, (R 25 286 179); 'Certificate of Title – Ngakaroro No 2B at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1662, (R 25 286 180); 'Certificate of Title – Ngakaroro No 2C at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1663, (R 25 286 181); 'Certificate of Title – Ngakaroro No 2E at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1665, (R 25 286 183); 'Certificate of Title – Waihoanga No 3D at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1700, (R 25 286 218); 'Certificate of Title – Waihoanga No 3C at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1699, (R 25 286 217); 'Certificate of Title – Huritini at Waikawa in the District of Otaki, ABWN 8910, W5278, Box 11, 1606, (R 25 286 124); 'Certificate of Title – Muhunoa No 1 at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 16546, (R 25 286 172); 'Certificate of Title – Pukehou No 5D at Pukehou in the District of Otaki', 6 September 1880, ABWN 8910, W5278, Box 11, 1688, (R 25 286 206); 'Certificate of Title – Waiwiri at Muhunoa in the District of Otaki, ABWN 8910, W5278, Box 11, 1713, (R 25 286 231); Certificate of Title – Waihoanga No 3A at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1697, (R 25 286 215); 'Certificate of Title – Waopukatea No 1 at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1726, (R25 286 244); 'Certificate of Title – Waihoanga No 1A at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1692, (R 25 286 210); Certificate of Title –Takapū No 1 at Manawatu in the District of Manawatu, ABWN 8910, W5278, Box 13, 1848, (R 25 286 491); 'Certificate of Title – Raumatangi at Horowhenua in the District of Manawatu, ABWN 8910, W5278, Box 11, 1721, (R 25 286 239)



Land Owned by Ngāti Raukawa Affiliated Hapū and Iwi Rendered Temporarily Inalienable under Section 17 of the Native Lands Act 1867
Legend
Block boundary
Blocks rendered temporarily inalienable under Section 17, Native Lands Act 1867
Porirua ki Manawatu Inquiry District
Data Source(s):
Porirua ki Manawatu Block Capture
LINZ Topographic map and vector,
Crown Copyright reserved
NZ Community Basemap and Geogrpahx DEM
Report: Porirua ki Manawatū Maori aspirations, Crown response and reserves 1840-2000
Map Author: Jacobs, 2018 (IZ084200)
Projection: NZTM Geodetic
0 1 2 4 km
Scale: 1:200,000 at A4
Foxton
Manawatu River
Shannon
Manawatu Kukutauaki 7D
Takapau 1
Raumatangi
Levin
Waiwiri
Muhunoa 1
Ohau 3
Kuku
Huritini
Manakau
Otaki
Waihoanga 1A
Waopukatea 1
Waihoanga 3A
Waihoanga 2A
Pukehou 5A
Pukehou 5B
Pukehou 5C
Pukehou 5D
Waihoanga 3D
Waihoanga 3C
Ngakaroro 1A
Waihoanga 4
Ngakaroro 2E
Ngakaroro 2D
Ngakaroro 2C
Ngakaroro 2B
Ngakaroro 2A
Wairarapa
Ngakaroro 1B
Waikanae
WANGANUI
PALMERSTON NORTH
WELLINGTON

Citing the Rees-Carroll Commission of 1891, Boast argues that the Section 17 of the Native Lands Act 1867 was 'a useful protection' that 'ameliorated the 1865 Act' and 'seems to have been extensively employed.'[899] Certainly, the almost 78,000 acres of Ngāti Raukawa's tribal domain temporarily protected under Section 17 was much larger than the 8110 acres rendered permanently inalienable under the 1865, 1866, and 1867 Native Lands Acts.

It is important, however, to remember that the protections extended under Section 17 were indeed only temporary. Once the restricted blocks had been divided they could, and often were, sold. Subdivided at the end of October 1881, almost all of Ngakaro 1A (4444 acres) had been purchased by 1910.[900] The partitioned sections of Waihoanga 3A (797 acres) were all bought up by Edward Bright, a private European purchaser, in 1889 and 1893.[901] The Section 17 protections, moreover, do not appear to have extended to the Crown. Between 1874 and 1877 the Crown purchased Ngākaroro 2A, 2B, 2C, and 2E, as well as Pukehou 5B, 5C and 5D, and the Waihoanga 4 and Wairarapa blocks along the Ōtaki River.[902]

Restrictions on alienation made under the Native Land Court Act 1880

The Native Land Court Act 1880 allowed the Native Land Court to place restrictions on 'the alienability' of Māori land on its own authority, without the approval of the Governor.[903] During the six years the Native Land Court Act 1880 was in force (between 1 October 1880 and 1 October 1886), the Ōtaki Court placed permanent restrictions against the alienation of 17 pieces of land. Included in this number were six sections that the Court referred to explicitly as reserves: the Ngākaroro 2F Reserve south of the Ōtaki River, and the five subdivisions of the remaining 1000 acres of Manawatū Kukutauaki 4C at Waikawa.

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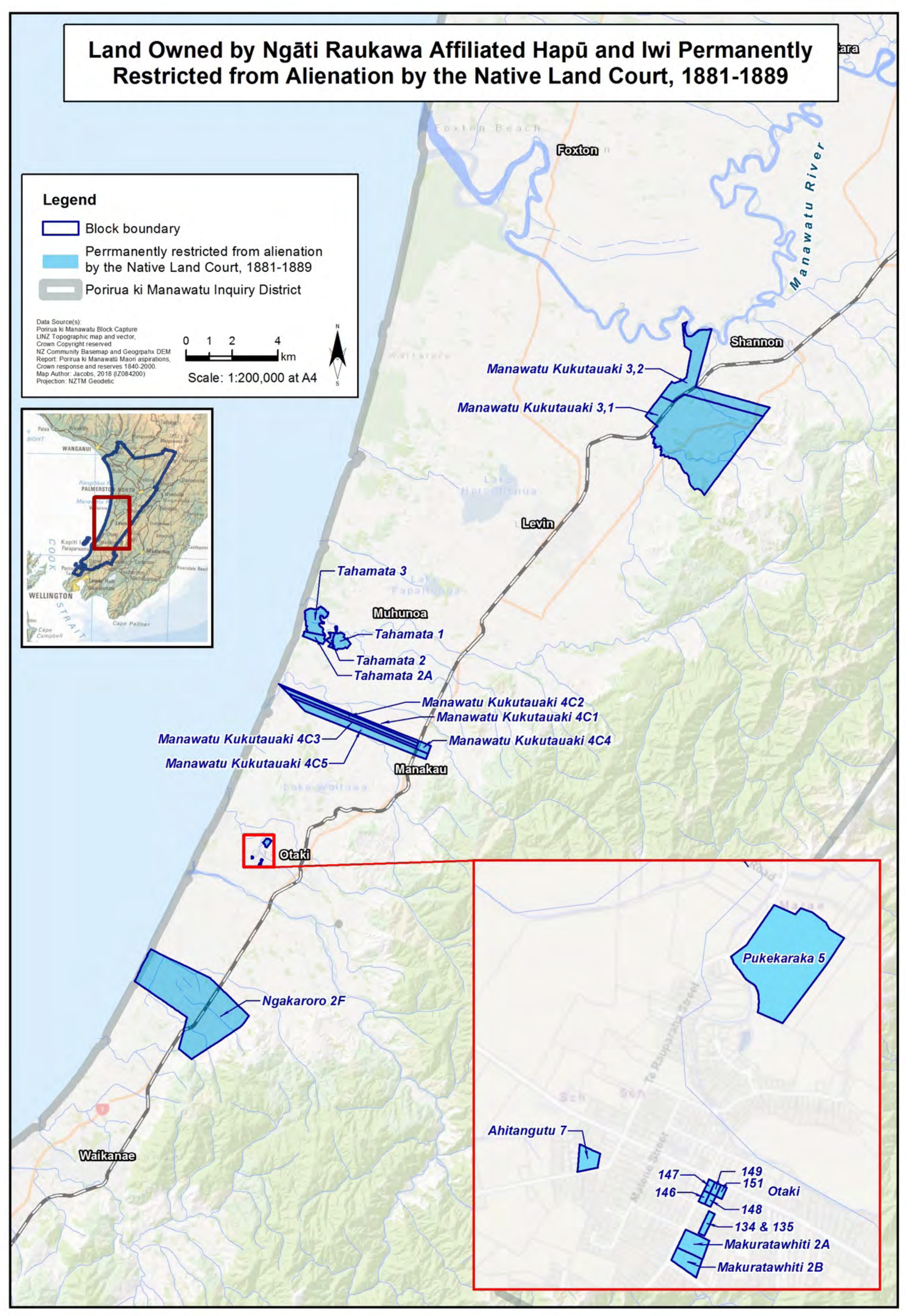
[899] Boast, *Buying the Land, Selling the Land*, p 72
[900] Walzl
[901] Walzl
[902] 'Certificate of Title – Ngakaroro No 2A at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1661, (R 25 286 179); 'Certificate of Title – Ngakaroro No 2B at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1662, (R 25 286 180); 'Certificate of Title – Ngakaroro No 2C at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1663, (R 25 286 181); 'Certificate of Title – Ngakaroro No 2E at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1665, (R 25 286 183); 'Certificate of Title – Pukehou No 5B at Pukehou in the District of Otaki', ABWN 8910, W5278, Box 11, 1686, (R 25 286 204); 'Certificate of Title – Pukehou No 5C at Pukehou in the District of Otaki', ABWN 8910, W5278, Box 11, 1687, (R 25 286 205); 'Certificate of Title – Pukehou No 5D at Pukehou in the District of Otaki', 6 September 1880, ABWN 8910, W5278, Box 11, 1688, (R 25 286 206); 'Certificate of Title – Waihoanga No 4 at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1667, (R 25 286 185); 'Certificate of Title – Wairarapa at Otaki in the District of Otaki', ABWN 8910, W5278, Box 11, 1634, (R25 286 170)
[903] Native Land Court Act 1880, s 36

Table 6.3 Māori land permanently restricted from alienation by the Native Land Court, 1881-1889.

Block	Date of Order	Area (acres.roods. perches)	Owners
Ahitāngutu 7	15 Sept 1881	1.0.19	Taniera Ranapiri, Ihaka Ranapiri, Te Hiwi Ranapiri, Rangiwhakairi Ranapiri
Pukekaraka 5	19 Sept 1881	2.3.7	Te Raita Tonihi
Ngākaroro 2F (Reserve)	2 Oct 1881	100.0.0	Hepi Te Rangitewhata, Hemara Te Hapoki, & 28 others
Ōtaki Lots 146, 148, 149, 151	6 June 1885	0.3.16	Pirihira Hōhepa
Ōtaki Lot 147	6 June 1885	0.0.24	Pirihira Hōhepa and Maraea Puriti [?]
Ōtaki Lots 134 & 135	6 June 1885	0.1.28	Erena Wānui
Tahamatā 1	8 June 1885	92.0.0	Te Rangitāwhia Terepate, Te Peina Tahipara, Rōpata Ranapiri and 23 others
Tahamatā 2	8 June 1885	28.0.0	7 owners
Tahamatā 2A	8 June 1885	72.0.0	Wināra Pariārua, Heta Ngātuhi, Maki Pineaha, Rīpeka Winara, Kerehoma Te Kairangi, Wītana Parera
Tahamatā 3	8 June 1885	190.0.0	Te Hiwi Piahana, Arapata Te Hiwi, Weretā Te Kīmate and 16 others
Mākuratāwhiti 2A	17 June 1885	1.1.27	Mere Ruiha Hakaraia
Mākuratāwhiti 2B	17 June 1885	1.1.28	Pirihira Hōhepa, Maraea Puriti [?], Erena Wānui
Manawatū Kukutauaki 4C1	3 July 1885	100.0.0	Hakaraia Te Whena
Manawatū Kukutauaki 4C2	3 July 1885	233.0.0	Parakipane Te Kohu, Haimona Te Kohu,
Manawatū Kukutauaki 4C3	3 July 1885	168.0.0	Reweti Te Kohu, Hāriana Te Kohu
Manawatū Kukutauaki 4C4	3 July 1885	48.3.7	Hāriana Te Kohu
Manawatū Kukutauaki 4C5	3 July 1885	450.0.0	Wetere Te Punga, Taurewa Te Punga, Horomona Te Punga, Enereta Rikihana,
Manawatū Kukutauaki 3 Sec 1	7 August 1889	3000.0.0	Aputa Tukumaru, Kereopa Tukumaru and 42 others
Manawatū Kukutauaki 3 Sec 2	7 August 1889	1000.0.0	Riria Makirika and 20 others

Sources: 'Return of Inalienable Land – Otaki 1870-1882', ACIH 18593, W1369, MAW1369, 40, (R11187906); Otaki Minute Books 6-9.



Land Owned by Ngāti Raukawa Affiliated Hapū and Iwi Permanently Restricted from Alienation by the Native Land Court, 1881-1889
Legend
Block boundary
Perrmanently restricted from alienation by the Native Land Court, 1881-1889
Porirua ki Manawatu Inquiry District
Scale: 1:200,000 at A4
Foxton
Manawatu River
Shannon
Manawatu Kukutauaki 3,2
Manawatu Kukutauaki 3,1
Levin
Tahamata 3
Muhunoa
Tahamata 1
Tahamata 2
Tahamata 2A
Manawatu Kukutauaki 4C2
Manawatu Kukutauaki 4C1
Manawatu Kukutauaki 4C3
Manawatu Kukutauaki 4C4
Manawatu Kukutauaki 4C5
Manakau
Otaki
Ngakaroro 2F
Waikanae
Pukekaraka 5
Ahitangutu 7
147
149
151
146
148
134 & 135
Makuratawhiti 2A
Makuratawhiti 2B
WELLINGTON

In 1881 the Native Land Court placed restrictions on three pieces of land within the vicinity of Ōtaki.[904] Ahitangutu 7 (1 acre), which the Court had ordered be held in trust for the grandchildren of Eru Tahitangata (Ngāti Kapu), was made 'inalienable except with the consent of the Governor' to protect the interests of its young owners who were aged between one and 14.[905] Pukekaraka 5, the site of the Roman Catholic mission at Ōtaki, was declared by the Court to be 'absolutely inalienable' 'except by Transfer' to 'Francis Redwood the Roman Catholic Bishop of Wellington and Hakaraia Rangikura . . . for the use and benefit of the Roman Catholic Church in New Zealand.'[906]

The third piece of Ngāti Raukawa land declared inalienable by the Native Land Court in 1881 was a 100-acre reserve within Ngākaroro 2F. In October the Court had divided the 2500-acre block amongst its 121 individual owners (from Ngāti Huia, Ngāti Turanga and Ngāti Kauwhata), creating 97 sections of 25 acres each. The remaining 100 acres were set aside as a reserve for 31 members of Ngāti Huia, headed by Hapi Te Rangitewhata and Hemara Te Hapoki.[907] Ordered to be 'inalienable by sale, mortgage or lease for a longer period than 21 years, the Ngakaroro 2F Reserve was the only part of the original block to be restricted by the Court from alienation.[908] Over the next few years, all 97 of the unprotected 25-acre sections of Ngākaroro 2F were purchased by the Wellington meat entrepreneur James Gear and Isabella Ling (the widow of Gear's business partner, Benjamin Ling).[909]

In 1885 the Ōtaki Native Land Court placed restrictions preventing the alienation of sections within Ōtaki town and at nearby Makuratāwhiti, as well as land held by Ngāti Tukorehe at Tahamatā, along the lower meanders of the Ōhau River. On 6 June the Court declared sections 134, 135, 146, 147, 148, 149, and 151 within the Ōtaki Township to all be inalienable. The seven sections had been the subject of a contested hearing, at the end of which the Court had awarded Sections 146, 148, 149 and 151 (slightly less than one acre) to Pirihira Hōhepa; Section 147 (one-eighth of an acre) to Pirihira Hōhepa and Maraea Puriti; and Sections 134

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[904] 'Return of Inalienable Land – Otaki 1870-1882', Archives New Zealand Wellington, ACIH 18593, W1369, MAW1369, 40, (R11187906)
[905] Ōtaki Minute Book 5, p 26
[906] 'Certificate of Title – Pukekaraka No 5 at Otaki in the District of Manawatu, Archives New Zealand, Wellington, ABWN 8910, W5278 Box 15, 2218, (R 25 286 858)
[907] Ōtaki Minute Book 2, pp 454-456; Ōtaki Minute Book 5, p 238
[908] 'Return of Inalienable Land – Otaki 1870-1882', Archives New Zealand Wellington, ACIH 18593, W1369, MAW1369, 40, (R11187906)
[909] Certificates of Title for Ngakaroro 2F Sections 1 to 97, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, 2316-2412, (R 25286956-R25287052); G. R. Hawke. 'Gear, James', from the Dictionary of New Zealand Biography. Te Ara - the Encyclopedia of New Zealand, http://www.TeAra.govt.nz/en/biographies/1g6/gear-james (accessed 25 March 2017);

and 135 (two-fifths of an acre) to Erena Wānui.[910] Pirihira Hōhepa was also an owner in the 3-acre Makuratāwhiti 2 block which the Court divided into half on 17 June, declaring both portions 'to be inalienable.'[911] Awarded to individuals from Te Mateawa (a hapū of Ngāti Tukorehe), the 390-acre Tahamatā block was also processed by the Court in June 1885. The Court divided the block into four, and ordered all four sections 'to be inalienable.'[912]

The Native Land Court also made inalienable the subdivisions of the remaining 1000 acres of Manawatū Kukutauki 4C. Most of Manawatū Kukuatuaki 4C – which, like its neighbour 4B, was part of Ngāti Wehiwehi's estate at Waikawa, and had been originally placed in the ownership of 10 members of the tribe – had been purchased by the Crown in June 1875.[913] The outstanding 1000 acres (from an original area of about 3800 acres) were made inalienable by a Crown Grant dated 3 July 1881. When the land was partitioned on 3 July 1885 Ropata Ranapiri (Robert Ransfield) asked the Court to order that the newly-created sections be inalienable as in the old grant.[914]

In addition to the remaining 1000 acres of Manawatū Kukutauaki 4C, the Native Land Court also rendered inalienable the 4000 acres left out of the Crown's purchase of Manawatū Kukutauaki 3 (11,400 acres) in November 1875.[915] In August 1889, after a contested hearing, the Court divided the 4000 acres into two, both of which were 'restricted from sale.'[916] The Court awarded Section 1 (3000 acres) to a list of 44 individuals, headed by Āputa and Kereopa Tukumaru of Ngāti Ngārongo. Section 2 (1000 acres) was made out to a list of 21 names led by Riria Makirika of Ngāti Takihiku.[917]

Conclusion

Between 1867 and 1886 thousands of acres of Ngāti Raukawa land were processed by the Native Land Court. For each of the hundreds of geographically discrete blocks, sections, or lots brought before it, the Court defined the individual owners and ordered the issuing of a

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[910] Ōtaki Minute Book 6, p 97
[911] Ōtaki Minute Book 6, p 143
[912] Ōtaki Minute Book 6, pp 100, 103-104
[913] 'Deeds-No 64. Manawatu-Kukutauaki No 4C Block, Manawatu District', H Hanson Turton, *Maori Deeds of Land Purchases in the North Island of New Zealand. Vol II. Provinces of Taranaki, Wellington, and Hawkes Bay*, (Wellington), 1878, pp 198-199; 'Certificate of Title – Manawatu Kukutauaki No 4C at Waikawa in the District of Manawatu', Archives New Zealand, Wellington, ABWN 8910, W5278 Box 11, 1669, (R25 286 187)
[914] Ōtaki Minute Book 6, p 206
[915] Deeds-No 66. Manawatu-Kukutauaki No 3 Block, Manawatu District', H Hanson Turton, *Maori Deeds of Land Purchases in the North Island of New Zealand. Vol II. Provinces of Taranaki, Wellington, and Hawkes Bay*, (Wellington), 1878, pp 200-203
[916] Ōtaki Minute Book 9, p 326
[917] Ōtaki Minute Book 9, pp 337-338, 323-326

certificate of title. Between 1865 and 1874, and then again from 1880 to 1886, the Court was also required 'to inquire' into whether any of the areas of land it dealt with should be permanently protected from alienation. Section 20 the Native Lands Act 1867 stated that:

> It shall be the duty of the court in every case whatever in which . . . a certificate of title is applied for . . . to inquire and take evidence as to the propriety or otherwise of placing any restriction on the alienability of land comprised in the claim.[918]

In a similar vein, Section 30 of the Native Land Court Act 1880 made it:

> the duty of the Court in every case to inquire into and, if it think fit, take evidence as to the propriety of placing any restriction on the alienability of the land or any part thereof.[919]

While the Native Lands Acts of 1865, 1866 and 1867 limited the Court's role to recommending to the Governor any restrictions on alienation that it considered to be appropriate; the Native Lands Act 1880 allowed the Court to order on its own authority that a piece of Māori land be inalienable.

Despite its statutory responsibilities to inquire into whether each piece should be formally protected from future alienation, the Ōtaki Native Land Court recommended or ordered restrictions for only a small proportion of the land that passed through its process. Between 1867 and 1874, according to existing records, the Court recommended that just 26 pieces of land be made 'inalienable' ('except with the consent of the Governor' or 'Governor in Council'). Most of the areas so protected were small – 16 were less than 10 acres – and clustered in and around Ōtaki town. A few larger blocks, however, were also recommended for protection from sale, including some – like Manawatū Kukutauki 4B at Waikawa – which appear to have been set aside as permanent reserves for a tribe and hapū as a whole. Altogether, out of the many thousands of acres of Raukawa land that were brought before the Court during these years, just 8110 acres were declared to be inalienable under the Native Lands Acts of 1865, 1866 and 1867.

[918] Native Lands Act 1867, s 20
[919] Native Land Court Act, s 36

Between 1881 and 1886 the Native Land Court restricted the alienation of 17 more pieces of Raukawa-owned land. Ranging in area from one quarter to 450 acres, the 17 sections together made up 1500 acres. Most of this area consisted of land that the Court explicitly referred to as reserves: the 1000 acres of Manawatū Kukutauaki 4C that had not been purchased by the Crown, and the 100 acres of the Ngākaroro 2F Reserve. In August 1889 the Court also declared inalienable the remaining 4000 acres of Manawatū Kukutauaki 3 (about one third of the block's original area).

As the relatively small number of areas made inalienable suggest, the Ōtaki Native Land Court did not take a proactive role in protecting Ngāti Raukawa tribal land from future alienation, or in ensuring that hapū and iwi retained sufficient land for their present and future needs. Despite the statutory requirement, in both the Native Lands Act 1867 and the Native Land Court Act 1880, to actively 'inquire' into 'every case' brought before it, there is little sign in the Ōtaki Minute Books of the Court investigating, or gathering evidence as to whether or not any piece of land should be protected from alienation for the future use of its owners. As a rule, the Court appears to have placed restrictions on the sale, lease or mortgage of a piece of land only at the initiative of the owners. The exception – at least between 1867 and 1874 – was for land that was to be held in trust for owners who were under age. In such cases the Court appears to have placed restrictions whether the owners and trustees had asked for them or not.

The limits of the protections provided by the Native Land Court to Ngāti Raukawa land under the Native Lands Act 1865, 1866, and 1867 and the Native Land Court Act 1880 are even more striking when one considers the vast areas that were passed through the Court during these years. In 1873 and 1874, when it processed the partition of the original Manawatū-Kukutuaki block, the Ōtaki Court ordered certificates of title for at least 74 blocks of land, embracing a combined area of more than 221,000 acres. Over those two years, the Court recommended that permanent restrictions on alienation be placed upon seven pieces of Raukawa-owned land. With a total area of 5740 acres (2555 acres of which were within Ngāwhakangutu 1), the seven 'inalienable' blocks made up just 2.6 percent of the total area of Ngāti Raukawa land taken through the Native Land Court in 1873 and 1874.[920]

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[920] 'Certificate of Title – Manawatu Kukutauaki No 4B at Waikawa in the District of Manawatu', ABWN 8910, W5278 Box 11, 1656, (R25 286 174); 'Certificate of Title – Manawatu Kukutauaki No 7E at Manawatu in the District of Manawatu', ABWN 8910, W5278 Box 13, 1852, (R 25 286 495); 'Certificate of Title – Manawatu Kukutauaki No 7H at Manawatu in the District of Manawatu', ABWN 8910, W5278 Box 11, 17282, (R 25 286 246); 'Certificate of Title – Ohau 1 in the District of Otaki', ABWN 8910, W5278 Box 11, 1653, (R 25 286 171); 'Certificate of Title – Ngawhakangutu No 1 at Kukutauaki in the District of Otaki', ABWN 8910, W5278 Box 11, 1727, (R 25 286 245); 'Certificate of Title – Pahiko Ngakaroro 6 at Otaki in the District of Manawatu, ABWN 8910, W5278 Box 13, 1869, (R 25 286 511)

Table 6.4 Blocks of Ngāti Raukawa land for which Certificates of Title were ordered in 1873 and 1874

Block	Month of Order	Area (acres)
Manawatū Kukutauaki 1	April 1873	2000
Manawatū Kukutauaki 2A	April 1873	12808
Manawatū Kukutauaki 2B	April 1873	12808
Manawatū Kukutauaki 2C	April 1873	12808
Manawatū Kukutauaki 2D	April 1873	12808
Manawatū Kukutauaki 2E	April 1873	12183
Manawatū Kukutauaki 2F	April 1873	1200
Manawatū Kukutauaki 2G	April 1873	815
Manawatū Kukutauaki 3	April 1873	11400
Manawatū Kukutauaki 4A	April 1873	5057
Manawatū Kukutauaki 4B	April 1873	1403
Manawatū Kukutauaki 4C	April 1873	3759
Manawatū Kukutauaki 4D	April 1873	3802
Manawatū Kukutauaki 4E	April 1873	3775
Manawatū Kukutauaki 7A	April 1873	730
Manawatū Kukutauaki 7B	April 1873	730
Manawatū Kukutauaki 7C	April 1873	731
Manawatū Kukutauaki 7D	April 1873	10487
Manawatū Kukutauaki 7E	April 1873	181
Manawatū Kukutauaki 7F	April 1873	93
Manawatū Kukutauaki 7G	April 1873	559
Ōhau 1	May 1873	630
Ōhau 2	May 1873	6361
Ōhau 3	May 1873	6799
Manawatū Kukutauaki 4F	May 1873	270
Manawatū Kukutauaki 4G	May 1873	2305
Pukehou 1	May 1873	2123
Pukehou 2	May 1873	2086
Pukehou 3	May 1873	2050
Pahianui 7	March 1874	3.5
Piritaha 2	March 1874	0.8
Muhunoa 1	April 1874	1660
Muhunoa 2	April 1874	3600
Muhunoa 3	April 1874	2340
Muhunoa 4	April 1874	3600
Ngākaroro 1A	April 1874	4444
Ngākaroro 1B	April 1874	6139
Ngākaroro 1C	April 1874	300
Ngākaroro 2A	April 1874	1933
Ngākaroro 2B	April 1874	1933
Ngākaroro 2C	April 1874	1933
Ngākaroro 2D	April 1874	1984
Ngākaroro 2E	April 1874	1933
Ngākaroro 2F	April 1874	2536
Ngākaroro 3	April 1874	1869

Block	Month of Order	Area (acres)
Ngākaroro 4	April 1874	913
Ngākaroro 5	April 1874	1000
Ngāwhakangutu 1	April 1874	2584
Ngāwhakangutu 2	April 1874	4442
Waihoanga 1A	April 1874	467
Waihoanga 1B	April 1874	480
Waihoanga 1C	April 1874	1392
Waihoanga 2A	April 1874	875
Waihoanga 2B	April 1874	1427
Waihoanga 3A	April 1874	797
Waihoanga 3B	April 1874	735
Waihoanga 3C	April 1874	1455
Waihoanga 3D	April 1874	1527
Waihoanga 4	April 1874	9750
Pukehou 5F	April 1874	138.25
Wairarapa	April 1874	6100
Waopukatea 1	April 1874	561
Waopukatea 2	April 1874	63
Waiwiri	April 1874	820
Ngākaroro 6 (Pāhiko)	May 1874	142
Pukehou 5A	May 1874	5600
Pukehou 5B	May 1874	2356
Pukehou 5C	May 1874	2314
Pukehou 5D	May 1847	1062
Pukehou 5E	May 1874	979
Pukehou 5G	May 1874	66
Pukehou 5H	May 1874	5
Pukehou 5L	May 1874	4119
Pukehou 5M	May 1874	50

In October and November 1881, the Native Land Court oversaw the further subdivision of Ngākaroro and Manawatū Kukutauaki blocks 2A, 2B, 2C, 2D and 2E. In October, the Court issued orders for 107 sections of Ngākaroro 1A, 2F, 3H and 5, making up a total of 8386 acres. The Native Land Court placed restrictions on just one section: the 100-acre Ngākaroro 2F Reserve. Within a decade, all 106 of the unreserved sections had been sold to private European buyers.[921] In November 1881 the Court ordered certificates of title for 53 subdivisions of

[921] 'Certificate of Title – Ngakaroro No 1A Section 2 at Otaki in the District of Manawatu', 26 October 1881, ABWN 8910, W5278, Box 11, 2261, (R 25 286 901); 'Certificate of Title – Ngakaroro No 1A Section 3 at Otaki in the District of Manawatu', 26 October 1881, ABWN 8910, W5278, Box 11, 2262, (R 25 286 902); 'Certificate of Title – Ngakaroro No 1A Section 4 at Otaki in the District of Manawatu', 26 October 1881, ABWN 8910, W5278, Box 11, 2263, (R 25 286 903); 'Certificate of Title – Ngakaroro No 1A Section 5 at Otaki in the District of Manawatu', 26 October 1881, ABWN 8910, W5278, Box 11, 2264, (R 25 286 904); Certificates of Title – Ngakaroro No 2F Sections 1 to 97, 22 October 1881, ABWN 8910, W5278, Box 11, 2316-2412, (R 25 286 956 to R 25 287 052); 'Certificate of Title – Ngakaroro No 5A at Otaki in the District of Manawatu', 14 October 1881, ABWN 8910, W5278, Box 11, 2413, (R 25 287 053); 'Certificate of Title –

Manawatū-Kukutauaki 2A, 2B, 2C, 2D, and 2E. Despite the Crown having just purchased large segments of each block, the Crown did not see fit to restrict the alienation of any of the new subdivisions. By the end of 1891, 42 of the unprotected subdivisions had been purchased by the Wellington and Manawatū Railway Company.[922]

Ngakaroro No 5B at Otaki in the District of Manawatu', 14 October 1881, ABWN 8910, W5278, Box 11, 2225, (R 25 286 865); 'Certificate of Title – Ngakaroro No 5C at Otaki in the District of Manawatu', 14 October 1881, ABWN 8910, W5278, Box 11, 2226, (R 25 286 866); Certificate of Title – Ngakaroro No 5D at Otaki in the District of Manawatu', 14 October 1881, ABWN 8910, W5278, Box 11, 2227, (R 25 286 867)

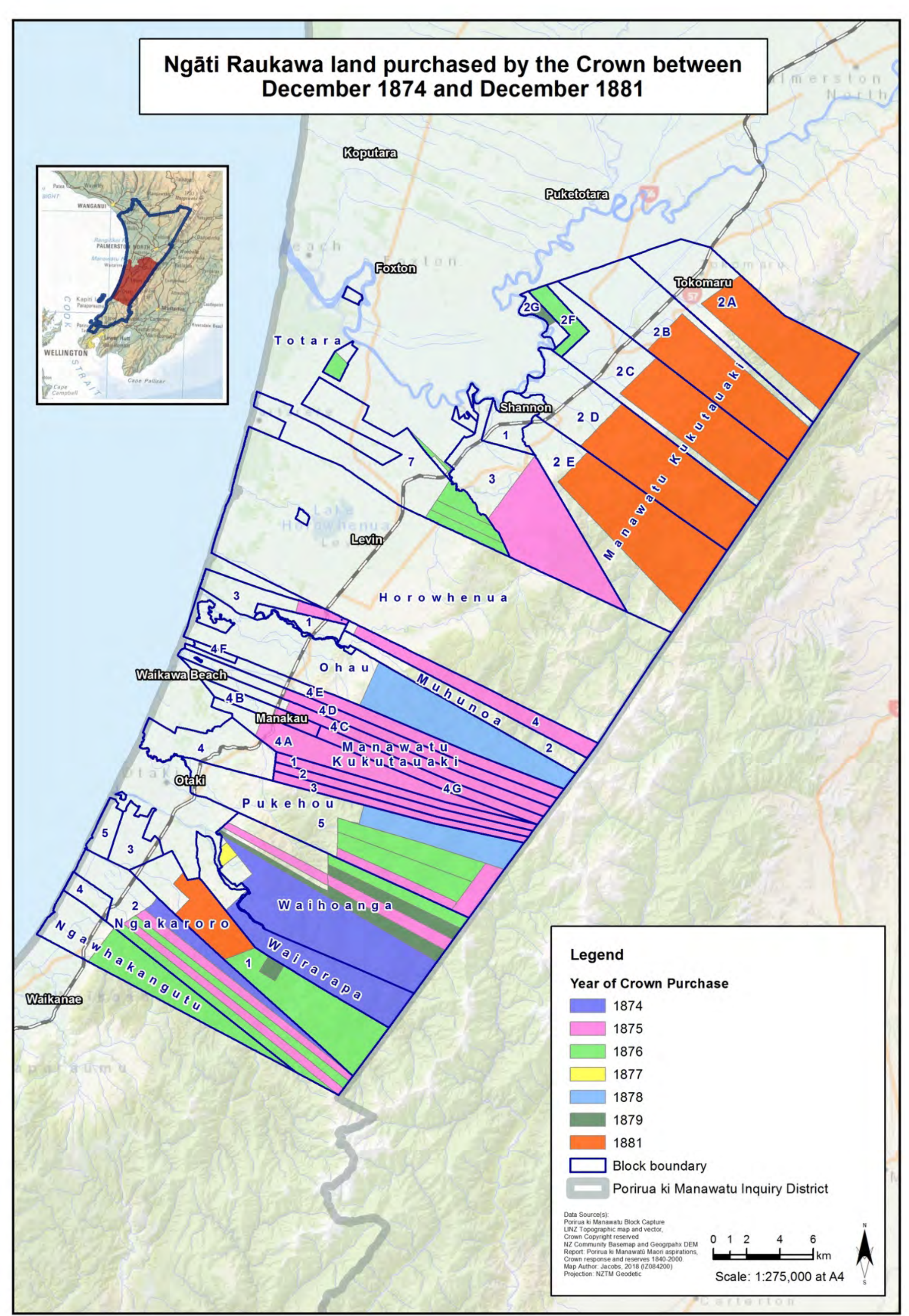
[922] 'Certificate of Title – Manawatu Kukutauaki No 2A Section 1 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2251, (R 25 286 891); 'Certificate of Title – Manawatu Kukutauaki No 2A Section 2 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2252, (R 25 286 892); 'Certificate of Title – Manawatu Kukutauaki No 2A Section 4 at Manawatu in the District of Manawatu', 11 November 1881ABWN 8910, W5278, Box 15, 2253, (R 25 286 893); 'Certificate of Title – Manawatu Kukutauaki No 2A Section 5 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2254, (R 25 286 894); 'Certificate of Title – Manawatu Kukutauaki No 2A Section 6 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2255, (R 25 286 895); 'Certificate of Title – Manawatu Kukutauaki No 2A Section 7 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2256, (R 25 286 896); 'Certificate of Title – Manawatu Kukutauaki No 2A Section 8 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2257, (R 25 286 897); 'Certificate of Title – Manawatu Kukutauaki No 2A Section 9 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2258, (R 25 286 898); 'Certificate of Title – Manawatu Kukutauaki No 2A Section 10 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2259, (R 25 286 899); 'Certificate of Title – Manawatu Kukutauaki No 2B Section 2 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2270, (R 25 286 910); 'Certificate of Title – Manawatu Kukutauaki No 2B Section 3 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2271, (R 25 286 911); 'Certificate of Title – Manawatu Kukutauaki No 2B Section 4 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2272, (R 25 286 912); 'Certificate of Title – Manawatu Kukutauaki No 2B Section 5 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2273, (R 25 286 913); 'Certificate of Title – Manawatu Kukutauaki No 2B Section 6 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2274, (R 25 286 914); 'Certificate of Title – Manawatu Kukutauaki No 2B Section 7 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2275, (R 25 286 915); 'Certificate of Title – Manawatu Kukutauaki No 2B Section 8 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2276, (R 25 286 916); 'Certificate of Title – Manawatu Kukutauaki No 2B Section 9 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2277, (R 25 286 917); 'Certificate of Title – Manawatu Kukutauaki No 2B Section 10 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2278, (R 25 286 918); 'Certificate of Title – Manawatu Kukutauaki No 2B Section 11 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2279, (R 25 286 919); 'Certificate of Title – Manawatu Kukutauaki No 2B Section 12 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2280, (R 25 286 920); 'Certificate of Title – Manawatu Kukutauaki No 2C Section 2 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2281, (R 25 286 921); 'Certificate of Title – Manawatu Kukutauaki No 2C Section 3 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2282, (R 25 286 922); 'Certificate of Title – Manawatu Kukutauaki No 2C Section 4 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2283, (R 25 286 923); 'Certificate of Title – Manawatu Kukutauaki No 2C Section 5 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2284, (R 25 286 924); 'Certificate of Title – Manawatu Kukutauaki No 2C Section 6 at Manawatu in the District of Manawatu',

11 November 1881, ABWN 8910, W5278, Box 15, 2285, (R 25 286 925); 'Certificate of Title – Manawatu Kukutauaki No 2C Section 7 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2286, (R 25 286 926); 'Certificate of Title – Manawatu Kukutauaki No 2C Section 8 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2287, (R 25 286 927); 'Certificate of Title – Manawatu Kukutauaki No 2C Section 9 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2288, (R 25 286 928); 'Certificate of Title – Manawatu Kukutauaki No 2C Section 10 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2289, (R 25 286 929); 'Certificate of Title – Manawatu Kukutauaki No 2C Section 11 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2290, (R 25 286 930); 'Certificate of Title – Manawatu Kukutauaki No 2D Section 2 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2291, (R 25 286 931); 'Certificate of Title – Manawatu Kukutauaki No 2D Section 3 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2292, (R 25 286 932); 'Certificate of Title – Manawatu Kukutauaki No 2D Section 5 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2293, (R 25 286 933); 'Certificate of Title – Manawatu Kukutauaki No 2D Section 6 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2294, (R 25 286 934); 'Certificate of Title – Manawatu Kukutauaki No 2D Section 7 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2295, (R 25 286 935); 'Certificate of Title – Manawatu Kukutauaki No 2D Section 8 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2414, (R 25 287 054); 'Certificate of Title – Manawatu Kukutauaki No 2D Section 9 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2296, (R 25 286 936); 'Certificate of Title – Manawatu Kukutauaki No 2D Section 10 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2297, (R 25 286 937); 'Certificate of Title – Manawatu Kukutauaki No 2D Section 11 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2298, (R 25 286 938); 'Certificate of Title – Manawatu Kukutauaki No 2D Section 12 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2299, (R 25 286 939); 'Certificate of Title – Manawatu Kukutauaki No 2E Section 2 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2300, (R 25 286 940); 'Certificate of Title – Manawatu Kukutauaki No 2E Section 3 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2301, (R 25 286 941); 'Certificate of Title – Manawatu Kukutauaki No 2E Section 4 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2302, (R 25 286 942); 'Certificate of Title – Manawatu Kukutauaki No 2E Section 5 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2303, (R 25 286 943); 'Certificate of Title – Manawatu Kukutauaki No 2E Section 6 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2304, (R 25 286 944); 'Certificate of Title – Manawatu Kukutauaki No 2E Section 7 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2305, (R 25 286 945); 'Certificate of Title – Manawatu Kukutauaki No 2E Section 8 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2306, (R 25 286 946); 'Certificate of Title – Manawatu Kukutauaki No 2E Section 9 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2307, (R 25 286 947); 'Certificate of Title – Manawatu Kukutauaki No 2E Section 10 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2308, (R 25 286 948); 'Certificate of Title – Manawatu Kukutauaki No 2E Section 11 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2309, (R 25 286 949); 'Certificate of Title – Manawatu Kukutauaki No 2E Section 12 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2310, (R 25 286 950); 'Certificate of Title – Manawatu Kukutauaki No 2E Extra at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2423, (R 25 287 063); 'Certificate of Title – Manawatu Kukutauaki No 2F at Kaihinu in the District of Manawatu', January 30 1883, ABWN 8910, W5278, Box 13, 1864, (R 25 286 507); 'Certificate of Title – Manawatu Kukutauaki No 2G at Kaihinu in the District of Manawatu', January 30 1883, ABWN 8910, W5278, Box 13, 1866, (R 25 286 508)

6.3 Land Purchasing and Reserves

Between 1867 and 1886 the Native Land Court processed virtually all of Ngāti Raukawa's tribal estate south of the Manawatū River. Land that had previously been held communally by iwi, hapū, and whānau, with often complex and overlapping rights was divided by the Court into discrete blocks, sections, and lots with geographically distinct boundaries, defined by European surveyors, and represented on official maps and plans. Ownership of each piece of land was awarded by the Court to individual owners, who – unless the land had been placed under a permanent or temporary restriction – were legally entitled to sell their shares. On many occasions this is exactly what the newly certified owners did. Over the course of the two decades between 1874 and 1894 more than 180,000 acres (72,000 hectares or 720 square kilometres) of Raukawa-owned land were sold to the Crown or private European purchasers.

The Crown was by far the largest purchaser of Native Land Court processed Raukawa land. Between December 1874 and December 1881 the Crown acquired 141,330 acres in 50 blocks between the Manawatū River and the Kukutauaki Stream. In December 1874, the Crown purchased more than 16,000 acres on either side of the Ōtaki River, including 9500 acres of the Waihoanga 4 block and 5050 acres of the Wairarapa block. The following year it acquired more than 41,000 acres between Ōtaki and Lake Papaitonga, including all or parts of Manawatū Kukutauaki 3, 4A, 4B, 4C, 4E, 4G; Pukehou 1, 2, 3, 5D and 5E; and Muhunoa 3 and 4. In 1876 the Crown bought almost 25,000 acres of Raukawa land, including Manawatū Kukutauaki 2F, 7A, 7B, and 7C near the Manawatū River; and Ngākaroro 1B, 2A and 2C south of the Ōtaki River. A further 15,000 acres were purchased in 1877, 1878 and 1879, including the Wairarapa and Waihoanga reserves, and the 6361-acre Ōhau 2 block. The Crown's purchase of Raukawa land reached a final crescendo in 1881 when it acquired almost 40,000 acres from Manawatū Kukutauaki 2A, 2B, 2C, 2D and 2E (roughly between modern-day Tokomaru and Shannon). The same year the Crown also purchased almost 3000 acres from Ngākaroro 1A and more than 900 acres from Pukehou 4A.



Ngāti Raukawa land purchased by the Crown between December 1874 and December 1881
Koputara
Puketotara
Foxton
Tokomaru
Totara
Shannon
Levin
Horowhenua
Manawatu Kukutauaki
Ohau
Muhunoa
Waikawa Beach
Manakau
Otaki
Pukehou
Waihoanga
Ngakaroro
Wairarapa
Ngawhakangutu
Waikanae
Legend
Year of Crown Purchase
1874
1875
1876
1877
1878
1879
1881
Block boundary
Porirua ki Manawatu Inquiry District
Scale: 1:275,000 at A4

Table 6.5 Ngāti Raukawa land purchased by the Crown between December 1874 and December 1881

Block	Date	Area Purchased (acres)
Waihoanga 4	3 Dec 1874	9500
Wairarapa	3 Dec 1874	5050
Ngākaroro 2E	15 Dec 1874	1933
Ngākaroro 2B	7 Jan 1875	1933
Waihoanga 2A	31 Jan 1875	875
Manawatū Kukutauaki 4A	3 Feb 1875	4407
Manawatū Kukutauaki 4G	3 Feb 1875	2366
Manawatū Kukutauaki 4B (part)	3 Feb 1875	561
Pukehou 1	4 Feb 1875	2123
Pukehou 2	4 Feb 1875	2086
Pukehou 3	4 Feb 1875	2050
Manawatū Kukutauaki 4D	8 Feb 1875	2815
Muhunoa 4	2 Sept 1875	3500
Ngākaroro 2D	27 May 1875	1984
Pukehou 5D	28 May 1875	1062
Manawatū Kukutauaki 4C	2 June 1875	2759
Manawatū Kukutauaki 4E	8 June 1875	2775
Pukehou 5E	12 June 1875	979
Muhunoa 3	4 Aug 1875	460
Manawatū Kukutauaki 3	19 Nov 1875	7400
Waihoanga 2B	22 Nov 1875	1427
Ngākaroro 2C	4 Feb 1876	1935
Ngākaroro 1B	8 Feb 1876	6139
Takapū 2	9 Feb 1876	262.5
Ngāwhakangutu 2	9 Feb 1876	4443
Pukehou 5C	11 Feb 1876	2314
Waihoanga 3D	11 Feb 1876	1528
Pukehou 5B	16 Feb 1876	2356
Ngākaroro 2A	18 April 1876	1933
Manawatū Kukutauaki 2F	2 May 1876	1200
Manawatū Kukutauaki 7A	12 May 1876	730
Manawatū Kukutauaki 7B	12 May 1876	730
Manawatū Kukutauaki 7C	12 May 1876	731
Tōtara 3	2 Aug 1876	351
Waihoanga 4 Reserve	6 Feb 1877	200
Wairarapa Reserve	6 Feb 1877	1050
Ōhau 2	16 Aug 1878	6361
Pukehou 5A	12 Sept 1878	3400
Ngākaroro 1C	11 Jan 1879	300
Manawatū Kukutauaki 2G	3 May 1879	400
Waihoanga 3C	29 Setp 1879	1454
Waihoanga 1C	17 Dec 1879	1392
Waihoanga 1B	26 Dec 1879	480
Pukehou 4	26 Oct 1881	926
Ngākaroro 1A	26 Oct 1881	2844
Manawatū Kukutauaki 2A	11 Nov 1881	7152
Manawatū Kukutauaki 2B	11 Nov 1881	6837
Manawatū Kukutauaki 2C	11 Nov 1881	7716

Block	Date	Area Purchased (acres)
Manawatū Kukutauaki 2D	11 Nov 1881	8666
Manawatū Kukutauaki 2E	11 Nov 1881	9455

Source: 'Lands Purchased and Leased from Natives in North Island', *AJHR*, 1884, Session II, C-2, pp 13-14

The Crown's wholesale acquisition of Raukawa's tribal estate was supplemented by large-scale purchasing on the part of private interests. Between 1876 and 1893 private settler interests purchased almost 40,000 acres of Raukawa land between the Manawatū River and Kukutauaki Stream. The Wellington and Manawatū Railway Company acquired slightly less than 25,000 acres between 1882 and 1891, including all or most of Manawatū Kukutauaki 2A, 2B, 2C, 2D and 2E that had not already been purchased by the Crown. James Gear, in his own right and in partnership with Isabella Ling, purchased almost 8000 acres within the Ngākaroro block between 1880 and 1886, including all 97 sections of Ngākaroro 2F (excepting the 100-acre 'reserve'). Other private purchasers included Arthur Brathwaite and John Kebbell, who purchased almost 900 acres from Muhunoa 1A and 3B, and Frederick Bright, who acquired more than 1000 acres from the Ngākaroro and Waihoanga subdivisions.

Table 6.6 Ngāti Raukawa land purchased by private interests 1876 to 1893

Block	Date	Purchaser	Area Purchased (acres)
Waihoanga 4A	18 Oct 1876	Richard Booth	430
Wairarapa 1	4 Sept 1878	Benjamin Smith	200
Ngākaroro 5A	31 July 1880	James Gear	4800
Ngākaroro 2F96	31 Aug 1881	James Gear & Isabella Ling	25
Muhunoa 3B	26 Sept 1881	Arthur Braithwaite & John Kebbell	816
Ngākaroro 5C	13 Oct 1881	James Gear	207
Muhunoa 1A	15 Oct 1881	Arthur Braithwaite & John Kebbell	80
Ngākaroro 5B	24 Oct 1881	James Gear	208
Ngākaroro 1A5	21 Feb 1882	Frederick Bright	50
Ngākaroro 2F1-9, 11-13, 15, 17, 21-25, 28, 29, 32-34, 36, 40, 41, 46-49, 52, 53, 56-58, 61, 62, 65, 67, 69, 71, 74, 78, 80, 81, 85, 87, 88, 93, 94	3 Sept 1882	James Gear & Isabella Ling	1250
Ngākaroro 1A3	10 July 1882	Frederick Bright	122
Ngākaroro 2F3, 19, 20, 70, 86, 91	17 Aug 1882	James Gear & Isabella Ling	185
Manawatū Kukutauaki 2A Railway Reserve	4 Sept 1882	Manawatū & Wellington Railway Co	35

Block	Date	Purchaser	Area Purchased (acres)
Manawatū Kukutauaki 2D11	11 Sept 1882	Manawatū & Wellington Railway Co	196
Ngākaroro 2F63	13 Sept 1882	James Gear & Isabella Ling	25
Ngākaroro 2F79	14 Sept 1882	James Gear & Isabella Ling	25
Manawatū Kukutauaki 2A5, 2A6, 2A7, 2A8, 2A9, 2A10, 2A11	14 Sept 1882	Manawatū & Wellington Railway Co	3583
Manawatū Kukutauaki 2B2, 2B5, 2B6, 2B7, 2B8, 2B9, 2B10, 2B11, 2B122	14 Sept 1882	Manawatū & Wellington Railway Co	5512
Manawatū Kukutauaki 2C2, 2C3, 2C7, 2C8, 2C9, 2C10, 2C11,	14 Sept 1882	Manawatū & Wellington Railway Co	3915
Manawatū Kukutauaki 2D3, 2D5, 2D9, 2D12	14 Sept 1882	Manawatū & Wellington Railway Co	1678
Manawatū Kukutauaki 2E Extra	14 Sept 1882	Manawatū & Wellington Railway Co	3037
Ngākaroro 2F66	15 Sept 1882	James Gear & Isabella Ling	25
Manawatū Kukutauaki 2D10	28 Sept 1882	Manawatū & Wellington Railway Co	298
Ngākaroro 2F97	2 Oct 1882	James Gear & Isabella Ling	25
Ngākaroro 2F10 & 75	4 Oct 1882	James Gear & Isabella Ling	50
Ngākaroro 2F50	6 Oct 1882	James Gear & Isabella Ling	25
Ngākaroro 2F72	7 Oct 1882	James Gear & Isabella Ling	25
Ngākaroro 2F26	9 Oct 1882	James Gear & Isabella Ling	25
Ngākaroro 2F76	10 Oct 1882	James Gear & Isabella Ling	25
Ngākaroro 2F43	12 Oct 1882	James Gear & Isabella Ling	25
Ngākaroro 2F16 & 38	17 Oct 1882	James Gear & Isabella Ling	50
Ngākaroro 2F27 & 37	26 Oct 1882	James Gear & Isabella Ling	50
Manawatū Kukutauaki 2C4	21 Dec 1882	Manawatū & Wellington Railway Co	512
Manawatū Kukutauaki 2C5	26 Dec 1882	Manawatū & Wellington Railway Co	504
Ngākaroro 2F55, 59, 84, 89	4 June 1883	James Gear & Isabella Ling	100
Ngākaroro 2F92	31 Aug 1883	James Gear & Isabella Ling	25
Ngākaroro 2F18 & 77	1 Sept 1883	James Gear & Isabella Ling	50
Ngākaroro 2F 39 & 51	3 Sept 1883	James Gear & Isabella Ling	50
Ngākaroro 2F95	10 Sept 1883	James Gear & Isabella Ling	25
Manawatū Kukutauaki 2A1, 2A2, 2A4	25 Sept 1883	Manawatū & Wellington Railway Co	2306
Manawatū Kukutauaki 2B4	25 Sept 1883	Manawatū & Wellington Railway Co	298
Manawatū Kukutauaki 2D2	25 Sept 1883	Manawatū & Wellington Railway Co	469
Manawatū Kukutauaki 2E2 & 2E3	25 Sept 1883	Manawatū & Wellington Railway Co	1251
Manawatū Kukutauaki 2B3	28 Sept 1883	Manawatū & Wellington Railway Co	298
Ngākaroro 2F30, 31, 64, 68	31 Oct 1883	James Gear & Isabella Ling	140
Ngāwhakangutu 1 South	1883		1990
Ngākaroro 2F45	7 Feb 1884	James Gear & Isabella Ling	25

Block	Date	Purchaser	Area Purchased (acres)
Ngākaroro 2F82	6 March 1884	James Gear & Isabella Ling	25
Manawatū Kukutauaki 2D8	7 March 1884	Manawatū & Wellington Railway Co	473
Manawatū Kukutauaki 2D7	29 March 1884	Manawatū & Wellington Railway Co	395
Ngākaroro 2F73	23 June 1884	James Gear & Isabella Ling	25
Manawatū Kukutauaki 2E8	15 July 1884	Manawatū & Wellington Railway Co	200
Ngākaroro 5A	13 Sept 1884	James Gear & Isabella Ling	205
Ngākaroro 2F44	24 Sept 1884	James Gear & Isabella Ling	25
Ngākaroro 2F42	1 Jan 1885	James Gear & Isabella Ling	25
Ngākaroro 2F54	13 Jan 1885	James Gear & Isabella Ling	25
Ngākaroro 1A2	2 Feb 1885	Frederick Bright	122
Ngākaroro 2F83	7 March 1885		
Ngākaroro 2F60 & 90	29 June 1885	James Gear & Isabella Ling	50
Ngākaroro 3H	14 Dec 1886	James Gear & Benjamin Ling	25
Ngākaroro 2F35	9 June 1887	James Gear & Isabella Ling	56
Ngākaroro 2F14	27 July 1887	James Gear & Isabella Ling	25
Waihoanga Reserve	20 Aug 1887	Croker	50
Waihoanga 3A2 s1	1889	Frederick Bright	458
Takapū 1 s1	11 Sept 1890	Frederick James Davies	169
Ngākaroro 1A4	20 Oct 1890	Frederick Mounteer Conson	122
Manawatū Kukutauaki 2C6	13 June 1891	Manawatū & Wellington Railway Co	296
Waihoanga 3A1	1893	Frederick Bright	192
Waihoanga 3A2 & 3A3	1893	Frederick Bright	147
Waihoanga 1A1	1893	Mary Ann Swainson	317
Ngawahakangutu 1 North	1893		641

Source: Certificates of Title; Walzl Report.

Crown land purchasing and the provision of reserves

Between December 1874 and December 1881 the Crown purchased land in 50 blocks of Raukawa-owned land. Thirty-one of these blocks were purchased in their entirety, with no provision for reserves. Most of the blocks purchased outright by the Crown were large. Twenty of the 31 were of more than 1000 acres. Ōhau 2 and Ngākaroro 2 both included more than 6000 acres, while five of the eight Pukehou subdivisions purchased by the Crown in their entirety were of 2000 acres or more. The Crown purchased the whole of seven blocks within Ngākaroro, and six in neighbouring Waihoanga. It also bought all of Manawatū Kukutauaki 2F (1200 acres), 4G (2366 acres) and 7A, B and C (730 acres each).

Table 6.7 Blocks of Ngāti Raukawa land purchased by the Crown in their entirety between December 1874 and December 1881

Block	Date	Area Purchased (acres)
Ōhau 2	16 Aug 1878	6361
Ngākaroro 1B	8 Feb 1876	6139
Ngāwhakangutu 2	9 Feb 1876	4443
Pukehou 5B	16 Feb 1876	2356
Pukehou 5C	11 Feb 1876	2314
Manawatū Kukutauaki 4G	3 Feb 1875	2366
Pukehou 1	4 Feb 1875	2123
Pukehou 2	4 Feb 1875	2086
Pukehou 3	4 Feb 1875	2050
Ngākaroro 2D	27 May 1875	1984
Ngākaroro 2C	4 Feb 1876	1935
Ngākaroro 2E	15 Dec 1874	1933
Ngākaroro 2B	7 Jan 1875	1933
Ngākaroro 2A	18 April 1876	1933
Waihoanga 3D	11 Feb 1876	1528
Waihoanga 3C	29 Sept 1879	1454
Waihoanga 2B	22 Nov 1875	1427
Waihoanga 1C	17 Dec 1879	1392
Manawatū Kukutauaki 2F	2 May 1876	1200
Pukehou 5D	28 May 1875	1062
Wairarapa Reserve	6 Feb 1877	1050
Pukehou 5E	12 June 1875	979
Pukehou 4A	26 Oct 1881	926
Waihoanga 2A	31 Jan 1875	875
Manawatū Kukutauaki 7C	12 May 1876	731
Manawatū Kukutauaki 7A	12 May 1876	730
Manawatū Kukutauaki 7B	12 May 1876	730
Waihoanga 1B	26 Dec 1879	480
Tōtara 3	2 Aug 1876	351
Ngākaroro 1C	11 Jan 1879	300
Takapū 2	9 Feb 1876	262.5

Ngāti Raukawa landowners retained land in 19 of the blocks in which the Crown purchased between December 1874 and December 1881. The proportion retained varied from as much as two-thirds – in Hoani Taipua's sale of 400 acres of Manawatū Kukutauaki 2G in May 1879 – to as little as three percent in the case of the Crown's purchase of Muhunoa 4 in February 1875. In the Crown's purchases of Waihoanga 4 and Wairarapa the areas set aside for the owners were six and 17 percent of the blocks' original area. In the 1875 purchases of Manawatū Kukutauaki 4A, B, C, D, E (between the Ōhau and Waikawa Rivers) the acreage retained by the owners were 13, 60, 27, 26, and 27 percent respectively. Somewhat larger areas were kept by the owners of Manawatū Kukutauaki 3, and the subdivisions of Manawatū Kukutauaki 2,

in the vicinity of the Manawatū River. Here, the proportion of the original blocks retained after Crown purchase ranged from 35 percent in the case of Manawatū Kukutauaki 3; 33 to 47 percent for Manawatū Kukutautaki 2A, 2B, 2C, 2D and 2E; and 67 percent for Manawatū Kukutauaki 2G.

Table 6.8 Blocks of Ngāti Raukawa land partially purchased by the Crown, December 1874 to December 1881

Block	Date	Acres purchased by the Crown	Acres retained by owners	% retained by owners
Waihoanga 4	3 Dec 1874	9500	680	6
Wairarapa	3 Dec 1874	5050	1050	17
Manawatū Kukutauaki 4A	3 Feb 1875	4407	650	13
Manawatū Kukutauaki 4B	3 Feb 1875	561	842	60
Manawatū Kukutauaki 4D	8 Feb 1875	2815	987	26
Muhunoa 4	9 Feb 1875	3500	100	3
Manawatū Kukutauaki 4C	2 June 1875	2759	1000	27
Manawatū Kukutauaki 4E	8 June 1875	2775	1000	27
Muhunoa 3	4 Aug 1875	460	816	64
Manawatū Kukutauaki 3	19 Nov 1875	7400	4000	35
Waihoanga 4 Reserve	6 Feb 1877	200	50	20
Pukehou 5A	12 Sept 1878	3400	2200	39
Manawatū Kukutauaki 2G	3 May 1879	400	800	67
Ngākaroro 1A	26 Oct 1881	2844	416	13
Manawatū Kukutauaki 2A	11 Nov 1881	7152	5889	45
Manawatū Kukutauaki 2B	11 Nov 1881	6837	6108	47
Manawatū Kukutauaki 2C	11 Nov 1881	7716	5227	40
Manawatū Kukutauaki 2D	11 Nov 1881	8666	4314	33
Manawatū Kukutauaki 2E	11 Nov 1881	9455	5030	35

When land was set aside from Crown purchases it seems to have been at the initiative of the Māori vendors themselves. Writing on 30 June 1876, James Booth, the Land Purchase Officer responsible for most of the Crown purchases of Raukawa land between 1874 and 1881, told the Under Secretary of the Native Department that 'the Natives are, and have been, allowed to

have whatever reserves they have asked for.'[923] While Booth's assurance may or may not have been correct, it is clear that on the minority of occasions when land was set aside from Crown purchases, the Māori owners usually ensured that the areas reserved were relatively substantial. Rather than being narrowly restricted to established settlements and cultivations, the land held back from the Crown's purchases of the subdivisions of Manawatū Kukutauaki 2 and 4, as well as Manawatū Kukutauaki 3 and Muhunoa 3, included hundreds or even thousands of acres, including extensive mahinga kai such as wetlands, rivers, streams, forest and – in the case of the Manawatū Kukutauaki 4 reserves – portions of sea coast.

Yet just because a portion of land had been retained from Crown purchase, it did not necessarily mean that it would not be subject to later sale. Only a minority of the areas set aside between 1874 and 1881 received formal protection from future alienation. The question, therefore, was whether the relatively extensive areas excluded from Crown purchase would remain in Māori ownership – as a permanent endowment for their owners' present and future needs – or whether the land would be subsequently bought up by the Crown or private interests. This issue was particularly pressing for areas such as the remaining sections of the Manawatū-Kukutauaki blocks, that were soon to be traversed by the Wellington and Manawatū Railway. The construction of the Railway between 1881 and 1886 was to make much of the land that had been retained by Ngāti Raukawa from the initial Crown purchases highly desirable to private European purchasers intent on settlement and speculation.

The Waikawa Reserve – Manawatū Kukutauaki 4A, B, C, D, and E

Ngāti Wehiwehi settled the land along the Waikawa River in the years preceding the battle of Haowhenua (1834).[924] In 1874 Resident Magistrate W J Willis estimated that there were 121 Ngāti Wehiwehi living at Waikawa, including 89 adults and 32 children.[925] Taken through the Court in April 1873 as Manawatū Kukutauaki 4, Ngāti Wehiwehi's Waikawa land was subdivided into seven strips (Manawatū Kukutauaki 4A-G). Formal ownership of the subdivisions was distributed amongst various members of the tribe, with the maximum number of the 10 owners being listed for each piece of land with the exception of Manawatū Kukutauaki 4F, which was vested in Tiemi and Pape Ranapiri (or Ransfield).[926]

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[923] Mr James Booth to the Under Secretary, Native Department, 30 June 1876, 'Purchase of Land from the Natives (Reports from Officers)', *AJHR*, 1876 Session I, G-5, p 12
[924] Evidence of Paora Pohotiraha, Ōtaki Minute Book, No 1B. p. 163.
[925] 'Approximate Census of the Māori Population', *AJHR*, 1874, G-7, p. 17.
[926] 'Certificate of Title – Manawatu Kukutauaki No 4A at Ohau in the District of Otaki', 17 February 1882, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 11, 1668, (R 25 286 186); 'Certificate of Title – Manawatu Kukutauaki No 4B at Ohau in the District of Otaki', 2 March 1880, ABWN 8910, W5278, Box 11,

Despite the Native Land Court's subdivision of their land into discrete blocks with individual owners, Ngāti Wehiwehi continued to regard their Waikawa territory as a whole. This was evident in the reserve they created following the Crown's purchase of land within Manawatū Kukutauaki 4 in February and June 1875. What became known as the Waikawa Reserve contained land from five Native Land Court blocks: Manawatū Kukutauaki 4A, 4B, 4C, 4D and 4E.[927] In what was clearly a considered and concerted strategy, the owners of each block (including the supposedly 'inalienable' 4B) sold the inland, eastern portions of their subdivisions while retaining the adjacent seaside western ends.[928]

Table 6.9 The Waikawa Reserve

	Acres retained by owners
Manawatū Kukutauaki No 4 A	650
Manawatū Kukutauaki No 4 B	884
Manawatū Kukutauaki No 4 C	1000
Manawatū Kukutauaki No 4 D	987
Manawatū Kukutauaki No 4 E	1000
	4521

Source: F H Bronson to Mr Marchant, 4 April 1879, 'Waikawa Reserve Plan; Waiwiri, Muhunoa Nos 1, 3 and Ohau Nos 1, 3; Boundary disputes', 1879-1880, Archives New Zealand, Wellington, LS-W1 3, 44, (R 23 975 879)

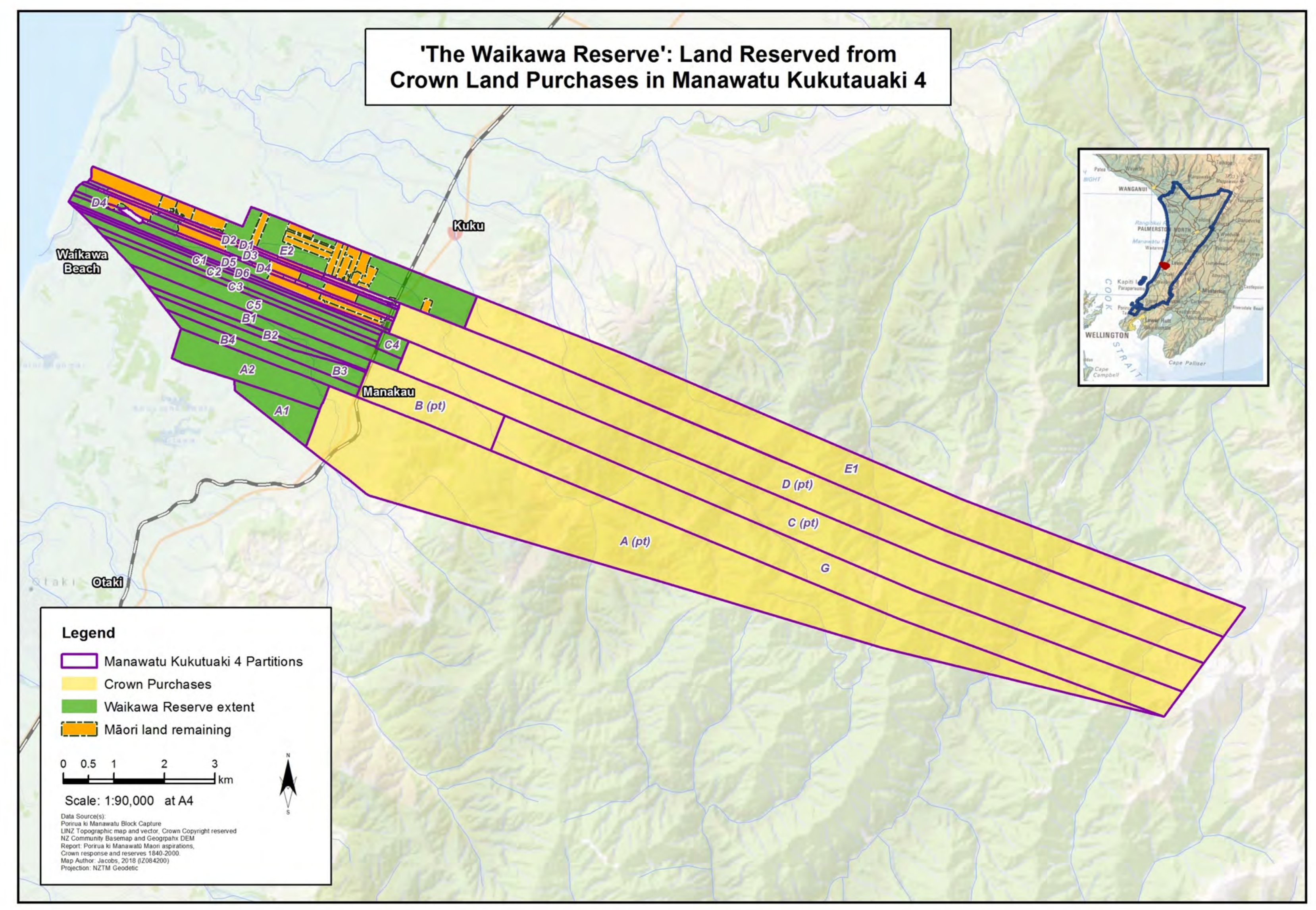
Ngāti Wehiwehi's decision to retain a carefully-chosen portion of their land was set out in the purchase agreements for each block of land. The deed for Manawatū Kukutauaki 4A explicitly stated that the 650 acres was to be a reserve. Each of the Manawatū Kukutauaki 4 deeds also included a sketch map of the land under purchase with the land to be retained clearly marked out.[929]

1656, (R 25 286 174); 'Certificate of Title – Manawatu Kukutauaki No 4C at Ohau in the District of Otaki', 2 March 1880, ABWN 8910, W5278, Box 11, 1669, (R 25 286 187); 'Certificate of Title – Manawatu Kukutauaki No 4D at Ohau in the District of Otaki', 2 March 1880, ABWN 8910, W5278, Box 11, 1670, (R 25 286 188); 'Certificate of Title – Manawatu Kukutauaki No 4E at Waikawa in the District of Otaki', 2 March 1880, ABWN 8910, W5278, Box 11, 1671, (R 25 286 189); 'Certificate of Title – Manawatu Kukutauaki No 4F at Waikawa in the District of Otaki', 23 September 1879, ABWN 8910, W5278, Box 11, 1647, (R 25 286 165)

[927] F H Bronson to Mr Marchant, 4 April 1879, 'Waikawa Reserve Plan; Waiwiri, Muhunoa Nos 1, 3 and Ohau Nos 1, 3; Boundary disputes', 1879-1880, Archives New Zealand, Wellington, LS-W1 3, 44, (R 23 975 879)

[928] 'Manawatu Kukutauaki 4A', ABWN W5279 8102 Box 328, WGN 453 (R 23 446 673); 'Manawatu Kukutauaki 4C – Otaki', ABWN W5279 8102 Box 328, WGN 268 (R 23 446 552); 'Manawatu Kukutauaki 4D', ABWN W5279 8102 Box 328, WGN 250 (R 23 446 537)

[929] Ibid


'The Waikawa Reserve': Land Reserved from
Crown Land Purchases in Manawatu Kukutauaki 4
D4
Waikawa
Beach
D2
D1
D3
E2
C1
D5
C2
D6
D4
C3
C5
B1
B4
B2
C4
A2
B3
Manakau
B (pt)
A1
Kuku
E1
D (pt)
C (pt)
A (pt)
G
Otaki
Legend
Manawatu Kukutuaki 4 Partitions
Crown Purchases
Waikawa Reserve extent
Māori land remaining
0 0.5 1 2 3 km
Scale: 1:90,000 at A4
Data Source(s):
Porirua ki Manawatu Block Capture
LINZ Topographic map and vector, Crown Copyright reserved
NZ Community Basemap and Geogrpahx DEM
Report: Porirua ki Manawatū Maori aspirations,
Crown response and reserves 1840-2000.
Map Author: Jacobs, 2018 (IZ084200)
Projection: NZTM Geodetic

Pictured individually on the deeds of sale for each block as relatively small and narrow segments of larger sections of land, the adjacent areas together constituted an area of more than 4500 acres. Ngāti Wehiwehi's insistence on seeing the Waikawa Reserve in its entirety, rather than as the remnants of five distinct subdivisions, was reflected in their determination that it should be surveyed 'as a whole', with a single, straight line as its back boundary. Noting that if they were surveyed separately, the land reserved in each adjacent block would form 'a series of steps', surveyor James D Climie warned his superior John Marchant that 'the Natives . . . always speak of their reserve as bounded by a straight line at its back.'[930] In the end, however, the requirement that the land be surveyed as the Court had ordered it – as seven discrete subdivisions – meant that the inland boundary of the Waikawa Reserve was eventually surveyed as a 'series' of uneven 'steps' rather than as a 'straight line' as the Ngāti Wehiwehi owners had intended.[931]

In contrast to much of the other areas of Raukawa land held back from purchase at this time, the Crown formally recognized the reserve status of most of Ngāti Wehiwehi's remaining land at Waikawa, protecting it– for a time at least – from further purchase. As we have seen, Manawatū Kukutauaki 4B had already been declared inalienable by the Court in May 1873. The unpurchased sections of Manawatū Kukutauaki 4A, 4C and 4E received similar protection under 'The Government Native Land Purchase Act 1878' and 'The Volunteers and Others Lands Act 1877'. These Acts gave legal force to clauses, such as those in the deeds of sale for the subdivisions of Manawatū Kukutauaki 4, which set aside for the Māori vendors portions of land under purchase by the Crown.[932] The Acts empowered the Governor to designate such land as Native reserves, allowing him to place 'such restrictions' as he deemed 'fit' as to their 'alienability . . . either by sale, lease, or otherwise.'[933] Under this legislation Manawatū Kukutauaki 4A, 4C and 4E (but apparently not 4D) each received the legal status of Native reserves.[934]

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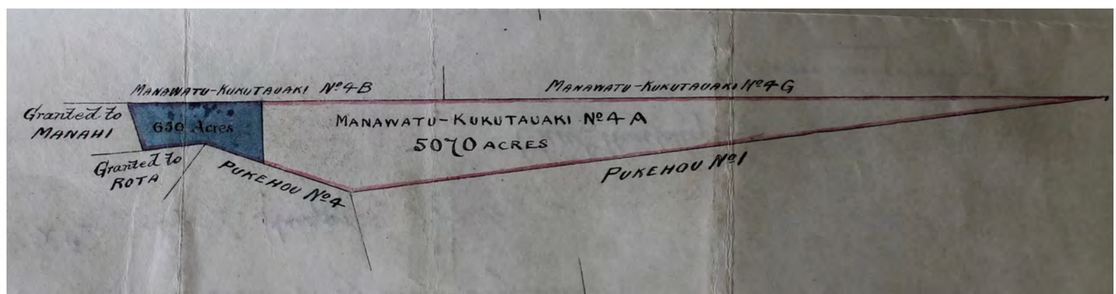
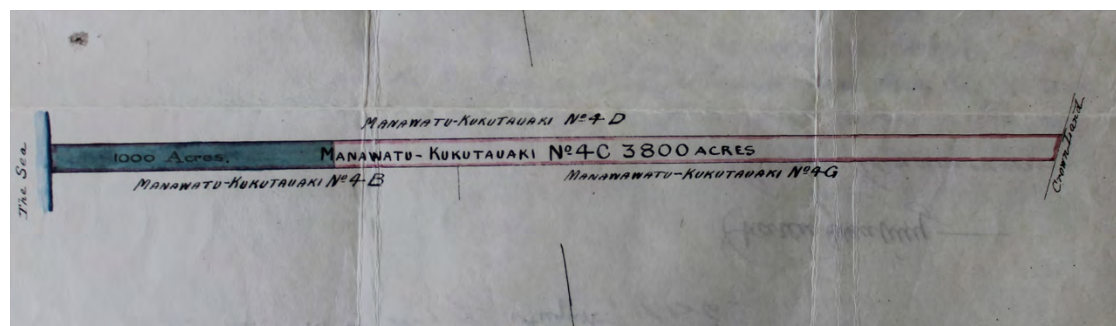
930 James D Climie, 'Memorandum for Mr Marchant Re Otaki Claims', 22 May 1879, 'Waikawa Reserve Plan; Waiwiri, Muhunoa Nos 1, 3 and Ohau Nos 1, 3; Boundary disputes', 1879-1880, Archives New Zealand, Wellington, LS-W1 3, 44, (R 23 975 879)
931 Percy Smith to the Deputy Inspector Surveys, 14 June 1879, LS-W1 3, 44, (R 23 975 879)
932 The Volunteers and Others Lands Act, 1877, s 5; The Government Native Land Purchases Act Amendment Act, 1878, s 4
933 The Government Native Land Purchases Act Amendment Act, 1878, s 4
934 'Land Possessed by Maoris, North Island (Return of)', AJHR, 1886, I, G-15, p 11

Figure 6.1 Sketch of Manawatū Kukutauaki 4A Crown Purchase (area reserved to vendors is shaded blue)



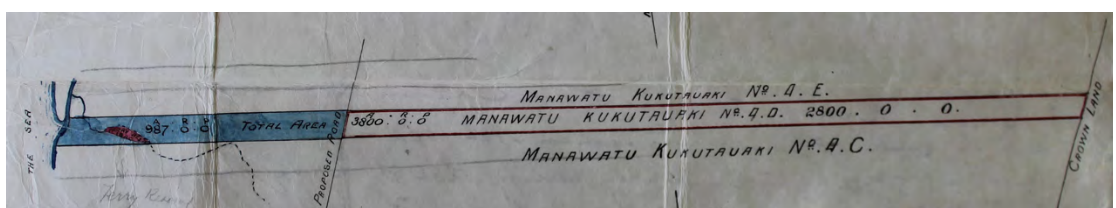
Source: 'Manawatū Kukutauaki 4A', Archives New Zealand, Wellington, ABWN W5279 8102 Box 335, WGN 453, (R23446673)

Figure 6.2 Sketch of Manawatū Kukutauaki 4C Crown Purchase (area reserved to vendors is shaded blue)



Source: 'Manawatū Kukutauaki 4C', Archives New Zealand, Wellington, ABWN W5279 8102 Box 329, WGN 268, (R23446552)

Figure 6.3 Sketch of Manawatū Kukutauaki 4D Crown Purchase (area reserved to vendors is shaded blue)



Source: 'Manawatū Kukutauaki 4D', ABWN W5279 8102 Box 328, WGN 250 (R 23 446 537)

Manawatū Kukutauaki 3 – 'Ihakara's Reserve'

What was known to the Native Land Court and Crown officials as Manawatū Kukutauaki 3 consisted of an estimated 11,400 acres (found to be 10,700 acres after survey) between present-day Levin and Shannon. Today, the land is traversed by both State Highway 57 and the North Island Main Trunk Railway Line, and includes the settlements of Koputaroa and Ihakara. The land is the home of Ngāti Ngārongo, Ngāti Hinemata, and Ngāti Takihiku. The three Ngāti Raukawa hapū settled the area in the 1830s, after the land had been gifted to them by Te Rauparaha and his sister Waitohi (mother of Te Rangihaeata).[935] On 15 April 1873 the Native Land Court awarded ownership of Manawatū Kukutauaki 3 to 10 individuals including Ihakara and Kereopa Tukumaru (Ngāti Ngārongo and Ngāti Hinemata); Hairuha Te Hiwi and Renata Te Roherohe (both Ngāti Takihiku), and Hōhepa Te Hana (Ngāti Ngārongo).[936] The Court also registered 93 individuals as having 'interests' in the land under Section 17 of the Native Lands Act 1867.[937]

In December 1875 the Crown purchased most of Manawatū Kukutauaki 3. Excluded from the purchase was 4000 acres at the northwest, or Manawatū River end of the block. The boundaries of the 4000 acres were defined in the Manawatū Kukutauaki 3 deed of purchase, and marked out on a plan drawn on the deed, with the reserved area shaded yellow. The 4000-acre reserve included Ihakara Tukumaru's kāinga at Kererū, the Kōputaroa Stream and access to the Manawatū River.[938]

The division of Manawatū Kukutauaki 3 between the 7550 acres that had been purchased by the Crown and the 4000 acres retained by the Māori owners was formalized by the Native Land Court in July 1885. On 29 July 1885 Patrick Sheridan from the Land Purchase Department appeared before the Ōtaki Court with the Manawatū Kukutauaki 3 Deed of Purchase, and asked for 'an order in favour of Her Majesty for the land purchased excluding 4000 acres to remain the property of the Natives.'[939] On the part of the owners, Arona Te Hana requested that 'an order without restrictions' be issued for the 4000 acres. The Court complied with both requests,

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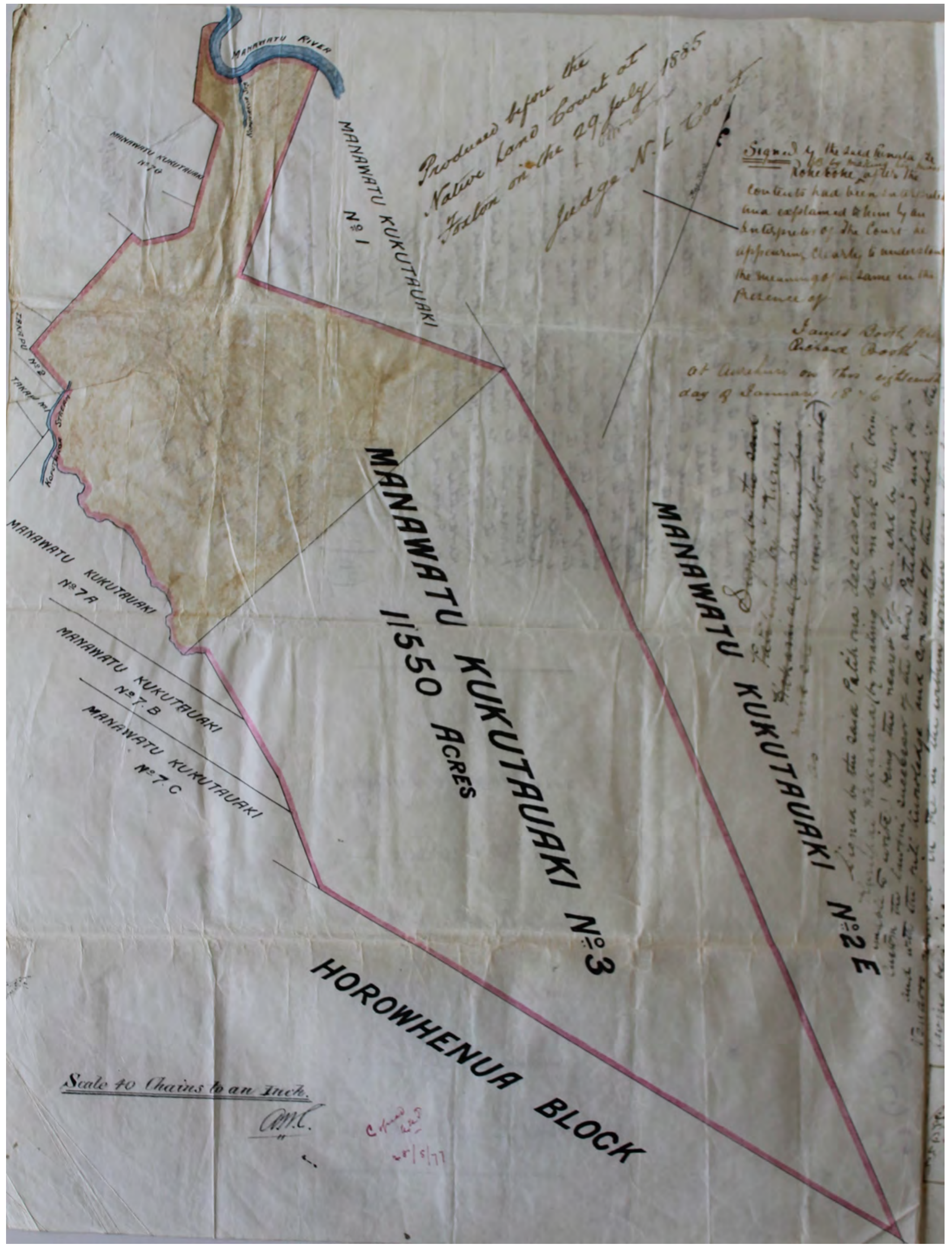
[935] Te Kenehi Teira, 'Ngā Kōrero Tuku Iho Hui Held at Tukorehe Marae', 24-27 June 2014, Wai 2200, #4.1.8, p 100;
[936] 'Certificate of Title – Manawatu Kukutauaki No 3 at Manawatu in the District of Manawatu', 17 February 1882, ABWN 8910, W5278, Box 11, 1866, (R 25 286 250)
[937] H Hanson Turton, *Māori Deeds of Land Purchases in the North Island of New Zealand. Vol II. Provinces of Taranaki, Wellington and Hawkes Bay*, (Wellington), 1878, p 203
[938] 'Manawatu-Kukutauaki 3 – Manawatu', Archives New Zealand Wellington, ABWN W5279 8102 Box 3289, WGN 265, (R23446549)
[939] Ōtaki Minute Book 7, p 33

vesting the 4000-acre reserve in the 10 individual owners named in the original 1873 order for Manawatū Kukutauaki 3.[940]

Figure 6.4 Sketch plan of the Crown's purchase of Manawatū Kukutauaki 3 (the 4000 acres set aside are shaded in)



[940] Ibid., p 34

The Court's decision to place absolute ownership of the Manawatū Kukuatuaki 3 Reserve in just 10 individuals was not welcomed by the hapū as a whole. The following day (30 July 1885) Ārona Te Hana told the Court that 'a very serious error' had been 'committed with regard to the 4000 acres set apart for 10 persons.' He explained that 'more than 10 persons' had interests in the land, and asked the Court to revise its order 'to include the whole tribe'.

The Court replied that it was unable to include any other than the 10 names listed in the original order for Manawatū Kukutauaki 3, but suggested that – if the Māori owners agreed to allow the whole of the block to be transferred to the Crown – a Crown Grant could then be issued for the 4000 acres with all of the eligible owners included.[941]

This is what appears to have happened. Arona Te Hana drew up a new list of all the eligible owners, which he forwarded to the Land Purchase Department in Wellington.[942] After a process of revision the list was presented to the Native Land Court in July 1887. On 17 July 1887 the Court issued a new order for the Manawatū Kukutauaki 3 Reserve, vesting ownership of the 4000 acres in a list of 65 individual owners headed by Te Āputa Tukumaru (daughter of Ihakara, who had died in January 1881) and Riria Makirika (Hairuha's grand daughter).[943]

As well as drawing up a new, more representative, list of owners for the reserve, hapū leaders also discussed how the land should be divided between Ngāti Ngārongo and Ngāti Takihiku. According to Pene Te Hapupu, Tariwha Te Arawai of Ngāti Takihiku 'proposed that 1600 acres should be divided off for his hapū' with Ngāti Ngārongo receiving the rest.'[944] With the two hapū unable to reach a lasting agreement, Kereopa Tukumaru submitted a claim to the land to the Native Land Court. Tiaki Hekeratua responded with a counter claim on behalf of Ngāti Takihiku.[945]

The Court heard the case between 30 July and 3 August 1889. Appearing for Kereopa, Arona Te Hana testified that Ngāti Ngārongo were the owners of Manawatū Kukutauaki 3, while Ngāti Taikihiku had simply occupied and 'worked on the land.'[946] Witnesses for the counter-claimant acknowledged Ihakara Tukumaru's position as 'the principal man' of Ngāti Ngārongo, Ngāti Takihiku and Ngāti Hinemata, but argued that Ngāti Takihiku had their own claim to the land through Hori Whitiopai (who was one of the Raukawa chiefs who signed the Treaty of Waitangi in May 1840) and Hairuha Te Hiwi (also known as Poutū Hairuha). Tiaki

[941] Ibid., p 39
[942] Ōtaki Minute Book 9, p 302
[943] Ōtaki Minute Book 7, pp 252-253; Puhi Carlota Campbell, 'Nga Korero Tuku Iho Hui Held at Tukorehe Marae', 24-27 June 2014, Wai 2200, #4.1.8, p 114
[944] Ōtaki Minute Book 9, p 302
[945] Ibid., pp 337-338
[946] Ibid., pp 244-245

Hekeratua and Pene Te Hapupu both maintained that Ngāti Ngārongo and Ngāti Takihiku had occupied, and lived upon the land together.[947]

In its judgment, delivered on 7 August 1889, the Court found that, while Tiaki Te Hekeratua and Ngāti Takihiku had 'proved their claim to parts of the land', the 'major part' belonged to Kereopa Tukumaru and Ngāti Ngārongo.[948] The Court divided the 4000-acre reserve into two, awarding 1000 acres to Tiaki Te Hekeratua's 'party' and 3000 acres to Kereopa Tukumaru and his 'party.'[949] In the subsequent orders the Court vested ownership of the 3000-acre Manawatū Kukutauaki 3A in a list of 44 individuals headed by Āputa and Kereopa Tukumaru and including Ereni Hūtana, Hōhepa and Ārona Te Hana, and Nātana Pipito.[950] Manawatū-Kukutauaki 3B (1000 acres) was awarded to a list of 21 owners headed by Riria, Ruta and Karaitiana Makirika.[951] The Court ordered that both sections be permanently 'restricted from sale.'[952]

Largely through their own efforts the hapū owners of Manawatū Kukutauaki 3 had succeeded – through a drawn out legal and administrative process – in extending the ownership of their reserve to include 'the whole tribe', or everyone within Ngāti Ngārongo, Ngāti Hinemata, and Ngāti Takihiku who had a connection with the land. The broadening of ownership from the 10 individuals listed on the original certificate title to the hapū as a whole, did not however mean that the 4000 acres were now owned by the hapū as a collective. Rather, the Court's order of 17 July 1887 had placed ownership in the hands of 65 individual members of the three hapū, each with their own distinct, but geographically undefined share. As we have seen with other areas of land that had been set aside for Ngāti Raukawa and its affiliated hapū and iwi, the individualization of land ownership imposed by the 1865 and 1873 Native Lands Acts and their successors introduced a powerful centrifugal force into Māori communities: fostering the division of land that had once been held in common, while breaking social ties that had previously held those communities together.

The impact of this centrifugal force had been evident in the Court case of July and August 1889, which had set Ngāti Ngārongo and Ngāti Takihiku against each other, and led to the division of the reserve into two sections. This initial partition was followed, within a decade, by the wholesale fragmentation of the reserve into close to 60 distinct sections, as individual

[947] Ibid., pp 260, 264, 293, 295-296, 303-304
[948] Ibid., p 338
[949] Ibid
[950] Ibid., pp 323-325
[951] Ibid., p 325
[952] Ibid., p 326

owners applied to the Court to have their shares geographically defined and marked out on the ground.

This process of disintegration began not long after the Court's initial division of the reserve, with the partition of Ngāti Takihiku's 1000-acre portion into five sections (Sections 2A, B, C, D and E) ranging from 83 to 408 acres. Ngāti Ngārongo's 4000 acres were then divided into two (Sections 1A and B) in April 1894. Section 1B (310 acres) was further divided into three a few months later (Sections 1B1, B2 and B3). On 24 February 1898 Section 1A of Ngāti Ngārongo's portion of the reserve (2645 acres) was partitioned by the Court into no less than 46 geographically discrete sections, ranging from 5 to 302 acres (Sections 1A1 to 46). The same day, Section 1 B2 (250 acres) was also divided into five portions ranging from 34½ to 77½ acres (Sections B2A-E).[953]

The Kaihinu Blocks – Manawatū Kukutauaki 2A, B, C, D, and E

Crown Land Purchasing

Covering roughly the land between modern-day Shannon and Tokomaru, from the Manawatū River to the Tararua Ranges, Manawatū Kukutauaki 2 or Kaihinu was taken through the Native Land Court on 10 April 1873. Occupied by Ngāti Whakatere, the land was also claimed by a section of Rangitāne who were living on the other side of the ranges at Tūtaekara, near Eketāhuna. After an agreement was reached between the two groups out of Court, the land was divided into five equally sized sections each estimated at 12,808 acres, and each with the maximum allowed ten owners. Ngāti Whakatere made up the majority of owners in all five sections, with individuals from Rangitāne being included in every section other than 2D. Altogether, something like three-quarters of the 50 owners of the five Kaihinu subdivisions were from Ngāti Whakatere or affiliated Raukawa hapū and iwi, while the other quarter belonged to Rangitāne.[954]

The Crown had initially planned to purchase the Kaihinu blocks in their entirety. After opposition from the owners, however, Crown's Land Purchase Officer James Booth proposed in 1877 'to make reserves amounting to four thousand acres in each block or twenty thousand in the whole.'[955] Ngāti Whakatere appear to have agreed to this proposal in principle but broke off negotiations when the survey showed that half of the land 'proposed to be reserved' was

[953] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, pp 236-237
[954] Ōtaki Minute Book, 10 April 1873
[955] Richard John Gill (Native Land Purchase Office) to Alex McDonald, 14 August 1880, Archives New Zealand, Wellington, MA-MLP 1 15, 1883/355 (R 23 888 806)

‘swamp’. Interrupting the survey of the boundary line between the proposed Crown purchase and the land they were to retain, Ngāti Whakatere protested – in the words of Booth’s report – that ‘instead of following along the crest of the first range of hills, the line had been brought much lower down towards the swamp and that consequently they would have very little land left at their own disposal’.[956]

In August 1880, the Land Purchase Department appointed Alexander McDonald to resolve the dispute with Ngāti Whakatere and complete the purchase. Towards the end of that month McDonald met with the tribe at Poutū. After the meeting, McDonald reported that the Ngāti Whakatere owners were ‘in a high state of irritation, doubt, and suspicion.’ They had told him ‘in the most positive manner . . . that they never at any time proposed to sell the whole Block nor the whole of any one or more of the divisional Blocks marked A-B-C-D and E.’ The land that they were willing to sell, they told McDonald, had been ‘clearly indicated by certain Trig stations and Hills.’[957]

McDonald and Ngāti Whakatere agreed to hold a meeting of all the owners of the Kaihinu subdivisions, including the Rangitāne owners who were living in the Wairarapa. Following the meeting, which was held in September 1880, McDonald reported that owners intended to sell, ‘in the first place’, ‘a part of the whole area comprised’ within the five Kaihinu blocks. ‘After that’ the Government would ‘be asked to assist or facilitate the subdivision of the part reserved, so that certain portions shall finally be reserved for particular individuals, and the rest will be sold.’[958]

With the areas that the owners wished to sell and retain finally agreed, McDonald met with Ngāti Whakatere at Poutū the following month to complete their part of the purchase. After some ‘keen contention’ it was ‘formally agreed that each of the 50 owners’ should have an equal share ‘in their respective Blocks’, with each individual owner being allowed to ‘sell as many acres’ of their share as they ‘pleased.’ As a result, the areas purchased in four of the five blocks was larger than the Crown had initially proposed. Altogether, McDonald calculated that he had purchased from Manawatū Kukutauaki 2A-E a total of 44,899 acres (out of a total surveyed area of 64,672 acres).

The deed of sale for each of the five blocks stipulated the acres the Crown had agreed to purchase. Each deed also included a sketch showing the location of the purchased area within the block as a whole. In each of the five deeds, the area purchased by the Crown extended from

[956] James Booth to R J Gill, 8 July 1880, MA-MLP 1 15, 1883/355 (R 23 888 806)
[957] A McDonald to Richard J Gill, 26 August 1880, MA-MLP 1 15, 1883/355 (R 23 888 806)
[958] A McDonald to Richard J Gill, 22 September 1880, MA-MLP 1 15, 1883/355 (R 23 888 806)

the southeastern, inland side of the block; while the land retained by the Māori owners was concentrated at the northwestern end, closest to the Manawatū River.[959]

Figure 6.5 Sketch of the area purchased by the Crown in Manawatū Kukutauaki 2A

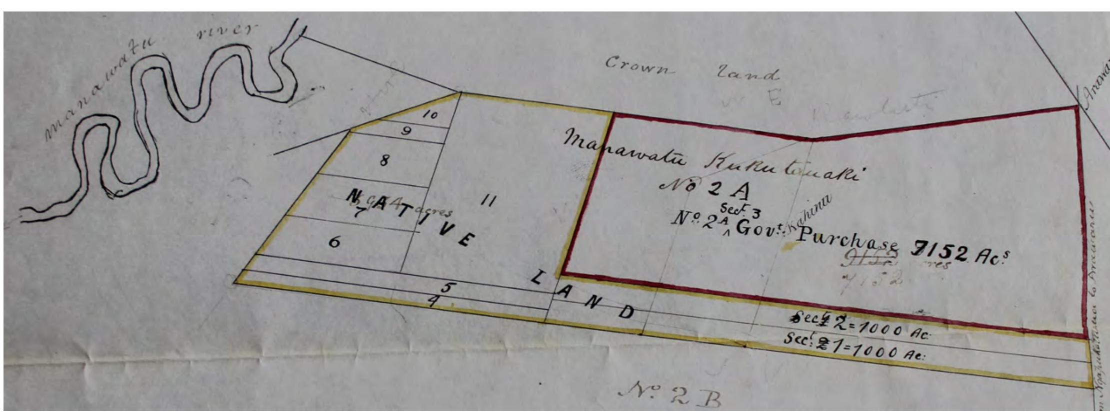
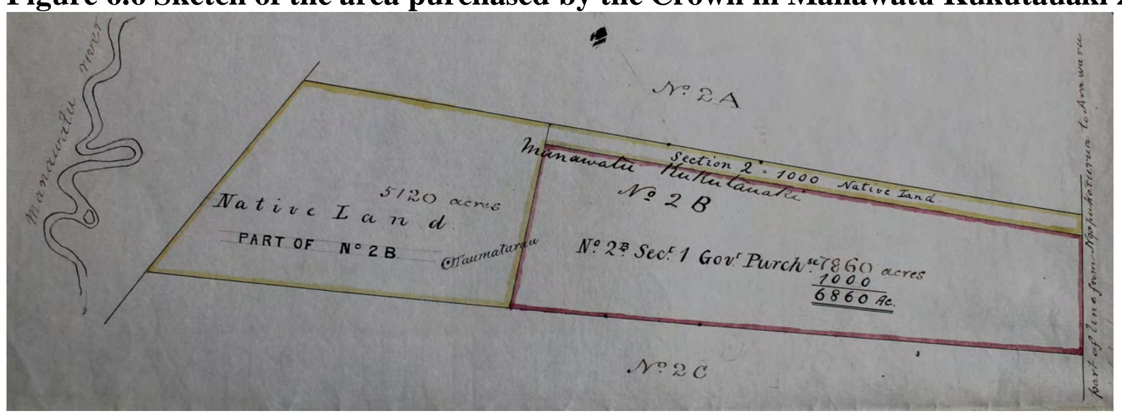


Figure 6.6 Sketch of the area purchased by the Crown in Manawatū Kukutauaki 2B



[959] 'Manawatu Kukutauaki 2A Sec 3', 1880, Archives New Zealand, Wellington, ABWN W5279 8102 Box 337, WGN 544, (R 23 446 753); 'Manawatu Kukutauaki 2B Sec 1', 1880, ABWN W5279 Box 337, WGN 545, (R 23 446 754); 'Manawatu Kukutauaki 2 C Sec 1', 1880, ABWN W5279 8102 Box 337, WGN 546, (R 23 446 755); 'Manawatu Kukutauaki 2 D Sec 1', 1880, ABWN W5279 8102 Box 337, WGN 547, (R 23 446 756); 'Manawatu Kukutauaki 2 D Sec 1', 1880, ABWN W5279 8102 Box 337, WGN 548, (R 23 446 757)

Figure 6.7 Sketch of the area purchased by the Crown in Manawatū Kukutauaki 2C

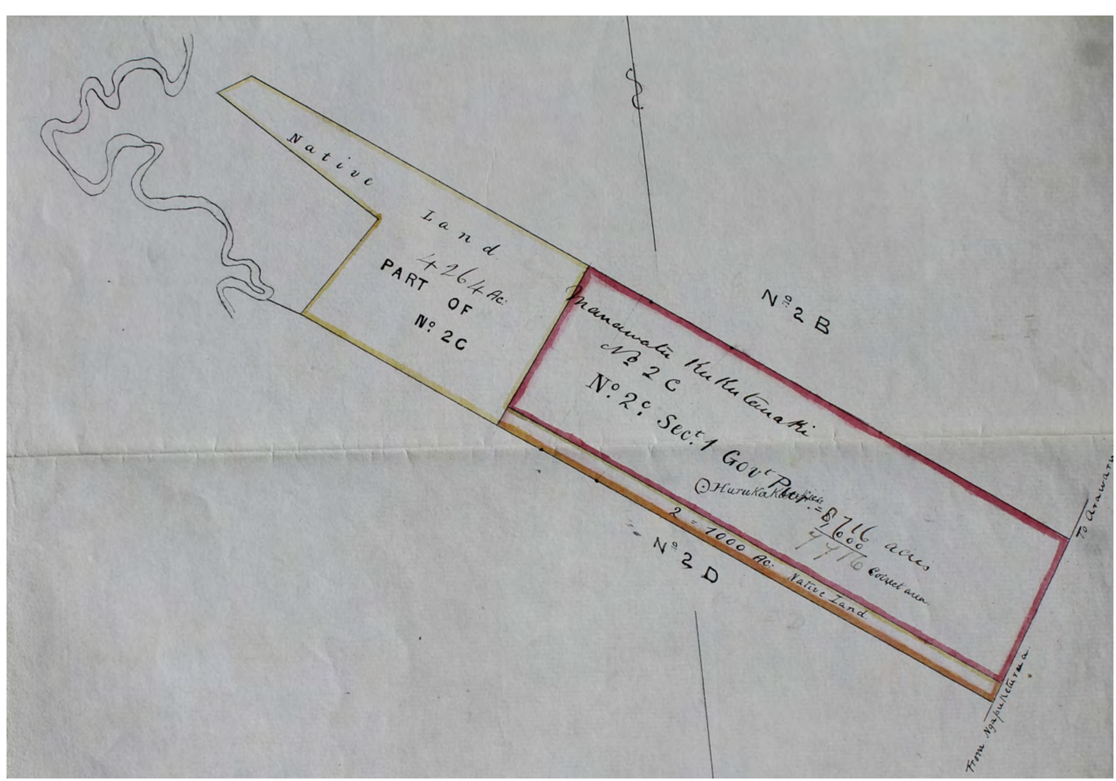


Figure 6.8 Sketch of the area purchased by the Crown in Manawatū Kukutauaki 2D

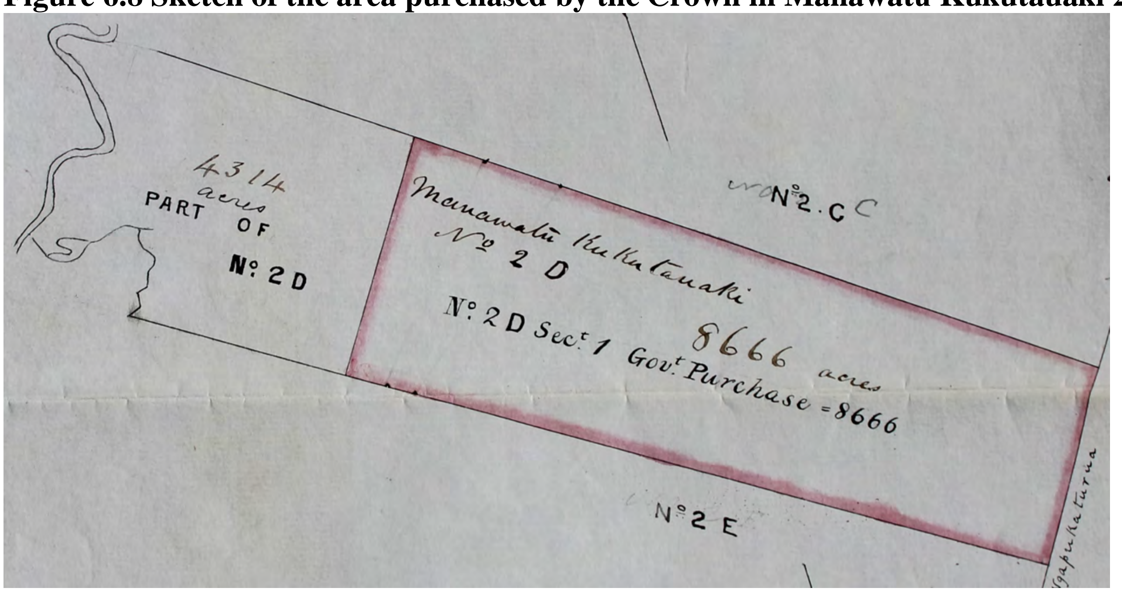
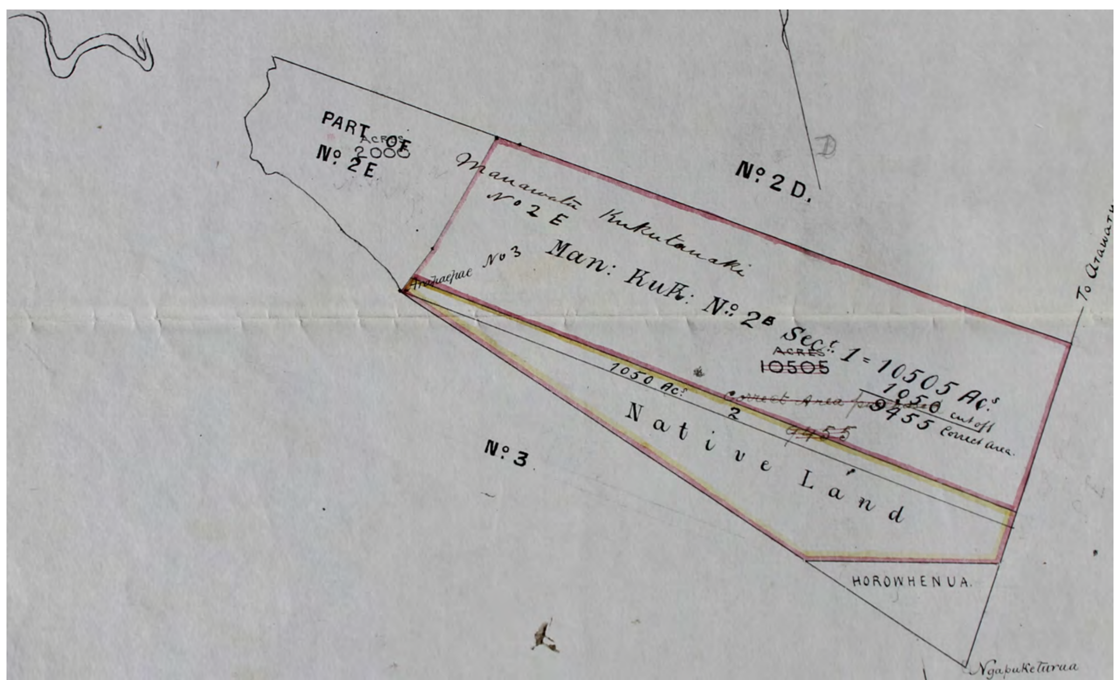


Figure 6.9 Sketch of the area purchased by the Crown in Manawatū Kukutauaki 2E



The Crown's purchase of the Kaihinu blocks was initially opposed by the Rangitāne owners. Writing from Tutaekara to the Minister of Native Affairs in December 1880, Wētere Taeore, Rorana Peehi, Himiona Te Rāhui and Merehira Peehi protested that they did not wish to sell their shares of Kaihinu and objected to the survey of the land.[960] By the middle of the following year, however, the Rangitāne owners had reconciled themselves to the transaction. In June 1881 they wrote again to the Native Minister from Tūtaekara, offering 'to sell a portion' of their interests in Manawatū Kukutauaki 2.[961]

Once the boundaries between the land purchased by the Crown and that retained by the Māori owners in each block had been surveyed, and the shares of the Rangitāne owners taken into account, the total area of Kaihinu acquired by the Crown was found to be 39,855 acres rather than the 44,899 initially calculated by McDonald. Altogether, the Crown had purchased 7158 acres (out of 13,081) from Manawatū Kukutauaki 2A; 6860 acres (out of 12,968) from 2B; 7716 acres (out of 12,943) from 2C; 8666 acres (out of 12647) from 2D; and 9454½ acres from 2E (out of 15,535).[962]

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[960] Wētere Taeore to Hon Mr Bryce, 10 December 1880, MA-MLP 1 15, 1883/355 (R 23 888 806)

[961] Himiona, Rorana Peehi and Patoromu Te Kākā to Hon Mr Rolleston, 27 June 1881, MA-MLP 1 15, 1883/355 (R 23 888 806)

[962] Edward Walter Puckey, 'Manawatu Kukutauaki No 2A Sect 3', 11 November 1881, Archives New Zealand, Wellington, ABWN W5279 8102 Box 337, WGN 544, (R 23 446 753); Edward Walter Puckey, 'Manawatu Kukutauaki 2B Section 1', 11 November 1881, ABWN W5279 Box 337, WGN 545, (R 23 446 754); Edward Walter Puckey, 'Manawatu Kukutauaki 2C Section 1', 11 November 1881, ABWN W5279 8102 Box 337,

Table 6.10 Land Retained by the Māori owners of Manawatū Kukutauaki 2A-E after Crown purchase, 1880 and 1881

	Acres purchased by the Crown	Acres retained by Māori owners	% retained by Māori owners
Manawatū Kukutauaki 2A	7158	5923	46
Manawatū Kukutauaki 2B	6860	6108	47
Manawatū Kukutauaki 2C	7716	5227	40
Manawatū Kukutauaki 2D	8666	3981	31
Manawatū Kukutauaki 2E	9454½	6080½	39
Total	**39,854½**	**27,319½**	**40**

A Kaihinu Reserve?

In their negotiations with the Crown over the purchase of the Kaihinu blocks Ngāti Whakatere had remained resolute in their determination to retain sufficient land for their own use. The tribe refused the Crown's initial offer to purchase the five blocks in their entirety. In response, the Crown's Land Purchase Officer offered to 'make reserves amounting to four thousand acres' in each block (which at the time were estimated to contain 12,808 acres each).[963] When the boundary line proposed by the Crown's survey threatened to place half of the area to be reserved to them in swamp, Ngāti Whakatere disrupted the survey and broke off negotiations.[964]

Once the Crown's purchase of Manawatū Kukutauaki 2A-E was completed the Ngāti Whakatere and Rangitane owners in fact retained more land than the Crown had initially offered to reserve for them. In part this was because, after survey, the area of the five blocks was found to be significantly greater than first supposed.[965] Manawatū Kukutuauaki 2E, in particular, was discovered to have almost 3000 acres more than the 12,808 acres initially estimated.[966]

In addition to being more extensive than expected, the area retained by the Māori owners was very well located, close to the route of the Wellington and Manawatū Railway line. The

WGN 546, (R 23 446 755) Edward Walter Puckey, 'Manawatu Kukutauaki 2D Section 1', 11 November 1881, ABWN W5279 8102 Box 337, WGN 547, (R 23 446 756); Edward Walter Puckey, 'Manawatu Kukutauaki 2E Section 1', 11 November 1881; ABWN W5279 8102 Box 337, WGN 548, (R 23 446 757)

[963] Gill to McDonald, 14 August 1880, MA-MLP 1 15, 1883/355 (R 23 888 806)

[964] Booth to Gill, 8 July 1880, NLP 80/467, MA-MLP 1 15, 1883/355 (R 23 888 806)

[965] Gill to McDonald, 14 August 1880, MA-MLP 1 15, 1883/355 (R 23 888 806)

[966] Alexander McDonald to Richard J Gill, 23 November 1880, (NLP 80/773), MA-MLP 1 15, 1883/355 (R 23 888 806)

railway promised to greatly increase the value of Ngāti Whakatere and Rangitane's remaining Kaihinu land, integrating it into the developing colonial economy and making the land accessible to distant and lucrative markets. Moreover, once drained, the wetland that made up a significant portion of the area still in Māori ownership had the potential to become prime dairy country.

In contrast to many of the other areas set aside for Ngāti Raukawa after Crown purchases, therefore, the Kaihinu lands retained by Ngāti Whakatere promised to provide a base from which the tribe could profitably engage with the emerging colonial economy, sharing in the development and prosperity that the new railway would bring. Unfortunately, this promise was not to be realized. Rather than being held and developed for the future benefit of the tribe as a whole, the remaining Kaihinu lands were subdivided amongst their individual owners. Most of the land was then quickly sold to the Wellington and Manawatū Railway Company, meaning that the Company's European shareholders, not Kaihinu's Māori owners, would reap the benefit of the huge increase in property values that the railway brought.

The subdivision and private purchase of the Kaihinu Blocks

Following the completion of the Crown's purchase, the Kaihinu blocks were taken back to the Native Land Court for further subdivision. On 11 November 1881 the Court divided the five blocks into 59 distinct sections. Five of these – Manawatū Kukutauaki 2A3, 2B1, 2C1, 2D1, and 2E1 – were the areas purchased by the Crown. The other 54 sections were shared between the 50 individual owners and their successors who had been named by the Court in April 1873. In most cases the individual owner (or his or her successors) received their own distinct section of land. These individually owned sections varied in size from 1050 to 99 acres, depending on the area of the block to be divided, and the size of the share each owner had retained from the Crown purchase. The Court also created five larger sections (one from each of the original five blocks) vested in multiple owners. The largest of these was Manawatū Kukutautai 2E Extra (3037 acres) which contained the additional acres which had been shown upon survey to be part of Manawatū Kukutauaki 2E.[967]

[967] Certificates of Title – Manawatu Kukutatauki No 2A Sections 1 to 10 at Manawatu, 11 November 1881, ABWN 8910, W5278, Box 15, 2251 to 2259, (R 25 286 891 to R 25 286 899); 'Certificates of Title – Manawatu Kukutauaki No 2B Sections 2 to 12 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2270-2280, (R 25 286 910 to R 25 986 920); 'Certificates of Title – Manawatu Kukutauaki No 2C Sections 2 to 11 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2281 to 2290, (R 25 286 921 to R 25 286 930); 'Certificates of Title – Manawatu Kukutauaki No 2D Sections 2 to 12 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2291 to 2299, (R 25 286 940 to R 25 286 930); 'Certificates of Title – Manawatu

The Native Land Court Act 1880 had made it 'the duty of the Court in every case' to 'inquire' as to whether all or part of any land brought before it should be restricted from alienation.[968] Despite the Crown having already purchased 40,000 acres, or almost 60 percent of the Kaihinu blocks, the Court did not see fit to restrict the alienation of any of the 54 sections it created out of the remaining Māori-owned portions of Manawatū Kukutauaki 2A-E. Instead the individual owners of sections were left free to sell or hold the land as they so chose.[969]

With no legal restriction on their right to sell their land, most of the individual owners of the remaining Māori-owned sections of Kaihinu quickly alienated their holdings. Traversing the path of the new railway line, the Kaihinu sections were aggressively purchased by the Wellington and Manawatū Railway Company. Applying a business model that had been pursued to the detriment of indigenous peoples across North America, as well as elsewhere in the world, the Wellington and Manawatū Railway Company sought to profit from the huge increase in property values that its railway line would bring by acquiring cheaply as much of the land along the planned railway's course as it could. Once the railway was completed the Company would sell the land, at a considerable mark up, to the European settlers and speculators who were expected to flood into the Manawatū district.[970]

In September 1882 the Wellington and Manawatū Railway Company purchased 29 sections of Manawatū Kukutauaki 2A-E, including eight of the 11 Māori-owned sections of Manawatū Kukutauaki 2B, and seven each of the 10 Māori-owned sections in 2A and 2C. The railway company also acquired the 3037 acres of Manawatū Kukutauaki 2E-Extra, which had been added to the block after the land had been surveyed. Altogether, the land purchased by the Wellington and Manawatū Railway Company in September 1882 alone came to 18,019 acres, or almost two-thirds of the land that had remained in Māori ownership after the Crown purchases.[971]

Kukutauaki No 2E Sections 2 to 12 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2300 to 2310, (R 25 286 931 to R 25 286 930); 'Certificate of Title – Manawatu Kukutauaki No 2E Extra at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2423, (R 25 287 063)

[968] Native Land Court Act 1880, s 36

[969] Certificates of Title – Manawatu Kukutauaki No 2A Sections 1 to 10; No 2B Sections 2 to 12; No 2C Sections 2 to 11; No 2D Sections 2 to 12; No 2E Sections 2 to 12; Manawatu Kukutauaki No 2E Extra

[970] A Falkner, 'The Wellington & Manawatu Railway Co Ltd. Map of country between Wellington and Manawatu District opened up the railway, shewing townships & land to be sold by Company', August 1885, Alexander Turnbull Library, MapColl-r832.4gme/1885/Acc.2705 See also: Neill Atkinson, 'The Wellington and Manawatu Railway Company', *Te Ara: The Encyclopedia of New Zealand* https://teara.govt.nz/en/zoomify/21386/the-wellington-and-manawatu-railway-company (accessed 2 August 2017)

[971] 'Certificate of Title – Manawatu Kukutauaki No 2D Section 11'; 'Certificate of Title – Manawatu Kukutauaki No 2A Section 1', 'Certificate of Title – Manawatu Kukutauaki No 2A Section 2'; 'Certificate of Title – Manawatu Kukutauaki No 2A Section 4'; 'Certificate of Title – Manawatu Kukutauaki No 2A Section

In the months that followed, the railway company purchased further sections. In December 1882 it acquired sections 2C4 and 2C5, which together added a further 1016 acres to the company's property portfolio.[972] In September 1883 the company purchased eight more sections, including three in Manawatū-Kukutauaki 2A and two each in 2B and 2E. Together, the eight sections comprised 4620.5 acres.[973] The railway company acquired further sections, or parts of sections, in 1884 (673 acres) and 1891 (300 acres).[974]

Altogether, the Wellington and Manawatū Railway Company purchased 24,628½ acres of Manawatū Kukutauaki 2A-2E between September 1882 and June 1891. This constituted 89 percent of the 27,639½ acres that had been 'reserved' from the Crown's purchase within the Kaihinu blocks in 1880 and 1881. Of the remaining 3011 acres, a further 1000 acres were purchased by individual Europeans between July 1884 and September 1894.[975] This took the total area acquired by private purchasers within the Kaihinu blocks to more than 25,628½ acres or 93 percent of the area left to Ngāti Whakatere and Rangitane after the Crown purchases.

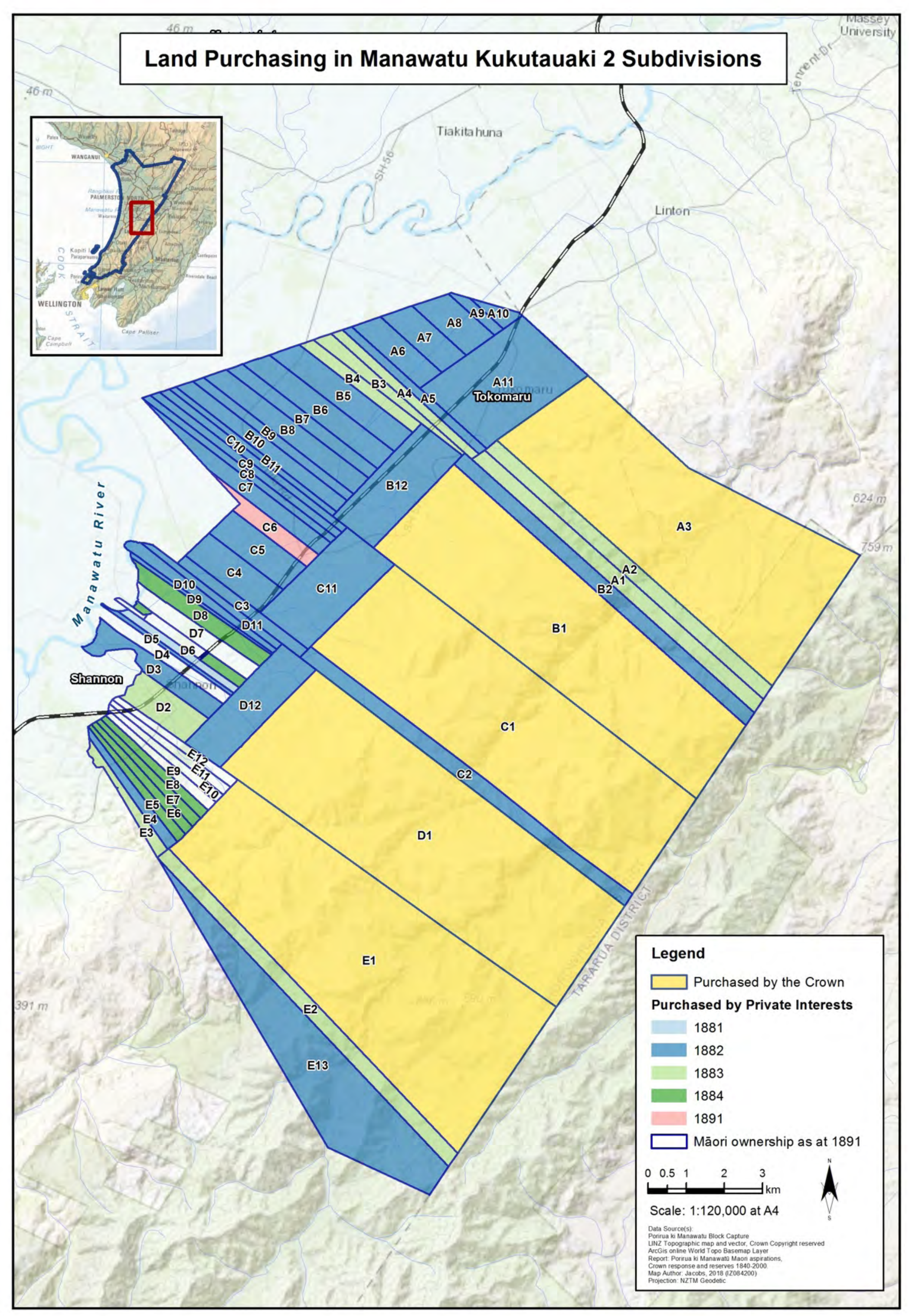
5'; 'Certificate of Title – Manawatu Kukutauaki No 2A Section 6'; 'Certificate of Title – Manawatu Kukutauaki No 2A Section 7'; 'Certificate of Title – Manawatu Kukutauaki No 2A Section 8'; 'Certificate of Title – Manawatu Kukutauaki No 2A Section 9'; 'Certificate of Title – Manawatu Kukutauaki No 2A Section 10'; 'Certificate of Title – Manawatu Kukutauaki No 2B Section 2'; 'Certificate of Title – Manawatu Kukutauaki No 2B Section 3'; 'Certificate of Title – Manawatu Kukutauaki No 2B Section 4'; 'Certificate of Title – Manawatu Kukutauaki No 2B Section 5'; 'Certificate of Title – Manawatu Kukutauaki No 2B Section 6'; 'Certificate of Title – Manawatu Kukutauaki No 2B Section 7'; 'Certificate of Title – Manawatu Kukutauaki No 2B Section 8'; 'Certificate of Title – Manawatu Kukutauaki No 2B Section 9'; 'Certificate of Title – Manawatu Kukutauaki No 2B Section 10'; 'Certificate of Title – Manawatu Kukutauaki No 2B Section 12'; 'Certificate of Title – Manawatu Kukutauaki No 2C Section 2'; 'Certificate of Title – Manawatu Kukutauaki No 2C Section 3'; 'Certificate of Title – Manawatu Kukutauaki No 2C Section 7'; 'Certificate of Title – Manawatu Kukutauaki No 2C Section 8'; 'Certificate of Title – Manawatu Kukutauaki No 2C Section 9'; 'Certificate of Title – Manawatu Kukutauaki No 2C Section 10'; 'Certificate of Title – Manawatu Kukutauaki No 2C Section 11'; 'Certificate of Title – Manawatu Kukutauaki No 2D Section 3'; 'Certificate of Title – Manawatu Kukutauaki No 2D Section 5'; 'Certificate of Title – Manawatu Kukutauaki No 2D Section 9'; 'Certificate of Title – Manawatu Kukutauaki No 2E Extra'; 'Certificate of Title – Manawatu Kukutauaki No 2D Section 10'.

[972] 'Certificate of Title – Manawatu Kukutauaki No 2C Section 4'; 'Certificate of Title – Manawatu Kukutauaki No 2C Section 5

[973] 'Certificate of Title – Manawatu Kukutauaki No 2A Section 1'; 'Certificate of Title – Manawatu Kukutauaki No 2A Section 2'; 'Certificate of Title – Manawatu Kukutauaki No 2A Section 4'; 'Certificate of Title – Manawatu Kukutauaki No 2B Section 4'; 'Certificate of Title – Manawatu Kukutauaki No 2D Section 2'; 'Certificate of Title – Manawatu Kukutauaki No 2E Section 2'; 'Certificate of Title – Manawatu Kukutauaki No 2E Section 3'; 'Certificate of Title – Manawatu Kukutauaki No 2B Section 3

[974] 'Certificate of Title – Manawatu Kukutauaki No 2D Section 8'; 'Certificate of Title – Manawatu Kukutauaki No 2D Section 7'; 'Certificate of Title – Manawatu Kukutauaki No 2E Section 8'; 'Certificate of Title – Manawatu Kukutauaki No 2D Section 6; 'Certificate of Title – Manawatu Kukutauaki No 2C Section 6'; 'Certificate of Title – Manawatu Kukutauaki No 2D Section 6

[975] 'Certificate of Title – Manawatu Kukutauaki No 2E Section 8'; 'Certificate of Title – Manawatu Kukutauaki No 2D Section 6; Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 224


Land Purchasing in Manawatu Kukutauaki 2 Subdivisions
Tiakitahuna
Linton
Massey University
Tokomaru
Shannon
Manawatu River
TARARUA DISTRICT
A1
A2
A3
A4
A5
A6
A7
A8
A9
A10
A11
B1
B2
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E12
E13
Legend
Purchased by the Crown
Purchased by Private Interests
1881
1882
1883
1884
1891
Māori ownership as at 1891
0 0.5 1 2 3 km
Scale: 1:120,000 at A4
Data Source(s):
Porirua ki Manawatu Block Capture
LINZ Topographic map and vector, Crown Copyright reserved
ArcGis online World Topo Basemap Layer
Report: Porirua ki Manawatū Maori aspirations,
Crown response and reserves 1840-2000.
Map Author: Jacobs, 2018 (IZ084200)
Projection: NZTM Geodetic

Table 6.11 The Subdivision and subsequent sale of the Kaihinu Blocks (Manawatū Kukutauaki 2A, 2B, 2C, 2D, and 2E)

Block	Owner	Acres	Outcome
2A1	Nikaera Te Rangiputara (Rangitane)	1000	Sold to Wellington & Manawatū Railway Co, 25 September 1883
2A2	Rea Te Rangiputara (Rangitane)	1000	Sold to Wellington & Manawatū Railway Co, 25 September 1883
2A3	Crown Land	7152	
2A4	Nikaera Te Rangiputara (Rangitane)	305.5	Sold to Wellington & Manawatū Railway Co, 25 September 1883
2A5	Rea Te Rangiputara (Rangitane)	305.5	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2A6	Hoani Takerei (Whakatere)	400	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2A7	Hare Hemi Te Horo	400	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2A8	Epiha Te Rimunui (Whakatere)	400	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2A9	Raukohe Tupe (Ngāti Pikiahu)	100	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2A10	Karatea Te Rotu	100	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2A11	Hoani Takerei (Whakatere), Hemi Warena (Rangitane), Maraea Hatonga (Rangitane), Te Ataihaea, Hare Hemi Te Horo, Epiha Te Rimunui (Whakatere), Raukohe Tupe (Whakatere), Karatea Te Rotu	1877.5	Sold to Wellington & Manawatū Railway Co, 14 September 1882

Block	Owner	Acres	Outcome
2B1	Crown Land	6860	
2B2	Tungaane Te Kākā (Rāngitane)	998	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2B3	Tungaane Te Kākā (Rāngitane)	298	Sold to Wellington & Manawatū Railway Co, 28 September 1883
2B4	Patoromu Te Kaka (Rangitane)	298	Sold to Wellington & Manawatū Railway Co, 25 September 1883
2B5	Ahira Te Purangi	671	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2B6	Ngahuia Hami	671	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2B7	Wi Katene Te Wahapiro (Whakatere)	400	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2B8	Te Waka Tuwhare (Whakatere)	671	Sold to Wellington & Manawatū Railway Co, 14 September 1882

Block	Owner	Acres	Outcome
2B9	Ereni Raka	300	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2B10	Te Karena Te Taha	500	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2B11	Tangaroa Te Rauhihi	200	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2B12	Nireaha Tamaki (Rangitane), Karena Te Taha, Ereni Raka, Wi Katene Te Wahapiro (Whakatere)	1101	Sold to Wellington & Manawatū Railway Co, 14 September 1882

Block	Owner	Acres	Outcome
2C1	Crown Land	7716	
2C2	Wetere Taeore (Rangitane)	1000	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2C3	Wetere Taeore (Rangitane)	295	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2C4	Poaneki Te Momo	512	Sold to Wellington & Manawatū Railway Co, 21 December 1882
2C5	Ropoama Arapere, Te Wiata Arapere (Whakatere)	504	Sold to Wellington & Manawatū Railway Co, 26 December 1882
2C6	Matanera Paneta	295.5	Sold to Wellington & Manawatū Railway Co, 13 June 1891
2C7	Henere Te Herekau (Whakatere)	508	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2C8	Roranga Peehi (Rangitane)	296	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2C9	Atanatiu Hinewairangi (Whakatere)	297	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2C10	Tiriwa Te Tahora (Whakatere)	300	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2C11	Tiriwa Te Tahora (Whakatere), Himiona Titi (Rangitane), Matamera Paneta, Pipi Takerei (Whakatere), Atanatiu Hinewairangi	1219	Sold to Wellington & Manawatū Railway Co, 14 September 1882

Block	Owner	Acres	Outcome
2D1	Crown Land	8666	
2D2	Raureti Ngawhina (Whakatere), Atanatiu Hinewairangi (Whakatere)	1000	Sold to Wellington & Manawatū Railway Co, 25 September 1883
2D3	Hoani Taipua (Ngāti Pare)	472	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2D4			
2D5	Hēnare Te Huri	99	Sold to Wellington & Manawatū Railway Co, 14 September 1882

Block	Owner	Acres	Outcome
2D6	Neeri Puratahi (Whakatere)	472	100 acres sold to Wellington & Manawatū Railway 1884; 200 acres sold to European farmer December 1881; 161 acres in Māori ownership in 1892
2D7	Whakaoma Mura	395	100 acres sold to Wellington & Manawatū Railway Co, 29 March 1884; Remainder leased to Thomas Codling for 21 years, 10 July 1890
2D8	Hēni Teira	473	Sold to Wellington & Manawatū Railway Co, 13 September 1884
2D9	Hanatia Te Whare (Whakatere)	99	Sold to Wellington & Manawatū Railway Co, 14 September 1882
2D10	Nerehana Te Whare (Whakatere)	298	Sold to Wellington & Manawatū Railway Co, 28 September 1882
2D11	Tamatea Tohu (Whakatere)	196	Sold to Wellington & Manawatū Railway Co, 11 September 1882
2D12	Nerehana Te Whare (Whakatere), Hanatia Te Whare (Whakatere), Rangiwhakaoma Mira, Hēnare Te Hira, Tamatea Tohu (Whakatere), Te Tuku Te Rangirunga (Whakatere)	1008	Sold to Wellington & Manawatū Railway Co, 14 September 1882

Block	Owner	Acres	Outcome
2E1	Crown Land	9455	
2E2	Ruruhira Peehi (Rangitane)	1050.5	Sold to Wellington & Manawatū Railway Co, 25 September 1883
2E3	Ruruhira Peehi (Rangitane)	200	Sold to Wellington & Manawatū Railway Co, 25 September 1883
2E4	Huru Te Hiaro (Rangitane)	200	Sold to Henere Te Herekau, 14 September 1882
2E5	Ani Marakaia (Rangitane)	200	Sold to Henere Te Herekau, 14 September 1882. Purchased by Graham and James Gordon Andrews, 20 September 1894
2E6	Kerenapu Tamaiti	200	Leased for 21 years to Robert Cobb, 15 January 1886. Purchased by F G and J G Andrews 20 September 1894.
2E7	Rutu Peehi (Rangitane)	200	Sold to Henere Te Herekau, 14 September 1882. Purchased by Graham and James Gordon Andrews, 20 September 1894.
2E8	Paranihi Te Rimunui (Whakatere)	200	Sold to John Carter (of Moutoa), 15 July 1884

Block	Owner	Acres	Outcome
2E9	Kireona Tupotahi (Whakatere)	200	Leased to Gerhard Hendrik Engels for 21 years, 13 April 1889
2E10	Rihi Tapuae (Whakatere)	198	All but 51 acres leased to Gerhard Hendrik Engels for 21 years, 13 April 1889
2E11	Hue Te Huri (Ngāti Pikiahu)	199	Leased to Benjamin Dawson for 42 years, 29 October 1888
2E12	Raureti Ngāwhena (Whakatere)	197	
2E Extra	Huru Te Hiaro, Hue Te Huri, Kiriona Tūpōtahi, Raureti Ngāwhena, Rutu Peehitaane, Kereropu Tamaiti (Successor to Nopera Te Herekau), Ani Marakaia, Ruruhira Peehi, Paranihi Te Rimunui	3037	Sold to the Wellington and Manawatū Railway Co, 14 September 1882. Sale confirmed by the Native Land Court, 30 June 1890

Source: Certificates of Title

Conclusion

By the end of 1894 only nine of the 54 sections of Manawatū-Kukutauaki 2A-E awarded by the Native Land Court to Māori owners in November 1881 remained entirely or partially in Māori ownership. These included 98 acres of Manawatū Kukutauaki 2D12 which seems to have been retained by the Māori owners after the entire block was purchased by the Wellington and Manawatū Railway Company in September 1882.[976] Five of the remaining 12 sections of the Kaihinu blocks, and all but one of those that were still entirely intact, were in Manawatū Kukutuauaki 2E. All of these sections appear to have been owned by individuals belonging to Ngāti Whakatere. Manawatū Kukutauaki 2E4, for example, belonged to Henere Te Herekau who had purchased it from Huru Te Hiaro of Rangitane in September 1882. Sections 2E11, 2E12 and 2B11 (the other section that was still completely intact) were all owned by Raureti Ngāwhena who, was recorded by the Certificate of Title for Manawatū Kukutauaki 2B11 as living at Ōtaki.[977]

Altogether individual owners from Ngāti Whakatere appear to have retained between 1900 and 2200 acres of the Kaihinu blocks by the end of 1894. This was between seven and eight

[976] 'Manawatu-Kukutauaki No 2D Section No 12 A {Manawatu Kukutauaki 2D12A}', Māori Land Online, maorilandonline.govt.nz. http://www.maorilandonline.govt.nz/gis/title/20395.htm (accessed 18 April 2017)
[977] 'Certificate of Title – Manawatu Kukutauaki No 2E Section 4'; 'Certificate of Title – Manawatu Kukutauaki No 2E Section 5'; 'Certificate of Title – Manawatu Kukutauaki No 2E Section 6'; 'Certificate of Title – Manawatu Kukutauaki No 2E Section 7'; 'Certificate of Title – Manawatu Kukutauaki No 2E Section 9 at Manawatu in the District of Manawatu'; 'Certificate of Title – Manawatu Kukutauaki No 2E Section 10'; 'Certificate of Title – Manawatu Kukutauaki No 2E Section 11'; 'Certificate of Title – Manawatu Kukutauaki No 2E Section 12'; 'Certificate of Title – Manawatu Kukutauaki No 2B Section 11'; 'Certificate of Title – Manawatu Kukutauaki No 2D Section 6'; 'Certificate of Title – Manawatu Kukutauaki No 2D Section 7'

percent of the area that had been set aside from the Crown purchases of Manawatū Kukutauaki 2A-E, which the Ngāti Whakatere owners had agreed to in October 1880. The land remaining in Ngāti Whakatere ownership at the end of 1892 was less than four percent of the Kaihinu blocks' total surveyed area of 67,495 acres.

The relative landlessness of Ngāti Whakatere within Kaihinu was further aggravated by the fact that by the end of 1894 at least four of the sections still owned by individual tribe members were under long-term lease to European farmers. The remaining 295 acres of Manawatū Kukutauaki 2D7, for example, had been leased on 10 July 1890 to Thomas Codling for a period of 21 years. Gerhard Hendrick Engels had secured a lease for a similar term to Manawatū Kukutatauki 2E9 on 13 April 1889. While providing a source of income, such leases took precious and scarce tribal land out of their owners' hands for at least a generation. Even more consequential in this regard was the 42-year lease that Benjamin Dawson obtained for Manawatū Kukutauaki 2E11 on 29 October 1888.[978]

Although Ngāti Whakatere retained a remnant of their lands around Shannon (even if some of it was subsequently leased out), this appears to have been despite, rather than because of any intervention from the Crown or Native Land Court. At no point from 1881 – when the Crown completed its purchase of Manawatū Kukutauaki 2A-E, and the Native Land Court partitioned what remained of the five blocks amongst its Ngāti Raukawa and Rangitane owners – did either the Crown or the Native Land Court take steps to ensure that Ngāti Whakatere would retain sufficient land for their ongoing support and prosperity. While Crown officials had conferred official reserve status upon at least some of the land that had been retained by Ngāti Wehiwehi at Waikawa, they did not afford the same to any of Ngāti Whakatere's remaining land within Kaihinu. Nor did the Native Land Court see fit to order that any restrictions be placed upon the alienation of any of Ngāti Whakatere's remaining land, even though almost 60 percent of their Kaihinu holdings had already been purchased by the Crown.

From what Alexander McDonald had reported to his superior in September 1880, it appears that the Ngāti Whakatere owners of Manawatū Kukutauaki 2A to E had intended to sell some of the land that they had held back from the purchase by the Crown.[979] It is unlikely, however, that they had wished to part with so much of what was left of their tribal estate so quickly. The rapid alienation of much of Ngāti Whakatere's remaining Kaihinu lands to the Wellington and

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[978] 'Certificate of Title – Manawatu Kukutauaki No 2D Section 7'; 'Certificate of Title – Manawatu Kukutauaki No 2E Section 9'; 'Certificate of Title – Manawatu Kukutauaki No 2E Section 10'; 'Certificate of Title – Manawatu Kukutauaki No 2E Section 6'; 'Certificate of Title – Manawatu Kukutauaki No 2E Section 11';
[979] McDonald to Gill, 22 September 1880, MA-MLP 1 15, 1883/355 (R 23 888 806)

Manawatū Railway Company was greatly facilitated by Native land law that placed ownership of tribal land in the hands of individual owners, rather than the community as a whole. Such a framework encouraged individual owners to act in their own short-term self interest, rather than being guided by the perspective of the entire tribe. The Crown's individualization of Māori land ownership also made it easier for private entities such as the Wellington and Manawatū Railway Company to buy directly from individual owners, rather than having to deal with a cohesive tribal leadership that might have sought to place limits on the Company's land purchasing activity.

Having established a framework of Māori land ownership that undermined community cohesion and chiefly control, while allowing individuals to dispense with their holdings as they liked, the Colonial Government had a responsibility to ensure that groups like Ngāti Whakatere did not suffer from the uncontrolled loss of all or most of their land. As it made steps to do so in other parts of Ngāti Raukawa's rohe, the Crown could have intervened to ensure that Ngāti Whakatere retained enough of its Kaihinu lands, not only to support itself, but also to engage, and prosper in the new networked economy that the Wellington to Manawatū railway was about to usher in. Instead, after purchasing its own portion of the Kaihinu blocks, the Colonial Government allowed the Wellington and Manawatū Railway Company free rein to buy up as much of Ngāti Whakatere's remaining land as rapidly as it could.

The Wairarapa and Waihoanga Reserves

In its purchase of the Kaihinu blocks the Crown had 'reserved' land for the Māori owners only to allow most of it to be quickly bought up by the Wellington and Manawatū Railway Company. In the Wairarapa and Waihoanga 4 blocks, on either side of the Ōtaki River, the Government itself purchased most of the land from reserves that had been set aside from Crown purchases only a few years earlier. On 6 February 1877 the Crown purchased the 1050-acre Wairarapa Reserve.[980] The reserve had been created two years earlier, on 3 December 1874, when the Crown acquired more than 5000 acres of the estimated 6100-acre Wairarapa block.[981] On 7 February 1877 the Crown also bought 'two hundred acres or thereabouts' of the 250-acre

[980] 'Wairarapa Block (Reserve in), Otaki District', H Hanson Turton, *Māori Deeds of Land Purchase in the North Island of New Zealand. Volume Two*, 1878, pp 426-427

[981] 'Wairarapa Block, Otaki District', 3 December 1874, H Hanson Turton, *Maori Deeds of Land Purchase in the North Island of New Zealand. Volume Two*, 1878, pp 139-140.

reserve it had created for five of the former owners of Waihoanga 4 (9750 acres) when it had purchased the block on 3 December 1874.[982]

As well as purchasing reserved land in its own right, the Crown also allowed private purchasers to acquire reserves in Wairarapa and Waihoanga 4. On 18 October 1876 Richard Booth purchased the 430-acre reserve that had been made within Waihoanga 4 for George, Francis, and Samuel Cook (Ngāti Kikopiri).[983] Two years later, on 4 September 1878, Benjamin Smith acquired Wairarapa 1, a reserve of 200 acres that had been defined for Thomas and Annie Cook (Ngāti Kikopiri).[984] By the end of 1878 all but 50 of the 1930 acres originally reserved from the Crown purchases of Wairarapa and Waihoanga 4A had been sold to the Crown or private purchasers. The remaining 50 acres, owned by James Wallace, were sold to a private buyer in August 1887.[985]

The loss of the Wairarapa and Waihoanga 4 reserves, which occupied flat land on either side of the Ōtaki River upstream from where the railway bridge now stands, was keenly felt by Ngāti Tuarā and Ngāti Kikopiri for generations. In the twentieth century members of the two hapū embarked on a long, and ultimately fruitless, campaign to regain some of the reserved land. In the course of their struggle the campaigners took their claim to the Native Land Court in 1915, 1923, and 1927, and the Native Appellate Court in 1928. Members of the hapū also petitioned Parliament in 1915 and 1945.[986]

The Crown's Purchase of Waihoanga 4 and Wairarapa

The expanses of land that became known to the Native Land Court as the Waihoanga No 4 and Wairarapa blocks extended inland along the northern and southern banks of the Ōtaki River. Testifying in January 1923, Kipa Roera told the Native Land Court that Te Rauparaha's sister Waitohi had gifted the land to Ngāti Kikopiri and Ngāti Tuarā.[987] In April 1874 the Court awarded both Wairarapa and Waihoanga 4 to Hape Te Horohau and his co-claimants from

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[982] 'Waihoanga No 4 Block (Reserve in), Otaki District, H Hanson Turton, *Maori Deeds of Land Purchase in the North Island of New Zealand. Volume Two*, p 428; 'Waihoanga No 4 Block, Otaki District', *Maori Deeds of Land Purchase in the North Island of New Zealand. Volume Two*, pp 141-143

[983] 'Waihoanga No 4 – 9750 Acres', in 'Crown and Private Land Purchasing Records and Petitions Document Bank', 2010, p 9736 [727]

[984] 'Wairarapa – 6100 Acres', in 'Crown and Private Land Purchasing Records and Petitions Document Bank', 2010, p 9736 [727]

[985] 'Waihoanga No 4 – 9750 Acres', in 'Crown and Private Land Purchasing Records and Petitions Document Bank', 2010, p 9736 [727]

[986] 'Petition 24/1945 – Kipa Roera – Wairarapa No 1, Waihoanga No 4', Archives New Zealand, Wellington, ACIH 16036, MA1 138, 5/13/180, (R19525233)

[987] Wellington Minute Book, No 23, p 332

Ngāti Tuarā.[988] The lists of owners for the two blocks, however, contained individuals from both Ngāti Tuarā and Ngāti Kikopiri, as well as others from Ngāti Raukawa and Ngāti Toa.[989]

The Crown purchased both Wairarapa and Waihoanga 4 on 3 December 1874. The deed of sale for Wairarapa conveyed to the Crown the whole of the block with the exception of two reserves. One thousand and fifty acres were set aside for 21 of the owners who had signed the deed of purchase. A further 200 acres were reserved for Tame and Hēni Kuka (Thomas Cook Junior and Annie Cook) who had also agreed to the sale.[990] The deed for Waihoanga 4 also allowed for two reserves. The largest of these – 430 acres – was for Samuel, Frank and George Cook. The smaller reserve, of 250 acres, was made for James Wallace, Haimona Te Keho, Huriana Te Horohau, Ihaia Motunau and Meretini Hape. As with the Wairarapa reserves, the owners of the two Waihoanga 4 reserves were all former owners who had signed the deed of purchase.[991]

Thomas, Annie, Samuel, Frank and George Cook were children of Te Ākau Meretini Cook (Ngāti Tuara and Ngāti Kikopiri) and Thomas Uppadine Cook of Foxton. The Cook children had initially opposed the sale of Wairarapa and Waihoanga, and in September 1874 had written to the Chief Judge of the Native Land Court asking for their interests in the two blocks to be partitioned out.[992] In the end, however, the Cooks had come to an agreement with the District Land Purchase Commissioner. In return for withdrawing their opposition to the sale, and signing the deeds of purchase, the siblings had received a reserve in each of the blocks purchased by the Crown.[993]

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988 Ōtaki Minute Book, No 2, p 389

989 'Certificate of Title – Wairarapa at Otaki in the District of Otaki', 9 February 1880, ABWN 8910, W5278, Box 11, 1652, (R25 286 170); 'Certificate of Title – Waihoanga No 4 at Otaki in the District of Otaki', 2 March 1880, ABWN 8910, W5278, Box 11, 1667, (R 25 286 185)

990 'Wairarapa – 6100 Acres', in 'Crown and Private Land Purchasing Records and Petitions Document Bank', 2010, p 9736 [727]

991 'Waihoanga No 4 – 9750 Acres', in 'Crown and Private Land Purchasing Records and Petitions Document Bank', 2010, p 9736 [727]

992 Thomas Cook, Meretini Te Horohau, Annie Cook, Heni Te Rei and others to the Chief Judge Native Land Court, 26 September 1874, (Letter in Reo Māori with English translation), Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XXVIII, Wainui to Wi (Te), pp 387-388 [390-391]; Thomas Cook, Meretini Te Horohau, Huriana Te Horohau, Samuel Cook, George Cook, Francis Cook, Heni Te Rei, Mere Aranga, Ihakara Tukumaru and J H Wallace to Te Kauwhakawa Tumuaki o te Kooti Whakawa Whenua [Chief Judge of the Native Land Court], 26 Hepetema 1874, Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XXVII, Taupo to Waimapihi, pp 742-743 [751-752] (Reo Māori original) and 741 [750] (English Translation)

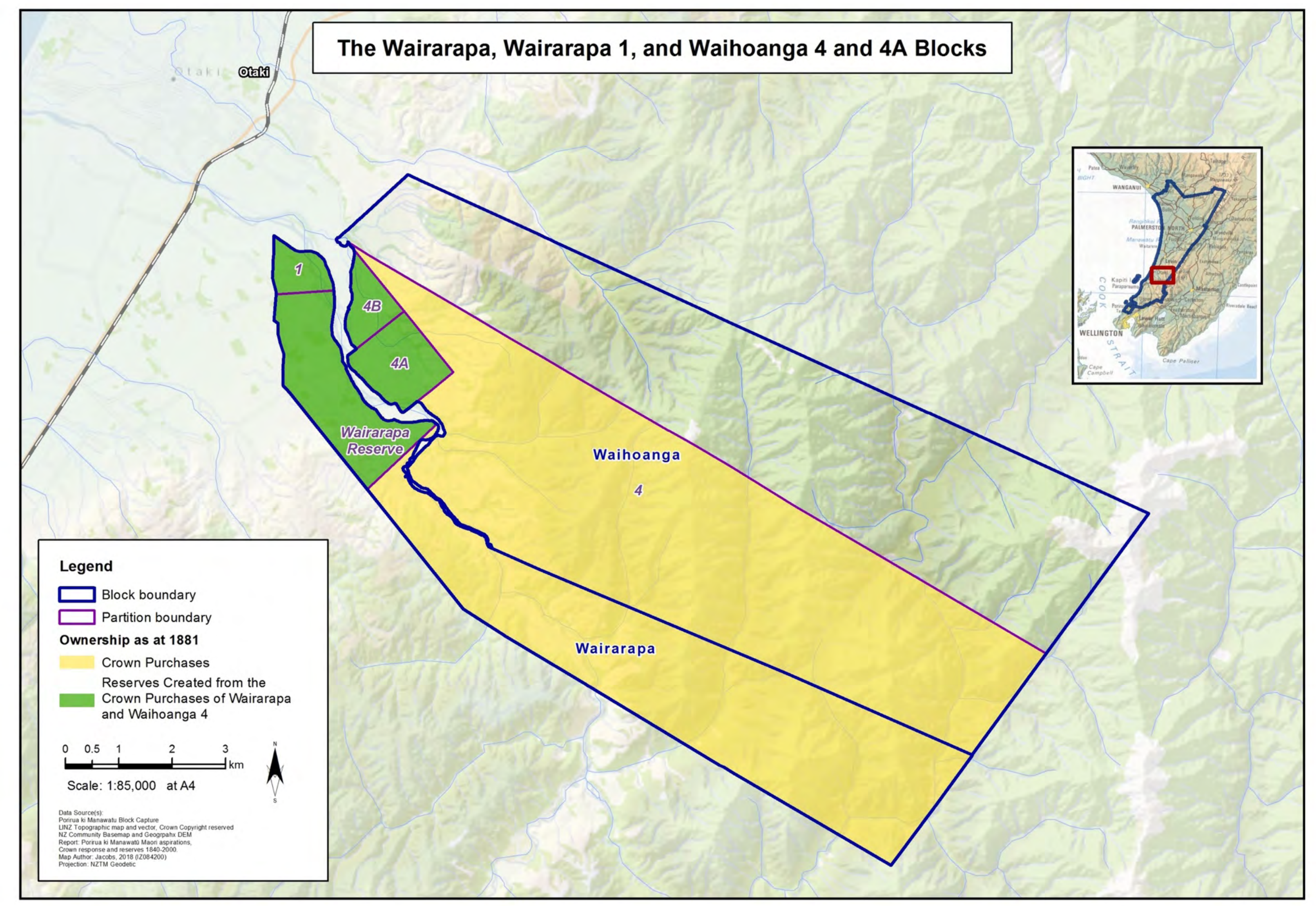
993 Thomas Cook to the Chief Judge Native Land Court, 28 December 1874, Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXVIII, Wainui to Wi (Te), pp 384-386 [387-389]

The alienation of the Wairarapa and Waihoanga 4 reserves

The reserves created from the Crown's purchase of Wairarapa and Waihoanga 4 were located at the western end of each block, on flat land on either side of the Ōtaki River. The reserved land appears to have been intensively cultivated. In 1915 Thomas Roach told the Native Land Court how he and his 'elders' had grown 'potatoes, maize and oats' on parts of the 1050-acre Wairarapa Reserve. On other parts of the reserve they had 'planted orchards of apples, peaches and other fruit.'[994] Roach's testimony was supported by Riria Hohipuha (daughter of Irikau and Te Ākau Kipihana) who said her family had cleared and cultivated the land next to the Ōtaki River, planting maize and potatoes, as well as plum and cherry trees.[995]

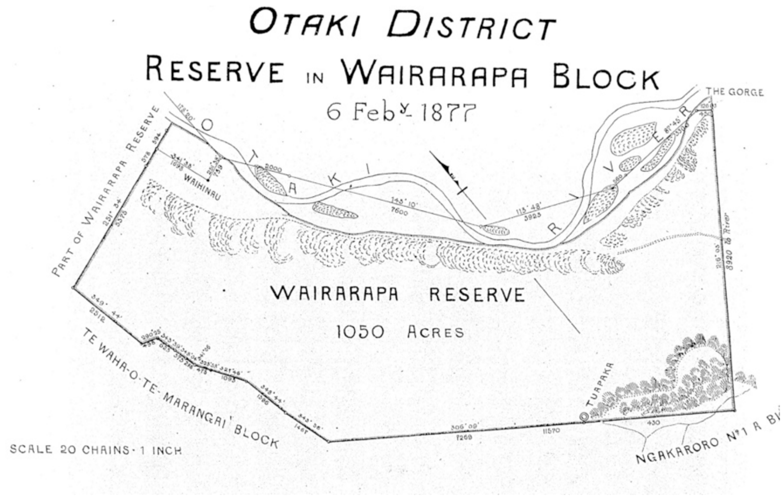
The riverside reserves were also vital for their access to the bounty of the Ōtaki River. Testifying before the Native Land Court in October 1927, Hōri Te Waru told how the owners of Wairarapa and Waihoanga had insisted upon the reserves 'so as to get eels for food.' He claimed that both sides of the River had been reserved by Ngāti Raukawa 'as fishing easements.'[996]

[994] Ōtaki Minute Book, No 53, p 152
[995] Ibid., pp 153-154
[996] Ōtaki Minute Book, No 58, p 181


The Wairarapa, Wairarapa 1, and Waihoanga 4 and 4A Blocks
Otaki
1
4B
4A
Wairarapa
Reserve
Waihoanga
4
Wairarapa
WANGANUI
PALMERSTON NORTH
WELLINGTON
COOK STRAIT
Cape Palliser
Legend
Block boundary
Partition boundary
Ownership as at 1881
Crown Purchases
Reserves Created from the Crown Purchases of Wairarapa and Waihoanga 4
0 0.5 1 2 3 km
Scale: 1:85,000 at A4
N
S
Data Source(s):
Porirua ki Manawatu Block Capture
LINZ Topographic map and vector, Crown Copyright reserved
NZ Community Basemap and Geogrpahx DEM
Report: Porirua ki Manawatū Maori aspirations,
Crown response and reserves 1840-2000.
Map Author: Jacobs, 2018 (IZ084200)
Projection: NZTM Geodetic

Despite the land being used and cultivated by those who had already sold most of the original block, the Crown purchased the Wairarapa Reserve on 6 February 1877. According to the deed of purchase, the Crown purchased the 1050-acre reserve for £1457 10s from the same individual owners who had sold the original Wairarapa block. The purchase of the reserve was completed just two years and three months after the Crown had purchased the rest of the Wairarapa block and agreed to the reserve. The Crown did not purchase the 200 acres reserved for Tame and Heni Kuka, which had been placed under a separate certificate of title as Wairarapa 1 in April 1876.[997]

Figure 6.10 Plan of the Wairarapa Reserve, purchased by the Crown 6 February 1877



The following day – 7 February 1877 – the Crown also purchased 200 acres of the 250-acre reserve it had agreed to in Waihoanga 4. Purchased for £50, the 200 acres consisted of the shares of four of the reserve's five owners: Haimona Te Keho, Huriana Te Horohau, Ihaia Motunau and Meretini Hape.[998] The remaining 50 acres were retained by James Wallace (the son of Pipi Kutia and William Ellerslie Wallace).[999] Wallace received a Crown Grant for his land under The Volunteers and Others Lands Act, 1877.[1000]

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[997] 'Wairarapa Block (Reserve in), Otaki District', H Hanson Turton, *Māori Deeds of Land Purchase in the North Island of New Zealand. Volume Two*, 1878, pp 426-427

[998] 'Waihoanga No 4 Block (Reserve in), Otaki District, H Hanson Turton, *Māori Deeds of Land Purchase in the North Island of New Zealand. Volume Two*, p 428

[999] 'Korero of Stephanie Turner', 27 June 2014, 'Wai 2200 – Porirua ki Manawatu Distirict Inquiry. Nga Korero Tuku Iho Hui Held at Tukorehe Marae, 24-27 June 2014', Wai 2200, #4.1.8, p 133

[1000] 'Waihoanga No 4 – 9750 Acres', in 'Crown and Private Land Purchasing Records and Petitions Document Bank', 2010, p 9736 [727]

The Crown's purchases of the Wairarapa and Waihoanga 4 blocks and their reserves were certified by the Native Land Court on 6 January 1885. Despite knowing that the transactions included reserves as well as the areas originally sold, Judge Alexander Mackay treated the Crown's purchases of the land within Wairarapa and Waihoanga as if each had been 'effected by two deeds of transfer' for a single piece of land, rather than as two distinct purchases, first of the original block, and then of the reserve that had been created out of that block. Ignoring the fact that the areas acquired included land that had been reserved for the former Māori owners, Mackay certified that the Crown's purchases of Wairarapa and Waihoanga 4 (and their reserves) were 'bona fide' transactions, and that there was 'no difficulty . . . in respect of the alienation of' either piece of land.[1001]

Altogether, the Crown purchased 1250 of the 1930 acres reserved for the sellers of Wairarapa and Waihoanga 4. The outstanding 680 acres were purchased by private European purchasers. Most of this land – 630 acres – was contained in the two reserves made for the children of Te Ākau Meretini Cook. On 27 April 1876 the Cook siblings had taken their land to the Native Land Court, receiving certificates of title to what the Court called Wairarapa 1 (200 acres) and Waihoanga 4A (430 acres). Although recognized as reserves by both the Court and the Crown, neither Wairarapa 1 nor Waihoanga 4A had any formal restrictions placed on their future alienation.[1002] The omission was particularly striking with regards to Waihoanga 4A, which was referred to as 'Waihoanga Reserve 4A' on the sketch map drawn on the certificate of title. Issuing the certificate of title under the Native Lands Act 1865 and 1867, the Court had the legal authority to recommend that restrictions be placed on the reserve. Instead, the Court reported that it was 'not proper to place any restrictions on the alienability' of Waihoanga 4A, explicitly crossing out the section in the form attached to the certificate that would have recommended that such restrictions be imposed.[1003]

[1001] 'Certificate of Title – Wairarapa at Otaki in the Province of Wellington', ABWN W5278 8910, Box 11, 1634, (R25 286 170); 'Certificate of Title – Waihoanga No 4 at Otaki in the Province of Wellington', ABWN W5278, 8910 Box 11, 1667, (R25 286 185); W Bridson (Registrar) to Judge Mackay, 'Re Wairarapa Block (6100 acres) and the application on behalf of the Crown for the enrolment of Deeds of Transfer', 5 December 1884, 'Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XXVIII, Wainui to Wi (Te), pp 382-383; W Bridson (Registrar) to Judge Mackay, 'Re Waihoanga No 4 (9750 acres) and the application on behalf of the Crown for the enrolment of Deeds of Transfer', 5 December 1884, 'Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XXVII, Taupo to Waimapihi, p 739
[1002] 'Certificate of Title – Wairarapa No 1 at Otaki in the Province of Wellington', ABWN W5278 8910, Box 11, 1634, (R25 286 152); 'Certificate of Title – Waihoanga No 4A at Otaki in the District of Otaki', 9 June 1877, ABWN W5278 8910, Box 11, 1633, (R25 286 151)
[1003] 'Certificate of Title – Waihoanga No 4A'

On 18 October 1876 George, Samuel, and Francis Cook sold Waihoanga 4A to Richard Booth.[1004] Two years later, on 4 September 1878, Tame and Hēni Cook (listed on the certificate of title as Thomas Cook and Annie Collins) sold Wairarapa 1 to Benjamin Smith.[1005] By the end of 1878 only 50 acres of Wairarapa and Waihoanga 4's original combined area of 15,850 acres was still in Māori ownership. Held by James Wallace, this last remaining reserve was itself sold to a private European buyer in August 1887.[1006]

The struggle for the return of the Wairarapa and Waihoanga reserves

After purchasing the greater part of the Wairarapa and Waihoanga 4 reserves, the Crown transferred its interests in Wairarapa and Waihoanga to the Wellington and Manawatū Railway Company. The Company then subdivided the land for sale to private European purchasers. Ngāti Tuarā and Ngāti Kikopiri, the former owners of Wairarapa and Waihoanga 4, felt keenly the loss of the flat land along the banks of the Ōtaki River. Beginning in March 1915, members of the hapū waged a more than three-decade campaign, through the Native Land Court and petitions to Parliament, to secure the return of at least a portion of their former reserves.

On 2 March 1915 the Ōtaki Native Land Court heard an application from Arapata Noki (A J Knocks) to investigate title to 'a strip of land along the banks of the Ōtaki River.'[1007] Morgan Carkeek, who had surveyed the area for the Wellington and Manawatū Railway Company in the early 1880s, told the Court that he had 'marked off' the land under investigation as 'a series of islands.' Carkeek testified that the Company had been prevented from dealing with the land because it had not been included in the Crown's purchases of Wairarapa and Waihoanga 4.[1008] The surveyor also told the Court that he had found 'traces of Māori fences and cultivations . . . but no houses' on the strip that Arapata Noki was now claiming.[1009] Arapata's claim was also supported by testimony from Thomas Roach and Riria Hohipuha who – as we have seen – spoke of how they and their elders had cultivated the reserved land on either side of the Ōtaki River.[1010]

[1004] 'Waihoanga No 4 – 9750 Acres', in 'Crown and Private Land Purchasing Records and Petitions Document Bank', 2010, p 9736 [727]
[1005] 'Wairarapa – 6100 Acres', in 'Crown and Private Land Purchasing Records and Petitions Document Bank', 2010, p 9736 [727]
[1006] 'Waihoanga No 4 – 9750 Acres', in 'Crown and Private Land Purchasing Records and Petitions Document Bank', 2010, p 9736 [727]
[1007] Ōtaki Minute Book, No 53, p 151
[1008] Ibid
[1009] Ibid., p 152
[1010] Ibid., pp 152-154

Despite the evidence presented in its support, Judge Michael Gilfedder rejected Arapata's claim. In a decision recorded in the Ōtaki Minute Books on 22 October October 1915, Judge Gilfedder found that it had 'not yet been shown to the satisfaction of the Court' that the strip under claim was 'not Crown land.'[1011]

In June 1915, while Arapata Noki and his supporters were still waiting to learn the result of their claim before the Native Land Court, Hēni Te Rei (daughter of Mātene Te Whiwhi) and 'four others' petitioned Parliament for the return of 300 acres from the Waihoanga and Wairarapa reserves. The petitioners claimed that, upon survey, the reserves had 'contained considerably more land' than the areas purported to have been sold. As the reserves had been purchased by the acre, the petitioners argued that the land in excess of the areas sold should be returned to the original Māori owners. The petitioners calculated there were 'about 300 acres' which they were 'entitled to' but had 'now lost the use of'. All of this land was 'on the Ōtaki River flat', which their 'elders had lived upon and cultivated.' Heni Te Rei and the other petitioners asked Parliament to 'order a full inquiry', including a survey of the land they were claiming, so that 'we may retain the land of which we are at present deprived.'[1012]

Heni Te Rei's petition was not investigated until 1919. On 19 August of that year A H Mackay, the Registrar for the Ikaroa District of the Native Land Court, reported to the Under Secretary of the Native Department that – 'after considerable search in the Court records, Trust Commissioner papers, Survey and Land Transfer Offices' – he had found 'no evidence bearing on the assertions of the petitioners'.[1013] Mackay's investigation does not appear to have extended to seeking additional evidence from the petitioners themselves. The Registrar did, however, note that Judge Gilfedder had investigated 'the matter' in March 1915, and had found no evidence that the land in question had not in fact been purchased by the Crown.[1014] On the strength of Mackay's investigation – which was considerably less thorough than the petitioners had requested – the Native Affairs Committee effectively rejected the petition, voting to make 'no recommendation' to Parliament.[1015]

[1011] Ibid.,, p 247
[1012] 'Petition from Heni Te Rei and four others', 30 June 1915, Crown and Private Land Purchasing Records and Petitions Document Bank', 2010, p 9803 [794]
[1013] A H Mackay to the Under Secretary, Native Department, 'Waihoanga and Wairarapa Blocks (Otaki District), Petition 7145 Heni Te Rei and 4 others', Crown and Private Land Purchasing Records and Petitions Document Bank', 2010, p 9797 [788]
[1014] Ibid.
[1015] 'Native Affairs Committee (Reports of the the)', *AJHR*, 1920, I-3, p 5

With their petition rejected, the Wairarapa and Waihoanga claimants took their fight back to the Native Land Court. On 23 January 1923, the Court heard an application for investigation of title from Kipa Roera (of Ngāti Kikopiri and Ngāti Tuara) to four pieces of land along the Ōtaki River. The four sections 'of 78, 9, 58 and 84 acres respectively' consisted of 'mostly river bed with some grass patches', and lay 'between [the] railway bridge and hills to the east.' Kipa Roera asked the Court to issue a certificate of title for the four pieces (which altogether came to 229 acres) in the names of himself, Hoani Kuiti, Hara Roera, Ruiha Roera, and Huiranga Kerekara. Judge Gilfedder issued an interlocutory order for the land, which was 'to be made final when the Court sits at Levin if there are no objections.'[1016]

When, however, the Court finally returned to the issue, at Levin on 25 October 1927, Judge Gilfedder reversed his interlocutory order and dismissed Kipa Roera's application on behalf of Ngāti Tuarā. Rejecting the claim that the four sections had been 'excepted from the original sale' of Wairarapa and Waihoanga, the Judge found that 'there did not seem to be any lands to which the Natives could lay claim.' If the Ōtaki River had changed its course since the Crown had purchased the land, the Judge concluded that the 'best claims' to any additional land that had been uncovered lay with the current, 'adjacent European owners' not 'the descendants of Ngati Tuara.'[1017]

Kipa Roera responded to Judge Gilfedder's decision by lodging an appeal with the Native Appellate Court on 8 November 1927. The Appellate Court heard the case in Wellington on 24 and 26 July 1928. At the hearing Ngāti Tuarā and Ngāti Kikopiri's claim to the four sections along the Ōtaki River was opposed by the Crown, which told the Appellate Court that it did 'not admit any rights in the Natives' to the land in question. Reiterating Judge Gilfedder's conclusion that it was the current European, rather than the original Māori, owners who had the best claim to any additional land that might have been uncovered, the Crown told the Appellate Court that 'the land claimed is all old river bed and is abutting on European land on each side.'[1018]

Delivering its decision on 3 August 1928, the Appellate Court dismissed the appeal, finding that the land under claim had already been 'the subject of orders on investigation of title' for the Wairarapa, Wairarapa 1, and Waihoanga 4 blocks. Because these areas had already been investigated by the Native Land Court they could not, the Appellate Court concluded, 'be investigated again.' Concluding that there was in fact no additional 'Native land' within

[1016] Wellington Minute Book, No 23, pp 332-333
[1017] Ōtaki Minute Book, No 58, p 182
[1018] Wellington Appellate Minute Book, No 7A, p 55

Wairarapa or Waihoanga 4 whose ownership needed to be defined by the Native Land Court, the Appellate Court noted that all of the Wairarapa and Waihoanga 4 blocks and their reserves had been sold, either to the Crown or private purchasers in the 1870s and 1880s.[1019]

With further recourse to the Native Land Court foreclosed, and perhaps hoping for a more favourable response from the Government in the light of Ngāti Raukawa's contribution to the ongoing war effort, in July 1945 the Ngāti Tuarā and Ngāti Kikopiri claimants made one last effort to secure the return of their outstanding land within the Wairarapa and Waihoanga 4 reserves. On 15 July 1945, Kipa Roera petitioned Parliament on behalf of himself and his wife Hara Kipa Roera.[1020]

In the petition Kipa Roera (referred to as Kipa Royal in the official documents) revived his claim to the four outstanding sections of the Wairarapa and Waihoanga 4 reserves. The four sections, the petitioners noted, had been 'set aside as Reserves for the Native Owners' in the deeds of sale for Wairarapa and Waihoanga 4, 'for the purpose of having a papakainga for them and cultivation near the Ōtaki River for their fishing easement.' The petitioners maintained that neither the Crown nor the Wellington and Manawatū Railway Company had 'legal claims' to the land they were 'claiming for the fifth time during the period of 29 years.'[1021]

The petitioners then recounted the various stages of their long struggle to have their claim recognized by the Native Land Court. Beginning with the first hearing of their claim before the Court in 1915, they told how surveyor Morgan Carkeek had testified that the reserves they claimed 'had not been included in the land sold to the [Railway] Company.'[1022] The petitioners moved next to the second hearing, in January 1923, when they had established their rights to the land through Waitohi's 'gift of the whole of the land on each side of the Ōtaki River to Ngāti Kikopiri and Ngāti Tuara.'[1023] They then pointed out what they believed to be the errors in Judge Gilfedder's decision to dismiss their claim in 1927, and the Native Appellate Court's rejection of their appeal the following year.[1024]

Concluding that the testimony of Carkeek, who had surveyed the land, and the evidence of 'the four Māori witnesses' who in 1911, 1923 and 1927 had established their elders' occupation of the contested land 'up to 1882', was 'quite sufficient' to 'prove the rights' of their claim, the

[1019] Wellington Appellate Minute Book, No 7A, p 83
[1020] Kipa Royal, 'Petition', 15 July 1945, Crown and Private Land Purchasing Records and Petitions Document Bank', 2010, pp 9764 to 9767 [755-758]
[1021] Ibid., p 9764 [755]
[1022] Ibid.
[1023] Ibid., pp 9765 [756]
[1024] Ibid., pp 9765 to 9767 [756-758]

petitioners asked 'Parliament, which is the Haven of Security, to redress the wrong done to our people'.[1025]

Unfortunately for Kipa Roera, his wife, and the other claimants from Ngāti Tuara and Ngāti Kikopiri, the Māori Affairs Committee did not see fit to act on their petition. In 14 November 1945 the Committee reported back to Parliament that it had 'no recommendation to make regarding this petition.'[1026]

Conclusion

The Ngāti Kikopiri and Ngāti Tuara claimants' long and ultimately unsuccessful struggle to regain ownership of even a portion of their reserves within Wairarapa and Waihoanga 4 highlights the injury they had suffered from the Crown's purchase of most of the reserves in the first place. This injury was only exacerbated by the alienation of the rest of the reserved land to private purchasers.

As they made clear in their testimony before the Native Land Court in 1915, 1923 and 1927, the original Ngāti Kikopiri and Ngāti Tuara owners of Wairarapa and Waihoanga 4 and their descendants could ill afford the alienation of their reserves along the Ōtaki River. Prior to being purchased by the Crown, and then transferred to the Wellington and Manawatū Railway Company for subdivision and sale to European settlers, the flat, riverside land had been used by its Māori owners to cultivate potatoes, maize and oats. The land had also been the site of apple, peach, cherry and plum orchards. In addition, Ngāti Tuara and Ngāti Kikopiri had used the land to catch eels and whitebait from the Ōtaki River.

The Crown purchased the 1050-acre Wairarapa Reserve on 6 February 1877, just two years and three months after it had acquired the Wairarapa block as a whole. The following day, it purchased 200 acres of the 250-acre reseve in Waihoanga 4. Altogether, the Crown purchased 1250 of the 1930 acres that it had agreed to set aside as reserves from its purchases of Wairarapa and Waihoanga. With no restrictions placed on their future alienation by the Native Land Court, the other two reserves created from the Crown's purchases of the two blocks – 430 acres in Waihoanga 4 and 200 acres in Wairarapa for the children of Te Ākau Meretini Cook – were sold to private European purchasers in October 1876 and September 1878. Held by James Wallace, the remaining 50 acres of the Wairarapa and Waihoanga reserves were sold to a private European buyer in August 1887.

[1025] Ibid., p 9767 [758]

[1026] 'Reports of the Māori Affairs Committee', *AJHR*, 1945, I-3, p 11

With all of their reserves along the Ōtaki River sold, Ngāti Tuarā and Ngāti Kikopiri were obliged in the twentieth century to fight a long and ultimately unsuccessful battle for small sections of their former land that they believed had been excluded from the Crown's purchases of Wairarapa and Waihoanga 4. For more than four decades, Arapata Noki, Heni Te Rei, Kipa Roera and others doggedly pursued their claim through the Native Land and Native Appellate Courts and with petitions to Parliament. The land they sought – mainly former riverbed that had been exposed when the Ōtaki River had shifted course – was only a fraction of the reserves that had been lost.

Ngāti Tuarā and Ngāti Kikopiri's frustrating 40-year struggle for the return of even a remnant of their reserves would not have been necessary if the Crown had not purchased most of the reserved land in the first place. Having agreed to the reserves in its purchases of Wairarapa and Waihoanga 4 in December 1874, the Colonial Government could have taken steps to ensure that the land set aside was protected from subsequent sale, and preserved for future use by their Ngāti Raukawa owners and descendants. Instead, the Crown became the leading actor in the alienation of the Wairarapa and Waihoanga Reserves, leaving Ngāti Tuarā and Ngāti Kikopiri without land on the Ōtaki River.

6.4 What Happened to Ngāti Raukawa Land Restricted from Alienation under the 1865, 1866 and 1867 Native Lands Acts and the Native Land Court Act 1880?

1875-1900

As we have seen, only a small part of Ngāti Raukawa's land processed by the Native Land Court between 1865 was permanently restricted from alienation under the 1865, 1866, and 1867 Native Lands Acts and the Native Land Court Act 1880. Between 1867 and 1874, 26 pieces of Raukawa-owned land including a total of 8110 acres were permanently restricted from alienation under the Native Lands Acts of 1865, 1866 and 1867. A further 17 sections, including 1500 acres altogether, were restricted from alienation by the Native Land Court under the Native Land Court Act 1880.

To what extent did the restrictions on alienation put in place by the Native Land Court over Ngāti Raukawa-owned land between 1867 and 1874, and between 1881 and 1885, provide lasting protection for the land concerned? From the outset, the restrictions on alienation recommended by the Court under the Native Lands Acts of 1865, 1866 and 1867 were

conditional rather than absolute. Most of the land so protected was declared to be ‘inalienable *except* with the consent of the Governor’ or ‘Governor in Council.’ This meant that, if the ‘Governor’ or ‘Governor in Council’ agreed to the purchase of a particular piece of land, the restriction on alienation could be lifted and the land sold.

Between February 1875 and July 1883 the Governor allowed the purchase of five pieces of land that had been formally restricted from alienation. The first of these – more than 500 acres of Manawatū Kukutauaki 4B – was purchased by the Crown on 3 February 1875. This was less than two years after the Native Land Court had recommended that the entire block ‘be made inalienable by sale or mortgage or by lease for a longer period than twenty one years.’[1027] The Crown’s purchase of the eastern part of Manawatū Kukutauaki 4B was followed by private purchases of Ngāwhakangutu 1 (in December 1878 and July 1883); Te Waerenga 2A and 2B in January 1880; and Manawatū Kukutauaki 7H in March 1882.[1028]

Table 6.12 ‘Inalienable’ land alienated from Māori ownership 1875-1883

	Date of Purchase	Acres Purchased	Purchaser	% original area purchased	% original area remaining after purchase
Manawatū Kukutauaki 4B	3 Feb 1875	561	Crown	40	60
Ngāwhakangutu 1 North	11 Dec 1878	646	Wellington & Manawatū Railaway Co	25	75
Te Waerenga 2A	16 Jan 1880	0.2.39	Charles George Hewson	100	0
Te Waerenga 2B	16 Jan 1880	1.0.31	Charles George Hewson	100	0
Manawatū Kukutauaki 7H	3 March 1882	569	Archibald Stewart & John Davis	100	0
Ngāwhakangutu 1 South	20 July 1883	1890	Alexander John Hadfield	75	0

After July 1883, no more pieces of Court-restricted land passed out of Raukawa ownership until 1891. Whether this was the result of deliberate Government policy or a consequence of the depressed economic conditions that wracked the North Island for most of the 1880s is unclear. From the late 1880s, however, successive pieces of legislation made it

[1027] ‘Purchase of Land from the Natives (Reports from Officers)’, *AJHR*, 1877, G-7, p 18; ‘Certificate of Title – Manawatu Kukutauaki No 4B at Waikawa in the District of Manawatu’, ABWN 8910, W5278 Box 11, 1656, (R25 286 174)

[1028] Walghan Partners, Block Research Narratives, Vol III, Draft, 1 May 2017, pp 86; 348-349; Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XXVII, p 639; Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 306

easier and easier to have restrictions on the alienation of Māori land removed. The Native Land Act 1888 allowed for the lifting of alienation restrictions upon 'the application of a majority . . . of the Native owners.'[1029] This threshold was reduced to 'one third of the owners' by the Native Land Court Act 1894.[1030] In the meantime, the Native Land Purchases Act 1892 effectively eliminated all restrictions, 'by any Crown grant, order of the Native Land Court, or other instrument of title' on 'any Native land intended for sale to the Crown.'[1031]

Table 6.13 Removal of restrictions on Raukawa-owned land made inalienable under the Native Lands Acts 1865, 1866, 1867: 1892-1902

	Area (acres, roods, perches)	Date Restrictions Removed	Date Land Purchased
Kiharoa 1	2.3.7	1892	1894
Pāhiko (Ngākaroro 6)	142.1.12	16 Oct 1893	1894
Ōtaki Town Lots 89, 91, 93	0.2.18	18 Dec 1894	Unknown
Takapū o Toiroa 1	4.2.27	20 May 1899	7 March 1931
Piritaha	1.3.20	27 June 1899	11 April 1899
Te Whakahokiatapango 2	3.1.29	20 Feb 1902	1909

Table 6.14 Removal of restrictions on Raukawa-owned land made inalienable under the Native Land Court Act 1880: 1892-1902

	Area (acres, roods, perches)	Date Restrictions Removed	Date Land Purchased
Ngākaroro 2F (Reserve)	100	13 July 1891	26 May 1893
Ōtaki Town Lots 134 & 135	0.1.28	23 Oct 1894	Unknown

Between 1891 and 1902 restrictions on alienation were removed from at least six of the remaining 22 pieces of Raukawa-owned land that had been declared 'inalienable' under the Native Lands Acts of 1865, 1866 and 1867. Amongst the sections where restrictions were removed were Kiharoa 1, Pāhiko (Ngākaroro 6) and Ōtaki Town Lots 89, 91 and 93.[1032] Restrictions were also lifted from at least two of the 17 pieces of land that the Native Land Court had made inalienable between 1881 and 1886: the Ngākaroro 2F Reserve and Ōtaki

[1029] The Native Land Act 1888, s 5
[1030] The Native Land Court Act 1894, s 52
[1031] The Native Land Purchases Act 1892, s 14
[1032] 'Received: 29th June 1892 – From: Governor, Wellington – Subject: Signs Order in Council removing restrictions on Kiharoa No 1 Block', Archives New Zealand, Wellington, ACIH 16036, MA1 849, 1892/1074, (R 22401897); 'From: Governor, Wellington Date: 16 October 1893 Subject: Removing restrictions on Pahiko Ngakaroro No 6 Block', Archives New Zealand, Wellington, ACGS 16211, J1 509/ao, 1893/1671, (R 24563954); Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XX, p 108

Town Lots 134 and 135.[1033] Once the restrictions on alienation had been removed the piece of land in question was usually sold. Between 1893 and 1899 at least five previously 'inalienable' sections were purchased in their entirety, including Kiharoa 1, Piritaha, Pāhiko (Ngākaroro 6), and the Ngākaroro 2F Reserve.[1034] Another three blocks – Ōhau 1, Manawatū Kukutauaki 7G (Ōtawhiwhi), and Makuratawhiti 2B – were partially purchased.[1035]

Table 6.15 'Inalienable' land alienated from Māori ownership 1890-1900

	Date of Purchase	Acres Purchased	Purchaser	% original area purchased	% original area remaining after purchase
Ōhau 1 Secs 2, 7	1891	186.0.0	John Kebbell	30	70
Ōhau 1 Secs 1, 3	29 Oct 1892	105.0.0	John Kebbell	17	53
Otāwhiwhi A (Manawatū Kukutauaki 7G Sec A)	30 Nov 1892	28.0.0	Martin McGauley	9	91
Waiariki 2	10 March 1893	8.0.5	Edmond Tutor Atkinson	100	0
Ngākaroro 2F (Reserve)	26 May 1893	82.3.0	John Gillies	100	0
Te Rotowhakahokiriri	By 1894	16	Private Purchaser	100	0
Kiharoa 1	1894	2.3.4	John Herbert Martin	100	0
Pāhiko (Ngākaroro 6)	1894	142.1.12	Archibald Hall	100	0
Ōtāwhiwhi B	1 June 1897	22.0.00	Martin McCauley	7	84
Piritaha	11 April 1899	1.3.20	William Hughes Field	100	0
Makuratawhiti 2B 2 & 2B 3	7 Oct 1900	0.2.14	Timothy O'Rourke	41	59

The Twentieth Century

By the end of 1900 nine of the 26 areas of land that had been rendered 'inalienable' upon the Native Land Court's recommendation under the Native Lands Acts of 1865, 1866 and 1867 had been entirely bought by private European purchasers. Another three had been partially

[1033] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XV, pp 822-841 [823-842]; Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XX, p 369 [372]

[1034] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, pp 189; Walghan Partners, Block Research Narratives, Vol III, Draft, 1 May 2017, pp 29, 166, 305; 'Pahiko Ngakaroro No 6, Waopukatea No 1a', Archives NZ, Wellington, 1894m LS-W1 269, 12317, (R23991708)

[1035] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 208; Walghan Partners, Block Research Narratives, Vol III, Draft, 1 May 2017, pp 117, 142

purchased, either by the Crown of by private purchasers. Fourteen of the original 26 'inalienable' pieces were still intact in 1900. Of the 17 sections rendered 'inalienable' by the Native Land Court between 1881 and 1886, at least one had been completely sold, another had been partially purchased, and one more had had the restrictions on its alienation removed. A fourth section, Pukekaraka 5 (the site of St Mary's Church and Pukekaraka Presbytery on Convent Road, in Ōtaki), had – as set out in the original 1881 Court order – been placed 'in trust for the Roman Catholic Catholic in New Zealand as a burial ground and a Church Site in perpetuity.'[1036]

In 1900, after a decade of reducing restrictions on the alienation of Māori land, the Liberal Government changed course and passed legislation intended to protect Māori land from alienation.[1037] Under the Māori Lands Administration Act 1900, Māori land owned by more than two owners could only be purchased with the prior 'consent of the Governor in Council.'[1038] Restrictions 'against the alienation of Māori land' already in place could be removed only by the Governor, following the recommendation of the local Māori Land Council.[1039] Created under the 1900 legislation, Māori Land Councils were Māori majority bodies with responsibility for the administration, management and protection of Māori land. The Māori Lands Administration Act also introduced a new category of inalienable land: the papakainga reserve. Such reserves were to include enough land for their owners' 'maintenance and support and to grow food upon.'[1040]

The increased protections for Māori land instituted by the Māori Lands Administration Act proved, however, to be short lived. In 1909 the Liberal Government shifted course again and abolished all existing restrictions on the alienation of Māori Land. Section 207 of the Native Land Act 1909 stipulated that:

> All prohibitions or restrictions on the alienation of land by a Native, or on the alienation of Native land, which before the commencement of this Act have been imposed by any Crown grant, certificate of title, order of the Native Land Court, or other instrument of title, or by any Act, are hereby removed, and shall, with respect to any alienation made after the commencement of this Act, be of no force or effect.[1041]

[1036] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XV, pp 175 [178], 181-182 [184-185]
[1037] Boast, *Buying the Land, Selling the Land*, p 219
[1038] Māori Lands Administration Act 1900, s 22
[1039] Ibid., s 24
[1040] Ibid., s 21
[1041] Native Land Act 1909, s 207 (1)

Under the 1909 Act, interests in Raukawa-owned land that had been declared inalienable, either by the Governor upon the recommendation of the Native Land Court or by the Native Land Court itself, could – like all other Māori-owned land – 'be alienated or disposed of in the same manner as if it was European land.'[1042]

The removal of restrictions by the Native Land Act 1909 appears to have had an immediate impact. Between 1911 and 1915 three previously 'inalienable' sections – Ahitāngutu 7 (one and one eighth of an acre), Te Rekereke (33 acres), and the three quarters of an acre that was left of Ngāwhakarangirangi after the Crown had taken four-tenths of an acre for roading – were entirely alienated.[1043] Another hitherto 'inalienable' section – Takapūotoiroa 1 – was purchased outright in March 1931, also by a private European buyer.[1044]

In addition to the four sections that were purchased completely, another five pieces of previously 'inalienable' Raukawa-owned land were partially sold between December 1918 and December 1931. This included four sections of Whakarangirangi (slightly over nine acres in the certificate of title, but more than 18 acres after subdivision in 1915); 124½ acres from Ōtūroa (1014 acres) in July 1920; and eight-and-a-half acres from Tahamatā 1 (92 acres).[1045] The Crown purchased slightly more than one acre from Manawatū Kukutauaki 7G (Otawhiwhi) in May 1930, and 30 acres from Manawatū Kukutauaki 7E (Sections 7E1A and 7E2A) in December 1931.[1046]

1042 Ibid., s 207 (2)
1043 Walghan Partners, Block Research Narratives, Vol III, Draft, 1 May 2017, pp 233 & 407; Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 12
1044 'Certificate of Title Under Land Transfer Act', 7 March 1931, Deeds Index Vol. 28 Folio 28, Application No c. 8795
1045 Walghan Partners, Block Research Narratives, Vol III, Draft, 1 May 2017, p 414; Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XX, p 580; Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XXV, pp 194-195 [198-199]
1046 Walghan Partners, Block Research Narratives, Vol III, Draft, 1 May 2017, p 142; Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 306

Table 6.16 'Inalienable' land alienated from Māori ownership 1901-1940

	Date of Purchase	Acres Purchased	Purchaser	% original area purchased	% original area remaining after purchase
Te Whakahokiatapango 2	1909	3.1.29	Byron Paul Brown	100	0
Ahitāngutu 7	11 Oct 1911	1.0.19	Robert James Stanley	100	0
Ngāwhakarangirangi	Prior to 1911	0.1.24	Crown (for roading)	37	63
Ngāwhakarangirangi	1911 & 1912	0.3.0	Mary Anna Blakiston & Frederick James Ryder	63	0
Te Rekereke	1915	33.0.24	Frederick Bright	100	0
Whakarangirangi 29N 12 & 13	20 Dec 1918	2.1.12	Bryan Paul Brown	12	88
Ōtūroa 1	13 July 1920	124.2.0	Galvin	6	84
Whakarangirangi 29N 4	11 Aug 1920	1.0.32	Horace Nobel	6	78
Whakarangirangi 29N 5	2 Sept 1920	1.0.32	Bruce Nobel	6	72
Tahamatā 1A 2	20 Nov 1922	6.2.38	Albert Edward Standen and Lawrence Arcus	7	93
Tahamatā 1A 2	1 June 1923	1.2.37	Albert Edward Standen and Lawrence Arcus	2	91
Ōtāwhiwhi C1 (Manawatū Kukutauaki 7G)	27 May 1930	1.1.14	Crown	0.3	91
Takapūotoiroa 1	7 March 1931	4.2.21	Joseph Death	100	0
Manawatū Kukutauaki 7E 1A & B	21 Dec 1931	30	Crown	17	83
Whakarangirangi 29 N2 & N6	1939	2.1.24	Public Trustee	13	59

More pieces of once 'inalienable' land were sold after 1945. As before the War, most of the sections were purchased by private buyers. Ōtaki Township sections 146 and 148 (two-fifths

of an acre) were sold to Ōtaki Textiles on 4 June 1946.[1047] Pahianui 3A1B (three acres) was purchased by Kong Jock King in December 1948.[1048] On 16 November 1961 Neil Wrigley Candy purchased 70 acres of Tahamata 3C and 45 acres of Tahamata 3B.[1049] In March 1964 Candy also acquired Tahamata 1A1 (19 ¾ acres), and the following year he bought 1A3B2 (37 ½ acres).[1050] In October 1971 Burrell Farms Limited purchased 121 acres from Ōtūroa 3A3A and 3A3B.[1051] Private purchasers also bought sections of Whakarangirangi in 1947, 1955, 1961, 1962, 1963 and 1971.[1052]

Table 6.17 'Inalienable' land alienated from Māori ownership 1940-2000

	Date of Purchase	Acres Purchased	Purchaser	% original area purchased	% original area remaining after purchase
Te Rerengaohau 2B (Part)	22 April 1943	27.1.23	Crown (River Diversion)	2	98
Ōtaki Secs 146 & 148	4 June 1946	0.1.27	Ōtaki Textiles	50	50
Whakarangirangi 29N 3	1947	0.1.27	Denis Andrew McLuckie	2	57
Pahianui 3A 1B	9 Dec 1948	2.3.33	Kong Jock King	8	92
Whakarangirangi 29N 10	7 Feb 1955	1.0.26	Dow Kwen Chung	6	51
Pahianui 3A 2	2 May 1956	1.0.0	James Joseph Stuart	3	89
Te Rerengaoahau 2A	16 May 1956	141.1.37	Douglas Donald Stewart	13	85
Te Rerengaohau 2B (Part)	19 May 1956	182.1.18	Douglas Donald Stewart	16	69
Te Rerengaohau 1	22 Oct 1956	551.1.19	Crown	49	20

[1047] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XX, p 296 [299]
[1048] Ibid., p 748 [751]
[1049] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XXV, pp 206 [210] and 212 [216]
[1050] Walghan Partners, Block Research Narratives, Vol III, Draft, 1 May 2017, p 273; Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XXV, p 185 [189]
[1051] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XX, pp 532 [534] and 525 [527]
[1052] Walghan Partners, Block Research Narratives, Vol III, Draft, 1 May 2017, p 414

	Date of Purchase	Acres Purchased	Purchaser	% original area purchased	% original area remaining after purchase
Te Rerengaohau 2B (Part)	22 Oct 1956	209.0.31	Crown	19	1
Ōtūroa 3A 2	21 May 1960	79.2.23	E F A Collis	8	80
Ōtūroa 3A 1D	1960	51.2.20		5	75
Whakarangirangi 29N 9	17 July 1961	1.0.26	Bernard Lawrence Housiana	6	45
Tahamatā 3B & 3C	16 Nov 1961	115	Neil Wrigley Candy	61	39
Whakarangirangi 29N 7	6 Nov 1962	1.0.26	Bernard Lawrence Housiana	6	39
Whakarangirangi 29N 1	9 April 1963	1.0.32	William Alexander Stom & Jane Stom	6	33
Tahamatā 1A 1	14 March 1964	19.3.8	Neil Wrigley Candy	22	69
Tahamatā 1A 3B2	3 June 1965	37.2.2	Neil Wrigley Candy	41	28
Ōhau 1 Sec 6	2 Dec 1969	4.2.0	Steven Patrick Easton	1	52
Whakarangirangi 29N 14	26 March 1971	1.0.26		6	27
Ōtūroa 3A 3A	18 Oct 1971	80.1.1	Burrell Farms Ltd	8	67
Ōtūroa 3A 3B	19 Oct 1971	41.0.32	Burrell Farms Ltd	4	63
Ōtaki Section 147A	26 Aug 1974	0.0.11	Ōtaki Borough Council	46	54
Ōtaki Sections 147B-E	15 Jan 1996	0.0.18	Sherbar Ltd	54	0
Ōhau 1 Section 8	Between 1960 and 1990	103	Private Purchaser	16	36
Tahamatā 2	Between 1964 and 1990	28		100	0

Table 6.18 'Inalienable' land alienated from Māori ownership at an unknown date

	Date of Purchase	Acres Purchased	% original area purchased
Ōtūroa 3B	Prior to 1990	108	11
Ōtūroa 2	Betweeen 1895 and 1990	350	35
Ōtaki Lots 89, 91, 93	After 1894	0.2.16	100
Ōtaki Lots 102, 104		0.2.16	100
Ōtaki Lots 101, 103, 105, 107		0.3.18	100

Surviving sections of previously 'inalienable' land were also compulsorily converted from Māori to European land under the Māori Affairs Amendment Act 1967. Part 1 of this Act required that Māori freehold land with four or less owners should be converted to general freehold land if it was 'suitable for effective use and occupation.' Known as 'Europeanisation' the process of compulsory conversion was carried out by the Registrar of the Māori Land Court without regard to the wishes of the land's Māori owners.[1053]

At least 15 sections of land within areas that had been formerly protected from sale upon the recommendation or order of the Native Land Court were compulsorily converted from Māori freehold to General freehold under the 1967 Act. Amongst the sections 'Europeanised' were Ōtaki Town Lots 106, 149, 151, and 155 (each slightly less than a quarter of an acre); Tahamatā 1A3A and 1A3B1 (half an acre and eight acres respectively); and four sections of Whakarangirangi (of between half an acre and two acres).[1054] Almost all of the sections 'Europeanised' were small: 11 of the 15 were less than an acre, while all but two were no more than two acres. The exception was Ōtūroa 3A1A whose 52 acres were converted by the Registrar of the Māori Land Court from Māori to European land on 7 August 1970.[1055]

Table 6.19 Previously 'Inalienable' Land Compulsorily Converted to General Land

	Area (acres, roods, perches)	Date
Makuratawhiti 2A2	0.1.5	Unknown
Makuratawhiti 2A3	0.1.5	3 Sept 1971
Ōtaki Lot 106	0.0.32	26 Aug 1970
Ōtaki Section 149	0.0.34	7 Oct 1970
Ōtaki Section 151	0.0.34	7 Oct 1970
Ōtaki Lot 155	0.0.35	24 April 1970

[1053] Māori Affairs Amendment Act 1967, ss 3-7

[1054] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XX, pp 167 [170], 288 [291], 279 [282], 268 [271]; Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XXV, pp 191 [195], 188 [192]; Walghan Partners, Block Research Narratives, Vol III, Draft, 1 May 2017, p 414

[1055] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XX, p 567 [569]

Ōtūroa 3A1A	51.2.20	7 Aug 1970
Ōtūroa 3A1B1	0.2.0	26 Aug 1970
Pahianui 3A1A	0.1.0	30 Oct 1970
Tahamatā 1A3A	0.2.0	13 May 1970
Tahamatā 1A3B1	7.3.30	13 July 1970
Whakarangirangi 2N11	1.3.31	Unknown
Whakarangirangi 2N15	1.0.26	Unknown
Whakarangirangi 2N8A	0.2.10	Unknown
Whakarangirangi 2NB	0.2.9	Unknown

Te Rerengaohau

Most of the once restricted land alienated from Raukawa ownership after 1945 was sold to private European interests. The major exceptions were Te Rerengaohau 1 (551 acres) and 209 acres of Te Rerengaohau 2B (424 acres), which were both purchased by the Crown in December 1955. The Crown acquired the Te Rerengaohau land as part of a larger reclamation project aimed at preventing the continuing erosion of the sand dunes south of the mouth of the Manawatū River. Involving the planting of thousands of pine trees by Māori ex-servicmen, the reclamation of Te Rerengaohau, was initially conceived by the Labour Government as a project for the benefit of local hapū and iwi. Over time, and especially following the election of a new National administration in November 1949, Government priorties changed and officials determined to purchase the land. Initially opposed to the sale, the principal owner of Te Rerengaohau 1 and 2B eventually accepted the Government's offer, and the alienated sections were proclaimed to be Crown land on 22 October 1956.

Extending from the left bank of the Manawatū River to the Tasman Sea, the Te Rerengaohau block (estimated to be 1226 acres) was awarded by the Native Land Court to Ihakara Tukumaru, of Ngāti Patukohuru, his wife Ema, and his 'teina' Ruanui Tukumaru on 7 July 1870.[1056] At Ihakara's request, the Court recommended that the land be 'inalienable, except with the consent of the Governor, by sale or mortgage or by lease for a longer period than 21 years.'[1057] The block was partitioned into three on 13 November 1896: Te Rerengaohau 1 (551 acres) at the western, seaside end of the original block; Te Rerengaohau 2 (566 acres), at the eastern, river end of the original block; and Te Rerengaohau 3, an urupā of 10 acres in the middle of Te Rerengaohau 2. On the basis of Te Rerengaohau's original title, the Native Land

[1056] Ōtaki Minute Book, No 1F pp 803-806
[1057] Ibid., p 805; 'Certificate of Title – Te Rerengaohau at Manawatu in the District of Otaki, ABWN 8910, W5278, Box 11, 1609, (R 25 286 127)

Court declared all three of the new subdivisions to be inalienable by sale, lease or by mortgage for a longer period than 21 years without the consent of the Governor.'[1058]

Te Rerengaohau 2 was itself partitioned on 20 October 1927. Te Rerengaohau 2A (141 acres) was awarded by the Court to Ārona Te Hana, while the larger Te Rerengaohau 2B (424 acres) was vested in Taraipine Āputa Ihakara.[1059] The original block was further divided by the channeling of the Manawatū River through the Whirokino Cut in 1943.[1060] The diversion of the Manawatū at Whirokino (which cut the long loop that had taken it up, past Te Awahou/Foxton) divided Te Rerengaohau 2B into two, while placing 2A on the northern, rather than the southern side of the River. In order to construct the new river channel at Whirokino, the Crown took 27 acres from Te Rerengaohau 2B by proclamation on 22 April 1943. This was the first part of the original Te Rerengaohau block to be alienated from Māori ownership.[1061]

In May 1944 the Minister of Native Affairs identified Te Rerengaohau, with the neighbouring Papangaio subdivisions, as the 'best place' within the Ikaroa Māori Land District to begin a new experiment in sand dune reclamation.[1062] The plan was to employ returned Māori ex-servicemen to plant the unproductive and unstable land with pine trees. In order for public funds to be expended on improving the Māori-owned land, the Minister proposed that the Te Rerengaohau subdivisions be vested in the Ikaroa Māori Land Board under Section 8 of the Māori Purposes Act 1943.[1063] Section 8 allowed the Native Land Court to vest 'any Native land or land owned by Natives in any trustee or trustees . . . for some purpose having for its object the benefit, betterment, or welfare of Natives or the promotion of any tribal or communal project.'[1064]

Intended 'for the owners of the land affected or for some tribe or sub-tribe or other group or class of Natives', the trusts created under Section 8 of the Māori Purposes Act raised the promise of government resources being mobilized to improve Māori land for the benefit of an iwi or hapū as a whole.[1065] This, initially at least, appears to have been the vision behind the

[1058] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XXIII, pp 674-675 [691-692]; 671-672 [688-689]; 677-678 [694-695]
[1059] Ibid., pp 664 and 666 [681 & 683]
[1060] Catherine Knight, *Ravaged Beauty: An Environmental History of the Manawatu*, (Auckland, Dunmore Publishing), 2014, p 171
[1061] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XXIII, p 662 [679]
[1062] 'Rerengaohau and Papangaio Blocks – Sand Dune Reclamation', 1943-1956, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1, p 11, (R21530200)
[1063] Under Secretary to the Registrar, Native Land Court, 'Sand Dune Reclamation: Papangaio & Rerengaohau Blocks', 12 June 1945, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)
[1064] Native Purposes Act 1943, s 8 (1)
[1065] Ibid

Native Minister's planned trust for Te Rerengaohau. Writing to the Registrar of the Native Land Court, the Under Secretary of the Native Department (Judge G P Shepherd) explained that, upon the Court granting the application:

> The Māori Land Board will hold the lands in trust for the Tribe or community concerned so that, if public funds are expended on reclaiming the dune country the benefit will not be for individuals but for the common benefit of such tribe or community.[1066]

The problem, however, was that, legally speaking, the Te Rerengaohau subdivisions were owned by individuals, not by Ngāti Patukohuru, Ngāti Raukawa or any other hapū or iwi community. In October 1945, when the trust application was brought before the Native Land Court most of Te Rerengaohau 1, and all of Te Rerengaohau 2A, 2B and 3 were owned by a single individual: Naina McMillan.[1067] Unsurprisingly, the trustee for Miss McMillan (who was 18 at the time) insisted that the Te Rerengaohau lands be placed in trust for the benefit of the land's owners, rather than the tribal or hapū community.[1068] The Court agreed, and on 3 October 1945 the Native Land Court ordered that the Te Rerengaohau subdivisions be 'vested in the Ikaroa District Māori Land Board . . . for the benefit of the Native owners of the lands effected.' This meant that any benefits that came from the Government's expenditure on improving the Te Rerengaohau lands would accrue, not to the hapū or iwi at large, but to the four individual owners.[1069]

Planting of the Te Rerengaohau subdivisions began in August 1946. From the outset the project was beset by problems. The broken terrain covered with dense lupin, manuka and fern made the reclamation work difficult and expensive.[1070] Labour also proved to be scare due to the inaccessibility of the land and the absence of accommodation.[1071] Matters were aggravated when a neighbouring farmer's stock destroyed 'approximately 6000' of the 7000 trees planted

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[1066] Under Secretary to the Registrar, Native Land Court, 'Sand Dune Reclamation: Papangaio & Rerengaohau Blocks', 12 June 1945, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)
[1067] 'Extract from Ōtaki Minute Book 63, Folios 3 & 4', Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)
[1068] G P Shepherd, Under-Secretary to the Hon Native Minister, 'Sand Dune Reclamation – Rerengaohau & Papangaio Blocks', 9 October 1945, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)
[1069] The Native Land Court of New Zealand, Ikaroa District, 'In the Matter of Section 8 of the Native Purposes Act, 1943 and In the Matter of certain subdivisions of the Rerengaohau Block, 3 October 1945, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)
[1070] George H McIndoe, Horticulturalist to the Under-Secretary, Native Department, 14 March 1946, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)
[1071] J A Mills (Registrar), 'Sand Dune Reclamation: Rerengaohau and Papangaio Blocks', 2 July 1951, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)

in 1946.[1072] In August 1947 Cabinet approved the Native Department's request for £1030 to continue the reclamation work.[1073] Only £403 11s 9d of this sum had been expended when the Department called a halt to operations in October 1948.[1074] By then a further 16,000 trees had been planted (half of which survived), mostly on land that was being leased by a European farmer.[1075]

Confronted by ongoing difficulties in managing the project, the Under Secretary of what was now the Department of Māori Affairs looked to have the Rerengaohau reclamation work turned over to the Public Works Department. In his letter, the Under Secretary made no mention of the project's original purpose of promoting Māori community development by improving marginal Māori land and providing work for returned Māori servicemen. Instead, he emphasized the 'national importance' of the reclamation work in protecting the Manawatū River from drifting sand which threatened to reduce the river's depth, thereby exposing the surrounding low lying (and largely European-owned) farm land to an increased risk of flooding.[1076]

Writing in response to the Under Secretary's letter, W L Newnham, the Chairman of the Soil Conservation and River's Control Council, suggested that the 'soundest approach' was to have the Te Rerengaohau 'dune complex' converted to Crown land, so that the reclamation scheme could be 'administered directly by a Government Department'. Such a step, Newnham argued, was necessary because of the 'very strict control' that had to be maintained over 'the reclamation operations', and the substantial 'capital expenditure of between £25 and £35 an acre' that would be required to convert the sand dunes from 'waste to productive land.'[1077]

While agreeing with Newnham's suggestion that the reclamation of Te Rerengaohau be taken over by the Public Works Department, the Under Secretary of Māori Affairs was not willing to consider the Crown's purchase of the land. Replying to Newnham, he noted that the

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[1072] H J Fell (Horticultural Supervisor, Ōtaki) to the Registrar, Wellington, 12 July 1951, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)
[1073] Registrar to the Under-Secretary, Native Department, 26 May 1947, N.D. 1/11/14; Under Secretary to Rt Hon. Minister of Māori Affairs, 'Sand Dune Reclamation Rerengaohau Blocks', 24 June 1947; Under Secretary to Registrar, Wellington, 22 August 1947, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)
[1074] District Officer, Wellington to Head Office, 'Papangaio and Rerengaohau Blocks', 4 February 1953, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)
[1075] H J Fell (Horticultural Supervisor, Otaki) to the Registrar, Wellington, 12 July 1951
[1076] Under Secretary [Māori Affairs Department] to the Under Secretary, Public Works Department, 4 June 1947, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)
[1077] W L Newnham, Chairman Soil Conservation and Rivers Control Council, to the Under Secretary, Native Department, 8 March 1, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)

Māori owners of the 'sand dune areas' had already refused a proposal to sell their land to the Crown, 'and any further attempt to effect their purchase would be misunderstood by them.'[1078]

Dismissed by the Under Secretary of Māori Affairs in May 1948, the possibility of the Crown purchasing the Te Rerengaohau lands was revived in September 1951 by the Commissioner of Crown Lands. Noting the 'excellent work' that the Ministry of Works had undertaken in 'arresting the drift of sand' at Waitārere, the Commissioner suggested that the reclamation work should be extended to include the Māori land to the north and south, including Te Rerengaohau 1 and 2B. Observing that the land was 'more or less useless at the moment from a farming point of view', he asked the Registrar of the Māori Affairs Department 'whether the Crown would have any prospect of acquiring the Māori Land.'[1079]

The Registrar agreed 'that it would be desirable' if the Crown acquired the 'blocks', and forwarded the Commissioner's request to the Under Secretary of Māori Affairs.[1080] Appointed in October 1948, Under Secretary Tipi Tainui Rōpiha, does not appear to have shared his predecessor's misgivings about the Crown's purchase of Te Rerengaohau, and on 14 November 1951 he agreed that 'it would be desirable if the Crown' acquired 'the coastal strip' of the Te Rerengaohau and Papangaio blocks.[1081]

In August 1953 the Minister of Land approved the opening of negotiations for the Crown purchase of Te Rerengaohau 1 and 209 acres of Te Rerengaohau 2B. The Minister also authorized the waiving of the survey liens and interest outstanding on the two subdivisions.[1082] Despite this additional incentive, Te Rerengaohau's principal owner – who since 1945 had married and was now known as Mrs Naina Tutt – still refused to sell the land.[1083]

Two years later the Government tried again. On 15 July 1955 the Minister of Lands approved the purchase of Te Rerengaohau 1 and the 209 acres of Te Rerengaohau 2B for £1336. This was substantially more than Government's valuation for the land of £910. The Director General of the Department of Lands and Survey justified the 'excess consideration' on the grounds that

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[1078] G P Shepherd to the Chairman, Soil Conservation and Rivers Control Council, 13 May 1948, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)

[1079] D. A. Paterson, Commissioner of Crown Lands to the Registrar, Māori Affairs Department, 26 September 1951, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)

[1080] Ja Mill, Registrar to Head Office, 7 November 1951, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R215302300)

[1081] T T Ropiha (Under Secretary) to Registrar, 14 November 1951, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200); Graham Butterworth. 'Ropiha, Tipi Tainui', from the *Dictionary of New Zealand Biography. Te Ara - the Encyclopedia of New Zealand*, http://www.TeAra.govt.nz/en/biographies/5r23/ropiha-tipi-tainui (accessed 18 May 2017)

[1082] Director General, Department of Lands and Survey, to the Secretary, Department of Māori Affairs, 11 August 1953, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)

[1083] D M Greig (Director General, Department of Lands and Survey) to the Secretary, Māori Affairs Department, 10 August 1955

it was ‘considered highly desirable that the land be acquired.’ This was because, if unstabilized, drifting sand from the Te Rerengaohau dunes would ‘ultimately menace’ the Department’s ‘adjoining Whirokino Farm Settlement and the Waitarere Reclamation Scheme.’[1084]

Burdened by survey debts amounting to more than £150 for Te Rerengahaou 1, 2A and 2B, as well as other loans outstanding to the Māori Trustee, Mrs Tutt finally agreed to sell her interests to the Crown in October 1955.[1085] The two other owners of Te Rerengaohau 1 had already agreed to the Crown’s purchase.[1086] On 22 December 1955 Secretary Ropiha informed the Director General of Lands that ‘the transfer’ of Te Rerengaohau 1 and the 209 acres of Te Rerengaohau 2B to the Crown had ‘now been completed.’[1087] The Crown’s purchase of the Te Rerengaohau land was formalized on 22 October 1956 when the two subdivisions were proclaimed to be Crown land.[1088]

The Crown’s purchase of Te Rerengaohau 1 and the larger part of Te Rerengaohau 2B was quickly followed by the alienation of most of the rest of the original block. On 16 August 1956 the remaining 182 acres of Te Rerengaohau 2B, and all 141 acres of Te Rerengaohau 2A were purchased by Douglas Donald Stewart, the European farmer who up to that point had been leasing the land.[1089] This left Te Rerengaohau 3, a ten-acre urupā, as the only remaining piece of Māori land within the original ‘inalienable’ block. Most of these ten acres, however, have since been encroached upon by the Manawatū River, leaving the two Māori owners and Ngāti Patukōhuru with virtually nothing of Te Rerengaohau’s original estimated 1226 acres.[1090]

Initially intended by the Minister as a project that would benefit the local ‘tribe or community’ by stabilizing and developing vulnerable and unproductive Māori land, while providing employment for returned Māori servicemen, the Native Department’s attempted reclamation of the Te Rerengaohau in fact set in motion a bureaucratic process that would lead,

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[1084] Ibid

[1085] District Officer, Wellington to Head Office, 26 October 1955, MA 5/14/2, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200). The outstanding survey debts were £91 18s 2d for Te Rerengaohau and £65 for Te Rerengaohau 2A and 2B. See: Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XXIII, pp 669 [686] and 673 [690]

[1086] Māori Trustee to the District Officer, Wellington, 9 September 1955, MA 14/1/75, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)

[1087] District Officer to Head Office [Department of Māori Affairs], 19 December 1955, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)

[1088] ‘Extract from *N.Z. Gazette*, 1 Nov 1956, No 58, page 1467’, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)

[1089] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XXIII, pp 662 [679] and 668 [685]

[1090] ‘Te Rerengaohau No 3’, Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20077.htm (accessed 18 May 2017)

in slightly more than a decade, to the almost complete alienation of the land from Māori ownership. While shifting Government priorities were behind the Crown's eventual purchase of much of the original block, a significant contributing factor was the fact that, under the established Native land tenure system Te Rerengaohau was legally owned by a small number of individual owners, rather the hapū or community as a whole. This made it difficult for officials to justify the expenditure of large sums of taxpayer's money on a project that would ultimately be for the 'sole benefit' of just four individual owners.[1091]

Having persuaded the Māori owners of Te Rerengaohau to allow their land to be vested in the Māori Land Board for the purposes of the reclamation, the Native Department effectively washed its hands of the project after just two years of tree planting and the expenditure of less than half of the approved funds. Unwilling to continue the management of a project that had turned out to be more complicated and more difficult they had expected, and unable to attract the necessary workers, Department officials looked to transfer responsibility for the reclamation to the Department of Public Works.

When the Commissioner of Crown Lands eventually took up the reclamation of Te Rerengaohau, towards the end of 1951, it was with very different objectives. Rather than developing Māori land for the benefit of the local Māori community – as originally envisioned – the reclamation of Te Rerengaohau was conceived in terms of the national Government's priorities of extending the area of the reclamation scheme at Waitarere and protecting its investement in the nearby Whirokino Farm Settlement. In order to achieve these objectives, and to ensure that the operation would be run efficiently with no undue benefit to private interests, Crown officials decided to purchase the land from its Māori owners. Despite the initial objections of the land's principal owner, the Crown's purchase went ahead at the end of 1955, followed by the alienation of most of the rest of the land to the European leaseholder several months later.

The situation today

Of the 26 areas of Raukawa land south of the Manawatū River declared inalienable at the recommendation of the Native Land Court between 1867 and 1874, parts of just six remain as Māori freehold land today. Only one of the original 26 – the Mangapouri Market Reserve on

[1091] J HL, 'Sec 8 of Māori Purposes Act 1943', 16 April 1951, Archives New Zealand, Wellington, MAW2459, 5/14/2, Part 1 (R21530200)

Te Rauparaha Street in Ōtaki – appears to be completely intact.[1092] Of the five sections that are partially Māori freehold land today, the proportion of the original 'inalienable' area still in Māori ownership ranges from 80 percent, in the case of Manawatū Kukutauaki 7E (144 acres), to just one percent of Te Rerengaohau (10 acres).[1093] Fourteen percent of Ōhau 1 (86 acres), 10 percent of Ōtūroa (103 acres), and five percent of Manawatū Kutauaki 7G (Ōtāwhiwhi) (12 ½ acres) remain as Māori freehold land today.[1094]

From the 17 sections of land ordered to be inalienable by the Native Land Court between 1881 and 1886 just three remain partially as Māori land today. Almost all of Tahamatā 2A (96 percent), and two-thirds of Tahamatā 3 are still Māori freehold land. Most of the remaining 195 acres of Tahamatā 2A and Tahamatā 3 are currently managed by the Tahamatā Incorporation.[1095] Ōtaki Town Lots 134 and 135 also remain partially intact, with Sections 135A, B, and C (one-fifth of an acre altogether) at 21 Rangatira Street, Ōtaki still Māori freehold land.[1096]

Altogether, slightly more than 565 of the estimated 9660 acres of Raukawa land south of the Manawatū River declared inalienable upon the recommendation of the Native Land Court between 1867 and 1874 and 1881 and 1886 remain as Māori land today. This is just six percent of the total area originally designated by the Court as 'inalienable.'

1092 'Mangapouri Market Reserve', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20305.htm (accessed 23 May 2017)

1093 'Manawatu-Kukutauaki No 7E Section 1B', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20309.htm; 'Manawatu-Kukutauaki No 7E Section 2B', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20308.htm; 'Te Rerengaohau No 3', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20077.htm (all accessed 23 May 2017)

1094 'Ohau 1 Sec 4', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20236.htm; 'Oturoa 3A 1B 2', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20151.htm; 'Oturoa 3A 1C No 1', http://www.maorilandonline.govt.nz/gis/title/20150.htm; Oturoa 3A 1C No 2', http://www.maorilandonline.govt.nz/gis/title/20149.htm; 'Otawhiwhi C2B', http://www.maorilandonline.govt.nz/gis/title/19534.htm (all accessed 23 May 2017)

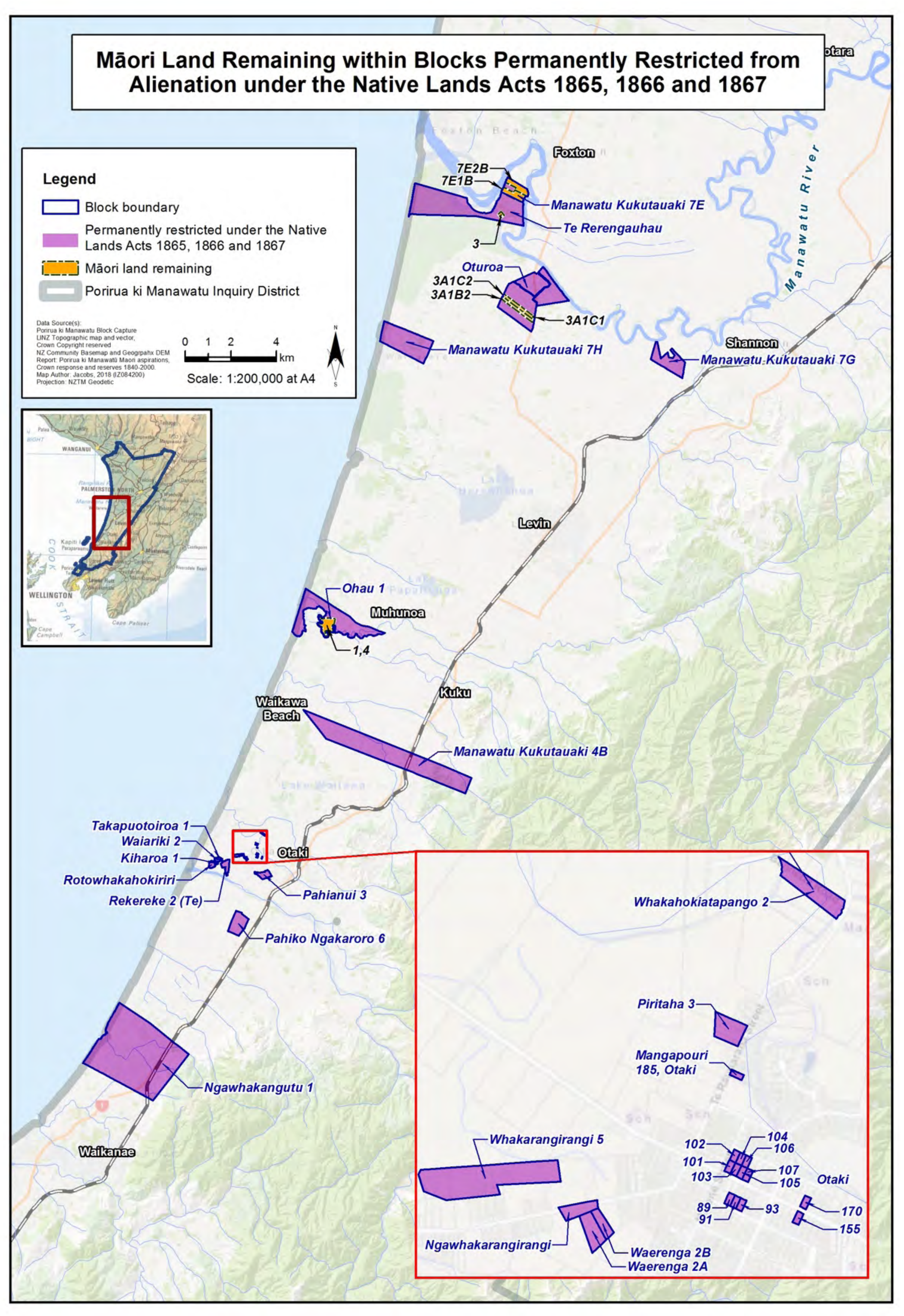
1095 'Tahamata 2A', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/19621.htm; 'Tahamata 3A1', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/19620.htm; 'Tahamata 3A2 Incorporation', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/19619.htm; 'Tahamata 3D Incorporation', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/19618.htm (all accessed 23 May 2017)

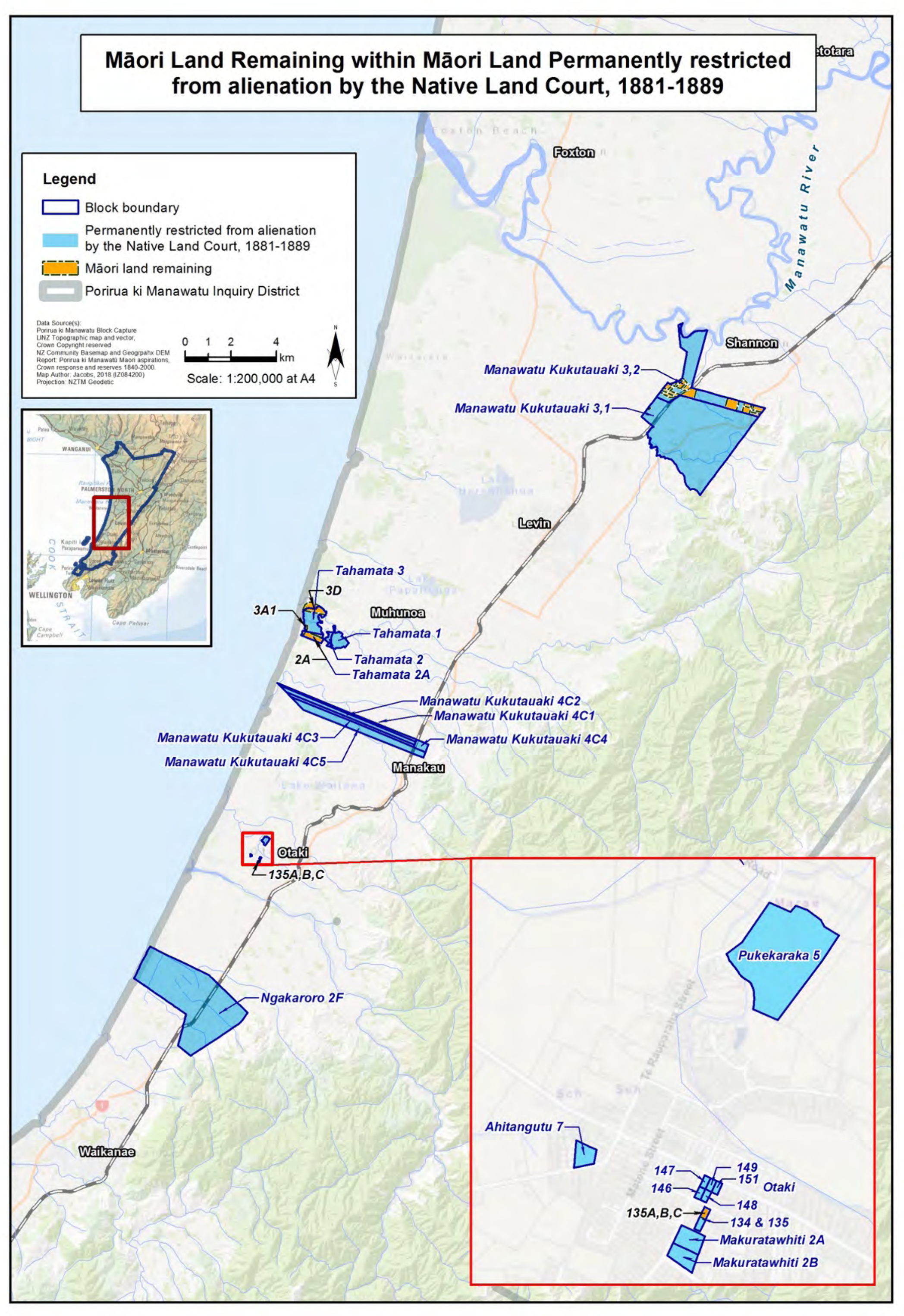
1096 'Ōtaki Township Sec 135A, B and C', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20169.htm ,(accessed 23 May 2017)

Table 6.20 'Inalienable' land still Māori land today

	Area (ha)	Area (acres)	ML Plan	Owners	Shares
Manawatū Kukutauaki 7E1B	29.2	72.0.30	ML 4267	1	11550
Manawatū Kukutauaki 7E2B	29.2	72.0.30	ML 4267	1	11550
Ōhau 1 Sec 4	34.8	86	ML 5564	1	1
Ōtaki Lot 135 A, B, C	0.08	0.0.32	ML 3906	27	30.33
Ōtaki Lot 185 (Mangapouri)	1.36	3.1.24	ML 5304	1	1
Ōtāwhiwhi C2B (Manawatū Kukutauaki 7G)	5.04	12.2.0	ML 5564	170	2003
Ōtūroa 3A 1B 2	20.69	51.0.16	ML 4526	14	8180
Ōtūroa 3A 1C 1	0.4	1	ML 5390	5	160
Ōtūroa 3A 1C 2	20.5	50.2.16	ML 5390	67	8100
Tahamatā 2A Incorporation	25.5	63.3.27	ML 1634	1	1
Tahamatā 3A 1	2.17	3	ML 5377	1	1
Tahamatā 3A 2 Incorporation	16.7	46.1.7	ML 5377	1	1
Tahamatā 3D Incorporation	31.9	78.0.25	ML 4108	1	1
Tahamatā Old Pā & Cemetery (Ōhau Pa)	6	14.3.1	ML 914	1	102
Te Rerengaohau	4.05	10	ML 3976	2	1600

Source: Māori Land Online


Māori Land Remaining within Blocks Permanently Restricted from Alienation under the Native Lands Acts 1865, 1866 and 1867
Legend
Block boundary
Permanently restricted under the Native Lands Acts 1865, 1866 and 1867
Māori land remaining
Porirua ki Manawatu Inquiry District
Scale: 1:200,000 at A4
Foxton
7E2B
7E1B
Manawatu Kukutauaki 7E
Te Rerengauhau
3
Oturoa
3A1C2
3A1B2
3A1C1
Manawatu Kukutauaki 7H
Shannon
Manawatu Kukutauaki 7G
Manawatu River
Levin
Ohau 1
Muhunoa
1,4
Kuku
Waikawa Beach
Manawatu Kukutauaki 4B
Takapuotoiroa 1
Waiariki 2
Kiharoa 1
Rotowhakahokiriri
Rekereke 2 (Te)
Otaki
Pahianui 3
Pahiko Ngakaroro 6
Ngawhakangutu 1
Waikanae
Whakahokiatapango 2
Piritaha 3
Mangapouri 185, Otaki
Whakarangirangi 5
102
104
106
101
107
103
105
Otaki
89
91
93
170
155
Ngawhakarangirangi
Waerenga 2B
Waerenga 2A



Māori Land Remaining within Māori Land Permanently restricted from alienation by the Native Land Court, 1881-1889
Legend
Block boundary
Permanently restricted from alienation by the Native Land Court, 1881-1889
Māori land remaining
Porirua ki Manawatu Inquiry District
Scale: 1:200,000 at A4
Foxton
Manawatu River
Shannon
Levin
Muhunoa
Manakau
Otaki
Waikanae
Manawatu Kukutauaki 3,2
Manawatu Kukutauaki 3,1
Tahamata 3
3D
3A1
Tahamata 1
2A
Tahamata 2
Tahamata 2A
Manawatu Kukutauaki 4C2
Manawatu Kukutauaki 4C1
Manawatu Kukutauaki 4C3
Manawatu Kukutauaki 4C4
Manawatu Kukutauaki 4C5
135A,B,C
Ngakaroro 2F
Pukekaraka 5
Ahitangutu 7
147
146
149
151
148
134 & 135
Makuratawhiti 2A
Makuratawhiti 2B

6.5 What happened to Ngāti Raukawa land set aside from Crown purchases?

The Waikawa Reserve

In contrast to other areas of Rauakwa-owned land that had been held back from Crown purchase, Government officials recognized the reserve status of most of the land retained by Ngāti Wehiwehi at Waikawa. The 650 acres of Manawatū Kukutauaki 4A, and 1000 acres each of Manawatū Kukutauaki 4C and 4E that had been left unpurchased by the Crown were all defined as inalienable reserves under The Volunteers and Others Lands Act 1877, and the Native Land Purchase Act Amendment Act 1878.[1097] The remaining 884 acres of Manawatū Kukutuaki 4B were also formally protected from alienation, apparently in accordance with the recommendation Judge Rogan had made for the entire original block in May 1873.[1098]

Despite being deliberately set aside as a single geographical unit, the unsold portions of Manawatū Kukutauaki 4A-E were not – in the eyes of the law at least – a reserve for the Ngāti Wehiwehi community at Waikawa as a whole. Rather than a unified piece of communally owned land, the remaining sections continued to be regarded by the Native Land Court as legally distinct pieces of land, owned absolutely by the individuals (and their successors) whose names had been listed in the original orders of the Court.

The legal status of the sections of the Waikawa Reserve was problematic for a number of reasons. First of all, because the 1865 and 1867 Native Lands Acts, under which title for the sections had first been awarded, had restricted the number of legal owners to just ten, it is highly likely that the individuals listed on the certificates of title for Manawatū Kukutauaki 4A-E were not the only ones with rights to the land under Māori usage and law. Addressing the Native Land Court in June 1889, Tāmati Ranapiri (Thomas Ransfield) noted that by limiting the maximum number of individuals allowed on a certificate of title to no more than 10, the Native Land Act 1865 had 'caused a large number of rightful owners to be omitted.'[1099]

The fact that the the ownership of each of the Waikawa subdivisions had been legally restricted to 10 individuals also raises the question of whether those whose names had been included in the original court orders for Manawatū-Kukutauaki 4A-E had been nominated as trustees for a larger community of owners rather than – as was understood by colonial Native land law – as individual owners with absolute, if as yet geographically undefined, rights to the

[1097] 'Land Possessed by Maoris, North Island (Return of)', *AJHR*, 1886, I, G-15, p 11
[1098] Ōtaki Minute Book 9, p 151
[1099] Ibid., pp 13-14

land. The question of whether those listed as owners on a certificate of title under the 1865 and 1867 Native Land Acts held the land as trustees for a broader community or whānau, or as absolute owners in their own right, was fought out before the Native Land Court in June 1889, when Hana Pewene (Hannah Bevan), née Ranapiri (Ransfield), claimed that she and other members of her family should be included in the certificate of title for Manawatū Kukutauaki 4F.[1100]

In May 1873 the Native Land Court had named Hana's brothers Tiemi and Rōpata Ranapiri (James and Robert Ransfield) as the exclusive owners of the land.[1101] Supported by her brother Tāmati (Thomas), Hana argued that as Rōpata and Tiemi's claim to Manawatū Kukutauaki 4F was derived from their mother Rangiwhakairi (also known as Erena), they in fact held the land as trustees for all of their brothers and sisters.[1102] For his part, Rōpata Ranapiri argued that the Native Land Court's award of Manawatū Kukutauaki 4F to himself and Tiemi had not been in trust for his brothers and sisters, that the two brothers' claim had nothing to do with their mother, and that they were the absolute owners of the land.[1103] The Court ultimately found in favour of Rōpata and Tiemi, concluding that no evidence had been 'disclosed that any "trust"' existed 'or was intended to exist' for the contested land.[1104]

The Partitioning of the Waikawa Reserve

By placing absolute ownership in the hands of no more than ten individual owners, the 1865 and 1867 Native Lands Acts effectively separated the land at Waikawa from the community to whom it had previously belonged. At the same time, the vesting of ownership in a limited number of owners, each with their own distinct but as yet geographically undefined share, made it almost inevitable that the Waikawa Reserve would be further divided. This was because, in order to have security of tenure and to protect whatever cultivations or improvements they might have made, owners had a powerful incentive to have their shares defined on the ground, and made legally distinct from the holdings of the other owners.

Between 1885 and 1890, the reserved sections of Manawatū Kukutauaki 4A-E were each partitioned by the Native Land Court. The formal partitioning of the Waikawa Reserve was driven by disagreements between the owners over the size and location of each of their

[1100] Ōtaki Minute Book 8, pp 287-288
[1101] 'Certificate of Title – Manawatu Kukutauaki No 4F at Waikawa in the District of Otaki', 23 September 1879, ABWN 8910, W5278, Box 11, 1647, (R 25 286 165)
[1102] Ōtaki Minute Book 8, p 288
[1103] Ōtaki Minute Book 9, pp 14-15
[1104] Ibid., pp 89-90

individual shares. On 9 February 1878, Manahi Pāora (one of the owners of Manawatū Kukutauaki 4B) sought Chief Judge Fenton's permission for Arthur Carkeek (Āta Kākiki) to undertake 'a subdivisional survey' of the reserve at Waikawa, including Manawatū Kukutuauaki 4B, 4C and 4D. Writing on behalf of himself and other unnamed owners, Paora explained that 'owing to the frequency of our disputes' they had decided 'to divide off to each person' their 'share', in order 'that our disputes may cease.'[1105]

Converting often complex and overlapping communal ownership rights into rigid and absolute individualized titles, that could be defined on a Native Land Court certified survey plan, was always likely to lead to disagreements between individual owners. In the case of the Waikawa Reserve, however, matters were aggravated by the fact that the land to be divided varied widely both in quality and accessibility. Owners preferred to have their share of the reserve located amongst the fertile and easily accessible land to the east of what is now State Highway One, rather than within the swampy or stony bush-covered terrain that lay to the west of the main road.

Because of the issues at stake, and the difficulty in coming up with a settlement that would be acceptable to each individual proprietor, the owners of the Waikawa Reserve were often unable to reach agreement between themselves. As a consequence, the divisions of Manawatū Kukutauaki 4A, 4B, and 4C had to be adjudicated by the Native Land Court in contested hearings, and – in the case of 4A and 4B – rehearings. In each case heard or reheard by the Court, arguments revolved around the relative size of individual owners' shares, and their location within the block. Matters were further complicated by the fact some of the more entrepreneurial owners, such as Hana Pewene and Rōpata Ranapiri, had acquired the interests of some of the other owners.

The first partition case presided over by the Court concerned the partition of the Manawatū Kukutauaki 4C reserve and pitted Hakaraia Te Whena, Hariana Te Kohu, Reweti Te Kohu, Parikapane Te Kohu and Haimona Te Kohu (all represented by Rōpata Ranapiri) against Wātene Te Punga, Horomona Te Whena, Hāriana Te Whena, Kariona Te Whena and Enereta Rikihana (who were represented by Akuhata Hēnare).[1106] While Rōpata Ranapiri argued that all of Haimona Te Kohu's share should be located to the east of the main road, Ākuhata Hēnare

[1105] English translation of a letter from Manahi Paora and others to Mr Fenton, 9 February 1878, 'Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series. Vol. XI. Makuratawhiti to Manawatu-Kukutauaki', p 216 [218]
[1106] Ōtaki Minute Book 6, pp 202-203

contended that the land should be divided equally into 100 acre strips, running from east to west, so as to take into account the varying quality of the land.[1107]

Testifying before the Court, Wātene Te Punga told how 'the quality of the land' varied over the block. From the western or seaward end, a mix of 'sandy soil with grass' and wetland was followed by approximately 1000 metres of 'bush land beginning in swamp', which in turn gave way to 'dry and stony land' up to the road. On the eastern side of the road, there were no stones and the land was 'good.' Although his cultivations were on the eastern side of the block, Wātene argued that the 'fair way to divide the land' was in strips from east to west, so that each owner had a share of both 'bad and good' land.[1108]

The Court ultimately agreed with Wātene Te Punga and the other owners represented by Ākuhata Hēnare, and divided the land 'from east to west' with 100 acres for each of the 10 original grantees. The 100-acre strips were subsequently consolidated by the owners into five sections (Manawatū Kukutauaki 4C1-5) ranging from 50 to 450 acres, depending on the number of owners included in each section, and the size of their respective shares. Following a request from Rōpata Ranapiri, the Court ordered that the five sections be inalienable.[1109]

The unpurchased part of Manawatū Kukutauaki 4B was divided into two by the Native Land Court in June 1887, following an application from Hakaraia Te Whena (supported by Rōpata Ranapiri).[1110] The northern section (431 acres) consisted of the interests of Hakaraia Te Whena, Maikara Te Whena (which had been inherited by Hakaraia), Te Keepa Toka, Moko Hikitanga, and half shares of Rāwiri Te Rangitekēhua and Manahi Pāora. The southern portion (423 acres) included the interests of the remaining five owners, as well as the other halves of Rāwiri Te Rangitekēhua's and Manahi Pāora's share.[1111]

The partition of Manawatū Kukutauaki 4B was almost immediately protested by Manahi Pāora and other owners of the block. They claimed that the 'secret subdivision' had been carried out in their absence and without their approval. In a letter to the Chief Judge of the Native Land Court, Pāora and the other owners protested that Hakaraia and Rōpata Ranapiri (who had purchased a portion of Hakaraia's share) had included the 'best portion of the land'

[1107] Ibid., p 203
[1108] Ibid., p 205
[1109] Ibid., pp 205-206
[1110] Ōtaki Minute Book 8, pp 146-147
[1111] Ōtaki Minute Book 9, pp 143-144

in their section, including the cultivations of some of those who had been placed in the southern subdivision.[1112]

Despite an initially successful attempt to broker a settlement in March 1888, the division of Manawatū Kukutauaki 4B was eventually reheard by the Native Land Court in July 1889.[1113] In large part a contest between Rōpata Ranapiri and his sister Hana Pewene (who had purchased the interests of Horopāpera Kaukau and Rāwiri and Pohi Te Rangitekēhua), the rehearing revolved largely around the amount of access ('frontage') that the contending owners would have to the road and railway line, and whether Hana Pewene would be allowed to keep an area of 10 to 12 acres that had been cleared by her husband and son.[1114] In the end, the Court ruled that Mrs Pewene 'was entitled to a frontage to the Railway line' that 'was proportionate to the area comprised in the shares belonging to her' (one fifth of the total).[1115] Cancelling the original partition, the Court then divided Manwatu Kukutauaki 4B into four sections, running from west to east. Section 1 (283 acres) was awarded to Rōpata Ranapiri and Hakaraia Te Whena, while Section 3 (239½ acres) was granted to Hana Pewene and Raniera Horopāpera. Sections 2 (129 acres) and 4 (208 acres) were awarded to Ārai Te Punga and the successors of Te Keepa Toka; and Manahi Pāora, Mihipeka Ihakara and Winia Pāora respectively.[1116] Of the four sections, all but Section 1 were declared by the Court to be inalienable.[1117]

The Court's partition of Manawatū Kukutauaki 4A was also the subject of a rehearing in July 1892.[1118] The Court had first divided the block on 30 May 1890 upon the application of Akapita Tahitangata. Akapita asked to have his portion 'cut out' of the block and argued that he and Tohutohu were entitled to a larger share of the land than the other eight original grantees.[1119] The Court awarded 120 acres to Akapita as Manawatū Kukutauaki 4A1 and the rest of the reserved land to the other nine owners and their successors.[1120]

Akapita's subdivision was strongly protested by Pini Whareakaka, Wiremu Te Hira (Taha), and the successors of Temuera Te Naku, and Karehana Haruru. Writing to the Chief Judge, they protested that they had waited for weeks for Akapita's application to be heard in Ōtaki

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[1112] English translation of a letter from Manahi Paora & others to the Chief Judge, Native Land Court, 5 July 1887, 'Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series. Vol. XI. Makuratawhiti to Manawatu-Kukutauaki', pp 208 [210] to 209 [211]; Reo Māori Original, p 204 [206]
[1113] 'Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series. Vol. XI. Makuratawhiti to Manawatu-Kukutauaki', p 170 [172] (English translation); Ōtaki Minute Book 9, pp 143-151
[1114] Ōtaki Minute Book 9, pp 144-147
[1115] Ibid., p 148
[1116] Ibid., pp 149-150
[1117] Ibid., p 151
[1118] Ōtaki Minute Book 19, pp 474-481
[1119] Ōtaki Minute Book 13, p 431
[1120] Ibid., pp 432

only for it to be dealt with by the Court in Palmerston North in their absence. The correspondents claimed that the Court's partition had 'wronged' them by awarding 'the best land' to Akapita while thrusting them, 'the rightful owners', 'into the swamp.'[1121]

At the rehearing, which began on 14 July 1892, the contending sides argued over which of the original owners had rights to the largest share of the land, and who should have the part of reserve that was not wetland. Hana Pewene, who appears to have been representing the interests of Te Mahi Tohutohu, argued against a proposal 'to divide the land into 10 equal parts' on the grounds that 'several persons' on the original title – including Pitini Tūroa, Peia Pōriki and Kerehona Haruru 'were not entitled to an equal share'.[1122] For his part, Akapita argued that he 'had a better claim' to the land than 'the others' on the strength of a gift that been made to his father by Tohutohu 'one of the principal owners of the land in that locality.'[1123] Rebutting Mrs Pewene's claim that Peia Pōriki was entitled to only a lesser share, Rōpata Ranapiri also objected to his sister's proposal 'to have the share of Te Mahi Tohutohu laid off so as to reserve a majority of the dry land.'[1124]

The dispute was eventually settled by an agreement negotiated by the contending parties outside of the Court.[1125] In accordance with this agreement, the Court divided Manawatū Kukutauaki 4A into two sections. Section 4A1 (215 acres) was awarded to Akapita Tahitangata, Te Mahi Tohutohu, and Mata Kohu. Section 4A2 (435 acres), which extended all the way to the sea and appears to have included much of the original block's wetland, was granted by the Court to the other seven original owners and their successors.[1126]

In contrast to the disputed divisions of Manawatū Kukutauaki 4A-C, the partitions of 4D and 4E appear to have been straightforward. Manawatū Kukutauaki 4D was divided by the Court into six sections on 31 July 1889, apparently without objection.[1127] Manawatū Kukutauaki 4E was partitioned by the Court into two sections of 495 and 502 acres, again apparently without controversy.[1128]

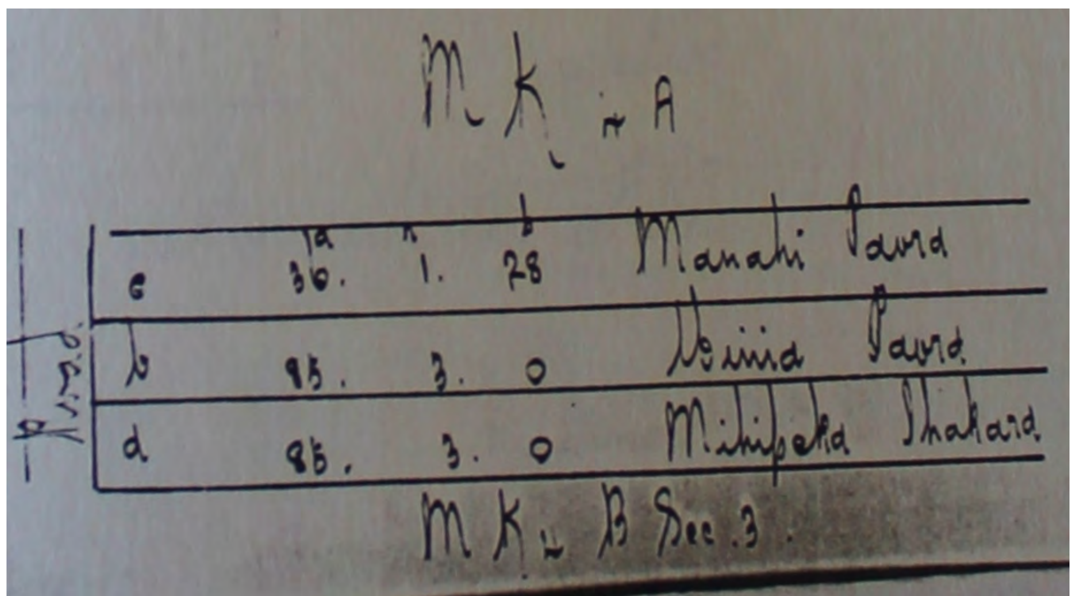
[1121] Pini Whareakaka, Mata Rewiti, Ereni Pohi, Rakauhura Toka, Tamatatai Haruru, Wiremu Te Hira to Chief Judge Native Land Court, 30 June 1890, Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XI, Makuratawhiti to Manawatu-Kukutauaki, pp 148-149 [150-151] (Te Reo Māori original), 150-151 [152-153] (English translation)
[1122] Ōtaki Minute Book 19, p 475
[1123] Ibid., p 476
[1124] Ibid., p 475
[1125] Ibid., p 477
[1126] Ibid., pp 479-480, 482
[1127] Ōtaki Minute Book 9, pp 269-270
[1128] Ibid., p 158

The partitioning of the five original pieces of the Waikawa Reserve, into 19 distinct sections, was followed by further divisions, as individual owners and their successors sought to further define their distinct shares. As with the initial partitions, these divisions could be contentious, as individual owners struggled to secure the best location for their particular piece of land. The contested partitions of sections 4B4 and 4B2 in August and September 1892 were heard by the Native Land Court, after the respective owners disagreed over the distribution of the all-important frontage to the main road. Mihipeka Ihakara's application to divide Section 4B4 was opposed by Manahi Pāora, who claimed 'that his acreage should be where Mihipeka had placed her's.' Pāora eventually agreed to the proposed subdivision after he was promised 2 chains (40 metres) of frontage to the road.[1129]

In the division of 4B2 Ārai Te Punga claimed that the frontage to the road should be divided equally between herself and the children of Te Keepa Toka (including Huiemateora and Hapi Toka).[1130] This was despite the fact that only one third of the land to be divided was owned by Arai, while the other two-thirds belonged to Te Keepa's successors. Testifying before the Court, Ārai claimed that the other owners had promised to allow her one chain (20 metres) of frontage to the road.[1131] Hapi Toka and Huiemateora, however, both denied that they had ever agreed to Ārai Te Punga's demand for a one-chain frontage.[1132] With the parties deadlocked, the Court decided to distribute the frontage in proportion to the owners' share of the section as a whole, with Ārai receiving one third of the total frontage, and the children of Te Keepa two-thirds.[1133]

[1129] Ōtaki Minute Book 20, pp 92, 186-187
[1130] Ibid., p 380
[1131] Ibid., p 382
[1132] Ibid., pp 382-384
[1133] Ibid., p 384

Figure 6.11 Sketch of the subdivision of Manawatū Kukutauaki 4B4



Source: Ōtaki Minute Book 20, p 186

Further partitions of Manawatū Kukutauaki 4B were confirmed by the Native Land Court in November 1890 (4B1 into 4B1A, B, and C); October 1891 (4B3 into 4B3 Sections 1 and 2); July 1904 (4B1 into 4B1A, B and C); December 1904 (4B2 into 4B2A and B); June 1907 (4B4C into 4B4C1, 2 and 3); and August 1912 (4B4C1 into 4B4C1A and B).[1134] Other sections of the Waikawa Reserve were similarly divided. By 1911, for example, the original five sections of Manawatū Kukutauki 4C had been cut into 20 distinct subdivisions.[1135] Manawatū Kukutauki 4A2, which had been created by the Court in July 1892, was partitioned five times between 1894 and 1919 into 12 distinct sections.[1136]

As well as dividing the land and its people, and incurring considerable costs through Court and survey fees, the ongoing partitioning of the Waikawa Reserve rendered sections of the land increasingly unviable as economic units. The situation was aggravated by the Native Land Court's tendency to divide much of the land into ever narrower strips, to ensure that owners shared equally in the high and low quality land that characterized the reserve as a whole, while maintaining a frontage to the railway and main road. Created by the Court in October 1891, the 43-acre Manawatū-Kukutauaki 4B3 Section 2, for example, was 22,000 feet (6700 metres)

[1134] 'Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series. Vol. XIII Manawatu-Kukutauaki, p 747 [751]
[1135] Ibid., p 745 [749]
[1136] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 252

long but only 400 feet wide at its broadest point, with a frontage of 197 feet (of 60 metres) onto the main road and railway line.[1137]

Similarly striking was Section 4B4C (36¾ acres) which extended for more than 18,700 feet (5700 metres) on its longest side, but had a frontage of just 200 feet (61 metres) onto the main road and railway.[1138] Created for Manahi Pāora on 17 May 1894, the block was divided into sections of five, 18 and 13¾ acres in June 1907.[1139] The five-acre Section 4B4C1, which was 4000 feet (122 metres) long, with a frontage on to the road and railway of 125 feet (38 metres), was further divided into two lots of two-and-a-half acres each in August 1912.[1140]

[1137] 'Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series. Vol. XI. Makuratawhiti to Manawatu-Kukutauaki', p 780 (783)
[1138] Ibid, pp 769-770 (772-773)
[1139] Ibid., pp 749-752, 766-767 [752-755, 769-770]
[1140] Ibid., pp 759-760, 764-765 [762-763, 767-768]

Figure 6.12 Plan of Manawatū Kukutauaki 4B3 Sec 2

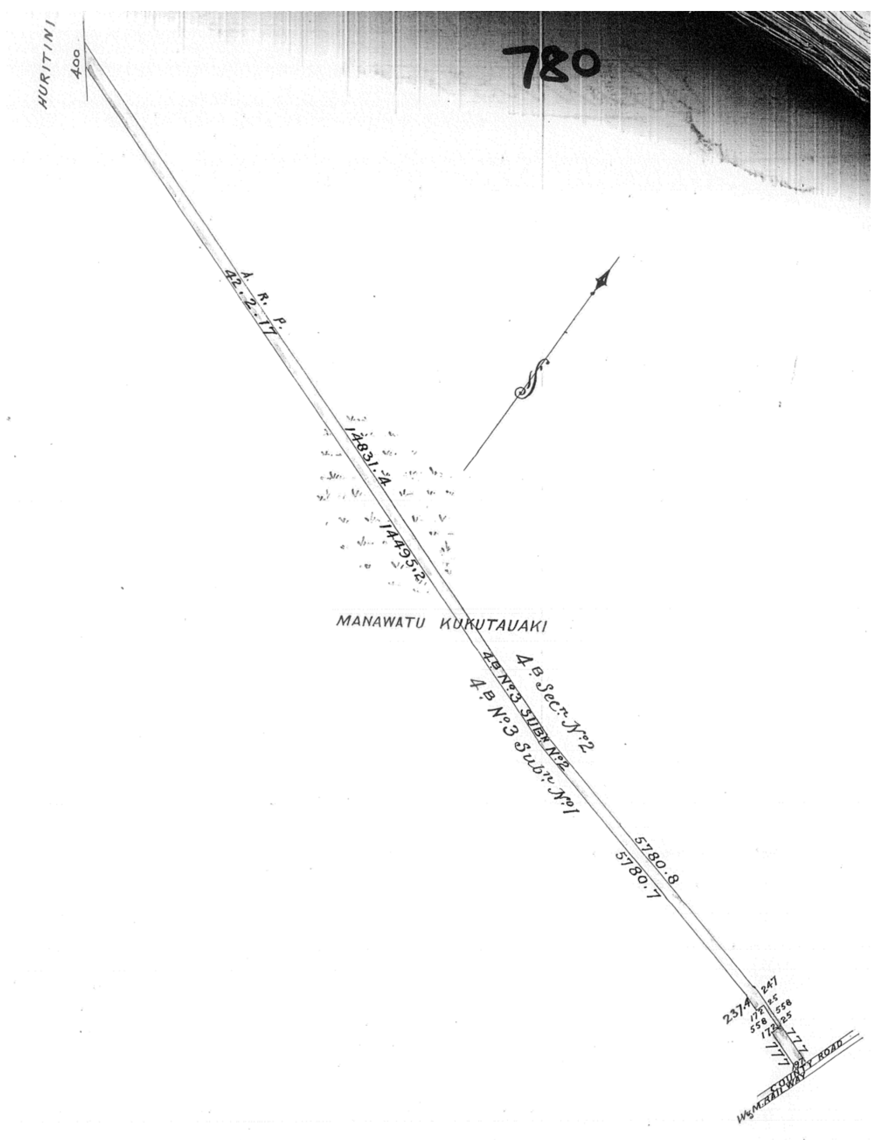
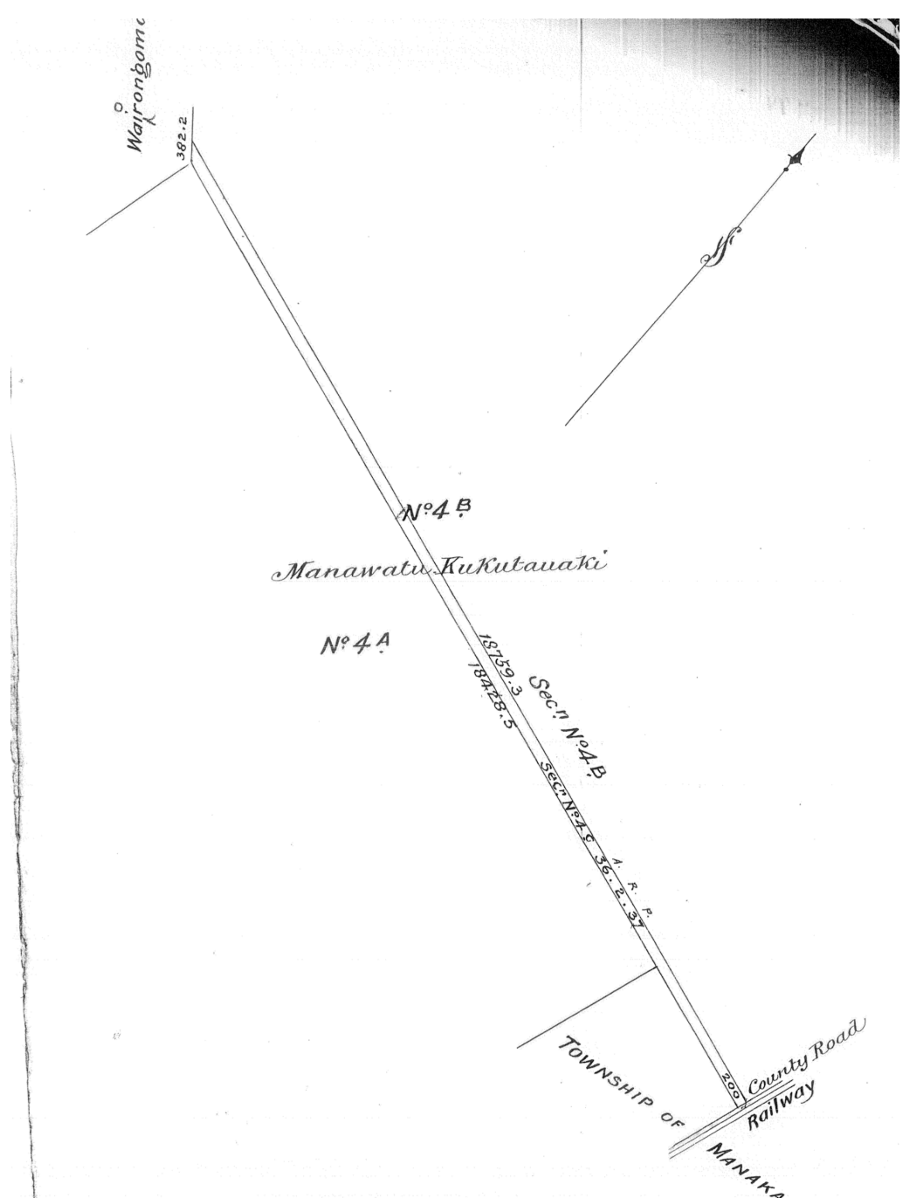


Figure 6.13 Manawatū Kukutauaki 4B4C1



Succession disputes and the undermining of community control over the Waikawa Reserve

The individualization of ownership of the Waikawa Reserve led not only to disagreements over the division of the land, but also to disputes over who should inherit the interests of owners who had passed away. Previously adjusted by hapū and whānau, disputes over succession to individually-owned pieces of land now fell under the jurisdiction of the Native Land Court, and the Justice Department. This meant that instead of being settled by the Waikawa community itself in accordance with tribal custom and law, unresolved conflicts were decided by European judges and officials.

In June and July 1889, for example, the Ōtaki Native Land Court heard and delivered judgment on a dispute over who should succeed to Te Mahi Tohutohu's rights within Manawatū Kukutauaki 4A. Te Mahi and her husband Tohutohu had both been named as owners on the original certificate of title for Manawatū Kukutauaki 4A. Te Mahi passed away on 25 July 1887 (her husband had died in 1882). On 21 June 1889 Hana Pewene appeared before the Native Land Court with a will (dated 19 August 1883) bequeathing all of Te Mahi's interest in 4A to herself and Manahi Paora.[1141] The will was contested by other members of the Waikawa community, including Pine Whareakaaka, Hine Mateaoro and Hohipine Parakipane. They argued that Te Mahi – who may have been suffering from dementia – had not been of sound mind when the will had been drawn up. A rūnanga had subsequently been held to discuss the issue, and Te Mahi had apparently been persuaded to renounce her will.[1142]

Seemingly unhappy with the decision negotiated at the rūnanga, Hana Pewene and Manahi Paora decided to take their case to the Native Land Court. After a disputed hearing, where evidence was heard from both sides, the Court eventually ruled against the two claimants, and ordered that Te Mahi's estate should be awarded to her next of kin. As Te Mahi had left no children, the Court awarded the land to her one surviving brother, Wiremu Te Hira of Waikawa.[1143]

While the Court's judgment appears to have largely confirmed the decision of the earlier rūnanga, the fact that the case was even heard represented a significant shift of authority – and rangatiratanga – away from the Ngāti Wehiwehi community at Waikawa, towards a Crown-appointed legal authority. Previously dealt with by the community itself, essential and intimate issues such as the transmission of resources from one generation to the next were now subject to the scrutiny and ultimate decision of a Native Land Court established by colonial statute and presided over by a European judge.

The undermining of the Waikawa community's ability to deal with its own affairs in its own way is even more evident in the long and tortured story of the succession to Rāwiri Te Rangitekēhua's share of Manawatū Kukutauaki 4B. Rāwiri Te Rangitekēhua was one of the ten owners listed on the certificate of title for Manawatū Kukutauaki 4B. In 1878 Rāwiri gifted his share of the land to his daughter Te Ārai Te Punga and Hana Pewene. Approved by the Trust Commissioner, the transfer was confirmed by the Native Land Court on 18 December 1878. When Manawatū Kukutauaki 4B was partitioned in July 1889, Te Ārai's share of 42

[1141] Ōtaki Minute Book 8, pp 273-274
[1142] Ōtaki Minute Book 9, pp 10, 86-87
[1143] Ōtaki Minute Book 8, pp 268, 273-274; Ōtaki Minute Book 9, pp 6-11, 86-88.

acres 1 rood and 32 perches was included in Section 4B2. After Te Ārai died in January 1895, Rāwiri apparently asked the Native Land Court to cancel the deed of gift as it applied to Te Ārai so that her share of the land would return to him. The Court, however, was either unable or unwilling to carry out Rāwiri's request and instead, in January 1896, named Te Ārai's six-and-a-half year old granddaughter Hingaia Raika Kereama as successor to the 42 acres.[1144]

'Greatly annoyed' by the Court's decision, Rāwiri – after obtaining legal advice from a solicitor named Morrison – drew up a will bequeathing the contested land to his 'adopted daughter' Mī Otonore (Mrs Henare O'Donnell) who was taking care of him at the time.[1145] Rāwiri died in October 1896 and Mī Otonore engaged Morrison to take a case to the Supreme Court to secure the land from Hingaia. Faced, however, by the prospect of legal expenses that were likely to surpass the monetary value of the contested land both Mrs Otonore and the trustees for Hingaia decided to come to an arrangement out of court.[1146]

Brokered by Hakaraia Te Whena, and agreed to by both Mī Otonore and Hingaia's two trustees (Te Ara Takana and Raika Kereama), the settlement called for the contending parties to turn the 42 acres over to Hakaraia. Hakaraia would then sell the land to Thomas Bevan (husband of Hana Pewene) who was already leasing the land. Hakaraia would then pass the proceeds back to Hingaia's trustees and Mrs Otonore, with the trustees receiving £50 and Mi Otonore £25.[1147]

For the agreement to work, however, the parties first had to obtain the Government's consent to remove the restriction that remained in force against the alienation of land within Manawatū Kukutauaki 4B. On 27 October 1897 Hingaia's trustees applied for the removal of the restriction on the 42 acres of Manawatū Kukutauaki 4B2.[1148] Their application was followed, in December 1897, by a letter from Hakaraia's lawyers explaining the circumstances behind the application.[1149] Despite having allowed the lifting of restrictions on other portions of the Waikawa Reserve, the Government refused to allow the removal of the restrictions on the 42

[1144] 'Report of the Ikaroa District Māori Land Board' (In the matter of a block of land called Manawatu-Kukutauaki 4B No 2 and In the matter of a petition Number 132 of 1910, by Thomas Bevan, praying for validation of a transfer of part of the said block (undated))', 1 September 1911, Archives New Zealand, Wellington, J1 579, 1897/1102 (R 24 569 768), pp 1-2
[1145] Thomas Bevan Sr to the Premier, 23 January 1899, Archives New Zealand, Wellington, MA1 1033, 1910/4794, (R 22 403 335)
[1146] Translation of letter in Reo Māori from Mi O'Donnell to the Minister for Native Affairs, 15 April 1899, Archives New Zealand, Wellington, MA1 1033, 1910/4794, (R 22 403 335)
[1147] Kirk, Atkinson, & Wilson to the Under Secretary, Justice Department, 20 December 1897, Archives New Zealand, Wellington, MA1 1033, 1910/4794, (R 22 403 335)
[1148] 'Application for removal of restrictions', 27 October 1897, Archives New Zealand, Wellington, MA1 1033, 1910/4794, (R 22 403 335)
[1149] Kirk, Atkinson, & Wilson to the Under Secretary, 20 December 1897

acres of Manawatū Kukutauaki 4B2. Replying to Hakaraia's lawyers, the Under Secretary for Justice explained in February 1898 that the Native Minister had rejected the trustees' application because the proposed transaction involved 'the interests of a minor', and there 'were conflicting claims to the ownership of the land in question'. Ignoring the obvious point that the contending owners had applied for the removal of restrictions precisely to avoid an expensive and possibly protracted legal battle over ownership, the Under Secretary concluded that before 'any application for removal of restrictions' could be 'entertained' it was necessary that 'the respective rights of the parties should be ascertained'.[1150]

Over the course of 1898 and 1899 Hingaia's trustees, Hakaraia, Mī Otonore, and Thomas Bevan all addressed Premier and Native Minister Richard Seddon urging him to allow the restrictions on 4B2 to be lifted.[1151] The Government, however, remained resolute, and in March 1899 the Under Secretary of Justice informed Thomas Bevan, that the Native Minister had already 'on two previous occasions declined to agreed to the removal of the restrictions' on 4B2, and it was 'very unlikely that the previous decisions will be altered.'[1152]

In February 1900 Hingaia died. The January of the following year the Native Land Court appointed Hakaraia as the successor to her share of 4B2. Following Hingaia's death, Hakaraia, Mī Otonore, and Thomas Bevan each wrote to the new Native Minister James Caroll asking him to allow the lifting of the restrictions on the 42 acres.[1153] In July 1902 the Under Secretary for Justice finally recommended that the restrictions be removed. In their letters to the Native Minister, Thomas Bevan and Under Secretary for Justice F Waldegrave both noted that the 42 acres were not viable as a stand alone economic unit. 'A long narrow strip of land', estimated by Bevan to be 'about 2 chains (40 metres) wide and about two miles in length', the section was considered to be of 'no use' to its Māori owner, with the cost of simply fencing the area being 'nearly as much' as the land was worth.[1154]

[1150] F Waldegrave, Under Secretary, to Messrs Kirk Anderson & Wilton, Solicitors, 21 February 1898, Archives New Zealand, Wellington, MA1 1033, 1910/4794, (R 22 403 335)

[1151] Translation of letter in Te Reo Māori from Te Raika Kereama and Te Ara Takana to the Native Minister, 1 June 1898; Translation of letter in Te Reo Māori from Hakaraia Te Whena to the Native Minister, 1 June 1898; Thomas Bevan Sr to the Premier, 23 January 1899; Translation of letter in Reo Māori from Mi O'Donnell to the Minister for Native Affairs, 15 April 1899; Hakaraia Te Whena to the Premier, 1 August 1899; all in Archives New Zealand, Wellington, MA1 1033, 1910/4794, (R 22 403 335)

[1152] F Waldegrave, Under Secretary to Mr T Bevan, 1 March 1899, Archives New Zealand, Wellington, MA1 1033, 1910/4794, (R 22 403 335)

[1153] Pirie Henare Otonore to Hon James Carroll, Minister for Native Affairs, 4 April 1900; Thomas Bevan Sr to the Native Minister, 26 October 1901; Translation of letter in Te Reo Māori from Hakaraia Te Whena to James Carroll, 15 April 1902; Translation of a letter in Reo Māori from Mi Otonore to the Native Minister, 24 July 1902; all at Archives New Zealand, Wellington, MA1 1033, 1910/4794, (R 22 403 335).

[1154] F Waldegrave, 'Memorandum for Hon. Native Minister: Manawatu-Kukutauaki 4B Sec 2 (part)', 31 July 1902, and Thomas Bevan Sr to the Native Minister, 26 October 1901, Archives New Zealand, Wellington, MA1 1033, 1910/4794, (R 22 403 335)

On 18 August 1902 Cabinet approved Hakaraia's sale of the 42 acres of Manawatū Kukutauaki 4B2 to Thomas Bevan.[1155] In anticipation of the restriction being finally lifted Thomas Bevan paid Hakaraia £173 10s, which was the Government valuation for the 42 acres.[1156]

This, however, was a long way from the end of the story. In order for the Cabinet's decision to be put into effect it had to receive the consent of the Governor in Council. The Government, however, did not begin to take the formal steps necessary to secure this consent until February 1907.[1157] When officials in the Justice Department finally began gathering the necessary documentation they found that the issue of legal ownership of the 42 acres remained unresolved. As a result, the officials were 'unable to complete the matter' and the Order in Council removing the restrictions on Section 4B2 was never issued.[1158]

In April 1908 Hakaraia Te Whena also passed away. In order to complete the long-delayed sale, Thomas Bevan's lawyers (Kirk and Stevens of Ōtaki) – apparently with the agreement of Hakaraia's family – arranged for Hakaraia's son Whata Hakaraia to be named as the sole successor to the land. Whata, however, refused to sign off on the purchase unless he received the current Government valuation on the land, which had more than doubled since 1903. Kirk and Stevens then took the case back to the Native Land Court and prevailed upon the Court to cancel the succession order in favour of Whata Hakaraia. Whata appealed to the Chief Judge of the Native Land Court, making an application under Section 39 of the Native Land Court Act 1894 (which empowered the Chief Judge to modify decisions of the Court that had been shown to have been made in error).[1159]

Whata subsequently attempted to withdraw his application to the Chief Judge, and in May 1909 wrote to the President of the Aotea Māori Land Board, urging him to allow the sale to Thomas Bevan to go ahead.[1160] By then, however, it was too late. Reviewing the Court's records regarding 4B2, Chief Judge Jackson Palmer questioned, not only the succession order

[1155] W H Bowler for US to the Native Minister, 4 February 1907, Archives New Zealand, Wellington, MA1 1033, 1910/4794, (R 22 403 335)
[1156] 'Report of the Ikaroa District Māori Land Board', 1 September 1911, p 3; 'The Humble Petition of Thomas Bevan Senior of Manakau', Received by the Native Department 22 July 1910, Archives New Zealand, Wellington, J1 579, 1897/1102 (R 24 569 768)
[1157] W H Bowler for US to the Native Minister, 4 February 1907, Archives New Zealand, Wellington, MA1 1033, 1910/4794, (R 22 403 335)
[1158] TWF Under Secretary to Messrs Kirk & Stevens, Solicitors, Ōtaki, 20 January 1909, Archives New Zealand, Wellington, MA1 1033, 1910/4794, (R 22 403 335)
[1159] English translation of a letter in Reo Māori from Whata Hakaraia to the Hon J Carroll, Native Minister, 16 April 1909; W E Rawson (Judge) to the Under Secretary, Native Department, 11 May 1909; both in Archives New Zealand, Wellington, MA1 1033, 1910/4794, (R 22 403 335)
[1160] Translation of a letter in Te Reo Māori from Whata Hakaraia to the President of the Aotea Land Board, 25 May 1909, Archives New Zealand, Wellington, MA1 1033, 1910/4794, (R 22 403 335)

in favour of Whata Hakaraia, but also whether Hakaraia himself had been entitled to inherit the land from Hingaia. Apparently unaware of the long-standing arrangement that had led to the 42 acres being placed with Hakaraia in the first place, the Chief Judge concluded that Hakaraia had no more right to the land than his brothers and sisters who shared the same whakapapa connection with Hingaia through their grandfather.[1161] With the Chief Judge having thrown open the ownership of the 42 acres, other relatives of Hakaraia laid claim to the land, claiming that they, too, shared the same genealogical connection with Hingaia.[1162]

In July 1910, with the legal title to the 42 acres still unresolved, Thomas Bevan petitioned Parliament in the hope that he would finally be 'declared entitled to a Land Transfer Certificate of Title for the 42 acres of Manawatū Kukutauaki 4B2.[1163] After being recommended 'to the Government for favourable consideration' by the Native Affairs Committee of the House of Representatives, Bevan's claim was included in the Native Lands Claim Adjustment Act 1910.[1164] The Act empowered the Native Minister to refer claims to the Māori Land Board for 'inquiry and report', and to 'make such recommendations as appear to accord with the equities of each case.'[1165]

After being duly referred by the Native Minister, Thomas Bevan's claim to Manawatū Kukutauaki 4B2 was heard by the Ikaroa District Māori Land Board at a special hearing in Wellington on 29 June 1911. While Bevan was represented by his solicitor, none of the Māori with claims to the land were either present or represented. Disregarding the out of court arrangement between Mi Otonore and Hingaia's trustees, the Land Board found that Hakaraia had no legal interest in the land when he had sold it to Thomas Bevan in December 1902. Rejecting Bevan's claim, the Board expressed the opinion 'that it would be establishing a very dangerous precedent to legalise documents of alienation taken, as this one was, in defiance of restrictions, at a time when the title of the vendor was non-existent.'[1166]

[1161] Jackson Palmer, Chief Judge to Judge Rawson, 9 June 1909, Archives New Zealand, Wellington, MA1 1033, 1910/4794, (R 22 403 335)
[1162] Translation of a letter in Te Reo Māori from Te Hokinga Te Whena to Jackson Palmer, Chief Judge Native Land Court, 9 June 1909, Archives New Zealand, Wellington, J1 579, 1897/1102 (R 24 569 768)
[1163] 'The Humble Petition of Thomas Bevan Senior of Manakau', Received by the Native Department 22 July 1910, Archives New Zealand, Wellington, J1 579, 1897/1102 (R 24 569 768)
[1164] Native Affairs Committee, House of Representatives Native, 'Report on the Petition of Thomas Bevan Senr of Manakau Praying for the granting of a Land Transfer Certificate of Title re the Manawatu-Kukutauaki 4B No 2 Block', 16 September 19190, Archives New Zealand, Wellington, J1 579, 1897/1102 (R 24 569 768)
[1165] Māori Land Claims Adjustment Act 1910, Section 28 (3) and 'Fourth Schedule'
[1166] 'Report of the Ikaroa District Māori Land Board', 1 September 1911

By the time Thomas Bevan's claim was rejected by the Ikaroa District Māori Land Board on 1 September 1911, the case of the 42 acres of Manawatū Kukutauaki 4B2 had been completely transformed from an agreement reached within the Waikawa community by the owners and their trustees themselves, to exactly what those owners and trustees had sought to avoid: a long and expensive legal dispute in which the Māori actors had been all but eclipsed by a cast of largely European protagonists: including Thomas Bevan, his lawyers, the Chief Judge of the Native Land Court, the Under Secretary of the Department of Justice, and the President of the Ikaroa District Land Board.

Although involving a relatively small area, the tortured history of the 42 acres of Manawatū Kukutauaki 4B2 underlines some of the difficulties the Waikawa community faced in maintaining rangatiratanga over its reserve. The individualization of land ownership under the 1865 and 1873 Native Land Acts led to the repeated divison of the land, into long narrow, and often economically unviable strips. Individualization also led to conflict and confusion within the Waikawa community, as interests in particular strips of land were transferred from one individual owner to another. As happened with Manawatū Kukutauaki 4B2, community efforts to bring some order to what was often a contentious and chaotic process could be frustrated and over-ruled by government officials and Native Land Court Judges. By enforcing their own legal norms and standards Crown and Court authorities undermined community decision making, drawing local landowners into a legal and administrative processes that could be long and expensive. The result – in the case of the 42 acres of 4B2 – was community disempowerment and disengagement, as a process that had begun as an attempt by contending owners to settle things amongst themselves was transformed, in the course of almost a decade and a half, into a legal and political contest between the European purchaser and his solicitors, on one side, and the Chief Judge of the Native Land Court and the President of the Ikaroa District Māori Land Board on the other.

The Alienation of most of the Waikawa Reserve

In the century between 1890 and 1990 almost 80 percent of the Waikawa Reserve passed out of formal Māori ownership. This included all of Manawatū-Kukutauaki 4A, 4B, and 4C, almost half of 4D and slightly less than 60 percent of 4E. While some of the former reserve that is no longer registered as Māori freehold land may still be owned by individual Māori as general or 'European' land, the great bulk of it has been sold to non-Māori private purchasers. Most of the almost 3600 acres that is no longer Māori land appears to have been alienated after

the Native Land Act 1909 abolished all restrictions on the alienation of Māori-owned land. A significant area – something like one fifth of the reserve's original area – was sold before the 1909 Act came into force (on 31 March 1910).

Land transactions within the Waikawa community

The first portions of the Waikawa Reserve to exchange hands were acquired, not by European purchasers, but by other members of the Waikawa community. The 'half-caste' children of Thomas Robert and Erena Ransfield (Ranapiri) were particularly active in this regard. Thomas and Erena's daughter Hana Pewene (Hannah Bevan), for example, acquired the equivalent of two full shares of Manawatū Kukutauaki 4B (171 acres 2 roods and 19 perches when the land was subdivided by the Native Land Court after July 1889). Hana (who was married to Thomas Bevan, who had arrived in Waikawa as a child in 1845) acquired Pohi Rangitekēhua's full share through a deed dated 2 September 1878, and half of Rawiri Rangitekēhua's share in a transaction dated 18 December 1878. Both of these transactions were approved by the Native Department's Trust Commissioner (who had been appointed under the Native Lands Frauds Prevention Act 1870 'to supervise the validity and fairness of transactions between Māori and settlers').[1167] Hana had also inherited half of Horopāpera Kaukau's share in Manawatū Kukutauaki 4B, and was gifted a further 25 acres by her half-brother-in-law Hakaraia Te Whena (bringing her total holdings in Manawatū Kukutauaki 4B to 196 acres 2 roods and 19 perches).[1168]

Thomas and Erena Ransfield's son Robert (Rōpata Ranapiri) – who with his brother Tiemi had been named by the Native Land Court as the owner of Manawatū Kukutauaki 4F – also acquired a substantial share of 4B (136 acres upon subdivision).[1169] With his wife Hūnia, Rōpata also acquired 294 acres in Manawatū-Kukutauaki 4D and 60 acres in Manawatū-Kukutauaki 4E.[1170]

Rōpata and Hūnia secured the 294 acres of 4D by acquiring the shares of Tuangahuru Whanganui (1½ shares) in December 1879 and July 1879, and Īhaka Paha (one share) in a conveyance dated 18 December 1878 (or 1879).[1171] In order for the latter transaction to be approved, Trust Commissioner Charles Heaphy ordered Rōpata and Hūnia to lease Īhaka's

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[1167] Waitangi Tribunal, *Turanga Tangata, Turanga Whenua: The Report on the Turanganui a Kiwia Claims*, Vol II, (Wellington, Legislation Direct), 2004, p 399
[1168] Ōtaki Minute Book 9, pp 145, 148 & 149; 'Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series. Vol. XI. Makuratawhiti to Manawatu-Kukutauaki', p 784 (787)
[1169] Ōtaki Minute Book 9, p 150
[1170] Ibid., pp 269-270; Ōtaki Minute Book 8, p 273
[1171] Ōtaki Minute Book, pp 269-270

share back to him for the rest of his life. In 1895, following a dispute over the subdivision of 4D, Īhaka wrote to the Registrar of the Native Land Court, maintaining that he had neither sold the land to Rōpata and Hūnia, nor agreed to a lease for life. His claim, however, was rejected when Walter Buller provided the Registrar with a copy of the lease agreement.[1172]

The consolidation of significant portions of Manawatū Kukutauaki 4B, 4D and 4E in the ownership of Hana Pewene and Rōpata Ranapiri shows how the individualization of Māori land ownership, imposed by the Native Land Acts and administered by the Native Land Court, worked to the benefit of some of the Waikawa community while undermining the position of those who were less adept with the new system. Hana Pewene and Rōpata Ranapiri and others like them possessed the entrepreneurial skills and cultural knowledge necessary to seize the opportunities that came with the individualization of what had previously been a community-owned asset. Comfortable in both the Māori world of the Waikawa community and the commercial and legal context of the new colonial society, they were uniquely placed to secure the individual shares of other community members, often for 'nominal sums'. Less culturally savvy landowners, however, often lacked the ability to navigate the new tenure system. Some, like Īhaka Paha, appear to have discovered only long after the fact the significance of the transactions they had, perhaps unintentionally, entered into.[1173]

The sale of sections of the Waikawa Reserve to European purchasers before the Native Land Act 1909

Until 31 March 1910 all of the Waikawa Reserve – with the apparent exception of Manawatū Kukutauaki 4D – were formally protected from alienation by sale, mortgage, or lease for a period of more than 21 years. As we have seen, however, these 'restrictions' on the alienation of protected land could be removed with the consent (depending on the legislation in force at the time) of either the Governor or the Governor in Council. Between December 1892 and January 1910 the Governor or Governor in Council – following the advice of the Native Minister and Native Department officials – allowed restrictions to be removed from 14 pieces of land within the Waikawa Reserve. Ranging from 215 to less than seven acres, the 14 sections had a combined acreage of 998 acres or 22 percent of the reserve's original area.

The first part of the Waikawa Reserve to have its protections removed was Hana Pewene's portion of Manawatū Kukutauaki 4B (4B3 Section 1). The restrictions on alienation were

[1172] Ihaka Paha to the Registrar, Native Land Court, Wellington, 22 July 1895, Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XI, Makuratawhiti to Manawatu-Kukutauaki, pp 229 [231] (Te Reo Māori original), 230-231 [232-233] (English translation]

[1173] 'S Buckle to H Johnson', 3 August 1895, Ibid

removed by an Order in Council dated 29 October 1892. On 27 January of the following year Hana Pewene transferred the land to her husband Thomas Bevan. This transaction was subsequently cancelled with Hana regaining ownership of the land.[1174] In September 1899 she sold '74 acres or thereabouts' to Arthur Drake, leaving a 'balance' of 121 acres 3 roods and 13 perches.[1175]

The second portion of the Waikawa Reserve to have its restrictions lifted was Manawatū Kukutauaki 4A1 (215 acres). The Governor gave his consent to the removal of the restrictions on 11 October 1893, following applications from the block's four owners: Hana Pewene, Manahi Paora, Maata Te Kohu, and Akapita Tahitangata.[1176] All four had agreed to sell their interests to William F B Brown.[1177] Brown's purchase of the 215 acres was confirmed in April 1894.[1178] In March of the following year Brown also acquired Manawatū Kukutauaki 4A2 Section 2 (98 acres).[1179]

Another large section, Hakaraia Te Whena's share of Manawatū Kukutauaki 4B1 was sold in January 1899. The 145 acres, known to the Native Land Court as Section 4B1A, were purchased by Godfrey G Halsted. It is not clear when, exactly, the restrictions on the alienation of this piece of land were lifted.[1180]

Not all applications for the removal of restrictions on the alienation of land within the Waikawa Reserve were successful. In August 1894 and September 1897, Thomas Bevan applied on behalf of his three children (Edward, William and Julia Bevan) to have the restrictions lifted on Manawatū Kukutauaki 4C3 (168 acres) and 4C5 Sub 4 (50 acres).[1181] In a letter to the Native Minister dated 9 September 1897, Bevan explained that as the trustee for his three children he wished to 'dispose' of the land so that he could 'spend the money on another property of theirs.'[1182] The Government, however, refused to lift the restrictions

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[1174] CT 65/214, Manawatu Kukutauaki 4B3 Sec 1, 2 November 1892
[1175] Hannah Bevan, 'In the Matter of an Application of Hannah Bevan for registration of Memorandum of Transfer Number 64620 from the said Hannah Bevan to one Richard Bevan', 4 November 1907, Archives New Zealand, Wellington, MA 1 1033, 1910/4794 (R 22 403 335)
[1176] Mata Te Kohu, 'Application for Removal of Restrictions', 15 September 1891; Hana Pewene and Manahi Paora, 'Application for Removal of Restrictions', 23 November 1892; Maata Te Kohu, 'Application for Removal of Restrictions', 28 November 1892; Akapita Tahitangata, 'Application for Removal of Restrictions', all at Archives New Zealand, Wellington, J1 502, 1893/847 (R 24 563 221)
[1177] Brown, Skerrett and Dean to the Minister for Native Affairs, 1 July 1893, Archives New Zealand, Wellington, J1 502, 1893/847 (R 24 563 221)
[1178] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 270
[1179] Ibid
[1180] Ibid
[1181] Thomas Bevan Jr, 'Application of Removal of Restrictions', 21 August 1894; Thomas Bevan Jr, 'Application of Removal of Restrictions', 9 Sept 1897; both at Archives New Zealand, Wellington, J1 579, 1897/1102 (R 24 569 768)
[1182] Thomas Bevan Jr to the Native Minister, 9 September 1897, Archives New Zealand, Wellington, J1 579, 1897/1102 (R 24 569 768)

because the owners, for whom whom the land was being held in trust, were legally under age.[1183]

Thomas Bevan finally succeeded in having the restrictions lifted on what was now known as Manawatū Kukutauaki 4C3A, B, and C in April 1909, after William and Julia Bevan had finally come of age.[1184] The Governor at the same time lifted the restrictions on Manawatū Kukutauaki 4C2B and 4C2C (each 41 acres) which were also owned by William and Julia.[1185] On 30 July 1909 all five sections (210 acres in all) were sold to Arthur C Drake.[1186]

Table 6.21 Sections of the Waikawa Reserve alienated from Māori ownership between 1890 and 31 March 1910 (Manawatū Kukutauaki 4A-E)

Section	Date of Purchase	Acres Purchased	Purchaser
4A 1	3 April 1894	215	William F B Brown
4A 2 Sec 2	2 March 1895	98	William F B Brown
4C 4 Railway Reserve	19 Oct 1896	1.2.36	Wellington & Manawatū Railway Co
4C 5 Railway Reserve	6 Feb 1897	1.1.25	Wellington & Manawatū Railway Co
4E Railway Reserve	1 July 1897	3.1.1	Wellington & Manawatū Railway Co
4B 1A	17 Jan 1899	145	Godfrey G Halsted
4B 3 Sec 1 (Part)	Sept 1899	74	Arthur C Drake
4C 1 Sec 1	16 Nov 1900	49.1.16	Godfrey G Halsted
4B 4C 2	28 July 1908	18	Samuel S Mason
4A 2 Sec 1B	6 Oct 1908	36	Samuel S Mason
4C 2 & 3 (Part) Including 4C 2C, 4C 3A, 4C 3B & 4C 3C	30 July 1909	210.0.4	Arthur C Drake
		851.3.2	

By 31 March 1910 – when the Native Land Act 1909 came into force, abolishing all remaining restrictions on alienation of land within the Waikawa Reserve – 852 acres of formerly protected land (19 percent of the reserve's original area) had been alienated from Māori ownership. As a result of the individualized system of land ownership that had been imposed upon Māori by the Native Land Acts, individual owners were empowered to sell their own portions of what had once been a communally owned resource without reference to the community at large. Acting for his children, Thomas Bevan, for example, sought to sell their shares of Manawatū Kukutauaki 4C – which he and his wife had apparently purchased on their

[1183] F Waldegrave, Under Secretary to Thomas Bevan, 29 Nov 1897, Archives New Zealand, Wellington, J1 579, 1897/1102 (R 24 569 768)
[1184] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XI, Makuratawhiti to Manawatu-Kukutauaki, pp 737-739 (740-742)
[1185] Ibid., pp 742-743 (745-746)
[1186] CT 187/278, Parts of Manawatu Kukutauaki 4C 2 & 3, 30 July 1909

behalf from other individual landowners – to improve more useful and valuable land that they owned elsewhere. Hakaraia Te Whena may have sold his 145 acres in Manawatū Kukutauaki 4B to pay off debt. In 1909 Whata Hakaraia (Hakaraia's son) told the Native Minister that 'not a single inch' of his father's land remained after his death: 'all had been mortgaged and . . . sold by the mortgagees.'[1187]

While perhaps improving – at least temporarily – the situation of the sellers and their immediate families, the sale of portions of the Waikawa Reserve to European purchasers permanently removed the land from the community for which it been set aside. With ownership of the land residing with individuals rather than the community, Crown officials did not consider the overall integrity of Ngāti Wehiwehi's Waikawa reserve as a reason to maintain restrictions on particular portions of that reserve when the individual owners of those sections had applied to have the restrictions lifted.

Before recommending that restrictions be removed, Crown officials do appear to have checked that the individual owners of the land in question had sufficient land elsewhere for their support.[1188] They also refused to lift the restrictions on land that was held in trust for owners who were still minors, and – as in the fraught case of Manawatū Kukauaki 4B2 – when the title to the land appeared to be in question. In all of these cases, however, the emphasis was on protecting the individual owner, rather than maintaining the geographical integrity and economic and social viability of the community.

The alienation of sections of the Waikawa Reserve after the removal of restrictions, 1910-1929

The Native Land Act 1909 removed 'all prohibitions or restrictions on the alienation' of Māori-owned land. From 31 March 1910, when the Act came into force, the Māori owners of the remaining sections of the Waikawa Reserve were free to 'alienate or dispose' of their interests in the same manner as proprietors of European land.[1189] In the two decades that followed at least 1231 acres in more than 50 distinct units were alienated. This was more than one quarter of the Waikawa Reserve's original area. In the 1920s alone a total of 842 acres were alienated in 34 transactions. As the Native Land Court records for the period are

[1187] English translation of a letter in Reo Māori from Whata Hakaraia to the Hon J Carroll, Native Minister, 16 April 1909, Archives New Zealand, Wellington, MA1 1033, 1910/4794, (R 22 403 335)
[1188] See for example: Judge A Mackay to His Excellency the Governor of New Zealand, 26 May 1893, Archives New Zealand, Wellington, J1 502, 1893/847 (R 24 563 221)
[1189] Native Land Act 1909, s 207

incomplete, it is very likely that the area alienated between 31 March 1910 and the end of 1929 was even larger than these numbers suggest.

Table 6.22 Sections of the Waikawa Reserve alienated from Māori ownership between 1 April 1910 and 31 December 1929 (Manawatū Kukutauaki 4A-E)

Section	Date of Purchase	Acres Purchased	Purchaser
4E 4A	2 Aug 1910	20	Charles T Tatum
4E 4C	2 Aug 1910	5	Charles T Tatum
4B 1B	8 Dec 1910	83.1.14	Edward Bevan
4E 4B	28 Aug 1911	1	Charles T Tatum
4A 2 Sec 1A1	21 Aug 1912	31.0.29	Dugald Thomson
4B 2A 2	10 Feb 1913	11.3.7	Loeta C Drake
4E 2B 2	18 Feb 1913	42	
4E3 Sec 2A2	2 Sept 1914	41.1.22	Charles Bell
4C 1 2 (Part)	14 July 1915	46.1.14	Percy W Inge
4C 5A 1E1	3 Aug 1915	13.0.35	Loeta C Drake
4E 4D 1A	1915	5.2.27	
4B 4C 3 (Part)	11 Sept 1917	5.2.20	Hariett Drake
4E 4D 1B	12 Sept 1917	5.2.27	
4B 2B 6	17 Jan 1918	33.0.7	Hariett Drake
4B 4C 3 (Remainder)	3 Aug 1918	8.0.10	Harriett Drake
4C 5A 1D1	1918	7.1.36	Charles Nees
4B 4C 1A	8 April 1919	2.2.0	Richard Robinson
4E 4D 2B	25 April 1919	11.3.32	Robert Bevan
4C 5A 2B	15 June 1919	14.0.0	Loeta C Drake
4A 2 Sec 1A2	20 April 1920	73.3.24	Several persons
4B 1C 2 (Part)	25 Jan 1921	57.0.39	Francis M Drake
4B 4B Lot 18	16 March 1921	18.3.25	Harriett Drake
4E 2B 4	21 July 1921	26.1.00	Tao Ransfield
4E 2B 5	8 Aug 1921	26.1.00	Tao Ransfield
4B 2B 1	15 Aug 1921	20.3.6	Thomas Bevan
4A 1A 3A (Part)	10 Sept 1921	16.2.36	C W Duncan & George Farmer
4A 2 Sec 1A 3B 3	10 Sept 1921	46.2.5	C W & G Duncan
4B 1C Sec 2 (Part) and 4B 4A (Part)	10 Sept 1921	35.3.39	C W Duncan & George Farmer
4C 4	12 Dec 1921	47.2.38	Henry G Bryant
4C 5A 1C (Part)	16 Jan 1923	13.2.27	Hugh McDonald
4C 5A 1E2 (Part)	27 Feb 1923	33.1.4	Loeta C Drake
4C 5A 2B (Part)	27 Feb 1923	20.2.20	Loeta C Drake
4E 2B 3	11 May 1923	42	Tao Ransfield
4C 5A 1C (Part)	11 June 1923	13.1.27	George R Drake
4C 5A 1E 2	29 Oct 1923	2.0.35	Loeta C Drake
4A 1A 3A (Remainder)	31 May 1924		Percy W Inge
4B 4A (Part)	31 May & 7 Aug 1924	13.1.30	Percy and Annie Inge
4B 1C 1 (Part)	7 Aug 1924	18.2.0	Annie Inge
4B 2B 1 Lots 7 & 8	7 Aug 1924		Annie Inge
4C5 A 1C	29 Sept 1924	40.1.0	George R Drake

Section	Date of Purchase	Acres Purchased	Purchaser
4B3 Sec 2 (Part)	1 May 1925	42.2.17	H Rowland, F H A Nicholson & others
4C 5A 2A	3 Aug 1925	14	Loeta C Drake
4E 3 Sec 2A 1C (Part)	30 April 1926	0.0.4	Crown (for road)
4E 3 Sec 2A 1D (Part)	30 April 1926	0.1.34	Crown (for road)
4B C1 B	3 Aug 1926	2.2.0	Mabel E Leitch
4C 5A 2B 2	7 May 1927	6.1.12	Thomas Bevan
4A 21 A 3B 1B	16 Dec 1927	68	Thomas Bevan
4C 5A 2B 1	1927	34.3.17	
4C 5A 1B 2	10 Jan 1928	3.0.23	Marshall F Miles
4C 5A 2B 2B	21 June 1928	33.0.36	Thomas Bevan
4C 5A 3 (Part)	26 July 1928	48	Arthur C Drake, George R Drake & five others
4B 2B 2	9 May 1929	20.3.6	William Falloon
		1230.3.24	

As a result of the continuing partition of the five original Waikawa blocks (Manawatū Kukutauaki 4A, B, C, D and E), the sections alienated between 1910 and 1929 were relatively small. Half were 20 acres or less, and just four were more than 50 acres. None of the sections sold after 1910 were of more than 100 acres. Almost all of the Waikawa land alienated during this period was purchased by private buyers. The exceptions were two small portions of Sections 4E3 2A1C and D, which were taken by the Crown for roading purposes.[1190]

Most of the purchasers of sections of the Waikawa Reserve were private European buyers who often purchased multiple pieces of land. Harriett Drake, the wife of Arthur C Drake (who had bought the five sections of Manawatū Kukutauaki 4C2 and 4C3 from the children of Thomas Bevan in July 1909) purchased part of Manawatū Kukutauaki 4B4C3 (5 acres 2 roods 20 perches) in September 1917; the whole of Section 4B2B6 (33 acres) in January 1918; the remaining 8 acres of 4B4C3 in August of the same year; and Lot 1B of Section 4B4B (19 acres) in March 1921.[1191] Loeta Constance Drake – Harriett and Arthur's daughter – acquired seven sections (with a combined area of 109 acres) between February 1913 and August 1925.[1192] Other members of the Drake family to purchase land included Arthur Clayton, George

[1190] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XII, pp 381 and 386 (382 and 387)
[1191] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XI, pp 748, 796, 754, 771 (751, 799, 757, 774)
[1192] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XII, pp 13, 50, 53, 751 (14, 51 54, 752); Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, pp 267 and 268

Rowland, and Francis May, who together purchased four sections containing a total of 158 acres between January 1921 and July 1928.[1193]

The Drake family were not the only Europeans to purchase land within the Waikawa Reserve between 1910 and 1929. Charles Thomas Tatum, for example, acquired Sections A, B and C of Manawatū Kukutauaki 4E4 (26 acres altogether) in 1910 and 1911.[1194] C W Duncan and George Farmer bought parts of Sections 4A1A 3A, 4B1C 2 and 4B4A in September 1921 (a combined total of more than 50 acres).[1195] Alone or together, Percy and Annie Inge purchased five sections between 1915 and 1924, including parts of Manawatū Kukutauaki 4B1C1 (18½ acres) and 4B1C2 (46 acres).[1196]

The sons of Thomas and Hannah Bevan (Hana Pewene) also purchased sections of Māori land during this period. Edward Bevan bought Manawatū Kukutauaki 4B1B (83 acres) in December 1910 and Robert Bevan acquired Manawatū Kukutauaki 4E4D 2B (12 acres) in April 1919.[1197] Between August 1921 and June 1928 Thomas Bevan Junior bought four portions of the Waikawa Reserve: Manawatū Kukutauaki 4B2B1 (21 acres); 4C5A 2B2 (six acres); 4A2 1A3B1B (68 acres purchased for £1056 12s 3d in December 1927); and 4C5A 2B2B (33 acres purchased for £1033 6s in June 1928).[1198]

By the 1920s Thomas Bevan Junior was a successful retired farmer and businessman who – in partnership with J Swainson – had established the largest contracting and engineering business in Horowhenua County.[1199] In addition to 'two traction engines', a reaper and binder, 'what was reputed to be the first hay baler in the North Island, drays, lorries and more than a score of quality draught horses', the business had also operated a flax mill on the Waikawa River, and 'quite a large warehouse near the Levin Railway Station.'[1200] By the 1920s Thomas and his family were prominent members of Levin's business and social elite, living on a large section on Makomako Road. In December 1919 Thomas Bevan was amongst those who put

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[1193] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XI, p 811 (814); Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XII, pp 20, 79, 81 (21, 80, 82)

[1194] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 269

[1195] CT 228/3, Manawatu Kukutauaki 4B1C2 Lot 2 and part of Manawatu Kukutauaki 4B4A, 22 July 1914

[1196] Ibid; CT 283/163, Manawatu Kukutauaki 4B 2B1, 15 August 1921; CT 287/115, Manawatu Kukutauaki 4A3A, 1 August 1921; CT 287/204, Manawatu Kukutauaki 4B 1C1, 12 December 1921

[1197] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 267

[1198] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XI, p 649 (652): Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XII pp 22 & 32 (24 & 34); Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 267

[1199] A J Dreaver, *Horowhenua County and its People: A Centennial History*, (Palmerston North, Dunmore Press), 1984, p 200; *Horowhenua Chronicle*, 14 June 1912, p 2, https://paperspast.natlib.govt.nz/newspapers/horowhenua-chronicle/1912/6/14/2 (accessed 19 July 2017)

[1200] 'Firm Contributed Much to District', *Horowhenua Chronicle 75th Borough Jubilee Issue*, March 1981, p 44, http://horowhenua.kete.net.nz/documents/0000/0000/1396/044.pdf (accessed 19 July 2017)

forward Reform candidate William Hughes Field to be returned as Member of Parliament for Ōtaki, while in April 1933 he was one of seven leading citizens who nominated Philip Wharton Goldsmith to continue as Mayor of Levin.[1201]

The alienation of sections of the Waikawa Reserve 1930 to 1975

The Great Depression appears to have brought a decade-long halt to the purchase of Māori land within the Waikawa Reserve. There are no recorded purchases of Waikawa land in the 1930s. Purchasing resumed in the 1940s when six sections were purchased by private European buyers. A further seven sections were alienated in the 1950s, and eight more in the 1960s. The postwar purchasing of Māori land at Waikawa peaked in the 1970s with 12 sections being alienated between 1970 and 1975.

Table 6.23 Sections of the Waikawa Reserve alienated from Māori ownership between 1930 and 1975 (Manawatū Kukutauaki 4A-E)

Section	Date of Purchase	Acres Purchased	Purchaser
4E 32A 1D (Part)	10 March 1940	0.0.28	Crown (for road)
4E 32A 1C (Part)	3 Oct 1940	0.0.28	Crown (for road)
4C 5A 1A	5 Oct 1942	75.1.0	Ivo W H Bertram
4E 3 Sec 1E & 1D 7	7 Oct 1942	15.1.35	Margaret A Drake
4E 31 D8	4 Dec 1944	2.2.38	Margaret A Drake
4E 3 Sec 1G	5 Dec 1944	2.0.14	Margaret A Drake
4E 31F	9 Oct 1947	2.0.14	Margaret A Drake
4E 31J	31 Aug 1949	4.1.15	Leslie L Driscoll
4E3 Sec 1D5	14 Jan 1953	8.3.19	Ivan N Drake
4E3 Sec 1D6	4 Nov 1953	14.3.18	Ivan N Drake
4D1 Sec 3B	15 May 1955	42.1.14	Arthur Menz
4D1 Sec 4C1	5 June 1958	23.3.5	Norman R Mackay
4C 5A 1D2	15 July 1958	3	Atholburt F Mather
4C 5A 2B 2A2	15 July 1958	6.1.25	Atholburt F Mather
4A 2 Sec 1A3B1A	16 June 1959	12.1.3	Leonard Barkle
4A 2 Sec 1A3B2	29 July 1960	16.2.25	Leonard Barkle
4E 32A 1D	21 Feb 1961	6.1.17	Elizabeth Walter
4D1 Sec 4C2A & Part 4D4C1 Sec 2	27 July 1962	7.1.15	Alexander D Butler
4E 31 D3	8 April 1963	8.3.19	Ivan N Drake
4E 31 D4	8 April 1963	8.3.19	Ivan N Drake
4E 2B 6A (Part)	14 Aug 1963		Roger Campbell
4C1 Sec 2, 4C 2, 4D 1 Sec 6 (Parts)	6 Nov 1963	20	Atholburt F Mather

[1201] 'The Otaki Seat', *Horowhenua Chronicle*, 9 December 1919, p 2, https://paperspast.natlib.govt.nz/newspapers/horowhenua-chronicle/1919/12/9/2 (accessed 19 July 2017); 'Election for Council', *Horowhenua Chronicle*, 20 April 1933, p 5, c 3, https://paperspast.natlib.govt.nz/newspapers/horowhenua0-chronicle/1933/4/20/5 (accessed 19 July 2017)

4C 5A 1B 1	20 Feb 1964	3.0.22	
4C 5A 1D 3B	17 July 1970	0.2.5	Marshall R Miles
4C 5A 2B 2A 1	17 July 1970	2.1.16	Marshall R Miles
4C 5A 4	15 March 1971	48.2.13	Marshall R Miles
4E 2B 6B	7 June 1972	35	Morey Vivian Bevan
4B 1C 1A 2	20 Sept 1972	9	Robert Lammas
4C 5A 3	24 March 1973	8.2.19	Marshall R Miles
4D1 Sec 3C 2B 1A	7 June 1973	25.3.3	Roy W Hornig
4E 2A 3	26 July 1973	8.1.15	Michael Gardiner
4E 2A 1 A & B	5 April 1974	33.1.20	Richard Gray
4D 1 Sec 5B 2	17 Dec 1974	0.1.0	Richard Gray
4D 1 Sec 5B 3	3 Feb 1975	0.1.0	Roman Nicholas
4D 1 Lot W	22 July 1975	24.3.3	Roy W Hornig
		481.3.27	

In keeping with the continuing subdivision of Māori land within the Waikawa Reserve, most of the sections purchased after 1940 were small: three fifths were less than ten acres, and only one, Ivo W H Bertram's purchase of Manawatū Kukutauaki 4C 5A 1A (75¼ acres), was more than 50 acres.[1202] Twelve of the 35 recorded purchases between 1940 and 1975 were for sections of five acres or less.

Most of the Māori land purchased by European buyers between 1940 and 1975 appears to have been acquired by local European farmers looking to add to their holdings. As in the 1910s and 1920s such purchasers often made multiple acquisitions. Between October 1942 and April 1963, Ivan Neville Drake and his wife Margaret Agnes Drake (the brother and sister-in-law of Loeta Drake) bought eight sections within Manawatū Kukutauaki 4E3. Ranging from two to 15½ acres, the eight sections had a combined area of just under 64 acres.[1203] Atholburt Mather purchased all or part of six sections of Manawatū Kukutauaki 4C and 4D in 1958 and 1963, acquiring slightly more than 29 acres in the process.[1204] Between July 1970 and March 1973, Marshall Miles bought four sections of Manawatū Kukutauaki 4C5A ranging from a half acre to 48½ acres.[1205]

Why did the owners of Māori land within the Waikawa Reserve sell their holdings? A significant factor must have been the fact that the serial partitioning of individually-owned pieces of land often left owners with sections that were small and economically unviable. This

[1202] District Māori Land Board, 'Manawatu Kukutauaki 4C 5A 1A', Aotea Māori Land Court, Whanganui, File 3/9385

[1203] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XII pp 251, 259, 267, 273, 280, 284 (252, 260, 268, 274, 281, 285)

[1204] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XI, p 66 (69); Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XII, p 26 (27); 'Manawatu Kukutauaki 4C1 No 2, 4C2 & 4D1 No 6', Aotea Māori Land Court, Whanganui, File 3/9183

[1205] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XII pp 3, 8, 15, 17, 86, (4, 9, 16, 18, 87)

situation was aggravated by the fact many of the Waikawa sections were either long narrow strips, or the subdivisions of such strips. While attractive to neighbouring farmers, such pieces of land were not much use to Māori owners with families to house and feed. In such circumstances owners often took the economically rational decision to sell their uneconomic portions, freeing up much needed capital that could be used for such purposes as buying or furnishing a house. Ānaru Matenga Peka, for example, agreed in August 1949 to sell his four-and-a-quarter-acre section Manawatū Kukuatuaki 4E3 1J to Joseph W Driscoll in return for the construction of a house in Palmerston North, 'or in any locality between Palmerston North and Manakau' to the value of three hundred pounds.'[1206] Arnold Hakaraia, meanwhile, used some of the proceeds from the sale of his share of Section 4C5A 1A to purchase furniture.[1207]

The impulse to sell small, non-remunerative sections was particularly strong for those owners who had moved away from Waikawa to find work. Ānaru Matenga was working as a baker in Palmerston North when he agreed to sell his land. Te Mahara Emma Pullen and her brothers and sisters were living in Pātea and Huntly when their portions of Manawatū Kukutauaki 4D1 No 6, 4C1 No 2 and 4C2 were purchased by Atholburt Mather in November 1963.[1208]

The compulsory 'Europeanisation' of land within the Waikawa Reserve

In addition to the 12 pieces of Māori land alienated between 1970 and 1975, a further 21 sections of the Waikawa Reserve were compulsorily converted from Māori to 'General' or 'European' land under the Māori Affairs Amendment Act 1967. Part 1 of this Act stipulated that all Māori freehold land owned by four or less people that was considered 'suitable for effective use and occupation' was to have its legal status changed to that of 'general freehold land.'[1209]

Between 4 February 1968 and 1 December 1971 slightly less than 389 acres of Māori freehold land within the Waikawa Reserve was converted to general land. The process was carried out by the Registrar of the Māori Land Court, without regard for the wishes of the owners of the land. Most of the pieces of land compulsorily converted were relatively small:

[1206] Jos W Driscoll to Anaru Matenga, 29 June 1949, 'Manawatu Kukutauaki 4E3 1J', Aotea Māori Land Court, Whanganui, File 3/9182

[1207] J Gibson to Mr Henshilwood, 13 August 1952, 'Manawatu Kukutauaki 4C5 A1A', Aotea Māori Land Court, Whanganui, File 3/9385

[1208] Te Mahara Emma Pullen to the Registrar, Māori Affairs Dept, Palmerston North, 16 June 1964, 'Manawatu Kukutauaki 4C1 No 2, 4C2 & 4D1 No 6', Aotea Māori Land Court, Whanganui, File 3/9183

[1209] Māori Affairs Amendment Act 1967, ss 3-7

seven of the 21 were half an acre or less, while two-thirds were no more than 10 acres.[1210] There were, however, exceptions. Manawatū-Kukutauaki 4D1 5B5B was 103 acres, while section 4D1 3C2A was 116.[1211] Three other pieces of land were 21, 32 and 43½ acres respectively.[1212]

Table 6.24 Sections of the Waikawa Reserve subject to compulsory conversion from Māori Freehold to General freehold land, 1968 to 1972

	Area (acres, roods, perches)	**Date**
4D1 3C 1B 2	0.1.0	4 Feb 1968
4D1 3C 1B 1	0.1.0	11 Oct 1968
4E3 2A 1C	10.1.17	11 Oct 1968
4E3 1D 5	8.3.19	14 Feb 1969
4E3 2A 1B	20.3.14	24 June 1969
4D1 3C 1B 3	32.0.13	29 Sept 1969
4E 2B1 (Pt)	43.2.8	4 Feb 1970
4E 2B12 (Pt)	10.0.0	4 Feb 1970
4D1 4C 2A	8.0.0	10 July 1970
4E2 A1 A	0.2.0	3 Aug 1970
4B1C 1A 2	9.0.00	21 Sept 1970
4B1C 1A 1	0.2.00	24 Sept 1970
4C1 Sec 2	6.2.30	23 Oct 1970
4D1 2A1	1.1.20	23 Oct 1970
4D1 2A 2A	0.2.00	23 Oct 1970
4D1 3C 2A*	116.1.33	23 Oct 1970
4D1 5B 5B	103.0.0	23 Oct 1970
4E 2A 4A	11.0.20	23 Oct 1970
4D1 3C 1A	0.1.0	30 March 1971
4D1 Lot Z	0.1.14	1 Dec 1971
4D1 3A	4.3.26	
Total area Europeanised	388.3.14	
Total area permanently converted from Māori to General land	**272.1.21**	

* Partially Māori land today

The compulsory conversion or 'Europeanisation' of Māori land was unpopular with Māori, and the new Labour Government abolished the process in 1973. The Māori Affairs Act 1974 allowed Māori owners to apply to have their land restored to its former status.[1213] As a result,

[1210] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XI, pp 743, 820-822 (746, 823-25); Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XII, pp 154, 157, 160, 277, 299, 322 (155, 158, 161, 278, 300, 323); Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XIV 39, 41, 43 (42, 44, 46)
[1211] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XII pp 172 & 212 (173 & 213)
[1212] Ibid., pp 218, 302, 316 (219, 303, 317)
[1213] Māori Affairs Amendment Act 1974, s 68

at least part of the 116-acre Manawatū Kukutauaki 4D1 3C2A was restored to Māori freehold land and remains so today.[1214]

Alienations after 1975

A further five sections of Māori land within the Waikawa Reserve were sold between 1976 and 1990. In September 1976, for example, Henry D Franklin of Ōtaki purchased Lots X and Y of Manawatū Kukutauaki 4D1 (25 acres) for $1020.[1215] The neighbouring Lot W (24¾ acres) had been sold as year earlier to Roy William Hornig (who had been leasing the land since 1956) for $12,875.[1216]

Table 6.25 Sections of the Waikawa Reserve alienated from Māori ownership between 1975 and 1990 (Manawatū Kukutauaki 4A-E)

Section	Date of Purchase	Acres Purchased	Purchaser
4D1 Lot X	22 Sept 1976	24.2.32	Henry D Franklin
4D1 Lot Y	22 Sept 1976	0.1.16	Henry D Franklin
4B 1C 1 A1	26 Aug 1983	0.2.0	Laurence Anderson
4B 1C 1B	24 Jan 1990	15.0.27	Norman R Bevan
4E 3 Sec 2A 1B	24 Oct 1990	10.1.37	Gerard H Honders
		51.0.32	

Table 6.26 Sections of the Waikawa Reserve alienated from Māori ownership at an unknown date

Section	Date of Purchase	Acres Purchased
4B 2A 1	Between 1913 and 1960	10.3.13
4D1 Sec 6	Between 1889 and 1960	31.0.7
4D1 Sec 3C 2B 2	Between 1919 and 1960	11.0.8
4D1 Sec 3C 2B 3	Between 1919 and 1960	3.2.29
4D1 Sec 3C 2B 4	Between 1919 and 1960	18.1.26
4D1 Sec 2B 3B	Betweeen 1923 and 1990	8.2.37
4D1 Sec 5B 5A	Between 1960 and 1990	52.2.19
		136.1.19

The Waikawa Reserve today

Today there are 42 sections of Māori land remaining within the Waikawa Reserve. Covering a combined area of 932 acres (21 percent of the reserve's original area), the 42 sections are clustered in a long, narrow, broken band running from State Highway One to the Tasman Sea

[1214] 'Part Manawatu Kukutauaki 4D No 1 Subd. 3C No 2A', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20365.htm (accessed 19 July 2017)
[1215] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XII, pp 165 & 168 (166 & 169)
[1216] Ibid., p 188 (189)

between North Manakau Road and Tatum Park. At its widest, the band of Māori land is no more than 1500 metres across. At its narrowest it is less than 150 metres. The surviving Māori land is all within Manawatū Kukutauaki 4D and 4E. Manawatū Kukutauaki 4A, 4B and 4C have been entirely alienated.[1217]

The remaining 42 sections of the Waikawa Reserve range in size from 120 acres (Manawatū Kukutauaki 4E 2B8) to one quarter of an acre (Manawatū Kukutauaki 4D1 5B1 and 5B4). More than half of the sections (23 of the 42) have an area of 20 acres or less; one quarter (11 of the 42) have less than four acres. Of the larger sections, 11 are more than 30 acres, and three (Manawatū Kukutauaki 4E 2B8, 4D1 3C2B1B, and 4D1 5B5C) are more than 50 acres. Manawatū Kukutauaki 4E 2B8 is the only surviving block of more than 100 acres.

As well as varying in size, the remaining 42 sections also range widely in the number of owners each has. While nine have a single owner, 11 sections have more than 50 owners each. Manawatū Kukutauaki 4D1 1A (41 acres) has 242 owners with 6372 shares; Manawatū Kukutauaki 4D1 2B1 (six acres) 228 with 1007 shares; and Manawatū Kukutauaki 4D1 1C 214 owners with 4410 shares. The phenomenon of a piece of land being owned by a large and increasing number of individual owners, each with a tiny and diminishing share, is known as 'fractionation'. Fractionation became a problem for the ownership and management of Māori land over the course of the twentieth century, as the successors to individual pieces of Māori land multiplied from generation to generation. The problem has been mitigated somewhat by the Te Ture Whenua Act 1993, which 'introduced a suite of land-holding trusts that encouraged Māori land owners to organize and lead the management of their lands themselves.'[1218] Today, 23 of the remaining Waikawa sections are managed by Whanau or Ahu Whenua (land development) trusts.[1219]

[1217] http://www.maorilandonline.govt.nz/gis/map/search.htm (accessed 21 July 2017)
[1218] Atholl Anderson, Judith Binney, Aroha Harris, *Tangata Whenua: An Illustrated History*, (Wellington, Bridget Williams Books), 2014, pp 464-465.
[1219] Māori Land Online, maorilandonline.govt.nz

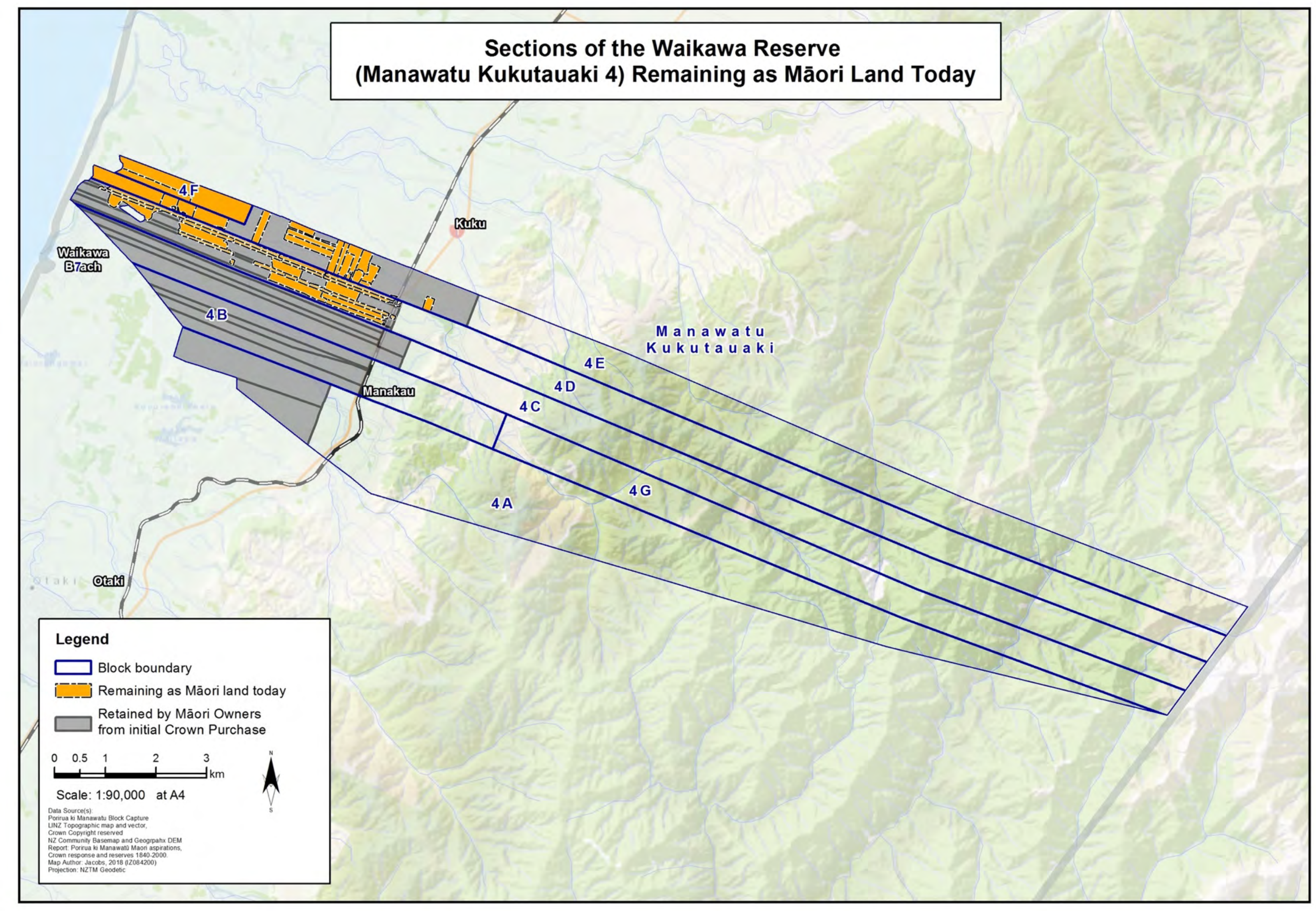
Sections of the Waikawa Reserve
(Manawatu Kukutauaki 4) Remaining as Māori Land Today
4F
Kuku
Waikawa
B7ach
4B
Manawatu
Kukutauaki
4E
4D
4C
Manakau
4G
4A
Otaki
Legend
Block boundary
Remaining as Māori land today
Retained by Māori Owners from initial Crown Purchase
0 0.5 1 2 3 km
Scale: 1:90,000 at A4
N
S
Data Source(s):
Porirua ki Manawatu Block Capture
LINZ Topographic map and vector,
Crown Copyright reserved
NZ Community Basemap and Geogrpahx DEM
Report: Porirua ki Manawatū Maori aspirations,
Crown response and reserves 1840-2000.
Map Author: Jacobs, 2018 (IZ084200)
Projection: NZTM Geodetic

Table 6.27 Sections of the Waikawa Reserve remaining as Māori land today

	Area (ha)	Area (acres)	ML Plan	Owners	Shares
Manawatū Kukutauaki 4D1 1A	16.3	40.75	ML 3710	242	6372.4
Manawatū Kukutauaki 4D1 1B	13.5	33.75	ML 3710	1	5328
Manawatū Kukutauaki 4D1 1C	11.2	28	ML 3710	214	4410
Manawatū Kukutauaki 4D1 2A 2B	12.5	31.25	ML 5283	41	5018.5
Manawatū Kukutauaki 4D1 2B 1	2.5	6.2	ML 3628	228	1007
Manawatū Kukutauaki 4D1 2B 2	6.5	16	ML 3628	1	2558
Manawatū Kukutauaki 4D1 2B 3A	6.8	17	ML 3741	1	2698
Manawatū Kukutauaki 4D1 2B 4	6.5	16.25	ML 3628	40	2558
Manawatū Kukutauaki 4D1 3C 2A	15.7	39.25	ML 2984, DP 85368	12	4190
Manawatū Kukutauaki 4D1 3C 2A Pt	18.6	46	ML 2984	1	8266
Manawatū Kukutauaki 4D1 3C 2B 1B	25	62.5	ML 4576	70	9863
Manawatū Kukutauaki 4D1 4A	8	20	ML 2715	6	3165
Manawatū Kukutauaki 4D1 4B1	1.6	4	ML 2770	21	633
Manawatū Kukutauaki 4D1 4B 2	1.6	4	ML 2770	33	633
Manawatū Kukutauaki 4D1 4B 3	1.6	4	ML 2770	5	633
Manawatū Kukutauaki 4D1 4B 4	1.6	4	ML 2770	7	633
Manawatū Kukutauaki 4D1 4C Lot 2	7.7	19.25	DP 6137	1	3028
Manawatū Kukutauaki 4D1 4C 2B	4.4	11	ML 4013	7	1734
Manawatū Kukutauaki 4D1 5B 1	0.1	0.25	ML 4476	3	40
Manawatū Kukutauaki 4D1 5B 4	0.1	0.25	ML 4476	17	40
Manawatū Kukutauaki 4D1 5A (Ngāti Wehiwehi Marae)	0.5	1.25	ML 3397	0	-
Manawatū Kukutauaki 4D1 5B 5C	23.5	58.75	ML 4883	9	9801.355
Manawatū Kukutauaki 4D1 5B 5D	14	35	ML 4883	13	5520
Manawatū Kukutauaki 4D1 5B 5E	10.5	26	ML 4883	17	4160

	Area (ha)	Area (acres)	ML Plan	Owners	Shares
Manawatū Kukutauaki 4D1 5B 5F (Cemetery)	0.6	1.5	ML 4883	24	240
Manawatū Kukutauaki 4E 2A 4B	5.6	14	ML 4170	55	2224.5
Manawatū Kukutauaki 4E 2A 2	13.5	33.75	ML 2836	59	5339.3
Manawatū Kukutauaki 4E 2B 3	17	42.5	ML 2160	1	6720
Manawatū Kukutauaki 4E 2B 4	10.6	26.5	ML 2160	1	4200
Manawatū Kukutauaki i 4E 2B 5	10.6	26.5	ML 2160	1	4200
Manawatū Kukutauaki 4E 2B 5	8.5	21.25	ML 2160	67	3360
Manawatū Kukutauaki 4E 2B 8	48.7	120	ML 2160	12	19264
Manawatū Kukutauaki i 4E3 1A2	10.6	26.5	ML 3624	85	4274
Manawatū Kukutauaki 4E3 2A 1A	4.4	11	ML 3646	81	1722
Manawatū Kukutauaki 4E 3D 1A	1.9	4.75	ML 5546	9	16
Manawatū Kukutauaki 4E 3D 1B	7.5	18.75	ML 5546	9	16
Manawatū Kukutauakii 4E3 1K	0.25	0.6	ML 5135	37	97.2
Manawatū Kukutauaki 4E3 1L1	0.2	0.5	ML 5543	1	1
Manawatū Kukutauaki 4E3 1L2	8	20	ML 5543	50	7191.341
Manawatū Kukutauaki 4E3 1L3	11	27.5	ML 5543	50	7191.341
Manawatū Kukutauaki 4E 3D 1D	4.4	10.8	ML 5546	3	3
Manawatū Kukutauaki 4E 4E	0.2	0.5	ML 1388	3	6.39
	373.85	**931.6**			

The Manawatū Kukutauaki 3 Reserve

Partitions and restrictions

The Native Land Court's August 1889 partition of the Manawatū Kukutauaki 3 Reserve into two portions of 3000 and 1000 acres (owned by 44 and 21 individuals respectively) was followed over the next decade by the wholesale fragmentation of the original 4000-acre block

into 59 distinct sections. Most dramatic was the division of Manawatū Kukutauaki 3 Section 1A (2645 acres) into 46 sections ranging from 5 to 303 acres on 24 February 1898.[1220]

The breaking up of the Manawatū Kukutauaki 3 Reserve into so many relatively small pieces was a direct consequence of a Native land tenure system which vested ownership of Māori land, not in hapū or whānau, but in the individual members of those groups. While the Native Lands Act 1865 had restricted the number of individuals who could be listed on a certificate of title to a maximum of 10, the 1873 Native Land Act required that every person with an interest in a particular piece of land should be included on the list of owners. As a result, the 3000 acres of Manawatū Kukutauaki 3 Section 1 were vested, not in Ngāti Ngārongo as a communal or corporate entity, but rather in 44 individual members of that hapū.[1221]

The 44 individuals named in the Court's order of 7 August 1889 initially held the land as owners of 'undivided', and geographically undefined shares or 'interests'. While each of the 44 were legally acknowledged as owning a share of the 3000 acres, no one could be sure just where that share was located. The only sure way to remove this problem, and the uncertainty and insecurity that came with it, was to have the land partitioned out, so that each owner's interest would be physically defined and marked out.

This is what happened in February 1898 when the Native Land Court divided Manawatū Kukutauaki 3 Section 1A amongst its 36 individual owners. At least 37 of the 46 sections defined by the Court were awarded to a single owner, with some owners – such as Kararaina Hōhepa and Patihona Takaitemarama – receiving more than one section.[1222] As we have seen, the sections created for each owner varied greatly in size. Ārona Te Hana's portion, for example, was 141 acres, while Pirihira and Pirika Hōhepa received 50 acres each, and Miratana Waihuka and Herea Petuera were given lots of just five acres each.[1223]

[1220] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, pp 236-237
[1221] Ōtaki Minute Book 9, pp 323-325
[1222] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XI, pp 499, 505, 622, 632 [501, 507, 625, 635]
[1223] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XI, pp 476, 495, 497 [478, 497, 499]; Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XIII, p 674 [678]

Table 6.28 The Partitioning of Manawatū Kukutauaki 3 Section 1A (24 February 1898)

Section	Area (acres, roods, perches)	Owners	Restrictions
1	50.0.00	Kereopa Tukumaru, Āputa Tukumaru	
2	43.2.33		
3	70.0.00	Rangiiri Hema	
4	40.0.00	Peka Pipito, Kanga Tahurangi, Hokipera	
5	60.0.00	Hatana Pipito	
6	50.0.00	Hariata Natana	
7	30.0.00	Peka Pipito	
8	15.0.00	Hokipera Tahurangi	
9	15.0.00	Kanga Tahurangi	
10	170.0.00		
11	170.0.05		
12	302.0.0		
13	100.0.00	Hohipuha Kareanui	Inalienable except by lease for 21 years.
14	60.0.00	Rangiiri Hema	Inalienable except by lease for 21 years.
15	95.0.00	Patihona Takaitemarama	Inalienable except by lease for 21 years.
16	20.0.00	Patihona Takaitemarama	Inalienable
17	5.0.00	Miratana Waihuka	Inalienable
18	5.0.00	Hera Petuera	Inalienable
19	25.0.00	Ārona Haimona	Inalienable
20	5.0.00	Paimona	Inalienable
21	20.0.00	Rangiutaina Katarina	Inalienable
22	20.0.00	Mere Hira	Inalienable
23	20.0.00	Rangiāhuta	Inalienable
24	141.0.00	Ārona Te Hana	Inalienable except by lease for 21 years.
25	20.0.00	1 owner	Restrictions annulled
26	20.0.00		
27	100.2.11	1 owner	Restrictions annulled on 50 acres. 'Residue' to 'remain inalienable except by lease for any period not exceeding 21 years.'
28	100.0.00	Huma Te Hana	Inalienable except by lease for 21 years.
29	20.0.00		
30	50.0.00	Katarina Te Hana	Inalienable except by lease for 21 years.
31	30.0.00	Mere Hira	Inalienable except by lease for 21 years.
32	30.0.00		
33	80.0.00	Tūngia Hema	Inalienable except by lease for 21 years.
34	124.2.14	Hāwea Hema	Inalienable except by lease for 21 years.
35	20.0.00	Pitiera Hema	Inalienable
36	80.0.00	Pitiera Hema	Inalienable except by lease for 21 years.
37	20.0.00	Kararaina Hōhepa	Inalienable

Section	Area (acres, roods, perches)	Owners	Restrictions
38	30.0.00	Hāmuera Te Whatuiti	Inalienable except by lease for 21 years.
39	80.0.00	Te Whata Hakaraia	Restrictions annulled.
40	20.0.00	Oriwia Te Wehenga	Inalienable
41	30.0.00	Kararaina Hōhepa	Inalienable except by lease for 21 years.
42	30.0.00	Oriwia Te Wehenga	Inalienable except by lease for 21 years.
43	30.0.00	Pirika Hōhepa	Inalienable except by lease for 21 years.
44	50.0.00	Pirihira Hōhepa	Inalienable except by lease for 21 years.
45	140.0.00	Hōhepa Te Hana	Inalienable except by lease for 21 years.
46	20.0.00	Pirika Hōhepa	Inalienable

The division of the Manawatū Kukutauaki 3 reserve into a large number of relatively small, individually-owned sections left the fragmented land vulnerable to alienation. In order to prevent this, the Court in most cases carried over the restrictions on alienation that it had placed on the land in August 1889. Of the 31 sections of Manawatū Kukutauaki 3 Section 1A for which we have records, the Court maintained an absolute restriction on the alienation of 12 sections, while varying the restrictions on 16 others to allow them to be leased for a period of up to 21 years.[1224] One section had restrictions on alienation removed from half of its 100 acres, while two – Sections 1A 25 and 39 (20 and 80 acres respectively) had their restrictions annulled altogether.[1225]

In deciding whether to maintain or annul the restrictions imposed in August 1889 the Court focused, not on the ongoing viability of the Ngāti Ngārongo, Ngāti Hinemata and Ngāti Takihiku communities as economic and social units, but rather on the situation of each individual owner. The Native Land Court Act 1894 allowed the Court to remove restrictions on a piece of land if it could be proved that each owner had 'sufficient' land elsewhere for their 'support.'[1226] As defined by Section 15 Native Land Purchase and Acquisition Act 1893, sufficient land for an individual 'Native man, woman, or child' was at least 'twenty-five acres per head of first class land, fifty per acres per head of second-class land', or 'one hundred acres per head of third-class land.'[1227]

[1224] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. XI, pp 474, 476, 483, 485, 487, 489, 491, 493, 495, 497, 499, 505, 508, 510, 599, 616, 620, 622, 626, 628, 630, 632 [476, 478, 485, 487, 489, 491, 493, 495, 497, 499, 501, 507, 510, 512, 602, 619, 623, 625, 629, 631, 633, 635]; Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. XIII, pp 674, 677 [678, 681]
[1225] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. XI, pp 478, 481, 628 [480, 483, 631]
[1226] Native Land Court Act 1894, s 52
[1227] Native Land Purchase and Acquisition Act 1893, s 15

On 8 September 1898, the Native Land Court annulled the restrictions on the alienation of Manawatū Kukutauaki 3 Section 1A 25, after 'being satisfied, on public inquiry' that the owner had 'other land . . . sufficient for . . . their maintenance and occupation'.[1228] On 26 February 1902 the Court removed the restrictions on 50 acres of the 100-acre Section 1A 27, apparently on the assumption that the remaining 50 acres would be sufficient for the owner's support.[1229]

The law's emphasis on the self-sufficiency of individual owners, rather than their position as members of hapū or whānau communities is particularly evident in the Court's treatment of Manawatū Kukutauaki 3 Section 1B (310 acres). On 21 July 1894, Judge Mackay – after the obligatory 'public inquiry' – found that, while five of the 15 owners had sufficient other land to have the restrictions on alienation removed, the other ten did not. Rather than viewing the owners as a community of interest, and maintaining the restrictions on the land as a whole, Judge Mackay annulled the restrictions on the interests of Mere Piripi, Piripi Te Rā, Maihi Hangina, Arihina Maihi and Hiko Hūtana, while keeping inalienable the shares of Papa Kāmene and Te Ata Piripi, and allowing the other eight owners to lease (for a maximum of 21 years) but not sell their interests.[1230]

Mackay's decision opened the way to the further partition and partial alienation of Section 1B. On 18 December 1894 the block was divided into three (Sections 1B1, 2 and 3. The largest of the three sections, 1B2 (250 acres) was further partitioned into five in February 1898.[1231] Sections 1B2 A, B, C, D, and E – along with 1B1 (52¾ acres) – were all subsequently purchased by Percy Edward Baldwin in May, June and September 1899. [1232]

The Alienation of the Manawatū Kukutauaki 3 Reserve up to 31 March 1910

Despite the restrictions on sale maintained by the Native Land Court on most new sections created through the partitioning of the Manawatū Kukutauaki 3 Reserve, more than 30 pieces of land – containing 1600 acres – were sold to private purchasers in the decade from November 1898 to the end of 1908. Another two sections – 1A 34 and 36 – were partially sold in March 1909. All of the land sold was in Manawatū Kukutauaki 3 Section 1, the 3000-acre portion of the original reserve that thet Native Land Court had awarded to Kereopa Tukumaru and Ngāti

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[1228] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. XI, p 481 [483]
[1229] Ibid., pp 628 [631]
[1230] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. XIII, p 671 [675]
[1231] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, pp 233, 236, 237
[1232] Ibid., p 246

Ngārongo in August 1889. By the close of 1909 more than half of Ngāti Ngārongo's portion of the Manawatū Kutuataki Reserve (53 percent) had been permanently alienated.[1233]

Table 6.29 Sections of the Manawatū Kukutauaki 3 Reserve alienated from Māori ownership between 1890 and 31 March 1910

Section	Date of Purchase	Acres Purchased	Purchaser
3 1A 39	19 Nov 1898	20.0.00	Percy Edward Baldwin
3 1B 1	11 May 1899	52.2.36	Percy Edward Baldwin
3 1B 2A	11 May 1899	77.2.0	Percy Edward Baldwin
3 1B 2B	11 May 1899	34.2.13	Percy Edward Baldwin
3 1B 2D	5 June 1899	51.2.17	Percy Edward Baldwin
3 1B 2E	5 June 1899	34.1.27	Percy Edward Baldwin
3 1B 2C	26 Sept 1899	51.2.23	Percy Edward Baldwin
3 1A 7	2 Oct 1899	30.0.00	Percy Edward Baldwin
3 1A 4	2 Nov 1899	40.0.0	Percy Edward Baldwin
3 1A 6	2 Nov 1899	50.0.00	Percy Edward Baldwin
3 1A 25	24 Feb 1900	20.0.0	Percy Edward Baldwin
3 1A 41	1 May 1900	30.0.00	Percy Edward Baldwin
3 1A 5	11 May 1900	60.0.00	Percy Edward Baldwin
3 1A 9	4 June 1900	15.0.00	Percy Edward Baldwin
3 1A 38	27 June 1900	30.0.00	Percy Edward Baldwin
3 1A 19	4 July 1900	25.0.0	Percy Edward Baldwin
3 1A 18	11 July 1900	5.0.0	Percy Edward Baldwin
3 1A 10	1900	170.0.00	John James Boyd
3 1A 8	1900	15.0.00	John James Boyd
3 1A 31	15 March 1901	30.0.0	Edith M Baldwin
3 1A 32	15 March 1901	30.0.0	Edith M Baldwin
3 1A 37	3 April 1901	20.0.0	Godfrey B Baldwin
3 1A 12	29 Nov 1901	302.3.29	John McMillan
3 1A 29	27 Nov 1902	20.0.0	Godfrey B Baldwin
3 1A 35	27 Nov 1902	20.0.0	Godfrey B Baldwin
3 1A 27	19 Dec 1902	100.2.11	Percy Edgar Baldwin
3 1A 28	19 Dec 1902	100.0.0	Percy Edgar Baldwin
3 1A 13	18 Feb 1904	100.0.0	George H Harper
3 1A 23	19 Dec 1907	20.0.0	Percy Edward Baldwin
3 1A 20	28 Sept 1908	5.0.0	Percy Edward Baldwin
3 1A 21	1908	20.0.0	Percy Edward Baldwin
3 1A 34, 36	18 March 1909	18.3.9	D H Taylor
		1599.3.5	

Particularly striking was the alienation of 25 of the 46 sections of Manawatū Kukutauaki 1A that had been created by the 24 February 1898 partition. Amongst the sections sold were seven of the 12 that had been originally designated by the Court as inalienable either by sale or lease, and five of the 16 that had been restricted from alienation, except by lease for a period not

[1233] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 246

exceeding 21 years. A further two sections that had been restricted from sale but not lease were partially sold. The complete or partial alienation of these 14 sections, highlights the limitations of the legal protections set in place for Māori land before they were removed altogether by the Native Land Act 1909.[1234]

All of the 1600 acres permanently alienated from Ngāti Ngārongo's portion of the Manawatū Kukutauaki 3 Reserve were purchased by private European buyers. Twenty of the 31 sections sold between 1898 and 1908 were purchased by the Wellington solicitor Percy Edward Baldwin, who acquired a total of at least 672½ acres during this period.[1235] Another three sections (60 acres) were purchased by Percy's older brother, Godfrey Buchanan Baldwin, while two more were bought by Edith M Baldwin who appears to be Godfrey's wife.[1236] A further two sections (200 acres) were purchased by Percy Edgar Baldwin (which may be a mistranscription of Percy Edward). In the space of a decade, therefore, a significant portion of Ngāti Ngārongo's hapū reserve had been converted into an estate for the Baldwin family.

Amongst the other private Europeans who acquired parts of Manawatū Kukutauaki 3 Section 1 were John McMillan who purchased the 302-acre Section 1A12; John James Boyd, a Wellington 'speculative builder' who in 1900 bought sections 1A8 and 1A10 (185 acres together); and George H Harper who purchased the 100-acre Section 1A13 in February 1904.[1237]

The Alienation of the Manawatū Kukutauaki 3 Reserve, 1910-1940

By the end of March 1910, when the Native Land Act 1909 removed all existing 'prohibitions or restrictions' against the alienation of Māori land, more than half of Ngāti Ngārongo's 3000-acre share of the Manawatū Kukutuaki 3 Reserve had already been alienated to private European buyers. Ngāti Takihiku's 1000-acre section (Manawatū Kukutauaki 3 Section 2), on the other hand, remained entirely Māori owned. With the removal of legal

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[1234] Ibid.; Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series. Vol. XI, pp 461, 485, 489, 491, 493, 495, 632 [463, 487, 491, 493, 495, 497, 635] and 459, 464, 469, 476, 510, 622, 630 [461, 466, 471, 478, 512, 625, 633

[1235] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 246; 'Barristers and Solicitors', *The Cyclopedia of New Zealand, Wellington Provincial District*, (Wellington), 1897, p 473, http://nzetc.victoria.ac.nz/tm/scholarly/tei-Cyc01Cycl-t1-body-d4-d26-d6.html (accessed 28 July 2017)

[1236] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 246; 'Marriages', *New Zealand Times*, 3 November 1894, p 2, https://paperspast.natlib.govt.nz/newspapers/new-zealand-times/1894/11/3/2 (accessed 28 July 2017); 'Marriages', *Evening Post*, 27 June 1899, p 6, https://paperspast.natlib.govt.nz/newspapers/evening-post/1899/6/27/6 (accessed 28 July 2017)

[1237] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 246; 'Boyd, John James', *The Cyclopedia of New Zealand, Wellington Provincial District*, (Wellington), 1897, http://nzetc.victoria.ac.nz/tm/scholarly/tei-Cyc01Cycl-t1-body-d4-d37-d5.html#name-414285-mention (accessed 28 July 2017)

restrictions on alienation, however, this land, too, was exposed to private purchase. Between 1910 and 1929 private buyers purchased 839 acres of the Manawatū Kukutauaki 3 Reserve. Almost two thirds of this area (548 acres) came from Ngāti Takihiku's Section 2.

The alienation of Manawatū Kukutauaki 3 Section 2 began in September 1914 when the Foxton businessman Alexander Kennedy Spiers purchased the 111-acre Section 2C 1A.[1238] The following year, Sections 2C 2 (165 acres) and 2C 1B (125 acres) were acquired by Joseph Roger Hynes and Walter Bock respectively.[1239] Hugh Charles Easton, also of Foxton, purchased all or part of four sections between April 1916 and January 1926. Included in Easton's 137-acre portfolio were Sections 2E1 (13 acres); 2E2 (17½ acres); 2E3 (34 acres); and 27 acres of 2E4 (the combined interests of four of the section's five owners).[1240] Easton completed his purchase of Section 2E4 in December 1937 when he acquired the remaining 21 acres from the final Māori owner.[1241]

Table 6.30 Sections of the Manawatū Kukutauaki 3 Reserve alienated from Māori ownership between 1 April 1910 and 31 December 1939

Section	Date of Purchase	Acres Purchased	Purchaser
3 1A 11C	22 Sept 1911	50.0.00	John H Hankins
3 1A 24	21 May 1913	141.0.0	Mary L G Glassford
3 2C 1A	3 Sept 1914	111.0.18	Alexander Kennedy Spiers
3 2C 2	19 July 1915	165.0.31	Joseph Roger Hynes
3 1A 22	1915	20.0.0	Percy Edward Baldwin
3 2C 1B	1915	124.2.21	Walter Bock
3 2E 1	16 April 1916	13.1.19	Hugh Charles Easton
3 2E 2	3 Sept 1919	17.2.1	Hugh Charles Easton
3 2B 3	5 Nov 1919	9.0.18	John Robert McMillan
3 2D 1	17 Nov 1919	45.0.25	Hugh Charles Easton
3 1A 26	16 Dec 1919	20.0.0	Ronald Joseph Law
3 1A 14	3 May 1921	60	Samuel Bourke
3 2E 3	26 Aug 1922	34.0.32	Hugh Charles Easton
3 1A 2	21 May 1923	0.1.00	Koputaroa Hall Society
3 2E 4	8 Jan 1926	27.1.38	Hugh Charles Easton
3 2E 4	15 Dec 1937	20.3.12	Hugh Charles Easton
		859.3.15	

[1238] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 246; Margaret Speirs, 'Alexander Speirs, Foxton', *Pioneers of Foxton – Book 5*, (Foxton Historical Society), 2007, http://horowhenua.kete.net.nz/en/site/topics/2275-alexander-speirs-foxton (accessed 28 July 2017)
[1239] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series. Vol. XI, p 712 [715]; Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 247
[1240] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series. Vol. XI, pp 685, 691, 695, 707 [688, 694, 698, 711]; Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 247
[1241] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series. Vol. XI, p 683 [686]

Between 1910 and 1929 more than half of Ngāti Takihiku's 1000 acres (548 acres) had been alienated. During the same period, 320 acres of Ngāti Ngārongo's Section 1 were also sold to private buyers. This meant that by 1929 something like two-thirds of the hapū's 3000-acre share of the Manawatū-Kukutauaki 3 Reserve had been alienated. As with Section 2, the most substantial alienations of Section 1 during this period were in the years immediately following 1910, when private European purchasers took advantage of the lifting of legal restrictions on alienation to acquire previously protected sections of Māori land. The Longburn lawyer John H Hankins purchased the 50 acres of Section 1A 11C in September 1911, while Mary L G Glassford secured the 141 acres of Section 1A 24 (previously owned by Ārona Te Hana) in May 1913.[1242]

The Alienation of the Manawatū Kukutauaki 3 Reserve, 1940-1975

The Great Depression brought the purchasing of Māori land within the Manawatū Kukutauaki 3 Reserve to a virtual standstill. With the exception of Hugh Charles Easton's completion of his purchase of Section 2E4 in December 1937, no sections were sold in the 1930s. The pause in purchasing continued through the 1940s with just one section (31 acres) being alienated in that decade.[1243] Purchasing by private Europeans picked up again the 1950s, when nine sections, with a combined area of 251 acres, were sold. A further eight sections were purchased between July 1961 and August 1971 containing a total of 156 acres. Of the 17 pieces of land sold between 1950 and 1971, 13 (331 acres) were from Section 1 of the reserve, while four (76 acres) were from Section 2.[1244]

[1242] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 246; 'Obituary: Mr John Herbert Hankins', *Manawatu Times*, 28 June 1928, p 6, c 7, https://paperspast.natlib.govt.nz/newspapers/manawatu-times/1928/6/28/6 (accessed 28 July 2017)
[1243] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 247
[1244] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. XI, pp 380, 424, 501, 554, 576, 703 [382, 426, 503, 557, 579, 706]; Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. XIII, pp 559, 679 [563, 683]; Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 247; District Māori Land Board, 'Manawatū Kukutauaki 3 Sub 1A No 17', Aotea Māori Land Court, Whanganui, File 3/9430; District Māori Land Board, 'Manawatū Kukutauaki 3 Sec 1A11B2', Aotea Māori Land Court, Whanganui, File 3/9365; District Māori Land Board, 'Manawatū Kukutauaki 3 Sec 2A3', Aotea Māori Land Court, Whanganui, File 3/9719; District Māori Land Board, 'Manawatu Kukutauaki 3 Sec 1A No 30', Aotea Māori Land Court, Whanganui, File 3/9055; District Māori Land Board, 'Manawatū Kukutauaki 3 Sec 1A44B', Aotea Māori Land Court, Whanganui, File 3/9475

Table 6.31 Sections of the Manawatū Kukutauaki 3 Reserve alienated from Māori ownership between 1940 and 1975

Section	Date of Purchase	Acres Purchased	Purchaser
3 1A 45A	18 Nov 1942	31.1.14	Adam McLeod
3 1A 42	20 May 1950	0.2.00	Lawrence Arthur Wildbore
3 1A 15	1 Aug 1951	25	Sidney James Richardson
3 1A 16	1 Aug 1951	19.3.27	Sidney James Richardson
3 1A 17	5 Aug 1951	2.0.0	William David Law
3 1A42	1 May 1952	30.0.00	Lawrence Arthur Wildbore
3 1A 2A (pt)	22 July 1953	0.2.3	Richard Spencer Brown and Francis Catherine Brown
3 1A 11B 2	13 June 1955	50.0.09	Stanley Lawrence Graham
3 1A 11A and 11B 1	23 Sept 1958	70.0.7	Ronald Keith Moody
3 1A 12	23 Dec 1958	52.2.21	Laurence H Brickland
3 2A 3	3 July 1961	7.0.0	William Harrison
3 2D 3	21 Nov 1961	28.3.31	Charles Cave Ward
3 2B 2 & 2B 3B Sub 2	5 Nov 1964	31.3.34	Lawrence Henry Brickland
3 1B 3	23 June 1965	6.2.27	Joseph & Heather Eileen Calder
3 1A2 B2 A	21 July 1965	16.1.6	Keith Moody
3 1A 30	12 Nov 1968	50.0.0	Ian Graeme Easton
3 2A 2B	5 Nov 1969	8.2.00	William Harrison
3 1A 44B	3 Aug 1971	7.0.00	Lawrence Arthur Wildbore
		438.1.19	

Most of the sections alienated between 1951 and 1971 appear to have been purchased by local farmers or businessmen looking to add to their holdings. Sidney James Richardson, a Shannon farmer, for example, purchased 25 acres from Section 1A 15 and 20 acres from 1A 16 in August 1951.[1245] Lawrence Arthur Wildbore, an Ihakara farmer acquired parts of Section 1A 42 in 1950 and 1952, as well as seven acres of Section 1A 44B in August 1971.[1246]

Several of the sections of the Manawatū Kukutauaki 3 Reserve sold in the postwar period had already been leased to European farmers for long periods before they were permanently alienated. Section 1A 30 (50 acres), for example, was first leased to Edith M Baldwin for 21 years in May 1903. The lease was extended in June 1924 (to Charles Baldwin), and again on 1 June 1946 (to Arthur James Wildbore and John Henry Taylor). The section was permanently alienated, to Ian Graeme Easton in November 1968. Other sections such as 1A11 B2 (50 acres); 1A42 (30 acres); and 2D3 (29 acres) had similar histories.[1247]

[1245] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. XI, p 501 [503]
[1246] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. XIII, p 679 [683]; District Māori Land Board, 'Manawatu Kukutauaki 3 Sec 1A44B', Aotea Māori Land Court, Whanganui, File 3/9475
[1247] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, pp 240-242

Successive leases over decades meant that sections of nominally Māori-owned land were effectively beyond their owners' control for decades before the land was definitively alienated. A 50-acre parcel of Sections 1A 15, 16, 17, for example, was first leased to Joseph George Peers, a Shannon farmer, in July 1917. Peers renewed the lease, first in 1924, and then for 21 years in July 1929.[1248] By the time the land was finally sold in August 1951, the 51 acres had been effectively out of its Māori owners' hands for more than three decades.[1249]

The Compulsory 'Europeanisation' of a land within the Manawatū Kukutauaki 3 Reserve

By 1975 three quarters of the Manawatū Kukutauaki 3 Reserve had been permanently alienated from Māori ownership. A further 532 acres (13 percent of the reserve's original area) were compulsorily converted from Māori Freehold to 'General' or 'European' land between October 1968 and November 1974. As discussed previously, this process of compulsory conversion was known as 'Europeanisation', and was set in place by the Māori Affairs Amendment Act 1967. The process applied to all Māori land that was owned by four or less people and considered to be 'suitable for effective use and occupation.'[1250]

Table 6.32 Sections of the Manawatū Kukutauaki 3 Reserve subject to compulsory conversion from Māori Freehold to General freehold land, 1968 to 1975

Section	Area (acres, roods, perches)	Date
1A 42	29.1.0	11 Oct 1968
1A 2B 2B	16.1.6	4 Feb 1969
1A 33, 34, 36	264.0.32	17 April 1970
2A 3	16.3.38	26 June 1970
1A 1A	0.1.0	7 Aug 1970
2A 1A 1	6.3.3	7 Aug 1970
1A 2A	9.2.0	18 Feb 1971
1A 44B	14.2.37	1 Feb 1972
1A 40	20	26 June 1972
2D 4C	13.0.17	27 June 1972
1A 44A	14.0.00	21 March 1973
1A 45B	26.2.29	21 March 1973
1A 46	20.0.0	27 June 1973
1A 1B	49.2.29	13 Nov 1974
1A 2B 1	0.2.0	
1A 43	30.0.0	
	531.3.30	

[1248] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. XI, pp 502-504 [504-506]

[1249] Ibid, pp 501, 618, 602 [503, 621, 605]

[1250] Māori Affairs Amendment Act 1967, ss 3-7

Of the 18 sections subjected to compulsory Europeanisation within the Manawatū Kukutauaki 3 Reserve, 15 were part of Section 1, the 3000 acres originally awarded to Kereopa Tukumaru and Ngāti Ngārongo. Together, these 15 sections contained 495 acres, or something like three-quarters of the Māori land still remaining within Section 1 when the Māori Affairs Amendment Act 1967 came into force.[1251] In contrast, just three sections of Section 2 (the 1000 acres originally awarded to Ngāti Takihiku) were subjected to compulsory Europeanisation: a total of 37 acres.[1252]

More than half of the land 'Europeanised' within Section 1 belonged to a single owner: Tūngia Tūngia (also known as Tūngia Tūngia Hema). Tūngia Tūngia was the owner of the unalienated portions of Sections 1A 33, 34 and 36, a combined area of 264 acres. The three sections were converted from Māori to general land together on 17 April 1970.[1253] Other substantial areas of land to be compulsorily Europeanised included Section 1A1B (50 acres) converted on 13 November 1974; 1A 42 (29 acres) converted on 11 October 1968; and 1A 45B (27 acres) converted on 21 March 1973.[1254] Of the 18 sections converted to 'European' land under the 1967 Act, nine were of 20 acres or more, while only 4 were less than 10 acres.[1255]

Table 6.33 Sections of the Manawatū Kukuatuaki 3 Reserve alienated from Māori ownership between 1975 and 2000

Section	Date of Purchase	Acres Purchased	Purchaser
3 1A 3	21 May 1981	70.0.0	Peter Warren Moody, Ronald Keith Moody, Gail Kathleen Moody, Bernice Elaine Moody
3 2B 2 and 2B 3B 1	3 Nov 1986	2.2.0	Wiliam Harrison
3 2B 3A	27 July 1998	6.3.0	Lawrence Henry Brickland
		79.1.0	

[1251] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. XI, pp 411, 420, 425, 429, 434, 466, 598, 602, 608, 612, 618, 624 [413, 422, 427, 431, 436, 468, 601, 605, 611, 615, 621, 627]; Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 248

[1252] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. XI, pp 549, 564, 700 [552, 567, 703]

[1253] Ibid., p 466 [468]

[1254] Ibid., p 429 [431]

[1255] Ibid, pp 420, 425, 429, 434, 466, 567, 598, 602, 612, 618, 624 [422, 427, 431, 436, 468, 564, 601, 605, 615, 621, 627]

Table 6.34 Sections of the Manawatū Kukuatuaki 3 Reserve alienated from Māori ownership at an unknown date

Section	Date of Purchase	Acres Purchased
3 1C1	Between 1898 and 1990	6.2.23
3 1C2	Between 1898 and 1990	45.0.0
3 1A1B	Between 1953 and 1990	49.2.29
		101.1.12

The Manawatū Kukutauaki 3 Reserve Today

Since 1975 a further 79 acres of the Manawatū Kukutauaki 3 Reserve have been alienated from Māori ownership. Most of this land was contained within Section 1A3 (70 acres) which was purchased by Peter Warren Moody, and three other members of his family in October 1981.[1256] Moody appears to have leased the land since 1956 before finally purchasing it outright.[1257]

Today, 306 of the reserve's original 4000 acres remain as Māori land. All but four of these 306 acres are situated within the 1000 acres awarded by the Native Land Court to Ngāti Takihiku in 1889. The 16 surviving portions of Section 2 are grouped together in two parallel clusters astride State Highway 57 and the North Island Main Trunk Railway between Shannon and Levin. The larger cluster, containing twelve sections ranging from one quarter to 47 acres traverses the railway line approximately two kilometres north of Koputaroa. The smaller grouping of four sections lies across State Highway 57 between Buckley and Heights Road to the north, and Te Rohenga Road in the south.[1258]

The largest of the 16 surviving sections (Section 2D2) is 57 acres, the smallest (2A7) is just one quarter of an acre.[1259] Half of the 16 sections are less than 20 acres, five are less than 10.[1260] Only one section is more than 50 acres, while another two are between 30 and fifty

[1256] Ibid., p 403 [405]
[1257] Ibid., p 401 [403]
[1258] Māori Land Online, http://www.maorilandonline.govt.nz/gis/map/search.htm (accessed 1 August 2017)
[1259] 'Manawatu Kukutauaki 3 Sec 2D 2', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20380.htm (accessed 1 August 2017); 'Manawatu Kukutauaki 3 Sec 2A No 7', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20383.htm (accessed 1 August 2017)
[1260] 'Manawatu Kukutauaki No 3 Sec 2A No 1A No 2', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20390.htm; 'Manawatu Kukutauaki No 3 Sec: 2A No 6', http://www.maorilandonline.govt.nz/gis/title/20384.htm; 'Manawatu Kukutauaki 3 Sec. 2D 5', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20377.htm; 'Manawatu Kukutauaki 3 Sec 2A 1B', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20389.htm; 'Manawatu Kukutauaki 3 No 2A 4A 1', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20388.htm; 'Manawatu Kukutauaki 3 No 2A 4A 2', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20387.htm; 'Manawatu Kukutauaki No 3 Sec 2A No 5', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20385.htm; 'Manawatu Kukutauaki 3 Sec 2A No 7', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20383.htm (all accessed 1 August 2017)

acres.[1261] To put this in perspective, the average Manawatū dairy farm in 2014 was slightly more than 350 acres (142 hectares).[1262]

The insufficiency of the 16 remaining sections as an economic base for Ngāti Takihiku – not to mention Ngāti Hinemata and Ngāti Ngārongo – is underlined if one looks at the number of owners of each remaining piece of land. Nine of the 16 surviving sections have 10 owners or more. Four sections have more than 150 owners, including the two largest remaining sections: 2D2 (57 acres and 176 owners) and 2E5 (47 acres and 157 owners). The section with the largest number of owners is the 15¼-acre Section 2A 1A2, with no less than 184 individual interest holders. The ownership of relatively small pieces of rural land by such large numbers of individuals make it almost impossible for the managers of the properties (the four sections with the largest number of owners are all Ahu Whenua Trusts) to make a meaningful return.[1263]

Table 6.35 Sections of the Manawatū Kukutauaki 3 Reserve remaining as Māori land today

	Area (ha)	Area (acres)	ML Plan	Owners	Shares
3 1A 10	1.39	3.4	ML 1572	12	100
3 1A 2B 2C (Kereru Marae)	0.25	0.6	ML 4599	0	0
3 2A 1A 2	6.16	15.25	ML 3446	184	2437
3 2A 1B	2.74	6.8	ML 3446	66	10183
3 2A 4A 1	2.74	6.8	ML 367852	4	1083.5
3 2A 4A 2	2.748	6.8	ML 367852	1	1083.5
3 2A 4B	8.22	20.3	ML 3957	26	3248
3 2A 5	2.73	6.75	ML 2449	1	1080
3 2A 6	5.47	13.5	ML 2449	7	2161
3 2A 7	0.10	0.25	ML 2449	1	40
3 2B 1	9.83	24.3	ML 3384	169	3886
3 2B 2 & 3 2B 3B 1	8.16	20.2	ML 5125	7	3363
3 2D 2	23.04	57	ML 3436	176	9110
3 2D 4A	15.7	38.8	ML 3994	19	6279.5
3 2D 4B	10.41	25.75	ML 3994	11	4068
3 2D 5	5.23	12.9	ML 3436	31	2067
3 2E 5	18.88	46.7	ML 2393	157	7466
	123.8	**306.1**			

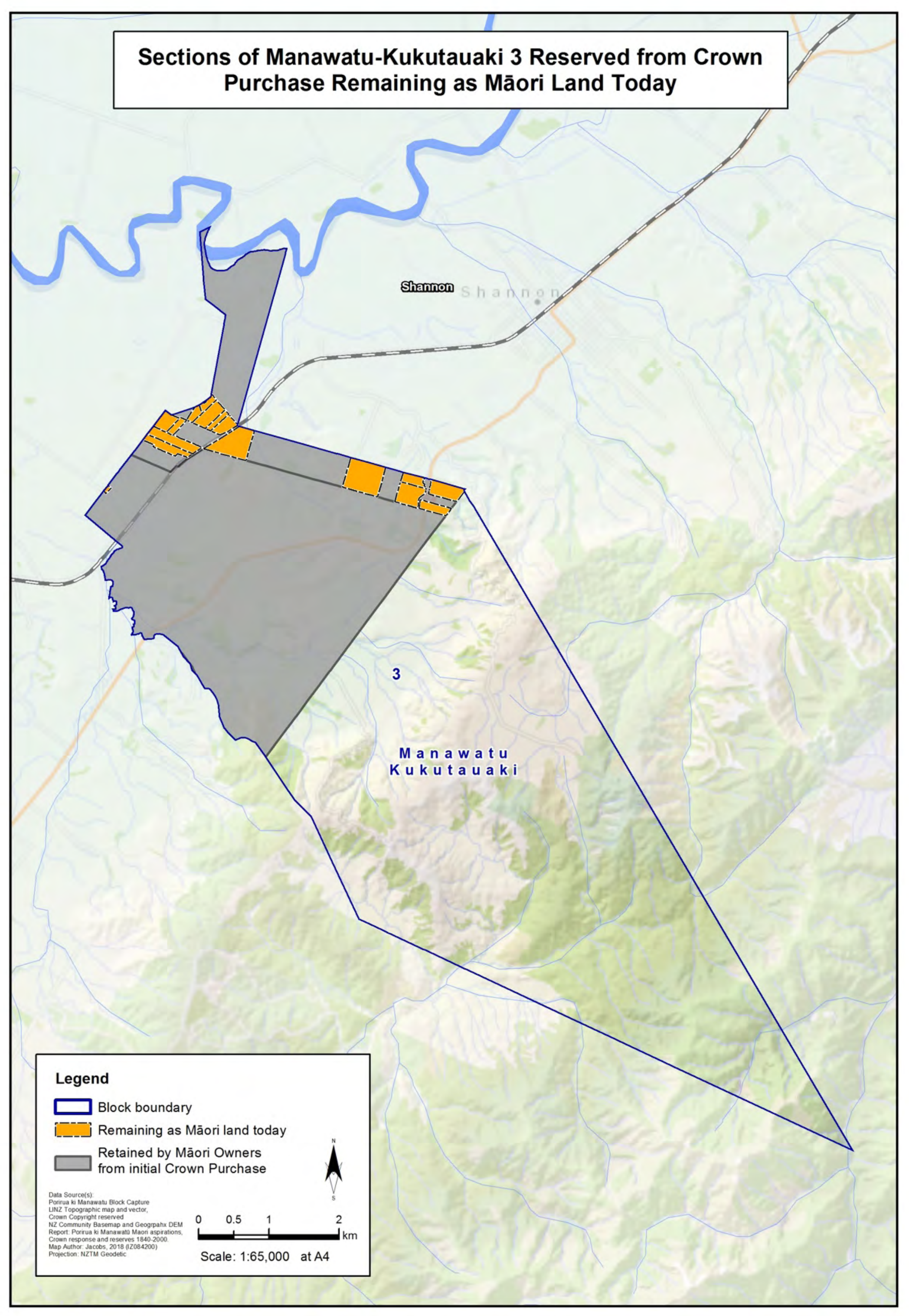
[1261] 'Manawatu Kukutauaki 3 Sec 2D 2', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20380.htm; 'Manawatu Kukutauaki 3 Sec 2E No 5', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20376.htm; 'Manawatu Kukutauaki 3 Section 2D 4A', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20379.htm (all accessed 1 August 2017)
[1262] DairyNZ, 'QuickStats about dairying – Manawatu Region', December 2014, https://www.dairynz.co.nz/media/1357993/quickstats-manawatu.pdf (accessed 1 August 2017)
[1263] 'Manawatu Kukutauaki No 3 Sec 2A No 1A No 2', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20390.htm; 'Manawatu Kukutauaki 3 Sec 2D 2', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20380.htm); 'Manawatu Kukutauaki No 3 Sec 2B1', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20382.htm; 'Manawatu Kukutauaki No 3 Sec 2E No 5', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20376.htm; (all accessed 1 August 2017)

Not all of the remaining sections have such large numbers of owners. Seven of the 16 sections have seven owners or less, while three have only one owner each. Such sections, however, tend to be small: only Sections 2B2 and 2B3B1 (seven owners) have a combined area of more than 10 acres, while the smallest, Section 2A7 (one owner) – is just a quarter of an acre.[1264]

While slightly more than 300 of the 1000 acres awarded by the Native Land Court to Ngāti Takihiku in August 1889 remain as Māori freehold land today, virtually all of the 3000 acres granted by the Court at the same time to Kereopa Tukumaru and Ngāti Ngārongo has been either alienated or converted to general land. The only exceptions are the quarter hectare (five-eighths of an acre) site of Kererū marae, and the three-and-a-half acre Section 1A10.[1265]

[1264] 'Manawatu Kukutauaki No 3 Sec: 2A No 6', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20384.htm; 'Manawatu Kukutauaki 3 Section 2B2 and Section 3 2B3B Subdivision 1', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20381.htm; 'Manawatu Kukutauaki 3 No 2A 4A1', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20388.htm; 'Manawatu Kukutauaki No 3 Sec: 2A No 7', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20383.htm; 'Manawatu Kukutauaki No 3 Sec 2A No 5', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20385.htm; 'Manawatu Kukutauaki 3 No 2A 4A 2', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20387.htm (all accessed 1 August 2017)

[1265] 'Lot 1 Deposited Plan 44132 (Part Māori Freehold & General Land) {Formerly Manawatu Kukutauaki 3 Sec 1A2B2C}, Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20392.htm; 'Manawatu Kukutauaki No 3 Section 1A No 10', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20391.htm (both accessed 1 August 2017)


Sections of Manawatu-Kukutauaki 3 Reserved from Crown Purchase Remaining as Māori Land Today
Shannon
Shannon
3
Manawatu
Kukutauaki
Legend
Block boundary
Remaining as Māori land today
Retained by Māori Owners from initial Crown Purchase
Data Source(s):
Porirua ki Manawatu Block Capture
LINZ Topographic map and vector,
Crown Copyright reserved
NZ Community Basemap and Geogrpahx DEM
Report: Porirua ki Manawatū Maori aspirations,
Crown response and reserves 1840-2000.
Map Author: Jacobs, 2018 (IZ084200)
Projection: NZTM Geodetic
0 0.5 1 2 km
Scale: 1:65,000 at A4

The Kaihinu Blocks (Manawatū Kukutauaki 2)

As we have seen, more than 90 percent of the land set aside from the Crown's purchases of the Kaihinu blocks (Manawatū Kukutauaki 2A-E) had been alienated by the beginning of 1895. Of the 27,640 acres reserved for the predominantly Ngāti Whakatere and Rangitane owners of the Kaihinu blocks in 1880 and 1881, only between 1900 and 2200 remained in Māori ownership in 1895. Contained within nine surviving sections, most of this land was alienated over the next century. Today just five sections of Māori land remain within the Kaihinu blocks, containing a total of 702 acres.

The Continued Alienation of the Kaihinu Blocks, 1895-1990

Native Land Court records detailing the alienation of what was left of the Kaihinu blocks after 1895 are extremely limited. From the information that is available, it would appear that the remaining part of Section 2D6 was sold to private purchasers between 1895 and 1900.[1266] In June 1921 Shannon farmer Samuel William Carter purchased 145 acres of Section 2E9 (the interest of Kereona Tupotahi).[1267] Carter appears to have purchased the rest of the 200-acre block in July 1928. The same month, the portion of Section 2D7 that was still in Māori ownership was also sold to a European purchaser. Another two sections, 2E 10A1 and 2 (16 and 24 acres respectively) appear to have been sold some time between 1960 and 1990.[1268]

The only other alienation for which we have a written record is the taking of five and three quarter acres of Section 2D 12F for a public road. The taking was approved by the Māori Land Court on 17 August 1950, following an application from the Horowhenua County Council under Section 484 of the Native Land Act 1931.[1269] Section 484 empowered the Court to proclaim as a public road any passage across Māori land that was either being 'used by the public as if it were a public road' or had been 'formed, improved, or maintained out of public funds or the funds of any local authority.'[1270] Although the Act allowed the Māori Land Court to direct 'the Crown or local authority' to 'pay such reasonable compensation. . . . as it may think fair and just in the circumstances', no compensation was ordered in this case.[1271]

[1266] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 227
[1267] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. XI, p 447 [449]
[1268] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 May 2017, p 227
[1269] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. XI, p 277 [279]
[1270] Native Land Act 1931, s 484
[1271] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. XI, p 277 [279]

Table 6.36 Sections of Manawatū Kukutauaki 2 alienated from Māori ownership between 1895 and 1990

Section	Date of Purchase	Acres Purchased	Purchaser
2D 6 (Remainder)	Between 1895 & 1900	161.0.0	Private purchasers
2D 7 (Part)	1902	20.0.0	Makerua Estate Co Ltd
2E 9	21 June 1921 and 30 July 1928	199.2.11	Samuel William Carter
2D 7 (Remainder)	30 July 1928	275.0.0	W Barber
2D 12F	17 August 1950	5.3.4	Crown
2E 10A 1	Between 1960 & 1990	16.1.21	Private purchaser
2E 10A 2	Between 1960 & 1990	24.0.0	Private purchaser
		701.2.36	

The Compulsory 'Europeanisation' of Māori Land within the Kaihinu Blocks

Like all other areas of Māori land with four or less owners, considered to be 'suitable for effective use and occupation', the surviving Kaihinu sections that fit this criteria were subject to compulsory 'Europeanisation' under the Māori Affairs Amendment Act 1967. According to the available records, four Kaihinu sections were converted from Māori freehold to General or European land between 1968 and 1975. Manawatū Kukutauaki 2E 10A1 and 10A2 (15 and 77 acres respectively) were declared 'general land' on 24 June 1969.[1272] On 10 February 1972 Sections 2D 4B1 and 4B2 (one and 24 acres) on Hennessey Road, just outside Shannon, were also 'Europeanised'.[1273]

Table 6.37 Sections of the Manawatū Kukutauaki 2 subject to compulsory conversion from Māori Freehold to General freehold land, 1968 to 1972

Section	Area (acres, roods, perches)	Date
2E 10A 1	15.1.24	24 June 1969
2E 10A 2	77.0.1	24 June 1969
2D 4B1	1.0.0	10 Feb 1972
2D 4B2	24.0.0	10 Feb 1972
	117.1.25	

Although the total area compulsorily converted from Māori to General land within the Kaihinu blocks was relatively small – 117 acres – it was a significant proportion of the land remaining in Ngāti Whakatere ownership. None of the four Europeanised sections were returned to Māori freehold tenure, meaning that the community lost even the very limited

[1272] Ibid., pp 442, 443, [444, 445]
[1273] Ibid., pp 311, 313, 314, 316 [313, 315, 316, 318]

influence over the land that it may have been able to maintain through the Māori Land Court system. The possibilities for community control of Māori land were broadened greatly with the passage of Te Ture Whenua Māori Act 1993 which focused upon the 'retention' and 'effective, use, management, and development' of Māori land. By then, however, the four Europeanized sections had been beyond the jurisdiction of Māori land legislation for more than two decades.[1274]

The Kaihinu Blocks Today

Today, 214½ acres of the former Kaihinu blocks remain as Māori freehold land. This is just 0.8 percent of the 27,640 acres set aside by the Crown following its purchases of Manawatu Kukutauaki 2A, B, C, D, and E in 1880 and 1881, or 0.3 percent of the Kaihinu blocks original surveyed area of 67,495 acres.

The six surviving pieces of Māori land are situated in or around Shannon. Manawatū Kukutauaki 2D 12A – the largest remaining section with 98 acres – lies two kilometres north of Shannon Railway Station at the end of Kara Road, off State Highway 57.[1275] Section 2E 10B, the second largest with 47 acres, traverses SH 57 in a long, but narrow strip on the other side of Shannon.[1276] The other remaining sections 2D 7 and 2E 11 and 12 (each 34 acres) abut the railway line to the north and south of Shannon respectively.[1277] A small town lot of less than half an acre is situated at the end of Stansell Street, on the edge of town.[1278]

Like Māori land elsewhere, the surviving Kaihinu sections have been impacted by the process of fractionation, whereby an ever-increasing number of individual owners inherit shares in a fixed area of land. The 34-acre Section 2D 7 has 100 owners with 5461 shares, while 2D 12A has 98 owners of 15,736 shares.[1279] Sections 2E 10B and 2E11 and 12 have similar ratios of owners to acres. The concentration of so many owners in such relatively small pieces of land, render it almost impossible for the managers or trustees (Sections 2D 7, 2D

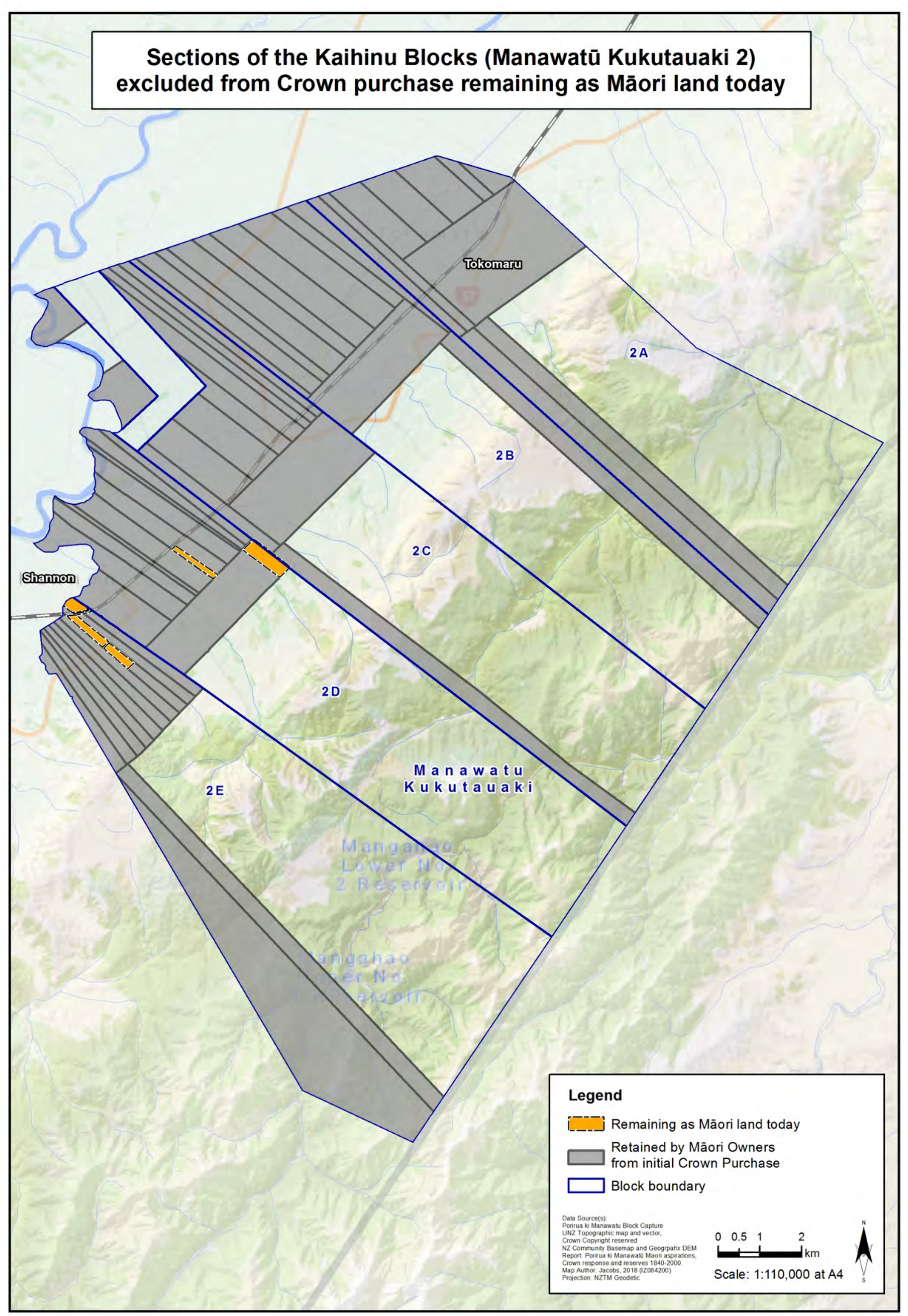
[1274] Te Ture Whenua Act 1993, s 17
[1275] 'Manawatu-Kukutauaki No 2D Section No 12 A', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20395.htm (accessed 4 August 2017)
[1276] 'Manawatu-Kukutauaki 2E No 10B', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20394.htm, (accessed 4 August 2017)
[1277] 'Manawatu Kukutauaki No 2D Section 7', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20396.htm, (accessed 4 August 2017); 'Manawatu Kukutauaki 2E 11 and Manawatu Kukutauaki 2E 12', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20393.htm (accessed 4 August 2017)
[1278] 'Lot 27-28 Deposited Plan 1502 (Shannon Borough Lots 27 & 28 Dep 1502)', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/19484.htm (accessed 4 August 2017)
[1279] 'Manawatu Kukutauaki No 2D Section 7', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20396.htm; 'Manawatu-Kukutauaki No 2D Section No 12 A', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20395.htm (both accessed 4 August 2017)

12A, and 2E 11 and 12 are all managed as Ahu Whenua trusts) to secure a meaningful income for their shareholders.[1280]

Table 6.38 Sections of Manawatū Kukutauaki 2 remaining as Māori land today

	Area (ha)	**Area (acres)**	**ML Plan**	**Owners**	**Shares**
2D 7	13.8	34.1	ML 5573	100	5461
2D 12A	39.8	98.3	ML 1502	98	15736
2E 10B	19.1	47.3	ML 3248	48	7582
2E 11 & 12	13.9	34.4	ML 645	28	5506.03
Shannon Borough Lots 27 & 28 DP 1502	0.1142	0.4	ML 4514	1	12
	86.7	**214.5**			

[1280] Ibid.; 'Manawatu Kukutauaki 2E 11 and Manawatu Kukutauaki 2E 12', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20393.htm (accessed 4 August 2017)


Sections of the Kaihinu Blocks (Manawatū Kukutauaki 2)
excluded from Crown purchase remaining as Māori land today
Tokomaru
Shannon
2A
2B
2C
2D
2E
Manawatu
Kukutauaki
Mangahao
Lower No
2 Reservoir
Legend
Remaining as Māori land today
Retained by Māori Owners
from initial Crown Purchase
Block boundary
Data Source(s):
Porirua ki Manawatu Block Capture
LINZ Topographic map and vector,
Crown Copyright reserved
NZ Community Basemap and Geogrpahx DEM
Report: Porirua ki Manawatū Maori aspirations,
Crown response and reserves 1840-2000.
Map Author: Jacobs, 2018 (IZ084200)
Projection: NZTM Geodetic
0 0.5 1 2
km
Scale: 1:110,000 at A4
N
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6.6 Conclusion

Reserves of Ngāti Raukawa land south of the Manawatū River were created in two ways. Areas of land could be declared 'inalienable' by the Native Land Court. The Native Lands Acts of 1865, 1866, and 1867 allowed the Court to recommend to the Governor that a block or section of Māori land be declared 'inalienable by sale or mortgage or by lease' for a period of more than 21 years. The Native Land Court Act 1880 empowered the Court to place restrictions on the alienation of Māori land without the Governor's approval. Between 1867 and 1874, 26 pieces of Raukawa-owned land were made inalienable under the 1865, 1866 and 1867 Acts. A further 17 sections were declared inalienable by the Native Land Court between 1881 and 1886.

Reserves could also be created from the Crown's purchase of Raukawa-owned land. Reserves were designated in the Crown land purchase deeds for Manawatū Kukutauaki 3, the Waikawa blocks (Manawatū Kukutauaki 4), and Wairarapa and Waihoanga 4. Areas of land excluded from Crown purchase were also defined in the deeds for Manawatū Kukutauaki 2A, B, C, D and E (the Kaihinu blocks). In some, but by no means all cases, the land set aside in Crown land purchase deeds was formally protected from further alienation, either under the Government Native Land Purchase Act 1878 and The Volunteers and Others Lands Act 1877 (in the case of Manawatū Kukutauaki 4A, C and E) or by order of the Native Land Court (Manawatū Kukutauaki 3 Sections 1 and 2).

Between 1867 and 1885 the Native Land Court issued titles for something like one quarter of a million acres of Ngāti Raukawa land to the south of the Manawatū River. Only a very small proportion of this vast area was declared by the Court to be inalienable. Most of the sections protected from future sale at the recommendation of the Court between 1867 and 1874 were small. Sixteen of the 26 sections were less than 10 acres. Altogether, 8110 acres of Raukawa land south of the Manawatū River were declared inalienable under the Native Lands Acts of 1865, 1866, and 1867. In 1873 and 1874, when the Native Land Court ordered certificates of title for at least 75 blocks of land covering 221,000 acres, just seven sections – with a combined area of 5740 acres – were made permanently inalienable. The 17 sections ordered inalienable by the Native Land Court between 1881 and 1886 also contained a relatively small area: 1500 acres altogether.

After being processed by the Native Land Court, much of Ngāti Raukawa's land was purchased by the Crown. Between December 1874 and December 1881 the Crown purchased 141,330 acres from 50 blocks of Raukawa land. Thirty-one of these blocks were purchased in their entirety, with no provision for reserves. Moreover, much of the land set aside from the

Crown's purchases of the Kaihinu blocks and Wairarapa and Waihoanga 4 was subsequently bought up, either by the Crown itself or by private purchasers. On February 1877 the Crown purchased all of the 1050-acre Wairarapa Reserve and 200 acres of the 250-acre Waihoanga 4 Reserve. Between 1882 and 1894 private purchasers acquired almost 26,000 of the approximately 28,000 acres that had been excluded from the Crown's purchase of Manawatū Kukutauaki 2A, B, C, D and E.

As the previous two paragraphs suggest, the Crown and Native Land Court's approach to the provision of reserves for Ngāti Raukawa south of the Manawatū River was inconsistent, ad hoc, and generally insufficient. As a rule, the Court appears to have placed restrictions on the alienation of particular pieces of Raukawa-owned land only on the rare occasions when explicitly asked to by the land's individual owners. The Court appears to have made little effort to exercise its statutory responsibility – under the Native Lands Act 1867 and Native Land Court Act 1880 – to 'inquire', in 'every case' brought before it, as to whether the land under investigation should be protected from alienation for the future use of its owners. The exception was when the owners of the land in question were under age. In such cases the Court appears to have placed restrictions whether the owners or trustees had asked for it or not.

Rather than following a consistent policy with regard to the provision of reserves, Crown Land Purchase Officers appear to have set aside land from Crown purchases only when it was insisted upon by the Māori vendors. In June 1876 James Booth had assured the Under Secretary of the Native Department that those who had agreed to alienate their land south of the Manawatū River had been 'allowed to have whatever reserves they have asked for.' Implicit in Booth's statement – which may or may not have been correct – was the caveat that if the Ngāti Raukawa vendors did not ask for reserves they did not receive any.

As a result of this ad hoc – and, one might argue, irresponsible – approach on the part of the Crown's land purchase officers, some tribal and hapū groups were provided with relatively ample reserves while others received little or nothing. Ngāti Wehiwehi at Waikawa, and Ngāti Ngārongo, Ngāti Hinemata and Ngāti Takihiku, between what is now Levin and Shannon, secured relatively large reserves of 4500 and 4000 acres respectively, while the owners of other blocks received much less.

Matters were greatly aggravated by the failure of the colonial government to adequately protect much of the land that had been set aside from the Crown's purchases of Ngāti Raukawa land south of the Manawatū River. Particularly egregious was the Crown's purchase of the Wairarapa and Waihoanga 4 reserves just two years and two months after the initial purchase of the two blocks. Equally striking was the rapid purchase by the Wellington and Manawatū

Railway Company of almost 90 percent of the land that had been reserved for the Māori owners from the Crown's purchase of Manawatū Kukutauaki 2A-E. As a result of this uncontrolled alienation, Ngāti Whakatere in 1892 were left with between 1900 and 2200 acres, or less than four percent, of the Kaihinu block's original surveyed area of 67,500 acres.

Even when seemingly adequate reserves were created with formal, legal restrictions on further alienation, the individualization of land ownership enforced by the Native Land Court under the 1865 and 1873 Native Lands Acts (and their successors) made it impossible for tribal and hapū groups to communally manage and maintain the geographic integrity of their land. By vesting ownership of Māori land in individual owners with distinct, but geographically undefined shares, rather than hapū or iwi as a whole under some form of corporate or communal title, the native land tenure system effectively separated the community from its remaining land while making the division of that land all but inevitable. Between 1885 and 1890 the Native Land Court divided the five original sections of the Waikawa Reserve into 19 distinct sections. In February 1898 the Court partitioned Ngāti Ngārongo's 3000-acre share of the Manawatū Kukutauaki 3 Reserve into more than 50 pieces, many of which were the property of a single owner. The land set aside from the Crown's purchase of the Kaihinu blocks was similarly divided amongst its 50 individual owners into 54 separate sections.

As well as incurring Court and survey costs, the partitioning of what had previously been a community asset into individually-owned sections was often accompanied by disputes, as individual owners contended for the most valuable pieces of land. The division of tribal or hapū reserves was also almost inevitably followed by the alienation of much of the land. Between 1882 and 1884, 44 of the 54 sections of Manawatū Kukutauaki 2A-E ordered by the Native Land Court in November 1881 were sold. Twenty-five of the 46 sections of Manawatū Kukutauaki 3 Section 1A (partitioned in February 1898) were purchased by private buyers between November 1898 and March 1909.

The protections provided by the colonial government against the alienation of select pieces of Ngāti Raukawa land were never intended to be absolute. The restrictions could be removed, and the land made available for purchase, with the consent of the Governor, either alone or in Council (depending on the legislation). Between 1875 and 1900 the Governor allowed the complete purchase of nine of the 26 sections of Raukawa-owned land that had been declared inalienable under the 1865, 1866, and 1867 Native Lands Acts. Another three pieces of land – including Manawatū Kukutauaki 4B – had been partially purchased. Of the 17 sections made inalienable by order of the Native Land Court between 1881 and 1886, one had been

completely sold by 1900, another had been partially purchased, and a third had had its restrictions removed.

The Governor also permitted restrictions to be removed on sections of the Waikawa and Manawatū Kukutauaki 3 reserves, both of which had been formally protected from further alienation. Between December 1892 and January 1910 the Governor – acting on the advice of the Native Minister and Native Department officials – allowed restrictions on alienation to be removed from 14 sections of the Waikawa Reserve. By 31 March 1910, when the Native Land Act 1909 removed all remaining restrictions on the alienation of Māori land, 852 acres or 19 percent of the Waikawa Reserve's original area had been sold to private European purchasers. Formal restrictions on alienation were even less effective in protecting Ngāti Ngārongo's 3000-acre share of the Manawatū Kukutauaki 3 Reserve. Between 1898 and the end of 1909, 30 pieces of land, containing 1600 acres were purchased by private European purchasers.

The Native Land Act 1909 swept away all existing restrictions upon the alienation of Ngāti Raukawa owned land, allowing the previously protected sections to be bought and sold like 'European land.' The removal of restrictions had an immediate impact. Between 1911 and 1915 three sections that had been made inalienable at the recommendation or order of the Native Land Court were completely alienated. Another five previously protected sections were were partially sold between 1918 and 1931.

The impact of the 1909 Act on the Waikawa and Manawatū Kukutauaki 3 reserves was even more dramatic. Between 31 March 1910 and the end of 1929 more than 1200 acres of the Waikawa Reserve, making up more than a quarter of its original area, were alienated. In the same period private purchasers acquired 839 acres of the Manawatū Kukutauaki 3 Reserve. Ngāti Takihiku were particularly severely affected by the Native Land Act's removal of all existing restrictions on the alienation of Māori land. In 1910 all of the hapū's 1000-acre share of Manawatū Kukutauaki 3 Reserve was still in Māori ownership. Over the following two decades, however, more than half of the hapū's land, 548 acres, were purchased by private European buyers.

After a decade long hiatus, the alienation of once protected Raukawa-owned land resumed in the 1940s, gathering pace in the 1950s and 1960s. Six sections of the Waikawa Reserve were purchased by private Europeans in the 1940s; seven in the 1950s; eight in the 1960s; and 12 between 1970 and 1975. Altogether, at least 33 sections, containing a total of 482 acres, were alienated from the Waikawa Reserve between 1940 and 1975. In the Manawatū Kukutauaki 3 Reserve, nine sections with a combined area of 251 acres was acquired by private purchasers

in the 1950s, while a further eight sections containing a total of 156 acres were purchased between 1961 and 1971.

Most of the previously protected land alienated after the Native Land Act 1909 came into force was purchased by private European interests. The major exceptions were Te Rerengaohau 1 (551 acres) and Te Rerengaohau 2B (424 acres). In December 1955 the Crown purchased all of Te Rerengaohau 1 and 209 acres of Te Rerengaohau B. The Crown's purchase of most of the original, inalienable Te Rerengaohau block for the purposes of sand dune reclamation was the culmination of a government programme that had begun in the 1940s as an attempt to stabilize and improve a large area of Māori land for the benefit of the local 'tribe or community.' By the time the land was purchased, however, the Government's priorities had shifted to securing its own investments at Waitarere and Whirokino, and protecting the surrounding European-owned farmland from flooding. Unwilling to invest in Māori land owned by a small number of individuals, Government officials insisted that most of Te Rerengaohau be purchased by the Crown.

The separation of Ngāti Raukawa hapū and whānau from land that had been deliberately set aside from alienation was aggravated by the process of compulsory 'Europeanisation' imposed on Māori land owners by the Māori Affairs Amendment Act 1967. Twenty sections of the Waikawa Reserve, containing a total of 272 acres were permanently converted from Māori to 'general' or 'European' freehold land between February 1968 and December 1971. In the Manawatū Kukutauaki 3 Reserve, 18 sections with a combined total of 532 acres were compulsorily converted from Māori to general land between October 1968 and November 1974. Four sections, 117 acres altogether, of what remained of Ngāti Whakatere's holdings in the Kaihinu blocks were also compulsorily 'Europeanised' between 1968 and 1975. Although relatively small compared to the areas that had originally been set aside, the land removed from Māori tenure under the 1967 Act made up significant portions of the areas of the Waikawa, Manawatū Kukutauaki 3 and Kaihinu reserves still in Māori ownership in 1967.

The Situation Today

Only fragments of the land originally set aside from purchase by Ngāti Raukawa landowners south of the Manawatū River remain as Māori land today. Of the 26 pieces of Raukawa-owned land rendered inalienable at the recommendation of the Native Land Court between 1867 and 1874, parts of six remain as freehold Māori land today. Of these, just one – the three and four tenths acre Mangapouri Market Reserve on Te Rauparaha Street in Ōtaki – appears to be

completely intact. From the 17 sections made inalienable by the Native Land Court between 1881 and 1886 three are still partially in Māori ownership, including 195 acres of Tahamatā 2 and 3. Altogether, slightly more than 565 of the estimated 9660 acres of Raukawa land south of the Manawatū River declared inalienable upon the recommendation order of the Native Land Court between 1867 and 1874, and 1881 and 1886 remain as Māori land today. This is just six percent of the total area originally designated as 'inalienable' by the Native Land Court.

Of the more than 41,000 acres of Ngāti Raukawa land south of the Manawatū River set aside from Crown land purchases between December 1874 and November 1881 only 1605 acres (four percent) remain as Māori land today. Within the Waikawa Reserve 932 of the original 4521 acres are still Māori land (21 percent). From the 4000 acres of the Manawatū Kukutauaki 3 Reserve just 306 remain as Māori land. All but four of the remaining 306 acres are within the 1000 acres awarded by the Native Land Court to Ngāti Takihiku. Of the 27,640 acres set aside from the Crown purchases of the Kaihinu blocks (Manawatū Kukutauaki 2A-E) in 1880 and 1881 only 215 acres survive as Māori land today, less than one percent of the area originally set apart. Other reserves such as those set aside from the Crown's purchases of Wairarapa and Waihoanga 4 have been completely alienated.

Fragments of the areas originally set aside in the nineteenth century, the remaining portions of previously inalienable Raukawa land continue to be encumbered by the legacy of the individualized land tenure system imposed upon Māori by the Native Lands Acts of 1865 and 1873. The vesting of land in individual owners, with discrete but geographically undefined shares, led to the repeated division of Māori land into smaller and smaller individually-owned units. Of the 80 remaining sections of Ngāti Raukawa land south of the Manawatū River that were rendered inalienable by the Native Land Court or set aside from Crown purchases, only one is more than 100 acres, while another 13 are between 50 and 100 acres. Slightly more than half of the surviving sections (41 of 80) are 20 acres or less, while almost one quarter (19 of 80) are less than five acres. Eight of the 80 sections are under an acre.

While the size of the surviving sections of Ngāti Raukawa's reserves south of the Manawatū River diminished over the course of the twentieth century, the number of individual owners in each remaining portion has often increased. Today, 30 of the 80 sections that are still Māori land are owned by ten or more individual owners. Nineteen sections have 50 or more owners, nine have 100 or more, and three have more than 200. On the other hand, 29 of the surviving sections are owned by five or less owners, with 22 being owned by just one (including incorporations).

The process by which increasing numbers of individuals inherit ownership in a fixed area of land is called 'fractionation'. The impact of fractionation is evident in many of the surviving sections of Raukawa's reserves south of the Manawatū River. Of the 39 sections with 11 or more owners, 22 are less than 30 acres, 14 are 20 acres or under, and eight are less than 10 acres. More than half of the sections with 50 owners or more are also less than 30 acres, while six of the 17 are 20 acres or less. Amongst the eight surviving sections with 100 or more owners, the largest is 57 acres while the smallest is six and one quarter acres. Eight of the nine sections with more than 100 owners are less than 50 acres, while five are under 30 acres.

Table 6.39 Sections of Ngāti Raukawa reserves still Māori land today

	Area (ha)	Area (acres)	ML Plan	Owners	Shares
Manawatū Kukutauaki 2D 7	13.8	34.5	ML 5573	100	5461
Manawatū Kukutauaki 2D 12A	39.8	99.5	ML 1502	98	15736
Manawatū Kukutauaki 2E 10B	19	47.5	ML 3248	48	7582
Manawatū Kukutauaki 2E 11 & 12	14	35	ML 645	28	5506.03
Manawatū Kukutauaki 3 Sec 1A2 B2 C	0.25	0.6	ML 4599	0	0
Manawatū Kukutauaki 3 1A 10	1.4	3.5	ML 1572	12	100
Manawatū Kukutauaki 3 2A 1A 2	6.2	15.5	ML 3446	184	2437
Manawatū Kukutauaki 3 2A 1B	2.7	6.75	ML 3446	66	1083
Manawatū Kukutauaki 3 2A 4A 1	2.7	6.75	ML 367852	4	1083.5
Manawatū Kukutauaki 3 2A 4A 2	2.7	6.75	ML 367852	1	1083.5
Manawatū Kukutauaki 3 2A 4B	8.2	20.5	ML 3957	26	3248
Manawatū Kukutauaki 3 2A 5	2.7	6.75	ML 2449	1	1080
Manawatū Kukutauaki 3 2A 6	5.5	13.75	ML 2449	7	2161
Manawatū Kukutauaki 3 2A 7	0.1	0.25	ML 2449	1	40
Manawatū Kukutauaki 3 2B 1	9.8	24.5	ML 3384	169	3886
Manawatū Kukutauaki 3 Sec 2D 2	23	57.5	ML 3436	176	9110
Manawatū Kukutauaki 3 2D 4A	15.7	39.25	ML 3994	19	6279.5

Manawatū Kukutauaki 3 2D 4B	10.4	26	ML 3994	11	4068
Manawatū Kukutauaki 3 Sec 2D 5	5.2	13	ML 3436	31	2067
Manawatū Kukutauaki 3 Section 2B2 & 2B 3B 1	8.2	20.5	ML 5125	7	3363
Manawatū Kukutauaki 3 2E 5	18.9	47.25	ML 2393	157	7466
Manawatū Kukutauaki 4D1 1A	16.3	40.75	ML 3710	242	6372.4
Manawatū Kukutauaki 4D1 1B	13.5	33.75	ML 3710	1	5328
Manawatū Kukutauaki 4D1 1C	11.2	28	ML 3710	214	4410
Manawatū Kukutauaki 4D1 2A 2B	12.5	31.25	ML 5283	41	5018.5
Manawatū Kukutauaki 4D1 2B 1	2.5	6.25	ML 3628	228	1007
Manawatū Kukutauaki 4D1 2B 2	6.5	16.25	ML 3628	1	2558
Manawatū Kukutauaki 4D1 2B 3A	6.8	17	ML 3741	1	2698
Manawatū Kukutauaki 4D1 2B 4	6.5	16.25	ML 3628	40	2558
Manawatū Kukutauaki 4D1 3C 2A	15.7	39.25	ML 2984, DP 85368	12	4190
Manawatū Kukutauaki 4D1 3C 2A Pt	18.6	46.5	ML 2984	1	8266
Manawatū Kukutauaki 4D1 3C 2B 1B	25	62.5	ML 4576	70	9863
Manawatū Kukutauaki 4D1 4A	8	20	ML 2715	6	3165
Manawatū Kukutauaki 4D1 4B 1	1.6	4	ML 2770	21	633
Manawatū Kukutauaki 4D1 4B 2	1.6	4	ML 2770	33	633
Manawatū Kukutauaki 4D1 4B 3	1.6	4	ML 2770	5	633
Manawatū Kukutauaki 4D1 4B 4	1.6	4	ML 2770	7	633
Manawatū Kukutauaki 4D1 4C Lot 2	7.7	19.25	DP 6137	1	3028
Manawatū Kukutauaki 4D1 4C 2B	4.4	11	ML 4013	7	1734
Manawatū Kukutauaki 4D1 5B 1	0.1	0.25	ML 4476	3	40
Manawatū Kukutauaki 4D1 5B 4	0.1	0.25	ML 4476	17	40
Manawatū Kukutauaki 4D1 5A (Ngāti Wehiwehi Marae)	0.5	1.25	ML 3397	0	-
Manawatū Kukutauaki 4D1 5B 5C	23.5	58.75	ML 4883	9	9801.355

Manawatū Kukutauaki 4D1 5B 5D	14	35	ML 4883	13	5520
Manawatū Kukutauaki 4D1 5B 5E	10.5	26.25	ML 4883	17	4160
Manawatū Kukutauaki 4D1 5B 5F (Cemetery)	0.6	1.5	ML 4883	24	240
Manawatū Kukutauaki 4E 2A 4B	5.6	14	ML 4170	55	2224.5
Manawatū Kukutauaki 4E 2A 2	13.5	33.75	ML 2836	59	5339.3
Manawatū Kukutatuaki 4E 2B 3	17	42.5	ML 2160	1	6720
Manawatū Kukutatuaki 4E 2B 4	10.6	26.5	ML 2160	1	4200
Manawatū Kukutatuaki 4E 2B 5	10.6	26.5	ML 2160	1	4200
Manawatū Kukutatuaki 4E 2B 5	8.5	21.25	ML 2160	67	3360
Manawatū Kukutatuaki 4E 2B 8	48.7	121.75	ML 2160	12	19264
Manawatū Kukutatuaki 4E3 1A 2	10.6	26.5	ML 3624	85	4274
Manawatū Kukutauaki 4E 3D 1A	1.9	4.75	ML 5546	9	16
Manawatū Kukutauaki 4E 3D 1B	7.5	41.25	ML 5546	9	16
Manawatū Kukutatuaki 4E3 1K	0.25	0.625	ML 5135	37	97.2
Manawatū Kukutatuaki 4E3 1L1	0.2	0.5	ML 5543	1	1
Manawatū Kukutatuaki 4E3 1L2	8	20	ML 5543	50	7191.341
Manawatū Kukutatuaki 4E3 1L3	11	27.5	ML 5543	50	7191.341
Manawatū Kukutauaki 4E 3D 1D	4.4	11	ML 5546	3	3
Manawatū Kukutatuaki 4E 4E	0.2	0.5	ML 1388	3	6.39
Manawatū Kukutauaki 7E 1B	29.2	73	ML 4267	1	11550
Manawatū Kukutauaki 7E 2B	29.2	73	ML 4267	1	11550
Ngākaroro 1A 6B (General Land Owned by Māori)	2.1	5.25	ML 2600	0	1
Ngākaroro 1A 6C	27.5	68.75	ML 2600	1	1088
Ngākaroro 1A 6D (General Land Owned by Māori)	25.4	63.5	ML 2600	0	1
Ōhau 1 Sec 4	34.8	87	ML 5564	1	1

Ōtaki Lot 135 A, B, C	0.08	0.2	ML 3906	27	30.33
Ōtaki Lot 185 (Mangapouri)	1.36	3.4	ML 5304	1	1
Ōtāwhiwhi C2 B (Manawatū Kukutauaki 7G)	5.04	12.6	ML 5564	170	2003
Ōtūroa 3A 1B 2	20.69	51.725	ML 4526	14	8180
Ōtūroa 3A 1C 1	0.4	1	ML 5390	5	160
Ōtūroa 3A 1C 2	20.5	51.25	ML 5390	67	8100
Tahamatā 2A Incorporation	25.5	63.75	ML 1634	1	1
Tahamatā 3A 1	2.17	5.425	ML 5377	1	1
Tahamatā 3A 2 Incorporation	16.7	41.75	ML 5377	1	1
Tahamatā 3D Incorporation	31.9	79.75	ML 4108	1	1
Tahamatā Old Pā & Cemetery (Ōhau Pā)	6	15	ML 914	1	102
Te Rerengaohau 3	4	10	ML 3976	2	1600
	862.3	**2178**			

7. The Fate of the Rangitīkei-Manawatū Reserves, 1874-2000

7.1 Ngāti Kauwhata's Reserves at Te Awahuri and Kawakawa

By 1874 when the Government finally issued Crown Grants for all most all of the tribe's reserves, most of Ngāti Kauwhata's remaining land within Rangitīkei-Manawatū was concentrated in two relatively large reserves situated at Te Awahuri and Kawakawa. The 4500 acres at Te Awahuri had initially been awarded by the Native Land Court to Takana Te Kawa and 35 other members of Ngāti Kauwhata who were residing on the land and had not agreed to Featherston's purchase of Rangitīkei-Manawatū. The Court had also awarded a further 500 acres to Te Kooro Te One, Erina Te One (Te Kooro's wife), Reupena Te One (Te Kooro's father), and Noa Te Tata and Tino Tangata at Puketōtara (modern day Rangiotū). As a condition of the awards, the Native Land Court had stipulated both pieces of land 'shall be inalienable by sale for the period of 21 years form the date of this order' (25 September 1869).[1281]

The 1000-acre reserve at Te Kawakawa had been granted by Donald McLean to the Ngāti Kauwhata 'non-sellers' as part of the 23 November 1870 agreement between the Native Minister and Ngāti Kauwhata, under which the 'non-sellers' gave up their claims to Rangitīkei-Manawatū as a whole in return for 'additional' reserves.[1282] In addition to the Kawakawa reserve, MacLean had allowed the Ngāti Kauwhata 'non-sellers' a further 500 acres at Te Rakehou (as well as much smaller eel-fishing reserves at Rotonuiahau and Tauranganui). The land at Te Rakehou, however, had been almost immediately sold to pay off a debt of £1500 that the non-sellers owed to their Scottish agent and advocate Alexander McDonald.[1283] The debt to McDonald, which the Ngāti Kauwhata 'non-sellers' had acknowledged in a document dated 17 September 1870, was 'for monies and services advanced and rendered by him . . . for

[1281] Walter Buller, 'Memorandum on the Rangitikei-Manawatu Land Claims', *AJHR*, 1870, A-25, pp 7-8
[1282] English Translation of Agreement between the 'Non sellers of the Hapus of Ngati Kauwhata, Ngatiparewahawaha, Ngatikahoro, and of the Rangitane Tribe and Donald McLean, Native Minister, on behalf of the Crown, 23 November 1870, MA 13/73B, pp 647-649, Reo Maori Original, pp 650-653; for a copy of the English translation see: MA13/72A, pp 281-283.
[1283] Morgan Carkeek to H Halse, 20 April 1872, MA 13/75A, p 34

the purpose of paying the costs of surveying and services attending the investigation' of their claims.[1284]

The Crown Grants for the Te Awahuri and Kawakawa Reserves

The Crown Grant for the reserve at Kawakawa (known to Crown officials as Native Section 149 Township of Sandon) was issued on 20 February 1874. Because the Colonial Government had made no legal allowance for any form of tribal or corporate or community title, the land (which upon survey had been found to be 1035 acres) was awarded to five grantees: Te Kooro Te One, Takana Te Kawa, Te Ara Takana, Hepi Te Wheoro, and Hoeta Te Kahuhui. Although it was not set out on the Crown Grant, the five grantees appear to have held the land as trustees for the 'non-sellers' of Ngāti Kauwhata as a whole. The Crown Grant stipulated that the 1035 acres were to be 'inalienable by sale' without the prior consent of the Governor.[1285]

The Crown Grant for the 4500 acres at Te Awahuri was not issued until 20 October 1874. Rather than being awarded to the 36 individuals named in the original court order, the reserve (previously known as Rangitīkei-Manawatū A, but now referred to by Crown officials as Native Section 153 Township of Sandon and Native Section 356 Township of Carnarvon) was granted to six individuals: Te Kooro Te One, Takana Te Kawa, Te Ara Takana, Hepi Te Wheoro, Hoeta Te Kahuhui, and Karehana Tauranga. With the exception of Te Kooro Te One, all of the grantees had been included in the Native Land Court order of 25 September 1869.[1286]

As with the Kawakawa Reserve, it appears that the six individuals named on the Te Awahuri Crown Grant were intended to be trustees for all of the 'non-sellers' whose names had been included in the original court order. That certainly was the conclusion of Native Reserves Commissioner Alexander Mackay who in January and February 1884 undertook an inquiry into the ownership of the Te Awahuri and Kawakawa Reserves. In his subsequent report Mackay concluded that: 'although nothing' had been:

> expressed in the [Crown] Grant to that effect, it would seem only reasonable to suppose, taking all the circumstances into consideration, that the persons named therein were in the position of trustees for the whole of the awardees named by the Court.[1287]

[1284] MA 13/74A, p 203
[1285] 'Abstracts of Titles: Wairarapa and Manawatu', Archives New Zealand, Wellington, MA12 13, (R12777980)
[1286] Ibid
[1287] A Mackay, Commissioner to the Under Secretary, Native Department, 3 March 1884, (NO 84/667), Archives New Zealand, Wellington, MA 13/74 42d, (R20248843), p 9

That the six individuals included on the Crown Grant for Te Awahuri were intended to hold the land as trustees for the Ngāti Kauwhata 'non-sellers' as a whole, also explains why Te Kooro Te One was included as one of the Grantees, even though, his name had not been included in the original court order for the 4500 acres. Since the time of Featherston's disputed acqusition of Rangitīkei-Manawatū, Te Kooro Te One had distinguished himself as a leading opponent of the Crown's purchase, and the most prominent spokesman for the non-sellers of Ngāti Kauwhata. As such, it was only logical that he should be included as one of the trustees for Ngāti Kauwhata's most important Rangitīkei-Manawatū reserve.

In contrast to the Crown Grant for the Kawakawa Reserve, the Te Awahuri Crown Grant did not include any restrictions on the subsequent alienation of the 4500 acres. The removal of the restrictions ordered by the Native Land Court in September 1869, appears to have been carried out upon the initiative of the Ngāti Kauwhata 'non-sellers' themselves, who were most likely acting on the advice of their agent Alexander McDonald. On 6 May 1873, McDonald had written to Native Minister McLean on Ngāti Kauwhata's behalf, urging him to name the 'Grantees and Trustees' whose names would be included on the Crown Grants for the reserves within Rangitīkei-Manawatū that had been created by Featherston and the Native Land Court. McDonald also asked the Native Minister to remove the restrictions that Judge Maning had included in the orders he had issued for the reserves that had been created by the Native Land Court in September 1869. Referring explicitly to the 4500 acres at Te Awahuri, McDonald informed the Minister that 'the owners unanimously deprecate [oppose] any restrictions.' Explaining this apparently counter-intuitive position, the non-sellers' agent explained that:

> It will be necessary for them to alienate some part of this estate to repay advances (loans) made by the Government; to pay other debts, and to furnish funds to stock the land they retain; and it will be obvious to you that they would prefer to alienate part of the awards of the Court which were made in an entirely arbitrary manner, rather than be compelled to sell the awards subsequently made by yourself, all of which had reference to existing cultivations, eel fisheries, grave yards, or other special attachment of the residents. . . . The Natives hope therefore that you will cause the titles to be issued as soon as possible without restrictions.[1288]

[1288] A McDonald to the Native Minister, 6 May 1873, MA 13/74A, pp 806-808.

The terms under which the Crown Grant for the Te Awahuri Reserve were issued were to have disastrous consequences for Ngāti Kauwhata. Issued without restrictions on its future alienation, the reserve was left vulnerable to land loss, either through sale to European settlers or – as turned out to be the case – through the foreclosure of mortgages that had been placed on the land. Most restrictions placed on Māori land after 1865 stipulated that land should be 'inalienable' both by sale and by mortgage (as well as by lease for periods of more than 21 years).

Even more seriously, the Crown Grants for both Te Awahuri and Kawakawa vested ownership of the tribal reserve in a limited number of individuals, rather than the tribe as a whole, while failing to stipulate that these individuals held the land as trustees for their community rather than as absolute owners on their own behalf. This meant that the majority of the tribal owners whose names had not been included on the Crown Grant had no legally enforceable means of ensuring that the Grantees would maintain and manage the land in a way that was beneficial to the community as a whole. Instead, the non-grantees were obliged to rely upon such extra-legal constraints as tikanga Māori, community pressure, and the individual honour of each grantee to ensure that their tribal land was preserved and taken care of.

Such controls often worked well when the legal owners were, as was the case with the Te Awahuri grantees, highly-respected tribal leaders who were living on the land and deeply embedded within their community. Problems, however, might arise when one or more of the legal owners died or moved away. There was no guarantee that a grantee's successor, who might be living somewhere else and may have married or moved into another community, would continue to hold the land they had inherited in the manner in which it had been originally intended: in trust, in the interests of the whole community. Under existing Native land law there was nothing to stop such an individual from embracing their rights as an absolute owner and disposing of their share of the land in the narrow interests of themselves or their immediate family.

In the instance of both Te Awahuri and Kawakawa the legal situation was further aggravated by the fact that the Crown Grants for each piece of land had not explicitly defined the relative interests or shares of each individual grantee. As a consequence, both grants were subject to Section 4 of the Native Grantee Act 1873 which stipulated that when Crown Grants were issued to more than one Māori Grantee the owners were deemed to be 'tenants in common and not joint tenants' (that is that each grantee was the owner of portion or share of the granted land, rather than it being held by the grantees together as a single unit), but that the interests of each individual grantee were not 'deemed to be equal, or of an equal value, unless it had been so

stated in the grant.' This meant that, unless explicitly stated in the Crown Grant itself, it was impossible to know the relative interest of each individual Grantee 'without reference to the Native Land Court.'[1289]

Referring to its impact upon the ownership of Te Awahuri, Supreme Court Judge Richmond J (Christopher William Richmond) described Section 4 of the Native Grantees Act as an 'almost . . . disastrous provision' because it left 'the amount of each' grantee's share 'indefinite' and 'unascertainable' except through an investigation of title by the Native Land Court.[1290] This meant that should a grantee – or more likely one of their successors – fall out with the other grantees, they had the option of pressing their individual claim before the Native Land Court. By allowing an individual grantee (or their successor) to assert their interests against those of the other grantees, Section 4 served as an invitation to litigation and a solvent of community solidarity and cohesion.

The Imprisonment of Alexander McDonald

Three months before the Crown Grant for the Te Awahuri Reserve was issued, Ngāti Kauwhata's agent and advisor Alexander McDonald was sentenced to three years imprisonment for shooting a horse on the bridge over the Oroua River at Te Awahuri on 30 April 1874. The unfortunate horse was part of a team of four which were pulling a carriage owned by Andrew Young who had been contracted by the Government to transport 'Her Majesty's mails between Wanganui and Napier.'[1291] At the time of the shooting Young and his driver had been on their way to Palmerston North, and had just crossed a recently opened stretch of road (now part of State Highway 3 between Palmerston North and Whanganui) that traversed Ngāti Kauwhata's land at Te Awahuri. Ngāti Kauwhata objected to the running of the road across their as yet untitled land, and McDonald's dramatic action appears to have been taken on their behalf. During his trial before the Supreme Court in Wellington, McDonald maintained that he had shot the horse 'with the view of satisfying the native mind'. The community at Te Awahuri were evidently angry at the passage of Young's carriage across their

[1289] 'Judgment of His Honor Mr Justice Richmond', 16 December 1887, In the Court of Appeal of New Zealand, Between Alexander McDonald and Annie McDonald (Appellants) and Te Ara Takana, Ruera Te Nuku, Hoeta Te Kahuhui, Hepi Te Wheoro, Enereta Te Rangiotu, and Hara Tauranga (Respondents), 'New Zealand Court of Appeal, Appeal Cases 1876-1893', p 16
[1290] Ibid
[1291] 'Resident Magistrate's Court', *Wanganui Chronicle*, 5 May 1874, p 2 c 3-4, https://paperspast.natlib.govt.nz/newspapers/wanganui-chronicle/1874/5/5/2 (accessed 5 April 2018)

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.'[1292]

According to reports in the *Wanganui Chronicle*, the severity of McDonald's sentence was in large part due to his admission that, in shooting Young's horse, he had been asserting the rights of his Ngāti Kauwhata clients to the land over which the new road ran. McDonald's statement was viewed by the presiding judge as having 'only aggravated' the offense. Having initially assumed that the shooting 'was only a reckless idiotic act', the Judge now concluded that McDonald had 'committed the act with the intention of stopping the Queen's Highway' – a much more serious offense.[1293] In addition to sentencing the Ngāti Kauwhata agent to 'three years penal servitude', the judge also ordered that, upon release, McDonald should be 'bound over' with 'heavy recognisances' or securities in order to ensure that he would 'keep the peace' in the future.[1294]

McDonald's imprisonment only strengthened the bond between Ngāti Kauwhata and their agent. In an act of remarkable generosity and solidarity, the Ngāti Kauwahta 'non-sellers' – having finally received the Crown Grant for their 4500 acres – gifted 850 acres to McDonald's wife Annie, who was suffering considerable hardship as a result of her husband's imprisonment.[1295] Situated at Raikopu, the 850 acres was considered to be the very best part of the Awahuri Reserve.[1296] The land was formally conveyed by the Te Awahuri grantees to Annie McDonald in a deed dated 27 April 1875.[1297]

In addition to the gift of the 850 acres, Te Ara Takana, Te Kooro Te One and the other Te Awahuri grantees also raised £960 for Annie McDonald and her children by mortgaging the southern third of their reserve to Henry Churton. Negotiated by the grantees without their agent's knowledge, while he was still imprisoned, the mortgage provided 1500 acres of Te Awahuri as security for the £960 furnished by Churton.[1298] Dated 29 September 1875, the mortgage stipulated that interest of 10 percent per annum was to be paid 'by equal half yearly

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[1292] 'The Trial of McDonald', *Wanganui Chronicle*, 9 July 1874, p 2, c 6, https://paperspast.natlib.govt.nz/newspapers/wanganui-chronicle/1874/7/9/2 (accessed 5 April 2018)
[1293] Ibid
[1294] 'Wellington, July 14', *Wanganui Chronicle*, 20 July 1874, p 2, c 4-5, https://paperspast.natlib.govt.nz/newspapers/wanganui-chronicle/1874/7/20/2 (accessed 5 April 2018)
[1295] 'Amended Statement of Defence of Defendant Alexander McDonald', p 10; 'Amended Statement of Claim', p2; 'Notes of Evidence', p 32 (Hoeta Te Kahuhui) all in: In the Court of Appeal of New Zealand, Between Alexander McDonald and Annie McDonald (Appellants) and Te Ara Takana, Ruera Te Nuku, Hoeta Te Kahuhui, Hepi Te Wheoro, Enereta Te Rangiotu, and Hara Tauranga (Respondents), 'New Zealand Court of Appeal, Appeal Cases 1876-1893'.
[1296] 'Notes of Evidence', p 59 (Donald Fraser), Ibid
[1297] 'Mortgage Dated 29 September 1875 Reg No 24,117: Kooro Te One and others to Henry Churton', 'Deeds Relating to the Awahuri Block', p 144, Ibid
[1298] 'Amended Statement of Claim', pp 2-3, Ibid; 'Notes of Evidence', p 61 (Alexander McDonald)

payments' on 31 January and 31 July of each year. The mortgage also empowered Churton – in the event of non-payment of either the principal or the interest – to sell the 1500 acres in order to recover any outstanding debt.[1299] The legal representative for the Te Awahuri Grantees and their successors would later argue that, by empowering the Churton to sell the land without explicitly allowing the mortgagors an opportunity to prevent the foreclosure by paying whatever sum was due (known in legal language as 'the equity of redemption'), the mortgage had been contrary to Section 84 of the Native Land Act 1873, and therefore illegal.[1300]

The £960 raised by the mortgaging of the southern third of the Te Awahuri Reserve was paid by the Grantees to Annie McDonald. In addition to providing support for Mrs McDonald and her children, the sum also furnished Alexander McDonald with the means to pay over the recognisances or security that the Supreme Court had required as a guarantee for his 'good behaviour' upon release from prison.[1301]

With the 'securities for good behaviour' paid, thanks to the money raised by the Ngāti Kauwhata owners of Te Awahuri, Alexander McDonald was formally pardoned by the Governor in Executive Council on 26 October 1875 and released from prison.[1302] Returning to Te Awahuri on the evening of 31 October, he was welcomed by 'the whole tribe living at Awahuri the following morning.'[1303] In her testimony before the Appellate Court in November 1887, Te Ara Takana testified that Ngāti Kauwhata multiplied their support for their agent following his release from prison.[1304] According to Hoeta Te Kahuhui, Te Ara herself provided the materials for McDonald to build a large homestead for himself and his family on the land at Raikopu that the tribe had gifted to them.[1305]

Alexander McDonald Resumes his Position as Agent for Ngāti Kauwhata

Having returned from prison, McDonald resumed his role as agent, advisor and spokesman for the Ngāti Kauwhata community at Te Awahuri. He took up once more the 'non-sellers' campaign to secure from the national Government a more equitable share of Rangitīkei-Manawatū. On 8 May 1876, McDonald spoke on Ngāti Kauwhata's behalf at a meeting of the

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[1299] 'Mortgage Dated 29 September 1875 Reg No 24,117: Kooro Te One and others to Henry Churton', 'Deeds Relating to the Awahuri Block', p 144, (Ibid)
[1300] 'Amended Statement of Claim', p 3, Ibid
[1301] 'Notes of Evidence', p 61 (Alexander McDonald)
[1302] 'Alexander McDonald' *Wanganui Herald*, 27 October 1875, p 2, c 3, https://paperspast.natlib.govt.nz/newspapers/wanganui-herald/1875/10/27/2 (accessed 5 April 2018)
[1303] 'Notes of Evidence', p 61 (Alexander McDonald)
[1304] 'Notes of Evidence', p 37 (Te Ara Takana)
[1305] 'Notes of Evidence', p 32 (Hoeta Te Kahuhui)

tribe with Resident Magistrate James Booth. At the meeting he argued that Ngāti Kauwhata were entitled to a 'proportionate share' of Rangitīkei-Manawatū's overall area (based on the tribe's relative size, compared to the total number of individual owners deemed eligible by the Native Land Court in 1869). By McDonald's estimation Ngāti Kauwhata's rightful share amounted to 20,349 acres, a significantly larger area than that of the reserves that had been returned to the tribe up to that date.[1306] McDonald continued his advocacy in the latter months of 1876, engaging in a sometimes-heated exchange with Crown officials over the terms of reference for a proposed arbitration of Ngāti Kauwhata's claims.[1307] These negotiations culminated in a further agreement, in May 1877, in which the Government agreed to provide additional land for relatives of Te Kooro Te One near Puketōtara (also known as Oroua Bridge), establish Ngāti Parewahawaha's overlooked reserve at Kōpūtara, and pay the non-sellers of Ngāti Kauwhata, Ngāti Parewahawaha and Ngāti Kahoro £4500 as partial compensation for the 'enormous cost' that they had incurred in the pursuit of their claims for justice regarding Rangitīkei-Manawatū.[1308]

In addition to his ongoing advocacy of Ngāti Kauwhata's claims within Rangitīkei-Manawatū, Alexander McDonald lobbied Crown officials with regards to the tribe's interests in the neighbouring Aorangi, and Taonui-Ahuaturanga blocks. At the request of tribal leaders including Tapa Te Whata, he also took up Ngāti Kauwhata and Ngāti Wehiwehi's campaign for the reinstatement of their rights to the Pukekura, Puahoe, Ngāmako 2 and Maungatautari 1 and 2 Blocks in southern Waikato, which had been dismissed by the Native Land Court in November 1868.[1309] Between 1877 and 1882, McDonald lobbied a succession of Native Ministers and Native Department officials on the subject in a series of letters and telegrams.[1310]

[1306] James Booth, 'Notes of a meeting held at Awahuri Oroua on Monday the 8th May 1876', MA 13/74A, pp 1052-1057.

[1307] Alexander McDonald to Clarke, Under Secretary, 30 September 1870, MA 13/74A, pp 934-936; Alexander McDonald, Draft of a Deed Agreement between members of Ngāti Kauwhata, Ngāti Parewahawaha and Ngāti Kahoro and Donald McLean 'for and on behalf of the General Government', MA 13/74A, pp 937-940; Alexander McDonald to H T Clark, 23 November 1876, MA 13/74A, pp 966-967; J A Mackay, 'Re Rangitikei Manawatu Block', 25 November 1876, MA 13/74A, pp 948-952; Alexander McDonald to A Mackay, 4 December 1876, MA 13/74A, pp 986-991; Draft of a letter from A Mackay for the Under Secretary to [Alexander] Macdonald, MA 13/74A, pp 983-984.

[1308] Telegram from James Booth to A Mackay, 2 February 1877, MA 13/74B, pp 42-43; 'Notes of Evidence', p 61 (Alexander McDonald)

[1309] 'Notes of Evidence', p 67 (Alexander McDonald); For a detailed and extremely informative discussion of Ngāti Kauwhata and Ngāti Raukawa's efforts to have their ancestral rights to the land around Maungatautari recognized by the Native Land Court see Professor Boast's, 'Ngati Raukawa: Custom, Colonization, and the Crown, 1820 to 1900', Report Commissioned by the CFRT, 2017

[1310] 'Additional Exhibits put in by Plaintiffs', In the Court of Appeal of New Zealand, Between Alexander McDonald and Annie McDonald (Appellants) and Te Ara Takana, Ruera Te Nuku, Hoeta Te Kahuhui, Hepi Te Wheoro, Enereta Te Rangiotu, and Hara Tauranga (Respondents), 'New Zealand Court of Appeal, Appeal Cases 1876-1893', pp 133-140

In February 1881 he presented and managed his clients' case before the Ngāti Kauwhata Claims Commission in Cambridge. As well as making opening and closing statements on his clients' behalf, McDonald led and cross-examined witnesses, while also giving evidence in his own right.[1311]

As well as advocating on Ngāti Kauwhata's behalf with regards to Rangitīkei-Manawatū, Aorangi-Taonui, and Maungatauri, McDonald also managed the tribe's business before the Native Land Court. In 1878 and 1879 he presented applications to the Court for the subdivision of the Awahuri Reserve and Upper Aorangi (Aorangi 1).[1312] In December 1879 McDonald passed through the Court a detailed plan for the partitioning of most of Aorangi 1 on the behalf of 'the chief heads of families' of Ngāti Kauwahta including Tapa Te Whata, Hoeta Te Kahuhui, Karehana Tauranga, and Takana Te Kawa.[1313]

McDonald's engagement in Ngāti Kauwhata's affairs also extended to the management of the tribe's finances. In addition to advocating for the 'non-sellers' in their dispute with the Government over Rangitīkei-Manawatū, McDonald also incurred debts and paid bills on their behalf. In May 1877, the Ngāti Kauwhata 'non-sellers' and their Ngāti Parewahawaha and Ngāti Kahoro counterparts entrusted McDonald with 'the entire sum of £4500 in bank notes' that the Government had paid to them as partial compensation for the expenses they had incurred in the pursuit of their Rangitīkei-Manawatū Claims.[1314] As Ngāti Kauwhata's agent, McDonald also spent considerable sums on the tribe's campaign to recover its ancestral land around Maungatautari. In evidence given in his own defence before the Supreme Court in November 1887, McDonald testified to having paid out £3150 in legal fees for the tribe's Waikato claims, while incurring debts 'for quite as much again.'[1315]

Although he would subsequently deny that he had ever played such a role, McDonald also appears to have played an essential part in the management of Ngāti Kauwhata's financial affairs around Te Awahuri. In her testimony before the Supreme Court Te Ara Takana described McDonald 'as our manager for everything'.[1316] Giving evidence in the same court case, John Hughey (a European farmer who, with James Whisker, had leased land most of the

[1311] 'Ngati Kauwhata Claims Commission (Report of the; Together with Minutes of Evidence)', *AJHR*, 1881, G-2A, pp 6-33
[1312] Otaki Minute Book 4, pp 38, 50, 60, 122
[1313] Ibid., p 126
[1314] 'Judgment of Richmond J', p 15, In the Court of Appeal of New Zealand, Between Alexander McDonald and Annie McDonald (Appellants) and Te Ara Takana, Ruera Te Nuku, Hoeta Te Kahuhui, Hepi Te Wheoro, Enereta Te Rangiotu, and Hara Tauranga (Respondents), 'New Zealand Court of Appeal, Appeal Cases 1876-1893'
[1315] 'Notes of Evidence', p 67 (Alexander McDonald)
[1316] 'Notes of Evidence', p 37

tribe's land at Kawakawa) testified how McDonald had taken charge of the leasing and sale of portions of Ngāti Kauwhata's land.[1317] In December 1879, McDonald himself told the Native Land Court that he was 'the authorized agent in land matters of Ngāti Kauwhata and Ngāti Turoa', and had 'been for years.' Appearing in support of an application to partition out 400 acres of Aorangi 1 that Ngāti Kauwhata had sold to James Bull, McDonald told the Court that he had 'sold the land (Section No 2) to James Bull for the payment of debts incurred by the tribe.'[1318]

In addition to negotiating sales and leases of the Ngāti Kauwhata's land, McDonald appears to have functioned as a virtual bank for the Te Awahuri community. Te Ara told the Supreme Court that McDonald had held the tribe's money on their behalf.[1319] In their amended statement of claim in the Supreme Court case the Te Awahuri Grantees maintained that their agent had 'collected and received' all of the rentals for the leases that had been negotiated on their behalf.[1320] In addition to holding and collecting money on the Grantees' behalf, McDonald also paid out money to them as the circumstances demanded. According to statements of accounts provided by McDonald in the 1887 Supreme Court case, McDonald paid out almost £600 to Te Ara Takana in 26 payments between 10 May 1877 and 9 April 1883.[1321] Between 1876 and February 1883 Hoeta Te Kahuhui received a total of £1012 7s 8d from McDonald in 43 distinct payments ranging from one to 138 pounds.[1322] Similar accounts were furnished to the Supreme Court for all of the Te Awahuri Grantees with the exception of Te Kooro Te One and his successor Enereta Te Rangiotū.[1323]

Varying in size but generally amounting to £10 or less, these payments were used by the grantees for capital expenses such as purchasing stock and the construction of houses and fences, as well as for consumer goods and living expenses. On 29 May 1878 for example McDonald paid £98 on Te Ara's behalf to the stock agents Stevens and Gorton.[1324] McDonald also furnished £40 to Te Ara on 15 November 1880 towards the construction of a new

[1317] Ibid., p 51. In the 'Notes of Evidence' for the Court Appeal case Hughey's name was mistranscribed as 'John Hewitt'.
[1318] Otaki Minute Book 4, pp 169-170
[1319] 'Notes of Evidence', p 37
[1320] 'Amended Statement of Claim', p 4
[1321] 'Plaintiffs' Exhibits', pp 24-25, In the Court of Appeal of New Zealand, Between Alexander McDonald and Annie McDonald (Appellants) and Te Ara Takana, Ruera Te Nuku, Hoeta Te Kahuhui, Hepi Te Wheoro, Enereta Te Rangiotu, and Hara Tauranga (Respondents), 'New Zealand Court of Appeal, Appeal Cases 1876-1893' (pp 98-99)
[1322] Ibid., pp 25-26 (99-100)
[1323] Ibid., pp 24-28 (98-102)
[1324] Ibid., p 24 (98)

house.[1325] Hepi Te Wheoro's account with McDonald included payments of £60 in December 1876 for a 'mare and foal'; £80 in August 1878 for a buggy; nine pounds in January 1879 for a watch for Matiu Te Wheoro and £90 in October 1881 towards a new house.[1326] Amounting over the years to hundreds of pounds for each individual grantee (almost £4000 altogether), these payments added significantly to the Te Awahuri community's debt burden.[1327]

The Grantees Agree to a Second Mortgage and the Subdivision of Te Awahuri Reserve

In 1876, the Te Awahuri Grantees – acting on their agent's advice – authorized McDonald to negotiate a second mortgage on their 4500-acre reserve. The second mortgage for a sum of £1040 was judged to be necessary because the Ngāti Kauwhata community needed money to purchase stock and fence and clear their land.[1328] Te Ara told the Supreme Court that, on McDonald's urging, the Grantees had agreed to the mortgage for the sake of 'the land – that we might get sheep, and horses, and money.'[1329]

Dated 9 August 1876, the second mortgage on the Te Awahuri Reserve was contracted between the six Grantees and William Common of the firm Murray, Common and Company, station agents ('with whom' McDonald 'regularly did business').[1330] As security for the £1040 – which was paid directly into McDonald's account with Murray, Common and Co –the Grantees mortgaged the entirety of the Te Awahuri Reserve, with the exception of the 850 acres that had been gifted to the McDonalds. Like the first mortgage, the agreement with Common stipulated that the Grantees make six monthly interest payments at a rate of 10 percent per annum (increasing to 12 percent if the payments were not made on time). The mortgage also empowered Common to sell the mortgaged area (3650 acres) 'upon non-payment of any half-yearly instalment of the interest' at the 'appointed . . . time or times.' [1331] As with the first mortgage, the legal representative for the Te Awahuri Grantees and their successors would later argue that this clause was contrary to Section 84 of the Native Land Act 1873, and therefore illegal.[1332]

[1325] Ibid., p 25 (99)
[1326] Ibid., p 26 (100)
[1327] Ibid., pp 24-28 (98-102)
[1328] 'Amended Statement of Defense', p 11
[1329] 'Notes of Evidence', p 37
[1330] 'Judgment of Richmond J', p 15
[1331] 'Mortgage Dated 9 August 1876 Reg 25,109: Kooro Te One and others to William Common', 'Deeds Relating to the Awahuri Block', p 147
[1332] 'Amended Statement of Claim', p 3

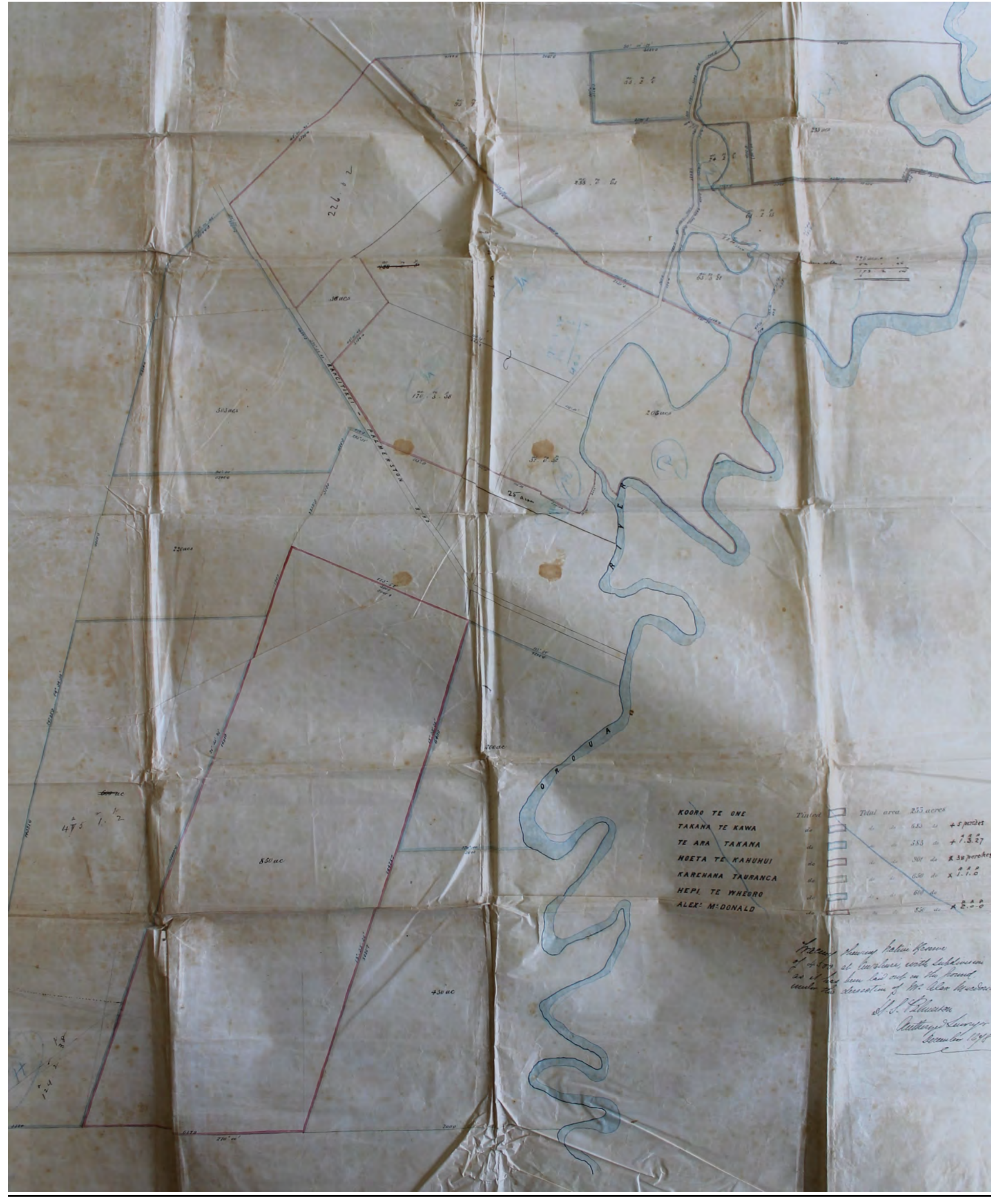
McDonald used the credit raised by the mortgage with Common to purchase stock for the Grantees (from Common's stock agent company) and pay for the clearing and fencing of the reseve.[1333] He also drew upon the £1040 to make payments to the Grantees as the occasion arose.[1334] In addition to managing the funds raised by the mortgage, McDonald also took responsibility – initially at least – for ensuring that the six-monthly interest instalments were paid on time.[1335]

A good part of the £1040 raised by the mortgage with Common appears to have been expended on the fencing off of the remaining 3650 acres of the Reserve into sections for each of the six Te Awahuri Grantees.[1336] On 30 November 1876 the Grantees and McDonald had agreed to a subdivision of the Te Awahuri reserve. With the exception of the 850 acres at Raikopu (which in April 1876 had been transferred by Annie McDonald into her husband's ownership) 'the land south of the main road' was 'alloted in separate parcels' to Te Ara Takana, Hepi Te Wheoro and Karehana Tauranga.[1337] The land to the north (or northeast) of the main road was divided between the other three Grantees: Hoeta Te Kahuhui, Takana Te Kawa and Te Kooro Te One.[1338]

The acreages agreed to by the six grantees were not equal. Owing to the variation in quality of the land to the north and south of the Rangitīkei-Palmerston Road (now State Highway 3) Hoeta Te Kahuhui and Takana Te Kawa received larger allotments than those whose land was located in the southern part of the Reserve.[1339] The section of land set aside for Te Kooro Te One (255 acres) was by far the smallest of the six subdivisions. This was because, while the other five grantees were heads of families that were living at Te Awahuri, the principal residence of Te Kooro Te One and his whānau was downstream from Te Awahuri at Puketōtara. This was why Te Kooro, his wife Erina, and father Reupena had not been included in the original Native Land Court order for the Awahuri Reserve in September 1869, receiving instead a 500-acre of their own at Puketōtara.[1340]

[1333] 'Amended Statement of Defense', p 11; Notes of Evidence, p 61 (Alexander McDonald)
[1334] Notes of Evidence, p 62 (Alexander McDonald); 'Judgment of Richmond J', p 15
[1335] Notes of Evidence, p 62 (Alexander McDonald)
[1336] Ibid., p 61
[1337] 'Judgment of Richmond J', p 16
[1338] L S S Palmerson, 'Tracing shewing Native Reserve of 4500 at Awahuri, with subdivision as it has been laid out on the ground under the direction of Mr Alex McDonald', December 1878, Archives New Zealand, Wellington, MA13 75 42e, (R20248844)
[1339] Ibid
[1340] 'Judgment of Richmond J', p 16

Figure 7.1 Tracing of the Subdivision of the Te Awahuri Reserve (December 1878)



Source: Archives New Zealand, Wellington, MA13 75 42e, (R20248844)

Table 7.1 The Subdivision of the Te Awahuri Reserve, 30 November 1876

	Area Before Survey (acres, roods, perches)	Area Added by Survey
Kooro Te One	255.0.0	
Takana Te Kawa	683.0.0	0.0.05
Te Ara Takana	583.0.0	1.3.27
Hoeta Te Kahuhui	901.0.0	0.0.38
Karehana Tauranga	650.0.0	1.1.00
Hepi Te Wheoro	600.0.0	
Alexander McDonald	850.0.0	2.0.00

Although agreed to by all six of the reserve's grantees, who as heads of the tribe's leading families were presumably acting with the consent of the Te Awahuri community as a whole, the November 1876 subdivision had no legal standing until ratified by the Native Land Court. Given that all six of the Grantees had agreed to the subdivision, the Court's assent would most likely have been a formality were it not for the unexpected death of Te Kooro Te One, at Tiakitāhuna on 19 May 1877. The untimely passing of the Ngāti Kauwhata 'non-sellers'' most important leader had been preceded, not much more than a fortnight earlier, by the death of Te Kooro's father, Reupena Te One at Kohanga, near Te Awahuri, on 2 May 1877.[1341]

Having left no children and being predeceased by both his wife and father, Te Kooro Te One's legal interests in the Te Awahuri and Kawakawa Reserves passed to his sister Enereta Te Rangiotū. Like her brother, Enereta was not a resident of Te Awahuri, but rather lived with her Rangitane husband Hoani Meihana Te Rangiotū at Puketōtara. According to McDonald's testimony to the Supreme Court, Enereta 'immediately declared that she would have nothing to do with the mortgages' on the Te Awahuri reserve because her brother Te Kooro 'had never received any part of the mortgage money.'[1342] Under the advice of her legal representative Walter Buller – who had been no friend of Te Kooro and the Ngāti Kauwhata non-sellers, and was a sworn enemy of Alexander McDonald – Enereta also refused to recognize the subdivision of the Te Awahuri reserve that had been agreed to prior to Te Kooro's death.

At McDonald's urging the other five Grantees applied to have their subdivision approved by the Native Land Court.[1343] McDonald had a particular interest in having the subdivision confirmed because in June 1878 he had entered into an agreement with four of the five surviving Grantees to lease 1906 acres of the Te Awahuri Reserve for a period of 21 years. The

[1341] 'Deaths', *Waka Maori*, 5 June 1877, p 142, https://paperspast.natlib.govt.nz/newspapers/waka-maori/1877/6/5/2 (accessed 1 April 2018)
[1342] Notes of Evidence, p 62 (Alexander McDonald)
[1343] Ibid

legality of McDonald's lease depended on the ratification by the Native Land Court of the 1876 subdivision.[1344]

The application for the partitioning of the Te Awahuri Reserve was brought before the Native Land Court at Foxton in December 1878. Before the application was heard the interested parties and their representatives met in an attempt to come to an agreement outside of Court. At the meeting, McDonald represented the five surviving grantees, while Buller acted for Enereta Te Rangiotu. According to the account provided by McDonald before the Supreme Court, McDonald 'produced the plan of the subdivision' that had been agreed to prior to Te Kooro's death and 'proposed that they should agree to ask the Court to confirm the subdivision.' Buller replied that he had been instructed to demand 'a full one fifth' of the Te Awahuri Reserve's original 4500 acres. Rejecting this proposal, McDonald asked Enereta's representative to agree to a meeting of the whole of Ngāti Kauwhata 'to ascertain' whether the subdivision had indeed 'been made before Te Kooro's death.' Buller, however, refused to consider such a meeting, replying – by McDonald's account – that "you could not get a meeting, Enereta would not come to the meeting."[1345]

With no agreement between the legal owners possible, the application for subdivision was submitted to the Court for its decision. After McDonald – described in the Native Land Court Minute Book as the 'agent for Ngāti Kauwhata' – had 'stated the case at length', the Court decided to postpone the hearing until it had received all of the relevant papers and plans.[1346] When the hearing resumed – at Palmerston North on 7 January 1879 – the Court opted to dismiss the application because the applicants had applied for the subdivision under the wrong legislation; were actually asking the Court 'to define the respective interests' of the six original grantees rather than subdivide; and were unable to produce the Crown grant for the reserve, 'the land being under mortgage.'[1347]

The Foreclosure of the Te Awahuri Mortgages

The Native Land Court's refusal to consider the subdivision of the Te Awahuri Reserve was the first in a chain of events that were to have disastrous consequences for Ngāti Kauwhata. With the subdivision of the reserve and his own lease effectively in limbo, and Enereta and the

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[1344] 'Lease 7 June 1878 Te Ara Takana and others to McDonald', 'Deeds Relating to the Awahuri Block' p 92 (149)
[1345] Notes of Evidence, p 62 (Alexander McDonald)
[1346] Otaki Minute Book 4, p 38
[1347] Ibid., p 50

other Grantees still at odds over the two mortgages, McDonald took the dramatic, and potentially catastrophic step of announcing that he would no longer pay the interest on the mortgages as it became due. After giving notice to the five Grantees he still represented, McDonald – on 12 January 1879 – addressed a letter to William Common, who was now the holder of both of the Te Awahuri mortages having taken over Henry Churton's contract in November 1876.[1348]

In his letter, McDonald informed Common of the Native Land Court's failure to subdivide the reserve at Te Awahuri, and what he considered to be Buller's strategy of obstruction, which in his opinion was intended to secure for Enereta a larger share of the reserve than she was entitled to. Confronted by this challenge to his authority and interests, McDonald informed Common that he intended 'to strike the first blow, and make it as hot and heavy as I can, with a view to get the fight over as quickly as possible.' Towards this end McDonald told the holder of the two Te Awahuri mortgages that he would 'decline any longer to pay the interest on your mortgage of £2000'. He also advised Common 'to take whatever consequent proceedings may be necessary as promptly and firmly as may be.' Faced by the threat of imminent foreclosure and the sale of his client's interests, McDonald hoped that Buller would be forced to capitulate, and agree to the payment of Enereta's share of the interest and the subdivision of the Te Awahuri reserve. McDonald justified his reckless action – which seriously jeopardized the interests of his Ngāti Kauwhata clients – by claiming that he was 'quite justified' in taking the steps he had chosen because he was 'no longer agent for all the mortgagers.'[1349]

On 14 April 1879 McDonald addressed a further letter to Murray, Common and Co, informing them that, although there was 'plenty of money to pay the interest' on the Te Awahuri mortgages, 'and plenty of security for the principal', he no longer had authority 'to pay the interest and cannot therefore do so.' Referring to a £2500 overdraft that he had apparently also taken out with the company on Ngāti Kauwhata's behalf, McDonald warned that he could 'see no way of clearing it off' until the Native Land Court had provided his clients with a secure title to the land he had leased from them.[1350]

Perhaps believing that his 'hot and heavy' blow had delivered its intended result, McDonald – who was still acting for all of the Te Awahuri Grantees other than Te Kooro Te One's successor – encouraged his clients to submit a further application for subdivision to the Native Land Court. The application, which had been filed by 'Hoeta Kahuhui and others', on behalf

[1348] Notes of Evidence, p 62 (Alexander McDonald)
[1349] 'Exhibit C, No 1, 'Letter, McDonald to Common', 12 January 1879, 'Plaintiffs Exhibits', p 13
[1350] 'Judgment of Richmond J', pp 17-18

of the five surviving Te Awahuri grantees – was heard by the Native Land Court at Palmerston North on 26 November 1879. McDonald once again appeared on behalf of the applicants, with Buller representing Te Kooro Te One's successor. Buller objected to the subdivision on the grounds that the land was subject to a £2000 mortgage. After McDonald had spoken in support of the subdivision, the Court dismissed the application on the grounds that 'large interests were involved', and the applicants had not been able to produce the original Crown Grant which was held by the mortgagee.[1351]

The following week, on 5 December 1879, William Common served notice to the Te Awahuri Grantees of his intention to sell their mortgaged property if the unpaid interest of £48 due on their mortgage with Henry Churton (due for payment on 31 July) was not paid within 60 days.[1352] Common's notice appears to have finally had the effect that McDonald had desired. On 21 January 1880 Enereta came to an agreement with McDonald, who a few days earlier had acquired the two Te Awahuri mortgages from Common, after agreeing to sell his 850 acres at Raikopu to Donald Fraser for £10,000.[1353]

Under the terms of the agreement, McDonald withdrew the Te Awahuri Reserve from sale in return for 'all parties' agreeing to an immediate subdivision of the block, based upon the definition by the Native Land Court of the share or relative interest of each of the six Grantees or their successors. In addition, Enereta Te Rangiotū agreed to pay her part of the interest due on the two mortgages in return for McDonald opening up his Ngāti Kauwhata accounts for independent inspection.[1354]

That, however, was not the end of the story. Te Ara Takana, Hoeta Te Kahuhui and the other surviving Te Awahuri Grantees apparently refused to make the necessary application to the Native Land Court. It would appear that they were unwilling to depart from the 1876 subdivision that had been agreed to by all six of the original Grantees. The surviving Grantees were also reluctant to submit to an adjudication by the Native Land Court that might result in the reduction of each of their relative interests, while increasing the share apportioned to Enereta. Testifying before the Supreme Court, McDonald speculated that the surviving grantees had been:

[1351] Otaki Minute Book 4, p 122
[1352] 'Exhibit D, 'Notice of Intention by William Common to Exercise Power of Sale', 'Plaintiffs Exhibits', p 14
[1353] 'Judgment of Richmond J', p 18; Notes of Evidence, p 63 (Alexander McDonald)
[1354] 'Judgment of Richmond J', p 18

very angry with Enereta for not at once endorsing the division that had been made before Kooro's death – that being the greatest indignity that could be offered to the memory of a man so highly honoured and respected as he had been.[1355]

McDonald also believed that Te Ara and the other Grantees were afraid that should their interests in the Te Awahuri Reserves be subjected to 'investigation made merely by the Land Court, they would be defeated, and she [Enereta] would get a full share.'[1356] Given Ngāti Kauwhata's experience with the Native Land Court since 1868, this lack of confidence in the Native Land Court was very well grounded.[1357]

For his part, McDonald claimed to be unhappy with the wording of the order he had received from Enereta and Hoani Meihana Te Rangiotu empowering him to draw upon rents received from the leasing of parts of the Te Awahuri Reserve to pay Enereta's share of the interest on the two mortgages. McDonald objected that the order was 'worthless' because it had incorrectly used the pronoun *matou* (we) when the order had been signed by just Enereta and her husband (meaning that the grammatically correct pronoun should have been *māua*, rather than *mātou*, which refers to three or more individuals).[1358]

Increasingly frustrated and enraged by what he would describe in his testimony to the Supreme Court as the 'obstinate', 'persistent', 'wilful', and 'perverse' refusal of the Te Awahuri Grantees to apply for the subdivision of the reserve, or arrange for the security of his lease and the payment of the interest on the mortgages, McDonald resolved to put the land up for sale himself.[1359] In a letter dated 17 April 1880, Ngāti Kauwhata's agent of more than a decade informed his solicitors that it was now 'necessary' that the mortgages on Te Awahuri 'should be redeemed either by sale of the property or otherwise.' Towards this end he instructed that, 'unless the mortgage is redeemed by the payment of principal, interest, and expense', his solicitors should 'advertise the property for sale at the earliest date allowed by law.'[1360]

[1355] 'Notes of Evidence', p 64 (Alexander McDonald)
[1356] Ibid
[1357] Boast, 'Ngāti Raukawa: Custom, Colonization, and the Crown, 1820 to 1900'
[1358] 'Judgment of Richmond J, pp 18-19; Notes of Evidence, p 65 (Alexander McDonald)
[1359] 'Notes of Evidence', p 65 (Alexander McDonald)
[1360] 'Judgment of Richmond J', p 18

The Purchase of the Te Awahuri Reserve by Alexander McDonald

The 3650 acres subject to the two mortgages were duly advertised for sale by private auction in Wellington. Having taken the dire decision to foreclose on the Ngāti Kauwhata mortgages, McDonald appears to have almost immediately regretted the consequences of his action. Faced by the very real possibility that the purchase of the Te Awahuri reserve by a third party might result in the eviction of the Ngāti Kauwhata community (and the loss of his lease), McDonald appealed to Native Minister John Bryce to have the Government purchase the reserve on the Māori owners behalf, thereby preventing the land from being 'sacrificed' to a European farmer or land speculator for much less than it was worth. In his testimony before the Supreme Court, Bryce recalled that McDonald had told him that 'a block of land at Awahuri was about to be sold infinitely to his regret'. Bryce told the Court that McDonald had spoken 'with very strong feeling about' the land at Te Awahuri, leaving no doubt in the Minister's mind that he did indeed 'regret the sale.' Despite an ill-fated attempt to include Buller in his negotiations with the Minister, McDonald's attempts to secure Government intervention ultimately 'came to nothing.'[1361]

In addition to appealing to the Native Minister (and arguing with Buller) McDonald also met with members of the Ngāti Kauwhata community at Te Awahuri. In their Amended Statement of Claim to the Supreme Court, the Te Awahuri Grantees maintained that McDonald had told them 'that the Mortgagee was about to sell the lands . . . in exercise of the powers contained in the said Deeds of Mortgage, but that he would proceed to Wellington to protect their interests at such sale.'[1362]

In their testimony before the Court, members of Ngāti Kauwhata remembered that McDonald had told the meeting that he was going to Wellington to recover their land for them. Hoeta Te Kahuhui (one of the original Grantees) recalled that McDonald had said that he was travelling to Wellington to withdraw their land from sale, and had promised that he would not return without it.[1363] Henry Hughes (a 'half-caste' member of Ngāti Kauwahta, who testified in English) told the Supreme Court that McDonald had assured the meeting that: 'I'm going to Wellington to buy this land back for you; and, if I do not bring this land back, I will never show much face here again.'[1364] For his part, McDonald – who insisted to the Supreme Court that he

[1361] 'Notes of Evidence', p 52 (John Bryce)
[1362] 'Amended Statement of Claim', p 4
[1363] 'Notes of Evidence', p 33 (Hoeta Te Kahuhui)
[1364] 'Notes of Evidence', p 44 (Henry Hughes)

had been 'very undesirous' that the Reserve 'should be sold' – denied ever having made such a promise.[1365]

The Te Awahuri Reserve – with the exception of the 850 acres that the Ngāti Kauwhata 'non-sellers' had gifted to Annie McDonald – was sold by public auction in Wellington on 26 May 1880. The successful bidder was none other than Alexander McDonald himself, who purchased the 3650 acres for £5100. In order to finance his purchase, McDonald took out a new mortgage on the reserve. This mortgage – contracted by McDonald with the wealthy Rangitīkei settler and landowner John McKelvie – was agreed on 31 May 1880, two days after the conveyance of the foreclosed land to McDonald was formalized.[1366]

Having secured the finance to his purchase, McDonald returned to Te Awahuri to meet with the members of the Ngāti Kauwhata community, who were now legally his tenants. According to the accounts of the meeting provided by Hoeta Te Kahuhui, Te Ara Takana, Henry Hughes (Hoeta's son-in-law), and Robert Jury to the Supreme Court, McDonald told the gathering – which according to Hughes included 'all the principal people' of the Awahuri community – that he had recovered the foreclosed land for them.[1367] According to Hughes, whose testimony was accepted as authoritative by both Judge Richmond and McDonald himself, 'McDonald came back and said "I have bought the land back: I have got it back."[1368] Te Ara and Hoeta both told the Supreme Court that McDonald then announced that he was returning the land to them. As Te Ara remembered it, McDonald said: "Now, Ngāti Kauwhata, I return your land to you. If I were a bad man you would not have had your land returned. Now here's your land." On hearing their Agent's announcement, Te Ara told the Court that she was so happy and relieved that she 'was inclinded to dance with joy (pukana).'[1369]

After announcing that he had bought back the 3650 acres, McDonald turned to the question of money. With the loan from McKelvie, McDonald had purchased the land for £5100. This meant that, once the principal and outstanding interest on the two mortgages had been paid, something like £3000 remained to be paid back to the original Grantees. The question was what was to be done with that money: should it be used to reimburse or buy back from McDonald all or part of the foreclosed land or simply be paid over to the Grantees for their present or future use? According to the accounts provided by the Ngāti Kauwhata witnesses before the

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[1365] 'Notes of Evidence', pp 65 & 69
[1366] 'Conveyance Dated 29 May 1880, Registrar Supreme Court to McDonald', 'Deeds Relating to the Awahuri Block', p 99 (156); 'Judgment of Richmond J', p 21; Deeds Relating to the Awahuri Block', p 101 (158)
[1367] 'Notes of Evidence', pp 33 (Hoeta Te Kahuhui),38 (Te Ara Takana), 44 (Henry Hughes), 46 (Robert Jury)
[1368] 'Notes of Evidence', p 44; 'Judgment of Richmond J', p 21; 'Notes of Evidence', p 69 (McDonald)
[1369] 'Notes of Evidence', p 38.

Supreme Court, the meeting was unanimous that the £3000 should be put towards the return of their land rather than disbursed separately. According to Henry Hughes, when McDonald asked them whether they would "sooner have the money or the land?" the meeting had replied "No, we'll have our land back."[1370] Much the same account was provided by Robert Jury:

> He [McDonald] then told us the price that was paid for the land – £5100. He said that he took back with him to Palmerston £3000. He asked us what our desire was – that the £3000 or the land should be returned to us. We said that the land must be returned to us.[1371]

According to Hughes, McDonald then said, "If you're going to have your land what about my money?" In response, Takana Te Kawa (husband of Te Ara, and one of the original six Grantees) 'stood up and said, "Well, you've got some money belonging to us, why do you not pay that?"[1372] In addition to the £3000 surplus from the recent foreclosure sale, Takana may have been referring to the various other sums of money that Ngāti Kauwhata had entrusted in their agent, including the £1040 from the mortgage with William Common, the £3000 that had been their share of the £4500 payment made by the Government in May 1877, and the various rental payments that McDonald had received on the tribe's behalf for leases on the Te Awahuri and Te Kawakawa reserves and the Aorangi block. McDonald replied that this money had been put to one side, and that he should be allowed to continue to manage it on the community's behalf. By Hughes' recollection the exact words used by McDonald (in reo Māori) were: "Waihotia tena moni. Kei te takoto pai tena moni i au. Ko tena moni e raruraru ana tena moni" ("Leave that money. That money is in good keeping with me. That money is tied up").'[1373]

Aware that even if the 3650 acres were returned to them, the Te Awahuri community would still be liable for the approximately £2100 that McDonald had paid to cover the principal and interest due on the foreclosed mortgages, Henry Hughes urged Ngāti Kauwhata to sell off a portion of their reserve in order to pay off the outstanding debt. "The best thing you can do now", he recalled telling the meeting, "is to sell a portion of this land". Hughes then pointed out the area that he believed should 'be sold to pay McDonald." McDonald, however, argued against such a sale. Observing that the land was currently "too cheap to sell" (the colonial New

[1370] 'Notes of Evidence', p 44
[1371] 'Notes of Evidence', p 46
[1372] 'Notes of Evidence', p 44 (Henry Hughes)
[1373] Ibid

Zealand economy having just fallen into a severe depression caused by the collapse of a speculative boom and the drying up of investment capital from Great Britain), he advised the gathering not to sell the land but to rather pay him the money from their leases (the largest of which was with McDonald himself).[1374] In this way, McDonald explained, he would be able to cover the costs of the mortgage with McKelvie until the price of the land had increased. According to Hughes, 'All Ngāti Kauwhata agreed' to this proposal.[1375]

McDonald Begins to Sell Portions of the Te Awahuri Reserve

For his part, Alexander McDonald told the Supreme Court that, after purchasing the foreclosed reserve he had returned to Te Awahuri and informed the former owners that he had 'bought the land.' As the new owner of the land, McDonald said that he had assured the residents of the Ngāti Kauwhata community that he would not 'for the present . . . disturb them in their own homes.' He did, however, warn his new tenants 'that it would be necessary' for him 'to squeeze them up pretty tight', and that he 'would see later on what it might finally be necessary to do with themselves.' According to McDonald the threats of relocation and even eviction implicit in his 'communication' with the Te Awahuri residents was based on the fact that he:

> was very angry with them at the time, considering they had behaved in a worse manner than ever they have done before, and willfully, perversely, and obstinately refused to do what they ought to have done.[1376]

In April 1881 McDonald began to act on his warnings to Ngāti Kauwhata. In that month he sold off the first of several sections of the Te Awahuri Reserve. He had already, in January of the previous year, sold for £10,000 the 850-acres at Te Raikopu that that Te Awahuri Grantees had gifted to his family in 1875, while he was in prison. Between April 1881 and 17 June 1885, McDonald sold 1700 acres of the Te Awahuri Reserve to European purchasers 'for sums

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[1374] On the collapse of the 'speculative boom' that had been generated by the Vogel Government's policy of large-scale borrowing to support large scale immigration and economic development see: W J Gardner, 'A Colonial Economy', in W H Oliver with B R Williams (eds), *The Oxford History of New Zealand*, (Oxford & Wellington, Oxford University Press), 1981, p 75. The collapse of the boom in 1878-79 led to a 'severe downswing which went into 1880 without any sign of recovery.' This 'downswing' was to be followed by 'a long period of stagnation or near-stagnation . . . in many parts of the economy lasting until 1895.'

[1375] 'Notes of Evidence', p 44 (Henry Hughes)

[1376] 'Notes of Evidence', p 65 (Alexander McDonald)

amounting to £9546 2s 6d.'[1377] The 1700 acres alienated amounted to almost half of the 3650 acres that had been acquired by McDonald in May 1881. Combined with the 850 acres that he had already sold at Raikopu, the 1700 acres brought the total area of the Te Awahuri Reserve alienated by McDonald to 2550 acres, or almost 60 percent of the Reserve's original area. This was land that Ngāti Kauwhata would never get back.[1378]

Most of the area sold by McDonald between April 1881 and June 1885 was land that was already under lease to private Europeans (including, most notably, himself). As a result, the immediate impact of the land sales upon Te Awahuri's Ngāti Kauwhata residents was limited. The exception was McDonald's sale of a section of the northern part of the reserve, previously occupied by Takana Te Kawa, to Edmund Jennins in December 1881.[1379] By the time it was sold the land was occupied by Takana's nephew Ruera Te Nuku. McDonald told the Supreme Court that in order to complete the sale he 'had to take' the boundary lines of the purchase area 'close up to Ruera's house'. In the process he 'took' another of Ruera's houses, 'a nice little wooden house, and a portion of his cultivation.'[1380]

Despite the land sales, the Ngāti Kauwhata residents of Te Awahuri continued to assume that they were still the owners of the reserve. Under cross-examination by Annie McDonald's lawyer, Henry Hughes told the Supreme Court that: 'we all thought that Awahuri belonged to us – except what was given to McDonald – all the time I thought the Block belonged to us.'[1381] Although he knew that 'McDonald had been selling portions' of the Reserve, Hughes thought the land was being sold to 'raise money' for Ngāti Kauwhata's Waikato claims.[1382] Te Ara also confessed to knowing that McDonald had been selling parts of the Te Awahuri Reserve. She told the Supreme Court that she had not objected to the sales because McDonald had assured her that he would place the proceeds in 'the bank for us, to buy sheep for us.'[1383]

At the same time as he was alienating portions of Te Awahuri, McDonald continued to make occasional payments to the reserve's surviving Grantees. According to the statements of accounts he submitted to the Supreme Court in 1887, between June 1880 and June 1883 McDonald paid out £467 5s 10d in 19 separate payments to Hoeta Te Kahuhui; £367 11s in 21 payments to Hepi Te Wheoro; £276 to Te Ara Takana (in 16 separate payments); and £203 14s

[1377] 'Judgment of Richmond J', p 22
[1378] Ibid., pp 25-26
[1379] Ibid., p 22
[1380] 'Notes of Evidence', p 66
[1381] 'Notes of Evidence', p 45
[1382] Ibid
[1383] 'Notes of Evidence', p 43

4 to Karehana Tauranga (in 20 payments).[1384] McDonald also paid out £138 11s 4d to Takana Te Kawa, in 14 payments between 1 July 1880 and 22 September 1882.[1385] The final of these payments (£20) was made two days after Takana's death on 20 September 1882.[1386] Altogether, according to his own accounts, McDonald paid out more than £1453 to the five surviving Te Awahuri Grantees between June 1880 and June 1883.[1387]

Under cross-examination before the Supreme Court, McDonald argued that the fact that the five surviving Grantees had continued to receive payments after his purchase of the foreclosed 3650 acres 'showed' that they had 'adopted' the 'alternative' of receiving their share of £5100 payment in money form, rather than opting – as the witnesses for Ngāti Kauwhata had insisted – for the return of the land itself. Upon being asked why he should have paid such a large balance 'in very small sums' (including many payments of £10 or less), McDonald responded that he had 'paid it exactly as I paid other money to them. I let them have the money as they wanted it.'[1388]

The Ngāti Kauwhata 'Non-Sellers' Petition the Governor for the Removal of Restrictions on the Sale of the Kawakawa Reserve

In 1883, Te Ara Takana, Hoeta Te Kahuhui, and Hepi Te Wheoro (the three surviving Grantees), Ruera Te Nuku (Takana Te Kawa's successor), Enereta Te Rangiotū (who had succeeded to Te Kooro Te One's share of the grant) and Hoani Meihana Te Rangiotū petitioned the Governor for his consent to their sale of the part of the Kawakawa reserve that the Grantees had leased to Charles Whisker and John Hughey. The areas in question consisted of 448 acres under lease to Whisker and 473 acres leased to Hughey: a total of 921 acres or just under 90 percent of the Kawakawa Reserve's 1035 acres.[1389]

[1384] 'Exhibit L: A McDonald's Statements of Accounts with Natives Produced by Him on Discovery', 'Plaintiffs Exhibits', pp 24-26, 27
[1385] Ibid., pp 26-27
[1386] 'Death of a Maori Chief', *Feilding Star*, 23 September 1882, p 2, c 9, https://paperspast.natlib.govt.nz/newspapers/feilding-star/1882/9/23/2 (accessed 8 April 2018)
[1387] 'Exhibit L: A McDonald's Statements of Accounts with Natives Produced by Him on Discovery', 'Plaintiffs Exhibits', pp 24-27
[1388] 'Notes of Evidence', p 69 (McDonald)
[1389] 'Petition of Te Ara Takana, Ruera Te Nuku, Hoeta Te Kahuhui, Hepi Te Wheoro, Enereta Te Rangiotu, and Hoani Meihana Te Rangiotu to the Right Honourable Sir William J Drummond Jervois, Governor of the Colony of New Zealand', 1883; 'In the matter of the Kawakawa Reserve Native Section No 149 and of Te Ara Takana, Eruera Te Nuku, Hoeta Te Kahuhui, Hepi Te Wheoro, Enereta Te Rangiotu and Hone Meihana Te Rangiotu, both in Archives New Zealand, Wellington, MA13/75 42e, (R20248844)

The land that the petitioners wished to sell had been occupied by Whisker and Hughey since 1863, the two settlers leasing the land from their Ngāti Kauwhata neighbours.[1390] The two settlers had continued to pay rent to the Te Awahuri community even after the land had been acquired by the Crown as part of the Rangitīkei-Manawatū purchase in December 1866. In November 1870 the land leased by Whisker and Hughey at Kawakawa had been included as part of the largest of the 'additional reserves' created by Native Minister Donald McLean under his attempted settlement of the Ngāti Kauwhata 'non-sellers' claims to Rangitīkei-Manawatū. The 'non-sellers' had apparently chosen the land in order to 'secure' their long-term tenants in their occupation of the land, and to acknowledge the loyalty the two settlers had shown to them over the course of their dispute with the Government over the ownership of Rangitīkei-Manawatū.[1391]

The Crown Grant for Kawakawa was eventually issued in February 1874, and the five Grantees had immediately leased most of the reserve to Whisker and Hughey for the maximum allowable period of 21 years.[1392] In late 1882 or early 1883 the two settlers sought McDonald's help in negotiating their purchase of the land under lease from the Ngāti Kauwhata non-sellers. McDonald arranged a meeting and the Grantees – who apparently still thought they were the owners of their reserve at Te Awahuri – agreed to the purchase.[1393]

In order for the sale to go ahead, however, the contracting parties first had to obtain the agreement of the Governor. Such consent was required under the terms of the Crown Grant for the Kawakawa reserve, which stipulated that the 1035 acres were to be 'inalienable by sale without the consent of the Governor being previously obtained.'[1394] To obtain the required consent, Whisker, Hughey, and the Grantees and their successors all sent off petitions to the Governor. In their separate but identical petitions Whisker and Hughey emphasized their long and unbroken occupation of the Kawakawa land, their continuous payment of 'the rents reserved' to the Ngāti Kauwhata owners, and the 'very large sums of money and labour' that they had invested in their leaseholdings.[1395] Authored by John Price, a Feilding solicitor, the

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[1390] 'Petition of John Hughey to the Right Honourable Sir William J Drummond Jervois, Governor of the Colony of New Zealand', 1883, Archives New Zealand, Wellington, MA13/75 42e, (R20248844)
[1391] A Mackay, Commissioner to the Under Secretary, Native Department, 3 March 1884, Archives New Zealand, Wellington, MA 13/74 42d, (R20248843), pp 2-3
[1392] 'Petition of John Hughey to the Right Honourable Sir William J Drummond Jervois, Governor of the Colony of New Zealand', 1883, Archives New Zealand, Wellington, MA13/75 42e, (R20248844)
[1393] 'Notes of Evidence', p 51 (John Hewitt [Hughey])
[1394] 'Abstracts of Titles: Wairarapa and Manawatu', Archives New Zealand, Wellinton MA12 13 (R12777980)
[1395] 'Petition of John Hughey to the Right Honourable Sir William J Drummond Jervois, Governor of the Colony of New Zealand', 1883; 'Petition of James Whisker to the Right Honourable Sir William J Drummond Jervois, Governor of the Colony of New Zealand', 1883, Archives New Zealand, Wellington, MA13/75 42e, (R20248844)

petitions signed by the Kawakawa grantees and their successors simply notified the Governor that they were 'desirous of selling' the land to Whisker and Hughey, and prayed 'that the restrictions against the alienation' of the reserve 'may be removed and the agreement entered into.'[1396]

Alexander Mackay's Investigation and His Meetings with Ngāti Kauwhata at Kawakawa

Particularly when compared to subsequent decades, the Government in the 1880s was relatively serious about maintaining restrictions against the sale of portions of Māori land, particularly when the Māori owners in question stood to be left with little or no suitable land if the sale was allowed. In the case of the proposed purchase of the Kawakawa Reserve, Minister of Native Affairs John Bryce (in a memorandum dated 23 September 1883) made it 'an indispensable condition to consent being given to the sale . . . that the Native owners should possess other property held under a similar tenure.' This meant that, before the Governor would consent to the purchases by Whisker and Hughey, it would first have to be shown that Te Kawakawa Grantees (and their successors) possessed 'an equivalent' area of land that was also inalienable from purchase.[1397]

In order ascertain whether the Grantees fit this criterion, the Under Secretary of the Native Department appointed Reserves Commissioner Alexander Mackay to investigate the matter. In the course of his investigation Mackay met twice with the Ngāti Kauwhata community at Te Awahuri. At the first meeting, on 15 January 1884, the Commissioner had explained that the Native Minister 'would only give his consent to the sale' of Kawakawa 'on being satisfied that they held other lands with restriction on sale.' As far as he could tell, Mackay told the meeting, the Ngāti Kauwhata community did not own 'any land in that position.'[1398]

Between his first meeting with Ngāti Kauwhata at Te Awahuri and the second, on the 16 February 1884, Mackay learned from McDonald the true 'position of the title to the Awahuri Reserve'. Having discovered that the Ngāti Kauwhata community were no longer the owners of reserve at Te Awahuri, and that McDonald had purchased the land after foreclosing on the two mortgages that had been taken out on the land, the Reserves Commissioner proceeded to

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[1396] 'Petition of Te Ara Takana, Ruera Te Nuku, Hoeta Te Kahuhui, Hepi Te Wheoro, Enereta Te Rangiotu, and Hoani Meihana Te Rangiotu to the Right Honourable Sir William J Drummond Jervois, Governor of the Colony of New Zealand', 1883; 'In the matter of the Kawakawa Reserve Native Section No 149 and of Te Ara Takana, Eruera Te Nuku, Hoeta Te Kahuhui, Hepi Te Wheoro, Enereta Te Rangiotu and Hone Meihana Te Rangiotu, Archives New Zealand, Wellington, MA13/75 42e, (R20248844)

[1397] A Mackay, Commissioner to the Under Secretary, Native Department, 3 March 1884, Archives New Zealand, Wellington, MA 13/74 42d, (R20248843), p 2; 'Notes of Evidence, p 36 (Alexander Mackay)

[1398] 'Notes of Evidence, p 36 (Alexander Mackay)

break the news to the second meeting of the Te Kawakawa Grantees and other members of the Ngāti Kauwhata community.[1399]

As he recalled in his evidence before the Supreme Court, Mackay informed the stunned gathering 'that Mr McDonald appeared to be the owner of Te Awahuri', and that 'if anything happened to Mr McDonald they would probably be liable to be turned out by anyone who subsequently became possessed of the property.' Noting that the Ngāti Kauwhata community was still occupying 700 acres of their former reserve, Mackay strongly advised them to use 'a portion of the proceeds of the Kawakawa land' – the sale of which he was apparently now ready to endorse – 'in order to secure their homes and the land they were occupying' at Te Awahuri.[1400]

As recounted in their testimony to the Supreme Court, the Grantees and other members of the Te Awahuri community reacted in astonishment and anger to the Commissioner's advice that they would have to sell their reserve at Kawakawa in order to buy back the land which they were living upon at Te Awahuri. Henry Hughes remembered that those at the meeting 'were not satisfied to pay this other money for land that belonged to them.'[1401] Te Ara was particulary enraged. 'Why?' she recalled asking Mackay, 'Why should I pay for my own land with my land?'[1402]

Shocked and infuriated by the news that they were no longer the owners of their own reserve, the Ngāti Kauwhata community turned to their agent, Alexander McDonald for answers. In what appears to have been a moment of great drama that was recounted to the Supreme Court by Te Ara, Henry Hughes, and Robert Jury (who had all been present at the meeting), as well as by the questioner himself, Hoani Meihana Te Rangiotū asked McDonald about the mortgages he had taken out on the land at Te Awahuri. 'How much for the first Mortgage', Hughes remembered Enereta's husband asking. McDonald replied: "£5000." Hoani Meihana then 'sung out again: "What's the second?"' McDonald again replied: "£5000." "Then what's the third?" the Rangitane chief continued. Once again McDonald responded: "£5000."[1403]

The meeting responded with dismay and consternation to their agent's confession that he had taken out £15,000 worth of mortgages on the land which they were living and making their subsistence upon. 'We could not stand that,' Hughes recalled to the Supreme Court, 'and we

[1399] Ibid
[1400] Ibid., p 37
[1401] 'Notes of Evidence', p 45
[1402] 'Notes of Evidence', p 39
[1403] 'Notes of Evidence', p 45; See also 'Notes of Evidence', p 39 (Te Ara Takana); p 47 (Robert Jury); p 48 (Hoani Meihana Te Rangiotū)

all of us got into a rage.'[1404] Hughes himself challenged the Ngāti Kauwhata agent. Noting that McDonald had 'not long ago' told them that there was just '£5000 on the land', he asked why the Awahuri community was now being told that debt was in fact three times that figure.[1405]

In his defense, McDonald presented to the meeting a written account of the money he had taken in and expended on Ngāti Kauwhata since he had taken on the role as their agent and advocate. According to the account – which was submitted by the plaintiffs as an exhibit in the Supreme Court case – McDonald had received a total of £11,963 on the tribe's behalf between 1867 and 1883. Included in this total was money the Ngāti Kauwhata non-sellers had received in their various settlements with the Crown; money from the land sales undertaken by the tribe (including £1200 for the sale to the Crown of Ngāti Kauwhata's share of the Pukehou subdivision of the Manawatū-Kukutauaki Block); the £1040 from the second mortgage of Te Awahuri to William Common; and £2000 (rather than the generally agreed £3000) that had been outstanding from McDonald's £5100 purchase of the foreclosed 3650 acres in May 1880.[1406]

In addition to the £11,963, McDonald added £1200 he had paid to members of Ngāti Kauwhata between 1876 and 1879 for the 'depasturing' of his 'sheep, cattle and horses outside' of the land the Te Awahuri Grantees had given to him at Raikopu. He also included a further £200 which was connected to land McDonald had received from Ngāti Kauwhata at Raikopu (850 acres) and within Aorangi 1 (800 acres).[1407]

Against this grand total of £13,363 that he had either received or paid to his Ngāti Kauwhata clients, McDonald laid out a sum of £20,175 in debts and payments that he had either made or incurred on the tribe's behalf. Included in this eye-watering ledger was £12,300 that McDonald calculated he had expended in the pursuit of Ngāti Kauwhata's claims prior to his imprisonment in July 1874. Included in this total was £8000 that McDonald estimated he had 'expended on joint journeys, food and law proceedings, and lawyers, coach fares, tollgates, and the mill' at Kawakawa, as well as 'other things' over a period of 'eight years.' A further £7875 had been spent or paid out following McDonald's return from prison in late October 1875. Of this, £3250 had been outlayed in travel and legal expenses associated with Ngāti Kauwhata's Waikato claims, while £4024 19s 6d had been paid out in occasional payments to each of the six Te

[1404] 'Notes of Evidence', p 45
[1405] Ibid
[1406] 'Exhibit K. Account, McDonald with the Natives, Produced at the Kawa Kawa Meeting (In McDonald's Handwriting), 'Plaintiffs Exhibits', pp 21-22 (Reo Maori original and English translation)
[1407] Ibid

Awahuri Grantees (including £200 to Te Kooro Te One; £595 13s 4d to Te Ara Takana; and £1012 7s 8d to Hoeta Te Kahuhui).[1408]

McDonald's accounts – which left the Ngāti Kauwhata community with an outstanding debt of almost £7000 – were objected to by a number of those present at the February 1884 meeting. Robert Jury told the Supreme Court that Henry Hughes had accused McDonald of being "a great liar", while Hughes himself testified to having questioned how the agent had come to the figure of £8000 he had estimated for his expenditures up to July 1874, as well as his expenditures on the Waikato claims afterwards.[1409]

Confronted by the reality that the land at Te Awahuri which they had thought belonged to them was in fact in owned by McDonald and 'heavily mortgaged', the Ngāti Kauwhata community decided to follow Mackay's advice and use the proceeds from the sale of Kawakawa to 'save the places where they were living.'[1410] They did so with the distinct knowledge that, should McDonald happen to die or his mortgages be foreclosed, they faced the very real possibility of being evicted from their homes and losing access to their land forever.[1411] For his part, McDonald agreed to allow Ngāti Kauwhata to buy back from him 1523 acres of their former reserve (including the land they were farming and living on). The agreed purchase price of £5000 was only slightly less than McDonald had paid for all 3650 acres of the mortgaged land in May 1880.[1412]

Mackay's Report

Mackay submitted his report on the proposed Kawakawa purchase to the Under Secretary of the Native Department on 3 March 1884. Mackay reported that, although the Grantees and their successors owned 'plenty of land in other parts of the district', the Kawakawa reserve was – with the exception of 50 acres at the junction of the Makino and Mangaone Streams which was also subject to a 21-year lease – the only land in their possession that was formally protected from permanent alienation. 'Notwithstanding' this special status, the Commissioner recommended:

'that the sale of the Kawakawa Reserve be sanctioned' so that 'part of the proceeds' could 'be invested in the repurchase of part of the Awahuri Reserve' which was 'a matter of far more

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[1408] Ibid
[1409] 'Notes of Evidence', pp 47 & 45
[1410] 'Notes of Evidence', p 45 (Henry Hughes)
[1411] Ibid; Notes of Evidence, p 48 (Hoani Meihana Te Rangiotū)
[1412] A Mackay, Commissioner to the Under Secretary, Native Department, 3 March 1884, Archives New Zealand, Wellington, MA 13/74 42d, (R20248843), p 7

importance to the owners.' Mackay noted that 'all' of the Ngāti Kauwhata owners' 'houses and cultivations' were 'situated' on the Te Awahuri Reserve, while their land at Kawakawa was under lease and inaccessible to them for a further 11 years.[1413]

The Commissioner went on to set out the circumstances in which the community at Te Awahuri had found itself. He explained how the Te Awahuri reserve was now owned by Alexander McDonald who allowed 'the former owners the use and occupation of about 700 acres.' The previous owners, however, were 'merely tenants at will' and therefore liable to 'at any time' being 'turned out of' the homes that they had 'occupied for may years past.' Despite being no longer the owners, Mackay noted, that the Ngāti Kauwhata remained 'far more attached from old associations' to their former reserve at Te Awahuri than to the land they still owned but had 'never occupied' at Kawakawa.[1414]

Taking into account the 11½ acres that had already been 'sold to the Government for the railway line', Mackay calculated that the sale of the remaining 1023½ acres of the Kawakawa Reserve at the proposed price of seven pounds an acre 'would produce' a sale price of £7164 10s.[1415] With McDonald having already agreed to sell 1253 acres of his land at Te Awahuri to the former owners for £5000, the Commissioner concluded that the Grantees would obtain sufficient funds from the sale of their Kawakawa lands to 'secure to them all their homes and cultivations, and an additional area as well, besides leaving them some suplus cash to liquidate any existing liabilities they may have to discharge in other quarters.'[1416]

As a condition of the proposed transactions being allowed to proceed, Mackay insisted that the repurchased part of the Te Awahuri reserve 'be made inalienable so as to the secure to' the Ngāti Kauwhata communiy 'a permanent possession in lieu of the precarious tenure they now occupy under.'[1417] In order to achieve this, the Commissioner suggested that McDonald – rather than conveying it directly to the former owners – should be encouraged to vest the land in the Public Trustee, who could then transfer it to the Ngāti Kauwhata purchasers with the requisite restrictions attached.[1418]

[1413] A Mackay, Commissioner to the Under Secretary, Native Department, 3 March 1884, (NO 84/667), Archives New Zealand, Wellington, MA 13/74 42d, (R20248843), p 4
[1414] Ibid., p 7
[1415] Ibid., p 8
[1416] Ibid., p 7
[1417] Ibid., p 8
[1418] Ibid., p 10

The Alienation of the Kawakawa Reserve and Repurchase of Part of the Te Awahuri Reserve

The Reserve Commissioner's recommendations were accepted by the Under Secretary of the Native Department, who passed them on with his endorsement to Native Minister John Bryce. Bryce approved of the 'proposed scheme', but instructed that the Government should only allow the removal of the restrictions on Kawakawa 'on being shown some certainty' that the proceeds from the reserve's sale would indeed be put towards the repurchase of the land at Te Awahuri. Bryce was particularly concerned to ensure that the repurchased portion of the Te Awahuri Reserve would be restricted from any subsequent sale, as Mackay had recommended in his report.[1419]

In order to secure the 'certainty' required by the Native Minister, Mackay (in May 1884) drew up a document under which the Kawakawa Grantees and their successors (with the exception of Enereta Te Rangiotū) agreed that the Government – 'in consideration of having removed the restriction on the sale' of the Kawakawa Reserve – would be authorized to 'invest' £5000 from the proceeds of that sale to purchase on the Grantees' behalf' a 'portion' of their former reserve at Te Awahuri. The agreement, which was signed by Te Ara Takana, Hoeta Te Kahuhui, Hepi Te Wheoro and Ruera Te Nuku, also stipulated that the land purchased on the Grantees' behalf was to be absolutely inalienable: 'secured as a permanent estate' to themselves and their children 'forever'.[1420]

With the Kawakawa Grantees having agreed to uphold their end of the arrangement, the Native Minister (who was now John Ballance) finally advised the Governor to sign the endorsements giving his consent to the purchases by Whisker and Hughey.[1421] These two transactions, involving the sale of 472½ acres of the Kawakawa Reserve to James Whisker and 450½ acres to John Hewitt, were followed – on 23 May 1885 – by the conveyance by Alexander McDonald of 1264 acres of the Te Awahuri Reserve to the Public Trustee.[1422]

Under the terms of the conveyance from McDonald to the Public Trustee, the 1264 acres – for which McDonald had been paid £5000 – were to be held 'upon trust' for Te Ara Takana,

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[1419] T W Lewis to the Hon Native Minister, 4 March 1884 and subsequent reply by John Bryce, 8 March 1884, (Minutes to NO 84/667), Archives New Zealand, Wellington, MA 13/74 42d, (R20248843)

[1420] Minute from Alexander Mackay to T W Lewis, 10 May 1884, 'NO 84/1516. From A Mackay, Wellington. Subject: re Kawakawa Reserve', 8 May 1884; Agreement signed by Te Ara Takana, Hoeta Te Kahuhui, Hepi Te Wheoro and Ruera Te Nuku [No Date], both at Archives New Zealand, Wellington, MA13/74 42d, 'Kawakawa Reserve, Special File No 23', (R20248843)

[1421] J Ballance to His Excellency the Governor, 9 April 1885, Wellington, MA13/74 42d, 'Kawakawa Reserve, Special File No 23', (R20248843)

[1422] 'McDonald to Public Trustee' (Copy of Conveyance), 23 May 1885, Archives New Zealand, Wellington, MA 13/73, 42b, Kawakawa Reserve, Special File No 23, (R20248841)

Ruera Te Nuku, Hepi Te Wheoro and Hoeta Te Kahuhui, all of Te Awahuri. The four recipients of the trust, 'and their heirs' were to have the land 'to use and occupy . . . for their own benefit forever', but would have no power

'to sell, lease, mortgage' or 'encumber' it 'in any way'. The terms of the trust did not extend to Enereta Te Rangiotū who, having 'shown to the satisfication of the Governor' that she and her husband 'were possessed of sufficient lands for their subsistence' elsewhere, had opted to take her share of the Kawakawa purchase payment (£1429) 'in cash', rather than contributing to the repurchase of the Te Awahuri Reserve.[1423]

After the purchases by Whisker and Hughey had been confirmed by the Governor approximately 100 of the Kawakawa Reserve's original 1035 acres remained in Ngāti Kauwhata ownership. In 1886 most of this land, too, was sold to a European buyer. The purchase, of 95 acres by Richard Hammond at a price of seven pounds an acre, was initially blocked by Native Minister John Ballance because the land was still restricted from purchase under the terms of the original Crown Grant. Hammond – a substantial and long-established Rangitīkei settler, who had arrived in New Zealand on the same ship as William Fox – had then written directly to the Native Minister (who was also the MP for Wanganui) asking him to reverse his decision and advise the Governor to give his consent to the purchase. Hammond claimed that he had been told that the land had been 'open for sale' by its Ngāti Kauwhata owners, and that he had 'purchased it with the understanding that there was no obstacle' to his 'obtaining a fair and valid title.' He also told the Minister that he had been 'assured' that the Kawakawa vendors had 'divided the purchase money satisfactorily between themselves and were perfectly satisfied with the transaction.'[1424] On these grounds, and apparently without further investigation, Ballance reversed his earlier decision and, on 1 September 1886, advised the Governor to sign the endorsement giving his consent to Hammond's purchase of the 95 acres.[1425]

[1423] Ibid

[1424] Richard Hammond to Hon John Ballance, Secretary of Native Affairs [sic], 22 May 1886, Archives New Zealand, Wellington, MA 13/74, 42c, Kawakawa Reserve, Special File No 23, (R20248842); 'Death of Mr Richard Hammond', *Feilding Star*, 2 August 1888, p 3, c 2, https://paperspast.natlib.govt.nz/newspapers/feilding-star/1888/8/2/3 (accessed 16 April 2018)

[1425] J Ballance to His Excellency the Governor, 1 September 1886, (NO 86/2472), Archives New Zealand, Wellington, MA 13/74, 42c, Kawakawa Reserve, Special File No 23, (R20248842)

The 1887 Supreme Court Case: Te Ara Takana and Others v. Alexander and Annie McDonald

Their relationship with their former agent finally and irrevocably severed, the surviving Te Awahuri Grantees – Te Ara Takana, Hoeta Te Kahuhui and Hepi Te Wheoro – and the successors of Te Kooro Te One (Enereta Te Rangiotū), Takana Te Kawa (Ruera Te Nuku) and Karehana Tauranga (Hara Tauranga) undertook, in the latter half of 1887, a civil prosecution against Alexander McDonald and his wife Annie. The plaintiffs appear to have initiated the case after McDonald had – on 4 July 1887 – served written notice of eviction upon Hara Tauranga, the daughter of Karehana Tauranga. Hara had been occupying a portion of the Te Awahuri Reserve that had previously been occupied by her father, and was now owned by Annie McDonald. McDonald had transferred the 630 acres to his wife in December 1882 for a token consideration of five shillings. Because Karehana Tauranga was the only one of the Te Awahuri Grantees whose name had not also been included on the Crown Grant for the Kawakawa Reserve, his daughter had been unable to draw upon the proceeds from that purchase to buy back from the McDonalds her father's share of the Te Awahuri Reserve.[1426] It was in order to recover this land, as well as receive compensation for the land their former agent had sold, that the three surviving Te Awahuri Grantees, and the sucessors of those who had passed away, unanimously agreed to take legal proceedings against the McDonalds in the latter part of 1887.[1427]

In their Amended Statement of Claim the plaintiffs – represented by Palmerston North solicitor John Thompson – stated that McDonald had 'acted continuously' as their 'agent, advisor and trustee' from 1867 until 'subsequent to the year 1883'. As such he had 'possessed in an extraordinary degree the trust and confidence' of the Ngāti Kauwhata community, being 'regarded' by them 'as chief and member' of their 'tribe'.[1428] As their agent, advisor and trustee – which the plaintiffs' lawyer argued had been a fiduciary relationship – McDonald had been 'entrusted' by the Te Awahuri Grantees 'with the management and control of their lands and hereditatments', as well as with 'large sums of money' which he had 'retained and held . . . in trust' on their behalf.[1429] The plaintiffs charged that McDonald had violated both the trust they had placed in him and his fiduciary duties by acquiring – without his clients' knowledge – the deeds of mortgage to the Te Awahuri Reserve. He had then – in further violation of his

[1426] 'Judgment of Richmond J', p 13; 'Amended Statement of Claim', pp 6-7;
[1427] 'Amended Statement of Claim', p 9
[1428] Ibid., p 7
[1429] Ibid., p 2

fiduciary responsibilities – caused the mortgages to be defaulted on, even while holding, on the Grantees' behalf, more than sufficient funds to cover the outstanding interest payments.[1430] Despite having assured his clients that he would 'protect their interests' at the foreclosure sale of their reserve, McDonald had proceeded to purchase the land in his own name 'at a gross undervalue'.[1431]

The Te Awahuri Grantees also accused the former agent of having 'totally failed to account' for the 'large sums of money' they had entrusted him with.[1432] In particular, they claimed that McDonald had 'failed and refused to account for the manner in which' he had spent the £1040 the Grantees had placed in his account from the mortgage he had negotiated on their behalf with William Common.[1433] The plaintiffs also accused their former agent of having 'never paid' to them the balance of the £5100 they were due (after the deduction of principal and interest) from his purchase of their foreclosed reserve in May 1880.[1434]

The plaintiffs asked the Supreme Court to void McDonald's purchase of the foreclosed 3650 acres of the Te Awahuri reserve, and order him to 'reconvey' to them all of the land that he had not yet sold.[1435] They also asked the Court to order 'an account' to be taken 'of the rents and profits' their former agent had received from any of the mortgages, sales or leases that had been entered into within their former reserve, and that McDonald be ordered to pay to the Plaintiffs any money that was due to them.[1436]

McDonald – who was represented by three lawyers, including Francis Dillon Bell and Sir Robert Stout – denied to have ever been 'in any sense a trustee for the Plaintiffs', or have fiduciary responsibilities towards them. He also denied that he had 'ever acted in the management and control of their lands or negotiated with any persons for the purchase or lease of lands owned by them.'[1437] McDonald refuted the accusation that he had acquired the two Te Awahuri mortgages without his clients' knowledge.[1438]

The case – which produced much of the evidence referred to in the previous pages – was heard before Judge Christopher William Richmond at the the Supreme Court in Wellington between 7 and 16 November 1887. In his judgment, delivered on 16 December 1887, Judge Richmond found that 'in business relating to [Te] Awahuri as a whole' McDonald had indeed

[1430] Ibid., p 4
[1431] Ibid., p 5
[1432] Ibid., p 7
[1433] Ibid., p 3
[1434] Ibid., p 7
[1435] Ibid., pp 8-9
[1436] Ibid., p 9
[1437] 'Amended Statement of Defense', p 10
[1438] Ibid., p 11

acted as agent for five of the six Te Awahuri Grantees, and had a fiduciary responsibility towards them.[1439] The exception was Enereta Te Rangiotū who, represented by Walter Buller, had benefited from the advice of 'a competent person', who was both a qualified solicitor and proficient in 'the Maori language.'[1440] The other five Grantees, on the other hand, had 'remained until quite recently under the dominant influence' of their agent, with 'utter confidence . . . in him.'[1441] 'As a result, the five had 'never' been 'duly apprised of their rights', having 'had no professional adviser and no European adviser but McDonald.'[1442]

With regard to his responsibilities towards the five Te Awahuri Grantees who had placed their utmost trust in their agent, Judge Richmond found that McDonald had possessed 'in his own hands the power and the means of keeping down the interest' on the two mortgages, and had 'himself created the default of which as mortgagee he took advantage.'[1443] With regards to his subsequent purchase of their foreclosed land, the Judge found that McDonald 'owed' to the five Grantees:

> at least the duty of distinctly apprising them that he was about to take a proceeding on his own account which would result in their expropriation. He was bound to put them at arm's length. Under the circumstances he could not equitably put in force the power of sale, without first seeing that his former clients were in the hands of an independent and competent advisor.[1444]

Having concluded that McDonald had indeed betrayed the trust of five of the six Grantees, Richmond ordered that 'the Plaintiffs, with the exception of Enereta' would 'be entitled to a decree of reconveyance' by Alexander and Annie McDonald of 'such parts' of the Te Awahuri Reserve 'as have not been disposed of for valuable consideration.'[1445] Subtracting the 2550 acres (including the 850 acres at Raikopu) that McDonald had alienated to Europan buyers and the 1264 acres that had been conveyed to the Public Trustee on behalf of four of the five Kawakawa Trustees, this left less than 700 acres of the reserve's original 4500 acres available to be returned to land's original owners.[1446]

[1439] 'Judgment of Richmond J', pp 19-20
[1440] Ibid., p 25
[1441] Ibid., p 23
[1442] Ibid., p 24
[1443] Ibid., p 19
[1444] Ibid., p 20
[1445] Ibid., p 26
[1446] 'Amended Statement of Claim', p 6

In addition, the Judge found that the five plaintiffs were entitled to 'an account' or reimbursement for the sales that McDonald had undertaken since his purchase of the 3650 acres, together with interest calculated at eight percent per annum. For his part McDonald would receive credit for the approximately £2100 he had spent on the principal and interest of the two mortgages.[1447] All of the Plaintiffs, including Enereta, would receive from McDonald their share (with interest) of the money left over from his £5100 purchase of their wrongfully foreclosed land.[1448]

The McDonalds' Unsuccessful Appeal and the Auctioning off of their Land at Te Awahuri

Alexander and Annie McDonald appealed Justice Richmond's Judgment, and in 1888 the case was heard by the Court of Appeal, which also found in favour of the Ngāti Kauwhata Plaintiffs.[1449] With the Court of Appeal having upheld the Judgment and orders of the Supreme Court, the Te Awahuri Grantees finally appeared to be in a legal position to secure the return of the sections of their reserve that were still in the McDonalds' ownership. Apparently with this outcome in mind, the solicitors representing Te Ara Takana, Hoeta Te Kahuhui, Hepi Te Wheoro, Ruera Te Nuku and Hara Tauranga (Messrs Thompson and Skerrett) met with Alexander McDonald's legal representative Hugh Gully at Te Awahuri on 7 October 1888.[1450]

Before the reconveyances could be initiated, however, McDonald's mortgagees foreclosed on all of his holdings at Te Awahuri. McDonald had financed his May 1880 purchase of the 3650 acres at Te Awahuri by taking out a mortgage on the land with John McKelvie. On 20 September 1881, McDonald had transferred this mortgage to the Scottish & New Zealand Investment Company.[1451] It is not clear whether this was this was one of the mortgages that eventually led to the foreclosure on the McDonald's land at Te Awahuri. At the February 1884 meeting with the Ngāti Kauwhata community and Commissioner Mackay, McDonald had admitted – under questioning from Hoani Meihana Te Rangiotū – to having taken out £15,000 of mortgages on the Te Awahuri Reserve.[1452] Mackay, in his report on the proposed Kawakawa purchase, had noted that McDonald's land at Te Awahuri as being 'heavily mortgaged.'[1453]

[1447] 'Judgment of Richmond J', p 26
[1448] Ibid
[1449] 'An Important Judgment', *Evening Post*, 21 September 1888, p 3, c 1, https://paperspast.natlib.govt.nz/newspapers/evening-post/1888/9/21/3 (accessed 16 April 2018)
[1450] 'Local and General News', *The Feilding Star*, 9 October 1881, p 2, c 3, https://paperspast.natlib.govt.nz/newspapers/feilding-star/1888/10/9/2 (accessed 16 April 2018)
[1451] 'Deeds Relating to the Awahuri Block', p 101 (158)
[1452] 'Notes of Evidence', p 48 (Hoani Meihana Te Rangiotū)
[1453] A Mackay, Commissioner to the Under Secretary, Native Department, 3 March 1884, Archives New Zealand, Wellington, MA 13/74 42d, (R20248843), p 7

Because of these mortgages, the ultimate outcome of the legal victory won by the Te Awahuri Grantees was not the return of what remained of their former agent's lands within their reserve, but rather the auctioning of these, and all of the McDonalds' other properties at Te Awahuri. Advertised first for 20 December 1888, and then 24 January 1889 in Wellington, the auction included '131 acres of superior land' and '500 acres of first class land' located within the eastern portion of the Te Awahuri Reserve (Carnarvon Township Section 346). Also included were 14 lots and one section (four acres) of the Te Awahuri Township, which was located within Tapa Te Whata's 300-acre reserve along the Palmerston North to Bulls Road (modern State Highway 3). A further 39¼ acres were listed for auction from Section 24 of Aorangi 1 (on the other side of the Oroua River from Te Awahuri). Altogether, 674 acres of previously Ngāti Kauwhata-owned land, including 631 acres of the Te Awahuri Reserve, were advertised for auction at the McDonalds' mortgagee sale.[1454] As a painful and poignant irony, the auction of Ngāti Kauwhata's former lands was to be carried out at an office on Featherston Street: named after Isaac Featherston, the original author of the expropriation of the tribe's Rangitīkei-Manawatū lands.[1455]

According to its Certificate of Title, the '131 acres of superior land' sold at the 24 January 1889 auction were purchased by 'John McKelvie of Bulls' from the Bank of Australia (who had held a mortgage on the land since 12 August 1887).[1456] A few months later – on 7 June 1889 – McKelvie sold the land to Arthur Hylton Brisco, an 'Awahuri gentleman' (and fifth son of Sir Robert Brisco of Crofton Hall, Cumberland) who had recently relocated from south Canterbury. Brisco remained at Te Awahuri until 1912 when he retired to Palmerston North. The fate of the other 500 acres of the Te Awahuri Reserve sold at auction in January 1889 remains unknown.[1457]

[1454] 'Auctions, J H Bethune & Co. Thursday, 20th December. Important Sale. Splendid Freehold Farm, Carnarvon, and Town Sections, Awahuri', *New Zealand Times*, 11 December 1888, p 8, c 2, https://paperspast.natlib.govt.nz/newspapers/new-zealand-times/1888/12/11/8 (accessed 16 April 2018); 'Auctions, J H Bethune & Co. Thursday, 24th January, 1889. Important Sale. Splendid Freehold Farm Carnarvon, and Town Sections, Awahuri', *New Zealand Times*, 22 January 1889, p 8, c 2, https://paperspast.natlib.govt.nz/newspapers/new-zealand-times/1889/1/22/8 (accessed 16 April 2018).

[1455] *New Zealand Times*, 24 January 1889 p 4, c 7, https://paperspast.natlib.govt.nz/newspapers/new-zealand-times/1889/1/24/4 (accessed 16 April 2018)

[1456] 'Certificate of Title Under the Land Transfer Act', Wellington, Vol 42, Folio 205, 2 September 1886

[1457] 'Obituary. Mr Arthur Hylton Brisco', *Manawatu Times*, 21 January 1927, p 6, c 7, https://paperspast.natlib.govt.nz/newspapers/manawatu-times/1927/1/21/6

Table 7.2 Parts of the Te Awahuri and Kawakawa Reserves Alienated 1875 to 1890

Area	Date	Acres	Details
Raikopu (Te Awahuri Reserve)	27 April 1875	850	Gifted to Annie McDonald. Sold by Alexander McDonald, January 1880
Parts of the Te Awahuri Reserve	April 1881 and 17 June 1885	1700	Sold by Alexander McDonald
Part of the Kawakawa Reserve		11½	Purchased by Crown for Railway
Part of the Kawakawa Reserve	April 1885	472½	Purchased by James Whisker
Part of the Kawakawa Reserve	April 1885	450½	Purchased by John Hewitt
Part of the Kawakawa Reserve	Sept 1886	95	Purchased by Richard Hammond
Part of the Te Awahuri Reserve	24 Jan 1889	631	Mortgagee Auction
		4210½	

It is also not known whether the Ngāti Kauwhata Plaintiffs received any of the proceeds from January 1889 mortgagees sale; or if they did, whether these were sufficient to cover the very significant legal costs the Plaintiffs must have incurred during the passage of their prosecution through the Supreme and Appellate Courts. Nor do we know whether the Te Awahuri Grantees and their successors ever succeeded in recovering any of the undoubtedly substantial funds their former agent must have raised through the sale of portions of their former reserve.

For their part, Alexander and Annie McDonald left Te Awahuri after the failure of their appeal and the auctioning of their property (including the 'commodious dwellinghouse' where they had just celebrated the marriage of their third-oldest daughter).[1458] The couple subsequently settled at Shannon (where Alexander had been instrumental in the Crown's purchase of Ngāti Whakatere's land in Manawatū Kukutauaki 2). According to his obituary in the *Manawatū Standard*, Alexander McDonald went on to find work for the Government as a Native Assessor and Translator. He died on 25 March 1905, aged 76 years, having been 'predeceased' by his wife by eight years. The couple left behind six daughters and two sons.[1459]

[1458] 'Auctions, J H Bethune & Co. Thursday, 24th January, 1889', *New Zealand Times*, 22 January 1889, p 8, c 2, https://paperspast.natlib.govt.nz/newspapers/new-zealand-times/1889/1/22/8 (accessed 16 April 2018); 'Obituary. Dr McIntyre', *Manawatu Standard*, 31 May 1910, p 5, c 1, https://paperspast.natlib.govt.nz/newspapers/manawatu-standard/1910/5/31/5 (accessed 16 April 2018)
[1459] 'Obituary', *Manawatū Standard*, 27 March 1905, p 5, c 4, https://paperspast.natlib.govt.nz/newspapers/manawatu-standard/1905/3/27/5 (accessed 16 April 2018)

The Issuing of Crown Grants for the Repurchased Portion of the Te Awahuri Reserve

In August 1886, the Government passed legislation authorizing the Public Trustee to transfer the 1264 acres that had been repurchased from Alexander McDonald at Te Awahuri to the Governor, so that Crown Grants could be issued to Te Ara Takana and the other Kawakawa Grantees or their successors. Section 24, of the Second Column of the First Schedule of the Special Powers and Contracts Act 1886, allowed the Governor to issue Crown Grants for the 'portions of Sections Nos 153 Sandon and 345 Carnarvon . . . to the persons entitled . . . subject to a restriction on alienation, beyond a lease for 21 years.'[1460]

Although the authorizing legislation was passed in August 1886, the Crown Grants for the repurchased land at Te Awahuri were not actually issued until 30 April 1891. The initial cause of the delay appears to have been inaction on the part of the Native Department, which did not get around to asking the Public Trustee for the deed of conveyance for the 1264 acres purchased from McDonald until 3 October 1888.[1461] This was despite a letter having been addressed by the solicitor representing Te Ara Takana, Hoeta Te Kahuhui, and Ruera Te Nuku to the Under Secretary of the Native Department on 21 May 1887, asking for 'any information' he might have as to the progress of their Grants.[1462]

On 25 January 1889 Alexander Mackay – who had been appointed a Native Land Court Judge in May 1884 – met with Te Ara Takana, Hoeta Te Kahuhui, and Hepi Te Wheoro at the Government Buildings in Wellington to discuss the subdivision upon which the Crown Grants would be based. The subdivision, which was based on a plan that had been 'furnished in 1885', divided the repurchased area – which was now calculated as 1256 acres – into nine sections ranging from 24½ to 262 acres. These nine sections were further divided into a total of 24 parcels which were to be issued as Crown Grants.[1463]

At a further meeting between Mackay and all of the eligible grantees in Palmerston North on 21 February 1889, Hoeta Te Kahuhui, Te Ara Takana, Hepi Te Wheoro and Ruera Te Nuku signed a memorandum in Te Reo Māori giving their 'consent to the subdivision' of the

[1460] Special Powers and Contracts Act 1886, s 3

[1461] T W Lewis, 'Memorandum for The Public Trustee', 3 October 1888 (copy); T W Lewis, 31 October 1888, Minutes to NO 88/1771, both in Archives New Zealand, Wellington, MA 13/74, 42c, Kawakawa Reserve, Special File No 23, (R20248842)

[1462] J Herbert Hankins, Solicitor and Notary Public, to T W Lewis, Under Secretary, 21 May 1887, Archives New Zealand, Wellington, MA 13/74, 42c, Kawakawa Reserve, Special File No 23, (R20248842)

[1463] A Mackay, 'Awahuri Native Reserve: Memorandum re the 1256 acres acquired on behalf of certain Natives and in re the partition thereof amongst the persons entitled', 25 January 1889 (copy), Archives New Zealand, Wellington, MA 13/74, 42c, Kawakawa Reserve, Special File No 23, (R20248842)

repurchased land at Te Awahuri, and asking 'the Governor to authorize the issue of permanent titles' to them 'in accordance with the subdivision' they had agreed to. Apart from Section C (24½ acres), all of the sections in the subdivision were to be restricted from further alienation, with Mackay recommending 'that the Grantees shall not have power to sell or make any other dispositions of the said land except a lease for any term not exceeding 21 years.'[1464]

After another unfathomable delay on the part of the Native Department, the Governor was finally advised by the Native Minister (who was now Edwin Mitchelson) on 1 October 1889, 'to direct that Crown Grants be issued' for 1256½ acres of the Te Awahuri reserve, 'as recommended by Mr Commissioner Mackay' and agreed by the four Grantees.[1465] That, however, was not the end of the story. After the Governor had issued the order for the Crown Grants, it was found that Atarea Pekamu (a half brother of Ruera Te Nuku) had incorrectly been included on three of the Grants. More seriously, a survey of the agreed subdivisons 'disclosed', as Mackay put it in a memorandum dated 11 November 1889, 'that the area within the boundaries exhibited on the plan on which the subdivisions were sketched' did 'not correspond with the acreage' the Ngāti Kauwhata Grantees were 'entitled to under the conveyance to the Public Trustee.'[1466]

The survey, which had been undertaken by a Mr O'Donahue, showed the combined area of the nine subdivisions to be 1192½ acres, rather than 1256½ acres allowed for by Mackay and agreed to by the four Grantees.[1467] The discrepancies – which had apparently been caused by shifts in the course of the Oroua River – were most pronounced in Sections B and D, which were both 22 acres smaller than the areas indicated in their Crown Grants, and Section A, which was 13 acres less than the acreage listed in the Crown Grant.[1468]

Given the costs and delays associated with carrying out a new survey, Crown officials decided against a new subdivision.[1469] Instead, it was left to the Ngāti Kauwhata Grantees to arrange matters 'amicably amongst themselves.' This was no easy task given that the discrepancy in acreage exposed by the survey was not distributed evenly, but rather concentrated within the sections that abutted directly on to the River. Agreement was rendered

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[1464] Ibid
[1465] E Mitchelson, Native Minister to His Excellency the Governor, 1 October 1889, Archives New Zealand, Wellington, MA 13/73 42b, Kawakawa Reserve Special File No 23, (R 20248841)
[1466] A Mackay to Mr Morpeth, 11 November 1889 (NO 89/2606), Archives New Zealand, Wellington, MA 13/73 42b, Kawakawa Reserve Special File No 23, (R 20248841)
[1467] T W Lewis, Under Secretary, Native Office, to the Surveyor General, 11 August 1890, Archives New Zealand, Wellington, MA 13/73 42b, Kawakawa Reserve Special File No 23, (R 20248841)
[1468] A Mackay to the Under-Secretary, Native Department, 'Memorandum re Awahuri Reserve', 26 July 1890, Archives New Zealand, Wellington, MA 13/73 42b, Kawakawa Reserve Special File No 23, (R 20248841)
[1469] Ibid

still more difficulty by the varying quality of the 1192½ acres as a whole, and the fact that, under the prevailing system of individualized land tenure, some individuals were bound to get better sections than the others. On 7 December 1889, Mackay reported that the Grantees had been unable to reach an agreement about the distribution of the various parcels of land with 'each of the persons concerned trying to secure the one in the best position.'[1470]

After a further year of being without legal title to the land they had purchased, all of the grantees with the exception of Hoeta Te Kahuhui eventually came to an agreement.[1471] With Hoeta still holding out three months later, Mackay concluded that it was 'fruitless . . . to delay the issue of the Grants any longer.' In a memorandum to the Under Secretary of the Native Department dated 14 February 1891, he recommended that 'action be taken to issue' the Crown Grants. As a compromise, he suggested that the contested Sections 2 and 3 (110 acres) should be divided half and half between Hoeta and Hepi Te Wheoro's two daughters Tapa and Makareti Ahitana.[1472]

In recommending that the Crown Grants for the repurchased area of the Te Awahuri Reserve finally be issued, Mackay repeated his advice that the land should be rendered absolutely inalienable. 'I would beg to draw special attention', he wrote:

> to the importance of imposing a restriction against alienation in all the Grants beyond the right to lease for twenty one years, and that if possible it should be made a special condition that such restrictions should not be affected by any Act of Parliament as it was on the express condition that the land in question should be made a permanent estate for the persons on whose behalf it was acquired that they were allowed to dispose of the Kawakawa Block.[1473]

Acting on Mackay's recommendations, Native Minister A J Cadman – on 30 April 1891 – advised the Governor to cancel his earlier orders regarding the issuing of Crown Grants for the the land at Te Awahuri, and make new orders 'that Crown grants be issued in favour of Te Ara Takana and other Natives for the land in the Awahuri Native Reserve . . . as recommended by

[1470] A Mackay to Mr Morpeth, 'Re Awahuri', 7 December 1889, Archives New Zealand, Wellington, MA 13/73 42b, Kawakawa Reserve Special File No 23, (R 20248841)
[1471] Telegram from A Mackay to the Under Secretary, Native Department, 12 December 1890, MA 13/73 42b, Kawakawa Reserve Special File No 23, (R 20248841)
[1472] Memorandum from A Mackay, Native Land Court Department to the Under Secretary, Native Department, 14 February 1891, Archives New Zealand, Wellington, MA 13/73 42b, Kawakawa Reserve Special File No 23, (R 20248841)
[1473] Ibid

Mr Commissioner Mackay.’ Following Mackay’s recommendation, the Governor was also advised that ‘restrictions on alienation’ were ‘to be imposed’ on all of the Crown Grants with the exception of what was now known as Section 11 (24½ acres).

As finally ordered by the Governor on 23 May 1891, a total of 24 Crown Grants were issued for 1192 acres of the Te Awahuri Reserve. This was at least 26 acres less than the Te Kawakawa Grantees (with the exception of Enereta Te Rangiotū) had actually paid for. With the exception of Sections 2 and 3, which were to be shared by Hoeta Te Kahuhui and Makareti and Tapa Ahitana, all of the Crown Grants were issued in the name of a single Grantee. Sections 1 (55 acres); 14 (six acres); 17 (five acres); 20 (68½ acres); 21 (64¾ acres); and 22 (37 acres), for example, were all granted to Te Ara Takana, while Ruera Te Nuku received the Crown Grants for Sections 4 (55 acres); 5 (151½ acres); 15 (4¾ acres); 16 (76 acres). Apart from Section 11, which was apparently to be sold to cover survey and other costs, all of the Crown Grants were issued on the condition:

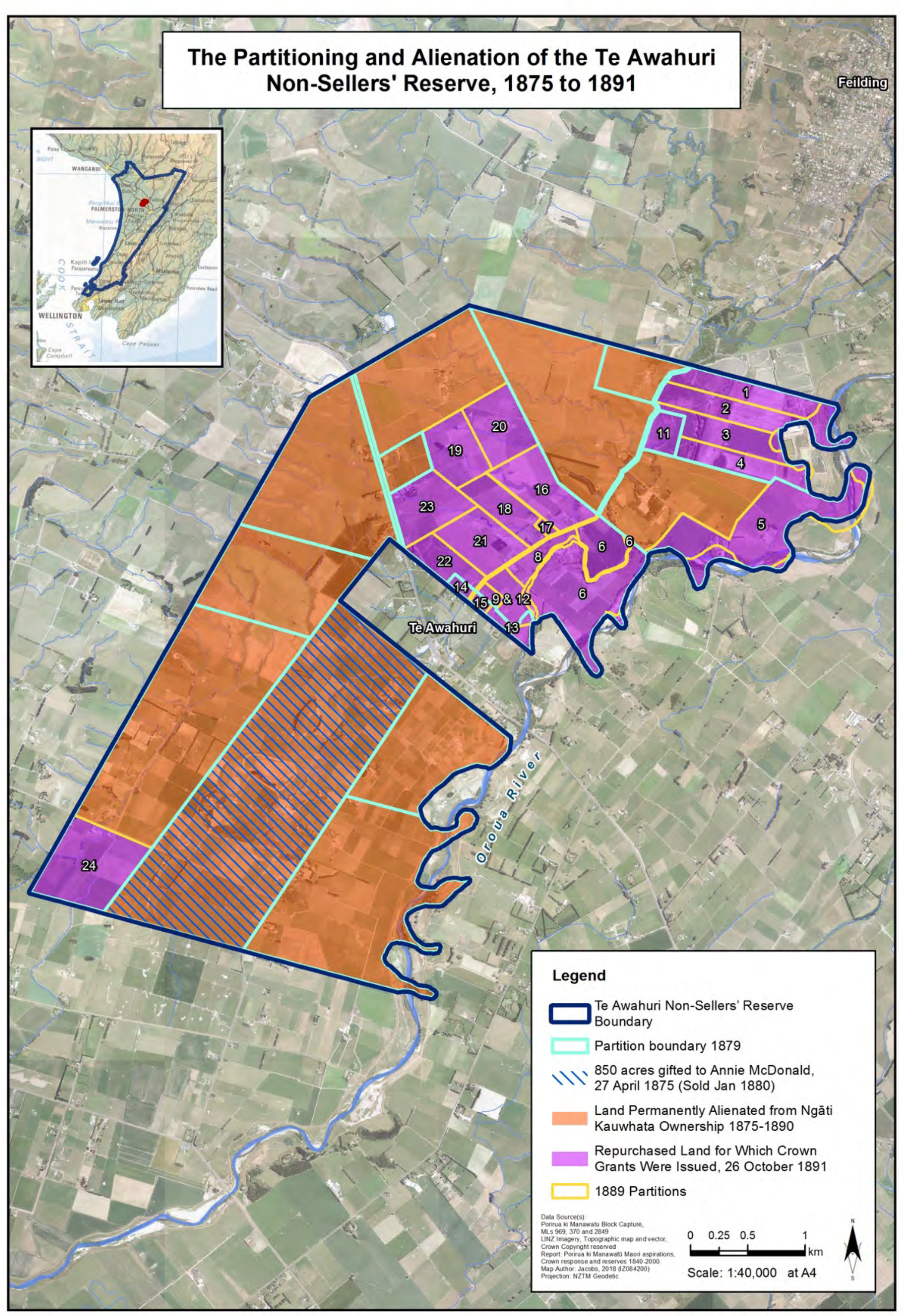
> That the grantees shall not have power to sell or make any other disposition of the land contained in their respective Grants, except a lease for any term not exceeding twenty-one years in possession and not in reversion without premium or foregift, and without agreement or covenant for renewal, or for purchase at any future time.[1474]

[1474] Schedule of Crown Grants finally issued by the Governor for the Te Awahuri Reserves, 30 April 1891 (N.O. 91/916), Archives New Zealand, Wellington, MA 13/73 42b, Kawakawa Reserve Special File No 23, (R 20248841)

Table 7.3 Crown Grants issued for the Te Awahuri Reserve under the Special Powers and Contracts Act 1886, 26 October 1891

Section No	Area	Persons Entitled to Crown Grant	Conditions
1	55.0.00	Te Ara Takana	That the grantees shall not have power to sell or make any other disposition of the land contained in their respective Grants, except a lease for any term not exceeding twenty-one years in possession and not in reversion without premium or foregift, and without agreement or covenant for renewal, or for purchase at any future time
2*	110.0.00	Tapa Ahitana Makareti Ahitana Hoeta Te Kahuhui	As tenants in common with same restrictions as No 1. (Sections 2 & 3 to be included in a single grant)
3*			
4	55.0.00	Ruera Te Nuku	Same restrictions as No 1
5	151.2.00	Ruera Te Nuku	Same restrictions as No 1
6	147.3.00	Hoeta Te Kahuhui	Same restrictions as No 1
7	14.0.00	Te Wani Turanga	Same restrictions as No 1
8	22.1.32	Metapere Te Kahuhui	Same restrictions as No 1
9	27.0.16	Hoeta Te Kahuhui	Same restrictions as No 1
10	6.1.07	Te Raina Apakura	Same restrictions as No 1
11	24.2.04	Te Ara Takana	No Restriction
12		Hoeta Te Kahuhui	Included in Section 9
13	12.0.00	Te Raina Apakura	Same restrictions as No 1
14	6.0.20	Te Ara Takana	Same restrictions as No 1
15	4.2.30	Ruera Te Nuku	Same restrictions as No 1
16	76.0.08	Ruera Te Nuku	Same restrictions as No 1
17	5.0.00	Te Ara Takana	Same restrictions as No 1
18	50.0.00	Raika Kereama	Same restrictions as No 1
19	61.0.34	Hepi Te Wheoro	Same restrictions as No 1
20	68.2.14	Te Ara Takana	Same restrictions as No 1
21	64.3.01	Te Ara Takana	Same restrictions as No 1
22	36.3.28	Te Ara Takana	Same restrictions as No 1
23	70.0.00	Hepi Te Wheoro	Same restrictions as No 1
24	123.0.07	Hepi Te Wheoro	Same restrictions as No 1
	1192.0.1		

Sections 2 and 3 to be included in one Grant in favor of Tapa Ahitana, and Makareti Ahitana in the extent of 55 acres equally, and Hoeta Kahuhui to the extent of 55 acres as tenants in common.



The Partitioning and Alienation of the Te Awahuri Non-Sellers' Reserve, 1875 to 1891
Feilding
WANGANUI
PALMERSTON NORTH
Kapiti
WELLINGTON
COOK STRAIT
Te Awahuri
Oroua River
1
2
3
4
5
6
6
6
8
9 & 12
11
13
14
15
16
17
18
19
20
21
22
23
24
Legend
Te Awahuri Non-Sellers' Reserve Boundary
Partition boundary 1879
850 acres gifted to Annie McDonald, 27 April 1875 (Sold Jan 1880)
Land Permanently Alienated from Ngāti Kauwhata Ownership 1875-1890
Repurchased Land for Which Crown Grants Were Issued, 26 October 1891
1889 Partitions
Data Source(s):
Porirua ki Manawatu Block Capture,
MLs 969, 370 and 2849
LINZ Imagery, Topographic map and vector,
Crown Copyright reserved
Report: Porirua ki Manawatū Maori aspirations,
Crown response and reserves 1840-2000.
Map Author: Jacobs, 2018 (IZ084200)
Projection: NZTM Geodetic
0 0.25 0.5 1
km
Scale: 1:40,000 at A4
N
S

The Removal of Restrictions on the Remaining Sections of the Te Awahuri Reserve

Even before the 24 Crown Grants were issued on 26 October 1891 a campaign had already begun to have the restrictions prohibiting the sale of the repurchased sections removed. Local European landowners such as Catherine Whisker (the estranged wife of James Whisker) who had rented land within the repurchased area were keen to convert their leaseholds to freehold by purchasing sections from the individual grantees, some of whom appear to have been very seriously in debt. On 13 February 1891 Herbert Hankins, a Palmerston North solicitor, had written to the Under Secretary of the Native Department on Ruera Te Nuku's behalf to protest the 'extraordinary delay' in the issuing of the Crown Grants for the repurchased sections. Hankins claimed that the delay was causing his client 'very serious difficulties', and that he was in debt with 'creditors pressing him on every side.'[1475] A month later, Hankins notified the Under Secretary that 'the whole' of Ruera Te Nuku's 'goods and chattels' had been taken in a judgment initiated by his creditors.[1476]

On 20 April 1891, Hankins wrote again to the Under Secretary of the Native Department arguing there was 'ample and sufficient reason why the restriction' on the sale of the Te Awahuri sections should 'not be placed upon <u>the whole of the land</u>' that was to be granted to his client. Hankins told the Under Secretary that he had just lent his client £120 to cover the debts referred to in his previous letters, and that this money could 'only be repaid by a sale of a portion' of Te Nuku's Te Awahuri land. The solicitor also claimed that Te Nuku had 'plenty of other land' elsewhere, and that 'the restriction (if made) would only harass and embarrass him.'[1477] Hankins' appeal – which focused entirely on the situation of his individual client, rather than that of the Ngāti Kauwhata community at Te Awahuri as a whole – was not acted upon by the Native Department, and all of Te Nuku's Crown Grants were issued under the condition that the land was restricted from subsequent sale.

Hankin's letter of 20 April 1891 was only the first of a long, and seemingly concerted campaign to have the restrictions removed on Ruera Te Nuku's sections of the repurchased reserve. On 13 September 1893 – less than two years after the Crown Grants for the Te Awahuri Reserve had been finally issued – Ruera Te Nuku applied to the Governor to have the

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[1475] J Herbert Hankins, Solicitor to the Under Secretary for Native Affairs, 13 February 1891, Archives New Zealand, Wellington, MA 13/73 42b, Kawakawa Reserve Special File No 23, (R 20248841)
[1476] J Herbert Hankins, Solicitor to the Under Secretary for Native Affairs, 13 March 1891, Archives New Zealand, Wellington, MA 13/73 42b, Kawakawa Reserve Special File No 23, (R 20248841)
[1477] J Herbert Hankins to J W Lewis, Under Secretary, Native Department, 20 April 1891, Archives New Zealand, Wellington, MA 13/73 42b, Kawakawa Reserve Special File No 23, (R 20248841)

restrictions removed on all four of his sections, a combined area of 287 acres (or almost one quarter of the repurchased reserve's entire area). The application was witnessed by none other than Alexander McDonald, acting in his capacity as a licensed interpreter.[1478] Forwarded to the Department of Justice, Te Nuku's application was refused, and the restrictions on alienation remained in force.[1479]

In January 1896, the as yet unsuccessful campaign to have the restrictions removed on Ruera Te Nuku's share of the repurchased Te Awahuri Reserve was taken up by John Stevens, the Member of Parliament for Rangitīkei.[1480] On 13 January, Stevens transmitted to the Minister of Justice 'an application from Ruera Te Nuku, requesting that restrictions be removed from Section 4', of the Te Awahuri Reserve. The 55 acres in question were under lease to Catherine Whisker, who was looking to purchase the land from Te Nuku at a price of seven pounds per acre.[1481]

Upon being asked by the Minister to 'furnish good and sufficient reasons for the removal of the restrictions', Te Nuku – in a letter written by Stevens (who had previously worked as a licensed Native interpreter) – claimed that he was 'desirous of cultivating' his land and establishing 'a home' for himself, 'instead of being compelled to remain with other natives at their pa or settlement and so waste' his 'time'. Possessing 'no money for the purpose of erecting fencing and buildings, for the purchase of livestock with which to stock' his 'land, or implements with which to cultivate it profitably', Te Nuku – or at least Stevens writing on his behalf – maintained he wanted to sell the 55 acres in order to raise the necessary capital to farm the rest of his land at Te Awahuri.[1482]

Sent to the Native Land Court for 'enquiry and report', Te Nuku's application was strongly opposed by Alexander Mackay. In his report to the Under Secretary of Justice, Mackay argued that the Government's granting of Ruera Te Nuku's application would constitute:

[1478] Ruera Te Nuku, Application to have the restrictions of Sections 4, 5, 15 & 16 of Section 153 [Township of Sandon] removed or made void, Archives New Zealand, Wellington, J1 652, 1898/1504, (R24593578)
[1479] C J A Haselden [Under-Secretary Justice Department) 19 October 1893, Justice 93/469. From Eruera Te Nuku. Received 18 September 1893. Subject: For removal of restrictions on secs 4, 5, 15, 15 of Sec 153 (Awahuri Reserve), Archives New Zealand, Wellington, J1 652, 1898/1504, (R24593578)
[1480] On John Stevens see: 'Death of Mr John Stevens: A Well-Known Pioneer', *Evening Post*, 31 July 1916, p 8, c 5, https://paperspast.natlib.govt.nz/newspapers/evening-post/1916/7/31/8 (accessed 17 April 2018)
[1481] John Stevens to the Hon Minister for Justice, 13 January 1896), Archives New Zealand, Wellington, J1 652, 1898/1504, (R24593578)
[1482] Ruera Te Nuku to the Honourable the Minister for Justice, Wellington, 11 February 1896, Archives New Zealand, Wellington, J1 652, 1898/1504, (R24593578)

> a serious innovation . . . which may ultimately lead to the permanency of the whole [of Ngāti Kauwhata's Te Awahuri] estate being jeopardized, as a precedent will have been established, which other owners will no doubt take advantage of, should circumstance arise to place them under pecuniary difficulties.[1483]

With Te Nuku's application for the removal of restrictions making no progress with the Government, Stevens tried another tack. On 30 December 1896 he wrote to the Under Secretary of Justice with the unlikely claim that the 55 acres that Te Nuku wished to sell to Mrs Whisker had in fact been previously promised to her husband by Te Kooro Te One. 'Certain' that the present owner 'feels bound by the Kooro Te One's promise', Steven's suggested that Te Nuku's attempt to have the restrictions lifted on Section 4 was an 'honourable' attempt to fulfil Te Kooro's longstanding verbal agreement, and should therefore be allowed.[1484]

The new claim by Stevens was rejected as 'immaterial' by Mackay. Noting that 'there has been a long and continuous attempt ever since the land was obtained to break up' Ngāti Kauwhata's repurchased 'estate' at Te Awahuri, the Native Land Court Judge drew the Under Secretary's attention to what he described as 'a singular concatenation of circumstances' by which 'the Whisker family, who were mainly instrumental in getting the restrictions removed off the Kawakawa Block', were now attempting to acquire part of the land which had been 'specially acquired for the owners of the Kawakawa Block out of the proceeds of the sale of the land to secure them a permanent estate.' Mackay also suggested that if Te Nuku was really 'in earnest' in his desire to sell the 55 acres at Te Awahuri in order 'to erect buildings and fencing and otherwise improve his other lands, he could sell some of his other property.'[1485]

With Mrs Whisker's purchase of the 55 acres still blocked, Stevens tried yet another argument for the removal of the restrictions. Now the Member of Parliament for Manawatū, Stevens addressed a letter to the Native Minister on 18 January 1898 in which claimed that as a result of 'a most disastrous flood' in April of the previous year, Ruera Te Nuku's land 'was now being rapidly eaten away' by 'the incursion' of the Oroua River. With its Māori owner having 'no funds with which to construct protective works', Stevens maintained that the only way to save the land, and prevent what is 'now good soil' becoming 'a boulder beach', was to

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[1483] A Mackay to the Under-Secretary, Justice Department, 4 November 1896, Archives New Zealand, Wellington, J1 652, 1898/1504, (R24593578)

[1484] John Stevens to the Under Secretary, Department of Justice, 30 December 1896, Archives New Zealand, Wellington, J1 652, 1898/1504, (R24593578)

[1485] A Mackay to the Under Secretary, Justice Department, 16 January 1897 (J96/48), Archives New Zealand, Wellington, J1 652, 1898/1504, (R24593578)

allow the sale of the land to the lessee Mrs Whisker, who would 'then be in a position to expend the required sum of money for the purpose of constructing the necessary protective works.'[1486]

By invoking the imperative of protecting the land from further erosion, and suggesting that if Ruera Te Nuku was not allowed to sell the land to Mrs Whisker it would be lost to the River anyway, Stevens finally struck the correct chord with Justice Department officials in Wellington. In a minute dated 26 January 1898, Frank Waldegrave (the Department's Chief Clerk) recommended to the Native Minister that the restrictions on Section 4 of the Te Awahuri Reserve should be removed. 'While attaching due weight to Judge Mackay's contention that the permanency of the reserve should not be disturbed', Waldegrave considered 'that each case should be taken on its merits.' 'In this case', he continued:

> the native owner has plenty of other land and this particular 55 acres is leased by Mrs Whisker (who has been deserted by her husband) who is desirous of acquiring the freehold apparently in the interests of bona fide settlement. Therefore I am inclined to the opinion that the restrictions should be removed.[1487]

Waldegrave's recommendation was approved by Cabinet on 12 March 1898.[1488] On 20 April the restrictions against the sale of the 55 acres of Section 4 of the Te Awahuri Reserve (officially referred to as 'subsection 4 of Section 153 of the Township of Sandon') were formally removed by Chief Justice James Prendergast, acting in place of the Governor.[1489] The the first crack in the eventual 'break up' of Ngāti Kauwhata's 'estate' at Te Awahuri had been made.[1490]

Following his success having the restrictions removed from Section 4, Stevens tried the same approach with the adjoining Sections 2 and 3. With a combined area of 110 acres the two sections were owned jointly by Hoeta Te Kahuhui and Tapa and Makareti Ahitana. Writing on 4 October 1898, Stevens told the Native Minister that Sections 2 and 3 were similarly situated to Ruera Te Nuku's former land 'with regard to constantly recurring flood damage.' Unable to

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[1486] John Stevens to the Hon the Native Minister, 18 January 1898, Archives New Zealand, Wellington, J1 652, 1898/1504, (R24593578)

[1487] F Waldegrave to the Native Minister, 26 January 1898, Justice 98/50. From J Stevens, MHR. Received 19 January 1898. Subject: re removal of restrictions on subsec 4, sec 153, Archives New Zealand, Wellington, J1 652, 1898/1504, (R24593578)

[1488] Ibid

[1489] Extract from *New Zealand Gazette*: 'Removal of Restrictions on Alienation of Native Land', 20 April 1898, Archives New Zealand, Wellington, J1 652, 1898/1504, (R24593578)

[1490] A Mackay to the Under Secretary, Justice Department, 16 January 1897 (J96/48), Archives New Zealand, Wellington, J1 652, 1898/1504, (R24593578)

afford the necessary ‘protection works’ which – as Stevens told it – were the only means of ‘preventing their property from ultimately and in the near future becoming a veritable shingle bed of the Oroua River ‘, the owners had decided to sell their endangered land to Catherine Whisker. Stevens asked the Minister to advise the Governor to remove the restrictions on the sale of Sections 2 and 3, thereby enabling Mrs Whisker (who was apparently ‘prepared to spend several hundreds of pounds in protective works’) ‘to acquire the land and so prevent its total destruction.’[1491] Perhaps forewarned by the similarity of Stevens’ current effort to his earlier successful application regarding Section 4, the Crown officials this time refused to remove the restrictions.[1492]

As Mackay had predicted, Ruera Te Nuku’s successful application for the removal of the restrictions on Section 4 was followed by applications from other Grantees who were confronted by financial difficulties. In July 1899, Makareti Ahitana supported her application for the removal of the restrictions on Section 3 (55 acres) by listing the names of those to whom she was indebted. Although her largest debt (£80) was to the ubiquitous Mrs Whisker, she also owed significant amounts of money to a number of Feilding business people, including a tailor (£26); a draper (£15); a bootmaker (£14); and an undertaker (£10). Altogether Makareti Ahitana listed herself as owing £195 to seven different creditors (all European).[1493] Raika Kereama, who petitioned the Governor in 1900 to have the restrictions removed from Section 18 (50 acres), wrote that he was ‘indebted to several persons in the sum of £200’, some of whom were ‘severely pressing hm for payment of the money.’[1494]

Most of the Te Awahuri grantees who applied to the Government to have the restrictions on their land removed did so in order to sell the land to their European lessees. Raika Kereama’s Section 18, for example, was under lease to William Francis Phillips and his son (also named William Francis Phillips).[1495] Phillips (it is unclear which one) was also the lessee of Section 15 from which Ruera Te Nuku applied to have the restrictions removed in 16 November 1898.[1496] Prior to 1907 most of these applications were unsuccessful, with Crown officials

[1491] John Stevens (Agent) to the Rt Hon the Minister for Native Affairs, 4 October 1898, Archives New Zealand, Wellington, J1 652, 1898/1504, (R24593578)
[1492] Minute by F Waldegrave, 20 October 1898, Justice 98/1203, From J Stevens MHR, Received 20 October 1898, Subject: Application of Makareti Ahitana and another for removal of restrictions on sections 2 and 3 of section 153 Sandon. (110 acres), Archives New Zealand, Wellington, J1 652, 1898/1504, (R24593578)
[1493] Translation of Application to the Native Court by Makareta Ahitana to Remove Restrictions on Section 3, 153 Township of Sandon, 21 July 1899, Archives New Zealand, Wellington, J1 652, 1898/1504, (R24593578)
[1494] ‘The Humble Petition of Raika Kereama to His Excellency the Governor in Council’, Archives New Zealand, Wellington, J1 720, 1904/1417, (R24619681)
[1495] Ibid
[1496] John Prior to the Under-Secretary Justice Department, ‘Lot 15 of Sec: 153 Sandon’, 14 December 1898, Archives New Zealand, Wellington, J1 652, 1898/1504, (R24593578)

viewing financial hardship as in itself insufficient cause for the lifting of restrictions to allow the sale of sections of the Te Awahuri Reserve. Unsuccessful as they usually were, the applications and the testimonies to indebtedness that accompanied them did not bode well for the future when restrictions on the alienation of Māori land would be removed altogether. Equally ominous was the effort and expense that European settlers such as Catherine Whisker and William Francis Phillips were prepared to go to in the hope of acquiring Ngāti Kauwhata land that was supposed to be permanently inalienable.[1497]

As the first decade of the twentieth century proceeded, the Government became less strict in its enforcement of the restrictions protecting Māori land from permanent alienation. On 14 May 1907, Native Minister James Carroll advised the Governor to remove the restrictions against the alienation of Sections 10 (six and a quarter acres) and 13 (12 acres) so that the land could be sold.[1498] Rama Apakura (Robert Durie) had told the Aotea District Land Council (which was charged with investigating his application) that he wished to sell the two sections in order to pay for the 'erection of buildings' on the 14 acres he owned and was living upon at Taonui. Apakura intended to sell his 18 acres at Te Awahuri to William F Phillips, who was leasing the land. The Land Council had recommended that the sale should be allowed to proceed so long as the Government Valuation for the two sections was less than £20 per acre, and the sections were not purchased for less than their valuation.[1499] On 25 May 1907 the restrictions on the Sections 10 and 13 of the Te Awahuri Reserve were formally removed by the Governor, allowing the sale of the 18 acres to go ahead.[1500]

A month later, on 24 June 1907, the Governor also removed the restrictions on Sections 9 and 12 (27 acres together) to enable Tura Mereti (Hoeta Te Kahuhui's successor) to obtain a mortgage of £200 from the Government Advances to Settlers Office.[1501] Mereti had told the Aotea District Land Council that he needed the money to 'discharge liabilities related to the land' and for the purchase of 'a dray and horses for working purposes.'[1502]

[1497] Ibid.; F Waldegrave to J R Beale, 'Ruera Te Nuku", 10 August 1899, Archives New Zealand, Wellington, J1 652, 1898/1504, (R24593578); James Carroll to John Stevens, 7 February 1900, Archives New Zealand, Wellington, J1 652, 1898/1504, (R24593578)

[1498] J Carroll, Minister for Maori Affairs, to his Excellency the Governor, 14 May 1907, Archives New Zealand, Wellington, MA1 880, 1906/360, (R22400498)

[1499] Copy of Minutes of Aotea District Native Land Council Contained in Minute Book No 2, pp 25 & 26, Archives New Zealand, Wellington, MA1 880, 1906/360, (R22400498)

[1500] Extract from the *New Zealand Gazette*, 30 May 1907, Archives New Zealand, Wellington, MA1 880, 1906/360, (R22400498)

[1501] 'Extract from *New Zealand Gazette*, 27 June 1907, Archives New Zealand, Wellington, MA1 915, 1907/184, (R22401245)

[1502] 'Extract from MB 2 Page 90, 14 Dec 1905', Archives New Zealand, Wellington, MA1 915, 1907/184, (R22401245)

The restrictions on two more sections of the Te Awahuri Reserve were removed in July and August 1907. On 7 July 1907 the Governor – acting, as always, on the advice of his Ministers – 'removed and revoked' the restrictions 'against the alienation' of 55½ acres of Section 23. With an original area of 70 acres, Section 23 was one of the three sections of the Te Awahuri Reserve that had been granted to Hepi Te Wheoro.[1503] The following month, on 30 August 1907, the Governor also removed the restrictions preventing the permanent alienation of Section 2 (55 acres) which was now owned by Hoeta Te Kahuhui's daughter Arani Hoeta. Section 2 was subsequently sold by Arani Hoeta to Catherine Whisker.[1504]

All of the remaining restrictions preventing the sale of the sections of the repurchased reserve land at Te Awahuri were swept away by the passage of the Native Land Act 1909. Section 207 of the Act removed 'all prohibitions or restrictions . . . on the alienation of Native land' which had 'been imposed by any Crown grant, certificate of title, order of the Native Land Court, or other instrument of title, or by any Act.' From 31 March 1910 – when the 1909 Act came into operation – the previously protected sections of the Te Awahuri Reserve, which had been intended as 'permanent estate' for the Ngāti Kauwhata community at Te Awahuri, were available to 'be alienated or disposed of in the same manner as . . . European land.'[1505]

The Breaking Up of Ngāti Kauwhata's Remaining Te Awahuri Land 1891-2000

As with many of the other Rangitīkei-Manawatū Reserves (as well as the neighbouring Aorangi and Taonui-Ahuaturanga blocks) the surviving Māori Land Court records offer only an incomplete account of the alienation of Ngāti Kauwhata's remaining land within the Te Awahuri Reserve. What we do know is that of the 24 sections for which Crown Grants were issued on 26 October 1891 parts of only six remain as Māori land today. Some of these surviving portions are very small. Only one acre of Section 22 (37 acres) and one and one third of an acre of Section 23 (70 acres) are still Māori land today.[1506] Just two of the original sections (both originally granted to Te Ara Takana) have more than half of their original areas still intact as Māori freehold land: 33½ acres of Section 21 (64¾ acres) and three and one third acres of

[1503] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. II, p 742 (817)
[1504] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. III, p 121 (123)
[1505] Native Land Act 1909, s 207
[1506] Sandon (Carnarvon) 153 Sec 22, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20786.htm (accessed 21 April 2018); Sandon (Carnarvon) 153 Sec 23, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20785.htm (accessed 21 April 2018)

Section 17 (five acres).[1507] Altogether just 110 of the 1192 acres returned to Ngāti Kauwhata as Crown Grants in October 1891 remain as Māori freehold land today.[1508]

Table 7.4 Sections of the Te Awahuri Reserve Remaining as Māori Land Today

	Area (ha)	Area (acres)	ML Plan	Owners	Shares
Sandon 153 Sec 5	10.49	25.9	SO 10971	2	4148.5
Sandon 153 Sec 6C 2	7.93	19.6	ML 2361	27	3136
Sandon 153 Sec 6C 3A (Old River Bed)	4.35	10.75	ML 5157	27	1720
Sandon 153 Sec 6D (Accretion)	4.20	10.4	ML 4069	111	1660
Sandon 153 Sec 17C	1.34	3.3	ML 4817	32	528.7
Sandon 153 Sec 21B 2B	13.57	33.5	ML 5137	116	5364.9
Sandon 153 Sec 22 (Māori Reservation)	0.40	1.0	DP 4202	121	160
Sandon 153 Sec 23 (Māori Reservation)	0.51	1.3	ML 2849	2	201
Sandon 153 Sandon Island	1.77	4.4	ML 4069	174	700
	44.56	**110.2**			

Although generally not recorded in the surviving Māori Land Court Block Order files, many of the sections of the Te Awahuri Reserve appear to have been sold soon after the restrictions preventing their permanent alienation were removed. Section 4, for example, was purchased by Catherine Whisker from Ruera Te Nuku a few months after the restrictions protecting it from sale had been lifted.[1509] On 23 October 1907 Catherine Whisker also purchased Section 2 (also 55 acres) from Arani Hoeta, less than two months after the restrictions had been removed from that piece of land in August 1907.[1510] Catherine Whisker acquired two more sections in 1912, two-and-a-half years after the Native Land Act 1909 had removed all of the remaining restrictions on sections of the Te Awahuri Reserve. On 31 July she purchased Section 3 from Makareta Ahitana, while on 20 August she purchased Section 1, previously

[1507] Township of Sandon 153 Sec 21B2B', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20787.htm (accessed 21 April 2018); Sandon Town Section 153 Section 17C, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20788.htm (accessed 21 April 2o18)

[1508] Pt Sandon (Carnarvon) Section 153 Subdvisions 5, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20795.htm; Sandon (Carnarvon) Sec 153 Sub 6C No 2, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20792.htm; Town of Sandon Sec 153 Sub 6C 3A Old River Bed, http://www.maorilandonline.govt.nz/gis/title/20791.htm; Sandon 153 Sub 6D (accretion), http://www.maorilandonline.govt.nz/gis/title/20790.htm; Sandon Town Section 153 Section 17C, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20788.htm; Township of Sandon 153 Sec 21B2B', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20787.htm; Sandon (Carnarvon) 153 Sec 22, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20786.htm; Sandon (Carnarvon) 153 Sec 23, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20785.htm; Part Section 153 Sandon Island, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/40016.htm; (all accessed 21 April 2018)

[1509] 'Certificate of Title Under Land Transfer Act', Vol 61, folio 89, 26 October 1891

[1510] 'Certificate of Title Under Land Transfer Act', Vol 133, folio 36, 13 May 1894

owned by Te Ara Takana.[1511] Other portions of the repurchased reserve that appear to have been alienated not long after the removal of restrictions include most of Sections 22 and 23.

According to the available Māori Land Court records, several pieces of the now unrestricted Te Awahuri Reserve were acquired by neighbouring European farmers between May 1918 and November 1923. Catherine Whisker's son David purchased Section 6C 1 (29 acres) in May 1918; Section 7 (14 acres) in November 1919; and Subsections 8A and 8B (9 acres combined) in November 1923.[1512] Joseph Bennett, another son of early European settlers, purchased 42 acres of Section 24 in 1919.[1513]

The purchasing of portions of the repurchased reserve continued after World War II. In September 1957, Keith Claude Matthews of Feilding purchased Subsections 19A, B and C. With a combined area of slightly more than 61 acres, the three sections constituted the entire area in the original Crown Grant of Section 19 made to Hepi Te Wheoro in October 1891.[1514] As with other Sections within the Te Awahuri Reserve, the definitive alienation of Section 19 in 1957 was the culmination of a long period in which the land in question had been under long-term lease, either to the purchasers themselves or members of their families. In July 1936, the three subdivisions of Section 19 had been leased to George Hector Matthews for a period of ten years.[1515]

Another portion of the Awahuri Reserve to be sold after having been leased out for a long period was Subsection 21A. Eventually purchased by Robin Cecil Evans and Margaret Cynthia Evans (both of Awahuri) for $7690, the 15-acre subdivision had been under lease to European farmers since at least 1950. Leased for a term of 13 years by John Milligan of Awahuri in September 1950, Subsection 21A was subsequently leased to S O and I Evans for consecutive five-year periods on 18 June 1963, and 18 June 1968. It was at the end of the second of these two leases – on 29 June 1973 – that the land was finally purchased outright by Robin and Margaret Evans.[1516]

[1511] 'Certificate of Title Under Land Transfer Act', Vol 133, folio 37, 13 May 1894; 'Certificate of Title Under Land Transfer Act', Vol 61, folio 88, 26 October 1891

[1512] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. III, pp 98 (100), 93 (95), 86 & 90 (88 & 92)

[1513] Ibid., p 168 (170)

[1514] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. III, pp 156 (158); 143 (145), 150 (152; Alienation File, AF 3/9031, Secs 191, 19B 19C of Sec 153 Township of Sandon

[1515] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. III, p 157 (159)

[1516] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. III, pp 137-139 (139-141)

Table 7.5 The Permanent Alienation of Sections of the Te Awahuri Reserve, 1891-1992

Section	Date of Purchase	Acres Purchased	Purchaser
Section 4	22 Nov 1898	55.0.0	Catherine Whisker
Sections 10 & 13	May 1907	18.1.7	William F Phillips
Section 2	23 Oct 1907	55.0.0	Catherine Whisker
Section 3	31 July 1912	55.0.0	Catherine Whisker
Section 1	20 Aug 1912	55.0.0	Catherine Whisker
Section 6C 1[1517]	22 May 1918	29.0.18	David Whisker
Section 7[1518]	26 Nov 1919	14.0.0	David Whisker
Section 24[1519]	1919	42.0.8	Joseph Bennett
Sections 8A & 8B[1520]	16 Nov 1923	9.1.18	David Whisker
Sections 19A, 19B & 19C	25 July 1957	61.0.10	Keith Claude Matthews
Section 8C	15 Jan 1958	4.2.0	Keith Jack Hancock
Sec 17A	24 July 1962	0.3.24	
Section 5A (Part)	20 Jan 1964	3.2.16	Feilding Borough (Public Works Act)
'Old River Bed' adjoining Te Awahuri Reserve	20 Jan 1964	24.2.15	Feilding Borough (Public Works Act)
Sec 6C 3 (Older River Bed)[1521]	1 May 1968	15.2.23	Clarence Noel Houghton
Section 21A	8 Nov 1973	15.1.21	Robin & Margaret Evans
Sections 5A & 5B	10 Dec 1996	119.0.0	Kenneth & Helen Thurston

The Taking of Portions of the Te Awahuri Reserve Under the Public Works Act for the Borough of Feilding Sewerage Treatment Works

Most of land alienated from Ngāti Kauwhata ownership within the Te Awahuri Reserve was sold to private European purchasers. The exception was slightly more than 25 acres that was taken by Government Proclamation under the Public Works Act on 20 January 1964. The 25 acres were taken – along with 34½ acres of Aorangi 1 Section 4C 6 and four acres of Aorangi 4C – for the site of the new Feilding sewerage treatment works on Kawakawa Road. The 25 acres taken from the Awahuri Reserve included slightly more than five-and-half acres of Section 5A (owned by Tatiana Wiremu Te Hiko) and 19½ acres of 'old river bed' adjoining the reserve.[1522]

[1517] Ibid., p 98 (100)
[1518] Ibid., p 93 (95)
[1519] Ibid., p 168 (170)
[1520] Ibid., pp 86, 90 (88, 92)
[1521] Ibid., p 95 (97)
[1522] 'Plan of Parts of Sections 1, 2, 3, 4, 5A & Pt Lot 1 D.P. 19096 Being Part Section 153 Town of Sandon, of Part Old River Bed & Accretions of Pt Secs 4C & 4C 6 Aorangi No 1 Block, of Parts of Sec 153 & Pt Lot 9 DP 2994 Being Part Section 149, Town of Sandon. Blocks 1 & 11 Kairanga Survey District, Wellington Land District – Manawatu County. Surveyed by Truebridge Associates – Feb 1962', Archives Central, Feilding, Feilding Borough Council Inward and Outward Correspondence, Subject File: Sewerage: Sewerage Treatment Plant Site, Feilding Borough Council, 1961-1984, MDC 00005: 50: 48/2/1

Plans for a new sewerage treatment works for the rapidly growing Borough of Feilding were drawn up in July 1961.[1523] The following year, the Feilding Council employed a surveyor and a land valuer to identify the owers and value of the land to be taken. In his report to the Feilding Borough Council Town Clerk on 18 May 1962, Colin V Whitten identified almost 60 acres of Māori-owned land that were to be taken for the new sewerage treatment plant. Whitten described the land – which included parts of both the Te Awahuri Reserve and Aorangi 1 Section 4C as 'good river silt land covered with lupin, blackberry and large willows, with rough grazing land through it all.'[1524]

On 6 September 1962, after written notice had been sent out to the affected landowners, the Feilding Borough Mayor, Town Clerk, and Borough Engineer met with some of the Māori owners to explain the Council's intentions. In a prepared statement, the Mayor told the meeting that the Council hoped to 'come to a mutually satisfactory agreement for the purchase' of the required land 'from the several owners.' He also assured his audience that the effluent from the new, 'modern sewerage plant' would 'go to the Oroua River in an almost pure state.' With regards to the process for the taking of the Māori-owned land for the new plant, the Mayor informed the meeting that the Council had been 'advised by the Māori Land Court that the best procedure' for 'acquiring' the required land was 'under the provisions of the Public Works Act.' The Mayor then urged the Māori owners 'to obtain the services of solicitors', advice which those present at the meeting readily agreed to. According to the Town Clerk, the meeting then 'closed on a harmonious note.'[1525]

We have no evidence as to how the Ngāti Kauwhata owners really felt about the taking of a significant portion of their remaining land for the new Feilding sewerage treatment plant. While some owners expressed their willingness to sell their shares to the Council, others such as Adelaide (Heta) Thompson and Rawina Larkin were less obliging. In a telegram dispatched on 6 September 1962, Mrs Thompson informed the Town Clerk that price offered by the Council for the land was 'unacceptable.'[1526] For her part, Mrs Larkin claimed to be the owner of 37½

[1523] Babbage Shores & Andrell, Consulting Engineers, 'Borough of Feilding Proposed Sewage Treatment Works Location Plan', July 1961, Archives Central, MDC 00005: 50: 48/2/1

[1524] Colin V Whitten (Managing Director, D J Lovelock & Co Ltd, Valuers, Land Estate, and Insurance Agents, 85 Rangitīkei Street, Palmerston North), to the Town Clerk, Feilding Borough Council, 18 May 1962, Archives Central, MDC 00005: 50: 48/2/1

[1525] 'Prepared Statement delivered by Feilding Mayor to Meeting of Owners', 6 September 1962, Archives Central, MDC 00005: 50: 48/2/1

[1526] Telegram from Adelaide Thompson [Mrs Heta] to the Town Clerk, Borough Council Feilding, 6 September 1962, Archives Central, MDC 00005: 50: 48/2/1Treatment Plant Site, Feilding Borough Council, 1961-1984, MDC 00005: 50: 48/2/1

acres of the land along the Kawakawa Road and that she could not 'agree that the purchase money should be paid to anyone else.[1527]

Figure 7.2 Survey Plan of Proposed Takings for the Feilding Sewerage Treatment Works, February 1962

The confusion over the ownership of the Māori-owned land to be taken by the Feilding Council was caused by the fact that most of the area to be taken from the Te Awahuri Reserve was 'old river bed' or accretion brought about by shifts in the course of the Oroua River. In 1962 ownership to much of this land had still to be defined by the Māori Land Court.[1528]

On 28 August 1963 the Feilding Borough Council served formal notice, under the Municipal Corporation Act 1954 and the Public Works Act 1928 of its intention to take land for the construction of the new sewerage treatment plant. 'All persons affected' by the proposed takings were given 40 days from the first publication of the notice (in the *Manawatū Evening* Standard on 29 August 1963) to address their objections to the Town Clerk.[1529]

[1527] Mrs I Ratana, MP, to Town Clerk, Feilding Borough Council, 11 October 1962, Archives Central, MDC 00005: 50: 48/2/1

[1528] 'Prepared Statement delivered by Feilding Mayor to Meeting of Owners', 6 September 1962, Archives Central, MDC 00005: 50: 48/2/1

[1529] 'Feilding Borough Council. Notice of Intention to Take Land', 28 August 1963, extract from *NZ Gazette*, No 50, 29 August 1963, Archives Central, MDC 00005: 50: 48/2/1

It is not known how many, if any, objections were submitted to the Town Clerk by the affected Māori owners, but on 11 December 1963 – three and a half months after the Council had first published its notice – the Governor General formally issued notice of the taking of the land for the Feilding sewerage treatment plant. Altogether, 112 acres were taken by the Crown under the Public Works Act 1928, including slightly more than 50 acres of European-owned land. Most of the European-owned land taken under the Governor General's Proclamation had previously been purchased from parts of the Te Awahuri Reserve, including 12 acres from Sections 1 and 2; three-and-a-half acres from Section 3, and 13 acres from Section 4.[1530]

The taking of the 112 acres came into effect on 20 January 1964. The question of compensation for the 60 acres of Māori land taken was referred to the Māori Trustee. Because of the 'considerable areas' of old river bed and accretion included in the Crown's taking, the Māori Trustee had 'some difficulty' establishing 'exactly what land' had belonged to the Māori owners.[1531] Having eventually ascertained the area of Māori-owned land taken by the Crown as just under 60 acres, the Māori Trustee assessed the compensation the compensation to be paid as £2700. To this the Trustee added £124 12s 11d of interest, for the period from 1 March 1965 to 31 January 1966, bringing the total sum to be paid to the Māori owners to £2824 12s 11d. In no part of the Māori Trustees calculations was any mention made of the special quality of the Te Awahuri land taken by the Crown, as part of a supposedly permanent and inalienable estate for Ngāti Kauwhata.[1532]

The Māori Trustee's assessment – along with a five percent commission of £141 4s 8d and a £15 15s valuation fee –was accepted and paid by Feilding Borough Council in February 1966.[1533] On 25 February 1966 the Māori Trustee acknowledged receipt 'from the Mayor, Councillors and Citizens of the Borough of Feilding' of £2982 'being in full satisfaction and discharge of all claims' for compensation for the 60 acres of Māori land that the Council had taken from the Te Awahuri Reserve and Aorangi 1 for the construction of the Feilding Sewerage Treatment Plant.[1534]

[1530] 'Land Taken for a Sewerage Treatment Plant in Blocks I & II Kairanga Survey District, Manawatu Count', *NZ Gazette*, 16 January 1964, No 1, p 1

[1531] J A MacKinnon for the Maori Trustee to the Town Clerk, Feilding Borough Council, 30 October 1964, Archives Central, MDC 00005: 50: 48/2/1

[1532] E W Williams (District Officer), Department of Maori Affairs, Palmerston North, 1 February 1966, 1 February 1966, Archives Central, MDC 00005: 50: 48/2/1

[1533] C E G Jewell, Town Clerk to Messrs Barltrop, Cobbe & Lockhart, Barristers & Solicitors, Feilding, 14 February 1966, 14 February 1966, Archives Central, MDC 00005: 50: 48/2/1

[1534] Peter Gilbert Lloyd Allen, Acting for the Maori Trustee pursuant to Section nine of the Māori Trustee Act 1953, 'Acknowledgment of Receipt from the Mayor, Councillors and Citizens of the Borough of Feilding of the sum of Two Thousand Nine Hundred and Eighty-Two Pounds', 25 February 1966, Archives Central, MDC 00005: 50: 48/2/1

The compensation received by the Māori Trustee on the behalf of the expropriated owners of the affected sections of the Te Awahuri Reserve and Aorangi 1 was less than half of the sum the Feilding Borough Council eventually paid out to the European land owners whose land had also been taken for the sewerage treatment works. Between them Ngaire Eleanor Henson, Wilfred Henry Henson, Leroy A J Henson and Hamilton Eric Henson received a grand total of £6545 for the Feilding Council's taking of a combined area of just over 50¼ acres.[1535] Ngaire Henson, who received £2861 from the Council in August 1966, was paid more in her own right for her 19 acres (she also received £3075 for 28 acres she owned with Wilfred Henry Henson) than all of the Māori owners received for all of the 60 acres that the Council had taken from them for the sewerage treatment works.[1536]

The compulsory 'Europeanisation' of land within the Te Awahuri Reserve

The break-up of Ngāti Kauwhata's supposedly 'permanent estate' at Te Awahuri was aggravated between 1968 and 1972 by the compulsory conversion of Māori freehold land owned by four owners or less to 'general' or 'European' land, in accordance with Part 1 of the Maori Affairs Amendment Act 1967. At least 11 subsections of the Te Awahuri Reserve were compulsorily converted from Māori to 'general' land between 23 July 1968 and 1 February 1972.[1537]

Most of the subsections converted to European land under the 1967 Act were relatively small. Five of the nine that we know the acreage of were less than one acre, while all but one were five acres or less in area. The exception was Section 21B 1B, which had an area of just under 10½ acres when it was converted from Māori to general freehold land on 24 September 1968.[1538]

[1535] Leroy Alfred John Henson and Hamilton Eric Henson, Acknowledgment of Receipt from the Mayor, Councillors, and Citizens of the Borough of Feilding of the sum of Six Hundred and Nine Pounds, 29 July 1966; Ngaire Eleanor Henson and Allen Matthew Henson, Acknowledgement of Receipt from the Mayor, Councillors, and Citizens of the Borough of Feilding of Two Thousand Eight Hundred and Sixty-One Pounds, 11 August 1966; Wilfred Henry Henson, Ngaire Eleanor Henson and Allen Matthew Henson, Acknowledgement of Receipt from the Mayor, Councillors, and Citizens of the Borough of Feilding of Three Thousand and Seventy Five Pounds, 11 August 1966. All held at Archives Central, MDC 00005: 50: 48/2/1

[1536] Ngaire Eleanor Henson and Allen Matthew Henson, Acknowledgement of Receipt from the Mayor, Councillors, and Citizens of the Borough of Feilding of Two Thousand Eight Hundred and Sixty-One Pounds, 11 August 1966, Archives Central, MDC 00005: 50: 48/2/1

[1537] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. III, pp 65 (67), 69 (71), 74 (76), 76 (78), 113 (115), 115 (117), 130 (132), 131 (133), 134 (136)

[1538] Ibid., p 131 (133)

Table 7.6 Sections of the Te Awahuri Reserve subject to compulsory conversion from Māori Freehold to General freehold land, 1968 to 1972

Section	Area (acres, roods, perches)	Date
8E 1A	0.0.32	23 July 1968
17B	0.3.14	16 Sept 1968
21B 1A	5.0.0	24 Sept 1968
21B 1B	10.1.20	24 Sept 1968
21B 2A	0.1.36	24 Sept 1968
8D	4.2.0	26 June 1979
8E 1B	0.2.08	29 July 1970
5B Lot A		4 Sept 1970
5B Lot B		4 Sept 1970
5B Lot C	2.0.17	4 Sept 1970
8E 2A	0.2.12	1 Feb 1972

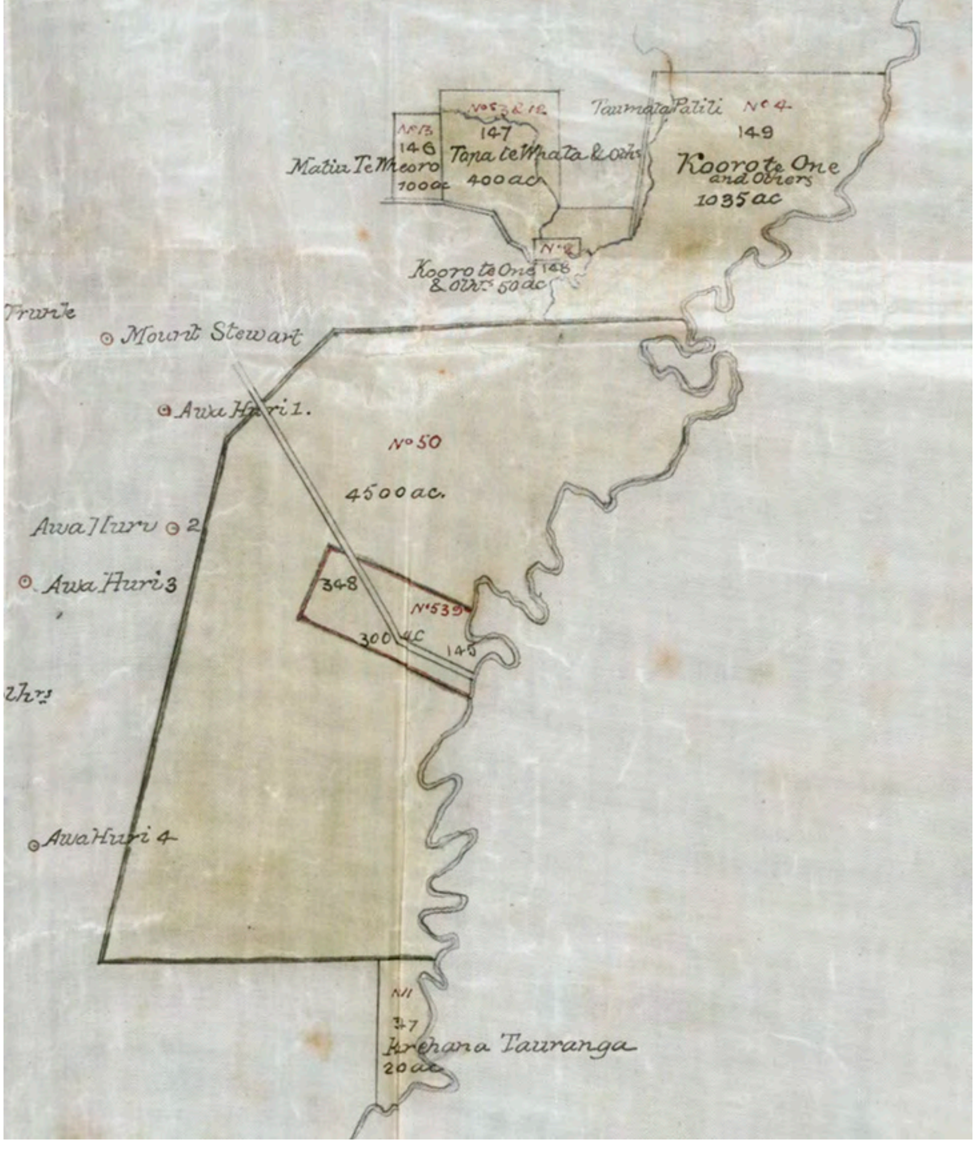
Although not constituting an enormous area – particularly when compared to what had already been alienated from tribal ownership – the compulsory conversion of parts of the Te Awahuri Reseve nevertheless constituted a significant loss for Ngāti Kauwhata. Together, the nine 'Europeanised' subsections that we know the size of had a combined acreage of just under 25 acres. In 1968, this was approximately 10 percent of the total extent of Māori land remaining within the Te Awahuri Reserve. None of the compulsory converted subsections were subsequently returned to the status of Māori freehold land following the repeal of Part One of the Māori Affairs Amendment Act 1967 in 1973.

Ngāti Kauwhata's Other Reserves in the Vicinity of Te Awahuri

The 4500 and 1000-acre reserves made for the 'non-sellers' at Te Awahuri and Kawakawa were not the only reserves created by the Crown for Ngāti Kauwhata in the aftermath of its purchase of Rangitīkei-Manawatū. Smaller reserves were also set aside by Featherston and McLean for members of the Te Awahuri community who had signed the 1866 deed of purchase. The most substantial of these reserves was 400 acres at the 'junction of the Makino and Mangaone Stream', granted by McLean in 1870 for those from Ngāti Kauwhata who had initially consented to Featherston's purchase. The Crown Grant for what was officially known as Native Section 147 Township of Sandon had vested ownership of the 400 acres in Tapa Te Whata, Kereama Te Paoe and Areta Pekamu. Tapa Te Whata had also received a 300-acre reserve at Te Awahuri from Featherston. Astride what is now State Highway 3, the reserve (officially known as Native Section 145 Township of Sandon and Native Section 348

Township of Carnarvon) formed the core of Ngāti Kauwhata's remaining land at Te Awahuri, and was surrounded on three sides by the much larger 'non-sellers'' Te Awahuri Reserve.

Figure 7.3 Plan of Ngāti Kauwhata's Reserves in the Vicinity of Te Awahuri



Source: 'Plan of the Rangitīkei Manawatū Block Shewing Native Reserves' (WR 30a)

Smaller reserves in the vicinity of Te Awahuri were also defined for Matiu Te Wheoro (100 acres on the Mangaone Stream); Taimona Pikauroa (50 acres at Kawakawa) Areta Pekamu (50 acres on the main road, just to the east of Sanson) and Karehana Tauranga (200 acres at Kopani (modern day Kopane) on the Oroua River, adjacent to the southern boundary of the Te Awahuri Reserve). McLean had also agreed to a number of small, eel-fishing reserves along the Oroua River downstream from Te Awahuri, including 30 acres at Tauranganui for Te Ara Takana and Hoeta Te Kahuhui; 10 acres at Putanga for Areta Pekamu; and 40 acres at Ruahine for the

Ngāti Kauwhata 'non-sellers.' A further 200-acre reserve for Tapa Te Whata was also located on the Oroua River, not far from the 500 acres that the Native Land Court had awarded to Te Kooro Te One's family at Puketōtara.

The alienation of Ngāti Kauwhata's smaller reserves around Te Awahuri

The surviving Māori Land Court Records offer little information as to how the smaller Ngāti Kauwhata reserves around Te Awahuri came to be alienated. It would appear – from the absence of Native Land Court Records – that most of the reserves, including the larger part of Tapa Te Whata's 300 acres at Te Awahuri and all of the 400 acres at the junction of the Mangaone and Makino Streams, were alienated to private European purchasers prior to 1920.

Of the reserves that we do know the alienation history of, the first to be sold was 100 acres at Kairākau on the Oroua River. This reserve – which appears to have been gifted by the Ngāti Kauwhata 'non-sellers' to Mātene Te Whiwhi as compensation for the evidence he had presented on their behalf before the Native Land Court in 1869 – was purchased by the Crown for £100 on 26 April 1873.[1539]

In 1897 and 1898 two of Ngāti Kauwhata's small eel-fishing reserves on the Oroua River were sold to private European purchasers. On 8 June 1897 Te Ara Takana's 40-acre reserve at Te Rotonuiahau (Carnarvon 343) was sold to Joseph William Beale, an Oroua Bridge sheep farmer.[1540] On 28 May of the following year the 200 acres granted to Karehana Tauranga was sold by his successors to William Hamilton Turnbull, a Wellington warehouseman.[1541]

In May 1914 the 50-acre reserve granted to Areta Pekamu (Carnarvon 353) was included in a certificate of title for 242 acres belonging to Job Harris, a Sandon Farmer.[1542] In November a certificate of title was issued in the name of Mark Beazer, a Feilding farmer, for Matiu Te Wheoro's 100-acre reserve on the Mangaone Stream (Native Section 146 Township of Sandon).[1543] The Certificate of Titles for the two alienated sections of Ngāti Kauwhata land were both issued in order for their European owners to obtain mortgages on their land, suggesting that the two reserves may have been purchased some time earlier.

[1539] Deed of Conveyance from Matene Te Whiwhi to the Honourable William Fitzherbert, Superintendent of the Province of Wellington, 26 April 1873, Archives New Zealand, Wellington, ABWN W5279 8102 Box 338, WGN 570, (R23446778)
[1540] Certificate of Title Under Land Transfer Act, Vol 63, folio 116
[1541] Certificate of Title Under Land Transfer Act, Vol 84, folio 191
[1542] Certificate of Title Under Land Transfer Act, Vol 224, folio 127
[1543] Certificate of Title Under Land Transfer Act, Vol 235, folio 124

Table 7.7 The Permanent Alienation of smaller Ngāti Kauwhata Reserves within Rangitīkei-Manawatū

Location	Date of Purchase	Acres Purchased	Purchaser
Kairakau (Carnarvon 297)	26 April 1873	100	Crown
Te Rotonuiahau (Carnarvon 343)	8 June 1897	40	Joseph William Beale
Kopani on Oroua River (Carnarvon 347)	28 May 1898	200	William Hamilton Turnbull
Between Mt Stewart and Sanson (Carnarvon 353)	Before May 1914	50	Job Harris
Junction Makino & Mangaone Streams (Sandon 146)	Before Nov 1915	100	Mark Beazer

Only fragments of evidence remain concering the alienation of Tapa Te Whata's reserve at Te Awahuri. The 300 acres were subdivided into small township lots, some of which were purchased by Alexander McDonald prior to 1889. In January 1889, 19 lots of the the Te Awahuri Township were auctioned at a mortgagee sale of McDonald's Te Awahuri property.[1544] Twentieth Century Māori Land Court records show that Te Awahuri Township lots 18, 19, 20, 22, 26, with a combined area of one and one quarter acres were purchased by Joan Levien in June 1919. Another two acres were acquired by Frances Powson Stephens in November 1927, while in August 1931 just under 11 acres were purchased by Christina Stuart. Twelve lots, with a combined area of more than three acres, were purchased by Kathleen Marie McBrearly between April 1933 and June 1939.

Just as we lack evidence as to how and when most of Tapa Te Whata's reserve at Te Awahuri was alienated from Ngāti Kauwhata ownership, we also do not know why he or other owners had been persuaded to sell so much of their land. Most likely Tapa, and the others from within Ngāti Kauwhata who had initially agreed to the Crown's purchase of Rangitīkei-Manawatū, found themselves beset with the same problems of overwhelming debt that bedeviled the 'non-selling' members of the Te Awahuri community. Tapa Te Whata invested very heavily in Ngāti Kauwhata's unsuccessful campaign to win back the tribe's ancestral land around Maungatautari, and both he and Kereama Te Paoe (who, along with Tapa, was one of the three Grantees to the 400-acre 'sellers'' reserve at the junction of the Mangaone and Makino Streams) gave evidence before the Ngāti Kauwhata Claims Commission in Cambridge in 1881. It seems likely that land from both Tapa's reserve at Te Awahuri and the 400-acre reserve on

[1544] 'Auctions, J H Bethune & Co. Thursday, 24th January, 1889. Important Sale. Splendid Freehold Farm Carnarvon, and Town Sections, Awahuri', *New Zealand Times*, 22 January 1889, p 8, c 2, https://paperspast.natlib.govt.nz/newspapers/new-zealand-times/1889/1/22/8 (accessed 16 April 2018).

the Mangaone and Makino might have been sold to cover the very substantial costs that Ngāti Kauwhata had incurred in the course of their struggle for their southern Waikato lands.

One case where we do know something of the motivations behind the sale of a portion of the Te Awahuri Township reserve concerns the sale of Lots 39, 40, 43 and 44 by Atareta Poananga to Kathleen Marie McBrearty in June 1939. Obliged to undergo 'a serious operation', Mrs Poananga had apparently agreed to sell her four lots – which had a combined area of just under one-and-a-quarter acres – for £80 in order to cover 'expenses and to provide for her children' during her time in Palmerston North Hospital.[1545]

Table 7.8 The Permanent Alienation of Parts of Te Awahuri Township (Township of Sandon 145, Native Section 348 Township of Carnarvon)

Section	Date of Purchase	Acres Purchased	Purchaser
Te Awahuri Township, Lots 10, 11, 12, 13, 14, 15, 24 & 25	Before 1889	2.0.36	Alexander McDonald
Te Awahuri Township, Lots 18, 19, 20, 22, 26, 27	Before 1889	1.2.06	Alexander McDonald
Te Awahuri Township Lots 18, 19 20, 22, 26	30 June 1919	1.1.6	Joan Levien
Te Awahuri Township A (Secs 98/9, 152/3 156/9)	9 Nov 1927	2.1.0	Frances Powson Stephens
Te Awahuri Township B Lot 269	20 Aug 1931	10.2.25	Christina Stuart
Te Awahuri Township Lots 29 to 35	10 April 1933	1.3.1	Elizabeth Mary McBrearty
Te Awahuri Township Lot 188	11 Feb 1936	0.0.35	Elizabeth Mary McBrearty
Te Awahuri Township Lots 39, 40, 43, 44	13 June 1939	1.0.31	Kathleen Marie McBrearty
Te Awahuri Township Lots 16 & 17	1 Sept 1972	0.2.0	Trevor Herman Gallus
		21.2.20	

The 'Europeanisation' of portions of the Te Awahuri Township reserve

Five portions of what remained of the Te Awahuri Township reserve were subject to compulsory conversion from Māori to European or General freehold land under Part One of the Maori Affairs Amendment Act 1967 between July 1967 and July 1972. Four of the affected sections were between one and one-and-a-half acres, while the fifth was between half and three quarters of an acre. With a combined area of five-and-a-half acres, the five 'Europeanised'

[1545] L V Fordham, Registrar Ikaroa District Maori Land Board, to Messrs Graham & Reed, Barristers & Solicitors, 15 June 1939; L V Fordham to Judge Shepherd, 16 March 1939; 'Statement. Awahuri Lots 39, 40, 43 and 44'; all in Māori Land Court Alienation File 3/9336, Lots 39, 40, 43, 44 on D.P. 29 Town of Awahuri or Part Sec 348 Carnarvon T. S.

sections constituted approximately one eleventh of the remaining Māori Land within the Te Awahuri Township Reserve.

Table 7.9 Sections of the Te Awahuri Township subject to compulsory conversion from Māori Freehold to General freehold land, 1968 to 1972

Section	Area (acres, roods, perches)	Date
Awahuri Lot 271 (part)	1.1.14	9 July 1967
Awahuri Sec Y1	0.2.20	16 Sept 1968
Awahuri Sec Z1	1.0.26	26 June 1970
Awahuri Sub A, Lot 171	1.0.0	19 March 1971
Awahuri Sec Z2	1.1.14	12 July 1972
	5.1.34	

Portions of Ngāti Kauwhata's Rangitīkei-Manawatū Reserves Remaining as Māori Land Today

Altogether, the Crown and Native Land Court set aside something like 6585 acres of reserves in the vicinity of Te Awahuri and Kawakawa for members of Ngāti Kauwhata. Of this already inadequate total just 168 acres remain as Māori land today. Most of the surviving Māori land is located within the 'non-sellers'' Te Awahuri Reserve where 110 of the original 4500 acres remain as Māori freehold today.[1546] The remaining 58 acres are what is left of Tapa Te Whata's 300-acre Te Awahuri Township Reserve. This land is clustered around modern day Awahuri, at the intersection of State Highway 3 and the Awahuri-Feilding Road.[1547]

[1546] 'Section 153 Subdivision 5', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20795.htm (both accessed 26 April 2018); 'Sandon (Carnarvon) Sec 153 Sub: 6C No 2', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20792.htm; 'Town of Sandon Sec 153 Sub 6C3A Old River Bed', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20791.htm; 'Sandon 153 Sub 6D (accretion), Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20790.htm; 'Sandon Town Section 153 Section 17C', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20788.htm; 'Township of Sandon 153 Sec 21B2B', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20787.htm; 'Lot 1 Deposited Plan 4202', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20786.htm; 'Part Subdivision 23 Section 153 Township of Sandon', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20785.htm; 'Part Section 153 Sandon Island', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/40016.htm (all accessed 26 April 2018)

[1547] 'Awahuri Town Section A Lots 41 and 38', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20792.htm; http://www.maorilandonline.govt.nz/gis/title/20818.htm; 'Awahuri Lot 102 being Sec 145 Sandon Township & Sec 348 Carnarvon Township', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20798.htm; 'Lot 110-114, 183-184 Deposited Plan 29', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20820.htm'; 'Awahuri Lots 115-117, 172, 173, 176, 177, 180, 181 of Sec 145 Sandon Township', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20812.htm; 'Awahuri Lots 143, 144, 147, 148 of Sec 145 Sandon Township', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/19176.htm; 'Awahuri Township Sec A (being Lots 174, 175, 178, 179 & 182), Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20819.htm; 'Lot 185-188

None of the surviving Te Awahuri sections are particularly large. Of the nine remaining portions of the Te Awahuri Reserve, all but two are less than 20 acres, while four are under five acres. The two sections of more than 20 acres are Sandon 153 21B 2B (33½ acres) and Sandon 153 Subvision 5 (26 acres).[1548] Within the Te Awahuri township only one of the surviving 11 units are of more than 10 acres, while eight are of five acres or less. The largest remaining unit – Awahuri Township D Lot 272 and Part Lot 273 – is 24½ acres.[1549]

Like most of the Māori land that was burdened by the Crown with individualized titles, many of the Te Awahuri sections that are still Māori land today have large numbers of owners. Four of the nine surviving sections of the Te Awahuri Reserve have more than 100 owners. Section 21B 2B, for example, has 116 owners, holding a total of 5364.9 shares.[1550] The 'fractionation' of ownership amongst disproportionally large numbers of individual owners is even more evident within what is left of the Te Awahuri Township Reserve. Five of the 11 remaining units have 50 or more owners, including Awahuri Township D Lot 272 and Part Lot 273 (24 ½ acres) with 94 owners; Awahuri Township A Lots 41 and 43 (half an acre) with 70 owners; and Awahuri Lots 115-117, 172, 173, 176, 177, 180 and 181 (6¾) acres with 66 owners.[1551] The concentration of so many individual owners in such small pieces of land make it very difficult for whoever is managing a particular property to make a meaningful return.

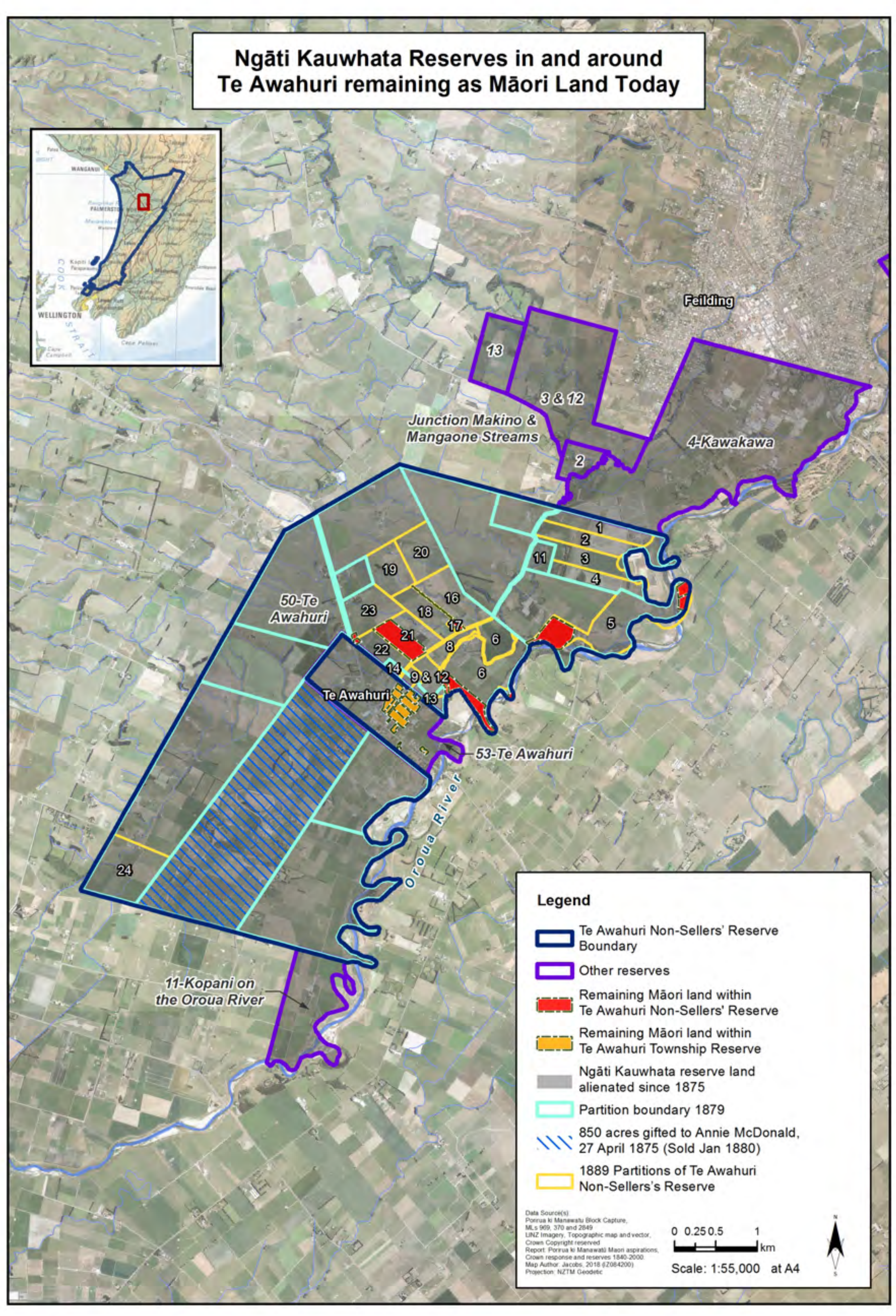
Deposited Plan 29', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20821.htm; 'Awahuri Town Section Subdivision C Section 2 and Section 3', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20817.htm; 'Awahuri Township Sections, Subdn. "D" (Being lot 272 and pt. lot 273)', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20816.htm; 'Awahuri W1 of Section 145 Town of Sandon', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20814.htm; 'Section Y2 of Section 145 Township of Sandon', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20815.htm (accessed 26 April 2018)

[1548] 'Township of Sandon 153 Sec 21B2B', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20787.htm; Pt Sandon (Carnarvon) Section 153 Subdivision 5, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20795.htm (both accessed 26 April 2018)

[1549] 'Awahuri Township Sections, Subdn. "D" (Being lot 272 and pt. lot 273), Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20816.htm (accessed 26 April 2018)

[1550] 'Township of Sandon 153 Sec 21B2B', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20787.htm (accessed 26 April 2018)

[1551] 'Awahuri Township Sections, Subdn "D" (Being lot 272 and pt lot 273), Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20816.htm; 'Awahuri Lots 115-117, 172, 173, 176, 177, 180, 181 of Sec 145 Sandon Township', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20812.htm (accessed 26 April 2018)



Ngāti Kauwhata Reserves in and around
Te Awahuri remaining as Māori Land Today
Feilding
13
3 & 12
Junction Makino &
Mangaone Streams
2
4-Kawakawa
1
2
3
4
5
11
20
19
16
18
23
50-Te
Awahuri
21
17
6
8
22
14
9 & 12
6
Te Awahuri
13
53-Te Awahuri
Oroua River
24
11-Kopani on
the Oroua River
Legend
Te Awahuri Non-Sellers' Reserve Boundary
Other reserves
Remaining Māori land within Te Awahuri Non-Sellers' Reserve
Remaining Māori land within Te Awahuri Township Reserve
Ngāti Kauwhata reserve land alienated since 1875
Partition boundary 1879
850 acres gifted to Annie McDonald, 27 April 1875 (Sold Jan 1880)
1889 Partitions of Te Awahuri Non-Sellers's Reserve
0 0.25 0.5 1
km
Scale: 1:55,000 at A4

Table 7.10 Sections of the Te Awahuri Reserve Remaining as Māori Land Today

	Area (ha)	Area (acres)	ML Plan	Owners	Shares
Sandon 153 Sec 5	10.49	25.9	SO 10971	2	4148.5
Sandon 153 Sec 6C 2	7.93	19.6	ML 2361	27	3136
Sandon 153 Sec 6C 3A (Old River Bed)	4.35	10.75	ML 5157	27	1720
Sandon 153 Sec 6D (Accretion)	4.20	10.4	ML 4069	111	1660
Sandon 153 Sec 17C	1.34	3.3	ML 4817	32	528.7
Sandon 153 Sec 21B 2B	13.57	33.5	ML 5137	116	5364.9
Sandon 153 Sec 22 (Māori Reservation)	0.40	1.0	DP 4202	121	160
Sandon 153 Sec 23 (Māori Reservation)	0.51	1.3	ML 2849	2	201
Sandon 153 Sandon Island	1.77	4.4	ML 4069	174	700
	44.56	110.2			

Table 7.11 Sections of the Te Awahuri Township Remaining as Māori Land Today

Section	Area (ha)	Area (acres)	ML Plan	Owners	Shares
Awahuri Township A Lots 41 & 38	0.2	0.5	ML 3597	70	80
Awahuri Lot 102	0.1	0.25	DP 29	1	40
Awahuri Lots 110-114, 183 & 184	1.32	3.25	ML 4222	15	520
Awahuri Lots 115-117, 172, 173 176, 177, 180, 181	2.73	6.75	ML 4222	66	1080
Awahuri Lots 143, 144, 147, 148	0.4	1.0	DP 29	1	160
Awahuri Township A Lots 174, 175, 178, 179 & 182	2.02	5.0	ML 359	54	800
Awahuri Lots 185-187 & 188B	1.37	3.4	DP 29	38	540
Awahuri Township C Secs 2 & 3	3.25	8.0	ML 5415	50	1282
Awahuri Township D Lot 272 & pt Lot 273	9.91	24.5	ML 406140	94	4680
Awahuri Sec W1	0.58	1.4	ML 5324	11	100
Awahuri Sec Y2	1.58	3.9	ML 5415	5	624.68
	23.46	**58**			

Rangitīkei Manawatū B at Rangiotū

In addition to the the 4500 acres awarded to the Ngāti Kauwhata 'non-sellers' at Te Awahuri, the Native Land Court had also set aside, in September 1869, a further 500 acres at Oroua Piriti (Oroua Bridge, modern-day Rangiotū) for Kooro Te One, Reupena Te One, Erina Te Kooro (Kooro Te One's wife), Noa Te Tata and Tino Tangata. A Crown Grant in the name of the five owners was issued on 3 March 1874.[1552] On 20 August 1885 what was known to the Crown and Native Land Court as Rangitīkei Manawatū B was subdivided into two. Enereta Te

[1552] 'Abstracts of Titles: Wairarapa and Manawatu', Archives New Zealand, Wellington, MA12 13, (R12777980)

Rangiotū (who had succeeded to the shares of Te Kooro Te One, Reupena Te One and Noa Te Tata) and Tino Tangata were named the owners of the larger portion (391 acres) which was still known as Rangitīkei Manawatū B.[1553] The smaller, 100-acre, Rangitīkei-Manawatū B1 was awarded to Erina Te Kooro's successors: Winia, Manahi, Amiria and Pirihira Paora.[1554]

In September 1907, Rangitīkei Manawatū B was partitioned into three. Ninety-five of the 391 acres (Rangitīkei Manawatū B2 and B3) remained in the ownership of Tino Tangata, while the other 296 acres (Rangitīkei Manawatū B4) were awarded to Enereta Te Rangiotū's three daughters: Ema Heni Te Aweawe, Heni Te Rangiotū and Arapera Te Rangiotū.[1555]

Table 7.12 The Permanent Alienation of Sections of the Rangitīkei Manawatū B Reserve

Section	Date of Purchase	Acres Purchased	Purchaser
Rangitīkei Manawatū B4	9 Sept 1920	20.0.7	John Pearce Morecombe
Rangitīkei Manawatū B4	15 Aug 1921	0.2.0	Manawatu Reliance Co-op Dairy Company
Rangitīkei Manawatū B4	11 March 1924	0.2.0	Alfred Ernest Alve
Rangitīkei Manawatū B4	16 Sept 1929	0.1.0	Rangiotu Hall Society
Rangitīkei Manawatū B3	24 August 1949	27.2.14	Thomas Coulter Donaldson
Rangitīkei Manawatū B2	23 Sept 1951	59.3.26	Henry Hill
Rangitīkei Manawatū B2 Lot 1	18 Oct 1955	7.2.0	Herbert V William Moore
Rangitīkei Manawatū B4 (Part)	24 April 1967	69.2.34	Evelyn Celine Amy Bedford
		186.0.1	

All of Rangitīkei Manawatū B1, B2 and B3 have since been entirely alienated from Māori ownership. Rangitīkei Manawatū B1 (which had been partitioned in February 1926) was sold in two parts, in 1926 and 1931.[1556] Rangitīkei Manawatū B3 (27½ acres) was purchased by Thomas Coulter Donaldson in August 1949, while 60 acres of Rangitīkei Manawatū B2 were acquired by Henry Hill, a Mangawhata farmer, in September 1951.[1557] The remaining seven acres of Rangitīkei Manawatū B were purchased by Herbert V William Moore in October 1955.[1558]

[1553] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIII, pp 337-338 (340-341)
[1554] Ibid., pp 335-336 (338-339)
[1555] Ibid., pp 326-327 (329-330) & 493-494 (496-497)
[1556] Walghan Partners, Block Research Narratives, Vol III, Draft, 19 December 2017, p 282, p 253
[1557] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIII, pp 317 (320) & 322 (325)
[1558] Ibid., p 321 (324)

Rangitīkei Manawatū B4, on the other hand, has been kept mostly intact. Twenty acres were sold to John Pearce Morecombe in September 1920, and 69¾ acres were purchased by Evelyn Celine Amy Bedford.[1559] With the exception of half-acre lots purchased by the Manawatu Reliance Co-operative Dairy Company in August 1921, and Alfred Earnest Alve in March 1924; and a quarter-acre section sold to the Rangiotu Hall Society in September 1929, the rest of Rangitīkei Manawatū B4 remains as Māori land today.[1560]

The 205 acres of Rangitīkei Manawatū B4 remaining as Māori freehold today include the nine-and-half-acre site of Te Rangimarie Marae.[1561] Built by Hoani Meihana Te Rangiotū in 1868, the marae's wharenui commemorates 'the accord reached 'between Rangitane and Ngāti Raukawa'.[1562] Today the Te Rangimarie Marae is generally associated with Rangitane ki Manawatū rather than Ngāti Kauwhata.[1563] Most of the rest of the remaining reserve is included in Rangitīkei Manawatū B4 C (183 acres). Running along the southern side of Highway 56, just to the west of Rangiotū, this substantial piece of land has been vested in the Manawaroa Te Awe Awe Ahu Whenua Trust since September 2009.[1564]

Table 7.13 Sections of the Rangitīkei Manawatū B Remaining as Māori Land Today

Section	Area (ha)	Area (acres)	ML Plan	Owners	Shares
Rangitīkei Manawatū B4A (Te Rangimarie Marae, Māori Reservation)	1.38	3.4	ML 4666	37	544.8
Part Rangitīkei Manawatū B4 (old Rangiotū School Site)	2.22	5.5	ML 764, SO 20716	0	-
Part Rangitīkei Manawatū B4 (DP 5009 (Te Rangimarie Marae, Māori Reservation)	3.86	9.5	DP 5009	38	1540
Rangitīkei Manawatū B4 Lot 1 DP 4102 (Old Post Office)	0.1	2.5	DP 4102	25	1
Rangitīkei Manawatū B4 Lot 2 DP 370428	0.56	1.4	ML 4666	2	309
Rangitīkei Manawatū B4 C	74.06	183	ML 4666	14	29280
	82.18	**205.3**			

[1559] Ibid., pp 483 (485) & 313 (316)
[1560] Ibid., pp 481 (484), 480 (483), 476 (479)
[1561] 'Part Rangitīkei Manawatū B4A', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20092.htm (accessed 26 April 2018)
[1562] M H Durie, 'Te Rangiotū, Hoani Meihana', *Dictionary of New Zealand Biography*, *Vol. I, 1769-1869*, (Wellington, Department of Interna Affairs), p 496
[1563] 'Te Rangimarie', Maori Maps, https://www.maorimaps.com/marae/te-rangimarie (accessed 26 April 2018)
[1564] 'Rangitikei Manawatu B4C', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20091.htm, (accessed 26 April 2018)

7.2 Ngāti Wehiwehi Reserves at Oau and Mangawhero

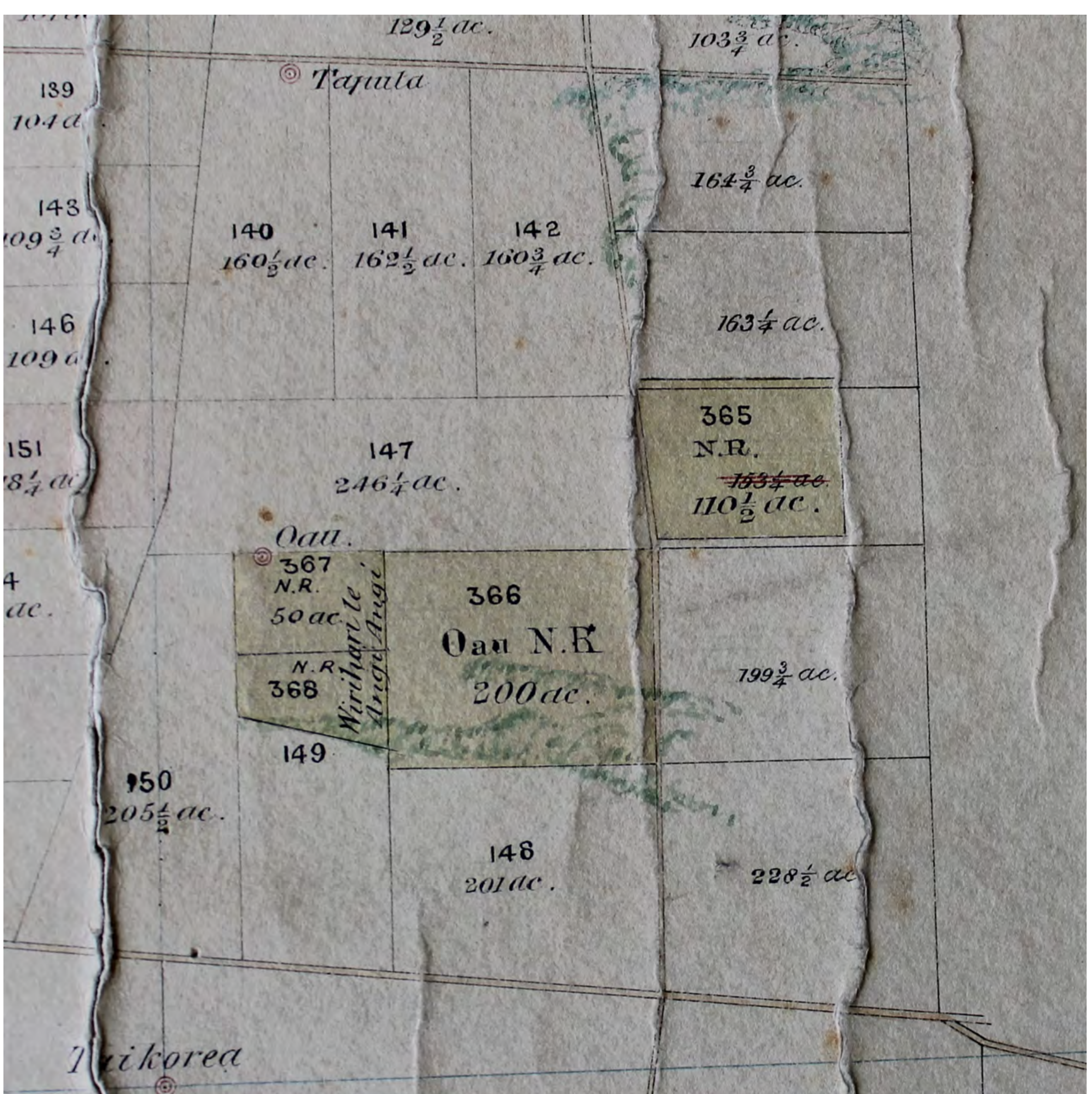
Despite their close connections with Ngāti Kauwhata in the Manawatū, Ngāti Wehiwehi's claims to ownership rights within Rangitīkei-Manawatū had been rejected by the Native Land Court in 1869, along with those of Ngāti Raukawa as a whole. While rejecting the claims of Ngāti Wehiwehi as a hapū, the Court had made an exception for Wiriharai Te Angiangi, acknowledging his rights to the land he was occupying at Oau (between modern day Oroua Downs and Glen Oroua). In September 1869 the Court had awarded 200 acres to Wiriharai at Oau. Known as Rangitīkei-Manawatū D, the 200 acres (situated slightly northwest of the intersection of what are now Kellow and Taikorea Roads) were supplemented by the addition of two smaller, adjacent reserves of 50¾ and 42 acres, granted to Wiriharai by McLean and Kemp (Native Sections 367 and 368, Township of Carnarvon).[1565]

A further 110½ acres were set aside for four other members of Ngāti Wehiwhehi – including Pine Whareakaaka and Temuera Te Naku – at neighbouring Paparata (Section 365, Township of Carnarvon). Issued in December 1877, the Crown Grant for the Paparata Reserve stipulated that the land be 'inalienable' by sale, mortgage, or lease for a period longer than 21 years without the prior consent of the Governor.[1566]

As shown in an 1877 survey plan of native reserves and Crown Grant subdivisions within the Rangitīkei-Manawatū purchase area, Wiriharai's reserve at Oau was of particular value because it included a stand of mature, and presumably millable bush. According to the 1877 plan, the forested area extended over almost half of Rangitīkei-Manawatū D, as well as a smaller portion of Section 368.[1567]

[1565] 'Plan of the Rangitikei Manawatu Block Shewing Native Reserves', AAFV 997 Box 131, WR30A, (R22824361)
[1566] Abstracts of Titles: Wairarapa and Manawatu', Archives New Zealand, Wellington, MA12 13, (R12777980)
[1567] 'Roll Plan Showing Crown Grant Subdivision and Native Reserves in Manawatu County', 1877, Archives New Zealand, Wellington, ACGT 18803 Box 166, 92, (R24728961)

Figure 7.4 Wiriharai Te Angiangi's Reserve at Oau and the Neighbouring Ngāti Wehiwehi Reserve at Paparata, 1877



Source: 'Native Reserves and Crown Grant Subdivisions in Manawatū County', Archives New Zealand, Wellington, R24728961

None of the 293 acres reserved for Wiriharai Te Angiangi at Oau remain as Māori land today. Although we do not know the exact date of their alienation, all three of the reserves (officially known as Native Sections 366, 367 and 368 of the Township of Carnarvon) were included on a certificate of title in the name of Benjamin Gray, a Feilding farmer, dated 23 March 1922.[1568] The adjacent 110½ acres at Paparata is also no longer Māori land. Despite the restriction placed on the land in the Crown Grant, the Paparata Reserve appears to have been

[1568] Certificate of Title under Land Transfer Act, Vol 289, Folio 2, 23 March 1922

alienated prior to 1887, when a map of the 'Manawatū-Rangitīkei District shaded the section as European land.[1569]

In addition to the reserves at Oau and Paparata, the Crown also awarded 310 acres to Ngāti Wehiwehi relatives of Te Kooro Te One who had not signed the 1866 Deed of Purchase, and had not been included in any of the other Rangitīkei-Manawatū Reserves. Officially referred to as Carnarvon Section 386, the reserve was located just above Rangitīkei-Manawatū B at Mangawhero, on the Oroua River. The Crown Grant for the reserve, issued on 27 October 1887, vested ownership in 14 individuals with the stipulation that the land should be 'inalienable by sale or mortgage or by lease for more than 21 years' except with the Governor's consent.[1570]

Surveyed at just over 300 acres, the Mangawhero Reserve was partitioned into three on 2 May 1896. The section adjacent to Rangitīkei Manawatū B (Mangawhero 2, 109¼ acres) was awarded to five individual owners including Ema Heni Te Aweawe and Hoani Meihana Te Rangiotū. The largest of the three subdivisions (Mangawhero 3, 175 acres) was granted to eight individual owners, while Mangawhero 1 (21¾ acres) was awarded to a single owner.[1571]

All three of the Mangawhero Reserve's subdivisions were purchased by Edward Levien, a Manawatū flaxmiller, prior to World War I. Sections 1 and 3 appear to have been acquired by Levien in 1912, while Section 2 – which since May 1896 had been divided into three – was purchased the following year.[1572] No part of the Mangawhero Reserve remains as Māori land today.[1573]

7.3 The Reureu Reserve

Following the eastern bank of the Rangitīkei River from Waitapu to Rangataua, the Reureu Reserve was the largest of the Rangitīkei-Manawatū reserves agreed to by Native Minister Donald McLean in November 1870. Originally estimated to have an area of 3,400 acres, the reserve granted by McLean was much smaller than the area the four hapū living on the land – Ngāti Pikiahu, Ngāti Waewae, Ngāti Maniapoto, and Ngāti Rangatahi – had claimed. Increased to an estimated 6,400 acres by Henry Tacy Kemp, who had been charged by McLean

[1569] F Harold Tronson, 'Map of the Manawatu-Rangitikei District, Comprising the Manawatu, Oroua, and Part of the Horowhenua Counties', 1887
[1570] 'Abstracts of Titles: Wairarapa and Manawatu', Archives New Zealand, Wellington, MA12 13, (R12777980)
[1571] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol III, pp 262-263 (264-265), 276-277 (278-279), 280-281 (282-283)
[1572] Walghan Partners, Block Research Narratives, Vol II, Draft, 19 December 2017, p 86
[1573] Maori Land Online

with bringing his agreements with Rangitīkei-Manawatū Māori into practical effect, the area of the Reureu was cut back to 4400 acres by the Native Minister in February 1872, following complaints from Premier William Fox and former Wellington Superintendent and Land Purchase Commissioner Isaac Featherston. The area of the Reureu Reserve was further reduced by the encroachment of the Rangitīkei River, which by 1895 had consumed more than 400 acres, leaving an overall area – once the Crown had taken land for roads, 'railway purposes' and a 25-acre gravel pit – of 3970 acres to be divided amongst the four hapū.[1574]

The reduction in the area of the Reureu Reserve was to be a source of serious and long-lasting trouble for the hapū of Te Reureu. Particularly problematic was the pushing back by the Crown of the Reserve's southeastern boundary, which led to the exclusion of cultivations belonging to Ngāti Maniapoto and Ngāti Rangatahi along the Rangataua Stream towards what is now Halcombe. In order to redress the resulting imbalance between the upper and lower hapū of Te Reureu, first Native Reserves Commissioner Alexander Mackay (in February 1884), and then the Native Land and Native Appellate Courts (in 1895 and 1896 respectively) apportioned land that had previously been owned and occupied by Ngāti Pikiahu and Ngāti Waewae to the members of Ngāti Maniapoto and Ngāti Rangatahi.

In making such a division the Commissioner and Courts insisted upon dividing the Reureu Reserve in proportion to the number of individual owners in each hapū, rather than in accordance with established boundaries that had been set down by the hapū themselves. While perhaps fair and reasonable in terms of English legal understandings of equity, the decision to divide the Reureu Reserve on the basis of numbers, with each individual owner having equal rights to the land, violated the tino rangatiratanga of the four hapū while opening up a Pandora's Box of conflict and contention that was to last for more than half a century.

Defining the Owners of the Reureu Reserve

Donald McLean (who in 1870 was both Defence and Native Minister) established the Reureu reserve for the four resident hapū – Ngāti Pikiahu, Ngāti Waewae, Ngāti Maniapoto, and Ngāti Rangatahi – who had been living on the land since at least the time of McLean's purchase of Rangitīkei-Turakina from Ngāti Apa in 1849. The reserve was intended by McLean as a homeland for the four hapū who, if evicted from the land, it was feared might add to the forces arrayed against the Crown in Mōkau, southern Waikato or the Taupō region (where Te

[1574] Wanganui Minute Book 27, p 262

Kooti had recently been active). As such, the Reureu reserve was a greatly reduced version of the tribal reserve McLean had created for Ngāti Apa between the Whangaehu and Turakina Rivers as part of the Rangitīkei-Turakina purchase.[1575]

Unfortunately for the people of Te Reureu, colonial Native land law made little allowance for tribal or hapū ownership of land as collective or corporate, much less sovereign, bodies. Instead, the Native Land Acts required that ownership of Māori land be vested in individual owners, with defined, but geographically indistinct shares. Between 1865 and the end of 1873 the number of individual owners allowed on a certificate of title was limited to no more than 10. This limitation was abolished by the Native Land Act 1873, which required that the names of all individuals with rights to a particular piece of land be included as owners on the 'memorial of title.' While the individual share of each owner in the piece of land was defined on the title, the geographical location of that share was not. On large hapū-owned areas of land such as Te Reureu, the number of individual owners included on a memorial of title could run into the hundreds. This led to uncertainty as to who had rights to which piece of land, while making the exercise of chiefly control over what had hitherto been a community-owned resource virtually impossible. As we have seen, individualization of ownership under the 1873 Act was usually followed by large-scale partitioning and fragmentation of tribal or hapū land, as individuals and families sought to geographically define, and legally designate, their portions of the land as a whole.[1576]

The wholesale and compulsory individualization of Māori land ownership imposed by the Crown through the 1873 Native Land Act had a particularly severe impact upon the hapū of Te Reureu. Uncertainty and disputes over exactly which individuals had ownership rights to the reserve, and in what proportion, led to more than half a century of Royal Commissions (1884); Native Land Court and Native Appellate Court investigations and inquiries (1895, 1896, 1912, 1924, 1928 and 1934); petitions to Parliament (in 1899 (two), 1902 (three), 1903 (two), 1905, 1910 (two), 1913, 1917, 1924, 1928, 1929, 1932, 1935, and 1937 (two)); and correspondence with the Minister and Department of Native Affairs. Through this long period the exact ownership of much of the Te Reureu reserve remained unresolved, and subject to ongoing claims and contention.

[1575] "Rangitikei-Manawatu Block. 21st Nov 1870". Draft of a Memo, apparently written by Native Minister Donald McLean, MA 13/72A, p 202

[1576] Native Land Act 1873, s 28; Richard Boast, *Buying the Land, Selling the Land: Governments and Maori Land in the North Island 1865-1921*, (Wellington, Victoria University Press), 2008, p 141

Alexander Mackay's Royal Commission

Defining the individual owners of the Reureu Reserve was to prove to be a very difficult and contentious task. At the time of its creation the reserve had been home to an estimated 200 members of Ngāti Pikiahu, Ngāti Waewae, Ngāti Maniapoto and Ngāti Rangatahi, all of whom – under the terms of the Native Land Act 1873 – were entitled to have their names included on the list of owners. Identifying exactly who these individual owners were was complicated by the fact that, rather than being set and stable, the population of Te Reureu in the latter third of the nineteenth century was in fact extremely fluid. In addition to the inevitable births and deaths, the population of the reserve appears to have been subject to considerable coming and going as people came and went from Taupō, the Hawkes Bay, Waikato, Waimarino, Whanganui and the Manawatū.[1577] During these years Te Reureu provided a sanctuary for those who had been displaced by Crown land purchasing and military action including members of the Kingitanga, followers of Te Kooti, and the renowned upper Whanganui prophet and carver Te Kere Ngataierua.[1578]

As the years passed and the population of Te Reureu ebbed and flowed it became increasingly difficult to distinguish between those who had been resident in 1870 (a good number of whom had since either died or left the reserve), and those who had arrived later, many of whom were related either by blood or by marriage to the 1870 inhabitants. Complicating the matter still further, were members of other tribal and hapū groups, including Ngāti Whiti (a hapū of Ngāti Tuwharetoa), Ngāti Kahoro, Ngāti Parewahawaha and Ngāti Maiotaki, who also claimed rights to the largest surviving section of Māori land between the Oroua and Rangitīkei Rivers. Included in this number were individuals who, having been excluded from the other Rangitīkei-Manawatū reserves created by Featherston, McLean and the Native Land Court, sought to be included as owners of the reserve at Te Reureu.[1579]

The first formal attempt to identify the individual owners of the Reureu Block was undertaken by Native Reserves Commissioner Alexander Mackay. In May 1882 Mackay was appointed to ascertain the ownership of the reserves within Rangitīkei-Manawatū for which Crown grants had not yet been issued, including Te Reureu. Mackay did not undertake his

[1577] Wanganui Minute Book 52, pp 196-227

[1578] Ibid., p 360; Te Kere Ngataierua kia Te Miterehana Minita o te Taha Maori ', 2 Mei 1890, Archives New Zealand, Wellington, MA-MLP 1 27, 1890/142, (R23904311); David Young, 'Te Kere Ngatai-e-rua', *The Dictionary of New Zealand Biography. Volume Two. 1870-1900*, (Wellington, Bridget Williams Books), p 518

[1579] 'Native Land Case: Interesting History of Rangitikei-Manawatu', *The Wanganui Herald*, 4 September 1912, p 8, c 2

investigation of Te Reureu until January and February 1884 when he heard 'a good deal' of contending evidence.[1580] The official record of Mackay's investigation and report on Te Reureu was lost in the fire that destroyed Wellington's original parliamentary buildings in December 1907. A copy of Mackay's report was, however, included in the Native Appellate Court's 1912 judgment concerning Te Reureu No 1 which was reproduced in the 4 September 1912 edition of the *Wanganui Herald*.[1581]

According to Mackay's report, Ngāti Pikiahu, Ngāti Waewae, Ngāti Maniapoto and Ngāti Rangatahi's rights to the Reureu reserve were challenged by claimants from Ngāti Parewahawaha, Ngāti Kahoro, Ngāti Maiotaki and Ngāti Whiti. The challengers from the three Raukawa hapū argued that the reserve had been intended, not just for the four resident hapū, but all of the Ngāti Raukawa non-sellers who had been excluded from ownership of Rangitīkei-Manawatū by the Native Land Court judgments of August and September 1869. Rather than being specific to the four resident hapū, the challengers contended 'that Te Reureu Reserve was a general one . . . . for the benefit of all the persons for whom lands had not been previously reserved at the time of sale or subsequently by the Native Land Court.'[1582] The claimants from Ngāti Whiti, meanwhile, asserted rights to Te Reureu on the grounds that they were the original owners of the land, having taken possession before the arrival of Ngāti Pikiahu and Ngāti Waewae in the 1840s.[1583]

Following 'a careful consideration of all the circumstances in connection with the setting apart of the Reureu reserve', Mackay concluded that the reserve had been 'intended exclusively for the persons who were in occupation of the land in 1870.'[1584] The Commissioner found 'not the least justification' for claims that the land had 'been intended to be a general reserve' for those who had been excluded by the Native Land Court. Nor did he give any credence to Ngāti Whiti's claims of ownership of Te Reureu, noting that it had been 'proved in evidence' that the hapū had 'left the district and located themselves at Pātea in 1848, over 20 years before the Reureu Reserve was made.'[1585]

Having concluded that the Reureu Reserve 'was made solely for the members of Ngāti Pikiahu, Ngāti Waewae, Ngāti Maniapoto, and Ngāti Rangatahi', the Commissioner drew up lists of the individuals from each hapū whose names should be included on the Crown

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[1580] [Alexander Mackay], 'Re Native Reserves Inquiry in the Rangitikei-Manawatu Block', MA 13/74A, p 196.
[1581] 'Native Land Case: Interesting History of Rangitikei-Manawatu', *The Wanganui Herald*, 4 September 1912, p 8, c 2-5. https://paperspast.natlib.govt.nz/newspapers/wanganui-herald/1912/9/4/8 (accessed 10 October 2017)
[1582] Ibid., c 2 & 3
[1583] Ibid., c 2
[1584] Ibid., c 3
[1585] Ibid

Grant.[1586] The lists included 60 names from Ngāti Waewae; 65 from Ngāti Pikiahu; 41 from Ngāti Maniapoto, and 38 belonging to Ngāti Rangatahi.[1587] The lists prepared by Mackay appear to have been less than definitive, with a number of eligible owners being omitted. In its 1912 judgment the Native Appellate concluded that 'the list of names' included with Mackay's report 'was never considered complete'. The Court noted that after the Commissioner 'had closed his enquiry' he had been followed by some of the Reureu people who 'stated that some names had been omitted from the lists handed in.'[1588]

Further concerns about the errors and omissions in Mackay's lists were set out in letters addressed to the Commissioner by Eruini Paranihi and Henere Te Herekau in April and July 1885. Writing on 10 April 1885, Eruini Paranihi complained that eight of the names he had submitted to Mackay had not been included in the Commissioner's list of Ngāti Pikiahu owners. Paranihi also noted that six of the names included on the Ngāti Waewae list were in fact Ngāti Pikiahu, and should have been included with the owners from that hapū.[1589] In his letter, dated 20 July 1885, Henere Te Herekau protested that 13 names of eligible owners had been omitted from Mackay's Ngāti Pikiahu list, while a further eight were missing from the list of owners from Ngāti Waewae.[1590]

In addition to designating the legal owners of Te Reureu, Mackay also apportioned the reserve between the four resident hapū, dividing it into upper and lower sections. The slightly larger upper portion (2250 acres) was to be for the owners from Ngāti Waewae and Ngāti Pikiahu, while the smaller lower section (1960 acres) was to be for those from Ngāti Maniapoto and Ngāti Rangatahi. The Commissioner stipulated that the area of the two sections was to be reduced in proportion to any reduction in the Reserve's overall area, caused by road or railway construction, or the encroachment of the Rangitīkei River. The dividing line between the sections was 'to be adjusted so as not to interfere with the sites of Houses or of burial grounds, or with cultivations', if it could 'be avoided.'[1591]

Mackay's division of the Reureu Reserve provoked serious disagreement between the upper and lower hapū. While Ngāti Maniapoto and Ngāti Rangatahi appear to have been reasonably happy with the area the Commissioner had set aside for them, Ngāti Pikiahu and Ngāti Waewae were not. Occupying more or less the southern half of the reserve, the area apportioned to Ngāti

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[1586] Ibid
[1587] MA 13/71 pp 452, 454, 456, 460
[1588] *Wanganui Herald*, 4 September 1912, p 8, c 3
[1589] Eruini Paranihi, 10 April 1885, MA 13/74B, p 226
[1590] Henere Te Herekau kia Te Make, 20 Hurae 1885, MA 13/74B, p 225
[1591] 'Te Reureu', 9 February 1884, MA 13/71, p 458

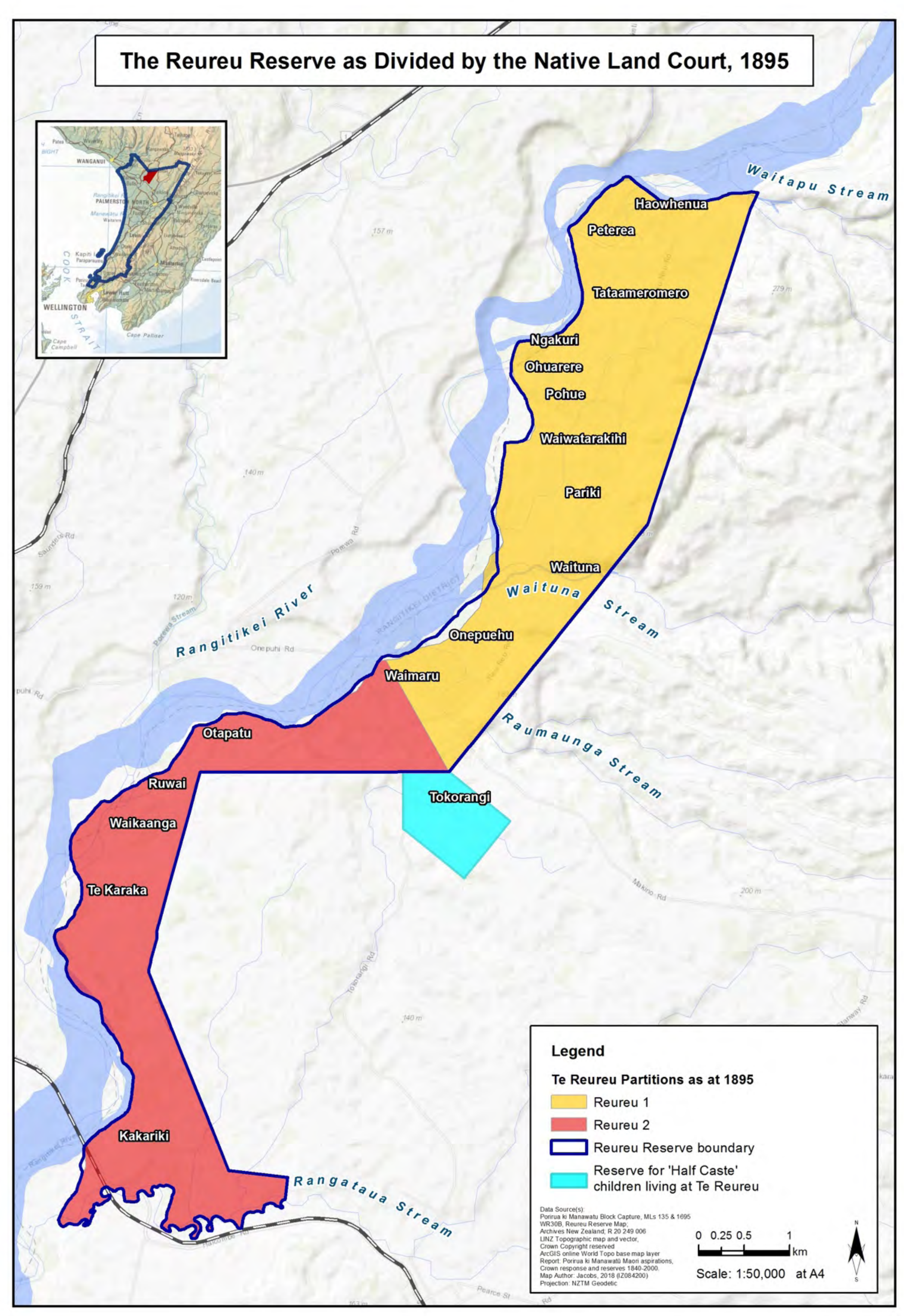
Maniapoto and Ngāti Rangatahi extended north of what Ngāti Pikiahu and Ngāti Waewae considered to be the long-established boundary between the two pairs of hapū. As a result, Mackay's division threatened to include kāinga and cultivations belonging to Ngāti Pikiahu and Ngāti Waewae in the area apportioned to Ngāti Maniapoto and Ngāti Rangatahi.

Matters came to a head when the two southern hapū hired a surveyor to mark out the new division between themselves and the northern hapū. The survey was opposed by Ngāti Pikiahu and Ngāti Waewae who employed their own surveyor to mark out the boundary as they understood it.[1592] With neither side willing 'to change their position' on the location of dividing line, and the ownership lists still incomplete, it was impossible – under existing Native Land law – for colonial authorities to issue a Crown grant from the Reureu reserve. As a result, ownership of the reserve remained legally undefined for a further decade.

The 1895 Native Land Court Hearing and Decision

With legal ownership of the Te Reureu still unresolved, the colonial Government on 31 January 1888 issued an order in council transferring jurisdiction over the reserve to the Native Land Court.[1593] After considerable delay, the Native Land Court finally heard the case on 6 December 1895.[1594] Despite efforts to settle the issue out of Court, the contending hapū remained deadlocked on the position of the dividing line between Ngāti Pikiahu and Ngāti Waewae in the upper portion of the reserve and Ngāti Maniapoto and Ngāti Rangatahi in the lower.[1595] While the lawyer representing Ngāti Maniapoto and Ngāti Rangatahi, expressed satisfaction with the apportionment made by Mackay, Ngāti Pikiahu and Ngāti Waewae's representative called upon the Court to dispense with the Commissioner's findings and 'commence the case de novo.'[1596] The lawyer for Ngāti Pikiahu and Ngāti Waewae told the Court that he wished to present evidence 'to show that long before' Mackay's investigation the four hapū had held 'meetings among themselves and determined where the dividing line . . . . should be placed.'[1597]

[1592] Thomas William Downes to Mackay, 12 February 1885, MA 13/74B, pp 238-239; Wiari Rawiri and Toa Rangatira on behalf of Ngāti Maniapoto and Ngāti Rangatahi to Te Make Komihana [Alexander Mackay, Commissioner of Native Reserves], Kakariki, Halcombe, 13 July 1885, MA 13/74B, p 230; A Mackay to the Under Secretary, Native Department, 8 August 1885, MA 13/74B, pp 223-224
[1593] Wanganui Appellate Court Minute Book 5, p 316
[1594] Wanganui Minute Book 27, pp 259-270, 307, 343-350.
[1595] Ibid., pp 259, 261
[1596] Ibid., p 261
[1597] Ibid



The Reureu Reserve as Divided by the Native Land Court, 1895
Haowhenua
Peterea
Tataameromero
Ngakuri
Ohuarere
Pohue
Waiwatarakihi
Pariki
Waituna
Onepuehu
Waimaru
Otapatu
Ruwai
Waikaanga
Te Karaka
Kakariki
Tokorangi
Waitapu Stream
Waituna Stream
Rangitikei River
Raumaunga Stream
Rangataua Stream
Legend
Te Reureu Partitions as at 1895
Reureu 1
Reureu 2
Reureu Reserve boundary
Reserve for 'Half Caste' children living at Te Reureu
0 0.25 0.5 1 km
Scale: 1:50,000 at A4

'Thoroughly' endorsing 'all' that Mackay had done, the Court refused to reinvestigate the ownership of the block and instead settled upon a dividing line that followed the apportionment laid down by the Commissioner in February 1884.[1598] Apparently dispensing with Mackay's instruction that the division line should 'be adjusted' to take account of houses, burial grounds, and cultivations, the Court decreed that the boundary between the upper and lower hapū should 'be nearly as may be parallel' with the Makino road which ran 'from Northwest to Southeast' between Onepuehu and Tokorangi.[1599] As Ngāti Waewae and Ngāti Pikiahu had warned, this arbitrary line had the effect of including kāinga and cultivations belonging to the upper hapū in the portion awarded to Ngāti Maniapoto and Ngāti Rangatahi.

Having decided upon the boundary line between the upper and lower hapū, the Court awarded 1700 acres to Ngāti Rangatahi and Ngāti Maniapoto, and 2270 acres to Ngāti Pikiahu and Ngāti Waewae. In making this apportionment, the Court noted that while Commissioner Mackay had believed the reserve to contain 4510 acres, the 'net area' available to the four hapū in 1895 was in fact 'only 3970 acres'. Of the 540 acres that had been lost, the Crown had taken 12 acres for 'railway purposes' and 25 acres for a 'gravel pit reserve'. A further 89 acres had been 'taken' by the Crown for 'road purposes.' As the Railway Department had compensated Ngāti Maniapoto and Ngāti Rangatahi for the railway and gravel pit, the Court had deducted this land from their share of the reserve as a whole, transferring 25 acres to Ngāti Pikiahu and Ngāti Waewae (thereby increasing the upper hapū's portion of Te Reureu from 2245 to 2270 acres).[1600]

While 126 of the 540 acres lost from Te Reureu between 1872 and 1895 had been taken by the Crown, the other 414 acres (or nine percent of the reserve's original area) were removed by the encroachment of the Rangitīkei River. The Reureu chiefs had warned of the Rangitīkei's encroachment upon their land at their meeting with Donald McLean in 1872, warnings that had turned out to be distressingly prescient.[1601] The loss of such a large area was something the four hapū could ill afford, and made resolution of the boundary dispute between the upper and lower hapū even more difficult than it might otherwise have been.

Having set the dividing line between upper and lower hapū, and defined the area of each section, the Court moved to the compilation and checking of ownership lists. While Mackay had compiled lists of owners from each of the four hapū, these lists were incomplete and

[1598] Ibid., p 262
[1599] Ibid., pp 263-264
[1600] Wanganui Minute Book 27, p 264
[1601] 'Notes of a Meeting held at Marton with Ngati Raukawa', 25 March 1872, MA 13/74A, pp 80, 75-76

required correction to take into account those who had died since February 1884.[1602] The compilation of the ownership lists was extremely important because, under Native Land Law, it was the individuals named on the lists, rather than the hapū to which the individuals belonged, who were the legal owners of the land. The compilation of the Ngāti Pikiahu and Ngāti Waewae lists appears to have been particularly contentious. Tapine Ngawaka was sentenced by the Court to seven days imprisonment in Wanganui gaol after he 'snatched and made away' with the lists as they were being presented to the Court by the Ngāti Pikiahu and Ngāti Waewae lawyer.[1603]

While the Native Land Court minute books offer no explanation for Tapine's actions, he may been objecting to some of the names that had been included on the Ngāti Pikiahu and Ngāti Waewae lists, each of which was about 50 percent longer than the lists complied by Mackay.[1604] Tapine may also have taken issue with the Court's decision to award equal shares to each of the original named owners of what was now known as Te Reureu 1.[1605] The attribution of equal shares to all of the owners of Te Reureu 1, regardless of their chiefly status or connection to the land, was to be a key issue in the Native Appellate Court's reinvestigation of the Te Reureu 1 ownership lists in 1912.[1606]

In confirming ownership lists for each of the four resident hapū of Te Reureu the Native Land Court finally completed the work Mackay had begun almost a dozen years earlier. The lists confirmed by the Court in December 1895 were somewhat longer than those prepared by the Native Reserves Commissioner. Some of the additional names belonged to those who had succeeded to the shares of owners who had died since February 1884, while others were of individuals whose names had been omitted from Mackay's lists. Altogether, the Court named 86 individuals from Ngāti Pikiahu and 96 from Ngāti Waewae as the owners of Te Reureu 1; and 49 individuals from Ngāti Maniapoto and 45 from Ngāti Rangatahi as the owners of Te Reureu 2.[1607]

[1602] Wanganui Minute Book 27, p 265
[1603] Ibid., pp 343-344
[1604] Ibid., pp 344-350
[1605] Ibid., 343
[1606] Wanganui Minute Book 52, pp 191-271, 341-380; Wanganui Minute Book 63, pp 1-98.
[1607] Ibid., pp 344-350

The 1896 Native Appellate Court Hearing and Judgment

The Native Land Court's decision to uphold Mackay's division of the Reureu Reserve was immediately appealed by Ngāti Pikiahu and Ngāti Waewae. In their 'Statement of Grounds of Appeal', the lawyers representing the two hapū argued that the Native Land Court had declined to hear evidence that 'would have conclusively proved' that Ngāti Pikiahu and Ngāti Waewae were 'entitled . . . to a considerably larger area' than the Court had awarded them. In particular, the Court had rejected evidence of a long-established, and mutually-agreed boundary between the upper and lower hapū which had been 'sacredly observed for the space of thirty years and upwards and down to the present day.'[1608]

The Native Appellate Court heard Ngāti Pikiahu and Ngāti Waewae's appeal between 1 December and 7 December 1896.[1609] The appellants were represented by Percy Edward Baldwin and Joshua Cuff, both of whom were 'barristers and solicitors of the Supreme Court of New Zealand.'[1610] Baldwin and Cuff presented five witnesses, including two European settlers – William Hammond and Ernest Wright – who had been living at Te Reureu when McLean had created the reserve in 1870. Hammond and Wright testified that the settlements and cultivations of Ngāti Maniapoto and Ngāti Rangatahi had been concentrated in the lower parts of the reserve from the Rangataua Stream up to Te Karaka (which was approximately half way between Kākāriki and Onepuehu). North of Te Karaka, the land had 'always' been 'occupied' by Ngāti Pikiahu and Ngāti Waewae.[1611] Hammond, in particular, emphasized the size and significance of the Ngāti Waewae and Ngāti Pikiahu 'cultivations, houses, [and] burial places' on the land between Te Karaka and Onepuehu that had been included by the Native Land Court in Ngāti Maniapoto and Ngāti Rangatahi's portion of the Reureu reserve.[1612]

The three other appellant witnesses – Eruini Paranihi, Wineti Paranihi and Rangihopu Hēnare – testified about the boundary between the upper and lower hapū at Waikaanga, just north of Te Karaka. The boundary, which was apparently still in force, separated the kainga and cultivations of Ngāti Pikiahu and Ngāti Waewae to the north, from those belonging to Ngāti Maniapoto and Ngāti Rangatahi in the southern portion of Te Reureu. Wineti Paranihi told the Appellate Court that the Waikaanga boundary had been agreed to at a hui at Te Karaka that had been attended by the leading chiefs of each of the four hapū.[1613] Eruini Paranihi

[1608] Percy Edward Baldwin and Joshua Cuff, 'Statement of Grounds of Appeal', Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol XXIII, pp 711-712 (728-729)
[1609] Wanganui Appellate Minute Book 5, pp 235-329
[1610] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol XXIII, p 713 (730)
[1611] Wanganui Appellate Minute Book 5, pp 243-248, 283-284
[1612] Ibid., p 245
[1613] Ibid., pp 270-272

testified that the boundary – which had been marked by a fence and 'consented to by all the people' – had 'never' been 'broken' up 'to the present time.'[1614]

Rather than discussing the internal boundary separating upper from lower hapū at Waikaanga, the sole witness for Ngāti Rangatahi and Ngāti Maniapoto testified about the external boundaries of the Reureu reserve as they had been established by Kemp and McLean in 1871 and 1872. Hamapori Te Arahori told the Court that 'a considerable amount' of Ngāti Maniapoto and Ngāti Rangatahi's cultivations had been along the Rangataua stream, outside of the boundaries set by McLean. This, he said, was why the Maniapoto chief Rāwiri Te Koha had asked Kemp to extend the reserve's inland boundary eastwards towards where Halcombe is now located.[1615]

Summing up the lower hapū's case, their representative Rewiti Te Kahaerea, drew the Court's attention to the expense Ngāti Rangatahi and Ngāti Maniapoto had been put to in defending their position before the Appellate Court. He claimed that it had cost him alone '£10 to attend', while his hapū were 'out of pocket £50.'[1616] The costs incurred by the upper hapū in pursuing their appeal were almost certainly considerably larger. In addition to Court fees and the costs of spending a week away from home in Marton, Ngāti Pikiahu and Ngāti Waewae would have been liable for the no doubt not inconsiderable fees of their two European lawyers.

The Ngāti Waewae and Ngāti Pikiahu's claim to exclusive ownership of the greater part of the Reureu reserve, from the Waikaanga boundary northward, was rejected by the Native Appellate Court. In an 'Interim Judgment' delivered on 7 December 1896, the two presiding European judges found that Ngāti Pikiahu and Ngāti Waewae had not acquired 'superior' rights to Te Reureu through their occupation of most of the larger part of the reserve.[1617] Maintaining that 'the only take to the land was the gift by the Crown', the judges found that the reserve had been gifted to the four hapū 'as a whole', to be held by the members of the four resident hapū 'in common.' The Appellate Court concluded 'that all of the members' of the four hapū who had been 'actually occupying when the Reserve was made' were 'entitled to equal rights as among themselves.'[1618]

The Appellate Court declared that it would divide Te Reureu between the upper and lower hapū on 'the basis of numbers', with each group receiving an area in proportion to the number of their members who had been living on the land in 1870. This meant that the more individual

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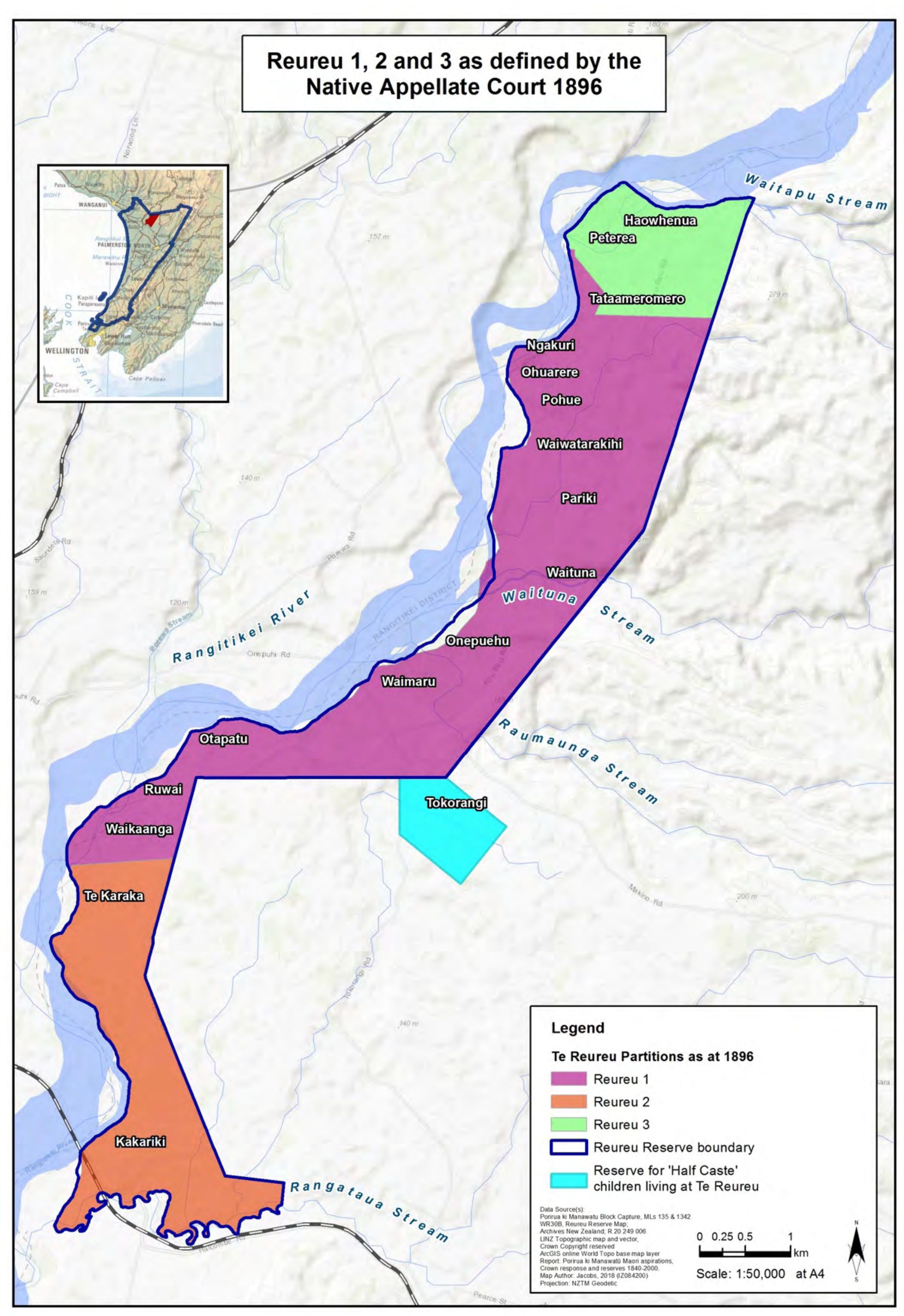
[1614] Ibid., pp 249-250
[1615] Ibid., pp 296-297, 304
[1616] Ibid., p 314
[1617] Ibid., p 316
[1618] Ibid., p 317

owners each hapū could identify, the more land they would be eligible to receive from the Court. As we shall see, this provided a powerful incentive for the leaders of each hapū to artificially inflate the number of individual owners on their lists in order to be awarded the largest possible area of land.[1619]

In a partial acknowledgment of the merits of the upper hapū's claim, the Appellate Court promised, when dividing the reserve, to take into account 'the parts actually in use by the different hapus at the present time.'[1620] In order to allow for the Ngāti Pikiahu and Ngāti Waewae settlements and cultivations between Te Karaka and Onepuehu, the Appellate Court proposed to divide Ngāti Maniapoto and Ngāti Rangatahi's share of Te Reureu into two. The larger portion was to be situated below the Waikaanga boundary, where the hapū's kainga and cultivations were mainly located. The remainder of the lower hapū's share was to be situated at the top of the reserve, running down from the Waitapu Stream.[1621] The Appellate Court placed Ngāti Pikiahu and Ngāti Waewae's share in a single block in the middle of the original reserve, extending north from the Waikaanga boundary until it reached Ngāti Maniapoto and Ngāti Rangatahi's portion at the top of the reserve. This allowed the Court to include in the upper hapū's portion most of their kainga and cultivations north of Te Karaka, including those at Ruwai, Otapatu, Waimaru and Onepuehu. The exact area of the Ngāti Waewae and Ngāti Pikiahu's central portion and the two Ngāti Maniapoto and Ngāti Rangatahi sections at either end of the original reserve were to be determined once the ownership lists for each hapū had been handed in and confirmed.[1622]

[1619] Ibid
[1620] Ibid
[1621] Ibid., pp 317-318
[1622] Ibid., p 318


Reureu 1, 2 and 3 as defined by the Native Appellate Court 1896
Haowhenua
Peterea
Tataameromero
Ngakuri
Ohuarere
Pohue
Waiwatarakihi
Pariki
Waituna
Onepuehu
Waimaru
Otapatu
Ruwai
Waikaanga
Te Karaka
Kakariki
Tokorangi
Waitapu Stream
Waituna Stream
Rangitikei River
Raumaunga Stream
Rangataua Stream
Legend
Te Reureu Partitions as at 1896
Reureu 1
Reureu 2
Reureu 3
Reureu Reserve boundary
Reserve for 'Half Caste' children living at Te Reureu
0 0.25 0.5 1 km
Scale: 1:50,000 at A4

Having issued its interim judgment, the Appellate Court received lists of owners from each of the four hapū. Unsurprisingly, given that the Court had ruled that the area awarded to each group would be in proportion to the number of owners in each hapū, the ownership lists for both Ngāti Waewae and Ngāti Maniapoto were substantially longer than those passed by the Native Land Court the previous year. Ngāti Maniapoto submitted the names of 88 individuals to the Appellate Court compared to 46 that had been included on the list approved by the Native Land Court in 1895. Ngāti Waewae, whose 1895 list had consisted of 86 names, presented 151 names to the Appellate Court.[1623]

Drawn by the Appellate Court into a contest in which the group with the largest number of owners received the biggest share of the land, both sides objected to the lists that had been submitted by the opposing hapū. Confronted by the 151 names submitted by Ngāti Waewae, the spokesman for Ngāti Maniapoto refused to limit his group's list to the 88 names originally listed.[1624] With both sides at a deadlock, and confronted by confusion over who on the lists were original owners from 1870, and who were succeeding to the shares of owners who had passed away, the Appellate Court was obliged to check each name against the lists that had been approved by Mackay in February 1884. This process led to further objections as Wineti Paranihi objected to names on the Maniapoto and Rangatahi lists and Rewiti Te Kahaerea questioned those belonging to Waewae and Pikiahu.[1625]

With the matter at an impasse, the four hapū eventually came to an agreement outside of the Court. Under this agreement Ngāti Maniapoto and Ngāti Rangatahi were to receive a total of 1550 acres (including roads, the railway and the gravel pit). Of this, 1033 acres were to be in the southern part of the reserve, between Waikaanga and the Rangataua Stream. The outstanding 517 acres were to be located, as the Appellate Court had directed, at the northern end of the reserve, 'commencing from the Waitapu Stream.'[1626] The Ngāti Pikiahu and Ngāti Waewae who had occupied the upper portion of the reserve were to be allowed to remove any crops or improvements (such as houses or fences) they had made, while burial grounds belonging to the upper hapū were to be set aside as wahi tapu. The remaining 2546 acres of the Reureu Reserve – stretching from Waikaanga up to Tatāmeromero – were to be awarded to Ngāti Pikiahu and Ngāti Waewae.[1627]

[1623] Ibid., p 319
[1624] Ibid
[1625] Ibid., pp 320-324
[1626] Ibid., p 324
[1627] Ibid., pp 324-325

With agreement reached, and objections removed, the Appellate Court proceeded to pass the ownership lists for each hapū, and make orders for the three newly-divided pieces of land. Under these orders, the central portion belonging to Ngāti Waewae and Ngāti Pikiahu became known as Te Reureu 1, while the lower and upper sections awarded to Ngāti Rangatahi and Ngāti Maniapoto were officially called Te Reureu 2 and Te Reureu 3 respectively.[1628] The Appellate Court appointed 229 individuals, each with equal shares, as the owners of Te Reureu No 1.[1629] Ninety-seven individuals were named as owners of Te Reureu 2 and 3. Of this 97, 79 had single shares, eight had double, and one each had one-and-a-half and triple shares. The remaining eight owners – who had all succeeded to the shares of owners who had passed away since 1870 – had half shares.[1630]

The Campaign to Reinvestigate the Ownership of Te Reureu 1

The lists approved by the Native Appellate Court in December 1896 placed the Te Reureu Reserve in the legal ownership of 325 individual shareholders. Seventy-percent of these individuals had been named as owners of the 2546-acre Te Reureu 1. The 229 individuals confirmed by the Appellate Court as owners of Te Reureu 1 were almost twice the 125 named by Alexander Mackay in the lists of owners from Ngāti Pikiahu and Ngāti Waewae he had approved in February 1884. They were also 46 (or almost 25 percent) more than the 182 from the two hapū who had been named as owners by the Native Land Court in December 1895.

The dramatic increase in the number of individuals on the Ngāti Pikiahu and Ngāti Waewae lists appears to have been the logical consequence of the Appellate Court's decision to divide Te Reureu between upper and lower hapū on the basis of the number of owners in each group. As the Native Land Court in 1912 and the Native Appellate Court in 1929 both noted, by making the issue 'a question' of 'which side could command most names in order to get the larger share', the 1896 Appellate Court virtually obliged the contending hapū to inflate the number of owners on their lists so as to maximize the size of their respective shares.[1631] This pressure to artificially increase the number of individual owners in order to secure as large an area as possible was particularly acute for Ngāti Pikiahu and Ngāti Waewae who, under the Appellate Court's formulation, stood to lose land at the upper end of the reserve that they had previously settled and cultivated.

[1628] Ibid., pp 328-329
[1629] Ibid., pp 330-333
[1630] Ibid., pp 333-335
[1631] *Wanganui Herald*, 4 September 1912, p 8, c 4; Native Appellate Court, 'Reureu No 1 Decision', Whanganui Appellate Court Minute Book 10, p 502

In order to limit their losses as far as possible, Ngāti Pikiahu and Ngāti Waewae's leaders in the 1896 case added to their ownership lists individuals with only an indirect connection to those who had been living on the land in 1870. The lists thus included children and grandchildren of those who had been at Te Reureu in 1870, as well as individuals who had moved to the land since the creation of the reserve. While the strategy appears to have the desired effect, with Ngāti Pikiahu and Ngāti Waewae ultimately securing a share of the reserve which was almost 1000 acres larger than that awarded to Ngāti Maniapoto and Ngāti Rangatahi, it also significantly increased the number of owners with shares in Te Reureu 1, thereby decreasing the value of each individual share.

The predicament of the most prominent and long-established owners of Te Reureu 1 was aggravated further by the 1896 Appellate Court's order that all of the shares in the block should be equal. This meant that individual owners with the most tenuous or indirect connections to the original reserve would have the same rights, and be entitled to the same share as those who had been living on the land since 1870. Given the large number of owners and the reduced size of the reserve, the area available to each individual shareholder of Te Reureu 1 was relatively small, coming to only slightly more than 11 acres per person.[1632]

Between 1899 and 1910 Parliament received 10 petitions asking for a 'revision' or 'rehearing' of the Native Appellate Court's 1896 judgment and orders regarding Te Reureu. Seven of the 10 petitions came from members of Ngāti Pikiahu and Ngāti Waewae, seeking reinvestigation of the ownership or boundaries of Te Reureu 1.[1633] The other three were all sent by Wiari Rāwiri of Ngāti Maniapoto in 1902 and 1903. Rāwiri was seeking revision of the Native Land Court's decision in 1895 not to award him 500 acres of Te Reureu 2, which he maintained Donald McLean had promised to Rāwiri Te Koha in 1872.[1634] In addition to petitioning Parliament, members of Ngāti Waewae and Ngāti Pikiahu also addressed letters to the Native Minister James Carroll and the Chief Judge of the Native Land Court asking for the Te Reureu case to be reopened.[1635]

[1632] Wanganui Minute Book 27, p 333

[1633] Native Affairs Committee (Reports of), *AJHR*, I-3, 1899, p 11; Native Affairs Committee (Reports of), *AJHR*, I-3, 1901, p 7; Native Affairs Committee (Reports of), *AJHR*, 1903, I-3, pp 8-9; Native Affairs Committee (Reports of), *AJHR*, 1904, I-3, p 14; Native Affairs Committee (Reports of), *AJHR*, 1906, Session II, I-3, p 9; Native Affairs Committee (Reports of), *AJHR*, 1910, I-3, p 10; Native Affairs Committee (Reports of), *AJHR*, 1910, I-3, p 17

[1634] Wanganui Minute Book 27, p 266

[1635] R H Hue to Hon James Carroll, Minister for Native Affairs, Te Kotuku Whare, Te Reureu, Marton, 10 October 1908, Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. XXIII, Rahui Te Ngae to Reu Reu, pp 683-687 [700-704] (Original Reo Maori p 687 [704], English translation 684

The first petition to Parliament seeking a rehearing of the Native Appellate Court's 1896 judgment was presented by Mere Poaneki, Ngāparaki Te Tau, and Māwhai Ngāparaki of Ngāti Waewae. The three petitioners protested the division set by the Appellate Court between Te Reureu 1 and 2, and asked for an opportunity to appear before Parliament to present their case.[1636] In a second petition, also sent in 1899, Kia Henare, Waeroneene Rauhihi, and Waeroa Hoapū, all of Ngāti Pikiahu, appealed to Parliament to 'recommend that steps be taken to revise the lists of names of owners' passed by the Appellate Court in 1896, and 'define' the 'relative interests' of the legitimate owners. The petitioners complained that individuals who had neither themselves, nor their parents ever lived at Te Reureu had been 'freely admitted' by the Appellate Court as owners, while 'some of the nearest kin' of legitimate owners had 'been left out.'[1637] Neither of the 1899 petitions led to any substantive action from either the Government or Parliament, so in 1902 a third petition was presented by Hue Te Huri and five others. This petition, too, was unsuccessful.[1638]

With Parliament unresponsive, Paea Maraenui and 10 other members of Ngāti Pikiahu (including Takerei Teimana, Te Whiwhi Maraenui and Ngahuia and Marama Kereti) applied to the Chief Judge on 28 February 1903 for a rehearing of the Te Reureu case. The 11 applicants asked the Chief Judge to allow a rehearing 'for the purpose of having the partitions and relative shares in the Reureu Block amended'. The applicants asserted that the majority of those who had been admitted as owners of Te Reureu by the Native Appellate Court in 1896 had not been 'entitled to claim' because they had not been living there permanently when McLean had established the reserve in 1870.[1639] Unfortunately for the applicants, the Chief Judge had no legal power to grant their request. This was because the Native Land Court Act 1894, which had established the Native Appellate Court, had explicitly ruled out the possibility of any further rehearing or appeal. Under section 93 of the Act all decisions of the Appellate Court, 'as to every question of law and fact' were to 'be final and conclusive.'[1640]

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[701]); Kanapu Haerehuka on behalf of Tawhi Paranahi, Karatea Kotu, Wheriko Poni and 43 others to James Carroll, 4 February 1909, and Te Rangihoapu Hue Te Huri and nine others to Hon James Carroll, Native Minister, 16 May 1910 Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)

[1636] 'Petition of Kia Henare and three others', 14 February 1899, Crown and Private Land Purchasing Records and Petitions Document Bank, CFRT, 2010, Wai 2200 #A67(b), pp 10560-10565 [1550-1555]

[1637] 'Petition of Kia Henare and three others', 15 August 1899, Crown and Private Land Purchasing Records and Petitions Document Bank, CFRT, 2010, Wai 2200 #A67(b), pp 10560-10565 [1550-1555]

[1638] Native Affairs Committee (Reports of), *AJHR*, 1903, I-3, pp 8-9

[1639] Paea Maraenui and 10 others from Ngāti Pikiahu to the Chief Judge of the Native Land Court, 28 February 1903, Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol. XXIII, pp 697-700 [714-717]

[1640] Native Land Court Act 1894, s 95

With no legal mechanism for appealing the Appellate Court's decision, members of Ngāti Pikiahu again petitioned Parliament. In 1903 Ruakahawai Ngāwaka and 13 others petitioned for a rehearing of Te Reureu. A similar petition was lodged by Te Rangihoapū Hue Te Huri (a nephew of Hue Te Huri and Ngāwaka Maraenui) in 1905. The Native Affairs Committee made no recommendation for action on either petition.[1641]

With those who sought a revision of the Appellate Court's orders regarding Te Reureu 1 getting nowhere with their petitions, a number of owners urged Native Minister James Carroll to allow a subdivision of the contested block. Writing on 4 February 1909, on the behalf of 46 owners of Te Reureu 1, Kanapu Haerehuka claimed that the failure to partition the land amongst its owners had led to 'nothing but trouble'. 'Uncertain of their respective portions', individuals were unwilling to 'undertake improvements' to the land, and when they did there was 'a squabble at once'. With no one willing to work land that might be claimed by someone else, Kanapu warned that Te Reureu 1 was being 'rapidly' overrun by 'noxious weeds.' Maintaining that Ngāti Waewae and Ngāti Pikiahu were 'most anxious to have the land subdivided', Kanapu and the 46 owners entreated the Minister to authorize the Native Land Court to undertake a partition of the block.[1642]

Calls for the partitioning of Te Reureu 1 were understandably opposed by those within Ngāti Pikiahu and Ngāti Waewae who had been campaigning to overturn the orders of the Appellate Court. On 16 May 1910, Te Rangihoapū Hue Te Huri and nine others addressed their own letter to Native Minister Carroll, asking him not to allow any subdivision of Te Reureu 1 until their latest petition was 'properly dealt with.'[1643] The Native Minister appears to have agreed to this request. On 21 July 1910, the Under Secretary of the Native Department received notice from Judge William Edward Rawson at the Native Land Court in Whanganui that he intended, 'if there is no obstacle', to 'fix a date' for the partitioning of Te Reureu 1.[1644] In response, the Under Secretary called upon the Judge to hold off setting a date for the subdivision of Te Reureu 1 as the Native Minister was 'anxious to avoid having the title to the land further

[1641] Native Affairs Committee (Reports of), *AJHR*, 1904, I-3, p 14; Native Affairs Committee (Reports of), *AJHR*, 1906, Session II, I-3, p 9

[1642] Kanapu Haerehuka on behalf of Tawhi Paranahi, Karatea Kotu, Wheriko Poni and 43 others to James Carroll, 4 February 1909, Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)

[1643] Te Rangihoapu Hue Te Huri and nine others to Hon James Carroll, Native Minister, 16 May 1910, Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)

[1644] W E Rawson, Judge to the Under Secretary, Native Department, (received 21 July 1910), Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)

complicated by any dealings or partitions therein', until the petition of Te Rangihoapu and his supporters had 'been dealt with.'[1645]

In August 1910 those within Ngāti Pikiahu and Ngāti Waewae who were still seeking a revision of the Appellate Court's 1896 orders dispatched two nearly identical petitions to Parliament.[1646] The petitioners reiterated that Donald McLean had 'determined to give' the land at Te Reureu to the tribes that had been 'permanently residing' there, and that in 1884 the land had been awarded 'to those persons who had occupied it long prior to 1860 to the year 1870.'[1647] As a result of the lists that had been incorrectly passed by Native Appellate Court in 1896, however, 'those who were properly entitled to this land' had been 'adversely affected by the inclusion' of additional owners with, 'interests or shares in the land' that were 'equal' to their own.[1648] The petitioners called upon Parliament to either enact legislation that would rectify the 'wrongs' they were 'suffering', or 'empower a Court of Enquiry to investigate' those who had been 'wrongfully included' in the list of owners by the Appellate Court.[1649] Amongst those who had been 'wrongfully included' as owners of Te Reureu 1, the petitioners listed:

- 'Persons who are not known as belonging' to either Ngāti Pikiahu or Ngāti Waewae.
- 'Persons' who were 'non-resident, non-cultivators' and had no houses upon the land prior to 1870.
- 'Persons who have not even yet seen the land.'
- 'Persons who had died long prior to the making' of the Te Reureu Reserve in 1870 and Mackay's investigation in 1884.
- 'Persons who are owners in other reserves' within Rangitīkei Manawatū.
- 'Persons having two names.'[1650]

While making 'no recommendation' on the first of the petitions sent from Te Reureu in 1910, the Native Affairs Committee referred the second to the Government with the

[1645] Under Secretary, (Native Department), 'Memorandum for His Honor Judge Rawson', 5 August 1910, Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)
[1646] Petition No 35/10. Tira Hinekura and 11 others of Ngāti Pikiahu and Ngāti Waewae, 5 August 1910, Crown and Private Land Purchasing Records and Petitions Document Bank, CFRT, 2010, Wai 2200 #A67(b), pp 10858-10860 [1851-1853] (reo Maori original) and 10856-10857 [1849-1850] (English translation); Petition of Rangihoapu Henare (Ngāti Pikiahu), Kereti Te Mahia (Ngāti Waewae) and nine others, August 1910, Crown and Private Land Purchasing Records and Petitions Document Bank, CFRT, 2010, Wai 2200 #A67(b), pp 10883-10884 [1876-1877] (reo Maori original) and 10881-10882 [1874-1875] (English translation)
[1647] Crown and Private Land Purchasing Records and Petitions Document Bank, CFRT, 2010, Wai 2200 #A67(b), pp 10856 [1849] and 10881 [1874]
[1648] Ibid., pp 10856-10857 [1849-1850], 10881-10882 [1874-1875]
[1649] Ibid., p 10857 [1850] and 10882 [1875]
[1650] Ibid

recommendation 'that steps be taken to revise the list of owners, and to define the relative interests' of Te Reureu 1.[1651] Acting on the Committee's advice, the Government – through Section 6 of the Native Land Claims Adjustment Act 1910 – introduced legislation empowering the Native Land Court 'to inquire into' the petitioners' 'allegations'. The legislation also allowed the Court, 'if necessary, to amend the list of owners' of Te Reureu 1 as well as 'the definition of relative interests.'[1652]

The Native Land Court's Inquiry into the Ownership of Te Reureu 1, 21 May to 16 July 1912

The long sought after inquiry into the ownership lists for Te Reureu 1 finally began on 21 May 1912. Presided over by Judge John Bain Jack, and sitting at Whanganui (rather than Marton as the 1895 and 1896 hearings of the Native Land and Native Appellate Courts had done), the inquiry consumed 21 hearing days, extending over the best part of two months.[1653] The petitioners, who were represented by a European lawyer, were opposed by four other groups of owners of Te Reureu 1, who together made up more than half of those who had been included on the ownership list approved by the Appellate Court in 1896.[1654]

Opening the petitioner's case, Gifford Marshall, of the Whanganui law firm Marshall, Hutton, and Izard, criticized the Native Land Court's decision in 1895 to base ownership of the Reureu reserve on the assumption that all owners had equal rights to the land. This 'pernicious practice', Marshall argued, was the 'cause of all trouble', because it had incited each hapū to attempt to increase the area awarded to them by the Court by including every possible name on their lists of owners. Once submitted to the Court, the lists of names were 'never enquired into'. As a result, a large number of ineligible individuals had been admitted as owners of Te Reureu 1, with shares that were the same as those of the legitimate owners.[1655]

As the primary witness for the petitioners' case, Te Rangihoapu Hue Te Huri (who appears in the minute books as Rangihoapu Henare) objected to 170 of the 229 names that had been certified by the Appellate Court in 1896. Working through the names on the list one by one, the witness set out his objections to each individual owner. Te Rangihoapu most often objected

[1651] Ibid., p 10853 [1846]; W J Jennings, Chairman Native Affairs Committee, 'Report on the Petition of Rangihoapu Henare and 10 others of Te Reureu. Praying for a revision of the list of owners of Te Reureu No 1 Block', 4 October 1910, Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)
[1652] Native Land Claims Adjustment Act 1910, s 6
[1653] Wanganui Minute Book 52, pp 191-271, 341-380; Wanganui Minute Book 63, pp 1-98
[1654] Wanganui Minute Book 52, p 191
[1655] Ibid, p 193

to individuals on the grounds that they had not been resident at Te Reureu in 1870 (90 of the 170) or because they were affiliated with an iwi or hapū other than Ngāti Pikiahu or Ngāti Waewae (103 of the 170). Names were also objected to because the individual in question had never settled at Te Reureu, had never cultivated the land, or had a permanent home elsewhere. Four individuals were objected to because they had never even been to Te Reureu, while others were opposed because they had only visited the reserve or lived there temporarily. In addition, Te Rangihoapu objected to individual owners because they had not been alive at the time the reserve was established, either because they had died prior to 1870 or been born afterwards. He also objected to individuals who had only a secondary claim to the land, either by marriage or through a parent or grandparent. The children of European fathers who had been included in the reserve at Tokorangi were also objected to, as were four names that were duplicates of names already included on the list.[1656]

After he had submitted his evidence, Te Rangihoapu was cross-examined in turn by the representatives of each of the four opposing groups, a process that extended over four days.[1657] Te Rangihoapu was followed by Hare Simmonds, a European who had lived at Te Reureu between 1865 and 1873 and married Ngawaka Maraenui's daughter Te Rauakahawai. Simmonds testified that most of those included on the 1896 list had not been 'on the land' while he was living at Te Reureu.[1658] Te Aohau Nicholson, who had married another daughter of Ngawaka, was the petitioners' next witness. He gave evidence about those on the list who had come to Te Reureu after 1870. One of these was Kapene Warihi of Ngāti Kahungunu who had been part of Te Kooti's raid on Taupo, and had been subsequently prevented by the Government from returning home to Wairoa.[1659] Te Aohau also drew the Inquiry's attention to the legitimate owners whose names had not been included on the 1896 lists, including Ngawaka himself and his brother Noa Te Rauhihi.[1660]

Once the petitioners had concluded their case, it was the turn of each of the opposing groups to present evidence. Witnesses for each group provided their own testimony on the eligibility of those who had been objected to by the petitioners. The witnesses gave evidence on each individual's hapū affiliation, whether they had been living at Te Reureu when the reserve been established in 1870, and whether they had lived there since.[1661] Wheriko Hikopō of Ngāti

[1656] Ibid., pp 196-213, 215-227
[1657] Ibid., pp 228-251
[1658] Ibid., pp 251-262
[1659] Ibid., pp 343-367
[1660] Ibid., p 369
[1661] Wanganui Minute Book 63, pp 1-6, 14-39, 61-74, 78-85

Waewae also spoke about how the ownership lists for Ngāti Pikiahu and Ngāti Waewae had been draw up and approved without any objections, first 'at Mackay's Court in 1884', and then at the Native Land and Native Appellate Courts in 1895 and 1896.[1662]

In a long decision delivered on 30 August 1912, the Native Land Court concluded that the Appellate Court in 1896 had reached 'a fair and equitable determination' in granting equal shares to all of those from the four resident hapū who had been living at Te Reureu at the time of the reserve's creation in 1870. The Appellate Court's decision had, however, been distorted by the inclusion in the ownership list for Te Reureu 1 of 'large numbers' of individuals who had not been resident in 1870, and who were therefore not qualified to be admitted as owners. As a result, 'an injustice' had 'undoubtedly been done to the real owners by the admission of large numbers' of unqualified individuals with equal shares as themselves.[1663]

In order to redress this injustice, the Court decided to vary the value of the shares held by each individual owner. Rather than disqualifying outright those who had been wrongfully included as owners in, the Judge instituted a sliding scale, according to which those who were qualified as owners – according to the standard set by the Appellate Court in 1896 – received a full share, while those who were less qualified received a smaller fraction. The awarding of fractions of shares to those who were not entitled to ownership was justified on the grounds that dispossessing 'them after 16 years would impose a greater hardship on them, than their inclusion as partial owners would cause to the qualified owners.'[1664]

Dealing with the 'large number' of individuals who had been born after 1870, the Court fixed their interests at only 'a small amount', except when they had taken the place of a qualified owner who had passed away.[1665] The Court also decided to attribute half shares to the children of European fathers to whom McLean had awarded the reserve at Tokorangi. In addition, the Court ruled that those who were not from Ngāti Pikiahu or Ngāti Waewae but had been living permanently at Te Reureu in 1870 should receive larger shares than those from the two hapū who had spent only a limited time on the land.[1666]

Having addressed the primary issue of those who had been wrongfully included on the ownership list for Te Reureu 1 in 1896, the Court also considered the question of those whose names had been incorrectly omitted. The Court decided to include seven 'leading members of

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[1662] Ibid., p 46
[1663] *Wanganui Herald*, 4 September 1912, p 8, c 4
[1664] Ibid
[1665] Ibid., p 8, c 5
[1666] Ibid

Ngāti Pikiahu and Ngāti Waewae' whose names had been left off earlier lists, including Ngāwaka Maraenui, Noa Te Rauhihi, Pīkau Ngāwaka and Takerei Piko.[1667] Finally, the Court deleted from the 1896 list four names that had been included in duplicate, as well as four that belonged to individuals who had died prior to 1870.[1668]

Defining the relative interest or share of each individual owner, the Court categorized the 202 owners of Te Reureu 1 into nine groups 'according to strength of claim under hapū and occupation.' Group One, which included those from Ngāti Pikiahu and Ngāti Waewae who had been living on the land in 1870, and were therefore fully qualified as owners, consisted of 48 individuals whose names were on the 1896 list. Also included in Group One were the seven 'leading members' of Ngāti Pikiahu and Ngāti Waewae whose names had been missing from earlier lists but had been included by the Court. The 33 members of Group One who had been adults in 1870 were awarded full shares by the Court, while the 15 who had been children at the time each received one third of a share.

The second group defined by the Court included six individuals, with four who were adults in 1870 receiving one fifth of a share, and two who were children one tenth. Group Three had 15 individuals, each of whom received three-quarters of a share. Group Four consisted of 31 owners, of whom 28 received one-sixth of a share and three (who had been children in 1870) one eighteenth. Group Five, had 17 individuals, 15 of whom were awarded one third of a share and two (who had been children in 1870) one ninth. The owners with the smallest claims to Te Reureu 1 were placed by the Court in Groups Six, Seven and Eight. The 20 individuals in Group Six each received one-tenth of a share; the 30 in Group Seven one twelfth; and the 24 in Group Eight one-twenty-second. The four owners in Group Nine were each awarded one eighth of a share from the Court.

Having defined each owner's share of Te Reureu 1, the Court then made succession orders for those whose names had been included on the lists of owners but were no longer living. Included in this number were Ngāwaka Maraenui and his wife Huna whose two shares were divided amongst their four surviving grandchildren and three great grandchildren. Succession orders were also made for Noa Te Rauhihi; Te Raukohe Tupe; Kereti Te Mahia; Takerei Piko; and Pīkau, Paea, Tāpine, Te Rita and Raukahawai Ngāwaka.

[1667] Ibid., p 8 c 4-5
[1668] Ibid., p 8, c 5

The Subdivision of Te Reureu 1

With the ownership of Ngāti Pikiahu and Ngāti Waewae's portion of the Te Reureu Reserve apparently settled, the Native Court was finally able to embark on the long-awaited partition of Te Reureu 1. Involving more than 200 owners, with widely varying interests, the subdivision of Te Reureu 1 was bound to be a complicated and time-consuming task. [1669]

The Ngāti Pikiahu and Ngāti Waewae petitioners and three of the other groups that had participated in the Native Land Court inquiry were also represented at the partition hearing for Te Reureu 1 which opened on 5 December 1912.[1670] Two additional groups of owners presented lists without representation. After more than a day of informal discussion and adjudication, the parties agreed to divide the 2316-acre block into 36 sections.[1671] The petitioners, who according to the Court's definition of individual interests were entitled to a total of 25½ shares or 775½ acres, took their land in five sections: 12 (23 acres, 26 owners); 16 (24 acres, one owner); 23 (189 acres, 20 owners); 32 (164 acres, 42 owners); and 34 (53 acres, 13 owners). The petitioners also set aside 26 acres (Section 32) to meet their legal expenses.[1672]

Represented in Court by Tuiti Makitanara of Rangitane, the 86 owners who made up the largest of the groups that had opposed the petitioners' claim took their 18.9 shares of Te Reureu 1 in eight sections: 1 (141 acres, nine owners); 11 (30 acres, three owners); 15 (129 acres, 17 owners); 18 (40 acres, 14 owners); 22 (42 acres, 10 owners); 24 (41 acres, 18 owners); 25 (47 acres, 3 owners); and 26 (85 acres, 18 owners). The group also apportioned 20 acres (Section 29) to pay Makitanara's costs.[1673]

A third group, headed by the Paranihi whānau of Ngāti Waewae, and represented in Court by Louis Cohen, another Whanganui lawyer, took their 14.6 shares in seven sections of 154, 83, 53, 52, 32, 23, and two acres respectively.[1674] The fourth group, consisting of 30 owners with fractional shares ranging from one third to one 22nd, received their 79 acres in a single section at the top right-hand corner of the block.[1675] Both groups set aside 20 acres each (Sections 28 and 35) for their legal expenses.[1676]

[1669] Wanganui Minute Book 64, pp 4-77
[1670] Ibid., pp 4-8
[1671] Ibid., p 8
[1672] Ibid., pp 13, 21, 67-68, 71-72, 73
[1673] Ibid., pp 13, 14, 20-21, 67, 69-71, 75-76
[1674] Ibid., pp 13, 16-18
[1675] Ibid., pp 14, 73-74
[1676] Ibid., pp 75, 76

The Native Land Court also created four sections (5, 10, 13 and 20), with a combined area of 191 acres, for the list of 23 owners headed by Pipi Haruru and Rihi Iwikau.[1677] A further four sections of 134, 31, 25, and 15 acres were set aside by the Court for five owners including Te Rehina Maru Tuarā, and Te Rou and Moeroa Karatea.[1678] The nine acres surrounding Te Tikanga whare tupuna at Tokorangi were divided into three sections (7, 8, and 9) vested in all of the owners of Te Reureu 1.[1679] The owners also agreed to set aside 25 acres (Section 31) to pay for the costs of surveying the subdivision of Te Reureu 1.[1680]

Protests Against the Native Land Court's 1912 Judgment

Far from resolving the long-running dispute over the ownership of the Te Reureu Reserve, the Native Land Court's 1912 judgment and the subsequent partitioning of Te Reureu provoked further protest. On 10 March 1913 Tokoahu Hue of Ngāti Pikiahu and Moeroa Karatea, Hinga Awatea Te Tini, Ngunu Paranihi, and Wi Karatea, all of Ngāti Waewae, petitioned Parliament on behalf of themselves and others from their hapū.[1681] The petitioners – who had 'grown up and matured' at Te Reureu, and 'improved' and cultivated the land – protested that the Native Land Court had allotted their cultivations 'to persons who have not resided here, either before or since 1870, and who have neither, houses, fences or cultivations on the land.' While each of the petitioners had 'cultivated more than 10 acres annually', they had only received two acres each from the Court. At the same time, individuals with 'no original rights' had been awarded 'over two, three, and four acres each.' Confronted by this 'injustice' the petitioners appealed to Parliament for 'consideration and . . . relief.'[1682]

Forwarded to the Native Department for comment, the petition was dismissed by the Registrar to the Under Secretary who informed the Native Affairs Committee that the Court's 1912 'determination' had 'given general satisfaction', and 'to reopen the matter again would cause endless confusion.' [1683] On the strength of this advice the Native Affairs Committee opted to make no recommendation to Government regarding the petition.[1684]

[1677] Ibid., pp 14, 19-20
[1678] Ibid., p 15
[1679] Ibid., p 76
[1680] Ibid., pp 6-7, 75
[1681] Crown and Private Land Purchasing Records and Petitions Document Bank, CFRT, 2010, Wai 2200 #A67(b), pp 11073-11079 [162-168]
[1682] Ibid., pp 11076 [165] (Reo Maori copy) & 11075 [164] (English translation)
[1683] A H Mackay, Registrar to the Under Secretary Native Department, Wellington, 'Petition NO 40/13 Tokoahu Hue & others Te Reureu No 1', [received 19 July 1913], Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)
[1684] Native Affairs Committee (Reports of), *AJHR*, 1913, I-3, p 33

Another petition was lodged by Taite Te Piwa and 11 others in September 1917.[1685] The 12 petitioners asked Parliament to order a reinvestigation of the ownership of Te Reureu 1 so that those with the 'best rights' to the land could be correctly distinguished 'from those who have lesser rights.' The petitioners – who appear to have been awarded only very small shares by the Native Land Court in 1912 – maintained that 'very many of those who had the best rights to Te Reureu 1 had 'suffered loss through those who had no rights whatever.' The petitioners also protested that the boundaries of the 1912 partition of Te Reureu 1 had not been 'justly laid down . . . as only certain persons obtained the best parts of the land.'[1686]

Recommending that no action be taken on the petition, Crown officials noted that the 1910 legislation authorizing the Native Land Court's inquiry into Te Reureu 1 had stipulated that the Court's decision was to be final.[1687] Officials also advised that no appeals had been lodged against the Court's partition of Te Reureu 1.[1688] On the basis of this advice the Native Affairs Committee decided, after a delay of more than three years, to make no recommendation on the 1917 petition.[1689]

Te Taite Te Tomo's 1924 Petition and Further Inquiries by the Native Land and Native Appellate Courts

A further request for the reinvestigation of the ownership of Te Reureu 1 was sent to Parliament in 1924.[1690] Headed by the eminent Ngāti Raukawa and Ngāti Tuwharetoa scholar and politician Te Taite Te Tomo (grandson of Henere Te Herekau, and son of Te Piwa Te Tomo, one of the signatories of the 1917 petition), the 15 petitioners told Parliament that the Native Land Court's 1912 decision had 'imposed undue hardship' upon them by awarding 'the larger number of interests . . . to those who had no right to the land' at the expense of 'us who had greater rights in the land.' The petitioners asked Parliament to pass legislation 'empowering a Commission or the Native Land Court to reinvestigate the title' to Te Reureu 1.[1691] What Te Taite Te Tomo and the other petitioners had in mind was something similar to the Mangatu No 1 Empowering Act 1893, which had placed the large eastern Bay of Plenty block under the

[1685] Crown and Private Land Purchasing Records and Petitions Document Bank, CFRT, 2010, Wai 2200 #A67(b), pp 11073-11079 [162-168]
[1686] Ibid., pp 11269 [358] (Reo Maori original) & 11268 [357] (English translation)
[1687] Ibid., p 11263 [352]
[1688] Ibid., p 11264 [353]
[1689] Native Affairs Committee (Reports of), *AJHR*, 1920, I-3, p 39
[1690] CFRT, 'Crown and Private Land Purchasing Records and Petitions Document Bank, pp 10913-12962', 2010, Wai 2200 #A67(b), pp 11469 (559) English Translation, 11470-11471 (560-561) Reo Maori original.
[1691] Ibid., pp 11469-11470 [559 & 560]

management of an elected committee of seven owners until the relative shares of the 179 owners had been 'determined by consent, or, in case of dispute . . . by the Native Land Court as if the said land were subject to the ordinary jurisdiction of the Court,'[1692]

Despite receiving a similar response from Native Department officials as its two precursors, the 1924 petition secured a positive endorsement from the Native Affairs Committee. On 28 October 1924 the Committee recommended that the petition 'should be referred' to the Chief Judge of the Native Land Court 'for inquiry and report under Section 6 of the 'Native Land Amendment and Native Land Claims Adjustment Act, 1922'.[1693] Section 6 authorized the Chief Judge to refer to the Native Land Court 'any application or other matter' which 'in his opinion' was 'necessary or expedient.' Following the Chief Judge's referral, the Court would hear the case and then report back to the Chief Judge with its conclusions and any recommendations.[1694]

The success of the 1924 petition, in stark contrast to its 1913 and 1917 predecessors, appears to have been in large part due to Te Taite Te Tomo's position as a prominent member of the Reform Party, and a close ally of MP for Western Maori Maui Pomare.[1695] In 1924 Pomare was at 'the peak of his ministerial career' as Minister of Health in William Massey's Reform Government.[1696]

The Te Reureu petition was duly referred by the Chief Judge to the Native Land Court for 'enquiry and report' on 22 November 1924.[1697] A few days later, Pomare – at Te Tomo's request – prevailed upon the Native Minister to place a prohibition on the alienation of all land within the boundaries of the original Te Reureu Reserve until after the Court's enquiry had been completed.[1698] On 7 January 1925 the Government issued an Order in Council prohibiting 'all alienation of the Native lands' within Te Reureu 1, 2 and 3 'other than alienations in favour of the Crown.'[1699] The prohibition was extended for a further six months by an Order in Council

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[1692] Mangatu No 1 Empowering Act 1893, s 4-6
[1693] Native Affairs Committee (Reports of), *AJHR*, 1924, I-3, p 37
[1694] Native Land Amendment and Native Land Claims Adjustment Act 1922, s 6
[1695] Angela Ballara, 'Te Tomo, Te Taite', *Dictionary of New Zealand Biography, Vol 4*, (Wellington, Bridget William Books), 1998. https://teara.govt.nz/en/biographies/4t9/te-tomo-te-taite (accessed 24 October 2017)
[1696] Graham Butterworth, 'Pomare, Maui Wiremu Piti Naera', *Dictionary of New Zealand Biography, Vol 3*, (Wellington, Bridget Williams Books), 1996. https://teara.govt.nz/en/biographies/3p30/pomare-maui-wiremu-piti-naera (accessed 24 November 2017)
[1697] R N Jones, Chief Judge, 'In the matter of Te Reureu Block', 22 November 1924, Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)
[1698] Telegram from Taite Te Tomo to Hon Sir Maui Pomare, 27 November 1924, Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)
[1699] Order in Council, 'Prohibiting all Alienation of certain Native Land other than Alienation in favor of the Crown', 7 January 1925, *New Zealand Gazette*, No 1, 8th January, 1925, p 8; Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)

dated 12 January 1926.[1700] After allowing it to lapse for more than 12 months, the Government renewed the prohibition over most of Te Reureu for another year on 25 July 1927.[1701] The following year, the prohibition was extended for a further, final, six months by an Order in Council issued on 25 June 1928.[1702]

The Native Land Court opened its inquiry into the 1924 Te Reureu petition on 15 December 1925 in Whanganui. The Court did not, however, begin hearing evidence until October of the following year when it reopened its inquiry in Marton.[1703] Represented by the Whanganui solicitor W J Treadwell, the petitioners repeated their call for a reinvestigation of the ownership of Te Reureu 1. The petitioners argued that the list approved by the Court in 1912 was flawed because it had incorrectly included individuals who had 'no ancestral right' to the land, had been dead or infants when the Reureu Reserve was established, or were 'half-castes' for whom 'a special area had been set apart' outside of the reserve proper.[1704] Te Taite Te Tomo presented to the Court a list of the owners he considered to be ineligible, stating his specific objection to each. In contrast to the 1912 inquiry, 'very few' of the owners objected to by Te Tomo and the other petitioners were present or represented before the Court. As a result, the Court was unable to hear their responses to the petitioners' objections.[1705]

The Court reported the findings of its inquiry to the Chief Judge on 29 March 1927. Concluding that the list of owners for Te Reureu 1 had been 'scrutinized with care before they were passed' and that 'no person' had been included 'without the concurrence of the others', the Court dismissed three of the petitioners' four objections.[1706] The Court did, however, find support for the petitioners' claim that a number of young children had been inappropriately included as owners of Te Reureu 1. The Court noted that while 'many children' born after the reserve's creation in 1870 had been included with their parents in the list of owners, 'many others in exactly the same position' had 'not been included.'[1707]

Regretting 'that the decision of the 1912 Court was not subject to review by the [Native] Appellate Court', the Court recommended that 'legislation be enacted' granting those who

[1700] Order in Council, 'Extending the Prohibition of Alienation of certain Native Land other than Alienation in favour of the Crown', 12 January 1926, Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)
[1701] *New Zealand Gazette*, No 54, 28 July 1927, p 2530
[1702] *New Zealand Gazette*, No 53, 28 June 1928, p 2112
[1703] James W Browne (Judge), 'Memorandum for the Chief Judge, Native Land Court, Wellington', 29 March 1927, p 1, Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)
[1704] Ibid., p 7
[1705] Ibid
[1706] Ibid., p 5
[1707] Ibid., p 8

were 'dissatisfied' with the 1912 judgment 'the right of appeal.' Such an appeal, the Court concluded, would allow 'the whole matter' to 'be reviewed by an authoritative tribunal and in the light of the previous proceedings some satisfactory conclusion arrived at.'[1708]

Following the Court's recommendation, the Government introduced legislation allowing an appeal of the Native Land Court's 1912 decision concerning Te Reureu 1. The right of appeal was set out in Section 42 of the Native Land Amendment and Native Land Claims Adjustment Act 1927, which also gave the Native Appellate Court jurisdiction to 'amend, vary, or cancel any partition or other order' that had been previously made by either the Native Land or Native Appellate Court with regards to Te Reureu 1.[1709] The Appellate Court's jurisdiction did not, however, apply to land that had already been 'acquired in good faith.'[1710]

Te Taite Te Tomo's appeal was heard by the Native Appellate Court on 31 October 1928.[1711] Te Tomo's lawyer told the Appellate Court that the Court in 1912 had incorrectly included 'large numbers of minors' as owners of Te Reureu 1.[1712] Because of this error, Ngāti Waewae had received a greater share of the land than Ngāti Pikiahu. Te Tomo presented the Appellate Court with a list of 65 owners whom he claimed had been under age when the Reureu Reserve had been established.[1713]

After a delay caused by the loss of the 'plans and papers' used by the Court in 1912, the Native Appellate Court delivered its judgment on 1 August 1929.[1714] The Appellate Court found that the inclusion of those who had been children in 1870 in the list of owners for Te Reureu 1 was 'in no way unjust or inequitable'.[1715] This was because, in admitting the under-aged owners the Court in 1912 had taken account of their status when awarding relative interests. The Appellate Court noted that 56 of the individuals objected to by Te Tomo had been awarded less than four shares between them. Some of the others who had been 'objected to as minors' had been 'shown by the evidence to have been adults' in 1870.[1716]

Dismissing Te Tomo's appeal, the Appellate Court concluded that given 'the comparatively small interest awarded' to the individuals objected to, 'and the very great expense to the owners that would be entailed by a fresh investigation of title', it was 'far from certain that any benefit

[1708] Ibid., p 9
[1709] Native Land Amendment and Native Land Claims Adjustment Act 1927, s 42
[1710] Ibid., s 42 (4)
[1711] Wanganui Appellate Court Minute Book 10, pp 494-497
[1712] Ibid., p 495
[1713] Ibid., p 496
[1714] Ibid., pp 502-505
[1715] Ibid., p 505
[1716] Ibid

would result to the appellant's hapū if the title was investigated de novo.'[1717] Even if a new investigation was ordered, the Appellate Court noted that – as Te Reureu 1 had been 'partitioned into a large number of parcels numbering over 80, some of which have been sold or exchanged, and others leased' – it would be 'impracticable to restore the status quo ante.'[1718]

Further Petitions, 1929-1937

Unbowed by the Appellate Court's rejection of his appeal, Te Taite Te Tomo was instrumental in six more petitions regarding the Te Reureu that were sent to Parliament between 1928 and 1937. Two of these – Roka Merehana's 1929 petition seeking a rehearing for Te Reureu 2 and 3, and Pura Ruruhira's 1932 petition concerning the subdivision of Te Reureu 1 – were the subjects of inquiry by the Native Land Court under Section 27 of the Maori Purposes Act 1933. In each case the petitioners were represented by Te Tomo before the Court.

Apparently inspired by Te Taite Te Tomo's success in securing the right to appeal against the Court's 1912 orders concerning Te Reureu 1, Roka Merehana (the adopted daughter of Wiremu and Mereaina Pukapuka of Ngāti Maniapoto) wrote to the Native Minister in August 1928 seeking similar legislation for Te Reureu 2.[1719] The Minister replied that in order for her case to be considered Merehana would first have to petition Parliament.[1720] Merehana responded with a petition from herself and eight others asking Parliament to enact similar legislation to that which had been passed for Te Reureu 1 in 1927, 'empowering the Native Land Court to re-investigate the title to Te Reureu No 2 Block with the view of obtaining relief for the rightful owners who were excluded in the previous investigation.'[1721] Having presented her petition, Merehana wrote again to the Native Minister requesting he 'impose a prohibition' on the alienation of any land from Reureu 2 or 3.[1722]

The Native Affairs Committee made 'no recommendation' on Roka Merehana's first petition, so in October 1929 she and three others dispatched a second petition to Parliament.[1723] The second petition asked Parliament to 'invalidate' the Native Appellate Court's 1896 orders

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[1717] Ibid
[1718] Ibid., p 504
[1719] Roka Merehana to the Native Minister, 3 August 1928, Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)
[1720] Draft of a letter from the Native Minister (J G Coates) to Roka Merehana, 17 August 1928, Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)
[1721] Translation of Petition No 368/1928 from Roka Merehana and 8 others', Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)
[1722] Roka Merehana to the Native Minister, 23 May 1929, Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)
[1723] Native Affairs Committee (Reports of), *AJHR*, 1929, I-3, p 5 5

defining the owners and relative interests for Te Reureu 2 and 3, and enact legislation that would allow the Native Land Court to reinvestigate the two blocks.[1724] After a delay of more than four years, the Native Affairs Committee recommended that the 'petition should be referred to the Government for inquiry.'[1725] In accordance with the Committee's recommendation, Roka Merehana's second petition was included on the schedule of petitions that were authorized, by Section 27 of the Native Purposes Act 1933, to be referred to the Native Land Court for inquiry or report.[1726] Also included on the schedule was a petition from Pura Ruruhira and 16 others of Tokorangi seeking an 'inquiry and adjustment of the partition of the Reureu No 1 Block'.[1727] Presented during the 1932-1933 session of Parliament, this petition had also been referred by the Native Affairs Committee 'to the Government for consideration and inquiry.'[1728]

The two Te Reureu petitions authorized for inquiry by the Native Purposes Act 1933 were both heard by Native Land Court at Marton on 24 September 1934.[1729] As Roka Merehana had died, her case was presented by Te Taite Te Tomo (who had been elected MP for Western Maori in 1930). Te Tomo told the Court that the petitioner had sought a reinvestigation of Te Reureu 2 and 3 because the ownership list approved by the Appellate Court in 1896 had incorrectly excluded both of her adopted parents while awarding double and one-and-a-half shares to some owners when the land had previously been shared equally between everyone from Ngāti Maniapoto and Ngāti Rangatahi.[1730]

Te Tomo also appeared before the Court on behalf of Pura Ruruhira. Te Tomo told the Court that the petitioner was seeking a readjustment of the Te Reureu 1 partitions because she and her family had been 'hemmed in by other subdivisions', while the land upon which 'their elders lived' had been 'awarded to someone else.'[1731] Two other petitioners – Matiti Hue and Te Waapu Toni – also expressed their unhappiness with some of the partitions that had been carried out within Te Reureu 2. Another petitioner, Waeroa Rangihoapu, expressed his

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[1724] Copy of Petition No 381/29. Roka Merehana and Others [Received by Native Department 31 October 1929], Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)
[1725] Native Affairs Committee (Reports of), *AJHR*, 1933, I-3, p 5
[1726] Native Purposes Act 1933, s 27
[1727] Ibid., 'Second Schedule'
[1728] Native Affairs Committee (Reports of), *AJHR*, 1932 Session 1-II, I-3, p 8
[1729] Whanganui Minute Book 96, pp 106-112
[1730] 'The Native Purposes Act, 1933. Report and Recommendation of Petition No 381 of 1929, of Roka Merehana and Others: Praying that the Native Land Court be Empowered to Rehear the Reureu Nos 2 and 3 Blocks', *AJHR*, 1936, G-6, p 2
[1731] 'The Native Purposes Act, 1933. Report and Recommendation of Petition No 199 of 1932, of Pura Ruruhira and Others: Praying for an Inquiry and Readjustment of the Partition of the Reureu No 1 Block', *AJHR*, 1936, G-6A, p 2

objections to people from Ngāti Kahungunu, Ngāti Whiti and Ngāti Tama having been included as owners of Te Reureu 1. 'They should have their names struck out of the lists', an exasperated Rangihoapu told presiding Judge James W Browne, 'this is the twentieth time this matter has been before the Court.'[1732] Pura Ruruhira's claim was opposed in Court by Titi Karanga and Toro Te Iwikau. Insisting that 'the majority of owners of the land desire that there should be no alteration in the present position of the land', Te Iwikau told the Court that his group had 'occupied and worked the portion Pura is claiming for over 40 years.'[1733]

Reporting to the Chief Judge on 27 September 1935, Judge Brown concluded that neither of the petitions had been supported by sufficient evidence to justify any further adjustment or investigation of the ownership or boundaries of the land within Te Reureu Reserve. The Judge reported that Te Tomo's 'statements in support' of Roka Merehana's 'were very vague and unsatisfactory and disclosed no ground for reopening the case'.[1734] Noting that the ownership lists for Te Reureu 2 and 3 had 'remained undisturbed until the present time', Judge Brown suggested 'that a great deal more evidence' would be required 'to prove that a mistake has been made and that persons who have a right have been omitted from the titles.'[1735] Dismissing Pura Ruruhira's claim, the Judge noted that the petitioners 'had ample opportunity' at the earlier inquiries concerning Te Reureu 1 to establish their 'alleged rights'. Noting that they had failed to do this, the Judge concluded that that the petitioners 'themselves' had 'grave doubts' as to 'the extent' or even 'the existence' of their claim.[1736]

The campaign to reopen the Te Reureu case was continued with a petition from Wiremu Pukapuka and 12 others. Received in September 1935, the petition asked Parliament to 'enact legislation' that would empower the Native Land Court to cancel the partition orders for Te Reureu 1, 2, and 3, and allow the title to the land to be reinvestigated. Such a reinvestigation was necessary, the petitioners maintained, because 'a large number' of those who had been 'entitled to become owners' had not had been included in the ownership lists for the three blocks.[1737]

[1732] Ibid., p 3
[1733] Ibid
[1734] 'The Native Purposes Act, 1933. Report and Recommendation of Petition No 381 of 1929, of Roka Merehana and Others', p 1
[1735] Ibid., p 2
[1736] 'The Native Purposes Act, 1933. Report and Recommendation of Petition No 199 of 1932, of Pura Ruruhira and Others, p 2
[1737] 'Copy of Petition No 22/1935. Wiremu Pukapuka and 12 others to the Honourable Speaker and Honourable Members of the House of Representatives in Parliament Assembled in the Dominion of New Zealand', Archives New Zealand, Wellington, MA1 Box 109, 5/13/15, Part 2, 1933, (R19525075)

Wiremu Pukapuka's petition was referred by the Native Affairs Committee for consideration in August 1936.[1738] By then, however, a new Labour Government was in power and Te Taite Te Tomo was no longer in Parliament (having narrowly lost his seat to Toko Ratana in the November 1935 General Election). Following advice from the Native Department that the petition referred to 'the same matters' as the two Te Reureu petitions that had been recently investigated and reported on by the Native Land Court, Native Minister Michael Joseph Savage directed that 'no action' be taken.[1739]

Outside of Parliament, Te Taite Te Tomo again took the lead in petitioning Parliament for a revision of the Te Reureu 1 ownership lists. In two identical petitions sent to Parliament in November 1937, Te Tomo and six others asked Parliament once more to authorize the Native Land Court to undertake a rehearing of Te Reureu 1. Such a rehearing was necessary, the petitioners argued, to increase the shares of those who were 'the rightful owners' of the land, while expunging from the title those who had been 'wrongfully included in the list of owners' for Te Reureu 1.[1740]

The Native Affairs Committee referred the two petitions 'to the Government for consideration'.[1741] The Native Department, however, recommended against the petitions being acted upon. In their report to the Native Minister, officials noted that the title for Te Reureu 1 had 'stood for over 20 years', and that the Minister had already directed that 'no action' be taken on a 'similar petition' from Wiremu Pukapuka.[1742] On 22 May 1939 Te Taite Te Tomo 'died suddenly and unexpectedly' at Kākāriki.[1743] A few weeks later, on 6 June 1939, the petition was filed with no action.[1744]

[1738] James O'Brien, Chairman Native Affairs Committee, House of Representatives, 'Report on the Petition of 22/1935 Wiremu Pukapuka & 12 others of Levin', 27 August 1936, Archives New Zealand, Wellington, MA1 Box 109, 5/13/15, Part 2, 1933, (R19525075)
[1739] O N Campbell, Under Secretary to the Right Hon Native Minister, 7 September 1936, 'Petition No 22/1935 of Wiremu Pukapuka and others – Te Reureu Nos 1, 2 and 3 Blocks', Archives New Zealand, Wellington, MA1 Box 109, 5/13/15, Part 2, 1933, (R19525075)
[1740] Translation of Petition No 105/1937, Taite Te Tomo and six others' and 'Translation of Petition No 107/1937, Taite Te Tomo and five others' both in Archives New Zealand, Wellington, MA1 Box 109, 5/13/15, Part 2, 1933, (R19525075)
[1741] James O'Brien, Chairman Native Affairs Committee, 'Report on the Petition of: Petitions No 105 and 107 of 1937. Taite Te Tomo of Halcombe. Praying for relief in re Te Reu Reu No 1 Block', 15 September 1938, Archives New Zealand, Wellington, MA1 Box 109, 5/13/15, Part 2, 1933, (R19525075)
[1742] Native Department, Record No 5.13.15, Archives New Zealand, Wellington, MA1 Box 109, 5/13/15, Part 2, 1933, (R19525075)
[1743] Ballara, 'Te Tomo, Te Taite', https://teara.govt.nz/en/biographies/4t9/te-tomo-te-taite, (accessed 24 October 2017)
[1744] Handwritten Note, 6 June 1939, Native Department, Record No 5.13.15

Conclusion: The Consequences of More than Half a Century of Uncertainty

Te Taite Te Tomo's death and the subsequent filing of his petition marked the end of almost seven decades of contestation over the ownership of the Te Reureu Reserve. Over the course of the long-running dispute, the ownership of Te Reureu had been the subject of a Royal Commission (in 1884); investigations by the Native Land Court and Native Appellate Court (in 1895 and 1896); and further inquiries by the Native Land and Native Appellate Courts in 1912, 1924, 1928 and 1934. In addition to attending and giving evidence at these investigations and inquiries, individuals and groups of owners sent a stream of petitions to Parliament seeking the revision and rehearing of the ownership lists and relative interests for either Te Reureu 1, 2 or 3, or the Reserve as a whole.

Rooted in the individualization of ownership under colonial Native land law, and the decision by Native Reserve Commissioner Alexander Mackay (in 1884) and the Native Land and Native Appellate Courts (in 1895 and 1896) to divide the Reserve between upper and lower hapū in proportion to the number of individual owners in each group, the ongoing contention and uncertainty surrounding the ownership of Te Reureu had severe and lasting consequences. These consequences were felt most keenly within what became known as Te Reureu 1, where title to the land remained unresolved until the partitioning of the land in December 1912.

Unsure of the size and location of their individual shares, individual owners found themselves in a state of limbo, unable to improve or invest in land for which they did not have a secure title. As a result of this uncertainty, the wellbeing of both the people and the land deteriorated. In 1870 and 1871 McLean and Kemp had described the people of Te Reureu as 'numerous and industrious', with 'considerable and increasing' quantities of 'sheep, cattle and working teams of oxen.'[1745] A quarter of a century later (in September 1896) a correspondent in the Feilding Star, reporting on the tangi for Hue Te Huri, noted the 'utterly neglected state' of Ngāti Pikiahu's 'whares and fields.'[1746]

The deterioration of Te Reureu 1 also came to the attention of the Department of Agriculture because of the 'considerable amount of Blackberry and Sweet Briar' which was growing over the block. Finding 'it impossible to get any satisfactory work done' on the removal of these weeds, the Inspector-in-Charge of the North Island's west coast districts proposed, in April

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[1745] 'Rangitikei Manawatu Block. 21st November 1870', MA13/72A, p 202; H T Kemp to the Honorable Donald McLean, 3 March 1871, MA 13/72A, p 271

[1746] 'Tangi At Ohinipuhi', *Feilding Star*, 15 September 1896, p 2 c 7, https://paperspast.natlib.govt.nz/newspapers/feilding-star/1896/9/15/2 (accessed 30 October 2017)

1908, prosecuting the owners under the Noxious Weeds Act.[1747] Writing in the owners' defense Toro Te Iwikau explained that, with their shares in the land still undefined, individual owners were reluctant to 'make a big effort' to clear land for cultivation for fear that 'others will come in and simply take over the place they cleared.'[1748] In order to rid Te Reureu 1 of the 'noxious weeds' that were 'overrunning it', Te Iwikau argued that it would first be necessary to partition the land, 'so each person knows which section is his or hers.' As things stood, there was nothing but trouble, 'with constant arguments among the people.' If someone made 'a start in tidying up part of the land', Te Iwikau lamented, 'they get told off by others.' As a result, people had 'become disillusioned' and stopped working'.[1749]

In addition to the deterioration caused by the unchecked proliferation of noxious weeds, the owners of Te Reureu also faced the continued erosion of their land by the Rangitīkei River. In the quarter century between 1870 and 1895, the Te Reureu Reserve lost 414 of its original 4510 acres to river encroachment.[1750] Between then and October 1907, Te Reureu 1 alone lost a further 167 acres to erosion caused by the Rangitīkei River and Waituna Stream. A similar area had been reduced to 'sand and shingle' that was submerged when the Rangitīkei was in flood.[1751]

As well as suffering from the loss and deterioration of their land while individual rights remained undefined, the owners of Te Reureu also paid a heavy price for having the ownership of their land defined by the Native Land Court. In addition to Court fees, the Te Reureu owners had to pay for legal representation, as well as the costs of attending hearings in either Whanganui or Marton. For the Native Land Court's 1912 Inquiry into Te Reureu 1 the petitioners paid at least £20 in Court costs while the groups opposing them paid more than £22.[1752] The costs of legal representation were considerably higher. At the conclusion of the 1912 hearing the petitioners and three of the four opposing groups were each obliged to set aside 20 acres for sale (Sections 28, 29, 30, and 35) to cover their legal expenses. In addition

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[1747] J W Deem (Inspector-in-charge of the West Coast (North Island) Districts) to the Chief Inspector of Stock, Department of Agriculture, Wellington, 28 April 1908, Archives New Zealand, Wellington, MA1 945, 1908/215, 'Noxious weeds on Te Reureu No 1 Block', 11 May 1908, (R22409267)

[1748] Toro Iwikau to Te Piha [T W Fisher, Under Secretary, Native Department], 18 Mei 1908, Archives New Zealand, Wellington, MA1 945, 1908/215, 'Noxious weeds on Te Reureu No 1 Block', 11 May 1908, (R22409267) (Translation by Piripi Walker, 21 September 2017)

[1749] Toro Iwikau to Te Piha [T W Fisher, Under Secretary, Native Department], 17 Hurae 1908, Archives New Zealand, Wellington, MA1 945, 1908/215, 'Noxious weeds on Te Reureu No 1 Block', 11 May 1908, (R22409267) (Translation by Piripi Walker, 21 September 2017)

[1750] Wanganui Minute Book 27, p 264

[1751] 'Plan of Reureu No 1', 22 October 1907, W.D. 2277, Archives New Zealand, Wellington, AFIH 22381, W5692, 85, RP 576, (R22549289)

[1752] Wanganui Minute Book 52, p 374; Wanganui Minute Book 63, pp 8, 9, 13, 25, 49, 69, 74, 7785, 92, 98

to these 80 acres, a further 25 acres (Section 31) were cut off to cover survey expenses for the subdivision of Te Reureu 1.[1753]

The Subdivision of the Reureu Reserve

Once the individual owners had been designated and the size of their shares, or relative interests, defined Te Reureu 1, 2 and 3 were subdivided. As we have seen, the subdivision of land that had been previously communally owned by tribal or hapū groups was the inevitable outcome of a Native land tenure system – imposed by the colonial government – which vested ownership of Māori land in individual holders of discrete, but geographically undefined, shares. Especially in large areas with many owners, subdivision was necessary so that each individual (or group of individuals) would know exactly where their land was located. Often contentious, the partitioning of Māori land could also be expensive. Every new subdivision had to be surveyed, with each new section requiring its own distinct order from the Native Land Court (at a cost of 20 shillings or one pound each).

The Partitioning of Reureu 2 and 3

Ngāti Maniapoto and Ngāti Rangatahi's portions of Te Reureu Reserve were partitioned by the Native Land Court in November 1905. The subdivision of Te Reureu 3 (at the upper end of the original reserve) was complicated by the loss, since 1896, of an estimated 67 acres due to erosion by the Rangitīkei River. The erosion caused by the Rangitīkei (which, as we have seen, affected Te Reureu 1 as well) also washed away the main road, requiring the construction of a new route further inland. When the nine acres taken for the new road were added to the land lost to the River, the owners of Te Reureu 3 were left with significantly less than the 517 acres awarded to them by the Native Appellate Court in 1896.[1754]

After considerable negotiation outside of Court, the owners of Te Reureu 3 eventually agreed to divide the block into three sections. Each section was to include land from both the flat land that was being eaten away by the River and the plateau overlooking it. Section 3A, with 15 owners, was made up of 59 acres above the River and 22 acres on the flat land next to it. Section 3B, the largest of the three, contained 148 acres on the plateau, and 32 acres underneath.

[1753] Wanganui Minute Book 63, pp 13-14, 74-75
[1754] Wanganui Minute Book 54, p 17

Section 3C, which like 3B had 40 owners, consisted of 123 acres above the River and 45 on the rapidly eroding flat land.[1755]

Table 7.14 Te Reureu 3 Subdivisions, 25 November 1905

Section	Owners	Area in Minute Book (acres)	Area Surveyed (acres)
A	Mihi Pene Turi & 14 others	59 (plus 22 acres of flat land by river)	59
B	Tarati Te Kawa & 39 others	148 (plus 32 acres of flat land by river	195
C	Hawhana Henare & 39 others	123 (plus 45 acres of flat land by river)	165
Native Land encroached upon by Rangitīkei River			46

The areas agreed to outside of Court and recorded in the Wanganui Court's minute book differed somewhat from the sections that were finally surveyed. The surveyed areas of Sections 3A, 3B and 3C were 59, 195 and 165 acres respectively. A further 46 acres, which included the 'main channel' of the Rangitīkei River was marked as 'Native Land.'[1756]

Te Reureu 2, at the lower end of the original reserve, was divided by its owners into 15 sections. The largest, Section 2B, had 346 acres (360 acres after survey) and 32 individual owners. The second largest section, 2F, included 153 acres (reduced to 148 acres after survey) and was owned by 14 individual shareholders. Section 2C, the third biggest at 105½ acres, had 13 owners. The 12 other sections of Te Reureu 2 ranged in size from 90 to slightly less than 2 acres.[1757]

Table 7.15 Te Reureu 2 Subdivisions, 29 November 1905

Section	Owners	Area in Minute Book (acres)	Area Surveyed (acres)
A	Riria Te Rua Kiri Kiri & five others	90	90
B	Wi Hine Te Oro & 31 others	346	360
C	Ngahina Ruawai & 12 others	105.5	105.5
D	Hector Harmon & 12 others	19	19
E	Ruawai Te Kiri Kiri & three others	43	43
F	Mihi Poni Turi & 13 others	153	148.1

[1755] Ibid
[1756] 'Plan of Block 3 Reureu N.R.', 30 January 1908, WD 2118, (ML 2118)
[1757] Wanganui Minute Book 54, p 23; 'Plan of Reu Reu No 2', 30 January 1908, WD 2117, (ML 2117)

Section	Owners	Area in Minute Book (acres)	Area Surveyed (acres)
G	Ngahuia Ruwai & 12 others	55	55
H	Mere Pitama	20	18
J	Hamapiri Tarikama & 8 others	82.5	82.5
K	Kahurautete Matawha and Mika Hakaraia	21	20.3
L	Te Rangi Raiwiria	2	
M	All the owners of Te Reureu 2	10.75	6
N	Hamapiri Tarikama	18.5	19.2
O	Hamapiri Tarikama	6	6
P	Hamapiri Tarikama	9.5	9.5

The Partitioning of Te Reureu 1

As we have seen, Te Reureu 1 was partitioned in December 1912, following the Native Land Court's recalculation of the relative interests of each of the block's 201 owners. Since its creation in 1896 the block had lost 167 acres to erosion by the Rangitīkei River and Waitapu Stream, while a further 63 acres had been taken for roads. As a result, the owners of Te Reureu 1 had 2316 acres to divide amongst themselves, rather than the 2546 acres originally awarded by the Native Appellate Court.[1758]

Te Reureu 1 was divided by the Court into 36 sections, 37 if one includes the quarter acre Section 13A. The sections varied both in size and number of owners. The largest single area was Section 17 with a surveyed area of 318¼ acres. Covering the width of the Reserve from the Waituna Stream in the north to Te Tikanga Marae in the south, Section 17 had just seven owners including Hinetemarama, Kereti Teimana, Te Whiwhi Maraenui Tapine and Tira Nicholson.[1759] The second largest area, Section 23 (surveyed at 189 acres) was owned by 20 of those who had supported the petitioners' claim to the Native Land Court, including Te Rangihoapu Hue Te Huri (who appeared in the Wanganui Court's minute book as Rangihoapu Henare). Section 23 was situated to the north of the Waituna Stream.[1760]

Some groups of owners chose to take their land in several sections. Headed by members of the Paranihi whanau, 26 Ngāti Waewae owners took the 420 acres they were entitled to in seven sections of 154, 113, 52, 51, 25, 23 and ¼ of an acre respectively.[1761] Five of these

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[1758] 'Plan of Reureu No 1' WD 2277
[1759] Wanganui Minute Book 64, p 22; 'Plan of Part of Reu Reu No Subdivisions Nos 1 to 17', 13 November 1913, WD 2584, (ML 2584)
[1760] Wanganui Minute Book 64, pp 67-68; 'Plan of Part of Reu Reu 1 Subdivisions Nos 18 to 36', 13 November 1913, WD2585, (ML 2585)
[1761] Wanganui Minute Book 64, pp 16-18

sections (3, 4, 6, 12 and 13a) were located at or around Onepuehu (on either side of the Makino Road), while the other two (27 and 33) were situated at the northern end of the Block.[1762] Te Rehina Maru Tuara, Irena Poia Tuara, Te Rou Karatea, Moeroa Karatea, and Hingawatea Mata took their 200 acres in four sections, including 134 acres at Otapatu (Section 2); 20 acres at Onepuehu; and 36 acres north of the Waituna Stream (Sections 27 and 33).[1763]

The number of owners of each of the sections of Te Reureu 1 ranged from 42 (in Section 32) to just one (Section 16). Fourteen sections had 20 owners or more, while seven were owned by five or less individuals. Because the Native Land Court had awarded many of the owners of Te Reureu 1 interests of only a fraction of a share, some of the sections with large numbers of owners were relatively small in area. With a surveyed area of slightly less than 79 acres, Section 36 was owned by 30 individuals with interests in Te Reureu 1 that ranged from one-third of a share (one owner) to one twenty-second (6 owners). Twenty-eight of the 30 owners of Section 36 had interests in Te Reureu 1 of one-sixth of a share or less.[1764] Even more miniscule were the interests held by most of the owners of Section 32. Thirty-three of the 42 owners of the 164-acre section held interests of one twentieth of a share or less in Te Reureu 1. Five owners held one 125th of a share between them, while another eight shared 0.026 of a single share (or two 77ths of a share in fractions).[1765]

[1762] 'Plan of Part of Reu Reu No Subdivisions Nos 1 to 17', (ML 2584); 'Plan of Part of Reu Reu 1 Subdivisions Nos 18 to 36', (ML 2585)
[1763] Wanganui Minute Book 64, p 15
[1764] Ibid., pp 73-74
[1765] Ibid., pp 71-72

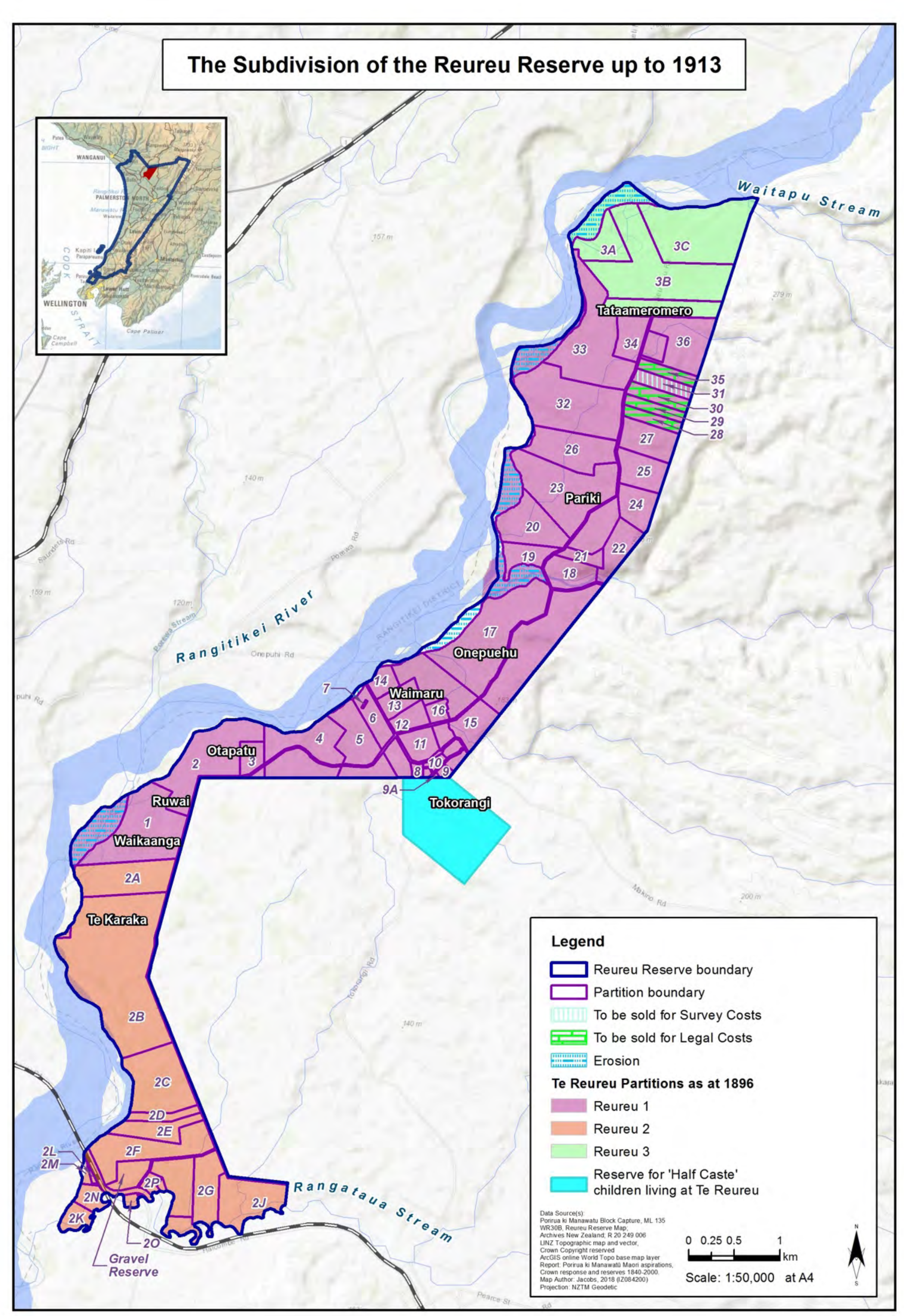
The Subdivision of the Reureu Reserve up to 1913
Waitapu Stream
Rangitikei River
Rangataua Stream
Tataameromero
Pariki
Onepuehu
Waimaru
Otapatu
Ruwai
Waikaanga
Tokorangi
Te Karaka
Gravel Reserve
Legend
Reureu Reserve boundary
Partition boundary
To be sold for Survey Costs
To be sold for Legal Costs
Erosion
Te Reureu Partitions as at 1896
Reureu 1
Reureu 2
Reureu 3
Reserve for 'Half Caste' children living at Te Reureu
Scale: 1:50,000 at A4

Table 7.16 Te Reureu 1 Subdivisions, 7 December 1912

Section	Owners	Area in Minute Book (acres)	Area Surveyed (acres)
1	Mere Ngaparaki (Mere Poaneke), Hirata Motu, Patu Ngaparahi (Paata Rangitaaka), Poutū Ngāparaki (Wi Rihia), Keriata Te Momo, Karihi Wi, Te Tau Ngāpaki, Wi Te Ataiwaho, Poaneke Te Momo	143.33	142.5
2	Te Rehina Maru Tuarā, Te Rou Karatea, Moeroa Karatea, Irena Poia Tuarā, Hingaawatea Mata	134	133.5
3	Tawhi Paranihi, Keeni Paranihi, Ngunu Paranihi, Te Matau Paranihi, Hirata Ngāpaki, Maora Kiore (Ruruhira), Marata, Paki Keeni, Putiputi Tāwhi, Rawhata Keeni, Noti Keeni, Te Ane Keeni, Kiore Parata, Hura Marata, Rihi Kumeroa, Pirihira Te Haukōtuku, Kuini Tau, Pura Ruruhira, Torehaere (Ture Ruruhira), Maraea Arapera (Wright), Arapera, Hōhepa Wharetokorua, Torimānuka Wirihana, Hārete Wirihana, Hape Kaimaha, Ani Kaimaha	25	25
4	Tawhi Paranihi, Keeni Paranihi, Ngunu Paranihi, Te Matau Paranihi, Hirata Ngapaki, Maora Kiore (Ruruhira), Marata, Paki Keeni, Putiputi Tawhi, Rawhata Keeni, Noti Keeni, Te Ane Keeni, Kiore Parata, Hura Marata, Rihi Kumeroa, Pirihira Te Haukōtuku, Kuini Tau, Pura Ruruhira, Torehaere (Ture Ruruhira), Maraea Arapera (Wright), Arapera, Hōhepa Wharetokorua, Torimānuka Wirihana, Harete Wirihana, Hape Kaimaha, Ani Kaimaha		113
5	Pipi Haruru, Rihi Iwikau, Toro Iwikau, Hape Iwikau, Te Tahi Iwikau, Maraenui Iwikau, Hinetu Iwikau, Te Heuheu Iwikau, Whakahi Mata, Arareina Huri, Te Heuheu Tūkino, Te Teira Pātene, Ngāoma Mariana, Tīkaokao Pātene, Rāpana Pātene, Hinepoto Pareaurungi, Mariana Tuarā, Pura Hinepoto, Ngāhuia Hinepoto, Mata Te Riwhi, Tutunui Rora, Whakatihi Rora, Mutu Poaka		80.4
6	Tawhi Paranihi, Keeni Paranihi, Ngunu Paranihi, Te Matau Paranihi, Hirata Ngapaki, Maora Kiore (Ruruhira), Marata, Paki Keeni, Putiputi Tawhi, Rawhata Keeni, Noti Keeni, Te Ane Keeni, Kiore Parata, Hura Marata, Rihi Kumeroa, Pirihira Te Haukōtuku, Kuini Tau, Pura Ruruhira, Torehaere (Ture Ruruhira), Maraea Arapera (Wright), Arapera, Hōhepa Wharetokorua, Torimānuka Wirihana, Harete Wirihana, Hape Kaimaha, Ani Kaimaha		51.4
7	Urupā	0.5	0.7
8	Urupā		5

Section	Owners	Area in Minute Book (acres)	Area Surveyed (acres)
9	Urupā		4.25
10	Pipi Haruru, Rihi Iwikau, Toro Iwikau, Hape Iwikau, Te Tahi Iwikau, Maraenui Iwikau, Hinetu Iwikau, Te Heuheu Iwikau, Whakahi Mata, Arareina Huri, Te Heuheu Tukino, Te Teira Patene, Ngaoma Mariana, Tīkaokao Pātene, Rapana Pātene, Hinepoto Pareaururangi, Mariana Tuarā, Pura Hinepoto, Ngāhuia Hinepoto, Māta Te Riwhi, Tutunui Rora, Whakatihi Rora, Mutu Poaka		8.5
11	Hinepoto Ahihau, Kumeroa Hinepoto, Witi Keeni (Paranihi)		29.6
12	Tawhi Paranihi, Keeni Paranihi, Ngunu Paranihi, Te Matau Paranihi, Hirata Ngāpaki, Maora Kiore (Ruruhira), Marata, Paki Keeni, Putiputi Tawhi, Rāwhata Keeni, Noti Keeni, Te Ane Keeni, Kiore Parata, Hura Marata, Rihi Kumeroa, Pirihira Te Haukotuku, Kuini Tau, Pura Ruruhira, Torehaere (Ture Ruruhira), Maraea Arapera (Wright), Arapera, Hōhepa Wharetokorua, Torimānuka Wirihana, Hārete Wirihana, Hape Kaimaha, Ani Kaimaha		23.1
13	Pipi Haruru, Rihi Iwikau, Toro Iwikau, Hape Iwikau, Te Tahi Iwikau, Maraenui Iwikau, Hinetū Iwikau, Te Heuheu Iwikau, Whakahī Mata, Arareina Huri, Te Heuheu Tūkino, Te Teira Pātene, Ngāoma Mariana, Tīkaokao Pātene, Rāpana Pātene, Hinepoto Pareaururangi, Mariana Tuarā, Pura Hinepoto, Ngāhuia Hinepoto, Māta Te Riwhi, Tutunui Rora, Whakatihi Rora, Mutu Poaka		27
13a	Tawhi Paranihi, Keeni Paranihi, Ngunu Paranihi, Te Matau Paranihi, Hirata Ngāpaki, Maora Kiore (Ruruhira), Marata, Paki Keeni, Putiputi Tawhi, Rāwhata Keeni, Noti Keeni, Te Ane Keeni, Kiore Parata, Hura Marata, Rihi Kumeroa, Pirihira Te Haukōtuku, Kuini Tau, Pura Ruruhira, Torehaere (Ture Ruruhira), Maraea Arapera (Wright), Arapera, Hōhepa Wharetokorua, Torimānuka Wirihana, Hārete Wirihana, Hape Kaimaha, Ani Kaimaha		0.25
14	Te Rehina Maru Tuara, Te Rou Karatea, Moeroa Karatea, Irena Poia Tuarā, Hingaawatea Mata	25	20

Section	Owners	Area in Minute Book (acres)	Area Surveyed (acres)
15	Kingi Te Hikopō, Wheriko Te Hikopō, Kumeroa Wharo, Te Rangihīroa Te Moana, Rāwiri Ketu, Mohi Marangataua, Te Rehua Hinetapu, Te Marangataua Kahuri, Ngāhihi Kahuri, Taiaroa Te Onewa, Paremamao Te Ōrewa, Tiro Poriwira, Mōrehu Poto, Kahu Poto, Tiahi Poto	126.5	127
16	Tūteākau	24	24
17	Hinetemarama, Kereti Teimana, Te Whiwhi Maraenui Tāpine, Tira Nicholson, Poroa Hoani, Poni Peita, Te Mātene Te Haena	319.4	318.25
18	Kerenapu Tamaiti, Tokomauri Te Tomo, Waretini Te Tomo, Tikuia Parehi, Urupungoa Keremete, Te Heke Pohe, Wikitoria Ahenata, Hemara Te Whetu, Heremaia Maika, Urapane Maika, Rāhira Maika, Tamaiti Te Tomo, Raha Te Urutuku, Horopapera Te Tuku	40.1	40.1
19	Te Rehina Maru Tuarā, Te Rou Karatea, Moeroa Karatea, Irena Poia Tuarā, Hingaawatea Mata	27	31
20	Pipi Haruru, Rihi Iwikau, Toro Iwikau, Hape Iwikau, Te Tahi Iwikau, Maraenui Iwikau, Hinetū Iwikau, Te Heuheu Iwikau, Whakahī Mata, Arareina Huri, Te Heuheu Tūkino, Te Teira Pātene, Ngaoma Mariana, Tīkaokao Pātene, Rāpana Pātene, Hinepoto Pareaururangi, Mariana Tuarā, Pura Hinepoto, Ngāhuia Hinepoto, Mata Te Riwhi, Tutunui Rora, Whakatihi Rora, Mutu Poaka		72.25
21	Te Rehina Maru Tuarā, Te Rou Karatea, Moeroa Karatea, Irena Poia Tuarā, Hingaawatea Mata	15	15
22	Kapene Wārihi, Rauna Kāpene, Kahukiwi Kāpene, Era Kāpene, Makareni Te Ao, Hori Rahurahu, Hakiaha Ropuaina, Te Wairingiringi Mahirini, Te Mamae (Hera) Mahirini, Ria Mahirini	42	42
23	Rangihoapu Henare, Niho Henare, Paraihe Te Mira, Mere Ruku, Areta Ruku, Tokoahu Rangihoapū, Paea Hēmara (Tua), Peti Hēmara (Tua), Waiwerea Tua, Tai Tua, Rawinia Tua, Moni Tua, Timi Tua, Meri Tua, Te Waiwera Paraihe Mira, Taimata Te Oro, Matiti Rangihoapū, Ngāhuia Hue, Taonui Hue, Te Manea Hue	187.3	188.9

Section	Owners	Area in Minute Book (acres)	Area Surveyed (acres)
24	Te Oti Pohe, Ropoama Pohe, Taiuru Retimana, Ngāmaki Te Rango, Tauhara Retimana, Pango Raumaewa, Toia Ngārangi, Hoki Wairua (Hiraka), Rewa Pine, Te Aomārama Pine, Tawake Pine, Hera Te Hinarei Pine, Puao Rangipa Pine, Amokura Pine, Ngauriu Pine, Wiri Hiraka Pine, Mokohore Pine, Te Mamae Pine	40.7	40.7
25	Hinepoto Ahihau, Kumeroa Hinepoto, Witi Keeni (Paranihi)		47.4
26	Te Waapu Toni, Te Herata Toni, Te Tupe Toni, Te Raite Toni, Monika Paehua, Te Riria Ruku, Peeke Ruku, Hipirini Toka, Roha Toni, Ani Rimunui, Ropini Tuku, Huarahi Pahira, Te Here Mahirini, Te Hari Mahirini, Wiki Mahirini, Ngauru Mahirini, Katarina Te Waka, Te Kaho Te Waka	85.2	84.5
27	Tawhi Paranihi, Keeni Paranihi, Ngunu Paranihi, Te Matau Paranihi, Hirata Ngāpaki, Maora Kiore (Ruruhira), Marata, Paki Keeni, Putiputi Tawhi, Rāwhata Keeni, Noti Keeni, Te Ane Keeni, Kiore Parata, Hura Marata, Rihi Kumeroa, Pirihira Te Haukotuku, Kuini Tau, Pura Ruruhira, Torehaere (Ture Ruruhira), Maraea Arapera (Wright), Arapera, Hōhepa Wharetokorua, Torimānuka Wirihana, Hārete Wirihana, Hape Kaimaha, Ani Kaimaha		51.9
28	To be sold for legal costs	20	20
29	To be sold for legal costs	20	20
30	To be sold for legal costs	20	26
31	To be sold for survey costs	25	25

Section	Owners	Area in Minute Book (acres)	Area Surveyed (acres)
32	Te Whiwhi Tāpine, Tūteākau Māwae, Te Kohorā Waeromene (Parapaate), Rāwiri Waeromene (Parapaate), Whenua Waeromene (Parapaate), Ani Kiritako, Te Ao Mohoaonui, Te Haehae Mohoaonui, Ngohengohe Mohoaonui, Puku Mohoaonui, Uruhuria Mohoaonui, Whakairo Mohoaonui, Wī Kohika Mohoaonui, Topia Mohoaonui, Hēmi Rimunui, Puanga Ririerure, Hēmi Pātene, Kerekeha Hinairangi, Te Rau Hinairangi, Honoria (Hori) Wereta, Pikirangi Wereta, Rangitowhare Wereta, Tuira Ahurangi Wereta, Tumeke Wereta, Hinietau Māpihi, Ngaaiwaiate Māpihi, Pukutohe Māpihi, Te Kōteko Māpihi, Warikau Māpihi, Te Kuru Wharepapa, Manawa Wharepapa, Pōtaka Wharepapa, Tuaiwa Wharepapa, Turi Wharepapa, Kōhata Rāwiri, Pukapuka Rāwiri, Ngahiiti, Ngāone Maraenui, Ngāuru Pikirangi, Paetāwhiri	165.4	164
33	Tawhi Paranihi, Keeni Paranihi, Ngunu Paranihi, Te Matau Paranihi, Hirata Ngapaki, Maora Kiore (Ruruhira), Marata, Paki Keeni, Putiputi Tawhi, Rāwhata Keeni, Noti Keeni, Te Ane Keeni, Kiore Parata, Hura Marata, Rihi Kumeroa, Pirihira Te Haukotuku, Kuini Tau, Pura Ruruhira, Torehaere (Ture Ruruhira), Maraea Arapera (Wright), Arapera, Hōhepa Wharetokorua, Torimānuka Wirihana, Harete Wirihana, Hape Kaimaha, Ani Kaimaha		154.25
34	Henare (Kia) Hartley, Ruha Hartley, John Hartley, Polly Hartley (Ngahere Paretaiaroa), Dolly Hartley, Maraea Hartley, Mary Hartley, George Hartley, Tom Hartley, Topsy Hartley, Pere Hiriweteri, Pane Ruha, Opetoka Hiriweteri	53.1	52.5
35	To be sold for legal costs	20	20
36	Atanatiu Te Uira, Te Awe Raureti, Arapere Ropoama, Huhi Takerei, Hone Te Wharetuku, Hinewairangi Waretini, Hahura Te Papa, Hekenui Rauhihi, Te Hari Tupe, Harry Downs, Hapa Tuku, Te Iwiata Arapere, Te Kanga Tupe, Kararaina Hamiora, Karena Te Taha, Kiriwhiti Patatō, Te Karu Tupe, Kehu Ngaharaihi Downs, Paneta Te Motuiti, Pāhimata Wirihana, Raureti Ngāwhena, Rawenata Atanatiu, Rauhihi Tūpōtahi, Tiriwa Raureti, Tupe Te Aroha, Taukaka, Tuha Tauna, Tauahengia Ropoama, Whakairi Atanatiu, Te Wirihana Te Hautū	78.67	78.6
		Total	**2308**

The Fragmentation of the Te Reureu Reserve

The initial subdivisions of Te Reureu 1, 2 and 3 into 54 sections was followed by further partitions as individuals and families of owners sought to have their interests geographically defined and set apart from other shareholders. In the decade and a half between 1909 and 1924, five sections of Te Reureu 2 – including four of the five largest – were partitioned. Section 2B, the largest of the original 15 sections, was divided three times during this period. The 360-acre section was partitioned into three in February 1914. Two of the three new sections (2B1 and 2B3) were divided again in March 1917, and 2B1 was further partitioned in May 1924.[1766]

Of the 36 sections of Te Reureu 1 created in December 1912, 12 were partitioned between November 1913 and December 1923. The first to be divided was Section 17 (318 acres), which was partitioned into four in November 1913. Section 26 (84½ acres) was split into two the following year. In 1917 four sections of Te Reureu 1 were divided: Section 2 (134 acres) into two; Section 23 (189 acres) into four; Section 34 (52½ acres) into three; and Section 33 (154 acres) into two. Section 1 (142½ acres) was split into two in September 1918, while Section 15 (127 acres) was divided into three in the same month of the following year. Sections 20 and 21 (72 and 15 acres) were each partitioned into two in April 1921, while Sections 5 and 11 (80 and 30 acres) were both divided into three in August 1922 and October 1923.[1767]

Successive subdivisions led to the fragmentation of the Te Reureu Reserve into an ever-increasing number of sections and subsections, each with their own sets and subsets of individual owners. By 7 January 1925, when the Government proclaimed a 12-month prohibition on the private purchase of any land within Te Reureu 1, 2 or 3, the original Te Reureu Reserve had been divided into 97 distinct sections of land. Seventy-one of these sections were within Te Reureu 1, where the fragmentation of what had once been community-owned land was most evident. Section 23, for example, had been divided into no less than 10 portions, ranging from one and a half to 66 acres, while Section 17 had been split into six.[1768]

The division of the Reureu Reserve into an increasing number of ever smaller fragments continued at a reduced pace through the rest of the 1920s and into the 1930s. Sections 2C and 2G (105½ and 55 acres) of Te Reureu 2 were divided into two and four portions respectively in December 1925.[1769] Within Te Reureu 1, Section 12 (23 acres) was partitioned into three in

[1766] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 June 2017, pp 265-266
[1767] Ibid., pp 261-262
[1768] Order in Council, 'Prohibiting all Alienation of certain Native Land other than Alienation in favor of the Crown', 7 January 1925, *New Zealand Gazette*, No 1, 8 January, 1925, p 8; Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)
[1769] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 June 2017, pp 265-266

October 1936, while Section 4 (113 acres) was divided into five subsections of 45, 34, 39½, 22½, and 16 acres respectively.[1770] Other sections were subject to successive subdivisions. Subsections of Section 23 of Te Reureu were subdivided in August 1926, May 1930, and August 1935 (when three subsections were each divided into two). In Te Reureu 2, subsections of Section 2B were subjected to further division in November 1925, July 1936, and February 1938.[1771]

Further partitioning in the quarter century after 1940 led to the creation of more than 50 new subsections within Te Reureu 1, 2 and 3. Unsurprisingly, given that many sections were being divided for a second or third time, most of the new subsections were relatively small. More than half of the subsections created between 1940 and 1965 were less than 10 acres in area, while more than three-quarters were under 50 acres.[1772] Only two of the new subsections were over 100 acres: Te Reureu 3B 2B (154 acres) and Te Reureu 1 33B 2 (148 acres).[1773] The progressive division of Te Reureu into smaller, often economically unviable units, made it increasingly difficult for owners to make a living off their land. Even in larger subsections, the growing number of individual owners in each piece – Te Reureu 3B 2B had 156 owners in 1964, while Te Reureu 1 33B 2 had 62 in 1955 – rendered it impossible for everyone to remain living on the land. In such cases, owners often opted to lease out their land, rather than attempting to farm it themselves.[1774]

The Costs of Subdivision

Inescapable under the land tenure system imposed upon Māori by Native land law, the subdivision of the Te Reureu reserve placed a serious financial burden upon the land's owners. All partitions of Māori land had to be surveyed by an authorized surveyor, with the costs met by the owners of the land. The costs of survey could be substantial. This was particularly the case when – as with the subdivision of Te Reureu 1 – multiple sections had to be laid out over rugged terrain. If the owners did not pay their survey charges on demand, the Native Land Court was empowered to place a lien, or mortgage, on the land in question. Under the Native Land Acts of 1909 and 1931, survey liens were subject to interest of five percent per annum.[1775]

[1770] Ibid., p 263
[1771] Ibid., pp 262-263, 266
[1772] Ibid., pp 263-264, 266, 267
[1773] Ibid., pp 267, 263
[1774] Ibid., pp 269-271
[1775] Native Land Act 1909, s 402; Native Land Act 1931, s 500

Passed by the Court at the end of November 1905, the survey of the subdivisions of Te Reureu 2 and 3 was undertaken by Robert Richardson Richmond between October 1907 and January 1908. Richmond charged £128 1s 4d for the survey of the 15 sections of Te Reureu 2 and £76 for surveying the three sections of Te Reureu 3. This left Ngāti Maniapoto and Ngāti Rangatahi with an overall bill of £204 1s 4d for the subdivision of their share of Te Reureu Reserve.[1776]

Involving the often-contested marking out of 36 subdivisional boundaries, extending for a combined length of 3820 chains (76,846 metres) over land that alternated between 'easy and flat' and 'hilly', John Annabell's survey of the subdivision of Te Reureu in 1913 cost the land's owners £521 5s 6d. Forwarding his account to the Chief Surveyor on 14 November 1913, Annabell complained that the survey of the 'subdivisional boundaries' had been 'very troublesome' as 'in almost every boundary' the survey team had been 'hindered in some way by the Natives owing to lines not running as intended by the Court.'[1777] The difficulties confronted by Annabell and his team testified to the virtual impossibility of converting fluid and overlapping, communal customary land rights into the fixed and absolute individualized holdings, designated by lines on a map, that were required by the Native Land Court under Native land law.[1778]

Ngāti Pikiahu and Ngāti Waewae had set aside 25 acres of Te Reureu 1 to be sold to cover the costs of survey. The sale of the 25 acres (Section 31) raised only £439 5s 7d, leaving £82 of the survey charge unpaid.[1779] In order to recover the outstanding sum the Native Land Court, on 5 September 1914, placed survey liens on each of the 36 sections of Te Reureu 1.[1780] Ranging from 10s 11d for Section 10 (eight acres) to £11 4s 9d for Section 23 (189 acres), the liens were charged five percent interest from 5 June 1914. While the liens on some of the sections were paid almost immediately, others were to remain unpaid (and accruing interest) for years.

The initial subdivisions of Te Reureu 1, 2 and 3 were followed by the further partitioning of particular sections and subsections. Each of these divisions required a survey and, as a result,

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[1776] R R Richmond to the Chief Surveyor, July 1910, Archives New Zealand, Wellington, LS-W1 43, 1829 4, Reu Reu Block, 1909-1912 (R23 976 777)
[1777] John Annabell, Licensed Surveyor to the Chief Surveyor, 14 November 1913, Archives New Zealand, Wellington, LS-W1 43, 1829 5, Reu Reu Block, 1912-1917 (R23 976 778)
[1778] Waitangi Tribunal, *He Maunga Rongo: Report on Central North Island Claims. Stage One, Volume 2*, (Wellington, Legislation Direct), 2008, p 485
[1779] J D Jack, President District Maori Land Board to the Chief Surveyor, 25 August 1914, Archives New Zealand, Wellington, LS-W1 43, 1829 5, Reu Reu Block, 1912-1917 (R23 976 778)
[1780] 'Charging orders applied for under Section 31 of the Native Land Amendment and Native Land Claims Adjustment Act 1928', Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, 3, (R 20 436 591)

accrued survey charges. The survey of Te Reureu 1 Section 17 (318 acres) into four in 1914, for example, cost the eight owners £61 8s 8d.[1781] The owners of Section 2A and 2B were charged, in October 1919, £20 for the survey of their new subsections.[1782] In August 1922 the owners of Te Reureu 1 Section 15A, B, and C were charged £22.3.1 for the survey of their subdivision, while in September 1923 the former owners of Te Reureu 1 Section 17B were charged a total of just under £37 for the survey of the subsections B1, B2, and B3.[1783]

Between June 1915 and November 1927, the owners of Te Reureu 1 paid a total of £391 17s 6d in survey charges for the further partitioning of their land.[1784] The charges paid for individual sections ranged from £48 12 7d for the survey of Sections 2B 1 and 2 (paid in November 1927) to £2 13s 11d for section 6C (paid in July 1923).[1785] Eight of the survey charges paid during this period were for sums of more than £20. The owners of Sections 17B 1 and 17B 2, for example, paid £30 12s 9d and £31 10s 9d respectively for the survey of their 62 and 67-acre sub sections.[1786] To put things in perspective, in March 1926 – two months after the owners of Section 17B 2 paid off their survey charge – Ford Motors Manawatū in Palmerston North was advertising Model T five-seater cars for £35, and Fordson tractors for £90.[1787]

Within Te Reureu 2 and 3, owners paid a combined total of £148 4s 10d between March 1920 and December 1929 for the further division of their sections.[1788] The owners of Section 3B 2, for example, paid £12 1s in July 1921, while the owners of Section 2C 1A (30 acres) paid £18

[1781] John Annabell, Claim for the Survey of Reureu 1 No 17, Archives New Zealand, Wellington, LS-W1 43, 1829 5, Reu Reu Block, 1912-1917 (R23 976 778)
[1782] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIII, Rahui Te Ngae to Reu Reu, p 792 (809); Chief Surveyor to Messrs Dorrington & Goldsman, 22 April 1924, Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, 2, (R 20 436 590)
[1783] 'Charging-Order for Cost of Survey', 3 September 1930, Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, 4, (R 20 436 592) (Section 15A); Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 344, 472 (347 & 474) (Sections 15B & 15C), 442, 436, 421 (444, 438, 423) (Sections 17B1-3)
[1784] See Table 6.19
[1785] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXV, Reu Reu to Takapuwahia, p 63 (66); T B, Chief Surveyor to Messrs Dorrington & Goldsmith, Solicitors, Marton, 9 July 1923; Dorrington & Goldsmith to the Chief Surveyor, 12 July 1923, Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, 2, (R 20 436 590
[1786] T B, Chief Surveyor to Messrs Dorrington & Goldsmith, Solicitors, Marton, 1 Oct 1923; Dorrington & Goldsmith to the Chief Surveyor, 26 October 1923; Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, 2, (R 20 436 590); Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 435 (437)
[1787] 'Sale', *Manawatu Times*, 10 March 1926, p 1, c 5
[1788] See Table 6.20

9s 4d in February 1929.[1789] The smallest survey charge paid within Te Reureu 2 and 3 during this period was £3 2s 8d for Section 2D 3 (four and a half acres).[1790]

Within Te Reureu 1, 2 and 3, the cost of survey charges for individual sections or subsections was often compounded significantly by the addition of interest. Levied at a flat rate of five percent per annum, interest contributed £14 to the £48 12 7d that the owners of Sections 2B 1 and 2 of Te Reureu 1 eventually paid for the survey of their land (the initial survey charge was £34 12s 3d).[1791] The owners of Sections 17B 1 and 17B 2 were charged interest of £7 6s 9d and £5 13s 9d respectively when they paid off their survey charges in October 1923 and January 1926. The original survey charges for the two subsections (which had been partitioned by the Court in February 1914) were £23 6s for 17B 1 and £25 17s for 17B 2.[1792] The owners of Section 2B 1B 2A paid £3 9s 8d in interest on their original survey charge of £13 14s 6d, while the owner of Section 2G 2 (9 acres) was assessed 8s 8d in addition to the original survey charge of £4 6s 6d.[1793]

Interest accrued on survey charges when the sum due on a particular piece of land was not paid on demand. In such cases the Native Land Court, upon the application of the Chief Surveyor, placed a survey lien on the land for which the survey charge was outstanding. Between October 1919 and June 1929, the Native Land Court placed survey liens on 37 new subsections within Te Reureu 1.[1794] The survey charges ranged from less than one pound, for the survey of the three-and-a-quarter acre Section 15C 1 in March 1929, to just over £19 for the 109 acres of Section 15C, in August 1922.[1795] Fifteen of the survey charges were for ten pounds or more, 13 for between five and ten pounds, and eight for between one and five

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[1789] Registrar Aotea District Maori Land Board to the Chief Surveyor, Wellington, 'Reu Reu 3B2', 8 July 1921, Archives NZ Wellington, AAMA W3150 619 Box 22, 20/196 (R20 436 589); Currie & Jack to the Chief Surveyor, District Survey Office, Wellington, 12 February 1929, Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, 3, (R 20 436 591)

[1790] Registrar Aotea District Maori Land Board to the Chief Surveyor, Wellington, 'Reu Reu 2D3', 29 March 1920, Archives NZ Wellington, AAMA W3150 619 Box 22, 20/196 (R20 436 589)

[1791] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXV, Reu Reu to Takapuwahia, p 63 (66)

[1792] T B, Chief Surveyor to Messrs Dorrington & Goldsmith, Solicitors, Marton, 1 Oct 1923; Dorrington & Goldsmith to the Chief Surveyor, 26 October 1923; Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, 2, (R 20 436 590); Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 435 (437)

[1793] Registrar, Aotea District Native Land Court to the Receiver of Land Revenue, 12 January 1929, Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, 3, (R 20 436 591); Registrar, Aotea District Native Land Court to the Receiver of Land Revenue, 24 January 1929, Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, 3, (R 20 436 591)

[1794] See Table 6.17

[1795] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 468 & 472 (470 & 474)

pounds. Altogether, the 37 survey charges ordered by the Native Land Court for Te Reureu 1 between 1919 and 1929 amounted to a total of £333 9s 2d.

In Te Reureu 2 and 3, the Native Land Court placed liens on 15 newly-surveyed subsections between June 1912 and March 1927.[1796] Amounting to a total of £124 18s 7d, the liens ranged in value from £19 5s 6d for Section 2B 1B 2 (81 acres) to £2 6s for Section 2J 3B (slightly less than 14 acres).[1797] Five of the 15 liens had a value of more than ten pounds, while seven were worth less than five.

Between 3 September 1930 and 26 August 1932, the Native Land Court placed no less than 73 survey liens on pieces of land within Te Reureu 1. Thirty-six of these liens were placed to recover each section or subsection's share of £60 which – in accordance with Section 31 of the Native Land Claims Amendment and Native Land Claims Adjustment Act 1928 – the Native Minister had found was owed by the owners to the estate of Robert Richardson Richmond for a survey he had undertaken of Te Reureu 1 in 1911.[1798]

The other 37 liens issued by the Native Land Court between September 1930 and August 1932 were for survey debts outstanding on 30 pieces of land within Te Reureu 1. Together, the 37 liens were worth £299 15s 7d.[1799] The Court issued liens not just for the costs of surveying the piece of land upon which the lien was placed, but also for its share of outstanding survey charges for earlier partitions. Including the lien for its share of the £60 owed to the Richardson estate (£1 5s 6d), Te Reureu 1 Section 4C2 (37 acres) was issued with four survey liens by the Native Land Court in September 1930. The other three liens were for 4C2's share of the surveys of Te Reureu 1 Section 4 (14s 2d with interest dating back to 21 June 1914) and Te Reureu 1 Section 4C (£2.5.2 with interest accruing from 13 September 1917), as well as a charge of £5 13s 3d for the survey of Section 4C2 itself, for which interest was to be charged from 23 September 1920. Together the four liens combined for a total survey debt (not including interest) of £9 8s 1d.[1800]

Only six of the 73 survey liens placed by the Native Land Court between September 1930 and August 1932 were paid off by the end of the decade. The two liens and interest on Te

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[1796] See Table 6.18

[1797] Charging-Order for Cost of Survey'. 12 March 1927, Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, 4, (R 20 436 592); Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 85 (87)

[1798] Applications for Charging Orders, Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, 3, (R 20 436 591)

[1799] See Table 6.17

[1800] Charging-Orders for Cost of Surveys, 3 September 1930, Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, 4, (R 20 436 592)

Reureu 1 Section 1A, worth a total of £30 6s 5d, were paid off in March 1935.[1801] The following year the liens on Sections 35 and 32A were also paid.[1802] In both cases interest accrued made up a sizeable proportion of the sum finally paid. The £22 4s 9d paid in November 1936 to remove the two liens on Section 32A included just under nine pounds in interest.[1803]

The liens on three more portions of Te Reureu 1 were paid off in the early 1940s. The four liens on Section 34C 2A (9.7 acres) were paid off in April 1940 at the cost of £22 11s 6d.[1804] The five liens on Section 4C 2B, consisting of a combined total of £22 18s 4d in survey charges and £13 1s 8d in interest were discharged in April 1941, while the two liens on Section 6B (£3 19s 4d plus £4 7s 3d in interest) were paid in December 1943.[1805] The liens on other subsections of Te Reureu were not paid until the 1950s.[1806] By then, the interest due on the liens was more than the survey charges themselves. When the three survey liens on Te Reureu 4A were finally discharged on 31 August 1952, interest accounted for £18 17s 1d of the £30 15s 5d paid.[1807]

[1801] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXV, Reu Reu to Takapuwahia, p 103 (106)

[1802] L J Thompson to the Chief Surveyor, 19 October and 4 November 1936, Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, 3, (R 20 436 591)

[1803] Marshall, Izard & Wilson, Barristers & Solicitors, Wanganui to the Chief Surveyor, Wellington, 13 November 1936, Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, 3, (R 20 436 591)

[1804] L J Brooker, Registrar, Office of the Aotea District Native Land Court to the Chief Surveyor, Wellington, 15 April 1940 and Chief Surveyor, 'Memorandum for: The Registrar, Native Land Court, Wanganui', 27 March 1940, both at Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, 3, (R 20 436 591)

[1805] Watt, Currie & Jack, Barristers & Solicitors, Wanganui to the Chief Surveyor, Wellington, 8 April 1941; 'Reu Reu 1 Sec4C2B', 10 April 1941', both in Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, 4, (R 20 436 592); Watt, Currie & Jack, Barristers & Solicitors, Wanganui to the Chief Surveyor, Wellington, 15 December 1943; 'Reu Reu 1 Sec 6B', 17 Dec 1943', both in Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, 4, (R 20 436 592)

[1806] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIII, Rahui Te Ngae to Reu Reu, p 821; Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 110, 247, 419, 557, 570, 609, 693, 710, 770

[1807] W G Nelson, Chief Surveyor to the Registrar, Department of Maori Affairs, Wanganui, 25 August 1952, Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, 4, (R 20 436 592)

Table 7.17 Survey Liens Placed on Sections within Te Reureu 1

Section	Area a r p	Date of Order	Sum Charged £ s d	Interest Charged From
1A	50.2.16	3 Sept 1930	3.16.3	12 June 1929
1A	50.2.16	3 Sept 1930	14.6.0	
1B 1	38.0.27	22 Oct 1919	10.13.0	10 Sept 1919
1B 2	32.2.37	22 Oct 1919	9.5.0	10 Sept 1919
1B 2A	13.1.5	12 March 1927	8.17.3	23 June 1925
1B 2A	13.1.5	12 June 1929	1.1.8	12 June 1929
1B 2A	13.1.5	18 March 1931	13.13.11	23 June 1925
1B 2B	19.1.32	12 March 1927	5.10.0	23 June 1925
1B 2B	19.1.32	3 Sept 1930	1.8.10	12 June 1929
1B 2B	19.1.32	18 March 1931	19.18.5	23 June 1925
2A	48.0.0	22 Oct 1919	7.2.6	10 Sept 1919
2B	85.0.0	22 Oct 1919	12.12.6	10 Sept 1919
2B 1	30.0.12	11 August 1922	6.1.0	15 March 1922
2B 2	55.1.28	11 Aug 1922	11.3.0	15 March 1922
3		5 Sept 1914	1.12.7	29 June 1914
4	113.0.23	5 Sept 1914	6.5.11	29 June 1914
4A		3 Sept 1930	1.18.4	29 June 1914
4A		3 Sept 1930	6.7.6	15 Aug 1917
4A		3 Sept 1930	3.10.6	23 June 1929
4C 1	21.1.35	25 Aug 1921	7.17.0	23 Sept 1920
4C 2	37.0.14	3 Sept 1930	0.14.2	21 June 1914
4C 2	37.0.14	3 Sept 1930	2.5.2	13 Sept 1917
4C 2	37.0.14	3 Sept 1930	5.13.3	23 Sept 1920
4C 2	37.0.14	3 Sept 1930	1.5.6	12 June 1929
4C 2A	3.39.0	26 Aug 1932	1.1.0	24 Nov 1911
4C 2B	14.2.8	26 Aug 1932	13.13.0	24 Nov 1931
5	80.1.24	5 Sept 1914	5.5.10	29 June 1914
5C	30.2.37	11 Sept 1923	9.5.10	9 Oct 1922
5C	30.2.37	3 Sept 1930	2.10.3	12 June 1929
5C	30.2.37	18 March 1931	13.15.8	31 Oct 1922
6		5 Sept 1914	3.6.3	29 June 1914
6A		3 Sept 1930	2.17.2	15 Aug 1917
6A		3 Sept 1930	1.11.0	12 June 1929
6B	17.2.10	3 Sept 1930	2.10.6	15 Aug 1917
6B	17.2.10	3 Sept 1930	1.8.10	12 June 1929
9		5 Sept 1914	0.10.11	29 June 1914
9A		3 Sept 1930	0.6.4	5 June 1914
10	8.0.21	5 Sept 1914	0.13.10	29 June 1914
11	29.2.15	5 Sept 1914	2.0.6	29 June 1914
11A	15.1.9	12 March 1927	13.10.2	11 June 1924
11A	15.1.9	3 Sept 1930	1.5.2	12 June 1929

Section	Area a r p	Date of Order	Sum Charged £ s d	Interest Charged From
11A	15.1.9	18 March 1931	15.16.4	11 June 1924
11B	4.2.15	12 March 1927	4.1.1	11 June 1924
11B	4.2.15	3 Sept 1930	0.7.6	12 June 1929
11B	4.2.15	18 March 1931	4.14.10	
11C	9.2.31	12 March 1927	8.11.1	11 June 1924
11C	9.2.31	3 Sept 1930	0.7.8	12 June 1929
11C	9.2.31	18 March 1931	9.12.0	11 June 1924
12		5 Sept 1914	1.11.4	29 June 1914
13	27.0.6	5 Sept 1914	1.17.6	29 June 1914
13	27.0.6	3 Sept 1930	2.4.3	12 June 1929
13	27.0.6	18 March 1931	4.1.3	31 Oct 1922
14	20.0.0	5 Sept 1914	1.8.5	12 June 1929
15	127.0.0	5 Sept 1914	6.9.7	29 June 1914
15A	7.3.23	11 Aug 1922	1.7.9	8 May 1922
15A	7.3.23	3 Sept 1930	0.12.10	12 June 1929
15A	7.3.23	18 March 1931	7.3.23	
15B	9.3.10	10 Aug 1922	1.15.0	8 May 1922
15B	9.3.10	3 Sept 1930	0.16.0	12 June 1929
15B	9.3.10	18 March 1931	2.16.5	30 May 1922
15 C	109.1.07	11 Aug 1922	19.0.4	8 May 1922
15C 1	3.0.38	12 March 1927	0.14.9	20 Jan 1925
15C 1	3.0.38	3 Sept 1930	0.5.3	12 June 1929
15C 1	3.0.38	18 March 1931	1.0.0	20 Jan 1925
15C 1	3.0.38	18 March 1931	6.1.0	
15C 2	51.2.10	12 March 1927	12.12.9	20 Jan 1925
16	24.0.8	5 Sept 1914	1.12.10	29 June 1914
16	24.0.8	3 Sept 1930	1.18.6	12 June 1929
17A	29.1.21	5 Sept 1914	1.13.1	29 June 1914
17A	29.1.21	3 Sept 1930	5.17.11	3 August 1914
17A	29.1.21	3 Sept 1930	2.7.0	12 June 1929
17B	137.0.19	5 Sept 1914	8.0.4	5 June 1914
17B 1	61.0.19	11 Sept 1923	16.12.0	18 Jan 1923
17B 2	65.2.6	11 Sept 1923	17.14.0	18 Jan 1923
17B 3	9.3.24	11 Sept 1923	2.13.6	18 Jan 1923
17B 3	9.3.24	3 Sept 1930	0.16.3	12 June 1929
17B 3	9.3.24	18 March 1931	6.1.0	18 Jan 1923
17C	127.3.29	5 Sept 1914	7.6.7	29 June 1914
17D	24.1.37	5 Sept 1914	1.6.7	29 June 1914
17D	24.1.37	3 Sept 1930	4.18.5	3 Aug 1914
17D	24.1.37	3 Sept 1930	24.1.37	12 June 1929
17D	24.1.37	3 Sept 1930	2.1.0	12 June 1929
18	40.0.22	5 Sept 1914	2.12.2	29 June 1914
19	31.0.0	5 Sept 1914	2.0.9	29 June 1914

Section	Area a r p	Date of Order	Sum Charged £ s d	Interest Charged From
19B 1	1.2.0	3 Sept 1930	0.2.6	12 June 1929
19B 2 & 21B	25.0.28	3 Sept 1930	2.1.6	12 June 1929
20	72.1.0	5 Sept 1914	4.9.6	29 June 1914
20A	44.1.08	11 Aug 1922	11.15.6	15 March 1922
20B	27.2.32	11 Aug 1922	17.10.1	15 March 1922
21	14.3.33	5 Sept 1914	1.1.7	29 June 1914
22	41.3.36	5 Sept 1914	2.12.7	29 June 1914
23	188.3.25	5 Sept 1914	11.4.9	29 June 1914
23B	66.0.0	22 Oct 1919	11.11.0	20 May 1918
23B 1	2.1.29	3 Sept 1930	0.4.0	12 June 1929
23B 2	63.2.11	3 Sept 1930	5.2.9	12 June 1929
23C	26.3.29	22 Oct 1919	4.14.5	
23C 1	3.2.1	3 Sept 1930	0.5.8	12 June 1929
23C 2	2.1.14	3 Sept 1930	0.3.10	12 June 1929
23C 3	21.0.14	3 Sept 1930	1.14.6	12 June 1929
23D	94.2.3	22 Oct 1919	16.11.7	
23D 1		3 Sept 1930	0.4.4	29 June 1914
23D 1		3 Sept 1930	0.12.3	20 May 1918
23D 1		3 Sept 1930	0.12.0	12 May 1920
23D 1		3 Sept 1930	0.5.8	12 June 1929
23D 2	39.1.2	25 Aug 1921	8.8.6	24 June 1920
23D 2B	34.1.0	11 Sept 1923	8.17.2	18 Jan 1923
23D 2B 1	12.2.3	18 March 1931	14.0.0	25 May 1925
23D 2B 1	12.2.3	3 Sept 1930	1.1.6	12 June 1929
23D 3	52.1.0	3 Sept 1930	3.4.11	29 June 1914
23D 3	52.1.0	3 Sept 1930	9.2.4	20 May 1918
23D 3	52.1.0	25 Aug 1921	11.4.6	24 June 1920
23D 3	52.1.0	3 Sept 1930	4.5.6	12 June 1929
23D 3A	15.0.12	18 March 1931	15.0.12	
23D 3B	35.3.28	18 March 1931	13.2.6	9 Jan 1931
24	40.2.38	5 Sept 1914	2.12.8	29 June 1914
25	47.1.26	5 Sept 1914	3.0.11	29 June 1914
26	84.2.0	5 Sept 1914	4.17.6	29 June 1914
26A	17.2.27	22 Oct 1919	5.7.6	
26A 1	5.3.0	3 Sept 1930	0.9.6	12 June 1929
26A 2	11.3.27	3 Sept 1930	0.19.6	12 June 1929
26B	66.3.13	3 Sept 1930	12.11.6	5 April 1918
26B	66.3.13	3 Sept 1930	5.9.3	12 June 1929
27		5 Sept 1914	3.5.3	29 June 1914
29 & 28	39.3.37	5 Sept 1914	3.3.6	29 June 1914
30	25.3.37	5 Sept 1914	1.15.9	29 June 1914
32	164	5 Sept 1914	9.15.0	29 June 1914
32A	58.2.0	3 Sept 1930	8.19.6	21 June 1920

Section	Area a r p	Date of Order	Sum Charged £ s d	Interest Charged From
32A	58.2.0	3 Sept 1930	4.5.8	12 June 1929
32B	105.2.0	25 Aug 1921	16.5.1	21 June 1921
33	154.1.0	5 Sept 1914	8.19.9	29 June 1914
34	52.2.0	5 Sept 1914	3.5.0	29 June 1914
34A	9.2.30	22 Oct 1919	2.19.4	
34B	16.2.20	22 Oct 1919	5.0.8	
34C	26.0.30	22 Oct 1919	7.14.0	
34C 1	2.1.27	11 Aug 1922	1.11.9	22 Feb 1922
34C 1	2.1.27	3 Sept 1930	0.4.0	12 June 1929
34C 1	2.1.27	18 March 1931	2.18.3	
34C 2	28.3.3	11 Aug 1922	15.11.9	22 Feb 1922
34C 2	23.3.3	3 Sept 1930	1.18.9	12 June 1929
34C 2	23.3.3	18 March 1931	28.1.6	31 March 1922
35	20.0.0	5 Sept 1914	1.18.5	29 June 1914
35	20.0.0	3 Sept 1930	1.11.8	12 June 1929
36	78.2.20	5 Sept 1914	4.17.0	29 June 1914

Table 7.18 Survey Liens Placed on Sections within Te Reureu 2 and 3

Section	Area a r p	Date of Order	Sum Charged £ s d	Interest
2B 1	133.0.31	22 Oct 1919	14.12.10	As provided in Act
2B 1B	103.2.31	25 Aug 1921	11.13.8	5% from 21 June 1920
2B 1B 1	19.0.6	12 March 1927	4.10.9	5% from 9 Sept 1925
2B 1B 2	80.3.24	12 March 1927	19.5.6	5% from 9 Sept 1925
2B 1B 2A	19.0.5	12 March 1927	4.16.2	5% from 31 Aug 1926
2B 1B 2B	61.3.19	13 March 1927	15.12.10	5% from 31 Aug 1926
2B 3A	29.2.0	22 Oct 1919	3.3.9	
2B 3B	148.0.16	22 Oct 1919	16.5.10	
2C 1	52.0.8	3 Sept 1930	14.1.6	5% from 31 Jan 1927
2C 1B	22.0.30	3 Sept 1930	6.10.4	5% from 6 Sept 1927
2C 2	50.1.16	3 Sept 1930	13.13.6	5% from 31 Jan 1927
2D 1	9.0.10		6.0.0	From 15 May 1919
2D 2	4.2.5	3 Sept 1930	3.0.0	From 31 March 1919
2G 1	12.0.18	3 Sept 1930	5.15.7	5% from 31 Jan 1927
2G 2	9.0.12		4.15.2	5% from 31 Jan 1927
2G 3	15.0.29	3 Sept 1930	7.4.3	5% from 31 Jan 1927
2G 4	19.0.21	3 Sept 1930	9.12.2	5% from 31 Jan 1927
2J 1	8.3.8	14 June 1912	8.4.11	From 16 Oct 1911
2J 2	17.3.14	14 June 1912	3.5.4	From 16 Oct 1911
2J 3B	13.2.18	14 June 1912	2.6.0	From 16 Oct 1911
3B 1	37.3.31	5 Aug 1921	2.19.3	5% from 28 Feb 1921
3B 1A	4.0.22	3 Sept 1930	2.4.2	From 9 Oct 1929

Section	Area a r p	Date of Order	Sum Charged £ s d	Interest
3B 1B	33.3.8	3 Sept 1930	20.13.8	From 9 Oct 1929
3C 1	32.1.34	25 Aug 1921	2.10.6	5% from 28 Feb 1921
3C 2	123.0.16	35 Aug 1921	9.11.3	5% from 28 Feb 1921

Table 7.19 Payments for Survey Charges and Interest on Survey Liens: Te Reureu 1

Section	Date of Payment	Survey Charges £ s d	Interest on Liens £ s d	Total £ s d
1-36 (from sale of 31)	25 Aug 1914	439.5.7		439.5.7
1	8 Oct 1914			8.0.8
31	8 Oct 1914			6.76
9	9 Oct 1914			0.10.11
12	9 Oct 1914			1.11.4
13A	9 Oct 1914			0.2.11
27	9 Oct 1914			3.5.3
17C	18 June 1915	24.19.4	0.11.10	25.11.2
17C	18 June 1915	31.7.7	0.5.2	31.12.9
29 & 28	26 April 1917	2.15.10	0.7.8	3.3.6
4B	25 Sept 1917			6.8.0
2A	16 July 1918			10.8.7
18	25 March 1920	2.12.2	0.15.0	3.7.2
24	23 March 1920	2.12.8	0.15.3	3.7.11
32	23 March 1920	9.15.0	2.16.5	12.12.3
33	23 March 1920	23.21.0	2.22.14	27.4.2
23D 2	8 Nov 1920	6.17.0	1.3.0	8.0.0
1B 1	29 Nov 1920			10.13.0
19, 21, 23D 2	9 Nov 1921			5.17.0
36	17 Jan 1922			6.13.0
4C 1	13 Feb 1922			13.13.3
Ringawaatea Maata's shares of 19A, 20B, 21A, 21B, 23D 2A	5 May 1923			21.12.0
5A (2 liens)	5 May 1923	11.10.5	3.13.5	15.3.10
5B (2 liens)	5 May 1923	6.5.2	3.6.2	9.11.4
10	7 May 1923	0.13.10	0.5.2	0.19.0
23D 2A	8 May 1923			2.19.8
20B	26 May 1923			7.19.0
6C	12 July 1923	2.1.11	0.12.0	2.13.11
17B 1	26 Oct 1923	23.6.0	7.6.9	30.12.9
32B	21 Nov 1923	16.5.1	2.15.10	19.0.11
15C	7 April 1924	22.0.12	3.3.2	25.3.3
16C	3 April 1924			4.8.9

Section	Date of Payment	Survey Charges £ s d	Interest on Liens £ s d	Total £ s d
20A	17 May 1924	11.15.6	1.5.6	13.1.0
15C 3	26 Aug 1925	13.11.0	0.8.1	13.19.1
17B 2	15 Jan 1926	25.17.0	5.13.9	31.10.9
15C 2	25 Jan 1926	12.12.9	0.12.6	13.5.3
23D 2B 2	22 March 1926	22.8.7	3.8.1	25.16.8
25	27 April 1926	3.0.11	1.16.4	4.17.3
14	30 May 1927			2.5.9
2B 1 & 2	4 Nov 1927	34.12.3	14.0.4	48.12.7
13B	8 June 1934			0.15.1
1A (2 liens)	27 March 1935			30.6.5
35 (2 liens)	19 Oct 1936	3.10.1	2.15.6	6.5.7
32A (2 liens)	13 Nov 1936	13.5.2	8.19.7	22.4.9
34C 2A (4 liens)	18 April 1940			22.11.6
4C 2B (5 liens)	15 April 1941	22.18.4	13.1.8	36.0.0
6B (2 liens)	10 Dec 1943	3.19.4	4.7.3	8.6.7
17A (2 liens)	11 & 18 Dec 1947	8.4.11	11.12.0	20.6.2
17B 3 (3 liens)	26 April 1950			15.3.6
4A (3 liens)	5 Nov 1952	11.16.4	18.17.1	30.15.7
23D 3B	5 Oct 1955			40.18.10
26A 1	7 Feb 1956			7.19.0
23D 3A	7 Feb 1956			17.3.8
26B 3	26 July 1956			17.4.9
26A 2	9 Oct 1956			15.18.6

Table 7.20 Payments for Survey Charges and Interest on Survey Liens: Te Reureu 2 and 3

Section	Date of Payment	Survey Charges £ s d	Interest on Liens £ s d	Total £ s d
2D 3	29 March 1920	3.0.0	0.2.8	3.2.8
3B 1B	19 Nov 1920	18.0.10	3.19.2	22.0.0
2B 1A	20 Jan 1921			7.2.5
3B 2	11 July 1921			12.1.0
2D 1	9 Aug 1921			6.13.4
3C 2	31 Jan 1922	9.11.3	0.8.9	10.0.0
2A 2	3 April 1922	21.11.11	0.0.9	21.12.8
3C 1	13 July 1926	2.10.6	0.13.9	3.4.3
2B 1B 2A	16 Jan 1929	13.14.6	3.9.8	17.4.2
2G 2	24 Jan 1929	4.6.6	0.8.8	4.15.2
2C 1A	14 Feb 1929	17.0.1	1.9.3	18.9.4
3B 1B	3 Dec 1929	20.13.8	1.6.2	21.19.10

Section	Date of Payment	Survey Charges £ s d	Interest on Liens £ s d	Total £ s d
2C 1B	14 Feb 1950	12.9.5	14.3.5	26.12.10
2B 1B 1	22 March 1954			23.0.0
2B 1B 2B 1	16 Aug 1954			0.18.3
2A 1	21 April 1958			5.16.8

Sources for Tables 6.4 to 6.7: Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vols XXII-XXV; Archives New Zealand, Wellington, AAMA W3150 619 Box 22, 20/196, Parts 1 to 5, (R20436589 to R20436593)

Aspirations for Self-Government and Economic Development

At the time of the Reureu Reserve's creation, both Donald McLean and his assistant Henry Tacy Kemp remarked on the economic activity being undertaken by the people living there. McLean described the people of Te Reureu as 'numerous and industrious', while Kemp wrote to his superior about the 'considerable and increasing' numbers of sheep, cattle and horses owned by the 'young chiefs' of the four hapū. Decades of uncertainty over the ownership of the reserve, however, undermined economic activity, with the inhabitants unwilling to invest capital and labour in land for which they did not possess secure legal title.

As we have seen, the relative interests of the individual owners of Te Reureu 1, 2 and 3 were eventually defined by the Native Land and Native Appellate Courts, and the land subdivided. With their ownership rights finally somewhat secure, members of the four hapū looked to put their land to use by investing in dairy farming. On 1 May 1913 T F Iwikau wrote to Surveyor General on behalf of himself and other owners of Te Reureu 1 urging that the survey of the subdivision of Te Reureu 1 be proceeded with 'at once.' 'We all intend to go into dairy farming', Iwikau explained, 'and we would like to see the partitions completed before the dairying season comes if possible.'[1808]

In turning their land to dairy farming, the landowners of Te Reureu were looking to participate in a boom that was rapidly transforming the economy and landscape of New Zealand as a whole, and the Manawatū in particular. Between 1900 and 1912 the quantity of butter and cheese exported from New Zealand skyrocketed from 14 to 48 million kilograms.[1809]

[1808] T F Iwikau to the Surveyor General, 1 May 1913, Archives New Zealand, Wellington, LS-W1 43, 1829 5, Reu Reu Block, 1912-1917 (R23 976 778)
[1809] *The New Zealand Official Year-Book, 1914*, Section XVI, Dairy-produce, https://www3.stats.govt.nz/New_Zealand_Official_Yearbooks/1914/NZOYB_1914.html#idsect2_1_192146 (accessed 15 November 2017)

By April 1911 the three Manawatū Counties of Oroua, Manawatū, and Kairanga had almost 32,000 dairy cows between them, serviced by 40 dairy factories and skimming stations.[1810]

The Reureu Dairy Farmers' Union

Rather than joining the dairy boom as individual entrepreneurs, Ngāti Pikiahu and Ngāti Waewae embraced the new economy as a self-governing community. The decision to convert the subdivisions of Te Reureu 1 to dairying was taken by a meeting at Tokorangi on 12 May 1913. At what the *Feilding Star* described as 'the largest meeting of Natives at Tokorangi for many years', the owners of Te Reureu 1 'unanimously decided to sell all the horses, cattle, sheep, and pigs' on their land and replace them with dairy cows. The assembled owners accepted an offer from Joseph Nathan (of Joseph Nathan and Co of Broad Street, Palmerston North) to furnish them with '300 cows, on the usual terms'. The meeting also agreed to erect a creamery 'at a suitable spot' in order – as the *Feilding Star* put it – 'to go in for the new industry properly.'[1811]

In order to coordinate the hapū's transition to dairying Ngāti Pikiahu and Ngāti Waewae established the 'Reureu Dairy Farmers Union'. Created at 'a general meeting of the Onepuhi Natives' held at Pariki on 2 June 1914, 'the Union was set up' – according to a report in the *Feilding Star* – 'for the purpose of conducting not only matters in connection with dairying, but on any other matters touching the affairs of the Onepuhi Natives or any other Natives if they think wise to interfere.' T F Iwikau was 'elected unanimously and unopposed' as chairman of the new Union, while Te Rangihoapu Hue Te Huri and Wheriko Poni were appointed President and Treasurer. Tokoahu Hue, George Gotty, D Arapere, Moeroa Karatea, Taonui Hue and M Paurini were elected to the Union's committee, while John Gotty was appointed honorary secretary.[1812]

At the Committee's first meeting on 6 June 1914, it was agreed to hold meetings of the Dairy Farmers' Union monthly, 'throughout the year.' The Committee also voted to 'select a firm of auctioneers to carry on the Natives' business', and to invite 'a dairy expert' to Te Reureu to 'inspect and report', and 'inform' the members of the Union 'on the best and latest methods to

[1810] *The New Zealand Official Year-Book, 1913*, Section XII, Subsection C, Live-stock in each County, https://www3.stats.govt.nz/New_Zealand_Official_Yearbooks/1913/NZOYB_1913.html#idsect1_1_170991 (accessed 15 November 2017); 'Factories and the Rivers', *Manawatu Standard*, 23 July 1912, p 5, c 6, https://paperspast.natlib.govt.nz/newspapers/manawatu-standard/1912/7/23/5 (accessed 15 November 2017)
[1811] 'Tokorangi Natives Take Up Dairying', *Feilding Star*, 13 May 1913, p 2, c 4, https://paperspast.natlib.govt.nz/newspapers/feilding-star/1913/5/13/2 (accessed 15 November 2017)
[1812] 'Onepuhi: Meeting of Natives, Policy of Self Help', *Feilding Star*, 11 June 1914, p 1, c 4, https://paperspast.natlib.govt.nz/newspapers/feilding-star/1914/6/11/1 (accessed 15 November 2017)

acquire successfully dairying.'[1813] A few days later the Dairy Union contracted to sell the produce of their new dairy farms to Joseph Nathan and Co. It was agreed that the Nathan cream cart would visit 'all the milking places of the union' it could get to, and that the Company would give 'the Union the ruling market price per pound for butter fat.'[1814]

Intent on securing the best possible price for their milk, the Dairy Farmers' Union agreed, at their August 1914 meeting, to invite 'a Government dairy expert' to provide them with information on the grading of butterfat. The Union also agreed to purchase a Babcock butterfat tester which would enable them to test the butterfat content of milk and cream produced on their farms. Hape Te Iwikau was charged with the responsibility of taking care of the testing machine, and becoming proficient in its use.[1815]

The biggest challenge confronting the Reureu Dairy Farmers Union in its campaign to transform Te Reureu into a prosperous and progressive centre of dairy production was the condition of the Reserve's roads. In order to succeed, dairy farms had to be accessible for regular collections of their milk or butterfat. If a farm could not be reached by the local dairy company's cream cart, its perishable produce would go to waste and the farmer would suffer a loss.

The problem of access faced by the dairy farmers of Ngāti Pikiahu and Ngāti Waewae was particularly dire for those who were situated north of the Waituna Stream. The road connecting this part of Te Reureu to Onepuehu and Tokorangi had been washed away by the Rangitīkei River, leaving traffic 'completely blocked.'[1816] In January 1905 a delegation of Te Reureu landowners, including Rauhihi Akapita, Te Rangihoapu Hue Te Huri, Tokoahu Hue, Keeni and Tawhi Paranihi, and Wirikama and Moeroa Karatea, had petitioned the Oroua County Council to lay out a new road to replace the one that had been washed away.[1817] Despite a resolution from the County Council (in February 1905) to 'carry out' the petitioners' request, no new road was constructed.[1818] In June 1914, the Reureu landowners – this time supported by two prominent European landowners – again asked the County Council to replace the

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[1813] Ibid

[1814] 'Dairying: Meeting of Maoris and Mr Nathan', *Felding Star*, 12 June 1914, p 2, c 5, https://paperspast.natlib.govt.nz/newspapers/feilding-star/1914/7/7/4 (accessed 15 November 2017)

[1815] 'Te Reureu: Meeting of the Union', *Feilding Star*, 7 August 1914, p 1, c 4, https://paperspast.natlib.govt.nz/newspapers/feilding-star/1914/8/7/1 (accessed 15 November 2017)

[1816] 'The Reureu Road', *Feilding Star*, 12 June 1914, p 2, c 5, https://paperspast.natlib.govt.nz/newspapers/feilding-star/1914/6/12/2 (accessed 15 November 2017)

[1817] 'Copy of English Translation of Petition from Shareholders of Te Reureu to the Oroua District County Council', 30 January 1905, Archives New Zealand, Wellington, LS-W1 43, 1829, 3, Reu Reu Block 1901-1909, (R23976776)

[1818] 'Copy of Resolution by Oroua County Council', 3 February 1905, Archives New Zealand, Wellington, LS-W1 43, 1829, 3, Reu Reu Block 1901-1909, (R23976776)

washed away road. The Council, however, demurred with the Chairman noting that 'he did not think it was fair to ask the Council' to construct a road through a Māori owned block, 'which had never paid any rates.'[1819]

Confronted by the Council's inaction, the Reureu Dairy Farmers' Union resolved to construct the new road itself. On 8 June 1914 a party of 22 'Onepuhui Natives' began work on the new Reureu Road.[1820] Impressed, or embarrassed by this display of local initiative and self-help, the County Engineer furnished the Union with a 'a grading machine' and advice on 'laying the right grade for the road'. Local European land owners – who stood to benefit from the construction of the new road – also provided some assistance in the form of stock that could be slaughtered to feed the hungry road workers.[1821]

At the end of July 1914, when an article in the *Manawatū Evening Standard* reported on their progress, the road construction team had formed the new road from 'the point they started at, the Pine Bush, right to the Makino Road.' According to the article in the *Manawatū Evening Standard*, the 'formation of the road' had 'been done perfectly', with the members of the Dairy Union taking 'great pains in grading and levelling' the new road. Despite being 'perfectly' formed, however, the new road remained unmetalled, and, therefore, difficult to use in wet weather.[1822] To help pay for the maintenance of its new road, the Dairy Union organized a dance, to be held in the 'Tokorangi Carved Meeting House' on 12 August 1914, commencing at 8 PM.[1823]

The members of the Reureu Dairy Union resumed their road work in June of the following year. On 9 June 1915, the *Feilding Star* published a notice from the 'Members of the Reureu Dairy Union', notifying the public that they would 'resume the making of the road through the Reureu Block No 1' on the 10th of that month. The members expressed the hope 'that all interested will ROLL UP and WIRE IN to complete said Road as quickly as possible.'[1824]

[1819] 'Oroua County Council: To-day's Monthly Meeting', *Feilding Star*, 6 June 1914, p 4, c 8, https://paperspast.natlib.govt.nz/newspapers/feilding-star/1914/6/6/4 (accessed 15 November 2017)

[1820] 'Onepuhi: Meeting of Natives, Policy of Self Help', *Feilding Star*, 11 June 1914, p 1, c 4, https://paperspast.natlib.govt.nz/newspapers/feilding-star/1914/6/11/1 (accessed 15 November 2017)

[1821] 'Rangitikei-Oroua Notes: Maoris and Road-Making', *Wanganui Chronicle*, 15 June 1914, p 6, c 3, https://paperspast.natlib.govt.nz/newspapers/wanganui-chronicle/1914/6/15/6 (accessed 15 November 2017)

[1822] 'The Reureu Block: An Appreciation', *Manawatu Evening Standard*, 27 July 19124, p 2, c 3, https://paperspast.natlib.govt.nz/newspapers/Manawatu-standard/1914/7/27/2 (accessed 15 November 20127)

[1823] 'Dance', *Rangitikei Advocate and Manawatu Argus*, 8 August 1914, p 8, c 6, https://paperspast.natlib.govt.nz/newspapers/rangitikei-advocate-and-Manawatu-argus/1914/8/8/8 (accessed 15 November 2017)

[1824] 'Notice to the Reureu People', *Feilding Star*, 9 June 1815, p 8, c 6, https://paperspast.natlib.govt.nz/newspapers/feilding-star/1915/6/9/3 (accessed 15 November 2017)

In addition to being an act of economic necessity, the construction of the new road by the Reureu Dairy Union was an impressive display of local self-government and tino rangatiratanga. With the European-dominated local authority unwilling to pay for a road across Māori-owned land, the members of the Dairy Union had taken matters into their own hands and constructed the vital infrastructure themselves. The Reureu Dairy Union exercised the rangatiratanga of its Ngāti Pikiahu and Ngāti Waewae membership in other ways as well. On 2 February 1915 the Secretary of the Reureu Dairy Union (Hape Te Iwikau) published a notice in the *Rangitikei Advocate and Manawatu Argus* warning that:

> Any person found with firearms, driving stock through, removing or letting them astray on any part of Te Reureu, Block No 1, at any time, will be prosecuted, unless the Secretary of Te Reureu Dairy Union is notified 2 clear days before hand.[1825]

In this notice, as in the construction of the Reureu Road, the Dairy Union asserted the right of Ngāti Pikiahu and Ngāti Waewae to take care of their own problems, rather than wait for the intervention of an unresponsive and settler-controlled County Council.

The Reureu Dairy Union's apparent success in establishing dairy farming within Te Reureu reserve was celebrated in two 'appreciations' published in local newspapers in 1914 and 1916. The first, published in the *Manawatu Evening Standard* in July 1914 reported that 'in the season' some members of the Dairy union were 'milking 60 cows, some 40, others less.' Visitors to Te Reureu, the article continued, were 'agreeably surprised to see sheds . . . fitted with up-to-date appliances for dairying'. Such improvements reflected 'great enterprise on the part of the owners'.[1826] The second 'appreciation', published in the *Feilding Star* on 23 December 1916, was even more effusive in its praise of the achievements of the Reureu Dairy Union and its members. The Māori author described 'cultivations of Lucerne, thousand headed kale and Indian maize, all milk producing vegetation', as well as grass that 'was growing luxuriantly.' 'The milking cows', who 'seemed to be evidently enjoying the bountiful supply of food produced by their industrious owners' were in 'grand condition.' The author also noted 'good milking sheds and all the essential requisite for dairying purposes.' Concluding their

[1825] 'Notice', *Rangitikei Advocate and Manawatu Argus*, 5 February 1915, p 8 c 5, https://paperspast.natlib.govt.nz/newspapers/rangitikei-advocate-and-manawatu-argus/1915/2/5/8 (accessed 19 November 2017)
[1826] 'The Reureu Block: An Appreciation', *Manawatu Evening Standard*, 27 July 19124, p 2, c 3, https://paperspast.natlib.govt.nz/newspapers/manawatu-standard/1914/7/27/2 (accessed 15 November 20127)

appreciation, the author congratulated 'the members of the Union for their energy, industry and stability which has met with the success it deserves.'[1827]

Although no doubt emphasizing the positive aspects of what had been achieved within Te Reureu while downplaying the many obstacles and difficulties that continued to confront the members of the Dairy Union, the two appreciations – at the very least – highlighted the aspirations and ambitions of those within Ngāti Pikiahu and Ngāti Waewae who wished to transform their riverside reserve into a prosperous and progressive farming community. Nor were these aspirations restricted to the members of the two upper hapū alone. Within Ngāti Maniapoto and Ngāti Rangatahi enterprising and energetic farmers such as Kahurautete Matawha (Ngāti Rangatahi and Ngāti Toa) and her husband John Mason Durie (Ngāti Kauwhata and Rangitane) also laboured to make the best of their holdings within Te Reureu 2 and 3.[1828]

Despite often heroic efforts to make the most of the land remaining to them, and the possibilities presented by the new farming economy, the owners of Te Reureu continued to be hamstrung by an imposed Native land title system that was intended to facilitate land alienation, rather than foster economic development. They also continued to be hindered by problems of access caused by the inadequacy or absence of necessary infrastructure. As we shall see, difficulties of access continued to plague the landowners of Te Reureu until at least the 1940s, making the development of progressive, market-oriented farming of the kind advanced by the Reureu Dairy Farmers Union very difficult to achieve.

The Roads of Te Reureu

In order for the members of the Reureu Dairy Farmers' Union and other Te Reureu landowners to participate in the rapidly growing dairy economy they needed roads to be able to transport their produce to market. Roads for the Reureu Reserve and adjacent European land had been laid out by John Freeman Sicely in 1883. Sicely laid out a road from Kākāriki to Onepuehu and another from Onepuehu to the Waitapu Stream.[1829] While the road from Onepuehu to Waitapu more or less followed the course of the Rangitīkei River, the route from

[1827] 'Reu Reu Natives', *Feilding Star*, 23 December 1916, p 3, c 1, https://paperspast.natlib.govt.nz/newspapers/feilding-star/1916/12/23/3 (accessed 15 November 2017)

[1828] Mason Durie, 'Durie, John Mason', *Dictionary of New Zealand Biography*, first published 1998. *Te Ara – the Encyclopledia of New Zealand*, https://teara.govt.nz/en/biographies/4d25/durie-john-mason (accessed 15 November 2017)

[1829] M C [Maurice Crompton] Smith, 'Note on Kakariki – Onepuheu Road. Roads thro Reu Reu Block, 19 June 1902, Archives New Zealand, Wellington, LS-W1 43, 1829, 3, Reu Reu Block 1901-1909, (R23976776)

Onepuehu to Kākāriki ran along the eastern side of the Reureu Reserve's inland boundary – on Crown or European land – before crossing over into the Reserve.[1830]

Despite having been marked off on the ground and featured in the survey plans of the Reureu Reserve and Te Reureu 1, 2 and 3 that had been prepared for the Native Land Court in 1895 and 1901, the roads connecting Onepuehu to Kākāriki and Waitapu were not legalized until the twentieth century. Apparently this was because, prior to the passage of the Public Works Act 1894, the Government had been unable to take land from Native reserves for roading or other public works without paying compensation.[1831] The Government had also failed to formally take the route between Kākāriki and Onepuehu which ran across a section of the Manchester B Block. This was despite allowance being made for the taking of the road within five years of the issuing of the Crown grant for the section in 1876.[1832]

From 1902 responsibility for the making and maintenance of roads in and around Te Reureu lay with the Oroua County Council. The Council, which was based in Feilding, was preoccupied with providing infrastructure for its settler constituents and had little sympathy for the concerns of the non-ratepaying Māori inhabitants of Te Reureu Reserve. In 1905 the Oroua County Council finally began the process of legalizing the roads within Te Reureu.[1833] The Council was interested in improving roading across the Reserve in order to provide an outlet for its ratepayers living along the Waituna Stream, as well as access for settlers living upriver of Waitapu in Kiwitea County.[1834] The loss of the bridge over the Rangitīkei at Onepuehu in 1902 –which had connected Halcombe and Tokorangi with Marton – also made the provision of a better road between Waitapu and Kākāriki (where a new road and railway bridge had been constructed) a priority for the County Council.[1835] In taking the decision to belatedly legalize the roads within Te Reureu, the Oroua County Council was also no doubt encouraged by

[1830] 'Plan of Reu Reu', 1894, ML1342-3
[1831] [Illegible] Smith for the Chief Surveyor to the Clerk, Oroua County Council, 1 May 1905, Archives New Zealand, Wellington, LS-W1 43, 1829, 3, Reu Reu Block 1901-1909, (R23976776)
[1832] 'Letter from Chief Surveyor Wellington to the Registrar Native Land Court', 4 April 1921, cited in Judge Frank Oswald Victor Acheson, 'Decision of Court – Reureu Road Case', 17 August 1922, Taihape Minute Book 1, p 295
[1833] George Wheeler, Chairman Oroua County Council to the Surveyor General, 24 April 1905 and County Clerk, Oroua County Council to the Chief Surveyor, 3 October 1905, both in Archives New Zealand, Wellington, LS-W1 43, 1829, 3, Reu Reu Block 1901-1909, (R23976776)
[1834] George Wheeler, Chairman Oroua County Council to the Chief Surveyor, 25 January 1908, Archives New Zealand, Wellington, LS-W1 43, 1829, 3, Reu Reu Block 1901-1909, (R23976776)
[1835] 'The Recent Floods', *Feilding Star*, 20 April 1897, p 2, c 5, https://paperspast.natlib.govt.nz/newspapers/feilding-star/1897/4/20/2 (accessed 20 November 2017); *Wanganui Chronicle*, 2 July 1902, p 2, c 2, https://paperspast.natlib.govt.nz/newspapers/wanganui-chronicle/1902/7/2/2 (accessed 20 November 2017)

changes in the Public Works Act which allowed Government authorities to take up to five percent of a Native Reserve for 'necessary roads' without compensation.[1836]

In 1905 and 1906 the County Council employed first G N Cassan Gillett and then George Latter Rodoway Scott 'to take and lay off' roads within Te Reureu 1, 2 and 3. Gillett was authorized by the Surveyor General under Sections 92 and 93 of the Public Works Act 1894. Section 92 allowed the Governor to 'at any time . . . to take and lay off' lines of road across Māori land, so long as 'the total quantity of land' taken did 'not exceed one-twentieth part of the whole.' Section 93 stipulated that Māori land 'occupied by any pa, village, or cultivation, or any buildings, gardens, orchards, plantations, or any burial or ornamental grounds' could only be taken with the 'previous Consent of the Governor in Council.'[1837]

The higher standard of consent for land containing cultivations and orchards was to pose a problem for the Oroua County Council. On 1 October 1907 the surveyor R R Richmond – writing on behalf of five of Te Reureu's owners, including Poaneki Te Momo, Tawhi Paranihi, and Wirite Kuri – wrote to the Commissioner of Crown Lands to object to the County's taking of the road between what was known as Pryce's Gate (where the existing public road ended) and Onepuehu. Richmond contended that, contrary to Section 93 of the 1894 Act, the road line taken by Scott on the County Council's behalf passed through 'cultivated lands, an orchard, and a patch of native bush' which the owners intended 'to save as shelter bush.' Richmond also objected that the long stretch of the Kākāriki-Onepuehu Road that followed the inland boundary of the Reureu reserve had been taken on the western side of that boundary, within the Reserve, rather than on the eastern side on European-owned land. This, Richmond protested, had been done 'without the consent of the Natives or their due apprisal of the nature of the proceedings, owing to the refusal of the Duke of Manchester or his agents to consent to the roadline as originally laid out remaining within the Manchester Block.' 'The transference of the roadline' into the Reureu Reserve, Richmond claimed, had been confirmed by the local authority because the European owner of the neighbouring section (Herbert Pryce) had demanded compensation if the road was taken across his land.[1838]

[1836] [Illegible] Smith for the Chief Surveyor to the Clerk, Oroua County Council, 1 May 1905, Archives New Zealand, Wellington, LS-W1 43, 1829, 3, Reu Reu Block 1901-1909, (R23976776)

[1837] Public Works Act 1894, ss 92 and 93

[1838] R R Richmond (on behalf of Poaneki Te Momo, Tawhi Paranihi, Wirite Kuri, and two others) to The Commissioner of Crown Lands, 1 October 1907, Archives New Zealand, Wellington, LS-W1 43, 1829, 3, Reu Reu Block 1901-1909, (R23976776)

The Chief Surveyor responded to the Reureu owners' complaint by sending one of his own surveyors, J D Climie, to investigate their 'allegations.'[1839] Climie examined the contested roadline in the company of Scott (who had laid off and 'taken' the road), the Chairman of the Oroua County Council, Richmond and 'a number' of Te Reureu's Māori owners. In his report, dated 25 November 1907, Climie found that the stretch of road from Pryce's gate (which was a continuation of the public road from Kakariki which ran across the Manchester Block) should indeed have been placed on the eastern, European-owned side of the boundary, which he found to be 'quite clear' of bush and cultivations. The land on the Reureu side of the boundary, on the other hand, had been planted with pine trees which would have to be removed if the road was to follow the line taken by Scott. Climie concluded that 'the only good reason for diverting the road and taking it through the Reu Reu block' was 'to avoid compensation that would have to be made to Mr Herbert Pryce.' 'It appears to me ridiculous', he wrote, 'to make a bend in the road. . . merely to take it through the Reu Reu block where it would involve the destruction of Native Bush and pass through' a Māori owner's 'enclosure'. Climie also reported that a portion the road directly north of the Waituna Stream crossed over land that was 'under crop', while also traversing 'an old orchard'. As a consequence, the County' Council's taking of this stretch of road under Section 92 the Public Works Act 1894 was illegal unless authorized by 'a special Order in Council.'[1840]

In response, the Chairman of the County Council, George Wheeler, insisted that the roadline between Pryce's Gate and Onepuehu was 'beyond dispute' and that the trees on the Māori-owned side of the boundary had been planted as an obstruction to the road and 'must be removed.'[1841] In an earlier letter to the Surveyor General, Wheeler also maintained that altering the road to take into account the objections of the Reureu landowners would 'entail great expense', which the 'County could not possibly incur for a road through this Reserve.'[1842] 'The Maoris use the County Roads & Bridges . . . and pay no rates,' Wheeler complained to the

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[1839] Chief Surveyor to the Clerk, Oroua County Council, 15 October 1907, Archives New Zealand, Wellington, LS-W1 43, 1829, 3, Reu Reu Block 1901-1909, (R23976776)
[1840] J D Climie, Inspecting Surveyor, to the Chief Surveyor, 25 November 1907, Archives New Zealand, Wellington, LS-W1 43, 1829, 3, Reu Reu Block 1901-1909, (R23976776)
[1841] George Wheeler, Chairman Oroua County Council, to the Chief Commissioner, Lands & Survey Department, 27 November 1907, Archives New Zealand, Wellington, LS-W1 43, 1829, 3, Reu Reu Block 1901-1909, (R23976776)
[1842] George Wheeler, Chairman Oroua County Council, to the Chief Surveyor, Lands & Survey Dept, 18 November 1907, Archives New Zealand, Wellington, LS-W1 43, 1829, 3, Reu Reu Block 1901-1909, (R23976776)

Chief Commissioner of the Lands & Survey Department, 'but now they are required to give some land to provide a thoroughfare through their Reserve this obstruction arises.'[1843]

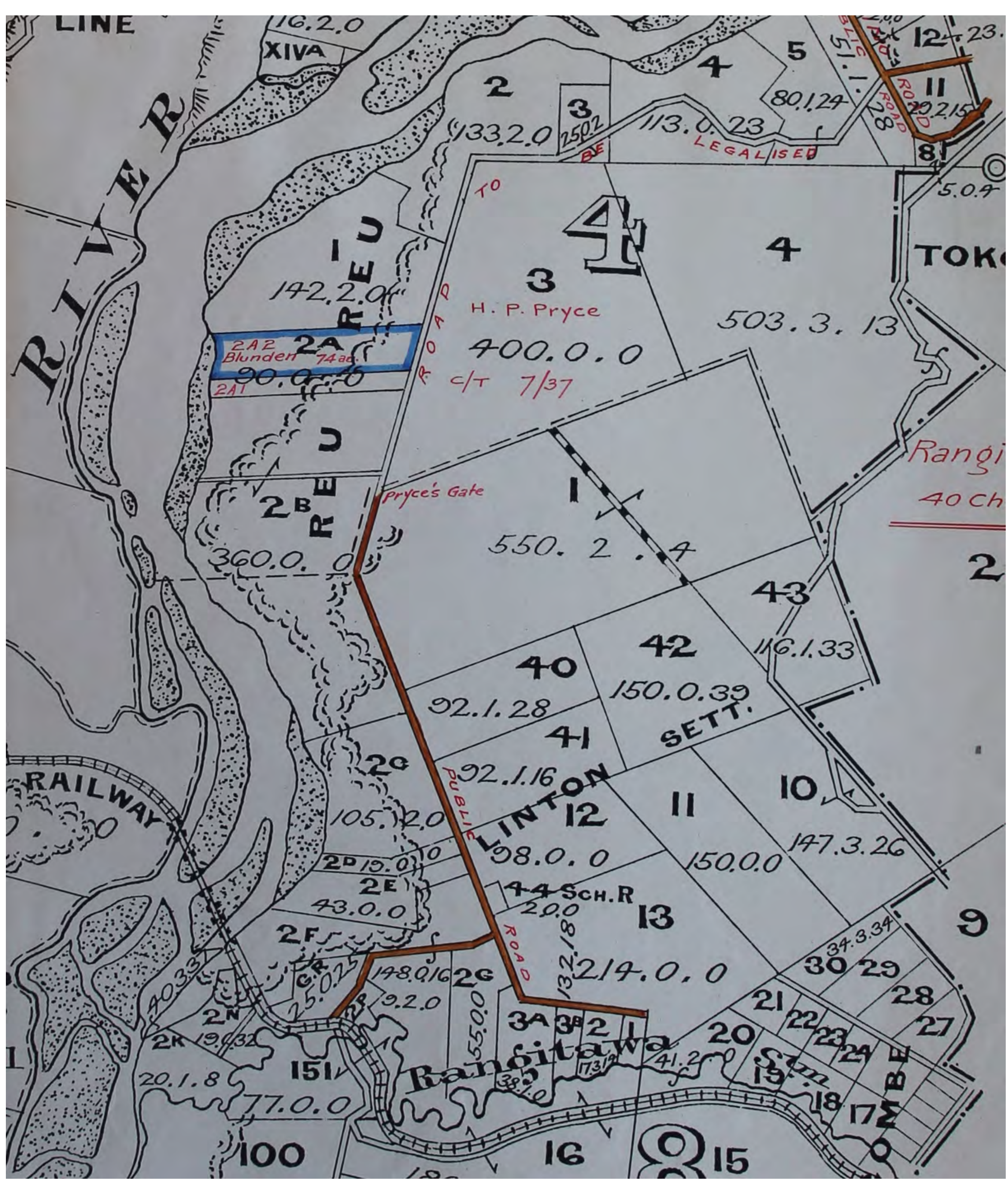
Having received Climie's report and complaints from the County Council Chairman, the Chief Surveyor concluded that there was 'no choice' but to take the contested stretch of road along the boundary between Te Reureu 2 and Pryce's land, with land being taken 'equally on each side'. The road would then briefly cut across a corner of Pryce's land 'for some 10 or 12 chains' (200 or 240 metres) before continuing across Te Reureu 1 to Onepuehu. Under this arrangement, the County Council would be obliged to pay compensation to the European owner for the taking of six acres from his land, while 'some 60 acres' would 'be taken from the Natives for nothing'.[1844]

For their part, the County Council continued to insist that the road above Pryce's Gate had been laid off on the Māori, rather than the European-owned, side of the boundary between the Reureu Reserve and the Manchester Block. Wheeler nevertheless agreed to obtain the European owner's opinion of the Chief Surveyor's proposal.[1845] Noting that the proposed road would be an 'absolute necessity' to the Māori landowners who were protesting the Council's taking, but 'never more than an occasional convenience to the white population and ratepayers', Herbert Pryce called upon the County Council and ratepayer's to 'make a firm stand.' It would 'be an absurd waste of public money', the wealthy landowner told the Council Chairman, to remove his boundary fence, while he could 'scarcely be expected to give up' his land 'for less than its selling value.'[1846]

Stalwartly opposed to the expenditure of ratepayers' money on a road that would 'greatly increase the value' of the Māori owners' land while doing 'nothing for ours', Pryce had a very different opinion when it came to the Council's taking of the Road above Onepuehu. This road was 'urgently required on behalf of the [European] settlers on the Waituna', who in Pryce's opinion had 'been much neglected.' 'No fair minded ratepayer', Pryce concluded, 'could begrudge rates being spent for the purpose' of providing these settlers with an 'outlet'.[1847]

[1843] George Wheeler, Chairman Oroua County Council, to the Chief Commissioner, Lands & Survey Department, 27 November 1907, Archives New Zealand, Wellington, LS-W1 43, 1829, 3, Reu Reu Block 1901-1909, (R23976776)
[1844] John Strauchan, Chief Surveyor to the Chairman, Oroua County Council, 7 January 1908, Archives New Zealand, Wellington, LS-W1 43, 1829, 3, Reu Reu Block 1901-1909, (R23976776)
[1845] George Wheeler, Chairman Oroua County Council to the Chief Surveyor, 25 January 1908, Archives New Zealand, Wellington, LS-W1 43, 1829, 3, Reu Reu Block 1901-1909, (R23976776)
[1846] Herbert Pryce to the Chairman, Oroua County Council, 3 February 1909, Archives New Zealand, Wellington, LS-W1 43, 1829, 4, Reu Reu Block 1909-1912, (R23976777)
[1847] Ibid

Figure 7.5 The road between Kākāriki and Onepuehu including the contested portion between Pryce's Gate and the Makino Road



Acting on Pryce's advice, and unwilling to commit 'upwards of £400' in ratepayer's funds 'to acquire rights through [European-owned] private property' for a road that would primarily benefit the Māori landowners of Te Reureu 1 and 2, the Chairman of the County Council decided to 'drop' the 'disputed piece' of road between Onepuehu and Kākāriki.[1848] The Council

[1848] George Wheeler, Chairman Oroua County Council, to the Commissioner of Lands, 9 Sept 1909, Archives New Zealand, Wellington, LS-W1 43, 1829, 4, Reu Reu Block 1909-1912, (R23976777)

continued, however, its push to legalize the road between Onepuehu and the Waituna Stream. On 9 September 1909, Wheeler wrote to the Commissioner of Crown lands for his assistance in obtaining an Order in Council allowing the road 'to traverse an old garden'.[1849] The Order in Council, allowing the taking of the road across the cultivation within Te Reureu 1, was duly issued on 2 December 1909.[1850]

Table 7.21 Land notified as being 'taken and laid off for Public Roads under the Public Works Act, 6 September 1910

Subdivision land taken from	Acres to be Taken a r p
Reu Reu 3	16.0.1
Reu Reu 3	7.1.30
Reu Reu 1	15.2.14
Reu Reu 1	8.1.3.5
Reu Reu 1	9.0.37
Reu Reu 1	9.1.31
Reu Reu 2	5.1.20
Reu Reu 2	0.1.0
	71.2.18

Source: *NZ Gazette*, 82, 8 September 1910, p 3362

The Oroua County Council's abandonment of the road between Onepuehu to Kākāriki was a serious blow to the Māori owners of the upper portions of the Te Reureu 2 (Sections 2A and 2B) and the lower parts of Te Reureu 1 (Sections 1, 2, 3 and 4). As Herbert Pryce had somewhat cynically pointed out to the Chairman of the County Council in February 1909, the owners of these sections were 'starting dairying on the prospect of getting this road', and once the subdivision of Te Reureu 1 and 2 had been completed 'many sections' would have 'no outlet without it.'[1851] The absence of a road between Onepuehu and Kākāriki was felt not only by those who had been left without access to their land, but also by the other inhabitants of Te Reureu 1 and 3 for whom the only route out of the valley – at least until 1919 when a narrow suspension bridge was erected over the Rangitīkei River at Onepuehu (finally replacing the structure that had been washed away in 1902) – was up the steep terrace slope to Tokorangi, and then along the roads to either Mākino or Halcombe.[1852]

[1849] Ibid
[1850] *NZ Gazette*, No 104, 9 December 1909, p 3210
[1851] Herbert Pryce to the Chairman, Oroua County Council, 3 February 1909
[1852] 'Onepuhi Bridge', *Feilding Star*, 26 June 1919, p 2, c 5, https://paperspast.natlib.govt.nz/newspapers/feilding-star/1919/6/26/2 (accessed 3 January 2018); David

The issue of road access for the sections between Pryce's Gate and Onepuehu was brought to the authorities' attention again in June 1921 when Neil Blunden – a returned soldier who had purchased 74 acres of Reureu 2A – wrote to the Minister of Lands in the hope of getting the road reopened. Blunden told the Minister that 'at the present time' his land had 'no road or outlet', and he was obliged 'to go across Paddocks to get into the Section.' Noting that the 'original map' of Te Reureu showed 'a road at present fenced into Mr Price's [sic] property', Blunden asked the Minister of Lands to use his influence 'in getting this road reopened.'[1853]

Rather than being dealt with under the Public Works Act, as before, responsibility for the abandoned road was delegated by Government officials to the Native Land Court, which was asked to deal with the matter under Section 48 of the Native Land Amendment Act 1913.[1854] Section 48 empowered the Court, 'upon any partition' of Māori land, 'to lay out such road lines' as it considered 'necessary or expedient for the use of the several parcels', thereby 'giving access or better access' to the subdivisions in question. Once laid out, the roadlines could, by Proclamation, be declared by the Governor to be public roads and vested in the Crown.[1855]

As Blunden himself was to discover to his expense, the decision – apparently taken by officials within the Lands and Survey Department – to delegate the definition of the unfinished Onepuehu-Kākāriki Road to the Native Land Court, rather than the Ministry of Lands or Public Works, was a serious setback for Te Reureu landowners.[1856] This was because, under the Native Land Court's jurisdiction, any road that might be defined had to be across the Māori-owned subdivisions of Te Reureu 1 and 2, rather than the adjacent European land owned by Mr Pryce, as Blunden had intended. By ensuring that any road defined would involve the taking of Māori rather than European-owned land, the decision to place the issue of access before the Native Land Court also had the inevitable effect of setting the owners of various sections within Te Reureu 1 and 2 against each other: with those who sought an outlet for their sections being pitted against those who opposed the taking of their land for a new public road.

The question of whether or not there should be a roadline connecting Kākāriki and Onepuehu across the subdivisions of Te Reureu 1 and 2 appears to have been first confronted by the

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Alexander, 'Rangitikei River and its Tributaries Historical Report', A Report Commissioned by Crown Forestry Rental Trust, November 2015, Wai 2200, #A 187, p 193

[1853] N Blunden to Mr Guthrie, Minister of Lands, 27 June 1921, Archives New Zealand, Wellington, LS1 1576, 16/890, Roads - Reu Reu Number 2A2 Block, (R22420425)

[1854] Under Secretary to the Commissioner of Crown Lands, 8 August 1921, Archives New Zealand, Wellington, LS1 1576, 16/890, Roads - Reu Reu Number 2A2 Block, (R22420425)

[1855] Native Land Amendment Act 1913, Sec 48 (1) & (3)

[1856] D H Guthrie, Minister of Lands to N. Blunden, 4 August 1921, Archives New Zealand, Wellington, LS-W1 43, 1829, 3, Reu Reu Block 1901-1909, (R23976776)

Native Land Court in August 1921. On 4 August 1921 Blunden, and some of the Māori owners of Reureu 2A and 2B complained to the Court that Kupe Wiremu (William Williams) and his wife Paki Kupe Wiremu (who were owners of Reureu 1 Sections 4C1 and 4B1, and Reureu 1 Section 3 respectively):

> had forcibly cut a road through or along the boundary of various subdivisions of Reureu 2 and had broken down fences, interfered with orchards and gardens and allowed stock of various occupiers to scatter and become mixed up.[1857]

Judge Frank Acheson issued an interlocutory injunction preventing the Wiremu owners and others 'from entering upon and going through and over' the portions of Te Reureu 1 and 2 which they believed to form the public road between Onepuehu and Kākāriki, and restraining them from 'interfering with any fences . . . orchards or gardens' or 'cutting down any trees' along the alleged roadline.[1858]

At a second hearing, on 30 August 1921 the lawyer for Kupe Wiremu insisted that the plans used by the Native Land Court to subdivide Te Reureu 1 and 2 had shown a roadline through the two blocks.[1859] Blunden's lawyer, who also appeared with Mason Durie on behalf of the owners of Reureu 2B, insisted that there was no road, roadline or right of way along the eastern boundary of Reureu 2A and 2B, and that the Māori owners had 'always objected strenuously to various attempted surveys' of a road across their land.[1860] Finding the 'whole matter' to be 'both difficult and important', Judge Acheson instructed the Court's Registrar to lodge applications for a formal hearing of the case.[1861]

The formal hearing into the road between Onepuehu and Kākāriki was held in Marton before Judge Acheson on 13 March 1922. At issue was whether there was a 'legal road, roadline or right of way' running between Pryce's Gate (near the boundary of Reureu 2B 1A and 2B 2) to the Makino Road at Onepuehu (Reureu 1 Section 6). Kupe and Paki Wiremu were joined by Moeroa Karatea (an owner of Te Reureu 1 Section 2B, and one of the founding members of the Reureu Dairy Farmers Union) in asking the Court to define a roadline that would allow the subdivisions of Te Reureu 1 access to the Kākāriki Road.[1862] They were opposed by Rīwai Te

[1857] Taihape Minute Book 1, p 209
[1858] Ibid., pp 210-211
[1859] Ibid., pp 229-230
[1860] Ibid., p 227
[1861] Ibid., pp 230-231
[1862] Ibid., pp 233, 236-237, 292

Raukirikiri and Neil Blunden (both owners of land within Reureu 2A) who maintained that there was no public road through Te Reureu 2A and 2B.[1863] Mason Durie, who represented the interests of the Kairangatira family in Te Reureu 2, took a more neutral stance, leaving it to the Court to decide the matter.[1864] When the Court and parties visited the disputed land Judge Acheson expressed incomprehension that the road had 'not in the first place' been laid across Pryce's land 'along the Manchester Block Boundary', where there was 'a splendid track for a road.'[1865]

After spending 'a great deal of time searching old records and inspecting plans and tracings', Judge Acheson concluded that 'no such roadline, private road, or right of way' had 'at any time been laid off or created from Price's [sic] Gate onwards through Reureu 2.'[1866] In his decision, dated 17 August 1922, Acheson refused to lay off a roadline from Pryce's Gate across Te Reureu 2A and 2B. 'Why', he asked, 'should the owners of 2A and 2B be expected to give up a considerable area of very valuable land for the purposes of a road, and to see their fences removed and gardens destroyed?' The Judge noted that 'a road should have been taken along the boundary of Mr Price's section in Manchester B Block within five years of the issue of the Crown grant to him in 1876', but 'for some reason or other' this had not been done. Given this inexplicable oversight, Acheson concluded that:

> it would be iniquitous if now the Native owners of Reureu 2A and 2B were to be compelled to sacrifice valuable land along a much less suitable route, and incidentally to give Mr Price's section a road frontage for nothing. The Court will certainly not be party to any such action.[1867]

Recognising that some form of right of way was nevertheless necessary to allow the owners of Sections 2A and 2B access to their land, Judge Acheson created a private right of way, 'giving Reureu 2A and 2B and any subdivisions thereof access to and from the Kākāriki Road.'[1868]

Judge Acheson's decision was appealed by Kupe Wiremu. In a judgement dated 17 March 1923, the Native Appellant Court overturned Acheson's decision on the grounds that the Native Land Court had no jurisdiction over the legality or otherwise of public roads, because the issues

[1863] Ibid., p 235
[1864] Ibid., p 239
[1865] Ibid., p 236
[1866] Ibid., pp 293, 296
[1867] Ibid., p 297
[1868] Ibid

at stake impinged on the rights and interests of Europeans as well as Māori. Such questions, the Appellate Court concluded, 'were properly determinable by the Supreme Court, especially when they affect European rights.'[1869]

With Judge Acheson's prohibition annulled by the Native Appellate Court the way was clear for another attempt to have a public road laid across the subdivisions of Te Reureu 1 and 2 between Pryce's Gate and the Makino Road at Onepuehu. On 1 September 1930 the Native Land Court heard an application from Neil Blunden for the Court to lay off a road across the subdivisions of Te Reureu 2A and 2B, and the relevant sections of Te Reureu 1, thereby finally connecting Kakariki with Onepuehu.[1870] Blunden's application was supported by the Oroua County Council on the condition that the Council would not have to pay compensation for the land taken for the road. Lindsay Harding, the Council's Engineer, told the Court that the proposed road was 'the only means of access' to the affected sections of Reureu 1 and 2, and that he 'never heard of any objection being made by anyone' to the route being legalized.[1871]

The roadline was finally laid off by Judge James W Browne on 21 November 1930. The roadline, which the Judge recommended should be proclaimed a public road, ran over 24 subsections of Te Reureu 1 and 2, from Reureu 2B 1B1 and 2B 1B 2A and 2B in the south, up through the subdivisions of Reureu 2A, and Sections 1, 2, 3, 4 and 5 of Te Reureu 1, to Sections 6A and 6C of Te Reureu 1 at Onepuehu.[1872] The new road, which required the taking by the Crown of 21½ acres from the subdivisions of Te Reureu 1 and 2 was proclaimed a public road by Governor General Charles Bathurst Bledisloe on 8 August 1931.[1873]

Table 7.22 Land notified as being 'taken and laid off for a Public Road under Section 49 of the Native Land Amendment Act 1913, 8 August 1931

Subdivision land taken from	Acres to be Taken a r p
Reureu 1	16.3.28
Reureu 2A 1	0.1.18
Reureu 2A 2	1.1.18
Reureu 2B	2.3.10
	21.1.34

Source: *NZ Gazette*, 60, 13 August 1931, p 2286

[1869] Wanganui Appellate Minute Book 10, pp 420-421
[1870] Wanganui Minute Book 92, pp 42-43
[1871] Ibid., pp 43-44
[1872] Wanganui Minute Book 92, pp 218-219
[1873] *NZ Gazette*, 60, 13 August 1931, p 228

In addition to a proclamation from the Governor or Governor General, the creation of a useable road required work and investment. Roads had to be formed and graded. If they were to be passable in wet weather roads also had to be culverted and metaled, while streams had to be bridged.

Despite the best efforts of the Reureu Dairy Union, the roads of Te Reureu were rudimentary at best until at least the end of the 1920s. Much of the road north of Onepuehu remained unmetalled until Sir James G Wilson (founding President of the Farmer's Union and a successful Rangitīkei sheep farmer) used his influence with the Reform Government to obtain £600 from the Public Works Department to improve access to his daughters' property above the Waitapu Stream. By the end of September 1927, the road – which remained unformed in the middle – was sufficient for 'safe access for wool wagons' which, in the opinion of the County Engineer, was 'all that immediate requirements call for.'[1874] Writing to J Gordon Elliot, the Member of Parliament for Oroua, in August 1928, Sir James congratulated the Government on its efforts in 'cutting down the hill' near Onepuehu but noted that the unculverted road remained 'impassable except for horse traffic' in winter.[1875]

Another problem for those with land north of Onepuehu was the absence of any bridges over the Waituna and Raumahanga Streams. In June 1927 the Rewa and Tokorangi school committees petitioned the Oroua County Council to bridge the two streams. The committees told the Council that without bridges over the streams children were unable to attend school 'during the winter months as it was not safe for them to ford the streams.' Striking a familiar chord, the Chairman of the County Council 'pointed out that the property affected was mostly native and that outstanding native rates' for the previous year amounted to £303 9s 4d, 'making it difficult for the County to raise money for the work.' The Council subsequently resolved 'to advise the respective school committees that it was impossible . . . to entertain the building of bridges' over the two streams.[1876] The Oroua County Council only proceeded with plans for a bridge in 1940 after receiving £1000 for the project from the Ministry of Public Works.[1877]

[1874] Roy L Harding, County Engineer, to the District Engineer, Public Works Dept, 30 Sept 1927, Archives New Zealand, Wellington, AATC W3457 5114 Box 212, 14/22, Reu Reu Road – Oroua County, 1927-1978, (R15964197)

[1875] James G Wilson to J Gordon Elliot, MP, 14 August 1928, Archives New Zealand, Wellington, AATC W3457 5114 Box 212, 14/22, Reu Reu Road – Oroua County, 1927-1978, (R15964197)

[1876] "Oroua County Council', *Manawatu Daily Times*, 9 June 1927, p 5, c 3, https://paperspast.natlib.govt.nz/newspapers/manawatu-times/1927/6/9/5 (accessed 20 November 2017)

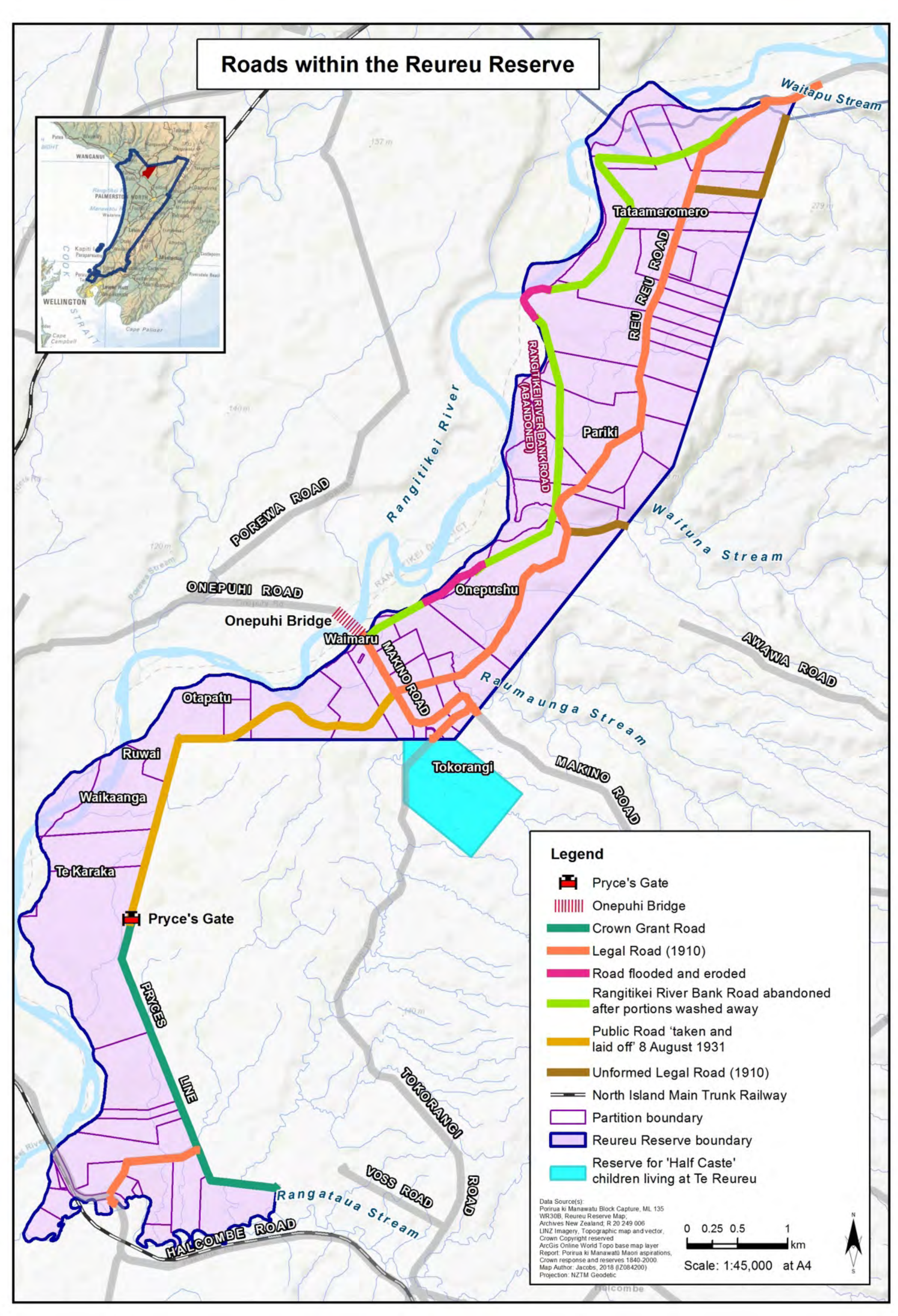
[1877] H Watkinson, District Engineer, to the Clerk, Oroua County Council, 6 October 1939 and Seaton, Sladden & Pavitt to A R Acheson, Engineer, Public Works Department, 5 March 1940, both in Archives New Zealand, Wellington, AATC W3457 5114 Box 212, 14/22, Reu Reu Road – Oroua County, 1927-1978, (R15964197)

South of Onepuehu, the road to Kakariki remained unfinished until at least March 1932 when the County Engineer suggested its completion as a suitable relief project for unemployed men. The Engineer estimated that there was 'about 2 miles left to be formed and metalled'. He also noted that because 'the road would follow the existing road reserve there would be no compensation for land.' Completion of the road, the Engineer argued 'would give direct access to about 1000 acres of really first class country, a fair amount of which is Native owned.'[1878]

While the overall impact on the Te Reureu people's farming ambitions is unknown, problems of access caused by inadequate or non-existent roads served as a serious break on the reserve's economic development. Dairying, in particular, required regular and reliable access for the cream carts that carried the farm's perishable produce to market. Faced by a settler-dominated County Council that was insensitive to Māori protests, and unwilling to spend ratepayers' funds on roads across Māori land, the landowners of Te Reureu were obliged to take matters into their own hands. In 1914 and 1915 the Reureu Dairy Farmers' Union rebuilt the road above the Waitapu Stream that had been washed away by the Rangitīkei River years earlier. The construction of such vital infrastructure was the necessary precondition for the Reureu Union's daring venture into dairy farming.

Despite the best efforts of the Dairy Farmers' Union, a significant portion of the Reureu Reserve's most productive land appears to have remained inaccessible by road. Matters were greatly aggravated by the County Council's decision to abandon the road linking Onepuehu with Kākāriki. As a result, landowners in the lower parts of Te Reureu 1and the upper sections of Te Reureu 2 were left without a viable outlet from their land. The problem of access – which pitted the owners of different sections against each other – was only resolved when the Native Land Court laid out a road across 24 subsections of Te Reureu 1 and 2 in November 1930. Proclaimed in 8 August 1931 the new public road required the taking of 21½ acres of Māori land under the Public Works Act.

[1878] A R Acheston, CE, 'Unemployment Work Oroua County', March 1932, Archives New Zealand, Wellington, AATC W3457 5114 Box 212, 14/22, Reu Reu Road – Oroua County, 1927-1978, (R15964197)


Roads within the Reureu Reserve
Waitapu Stream
Tataameromero
REU REU ROAD
RANGITIKEI RIVER BANK ROAD (ABANDONED)
Pariki
Rangitikei River
POREWA ROAD
Waituna Stream
ONEPUHI ROAD
Onepuehu
Onepuhi Bridge
Waimaru
MAKINO ROAD
AWAWA ROAD
Raumaunga Stream
Otapatu
Ruwai
Tokorangi
MAKINO ROAD
Waikaanga
Te Karaka
Pryce's Gate
PRYCES
LINE
TOKORANGI
VOSS ROAD
ROAD
Rangataua Stream
HALCOMBE ROAD
Legend
Pryce's Gate
Onepuhi Bridge
Crown Grant Road
Legal Road (1910)
Road flooded and eroded
Rangitikei River Bank Road abandoned after portions washed away
Public Road 'taken and laid off' 8 August 1931
Unformed Legal Road (1910)
North Island Main Trunk Railway
Partition boundary
Reureu Reserve boundary
Reserve for 'Half Caste' children living at Te Reureu
0 0.25 0.5 1 km
Scale: 1:45,000 at A4
WANGANUI
PALMERSTON NORTH
WELLINGTON
COOK STRAIT

The Reureu Reserve and the Rangitīkei River

In addition to problems with access, the owners of Te Reureu also had to contend with the continuing threat of encroachment upon their land by the Rangitīkei River. As we have seen, the people of Te Reureu had already lost a substantial portion of their reserve to river erosion in the decades preceding the subdivision of Te Reureu 1, 2 and 3. More than 400 of the Reserve's original 4510 acres had been lost to river encroachment between 1872 and 1896. Between 1896 and 1907 a further 167 acres were washed away from Te Reureu 1 alone, while another 67 acres were lost from Te Reureu 3 between 1896 and 1905. After the great flood of 1897 Ngāti Waewae and Ngāti Pikiahu had been obliged to relocate Te Tikanga marae – including the carved house and urupā – from its original location on the flat land next to the Rangitīkei River to higher ground at Tokorangi. The carved house had been dismantled and transported up the hill by bullock train, while the tūpāpaku in the original urupā had been dug up and reinterred in a new burial ground, where they would be safe from the encroaching River.[1879]

The Rangitīkei County Council's Scheme to Protect the Onepuhi Bridge

The lower portions of Te Reureu 1, 2 and 3 remained vulnerable to encroachment by the Rangitīkei River into the 1920s and 1930s. In 1933 the Rangitīkei County Council attempted to shore up the approaches to the Onepuhi (Onepuehu) suspension bridge by fencing off the land between the Rangitīkei River and Waituna Stream. Describing the land between River and Stream as 'practically useless . . . shingle beach entirely over run by gorse and lupin', the Rangitīkei County Engineer planned to plant the fenced-off area with silver poplar and willow trees, thereby stabilizing 'the shingle beaches' upstream from the bridge, and preventing the Rangitīkei from cutting through 'into the Waituna Stream' (which ran parallel with the River before converging below the bridge) and reoccupying 'its old bed.' Such an eventuality, the Engineer warned, would not only wash away the approaches to the existing bridge – requiring a new bridge double the length of the one proposed – but also 'threaten seriously many acres of original alluvial flats . . . now under cultivation by natives.'[1880]

The Rangitīkei County Council's fencing off of the land between the Waituna and Rangitīkei was opposed by the owners of Te Reureu 1. On 1 November 1933 nine owners, including Iwa

[1879] Wai 2200 – Porirua ki Manawatū District Inquiry. 'Nga Korero Tuku Iho Hui Held at Te Tikanga Marae, Tokorangi. Site Visit on 18 May 2014', Wai 2200, #4.1.7(a), p 13

[1880] Sidney A R Mair (Rangitīkei County Engineer's Office, Hunterville) to the Registrar, Native Land Office, 11 December 1933, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)

Moeroa Karatea, Hineitemarama Kereti, Kereti Teimana, and Tira Arapere, petitioned Native Minister Apirana Ngata. The petitioners complained that the land that had been fenced off by the Council belonged to them, and that their stock was no longer able to get access to the River for water. The owners had protested to the Council while the 'fences were being erected' but had been told that their 'objections must be lodged with the higher authorities' in Parliament.[1881]

At a subsequent meeting, held at Te Pou Patate marae on 25 February 1934, Tahurangai Maraenui – speaking for all of the owners of Te Reureu 1 – told Hoeroa Marumaru (the Native Department's property supervisor for the district) that 'they still owned the whole of the River frontage to the Reureu Block' and that by erecting the fences, the Rangitīkei County Council had 'trespassed on their property.' Maraenui explained that, far from being worthless, the fenced off area:

> was once good land and many of his people had once had their homes there, and many of those present and others were born there, they had cultivations there, and they felt it very deeply that this area should be unjustly taken from them.[1882]

While the land had been 'eroded' by the Rangitīkei 'some years back', the River had since changed its course, exposing 'a partly shingle bed on which lupin and gorse began to grow.' By helping 'to hold the silt' from subsequent floods the lupin and gorse 'had helped to again build up' the area with 'many parts . . . rapidly becoming thickly covered with good soil, and an abundance of good grass'. In addition to trespassing on their land, Maraenui noted that by fencing off the area the Council had 'deprived' the people of Te Reureu 'of a very necessary source of wood supply' while cutting off their stock 'from their water supply.'[1883]

In response to the Te Reureu owners' complaints, the Native Department asked the Ministry of Public Works to 'detail an officer to inspect the works' being undertaken by the Rangitīkei Council and report whether they were necessary 'in the interests' of both the County Council and the owners of the Māori land. On 20 April 1934, the District Engineer reported that the Council's work was indeed necessary 'to save the bridge from being washed out' and that 'the

[1881] Iwa Moeroa Karatea and others to Ta Apirana Ngata, Minita Maori, 1 November 1933, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117) (Reo Māori original and English translation)
[1882] Hoeroa Marumaru (Property Supervisor) to the Registrar, Aotea Land Board, Whanganui, 26 February 1934, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1883] Ibid.

majority of the accretion' on the contested area – which was 'still low lying and regularly flooded' – had been 'due to work carried out by the Council.' Arguing that 'the amount of grazing on the fenced area is negligible' and that the Māori owners of the adjacent land had 'ample' access to water from the Waituna Stream, the District Engineer reported that he was 'quite satisfied that the fencing off and protecting of the area' by the County Council was 'in the best interests of the Natives concerned'.[1884]

Having received the District Engineer's endorsement of the Council's work, the Under Secretary of the Native Department suggested that Hoeroa Marumaru meet again with the owners of Te Reureu 1, to see if 'satisfactory arrangements' could be made for the 'closing of the portions of land' that were subject to tree planting by the County Council.[1885] The Te Reureu 1 owners, however, continued to press their claim, and on 4 June 1935 Poihaere Kingi, Matiti Hue, Kereama Te Ngako, Iwa Maeroa Karatea and Heta Tawho wrote to Te Taite Te Tomo, MP for Western Maori, to protest against the Council's continued 'fencing of the banks' of the Rangitīkei River 'and the planting of imported trees (pines) there.' They asked Te Tomo to refer the matter to the Native Minister 'for his favourable consideration.'[1886]

With the complaints of the Te Reureu 1 owners gaining no traction with the national Government, the Rangitīkei County Council continued its scheme to secure the approaches to the Onepuhi Bridge. In April 1938, the Council and the Main Highway Board moved to acquire 127 acres of the land between the Rangitīkei and Waituna 'for the protection of the Bridge.' 'With a view to negotiating with the owners individually', the Council asked the Native Land Court to extend the boundaries of the adjacent sections of Te Reureu 1 to include the contested area. The Council would then acquire the land it required while the owners of the adjacent sections would keep the rest (105 acres altogether).[1887] Altogether, the area in question – which was considered by the Council and the Court to be 'accretion' caused by the gradual buildup of new land caused by the River changing its course – came to a total of 233 acres abutting on to eight sections of Te Reureu 1.[1888]

[1884] H H Sharp (District Engineer), 'Memorandum for the Permanent Head, P.W.D.', 20 April 1934, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1885] Under Secretary to the Registrar, Native Land Court, 4 May 1934, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1886] Poihaere Kingi, Matiti Hue, Kereama Te Ngako, Iwa Maeroa Karatea, Heta Tawhou kia Te Taite Te Tomo M.P., 4 Hune 1934, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1887] James W Browne, Judge to the Under Secretary, Native Department, 22 April 1938, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1888] 'Part of Reu Reu Block – Blks 1: Schedule of Approximate Accreted Areas', Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)

The Council's application was heard by the Native Land Court on 20 April 1938. The owners of Sections Te Reureu 1 Sections 6B, 14, 15C 3, 17B 1 and 17C – who were all represented before the Court – each claimed ownership to the land that the River had added to their subdivisions.[1889] While expressing no objection to the Council's proposed protection works, the owners insisted that they should remain owners of the affected land. Speaking for all of the owners who were represented in Court, Te Taite Te Tomo told Judge James Wakelin Browne that they 'proposed . . . to allow the County to do what it liked with this land but they intended to keep the freehold themselves.'[1890] Harold H Richardson, the County Clerk for Rangitīkei Council, however, rejected the owner's proposal as 'not sufficient.' Richardson told the Court that in order for 'public money' to be spent on 'protective works' the land in question had to 'be vested in the Crown.' Richardson warned that if the owners of the affected sections would not give up the land voluntarily, it 'would probably have to be taken under the Public Works Act.'[1891]

With the Te Reureu owners still refusing to give up their claim to the contested land, Judge Browne asked the Under Secretary of the Native Department to refer the matter to the District Land Registrar in Wellington to 'ascertain' what 'exactly' was required to have the accretions added to the titles of the relevant sections of Reureu 1.[1892] Upon investigating 'the alleged accretion', however, the Registrar General of Land concluded that the land in question was in fact 'a portion of an island' – bounded by the Rangitīkei River and the Waituna Stream, which was itself 'either a branch, or a flood channel at the very least, of the Rangitīkei.' As an 'island' within the Rangitīkei River, the land in question was legally separate and distinct from the Reureu Reserve, and could not 'be regarded as belonging to the owners of the blocks on the other side of the Stream.' The Registrar General also advised, that it was 'not the Crown's policy to correct titles by adding "accretions" where the lands front wide rivers such as the Rangitīkei if the Rivers are broken into channels.'[1893]

On the basis of the Registrar General's advice, Under Secretary of Native Affairs O N Campbell wrote back to Judge Browne, informing him that 'it would appear . . . that an application to have the land thought to be accretion added to the titles would not be

[1889] Wanganui Minute Book 99, pp 147-148
[1890] Ibid., p 149
[1891] Ibid., pp 149-150
[1892] James W Browne, Judge to the Under Secretary, Native Department, 22 April 1938, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1893] O N Campbell (ONC) Under Secretary [Native Department] to Judge Browne, Native Land Court, 20 May 1938, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)

successful.'[1894] In reply, Judge Browne questioned the Registrar General's conclusion that the supposed accretion was geographically and legally distinct from the Reureu Reserve. The Judge noted that plan of the Reserve endorsed on the Court order of 1896 (ML 1342) showed 'the Block as abutting on the Rangitīkei River', rather than the Waituna Stream. He also noted it was 'doubtful' that the Waituna Stream in 1896 had been 'in its present position', running parallel to the Rangitīkei, but had rather joined the River 'much farther to the North.' In addition, Judge Browne pointed out that 'neither the Rangitīkei nor the Waituna' were 'navigable'. The Rangitīkei was 'too swift and too shallow for boats', while 'normally' one could 'step across the Waituna.' He also observed that according to the County Engineer Sidney A R Mair, 'the accretion' that had created the area had 'been gradual.' The Māori owners of Te Reureu, moreover, had 'for a long time grazed their stock' on the land, and 'cultivated it as well.'[1895]

Despite the problems pointed out by Judge Browne in the Registrar General's analysis, the Crown proceeded to take the land required by the Rangitīkei County Council for the 'maintenance' and 'protection' of the Onepuhi Bridge under the Public Works Act, 1928.[1896] In a proclamation dated 9 November 1939, the Crown vested 129 acres in the ownership of the Rangitīkei County 'for the purposes of river-protection works', while a further two acres were taken for the road leading up to the Onepuhi Bridge. Of the 131 acres taken, only 27 acres were acknowledged in the proclamation as being part of Te Reureu 1. The other 104 acres taken by the Crown were categorized as 'River-bed' of the Rangitīkei River bed. This meant that while the owners of Te Reureu 1 – with the support of Judge Browne – claimed ownership of all of the 131 acres taken under the Proclamation, they would be compensated for the taking of just 27 acres, or 21 percent of the total.[1897]

Compensation for the 27 acres formally taken by the Crown from Te Reureu 1 was approved by the Native Land Court – presided over by Judge Robert Preshaw Dykes – on 10 June 1941. In accordance with an agreement reached with the owners of the affected sections, the Rangitīkei County Council agreed to pay £35 as compensation for the 27 acres, as well as £4 4s to cover the owners' legal costs. Although more than the Government Valuation of £19 for the 27 acres, this was substantially less than the owners of Te Reureu 1 might have expected

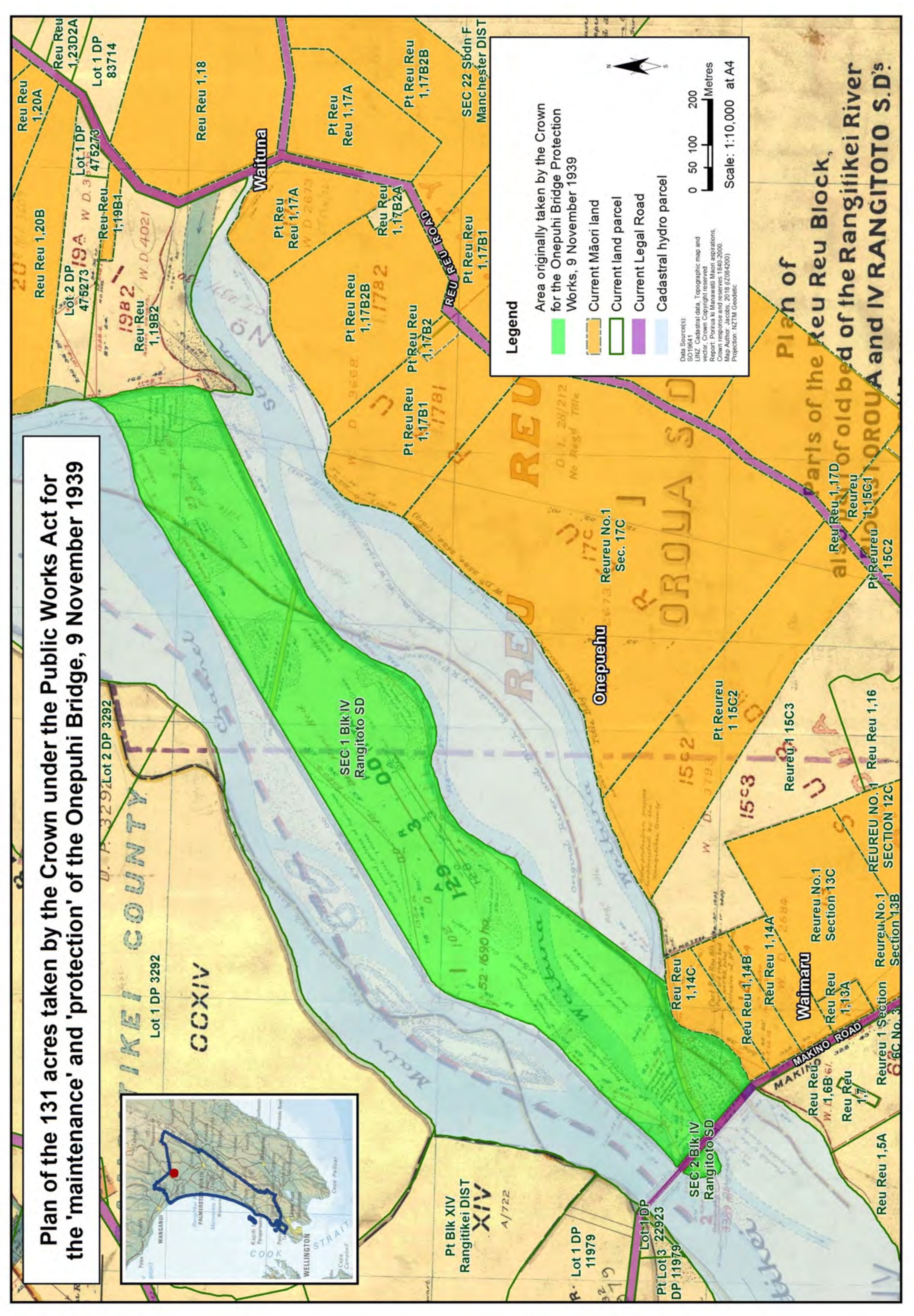
[1894] Ibid
[1895] Jas W Browne, Judge, to the Under Secretary, Native Department, 30 May 1938, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1896] 'Rangitīkei County Council. Notice of Intention to take Land in Block IV, Rangitoto Survey Distirct, and Block I, Oroua Survey District, For Protective Works and a Road', *NZ Gazette*, No 89, 1938, p 2740
[1897] 'Land taken for the Purposes of River-protection Works and for the Purposes of a Road, in Block I, Oroua Survey District, and Block IV, Rangitoto Survey District, Oroua County', *NZ Gazette*, No 138, 1939, p 3062

to have received if they had been compensated for all of the 131 acres that the Crown had taken.[1898]

After a substantial delay, caused in part by the outbreak of World War II, the Rangitīkei County Council and Ministry of Works ultimately decided against the construction of the new Onepuhi Bridge. In 1953 the existing one-way suspension bridge was judged to be in such poor condition that it was formally closed to traffic.[1899] The closure of the bridge was protested by in a letter written by P Herangi from Tokorangi, "on behalf of the Maori settlers and Tribal Committee", to the Minister of Maori Affairs. Amongst other things, Herangi reminded the Minister of the land that had been taken from the owners of Te Reureu 1 for the protection of the bridge. With the existing bridge now closed with no prospect of a replacement, Herangi told the Minister that the owners "felt that we have been let down very badly indeed."[1900]

Despite the closure and eventual demolition of the Onepuhi Bridge, no official steps were taken to return the land that been taken for its protection in 1939. Instead, in October 1972, the now redundant bridge protection works were declared to be Crown land, and vested in the Rangitīkei-Wanganui Catchment Board as a reservation "for soil conservation and river control purposes."[1901]

[1898] Wanganui Minute Book 101, p 221
[1899] David Alexander, 'Rangitikei River and its Tributaries Historical Report', A report commissioned by the Crown Forestry Rental Trust, November 2015, Wai 2200, #A187, p 212
[1900] P Herangi to Minister of Maori Affairs, 10 September 1953, cited in Alexander, p 213
[1901] Alexander, p 216


Plan of the 131 acres taken by the Crown under the Public Works Act for the 'maintenance' and 'protection' of the Onepuhi Bridge, 9 November 1939
Legend
Area originally taken by the Crown for the Onepuhi Bridge Protection Works, 9 November 1939
Current Māori land
Current land parcel
Current Legal Road
Cadastral hydro parcel
0 50 100 200 Metres
Scale: 1:10,000 at A4
Waituna
Onepuehu
Waimaru
REU REU ROAD
MAKINO ROAD
SEC 1 Blk IV Rangitoto SD
SEC 2 Blk IV Rangitoto SD

The Reureu Development Scheme

In February 1936 Te Reureu was again subjected to severe flooding. 'Following phenomenal rains up country,' the Rangitīkei River rose to 'within a foot of the record flood level', coming within 13 feet of the railway bridge at Kakariki and inundating 'the entire river flat', that is all of the Reureu Reserve apart from the hills along its eastern boundary.[1902] In addition to submerging virtually all of the Te Reureu people's productive land, the flood also ate away at the banks of the Rangitīkei, exposing Onepuehu and the sections of Te Reureu 1 immediately upstream to the danger of further, permanent encroachment by the River.[1903]

Lacking the resources to prevent the impending catastrophe themselves, Ngāti Pikiahu and Ngāti Waewae turned to the new Labour Government that they had recently helped elect. On 20 October 1936 Richard Searancke, Secretary of the Pikiahu-Waewae Māori Labour Committee, addressed himself to Prime Minister and Minister of Native Affairs Michael Joseph Savage in the hope of securing the Government's assistance in repairing the 'erosion made by the flow of the Rangitikei River into the land of the several Maori owners, resident on the Reureu 1 Block.' The Committee feared that 'if immediate action were not taken' during the upcoming summer 'to re-enforce the banks of the river, so as to stop the erosion' the outcome 'will be total loss of property, both land and houses and other immediate necessaries of life.' The Committee asked the Native Minister and his Department to undertake a 'general survey of the situation' and 'if humanly possible' provide 'financial assistance' for the necessary protection work.[1904]

Having received no reply from either the Native Minister or his Department, the Committee, on 16 February 1937, wrote to the Under Secretary of Native Affairs in the hope that their 'application' would be given 'consideration' by the Minister.[1905] The Committee's request was forwarded by the Under Secretary to the Department's office in Whanganui, and on 23 April 1937, Judge Browne and Hoeroa Marumaru visited the threatened land with Sidney Mair, the Rangitīkei County Engineer who was responsible for the protection works around the Onepuhi Bridge. Having met Ngāti Pikiahu and Ngāti Waewae, the delegation 'found the position to be

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[1902] 'Rangitikei Bank High', *Horowhenua Chronicle*, 27 February 1936, p 8, c 5, https://paperspast.natlib.govt.nz/newspapers/horowhenua-chronicle/1936/2/27/8 (accessed 4 January 2018)
[1903] Richard Searancke, Secretary Pikiahu-Waewae Maori Labour Commiteee, to Rt Hon M J Savage, MP, Minister of Native Affairs, 20 October 1936, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1904] Ibid
[1905] R P Searancke, Secretary Pikiahu-Waewae Maori Labour Committee, to the Under Secretary Native Affairs, 16 February 1937, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)

as stated', concluding, 'that if immediate steps' were 'not taken to stop the erosion and prevent its continuance acres of exceedingly valuable land' would 'be washed away.'[1906]

Noting that 'the Native owners are not in a position to do anything themselves and most certainly require assistance', Judge Browne – in a memorandum to the Under Secretary of the Native Department dated 28 April 1937 – urged that 'something should be done as soon as possible to prevent acres of valuable land being washed away by the Winter floods thus affecting not the Natives alone but the whole District.'[1907] The County Engineer – who had 'personally offered to design and supervise the proposed Protective Works gratis . . . provided the costs of materials and labour were provided by the owners or the Native Department' – estimated 'that about 25 chains (500 metres) of the river bank could be effectively protected with heavy willow trees' at a cost of no more than £250, including £100 in materials.[1908]

While the Native Department approved £200 from Maori Unemployment funds to pay for the labour component of the river protection work, 'no funds' were 'available' for the necessary materials.[1909] As a result, it was left to the owners of the affected sections of Te Reureu 1 (Sections 11 to 20 and their subdivisions) to find the outstanding £100. The owners, however, were unable to come up with the required sum, leading to what Judge Browne described as a 'dangerous' delay in 'the commencement of the work.'[1910] Part of the problem was that the individualized form of Native title that had been imposed upon Ngāti Pikiahu and Ngāti Waewae made it difficult for the owners of the affected sections of Te Reureu to act collectively. On 26 May 1937, Judge Browne explained to the Under Secretary of the Native Department that the owners of the affected sections were 'scattered all over the North Island.' While 'the resident owners', who were 'interesting themselves in the erosion' were 'endeavouring to get into touch' with the absentee owners, Judge Browne noted that 'it may be months before they are able to do.' 'In the meantime', he warned, 'a large proportion of the Sections immediately abutting the River may be washed away.'[1911]

By November 1937 the owners of the threatened sections of Te Reureu had still not been able to raise the required £100. As a consequence, the vital river protection project remained in

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[1906] Judge James W Browne, 'Memorandum for: The Under Secretary, Native Department, Wellington, 28 April 1937, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1907] Ibid
[1908] Sidney A R Mair, County Engineer, to Judge Browne, Native Land Court, Wanganui, 27 April 1927, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1909] O N Campbell (ONC), Under Secretary [Native Department], to Judge Browne, Native Land Court, Wanganui, 7 June 1937, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1910] Judge Browne to the Under Secretary, Native Department, 26 May 1937, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1911] Ibid

limbo, with work unable to be started for want of funds to purchase the necessary materials. In order to overcome this impasse, a meeting of the owners and occupiers at Te Reureu agreed that the 'sections directly affected by the erosion' should be placed in a Native land development scheme, under Part I of the Native Land Development Act 1936.[1912] Under the 1936 legislation, Māori land included in a Native land development scheme was placed under the supervision of the Board of Native Affairs which took charge of the 'development' and 'improvement' of the land.[1913] The Board – which consisted of the Native Minister, the Under-Secretary of the Native Department, the Under-Secretary for Lands, the Director-General of Agriculture as well as other Government officials and appointees – was empowered to 'cause to be undertaken and carried out in connection with any land' under its supervision, 'such works' as it thought 'fit', including:

> the survey, draining, reclamation, roading, bridging, fencing, clearing, grassing, planting, top-dressing, and manuring of the land, the construction, provision, insurance, maintenance, and repair of buildings, and other erections, machinery, water supplies and other services, and any other works, calculated to improve the quality or utility of the land.[1914]

The Board of Native Affairs was also authorized to 'train and educate' the Māori owners or occupiers of the land under development.[1915]

'All moneys expended' by the Board of Native Affairs on a particular piece of land were to be charged against the land (with interest) and repaid at 'such time or times' as the Board may 'from time to time determine.'[1916] When the Board undertook expenditure that 'improved or increased in value' Māori land that was not included in a particular development scheme, the Board could apply to the Native Land Court for a charging order for 'such amount as may be fixed by the Court.'[1917] This is what was envisaged for the protection works that were to be undertaken under what was to be known as the Reureu Development Scheme. Once the river protections had been completed as part of the development scheme, applications were to be

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[1912] Jas W Browne to the Under Secretary Native Department, 13 November 1937, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1913] Native Land Development Act 1936, s 9 (1)
[1914] Ibid., s 9 (3)
[1915] Ibid., s 9 (1)
[1916] Ibid., s 18 (1)
[1917] Ibid., s 19

made to the Court under Section 19 of the 1936 Act 'for orders charging the sections benefited directly or indirectly with a proportionate amount of the cost.'[1918]

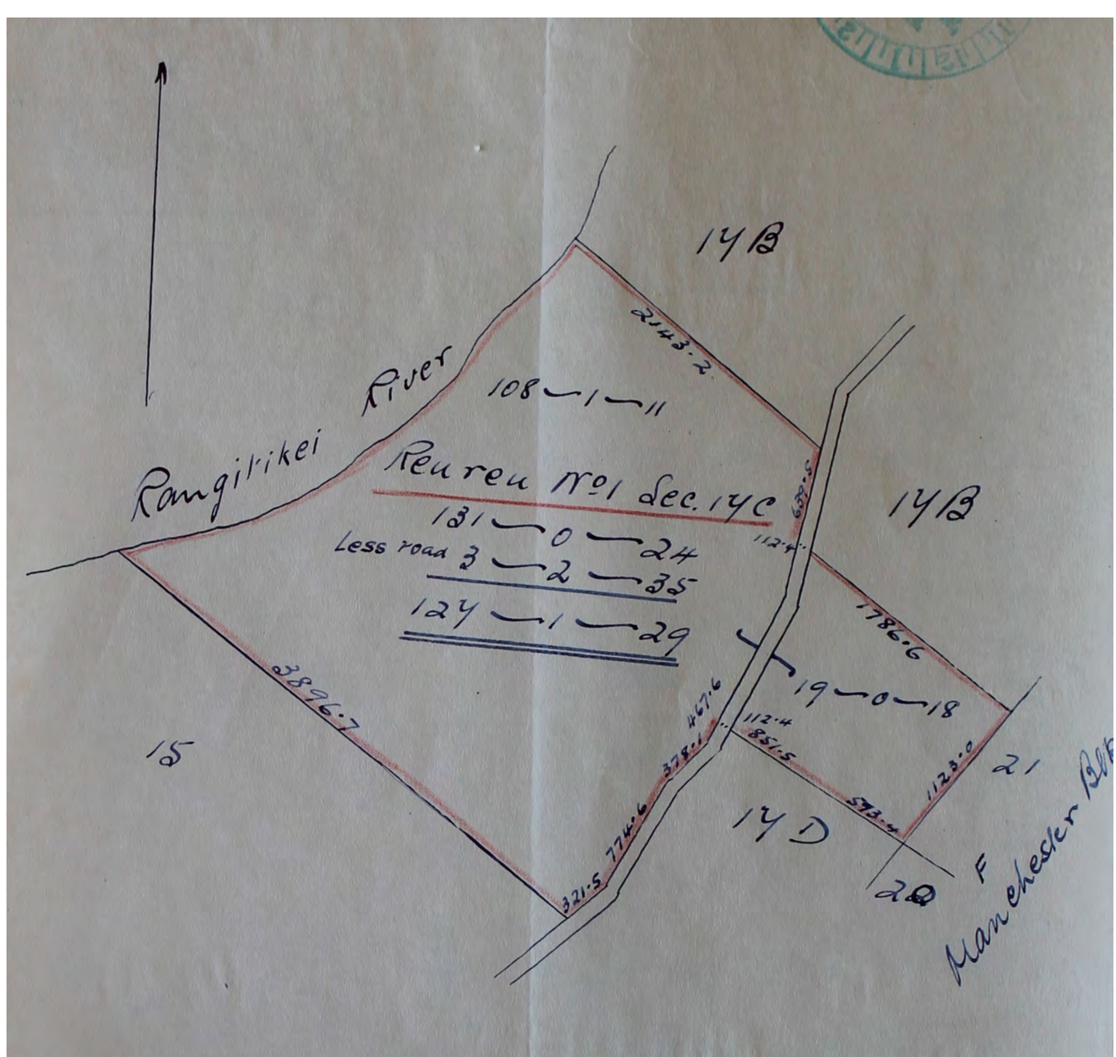
In consenting to place their land under the supervision of the Board of Native Affairs, the Reureu 1 owners appear to have been following the advice of Judge Browne who had come to the conclusion that placing the river-threatened land in a development scheme was 'the only method of getting a very necessary and urgent work done and paid for by the persons who will benefit by it.'[1919] Initially, the owners of six subsections of Te Reureu 1 applied to have all or part of their land included in the development scheme. Four of these sections abutted directly on to the Rangitīkei River.[1920]

Table 7.23 Land Initially Included in the Reureu Development Scheme, 25 January 1938

Subsection	Area (acres, roods, perches)
Reureu 1 Section 15C 2	51.2.10
Reureu 1 17B 1	61.0.19
Reureu 1 17C (Part)	108.1.11
Reureu 1 23B 2	63.2.11
Reureu 1 23C 3	21.0.14
Reureu 1 23D 1	3.0.01
	308.2.26

[1918] Jas W Browne to the Under Secretary Native Department, 13 November 1937, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1919] Ibid
[1920] P H Dudson, Registrar to the Under Secretary, Native Department, 29 November 1937, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)

Figure 7.6 Sketch of Reureu No 1 Sec 17C



Formally proclaimed on 25 January 1938, the Reureu Development Scheme initially included slightly less than 309 acres of Te Reureu 1.[1921] Of the six pieces of land originally included in the Scheme, Section 17C (127 acres) was the largest, and most exposed to the River's encroachment. Owned by Hineitemarama Kereti (who occupied the land with her husband Te Herangi and two children), 108 acres of Section 17C were initially included in the Development Scheme (the remaining 19 acres were added on 24 June 1938).[1922] The adjacent piece of land, Section 17B 1 (61 acres) was owned by Kereti Teimana and abutted on to both the Rangitīkei River and Waituna Stream.[1923] Situated on the other side of Section 17C, Section

[1921] *NZ Gazette*, 5, 27 January 1938, p 120
[1922] *NZ Gazette*, 48, 30 June 1938, p 1563
[1923] 'The Native Land Act, 1931', form 'To be lodged with Application for Confirmation of Alienation', Reureu 1 Sec. 17B 1, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)

15C 2 (52 acres owned by Poihaere Kingi) was also next to the Rangitīkei River.[1924] The other three original pieces of the Reureu Development Scheme were all subsections of Reureu 1 Section 23. The largest of these, Section 23B 2 had a narrow frontage on to the River, while the other two – Sections 23C 3 (21 acres) and 23D 1 (3 acres) – were located on the inland side of the Reureu Road.[1925]

Further subdivisions of Te Reureu 1 were added to the Reureu Development Scheme over the following months. Sections 4A and 6A (with a combined area of 63 acres) were included in the Scheme on 20 April 1938.[1926] Section 17B 2 (65½ acres), owned by Tira Arapere, and occupied by herself, her husband and five children, was added in October 1938.[1927] A year later Section 15C 3 (54 ½ acres), owned and occupied by Heta Tāwhiri also joined the Scheme.[1928] The final piece of land to be formally included in the Reureu Development Scheme, in September 1940, was Reureu 1 Section 32B 1 (53 acres), owned by Kawhara and Whenua Parapaata and occupied by Whenua and Hoani Rauhihi.[1929] The Board of Native Affairs also approved the addition of Sections 5A (32 acres), 5C (31 acres) and 6B (18 acres) to the Scheme in September 1947, but their inclusion appears to have never been formally gazetted.[1930]

Table 7.24 Land Added to the Reureu Development Scheme, 20 April 1938 to 11 September 1941

Subsection	Date Included	Area (acres, roods, perches)
Reureu 1 Section 4A	20 April 1938	43.0.18
Reureu 1 Section 6A	20 April 1938	19.2.32
Reureu 1 17C (Remainder)	24 June 1938	19.0.18
Reureu 1 17B 2	19 October 1938	65.2.06
Reureu 1 15C 3	10 October 1939	54.2.01
Reureu 1 32B 1	11 September 1941	53.1.19
		255.1.14

With the establishment of the Reureu Development Scheme, the Under Secretary of Native Affairs – who was in, the place of the Native Minister, was also in practice the head of the

[1924] 'The Native Land Act, 1931', form 'To be lodged with Application for Confirmation of Alienation', Reureu 1 Sec. 15C 2, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1925] 'The Native Land Act, 1931', form 'To be lodged with Application for Confirmation of Alienation', Reureu No 1 Sub 23 B2, Reureu No 1 Sub 23C 3, Reureu No 1 Sub 23D 1, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1926] *NZ Gazette*, 31, 21 April 1938, p 1004
[1927] *NZ Gazette*, 77, 20 October 1938, p 22614
[1928] *NZ Gazette*, 125, 12 October 1939, p 2693
[1929] *NZ Gazette*, 75, 18 September 1941, p 2813
[1930] 'Reu Reu Development Scheme', Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)

supervising Board of Native Affairs – finally approved the much-needed river protection works. The approval was conditional on the project being 'carried out under the control of the County Engineer of the Rangitīkei County Council.[1931] The approval was accompanied by an authorization 'for the expenditure of £140', including £50 for 'wire and netting', £50 for the 'hire of tractor and horses', and £34 for the wages of the County Engineer's foreman. The £140 was charged against the Reureu Development Scheme, to be reimbursed by the owners of the land at a later date.[1932]

The river protection work began well but was set back when, on 25 April 1938, a 'heavy flood' inflicted 'considerable damage to about 7 chains [140 metres] of the partly completed work.' The flood also 'scoured' into the River's bank for 'about half a chain' (10 metres). This necessitated a remodeling 'for some distance' of the protection scheme's original design to include 'heavy protection by willow log corduroy.' The damage caused by the Anzac Day flood, and another 'extreme' flood three days later, added considerably to the overall cost of the protection works. On 18 May 1938 Sidney Mair, the County Engineer in charge of the works, reported that £380 had already been spent on the project and that a further £250 would be required to bring the work to completion.[1933] While the labour component of this additional outlay was covered by an increase in the unemployment subsidy for the project, £171 was charged against the Reureu Development Scheme.[1934]

On 15 July 1938 Judge Browne reported to the Under Secretary of the Native Department that the flood protection work had 'been completed' and was 'standing up well.' The Judge anticipated that 'once the willows take root' that 'the work of protection' would 'be permanent and the adjoining land immune from erosion.'[1935] The following month, Mair suggested extending the works upriver to include 'approximately 200 acres of shingle beach lightly covered with loam and rough grass.' Mair proposed to reclaim the area (which was adjacent to Sections 20, 23, 26 and 32 of Te Reureu 1) by erecting stop banks and planting the land with willows and silver poplars. He estimated that the additional work would cost 'a further

[1931] O N Campbell (ON), Under Secretary Native Department to the Registrar, Native Land Court, Wanganui, 12 January 1938, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1932] Native Department, 'Authority for Expenditure', 12 January 1938, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1933] Sydney A R Mair (County Engineer) to Judge Browne, Native Land Court, Wanganui, 18 May 1938, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1934] P H Dudson, Registrar to the Under Secretary, Native Department, 24 May 1938 and Native Department, 'Authority for Expenditure', 13 June 1938, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1935] Judge Browne, Native Land Court to the Under Secretary, Native Department, 15 July 1938, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)

£700.'[1936] Judge Browne agreed with the County Engineer's proposal but felt 'that the cost . . . should not fall entirely on the owners of the sections in the immediate vicinity of the proposed work' and suggested that a contribution should be made by the Main Highways Board which would benefit from the protection the additional works would provide for the Onepuhi Bridge.[1937]

Judge Browne's suggestion, however, was rejected by the Engineer in Chief of the Public Works Department. The Chief Engineer noted that the proposed protection works were 'some three miles upstream' from the Onepuhi Bridge and that any expenditure by the Main Highways Board could not be justified. He also suggested that by diverting flood water away from the reclaimed land on the Reureu side of the River, the proposed protection works were 'quite likely' to cause damage 'to the loamy flats on the opposite side of the River', giving the owner of this land 'grounds for applying to the Court for an injunction in restraining the County from constructing the proposed works.'[1938] Apparently on the advice of the Chief Engineer, and possibly with regard to the owner of the land on the other side of the Rangitīkei, the Board of Native Affairs does not seem to have proceeded with the additional protection works as part of the Reureu Development Scheme.

In April 1939 the river protections that had been completed under the Reureu Development Scheme were again damaged when floods 'carried away' part of the works, 'displacing some of the trees and groynes'.[1939] (Groynes are barriers that were built out into a river to interrupt water flow thereby protecting the riverbank from erosion). In June 1939 the Board of Native Affairs authorized the expenditure £180, charged to the Reureu Development Scheme, to repair the damage.[1940]

The repairs authorized by the Board of Native Affairs proved insufficient to secure the Reureu protection works from subsequent floods, and in February 1940 'the whole of the protection works' were 'swept away' and 'destroyed.'[1941] On 28 April 1941 Hoeroa Marumaru

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[1936] Sydney A R Mair, County Engineer to Judge Browne, Native Land Office, Wanganui, 2 August 1938, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1937] Judge Browne, Native Department, Wanganui to the Under Secretary, Native Department, 22 August 1938, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1938] J Wood, Engineer in Chief, Public Works Department to the Under-Secretary Native Department, 14 October 1938, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1939] P H Dudson, Registrar to the Under Secretary, Native Department, 24 May 1939, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1940] Native Department, 'Authority for Expenditure', 15 June 1939, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1941] L J Brooker, Registrar, Wanganui, to the Solicitor, Native Department, Wellington, 11 April 1940 and L J Brooker (Registrar, Wanganui) to the Solicitor, Head Office, Native Department, Wellington, Subject: Reureu Development Scheme: River Erosion: Rangitikei River, 30 August 1940, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)

reported to the Registrar of the Aotea Land Board that the protection work had been 'well done, and would have remained in position against any ordinary flood.' 'The February 1940 flood', however, had been 'well above the average', and the protection works had been 'dislodged by the huge volume of water' that had 'flowed in from the back or . . . land side' when the whole of the adjacent area had been 'under flood waters.' According to Marumaru, 'not a sign of the work done' now remained, 'the whole being swept away by the flood together with four to five acres of good land.' With the protection work having 'proved of little benefit to the sections charged', Marumaru recommended against 'any further expenditure' on flood protection as part of the Reureu Development Scheme, as he considered that 'this part of the Rangitikei river bank should be included in the major scheme' that had been 'proposed by the Rangitikei County Council.'[1942]

Despite the entire destruction of the Reureu River Protection Scheme within less than two years of its completion, the owners of Te Reureu 1 were nevertheless charged with their share of the project's expenses. In April 1940 – two months after the scheme had been washed away – the Board of the Native Affairs applied to the Native Land Court for £261 10s 5d to be charged against the adjacent sections of Te Reureu 1 under Sections 18 and 19 of the Native Land Amendment Act 1936.[1943] The £261 10s, which covered the cost of materials used on the project, was substantially more than £100 for which the owners had initially been charged. On 30 April 1940 the sum owed by owners was increased to £283 13s 4d to take account of interest and accident insurance.[1944]

The Board of Native Affairs intended to have the outstanding £283 13s 4d charged, not just to the subdivisions of Te Reureu 1 that had been included in the Reureu Development Scheme, but also against the adjacent pieces of land which – under Section 19 of the 1936 Act – had 'been improved or increased in value' by the Board's expenditure.[1945] As L J Brooker, the Registrar of the Native Land Court at Whanganui, pointed out, however, 'the position' of the Board had been 'rendered difficult by reason of the fact that the flood in February' had

[1942] H Marumaru, Supervisor to the Registrar, Aotea Land Board, 28 April 1941, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1943] L J Brooker, Registrar, Wanganui, to the Solicitor, Native Department, Wellington, 11 April 1940, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1944] Owen Neill Campbell and William Stewart two members of the Board of Native Affairs in pursuance of the power and authority contained in section 50 of the Native Land Amendment Act, 1936. 'In the Native Land Court of New Zealand, Aotea District In the Matter of the Native Land Act, 1936 and In the Matter of the a certain application pursuant of the provisions of Sections 18 and 19 of such act in respect of the Reureu Development Scheme comprising Reureu 1 Section 15C2 and other blocks, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1945] Ibid

'destroyed the whole of the protection works' making it 'extremely difficult to substantiate a case on behalf of the Department in regard to betterment.' Far from the land having been improved, the Registrar observed 'that it appears that considerable and extensive work will be required in the future to solve the problem of erosion in the locality.'[1946]

Despite the Registrar's misgivings, the application by the Board of Native Affairs for charging orders was eventually accepted by the Native Land Court. On 25 July 1941 Judge Robert Preshaw Dykes issued charging orders against four of the subdivisions that had been included in the Reureu Development Scheme under Section 18 of the 1936 Act. The Court also issued 22 charging orders against sub-sections of Te Reureu 1 that had not been part of the Development Scheme but had nevertheless stood to benefit from the expenditure on the protection works. The orders were issued despite the Court's recognition that the 'effectiveness' of 'the amount . . . expended in the works' had been 'abrogated by exceptional floodings which occurred soon after the work was completed.'[1947]

Table 7.25 Charging Orders for Reureu River Protection Works under the Native Land Amendment Act 1936 s 18, 25 July 1941

Section	Sum Charged
Reureu 1 Sec 15C2	20.4.0
Reureu 1 Sec 17B1	24.0.0
Reureu 1 Sect 17B2	25.13.0
Reureu 1 Sec 17C	49.18.0
	119.15.0

Table 7.26 Charging Orders for Reureu River Protection Works under the Native Land Amendment Act 1936 s 19, 25 July 1941

Section	Sum Charged
Reureu 1 Secs 2B2 & 14	29.10.6
Reureu 1 Sec 11A1	1.18.0
Reureu 1 Sec 11A2	4.2.0
Reureu 1 Sec 11B	1.16.0
Reureu 1 Sec 11C	3.0.6
Reureu 1 Sec 12A	0.9.1
Reureu 1 Sec 12B	0.18.2
Reureu 1 Sec 12C	7.14.0
Reureu 1 Sec 13	10.12.0

[1946] L J Brooker (Registrar, Wanganui) to the Solicitor, Head Office, Native Department, Wellington, Subject: Reureu Development Scheme: River Erosion: Rangitikei River, 30 August 1940, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)

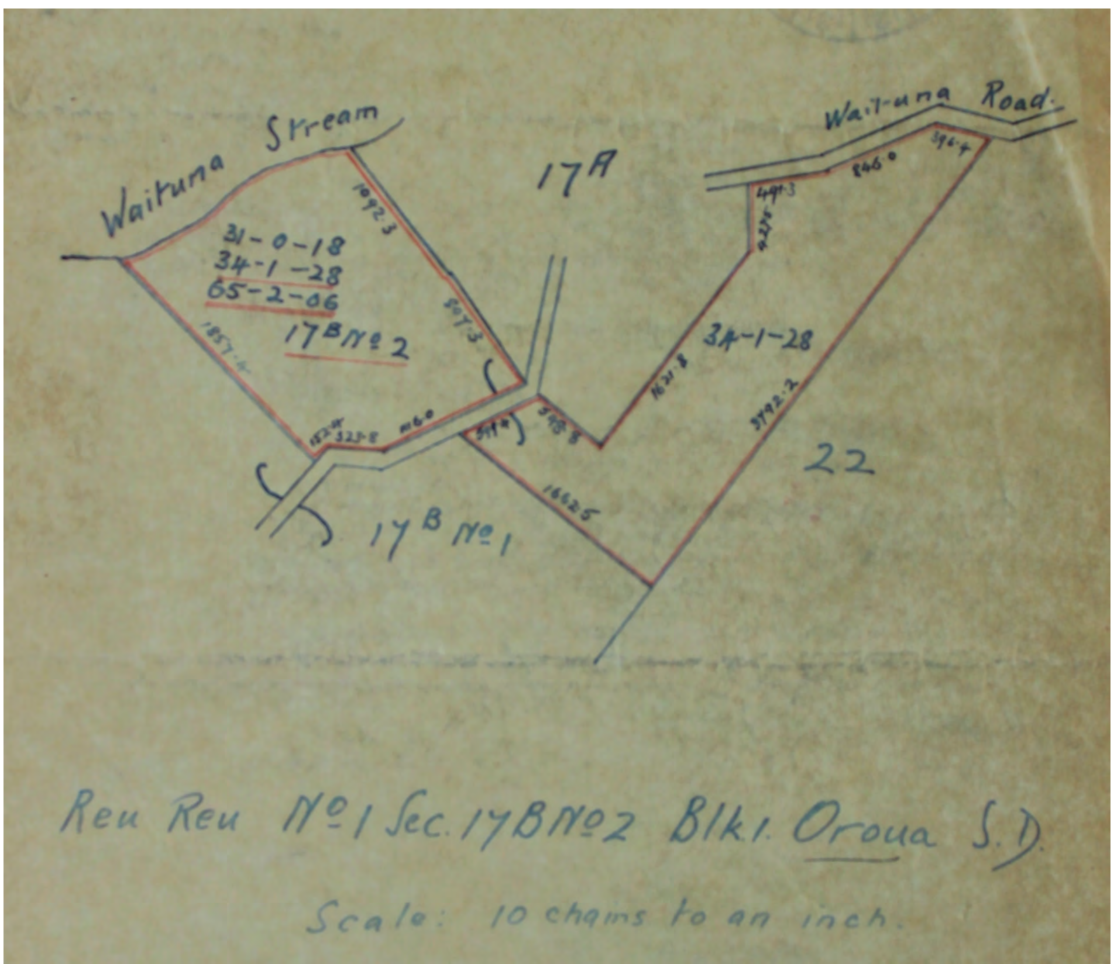
[1947] Extract from Wanganu Minute Book 101, pp 252-254, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)

Section	Sum Charged
Reureu 1 Sec 13A	0.16.0
Reureu 1 Sec 15A	3.1.9
Reureu 1 Sec 15B	3.16.9
Reureu 1 Sec 15C1	1.5.4
Reureu 1 Sec 15C3	21.7.0
Reureu 1 Sec 16	9.8.0
Reureu 1 Sec 17A	11.10.0
Reureu 1 Sec 17B3	3.18.0
Reureu 1 Sec 17D	9.12.0
Reureu 1 Sec 19B1	0.11.9
Reureu 1 Sec 19B2 and 21	9.17.6
Reureu 1 Sec 20A	17.15.0
Reureu 1 Sec 20B	10.19.0
	161.18.4

In addition to its ill-fated flood protection works, the Reureu Development Scheme also invested in the improvement of the properties that were part of the scheme. As set out in the assessments prepared by the Native Department's District Property Supervisor for each piece of land prior to their inclusion in the Development Scheme, most of the properties were in need of significant work and investment. Hoeroa Marumaru – who appears to have carried out most of the assessments – described farms whose pastures were often 'inferior' or 'worn out', and sometimes infested with weeds such as gorse, blackberry and lupin.[1948] Parts of the farms were also undrained swampland, covered with stumps and stones, or 'bad gullies'.[1949] While most of the subdivisions included in the Reureu Development Scheme possessed at least some 'rich' or 'excellent' quality soil, most also had areas that were of lesser quality.[1950] The 65 acres and 2 perches of Section 17B 2, for example, was described as 'half hill' and 'half flat', with 'two bad gullies and about 10 acres undulating, sandy and metal formation.'[1951]

[1948] NAT 58 forms for Reureu 1 17C, Reureu 1 4A, Reureu 1 17B 2; Board of Native Affairs, 'Reureu Development Scheme: Reureu 1 Sub 15C 3', Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1949] NAT 58 forms for Reureu 1 17C, Reureu 1 23B 2, Reureu 1 15C 2, Reureu 1 17B 2, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1950] NAT 58 forms for Reureu 1 17C , Reureu 1 23B 2, Reureu 1 15C 2, Reureu 1 4A, Board of Native Affairs, 'Reureu Development Scheme: Reureu 1 Sub 15C 3'
[1951] NAT 58 Form for Reureu 1 17B 2

Figure 7.7 Sketch of Reureu No 1 Sec 17B 2



The variation in soil quality within individual sections was in part a function of the geography of the Reureu Reserve. It was also, however, partially the result of the fragmentation of landholdings within the former reserve caused by the individualization of Native land titles. When sections were partitioned amongst individual owners it was often done in such a way as each owner would receive an equal share of the good and not so good land. While understandable as a matter of equity, such divisions did not always lead to the creation of units that were well suited for commercial dairy farming. Section 15C 3 (54½ acres), which joined the Reureu Development Scheme in October 1939, for example, extended from the flatland next to the Rangitīkei River, up the hill, and across the Ruamatanga Stream towards Tokorangi.

Upon the recommendation of the Property Supervisor, the Board of Native Affairs approved expenditure for grass seed, fertilizer, fencing and new stock for each of the Development Schemes farming units. Where it was deemed necessary – such as in Section 4A where Maora Ruruhira and her husband had previously applied to the Government for help in building a new house, and had been described by the Property Supervisor as living 'under wretched conditions'

– the Board could also pay out for new houses, milking sheds, cream separators and coolers, electric motors and water pumps.[1952] On 12 April 1938 the Board authorized the expenditure of £4380 for the original six subdivisions included in the Reureu Development Scheme as well as Section 4A which had just been added.[1953] A further £1214 was approved for expenditure on Section 17B 2 in October 1938.[1954] By 31 March 1941, the Reureu Development Scheme had paid out £8310 in advances to seven farms.[1955] These outlays, it should be remembered, were not grants or subsidies, but rather loans that were expected to be repaid by the farms' operators, with interest.

In terms of its organization and management the Reureu Development Scheme was the antithesis of the Reureu Dairy Farmers' Union. Both institutions had been established to foster the development of commercial dairy farming within the Reureu Reserve, in part by providing essential infrastructure. While the Dairy Farmers' Union had been organized by the Ngāti Waewae and Ngāti Pikiahu farmers' themselves, and was an expression of their aspirations for tino rangatiratanga, the development scheme was a product of statute, and closely controlled and managed by Government officials, with little apparent input from the affected Māori owners and occupiers. The Reureu Dairy Farmers' Union had been governed by a committee consisting of members of the local hapū including Tokoahu Hue, Rangihoapu Hue Te Huri, John Gotty, Moeroa Karatea, D Arapere and T F Iwikau, who was the committee's chairman.[1956] The Reureu Development Scheme, on the other hand, was overseen by a Board of Native Affairs dominated by senior Government officials with no Māori representation. In July 1939 the Board's members were: Frank Langstone (acting Native Minister); Owen Neill Campbell (Under Secretary of the Native Department); R G Macmorran (Under Secretary for Lands); William Stewart (Valuer-General); A H Cockayne (Director General of Agriculture); B C Aswhin (Financial Adviser to the Government); and J S Jessup and H M Christie (both European sheep farmers).[1957] There were no Māori members on the Board. According to the Waitangi Tribunal's *Report on Central North Island Claims*, 'no legal provision was made for

[1952] NAT 58 forms for Reureu 1 17C, Reureu 1 23B 2, Reureu 1 15C2, Reureu 1 4A, Reureu 1 17B 2; Board of Native Affairs, 'Reureu Development Scheme: Reureu 1 Sub 15C 3', Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1953] O N Campbell (ONC) Under Secretary [Native Department] to the Registrar, Wanganui, 12 April 1938, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1954] O N C [Campbell], Under Secretary, Native Department to the Registrar, Native Land Court, 17 October 1938, Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1955] 'Reureu Development Scheme Balance Sheet as at 31st March, 1941', Archives New Zealand, Wellington, AAMK W3074 869 Box 986, 65/16, (R11843117)
[1956] *Feilding Star*, 11 June 1914, p 1, c 4
[1957] *New Zealand Parliamentary Debates*, Vol 254, 12 July 1939, p 328

Maori representatives' in the governance of Māori development schemes 'until 1949, when district land committees with at least one Maori representative were established.'[1958]

Figure 7.8 Sketch of Reureu No 1 Sec 15C 3

[1958] Waitangi Tribunal, *He Maunga Rongo: Report on Central North Island Claims: Stage One. Volume 3*, (Wellington, Legislation Direct), 2008, p 1018

The difference between the Reureu Dairy Farmer's Union and the Reureu Development Scheme was most striking in their approaches to the problem of erosion caused by the Rangitīkei River. In June 1914 the Union had successfully organized and undertaken the reconstruction of the road north of Onepuehu that had been washed away by the River. The river protection works undertaken by the Reureu Development Scheme, on the other hand, were overseen by the Board of Native Affairs, and designed and supervised by Rangitīkei County Engineer Sidney Mair (who had antagonized local owners with his works protecting the Onepuhi Bridge). The only input allowed for the local members of Ngāti Waewae and Ngāti Pikiahu was in the provision of manual labour. One can only wonder if the outcome of the ill-fated river protection works might have been different if a larger role had been allowed for the local Te Reureu landowners in the project's design and management. Certainly, no one would have known that stretch of the Rangitīkei better than Reureu people themselves who, by 1938, had been living alongside the River for the better part of a century.

The absence of representation for the Māori owners of land included within Native land development schemes established under Part I of the Native Land Development Act 1936 has been sharply criticized by the Waitangi Tribunal. In its *Report on Central North Island Claims* the Tribunal noted that, 'given that the Government was taking extraordinary measures in order to implement development' that 'would have a major impact on owners and their communities', the Crown had been 'obligated to ensure that the owners and communities had adequate measures for consultation and input into decision-making.' In failing to make such provisions the Crown had been in violation of the Treaty of Waitangi. The Tribunal concluded that:

> The Crown's failure to continue legislative provisions for owner committees or some equivalent representation, at a time of taking extraordinary powers, was a breach of Treaty rights. While, on the one hand, it was an unnecessary and excessive infringement of rangatiratanga over land, it was also an infringement of the right of Māori communities to direct their own development according to their social and economic preferences.[1959]

[1959] Ibid., p 1019

The Reureu Development Scheme continued into the 1950s when most of the subdivisions were removed by their owners. Section 17B 2 was formally withdrawn from the Scheme in March 1952, followed by Sections 23B 2 and 17B 1 in April and September of the following year.[1960] Section 15C 3 stayed part of the Development Scheme until October 1958, while Section 15C 2 – the last remaining subdivison – was formally removed in December 1963.[1961]

The Alienation of Land Within the Reureu Reserve

Land taken by the Crown from the Reureu Reserve prior to 1895

The first portions of the Reureu Reserve to be alienated from Māori ownership were taken by the Crown. Prior to the Native Land Court's title investigation in 1895 the Crown took 12 acres for 'railway purposes' and 25 acres for a 'gravel pit reserve' at Kakariki. Both of these takings were from the southern part of the Reserve that came to be known as Reureu 2. Because the Railway Department had compensated Ngāti Maniapoto and Ngāti Rangatahi for the land it had taken for the railway and gravel pit, the Native Land Court deducted 25 acres from the area apportioned to the two groups when it partitioned the Reserve between upper and lower hapū in 1895.[1962]

The Kākāriki Gravel Reserve was eventually returned to its Ngāti Rangatahi and Ngāti Maniapoto owners under Section 12 of the Native Land Amendment Act 1913 (which allowed 'European land' that had been transferred back to Māori ownership to 'become Native freehold land'). The individual owners of the 25 acres and their relative interests were defined by the Native Land Court on 15 September 1919. A year later the former gravel reserve was divided into two sections of 11 and 14 acres, with 71 and 59 owners respectively. According to John Mason Durie, who represented the owners of the land before the Native Land Court, the partition was 'required to avoid constant trouble between the owners.'[1963] The two sections (less one-fifth of an acre that had been taken by the Crown for 'Defense Purposes' in 1956) were eventually reunited on 9 November 1977, and the land is now known to the Māori Land Court as the Piaka Block.[1964]

[1960] *NZ Gazette*, 77, 27 March 1952, p 4371; *NZ Gazette*, 58, 22 October 1953, p 1698; *NZ Gazette*, 58, 22 October 1953, p 1698
[1961] *NZ Gazette*, 63, 16 October 1958, p 1395; *NZ Gazette*, 79, 12 December 1963, p 2024
[1962] Wanganui Minute Book 27, p 264
[1963] Taihape Minute Book 1, pp 160-162; Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXI, p 235D (242)
[1964] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXI, pp 235B (240); 'Piaka', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20415.htm (accessed 18 January 2018)

Land Permanently Alienated from Reureu 1, 2 and 3 between 1900 and 1940

With the exception of land taken by the Crown for roads and the railway, neither the Crown nor private Europeans purchased any land within the Reureu reserve before the second decade of the twentieth century. This significant delay to the beginning of land purchasing activity within the reserve was due to a number of factors, including the long delay in having title to the land defined by the Native Land Court. As we have seen, disputes over who were the owners of the Reureu Reserve, and in what proportion, continued well into the twentieth century. As a result, Reureu 2 and 3 were not formally partitioned amongst the individual owners of Ngāti Maniapoto and Ngāti Rangatahi until November 1905, while ownership of the various parts of Te Reureu 1 was not defined by the Native Land Court until December 1912. It was only after Te Reureu 1, 2 and 3 had been formally partitioned and certificates of title issued that the land could be safely purchased by private Europeans.

The alienation of land within Te Reureu to either the Crown or private Europeans was also delayed by the determination on the part of the Reserve's inhabitants to hold on to the land for themselves and their descendants. The history of Te Reureu, from the late 1840s onwards, had been intertwined with resistance to the alienation of Māori land. The reason behind Ngāti Pikiahu and Ngāti Waewae's initial settlement of the land around the time of McLean's purchase of Rangitīkei-Turakina, the Te Reureu communities' commitment to holding on to their land had been reinforced by their close connection to the Kingitanga, their resistance to the Crown's purchase of Rangitīkei Manawatū, and their hosting of other opponents of Māori land purchasing such as the prophet Te Kere Ngataierua.

The attitude of the Crown, also appears to have played a part in the absence of any land purchasing within the Reureu Resrve prior to 1915. In contrast to other areas within the Porirua-ki-Manawatū Inquiry District, Crown officials appear to have largely upheld Te Reureu's status as a Native reserve, respecting restrictions that had been issued against the alienation of the land. This regard for Te Reureu's special status came to an end in November 1915 when the Crown authorized the alienation of Reureu 2N and 2K. Including something like 27 acres in 'accretions' (that appear to have been caused by changes in the course of the Rangataua Stream), the areas approved by the Crown for purchase, under Section 203 of the Native Land Act 1909, came to a combined total of 67 acres.[1965] Reureu 2K (20¼ acres with an accretion of 10¾) acres was transferred to the Wellington Meat Export Company in August 1916, and

[1965] *NZ Gazette*, No 135, 25 November 1915, p 3894

became the site of the Kakariki Freezing Works (opened in April 1918). Section 2N (19 acres with an accretion of just under 16 acres) eventually became the location of the Felt and Textiles (Feltex) wool scouring plant, also near Kakariki.[1966]

The Crown's authorization of the purchase of Reureu 2K and 2N, was followed by the purchase by William Eddowes of most of Reureu 2A (90 acres). Eddowes purchased slightly more than 47 acres of the Reureu 2A for £1264 14s 9d between 1915 and 1919, and a further 26½ acres for £711 8s 3d in June 1920.[1967]

The first two sections of Reureu 1 to be alienated to private European interests were purchased in April 1916. Sections 30 and 31, with surveyed areas of 26 and 25 acres, were sold to cover legal expenses accrued over the course of the 1912 Native Land Court case.[1968] Section 28 (20 acres), which was also cut out from Reureu 1 to pay for legal expenses, also appears to have been alienated at around this time.[1969] Section 29 (20 acres), which had been said aside to pay for the survey of the Reureu 1 subdivisions was purchased by a European buyer in January 1919.[1970] Two pieces of Reureu 1 that had not been explicitly set aside for sale were also acquired by European purchasers prior to 1920. Section 2A was purchased by Kathleen Winifred Pryce in September 1918, while Section 34B (17 acres) was acquired by Laura L Cockburn in December 1919.[1971] Altogether, slightly less than 135 acres of Te Reureu 1 were purchased by private European purchasers between April 1916 and December 1919, with all but 118 acres being acquired by members of the Cockburn family.

Table 7.27 Sections of Reureu 1 Alienated from Māori ownership, 1900 to 1940

Section	Date Alienated	Acres Alienated (acres, roods perches)	Alienated To
30	1 April 1916	25.3.37	Harriet Cockburn
31	1 April 1916	25.0.0	Florence Harriet Cockburn
2A	2 Sept 1918	48.0.0	Kathleen Winifred Pryce
29	10 Jan 1919	20.0.0	George Cockburn
34B	20 Dec 1919	16.2.20	Laura L Cockburn
19 & 21	20 June 1927	19.1.5	Jean Mace Thomas
34C 2A	3 July 1939	9.2.30	J C and E W Moore
Parts of Sections 6B, 14, 15C 2, 15C 3,	20 Nov 1939	27.0.16	Crown (Public Works Act)

1966 Walghan Partners, Block Research Narratives, Vol III, Draft, 19 December 2017, p 282
1967 Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, pp 712 & 713 (714 & 715)
1968 Walghan Partners, Block Research Narratives, Vol III, Draft, 19 December 2017, p 282
1969 Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, p 587 (589)
1970 Walghan Partners, Block Research Narratives, Vol III, Draft, 19 December 2017, p 282
1971 Ibid; Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, p 10 (12)

Section	Date Alienated	Acres Alienated (acres, roods perches)	Alienated To
17B, 17B 1, 17B 2, 19B 2			
'River-bed' or 'accretion' adjacent to Sections 6B, 14, 15C 2, 15C 3, 17B, 17B 1, 17B 2, 19B 2	20 Nov 1939	103.3.23	Crown (Public Works Act)
		294.2.12	

Table 7.28 Sections of Reureu 2 and 3 Alienated from Māori ownership, 1900 to 1940

Section	Date Alienated	Acres Alienated (acres, roods perches)	To Whom Alienated
2	19 March 1901	2.1.9	Crown (Public Works Act)
2A	Between 1915 & 1919	47.1.19	William Eddowes
2K	17 August 1916	20.1.0	Wellington Meat Export Ltd
2A	6 Feb 1920	26.2.3	William Eddowes
3C 1	13 July 1926	32.1.34	Alexander W C Cockburn
3B 1B	1929	33.3.8	Alexander W C Cockburn
		163.1.33	

Between 1920 and 1929 private European purchases acquired three more sections or subsections of Reureu 2 and 3. William Eddowes acquired 26½ acres in Reureu 2A in February 1920; while Alexander Cockburn purchased 65 acres from Reureu 3C1 and 3B1B in 1926 and 1929.[1972]

Just 19¼ acres are recorded as being purchased from Reureu 1 in the 1920s. This land – parts of Sections 19 and 21 – was sold by the Māori Trustee to Jean Mace Thomas in June 1927.[1973] The relative scarcity of land purchasing activity within Reureu 1 was in part a function of continuing uncertainty over the ownership of the block. The restrictions placed by the Crown on private land purchasing between January 1925 and June 1926, and July 1927 and January 1929 also no doubt acted as a break on land alienation within Reureu 1. At least as significant, however, was the continuing determination of the owners and occupiers of Te Reureu 1 to hold on to their lands. That they were largely able to do so – inspite of an imposed form of Native title that fostered the fragmentation of ownership, and a legislative framework that facilitated the alienation of Māori-owned land – is a testimony to the remarkable cohesion and resolution of the Ngāti Waewae and Ngāti Pikiahu community at Te Reureu.

[1972] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, pp 712, 160, 150 (714, 162, 152); Walghan Partners, Block Research Narratives, Vol III, Draft, 19 December 2017, p 282
[1973] Walghan Partners, Block Research Narratives, Vol III, Draft, 19 December 2017, p 282

According to existing records less than 10 acres of Māori land within Reureu 1, and no Māori land at all from Reureu 2 and 3, was purchased by private Europeans during the depression years of the 1930s.[1974] By far the most significant source of land loss for the people of Te Reureu during this decade was the Crown's taking of 131 acres under the Public Works Act 1928 for the protection and maintenance of the Onepuhi Bridge. As we have seen, although the Ngāti Pikiahu and Ngāti Waewae owners of the adjacent sections laid claim to all of the proclaimed land, only 27 acres was actually taken as part of Reureu 1. The other 104 acres were identified in the official proclamations as 'old' 'River-bed' of the Rangitīkei River.[1975]

Land Permanently Alienated from Reureu 1, 2 and 3 between 1940 and 2000

Approximately 230 acres of land within the Reureu Reserve are recorded as being permanently alienated from Māori ownership after 1940. All but an acre of this land was acquired by private European purchasers. Six of the eight recorded alienations to private Europeans after 1940 were purchased from Reureu 2 and 3. The largest recorded purchase was of 96 acres of Reureu 3C 2B, to Ernest Graeme Barnett of Bulls, for £3832 10s, in December 1956.[1976] The whole of Reureu 3C (123 acres) had been under long term lease to European farmers since 1921.[1977] The sale of Section 3C 2B to Ernest Barnett was 'executed' by the Māori Trustee.[1978] The Māori Trustee was also responsible for the sale of 20 acres of Reureu 2C 1B to Rudolph Edward Kreeger in April 1965, and 14 acres of Reureu 2J 3B to George Albert Petersen in April 1968.[1979] Petersen had also purchased 38 acres of Reureu 2J 3A in July 1960.[1980] Altogether, almost 200 acres of Te Reureu 2 and 3 was purchased by private Europeans after 1940. This was 13 percent of the area awarded to Ngāti Rangatahi and Ngāti Maniapoto by the Native Appellate Court in 1896.

According to Native Land Court records two sub-sections of Reureu 1 were purchased by private Europeans after 1940. Section 5B (18 acres) was acquired by Terence Matthews Green for $800 in November 1967; while Section 34C 2C (slightly more than 10½ acres) was

[1974] Ibid.; Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, p 30 (32)
[1975] *NZ Gazette*, No 89, 1938, p 2740; *NZ Gazette*, No 138, 1939, p 3062
[1976] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, pp 138 & 159 [140 & 161]
[1977] Ibid., pp 197, 198, 201 (199, 200, 203)
[1978] Ibid., p 159 (161)
[1979] Ibid., pp 104 & 84 (86 & 106)
[1980] Walghan Partners, Block Research Narratives, Vol III, Draft, 19 December 2017, p 282

purchased by Nancy Cummins, Ian A Barnett, and Ernest G Barnett in December 1971. Together, the two alienated subdivisions of Reureu 1 came to slightly less than 29 acres.[1981]

Table 7.29 Sections of Reureu 1 Alienated from Māori ownership, 1940 to 1990

Section	Date Alienated	Acres Alienated (acres, roods perches)	Alienated To
5B	8 Nov 1967	18.0.25	Terence Matthew Green
34 2C	7 Dec 1971	10.2.8	Nancy Cummins, Ian A Barnett, Ernest G Barnett
		28.2.33	

Table 7.30 Sections of Reureu 2 and 3 Alienated from Māori ownership, 1940 to 1990

Section	Date Alienated	Acres Alienated (acres, roods perches)	Alienated To
2B 1A	7 Dec 1944	29.2.0	Reginald Davenport Elgar
2N	1948	19.0.37	Felt & Textiles Ltd
2F2	10 May 1956	0.3.18	Crown (Defense Purposes)
Kakariki Gravel Reserve (Piaka)	10 May 1956	0.0.33	Crown (Defense Purposes)
3C 2B	5 Dec1956	95.3.10	Ernest Graeme Barnett
2J 3A	20 July 1960	38.1.0	George Albert Petersen
2C 1B	13 April 1965	22.0.30	Rudolph Edward Kreegher
2J 3B	29 April 1968	13.2.17	George Albert Petersen
		219.2.07	

In addition to the to the land purchased privately, portions of Reureu 2F and Piaka (the former Kakariki Gravel Reserve) amounting to just over an acre were taken by the Crown for 'defence purposes' under the Public Works Act 1928 on 8 May 1956. In June 1942 Kahurautete Matawha, the principal owner of Reureu 2F2 had agreed to allow the Crown to occupy ten acres of the 96-acre subdivision for the duration of World War II. According to the agreement signed by Matawha, and witnessed by her husband John Mason Durie, the Crown would hold on to the land until six months after the cessation of hostilities, when presumably it would be returned to its Māori owners.[1982]

Rather than returning the land after the war as agreed, Crown officials concluded that the 10 acres were now 'permanently required' as the site of a bulk fuel depot for the Royal New Zealand Air Force (which in 1939 had opened a base at nearby Ohakea), and 'should be taken

[1981] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIII, p 763 (780); Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, p 2 (4)
[1982] Kahurautete Matawha to the Minister of Public Works, Kakariki, 26 June 1942, Archives New Zealand Wellington, MA 1 Box 68, 5/520, (R19524774)

for defense purposes' under the Public Works Act.[1983] The bureaucratic process for taking the land began in March 1949, with the Registrar of the Aotea District Māori Land Court providing the Ministry of Works with the title details for the targeted land. In July 1952, the District Commissioner of Works asked the Registrar of the Aotea Court to furnish him with a list of 'the names and addresses' of owners of Reureu 2F2 who 'should be served with a copy of the Notice of Intention' to take the 10 acres. The District Commissioner also asked the Registrar if he was 'aware of any objections to the land being taken.'[1984]

Although no record of it has been found, Kahurautete Matawha and the other owners of Reureu 2F2 apparently did object to the Crown's taking of their land. Seemingly as a result, the area proclaimed on 8 May 1956 (ironically, the eleventh anniversary of the end of World War II in Europe) was substantially less than the 10 acres that the Air Department and Ministry of Works had initially intended to have taken under the Public Works Act. According to the proclamation published in the *New Zealand Gazette*, the Crown took three-eighths of an acre from Reureu 2F, and one-fifth of an acre from the Piaka block for the RNZAF's fuel depot (slightly more than half of an acre altogether). The Crown also took an additional half acre from Reureu 2F as an easement for the 'construction and use', 'in perpetuity', of a 'right-of'way' giving access to the land taken for the Air Force installation.[1985]

The Long-Term Leasing of Land within the Reureu Reserve

The fact that Māori land had not been permanently alienated did not necessarily mean that it was available for active use by its owners. Over the course of the twentieth century significant portions of Reureu 1, 2 and 3 were leased out for long periods to European farmers. Often extending for 10, 15 or 21 years, these long-term leases effectively removed the areas concerned from the Reureu community for considerable periods. Because leases were often renewed, sections could remain out of the community's hands for a generation or more. Long-term leasing could also be a prelude to the permanent alienation of sections of Māori-owned

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[1983] E. R. McKillop per Commissioner of Works Permanent Head to the Under-Secretary, Maori Affairs Department, PW 23/553/5/1(P), received 12 October 1949, Archives New Zealand Wellington, MA 1 Box 68, 5/520, (R19524774)

[1984] J O Riddell, District Commissioner of Works to the Registrar, Aotea District Māori Land Court, 10 July 1952, Archives New Zealand Wellington, MA 1 Box 68, 5/520, (R19524774)

[1985] 'Land and Easements Over Land Taken for Defence Purposes in Block VIII, Rangitoto Survey District', *NZ Gazette*, No 28, 10 May 1956, p 609

land. Such was the case with Sections 3C 2B (96 acres) and 2C 1B (22 acres) which were both permanently alienated at the conclusion of long-term leases in 1956 and 1965 respectively.[1986]

The first long-term leases to Europeans of Te Reureu land concerned the upper portion of the reserve, that the Native Apellate Court had awarded to members of Ngāti Maniapoto and Ngāti Rangatahi in 1896. Section 3B 2 (156 acres) was leased to Ada Mary Wilson in September 1919, while Section 3C 2 (123 acres) was leased to Harriett Florence Cockburn in October 1921.[1987] Both of these leases were for 21 years, and each was renewed at the end of the initial lease (in 1941 and 1943 respectively).[1988] In January 1930 Ada Mary Wilson also leased part of Section 3A (70¾ acres) for a term of seven years. This lease was also renewed at the end of its term.[1989]

The renewal of the leases to Sections 3A, 3B 2, and 3C 2 meant that this land remained out of community hands for decades. Section 3C 2 was leased for two terms of 21 years before most of it was sold to Earnest Graeme Barnett in December 1956.[1990] Section 3B 2 remained in the hands of European lessees between September 1919 and December 1955, when the lease was taken over by Taruka Ngapaki Karatea (one of the owners of land within Te Reureu 1).[1991]

Within Reureu 1 and 2, long-term leases to Europeans appear to have remained rare until after the Second World War. Reureu 2B 1 and 2B 2 (with a combined area of 85½ acres) were leased to Samuel Croft Adams for nine years in July 1931, while Section 1A of Reureu 1 (51 acres) was leased for 10 years to Cecil M H Thevenard in April 1932, and May 1933.[1992] The leases on both sections were subsequently renewed (in May 1941 and September 1939).[1993]

[1986] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 197, 198, 138, (199, 200, 140) & 104, 105 (106, 107)

[1987] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXV, Reu Reu to Takapuwahia, p 22 (25); Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, p 201 (203)

[1988] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXV, Reu Reu to Takapuwahia, p 19 (22); Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 197-198 (199-200)

[1989] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 181, 182 (183, 184); Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXV, Reu Reu to Takapuwahia, p 20 (23)

[1990] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 197, 198, 201 (199, 200, 203) & 138 (140)

[1991] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXV, Reu Reu to Takapuwahia, pp 19, 22 (22, 25) & 11 (14)

[1992] Walghan Partners, Block Research Narratives, Vol III, Draft, 19 December 2017, p 280; Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXV, Reu Reu to Takapuwahia, pp 98, 99 (101-102)

[1993] Walghan Partners, Block Research Narratives, Vol III, Draft, 19 December 2017, p 280; Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXV, Reu Reu to Takapuwahia, pp 97 (100)

Two more sections – Reureu 1 Section 36 (71 acres) and Reureu 2C 1B (22 acres) – were leased in 1941 and 1943 respectively.[1994]

Table 7.31 Sections of Reureu 1 leased to Europeans, 1900-1950

Section	Area Leased (acres, roods, perches)	Date	Term of Lease	Leased by
1A	45.3.29	26 April 1932	10	Cecil M H Thevenard
1A	4.2.27	6 May 1933	10	Cecil M H Thevenard
1A	50.2.16	1 Sept 1939	10	Allen Peck
36	70.2.20	7 March 1941		Ernest Cuthbert Barnett

Table 7.32 Sections of Reureu 2 and 3 leased to Europeans, 1900-1950

Section	Area Leased (acres, roods, perches)	Date	Term of Lease	Leased by
3B 2	156.0.23	20 Sept 1919	21	Ada Mary Wilson
3B 2	152.1.37	8 Aug 1936		Arthur Alexander Barnett
3B 2		28 March 1941	15	Arthur Alexander Barnett
3C 2	123.0.16	26 Oct 1921	21	Harriett Florence Cockburn
3C 2	123.0.16	11 June 1943	21	Harriett Florence Cockburn
3A (Part)	70.3.0	1 Jan 1930	7	Ada Mary Wilson
3A	70.3.0	8 Aug 1936		Arthur Alexander Barnett
3A	70.3.0	15 April 1940	15	Arthur Alexander Barnett
2B 1 & 2B 2	85.2.0	24 July 1931	9	Samuel Croft Andrews
2B 1 & 2B 2	85.2.0	1 May 1941	9	Samuel Croft Andrews
2C 1B		21 June 1943		Rudolph Edward Kreegher

According to available Māori Land Court records, at least 12 sections or subsections of Reureu 1 were leased to private Europeans between April 1954 and April 1967. Section 20A (44 acres) was leased for 21 years to Claude Hyde in April 1954; while Sections 5A, 5C and 6B (89 acres) were leased to Rex J Andrews for 10 years in October 1955.[1995] In February 1960 Andrews also leased Section 15C 3 (50 acres) for 10 years.[1996] Sections 32B 2, 33A, and 35 (55, five, and 20 acres) were leased by Leslie John Reilly in 1963 and 1964; while sections 17B 3 (10 acres) and 17C (127 acres) were leased for 15 years by Clive Robert Forsyth I July

[1994] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 634 (636) & 104 (106)

[1995] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, p 484 (486); Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIII, p 767 (784)

[1996] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol XXIII, p 842 (859)

1965.[1997] Section 1A 2 (50 acres) was leased by Frederick Henry Adin for five years in April 1967.[1998]

By the end of the 1960s, at least 485 acres of Reureu 1 was under lease to private Europeans for terms ranging from five to 15 years.[1999] This was almost one-fifth of Reureu 1's original area. The actual area under lease was almost certainly higher because the Māori Land Court Block Order Files for Reureu 1 do not include the records for many of the subsections that were compulsorily converted to European title under Part 1 of the Maori Affairs Amendment Act 1967.[2000]

Most of the leases of Reureu land to private Europeans were renewed at least once. Some were renewed several times. The lease for Reureu 1 Section 1A 2 was renewed six times between March 1973 and July 1994, for terms ranging from five to ten years.[2001] In Reureu 2, the lease to Reureu 2B 3B 2B (78½ acres) was renewed five times between October 1968 and September 1998; while the lease of Reureu 2D 2 (4½ acres) to members of the Kreegher family was renewed three times between 1988 and 1998.[2002]

While providing a steady, if limited, income to the land's owners, the postwar leasing of a significant portion of Reureu 1 meant that the land in question could not be used for the development of the Reureu community as a whole, or to provide opportunities for those within Ngāti Pikiahu and Ngāti Waewae who wished to remain living upon their tribal land. Rather than contributing to the inclusion of the Reureu community in the prosperity of the postwar years, the long-term lease of important areas of land accentuated the community's exclusion, while allowing neighbouring Pakeha farmers to reap most of the benefits from a growing agricultural economy.

[1997] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 24, 632, 634 (26, 634, 636) and 415 (417); Walghan Partners, Block Research Narratives, Vol III, Draft, 19 December 2017, p 279

[1998] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXV, Reu Reu to Takapuwahia, p 95 (98)

[1999] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol XXIII, p 767, 842 (784, 859); Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 24, 415, 622, 632, 634 (26, 417, 624, 634, 636; Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXV, Reu Reu to Takapuwahia, p 95 (98); Walghan Partners, Block Research Narratives, Vol III, Draft, 19 December 2017, p 280

[2000] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 210, 272, 300, 340, 399, 519, 554, 587, 613, 726, 775 (212, 274, 302, 342, 401, 521, 556, 589, 615, 728, 777); Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXV, Reu Reu to Takapuwahia, p 26 (29)

[2001] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXV, Reu Reu to Takapuwahia, p 95 (98); Walghan Partners, Block Research Narratives, Vol III, Draft, 19 December 2017, p 279

[2002] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, p 733 (735); Walghan Partners, Block Research Narratives, Vol III, Draft, 19 December 2017, pp 280-281

Table 7.33 Sections of Reureu 1 leased to Europeans, 1950-2000

Section	Area Leased (acres, roods, perches)	Date	Term of Lease	Leased by
5A, 5C, 6B		15 Oct 1955	10	Rex J Andrews
5A, 5C, 6B		1 May 1966	10	Matthew Green
15C 3	50.0.1	1 Feb 1960	10	Rex J Andrews
36	78.2.20	6 July 1962	15	Nancy Barnett
32B 2	54.3.25	1 April 1963	10	Leslie John Reilly
33A		1 April 1963	10	Leslie John Reilly
35	20.0.0	13 Nov 1964	5	Leslie John Reilly
35	20.0.0	1 June 1968	5	Leslie John Reilly
35	20.0.0	1 June 1973	1	Leslie John Reilly
17B 3	9.3.34	1 July 1965	15	Clive Robert Forsyth
17C		1 July 1965	15	Clive Robert Forsyth
1A 2	49.2.16	26 April 1967	5	Frederick Henry Adin
1A 2	49.2.16	28 March 1973	5	Frederick Henry Adin
1A 2	49.2.16	14 June 1974	6	Henry & Judith Mitchell
1A 2	49.2.16	1 May 1977	5	John Turgy
1A 2	49.2.16	13 July 1978	5	John Twigg
1A 2	49.2.16	16 April 1989	5	D Sieverts
1A 2	49.2.16	29 July 1994	10	John & Beverly Powell

Table 7.34 Sections of Reureu 2 and 3 leased to Europeans, 1950-2000

Section	Area Leased (acres, roods, perches)	Date	Term of Lease	Leased by
2B 3B 2B	78.2.2	4 Oct 1961	21	Frank H A Prior
2B 3B 2B	78.2.2	2 Oct 1968	10	Peter Bernard Anderson
2B 3B 2B	78.2.2	9 May 1983	5	Wayne Christensen
2B 3B 2B	78.2.2	9 May 1988	5	Wayne Christensen
2B 3B 2B	78.2.2	9 May 1993	5	Wayne Christensen
2B 3B 2B	78.2.2	15 Sept 1998	3	S L & K D Blundell
2B 3A	29.2.0	25 Aug 1971	3½	Job Jason Harris
2B 3A	29.2.0	1 April 1974	5	John Twigg
2B 3A	29.2.0	1 April 1984	5	Rex Murray Williams
2F 2A		1 March 1977	10	Kakariki Sand & Gravel Co
2D 2	4.2.5	5 July 1978	10	Neville, Valda, & Esther Kreegher
2D 2	4.2.5	5 July 1988	5	Neville, Valda, & Esther Kreegher
2D 2	4.2.5	5 July 1993	5	Neville, Valda, & Esther Kreegher
2D 2	4.2.5	5 July 1998		Neville Edward Kreegher
2C 2		1 Aug 1986	6	Neville Edward Kreegher
2C 2		1 Aug 1993		Neville Edward Kreegher
2A 1		1 April 1991	5	N K & M F A Johnston
2A 1		1 April 1996		Australian Conference Assn Ltd
2H	18.0.0	1 April 1993		Paul Albert Hughes
2H	18.0.0	1 April 1997		Paul Albert Hughes
2G 3, 2G 2, 2J 2		8 Sept 1993	15	David A Peterson

Not all of the land subject to long term lease within the Reureu Reserve was let out to Europeans. A number of sections within the reserve were leased by their owners to other members of the Reureu community. The 20 acres of Reureu 1 Section 14, for example, was leased by George Gotty of Onepuehu for 21 years from 1 April 1927.[2003] In November 1925 lawyers representing Te Whainga Ngaheke, the sole owner of Reureu 2B 1B 2A (19¾ acres), asked the Under Secretary of the Native Department to exempt the subsection from the Government's proclamation barring land within Reureu 1, 2 and 3 from alienation to private individuals. Te Whainga intended to lease the land to Hika Poutama who was 'already dairy farming in the district.'[2004]

As with those to European farmers, most of the leases between Māori owners of land within Reureu 1 and other members of the Reureu community were contracted in the decades following World War II. Sections 17A and 32A (74 acres), for example, were leased by Patu Renata and Myra Taumata Renata in November 1947; while Sections 4A (43 acres), 15C 2 (51½ acres) and 12C (18 acres) were leased by Kura Poutama, Manamotuhake Hallett, and Maraenui Iwikau respectively, in April 1952, April 1956, and November 1958.[2005] According to Māori Land Court Records, by the end of the 1960s at least 15 sections of Reureu 1, with a combined area of more than 420 acres, were leased by Māori members of the Reureu community.[2006] Eight of the 15 sections (with a combined area of more than 130 acres) were leased by one individual: Kiekie Hikaka Hartley.[2007]

[2003] Registrar, Aotea District Maori Land Board to the Under Secretary, Native Department, Wellington, 1 July 1927, Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)
[2004] Currie & Jack to the Under Secretary, Native Department, 24 November 1925, Archives New Zealand, Wellington, MA1 Box 108, 5/13/15, Part 1, 1870-1933, (R19525074)
[2005] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 449, 246, 456, 378 (451, 248, 458, 380)
[2006] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol XXIII, pp 803, 819 (820, 836); Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 223, 246, 378, 448, 456, 476, 484, 492, 535, 537, 565, 583 (225, 248, 380, 450, 458, 478, 486, 494, 537, 539, 567, 585); Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXV, Reu Reu to Takapuwahia, p 45 (48)
[2007] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series. Vol XXIII, p 803, 819 (820, 836); Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 476, 494, 514, 537, 565, 583 (478, 492, 516, 539, 567, 585)

Table 7.35 Sections of Reureu 1 leased by members of the Reureu Community, 1900-2000

Section	Area Leased (acres, roods, perches)	Date	Term of Lease	Leased by
14	20.0.0	1 April 1927	21	George Gotty
32B 2	54.3.25	1 Dec 1941	21	Pamari Kumeroa [?]
17A & 32A	73.2.22	1 Nov 1947	21	Patu Renata & Myra Taumata Renata
17A & 32A	73.2.22	1 Nov 1968	21	Patu Renata & Myra Taumata Renata
4A	43.0.8	1 April 1952	21	Kura Poutama
4A	43.0.8	1 Jan 1964	21	Ruihi Joe Rowe & Torehaere Taite
4C 2B	14.2.8	1 Oct 1953	10	Paddy Williams
4C 2B	14.2.8	1 July 1967	21	Paddy Williams
23D 3A	21.0.0	1 Oct 1953	21	Kiekie Hikaka Hartley
22	41.3.36	12 Aug 1954	21	Kiekie Hikaka Hartley
15C 2	51.2.10	1 April 1956	21	Manamotuhake Hallett
12C	17.2.20	1 Nov 1958	10	Maraenui Iwikau
23C 2	2.1.4	28 Feb 1959	21	Kiekie Hikaka Hartley
2B 2B	25.1.16	1 July 1959	21	Haami Karatea
20A	44.1.8	12 July 1962	21	Mana Hallett & Myra Taumata
20A	44.1.8	6 June 1978	11	Te Tuhi Manuel Renata & Myra Taumata Renata
23D 3B	35.3.28	13 April 1965	10	Kiekie Hikaka Hartley
23C 3	21.0.14	3 Feb 1967	10	Barbin Kereama Te Whatu & Marie Te Whatu
19B 2 & 21B	25.0.28	16 Nov 1966		Kiekie Hikaka Hartley
23C 1	3.2.1	16 Nov 1966		Kiekie Hikaka Hartley
23D 2B 1A		3 Feb 1967	10	Kiekie Hikaka Hartley
18	40.0.0	8 March 1976		Kiekie Hikaka Hartley

Subsections of Reureu 2 and 3 were also leased by Māori members of the Reureu community who appear to have been intent on keeping the land in community ownership. Particularly prominent were members of the Karatea family who, in addition to owning land in Te Reureu 1, leased land in both Reureu 2 and 3. In December 1955 Taruka Ngapaki Karatea took over the lease of most of Reureu 3B 2B, which had been in the hands of private Europeans since September 1919.[2008] The lease to Reureu 3B 2B was renewed for a further 15 years by Anthony Nopera Karatea in July 1978, with further renewals being made by Anthony Nopera Karatea and Caroline Karatea in Decmber 1986 and April 1994.[2009] Members of the Karatea family

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[2008] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXV, Reu Reu to Takapuwahia, p 11 (14)

[2009] Ibid.; Walghan Partners, Block Research Narratives, Vol III, Draft, 19 December 2017, pp 280-281; 'Reureu 3B No. 2B', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/19625.htm (accessed 7 February 2017)

also leased land in Reureu 2, including Reureu 2B 1B 2B 2B (15½ acres), leased by Taruka Ngapaki Karatea for a term of 21 years in October 1966 (renewed for a further 21 years in October 1987), and Reureu 2B 1B 1, leased by M H Karatea in July 1986 and July 1991.[2010]

Table 7.36 Sections of Reureu 2 & 3 leased by members of the Reureu Community, 1900-2000

Section	Area Leased (acres, roods, perches)	Date	Term of Lease	Leased by
2B 3A	9.3.13	19 Aug 1918	50	Taumata Te Oro
2B 3A		13 July 1993	3	W M & E J Roiri
2B 3A		13 July 1994	4	Whitu N & Jane E Roiri
3B 2B	116.0.37	1 Dec 1955	21	Taruka Ngapaki Karatea
3B 2B	154.0.3	4 July 1978	15	Anthony Nopera Karatea
3B 2B	112.0.0	1 Dec 1986	5	Anthony Nopera Karatea & Caroline Karatea
3B 2B	112.0.0	6 April 1994	7	Anthony Nopera Karatea & Caroline Karatea
2B 3B 2B	78.2.2	4 Oct 1961	21	Tuhoro & Irohanga Poutama
2B 1B 2B 2B	15.1.35	12 Oct 1966	21	Taruka Ngapaki Karatea
2B 1B 2B 2B		12 Oct 1987	21	Taruka Ngapaki Karatea
2G 4		1 Sept 1978		Edward Matawha Durie
2G 4		12 April 1991		Edward Matawha Durie
2G 4		11 April 1998		Edward Matawha Durie
2B 1B 1	19.0.6	1 July 1986	5	M H Karatea
2B 1B 1	19.0.6	1 July 1991	5	M H Karatea

The compulsory 'Europeanisation' of land within the Reureu Reserve

The Reureu Reserve was particularly impacted by the process of compulsory 'Europeanisation' imposed by the Crown upon owners of Maori land under Part 1 of the Maori Affairs Amendment Act 1967. Undertaken by the Registrar of the Native Land Court, without regard to the wishes of the land's owners, the process of compulsory 'Europeanisation' involved the conversion to general freehold or 'European' land of sections of Maori freehold land that were owned by four or less individuals, and considered to be 'suitable for effective use and occupation.'[2011]

The retention by the owners of Reureu 1, 2 and 3 of a good part of the original reserve, along with the fragmentation of much of the remaining Maori land as a result of serial partitioning (brought about by the Crown's individualization of Maori land tenure), meant that a substantial part of the Reureu Reserve would be subject to compulsory Europeanisation. Māori Land Court

[2010] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, p 762 (764); Walghan Partners, Block Research Narratives, Vol III, Draft, 19 December 2017, pp 280-281
[2011] Maori Affairs Amendment Act 1967, ss 3, 4, 6 & 7

records for Te Reureu 1 show the conversion of seven sections from Maori to general freehold land between 18 June 1969 and May 1971.[2012] A further 19 sections of Reureu 1 – ranging from one to 54½ acres – have been identified by Walghan Partners as having been converted from Maori to general land through the Europeanisation process.[2013]

Altogether, at least 26 sections or subsections of Reureu 1 were converted permanently from Maori to general freehold land in accordance with Part 1 of the Maori Affairs Amendment Act 1967. Covering a combined acreage of 415½ acres, the 26 sections varied from 54½ acres to half an acre in area. Half of the converted sections were less than 10 acres, while seven of the 26 had areas of 30 acres or more. The three largest sections of Te Reureu 1 compulsorily converted from Maori to general freehold land were Section 15C 3 (54½ acres), Section 25 (47 acres), and Section 24 (41 acres). Sections 25 and 24 were converted in July 1969 and August 1970 respectively.[2014]

Table 7.37 Sections of Reureu 1 subject to compulsory conversion from Māori Freehold to General freehold land, 1968 to 1972

Section	Area (acres, roods, perches)	Date
25	47.1.25	18 June 1969
33A	16.1.6	13 July 1970
26A 2	11.3.27	13 July 1970
26B 2A	0.1.32	21 Aug 1970
24	40.2.28	21 Aug 1970
33B 1	1.0.0	17 Nov 1970
26B 2B	3.0.28	24 May 1971
16	24.3.36	
1A 1	1.0.0	
1B 2A	13.1.5	
2B 1	30.0.12	
2B 2A	30.0.12	
3A	1.0.28	
5A	32.1.24	
5C	33.1.13	
6B	17.2.10	
10A	8.1.12	
11B	4.2.15	
15A	7.3.23	

[2012] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 19, 24, 47, 52, 56, 60, 64 (21, 26, 49, 54, 58, 62, 66)

[2013] Walghan Partners, Block Research Narratives, Vol III, Draft, 19 December 2017, p 284; Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 210, 272, 300, 340, 399, 519, 554 (212, 274, 302, 342, 401, 521, 556); Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXV, Reu Reu to Takapuwahia, p 26 (29)

[2014] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, pp 60, 64 (62, 66)

Section	Area (acres, roods, perches)	Date
15C 3	54.2.1	
17B 2A	1.0.0	
19B	19.0.0	
23C 2	2.1.14	
23D 1	3.0.1	
23D 2B 1A	5.0.2	
23D 3A	5.0.12	
	415.2.8	

In addition to the 26 sections within Reureu 1 that were subject to compulsory Europeanisation, a further nine – with a combined area of 46 acres – were designated for the process by the Registrar of the Māori Land Court, but never actually converted to general land. This was because the nine subdivisions – which ranged from 21 acres to one quarter of an acre – had not been adequately surveyed.[2015] According to Section 5 of the 1976 Act, blocks of Māori land that had been selected by the Registrar of the Māori Land Court for Europeanisation, but were without 'a plan sufficient for the purposes of registration', were to have a plan prepared for them by the Chief Surveyor. Because this was not done before Part 1 of the Māori Affairs Amendment Act 1967 was repealed in 1973, the nine sections were never converted to general land and remain Māori freehold land to this day.[2016]

Another subsection of Reureu 1 – Reureu 1 Section 12B (2¼ acres) – was changed by the Māori Land Court from Māori to general freehold in December 1970, but subsequently returned to the status of Māori freehold land by its owners, following the passage of the Maori Affairs Amendment Act 1974.[2017] This legislation allowed those whose land had been compulsorily converted to general freehold land to apply to have it returned to the status of Māori land. Section 12B also remains as Māori freehold land to this day.[2018]

[2015] Ibid., pp 235, 236, 276, 279, 289, 292, 295, 301, 204, (237, 238, 278, 281, 291, 294, 297, 303, 306)
[2016] Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20071.htm; http://www.maorilandonline.govt.nz/gis/title/20070.htm; http://www.maorilandonline.govt.nz/gis/title/20067.htm; http://www.maorilandonline.govt.nz/gis/title/20066.htm; http://www.maorilandonline.govt.nz/gis/title/20064.htm; http://www.maorilandonline.govt.nz/gis/title/20062.htm; http://www.maorilandonline.govt.nz/gis/title/20058.htm; http://www.maorilandonline.govt.nz/gis/title/20057.htm (accessed 12 February 2018)
[2017] Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, p 384 (386)
[2018] Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/19930.htm (accessed 12 February 2018)

Table 7.38 Sections of Te Reureu 1 selected for compulsory conversion from Māori freehold to General freehold land, but not converted because 'survey required'

Section	Area (acres, roods, perches)
4C 1A	0.2.0
4C 1B	20.3.35
6A 1	1.0.0
6A 2A	0.1.0
6C 1	2.2.13
6C 3	2.3.13
11A 1	4.3.15
11A 2	10.1.34
	45.0.0

According to Māori Land Court Records, eight subdivisions of Reureu 2 and 3 were compulsorily converted from Māori to general, European land between July 1970 and June 1972. The largest section to be compulsorily converted – on 31 March 1971 – was Reureu 2C 1A 2 (29 acres).[2019] The other seven 'Europeanised' sections were all less than 10 acres: Sections 2D 1 and 2G 2 were both slightly more than nine acres; Section 2O was six acres; Sections 2D 1 and 2D were 3 four and four and a half acres; while sections 2C 1A 1 and 3B 2A were one and one quarter of an acre each.[2020] Altogether, the eight 'Europeanised' sections of Reureu 2 and 3 had a combined area of just under 63 acres. None of the eight subdivisions are Māori land today.[2021]

Table 7.39 Sections of Te Reureu 2 and 3 Subject to compulsory conversion from Māori Freehold to General freehold land, 1968 to 1972

Section	Area (acres, roods, perches)	Date
3B 2A	0.1.0	13 July 1970
2G 2	9.0.12	17 Nov 1970
2C 1A1	1.0.0	17 Nov 1970
2D 1	9.0.10	17 Nov 1970
2D 3	4.2.5	17 Nov 1970
2C 1A2	28.3.18	31 March 1971
2O	6.0.0	1 Feb 1972
3B 1A	4.0.22	27 June 1972
	62.3.27	

2019 Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol XXIV, Reu Reu, p 110 (112)
2020 Ibid., pp 100, 93, 69, 97, 154, 117, 147 (102, 95, 71, 156, 1919, 149)
2021 Maori Land Online.

The Reureu Reserve Today

Of the Reureu Reserve's original area of 4510 acres, 2449 acres - or slightly more than half – remain as Māori land today. The remaining Māori land is divided into 94 subsections, ranging from 154 acres to one quarter of an acre. As their number suggest, most of the surviving subdivisions are relatively small: 56 of the 93 are 20 acres or less, 38 are 10 acres or less, while 26 are less than five acres.

The legacy of more than a century of serial partitioning, brought about by a Crown-imposed Native land tenure system that placed ownership of Māori land in the hands of individual owners with geographically undefined shares, the fragmentation of the remaining Māori land within the Reureu Reserve means that only a small minority of the surviving sections are anything like what one might describe as an economically viable size for commercial farming in the twenty first century. Only 18 of the remaining 94 sections of Māori land within the Reureu Reserve have areas of 50 acres of more, while just four are more than 100 acres.[2022] To give some sense of perspective, the average size of a dairy farm in the Rangitīkei district in 2015-16 was 173 hectares (427 acres), while in the neighbouring Manawatū district it was 140 hectares (346 acres).[2023]

Another legacy of the system of invidualized ownership imposed by the Crown upon Māori in the nineteenth and twentieth centuries, is that the remaining sections of the Reureu are owned – not by the four hapū for whom the reserve was originally made – but by literally hundreds of individuals. Fourteen of the 94 subdivisions have more than 300 owners, while 24 have more than 100. Reureu 1's Section 32B2 (55 acres) has 737 individual owners, while Section 36 (79

[2022] Maori Land Online: http://www.maorilandonline.govt.nz/gis/title/19625.htm;
http://www.maorilandonline.govt.nz/gis/title/19674.htm;
http://www.maorilandonline.govt.nz/gis/title/19803.htm;
http://www.maorilandonline.govt.nz/gis/title/19626.htm;
http://www.maorilandonline.govt.nz/gis/title/19643.htm;
http://www.maorilandonline.govt.nz/gis/title/19655.htm;
http://www.maorilandonline.govt.nz/gis/title/19654.htm;
http://www.maorilandonline.govt.nz/gis/title/19805.htm;
http://www.maorilandonline.govt.nz/gis/title/19807.htm;
http://www.maorilandonline.govt.nz/gis/title/19689.htm;
http://www.maorilandonline.govt.nz/gis/title/19637.htm;
http://www.maorilandonline.govt.nz/gis/title/19687.htm;
http://www.maorilandonline.govt.nz/gis/title/19688.htm;
http://www.maorilandonline.govt.nz/gis/title/19809.htm;
http://www.maorilandonline.govt.nz/gis/title/19639.htm;
http://www.maorilandonline.govt.nz/gis/title/19648.htm;
http://www.maorilandonline.govt.nz/gis/title/19690.htm;
http://www.maorilandonline.govt.nz/gis/title/19642.htm (accessed 12 February 2018)

[2023] Livestock Improvement Corporation Ltd and DairyNZ Limited, *New Zealand Dairy Statistics, 2015-16*, 2016, p 16, https://www.dairynz.co.nz/media/5416078/nz-dairy-statistics-2015-16.pdf (accessed 12 February 2018)

acres) has 499.[2024] In Reureu 2, Section 2M (9 acres) has 662 owners, while Sections 2C 2 (50 acres) and 2G 4 (19 acres) have 254 and 252 owners each.[2025] Reureu 3B 2B has no less than 613 owners, while Reureu 3A has 315.[2026]

The division of a fixed area of land amongst an ever-increasing number of shareholders is known as 'fractionation'. Brought about by multiple individuals succeeding to the shares of single owners across several generations, the phenomenon of 'fractionation' is evident throughout the remaining sections of the Reureu Reserve. More than half of the surviving 94 sections of Reureu Reserve have 40 owners or more, while only 25 have 10 owners or less. Moreover, the sections with less than 10 owners tend to be smaller, with two-thirds less than 10 acres, and 10 of the 25 less than five acres.[2027] Of the 47 sections of Reureu 1, 2 and 3 with 40 owners or more, half were more than 20 acres, while 12 were more than 50 acres.[2028]

Together, the fragmentation and fractionation of the remaining Māori land within the Reureu Reserve has made any form of coordinated economic development or community self government very difficult. In order to achieve the scale required for such a significant farming development – such as an organic or conventional dairy farm – community leaders would first need to find a way to combine fragmented pieces of land a legally coherent unit, while securing the consent and cooperation of tens or hundreds of individual owners, all of whom have their own particular interests, and many of whom are no longer residing in the region.[2029]

[2024] Māori Land Online: http://www.maorilandonline.govt.nz/gis/title/19687.htm; http://www.maorilandonline.govt.nz/gis/title/19655.htm (accessed 12 February 2018)

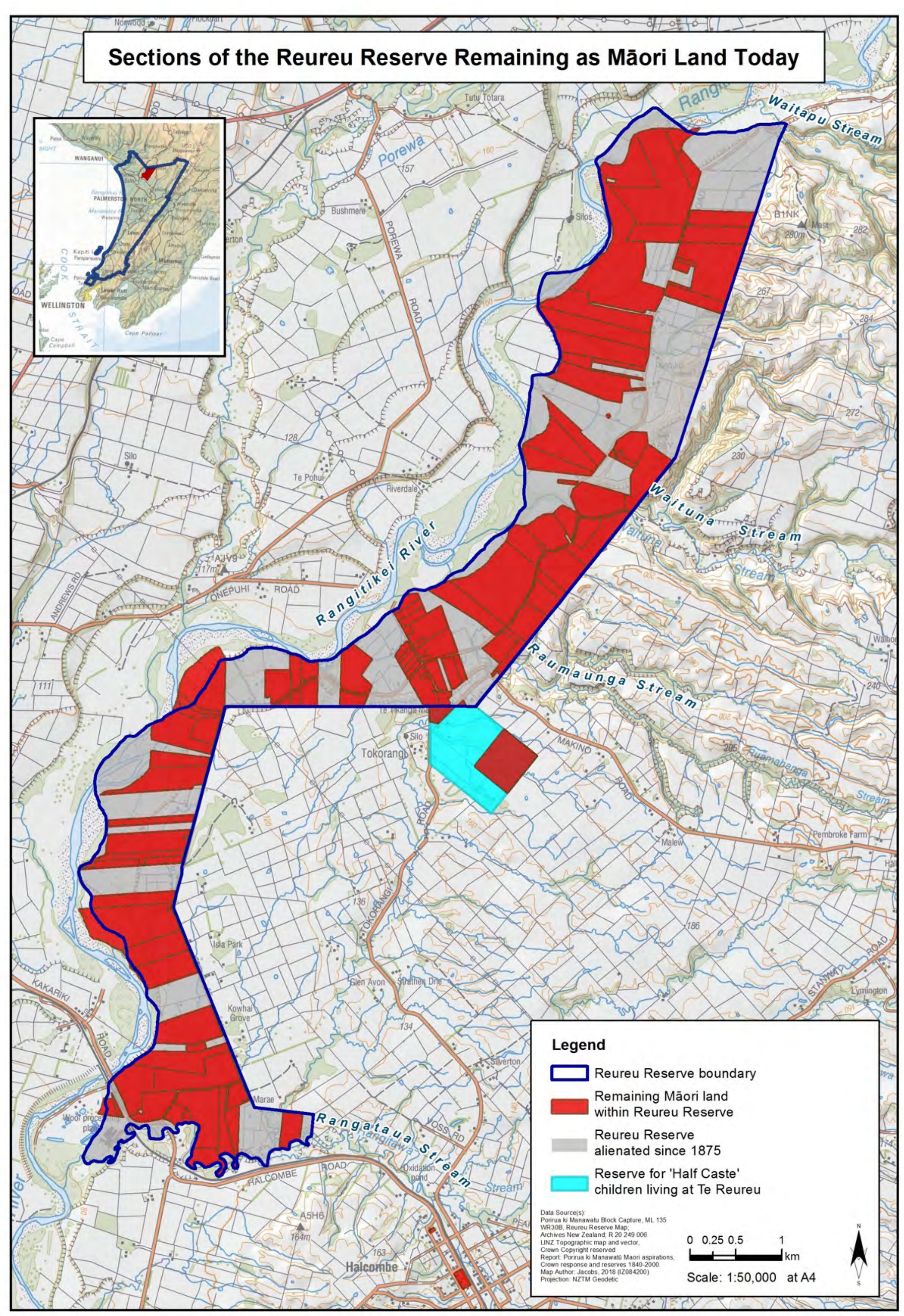
[2025] http://www.maorilandonline.govt.nz/gis/title/19628.htm; http://www.maorilandonline.govt.nz/gis/title/19642.htm; http://www.maorilandonline.govt.nz/gis/title/19632.htm (accessed 12 February 2018)

[2026] http://www.maorilandonline.govt.nz/gis/title/19625.htm; http://www.maorilandonline.govt.nz/gis/title/19626.htm (accessed 12 February 2018)

[2027] Māori Land Online: http://www.maorilandonline.govt.nz/gis/title/20066.htm; http://www.maorilandonline.govt.nz/gis/title/19635.htm; http://www.maorilandonline.govt.nz/gis/title/19650.htm; http://www.maorilandonline.govt.nz/gis/title/20071.htm; http://www.maorilandonline.govt.nz/gis/title/20067.htm; http://www.maorilandonline.govt.nz/gis/title/19806.htm; http://www.maorilandonline.govt.nz/gis/title/20061.htm; http://www.maorilandonline.govt.nz/gis/title/19673.htm; http://www.maorilandonline.govt.nz/gis/title/20062.htm; http://www.maorilandonline.govt.nz/gis/title/19636.htm; http://www.maorilandonline.govt.nz/gis/title/19814.htm; http://www.maorilandonline.govt.nz/gis/title/19812.htm; http://www.maorilandonline.govt.nz/gis/title/19813.htm; http://www.maorilandonline.govt.nz/gis/title/19443.htm; http://www.maorilandonline.govt.nz/gis/title/19471.htm; http://www.maorilandonline.govt.nz/gis/title/19627.htm (accessed 12 February 2018)

[2028] Māori Land Online

[2029] The Manawatū has a number of successful organic dairy farms ranging in area from 400 to more than 600 acres. See: http://www.windriverorganics.co.nz/Our-Farm/our-farm.html; http://biofarm.co.nz/technical/; http://www.arranfarm.co.nz (accessed 12 February 2018)


Sections of the Reureu Reserve Remaining as Māori Land Today
Waitapu Stream
Porewa
Bushmere
POREWA ROAD
Rangitikei River
Waituna Stream
Raumaunga Stream
ONEPUHI ROAD
Te Pohue
Riverdale
Tokorangi
MAKINO ROAD
Malew
Pembroke Farm
Kowhai Grove
Glen Avon
KAKARIKI ROAD
Marae
Rangatauā Stream
HALCOMBE ROAD
Halcombe
WANGANUI
PALMERSTON NORTH
WELLINGTON
Legend
Reureu Reserve boundary
Remaining Māori land within Reureu Reserve
Reureu Reserve alienated since 1875
Reserve for 'Half Caste' children living at Te Reureu
Data Source(s):
Porirua ki Manawatu Block Capture, ML 135
WR30B, Reureu Reserve Map;
Archives New Zealand; R 20 249 006
LINZ Topographic map and vector,
Crown Copyright reserved
Report: Porirua ki Manawatū Maori aspirations,
Crown response and reserves 1840-2000.
Map Author: Jacobs, 2018 (IZ084200)
Projection: NZTM Geodetic
0 0.25 0.5 1
km
Scale: 1:50,000 at A4
N
S

Reureu 1 Today

Of the 2546 acres awarded by the Native Appellate Court to Ngāti Pikiahu and Ngāti Waewae, 1522 remain as Māori land today. This is 60 percent of Reureu 1's original 1896 area. The 1522 acres are divided amongst 64 subdivisions, ranging from 148 acres to one quarter of an acre. As with the Reureu Reserve as a whole, most of the surviving subdivisions of Reureu 1 are relatively small: 31 of the 64 are less than ten acres, while 39 are 20 acres or less. All but eleven of the remaining portions of Reureu 1 are under 50 acres in area. Just two – Sections 33B 2 and 17C – are less than 100 acres.[2030]

In addition to being fragmented into more than 60 distinct sections, the remaining Māori land within Reureu 1 is also fractionated into tens of thousands of shares owned by hundreds, or possibly even thousands, of individuals. Ownership of the 64 subdivisions of Reureu 1 is divided into a combined total of 224,195.211 shares, held by 6580 individuals. While many individuals may hold shares in multiple sections of Reureu 1 (meaning that the total number of individual owners is almost certainly significantly less than 6580), the quantity of shares held across the whole of Reureu 1 is nevertheless enormous.[2031]

Within individual subsections, four sections are divided into more than 10,000 shares, while 37 are split into more than 1000.[2032] As a result, the ratio of acres to owners or shares in some sections is so low as to be virtually negligible. A long, narrow strip, traversing Pryces Line between Sections 3B and 4C 2B, Section 4C 2A (one acre) has 165 owners with 159 shares.[2033] Section 13A (2 acres) has 215 owners with 320 shares, while Section 15C 1 (three and a quarter acres) has 322 owners with 518½ shares.[2034] While not quite as egregious as these examples, the ratio of acres to owners or shares in larger subdivision can also be strikingly low. Ownership of the 55 acres of Section 32B 2, for example, is divided between 737 owners with 8340.2 shares; while the 28 acres of Section 20B is held by 216 owners with 4472 shares.[2035]

[2030] Maori Land Online: http://www.maorilandonline.govt.nz/gis/title/19674.htm; http://www.maorilandonline.govt.nz/gis/title/19803.htm (accessed 13 February 2018)
[2031] Maori Land Online
[2032] Maoril Land Online, http://www.maorilandonline.govt.nz/gis/title/19674.htm; http://www.maorilandonline.govt.nz/gis/title/19803.htm; http://www.maorilandonline.govt.nz/gis/title/19655.htm; http://www.maorilandonline.govt.nz/gis/title/19805.htm (accessed 13 February 2018)
[2033] Maori Land Online: http://www.maorilandonline.govt.nz/gis/title/20069.htm (accessed 13 February 2018)
[2034] Maori Land Online: http://www.maorilandonline.govt.nz/gis/title/19928.htm; http://www.maorilandonline.govt.nz/gis/title/19810.htm (accessed 13 February 2018)
[2035] Maori Land Online: http://www.maorilandonline.govt.nz/gis/title/19687.htm; http://www.maorilandonline.govt.nz/gis/title/19701.htm (accessed 13 February 2018)

Although mitigated somewhat by the placing of land in Ahu Whenua Trusts provided for under under the Te Ture Whenua Act 1993, the fragmentation and fractionation of Reureu 1 into so many sections, owned by such a large number of individual shareholders, makes it very difficult for Ngāti Pikiahu/Waewae to exercise rangatiratanga over their ancestral land in a coordinated and coherent manner.[2036]

Table 7.40 Sections Te Reureu 1 Remaining as Māori Land Today

	Area (ha)	Area (acres)	ML Plan	Owners	Shares
Reureu 1 Sec 1A 2	20.07	49.6	ML 4641	98	7936
Reureu 1 Sec 1B 1	15.45	38.2	ML 3391	90	6107
Reureu 1 Sec 1B 2B	7.87	19.4	ML 3827	82	3112
Reureu 1 Sec 3B	9.65	23.8	ML 5049	108	3700.811
Reureu 1 Sec 4A	17.44	43.1	ML 3261	150	6898
Reureu 1 Sec 4C 1A	0.2	0.6	ML 395397	6	80
Reureu 1 Sec 4C 1B	8.49	21	ML 395397	1	33
Reureu 1 Sec 4C 2A	0.4	1	ML 4274	165	159
Reureu 1 Sec 4C 2B	5.88	14.5	ML 4274	148	2328
Reureu 1 Sec 6A 1	0.4	1	ML 395398	2	160
Reureu 1 Sec 6A 2A	0.1	0.25	ML 395398	4	40
Reureu 1 Sec 6A 2B	7.47	18.4	ML 395398	32	2952
Reureu 1 Sec 6C 1	1.15	2.8	ML 395283	37	453
Reureu 1 Sec 6C 2	1.15	2.8	ML 395283	37	453
Reureu 1 Sec 6C 3	1.15	2.8	ML 395283	1	453
Reureu 1 Sec 6C 4A	0.86	2.1	ML 395283	6	340.125
Reureu 1 Sec 6C 4B	1.43	3.5	ML 395283	73	566.875
Reureu 1 Secs 7A, 8A, 9A	3.96	9.8	ML 2584	1700	1565.4
Reureu 1 Sec 11A 1	1.96	4.8	ML 395402	28	775
Reureu 1 Sec 11A 2	4.23	10.5	ML 395402	37	1674
Reureu 1 Sec 11C	3.92	9.7	ML 3739	31	1551
Reureu 1 Sec 12A	0.47	1.2	ML 393077	28	186
Reureu 1 Sec 12B	0.94	2.3	ML 393077	107	372
Reureu 1 Sec 12C	7.77	19.2	ML 393077	27	3140
Reureu 1 Sec 13A	0.81	2	ML 2584	215	320
Reureu 1 Sec 13B	0.81	2	ML 395403	16	320
Reureu 1 Sec 13C	10.13	25	ML 395403	50	4006
Reureu 1 Sec 14A	2.7	6.7	ML 5281	2	1067
Reureu 1 Sec 14B	2.7	6.7	ML 5281	1	1067
Reureu 1 Sec 14C	2.7	6.7	ML 5281	2	1067
Reureu 1 Sec 15B	3.97	9.8	ML 3622	26	1570
Reureu 1 Sec 15C 1	1.31	3.25	ML 3793	322	518.5
Reureu 1 Sec 15C 2	20.87	51.6	ML 3793	2	8250
Reureu 1 Sec 17A	11.89	29.4	ML 2673	13	4701
Reureu 1 Sec 17B 1 (Balance)	24.41	60.3	ML 3668	25	9649.83
Reureu 1 Secs 17B 1 & 17B 2	0.53	1.3	ML 4821	1	209.17

[2036] Atholl Anderson, Judith Binney, Aroha Harris, *Tangata Whenua: An Illustrated History*, (Wellington, Bridget Williams Books), 2014, pp 464-465.

	Area (ha)	Area (acres)	ML Plan	Owners	Shares
Reureu 1 Sec 17B 2B	25.92	64	ML 4821	86	10246
Reureu 1 Sec 17B 3	4.03	10	ML 3668	73	1594
Reureu 1 Sec 17C	51.57	127.4	ML 2673	82	20389
Reureu 1 Sec 17D	9.9	24.5	ML 2673	76	3917
Reureu 1 Sec 18	16.24	40.1	ML 2585	60	6422
Reureu 1 Sec 19B 1	0.6	1.5	ML 4021	46	240
Reureu 1 Sec 20A	17.93	44.3	ML 3609	46	7088
Reureu 1 Sec 20B	11.31	27.9	ML 3609	216	4472
Reureu 1 Sec 22	17	42	ML 2585	138	6716
Reureu 1 Sec 23A	0.59	1.5	ML 3298	266	233
Reureu 1 Sec 23C 1	1.42	3.5	ML 4055	39	561
Reureu 1 Sec 23C 3	8.53	21.1	ML 4055	16	3374
Reureu 1 Sec 23D 2B2	8.79	21.75	ML 3826	71	3477
Reureu 1 Sec 26A 1	2.3	5.75	ML 4056	34	920
Reureu 1 Sec 26B 1	4.9	12.1	ML 5061	40	1936
Reureu 1 Sec 26B 3	20.58	50.8	ML 4057	66	8177
Reureu 1 Sec 32A	23.67	58.5	ML 3437	13	9360
Reureu 1 Sec 32B 1	21.6	53.4	ML 4387	32	8539.8
Reureu 1 Sec 32B 2	22.22	54.9	ML 4387	737	8340.2
Reureu 1 Sec 33B 2	59.89	148	ML 4610	231	23677
Reureu 1 Sec 34C 1	0.98	2.4	ML 3599	1	387
Reureu 1 Sec 34C 2B	1.43	3.5	ML 5412	29	565
Reureu 1 Sec 35	8.09	20	ML 2585	1	3200
Reureu 1 Sec 36	31.82	78.6	ML 2585	499	12580
Reureu 1 Sec 37	25.96	64.1	ML 5444	4	1
Reureu 1 Sec 38A	3.15	8.5	ML 5567	1	1
Reureu 1 Sec 38B 1	3.65	9	ML 5581	2	1
Reureu 1 Sec 38B 2	6.78	16.75	ML 5581	2	0.5
	616.9	**1522**			

Reureu 2 and 3 Today

Of the 1550 acres awarded by the Native Appellate Court to Ngāti Maniapoto and Ngāti Rangatahi in 1896, 927 acres remain as Māori land today. This is 60 percent of the original area of Reureu 2 and 3. The former gravel reserve at Kakariki, which was returned by the Crown to Ngāti Rangatahi and Ngāti Maniapoto in 1913 and is now known as Piaka, is also still Māori land. When the Piaka block (26 acres) is added to the total, the area of Ngāti Maniapoto and Ngāti Rangatahi's portion of the Reureu Reserve remaining as Māori land increases to 952 acres.[2037]

The 952 acres of Māori land retained by Ngāti Maniapoto and Ngāti Rangatahi from Reureu 2 and 3 and the Piaka block is divided between 30 subdivisions. Twenty-five of the sections are located in Reureu 2, while four are part of Reureu 3. The 30 subdivisions range in size

[2037] Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20415.htm (accessed 13 February 2018)

form 154 acres (Reureu 3B 2B) to two-fifths of an acre (Reureu 2G 1A).[2038] As in Reureu 1, most of the surviving sections are relatively small. More than half (17 of 30) are less than 20 acres, while slightly less than one quarter (seven of 30) are less than 10 acres. Just two of the remaining subdivisions (Reureu 3A and 3B 2B) are of more than 100 acres, while five (all in Reureu 2) have more than 50 acres.[2039] The largest surviving portions of Reureu 2 are Reureu 2B 3B 2B (92 acres), Reureu 2F 2B (56 acres), and Reureu 2F 1 (51 acres).[2040]

Many of the surviving sections of Ngāti Rangatahi and Ngāti Maniapoto's portion of the Reureu reserve have been impacted by the fractionation of ownership. More than half of the remaining subdivisions (16 of 30) have more 50 owners. Eleven of the 30 have more than 100. Piaka has no less than 996 owners with 3992 shares. Reureu 2M (9 acres) has 662 owners with 1477 shares, while Reureu 3B 2B (154 acres) has 662 owners with more 24,000 shares.[2041] At the other end of the spectrum, eight of the surviving sections have 10 or less owners, while five – including Reureu 2B 3B 1B (40 acres) and Reureu 2F 2A (37 acres) – have only one.[2042]

Table 7.41 Sections of Reureu 2 and 3 remaining as Māori land today

	Area (ha)	Area (acres)	ML Plan	Owners	Shares
Reureu 2A 1	6.33	15.6	ML 3607	120	2502.2
Reureu 2B 1B 1	7.7	19	ML 3861	51	3046
Reureu 2B 1B 2B 1	0.2	0.5	ML 5462	1	80
Reureu 2B 1B 2B 2A	6.24	15.4	ML 395401	1	2475
Reureu 2B 1B 2B 2B	18.52	50.8	ML 395401	183	7344
Reureu 2B 3A	11.94	29.5	ML 3295	12	4720
Reureu 2B 3B 1A	16.3	40.3	ML 5532	9	5527
Reureu 2B 3B 1B	16.3	40.3	ML 5532	1	5527
Reureu 2B 3B 2A	0.2	0.5	ML 5532	18	80
Reureu 2B 3B 2B	37.06	91.6	ML 5532	161	12562
Reureu 2C 2	20.38	50.3	ML 3974	254	8056
Reureu 2D 2	1.83	4.5	ML 3361	62	652.5
Reureu 2E	17.4	43	ML 2117	45	6880
Reureu 2F 1	20.67	51	ML 405367	44	8400
Reureu 2F 2A	15.15	37.4	ML 5366	1	15.153

[2038] Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/19625.htm; http://www.maorilandonline.govt.nz/gis/title/19635.htm (accessed 13 February 2018)
[2039] Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/19625.htm; http://www.maorilandonline.govt.nz/gis/title/19626.htm (accessed 13 February 2018)
[2040] Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/19643.htm; http://www.maorilandonline.govt.nz/gis/title/19637.htm; http://www.maorilandonline.govt.nz/gis/title/19639.htm (accessed 13 February 2018)
[2041] Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20415.htm; http://www.maorilandonline.govt.nz/gis/title/19628.htm; http://www.maorilandonline.govt.nz/gis/title/19643.htm (accessed 13 February 2018)
[2042] Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/19645.htm; http://www.maorilandonline.govt.nz/gis/title/19638.htm (accessed 13 February 2018)

	Area (ha)	Area (acres)	ML Plan	Owners	Shares
Reureu 2F 2B	22.77	56.2	ML 5366	126	9174.101
Reureu 2G 1 Pt	1.27	3.1	ML 3973	1	501
Reureu 2G 1A	0.14	0.4	ML 399097	10	57
Reureu 2G 1B	4.76	11.8	ML 399097	47	1380
Reureu 2G 3	6.14	15.2	ML 3973	147	2429
Reureu 2G 4	7.74	19.1	ML 3973	252	3061
Reureu 2H	7.28	18	ML 1058	36	2880
Reureu 2J 2	7.22	17.8	ML 2267	73	2854.4
Reureu 2M	3.73	9.2	ML 2814	662	1477
Reureu 2P	3.84	9.5	SO 31674	6	1520
Reureu 3A	42.09	104	ML 2118	315	11320
Reureu 3B 2B	62.33	154	ML 5119	613	24037.255
Reureu 3C 2A	4.95	12.2	ML 4609	78	1958
Reureu 3C 2C	5.05	12.5	ML 4609	75	1998
Piaka	10.34	25.6	ML 5371	996	3992
	385.3	**952.2**			

7.4 Ngāti Parewahawaha and Ngāti Kahoro's Reserves on the Lower Rangitīkei River

Between them, Featherston, the Native Land Court, McLean and his assistant Kemp created 19 reserves for groups or individuals affiliated with Ngāti Raukawa on the lower part of the Rangitīkei River between Ohinepuhiawe (modern day Bulls) and Tāwhirihoe (today's Tangimoana Beach). With the exception of 100 acres for Te Peina Tahipara of Te Mateawa (a hapū related to Ngāti Tukorehe) and 50 acres at Tāwhirihoe for Ihakara and Kereopa Tukumaru of Ngāti Ngārongo, all of the reserves were created for members of Ngāti Parewahawaha and Ngāti Kahoro. With a combined area of 3400 acres, Ngāti Parewahawaha and Ngāti Kahoro's 17 reserves on the lower Rangitīkei River included slightly more than one thousand acres at Mangamāhoe (Rangitīkei-Manawatū C); more than 600 acres 'near Pakapakatea' (modern day Ohakea); 521 acres at or 'near' Maramaihoea (divided between five reserves); 410 acres at Poutū; 385 acres at Ohinepuhiawe; and a further 125 acres at Mangamāhoe (awarded to Kereama Taiporutu).

Table 7.42 Reserves awarded to Ngāti Raukawa affiliated hapū and individuals along the Rangitīkei River from Ohinepuhiawe to Tawhirihoe

Location	Block or Section	Area in acres	Owners	Tribe/Hapū
Ōhinepuhiawe	Ohinepuhiawe Native Reserve, Section 140	100	Hare Reweti and 15 others (half share); Wereta Huruhuru and 12 others (half share)	Ngāti Parewahawaha/ Kahoro
Ōhinepuhiawe	Ohinepuhiawe Native Reserve, Section 141	285	Hare Reweti and 49 others	Ngāti Parewahawaha/ Kahoro
Near Pakapakatea	Native Section 139 Township of Sandon	614	Wereta Kimate, Miritana Te Rangi, Aterete Taratoa	Ngāti Parewahawaha / Kahoro
Matahiwi	Native Section 134 Township of Sandon	100.5	Nepia Taratoa	Ngāti Parewahawaha
Matahiwi	Native Section 135 Township of Sandon	19	Aterete Rangimaru	Ngāti Parewahawaha / Kahoro
Matahiwi	Native Section 137 Township of Sandon	122	Erenora Taratoa	Ngāti Parewahawaha
Matahiwi	Native Section 136 Township of Sandon	19	Winiata Pataka	Ngāti Parewahawaha
Matahiwi	Matahiwi Native Reserve, Sec 133	57	Erenora Taratoa and 37 others	Ngāti Parewahawaha/ Kahoro
Mangamāhoe	Rangitīkei-Manawatū C	1026	Atereti Taratoa, Wiremu Taratoa, Keremihana Wairaka, Pirihira Wairaka, Wereta Kimate, Apia Te Hiwi, Pita Te Akiha, Mere Te Hiwi, Te Au Te Hiwi, Arapata Te Hiwi, Eruera Te Taiaho, Hore Ngawhare, Hemi Rangiwhakairi, Miritana Te Rangi, Pumipi Te Kaka, Paiura Taiporutu, Taniera Rehua, Hepere Matuiha, Kepa Paiura, and Rutu Te Kaimate	Ngāti Parewahawaha/ Kahoro
Mangamāhoe	Native Section 354 Township of Carnarvon	102	Te Peina Tahipara	Te Mateawa
Mangamāhoe	Native Section 355 Township of Carnarvon	125	Kereama Taiporutu	Ngāti Parewahawaha / Kahoro
Maramaihoea Pa	Rural Section 356 Township of Carnarvon	124	Aterea Te Toko, Wiremu Pukapuka, Harata Waipae	Ngāti Kahoro, Ngāti Maniapoto

Location	Block or Section	Area in acres	Owners	Tribe/Hapū
Maramaihoea	Part of Maramaihoea Native Reserve, Sec 360	147	Horomona Toremi (129/147 shares); Pekamu Aterea and 21 others (18/147 shares)	Ngāti Parewahawaha/ Kahoro
Near Maramaihoea	Native Section 357 Township of Carnarvon	50	Aterea Te Toko	Ngāti Kahoro
Near Maramaihoea	Native Section 358 Township of Carnarvon	50	Keremihana Wairaka	Te Mateawa (Ngāti Tukorehe)
Near Maramaihoea	Native Section 359 Township of Carnarvon	100	Aterete Taratoa	Ngāti Parewahawaha
Poutū	Poutū Native Reserve, Sec 361 Carnarvon Township	410	Subdivided into five sections: 6. Hare Reweti Rongorongo & 69 others: 89 acres. 7. Hare Reweti & 7 other trustees: 10 acres (urupa) 8. Mere Timihua: 200 acres 9. Timiuha Taiporutu: 40 acres 10. Winiata Taiaho: 100 acres.	Ngāti Parewahawaha/ Kahoro
Tāwhirihoe	Native Section 376 Township of Carnarvon	50	Ihakara Tukumaru, Kereopa Tukumaru	Ngāti Ngarongo
Tāwhirihoe	Native Section 377 Township of Carnarvon	3	Miritana Te Rangi	Ngāti Parewahawaha/ Kahoro

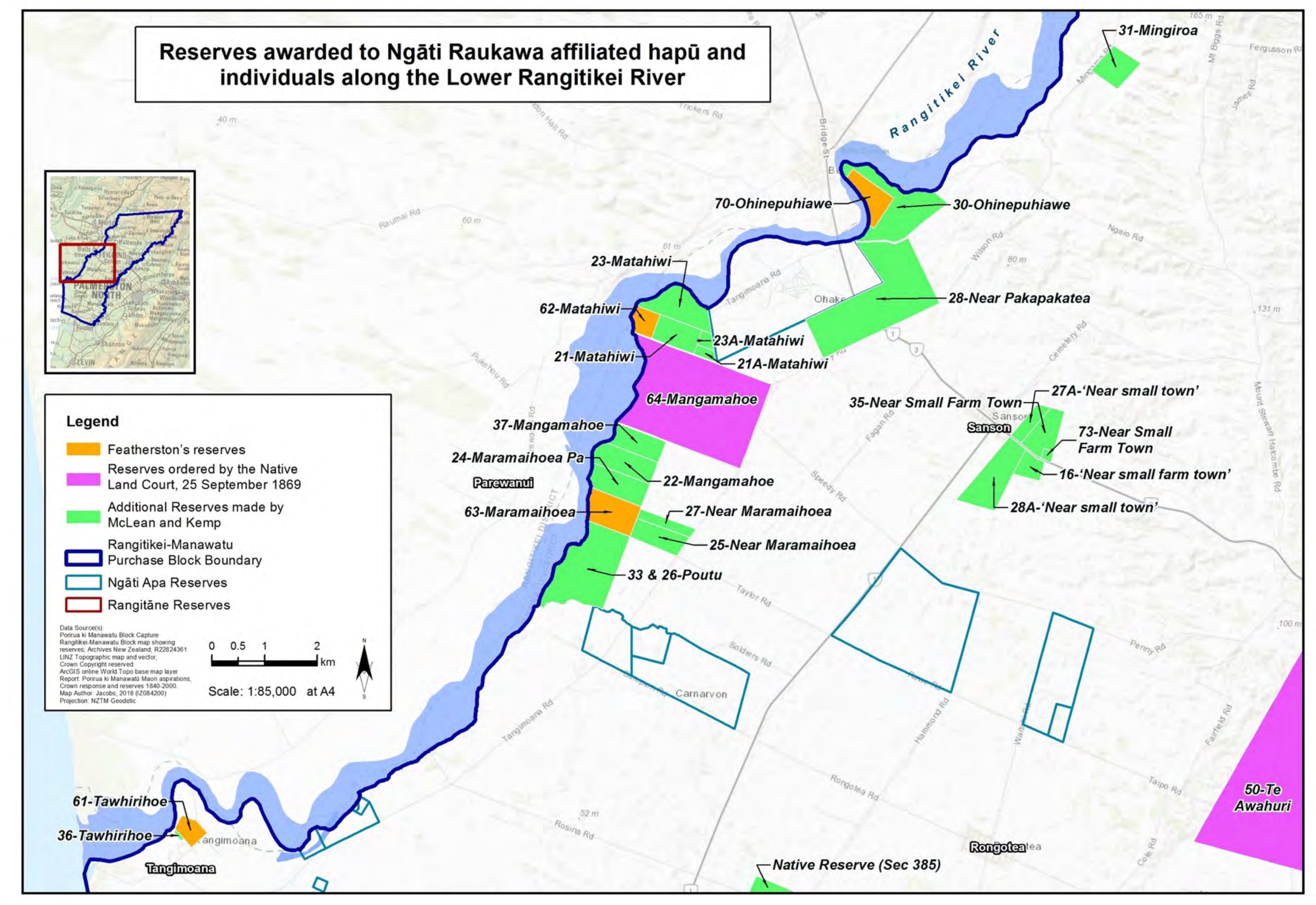
As with all of the reserves created by the Crown or Native Land Court within Rangitīkei Manawatū, Native land legislation required that ownership of Ngāti Parewahawaha and Ngāti Kahoro's Rangitīkei River reserves be vested – not in the hapū as a community – but in lists of individual owners, each with their own discrete, but geographically undefined share. This requirement was to be the source of considerable confusion and contention as Crown officials struggled to identify the eligible owners of the larger, community-owned reserves (such as Poutū and Ōhinepuhiawe), while members of the two hapū and other Raukawa affiliated groups disagreed over whose names should be included on the ownership lists for each reserve, and whose should be excluded.

With neither the Native Department nor the local people able to agree upon the owners of the reserves at Maramaihoea, Matahiwi, Ōhinepuhiawe, and Poutū, the Crown, in May 1882, appointed a Royal Commission under Alexander Mackay to investigate the competing claims to these and other contested reserves within the Rangitīkei-Manawatū and Rangitīkei-Turakina

blocks.[2043] After hearing the claims of the various contending groups, Mackay's Commission – acting in much the same way as the Native Land Court – drew up lists of owners for each of the reserves under its jurisdiction. The two reserves at Ōhinepuhiawe (Sections 140 and 141) were vested in 11 and 50 individuals respectively, while the 50-acre reserve at Matahiwi (Section 133) was placed in the ownership of a list of 36 owners. The Poutū reserve – which, along with Ōhinepuhiawe, appears to have been the most fiercely contested – was divided by the Commission into five sections of 89, 10, 200, 40 and 100 acres, each with their own lists of individual owners. All of the Ngāti Kahoro and Ngāti Parewahawaha reserves investigated by Mackay's Commission were to be 'inalienable by sale or mortgage or by lease' for any period longer than 21 years.[2044]

Because of the delays caused by the disagreements over ownership and the deliberations of the Royal Commission, followed by further petitions and appeals, Crown grants for the Ngāti Parewahawaha and Ngāti Kahoro reserves at Ōhinepuhiawe, Poutū, Maramaihoea (Section 360), and Matahiwi (Section 133) were not issued until July and September 1887. By then, some of the reserved land – particularly in the Poutū reserve – had already been targeted for purchase by European landowners.[2045]

[2043] 'Panuitanga', *Te Kahiti o Niu Tireni*, No 29, 6 Hepetema 1883, pp 137-138, MA 13/74B, pp 167-168
[2044] 'Mackay's Book', Archives New Zealand, Wellington, ABWN W5280 8093 Box 197 (R18611782), pp 1-7
[2045] 'Abstracts of Titles: Wairarapa and Manawatū', Archives New Zealand, Wellington, MA 12 13 (R12777980)



Reserves awarded to Ngāti Raukawa affiliated hapū and individuals along the Lower Rangitikei River
Rangitikei River
31-Mingiroa
70-Ohinepuhiawe
30-Ohinepuhiawe
23-Matahiwi
28-Near Pakapakatea
62-Matahiwi
23A-Matahiwi
21-Matahiwi
21A-Matahiwi
64-Mangamahoe
35-Near Small Farm Town
27A-'Near small town'
37-Mangamahoe
73-Near Small Farm Town
24-Maramaihoea Pa
22-Mangamahoe
16-'Near small farm town'
63-Maramaihoea
27-Near Maramaihoea
28A-'Near small town'
25-Near Maramaihoea
33 & 26-Poutu
61-Tawhirihoe
36-Tawhirihoe
50-Te Awahuri
Native Reserve (Sec 385)
Sanson
Parewanui
Tangimoana
Rongotea
Ohakea
Carnarvon
Legend
Featherston's reserves
Reserves ordered by the Native Land Court, 25 September 1869
Additional Reserves made by McLean and Kemp
Rangitikei-Manawatu Purchase Block Boundary
Ngāti Apa Reserves
Rangitāne Reserves
Data Source(s):
Porirua ki Manawatu Block Capture
Rangitikei-Manawatu Block map showing reserves; Archives New Zealand; R22824361
LINZ Topographic map and vector, Crown Copyright reserved
ArcGIS online World Topo base map layer
Report: Porirua ki Manawatū Maori aspirations, Crown response and reserves 1840-2000.
Map Author: Jacobs, 2018 (IZ084200)
Projection: NZTM Geodetic
0 0.5 1 2 km
Scale: 1:85,000 at A4

The Poutū Reserve

Situated on the northern banks of the Makowhai Stream, next to the Rangitīkei River, the Poutū Reserve was perhaps the most contested of Ngāti Kahoro and Ngāti Parewahawaha's reserves. The entire 439 acres (reduced to 410 acres after the reserve was surveyed) was claimed by Hare Reweti Rongorongo. Hare Reweti's claim was challenged by other members of the hapū who argued that the reserve had been set aside for those who had not been included in the Native Land Court's award to the Ngāti Parewahawaha and Ngāti Kahoro non-sellers at Mangamatoi (Mangamāhoe). After hearing testimony from the contending parties, Alexander Mackay found against Hare Reweti and awarded ownership of Poutū Reserve to 94 individuals with unequal shares.[2046] In order to accommodate the varying claims of the individual owners, Mackay divided the reserve into five sections. The largest of these (Section 3 with 200 acres) was awarded to Mere Timiuha and her family. Mackay also apportioned a further 40 acres (Section 4) to Timiuha Taiporutu (Mere Timihua's husband). The second largest area (Section 5 with 100 acres) was awarded to Winiata Taiaho; while Hāre Reweti and 69 other individual owners were located in 89 acres (Section 1). The remaining 10 acres was set aside as an urupā (Section 2).[2047]

After Hare Reweti had unsuccessfully petitioned Parliament to have Mackay's decision reversed, a Crown grant for Poutū Reserve was finally issued on 23 September 1887.[2048] The Crown grant stipulated that the entire reserve was to be 'inalienable by sale or mortgage or lease beyond a period of 21 years.'[2049] The location of the five subdivisions, however, was not formally defined until 1895, when the reserve was partitioned by the Native Land Court. Because of a reduction in the Poutū Reserve's overall area, caused by the encroachment of the Rangitīkei River, the sections defined by the Native Land Court were somewhat smaller than those awarded by Mackay. Section 3 (awarded to Winiata Taiaho) was set at 94 acres (rather than 100), while Sections 4 and 5, awarded to Mere Timiuha and her children, and Timiuha Taiporutu, were classified as 187 and 37 acres. All five of the subdivisions confirmed by the

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[2046] 'Evidence taken in re claims to Poutu Reserve', Archives New Zealand, Wellington, WGTN G UC 43C (C 500 252), pp 1-11; Report of the Native Land Court on Petition to Parliament No 603 of 1908 of Donald Fraser, Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)

[2047] 'Mackay's Book', Archives New Zealand, Wellington, ABWN W5280 8093 Box 197 (R18611782), pp 2-3

[2048] Reports of the Native Affairs Committee, 1885, No 250, Sess. II, 1884 – Petition of Hare Reweti Rongorongo, http://nzetc.victoria.ac.nz/tm/scholarly/tei-Nat1885Repo-t1-g1-g2-g147-t1.html (accessed 22 February 2018)

[2049] 'Abstracts of Titles: Wairarapa and Manawatū', Archives New Zealand, Wellington, MA 12 13 (R12777980)

Native Land Court in 1895 were to be inalienable (except by lease for periods of no more than 21 years).[2050]

Donald Fraser's acquisition of Sections 3, 4 and 5 of the Poutū Reserve

Despite the restrictions on alienation stipulated by Mackay's Royal Commission, and subsequently confirmed in the Crown grant, possession (if not legal ownership) of more than three quarters of the Poutū Reserve (318 acres) was informally transferred to the Scottish settler Donald Fraser before the Crown grant had even been issued. Donald Fraser, who was one of the Rangitīkei's most long-established and successful European settlers, had arrived in the area in 1852 when he had driven a herd of cattle up from Wellington to his father's new farm on the Rangitīkei-Turakina block. After periods spent at the Victoria and Otago goldfields, Fraser had established himself at Pukuhe near Bulls, where 'he became widely known throughout the surrounding districts as a farmer on a large scale.'[2051]

Donald Fraser's interest in land on the Rangitīkei-Manawatū side of the Rangitīkei River extended back to at least May 1861 when he and his father Duncan had leased a cattle run from Hamiora Te Raikokiritia of Ngāti Apa.[2052] In '1872 or 1873' Fraser had entered into an agreement with Winiata Taiaho to exchange Winiata's 100 acres at Poutū with 50 acres owned by Fraser at Matahiwi.[2053] Testifying before the Native Land Court in November 1908, Fraser claimed that the exchange had been initiated by Winiata who was already living at Matahiwi. In addition to the 50 acres at Matahiwi, Fraser agreed to pay Winiata £100. Fraser told the Native Land Court that he had 'entered into possession' of the 100 acres at Poutū 'about 1872 or 1873' and had 'been in possession ever since.' According to Fraser's testimony, Winiata took possession of the 50 acres at Matahiwi 'shortly after 1873', clearing the land and constructing three houses, and a 'burial place.'[2054]

Winiata Taiaho died 'in or about' 1893 and his share of the Poutū reserve – which had still to be formally partitioned out – was inherited by his nephew Wereta Kimate and Wereta's four

[2050] F Waldegrave [Under-Secretary, Native Department], Undated Report; Report of the Native Land Court on Petition to Parliament No 603 of 1908 of Donald Fraser; both in Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)
[2051] 'Death of Mr Donald Fraser', *Wanganui Chronicle*, 6 August 1917, p 6, c 1, https://paperspast.natlib.govt.nz/newspapers/wanganui-chronicle/1917/8/6/6 (accessed 22 February 2018)
[2052] 'Schedule of Leases', MA13/73B, p 174
[2053] Report of the Native Land Court on Petition to Parliament No 603 of 1908 of Donald Fraser, Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)
[2054] Minutes of Chief Judge Jackson Palmer's investigation of Carnarvon Section 361 Subdivision 3 (Poutū), Palmerston North, 4 November 1908, Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)

sons. Wereta and his sons agreed to honour Fraser's agreement with Winiata in return for a further payment from Fraser of £200.[2055] A formal agreement was drawn up and signed, and on 16 March 1901 Wereta Kīmate and his sons applied to have the restrictions on alienation removed from what was now known as Poutu Section 3.[2056] Wereta Kīmate subsequently died and a further agreement was drawn up between Fraser and Wereta's four sons: Ngākuku, Waenga, Tima and Rewi Wereta.[2057] On 7 February Ngākuku, Waenga, Tima and Rewi Wereta applied again to have the restrictions lifed on Section 3.[2058] In a covering letter, John Stevens told the Under Secretary of Justice that the Wereta brothers were 'most anxious' that the exchange between themselves and Fraser be finally confirmed, because they were still living upon the 50 acres at Matahiwi, and had buried their father there.[2059]

In addition to the 100 acres exchanged with Winiata Taiaho, Donald Fraser also informally purchased the Poutu holdings of Mere Timiuha and her husband Timiuha Taiporutu. With a combined estimated area of 240 acres (reduced to 231 acres upon survey) the area acquired by Fraser was more than half of the entire Poutu Reserve. As with the exchange with Winiata, Fraser acquired the sections belonging to Mere Timiuha and Timiuha Taiporutu before a Crown grant had been issued for Poutu reserve, and prior to the formal partitioning out of the area that had been awarded to the couple. Fraser's illegal purchases of what became known as Sections 4 and 5 of Poutu reserve were also undertaken in the face of Mackay's explicit recommendation that the land should be inalienable except by lease for periods of no more than 21 years.[2060]

Petitioning Parliament in 1908 for legislation that would formalize his purchases of Sections 4 and 5, Fraser stated that he had purchased Mere Timiuha's portion of the Poutu Reserve (estimated to be 200 acres) on 18 January 1886 for £500. Prior to the purchase Fraser had leased the land 'for about two years.' According to Fraser, Mrs Timiuha had agreed to the purchase because she was intent on moving to the Waikato to occupy land she owned there. In

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[2055] Ibid

[2056] Application by Wereta Kimate, Ngakuku Wereta, Waenga [Wereta], and Tima Wereta to have restrictions on alienation removed on 94 acres of Poutu, Carnarvon Sec 341, 16 March 1901, Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)

[2057] Petition of Donald Fraser of Parawanui near Bulls, Farmer [No 602/08], Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)

[2058] Application by Ngakuku Wereta, Waenga Wereta, Tima Wereta and Rewi Wereta for removal of restrictions on alienation of 94 acres of Carnarvon 361, 7 February 1902, Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)

[2059] John Stevens to the Under Secretary for Justice, 9 February 1902, Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)

[2060] Undated Report signed by F [Frank] Waldegrave, Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)

his petition, Fraser also claimed to have purchased Timiuha Taiporutu's 40-acre share of the reserve for £100 on 27 December 1886.[2061]

When the Poutu Reserve was formally partitioned in 1895 Mere Timiuha's share (Section 4) was surveyed as 187 acres, while Timiuha Taiporutu's portion (Section 5) was defined as 37 acres. Mere Timiuha had her eight children and husband included on the title for Section 4, increasing the number of legal owners from one to ten. Both Section 4 and Section 5 were declared by the Native Land Court to be inalienable, except by lease for a period of no more than 21 years.[2062]

Intent on formalizing his acquisitions of Sections 4 and 5, which were still legally owned by Mere Timiuha, Timiuha Taiporutu and their eight children, Donald Fraser purchased 142 acres for the family at Tāpapa (near modern day Tīrau) in the southeastern Waikato. The 142 acres adjoined other land owned by Mere Timiuha and her relatives on the Whaiti Kuranui block.[2063] In May 1905 Fraser's solicitors applied to the Native Minister to have the restrictions on alienation removed from Sections 4 and 5. The lawyers argued that Mere, Timiuha and their children had 'never lived on the land' at Poutū and that they and 'all their people' were living in the Waikato. Donald Fraser, on the other, had been 'occuppying and improving the land' he had purchased 'for about 30 years'.[2064]

In November 1905 Fraser's lawyers wrote again to the Native Minister, asking him to 'push the matter of the transfer' of Sections 4 and 5.[2065] Their application was supported by a letter in reo Māori from Mere Timiuha and two of her children asking the Minister to remove the restrictions on their land at Poutū so that they could exchange it for land at Whaiti Kuranui, where they were living.[2066]

In 1908, with his informal and illegal acqusitions of Sections 3, 4 and 5 of the Poutu Reserve still unconfirmed, Donald Fraser petitioned Parliament to pass legislation that would legalize his purchases. Detailing the by now long history of his acquisitions of the three sections, Fraser

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[2061] Petition of Donald Fraser of Parawanui near Bulls, Farmer [No 602/08], Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)

[2062] Undated Report signed by F [Frank] Waldegrave, Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)

[2063] Petition of Donald Fraser of Parawanui near Bulls, Farmer [No 602/08], Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)

[2064] Walker & Peak (Barristers & Solicitors) to the Native Minister, Wellington, 25 May 1905, Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337); Walker & Peak (Barristers & Solicitors) to the Native Minister, Wellington, 26 May 1905, Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)

[2065] Walker & Peak (Barristers & Solicitors) to the Honourable J Carroll, Native Minister, 6 July 1906, Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)

[2066] Mere, Atareta, Kereama ki te Minita o te taha Maori, 13 Noema 1906 [sic], Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337) (reo Maori original and English translation)

asked Parliament to 'remove from the land all restrictions and limitations against alienation', and allow the transfers of ownership to be carried out 'in all respects as if the native owners were not natives, and so that none of the provisions of any Act affecting lands owned by Natives shall apply.'[2067]

In his petitions, Fraser placed considerable emphasis on the various sums of money he had forwarded to the legal owners of the three sections over the decades since he had first informally acquired the land. In his petition concerning sections 4 and 5, Fraser noted how 'from time to time' he had paid 'various sums of money' to Mere Timiuha, Timiuha Taipōrutu and their children. In addition to the original payment of £200 and the 142 acres at Whaiti Kuranui, Fraser made six payments to Meri Timiuha between 20 April 1903 and 10 August 1906 totalling £357. Fraser had also disbursed cheques to the value of almost £200 to three of Meri's children, as well as a further £23, in four instalments between August 1906 and August 1908, to Timiuha Taipōrutu. These payments – with a combined value of £578 10s – suggest that the legal owners of Sections 4 and 5 may have been motivated by more than just the desire to add to their landholdings in the lower Waikato when they agreed to support Fraser's campaign for the legalization of his purchases of their land at Poutū. By August 1908 Meri Timiuha and her family were very significantly in debt to Donald Fraser, a factor that must have weighed upon their decision to support his campaign.[2068]

Fraser's petitions received a skeptical response from the Under Secretary of the Native Department. In his report to the Chairman of the Native Affairs Committee, the Under Secretary observed that Fraser's 'alleged' purchase of Sections 4 and 5 had been undertaken 'when the land was held in common by large numbers of owners, and the interests of the Natives had not been geographically defined on partition.' The Under Secretary also noted that 'the petitioner in dealing with the land' appeared 'to have entirely disregarded the restrictions against alienation comprised in the title.' As a result, Fraser had 'only himself to blame for the complications' which had 'since arisen.'[2069]

[2067] Petitions of Donald Fraser of Parawanui near Bulls, Farmer (No 602/08 & 603/08), Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)
[2068] Petition of Donald Fraser of Parawanui near Bulls, Farmer (No 603/08), Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)
[2069] Under Secretary [Native Department] to the Chairman, Native Affairs Committee, House of Representatives, 28 September 1908, Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)

Despite the Under Secretary's highly critical report, the Native Affairs Committee voted to refer Fraser's petitions to the Government for 'favourable consideration.'[2070] Acting on the Committee's recommendation, the Government referred the question to the Chief Judge of the Native Land Court for further inquiry. The Chief Judge's inquiry into the Fraser's exchange with Winiata Taiaho was held at Palmerston North on 4 November 1908. Fraser's testimony was supported by Thomas Fraser Richardson, a Rangitīkei farmer, and three of Wereta Kīmate's children (who, with their brother Ngākuku, were the legal owners of the block). Agreeing with the evidence presented by Fraser, Te Waenga Weretā told Chief Judge Jackson Palmer that he was still living on the 50 acres at Matahiwi that Fraser had exchanged with Winiata Taiaho. 'We have a cemetery on the land and some relatives buried there', he told the Chief Judge:

> My father, Wereta, is buried there. We have put improvements on this 50 acres, 3 houses on it, all put down in grass and subdivided. We all want to get a title to this 50 acres and let Fraser get a title to the piece we gave in exchange.[2071]

The Chief Judge's inquiry into Fraser's purchase of Mere Timiuha and Timiuha Taipōrutu's land at Poutū took place in Rotorua on 24 November 1908. Mauri Ohooho Timiuha, Meri's son, told the Chief Judge that his mother and her children were in agreement with the transaction with Fraser because they were all living in the Waikato, and it suited them to have all of their land 'concentrated in one place.' Mere Timiuha testified that she had neither lived upon nor cultivated the land at Poutū, and preferred to have the 142 acres that Fraser had purchased for herself and her family at Whaiti Kuranui. Objections were expressed by two of Mere's daughters – Te Ōhuia and Atareta – who were both living at Hineura, near Maungatautari, and wanted to have their share of the land offered by Fraser there, rather than at Tāpapa where the rest of the family lived. The two sisters withdrew their objections after Fraser offered to give them sufficient money to purchase 20 acres 'adjoining their present homes'.[2072]

[2070] 'Extract from the Journals of the House of Representatives, Thursday 1 October 1908, Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)

[2071] Minutes of Chief Judge Jackson Palmer's investigation of Carnarvon Section 361 Subdivision 3 (Poutū), Palmerston North, 4 November 1908, Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)

[2072] Minutes of Chief Judge Jackson Palmer's investigation of Carnarvon Section 361 Subdivisions 4 & 5 (Poutū), Rotorua, 24 November 1908, Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)

Chief Judge Palmer's reports on Sections 3, 4 and 5 were forwarded to Minister of Native Affairs James Caroll who decided that legislation should be drawn up to give effect to Fraser's transactions.[2073] Fraser's purchases of the three sections were finally legalized in December 1910 as part of the Native Land Claims Adjustment Act 1910. Section 19 of that legislation authorized the District Land Registrar 'to cancel all existing instruments of title affecting Subdivisions 3, 4, and 5' of the Poutu Reserve, and 'issue certificates of title to Donald Fraser.' The issuing of the certificates of title were to be conditional on Fraser's conveyance 141 acres of Whaiti-Kurunui 2C West to Mere Timiuha and Timiuha Taipōrutu, as well as 'ten shares each' to Mere's eight children. Fraser was also required to to convey 54 shares to Weretā Kīmate, and 10 shares to each of his four children, in Rangitīkei-Manawatū C 7A, a subdivision of the Ngāti Kahoro and Ngāti Parewahawaha non-sellers' reserve at Mangamāhoe.[2074]

While probably advantageous to the individual owners of Sections 3, 4 and 5, the Government's retrospective authorization of Donald Fraser's illegal acquisitions of more than three quarters of the Poutu Reserve undermined what remained of Ngāti Parewahawaha and Ngāti Kahoro's rangatiratanga on the lower Rangitīkei River. The 318 acres of the Poutu Reserve purchased by Fraser constituted 10 percent of the entire acreage set aside for the two hapū along the Rangitīkei River. The legalization of Fraser's exchange with Winiata Taiaho and Wereta Kimate can perhaps be justified on the grounds that the land exchanged was at nearby Matahiwi. Such an exchange would not, however, have been necessary if Winiata and his family had received from the Crown an adequate reserve at Matahiwi in the first place.

From the perspective of Ngāti Parewahawa and Ngāti Kahoro's continuing presence on the lower Rangitīkei River, and the members of the two hapū who chose to remain there, the Government's legalization of Fraser's purchase of the 224 acres of Sections 4 and 5 is much harder to defend. While providing Mere Timiuha and Timiuha Taiporutu and their family with additional land in the Waikato, it permanently removed from community ownership a significant portion of Ngāti Parewahawaha and Ngāti Kahoro's surviving land on the lower Rangitīkei. One can only imagine the thoughts of those, such as the children of Hare Reweti Rongorongo and other members of the two hapū, who were still living along the Rangitīkei and whose claims to a larger portion of the Poutu Reserve had been dimissed by Alexander Mackay.

[2073] Native Minister James Carroll to Donald Fraser, 15 December 1909, Archives New Zealand, Wellington, MA1 958, 1908/565, 1901-1909, (R22402337)
[2074] Native Land Claims Adjustment Act 1910, s 19 and First Schedule

Marjorie Fraser Purchases Section 1 of the Poutu Reserve

Parliament's retrospective confirmation of Donald Fraser's acquisitions of Sections 3, 4 and 5 of the Poutū Reserve meant that, by the end of 1910, less than 90 acres of the reserve's original surveyed area of 410 acres remained in Māori ownership. The surviving land was contained in Sections 1 and 2. Section 2, with a surveyed area of eight and three-quarter acres, was an urupā, while Section 1 (originally designated as 89 acres, but with a surveyed area of 81 acres) had been awarded by Alexander Mackay to a list of 70 individual owners headed by Hare Reweti Rongorongo.[2075]

In December 1913 Poutu Section 1 was partitioned by its owners into four subsections (A, B, C and D).[2076] Not long afterward Marjorie Fraser – one of Donald Fraser's seven daughters – began the process of purchasing the subdivisions. On 3 September 1914 Majorie Fraser applied to the Aotea District Maori Land Board, under Section 341 of the Native Land Act 1909, for a meeting of the owners of all four subsections of Poutū 1 to consider her proposal to purchase their land 'for the amount of the Government Valuation.'[2077] The meeting of the 'assembled owners' of the four subsections was held at the Bulls Court House on 30 January 1915. The owners of Subdivisions 1B, 1C and 1D all voted to accept Miss Fraser's offer of purchase.[2078] The meeting of the owners of subsection 1A was adjourned for want of a quorum, and rescheduled for Levin (where a majority of the owners lived) for 3 February 1915.[2079]

The meeting in Levin was attended by five of the subsection 1A's 13 owners, while one owner was represented in their absence by proxy.[2080] Although a minority of the owners numerically, the six owners represented at the meeting held a majority of the subsection's shares, accounting for 10¾ of subsection 1A's 16 1/3 acres.[2081] Following a motion from Winiata Pataka, the subdivision's principal owner with a relative interest of 5 acres, the meeting of assembled

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2075 H Armstrong, 'Plan of Poutu NR', Section 361 Carnarvon, 28 March 1911, Archives New Zealand, Wellington, LS0W1 562, 27626, (R24016521)
2076 'Subdivision 1A of Number 1 Poutu of Section 361 Carnarvon. Natives to Marjorie Fraser. Particulars of Title', Archives New Zealand, Wellington, MLC-WGW 1645 33, 3/1914/280, (R10695597)
2077 Majorie Fraser by her Solicitor 'Application to summon Meeting of Owners under Part XVIII of the Native Land Act 1909', 3 September 1914, Archives New Zealand, Wellington, MLC-WGW 1645 33, 3/1914/280, (R10695597); Majorie Fraser by her Solicitor 'Application to summon Meeting of Owners under Part XVIII of the Native Land Act 1909', 3 September 1914, Archives New Zealand, Wellington, MLC-WGW 1645 33, 3/1914/283, (R10695598)
2078 'Minutes of meeting of owners of Sub 1D Sect 361 Carnarvon held in Court House Bulls on Saturday 30th January 1915', Archives New Zealand, Wellington, MLC-WGW 1645 33, 3/1914/283, (R10695598); John Graham, Solicitor, Feilding to the Registrar, Aotea District Maori Land Board, 14 May 1915, Archives New Zealand, Wellington, MLC-WGW 1645 33, 3/1914/280, (R10695597)
2079 'Notes of a meeting of owners of Sub 1A of Sec 361 Carnarvon held in Court House, Bulls on Saturday the 30th January 1915', Archives New Zealand, Wellington, MLC-WGW 1645 33, 3/1914/280, (R10695597)
2080 Ibid
2081 'Subdivision 1A of Number 1 Poutu of Section 361 Carnarvon. Natives to Marjorie Fraser. Particulars of Title', Archives New Zealand, Wellington, MLC-WGW 1645 33, 3/1914/280, (R10695597)

owenrs voted unanimously to sell Subsection 1A to Marjorie Fraser ,'for the amount of a special valuation of the land but not less than £32.5s an acre'.[2082]

Rather than drawing upon the purchase money, the Winiata family – who had owned most, if not all, of Poutū 1A – used the proceeds to buy back from Donald Fraser 'a section' which they had 'occupied for many years.'[2083] The land in question appears to have been two thirds of Rangitīkei-Manawatū C Section 7B (50 acres) which Fraser had informally purchased from Winiata Pataka and Erenora Taratoa in a transaction dated 3 October 1881. On 5 August 1912, Winiata had been obliged to sign a formal transfer of the land to Fraser, after the latter had successfully taken an action for specific performance of the 1881 contract to the Supreme Court.[2084]

After ensuring that the owners of the four subdivisions had interests in Māori elsewhere, and would not be rendered entirely landless by the proposed sale, the Aotea District Maori Land Board confirmed Marjorie Fraser's purchase of Poutū 1 A, B, C, and D on 5 March 1917.[2085] Including two years' interest (to cover the period between the owners' agreement to sell their land and District Maori Land Board's approval of the transactions) and a two percent commission, Majorie Fraser paid £3179 17s 11d for the four subsections of Poutū 1.[2086]

Majorie Fraser's acquisition of the 81 acres of Section 1 of the Poutū Reserve meant that what had once been a reserve for members of Ngāti Parewahawha and Ngāti Kahoro was now almost entirely part of the Fraser family estate. All that remained of the hapū's original 410-acre holding was Section 2, the eight and three-quarter acre urupā. This section remains Māori land to this day.[2087]

[2082] Notes of a meeting of owners of Sub 1A of Sec 361 Carnarvon', Archives New Zealand, Wellington, MLC-WGW 1645 33, 3/1914/280, (R10695597

[2083] H Hiroti for Treadwell, Gordon & Brodie to the Registrar, Aotea Maori Land Board, 8 March 1917, Archives New Zealand, Wellington, MLC-WGW 1645 33, 3/1914/280, (R10695597)

[2084] J B Jack, President, Aotea District Maori Land Board to the Under Secretary, Native Department, 13 September 1912, Archives New Zealand, Wellington, MA 1 1084, 1912/3073, (R22404494)

[2085] Office of the District Maori Land Board, 5 March 1917, Archives New Zealand, Wellington, MLC-WGW 1645 33, 3/1914/283, (R10695598)

[2086] Miss Fraser to Owners Carnarvon 361, Archives New Zealand, Wellington, MLC-WGW 1645 33, 3/1914/283, (R10695598)

[2087] 'Carnarvon (Poutu) 361 Sec 2', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20779.htm (accessed 22 February 2018)

Maramaihoea, Mangamāhoe and Matahiwi

The Fraser family's purchase of Maramaihoea

The reserve at Poutu was not the only portion Ngāti Raukawa's remaining land along the lower Rangitīkei to be targed for purchase by members of the Fraser family. In November 1911 Majorie Fraser acquired 41 acres at Maramaihoea from Ratima, Wiremu and Te Mura Pekamu for £826 12s 6d.[2088] Known to the Native Land Court as Carnarvon 356B, the alienated land was Atarea Te Toko's share of 124 acres at Maramaihoea Pa (officially known as 'Native Section 356, Township of Carnarvon') that had been reserved to her, Wiremu Pukapuka, and Harata Waiapae. The Crown grant for the 124 acres, issued on 21 October 1879, had stipulated that the land should be 'inalienable by sale, lease or by mortgage without the consent of the Governor being previously obtained.'[2089]

The Fraser family purchased a further 132 acres at Maramaihoea in December 1912, when Duncan Fraser (Marjorie's brother) acquired sections B and C of Native Section 360 from Hunia Te Hana.[2090] Hunia Te Hana was the daughter of the Ngāti Kahoro chief Horomona Toremi, and the land sold was his share of a 147-acre reserve, the ownership of which had been adjudicated by Alexander Mackay's Royal Commission in 1883. The remaining portion of the reserve, Carnarvon 360A, was an urupā that Mackay had awarded to 21 members of Ngāti Parewahawaha and Ngāti Kahoro, including Hare Reweti, Erenora Taratoa, Raita Te Huruhuru, Weretā Kīmate and Atereti Kuruho.[2091] Carnarvon 360A (18 acres) remains as Māori land today as a cemetery reserve.[2092]

Duncan Fraser also purchased the 40 acres of Carnarvon 358B in August 1916.[2093] The 40 acres were part of a 50-acre reserve that McLean and Kemp had set aside for Keremihana Wairaka of Te Mateawa (Ngāti Tukorehe). Located 'near Maramaihoea' and adjacent to Carnarvon 360, Carnarvon 358 had initially been the subject of an application for purchase from Marjorie Fraser in October 1913. Marjorie Fraser had offered to purchase all 50 acres at the rate of £20 an acre, a price which was well below the Government valuation of £1916.[2094]

[2088] Aotea District Maori Land Board, Maori Land Administration, File 11/595, Carnarvon Section 356B, Alienation File 3/10005, Carnarvon 356B

[2089] 'Abstracts of Titles: Wairarapa and Manawatū', Archives New Zealand, Wellington, MA 12 13 (R12777980)

[2090] Alienation File 3/10009, Carnarvon 360

[2091] 'Mackay's Book', Archives New Zealand, Wellington, ABWN W5280 8093 Box 197 (R18611782), p 6

[2092] 'Carnarvon (Sandon) 360A (Cemetery Reserve), Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20780.htm (accessed 28 February 2018)

[2093] Application for Confirmation, Section 358 Carnarvon, 14 August 1916, Alienation File 3/10008, Carnarvon 358B

[2094] Maori Land Administration File 13/273 Cover Sheet, Carnarvon Sec 358, Alienation File 3/10008, Carnarvon 358B

This offer was rejected out of hand by six of the reserve's 12 owners, who – in a letter addressed to the Aotea District Maori Land Board – insisted that they would not dispose of their shares for anything less than £35 an acre.[2095] A meeting of 'assembled owners' was eventually held at Bulls on 21 August 1914, where the eight owners present voted unanimously to sell the reserve for £1883 (or slightly less than £38 per acre).[2096] For some reason the proposed purchase was not confirmed by the District Maori Land Board, and a further meeting of assembled owners was called for 13 December 1915.[2097] The 40 acres of Carnarvon 358B eventually purchased by Duncan Fraser, on 1 August 1916, represented the shares of five of Carnarvon 358's 12 owners: Pita, Unaiki and Haroe Keremihana, who had each inherited one fifth shares in the reserve, and Te Waea Perenara and Te Paekitewhti Pineaha who were both the owners of one fifteenth shares.[2098]

Almost all of the remaining 10 acres of Keremihana's reserve (Carnarvon 358A) was bought up by Marjorie Fraser in June and July 1923. By then the deaths of four of the six remaining owners and the subsequent successions had increased the number of owners to 22 (including five minors).[2099] Rather than holding a meeting of assembled owners, Fraser appears to have brought up the shares of each individual owner over the course of June and July 1926. The receipt for the first group of shares purchased (signed by Natana Te Hiwi) is dated 12 June 1926, while the final receipt (signed by the trustees for Iwa and Te Au Manuriki Te Hiwi) is from 21 July 1926.[2100]

In the end, Majorie Fraser succeeded in acquiring the interests of all but one of the 22 owners of Carnarvon 358A. The outstanding interest – one 48th of a share, or less than a quarter of an

[2095] Manuriki Te Hiwi, Apia Mikaere, Natana Te Hiwi, Keremihana Te Hiwi and Arapata Te Hiwi ki Te Poari whenua Maori o te takiwa whenua Maori o Aotea [Aotea Maori Land Board], 15 Tihema 1913, Alienation File 3/10008, Carnarvon 358B

[2096] 'Minutes of the meeting of the assembled owners of Carnarvon Sec 358 held at Bulls on 21st August 1914 at 2 pm to discuss the proposal that land be sold to Marjorie Fraser at price of £50 per acre or at Govt Valuation,' Alienation File 3/10008, Carnarvon 358B

[2097] Maori Land Administration File 13/273 Cover Sheet, Carnarvon Sec 358, Alienation File 3/10008, Carnarvon 358B

[2098] Application for Confirmation, Section 358 Carnarvon, 14 August 1916, Alienation File 3/10008, Carnarvon 358B

[2099] 'Sale by Arapata Te Hiwi & others to Miss Fraser of Carnarvon 358A', Alienation File 3/10008, Carnarvon 358B

[2100] Receipt signed by Natana Te Hiwi for £476 10s 1d received from Miss Marjorie Fraser, 12 June 1926; Receipt signed by Natana Te Hiwi and Hana Manuriki, trustees for Te Au Manuriki Te Hiwi for £9 21s 3d received from Miss Marjorie Fraser, 21 July 1926; Receipt signed by Natana Te Hiwi and Hana Manuriki, trustees for Iwa Manuriki Te Hiwi for £9 21s 3d received from Miss Marjorie Fraser, 21 July 1926; Alienation File 3/10007, Carnarvon 358A

acre – belonged to Hori Haimona. Hori Haimona held on to his one 48th share until February 1958, when it was sold by the Māori Trustee to Poutū Farm Limited.[2101]

Majorie Fraser completed her family's purchase of the 124 acres of Carnarvon 356 at Maramaihoea by buying up the individual interests of the 36 owners of Sections 356A and 356C between 1927 and 1929. In April 1928, Carnarvon 356A (43¾ acres) had 32 owners with interests ranging from one third of a share to one 224th.[2102] Most of the owners appear to have been living in the King Country – more than half of the individual interests purchased were acquired by an agent based in Te Kuiti, while others were purchased from owners in Ōtorohanga and Piopio.[2103] Absentee owners of Māori land were often more susceptible to selling their shares than those who were still living on the land. Not only were such owners removed from any local community pressure that might have been exerted upon them to retain the threatened land, they were also often receiving little material benefit from their small shares, and were attracted by the prospect of a purchase payment that could be spent or invested where they were living. Rewatū Hiriako, Section 356A's principal owner with one third of a share, for example, used the money he received from the sale of his interest to purchase 18 cows from his neigbour at Piopio.[2104]

Marjorie Fraser's purchase of the interests of all 32 owners of Carnarvon 356A extended over 15 months (between March 1927 and June 1928) with some owners at least initially reluctant to sell. On 1 February 1928, Fred Howarth – Marjorie Fraser's agent in Te Kuiti – reported to the Registrar of the Aotea Maori Land Board that he had 'now obtained all the signatures to the transfer to Miss Fraser' of Carnarvon 356A, 'with the exception of two owners who refuse to sign.'[2105] With Fraser's agent 'in a position' to seek confirmation of the purchase without the two outstanding interests, the two remaining owners eventually gave into the pressure to sell. On 7 June 1928, Marjorie Fraser's lawyer applied to the Aotea Maori Land Board for certification of the sale of Wiremu Tūtahanga's one 84th share (the equivalent of half an acre), thereby completing the purchase of Carnarvon 356A.[2106]

[2101] Poutu Farm Limited, Application for Confirmation, Carnarvon 358A, Received by Dept of Maori Affairs 24 February 1858, Alienation File 3/10007, Carnarvon 358A
[2102] Carnarvon 356A, Particulars of Title of Owners (20 April 1928), Alienation File 3/10004 Carnarvon 356A
[2103] Athol Feilding Howarth, 'In the Matter of the Sale to Marjorie Fraser of the Native Land Court Subdivision known as Carnarvon 356A, 1 August 1928; F Phillips, Otorohanga to the Registrar, Native Land Court, Wanganui, 2 August 1929; ??? Elliot, Te Kuiti, to the Registrar, Aotea Dist Maori Land Board, 3 June 1928; all in Alienation File 3/10004, Carnarvon 356A
[2104] ??? Elliot, Te Kuiti, to the Registrar, Aotea Dist Maori Land Board, 3 June 1928, Alienation File 3/10004, Carnarvon 356A
[2105] Fred Howarth to the Registrar, Aotea Maori Land Board, 1 February 1928, Alienation File 3/10004
[2106] Application for Confirmation, 7 June 1928, Alienation File 3/10004

The last remaining section of Maramaihoea Pa still in Māori ownership, Carnarvon 356C (43¾ acres) was purchased by Marjorie Fraser from four members of the Patuwairua whanau in June 1929. The purchase, which was for a consideration of £1970 8s 9d, was confirmed by District Maori Land Board on 18 September 1929. Today, the only Māori land remaining at Maramaihoea is the 18-acre urupā Carnarvon 360A.[2107]

Table 7.43 Sections of reserves at or near Maramaihoea alienated from Māori ownership

Section	Date of Purchase	Acres Purchased	Purchaser
Carnarvon 356 B (Maramaihoea Pa)	8 Nov 1911	41.1.13	Marjorie Fraser
Carnarvon 360 B & C (Maramaihoea)	4 Dec 1912	131.3.37	Duncan Fraser
Carnarvon 358 B (Near Maramaihoea)	1 Aug 1916	40.0.0	Duncan Fraser
Carnarvon 357 (Near Maramaihoea)	1925	50.0.0	Wilhelm Natzes
Carnarvon 359 (Near Maramaihoea)	1925	100.0.0	Agnes Guthrie
Carnarvon 358 A (Near Maramaihoea)	27 July 1926	9.3.5	Marjorie Fraser
Carnarvon 356 A (Maramaihoea Pa)	22 Aug 1928	43.3.6	Marjorie Fraser
Carnarvon 356 C (Maramaihoea Pa)	18 Sept 1929	43.3.6	Marjorie Fraser
Carnarvon 358 A (Near Maramaihoea)	15 May 1958	0.0.33	Poutu Farm Ltd

Rangitīkei-Manawatū C at Mangamāhoe

Awarded to 20 individuals of Ngāti Parewahawaha and Ngāti Kahoro who had not signed the Rangitīkei-Manawatū deed of purchase, and whose eligiblity had been approved by the Native Land Court in September 1869, the 1000-acre Rangitīkei-Manawatū C was the largest reserve awarded to members of the two hapū. Like the other Ngāti Parewahawaha and Ngāti Kahoro reserves on the Rangitīkei River, Rangitīkei-Manawatū C was the subject of bitter dispute amongst its various owners. Miratana Te Rangi, Atareti Taratoa, and Wereta Te Kimate (Kaimate) – who had each been prominent in their opposition to Featherston's purchase of Rangitīkei-Manawatū – wanted the 1000 acres to be placed under their chiefly authority, in the same way that the Ngāti Kauwhata non-sellers had done with the 4500 acres that the Native Land Court had awarded to them at Te Awahuri. This proposal was bitterly opposed by most of the 20 individuals whose names had been listed by the Court. They argued that the 1000 acres should be divided equally amongst the reserve's 20 named owners.

On 11 September 1873 13 of of the 20 who been named as owners of Rangitīkei-Manawatū C wrote to Donald McLean to express their fear that Miratana, Atareti, and Wereta – working in league with Alexander McDonald – were intending to exclude them from ownership of the

[2107] Alienation File 3/10006, Carnarvon 356C

reserve. Insisting that the 'land should be for those twenty' who had been named by the Native Land Court, the correspondents led by Heperi Matiaha, urged the Native Minister to 'subdivide the land amongst' them.[2108] Writing again on 23 October 1873, Heperi Matiaha told Native Secretary H T Clarke that he and most of the other owners 'did not agree that only three names' should be included in the Crown Grant for Rangitīkei Manawatū C.' 'Our earnest desire', Heperi insisted, 'is the land may be divided among us all and separate Crown Grants issued to each person.'[2109]

On 3 March 1874 a Crown Grant was issued naming all 20 of the individuals listed by the Native Land Court as owners of Rangitīkei Manawatū C.[2110] While the 1874 Crown Grant clarified who, exactly, were the owners of the reserve, it did not identify where the holding of each individual owner was to be located. On 11 November 1884 new Crown Grants were issued, awarding 50 acres to each of the 20 owners of Rangitīkei-Manawatū C.[2111] The 1000 acre-reserve was subdivided into a grid of 20 rectangular blocks of differing dimensions. Half of the 50-acre sections, abutted on to the Rangitīkei River, while all but two adjoined what is now Tangimoana Road.[2112]

The subdivision of the Rangitīkei-Manawatū C required a new survey which had to be paid for by the 20 owners. The survey was undertaken by Donald Fraser in the second half of 1883 at a cost of £82 10s which was split evenly between the owners of the 20 subdivisons. Combined with £36 of outstanding survey liens due to the Government (which was also split evenly between the 20 sections), this meant that each Rangitīkei-Manawatū C subdivision was issued with a survey lien of £5 18s 6d. In order to receive the Crown Grant for their section from the District Land Registrar in Wellington, each owner first had to pay the outstanding survey lien.[2113]

The subdivision of the 1000 acres was followed by the alienation of at least eight of the 20 sections by the end of 1885. Three of the eight – Sections 3A, 12, and 6 were purchased by Donald Fraser.[2114] A further three sections – 11, 8A and 8B – were acquired by Donald's

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2108 Heperi Matiaha and 15 others to Te Makarini, 11 Hepetema 1873, MA 13/74A, pp 863-864 (Reo Maori original), 861-862 (English translation).
2109 Heperi Matiaha to Te Karaka, 23 Oketopa 1873, MA 13/74A, pp 860 (reo Maori original), 858-859 (English translation)
2110 Crown Grant for Rangitikei-Manawatu C, 3 March 1874, MA 13/74A, pp 1011-1012.
2111 'Abstracts of Titles: Wairarapa and Manawatu', Archives New Zealand, Wellington, MA 12 13 (R12777980)
2112 'Plan Shewing Subdivisions Mangamahoe Block, Township of Sandon', 1883, ML 384
2113 Commissioner of Crown Lands to the District Land Registrar, Wellington (File 84/1251), 15 December 1884, Archives New Zealand, Wellington, LS-W2 40, 1884/864, (R24486690)
2114 Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XXIII, pp 400, 435, 456 (403, 438, 459)

brother Hugh Fraser.[2115] Two more 50-acre subdivisons (Sections 1 and 2) were purchased by European settlers before the end of the nineteenth century.

Figure 7.9 Plan of the Subdivisions of Rangitīkei-Manawatū C at Mangamahoe

Source: ‘Plan Shewing Subdivisions Mangamahoe Block, Township of Sandon’, 1883, ML 384

The purchase of Section 13 by Alexander McDonnell from Mehe Huarau and Rāhapa Te Kaka was subsequently challenged as fraudulent by Mānahi Te Hiakai in a letter to MP for Eastern Māori Wī Pere dated 24 September 1902.[2116] Although allegedly purchased on 8 May 1885 for £125, the alienation of Section 13 had only been confirmed by the Māori Land Board in September 1901.[2117] Mānahi Te Hiakai claimed that Rāhapa Te Kaka’s share of the 50 acres

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[2115] Ibid., pp 404, 424, 431 (407, 427, 434)

[2116] Manahi Te Hiakai kia Wi Pere, 24 Hepetema 1902, Archives New Zealand, Wellington, J1 685, 1902/1317, (R24601081) (Letter in Reo Maori with English translation)

[2117] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XXIII, p 396 (399); Wanganui Minute Book 48, p 212

had been sold without his agreement, and that he had not received notice of the application for confirmation of the sale until after the hearing.[2118] Te Hiakai's request for relief was turned down, with Under-Secretary for the Native Department Frank Waldegrave noting in a hand-written note to the Native Minister that the Government could 'do nothing' as 'the transfer was confirmed in September 1901.'[2119]

Table 7.44 Sections of Rangitīkei-Manawatū C permanently alienated from Māori ownership

Section	Date of Purchase	Acres Purchased	Purchaser
Rangitīkei-Manawatū C Sec 11	7 Jan 1885	50	Hugh Fraser
Rangitīkei-Manawatū C Sec 3A	12 Feb 1885	50	Donald Fraser
Rangitīkei-Manawatū C Sec 12	12 Feb 1885	50	Donald Fraser
Rangitīkei-Manawatū C Sec 8A	22 April 1885	50	Hugh Fraser
Rangitīkei-Manawatū C Sec 8B	22 April 1885	50	Hugh Fraser
Rangitīkei-Manawatū C Sec 13	8 May 1885	50	Hugh McDonnell
Rangitīkei-Manawatū C Sec 6	7 July 1885	50	Donald Fraser
Rangitīkei-Manawatū C Sec 14	2 Dec 1885	50	Alexander McDonnell
Rangitīkei-Manawatū C Sec 2	24 April 1889	50	Alexander Hay
Rangitīkei-Manawatū C Sec 1	27 April 1897	50	Eliza Augusta Hay
Rangitīkei-Manawatū C Sec 4B 1	1923	10	John Richardson
Rangitīkei-Manawatū C Sec 4A 2	5 May 1925	5	Guy Havelock Richardson
Rangitīkei-Manawatū C Sec 4B 2	19 Jan 1953	10	Arthur John Longman
Rangitīkei-Manawatū C Sec 4B 3	24 Oct 1956	10	Arthur John Longman
Rangitīkei-Manawatū C Sec 5	22 July 1968	40	Edwin James Hunt

In addition to the 10 sections of Rangitīkei-Manawatū C alienated to European buyers between January 1885 and April 1897, a further two sections – 7A and 7B – were purchased by Donald Fraser, but eventually recovered by their Māori owners (or their successors) in exchange for land in the Poutū Reserve. Section 7A was conveyed by Fraser to Weretā Kīmate and his four children in 1911, as a condition (under Section 19 of the Native Land Claims Adjustment Act 1910) for the legalization of Fraser's unlawful acquisition of Section 3 of the Poutū Reserve.[2120] Donald Fraser purchased two-thirds of Section 7B from Winiata Pataka and Erenora Taratoa (who had inherited the land from Atereti Taratoa) in October 1881. In 1911, after efforts had been made to have him ejected from the property, Fraser had taken a case to the Supreme Court for 'specific performance' of the 1881 contract. Fraser's claim was upheld

[2118] Manahi Te Hiakai kia Wi Pere
[2119] Handwritten note at bottom of letter from Mānahi Te Hiakai to Wi Pere, 24 Hepetema 1902, Archives New Zealand, Wellington, J1 685, 1902/1317, (R24601081) (Letter in Reo Māori with English translation)
[2120] Harold Featherston Johnston (Barrister & Solicitor) to the Land & Survey Department, 15 January 1911, Archives New Zealand, Wellington, LS-W1 562, 27626, (R24016521)

by Justice Frederick Revans Chapman, and Winiata Pataka had been obliged (on 5 August 1912) to sign a new agreement transferring ownership of Section 7A to Donald Fraser.[2121] Despite the unanimous misgivings of the members of the Aotea District Maori Land Board, the transaction was confirmed following the legal advice of the Solicitor General, John W Salmond (who concluded that the Māori owners of Section 7A were 'bound to obey' the Supreme Court's order).[2122] The Winiata whānau eventually purchased the land back from the Fraser family, using the proceeds from their sale of Poutū 1A to Marjorie Fraser in February 1915 (confirmed by the District Maori Land Board in March 1917).[2123] Rangitīkei-Manawatū C Sections 7A and 7B are both still Māori freehold land today.[2124]

In addition to the 500 acres of Rangitīkei-Manawatū C permanently purchased by private Europeans prior to 1900, another 75 acres were alienated from Māori ownership after 1900. With the exception of 10 acres of Section 4B 1 and 5 acres of Section 4A 2 purchased by John Richardson and Guy Havelock Richardson in 1923 and 1925, all of this land was alienated after World War II. The most substantial purchase was 40 acres of Rangitīkei Manawatū C Section 5, purchased by Edwin James Hunt on 22 July 1968.

Like other sections of former Raukawa reserves still in Māori ownership at the end of the 1960s, parts of Rangitīkei-Manawatū C were subject to compulsory conversion from Māori to general freehold land under under Part 1 of the Maori Affairs Amendment Act 1967. According to Māori Land Court records, at least five sections of Rangitīkei-Manawatū C, with a combined area of 75 acres, were subject to compulsory conversion between January 1970 and March 1971. Included amongst these were all 50 acres of Section 3C (originally granted to Mere Te Hiwi) which was declared general land 7 May 1970.[2125] Also Europeanised were the 10 acres of Section 5 which had not been purchased by Edwin Hunt in 1968.[2126] According to Walghan Partners, the 50 acres of Rangitīkei-Manawatū C Section 9C were also compulsorily converted from Māori to general land sometime between 1967 and 1972.[2127]

[2121] J B Jack, Office of the Aotea District Maori Land Board, to the Under Secretary, Native Department, 13 September 1912, Archives New Zealand, Wellington, MA1 1084, 1912/3073, (R22404494)
[2122] John W Salmond, Solicitor General to Under-Secretary of Native Affairs, 26 September 1912, Archives New Zealand, Wellington, MA1 1084, 1912/3073, (R22404494)
[2123] H Hiroti for Treadwell, Gordon & Brodie to the Registrar, Aotea Maori Land Board, 8 March 1917, Archives New Zealand, Wellington, MLC-WGW 1645 33, 3/1914/280, (R10695597)
[2124] Rangitīkei Manawatū C 7A, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20087.htm; Rangitīkei Manawatū C 7B, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20086.htm (both accessed 1 March 2018)
[2125] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series, Vol XXIII, p 309 (312)
[2126] Ibid., p 538 (541)
[2127] Walghan Partners, Block Research Narratives, Vol II, Draft, 1 June 2017, p 254

One of the Europeanised sections of Rangitīkei-Manawatū C – one-acre Section 9B 4A – has since been restored by its owners to Māori freehold land. On 16 May 2016 the Pita Fraser and Anau Pare Richardson Whanau Trust obtained a Status of Land Order from the Aotea Māori Land Court declaring that that status of Section 9B 4A 'shall cease to be that of General land and shall for all purposes be deemed to be that of Maori freehold land.'[2128]

Table 7.45 Sections of Rangitīkei-Manawatū C subject to compulsory conversion from Māori Freehold to General freehold land, 1968 to 1972

Section	Area (acres, roods, perches)	Date
Rangitīkei-Manawatū C Sec 5 (Residual)	10.0.0	10 Jan 1970
Rangitīkei-Manawatū C Sec 4A 1	5.0.1	17 Feb 1970
Rangitīkei-Manawatū C Sec 3C	50.0.0	7 May 1970
Rangitīkei-Manawatū C Sec 9B 2A	1.0.0	17 Nov 1970
Rangitīkei-Manawatū C Sec 9B 4A†	1.0.0	19 March 1971
Rangitīkei-Manawatū C Sec 9C	50.0.0	
	117	

† This section was subsequently returned by its owners to the status of Māori Freehold land.

Today, all or part of eight of the original 20 subdivisions of Rangitīkei-Manawatū C remain as Māori land. Five of the fifty-acre sections are entirely intact, including Sections 7A and 7B which were bought back from Donald Fraser in the early twentieth century.[2129] All but three acres of Section 9B (originally awarded to Pirihira Wairaka) also remain as Māori land, divided into five sections of 24, nine (two sections), five and one acre.[2130] Ten acres each of Sections 4 and 5 also remain as Māori land.[2131] Altogether, 317½ of Rangitīkei-Manawatū C's original 1000 acres remain as Māori land today.[2132]

[2128] Aotea Minute Book 354, pp 34-35; Rangitīkei Manawatū C9B4A, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/297604.htm (accessed 3 March 2018)

[2129] Rangitīkei Manawatū C Section 3B, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20090.htm; Rangitīkei Manawatū C Section 7A, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20087.htm; Rangitīkei Manawatū C Section 7B, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20086.htm; Rangitīkei Manawatū C Section 9A, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20085.htm; Rangitīkei Manawatu C Section 10, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20080.htm (all accessed 3 March 2018)

[2130] Rangitīkei Manawatū C 9B 4B, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20082.htm; Rangitīkei Manawatū C 9B 2B, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20083.htm; Rangitīkei Manawatū C 9B 5, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20081.htm; Rangitīkei Manawatū C 9B 1, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20084.htm; Rangitīkei Manawatū C 9B 4A, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/297604.htm (accessed 3 March 2014)

[2131] Rangitīkei Manawatū C 4B 4, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20089.htm; Part Rangitīkei Manawatū C5, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20088.htm (both accessed 3 March 2014)

[2132] Maori Land Online

The remaining portions of the Rangitīkei-Manawatū C reserve suffer from the encumbrances typical of sections of Māori land that have been held under individualized tenure since the end of the Nineteenth Century. Half of the surviving sections have more than 100 owners, including the nine-acre Sections 9B 5 and 9B 2B which have 200 and 111 owners each.[2133] Of the five 50-acre sections that have survived intact since 1884, Section 9A has 227 owners; Section 7B 189; Section 7A 113; Section 10 51 owners; and Section 3B 25. As elsewhere, this 'fractionation' of ownership has made it difficult for the land to be developed so as to benefit all of the owners. Only two of the surviving sections of Rangitīkei-Manawatū C have less than 20 owners: the residual 10 acres of Section 5 (11 owners) and Section 9B 4A (1 acre), which is legally owned by the Pita Fraser and Anau Pare Richardson Whanau Trust.[2134]

Table 7.46 Sections of Rangitīkei-Manawatū C remaining as Māori land today

	Area (ha)	Area (acres)	ML Plan	Owners	Shares
Rangitīkei-Manawatū C Sec 3B	20.23	50	ML 384	25	8000
Rangitīkei-Manawatū C Sec 4B 4	4.05	10	ML 3626	73	1600
Rangitīkei-Manawatū C Sec 5 (Part)	4.05	10	ML 1759	11	1600
Rangitīkei-Manawatū C Sec 7A	20.32	50	ML 384	113	8034
Rangitīkei-Manawatū C Sec 7B	20.23	50	ML 384	189	8000
Rangitīkei-Manawatū C Sec 9A	20.23	50	ML 873	227	8000
Rangitīkei-Manawatū C Sec 9B 1	1.99	5	ML 4251	49	787.3
Rangitīkei-Manawatū C Sec 9B 2B	3.58	8.8	ML 4884	111	1414.5
Rangitīkei-Manawatū C Sec 9B 4A	0.4	1	-	1	1
Rangitīkei-Manawatū C Sec 9B 4B	9.55	23.6	ML 4884	114	3776.9
Rangitīkei-Manawatū C Sec 9B 5	3.54	8.75	ML 4251	200	1399
Rangitīkei-Manawatū C Sec 10	20.33	50	ML 384	51	8039
	128.5	**317.5**			

Other Ngāti Raukawa reserves at Mangamāhoe and Matahiwi

In addition to the 1000-acre reserve created by the Native Land Court, the Crown made two more reserves at Mangamāhoe for individuals affiliated with Ngāti Raukawa. Te Peina Tahipara of Te Mateawa (Ngāti Tukorehe) received 100 acres from McLean and Kemp, next

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[2133] Rangitīkei Manawatū C Section 9A, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20085.htm; Rangitīkei Manawatū C 9B 5, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20081.htm; Rangitīkei Manawatū C Section 7B, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20086.htm; Rangitīkei Manawatū C 9B 4B, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20082.htm; Rangitīkei Manawatū C Section 7A, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20087.htm; Rangitīkei Manawatū C 9B 2B, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20083.htm (all accessed 3 March 2018)

[2134] Part Rangitīkei Manawatū C5, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20088.htm: Rangitīkei Manawatū C9B4A, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/297604.htm (both accessed 3 March 2018)

to the Rangitīkei, on the southern boundary of Rangitīkei-Manawatū C. McLean and Kemp also granted 125 acres to Kereama Taiporutu on the downriver side of Te Peina's reserve.[2135]

The block order files of the Native Land Court have no record of either Te Peina Tahipara or Kereama Taiporutu's reserves at Mangamāhoe. Both of the reserves appear to have been alienated prior to 1887. Neither of the two sections (officially designated as Sections 354 and 355 of the Township of Carnarvon) were shaded as native reserves in a map of 'the Manawatū-Rangitīkei District' published that year, suggesting that both sections had already been sold to European purchasers.[2136]

A further five reserves for members of Ngāti Parewahawaha and Ngāti Kahoro were located around Matahiwi, just up river from Mangamāhoe, on the northern boundary of Rangitīkei-Manawatū C. Four of these had been awarded by McLean to Erenora Taratoa and Winiata Pataka, and Nepia Taratoa and Aheneta Rangimaru. Erenora and Nepia (who were siblings) received 100 acres each, while Winiata and Aheneta were each granted 10 acres. In the Crown grants issued for each of the four sections (Native Sections 134-137 Township of Sandon) on 21 January 1874, Erenora's reserve (Section 137) was listed as 122 acres, while Nēpia's (Section 134) was 100½ acres. Aheneta and Winiata's reserves (Sections 135 and 136) were both listed as 19 acres each.[2137]

In addition to the reserves for Erenora, Nēpia, Aterete and Winiata, a 50-acre reserve (57 acres after survey) was set aside for members of Ngāti Parewahawaha and Ngāti Kahoro at Matahiwi (Matahiwi Native Reserve, Township of Sandon Section 133). Ownership of this reserve was awarded by Alexander Mackay to a list of 36 individuals headed by Erenora Taratoa and including Weretā Kīmate, Winiata Pātaka, Unaiki Rititana, Winiata Taiaho, and Wikitoria Huruhuru.[2138]

As with the Mangamāhoe reserves awarded to Te Peina and Kereama, there are no Native Land Court records for the four Matahiwi reserves granted to individual owners (Native Sections 134-137, Township of Sandon). All four sections appear to have been alienated prior to 1887, as none are shaded as native reserves in the 'Map of the Manawatū-Rangitīkei District'

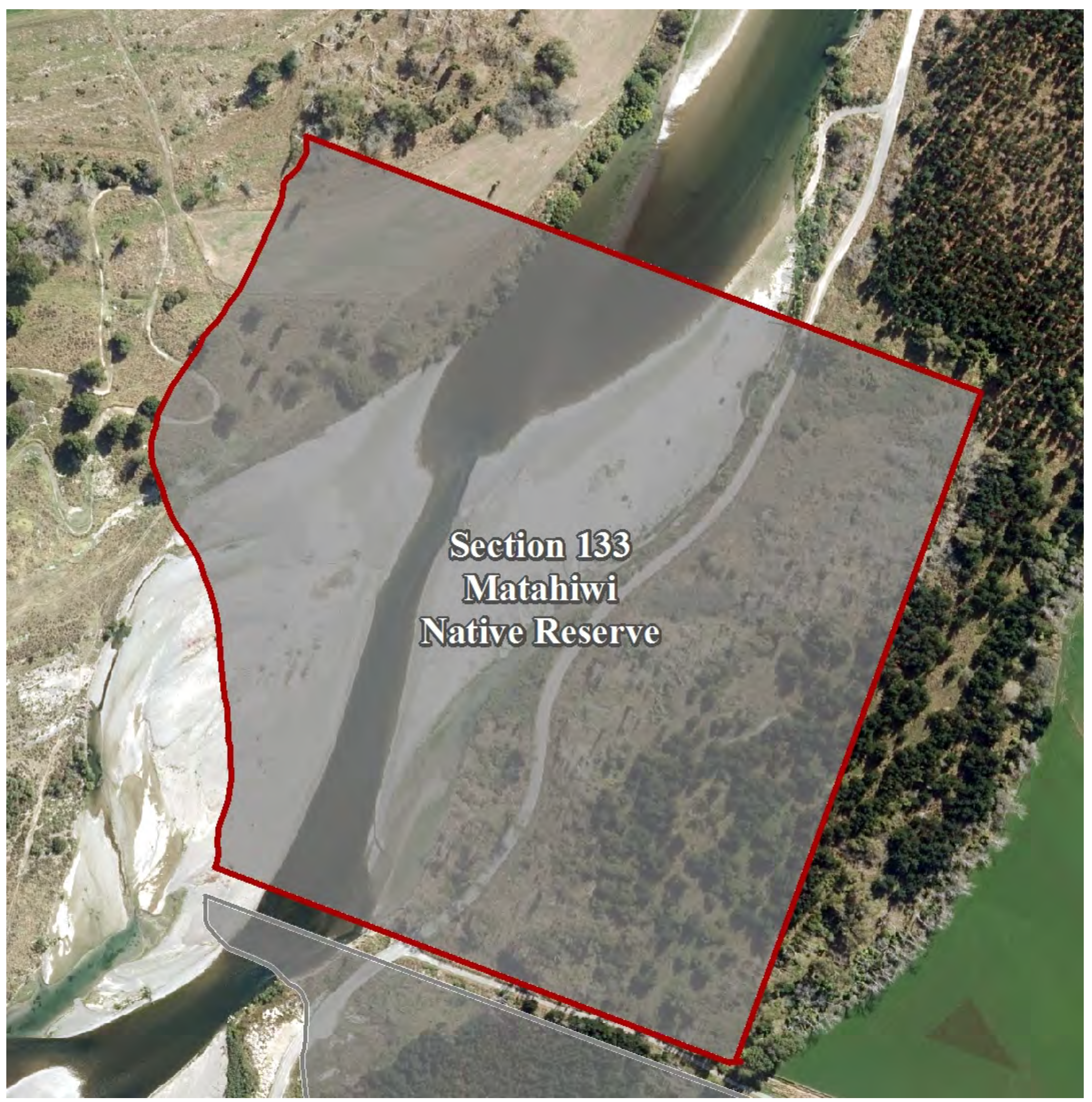
[2135] 'Plan of the Rangitikei Manawatu Block Shewing Native Reserves', Archives New Zealand, Wellington, AAFV 997, 131/WR30A, (R22824361)
[2136] F Harold Tronson, 'Map of the Manawatu-Rangitikei District, Comprising the Manawatu, Oroua, and Part of the Horowhenua Counties', 1887
[2137] Ibid
[2138] 'Mackay's Book', Archives New Zealand, Wellington, ABWN W5280 8093 Box 197 (R18611782), p 4; Māori Land Court Records: Document Bank Project. Porirua ki Manawatū Series, Vol II, Aorangi to Carnarvon, p 707 (782)

published that year.[2139] A Certificate of Title issued in the name of Harry Ellery (an Ohakea farmer) on 13 November 1929 identifies him as the owner of 113½ acres, consisting of parts of Erenora and Nepia Taratoa's former reserves (Sections 134 and 137).[2140] We have no record of how the other portions of Nēpia and Erenora's reserves, and the entirety of the land granted to Winiata and Aterete came to be alienated. None of the four reserves remain as Māori land today.[2141]

In contrast to the four reserves granted to individual owners around Matahiwi, the Matahiwi Native Reserve (awarded to the 36 individuals named by Mackay in a Crown Grant dated 22 July 1887) remains entirely in Māori ownership. However, while the reserve has been spared from alienation to European purchasers, almost half of its original area has been consumed by the Rangitīkei River. Initially situated on the inside of a bend on the Rangitīkei, the reserve is now cut in two by the River, with something like one fifth of its area now located on the western, or right bank. Today, none of the Matahiwi Native Reserve's is productive farmland, with most having been reduced to either riverbed, or flood prone riverbank.[2142]

[2139] F Harold Tronson, 'Map of the Manawatu-Rangitikei District, Comprising the Manawatu, Oroua, and Part of the Horowhenua Counties', 1887
[2140] Certificate of Title, Vol 353, folio 12
[2141] Maori Land Online
[2142] Section 133 Matahiwi Native Reserve (Carnarvon (Sandon) 133), Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20796.htm (accessed 3 March 2018)

Figure 7.10 Matahiwi Native Reserve (Section 133) Today



Ohinepuhiawe Reserve

Ngāti Parewahawaha's reserve at Ohinepuhiawe (Bulls) consisted of two sections of 100 and 285 acres each. The 100-acre portion (Ohinepuhiawe Native Reserve Section 140 Township of Sandon) had been awarded by Featherston to Hare Reweti Rongorongo and other members of Ngāti Parewahawaha who had signed the Rangitīkei-Manawatū Deed of Purchase in 1866. The additional 285 acres (Section 141 Township of Sandon) had been added by McLean as part of his settlement of the outstanding claims of the former owners of Rangitīkei-Manawatū.

Like the Ngāti Parewahawaha and Ngāti Kahoro reserves at Poutū and Maramaihoea, ownership of the Ohinepuhiawe Reserve was fiercely contested. The land was subject to competing claims from Hare Reweti Rongorongo and Aperahama Te Huruhuru, both of whom had signed the Rangitīkei-Manawatū Deed of Purchase with the expectation of receiving generous reserves from Featherston. The substantial reserves had not materialized, and the two Ngāti Parewahawaha rangatira and their whānau had been left to fight over the relatively small pieces of land that Featherston and McLean had been willing to set aside for them. Aggravating matters was the fact that both Hare Reweti and Aperahama and their relatives possessed kāinga and cultivations within the 385 acres that had been set aside at Ōhinepuhiawe, with Hare Reweti and his family being based at Ōhinepuhiawe proper on the lowlands next to the Rangitīkei, while Aperahama and his whanau were situated at Hikungārara on the high ground overlooking the River.

The dispute over the ownership of Ōhinepuhiawe was exacerbated by the requirement under the Native Land Law that ownership of Māori land be vested – not in the hapū or community as a whole – but rather in individual shareholders listed upon a certificate of title or Crown Grant. Matters were aggravated further by McLean's failure to identify exactly for whom the additional 285 acres at Ōhinepuhiawe had been set aside, with the Native Minister having simply noted that land was to be reserved for 'Hare Reweti and others.' In June 1882 W J Morpeth, the Crown official charged with fixing the names to be included on the Crown grants for Ōhinepuhiawe, admitted to the Under Secretary of Crown Lands that he had been unable 'from the papers' to make out which 'Natives should be included in the Crown grant' for the enlarged reserve. Noting the vagueness of McLean's initial direction, Morpeth also informed the Under Secretary that 'the Natives . . . could not agree as to the persons whose names should be inserted in the Grant.'[2143]

[2143] W J Morpeth to the Under Secretary for Crown Lands, 8 June 1882, MA 13/74A, p 598

With those claiming an interest in Ōhinepuhiawe unable to come to an agreement on whose names should be included on the Crown Grants for the reserve, ownership of Sections 140 and 141 remained legally undefined until well into the 1880s.[2144] In two letters addressed to Alexander Mackay in August 1883 Weretā and Riria Te Huruhuru, along with other members of their whānau, complained that Hare Reweti was claiming exclusive ownership of the Ōhinepuhiawe Reserve, and preventing them 'from seeking food and making a living' for themselves. Insisting that they had an interest in Ōhinepuhiawe that was 'equal to that of Hare Reweti', the correspondents asked Mackay to 'send a letter to Hare Reweti' telling him to stop causing them 'problems'. They also told the Commissioner that they were 'anxiously wating for him to come and sort out' their 'problems' regarding ownership of the reserve.[2145] The following month, Hare Reweti himself wrote to Mackay, asking him to resolve the ongoing ownership dispute over Ohinepuhiawe, and prevent Weretā Te Huruhuru and John Gotty (whom Hare Reweti described as his 'adversaries in this matter') from 'coming on to the land to cut firewood' for William Green, a European settler.[2146]

Alexander Mackay finally investigated the ownership of Ōhinepuhiawe at the end of 1883, and Crown grants for the reserve were eventually issued on 1 March 1884. Mackay divided the 100-acre Section 140 equally between the Reweti and Te Huruhuru whānau. The 50 acres awarded to the Reweti family were vested in a list of 17 owners headed by Hare Reweti Rongorongo, while the 50 acres set aside for the Te Huruhuru whānau were placed in the ownership of 13 individuals led by Weretā, Riria and Wikitōria Te Huruhuru.[2147] Mackay identified 50 individuals as owners of the the 285 acres of Section 141, including several members of Reweti whānau.[2148] Both Section 140 and 141 were declared in their respective Crown Grants to be 'inalienable by sale or mortgage or by lease beyond a period of 21 years.'[2149]

[2144] 'Abstracts of Titles: Wairarapa and Manawatū', Archives New Zealand, Wellington, MA 12 13 (R12777980)
[2145] Wereta Te Huruhuru, Riria Te Huruhuru, Raita Wereta, Wikitoria Te Huruhuru, Te Ngako Tuhatu, Nganamu Tuhatu, me tahi atu [and some others] to Te Make [Alexander Mackay], Ohinepuhiawe, 29 Akuhata 1883, MA 13/74B, pp 213-217; Hare Reweti Rongorongo to Te Make [Alexander Mackay], 24 September 1883, MA 13/74B, p 218 (Letters in reo Maori, both translated by Piripi Walker 27 February 2018)
[2146] Hare Reweti Rongorongo to Te Make [Alexander Mackay], 24 September 1883, MA 13/74B, p 218 (Letter in reo Maori translated by Piripi Walker 27 February 2018)
[2147] 'Mackay's Book', Archives New Zealand, Wellington, ABWN W5280 8093 Box 197 (R18611782), p 7
[2148] Ibid., p 1
[2149] 'Abstracts of Titles: Wairarapa and Manawatū', Archives New Zealand, Wellington, MA 12 13 (R12777980)

The Ōhinepuhiawe Reserve and the Rangitīkei River

Situated on the inside of a sharp bend on the Rangitīkei, the Ōhinepuhiawe Reserve was bounded by the River on all but one side. While some of the area awarded by McLean was located on the high ground overlooking the Rangitīkei, most of the reserve lay on the fertile but exposed lowing-lying land next to the River. Ōhinepuhiawe's location and geography made it extremely vulnerable to flooding or changes in the River's course. The danger of flooding was intensified by deforestation undertaken by European settlers as they began to fell and clear the woodland on either sides of the Rangitīkei River's catchment upriver from Ōhinepuhiawe.

In June 1882 an 'immense flood' inundated the Ōhinepuhiawe Reserve 'to a very large extent.'[2150] The *Wanganui Chronicle* reported on 10 June 1882 that 'two-thirds' of the reserve's cultivated area (known to the European settlers as 'the Maori garden') had been 'covered with water to an extent of four or five feet deep.'[2151] In its issue of the same day the *Wanganui Herald* speculated that the 'the loss of stock' on the Ōhinepuhiawe reserve 'must have been considerable, as cattle were everywhere to be seen struggling as in a miniature ocean.'[2152]

Alarmed by the damage that the River was inflicting upon their reserve, the principal owners of Ōhinepuhiawe – including Hare Reweti Rongorongo, Rākapa, Hone and Haretini Reweti, as well as Weretā, Riria, Raita and Wikitōria Te Huruhuru – appealed to Alexander Mackay to remove the restrictions he had placed upon the alienation of Sections 140 and 141 so that they could sell the land before the River washed it all away, leaving them with nothing but 'water and rocks.' 'If we do not sell this land now', they warned, 'it will be swallowed by the water. Then we will have no land at all to sell, and will have derived nothing form our ownership in the reserved sections.'[2153] Despite the appeal from Ōhinepuhiawe's leading owners, the Crown grants for Sections 140 and 141, issued on 1 March 1884, declared the land to be inalienable, other than by lease for periods of no more than 21 years.[2154]

In January 1892 the warnings of the Ngāti Parewahawaha owners were confirmed in the most dramatic possible way when the Rangitīkei River shifted its course. Instead of following the long loop that formed Ohinepuhiawe's northern, eastern, and southern boundary, the Rangitīkei

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[2150] 'Destructive Floods. Fearful Loss of Stock. Great Damage to Property at Rangitikei', *Wanganui Herald*, 10 June 1882, p 2, c 8, https://paperspast.natlib.govt.nz/newspapers/wanganui-herald/1882/6/10/2 (accessed 5 March 2018)

[2151] 'Disastrous Floods. Rangitikei Railway Bridge Carried Away', *Wanganui Chronicle*, 10 June 1882, p 2, c 7, https://paperspast.natlib.govt.nz/newspapers/wanganui-chronicle/1882/6/10/2 (accessed 5 March 2018)

[2152] *Wanganui Herald*, 10 June 1882, p 2, c 8

[2153] Hare Reweti Rongorongo, Rakapa Reweti, Hone Reweti, and 15 others to Te Make (Alexander Mackay), MA 13/74B, pp 197-198 (translated by Piripi Walker 5 March 2018)

[2154] 'Abstracts of Titles: Wairarapa and Manawatū', Archives New Zealand, Wellington, MA 12 13 (R12777980)

cut throught the reserve, submerging a significant portion, and leaving most of Section 140 and much of Section 141 isolated on the western, Bulls side of the River.

The sundering of the Ohinepuhiawe Reserve by the Rangitīkei threw into doubt the future of the portion that was now lying on the Bulls side of the River. The Bulls Town Board was apparently keen to annex the land to their recreation ground and rifle range, which had previously extended to the banks of the River. On 27 January 1892 Hare Reweti Rongorongo addressed himself to Native Minister Alfred Cadman. Hare Reweti asked the Minister whether the portion of Ohinepuhiawe that was 'now on the Bulls side of the River' was 'now European or Maori land.' Hare Reweti also told the Minister that the Rangitīkei River was '"eating" up the middle' of their reserve, and that he thought that 'only 180' of the Reserve's original 285 acres were now left.[2155]

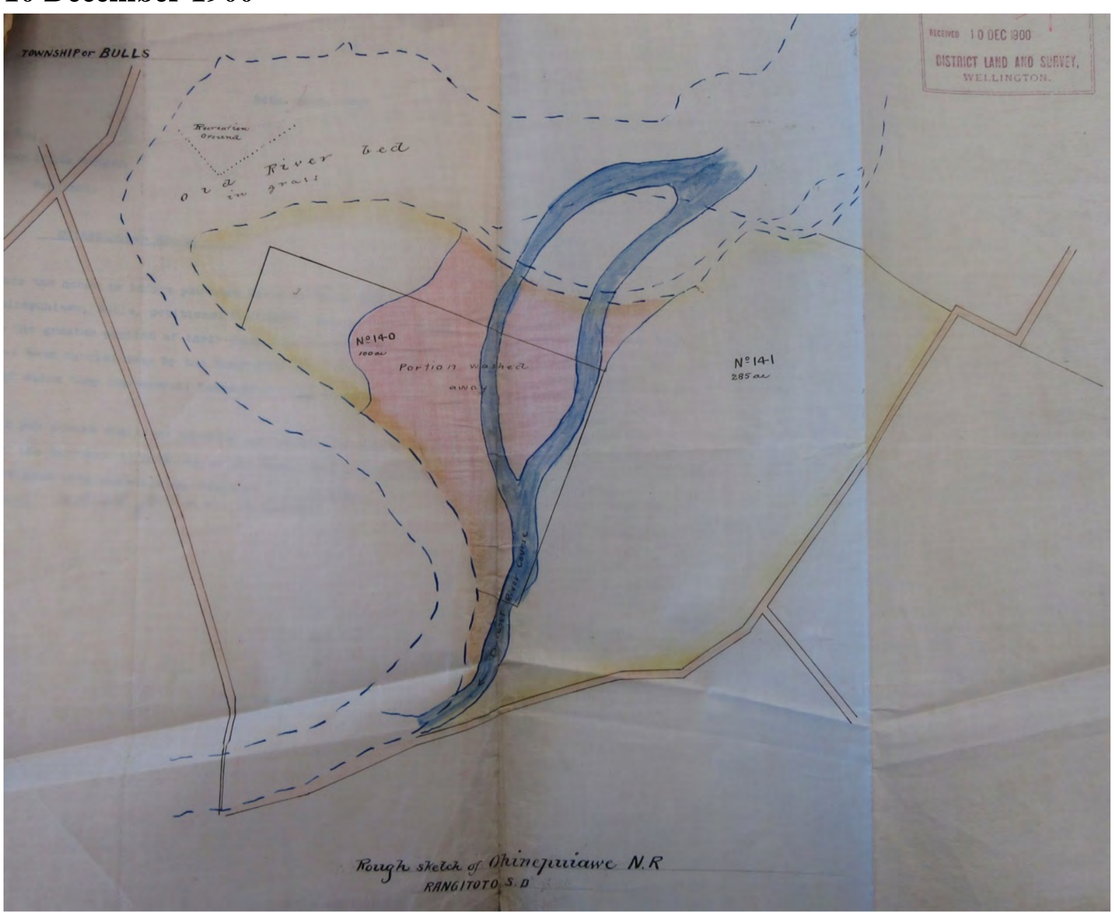
Ngāti Parewahawaha were so concerned by the designs on their land on the Bulls side of the Rangitīkei that they petitioned Parliament. On 28 September 1893, the Native Affairs Committee of the House of Representatives reported on a petition from 'Hare Reweti Rongorongo and 29 others' seeking relief from 'the Europeans at Bulls' who were 'endeavouring to secure' the portion of the Ohinepuhiawe reserve now on the western side of the Rangitīkei River 'as a recreation-ground.' Unsure as to whether the Ohinepuhiawe owners had, as yet, 'been deprived of any land', the Committee recommended that 'a proper survey be made, and the whole matter by considered by the Government.'[2156]

In April 1897 another larger and even more devastating flood washed down the Rangitīkei River, submerging much of the land on either side, from Te Reureu to Tāwhirihoe.[2157] Once again, the Ōhinepuhiawe Reserve was particularly severely hit. On 17 April 1897, the *Feilding Star* reported that the Bulls Bridge had been 'completely washed away' and that 'the flats adjacent to the river', where most of the reserve was located, 'were under water,' with 'many houses on the lower levels' having 'several feet of water in them.' Noting the 'immense amount of water in the river', the report speculated that 'damage in loss of land, cattle and sheep' would 'be very severe.'[2158]

[2155] 'Petition of Hare Reweti Rongorongo and 29 others', Native Affairs Committee (Reports of the), 1893, *AJHR*, 1893, I-3, p 19
[2156] 'Petition of Hare Reweti Rongorongo and 29 others', Native Affairs Committee (Reports of the), 1893, *AJHR*, 1893, I-3, p 19
[2157] 'Map of the North Island – Wanganui, Wangaehu, Turakina, Rangitikei, Tutaekuri, Tukituki, and Manawatu Counties – Flooded areas, Easter 1897', Archives New Zealand, Wellington, AAFV 997 Box 59, G232E, (R22823460)
[2158] 'A Disastrous Flood. Great Destruction of Property. Several Bridges Washed Away', *Feilding Star*, 17 April 1897, p 2, c 7, https://paperspast.natlib.govt.nz/newspapers/feilding-star/1897/4/17/2 (accessed 5 March 2018)

With their property devastated by the recent flood, and much of the reserve either washed away or rendered useless by the River, Riria Aperahama and 17 other Ohinepuhiawe owners petitioned Parliament in 1900 for 'a grant of land to replace their property' that had been 'swept away by the floods in the Rangitikei River.' Reporting on the petition, the Native Affairs Committee recommended that it be 'referred to the Government for inquiry, and, if it is found that the allegations of the petitioners are correct, some relief be granted to them.'[2159]

Figure 7.11 'Rough Sketch' by Harry Lundius of the Ōhinepuhiawe Native Reserve, showing the Old River Bed and new course of the Rangitīkei River through the Reserve, 10 December 1900



The Government's inquiry was undertaken Harry Lundius, a Crown Lands Ranger employed by Department of Lands and Survey.[2160] In a letter addressed to the Commissioner of Crown Lands on 8 December 1900, Lundius reported that the Rangitīkei River had 'washed away

[2159] Petition of Riria Aperahama and 17 others, 'Native Affairs Committee (Reports of the)', 1900, *AJHR*, 1900, I-3, p 12
[2160] 'Mr Harry Lundius', *Evening Post*, 22 February 1938, p 11, c 4, https://paperspast.natlib.govt.nz/newspapers/evening-post/1938/2/22/11 (accessed 5 March 2018)

about 100 acres' of the Ohinepuhiawe Reserve, and was now running 'through the centre of the block.' Noting that the remaining portion of the reserve 'on the eastern side of the river' was 'very good alluvial soil' that was 'only flooded when the river is exceptionally high', Lundius suggested that the owners of Ohinpuhiawe might be compensated by allowing them 'the old river bed in lieu of the portion washed away.' He cautioned, however, that the Bulls Town Board had already 'fenced in and ploughed a part' of this land for 'a recreation reserve.'

A somewhat less optimistic assessment of the land remaining to the owners of Ōhinpuhiawe was provided by the surveyor Thomas William Downes in a letter to the Chief Surveyor on 1 December 1902. Downes, who in November 1903 was authorized to undertake a survey of the Ōhinepuhiawe Reserve, reported that 'out of the original 285 acres' of Section 141, 'only 185 acres remained.' Of the remaining land, Downes found that 10-15 acres were unuseable, while 'about 100 acres' on the eastern banks of the River 'was good soil, but potentially unsuitable for cultivating and living on because it was at risk of being eroded away by the River'. This left 'about 70 acres . . . on the top of the cliff'. Adjoining the Ōhakea Special Settlement Block, this land was not of the same quality as the 'rich alluvial deposit' below, but at least was safe from flooding or being eroded away.[2161]

The depiction by Downes of Section 140 was still more bleak. In his plan of the Ōhinepuhiawe Reserve, Downes calculated that 74 of the Section's original 100 acres had been transformed to shingle by the shift in course of the Rangitīkei (which now passed through the eastern and southern corners of Section 140), while 21½ acres were in grass, and the remaining five acres consisted of an 'island' of 'still standing' 'original bush.'[2162]

[2161] Thomas William Downes to the Chief Surveyor, Wellington Provincial District, 're Ohinepuhiawe NR', 1 December 1902, Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481)
[2162] 'Ohinepuhiawe Native Reserve, Being Sections Nos 140 and 141 Township of Sandon', Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481)

Figure 7.12 Plan by T W Downes of the Ōhinepuhiawe Native Reserve

The Subdivision of Sections 140 and 141

The destruction wrought by the Rangitīkei River of much of the Ōhinepuhiawe Reserve only intensified disagreements between the contending families of owners over who should receive the remaining portions of productive land. The rising tensions were summarized by Downes in a letter to the Chief Surveyor on 19 November 1902. Noting that 'a very large portion' of the reserve had 'been washed away', Downes reported that Ngāti Parewahawaha owners were 'quarelling among themselves and with the pakehas over what is left and over the riverbed. Fences have been begun to be erected and cut down', Unable to resolve the dispute amongst

themselves, Downes wrote that the Ohinepuhiawe owners were ‘now making an application to the Native Land Court to subdivide and apportion the land.’[2163]

In October of the following year Riria Te Huruhuru, Wītana Parera, and George Gotty asked the Department of Lands and Survey to authorize a survey of the Ohinepuhiawe Reserve so that the Native Land Court’s subdivision of Sections 140 and 141 by the Native Land Court could be gone ahead with. No doubt referring to members of the Reweti family, the correspondents claimed that, ‘certain owners of the said lands will not allow us, also owners, to work the said land and gain sustenance therefrom.’ The three signatories warned that if the required authority was ‘not granted’ there would ‘be serious trouble eventuating perhaps in bodily injury.’[2164]

The Chief Surveyor authorized the survey of Sections 140 and 141 on 3 November 1903.[2165] The Native Land Court, however, did not deal with the subdivision of the Ōhinepuhiawe reserve until 19 January 1909, when it began hearing applications from Riria Te Huruhuru for the division of Section 140 and Te Katene Tima for the partition of Section 141.[2166] The hearing began with two adjournments to allow the owners – most of whom appear to have been in attendance – to come to an agreement over the subdivision of the two sections amongst themselves. Despite discussions lasting most of the day, the parties were unable to reach a consensus and the Court moved to a formal investigation of the contending claims, beginning with the larger Section 141.[2167] Opening the case for the Reweti family, Wiremu Kiriwehi told the Court that Donald McLean had given the 285 acres ‘at Hare Reweti’s request’, for ‘Hare Reweti’s hapus’, and that Hare Reweti ‘was the principal owner.’[2168] Testifying on the Reweti family’s behalf, Hone Reweti asked the Court to cut off 100 acres for 11 members of the Reweti family on the fertile eastern side of the Rangitīkei River. Pointing out the locations of his family’s various kainga and cultivations on the Reserve’s eastern side, Hone Reweti asserted that they had ‘had exclusive occupation . . . from the river to the cliff.’[2169] Hone Reweti also admitted that ‘no one’ was now living ‘in the centre’ of the Ohinepuhiawe Reserve which,

[2163] Thos W Downes [to the Chief Surveyor], 19 November 1902, Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481)
[2164] Letter in Reo Maori with English Translation from Riria Te Huruhuru, Witana Parera and George Gotty, 1 October1903, Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481)
[2165] L & S 49723, Department of Lands and Survey, 3 November 1903, Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481)
[2166] Wanganui Minute Book 58, p 12
[2167] Ibid., pp 12-13
[2168] Ibid., p 14
[2169] Ibid

according to the plan prepared by Downes was entirely shingle and river bed.[2170] Speaking for most of the other owners, Eruera Nicholson objected to the division sought by the Reweti family, arguing that 'each party should get 'a proportion of the good and bad land.'[2171]

In its judgment, delivered the following day, the Court noted that the partition suggested by the Reweti family 'would give the 11 persons by far the most valuable portion of the block and all the road frontage.' The Court also, however, concluded that the Reweti family were 'the principal occupants of the land' and were 'entitled to have their occupation preserved to them so far as can be done without manifest injustice.'[2172] 'After giving the matter the fullest consideration', the Court decided to 'cut off' 100 acres for the Reweti Family in the eastern part of Section 141. Although including most of the fertile land next to the River, as well as a good part of the higher ground overlooking it, the Court's award (to be known as Section 141A) also included some gravel riverbed. In the Court's opinion, the division would 'preserve to the Reweti family the bulk of their occupation while giving to the general body of owners a fair proportion of the good land.'[2173]

Before dividing the remainder of Section 141, the Court first defined the relative interests of the 50 original owners. Speaking again for the Reweti family as a whole, Hone Reweti objected to the claims of the 31 of the 50 owners, arguing that as they were 'not descendants of Hare Reweti and had never lived on the land', they had no right to the reserve and should receive no more than 10 acres between them.[2174] Reweti's objections were 'strenuously denied' by the other owners, and the Court – albeit with 'some hesitation' – decided to award equal shares to all 48 of the original owners (two names had been found to be duplicated). In its judgment the Court explained that it had 'endeavoured to obtain information as to the circumstances under which' Ohinepuhiawe had been returned to Ngāti Parewahawaha, 'but was unable to do so.' The Court had been unable to locate even the minutes of Alexander Mackay's Royal Commission which, along with the other relevant records, appeared to have been destroyed in the fire that had destroyed Parliament Buildings on 11 December 1907.[2175]

[2170] Ibid., p 15
[2171] Ibid., p 17
[2172] Ibid., p 19
[2173] Ibid., pp 19-20
[2174] Ibid., pp 25, 27 & 105
[2175] Ibid., pp 105-105

Figure 7.13 Sketch of the Subdivision of Section 141 Ōhinepuhiawe Reserve, March 1909

Source: Archives New Zealand, Wellington, MA1 1379, 1916/50, (R22409728)

With the relative interests defined, the Court – at the owners' request – divided what was left of Section 141 into five subsections (Sections 141 B1-5). Because 'the most recent survey' had shown Section 141 to contain 274¼ rather than 285 acres, the area divided amongst the 48 original owners and their successors was 178¼ acres (the area of Section 141A was also reduced by the Court from 100 to 96 acres).[2176] The five subsections created by the Court ranged in size from eight to 64 acres. The largest, Section 141B 5, was awarded to 17 members of the Reweti family, and was located next to the family's award in Section 141A.[2177] Section 141A itself was divided, again at the owners' request, into two. Section 141A 1 (28 acres), located on the higher ground above the Rangitīkei, was awarded to Te Harinui Reweti and Te Katene Tima (who had 14 shares each), while Section 141A 2 (68 acres and 10 owners) occupied most of the fertile land next to the River.[2178] The Court also set aside 1¾ acres above

[2176] Ibid., p 103
[2177] Ibid., pp 108-110
[2178] Ibid., p 111

the River as an urupā. Known to the Court as Section 141C, the urupā had 40 individual owners.[2179]

After another contested hearing, Section 140 of the Ōhinepuhiawe Reserve was divided by the Court into two 'equal parts' of 50¼ acres. Section 140A, the portion awarded to the 13 owners associated with the Te Huruhuru family, was located adjacent to Section 140B 1 (on the western bank of the River) which contained a quarter share owned by Riria Te Huruhuru. Section 140B, the Reweti family's portion, was located alongside the Rangitīkei River's former river bed, which formed the western boundary of the Ōhinepuhiawe Reserve as a whole.[2180] Neither of the subdivisions of Section 140 were particularly good land. Both were bisected by the River and included large areas of gravel river bed. Section 140B did, however, include most of a five-acre stand of original bush which may have been of some value to its owners.[2181]

The Native Land Court's partition of Section 141 was not welcomed by the Reweti family, which continued to maintain that McLean had intended the 285 acres to be for Hare Reweti and his family only. An appeal appears to have been heard and rejected by the Native Appellate Court in October 1909.[2182] On 31 May 1913 Kereopa Reweti telegraphed the Chief Surveyor, asking him to prevent the survey of the subdivision as his family were petitioning Parliament 'for another hearing of the block.'[2183] The following month, Te Kanapu Harehu, who had been instructed to write by Hone Reweti and his brothers, again asked the Chief Survey to delay any survey of the Ohinepuhiawe subdivisions until the Reweti family's petition had been considered by Parliament.[2184] In a subsequent letter, dated 29 June 1914, but probably written the previous year, Kereama explained his family's opposition to the survey of the Ohinepuhiawe subdivision. 'The reason we object', Kereama told the Chief Surveyor, 'is because we consider it unfair. Some who have a lesser right to said land have got a larger share of said land than those with a greater right.'[2185]

[2179] Ibid
[2180] Ibid., p 113
[2181] 'Ohinepuhiawe Native Reserve, Being Sections Nos 140 and 141 Township of Sandon', Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481); 'Plan of Erosion Ohinepuhiawe 140 & 141 Blocks and Old Bed Rangitikei River', 1927, ML 49129
[2182] Thomas W Fisher (Under Secretary), 'Memorandum for the Hon Native Minister. Ohinepuhiawe Sections 141 & 142', July 11 1913, Archives New Zealand, Wellington, MA 1 1379, 1926/50, (R22409728); Eruera Nikitini, 'Memorandum for the President, Ikaroa Maori Land Board: Ohinepuhiawe Subdivisions', 12 June 1913, Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481)
[2183] Telegram from Kereopa Reweti and others to the Chief Surveyor, Wellington, 31 May 1913, Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481)
[2184] Te Kanapu Harehu to the Chief Surveyor, Wellington, 18 June 1913, Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481)
[2185] Kereopa Rewiti and other owners Ohinepuhiawe Nos 140 & 141 to the Chief Surveyor, Govt Survey Office, 29 June 1914, Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481)

While most of the Reweti family opposed the survey of the Court's partitioning of Ōhinepuhiawe (the exceptions being the two owners of Section 141A), the other owners wanted the survey of the subdivisions to be carried out as quickly as possible. Writing on behalf of 'the whole of the owners of Sections 141A No 1, and 141 B Nos 2, 3 and 4', on 12 June 1913, Eruera Nikitini told the President of the Ikaroa District Maori Land Board that 'they all wish the survey to proceed and be completed as soon as possible to enable them to fence and occupy' their subdivisions.[2186]

Having 'referred the matter to President Brown of the Ikaroa Maori Land Board', who had requisitioned the survey, the Surveyor General informed Kereama Reweti and Te Kanapu Haerehuka that the survey was to proceed.[2187] The survey of the subdivisions of Ohinepuhiawe 141 A, B and C was duly completed by private European surveyors on 18 July 1913.[2188] In May of the following year the Department of Land and Survey issued charging orders for each of the seven subsections of 141A and B. Despite their opposition to the survey, the Reweti family were charged £34 10s 9d for the marking out of Sections 141A 2 and 141 B5. Te Harinui Reweti and Te Katene Tima were charged £7 11s 5d for the survey of Section 141A 1, while the owners represented by Eruera Nikitini were charged £30 5s 6d for the survey of subsections 141 B1, 2, 3 and 4. In addition to the survey charges themselves, the owners of the seven sections were levied interest of five percent per annum until the sums due were paid off.[2189]

The survey of the Ohinepuhiawe subdivisions did not end the Reweti family's opposition to the Native Land Court's partition. In an undated petition addressed to the Native Minister rather than Parliament, and received by the Native Department on 7 October 1913, Hone, Kereama, and Haretini Reweti protested the Native Land Court's decision to award equal interests to all of the owners of Section 141B. They also objected to Te Katene Tima receiving a full share in Section 141A. Maintaining that McLean had 'originally given' the land 'for Hare Reweti and his family only', the petitioners argued that 'Commissioner Mackay' had incorrectly included

[2186] Eruera Nikitini, 'Memorandum for the President, Ikaroa Maori Land Board: Ohinepuhiawe Subdivisions', 12 June 1913, Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481)
[2187] Chief Surveyor to Kereopa Reweti, 14 June 1913; Chief Surveyor to Te Kanapu Haerehuka, 24 June 1913, both at Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481)
[2188] Middleton & Smith (Civil Engineers, Authorised Surveyors and Valuers) to the Chief Surveyor Wellington, 18 July 1913, Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481)
[2189] Chief Surveyor, 'Application for Survey Charging Order for Ohinepuhiawe 141A No 1' 19 May 1914; Chief Surveyor, 'Application for Survey Charging Order for Ohinepuhiawe 141A No 2' 19 May 1914; Chief Surveyor, 'Application for Survey Charging Order for Ohinepuhiawe 141B No 1' 19 May 1914; Chief Surveyor, 'Application for Survey Charging Order for Ohinepuhiawe 141B No 2' 19 May 1914; Chief Surveyor, 'Application for Survey Charging Order for Ohinepuhiawe 141B No 3' 19 May 1914; Chief Surveyor, 'Application for Survey Charging Order for Ohinepuhiawe 141B No 4' 19 May 1914; Chief Surveyor, 'Application for Survey Charging Order for Ohinepuhiawe 141B No 5' 19 May 1914; all in Archives New Zealand, Wellington, MA-WANGW2140 48, Wh 632 Part 1(R23813048)

‘outsiders’ in the Crown Grant for Section 141, ‘persons who had no right to be put into this land.’ The Native Land Court had aggravated Mackay’s error by ‘alloting to each person in the list of names’ for Section 141B ‘an equal share to that of each member of the family of Hare Reweti.’ Protesting that it was ‘not at all right that all persons should share equally with the members of the Reweti family’, the three signatories (writing on behalf of Hare Reweti’s family as a whole) entreated the Minister ‘to authorize a Court to look into the matter of individual shares only.’[2190]

In response, Under Secretary of the Native Department Thomas W Fisher referred Native Minister William Herries to an earlier memorandum in which had concluded that, as the Native Land Court had ‘gone into the question pretty fully and made certain partitions, and the appeals have not been sustained . . . presumably there was nothing to prevent the survey going on and the partition orders being completed.’[2191]

The Old Rangitīkei River Bed and the Rifle Range

When the Rangitīkei shifted its course to run through Sections 140 and 141 it exposed the River’s former course which had looped around Ōhinepuhiawe, defining the Reserves boundary to the north, south and west. The old river bed – which appears to have consisted mainly of silt rather than the gravel and river stones that marked the River’s new course – gradually became covered with vegetation. In his rough sketch, completed in December 1900, Harry Lundius described the old river bed as being covered in grass. T W Downes’ survey of the Ohinepuhiawe Reserve, authorized in November 1903, showed the ‘now silted up’ former course of the Rangitīkei River as ‘growing grass, toetoe, and furze [gorse].’

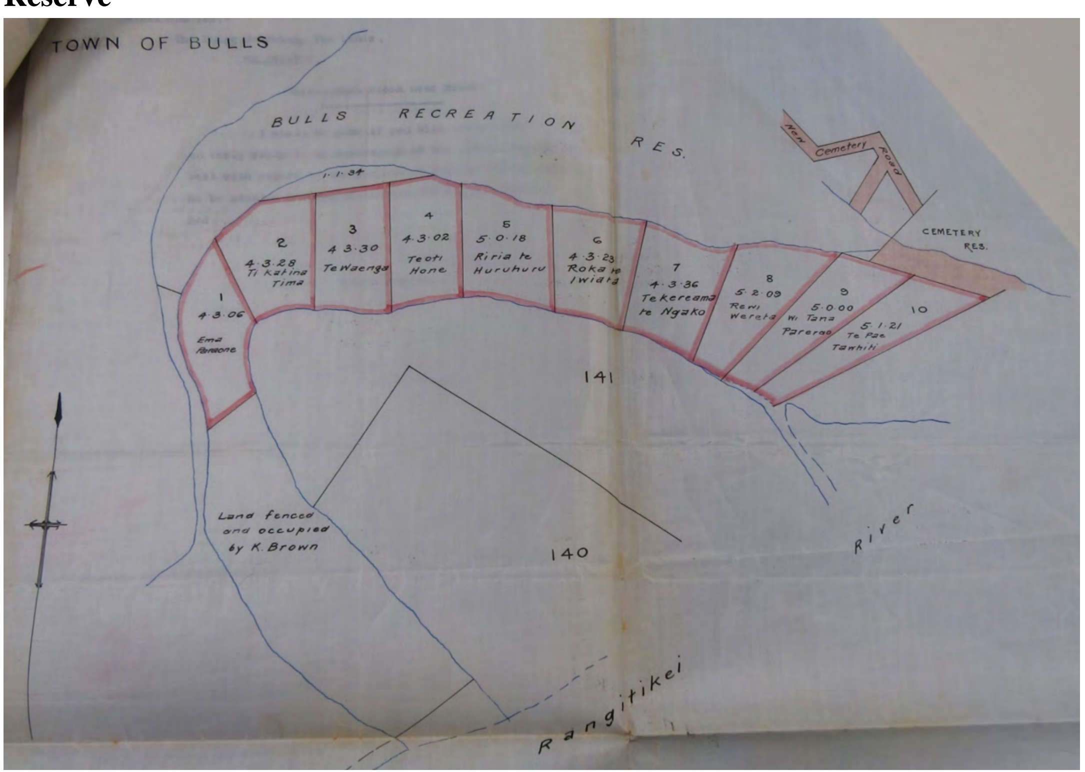
Crown officials presumed the newly exposed the river bed to be Crown land – an assumption that was later to be challenged by the Chief Judge of the Native Land Court. In 1905 the Commissioner of Crown lands allowed some of the Ngāti Parewahawaha landowners whose property had been devastated by the River ‘to temporarily occupy and cultivate the land.’ The Commissioner’s grant, however, was conditional: the Māori occupiers were required to lease the land, with the Crown reserving ‘the right to take it any time without compensation.’ In a letter to Native Minister Apirana Ngata’s private secretary in January 1930, George Gotty (Riria Te Huruhuru’s son) claimed that land grant had been made by the Native Minister James

[2190] Hoone Reweti, Kereopa Reweti, Heretini Reweti to the Minister of Māori Affairs, Undated [Received by the Native Department 7 October 1913], Archives New Zealand, Wellington, MA 1 1379, 1926/50, (R22409728) (Reo Māori original and English translation)

[2191] Thomas W Fisher (Under Secretary), ‘Memorandum for the Hon Native Minister. Ohinepuhiawe Sections 141 & 142’, July 11 1913, Archives New Zealand, Wellington, MA 1 1379, 1926/50, (R22409728)

Carroll to the children of Riria Te Huruhuru ‘and others’, following representations to the Minister by Gotty, Kātene Tima Rongorongo and Te Waenga Weretā. According to Gotty ‘the Grant was made on the condition that each of us, irrespective of family, were to receive five acres.’[2192]

Figure 7.14 Subdivision of the former Rangitīkei River bed adjoining Ōhinepuhiawe Reserve



Source: Archives New Zealand, Wellington, MA 1 1379, 1926/50, 1907-1931, (R22409728)

Amongst those who occupied sections of the old river bed were Riria Te Huruhuru (daughter of Aperahama Te Huruhuru), her daughter Ema Parāone, Ema’s common law husband Kiniwa Brown and their six chidren. In July 1907 Tom Richardson, one of the Rangitīkei’s leading settlers, wrote on Kiniwa Brown’s behalf to John Stevens, Member of Parliament for Manawatū, asking him ‘to urge’ the Native Minister James Carroll to provide Brown with a secure title to the ‘small portion’ of land upon which he had built a house for himself and his family.[2193] Stevens passed the letter on to the Minister with his own endorsement.[2194] In reply,

[2192] George Gotty (Te Oti Koti) to the Private Secretary of the Hon Sir A T Ngata, MP, Minister of Native Affaris, 1 January 1930, Archives New Zealand, Wellington, MA 1 1379, 1926/50, 1907-1931, (R22409728)
[2193] Tom F Richardson to Mr [John] Stevens [MP for Manawatū], 17 July 1907, Archives New Zealand, Wellington, MA1 1379, 1916/50, (R22409728)
[2194] John Stevens to the Hon Native Minister, 19 July 1907, Archives New Zealand, Wellington, MA1 1379, 1916/50, (R22409728)

James Carroll noted that land in question was 'Crown Land', and the matter had 'been brought under the notice of the Lands Department' who had 'consented to the Natives occupying it for present requirements.'[2195]

In 1909 the Commissioner of Crown Lands ordered a survey of the Rangitīkei River's old bed, apparently with the intention of granting it to the owners of Section 140 of the Ōhinepuhiawe Reserve, who had seen much of their land 'washed away' by the change in course of the River. In December 1909 the Chief Surveyor asked the Chief Judge of the Native Land Court if the Court could 'ascertain the names of the owners to be placed on the title to the land', which had already been surveyed and subdivided. The Chief Judge replied that, because the River had formed the original boundary of the Crown Grants to the Ōhinepuhiawe Block, and was neither tidal nor 'publicly navigable', the Māori owners already possessed riparian rights to half of the river bed. Because this land was already the subject of the original Ōhinepuhiawe Crown grants, the Chief Judge informed the Chief Surveyor that the Native Land Court had no jurisdiction to investigate title to the land.[2196]

Matters appear to have remained at a legal and bureaucratic standstill until August 1924 when the Bulls Town Board directed a worried letter to Joseph Linklater, Member of Parliament for Manawatū, alerting him that Ngāti Parewahawaha (referred to as simply 'the Maoris' in the letter) had laid claim to ownership of all 42 acres of the Bulls Domain, 'including the Bulls Tennis Court, the Bulls Sports Ground and Track, and Children's Amusement Ground.' The claim had already 'come before the Native Land Court' and was 'now to be brought before Parliament by Petition.' Writing on the Board's behalf, the Town Clerk informed the MP for Manawatū that 'from the point of view of the Town this is a very serious matter . . . and it is the wish of the Board that you assist them in everyway possible . . . . to have this unjust claim refuted.'[2197]

Linklater passed the Town Board's letter to Minister Native Affairs Gordon Coates. After the Minister asked for the matter to be looked into, an undated memorandum found that the Domain had been created from an 'accretion to the land formerly known as Block III Rural land Rangitīkei District' and had been assumed to be Crown land. The 45-acre Bulls Domain

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[2195] J C [James Carroll], Minister for Native Affairs to John Stevens, MHR, 9 August 1907, Archives New Zealand, Wellington, MA1 1379, 1916/50, (R22409728)

[2196] Jackson Palmer, Chief Judge, 'Memorandum for the Chief Surveyor, District Office, Wellington: Re Ohinepuhiawe 140 & 141', 1 March 1910, Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481)

[2197] F Cutts, Town Clerk, Bulls Town Board, to J Linkater MP

had been gazetted as a recreation reserve in 1893 and vested in the Bulls Town Board.[2198] On 9 September 1924 Coates informed Linklater that the Native Land Court had 'no jurisdiction to intervene' in the ownership of the recreation ground because it was 'not Native land.'[2199]

The status of the former river bed was finally investigated by the Native Land Court in June 1926, after Hone Reweti and other Ōhinepuhiawe owners applied for an 'investigation of title to alleged accretions to Sections 140 and 141.' Although 'it appeared clear' to the Court 'that no uninvestigated land was involved', Judge James Browne nevertheless decided to proceed with the investigation on the grounds that the owners of the Ōhinpuhiawe Reserve looked to have 'suffered some hardship and loss through no fault of their own and that the Crown had, on the other hand, gained something through this loss.'[2200]

In his subsequent report to the Chief Judge, Judge Browne rejected the claim by the applicants' lawyer that the Rangitīkei river bed had extended all the way 'to immediately below the plateau on which the Township of Bulls now stands', giving the Ōhinepuhiawe owners rights 'to a considerable portion the Bulls Recreation Reserve.' He did, however, accept their claim to the old river bed as more narrowly defined. Detailing how the shift in the River's course had prejudiced the Ōhinepuhiawe owners by reducing 'the greater part to the north to practically a shingle bed', while exposing the section of the Reserve to the south of the River to continuing erosion, Judge Browne also noted that the movement of the Rangitīkei had 'relieved the Crown Land from all danger of erosion at the expense practically of the Native Land.' Given the circumstances, the Judge suggested that the rights of the Ōhinepuhiawe owners to half of the river bed should be admitted, while 'compensation in some form' should be allowed for the land which they have lost through the change in the River's course and the damage the balance has sustained thereby.'[2201]

Judge Browne's report remained unacted upon until 1929. After waiting more than two years for a response to Browne's investigation, Tuiti MacDonald wrote to the Chief Judge of the Native Land Court on the Ōhinepuhiawe owners' behalf urging him to look 'into the matter' of the old river bed at his 'earliest convenience.'[2202] MacDonald's letter appears to have had the desired effect. On 23 March 1929 the Commissioner of Crown Lands sent a memorandum

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[2198] 'Memorandum. Bulls Recreation Reserve', Archives New Zealand, Wellington, MA 1 1379, 1926/50, 1907-1931, (R22409728)
[2199] J G Coates to J Linklater, 9 September 1924, Archives New Zealand, Wellington, MA 1 1379, 1926/50, 1907-1931, (R22409728)
[2200] James W Browne to the Chief Judge Native Land Court, 'Ohinepuhiawe Block', 21 August 1926, Archives New Zealand, Wellington, MA 1 1379, 1926/50, 1907-1931, (R22409728)
[2201] Ibid
[2202] Tuiti MacDonald to R N Jones, Chief Judge Native Land Court, 15 January 1929, Archives New Zealand, Wellington, MA 1 1379, 1926/50, 1907-1931, (R22409728)

to the Under-Secretary of Lands recommending that the Government should introduce legislation transferrring most of the old river bed to the owners of Ōhinepuhiawe 140 and 141 'as compensation for the loss of their lands caused by the change in course of the river.' The Commissioner recommended that the 'approximately' 102 acres of the old river should be briefly proclaimed as Crown land as a preliminary to all but one-and-a-half acres being vested in the Ōhinepuhiawe owners. The one-and-a-half acres not returned to the owners was to be included in the Bulls rifle range.[2203]

With the bureaucratic wheels finally in motion, Judge Browne sent a memorandum to the Under Secretary of the Native Department on 26 August 1929. Reiterating his report to the Chief Judge three years earlier, Judge Browne endorsed the proposal to give almost all of the old river bed of the Ōhinepuhiawe owners. Noting that the owners were 'entitled to some compensation besides half the river bed which seems to be theirs by right', the Judge considered that giving them 'the other half of the river bed' would 'only be fair and ought to satisfy them.'[2204]

On 7 September 1929, the Under Secretary of the Native Department recommended to Native Minister Apirana Ngata that legislation be introduced vesting the Rangitīkei river bed in the Ōhinepuhiawe owners.[2205] Included as Section 58 of the Native Land Amendment and Native Claims Adjustment Act, the legislation was passed in early November 1929. Section 58 empowered the Native Land Court 'to inquire and determine' the owners of the 101acre three roods and three perches of 'the bed of the former course of the Rangitīkei River' where it adjoined Sections 140 and 141 of the Ōhinepuhiawe Reserve. Once the Court had determined ownership, the Crown's rights to the land would 'cease', and the land would 'become Native Land.' An exception was made for any area within the old river to which the Court found 'any European to be entitled to'. 'Such land', the Act stipulated, would 'not become European land. In an apparent oversight, the legislation neglected to exclude the one-and-a-half acres that were supposed to have been set aside as part of the Bulls rifle range. As a result, this land too became Māori land.[2206]

[2203] H W C Mackintosh, Commissioner of Crown Lands to the Under-Secretary for Lands, 'Ohinepuhiawe 140 and 141 (Rangitīkei River Bed), 23 March 1929, Archives New Zealand, Wellington, MA 1 1379, 1926/50, 1907-1931, (R22409728)
[2204] James W Browne, Judge, to the Under-Secretary, Native Department, 'Ohinepuhiawe Sections 140 and 141 Block', 26 August 1929, Archives New Zealand, Wellington, MA 1 1379, 1926/50, 1907-1931, (R22409728)
[2205] Under Secretary to the Hon Native Minister, 'Ohinepuhiawe Block, Secs 140 and 141, Block X, Rangitoto S.D.', 7 September 1929, Archives New Zealand, Wellington, MA 1 1379, 1926/50, 1907-1931, (R22409728)
[2206] Native Land Amendment and Native Land Claims Adjustment Act, 1929, s 58

The Native Land Court's investigation of title to the former Rangitīkei River bed was held on 12 and 13 March 1930.[2207] Prior to the hearing – on 1 January 1930 – George Gotty wrote to Apirana Ngata's Private Secretary asking the Minister to ensure that the rights of those who had been living on the land since 1905 'shall not be usurped, nor, in any way interfered with.' Gotty was concerned that 'the Reweti family' and others were laying claim to the land, despite not having been included in the original 1905 grant, and already having 'the use of the most valuable portion of the main block.'[2208] In reply, Gotty was told that it was 'not possible for the Native Minister to interefere with the court in the exercise of its jurisdiction', and the hearing went ahead without any Government intervention.[2209]

At the hearing it was generally acknowledged that the land available to be divided amongst the owners of Ōhinepuhiawe was 92 rather than the original 102 acres because a European widow named Alice Hull was entitled to 9¼ acres of the former river bed.[2210] After being allowed time by the Court 'to arrange a division' amongst themselves, the Ōhinepuhiawe owners – including members of the Reweti and Te Huruhuru families – eventually came to an agreement over the ownership of the remaining 92 acres.[2211] According to this agreement the Court awarded 23 acres, to be known as Ōhinepuhiawe 140C, to a list of 13 owners headed by Weretā and Riria Te Huruhuru (who had passed away a decade earlier).[2212] The remaining land was distributed amongst the other Ōhinepuhiawe owners – including the Reweti family – in five sections (Ōhinepuhiawe 141C, D, E, F and G) ranging from five to 26 acres. As with the Ōhinepuhiawe Reserve as a whole, the vesting of the old river bed in individual owners, under the prevailing Native land legislation, resulted in the fragmentation of a community asset into several sections owned by between one (Ōhinepuhiawe 141E) and 17 owners (Ōhinepuhiawe 141G).[2213]

The subdivision of the old river bed was followed by an exchange of memoranda between the Chief Surveyor of the Department of Lands and Survey and the Registrar of the Native Land Court over the status of the one-and-a-half acres of the old river bed that made up part of the Bulls rifle range. On 2 October 1930 the Surveyor General informed the Registrar that the

[2207] Wanganui Minute book 91, pp 45-53
[2208] George Gotty (Te Oti Koti) to the Private Secretary of the Hon Sir A T Ngata, MP, Minister of Native Affaris, 1 January 1930, Archives New Zealand, Wellington, MA 1 1379, 1926/50, 1907-1931, (R22409728)
[2209] A T Ngata to George Gotty, 16 January 1930, Archives New Zealand, Wellington, MA 1 1379, 1926/50, 1907-1931, (R22409728)
[2210] Wanganui Minute Book 91, p 45
[2211] Ibid., p 48
[2212] Ibid., p 50
[2213] Ibid., p 53

one-and-a-half acres were indeed ‘required for the rifle range.’[2214] Five days later, however, the Acting Registrar of the Aotea District of the Native Land Court replied that the Court had issued an order for the land, awarding it to the 17 owners of Ōhinepuhiawe 141G.[2215] On 4 September 1931 the Chief Surveyor wrote again to the Registrar of the Native Land Court, insisting that the one and-a-half acres, now known as Ōhinepuhiawe 141H, ‘will be required for the rifle range.’[2216] Arguing that the Ngāti Parewahawaha owners had ‘never been in possession of the area’, and that it had ‘been used as part of the rifle range for 21 years’, the Chief Surveyor called upon the Court to issue an order returning the land to Crown ownership without any compensation to the 17 owners.[2217] The Registrar, however, responded that the Court was not empowered to make such an order.[2218]

Intent on having the land returned to Crown ownership without the payment of any compensation, Crown officials added a section to the 1931 Native Purposes Act cancelling the Native Land Court’s order for Ōhinepuhiawe 141H, and returning the one-and-a-half acres to Crown ownership as part of the Bulls rifle range.[2219]

[2214] Chief Surveyor to the Registrar, Native Land Court, Wanganui, 2 October 1930, Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481)
[2215] J Brooker, Acting-Registrar, Aotea District Native Land Court, 7 October 1930, Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481)
[2216] Chief Surveyor to the Registrar, Native Land Court, Wanganui, 4 September 1931, Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481)
[2217] Ibid
[2218] W T Bowen, Registrar, Aotea District Native Land Court and Maori Land Board, 11 September 1931, Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481)
[2219] Native Purposes Act 1931, s 102

Figure 7.15 Plan showing the location of the Bulls Rifle Range in relation to the Old River Bed of the Rangitīkei River (land returned to Crown ownership shaded pink)

Source: 'Plan of Pt Old River Bed Ohinepuhiawe Block', Archives New Zealand, Wellington, MA 1 1379, 1926/50, 1907-1931, (R22409728)

The Ohinepuhiawe Development Scheme

Like the rest of the Ohinepuhiawe Reserve situated on the Bulls side of the Rangitīkei River, the subdivisions of the former river bed were not particularly good land. Much of it was shingle or river stones, covered with a shallow layer of sandy river silt. Unsurprisingly, the owners of these subdivisions – like the owners of the portions of the original reserve that were now located on the same side of the River – struggled to make a living on what was at best marginal land.[2220]

Confronted by this harsh reality, and hopeful that an injection of capital and expertise might improve the viability of their property, some of the owners of Sections 140 A, B and C, and 141 B1 and F (all on the western, or Bulls side of the Rangitīkei River) agreed to place their land under Government management and control as part of a Māori development scheme at Ōhinepuhiawe.[2221] Set in place by Native Minister Ngata through the Native Land Amendment and Native Land Claims Adjustment Act 1929, Māori land development schemes allowed the

[2220] Wanganui Minute Book 94, p 227 (testimony of Oscar Monrad, valuer)
[2221] For an account of the establishment of the Ōhinepuhiawe Development Scheme see: Eljon Fitzgerald, Areti Metuamate, Kiri Parata, Tiratahi Taipana, Piripi Walker and Dr Grant Young, 'Ngāti Raukawa: Rangatiratanga and Kawanatanga. Land Management and Land Loss from the 1890s to 2000', A Ngāti Raukawa Historical Issues Research Report Prepared for the Porirua ki Manawatū Inquiry and Commissioned by the Crown Forestry Rental Trust, June 2017, pp 234-242

Crown to take control of neighbouring sections of Māori land, consolidate them into workable economic units, and then – through the investment of Government capital and expertise – develop the units into modern, economically-viable farms which would eventually be handed back to their owners. By agreeing to place their holdings within a Māori development scheme, individual shareholders of Māori land surrendered – at least temporarily – many of their ownership rights to the Government. Decisions such as who would occupy and work the land, and how development capital (which the landowners were expected to eventually pay back) was to be invested were made, not by the owners themselves, but by Crown-employed experts and officials.[2222]

The Ōhinepuhiawe Development Scheme was formally proclaimed on 11 October 1933. The scheme included land from three sections of the western portion of the original Ōhinepuhiawe Reserve, including just under 11½ acres of Section 140A; seven and three-quarters acres of Section 140B; and 30½ acres of Section 141B 1. Also included in the Development Scheme were two sections of the recently subdivided old river: Section 140C (18½ acres); and Section 141F (28 3/8 acres). Altogether, the Ōhinepuhiawe Development scheme consisted of 96 acres from five sections of the Ōhinepuhiawe reserve.[2223]

Table 7.47 Land Proclaimed as Part of the Ōhinepuhiawe Development Scheme, 11 October 1933

Section	Area Proclaimed
Ōhinepuhiawe 140A	11a 1r 22p
Ōhinepuhiawe 140B	7a 3r 0p
Ōhinepuhiawe 140C	18a 1r 31p
Ōhinepuhiawe 141B 1	30a 1r 35p
Ōhinepuhiawe 141F	28a 1r 19p
	96a 1r 27p

The 96 acres placed under the Ōhinepuhiawe Development scheme were divided into two farms or 'units' of 72 and 23 acres respectively. The larger farm was operated by Te Rangi Pūmamao Reweti, while the smaller was occupied by M Brown who may have been one of the children of Ema Parāone (daughter of Riria Te Huruhuru) and her husband Kiniwa Brown, who had been living on the section of the old river bank now known to the Native Land Court as Ōhinepuhiawe 140C. According to a Board of Native Affairs Report in 1936, Reweti was running 14 dairy cows on his unit, while Brown had 10. The board projected that, with

[2222] Waitangi Tribunal, *He Maunga Rongo*, Vol 3, p 1014
[2223] 'Ohinepuhiawe Development Scheme', *New Zealand Gazette,* No 72, 19 October 1933, p 2563

investment, Reweti's property could easily 'run 30 dairy cows' while Brown's unit was 'capable of carrying up to 18.'[2224]

On 24 September 1936, the Native Department authorized the expenditure of £630 of development funds and £448 of unemployed funds on the two farms. The money was to be spent on livestock (£136), fencing (£256), grass seed (£61), manure (£26), improving the farms' water supply (£35) and a new cowshed for the smaller unit (£45).[2225] Further outlay of development funds and unemployed worker's labour lifted the sum invested in the Ōhinepuhiawe Development Scheme to £1828 by 31 March 1938.[2226] By 31 March 1941 the Native Department's total investment in the Scheme had increased to £2721 6s 10. Of this, £1254 was capital investment from the Department's development fund, while £1379 consisted of grants from the 'Employment Promotion Fund.'[2227]

The increasing Government investment in the Ōhinepuhiawe Development Scheme's was accompanied by mounting debt. By 31 March 1938 the the two farms owed £830 18s 5d to the Native Department.[2228] Three years later this debt had risen to £1342, of which £60 12s 9d was outstanding interest.[2229] This debt – with the attendant interest – was to be paid back by the land's owners once the two farms became viable, and profitable going concerns. Whether the two farms ever achieved this status before the Ōhinepuhiawe Development Scheme was wound down in 1955 is unclear. While the sum owed by the larger unit appears to have been eventually paid off, the debt on the smaller farm was still outstanding in 1955 and was expected to remain so for some time.[2230]

Land Taken for River Protection Works, 1931 and 1932

In addition to struggling to earn a subsistence on low quality soil, the owners of land on the Bulls side of the Ōhinepuiawe Reserve also had to deal with threats to their holdings caused both by erosion by the Rangitīkei River, and efforts by the Rangitīkei County Council to contain that erosion by taking land for river protection works. On 8 June 1931 Hone Reweti

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[2224] Board of Native Affairs, Ohinepuhiawe D. S. – Reports & Estimates 1936/17, ND 1/9/79, Archives New Zealand, Wellington, AAMK W3074 869 Box 983, 65/7/2, (R11842943)
[2225] Native Department, 'Authority for Expenditure', 24 September 1936, Archives New Zealand, Wellington, AAMK W3074 869 Box 983, 65/7/2, (R11842943)
[2226] 'Ohinepuhiawe Development Scheme, Balance Sheet as at 31st March, 1938', Archives New Zealand, Wellington, AAMK W3074 869 Box 983, 65/7/2, (R11842943)
[2227] 'Ohinepuhiawe Development Scheme, Balance Sheet as at 31st March, 1941', Archives New Zealand, Wellington, AAMK W3074 869 Box 983, 65/7/2, (R11842943)
[2228] 'Ohinepuhiawe Development Scheme, Balance Sheet as at 31st March, 1938'
[2229] 'Ohinepuhiawe Development Scheme, Balance Sheet as at 31st March, 1941'
[2230] Young et al, 'Ngāti Raukawa: Rangatiratanga and Kawanatanga. Land Management and Land Loss from the 1890s to 2000', pp 241-242

and other members of Ngāti Parewahawaha wrote to Apirana Ngata appealing for his assistance in retaining their land from 'confiscation' by the Rangitīkei County Council for river protection works. Noting that the Council had 'already made a survey of the Block' and that the area to be taken was 'approximately 60 acres more or less', Reweti warned the Native Minister that:

> 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.[2231]

Ngata's officials checked with the Public Works Department, and Reweti and the other correspondents were assured that no application had 'yet been received' from the the Rangitīkei County Council for the taking of land within the Ohinepuhiawe Reserve.[2232] The officials' response was somewhat disingenuous because only a few months earlier, on 20 March 1931, the Government had issued a warrant giving the Rangitīkei County Council, 'the control of the Rangitikei River Bridge at Bulls, together with the approaches' as far upstream as Cemetery Point ('a distance of approximately 100 chains' or two kilometres) for the purpose of constructing River 'protection works on the western bank of the Rangitikei River.'[2233]

On 29 August 1931 the Rangitikei County Council issued notice of its intention to take 54½ acres of Ohinepuhiawe 140 for 'protective works on the western bank of the Rangitikei River in connection with the Rangitikei River bridge at Bulls.' The Council stated that the protection works were essential to prevent the River from washing away the western approaches to the Bulls Bridge.[2234] The 54½ acres were formally taken by the Crown on the County's behalf by a proclamation under the Public Works Act 1928 dated 13 February 1932. Included amongst the land taken were 10 acres of Ohinepuhiawe 140A, 12 acres of Ohinepuhiawe 140B, and almost 26 acres of Ohinpuhiawe 140G.[2235]

[2231] Hoone Reweti & others to Hon Sir Apirana Ngata, 8 June 1931, Archives New Zealand, Wellington, MA 1 1379, 1926/50, 1907-1931, (R22409728)

[2232] R N Jones, Under Secretary to the Under Secretary for Public Works, 10 June 1931; A T Ngata (Native Minister) to Hoone Reweti, 3 July 1931 both at Archives New Zealand, Wellington, MA 1 1379, 1926/50, 1907-1931, (R22409728)

[2233] *New Zealand Gazette*, No 23, 26 March 1931, p 718

[2234] *NZ Gazette*, No 64, 3 Sept 1931, p 2550; Notice in Reo Maori: *NZ* Gazette, No 66, 10 Sept 1931, p 2797

[2235] *NZ Gazette*, No 12, 18 February 1932, p 315

Table 7.48 Land within the Ōhinepuhiawe Reserve taken for River Protection Works by Proclamation under the Public Works Act 1928, 13 February 1932

Section	Approximate Areas to be Taken (acres, roods, perches)
Part Section 140C	1.1.9
Part Section 140B	5.0.27
Part Section 140A	10.0.28
Part Section 140B 1	12.0.30
Part Section 140G	25.2.26
	54.2.0

Prior to the proclamation, some of the affected owners, including Hone and Kereopa Reweti, came to an agreement with the Council over the proposed takings. The owners agreed to remove their opposition to the river protection scheme in return for the Council undertaking to fence off their remaining land from the area taken; fence off the right of way leading to the protection works; provide legal access for the owners to the River; and employ the owners on the protection works for a period of six months. The Council also agreed to 'provide a scheme for protection works on the other side of the river without charge', thereby protecting the Reweti family's fertile land on the southeastern banks of the Rangitīkei. In addition, the Council promised 'to pay any legal costs incurred' by the Ohinepuhiawe owners while paying compensation for the 54½ acres taken.[2236]

The land to be taken was assessed by two valuers, one employed by the Council and another representing the owners of the land, and the Council agreed to pay a total of £114 10s as compensation for 54½ acres. The rate of compensation per acre varied widely from section to section, depending on the quality of the land to be taken. The Council offered more than £12 an acre for the one-and-one-third of an acre taken from Section 140C, and £5 per acre for five acres of Section 140B. The other 48 acres, taken from Sections 140A, B1 and 141G, were compensated at the much lower rate of £1 10s per acre.[2237]

The rates of compensation offered by the Rangitīkei Council were challenged before the Native Land Court by Te Taite Te Tomo. Representing Kereopa Reweti and some of the other affected owners, Te Tomo told the Court that the whole area taken should be compensated at a rate of £10 an acre.[2238] At a subsequent hearing Te Tomo presented his own valuer, Kākāriki

[2236] Wanganui Minute Book 94, pp 154-155 and 'Decision of application for Assessment of Compensation for land taken from the Ohinepuhiawe Block' (following p 250)
[2237] Wanganui Minute Book 94, p 155
[2238] Ibid., p 156

farmer John Blundell. Blundell estimated that 15 of the 54½ acres was 'worth about £8 and acre', while another 30 was 'valued at about £5 an acre.' The remaining 10 acres were judged by Blundell to be worth £2 an acre.[2239] Blundell's valuation – which if accepted would have given the owners a total of £290 in compensation – was criticized as 'too high' by both of the valuers who had conducted the earlier assessments, with Herbert James Duigan (who had undertaken the valuation for the owners) regretting that he could not share the Kākāriki farmer's optimism about the land's overall worth. Both Duigan and Oscar Monrad (who had valued the land for the Council) agreed that without the Council's river protection works much of the rest of the Ōhinepuhiawe Reserve on the western side of the River would have been quickly washed away by the river.[2240]

In its decision, delivered on 21 September 1933, the Court rejected Te Tomo's claim for additional compensation, accepting instead the more conservative valuations arrived at by Monrad and Duigan. The Court also noted that, due to the erosion caused by the River to the western end of Section 140, the river protection works were in fact, 'as directly necessary for the preservation of the land left to the Natives as for the safeguarding of the approaches to the bridge.' Observing, nevertheless, that the Council had not 'completely fulfilled' its agreement with the owners because it had not provided access for all of the sections to the Rangitīkei River, the Court increased the overall compensation to be provided by the Council from £114 10s to £126. The additional £11 10s were to be paid to the owners of Section 141G, whose land had been entirely taken by the Council for the river protection works.[2241]

Table 7.49 Compensation Ordered by the Native Land Court for Land Taken for Rangitīkei River Protection Works, 21 September 1933

Section	Approximate Areas to be Taken (acres, roods, perches)	Compensation Ordered £ s d
Part Section 140C	1.1.9	16.10.0
Part Section 140B	5.0.27	25.0.0
Part Section 140A	10.0.28	15.0.0
Part Section 140B 1	12.0.30	18.0.0
Part Section 140G	25.2.26	51.10.0
	54.2.0	**126.0.0**

[2239] Ibid., p 222
[2240] Ibid., pp 225-226, 229-230
[2241] 'Decision of application for Assessment of Compensation for land taken from the Ohinepuhiawe Block', Wanganui Minute Book 94, unnumbered pages following p 250

The Alienation of Parts of the Ōhinepuhiawe Reserve to Private Purchasers

As with those for the Rangitīkei-Manawatū reserves as a whole, the surviving Native Land Court records for the Ōhinepuhiawe Reserve offer only an incomplete account of the land's alienation. We do know that significant portions of Ōhinepuhiawe 141 had been under long term lease to private European farmers since at least the early 1930s. On 13 June 1931 the Aotea District Maori Land Board approved the lease of all of Ōhinepuhiawe 141B 4 (30½ acres) and 13 acres of Section 141B 3 (29½ acres) to Henry Arnott Bartlett, a Bulls farmer, for a period of 21 years from 1 September 1930.[2242] In August of the same year, the District Maori land Board also approved Bartlett's lease of 10¾ acres of Ōhinepuhiawe 141A 1A (15 3/8 of an acre), as well as all of Section 141A 1B (6½ acres), and 141A 1C (six and three eighths acres) for a period of seven years.[2243] Bartlett's holdings within the Ōhinepuhiawe Reserve were increased further when his lease of Ōhinepuhiawe 141A 5B (22¼ acres), for a perod of 14 years, was confirmed on 4 September 1942.[2244]

Most of Bartlett's leases were subsequently renewed. In March 1956 Bartlett renewed his leases of Sections 141A 1B and 1C for a further 10 years, while also leasing Sections 141A 2 and 141E (a total area of 27¾ acres) for a similar period.[2245] The following year Bartlett renewed his lease of Section 141A 5B, while in October 1959 he began a new 15-year lease of Sections 141A 1A1, 1A2 and 1A3B (a combined area of slightly less than 11 acres).[2246]

In most cases, the long-term leases eventually culminated in the permanent alienation of the land. On 11 August 1966 the Māori Trustee sold the whole of Ōhinepuhiawe 141A 1A (15 3/8 acres) to J & N H Bartlett and Co Ltd for £1800.[2247] On 24 July 1967, J & N H Bartlett and Co also purchased Sections 141A 1B and 1C (a combined area of 14 acres) for $2080.[2248] In May of the following year the Company added to its Ōhinepuhiawe portfolio by acquiring Sections 141A 5A and 5B (altogether 50 acres) for $8400.[2249] Three years later, on 10 February 1971 J & N H capped off their purchasing of Māori land within the Ōhinepuhiawe Reserve with the acquisition of Section 141A 3 (6¾ acres).[2250] Altogether, between August 1966 and February 1971 J & N H Bartlett & Co Ltd purchased slightly more than 80 acres of Māori land within

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[2242] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series. Vol XIX, pp 600 & 665 (618 & 682)
[2243] Ibid., pp 632, 635, 653, 635 (650, 653, 671)
[2244] Ibid., pp 618 (636)
[2245] Ibid., pp 619, 625, 632 (637, 643, 650)
[2246] Ibid., pp 608, 640, 642, 645, 648 (626, 658, 660, 663, 666)
[2247] Ibid., p 650 (668)
[2248] Ibid., pp 625 & 632 (643 & 650)
[2249] Ibid., pp 608 & 612 (626 & 630)
[2250] Ibid., p 618 (636)

the Ōhinepuhiawe Reserve. At least four of the six sections purchased had been previously leased by Henry Arnott Bartlett since at least the 1950s.

Table 7.50 Sections of the Ōhinepuhiawe Reserve Purchased by J & N H Bartlett & Co

Section	Date Alienated	Acres Alienated (acres, roods perches)	Alienated To
141A 1A	11 Aug 1966	15.1.20	J & N H Bartlett & Co
141A 1B	24 July 1967	6.2.10	J & N H Bartlett & Co
141A 1C	24 July 1967	6.2.20	J & N H Bartlett & Co
141A 5A	1 May 1968	21.3.9	J & N H Bartlett & Co
141A 5B	1 May 1968	28.0.35	J & N H Bartlett & Co
141A 3	10 Feb 1971	6.2.33	J & N H Bartlett & Co
		85.1.7	

The pattern of long-term leasing leading, sooner or later, to permanent alienation appears to have been followed by sections of the Ōhinepuhiawe Reserve for which we have no surviving Native Land Court records. Sections 141 A1 (28 acres), 141 B2 (8 acres), B3 (29½ acres) and B4 (30½ acres) all appear to have been leased to the Rangitīkei Cooperative Dairy Company in 1916.[2251] Of the four sections, parts of only two remain as Māori land today: a solitary acre of Ōhinepuhiawe 141B 2 and 18 acres of Section 141B 4.[2252]

The Ōhinepuhiawe Reserve Today

According to Native Land Court records, two sections of the Ōhinepuhiawe Reserve – with a combined area of almost 27 acres – were subject to compulsory conversion from Māori freehold to general land under Part 1 of the Maori Affairs Amendment Act 1967. Ōhinepuhiawe 141A 2 (21¾) acres was converted by the Registrar of the Māori Land Court from Māori to General land on 14 June 1914, while Ōhinepuhiawe 141A 4A (five acres) was 'Europeanised' on 15 July 1971.[2253] A further two acres (Ōhinepuhiawe 141 B2B) were converted from Māori to General freehold hold by the Māori Land Court on 4 November 1981. This conversion was carried out under Section 433 of the Māori Affairs Act 1953, which

[2251] Thomas King, Secretary Rangitikei Cooperative Dairy Company, to the Chief Surveyor, 24 March 1916, Archives New Zealand, Wellington, AAMA W3150 619 Box 9, 20/28 Part 1, (R20436481)
[2252] 'Part Ohinepuhiawe Section 141B No 2D', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20175.htm and 'Ohinepuhiawe 141B 4B', Māori Land Online, http://www.maorilandonline.govt.nz/gis/title/20174.htm (both accessed 13 March 2018)
[2253] Māori Land Court Records: Document Bank Project. Porirua ki Manawatu Series. Vol XIX, pp 615 & 619 (633 & 637)

allowed Māori land held by a single owner to be declared European land upon an application by the owner to the Māori Appellate Court.[2254]

Table 7.51 Sections of the Ōhinepuhiawe Reserve subject to compulsory conversion from Māori Freehold to General freehold land, 1968 to 1972

Section	Area (acres, roods, perches)	Date
141A 2	21.2.36	14 June 1968
141A 4A	4.3.21	15 July 1971
	26.2.17	

Today 105 acres of the Ōhinepuhiawe Reserve remain as Māori land. Most of this land (72 acres) is clustered in ten contiguous sections on the Bulls side of the Rangitīkei River. Included in this cluster are parts of Sections 140 and 141, as well as portions of the old river bed. The largest surviving sections on this side of the River are Ōhinepuhiawe 140E and F (36½ acres and 196 owners) and Ōhinepuhiawe 140C 1 and 141B 1A (24 acres owned by Ada Brown as a 'life interest until remarriage').[2255] With the exception of Section 140B 2 (seven acres and 174 owners), the other six surviving sections on the Bull's side of the Rangitīkei all have areas of two acres or less.[2256] One of these smaller sections is Ōhinepuhiawe 141C 1 (two acres), the site of Parewahawaha marae.[2257] The marae's wharenui (also known as Parewahawaha) was opened by Dame Te Atairangikaahu on 15 April 1967.[2258]

[2254] Ibid, p 674 (691)
[2255] 'Ohinepuhiawe 140E & 140F', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/18837.htm; 'Ohinepuhiawe 140C No 1 and 141B No 1A', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/18839.htm (Both accessed 15 March 2018)
[2256] 'Ohinepuhiawe 140B2', Maori Land Online. http://www.maorilandonline.govt.nz/gis/title/18841.htm; 'Ohinepuhiawe 141C Section 1', http://www.maorilandonline.govt.nz/gis/title/18836.htm; 'Ohinepuhiawe 141 C Section 2A', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/18835.htm; 'Ohinepuhiawe 141C 2B Section 1', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/18834.htm; 'Ohinepuhiawe 141C 2B Section 2', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/18833.htm; 'Ohinepuhuiawe 140D', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/18838.htm. (All accessed 15 March 2015)
[2257] 'Ohinepuhiawe 141C Section 1', http://www.maorilandonline.govt.nz/gis/title/18836.htm (accessed 15 March 2018)
[2258] Parewahawaha (Ohinepuhiawe), Maori Maps, https://www.maorimaps.com/marae/parewahawaha-ōhinepuhiawe (accessed 15 March 2018)

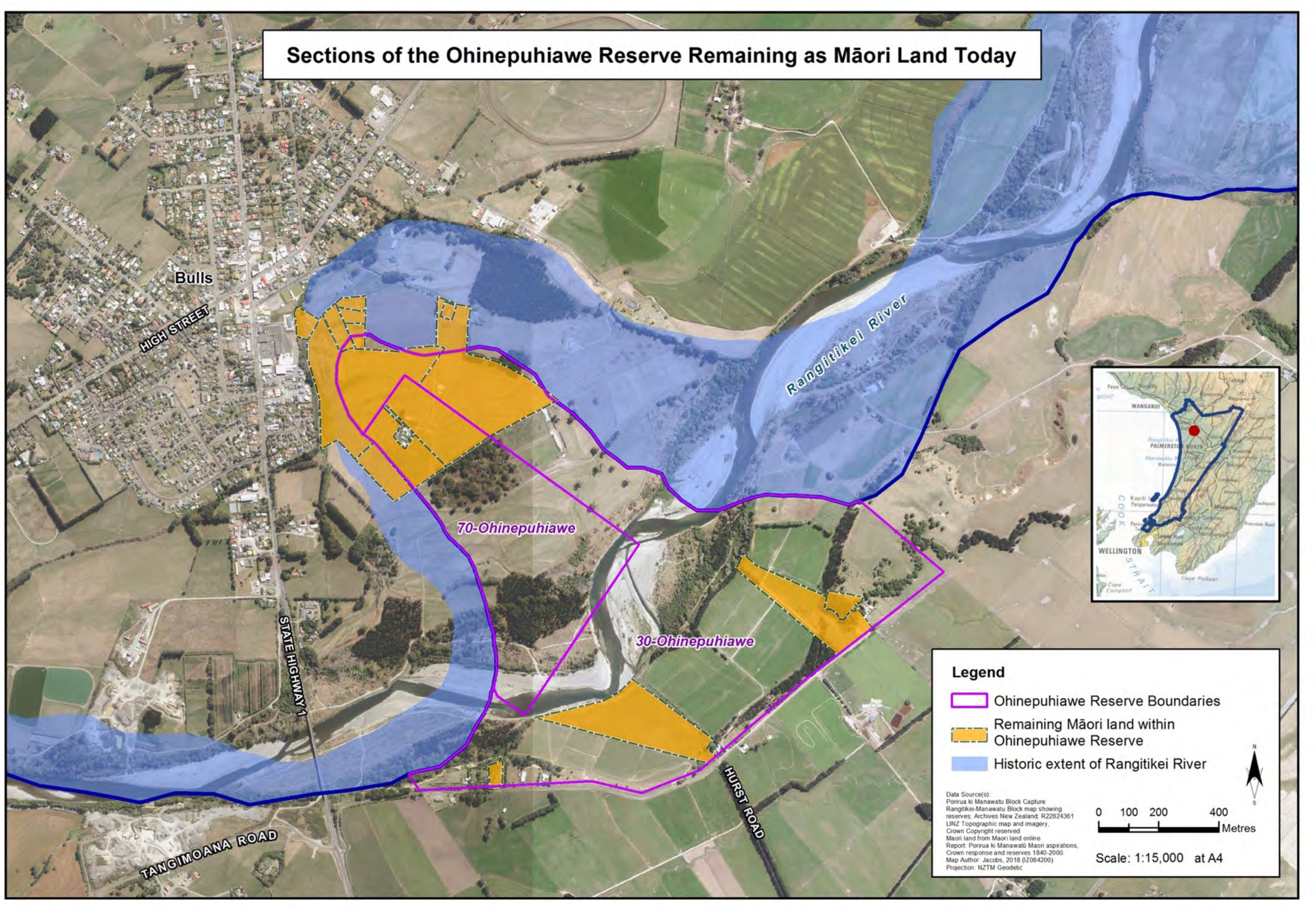
On what is now the southern or Sanson side of the Rangitīkei River, 33 acres of Section 141 remain as Māori land. Most of this land is contained within two sections of 18 and 12 acres (Sections 141B 4B and 141A 4B).[2259] The urupā set aside by the Native Land Court in 1909 as Ōhinepuhiawe Section 141C (one and three-quarters of an acre) also remains intact.[2260]

Like the other remaining portions of Raukawa-owned land within Rangitīkei-Manawatū the surviving sections of the Ōhinepuhiawe Reserve continue to bear the legacy of a Crown-imposed land tenure system that vested ownership in individuals rather than hapū or whanau communities. Fragmentation, caused by the serial partitioning of individual interests, has meant that eight of the Reserve's remaining 14 sections are less than 10 acres, five sections have areas of one acre or less.[2261] Fractionation, brought about by the multiplication of individual owners of a fixed area of land, has meant that all but one of the eight largest sections have significantly more owners than acres. Ōhinepuhiawe 140E and F (36½ acres) has 196 owners, while Ōhinepuhiawe 140B 2 (seven acres) has 174.[2262] The two largest surviving sections on the southern side of the River – Sections 141A 4B and 141B 4B – have 53 and 45 owners respectively.[2263]

[2259] 'Ohinepuhiawe 141B4B', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20174.htm; Ohinepuhiawe 141A4B, Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20178.htm (both accessed 15 March 2018)
[2260] 'Ohinepuhiawe Sec 141C', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20173.htm (accessed 15 March 2018)
[2261] 'Part Ohinepuhiawe Section 141B No 2D', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20175.htm; 'Ohinepuhiawe 141 C Section 2A', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/18835.htm; 'Ohinepuhiawe 141C 2B Section 1', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/18834.htm; 'Ohinepuhiawe 141C 2B Section 2', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/18833.htm; 'Ohinepuhiawe 140D', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/18838.htm (accessed 15 March 2018)
[2262] 'Ohinepuhiawe 140E & 140F', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/18837.htm; 'Ohinepuhiawe 140B2', Maori Land Online. http://www.maorilandonline.govt.nz/gis/title/18841.htm (accessed 15 March 2018)
[2263] 'Ohinepuhiawe 141A4B', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20178.htm (both accessed 15 March 2018); 'Ohinepuhiawe 141B4B', Maori Land Online, http://www.maorilandonline.govt.nz/gis/title/20174.htm

Table 7.52 Sections of the Ōhinepuhiawe Reserve Remaining as Māori Land Today

	Area (ha)	Area (acres)	ML Plan	Owners	Shares
Ōhinepuhiawe 140B 2	2.92	7.2	ML 5209	174	14.5933
Ōhinepuhiawe 140C 1 & 141B 1A	9.54	23.6	ML 4341	1	1
Ōhinepuhiawe 140D	0.2	0.5	ML 5413	6	1
Ōhinepuhiawe 140E & 140F	14.78	36.5	ML 5413	196	195.8581
Ōhinepuhiawe 141A 4B	4.93	12.2	ML 5264	53	1948.594
Ōhinepuhiawe 141B 2D	0.41	1.0	ML 5364	2	1
Ōhinepuhiawe 141B 4B	7.15	17.7	ML 4822	45	4798
Ōhinepuhiawe 141C (Urupa)	0.71	1.75	ML 4458	304	40
Ōhinepuhiawe 141C 1 (Parewahawaha Marae)	0.81	2.0	ML 4458	20	95
Ōhinepuhiawe 141C 2A	0.40	1.0	ML 5369	1	1
Ōhinepuhiawe 141C 2B 1	0.39	1.0	ML 5369	1	1
Ōhinepuhiawe 141C 2B 2	0.39	1.0	ML 5369	15	1
	42.63	**105.3**			


Sections of the Ohinepuhiawe Reserve Remaining as Māori Land Today
Bulls
HIGH STREET
STATE HIGHWAY 1
TANGIMOANA ROAD
HURST ROAD
Rangitikei River
70-Ohinepuhiawe
30-Ohinepuhiawe
WANGANUI
WELLINGTON
Legend
Ohinepuhiawe Reserve Boundaries
Remaining Māori land within Ohinepuhiawe Reserve
Historic extent of Rangitikei River
Data Source(s):
Porirua ki Manawatu Block Capture
Rangitikei-Manawatu Block map showing reserves; Archives New Zealand; R22824361
LINZ Topographic map and imagery,
Crown Copyright reserved
Maori land from Maori land online
Report: Porirua ki Manawatū Maori aspirations, Crown response and reserves 1840-2000.
Map Author: Jacobs, 2018 (IZ084200)
Projection: NZTM Geodetic
0 100 200 400 Metres
Scale: 1:15,000 at A4

Reserves 'Near Small Town' (Sanson)

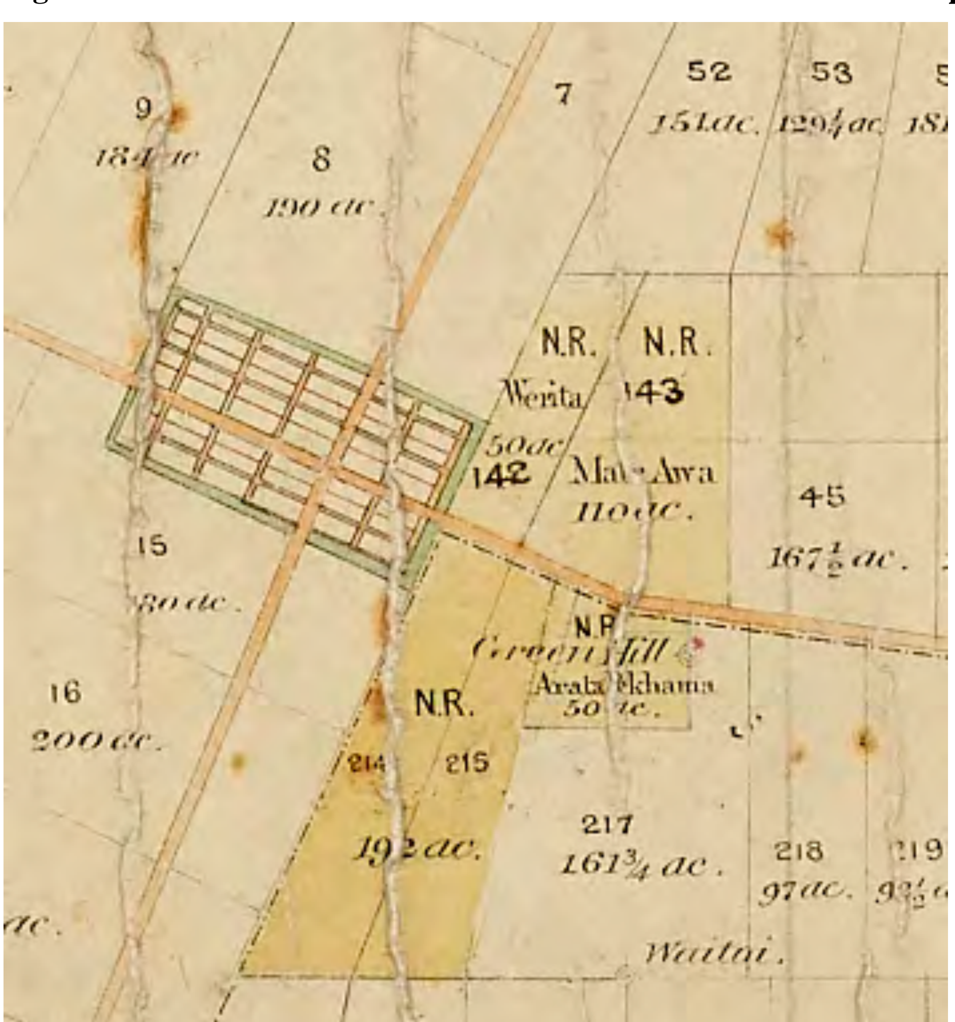
As well as the reserves along the lower Rangitīkei River, the Crown had also designated a cluster of reserves on the western boundary of the township of Sanson. The five adjacent reserves were set aside for individual members of Ngāti Parewahawaha and Ngāti Kahoro, Te Mateawa (Ngāti Tukorehe) and Ngāti Kauwhata. Native Sections 214 and 215 of the Township of Carnarvon (192 acres) were reserved for Weretā Kīmate, Miratana Te Rangi and Aterete Taratoa, all of Ngāti Parewahawaha and Ngāti Kahoro. Weretā Kīmate was also granted a further 50 acres on the northern side of the main road between Palmerston North and Bulls (today's State Highway 3). Weretā's reserve was bordered by 110 acres set aside for seven members of Te Mateawa (Ngāti Tukorehe), including Pine Honga, Paremene Tewe and Makarete and Hohepa Te Tihi (Native Sections 143 and 142 Part 2, Township of Sandon). A further 50 acres, across the road from the Te Mateawa reserve were granted to Areta Pekamu of Ngāti Kauwhata (Native Section 353 Township of Carnarvon).[2264]

Table 7.53 Reserves awarded to Ngāti Raukawa affiliated hapū and individuals 'near small town' (Sanson)

Block or Section	Area in acres	Owners	Tribe/Hapū
Native Section 142 Township of Sandon	50	Weretā Kīmate	Ngāti Parewahawaha / Kahoro
Native Sections 214 & 215 Township of Carnarvon	192	Weretā Kīmate, Miratana Te Rangi, Aterete Taratoa	Ngāti Parewahawaha / Kahoro
Native Section 142 Part 2 Township of Sandon	10	Makarete Te Tihi, Hōhepa Te Tihi, Mohi Te Tihi, Karauria Te Tihi, Wi Tariana Te Tihi	Te Mateawa (Ngāti Tukorehe)
Native Section 143 Township of Sandon	100	Pine Honga, Paremene Tewe	Te Mateawa (Ngāti Tukorehe)
Native Section 353 Township of Carnarvon	50	Areta Pekamu	Ngāti Kauwhata

[2264] 'Abstracts of Titles: Wairarapa and Manawatū', Archives New Zealand, Wellington, MA12 13, (R12777980); 'Native Reserves and Crown Grant Subdivisions in Manawatu County', Archives New Zealand, Wellington, ACGT 18803 Box 166, 92 (R24728961)

Figure 7.16 Plan of the 'Near Small Town' Reserves and the Township of Sanson



Source: Source: 'Native Reserves and Crown Grant Subdivisions in Manawatu County', Archives New Zealand, Wellington, R24728961

With the exception of the 50-acre sections set aside for Weretā Kīmate and Āreta Pekamu, all of the reserves neighbouring Sanson were to be 'inalienable by sale, lease or mortgage' without the prior consent of the Governor.[2265] The restrictions, which applied to Sections 214 and 215, and 143 and 142 Part 2, appear, however, to have had little effect in practice. All five of the 'near small town' reserves appear to have been alienated prior to 1887. None of the five sections were shaded as native reserves in the 'Map of the Manawatu-Rangitikei District' published that year.[2266] A certificate of title issued on 1 May 1914 identified Job Harris, a Sandon farmer, as the owner of Sections 214, 215 and 353.[2267]

[2265] 'Abstracts of Titles: Wairarapa and Manawatu', Archives New Zealand, Wellington, MA12 13, (R12777980)
[2266] F Harold Tronson, 'Map of the Manawatu-Rangitikei District', 1887
[2267] 'Certificate of Title Under Land Transfer Act, Vol 224, Folio 127, 1 May 1914

7.5 The Kōpūtara Reserve

Lake Kōpūtara is part of a chain of dune lakes running, just inland from the Tasman Sea, between the Rangitīkei and Manawatū Rivers. With their abundance of tuna (eels) and other forms of fish and bird life, the Rangitīkei-Manawatū dune lakes and their surrounding wetlands were greatly valued as a food source by local Māori. At the insistence of both Ngāti Apa and the hapū of Ngāti Raukawa the most important dune lakes between the Rangitīkei River and the southern boundary of the Rangitīkei-Manawatū purchase area were set aside as reserves, either by Featherston or McLean.[2268] Ngāti Apa were awarded a 390-acre reserve at Lake Pukepuke (now known as Pukepuke Lagoon), while Kāwana Hūnia Te Hakeke received smaller reserves at Lake Kaikōkopu and Ōmānuka Lagoon. McLean also granted a reserve at Lake Kōpūtara to Ngāti Parewahawaha and Ngāti Kahoro.[2269]

The Creation of the Kōpūtara Reserve

The eel-fishing reserve at Kōpūtara was originally awarded to Ngāti Parewahawaha and Ngāti Kahoro as part of Native Minister McLean's attempted settlement of the outstanding claims of the members of the two hapū who had not signed the deed of purchase for Rangitīkei-Manawatū, and whose rights to the land had been validated by the Native Land Court. The reserve at Kōpūtara was initially listed – in a schedule prepared by the Commissioner of Crown Lands in December 1870 – as '10 acres for Ngāti Kahoro and Ngāti Parewahawaha at [the] eel fishing place Kōpūtara.'[2270]

The exact area and location of the Ngāti Kahoro and Ngāti Parewahawaha reserve was complicated by the fact that the Crown had also awarded 60 acres at Kōpūtara to Matenga Te Matuku of Ngāti Apa.[2271] The subsequent dispute over the location of the two Kōpūtara reserves meant that they were not able to surveyed at same time as the other Rangitīkei-Manawatū reserves. At issue was which of the two reserves would be located at the all-important lake outlet, where mature eels could be caught in great numbers as they attempted to make their way out to the sea. Writing to the Commissioner of Crown Lands on 28 March 1872, Alexander Dundas (the District Surveyor in charge of the Rangitīkei-Manawatū surveys)

[2268] 'Parewanui, 14th November 1870', MA13/72A, pp 61-62
[2269] Morgan Carkeek to H Halse, 20 April 1872, MA 13/75A, pp 34-38; 'Schedule of Reserves given to Natives in the Rangitikei-Manawatu Block by the Hon the Native Minister', MA 13/74A, pp 820-824
[2270] 'Additional Reserves Rangitikei-Manawatu Block, Ngati Kahoro and Ngati Parewahawaha', MA13/75A, p 189
[2271] 'Additional Reserves in the Rangitikei-Manawatu Block', MA 13/75A, pp 201 & 203

reported that, as ‘the only part’ of the dune lakes ‘of any use for the purpose of catching eels’ was ‘at the outlet of the lagoon’, it appeared that ‘the same spot’ had ‘been awarded to different tribes.’ Confronted by this impasse, Dundas had consulted with the ‘non-sellers’’ representative Alexander McDonald who had told him that that matter could only be ‘settled’ by Native Minister McLean ‘himself’.[2272]

The dispute over the location and size of the two Kōpūtara reserves was still unresolved at the beginning of September 1872 when a schedule of all of the surveyed Rangitīkei-Manawatū Reserves was submitted to the Native Minister. Both of the reserves were listed on the schedule – which was eventually to provide the basis for the issuing of Crown Grants under the Rangitikei-Manawatu Crown Grants Act 1873 – as ‘unsettled’. Because the disputed Kōpūtara reserves had not been surveyed, they were also missing from the accompanying survey plan which showed the location of all of the reserves that had been marked out within Rangitīkei-Manawatū.[2273]

The dispute was eventually resolved and the two Kōpūtara reserves surveyed. According to the survey plan, Mātene Te Matuku’s reserve was located along the Kōpūtara Stream, extending for just under two kilometres (98.28 chains) from the lake outlet towards the sea. Ngāti Kahoro and Ngāti Parewahawaha’s reserve was situated directly above the 68 acres awarded to Mātene, and included the upper part of Lake Kōpūtara as well as some of the surrounding wetland. With a surveyed area of between 276 and 278 acres, the reserve awarded to Ngāti Parewahawa and Ngāti Kahoro was substantially larger than 10 acres that had been initially allowed by McLean in 1870. The expansion in the reserve’s area was probably agreed to by the Crown as compensation to the two Raukawa hapū for Mātene Te Matuku having been granted the outlet of the Kōpūtara Stream from Lake Kōpūtara.[2274]

[2272] Alexander Dundas to J G Holdsworth, 28 March 1872, MA 13/75A, p 49
[2273] ‘Schedule of Reserves given to Natives in the Rangitikei-Manawatu Block by the Hon the Native Minister’, MA 13/74A, pp 822-823
[2274] ‘Rangitikei Manawatu Sections – Survey Office Plan SO 10987’, Archives New Zealand, Wellington, AFIH W5692 22381 Box 38, RP 327 (R22549055)

Figure 7.17 Survey Plan of the Two Kōpūtara Reserves (completed between April 1873 and June 1890)

Source: SO 1098 (Archives New Zealand, R22549055)

The Crown Fails to Issue Crown Grants for the Kōpūtara Reserves

Because of the delays to its survey, Ngāti Kahoro and Ngāti Parewahawaha's reserve at Kōpūtara was not amongst the Rangitīkei-Manawatū reserves for whom Crown Grants were finally issued in 1874. Instead, the ownership of the reserve remained legally undefined. In February 1877 the Ngāti Kauwhata 'non-sellers' included the status of the Kōpūtara Reserve amongst the issues that remained unresolved within Rangitīkei-Manawatū. As a condition of agreeing to a further settlement with the Crown the 'non-sellers' insisted that the 'Reserve at Kōpūtara' that had been 'inadvertently omitted' from the 'schedule' of Crown grants for the Rangitīkei-Manawatū reserves be 'inserted' in the schedule.[2275]

Although Government officials agreed to reinsert the Kōpūtara Reserve on the list of reserves the Crown had agreed to within Rangitīkei-Manawatū, the issuing of a Crown Grant was further delayed by confusion over which members of the two hapū should be named as owners of the reserve. With Crown officials unsure, and the members of Ngāti Parewahawaha and Ngāti Kahoro apparently unable to agree, the question of the Kōpūtara reserve's ownership was referred, in May 1882, to Alexander Mackay's royal commission for investigation.[2276]

Mackay heard evidence concerning the contested ownership of a number of Ngāti Parewahawaha and Ngāti Kahoro's Rangitīkei-Manawatū reserves, including Kōpūtara. Mackay appears to have divided ownership of the Kōpūtara Reserve (known officially as Town

[2275] Telegram from James Booth to A Mackay, 2 February 1877, MA 13/74B, pp 42-43.
[2276] Alexander Mackay, Commissioner, *New Zealand Gazette*, 92, 8 September 1882, p 1283

of Carnarvon Section 382) between 10 members of the part of the hapū that had agreed to the Crown's purchase of Rangitīkei-Manawatū, and the 20 'non-sellers' whose rights had been validated by the Native Land Court in 1869. The 10 members of the families that had agreed to the purchase – including Hare Reweti Rongorongo, Weretā Te Huruhuru, Wītana Parera, Riria Te Huruhuru and Hone, Haretini and Keropa Reweti – were to receive just over nine acres, while the 20 'non-sellers' were awarded 270 acres.[2277] Mackay also designated owners for the smaller Kōpūtara reserve that had been originally set aside for Mātene Te Matuku. Ownership of this reserve (known officially as Town of Carnarvon Section 383) was awarded to Mere Kumikumi, Wirihana Mātene, Waipouri, and Pirika Make.[2278]

While Crown Grants were eventually issued for the other Ngāti Parewahawaha and Ngāti Kahoro reserves investigated by Mackay, no grants were made for either of the Kōpūtara reserves.[2279] Instead, the ownership of the two reserves were not legally defined until 13 April 1964, when the Native Land Court finally determined 'the persons beneficially entitled' to Sections 382 and 383 of the Town of Carnarvon under Section 437 of the Maori Affairs Act 1953.[2280]

The Crown Fails to Provide Access to the Land-Locked Kōpūtara Reserve

When the Kōpūtara reserves were first agreed to by McLean at the end of 1870, the lake, and the land upon which the two reserves were eventually located, was entirely surrounded by Crown land. This state of affairs began to change in April 1873 when the Government issued a Crown Grant of '4269 acres more or less' to Francis Robinson, a Foxton grazier. Robinson's Grant was located to the east of Lake Kōpūtara, with the western edge of the block sharing a short boundary with the northeastern extremity of Section 382.[2281]

In June 1890 the Crown granted all of its remaining land in the vicinity of the Kōpūtara Reserves to the Wellington and Manawatū Railway Company. The Crown Grant, which embraced an area of 10,485 acres to the north, south and west of Lake Kōpūtara was made

[2277] 'Schedule of Crown Grants – Rangitikei, Manawatu, Wairarapa Maori Reserves [Mackay's Book], Archives New Zealand, Wellington, ABWN W5280 8093 Box 197, (R18611782), pp 1 & 8
[2278] Ibid., p 3
[2279] Ibid., pp 1 & 8
[2280] Ōtaki Minute Book 70, p 340
[2281] Crown Grant to Francis Robinson of Foxton, Manawatu, Grazier, 3 April 1873, Grant No 5771, Archives New Zealand, Wellington, AFIE W5717 619 Box 149, 20/231, Sections 382 & 383 – Town of Carnarvon, (R22967691)

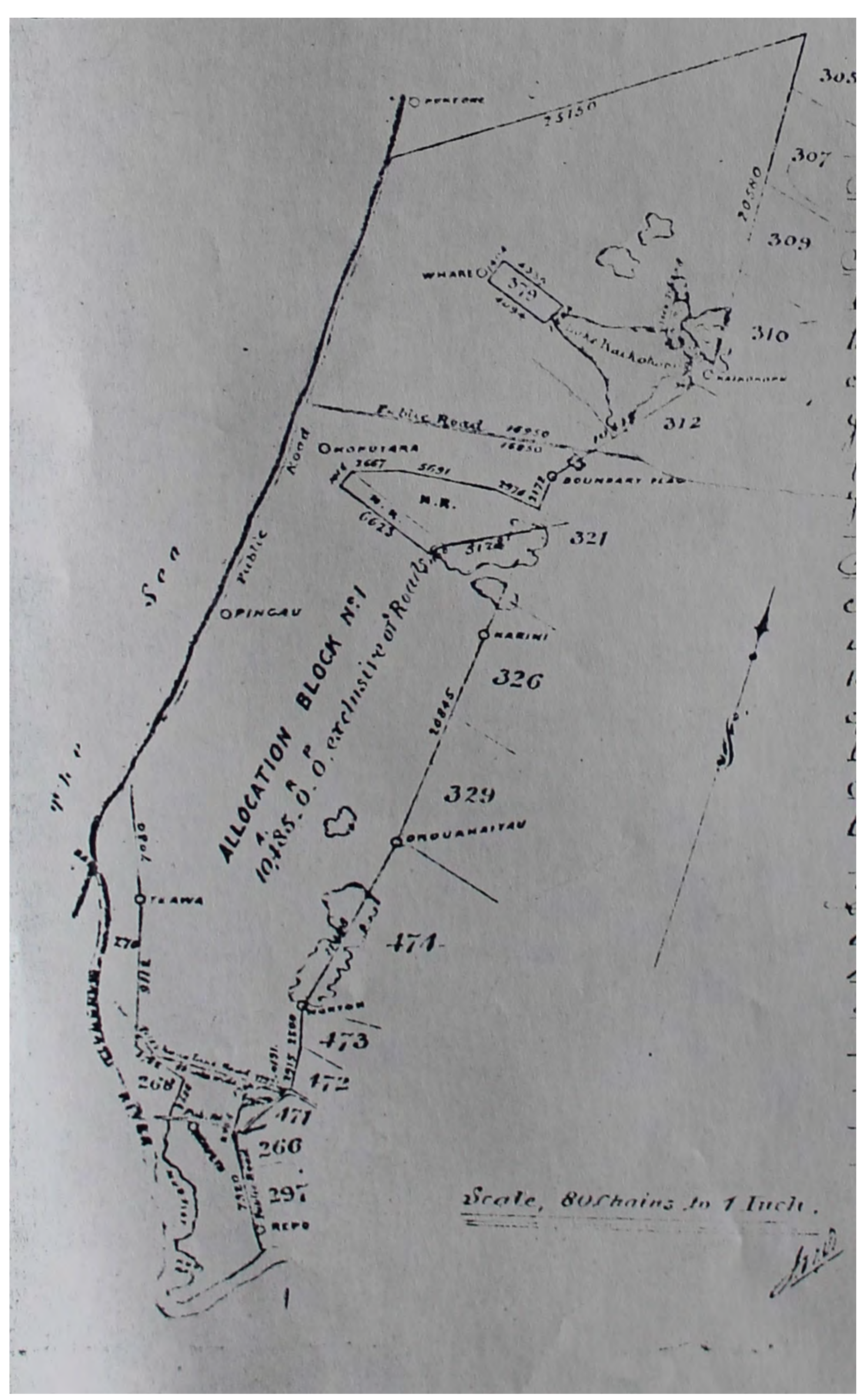
under the Railways Construction and Land Act 1881.[2282] Section 104 allowed the Crown to issue grants of land to private railway companies while retaining the power to 'lay off roads or streets through any land' included in such a grant, 'at any time within five years from the issue of the grant.' By retaining the right to make roads across the land it had granted, the Crown was able – in theory at least – to ensure that isolated sections of land, like the Kōpūtara Reserve, could still be rendered accessible to their owners.

Unfortunately for Ngāti Parewahawaha and Ngāti Kahoro, as well as the other Ngāti Raukawa hapū with an interest in Lake Kōpūtara and its surrounding wetland, the Crown never exercised its right to lay off a road giving access to the Kōpūtara reserves. This omission was to have very serious consequences for the owners of the two reserves, effectively cutting them off from their land for more than a century.[2283]

In October 1906 the Wellington and Manawatu Railway company sold its land grant – officially known as 'Allocation Block No 1' – to Kenneth Waring Dalrymple and Robert Adams Wilson.[2284] In July 1921 Dalrymple bought out his partner, making him the sole owner of a 10,178 block of land extending from the Manawatu River in the south to beyond the Kaikokopu Stream to the north, and encircling all but the northeastern corner of Section 382.[2285] The land adjoining that corner of the Kōpūtara Reserve was purchased in August 1947 by Henry Clement Collinson, a Palmerston North merchant and Hazel Carswell, wife of William Carswell, a Palmerston North medical practitioner. The 126½ acres purchased by Collinson and Carswell from the descendants of Francis Robinson included much of Lake Kōpūtara (which had become popular with members of the Palmerston North elite for its duck shooting), as well as a private access route connecting the section to Wylie Road.[2286]

[2282] 'Certificate of Title Under Land Transfer Act, Vol 55, Folio 127, 7 June 1890, Archives New Zealand, Wellington, AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)
[2283] 'A Brief History of Koptuara 382 & 383', Archives New Zealand Wellington, Archives New Zealand, Wellington, AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)
[2284] 'Certificate of Title Under Land Transfer Act, Vol 55, Folio 127, 7 June 1890
[2285] Certificate of Title Under Land Transfer Act, Vol 224, folio 196, 3 March 1914, Archives New Zealand, Wellington, AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)
[2286] Certificate of Title Under Land Transfer Act, Vol 198, folio 69, 14 August 1947, Archives New Zealand, Wellington, AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)

Figure 7.18 'Allocation Block No 1' transferred by the Crown to the Wellington and Manawatu Railway Company, 7 June 1890



Ngāti Kahoro and Ngāti Parewahawaha's Continuing Claims to the Kōpūtara Reserve

Having received from the Crown neither a legal title, nor a means of access across the private land that surrounded their reserve, members of Ngāti Parewahawaha and Ngāti Kahoro continued to assert their ownership of Lake Kōpūtara and the land that the Government had promised to them. In April, May and August 1905 the Ngāti Kahoro kaumātua Hamuera Te Whatuiti placed advertisements in the *Manawatu Herald* warning that 'any person caught trespassing on Kōpūtara Lake, shooting in the [duck shooting] season, will be prosecuted.'[2287]

In 1908 Dalrymple and Wilson appointed a ranger to prevent what they considered to be unauthorized incursions on Lake Kōpūtara and Lake Kaikōkopu.[2288] The two landowners also placed advertisements in the *Rangitikei Advocate and Manawatu Argus* and the *Manawatu Standard* warning that 'trespassers' 'with dog or gun' on Lakes Kōpūtara and Kaikōkopu (and other lakes on their property) would be prosecuted.[2289] Dalrymple and Wilson's advertisements – which were intended to restrict access to what they considered to be their private property – were countered by a notice placed in the *Rangitikei Advocate and Manawatu Argus* by Thomas F Richardson on the behalf of the 'Ngāti Kahoro tribe.' The notice – which ran in the editions of 30 April and 1 May 1908 – warned 'visitors to Kouputara Lake, Manawatu . . . against paying any moneys to anyone for permission to shoot.' Asserting that Ngāti Kahoro, not Dalrymple and Wilson, had the right to decide who could and could not make use of the lake, the notice assured would be duck shooters, that 'the owners of the Lake' had 'no objection to sportsmen shooting there.'[2290]

[2287] 'Trespass Notice', *Manawatu Herald*, 11 April 1905, p 3, c 2, https://paperspast.natlib.govt.nz/newspapers/manawatu-herald/1905/4/11/3; 'Trespass Notice', *Manawatu Herald*, 25 April 1905, p 3, c 2, https://paperspast.natlib.govt.nz/newspapers/manawatu-herald/1905/4/25/3; 'Trespass Notice', *Manawatu Herald*, 2 May 1905, p 3, c 4, https://paperspast.natlib.govt.nz/newspapers/manawatu-herald/1905/5/2/3; 'Trespass Notice', *Manawatu Herald*, 5 Aug 1905, p 3, c 3, https://paperspast.natlib.govt.nz/newspapers/manawatu-herald/1905/8/5/3

[2288] 'Notice', *Rangitikei Advocate and Manawatu Argus*, 27 April 1908, p 8, c 2, https://paperspast.natlib.govt.nz/newspapers/rangitikei-advocate-and-manawatu-argus/1908/4/27/8

[2289] 'Advertising Memoranda'. *Rangitikei Advocate and Manawatu Argus*, 27 April 1908, p 5, c 6, https://paperspast.natlib.govt.nz/newspapers/rangitikei-advocate-and-manawatu-argus/1908/4/27/5; 'Notice', *Rangitikei Advocate and Manawatu Argus*, 27 April 1908, p 8, c 2, https://paperspast.natlib.govt.nz/newspapers/rangitikei-advocate-and-manawatu-argus/1908/4/27/8; 'Trespass Notice', *Manawatu Standard*, 29 April 1908, p 8, c 7, https://paperspast.natlib.govt.nz/newspapers/manawatu-standard/1908/4/29/8; 'TO TRESPASSERS', *Manawatu Herald*, 7 May 1908, p 3, c 5, https://paperspast.natlib.govt.nz/newspapers/manawatu-herald/1908/5/7/3; 'TO TRESPASSERS', *Manawatu Herald*, 6 June 1908, p 3, c 5, https://paperspast.natlib.govt.nz/newspapers/manawatu-herald/1908/6/6/3; 'TO TRESPASSERS', *Manawatu Herald*, 23 June 1908, p 3, c 4, https://paperspast.natlib.govt.nz/newspapers/manawatu-herald/1908/6/23/3 (accessed 4 May 1908)

[2290] 'To Sportsmen', *Rangitikei Advocate and Manawatu Argus*, 30 April 1908, p 8, c 3, https://paperspast.natlib.govt.nz/newspapers/rangitikei-advocate-and-manawatu-argus/1908/4/30/8; 'To Sportsmen', *Rangitikei Advocate and Manawatu Argus*, 1 May 1908, p 8, c 3,

The dispute over the ownership of Lake Kōpūtara continued over the decades that followed. In May 1925 Hone Reweti wrote to Member for Western Maori and Minister of Health Maui Pomare asking him to 'investigate' and 'set right' the trouble they were continuing to have over Lake Kōpūtara. Writing in Te Reo Māori on behalf of the hapū as a whole, Hone Reweti told the Minister that 'the mana of the lake' was being taken away from them by the neighbouring European landowners. Reweti asked that the 'mana of the lake' be returned to the hapū that owned it. Those hapū were: Ngāti Kahoro, Ngāti Parewahawaha, Ngāti Tukorehe and Te Mateawa.[2291]

After a perfunctory investigation by the registrar of the Ikaroa District of the Native Land Court, Maui Pomare replied that he had been 'informed by the Native Minister that the greater portion of Lake Kōpūtara' was located in the block of land owned by Kenneth Waring Dalrymple, with 'only a very small portion of the Lake' being situated within the Kōpūtara Reserve. As a consequence, the Minister concluded, there 'could be no objection to Europeans dealing with the portion of the Lake situated in European property.'[2292]

In May 1929, Ngāti Parewahawha and Ngāti Kahoro appealed again to the Government for assistance in bringing a resolution to the long-running dispute over the ownership of Lake Kōpūtara. In a letter addressed to Apirana Ngata's private secretary, George Gotty asked the Minister of Native Affairs to 'ascertain the proper authorities' who could settle the contending claims to the contested lake. Gotty, who believed that Lake Kōpūtara had been included within the boundaries of the Kōpūtara Reserve, told the private secretary that the lake had 'from time immemorial been used' by Ngāti Parewahawaha for the 'purposes of eel fishing etc', with the 'eel pas still in existence and use.'[2293]

In a brief reply drafted by his officials, the Minister reiterated the Government's earlier conclusion 'that only a small portion' of Lake Kōpūtara was within the still untitled Native Reserve, while the 'larger part' was 'European land.'[2294]

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https://paperspast.natlib.govt.nz/newspapers/rangitikei-advocate-and-manawatu-argus/1908/5/1/8 (accessed 4 May 1908)

[2291] Hoone Reweti me etahi atu ki te Honore Maui Pomare, 5 May 1925, Archives New Zealand, Wellington, MA1 1485, 1929/260, (R22411576). Letter in reo Maori translated by Piripi Walker 26 January 2018

[2292] Draft of letter from Maui Pomare to Hoone Reweti, 15 July 1925, Archives New Zealand, Wellington, MA1 1485, 1929/260, (R22411576)

[2293] George Gotty to the Private Secretary, Minister for Native Affairs, 1 May 1929, Archives New Zealand, Wellington, MA1 1485, 1929/260, (R22411576)

[2294] Draft of Letter from A T Ngata, Native Minister to George Gotty, 30 May 1929, Archives New Zealand, Wellington, MA1 1485, 1929/260, (R22411576)

Despite the rebuff received from the two Māori Ministers, members of Ngāti Parewahawaha and Ngāti Kahoro continued to assert their rights to Lake Kōpūtara. In 'A Recent History of Kōpūtara', prepared in 1983, Te Maharanui Jacob noted that George Kereama and his father had 'fished the lake for eels' in the mid 1930s. Kereama recalled himself and his father 'being ordered out of the Lake' by Kenneth Dalrymple in either 1934 or 1935 'because the Governor General was "supposedly" due to arrive for a day's duck shooting.'[2295]

The Kōpūtara Reserve Finally Receives a Legal Title

Kenneth Waring Dalrymple died on 25 March 1957, and in November of that year ownership of the land surrounding the Kōpūtara Reserves (apart from the section owned by Collinson and Carswell) passed into the hands of Bayell Ernest (Basil) Sexton, an Oroua Downs farmer.[2296] On 24 May 1961, Sexton applied to the Native Land Court for 'a meeting of the assembled owners' of Carnarvon 382 and 383 to consider his offer to purchase the two reserves for £350.[2297] Sexton, who was already treating the landlocked reserves as if they were part of his property, grazing his stock and paying Rabbit Board rates of 9d an acre, had resolved to purchase the 345 acres after learning that George Easton Barber had applied to lease the land on behalf of the Moutoa Young Farmers and District Rodeo Association for a term of 21 years.[2298]

Having received Sexton's application to purchase Carnarvon 382 and 383, the Deputy Registrar at the Māori Land Court in Palmerston North (F T O'Kane) discovered that the Crown Grants for the two sections had in fact never been issued, and that the two Kōpūtara reserves were still legally Crown land. With no Crown Grant, or any other form of title issued by either the Māori Land Court or District Land Registrar, to establish the legal owners of the reserves, the meeting of assembled owners – held in Levin on 20 June 1961 – had to be adjourned without any decision on whether or not Sexton should be allowed to purchase the land.[2299]

[2295] R Jacobs, 'A Recent History of Koputara' [1983], Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)

[2296] Certificate of Title Under Land Transfer Act, Vol 198, folio 69, 14 November 1957, Archives New Zealand, Wellington, AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)

[2297] 'Application to Summon a Meeting of Owners', Carnarvon 382 and 383 Block, 24 May 1961, Aotea Māori Land Court, Whanganui, Alienation File, AF 3/9796 Carnarvon 382 & 383

[2298] 'Statement of Proceedings of Meeting of Assembled Owners, Secs 382 & 383, 11 June 1964, Aotea Māori Land Court, Whanganui, Alienation File, AF 3/9796 Carnarvon 382 & 383

[2299] 'Statement of Proceedings of Meeting of Assembled Owners. Carnarvon 382 and 383 (Koputara) Block', 20 June 1961, Aotea Māori Land Court, Whanganui, Alienation File, AF 3/9796 Carnarvon 382 & 383

With the legal status of the Kōpūtara reserves unclear and Sexton's application for purchase stalled, Deputy Registrar O'Kane wrote to Judge Geoffrey John Jeune for advice on how to proceed.[2300] Judge Jeune confirmed that because 'the owners have not apparently been determined by a Court or otherwise established to a point of title, not even for a beneficial interest', it would be impossible to proceed with a meeting of assembled owners. The Judge also agreed that the untitled reserves were in fact still Crown land and would not become 'Maori freehold land' until 'a warrant' was issued and the land was 'vested in Maoris in fee simple.'[2301] In order for this to happen it would be necessary for the Minister of Lands to obtain an order from the Māori Land Court under Section 437 of the Maori Affairs Act 1953. Section 437 allowed that 'where any Crown land has heretofore been or is hereafter set aside for the use or benefit of Maoris', the Minister of Lands would apply to the Māori Land Court who would 'proceed to determine the persons' who were 'beneficially entitled to the land, and their relative interests therein . . . and thereupon make an order or orders vesting the land in the persons found . . . to be entitled.' Once made, the Court's order would have the same effect as a Crown Grant.[2302]

Noting that 'the putative owners' of the two adjacent reserves had come 'over the years' to regard them as a single piece of land, Judge Jeune proposed that, in making its application to the Māori Land Court, the Minister of Lands should regard Carnarvon 382 and 383 'as one piece of Crown land'. In this way, the two sections would be the subject of a single Court order, in which the owners of both sections would be grouped together in one reserve.[2303]

Following Judge Jeune's recommendations, the Department of Maori Affairs eventually communicated with the Department of Lands and Survey about issuing a title to Carnarvon 382 and 383. On 4 September 1963 – more than two years after the problem with the Kōpūtara reserves had first been identified – the Head Office of the Department of Maori Affairs reported back to its Palmerston North office that the Department of Lands & Survey saw 'no real difficulty' in having 'all the land' within Sections 382 and 383 '(including the portion of the lake bed and the margin around the lake)' defined as a native reserve under the Land Act 1948. Following a request from the Department of Maori Affairs to 'proceed on this basis', the Minister of Lands submitted the necessary application, under Section 437 of the Maori Affairs

[2300] F T O'Kane, Deputy Registrar, 'Memorandum for: Judge Jeune, Carnarvon 382 and 383 (Koputara)', 1961, Aotea Māori Land Court, Whanganui, Alienation File, AF 3/9796 Carnarvon 382 & 383

[2301] G J Jeune, Judge to the Deputy Registrar, 'Carnarvon 382 and 383 (Koputara)', [No Date], Aotea Māori Land Court, Whanganui, Alienation File, AF 3/9796 Carnarvon 382 & 383

[2302] Maori Affairs Act 1953, s 437

[2303] G J Jeune, Judge to the Deputy Registrar, 'Carnarvon 382 and 383 (Koputara)', [No Date], Aotea Māori Land Court, Whanganui, Alienation File, AF 3/9796 Carnarvon 382 & 383

Act, to have the owners of Carnarvon 382 and 383 – now a single reserve – defined by the Māori Land Court.[2304]

The application by the Minister of Lands was brought before the Māori Land Court on 13 April 1964. The list of proposed owners of the Kōpūtara Reserve, presented to the Court by the official acting for the Minister of Lands, was based on the schedules of owners of Carnarvon 382 and 383 that had been drawn up by Alexander Mackay in 1883. Beginning with the 34 individuals originally identified by Mackay, Deputy Registrar O'Kane and the other members of his Palmerston North office had drawn up an 'up to date list' of 121 individuals who were 'entitled' to a share in the Kōpūtara Reserve. The 121-names list had been compiled by O'Kane and his colleagues by working through 'all' of the 'succession orders made over the years' involving the individual interests of the 34 individuals named by Mackay and their successors. With only one of the 'putative' Kōpūtara owners present, and no objections being registered, the Court accepted the list as presented, and issued an order vesting ownership of 'Sections 382 and 383 Town of Carnarvon (Koputara)' in the 121 individuals.[2305]

Having formally defined the owners and their interests in the now unified Kōpūtara Reserve, the Court also directed that the adjourned meeting of assembled owners be reconvened to consider the applications for purchase and lease that had been submitted by Sexton and Barber.[2306] The reconvened meeting was held at the Magistrate's Courthouse in Levin on 11 June 1964. The meeting was attended by eight of the Kōpūtara Reserve's 121 owners, including Pita Te Akiho (also known as Pita Te Teakiha Richardson) who held 2338.124 shares; Arapata Mita and Kairāwaho Huia who had 735.890 shares each; and Meri Whakaara Mahauariki and Wakawaka Heperi with 147.178 shares each.[2307]

At the meeting Barber withdrew his association's offer to lease the 345 acres because of the 'lack of access' to the land-locked reserve. Sexton, however, maintained his application to purchase the land, with his lawyer noting the improvements he had already made to the land by planting marram grass to guard against wind erosion. The owners, however, were unwilling to sell their newly-titled reserve, and instead raised the possibility of fencing off the 345 acres and obtaining a right of way across the adjoining European land, so that the reserve could be leased out. Such an undertaking, however, was considered to be prohibitively expensive, with

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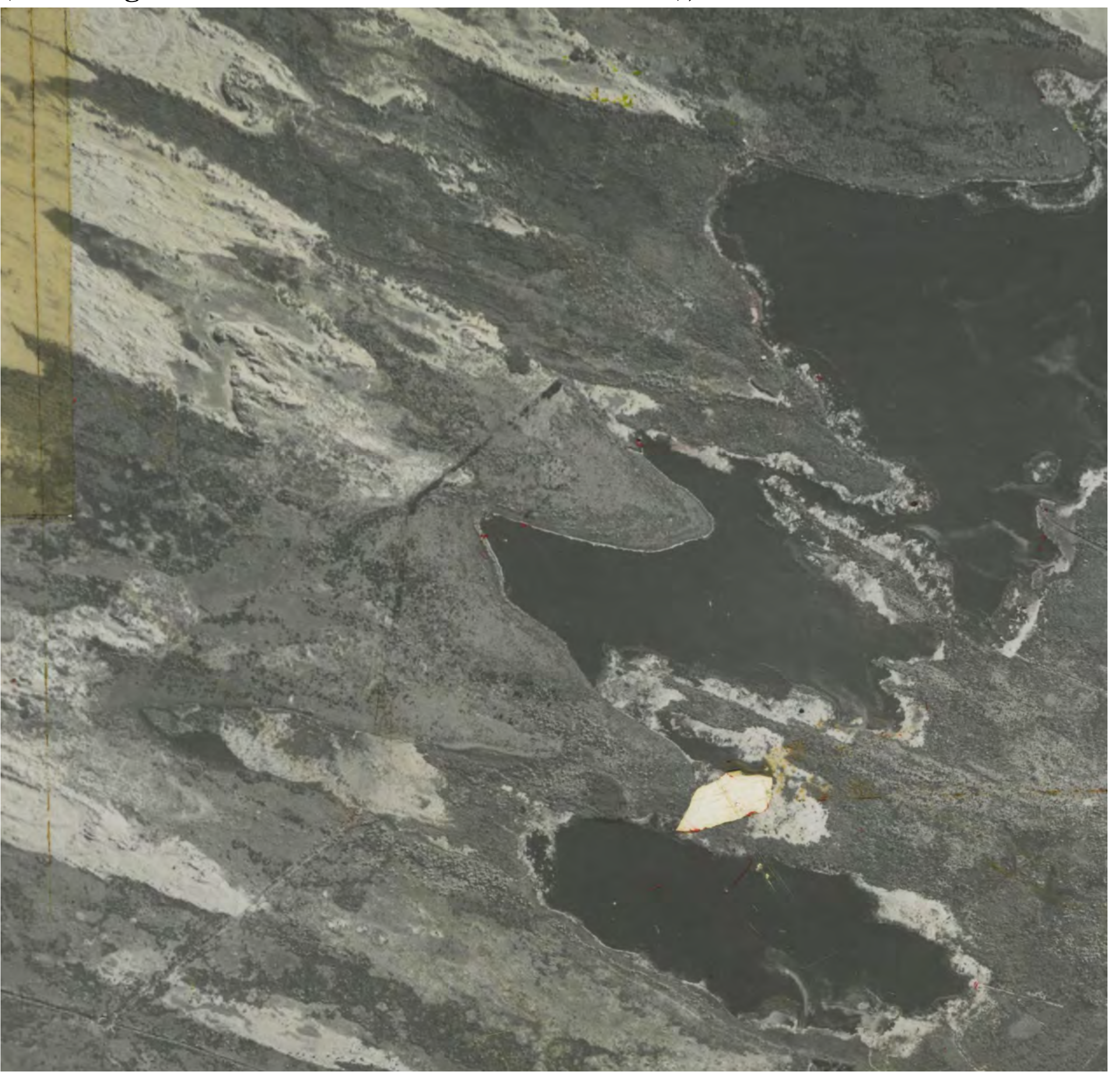
[2304] Copy of Memorandum from Head Office to Palmerston North, 'Carnarvon 382 & 383 (Koputara), 4 September 1963, Aotea Māori Land Court, Whanganui, Alienation File, AF 3/9796 Carnarvon 382 & 383
[2305] Otaki Minute Book 70, pp 339-340
[2306] F T O'Kane, 'Carnarvon 382 & 383 (Koputara)', 14 April 1964, Aotea Māori Land Court, Whanganui, Alienation File, AF 3/9796 Carnarvon 382 & 383
[2307] Statement of Proceedings of Meeting of Assembled Owners, Secs 382 & 383, 11 June 1964, Aotea Māori Land Court, Whanganui, Alienation File, AF 3/9796 Carnarvon 382 & 383

those present agreeing that there would be '"no change from £1000" and no return to the owners for many years.' Unable to lease out their reserve due to the absence of access and adequate fencing but unwilling to agree to its permanent alienation, the eight owners voted unanimously to reject Sexton's offer of purchase.[2308]

Having resolved not to sell their reserve, the Kōpūtara owners turned to the question of how to manage and maintain their land-locked land. The Kōpūtara Reserve which the 121 owners had finally received a legal title to in April 1964 was very different from the area that had originally been set apart for Ngāti Kahoro and Ngāti Parewahawaha in the 1870s. Much of the lake and its surrounding wetlands had been drained away to create grazeable land for the neighbouring European farmers. In the process 'the swamps, aquatic life, and flax' that had previously characterized the Kōpūtara dune lake and wetlands had been replaced by what Te Maharanui Jacob would describe in 1981 as a 'barren windswept series of sand dunes.'[2309] The alarming encroachment of the coastal sand dunes on to the Kōpūtara Reserve is evident from aerial photographs taken in March 1942 and August 1971 that show Lake Kōpūtara and the land to its west (where most of the reserve is situated).[2310]

[2308] Ibid
[2309] R Jacobs, 'A Recent History of Koputara', Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)
[2310] Aerial Photograph, 16 March 1942, Archives Central, Feilding, HRC 00299, 219-005; Aerial Photograph, 10 August 1971, Archives Central, Feilding, HRC 00306, N148-5-B1. See also the aerial photograph taken on 1 April 1953, Archives Central, Feilding, HRC 00414, 40

Figure 7.19 Aerial Photograph Showing Sand Drifts to the West of Lake Kōpūtara (including Carnarvon Town Sections 383 and 383), 16 March 1942



Source: Archives Central, HRC 00299 219-005

Figure 7.20 Aerial Photograph Showing Sand Drifts to the West of Lake Kōpūtara, Encroaching on the Kōpūtara Reserve, 10 August 1971

Source: Archives Central, HRC 00306 N148-5-B1

In order to confront these environmental challenges and attempt to secure some sort of income from the landlocked 345 acres, 24 owners of the Kōpūtara Reserve met at Tukorehe Marae on 24 November 1968 to discuss vesting the reserve in a small number of trustees who could manage the area for the benefit of the Raukawa hapū with an interest in Lake Kōpūtara and the surrounding land. A further meeting of 27 owners was held at Parewahawaha Marae on 8 December 1968 where it was agreed to nominate trustees for the Kōpūtara Reserve under Section 438 of the Maori Affairs Amendment Act 1953.[2311] The owners' application to the Māori Land Court was heard in Levin on 21 April 1969. After an objection from one owner, who was worried that the trustees might use the powers conferred to them under Section 438 to alienate the reserve, and assurances from the applicants that such a course of action was 'not intended', the Court issued an order vesting the Kōpūtara Reserve in 12 trustees. The list of 12 trustees (who were drawn from the various Raukawa marae with connections to Kōpūtara) was headed by Te Whaaro 'Boy' Winiata – who had apparently taken the lead in establishing the trust – and included Matehaere Patuaka, Paora Te Hiwi, Peter Seymour, Ada Winiata, Celia Sing, Hapai Winiata, Gary Wehipeihana and Peter Richardson.[2312] On 31 October 1969 a certificate of title was issued for Kōpūtara Reserve in the name of the 12 trustees.[2313]

In July 1970 a further order by the Māori Land Court defined the beneficiaries of Kōpūtara Reserve trust as the five Ngāti Raukawa hapū with connections to Lake Kōpūtara: Ngāti Tukorehe, Ngāti Parewahawaha, Ngāti Turanga, Ngāti Kikopiri and Ngāti Ngatokowaru. The order empowered the Kōpūtara trustees to apply any money that they may have earned from the reserve 'for the benefit, advancement, and recreation of the people' of the five hapū, and 'to construct, improve and maintain the marae and meeting houses' of each hapū.[2314]

The Long Struggle to Obtain Access to the Kōpūtara Reserve

In order to obtain any benefit from the Kōpūtara Reserve for the five Ngāti Raukawa hapū and their marae, the trustees first had to secure access to their property across the privately-owned land that surrounded the reserve. Having obtained legal title to their land, the Kōpūtara Trustees wrote to the owners of the adjoining areas of European-owned land asking to be

[2311] Otaki Minute Book 74 p 261
[2312] Ibid., p 262; R Jacobs, 'A Recent History of Kōpūtara'
[2313] 'Certificate of Title Under Land Transfer Act', 31 October 1969, Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Kōpūtara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)
[2314] In the Māori Land Court, Ikaroa District, 'Variation of Vesting Order' Maori Affairs Act 1953 Section 438 (3) (b), 22 July 1970 (Otaki Minute Book 75, 180-181)

allowed access to their landlocked reserve.[2315] With no legal obligation to provide such access, Hazel Frances Shand – who had succeeded to the 126½ acres adjoining the northeastern corner of Kōpūtara Reserve purchased by Collinson and Carswell in 1947 – refused to allow the construction of a right-of-way across her land. Bayell Ernest Sexton, who owned the rest of the surrounding land, simply ignored the Trustees' letters, and continued to use the reserve's 345 acres as grazing for his livestock.[2316]

Prevented by their European neighbours from gaining access to their reserve, the Kōpūtara Trustees sought the help of their Member of Parliament (MP for Southern Maori, Whetū Tirakātene-Sullivan); the National Government's Minister of Lands and Maori Affairs Duncan MacIntyre, and his Labour successor Matiu Rata; the Department of Maori Affairs; and the New Zealand Maori Council.[2317] In June 1975 the Trustees succeeded in having a section added to the Property Law Amendment Act 1975, which allowed the owners of landlocked land to apply to the High Court for an order allowing them 'reasonable access' to their property. Section 129B of the Act empowered the Court to make an order 'attaching and making appurtenant to the landlocked land an easement over any piece of land', thereby allowing access to the hitherto inaccessible property.[2318] While explicitly stating that its provisions applied 'to all land, including Maori land', Section 129B also stipulated that the costs of carrying out the Court's order – including the construction, fencing and maintenance of the right-of-way, and any compensation that may be due to the owner of the land over which the right-of-way passed – should be paid by the owners of the landlocked land who had made the application to the Court.[2319] The exception was when the Court – having considered the 'circumstances in which the landlocked land became landlocked' and 'the conduct of the applicant and the other parties' – was 'satisfied' that it would be 'just and equitable to require any other person to pay the whole or any specified share of the cost of such work.'[2320]

[2315] 'Submission by Koputara Trustees to Jonathan Elworthy on the occasion of his visit to Koputara, [November 1983]', Archives New Zealand, Wellngton, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees)', AFIE W5717 619 Box 149, 20/231, Part 2, (R22967692)
[2316] 'Submission presented by Te Maharanui Jacob to Koro Wetere, [12 June 1985], Archives New Zealand, Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees)', AFIE W5717 619 Box 149, 20/231, Part 2, (R22967692)
[2317] P Seymour [Chairman of the Koputara Trustees] to the Hon V. Young, Minister of Lands, 22 January 1981, Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Kōpūtara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)
[2318] Property Law Amendment Act 1975 s 129B ss 7b
[2319] Ibid., s 129B ss 13 & 9
[2320] Ibid., s 129B ss 9 & 6

The question of who would bear the cost of providing access to the Kōpūtara Reserve was to pose a serious problem for the Trustees and delay their making use of Section 129B for almost two decades. Having received no revenue from their land for close to 100 years, the Kōpūtara Trustees and the five hapū they represented, lacked the necessary funds to pay for the formation and maintenance of a right-of-way that would have to extend for between one and three kilometres (depending on the route selected by the Court) across privately-owned land, and for which they would most likely have to pay compensation to the affected owner.

The potentially prohibitive expense of taking a Court action against their adjoining neighbours, and then paying for the construction and maintenance of a right-of-way across between one and three kilometres of privately-owned land, discouraged the Kōpūtara Trustees from making an application to the Court under Section 129B without first securing the Government's support. Crown officials, however, were reluctant to support such action while alternative solutions to the problem of access appeared to remain available.[2321]

Government Attempts to Resolve the Problem of Access to the Kōpūtara Reserve, 1981-1985

On 22 January 1981, with the neighbouring European owners still refusing to allow access to the Kōpūtara Reserve, P Seymour, the Chairman of the Kōpūtara Trustees, 'urgently' appealed to the Minister of Lands Venn S Young 'for some tangible assistance' in finally 'settling [the] long standing problems' that were preventing the Trustees from making use of their land. These 'problems', Seymour pointed out, had been 'created by factors over which the Trustees had no control'. He enumerated these 'factors' as:

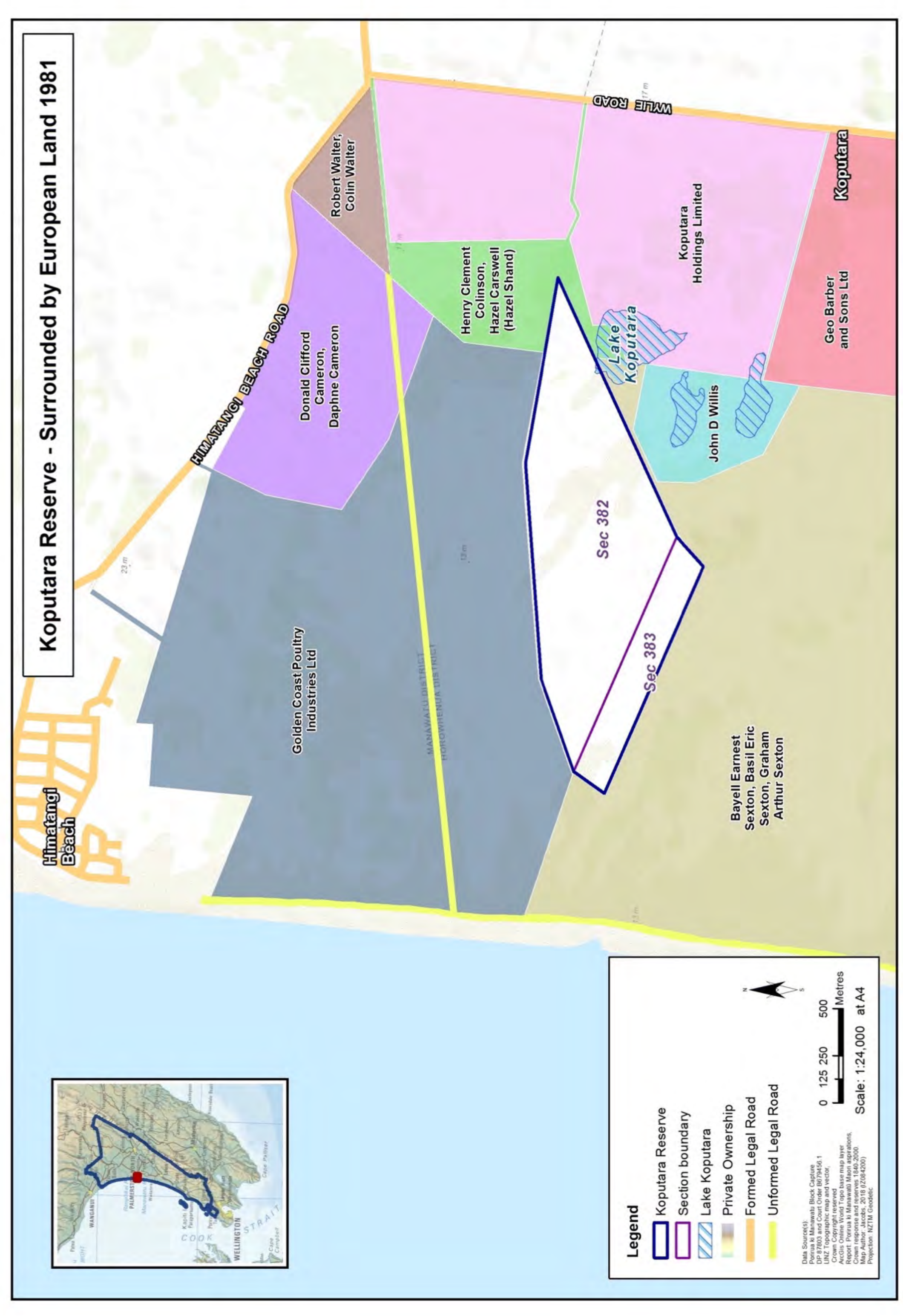
1. The failure of the Crown when it was the only authority that had the knowledge and power to use it, to provide access to Crown Land Reserved for Maoris.
2. The absence of legislation (until the 1975 Property Law Amendment Act) that would allow access to Maori Land across European Land.
3. The deliberate and unscrupulous actions of the present "occupier" and another adjoining European land owner in "landlocking" the Block.

[2321] Director General of Lands to the Minister of Lands, 5 June 1981, Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691); P H C Lucas, Director General [Department of Lands and Survey] to CCL Wellington, Subject: Koputara Trustees, 15 August 1983, Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)

4. The persistent refusal of the present "occupier" and adjoining land owner to grant access or to discuss payment for use and occupation.[2322]

Noting that the Trustees had 'laboured for 12 years to gain access' to the Kōpūtara Reserve, and had 'expended a great deal of time and personal expenditure as well as monies raised by the five hapus . . . for whose use the Reserve was created', Seymour asked the Government to provide 'tangible assistance' to the Trustees, by providing funds to cover the 'legal expenses' of taking an action to the High Court, and to pay for the 'purchase of access' to the reserve, if that proved 'to be the only way by which access' could 'be gained.' He also asked the Minister to pay for the 'repegging' of the boundaries of the Kōpūtara Reserve, and provide compensation for the 'expenditure' that had already been incurred by the Trustees. Finally, Seymour asked the Minister to compensate the Kōpūtara Trustees for the 'loss of use and benefit' their trust had suffered from having been deprived access to the Kōpūtara Reserve since the completion of the Crown Grant in 1964. Concluding that the landlocking of the Kōpūtara Reserve, and denial of access by the 'surrounding European owners' had rendered 'the objectives of the Crown grant . . . quite meaningless', Seymour warned the Minister that the owners had 'derived neither use nor benefit' from the Kōpūtara Reserve, and that 'in the place of satisfaction', there was 'a deep feeling of anger, frustration, and grievance.'[2323]

[2322] P Seymour [Chairman of the Koputara Trustees] to the Hon V. Young, Minister of Lands, 22 January 1981, Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)
[2323] Ibid



Koputara Reserve - Surrounded by European Land 1981
Himatangi Beach
HIMATANGI BEACH ROAD
WYLIE ROAD
Robert Walter, Colin Walter
Donald Clifford Cameron, Daphne Cameron
Henry Clement Colinson, Hazel Carswell (Hazel Shand)
Koputara Holdings Limited
Koputara
Lake Koputara
Geo Barber and Sons Ltd
John D Willis
Golden Coast Poultry Industries Ltd
MANAWATU DISTRICT
HOROWHENUA DISTRICT
Sec 382
Sec 383
Bayell Earnest Sexton, Basil Eric Sexton, Graham Arthur Sexton
Legend
Koputara Reserve
Section boundary
Lake Koputara
Private Ownership
Formed Legal Road
Unformed Legal Road
0 125 250 500 Metres
Scale: 1:24,000 at A4
WELLINGTON
COOK STRAIT

The appeal from the chairman of the Kōpūtara Trustees was referred to the Director General of Lands. On 5 June 1981 the Director General addressed a memorandum to the Minister of Lands in which he concluded that the Crown had 'no legal obligation to provide financial assistance for the provision of access' to the Kōpūtara Reserve. The Director General did, however, recognize 'a moral obligation' to help resolve the question, and thought that it 'would be reasonable' for the Government 'to consider contributing' to the costs of the Kōpūtara Trustees obtaining access to their land under Section 129B of the Property Law Amendment Act 1975. Before such a step was taken, however, the Director General recommended that Government consider alternative means of resolving the Kōpūtara dispute, including the Crown's purchase of the Kōpūtara Reserve; the exchange of the Reserve for other sections of Crown land elsewhere; or the Department of Lands and Survey negotiating with the adjoining owners to secure 'suitable legal and physical access' to the Kōpūtara Reserve.[2324]

With the Minister of Lands having recognized the Government's 'moral obligation . . . to assist in some way' in bringing the issue of access to the Kōpūtara Reserve to a resolution, local Lands and Survey Department officials investigated the various possibilities for establishing a legal right-of-way across the neighbouring private land. After making a site inspection of the possible access routes on 13 October 1982, the officials found that there were only two 'practical' and 'readily available' routes for connecting the Kōpūtara Reserve to the existing public road network, with all other 'access routes' being 'blocked either by moving sand dunes, lakes or swamps.'[2325] By far the easiest and most direct of the 'readily available' access routes ran from Wylie Road, to the east of the Koputara Road, across 'approximately' one kilometre of land owned by Koputara Holdings Limited and Hazel Shand. 'Partly defined by slightly elevated ground' which appeared 'to have been built for the purpose', this eastern route to the Reserve was judged to be ready for immediate use, 'as it is now without further work.'[2326]

The second available route identified by the Lands and Survey officials ran from the Himatangi Beach Road to the north of the Kōpūtara Reserve across approximately three kilometres of land owned by Golden Coast Poultry Industries Limited. In addition to being

[2324] Director General of Lands to the Minister of Lands, 'Koputara Trustees – Sections 382 and 383 Town of Carnarvon', 5 June 1981, Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691), p 3

[2325] A J Mursell, Assistant District Field Officer to Commissioner of Crown Lands, 10 November 1982, Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Kōpūtara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)

[2326] Director General to Minister of Lands, 'Kōpūtara Trustees – Sections 382 and 383 Town of Carnarvon', Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)

longer than the eastern alternative, the route from the north was also much more difficult, passing 'through sand dunes and swamps', and in need of 'formation and heavy metaling.'[2327]

Having identified the available access routes, Lands and Survey officials endeavoured to contact the owners of the affected properties to see if they might be willing to negotiate with the Crown over allowing the access route to the Kōpūtara Reserve to cross their land. After avoiding contact with the department's local Assistant District Field Officer (A J Mursell) for more than a year, Mrs Shand – when finally reached by telephone in July 1983 – refused to allow access across her land 'in any shape or form.'[2328] The owners of the land to the north of the reserve were more open to negotiations, but had put their land up for sale before any agreement could be reached.[2329]

With Mrs Shand adamantly opposed to allowing access to the Kōpūtara Reserve across her land, and the Minister of Lands unwilling to force the issue, Lands and Survey officials were left with the route from the north as the only politically viable means of access. In order to secure this route, the Department of Lands and Survey attempted in 1983 to persuade the New Zealand Forest Service to purchase the land that had been previously owned by Golden Coast Poultry but was now the property of Triad Farming Partnership. The new owners offered to sell the land to the north of the Kōpūtara Reserve to the Forest Service for $210,000.[2330] The Forestry Service, however, was reluctant to agree to the purchase because it did not consider it 'to be an economic proposition.'[2331]

With the issue of access apparently no closer to being resolved, the Kōpūtara Trustees met with Minister of Lands Jonathan Elworthy in Wellington on 12 August 1983. At the meeting the Trustees questioned the viability of the northern access route, which they believed 'would be costly and almost impractical with the sand drift', and called upon the Minister to proclaim a public road from Wylie Road to the eastern boundary of the Kōpūtara Block across Mrs Shand's land.[2332] The Trustees also asked the Minister 'to commence programmes designed to

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[2327] Ibid

[2328] A J Mursell, Assistant District Field Officer to CCL [Commisioner of Crown Lands], 'Koputara Trustees: Access to Sections 382 and 383 Town of Carnarvon, 11 July 1983, Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)

[2329] Director General to Minister of Lands, 'Koputara Trustees – Sections 382 and 383 Town of Carnarvon', Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)

[2330] Ibid

[2331] J C M Hood for Director-General, New Zealand Forest Service, to the Director General of Lands, 2 June 1983, Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)

[2332] 'File Note', 15 August 1983, Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)

restore the Kōpūtara block to a comparable state of usefulness as applied when the Crown Grant was made in 1874.' In particular the Trustees hoped that the Government would invest in a 'sand stabilization scheme' proposed by the Rangitīkei-Wanganui Catchment Board for the Himatangi Beach area, including the Kōpūtara Reserve.[2333]

Having been advised by his officials not to contribute any Government money towards the sand stabilization scheme – on the grounds that there was 'no justification for the [Kōpūtara] trustees obtaining Government assistance ahead of other affected landowners' – the Minister of Lands nevertheless acknowledged the 'moral obligation' of his department towards the owners of the Kōpūtara Reserve.[2334] The Minister committed his department 'to make further approaches to the adjoining owners for access', while also discussing with the Forest Service the possibility of purchasing the land to the north of the reserve. Elworthy also promised to visit Kōpūtara and 'personally inspect the area, meet again with the Trustees, and if possible arrange to meet with Mrs Shand and the adjoining owners.'[2335]

True to his word, Elworthy visited Kōpūtara on 18 November 1983. In their meeting with the Minister, the Trustees reiterated their request that the Crown proclaim a public road across Mrs Shand's property. 'As an alternative', they suggested that 'the Crown purchase Mrs Shand's property and develop a forest thereon in conjunction with forestry development on Koputara.' They also again called upon the Crown to 'commence and develop programmes' that would return Kōpūtara 'to a state of usefulness comparable to that which existed' when the reserve was originally created in the 1870s. Specifically, they asked the Crown to cover 'all costs in acquiring access to the Reserve', as well as paying for the resurvey and fencing of the block, and 'meeting the costs of sand stabilization.'[2336]

Still reluctant to commit the Government to supporting the Kōpūtara Trustees in Court action against the adjoining owners, Minister Elworthy preferred that the Crown solve the problem of access by purchasing some of the land that adjoined the reserve. With this end in mind the Minister called for a reconsideration of the Forest Service's proposed purchase of Triad

[2333] R Te M Jacobs, 'A Proposal to the Minister of Lands Re Koputara', Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)

[2334] Director General [Department of Lands and Survey] to the Minister of Lands, 12 August 1983 and P H C Lucas, Director General [Department of Lands and Survey] to CCL Wellington, Subject: Koputara Trustees, 15 August 1983 both at Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)

[2335] 'File Note', 15 August 1983, Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)

[2336] Submission by Koputara Trustees to Jonathan Elworthy on the occasion of his visit to Koputara, [November 1983], Archives New Zealand, Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees)', AFIE W5717 619 Box 149, 20/231, Part 2, (R22967692)

Farming Partnership's property to the north of Kōpūtara Reserve. With the Minister having expressed his support, the Forest Service softened its opposition to the land's purchase on economic grounds. Meeting with the Minister and the Director-General of Lands, on 21 November 1983, the Director-General of Forests conceded that while the purchase of Triad Farming Partnership's property 'did not meet the expected rates of return', it 'was not too far off', and the situation might 'be facilitated' if the purchase price of the land was either reduced or partially 'charged against solving the access problem.'[2337]

With the Kōpūtara Trustees – who had long preferred the option of the shorter and less costly access route across Mrs Shand's land – now apparently willing to accept the longer and more difficult northern route if the land in question was purchased by the Forest Service, a resolution to the Kōpūtara Reserve's access problems appeared to be finally close at hand. On 8 January 1984, Te Maharanui Jacob wrote to Jonathan Elworthy. Thanking the Minister for his recent visit, and his 'undertaking to resolve the problems of access' to their reserve, the Chairman of the Kōpūtara Trustees expressed the hope that the Government would now 'act with the utmost speed.'[2338]

It is not clear what happened next, but in early May 1984 officials drafted a letter from the Minister of Lands to Te Maharanui Jacob informing him that the 'proposal' for the Crown to purchase the land to the north of Kōpūtara Reserve had 'now been discarded.' While claiming that the proposed purchase had been 'discarded for several reasons', the draft letter specified just one: 'the length of access that would be required' from the Hīmatangi Road to the northern boundary of the Kōpūtara Reserve, 'and the problems associating in forming and maintaining a road through the unstable sand country.'[2339]

Having made another, unsuccessful approach to Mrs Shand for the purchase her property, the Department of Lands and Survey had then 'approached Basil Sexton to consider an exchange of part of his farm for the Koputara Blocks.' In what the draft letter characterized as 'a very real break-through', Sexton had agreed to consider such an exchange. Describing Sexton's agreement in principle as 'the first ray of hope' he had 'found in trying to solve' their

[2337] P H C Lucas, Director General to Research Officer, 22 November 1983, Archives New Zealand, Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees)', AFIE W5717 619 Box 149, 20/231, Part 2, (R22967692)
[2338] R Te M Jacob to the Hon Mr J Elworthy, 8 January 1984, Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)
[2339] Draft of a Letter from Jonathan Elworthy, Minister of Lands to Mr R Te M Jacob, [No Date, Probably early May 1984], Archives New Zealand, Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees)', AFIE W5717 619 Box 149, 20/231, Part 2, (R22967692)

'problem', the Minister of Lands urged the Kōpūtara Trustees to look 'very seriously' at the possibility of an 'exchange deal'.[2340]

The Minister's letter concluded with a warning that the Department of Lands and Survey had 'now explored all possible avenues in search for a solution to the access problems' to the Kōpūtara Reserve. If the Trustees were not agreeable to an exchange with Sexton, the only remaining 'course of action' was to 'proceed' with a Court case 'in terms of the Property Law Amendment Act 1975.' The Minister, however, advised against such a move, cautioning that there could 'be no way of knowing what the outcome of such action would be', and advising the Trustees that they 'may be better off effecting an exchange with Mr Sexton.'[2341]

A final, official version of the Minister's undated draft letter was sent to the Kōpūtara Trustees on 15 May 1984. Meeting on June 14 to discuss the letter, the Trustees 'emphatically' rejected the possibility of an exchange of the Kōpūtara Reserve for land owned by Sexton. Addressing the Minister on 18 June 1984, Te Maharanui Jacob noted that 'since 1964' the owners of the Kōpūtara Reserve had made 'repeated requests' to Sexton 'for legal access' to their land, all of which had been ignored.' Jacob also noted that Sexton had enjoyed 'the use and occupation' of the reserve's 345 acres 'for 30 years' with the Trustees 'powerless to stop him.'[2342]

Having rejected the possibility of an exchange – which they viewed as the equivalent of a sale to Sexton – the Kōpūtara Trustees reminded the Minister of the promise he had made to them the previous November during his visit to Kōpūtara, that 'the Crown would resolve access.' Urging the Minister to finally take the necessary steps to ensure access to the Kōpūtara Reserve, Jacob informed him that the Trustees had 'spent 20 years and expended thousands of dollars' trying to secure access, and that time had come for the Crown to take decisive action.[2343] Jacob included in his letter a statement from Donnington and Poole, the solictors for the Kōpūtara Trustees, showing that the Trustees had spent $7399 on legal expenses up to 2 December 1983, and had another $2916.30 still to pay.[2344]

[2340] Ibid
[2341] Ibid
[2342] R Te Maharanui Jones to the Honourable J Elworthy, 18 June 1984, Archives New Zealand, Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees)', AFIE W5717 619 Box 149, 20/231, Part 2, (R22967692)
[2343] Ibid
[2344] Donnington & Poole, Solicitors, Dannevirke, Statement of Account with the Trustees, Koputara Trust, Archives New Zealand, Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees)', AFIE W5717 619 Box 149, 20/231, Part 2, (R22967692)

Before the Minister or his officials had a chance to act on Jacob's letter, the National Government was defeated in the snap General Election of 14 July 1984. On 13 December 1984 a delegation led by Te Maharanui Jacob met with the new Minister of Lands and Maori Affairs, Koro Wetere in Wellington. At the meeting Te Maharanui Jacob reiterated the Trustees' view that the Crown had a legal as well as a moral obligation to ensure access to the Kōpūtara Reserve, and compensate the land's owners for 'their inability to make productive use of the land.' In reply, the Minister agreed that the Crown had 'some responsibility' to resolve the issue but told the delegation that they would have 'to be realistic' when it came to compensation. He also warned the delegation against following Eva Rickard's example (in the 1978 occupation of the Raglan golf course) and resorting to direct action. Wetere promised that he and his officials would 'take another look at the position' of the Kōpūtara Reserve, and that he would accept the Trustees invitation to visit the land in person.'[2345]

By the time Koro Wetere visited Kōpūtara on 6 June 1985, the Trustees had prepared affidavits and were ready to lodge their claim for access with the High Court. According to a report by G M Grant (Assistant Commissioner for Land Administration), who had met with Te Maharanui Jacob the morning of the Minister's visit, the only factor now holding the Trustees back from Court action was an assurance that their legal costs would be 'met by the Crown.'[2346] Questioned on that matter later in the day, the Minister assured the Trustees that 'the matter of the Crown meeting' their court costs 'had been agreed to'. Responding to a 'very forceful' expression by Te Maharanui Jacob of the hapū's continuing frustration over being denied access to the Kōpūtara Reserve, Wetere promised that 'he was willing to work with them towards a solution.' On the subject of compensation, the Minister told his hosts that 'the Government had no money but would be happy to talk'. He also drew his hosts' attention to the Government's amendment to the Treaty of Waitangi Act currently before Parliament which, when passed, 'would deal with past grievances' such as those concerning the Kōpūtara Reserve.[2347]

[2345] G M Grant, ACLA, 'Note for File', 12 June 1985, Archives New Zealand, Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees)', AFIE W5717 619 Box 149, 20/231, (R22967692)
[2346] G M Grant, ACLA, 'Note for File', 12 June 1985, p 2, Archives New Zealand, Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees)', AFIE W5717 619 Box 149, 20/231, (R22967692)
[2347] Ibid., p 3.

The Kōpūtara Trustees Apply to the High Court for Access to their Reserve

In 1986 the Kōpūtara Trustees lodged their application for access to the Kōpūtara Reserve with the High Court in Palmerston North. The application, which was made under Section 129B of the Property Law Amendment Act 1975, sought access from Wylie Road, over land owned by Koputara Holdings Ltd and Hazel Frances Shand, to the eastern boundary of the Kōpūtara Reserve. This was the shorter and easier of the two routes that had been identified by the Department of Lands and Survey in October 1982, and had long been the access way preferred by the Kōpūtara Trustees. As we have seen, the route had been consistently resisted by Mrs Shand, who believed that the long sort after right-of-way "would completely ruin" her land.[2348] Presumably the Trustees' application was supported by the Government – in accordance with Koro Wetere's assurance – but we have no record of whether or not this was actually the case (the most recent Archive New Zealand file on Kōpūtara ends after the Minister's visit to Kōpūtara in June 1985).

Although the High Court appears to have issued an order in the Trustees' favour, engineers from the Manawatu County Council subsequently found the applied for access way to be unviable 'due to the extent of the sand drift.'[2349] In November 1987, with sand drift from the still landlocked reserve threatening the European-owned farmland to the east, the Manawatu County Council organized a meeting between the Trustees and the adjoining owners in the hope that the problem of access might finally be resolved, and the ongoing environmental degradation of the Kōpūtara Reserve dealt with. The local authority, however proved no more successful than the central Government in persuading the adjoining European owners to allow access across their land, and no agreement was reached.[2350]

Following these setbacks, the Kōpūtara Trustees developed an alternative access route from Wylie Road to the eastern boundary of their reserve. The new route followed 'an existing proclaimed, but unformed, road', before crossing three sections of private land owned by Basil Eric Sexton and Graham Arthur Sexton; Hazel Frances Shand; and Donald Clifford Cameron and Daphne Cameron respectively. Apparently unaffected by the sand drift that had rendered

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[2348] 'Note for File', 29 August 1983, Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)

[2349] In the High Court of New Zealand, Palmerston North, Registry, No 16/94. In the Matter of the Property Law Act 1952 Section 129B, Between Ranfurly Hohepa Te Maharanui Jacob of Levin, Veterinary Surgeon, Peter Fraser Richardson of Tangimoana, Farmer and Ngawini Kuiti of Levin, Registered Nurse as Surviving Trustees of the Koputara Trust, Plaintiffs, And Basil Eric Sexton and Graham Arthur Sexton both of Hīmatangi, Farmers, First Defendants, Hazel Frances Shand of Palmerston North, Widow, and The Attorney-General on behalf of the Minister of Lands, 'Statement of Claim', 18 May 1994, LINZ, B679465, pp 3-4,

[2350] Ibid., p 3

impracticable the initial route, the new access way had the virtue of passing 'over flat easy' pasture land and being unaffected by waterways or other hazards.[2351]

In May 1994 the Kōpūtara Trustees applied again to the High Court for access to their reserve. In their statement of claim, the Trustees noted that since May 1969 they had repeatedly asked the adjoining owners to allow 'the provision of a right-of-way over their lands to give access to Kōpūtara', but none had 'ever agreed to making access available.'[2352] Having been denied access to their reserve, the Trustees complained that the hapū 'for whose benefit' the Kōpūtara Reserve had been created had 'never been able to enjoy the use and benefit of the land and its produce.' The 'adjoining farmers', however, had made use of the land for grazing 'without payment of rent or other consideration.'[2353]

The Trustees asked the High Court to provide them with access to their reserve by vesting in them in 'fee simple' the route across the land owned by the Sextons, Hazel Shand, and the Camerons. They also asked the Court to order that the compensation due to the adjoining owners for the land required for the access route should be paid by the Crown, with incidental costs paid by the owners themselves.[2354]

The Kōpūtara Trustees Finally Secure Access to their Reserve

It is unclear from the available documentary evidence whether the Kōpūtara Trustees' 1994 application for access was ever granted by the High Court. What we do know is that the applied for right-of-way to the Kōpūtara Reserve across the land belonging to the Sextons and Mrs Shand was never created. Instead, the Kōpūtara Trustees were obliged to negotiate an alternative access route. The new route – the fourth to have been attempted by the Trustees since 1982 – approached the reserve from the south, across a 98-acre section, officially known as Lot 1 Deposited Plan 18813, owned by Thomas David Willis. The route then reached the reserve's southwestern boundary by crossing a 10-metre strip of land owned by Basil and Graham Sexton.[2355]

Thomas David Willis, a Marton Farmer, had taken possession of the 98-acre property – which included the middle and lower Kōpūtara Lakes – in August 1995.[2356] The land had previously been owned by John Dalrymple Willis, a Palmerston North medical practitioner and nephew

[2351] Ibid., p 4
[2352] Ibid., p 3
[2353] Ibid., p 5
[2354] Ibid., p 6
[2355] 'Plan of Right of Way over Lot 1 DP 18813', DP 878903, 30 April 1999
[2356] Certificate of Title Under Land Transfer Act, Vol 821, Folio 60, 20 January 1959

of Kenneth Waring Dalrymple. In 1984 John Willis had applied to have an open space covenant placed on the property (Under Section 22 of the Queen Elizabeth the Second National Trust Act 1977) in order to preserve it as 'a wildlife habitat for all time.'[2357] The Covenant, which required that the land 'be maintained as an open space' free from further development, had come into force on 26 February 1986.[2358]

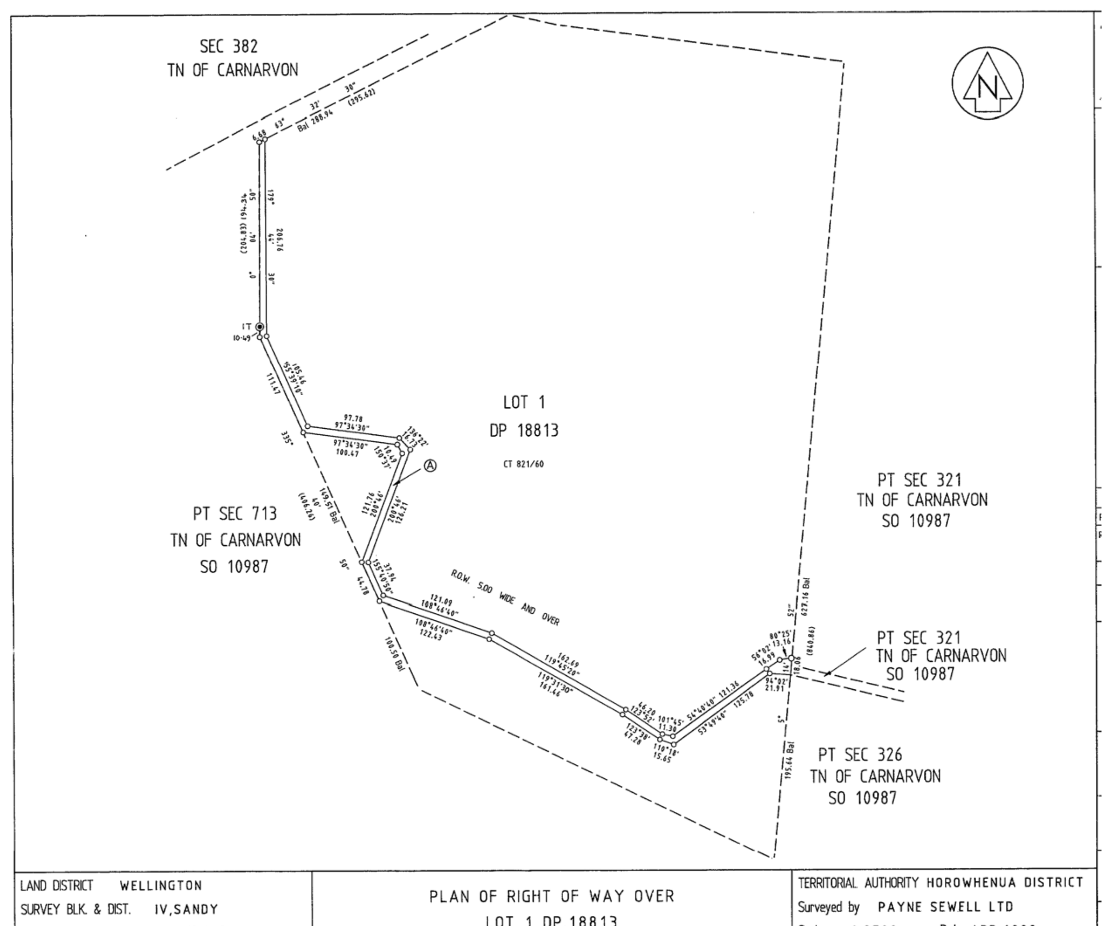
On 25 July 1997 the Kōpūtara Trustees negotiated a Heads of Agreement with Thomas Willis allowing them access to their reserve across his land.[2359] The agreed right-of-way was surveyed and a plan completed on 30 April 1999. Known as Deposited Plan 87803, the surveyed route was approved by the Horowhenua District Council on 21 July 1999. According to the plan, the proposed right-of-way ran between the lower Kōpūtara lake and the southern boundary of the Willis property, before following the section's western boundary up towards the Kōpūtara Reserve.[2360]

On 1 September 2000 the Kōpūtara Trustees and Thomas Willis signed a formal transfer under the Land Transfer Act 1952 establishing the surveyed right-of-way. The transfer granted the Trustees the 'right and privilege' of using the right-of-way set out in Deposited Plan 87803 'during official daylight hours.' In return, the Trustees promised to bear the costs of maintaining and repairing the right-of-way, and to minimize any 'disturbance' to the land's 'natural habitat' between 1 April and 30 June of each year.'[2361]

Formalized on 11 July 2001, the agreement between the Trustees and Thomas Willis allowing the right-of-way across Lot 1 Deposited Plan 18813 opened up all but the final 10 metres of the access way to the Kōpūtara Reserve. With the Sextons still unwilling to allow access across their land, the Trustees were obliged to make another application to the High Court under Section 129B of the Property Law Amendment Act 1975. This time they were successful. On 17 June 1998 Justice Daniel Paul Neazor issued an order creating a right-of-way to the Kōpūtara Reserve across the 10-metre strip owned by Basil Eric and Graham Arthur Sexton.[2362]

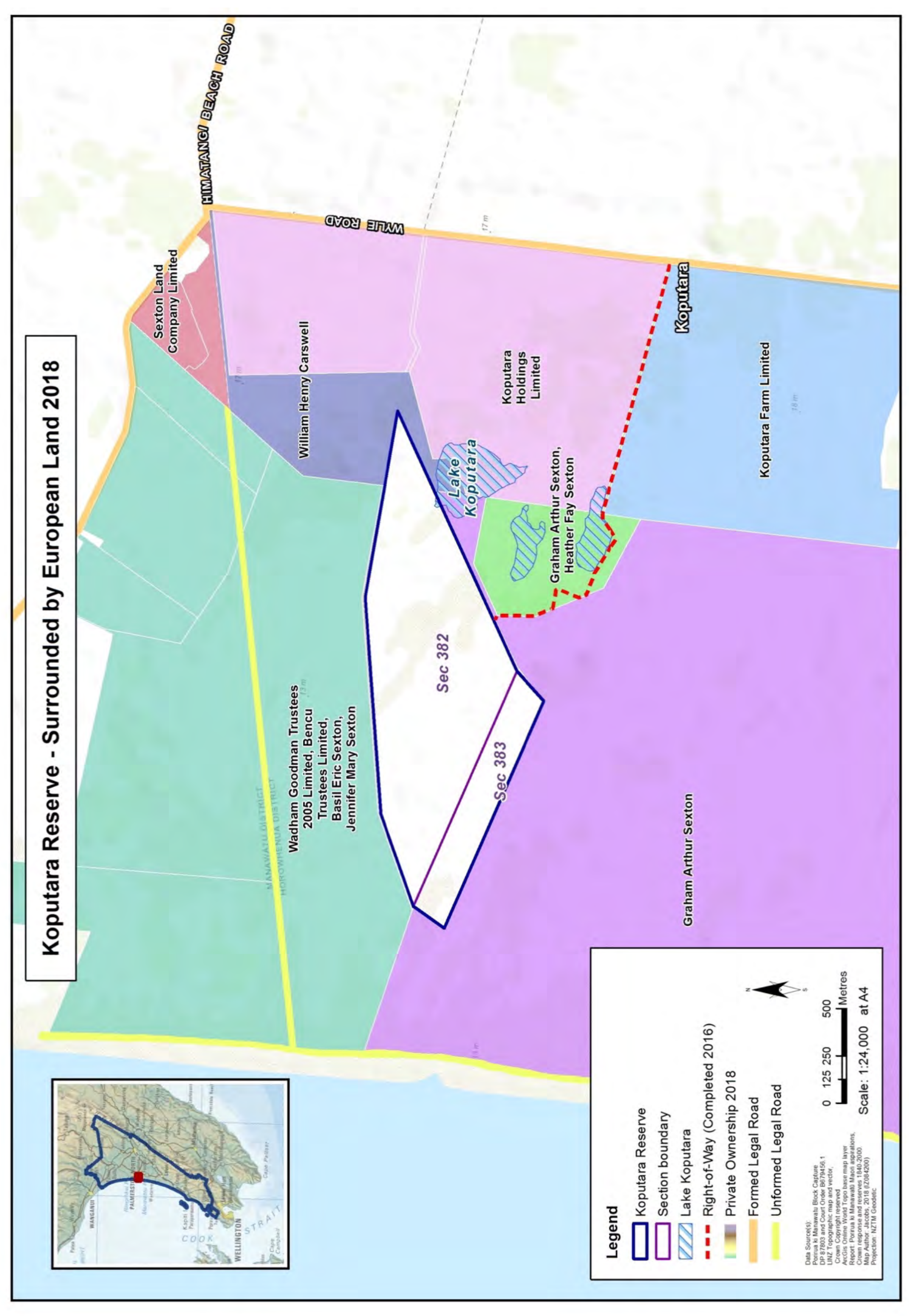
[2357] 'Covenant, Lake Koputara, Himatangi', https://ref.coastalrestorationtrust.org.nz/documents/covenant-lake-koputara-himatangi/ [p 1] (accessed 18 May 2018)
[2358] Queen Elizabeth the Second National Trust Act 1977 s 22 (4); Certificate of Title Under Land Transfer Act, Vol 821, Folio 60, 20 January 1959
[2359] Transfer, Land Transfer Act 1952, 'Easement 5057402', [p 2]
[2360] 'Plan of Right of Way over Lot 1 DP 18813', DP 878903, 30 April 1999
[2361] Transfer, Land Transfer Act 1952, 'Easement 5057402', [p 3]
[2362] Before the Honourable Justice Neazor, Wednesday 17 June 1998, LINZ, B679465

Figure 7.21 Plan of Right of Way Over Lot 1 DP 18813 to Kōpūtara Reserve



That, however, was not the end of the story. Having finally secured legal access to their reserve, the Kōpūtara Trustees still had to find the resources to have the right-of-way constructed. Their task was made all the more difficult by the noncooperation of the land's new owners (Graham Arthur and Heather Fay Sexton, who acquired the Willis property in May 2008) and the fact that the surveyed route of the right of way was obstructed by a stand of pine trees.[2363] With the property's new owners unwilling to allow either a deviation in the surveyed right of way or the removal of the pine trees, the formation of the access route proved to be a long and frustrating process, with the right-of-way only being opened in April 2016.[2364] Even then, access to the Kōpūtara Reserve remained subject to the conditions set out in the 2000 Transfer, which restricted use of the right-of-way to 'official daylight hours' only.[2365]

[2363] Certificate of Title Under Land Transfer Act 1952, WN 821/60, 20 January 1959; Oral Communication with Patrick Seymour at Tahuna Park Hui, 9 June 2018
[2364] 'After 120 years, owners getting access to their Foxton land', *Wellington. Scoop*, 26 April 2016, http://wellington.scoop.co.nz/?p=88372 (accessed 20 May 2018)
[2365] Transfer, Land Transfer Act 1952, 'Easement 5057402', [p 3]


Koputara Reserve - Surrounded by European Land 2018
HIMATANGI BEACH ROAD
WYLIE ROAD
Sexton Land Company Limited
William Henry Carswell
Koputara Holdings Limited
Koputara
Koputara Farm Limited
Lake Koputara
Graham Arthur Sexton, Heather Fay Sexton
Sec 382
Sec 383
Wadham Goodman Trustees 2005 Limited, Bencu Trustees Limited, Basil Eric Sexton, Jennifer Mary Sexton
MANAWATU DISTRICT
HOROWHENUA DISTRICT
Graham Arthur Sexton
Legend
Koputara Reserve
Section boundary
Lake Koputara
Right-of-Way (Completed 2016)
Private Ownership 2018
Formed Legal Road
Unformed Legal Road
0 125 250 500 Metres
Scale: 1:24,000 at A4

The Environmental Degradation of the Kōpūtara Reserve and Lake Kōpūtara

The native reserve at Kōpūtara was originally set aside so that members of Ngāti Parewahawaha and Ngāti Kahoro would retain access to the abundant food resources available from Lake Kōpūtara and its surrounding wetlands. The most important of these resources were the multitude of tuna (eels) that congregated in Lake Kōpūtara and used its outlet (the Kōpūtara Stream) to make their way out to sea. The lake and wetlands also provided a home for other forms of aquatic and bird life, as well an abundance of flax that could be used for weaving or sold to European flaxmillers.

Over the course of the twentieth century the resources that had made Lake Kōpūtara and its stream and wetlands so attractive to local Māori were greatly diminished. Draining of the lake and surrounding land by European landowners, intent on converting as much of their property to grazeable pasture, 'drastically' lowered the level of the lake (reducing it to 'a chain of three smaller lakes') and destroyed most of the adjacent wetlands.[2366]

Kōpūtara Reserve itself suffered from being 'grazed and overgrazed' by neighbouring farmers without any payment of compensation to the land's Māori owners.[2367] The area was also used by the Army as 'a live shell and manoeuvres range' in the 1940s and early 1950s. The 'excessive' damage caused by 'shell explosions' and the passage of military vehicles, both 'track and trackless', exacerbated the sand drift that was already a major problem in the area, and led to the 'blocking' of the Kōpūtara Stream.[2368]

The Hīmatangi Drainage Scheme

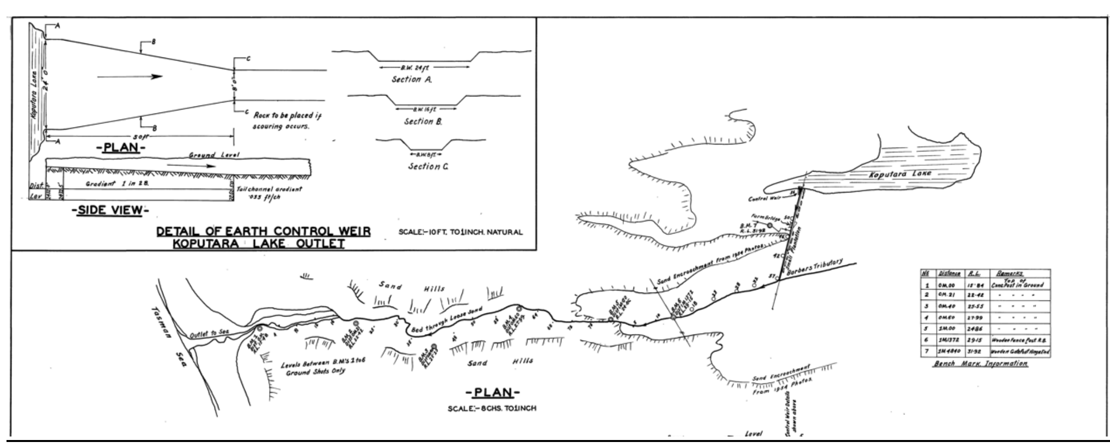
The efforts of local European farmers to lower the level of Lake Kōpūtara and drain the surrounding land received considerable assistance from local and central government through the Hīmatangi Drainage Scheme. Established by the Manawatū Catchment Board in 1959, following a request from local farmers (including B E Sexton and G H Barber), the original purpose of the Hīmatangi Drainage Scheme was to lower and control the level of Lake Kōpūtara 'by improving and maintaining its outlet.'[2369]

[2366] Submission of Te Maharanui Jacob to Koro Wetere, [12 June 1985], Archives New Zealand, Wellngton, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees)', AFIE W5717 619 Box 149, 20/231, Part 2, (R22967692); 'Covenant, Lake Koputara, Himatangi', https://ref.coastalrestorationtrust.org.nz/documents/covenant-lake-koputara-himatangi/ [p 1] (accessed 18 May 2018)
[2367] 'Statement of Claim', 18 May 1994, p 5
[2368] E H Robinson, J A Chrystall, G E Barber and B E Sexton to the Secretary, Manawatū Catchment Board, 27 August 1958, Archives Central, Feilding, Manawatū Catchment Board Files, HRC 00024: 61: 19/43 Pt 1
[2369] Chief Engineer to the Officer-in-Charge, Himatangi Radio Station, 17 September 1959, Archives Central, Feilding, Manawatu Catchment Board Files, HRC 00024: 61: 19/43 Pt 1

In March 1960 the local European landowners who had joined the scheme agreed that 'the Koputara Lake level be lowered by one foot and six inches' (90 centimetres).[2370] This was to be achieved by constructing a new outlet drain from the lake. Rather than following the old course of the Kōpūtara Stream through Section 383 of the Kōpūtara Reserve, the new drain would run across Sexton's land, just to the south of the still untitled reserve. The level of Lake Kōpūtara was to be regulated by a 'control weir' at the lake's outlet (also on Sexton's property).[2371]

The Himatangi Drainage Scheme was approved by the Soil Conservation and Rivers Control Council (a statutory body that regulated the country's various catchment boards) in July 1960. The Council, which was located within the Ministry of Works, provided a '£1 for £1 subsidy' for the Himatangi Scheme. Initially, this amounted to £2728 of an estimated cost of £5,456.[2372]

Figure 7.22 Plan of the 'Kōpūtara Lake Outlet', 1959



Source: Archives Central, 'Himatangi Drainage Scheme: Kōpūtara Lake Outlet', 1 September 1959, Archives Central, Feilding, A-2016-36b 970-2

[2370] Manawatu Catchment Board, Himatangi Drainage District, Report of meeting held in Foxton Racing Club rooms, Foxton, at 8.00 pm Tuesday, 15 March 1960, Archives Central, Feilding, Manawatu Catchment Board Files, HRC 00024: 61: 19/43 Pt 1

[2371] Manawatu Catchment Board, 'Himatangi Drainage Scheme: Kōpūtara Lake Outlet', 1 September 1959, Archives Central, Feilding, A-2016-36b 970-2; Manawatu Catchment Board, 'Hīmatangi Drainage Scheme: Locality Plan', 1 August 1959, Archives Central, Feilding, A-2016-36b 970-1

[2372] B Ivory (Secretary), Soil Conservation and Rivers Control Council, Wellington, 6 July 1960, Archives Central, Feilding, Manawatu Catchment Board Files, HRC 00024: 61: 19/43 Pt 1

Figure 7.23 Plan of the 'Koputara Lake Outlet', with Lake Kōpūtara and the Kōpūtara Reserve (marked 'Dept of Maori Affairs'), 1959

Source: 'Himatangi Drainage Scheme: Locality Plan', 1 August 1959, Archives Central, Feilding, A-2016-36b 970-1

With the subsidy from central government secured, work on the Himatangi Drainage Scheme began. Between 1960 and 1970 the Scheme spent a total of $19,570 on the construction and maintenance of drains and weirs in the vicinity of Lake Kōpūtara. Of this $8503.61 came from subsidies received from the central government, while $11,614.45 was paid by the ratepayers who had joined the scheme.[2373] In June 1966 it was proposed to widen the Kōpūtara Outlet

[2373] 'Himatangi Drainage Scheme', included with A R Tanner (Chairman), Himatangi Drainage Scheme, Report of Meeting of ratepayers, 28 August 1970, Archives Central, Feilding, Manawatu Catchment Board Files, HRC 00024: 61: 19/43 Pt 1

Drain to a bottom width of 15 feet (approximately four-and-a-half metres) in order 'to improve its capacity', and increase the effectiveness of the control weir.[2374] In the summer of 1967 and 1968 a drain was also cut between the upper and lower Kōpūtara Lakes. This work was undertaken at the prompting of Mr Laurie M Speirs (owner of Kōpūtara Holdings) in order to equalize the levels of the upper and lower lakes and prevent flooding of his property.[2375]

On 6 June 1967 the ratepayers of the Himatangi Drainage Scheme, including B E Sexton, G E Barber, and L M Spiers met with members and staff from the Manawatu Catchment Board to inspect the drains and lake outlets that had been completed under the scheme. According to the Board's record of the inspection, 'all agreed that the area had improved considerably' as a result of the drainage work that had been undertaken.[2376]

Conspicuously absent from the June 1967 inspection, as well as the annual meetings between the Catchment Board and ratepayers in the Himatangi Scheme, was anyone representing the owners of the Kōpūtara Reserve. Indeed, the owners of the Kōpūtara Reserve do not appear to have played any role in either the establishment or management of the Himatangi Drainage Scheme. Instead the Scheme remained – at least until its expansion in 1979 – the exclusive preserve of the area's European farmers, and the members and staff of the Manawatu Catchment Board.[2377]

Even after the Kōpūtara Trustees secured a certificate of title to their reserve in 1969, little effort appears to have been made to include them in the drainage scheme. The Trustees, for example, were not included on a list of ratepayers contacted prior to the annual meeting of the Himatangi Scheme in August 1970.[2378] Nor were they present at a meeting of ratepayers on 6 May 1976.[2379] The Kōpūtara Trustees Committee were included on a list of ratepayers prepared

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[2374] P R L de Leon (Assistant Chief Engineer), Subject: Himatangi Drainage Scheme. Improvements to Koputara Lake Outlet Drain, 1 June 1966, Archives Central, Feilding, Manawatu Catchment Board Files, HRC 00024: 61: 19/43 Pt 1

[2375] P G Evans, Chief Engineer to Dr J D Willis, 6 Alan Street, Palmerston North, 9 October 1967 and A T Brown, Secretary The Manawatu Catchment Board to Mr T R Palmer and other ratepayers in the Himatangi Drainage Scheme, 20 March 1968, Archives Central, Feilding, Manawatu Catchment Board Files, HRC 00024: 61: 19/43 Pt 1; 'Himatangi Drainage Scheme (Locality Plan), 27 July 1974, Archives Central, A-2016-36b 1970-34

[2376] N Terry (Member, Manawatu Catchment Board) to the Chairman, Works & Machiner Committee, 'Himatangi Drainage Scheme', 6 June 1967, Archives Central, Feilding, Manawatu Catchment Board Files, HRC 00024: 61: 19/43 Pt 1

[2377] See for example: Manawatu Catchment Board, Himatangi Drainage District, Report of meeting held in Foxton Racing Club rooms, Foxton, at 8.00 pm Tuesday, 15 March 1960 and A R Tanner (Chairman), Himatangi Drainage Scheme, Report of Meeting of ratepayers, 28 August 1970, Archives Central, Feilding, Manawatu Catchment Board Files, HRC 00024: 61: 19/43 Pt 1

[2378] L M Speirs to the Secretary, Manawatu Catchment Board, 24 August 1970, Archives Central, Feilding, Manawatu Catchment Board Files, HRC 00024: 61: 19/43 Pt 1

[2379] Notes of Meeting, 6 May 1976, Archives Central, Feilding, Manawatu Catchment Board Files, HRC 00024: 61: 19/43 Pt 2

on 31 October 1977, but their occupier and address were listed as Basil Ernest Sexton of RD 11 Foxton.[2380] The Trustees were also not represented at a meeting of members of the Himatangi Drainage District and the Works Committee of the Manawatu Catchment Board held on 10 May 1978. At this meeting, B E Sexton expressed his contentment with the state of the drains crossing his land from Lake Kōpūtara, noting that they 'were in very good order and had been well maintained.' For his part, G E Barber told the Works Committee:

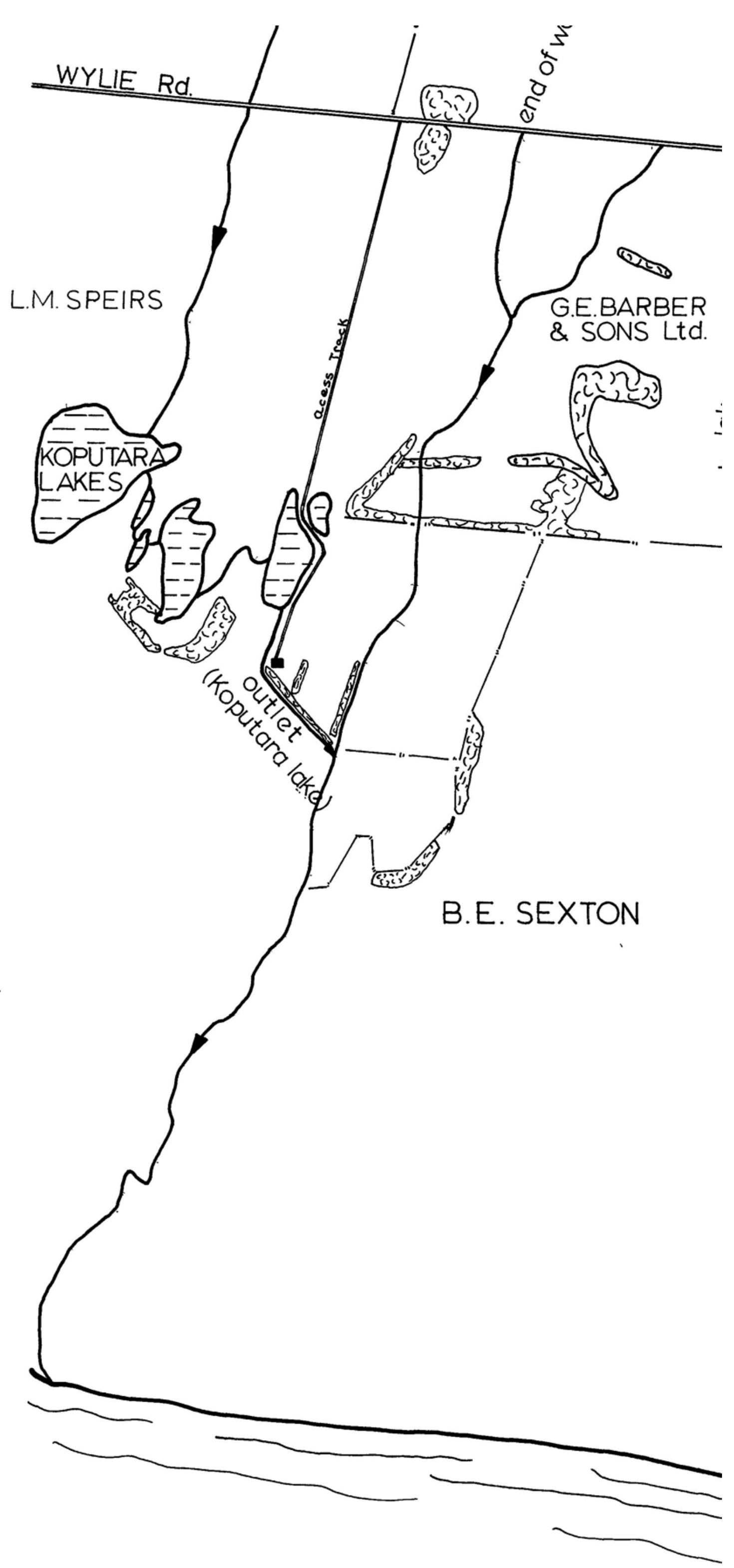
> that there were no specific problems or difficulties in the area but the ratepayers did like to keep in touch with the Board and the Board's activities on a regular basis.[2381]

One can only imagine how the Kōpūtara Trustees might have appreciated a similar courtesy from the managers of a drainage scheme that was having a direct and significant impact upon their land.

[2380] Drainage Scheme: List of Ratepayers, 31 October 1977. Himatangi Drainage Scheme: List of Ratepayers, 31 October 1977, Archives Central, Feilding, Manawatu Catchment Board Files, HRC 00024: 61: 19/43 Pt 2

[2381] 'Meeting of Himatangi Drainage District Members and Works Committee of the Manawatu Catchment Board Held on 10 May 1978', Archives Central, Feilding, Manawatu Catchment Board Files, HRC 00024: 61: 19/43 Pt 2

Figure 7.24 Sketch of the Kōpūtara Lakes and Various Drains Constructed as Part of the Himatangi Drainage Scheme, 1974



Source: 'Himatangi Drainage Scheme (Locality Plan), 27 July 1974, Archives Central, A-2016-36b 1970-34

The Impact of the Himatangi Drainage Scheme upon Lake Kōpūtara and the Kōpūtara Reserve

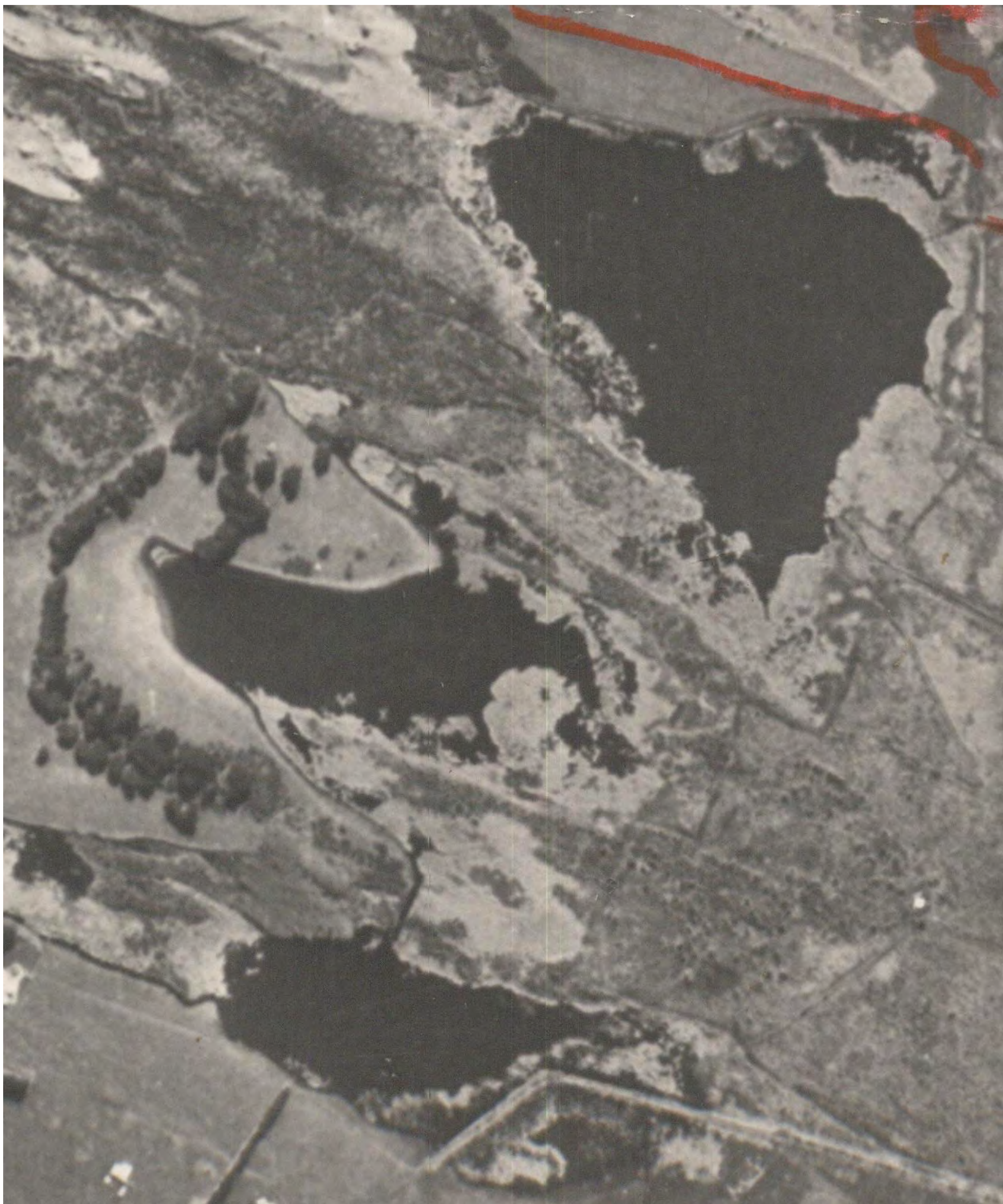
The draining of Lake Kōpūtara and the surrounding wetlands had serious consequences both for the lake itself and the neighbouring Kōpūtara Reserve. Most obviously, a century of drainage – undertaken both before and after the Himatangi Drainage Scheme's creation in 1959 – led to a dramatic reduction in the size of Lake Kōpūtara. As the shoreline of Lake Kōpūtara receded and its adjacent wetlands were drained, what had once been a single large area of fresh water was transformed into a short chain of small, and increasingly isolated lagoons.[2382]

Figure 7.25 Aerial Photograph of the Kōpūtara Lakes, March 1942

Source: Source: Archives Central, HRC 00299 219-005 (16 March 1942)

[2382] R Jacobs, 'A Recent History of Kōpūtara', Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Kōpūtara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691),

Figure 7.26 Aerial Photograph of the Kōpūtara Lakes, 10 August 1971



Source: Archives Central HRC 00306 N148-5-B1 (10 August 1971)

The impact of the Himatangi Drainage Scheme upon what was left of Lake Kōpūtara was recorded in aerial photographs taken of the Manawatū coastline in 1942, 1952, 1971, 1979 and 1995. Compared to the aerial photographs taken of the lake in March 1942 and April 1953, the photographs taken in August 1971 and April 1979 show the upper, lower and middle Kōpūtara

lakes as both smaller and more distinct from each other, with the smaller lagoons that had previously connected the three lakes having all but disappeared.[2383]

Particularly striking is the aerial photograph from August 1971. Taken at the end of winter, when – were it not for the outlet installed by the Drainage Scheme – one might have expected water levels of the lakes to be high, the photograph instead shows how the areas of the three surviving Kōpūtara lakes had been markedly reduced, with significant portions of each having been converted to dry land.[2384]

Figure 7.27 Survey Plan of Lake Kōpūtara and the Kōpūtara Reserves, September 1889

Source: 'Plan of the Sandhills Block: Sandy, Te Kawau, Moutere & Mt Robinson Survey Districts', September 1889, SO 12963

The draining of the upper Kōpūtara lake had particularly detrimental consequences for the Kōpūtara Reserve because this was the portion of the original lake that been located within the original Ngāti Kahoro and Ngāti Parewahawaha reserve (Carnarvon Town Section 382). As shown in an 1889 survey plan of the Sandhills Block (which extended from the mouth of the Manawatū River to north of Lake Kaikokopu and what is now Hīmatangi Beach), a substantial portion of the northern end of Lake Kōpūtara and its adjacent wetland had originally formed part of the Kōpūtara Reserve.[2385] By the 1970s, however, only the northwestern tip of what was now the upper Kōpūtara lake was still within the reserve's boundaries. The rest of the upper lake and all of the middle and lower lakes were now on privately-owned European land. The

[2383] Archives Central, HRC 00299 219-005 (16 March 1942); Archives Central, HRC 00414 40 (1 April 1953); Archives Central, HRC 00306 N148-5-B1 (10 August 1971); Archives Central, HRC 00301 5408-C-3 (17 April 1979)
[2384] Archives Central HRC 00306 N148-5-B1 (10 August 1971)
[2385] 'Plan of the Sandhills Block: Sandy, Te Kawau, Moutere & Mt Robinson Survey Districts', September 1889, SO 12963

loss of the reserve's portion of Lake Kōpūtara was raised by the Kōpūtara Trustees at their meeting with Koro Wetere in June 1985. In his submission to the Minister Te Maharanui Jacob noted that, thanks to the drainage undertaken by the Hīmatangi Scheme, 'only a small section of the northernmost lake' now remained within the Kōpūtara Reserve and this was 'filling rapidly with sand.'[2386]

In addition to lowering the level of the Kōpūtara lakes, the Hīmatangi Drainage Scheme also created a new outlet, replacing the Kōpūtara Stream which had run through Section 383 of the Kōpūtara Reserve with a drain that passed across Sexton's property. The drying up of the Kōpūtara Stream and the wetland it had fed, increased the reserve's vulnerability to wind erosion and the sand drift, already a serious problem for the sandy, windswept reserve.[2387]

The connection between the work carried out by the Himatangi Drainage Scheme in draining and drying out the land around Lake Kōpūtara, and the increasing threat of sand drift – particularly within the Kōpūtara Reserve – was pointed out by John D Willis in a letter to the Secretary of the Manawatu Catchment Board in December 1970. Willis, who had not joined the Himatangi Drainage Scheme when it had been established in 1959, informed the Secretary how 'over recent years' he had become 'very disturbed' at 'the excessive drainage' of the land around Lake Kōpūtara, 'resulting in gross lowering of the water table in the summer months.'[2388] Lowering of the water table, led to the drying out of the land's sandy soil, increasing its susceptibility to wind erosion. Writing again in February 1979, Willis (who was now a member of the Drainage Scheme) expressed his strong opposition 'to further drainage and lowering of the water table.' He accused the Catchment Board of having 'totally' failed to make 'provision for water conservation to maintain dampness in this sand country at a reasonable level in summer and autumn months.'[2389]

Still concerned about the impact 'over drainage' was having on the 60 acres of lake and wetland on his property, Willis applied to the Queen Elizabeth the Second National Trust to have an open space covenant placed on his land. On 14 March 1984 F E T Suckling, a scientist at the Grasslands Division of the DSIR in Palmerston North, inspected the property with Dr Willis. Reporting back to the Trust, Suckling described Willis's land as 'a very valuable

[2386] Submission of Te Maharanui Jacob to Koro Wetere, [12 June 1985], Archives New Zealand, Wellngton, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees)', AFIE W5717 619 Box 149, 20/231, Part 2, (R22967692)
[2387] R Jacobs, 'A Recent History of Koputara', Archives New Zealand Wellington, 'Sections 382 & 383 – Town of Carnarvon (Koputara Trustees), AFIE W5717 619 Box 149, 20/231 Part 1, 1982-1984 (R 22967691)
[2388] J D Willis to Mr A T Brown, Secretary, Manawatu Catchment Board, 4 December 1970, Archives Central, Feilding, Manawatu Catchment Board Files, HRC 00024: 61: 19/43 Pt 2
[2389] John D Willis to Mr R W Bennitt, Secretary, Manawatu Catchment Board, 19 February 1979, Archives Central, Feilding, Manawatu Catchment Board Files, HRC 00024: 61: 19/43 Pt 2

wildlife refuge' that was 'endangered' by 'over drainage' which had 'drastically lowered lake levels.'[2390] Recommending 'that a covenant be granted as soon as possible', Suckling warned that 'urgent sand dune control' was required to protect the intended wildlife reserve from the 'nearby bare sand dunes, partly activated by over drainage,' that were 'advancing rapidly towards the lake.' The 'nearby and 'rapidly advancing' sand dunes referred to by Suckling were moving towards Lake Koputara from across the Koputara Reserve.[2391]

Figure 7.28 Aerial Photograph Showing Sand Drift Across the Kōpūtara Reserve Towards the Kōpūtara Lakes, April 1979

Source: Archives Central HRC 00301 5408-C-3 (17 April 1979)

As shown in the aerial photographs taken of the Manawatū coastline from 1942 onwards, wind erosion and sand drift posed a serious and increasing threat to the Kōpūtara Reserve. By April 1979 close to one third of the reserve's 345 acres was subject to sand drift. Amongst the land so affected was much of the drained lakebed and wetlands which had previously been so valued by local Māori.[2392]

Following more than a century of drainage and environmental degradation, much of it undertaken and subsidized by local and central Government, Lake Kōpūtara and the Kōpūtara Reserve are today mere vestiges of what they had been in the nineteenth century. As the map

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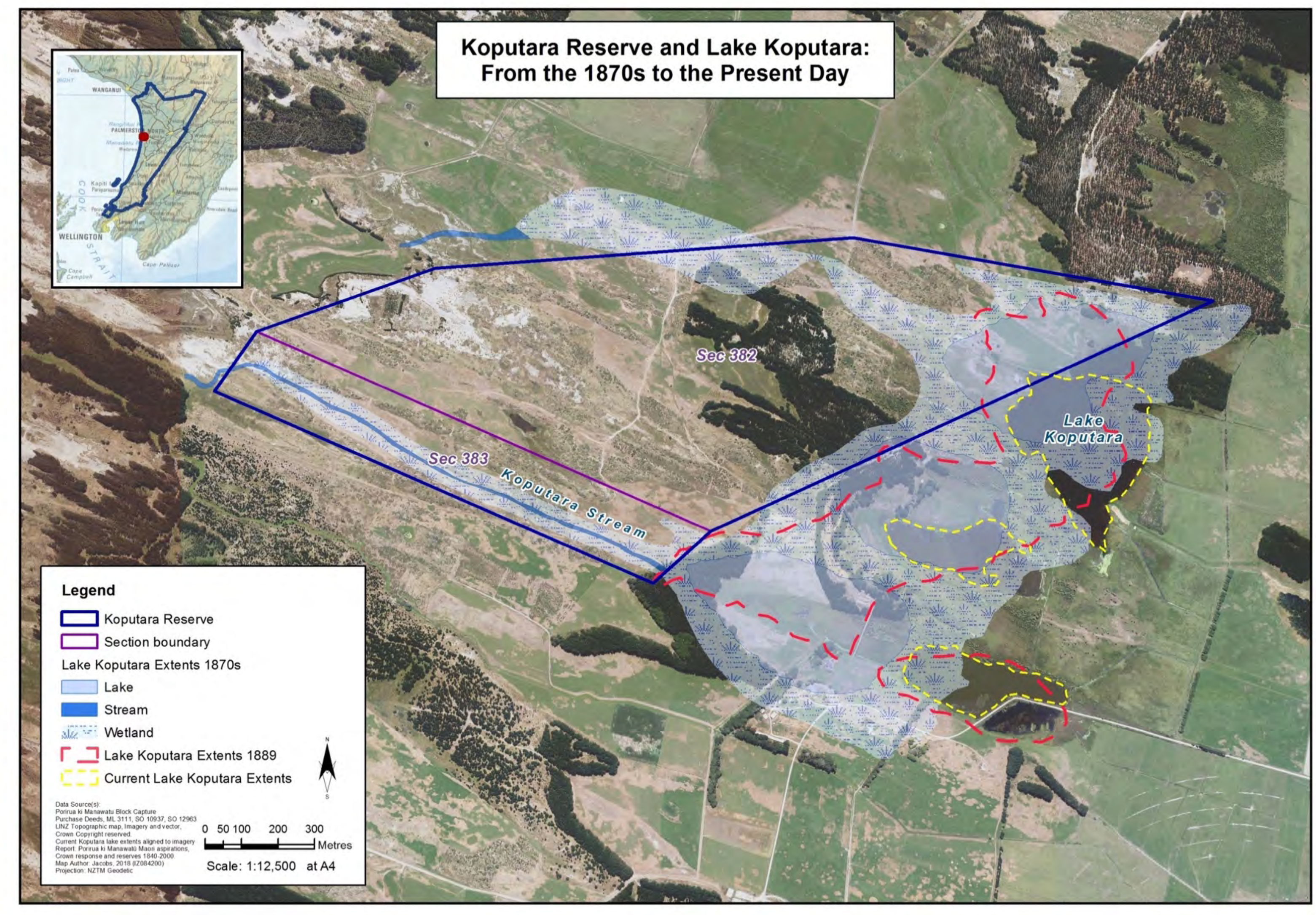
[2390] 'Covenant, Lake Koputara, Himatangi', https://ref.coastalrestorationtrust.org.nz/documents/covenant-lake-koputara-himatangi/ [p 1] (accessed 18 May 2018)
[2391] Ibid., [pp 1 & 2]
[2392] Archives Central HRC 00301 5408-C-3 (17 April 1979)

below shows, the rich expanse of lake and wetland pictured by surveyors in the latter quarter of the nineteenth century has been replaced by three small and isolated remnants of the former lake. The Kōpūtara Stream, previously the main outlet from the lake, has long since completely dried up, along with the wetland it used to feed. The wetland that used to extend across much of the northern and eastern portions of the Section 382 has also been drained, while a large sand drift cuts through the heart of the reserve, from the western boundary.


Koputara Reserve and Lake Koputara:
From the 1870s to the Present Day
Sec 382
Sec 383
Koputara Stream
Lake Koputara
Legend
Koputara Reserve
Section boundary
Lake Koputara Extents 1870s
Lake
Stream
Wetland
Lake Koputara Extents 1889
Current Lake Koputara Extents
Data Source(s):
Porirua ki Manawatu Block Capture
Purchase Deeds, ML 3111, SO 10937, SO 12963
LINZ Topographic map, Imagery and vector,
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Current Koputara lake extents aligned to imagery
Report: Porirua ki Manawatū Maori aspirations,
Crown response and reserves 1840-2000.
Map Author: Jacobs, 2018 (IZ084200)
Projection: NZTM Geodetic
0 50 100 200 300
Metres
Scale: 1:12,500 at A4
WANGANUI
PALMERSTON NORTH
WELLINGTON

7.6 Conclusion

In attempting to retain and develop their Rangitīkei-Manawatū reserves Ngāti Kauwhata and Ngāti Raukawa affiliated hapū such as Ngāti Parewahawaha/Ngāti Kahoro and the people of Te Reureu were confronted by daunting and often insurmountable obstacles. Some of these encumbrances – such as a form of native title which vested ownership in lists of individual owners rather than hapū or iwi communities – were erected explicitly by the Crown. Others, including difficulties in obtaining access to capital or necessary infrastructure such as roading and river protection were aggravated by legal and governmental frameworks which – intentionally or otherwise – favoured the interests of the European settler population while neglecting the needs of local Māori. In all cases, the challenges confronted by the iwi and hapū of Rangitīkei-Manawatū were exacerbated by the limited and insufficient size of the reserves that had been awarded by the Crown in the first place.

According to the surviving records, something like 7000 of the approximately 18,000 acres of reserves awarded by the Crown to Ngāti Kauwhata and the other Ngāti Raukawa affiliated hapū of Rangitīkei-Manawatū were alienated from Māori ownership prior to 1900. Included amongst the 7000 acres was 3236 acres of the 4500-acre Ngāti Kauwhata 'non-sellers' reserve at Te Awahuri, as well as all of their 1035-acre reserve at Kawakawa. Altogether, more than 4800 of the 7959 acres of reserves awarded to Ngāti Kauwhata within Rangitīkei-Manawatū were permanently alienated prior to 1900.

The loss of most of the non-sellers' Te Awahuri Reserve and all of their Kawakawa Reserve was a catastrophe for Ngāti Kauwhata. While the betrayal of their interests by their former agent Alexander McDonald was the most obvious factor in the loss of so much of Ngāti Kauwhata's land so quickly, other factors also contributed, including a colonial legal system that failed to protect the Te Awahuri community from predatory mortgages, and favoured the interests of those who lent money over those who were obliged to borrow it. Ngāti Kauwhata also suffered from a lack of capital needed to fence and stock their lands, as well as debts that had been incurred in their campaigns to recover their tribal land within Rangitīkei-Manawatū and the southern Waikato.

Beyond Te Awahuri, much of the reserve land alienated before 1900 was sold by the owners of individualized interests. Included in this category were the eight 50-acre sections of Rangitīkei-Manawatū C at Mangamāhoe that were sold between 7 January and 2 December 1885, not long after the Native Land Court had divided the 1000-acre reserve amongst its 20 individual owners. Also included were individually-owned reserves such as those that had been

awarded to various members of Ngāti Parewahawaha and Ngāti Kahoro along the lower Rangitīkei River, or the cluster of reserves on the outskirts of the township of Sanson. In each of these cases the alienation of what had once been a community-owned resource was facilitated by a land tenure system that vested absolute ownership, and the right to sell, in one or several individuals.

In addition to the 7000 acres recorded as having been alienated to private European purchasers before 1900, the Ngāti Raukawa and Ngāti Kauwhata owners of the Rangitīkei-Manawatū reserves also lost substantial areas of land to the Rangitīkei and Oroua Rivers. The Reureu and Ōhinepuhiawe Reserves were especially hard hit. The Reureu Reserve lost 414 acres, or nine percent of its entire area, to river encroachment prior to 1896, while a further 234 acres were washed away between 1896 and 1907. One hundred of the Ōhinepuhiawe Reserve's original 385 acres were taken by the Rangitīkei when the River changed course in 1892 and flooded again in 1896.

Table 7.54 Rangitīkei-Manawatū Reserve Land Alienated Prior to 1900

Section	Date of Purchase	Acres Purchased	Purchaser
Native Section 297 Township of Carnarvon (Kairakau)	26 April 1873	100	Crown
Raikopu (Te Awahuri Reserve)	27 April 1875	850	Annie McDonald. Sold by Alexander McDonald, January 1880
Parts of the Te Awahuri Reserve	April 1881 and 17 June 1885	1700	Sold by Alexander McDonald
Part of the Kawakawa Reserve		11½	Crown for Railway
Rangitīkei-Manawatū C Sec 11	7 Jan 1885	50	Hugh Fraser
Rangitīkei-Manawatū C Sec 3A	12 Feb 1885	50	Donald Fraser
Rangitīkei-Manawatū C Sec 12	12 Feb 1885	50	Donald Fraser
Part of the Kawakawa Reserve	April 1885	472½	James Whisker
Part of the Kawakawa Reserve	April 1885	450½	John Hewitt
Rangitīkei-Manawatū C Sec 8A	22 April 1885	50	Hugh Fraser
Rangitīkei-Manawatū C Sec 8B	22 April 1885	50	Hugh Fraser
Rangitīkei-Manawatū C Sec 13	8 May 1885	50	Hugh McDonnell
Rangitīkei-Manawatū C Sec 6	7 July 1885	50	Donald Fraser
Rangitīkei-Manawatū C Sec 14	2 Dec 1885	50	Alexander McDonnell
Part of the Kawakawa Reserve	Sept 1886	95	Richard Hammond
Native Section 134 Township of Sandon (Matahiwi)	Before 1887	100½	Private European
Native Section 135 Township of Sandon (Matahiwi)	Before 1887	19	Private European
Native Section 136 Township of Sandon (Matahiwi)	Before 1887	19	Private European
Native Section 137 Township of Sandon (Matahiwi)	Before 1887	122	Private European

Native Section 139 Township of Sandon (‘Near Pakapakatea’)	Before 1887	615	Private European
Native Section 142 Township of Sandon (Sanson)	Before 1887	50	Private European
Native Section 142 Part 2 Township of Sandon (Sanson)	Before 1887	10	Private European
Native Section 143 Township of Sandon (Sanson)	Before 1887	100	Private European
Native Section 144 Township of Sandon (Mingiroa)	Before 1887	100	Private European
Native Section 146 Township of Sandon (Junction Mākino & Mangaone Streams)	Before 1887	100	Private European
Native Sections 214 & 215 Township of Carnarvon (Sanson)	Before 1887	192	Private European
Native Section 353 Township of Carnarvon (Sanson)	Before 1887	50	Private European
Native Section 354 Township of Carnarvon (Mangamāhoe)	Before 1887	102	Private European
Native Section 355 Township of Carnarvon (Mangamāhoe)	Before 1887	125	Private European
Section 365 Township of Carnarvon (Paparata)	Before 1887	110½	Private European
Te Awahuri Township, Lots 10, 11, 12, 13, 14, 15, 24 & 25	Before 1889	2¼	Alexander McDonald
Te Awahuri Township, Lots 18, 19, 20, 22, 26, 27	Before 1889	1½	Alexander McDonald
Part of the Te Awahuri Reserve	24 Jan 1889	631	Mortgagee Auction
Rangitīkei-Manawatū C Sec 2	24 April 1889	50	Alexander Hay
Rangitīkei-Manawatū C Sec 1	27 April 1897	50	Eliza Augusta Hay
Native Section 343 Township of Carnarvon (Te Rotonuiahau)	8 June 1897	40	Joseph William Beale
Native Section 347 Township of Carnarvon (Kopane on Oroua River)	28 May 1898	200	William Hamilton Turnbull
Te Awahuri Reserve Section 4	22 Nov 1898	55	Catherine Whisker
		6923	

The available records show that a further 2091 acres reserved to Ngāti Kauwhata and other Raukawa-affiliated hapū and iwi within Rangitītikei-Manawatū were permanently alienated between 1900 and 1930. Given the gaps in the Native Land Court’s records for these years, this figure – like the one for the pre-1900 period – almost certainly understates the area that was actually lost from Māori ownership.

Most of the land alienated after 1900 was purchased by private Europeans after the Native Land Act 1909 had removed all existing restrictions on the alienation of Māori land. In the two decades after the 1909 Act came into operation on 31 March 1910 more than 2000 acres are recorded as having been alienated from Ngāti Kauwhata and Ngāti Raukawa’s Rangitīkei-Manawatū reserves. Amongst the areas acquired by private Europeans during this period was

all but nine acres of the 410-acre Poutū Reserve and 460½ acres of predominantly Ngāti Parewahawaha and Ngāti Kahoro reserves at or around Maramaihoea. The Ngāti Wehiwehi reserve at Mangawhero was purchased in 1912 and 1913, while Wiriharai Te Angiangi's 293 acres at Oau also appear to have been alienated during this period. In addition, more than 200 acres of what was left of the Te Awahuri Reserve were sold to private purchasers between 1910 and 1930, including all or most of Sections 1, 3, and 24. Section 2 of the Te Awahuri Reserve had already been purchased by Catherine Whisker in October 1907.

Table 7.55 Rangitīkei-Manawatū Reserve Land Alienated Between 1900 and 1930

Section	Date of Purchase	Acres Purchased	Purchaser
Te Awahuri Reserve Secs 10 & 13	May 1907	18¼	William F Phillips
Te Awahuri Reserve Sec 2	23 Oct 1907	55	Catherine Whisker
Native Section 361 Secs 3, 4, 5 Township of Carnarvon (Poutū)	1911	318	Donald Fraser
Native Section 356 B Township of Carnarvon (Maramaihoea Pa)	8 Nov 1911	41¼	Marjorie Fraser
Te Awahuri Reserve Sec 3	31 July 1912	55	Catherine Whisker
Te Awahuri Reserve Sec 1	20 Aug 1912	55	Catherine Whisker
Native Section 360B & C Township of Carnarvon (Maramaihoea)	4 Dec 1912	132	Duncan Fraser
Native Section 386 Secs 1 & 3 (Mangawhero)	1912	197	Edward Levien
Native Section 386 Sec 2 (Mangawhero)	1913	109	Edward Levien
Reureu 2A	Between 1915 & 1919	47¼	William Eddowes
Reureu 1 Sec 30	1 April 1916	26	Harriet Cockburn
Reureu 1 Sec 31	1 April 1916	25	Florence Harriet Cockburn
Native Section 358B Township of Carnarvon (Near Maramaihoea)	1 Aug 1916	40	Duncan Fraser
Reureu 2K	17 August 1916	20¼	Wellington Meat Export Ltd
Native Section 361 Sec 1 Township of Carnarvon (Poutū)	5 March 1917	81	Marjorie Fraser
Te Awahuri Reserve Sec 6C 1	22 May 1918	29	David Whisker
Reureu 1 Sec 2A	2 Sept 1918	48	Kathleen Winifred Pryce
Reureu 1 Sec 29	10 Jan 1919	20	George Cockburn
Te Awahuri Township Lots 18, 19 20, 22, 26	30 June 1919	1¼	Joan Levien
Te Awahuri Reserve Sec 7	26 Nov 1919	14	David Whisker
Reureu 1 Sec 34B	20 Dec 1919	17	Laura L Cockburn
Te Awahuri Reserve Sec 24	1919	42	Joseph Bennett
Reureu 2A	6 Feb 1920	26½	William Eddowes
Rangitīkei-Manawatū B4	9 Sept 1920	20	John Pearce Morecombe

Section	Date of Purchase	Acres Purchased	Purchaser
Rangitīkei-Manawatū B4	15 Aug 1921	½	Manawatū Reliance Co-op Dairy Company
Native Sections 366, 367 and 368 Township of Carnarvon (Oau)	Before 23 March 1922	293	Benjamin Gray
Te Awahuri Reserve Secs 8A & 8B	16 Nov 1923	9¼	David Whisker
Rangitīkei-Manawatū C Sec 4B 1	1923	10	John Richardson
Rangitīkei-Manawatū B4	11 March 1924	½	Alfred Ernest Alve
Rangitīkei-Manawatū C Sec 4A 2	5 May 1925	5	Guy Havelock Richardson
Native Section 357 Township of Carnarvon (Near Maramaihoea)	1925	50	Wilhelm Natzes
Native Section 359 Township of Carnarvon (Near Maramaihoea)	1925	100	Agnes Guthrie
Reureu 3C 1	13 July 1926	32½	Alexander W C Cockburn
Native Section 358A Township of Carnarvon (Near Maramaihoea)	27 July 1926	9¾	Marjorie Fraser
Reureu 1 Secs 19 & 21	20 June 1927	19¼	Jean Mace Thomas
Te Awahuri Township A (Secs 98/9, 152/3 156/9)	9 Nov 1927	2¼	Frances Powson Stephens
Native Section 356A Township of Carnarvon (Maramaihoea Pa)	22 Aug 1928	43¾	Marjorie Fraser
Native Section 356C Township of Carnarvon (Maramaihoea Pa)	18 Sept 1929	43¾	Marjorie Fraser
Rangitīkei-Manawatū B4	16 Sept 1929	¼	Rangiotū Hall Society
Reureu 3B 1B	1929	33¾	Alexander W C Cockburn
		2091¼	

After a hiatus brought about by the Great Depression of the 1930s, the alienation of the Rangitīkei-Manawatū reserves continued into the postwar period. The surviving Native Land Court records indicate that almost 700 acres of Māori land originally included in reserves set aside for Ngāti Kauwhata and other iwi and hapū affiliated with Ngāti Raukawa were permanently alienated between December 1944 and November 1973. A further 119 acres were purchased in December 1996.

Amongst the land alienated in the postwar period was 165½ acres of Rangitīkei-Manawatū B at Te Rangiotū (purchased by private European buyers between August 1949 and April 1967) and 86 acres of Ōhinepuhiawe Section 141A, acquired by J and N H Bartlett and Company between August 1966 and February 1971. Private Europeans also purchased 220 acres of Reureu 2 and 3 between December 1944 and April 1968. Within what remained of the Te Awahuri Reserve, 126½ acres were alienated between July 1957 and November 1973,

including 29 acres taken under the Public Works Act for the Feilding Sewerage Treatment Works in January 1964. A further 119 acres of the Te Awahuri Reserve were purchased by Kenneth and Helen Thurston in December 1996.

Table 7.56 Rangitīkei-Manawatū Reserves Alienated Between 1900 and 1930

Section	Date of Purchase	Acres Purchased	Purchaser
Reureu 2B 1A	7 Dec 1944	29½	Reginald Davenport Elgar
Reureu 2N	1948	19	Felt & Textiles Ltd
Rangitīkei-Manawatū B3	24 Aug 1949	28	Thomas Coulter Donaldson
Rangitīkei-Manawatū B2	23 Sept 1951	60	Henry Hill
Rangitīkei-Manawatū C Sec 4B 2	19 Jan 1953	10	Arthur John Longman
Rangitīkei-Manawatū B2 Lot 1	18 Oct 1955	7½	Herbert V William Moore
Reureu 2F2	10 May 1956	1	Crown (Defense Purposes)
Kakariki Gravel Reserve (Piaka)	10 May 1956	¼	Crown (Defense Purposes)
Rangitīkei-Manawatū C Sec 4B 3	24 Oct 1956	10	Arthur John Longman
Reureu 3C 2B	5 Dec 1956	96	Ernest Graeme Barnett
Te Awahuri Reserve Secs 19A, 19B & 19C	25 July 1957	61	Keith Claude Matthews
Te Awahuri Reserve Sec 8C	15 Jan 1958	4½	Keith Jack Hancock
Carnarvon 358 A (Near Maramaihoea)	15 May 1958	¼	Poutu Farm Ltd
Reureu 2J 3A	20 July 1960	38	George Albert Petersen
Te Awahuri Reserve Sec 17A	24 July 1962	1	
Te Awahuri Reserve Sec 5A (Part)	20 Jan 1964	4	Feilding Borough (Public Works Act)
'Old River Bed' adjoining Te Awahuri Reserve	20 Jan 1964	25	Feilding Borough (Public Works Act)
Reureu 2C 1B	13 April 1965	22	Rudolph Edward Kreegher
Ohinepuhiawe 141A 1A	11 Aug 1966	15	J & N H Bartlett & Co
Rangitīkei-Manawatū B4 (Part)	24 April 1967	70	Evelyn Celine Amy Bedford
Ohinepuhiawe 141A 1B	24 July 1967	6½	J & N H Bartlett & Co
Ohinepuhiawe 141A 1C	24 July 1967	7	J & N H Bartlett & Co
Reureu 1 Sec 5B	8 Nov 1967	18	Terence Matthew Green
Reureu 2J 3B	29 April 1968	14	George Albert Petersen
Te Awahuri Reserve Sec 6C 3 (Older River Bed)	1 May 1968	16	Clarence Noel Houghton
Ohinepuhiawe 141A 5A	1 May 1968	22	J & N H Bartlett & Co
Ohinepuhiawe 141A 5B	1 May 1968	28	J & N H Bartlett & Co
Rangitīkei-Manawatū C Sec 5	22 July 1968	40	Edwin James Hunt
Ohinepuhiawe 141A 3	10 Feb 1971	7	J & N H Bartlett & Co
Reureu 1 Sec 34 2C	7 Dec 1971	10½	Nancy Cummins, Ian A Barnett, Ernest G Barnett
Te Awahuri Township Lots 16 & 17	1 Sept 1972	½	Trevor Herman Gallus
Te Awahuri Reserve Sec 21A	8 Nov 1973	15	Robin & Margaret Evans
Te Awahuri Reserve Secs 5A & 5B	10 Dec 1996	119	Kenneth & Helen Thurston
		805½	

Between 1967 and 1972, many of the surviving sections of Māori land within the Rangitīkei-Manawatū reserves were subjected to compulsory conversion to general freehold or 'European' land under Part 1 of the Maori Affairs Amendment Act 1967. Carried out by the Registrar of the Native Land Court without regard to the wishes of the land's owners, the process of compulsory 'Europeanisation' was applied to sections of Māori land owned by four or less individuals, and considered to be 'suitable for effective use and occupation.'[2393]

Altogether, at least 58 sections of land within reserves originally awarded to Ngāti Kauwhata and other Ngāti Raukawa affiliated iwi and hapū within Rangitīkei-Manawatū were subjected to compulsory conversion from Māori to general land between July 1967 and July 1972. The Reureu Reserve was particularly hard hit, with more than 30 sections, containing 479 acres, converted from Māori to general land. Within Reureu 1 alone, 26 sections were 'Europeanised' – a combined area of 416 acres. At Te Awahuri, 11 sections of the Te Awahuri Reserve and five portions of the Te Awahuri Township Reserve (32 acres altogether) were converted from Māori to 'European' land. Altogether, approximately 655 acres of reserved Māori land within Rangitīkei-Manawatū were converted to general land under under Part 1 of the Maori Affairs Amendment Act 1967.

Table 7.57 Sections of Rangitīkei-Manawatū Reserves Subject to Compulsory Conversion from Māori Freehold to General Freehold Land, 1968 to 1972

	Sections	Area (Acres)
Te Awahuri Reserve	11	26
Te Awahuri Township	5	6
Rangitīkei-Manawatū C (Mangamāhoe)	6	117
Ohinepuhiawe	2	27
Reureu 1	26	416
Reureu 2 & 3	8	63
	58	**655**

Even when the owners of individualized sections of reserves were able to retain their land in Māori ownership they often struggled to put it to productive and profitable use. The Native land tenure system imposed upon Māori by the colonial Parliament through the 1873 Native Land Act and its successors served as a serious impediment to iwi and hapū aspirations for development and self-government. Vesting ownership of Māori land in lists of individual owners with discrete (and alienable) but geographically undefined shares, the Native land

[2393] Maori Affairs Amendment Act 1967, ss 3, 4, 6 & 7

tenure system fostered conflict and division within communities, while creating uncertainty for those who sought to make use of their land.

The divisions wrought by the individualized system of land tenure were particularly evident within Ōhinepuhiawe and Te Reureu where disputes and uncertainty over the ownership of the two reserves continued well into the twentieth century. The consequent confusion over who, exactly, had ownership rights to which piece of land had particularly serious consequences within Reureu 1 where acres of cleared and cultivated land fell into disuse and neglect for want of a secure title which would allow individual owners to work the land without risk of expropriation.

Under the prevailing Native and tenure system, uncertainty over exactly which individual shareholders owned which pieces of land could only be resolved by the partitioning of reserves amongst their various owners. As with the partitioning of the Ōhinepuhiawe Reserve by the Native Land Court in 1909, such divisions could be contentious and aggravate or create lasting divisions within communities. Even when carried out with the agreement of all or most owners, the subdivision of tribal or hapū reserves inevitably led to the fragmentation of what had once been a community asset. The partitioning of Reureu 1 in 1912, for example, resulted in the division of the Ngāti Waewae and Ngāti Pikiahu reserve into 36 distinct subdivisions, most of which were subsequently divided further.

The division of the Reureu Reserve into so many individually-owned sections made it difficult for the owners to develop their land, a problem that was only aggravated by subsequent partitions. The owners of Reureu 1 did their best to overcome these problems by joining together in the Reureu Dairy Farmers Union, formed in 1913. The Union sought to pool the landowners' labour and expertise to foster commercial dairy farming in the Te Reureu valley.

In their ultimately unsuccessful bid to transform their reserve into a prosperous and progressive dairy farming community, the Māori farmers of Te Reureu were handicapped, not only by a land tenure system that fostered fragmentation, but also by difficulties obtaining essential infrastructure such as reliable road access to their land. With the local authority reluctant to invest ratepayers' money in a route across Māori land, the Reureu Dairy Farmers Union took the initiative in rebuilding the washed-away road that connected the northern half of the Reureu Reserve to Tokorangi and the outside world. Road access remained a problem for Te Reureu farmers until the end of the 1930s, with the local council refusing to provide a connection between Onepuehu and Kākāriki until the route was finally completed as a relief project for the unemployed in the midst of the Great Depression.

The landowners of Te Reureu and Ōhinepuhiawe were also hindered by the encroachment of the Rangitīkei River upon their land. Unable to raise the capital to protect their land from the River's incursions, landowners in both Reureu 1 and Ōhinepuhiawe agreed to their land being included in Government-run development schemes. In addition to the the necessary river protection works, the Ōhinepuhiawe and Reureu development schemes (established in 1933 and 1938 respectively) promised to provide much-needed capital and technical expertise for the improvement of the farms that had been included in the schemes. Overseen by a Board of Native Affairs dominated by senior Government officials, and with no Māori representation whatsoever until 1949, the Reureu and Ohinepuhiawe Development Schemes were the antithesis of the Reureu Dairy Farmers Union, which had been founded on the principles of rangatiratanga and mutual self help.

Problems with access also bedeviled the owners of the Kōpūtara Reserve. Having not received legal title to their land until April 1964, the Kōpūtara owners spent the next half century attempting to obtain access to their landlocked reserve. Legal access to Kōpūtara had been cut off at the end of the nineteenth century, when the Crown had issued grants to the surrounding land without making provision for a right of way across the privately-owned land to the landlocked reserve.

Despite securing the right to apply to the High Court for access through an amendment to the Property Law Act in 1975, the Kōpūtara Trustees did not secure legal access to their land until 2000, after Thomas Willis had agreed to conditional access through his land, and the High Court had issued an order allowing a right-of-way across the strip of land owned by Basil and Graham Sexton. Practical access to the Kōpūtara Reserve was delayed for a further decade and a half as the Trustees struggled to construct a right of way in the face of practical difficulties and obstruction on the part of the new European landowner. Even today, access to the Reserve remains tenuous and conditional: subject to ongoing difficulties with the owner of the land over which the right-of-way runs, and only legally passable during daylight hours.

Today 3702, or one fifth, of the approximately 18,000 acres set aside within Rangitīkei-Manawatū by the Crown and Native Land Court for Ngāti Kauwhata and the other hapū and iwi affiliated with Ngāti Raukawa remains as Māori land. Of these 3702 acres, 2474, or two-thirds, are located within the Reureu Reserve, with 1522 acres situated in Reureu 1 and 952 in Reureu 2 and 3. By contrast, just 168 of the 6585 acres reserved for Ngāti Kauwhata in and around Te Awahuri (including Kawakawa) remain as Māori land today. Amongst the other reserves where land has been retained, 318 acres of Rangitīkei-Manawatū C at Mangamāhoe

205 acres of Rangitīkei-Manawatū B at Rangiotū; and 105 acres of Ohinepuhiawe reserve at Bulls remain as Māori land.

Table 7.58 Land within the Rangitīkei-Manawatū Reserves Remaining as Māori Land Today

	Acres	Number of Sections
Te Awahuri Reserve and Township	168	20
Rangitīkei-Manawatū B (Rangiotū)	205	6
Te Reureu	2474	97
Ōhinepuhiawe	105	14
Rangitīkei-Manawatū C (Mangamāhoe)	318	12
Poutū, Maramaihoea and Matahiwi	84	3
Tāwhirihoe	3	1
Kōpūtara	345	1
	3702	**154**

Most of Rangitīkei-Manawatū reserve land retained today under Māori tenure is either fragmented or isolated. The 2474 acres remaining within the Reureu reserve is divided into 97 sections with hundreds of individual owners. The 105 acres of Māori land at Ōhinepuhiawe is split into 14 separate sections, while the surviving 168 acres at Te Awahuri are divided into 20 portions. Apart from the 50-acre reserve at Matahiwi, which is now bisected by the Rangitīkei River, the only Rangitīkei-Manawatū reserve to remain entirely intact since the nineteenth century is the 385-acre reserve at Kōpūtara. Entirely surrounded by privately-owned European land, the reserve was legally inaccessible to its Māori owners until the beginning of this century. Even today, access to the Kōpūtara Reserve is conditional, and contingent on the right-of-way across privately-owned land being properly maintained.

8. Ngāti Raukawa and the Church Mission Grant Lands at Ōtaki

8.1 The Ōtaki Crown Grants

The Church Mission Grant lands at Ōtaki were created from four Crown grants issued by Governor George Grey to Octavius Hadfield, William Williams and Richard Taylor as trustees for the Church Missionary Society (CMS) in February 1852, and June and July 1853. Ranging in area from slightly less than 397 acres to just under 33¾ acres, the four Crown grants were intended 'for the use and towards the maintenance and support' of an 'industrial' boarding school, 'under the superintendence of the Church Missionary Society', to be established at Ōtaki 'for the education' of British subjects 'of all races' (both Māori and Pākehā) as well as the inhabitants of other 'islands in the Pacific Ocean.' The four Crown grants were conditional on the Ōtaki mission school providing 'religious education, industrial training, and instruction in the English language' to its students.[2394]

The first two of the four Ōtaki school grants were signed by Governor Grey on 5 February 1852. The larger of the two grants (396 acres 2 roods and 30 perches) stretched from the back of the CMS mission station on Te Rauparaha Street to the sand dunes and Rangiuru Pā on the coast. Bounded by the Waitohu Stream to the north and the Maringiāwai Stream to the south, the grant was traversed by the Mangapouri River. Today the area of the grant is bisected by Tasman Road running between Ōtaki and Ōtaki Beach.[2395] The second and smaller of the grants issued by the Governor on 5 February 1852 was located to the east of the CMS Mission station and Te Rangiatea Church, on the northern banks of the Makuratawhiti Stream (also referred to as the Haruatai Stream), between what are now Aotaki Street and Anzac Road. With an area of 68 acres 2 roods and 35 perches, this second grant was smaller but of superior in quality to the larger Crown grant.[2396]

[2394] 'No 1. Grant for a School at Otaki', 'No 2. Grant for a School at Otaki', 'No 11. Grant for a School at Otaki', 'No. 12. Grant for a School at Otaki, 'Return of Grants of Land to Religious Bodies in the Province of Wellington', *AJHR*, 1866, D-16, pp 5-6, 10-11.

[2395] 'No 1. Grant for a School at Otaki', 'Return of Grants of Land to Religious Bodies in the Province of Wellington', *AJHR*, 1866, D-16, p 5

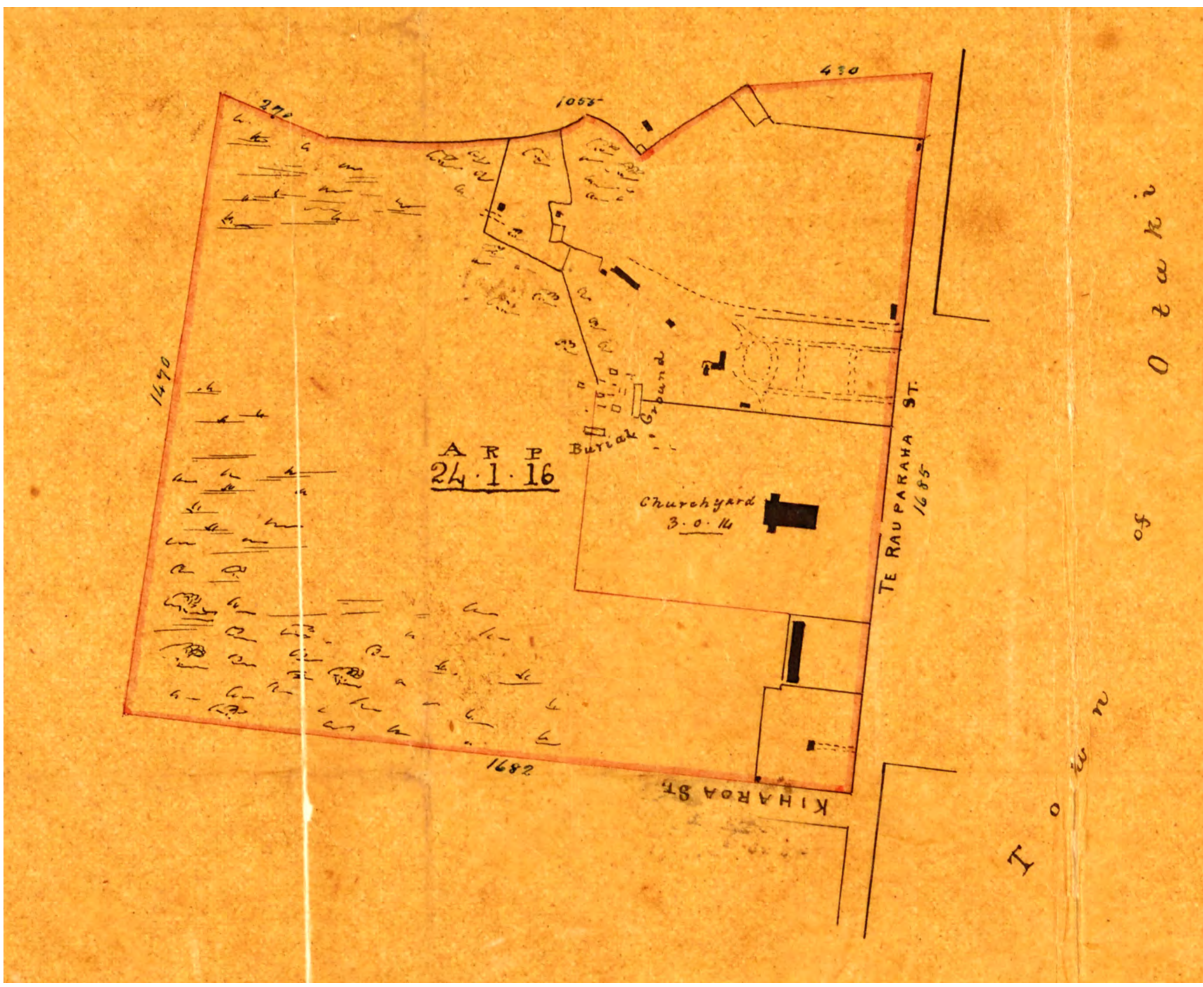
[2396] 'No 2. Grant for a School at Otaki', 'Return of Grants of Land to Religious Bodies in the Province of Wellington', *AJHR*, 1866, D-16, pp 5-6

Figure 8.1 'Grant to the Church Missionary Society for a School Adjoining the Town of Hadfield, Otaki Containing 386 acres 2 roods 30 perches'

Figure 8.2 'Grant to the Church Missionary Society for a School, Town of Hadfield, Otaki'

The area available to the Ōtaki industrial school was supplemented by further Crown grants in June and July 1853. On 18 June 1853 Governor Grey issued a Crown Grant for 33¾ acres adjoining the 397 acres that had already been awarded to the CMS trustees.[2397] Another Crown Grant, for 62 acres, was issued by the Governor 16 July 1853. This land, too, adjoined the large section granted in February 1852.[2398]

Figure 8.3 'Grant to the Church Missionary Society, Town of Hadfield, Otaki'



The grants for the Ōtaki industrial school – which together had a combined area of slightly more than 561 acres – were supplemented by a smaller Crown grant of just over 24¼ acres on the edge of Ōtaki township for the Church Missionary Society's mission station. Issued by Governor Grey on 21 February 1852, the grant to the Mission Society concerned a roughly

[2397] 'No 11. Grant for a School at Otaki', 'Return of Grants of Land to Religious Bodies in the Province of Wellington', *AJHR*, 1866, D-16, pp 10-11
[2398] 'No 12. Grant for a School at Otaki', 'Return of Grants of Land to Religious Bodies in the Province of Wellington', *AJHR*, 1866, D-16, p 11

square area of land on the corner of Te Rauparaha Street and what was then known as Kiharoa Street. The boundaries of the Grant included the newly-constructed Te Rangiatea Church, along with the church yard and burial ground.[2399]

Like the land granted for the school, the 24¼ acres for the mission station had originally been gifted to the CMS by the chiefs of Ngāti Raukawa. In February 1851 six of the tribe's Ōtaki chiefs – including Mohi Te Wharewhiti, Hanita Te Wharemakatea, Te Kingi Te Ahoaho, Kerei Te Puke and Hakaraia Kiharoa – wrote to Governor Grey asking him 'to issue a permanent grant of land in Otaki to our missionaries.'[2400] The chiefs were prevented from transferring the land directly to the CMS by the Native Land Purchase Ordinance of 16 November 1846, which had restored the Crown's right of pre-emption over Māori land, prohibiting in the process 'all private purchases and leases of Maori land.'[2401] Mohi and the other Ngāti Raukawa chiefs asked Governor Grey to include in his Crown Grant to the CMS 'the land where the school house and church stand' as well as 'the children's boarding quarters and the paddock for the animals.' The proposed Grant was to be bounded on the eastern side by the town survey line, while the adjacent swamp was to serve as the boundary on the western, 'seaward side.' To the north, the boundary was to 'run up the mound on the hill before dropping 'down to the swamp.'[2402]

[2399] 'No 5. Grant for a School at Otaki', 'Return of Grants of Land to Religious Bodies in the Province of Wellington', *AJHR*, 1866, D-16, p 7

[2400] Letter in Te Reo Maori from Mohi Te Wharewhiti and others of Ngāti Raukawa to Governor Grey, 7 February 1851, Auckland Central Library, Sir George Grey Special Collections, Grey New Zealand Maori letters – Nga reta Maori, GNZMA 654 http://www.aucklandcity.govt.nz/dbtw-wpd/msonline/images/manuscripts/GNZMA/PDFs/web_GNZMA_654.pdf (Accessed 31 August 2018). Translation by Piripi Walker 20 July 2018.

[2401] Rose Daamen, 'The Crown's Right of Pre-Emption and Fitzroy's Waiver Purchases', (Waitangi Tribunal, Rangahaua Whanui Series), August 1998, p 151

[2402] Letter in Te Reo Maori from Mohi Te Wharewhiti and others of Ngāti Raukawa to Governor Grey, 7 February 1851. Translation by Piripi Walker 20 July 2018.

Table 8.1 Crown Grants of land at Ōtaki made by Governor George Grey to Trustees of the Church Missionary Society, 1852 and 1853

To Whom Granted	Specified Purposes	Date	Acreage	For What Purpose Valuable	Remarks
Church Mission	General education of children of all races & classes	5 Feb 1852	396.2.30	Agriculture and Grazing	Ceded by Natives. No payment made.
Church Mission	General education of children of all races & classes	5 Feb 1852	68.2.35	Agriculture and Grazing	Ceded by Natives. No payment made.
Church Mission	Towards maintenance & support of said Mission	21 Feb 1852	24.1.16	Building, agricultural, &c	Ceded by Native Chiefs for support of Mission
Church Mission	General education of children of all races & classes	18 June 1853	33.3.0	Agriculture & grazing	Ceded by Natives. No payment made.
Church Mission	General education of children of all races & classes	16 July 1853	62.0.0	Agriculture & grazing	Ceded by Natives. No payment made.
			585.2.1		

Source: 'Return of Grants of Land to Religious Bodies in the Province of Wellington', *AJHR*, 1866, D-16, p 3

8.2 The 'Industrial' Boarding School at Ōtaki

The Church Missionary Society at Ōtaki

Ngāti Raukawa's connection with the Church Missionary Society began in 1839 when Mātene Te Whiwhi-o-te-rangi and Katu Tamihana Te Rauparaha travelled to the Bay of Islands with an invitation to the CMS to establish a new mission station at Kapiti.[2403] The Society responded to this request by sending Octavius Hadfield, who began work on the Kapiti Coast in November 1839. Basing himself first at Waikanae and then Ōtaki, Hadfield 'travelled hundreds of miles' throughout Ngāti Raukawa's southern rohe. By 1841, the CMS missionary 'was ministering to some 7,000 widely scattered Māori' between Kapiti and the Rangitīkei.[2404]

[2403] David V Williams, *A Simple Nullity? The Wi Parata case in New Zealand law and history*, (Auckland, Auckland University Press), 2011, pp 16-17
[2404] J Starke, 'Hadfield, Octavius 1814?-1904', *The Dictionary of New Zealand Biography. Vol One. 1769-1869*, (Wellington, Allen & Unwin and the Department of Internal Affairs), 1990, p 169

From the beginning, the provision of education was central to the CMS's mission on the Kapiti Coast. Within two years of his arrival Hadfield was 'supervising 18 schools set up to provide an elementary European education combined with the teaching of agricultural and domestic skills.'[2405] At the centre of this new education system was the CMS school at Ōtaki. Established in 1839, not long after Hadfield's arrival on the Kapiti Coast, the Ōtaki mission school 'flourished from the beginning'.[2406] As well as offering education for the local Raukawa community in and around Ōtaki, the school also provided training to Māori teachers who were then sent out to the smaller schools across the Horowhenua, Manawatū, and Rangitīkei.[2407]

After falling gravely ill in late 1844, Hadfield was obliged to seek treatment in Wellington where he was to remain until 1849.[2408] In Hadfield's absence management of the Ōtaki mission school was taken over by Samuel Williams.[2409] The school continued to thrive under Williams's leadership, and in June 1849 – when Hadfield finally returned to Ōtaki – it was being attended by between 120 and 130 students, most of whom were boarders.[2410] As outlined in the letter from Mohi Te Wharewhiti and the other Raukawa chiefs to Governor Grey, the 'school house' and 'children's boarding quarters' were located on land that had been gifted to the CMS by Ngāti Raukawa, on what is now Te Rauparaha Street, in close vicinity to Te Rangiatea Church, which in 1849 was still under construction.[2411]

Governor Grey and the 1847 Education Ordinance

In 1847 Governor George Grey (who had been appointed Governor two years earlier) issued an ordinance establishing a national system of government-supported schools. Working in tandem with the system of hospitals for Māori patients, Grey hoped that the school system would produce – as he put it in a letter to Hadfield – a 'slow but certain change in the condition of the native population' by furnishing them with what he saw as the intellectual, material, and

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[2405] Ibid
[2406] Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the), *AJHR*, 1905, G-5, p vii
[2407] Starke, 'Hadfield', p 169
[2408] Ibid
[2409] Mary Boyd, 'Williams, Samuel, 1822-1907', *The Dictionary of New Zealand Biography. Vol One. 1769-1869*, (Wellington, Allen & Unwin and the Department of Internal Affairs), 1990, p 596
[2410] Eric Ramsden, *Rangiatea: The Story of the Otaki Church its First Pastor and its People*, (Wellington, A H & A W Reed), 1951, pp 140 & 154
[2411] Letter in Te Reo Maori from Mohi Te Wharewhiti and others of Ngāti Raukawa to Governor Grey, 7 February 1851. Translation by Piripi Walker 20 July 2018.

spiritual benefits of European civilization.[2412] What Grey envisioned was a system of 'industrial' boarding schools in which formal and religious education would 'be combined with training in domestic duties, agriculture, or a useful trade.'[2413]

Rather than instituting a state-supported system from scratch, Governor Grey sought to build on the educational infrastructure that had already been set in place by the various missionary groups working within New Zealand. Under the Governor's system the Crown would furnish religious bodies with grants of money or land that could be used either to support already existing schools or to fund the establishment of new institutions.[2414]

The Education Ordinance of 7 October 1847 made it lawful for the Governor to use 'the public funds of the Colony . . . to establish and maintain schools . . . and to contribute towards the support of schools otherwise established.' Each of the schools receiving public funds was to 'be placed under the superintendence and management' of either the Anglican Bishop of New Zealand; 'the Bishop or other head of the Roman Catholic Church in the Colony of New Zealand'; the Superintendent of the Wesleyan Mission, or 'the Head or Minister of any other Religious Body . . . engaged in the education of youth in the Colony of New Zealand'. The superintendents or managers of each school were empowered to employ or remove teachers as they saw fit.[2415]

Under the Education Ordinance, the provision of public funds to establish or support a school were conditional upon 'religious education, industrial training, and instruction in the English language' being 'necessary' parts of the curriculum. In addition, each school was to be subject to inspection at least once a year.[2416] The emphasis in the Ordinance upon English language instruction underlined the Governor's intention that the publicly-funded schools were to provide a means by which Māori children might be 'civilized' and ultimately assimilated into European culture.[2417] It also marked a significant departure from the manner in which classes

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[2412] Sir George Grey to Octavius Hadfield, 8 November 1847, Alexander Turnbull Library, Church of the Province of New Zealand, Wellington Dioceses: Further records, 'Octavius Hadfield – Letters from Sir George Grey'
[2413] Judith Nathan, 'An Analysis of an Industrial Boarding School: 1847-1860: A Phase in Maori Education', *New Zealand Journal of History*, 1973, p 47
[2414] Williams, *A Simple Nullity?*, pp 71-72
[2415] 'An Ordinance for promoting the Education of Youth in the Colony of New Zealand', 7 October 1847, New Zealand Acts As Enacted, http://www.nzlii.org/nz/legis/hist_act/ea184711v1847n10224/ (accessed 3 September 2018)
[2416] Ibid., 3 & 4
[2417] Nathan, p 49; Keith Sinclair, 'Grey, George, 1812-1898', *The Dictionary of New Zealand Biography. Vol One. 1769-1869*, (Wellington, Allen & Unwin and the Department of Internal Affairs), 1990, p 161

were conducted in most mission schools where instruction was usually provided to the Māori students in their native language.[2418]

In addition to the provision of public funds under the Education Ordinance, Governor Grey also proposed providing support for the schools through grants of what he described, in a letter to Secretary of State for the Colonies Earl Henry George Grey, as 'unappropriated' 'waste tracts of land'. By providing 'a sufficiency of land' for the schools to cultivate, such grants would allow the educational institutions to become self-sufficient in food, thereby providing a solution to the 'very difficult matter' of how the students of the boarding schools might be 'properly' fed. Under the 'industrial system' established under the Education Ordinance, Grey proposed that the land granted to the schools be farmed by 'the pupils of the establishment' themselves. In his letter to Secretary of State (dated 22 March 1849) the Governor suggested that 'if there was a sufficiency of land at their disposal', the residents of each school would:

> not only produce sufficient supplies for their own support, but they would at the same time be instructed in the approved modes of agriculture, which, as the people of this country are distinctly an agricultural race, would confer the greatest benefits on themselves, the European population, and generally upon the whole country.[2419]

If such a 'system' was adopted, Governor Grey was convinced that 'in a few years after its establishment' each industrial school would be able to 'entirely support itself, and that all Native and half-caste children as well as all destitute European children, would receive an excellent and useful education.'[2420]

Apparently envisaging no problems in securing a sufficiency of land from the Māori owners of the supposedly 'unappropriated' 'waste tracts of land', Governor Grey nevertheless sought Earl Grey's advice as to whether or not the religious bodies managing the schools should be obliged to pay for the areas granted to them. Replying on 16 October 1849, the Secretary of State expressed his full support for the Governor's proposal. 'Attaching . . . great importance to the successful development' of the system of publicly funded education set out in the Education Ordinance, Earl Grey suggested that the land grants for the various schools should

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[2418] Williams, *A Simple Nullity?*, p 72
[2419] 'Copy of a Despatch from Governor Sir George Grey to Earl Grey', 22 March 1849, *British Parliamentary Papers. Colonies: New Zealand*, (1420.01.54), pp 122-123, http://digital.liby.waikato.ac.nz/bppnz?e=d-01000-00---off-0despatch--00-1----0-10-0---0---0direct-10---4-------0-11--11-en-50---20-bpphome---00-3-1-00-0-0-11-1-0utfZz-8-00&a=d&cl=CL3.12&d=HASH6757de76a0e8b4a435abc2 (accessed 3 September 2018)
[2420] Ibid

be offered to the supervising religious bodies at 'still more favourable terms' than the one pound per acre that the Governor had originally proposed. 'Provided due security' could be provided for their proper use, the Secretary of State advised that the grants might even be made to the schools 'gratuitously', without any charge at all for the land.[2421]

Acting on the Secretary of State's advice, Governor Grey proceeded to issue the land grants for the various industrial schools with no charge to the religious bodies that were supervising them. On 29 January 1851 the Governor reported to Earl Grey:

> That grants for the portions of land requisite for the growth and production of the necessaries of life required by the children, and for their training in agricultural pursuits, have been issued gratuitously to these institutions, conveying the lands in trust for the use and towards the maintenance of such schools, so long as religious education, industrial training, and instruction in the English language are given to the youth educated thereat.[2422]

Grey went on to explain that the land grants for each school were to be 'made in the names of the persons' who had been 'authorised by the Education Ordinance to exercise entire control and supervision over the schools.'[2423] Exactly who these individuals should be became a point of contention within the Church of England, with the CMS objecting to the Bishop of New Zealand George August Selwyn being given authority over schools which had been established and maintained by its missionaries. Finding the protests of the missionary society to be 'not unreasonable', Earl Grey advised the Governor to amend the Education Ordinance so that the CMS would retain control over its New Zealand schools.[2424]

Governor Grey acceded to his superior's request, and as a result the 'superintendence' and management of the publicly-funded boarding school at Ōtaki was placed in the hands of the

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[2421] 'Copy of a Despatch from Earl Grey to Governor Grey', 16 October 1849, *British Parliamentary Papers. Colonies: New Zealand*, (1136.02.11), pp 237-238, http://digital.liby.waikato.ac.nz/bppnz?e=d-01000-00---off-0despatch--00-1----0-10-0---0---0direct-10---4-------0-11--11-en-50---20-bpphome---00-3-1-00-0-0-11-1-0utfZz-8-00&a=d&cl=CL3.10&d=HASH16ef37d997867e06499591 (accessed 3 September 2018)

[2422] 'Copy of a Despatch form Governor Sir George Grey to Earl Grey', 29 January 1851, *British Parliamentary Papers. Colonies: New Zealand*, (1420.01.54), pp 122-123, http://digital.liby.waikato.ac.nz/bppnz?e=d-01000-00---off-0despatch--00-1----0-10-0---0---0direct-10---4-------0-11--11-en-50---20-bpphome---00-3-1-00-0-0-11-1-0utfZz-8-00&a=d&cl=CL3.12&d=HASH6757de76a0e8b4a435abc2

[2423] Ibid

[2424] 'Copy of a Despatch from Earl Grey to Governor Sir George Grey', 3 August 1851, *British Parliamentary Papers. Colonies: New Zealand*, (1420.02.42), p 218, http://digital.liby.waikato.ac.nz/bppnz?e=d-01000-00---off-0despatch--00-1----0-10-0---0---0direct-10---4-------0-11--11-en-50---20-bpphome---00-3-1-00-0-0-11-1-0utfZz-8-00&a=d&cl=CL3.12&d=HASH014ec61fd1631c2020e905f2 ; Williams, *A Simple Nullity?*, p 77

CMS rather than the Bishop of New Zealand. The four Crown grants for the 'maintenance and support' of the Ōtaki industrial boarding school were issued in the names of three CMS missionaries: William Williams (Archdeacon of Waiapu), Octavius Hadfield (Archdeacon of Kapiti) and Richard Taylor (who had established the CMS mission at Whanganui) 'in trust for the said Church Missionary Society.'[2425]

The Governor did, however, issue a Crown grant in Selwyn's name for 500 acres at Whitireia at the entrance of Porirua harbour.[2426] This land had been gifted by Ngāti Toa – at the Bishop of New Zealand's urging – for the establishment of a college for Māori and European children along the lines of Saint John's College in Auckland. Unlike the CMS school at Ōtaki, Selwyn's college at Whitireia was never built, leading to a succession of parliamentary inquiries, court cases and a lasting grievance amongst those who had originally gifted the land. The long and complicated legal history of the Whitireia land grant has been capably and comprehensively surveyed in studies authored by three of New Zealand's leading legal historians: Richard Boast, Bryan Gilling, and David V Williams.[2427]

The Gifting of the Ōtaki Grant Lands

In the first half of 1851 Governor Grey offered the CMS mission at Ōtaki a grant of £300 for the construction of an industrial boarding school. The new school, with new timber school and boarding houses would be a significant improvement on the already existing school at Ōtaki, where the boarders were housed in temporary 'raupo huts.'[2428] The Governor's grant, however, was conditional on the mission securing from Ngāti Raukawa sufficient land to support the school's agricultural endeavours. Grey stipulated that the area of the 'sufficiency' to be gifted to the school had to be at least 200 acres, located in the 'immediate vicinity' of the school.[2429]

[2425] 'Return of Grants of Land to Religious Bodies in the Province of Wellington', *AJHR*, 1866, D-16, pp 5-6, 10-11.

[2426] 'No. 18. Grant for a College at Porirua', 'Return of Grants of Land to Religious Bodies in the Province of Wellington', *AJHR*, 1866, D-16, pp 15-16

[2427] See: Williams, *A Simple Nullity?*; Richard Boast and Bryan Gilling, 'Ngāti Toa Lands Report One', Unpublished Report to the Crown Forestry Rental Trust and Te Runanga o Ngāti Toa, 2008, Chapter 7; R P Boast, '"So Long Lying Idle Without a School": Wi Parata, Wallis and Whitireia, 1848-2008', *New Zealand Journal of Public and International Law* (7), 2009, pp 237-272.

[2428] Ramsden, *Rangiatea*, p 166

[2429] Ibid., p 146; Octavius Hadfield to Sir George Grey, 7 June 1851, Auckland Central Library, Sir George Grey Special Collections, Grey New Zealand letters, http://www.aucklandcity.govt.nz/dbtw-wpd/msonline/images/manuscripts/GLNZ/PDFs/web_GLNZ_H1.10.pdf (accessed 31 August 2018)

Writing to Governor Grey on 7 June 1851, Octavius Hadfield noted that Ngāti Raukawa had already gifted an area of 'excellent land', adjoining the Ōtaki village. This land, which Hadfield had 'assumed might contain 30 acres' but in fact consisted of 'upwards of 50', was the 68¾ acres alongside the Makuratawhiti (or Haruatai) Stream that the Crown formally granted to Hadfield and the other two CMS trustees in February 1852. In addition, the Ngāti Raukawa community at Ōtaki had already provided the CMS with the 24 acres for the mission station on Te Rauparaha Street, where the school and Te Rangiatea Church were located.[2430]

Noting the land that had already been gifted to the CMS by Ngāti Raukawa, Hadfield warned that it would 'not be easy to obtain a block of 200 acres in the immediate vicinity' of Ōtaki village. Hadfield informed the Governor that the iwi was 'ready to give' another 'piece of land' of 'probably 80 to 100 acres' that was 'well suited for supporting cattle.' This land, however, was 'on the opposite side of the river, about a mile and a half' from the mission station. Hadfield thought that 'probably' more land 'might be obtained' if all of those who owned land at Ōtaki were 'made acquainted' with the plans for the school, and promised that he would 'make further enquiries on the subject.'[2431]

The 'further enquiries' promised by Hadfield proved to be unnecessary because, in the meantime, the Ngāti Raukawa community at Ōtaki met and – as Hadfield put it in a postscript to his letter of 7 June 1851 – agreed among themselves 'to give as much land as may be satisfactory.'[2432] The land to be gifted adjoined Ōtaki village and the mission station, and amounted to almost 400 acres of flat but predominantly swampy land. This initial contribution to the new school was supplemented by further gifts of adjacent sections of 33¾ acres and 62 acres, bringing the area gifted by Ngāti Raukawa and its affiliated hapū and iwi to 492¼ acres. If the 68¾ acres already gifted alongside the Makuratawhiti Stream are included, the total area given for the support of the new industrial school at Ōtaki was 561 acres (not counting the 24 acres that the tribe had provided for the mission station itself).[2433]

Speaking almost a quarter of a century later, Hadfield told a select committee of the Legislative Council in October 1875 that Ngāti Raukawa's gift of the land for the Ōtaki industrial school had been the result of careful and thorough consideration over 'many months.'[2434] As understood by the Raukawa donors, their gifts of land for the school were a

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[2430] Hadfield to Grey, 7 June 1851
[2431] Ibid
[2432] Ibid
[2433] 'Return of Grants of Land to Religious Bodies in the Province of Wellington', *AJHR*, 1866, D-16, pp 5-6, 10-11.
[2434] 'Te Aute College & Other Educational Trust Estates, (Report and Proceedings of Select Committee On)', *Journals and Appendix to the Journals of the Legislative Council of New Zealand*, 1875, p 39

conditional *tuku whenua* in which the land in question was given for a specific purpose, as part of an ongoing relationship between the givers of the gift and its recipients.[2435]

This understanding was set out in a letter in Te Reo Māori addressed by the Ngāti Pare and Ngāti Raukawa chief Te Ao to George Grey on 7 November 1851. Te Ao wrote to the Governor to inform him that another senior Ngāti Pare chief Hori Te Puke had agreed to the gifting of land for the school at Ōtaki. Te Ao, however, made clear that Te Puke's agreement was conditional on the CMS and the Crown honouring their agreement to establish and maintain the industrial school at Ōtaki. Using the poetic and metaphor laden language of the day, Te Ao warned the Governor that Te Puke had told him that:

> the two of you can provide the cart and the plough, I will provide the horse. I will apply to the Governor and Hadfield. If they do not like my idea, I will not like theirs.

Te Ao went on to tell the Governor that he and Te Puke had discussed the terms of their gift with Hadfield and [Samuel] Williams, and the two missionaries had agreed 'to give a horse' to pull Ngāti Raukawa's 'cart'. As a result, the *tuku whenua* had been agreed to and the land gifted.[2436]

In the decades following Ngāti Raukawa's gift some disagreement arose over whether the Ōtaki land had been freely gifted or in fact purchased by the CMS. In 1866, a 'Return of all Special Grants in the Province of Wellington, for Religious, Educational, and Charitable purposes' listed the four Ōtaki school grants, and the grant for the Ōtaki Mission Station, as having been 'ceded' by the Māori owners with 'no payment made.'[2437] In October 1875, however, Hadfield told a Legislative Council select committee inquiry into 'Te Aute College and other Educational Trust Estates' that the Māori donors had in fact received payment for the Ōtaki school land 'at the ordinary rate of land at that time.' Because the private purchase

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[2435] On tuku whenua in its historical context see: Williams, *A Simple Nullity?*, pp 86-89; and Susan Healy, 'Tuku Whenua as Customary Land Allocation: Contemporary Fabrication or Historical Fact?', *Journal of the Polynesian Society*, (118, 2), 2009, http://www.jps.auckland.ac.nz/docs/Volume118/Volume%20118%20No%202/2%20Tuku%20whenua.pdf (accessed 4 September 2018)

[2436] Letter in Te Reo Māori from Te Ao to Governor Grey, 7 November 1851, Auckland Central Library, Sir George Grey Special Collections, Grey New Zealand Maori letters – Nga reta Maori, GNZMA 640, http://www.aucklandcity.govt.nz/dbtw-wpd/msonline/images/manuscripts/GNZMA/PDFs/web_GNZMA_640.pdf (accessed 31 August 2018). Translation by Piripi Walker

[2437] 'Return of Grants of Land to Religious Bodies in the Province of Wellington', *AJHR,* 1866, D-16, p 3

of Māori land had not been legal at the time, the transaction had been 'done in an irregular kind of way' with the payment being 'made in cattle, horses, ploughs, carts, &c' rather than cash.[2438]

Testifying before the Royal Commission into the Porirua, Ōtaki, Waikato, Kaikōkirikiri, and Motueka Trusts in June 1905, Hēni Te Whiwhi (Matene Te Whiwhi's daughter) denied that Ngāti Raukawa had ever received payment for the Ōtaki land. Hēni informed the Commission that her father had never told her 'that the Bishop [Hadfield] gave cattle to Ngāti Raukawa as payment for this land.' The land, she insisted, had been 'given' to Hadfield 'because he had told Ngāti Raukawa that it would be the means of enabling their children to be taught all the learning that was taught to European children.'[2439]

Kipa Te Whatanui Skipwith, who had attended the Ōtaki industrial school in 1859, also told the 1905 Royal Commission that the school lands had been freely given by Ngāti Raukawa:

> This land at Otaki was asked for to be given for educational purposes – to teach children, first the Christian religion, and to teach them the knowledge of civilization and how to till the soil. The reserve was a free gift to the missionaries; it was not paid for with money or kind of any sort, horses or cattle; and it was given knowing that it was stated in the Treaty of Waitangi that the Crown only could buy land, that no Māori or private person could so. So they gave it as a gift to the missionaries. A college was built on the land which had been given by the chiefs of Ngāti Raukawa.[2440]

In his testimony Kipa Te Whatanui emphasized the conditional nature of Ngāti Raukawa's gift to the school authorities:

> This land was not given to the missionaries to be theirs forever, but to build a school there. Therefore, if there are no children attending the school, the land is to be returned to the Maoris.[2441]

[2438] 'Te Aute College & Other Educational Trust Estates', *Journals and Appendix to the Journals of the Legislative Council of New Zealand*, 1875, p 39

[2439] Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the), *AJHR*, 1905, G-5, p 8

[2440] Ibid., p 22

[2441] Ibid., p 23

Establishing the Ōtaki Industrial Boarding School

With the necessary land having been gifted by the iwi and hapū of Ngāti Raukawa, and an annual grant promised by the Governor, construction on a new school house capable of accommodating 180 children began in January 1851, and was completed the following year.[2442] In May 1852 Hadfield reported to Governor Grey that the 'a great part' of the timber required for the school's boarding house had been 'already sawn' and he was hoping to 'shortly proceed to its erection.'[2443] After incurring considerable cost over runs, the boarding house was finally opened in January 1854 when it 'was occupied by 55 boys and two well trained native monitors.'[2444]

Initially, the Ōtaki industrial boarding school received substantial financial support from the colonial Government. According to Eric Ramsden, the Crown invested £1600 of public funds 'for the erection of buildings and effecting other improvements' to the school and adjacent farm land.[2445] A further £448 was provided by the Governor in October 1852 to cover the school's operating costs for that year, including feeding and clothing the school's 20 students (13 boys and seven girls), paying the salaries of the European headmaster and his two Māori assistants, and bringing the adjacent farmland into production.[2446] On 17 June 1853 Grey assured Hadfield that he had 'no doubt' that there 'will be ample funds to carry on the school at Otaki for a few years, until it becomes self-supporting.' The Governor did, however, warn the Hadfield not to 'lose any time in getting the school into perfect order' while he was still 'here to help' as he doubted 'if a new comer could take the same interest in it' as he had.[2447]

As well as erecting new school buildings and employing a 'good master', Hadfield and his CMS colleagues also had to ensure that the land that had been gifted by the iwi and hapū of Ngāti Raukawa, and issued to them by the Governor as Crown grants, was converted to

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[2442] Ramsden, *Rangiatea*, p 166

[2443] Octavius Hadfield to Sir George Grey, 21 January 1852, Auckland Central Library, Sir George Grey Special Collections, Grey New Zealand Letters, GLNZ H1.12, http://www.aucklandcity.govt.nz/dbtw-wpd/msonline/images/manuscripts/GLNZ/PDFs/web_GLNZ_H1.13.pdf (accessed 6 September 2018)

[2444] 'Reports on Native Schools', 16 June 1858, *AJHR*, 1858, E-1, p 33; Octavius Hadfield to Sir George Grey, 9 July 1853, Auckland Central Library, Sir George Grey Special Collections, Grey New Zealand Letters, GLNZ H1.21, http://www.aucklandcity.govt.nz/dbtw-wpd/msonline/images/manuscripts/GLNZ/PDFs/web_GLNZ_H1.21.pdf (accessed 6 September 2018)

[2445] Ramsden, *Rangiatea*, p 183

[2446] Sir George Grey to the Venerable Archdeacon Hadfield, 7 October 1852, Alexander Turnbull Library, Church of the Province of New Zealand, Wellington Diocese: Further records, Octavius Hadfield – Letters from Sir George Grey, 89-008-09/03

[2447] Sir George Grey to the Venerable Archdeacon Hadfield, 17 June 1853, Alexander Turnbull Library, Church of the Province of New Zealand, Wellington Diocese: Further records, Octavius Hadfield – Letters from Sir George Grey, 89-008-09/03

productive farmland.[2448] Under the school system established under Governor Grey's Education Ordinance, the swift conversion of the land that had been gifted by local Māori into a working farm was essential to a school's ongoing success. Not only was the farm integral to the instruction that the school was expected to provide, its production was also essential for the sustenance of the students and the financial viability of the institution itself. Grey's expectation was that after 'a few years' of government support – during which a school's buildings would be erected and the farmland broken in – each educational institution covered by the Education Ordinance would become entirely self sufficient and no longer require any additional public support.[2449]

In order for the Ōtaki school lands to be brought into production the gifted areas first had to be fenced, drained and cleared. Writing to Governor Grey on 1 May 1852, Hadfield reported that the land was 'excellent and easily brought into cultivation' but required 'time from the first efforts to clear and break it up before it will produce crops.' 'The first essential to be done', he wrote, was 'to fence and to drain' the land. Hadfield asked the Governor to provide money to erect 'boundary fences where they are needed and to cut one or two drains' which would 'effectually remove all the water' from the swampy land.[2450] Much of the hard work of breaking in the Ōtaki farm was done by the students themselves under the supervision of their Māori monitors. In June of the same year Hadfield reported that 'a good deal of work' on the land had 'lately been done by the monitors and boys' at the school. As a result, Hadfield expected that the school would 'have 13 acres of wheat sown this season' and hoped to have 30 acres under cultivation the following year.[2451]

The Operation of the Ōtaki Industrial Boarding School, 1854-1868

The industrial school at Ōtaki opened in January 1854 with Hadfield as school manager and Samuel Williams as headmaster. Initially the school appears to have flourished. Thomas Bevan told the 1905 Royal Commission that at its peak the school was attended by 'about 150 or 200

[2448] Octavius Hadfield, Report of the Otaki Industrial School, 1855', 13 January 1856, 'Reports on Native Schools', 16 June 1858, *AJHR*, 1858, E-1, p 33

[2449] 'Copy of a Despatch from Governor Sir George Grey to Earl Grey', 22 March 1849

[2450] Octavius Hadfield to Sir George Grey, 1 May 1852, Auckland Central Library, Sir George Grey Special Collections, Grey New Zealand Letters, GLNZ H1.13, http://www.aucklandcity.govt.nz/dbtw-wpd/msonline/images/manuscripts/GLNZ/PDFs/web_GLNZ_H1.13.pdf (accessed 6 September 2018)

[2451] Octavius Hadfield to Sir George Grey, 22 June 1852, Auckland Central Library, Sir George Grey Special Collections, Grey New Zealand Letters, GLNZ H1.15, http://www.aucklandcity.govt.nz/dbtw-wpd/msonline/images/manuscripts/GLNZ/PDFs/web_GLNZ_H1.15.pdf (accessed 6 September 2018)

boys.'[2452] Hēni Te Whiwhi estimated that approximately 150 boys had been boarded at the school, with a further 50 girls living with Samuel and Mary Williams. She told the Royal Commission that children came to the boarding school from 'Hawkes' Bay, Wairarapa, Manawatu, Rangitikei, and the Ngati Toa and Ngati Awa settlements at Waikanae, Wainui and Porirua.' Local Ngāti Raukawa children also attended the school as day students.[2453]

The school's students, who ranged in age from eight to 15 years of age, were taught 'reading, spelling, and writing in English and Maori' as well as 'arithmetic', 'geography', and 'singing'. 'Religious instruction' was also provided.[2454] The 'industrial training' given to the boys was 'in agricultural pursuits'. Boys were instructed in how to drain and plough the land, and how to use a threshing machine. They were also taught 'the management of horses, bullocks, cows, [and] sheep.' The girls, who according to Hadfield generally made up one third of the student population, 'were taught sewing and household matters.'[2455]

Given the importance of the school's farm, as a source of both sustenance for the boarders and income for the institution, a considerable amount of the boys' time and energy was spent on bringing the 561 acres that had been gifted to the school into production. As Hadfield recognized in his report for the 1855 school year, it was 'necessary not only to raise sufficient crops' for the school's support, but also to be 'continually extending operations, clearing new land, and contending with the difficulties arising from insufficient fences, drains, and bridges.'[2456] Testifying to the 1905 Royal Commission, Kipa Te Whatanui remembered being employed during his time at the school in 'clearing raupo and toe-toe and flax off the land.'[2457] Wī Parata, who attended the Ōtaki mission school in 1852, complained that most of the Māori children's time had been 'occupied in tilling the soil'.[2458] As well as being physically back-breaking, the hard work of bringing the Ōtaki Crown grants into production also had a psychological impact on the school's children, with Hadfield himself admitting 'the discouraging and disheartening effect on them.'[2459]

[2452] Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the), *AJHR*, 1905, G-5, p 14
[2453] Ibid., p 8
[2454] Octavius Hadfield, 'Report of the Otaki Industrial School, 1855', 13 January 1856, 'Reports on Native Schools', 16 June 1858, *AJHR*, 1858, E-1, p 33
[2455] Ibid.; Evidence of Octavius Hadfield, 3 November 1869, 'Third Report of the Commission of Inquiry into the Condition and Nature of Trust Estates for Religious, Charitable, and Educational Purposes', *AJHR*, 1870, A-3, p 5
[2456] 'Reports on Native Schools', 16 June 1858, *AJHR*, 1858, E-1, p 33
[2457] Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the), *AJHR*, 1905, G-5, pp 22-23
[2458] Ibid., p 20
[2459] 'Reports on Native Schools', 16 June 1858, *AJHR*, 1858, E-1, p 33

Matters were not helped by the magnitude 8.2 earthquake which ravaged the lower North Island on 23 January 1855. As well as bringing down 'one of the large chimneys' of the boarding house (and terrifying the boarders), the earthquake wreaked havoc on the fences and drainage ditches of the industrial school's farm, enabling 'a large number of cattle to break into the grain crops'. As a result, 'about 20 acres of wheat and oats were wholly destroyed, inflicting a severe loss on the funds of the establishment.'[2460]

Having begun 'very satisfactorily', enrolment at the school declined markedly in the years that followed the earthquake.[2461] In January 1856 there were only 16 boys in the boarding house, along with a further 'six young men engaged as monitors and labourers.' Ten girls were also resident at the institution.[2462] In November 1869 Hadfield estimated that the average attendance at the boarding school from 1854 to July 1868 was 'roughly' 40, 'two thirds' of whom were boys.[2463] Testifying at the same time, Major J T Edwards, who had served since 1862 as Resident Magistrate for the Ōtaki district, estimated that attendance at the school had 'varied from about 60 to (at one period) about four or five.'[2464] In June 1867, when William Rolleston visited the Ōtaki school, 21 boys and 10 girls were in attendance. This was a major improvement on the roll in January of that year, when there had been just 'five boys and six girls in residence.'[2465]

Of the 31 boys and girls that Rolleston had found attending the school in June 1867, 19 (including 16 of the boys) were from Ōtaki, three were from the Manawatū (all girls), two were from the Hutt Valley, and one each had come from Ōhau, Waikawa, Waikanae, Wainui, Porirua, Wellington, and the South Island. The children ranged in age from eight to 17. According to Rolleston, the school day was divided between academic instruction in Māori, English and arithmetic in the morning, followed by industrial instruction in the afternoon, with the boys being employed 'in various ways' such as 'weeding and sowing crops' until 'sunset.'[2466]

Contemporary European observers offered a variety of explanations for the decline in the Ōtaki school's attendance. In his January 1856 report, Hadfield blamed (amongst other things) a measles epidemic in June 1854; the earthquake in January 1855; 'the difficulty of obtaining

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[2460] Ibid
[2461] Ibid
[2462] Ibid
[2463] 'Third Report of the Commission of Inquiry into the Condition and Nature of Trust Estates for Religious, Charitable, and Educational Purposes', *AJHR*, 1870, A-3, p 5
[2464] Ibid., p 6
[2465] 'Copy of a Letter from Mr Rolleston to the Hon J C Richmond', 15 June 1867, Enclosure 11: 'Otaki School – Visited 3rd June, 1867', 'Papers Relative to Native Schools', *AJHR*, 1867, A-3, p 17
[2466] Ibid

schoolmasters' with the competence and patience 'to teach Maori children'; the impact of heavy agricultural work on the students' morale; and the establishment of a new boarding school at Te Ahuriri (the future Te Aute College) as reasons why 'the number of boys' at the school had 'decreased.' In Hadfield's opinion, however, 'the greatest obstacle' to the school's progress was the 'apathy and indifference' of the children's 'parents and relations', who preferred to keep their children nearby, and disliked their sons and daughters 'being removed to a distance and separated from themselves.'[2467]

Agreeing that 'the Maori parents are unwilling to part with their children', Major Edwards suggested that they had lost faith in the Crown and the missionaries' civilizing mission. Speaking to a commission of inquiry 'into the Condition and Nature of Trust Estates for Religious, Charitable, and Educational Purposes' in November 1869, Edwards suggested that what he called 'the Hauhau disturbance' was 'one of the major causes of the decline in attendance'. Edwards told the Commission that 'from 1864 to 1866' the iwi and hapū associated with Ngāti Raukawa had lost 'all confidence in Europeans, missionaries, or anybody else'.[2468] The conclusion of the Resident Magistrate was supported by Hadfield who, speaking to the same commission, observed that that during 'the last two years' (1867 and 1868) there had 'no doubt been a considerable change . . . in the state of the Natives' resulting in 'less inclination to send [their] children to school.'[2469] Perhaps not coincidentally, the two-year period that Hadfield spoke of coincided – not only with the increased influence of prophetic movements such as Pai Mārire within Ngāti Raukawa's southern rohe – but also the aftermath of the Crown's contentious purchase of Rangitīkei-Manawatū, and the Native Land Court's subsequent rejection of the iwi's claims to this contested land.

The Closing of the Boarding School, July 1868

The Ōtaki industrial boarding school remained in operation with fluctuating numbers of students until July 1868 when Hadfield was 'obliged' to close down the 'industrial and boarding part of the educational trusts'.[2470] According to Hadfield – giving evidence in 1869 and 1875 – 'the principal cause' of the closure 'was the deficiency of funds', 'there were no

[2467] 'Reports on Native Schools', 16 June 1858, *AJHR*, 1858, E-1, pp 33-34
[2468] 'Third Report of the Commission of Inquiry into the Condition and Nature of Trust Estates for Religious, Charitable, and Educational Purposes', *AJHR*, 1870, A-3, p 6
[2469] Ibid., p 5
[2470] Ibid.

further funds for carrying it on.'[2471] After receiving 'considerable Government assistance' of £300 or £400 a year' between 1854 and 1858, the school received no further public funds until 1867, when it had received a fixed payment 'of five pounds per head for the boys and girls, and a bonus of £100.' The 1867 assistance from the Crown, however, was too little and too late, with Hadfield estimating that 'with the greatest economy' it was not possible to maintain a pupil at the boarding school for less than '£18 or £19 a year.'[2472]

In the absence of adequate Government funding, the industrial school had relied upon revenue from its farm – particularly from the successful breeding of 'choice' cattle and sheep – as well as what Hadfield described as 'extraneous aid from England and elsewhere.'[2473] While sufficient to cover ongoing expenses such as the salary of the school's English master, these revenue streams were not enough to cover large exceptional charges such as the 'considerable outlay' (of at least £150) required for the repair and painting of the school's buildings in the first half of 1867.[2474]

In addition to the 'deficiency of funds', Hadfield also blamed the boarding school's closure on 'the establishment of two public-houses adjoining the school'. He also acknowledged the 'considerable change' that had taken place 'in the state of the Natives' in the two years preceding the school's closure, resulting in the parents of Ngāti Raukawa children becoming much less inclined to send their children to a Crown-supported, missionary-run boarding school.[2475]

8.3 The Day School, 1868-1909

Following the closure of its industrial and boarding components in July 1869, the Ōtaki mission school continued to operate as 'a day-school only.'[2476] In October 1875, Hadfield told the select committee of the Legislative Council enquiring in to the 'Te Aute College and other educational trust estates' that the school had an 'average daily attendance' of 30 Māori children, including two girls who were boarding with the family of James McWilliam, the school's

[2471] Ibid.; 'Te Aute College & Other Educational Trust Estates, (Report and Proceedings of Select Committee On), *Journals and Appendix to the Journals of the Legislative Council of New Zealand*, 1875, p 39
[2472] 'Third Report of the Commission of Inquiry into the Condition and Nature of Trust Estates for Religious, Charitable, and Educational Purposes', *AJHR*, 1870, A-3, p 5
[2473] Ibid.
[2474] William Rolleston, 'Otaki School – Visited 3rd June, 1867', 'Papers Relative to Native Schools', *AJHR*, 1867, A-3, p 17
[2475] 'Third Report of the Commission of Inquiry into the Condition and Nature of Trust Estates for Religious, Charitable, and Educational Purposes', *AJHR*, 1870, A-3, p 5
[2476] Ibid

superintendent. Funding for the day school came from the leasing of the former industrial school's farmland to a European farmer at a rate of £100 per annum. The school was also supported by an annual grant of £100 from the trustees of the Porirua Crown grant at Whitireia, which had also been leased out to European farmers. Hadfield told the select committee that if 'it had not been' for the annual grant from 'the Porirua estate' the Ōtaki school would have been forced to close.[2477]

The mission school continued with a 'fluctuating' attendance through the 1880s and 1890s.[2478] In the 1880s the school resumed taking a small number of boarders. In 1886 the school had six male boarders, while in 1888 the number of boarders varied between four (in January and March); five in October, November and December; and seven between June and September.[2479] In July 1896, the school had an enrolment of 40 (most of whom were day students), and an average attendance of 28.[2480]

The Ōtaki mission school, which by now was competing with the local 'Roman Catholic and state schools' for students, suffered a potentially mortal blow in 1903 when the industrial school's old school house was burnt down.[2481] Constructed from totara, with 'one large room and two wings', the loss of the school house was aggravated by the fact that the building had been under-insured for just £400.[2482] With the trustees unable to replace the destroyed building, the school had to be 'carried on at great disadvantage in a small and unsuitable building.'[2483]

In June 1905 the Ōtaki Mission School, which for the previous decade had been run 'unassisted' by Mrs Frances Emma Jennings, had an enrolment of '35 Maori and half-castes', with an average attendance of 25.[2484] All but two of the children attending were day-scholars. According to Mrs Jennings, who gave evidence before the Royal Commission of that year, the ages of the school's children ranged from five to 14, with 'generally a few more boys' in

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[2477] 'Te Aute College & Other Educational Trust Estates, (Report and Proceedings of Select Committee On), *Journals and Appendix to the Journals of the Legislative Council of New Zealand*, 1875, p 39

[2478] Evidence of Mr McWilliam, Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the), *AJHR*, 1905, G-5, p 16

[2479] 'Appendix J Otaki School Account [1872-1904]', Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the), *AJHR*, 1905, G-5, pp 171-179

[2480] 'Native College', *The Cyclopedia of New Zealand [Wellington Provincial District]*, Wellington, 1896, p 1092, http://nzetc.victoria.ac.nz/tm/scholarly/tei-Cyc01Cycl-t1-body-d4-d121-d2.html (accessed 9 September 2018)

[2481] Ibid., p 18

[2482] 'Third Report of the Commission of Inquiry into the Condition and Nature of Trust Estates for Religious, Charitable, and Educational Purposes', *AJHR*, 1870, A-3, p 6

[2483] James Prendergast, H S Wardell, W H Quick, Ihaia Hutana, 'Report', 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, p vii

[2484] 'Native College', *The Cyclopaedia of New Zealand [Wellington Provincial District]*, p 1092; Evidence of Mrs Jennings, 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, p 19;

attendance 'than girls.' Children at the school received instruction 'up to the Fourth Standard.' Those who wished to take their education further were obliged to travel (at their parents' expense) to the Church boarding schools at Te Aute (for boys) and Hukarere (for girls) in the Hawkes Bay, where 'their education and maintenance' was free of charge.[2485]

The Church Mission Grant Lands at Ōtaki, 1868-1907

By the time the industrial and boarding school at Ōtaki was closed in July 1868, the 561 acres gifted by Ngāti Raukawa and its affiliated hapū and iwi to the CMS for the institution's support had become 'very valuable.' According to Hadfield, this value had 'been gained by a large outlay of money and labour' with 'several miles of ditches and drains having been made.'[2486] As we have seen, much of the hard work of fencing, clearing and draining the industrial school's land had been undertaken by the students themselves, whose unpaid labour had contributed greatly to the increased value of the mission society's Ōtaki lands.

Following the industrial school's closure Hadfield advertised the greatly improved farm land for lease. In addition to being entirely fenced and drained, the Ōtaki farm included 'three labourer's cottages, a good barn, and out-buildings.' Hadfield had hoped to lease the farm for £250, but eventually agreed to a ten-year lease with Joseph D'Ath, an Ōtaki sheep farmer, at an annual rate of £100 for the first five years, increasing to £200 per annum for the five years that followed.[2487] D'Ath renewed his lease in October 1881, at a new annual rate of £270 per year, increased to £280 per annum October 1888.[2488]

In April 1891, Hadfield – who was the only one of the three original trustees still alive – transferred ownership of the Ōtaki church mission grant lands to the New Zealand Mission Trust Board.[2489] The New Zealand Mission Trust Board, which was created by a resolution of the Church Missionary Society in London in November 1888, brought all of the property that had been vested in either the CMS, or trustees on the CMS's behalf, over the course of the nineteenth century under the administration and ownership of one legally incorporated, New Zealand based body. Such a move was necessary because – as was the case with the Ōtaki

[2485] Evidence of Mrs Jennings, 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, p 19

[2486] 'Third Report of the Commission of Inquiry into the Condition and Nature of Trust Estates for Religious, Charitable, and Educational Purposes', *AJHR*, 1870, A-3, p 5

[2487] Ibid.; Te Aute College & Other Educational Trust Estates, (Report and Proceedings of Select Committee On), *Journals and Appendix to the Journals of the Legislative Council of New Zealand*, 1875, p 39

[2488] 'Appendix J. Otaki School Account [1872-1904]', Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the), *AJHR*, 1905, G-5, pp 172-174

[2489] Francis Selwyn Simcox, *Otaki: The Town and District*, (Wellington, A H & A W Reed), 1952, p 78

church mission lands – many of the original trustees of individual areas of CMS-owned land had either died or grown old.[2490]

In July 1901, the Mission Trust Board agreed new leases for 539 acres of the Ōtaki lands. Joseph D'Ath continued to lease 482½ acres, while 56½ acres were leased by Swainson and Bell, proprietors of Ōtaki's Central Hotel. Both leases were for terms of 14 years. The previous August, the Mission Trust Board had also leased 13 acres to the Wellington Hospital Board for 19 years (with the right of renewal) at £12 17s and 6d per annum.[2491]

By the time it was reported on by the 1905 Royal Commission, the Ōtaki Church Mission Trust contained substantial assets. The Trust possessed 581 acres of high-quality farmland, with a 1904 Government valuation of £8,347, and an annual rental income of £267 17s 6d. In addition, the trust held £1,736 4s 2d of accumulated funds, invested at an annual rate of four percent.[2492]

8.4 The Merging of the Ōtaki and Porirua Trusts, 1896-1907

At the end of the nineteenth century the future of the Ōtaki School and the Church Mission Grant lands became intimately connected with the continuing controversy over the Crown-granted land at Whitireia, at the entrance of the Porirua harbour (next to Tītahi Bay). The subject of a Crown grant issued by Governor Grey to Bishop Selwyn in December 1850, the 500 acres at Whitireia had been gifted by Ngāti Toa to Bishop Selwyn and the Church of England for a college for "native and English youth."[2493] Unlike the industrial school at Ōtaki, however, the biracial college at Whitireia had never been established. Instead, the unbuilt upon area was leased to a European farmer who used the land for grazing. Over the course of the second half of the nineteenth century the rents on the unused 500 acres steadily accumulated. At the end of June 1877 the Porirua College Trust that managed the Whitireia land had accumulated funds of £1,572 11s 3d. Twenty years later, on 30 June 1897, the funds held by the Trust had increased to £6,503 11s 3d.[2494]

[2490] *The Trust Deed of the New Zealand Misson Trust Board*, (Gisborne), 1891
[2491] 'Appendix K. Otaki Reserves', Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the), *AJHR*, 1905, G-5, p 181
[2492] James Prendergast, H S Wardell, W H Quick, Ihaia Hutana, 'Report', 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, pp vi-vii
[2493] Williams, *A Simple Nullity?*, p 55
[2494] 'Appendix E. Porirua College Trust Accounts', 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, pp 157-163

With the terms of Ngāti Toa's gift and the subsequent Crown Grant unfulfilled, Wiremu Parata and 18 others petitioned Parliament to have the land at Whitireia 'restored' to its original donors.[2495] When the Native Affairs Committee of the House of Representatives refused to recommend that the 500 acres should be returned to Ngāti Toa, Parata turned to the Supreme Court, bringing proceedings to have the 1850 Crown grant to Bishop Selwyn set aside, and the land "declared to be part of the native lands lawfully reserved for the use and benefit of the Ngāti Toa tribe."[2496] In a decision which is notorious for its dismissal of the Treaty of Waitangi as 'a simple nullity', the Supreme Court rejected Parata's claim on the grounds that, as native title to the land had been extinguished, the land at Whitireia had in fact previously been the property of the Crown and not Ngāti Toa.[2497]

Hēni Te Whiwhi's 1896 Petition and Proposals to Merge the Ōtaki and Porirua Trusts

In 1896, with the 500 acres still lying empty, Hēni Te Whiwhi (daughter of Mātene Whiwhi, one of the original donors of the land) and 13 others petitioned Parliament again for the return of the Whitireia land to Ngāti Toa. Noting 'that the conditions under which the land was given to the Church of England' by Ngāti Toa had 'never been carried into effect', the Native Affairs Committee recommended 'that the Government introduce legislation' that would cancel the Whitireia Crown grant, and return the land to its original donors or their successors as Māori customary land.[2498]

'Galvanized into action' by Hēni Te Whiwhi's petition and the recommendation of the Native Affairs Committee, the Porirua College Trust and the Anglican Church in Wellington finally took steps to put the funds that had been raised from the Whitireia Block's rental to practical use. On 31 July 1896 (the same day the Native Affairs Committee issued its recommendation) the Porirua Trustees resolved that they were ready to seek the General Synod's permission to apply to the Supreme Court 'to obtain leave to apply half the funds of the Porirua estate to the Otaki school for Maoris, provided that the school and its endowments be handed over to the

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[2495] Williams, *A Simple Nullity?*, p 126; Boast, '"So Long Lying Idle Without a School"', *NZJPIL*, (7), 2009, p 251

[2496] Boast, '"So Long Lying Idle Without a School', *NZJPIL*, (7), 2009, p 251

[2497] Ibid., pp 252-253. On the famous *Wi Parata v The Bishop of Wellington and The Attorney-General* (1877) case see also: Williams, *A Simple Nullity"*, pp 139-174; and Grant Morris, *Prendergast: Legal Villain?* (Wellington, Victoria University Press), 2014, pp 154-171

[2498] 'Nos 31, 129, and 130 – Petitions of Hamuera Karaitiana and 123 others; Heni Matene Te Whiwhi and 13 others; and Hamapiri Tarikama and 5 others (No 1), 31 July 1896, 'Native Affairs Committee (Reports of the)', *AJHR*, 1896, I-3, p 7

General Synod.' According to the resolution, the other half of the Porirua Trust's accrued funds would be donated to Wanganui Collegiate School in Whanganui.[2499]

'On the condition' of receiving 'a large sum' (more than £3200) to promote the 'efficiency' of the struggling Ōtaki school, the New Zealand Mission Trust Board agreed, in 1897, to accept the Porirua Trustees' proposal, 'on condition that the school' continued 'to be conducted in accordance with the terms' under which it had been originally established. The following year, the Mission Trust Board directed its secretary 'to communicate with the Church Missionary Society, and to prepare immediately a deed providing for the transference of the Otaki school, and the land on which it is situated, to the General Synod.'[2500]

According to David V Williams, the resolutions of the Porirua and New Zealand Mission Trust Boards concerning Whitireia and the Ōtaki school were reached after 'only talking to, taking advice from, and being directed by other church bodies.' 'At no time', he maintains, 'was there any suggestion of consulting with Ngāti Toa.'[2501] While this observation may have been true with regards to Ngāti Toa and the land at Whitireia, it does not hold for Ngāti Raukawa and the school and trust lands at Ōtaki.

Speaking to the 1905 Royal Commission, Hēni Te Whiwhi and Hakaraia Te Whena (of Ngāti Wehiwehi) recalled how the new Bishop of Wellington, Frederic Wallis, had met with Ngāti Raukawa and its affiliated hapu and iwi at Manakau in 1896. According to Hakaraia's testimony, the Raukawa elders, including 'Ropata Te Ao and others', had asked the Bishop to 'renew' the Ōtaki school 'to its former position.'[2502] Heni Te Whiwhi told the Commission that the Manakau meeting had asked the Bishop to 'pool the proceeds' of the Ōtaki and Whitireia 'reserves' in order to 'build and equip an efficient school at Otaki.'[2503] Both Heni and Hakaraia, testified to having been encouraged by the Bishop's reply and his apparent agreement 'to join the two trusts if the Otaki trustees were agreeable.'[2504]

[2499] Appendix KA, 'Resolution of the Porirua Trustees', 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, p 182

[2500] Appendix KA, 'Resolutions of the New Zealand Mission Trust Board', 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, p 182

[2501] Williams, *A Simple Nullity?*, p 181

[2502] Evidence of Hakaraia Te Whena, 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, p 12

[2503] Evidence of Heni Te Whiwhi, 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, pp 9-10

[2504] Ibid., p 10

Unfortunately for Ngāti Raukawa and its affiliated hapū and iwi, however, that was not the end of the story. In 1898 the General Synod of the Anglican Church agreed that the Porirua Trustees should apply to the Supreme Court for a revision of their trust over the Whitireia lands. Rather than resolving that the Porirua Trust should be revised in order to support the school at Ōtaki, however, the Synod agreed that the considerable funds accrued from the Whitireia lands – 'now amounting to £6480' – should instead be put towards scholarships 'enabling children to receive higher [secondary] education free of cost, at schools of, or belonging to' the Anglican church 'in any part of New Zealand.' While 'preference' was to be given to 'Maori applicants', the proposed scholarships were also to be open to European students. No special consideration was to be made for children from either Ngāti Raukawa or Ngāti Toa. The General Synod also resolved that, should the application to the Supreme Court prove unsuccessful, the Porirua Trustees would seek to have the terms of their trust changed by Act of Parliament.[2505]

The Church Proposes to Use the Whitireia Funds for a School in the Wairarapa

The Liberal Government chose not to act on the Native Affairs Committee's recommendation to pass legislation cancelling the Whitireia Crown grant and reinstating the 500 acres as Māori customary land in the hands of its former owners. The Government did, however, introduce the Porirua School Grant Bill in 1898. This bill, which was subsequently withdrawn in the face of determined opposition from the Anglican Church, was intended to block the Porirua Trust's application to the Supreme Court so that the Government could develop its own policy towards the unused church trust lands. The Government introduced another bill in 1900 (The Porirua, Wairarapa and Other School Grants Bill) but this, too, was withdrawn after 'vigorous' debate.[2506]

The failure of the 1898 Porirua School Grant Bill was followed by a period of expensive litigation as the Church and the Porirua Trustees took their application for a revision of the Porirua/Whitireia Trust first to the Supreme Court (twice) and then to the Court of Appeal and the Privy Council. In each jurisdiction the Church and the Trustees were opposed by the Crown, which asserted its own claims to the Crown-granted Whitereia land. In the course of this long legal struggle the Porirua Trustees, between 1 July 1898 and 31 March 1903, expended £1437 on legal and other court-related expenses.

[2505] Williams, *A Simple Nullity*?, pp 180-181
[2506] Williams, *A Simple Nullity?*, pp 185 & 190

The application of the Porirua Trustees was heard first by the Supreme Court in April and May 1899.[2507] As resolved by the Church's General Synod, the Trustees asked the Court to allow them to redirect the money accrued from the rental of the Whitireia lands to pay for scholarships to Church of England schools elsewhere in New Zealand. The Trustees were opposed by the Crown who argued that the money would be better used establishing a new industrial and technical school for Māori at Ōtaki. While recognizing that the funds for the school could be used for an alternative charitable purpose, Chief Justice Prendergast rejected the schemes put forward by both the trustees and the Crown.[2508]

Obliged to come up with a new scheme for their accrued funds, which by the end of March 1900 had increased to £7,830, the church now proposed merging the Porirua College Trust with the Pāpāwai and Kaikōkiriri Trusts, in order to establish a new boarding school.[2509] According to the new proposal, which was developed without consultation with either Ngāti Raukawa or Ngāti Toa, the new school was to be located upon the Church's land at Pāpāwai, near Masterton, in the Wairarapa. Like the 500 acres at Whitireia, the Crown Grant for the 400 acres at Pāpāwai had been issued to Bishop Selwyn in June 1853 for the construction of a college that had never been built.[2510]

Once again, the Church's proposal was opposed by the Crown, which continued to insist that the Whitireia funds would be better utilised in support of a new technical school at Ōtaki. This time, however, the Church's application was successful. Concluding that it would be "a waste of the trust moneys" to attempt to build a college at Whitireia, the new Chief Judge Robert Stout approved the Church's scheme, with 'minor modifications' on 7 September 1900.[2511] Under the modified scheme, 'net income' from the Porirua Trust's Whitireia lands was to be used to provide scholarships to the new Wairarapa school, with preference being given to children from Ngāti Toa and other west coast tribes (including Ngāti Raukawa).[2512]

The Supreme Court's decision was appealed by the Crown to the Court of Appeal, which heard the case in early 1901. This time the Crown argued, not for an alternative use of the Porirua trust funds, but rather for the cancellation of the Whitireia Crown Grant itself. In a judgment issued on 22 May 1901, a panel of four European judges found resoundingly in the

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[2507] *Bishop of Wellington* v *Solicitor-General* (1899)
[2508] Boast, 'So Long Lying Idle Without a School', *NZJPIL*, (7), 2009, pp 256-257
[2509] Williams, *A Simple Nullity?*, p 188
[2510] 'No 10. Grant to Bishop of Land at Wairarapa for a College', 'Return of Grants of Land to Religious Bodies in the Province of Wellington', *AJHR*, 1866, D-16, p 16
[2511] *Bishop of Wellington* v *Solicitor-General* (1900); 'Porirua, Wairarapa, and other School Grants (Interim and final orders of the Court in the action Wallis and others versus the Solicitor-General in Connection with the)', AJHR, 1900, E-14, p 2; Boast, '"So Long Lying Idle Without a School', *NZJPIL*, (7), 2009, p 258
[2512] Ibid.; Williams, *A Simple Nullity?*, p 188

Crown's favour.[2513] The Court found that as the Crown had granted the 500 acres at Whitireia for the specific purpose of "founding a school", and as no school had been established in 'more than fifty years', the Church was effectively guilty of having received the land under a false pretence, rendering the 1850 Crown Grant void. Basing their judgment on "the principle that a grant by the Crown is void if the King be deceived in his Grant", the Appellate Judges ordered that the land at Whitireia should revert – not to the Ngāti Toa donors who had given the land for the school in the first place – but rather to the Crown that had issued the Grant to Bishop Selwyn.[2514]

Confronted by the prospect of losing the land to the Crown, the Porirua Trustees, headed by the Bishop of Wellington, took the expensive decision to appeal the case to the Privy Council in London. The Privy Council eventually found in the Trustees' favour, ruling in February 1903 that the Crown had possessed no "beneficial interest" in the land at Whitireia, simply "conveyancing" it from the Māori donors to Bishop Selwyn.[2515] Despite its apparent affirmation of Māori land rights, the Privy Council's decision did not return the 500 acres to Ngāti Toa, but rather reinstated the trust as it had been approved by the Supreme Court, leaving the Whitireia land firmly in the hands of the Porirua College Trust and the Anglican Church.[2516]

The Privy Council's reversal of the Court of Appeal's judgment left the Porirua Trustees free to put in place the arrangement that had been approved by the Supreme Court in September 1900, whereby the accumulated funds from the land at Whitireia would be put towards scholarships for children to attend the new boarding school at Pāpāwai. Ngāti Toa and Ngāti Raukawa (and its affiliated hapū and iwi), however, refused to send their children to the Wairarapa School.[2517] Instead, they continued to insist that the Whitireia funds be put towards the re-establishment of the boarding school at Ōtaki.[2518]

With the Porirua Trustees still intent on carrying out the scheme approved by the Supreme Court, matters came to a head on 8 June 1904 when what was reported as 'a large number of Maoris' met with Bishop Wallis at Ōtaki. A deputation from Ngāti Raukawa had already met with the Bishop earlier in the year, urging 'him to use his influence to get the Native College reinstated at Otaki.' At that meeting the Bishop had reportedly 'sympathised with the views

[2513] *Bishop of Wellington* v *Solicitor-General* (1901), 19 NZLR 214
[2514] Williams, *A Simple Nullity?*, p 191
[2515] *Wallis* v *Solicitor-General* (1902-1903), NZPCC 23; Boast, '"So Long Lying Idle Without a School', *NZJPIL*, (7), 2009, p 263
[2516] Williams, *A Simple Nullity?*, p 194
[2517] Evidence of Hakaraia Te Whena, 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, p 12
[2518] 'Education of Natives. College to be Re-Instated at Otaki', *Manawatu Herald*, 10 March 1904, p 3, c 2-3

expressed by the deputation, and had promised to confer with Archdeacon [Samuel] Williams on the matter.' According to a report in the *Manawatu Herald*, published on 10 March 1904, Williams – who had taught at the Ōtaki boarding school in the early 1850s before leaving to establish Te Aute College in 1854 – had subsequently 'informed the Otaki Natives' that he had 'gone fully into the matter with Bishop Wallis', and they had 'decided to re-build the Otaki Native College as soon as possible.'[2519]

At the June meeting, however, Bishop Wallis refused to commit the Whitireia funds to the re-establishment of the Ōtaki school. Instead, he reiterated the Porirua Trustees' commitment to the school at Pāpāwai, 'at which the children of the West Coast' would be educated for free.[2520] According to Hakaraia Te Whena, who was present at the meeting, 'matters' then 'became difficult' as the members of the various hapū and iwi 'began to express' themselves 'indignantly about the matter.' Noting that many of their children were attending the Catholic school at Ōtaki, 'because they were much better able to teach than the Church of England', the speakers contrasted the performance of the Catholic Church – which had 'never' received any land from Ngāti Raukawa – with the 'weak' and indifferent work of the Anglican Church 'to whom a large amount of land was given.'[2521] The 'indignant' mood of the Ōtaki meeting was also noted by the *Otaki Mail*, which reported that 'there was a strong feeling among the natives . . . that unless the Porirua Trust funds were expended' in the Ōtaki district, 'they would withdraw all support and connection with the Anglican Church.'[2522]

With the Bishop of Wellington and the other Porirua Trustees reluctant to 'depart from the Wairarapa scheme', Ngāti Raukawa and Ngāti Toa petitioned Parliament for a royal commission 'to inquire into the facts concerning the Porirua and other Native School Trusts.'[2523] The petition – which was signed by Nopera Manupiri and 48 other 'children and descendants and relatives of the Ngati Toa Tribe' who had donated the 500 acres at Whitireia – argued that the Porirua and Ōtaki trust lands 'should be combined so as to establish a large school for native children at Ōtaki.'[2524] The petitioners noted that, while neither the Porirua nor the Otaki trusts were in themselves 'sufficient to establish and maintain a satisfactory school', 'the two trusts combined . . . would be sufficient to establish and maintain a commodious school

[2519] Ibid

[2520] 'The Porirua Trust. Meeting of Natives with Bishop Wallis', *Evening Post*, 11 June 1904, p 6, c 4

[2521] 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, p 12

[2522] 'The Porirua Trust. Meeting of Natives with Bishop Wallis', *Evening Post*, 11 June 1904, p 6, c 4

[2523] 'Translation of Petition 790/04 (Nopera Manupiri and 48 others), Archives New Zealand, Wellington, E1 25, 10/113/7, 'Reserves & Endowments. Native. Native Land Trusts Commission (Otaki & Porirua Trusts) (Otaki & Porirua Empowering Bill)', 13 October 1903 to 1 November 1907, (R15290660)

[2524] Ibid., p 4

for children of the Ngati Toa, Ngati Awa, and Ngati Raukawa tribes, living between Manawatu and Wellington.'[2525]

Reiterating that the members of Ngāti Toa and Ngāti Raukawa would 'under no circumstances' allow their children to attend the Wairarapa school, the petitioners described the proposed Ōtaki school as 'an urgent necessity', 'evidenced' by 'the large numbers of Native children' who were 'growing up without education at Poroutawhao and many other Native settlements' between the Rangitīkei and Porirua.[2526] The Ngāti Toa petition was supported by petitions from Tātana Whataupoko and 124 others; and 264 'European residents of the Otaki district' which also called for the setting up of a Royal Commission and the establishment of a new Māori school at Ōtaki.[2527]

The 1905 Royal Commission on the Porirua, Ōtaki and other School Trusts

With the support of Ōtaki's European community, and the intercession of both Hone Heke Ngāpua (who was the Member of Parliament for Northern Maori and 'very closely related to the nieces of Hēni Te Whiwhi') and the European member for Ōtaki, Liberal politician William Hughes Field, Ngāti Toa and Ngāti Raukawa were successful in their petition for a Royal Commission into the Porirua and Ōtaki church school grants.[2528] The Royal Commission – which inquired into the Waikato, Kaikōkirikiri and Motueka school trusts, as well as those at Porirua and Ōtaki – was chaired by Sir James Prendergast (who had retired from his position of Chief Justice in May 1899) and included three European commissioners and one Māori.[2529]

The Royal Commission sat between 26 May and 23 August 1905, hearing evidence in Ōtaki between the sixth and the ninth of June.[2530] Appearing before the Commission, the Ngāti Raukawa and Ngāti Toa witnesses expressed almost unanimous support for the bringing together of the Porirua and Ōtaki trusts to support a new school on the Church Mission Grant lands at Ōtaki. Tātana Whataupoko, for example, told the Commission that he and Ngāti Toa wanted 'the moneys from the Whitireia endowment and the Otaki endowments added together

[2525] Ibid., p 5
[2526] Ibid., pp 5-6
[2527] R M Houston, Chairman, Native Affairs Committee, 'Report on the Petition of: No 789/1904 T C Jones and 263 others of Otaki; No 790/1904 Nopera Maanupiri & 48 others; No 819/1904 Tatana Whataupoko & 124 others', 26 October 1904, Archives New Zealand, Wellington, E1 25, 10/113/7, (R15290660)
[2528] Evidence of Hone Heke, 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, pp 23-24
[2529] 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, p iii
[2530] 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, pp xv-xxii

to establish a school.' Assuming that the land at Porirua was 'unsuitable' Tātana wanted the school to be located at Ōtaki which was 'centrally located.'[2531] Hakaraia Te Whena testified 'that all the Ngāti Raukawa from here to Rangitikei' were in support of establishing a school at Ōtaki. Noting that nearly 90 of the 134 school age children in Ōtaki were not attending 'any school', Hakaraia hoped that the new school institution would 'teach ordinary education, and the mechanical and industrial pursuits.'[2532]

For her part, Hēni Te Whiwhi envisaged a school that would be not 'for Ngati Raukawa and Ngati Toa children only', but 'open so that all Maoris and half-caste children could take advantage of it.' Mātene Te Whiwhi's daughter told the Commission that she wanted a school that would prepare Māori children for their future, adult lives, and enable them to support their children. Rather than 'the higher branches of education', she hoped that the school would provide students with 'a trade' and 'a better knowledge of the English language'.[2533]

The only Ngāti Raukawa and Ngāti Toa witness to express opposition to the new school at Ōtaki was Wī Parata. Parata objected to the suggestion – included in a submission from Ngāti Raukawa's lawyer – that military drill would be taught at the new school (as it was in most state-funded schools at the time).[2534] Teaching 'Maori children' to 'kill human beings', Parata told the Commission, was contrary to the religious and educational purpose for which the land at Whitireia had been originally given.[2535]

The Ngāti Toa and Ngāti Raukawa witnesses' request for a new school on the Church Mission Grant lands at Ōtaki was supported by a petition to the Governor from Ngāti Kauwhata sent from Te Awahuri, on 6 July 1905. Te Ara-o Rehua (Te Ara Takana) and 36 other members of Ngāti Kauwhata (including Akapita Tahitangata, Pekamu Atarea, Karehana Tauranga and Raika Kereama) petitioned Governor Plunket from Te Awahuri 'in respect' of the land at Mangapouri (on the southern banks of the Waitohu Stream), that their 'parents' had gifted to the CMS mission at Ōtaki 'as a site for a church and . . . a Maori school.'[2536] The petitioners asked that the donated land – which appears to have been included in the Crown Grant issued to Hadfield and the other CMS trustees by Governor Grey on 18 June 1853 – be used for 'a

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[2531] Ibid., p 14
[2532] Ibid., p 13
[2533] Ibid., p 9
[2534] 'Appendix H. Scheme Submitted by Mr Stafford on Behalf of Ngati Raukawa', 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, p 168
[2535] Ibid., p 20
[2536] 'Appendix Ib. Letter from Feilding Natives Forwarded to Commission from Government House', 6 July 1905, 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, p 171

Maori school . . . in which religious instruction and technical knowledge' would 'be taught.' Failing that, the petitioners requested that the lands be returned to them 'for the maintenance of our Ministers . . . and the repair of our churches.'[2537]

The Royal Commission reported back to the Government on 23 August 1905. In their report Prendergast and the other commissioners 'strongly' recommended 'the amalgamation of the Otaki and Porirua trusts and the establishment of an efficient school at Otaki.' The Commissioners recommended that the Ōtaki school 'should be essentially a school for Natives and half-castes with preference to children of the Ngati Raukawa, Ngati Toa, and Ngati Awa Tribes.' The new Māori school would provide a standard state education 'up to the sixth or seventh standard' (years seven or eight in today's parlance) with a 'special' emphasis on 'instruction in trades and industries, such as carpentering, shoemaking, blacksmithing, book-keeping, or any other useful employment' as well as 'the principles and science of farming as far as practicable.' The Commissioners also recommended that 'physical drill should have special attention.'[2538]

'In order to carry out the combination' of the two trusts the Commission called upon the Government to introduce legislation 'to divest the existing trustees and create a new body of governing trustees.'[2539] In a submission presented by their solicitor, and in their evidence to the Commission, the leaders of Ngāti Raukawa had proposed a board of trustees that would be entirely separate from the Anglican Church: with three Government officials and two 'members of the Ngāti Raukawa and Ngāti Toa tribes, to be appointed and removed by the Governor in Council.'[2540] Prendergast and the other commissioners, however, were of 'the opinion that the denominational character of the trust should not be destroyed', and recommended that the trustees for the new joint board be appointed by the General Synod of the Anglican Church. The Commissioners suggested that the new board should have seven trustees, 'of whom not less than four should be laymen', and 'at least one . . . a member of the Ngati Raukawa, Ngati Toa, or Ngati Awa Tribes.'[2541]

[2537] Ibid.; 'No 11. Grant for a School at Otaki', 'Return of Grants of Land to Religious Bodies in the Province of Wellington', *AJHR*, 1866, D-16, pp 10-11

[2538] 'Report', 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, p vii

[2539] Ibid., p viii

[2540] 'Appendix H. Scheme Submitted by Mr Stafford on Behalf of Ngati Raukawa', 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, pp 167-168

[2541] 'Report', 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, p viii

‘In order to raise sufficient money’ for the construction of the new school, the Commissioners also recommended that ‘the new trustees’ be given ‘the power to sell portions of the Porirua and . . . Otaki estates’ under their management. Although much of the land had been the subject of long-term leases, up to this point none of either the Whitireia or the Ōtaki school lands had been subject to permanent alienation.[2542]

In recommending the establishment of the new school at Ōtaki the commissioners pointed to the town’s central location, healthy climate and the availability of qualified artisans who might be called upon provide instruction in the trades that were to be taught at the school. The Commissioners also noted evidence provided by Ngāti Raukawa that showed that, of the 730 Māori children ‘of school age on the West Coast south of Rangitikei’, ‘about 400’ were ‘apparently receiving no education.’ The Commissioners believed that ‘a considerable number’ of these currently unschooled children would ‘seek’ an education ‘at Otaki.’ [2543]

The Otaki and Porirua Empowering Act, 1907

Legislation amalgamating the Ōtaki and Porirua/Whitireia Trusts was eventually passed at the end of October 1907. The legislation was delayed for several months by disagreement over the place of religion at the new school. The 1905 Commissioners had recommended that:

> while religious instruction should not be excluded from the school . . . no attempt should be made to influence the scholars towards any Church or particular denomination of Christianity, except on the request in writing of the parent or guardian of the child.[2544]

Ngāti Toa and Ngāti Raukawa – who, in addition to Anglicans, had Roman Catholics and Mormons as well as adherents to various Māori prophetic movements amongst their affiliated hapū and iwi – favoured the creation of a non-denominational school at Ōtaki. The Anglican Church, however, strongly opposed the Royal Commission’s recommendation, insisting that the school should retain its original religious character.[2545] In April 1906 the Committee of the Church Missionary Society registered its ‘strong’ protest ‘against any regulation which might

[2542] Ibid., p viii
[2543] Ibid.
[2544] Ibid.
[2545] ‘Native Education Trusts. Porirua and Otaki. The Question of Denominationalism’, *New Zealand Times*, 8 August 1907, p 3, c 4, https://paperspast.natlib.govt.nz/newspapers/new-zealand-times/1907/8/8/3 (accessed 15 September 2018)

interfere with the free instruction of all children attending the school in the truths of religion according to the principles of the Society.'[2546]

With the Anglican authorities threatening to 'abandon' the merger of the Porirua and Ōtaki Trusts, Ngāti Toa and Ngāti Raukawa agreed to a compromise, in the hope – as Hone Heke told Parliament – of seeing the Ōtaki school 'in operation as soon possible', so that their children, 'who had so long been deprived of education', could 'receive its benefits.'[2547] Under the terms of the compromise, the Anglican Church was to 'be the prevailing religion' in the boarding school, while the day school was to be open to children of all religious faiths with no obligation to participate in or attend 'the religious teaching or ceremonies' of the Church of England. With this hard-won compromise in place the necessary legislation finally made its way through the Parliament.[2548]

In amalgamating 'the Porirua and Otaki Trust Properties', the Otaki and Porirua Empowering Act 1907 did not – as the Royal Commission had recommended – create 'a new body of governing trustees.' Instead the Act simply conveyed all of the assets held within the Ōtaki Trust to the Porirua College Trustees.[2549] The Porirua Trustees, who remained appointees of the Anglican Church, were empowered by the Act 'to employ' the accumulated 'rent, interest and profits' from the Whitireia and Ōtaki school grant lands (as well as the insurance from burnt-down Ōtaki school house) 'in the erection and maintenance of a school or schools at or near Otaki.' The Trustees were also empowered to establish scholarships to 'any one of three colleges . . . selected by the General Synod.'[2550]

In admitting children to the Ōtaki school, the Act stipulated that:

> Preference shall be given to members of the Ngati Raukawa, Ngati Awa, and Ngati Toa Tribes, and then to other Maoris or descendants of Maoris residing on the west coast of the North Island of New Zealand, and failing such to Maoris or descendants of Maoris of any part of New Zealand.[2551]

[2546] W L Waiapu, Chairman, Mission Trust Board, to the Hon the Minister of Education, 4 June 1907, Archives New Zealand, Wellington, E1 25, 10/113/7, (R15290660)
[2547] 'Otaki and Porirua Empowering Bill', *New Zealand Parliamentary Debates*, Vol 141, 18 September 1907 to 21 October, p 121
[2548] W H Field, *New Zealand Parliamentary Debates*, Vol 141, p 120
[2549] Otaki and Porirua Empowering Act 1907, s 2
[2550] Otaki and Porirua Empowering Act 1907, s 3
[2551] Otaki and Porirua Empowering Act 1907, s 4c

As agreed, 'religious education' at the school would 'be given to the scholars according to the discipline and doctrines' of the Anglican Church, but no scholar was to 'be refused admission on the ground of religious belief.'[2552] Day students were not to be obliged to 'attend any religious observance or any instruction in the school' which their parents or guardians wished them to be 'withdrawn' from.[2553]

In accordance with the 1905 Royal Commission's recommendation, the Otaki and Porirua Empowering Act 1907 empowered the Porirua Trustees – 'with the consent of the General Synod and of the Governor in Council' – 'to sell the lands vested in them or any part thereof, either by public auction or by private contract', upon 'such terms and conditions as they shall think fit.' There was no requirement for the Trustees to seek the consent, or even consult, with the descendants of the original donors before alienating any part of the original Ōtaki and Whitireia grant lands.[2554]

8.5 The Ōtaki Māori College, 1909-1939

The new Māori College was opened by the Governor in October 1909. The College's state-of-the-art buildings, which had been erected 'at a cost of £5400', included a new school building, boarding hostel, and woodwork room.[2555] The school building, which was 'regarded as a model of modern design', included an assembly hall and two large classrooms with room enough to 'accommodate about 100 pupils.' The hostel, which had been built to house 20 boarders, was 'a handsome and commodious two-storey structure replete with every modern convenience', including 'large lavatories with hot and cold and shower baths', and a patented 'petrol gas' lighting system which could also 'be used for heating and cooking purposes if required.'[2556]

Organized by the Porirua Trustees, the official opening of the Ōtaki College was boycotted by Ngāti Raukawa, Ngāti Toa and the other west coast tribes for whom the school had been established. According to newspaper reports, the hapū and iwi were 'aggrieved' at there being

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[2552] Otaki and Porirua Empowering Act 1907, s 4d
[2553] Otaki and Porirua Empowering Act 1907, s 4e
[2554] Otaki and Porirua Empowering Act 1907, s 6
[2555] 'Otaki Native College: Buildings Almost Completed', *Dominion*, 22 May 1909, p 10, c 5, https://paperspast.natlib.govt.nz/newspapers/dominion/1909/5/22/10 (accessed 19 September 2018)
[2556] Ibid.; 'Maori College, Otaki', *Wanganui Chronicle*, 10 June 1913, p 2, c 5, https://paperspast.natlib.govt.nz/newspapers/wanganui-chronicle/1913/6/10/2 (accessed 9 September 2018); 'Otaki Maori College. Opened by Lord Plunket', *Dominion*, 5 October 1909, p 8, c 3, https://paperspast.natlib.govt.nz/newspapers/dominion/1909/10/5/8, (accessed 9 September 2018)

no Māori representation on the Board of Trustees that oversaw the school and the Ōtaki and Whitireia trust lands – despite the 1905 Royal Commission having recommended that 'at least' one of the Board's members be affiliated with Ngāti Raukawa, Ngāti Toa or Ngāti Awa.[2557] Ngāti Raukawa was also unhappy with the Trustees' decision to break with established tikanga and limit attendance to the reception that followed the school's opening to 'only a limited number' of invited guests. In response, the hapu and iwi organized 'a separate banquet at the Town Hall' to which the Governor and the other European dignitaries were invited.[2558]

Despite continuing concerns amongst Ngāti Raukawa and the other hapū and iwi over representation on the Board of Trustees, and how the college would be financed, the new school at Ōtaki was – initially at least – a great success. The inspector's report for 1910 noted that the fact that the school had 'increased in numbers so rapidly' was 'direct evidence as to its success and popularity.' Enrolment at the school was increased substantially by the inclusion of a primary school for 'Standard Two downwards'. Run as a day school, the primary school provided instruction for local Ngāti Raukawa and other Māori children.[2559]

According to the Principal's report, presented to the Diocesan Synod in July 1913, the Ōtaki Māori College had an enrolment of '12 free boarders in residence at the hostel' and '48 day-scholars': a total enrolment of 60 students. The school was staffed by four teachers: the Principal, Reverend J Calvert Blathwayt; the housemaster, Mr W Lea French, 'a chemist of English experience'; teacher and resident master Pirimi Tahiwi (Ngāti Raukawa, Ngāti Maiotaki, and Ngāti Whakaue); and Miss F Fletcher, who was mistress of the primary school. The College part of the school – which included the 12 boarders – provided technical instruction in carpentry, gardening, and 'scientific agriculture', as well as an 'elementary education, embracing a fundamental knowledge' of 'chemistry, botany, and physics.' Contrary to the wishes expressed by Wiremu Parata and Kipa Te Whatanui before the 1905 Commission, the students were also 'drilled regularly on the college grounds', by a sergeant-major from the New Zealand Army's new Territorial Force.[2560]

[2557] 'Maori College at Otaki: No Maoris Will Attend Opening Ceremony', *Evening Post*, 4 October 1909, p 7, c 2, https://paperspast.natlib.govt.nz/newspapers/evening-post/1909/10/4/7 (accessed 19 September 2018)
[2558] Ibid.; 'Otaki Maori College. Opened by the Governor', *Manawatu Evening Standard*, 5 October 1909, p 5, c 4, https://paperspast.natlib.govt.nz/newspapers/manawatu-standard/1909/10/5/5 (accessed 19 September 2018)
[2559] Extract of 1910 Inspector's Report reproduced in: Jno Porteous (Inspector of Native Schools) to the Secretary, Diocesan Trust, 3 January 1918, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)
[2560] 'Otaki Maori College. The Principal's Report for 1913', *Horowhenua Chronicle*, 9 July 1913, p 2, c 8, https://paperspast.natlib.govt.nz/newspapers/horowhenua-chronicle/1913/7/9/2 (accessed 19 September 2018); 'Maori College, Otaki', *Wanganui Chronicle*, 10 June 1913, p 2, c 5, https://paperspast.natlib.govt.nz/newspapers/wanganui-chronicle/1913/6/10/2, (accessed 19 September 2018

The outbreak of World War I, in August 1914, was followed by a serious decline in the 'general efficiency' of the Ōtaki school as members of the staff left the school to join the war effort.[2561] Pirimi Tahiwi, the school's young Māori teacher, enlisted in the Māori Contingent of the New Zealand Expeditionary Force, and went on to see action at Gallipoli (where he was severely wounded in the neck) and France (with the New Zealand Māori (Pioneer) Battalion).[2562] The turnover in staff was accompanied with a decline in attendance amongst the students, with many of the day scholars attending only irregularly.[2563]

By the end of 1919 enrolment at the Ōtaki College had declined to just 35, of whom 30 were in attendance when the school was inspected in November. Of those who had been in attendance, 12 were boarders and 18 were day students. Most of the day students were enrolled in the primary school. Noting the 'small roll number and the somewhat irregular attendance of many of the pupils', the Inspector of Native Schools, decried the 'great lack of interest' in the school and expressed disappointment 'that the college receives so little support from the Maoris of the district, for the benefit of whose children it was established.' The Inspector concluded that 'at present time' the Ōtaki College was 'merely a primary school where work of a more or less indifferent character has been during the year.'[2564]

With Pirimi Tahiwi returned from his military service, and a new headmaster appointed in 1919, the Ōtaki Māori College enjoyed an impressive revival over the course of the 1920s. By 1921, enrolment had increased to 52, including 17 boarders (all boys) and 35 day students (boys and girls).[2565] The College's post war attendance reached a peak in 1925 when 54 students were enrolled, including no less than 23 boarders.[2566]

[2561] Jno Porteous (Inspector of Native Schools) to the Director of Education, 20 December 1917, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)

[2562] Reupene M T Waaka, 'Tahiwi, Pirimi Pererika, 1890-1969', *Dictionary of New Zealand Biography, Volume IV, 1921-1940*, (Auckland, Auckland University Press), 1998, https://teara.govt.nz/en/biographies/4t1/tahiwi-pirimi-pererika (accessed 19 September 2018)

[2563] Jno Porteous (Inspector of Native Schools) to the Director of Education, 20 December 1917 and Jno Porteous (Inspector of Native Schools) to the Secretary, Diocesan Trust, 3 January 1918, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)

[2564] Jno Porteous (Inspector of Native Schools) to the Director of Education, 19 November 1919, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)

[2565] Inspector of Native Schools, Report on the Otaki School, 13 December 1921, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)

[2566] G M Henderson to the Director of Education, 16 December 1925, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)

Although never coming near to reaching its capacity in enrolments, the Ōtaki Māori College appears to have thrived during the 1920s. Instructed in 'practical agriculture', the students cultivated a large garden while 'rearing poultry on a considerable scale' and keeping 'a small herd of cows.'[2567] By the middle of the decade dairying had become 'a special feature of the school' with cows being 'milked and cream sent to the factory.'[2568] In addition to practical instruction, the school also offered 'a very satisfactory standard' of academic education, with the post-primary students receiving instruction in English, Arithmetic, Geography and History.[2569] The various Native School Inspectors who visited the College during these years were fulsome in their praise. In November 1924, for example, G M Henderson described the 'discipline and tone of the establishment' as good, and concluded that 'on the whole' the College seemed to be 'fulfilling its function very well indeed.'[2570]

Much of the Ōtaki College's success in the 1920s can be put down to the partnership of Headmaster Webster Harold Wills and his assistant Pirimi Tahiwi. The two men (who were approximately the same age) had each attended Te Aute College, and were both authorities in the speaking and writing of the Māori language.[2571] Together, Wills and Tahiwi, made the Ōtaki College a centre for the nurturing and revival of Māori language and culture. Responding to what the *Otaki Mail* described as 'a strong desire on the part of the older Maoris to have their children taught their own language, arts, and games', the school began to teach Te Reo Māori as a distinct subject, while offering instruction in what would now be called kapa haka.[2572] School inspectors commented on the high quality of singing at the school under the

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[2567] Jno Porteous to the Director of Education, 2 December 1922, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)

[2568] G M Henderson to the Director of Education, 30 November 1923 and G M Henderson to the Director of Education, 16 December 1925, and Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)

[2569] G M Henderson to the Director of Education, 16 December 1925, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)

[2570] G M Henderson to the Director of Education, 28 November 1924, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)

[2571] 'Haere ki o Koutou Tipuna', *Te Ao Hou*, 1 June 1960, p 3, https://paperspast.natlib.govt.nz/periodicals/te-ao-hou/1960/6/0/5 (accessed 18 September 2018); Reupene M T Waaka, 'Tahiwi, Pirimi Pererika, 1890-1969', *Dictionary of New Zealand Biography, Volume IV, 1921-1940*

[2572] 'Maori College Concert', *Otaki Mail*, 17 November 1926, p 2, c 6, https://paperspast.natlib.govt.nz/newspapers/otaki-mail/1926/11/17/2 (accessed 20 September 2018); D G Ball, Inspector of Native Schools to the Director of Education, 7 December 1929, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)

leadership of Mr Tahiwi, much of which was in Te Reo Māori.[2573] In November 1926, the *Otaki Mail* reported on the college's much anticipated end of year concert which was to include, amongst other things, a formal welcome, two poi dances, a 'Maori action song' performed by 'a squad of girls and boys', and 'a haka by the College boys.' There was also to be 'a fine tableau, depicting Maori games.' The evening was to conclude with 'a grand final haka' by the Ngāti Raukawa tribe.[2574]

With funds for the school limited at the best of times, the onset of the Great Depression plunged the Ōtaki Māori College into a crisis from which it was to never recover. The first area to be cut for lack of funds appears to have been the school's agriculture and dairying programme. In December 1929 the Inspector of Native Schools reported that 'no practical agriculture or dairying' seemed 'possible, under present financial conditions'.[2575] As the Depression worsened and school's financial position continued to deteriorate, additional cuts became necessary. In 1933 the College's trustees were obliged to dispense with the services of the primary school's junior teacher, Miss Kura Tahiwi, who since 1926 had been responsible for teaching primers one to four at the day school.[2576]

The declining fortunes of the Ōtaki College were reflected in its falling enrolment. In 1929 the school had an enrolment of 39, with 24 boys and 15 girls.[2577] By 1934 the number of children enrolled at the school had fallen to 25, including 15 boarders and just 10 day students.[2578] At the end of 1936, 19 children were recorded as being enrolled at the school, of whom only 15 were in attendance on the day of the Inspector's visit.[2579] In 1938, the

[2573] Jno Porteous to the Director of Education, 2 December 1922, p 2; G M Henderson to the Director of Education, 16 December 1925, p 2; G M Henderson to the Director of Education, 9 December 1926, p 2; G M Henderson to the Director of Education, 22 December 1927; G M Henderson to the Director of Education, 30 November 1928 all in Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)
[2574] 'Maori College Concert', *Otaki Mail*, 17 November 1926, p 2, c 6, https://paperspast.natlib.govt.nz/newspapers/otaki-mail/1926/11/17/2 (accessed 20 September 2018)
[2575] D G Ball, Inspector of Native Schools to the Director of Education, 7 December 1929, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)
[2576] T A Fletcher (Acting Inspector of Native Schools), 'Otaki Native College', 30 November 1933, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)
[2577] D G Ball, Inspector of Native Schools to the Director of Education, 7 December 1929, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)
[2578] A H Dunne (Inspector of Native Schools), 'Otaki Native College', 30 November 1934, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)
[2579] D G Ball (Inspector of Native Schools), 'Otaki Maori College', 3 December 1936, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)

penultimate year of the school's existence, the College had '19 boys enrolled and boarding at the school', of whom four were 'in the custody of the Child Welfare Department', two were from Rarotonga and just one was from Ōtaki.[2580]

The apparently irreversible decline of the Māori College appears to have had a severe impact on the morale of the school's two remaining teachers, as well as the atmosphere of the College itself. In a confidential report delivered to W H Wills in December 1936, the Inspector of Native Schools found that the headteacher's methods were 'uninspiring' and that the school was 'lacking in any spirit of vitality.'[2581] The report for the following year was even more damning. Noting the 'very severe retardation of a number of children' (including one who had attended 'with very fair regularity, for three years' and was still 'unable to read'), the inspector felt that he 'could come to no other conclusion than that the Headteacher' had 'neglected his work.'[2582]

The Closing of the Ōtaki Māori College, 1939

In 1938, with the future of the Ōtaki College very much in doubt, a committee led by the prominent Wellington lawyer Herbert Edgar Evans (who was also a member of the Porirua Board of Trustees) proposed amalgamating the incomes of the Whitireia and Ōtaki trust lands with those of the Pāpāwai and Kaikōkirikiri Trust in the Wairarapa. The Wairarapa trust had been supporting its own Hikurangi College, at Clareville, between Masterton and Greytown, but the school had burnt down in 1932 and had not yet been replaced. With the funds of both the Porirua College Trust Board and the Pāpāwai and Kaikōkirikiri Trusts Board judged insufficient to support a school 'satisfactorily' in their own right, Evans and his committee suggested that the incomes of the two trusts be pooled 'in order to enlarge the scope and benefit of the Otaki Native College for the use and benefit of Maori boys of both the West Coast (North Island) and the Wairarapa districts.'[2583]

[2580] D G Ball (Senior Inspector of Native Schools), 'Otaki Maori College', 28 November 1938, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)

[2581] D G Ball (Inspector of Native Schools), 'Otaki Maori College', 3 December 1936, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)

[2582] D G Ball (Inspector of Native Schools), 'Otaki Maori College', 2 December 1937, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)

[2583] 'Maori Trusts. Children's Education. Amalgamation Scheme. Synod's Approval', *Evening Post*, 19 July 1938, p 15, c 3, https://paperspast.natlib.govt.nz/newspapers/evening-post/1938/7/19/15 (accessed 20 September 2018)

The plans for the proposed merger were resisted by Ngāti Kahungunu in Wairarapa, who preferred that if their children were to be sent away to boarding school, it should be to the secondary schools at Te Aute or Hukarere in the Hawkes Bay, rather than what they dismissed as a 'primary' school at Ōtaki. Taking these complaints into consideration, the Wellington Anglican Diocesan Synod voted in favour of the proposed amalgamation, but only on condition that the members of the two trust boards were 'satisfied' that Wairarapa Māori would be 'likely to make adequate use' of the 'improved school' at Ōtaki; and an investigation by the diocesan auditors could show that the combined incomes of the trust boards was 'likely to be sufficient' for the enlargement and modernization of the Ōtaki College.[2584]

The auditors' report, however, concluded that 'even the combined revenues of the two trusts' would not be enough 'to provide and maintain a college that could compete with modern Government standards.' With an expansion of the Ōtaki College apparently unviable, the trustees of the two boards 'reluctantly decided' to close both Hikurangi College in the Wairarapa and the Māori College at Ōtaki. Rather than being put towards improving and maintaining the Ōtaki College, the income from the Ōtaki and Whitireia lands, as well as those at Pāpāwai and Kaikōkirikiri, would be used to provide scholarships for children to attend 'one or other of the larger Maori Church boarding schools', such as Te Aute or Hukarere.[2585]

Despite 'an effort being made to improve the quality of instruction' at the school over the course of 1939, the Ōtaki Māori College was closed at the end of that year.[2586] The closure of the college and hostel was marked on 8 December 1939 by a function attended by what the *Otaki Mail* described as 'a large number of number of Maoris, with Europeans.' Speaking for the trustees as a whole, Herbert Evans 'regretted' the closing of the Ōtaki school after almost '100 years of teaching', but explained that 'the lack of finance' had made it impossible 'for the college to be carried on' and 'properly equipped.' In response, Matenga Baker of Ngāti Pare and Ngāti Raukawa 'expressed deep regret at the closing of an institution which had done such a great deal of good work.' Baker hoped that the time 'would come when the college would be reopened.' Both Baker and Te Rangiātaahua Royal (who also spoke at the function) called on the trustees to make the new scholarships available for university as well secondary study.[2587]

[2584] Ibid

[2585] 'Church Work. The Wairarapa and Otaki Schools', *Otaki Mail*, 10 February 1939, p 2, c 4, https://paperspast.natlib.govt.nz/newspapers/otaki-mail/1939/2/10/2 (accessed 20 September 2018)

[2586] D G Ball (Senior Inspector of Native Schools), 'Otaki Maori College', 28 November 1938, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, 'Native Schools – Private Native Boarding Schools, Otaki Maori Boys College', Archives New Zealand, (R18178025)

[2587] 'Closing of the Native College and Hostel', *Otaki Mail*, 11 December 1939, p 3, c 1 & 2, https://paperspast.natlib.govt.nz/newspapers/otaki-mail/1939/12/11/3 (accessed 20 September 2018)

8.6 Disagreements Over the Future Use of the Ōtaki and Porirua Trust Lands, 1940-1946

With the Ōtaki and Hikurangi Māori Colleges both definitively closed, the Anglican Church looked for new ways to make use of the income from the Ōtaki and Whitireia and Pāpāwai-Kaikōkirikiri Trust lands. The Church decided to use the revenue and remaining reserves of the two Trust Boards to fund scholarships for the children who would have been eligible to attend the Ōtaki and Hikurangi schools if they were still open.[2588] In the case of the Porirua Trust, which administered both the Ōtaki and Whitireia lands, and had been responsible for the Māori College at Ōtaki, this meant that the scholarships would be available to 'children of British subjects of all races', as well as the children of 'inhabitants of islands in the Pacific Ocean.' As stipulated in the 1907 Act, however, preference 'would be given to members of the Ngati Raukawa, Ngati Awa, or Ngati Toa Tribes, and then to other Maoris or descendants of Maoris residing on the west coast of the North Island of New Zealand, and failing such to Maoris or descendants of Maoris of any part of New Zealand.'[2589]

As envisioned by the Church and the trustees of the two boards, the new scholarships were to be tenable only at schools which offered the eligible children, not only adequate and appropriate instruction in secular subjects, but also a religious education 'according to the discipline and doctrine of the Church of England.' For the Ngāti Raukawa and Ngāti Toa children of the lower North Island, this effectively meant that the new scholarships would be for attendance at either Te Aute College (for boys) or Hukarere Girls College in the Hawkes Bay.[2590]

[2588] Under Secretary, Native Department, 'Memorandum for the Clerk, Church Trusts Lands Committee, House of Representatives: Petitions Nos 26-32 of 1942 – Church Trust Lands', 8 October 1942, Archives New Zealand, Wellington, MA 31 20, 50, (R22041853)
[2589] Otaki and Porirua Empowering Act 1907 s 4
[2590] 'Address of Mr W J Sim K C' [No Date], Archives New Zealand, Wellington, AAMK W3074 869 Box 665 b, 19/1/314 Part 1 (R11838354)

The Church Seeks Legislative Authority to use the Funds from the Porirua and Wairarapa Trusts for Scholarships to its Schools at Te Aute and Hukarere, 1940

In order to use their incomes to fund the new scholarships, the Porirua and Pāpāwai-Kaikōkirikiri Trusts first had to secure legal authority from Parliament. After consultation between the Diocesan Secretary and the Director of Education, the Wellington Diocese drafted the necessary private bills in May 1940.[2591]

The introduction into Parliament of the bill concerning the Porirua Trust and its lands at Ōtaki and Whitireia later in 1940 provoked an angry response from Ngāti Raukawa and its associated hapū and iwi. A meeting at Raukawa Marae on 1 September 1940 expressed 'deep concern' about the bill, and agreed to send a deputation to Parliament 'to protest and give reasons for opposing the Bill.' The meeting – which consisted of 'recognized leaders and elders' from both Ngāti Raukawa and Ngāti Toa, including Hone McMillan, Rāwiri Tātana, Hari Wī Kātene, Hōhepa Wi Neera, and Rore Te Rangiheuea – was especially concerned that the proposed legislation would allow the Porirua Trust Board to sell the land it was administering, inflicting 'a great injustice' on the hapū and iwi who had originally gifted the land. Suspicions had been heightened by a recent visit by 'all the members of the Palmerston North Hospital Board', who had been 'invited to make a tour of inspection of the . . . buildings and grounds' of the now vacant Otaki Maori College.[2592]

Confronted by 'unexpected hostility' from the Ngāti Raukawa and Ngāti Toa delegation, the Anglican Church saw its bills to amend the powers of the Porirua and Pāpāwai-Kaikokirikiri Trusts 'thrown out' by a committee of the Legislative Council.[2593]

Contending Petitions and the 'Otaki-Porirua and Pāpāwai-Kaikōkirikiri Church Trusts Committee', 1941-1943

Having secured the rejection of the Church's draft bills, the Ngāti Raukawa, Ngāti Toa, Ngāti Awa and Ngāti Kahungunu ki Wairarapa opponents of the private legislation petitioned Parliament with their own proposal for the future use of the funds from the Porirua and Pāpāwai-Kaikōkirikiri Trusts. In separate but similar petitions the Wairarapa and West Coast

[2591] E W Beeby, Director of Education to the Diocesan Secretary, Wellington, 7 June 1940, Archives New Zealand, Wellington, E3 27, 37/24/11 Part 1, (R18178025)
[2592] 'Maoris to Protest Possibility of Sale of Porirua College', *Dominion*, 4 September 1940, Archives New Zealand, Wellington, AAMK W3074 869 Box 665 b, 19/1/314 Part 1 (R11838354)
[2593] 'Address of Mr W J Sim K C' [No Date], Archives New Zealand, Wellington, AAMK W3074 869 Box 665 b, 19/1/314 Part 1 (R11838354); Under Secretary, Native Department, 'Memorandum for the Clerk, Church Trusts Lands Committee, House of Representatives: Petitions Nos 26-32 of 1942 – Church Trust Lands', 8 October 1942, Archives New Zealand, Wellington, MA 31 20, 50, (R22041853)

hapū and iwi reiterated their opposition to the sale of any of the trusts' lands, and proposed that – rather than being spent on scholarships to attend the Church's schools at Te Aute and Hukarere – the funds from the two trusts should be used to establish boarding hostels for their children at Horowhenua and Wairarapa Colleges.

Authorised by a meeting 'of the members of Ngāti Raukawa and Associated Tribes and the Trustees of the Raukawa Marae Trust', at Raukawa Marae on 9 November 1940, the petition concerning the Ōtaki and Whitireia Trust lands administered by the Porirua Trust was signed by seven representative members of Ngāti Raukawa, Ngāti Toa and Ngāti Awa, including Hone McMillan, Hoani Meihana Te Rama (John Mason Durie), Mātenga Baker and Rore Te Rangiheuea. The petition confirmed 'the objections made before the Committee of the Legislative Council to selling any of the lands given for erecting schools at Porirua and Otaki', and warned that 'any such sale would be opposed to Maori custom and Maori etiquette unless made with the full and unanimous consent of the leaders of the donor tribes.'[2594]

If it was now financially 'impossible to erect and maintain' a new school at either Ōtaki or Whitireia, the petitioners asserted that 'the assets and income' of the Porirua Trust Board could be best applied – not in providing scholarships to religious schools outside of the donor tribes' district – but rather in the construction of 'residential hostels at Levin for Maori boys and girls attending Horowhenua College.' As later expanded upon by their legal representative, the petitioners envisioned two hostels – 'one for boys and one for girls' – 'built upon the lines of comfortable European homes' and large enough 'to accommodate about 12 to 15 pupils.' Students would be admitted to the hostels regardless of their 'religious beliefs', and would be provided with 'facilities for voluntary instruction in Maori language and Maori arts and craft.'[2595]

The petitioners also asked Parliament to change the composition of the Porirua College Trust Board so that Ngāti Raukawa and its affiliated hapū and iwi would finally have their own representatives. The petitioners called for a trust board with seven members made up of two individuals appointed by the Ngāti Raukawa Marae Trustees; two by the Diocese of Wellington; two by the Board of Governors of Horowhenua College; and either the Chief Judge of the Native Land Court or the Native Trustee. If legislated, such a board would have shifted

[2594] Petition No 66/1941, 'The Humble Petition of Hone Makimereni (otherwise known as Hone McMillan) of Levin, Hari Wi Katene of Wellington, Hohepa Wi Neera of Porirua, Hapie Love of Wellington, Meikana Te Rama (otherwise known as Mason Durie) of Otaki, Matenga Baker of Otaki, and Roore Rangiheuea of Foxton, [Forwarded to Dept of Native Affairs 2 October 1941], Archives New Zealand, Wellington, AAMK W3074 869 Box 665 b, 19/1/314 Part 1 (R11838354)
[2595] Ibid

control of the Trust away from appointees of the Anglican Church based in Wellington, to a majority of Māori and European members living locally.[2596]

In October 1941 the petitions from the representatives of Ngāti Raukawa, Ngāti Toa, Ngāti Awa and Ngāti Kahungunu ki Wairarapa in support of the hostels at Horowhenua and Wairarapa College (and opposing the Anglican Church's plans for scholarships to Te Aute and Hukarere) were brought before a joint Native Affairs Committee composed of members from both the House of Representatives and the Legislative Council. The legal representative for the Anglican Church's Diocesan Board of Trustees, however, requested an adjournment. Having not allowed 'sufficient time . . . to go further into the matter', the joint committee agreed to the Church's request and the hearing 'was adjourned until the next sitting of Parliament.'[2597]

The Trusts and the supporters of the scholarship scheme used the adjournment to organize their own petitions, urging Parliament to reject the hostel proposal and support the revised private bills that the Porirua and Pāpāwai-Kaikōkirikiri Trusts were preparing to submit. When the joint Native Affairs committee met again in 1942, it was confronted by seven identical petitions from the Trusts and their Māori supporters, including members of Ngāti Raukawa and its affiliated hapu and iwi.[2598]

Praying that Parliament take 'no action' on the petitions that had been submitted by the supporters of the hostel plan the previous year, the petitions noted that – in addition to the 'scholarships to Church of England schools selected by the respective trustees' – the Porirua and Pāpāwai-Kaikōkirikiri boards of trustees were now willing to spend a portion of their income on grants 'to assist' the 'parents or guardians of scholars attending local schools.' Confronted by the demands for more Māori representation, the boards of trustees – the petitioners noted – had also agreed 'to appoint an extra Maori representative on each Board', in addition to a representative from the Education Department. In the light of these concessions, the petitioners expressed their support for the private bills that the trustees of the Porirua and Pāpāwai-Kaikōkirikiri trust were about to submit to Parliament, and asked that the legislation be passed.[2599]

[2596] Ibid
[2597] 'Lands: Approximately 1000 Acres – Capital Value £80,000' excerpt from Newspaper referred to the Hon Minister of Native Affairs, 23 June 1942, Archives New Zealand, Wellington, AAMK W3074 869 Box 665 b, 19/1/314 Part 1 (R11838354)
[2598] Petition No 26/1942. Henare Tahiwi, Mereana Currie, Maraea Nancy Ropata, Kahurangi Hare Albert, King Tahiwi [Forwarded with Nos 27, 28, 29, 30, 31 and 32 of 1942, all of which were identical and from 'various Church of England bodies and individuals', Archives New Zealand, Wellington, AAMK W3074 869 Box 665 b, 19/1/314 Part 1 (R11838354)] to the Under Secretary of the Native Department 21 August 1942
[2599] Ibid

The pro-trustee petitions were followed by counter petitions from those who sought the removal of the Trust Boards from Church control, and the expenditure of the Trusts' funds on hostels at the state schools in Levin and Masterton. In October 1942 the joint Native Affairs committee – now officially referred to as the 'Otaki-Porirua and Papawai-Kaikokirikiri Church Trusts Committee' – received petitions from Kahurautete Durie (who was married to John Mason Durie) 'and 96 others'; Roore Te Rangiheuea 'and others'; and Toka Pōtangaroa (of Ngāti Kahungunu ki Wairarapa) 'and others.'[2600]

After a 12-month adjournment, the competing claims of the contending petitioners were finally considered by a reconstituted joint Native Affairs committee in October and November 1942. Consisting of 10 members of the Legislative Council and 10 from the House of Representatives, the 'Otaki-Porirua and Papawai-Kaikokirikiri Church Trusts Committee' included amongst its members the Minister of Education and Justice Rex Mason, the European MHR for Otaki, Leonard George Lowry, all four of the elected Māori members (including Sir Apirana Ngata, who was in his final term as MHR for Eastern Maori), and the sole Māori member of the Legislative Council, Rangiputangatahi Māwhete of Rangitāne.[2601] Sitting both in Wellington, and 'in the areas in which the trust lands are situated' – including at Raukawa Marae on 14 November 1942 – the joint committee 'heard voluminous evidence from the petitioners, including a large amount of documentary evidence and addresses of council.'[2602]

A large part of the documentary and oral evidence was presented by the Anglican Church which argued strongly for the maintenance of its scholarship scheme. Amongst the documentary evidence provided by the Church was an 'Interim Report' of a 'Commission on Maori Education and Trusts in New Zealand' that had been appointed by the Standing Committee of the Church's General Synod at the end of August 1941. Expressing 'a strong conviction' that secondary schools managed by the Anglican and other Christian Churches occupied an 'essential position' in the education of future Māori leaders, the Committee warned that if 'Maori youth' were 'to be drafted as a whole into the Pakeha schools', there was 'a serious danger' that they would be 'prematurely . . . absorbed into the mainstream of national life', and, 'unqualified to adapt . . . properly to an alien culture', find themselves trapped 'in the lower strata of our civilization.'[2603]

[2600] Otaki-Porirua and Papawai-Kaikokirikiri Trusts Committee (Report of the) (Mr O'Brien, Chairman). Presented to both Houses of the General Assembly on 12 March 1943, 11 March 1943, *AJHR*, 1943, I-3a, pp 1-2
[2601] Ibid., p 1
[2602] Ibid., p 2
[2603] 'Interim Report of Commission on Maori Education and Trusts in New Zealand', [No Date], p 3, Archives New Zealand, Wellington, AAMK W3074 869 Box 665 b, 19/1/314 Part 1 (R11838354)

The Commission's recommendation that first priority be given to the provision of full scholarships to Te Aute and Hukarere, with bursaries also being offered 'to help with the education of Maori children attending High Schools at Levin and Masterton' was supported by the witnesses who appeared on the Church's behalf, including the Headmaster and Headmistress of Te Aute and Hukarere Colleges, and the former Chief Inspector of Native Schools William Watson Bird.[2604] Each witness spoke forcefully against the proposed 'Hostel scheme', with Te Aute Headmaster Ernest Going Loten warning that if the 'scheme were adopted, the pupils who attended it would lose their Maori culture altogether', and the retired Chief Inspector asserting that he did 'not know of any Maori of distinction' who had 'come out of a European College.'[2605] The witnesses also emphasized the role the two Anglican boarding schools had played in developing the present and earlier generations of Māori leaders, while helping to get 'rid of' what Hukarere Headmistress Mere Hall described as 'the old tribal animosities', by bringing together Māori children 'from all parts of New Zealand'.[2606]

As an indication of its goodwill, the Church also presented the joint committee with a resolution that had been passed by the Wellington Diocesan Synod on 16 July 1942 increasing the membership of the Porirua College Trust Board to 10 members, two of whom were to be 'members of the Ngati Raukawa, Ngati Awa or Ngati Toa tribes or their sub-tribes residing in the Wellington Diocese.' While the Church was to retain 'sole power and discretion' in appointing members to the Trust Board, it would 'invite and consider nominations' for their Māori members from two or more 'adult members of the Ngāti Raukawa, Ngāti Awa or Ngāti Toa tribes' or any of their associated hapu 'residing in the Wellington Diocese.'[2607]

With its members divided over the future use of the income from the Ōtaki and Porirua trust lands, Ngāti Raukawa and its affiliated hapū and iwi were unable to speak to the joint committee with a single voice. In addition to those who had signed petitions either in support or opposition to the proposed hostel scheme, there were those like Kipa Roera and other members of Ngāti Huia who maintained that the Porirua Trust's funds should only be used for the reestablishment and maintenance of the Māori College at Ōtaki.

[2604] Ibid., p 7

[2605] 'Ernest Going Loten, Headmaster of Te Aute College, 22 October 1942', p 2; 'William Watson Bird', 22 October 1942', p 5; both in Archives New Zealand, Wellington, AAMK W3074 869 Box 665 b, 19/1/314 Part 1 (R11838354)

[2606] 'Mere Hall, of Napier, Headmistress of Hukarere School', 22 October 1942', p 2, Archives New Zealand, Wellington, AAMK W3074 869 Box 665 b, 19/1/314 Part 1 (R11838354)

[2607] 'Resolution Increasing the Number of Members of the Porirua College Trust Board Passed by Wellington Diocesan Synod on 16 July 1942', Archives New Zealand, Wellington, AAMK W3074 869 Box 665 b, 19/1/314 Part 1 (R11838354)

The divisions within Ngāti Raukawa came to a head when the members of the Church Trusts Committee visited Raukawa Marae on 14 November 1942. Kipa Roera, great grandson of the great Ngāti Raukawa and Ngāti Huia chief Te Ahukaramū, rejected both the Church's scholarships and the hostel scheme that had been agreed upon by the representatives of Ngāti Raukawa, Ngāti Toa and Ngāti Awa. Speaking in his native reo Māori, Roera dismissed the seven scholarships that the Church had proposed making available for Ngāti Raukawa children to attend Hukarere or Te Aute as 'a complete waste of money which achieves nothing for our children.' Harking back to the original gift of the Ōtaki trust lands to the Church Missionary Society, Roera emphasised that the land had been given to the Church for only one reason:

> to help Rangiatea, and to administer those functions needed by Ōtaki [Māori] College in perpetuity, certainly not for scholarships, nor for providing hostels FOR THE COLLEGE IN LEVIN OR FOR ANYWHERE ELSE.[Capitals in original text][2608]

Disagreeing strenuously with the other Ngāti Raukawa leaders who had accepted the Porirua Trust Board's conclusion that it was financially impossible to reestablish the Māori College at Ōtaki as a fully-equipped modern secondary school, Roera insisted that the school could and should be reopened. By pooling the £1700 raised annually in rentals from the Ōtaki and Porirua trust lands, Roera argued that it would be possible 'to re-open the Ōtaki Māori College permanently, and in the space of six years.' This, he told the members of the joint committee, was 'the true breadth of the aspirations of all of the hapū of Ngāti Raukawa.'[2609]

Nor was Roera willing to accept a revision to the membership of the board of trustees overseeing the Ōtaki and Porirua lands that would 'remove powers' from the Church appointed trust board, as had been advocated by the proponents of the Hostel scheme. Fearing the loss of both Rangiatea Church and the Maori College, Roera told the Church Trusts Committee that 'the abiding loyalty' of his parents 'was to the church and to their descendants standing here.'[2610]

The Ōtaki-Porirua and Pāpāwai-Kaikōkirikiri Church Trusts Committee presented its report to Parliament on 11 March 1943. The joint committee recommended that the trusts should:

[2608] 'Kipa Royal Addressing the Conference of the Committee of Native Affairs and the Ngāti Raukawa, Ngāti Toa, and Te Atiawa at Raukawa Meeting House, Otaki at 2 p.m. on Saturday, November the 14th, 1942', p 2, Archives New Zealand, Wellington, MA31 20, 50, (R22041853). Te Reo Māori text translated by Piripi Walker.
[2609] Ibid., p 3
[2610] Ibid., p 5

be continued in the name of the Church of England and as far as possible be administered so as to provide the educational training contemplated by the Maoris when the lands were gifted.[2611]

The Committee did not, however, heed Kipa Roera's call for the reopening of the Ōtaki Māori College. Instead it recommended that the Ōtaki-Porirua and Wairarapa trust boards 'be empowered to assist in the education of the tribes concerned' by 'granting scholarships, bursaries or financial assistance to children attending or proposing to attend the secondary schools.' Rather than limiting the scholarships to Anglican colleges such as Te Aute and Hukarere, the joint committee advised that 'the wishes of the parents of each selected pupil' were to 'be given the fullest consideration' when deciding upon the secondary school which a particular scholarship holder would attend. This meant that, if the parents so wished, a scholarship awarded by one or other of the trust boards might be used for attendance at a state or Catholic school in Feilding, Levin, Wellington or Masterton.[2612]

In addition to financial support, the Church Trusts Committee also recommended that the trust's funds be allowed to be spent on 'providing books, clothes, or other equipment' for scholarship students. In a concession to the supporters of the Horowhenua and Wairarapa hostel schemes, the committee also recommended that the Trusts should be authorised to expend funds on the purchase, furnishing and management of 'suitable buildings to house' the recipients of trust scholarships.[2613]

With regards to the administration of the trust lands, the joint committee recommended 'that the Boards governing the trusts should be representative of the Church of England, of the Maoris, and of the Education Department.' The committee advised that the Ōtaki and Whitireia trust lands should be managed by 'a board of eight persons' consisting of: four members appointed by the Anglican Church (including the Board's 'chairman'); three 'Maori members' selected by the Raukawa Marae Trustees (of whom one had to be affiliated with Ngāti Toa); and one member appointed by the Minister of Education.[2614]

The Church Trusts Committee recommended that neither the Otaki-Porirua nor the Wairarapa boards should be able to sell any of the land entrusted in them without first obtaining the 'consent and agreement' of the interested 'tribes or hapus'. Such consent was to be obtained

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[2611] Otaki-Porirua and Papawai-Kaikokirikiri Trusts Committee (Report of the) (Mr O'Brien, Chairman). Presented to both Houses of the General Assembly on 12 March 1943, 11 March 1943, *AJHR*, 1943, I-3a, p 2
[2612] Ibid., p 3
[2613] Ibid
[2614] Ibid

in an 'open meeting' called, at the Native Minister's direction, by the local Maori Land Board (as 'prescribed by section 416 of the Native Land Act, 1931').[2615]

The Otaki and Porirua Trusts Act 1943

Having received the joint committee's report, the Government supported the passage of what was to become known as the Otaki and Porirua Trusts Act 1943. Introduced at the very end of the parliamentary session, the Act was 'passed through all its stages' in just two days, on 25 and 26 August 1943.[2616] The Act vested all of the assets of the Porirua College Trust Board in a new Otaki and Porirua Trusts Board. The new board was to consist of eight members, all appointed by the Governor-General. Following the recommendation of the Church Trusts Committee, the board was to be made up of four members nominated by the Anglican Church (in the form of the Diocesan Trusts Board of the Diocese of Wellington); three Māori members (including at least one from Ngāti Toa) nominated by the Raukawa Marae Trustees; and one member 'appointed on the recommendation' of the Minister of Education.[2617]

While following the Church Trust Committee's recommendations concerning the new trust board's composition, the 1943 legislation disregarded the Committee's advice on how the Board's funds were to be disbursed. Jettisoning the Committee's recommendation 'that the wishes of the parents of each selected pupil . . . should be given the fullest possible consideration' when determining 'the school at which the scholarship . . . should be tenable', the Act directed that two-thirds of the Otaki Porirua Trust Board's annual net income be appropriated for scholarships that were to be exclusively for 'schools conducted by the Church of England.'[2618] The remaining third of the Board's revenue was to be made available for 'the provision of books, clothing and other equipment' to scholarship holders and other eligible children; to provide grants to assist the parents or guardians whose children were attending non Church of England schools; and – assuming there was any money left over – to fund 'the provision, furnishing, maintenance, and management of residential accommodation' for children who were enrolled at non-Church schools.[2619]

[2615] Ibid
[2616] *New Zealand Parliamentary Debates*, Vol 236, 25 June to 26 August 1943, pp 1063-1067, 1124-1125
[2617] Otaki and Porirua Trusts Act 1943, s 4 (1)
[2618] Otaki-Porirua and Papawai-Kaikokirikiri Trusts Committee (Report of the) (Mr O'Brien, Chairman). Presented to both Houses of the General Assembly on 12 March 1943, 11 March 1943, *AJHR*, 1943, I-3a, p 3; Otaki and Porirua Trusts Act 1943, s 13 (3)
[2619] Otaki and Porirua Trusts Act 1943, s 12 (3) & (4)

Even more alarmingly for the members of Ngāti Raukawa and their affiliated hapū and iwi, the authors of the 1943 Act ignored the Church Trust Committee's recommendation that the new Trust Board be prevented from selling any of the land under its control without the publicly obtained 'consent and agreement' of the interested hapū and iwi. Instead, the Act empowered the Ōtaki and Porirua Trusts Board, with the Minister of Education's consent, to sell 'any part' of the lands vested in it, upon such terms and conditions' as it saw fit. Before giving his consent, however, the Minister was first required to obtain the agreement of the Native Land Court which was required to 'ascertain as far as it deems practicable the wishes of the members of the tribe or hapu concerned.'[2620]

As we have seen, what was to become the Otaki and Porirua Trust Act was rushed through both houses of Parliament with only the briefest of debate. Introducing the legislation in the lower house, Minister of Education and Acting Native Minister Rex Mason characterized the Bill 'as an attempt to meet, as far as possible, the wishes of the parties concerned, in accordance with the recommendations of the Joint Committee'.[2621] Mason described how the bill had been drafted by Crown officials before being 'submitted to the solicitor of the Church authorities', as well as the legal representative of those who had petitioned in favour of using the Trust's funds to provide hostels for Māori girls and boys at Horowhenua College. Arguing that 'a spirit of compromise, harmony and good will was required to make the best use of the trust estate', the Minister emphasised that the Government had 'no desire . . . to supervise, but merely to help as far as possible.'[2622]

Sir Apirana Ngata (who had also served on the joint committee) also spoke in support of the bill. Pillorying the Anglican Church for its intransigence and ethnocentrism, the member for Eastern Maori congratulated the Government for 'having taken the matter up', and suggested that, 'had the Church and the tribes been left to fight the thing out, a solution would never have been reached.'[2623] Describing the bill as 'a compromise of various points of view in regard to Maori education', Ngata criticised it for making 'no provision' for scholarships to attend university.[2624]

The sharpest criticism of the Otaki and Porirua Trusts Bill during its abbreviated passage through Parliament came from Rangiputangatahi Māwhete (William Arthur Moffatt) in the Legislative Council. The great grandson of Wiremu Kingi Te Aweawe, and former brother-in-

[2620] Ibid., s 14 (1) & (2)
[2621] *New Zealand Parliamentary Debates*, Vol 236, 25 June to 26 August 1943, p 1063
[2622] Ibid, pp 1063-1064
[2623] Ibid., p 1064
[2624] Ibid., pp 1064-1065

law of John Mason Durie (Māwhete's first wife Erana Ruta Durie had died in February 1904), Māwhete gave voice to the opposition within Ngāti Raukawa and its affiliated hapu and iwi to the 1943 legislation. Māwhete told the Council that local Māori were against the bill because they had not had time to consider its terms, and because it failed to 'give effect to the desires' they had articulated in their evidence to the Church Trust Committee.[2625]

Māwhete told the Legislative Council that the most 'vital objection' of Māori to the legislation was the power it gave 'to the Minister or the Board to sell or lease' the trust lands. This he pointed out, was directly contrary to the wishes of the 'whole of the Natives' as expressed before the Church Trust Committee. Noting that affected hapū and iwi included 'Mormons, Catholics, Ratanites, and Presbyterians', as well as members of the Church of England, Māwhete criticised the bill for discriminating 'in favour' of the Anglican Church. He also objected to the bill's process for resolving disputes between the Trust and the parents of Māori children, which obliged parents who disagreed with the Trust with regard to their children's education to 'apply to a Judge of the Supreme Court by motion in chambers for an order determining the school at which the [disputed] scholarship would be held.'[2626]

Opposition to the Otaki and Porirua Trusts Act, 1943-1944

The Otaki and Porirua Trusts Act received the Royal Assent on 26 August 1943, and came into force on the first of October of the same year. On 19 September 1943, the Raukawa Marae Trustees and other members of Ngāti Raukawa, Ngāti Toa, and Ngāti Awa met at Raukawa Marae to consider their response. Condemning the legislation as 'a gross miscarriage of justice and contravention of the expressed decisions and recommendations' of the Church Trust Committee, the meeting's chair Hone McMillan, accused the Government of having 'acted with a complete absence of fairness and decency towards the Maori people.'[2627]

After 'full and lengthy discussions', the meeting 'recorded its disapproval of the Government' for 'departing from the report and recommendations of the Ōtaki-Porirua and Pāpāwai-Kaikōkirikiri Trusts Committee', and for 'rushing' the legislation through both Houses without allowing time for 'full and proper consideration' of the bill's provisions. The meeting also instructed its legal representative Sidney Archibald Wiren to lodge 'a formal and strongly worded protest' against the Government's action with the Prime Minister, and prepare

[2625] Ibid., p 1125
[2626] Ibid
[2627] 'Raukawa Maori Trust: Meeting at Otaki', *Otaki Mail*, 29 September 1943, p 2, c 5, https://paperspast.natlib.govt.nz/newspapers/otaki-mail/1943/9/29/2 (accessed 23 September 2018)

a new petition 'to both Houses' asking that the 'matter be reopened' and that the recommendations of the Church Trusts Committee 'be given full effect.' Finally, the meeting agreed that the Raukawa Marae Trustees would 'decline to recommend the appointment' of any Māori members to the Ōtaki and Porirua Trusts Board.[2628]

The refusal by the Raukawa Marae Trustees to nominate the three Māori members to the eight-person body effectively left the Ōtaki and Porirua Trusts Board in limbo. With only its five European members in place, the new Board was advised by the Minister of Education to restrict itself to 'essential business' only, deferring any 'controversial action' until a further attempt had been made to reach a resolution with the representatives of the disgruntled hapū and iwi.[2629]

With the matter still unresolved, the representatives of Ngāti Raukawa, Ngāti Toa, Ngāti Awa and their affiliated hapū and iwi proceeded to petition Parliament. Dated 11 October 1944, and signed by Hone McMillan, Rāwiri Tātana, Mātenga Baker, and Hema Whata Hakaraia (who all listed themselves as Ngāti Raukawa), Whetu Enoka (Ngāti Kapu), N Winiata (Ngāti Pareraukawa) and Hōhepa Wi Neera and Hari Wī Kātene (both of Ngāti Toa), the petition called upon Parliament to amend the 1943 Act so that it would accord with the original recommendations of the Church Trusts Committee. The petitioners criticised the Act for having 'altered' the recommendations of the joint committee 'in so many ways' that it 'was difficult to enumerate them.' 'Most' of these alterations, they noted, were 'contrary to the views' that had been 'expressed to the joint Committee' by members of Ngāti Raukawa and the other hapū and iwi, and 'upheld' in the Committee's report and recommendations.'[2630] The Petition was supported by an identical petition, also dated 11 October 1944, that was signed by Hōhepa Wi Neera and 12 other members of Ngāti Toa.[2631]

[2628] Ibid

[2629] H G R Mason, Minister of Education to His Excellency the Governor General, 20 October 1943; H G R Mason, Minister of Education to His Lordship the Bishop of Wellington, 26 October 1943; both in Archives New Zealand, Wellington, E2 733, 37/31/1 Part 1, (R19237151)

[2630] Petition from Hone McMillan, Rawiri Tatana, Matenga Baker, Hema Whata Hakaraia, Whetu Enoka, N Winiata, Hohepa Wi Neera, and Hari Wi Katene to the Honourable the Speaker and Members of the House of Representatives, 11 October 1944 [Petition No 81/1944], Archives New Zealand, Wellington, AAMK W3074 869 Box 665 b, 19/1/314 Part 1 (R11838354)

[2631] Petition from Hohepa Te Neera and 12 others (all of Ngāti Toa) to the Honourable the Speaker and Members of the House of Representatives, 11 October 1944 [Petition 82/1944], Archives New Zealand, Wellington, AAMK W3074 869 Box 665 b, 19/1/314 Part 1 (R11838354)

A Resolution to the Dispute, 1945-1946

With the dispute over the 1943 Act unresolved, and the Raukawa Marae Trustees continuing to refuse to nominate any Māori members, the Ōtaki and Porirua Trusts Board noted in its report for the 1944-1945 financial year that it still found itself 'compelled to limit its activities to the routine management of the Trust properties and funds.' The five European trustees, however, were hopeful that 'through the good offices' of the Minister of Education, 'a conference may shortly be held between the Bishop and the Maoris', which would bring a resolution to the ongoing dispute, and an end to the Marae Trustees' boycott.[2632]

It was in fact the Prime Minister, Peter Fraser, rather than the Minister of Education who eventually helped broker an agreement between the Church and the hapū and iwi that had originally gifted the trust lands at Ōtaki and Whitireia. On 11 August 1946 he and the Anglican Bishop of Wellington Herbert St Barbe Holland met with 'tribal representatives of Ngati Toa and Ngati Raukawa' in Ōtaki to discuss a settlement to the dispute over the Ōtaki and Porirua Trusts Board. Intent on achieving a resolution before his imminent return to the United Kingdom, the Bishop offered to increase the Maori membership of the Trusts Board from three to five, with one of the two new Maori members being nominated by the Church and the other by the Raukawa Marae Trustees. With the two new Maori members, the membership of the Board as whole would rise from eight to 10. The Bishop also promised that those parents who did not 'desire their Children to receive Church school scholarships' would 'not be compelled to take them.'[2633]

Speaking in support of the compromise proposed by Bishop Holland, the Prime Minister (who was also Acting Native Minister) assured the meeting that 'he was most anxious to see that Maori children got the best educational attention', and promised that they 'would not be denied the opportunity of a post-primary, academic or technical education.'[2634] Anxious that their children would begin to receive the benefits of the unused and steadily accruing funds from the Ōtaki and Whitireia Trust lands, all but one of the Ngāti Raukawa and Ngāti Toa representatives eventually voted in favour of the Bishop's plan. Some caveats were, however, expressed. Te Rangiātaahua Royal, for example, asked why the scholarships provided for in

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[2632] 'Report of the Otaki and Porirua Trusts Board, 1944-1945', Archives New Zealand, Wellington, E2 733, 37/31/1 Part 1, (R19237151)
[2633] 'Notes of Meeting between Rt Hon the Prime Minister (Mr P Fraser), His Lordship Rt Rev St Barbe Holland, & Elders & People of Ngati Raukawa, Ngati Toa & Ngati Awa Tribes, at Otaki 11 August 1946, to discuss matters in connection with setting up of Trust Board', Archives New Zealand, Wellington, AAMK W3074 869 Box 665 b, 19/1/314 Part 1 (R11838354), pp 4-5
[2634] Ibid., p 2

the 1943 Act were 'limited to postprimary education' and did not extend to 'University education.'[2635]

With agreement in principle reached to the Bishop's compromise plan, representatives of the Anglican Church, and Ngāti Raukawa and Ngāti Toa met with Government officials in Wellington to draw up the necessary amendments to the 1943 Act. In addition to the changes to the membership of the Ōtaki and Porirua Trusts Board, the Church and iwi representatives agreed that parents or guardians in dispute with the Trusts Board over the school their child was to attend could apply to a Judge of the Native Land Court, rather than the Supreme Court, 'for an order determining the school at which the [child's] scholarship may be held.'[2636] 'All parties' also agreed to an amendment of the section of the 1943 Act concerning the sale of the Trust Board's land at Ōtaki and Whitireia. The new amendment stipulated that the Minister of Education could not consent to the sale of any parts of the Ōtaki and Whitireia trust lands without first securing the agreement of the Raukawa Marae Trustees (rather than the Native Land Court as previously required).[2637]

With the amendments to the 1943 Act agreed to, the Raukawa Maori Trustees ended their boycott and nominated Mātenga Baker, Rore Rangiheuea, and Te Ouenuku Rene as the first Māori members of the Ōtaki and Porirua Trusts Board.[2638] The Otaki and Porirua Trusts Amendment Act 1946 was passed by Parliament as a private bill on 9 October 1946, and came into force on 1 November of the same year.[2639]

Although an improvement on the flawed 1943 Act, the Otaki and Porirua Trusts Amendment Act 1946 remained a compromise between the wishes of the Anglican Church and the aspirations of the hapū and iwi that had originally donated the land at Ōtaki and Whitireia. The amended Act did not provide for the reopening of the Ōtaki Māori College, or furnish additional funds for a new hostel for Māori students at Horowhenua College. Nor did it authorise the Trusts Board to invest in scholarships for those who wished to attend university, as both Te Rangiātaahua Royal and Sir Apirana Ngata had suggested. The Amendment Act did, however, increase Ngāti Raukawa and Ngāti Toa's representation on the new Trusts Board, while raising the possibility of hapū and iwi finally being able to exert a degree of control over

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[2635] Ibid., pp 5-6
[2636] Notes of Meeting Held in Maori Affairs Committee Room on 27th August 1946 to Discuss Details Following Meeting in Connection with Otaki-Porirua Trust at Otaki on 11 August [1946], Archives New Zealand, Wellington, E2 733, 37/31/1 Part 1, (R19237151)
[2637] Ibid
[2638] W Miller, Acting Secretary Otaki & Porirua Trusts Board, to the Director General of Education, 'Otaki and Porirua Trusts Board', 4 September 1946, Archives New Zealand, Wellington, E2 733, 37/31/1 Part 1, (R19237151
[2639] Otaki and Porirua Trusts Amendment Act 1946

the administration of land that had previously been under the exclusive control of Church-appointed, European trustees.

8.7 The Church Mission Grant Lands at Ōtaki, 1905-1945

In contrast to most of the reserves that the Crown had set aside for iwi, hapū and individuals associated with Ngāti Raukawa in the second half of the nineteenth century, all of the land that had been granted by the Crown to Hadfield and the other trustees for the CMS at Ōtaki remained intact and unsold at the beginning of the twentieth century. In 1915 the Tasman Road, which had previously been 'only a few chains in length' (one chain is approximately 20 metres) was extended through the Church Mission Grant land to the west of Ōtaki township. The extension of the Tasman Road towards the sea enabled the Porirua College Trust Board to subdivide what had previously been one large expanse (previously leased to the sheep farmer Joseph D'Ath) into 10 distinct lots. These lots were leased out to non-Māori farmers from 20 July 1915 for terms of 35 years, with provision for a revaluation of the annual rents at the end of 21 years.[2640]

In 1942 the Anglican Church's accountant Arthur Maurice Anderson reported that 512 acres of the Porirua Trust's Ōtaki land were 'leased to six tenants at an aggregate rental of £1158 7s.[2641] The most substantial of the Trust's six tenants was Herbert Frederick Tews, who in May 1943 was leasing 307 acres. At the same date, E A and A J Fogden were together leasing 83 acres, while a Chinese market gardener known to the Porirua Trust simply as Hing had a lease for 32 acres.[2642] Apart from Hing's market garden, most of the leased land appears to have been used for grazing, including dairy farming.[2643]

[2640] Francis Selwyn Simcox, *Otaki: The Town and District*, (Wellington, A H & A W Reed), 1952, p 44; 'Supplementary Statement by Mr A M Anderson for the Information of the Committee with Regard to the Leases of the Respective Trust Boards', [1942], Archives New Zealand, Wellington, AAMK W3074 869 Box 665 b, 19/1/314 Part 1 (R11838354)

[2641] Statement of Arthur Maurice Anderson to the Otaki-Porirua and Papawai-Kaikokirikiri Church Trusts Committee [October 1942], Archives New Zealand, Wellington, AAMK W3074 869 Box 665 b, 19/1/314 Part 1 (R11838354)

[2642] S T C Sprott, Diocesan Secretary, 'Memorandum for Porirua College Trust Board: re Urban Farm Land List – Otaki', 20 May 1943, Archives New Zealand, Wellington, AAMK W3074 869 Box 665 b, 19/1/314 Part 1 (R11838354)

[2643] 'Copy of Speech Delivered by Mr A Wiren, Solicitor, Wellington to Native Affairs Committee of Legislative Council 9 October 1941 on consideration of Bill to alter purpose of Trust', Archives New Zealand, Wellington, AAMK W3074 869 Box 665 b, 19/1/314 Part 1 (R11838354)

Figure 8.4 Map of Ōtaki Borough Showing the Ōtaki Church Mission Grant Lands

Public Works Takings for the Otaki Sanatorium, 1906

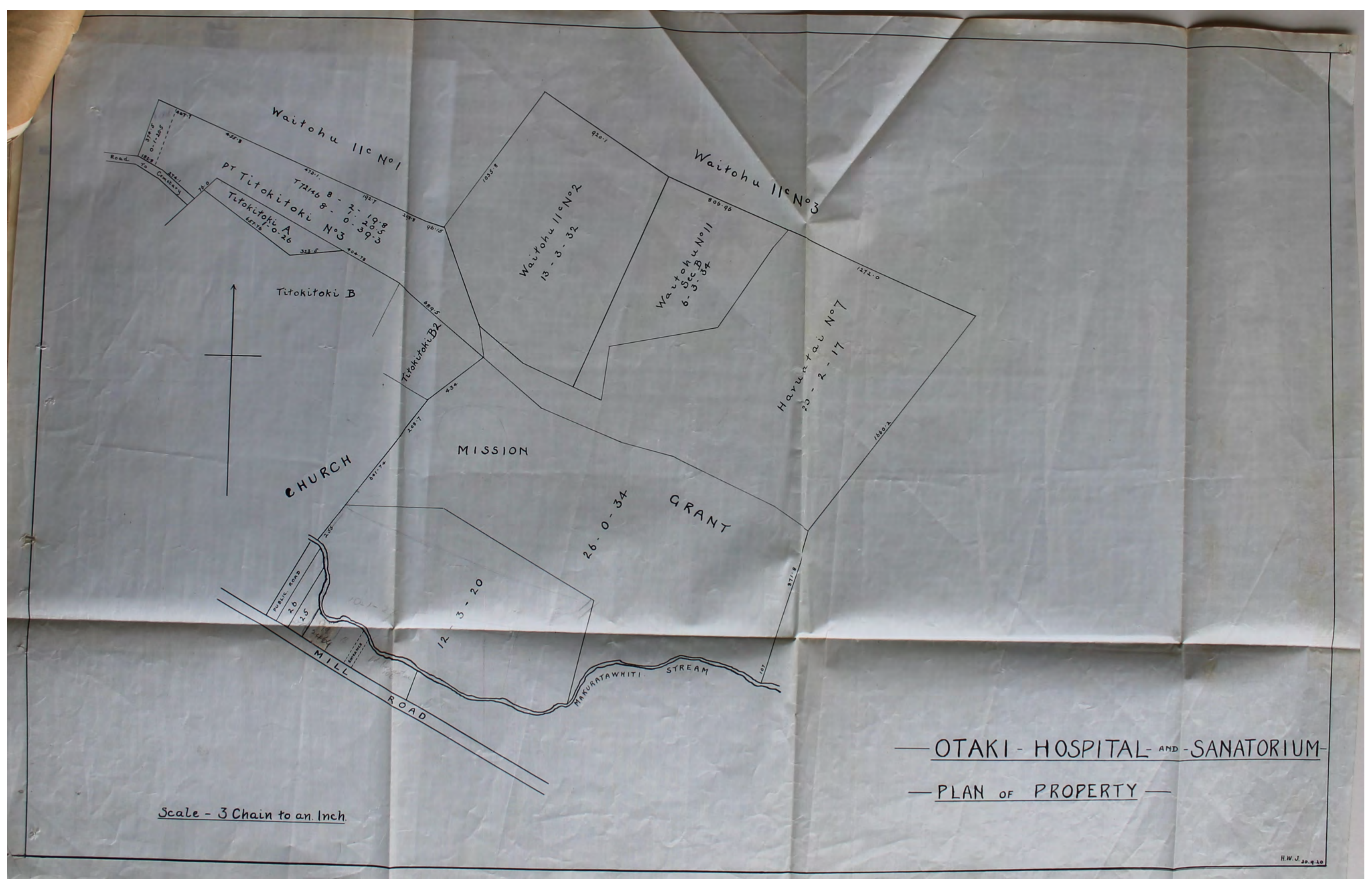
The only portion of the Ōtaki Church Mission Grant Lands to be permanently alienated in the twentieth century was 39 of the 69 acres along the Mangapouri Stream that had originally been granted to Hadfield and the two other CMS trustees in February 1852. This land was taken by proclamation under the Public Works Act 1905 for the Ōtaki Hospital and Sanatorium in December 1906.[2644] The Church Mission land proclaimed under the 1905 Act was part of just over 93 acres taken by the Crown for the Ōtaki Hospital and Sanatorium in July and December 1906. The other 54 acres – including almost 24 acres of Haruatai 7; 14 acres of Waitohu 11C 2; and almost nine acres of Tītokitoki 3 – were taken from sections of adjacent Māori land in two separate proclamations both issued on 23 July 1906.[2645]

The 39 acres of Church Mission Grant land and 54 acres of Māori land were taken by the Crown on behalf of the Wellington Hospital Board for the construction of a new sanatorium for patients suffering from tuberculosis. Ōtaki, with its sunny and relatively temperate climate, was regarded as an ideal location for such an institution.[2646] While popular with Hospital and Health Department officials based in Wellington, the establishment of the new sanatorium at Ōtaki was vigorously opposed by members of the resident Ngāti Raukawa community, who feared that the contagious and as yet incurable disease might be passed on to them.[2647]

Members of Ngāti Raukawa expressed their opposition to the planned Ōtaki sanatorium through a petition 'signed by 180 Otaki natives in opposition to the scheme'.[2648] Ōtaki's Ngāti Raukawa community also joined with their European neighbours to form a deputation 'from the people of Otaki', which in July 1905 travelled to Wellington to communicate their opposition directly to Minister for Public Health, Sir Joseph Ward. Speaking on behalf of the township's 'Maori people', an unnamed Māori speaker warned the Minister that the sanatorium's site 'was very near the native residences' and that they thought 'it would be better to move away altogether than live so near a place which might be a source of danger.'[2649]

[2644] *New Zealand Gazette*, No 109, 20 December 1906, p 3218
[2645] *New Zealand Gazette*, No 63, 26 July 1906, pp 2034-2036
[2646] 'Otaki Sanatorium', *New Zealand Times*, 24 November 1906, p 7, c 2, https://paperspast.natlib.govt.nz/newspapers/new-zealand-times/1906/11/24/7 (accessed 25 September 2018)
[2647] Heather Bassett and Richard Kay, 'Porirua ki Manawatu Inquiry District Public Works Issues Draft', A Report Commissioned by the Crown Forestry Rental Trust, September 2018, pp 373-378
[2648] 'Consumptive Hospital', *New Zealand Times*, 4 July 1905, p 7, c 1-2, https://paperspast.natlib.govt.nz/newspapers/new-zealand-times/1905/7/4/7 (accessed 25 September 2018)
[2649] 'Consumptives' Homes. Deputation from Otaki', *Evening Post*, p 2, c 3, https://paperspast.natlib.govt.nz/newspapers/evening-post/1905/7/4/2 (accessed 25 September 2018)

Figure 8.5 Plan of the Ōtaki Hospital and Sanatorium



Despite the opposition expressed by members of both Ōtaki's Māori and European communities, the Government and Hospital Board proceeded with its plans for the Sanatorium. On 3 May 1906 the Wellington Hospital Board served notice of its intention to take almost 38 acres from Haruatai No 7 and Waitohu 11C for the new tuberculosis hospital.[2650] Notice to take the 39 acres of Church Mission Grant land was issued on 26 July 1906.[2651] The notice was signed on the Hospital Board's behalf by its solicitor William Henry Quick, who had also represented the Anglican Church in its legal action with the Crown over the Porirua College Trust's land at Whitireia.[2652]

The 39 acres of Church Mission Grant land required by the Wellington Hospital Board for the new Ōtaki Sanatorium was formally taken by a proclamation issued by the Governor on 14 December 1906 and published in the *New Zealand Gazette* on 20 December of the same year.[2653] The 39 acres were taken in two portions. The first portion consisted of the 13 acres that were already under lease to the Hospital Board. The New Zealand Mission Trust Board had leased this land to the Hospital Board in 1900 for a term of 19 years, running from 1 May 1900 to 1 May 1919.[2654] The second, 26-acre portion had been leased since July 1901 to Swainson and Bell, the proprietors of Ōtaki's Central Hotel. In February 1906 the Wellington Hospital Board had agreed to purchase Charles Bell's share of this lease for £85.[2655]

While Charles Bell appears to have been compensated for the loss of his share of the lease on the 26-acre section of Church Mission Grant land taken under the Public Works Act, it is unclear if compensation was ever paid to the New Zealand Mission Trust Board, which in December 1906 was still the legal owner of the Ōtaki Church Mission lands. The Trust Board was certainly entitled to 'full compensation' as laid out in the 1905 Act under which the land had been taken.[2656] The Public Works Act 1905 authorised the owners of non-Māori land to lodge a claim for compensation with the local authority for whom the land had been taken. If the claimant and the local authority were unable to agree on the compensation to be paid, the matter would be referred to a Compensation Court.[2657] If, as would have been the case with the

[2650] *New Zealand Gazette*, No 34, 3 May 1906, p 1175
[2651] *New Zealand Gazette*, No 63, 26 July 1906, p 2070
[2652] Williams, *A Simple Nullity?*, pp 181-182, 189-190; 'Quick, William Henry (1843-1911)', G H Scholefield (ed), *A Dictionary of New Zealand Biography. Vol II. M*-Addenda, (Wellington, Department of Internal Affairs), 1940, p 192
[2653] *New Zealand Gazette*, No 109, 20 December 1906, p 3218
[2654] Simcox, *Otaki*, p 79
[2655] Bassett and Kay, 'Porirua ki Manawatu Inquiry District Public Works Issues Draft', p 378
[2656] Public Works Acts Compilation Act 1905, s 35
[2657] Ibid., s 38, 43, 50

39 acres taken for the Ōtaki Sanatorium, the compensation claimed amounted to more than £250 the Court would consist of a Judge of the Supreme Court assisted by Two Assessors.[2658]

The process by which compensation for the Māori land taken for the Ōtaki Sanatorium under the Public Works Act in 1906 was calculated is outlined by Bassett and Kaye in their Public Works Issues Report.[2659] It has been widely asserted that the compensation awarded to the owners of 'General' or 'European' land under the jurisdiction of the Compensation Court was significantly more generous than that allowed to the owners of Māori land by the Native Land Court.[2660]

The Ōtaki Sanatorium Lands After 1907

The Ōtaki Sanatorium (which was officially opened on 24 May 1907) and surrounding land remained under the ownership of the Wellington Hospital until 1931, when it was transferred to the Ministry of Health, which had already been managing the institution 'for some years.'[2661] The 84 acres transferred to the Crown in 1931 was slightly less than the 93 acres that had initially been taken under the Public Works Act. The remaining nine acres, including most of the 13 acres of Church Mission Grant Land that had been previously leased to the Wellington Hospital Board, were incorporated into the grounds of the neighbouring Ōtaki Hospital.[2662]

Both the Ōtaki Sanatorium and Ōtaki Hospital were subsequently transferred to the Palmerston North Hospital Board. The 84 acres containing the Sanatorium, which in April 1932 had been consolidated on to a single certificate of title, were transferred to the Palmerston North Hospital Board in accordance with section 20 of the Reserves and other Lands Disposal Act, on 20 May 1936.[2663] The nine acres included within the Ōtaki Hospital had already passed into the Palmerston North Board's ownership, along with the rest of the hospital, a few years earlier.[2664]

[2658] Ibid., p 52

[2659] Bassett and Kay, 'Porirua ki Manawatu Inquiry District Public Works Issues Draft', pp 383-386

[2660] For a discussion of this subject see: Waitangi Tribunal, *He Maunga Rongo: Report on the Central North Island Claims Stage One. Volume 2*, (Wellington, Legislation Direct), 2007, pp 864-867

[2661] Local Legislation Act 1931 s 39

[2662] R A Shore, Director-General of Health, Memorandum for the Under-Secretary, Department of Lands and Survey, 1 November 1934, Archives New Zealand, Wellington, AADS W3562 Box 180, 6/8/20, Wellington – Otaki Sanatorium, 1921-1965, (R18647861)

[2663] Certificate of Title Under Land Transfer Act, Wellington, Vol 432, folio 259, 27 April 1932

[2664] R A Shore, Director-General of Health, Memorandum for the Under-Secretary, Department of Lands and Survey, 1 November 1934, Archives New Zealand, Wellington, AADS W3562 Box 180, 6/8/20, Wellington – Otaki Sanatorium, 1921-1965, (R18647861); Simcox, *Otaki*, p 78

Figure 8.6 The Otaki Sanatorium in the 1950s

Source: Palmerston North City Library, 2007P_Ot4_RTL_0844

The development of effective antibiotic treatments for tuberculosis in the 1940s and 1950s eventually rendered the Ōtaki Sanatorium redundant, and the '72-bed hospital . . . situated in 92 acres of magnificent park and bush' was finally closed in 1964.[2665] With the Palmerston North Hospital Board having notified the Health Department that 'the property could not be used efficiently, for any medical purposes' and that 'it had no further use for the property', Crown officials searched for a new use for the property.[2666] After both the Government's Child Welfare Division (which was responsible 'for providing long- and short-term care to various types of handicapped, deprived, and delinquent children'), and the YMCA had considered taking over the property, the Sanatorium and its grounds were in November 1965 'set apart for a public institution under the Mental Health Act 1911.'[2667] From 1965 until 1987 the former

[2665] M D Iseman, 'Tuberculosis therapy: past, present and future', *European Respiratory Journal*, 20, 2002: Suppl. 36, pp 87s-88s; David Gapes, 'Sanatorium Left to Rot Away', Newspaper Clipping from the *Truth*, 2 June 1965, Archives New Zealand, Wellington, AADS W3562 Box 180, 6/8/20, Wellington – Otaki Sanatorium, 1921-1965, (R18647861)

[2666] V P McGlone, Commissioner of Crown Lands to the Director General of Lands, 3 June 1965, Archives New Zealand, Wellington, AADS W3562 Box 180, 6/8/20, Wellington – Otaki Sanatorium, 1921-1965, (R18647861)

[2667] Ibid.; Director General, Department of Lands and Survey to the Minister of Lands, 3 June 1965, Archives New Zealand, Wellington, AADS W3562 Box 180, 6/8/20, Wellington – Otaki Sanatorium, 1921-1965, (R18647861); Certificate of Title Under Land Transfer Act, Wellington, Vol 432, folio 259, 27 April 1932; 'Child Welfare Services', A H McLintock (ed), *An Encyclopaedia of New Zealand*, (Wellington), 1966, https://teara.govt.nz/en/1966/welfare-services/page-3 (accessed 29 September 2018)

Sanatorium enjoyed ‘a second life’ as an annexe of the Kimberley Hospital and Training School near Levin. Renamed ‘Koha Ora’ (gift of health) the facility provided residential care for young adults with intellectual disabilities.[2668]

Figure 8.7 The Ōtaki Hospital and Sanatorium as shown on a 1939 AA Map

Source: Jan Harris, ‘A Hospital for Otaki’, *Otaki Historical Society Journal*, 29, 2007, p 52

While utilizing the old Sanatorium’s buildings and some of its grounds, the ‘Koha Ora’ facility did not include all of the 84 acres that had been transferred to the Palmerston North Hospital Board in May 1936. In 1949 the Palmerston North Hospital Board sold part of the Ōtaki Sanatorium and Hospital grounds to the Otaki Borough Council ‘for the establishment of a domain.’[2669] On 28 September 1970, the 16½ acres sold by the Hospital Board to the Borough Council were proclaimed by Minister of Lands Duncan MacIntyre as a reserve ‘for recreation purposes’, under the Reserves and Domains Act 1953. According to a 1988

[2668] Margaret Long, ‘Koha Ora – Gift of Health’, *Otaki Historical Society Journal*, 31, 2009, pp 56-59
[2669] Fitzherbert Abraham Barristers and Solicitors, Palmerston North, to Professor W Winiata, Tukuaki, Otaki & Porirua Trusts Board, 5 January 1988, (document provided by Rupene Waaka)

registered valuer's report commissioned by the Ōtaki and Porirua Trusts Board, slightly more than seven-and-a-half of the 16½ acres sold by the Hospital Board in 1949, and proclaimed for 'recreational purposes' in 1970, came from land that had been taken from the Ōtaki Church Mission Grant lands by the Crown under the Public Works Act in December 1906.[2670] The remaining nine acres had previously been part of the Māori land block Haruatai 7, and had also been taken by the Crown for the Ōtaki Hospital and Sanatorium in 1906.[2671] Abutting the Mangapouri Stream and Mill Road, the 16½ acres proclaimed as recreational reserve land in 1970 are now part of Haruatai Park.[2672]

In October 1983 the management of Kimberley Hospital recommended to the Palmerston North Hospital Board that the 'Koha Ora Annexe' be closed so that the hospital's operations could be rationalized and reintegrated within its main campus south of Levin.[2673] When the plans to close the Koha Ora facility became publicly known, the Chairman of the Ōtaki and Porirua Trusts Board, Professor Whatarangi Winiata, wrote to the Palmerston North Hospital Board to express his Board's 'very strong desire to repossess the land and to assume ownership and control of the improvements.' Noting that the area in question had been taken from land that had been originally gifted to the Church Missionary Society by local Māori for the purposes of education, Professor Winiata wrote that 'it would be appropriate and a matter for rejoicing if the land which was taken from the educational trust was to be returned to it.' Winiata assured the Hospital Board that if 'the land and buildings of Koha Ora' were returned they would 'play a very important and worthwhile part in the operations' of the Trusts Board.' 'Any income earned' from the returned land would 'go towards granting additional scholarships to the original donors of the land', while the site's facilities would 'also prove to be extremely useful in the running of the many hui' which were held each year by the Trusts Board, the Raukawa Trustees and Te Wānanga o Raukawa.[2674]

The Trust Board's request for the return of the Koha Ora complex was supported by the Raukawa Marae Trustees, the Raukawa District Council, Te Wānanga o Raukawa, and the vestry of the Rangiātea Māori Pastorate. In April 1985 these bodies addressed a submission to

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[2670] G H Smith, Registered Public Valuer, Harcourt Valuations Limited to Mr Pehi Parata, Otaki and Porirua Trust Board, 14 March 1988 (document provided by Rupene Waaka)
[2671] *New Zealand Gazette*, No 60, 1 October 1970, p 1770; Bassett and Kay, 'Porirua ki Manawatu Inquiry District Public Works Issues Draft', p 395
[2672] Parks and Recreation Department Kapiti Coast District Council, 'Haruatai Park Management Plan', August 1993, p 1; Kapiti Coast District Council, 'Haruatai Park', https://www.kapiticoast.govt.nz/Our-District/Our-Community/Parks-and-Recreation/parks/haruatai (accessed 11 November 2018)
[2673] Long, 'Koha Ora – Gift of Health', p 57
[2674] Whatarangi Winiata (Chairman, Otaki and Porirua Trusts Board) to Dr G Cumming, Chairma, Palmerston North Hospital Board, 20 December 1983, (document provided by Rupene Waaka)

'the Special Committee for the Proposed Closure of Koha Ora Annexe' asking that the Palmerston North Hospital Board 'recognize the force' of the Ōtaki and Porirua Trusts Board's claim for the return of 'the land, buildings and equipment being used by the Annexe.' The submission called upon the Hospital Board to make available to the Trusts Board 'the unoccupied land and buildings and the unused equipment . . . for their occupation', while also providing 'continuing cooperation . . . for a period to be arranged.'[2675]

The Koha Ora facility was finally closed on 31 March 1987.[2676] On 5 January 1988 the legal representatives of the Palmerston North Hospital Board addressed Professor Winiata with a formal offer to transfer ownership of the Koha Ora property to the Ōtaki and Porirua Trusts Board under Section 436 of the Māori Affairs Act 1953. While not seeking compensation for the site's return, the Hospital Board insisted that the proposed transfer be subject to three conditions. First of all, the Koha Ora property would be transferred to the Trust Board "as is where is", with 'the Hospital Board not accepting any subsequent responsibility for the property, its maintenance or upkeep.' Secondly, the Trust Board would be required 'to develop an alternative access to the Koha Ora Property', distinct from the existing right of way which was also used by the Ōtaki Maternity Hospital. Finally, the Trusts Board was to undertake to make 'no future claim against the Hospital Board', regarding either the Hospital Board's remaining land in Ōtaki – including the grounds of the Ōtaki Maternity Hospital (which had also been previously part of the Church Mission Grant) – or the land the Board had 'sold to the Otaki Borough Council in 1949' and was now a recreational reserve.[2677]

The Ōtaki and Porirua Trusts Board found the conditions placed by the Palmerston North Hospital Board upon the return of the Koha Ora site to be 'inacceptable.'[2678] A detailed report commissioned by the Trusts Board and completed by G H Smith, a registered public valuer employed by Harcourt Valuations Limited, in March 1988 warned that the 'operating costs' of the Koha Ora complex would 'be huge' and would require 'substantial cost in the form of attention to deferred management or alternatively building conversion to establish an alternate use.' In addition to the considerable cost of refurbishing and maintaining the facility, the Trusts Board would also be obliged to pay 'up to $15,000' for the construction of the new access route required by the Hospital Board. In the light of this combination of costs, the Valuer's report

[2675] T K Royal (on behalf of the Raukawa Trustees, Raukawa District Council, Otaki and Porirua Trusts Board, Te Wananga o Raukawa, Vestry of the Rangiātea Māori Pastorate), 'Submissions to the Special Committee for the Proposed Closure of Koha Ora Annexe', 26 April 1985, (document provided by Rupene Waaka)
[2676] Long, 'Koha Ora – Gift of Health', p 59
[2677] Fitzherbert Abraham to Professor W Winiata, 5 January 1988, (document provided by Rupene Waaka)
[2678] Minutes of Combined OPTB and Whanaunui Meeting, Tainui Marae, 19 June 1988, (document provided by Rupene Waaka)

warned that any 'proposition' for the Trust Board's future use of the Koha Ora land was likely to be 'uneconomic.'[2679]

If the Ōtaki and Porirua Trusts Board was unable to take on the substantial costs connected with the return of the Koha Ora site "as is where is", it was also unwilling to give up on its claim to the former Church Mission Grant land that had been incorporated into the Ōtaki Maternity Hospital and Haruatai Park. With a combined area of approximately 17 acres, this land was considered by the 1988 Valuer's report to the most valuable of the 39 acres taken from the Church Mission Grant Lands for the Hospital and Sanatorium in 1906.[2680]

The Trust Board's response to the Palmerston North Hospital Board's proposition was further complicated by the realisation that much of the land contained within the Koha Ora complex had in fact been taken, not from the Church Mission Grant Lands for which the Ōtaki and Porirua Trusts Board was now responsible, but rather the adjacent Māori land that had also been taken for the Ōtaki Hospital and Sanatorium in 1906. In May 1988 the descendants of the owners of the Māori land taken in 1906 formed the Whanaunui Trust to pursue their claims to the Koha Ora site.[2681]

On 19 June 1988 members of the Ōtaki and Porirua Trusts Board and the Whanaunui Trust met to discuss the Hospital's proposition for the return of Koha Ora. Noting that the Trusts Board, had no authority to receive or negotiate for lands which it had not previously owned, Whatarangi Winiata told the meeting that the Trusts Board's 'first preference' was to secure the return of all of the Church Mission Grant lands that had been taken under the Public Works Act in 1906, including the Maternity Hospital grounds and the land that had been incorporated into Haruatai Park. Should that prove impossible, the Trusts Board's 'second preference' was to receive back all of the Church Mission Grant lands taken under the Public Works Act with the exception of the seven-and-a-half acres that had been incorporated into Haruatai Park, for which the Trusts Board expected to be compensated.[2682]

With the Ōtaki and Porirua Trusts Board unwilling to take up the Palmerston North Hospital Board's offer for the return of Koha Ora, the Whanaunui Trust registered its own claim with

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[2679] G H Smith, Registered Public Valuer, Harcourt Valuations Limited to Mr Pehi Parata, Otaki and Porirua Trust Board, 14 March 1988, p 8 (document provided by Rupene Waaka)
[2680] Ibid., pp 6-7
[2681] Minutes of the First Sanatorium Land Meeting (at Tainui Marae), 15 May 1988, (document provided by Rupene Waaka)
[2682] Minutes of Combined OPTB and Whanaunui Meeting, Tainui Marae, 19 June 1988, (document provided by Rupene Waaka)

the Hospital Board for the return of the facility.[2683] Responding to Whananui's expression of interest in the Koha Ora property, the legal representatives of what was now known as the Palmerston North Area Health Board reiterated the Board's willingness 'to re-convey the property to the descendants of the original Māori owners if an appropriate trust can be established to take ownership.' The Area Health Board, however, insisted on returning Koha Ora as a single unit to both the Whanaunui Trust and the Ōtaki and Porirua Trusts Board.[2684] The Trusts Board, which remained intent on securing the return of all of the former Church Mission Grant lands taken in 1906 (including the Maternity Hospital and the seven-and-a-half acres within Haruatai Park), would not agree to such an arrangement. The determination of the Trusts Board 'to remain independent of any negotiations' concerning the return of the Koha Ora land 'to the successors' of its 'former Māori owners' was made clear in correspondence addressed by the Board's solicitors to the legal representatives of the Palmerston North Area Health Board on 4 August 1988.[2685]

For its part, the Whanauni Trust pressed the Palmerston North Area Health Board to undertake a subdivision of the Koha Ora site, so that the portion claimed by the descendants of the original Māori owners could be returned to them.[2686] The Area Health Board does not appear to have been willing to act on this request, and negotiations on the return of the land ground to a halt. With no further progress forthcoming, Rupene Waaka lodged a claim with the Waitangi Tribunal on 15 October 1991 on behalf of himself and the other descendants of the former Māori owners of the Koha Ora land.[2687] Mr Waaka's claim was registered by the Tribunal as Wai 267 in January 1992.[2688]

The lodging of Mr Waaka's claim to the Waitangi Tribunal coincided with a renewed effort on the part of Area Health Board to divest itself of the Koha Ora property. On 24 October 1991, Bob Davies, Estate Manager for the amalgamated Manawatu-Wanganui Area Health Board confirmed to Rupene Waaka and the Whanaunui Trust that he 'had recommended' that the board's surplus Koha Ora property 'be transferred to the Whanau Nui Trust and to the Otaki

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[2683] Rupene Waaka (Chairman Whanaunui Trust) to the Chairman Palmerston North Hospital Board, 1 August 1988, (document provided by Rupene Waaka)

[2684] Fitzherbert Rowe, Barristers and Solicitors to Mr R Waaka, 10 April 1989, (document provided by Rupene Waaka)

[2685] D J S Laing, Brandon Brookfield, to Messrs Fitzherbert Rowe, Solicitors, Palmerston North, 4 August 1988, (document provided by Rupene Waaka)

[2686] Donna Hall (Honblow, Curran, Kurta & Bell) to Fitzherbert Rowe, 11 October 1989, (document provided by Rupene Waaka)

[2687] R Waaka to the Registrar, Waitangi Tribunal, 15 October 1991, Wai 267

[2688] Lynette Fussell to R Waaka, 28 January 1992, Wai 267

Porirua Trust.'[2689] The Area Health Board proposed to return Koha Ora as a single unit to the Whanaunui Trust and the Ōtaki and Porirua Trusts Board 'for nil consideration', provided that the recipients were 'prepared to assist and support the Area Health Board in making a claim to the Crown for reimbursement of the Area Health Board for the value of the settlement.'[2690]

The Ōtaki and Porirua Trusts Board, however, remained fixed in its determination to pursue the return of all of the Church Mission Grant lands independently of the Whananui Trust. In a letter dated 5 July 1993, the Trust Board's Secretary Pēhi Parata informed the Area Trust Board's solicitor Carrie Wainwright that it was 'diligently pursuing the matter on its own terms', and had 'secured a guarantee under the due diligence process initiated by the Area Health Board with no strings attached that the Church Mission grant lands will be returned to the Board in due course.' 'It is imperative', Parata insisted, that the 'efforts' of the Trusts Board and the Whanaunui Trust 'be seen as being clearly separate from each other in order to avoid any confusion.'[2691]

On 1 July 1993 the assets of the Manawatu-Wanganui Area Health Board were transferred to a new market-oriented Crown Health Enterprise called MidCentral Health. Having failed to convince the Trusts Board and the Whanaunui Trust to agree to a common approach with regards to the Koha Ora land, Ms Wainwright – who was now MidCentral Health's legal advisor – 'reluctantly' came to the conclusion that the property should be subdivided so that the portions due to each party could 'be dealt with independently.' Ms Wainwright's recommendation that the former Sanatorium and its remaining grounds be divided up and returned in separate portions to the Ōtaki and Porirua Trusts Board and Whanaunui Trust – assuming it was in fact made to her clients – was never acted upon by MidCentral Health. Instead, the Crown Health Enterprise began the process of transferring the Koha Ora property to the Office of Treaty Settlements' land bank.[2692]

In order to facilitate Koha Ora's transfer to the land bank, MidCentral Health applied to the Kapiti Coast District Council to have the land's designation changed from 'hospital' to 'rural.'[2693] The successful application for a change to the property's status was followed by an

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[2689] Bob Davies, Estate Manager, Manawatu-Wanganui Area Health Board to Mr Reuben Waaka, Whanau Nui Trust, 24 October 1991, (document provided by Rupene Waaka)
[2690] Carrie Wainwright, Partner, Buddle Findlay to Donna Hall, Solicitor, 12 May 1993
[2691] Pehi Parata (Secretary/Manager) on behalf of the Otaki and Porirua Trusts Board to Ms Carrie Wainwright, Buddle Finlay, 5 July 1993, (document provided by Rupene Waaka)
[2692] Carrie Wainwright, Partner Buddle Findlay, to Rupene M T Waaka, Chairman Whanaunui Trust, 14 September 1993, (document provided by Rupene Waaka)
[2693] C D Campbell, Executive Assistant, Commercial Support Services, MidCentral Health to District Planner, Kapiti Coast District Council, Paraparaumu, 15 August 1996, (document provided by Rupene Waaka)

application to the District Council for a resource consent for the 'demolition and removal' of the former Ōtaki Sanatorium and its surrounding buildings. In the application – which was made by a Levin Contracting firm rather than MidCentral Health – the demolition was justified on the grounds that the old Sanatorium posed 'a threat to life in an earthquake', and the buildings of the disused Koha Ora complex had 'been significantly damaged and vandalized.'[2694] The resource consent was duly granted by the District Council, and the Ōtaki Sanatorium and the other buildings belonging to the Koha Ora complex were demolished over the summer of 1996-1997.[2695]

With the Sanatorium and its surrounding buildings finally demolished, MidCentral Health's contractors worked to complete the final steps in the transfer of its 'surplus' Ōtaki land to the Office of Treaty Settlements land bank. In order to complete this process the contractors were obliged to offer the former hospital land back to its original owners for repurchase. In a bizarre twist, the real estate company contracted to oversee the offer-back, offered the land – not to the Ōtaki and Porirua Trusts Board or the descendants of the owners of the Māori land taken under the Public Works Act – but rather to the Anglican Trusts Board, the institutional successor to the New Zealand Mission Trust Board, which had been the legal owner of the Church Mission Grants land at the time of its taking in December 1906.[2696]

Unsurprisingly, the Anglican Trusts Board turned down the offer to purchase the abandoned Sanatorium site but referred the real estate company to the Ōtaki and Porirua Trusts Board.[2697] When the Trusts Board informed the real estate company that it had 'made the offer to the wrong people', Wayne Smith, the company's 'Crown Land Specialist' replied that after 'a tremendous amount of research' it was 'readily apparent that the offer back' had been made 'to the correct party, ie the Anglican Trust Board.'[2698] Smith based his conclusion on the grounds that, because the land in question had not been included amongst the land affected by the Otaki and Porirua Empowering Act 1907 and its successor the Otaki and Porirua Trusts Act 1943, the Ōtaki and Porirua Trusts Board had no rights to the land, and the Anglican Trust

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[2694] K Johnston, Planner, Land Use Consents, Kapiti Coast District Council, to Mr C J Russell, C J Contracting, Levin, 22 October 1996, (document provided by Rupene Waaka)

[2695] *The Chronicle*, 31 October 1996 and 8 January 1997, (newspaper clippings provided by Rupene Waaka); Long, 'Koha Ora – Gift of Health', p 58

[2696] Fax from Lynette Coombs, Anglican Trusts Board to Mr Wayne Smith, Knight Frank Turley & Co Ltd, 19 February 1999 (document provided by Rupene Waaka)

[2697] Ibid

[2698] Fax from Oriwia Raureti to Wayne Smith, Frank Knight Reality, 19 February 1999; Wayne Smith, Crown Land Specialist, Knight Frank – Turley & Co Ltd to Oriwia Raureti, 22 February 1999, (documents provided by Rupene Waaka)

Board (as the successor to the New Zealand Mission Trust Board) was therefore the 'legal offeree.'[2699]

With the Anglican Trust Board having declined the opportunity to purchase the former sanatorium and hospital grounds, and the Ōtaki and Porirua Trusts Board and Whanaunui Trusts presumed to have no legal rights to the land, the property was advertised in the Māori Protection Mechanism as land that had 'been declared surplus by the Crown.'[2700] The former hospital and sanatorium grounds were included in a schedule of 'surplus' Crown land advertised by the Office of Treaty Settlements in the *Sunday News* of 3 December 2000. The notice invited 'iwi/hapu representatives . . . to inform the Office of Treaty Settlements of specific interests' they had in any of the advertised properties. Properties for which 'no submission' had been received by the cut-off date of Friday, 19 January 2001 were to be disposed of.[2701]

Following notifications of interest from both Whatarangi Winiata, on behalf of the the Ōtaki and Porirua Trusts Board, and Rupene Waaka, for the Whanaunui Trust, the 'surplus' Ōtaki sanatorium and hospital land was formally transferred from MidCentral Health to the Crown in June 2002. The land is now held by the Office of Treaty Settlements as part of its land bank to be used in future settlements with hapū and iwi.[2702]

8.8 The Ōtaki and Porirua Trust Board and the Ōtaki Trust Lands 1945-2000

Scholarships and Grants

With the resolution of the dispute between the Anglican Church and Ngāti Raukawa and Ngāti Toa, and the passage of the Otaki and Porirua Trusts Amendment Act 1946, the Ōtaki and Porirua Trust Board was finally in a position to award the scholarships and grants provided for by the Otaki and Porirua Trusts Act 1943. These scholarships and grants took two forms. By far the most valuable were scholarships to attend one of the Anglican Church's boarding

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[2699] Wayne Smith to Oriwia Raureti, 22 February 1999
[2700] Email: Wayne Smith [wayne@kf.co.nz] to Rupene Waaka [Maria.Waaka@twor-otaki.ac.nz], [email contained in Fax from Wayne Smith to Rupene Waaka, 25 March 1999, (document provided by Rupene Waaka)
[2701] Office of Treaty Settlements, 'Maori Interest in Surplus Crown-Owned Land', *Sunday News*, 3 December 2000, p 45
[2702] Jan Harris, 'A Hospital for Otaki', *Otaki Historical Society Journal*, 29, 2007, p 59; 'Current properties in the Treaty Settlements Landbank'[Excel Spreadsheet], https://www.linz.govt.nz/crown-property/types-crown-property/treaty-settlements-landbank-and-protection-mechanism (accessed 12 November 2018)

schools. As we have seen, two-thirds of the Trusts Board's annual net income for each financial year were to be used for this purpose.[2703] The Trusts Board was also empowered to provide more modest grants to pay for 'books, clothing and other equipment' for children attending both Anglican and non-Anglican schools. Under the 1943 Act, one-third of the Trusts Board's annual net income was set aside for this and other purposes (including, in principle at least, the establishment of a new Māori college 'at or near Otaki').[2704]

The Ōtaki and Porirua Trusts Board awarded its first scholarships on 13 December 1946. Scholarships were awarded to two boys (Martin Bill Johnson and Mātenga Patrick Kuiti) to attend Te Aute College and to two girls (Adelaide Williams and Aroha Cook) to attend Hukarere Girls' College.[2705] Grants were also made to children attending Nelson College, Wanganui Technical College, and Wellington Boys College.[2706]

Over the years that followed the Ōtaki and Porirua Trusts Board awarded further scholarships to select children from Ngāti Raukawa, Ngāti Toa and Ngāti Awa to attend Te Aute and Hukarere Colleges. Scholarships were also awarded to attend Te Wai Pounamu Māori Girls College in Christchurch, St Stephens College, at Bombay, south of Auckland, and Queen Victoria Māori Girls School in Parnell, Auckland. In December 1952, for example, the Trusts Board awarded scholarships to Edward Durie, Tūtere Park, and Paul Rōpata to attend Te Aute; Lena Kenny and June Wehipeihana for Hukarere; Marie Hippolite for Te Wai Pounamu; and Tungia Baker for Queen Victoria.[2707] In December 1957, the Trusts Board gave scholarships to Michael Miratana, Thomas Logan, Rangiere Hura and Robert Hoterini for Te Aute; Revielle Rolls, Zella Andrews and Constance Lawton for Hukarere; Margaret Price for Te Wai Pounamu; and Gilbert Edwin to attend St Stephens.[2708]

In addition to the scholarships to Anglican boarding schools, the Ōtaki and Porirua Trusts Board also made smaller awards to children who were attending other schools. In the 1950s these grants were usually for £30, consisting of £25 for clothes and £5 for books. In December 1953, for example, the Trusts Board made 18 such awards; while in December 1958 it provided grants to 15 children, including Tauaiti Royal, Ngarere Love, Lynette Carkeek, Grace Rauhihi,

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[2703] Otaki and Porirua Trusts Act 1943, s 12 (3)
[2704] Ibid., s 12 (4)
[2705] 'First Minute Book of the Otaki and Porirua Trusts Board, 26 October 1943 to 29 November 1960', Alexander Turnbull Library, 'Otaki and Porirua Trusts Board – Minutes', Church of the Province of New Zealand Wellington Diocese: Further records, Record ID: 89-008-04/6, p 25
[2706] Ibid., p 26
[2707] Ibid., p 105
[2708] Ibid., p 150

Royden Wineera, Vicki Richardson, and Elizabeth Ramsden.[2709] The Trusts Board also occasionally awarded grants to students engaged in higher education. From 1953 to 1955, Whatarangi Winiata received annual grants of £25 to assist him in his studies at Victoria University College, while in December 1953 the Trusts Board agreed to award £30 to Lorraine Bevan to attend Wellington Training College.[2710]

The scholarships and grants awarded by the Ōtaki and Porirua Trusts Board supported the education of some of the future leaders of Ngāti Raukawa and Ngāti Kauwhata including, for example, in the late 1940s and early 1950s, Peter Richardson of Ngāti Parewahawaha; Mason and Edward Durie of Ngāti Kauwhata, Tungia Baker of Ngāti Pare, and Whatarangi Winiata of Ngāti Pareraukawa.[2711] While the Trusts Board provided valuable support to a significant number of students belonging to Ngāti Raukawa, Ngāti Toa and Ngāti Awa, many more went without assistance. In the annual report of the Ōtaki and Porirua Trusts Board for the 1950-1951 financial year, the Board's chairman S J Castle noted that in December 1950 the Board had received '52 applications for scholarships, of which 24 were for Church of England [Anglican] schools.' 'Owing to the state of the Board's funds', however, 'only 15 of these applications could be granted.' Of the 15 successful applications, five were for scholarships to Anglican Schools, while the other 10 were grants for children attending other schools.[2712]

The Ōtaki and Porirua Trusts Board was regularly obliged to reject more applications that it was able to accept because of a 'lack of funds.'[2713] In December 1956, for example, the Trusts Board received a total of 57 applications including 18 for scholarships to attend Anglican boarding schools. Of these, only two of the applications for scholarships to attend Anglican schools were accepted, while 18 grants were awarded to children attending other schools. Thirty-seven of the 57 applicants received no assistance from the Trusts Board.[2714] The previous year, in December 1955, the Trusts Board had received 60 applications for grants and scholarships, awarding seven scholarships to Anglican Boarding Schools and making 21 grants to children attending other schools.[2715]

[2709] Ibid., pp 115, 158
[2710] Ibid., pp 105, 115, 123, 116
[2711] Ibid., pp 56, 92, 105
[2712] S J Castle, Chairman, 'Report of the Ōtaki and Porirua Trusts Board, 1950-1951', 22 May 1951, Archives New Zealand, Wellington, E2 733, 37/31/1 Part 1, (R19237151)
[2713] 'First Minute Book of the Ōtaki and Porirua Trusts Board', p 69
[2714] Ibid., p 143
[2715] Ibid., p 130

New Leases on the Ōtaki Trust Lands

The financial constraints confronted by the Ōtaki and Porirua Trusts Board were in large part due to the low rents paid on the Trust's Ōtaki lands, most of which had been leased out for a term of 35 years in July 1915. In 1950 these leases, which included the subdivisions on either side of the Tasman Road, came due. Hoping to secure significantly 'higher rentals than those now payable', the Trusts Board called for public tenders for the Tasman Road lots, with the new leases to run for 10 years, with a right of renewal (subject to an adjustment of the rent) for a further 10 years.[2716]

Despite receiving a larger offer for the Ōtaki Trust Lands as a whole, the Trusts Board came under substantial pressure – including from the Mayor of Ōtaki and the local RSA – to accept the lower bids from the current tenants, two of whom were returned servicemen who stood to lose their homes if their bids were not accepted.[2717] After considerable turmoil, the Trusts Board voted to reject the larger overall tender in favour of smaller individual tenders from the existing tenants and their families.[2718] This decision, which had the conditional support of the Board's Māori Trustees, was strongly opposed by T A Fletcher, the Government's representative on the Board, who noted that the tender for the Tasman Road lands as a whole 'was nearly £650 better than the combined best individual tenders for these lots.'[2719]

[2716] S J Castle, Chairman, 'Report of the Otaki and Porirua Trusts Board, 1950-1951'; T A Fletcher, Government Representative, to the Minister of Education, 7 August 1951; both in Archives New Zealand, Wellington, E2 733, 37/31/1 Part 1, (R19237151)
[2717] 'Note of interview which Mr S J Castle, Chairman of the Ōtaki and Porirua Trust Board, had with the Solicitor-General and Mr C N Irvine, Crown Solicitor', 15 October 1951, Archives New Zealand, Wellington, E2 733, 37/31/1 Part 1, (R19237151)
[2718] 'Meeting of the Otaki and Porirua Trusts Board, held at the Diocesan Library, Wellington, on Wednesday', 12 September 1951, Archives New Zealand, Wellington, E2 733, 37/31/1 Part 1, (R19237151)
[2719] T A Fletcher, to the Minister of Education, 7 August 1951, Archives New Zealand, Wellington, E2 733, 37/31/1 Part 1, (R19237151)

Table 8.2 Leases to Ōtaki Trust Lands Agreed by the Ōtaki and Porirua Trusts Board, 5 July 1951

Lot	Area (acres, roods, perches)	Successful Tenderer	Rent per Annum (£.s.d)
1	117.0.28	H F Tews	351.0.0
2	68.2.28	I W & A W Tews	408.0.0
3	70.1.35	I W & A W Tews	385.0.0
4	53.3.7	R & B Bills	268.15.0
5	82.0.0	A W Empson	375.0.0
6	33.3.20	E A Fogden	136.0.0
7	49.2.0	E A Fogden	272.5.0
8	8.2.3	W Thomson	80.0.0
			2,276.0.0

The Otaki and Porirua Trusts Amendment Act 1969

Between 1947 and 1968 the Ōtaki and Porirua Trusts Board awarded 154 scholarships to Anglican boarding schools as well as 411 smaller grants to students attending other schools. In 1968 the Trusts Board was sponsoring 22 scholarship holders attending Anglican boarding schools, while helping to support 76 students at state and other non-Anglican schools.[2720]

Despite the new leases agreed to in July 1951, the Ōtaki and Porirua Trust Board continued to be financially constrained. According to the Trusts Board's lawyers, the Board had received 91 applications for scholarships in November 1968 but only had sufficient funds to award four new scholarships to Anglican boarding schools and nine grants to students attending other schools.[2721]

Convinced that it could earn significantly more from its Ōtaki properties if it farmed the land itself, rather than leasing the land out as required by the 1943 Act, the Ōtaki and Porirua Trusts Board petitioned Parliament on 22 July 1969 for a private bill. Noting that its Ōtaki lands were being profitably used for 'dairy farming for town milk supply purposes and market gardening,' the Trust Board told Parliament that it had received 'expert advice' that, following the expiry of the current leases in July 1971, the land could 'be put to the best practicable use', and the 'income available' to the Trust Board 'for educational purposes . . . substantially increased', if the Trust Board was empowered to farm the land itself, rather than leasing it out 'to others.'[2722]

[2720] Martin, Evans-Scott & Hurley (Solicitors), 'Affidavit to the Chairman and Members, Committee on the Otaki and Porirua Trusts Amendment Bill', 11 August 1969, Archives New Zealand, Wellington, LE1 1679, 1969/8, Committees – Selection (Public Bills) – Otaki and Porirua Trusts Amendment, (R17700403), p 3
[2721] Ibid
[2722] The Humble Petition of the Otaki and Porirua Trusts Board to the House of Representatives in Parliament Assembled, 'Petition for a Private Bill', 22 July 1969, Archives New Zealand, Wellington, LE1 1679, 1969/8, Committees – Selection (Public Bills) – Otaki and Porirua Trusts Amendment, (R17700403), p 2

Restricted by the 1943 Act to simply leasing its land, the Ōtaki and Porirua Trusts Board asked Parliament to pass legislation that would empower it to 'carry on upon any' of its Ōtaki lands, 'the business of farming in any and all of its branches, and to improve and develop the said land for that purpose.' The Trusts Board also sought the power 'to enter into sharemilking' and other employment contracts; 'buy stock and plant and erect farm buildings and houses;' and 'lease other lands to be used in conjunction' with its Ōtaki property. In addition, the Trusts Board also requested the right to 'expend capital and income' on its farming operation, and borrow money and enter into mortgages.[2723]

The Trusts Board also asked Parliament to change the legal status of the site of the original CMS mission station (an area of just under one acre 'contiguous' to the Te Rangiātea church graveyard), so that the land would be vested under the same authority responsible for Te Rangiātea and its surrounding grounds.[2724] The request to change the ownership status of the old mission site had apparently been initiated by the Trusts Board's Māori members and had been 'formally approved' by Te Rangiātea's 'Māori Vestry.'[2725]

Having received the Minister of Education's approval, the private bill extending the powers of the Ōtaki and Porirua Trusts Board was submitted to Parliament and passed on 10 September 1969.[2726] As requested in the Trust's Board's petition, the Otaki and Porirua Trusts Amendment Act 1969 empowered the Board to farm its Ōtaki lands in its own right, entering into contracts with sharemilkers; employing 'managers, agents, supervisors, and other employees'; and investing in 'stock, machinery, plant, implements' and 'such farm buildings and houses as may be necessary or expedient for the efficient carrying on of any farming operations.'[2727] The Act also allowed the Trusts Board to enter into leases, borrow money, and raise mortgages. The Trusts Board's right to contract mortgages was conditional on such loans being restricted to two thirds or less of the value of the property that was subject to the mortgage.[2728]

The 1969 Act also transferred ownership of the site of the former CMS mission station at Ōtaki to the Wellington Diocese Board of Trustees. The Wellington Diocese Board of Trustees, which was already responsible for Rangiātea Church and its graveyard, was to hold the land

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[2723] Ibid., p 3
[2724] Ibid
[2725] Martin, Evans-Scott & Hurley (Solicitors), 'Affidavit to the Chairman and Members, Committee on the Otaki and Porirua Trusts Amendment Bill', 11 August 1969, p 5
[2726] J Comerford for Director General of Education to the Secretary, Private Bills Committee, Parliament, 25 August 1969, Archives New Zealand, Wellington, LE1 1679, 1969/8, Committees – Selection (Public Bills) – Otaki and Porirua Trusts Amendment, (R17700403)
[2727] Otaki and Porirua Trusts Amendment Act 1969, s 2 (2)
[2728] Ibid., s 2 (3) & (4)

‘on the same trusts as those on which the lands occupied’ by Te Rangiātea Church and its adjacent graveyard were held.[2729]

The Ōtaki and Porirua Trusts Board and the ‘Redevelopment’ of Ngāti Raukawa, 1975-2000

The empowering of the Ōtaki and Porirua Trusts Board to actively manage and farm its Ōtaki lands, rather than passively leasing them to Pākehā farmers, foreshadowed even more profound changes in the Board’s governance and orientation. These changes were closely connected with a movement for the redevelopment and empowerment of Ngāti Raukawa and its affiliated hapu and iwi under a programme known as Whakatupuranga Rua Mano (Generation 2000).[2730] ‘Devised and spearheaded by Whatarangi Winiata’, Whakatupuranga Rua Mano set out to revitalize the hapu and iwi confederated with Ngāti Raukawa by refurbishing and redeveloping marae; reviving and promoting the use of Te Reo Māori; developing the potential and retaining the engagement of hapū and iwi’s membership; and striving for self-determination and self-governance in the management of the tribe’s affairs.[2731]

The issue of self-determination and self-governance had particular resonance with regards to the Ōtaki and Porirua Trusts Board, which – despite having a majority of Māori members – was in the early 1970s still chaired by a non-Māori member appointed by the Anglican Church.[2732] The board’s secretariat was located in Wellington in the offices of the Anglican Church’s Wellington Diocese. In 1981 the Trusts Board voted to relocate its operations to Ōtaki, where a part-time secretary would be employed to administer the Board’s day-to-day affairs and liaise with hapū and iwi. Described by Piripi Walker as ‘a signal moment in the history of the Board’, the drive to relocate to Ōtaki had been led by Whatarangi Winiata, who had joined the Trusts Board in 1980 as one of the members nominated by the Anglican Church.[2733]

From its new Ōtaki base, the Ōtaki and Porirua Trusts Board came to take an active part in the redevelopment programme laid out in Whakatupuranga Rua Mano. The Trusts Board

[2729] Ibid., s 3

[2730] Whatarangi Winiata, ‘Generation 2000: An Experiment in Tribal Development’, *He Matapuna: Some Māori Perspectives*, (Wellington, New Zealand Planning Council), pp 69-73

[2731] Piripi Walker, ‘The Establishment of the Social and Cultural Institutions of Ngāti Raukawa ki te Tonga in the 19th – 21st Century’ (Draft), p 153; Piripi Walker, *Whakatupuranga Rua Mano 1975-2000. He Tirohanga Whakamuri*, (Ōtaki, Te Tākupu, Te Wananga o Raukawa). 2011, p 9

[2732] Walker, ‘The Establishment of the Social and Cultural Institutions of Ngāti Raukawa ki te Tonga in the 19th – 21st Century’ (Draft), p 93

[2733] Ibid., p 294

played a particularly influential role in the organisation and sponsorship of 'Young People's Hui' that brought together teenagers from Ngāti Raukawa, Ngāti Toa, and Ngātiawa/Te Atiawa. According to Piripi Walker, 'the Young Peoples hui' – which were coordinated and administered by the Trust Board's staff – 'provided rangatahi with crucial formative experiences in relation to the marae.' Those who attended the hui 'acquired a platform of knowledge about their whakapapa, and learned within a curriculum approved by the iwi, stressing *whanaungatanga* as a fundamental value, gaining competence in a marae setting.'[2734]

The Ōtaki and Porirua Trusts Board, now chaired by Whatarangi Winiata, also played a crucial role in the establishment of Te Wānanga o Raukawa. In July 1982 the Trusts Board agreed to lease the main building of the old Ōtaki Māori College as a base for the new institution.[2735] By then the impressive old school house was in a considerable state of disrepair, with the upstairs floor being too unsafe to use. Under the supervision of the Trust Board's first Ōtaki-based Secretary Pehi Parata the interior of the old school building was completely rebuilt by a team of Ngāti Raukawa, Ngāti Toa and Ngātiawa/Te Atiawa carpenters. Piripi Walker recounts that:

> There was delight among all supporters of Te Wānanga o Raukawa when an interior room downstairs became the main whare hui and teaching room, decorated with carvings by Hone Heke, Kohe Webster and their team, and the large downstairs dining hall became useable for hui.[2736]

The Ōtaki and Porirua Trusts Board Today

The Ōtaki and Porirua Trusts Board today is a very different organization from the European and Church-dominated institution established in 1943. With a Ngāti Raukawa chairperson, and an entirely Māori membership, the Trusts Board describes itself as 'a future-focused energetic iwi Trust Board' whose 'core business . . . is land based asset management (including dairy farming and rental properties).'[2737] According to its website, the Trust Board 'strives to give expression to kaupapa tuku iho in all its activity'. This kaupapa is grounded in 'manaakitanga, rangatiratanga, whanaungatanga, kotahitanga, wairuatanga, ūkaipotanga, pūkengatanga,

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[2734] Walker, *Whakatupuranga Rua Mano 1975-2000*, pp 41-43
[2735] Walker, 'The Establishment of the Social and Cultural Institutions of Ngāti Raukawa ki te Tonga in the 19th – 21st Century' (Draft), pp 95-96
[2736] Walker, *Whakatupuranga Rua Mano 1975-2000*, pp 15-17
[2737] Ōtaki and Porirua Trusts Board, https://www.optb.org.nz/about-us/ (accessed 20 October 2018)

kaitiakitanga, whakapapa and te reo Māori.'[2738] In August 2018 the Board 'purchased several parcels of land at Manakau, Kuku, and Ōhau', greatly increasing its 'land holdings' and overall business.[2739]

The Trusts Board continues to offer scholarships for eligible students ('between the ages of 13 to 20 years inclusive') to attend Anglican boarding schools, as well as other secondary schools. Scholarships are also available for tertiary students attending university, polytechnic, private training establishments or wananga. In keeping with the Trusts Board's orientation towards iwi and hapu development, successful applicants are expected to have 'demonstrated involvement' with the 'Marae, Hapū and Iwi' of Ngāti Raukawa, Ngāti Toa, and Te Atiawa, and to have a 'strong interest in Māori culture and language.'[2740]

The Trusts Board has maintained a close relationship with Te Wānanga o Raukawa. The Trust Board's former chair, Denise Hapeta, is also a longstanding employee of the Wānanga, while the Board's offices are located in the hostel building of the former Ōtaki Māori College on the campus of Te Wānanga o Raukawa at 144 Tasman Road, Ōtaki.[2741]

8.9 Conclusion: The Ōtaki Church Mission Grant Lands and the Crown

The history of the Ōtaki Church Mission Grant lands differs from that of the reserves discussed in the previous chapters of this report. While those reserves consisted of Māori land that had either been set aside from Crown purchases or designated as restricted from alienation by the Native Land Court, the Ōtaki Church Mission Grant lands were gifted by the hapū and iwi of Ngāti Raukawa to the Church Missionary Society for the support of a new 'industrial' boarding school. Despite being the subject of Crown grants issued by Governor Grey in 1852 and 1853, the Church Mission Grant lands were never formally purchased by the Crown. Nor were they ever taken before the Native Land Court, or legally designated as Māori freehold land. Moreover, in contrast to the vast majority of reserves and sections of Māori land set aside for members of iwi and hapū associated with Ngāti Raukawa, the Ōtaki Church Mission Grant lands remain largely intact, with the 39 acres taken by the Crown under the Public Works Act in December 1906 representing the only geographically significant area to be alienated.

[2738] Ibid
[2739] Ōtaki and Porirua Trusts Board, https://www.optb.org.nz/scholarships-info/ (accessed 20 October 2018)
[2740] Ōtaki and Porirua Trusts Board, https://www.optb.org.nz/scholarships/ (accessed 20 October 2018)
[2741] Ōtaki and Porirua Trusts Board, https://www.optb.org.nz/board-members/ and https://www.optb.org.nz/about-us/ (accessed 20 October 2018)

While most of the 585½ acres originally gifted by Ngāti Raukawa and its associated hapū and iwi to the Church Missionary Society in Ōtaki remain intact, the school for which the land was originally given does not. Opened in January 1854, the industrial boarding school for which the Church Grant Land was originally donated was closed in July 1868. A second Māori College, with an impressive new school building and boarding hostel, was opened in October 1909 but closed 30 years later, in December 1939. Thus, over the 165 years since the Ōtaki Church Mission Grant lands were gifted, a school of the type envisioned by the donors of the land, and promised by the Governor and Anglican Church authorities, was in operation for less than 45 years. For a century – from 1871 to 1971 – most of the land originally donated for the 'industrial' school's operation was leased out to non-Māori farmers who derived most of the benefit from what had become (thanks in no small part to the labour of the industrial school's Māori students) 'very valuable' land.[2742] Since 1943, the revenue raised from the Church Mission Grant lands at Ōtaki has been used to fund scholarships for children from Ngāti Raukawa, Ngāti Toa and Ngātiawa/Te Atiawa attending Anglican and other post-primary educational institutions.

As we have seen, the colonial government headed by Governor Sir George Grey played a crucial part in both the establishment of the Ōtaki industrial boarding school for which the Church Grant Land was donated and in its eventual demise. The industrial boarding school at Ōtaki was established upon the Governor's urging, and with his initial support, as part of a system of church-run, publicly-funded schools established under the 1847 Education Ordinance. The schools, which were intended to introduce Māori children to the supposed intellectual, material and spiritual benefits of European civilization, were required to provide their charges with 'religious education, industrial training, and instruction in the English language.'[2743]

The Governor's support for the Ōtaki school was conditional on local Māori providing sufficient land to support the 'industrial school's agricultural endeavours. According to Grey's stipulation, such a 'sufficiency' had to consist of no less than 200 acres, located in the 'immediate vicinity' of the school.[2744] In the end, the iwi and hapū associated with Ngāti

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[2742] 'Third Report of the Commission of Inquiry into the Condition and Nature of Trust Estates for Religious, Charitable, and Educational Purposes', *AJHR*, 1870, A-3, p 5

[2743] 'An Ordinance for promoting the Education of Youth in the Colony of New Zealand', 7 October 1847, New Zealand Acts As Enacted, http://www.nzlii.org/nz/legis/hist_act/ea184711v1847n10224/ (accessed 3 September 2018), pp 3-4

[2744] Octavius Hadfield to Sir George Grey, 7 June 1851, Auckland Central Library, Sir George Grey Special Collections, Grey New Zealand letters, http://www.aucklandcity.govt.nz/dbtw-wpd/msonline/images/manuscripts/GLNZ/PDFs/web_GLNZ_H1.10.pdf (accessed 31 August 2018)

Raukawa gave significantly more land than the minimum the Governor required, gifting 561 acres of agricultural and grazing land in addition to 24 acres for the CMS Mission Station where the new school was to be located. The gift of the land was considered by its Ngāti Raukawa donors as a *tuku whenua* and was conditional on the Crown and Anglican Church's Church Missionary Society upholding their commitment to establish and maintain the Ōtaki industrial school.[2745]

While the Ōtaki school received 'considerable Government assistance' between 1854 and 1858, Crown support for the school then dried up, with the institution receiving no more public funds until 1867. Even when Government funding was resumed, it was far less than what was considered necessary for the boarding school's continued existence. In July 1868 the Ōtaki boarding school was closed due to a 'deficiency of funds.'[2746]

According to Octavius Hadfield – who was both the school's founder and administrator, and one of the original three trustees of the church grant land gifted for the school's support – the 'principal cause' of the Ōtaki industrial school's failure was the lack of adequate financial support from the colonial government. 'While an exceptional course of management of the farm', and the free labour of the students had enabled the school to continue for a decade on its own resources, the withdrawal of public funding eventually told, and the industrial boarding school had been forced to close. While a 'day-school' was subsequently maintained in the boarding school's place, it was only a vestige of the previous institution, and far from what had been promised to the hapū and iwi affiliated with Ngāti Raukawa when the Church Grant lands had been donated in 1851.[2747]

As well as failing to adequately fund the Ōtaki boarding school, the colonial government also contributed to the institution's eventual demise by pursuing a programme of land purchasing and military intervention that shattered the faith that many within the hapū and iwi affiliated with Ngāti Raukawa had previously held, not only in the Crown itself, but also the Anglican Church. The colonial government's military intervention against Wiremu Kīngi in the Waitara land dispute, and subsequent invasions of Waikato, the Bay of Plenty and southern Taranaki, combined with its highly questionable purchase of Rangitīkei-Manawatū – completed despite

[2745] Letter in Te Reo Maori from Te Ao to Governor Grey, 7 November 1851, Auckland Central Library, Sir George Grey Special Collections, Grey New Zealand Maori letters – Nga reta Maori, GNZMA 640, http://www.aucklandcity.govt.nz/dbtw-wpd/msonline/images/manuscripts/GNZMA/PDFs/web_GNZMA_640.pdf (accessed 31 August 2018). Translation by Piripi Walker

[2746] 'Third Report of the Commission of Inquiry into the Condition and Nature of Trust Estates for Religious, Charitable, and Educational Purposes', *AJHR*, 1870, A-3, p 5

[2747] Ibid

the explicit opposition of many within Ngāti Kauwhata, Ngāti Raukawa, and affiliated hapū and iwi – coincided with a precipitous decline in enrolments at the Ōtaki industrial school.

The impact of Ngāti Raukawa-affiliated communities' disillusionment with both the Crown and the Church upon attendance at the Ōtaki mission school was noted by both Major J T Edwards, the Resident Magistrate of Ōtaki district at the time, and Hadfield himself. Giving evidence in November 1869, Edwards credited what he described as 'the Hauhau disturbance' as 'one of the causes of the decline in attendance' at the Ōtaki school, with 'all confidence in Europeans, missionaries, or anybody else', having been 'lost from 1864 to 1866.'[2748] Testifying at the same time, Hadfield also observed 'a considerable change in the last two years in the state of the Natives', with parents having 'less inclination to send their children to school' than previously.[2749]

The loss of confidence experienced by many of those who had previously been supportive of the industrial school and its civilizing mission was expressed in the trajectory followed by Henare Wiremu Taratoa. 'Taught and baptised by the CMS missionary Henry Williams' (whose name he adopted), Taratoa was appointed as a lay reader and teacher at the Ōtaki boarding school in 1858. In 1860 he spoke out against Governor Gore Browne's military intervention in the Waitara dispute. A supporter of the Kingitanga, Taratoa eventually resigned his teaching position and joined the resistance to Governor Grey's invasion of the Waikato. Taratoa fought alongside his Ngāi Te Rangi relatives against the British Army at Pukehinahina or Gate Pā in April 1864, and was killed by British troops at the Battle of Te Ranga on 21 June 1864.[2750]

The closure of the industrial boarding school in July 1868 was not followed by the return of the 461 acres that had been donated by the hapū and iwi affiliated with Ngāti Raukawa for the school's support. Instead, the land was leased to a European sheep farmer. The colonial government's interest in the Ōtaki Church Mission Grant lands was renewed at the end of the nineteenth and beginning of the twentieth century as the future of the Ōtaki endowment became increasingly entangled with that of the contested Church Grant land at Whitireia.

In 1905 the Government established a royal commission chaired by retired Chief Justice Sir James Prendergast to inquire into the Ōtaki, Whitireia and other school trusts and make recommendations as to the future use and management of the church grant lands. In a

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[2748] Ibid., p 6
[2749] Ibid.,p 5
[2750] Ngahuia Dixon, 'Taratoa, Henare Wiremu', *The Dictionary of New Zealand Biography. Volume One, 1769-1869*, (Wellington, Allen & Unwin and the Department of Internal Affairs), 1990, p 430; Thomas Bevan. *The Reminiscences of an Old Colonist*, Otaki, 1907, p 21

submission presented by their legal representative to the Royal Commission, the leaders of Ngāti Raukawa asked that the governance of the church grant land at Ōtaki and Whitireia be entirely removed from the Anglican Church, and placed under a board of trustees made up of three Government officials and two 'members of the Ngati Raukawa and Ngati Toa tribes' all appointed by the Governor in Council.[2751] Prendergast and the other commissioners, however, concluded that the 'denominational character' of the existing trusts should be maintained, and recommended that a new board of trustees for both the Ōtaki and Whitireia church grant lands should be created consisting of seven trustees (including 'at least one' member from Ngāti Raukawa, Ngāti Toa or Ngātiawa/Te Atiawa) appointed by the General Synod of the Anglican Church.[2752]

The Otaki and Porirua Empowering Act 1907, which amalgamated the Ōtaki and Whitireia church grant lands under a single board of trustees, disregarded even the conservative recommendation of the Royal Commission and instead conveyed all of the assets connected to the Ōtaki Church Mission Grant lands to the Church-appointed Porirua College Trustees. The 1907 Act's failure to provide for any Māori trustees on the board overseeing the amalgamated church grant lands provoked a boycott on the part of the aggrieved members of Ngāti Raukawa, Ngāti Toa and Ngātiawa/Te Atiawa who refused to attend the official opening of the new Ōtaki Maori College in October 1909.

In addition to favouring the opinion of the Anglican Church over that of the descendants of the original Māori donors when it came to the governance of the amalgamated Ōtaki and Whitireia grant lands, the Otaki and Porirua Empowering Act 1907 also took the Church's position when it came to the role of religious instruction in the re-established Ōtaki boarding school, and the empowering of the Porirua College Trustees to sell any part of the grant lands without consultation with the land's previous owners. Ngāti Raukawa and Ngāti Toa had advocated for the creation of a non-denominational boarding school that would be open to children regardless of their parents' religion.

Funded from the combined revenues of the Ōtaki Church Mission Grant lands and the church grant land at Whitireia, the new Ōtaki Maori College achieved some considerable success, particularly during the 1920s under the partnership of W H Wills and Pirimi Tahiwi. The Great Depression, however, led to a spiral of declining enrolments from which the

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[2751] 'Appendix H. Scheme Submitted by Mr Stafford on Behalf of Ngati Raukawa', 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, pp 167-168

[2752] 'Report', 'Porirua, Otaki, Waikato, Kaikokirikiri, and Motueka School Trusts (Report and Evidence of the Royal Commission on the)', *AJHR*, 1905, G-5, p viii

school was never able to recover and the Ōtaki Maori College was closed at the end of the 1939 financial year.

While 'the lack of finance' was cited as the primary reason for the failure of the second Ōtaki boarding school, another important factor was the inability of the Maori College – only slightly more than 30 years old at the time of its closure – to compete with modern publicly-funded state schools such as Horowhenua College (opened in 1940).[2753] An auditor's report commissioned by the Anglican Church to investigate the possibility of reviving the Maori College in Ōtaki found that, even with the combined revenues of the Ōtaki-Whitireia and Wairarapa church school trusts, there would be insufficient funds 'to provide and maintain a college that would compete with modern Government standards.'[2754] Although Prime Minister Peter Fraser expressed a strong commitment to ensuring that Māori children were not 'denied the opportunity of a post-primary, academic or technical education', such an education was to be provided in large European-dominated state schools where Māori were almost always a minority, rather than in smaller institutions where the indigenous language and culture could be nurtured and respected, as had briefly been the case at the Ōtaki Maori College under W H Wills and Pirimi Tahiwi in the 1920s.[2755]

The aspirations of Ngāti Raukawa and its affiliated hapū and iwi for control over the management and use of the Ōtaki and Whitireia trust lands and their revenue were further frustrated by the Otaki and Porirua Trusts Act 1943. Rushed through Parliament in two days, with only the briefest of debate, the 1943 Act vested ownership of the Ōtaki and Whitireia church grant lands in a new Otaki and Porirua Trusts Board. The Trusts board was to consist of eight members, four of whom were to be nominated by the Anglican Church, three by the Raukawa Marae Trustees, and one by the Minister of Education. Rather than being put towards the provision of new hostels for Māori students at Horowhenua College or the reestablishment of the Māori College at Ōtaki, as called for by representatives of Ngāti Raukawa and its associated hapū and iwi, the 1943 act required that two-thirds of the new

[2753] 'Closing of the Native College and Hostel', *Otaki Mail*, 11 December 1939, p 3, c 1 & 2, https://paperspast.natlib.govt.nz/newspapers/otaki-mail/1939/12/11/3 (accessed 20 September 2018)
[2754] 'Church Work. The Wairarapa and Otaki Schools', *Otaki Mail*, 10 February 1939, p 2, c 4, https://paperspast.natlib.govt.nz/newspapers/otaki-mail/1939/2/10/2 (accessed 20 September 2018)
[2755] 'Notes of Meeting between Rt Hon the Prime Minister (Mr P Fraser), His Lordship Rt Rev St Barbe Holland, & Elders & People of Ngati Raukawa, Ngati Toa & Ngati Awa Tribes, at Otaki 11 August 1946, to discuss matters in connection with setting up of Trust Board', Archives New Zealand, Wellington, AAMK W3074 869 Box 665 b, 19/1/314 Part 1 (R11838354)

Trusts Board's net revenue be used to fund scholarships that were to be exclusively 'for schools conducted by the Church of England.'[2756]

Outraged by the terms of the 1943 Act and the manner in which it had been rushed through Parliament, the leaders of Ngāti Raukawa and its affiliated hapū and iwi resolved to boycott the new Trusts Board, refusing to nominate any of the three members they were entitled to. A resolution of sorts was finally brokered by Prime Minister Peter Fraser at a hui at Raukawa Marae in August 1946. Enacted into law under the Otaki and Porirua Trusts Amendment Act 1946, the agreement increased the membership of the Otaki and Porirua Trusts Board to 10, consisting of five members nominated by the Anglican Church (including one Māori member who was affiliated with either Ngāti Raukawa, Ngāti Toa or Ngātiawa/Te Atiawa); four recommended by the Raukawa Marae Trustees; and one appointed by the Minister of Education.[2757]

While increasing the number of trustees from the hapū and iwi connected to Ngāti Raukawa to five, the 1946 Amendment Act ensured that the Anglican Church retained the right to nominate half of the Trusts Board's members (including its Chairman and Deputy Chairman), while the members chosen by the Raukawa Marae Trustees remained a minority. The amended legislation made no change to the requirement in the 1943 Act that two-thirds of the Trusts Boards net revenue be reserved for scholarships for children attending Anglican Church schools. Despite its limitations, the Otaki and Porirua Trusts Act, as amended in 1946, continues to regulate both the composition of the Ōtaki and Porirua Trusts Board and the manner in which its income may be disbursed.[2758]

Despite the limitations of its founding legislation, the Ōtaki and Porirua Trusts Board has succeeded over the course of the last half century in transforming itself from a European-oriented church trust board, primarily concerned with the disbursement of scholarships, to an all Māori 'future-focused energetic iwi Trust Board' with close connections to other key Raukawa institutions such as Te Wānanga o Raukawa.[2759] Having secured the right to manage its Ōtaki and Whitireia lands on its own behalf, rather than simply leasing them out to private, non-Māori farmers, the Trusts Board relocated its offices to Ōtaki, from where it has played an important role in the revival of Ngāti Raukawa as a self-governing and cultural entity. Under the chairmanship of Professor Whatarangi Winiata, the Ōtaki and Porirua

[2756] Otaki and Porirua Trusts Act 1943, s 13 (3)
[2757] Otaki and Porirua Trusts Amendment Act 1946, s 4
[2758] Otaki and Porirua Trusts Act 1943 (Reprint as at 1 November 1992), ss 4, 12 & 13
[2759] Ōtaki and Porirua Trusts Board, https://www.optb.org.nz/about-us/ (accessed 20 October 2018)

Trusts Board made a substantial contribution to the tribal redevelopment programme known as Whakatupuranga Rua Mano, sponsoring 'Young Peoples Hui' which re-connected the rangatahi of the hapū and iwi affiliated with Ngāti Raukawa to the culture and language of their marae. The Trusts Board has also provided essential support to the development of Te Wānanga o Raukawa, accommodating the educational institution on its Ōtaki land while sharing the now-refurbished buildings of the former Ōtaki Maori College.

Today, the Ōtaki and Porirua Trusts Board retains control of all but approximately seven percent of the 585 ½ acres that were gifted by the iwi and hapū affiliated with Ngāti Raukawa, and transmitted as Crown Grants to Octavius Hadfield, William Williams and Richard Taylor as trustees for the Church Missionary Society in 1852 and 1853. Most of the land that has not been retained was taken by the Crown under the Public Works Act in December 1906. The 39 acres of Church Mission Grant Land was taken along with 54 acres of adjacent Māori freehold land for the Ōtaki Hospital and Sanatorium. While the owners of the Māori land taken were compensated for their loss, it is unknown whether any compensation was paid to the New Zealand Mission Trust Board, which at the time was the legal owner of the Ōtaki Church Mission Grant lands.

Officially opened in May 1907, the Ōtaki Sanatorium and its grounds were initially owned by the Wellington Hospital Board. In 1932 the property was transferred to the Palmerston Hospital Board. In 1949 the Palmerston North Hospital Board sold seven-and-a-half acres of the land that had been taken from the Church Mission Grant lands in 1906 to the Otaki Borough Council. This land (along with nine acres of what had previously been known as Haruatai 7) was subsequently proclaimed under the Reserves and Domains Act 1953 as a reserve 'for recreation purposes', and now forms part of Haruatai Park.

The Ōtaki Sanatorium was closed in 1964, but neither the 39 acres taken from the Church Grant Lands nor the 54 acres of Māori land taken in 1906 were offered back to their previous owners. Instead, the former Sanatorium and most of its grounds were converted to a facility for young adults with intellectual disabilities. Known as 'Koha Ora', this facility was opened in 1965 and remained in operation until the end of March 1987.

The eventual closure of Koha Ora embroiled the Ōtaki and Porirua Trusts Board and the descendants of the owners of the adjacent Māori land that had also been taken for the Ōtaki Sanatorium in a long, frustrating, and up to this point unsuccessful struggle to secure the return of the taken land. While the Palmerston North Hospital Board expressed a willingness to return the 'surplus' land to its previous owners, it insisted on conditions that were impossible for the Trusts Board to accept. In addition to the financially ruinous proposition

that the Trusts Board take full responsibility for the decaying sanatorium buildings and surrounding grounds, the Hospital Board insisted that the Trusts Board renounce its claims, both to the seven-and-a-half acres that had been sold to the Otaki Borough Council and incorporated into Haruatai Park, and the grounds of the Ōtaki Maternity Hospital, which had also been taken from the Church Mission Grant lands in 1906. After more than a decade and a half of ultimately fruitless negotiations between the Ōtaki and Porirua Trusts Board, the Whanaunui Trust representing the descendants of the owners of the adjacent Māori land, and first the Palmerston North Hospital Board, then the Palmerston North Area Health Board, the Manawatu-Wanganui Area Health Board and finally – from July 1993 – MidCentral Health, the former grounds of the Ōtaki Sanatorium and Koha Ora facility were declared to be 'surplus' to Crown requirements, and transferred to the Office of Treaty Settlements land bank. This is where the land remains, awaiting the eventual settlement of the numerous claims brought before the Waitangi Tribunal by members of Ngāti Raukawa and its associated hapū and iwi.

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‘Miscellaneous – Church Trust Lands – Horowhenua and Wairarapa Districts’, AAMK 869, 665/b, 19/1/314, Part 1, 1927-1946, (R 11 838 354)
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‘Otaki inalienable lands’, 1870-1882, ACIH 18593 W1369 MAW1369 Box 40, [185], (R 11 187 906)
‘Papers relating to the Otaki, Porirua, Papawai and Kaikokirikiri Trusts’, ACIH 16064, MA31, 20/50, (R 22 041 853)
‘Petition No, 31/33 of Taite Te Tomo: Whakawehe Block: Foxton Township Section 113 – Cemetery Reserve. Vesting in Ngatiwhakatere’, 1925-1948, MA1 Box 420, 21/1/12, (R 19 526 520)

‘Rangitikei-Manawatu – Papers concerning the Rangitikei-Manawatu purchased and subsequent dealings’, MA 13/69B, Part 1, (R 20 248 936)
‘Rangitikei-Manawatu – Papers concerning the Rangitikei-Manawatu purchased and subsequent dealings’, MA 13/69B, Part 2, (R 20 248 937)
‘Rangitikei-Manawatu – Papers concerning the Rangitikei-Manawatu purchased and subsequent dealings’, MA 13/69B, Part 3, (R 20 248 938)
‘Rangitikei-Manawatu – Papers concerning the Rangitikei-Manawatu purchased and subsequent dealings’, MA 13/69B, Part 4, (R 20 248 939)
‘Rangitikei-Manawatu – Papers concerning the Rangitikei-Manawatu purchased and subsequent dealings’, MA 13/69B, Part 5, (R 20 248 940)
‘Rangitikei-Manawatu – Schedule consisting of papers on the Rangitikei Manawatu purchase’, MA 13/70A (R 20 248 941)
‘Rangitikei-Manawatu – Schedule consisting of papers on the Rangitikei Manawatu purchase’, MA 13/70B (R 20 248 942)
‘Rangitikei-Manawatu – Schedule consisting of papers on the Rangitikei Manawatu purchase’, MA 13/70C (R 20 248 943)
‘Rangitikei-Manawatu – Schedule consisting of papers on the Rangitikei Manawatu purchase’, MA 13/70D (R 20 248 944)
‘Rangitikei-Manawatu – Schedule consisting of papers on the Rangitikei Manawatu purchase’, MA 13/70E (R 20 248 945)
‘Rangitikei-Manawatu – Schedule consisting of papers on the Rangitikei Manawatu purchase’, MA 13/70F (R 20 248 946)
‘Rangitikei-Manawatu – Schedule consisting of papers on the Rangitikei Manawatu purchase’, MA 13/70G (R 20 248 947)
‘Rangitikei-Manawatu – Schedule consisting of papers on the Rangitikei Manawatu purchase’, MA 13/70H (R 20 248 948)
‘Rangitikei-Manawatu – Unregistered papers’, MA 13/72A, (R20 248 950)
‘Rangitikei-Manawatu – Unregistered papers’, MA 13/72B (R20 248 952)
‘Rangitikei-Manawatu – Native Office and Native Secretary Registered Files’, MA 13/ 73A, (R 20 248 951)
‘Rangitikei-Manawatu – Native Office and Native Secretary Registered Files’, MA 13/73B, (R 20 248 953)
‘Rangitikei Manawatu – Native Office, Native Land Purchase and Native and Defence Registered Files’, MA 13/74A, (R20 248 954)
‘Rangitikei Manawatu – Native Office, Native Land Purchase and Native and Defence Registered Files’, MA 13/74B, (R20 248 957)
‘Rangitikei Manawatu – Special File Nos. 15, 82, 84, 85, 86, and 87 – Wellington Provincial Registered Files’, MA 13/75A, (R20 248 956)
‘Rangitikei-Manawatu – Telegrams and correspondence received by the Native Department and telegrams received by Judge Rogan’, MA 13/76, (R20 248 958)
‘Removal of Restrictions on Alienated Land - Correspondence, Reports and Deed relating to land situated at Manawatu-Napier-Thames-Maketu and Waitara’, ACIH 16046 MA13/43/27d, 1886, (R 20 248 759)

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‘Rerengaohau and Papangaio Blocks – Sand Dune Reclamation’, 1957-1962, ACIH 16036, MAW2459, 5/14/2, Part 2, (R 21 530 199)
‘Reureu 2F2 2B1 B2B1 4 2B1B2 – Crown Acquisition – RNZAF – Bulk Fuel Installation’, ACIH 16036, MA1, 68, 5/5/20, (R 19 524 774)
‘Schedule of reserves made for natives in the Rangitikei-Manawatu Block, showing names of beneficiaries’, MA-MT6 13, 13, (R15 386 016)

Land Information New Zealand

‘Crown Grants by Registration District – Page 1 to Page 182’, AFIH W5687 22357 Box 14, 3, (R 21 598 815)
‘Certificate of Title’, Upper Aorangi 1 Sections 11A, 12, 14, 18, 27 & 28, 15 November 1881, Archives New Zealand, Wellington, ABWN 8910, W5278, Box 15, (R25286907)
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‘Certificate of Title – Huritini at Waikawa in the District of Otaki, ABWN 8910, W5278, Box 11, 1606, (R 25 286 124)
‘Certificate of Title – Kiharoa No 1 at Otaki in the District of Otaki’, ABWN 8910, W5278 Box 11, 1542, (R 25 286 059)
‘Certificate of Title – Manawatu Kukutauaki 4A at Ohau in the District of Otaki’, ABWN 8910, W5278 Box 11, 1668, (R 25 286 186)
‘Certificate of Title – Manawatu Kukutauaki No 4B at Waikawa in the District of Manawatu’, ABWN 8910, W5278 Box 11, 1656, (R25 286 174)
‘Certificate of Title – Manawatu Kukutauaki No 4C at Waikawa in the District of Manawatu’, ABWN 8910, W5278 Box 11, 1669, (R25 286 187)
‘Certificate of Title – Manawatu Kukutauaki No 4D at Waikawa in the District of Manawatu’, ABWN 8910, W5278 Box 11, 1670, (R25 286 188)
‘Certificate of Title – Manawatu Kukutauaki No 4E at Waikawa in the District of Manawatu’, ABWN 8910, W5278 Box 11, 1671, (R25 286 189)
‘Certificate of Title – Manawatu Kukutauaki No 4F at Waikawa in the District of Manawatu’, ABWN 8910, W5278 Box 11, 1647, (R25286165)
‘Certificate of Title – Manawatu Kukutauaki No 7A at Porotawhao in the District of Manawatu’, ABWN 8910, W5278, Box 11, 1714, (R 25 286 232)
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‘Certificate of Title – Manawatu Kukutauaki No 7C at Porotawhao in the District of Manawatu’, ABWN 8910, W5278, Box 11, 1716, (R 25 286 234)
‘Certificate of Title – Manawatu Kukutauaki No 7E at Manawatu in the District of Manawatu’, ABWN 8910, W5278 Box 13, 1852, (R 25 286 495)
‘Certificate of Title – Manawatu Kukutauaki No 7F at Manawatu in the District of Manawatu’, ABWN 8910, W5278, Box 11, 1863, (R 25 286 506)
‘Certificate of Title – Manawatu Kukutauaki No 7H at Manawatu in the District of Manawatu’, ABWN 8910, W5278 Box 11, 17282, (R 25 286 246)
‘Certificate of Title – Mangapouri (Lot 185 Township of Hafield) at Otaki in the District of Otaki’, ABWN 8910, W5278 Box 11, 1544, (R 25 286 062)
‘Certificate of Title – Muhunoa No 1 at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1654, (R 25 286 172)
‘Certificate of Title – Ngakaroro No 1A at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1658, (R 25 286 176)

‘Certificate of Title – Ngakaroro No 2A at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1661, (R 25 286 179)
‘Certificate of Title – Ngakaroro No 2B at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1662, (R 25 286 180)
‘Certificate of Title – Ngakaroro No 2C at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1663, (R 25 286 181)
‘Certificate of Title – Ngakaroro No 2D at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1664, (R 25 286 182)
‘Certificate of Title – Ngakaroro No 2E at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1665, (R 25 286 183)
‘Certificate of Title – Pahiko Ngakaroro 6 at Otaki in the District of Manawatu, ABWN 8910, W5278 Box 13, 1869, (R 25 286 511)
‘Certificate of Title – Ngawhakangutu No 1 at Kukutauaki in the District of Otaki’, ABWN 8910, W5278 Box 11, 1727, (R 25 286 245)
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‘Certificate of Title – Ohau 1 in the District of Otaki’, ABWN 8910, W5278 Box 11, 1653, (R 25 286 171)
‘Certificate of Title – Ohau No 3 at Ohau in the District of Manawatu, ABWN 8910, W5278, Box 13, 1856, (R 25 286 499)
‘Certificate of Title – Opaekete at Manawatu in the District of Manawatu, ABWN 8910, W5278, Box 13, 1860, (R 25 286 503)
‘Certificate of Title – Section 83 and Part of Section 81A of Section 81 Town of Otaki at Otaki in the District of Manawatu, ABWN 8910, W5278, Box 15, 2422, (R 25 286 182)
‘Certificate of Title – Lot No 84 Otaki Town in the District of Otaki, ABWN 8910, W5278, Box 11, 1546, (R 25 286 064)
‘Certificate of Title – Lot No 85 Otaki Town in the District of Otaki, ABWN 8910, W5278, Box 11, 1591, (R 25 286 109)
‘Certificate of Title – Lot Nos 155 and 170 Otaki Town in the District of Otaki’, ABWN 8910, W5278 Box 11, 1558, (R 25 286 076)
‘Certificate of Title – Lot Nos 101, 103, 105 and 107 Town of Otaki in the District of Otaki’, ABWN 8910, W5278 Box 11, 1604, (R 25 286 122)
‘Certificate of Title – Lot Nos 102, 104, and 106 Town of Otaki in the District of Otaki’, ABWN 8910, W5278 Box 11, 1603, (R 25 286 121)
‘Certificate of Title – Lot Nos 89, 91, and 93 Otaki Town in the District of Otaki’, ABWN 8910, W5278 Box 11, 1573, (R 25 286 091)
‘Certificate of Title – Oturoa at Manawatu in the District of Manawatu’, ABWN 8910, W5278 Box 11, 1573, (R 25 286 123)
‘Certificate of Title – Pahianui No 3 at Otaki in the District of Otaki’, ABWN 8910, W5278 Box 11, 1569, (R 25 286 087)
‘Certificate of Title – Piritaha at Otaki in the District of Otaki, ABWN 8910, W5278 Box 11, 1570, (R 25 286 088)

‘Certificate of Title – Pukehou No 5A at Pukehou in the District of Otaki, ABWN 8910, W5278, Box 11, 1685, (R 25 286 203)
‘Certificate of Title – Pukehou No 5B at Pukehou in the District of Otaki, ABWN 8910, W5278, Box 11, 1686, (R 25 286 204)
‘Certificate of Title – Pukehou No 5C at Pukehou in the District of Otaki, ABWN 8910, W5278, Box 11, 1687, (R 25 286 205)
‘Certificate of Title – Pukehou No 5D at Pukehou in the District of Otaki, ABWN 8910, W5278, Box 11, 1688, (R 25 286 206)
‘Certificate of Title – Pukekaraka No 5 at Otaki in the District of Manawatu, ABWN 8910, W5278 Box 15, 2218, (R 25 286 858)
‘Certificate of Title – Takapu No 1 at Manawatu in the District of Manawatu, ABWN 8910, W5278, Box 13, 1848, (R 25 286 491
‘Certificate of Title – Raumatangi at Horowhenua in the District of Manawatu, ABWN 8910, W5278, Box 11, 1721, (R 25 286 239)
‘Certificate of Title – Te Rekereke 2 at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1608, (R 25 286 126)
‘Certificate of Title – Te Rerengaohau at Manawatu in the District of Otaki, ABWN 8910, W5278, Box 11, 1609, (R 25 286 127)
‘Certificate of Title – Te Rotowhakahokiriri at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1572, (R 25 286 090)
‘Certificate of Title – Te Waerenga No 2A at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1564, (R 25 286 082)
‘Certificate of Title – Te Waerenga No 2B at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1565, (R 25 286 083)
‘Certificate of Title – Waiariki No 2 at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1613, (R 25 286 131)
‘Certificate of Title – Waihoanga No 1A at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1692, (R 25 286 210)
‘Certificate of Title – Waihoanga No 2A at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1695, (R 25 286 213)
‘Certificate of Title – Waihoanga No 3A at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1697, (R 25 286 215)
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‘Certificate of Title – Waihoanga No 3D at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1700, (R 25 286 218)
‘Certificate of Title – Waihoanga No 4 at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1667, (R 25 286 185)
‘Certificate of Title – Waihoanga No 4A at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1633, (R25 286 151)
‘Certificate of Title – Wairarapa at Otaki in the District of Otaki’, ABWN 8910, W5278, Box 11, 1634, (R25 286 170)
‘Certificate of Title – Wairarapa No 1 at Otaki in the District of Otaki’, ABWN 8910, W5278, Box 11, 1652, (R25 286 170)

'Certificate of Title – Waiwiri at Muhunoa in the District of Otaki, ABWN 8910, W5278, Box 11, 1713, (R 25 286 231)

'Certificate of Title – Waopukatea No 1 at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1726, (R25 286 244

'Certificate of Title – Te Whakahokiatapango No 2 at Otaki in the District of Otaki, ABWN 8910, W5278, Box 11, 1580, (R 25 286 098)

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'Certificate of Title – Manawatu Kukutauaki No 7F at Manawatu in the District of Manawatu', 19 October 1882, ABWN 8910, W5278, Box 11, 1863, (R 25 286 506)

'Certificate of Title – Manawatu Kukutauaki No 1 at Manawatu in the District of Manawatu', 18 November 1873, ABWN 8910, W5278, Box 11, 1622, (R 25 286 140)

'Certificate of Title – Manawatu Kukutauaki No 2A Section 1 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2251, (R 25 286 891)

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'Certificate of Title – Manawatu Kukutauaki No 2A Section 4 at Manawatu in the District of Manawatu', 11 November 1881ABWN 8910, W5278, Box 15, 2253, (R 25 286 893)

'Certificate of Title – Manawatu Kukutauaki No 2A Section 5 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2254, (R 25 286 894)

'Certificate of Title – Manawatu Kukutauaki No 2A Section 6 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2255, (R 25 286 895)

'Certificate of Title – Manawatu Kukutauaki No 2A Section 7 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2256, (R 25 286 896)

'Certificate of Title – Manawatu Kukutauaki No 2A Section 8 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2257, (R 25 286 897)

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'Certificate of Title – Manawatu Kukutauaki No 2A Section 10 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2259, (R 25 286 899)

'Certificate of Title – Manawatu Kukutauaki No 2B Section 2 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2270, (R 25 286 910)

'Certificate of Title – Manawatu Kukutauaki No 2B Section 3 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2271, (R 25 286 911)

'Certificate of Title – Manawatu Kukutauaki No 2B Section 4 at Manawatu in the District of Manawatu', 11 November 1881, ABWN 8910, W5278, Box 15, 2272, (R 25 286 912)

‘Certificate of Title – Manawatu Kukutauaki No 2B Section 5 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2273, (R 25 286 913)
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‘Certificate of Title – Manawatu Kukutauaki No 2B Section 7 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2275, (R 25 286 915)
‘Certificate of Title – Manawatu Kukutauaki No 2B Section 8 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2276, (R 25 286 916)
‘Certificate of Title – Manawatu Kukutauaki No 2B Section 9 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2277, (R 25 286 917)
‘Certificate of Title – Manawatu Kukutauaki No 2B Section 10 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2278, (R 25 286 918)
‘Certificate of Title – Manawatu Kukutauaki No 2B Section 11 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2279, (R 25 286 919)
‘Certificate of Title – Manawatu Kukutauaki No 2B Section 12 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2280, (R 25 286 920)
‘Certificate of Title – Manawatu Kukutauaki No 2C Section 2 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2281, (R 25 286 921)
‘Certificate of Title – Manawatu Kukutauaki No 2C Section 3 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2282, (R 25 286 922)
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‘Certificate of Title – Manawatu Kukutauaki No 2C Section 5 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2284, (R 25 286 924)
‘Certificate of Title – Manawatu Kukutauaki No 2C Section 6 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2285, (R 25 286 925)
‘Certificate of Title – Manawatu Kukutauaki No 2C Section 7 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2286, (R 25 286 926)
‘Certificate of Title – Manawatu Kukutauaki No 2C Section 8 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2287, (R 25 286 927)
‘Certificate of Title – Manawatu Kukutauaki No 2C Section 9 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2288, (R 25 286 928)
‘Certificate of Title – Manawatu Kukutauaki No 2C Section 10 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2289, (R 25 286 929)
‘Certificate of Title – Manawatu Kukutauaki No 2C Section 11 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2290, (R 25 286 930)
‘Certificate of Title – Manawatu Kukutauaki No 2D Section 2 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2291, (R 25 286 931)
‘Certificate of Title – Manawatu Kukutauaki No 2D Section 3 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2292, (R 25 286 932)
‘Certificate of Title – Manawatu Kukutauaki No 2D Section 5 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2293, (R 25 286 933)
‘Certificate of Title – Manawatu Kukutauaki No 2D Section 6 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2294, (R 25 286 934)

‘Certificate of Title – Manawatu Kukutauaki No 2D Section 7 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2295, (R 25 286 935)
‘Certificate of Title – Manawatu Kukutauaki No 2D Section 8 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2414, (R 25 287 054)
‘Certificate of Title – Manawatu Kukutauaki No 2D Section 9 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2296, (R 25 286 936)
‘Certificate of Title – Manawatu Kukutauaki No 2D Section 10 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2297, (R 25 286 937)
‘Certificate of Title – Manawatu Kukutauaki No 2D Section 11 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2298, (R 25 286 938)
‘Certificate of Title – Manawatu Kukutauaki No 2D Section 12 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2299, (R 25 286 939)
‘Certificate of Title – Manawatu Kukutauaki No 2E Section 2 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2300, (R 25 286 940)
‘Certificate of Title – Manawatu Kukutauaki No 2E Section 3 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2301, (R 25 286 941)
‘Certificate of Title – Manawatu Kukutauaki No 2E Section 4 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2302, (R 25 286 942)
‘Certificate of Title – Manawatu Kukutauaki No 2E Section 5 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2303, (R 25 286 943)
‘Certificate of Title – Manawatu Kukutauaki No 2E Section 6 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2304, (R 25 286 944)
‘Certificate of Title – Manawatu Kukutauaki No 2E Section 7 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2305, (R 25 286 945)
‘Certificate of Title – Manawatu Kukutauaki No 2E Section 8 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2306, (R 25 286 946)
‘Certificate of Title – Manawatu Kukutauaki No 2E Section 9 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2307, (R 25 286 947)
‘Certificate of Title – Manawatu Kukutauaki No 2E Section 10 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2308, (R 25 286 948)
‘Certificate of Title – Manawatu Kukutauaki No 2E Section 11 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2309, (R 25 286 949)
‘Certificate of Title – Manawatu Kukutauaki No 2E Section 12 at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2310, (R 25 286 950)
‘Certificate of Title – Manawatu Kukutauaki No 2E Extra at Manawatu in the District of Manawatu’, 11 November 1881, ABWN 8910, W5278, Box 15, 2423, (R 25 287 063)
‘Certificate of Title – Manawatu Kukutauaki No 2F at Kaihinu in the District of Manawatu’, January 30 1883, ABWN 8910, W5278, Box 13, 1864, (R 25 286 507)
‘Certificate of Title – Manawatu Kukutauaki No 2G at Kaihinu in the District of Manawatu’, January 30 1883, ABWN 8910, W5278, Box 13, 1866, (R 25 286 508)

‘Certificate of Title – Manawatu Kukutauaki No 3 at Manawatu in the District of Manawatu’, 17 February 1882, ABWN 8910, W5278, Box 11, 1866, (R 25 286 250)
‘Certificate of Title – Manawatu Kukutauaki No 4A at Ohau in the District of Otaki’, 17 February 1882, ABWN 8910, W5278, Box 11, 1668, (R 25 286 186)
‘Certificate of Title – Manawatu Kukutauaki No 4C at Ohau in the District of Otaki’, 2 March 1880, ABWN 8910, W5278, Box 11, 1669, (R 25 286 187)
‘Certificate of Title – Manawatu Kukutauaki No 4D at Ohau in the District of Otaki’, 2 March 1880, ABWN 8910, W5278, Box 11, 1670, (R 25 286 188)
‘Certificate of Title – Manawatu Kukutauaki No 4E at Waikawa in the District of Otaki’, 2 March 1880, ABWN 8910, W5278, Box 11, 1671, (R 25 286 189)
‘Certificate of Title – Manawatu Kukutauaki No 4F at Waikawa in the District of Otaki’, 23 September 1879, ABWN 8910, W5278, Box 11, 1647, (R 25 286 165)
‘Certificate of Title – Manawatu Kukutauaki No 4G at Waikawa in the District of Otaki’, 2 March 1880, ABWN 8910, W5278, Box 11, 1846, (R 25 286 489)
‘Certificate of Title – Muhunoa No 1A at Otaki in the District of Manawatu’, 15 October 1881, ABWN 8910, W5278, Box 11, 2231, (R 25 286 871)
‘Certificate of Title – Muhunoa No 2 at Otaki in the District of Manawatu’, 2 March 1880, ABWN 8910, W5278, Box 11, 1655, (R 25 286 173)
‘Certificate of Title – Muhunoa No 3B at Muhunoa in the District of Manawatu’, 26 September 1881, ABWN 8910, W5278, Box 11, 2223, (R 25 286 863)
‘Certificate of Title – Muhunoa No 4 at Otaki in the District of Otaki’, 2 March 1880, ABWN 8910, W5278, Box 11, 1657, (R 25 286 175)
‘Certificate of Title – Ngakaroro No 1A Section 2 at Otaki in the District of Manawatu’, 26 October 1881, ABWN 8910, W5278, Box 11, 2261, (R 25 286 901)
‘Certificate of Title – Ngakaroro No 1A Section 3 at Otaki in the District of Manawatu’, 26 October 1881, ABWN 8910, W5278, Box 11, 2262, (R 25 286 902)
‘Certificate of Title – Ngakaroro No 1A Section 4 at Otaki in the District of Manawatu’, 26 October 1881, ABWN 8910, W5278, Box 11, 2263, (R 25 286 903)
‘Certificate of Title – Ngakaroro No 1A Section 5 at Otaki in the District of Manawatu’, 26 October 1881, ABWN 8910, W5278, Box 11, 2264, (R 25 286 904)
‘Certificate of Title – Ngakaroro No 1B at Otaki in the District of Otaki’, 2 March 1880, ABWN 8910, W5278, Box 11, 1659, (R 25 286 177)
‘Certificate of Title – Ngakaroro No 1C at Otaki in the District of Otaki’, 16 April 1874, ABWN 8910, W5278, Box 11, 1660, (R 25 286 178)
‘Certificate of Title – Ngakaroro No 2F Section 1 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2316, (R 25 286 956)
‘Certificate of Title – Ngakaroro No 2F Section 2 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2317, (R 25 286 957)
‘Certificate of Title – Ngakaroro No 2F Section 3 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2318, (R 25 286 958)
‘Certificate of Title – Ngakaroro No 2F Section 4 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2319, (R 25 286 959)
‘Certificate of Title – Ngakaroro No 2F Section 5 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2320, (R 25 286 960)

‘Certificate of Title – Ngakaroro No 2F Section 6 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2321, (R 25 286 961)
‘Certificate of Title – Ngakaroro No 2F Section 7 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2322, (R 25 286 962)
‘Certificate of Title – Ngakaroro No 2F Section 8 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2323, (R 25 286 963)
‘Certificate of Title – Ngakaroro No 2F Section 9 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2324, (R 25 286 964)
‘Certificate of Title – Ngakaroro No 2F Section 10 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2325, (R 25 286 965)
‘Certificate of Title – Ngakaroro No 2F Section 11 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2326, (R 25 286 966)
‘Certificate of Title – Ngakaroro No 2F Section 12 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2327, (R 25 286 967)
‘Certificate of Title – Ngakaroro No 2F Section 13 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2328, (R 25 286 968)
‘Certificate of Title – Ngakaroro No 2F Section 14 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2329, (R 25 286 969)
‘Certificate of Title – Ngakaroro No 2F Section 15 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2330, (R 25 286 970)
‘Certificate of Title – Ngakaroro No 2F Section 16 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2331, (R 25 286 971)
‘Certificate of Title – Ngakaroro No 2F Section 17 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2332, (R 25 286 972)
‘Certificate of Title – Ngakaroro No 2F Section 18 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2333, (R 25 286 973)
‘Certificate of Title – Ngakaroro No 2F Section 19 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2334, (R 25 286 974)
‘Certificate of Title – Ngakaroro No 2F Section 20 at Otaki in the District of Manawatu’, 28 September 1881, ABWN 8910, W5278, Box 11, 2335, (R 25 286 975)
‘Certificate of Title – Ngakaroro No 2F Section 21 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2336, (R 25 286 976)
‘Certificate of Title – Ngakaroro No 2F Section 22 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2337, (R 25 286 977)
‘Certificate of Title – Ngakaroro No 2F Section 23 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2338, (R 25 286 978)
‘Certificate of Title – Ngakaroro No 2F Section 24 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2339, (R 25 286 979)
‘Certificate of Title – Ngakaroro No 2F Section 25 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2340, (R 25 286 980)
‘Certificate of Title – Ngakaroro No 2F Section 26 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2341, (R 25 286 981)
‘Certificate of Title – Ngakaroro No 2F Section 27 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2342, (R 25 286 982)

'Certificate of Title – Ngakaroro No 2F Section 28 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2343, (R 25 286 983)
'Certificate of Title – Ngakaroro No 2F Section 29 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2344, (R 25 286 984)
'Certificate of Title – Ngakaroro No 2F Section 30 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2345, (R 25 286 985)
'Certificate of Title – Ngakaroro No 2F Section 31 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2346, (R 25 286 986)
'Certificate of Title – Ngakaroro No 2F Section 32 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2347, (R 25 286 987)
'Certificate of Title – Ngakaroro No 2F Section 33 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2348, (R 25 286 988)
'Certificate of Title – Ngakaroro No 2F Section 34 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2349, (R 25 286 989)
'Certificate of Title – Ngakaroro No 2F Section 35 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2350, (R 25 286 990)
'Certificate of Title – Ngakaroro No 2F Section 36 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2351, (R 25 286 991)
'Certificate of Title – Ngakaroro No 2F Section 37 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2352, (R 25 286 992)
'Certificate of Title – Ngakaroro No 2F Section 38 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2353, (R 25 286 993)
'Certificate of Title – Ngakaroro No 2F Section 39 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2354, (R 25 286 994)
'Certificate of Title – Ngakaroro No 2F Section 40 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2355, (R 25 286 995)
'Certificate of Title – Ngakaroro No 2F Section 41 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2356, (R 25 286 996)
'Certificate of Title – Ngakaroro No 2F Section 42 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2357, (R 25 286 997)
'Certificate of Title – Ngakaroro No 2F Section 43 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2358, (R 25 286 998)
'Certificate of Title – Ngakaroro No 2F Section 44 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2359, (R 25 286 999)
'Certificate of Title – Ngakaroro No 2F Section 45 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2360, (R 25 287 000)
'Certificate of Title – Ngakaroro No 2F Section 46 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2361, (R 25 287 001)
'Certificate of Title – Ngakaroro No 2F Section 47 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2362, (R 25 287 002)
'Certificate of Title – Ngakaroro No 2F Section 48 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2363, (R 25 287 003)
'Certificate of Title – Ngakaroro No 2F Section 49 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2364, (R 25 287 004)

‘Certificate of Title – Ngakaroro No 2F Section 50 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2365, (R 25 287 005)
‘Certificate of Title – Ngakaroro No 2F Section 51 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2366, (R 25 287 006)
‘Certificate of Title – Ngakaroro No 2F Section 52 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2367, (R 25 287 007)
‘Certificate of Title – Ngakaroro No 2F Section 53 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2368, (R 25 287 008)
‘Certificate of Title – Ngakaroro No 2F Section 54 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2369, (R 25 287 009)
‘Certificate of Title – Ngakaroro No 2F Section 55 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2370, (R 25 287 010)
‘Certificate of Title – Ngakaroro No 2F Section 56 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2371, (R 25 287 011)
‘Certificate of Title – Ngakaroro No 2F Section 57 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2372, (R 25 287 012)
‘Certificate of Title – Ngakaroro No 2F Section 58 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2373, (R 25 287 013)
‘Certificate of Title – Ngakaroro No 2F Section 59 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2374, (R 25 287 014)
‘Certificate of Title – Ngakaroro No 2F Section 60 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2375, (R 25 287 015)
‘Certificate of Title – Ngakaroro No 2F Section 61 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2376, (R 25 287 016)
‘Certificate of Title – Ngakaroro No 2F Section 62 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2377, (R 25 287 017)
‘Certificate of Title – Ngakaroro No 2F Section 63 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2378, (R 25 287 018)
‘Certificate of Title – Ngakaroro No 2F Section 64 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2379, (R 25 287 019)
‘Certificate of Title – Ngakaroro No 2F Section 65 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2380, (R 25 287 020)
‘Certificate of Title – Ngakaroro No 2F Section 66 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2381, (R 25 287 021)
‘Certificate of Title – Ngakaroro No 2F Section 67 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2382, (R 25 287 022)
‘Certificate of Title – Ngakaroro No 2F Section 68 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2383, (R 25 287 023)
‘Certificate of Title – Ngakaroro No 2F Section 69 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2384, (R 25 287 024)
‘Certificate of Title – Ngakaroro No 2F Section 70 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2385, (R 25 287 025)
‘Certificate of Title – Ngakaroro No 2F Section 71 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2386, (R 25 287 026)

'Certificate of Title – Ngakaroro No 2F Section 72 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2387, (R 25 287 027)
'Certificate of Title – Ngakaroro No 2F Section 73 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2388, (R 25 287 028)
'Certificate of Title – Ngakaroro No 2F Section 74 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2389, (R 25 287 029)
'Certificate of Title – Ngakaroro No 2F Section 75 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2390, (R 25 287 030)
'Certificate of Title – Ngakaroro No 2F Section 76 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2391, (R 25 287 031)
'Certificate of Title – Ngakaroro No 2F Section 77 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2392, (R 25 287 032)
'Certificate of Title – Ngakaroro No 2F Section 78 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2393, (R 25 287 033)
'Certificate of Title – Ngakaroro No 2F Section 79 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2394, (R 25 287 034)
'Certificate of Title – Ngakaroro No 2F Section 80 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2395, (R 25 287 035)
'Certificate of Title – Ngakaroro No 2F Section 81 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2396, (R 25 287 036)
'Certificate of Title – Ngakaroro No 2F Section 82 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2397, (R 25 287 037)
'Certificate of Title – Ngakaroro No 2F Section 83 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2398, (R 25 287 038)
'Certificate of Title – Ngakaroro No 2F Section 84 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2399, (R 25 287 039)
'Certificate of Title – Ngakaroro No 2F Section 85 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2400, (R 25 287 040)
'Certificate of Title – Ngakaroro No 2F Section 86 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2401, (R 25 287 041)
'Certificate of Title – Ngakaroro No 2F Section 87 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2402, (R 25 287 042)
'Certificate of Title – Ngakaroro No 2F Section 88 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2403, (R 25 287 043)
'Certificate of Title – Ngakaroro No 2F Section 89 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2404, (R 25 287 044)
'Certificate of Title – Ngakaroro No 2F Section 90 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2405, (R 25 287 045)
'Certificate of Title – Ngakaroro No 2F Section 91 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2406, (R 25 287 046)
'Certificate of Title – Ngakaroro No 2F Section 92 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2407, (R 25 287 047)
'Certificate of Title – Ngakaroro No 2F Section 93 at Otaki in the District of Manawatu', 22 October 1881, ABWN 8910, W5278, Box 11, 2408, (R 25 287 048)

‘Certificate of Title – Ngakaroro No 2F Section 94 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2409, (R 25 287 049)
‘Certificate of Title – Ngakaroro No 2F Section 95 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2410, (R 25 287 050)
‘Certificate of Title – Ngakaroro No 2F Section 96 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2411, (R 25 287 051)
‘Certificate of Title – Ngakaroro No 2F Section 97 at Otaki in the District of Manawatu’, 22 October 1881, ABWN 8910, W5278, Box 11, 2412, (R 25 287 052)
‘Certificate of Title – Ngakaroro No 3H at Otaki in the District of Otaki’, 25 October 1881, ABWN 8910, W5278, Box 11, 2250, (R 25 286 890)
‘Certificate of Title – Ngakaroro No 4 at Otaki in the District of Otaki’, 2 March 1880, ABWN 8910, W5278, Box 11, 1666, (R 25 286 184)
‘Certificate of Title – Ngakaroro No 5 at Otaki in the District of Otaki’, 14 April 1874, ABWN 8910, W5278, Box 11, 1703, (R 25 286 221)
‘Certificate of Title – Ngakaroro No 5A at Otaki in the District of Manawatu’, 14 October 1881, ABWN 8910, W5278, Box 11, 2413, (R 25 287 053)
‘Certificate of Title – Ngakaroro No 5B at Otaki in the District of Manawatu’, 14 October 1881, ABWN 8910, W5278, Box 11, 2225, (R 25 286 865)
‘Certificate of Title – Ngakaroro No 5C at Otaki in the District of Manawatu’, 14 October 1881, ABWN 8910, W5278, Box 11, 2226, (R 25 286 866)
Certificate of Title – Ngakaroro No 5D at Otaki in the District of Manawatu’, 14 October 1881, ABWN 8910, W5278, Box 11, 2227, (R 25 286 867)
Certificate of Title – Pukehou No 1, 19 May 1873, ABWN 8910, W5278, Box 11, 1672, (R 25 286 190)
Certificate of Title – Pukehou No 2, 19 May 1873, ABWN 8910, W5278, Box 11, 1673, (R 25 286 191)
Certificate of Title – Pukehou No 3, 19 May 1873, ABWN 8910, W5278, Box 11, 1674, (R 25 286 192)
Certificate of Title – Pukehou No 4E Section 1, 26 October 1881, ABWN 8910, W5278, Box 15, 2269, (R 25 286 909)
‘Certificate of Title – Pukehou No 5E at Pukehou in the District of Otaki’, 6 September 1880, ABWN 8910, W5278, Box 11, 1689, (R 25 286 207)
‘Certificate of Title – Pukehou No 5F at Pukehou in the District of Otaki’, 20 April 1874, ABWN 8910, W5278, Box 11, 1676, (R 25 286 194)
‘Certificate of Title – Pukehou No 5G at Pukehou in the District of Otaki’, 6 September 1880, ABWN 8910, W5278, Box 11, 1677, (R 25 286 195)
‘Certificate of Title – Pukehou No 5H at Pukehou in the District of Otaki’, 2 May 1874, ABWN 8910, W5278, Box 11, 1678, (R 25 286 196)
‘Certificate of Title – Pukehou No 5L at Pukehou in the District of Otaki’, 6 September 1880, ABWN 8910, W5278, Box 11, 1690, (R 25 286 208)
‘Certificate of Title – Pukehou No 5M at Pukehou in the District of Otaki’, 6 September 1880, ABWN 8910, W5278, Box 11, 1691, (R 25 286 209)
‘Certificate of Title – Waihoanga No 1B at Otaki in the District of Otaki’, 6 September 1880, ABWN W5278 8910, Box 11, 1693, (R25 286 211)

‘Certificate of Title – Waihoanga No 1C at Otaki in the District of Otaki’, 6 September 1880, ABWN W5278 8910, Box 11, 1694, (R25 286 212)
‘Certificate of Title – Waihoanga No 2B at Otaki in the District of Otaki’, 6 September 1880, ABWN W5278 8910, Box 11, 1696, (R25 286 214)
‘Certificate of Title – Waihoanga No 3B at Otaki in the District of Otaki’, 6 September 1880, ABWN W5278 8910, Box 11, 1698, (R25 286 216)
‘Certificate of Title – Waihoanga No 4A at Otaki in the District of Otaki’, 9 June 1877, ABWN W5278 8910, Box 11, 1633, (R25 286 151)
‘Memorial of Ownership’, Upper Aorangi No 1, 26 March 1878, ABWN 8910, W5278, (R 25306022)
‘Memorial of Ownership’, Aorangi 1 Sections 1, 2, 3, 4, 7 & 8, 13 December 1879, Archives NZ, Wellington, ABWN 8910, W5278, (R25 305 994)
‘Memorial of Ownership’, Aorangi 1 Sections 5, 6, & 9, 13 December 1879, Archives NZ, Wellington, ABWN 8910, W5278, (R25 305 993)
‘Memorial of Ownership’, Aorangi 1 Section 2, 13 December 1879, Archives NZ, Wellington, ABWN 8910, W5278, (R25 305 997)
‘Ngakaroro and Kaitawa Survey Districts – Maori Land Plan ML 2576’, 1912, AFIH W5731 23026 Box 52, (R 22 521 941)
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‘Petition 199/32 of Pura Ruruhira’, ACIH 16036, MA1 108, 5/13/15 Part 2, (R 19 525 075)
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'From: Deputy Inspector of Surveys, Wellington. Date: 1879. Subject: Forwarding maps of Waihoanga No 4, Wairarapa, Ngakaroro, 1A, 1B, 1C, 2A, 2B, 2C, and 2E and Ngawhangutu No 2 Blocks for transmission to the Native Land Court', 1879, MA-MLP 1 4, 1879/95, (R 23 830 390)

'From: A Dickey, Auckland, Date: 10 June 1875. Subject: Certificates have not yet been issued', 1875, MA-MLP 1 3 1875/234, (R 23 830 261)

'From: Alexander McDonald, Foxton. Date: 29 October 1880. Subject: With Bank receipts for £41.10/- retained by Mr Booth out of the purchase money of the "Ngakaroro NO 1B" Block on account of the interest of 5 grantees who have not signed the deed', 1880, MA-MLP1 8, 1880/716, (R 23 870 949)

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