

OFFICIAL

Wai 903, #A64(c)

Maori Reserves from the 1848 Crown

Purchase of the Whanganui Block

c. 1865-2002

(#A64)

Written Responses to Questions of Clarification

3 August 2007

Heather Bassett

Richard Kay

RECEIVED Waitangi Tribunal
07 AUG 2007
Ministry of Justice WELLINGTON

1. Question from the Crown:

The Wai 903 'Crown Memorandum Containing Cross Examination Outline for Technical Witnesses', dated 24 July 2007, posed the following question of clarification:

1.1(a) Question

'On page 11 it is suggested that Jerningham Wakefield arranged the New Zealand Company's deed in November 1839. Does the writer mean William Wakefield?'

1.1(b) Answer:

Yes, William Wakefield was the principal negotiator for the New Zealand Company at that time. Reference was made in the report to Jerningham Wakefield because the paragraph contained quotations from [Edward] Jerningham Wakefield's book, *Adventure in New Zealand*.

2. Questions from P.T. Johnson/B.D. Gilling:

The 'Joint Memorandum from Counsel for Wai 1051 and Wai 1254' (Wai 903 #3.1.331) contained the following questions of clarification

2.1(a) Question

'At paragraph 42 of their summary for the report, the authors state:

"It should be noted that the original Kaiwhaiki reserve was only said to be 100 acres, but the block which was brought before the Native Land Court included land to the north of the Whanganui deed boundary".

Could the authors please confirm the acreage of the Kaiwhaiki land situated to the north of the Whanganui deed boundary?'

2.1(b) Answer

Pages 211 to 213 of the report discuss the difference in size between the original reserve and the block subsequently brought before the Native Land Court. Unfortunately the sources located do not provide a figure for the number of acres north of the Whanganui deed boundary. The location of Kaiwhaiki in relation to the deed boundary is shown on the Main Index Map (p. 10 of the report). It can be seen on the map that approximately two thirds (a very rough estimate) of Kaiwhaiki lies to the North of the deed boundary. It may be possible to achieve an exact calculation

using GIS mapping data. While we cannot confirm the acreage, the description of the Crown purchase boundary given by Te Oti Takarangi at the Kaiwhaiki title investigation may be of some use. Te Oti Takarangi told the Native Land Court that the boundary line which he ('& 60 of us') pointed out to Park and McLean went straight from the "Kahikatea" at Tuarapuku to Puketutu and did not go over the ridge. This line was confirmed by David Porter, government surveyor.¹

2.2(a) Question

'At page 99 of the report, the authors establish that the Te Korito reserve was 27 acres. However, at page 115 of the report, Ms Bassett and Mr Kay state that the Te Korito reserve was 111 acres.

Could the authors please confirm the acreage of the Te Korito reserve within the Whanganui deed boundary?'

2.2(b) Answer

It is not clear whether any of the 111 acre Te Korito reserve in fact lay outside the Whanganui deed boundaries. The Main Index Map compiled by Grayson Neal Ltd, shows all of Te Korito lying within the purchase boundary (see footnote 458 p. 99). However, when the block came before the Native Land Court (see pp. 243-244 of the report) District Surveyor David Porter told the court that the boundaries of the block before the court were partly within the 1848 purchase and partly without. The Judge signed a memo that the reserved land lay south of a line from point A to point B on the plan, but did not specify the acreage of the southern reserved portion. We do not have a copy of a plan showing the marked line, and cannot confirm the respective acreage.

2.3(a) Question

'Counsel refers to the maps the authors provided on pages 206-210 of the report.

The authors have labeled a road as State Highway 4 ("S.H.4").

Counsel is instructed that this road is an unformed paper road and it is not the road that is used today. The road that is used today is called Kaiwhaiki Road and runs alongside the river.

¹ Whanganui MB 1C, 17 August 1869, fol 278.

Can the authors please confirm that the road they have labeled as S.H.4 is in fact the paper road?’

2.3(b) Answer

The maps referred to by counsel were drawn by Grayson Neal Limited, and were based on the ML plans listed at the bottom of each map. Plate 38 of the District Overview Mapbook for the Whanganui Inquiry District overlays the plan boundaries onto an aerial photograph. It can be seen on the photo that no road has been formed along the line shown on the plan. It is therefore correct that the line labeled as S.H.4 on the maps prepared by Grayson Neal is in fact a paper road.