

APPENDIX "A"

North Eastern Bay of Plenty Inquiry (Wai 1750)

Response to Post-Hearing Matters in #2.6.049

Relating To

'Twentieth Century Land Legislation and its Impacts'

(Wai 1750 #A32)

Bruce Stirling

10 December 2025

RECEIVED Waitangi Tribunal
11 Dec 25
Ministry of Justice WELLINGTON

Waitangi Tribunal – Points Raised in Wai 1750 #2.6.049 [at 42-46]

42. On 19 November 2025, during the course of Crown cross-examination, Mr Stirling confirmed that he had incorrectly referenced 312 ‘pounds’ instead of acres in the last passage of page 27. Dr Phillipson accordingly requested that a corrected passage be filed.

On review of the documents, I regret to say I need to withdraw my admission of error, made in response to Mr Linkhorn’s questions on this matter. When questioned, I did not seek to check the source cited and, like Mr Linkhorn, assumed that I had mistakenly ascribed a ‘£’ to the figure of 312. On review of the source cited I can clarify that what is stated on page 27 is correct. Or, at least, the source relied upon at footnote 37 has been correctly cited and, being a Supreme Court judgment, it can be considered reliable (see document bank, p.5443, and see also *Brocklebank v. Sharp SC Gisborne [1916] NZGazLawRp 13; (1916) 18 GLR 212*. URL: <https://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZGazLawRp/1916/13>).

This is a rare case of the same number appearing twice in relation to the same block but at different times and for quite different reasons. The area of 312 acres is correct in relation to the Crown’s 1907 acquisition of Kapuarangi 1 East 1 (312 acres) for a survey charge of £78 owing on Kapuarangi 1 East (11, 474 acres) (as noted at #A32, p.83). But the survey costs of £312 referred to on page 27 relate to the survey costs arising after 1907. Thus, the figure of £312 is correct for later survey costs on the remaining Māori land, being Kapuarangi 1 East 2 (11,162 acres). This figure is set out in the source cited at #A32, page 27, being an agreed statement of facts (or “Admissions”) included in the Supreme Court judgment cited at page 27. The figure of £312 6s. is listed there as being payable by the Crown, with another £447 14s. owed by the Māori owners; a total of £760, as stated at p.27.

As such, no corrected passage need be filed.

43. Referring to the document bank of Mr Stirling’s report (Wai 1750, #A32(d) p 5415 & 5416), Mr Linkhorn asked whether the rent paid by William Peryer for the Kapuarangi 1 East 5 lease in 1920 had been accurately stated (Wai 1750, #A32, p 31 & 32). Dr Phillipson requested that Mr Stirling confirm the rent paid by Mr Peryer in writing.

Peryer took over the lease in 1920. The document at page 5416 of the document bank (being a letter of 21 July 1920 from the Land Board's Registrar to Peryer's solicitors, Coleman and Coleman of Gisborne) acknowledges receipt of £714 for the nine years of rent owing to 31 December 1920. Peryer still owed a further £18 for the Board's commission. In the meantime, a copy of his lease was sent by the Board for registration, as his lawyers had requested. The payment of £714 was largely comprised of nine years of rent at £75 per annum, which accounts for £675 (the balance apparently being the Board's commission; see document bank, p.5419). The bulk of this rental payment went to discharge survey costs of £448 charged to the owners (see below).

My point about rent not having been paid applies to the period from January 1911 to mid-1920, when the nine years of back rent of £675 owing was finally paid. As the Board noted to Valentine Savage (an owner) in 1919, it had no rent to distribute (document bank, p.5420). In addition, after 1920, Peryer failed to pay the rent due for the subsequent four years, from 1921 to 1924 (as noted in #A32, p.32 and document bank, p.5468).

The letter of 21 July 1920 noted above also informs Coleman and Coleman that £447 14s. was still owed by the owners for Kapuarangi East 1 survey costs. When the share of this cost relating to the subdivisions of the block leased by Peryer was known, he was to be refunded that amount from the rental paid. This issue was also raised in a letter from Coleman and Coleman to the Board in July 1920 (see document bank, p.5418). In September 1921, the Board advised Peryer's lawyers that a total of £285 had been refunded to him from the rent he paid in 1920, to cover the survey charges (see document bank, pp.5412 and 5417).

Please note that the year given in footnote 60 at #A32, page 31, is incorrect: it reads 1910 but, as indicated by the text on page 31 preceding the footnote reference, the correct year is 1920.

44. Referring to pages 41 and 42 of Mr Stirling's report, Mr Linkhorn sought clarity on whether the hearing for the application for the incorporation Whakapaupakihi 2 in December 1907 was actually a relative interests hearing. Counsel subsequently asked whether the first hearing for incorporation was the resumed hearing in April 1909. Mr Stirling offered to put his response in writing.

Two incorporations are discussed at pages 41-42; Whakapaupakihi 2 and Whakapaupakihi 4. The Whakapaupakihi 2 hearing in 1907 related to a partition application. This was first called on 4 December 1907 (Opotiki MB 18, p.87), being adjourned to the 6th and then adjourned again to

the 14th (as noted at #A32, p.41, but please note that footnote 104 should refer to Opotiki MB 18, p.92, not p.91). The *Kabiti* confirms that the application for Whakapaupakihi 2 at that hearing was for partition (*Kabiti*, September 1907, p.530). Even so, the minutes indicate the partition application was in response to moves to incorporate the title. Those opposed to incorporation were seeking to separate their interests out from the interests being incorporated and the issue dominated the hearing. As noted at #A32, page 42, the partition application was withdrawn on 14 December 1907, in order to enable the proposed incorporation to apply to the entire block (see also Opotiki MB 18, p.124).

Regarding Whakapaupakihi 4, as noted in the last paragraph of #A32, page 41, the hearing of December 1907 related to a definition of relative interests. The *Kabiti* confirms the application was for this purpose (*Kabiti*, September 1907, p.533). As with Whakapaupakihi 2, the incorporation of the title was also at issue and was raised during the hearing (Opotiki MB 18, p.123).

45. Tribunal panel member Dr Robyn Anderson asked whether the Crown paid less for Māori land prior to the Māori Land Settlement Act 1905 (Wai 1750, #A32, p 69). Mr Stirling offered to present his response in tabular form.

At a national level, the average increase in the prices paid in the period 1906 to 1910 – after enactment of the 1905 Act – was fifty percent (as noted in the source cited at footnote 214 on p.69). There are few Crown purchases in this district in the period 1906 to 1910, so data on the purchases up to 1915 has been included (see #A32, p.74). There are also relatively few purchases prior to 1906, where Jane Luiten’s report (#A25) has instead been relied upon in relation to 18 purchases in the period 1881 to 1906. It should be noted that the price of £875 given in the table below for Whakapaupakihi 1 is derived from the purchase deed at Archives NZ. Jane Luiten relies on other sources for the figure of £775 but (as noted at #A25, p.168), the price paid was to be 2s. 6d. per acre for what the Crown understood to be 7,000 acres, giving a total of £875 which was paid. But, on later partition, the remaining owners successfully reduced the Crown area to 5,710 acres, which lifts the final price per acre to 3s.).

A table setting out the prices paid per acre in this district before and after 1906 is set out below. The two sets of Oamaru 1 to 7 purchases before 1900 have been grouped together as they were arranged together at the time of purchase (and, in the case of the 1896 purchases, arranged in a single purchase deed).

Wai 1750 Inquiry District – Crown Purchase Prices Before and After 1906

Block	Acres	Year of Purchase	Price (£)	Price per Acre (£ s. d.)
Whakapaupakihi 1	5,710	1881	875	3s.
Whitikau 1	10,960	1884	1,644	3s.
Oamaru 1A to 7A [awards for survey costs]	30,357	1889	2,014	1s. 3d.
Oamaru 1B and 2C to 7C	58,736	1896	5,874	2s.
Whitikau 2A	375	1898	49	2s. 7d.
Whitikau 3B2	10,210	1898	1,404	2s. 9d.
Total to 1881–1898	116,348		11,860	2s.
Whitikau 2B1 [award for survey costs]	78	1907	17	4s. 4d.
Kapuarangi 1 East 1 [award for survey costs]	312	1907	78	5s.
Kapuarangi 1 West	11,474	1908	2,868	5s.
Whitikau 2B2	199	1911	398	£2
Whitikau 3A4	523	1911	785	£1 10s.
Oamaru 3B	744	1911	370	10s.
Oamaru 4B	1,857	1911	695	7s. 6d.
Takaputahi	32,857	1912	35,986	£1 2s.
Oamaru 2B1	664	1913	415	12s. 6d.
Oamaru 7B	1,645	1914	625	7s. 6d.
Whitikau 3A2	362	1915	300	16s. 7d.
Oamaru 2B3	1,400	1915	700	10s.
Oamaru 2B7	190	1915	70	7s. 4d.
Total 1907–1915	52,305		43,307	16s. 6d

It could be argued that the relatively high price obtained for Takaputahi (a price forced on the Crown by competition from private purchasers) distorts the average after 1907. If that anomaly is deducted from the totals, we are left with 19,448 acres purchased for a total of £7,321, which reduces the average price per acre to 7s. 6d. per acre. This is still over 350 percent more than the pre-1900 average of 2s. per acre.