IN THE WAITANGI TRIBUNAL
OF NEW ZEALAND

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Te Paparahi o Te Raki District
Inquiry

AND

IN THE MATTER OF A combined claim for and on behalf
of the hapu of Te Waimate Taia mai

BRIEF OF EVIDENCE
JOHN RAMEKA ALEXANDER
Dated this 20th Day of August 2013

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TE WAIMATE TAIAMAI EVIDENCE
OLD LAND CLAIMS AND CROWN PURCHASING

INTRODUCTION

1  My name is John Rameka Alexander. I am a named claimant on several Wai claims currently before this Tribunal. The evidence I will be presenting is a collective brief of evidence on the issues of Old Land Claims transactions and Crown Purchases within the Te Waimate Taiamai and Kaikohe sub region. Our region has been particularly affected by these two very important issues and I wish to highlight from the outset that we estimate the hapu and peoples of Te Waimate Taiamai had lost 156,712.34 acres of land through the old land claims and Crown purchasing regimes by 1865.

2  In summary, the claimants had interests in over 320,223.72 acres of land in the Taiwhenua:
   i. About 59,000 acres was lost from the claimants rohe through Old Land Claims transactions;
   ii. A further 26,000 through surplus lands retained by the Crown.
   iii. 71,712.34 acres were lost by pre 1865 Crown Purchasing;

3  Thus approximately 50% of the lands were lost by 1865 and many more acres have been lost since. The hapu of Te Waimate Taiamai held mana whenua over the following land blocks which were the subject of Old Land Claims and Crown Purchasing and for which I will be giving more detailed evidence on. Obviously there are many more land blocks than the hearing time allows to be covered in depth so we have selected some of the key land areas and transactions which have also been the subject of some extensive technical research. They are:

   i. Puketotara (OLC, Surplus lands, Land Court and Crown Purchase)
   ii. Okokako and Kauaewiri;
   iii. Mokau and Manginangina; (Crown Purchase)
   iv. Okaihau No. 2; (Crown Purchase)
v. Mawhekairangi Okaihau No 1; (Crown Purchase)

4 This evidence does not propose to rehash the technical evidence but we have summarised parts of the relevant technical reports for ease of understanding and so the story can follow a logical path. We have attempted in this brief to put the technical evidence in the context of what was happening from hapu and rangatira points of view.

5 We have also added to some of the technical research through our own research. Further, in respect of the research entitled Report on Land Previously owned by Te Whiu Hapu Puketotara/Puketi (inland Bay of Islands registered as part of Wai 421) drafted by Rowan Tautari we have incorporated that evidence into the wider story of the Old Land Claims processes and Crown purchasing and give personal accounts of our families involvement in lands in the Puketotara area.

6 Our evidence also supports the proposition that the Old Land Claims investigation and award processes cannot be viewed in isolation of the numerous and vast crown purchases that also took place in our rohe. In short, when the two types of alienation of our lands are viewed alongside one another a dire picture is painted that relegates our hapu authority and tino rangatiratanga to one of being a source of a valuable commodity - land.

7 We believe it is clear that our tupuna involved themselves in land transactions with early settlers and the Crown because they sought the economic growth and prosperity it promised but did not deliver.

8 We also believe that many of the transactions were with select rangatira whom the Crown knew would be willing to sell or at least not too oppositional and able to be manipulated and influenced. This selective approach to all the processes surrounding the transactions and alienations was in our view a grave breach of the rights and promises held out in the wording and the surrounding discussions during the signing of Te Tiriti and the Treaty.
9 Our evidence supports the proposition that pre treaty land transactions took place within the existing Maori systems for exchange of goods and the allocation of use rights to resources. Every exchange had reciprocal determination of appreciation or value.

10 Land was transacted with Pakeha as part of incorporating them into their host community as well as to provide for the children of missionaries.

11 Pakeha were allocated land within the Maori customary framework whereby an ongoing and mutually beneficial relationship between the Pakeha guest and the Maori host community was expected.

12 Where Pakeha were allocated land and resources, that allocation was conditional on some or all of the following:

   i. The resident Pakeha living on the land and amongst the Maori right holders;

   ii. Land being allocated for the Maori children of the marriage alliances between Maori and Pakeha;

   iii. Extensive ongoing use of the land by Maori;

   iv. Continued Maori occupation of the land;

   v. Further payments being made;

   vi. Maori control over the lands resources and wahi tapu;

   vii. Where relationships broke down, or Pakeha abandoned the land, Maori also exercised their right to resume the land or transact it with others.
PUKETOTARA LANDS

13 The Puketotara block formed part of the lands that James Kemp transacted with Ngai Tawake Rangatira for land in the Kerikeri and Waimate area. Commissioners Godfrey and Richmond recommended a Crown grant to Kemp of 1078 acres at Waipapa. Governor Fitzroy extended this acreage to 5000 acres in 1844. When eventually surveyed the claim area (including Kemps grant) contained 18,417 acres.

14 Kemp tried to ensure the survey did not take in Te Whiu land. Bell overrode this stating that no settler could be allowed to return land to Maori already bought. Bell retained approximately 4,000 acres of the land as surplus and rejected Rewa and Moka’s request for a reserve for their Ngai Tawake interests.

15 In summary:
   i. Te Whiu were not a party to the original transaction;
   ii. Te Whiu did not give evidence before Bell;
   iii. Bell did not inquire into Te Whiu interests or any other hapu interests in the land but must have been aware of ‘other’ interests by virtue of Kemps attempts to exclude their lands;
   iv. The land taken as surplus was un-surveyed and Bell took no steps to have the land surveyed;
   v. Te Whiu continued to occupy the land and had it surveyed in 1866 to take it before the Native Land Court. Judge Manning heard the claim initially and then Judge Munroe heard it later and recorded the Te Mata Block as surplus lands and dismissed the application.
   vi. This matter was raised by Te Whiu in 1891, with premier Seddon in 1895 and Houston in 1907. More than 80 years after Kemp’s transaction, and over 60 years after the hearing of Kemp’s claim by Bell, Te Whiu claims finally came before the 1920 Native Land Claims Commission.

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1 Not with the Sword but with the Pen” B Stirling and R Towers, Wai 1040 # A9, pg. 938
2 Rangahaua Whanui District 1 Auckland; page 96
vii. The 1920 Commission suggested some doubt as to the Crown’s claim to the land. In contrast, Maori were found to have been consistent in their claims to the land.

viii. A compromise deal was struck between the Crown and the claimants where some of the land was returned to Maori, while the rest remained Crown land.

ix. The Native Land Court had the task of identifying the Maori owners of the land, and the Commissioners noted that if Te Whiu were found not to be the owners of the land, it should be awarded to those found to have ownership rights.

x. The Reserves and other Lands Disposal and Public Bodies Empowering Act of 1920 (s.80) put that arrangement into effect.

xi. The Native Land Court awarded the land to 386 persons named by elders in 1921.

16 The settlements reached by the 1920 Commission recognised that some doubt existed as to whether Maori title to some surplus lands was ever properly extinguished by the transaction, let alone properly taken by the Crown. It is significant that the Commissioners pointed out the possible doubt on the Crown’s behalf as to its own claim to Puketotara. Yet, the decisions were, in the end, compromise deals. Though there may have existed some doubt as to the strength of the Crown’s claim, no fundamental challenge to it was accepted.

17 Despite the doubt about the Crown’s right to the land, the Crown’s claim was allowed and it kept significant areas of the land implying that it too had just as substantive a right to the land as Maori. The compromise deals look more like the acts of grace than the result of the Commission (let alone the Crown) accepting the validity of the Maori claims to their lands.
18 Hone Peeti who was from Waimate/Rangaunu, submitted a petition to Parliament in 1891 which stated that Te Whiu continued to occupy the lands despite Judge Munroe’s dismissal of their application. He also noted that the hapu had advertised their ownership in the Kawakawa newspaper issued on 24 November 1880 to prevent timber leasing cutting rights without hapu permission and that Gum diggers all paid their royalties to Te Whiu.³

19 The Native Land Courts proceedings then came under review by the Rees Commission. Hone Peeti gave a thorough explanation of the situation that had arisen regarding the Puketotara Block. He stated:

*I shall now refer to the case of some land that was obtained a long time ago, before the Government were constituted. This land went to Europeans at the time that the Maori’s were ignorant of land dealing, the land being sold without a clear knowledge as to its position. Then when the Government came to the country, and the Treaty of Waitangi was established, the Government began to buy land. From about the time of the signing of the Treaty of Waitangi down to some twenty years ago, inquiries were being made as to the lands that were sold. For twenty or thirty years inquiries were going on as to the purchases made in that way by Europeans. The Government then determined what portions these Europeans should get to represent what they bought, and the residue of the lands the Government kept its hands upon. The government called these lands the “surplus lands”. My remarks will now bear upon such of these lands as I myself and my people are interested in. There was a dispute long ago with regard to some land that was handed over by our people to certain Europeans. At that time no surveyors had arrived in New Zealand. At length the Europeans arranged with our old people as to the portion of land they should have and as to the portion that should be returned to our old people. Then, when the surveyors came to New Zealand they commenced to survey off the portions of land that were to go to these Europeans. The surveys were made, and a portion went to the Europeans and a portion came to us. But the Government made no such claim to the portion that came to us as they did in subsequent cases, by calling it “surplus land”. In another case the government specially notified what were the surplus lands; in this case, however, to which I have been referring, they did not do so. About thirty years ago we got this particular land surveyed and in the early days of the Native Land Court when Mr Maning was Judge, we had the case brought before the Court...nothing was done until 1889 when we again brought the case before the Court and we

³ Rangahaua Whanui District 1 Auckland, page 96
then found that the Government claimed the surplus land, and we also saw that it was marked as Crown land. At the time that this land was brought before the Court the Government agents were present, and they set up no claims to this land. It was the duty of the Government representatives to see whether or not the Government had any claims in respect of any case brought before the Court. I repeat they set up no claims. Yet in 1889 the Government claimed this land as belonging to itself....There are many blocks in a similar position to this, with this difference; that in no instance has this land been called "surplus land". We have been thinking about and seeking to understand why in the one instance I have described the Government should take our land from us in this way....we have sought and sought hard but are quite unable to discover any reason to justify the Government in what it has done. Therefore we think it is but right that the land that was wrongly included in this purchase should be returned to us. In all the times past we have worked this land, used it dwell upon it and leased portions of it and yet now we find there is this trouble about it. That is why I thought it proper on behalf of myself and people to lay this matter before the commissioners because they are inquiring into all matters in which there are troubles between Europeans and Natives.4

20 This led to a subsequent petition being filed regarding the Puketotara and eventually (some 30 years later) a further Commission was established to inquire into the matter.

THE 1920 SETTLEMENT OF THE PUKETOTARA BLOCK

21 The 1920 Commission recommended that Te Whiu accept only the western portion of the Puketotara block as customary land. The Crown retained the other half even though their claim was acknowledged as being doubtful.

MY PERSONAL RECOLLECTION

22 For today’s purposes I have some recall about being on Puketi, Mokau, Manginangina and Puketotara areas during the 1939 World War II era and later. I recall the topography, the tracks, the forest, timber milling, orchards, gardens, land development and livestock.

4 Extract of submissions of Hone Peeti to Rees Commission, Report of the Rees Commission AJHR, G-1 1891, pgs. 63-64 (Supporting documents page 1)
Over these periods I was close to the subject block Puketotara as our family lived adjacent to it on general land. I think I am one of the few present in recent times that was close to the block. We knew the lands as the Puketotara lands.

Prior to 1939 the family obtained a hut on 10 acres of tussock grass lands amidst 200-300 acres of dense mixed scrub tree species known as Hakea and acacia species. Hakea formed a natural fence line as cattle wouldn't willingly go through it. Hakea gave some degree of stock control and we had cleared access to water. It was an out back type of farm existence.

The original owner had cleared a few acres for his goats but it was poor danthonia and tussock grasses. The ironstone-derived soils of the area contained little humus and natural fertility as seasonal fires often swept the area. This was adjacent to the land commonly known as the Puketotara block. The Puketi forest was close by to the North West. There was only the Puketi forest and miles of scrub.

What proved to be the Puketotara block was somewhat different as it was short scrub and gum land and every now and then the cattle would get out and we would have to go over Puketotara to round up stock. There was also the roadway from Kaeo to Okaihau but it was just a dirt track in those days. There was another cross track from Kerikeri to Hokianga. This is in the vicinity of the waka portage route between the eastern and western harbours.

That is how we came to know the Puketotara lands but we didn't really understand the position of the Crown at that time.

In the early 1940’s the New Zealand army moved in their local artillery division where for weeks they used the Puketotara lands as target training grounds. Before this we had to get stock away from the zone. That is when we really became aware of the extent of Crown ownership in the district.

The English and the Americans also camped in the area and also used adjacent land for field manoeuvres and live artillery training. Because they had generally
churned up the land with their manoeuvres, artillery and mobile camps the blocks became a source of controversy and dissatisfaction among Maori.

30 Not long after the war it was rumoured the Puketotara area was to be developed for farming purposes. The Maori Affairs Department made moves to carry out that intention, and eventually in cooperation with the Lands and Survey Department they did.

31 Alfred Alexander my elder brother and a Mr. Johnson who is also a Hapu relative both unsuccessfully tried to purchase Puketotara lands to farm it. My brother and Johnson applied to obtain the block before it was brought in to the Lands and Surveys control.

32 As it was a Lands and Survey development block it doesn't fall into the technical evidence on land development prepared for this Inquiry.

33 It was understood that the block was being developed for Maori owners but it was not realised it was meant to apply to any Maori. We understood it would apply to Te Whiu Maori. In any event it never went to any Maori.

34 Because it was under Lands and Survey it appears that it was never ever handed back to the Maori Affairs department properly and the Maori Affairs said that it could not find local Maoris capable of administering the farms and of course they didn't take any notice of Alfred or Johnson or other capable candidates. There are a dozen people that come to mind that could have farmed the land effectively.

35 The farms developed weren't for Maori, certainly weren't for Te Whiu, and so I believe they went into a general ballot system.

36 No Maori were awarded any of the seven farms. One Maori farmer bought in as a private purchaser. He is the only person with a relationship to Te Whiu that got anywhere near farming on the Puketotara lands. He purchased from the previous pakeha owners.
Pungaere block is to the north and Omawake and Wiroa is to the south of Puketotara.

My grandmother and grandfather and the family were removed from the land in the early 1900’s and she died as a result of being torn from their homelands. All the kainga they had all over there made it settled country and to be removed off it broke my grandmothers heart and she died within a matter of months. everyone living there at the time got removed.

My grandmother’s name was Kahuwhero Piraka Rameka (Of Motu Koraha, Ngati Tautahi and Ngati Rehia) and my grandfather was Hone Rameka (Ngati Rehia me Te Whiu).

Te Whiu and other Hapu Interests in Puketotara

There is still some uncertainty in peoples memories when one refers to Te Whiu. It also raises the statement who is not Te Whiu?

Te Whiu can be identified as the descendants of the three children of Turou and Tumoana. The progenitors of the Te Whiu people. Turou may also be identified as being of Te Wahineiti (Ngati Awa) descent.

Ko Mataatua te waka, nga tangata o runga ko Puhikaiariki, Te Wahineiti, Mirukaiawha me Toroa…Ko Toroa i waiho atu i Whakatane. Mataatua is the canoe, chiefs on board were Puhikaiariki, te Wahineiti, Mirukaiawha me Toroa. Toroa was left at Whakatane.

The three children of Turou and Tumoana were Punga, Tirarau and Whaeapapa.

The Mataatua now rests at Takou Bay. Descendants of the chiefs spread through out the land and were occupiers of fertile lands at Waimate North in the late 1700’s. However a serious indiscretion by a member of the Ngati Miru hapu
brought wrath down on Ngati Miru and associated hapu Te Wahineiti by the Ngapuhi confederation resulting in defeat and eviction from the Te Waimate Pa.

45 The survivors founded the nucleus of the renamed Te Whiu people. Their expulsion was reasonably shortlived, assisted by marriage, which allowed occupational rights from at least Waitangi to Rangaunu (Waimate North) to Puketi to Whaingaroa to Te Puna Inlet.

46 Because the Native Land Court in 1929 asked who held interests in Puketotara, 386 individual names were submitted. In relation to the 2448 acres the elders who drew up the lists must have known who were of Te Whiu.

47 The land court intended to focus in on just Te Whiu but the 386 owners were made up of Te Whiu people and others who are either closely related to Te Whiu and other hapu who had an interest in the land as well and/or because they gave money to pay for the case. The other hapu that can be identified as being associated with this claim in the Puketotara lands may include:

i. Te Maunga: People descended from the Ngati Pou leader, Te Maunga, who was driven out of Taiamai. He was not strictly Ngati Pou but was living with them at the time of the Piko conquest.

ii. Ngati Rehia: The early Ngati Rehia of north-west Bay of Islands were closely allied by marriage and have bloodlines to Ngati Kahu (Whangaroa and north east). They became assimilated into Ngapuhi in the 1800’s and are also descendants of Te Wakehaunga.

iii. Ngati Tautahi: Descendants of Tautahi, son of Mahia and Te Hau of Ngapuhi who occupied a large area form the Bay of Islands to Kaikohe.

iv. Te Whanau Tara: A hapu known to occupy an area around Kaikohe and Mangataraire and closely associated with Pukenui (Te Ahuahu).

v. Te Uri Taniwha: Descendants of Maikuku (from Rahiri and Ahuaiti of Pouerua), and Tawakehaunga from Ruanui/Nukutawhiti, through Hineira II and Purahu.
vi. Ngati Korohue: Some remnants of Ngati Pou that relocated to Te Ahuahu and Te Waimate and became known as Ngati Korohue.

vii. Ngai Tawake: Descendants of Tawakehaunga, who retraces seven generations to Ruanui and Nukutawhiti. Pehirangi, granddaughter of Tawakehaunga, married Auwha and begat Te Hotete, who is father of Kaingaroa and Hongi Hika through two different wives.

viii. Ngati Hineira: Rangiheketini, of Pouerua, and Aongua bore a son Tupu a Rangi (founder of Ngati Rangi hapu) who in turn bore Hineira whose descendants founded Ngati Hineira hapu.

48 They are all associated with the Waimate Marae. Other hapu from outer areas include:

i. Ngati Hine: A closely associated neighbouring hapu whose descendants are from Hineamaru, daughter of Torongare (son of Maikuku and Hua).

ii. Ngati Uru of Whangaroa and

iii. Te Popoto of Utakura

EXTRACTION OF NATIVE TIMBER FROM PUKETOTARA

49 On the 16th of July 1927 Hone Toia, Hone Rameka and Hariata Rameka⁵ and others wrote to the Tokerau District Maori Land Board requesting to have granted a right to work the timber on the Puketotara block for a sum agreed by some of the Te Whiu. They had agreed to Hone Toia paying a royalty of 2/- per 100 feet and expressed concern that if the timber was left too long that it may be consumed by fire causing a big loss to the owners.

⁵ Misspelt Hariata on the record.
The proposal anticipated that Hone Toia would pay the money to the Board after measurement of the timber had been taken. The cutting rights were to include Kauri, Totara, Puriri, Matai, Rimu, Kahikatea, Miro and other timber.\(^6\)

Judge Acheson is recorded as directing a reply to the application reminding them that the Court with the approval of the owners issued an injunction on the 21\(^{st}\) of March 1927 restraining any cutting or removing of the timber on Puketotara for a period of one year. The Board cannot agree to any cutting unless a meeting of assembled owners approves first and suggested Hone Toia lodge an application to the Board to call a meeting of assembled owners and advising the fee would be £5, which would need to be paid with the application.

In the report of the registrar to the Judge it was noted that:

i. An order in Council prohibiting alienations of the Puketotara block was revoked on the 9\(^{th}\) of July 1923;

ii. An interlocutory injunction order regarding the timber on the Puketotara block.

iii. On the 20\(^{th}\) of August 1925 the Native owners requested that the Court allow them to sell the timber on the block to provide funds for re-pegging of boundaries. The Court decided that there was no necessity for further survey - timber on the land was said to be worth £700.\(^7\)

The reply from the Court as directed by Judge Acheson was sent to Hemi Toia on the 6\(^{th}\) of August 1927.\(^8\)

On September 17\(^{th}\) 1927 Whautere Witehira wrote to the Board advising that the highest price offered for timber was 2/6 per 100 feet and requesting the Board call a meeting of owners.\(^9\) On the 22nd of October 1927 Whautere and Tame

\(^6\) Letter from Hone Toia, Hone Rameka, Harata Rameka and others to the Native Department 16 July 1927 (Supporting documents page 2)
\(^7\) Puketotara Block Native Land Court report of file dated 26 July 1927 (Supporting documents page 3)
\(^8\) Letter to Hone Toia from the Registrar 6 August 1927 (Supporting documents page 4)
\(^9\) Letter from Whautere Witehira to the TaiTokerau District Maori Land Board re the Puketotara Block 17 September 1927 (Supporting documents page 5)
Wiremu made a formal application with the motion to be put to the assembled owners.10

Watihana Hau was one owner who wrote to the Court stating he and a number of other owners residing in Whangarei did not agree to the sale of timber at the price suggested (by Hone Toia) at 2/- per 100 feet as a European in Whangarei was offering 9/- to 19/- per hundred feet for kauri and 9/- for rimu.11

On the 11th of November 1927 and without having held a meeting of owners as formally applied for Judge Acheson directed the registrar of the Court to advise Whautere Witehira:

> that there is not much chance of the Board approving of any proposal to pay for the timber on Puketotara on a royalty basis, as the Board's experience shows that there is always a great deal of trouble in checking quantities, and it is impossible to pay anyone to do the checking when the quantity is so small and the bush will be cut at irregular times. The Board desires to have a straight out sale of the timber on a cash or partly cash basis. Apart from this some of the owners are already objecting to a royalty basis of 2/6 a hundred. The Board thinks it better for Whautere to take his £5 fee back rather than lose it…[illegible]

The draft also directs the registrar to ask him to say whether under the circumstances he still wishes the meeting of owners to be held.12

There are a couple of concerns regarding this series of correspondence. Firstly there is no record that we have discovered of any owners objecting to a royalty basis for the cutting of timber, only the objection of Watihana Hau and others to the price. Secondly the price Watihana was referring to was that offered by Hone Toia not the higher price offered by Watihana and even if there was any written objections known by the Board at this stage a meeting of the owners was the appropriate avenue to establish whether the majority of owners supported the application or not.

On the 3rd of December 1927 Whautere Witehira responded to the Board referring the difficulties the Board had identified and stating that Tame Wiremu

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10 Tono kia Karangatia he huiga o nga tangata no ratou te Whenua i raro i Wihi XVIII o Te Ture Whenua Maori, 1909, dated 22 October 1927 (Supporting documents page 6)
11 Letter from Watihana Hau to Judge Acheson 31 October 1927 (Supporting documents page 7)
12 Registrar report to Judge Acheson and reply re Puketotara Block dated 11 November 1927 (Supporting documents page 8)
had suggested they advertise the meeting of owners when satisfactory arrangements could be arrived at with the Board. He also pointed out that there would be a large number of owners who would approve of the price.

Despite this the President directed a typed application be sent to him for signing and set the application down for a meeting of owners to be called in March in Kaikohe. A Notice of the meeting of owners was duly issued and the meeting was held on Friday the 9th of March 1928 to consider the proposed resolution:

*That a license to cut Kauri and Totara timber on the Puketotara Block be granted to Tame Wiremu for a term of two years, royalty to be at the rate of 2/6 (two shillings and sixpence) per 100 superficial feet for Kauri and Totara only.*

At the meeting an amendment to the resolution was put by Hone Rameka and seconded by Eruera Mihaka to include either classes of timber and that the resolution was to effect the whole area under timber. This amended resolution was carried.

The District Maori Land Board however records the resolution as being lost. This could be a reference to the original resolution as notified which was lost but the amended resolution was passed. In any event the Native Land Court minutes record Ahitopere Arena as waiting a long time to get timber for his house and posts for his fences off the land and notes there are other owners who need posts and perhaps timber for houses. Also there was one tree which the owners wished to fell and hew into a canoe.

Despite the support gained at a meeting of owners the felling of the timber does not appear to have been approved by the Tai Tokerau Land Board and indeed 11 years later the owners were still seeking to have timber from the block but

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13 Registrar letter to Whautere Witehira dated 10 January 1928 re Puketotara Block Timber (Supporting documents page 9)
14 Memo from Registrar to the Native Department attaching notice of meeting of owners 13 February 1928 (Supporting documents page 10)
15 Minutes of Meeting of Assembled Owners of Puketotara at Kaikohe on Friday the 9th of March 1928 (Supporting documents page 11)
16 Entry on Form of District Maori Land Board re Puketotara Block dated 9 March 1928 (Supporting documents page 12)
17 See note of Chairman on the Minutes of the Meeting (Supporting documents page 11)
18 Bay of Islands Minute Book No 9 , page 202  (Supporting documents page 13)
this time to build a Whare hui and Whare Kai at Rangaunu suggesting that the timber had not been felled and was still growing on the block.

64 On the 6th of April 1938 a letter was sent by Ahitopere Napia and Wihau H Napia the chairman and secretary respectively on behalf of the Puketotara Block committee19 thanking Judge Acheson for his permission to remove Kauri and Totara from the Puketotara block to build a Whare hui and dining hall for the people on Rangaunu No. 2. They sought 21,000 feet of timber and stated they would see to the sawing and building of the house themselves.20

65 Instead of a favorable or even encouraging response the Judge notes to the Registrar that:

“...letter is an astute attempt by ...Arena Napia and others to influence me to authorise the cutting of timber on this block despite previous court injunction...”21

66 A letter is duly sent to Ahitopere Napia from the registrar advising that Judge Acheson has not at any time approved of the timber on this block being made available for the meeting house, or other purposes for the Waimate North section of the owners. The letter notes that in past years there has been a lot of trouble over this timber and the Court had to issue injunctions forbidding any cutting or removal of the timber. On the last occasion (August 1935) the Court directed that the Consolidation Officers and staff surveyor prepare for the roading and partition of the block, but lack of staff has prevented this from being carried out.

Now that Consolidation has been started in the Kaikohe district, it is expected that matters affecting the Puketotara Block will be settled before long. The court will probably deal with all matters, including the timber, when it sits in Kaikohe next October, in the meantime it warns the people that the Courts injunction is still in force and that no timber must be cut or removed from the block...22

19 The members of the committee were Aperahama Kaiawe; Arena Ngawati Parangi; Anania Tane; Tamati A Napia; Taniora Ruhe; Kerei Mihaka; Wiremu Kaire; A Napia; Hone Toia; Tamati Shelford; Hone Haimona; Hone P. Karaka; Renata Kmene; Teihi Hei Hei; Pari Kooti; Ranga Hau; Henare Tuporo; Hira Honiana; Peka Otene Tamati Hapimana; Wire Aniha; Hami Maioha; Terangi A Napia; Pure Ueke; Wiremu Maraki (Supporting documents page 14)
20 Letter from Ahitopere Napia and Wihau Napia to Judge Acheson regarding timber for building Whare dated 6 April 1938 (Supporting documents page 15)
21 Note from Judge Acheson to Registrar 28 April 1938 (Supporting documents page 16)
22 Letter from the Registrar to Ahitopere Napia dated 27 May 1938 (Supporting documents page 17)
Again the owners were thwarted in utilising their own resources to their benefit.

In 1942 a further meeting of owners was applied for by Whautere Witehira and Winiata Rameka, son of Hone Rameka in September to again consider the felling of timber from Puketotara for building purposes. The meeting was held on the 1st of December 1942 at the Kaikohe Court house and resolved to assist certain owners with timber for housing including:

i. Roimata Hone Rameka;
ii. Ranga Hau; Kereihi Manotau;
iii. Pene Werohia;
iv. Ngawai Timoko;
  v. Whautere Witehira (for fencing posts);
vi. Mokonuiarangi Marae Renovations,
  vii. Utakura; Te Tii Mangonui Marae Renovations;
  viii. Waimate Marae Renovations;
  ix. and any other cases following which in the opinion of the committee is urgently necessary.

An advisory committee was also established for the purpose of assessing housing assistance needed amongst the owners.

Following this meeting the Tokerau District Maori Land Board wrote to Judge Acheson advising that no request for appraisal of the value of the timber had been made to the State Forest Service and that such an appraisal would be at a cost. It points out the resolution of the owners being unusual and asks the Court to give some indication as to whether it is prepared to confirm the resolution before the expense of a forest appraisal is incurred.

The Judge notes that:

23 Letter to Registrar of the Native Department from Whautere Witehira and W. Rameka dated 29 September 1942 (Supporting documents page 18)
24 Resolution of the Meeting of Owners for the Puketotara Block dated 1 December 1942; Minutes of Meeting of Owners (Supporting documents page 19)
25 Memorandum from J.H Robertson, Registrar Office of the Tokerau District Maori Land Board to Judge Acheson dated 14 April 1943 (Supporting documents page 20)
...it is very doubtful whether the Court will confirm the resolution because it seems to allow certain owners a privileged position at the expense of the majority of the owners.

In May of 1944, a year and 5 months after the meeting of owners resolved to use the timber for assisting owners and renovating marae the Conservator of Forests advises the Native Land Court that:

About the end of September 1943, Messrs. Lane and Sons Ltd., Sawmillers, Totara North, were urgently requiring logs to keep their mill in operation and made representations to my Head Office as to the timber on the above sections. The Inquiry was referred to the Under Secretary for lands, and on the assumption that the sections were Crown land, it was arranged for them to be gazetted Provisional State Forest for the purpose of dealing with the sale of the timber, and they were gazetted accordingly (N.Z. Gazette of 4th November, 1943, page 1271). On the 27th ultimo, however, the Commissioner of Crown Lands advised me that, although the sections were shown in his records as being Crown land, they are in fact Native land and were declared to be such (along with other Sections in the locality) by the provisions of section 80 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1920; steps are being taken to have the proclamation of the sections as Provisional State Forest revoked.

However, the sale of the timber was duly arranged with Messrs. Lane and Sons owing to the immediate need for totara sheathing for the National ship building programme, the timber being log scaled as felled for measurement. They have now completed the cutting, and the total quantity found to comprise:-

<table>
<thead>
<tr>
<th>Wood</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kauri</td>
<td>57,966</td>
</tr>
<tr>
<td>Rimu</td>
<td>130,338</td>
</tr>
<tr>
<td>Miro</td>
<td>446</td>
</tr>
<tr>
<td>Kahikatea</td>
<td>109,286</td>
</tr>
<tr>
<td>Totara</td>
<td>207,576</td>
</tr>
<tr>
<td>Matai</td>
<td>6,958</td>
</tr>
<tr>
<td>Puriri</td>
<td>10,808</td>
</tr>
<tr>
<td>Taraire</td>
<td>1,223</td>
</tr>
<tr>
<td>Rewarewa</td>
<td>355</td>
</tr>
<tr>
<td>Tanekaha</td>
<td>207</td>
</tr>
</tbody>
</table>

Total 525,163 bd. ft.
upon which this Service has placed a value of £1,370 deposit payments have been obtained from Messrs. Lane and Sons in respect of same and there is a balance of £170.

It is regretted that, in the circumstances, related action by this Service was taken erroneously, but the sale was made bona fide on the advice tendered to it that the area was entitled to be gazetted under the Forests Act, and I trust the Court will be able to take such steps necessary to ratify the sale of the timber, which I understand was in fact contemplated being placed in the hands of this Service for appraising. The purchase money can then be paid over to the Court less 10% administration, and the Consent of the Hon. Commissioner of the State Forests under section 35 (2) of the Forests Act 1921, furnished.

R.D. Campbell
Conservator of Forests

73 Some of the owners were advised of the loss of the felling of their timber on the 8th of May 1944 and asked to attend the next sitting of the Court at Otoria. A note on the file refers to none of the owners attending Court at Otoria and that the next step would be to call a meeting of owners and dispose of the funds.

74 Following this Eru Pou is asked to consult the block committee appointed at the meeting of owners to inform them of what had happened with a view to later calling a further meeting of owners to pass a formal resolution authorizing the sale to Lane and Sons and to consider the disposal of the moneys. The memorandum also states that the Minister has intimated that he does not favour the spending of money such as this on Meeting Houses except perhaps in special cases.

75 So essentially our people were prevented from using their lands in any way shape or form and at a time when housing needs and Marae renovations were considered by many of our leaders to be urgent. They were again prevented from using wood from their land because the Crown had effectively allowed a European company to trespass and remove all the mill-able timber.

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26 Conservator of Forests to Registrar of the Native Land Court dated 1 May 1944 (Supporting documents page 21)
27 Note of Memorandum for Conservator of Forests from Office of TaiTokerau District Maori Land Board and Native Land Court dated 8th May 1944 (Supporting documents page 22)
28 Memorandum from Registrar Auckland to Eru Pou dated 2 June 1944 (Supporting documents page 23)
A clue as to why this situation arose is possibly that there was no land transfer title registered for the transfer of the Puketotara Block from the Crown to the Maori owners only an unregistered freehold order of the Maori Land Court dated 9.6.21. In any event the complete failure of the Crown to ensure its own processes were duly followed and our rights and interests protected was brushed over. Very little significance was placed on this very large mistake, which apparently was of no consequence as far as the Crown was concerned.

At no time does there appear to be any consideration by the Crown to provide the actual timber from the block to the owners for their housing and renovation projects and instead it is anticipated that retrospective consent can be obtained for the unauthorised felling and the money transferred to the Board for use on other apparently more worthwhile causes.

Again the Crown completely ignored our rights on a number of levels and ensured that our families were forever on the back foot and actively prevented from exercising our rangatiratanga over our own properties.

When the committee met to consider the suggestion that they approve the sale of the timber they agreed that as the Government had dealt with the timber wrongly, the Government should pay for the timber with timber. They also resolved that the land at Puketotara be sold to the Government with land as payment. They wanted trees for trees and land for land and at no time agreed to authorise the sale of their timber in retrospect.

A meeting of owners was subsequently called by the Land Board for the 19th of February 1945 to consider the resolution that the timber on the block be sold at a price to be fixed by the State Forest Service and that the meeting consider the question of the disposal of moneys received from the sale of timber. So essentially we as the owners had to have a meeting to consider a resolution we did not propose to correct the Crowns mistake.

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29 District Solicitor of the Department of Native affairs to the Secretary, Head Office re Puketotara Development Scheme dated 12 December 1968. (Supporting documents page 24)
30 Minute to Registrar of meeting held by W. Witehira; Hare Arena and W. Rameka dated 12 July 1944 (Supporting documents page 25)
A number of owners were present at the meeting and the resolution that was eventually passed was:

_That sale of the timber on Puketotara Block made by the State Forestry Service be not approved, but that a special inquiry be authorised for wrongful sale of such timber and that compensation be paid for such wrongful action._

The resolution was signed by the Board representative Mr Cooper, and owners Winiata Rameka, Eruera Mihaka and Whautere Witehira. In the Memorandum sent to the Conservator of Forests from the Board advising of the resolution the registrar noted that:

_...the Board's representative was instructed to advise the Native owners attending to take a realistic view of the situation and not to indulge in any ideas concerning their rights in the matter, which might later be found to be not based on solid premises._

The Board was of the opinion that the native owners cannot expect to obtain anything further than the value of the timber as fixed by the State Forest Service.

Three of the principal owners applied to have an injunction issued prohibiting any of the owners from receiving any royalty monies due and payable to the native owners for the timber cut and removed without authority until proper inquiry and Judgment had been made by the Court. This application was made on the 7th of May 1945. But the Court had decided it could not consider or approve the resolution of the owners or the application for an injunction, as it did not have the jurisdiction.

The next step they took was to submit a petition to Parliament. The petition was signed by Kereihi Anihana (who is still alive and is one of the named claimants for the Wai 466 claim) and 14 others and sought legislation to be enacted directing the Land Court to enquire into this matter stating the points that:

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31 Resolution of Meeting of Owners dated 19 February 1945 (Supporting documents page 26)
32 Memorandum from the Tokerau District Maori Land Board to the Conservator of Forests, State Forest Service dated 9 April 1945 (Supporting documents page 27)
33 Memorandum from the Registrar at Auckland to Eru Pou, Native Department, Kaikohe dated 10 April 1945 (Supporting documents page 28)
34 Application for Injunction dated 7th May 1945 (Supporting documents page 29)
35 Petition to Parliament of Kerei Anihana and 14 others received 12 November 1945 (Supporting documents page 30)
i. The land contained dense forests abounding in timber of all descriptions and suitable for building and other purposes which would be to our benefit in respect to which the Court had made an order of injunction prohibiting the cutting of timber on this block and sale thereof so as to preserve for the owners the benefits derived from the land;

ii. Undue hardship is imposed by the lack of timber to build houses;

iii. They were unwilling to accept royalty monies offered because the monies did not reflect the full value of the timber taken;

iv. Their ability to obtain fencing materials for Land Development Schemes would also be limited to the value of royalties reducing the amount of fencing materials they would have had were they left with their own timber;

v. There is no bush nearby to supply their requirements; and

vi. The Europeans have done this without authority and against the law.

86 The petition was apparently dealt with by the Maori Affairs Committee and was referred to the Government for favourable consideration. When the matter came before the Cabinet Petitions Committee it was decided that the amount deducted by the State Forest Department for administration costs should be paid to the owners.36

87 Despite the Petitions Committee deciding that the 10% administration costs deducted from the sale price of the timber was to be paid to the owners they do not appear to have addressed any of the substantive concerns and requests.

88 The owners still did not agree to accept the money, and a further meeting of owners was again contemplated by the registrar to get acceptance of the payment.

89 Another year later the owners had finally buckled under the pressure and delays and probably under the hopelessness of achieving a result they actually wanted and passed a resolution (on the 12th of March 1947) to sell the timber at a fixed price and receive the sale proceeds.37

36 Memorandum from the Under Secretary of the Native Department to the Director of Forestry dated 2 April 1946 (Supporting documents page 31)
37 Resolution of Owners Meeting 12 March 1947 (Supporting documents page 32)
It is later recorded that “the voting was none too strong in favour of the resolution which requires confirmation of the Board as soon as possible”. The memorandum from the under-secretary noted:

As there are possible repercussions the resolution should be reported to the President or Judge for consideration as soon as possible. If he overrules the dissentients I think the sooner the distribution is made the better to clinch things.

The resolution was approved by 143 shares and voted against by 107 shares. Harata Hone Rameka an owner with 70 shares had already intimated that she would oppose the resolution. She was prevented from casting her vote in opposition as she had been considered deceased. My father had successfully sought a succession order at the Court, but for a different Harata Rameka (being my mother who had passed away in 1935). This mistaken succession record influenced the Court to prevent the living Harata’s shares being considered in opposition to the resolution.

So my mothers’ shares had been incorrectly attributed to the living Harata Rameka (Hone Rameka’s second wife). My family had succeeded to my mother’s shares, but Haratases shares were in fact undisturbed but the Board had failed to understand there were two Harata Rameka’s. Had her opposition been recorded against her shareholding the motion to accept the royalty payment and retrospectively approve the sale would have been lost.

It appears that the Judge of the Native Land Court was hesitant to confirm the resolution because of the doubtful vote mentioned in the report of the Boards representative, which could have possibly reversed the decision. The Judge suggested that he would like to meet with the new Conservator of Forests to discuss this matter.

The registrar suggested to the Under Secretary for the Native Department that:

it would be wise to allow the matter to remain in abeyance for a while and then call another meeting in the hope of resolution to sell

38 Memo to the Registrar from the Undersecretary of the Native Department? 22 May 1947 (Supporting documents page 33)
39 Minutes of Meeting of Owners in Puketotara Block dated 12th March 1947, page 2 (Supporting documents page 34)
40 Letter from the Deputy Registrar to the Registrar, Auckland dated 4 August 1947 (Supporting documents page 35)
being then passed. There seems to be a reasonable possibility of this happening. On the other hand, Puketotara is connected with the Puketi State Forest and the two matters bear to some extent on one another. For that reason it would be preferable to clear up the disposal of the Puketotara timber quickly and, if possible, in agreement with the owners. Another course would be to rectify the matter by legislation.\footnote{Letter from the Registrar at Auckland to the Under-Secretary of the Native Department dated 14 August 1947 (Supporting documents page 36)}

95 It can be concluded from the above that the Court was suggesting that the longer the time lapse for resolving the issue the more likely the Crown was going to get the result they sought.

96 The Native Department however did not want to wait and appears to not want to accept the owners stance on the issue, or chose to ignore it. In September 1947 they were pushing for a further meeting of the owners to get acceptance of the money paid suggesting that the Court point out that in the circumstances, it would be unwise for the owners to proceed in a court of law for recovery of damages.\footnote{Letter from Under - Secretary of Native Department to Registrar, Auckland dated 22 September 1947 (Supporting documents page 37)}

97 Eventually the Court rubber stamped the dubious majority decision when it came before it on the 13th of October 1947\footnote{Confirmation of resolution passed by Assembled Owners dated 13 October 1947 (Supporting documents page 38)} on the basis that the State Forestry appraisal figure of £1,370 and all costs being a sum of £28/10/- be paid by the Forestry Service.\footnote{Letter from the Registrar to Conservator of Forests dated 20 October 1947 (Supporting documents page 39)}

98 The proceeds of the sale were eventually distributed. But a letter from one owner who was deemed to be entitled to £1 in the end is a good reflection of the overall feeling amongst the families. It reads as follows:

\begin{quote}
Dear Sir,

I am writing to you in regards to the monies that the board is holding, for timber that was sold by them off the Puketotara block. I have been waiting a long time for my interest in it: I understand there is some dispute, and I should like to know by what authority the timber was taken off the block as I understand it has a full list of owner: And I for one had no voice in the matter: I suppose because we are Maoris the board treats us as children: It cannot be done with Europeans: I am asking for my money as I
\end{quote}

\footnotetext[41]{Letter from the Registrar at Auckland to the Under-Secretary of the Native Department dated 14 August 1947 (Supporting documents page 36)}
\footnotetext[42]{Letter from Under - Secretary of Native Department to Registrar, Auckland dated 22 September 1947 (Supporting documents page 37)}
\footnotetext[43]{Confirmation of resolution passed by Assembled Owners dated 13 October 1947 (Supporting documents page 38)}
\footnotetext[44]{Letter from the Registrar to Conservator of Forests dated 20 October 1947 (Supporting documents page 39)}
have a right to it, not having to wait the boards pleasure. I think “Truth” would like to get the facts and perhaps we would find out some of the working of the board. Trusting to receive your attention in the matter and receive enlightenment at an early date,
I am, yours faithfully
Katuku Richards

CONTINUING NEED FOR BUILDING MATERIALS AND ASSISTANCE FOR MARAE PROJECTS

99 Following the resolution of owners, a request was made to the Board by Heemi Witehira for assistance from the Board to help pay for the meeting house of Ngai Tawake at Mataraua. This was apparently supported by the Puketotara committee, as had been the whare renovations at Waimate, Utakura and Te Tii Mangonui.

100 The response from the registrar was that such works do not come within the scope of their Housing Loan Regulations and that the resolution of assembled owners re Puketotara monies does not provide for grants for any purposes, the decision being that the monies be distributed to the owners.

101 This response was unexpected by Witehira who wrote back to the Native Land Board at Auckland calling the Board’s attention to the fact that the matter has been discussed personally with the registrar of the Board and was then confirmed by him. The letter stated:

If you could recall regarding Puketotara...discussion (chat) to the registrar affecting the monies derived from this place Puketotara I feel that to assist with material and erection of this house is of vital importance. More so we are desirous that building is to be completed and that a Labour General Conference to be held before the next general election. Again you must remember that we as Consolidated owners were going to take legal steps over this matter but was quelled by your registrar under certain condition but with your acknowledgment of the 20th inst. It seemed that there is no inclination to that effect...

45 Letter from Katuku Richards to Tokerau District Maori Land Board dated 5 October 1947 (Supporting documents page 40)
46 Letter from Heemi Witehira to the Registrar 6 May 1947 (Supporting documents page 41)
47 Letter from Registrar to Heemi Witehira dated 20 May 1947 (Supporting documents page 42)
This suggests that the owners accepted the payment of the royalties for the timber on the basis of conditions regarding the renovations and building of meeting houses. Again the conditions were conveniently left out of the written records and subsequently ignored by authorities. Certainly the earlier resolution to fell timber for precisely these purposes had been prevented from being acted upon because of the Crowns mistake so it would make sense that the reasons timber was sought in the first place still existed in the minds of the owners even if it was some 5 years later.

And so ends the saga of the attempts of Maori owners of Puketotara to utilise their own resources on the land.

Despite all these hurdles and restrictions the owners were not interested in selling Puketotara but continued to be encouraged by the possibility of its development.

In 1950 a proposal to sell Puketotara at the current government valuation was unanimously refused. Further proposals in 1951 to sell the block to David Johnson and Henry Johnson, farmers of Ruatoria who had married into the tribal owners for £2000 was also turned down.

Land Development on Puketotara

In 1932 a report was sent to Sir Apirana Ngata by the Consolidation officer on the suitability of the Puketotara block for land development and concluding that the block merits serious consideration regarding its utility for development purposes.

A report was sought from the Department of Scientific and Industrial Research by the Native Department on the soil survey for the Puketotara block in 1933.

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48 Minutes of meeting of assembled owners dated 20th September 1950 (Supporting documents page 43)
49 Memorandum for Sir Apirana Ngata, Native Minister from Cooper, Consolidation Officer, Bay of Islands Dev. Scheme dated 21 September 1932 (Supporting documents page 44)
50 Memorandum for the Under Secretary, Native Department from F.N.C Callaghan for Secretary of the Department of Scientific and Industrial research dated 1st August 1933 (Supporting documents page 45)
108 By 1938 nothing had been decided and the owners were still being prevented from utilizing their lands by the Court declining partition applications pending the Department’s decision as to whether to develop the area as one block. 51

109 In June 1951 a meeting of owners was convened to decide whether to sell the Puketotara Block to Johnson who was married into the whanau. It was also proposed that the same meeting would also consider a sale to my brother, Alfred Alexander who was an owner.

110 In December of 1951 Johnson was advised that the president of the Board was going to inspect the Puketotara Block early in the new year and that he would be advised of the President’s decision after this inspection. 52

111 In February of 1952 the Judge is recorded as noting that the block is too large to be sold to any one Maori. 53

112 A report was received from the Inspector, which recorded that approximately 220 acres situated on the Northern boundary on the banks of the Kerikeri river was in mixed native bush. It noted that although all the millable timber had been removed there still remained a good deal of fencing timber suitable for posts and batons. The inspector had no doubt that this block could be developed and subdivided into 12 to 14 dairy farms, as the adjoining sections to the north and south were being farmed and a great deal of development work was at the time being undertaken by the Land and Survey Department on similar country. He suggested that the Crown purchase this country and hold it for future development when the Department are in the position to supply us with definite information as to the correct method of use. In his opinion the Johnson brothers only wished to purchase the land to hold it with the idea that its value will increase. 54

113 I believe this was pure speculation regarding the intentions of the Johnsons as Johnson was a very capable farmer and the department may have used the fact of him not being of the tribe as an impediment. But it appears to me it wouldn’t

51 Letter from the Registrar of the Native Land Court to J.V Wallace dated 3 August 1938 (Supporting documents page 46)
52 Letter from Registrar to D Johnson, 4 December 1951 (Supporting documents page 47)
53 Note of the Judge Pritchard, 18 February 1952 (Supporting documents page 48)
54 Report to the District Officer from W Peterson 30 June 1952 (Supporting documents page 49)
have mattered who it was they wouldn’t have allowed anyone associated with us to develop the lands.

114 On receiving Mr Peterson’s report Judge Pritchard considered that the matter now called for reconsideration noting he did not think the owners will agree to sell to the Crown merely for it to become Crown land but that when it is explained that 12 to 14 dairy farms are involved he thought they would say Taihoa for 10 years to see whether we can in that period get the Crown to develop it for Maoris.⁵⁵

115 On the 11th of November 1953 the District Officer wrote to Johnson’s solicitors advising that in view of the report by the Departments district field supervisor the Court is not prepared to summons a meeting of owners to consider the sale of this large property to one man.⁵⁶

116 The District Officer then wrote to the Maori Trustee in Wellington in December of 1954 informing them that various Europeans had also made attempts to purchase the Puketotara block but the Court had refused to approve a sale on the grounds that the block could be suitable for development and settlement of Maoris. ⁵⁷

117 Judge Clarke refused to approve a meeting of owners to consider a sale of the whole block to the Johnsons. However, he noted that he would consider calling a meeting of owners to consider selling part of the block to Mr. Johnson. He stated that it would be most unfortunate if the block were sold as there is only a limited amount of Maori land in the Tokerau District that is suitable for development and settlement of Maoris. He states there is a large ownership in the block and it is considered that this is a case where the Maori Trustee should entertain buying the block for the purpose of extinguishing the large ownership and with a view to retaining the land for the development and settlement of Maoris.

118 The District Officer later deemed that it was most desirable to retain this block for the settlement of Maoris. He recommended that the Maori Trustee organize the purchase of this block from the conversion fund at the amount of an up to

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⁵⁵ Note from Judge Pritchard to the Registrar 23 July 1952 (Supporting documents page 50)
⁵⁶ Letter from the District Officer to Mr Norman E Crimp 11 November 1953 (Supporting documents page 51)
⁵⁷ Letter from the District Officer to the Maori Trustee 2 December 1954 (Supporting documents page 52)
date special government valuation and noted that the C.M.V of this land would be about £4 per acre.\footnote{District Officer to the Secretary of the Native Department Wellington 22 April 1955 (Supporting documents page 53)}

119 The Secretary of the Maori Affairs Office wrote to the District Officer of Whangarei requesting a paper be submitted to the Board seeking approval to call a meeting of owners to consider a resolution to sell to the Crown on the condition that the farms eventually available will be for the settlement exclusively to approved Maori farmers but not for any particular group of Maoris.\footnote{Secretary of Maori Affairs Office to the District Officer of Whangarei 6 September 1955 (Supporting documents page 54)}

120 This was not my families understanding of the eventual arrangement. We understood that the development would be for Maori farmers who belonged to the area. In any event no Maori farmers got farms there.

121 The Department of Agriculture provided a report on the ironstone country for settlement to the Department of Maori Affairs and concluded:

\begin{quote}
"there is no difficulty in establishing and maintaining a good mix pasture on the ironstone country with the provision of hay and silage together with early cow calving, 100 to 150 lbs. of butter fat per acre should be obtained in good seasons on paspalum mixed pasture."\footnote{Letter to the District Officer of the Department of Maori Affairs from C.E Ballinger the Instructor in Agriculture 10 February 1956 (Supporting documents page 55)}
\end{quote}

122 In April of 1956 the Valuation Department valued the two parts of the Puketotara Block as being worth £5945.\footnote{Letter from W.B Maud Branch Manager of the Valuation Department to the District Officer of the Department of Maori Affairs 24 April 1956 (Supporting documents page 56)} I note this is quite a lot less than the £4 per acre estimated by the District Officer the year prior which would have netted approximately £8,784.

123 In May 1956 the Director General asked the Secretary of Maori Affairs whether any progress had been made with the owners and were they likely to sell to the Crown conditional on a certain number of farms being made available for Maori farmers. He noted the actions of the Maori are likely to have some bearing on
whether or not the Department would go ahead with its plans to acquire and de-
velop certain other areas of privately owned land in the locality.  

124 The Board applied to summon a meeting of owners to consider the following proposed resolution:

“That the Puketotara Block be sold to the Crown at £5945 for de-
velopment, sub-division and settlement of Maori farmers approved by the Board of Maori Affairs.”

125 The meeting of owners was held on the 30th of November 1956, the proposed resolution was carried unanimously. The Court confirmed the resolution of the meeting of owners on the 20th of February 1957 subject to the following modifications:

i. that the consideration be paid no later than the 5th of April 1957
ii. that the Crown as purchaser is to pay this sum of £28.10.0 owing for rates
iii. that the Crown pay all survey charges and registration fees to enable partition orders to be completed and registered.

126 The block was transferred to the Crown and was declared the Puketotara De-
velopment Scheme on the 23rd of April 1958. It was declared subject to the pro-
visions of part XXIV of Maori Affairs Act 1953.

127 The transfer title recorded 2196 acres being the block called Puketotara and be-
ing the whole of the land comprised and described in a freehold order of the Maori Land Court dated 9.6.21 by a meeting of assembled owners and by reso-
lution. The land was sold to the Crown for the sum of £5945. The resolution was confirmed by the Maori Land Court and the Board of Maori Affairs. The Maori Trustee was authorised to execute a transfer of said land as agent of the ow-
ers. The Maori Trustee executed the transfer of all of the estate on the 14 of November 1957.

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62 Letter to the Secretary of Maori Affairs from D.M Greig 15 May 1956 (Supporting documents page 57)
63 Statement of proceedings of meeting of assembled owners 30 November 1956 (Supporting documents page 58)
64 Extract from New Zealand Gazette 23 April 1958, No.26, P547 (Supporting documents page 59)
65 Document for Execution from the Maori Trustee dated 14 November 1957 (Supporting documents page 60)
The significance of the above is that the transfer of the land to the Crown was on conditions that are not recorded. That is for the development of the lands for our Maori/owner families from Puketotara to be able to farm. This does not feature in the written record. What does appear in the record is that the land was to be developed exclusively for Maori farmers. This formed the basis and reason for the sale to the Crown and this condition has never been met. In fact it was totally disregarded.

The Secretary for Maori Affairs sought confirmation for the Lands and Survey Department that they would develop the Puketotara Block noting that as the lands are now Crown lands purchased by the Board of Maori Affairs, the conditions under which the Lands and Survey Department would develop Maori lands would not apply.

Later the Department approved an application for mineral prospecting warrant for Crown Lynn Potteries Ltd on Puketotara Sec 18-25 (Blk XVI Kaeo Survey District). The Commissioner asks if there are any conditions the Department of Maori Affairs would like. In regard to the application for mineral prospecting by Crown Lynn Potteries Ltd, the Assistant District Officer writes:

"The land under part XXIV of the Maori Affairs Act 1953 is Crown Land so that there will be no necessity to ask for any conditions other than those you request for the balance of the land."

In the early to mid 1970's the Department of Lands and Survey produced a publication on Land Development in the Northern District that sets out details of blocks and a broad picture of land development in Northland at that time. It describes the Puketotara Development Scheme as having an original area of Crown land with 882ha added from Maori Affairs which will be handed back when developed. Settlement was planned for 6 dairy units and 1 sheep unit for Maori farmers 1977/1979. The balance of 4 sheep units for Crown Settlement is long term.

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66 Letter from J.H Sinclair the Commissioner of Crown Lands to the District Officer of the Department of Maori Affairs 20 December 1966 (Supporting documents page 61)
67 Letter from W Paki the Assistant District Officer to the Commissioner of Crown Lands 6 January 1967 (Supporting documents page 62)
68 Department of Lands and Survey publication, Land Development in the Northern District, pgs. 1-3 and 35 (Supporting documents page 63)
This is an example of the total removal of our whanau and hapu from the pur-view of the Crown in respect of our own lands. We did not feature at all in the later development and decision making over the Puketotara whenua. After being undermined for years in our attempts to use the land we had been successfully rendered completely invisible, irrelevant and silenced.

Mokau Crown Purchase

The Mokau Block was surveyed in 1858 and purchased by the Crown in 1859. It is located in the Puketi Forest area and it contained an area of 7244 acres.

We support the evidence of Vincent O’Malley in relation the Mokau Block and wish to provide further context to that evidence.

The Block was sold for £240 allegedly by one man Wiremu Hau who was the only signatory and allegedly nine other people signed by proxy. We wish to set the record straight on the sale of the Mokau Block. Wiremu Hau or Wiremu Hau was the individual who is recorded and often referred to as the seller of this land. He was a Rangatira of Te Whiu.

In later evidence the descendants of Wi Hau state that he did not sell the large Mokau Block but instead the smaller Mokau area. This confusion arose from the different names that were being used as we understood the land, (named Mokau by the Crown), to be Manginangina and Takapau. There were also two other Mokau blocks later determined to the North East. These areas are what we believe Wi Hau had intended to transact.

Added to this is that Wi Hau is recorded as being anxious to assist the Government in establishing a settlement here. This reason for transacting the land is important. The so called sellers understood they were selling a different area than that actually surveyed and for the specific purpose of establishing a settlement.

70 H.T Kemp, District Commissioner to Mclean, Chief Commissioner Land Purchase Department, 1 July 1858 (Supporting documents page 64)
For about 50 years after 1859 local Maori continued to freely occupy and utilise the resources of the block without disruption from Crown officials and use it for living, cultivation orchards, pigeon hunting and gum digging. Some of the evidence of this continued occupation is as follows:

Hone Rameka noted in 1934 at a Court hearing for Motukauri reserve that:

\[\text{He had been told by his ancestors about a dispute about the survey of the Mokau block, as a consequence the Crown took more land than the Natives sold.}^{71}\]

Tamati Arena Napia in 1934 at the Motukauri hearing:

\[\text{There were signs of occupation on the land sold to the Crown.}^{72}\]

In 1947 at the Myers Commission hearing he stated:

\[\text{That the 7224 acre block was really one block of land separated by the river, but with two different names for each side of it, Takapaupau for the south and Manginangina for the area to the north of the Waipapa River. He had been appointed as a kaitiaki of the forest, which continued to be freely occupied and utilized by local Maori until the early twentieth century.}^{73}\]

Nika Anihana stated to the Myers Commission that:

\[\text{He was 79 years old and belonged to the Te Popoto and Te Whiu Hapu. Both he and his parents had lived on the Mokau block, until the early twentieth century.}^{74}\]

Tawiti Aperahama, a nephew of Anihana, testified that:

\[\text{he had been born on the Mokau Block in about 1888 and had lived on it for about 20 years.}^{75}\]

Hone Toia testified to the Myers Commission that he had not heard of the 1859 sale until 1934 when he attended the Motukauri investigation of title at Whangaroa. His grandfather, Wi Takahi, had died on the land. Elders of his hapu had

\[\text{Extract from Northern Minute Book 65, 15 March 1934, Page 4 (Supporting documents page 65)}^{71}\]
\[\text{Extract from Northern Minute Book 65, 15 March 1934, Page 4 (Supporting documents page 65)}^{72}\]
\[\text{Report of Proceedings before the Royal Commission on the Mokau Block, 1 October 1947, Page 39 (Supporting documents page 66)}^{73}\]
\[\text{Report of Proceedings before the Royal Commission on the Mokau Block, 1 October 1947 (Supporting documents page 67)}^{74}\]
\[\text{Report of Proceedings before the Royal Commission on the Mokau Block, 1 October 1947 (Supporting documents page 68)}^{75}\]
lived on the block periodically until around the turn of the twentieth century, when the arrival of a forest ranger saw the people living in the area being ejected.\textsuperscript{76}

145 Tamati Mahia gave evidence at the Myers Commission that people worked timber on this land, and lived at Ketetawa. Those men worked timber. Ritete Te Poi was one of the workers; Tia Toa was also a worker, also Tomuri Awa. The last two named, Tia Toa and Tomuri Awa, were the owners of bullock teams which hauled the timber from the bush. Approximately 40 years prior.\textsuperscript{77}

146 When the Crown attempted to take possession of the block many of our tupuna immediately responded. Details of the various attempts to regain our land are detailed in the Crown Purchase report, however, some aspects I wish to draw attention to below.

\textbf{Protest From Crown Assertion of Ownership of Mokau}

147 Claimants on behalf of Te Whi and other hapu ownership presented petitions to parliament in 1902, 1935, 1943, and 1944.

148 The 1902 petition we have not located but it was referred to as being something that Hone Heke Ngapua had instigated. It also seems that this alerted the Crown to the Maori position and it was after this that a ranger was appointed to the Puketi forest and Maori occupation became controversial.

149 The 1935 Petition was made by Hone Rameka and others.\textsuperscript{78} It requested an investigation of an unjust act which:

\begin{quote}
\ldots we allege was wrongly taken when the land known as Mokau-Manginangina was sold many years ago. The land which we al-
\end{quote}

\begin{flushright}
\textsuperscript{76} Report of Proceedings before the Royal Commission on the Mokau Block, 1 October 1947, p132-133 (Supporting documents page 69)
\textsuperscript{77} Report of Proceedings before the Royal Commission on the Mokau Block, 1 October 1947, p134 (Supporting documents page 70)
\end{flushright}
lege was wrongly taken was known to us and our parents as Takapau. These lands are situated in the Kerikeri district, Bay of Islands. We affirm that this wrongful taking of our land Takapau was caused through wrong boundaries being laid down for the Mokau-Manginangina block. This wrong survey caused our land Takapau to be included in the Mokau-Manginangina sale. We state very definitely that this land was not sold by our parents or elders.  

In February 1937 some of the Mokau claimants met with Prime Minister Savage in Auckland, they presented a further petition on behalf of the committee that represented the owners of the Manginangina Block, the petition was seeking a judicial inquiry into their claims on the block as against those of the Crown.  

The 1935 petition was included among a number of matters referred to the Native Land Court for inquiry under sections 16 of the Native Purposes Act of 1937.

The Native Land Court under Judge Acheson heard the claims in 1939 in which included the submissions of Hone Rameka that:

i. the sale deed affected “Mokau” not “Manginangina” (including “Takapau”).

ii. Various sub tribes had rights in Manginangina.

iii. Even in the Ngati Whiu sub-tribe, many others were entitled besides Wi Hau.

iv. The vendors were not the true owners or the sole owners.

v. No proper enquiry was made in 1858-9 to ascertain who were the rightful owners.

vi. Crown officers had no right to accept Wi Hau’s statement that he was the owner.

In Judge Acheson’s report he observed:

The Court found the Petitioners’ case to be weak on technical and legal issues but strong on the moral issues involved. The Court found the Crown case to be strong on the technical and legal is-

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79 Translation of Petition No 158/1935, signed by Hone Rameka and others (Supporting documents page 71)
80 Vincent O’Malley, Northland Crown Purchases, 1840-1865, July 2006, Wai 1040 # A6, pg. 386
81 Vincent O’Malley, Northland Crown Purchases, 1840-1865, July 2006, Wai 1040 # A6, pg.387
82 Report Pursuant to Section 16 of the Native Purposes Act 1937 into Petition No.158/1935 of Hone Rameka Relative to the Takapau Block, pg 6 (Supporting documents page 72.9)
sues, but weak on the moral issues involved. The protection guaranteed by the Treaty of Waitangi to Maori tribes, chiefs, families and individuals in respect of their lands seems to have been overlooked by the Crown’s officers participating in the negotiations for the purchase of the land in question. An otherwise praiseworthy zeal to protect the Queen’s and the Nation’s purse seems to have thrown into the background and even entirely submerged the Crown officers’ collateral duty to protect the Queen’s and the Nation’s Honour. So 7224 acres comprising probably the lordliest Kauri Forest...in New Zealand was bought for a pittance (£240, or 8d an acre) from a few chiefs who by no stretch of the imagination could, in Maori custom, have been the sole and true owners.\footnote{Report Pursuant to Section 16 of the Native Purposes Act 1937 into Petition No.158/1935 of Hone Rameka Relative to the Takapau Block pg. 1 (Supporting documents page 72.4)}

154 Firstly, we agree with Judge Acheson’s statements in 1941 that the area labeled Mokau by the Crown is in fact a main watershed facing towards Hokianga, Taiamai, the Bay of Islands and Whangaroa.\footnote{Report Pursuant to Section 16 of the Native Purposes Act 1937 into Petition No.158/1935 of Hone Rameka Relative to the Takapau Block, pg 4 (Supporting documents page 72.7)} We acknowledge that the peoples from these respective areas also have legitimate claims to the whenua. The respective interests of numerous hapu do indeed intersect in this area. Some of the hapu with interests other than Te Whiu would include for example, Te Popoto, Ngati Uru, Ngai Tawake, Ngati Tautahi and others.

155 These interested groups were not consulted nor gave agreement to the survey and purchase of the block by the Crown. In this aspect alone the transaction cannot be regarded as legitimate as many of the interested right holders were not party to it.

156 The Court noted that the name Mokau must have been quite misleading to other than Ngati Whiu and found that although the sole right of the seller could not be proved Te Whiu were bound by the sale.\footnote{Report Pursuant to Section 16 of the Native Purposes Act 1937 into Petition No.158/1935 of Hone Rameka Relative to the Takapau Block, pg. 4 (Supporting documents page 72.7)} But again Mokau was a name for another part of the area and so even for Te Whiu people it would have been confusing.

157 We also agree with Acheson’s finding that Wi Hau had not intended to sell other tribes interests. We believe he intended to transact a much smaller area being the Mokau lands which included only a small part of the now Puketi area and al-
so parts located later to the north and east and also named Mokau. This is consistent with the Judges finding that:

It seems to the Court incredible that Wi Hau and other Ngatiwhiu chiefs should have seriously claimed the right to name and sell the portions on the other three sides of the watershed. The court thinks it more likely that Wi Hau gave the name Mokau to the Ngatiwhiu side of the 7224 acres. The Court cannot believe that Wi Hau or any other Ngatiwhiu chief would have seriously claimed the right to name or sell the Hokianga side dominated by the mana of famous Tamati Waka Nene, or the Whangaroa side where Hongi’s kinsmen held sway, or the southern side looking towards Okaihau and Kaikohe. 86

158 The Court also noted that it followed that the utmost care and the fullest enquiry on the part of the Crown’s officers were called for in 1858-1859 before they could reasonably accept the signatories as the persons entitled to sell the whole 7224 acres to the Crown. 87

159 With respect to Te Whiu, the judge noted that the Treaty of Waitangi had expressly guaranteed the rights of individuals and families, as well as the rights of tribes and chiefs. He found that the Crown’s representatives did not protect the rights of the families and individuals of Ngatiwhiu. He also goes on to state that the Chiefs of Ngatiwhiu did not protect them either and that the Court must therefore hold that the members of Ngatiwhiu are bound now by the acts of their chiefs in 1859 as to the actual fact of the sale. 88 We are comfortable with being bound by our Chiefs decisions. Again their decision did not involve 7224 acres but a much smaller area from which at least two reserves were to be created and the large remainder of the what is now the Puketi forest would have been excluded.

160 Further if Te Whiu are to be bound by their leaders undertakings then so must the Crown be bound by its numerous assurances it has failed to live up to, such as our reserves being inalienable, and our lands later defined as surplus being

86 Report Pursuant to Section 16 of the Native Purposes Act 1937 into Petition No.158/1935 of Hone Rameka Relative to the Takapau Block, pg 4 (Supporting documents page 72.7)

87 Report Pursuant to Section 16 of the Native Purposes Act 1937 into Petition No.158/1935 of Hone Rameka Relative to the Takapau Block, pg 4 (Supporting documents page 72.7-8)

88 Report Pursuant to Section 16 of the Native Purposes Act 1937 into Petition No.158/1935 of Hone Rameka Relative to the Takapau Block, pg 5 (Supporting documents page 72.8)
returned, our purchased lands becoming a settlement or township, and our developed farms on Puketotara being available to be handed back to name a few.

161 In September 1941 that Chief Judge Shepherd forwarded this report to the Native Minister.’ In Chief Judge Shepherd’s covering letter, he ‘was concerned that if the Mokau purchase could be attacked, Maori would be encouraged to enter into ‘fruitless and abortive proceedings’ to overturn other ‘contracts anciently entered into’, which would be, he thought. neither in their interests nor those of the Crown.’

162 Shepherd stated ‘if there be any foundation to the claim now being pressed that the other sections of the Natives were entitled to an interest in the land, their acquiescence, and that of their descendants, in the status quo for so inordinate a length of time must deprive the latter of a right to any measure of relief under that head’.

163 For those and other reasons as set out in the letter he could not concur with Judge Acheson, and made no recommendation to the Native Minister regarding the settlement of our claims.

164 Following the Chief Judges recommendation, no action was taken by the Crown to settle the matter. So in 1943 Tamati Arena Napia and 43 others again petitioned Parliament requesting that a full enquiry into the whole question be convened citing amongst other things:

i. The finding of the Native Land Court was that firmly and definitely the price of the said lands was unconscionable and even outrageous;

ii. That the Crown at such hearing refused to state the quantity of Kauri timber or its present value;

iii. That there was no effective Crown occupation of the said lands for 40 years after the alleged purchase;

iv. That Chief Judge Shepherds special pleading to overcome the direct findings of His Honour Mr. Acheson who had the advantage of hearing

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89 Shepherd to Native Minister, 15 September 1941, pg.3 Report Pursuant to Section 16 of the Native Purposes Act 1937 into Petition No.158/1935 of Hone Rameka Relative to the Takapau Block (Supporting documents page 72.3)

90 Shepherd to Native Minister, 15 September 1941, pg. 2 Report Pursuant to Section 16 of the Native Purposes Act 1937 into Petition No.158/1935 of Hone Rameka Relative to the Takapau Block (Supporting documents page 72.2)
the witnesses, and only transiently deals with vital and proved facts stating generalities;

v. That the Court stated that the Crown had failed to prove the sole right of Wi Hau to own and to sell the said block.

165 This petition was effectively ignored. So another was filed in 1944 signed by Tamati Mahia and 140 others, which again challenged Chief Judge Shepherds findings over Acheson’s who had made the inquiry. The petition stated:

The Court recommended the selling of the timber on the Block (other than that required for scenery-preservation) the proceeds to be paid to the Tokerau Maori Land Board to be held as a trust fund for the tribes entitled thereto, subject to certain conditions enumerated in the Court’s report. ... We... submit that the rejection of our claim and the rejection of the finding of the Judge who heard our claims and claims of our counsel for the tribes, was against the weight of evidence, that there was never any authority for the sale of the whole Block, that in the proclaimed blocks there are three or more tribes. We therefore pray that the whole question be investigated by an independent tribunal authorized to report direct to Parliament.91

166 This petition was referred to government but was essentially added to the pile of matters to be dealt with at some point.

167 By 1947 matters were brought to a head when some of our whanau pushed the issue by cutting down trees in the Puketi State Forest. This was reported as being for the purpose of providing timber for Maori housing. It must be borne in mind that at this time the timber that many of the same owners were prevented from using their timber on the Puketotara block and had been forced through continual Crown pressure and refusal to consider alternatives to accept money instead for the retrospective consent for the Crown to sell the timber. This took place through the 40’s and the acceptance of money was in March 1947. The felling of timber in the Puketi forest for the same purposes expressed by the owners of Puketotara began in May 1947 after a series of hui throughout Ngapuhi in which this action had been planned and widely supported.

168 Tamati Arena Napia (who was 73 at the time) lead the Ngapuhi bushmen in the actual felling of trees and is reported as:

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91 Petition of Tamati Mahia and 140 others. Petition No. 107/1944 (Supporting documents page 73)
declaring that he would place gangs of Ngapuhi bushmen throughout the forest who would fell the best kauri trees until forcibly stopped; that if he were arrested, he offered himself for arrest, another leader was ready to take his place.\textsuperscript{92}

169 The Northern News reported the occupation as:

\textit{Maoris have gone into the Puketi State Forest and begun cutting heavy kauri to provide timber for Maori housing. The action, believed to have been taken at the instigation of a Dominion-wide committee, is based on the claim that the Maoris still own a large part of the Puketi State Forest, never having been paid for it by the Government. After many meetings a party of 10 or 12 Maoris have been felling kauris over the last week . . . . an important native committee was formed and this body is believed to have given the word for cutting to begin. Officials did not know . . . . No authority had been given or even contemplated for entry into the bush by Maoris . . . . It is possible that the Maoris' action is being taken in an endeavor to force a decision on their claim for ownership of the forest. The committee organising the cutting of the kauris is believed to have as its purpose the immediate construction of houses for Maori families.}\textsuperscript{93}

170 Another petition was handed to Prime Minister Fraser during another meeting with him in Wellington regarding the Mokau Block. Amongst other things it stated:

\begin{quote}
You will understand that this is one of Ngapuhi's most important cases for Mr. Hall Skelton said that the value of the Kauri timber on this block is approximately £5,000,000… Judge Acheson forwarded a report of this case to the Chief Judge but was not favorably received by him. In consequence we lodged a petition in the year 1941…..

That there is no Deed for the lands called Takapau, Okorohaere and Manginangina…. However, this Tribe has been loyal to you since you entered Parliament and has considered that this bush will supply timber to build houses for us and our boys who returned from the war.

Ngapuhi at large.

Waimate Anaru
24/6/47
\end{quote}

\textsuperscript{92}E.R Blake (District Ranger) to Conservator of Forests, Auckland, 12 May 1947 (Supporting documents page 74)

\textsuperscript{93}Extract from Northern Advocate 9 May 1947 (Supporting documents page 75)
Again the issue of housing materials was expressed as an important reason. Finally, the culmination of these things had the desired effect and a Commission of Inquiry was approved by the Government. This Commission of Inquiry was headed by Michael Myers. The Inquiry began in October 1947.

Before the Commission hearing, Skelton who acted as counsel for one part of the petitioners wrote to the Native Department complaining that the terms of the commission were ‘so narrowly drawn as to shut out vital questions involved in this case and would prove abortive in arriving at a proper determination of the matters concerned.’ He indicated that he would be objecting to the Minister in charge of Native Affairs and would seek some adjustment to the terms of reference, concluding that the commission should commence after such adjustments had taken place. His request was ignored.

Unfortunately this did not achieve the result that was sought and the Myers Commission report more or less followed the thinking of Chief Judge Shepherd of the Native Land Court after the first Inquiry. So in the end after years of protest and petitions the Crown chose to ignore us.

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94 Letter from Skelton to the Department of Native Affairs, dated 29 August 1947, (Supporting documents page 76)
MANGINANGINA NATIVE RESERVE

174 A proclamation dated 12 August 1863 declared native title to be extinguished over the 7224-acre Manginangina block, with exception of ‘a Native Reserve containing 200-acres’. The reserve had not been defined on the plan attached to the deed, the text of the deed declared that ‘Two hundred acres of this land shall be granted to the Chiefs and people of the “Ngatiwhiu” Tribe, as a Home- stead and Plantation for ever which is to be surveyed by us, and pointed out by Henry T. Kemp, on behalf of the Government.’

175 In October 1878, following the survey of the reserve, a Crown grant for 200 acres was issued to Hone Peeti, Honetana, Honiana and Arena Napia, subject to the right of road being reserved to the Crown. Three of the grantees had been signatories to the Mokau deed, while the fourth, Arena Napia, was the son of Hare Napia who had also allegedly been a party to the 1859 transaction.

176 The Crown saw the ten chiefs who had signed the deed in 1859 as outright owners - despite the explicit statement in the deed itself that the 200 acres ‘shall be granted to the Chiefs and people of the “Ngatiwhiu” Tribe . . .’ however, the land was never recognized legally as Ngati Whiu hapu lands.

177 In 1914 The Railways Department (which had secured the right to mill over the remainder of the Puketi State Forest) told the Native Under Secretary that they would like the same right over the reserve. Regarding an application made to the Native Department ‘to secure the Railway Department the right to occupy Manginangina Native Reserve Section 1, Block XV, Kaeo S.D’. The application suggested that the right of the natives to occupy the reserve should be withdrawn and other land allotted to them in lieu. The General Manager says ‘I understand that the papers are before the Tokerau Native Land Board and . . . be advisable if you would kindly interview the Chairman of Tokerau Board before taking any steps in respect to the purchase of the land.’ The hand written note

95 Letter from the General Manager of NZ Railways to the Commissioner of Crown Lands dated 6 July 1914. (Supporting documents page 77)
at bottom of the letter dated 27.7.14 states: ‘President Tokerau Maori Land board advises land has been purchased for the Crown.’

178 The Mokau block plan does not show the reserve but we have located a map of the Puketi Forest enclosed in correspondence, which shows the location of the reserve and the locations of the Mokau No.1 and Mokau No. 2 blocks.

179 On 18 July 1914 the Tai Tokerau Maori Land Board sold the 200-acre reserve to the Crown for the sum of £100. We believe this sale was done without our peoples consent as just after the sale some of our hapu applied to have the land revested in them from the Board\textsuperscript{96} and Hapeta Hau wrote to the Minister William Herries stating that:

\begin{quote}
I am awaiting the decision of your Government with respect to the Manginangina Block. We do not consent to this £100, but we agree if the government would give £250 for this land and all the timber. There are 5,000,000 feet of Kauri and Totara timber, exclusive of Rimu, Matai and Kahikatea.\textsuperscript{97}
\end{quote}

180 Herries advised him that the land had already been sold, and that was the end of it as far as the Crown was concerned.\textsuperscript{98}

181 Again Manginangina was an issue that the Minister and the Government generally had not given our people any recognition on and this was in the 1915 period well before the later inquiries were established. Had the government inquired properly into the matter in the early part of the century it may have been a far more straight forward affair as many of the occupiers of the block would have still been alive and there may have even been some of the people named in the 1858 Deed still around.

182 Further to this the Tokerau District Maori Land Board seems to have sold our reserve without our consent. There does not appear to be any record of a meeting of owners to agree to a sale of the land to the Crown and evidence that the owners either wished the land to be revested or sold for a far higher price and reserving to them all the timber. These are not the actions of persons who have already agreed to a sale.

\textsuperscript{96} Under section 96 of the Native Land Amendment Act 1913 (Supporting documents page 78)

\textsuperscript{97} Hapeta Hau to Hon. Mr Herries, Minister of Native Affairs, 10 July 1915 (Supporting documents page 79)

\textsuperscript{98} Hon, Mr Herries, Minister of Native Affairs to Hapeta Hau, 28 July 1915 (Supporting documents page 80)
Apparently the consent of the owners was not a requirement the Crown could be bothered with.

**Value of Timber in Puketi State Forest Area**

The issue of the value of the timber in the state forest was a highly contentious one during both the Acheson Inquiry and the Myers Commission Inquiry. At various times either through correspondence, petitions or submissions of counsel, allegations were made that the Crown was actively misleading the Commissioners as to the real value of timber in the area known as Mokau.

In January of 1948 T Napia and Pene Tuwhare wrote to Tirikatene the Minister for Native Affairs challenging the plan submitted by the Crown to the Myers Commission and suggesting the method of measurement was also inaccurate in relation to the timber in the forest. They record that a Mr. Campbell the expert witness for the Crown, produced a plan that covered only 400 of the 7,200 acre block as having millable timber on it and that he said there was only 14,500,000 ft. of saleable Kauri timber and 9,000,000 ft. of other saleable timber. They referred to the Railway Department milling the area from 1912 - 1936 and requested a search be carried out of the Railway Department files to find out how much timber was cut out from the block. They challenged the evidence presented by the Crown to the Myers Commission as being absolutely inaccurate and made the point that the Crown gave no evidence of the timber value to the Judge Acheson’s enquiry.

They also requested an independent report be obtained and suggested that if the issues were not looked into carefully the Commissions report would be abortive as they have been misled by Campbell’s evidence and that this be dealt with a matter of urgency before the Commissioners finally put their report to the Government.99

I set out below some correspondence that tends to support these allegations.

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99 Letter from T Nepia and Pene Tuwhare to Hon. E.T. Tirikatene, dated 21 January 1948 (Supporting documents page 81)
A Timber Measurer wrote to the Commissioner of Crown Lands in 1909 regarding the valuation of the timber of the Puketi State Forest: He says there are 973 green kauri trees, 1'866'608 sq. ft. total. He says the timber is of a medium quality, the trees have been badly incised, a lot of gum removed and that there is very little other millable timber ‘what there is will be suitable for settlement’.

In a letter from the Under Secretary of Department of Lands and Survey to the Commissioner of Crown Lands dated 6 August 1912 the Under Secretary says that they have been advised that Cabinet has approved of the areas enumerated on the list attached to the letter (Blocks X, XI, XIII, XIV and XV Kaeo Survey District and blocks I and II, Omapere Survey District: Timber between 30 and 40 million sup. feet of kauri besides other valuable mixed timbers, say £60’000) as being reserved for railway purposes. The Under Secretary says that as these lists are only approximate the timber will need to be carefully valued, and asks that the Commissioner arranges the valuation of this timber.

In a letter from Crown Commissioner to Under Secretary for Lands dated 25 July 1912. The commissioner writes ‘the question of conserving this forest for the use of the Railway Department is a matter of considerable importance . . . as it is practically the last of the Crown’s largest kauri . . . and being fairly easy to work makes it a very valuable asset to the Crown . . . The forest is estimated to contain between 20 and 30 million ft. of kauri timber besides other valuable mixed timbers . . . making approximately the value of the forest under notice about £60’000.

The response to T. Nepia and Pene Tuwhare’s issues appears to have been the same response that the lawyers for some of the Maori claimants received on the same issue, that being that the Commission had completed its inquiries and had finalised and sent in its report and therefore is functus officio and there was nothing further it could do even if it considered that the question now raised was a material one.100

The fact of the Commission having concluded its inquiry however does in no way prevent the Crown from obtaining an independent report as to the valuation

100 Memorandum from Under Secretary of Maori Affairs to Hon. Tirikatene, dated 23 March 1948 (Supporting documents page 82)
information as suggested by Nepia and Tuwhare and taking this into account alongside the Commissions report. It does not appear that the Crown took these allegations seriously or did anything further in relation to this issue.

**Motukauri Reserve**

193 Motukauri was another area that was used by Te Whiu right up until 1933 for pigeon and kiwi. It was located on the eastern boundary of the Mokau block and left out of the Crown purchase of 1858.

194 In 1933 the Crowns title consolidation officer lodged an application to the Native Land Court to clear up the titles. After registration of all earlier titles there appeared to be an area of approximately 100 acres without any tittle. The Crown referred to this as wasteland. Te Whiu represented by Rameka referred to this as papatupu land.

195 During the court hearing the Crown attempted to claim the land even though previously they had confirmed that the Mokau Block purchase comprised 7244 acres and that this was the total acreage surveyed.

196 Judge Acheson was not convinced by the Crown’s case. His judgment finding:

> How can the Crown possibly claim now that it bought more land then was described in the Deed and shown on the Plan on the Deed and on Plan 230 dated 1866? The description and the plans quite clearly exclude the area now claimed by the Natives.

> Apart from the above, it is clear that the crown cannot claim Native papatupu land except on definite proof that the Native Title had been extinguished by sale, cession, proclamation or other proper process of law. No such proof has been given or even submitted in the case of this land.

197 The small victory became a short lived one as Hone Rameka had advised that because pigeons shooting was now prohibited they had no use for the reserve anymore and so a decision had been made to have the ownership to the land determined so that the block could be sold.
As mentioned at the end of my opening statement during hearing week 1, Hokianga, Whangaroa and ourselves of Te Waimate will be working collectively in a tripartite arrangement for Puketi and Omahuta forest matters.

MATAWEROHIA AND MOKAU NO. 3

The situation with Puketotara and Mokau was not unique. We have less information on Matawerohia and Mokau No. 3 but similar discrepancies in the Crowns claims and subsequent confusions also arise in relation to these lands. Hone Peeti records in 1891\(^{101}\) that:

*I wish now to speak of a block of land to which we who are here have a claim. It was land that was given for goods years ago, in the time of the Treaty of Waitangi. It was sold by one individual Native to this European, who gave goods for it. When the whole of the people came to know of this sale they objected to it. Then our old man before he died had compassion on this person who had sold the land. He had compassion on him from a feeling of relationship, and because the land that this person had sold without the consent of the people was kept, while the goods had been retained.

Then, what we are entitled to is the 900 acres that was surveyed, and declared to be in excess of the portion to which the European was rightly entitled. Some of the persons interested wanted to sell, but none did sell. We have a map of the land – that is to say of the 500 acres that went to the European and the 900 acres to which we are entitled.

It was then that we discovered, having sent in a public notification, that the Government had taken that 900 acres for itself – that the Government had taken the valuable timber that was growing on it, and had sold it to Europeans. Then Hare Napia and myself telegraphed to the Government warning against dealing with this land. That telegram was as follows [copy produced] : “To the Commissioner for Crown Lands, Auckland. – Protest against sale of kauri timber on Sections 18 and 29, Matawerohia. The land is not Crown land – HARE NAPIA, HONE PEETI.” We have seen in the Gazette a notification, dated the 18\(^{th}\) May, 1890, that the kauri upon the land was to be sold. Hence our protest. The Government had included our 900 acres in Mokau No. 3. The reply from the Commissioner was, “Cease your impertinent work. You will be summoned if you do this.” Then we sent a letter to Dr Pollen, but he did not listen to what we had to say, and the whole of the timber

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\(^{101}\) Extract of submissions of Hone Peeti to Rees Commission, Report of the Rees Commission AJHR, G-1 1891, pgs. 64 (Supporting documents page 4)
on that land was sold. Then, when we went into the Native Land Court we were informed that the land belonged to the Government, and the case was dismissed. It would not be tried at all by the Court. The map we sent to the Survey Office, and it was kept there. We sent it there to have the subdivision of the 900 acres confirmed, and it was kept there. I have gone fully in to the details, so as to place the matter clearly before the Commissioners. Then we sent a letter to the Government about the Puketotara Block. That is the first block I spoke about. The reply we received from the Government was that the land belonged to the Crown. That was all. There are a great many lands belonging to the tribes in the same position as these I have mentioned — lands that have been wrongfully taken by the various Governments.

838. In all these cases did the Government allege that they had purchase the land from the Natives? – No
839. Did they allege any specific title other than saying, “The land belongs to the Crown”? – They did not explain the nature of the title. In our correspondence with them we asked them to do so. We asked them, “Have you made a law by which you are enabled to take this land? If so let us know.”
840. Have you sent a petition to Parliament in relation to this matter? – No
841. We will report that these complaints are made by the Ngapuhi, without mentioning the names of the blocks. Then you should send a petition to Parliament, signed by some of the leading chiefs of the Ngapuhi, setting out a list of blocks in which these have taken place....Then if it be shown that the Crown has dealt with your lands without your consent, and without having any deeds, no doubt the House will either grant compensation or in some way do justice in the matter. You will have to speak to Eparaima, your present member, about it, to Carroll also, and your other members, as well as to Sir George Grey; and I myself will give every assistance towards seeing that justice is done?- Then, that is all I have to say.

Mawhekairangi / Okaihau No. 1

200 This block was also purchased by Kemp in 1858, at the same time as the Mokau Block for £450 for the whole 4554 acres. Again the promises of an interior township seemed to act as inducements to the Rangatira who transacted the land. Regarding the Rangatira who transacted the land, Kemp records in 1857 that Tamati Waka, Patuone, Ururoa, Hongi, Mohi Tawhai, Arama Karaka, Rewa and many of the other most influential chiefs in the north were all claimants to
the land. But many of those named in that earlier correspondence do not appear as signatories to the Deed itself.

201 The Deed also refers to those conveying and surrendering the land as being “the Chiefs and People of the Tribe known as Ngapuhi”. Ngapuhi consisted of more than 9 chiefs and certainly more than 9 people which was the number of people whose names appear on the Deed.

202 The technical evidence shows that Kemp had in 1857 originally sought permission to offer £2,000 for the land and was knocked back by the Crown. But he obviously thought that it was worth at least three times more than what the Crown ended up paying for the land and it was also estimated that a substantial profit could be made in the on selling of smaller blocks to settlers even if bought at the higher price.¹⁰³

203 There were a number of reserves created for which the Maori owners had to pay half the survey costs deducted from the purchase price.¹⁰⁴

204 The Reserves that appear to have been created according to the Deed include:
   a. Te Komiti (labelled “Government”)
   b. A parcel labelled “Native”
   c. Otaere (labelled “Government”)
   d. Two parcel’s of land without label
   e. Kainga Pokanoa (labelled “Native”)
   f. Puriri Tu Tahi an area labelled “Tapu” outside of the survey. Bounded on three sides by the purchase.
   g. Patoetoe. A survey line bisects the southern part of the block. It is not clear whether this is a reserve?¹⁰⁵

205 It was not long before many of these reserves were also alienated. Te Komiti, a 170 acre block was granted to one owner in 1868 and sold in 1913.¹⁰⁶ Title to the Otaere block of 25 acres was issued in 1868 to one owner and sold some

¹⁰²Vincent O’Malley, Northland Crown Purchases, 1840-1865, July 2006, Wai 1040 # A6, pg. 343
¹⁰³Vincent O’Malley, Northland Crown Purchases, 1840-1865, July 2006, Wai 1040 # A6, pg. 344
¹⁰⁴Vincent O’Malley, Northland Crown Purchases, 1840-1865, July 2006, Wai 1040 # A6, pg. 345
¹⁰⁵Craig Innes, Crown Purchase Deeds 1840, Wai 1040 #A4, pg. 19 (Supporting documents page 83)
¹⁰⁶Berghan Block Research Narratives Vol 4, pg. 411
time prior to 1900. A title was issued for Kaingapokanoa in 1869. It was 107 acres and was awarded to four owners. By 1920 the majority of the block had been sold. None of the original reserve remains in Maori ownership.

Puriri Tutahi is not named as such in the block research. We believe this is the wahi tapu area on the corner of SH1 and Te Pua road which is used today to store gravel and as a parking area.

It appears that records of some of the reserves were simply not kept and as far as we are aware none of the reserves exist in Maori ownership today, but rather than being sold they appear to have just been lost.

We thank the Tribunal for hearing our claims in respect of some of the Old Land Claims and Crown purchase blocks and look forward to presenting the rest of our evidence during the coming hearing weeks.

John Rameka Alexander for the Te Waitmte Taiamai Claims Committee
19 August 2013

107 Berghan Block Research Narratives Vol 6, pg. 180
108 Berghan Block Research Narratives Vol 4, pg. 260-261