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**RAILWAYS AND HAPU/IWI OF THE TE ROHE
POTAE INQUIRY DISTRICT
1880-2008**

Scoping Report

A report commissioned by the Waitangi for the Te Rohe Potae district inquiry (Wai 898)

November 2008
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Introduction

This scoping report provides an overview of the existing knowledge, research sources, and research concerns that relate to specific issues regarding the introduction and operation of railways in the Te Rohe Potae district inquiry. It helps to clarify the focus of the issues that will be addressed in a subsequent, main report.

The scoping report first outlines the background to the commissioning of a Rohe Potae railways scoping report and then details the research questions identified in the commission. This is followed by an overview of research sources, which identifies material that will shed light on the research questions and notes the issues for which there appears to be insufficient source material. A chapter outline then briefly summarises the proposed content of the main report, clarifying key issues to be addressed in each chapter as well as presenting some preliminary research. The scoping report concludes with a potential timeline for the work required to prepare the main report.

Commission Background

This project is part of the Te Rohe Potae casebook research programme. Following the decision of Judge Ambler to proceed to a district inquiry in November 2006, Dr Vincent O'Malley was engaged to prepare a review of the research requirements for the inquiry. A draft research programme was formulated and circulated in May 2007 after consultation with claimants on the potential research outlined by Dr O'Malley. This research casebook programme was finalised at a judicial conference held on 1 October 2007. The research programme contains a number of preliminary and main projects, this being one of the main projects, the fourth in research theme four, focused on unique types of land alienation and title issues. It should be noted that a separate railways project was included in the casebook as a result of feedback from claimants, who regard railways as a very important issue for this inquiry.

The 1 October 2007 judicial conference also identified a number of priority projects to be commissioned. Although this project was not one of those, it was commissioned at the same time with the understanding that it may help the priority projects proceed as rapidly as possible due to its close links with the political engagement theme reports.

Issues Identified in Commission

The scoping report commission asks the researchers to 'identify and clarify the research issues, identify primary and secondary evidential sources and suggest approaches and timeframes for a subsequent main research report' and sets out a number of key questions:

- A. The extent to which the construction and operation of the railways in this district reflected the understandings and assurances made in the negotiations between the Crown and hapu and iwi in the 1880s;
- B. whether land and resources acquired for railway purposes were significantly in excess of agreements in the negotiations, or of what was required for the actual railway route, and whether alternatives to taking, such as leases for specific railway purposes, were seriously considered by the Crown;
- C. whether compensation for land and resources taken for the railway was adequately provided for and whether the compensation awarded was properly paid;
- D. the impact of railways takings on remaining lands, such as landlocked land, loss of access to urupa, and commercially unusable land between the railway line and roads;
- E. the relationship between railway development and the creation and management of native townships;
- F. the impact of the development and operation of the railways on hapu and iwi communities in the district and on their exercise of authority, including the impact of construction camps on local communities and the role of railways in enabling liquor to be introduced outside of community control;
- G. any benefits that Maori communities derived in the Te Rohe Potae district from the arrival and operation of the railway, and the extent of any restrictions on opportunities to gain economic benefit from the railway, such as the use of legislative monopolies to prevent Maori selling resources such as timber;
- H. any later developments or agreed changes in understandings over the railway subsequent to the original negotiations, including over whether some land might be given free of charge, later Government and Native Land Court understandings and determinations of compensation payments for lands, and later inquires into railway issues and agreements in the district, including the inquiry conducted by Justice Smith in 1946;
- I. negotiations and agreements over the restructuring of the railways in the 1980s, ownership of the railways corridor and any current issues concerning railway lands in the inquiry district;
- J. issues relating to lands taken but never used for railway purposes, lands taken to fund railways and the returns of lands (and railway housing) no longer required for railway purposes;

- K. the relationship between the development and operation of the railway and the Crown's land purchasing and land settlement policies.

Issues Raised by Claimants

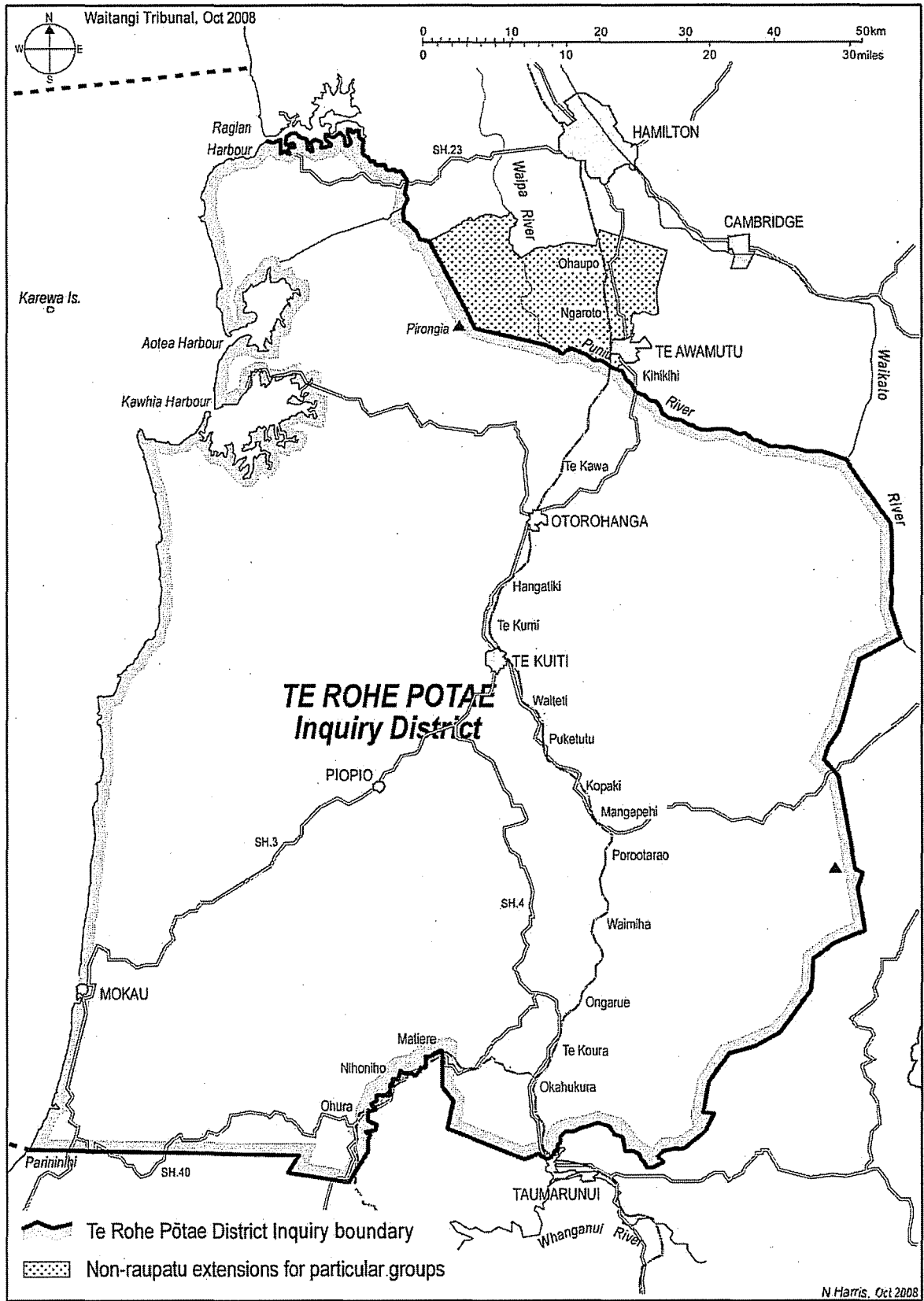
All Statements of Claim that raise issues relevant to the commission questions have been identified and examined during the preparation of this scoping report. The Appendix lists all of these Statements of Claim and details the issues they raise in respect of railways in the Rohe Potae inquiry district.

As well as examining Statements of Claim, the authors have also familiarised themselves with issues raised by claimants at a number of research hui held before the commissioning of the project in July 2008. Also, in August 2008, the authors attended research hui held at Taumarunui, Te Kuiti, Hamilton, and Wellington. At these hui, the authors discussed the scoping project and their preliminary research into the questions set out in the commission. In early November 2008, after the release of a draft scoping report, another two hui were attended at Otorohanga and Hamilton.

At all of these research hui, claimants have raised questions and provided feedback in respect of a number of issues. These issues are briefly detailed here and are also highlighted in the proposed chapter outline, which suggests where the issues should be addressed in the main report. To a large extent the issues raised by the claimants before July 2008 are reflected in the commission questions. Claimants have raised issues relating to the following matters:

- government strategies and aims for railway construction in the nineteenth century, including the use of railways as a means of imposing Crown authority;
- early surveys of proposed routes for NIMT;
- agreements and understandings reached between Rohe Potae hapu/iwi and the settler government prior to the construction of the NIMT, and any subsequent agreements;
- the process of taking the land required for the NIMT, including how objections were dealt with, whether or not compensation was paid, and - if compensation was paid - how this was determined;
- the extent to which Maori benefited economically from the railway, including the role Kawhia committee, construction contracts and use of natural resources (timber, gravel);

- the impact of the railway on canoe transport and how this affected the traditional Maori economy;
- social impacts relating to construction workers entering the district and any associated introduction of liquor;
- funding for railway construction, including Crown land purchasing to pay for the NIMT and to create land for European settlement;
- links between the NIMT and changes in Maori settlement patterns, particularly any possible movement of marae to locations near the railway line;
- impact of railway on burial grounds and the creation of 'landlocked' areas that had no legal access or were made into small uneconomic parcels;
- connection between the NIMT and the creation of Native Townships;
- issues concerning lands taken for the railway that were not required for the operation of the railway, including any sale of these lands or railway houses;
- land takings for any branch lines, particularly a proposed line to Kawhia;
- any ongoing economic or social benefit (or lack of) from railway employment and housing; and,
- recent events, including issues surrounding the privatisation of railways and repurchase into public ownership, and also the potential use of railway land for Treaty settlement purposes.



Map 1: Te Rohe Potae District Inquiry Boundary and NIMT

Sources

A considerable volume of source material relevant to the issues detailed in the scoping commission has been identified. All of this material, which covers a range of different source types, is listed in the Bibliography. This section briefly discusses the sources and identifies the issues that they relate to.¹

1. Reports Submitted to and Produced by the Waitangi Tribunal

Several research reports discuss and present evidence that is relevant to some of the issues detailed in the scoping commission. Some of these reports were prepared for the Tribunal's Whanganui inquiry. The northern part of the Whanganui inquiry district includes lands that lay within the southern boundary of the Rohe Potae. The North Island Main Trunk railway (NIMT) was built through these lands and other lands in the Whanganui inquiry district that lay further south.

A number of reports examine the interaction between Rohe Potae hapu/iwi and the settler government in the 1880s, when the King Country was 'opened' to the NIMT, the operation of the Native Land Court, and Crown land purchase activities. Cathy Marr's 2004 report on the purchase of the Waimarino block, commissioned for the Whanganui inquiry, includes a detailed account of the negotiations and events surrounding the opening of the Rohe Potae.² (The Waimarino block had been part of the Rohe Potae.) Marr views the agreements reached in respect of the survey and construction of the railway as being part of a wider 'compact' between Rohe Potae hapu/iwi and the government. Rohe Potae leadership agreed to the railway, but in turn expected that the government would support their requests for measures that would enable Rohe Potae hapu/iwi to manage and retain ownership of their land. Marr details a number of specific agreements and understandings relating to the railway, which concerned the land required for the railway and certain short and long-term benefits that the railway would bring Rohe Potae hapu/iwi. Marr also explores the connection between the railway and the land purchase policies pursued by the government in the King Country from the late 1880s. She claims that the government sought to pay for the construction of the railway through purchasing Maori land cheaply and on-selling it at a profit, setting aside considerable sums of money for this purpose

¹ Where this report uses 'Rohe Potae', the authors are referring to the area defined in the 1883 petition submitted by Rohe Potae hapu/iwi to the House of Representatives. When referring to the lands within the district inquiry boundary the area is specified as the 'Rohe Potae inquiry district'.

² Cathy Marr, 'The Waimarino purchase report', a report commissioned by the Waitangi Tribunal, 2004

under the North Island Main Trunk Railway Loan Application Act 1886 and Amendment Act 1889.

In his 2006 report on the opening of the Rohe Potae, prepared for the Crown Law Office, Donald Loveridge focuses on the negotiations and events between 1882 and 1885, when Rohe Potae hapu/iwi agreed to the construction of the NIMT.³ He also briefly examines subsequent developments relating to Maori land legislation, the operation of the Native Land Court, and the government's land purchase policies. While covering much of the same ground as Marr, Loveridge draws on a different range of sources and in particular gives weight to contemporary newspaper reports. Loveridge disputes the idea that the opening of the Rohe Potae was conditional on a single understanding or 'compact' between the government and Maori. Rather, he argues that a series of agreements led, in stages, to the opening of the district. Like Marr, Loveridge provides details of the specific agreements reached in respect of the railway. He suggests that when Te Rohe Potae leaders agreed to the construction of the railway they did not have fixed expectations regarding the legislative changes that they sought in order to manage their lands. In explaining why some of the assurances made by government ministers in the period between 1882 and 1885 were not later fulfilled, Loveridge indicates that this was partly a result of changes in government, which brought to power individuals who had different political priorities and little awareness of the earlier agreements.

Marr's 2004 report and Loveridge's 2006 report build on other, less detailed reports that also deal with or include some discussion of the negotiations and events that led to the opening of the Rohe Potae. These include reports by Alan Ward and Robyn Anderson.⁴ Cathy Marr's 1996 Rangahaua Whanui report on the alienation of Maori land in the Rohe Potae provides an overview of the negotiations and subsequent Crown land purchasing. This report also includes a brief discussion of the establishment of Te Kuiti and Otorohanga Native Townships and the later alienation of the township lands. The relationship between the Native Townships and the NIMT is one of the issues raised in the scoping report.

³ Donald Loveridge, 'The Crown and the Opening of the King Country 1882-1885', a report for the Crown Law Office, February 2006.

⁴ Alan Ward, 'Wai 48 and related claims: Whanganui ki Maniapoto', a report commissioned by the Waitangi Tribunal, March 1992; Robyn Anderson, 'Whanganui Iwi and the Crown 1880-1900', a report commissioned by the CFRT, December 2004.

In his 2003 report on the Taumatamahoe block, commissioned for the Whanganui inquiry, Stephen Oliver also touches on some of the issues identified in the scoping commission.⁵ The Taumatamahoe block was located in the upper Whanganui district and extended into eastern Taranaki, lying outside the Rohe Potae. Oliver provides some details concerning the selection of the route of the NIMT. (One of the proposed routes ran through the Taumatamahoe block.) He also briefly discusses the opening of the Rohe Potae and the Crown land purchasing that followed. The Taumatamahoe block was partly purchased with funds raised under the North Island Main Trunk Railway Loan Application Act 1886.

Philip Cleaver's 2004 report on the public works takings in the Whanganui inquiry district includes a section on the taking of land for the NIMT in that district.⁶ Cleaver examines whether compensation was paid for the lands taken for the track and stations. He claims that Maori agreed to the construction of the railway on the condition that they would receive monetary compensation for the land required, but that this agreement – in the Whanganui inquiry district at least – was not upheld. Cleaver also examines additional takings for the railway in and around Taumarunui. Grant Young and Michael Belgrave, in their oral and traditional history report for the northern Whanganui cluster, also provide details of the taking of land for the NIMT in the Taumarunui area.⁷

The Tribunal's 1993 *Pouakani Report* briefly examines the selection of the route of the NIMT and describes the negotiations that saw the Rohe Potae opened to the construction of the railway and operation of the Native Land Court.⁸ This information provides historical context to the report's main focus: the survey and alienation of the Maraeroa and Pouakani blocks and, to a lesser extent, issues concerning certain natural resources associated with these lands. (The Maraeroa and Pouakani lands, located in the western Taupo district, lay within the boundaries of the Rohe Potae. However, the inquiry district includes the Maraeroa block, but not the Pouakani block.) The railway did not pass through the Maraeroa and Pouakani blocks, but the lands were subject to Crown land purchase associated with the railway. The *Pouakani Report* includes a brief discussion of the North Island Main Trunk Railway Loan Application Act 1886 and North Island Main Trunk Railway Loan Application Amendment Act 1889, noting that certain partitions of

⁵ Steven Oliver, 'Taumatamahoe block report', a report commissioned by the Waitangi Tribunal, 2003.

⁶ Philip Cleaver, 'The taking of Maori land for public works in the Whanganui inquiry district, 1850-2000', a report commissioned by the Waitangi Tribunal, September 2004.

⁷ Grant Young and Michael Belgrave, 'Northern Whanganui cluster: oral and traditional history report', a report commissioned by the Crown Forestry Rental Trust, June 2007.

⁸ *The Pouakani Report*, Brookers, Wellington, 1993.

the Pouakani block were purchased with funds raised under the 1889 Amendment Act. The *Pouakani Report* makes no findings in respect of the railway and associated land purchase policies.

2: Books, Articles, and Reports

A significant number of published books, articles, and reports contain useful information. Owing to time constraints, it has not been possible to examine all of the items listed in the bibliography. Instead, a selection of the most relevant looking material has been examined from a range of different types of publication – a total of about 25 books, articles, and reports. Broadly speaking, this material falls into four categories: historical works dealing with railways, local histories, autobiography, and reports produced or commissioned by the national rail operator from 1980.

There are several useful books that concern the history of the NIMT.⁹ These books do not discuss in any depth the negotiations that led to the opening of the King Country, but do provide details on the political impetus to connect Auckland and Wellington by rail, the process of selecting a route, the construction of the railway, and, to a limited extent, its later operation. Some of these books include relevant photographs that might be used to illustrate the main railways report. One of the most useful books is *Single Track* by R.F. Fletcher, which provides a detailed account of the construction of the railway, including Maori involvement in this work. This book is based partly on extensive newspaper research, but unfortunately it is not well referenced to original sources.

As well as books that deal specifically with the NIMT, there are books, articles, and reports that discuss the history of railways in New Zealand generally.¹⁰ These publications provide useful contextual information on the development of railways, the role of railways in the national economy, and the restructuring of railways that was undertaken during the 1980s.

A number of local histories also include details relevant to the issues set out in the scoping commission. For example, Laurie Barber's history of Waipa County discusses early forms of

⁹ In particular, see James Cowan, *North Island Main Trunk railway: a descriptive and historical story*, New Zealand Railways, Wellington, 1928; R.S. Fletcher, *Single Track: The Construction of the North Island Main Trunk Railway*, Auckland, William Collins, 1978; B Pierre, *North Island Main Trunk Line: An Illustrated History*, Wellington, 1981.

¹⁰ In particular, see R.Y. Cavana, *Railway system in New Zealand: case study in strategic change*, Graduate School of Business and Government Management, Victoria University, Wellington, 1992; David Leitch and Bob Scott, *New Zealand Railways: The First 125 Years*, Heinemann Reed, Auckland, 1988.

river transport, the economic impact of the railway after it reached Te Awamutu, and proposals to construct a branch line to Kawhia.¹¹ In his history of the King Country, Dick Craig provides some details of the construction of the railway, including certain information on the interaction between local Maori and the European workers who came to work on the railway from outside the district.¹² Unfortunately, Craig's work is not well referenced.

There are at least two autobiographical works that include relevant information. One of these is written by Isaac Coates, who was contracted to build the section of the NIMT that lay between the Puniu River and Te Kuiti.¹³ Coates recalls his experiences during the construction work, including the employment of Maori labour and a dispute with Maori over the extraction of river gravel required for the work. Another relevant autobiographical piece records the reminiscences of John Baxter Lawson, who was also involved in the construction of the railway in the King Country.¹⁴

Numerous reports commissioned or produced by the national rail operator provide useful information on the restructuring that took place from the mid-1980s. The influential 1983 report prepared by United States consultants Booz, Allen, and Hamilton is of particular importance.¹⁵ This report proposed a raft of changes aimed at making the recently corporatised national rail operator, the New Zealand Railways Corporation, profitable. The annual reports of the Corporation, and its successor from 1990, New Zealand Rail Limited, provide a general picture of the restructuring process that was carried out, including the disposal of railway lands.

3: Theses

A number of theses contain relevant information. As with the other secondary sources, only a preliminary examination of the thesis material has been undertaken. The majority of the theses listed in the bibliography are concerned with the broader political and economic context of railway construction in New Zealand, and will therefore be helpful in forming the wider historical context of the NIMT.

¹¹ L.H. Barber, *The view From Pirongia: the history of Waipa County*, Richards Publishing in association with Waipa County Council, Auckland and Te Awamutu, 1978.

¹² Dick Craig, *King Country: New Zealand's last frontier*, 1990.

¹³ Coates, Isaac, *On Record*, Paul's Book Arcade, Hamilton, 1962.

¹⁴ John Baxter Lawson, 'Reminiscences of an early King Country settler', instalment 1, *Footprints of History*, no. 2, May 1989, pp33-34.

¹⁵ Booz, Allen, and Hamilton, *Comprehensive review of operations and strategic options evaluation*, New Zealand Railways Corporation, Wellington, 1983.

For example, G.W Heron's 'The Development of Railway Policy in New Zealand and the Growth of the North Island Railway System before 1908' discusses the influence the geography of New Zealand played in the politics of New Zealand's railway construction. He argues that rugged terrain and general isolation made railway construction a comparatively capital intensive project in New Zealand leading to tensions between provincial and central government interests.¹⁶ Importantly, he also highlights the explicit links between the construction of railways in New Zealand and the opening of the country to European settlement.¹⁷ Also of particular relevance, Heron's thesis includes a narrative of the construction of the NIMT and a detailed comparison of the 'co-operative contract system' of construction initiated by the Liberal Government and the older contract system used by previous administrations.¹⁸ The majority of the NIMT was constructed under the co-operative system, which may have limited the use of Maori labour in construction. Finally, his thesis provides a helpful chapter on the contribution of North Island rail to the economic development of New Zealand.¹⁹

Other theses listed in the bibliography provide similar material for different time periods, including Waterson's 'Railways and Politics 1908-1928' and Drayton's 'The Development of the Railway System of New Zealand 1870-1881'.²⁰

A number of additional theses examine aspects of the Maori-Crown relations in the King Country, supplementing the reports submitted to and produced by the Waitangi Tribunal. These include P.J.L. Skerman's 1972 thesis 'The Dry Era: A History of Prohibition in the King Country, 1884-1954'. Skerman's examination of prohibition includes an overview of iwi and Crown negotiations prior to the construction of the NIMT and the place of prohibition within these discussions.²¹ It also includes chapters on the government's administration of liquor laws in the King Country.²² In addition, it describes the impact of the illegal smuggling of alcohol on railway construction settlements such as Te Kuiti and Taumarunui, with particular attention paid to the local Maori population.²³ Appended statistical tables detail alcohol related criminal convictions in

¹⁶ G.W. Heron, 'The Development of Railway Policy in New Zealand and the Growth of the North Island Railway System before 1908', MA Thesis, University of Auckland, 1946, pp3-11, 19-20.

¹⁷ Heron, pp12-13.

¹⁸ Heron, pp92-105, 131-137.

¹⁹ Heron, pp143-148.

²⁰ M.J Drayton, 'The Development of the Railway System of New Zealand 1870-1881', Honours Thesis, Victoria University of Wellington, 1936; D.B Waterson, 'Railways and Politics, 1908-1928: A Study in the Politics of Development in a Twentieth Century Social Democracy', MA Thesis, University of Auckland, 1959

²¹ P.J.L. Skerman, 'The Dry Era: A History of Prohibition in the King Country, 1884-1954', MA Thesis, University of Auckland, 1972, pp1-31.

²² Skerman, pp32-96, 168-199.

²³ Skerman, pp61-96.

the King Country.²⁴ Skerman's thesis also includes the chapter 'The Pact Question', which examines government historians A. McLintock's history of 1953, which dismissed the idea of a 'Scared Pact', contrasting it with Maori perspectives on the negotiations of the 1880s.²⁵ Other theses include Ann Parsonson's 1972 thesis 'Te Mana o te Kingitanga Maori: A Study of Waikato-Ngatimaniapoto Relations during the struggle for the King Country, 1878-84'.²⁶

4: Official Publications

The *Appendices to the Journals of the House of Representatives (AJHR)*, *New Zealand Gazette*, and *New Zealand Parliamentary Debates* all contain important evidence that is relevant to the issues set out in the scoping commission. The *AJHR* includes the annual reports of the Public Works Department, which provide details of the construction of the NIMT and the Stratford-Okahukura railway, part of which lies in the Rohe Potae inquiry district. The Public Works Department reports also provide some details of the lands purchased with funds raised under the North Island Main Trunk Railway Loan Application Act 1886 and Amendment Act 1889. The annual reports of the Railways Department, also printed in the *AJHR*, provide some details of the operation of the NIMT following the opening of the line. As detailed in the bibliography, the *AJHR* also includes a number of relevant special reports, select committee reports, and reports of commissions of inquiry and royal commissions. These relate to the selection of the route of the NIMT, the operation of railways generally, and the issues surrounding the prohibition of liquor in the King Country.

The *New Zealand Gazette* includes proclamations relating to railway construction and the taking of land for railways. A search of the *Gazette* has been carried out to identify all relevant proclamations relating to railways in the Rohe Potae inquiry district. The *New Zealand Parliamentary Debates* have not been examined during the scoping work. However, one of the Tribunal's research support projects involves a search of the *Debates* for material relevant to the Rohe Potae, including issues concerning railways. The *Debates* may contain useful evidence relating to the decision to establish a rail connection between Auckland and Wellington, the selection of the route for the Main Trunk railway, and the policy to pay for the railway through land purchase. In the 1980s, it is likely that the debates will reflect on issues relating to the restructuring of railways.

²⁴ Skerman, pp236-243.

²⁵ Skerman, pp134-167.

²⁶ Ann R. Parsonson, 'Te Mana o te Kingitanga Maori: A Study of Waikato-Ngatimaniapoto Relations during the struggle for the King Country, 1878-84', MA Thesis, University of Canterbury, 1972.

5: Archival Records

The scoping process has identified a large number of potentially relevant government records held by Archives New Zealand. This material is mostly held in Wellington, with some also in Auckland. The records belong to the following five government departments (or their successor agencies): Railways, Public Works, Lands and Survey, Maori Affairs, and Legislative. Time constraints have meant that it has only been possible to look at a sample of the material. Approximately 100 files have been examined during the scoping process – files held in both Auckland and Wellington. In selecting these files, care was taken to look at material from each of the five government departments identified above. Within the records of each department, files relating to all relevant subject categories and time periods were examined.

The majority of the government records identified at Archives New Zealand are files of the Railways Department. From the files examined, it is evident that the Railways records contain a large amount of relevant information. This includes details of the agreements reached between Rohe Potae hapu/iwi and the settler government before construction work began on the NIMT in 1885.²⁷ It also includes information on the leasing of land held by the Railways Department in the Rohe Potae inquiry district up to the late 1980s.²⁸ There is also a small amount of material that relates to the socio-economic role of railways in respect of employment and housing.²⁹ Other material sheds light on railway operations and the NIMT's role in the local and national economy.³⁰ The Railways files also include useful, general information on the restructuring of railways that took place during the 1980s, providing details of the development and implementation of rationalisation policies, including staff cuts and land disposal.³¹ In addition to written material, the Railways records include a large photographic collection, which contains a number of photographs that might be used to illustrate the main railways report.

An examination of a selection of Public Works Department records has revealed a range of relevant material, including files relating to the survey of the NIMT, the provision of certain

²⁷ See, for example, R 3 W2278 216 1910/3916/1 part 1, Fencing – Main Trunk Railway, 1880-1907, ANZ Wellington.

²⁸ See, for example, ABJQ 17005 W5448 57 L42774, Bevan – grazing and cropping at Ongarue, 1969-1989, ANZ Wellington. There are also files that discuss general policies and procedures relating to the leasing of railway land. See, for example, R 3 W2381 43 1915/3935 part 1, Leasing Railway Land, 1895-1956, ANZ Wellington.

²⁹ In respect of employment, see, for example, ABIN W3337 1-4, New Zealand Railways Lists of Staff, 1913-1985, ANZ Wellington. In respect of housing, see, for example, AAEB W3199 109 07/2393/3 part 3, Allocation of Houses at Te Kuiti, 1940-1957, ANZ Wellington.

³⁰ See, for example, R 3 W2278 135 1907/3906/2 parts 1-3, Frankton-Taumarunui Train Services, 1914-1949.

³¹ See, for example, ABJP W4103 67 501/76/4 part 1, Staff Activities Linked to Corporate Downsizing, 1986-1987, ANZ Wellington.

construction materials, and a proposed branch line to Kawhia.³² The Public Works records also include plans of the various areas of land that were taken for railways in the Rohe Potae inquiry district under public works legislation.³³ Lands and Survey files also contain material that relates to the land required for railways in the inquiry district. This includes registers that detail land-taking proclamations and compensation payments, and also files that deal with specific takings and disposals.³⁴

The most important Maori Affairs records are a number of special files that contain important correspondence relating to the opening of the Rohe Potae, including material that specifically concerns iwi's agreement to the construction of the railway.³⁵ From the twentieth century, the reports of district welfare officers include some references to the Railway Department's employment of Maori in the Waikato and King Country districts.³⁶

While there are a large number of Legislative Department records that concern railways, it appears that this material contains little information relevant to the issues set out in the scoping commission. The Legislative records that have been examined include the minute books and correspondence of parliamentary committees, including the 1884 select committee that selected the route of the NIMT.³⁷ Unfortunately, this material provides only a record of proceedings and does not provide any substantial record of the committees' discussions.

As well as the archival material held at Archives New Zealand, there is also some relevant material held by LINZ and Ontrack, which relates to the disposal of railway lands that took place from the mid 1980s. This material, which has not been examined during the scoping process, includes land plans and files that relate to the disposal of individual land parcels.³⁸

³² See, for example, the following files: W 1 19/578, North Island Main Trunk [NIMT] – Rochforts and Williams surveys [burnt], 1883-1884, ANZ Wellington; W 32 14 85/1 part 1, 60,000 sleepers for North Island Main Trunk railway, Marton-Te Awamutu, c.1878-c.1895, ANZ Wellington; BBAD 1054 2088e 20/1/4, Railways – Hamilton – Kawhia – Raglan, 1920-1922, ANZ Auckland.

³³ The plans are found under the accession WOOO.

³⁴ See, for example, the following files: ABWN 8117 W5280 129-140, parts 1- 12, Proclamation Registers (Railways Purposes), 1874-1952, ANZ Wellington; BAOB 1542 1493a 9/25 parts 1-12, Main Trunk Railway Line, 1915-1980, ANZ Auckland.

³⁵ See, for example, MA 13 75 43(a and b), King Country Special File No. 61 – correspondence, reports, compensation, labour and meetings relating to North Island Trunk Railway in Maori and translated, 1883-1885, ANZ Wellington.

³⁶ See, for example, MA W2490 138-139 record no. 36/29/2 parts 1-5, Welfare Officers Report - Waikato-Maniapoto, 1951-1962, ANZ Wellington.

³⁷ In respect of the 1884 select committee, see LE 1 217 1884/4 – Committee – North Island Main Trunk Railway, ANZ Wellington.

³⁸ Details about this material were provided by Paul Kelly (LINZ) and Peter Trotman (Ontrack), who were involved in the work of disposing of surplus railway land.

6: Manuscripts

A small amount of potentially relevant manuscript material has been identified. This material is mostly held by the Alexander Turnbull Library, with other material also held by the Auckland University Library and local institutions. It primarily consists of records that might be relevant to the negotiations that preceded the opening of the Rohe Potae or to the construction of the NIMT. Only two items have been examined during the scoping process – papers relating to the construction of the railway. One of these items concerns the activities and observations of a Public Works Department engineer; the other relates to the experiences of a missionary who visited the construction camps.³⁹ Both of these items concern construction work outside the Rohe Potae inquiry district, between Taumarunui and Taihape, but the material nevertheless provides an insight into the European communities that developed during the construction of the railway and interacted with local Maori.

7: Newspapers and Magazines

It is evident that newspapers contain a substantial amount of information that is relevant to the issues set out in the scoping commission. Several of the secondary sources noted above rely significantly on newspaper reports when discussing the political impetus for a main trunk railway, the selection of a route, the negotiations between Rohe Potae hapu/iwi and the settler government, the construction of the railway, and the ceremonies that marked the beginning and completion of construction work.⁴⁰

A systematic search of newspapers has not been undertaken as part of the scoping project. However, in a project commissioned by the Crown Forestry Rental Trust, a selection of newspapers have been searched and indexed for issues relevant to the Rohe Potae inquiry.⁴¹ This work has identified a significant number of newspaper articles relating to railways.

Further newspaper research will be required during the preparation of the main report. A search of the National Library's *Papers Past* website will be undertaken for selected time periods, particularly for reports on the construction of the line and the interaction that occurred between

³⁹ MS-1103, Peter Keller, 1880?-1961, Reminiscences, ATL. MS-Papers-6504, Brian H Walton, 1913-, Papers relating to the Parker and Walton families, ATL.

⁴⁰ In particular, newspapers are an important source of information in the following secondary works: Loveridge, 'The Crown and the Opening of the King Country 1882-1885'; and Fletcher, *Single Track*.

⁴¹ Walghan Partners, Rohe Potae Newspapers, a research project commissioned by the Crown Forestry Rental Trust, October 2008.

workers who entered the Rohe Potae and local Maori – an issue that is not well covered in other sources. The *Papers Past* site captures a selection of newspapers from across New Zealand, some of whom may have sent correspondents into the Rohe Potae to report on construction progress – a matter of national interest. A search will also be made of the Maori language newspapers that are indexed on the *Niupepa: Maori Newspapers* website catalogue.⁴²

As well as newspapers, there are also a number of magazines that contain relevant source material. Of particular importance is *New Zealand Railways*, a magazine published by the publicity branch of the Railways Department, which contains a number of useful articles, including historical material by writers such as James Cowan.⁴³ There are also several relevant-looking Railways' staff and union magazines, including the *Staff Bulletin*, published between about 1950 and 1975. This magazine, which has been indexed, includes articles on the operation of the NIMT.

8: Oral History

Oral history is a potentially valuable source, and it is suggested that it should be included in the research work to be undertaken during the preparation of the main report. Interviewees will hopefully shed light on certain issues that do not appear to be well represented in the written sources, especially the significance of railways to the Maori community during the twentieth century. Specifically, these issues concern employment, housing, community life, and the impact of the restructuring in the 1980s.

If oral history is to be undertaken, sufficient time will have to be set aside for consideration of the appropriate methodology, for carrying out interviews, and for the subsequent transcription and analysis of the interview material. At this stage, no steps have been taken to identify potential interview subjects, who would ideally be members of the claimant community who were employed by the Railways Department (or their families).

The potential use of oral history as a research source was discussed with claimants at research hui attended in Taumarunui, Te Kuiti, and Hamilton during August 2008. In response to the proposal, it was suggested by one claimant that many men who had been employed by the

⁴² *Papers Past* URL: www.paperspast.natlib.govt.nz/; *Niupepa: Maori Newspapers* URL: www.nzdl.sadl.uleth.ca/cgi-bin/library?a=p&p=about&c=niupepa.

⁴³ See, for example, the following article concerning John Rochfort's route survey of the North Island Main Trunk railway: 'The Trail of Adventure', *New Zealand Railways*, October and November 1933.

Railways Department were now deceased, but that useful information could be provided by surviving family members.

9: Tangata Whenua Evidence from other Inquires

Relevant information concerning the railways in the Rohe Potae inquiry district may also be located in the tangata whenua briefs of evidence presented in the Tribunal's Whanganui, Central North Island and National Park inquiries. A search of these briefs will be undertaken during the preparation of the main report.

10: Documentary Films

Two documentary films concerning the NIMT, produced for television, have been identified and viewed during the scoping project: a 1981 production by Television New Zealand and a 1996 production by Memory Line Productions.⁴⁴ These films provide only a basic narrative of the construction and subsequent operation of the railway and will not be useful as a source for the main report.

The National Film Unit does not appear to have produced any films concerning the operation of the NIMT in the King Country.

11: Sound Recordings

A search of Radio New Zealand's Sound Archives (Nga Taonga Korero) identified several relevant recordings, which relate largely to the restructuring of the 1980s, featuring interviews with politicians and officials. This material has not been assessed, but might provide useful contextual information on the development and implementation of rationalisation policies in the 1980s.⁴⁵

Issues not Represented in Available Sources

Little or no relevant written source material has been located in respect of two of the issues raised in the scoping commission: first, the impact that the construction of the railway may have had on wahi tapu; and, secondly, the impact of railway takings on lands that remain in Maori ownership

⁴⁴ Television New Zealand, *Landmarks: The Main Trunk Line*, 1981, F51865, Film Archive. Memory Line Productions, *North Island Main Trunk*, 1996, F52931, Film Archive.

⁴⁵ Radio New Zealand's Sound Archives URL: (Nga Taonga Korero <http://www.soundarchives.co.nz/>)

(in particular, whether the railway has resulted in some Maori holdings, including wahi tapu, becoming 'landlocked' and left without legal access). Without relevant source material it may not be possible to comment substantially on either of these issues in the main report. However, if claimants come forward with details concerning particular sites – research of land titles and plans that might confirm where the railway has physically impacted upon wahi tapu or resulted in land becoming landlocked – further investigation will be conducted. In the Whanganui inquiry district, claimants raised the issue of an urupa near National Park being bounded by the NIMT and a road.

Proposed Chapter Outline of Final Report

Due to the early stage of this project the following proposed chapter outline should be considered provisional. Changes to emphasis and structure are likely during the course of research for the final report.

Chapter One: Railways, Politics and Settlement in New Zealand 1863-1880

Chapter one of the substantive report will establish the general historical context and immediate background to the construction of the NIMT, concentrating on the progress of rail construction in the North Island until 1880 and economic and political forces driving this process. Essentially it will examine why the settler government wanted the trunk line as well as some of the problems it faced in achieving this goal. The chapter will largely rely on existing secondary research and official sources such as the AJHR. This section of the scoping report will provide some preliminary research and raise further questions and issues that will need to be addressed in the final chapter.

Railway construction in nineteenth century New Zealand, especially in the North Island, was explicitly conceived of as a tool of colonisation by successive settler governments. (The use of railways as a means of imposing Crown authority is an issue that has been raised by claimants at research hui.) Rail was a way of 'opening' previously closed or isolated areas of the country, gaining access to new lands, natural resources and establishing communication links to further the expansion of settlement.⁴⁶

As Gee comments:

As will be noted from the discussions in Parliament, and from the newspapers, railways in New Zealand were regarded – and rightly so – as vitally essential feature of colonising activity, because they gave communications to scattered centres, provided inland areas with access to markets and ports, and enabled settlers to commence farming on new land with a degree of convenience which the frequently primitive roads of the early days were not able to provide.⁴⁷

Maori, like other indigenous peoples around the world, were often invisible in these settler plans (except as a barrier to their progress). Consequently, Maori frequently experienced the negative

⁴⁶ G.W. Heron, 'The Development of Railway Policy in New Zealand and the Growth of the North Island Railway System before 1908', MA Thesis, University of Auckland, 1946, pp12-13; Neil Atkinson, *Trainland: How Railways Made New Zealand*, Ramdon House, Auckland, 2007, p25; James Belich, *Making Peoples: A History of the New Zealanders From Polynesian Settlement to the End of the Nineteenth Century*, Penguin Books, Auckland, 1996, pp351-353.

⁴⁷ F.E Gee, 'The North Island Main Trunk Railway, New Zealand: A Study in the Politics of Railway Construction', Thesis, University of Auckland, 1949, p2.

impacts of rail construction and resulting expansion of Pakeha settlement, such as accelerated land alienation and, from a their perspective, destruction of the pre-railway environment.⁴⁸

Julius Vogel, Colonial Treasurer and later Premier of New Zealand, was perhaps the most articulate promoter of railways as a tool of colonisation. Vogel believed the national rail system should be designed and constructed as a trunk system, as he made clear in 1870 when he brought his first Financial Statement before the House of Representatives.⁴⁹ A trunk line is usually defined as a railway linking two (or more) important, usually distant centres. Branch lines are usually smaller lines that often connect smaller centres to the main trunk, service the locality around an urban centre, or serve a specific purpose, for example, to support extractive industries (timber, coal or gold). Vogel proposed that this system would both open up new land for settlement and provide employment for new immigrants in construction and operating the new railways.⁵⁰ He also outlined a plan in which land, presumably Maori owned, would be purchased or granted to contractors around the new railway and sold to settlers in order pay for the costs of construction.⁵¹ In essence, Vogel hoped to 'reawaken the "colonizing spirit"' through public works.⁵² Leitch and Stott summarise well:

New Zealand's railways were envisaged [by Vogel] as being of two kinds: those which, as in England, would connect established centres through settled land, and those which, as in America, would open up the country for settlement. Generally speaking, the South Island Main Trunk represented the former, the North Island Main Trunk, the latter.⁵³

The romance associated with rail, its presumed correlation with rapid economic growth, and its general status as a symbol of 'progress' in the nineteenth century mind compounded the political drive for railway construction. The connection between railway and the politics of settlement in New Zealand is an important context within which the construction of the NIMT must be viewed. These ideas will be explored in more depth in Chapter One of the final report, potentially comparing New Zealand's case with the role of railways in other colonial settings.

The concept of connecting Auckland and Wellington via a trunk railway was discussed publicly as early as the 1850s. Yet the progress of rail construction in New Zealand was slow, the first locomotive to run a regular service in New Zealand only began operation in Christchurch in

⁴⁸ Atkinson, p25.

⁴⁹ *Parliamentary Debates*, Vol. VII, p102.

⁵⁰ *Parliamentary Debates*, Vol. VII, p102.

⁵¹ Gee, p12; Heron, p21; Leitch and Stott, *New Zealand Railways: The First 125 Years*, Heinemann Reed, Auckland, 1988, p5.

⁵² Atkinson, p28.

⁵³ Leitch and Stott, p5.

1863.⁵⁴ In the same year, an anonymous pamphlet was published promoting the concept of a trunk line between Auckland and Wellington. In his vision the writer, 'Settler', imagined Waikato and Ngaruawahia as the new capital of New Zealand, laying in the middle of 'The Great Trunk Railway of New Zealand' connecting Auckland and Wellington.⁵⁵ When the pamphlet was published, the construction of a North Island main trunk faced major obstacles. Much of the central North Island was unexplored by Europeans and the colony was embroiled in an expensive war with Maori who lived on the land through which the rail would have to pass. In addition, provincial government influence over railway construction created tensions over who would pay for larger trunk lines that served a more 'national' function, restricting most rail in New Zealand to small locally funded branch lines within provincial boundaries.⁵⁶ These provincial 'jealousies' were intensified by the expensive war being waged in the North Island. The 'Auckland-Drury' line authorised in 1863 to aid the war effort in the Waikato was the only attempt at extending rail south from Auckland during the 1860s. In 1868 construction on the line was ceased due to engineering and financial difficulties.⁵⁷

By 1870, the situation in the North Island had stabilised in comparison to the previous decade, with the North Island conflict coming to an uneasy end. However, the war left the economy depressed, immigration rates low and large areas of the North Island, including the Rohe Potae, still largely outside of government authority.⁵⁸ It was in this context that Vogel announced his ambitious public works and immigration policy based on heavy government borrowing of foreign capital in order 'revive' the failing colony, or as Premier Fox put it to 're-illuminate that sacred flame'.⁵⁹ Although he still met political and public opposition, it was generally accepted and ushered in nearly a decade of railway expansion. Under Vogel's public works initiative, public railways grew from just 76 km of open line in 1870 to 1828 km by 1880.⁶⁰ Through a combination of financial restrictions and political compromise, Vogel's original plan of trunk lines in the North and South Islands was limited to branch lines that were hoped to form future parts of more ambitious trunk lines.⁶¹ Moreover, the growth initiated by Vogel's scheme was

⁵⁴ Leitch and Stott, pp1-3; Gee, p6.

⁵⁵ Gee, pp6-7. Two branch lines would also connect Hawkes Bay and Taranaki to this new capital. The line would unify the country ending any talk of the South Island establishing a separate colony, as Wellington was well connected to the south by steamers, thus shortening the lines of communication between Auckland and the south.

⁵⁶ Leitch and Stott, pp2-3; Gee, pp7-8.

⁵⁷ Heron, p41-45.

⁵⁸ Cathy Marr, *The Alienation of Maori Land in the Rohe Potae (Aotea Block)*, Waitangi Tribunal: Rangahaua Whanui Series, 1996, p8.

⁵⁹ Quoted from Atkinson, p29.

⁶⁰ W.A Pierre, 'Railways on a Shoestring (1863-1899)' in Gordon Troup (ed), *Steelroads of New Zealand: An Illustrated Survey*, A.H. & A.W. Reed, 1973, p10; Leitch and Stott, p4.

⁶¹ Gee, pp24-30.

limited to the South Island, where by 1880 over three-quarters of New Zealand's rail was in operation.⁶² The situation in the North Island remained largely the same as the previous decade. Maori resistance, low population and rugged geography made rail construction slow.

Nevertheless, some developments toward a North Island main trunk were made during the 1870s. In 1871 work was renewed on the Auckland-Drury line and agreements were made to extend the line south to Mercer.⁶³ Over the next two years discussion in government moved toward extension of the line from Mercer to Ngaruawahia, as part of a main trunk to the south of the island.⁶⁴ In the 1873 Railways Bill it was decided that a survey was required to ascertain the best route for the North Island main trunk south from Ngaruawahia.⁶⁵ In 1874 the Chief Engineer's findings were reported in the Public Works Statement. Four possible routes are specified in the report, three west of Lake Taupo and one to the East (see Map 2).⁶⁶ The findings of the report were of a preliminary nature as none of the lines to the west of Lake Taupo could be physically assessed as these areas were still within the 'King Country' aukati and closed to Pakeha. In conclusion, a route to the east of Taupo was acknowledged as possible but ultimately undesirable due the considerable lengthening of the line required and the difficult engineering involved crossing the eastern central plateau. Essentially, the Chief Engineer believed that 'if the country on the West Coast were open to survey' a western route could be ascertained and would be desirable.⁶⁷ The survey underlined the fact that no progress on a North Island main trunk could be made until the government negotiated entry to the 'King Country' or Rohe Potae, as the logical routes passed through that territory.

By the end of 1880 the line from Auckland reached the 'frontier' town of Te Awamutu in the south Waikato, only a matter of miles from the Puniu River, the boundary of the aukati.⁶⁸ In the south it had reached Marton from Wellington. From the settler governments perspective the urgency of the need to gain entry to the 'King's Country' was increasing. The best route for the main trunk needed to be ascertained in order to advance settlement in the North Island. However, as Marr has pointed out, the government did not want to risk further armed conflict, or even protracted resistance to survey and construction, making 'the most promising alternative'

⁶² Atkinson, p38.

⁶³ R.S Fletcher, *Single Track: The Construction of the Main Trunk Railway*, Williams Collins Publishers Ltd., Auckland, 1978, p42.

⁶⁴ Gee, pp41-42.

⁶⁵ Gee, p42.

⁶⁶ *AJHR* 1874, Vol.I, E3, pp58-59.

⁶⁷ *AJHR* 1874, Vol.I, E3, p59.

⁶⁸ Atkinson, p40.

renewed negotiations with Rohe Potae hapu/iwi to allow the railway on a mutually beneficial basis.⁶⁹ In effect, the imperative of settlement pushed the government toward negotiation with the Rohe Potae hapu/iwi.

A number of issues highlighted in this proposed chapter will need to be advanced through further research in the final report. For example, the financial and political developments created by the abolition of the provincial system of government in 1876 need some examination as they contribute to the increased freedom of central government to pursue a trunk line policy. Consequently, these developments form part of the immediate context of the renewed government efforts of negotiation with Rohe Potae hapu/iwi in 1880s. Also, an examination of the *Parliamentary Debates* needs to be conducted in order to form a detailed understanding of government perspectives on a North Island main trunk and its relation to settlement, economic development and as a possible solution to the 'Native problem'. Gee's thesis, focused on the political aspects of the NIMT, provides an excellent starting point for such a search.⁷⁰

⁶⁹ Cathy Marr, *The Waimarino Purchase Report*, a report commissioned by the Waitangi Tribunal, 2004, WAI 903 #A60, pp99-100.

⁷⁰ F.E Gee, 'The North Island Main Trunk Railway, New Zealand: A Study in the Politics of Railway Construction', Thesis, University of Auckland, 1949.

Chapter Two: The Railway Agreement 1882-1885

Chapter two of the main report will examine the negotiations and understandings reached between Rohe Potae hapu/iwi and government officials regarding the construction and operation of the NIMT in the district. It will cover the period from the beginning of negotiations in 1882 to the 'turning of the first sod' ceremony in 1885, which marked the start of the NIMT construction through the Rohe Potae. Given the complexity of the negotiations, as well as the early stage of research, the following outline is reliant on existing reports and focuses on specific areas that will need closer examination in the substantive report. It should be noted that the general significance of the Rohe Potae hapu/iwi – government negotiations in the district, and more particularly the specific agreements and understandings reached in regard to the construction of the NIMT, make the topic of railways in the district comparatively unique. It is for this reason that this project has been separated from the standard public works report. Claimants, understandably, have expressed the view that the negotiations surrounding the NIMT should be closely examined.

Chapter two of the main report has strong connections with the political engagement reports under way for the Te Rohe Potae inquiry. Although the NIMT was the central focus of the negotiations, they came to encompass a range of important issues for the district, ultimately resulting in the 'opening' of the Rohe Potae to European settlement. These issues included, perhaps most significantly, the introduction and operation of the Native Land Court and associated land administration system into the district. As Marr makes clear, over the protracted course of negotiation, government officials attempted to obtain only what was required specifically for the railway. Conversely, the Rohe Potae leadership attempted to use the railway as leverage to gain broader concessions and reforms in order to effectively 'manage' the 'opening' of the district.⁷¹ As a consequence, this project will have links with Marr and Barclay's Political Engagement 1870-1917 report, project 6 of the research casebook, as their work will examine in detail the broader political issues of the agreement. In order to avoid unnecessary overlap, the proposed chapter will primarily examine railway-specific aspects of the agreement, drawing on Marr and Barclay's research in regard to the wider issues.

The Rohe Potae negotiations that relate to the NIMT can be divided into three key stages connected by a number of important intermediate events. The first stage was Native Minister

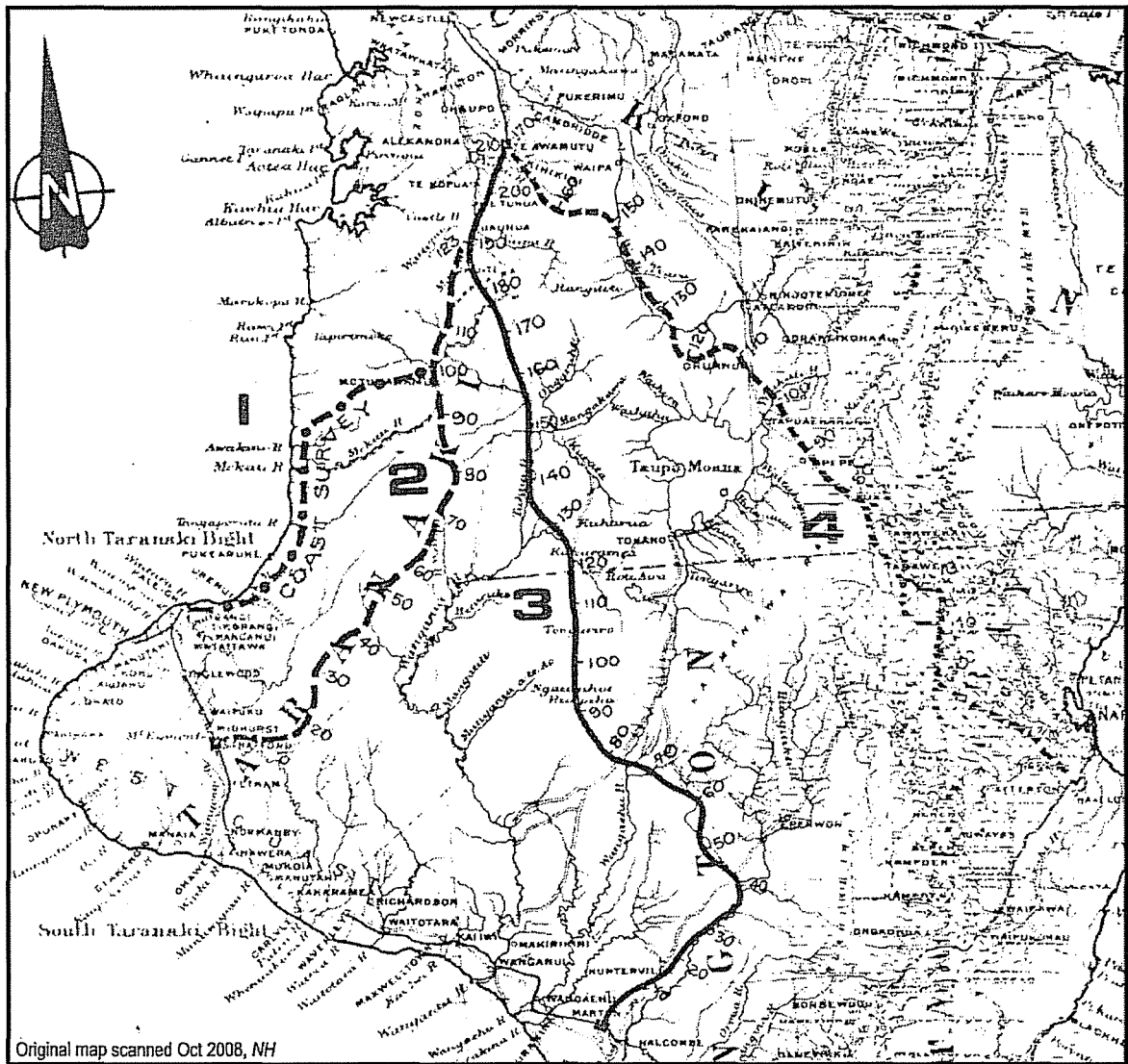
⁷¹ Marr, 'Waimarino', p100.

Bryce's initial discussions with the Kingitanga in 1882.⁷² Soon after, in September 1882, important legislative steps were taken toward NIMT construction in the shape of the North Island Main Trunk Loan Act, which enabled the government to raise a loan of up to £1,000,000 for that purpose (New Zealand's total GNP at this time is estimated to be £32 million).⁷³ Negotiations then shifted from Tawhiao and the Kingitanga to discussions with an 'interior alliance' of Rohe Potae hapu/iwi, with Ngati Maniapoto chief Wahanui as the principal representative of the collective. These events were followed by the second stage, centred on an agreement for the exploration of a railway line in March 1883, after several earlier government attempts at survey were turned back at the aukati. The survey of the possible western routes began once this agreement was secured. This was followed by a period of over a year where negotiations were concentrated on potential reforms to Maori land legislation. In this time, several further legislative steps were taken toward construction, including the Railways Authorisation Act 1884, which authorised a line from Te Awamutu to Marton. In addition, a select committee was appointed to establish the best route for the NIMT. The 1884 final report selected a 'central' route (see Map 2).⁷⁴ Also in 1884 the Land Alienation Restriction Act was passed to prohibit private land transactions over a large area of land affected by the construction of the proposed NIMT (see Map 3). The final stage entailed Native Minister Ballance's Kihikihi hui in early 1885, where he articulated specific arrangements in regard to the commencement of construction, which were later agreed to by Rohe Potae hapu/iwi. The 'turning of the first sod' ceremony in April 1885, the symbolic beginning of the NIMT in the district, marks the end of the final stage. The remainder of this overview will concentrate on the Kihikihi hui, outlining some preliminary findings.

⁷² Loveridge, 'The Crown and the Opening of the King Country', pp16-27.

⁷³ Marr, 'Waimarino', p105; Keith Rankin, 'New Zealand's Gross National Product: 1859-1939' in *Review of Income and Wealth*, vol.38, no.1, 1992, pp49-69.

⁷⁴ *AJHR*, 1884 (Session II), D5, I6, I6A.



Original map scanned Oct 2008, NH

Map 2: *Explored Routes for NIMT Considered by the Parliamentary Select Committee October 1884. 1 and 2 R.W. Holmes and M. Carkeek, 3. J. Rochfort and 4. G.P. Williams (Plan from AJHR 1884- I6. Source: Fletcher, Single Track, 1978)*

At a hui in Kihikihi on February 1885, Ballance, explicitly building on discussions held by Bryce at earlier stages of negotiation,⁷⁵ made a number of assurances to Rohe Potae hapu/iwi in respect to the construction and operation of the railway in the district. In terms of the land required for the construction of the line itself, Ballance asserted that ‘one chain’ width would be needed except where the geography required cuttings, in that case he asserted two chains might be taken. He stated stations would generally need 5 acres or 10 acres when situated in areas with the potential for a large settlement. It was stressed that compensation would be paid for this land, with Ballance asserting that Maori would be treated the same as Europeans in this respect.

Alluding to the introduction of the Native Land Court, Ballance stated that compensation could only be paid once title and owners were determined. When concern was raised that important food sources or mahinga kai could be lost in construction, Ballance asserted that care would be taken to avoid such destruction stating 'water courses should not be interfered with... No injury whatever will be done to Native land.'⁷⁶ He added that Maori would be paid for timber used in construction, and that railway would improve access to timber enabling it to be sold for the benefit of Maori owners.⁷⁷ Furthermore, Ballance stated that construction contracts would be offered to local Maori, providing a direct economic benefit from the building of the rail.⁷⁸

The idea of potential economic development for both Maori and European from the construction of the NIMT is important in understanding the assurances made at Kihikihi.⁷⁹ As Marr points out, this incentive was a major factor in the initiation of negotiations in 1882:

The Government need for the railway and its resultant willingness to consider renewed negotiations with the Kingitanga also coincided with the Kingitanga willingness to also negotiate with Government. The Kingitanga was determined to maintain some kind of managed district under Maori authority but in the post-war period the leadership also had to seek new forms of economic opportunity for their communities... The burgeoning public works programmes such as road and rail contracts offered the possibility of much needed cash following the economic dislocation of war and capital to develop long term enterprises such as farming...⁸⁰

This notion of potentially mutually beneficial economic development was implicitly informing discussion throughout the negotiations and was also expressed explicitly by Rohe Potae hapu/iwi numerous times as well as through a number specific assurances made by government officials. For example, the 1883 petition to government by Rohe Potae hapu/iwi demonstrated their clear understanding of this potential.⁸¹ Much of this expectation, from the Maori perspective, was based on the retention of land near the NIMT, which would increase in value when the line was constructed.

At Kihikihi, Ballance made numerous assurances regarding the value of the land and Maori retention of it. In respect of value, he stated:

⁷⁵ Marr, 'Waimarino', pp169-170.

⁷⁶ *AJHR* 1885, G1, pp23-24.

⁷⁷ *AJHR* 1885, G1, p23.

⁷⁸ *AJHR* 1885, G1, p23.

⁷⁹ Marr, 'Waimarino', pp101-102.

⁸⁰ Marr, 'Waimarino', pp102-103.

⁸¹ Marr, 'Waimarino', p113.

They must know that there are large blocks of land in this country which have really no value at all, because there are no roads or railways through them, and if they had to sell this land at the present moment they would not receive more than three or four shillings an acre, whereas if railways or roads were made through it it [sic] would sell for as many pounds an acre.⁸²

And again:

As I said yesterday, greater powers will be placed in the hands of the Natives to deal with their own land, when [sic] their land will be enormously increased in value through the construction of this railway and road.⁸³

In relation to these assurances regarding land, Ballance added this about rates on those lands: 'I do not think that land along the line of the railway, or along the roads leading up to the railway, should be proclaimed under the [Lands Rating] Act. When the land has been leased or sold, then the time will have come for putting on rates...'⁸⁴ He reinforced this comment by asking John Ormsby to send a letter for the record which would be 'binding on future Governments.'⁸⁵ It is in this context that Ballance's assurance at Kihikihi that the government was not interested in purchasing Native land in the district takes on considerable importance. Ballance stated that:

With regard to the Government purchase of Native Land, I am anxious that Government should not purchase land... The Bill that we intend to introduce will prevent the necessity of the Government acquiring lands, the principal object of the Government being to get the land and country settled: and, if the Natives will do that themselves by leasing their lands, the Government will assist them and not otherwise interfere.⁸⁶

Finally, in his concluding comments, Ballance underlined the notion of economic opportunity through hyperbole: '...let me tell you that the money that will come from the construction of this railway [NIMT] will be worth all the berries in the world, and the eels, too.'⁸⁷

It should be stressed that this outline is only preliminary, further examination of what is highlighted here as well as additional issues that have not yet been investigated is needed. A clearer knowledge is required of the particular understandings held by the various parties involved in the negotiations and agreements regarding the NIMT. In particular, differences between Rohe Potae hapu/iwi and government perspectives have an obvious importance in the consequent expectations and outcomes of the agreements. Attention also needs to be directed to differing understandings and changing positions of iwi within the alliance of Rohe Potae

⁸² *AJHR* 1885, G1, p17.

⁸³ *AJHR* 1885, G1, p24.

⁸⁴ *AJHR* 1885, G1, p17.

⁸⁵ *AJHR* 1885, G1, p19.

⁸⁶ *AJHR* 1885, G1, p18.

⁸⁷ *AJHR* 1885, G1, p24.

hapu/iwi. Any changes to the initial agreement made at later dates, as well as changing understandings of the agreement over time, will so need to be examined. Finally, the place of liquor within the negotiations and its relationship to specific railway agreements will be investigated.

Chapter Three: Building the Line, 1885-1908

Chapter three of the main report will examine the construction of the NIMT between 1885 and 1908. It will describe the construction process itself and its immediate impact on the district. The construction process will be considered within the context of the 1880 negotiations. The key issues addressed in the chapter – all of which have been raised by claimants at research hui – will include: the relationship between construction and government Maori land purchase and wider settlement policy; Maori contracts for building the line; use and payment of timber and gravel resources for construction; environmental impact as well as the influx of European workers and their impact on the local Maori population.

The construction of the NIMT was a protracted process taking over 20 years to complete. As Marr describes, serious preparation for the construction began even before Ballance's final negotiations at Kihikihi in February 1885.⁸⁸ After the initial surveys for the 1884 commission, more detailed surveys were begun for the construction of the actual line. Also, the first construction contracts were tendered in early 1885 for the initial 15 miles at the northern end and 13 at the southern end.⁸⁹ By 1887 work had begun in a number of areas within the district, including south of Te Awamutu and at Poro-o-tarao (between Te Kuiti and Taumarunui), where a large tunnel was required. Economic depression, however, slowed the rate of construction almost immediately.⁹⁰ By 1889 34 miles of line were completed to the upper Mokau valley.⁹¹ From 1889 until 1893 construction was almost at a standstill. The work at Poro-o-tarao was the most significant during this period, with the tunnel completed in 1891.⁹²

In conjunction with the early construction work described, from as early as 1886 the government moved toward a policy of extensive land purchase in the Rohe Potae.⁹³ The connections between this policy and the construction of NIMT will be examined in Chapter three and will have links to the 19th and 20th century lands reports commissioned for this inquiry. As stated, the North Island Main Trunk Railway Loan Application Act 1886 authorised the raising of £1,000,000 loan for construction. Importantly, the Act specified that £100,000 of this loan could be used for the purchase of Native land within the boundaries described in the Native Land Alienation Restriction Act 1884 (see Map3). It stated that 2.5 percent of this land should be reserved for

⁸⁸ Marr, 'Waimarino', p163.

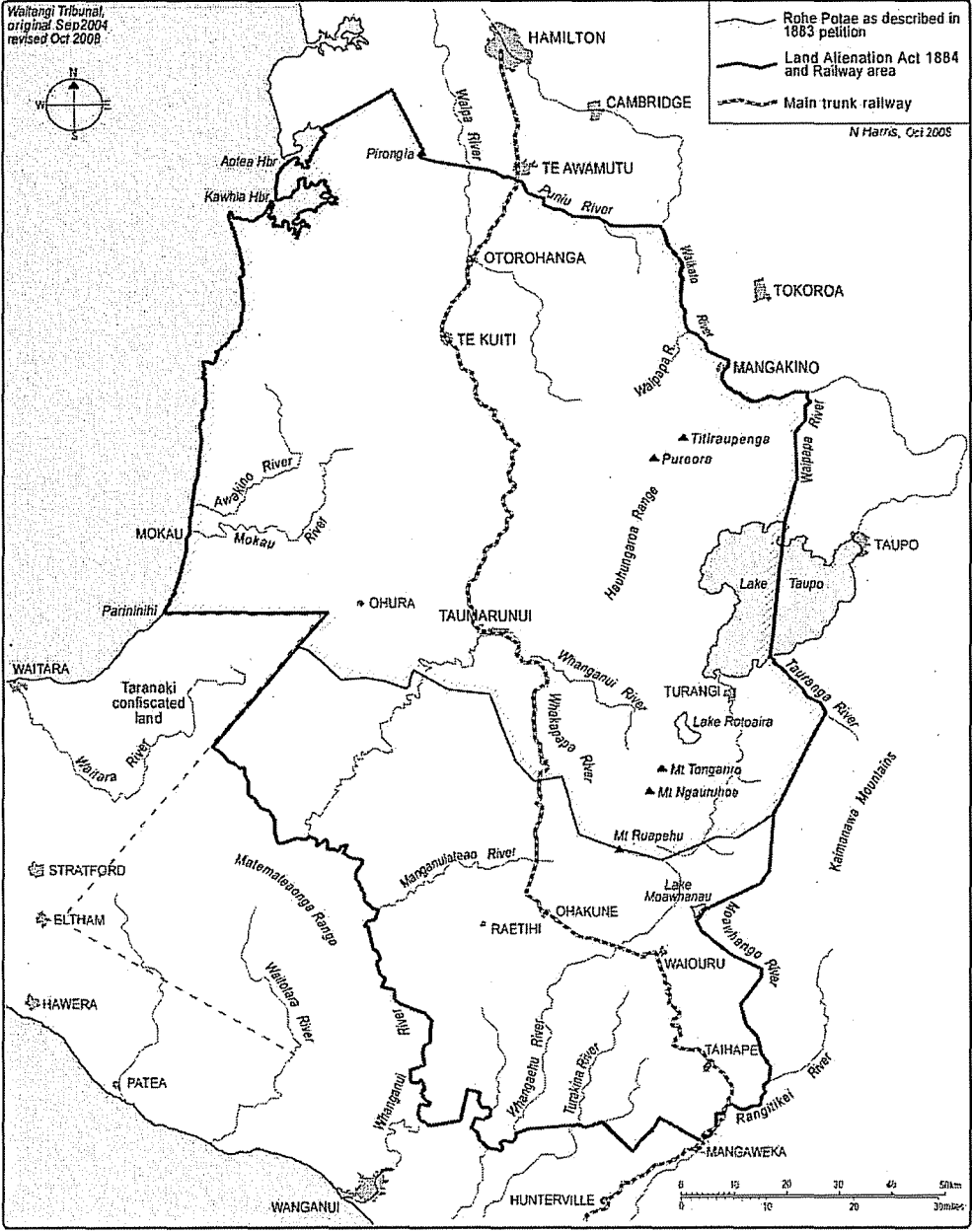
⁸⁹ Marr, 'Waimarino', p163.

⁹⁰ *AJHR* 1888, D1, p1.

⁹¹ *AJHR* 1889, D1, p3.

⁹² *AJHR* 1891, D1, p9; Heron, p101.

'Education Boards and Hospital and Charitable Aid Boards' with the remainder of the land constituting a 'railway reserve'. The profits from the sale and lease of this reserve would then be used in the construction of 'the said Main Trunk Railway, and of branch railways, tramways, or roads in connection therewith'.



Map 3: Railway and Restriction area as defined by the Land Alienation Restriction Act 1884

⁹³ Marr, 'Waimarino', pp233-148.

By 1889 most of the initial £100,000 had already been spent on purchases.⁹⁴ 566,179 acres of land at a total cost of £71,693 had been acquired within the area defined by the Native Land Alienation Restriction Act 1884.⁹⁵ In the context of economic depression and the rising costs of construction, the Minister of Public works proposed using another £100,000 of the railways loan to purchase a 'large area of Native land suitable for settlement... at both ends of the line [NIMT], and within easy reach of it'.⁹⁶ It was asserted that construction could not continue until the proposed purchasing program was complete. The original 1886 Act was amended in September 1889 to authorise the increased spending.

In 1892 a select committee was formed to reinvestigate the original survey routes for the central line and the estimated total costs. The surveys and the estimates were both found to be erroneous. The new estimate of £2,007,985 provided by the committee was almost double the original £1,293,134.⁹⁷ In regard to the survey routes for the NIMT, the committee found some errors in respect to the difficulty of the land to be crossed by the central route. The committee remained undecided on whether the main line should pass through Stratford or continue as planned with the central route and an additional branch line to Taranaki. In conclusion they recommend construction cease until more surveys were conducted and purchase of Maori land was complete.⁹⁸ Demonstrating the connection between rail construction and settlement, a major element in the report's discussion of potential lines was the analysis of the soil and geography in order to identify which would 'open' the best land for farming.⁹⁹ As the commission recommended, purchasing of Maori land continued within the alienation restriction area.

By 1894 the additional NIMT loan funds allocated for Maori land purchase within the alienation restriction zone had been spent. Indeed, the whole loan raised for construction by the North Island Main Trunk Railway Loan Application Act had been exhausted. In regard to the purchase of Maori land the Public Works report of that year stated: 'it [the loan] has... provided us [Public Works] with an estate of 1,137,377 acres of freehold, and 129,148 acres of leasehold land, besides other large areas, which have been partially acquired.'¹⁰⁰ Although this appears to have marked the end of purchasing from the NIMT loan, Public Works purchases continued throughout the district in the 1890s using funds from the general 'Native Lands Purchase Account'. Marr states

⁹⁴ *AJHR* 1889, D1, p4.

⁹⁵ *AJHR* 1889, C6, p11.

⁹⁶ *AJHR* 1889, D1, p4.

⁹⁷ *AJHR* 1892, I9, p1.

⁹⁸ *AJHR* 1892, I9, pp1-2.

⁹⁹ *AJHR* 1892, I9, pp1-2.

that by 1900, 687,769 out of a possible 1,844,780 acres had been purchased within the 'Rohe Potae (or Aotea Block)'.¹⁰¹ The reorganisation after 1894 of Public Work's financial resources for construction of the NIMT and the proportion of this allocated to Maori land purchasing needs to be examined in more detail in Chapter three. Also, a more precise understanding of the purchasing within the district is required (rather than the wider restriction zone), including exactly how much of the described NIMT loan purchases occurred within the inquiry area. Moreover, the general administration of 'railway reserve' lands needs to be examined, in order to establish which government department controlled these lands after purchase as well as how and to whom these lands were sold and leased.

While government purchasing of Maori land was rapid and extensive, construction of the NIMT was still proceeding slowly. The Mokau and Poro-o-tarao tunnel sections were completed (12 miles 43 chains) and opened for traffic on 21 December 1896 (just for service goods for further work on the line), meaning the north end of the railhead now stretched from Auckland to Poro-o-tarao.¹⁰² This progress increased the need for a final decision on the route the NIMT would take. By 1899 detailed (re)surveys were complete of the central route and three possible lines to Taranaki: the Ngaire, Waitara and Awakino routes.¹⁰³ From this evidence the decision was finally made to proceed with the central route, much like the original 1884 commission had proposed, while recommending the Ngaire route for a future Taranaki branch line.¹⁰⁴ After this decision, combined with an improving economic situation, the rate of construction significantly increased. By 1904 regular traffic was running from Auckland to Taumarunui, the boundary of the Te Rohe Potae district inquiry. Four years later the first train ran between Auckland and Wellington. The total cost of construction was estimated to be over £2,500,000.

Employment of local Maori during the construction of the NIMT will also be examined in Chapter three. Evidence suggests that contract work was available to Maori workers in the district during the late 1880s. In 1885 the Public Works Statement noted that 'Maori resident in the district' were employed through 'small contracts' to work south of the Puniu River on '6 miles of the formation works of the northern section'. It went on to add 'the works are well in hand; and not only this, but the Natives are pressing the department to let them have contracts

¹⁰⁰ *AJHR* 1894, D1, pv.

¹⁰¹ Marr, 'The Alienation of Maori Land in the Rohe Potae (Aotea Block), 1840-1920', Waitangi Tribunal: Rangahaua Whanui Series, 1996, p128.

¹⁰² *AJHR* 1897, D1, pv.

¹⁰³ 1899, D1, pp105-117.

¹⁰⁴ Heron, pp82-83, 101.

for further works on the extensions of this line.¹⁰⁵ In addition 50 Maori were reported to be working on a support road across the Puniu River.¹⁰⁶ The 1886 Chief Engineer's report indicated that part of the formation works on the Te Kuiti section, after the good work shown on the Puniu section, was contracted to 120 Maori.¹⁰⁷ Secondary accounts such as Fletcher's history of NIMT construction also confirm Maori employment in the early years.¹⁰⁸ However, commentary on Maori employment disappears from the *AJHR*'s after 1889 as the rate of construction slows.

More research is required before any assessment on the scale and length of Maori employment can be made. The introduction of the 'Co-operative system' of contracting by the Liberal government in 1891 and its impact on Maori contracts needs to be examined. The new system attempted to eliminate the inefficiencies of the older system that contracted large overseas-based firms to construct railways. One assumed problem included the subcontracting of overseas workman for the formation work and other labour intensive tasks. The new system aimed to eliminate the 'middleman', with the Public Works Department directly employing settlers for these labour intensive tasks, while retaining the services of larger firms for the more technical works.¹⁰⁹ The ideal of the co-operative system also envisioned these workers, after the completion of construction, being granted government land around the railway line.¹¹⁰ The reality of this system needs to be investigated, as the new process may have reduced the number of contracts offered to Maori as well as resulted in the settlement of workers on land within the district. Any assessment of Maori work in construction needs to take into consideration the large scale of the NIMT project and the workforce required for such as task.

As well as discussing the extent to which Rohe Potae Maori were employed in the building of the NIMT railway, Chapter three will examine whether Maori were paid for the timber and stone resources required for the line. At the meeting held in Kihikihi in February 1885, Ballance stated that Maori would be paid for any timber destroyed during construction, and at least one of the Maori speakers indicated a preparedness to sell some timber for use as sleepers.¹¹¹ No evidence has been located during the scoping work to indicate that Maori were paid for timber destroyed or used for construction materials. It is unclear whether areas of bush outside the land required

¹⁰⁵ *AJHR* 1885, D1, p4.

¹⁰⁶ *AJHR* 1885, D1, p4.

¹⁰⁷ *AJHR* 1886, D1, p33.

¹⁰⁸ Fletcher, pp128-129, 133.

¹⁰⁹ Heron, pp131-132.

¹¹⁰ P.J. Gibbons, 'Some New Zealand Navvies: Co-operative Workers, 1891-1912' in *New Zealand Journal of History*, Vol11, No1, pp54-75.

¹¹¹ Aporo Taratutu indicated a willingness to sell matai for sleepers. *AJHR* 1885, G1, p 23.

for the track and stations were damaged during construction. In respect of the timber needed for the building of the line, it appears that this was secured from outside the district and transported by railway to the head of the line where construction was progressing. Several Public Works Department files provide details of contracts awarded for the supply of sleepers for the NIMT railway.¹¹² These contracts seem to have all been secured by Europeans located in various bush areas throughout North Island. Further research is required to establish whether Rohe Potae Maori tendered for these contracts. Around 1900, the Public Works Department established a mill at Kakahi (near Taumarunui, outside the Rohe Potae inquiry district) to produce timber for sleepers and other purposes.¹¹³

The stone materials that would be required for the railway do not appear to have been discussed during the negotiations that preceded construction. However, once work had begun, it appears that Maori expected to be paid for stone material extracted from their lands and rivers. Isaac Coates, who was contracted to build certain northern sections of the line, recalled in his autobiography that in 1886 an agreement was reached with local Maori to extract gravel from the Waipa River at the cost of three pence per cubic yard.¹¹⁴ (Coates noted that John Ormsby, who was chairman of the Kawhia Committee, was prominently involved in these negotiations.) Further research is required to establish the other places where stone resources were extracted from areas in Maori ownership. A particularly important source of gravel appears to have been part of the bed of the Mangaokewa River, near Te Kuiti.¹¹⁵ In October 1901, a deputation of Rohe Potae Maori advised the Minister of Railways that Maori were no longer being paid for gravel taken for their pits.¹¹⁶ As detailed later, in the outline of Chapter four, gravel pits and quarries were among a number of areas acquired compulsorily from Maori as 'additional' takings for the NIMT carried out after 1900. (One of the areas taken was the Mangaokewa River bed quarry – an area of almost 15 acres taken in 1907.¹¹⁷) The acquisition of these lands under public works legislation removed the possibility of the Maori owners deriving an ongoing economic benefit from supplying stone materials for the railway.

¹¹² See, for example, W 32 14 85/1 part 1, 60,000 sleepers for North Island Main Trunk railway, Marton-Te Awamutu, c.1878-c.1895, ANZ Wellington.

¹¹³ See ABIN W3337 150, Historical Files Collated by NZR Staff – NZR Reports – Sawmills and Bush Areas, Stores Branch, no date, ANZ Wellington.

¹¹⁴ Coates, pp121-124.

¹¹⁵ Resident engineer, report on Waiteti contract dated 30 April 1889, R 3 W2278 53 1903/1989 part 1, Extension of North Island Main Trunk Line, 1887-1908, ANZ Wellington.

¹¹⁶ Under Secretary, Public Works, to Ormsby, 7 November 1901, R 3 W2278 216 1910/3916/1 part 1, Fencing – Main Trunk Railway, 1880-1907, ANZ Wellington.

¹¹⁷ *New Zealand Gazette*, 1907, p2618.

In discussing the building of the NIMT railway, Chapter three will detail the environmental impact of construction, an issue that has clear links to the environmental impact report. As discussed in the outline of Chapter two, the effect of the railway upon mahinga kai resources and waterways was discussed at the February 1885 Kihikihi meeting, where Ballance assured those present that there would be no impact on waterways or Maori land. The chief Hopa te Rangianini asked to have a viaduct built over a swamp where he caught eels, rather than having it filled in, and another chief, Aporo Taratutu, explained that Maori wanted to keep trees such as kahikatea because in summer the berries were used for food.¹¹⁸ While any evidence relating to environmental impact will be presented in Chapter two, a thorough assessment of this issue is beyond the authors' expertise and the discussion will therefore be of a general nature. It will be noted, for example, that the railway passed through the large Te Kawa swamp (south of Te Awamutu) and that substantial filling of the swamp was undertaken during construction.¹¹⁹ It will also be noted that, at the request of Maori, at least one change to the course of the railway line appears to have been made during final survey to avoid an area of bush.¹²⁰

The impact that construction of the railway may have had on wahi tapu will also be addressed in Chapter three. However, as discussed in the earlier section on sources, little evidence has been located during the scoping work regarding this issue. Wahanui, it has been noted, asked to be immediately contacted if any human remains were disturbed, indicating that Rohe Potae hapu/iwi were concerned that burial places might be affected. Any further evidence located in relation this issue will be presented and discussed in Chapter three.

The social impact of the construction of the railway on local Maori communities will also be explored in Chapter three. Limited evidence relating to this issue was identified during the scoping work, but it is expected that relevant material will be located with further research, particularly newspaper searches. The interaction between the large number of European workers and the local Maori community will be examined. As part of this, a description will be provided of the number of workers who moved through the district, where they lived, and the duration of their time at different places. It is evident that some workers brought their families with them. In his history of the King Country, Craig Dick draws on reminiscences of two children of a construction worker, John and Jake Cain, who recalled that local Maori did not welcome the 'invasion' of their lands, but seldom opposed the work unless they had been drinking, in which

¹¹⁸ Marr, 'Waimarino', p184.

¹¹⁹ Coates, p116.

¹²⁰ *Waikato Times*, October 1886, extract in *Footprints of History*, Number 6, July 1991, p133.

case there might be a 'vicious fight'.¹²¹ It appears that some construction workers remained in the district after the construction work ended and established economic relationships with Rohe Potae Maori, leasing Maori land while waiting to purchase sections of land.¹²²

The introduction of alcohol into the Rohe Potae will also be examined as one of the social impacts of the building of the NIMT. Alcohol was prohibited in the King Country in accordance with a request made by Maori during the negotiations that led to the opening of the district. However, it is apparent that alcohol was brought into the district to supply the construction gangs, with local Maori also presumably able to purchase this alcohol. Isaac Coates stated that when work was being carried on in the vicinity of Te Kuiti, the settlement was 'a great place for sly grog selling', with large quantities of beer and spirits brought in on the ballast trains.¹²³ Alcohol continued to be illegally brought into the district on trains after the NIMT was opened – an issue that will be explored further in Chapter five.

¹²¹ Dick Craig, *King Country: New Zealand's last frontier*, 1990, p122.

¹²² See, for example, Hill to Ward, 7 December 1904, R 3 W2278 216 1910/3916/1 part 1, Fencing – Main Trunk Railway, 1880-1907, ANZ Wellington.

¹²³ Coates, p125.

Chapter Four: Public Works Takings for the NIMT

This chapter will examine issues surrounding the taking of Maori land for the NIMT in the Rohe Potae inquiry district. Issues related to these takings, it should be noted, are of central concern to claimants and have been repeatedly expressed at research hui. Claimants have suggested that, in addition to the land taken for the NIMT, land may have also been taken along some of the surveyed routes that were, in the end, not selected for the railway. It is important to recognise that the taking of land under Public Works legislation for public purposes was a separate process from the wider purchasing of Maori land funded by the NIMT loan described in Chapter three. Accordingly, land takings and land purchases will be examined separately in the report. While the proposed structure of the main report can generally be described as chronological, this chapter will be thematic in that it will discuss a number of related land-taking issues that cover a broad period of time. As well as examining the initial takings for the NIMT and establishing whether the owners were paid compensation, the chapter will discuss additional, later takings, and the leasing of lands taken for railway purposes.

As discussed in the outline of Chapter two, Rohe Potae hapu/iwi gave their approval for the construction of the NIMT on the basis of certain understandings reached with representatives of the settler government. In respect of the land required for the railway, Maori agreed to provide a strip of land one chain (about 20 metres) wide for the track. Telegrams sent to Ballance in late February 1885 confirmed that a one-chain strip could be taken, but that the government was to pay for the land and that the line was to be fenced.¹²⁴ Evidence concerning Maori expectations relating to compensation is conflicting and requires further consideration. In September 1886, for example, Wahanui informed Ballance that it had been agreed that no payment was required for the one-chain strip required for the track or for limited areas of land required for stations (up to three acres for principal stations and two acres for small stations).¹²⁵ While Maori may not have expected to be paid for the one-chain strip or for limited areas required for stations, it is likely that it was expected that payment would be made if land in excess of the agreed areas was taken. Expectations regarding the method of determining and paying compensation also need to be explored. The Native Land Court was responsible for assessing compensation for Maori land taken for public works, yet Rohe Potae leaders were opposed to the operation of the Court in the district.

¹²⁴ Marr, 'Waimarino', p188.

¹²⁵ Wahanui to Ballance, 28 September 1886, R 3 W2278 box 216 part 1 1910/3916/1, Fencing – North Island Main Trunk, ANZ Wellington.

Land takings for the NIMT can be divided into 'initial' and later, 'additional' takings. The initial takings for the track and stations were carried out when the line was being constructed. Land was taken for the track and stations by a succession of proclamations issued under Public Works legislation – a process that reflected construction progress as sections of the line were completed. All of these proclamations have been identified as part of the scoping exercise and are detailed in the table below. The initial takings saw approximately 1070 acres of land within the Rohe Potae inquiry district taken for the NIMT.

Date of proclamation	<i>New Zealand Gazette</i> reference	Description	Area
29 April 1886	1886, p 596	Land in Puniu, Mangaorongo, and Orahiri Survey Districts	167a 3r 38p
2 March 1888	1888, p 455	Land in Otanake and Pakaumanu Survey Districts (Waiteti section)	154a 3r 23p
23 March 1888	1888, pp 386-387	Land in Orahiri and Otanake SDs (Te Kuiti section)	122a 2r 31p
3 June 1899	1898, p 1121	Land in Mapara Survey District (Mokau and Poro-tarao sections)	206a 1r 00p
31 October 1902	1902, pp 2420-2421	Land in Mapara, Tangitu, Rangi, Tuhua, Piopioatea SDs (Ohinemoa and Ongruhe sections):	417a 3r 37.5p
Total			1069a 3r 9.5p

An examination of proclamation registers kept by the Public Works Department indicates that most, if not all of this land remained in Maori ownership at the time of taking.¹²⁶ Further research is required to establish exactly how much land was taken from Maori ownership. It is possible that some of the proclaimed areas had already been acquired by the government through purchase.

In order to establish the extent to which the initial land takings for the railway exceeded the agreed one-chain strip and limited areas for stations, it will be necessary to examine the Public Works Department's proclamation plans held at Archives New Zealand.¹²⁷ A preliminary examination of a small sample of these plans indicates that, in terms of track width, considerably more than one chain was taken. It appears that the amount of land taken may actually have been greater than was required for the operation of the railway. This is apparent from the fact that a significant number of areas of land taken for the railway were later leased to private interests, a matter discussed further below. The reasons why an unnecessarily large area of land appears to have been taken requires further consideration.

¹²⁶ ABWN 8117 W5280 129-140, parts 1- 12, Proclamation Registers (Railways Purposes), 1874-1952, ANZ Wellington.

After discussing the initial land takings, Chapter four will then examine whether compensation was paid to the owners. Research undertaken for the Whanganui inquiry established that in 1890 the Native Land Court assessed compensation for 11 blocks of land in the Rohe Potae inquiry district.¹²⁸ It appears that compensation was assessed for areas taken in excess of one chain for the track and three acres for stations. The awards made in 1890 obviously related only to the taking carried out up until that time. It appears that no compensation was paid to the Maori owners in respect of the large areas taken in 1899 and 1902. A 1946 report on licensing in the King Country, prepared by Justice Smith, discusses the issue of compensation.¹²⁹ (This report examines the railway as one aspect of the government's agreement with the Rohe Potae hapu/iwi, which also included a ban on the sale of alcohol.) Smith's report draws on Public Works Department records that appear to have since been destroyed.

Chapter four will also discuss the additional takings for the NIMT. The table below sets out these takings, which comprised a total area of about 106 acres. While the areas involved were considerably smaller than the initial takings, the additional takings were nevertheless significant, particularly as Maori land holdings diminished through purchase. It appears that additional land was taken for a number of purposes, including the provision of sections for housing for Railways employees. Importantly, land was also acquired for ballast pits and quarries. As discussed earlier, it is likely that Rohe Potae hapu/iwi expected to be paid for the metal resources required for the railway. The compulsory acquisition of areas that contained metal clearly limited the extent to which owners would enjoy any ongoing benefit from such resources.

Date of proclamation	New Zealand Gazette reference	Description	Area
18 December 1903	1904, p 2.	Land in Tangitu Survey District: - Rangitoto block	11a 0r 6p 5a 1r 39p
7 April 1905	1905, pp 919-920	Land in Mapara, Tangitu, and Rangi Survey Districts: - Rangitoto block	2a 1r 3p 14a 1r 31p
16 August 1907	1907, p 2618	Land in Otanake Survey District: - Pukenui block 2D 4 No. 6924 2D - Pukenui 2M	0a 0r 25.5p 14a 2r 17p
25 March 1911	1911, pp 1193-1194	Land in Otanake Survey District: - 20 sections that may have been Native Township land taken for housing	4a 1r 32.8p

¹²⁷ The reference for these plans is PWD W000.

¹²⁸ Philip Cleaver, 'The taking of Maori land for public works in the Whanganui inquiry district, 1850-2000', a report commissioned by the Waitangi Tribunal, September 2004.

¹²⁹ Justice Smith, 'King Country: Report by the Chairman of the Royal Commission on Licensing', *AJHR*, 1946, H-38, appendix C, pp374-375.

Date of proclamation	New Zealand Gazette reference	Description	Area
28 March 1912	1912, p 1216	Land in Orahiri and Otanake Survey Districts: - Portion of Pukenui 2M (Maori)	48a 0r 00p
3 December 1913	1913, p 3627	Land in Mapara Survey District: - 8 sections (subdivisions of Rangitoto Tuhua block) that may have taken for housing	11a 0r 12.4p
7 February 1949	1949, p 572	Land in Orahiri Survey District: - Orahiri 11 - Orahiri 11A	5a 0r 13p 2a 0r 00p
16 February 1953	1953, p 221	Part Rangitoto Tuhua 68H 2B 2C	0a 1r 21.5p
Total			106a 0r 1.2p

It is proposed that Chapter four should also include a brief examination of the leasing of railway land in the Rohe Potae inquiry district. Around 1900, the Railways Department began leasing land across New Zealand as an additional source of revenue.¹³⁰ As noted above, a number of areas of railway land were leased to private interests in the Rohe Potae inquiry district, suggesting that an excessive area of land had been taken for the railway. There are some 80 files at Archives New Zealand that concern individual leases of railway land in the district. These files will be assessed to establish approximately how much land was leased and where this land was located. It appears that, in the 1980s, much of this land was identified as surplus to requirements and marked for disposal.

The issues that will be discussed in Chapter four are clearly relevant to the Rohe Potae public works report, which will focus on the compulsory acquisition of Maori land for public works purposes across the inquiry district. The examination of takings for the NIMT is also relevant, to a much lesser extent, to the native townships report. Railway takings saw small areas of the township lands alienated from Maori ownership.

¹³⁰ See, for example, R 3 W2381 43 1915/3935 part 1, Leasing Railway Land, 1895-1956, ANZ Wellington.

Chapter Five: Railways in the Rohe Potae Inquiry District, 1900-1980

Chapter five will discuss the operation of railways in the Rohe Potae inquiry district from 1900 through to 1980, after which New Zealand's railway system was dramatically restructured. It will examine the opening of the NIMT to traffic, the role of the NIMT in the initial European settlement of the King Country, and the construction of the Stratford-Okahukura branch line, as well as proposals for certain branch lines that were not built. The extent to which employment on the railways provided an ongoing economic benefit to Rohe Potae hapu/iwi will also be examined. The chapter will conclude with an assessment of the NIMT's importance to the national economy. This discussion will help to shed light on the overall public benefit provided by the railway, as compared with the experience of Rohe Potae hapu/iwi. An important aspect of this is the extent to which the NIMT provided for Maori economic development consistent with the expectations fostered during the negotiations held prior to construction.

In 1903, construction work on the NIMT railway ended in the Rohe Potae inquiry district when the line from the north was completed and opened to traffic to Taumarunui. The line had been opened in stages as construction progressed through the district.¹³¹ In examining the opening of the NIMT railway, Chapter five will look closely at an issue that arose regarding the fencing of the line. As noted in the outline of Chapter four, telegrams sent to Ballance after the February 1885 Kihikihi meeting advised that one chain could be taken for the track on the condition that this land be paid for and that the track be fenced on both sides. It appears that during construction the line was fenced from the Puniu River as far as Mokau Station, but not further south beyond this point.

Between 1900 and 1907, Rohe Potae Maori wrote numerous letters to the Railways Department, complaining about the lack of fences to stop their stock wandering onto the line.¹³² In this correspondence, they pointed out that Maori had agreed to the railway on the condition that it was to be fenced. Grievances relating to other issues, including the non-payment of royalties for stone materials, were also raised at this time. In responding to the fencing issue, the Railways and Public Works Departments showed little knowledge of the understandings and agreements that had been reached with Rohe Maori before construction began. In 1907, with complaints also

¹³¹ For details of the opening of the line to traffic from the north, see correspondence in R 3 W2278 53 1903/1989 part 1, Extension of North Island Main Trunk Line, 1887-1908, ANZ Wellington.

¹³² See correspondence in R 3 W2278 216 1910/3916/1 part 1, Fencing – Main Trunk Railway, 1880-1907, ANZ Wellington.

coming from European settlers and with a petition on the matter before the House of Representatives, the Public Works Department agreed to fence the section of line in question. Further research is required to establish whether this work was carried out.

The first section of Chapter five, focussing on the opening of the NIMT, will conclude with an examination of the ceremony that took place in 1908 to mark the completion of the construction of the NIMT railway and the opening of the line to through traffic. It will examine how the railway was viewed by the members of the government who spoke at the ceremony, during which Sir Joseph Ward drove in the last spike. This may provide some insight into the extent to which the government in the early twentieth century recognised the agreements and understandings that had been negotiated prior of the construction of the NIMT.

After examining the opening of the NIMT railway to traffic and the issue of fencing, Chapter five will discuss the importance of the railway to early European settlement activity in the Rohe Potae inquiry district. The railway enabled the European settlers to begin working land that had been earlier purchased from Rohe Potae hapu/iwi. The European population of the King Country greatly increased after the railway reached Taumarunui in 1903. In 1901, about 1400 Europeans lived in the district. In 1911, some ten years later, some 12,000 Europeans were resident in the King Country.¹³³ For many years sawmilling was the principal industry, with numerous mills operating along the NIMT and using the line to transport sawn timber out of the district. The NIMT was linked to timber cutting areas by an extensive network of private tramlines.¹³⁴ As the land became cleared it was taken up for farming purposes.¹³⁵ Any evidence relating to changes to Maori settlement patterns following the opening of the NIMT will also be explored. Claimants have indicated that some key marae were moved to locations near the track.

The connection between the NIMT railway and the development of a local tourism industry will also be discussed in Chapter five. The railway passed near the Waitomo Caves, which were to become a major tourist attraction. In 1911, some 22 acres of Maori land, subdivisions of Hauturu East block, were taken under the Public Works Act 1908 for scenery preservation purposes.¹³⁶ This land lay in the vicinity of the Caves and may have included the Caves themselves. The railway also carried tourists to Taumarunui, the terminus of the steamer traffic

¹³³ Ministry of Works Town and Country Planning Division, *Waikato, Coromandel, and King Country region*, Government Printer, Wellington, 1973, p173.

¹³⁴ Dick Craig, *King Country: New Zealand's last frontier*, 1990, p128.

¹³⁵ Bradbury, E. (ed.), *The settlement and development of the King Country, New Zealand: early settlement, industries, resources, scenic attractions*, second edition, E. Bradbury and Co., Auckland, 1933, p9.

that operated on the Whanganui River.¹³⁷ The station facilities built at Taumarunui were larger than those provided at other King Country settlements because of the anticipated river traffic.¹³⁸

In discussing the importance of the NIMT to the early European settlement of the Rohe Potae, Chapter five will examine the link between the railway and the establishment of native townships at Otorohanga, Te Kuiti, and – just outside the inquiry district – Taumarunui. These native townships were proclaimed in 1903 under the Native and Maori Land Laws Amendment Act 1902.¹³⁹ Settlements already existed in these places, with some Europeans leasing land from Maori as the economic opportunities brought by the NIMT increased. Woodley claims that these three native townships in the King Country were established as a result of settler agitation.¹⁴⁰ Settlers sought access to greater areas of land and a more secure form of title. Maori ownership of the township lands was steadily eroded, and by 1927 it appears that over 50 percent of the land in each township was no longer in Maori hands.¹⁴¹

In relation to the expansion of European settlement in the King County, the construction of the Stratford-Okahukura line between 1908 and 1933, as well as any proposed branch lines within the district, will be examined in Chapter five. At this stage, little research has been conducted into these branch lines. It will be necessary to establish whether any Maori land was acquired compulsorily under public works legislation for branch lines and whether Maori were consulted about the projects. (In respect of the Stratford-Okahukura line, it appears that about 20 acres of Maori land in the Rohe Potae inquiry district was taken.¹⁴²) A proposed 'Hamilton-Kawhia-Raglan' line is an example of a branch line that was never constructed within the district. Interest in this line appears to have begun after the First World War and seems to have progressed as far as surveying for potential routes and estimates of costs.¹⁴³ However, significant opposition to construction by local farmers seems to have put an end to such plans.¹⁴⁴

¹³⁶ *New Zealand Gazette*, 1911, p2905.

¹³⁷ Dick Craig, *King Country: New Zealand's last frontier*, 1990, p141-143.

¹³⁸ See correspondence in R 3 W2278 53 1903/1989 part 1, Extension of North Island Main Trunk Line, 1887-1908, ANZ Wellington.

¹³⁹ Cathy Marr, 'The alienation of Maori land in the Rohe Potae (Aotea Block), 1840-1920', Waitangi Tribunal Rangahaua Whanui series (working paper: first release), December 1996, p135.

¹⁴⁰ Suzanne Woodley, 'The Native Townships Act 1895', Waitangi Tribunal Rangahaua Whanui series (preliminary report), September 1996, p15.

¹⁴¹ Cathy Marr, 'The alienation of Maori land in the Rohe Potae (Aotea Block), 1840-1920', Waitangi Tribunal Rangahaua Whanui series (working paper: first release), December 1996, p144.

¹⁴² *New Zealand Gazette*, 1920, pp939-940.

¹⁴³ See BBAD 1054 2088e, 'Proposed Light Railway Hamilton-Kawhia-Raglan', ANZ Auckland.

¹⁴⁴ District Engineer to Engineer in Chief, 21 December 1921, BBAD 1054 2088e, 'Proposed Light Railway Hamilton-Kawhia-Raglan', ANZ Auckland.

The link between the NIMT railway and the illegal transportation of liquor into the district will also be discussed in Chapter five. Before prohibition in the district ended in the 1930s, it appears a significant quantity of alcohol was regularly brought into the district on the railway. The evidence relating to this issue, which is mostly of an anecdotal nature, touches on the efforts that the police made to monitor and control railway traffic to prevent the traffic of liquor.¹⁴⁵

Chapter five will then provide an indication of the number of Rohe Potae Maori employed on railways in the district after the NIMT railway was opened to traffic. This issue – raised by claimants at research hui – is important because it sheds light on the extent to which Rohe Potae hapu/iwi enjoyed an ongoing economic benefit from the railway (including the provision of railway housing). Establishing how many Maori worked on the railway during selected years will involve time-consuming research. Annual lists of Railways staff exist for the years from 1913 to 1985.¹⁴⁶ These lists identify the place of employment for each staff member, but are arranged alphabetically, meaning that the entire list (of up to 20,000 workers) will need to be searched for any year to identify all workers in the Rohe Potae inquiry district. Also, using these lists, it is only possible to identify a Maori worker where a Maori surname is given. Electoral roles may provide another avenue for establishing the number of Maori railway workers in the Rohe Potae inquiry district.

Evidence from three different sources indicates that the number of Rohe Potae Maori employed on the railways was not insignificant. A file concerning applications by Railways employees for staff houses at Te Kuiti include several applications by Maori.¹⁴⁷ Also, a Department of Maori Affairs district welfare report of March 1955 noted that unspecified number of Maori 'boys and girls' in rural areas commonly gained employment with the Railways Department.¹⁴⁸ Lastly, at a recent research hui, claimants provided anecdotal evidence that significant numbers of Maori worked on the railways.¹⁴⁹

Chapter five will conclude with an assessment of the NIMT contribution to the national and local economy. This 'big picture' will help in understanding the overall public benefit provided by the railway in order to place the agreements and understandings reached prior to construction, and

¹⁴⁵ See, for example, 'Gone are the hilarious days and riotous nights when the King Country was our last frontier', *Weekly News*, 23 October 1957.

¹⁴⁶ ABIN W3337 1-4, New Zealand Railways Lists of Staff, 1913-1985, ANZ Wellington.

¹⁴⁷ AAEB W3199 109 07/2393/3 part 3, Allocation of Houses at Te Kuiti, 1940-1957, ANZ Wellington.

¹⁴⁸ District welfare report, 31 March 1955, MA W2490/138 record no. 36/29/2 part 2 District - Welfare Officers Report - Waikato-Maniapoto 1955-1956, ANZ Wellington.

their outcomes, in the broadest possible context. It should be noted that not only is much of the writing on this subject complex, it is also polemic, including the official record. The political nature of the arguments surrounding state constructed and operated railways in New Zealand, combined with the romance associated with the subject of railways generally, contributes to the polarisation of discussion. However, some general observations can be made. Importantly, any assessment of the contribution of the NIMT to the national economy should not be assessed on the operational profitability of the line itself, although it is a factor for consideration. Rather, assessment should focus on the broader question of increased productivity fostered and economic growth stimulated through the land opened to farming and transportation provided by the NIMT.

New Zealand railways, until the restructuring of the 1980s, have not operated with a significant business imperative to increase profits. As Waterson states: 'While the railways were expected to yield a dividend sufficient to cover working expenses, pay interest charges and earn a three or four per cent surplus if possible, the developmental role was the major part the railways were called upon to play.'¹⁵⁰ Indeed, operational income for the whole of New Zealand railway system has generally been insignificant compared to the capital debt that was incurred in construction.¹⁵¹ The problem has been compounded by the construction of many branch lines for political expediency rather than economic reason.¹⁵² Moreover, through most of the twentieth century incomes made on the lines themselves were artificially inflated, due to the concessions offered to commercial and individual customers, largely protecting New Zealand railways from the competition of road transport.¹⁵³

The NIMT appears to be an exception to this pattern, being a profitable and intensively used line. As the Minister of Works, Mr Goosman, stated in 1950: '418 miles of railway line from Auckland to Wellington carries 40 percent of the railway freight of the North Island and 13 percent more than the freight carried by all South Island railways.'¹⁵⁴ New Zealand Railways General Manager added in 1956:

It [NIMT] is the busiest main line in New Zealand. Each weekday ten heavily loaded goods trains and two express trains pass over it in each direction. The goods trains carry

¹⁴⁹ This issue was informally discussed with claimants at the research hui held in Hamilton on 15 August 2008.

¹⁵⁰ Waterson, p86.

¹⁵¹ Gee, p147; Waterson, pp103-104.

¹⁵² Waterson, p104.

¹⁵³ Anderson, pp60-66; Garry Hawke, *The Making of New Zealand: An Economic History*, Cambridge University Press, Great Britain, 1985, pp264-265.

¹⁵⁴ *Dominion*, 18 May 1950 AAVK W3180 2 PUB 1/8 part 1, NIMT, 1933-1958, ANZ Wellington.

some 3,000 tons of goods (coal, timber, cement, petrol, merchandise of all sorts) over the line every working day. And this traffic is being moved at a speed and with an economy that compares favourably with any railway traversing a similar type of country.¹⁵⁵

The general operation and profit raised by the NIMT, including any change over the twentieth century, will be discussed in Chapter five. The twentieth century Railway Statements in the *AJHR*'s provide a statistical starting point for this analysis.

The NIMT has been a major stimulus to the North Island's, and in turn New Zealand's, economic development. The development of New Zealand's railway system, with the NIMT as one of two major trunk lines, was an important auxiliary in the growth of the dairy and frozen meat export industry after 1881. The growth of these industries has been the foundation of New Zealand's twentieth century economy. After originally increasing production through 'opening' large areas to settlement and farming, rail has transported farm produce, quickly and efficiently, to processing facilities and to port for shipment as well as farm essentials back to rural areas for much of the twentieth century.¹⁵⁶ Moreover, the communication links established, and the joining of what were beforehand separated provincial markets, by the NIMT contributed to the North Island's surpassing of the South Island in economic growth and population. The NIMT's contribution to the broader economic development of New Zealand, although difficult to quantify, is clearly significant.

Though the NIMT railway remained important to the national economy as a key part of New Zealand's transport infrastructure, the significance of the railway to the local economy diminished. The railway continued to play a role in transporting goods to other regions, but it appears that by 1970 the use of railway transport within the inquiry district had declined considerably.¹⁵⁷ This shift saw the closure of some small, rural stations.¹⁵⁸ Further, more far reaching rationalisation of operations would be undertaken in the 1980s, as discussed in the following outline of Chapter six.

¹⁵⁵ General Manager, Railways, to Editor, *Weekly News*, 10 December 1956, AAVK W3180 2 PUB 1/8 part 1, NIMT, 1933-1958, ANZ Wellington.

¹⁵⁶ Heron, pp143-147; Waterson, pp90-91.

¹⁵⁷ Ministry of Works Town and Country Planning Division, *Waikato, Coromandel, and King Country region*, Government Printer, Wellington, 1973, p173.

¹⁵⁸ See, for example, correspondence relating to the 1979 closure of Ongarue station in AAEB W3440 PUB 1/8 part 4, North Island Main Trunk Railways, 1978-1986, ANZ Wellington.

Chapter Six: Restructuring and beyond, 1980-2008

Chapter six will examine developments since 1980. Focussing on issues of special relevance to Rohe Potae hapu/iwi, it will look especially at how railway operations in the Rohe Potae inquiry district were affected by the major restructuring of New Zealand's railway system that was carried out in the 1980s. Two aspects of the restructuring will be examined in some depth – the impact of staff cuts on Maori railway employees in the Rohe Potae inquiry district, and the disposal of railway lands deemed to be surplus to operational requirements. Chapter six will also briefly discuss changes to the ownership of the railways system, which was privatised in 1994 and returned to state ownership again in 2008.

The chapter will open with a brief discussion of the situation that faced New Zealand Railways at the beginning of the 1980s – the context for the restructuring that was undertaken later in the decade.¹⁵⁹ In short, Railways was posting significant financial losses, with its operating costs heavily outweighing the revenue earned through its freight and passenger operations. Steps to restructure Railways was taken initially by the National Government and later carried forward by the Labour Government elected in 1984. In 1982, the Railways Department became reconstituted as the New Zealand Railways Corporation, which was required to operate the railway system on a more commercial basis. The new Corporation faced growing competition for freight business from the road transport industry, which was fully deregulated in November 1983.

One of the Corporation's first initiatives was to commission a report by American transport management consultants Booz, Allen, and Hamilton, who were asked to assess the railway system and prepare a plan for restructuring. The resulting report proposed a number of significant changes and, broadly speaking, provided the blueprint for the restructuring process that was subsequently carried out.¹⁶⁰ In accordance with the consultants' plans, the Corporation was broken into three business groups – freight, passenger, and property – and all operations rationalised on a cost-effective basis.

¹⁵⁹ There are a number of secondary sources that provide useful background discussions of the restructuring process. See, for example, David Leitch and Bob Scott, *Bob, New Zealand Railways: The First 125 Years*, Heinemann Reed, Auckland, 1988; and R.Y. Cavana, *Railway system in New Zealand: case study in strategic change*, Graduate School of Business and Government Management, Victoria University, Wellington, 1992.

¹⁶⁰ Booz, Allen, and Hamilton, *Comprehensive review of operations and strategic options evaluation*, New Zealand Railways Corporation, Wellington, 1983.

Further research is required to establish how railway operations in the Rohe Potae inquiry district were affected by restructuring. It is possible that long-haul freight operations on the NIMT line remained relatively unchanged because this line had, prior to restructuring, profitably carried a large amount of freight between main centres of population and was therefore not especially vulnerable to competition from road transport. As explained in the outline of chapter five, local stations on the line had been closed prior to 1980, when the line became less important to meeting local transport needs. In the case of the Stratford-Okahukura line, it is likely that this line would have struggled to compete with road transport and that services were therefore cut back.

One of the major social impacts of the restructuring of Railways was the large-scale job cuts that saw the number of employees decline nationwide from 21,600 in 1982 to 5,400 in 1992.¹⁶¹ It will be important to gauge how many jobs were lost in the Rohe Potae inquiry district. This issue is significant because it appears that, for much of the twentieth century, employment on the railways provided an ongoing economic benefit to at least some Rohe Potae Maori.

Unfortunately, evidence relating to regional staff numbers after 1985 has not been located and requires further research. Also, it may be difficult to accurately determine the extent to which Maori workers were affected. It is possible that staff cuts in the Rohe Potae inquiry district were less dramatic than the proportion of jobs lost nationally. Many of the staff cuts appear to have concerned employees at the large railway workshops, none of which were located in the Rohe Potae inquiry district.¹⁶² However, members of the claimant community have provided anecdotal evidence that there were significant job losses in the King Country.¹⁶³ As discussed earlier, oral history is a source that could potentially shed valuable light on the social impacts of restructuring.

The restructuring of railways also raises significant issues concerning land. The Corporation's property business group was established with the aim of generating revenue from land development projects and the disposal of areas of railway land deemed to be surplus to operational requirements.¹⁶⁴ It was recognised that these areas of land had considerable value, particularly in urban areas. In the mid-1980s, the Corporation began disposing of surplus

¹⁶¹ Cavana, p12.

¹⁶² Leitch and Scott, p168. Also, see material in, for example, ABJP W4103 67 501/76/4 part 1, Staff Activities Linked to Corporate Downsizing, 1986-1987, ANZ Wellington.

¹⁶³ This issue was informally discussed with claimants at the research hui held in Hamilton on 15 August 2008.

¹⁶⁴ Leitch and Scott, p167.

lands.¹⁶⁵ This process continues today, though in 1994 responsibility for the disposals was handed to LINZ. A superficial assessment of 'disposal plans' held by LINZ show that a significant number of parcels in the Rohe Potae inquiry district have been disposed of since the mid-1980s. These disposals have mostly involved unused station land and some strips of land adjoining the track. Also, all of the railway houses in the inquiry district have been sold. It appears that a number of areas subject to disposal were formerly leased to private interests. The main report will attempt to identify the parcels that have been sold in the Rohe Potae inquiry district and when these disposals were carried out.

The main report will closely examine the disposal process and, as part of this discussion, will present brief case studies of a selection of the railway disposals from the mid-1980s to the present day. Two important issues relating to the disposals require examination. The first issue concerns how statutory provisions that provide former owners with a right of repurchase ('offer back') have been applied. This is clearly a significant issue given that much of the railway land was taken from Rohe Potae hapu/iwi. In the *Turangi Township Report*, the Waitangi Tribunal found that claimants were prejudicially affected by the offer back provisions of the Public Works Act 1981.¹⁶⁶

The second issue that requires examination is the extent to which effective processes have been followed to ensure that sufficient and appropriate land has been retained for the settlement of historical Treaty claims. Claimants have questioned whether railway lands will be available for Treaty settlement purposes. During the 1980s, the disposal of railway lands appears to have been undertaken without any mechanism to protect Maori interests.¹⁶⁷ It is also notable that lands held by the Railways Corporation did not have to be memorialised under section 27 of the State-Owned Enterprises Act 1986. (Where a section 27 memorial exists, the Tribunal can technically make an order to return land to Maori ownership.) From 1991 to mid-1992, the Railways Corporation began making informal checks to identify if lands were subject to specific Treaty claims, and between mid-1992 and mid-1993, the Crown Congress Joint Working Party, with Maori representatives, gave clearances to the disposal of railway lands, mostly concentrating on lands in the Auckland and Wellington metropolitan areas.¹⁶⁸ In 1993, the present system of landbanking was established with the creation of the Protection Mechanism for Surplus Crown

¹⁶⁵ Cleaver, pp322-323.

¹⁶⁶ Waitangi Tribunal, *Turangi Township Report 1995*, Wellington, 1995, p323.

¹⁶⁷ Cleaver, p322.

¹⁶⁸ Cleaver, pp322-323.

Land, which is today administered by the Office of Treaty Settlements. Some of the railway lands that have been disposed of in the Rohe Potae inquiry district are held in a regional landbank.

Chapter six will conclude with a brief discussion of changes to the ownership of the New Zealand railway system since the mid-1990s. In 1994, the rail network was sold to a private consortium that was to operate under the name 'Tranz Rail'. The rail land corridor remained in Crown ownership and was leased to Tranz Rail for \$1 a year. By retaining the land in public ownership, the government avoided having to deal with complex disposal issues. The rail land corridor lease was managed by the Railways Corporation until 2004, when Tranz Rail was purchased by Toll Holdings. At this time, the Crown re-acquired the track infrastructure, and in mid-2008 the government purchased Toll Rail, renaming the rail operator 'Kiwi Rail'.

Project Plan for Final Report

Project period: 17 November 2008 – 2 October 2009 (46 weeks).

Philip Cleaver will work 39 weeks at 4 days/wk, a total of 156 days.

Jonathan Sarich will work 42 weeks at 4 days/wk, a total of 168 days.

A total of 324 days is required to complete the project.

Days required to prepare the final report, broken into the following tasks:

Joint project planning and revision:	8
Research – written primary sources:	
Archives New Zealand, Wellington:	48
Archives New Zealand, Auckland:	8
Alexander Turnbull Library:	5
Auckland University Library:	1
Local (King Country) repositories:	2
Land Information New Zealand, Head Office:	7
Ontrack, Head Office:	5
Published primary sources:	
Official sources:	16
Newspapers:	16
Autobiographical works, etc:	6
Research – written secondary sources:	40
Research – oral history:	16
Writing (draft):	100
Writing (revision of draft following QA and consultation):	30
Preparing supporting papers:	16
Total:	324 days

Proposed timeline for project milestones:

Draft Report: 14 August 2009

Final Report: 2 October 2009

Resources required for project:

Travel and accommodation for two research trips:

- 1) Auckland (Archives New Zealand and Auckland University Library)
- 2) King Country (Local repositories and oral history interviews)

Appendix

Relevant Statement of Claim

WAI	Concerning	Claim history	Claim specifics
37	Okahukura Block (Consolidated Claims for Ngati Hikairo)	1.1, undated, filed 31 March 1987 1.1(a) Amendment 7 October 1991; 1.1(b) Amendment 8 December 2004, re CNI Inquiries 1.1(c) Amendment 8 December 2004, re CNI Inquiries 1.1(d) Amendment 27 April 2006 (Wai 1130 1.1.1(d)), re Whanganui Inquiry 1.1(e) Draft Final Statement of Claim, 8 Jun 05 (Wai 1130, 1.2.2(b)) 1.1(f) Final Statement of Claim, 22 Jul 05 (Wai 1130, 1.2.2); 1.1(g) Amended Final Statement of Claim, 15 Sep 06 (Wai 1130, 1.2.2(a)) 1.1(h) Additional Statement of claim, 9 May 2008 (in response to Wai 898 #2.5.28/2.5.29 requesting claimants to declare their interests in TRP District including Te Rohe Potae Compact.)	Claimants assert that Okahukura block was acquired subject to North Island Main Trunk Railway Loan Application Amendment Act 1889. The claim also asserts the taking of Ngati Hakairo lands in Okahukura and Ohuanga blocks, without adequate compensation and failure to return the lands to Ngati Hakairo when it was not used for railways or other specified purposes. Claimants contend that the Crown did not adhere to agreements effected with the Rohe Potae hapu/iwi (Te Rohe Potae Compact).
48	Whanganui Ki Maniapoto Claim (Ngati Haua claims)	1.2, undated, filed 9 October 1987 1.2(a) Amendment, filed 1 May 1992 1.2(b) Draft Final Statement of Claim, 10 Jun 05 (Wai 1130, 1.2.6(a)) 1.2(c) Final Statement of Claim, 22 Jul 05 (Wai 1130, 1.2.3) 1.2(d) Additional statement of claim, received 6 May 2008 in response to Wai 898 #2.5.28 attached to Memo Wai 898 #3.1.182	1.2(d) Additional statement of claim asserts: 'The Crown adopted a policy of opening up the interior of the North Island including the Inquiry District for greater settlement. In particular the Crown sought to construct the Main Trunk Railway Line through the Rohe Potae' (7.2). An action that the claimants assert 'undermined the Rohe Potae Compact', 'imposing' the NIMT on Rohe Potae hapu/iwi without their full and informed consent (8.4).

146	King Country Lands (Ngati Haua claim, related to WAI 48)	1.1 filed 13 June 1990 1.1(a) Amendment, 27 June 1990; 1.1(b) Amendment 26 September 2001 1.1(e) Additional statement of claim, received 6 May 2008 in response to Wai 898 #2.5.28 attached to Memo Wai 898 #3.1.182	Additional statement of claim is the same filed for WAI 48 (see above).
483	Umukaimata – Waiaraia Block	1.1 filed 7 November 1994 1.1(a) received 20 May 1995	Although concerned with additional issues, in relation to railways this claim asserts that parts of the Umukaimata and all of the Waiaraia blocks were acquired under the 'North Island Main Trunk Railway Loan Application Act, 1886', but not used for railway purposes.
535	Ngati Maniapoto Lands and Resources Claim	1.1 received 4 August 1995	Claim asserts that 'tribal lands taken for Crown Railway line' are in breach of the Treaty of Waitangi
586	Ngati Te Puta Hapu	1.1 received 19 February 1996 1.1(a) received 11 May 2007	This claim asserts that actions and omissions of the Crown which have prejudicially affected the land and resources of Ngati Te Putu hapu include: taking of hapu land for Crown Railway; introduction of liquor with the construction of North Island Main trunk; destruction of kai moana and gathering rights (not clear if railway specific); and employment opportunities (not clear if railway specific).
587	Ngati Te Kanawa and Ngati te Peehi hapu	1.1 received 21 March 1996 1.1(a) addition to claim 22 October 1997 1.1(b) added 11 May 2007	This claim asserts that actions and omissions of the Crown which have prejudicially affected the land and resources of Ngati Te Kanawa and Ngati te Peehi hapu include land taken for 'Crown Railway line'.
616	Ngati Rora Claim	1.1 received 7 July 1996 1.1(a) 'addition' added 11 October 1999 1.1(b) received 16 February 2001	Claim asserts that continuation of Main Trunk Railway was a breach of the 'Sacred Agreement'. Also raised issues surrounding the introduction of liquor into the King Country.

753	Ngati Kinohaku Lands, Forests and Fisheries Claim	1.1 received 29 May 1998 1.1(a) 25 November 1998 1.1(b) 15 March 2002 1.1(c) 21 January 2004	Claim asserts that continuation of Main Trunk Railway was a breach of the 'Sacred Agreement'. Also raises issues surrounding the introduction of liquor into the King Country (similar wording to WAI 616).
788	Mokau Mohakatino and Other Blocks (Maniapoto) Claim	1.1 received 15 July 1999 1.1(a) received 21 January 2004 (Wai 1071, 1,100(a))	Involves land claims in Ongarue land blocks, Te Kawakawa/A1, Rangitoto Tuhua 76B, Rangitoto Tuhua 76B1 potentially involving railway issues.
833	Te Moana Rotoaira and Other Resources Claim (Ngati Hikairo)	1.1 received 24 August 1999 1.1 (a) 8 December 2004 amended consolidated claim for Ngāti Hikairo (refer Wai1130#1.2.2(a), National Park District Inquiry) 1.1(g) refer to Wai 1130, #1.1.18(b); Wai 1200 #1.1.15(b) 1.1(h), Amendment for Te Rohe Potae Inquiry, 2 May 2008 (refer to Memo Wai 898 #3.1.172) Amended (additional) SoC relating claimant's interests in Rohe Potae District Inquiry	See WAI 37
1224	The Uenuku Tuwharetoa Lands and Minerals Claim	1.1 received 23 September 2004 1.1(a) Draft particularised statement of claim for(National Park) Wai 1130 #1.2.10(a) received 10 June 2005 1.1(b) Final Statement of Claim (National Park) (Wai 1130#1.2.10) 1.1(c) received 24 Oct 2006 adding Roberta Rose Williams 1.1(d) Amended Statement of Claim, 9 May 2008 (in response to Wai 898 #2.5.28/2.5.29 requesting claimants to declare their interests in TRP District including Te Rohe Potae Compact.)	The claim is largely concerned with Tuwharetoa role in 'compact' and implications for their interests in Tuhua lands and larger Rohe Potae. In particular claim asserts 'Upper river [Whanganui] iwi and hapu were vehemently opposed to the construction of the Main Trunk Railway...'. In relation to the Te Rohe Potae district inquiry the claim states: 'The claimants wish to participate in this inquiry to the extent... that it will hear relevant evidence on the wider historical context outside the inquiry district particularly in relation to the 1883 Rohe Potae petition area.'

1309	Ngati Te Ihingarangi [hapu] Claim	1.1 received 10 November 2005	This claim is concerned with the alienation of land in Ketemaringi Block and Rangitoto Tuhua, particularly acquisitions under the North Island Main Trunk Railway Loan Application Act 1886. The claim asserts that the purchases demonstrate the '...Crown's insatiable and excessive land takings for the main trunk railway line in our rohe which was instigated and exploited for the purpose of land acquisition'
1408	The Ngati Hotu Rohe Claim	1.1 received 11 Jun 2007	This claim is concerned with land within the rohe of Ngati Hotu, including Rangitoto Tuhua Block. Railway issues include: '...the non-payment of compensation when our lands were taken for the main trunk railway-line.'

OFFICIAL

Wai 898 #2.3.10
19/04/2008

IN THE WAITANGI TRIBUNAL

CONCERNING the Treaty of Waitangi Act 1975

AND the Te Rohe Pōtae District Inquiry

DIRECTION COMMISSIONING RESEARCH

1. On 10 March 2008, Wendy Hart was commissioned to prepare a scoping report on railways in the Te Rohe Pōtae inquiry district (Wai 898, 2.3.5). Wendy Hart is not able to complete this commission and the commission is accordingly cancelled.
2. Pursuant to clause 5A of the second schedule of the Treaty of Waitangi Act 1975, the Tribunal commissions Philip Cleaver, contractor, and Jonathan Sarich, a member of the Tribunal's research staff, to prepare a scoping report on railways in the Te Rohe Pōtae inquiry district over the period from negotiations over a proposed railway in the early 1880s to the impacts of the later twentieth century state sector railways restructuring and any current issues.
3. The scoping report will identify and clarify the research issues, identify primary and secondary evidential sources and suggest approaches and timeframes for a subsequent main research report which will address the following research questions:
 - a) the extent to which the construction and operation of the railways in this district reflected the understandings and assurances made in the negotiations between the Crown and hapū and iwi in the 1880s;
 - b) whether land and resources acquired for railway purposes were significantly in excess of agreements in the negotiations, or of what was required for the actual railway route, and whether alternatives to taking, such as leases for specific railway purposes, were seriously considered by the Crown;
 - c) whether compensation for land and resources taken for the railway was adequately provided for and whether the compensation awarded was properly paid;

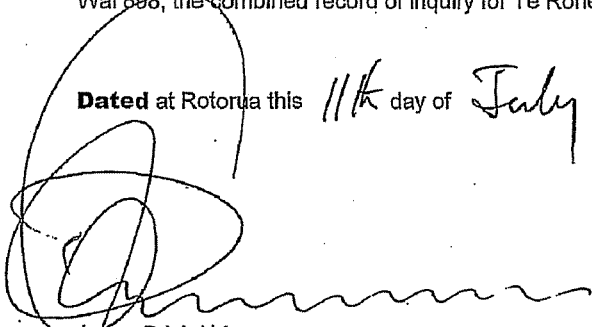
- d) the impact of railways takings on remaining lands, such as landlocked land, loss of access to urupā, and commercially unusable land between the railway line and roads;
 - e) the relationship between railway development and the creation and management of native townships;
 - f) the impact of the development and operation of the railways on hapū and iwi communities in the district and on their exercise of authority, including the impact of construction camps on local communities and the role of the railways in enabling liquor to be introduced outside of community control;
 - g) any benefits that Māori communities derived in the Te Rohe Pōtae district from the arrival and operation of the railway, and the extent of any restrictions on opportunities to gain economic benefit from the railway, such as the use of legislative monopolies to prevent Māori selling resources such as timber;
 - h) any later developments or agreed changes in understandings over the railway subsequent to the original negotiations, including over whether some land might be given free of charge, later Government and Native Land Court understandings and determinations of compensation payments for lands, and later inquiries into railways issues and agreements in the district, including the inquiry conducted by Justice Smith in 1946;
 - i) negotiations and agreements over the restructuring of the railways in the 1980s, ownership of the railways corridor and any current issues concerning railway lands in the inquiry district;
 - j) issues relating to lands taken but never used for railway purposes, lands taken to fund railways and the returns of lands (and railway housing) no longer required for railway purposes;
 - k) the relationship between the development and operation of the railway and the Crown's land purchasing and land settlement policies.
4. The commission commenced on 8 July 2008. A complete draft of the scoping report is to be submitted by 10 October 2008 and will be circulated to claimants and the Crown for comment.
5. The commission ends on 14 November 2008, at which time a copy of the final scoping report must be submitted for filing in unbound form, together with indexed copies of any supporting documents or transcripts. An electronic copy of the report should also be provided in Adobe Acrobat format, together with any data tables in Excel or Access format and maps in a standard graphics file format. The report and any subsequent evidential material based on it must be filed with the Registrar.

Te Rohe Pōtae District Inquiry, 10 July 2008

6. At the discretion of the Presiding Officer, the commission may be extended if one or more of the following conditions apply:
- a) the terms of the commission are changed so as to increase the scope of work;
 - b) more time is required for completing one or more project components owing to unforeseeable circumstances, such as illness or denial of access to primary sources;
 - c) the Presiding Officer directs that the services of the commissionee/s be temporarily reassigned to a higher priority task for the inquiry; or
 - d) the commissionee/s is/are required to prepare for and/or give evidence in another inquiry during the commission period.
7. The report may be received as evidence and the author may be cross-examined on it.

The Registrar is to send this direction to all those on the notification list for Wai 898, the combined record of inquiry for Te Rohe Pōtae District Inquiry.

Dated at Rotorua this 11th day of July 2008.



Judge DJ Ambler
Presiding Officer

WAITANGI TRIBUNAL

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