

OFFICIAL

Wai 686, # H6
Wai 72, # A2

Kaiaua Township

**A Scoping Report Commissioned
by the Waitangi Tribunal
for Wai 72**

by

Philip Cleaver

June 1999

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Abbreviations

Certificate of Title	CT
Block Order File	BOF
Deposited Plan	DP
Folio	fol
Land Information New Zealand	LINZ
Maori Land Court Plan	ML
Provisional Register	PR
Survey Office Plan	SO
Waikato-Maniapoto Maori Land Court	W-M MLC
Waitangi Tribunal Claim	Wai

Commission

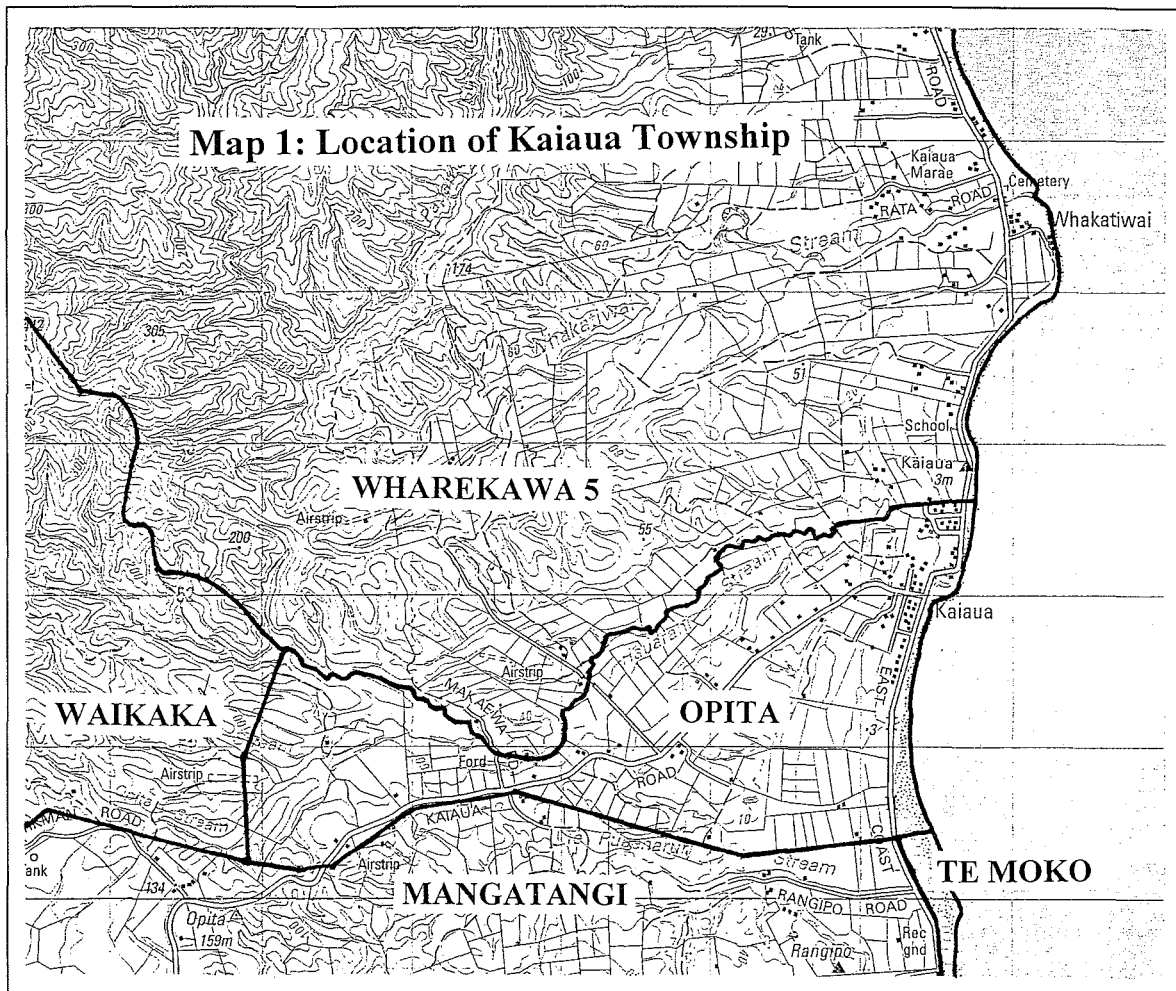
This scoping report was commissioned by the Waitangi Tribunal to examine ‘the establishment of Kaiawa township, in particular whether Maori gifted land for the township’. This commission has arisen from Wai 72, which was lodged in October 1987, and has since been amended several times. The claim was made by Hariata Gordon on behalf of Ngati Paoa kaumatua and the descendants of Paoa and Tukutuku of Hauraki.

Author

My name is Philip Cleaver. I graduated from Victoria University in 1996 with a Masters of Arts, majoring in history. This is the second report I have written for the Waitangi Tribunal.

1. Location of Kaiaua Township

Kaiaua township lies upon land which was originally contained within the boundaries of Opita block. This is shown in Map 1. An examination of the history of Opita block is necessary in order to establish whether its Maori owners gifted that part of the block upon which the township now lies.



2. Title Investigation of Opita Block

In October 1868, an application was lodged with the Native Land Court for an investigation into the ownership of Opita block.¹ The application was made by Hamiora Te Rangituatea on behalf of himself and others. Prior to the lodging of the application, Opita block was surveyed by Dudley Eyre, whose plan showed the area of the block to be 1576 acres.²

The title of Opita block was investigated at a sitting of the Court on 1 May 1869.³ Eyre's plan was produced, and then Hamiora Te Rangituatea spoke for the claimants:

¹ Application for Hearing of Claim, 22 October 1868, BOF Opita, W-M MLC, Hamilton

² ML 1072C, LINZ, Auckland

³ Hauraki Native Land Court minute book 4, 1 May 1869, fols 41-43

I belong to the Ngatipaoa Tribe and reside at Taupo. I know the land shown upon the plan. Myself and others of the Ngatipaoa Tribe claim the land. We derive our title from our ancestors. The descendants of these ancestors have been in possession of the land up to the present day. We have lived upon the land, built houses upon it and cultivated it. We have an abundance of land elsewhere.⁴

Te Rangituatea, whose claim was uncontested, then proceeded to list the owners of the block:⁵

- | | | |
|---------------------------|----------------------------|------------------------|
| 1) Hamiora Te Rangituatea | 12) Te Iritana Morehu | 23) Hariata Puao |
| 2) Piria Teripeka | 13) Mohi Te Puatau | 24) Renata Heremoko |
| 3) Penehamini Kaipara | 14) Timoti Tamouhia | 25) Te Wetini Heremoko |
| 4) Ngamuka | 15) Hone Ngahuka | 26) Maraea Te Huia |
| 5) Tamehana Unahi | 16) Waata Hangata | 27) Hana Rarongaipa |
| 6) Te Wikiriwhi Te Nganui | 17) Wikiriwhi Ngatara | 28) Hamiora Kewa |
| 7) Hamiora Pakeke | 18) Henare Te Paura | 29) Maihi Te Hinaki |
| 8) Hetaraka Te Poti | 19) Hemi Tuokete | 30) Hera Hoete |
| 9) Te Hautaku | 20) Totaea Ngakapa | 31) Te Ropiha |
| 10) Rawiri Takurua | 21) Te Rarata Ngunguwhenua | |
| 11) Tamati Tangiteruru | 22) Hoera Te Wharepaoa | |

The Court ordered that a certificate of title be issued recording the names of 10 of the block's owners. Also, in accordance with section 17 of the Native Lands Act 1867, it was ordered that all persons with an interest in the land be registered in the Court. Under section 17 of the Native Lands Act 1867, the Native Land Court was required to ascertain the right and title of every person with an interest in claimed land. The certificate of title could not be issued to more than ten owners, but when more than 10 people had an interest in a block the names of all owners were required to be registered in the Court.⁶

3. Sale of Opita Block to TE Smith and WA Smith, 1874-1878

In the mid 1870s, Opita block was purchased by two brothers, Thomas Edmund Smith and William Alfred Smith. In 1897, Thomas Smith gave evidence at the investigation of title of Wharekawa 5, which was located immediately to the north of Opita block. He told the Court that he came to the area in 1867 or 1868, and began farming.⁷ In June 1868, after purchasing some wild cattle, Smith arranged to lease part of Wharekawa 5.⁸ However, for reasons that are not explained, this agreement was not carried out, and Smith instead leased the adjoining Opita block.⁹

On 27 August 1878, Judge Theophilus Heale signed the following order declaring Opita block to be the freehold property of Thomas Smith and William Smith:

The Court doth order and declare that the land Opita situate in the District of Hauraki in the Provincial District of Auckland described and comprised in the Certificate of Title of such land issued by this Court and dated the first day of May 1869 and within written shall

⁴ Ibid, fol 41

⁵ Ibid, fols 41-42

⁶ Heather Bassett, Rachel Steel, David Williams, *The Maori Land Legislation Manual: Te Puka Ako Hanganga Mo Nga Ture Whenua Maori*, Wellington, Crown Forestry Rental Trust, 1994, p 47

⁷ Hauraki Native Land Court minute book 43, 14 January 1897, fols 11

⁸ Ibid, fols 11-12

⁹ Ibid, fol 12

from and after the day of the date of this order be held in Freehold tenure by Thomas Edmund Smith and William Alfred Smith both of Wharekawa in the Provincial District of Auckland and Colony of New Zealand Farmers the purchasers of the said land from the surviving native owners thereof named in such certificate of Title and the successors to the deceased native owners thereof also named in such certificate of Title.¹⁰

This order was made under section 75 of the Native Land Act 1873. This provided that upon the completion of a sale of land by its owners under memorial of ownership the Court could make an order declaring the land to be held in freehold tenure. Maori customary title was therefore extinguished by the order, and a Crown grant was able to be issued.¹¹ On 5 May 1881, a Crown grant for Opita block was issued in the names of Thomas Smith and William Smith.¹²

The above Court order is attached to the Native Land Court certificate of title. It is also attached to the provisional register. Section 9 of the Land Transfer Act 1870 Amendment Act 1874 stipulated that land declared by the Native Land Court to be held in freehold tenure was subject to the provisions of the Act. Under section 10 of the Act, dealings with land were to be registered on the provisional register until a Crown grant was issued.

A declaration signed by Judge Heale on 27 August 1878 is written alongside the order attached to the Native Land Court certificate of title. The declaration states that:

The Native Land Court of New Zealand doth hereby declare that after due enquiry made as by law provided that the Sale of the land known as Opita . . . appears to be a bonâ fide transaction and that no difficulty exists in respect of the alienation of the land . . .¹³

It is detailed in the declaration that the transaction was effected by three Memoranda of Transfer, which were respectively signed on 10 December 1874, 1 December 1875, and 28 February 1878. It is also stated that the sale had been in consideration of £411, and that this money had been paid to the vendors. There is no minute book entry relating to the enquiry of the Court which is mentioned in Judge Heale's declaration.

The provisional register provides no details of the Memoranda of Transfer. It records only the Court's order and details of the Smith's mortgage. Section 81 of the Native Land Act 1873 provided that the registration of instruments affecting any land held under memorial of ownership 'shall be effected by enrolment' in the Native Land Court of the district where the land is located. No instrument affecting any such land was to be registered elsewhere.¹⁴ However, the Memoranda of Transfer relating to the sale of Opita block can not be located at the Waikato-Maniapoto Maori Land Court, and it is presumed that these documents have been either destroyed or lost.

It appears that almost all the owners of Opita block signed the Memorandum of Transfer dated 10 December 1874. The second Memorandum of Transfer appears to have been signed only by Hamiora Te Rangituatea, who did so as the successor to the interest of

¹⁰ Native Land Court Certificate of Title 537, LINZ National Office, Wellington; PR 7/67, LINZ, Auckland

¹¹ Section 98 of the Act provided that land held under certificate of title issued under the Native Lands Act 1867 could be dealt with as land held under memorial of ownership.

¹² CT 42/122, LINZ, Auckland

¹³ Native Land Court Certificate of Title 537, LINZ National Office, Wellington

¹⁴ Section 81 of the Native Land Act 1873

Tamati Tangiteruru. It is recorded in the Hauraki Native Land Court minute book that on 1 December 1875 a judge of the Court witnessed Te Rangituatea sign a transfer document as Tangiteruru's successor.¹⁵ There is evidence to suggest that the last Memorandum of Transfer was signed exclusively by the successors of Rawiri Takurua. In March 1877, land purchase agent George Wilkinson wrote a letter to accompany an application for succession made by Rawiri Puhata Takurua. In this letter, Wilkinson informed the Chief Clerk of the Court in Auckland that 'the land has been sold some time ago to the Europeans who reside upon it, the only thing wanted to complete the title is young Rawiri's signature'.¹⁶ On 5 June 1877, Rawiri Puhata Takurua and his four siblings were ordered the successors to the interest of their father, Rawiri Takurua.¹⁷ These five individuals would have signed the Memorandum of Transfer dated 28 February 1878.

4. The Question of Gifting

It is clear that the land upon which Kaiaua township lies was not gifted by the owners of Opita block to the Crown. As part of Opita block, this land was sold to Thomas Smith and William Smith. The Smith brothers purchased the whole of the block, with the possible exception of a burial ground which may have been the subject of a verbal agreement. This matter is explored below. While it is impossible to be absolutely certain without examining the Memoranda of Transfer, it seems very unlikely that there was gifting involved in the Smiths' purchase of Opita block. The transaction appears to have been a simple exchange of land for money. There is nothing in Judge Heale's declaration which suggests that payment was not required for the area of land upon which Kaiaua township now lies. Also, it is unlikely that the limited European activity in the area at the time of the sale would have prompted the owners of Opita block to believe that a township could be established, presuming that this would have been the intention of any gifting.

5. Exclusion of Tapu Land from the Sale of Opita Block

While there was no gifting involved in the Smiths' purchase of Opita block, there is evidence to suggest that a small area of tapu land - a burial ground - was excluded from the transaction as a consequence of an agreement between the Maori vendors and the Smith brothers. An examination of the early plans shows that a small portion of land was excluded from the original area of Opita block when it was surveyed for its purchasers in 1885. The plan of Eyre's survey of 1868 shows the eastern boundary of the block to be, without interruption, hard against the coast.¹⁸ However, as a comparison of Maps 2 and 3 shows, this boundary is somewhat different in the plan of the survey of Opita block made by Albert Allom for the Smith brothers in 1885.¹⁹ On this plan, the northern-most section of the eastern boundary is marked slightly inland, leaving a small area of the original Opita block excluded from the land identified to belong to the Smith brothers. It is clear from the geometric shape of the boundary line that it was not simply following the high-water mark in 1885. A portion of the excluded land, the south-pointing finger between the Firth of

¹⁵ Hauraki Native Land Court minute book 8, 1 December 1875, fol 445A

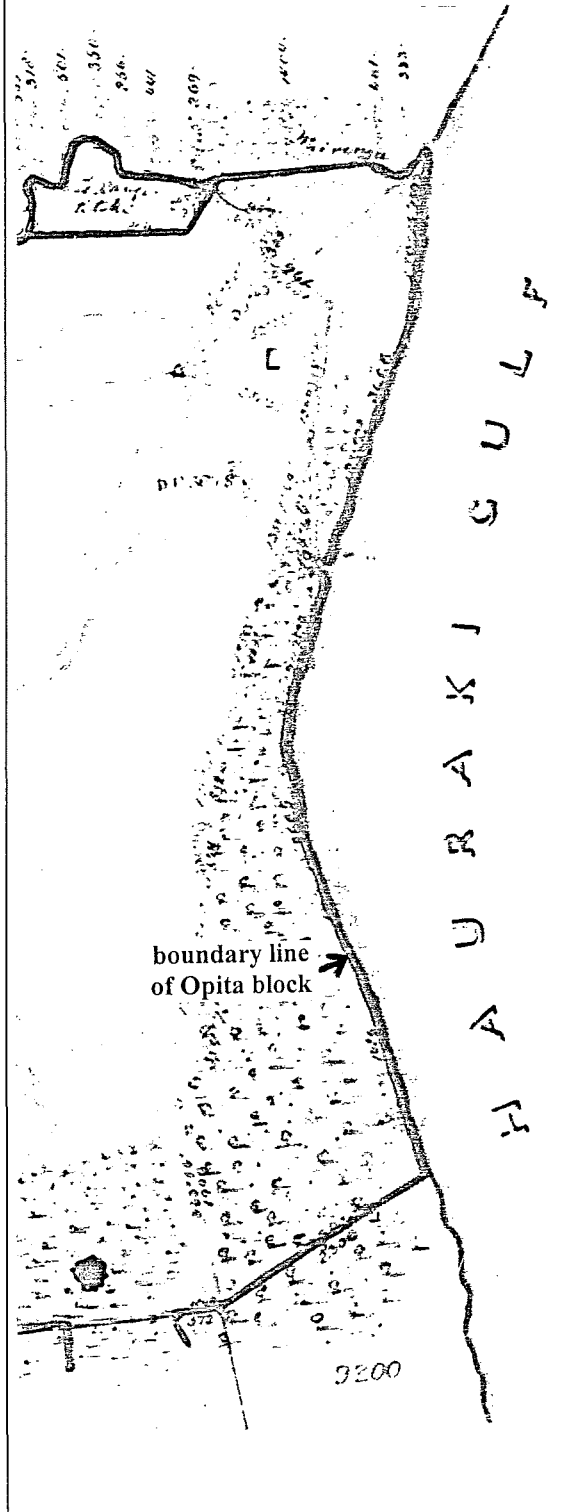
¹⁶ Wilkinson to Dickey, 27 March 1877, BOF Opita, W-M MLC, Hamilton

¹⁷ Hauraki Native Land Court minute book 9, 5 June 1877, fol 398

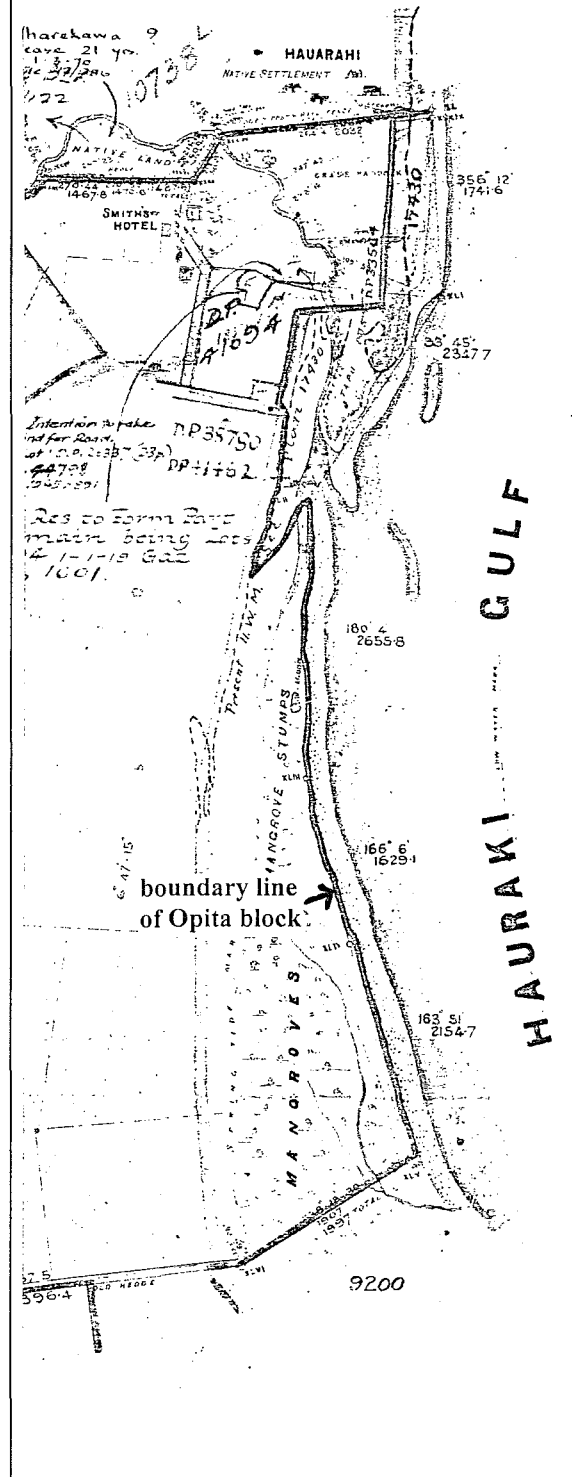
¹⁸ ML 1072C, LINZ, Auckland

¹⁹ ML 1072A, LINZ, Auckland

Map 2
Detail of ML 1072C
 surveyor: Dudley Eyre
 date: 1868



Map 3
Detail of ML 1072A
 surveyor: Albert Allom
 date: November 1885



Thames and the Haurahi Steam, is labelled 'Tapu Bush'.²⁰ Allom's plan does not clearly define the line of the high-water mark in 1885. However, upon the plan is marked the 'present HWM' of a later survey, the plan of which is detailed to be SO 17430. This is the plan of a survey carried out in 1913 by AH Vickerman. In this survey, a large part of the area marked 'Tapu Bush' on Allom's plan was measured to be below the high-water mark.

The most likely explanation for the exclusion of part of Opita block from Allom's survey of 1885 is that it fulfilled a verbal agreement which existed between the former owners of Opita block and its European purchasers. It seems that the excluded land included a burial ground which the Maori vendors of Opita block had wished to retain. In the 1930s, as detailed below, Maori claiming to be descendants of those interred in the burial ground asserted that it was located within 6½ acres that had been excluded from the sale of Opita block. Judge Heale's declaration relating to the sale of Opita block does not mention this, and it is probable that the agreement to exclude the land from the Smiths' purchase was verbal. Thomas Smith had lived in the area for several years before purchasing Opita block with his brother, and a relationship of trust may have developed between him and the Maori owners of Opita block. It is noted on Allom's plan that the survey was carried out with one of the Smith brothers acting as 'Guide', and it is he who would have instructed Allom to exclude an area of the original block.²¹ Not all of the excluded area appears to have been land upon which the burial ground was located. The thin strip of land running along the Coast to the boundary of Wharekawa 5 block may have been excluded in order to provide access to the burial ground from the north. It is unclear why the areas of land to the west of the 'Tapu Bush' might have been excluded.

6. Establishment of Kaiaua Township

Following the purchase of Opita block, the development of a settlement in the north-eastern corner of the block took place slowly. Eyre's plan of 1868 shows no buildings or tracks. Two decades later, as shown on the plan of Allom's survey of 1885, several buildings had been constructed west of the site of the present township.²² The most prominent of these buildings is 'Smith's Hotel'. The plan also shows that there was a racecourse. In 1888, a small part-time school was opened in a vacant cottage belonging to Thomas Smith.²³ At this time, the settlement was known as New Brighton.

The next survey of Opita block was Vickerman's survey of 1913.²⁴ This survey marked the course of a road through the block. The plan, presented here in Map 4, shows that New Brighton had expanded little since the survey of 1885. Located near the hotel was the school, a store, and a woolshed. The land where the township is today sited is described on the plan as 'Grass and Scrub'.

In 1921, Opita block was surveyed by FV Kelly for the trustees of Thomas Smith.²⁵ The plan shows the block to have been divided into 10 lots. The area of land upon which

²⁰ Ibid

²¹ Ibid

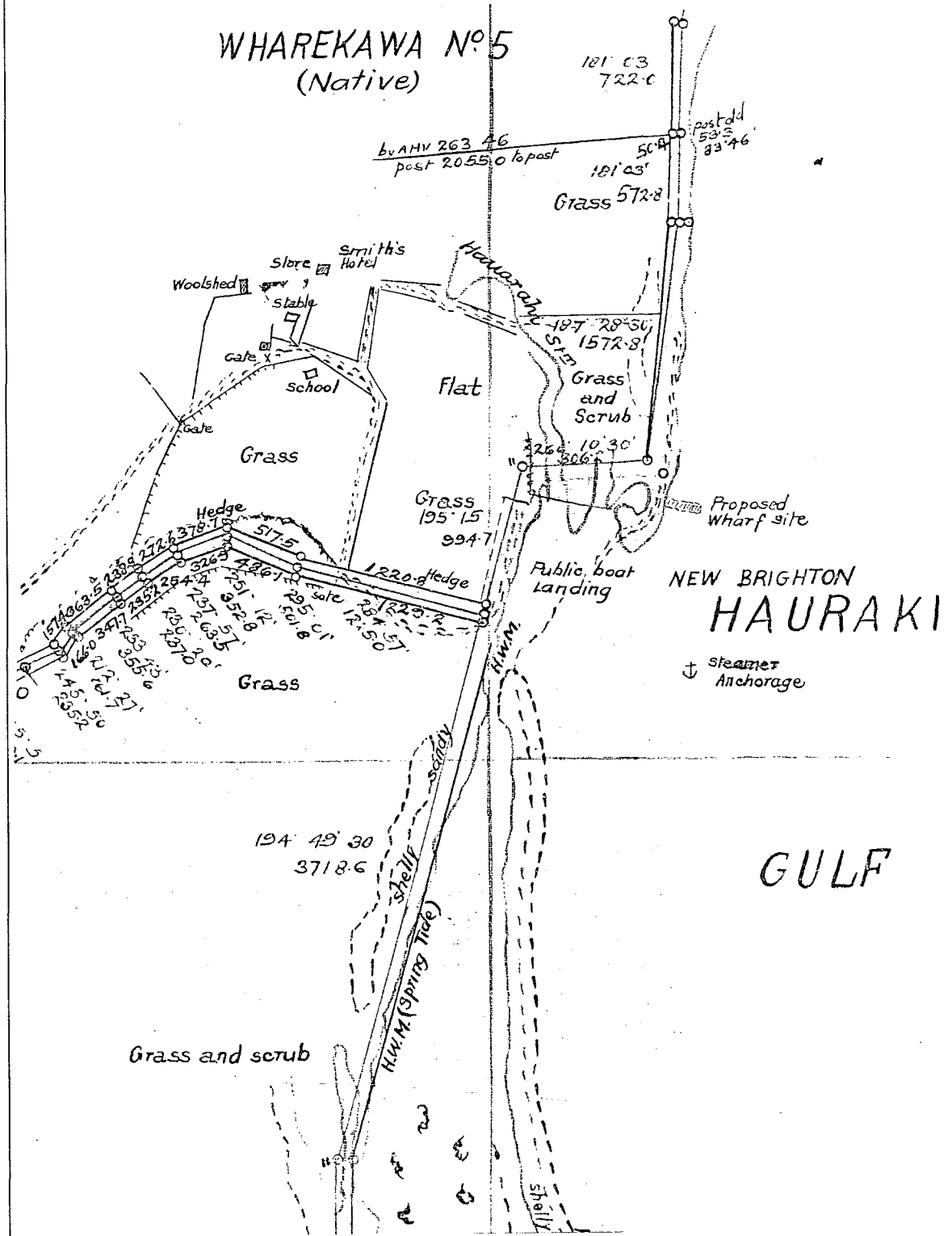
²² ML 1072A, LINZ, Auckland

²³ Author unknown, *Kaiaua Miranda Schools Centennial, 1883-1983*, Kaiaua, privately published, 1983, p 4

²⁴ SO 17430, LINZ, Auckland

²⁵ DP 15322, LINZ, Auckland

Map 4
Detail of SO 17430
 surveyor: AH Vickerman
 date: 1913



Kaiaua township lies today was included in Lot 1. A survey of this subdivision was carried out in March 1924 by EV Blake.²⁶ The plan shows 12 subdivisions, with most of the land of today's township again being located in Lot 1. Part of this subdivision was surveyed by Blake in October 1924.²⁷ The area of the land surveyed was 15 acres and 13.2 perches. The plan is presented here in Map 5. It shows the land to be divided into 35 lots, which are collectively named the 'Town of Wharekawa'. This marks the establishment of the township which is today called Kaiaua.

7. Request for Burial Ground, 1932 and 1936

In September 1932, a letter signed by Pokaitara Wikiriwhi and others was sent to the Native Minister requesting the reservation of a burial ground that was located immediately to the south of the township:

We, the undersigned, hereby apply to you under Section 472 of the Native Land Act 1931 in respect to our burial ground which is now included as a portion of European land. We are using this burial place and we propose to reserve it for our descendants. We were not aware previously that it had become a portion of European land. Opita block is situate in the Wharekawa District.²⁸

Under section 472 of the Native Land Act 1931, the Native Minister, with the consent of the Minister of Lands, could apply to the Native Land Court for an order to have a burial ground upon Crown land revested in Maori as directed by the Court.²⁹ The Under Secretary of the Native Department asked the Registrar of the Native Land Court to investigate the contents of the letter.³⁰ The Registrar responded by informing the Under Secretary that:

the Tapu referred to is situated in the area originally sold to TE Smith and WA Smith in 1875, and is now in the area owned by the Auckland Land & Mercantile Company Ltd, Auckland, under certificate of Title Volume 459 Folio 164. This land is now known as Lots 1-10, 13-25, 27-38 on DP 18342, Town of Wharekawa and part of Lot 1 DP 17526 and being portions of Opita Block.³¹

It appears that the Under Secretary considered this to be the end of the matter. However, in December 1936, a second request concerning the burial ground was made in a letter to the Minister of Native Affairs of the first Labour Government.³² The letter was signed by eight individuals who claimed to be the 'direct descendants' of those who were interred in the burial ground: Rahera Wikiriwhi, Patene Pokaitara, Tauwhare Pokaitara, Te Kupenga Richards, Maraea Pokaitara, Iti Ohura Tuaropaki, Ngaru Pokaitara, and Pare Iriwaka. The Minister was requested to 'grant us permit to stop trespassing or removing shingle, shell, sand and timber or pulling down buildings until the next sitting of the Native Land Court at Auckland.'³³ It was stated that the reason for this appeal 'is that our European

²⁶ DP 17526, LINZ, Auckland

²⁷ DP 18342, LINZ, Auckland

²⁸ Wikiriwhi and others to Native Minister, 28 September 1932, BOF Opita, W-M MLC, Hamilton

²⁹ Section 472(1) of the Native Land Act 1931

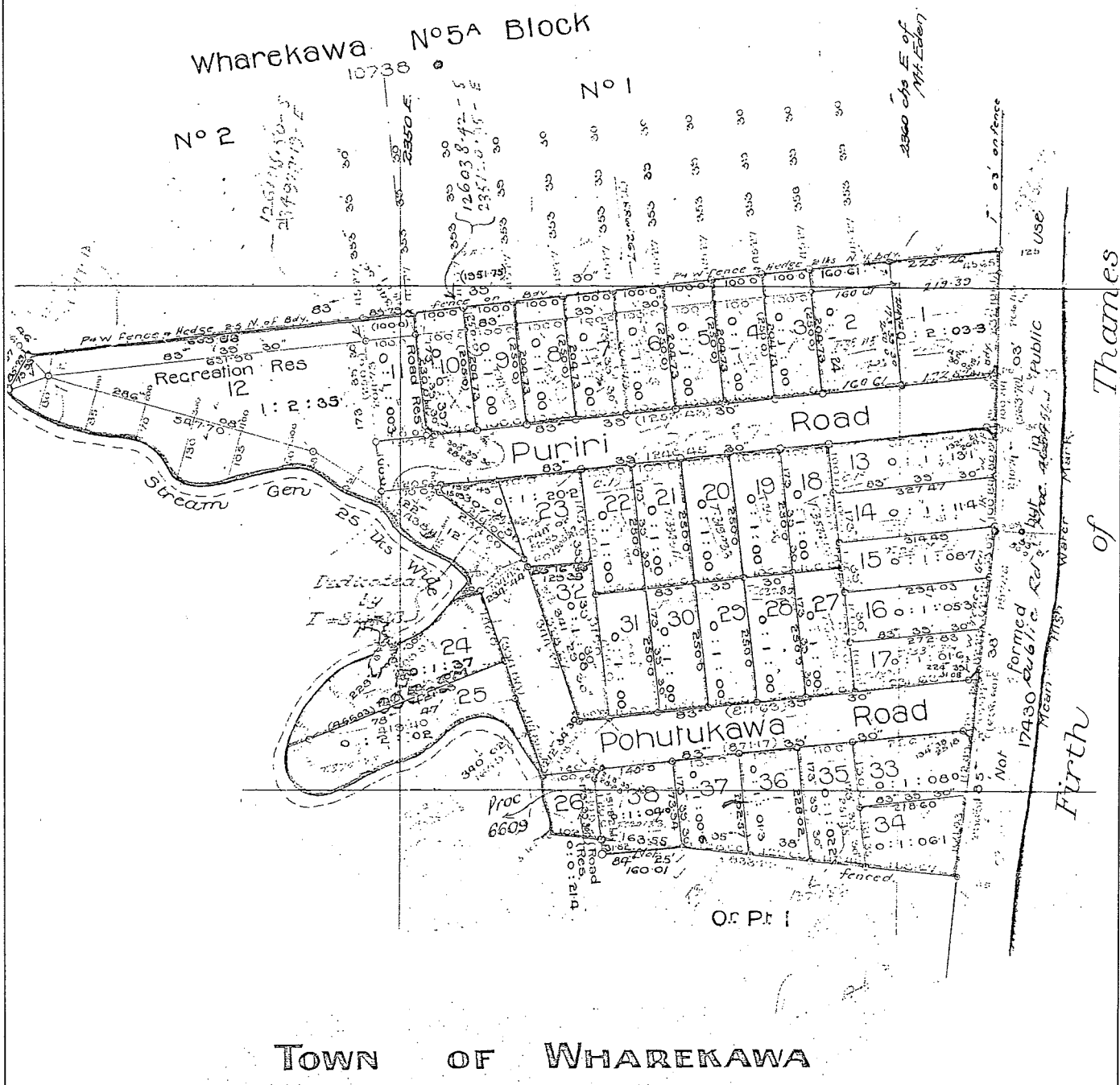
³⁰ Under Secretary, Native Department, to Registrar, Native Land Court, Auckland, 6 October 1932, on *ibid*

³¹ Registrar, Native Land Court, Auckland, to Under Secretary, Native Department, 25 October 1932, BOF Opita, W-M MLC, Hamilton

³² Wikiriwhi and others, to Minister of Native Affairs, Wellington, 9 December 1936, BOF Opita, W-M MLC, Hamilton

³³ *Ibid*

Map 5
Detail of DP 18342
 surveyor: EV Blake
 date: October, 1924



friends [are] taking no notice of us re removal of the above.’³⁴ Attached to the letter was a map upon which was marked the location of the burial ground. This is presented in Map 6.

The Under Secretary of the Native Department again requested a report from the Registrar of the Native Land Court.³⁵ In his reply, the Registrar informed the Under Secretary that a report on the matter had been supplied four years earlier.³⁶ He continued by explaining that part of the tapu area marked on the plan was the property of the Auckland Land and Mercantile Company. Adding to what had been reported in 1932, the Registrar identified that the other part of the tapu area had been taken for the purpose of a road in 1919.³⁷ The Registrar suggested that the matter could be referred to the Court for further enquiry at its sitting in Thames on 2 February 1937. In his reply, the Under Secretary agreed to this suggestion.³⁸

Before the sitting of the Court in Thames, Judge MacCormick inspected the correspondence relating to the matter. He noted to the Registrar:

There seems to be some misconception about this. If the natives turn up I will hear them and have telegraphed to their leader to that effect. But the Court has no jurisdiction. Section 472 Native Land Act 1931 applies only to tapus on Crown land. The bulk of the area which is said to be the tapu was sold in 1875 and is included in a Land Transfer Title presumably in purchasers for value. As to the balance which was taken for road purposes that is Crown Land and it is for the Hon Ministers mentioned in the Section to consider whether they are prepared to apply to the Court in terms of the Section.³⁹

MacCormick suggested that the Maori might negotiate directly with the European owners for the return of part of the burial ground.⁴⁰

Following the sitting of the Court in Thames, MacCormick noted to the Registrar that he had met with the Maori involved.⁴¹ He explained that they had alleged that 6½ acres were excluded from the sale of Opita block ‘for the tapu.’⁴² MacCormick stated that although this was contrary to the Registrar’s report of 1932, ‘it would be well to have the title re-searched so as to be sure the Land Transfer Certificate does include the tapu.’⁴³ The Registrar accordingly re-investigated the matter. His findings, which did not conflict with the previous research into the matter, were reported to the Under Secretary:

³⁴ Ibid

³⁵ Under Secretary, Native Department, to Registrar, Native Land Court, Auckland, 18 December 1936, BOF Opita, W-M MLC, Hamilton

³⁶ Registrar, Native Land Court, Auckland, to Under Secretary, Native Department, 23 December 1936, BOF Opita, W-M MLC, Hamilton

³⁷ Ibid

³⁸ Under Secretary, Native Department, to Registrar, Native Land Court, Auckland, 25 January 1937, BOF Opita, W-M MLC, Hamilton

³⁹ MacCormick to Registrar, Native Land Court, Auckland, 5 February 1937, cited in Registrar, Native Land Court, Auckland, to Under Secretary, Native Department, 25 February 1937, BOF Opita, W-M MLC, Hamilton

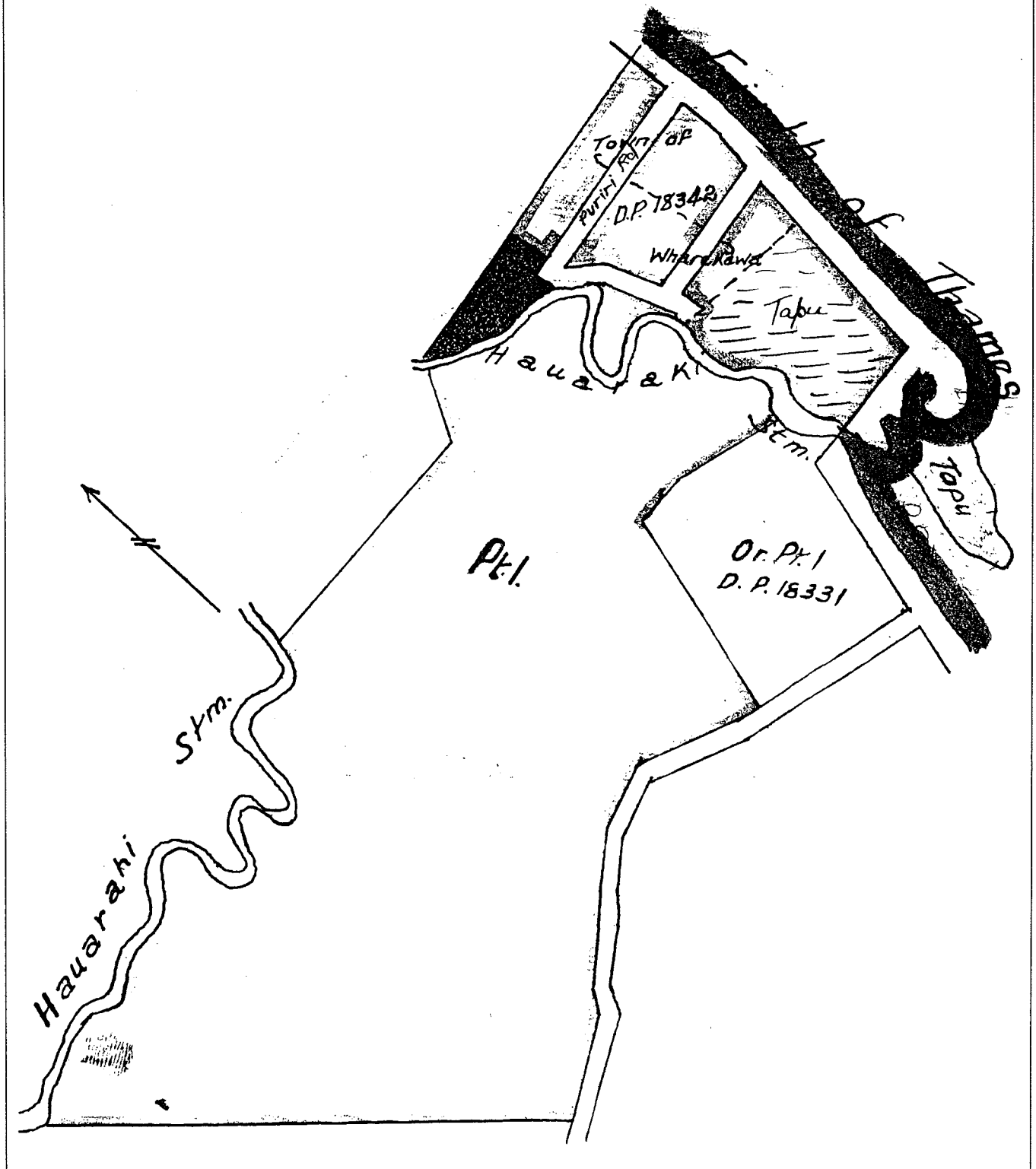
⁴⁰ Ibid

⁴¹ MacCormick to Registrar, Native Land Court, Auckland, 9 February 1937, cited in Registrar, Native Land Court, Auckland, to Under Secretary, Native Department, 25 February 1937, BOF Opita, W-M MLC, Hamilton

⁴² Ibid

⁴³ Ibid

Map 6
Plan of Township of Wharekawa (with tapu area marked)
enclosed with Wikiriwhi and others to
Minister of Native Affairs, 9 December 1936



With reference to the point raised in the Judge's minute of the 9th instant further enquiries were made respecting the area of 6½ acres alleged by the Natives to have been excluded from the sale of Opita Block as a 'Tapu'. No trace could be found in either the Land Transfer Office or the Native Land Court records of this having been done.

Opita Block was originally surveyed for the Native Owners in 1868 but no 'Tapu' was shown. It was not till the land was again surveyed for the European owners in 1885 that part was shown on the plan as a 'Tapu'. No area however was given. By Gazette 88 of 17/7/1919 page 2388 this portion is included in an area of 46 acres 2 roods 10 perches taken for road purposes.⁴⁴

The Registrar requested the Under Secretary to advise him whether an application would be made to the Court under section 472 of the Native Land Act 1931 for an enquiry into the land that was taken for roading purposes.⁴⁵ The Under Secretary did not respond; correspondence relating to the matter had come to an end.

After 1924, the township of Wharekawa steadily extended southward as several lots of land were subdivided. In 1945, the freehold land upon which part of the burial ground was claimed to be located was subdivided. The plan of this subdivision is presented in Map 7.

8. Discussion

Up until the 1930s, when the requests were made to the Native Minister, it appears that the former owners of Opita block and their descendants enjoyed unrestricted and undisturbed access to the burial ground. It also appears that they had no knowledge of the legal boundaries of the excluded land. When the survey was carried out in 1885, not all of the area of the burial ground was marked outside of the land owned by the Smith brothers. When the requests were made to the Native Minister in the 1930s, the descendants of the former owners of Opita block had no knowledge that part of the Tapu land was European freehold owned by the Auckland Land and Mercantile Company.

It is difficult to identify who legally owned the small area of land that was left outside of the boundaries of Allom's survey of 1885. It may have been that this land was still legally the property of the Smith brothers, who purchased the whole of Opita block. In 1919, the excluded land was taken for roading purposes by the Crown.⁴⁶ Without further research, it is unclear who was considered to own the land at the time of the taking. It is possible that the descendants of the former owners of Opita block were unaware of the taking because the road appears to have remained unformed for some time. A plan of a survey carried out in November 1945 describes it to be a 'Graded Shell Road'.⁴⁷ Those who corresponded with the Native Minister in the 1930s appear to have had no knowledge that the Crown had taken some of the land which they identified to be the location of a burial ground.

The burial ground could have remained in Maori ownership if the former owners of Opita block had had the land formerly partitioned prior to their sale of Opita block to the Smith

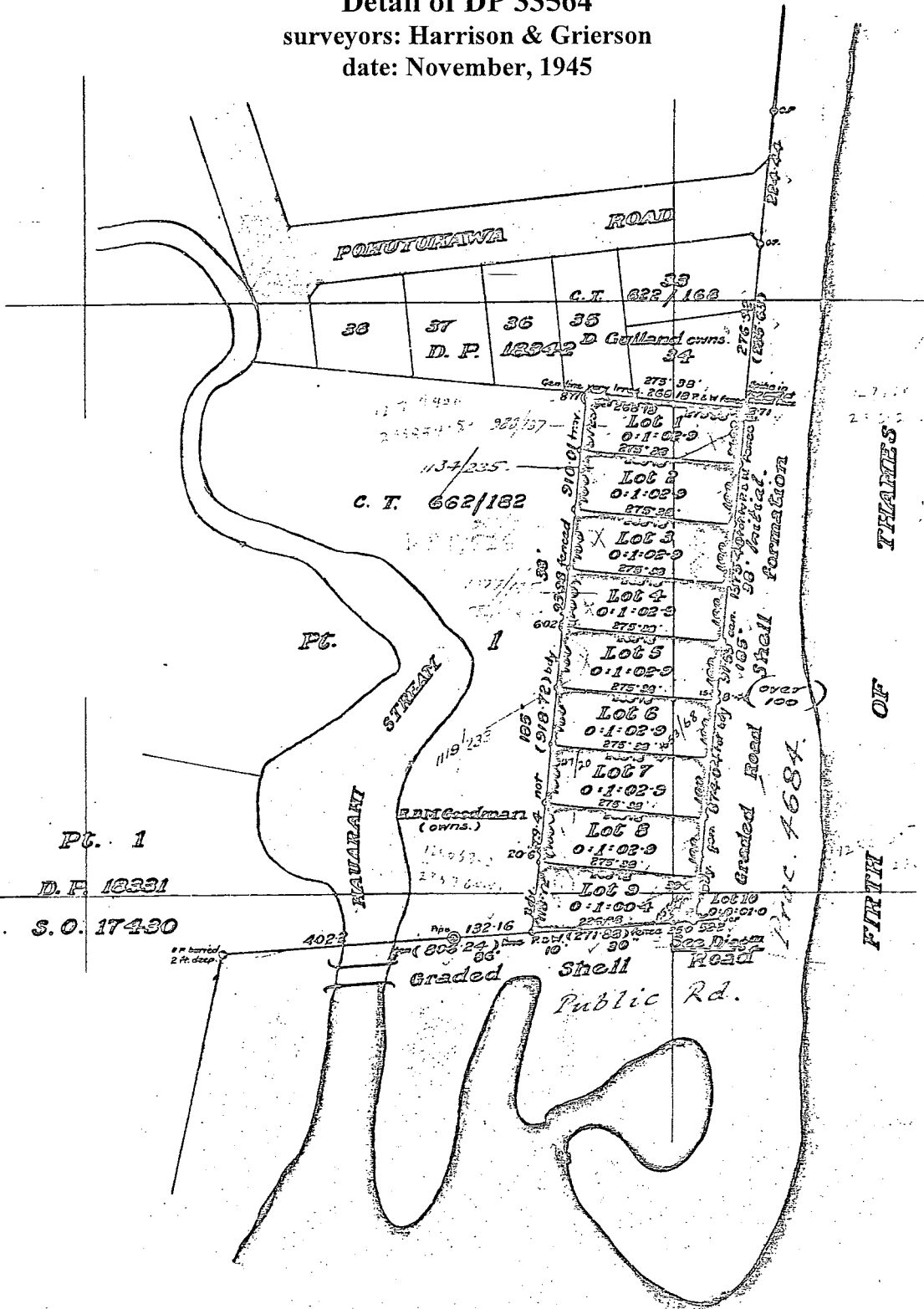
⁴⁴ Registrar, Native Land Court, Auckland, to Under Secretary, Native Department, 25 February 1937, BOF Opita, W-M MLC, Hamilton

⁴⁵ Ibid

⁴⁶ Proclamation: Land proclaimed as a Road in Blocks III and IV, Wharekawa Survey District, Franklin County, 17 July 1919, *New Zealand Gazette*, 1919, no 88, p 2388

⁴⁷ DP 33564, LINZ, Auckland

Map 7
Detail of DP 33564
 surveyors: Harrison & Grierson
 date: November, 1945



TOWN OF WHAREKAWA EXTN. N^o 4

brothers. Section 41 of the Native Reserves Act 1873 provided that burial grounds could be set apart and vested in either the Native Reserves Commissioner, or in any person or persons acting as trustees. Alternatively, after the survey of 1885, the former owners of Opita block could have had the excluded area surveyed, and then possibly obtained a certificate of title for the land with the support of the Smith brothers.

None of the land upon which the township of Kaiāua lies was part of the land excluded from the original Opita Block in 1885. However, a part of the road which services the township is built upon this land.

Bibliography

Primary Sources - National Archives, Wellington

Hauraki Native Land Court minute book

Primary Sources - Maori Land Court, Hamilton

Block Order File: Opita

Primary Sources - Land Information New Zealand, National Office, Wellington

Native Land Court Certificate of Title 537

Primary Sources - Land Information New Zealand, Auckland

CT 42/122

DPs 15322, 17526, 18342

MLs 1072A, 1072C

PR 7/67

SOs 17430

Official Sources

New Zealand Gazette

New Zealand Statutes

Secondary Sources

Author unknown, *Kaiaua Miranda Schools Centennial, 1883-1983*, Kaiaua, privately published, 1983

Bassett, Heather; Steel, Rachel; and Williams, David; *The Maori Land Legislation Manual: Te Puka Ako Hanganga Mo Nga Ture Whenua Maori*, Crown Forestry Rental Trust, Wellington

