

WAI 211 # A2
WAI 215 # A27

DUPLICATE

Te Awa-o-Tukorako & Whareroa Blocks

Kere T. Cookson-Ua BSocSci, LLB

This report was commissioned by the Waitangi
Tribunal for Wai 211

June 1996

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ACKNOWLEDGEMENTS

Once again I come to the point which always proves the most enjoyable. Firstly, I would like to thank Stuart Campbell and the rest of the staff from the Department of Survey & Land Information at Hamilton whose endless energy and guidance has proved invaluable.

To my whanau and in particular Todd and Kate Logan, Murray and Masina Blennerhassett, Candy and Bill Cox as well as Tony Cookson whose own thoughts and experiences have provided so much insight into the idiosyncrasies, dichotomies and overall dynamics of Maori/Pakeha relations. All I can say is thanks for all the great ideas and stimulating company, the best part is the journey has only just begun.

To my uncle Robert Kotuku Cookson and my aunty Huinga Jane Cookson whose strength, humility and conviction in terms of their own struggle for justice has been such a humbling experience and has helped me focus on the kaupapa which underlies this type of work.

To three women who have, and always will be a tower of strength for me, my mother Ronalie Winstone, my two daughters Chance and Harmony, and my partner Mahalia Paewai.

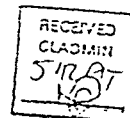
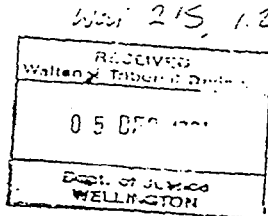
Finally, to all those who have lent their support throughout the research and writing of this report. In particular to my personal and long time friend Roimata Minhinnick whose commitment to te tino rangatiratanga as well as his own personal integrity never fails to inspire.

Kere T. Cookson-Ua

June, 1996.

STATEMENTS OF CLAIM

2 December 1994
Toa Haere Faulkner
Mount South Post Office
Mt MAUNGANUI.



Geoff

CLAIM NUMBER
WAI 489 #1.1

ATTENTION: The Registrar
The Registrar of Claims
Waitangi Tribunal
P.O.Box 5022
WELLINGTON.

Acknowledgement letter sent

Reply follows
Thanks for information

WAI 215 #1.17

OFFICIAL

Dear Sir/Madam,

I Toa Haere Faulkner put this claim forward to be registered with the Waitangi Tribunal on behalf of the Ngati Kuku Hapu of Ngai Te Rangii Iwi.

The present Marae of the hapu is situated on block 2ENo.8 Whareroa.

The Hapu had ownership and control of all the Whareroa Blocks which include the airport land and across to the area known as Tukorako.

The Marae is central to these lands, its Tipuna being Taiaho Hori Ngatai of whom I am a direct descendent. Taiaho Hori Ngatai proclaimed for the benefit of the hapu its rights to Taonga and fishing rights in its part of the Tauranga harbour and immediate foreshore. This proclamation was made by Taiaho Hori Ngatai to the minister of Maori Affairs at Whareroa Marae in 1835 (appendices to the journals of House of Representatives G1, 1835).

These customary rights were guaranteed under Article 2 of the Treaty of Waitangi. A full WAI number is sought.

The worded claim shall read as follows :

CLAIMANTS : Toa Haere Faulkner on behalf of the Hapu of Ngati Kukui, of the Ngai Te Rangii Iwi.

CONCERNING : The Whareroa land including the airport land to the area known as Omanu and Tukorako and the Taonga and fishing rights in Tauranga harbour together with the immediate foreshore the Whareroa lands and that part of the harbour and across the harbour to the Urupa where our chief Taiaho Hori Ngatai was buried which is also an area of Wahi Tapu.

REGION : Mount Maunganui, Bay of Plenty.

Thanking You,

J. Faulkner

Toa Haere Faulkner
Ngati Kuku Claims Research Co-ordinator

CLAIMS1.NTK/11/30/94

TOA FAULKNER
MT. SOUTH RD.
MT MAUNGANUI
15 November

DUPLICATE

Claim
WAI 489

1-1 (ca)

Geoff Melvin + HEATHER BASSETT
Acting Registrar
Waitangi Tribunal

Wai 215, #1-21 (ca)

Wai 489, #1.1 (ca)

Tena koe,

Ngatikuku Hapu wishes to make an amendment to the original Wai 489 statement of claim, the claimant being, Toa Huere Faulkner on behalf of Ngatikuku. Those claims to be added are as follows :


1. Tauranga Airport /within the Whareroa Block Mt Maunganui.
Land taken under the Public Works Act and Wastelands Act .
2. Mangatotara No2 / Ngatipango list for 2,500 acres read and passed before the court 28.11.1881
Refer Evelyn Stokes Vol 2 pg 173
3. Kaimai / Claimant Ngatikuku 18,140 acres refer Evelyn Stokes Vol 2 pg 201.
4. Taumata / Claimant Hori Ngatai 2,326 acres read and passed before the court August 1881
Area Inland Wairoa / Waimapu. Ref Evelyn Stokes Vol 2 pg 241
5. Te Awaiti / Claimant Hori Ngatai [Mauao te Maunga] read and passed before the court 4 March 1882
Ref Evelyn Stokes Vol2 pg 303
6. Hopukiore No1 / Claimant Hori Ngatai read and passed before the court 27 August 1881
Ref Evelyn Stokes Vol 2 pg 322
7. Te Maire Block 1,2,3. / Claimant Ngatikuku/ read and passed 18 February 1883
Ref Evelyn Stokes Vol 2 pg 338-341
8. Te Karewa Claim2 / Claimant Hori Ngatai/ read and passed 6 July 1883
Ref Evelyn Stokes Vol 2 pg 353-368
9. Tuhua Island / Claimant Ngatikuku read and passed before the court 8 August 1884
Ref Evelyn Stokes Vol 2 pg 370
10. Reserve in the Confiscated Block /Parish of Te Puna / Claimant Ngatikuku
Ref Evelyn Stokes Vol 1 pg 267

11. Tauranga Harbour/ from Whareroa across the Bay to Otamataha Urupa/
Claimant Hori Ngatai
Refer Evelyn Stokes Vol pg 344

12. Tauranga Harbour Toll Bridge / Ngatikuku Hapu

Yours Faithfully,


Edward Iehui Ngatai


Toa Haere Faulkner

PATRICK NICHOLAS,
28 ROSAMUND AVE,
MT ROSKILL,
AUCKLAND.
31/5/1993

WAI 215, 1.14 1.9

Acknowledgement letter sent

3/6/93

Reply follows

Thanks for information

RECEIVED
WAI 215 DIVISION

ATTENTION: REGISTRAR,

3 JUN 1993

WAITANGI TRIBUNAL,
REGISTER OF CLAIMS,
P.O. BOX 5022,
WELLINGTON.

Dept. of Justice
WELLINGTON

CLAIM
WAI 353

DEAR SIR/MADAM,

I Patrick Nicholas put this claim forward to be registered with the WAITANGI TRIBUNAL on behalf of the Whanau o Ruawahine. This whanau is a section of Ngati Kuraroa, Ngai Tukairangi and Ngati Makamaka.

The whanau cover an area mainly of Mount Maunganui, Matapihi, Otumoetai and Tauranga city. This is a raupatu claim against the crown for lands etc. confiscated, and taken under various illegal acts. Land taken under the public works act. Concerns taonga and fishing rights within the harbour. These are customary rights guaranteed under article 2 of the Treaty of Waitangi.

The worded claim shall read as follows,

CLAIMANTS: PATRICK NICHOLAS ON BEHALF OF TE WHANAU O RUAWAHINE OF THE NGATI KURAROA, NGAI TUKAIRANGI AND NGATI MAKAMAKA HAPU.

CONCERNING: BLOCKS OF LAND IN THE MT MAUNGANUI AND TAURANGA CITY.

REGION: TAURANGA, BAY OF PLENTY

THANKING YOU
PATRICK NICHOLAS.

Patrick Nicholas

Rec'd
15/11/93

PATRICK NICHOLAS,
28 ROSAMUND AVE,
MT ROSKILL,
AUCKLAND.
15/11/1993

Wai 215 1.9(a)
WAI 215
Wai 215, 1.14(a)

ATTENTION: REGISTRAR,
WAITANGI TRIBUNAL,
P.O. BOX 5022,
WELLINGTON

Acknowledgement letter sent

Reply follows
Thanks for information

KIA ORA TATOU, RE-WAI 353,

I, Patrick Nicholas on behalf of the Whanau o Ruawahine. (This Whanau is a section of Ngati Kuraroa, Ngai Tukairangi and Ngati Makamaka.) I would like to modify our claim Wai 353.

I would like to reduce our claim to only the land at Mt Maunganui known as the "Awa o Tukorako" this land was taken under the Public Works Act, taken for better utilisation.

This claim should be view as a co-claim to the claim put forward by the Ngai Tukairangi Claim and not as a counter-claim.

THANKING YOU,
PATRICK NICHOLAS.

Patrick Nicholas

DIRECTIONS COMMISSIONING RESEARCH

Official
Wai 211 # 3.1.
Wai 353 # 3.1.
Wai 489 # 3.1.
Wai 215 # 3.8

RECEIVED
CLADMIN
16 12/196
EX 17
WAI 211/353/489

WAITANGI TRIBUNAL

CONCERNING

the Treaty of
Waitangi Act 1975

AND CONCERNING

the claim of
Mahaki Ellis for
Ngai Tukairangi
Hapu for lands in
the Tauranga
region

DIRECTION COMMISSIONING RESEARCH

1 Pursuant to clause 5A(1) of the second schedule of the Treaty of Waitangi Act 1975, the Tribunal commissions Kere T Cookson-Ua of Hamilton to complete on behalf of the claimants a research report for this claim covering the following matters:

- (a) the circumstances surrounding the compulsory taking of Maori land in Whareroa Block for an aerodrome under the Public Works Act 1928, and the basis on which compensation was awarded
- (b) the circumstances surrounding the compulsory taking of part of Whareroa 2B for "better utilisation" under the Public Works Act 1928, the basis on which compensation was awarded and the subsequent use of the land taken.
- (c) the alienation of the Te Awa o Tukorako Block, in particular the acquisition of various parts for "better utilisation", roading and railways, also the details of compensation awards and the subsequent use of the land taken.

2 This commission commences on receipt of written confirmation of the commissioner's acceptance of the terms and conditions of the commission.

3 The commission ends on 10 May 1996 at which time one copy of the report will be filed in unbound form together with an indexed document bank and copy of the report on disk.

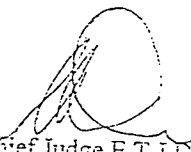
Cont page 2. The report may.....

Page 2.

- 4 The report may be received as evidence and the commissioner may be cross examined on it.
- 5 The Registrar is to send copies of this direction to:

Kere T Cookson-Ua
Claimants
Counsel for Claimants
Solicitor General, Crown Law Office
Director, Office of Treaty Settlements
Secretary, Crown Forestry Rental Trust
Director, Te Puni Kokiri

Dated at Wellington this 19th day of February 1996.


Chief Judge E T J Durie
Chairperson
WAITANGI TRIBUNAL

EXECUTIVE SUMMARY

The Whareroa and Te Awa-o-Tukorako blocks lie adjacent to each other and are situated around the shores of Tauranga harbour on the Mt Maunganui peninsular. The tribal region of Tauranga Moana has traditionally been occupied by Ngaiterangi and Ngati Ranginui. Both Ngaiterangi and Ngati Ranginui were involved in military campaigns against the Crown in 1863 and 1864 but surrendered to the Crown after the battles of Gate pa and Te Ranga in July of 1864. Upon surrender Tauranga Maori were warned that they might be deprived of some of their lands as a result of their role in the 'rebellion' against the Crown.

By an Order in Council dated 18 May 1865 which was issued under the New Zealand Settlements Act 1863 all of the lands of Ngaiterangi were confiscated by the Crown. This proclamation embodied a promise that only one-quarter of Ngaiterangi's land would be retained by the Crown. The Tauranga District Lands Act 1867 provided for due enquiry to be made into the way in which three-quarters of confiscated lands would be returned in accordance with the 1865 proclamation.

Determining ownership of the three-quarters of confiscated lands was to be achieved through the appointment of Commissioner's and the issuing of Crown grants. In 1886 137,000 of the 280,000 acres confiscated was returned to Ngaiterangi. Included in the lands returned were the Whareroa and Te Awa-o-Tukorako blocks. The Whareroa block consisted of 1262 acres while the Te Awa-o-Tukorako block contained some 83 odd acres.

On 4 April 1940 approximately 214 acres of Whareroa lands were taken under proclamation 10182 and vested in the Mayor, Councillors and Burgesses of the Borough of Tauranga for the purposes of an aerodrome. 192 of the 214 acres taken under the proclamation was Maori owned. An application for the assessment of compensation in respect of 12 parcels of land was heard in the Maori Land Court in December 1940. The evidence centred around the value of the land taken and in the main consisted of expert testimony.

In valuing the land the total area under consideration was treated as one block with the exception of Parts 2E6B and 2E7 which were close to the wharf and were likely to have a higher unimproved value. The Tauranga Borough Council argued that the land

was very wet, of generally of poor quality and worth between £4 to £5 per acre. They did not submit a value for the two portions close to the wharf. The Maori owners however, argued that the whole of the land provided good feed even in the winter and had a value of £30 per acre. The Maori owners valued Part 2E6B at £200 and Part 2E7 at £250. Both sides offered as evidence examples of previous land sales in the vicinity in an effort to support their assessment of the value of the land taken.

The Court made a decision as to compensation on 31 March 1941. It pointed out that it found great difficulty in crystallising the evidence into a definite figure for each of the subdivisions. In delivering the judgement Judge Harvey made it clear that he was unprepared to accept the value submitted by the Maori owners but was equally unprepared to believe the land was worth only one-seventh of that figure as contended by the Tauranga Borough Council. Orders were issued for the assessment of compensation in respect of each area taken to be paid by the Tauranga Borough Council to the Waiariki District Maori Land Board pursuant to s552 of the Native Land Act 1931. The Court's assessment of compensation amounted to £2,668 for the 192 acres taken for the aerodrome.

By an Order made on the 15 July 1948 by the Maori Land Court under s8 of the Maori Purposes Act 1943 some 242 acres of Whareroa lands were vested in the Waiariki District Maori Land Board for subdivisional purposes for the Maori owners. After the making of this order the Maori Land Board had a scheme plan prepared for the subdivision of the whole of the sections together with another area owned by the Tudhope estate. The reason for including the Tudhope estate was that the scheme would result in the whole of the subdivision forming one area which would benefit both parties.

The object of the scheme plan was to subdivide the land into both residential and commercial sections and sell them using the proceeds to improve the living conditions of Maori in and around Matapihi. Clearly, the scheme plan had the potential to bring enormous benefits for the Maori owners. The Maori Land Court order vesting the land in the Maori Land Board required the consent of the Minister of Maori Affairs before becoming operative. The order was therefore submitted for the Minister's approval in July 1948.

In a covering memorandum sending the order forward the Registrar suggested that the

Minister might wish to refer the plan to the Ministry of Works to see whether it was consistent with plans for the harbour at Tauranga. The Minister then minuted papers inquiring as to proposals of the Forestry and Works Departments before sending the proposed subdivisional scheme plan onto the Minister of Works and Director of Forestry. Both Departments objected to the scheme, the Director of Forestry preferring that the whole area should be acquired by the Crown.

Over the next three years the Maori Land Board made very little progress in carrying out the trust. Then on the 13 September 1951 the Minister of Works gave notice of an intention to take 91 of the 242 acres vested in the Maori Land Board. The Board renewed its attempts to have the plan approved without success. On the 11 September 1952 a proclamation was gazetted taking 91 acres in the Whareroa blocks including 55 different allotments in Te Awa-o-Tukorako for "better utilisation". On the 29 September the Maori Land board gave notice to the Minister of Works that it claimed the sum of £95,711 compensation for the land taken and £13,300 for injurious affection to the balance of the lands.

Proceedings for the assessment of compensation did not come into the Maori Land Court until April 1954. The Court found that part of the land would have been immediately saleable at the date of the taking in lots upon subdivision either for residential or industrial purposes, and that the balance of would have been saleable in lots upon a subdivision from time to time over a period of years subsequent to the date of taking. The Court also found that as a point of law the question arose as to how the land should be assessed. More particularly, the question was raised as to whether there should have been a difference in assessment between those parts which would have been immediately saleable at the time of the taking, and those which would have been saleable in lots from time to time subsequent to the taking. In light of the existing state of the law, the Maori Land Court decided in April 1956 to state the case for the opinion of the Supreme Court. The case was then removed for the opinion of the Court of Appeal in December 1956.

Counsel for the Maori Trustee, who by this time had taken over from the Maori Land Board, argued that compensation under the Finance Act (No3) 1944 must be assessed as the value of the land with all its potentialities, that is the value of the land on the date of taking in subdivided lots with all its potentialities. Counsel for the Crown argued that as the land was not subdivided at the date of the taking, the value of the

land on the relevant date was the sum a willing purchaser would pay to a willing vendor on that date for the land in one undivided lot with all its potentialities. The Court of Appeal decided that the value must be of the land as a whole and any potentialities unless on the relevant date there could have been separate sale of particular portions. The Maori Trustee objected to the decision of the Court of Appeal and so were granted leave to appeal to the Privy Council.

The case was heard by the Privy Council in July 1958. The Court delivered its judgement in October of the same year. It was the opinion of their Lordships that three issues must be borne in mind when assessing compensation in relation lands taken for "better utilisation": (1) The consent of the Minister must be given to any sale of the land in question; (2) The scheme plan can not be carried into execution without the consent of the Minister; and (3) There were in fact no subdivided lots as shown on the plan, no roads, fences, accesses, drainage or other facilities. In essence the appeal was dismissed, the Court affirming the first two heads of the Court of Appeal decision and varying the third. What this meant was that the value of the land was to be determined on the basis of a hypothetical sale as a whole to one purchaser.

The case was then handed back to the Maori Land Court who had the task of assessing compensation in accordance with the principles laid down by the Court of Appeal and the Privy Council. The effect of the previous decisions was that the value of the land must be determined on the basis of a hypothetical sale of the land as a whole to one purchaser. This would involve making allowances, in addition to those made for the cost of subdividing and selling the sections, for the price to be paid for the land by the purchaser, profit to the purchaser on the whole transaction and an allowance for interest on the money which he or she would have to outlay to purchase the land and carry out the subdivision.

The claimant submitted two valuations, one based on a subdivision for residential purposes, and the other based on a subdivision for industrial purposes. The claimant contended that the evidence established a value of £80,000 based on a residential subdivision and between £150,000 and £160,000 for an industrial subdivision. It also claimed that the portion land not taken was injuriously affected by being excluded from access to the beach, and by reason that the whole roading system as planned had been spoilt. The Respondents only submitted a valuation based on a subdivision for residential purposes. This was because they assumed that any industrial value could

not be taken into account due to a Notice of Comprehensive Scheme of Development issued under the provisions of the Finance Act and published in June 1947. The value they arrived at was between £15,000 and £22,000 subject to a deduction of about £10,000 for betterment to the land not taken.

A decision was made in March 1959. The Court agreed that in virtue of the Finance Act it was debarred from taking into account any increase in the value of the land arising from the work for which it was taken, or the prospect of such work. The Court made an assessment based on a subdivision for residential purposes and granted an award in favour of the Maori Trustee for the sum of £36,846. This decision was appealed to the Maori Appellate Court in June 1960 on the grounds that the decision was erroneous in law and fact.

The appellant made two applications: (1) That the Appellate Court should order a rehearing; and (2) that leave be called to grant further evidence. The rehearing was sought on the grounds that the Maori Land Court misdirected the appellants application of the opinion of the Privy Council to determine the value of the land on the basis of a hypothetical sale as a whole to one purchaser. Another reason for a rehearing being sought was that the lower Court misdirected itself as to the conduct of the hearing leaving the onus of proof on the appellant when it should have fallen on the Crown as prescribed by the Public Works Act 1928. In June 1961 the Court made its decision and in doing so merely varied the order made by the Maori Land Court and increased the amount payable to the appellants from £32,880 to £45,582. There was however, one problem which arose out the Whareroa compensation case. The Te Awa-o-Tukorako blocks were not included in the award. These were subsequently settled on the same basis as the Whareroa valuations.

The lands which comprise what was the original Whareroa and Te Awa-o-Tukorako blocks are being utilised for a range of different purposes including residential, industrial, recreational and Public Works. Lands taken for "better utilisation" in 1952 were to be used for Tauranga harbour Development and more specifically port works and associated industries. They are still being used for this purpose today. Likewise, lands taken for the purposes of an aerodrome in 1940 continue to be used for the Tauranga Airport facilities.

INTRODUCTION

Personal

My name is Kere Cookson-Ua. In 1995 I graduated from the University of Waikato with a Bachelor of Social Sciences degree, and in 1996 with a Bachelor of Laws degree. I am currently enrolled parttime completing a Post Graduate Diploma in Public Policy. At present I am working fulltime as a freelance researcher based in Hamilton.

The Report

This report is directed towards carrying out three main objects, all outlined in the Waitangi Tribunal's "Direction Commissioning Research" and included in the contents of this report. These objects involve the collation and transcription of information relating to:

- (a) the circumstances surrounding the compulsory taking of Maori land in the Whareroa block for an aerodrome under the Public Works Act 1928, and the basis on which compensation was awarded;
- (b) the circumstances surrounding the compulsory taking of part of Whareroa 2E for "better utilisation" under the Public Works Act 1928, and the basis on which compensation was awarded and the subsequent use of the land taken; and
- (c) the alienation of the Te Awa-o-Tukorako block, in particular the acquisition of various parts for "better utilisation, roading and railways, also the details of compensation awards and the subsequent use of the land.

There are a number of tribal groups who allege to have interests in the lands which are the subject of this claim. My brief in respect of this commission did not include establishing entitlement in respect of the Whareroa or Te Awa-o-Tukorako blocks. Nor

was I specifically asked to do in terms of this commission was to outline the historical events which took place in relation to the two relevant blocks bearing in mind the three objects outlined above.

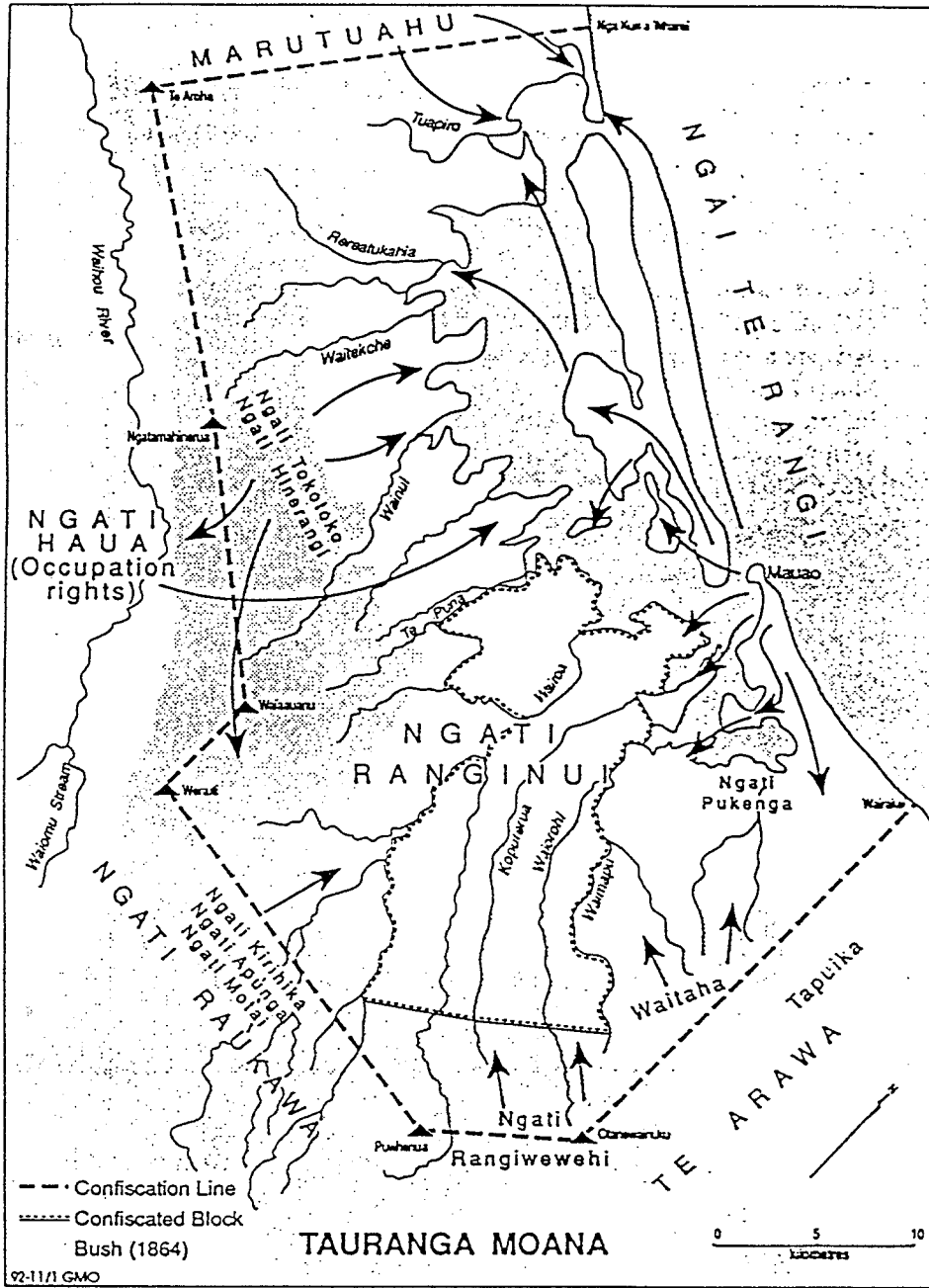
Contents

This report consists of a written text presented in a single volume with all information relative to the commission incorporated therein. This volume also includes a statement of claim, the Tribunal's "Direction Commissioning Research", an executive summary, an alphabetically listed bibliography and a document bank.

Issues Requiring Further Research

This report outlines the historical events surrounding the alienation of parts of the Whareroa and Te Awa-o-Tukorako blocks for "aerodrome purposes" and "better utilisation". However, the analysis contained in this report is limited by the lack of information unearthed during research relating to some of the circumstances surrounding these alienations. This was particularly so with regard to background information relating to the reasons for the alienation of lands for "aerodrome purposes". Despite extensive efforts information was also insufficient to conclusively indicate whether or not the Maori owners were consulted about these takings prior to the relevant proclamations being gazetted. These issues might serve as points of reference should the Tribunal wish to pursue alternative lines of inquiry at some later date.

Map 1: Showing the Tauranga District



Tauranga Moana: Historical Context

The tribal region of Tauranga Moana is situated around the shores of the Tauranga Harbour and has traditionally been occupied by the peoples of Ngaiterangi and Ngati Ranginui. The people of Ngaiterangi are descended from the Mataatua waka while Ngati Ranginui descend from the Takitimu. Tauranga Moana commences at Nga Kuri-a-Whare in the west, its boundary running inland in a southerly direction to Te Aroha, then in a south easterly direction to Ngatamahinerua, then on to Waianuanu, Te Weraiti, and Puwhenua before swinging in a northerly direction towards Otanewainuku and back to the coast at Wairakei.¹

Prior to the arrival of the Pakeha Tauranga Moana provided a rich source of food for early Maori settlers. The name Tauranga Moana means anchorage, resting place, or fishing ground.² The coastline and inland rivers in and around Tauranga Moana provided a diverse range of habitats which were ideal for kaimoana such as fish, eels, pipi, tuatua, paua, kuku, kina, and koura. Tauranga Moana's moderate climate was ideal for the cultivation of kumara and aruhe while the surrounding ranges provided birds and berries as well as a host of other resources for various material aspects of early Maori life.

The early history of Tauranga Moana was marked by periodic conflict between tribal groups in competition for the regions rich resources. By the end of the eighteenth century Ngaiterangi had migrated from the eastern Bay of Plenty and were in occupation along the coast from Maketu to Nga Kuri a Whare.³ Ngati Ranginui had previously occupied the whole of the coast lands in and around Tauranga Moana before being displaced by Ngaiterangi. However, relations between the two tribes were slowly cemented through marriage and the close kinship ties which developed as a result have been maintained right up until the present day.

The early nineteenth century witnessed the arrival of the missionaries and traders who throughout its first three decades had slowly penetrated more and more of the coastal regions throughout Aotearoa. The tribes of Tauranga Moana were at times involved in skirmishes with their Te Arawa neighbours. In 1836 Ngaiterangi and Ngati Ranginui

joined Te Waharoa of Ngati Haua in attacking Maketu Pa. This resulted in the famous battle in which Te Arawa retaliated for Ngaiterangi's attack at Maketu by destroying Te Tumu pa. In 1845 peace was made between Te Arawa and the Tauranga Moana tribes. By the late 1840's the principal Maori fortified villages around Tauranga Moana included Maungatapu, Otumoetai, Matakana, and Motuhoa.⁴

During the 1850's Tauranga Maori owned a number of coastal vessels and supplied Auckland with more agricultural produce than any other part of New Zealand.⁵ Throughout the 1850's and 1860's settler pressure for Maori land reached its peak which resulted in the establishment of nationalist movements such as the Kingitanga in 1858. Between 1861 and 1862 a military road was constructed as an extension from Drury in Auckland to the Bombay hills with military posts being set up on the lower Waikato and Mangatawhiri rivers. This was part of the Crown's strategy during their military campaigns of the 1860's and was done in an effort to consolidate any gains made by the Crown.⁶ In July 1863 Cameron and his troops crossed the Mangatawhiri, took Meremere, Rangiriri and then consolidated their position at Paterangi before advancing up the Waipa river. In March 1864 they took Rangiaowhia occupying the Te Awamutu area before embarking on their final engagement in the Waikato, the siege at Orakau.

Ngaiterangi and Ngati Ranginui were very much involved with the Kingitanga through their longstanding ties to Ngati Haua through Te Waharoa.⁷ This is evident by the actions of many Tauranga chiefs who publicly supported the Kingitanga by acknowledging the mana of Potatau and confirming the status of the Tauranga people as 'pupuri whenua' or landholders who were opposed to the alienation of their tribal lands by Pakeha settlers.⁸ This support was also reflected by Tauranga Maori who were involved in skirmishes between Waikato and the Crown at both Meremere and Rangiriri in 1863. Ngaiterangi and Ngati Ranginui's support for the Kingitanga was in part related to the support given to the Tauranga tribes by Waikato during their conflicts with Te Arawa.⁹

During this period the Government suspected that the Tauranga people were supplying food to the Waikato and that arms and ammunition were reaching Waikato from Te Tai Rawhiti via Tauranga Moana. In response the government deployed approximately 600 troops to Te Papa in January 1864 in an effort to prevent parties from Te Tai Rawhiti passing through the district.¹⁰ At the time an estimated 233 of the 571 adult male population were said to have gone to the Waikato¹¹, but most returned on hearing of the arrival of government troops in Tauranga. There had been no active hostility between

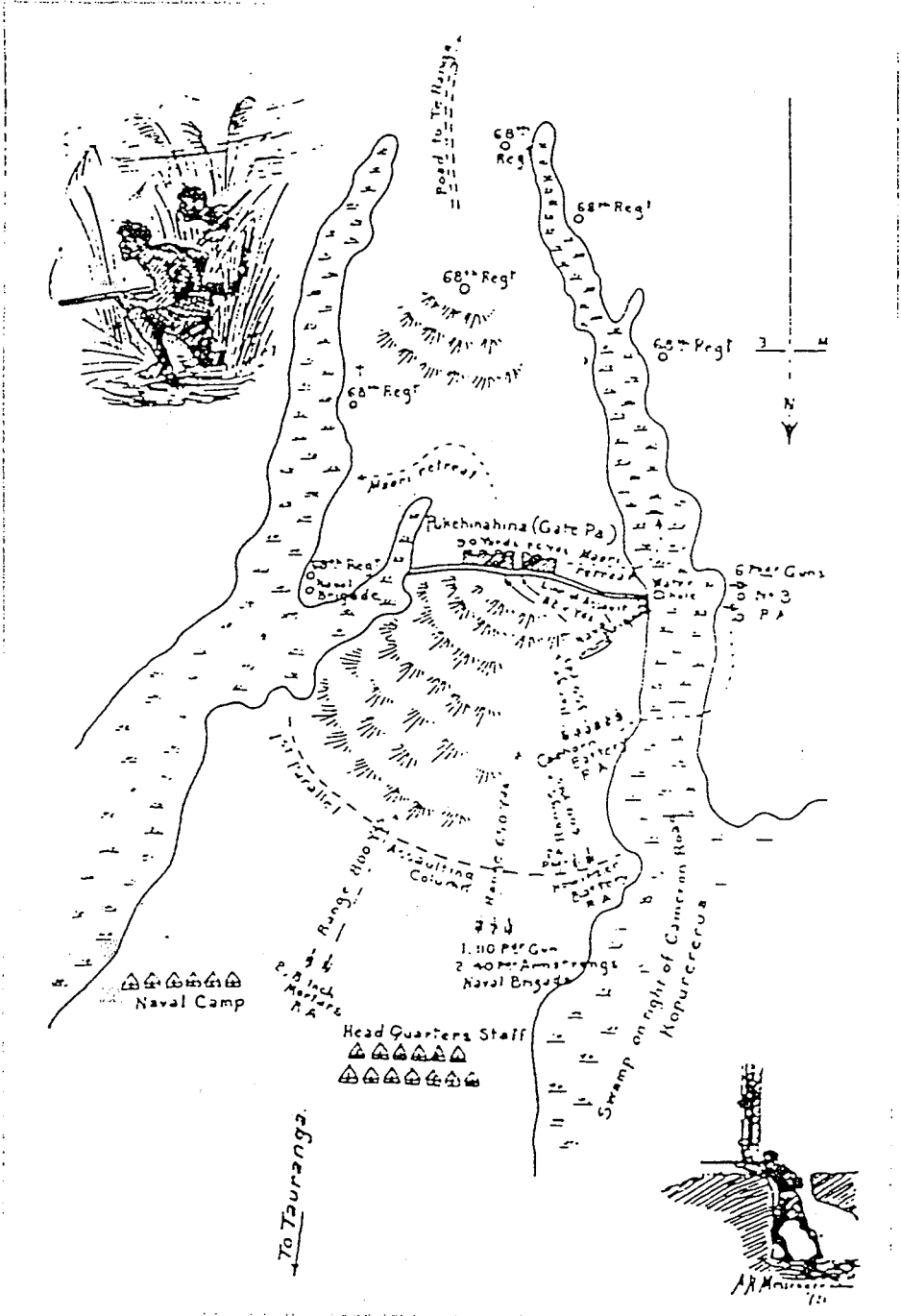
Ngaiterangi or Ngati Ranginui and the Crown but Tauranga Maori were suspicious of Government motives for the deployment of troops to Tauranga Moana.¹² Ngaiterangi, Ngati Ranginui and their allies were becoming somewhat anxious with so many government troops in the area and decided to issue a challenge and draw up a list of rules for the impending battle.¹³ The suggested site for a battle was Waoku which was thought to be sufficiently accessible to government troops but the challenge issued by Tauranga Maori failed to bring about any response from the Crown. Another proposal was made to hold the battle closer to Te Papa. Local people began fortifying Gate Pa while Cameron increased the military presence in and around Tauranga. On 27 April 1864 Cameron began moving his troops towards the Gate Pa entrenchment. The entrenchment was constructed on a neck of land some 500 yards wide with its slopes on both sides falling off into a swamp. At its highest point a redoubt had been constructed which was palisaded and an entrenched line of rifle pits provided defence between the redoubt and swamp.¹⁴

Most of the government troops and artillery were positioned in front of the pa although the 68th Regiment had been deployed so as to cut off the enemies water supply. At daybreak on 29 April Government troops began artillery fire which continued for most of the day. Once the palisades were breached a force of about 300 men attacked the entrenchment. A fierce battle ensued but the government troops were repulsed. A decision was made by Cameron not to attack again until the next morning but the Maori defenders availed themselves of the darkness and escaped that night leaving behind many of their dead and wounded. They retired to Waoku pa then dispersed to various stations along the edge of the forest. Casualties for the Crown at Gate Pa were said to be 10 officers with an additional 25 men being killed or dead as a result of wounds. Maori accounts of the battle indicate that they lost 25 men.¹⁵ Hori Ngatai estimated that there were 200 Tauranga Maori involved in the stand off at Gate Pa.¹⁶

On 21 June Government troops again attacked, this time at the partly constructed Te Ranga pa.¹⁷ Casualties were said to be 9 dead British troops and 105 Maori. The Resident Magistrate William Baker commented that the rebel force at Tauranga had been dealt a severe blow at Gate pa and Te Ranga, so much so that he felt there was no one left of "sufficient energy or influence to carry on the war" in Tauranga.¹⁹ In July 1864 a number of Maori from Tauranga Moana surrendered under the supervision of Colonel Greer and were warned that they might be deprived of some of their land. The Tauranga tribes fate was almost immediate, a year later they had almost 50,000 acres of land

confiscated for their part in the war against the Crown. In addition, over 93,000 acres was alienated through Crown purchasing activities.

Figure 1: Attack on Gate Pa 29 April, 1864



Taken from Stokes, E. *Te Raupatu o Tauranga* (1990) 26

After the Tauranga confiscations local Maori began introducing Pakeha farming techniques into maize, cereal and vegetable cropping and also began diversifying into livestock. For the most part Maori still operated in accord with whanau tradition, living from the land and selling off surplus produce. Maori co-operatives began to flourish which led to the establishment of flour mills used to process wheat produced by whanau collectives. Maori merged into the trading field utilising their own communally owned means of transport. In effect Maori made a significant contribution to the produce entering most of the country's markets. This co-operative form of land use continued successfully right up until the 1920's.

In early 1872, road making and telegraph building commenced in the Tauranga district. The Te Papa Katikati road was constructed and before the end of the year the road from Tauranga to Ohinemutu in Rotorua was opened up to travellers on horseback. In July 1873 the First Royal Mail and passenger coach arrived from Napier and a year later in 1874 construction on a road to Cambridge commenced.²⁰ In 1874 more settlers began arriving in Tauranga. Ten years earlier Tauranga had a more military character but began to expand after the surrender of Tauranga Maori in 1864. Hotels such as the Masonic (est. 1866), Tauranga (est. 1872), Commercial (est. 1876) sprang up along with various stores, a Post Office, a Resident Magistrates Court (1874), an Anglican church as well as industries such as a brewery, several boatbuilders and a fish curing establishment.²¹

The harbour played an important role in the development of Tauranga. Before the wharf was built in the 1860's ships would anchor in the channel and discharge their goods on the mudflats below Monmouth redoubt at low tide, to be transmitted up the beach by bullock or by hand. In the early days of settlement the problem of harbours control and the provision of harbour facilities was considered to be the responsibility of the Crown.²² In 1873 Tauranga became a port of entry for the Auckland-Napier service and in 1912 the Tauranga Harbour Board was constituted.²³ In the 1950's the Port of Tauranga began to expand and today is New Zealand's busiest export port, handling 22% of the volume of total external trade.²⁴

In February 1882 Tauranga was declared a Borough under the Municipal Corporations Act 1876 with the election of a Mayor and nine Councillors on 14 March 1882. The population of Tauranga at the time it was gazetted as a Borough was 1258 and the population rose above 20,000 in 1963 when it was gazetted as a city.²⁵ In 1930 Mt Maunganui was gazetted a Town district and was declared a Borough in January 1945.

Up until the 1940's crop-growing and livestock rearing were the main industries in Tauranga Moana.²⁶ From the 1950's onwards Tauranga attracted greater industrial activity which coincided with decisions to develop overseas port facilities at Mt Maunganui. While Tauranga was developing the rural hinterland was evolving from large farms to small intensive horticultural developments. Citrus, apples, subtropical fruits, berries and a variety of vegetables were beginning to be grown for export. Poultry farming also developed during this period. Major import based industries included flour milling, pre-stressed concrete, fertiliser and engineering works while wool scouring, primary processing, heavy transport and related industries developed from exporting. Light industries like clothing and sheetmetal also followed.

Today Tauranga is a thriving city with an economy reliant on agriculture, horticulture as well as both import and export based industries. The port facilities have played a major role not only in the growth of Tauranga itself, but also in the national economy. This is because the Port of Tauranga is conveniently located close to the major production areas of primary products destined for export from New Zealand. In fact the port facilities at Tauranga are within 200 kilometres of 82% of the annual exotic forest production of the North Island, 78% of New Zealand's annual kiwifruit production, 50% of New Zealand's annual dairy product output and 44% of New Zealand's resident population.²⁷

Summary Points

- The name "Tauranga Moana" means anchorage, resting place, or fishing ground. The tribal region of Tauranga Moana is situated around the shores of Tauranga harbour and has traditionally been occupied by the peoples of Ngaiterangi and Ngati Ranginui.
- The early history of Tauranga Moana is marked by periodic conflict between tribal groups in competition for the regions rich resources. Ngati Ranginui had previously occupied the whole of the coast from Maketu to Nga Kuri-a-Wharei before being displaced by Ngaiterangi.
- Relations between the two tribes were slowly cemented through marriage and the close kinship ties which developed as a result have been maintained right through to the present day.

- During the early 1860's the Crown invaded the Waikato. Both Ngaiterangi and Ngati Ranginui had longstanding ties with the Kingitanga through Te Waharoa and supported Waikato at the battles of Rangiriri and Meremere in 1863.
- In April 1864 Cameron's troops attacked Gate Pa, then in June attacked Te Ranga. In July, 1864 a number of Tauranga Moana Maori surrendered under the supervision of Colonel Greer and were warned that they might be deprived of some of their land as a result of their role in the rebellion.
- The District of Tauranga began to expand after the surrender of Tauranga Maori in 1864. In 1882 Tauranga was gazetted a Borough with Mt Maunganui becoming a Borough in 1945. Today Tauranga is a thriving city with an economy reliant on agriculture, horticulture as well as both import and export based industries. The development of port facilities at Tauranga have and continue play a major role in the regions economy.

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Tauranga: Raupatu

As mentioned in the previous chapter, a number of Maori from Tauranga Moana surrendered under the supervision of Colonel Greer in June 1864. Between 21 June and 25 July 1864 at least 133 Maori, including several chiefs of rank had laid down their arms.¹ James Mackay Jr, Civil Commissioner Hauraki also recorded that Maori residing in his district had surrendered at Tauranga.² When Tauranga Maori surrendered to Colonel Greer in 1864 they were warned that they might be deprived of some of their lands due to the part they played in the 'rebellion'. "Rebellion" was a term commonly used during the 1860's to describe a military campaign fought in opposition to the Crown. In many cases all it amounted to was fighting in defence of one's land. In the aftermath of the 1864 surrender some doubt was expressed about whether the Tauranga people actually understood that laying down their arms would actually involve the forfeiture of land.³

In early August 1864 Governor Grey and other officials went to Tauranga to meet with local Maori and accept their submissions to the authority of the Queen. These meetings were held over two days. At the second meeting on the 6 August Grey said:

At present I am not acquainted with the boundaries or extent of your land, or with the claims of any individuals or tribes. What I shall therefore do is this: I shall order that settlements be at once assigned to you, as far as possible in such localities as you may select, which shall be secured by Crown Grants to yourselves and your children. I will inform you in what manner the residue of your lands will be dealt with.⁴

Grey went on:

But as it is right in some manner to mark our sense of honourable manner in which you conducted hostilities, neither robbing nor murdering, but respecting the wounded, I promise you that in the ultimate settlement of your lands the amount taken shall not exceed one-fourth part of the whole lands.⁵

Soon after the meetings in August Grey decided that the one-quarter of Ngaiterangi's lands to be retained by the Crown should be taken in the area between the Waimapu and

Wairoa rivers. In addition to this Fox and Whitaker had agreed to purchase land between Te Puna and Nga Kuri-a-Wharei for either 2 or 3 shillings per acre.⁶ On 26 August Ngaiterangi chiefs were paid £1,000 deposit for this land in the Katikati/Te Puna block. The names of the chiefs who received this money were published as follows:⁷

Table 1

Enoka	Ngatipou	272
Hohepa	Ngaitukairangi	91
Parera	Ngaitamawhariua	91
Turere	Patutahora	91
Turere	Te Patu	91
Tomika	Ngaituwhiwhia	91
Raniera	Materawaho	91
Hamiora Tu	Materawaho	91
Tamati Mawao	Materawaho	91
TOTAL		£ 1,000

Inalienable reserves were also agreed to be set aside at Ohuki, Matapihi, Rangiwaea, Matakana and Motuhua as well as compensation reserves within the confiscated and purchased blocks.

By an Order in Council dated 18 May 1865 which was issued under the New Zealand Settlements Act 1863 all the lands of the Ngaiterangi tribe were confiscated by the Crown.⁸ The New Zealand Settlements Act authorised the Governor-in-Council to declare districts under the Act, to set aside sites for colonisation and to take any land within such districts for the purpose of settlement. The area which was the subject of this proclamation was at the time estimated at 214,000 acres. In fact the area affected by the confiscation was much greater than this.⁹ The proclamation of 1865 stated that:

...in accordance with the promise made by His Excellency the Governor at Tauranga, on the sixth day of August, 1864, three-fourths in quantity of the said lands shall be set apart for such persons of the tribe of Ngaiterangi as shall be determined by the Governor after due enquiry shall have been made.¹⁰

This proclamation embodied the promise made by Governor Grey at Te Papa on 6 August 1864 that no more than one quarter of Ngaiterangi's lands would be retained by the Crown for their rebellion.¹¹ It is important to note that the term "Ngaiterangi" was used to refer to all the tribes of Tauranga Moana. People such as Chief Judge FD Fenton had raised concerns about the original Order in Council and legal doubts had arisen as to its validity.¹²

The Tauranga District Lands Act was enacted on 10 October 1867 and had the effect of validating all previous transactions carried out by Civil Commissioner HT Clarke at Tauranga. Section 2 of the Act set aside all doubts in relation to the Order in Council by declaring absolutely valid any grants, awards, or other arrangements made pursuant to the proclamation, notwithstanding any uncertainty in the said Order in Council or of any omission or defect or departure from the provisions of the New Zealand Settlements Act or any of its amendments.¹³ It was further declared that all lands outlined in the schedule to the original proclamation were to be set apart and reserved for the purposes of colonisation under the provisions of the New Zealand Settlements Act by means of the 1865 Order in Council. Section 4 of the Tauranga District Lands Act declared all lands described in the schedule to the Act to be the lands defined in the Order in Council.

The Tauranga District Lands Act also made provision for due enquiry into the manner of what lands would be returned to Ngaiterangi in accordance with the proclamation. The Act was significant in the sense that there was a clear failure to recognise other iwi such as Ngati Ranginui who as a result of the Act were prevented from redress resulting from the Crown's acts in virtue of the fact that they were only acknowledged to the extent that they were perceived to be inferior hapu of Ngaiterangi.¹⁴ As already mentioned the term 'Ngaiterangi' referred to all of the tribes of Tauranga Moana.

The Tauranga District Lands Act made provision for due enquiry to be done through the appointment of Commissioner's by the Governor whose duties were to determine ownership of the three-quarters of the confiscated area which was to be returned to Maori, even though this had already been occurring. HT Clarke was the first Commissioner of Tauranga who acted from 1868 until 1876 although WG Mair was appointed briefly in 1870. HW Brabant was appointed in 1876 and acted until 1878, at which time Clarke was briefly reappointed. From 1878 to 1881 JA Wilson was Commissioner and HW Brabant was reappointed in 1881 serving until 1886 when the jurisdiction of the Tauranga District Lands Acts ceased.¹⁵

The Tauranga District Lands Act was an acknowledgement that the Crown had failed to act in accordance with the New Zealand Settlements Act but the 1867 Act itself was somewhat flawed. This was because specific surveyed lands at Tauranga fell outside the lands included in the schedule of the 1867 Act.¹⁶ This problem was averted by the introduction of the Tauranga District Lands Act 1868 which amended the schedule to the 1867 Act. This Amendment however also exacerbated tension between Ngaiterangi and other affected iwi groups by validating Ngaiterangi's claims to lands contested by others such as Ngati Ranginui.¹⁷

Of the lands subject to the 1865 confiscation 93,188 acres constituted the Katikati and Te Puna blocks which had allegedly been purchased by the Crown between 1864 and 1871. 49,750 acres was actually taken by the Crown leaving 137,000 acres to be returned to Maori by the Commissioner's. By the time of the introduction of the Tauranga District Lands Act 1867 the ownership of the Tauranga Moana district had emerged in the following way:

Table 2

Ownership	Area
Land Purchased by Crown (Katikati/Te Puna)	93,188
Confiscated Land retained by Crown	49,750
Land Retained by Maori Owners	137,000
TAURANGA MOANA (TOTAL AREA)	279,983

The Government had decided that all lands returned at Tauranga would be done so by means of Crown grants a process over which it had complete discretion in terms of who lands would be eventually awarded to. The Crown's intention appeared to be to return the Maori owner's land subject to two considerations: firstly, that 'unsurrendered rebels' were ineligible for grants of land; and secondly, that the land was to be distributed as equitably as possible taking into account arrangements already made in respect of the Crown's purchases, and the confiscated lands to be retained by the Crown. However, there were no clear guidelines for the proceedings of the Commissioners and the whole process became a rather protracted affair. By the beginning of 1879 only 19,734 acres of the 137,000 acres had been returned to Maori although a further 38,951 acres had been partially dealt with.¹⁸ In fact the process was so slow that William Kelly who was

the member of the House of Representatives for the East Coast suggested that a Commission be appointed to investigate the administration of lands in the Tauranga district.¹⁹

With the exception of some reserves set aside for 'general native purposes' within the Katikati-Te Puna block and confiscation blocks which remained in Crown hands, almost all lands that were returned or reserved for Maori in the Tauranga Moana district were done so by means of Crown grants. Most of these were made under the Tauranga District Lands Acts.²⁰ In 1871 HT Clarke's practice of issuing grants was criticised by the Land Claims Commissioner Alfred Domett as a "source of impolitic mischief" on account of the fact that those named in the grants had the capacity to act "without sufficient regard" to the interests of the whole of the tribal group.²¹ Failure to list "all" owners in the Crown grants led to a number of disputes with owners alleging that land had been passed into Pakeha ownership without their consent.²² In 1886 136,191 acres were returned to Ngaiterangi including the following:²³

Table 3

Name of Block	Area	Investigating Commissioner	CT No	Date of CT
Whareroa	1,262 0:0	JA Wilson & HW Brabant	116	19/05/82
Te-Awa-o-Tukorako No1	66 3:0	" "	187	21/10/84
Te-Awa-o-Tukorako No2	17 0:30	HW Brabant & HT Clarke	208	22/1/86
Te-Awa-o-Tukorako No2A	17 0:30	JA Wilson & HW Brabant	149	18/10/83

Summary Points

- In August 1864, a month after Tauranga Maori began laying down their arms Grey and other officials went to Tauranga to accept their submissions to the authority of the Queen. At a second meeting held on 6 August Grey promised

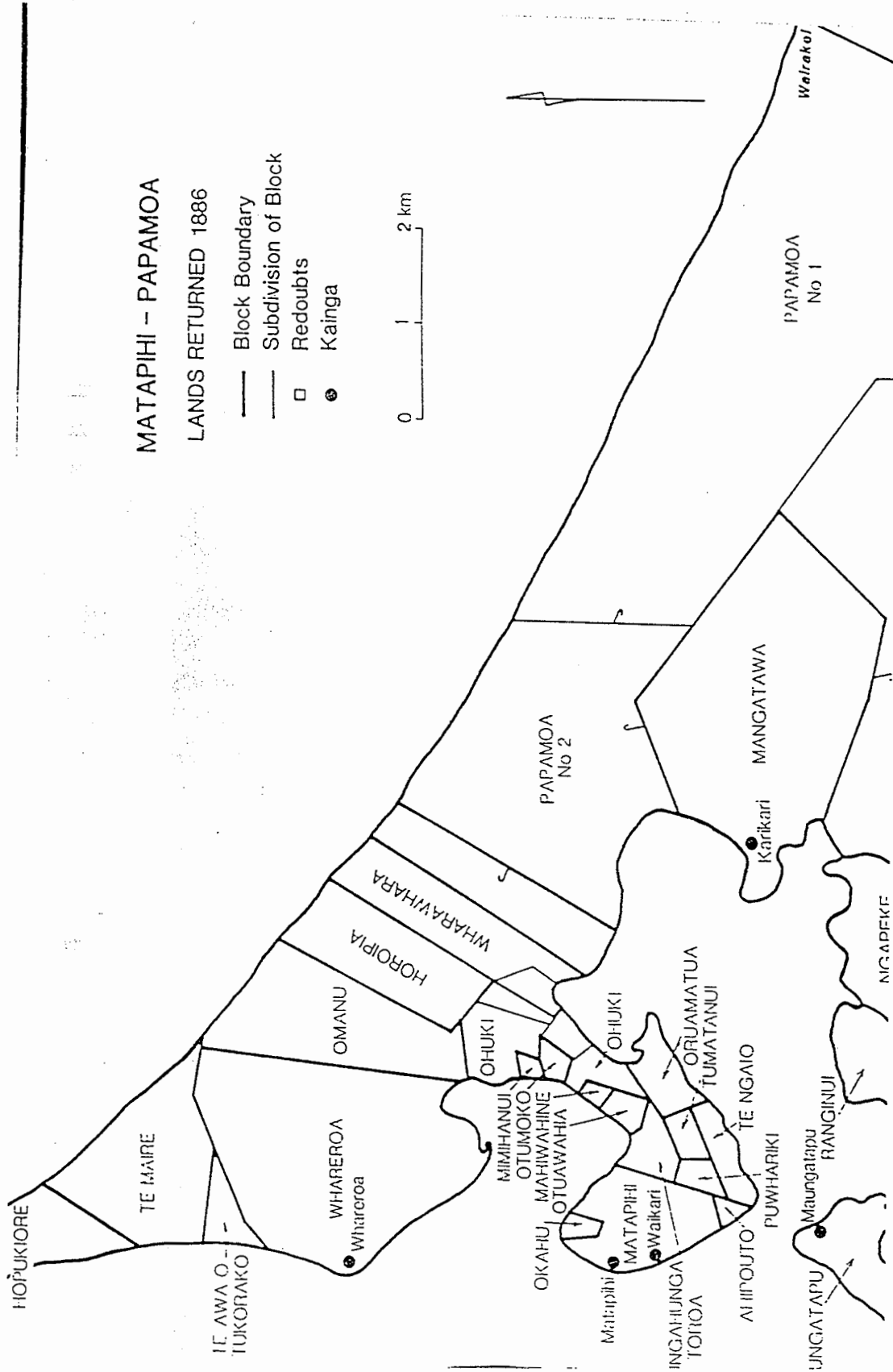
that in the settlement of their lands no more than one-quarter of their lands would be retained by the Crown.

- Soon after the meetings in August Grey decided that the one-quarter of Ngaiterangi's lands to be retained by the Crown would be taken from an area between the Waimapu and Wairoa rivers. Fox and Whitaker agreed to purchase this land and in late August Ngaiterangi chiefs were paid £1,000 deposit for land in the Katikati/Te Puna block.
- By an Order in Council dated 18 May 1865 which was issued under the New Zealand Settlements Act 1863 all the lands of Ngaiterangi were confiscated by the Crown. The proclamation embodied the promise that the Crown would retain no more than one-quarter of the lands subject to the proclamation.
- Concerns had been raised as to the validity of the 1865 proclamation but the Tauranga District Lands Act which was enacted in October 1867 had the effect of validating all previous transactions carried out by Commissioner HT Clarke.
- Section 2 of the Tauranga District Lands Act set aside all doubts about the 1865 Order in Council by declaring absolutely valid any grants, awards, or other arrangements made pursuant to the proclamation, notwithstanding any uncertainty in the Order in Council or of any omission, defect or departure from the provisions of the New Zealand Settlements Act or any of its amendments.
- The Tauranga District Lands Act made provision for due enquiry to be made into the way in which lands should be returned to Ngaiterangi in accordance with the proclamation. This was to be done through the appointment of Commissioner's who would determine ownership of the three-quarters of the lands which were to be returned to Ngaiterangi. It is important to note that the term 'Ngaiterangi' was generally used to refer to all the tribes of Tauranga Moana.
- The Government decided that the lands to be returned to Tauranga Maori would be done so through a Crown grants process which was significant in the sense that the Crown had completed discretion in terms of awards. In 1886 136,191 acres was returned to Ngaiterangi. The Crown had purchased just under 50,000 acres in the Katikati Te Puna blocks and the quarter retained by the Crown as confiscation lands amounted to about 93,000 acres.

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Map 2: Location of Whareroa and Te Awa-o-Tukarako Blocks



Taken from Stokes, E. Te Raupatu o Tauranga Moana (1990) Appendix 9

Whareroa Blocks

The original Whareroa block was initially surveyed by HA Martin on 5 November 1879¹ and held under a Crown grant dated 15 December 1888.² At a sitting of the Court held at Tauranga before Judge Alexander Wilson and Karaka Kereru, Assessor, on 28 May 1896 an order was made vesting a portion of the Whareroa block in the Crown.

The Court sitting referred to above was the result of an application which was made asking the Court to vest in Her Majesty a defined portion of Whareroa in satisfaction and discharge of the cost of the survey of the whole of the Whareroa which amounted to £40/15s/2d.³ The subject of the order was a portion of the Whareroa block containing 81:0:28 acres and which was named Whareroa No1 under s65 of the Native Land Court Act 1894.⁴

The whole of the Whareroa block originally consisted of some 1262 acres less 7:1:12 acres for roads leaving a total area of 1254:2:08 acres. Of this 1254:2:08 acres, 81:0:28 acres constituted Whareroa No1 vested in the Crown on 28 May 1896. The remaining 1173:1:20 acres was partitioned off as Whareroa No2 under an order issued on the same date.⁵ Fifty-eight Maori were included in the Schedule of Owners for Whareroa No2.⁶ The total area of Whareroa No2 was further reduced by 10:3:1.6 acres on the 8 May 1913 leaving 1162:2:18.4 acres. This area was taken for railway and road diversion purposes under s188 of the Public Works Act 1908. Compensation amounting to £5/7s/7d was awarded in respect of this portion of Whareroa No2 by the Native Land Court on the 13 October 1915.⁷

On 12 June 1913 an application was made by the Minister of Lands under the Native Land Act 1909 for a determination of the relative interests of the owners in Whareroa No2.⁸ On 5 May 1916 the Whareroa block was partitioned into subdivisions 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2J, and 2K.⁹ These subdivisions consisted of the following areas:

Table 4

Whareroa Subdivision	Date of Partition	Area	CT No
No2A	5 May 1916	84 3 07	
No2B	" " "	61 1 25	385/281
No2C	" " "	42 1 37	363/232
No2D	" " "	21 0 11	363/231
No2E	" " "	319 0 12	
No2F	" " "	99 0 25	364/267
No2G		244 0 10	
No2H		148 3 15	
No2J		148 0 35	
No2K	" " "	2 1 32	

In the years subsequent to the 1916 partitions the ten subdivisions of Whareroa No2 outlined above were further subdivided. Many of the Whareroa No2 subdivisions were sold to private interests in the 1920's. Others were sold to commercial interests like Tasman Pulp and Paper and ICI New Zealand Ltd. The Maori Land Court Record Sheet for Whareroa shows that with the exception of 2A2A, Maori ownership in the Whareroa blocks was restricted to a few subdivisions within Whareroa No2E and No2G.

For many years most of the land around Whareroa was used for farming purposes but an alternative use was considered in the 1930's. In early 1930 the need for a permanent airport was recognised and an airport committee was set up to look at various sites. The mayor at the time was Mr BJ Robbins who suggested that the reclamation of Sulphur Point might provide a suitable site. The committee's report on those sites investigated was released in April 1930 and in 1932 the Harbour Board decided to grant the use of a portion of Waikareao Estuary as an aerodrome. However, the Waikareao aerodrome was of limited value as it was not possible to land at high tide.

In 1935 the Tauranga Aero and Gliding Club who had for some time been seeking a site for an aerodrome felt that Whareroa would be a suitable location for this purpose. Work on the construction of the airport began in April 1937 and on 14 January 1939 the airport was officially opened. On 4 April 1940 the following areas consisting of 214:2:30 were

taken under proclamation 10182 and vested in the Mayor, Councillors, and Burgesses of the Borough of Tauranga for the aerodrome:

Table 5

Legal Description	Area of Block	Certificate of Title No	Situated in Block	Shown on Plan
Whareroa 2G1B No2	21:0:36	CT 135/291	XI	PWD 105561
2G1B No3	25:2:37	“ ” ”	XI	“
2G2A	21:0:30	“ ” ”	XI	“
2G2B	42:1:19	“ ” ”	XI	“
2G2C	52:3:38	“ ” ”	XI	“
Pt 2E No6B	00:2:07	“ ” ”	VII	“
Pt 2E No6B	01:3:29	“ ” ”	VII	“
Pt 2E No7	00:3:38	“ ” ”	XI	“
Pt 2E No7	16:2:26	“ ” ”	XI	“
Pt 2F	22:2:10	CT 364/267	VII & XI	“
Pt 2G No 1A	02:3:24	CT 628/216	XI	“
Pt 2G 1B No4	02:3:10	CT 135/291	XI	“
Pt 2G 1B	02:3:06	“ ” ”	XI	“

Summary Points

- The original Whareroa block consisted of an area containing 1,262 acres held under a Crown grant dated 15 December 1882.
- On 28 May 1896 an order was made vesting 81:0:28 acres in the Crown in satisfaction of a survey lien amounting to £40/15s/2d and was named Whareroa No1.
- Whareroa No2 which had been vested in fifty-eight Maori owners consisted of 1162:2:18.4 acres. On 12 June 1913 the Minister of Lands made an

application under the Native Land Act 1909 for a determination of interests of owners in Whareroa No2. On the 5 May 1916 Whareroa No2 was partitioned into 10 subdivisions.

- In 1935 the Tauranga Aero and Gliding Club who had been seeking a site for an aerodrome decided that Whareroa lands would be the best site for an aerodrome. In 1937 construction began and the airport was opened in January 1939.
- On 4 April 214:2:30 acres was taken under proclamation 10182 and vested in the Mayor, Councillors, and Burgesses of the Borough of Tauranga for the aerodrome.

References

1. see Field Book 371 in DOSLI ML5038-9
2. CT 135/291
3. Block Order File T1233 (2)a in Appendix 9
4. see Sketch Plan of Whareroa No1 in Appendix 8
5. Partition Order in respect of Whareroa No2 in Appendix 10
6. see Appendix 10
7. see Compensation Order dated 13 October 1915 in Appendix 11
8. BOF T1233(2)a
9. see Partition Orders in Appendix 12

Compensation: “Aerodrome” Takings

An application for the assessment of compensation in respect of the twelve parcels of land taken for the purposes of an aerodrome under the proclamation on 21 March 1940 was heard by Judge John Harvey in December 1940.¹ Mr Auld appeared for the Tauranga Borough Council while Mr Cooney appeared on behalf of the Maori owners. Five witnesses gave evidence, three for the Mr Auld and two for Mr Cooney. Much of the evidence which the Court heard was expert testimony that centred around the issue of the value of the land taken. In valuing the land the total area was treated as one block with the exception of Parts 2E 6B and 2E7 which were dealt with separately. Both these areas of land were close to the wharf and were dealt with separately because these two sections were likely to have a higher unimproved value.

Two of those who gave evidence for the Tauranga Borough Council valued the land at £5 per acre while the other valued the land at £4 per acre. Both valuations were based on the unimproved value of the land. As a whole the testimony of Mr Auld’s witnesses involved argument based on the premise that the land was very wet, had a heavy covering of tea tree and gorse, and was only really suitable for sheep. The Tauranga Borough Council’s first witness for example said that the land was in places impervious to water and that sumps had to be dug to enable the water to reach a substratum where it could run off or percolate to the drainage system.²

The Council’s second witness admitted under cross examination that the valuation he had submitted for consideration by the Court was based on it’s value from a farming point of view but that the land in the vicinity of the harbour had definite value besides its farming value. In fact this witness conceded that the value of the land which was the subject of this case should be fixed by reference to sales in the locality.³ Another witness said that the land was covered with stunted tea tree, gorse, and pines and had a farming value only.⁴ However, under cross examination this witness conceded that there was remarkable growth in the Mt Maunganui area and that land at Maungatapu, Otumoetai and Gate Pa which had previously been considered as purely agricultural was now residential.

Mr Auld then gave examples of other lands within the Whareroa block which had been sold to the Tauranga Borough Council for £8 per acre. Examples included Whareroa 2G 1B 1 which was sold by Makuini to the Tauranga Borough Council in 1938⁵ while the other was Part 2F sold by Clinkard to the Borough Council the same year.⁶ None of the witnesses appearing for the Borough Council put a value on Part Whareroa 2E 6B or Part Whareroa 2E7.

Mr Auld also lodged a notice by the Valuer General of the amount of some previous valuations that had been apportioned to the assessment against the Tauranga Borough Council.⁷ This assessment was for 296:0:07 acres at a capital and unimproved value of £1,285. However, the Court informed Mr Auld at the hearing that it could not use this example as a framework for assessing compensation in the present case for many obvious reasons.

*For instance the area of 296 odd acres includes two areas of land purchased in 1938 by the Borough Council from a Maori and a European respectively at £8 per acre as well as another area of European land taken by the proclamation which gives rise to this application. The Court is also not aware of the date of the valuation purported to be apportioned.*⁸

Mr Jordan who was the Tauranga Agent for the New Zealand Loan & Mercantile Agency Ltd and was Mr Cooney's first witness traced the growth of Mt Maunganui and gave details of recent land sales in the vicinity of the aerodrome. The examples he gave numbered six in total and ranged from £30 per acre to £75 per acre. Mr Jordan valued the two sections close to the wharf, one at £200 (Part Whareroa 2E 6B) and the other (Part 2E 7) at £250. Both of these blocks were less than an acre each in total and the valuations were said to be comparable with the prices paid for sections at Otumoetai and other waterfront residential localities. The balance of the area Mr Jordan took as a composite block and valued at £30 per acre.

Mr Cooney's second witness was Mr Jonathan Brown. Mr Brown described the land as being "originally sand hills with small lagoons in the winter. In the summer time there was feed in all the hollows. It was never in a condition that one could not ride over it".⁹ After confirming Mr Jordan's list of local sales Mr Brown valued the land as per the instructions of Mr Cooney and put a general purpose value at £30 per acre on it.

The Court pointed out that it found great difficulty in crystallising the evidence into a definite figure for each of the subdivisions.¹⁰ In his judgement Harvey, J stated:

I am not prepared to agree that the composite area being dealt with at this juncture is worth as much as either Midwinter's [£30 per acre] or Dalbeth's [£35 per acre] block but I am equally unprepared to believe that it is only worth one-seventh [as the Tauranga Borough Council contended] of the figures at which the properties changed hands [own emphasis].¹¹

In essence the Court decided to assess compensation payable on the basis of the value of the land at the time it was entered upon for the purposes of carrying out work of making a landing field plus interest accrued to the date of the case.

Orders were issued for the assessment of compensation payable in respect of each area taken and ordered that the Tauranga Borough Council pay the Waiariki District Maori Land Board such compensation pursuant to section 552 of the Native Land Act 1931. In respect of Parts Whareroa 2E 6B and 2E 7 the Court acknowledged that these sections were of more value in virtue of the fact that both were situated on the edge of the deep water channel with title to the high water mark but was of the opinion that Messrs Brown and Jordon's valuations were not justified.¹²

The Court's determination on 31 March 1941 was that compensation amounting to £2,668 was payable for 192:0:20 acres taken for the purposes of an aerodrome by the proclamation dated 21 March 1940.¹³

Table 6

Legal Description	Area	Compensation
Whareroa 2G1B	21:0:36	£ 318. 0s 0d
2G1B3	25:2:37	360. 0s 0d
2G2A	21:0:30	286. 0s 0d (House) 20. 0s 0d (Land)
2G2B	42:1:19	593. 0s 0d
2G2C	52:3:38	741. 0s 0d
2E6B	1:3:29	17. 0s 0d

	2E7	16-2-26	150. 0s 0d
	2G1B4	2-3-10	42. 0s 0d
	2G1A	2-3-24	31. 0s 0d
	2G1B	2-3-06	10. 0s 0d
Part	2E6B	0-2-07	50. 0s 0d
Part	2E7	0-3-38	50. 0s 0d
TOTAL		192-0-00	2668. 0s 0d

Witnesses costs were allowed due to the fact that some had to make special trips to the aerodrome and to Rotorua. These expenses were allowed at £7. 7s 0d each to cover everything. With witness expenses totalling £14/14s/0d and party costs totalling £84/0s/0d the total compensation payable amounted to £2766/14s/0d. This amount was ordered to be paid to the Waiariki District Maori Land Board at Rotorua for administration under s552 of the Native Land Act 1931. Further to this the Court ordered and declared that no compensation was payable to any holder of a leasehold or other interest in the Whareroa block apart from the fee simple of Maori owners.

Summary Points

- An application for the assessment of compensation in respect of the twelve parcels of land taken under proclamation 10182 was heard by Judge John Harvey in December 1940. In valuing the land the total area was treated as one block with the exception of Part Whareroa 2E6B and Part Whareroa 2E7 which were close to the wharf and likely to have a higher unimproved value.
- Much of the evidence consisted of expert testimony. Council for the Tauranga District Council argued that the land was very wet, covered in tea tree and suitable for sheep only while Council for the Maori owners argued that the land provided good feed and was never in a condition where one could not ride over it.

- The Tauranga Borough Council argued that the land was worth between £4 to £5 per acre while the Maori owners argued that the land was worth £30 per acre. Both parties provided examples of prices paid in the area for land in an effort to support their assessment. Witnesses for the Maori owners valued Part 2E6B at £200 and Part 2E7 at £250 but none of the witnesses for the Council put a value on these two blocks. In essence the Court felt that the Council's valuation was too low and the Maori owners too high.
- The Court assessed compensation payable on the basis of the value of the land at the time it was entered upon for the purposes of carrying out work of making a landing field plus interest. On the 31 March 1941 compensation amounting to £2,668 was awarded for the 192:0:20 acres of Maori land taken under the proclamation of the 21 March 1940.

References

1. Tauranga MB 14 folios 176-186
2. Evidence of Mr Boddy, Tauranga MB 14 folio 200
3. Evidence of Mr Morton, supra n2 folio 201
4. Evidence of Mr Newham, supra n1 folio 201-202
5. Certificate of Title 718/252
6. Certificate of Title 711/247
7. supra n2, at 199-200
8. *ibid.*, at 200
9. Tauranga MB 14 folio 203
10. Tauranga MB 14 folio 205
11. Tauranga MB 14 folios 204-205
12. Tauranga MB 14 folio 205
13. Tauranga MB 14 folios 199-206

Te Awa-o-Tukorako

The Te Awa-o-Tukorako block originally consisted of 83:3:30 acres.¹ The certificate of an award in respect of Te Awa-o-Tukorako No1 was given by the Commissioner of the Tauranga District No 187 on 24 December 1884.² Te Awa-o-Tukorako No1 was an area consisting of 66:3:0 acres and was vested in 30 people unequally as of 13 June 1883³ and later held under Crown grant dated the 14 August 1886.⁴ Those with shares in Te Awa-o-Tukorako No1 included the following:

Table 7

ADDETS		
Haki te Mauea	1/17	42
Joseph	1/17	42
Christopher	1/17	42
Alfred	1/17	42
Te Rangitane	1/17	42
Te Tikitapu Harere	1/17	42
Rere Kaipuke te Kaiawhi	1/17	42
John Faulkner	1/119	6
Alfred Faulkner	1/119	6
William Beazley	1/102	7
George Beazley	1/102	7
John Beazley	1/102	7
Maria Maxwell	1/17	42
Jane Sellars	1/17	42
Eliza Bush	1/17	42
Isabella Neighbour	1/17	42
Tutu Tamakohe	1/17	42

Tapu	1/17	42
Riripeti Faulkner	1/119	6
Ngapeke	1/57	14
Mary Fergusson	1/57	14
Hemi Rawiri	1/57	14
MINORS		
James Faulkner	1/119	6
Charles Faulkner	1/119	6
George Faulkner	1/34	21
Anne Faulkner	1/119	6
Elizabeth Faulkner	1/119	6
Clara Faulkner	1/34	21
Mary Eliza Beazley	1/102	7
Sarah Jane Beazley	1/102	7
		714 shares

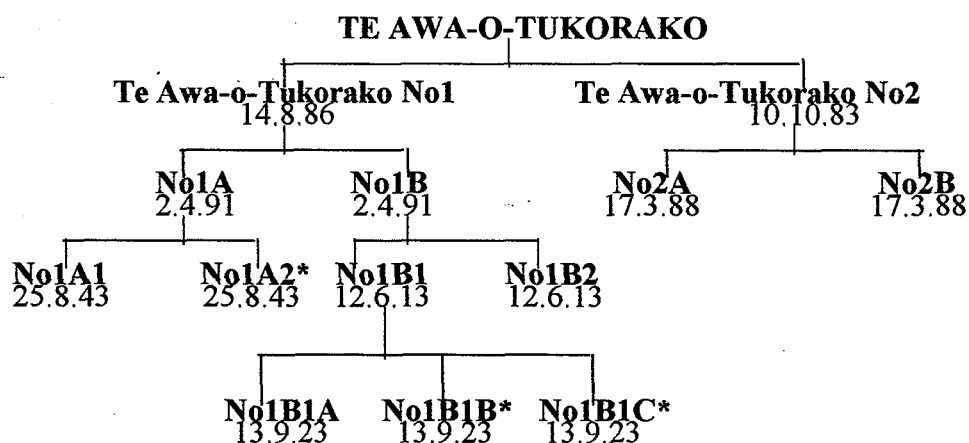
Te Awa-o-Tukorako No1 was later subject to two partition orders issued at a Court sitting before Judge Walter Gudgeon on 2 April 1891.⁵ The first related to Te Awa-o-Tukarako No1A which contained 3:3:28 while the other related to Te Awa-o-Tukorako 1B which was made up of the remaining 62:3:12 acres of what was the original No1 block.⁶

Te Awa-o-Tukorako 1A and 1B were further subdivided. Te Awa-o-Tukorako No1A was the subject of two partition orders on the 25 August 1943 by which No's 1A1 containing 1:0:11 acres and 1A2 containing 2:1:25 acres came into being.⁷ Te Awa-o-Tukarako No1B was partitioned into No1B1 containing 11:1:27 acres⁸ and No1B2 (CT 366/238) containing 45:2:28 acres⁹ on the 12 June 1913 before Judge JW Browne. Finally on the 13 September 1923 Te Awa-o-Tukarako No1B1 was partitioned into No's 1B1A containing 3:3:20 acres, 1B1B containing 1:0:00 acres, and 1B1C containing 6:2:07 acres.¹⁰

Te Awa-o-Tukorako No2 was held under certificate 149 by the Commissioner of the Tauranga District dated 10 September 1883. On 31 January 1888 the Native Minister Edwin Mitchelson caused an application to be made to the Native Land Court to ascertain and determine what interest the Crown had in Te Awa-o-Tukorako No2. The Application was heard by Judge Herbert Brabant and Panapa Waihopi, Assessor on 17 March 1888. The Court found that the Crown had an absolute interest in 16:2:12 acres and declared the same to be the property of Her Majesty. The remainder of Te Awa-o-Tukorako No2A containing 0:2:18 acres was partitioned the same day, renamed Te Awa-o-Tukorako No 2B and vested in Hariata Kii. This land was subsequently declared to be Crown land subject to the provisions of s74 of the Native Land Act 1909 and s14 of the Native Land Amendment Act 1914.¹¹

To recap then, the original Te Awa-o-Tukorako block was initially partitioned into Te Awa-o-Tukorako No's 1 and 2. Over time these two subdivisions were partitioned a number of times and by 1943 there were eight main subdivisions which had emerged out of the original Te Awa-o-Tukorako block. These allotments were: Te Awa-o-Tukorako No's 1A1; 1A2; 1B1A; 1B1B; 1B1C; 1B2; 2A; and 2B. The partition orders in respect of the subdividing of Te Awa-o-Tukorako No1 and No2 are most clearly illustrated in the following way:

Illustration 1: Subdivisions and Partition Orders



Te Awa-o-Tukorako No1A1 containing 3:2:11 acres was transferred into Pakeha ownership in 1949¹² for consideration of £78. Similarly, No1B1A was transferred into Pakeha ownership in 1928. Te Awa-o-Tukorako No1B2 containing 45: 2: 28 and being

the biggest subdivision of Te Awa-o-Tukorako No1 was sold by the Waiariki District Maori Land Board to Albert Beets in February 1923 for £456/15s/0d.¹³ Te Awa-o-Tukorako 2A and 2B were in Crown ownership in 1888 and 1917 respectively. So, by 1943 the only remaining blocks still in Maori ownership were No's 1A2, 1B1B, and 1B1C.¹⁴

Summary Points

- The original Te Awa-o-Tukorako block consisted of 83:3:30 acres. Te Awa-o-Tukorako No1 was an area consisting of 66:3:0 acres and was held under certificate 187 by the Commissioner of the Tauranga District dated 24 December 1884. Te Awa-o-Tukorako No2 was an area consisting of 17:0:30 acres was held under certificate 149 by the Commissioner of the Tauranga District dated 10 September 1883.
- In 1888 the Native Land Court found that the Crown had an absolute interest in 16:2:12 acres of Te Awa-o-Tukorako No2 while the remaining 0:2:18 acres was vested in Hariata Kii. This 0:2:18 acres was subsequently declared to be Crown land subject to the provisions of s74 of the native Land Act 1909 and s14 of the Native Land Amendment Act 1914 in August 1917.
- Over the years Te Awa-o-Tukorako was partitioned a number of times and by 1943 only Te-Awa-o-Tukorako 1A2, 1B1B & 1B1C remained in Maori ownership.

References

1. see ML 5038A in Appendix 15
2. Land Transfer Vol 45 folio 19 dated 14 August 1886
3. Maori Land Court (Hamilton) BOF T28
4. Certificate of Title 45/19
5. see Appendix 16

6. see ML 5038A
7. Tauranga MB 14 folio 327
8. CT 469/115
9. CT 366/238
10. Tauranga MB 11 folio 144
11. *New Zealand Gazette* No 136, 30 August 1917
12. Transfer No48851
13. see Transfer No 16477 in Appendix 17
14. see ML 18318 in Appendix 31

Development of Tauranga Harbour

In 1926 the development of the Bay of Plenty caused the government to consider whether or not a port should be created at Tauranga. A Harbour Commission was set up to determine whether the port should be established at Tauranga or Mount Maunganui. It found that any port development should take place at Mt Maunganui, but that owing to the financial state of the country at the time the matter should be deferred.¹

Both during and immediately subsequent to the war years there was significant development in and around Tauranga. The population of Mt Maunganui was increasing and the owners of the Harbour Ferry Company conceived the idea of instituting a vehicular ferry service from the north end of the Tauranga peninsular to the aerodrome wharf adjacent to the Whareroa block.

On 6 June 1947 the Minister of Works published a Notice of a Comprehensive Scheme of Development and Reconstruction in the Bay of Plenty. This notice was issued under the provisions of s29(2) of the Finance Act (No3) 1944² and affected a substantial geographic area.³ The proposed works set out in the notice were wide ranging and came under the following main headings: (1) Land Development; (2) Industrial; (3) Commercial; (4) Communications; (5) Utilities; (6) Subdivisional Development, (7) Social Services; (8) Defence; and (9) Public Administration. The 1947 notice was affirmed by the Tauranga, Rotorua and Thames Borough Councils as well as the Tauranga, Whakatane and Rotorua County Councils.

In October 1950 a Committee was set up by the Minister of Works to enquire into and report as to which of Whakatane and Tauranga was the best site for a harbour. Prior to 1950 Tauranga had port facilities for small coastal ships only. In fact the port's facilities were severely restricted by 16ft water depth at the town wharf.⁴ In considering this matter the Committee held public hearings and heard submissions. The Commissioner of Works made his submission in which he stated and weighed up all the factors which he considered relevant to determining the best site for the harbour and concluded by strongly recommending in favour of Tauranga. The principal factors the Commissioner taken into account in determining the best site for the port included:

- | | |
|---|-----------------------|
| 1. Present/future land-development in the area | 7. Cement |
| 2. Present/future primary products from farming | 8. Coal |
| 3. Fruit | 9. General cargo |
| 4. Fertiliser | 10. Chemical Industry |
| 5. Timber & Forest Products | 11. Other industries |
| 6. Oil fuel | |

The Committee made its report in November 1950 recommending that the harbour be built at Mt Maunganui. On the 5 June 1951 the general development of the port at Mt Maunganui was authorised by Cabinet, and working plans were later prepared. In November 1953 the Crown and the Harbour Board signed an agreement for the Works Department to construct 1,225ft of berthage at Mt Maunganui.⁵

The proposed deep water port which the Committee recommended should be at Mt Maunganui, had according to submissions made by the Commissioner of Works, become necessary due to the substantial developments and further anticipated developments of the Bay of Plenty region. The port was to service the whole of the area in respect of its rapidly increasing farming products, the State owned and privately owned pine forests as well as all ancillary businesses. Prior to 1950 New Zealand Forest Products began making plans for exploiting their large pine forests in the Tokoroa area and at the same time the Crown was considering the same options in relation to the Kaingaroa forest.

Other developments were also taking place in the area. As a result of representations made by the Ferry Company for a road line across Whareroa, Judge Harvey of the Maori Land Court called a conference of interested parties to institute a subdivision of Whareroa adjacent to the road line so that Maori owners might reap the benefits of subdivision and sale that were being achieved by many of their Pakeha neighbours. On 18 May 1948, Judge Harvey instructed Mr H O Cooney to arrange a meeting with the Tauranga County Clerk and Engineer, Mr Cooney and himself to discuss the questions arising out of a roading programme in such subdivision. As a result of this conference Mr A M Linton, the Development Officer attached to the Maori Affairs Department, was instructed to prepare a Scheme Plan of subdivision in accordance with the proposals and standards laid down by the Judge and in compliance with the Local Authority's requirements. Simultaneously applications were made on behalf of the owners to vest the land in the Maori Land Board for the purpose of subdivision and sale.

Summary Points

- In 1926 the development of the Bay of Plenty caused the Government to consider whether a port should be created at Tauranga. A Harbour Commission was set up and decided that any port development should take place at Mt Maunganui, but the idea was deferred due to the financial state of the country at the time.
- On the 6 June 1947 the Minister of Works published a Notice of a Comprehensive Scheme of Development and Reconstruction in the Bay of Plenty under the provisions of s29(2) of the Finance Act (No3) 1944.
- In October 1950 a Committee was set up by the Minister of Works to enquire into and report as to which of Whakatane or Tauranga was the best site for a harbour. The Committee made its decision in November 1950, recommending that the harbour be built at Mt Maunganui.
- A year after the Committee's recommendations were made public the harbour development was approved by Cabinet. In November 1953 the Crown and the Harbour Board agreed that the Works Department was to construct a deep water port at Mt Maunganui.
- Other developments were also taking place in and around Mt Maunganui. As a result of representations made by the Ferry Company for a road line across the Whareroa block, Judge Harvey of the Maori Land Court called a conference of all interested parties to institute a subdivision of Whareroa adjacent to the road line so that Maori owners may reap the benefits of subdivision and sale.
- After a conference held in 1948 Mr AM Linton, Development Officer to the Maori Affairs, was instructed to prepare a scheme plan of subdivision. An application was then made on behalf of the Maori owners to vest the land in the Maori Land Board for the purpose of subdivision and sale.

References

1. AAMK 869/60b pg89
2. AATE A934 290c 6/58/1/0/42
3. Maori Land Court decision Wellington, 20 March 1959 in AATE A934 290c 6/58/1/0/42
4. Transport Commission, (1966) 4
5. Ibid., at 5

Land taken for “Better Utilisation”

By an order made on 15 July 1948 by the Maori Land Court under s8 of the Maori Purposes Act 1943 Whareroa No2E2 and certain other subdivisions¹ of the Whareroa block containing some 242 acres were vested in the Waiariki District Maori Land Board for subdivisional purposes for the benefit of the Maori owners.² The blocks which were the subject of this order included:

- (1) Whareroa 2J2;
- (2) Whareroa 2E6B Sec2;
- (3) Whareroa 2E3A;
- (4) Whareroa 2E2;
- (5) Whareroa 2E4;
- (6) Whareroa 2E5; and
- (7) Whareroa 2E7

After the making of the 1948 order the Maori Land Board had a scheme plan prepared for the subdivision of the whole of the sections together with section 2E3B owned by the Tudhope Estate.³ The inclusion of the Tudhope estate land was included in pursuance to an agreement made between the Board and the Trustees. This agreement was made as the inclusion of the Tudhope estate in the scheme would result in the whole subdivision forming one area and this was seen as something which would benefit both parties.

The scheme plan had the potential to bring enormous benefits to the Maori owners. The object was to subdivide the land into both residential and commercial sections and sell them using the proceeds to improve the living conditions of Maori owners living in and around Matapihi. The scheme plan of subdivision had been prepared for some 600 sections estimated to realise on sale a nett sum of approximately £60,000 to the Maori owners.

The order of the Maori Land Court however, required the consent of the Minister of Maori Affairs before becoming operative. On 27 July 1948 the order was submitted for the Minister's approval, as was required to make the order effective. In the covering

memorandum sending the order forward, the Registrar suggested that the Minister might wish to refer the plan to the Ministry of Works to see whether it was consistent with Works plans for the Harbour at Tauranga.⁴ An indication was given that the Maori Land Board was prepared to adjust its plan to suit the Ministry of Works if the Maori owners received Land Sales Court prices for the number of sections which the Maori Land Board's proposal would produce.

On 30 July the Rt Hon Peter Fraser, who was the then Minister of Maori Affairs, minuted papers inquiring as to proposals of the Forestry and Works Departments. Details of the Maori Land Board's proposals and a sunprint of the proposed subdivisional scheme were then sent to the Minister of Works and Director of Forestry for their comments and for any suggestions as to amendments needed to tie in with their proposals. On 25 August, 1948 the Director of Forestry replied that the whole area should be acquired by the Government and not subdivided at that stage.⁵ In order to expedite the grant of consent by the Minister of Maori Affairs, the President of the Waiariki Board of Maori Affairs waited upon the Minister, produced the plan of subdivision and explained the purposes of the trust, with particular emphasis on what appeared to be a point in its favour, namely that it would allow for the rehabilitation and re-establishment of Tauranga Maori from their own resources instead of from monies loaned by the Crown.

Fraser indicated that he was interested in the proposals but that certain land may be required for public work. The President of the Board made the position clear- the purchaser was immaterial to the Land Board provided the Crown pay the same price that could be netted from the sale of allotments to the general public. Fraser's written response was as follows:

Oh! surely, surely, the state must have the land if it requires it, but it must also pay as much as can be got by the owners from anyone else.⁶

Over the next three years the Board made very little headway in carrying out the trust accepted by it. Frequent proposals were put forward by the Ministry of Works or the Regional Planning Authority as fatal objections to the Scheme Plan. None of these proposals ever amounted to anything but they did contribute to making the whole process a lot more protracted than it needed to be. The Scheme Plan was held up for

three years because of possible future plans, although no-one seemed prepared to speculate when the Crown might "actually need the land".

On 13 September 1951 the Minister of Works gave notice of the intention to take approximately 91 acres (37 hectares) of the 242 acres vested in the Waiariki District Maori Land Board. On 8 October 1951, the solicitors acting for the Maori Land Board renewed their former requests for approval of the Court order and the plan of subdivision.⁷ On 6 November the Works Department advised that they considered the Court order should not be approved unless the area proposed to be taken was excluded from it. Their reasons were that the status quo should be preserved and that the approval of the order might have some bearing on the amount of compensation.⁸ After considering the views expressed the Hon Mr Corbett approved the Court order on the 21 November 1951.

On 11 September 1952 a proclamation was gazetted taking 91 acres in the Whareroa block as well as 55 sections in the Te Awa-o-Tukorako block.⁹ This whole area of land was to be vested in the Crown a from 15 September 1952. In later years Mr Owen Cooney who acted for the Waiariki District Maori Land Board and later, the Maori Trustee commented:

When I look back on this matter I can't help thinking that the Maoris were shamefully treated. The owners made repeated requests to the Minister for his consent to the order vesting the land in the Maori Land Board for the purpose of subdivision and sale...We had a similar experience with the Plan...We were then faced with the extraordinary position that the Government intending to take the land was deliberately withholding the consents necessary for the Maoris to effectuate their Scheme.¹⁰

Under the provisions of the Maori Land Amendment Act 1952 the Maori Land Boards were abolished and all rights, powers, duties, liabilities and contracts exercisable by, vested in, or binding on the Boards became exercisable by, vested in or binding on the Maori Trustee. Furthermore, all real and personal property of the Boards was transferred to and vested in the Maori Trustee. All these matters were to take effect from 30 September 1952. Of the allotments subject to this proclamation the following were still in Maori Ownership at the time of the taking:

Table 8

Te Awa-o-Tukorako	Plan	Area
1A2	PWD134794	2.1.25
1B1B	" " "	1.0.00
1B1C	PWD137400	3.1.11.3
Part 1B2 & Part Whareroa 2E1	SO 35556	3.3.07.6
Whareroa		
Part 2E2	PWD137400	11.02.5
Part 2E3A	" " "	12.00.0
Part 2E4	" " "	21.2.24
Part 2E5	" " "	26.1.10
2E6B	" " "	19.3.25

Clearly then, at the time of the taking the land subject to the above proclamation was vested in the Waiariki District Maori Land Board. On 18 September 1952 an application was made to the Maori Land Court on behalf of the Minister of Works, under the provisions of s 104 of the Public Works Act 1928, to assess the compensation which ought to be paid in respect of the lands taken for "better utilisation". Under s 104 the Maori Land Court had the full authority and jurisdiction of the Compensation Court in matters relating to Compensation.¹¹

On 29 September, the Waiariki Maori Land Board gave notice to the Minister of Works that the Board claimed the sum of £109,011 for compensation, being £95,711 for the land taken and £13,300 for injurious affection to the balance of the lands.¹² The £95,711 related to the taking of the 91:1:24 acres while the remaining £13,300 related to 150:3:1 acres being adjacent to the land taken and being the balance of the land taken.¹³

A claim for injurious affection arose because it can be seen from the foregoing that as parts only of the various blocks were taken the Courts will consider (a) compensation for the land taken; and (b) injurious affection, or betterment resulting to those parts of the blocks not taken.

Summary Points

- By an order made on the 15 July 1948 by the Maori Land Court under s8 of the Maori Purposes Act 1943, Whareroa No2E2 and other subdivisions of the Whareroa block containing some 242 acres were vested in the Waiariki District Maori Land Board for subdivisinal purposes for the benefit of the Maori owners.
- After the making of the 1948 order the Maori Land Board had a scheme plan prepared for the subdivision of the whole of the sections together with another area owned by the Tudhope estate.
- The object of the scheme plan was to subdivide the land into both residential and commercial sections and sell them using the proceeds to improve the living conditions of Maori living in and around Matapihi. This plan had the potential to bring enormous benefits to the Maori owners.
- The order of the Maori Land Court required the consent of the Minister of Maori Affairs before becoming operative. On the 27 July 1948 the order was submitted for the Minister's approval. Over the next three years the Maori Land Board made very little progress in carrying the trust. Then on 13 September 1951 the Minister of Works gave notice of an intention to take 91 acres of the 242 acres vested in the Board.
- The Board renewed its attempts for approval of the Court order and plan subdivision but the Works Department advised the Minister that the Court order should not be approved unless the area proposed to be taken was excluded from it.
- On the 11 September 1952 a proclamation was gazetted taking 91 acres in the Whareroa block including 55 allotment in Te Awa-o-Tukorako for "better utilisation". On the 18 September an application was made to the Maori Land Court on behalf of the Minister of Works under s104 of the Public Works Act 1928 to assess compensation in respect of the lands taken.

- On the 29 September the Waiariki District Maori Land Board gave notice to the Minister of Works that it claimed the sum of £95,711 for the land taken and £13,300 for injurious affection to the balance of the lands.

References

1. Sections 2E2, 2E3A, 2E4, 2E5, 2E6B Sec2, 2E7, & 2J2
2. *National Archives* AAMK.869/60b pg462
3. AATE A934 290c 6/58/1/0/42
4. AAMK 869/60b pg461
5. *ibid.*, at pg88
6. *supra* n4, at 88
7. *ibid.*, at pg460
8. *ibid.*, at pg459
9. *New Zealand Gazette* No60 pg1468
10. memo from Cooney to Blane dated 6 February, 1959 in *supra* n4 at 328
11. Marr, C. *Public Works Takings of Maori Land: 1840-1981* (1994) 122
12. in *Re Whareroa 2E Block* [1957] 284 CA, pg285
13. *ibid.*, at 285

Compensation Re: “Better Utilisation”

Proceedings for the assessment of compensation in relation to land taken for “better utilisation” was finally brought to the Maori Land Court at a sitting at Tauranga on 6 April 1954 before Chief Judge Morison.¹ The relevant statutory provision which governed the assessment of compensation was s 29(1)(b) of the Finance Act (No3) 1944 which was couched in the following way:

The value of land shall, subject as hereinafter provided, be taken to be the amount which the land if sold in the open market by a willing seller on the specified date might be expected to realise.

No evidence was adduced to show that the subdivision plan which was submitted for the Minister’s approval, would have been proceeded with if the Minister’s approval had been granted earlier than what it had. What was established was that the carrying out of a subdivision would have involved a considerable outlay of capital for roading, drainage and other development, as well as other costs of subdivision. After hearing the evidence and submissions of counsel, the Court found that part of the land would have been immediately saleable at the date of the taking in lots upon a subdivision either for residential or industrial purposes, and that the balance would have been saleable in lots upon a subdivision for residential or industrial purposes from time to time over a period of years subsequent to the date of the taking.

The Court also found that as a point of law the question arose as to how the value of the land should be assessed. More particularly the question was raised as to whether there should have been a difference in assessment between those parts which would have been immediately saleable at the time of the taking and those which would have been saleable in lots from time to time subsequent to the taking. In light of the existing state of the law, the Maori Land Court decided to state the case for the opinion of the Supreme Court on a question of law.

Questions which were stated for the opinion of the Supreme Court were:

- (1) Was the value of the land to be assessed based on the assumption that the claimant sold it on the date of taking in one complete parcel to a purchaser buying it for the purpose of subdividing into lots for sale?;
- (2) Was the value of the land to be assessed on the assumption that the claimant sold at the date of the taking that part which was immediately saleable in lots to several purchasers in lots according to a subdivision made by him and sold the balance to several purchasers in lots from time to time over a period subsequent to the date of the taking according to a subdivision by him?

If the answer to each of the above questions was in the negative then the following questions were submitted:

- (3) As to that part of the land which would have been immediately saleable in lots at the date of the taking:
 - (a) Was the value to be assessed upon the assumption that the claimant at the date of the taking sold the land to several purchasers in lots according to a subdivision made by him?
 - (b) Was the value to be assessed upon the assumption that the claimant at the date of the taking sold the land in one undivided parcel to one purchaser desirous of acquiring it for the purpose of a subdivision and sale in lots?
- (4) As to that part of the land which would have been saleable in lots from time to time over a period of years subsequent to the date of taking:
 - (a) Was the value to be assessed upon the assumption that the claimant sold the land to several purchasers in lots from time to time over a period of years subsequent to the date of taking according to a subdivision made by him?

- (b) Was the value to be assessed upon the assumption that at the date of the taking the claimant sold the land in one undivided parcel to one purchaser desirous of acquiring it for the purpose of subdivision and sale in lots?
- (5) If the answers to (3) and (4) were in the negative then the question which remained was how was the value of the land to be assessed?

By consent of the parties Finlay, J removed the case to the Court of Appeal. The hearing began on 11 April 1956 before Gresson, J., Adams, F.B., and Shortland, J. Clearly, the Court of Appeal was being asked to consider what had previously been put before the Supreme Court. Namely, the basis upon which the value of the land should be assessed, and in particular, whether there should be any difference in the method of assessment of the value of first, that part of the land which "would have been immediately saleable in lots upon subdivision either for residential or industrial purposes" and secondly, that part which "would have been saleable in lots upon subdivision...from time to time over a period of years subsequent to the date of the taking".

The substance of the argument advanced by the Counsel for the Maori Trustee was that compensation under s29 Finance Act (No3) 1944 must be assessed as the value of the land with all its potentialities to the owners on the relevant date. It was submitted that the basis of valuation and assessment of compensation was identical with that provided by s23 of the Land Acquisition Act 1894 considered by the Privy Council in *Raja Vyricherla Narayana Gajapatiraju v Revenue Divisional Officer, Vizagapatam*². In its judgement the Privy Council stated that in cases where the owner is not the only person, but merely one of the persons, who would be able to turn potentiality to account "the value to him of the potentiality will not be less than the profit that would accrue to him by making use of it had he retained it in his own possession"³.

*It was therefore claimed that the method of assessment of value to be adopted in respect of land possessing the potentiality of being suitable for subdivision into allotments and sold to several purchasers, should be to determine what would be the profit or net return to the owner if he retained the land and so dealt with it, reduced only by arithmetical process to the fair present value of that theoretical future sum of money.*⁴

The Crown on the other hand argued that, as the land was not subdivided on the relevant date and could not therefore be sold in allotments on that date, the value to the owner on the relevant date was the sum which a willing purchaser would pay to a willing vendor on that date for the land in one undivided lot with all its potentialities

Gresson, J. noted that the allusion to “that part of the land which would have been immediately saleable at the date of taking in lots” implied that some of the land was actually in that state at the time.⁵ The Crown had contended that although the subdivision plan had been prepared no consents or approvals had been obtained in order to make the land legally saleable. Counsel for the Crown therefore made the point that although the case stated asked for directions as to “that part of the land which was immediately saleable in lots”, at the time of the taking, in truth there were no such lots. This appeared to be consistent with the view of Shortland, J who stated:

I construe the words “upon a subdivision” as meaning upon a subdivisional scheme having received the approval of the appropriate Minister of the Crown, and having been completed to the stage at which the owner could in fact and in law sell the subdivided allotments to separate purchasers.⁶

In essence Gresson, J. felt that:

There was no more than an area of land which possessed the potentiality of being subdivided into allotments. That of course enhances its value. But, nevertheless, “the amount which the land if sold on the open market by a willing seller on the specified date might be expected to realise”...is necessarily less than would be the case if it consisted of sections immediately saleable. I think therefore that in this case the land with its potentiality must be valued as land capable ultimately of disposal by subdivision at some future time but not in that state at the time of valuation.⁷

The opinion Gresson, J. was adopting was that the whole of the land should be valued as one entity with regard to its potentialities. But he warned that the value of the potentiality should be ascertained on such materials as are available, without indulging in feats of the imagination.⁸ At the relevant date the land was not subdivided, not a single section could have been sold as the subdivision was only in contemplation, and the land must be valued for what it was in fact at the date of the taking. The valuation must be of the land in the state in which it is on the specified date; and any potentialities must be taken into account when assessing its value. In *St John’s College Trust Board v Auckland Education Board*

[1945] NZLR 507 disposal by subdivision was accepted as the basis of valuation even though the land had not in fact been subdivided. However, Gresson J made it clear that although the subdivision used as the basis of valuation in the *St John's* case was also in contemplation only the land was easily subdivisible and therefore no such assumption as was made in this case was permissible in terms of the assessment of the Whareroa compensation.⁹ It was Gresson's view that the land must be valued for what it was on the specified date—a piece of land capable either in part or as a whole of subdivision into allotments and of being sold some time and over some period in that form. In estimating the price a purchaser would be willing to pay an examination of the estimated gross yield from a subdivision as yet notional only and the estimated deductions that a purchaser would have to take into account would be considered but that was the extent to which a notional subdivision could be regarded.

The Court of Appeal delivered its judgement on 19 December 1956. The implications of the principle statute were clear. In accordance with s29(1)(b) of the Finance Act (No3) 1944, and subject to other provisions of that section, the function of the Maori Land Court was to ascertain, as to the value of the land, the amount which the land if sold in the open market by a willing seller on the specified date (15 September, 1952) might be expected to realise. The Court of Appeal resolved that the valuation must be of the land in the state in which it was on the 15 September 1952 and any potentialities must be taken into account in assessing its value. The Court further held that:

- (1) The Court must contemplate the sale of the land as a whole, unless on the date there could have been separate sales of particular portions and there was a market for such separate portions.
- (2) Only if the land has been legally subdivided at the specified date so that particular lots might have been sold and title given, could it be said that there could have been separate sales of particular portions.
- (3) If the land has to be valued as a whole, the Maori Land Court in assessing the potential, could take into account the suitability of the land for subdivision, the prospective yield from subdivision, costs of effecting such a subdivision, and the likelihood of a purchaser acquiring the land with that object would allow for himself.

The Court of Appeal declined to follow previous cases where leave was refused under previous Privy Council rules and held that an Order-in-Council dated 10 June 1910 widened the powers in the New Zealand Court to grant leave to appeal to the Privy Council instead of leaving it to the subject to rely on the prerogative to apply direct to the Privy Council for leave to appeal.¹⁰ Leave to appeal to the Privy Council was granted on 17 July, 1957. The Whareroa case was heard by the Privy Council in July 1958 and was an appeal from the judgement of the Court of Appeal in New Zealand on the 19 December 1956.¹¹ The Court outlined the facts of the case as already outlined above.

It was the opinion of their Lordships that there were three material factors which a compensation tribunal must have in view when assessing compensation in relation to the lands taken for 'better utilisation'. Firstly, the consent of the Minister of Maori Affairs had to be given to any sale of the land in question by the Maori Trustee under s 8(9)(a) of the Maori Purposes Act 1943; Secondly, the plan could not be carried into execution without the consent of the Minister of Maori Affairs or delegated authority as required by the Land subdivision in the Counties Act 1946; and thirdly, there were in fact no subdivided lots as shown on the plan, no roads, fences, accesses, drainage and other facilities. The land was still land that had to be developed for subsequent occupation as building land.¹²

The case was heard by the Privy Council in July 1958, and its judgement was delivered on 2 October of the same year.¹³ The Privy Council affirmed the first two heads of the Court of Appeal judgement and varied the third to the extent that:

*the Court must contemplate the sale of the land as a whole unless it appears that the necessary legal consents to a sub-divisional plan had been given and a survey on the ground at the specified date would have disclosed that the land or some other part of it was in fact so far divided that the subdivided parts could at that date been immediately sold and title given to individual purchasers, in which case the parts so subdivided may be separately valued, for the purpose of arriving at the amount of compensation.*¹⁴

In essence the appeal was dismissed, but the order of the Court of Appeal was varied in

the manner above expressed. What it meant was that the value of the land was to be determined on the basis of a hypothetical sale of the land as a whole to one purchaser.

Summary Points

- Proceedings for the assessment of compensation did not come in to the Maori Land Court until April, 1954. During the proceedings the question arose as to whether the owners of the land were entitled to the subdivider's profits which could reasonably have been expected from the sale of land as a subdivision.
- In light of the existing state of the law, the Court decided to state the case for the opinion of the Supreme Court. The case was then removed to the Court of Appeal in December 1956.
- The Court of Appeal ruled that the Maori Land Court must contemplate the sale of the land as a whole unless on the date of the taking there could have been separate sales of particular portions and there was a market for such portions.
- The Court further held that only if the land had been legally subdivided at the specified date so that particular lots might have been sold and title given, could it be said that there could have been separate sales of particular portions.
- The Court of Appeal also declared that if the land had to be valued as a whole, the Maori Land Court in assessing the potential, could take into account the suitability of the land for subdivision, the prospective yield from subdivision, costs of effecting such a subdivision, and the likelihood of a purchaser acquiring The land with that object would allow some margin for unforeseen costs, contingencies and profit for himself.
- Counsel for the Maori Trustee who took over from the Waiariki District Maori Land Board was of the opinion that the judgement of the Court of Appeal was wrong and took the case on appeal to the Privy Council in July, 1957.

- The Privy Council heard the case in July, 1958 and delivered its judgement in October of the same year. Essentially the appeal was dismissed, the Court affirming the first two heads of the Court of Appeal judgement and varying the third head. What this meant was that the value of the land was to be determined on the basis of a hypothetical sale of the land as a whole to one purchaser.

References

1. Tauranga MB 18 folio 1
2. [1939] All ER, 317
3. *Ibid.*, at 322
4. in *Re Whareroa 2E Block* [1957] NZLR 284, 301
5. *ibid.*, at 287
7. *ibid.*, at 300
7. *Ibid.*, at 288
8. applied *Raja Vyricherla Narayana Gajapatiraju v Revenue Divisional Officer, Vizagapatam* [1939] 2 All ER, 317
9. *supra* n4, at 289
10. Memo of Sir V Meredith QC dated 18 July 1957 AATE A934 290c 6/58/1/0/42
11. *supra* n4, at 284
12. *Re Whareroa 2E Block* [1959] NZLR PC 7
13. *ibid.*, at 7
14. *ibid.*, at 15

Maori Land Court Assessment

The case was then handed back to the Maori Land Court who had the task of assessing compensation in accordance with the principles laid down by the Court of Appeal and affirmed by the Privy Council. As with previous cases the Court outlined the history of the blocks taken for "better utilisation" before considering (a) compensation for the land taken; and (b) injurious affection, or betterment resulting to those parts of the block not taken.¹

Clearly, the effect of previous decisions in relation to this case was that the Maori Land Court must determine the value of the land upon the basis of a hypothetical sale of land as a whole to one purchaser. This would involve making allowances, in addition to those made for the cost of subdividing and selling the sections, for the price to be paid for the land by the purchaser. Profit to the purchaser on the whole transaction and an allowance for interest on the money which he or she would have to lay out to purchase the land and carry out the subdivision would also have to be taken into consideration.

The claimant submitted valuations upon two alternative bases; firstly, one valuation on the basis of a subdivision for residential purposes; and secondly, one on the basis of a subdivision for industrial purposes. Evidence was called to support both of these bases. The evidence in support of the residential subdivision was fairly exhaustive and went to show the nett result of the subdivision fairly closely. Counsel for the claimant contended that the evidence established a value of around £80,000 based on the residential subdivision.

Evidence in support of a subdivision for industrial purposes was less exhaustive and while witnesses maintained that the value for industrial purposes was considerable they had difficulty in arriving at a definite basis upon which to found values for industrial sites. Nevertheless, the nett value claimed for industrial purposes was between £150,000 and £160,000.² Counsel for the Maori Trustee also claimed that the portion of land which was not taken was injuriously affected by being excluded from access to the beach, and by reason of the fact that the whole roading system as planned had been spoilt.

In response the respondents also submitted a number of contentions. These included:

- (1) That the carrying out of the residential subdivisions proposed by the claimant would result in a substantial loss, or upon the most favourable assessment that could be put upon it, in a nett realisation of approximately £5,000;
- (2) That any value for residential purposes arose either from:
 - (a) The prospect of works comprised in a notice of a comprehensive scheme of development and reconstruction for the Bay of Plenty area issued under the provisions of s29(2) of the Finance Act (No3) 1944 and published in the New Zealand Gazette on 6 June 1947; or
 - (b) From the prospect of the work for which the land itself was taken, viz.. "better utilisation".
- (3) That any such industrial value was an increase in the value of the land due either to the prospect of works comprised in the notice of 1947 or to the prospect of work for which the land was taken, and that by reason of s29(1)(d) such an increase in value could not be taken into account in assessing compensation;
- (4) That the land the Maori Trustee claimed would suffer injurious affection would be benefited by the work for which the land was taken, and that an amount of about £10,000 for betterment should be deducted from the compensation which would otherwise be awarded.

The witnesses for the respondent, after dealing with the proposed residential subdivision, and assuming that any industrial value could not be taken into account due to the prospect of works in the 1947 notice, or the work for which the land was taken, arrived at a block value for the land ranging from £15,000 to £22,000, subject to a deduction of about £10,000, for betterment to the land not taken.

The Court then set about determining to what extent if any the value of the land had increased as a result of the 1947 notice. It did this by looking at the history of the development of the Mt Maunganui area. By virtue of the Finance Act the Court was

debarred from taking into account any increase in value of the land arising from the work for which it was taken, or the prospect of such work.

Chief Judge Morison stated that he was satisfied from the evidence that the land taken would have had no value for industrial or commercial purposes had the port not been constructed. Furthermore, the difference between the lands value for industrial purposes and its highest value for any other purposes would constitute an increase in value caused by the prospect of the construction of the port. The question then, to be determined by the Court was whether the value of the land was increased by either: (1) the existence or prospect of any of the works set out in the Notice of a Comprehensive Scheme of Development and Reconstruction in the Bay of Plenty issued under s29(2) of the Finance Act (No3) 1944 issued by the Minister of Works; or (2) the prospect of the carrying out of work for which the land was taken.

There had been no evidence of any works having been carried at the time of the taking of the land in question and so the Court found that it could only be the "prospect" of work which could affect the value of the land in question. "The prospect of any works set out in the notice" meant that there must be an "expectation in the minds of the public of the works being carried out". The Court was of the opinion that as the notice covered such a wide geographic area and a diverse range of works, of which all were stated in general terms and as there was no evidence as to any of the proposed works having been carried out by the time of the taking, the notice would have been forgotten by the public, if they were ever aware of it, there could have been little or no expectation in the minds of the public of the works being carried out. The Court's conclusion on this point then, was that any prospect at the time of the taking, of any work specified in the notice arose from action other than the mere publication of the notice.

A decision was handed down by the Maori Land Court on 20 March 1959. Upon assessing the value of the land on the basis of a sale to one purchaser for the purpose of a subdivision the Court found that the value of the Maori land taken was £27,811.³ The value of the land as a potential subdivision for industrial purposes was considerably less at £18,421. The Court found that it could not be questioned that an owner of land taken is entitled to compensation based upon the full value of the land, and that where dealing with it one way it would have a greater value than dealing with it in another, the owner is entitled to have compensation assessed in a manner most advantageous to him or her.⁴

For the purpose of assessing compensation the value of the land was therefore fixed at £27,811 being arrived at on the basis of a hypothetical subdivision for residential purposes. To this sum the Court added a sum equal to 5% per annum from the date of the taking (15 September 1952) to the date of the order, a period of six and one half years and amounting to £9,035.⁵ As to any increase in the value of the land by the prospect of work, the Court considered the assessment of £10,000 by witnesses for the Crown as being excessive. The only allowance the Court was prepared to allow for betterment was £1,000 caused by the construction of a road giving direct access from the northern end of the land to the wharf area. With the allowance of betterment the actual amount of compensation deemed to be payable by the Court amounted to £35,846 and was to be paid as compensation for the following pieces of land:⁶

Part Whareroa 2E2 consisting of	11:2:05;
Part Whareroa 2E3A " " "	12:0:00;
Part Whareroa 2E4 " " "	21:2:24;
Part Whareroa 2E5 " " "	26:1:10; and
Part Whareroa 2E6B " " "	19:3:25.

Summary Points

- After the Privy Council decision the case was handed back to the Maori Land Court who were responsible for assessing compensation in accordance with the principles laid down by the Court of Appeal and the Privy Council.
- The Claimants submitted valuations based on two alternative bases. They contended that evidence established a value of £80,000 based on a subdivision for residential purposes and a value of between £150,000 and £160,000 based on a subdivision for industrial purposes.
- The Respondents only submitted a valuation based on residential purposes assuming that any industrial value could not be taken into account due to the 1947 notice issued under the provisions of s29(2) of the Finance Act (No3) 1944. They arrived at a block value for the land ranging from £15,000 to £22,000 subject to a deduction of about £10,000 for betterment to the land not taken.

- A decision was given by the Maori Land Court in March 1959. The Court agreed with the respondent that in virtue of the Finance Act it was debarred from taking into account any increase in the value of the land arising from the work for which it was taken, or the prospect of such work.
- The Court made an assessment based on a subdivision for residential purpose and granted an award in favour of the Maori Trustee for the sum of £36,846.

References

1. see decision in AATE A934 290c 6/58/1/0/42
2. Ibid., at 3
3. see breakdown of costs taken from AATE A934 290c 6/58/1/0/42 & included in Appendix 10
4. ibid., at 4
5. This sum was added in accordance with the principle laid down in *Re Johnsonville Town Board* [1908] 27 NZLR 36
6. see Public Works Department Plan No 137400

Maori Appellate Court Decision

A notice of appeal from the decision of the Maori Land Court was issued to the registrar of the Maori Appellate Court by LD Lees, Counsel for the Appellant on the 1 May 1959. On the 7 August 1959 the Maori Trustee wrote to its solicitors asking them to send a memorandum to the Registrar of the Maori Land Court at Rotorua asking that the Chief Judge be advised that the Maori Trustee was considering whether to make an approach to the Government about the Whareroa compensation claim and asking that in light of this the appeal should not be set down in the meantime.¹ A memo was actually drafted by the Maori Trustee to the Minister of Maori Affairs suggesting that a Petition to Parliament could be averted if the Government were prepared to negotiate some form of settlement of the Whareroa Public Works takings.² It is not clear what response if any this brought about, but what is clear is that the appeal did go to the Maori Appellate Court.

The appeal against the Maori Land Court decision of 20 March 1959 was heard by the Maori Appellate Court between 21 and 23 June 1960 on the grounds that the decision was erroneous in law and in fact.³ Mr ED Morgan represented the Maori Trustee while Mr KL Sandford represented the Crown. Counsel for the Appellant outlined the history of the proceedings resulting in the vesting of the land in question in the Maori Trustee, and the steps leading to its taking.⁴ The Appellant made two initial applications: firstly, that the Appellate Court should order a rehearing; and secondly, that leave be granted to call further evidence on two separate matters.⁵ The respondent opposed both applications.

One reason for a rehearing being sought by the appellant was that it had been misdirected by the Maori Land Court in its application of the opinion of the Privy Council as binding such Court to determine the value on the basis of a hypothetical sale as a whole to one purchaser. The Privy Council had ruled that in assessing compensation the Court must contemplate the sale of the land as a whole, unless on the specified date there could have been separate sales of particular portions, and there was a market for such portions.⁶ The Appellant submitted that as there were five separate pieces of land consisting of more than 10 acres taken and the exception referred to by the Privy Council should apply however, the Court agreed with the respondent on this point. The wording of the Privy Council exception was:

unless...a survey on the ground at the specified date would have disclosed that the land, or some part of it, was in fact so far subdivided that the subdivided parts could at that date have been immediately sold and title given to individual purchasers [Own emphasis].⁷

What the appellant was trying to assert was that the subdivisions of the Whareroa blocks, of which parts were taken for "better utilisation", did have titles and so compensation should not have been assessed on the basis of a hypothetical sale as a whole to one purchaser. But the Court responded by stating that the titles were for the five blocks of larger area each and title could not then have been given for the five parts taken.⁸

A further reason submitted by the appellant for a rehearing was that the lower Court misdirected itself as to the conduct of the hearing. The appellant said that it was clear that the lower Court thought it necessary for the appellant to establish a case and for the respondent to rebut it. This meant that the onus of proof was placed on the appellant when it should fall on the Crown in virtue of s104(1)(a) of the Public Works Act. Counsel for the respondent replied by submitting that, if wrong procedure had been adopted, the Maori Trustee should have objected then and there.⁹ Therefore, according to the Crown, Mr Morgan's objection came too late.

However, after thorough consideration the Court was satisfied from a perusal of the calling and recalling of witnesses, of the opening and closing addresses and of the independent enquiries of the Chief Judge that no hardship was suffered by the appellant when the Court heard evidence as was produced to or was thought necessary by it as required under s104(1)(a).¹⁰ One of the reasons for the appellant urging the Court to order a rehearing was to allow the calling of further evidence of an alternative method of selling which was permitted at the time of the Maori Appellate Court hearing by a 1958 amendment to the Counties Act 1946, and which could be applied to retrospective agreements. The appellant alleged that the amendment resulted from the decision in this case but the Court rejected the appellants submission by establishing that the Privy Council decision was made after the amendment received assent in Parliament.

On 20 June 1961 Smith, Jeune and Brook, JJ delivered their judgement. They ordered that the order made by the Maori Land Court on 20 March 1959 be varied by increasing the amount payable. This increase resulted from adjustments by the Appellate Court to the calculation of block values in respect of roading cost estimates, engineering

contingencies and supervision, and reduction of the profit and risk allowance from 30% to 25%.¹¹ Counsel for the Appellant had attempted to allude to the harsh treatment he claimed had been meted out to the Maori owners. However, the Court was satisfied that whatever may have been the result of the delay of the Minister of Maori Affairs for so long in consenting to the vesting order, this could not increase or decrease the amount which the Court was by law empowered to determine the value of the land at the date of taking.¹² Thus, even though the prior order had been varied the Appellate Court's award did not depart from the principles enunciated by the Privy Council and the Court of Appeal. The order as varied was to take effect as from the 20 March 1959 calculated as follows¹³:

Table 9

Nett Value of Maori Land taken after allowance for betterment	£ 32,880
Interest at 5% per annum on £32,880 from 15/9/52 to 20/3/59	10,702
	43,582

The existence of an internal memorandum from Walter Nash in November 1959 indicates that the compensation paid in relation the takings for "better utilisation" was not viewed by all as an equitable settlement. The memorandum mentions the fact that an area of land had been sold to the Bay of Plenty Fertiliser Company for £2,500 per acre with "very little development work done".¹⁴ What is significant is that a memorandum sent to the Maori Trustee from its solicitors on 4 December 1959 indicates that the price paid by the Bay of Plenty Fertiliser Company was the lowest price the Crown was charging. Land had sold to Oil Companies in the vicinity for £5,000 per acre.¹⁵

There was however one problem which arose out of the Chief Judge's decision of the 20 March 1959. It appears that only the "Whareroa blocks" were included in the order of the 15 July 1948 but not Te Awa-o-Tukorako No's 1A2, 1B1B, Part 1B1C, and Part 1B2.¹⁶ It was suggested by the District Commissioner of Works CJW Parsons at Hamilton that compensation in respect of these two blocks should be assessed on the same basis as the original application.¹⁷ In December 1964 WM Gumbley District Land Purchase Officer recommended that the District Commissioner of Works approve the payment of £892 plus interest at 5% from 15 September 1952 for Te Awa-o-Tukorako

1A2 consisting of 2:1:25 acres.¹⁸ In August 1965 the payment of £1,428 together with 5% interest from the 15 September 1952 and £31/10s/0d was approved as payment of compensation for Te Awa-o-Tukorako 1B1C. This was subsequently accepted by the Maori Trustee on behalf of the Maori owners.¹⁹ There no records found during the course of this research to suggest that compensation was ever paid in relation to Te Awa-o-Tukorako 1B1B but a memo from the solicitors acting for the Maori Trustee indicates that by the time compensation was being paid this land was no longer in Maori ownership.²⁰ As was mentioned in Chapter 5 Te Awa-o-Tukorako 1B2 was sold in 1923. In 1962 a proclamation was gazetted declaring land taken for a Government work and not required for that purpose to be Crown land subject to the Land Act 1948.²¹

Summary Points

- The Maori Land Court decision of the 20 March was appealed to the Maori Appellate Court in June 1960 on the grounds that the decision was erroneous in law and fact. The Appellant made two applications: (1) that the Appellate Court should order a rehearing; and (2) that leave be granted to call further evidence on two separate matters.
- The rehearing was sought on the grounds that the Maori Land Court misdirected its application of the opinion of the Privy Council to determine the value of the land on the basis of a hypothetical sale as a whole to one purchaser. Another reason for a rehearing being sought was that the lower Court misdirected itself as to the conduct of the hearing leaving the onus of proof on the Appellant when it should have fallen on the Crown in virtue of s 104(1)(a) of the Public Works Act 1928.
- In June 1961 the Court delivered its judgement and in doing so merely varied the order made by the Maori Land Court in 1959 and increased the amount payable to the Appellants from £32,880 to £45,582. There was however, one problem which arose out of the Whareroa compensation case. Only the Whareroa blocks were included in the award but not the three Maori owned blocks within Te Awa-o-Tukorako. These blocks were subsequently settled based on compensation levels granted in relation to the Whareroa blocks.

- January 1962 the Crown declared specific lands within Te Awa-o-Tukorako and Whareroa and not required for Public Works to be Crown land.

References

1. see memo dated 7 August 1959 in AAMK 869 60b
2. Ibid., at pp85-89
3. 4 Waiariki Appellate MB folios 313-319
4. Memo Commissioner of Works dated 10 October 1963 AATE A934 290c 6/58/1/0/42
5. Ibid., at 313
6. [1959] NZLR at 9
7. Ibid., at 7
8. supra n1, at 314
9. *New Zealand Herald* Thursday 23 June 1960
10. Ibid., at 315
11. Commissioner of Works dated 10 October 1963, AATE 290c 6/58/1/0/42
12. 4 Waiariki Appellate MB folio 313
13. Waiariki Appellate MB 4 folio 319
14. AAMK 869/60b pg394
15. AAMK 869/60b pg398
16. Cooney, Lees & Morgan dated 21 December 1962 AATE 290c 6/58/1/0/42
17. memo to the Department of Maori Affairs, AATE A934 290c 6/58/1/0/42
18. memo dated 8 December 1964 in AATE A934 290d 6/58/1/0/42
19. memo from Maori Trustee to District Commissioner of Works dated 2 December 1965 in AATE A934 290d 6/58/1/0/42
20. Cooney, Lees & Morgan dated 21 December 1962 in AATE 290c 6/58/1/0/42
21. see Appendix 20

Whareroa & Te Awa-o-Tukorako Blocks: Present Use

Local government management frameworks divide Districts into environmental areas or "zones" and manage activities in accordance with objectives and policies for these areas. Zones cover areas with common characteristics or environmental qualities, for example; residential, industrial and major public works etc. The general premise is that all activities may seek to establish anywhere within the District, but the majority will fit naturally into those areas which have the same or similar characteristics or effects.

Under the District Schemes completed subject to the former Town and Country Planning Act 1977 the lands within what was the original Whareroa and Te Awa-o-Tukorako blocks were given different designations in terms of zoning. These zonings are still in effect under the Transitional Tauranga District Plan and will remain so until the completion of the District Plan presently being developed subject to the Resource Management Act. Although this District Plan is still being drafted planning maps showing proposed zonings indicate not only of what the land subject to this claim is currently being used for at the moment, but also what use these lands will be put to in terms of future developments.

On the Mt Maunganui Peninsular almost all land on the eastern side of Maunganui Road is currently residential land apart from the areas parks and reserves. Only the north eastern portion of the original Whareroa block and more specifically what was Whareroa No1 and part of what was No 2J intersect state highway 29.¹ Thus, at present this is the only land within the original Whareroa block currently being utilised for residential purposes. The vast majority of remaining land in the original Whareroa block is mainly used for industrial purposes apart from Whareroa Marae on the western side of the Whareroa block near the aerodrome wharf and a number of recreational and leisure reserves throughout the area. What was the original Te Awa-o-Tukorako block is also being used primarily for industrial purposes.

Of specific interest to this claim are lands within the Te Awa-o-Tukorako and Whareroa blocks which were taken in September 1952 for "better utilisation"² and land taken

within the Whareroa block in April 1940 under Proclamation 10182 for the purposes of an aerodrome.³ Both these areas are currently zoned as "Major Public Works", but under the proposed District Plan could be re-zoned. It is proposed that the land taken for better utilisation be re-zoned as "Port Business & Industrial/Business" and the land taken for aerodrome purposes as "Industrial/Business".

Today, the land which was taken for better utilisation is used for port and harbour facilities and activities, as well as for industrial purposes. Many of the industries in and around the port facilities are ancillary to the activities of the port and harbour. On the eastern side of Totara Street these include plywood factories, timber yards, as well as various storage facilities and other industries. On the western side of Totara Street there is a fertiliser works, a cement depot, cargo sheds, grain silos, oil tanks, cool stores and the like.⁴ A comparison of both old and new maps which show the area in and around the port facilities reveals differences in the way the land lies along the foreshore. The western boundary of the original Te Awa-o-Tukorako block for example used to run along the shoreline⁵ but now falls somewhat short of the shoreline.⁶ This is because a significant amount of the land on which the port facilities are now built is reclaimed land.⁷ In essence the land taken for "better utilisation" was for Tauranga Harbour Development and more specifically Port Works and associated industries.⁸ Today the land taken for "better utilisation" is still being used for this purpose.

An integral part of the port facilities are the railway sidelings which are used to freight goods between the port and surrounding wharf, storage and factory facilities.⁹ The railway sidelings at the port are part of the main trunk railway which plays an important role in moving people and goods, especially freight associated with the port. Approximately 40% of total tonnage to and from the port is currently carried by rail¹⁰. This links for example the port to the major producers of dairy products in the Waikato, kiwifruit and other horticultural produce in the Bay of Plenty, and timber in Kawerau, all of which are integral to exports leaving Tauranga. The land used for railways in and around the port and which originally formed part of the Te Awa-o-Tukorako and Whareroa blocks, were taken under proclamation in 1913.¹¹ The land taken for this purpose from the Whareroa and Te Awa-o-Tukorako blocks is only a portion of all the land subject to the 1913 proclamation. The railway sidelings associated with the port actually extend north of the Te Awa-o-Tukorako block into the Te Maire block.¹²

The land taken for aerodrome purposes is still being used for the Tauranga Airport facilities. Although the height and location of buildings, structures, trees and land uses within the vicinity of the airport are controlled to prevent obstruction to safe operational clearances and adverse effects on airport, there are number of industrial sites around the Hewletts Road, Jean Batten Drive, and Aerodrome Road area.¹³ Under the proposed District Plan a significant proportion of land taken for aerodrome purposes will be re-zoned "Residential A".¹⁴ This appears to have come about as a result of proposed future development in the vicinity of the airport and in particular the intention by the Meteorological Service to build a weather station and anemometer mast for meteorological activities.¹⁵ Under Part VIII of the Act a Minister of the Crown, a network utility operator¹⁶ or a local authority can designate a particular area of land as a public work.

An additional point is worth noting in relation to the land in and around the port of Tauranga. The land within the original Whareroa and Te Awa-o-Tukorako blocks has been identified by planners as being susceptible to coastal hazards and in particular inundation and erosion. The local authority has made allowances for this by proposing through the District Plan that the area be declared a coastal hazard policy area.

Summary Points

- The lands which comprise the original Te Awa-o-Tukorako and Whareroa blocks are being used for a number of different purposes. This is confirmed by local government zonings which also indicate potential future uses of the land in question.
- Today the lands which were taken in 1952 for "better utilisation" are being used for port and harbour facilities as well as for industrial purposes. Many of the activities currently taking place on the lands taken for "better utilisation" are ancillary to the activities of the port and harbour.
- The activities indicated above include a fertiliser works, a cement depot, cargo sheds, grain silos, oil tanks, cools stores, plywood factories, timber yards, as well as various storage facilities and other industries.
- Railway utilities are an integral part of port facilities and the railway sidelings are

part of the main trunk which links the port to major producers of dairy products in the Waikato, horticultural produce in the Bay of Plenty, and timber in Kawerau. The railway system which services the port is situated on land taken under proclamation. In addition, much of land which is utilised for port facilities was reclaimed under the Tauranga Foreshore Endowment Act 1915.

- The land taken in the Whareroa block for aerodrome purposes in 1940 is being used for the Tauranga airport today. Land within the original Whareroa block immediately north of the airport is being used for industrial purposes.

References

1. see Maps in Appendices 8 & 21
2. see Appendix 30
3. see Appendix 14
4. see Appendix 22
5. see Appendix 15
6. see Appendix 21
7. see Tauranga Foreshore Endowment Act 1915
8. see memo from Commissioner of Works to District Commissioner of Works (Hamilton) dated 21 April 1953 in AATE 290c 6/58/1/0/42
9. see Appendix 22
10. Tauranga District Plan: A Discussion Document (1995) 87
11. see *New Zealand Gazette* No 59, 31 July 1913 in Appendix 29
12. see Port of Mt Maunganui in Appendix 22
13. see Draft Tauranga District Plan-Planning Map F5 in Appendix 24
14. see Appendix 22 & Draft District Plan-Planning Map F6 in Appendix 25
15. Draft Discussion Document on "Designations" at pg 323 in Appendix 28
16. see Approved "Requiring Authorities" under s167 RMA Act 1991

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The following is a list of Government Publications which provided relevant background information to matters inquired into in this report:

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The following is a list of Maori Land Court records which provided relevant background information to matters inquired into in this report:

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The Following is a list of archival material which provided background information to matters inquired into in this report:

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Re Whareroa 2E Block [1957] NZLR 284
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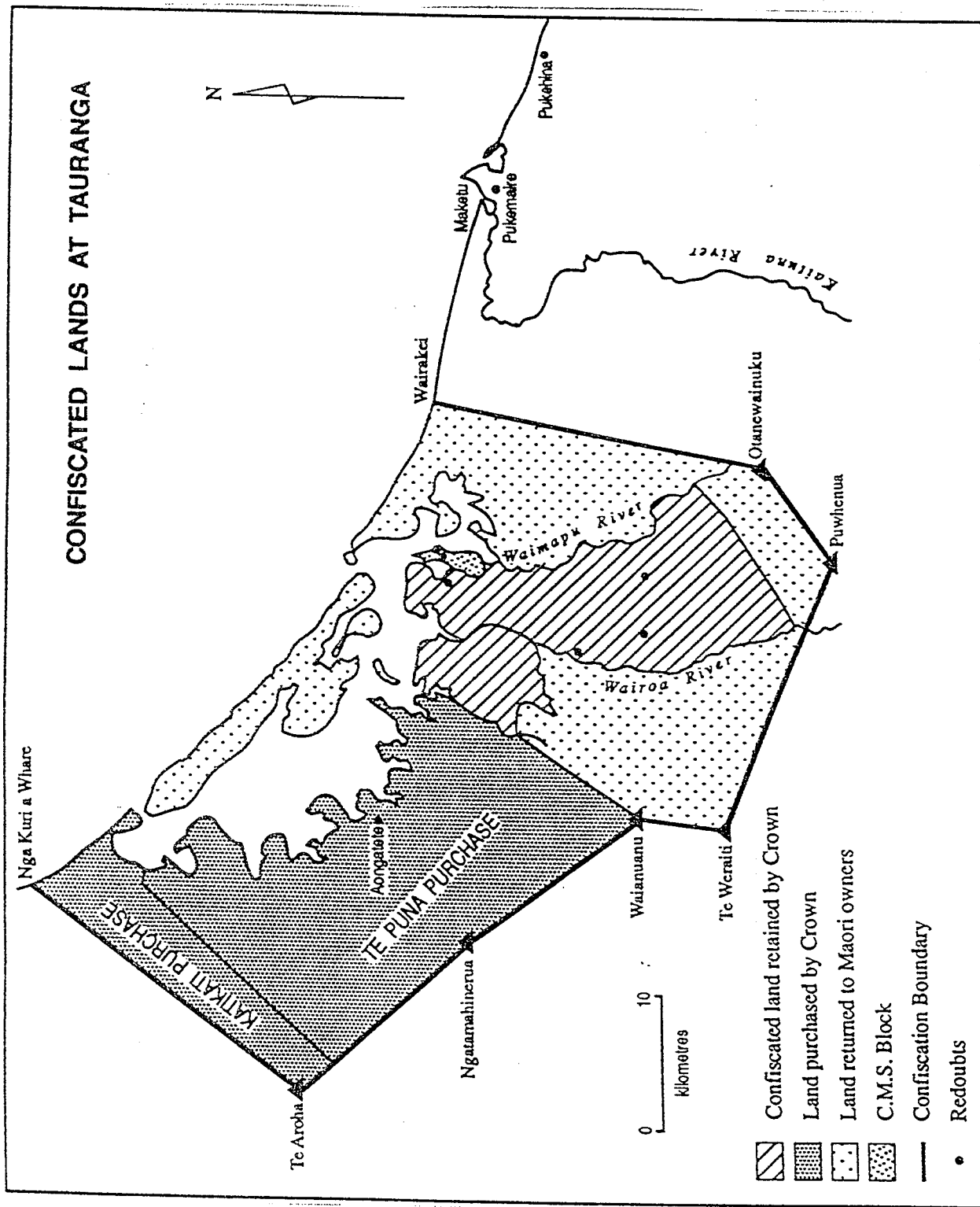
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- 1/1 Map showing confiscated lands at Tauranga in Stokes, E. *Te Raupatu o Tauranga Moana* (1990) 2
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- 4/1 Order in Council dated 18 May 1865 in *New Zealand Gazette* 27 June 1865, p187
- 5/5 Lands Returned to Ngaiterangi under Tauranga District Land Acts: Report by Commissioner Brabant in *Appendices to the Journals of the House of Representatives* [1886] G-10
- 6/1 Department of Lands & Survey Information ML Plan 5038-9
- 7/1 Department of Lands & Survey Information ML Plan 11446
- 8/1 Vesting Order dated 28 May 1896 in respect of Whareroa No1
- 9/1 Sketch Plan of Whareroa No1 held in Maori Land Court (Hamilton) Block Order File T1233 (2)a
- 10/1 Partition Order in respect of Whareroa No2 dated 28 May 1896
- 11/1 Compensation Order in respect of a portion of Whareroa No2 containing 10:3:1,6 acres taken for railway and road diversion purposes under s 188 of the Public Works Act 1908 on the 8 May 1913
- 12/20 Partition Orders in respect of Whareroa No2A-K dated May 5 1916
- 13/1 Proclamation 10182 declaring Whareroa lands to be taken for aerodrome purposes in *New Zealand Gazette* No3, 4 April 1940 pg628

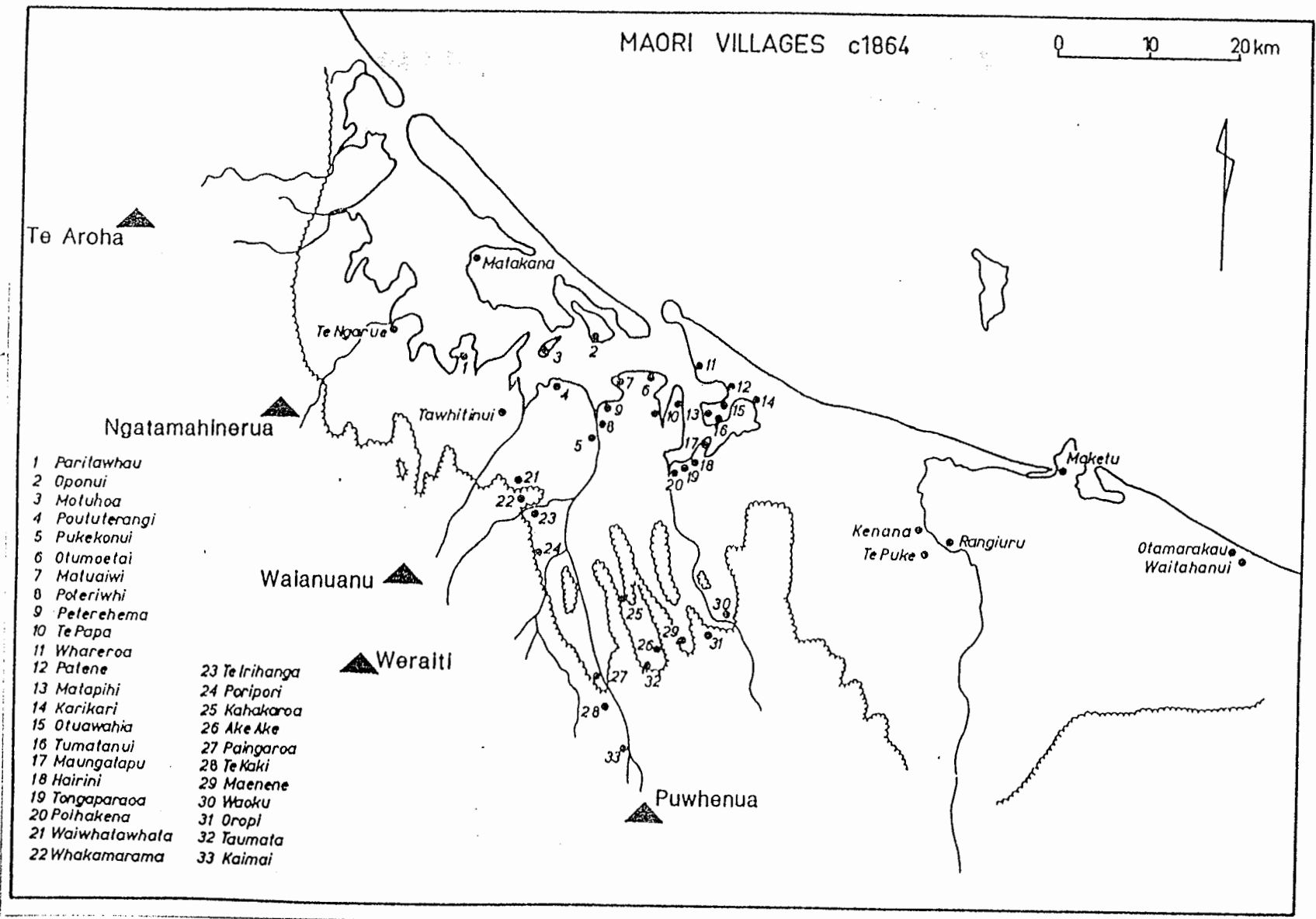
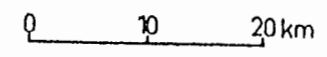
- 14/1 Department of Lands & Survey Information SO Plan 30302 showing Whareroa lands taken for Aerodrome Purposes
- 15/1 Department of Lands & Survey Information ML Plan 5038A showing Te Awa-o-Tukarako No's 1&2
- 16/2 Partition Orders in respect of Te Awa-o-Tukarako No's 1 & 2 dated the 2 April 1891
- 17/2 Memorandum of Transfer No 16477 relating to Te Awa-o-Tukarako 1B No2
- 18/2 Certificate of Title 45/19 relating to Te Awa-o-Tukarako 1B No2
- 19/1 Proclamation 38989 in *New Zealand Gazette* No60, 1 September 1952 pg1468
- 20/1 *New Zealand Gazette* No3, 5 January 1962 pg73
- 21/1 Approximate boundaries of the Whareroa and Te Awa-o-Tukorako blocks in Map of Tauranga Harbour (DOSLI, Hamilton)
- 22/1 Diagram showing the port facilities at Mt Maunganui in *Port of Tauranga: Port in the Future* (Port of Tauranga Executive, 1991)
- 23/1 Draft Tauranga District Plan-Planning Map F4
- 24/1 Draft Tauranga District Plan-Planning Map F5
- 25/1 Draft Tauranga District Plan-Planning Map F6
- 26/1 Draft Tauranga District Plan-Planning Map G4
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- 29/2 *New Zealand Gazette* No 59, 31 July 1913 p2302-2303

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31/1 Subdivision Plan of Te Awa-o-Tukarako ML 18318 (DOSLI, Hamilton)



MAORI VILLAGES c1864



- 1 Paritawhau
- 2 Oponui
- 3 Motuhoa
- 4 Pouluterangi
- 5 Pukekonui
- 6 Otumaetai
- 7 Matuaiwi
- 8 Poteriwhi
- 9 Pelerehema
- 10 Te Papa
- 11 Whareroa
- 12 Patene
- 13 Matapihi
- 14 Karikari
- 15 Otuawahia
- 16 Tumatanui
- 17 Maungatapu
- 18 Hairini
- 19 Tongaparaoa
- 20 Poihakena
- 21 Waiwhatawhata
- 22 Whakamarama
- 23 Te Irihanga
- 24 Poripori
- 25 Kahakaraoa
- 26 Ake Ake
- 27 Paingaraoa
- 28 Te Kaki
- 29 Maenene
- 30 Waoku
- 31 Oropi
- 32 Taumata
- 33 Kaimai

New Zealand.

ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

No. 46.

AN ACT to validate certain Proceedings Title.
relating to lands in the Tauranga
District. [10th October 1867.]

WHEREAS by an Order in Council made the eighteenth day of Preamble.
May one thousand eight hundred and sixty-five and therein referred to
as a proclamation it was declared that all the lands of the tribe
Ngaiterangi described in the Schedule thereto being the lands
described in the Schedule to this Act should be a district within the
provisions of "The New Zealand Settlements Act 1863" and should
be designated by the name mentioned in such Schedule and it was
declared that the said lands were required for the purposes of the said
Act and ordered that the said lands should be and the same were
thereby set apart as sites for settlement and colonization agreeably
to the provisions of the said Act And it was expressed to be
ordered that in accordance with the promise made by His Excellency
the Governor at Tauranga on the sixth day of August one thousand
eight hundred and sixty-four three-fourths in quantity of the said
lands should be set apart for such persons of the tribe Ngaiterangi
as should be determined by the Governor after due inquiry should
have been made And whereas pursuant to the terms of the said
Order in Council inquiry has been made on behalf of the Crown
by officers thereunto appointed and various arrangements have
been entered into with persons of the said tribe concerning
portions of the said lands And whereas questions have arisen as to
the effect of the said Order in Council and as to the validity of the
said arrangements and it is expedient that the same should be carried
out and that the estates and interests of the Crown under the said
Order in Council and of persons claiming under such arrangements
should be confirmed

BE IT THEREFORE ENACTED by the General Assembly of New Zealand
in Parliament assembled and by authority of the same as follows—

1. The Short Title of this Act shall be "The Tauranga District Short Title.
Lands Act 1867."

2. All grants awards contracts or agreements of or concerning any
of the land described in the Schedule to this Act made or purporting
to have been made pursuant to and in accordance with the terms of
the said Order in Council of the eighteenth day of May one thousand
eight hundred and sixty-five and all grants awards contracts or agree-
ments of or concerning any of the said lands hereafter to be made or
entered into by the Governor or by any person or persons authorized
by the Governor in that behalf which shall be consistent with the
terms of the said Order in Council are hereby declared to have been

Grants &c. of lan
comprised in Scho
to Act validated.



THE
NEW ZEALAND GAZETTE.

Published by Authority.

WELLINGTON, TUESDAY, JUNE 27, 1865.

ORDER IN COUNCIL,

Proclaiming certain Lands under "The New Zealand Settlements Act, 1863."

G. GREY, Governor.

At the Government House, at Auckland, on the eighteenth day of May, 1865.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by "The New Zealand Settlements Act, 1863," it was enacted amongst other things, that whenever the Governor in Council should be satisfied that any Native Tribe or section of a tribe or any considerable number thereof, have, since the first day of January, 1863, been engaged in rebellion against Her Majesty's authority, it should be lawful for the Governor in Council to declare that the District within which any land being the property or in possession of such tribe or section or considerable number thereof should be situate, should be a District within the provisions of the said Act, and the boundaries of such District in like manner to define and vary as he should think fit;

And whereas the Governor in Council is satisfied that certain Native tribes, or sections of tribes, having respectively as their property or in their possession the lands hereunder described, have been engaged in rebellion against Her Majesty's authority;

Now therefore, His Excellency the Governor, in exercise of the power vested in him by the said recited Act, doth hereby, with the advice and consent of the Executive Council of the Colony, declare that from the date hereof, all the lands of the tribe "Ngaiterangi" described in the Schedule to this Proclamation, shall be a District within the provisions of the "New Zealand Settlements Act, 1863," and shall be designated by the name mentioned in such Schedule, and doth declare that the said Lands are required for the purposes of the said Act and are subject to the provisions thereof, and doth order that the said Lands shall be and the same are hereby set apart and reserved as sites for elements and colonization agreeably to the Provisions of the said-Act; And doth order, that in accordance with

the promise made by His Excellency the Governor at Tauranga, on the sixth day of August, 1861, three-fourths in quantity of the said lands shall be set apart for such persons of the tribe Ngaiterangi as shall be determined by the Governor, after due enquiry shall have been made.

FRED. THATCHER,

Acting Clerk of the Executive Council.

LANDS ABOVE REFERRED TO.

Schedule—Tauranga District.

All that land estimated to contain 214,000 acres, known as the Tauranga Block

Bounded on the north-east by the sea from the mouth of Wairaki Creek to Ngakuria-whare Point; on the south-east by a line bearing south 45° west (true) 16 miles; thence on the south-west by a line bearing north 45° west (true) to the summit or watershed of the dividing range of hills between the East Coast and the Thames Valley; and thence following the said watershed northward to the summit of the Aroha Mountain; and on the north-west by a straight line from the summit of the Aroha Mountain to Ngakuria-whare Point.

Together with the Island of Tahua or Mayor Island, and such portions of Motiti or Flat Island as shall be adjudged to belong to the Ngaiterangi Tribe, or to individual members thereof.

Warrant abolishing Principal Polling Places.

By His Excellency SIR GEORGE GREY, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

TO ALL TO WHOM THESE PRESENTS SHALL COME,
GREETING:—

WHEREAS by "The Regulation of Elections Act, 1858," it is enacted that it shall be lawful for the Governor by Warrant under his hand, from time to time, to appoint Polling Places for each Electoral District, within or without the limits

Appendix 5

1886.
NEW ZEALAND.

LANDS RETURNED TO NGAITERANGI TRIBE UNDER
TAURANGA DISTRICT LAND ACTS
(REPORT ON), BY MR. COMMISSIONER BRABANT.

Presented to both Houses of the General Assembly by Command of His Excellency.

H. W. BRABANT, Esq., Tauranga, to the UNDER-SECRETARY, Native Department.

SIR,—

Tauranga, Bay of Plenty, 4th May, 1886.

I have the honour to report, for the information of the Hon. the Native Minister, that I have now completed the work of settling the titles to the lands returned to the Ngaiterangi Tribe under the Tauranga District Lands Acts, 1867 and 1868. The blocks which have been dealt with by me and by previous Commissioners are 210 in number, having a gross area of 136,191 acres. This is exclusive of the large Katikati-Te Puna Government purchase, of the compensation awards to loyal Natives, and of the reserves made for surrendered rebels, and of the actually confiscated block.

The surveys of these lands have all been completed, and the certificates of investigation of title have been sent to your office, with the exception of three which are now being prepared.

Applications have been and are being received from Natives for the subdivision of these lands, but these will be left for the ordinary operation of the Native Land Court after the Crown titles have issued.

The titles are now being issued by the Crown Lands Department, and the certificates are from time to time referred to me for revision.

I append hereto—1. A return showing the name and area of each block dealt with, and the name of the Commissioner who investigated. 2. A return showing the names and acreages of the blocks which have been purchased by the Government. 3. A return showing the names and acreages of the blocks in course of purchase by the Government. 4. A return showing the names and acreages of the blocks which private individuals have obtained leave to purchase (not including those which are reported to have been bought without leave). 5. A return showing the names and acreages of the blocks which are known to have been leased by Europeans.

I have &c.,

HERBERT W. BRABANT,
Commissioner of Tauranga Lands.

The Under-Secretary, Native Department, Wellington.

Enclosure 1.

RETURN of LANDS which have been dealt with by the Commissioners under the Tauranga Districts Lands Acts (exclusive of the actually confiscated block, and the Katikati Te-Puna Purchase).

Name of Block.	Area.			Commissioners by whom investigated.	No. of Certificate.	Date of Certificate.
	A.	R.	P.			
Waikoura	824	0	0	H. T. Clarke	66	Not dated.
Oturoa	206	0	0	67
Paretata No. 1	1,527	0	0	68
No. 2	3	0	8	69
Omanuwhiri	1,317	0	0	70
Ohinetama	1,412	0	0	71
Wairaka	713	0	0	72
Tungaru	327	0	0	73
Pukekahu	1,310	0	0	74
Purakau No. 1	1,170	0	0	75
No. 2	44	0	0	76
Okotaro	767	0	0	77
Panepane	143	0	0	78
Motuhoa Island	249	0	0	79
Ohauite No. 2	80
Pukehouhou	81
Kahotea	82
Te Karai	83
Te Hika	6,547	0	0	84
Pukepota	85
Tongaparaoa (part)	86
Ketekeke	87
Rautahi	88
Pukemapeu	79	2	3	H. T. Clarke & H. W. Brabant	159	April 19, 1884.
Ohauiti No. 1	643	0	0	160	Nov. 7, 1885.
Poike	431	1	15	161	March 5, 1884.
Opuu	176	0	0	162	Nov. 17, 1884.
Matapihi No. 1	144	0	0	163	Nov. 7, 1885.
No. 2	1	2	13	164	Dec. 20, 1883.
Okahu	14	1	0	165	Nov. 7, 1885.
Puwahariki	40	2	24	166	Dec. 20, 1883.
Tumakinui	55	1	30	167
Oruamatua	80	0	0	168
Mangatawa	1,295	0	0	H. W. Brabant	89	Aug. 9, 1878.
Rangiwakaoma No. 1	2	1	0	H. T. Clarke and J. A. Wilson	90	July 10, 1880.
No. 2	2	1	0	91	June 9, 1880.
No. 3	2	1	0	92
No. 4	2	1	0	93
No. 5	1	1	0	94
No. 6	2	1	0	95
No. 7	4	2	0	96
Otuawahia No. 1	4	3	33	97	June 11, 1880.
No. 2	2	1	22	98
No. 3	21	0	15	H. W. Brabant	99	May 19, 1882.
No. 4	7	0	6	H. W. Brabant & J. A. Wilson	100	June 11, 1880.
Kararuramu	300	0	0	J. A. Wilson	101	June 10, 1880.
Hikitawatawa	1,092	0	0	102
Ngapeke	1,466	0	0	103	June 11, 1880.
Waikaha No. 2	8,082	0	0	H. W. Brabant, H. T. Clarke, and J. A. Wilson	104	June 14, 1880.
Papemoa	12,763	0	0	Ditto	105
Orepi No. 1	2,550	0	0	H. W. Brabant	106	Sept. 2, 1881.
No. 2	660	0	0	107	Dec. 14, 1881.
Waoko No. 1	1,095	0	0	108	Sept. 2, 1881.
No. 2	1,656	0	0	109	Dec. 7, 1881.
No. 3	500	0	0	110
Pacnguroa No. 2	2,890	0	0	111
Taumata No. 1	3,062	0	0	112	May 5, 1883.
No. 2	2,270	0	0	113	April 21, 1883.
Te Ahirea	426	0	0	114
Moukuni	221	0	0	115
Otauna	252	0	0	116
Werera No. 1	160	0	0	117
No. 2	82	0	0	118
No. 3	20	0	0	119
Houpuhiere No. 1	27	2	0	120	Dec. 14, 1881.
No. 1A	48	2	0	121
No. 2	9	2	16	122
Oruahine	46	2	0	J. A. Wilson & H. W. Brabant	123
Hukitawatawa	24	2	23	124
Waikoriro	71	1	0	125	Dec. 7, 1881.
Awaiti	30	2	0	126	March 17, 1882.
Motukauri	14	3	0	127	Dec. 7, 1881.
Tauwharawhara	2,263	0	0	H. W. Brabant	128	May 19, 1882.
Kaimai No. 1	3,253	0	0	129	Sept. 18, 1883.
Ongaonga No. 2	3,657	0	0	130	Oct. 4, 1882.
Purakautahi	453	0	0	131
Whakamarama No. 3	7,680	0	0	J. A. Wilson & H. W. Brabant	132	August 2, 1882.
Te Mara-a-Tatahau	2	0	0	H. W. Brabant	133	March 22, 1882.
Carried forward						

RETURN of LANDS which have been dealt with by the Commissioners, &c.—*continued.*

Name of Block.	Area.			Commissioners by whom investigated.	No. of Certificate.	Date of Certificate.
	A.	R.	P.			
Brought forward ..						
Brakata ..	293	0	0	J. A. Wilson & H. W. Brabant	115	May 12, 1884.
Whareroa ..	1,592	0	0		116	May 19, 1882.
Mangatotara No. 1 ..	3,580	0	0	H. W. Brabant ..	127	Nov. 21, 1882.
No. 1A ..	250	0	0		142	July 1, 1883.
No. 2 ..	2,830	0	0		128	Nov. 21, 1882.
No. 3 ..	1,000	0	0		129	
Te Mahau ..	181	2	28		156	Nov. 14, 1883.
Oteera No. 1 ..	2,441	0	0		155	
No. 2 ..	262	0	0		161	Nov. 23, 1883.
Te Irihanga No. 1 ..	655	0	0		154	Nov. 14, 1883.
No. 2 ..	339	0	0		162	Nov. 30, 1883.
No. 2A ..	5	0	0		163	
Waimanu No. 1 ..	1,274	3	0		151	Nov. 14, 1883.
No. 2 ..	820	0	0		158	Nov. 20, 1883.
Papipiri No. 1 ..	3,000	0	0		150	Nov. 14, 1883.
No. 2 ..	2,700	0	0		157	Nov. 20, 1883.
Raimai No. 2 ..	2,578	0	0		125	Nov. 2, 1882.
Rumikumi No. 1 ..	2,617	0	0		121	Oct. 4, 1882.
Tamwhai ..	5	0	0		124	Oct. 31, 1882.
Matawhetu ..	562	1	24	J. A. Wilson & H. W. Brabant	126	Nov. 2, 1882.
Waitaha No. 1 ..	22	0	0	H. W. Brabant ..	188	Nov. 17, 1884.
Waite No. 1 ..	179	1	0		144	July 1, 1883.
No. 2 ..	179	0	0		143	
No. 3 ..	181	0	31		145	
Te Awa-o-Tukorako No. 1 ..	69	3	0	J. A. Wilson & H. W. Brabant	187	Sept. 24, 1884.
Kaitimako No. 1 ..	472	0	0		175	March 31, 1884.
No. 2 ..	153	0	0		191	Dec. 17, 1884.
No. 3 ..	155	0	0		192	
Otawa Waitaha No. 1 ..	4,247	0	0		140	July 25, 1883.
Rumikumi No. 2 ..	623	0	0	H. W. Brabant ..	139	May 25, 1883.
Omara No. 1 ..	1,333	0	0		141	July 1, 1883.
Kamai No. 1A ..	1,033	0	0		147	Sept. 18, 1883.
No. 1B ..	184	0	0		148	
Te Awa-o-Tukorako No. 2A ..	17	0	30		149	
Waimanu No. 1A ..	109	0	0		159	Nov. 23, 1883.
No. 1B ..	300	0	0		160	
No. 1C ..	456	0	0		152	Nov. 14, 1883.
No. 2A ..	450	0	0		153	
Moturiki Island ..	6	1	20		173	March 20, 1884.
Metuctau Island ..	6	0	30		174	
Tongararoa No. 1 ..	35	1	9		164	Nov. 30, 1883.
No. 2 ..	37	0	33		165	
No. 3 ..	20	0	0		166	Jan. 2, 1884.
Whakamarara No. 1 ..	3,320	0	0	J. A. Wilson & H. W. Brabant	181	April 30, 1884.
Haimai No. 2A ..	3	0	30	H. W. Brabant ..	167	Nov. 28, 1883.
No. 2B ..	4	0	31		168	
No. 2C ..	3	0	36		169	
No. 3 ..	40	0	0		170	
No. 4 ..	11	0	6		171	Nov. 30, 1883.
No. 1 ..	45	0	10		182	May 10, 1884.
No. 1A ..	56	2	10		183	
No. 1B ..	9	0	17		184	
No. 5 ..	40	0	0		185	
Te Karewe (Island) ..	8	3	12		186	July 11, 1884.
Tukua or Mayer Island ..	3,154	0	0		189	Nov. 17, 1884.
Gmanu ..	402	3	0		193	March 13, 1885.
Heropia ..	222	2	0		194	
Wharawhara No. 1 ..	393	0	0		195	
No. 2 ..	26	0	0		196	
No. 3 ..	23	1	30		197	
Obuki No. 1 ..	145	1	8		198	
No. 2 ..	75	2	24		199	
No. 3 ..	4	0	0		200	
Mimihaniui ..	8	3	0		201	
Opameko ..	29	1	16		202	
Mahwahine ..	14	1	0		203	
Maungatapu No. 1 ..	319	1	17	W. G. Mair & H. W. Brabant	204	Sept. 24, 1885.
No. 2 ..	8	0	10	H. W. Brabant ..	205	March 19, 1885.
Metungalo ..	134	6	0		226	May 9, 1885.
Metuo-Tangarua ..	4	2	26		227	May 8, 1885.
Peara No. 1 ..	324	0	0		245	Sept. 24, 1885.
No. 2 ..	7	0	0		245	May 18, 1885.
Mangakeheri ..	21	1	23		228	May 9, 1885.
Aongarui ..	8	2	30		229	May 8, 1885.
Tangalo ..	3	1	24		230	
Iatuarua No. 1 ..	34	0	0		231	May 9, 1885.
No. 2 ..	0	3	24		244	May 8, 1885.
Orua ..	6	0	8		232	May 9, 1885.
Opangi No. 1 ..	39	2	0		233	May 8, 1885.
No. 2 ..	10	0	0		234	
Pidurangi ..	6	2	10		235	
Carried forward ..						

RETURN of LANDS which have been dealt with by the Commissioners, &c.—continued.

Name of Block.	Area.			Commissioners by whom investigated.	No of Certificates.	Date of Certificate.
	A.	R.	P.			
Brought forward ..						
Patete No. 1 ..	4	1	24	H. W. Brabant ..	235	May, 8, 1835.
No. 2 ..	3	0	0	..	237	..
No. 3 ..	3	1	6	..	238	..
Tauranga ..	63	2	0	..	239	..
Rangiwaia No. 1 ..	190	0	0	..	240	..
No. 2 ..	5	0	0	..	241	May 13, 1835.
Ranginui ..	311	3	3	..	243	..
Matakana ..	1,929	0	0	..	245	May 9, 1835.
Tirohanga ..	142	0	0	..	246	May 13, 1835.
Matariki ..	5	0	0	..	247	May 14, 1835.
Kokoroke ..	16	2	0	..	248	..
Kikohoke ..	4	0	0	..	249	..
Pukekoro No. 1 ..	34	2	0	..	250	May 13, 1835.
No. 2 ..	5	0	0	..	251	..
Koputete ..	59	0	0	..	252	..
Opuhi ..	11	2	0	..	253	May 14, 1835.
Whakatere No. 1 ..	50	0	0	..	254	..
No. 2 ..	20	0	0	..	255	..
Awakokopu ..	29	0	0	..	256	..
Kausenui ..	34	1	0	..	257	..
Kutaroa ..	54	2	0	..	258	..
Tauaroa ..	5	0	0	..	259	..
Whakereu No. 1 ..	12	0	0	..	260	..
No. 2 ..	2	1	0	..	261	..
Opureora ..	346	0	0	..	262	..
Otawa No. 1 ..	5,000	0	0	J. A. Wilson & H. W. Brabant ..	263	May 13, 1835.
No. 2 ..	1,550	0	0	H. W. Brabant ..	264	July 1, 1835.
Tahunamanu ..	25	1	0	..	265	..
Tutaetaka ..	3	0	0	..	266	May 14, 1835.
Te Hapai ..	163	3	0	..	267	May 6, 1835.
Waipapa ..	15	2	24	..	268	May 2, 1835.
Te Ra-o-Kerotangi ..	5	3	37	..	269	Nov. 7, 1835.
Te Ngaiti ..	43	0	36	..	270	..
Te Ahipouto ..	19	2	15	..	271	..
Te Onepu ..	6	0	0	H. T. Clarke & H. W. Brabant ..	272	Dec. 23, 1835.
Waitaha No. 2 ..	3	2	0	H. W. Brabant ..	273	..
Waihirere ..	673	0	0	..	274	..
Tutukeranga ..	99	1	22	H. T. Clarke & H. W. Brabant ..	275	..
Kauwani ..	30	1	13	..	276	..
Hungahungatoroa No. 1 ..	47	2	0	H. W. Brabant ..	277	..
No. 2 ..	10	0	0	..	278	Mar. 4, 1836.
No. 3 ..	5	0	0	..	279	..
Matapihi No. 3a ..	140	3	0	H. T. Clarke, J. A. Wilson, and H. W. Brabant ..	280	..
No. 3b ..	5	3	24	..	281	..
No. 3c ..	12	1	0	..	282	..
Tapuacotu ..	51	0	0	H. T. Clarke & H. W. Brabant ..	283	..
Otehotu ..	14	2	0	H. W. Brabant ..	284	..
Te Umuhapuku No. 1 ..	593	0	0	..	285	..
No. 2 ..	43	1	0	..	286	..
Whakamarara No. 2A ..	735	0	0	..	287	..
Te Awa-o-Tukomako No. 3 ..	17	0	30	..	288	Jan. 22, 1836.
Total ..	136,191	0	39			

Enclosure 2.

GOVERNMENT PURCHASES.

RETURN of LANDS in the Tauranga District the Purchase of which has been completed, exclusive of the Katikati-Te Puna Purchase.

Name of Block.	Area.	Name of Block.	Area.	Name of Block.	Area.
	A. R. P.		A. R. P.		A. R. P.
Otawa Waitaha No. 1 ..	4,561 0 0	Rangiwhakaoma No. 4 ..	2 1 0	Houpuhiere No. 1 ..	97 2
Oruahine ..	46 2 0	No. 5 ..	1 1 0	No. 2 ..	9 2
Rangiwhakaoma No. 1 ..	2 1 0	No. 6 ..	2 1 0	Te Maire No. 2 ..	179 0
No. 2 ..	1 1 0	No. 7 ..	4 2 0	Awa-o-Tukerako No. 2 ..	17 0
No. 3 ..	2 1 0	Awaiti ..	30 2 0		
				Total ..	4,957 1

Enclosure 3.

RETURN of LANDS in the Tauranga District under Purchase by Government that the Title to which is not complete.

Name of Block	Area	Name of Block	Area	Name of Block	Area
	A. R. P.		A. R. P.		A. R. P.
Waikerio	71 1 0	Te Mairo No. 3	181 0 31	Horoiopia	222 2 0
Huketawatawa	24 2 23	Awa-o-Tukorako No. 2A	17 0 30	Papamoa	12,763 0 0
Metukauri	14 3 0	Moturiki	6 1 20	Wharawhara No. 1	393 0 0
Houputiore No. 1A	45 2 0	Metuotau	6 0 30	Total.. ..	13,935 2 25
Te Mairo No. 1	179 1 0	Karawa	8 3 12		

Enclosure 4.

RETURN of LANDS in the Tauranga District which have been allowed to be purchased by Private Individuals.

Name of Block	Area	Name of Block	Area	Name of Block	Area
	A. R. P.		A. R. P.		A. R. P.
Waikura	824 0 0	Pukokahu	1,310 0 0	Kaimai No. 1	3,233 0 0
Paretata No. 1	1,527 0 0	Okotare	767 0 0	No. 1A	1,033 0 0
No. 2	3 0 8	Waitaha No. 2	8,082 0 0	Kumukumi No. 1	2,517 0 0
Omaroa	206 0 0	Ohauti No. 2	6,547 0 0	Onguanga No. 2	3,057 0 0
Omanuwhiri	1,317 0 0	Oropi No. 1	2,550 0 0	Whakamarama No. 2	11,500 0 0
Ohinetama	1,412 0 0	Waoku No. 1	1,995 0 0	Total.. ..	49,243 0 8
Wairaka	713 0 0	No. 3	500 0 0		

Enclosure 5.

RETURN of LANDS in the Tauranga District, which are known to have been leased by private Individuals.

Name of Block	Area
	A. R. P.
Poike	431 1 15
Ohauti No. 1	643 0 0
Tapuaeotu	51 0 0
Tutakiranga	90 1 23
Total	1,224 2 33

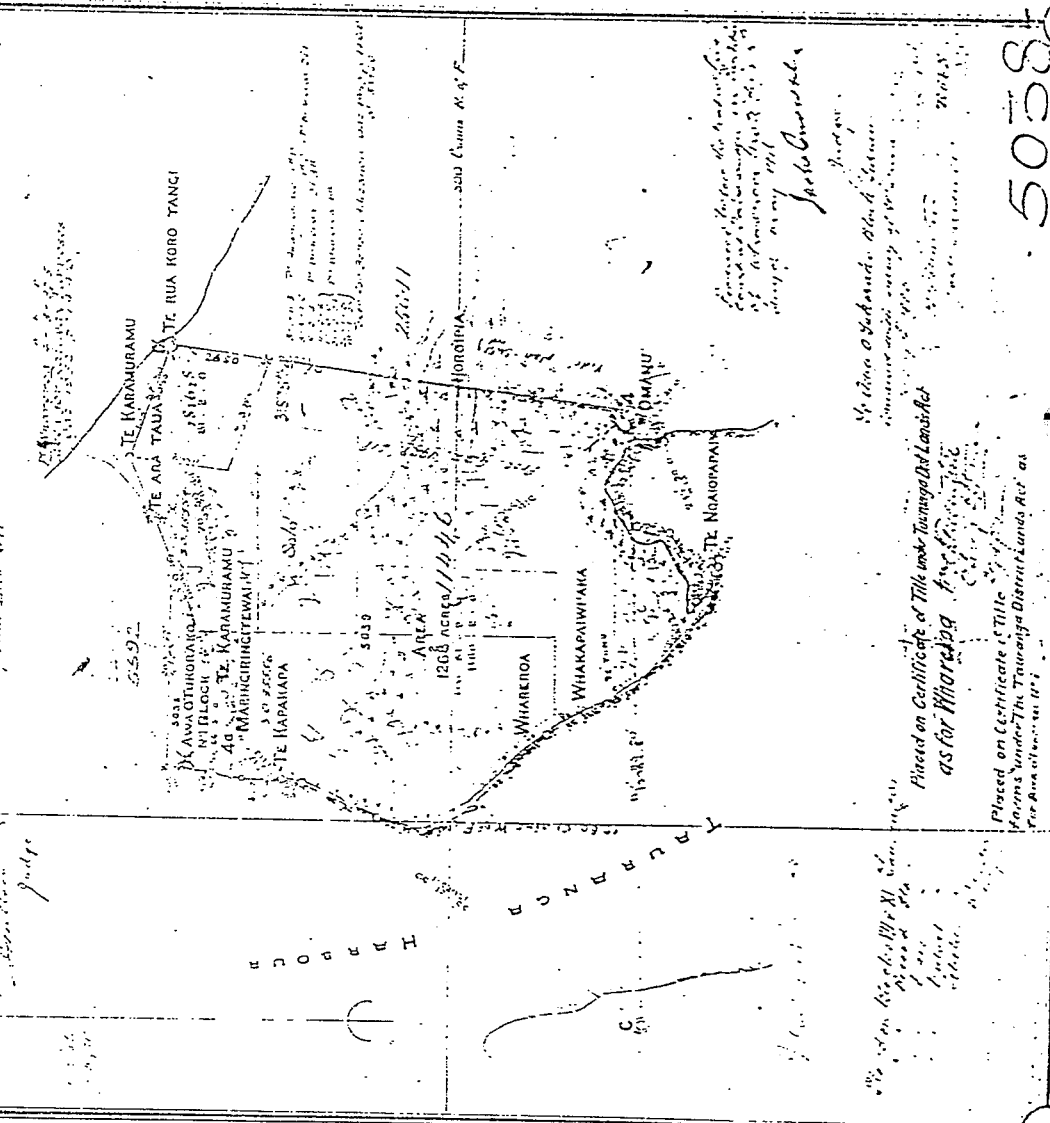
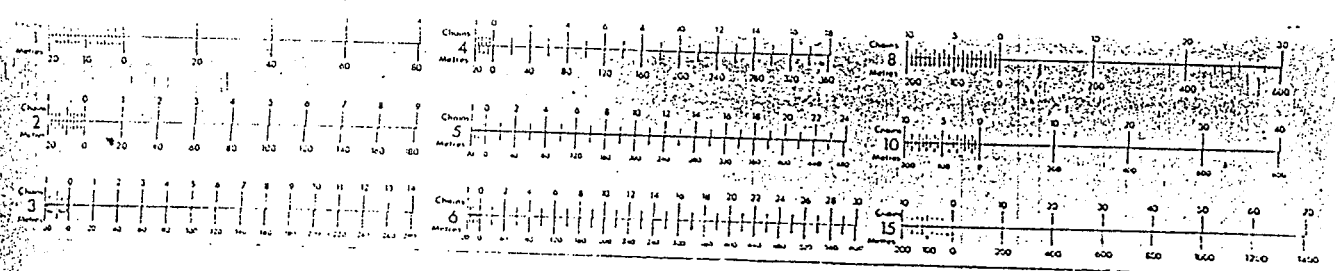
[Approximate Cost of Paper.—Preparation, nil; Printing (1,400 copies), £5 10s. 6d.]

By Authority: GEORGE DRESSER, Government Printer, Wellington.—1885.

**PLAN OF
WHAREPOA BLOCK
BLOCKS VI, VII, X, XI
TAURANGA DISTRICT
MAKETO CIRCUIT**

SCALE 20 CHAINS TO ONE INCH

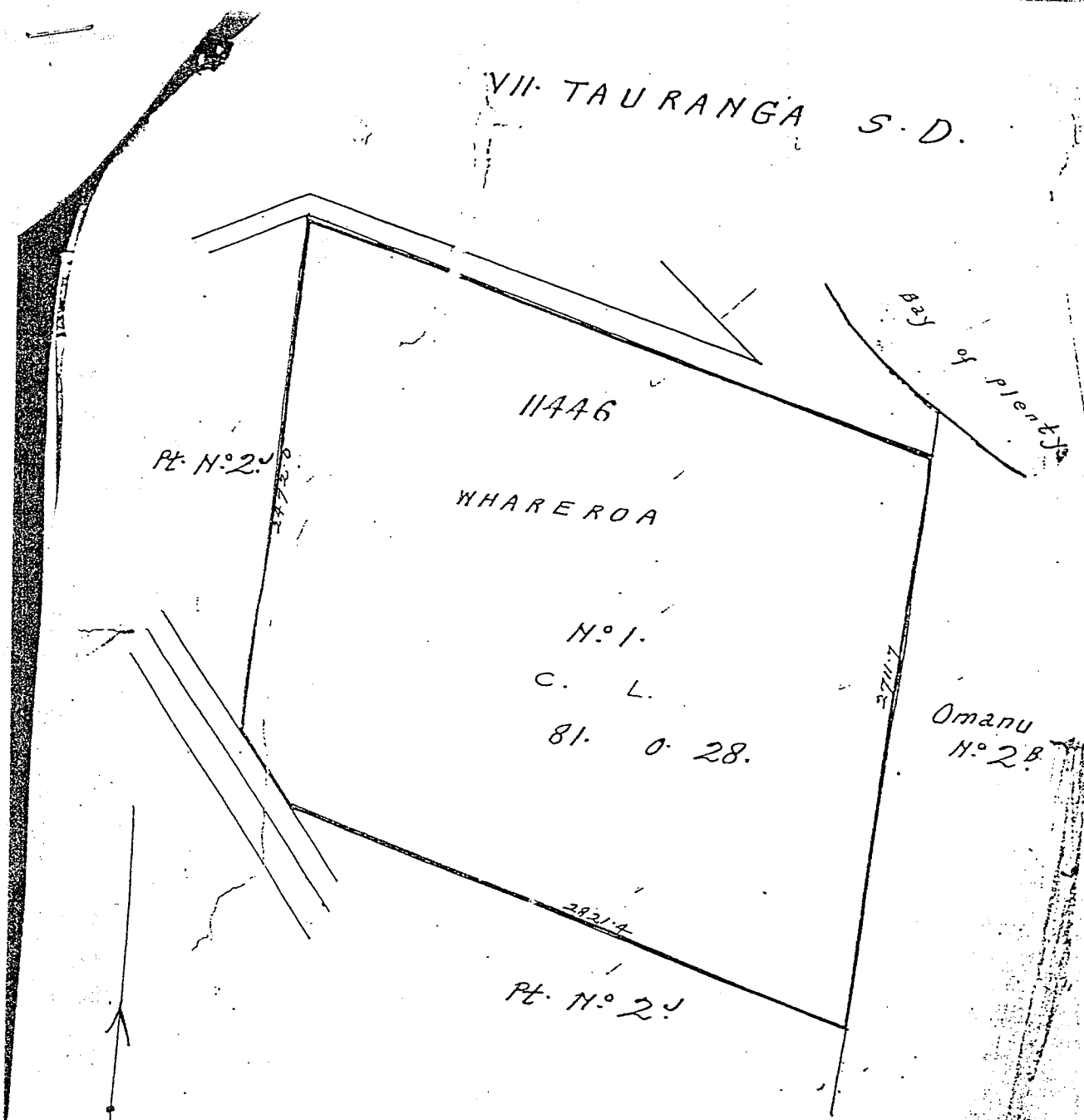
Approved Plan of the Land Surveyed by H. A. Meulen Aislincher 5th 1879.
at Tauranga on 27th July 1879 and Date of Instructions 11th 1879. No. of Field Book 571



5058-9

Placed on Certificate of Title
under the Tauranga District Lands Act
as for Wharepoa
Judge
Placed on Certificate of Title
under the Tauranga District Lands Act
as for Wharepoa
Judge

VII. TAURANGA S.D.



CROWN SURVEY CHARGES PAID.

to Charles
for NATIVE LAND DRAFTSMAN.
6. 8. 21



Scale 6 Chains to an Inch
 H. M. SKEET, Chief Surveyor
 Thomson & Fergusson, Surveyors
 B. Knight, D.A.S.M.N.

111

Appendix 9

Native Land Court Act-1894

The Native Land Court
New Zealand

In the matter of the land known as Whareroa
heretofore held under Crown Grant
dated 15th day of December 1888

At a sitting of the Court held at Tauranga on
the 28th day of May 1896 before John Alexander
Wilson Esquire Judge and Karaka Herera -
Tarawhiti, Assessor.

Whereas the Surveyor General on behalf of
Her Majesty being entitled to payment of the sum
of £40 : 15 : 2 for the cost of survey of the Whareroa
Block, situate in the Tauranga County containing
1262 acres more or less made application to
the Court to vest in Her Majesty a defined portion
of the said block in fee simple in satisfaction and
discharge of such cost of survey And Whereas
the Court having made inquiry into such application
and into the claims of the applicant makes order
under Section 65 of the said Act Now therefore
it is ordered that that portion of the said block
containing $\frac{ac}{81} : \frac{r}{0} : \frac{p}{28}$ more or less which has been
named by the Court Whareroa No 1 and which
is particularly delineated in the plan ^{attached} endorsed
~~hereto~~ be and the same is hereby vested in Her
Majesty in fee simple in satisfaction and discharge
of such cost of survey

Duplicate sent to the Registrar
Land Registrar for registration
C.T. 6667
16.3.96

As witness the hand of John
Alexander Wilson Esquire, Judge and
of the Court



Heard

fee charged
no fee payable
1862-0-28
81-0-28
No. 2-7/80-3-12

“The Native Land Court Act, 1894.”

In the Native Land Court,
New Zealand,
Tauranga District.

Aharaia No 2

In the matter of the partition of the land known as *Aharaia*

heretofore held
under *Act No. 10*, dated the *10* day
of *May*, 1892.

AT a sitting of the Court held at *Tauranga*
on the *28th* day of *May*, 1896,
before *John Alexander Wilson*, Esquire, Judge,
and *Karara Kewini Sarawhite*, Assessor:

It is, as part of the said partition, hereby ordered and declared that the
several Natives named in the first column of the Schedule indorsed hereon,
and therein numbered from one to *fifty eight* both inclusive,

are the owners of that part of the said land, containing *1162 - 2 - 16.4*
which has, on such partition, been named by the Court *1173 - 1 - 20*
Aharaia No 2 *less 10 - 3 - 01.6 Road* *13.10.15*

and which part is particularly delineated in the plan indorsed hereon, in the
respective proportions set out after the name of each of them in the second
column of the said Schedule; and it is hereby declared that so much and such
part of the share of each owner as is set out in the third column of the said
Schedule is inalienable, ~~inalienable except by lease for a period not exceeding~~
twenty-one years.

As witness the hand of *John Alexander Wilson*, Esquire, Judge,
and the seal of the Court.

By former, title this land is inalienable either by sale or by mortgage except with the consent of the Governor

FEES CHARGED:
no fee payable.

Aharaia 1252 - 0 - 00
Road 7 - 1 - 32 } *see GRANT*
1254 - 2 - 06
No. 1 = 81 - 0 - 28
No. 2 = 1173 - 1 - 20

Judge.

Appendix 11

" THE NATIVE LAND ACT, 1909. "

In the Native Land Court,)
New Zealand.)

IN THE MATTER of the land known as Whareroa No.2 Block.

WHEREAS a portion of Whareroa No.2 Block containing 10 acres, 3 roods, 1.6 perches, has been taken under Section 188 of "The Public Works Act, 1908," for Railway and road diversion purposes by proclamation dated the 8th day of May, 1913.

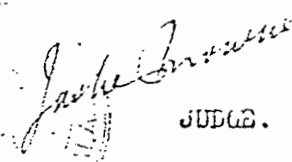
AND WHEREAS the Hon. the Minister for Public Works has made application to the Court to assess the amount of compensation payable to the owners and other persons interested in the said land.

At a sitting of the Court held at Tauranga on the 13th day of October, 1915, before James Makellin Browne, Esquire, Judge.

Upon hearing the parties and upon evidence taken it was ordered and declared as follows :-

That the amount of compensation which ought to be paid to the persons interested in the said land is £5,7,7, and the persons entitled to be paid such compensation are those whose names are specified in the schedule hereto, the amount to which each person is entitled being set out opposite his or her name respectively.

AS witness the hand of the Judge and the Seal of the Court.


JUDGE.

PARTITION ORDER.

[N.L.C.] 2/33

(RULE 37.)

The Native Land Act, 1909.

IN THE NATIVE LAND COURT,
NEW ZEALAND.

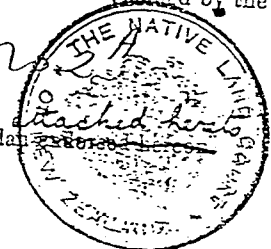
In the matter of the partition of the land known as

Whareroa No 2 heretofore held
under *Partition order*, dated the *29th* day
of *May, 1896.*

AT a sitting of the Court held at *Tauranga*
on the *5th* day of *May*, 1916,
before *Jacob Wakelin Bevine*, Esquire, Judge,
~~and~~ *Assessor:*

It is, as part of the said partition, hereby ordered and declared that the
several persons whose names appear in the first column of the schedule endorsed
hereon or annexed hereto, and therein numbered from one to *three*
both inclusive, are the owners, in the relative shares or proportions set out
in the second column of the said schedule, of that part of the said land,
containing *84 ac. 3r. 07 p.* named by the Court

Whareroa No 2
and which part is particularly delineated in the plan ~~attached hereto~~



*Released
13th 11 21.
J.G.*

FEES CHARGED :

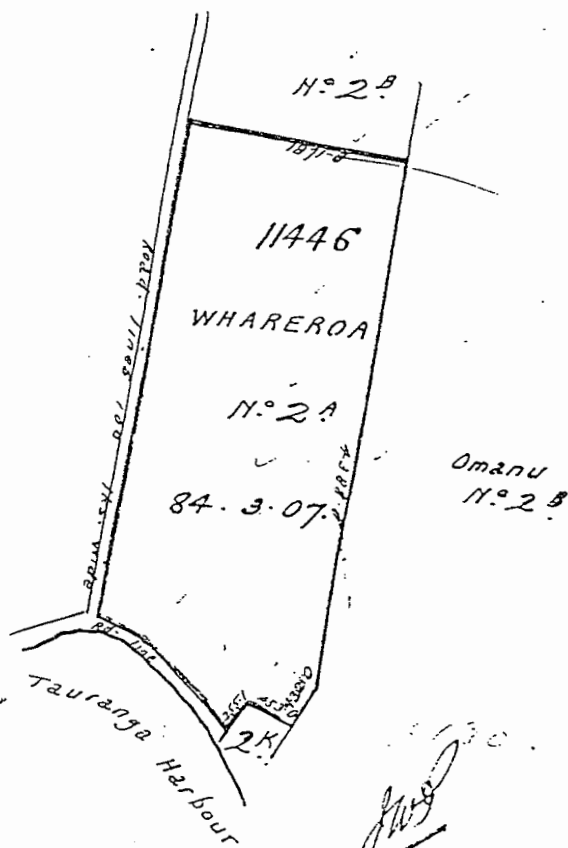
Order paid.

As witness the hand of the Judge and the seal of the Court.



Jacob Bevine
Judge.

XI. TAURANGA S. D.



CROWN SURVEY CHARGES PAID.

L. G. Blake
 NATIVE LAND GRAPHERS
 6 8 21

Scales 12" = 1 Chain to an Inch
 H. M. SKEET, Chief Surveyor
 Thomson & Ferrer, Surveyors
B. Knight, Draftsman



N.L.C.-7
33

PARTITION ORDER.

(RULE 37.)

The Native Land Act, 1909.

IN THE NATIVE LAND COURT,
NEW ZEALAND.

In the matter of the partition of the land known as
Whareroa No 2 heretofore held
under *Partition Order*, dated the *28th* day
of *May*, 1896. 191

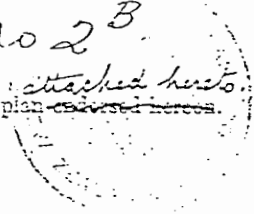
Duplicate of the Native Land
Registry. 20/7/1911
Copy of the Partition Order
under Part 11 of the Act
corresponding to the
above.

AT a sitting of the Court held at *Tauranga*
on the *6th* day of *May*, 191*6*
before *James Wakelin Brown*, Esquire, Judge,
~~Assessor~~

It is, as part of the said partition, hereby ordered and declared that the
several persons whose names appear in the first column of the schedule endorsed
hereon or annexed hereto, and therein numbered from one to *thirteen*
both inclusive, are the owners, in the relative shares or proportions set out
in the second column of the said schedule, of that part of the said land,

containing *61 acres 2 r. 8 p.*, named by the Court
Whareroa No 2 B.
and which part is particularly delineated in the plan *attached hereto*

Amended Dec. 11/11
116
12/15/11
M.D.



FEES CHARGED:

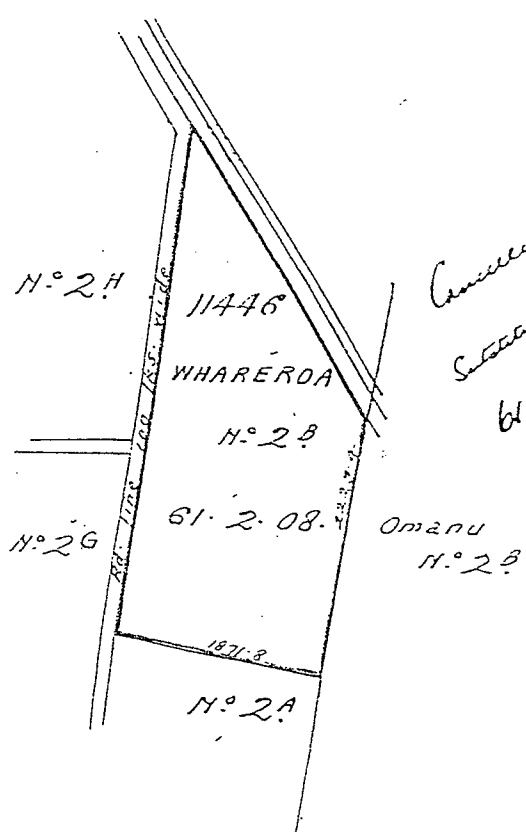
As witness the hand of the Judge and the seal of the Court.

Costs paid



James Wakelin Brown
Judge

VII XI TAURANGA S. D.



*Cancelled new design
 Substituted new area
 61-1-25
 Hban
 just
 2/1/24*

W. G. G.

OWN SURVEY CHARGES PAID.

L. G. Mahley
 for NATIVE LAND DEPARTMENT
 6.8.21



12.
 Thomson & Farrer
 B. Knight

PARTITION ORDER.

(RULE 37.)

33

The Native Land Act, 1909.

IN THE NATIVE LAND COURT,
NEW ZEALAND.

In the matter of the partition of the land known as

under *Partition Order* No. 2 heretofore held
dated the *27th* day
of *May*, 191*6*.

AT a sitting of the Court held at *Tauranga*
on the *5th* day of *May*, 191*6*
before *James McKinnon Brown*, Esquire, Judge,
and *Assessor*.

It is, as part of the said partition, hereby ordered and declared that the several persons whose names appear in the first column of the schedule endorsed hereon or annexed hereto, and therein numbered ~~from one to~~ *one to* and *two* both inclusive, are the owners, in the relative shares or proportions set out in the second column of the said schedule, of that part of the said land, containing *42 ac. 12. 57p.*, named by the Court

and which part is particularly delineated in the plan endorsed hereon.

As witness the hand of the Judge and the seal of the Court.

Order *is* paid.

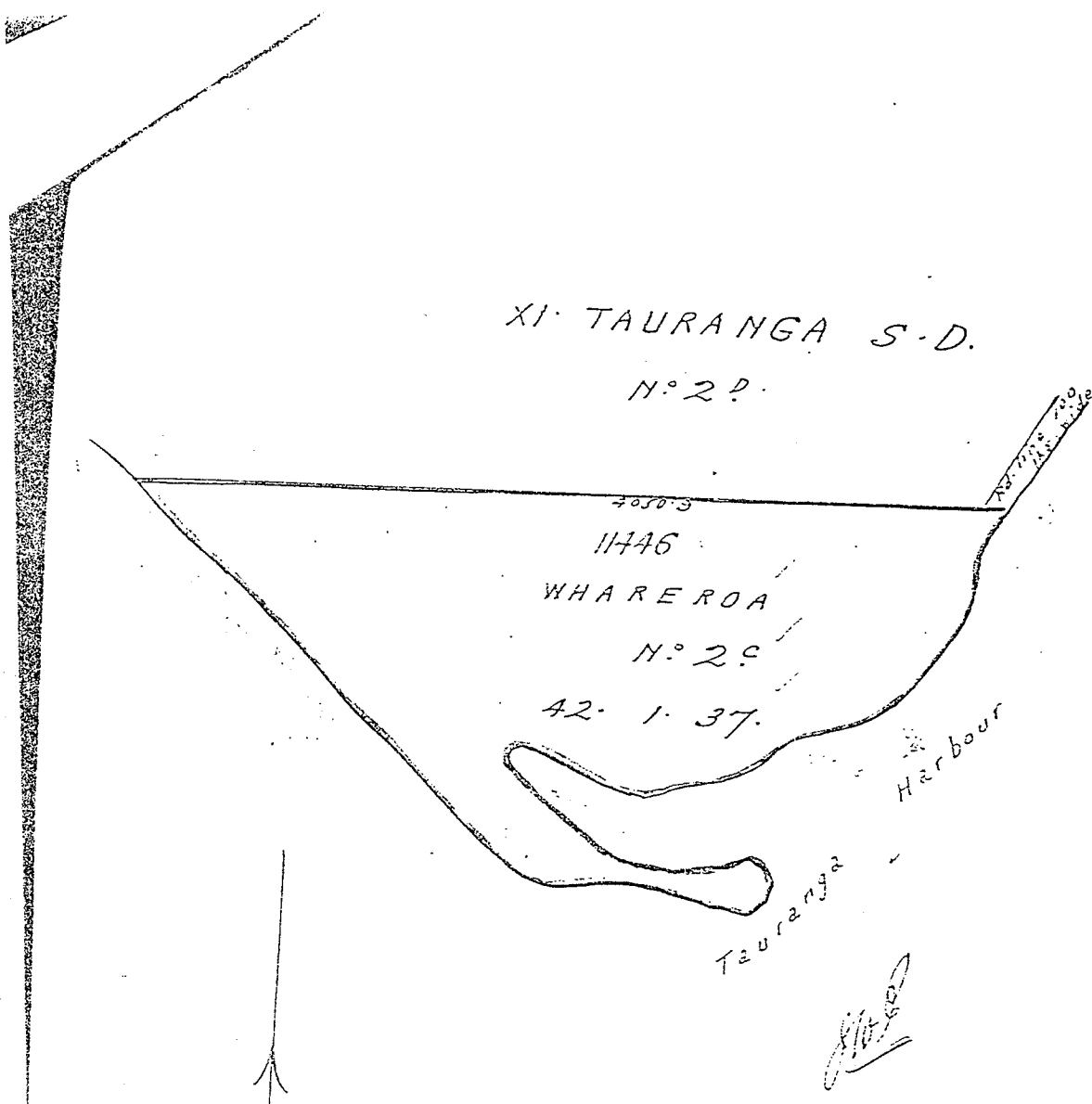


James McKinnon Brown
Judge.

Duplicate sent to District Land Registrar for Registration.
31/8/1916

XI. TAURANGA S.D.

N^o 2 D.



CROWN SURVEY CHARGES PAID.

A. G. Walker
NATIVE LAND DRAFTSMAN.
6. 8. 21



Scale 6. Chain to an Inch
H. M. SKEET, Chief Surveyor
Thomson & Farrer Surveyors
B. Knight, Draftsman

PARTITION ORDER.

(RULE 37.)

The Native Land Act, 1909.

IN THE NATIVE LAND COURT,
NEW ZEALAND.

In the matter of the partition of the land known as

under *Partition Order*, heretofore held
dated the *28th* day
of *May*, 19*06*.

Duplicate sent to District Land Registrar for Registration. 31/8/1921

AT a sitting of the Court held at
on the _____ day of _____, 191
before _____, Esquire, Judge,
and _____, Assessor:

It is, as part of the said partition, hereby ordered and declared that the several persons whose names appear in the first column of the schedule endorsed hereon or annexed hereto, and therein numbered from one to _____ both inclusive, are the owners, in the relative shares or proportions set out in the second column of the said schedule, of that part of the said land, containing *2 ac. or. 11 p.*, named by the Court

See the Court
1909

and which part is particularly delineated in the plan endorsed hereon.

Attached hereto

FEES CHARGED:

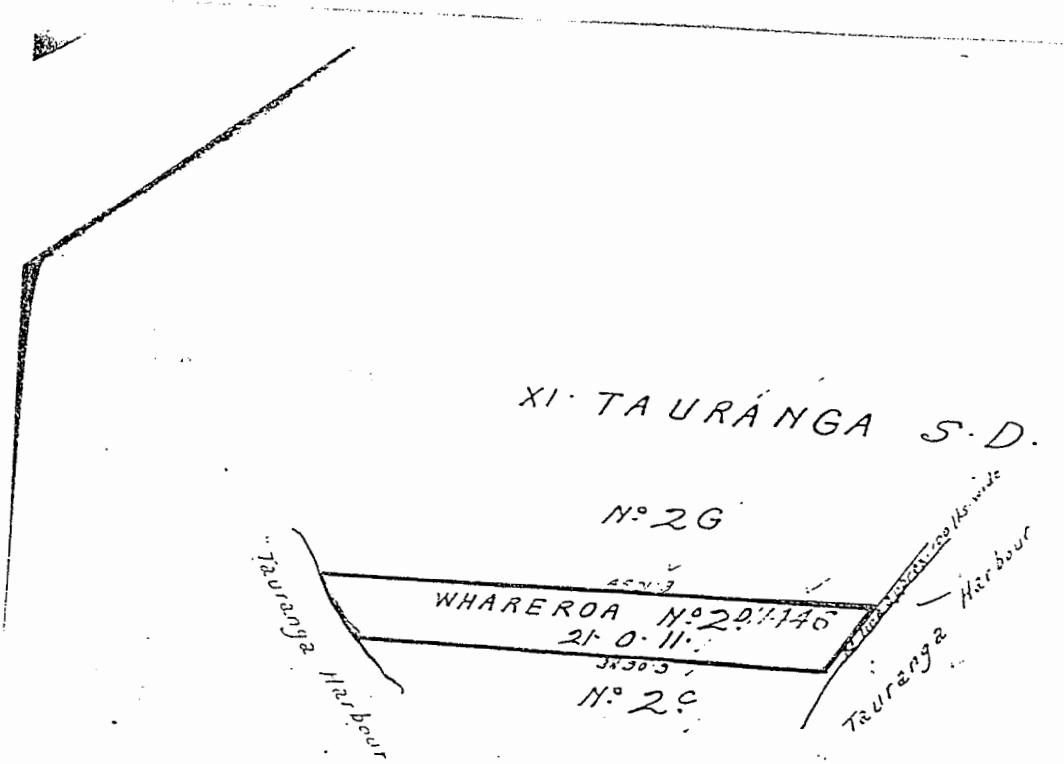
As witness the hand of the Judge and the seal of the Court.



John Brown

Judge.

24



CROWN SURVEY CHARGES PAID.

B. S. Baker
 NATIVE LAND DRAFTSMAN
 6. 8. 21

[Handwritten signature]



R. G. ...
 Thomson & Faure
B. Knight Draftsman

PARTITION ORDER.

(RULE 37.)

The Native Land Act, 1909.

IN THE NATIVE LAND COURT,
NEW ZEALAND.

In the matter of the partition of the land known as

Whareoa No 2. heretofore held
under *Partition Order*, dated the *28th* day
of *May*, 1890. 191

AT a sitting of the Court held at *Tauranga*
on the *5th* day of *May*, 191*6*
before *James Va. Kelvin Browne*, Esquire, Judge,
~~and~~ Assessor:

It is, as part of the said partition, hereby ordered and declared that the several persons whose names appear in the first column of the schedule endorsed hereon or annexed hereto, and therein numbered from one to *twenty four* both inclusive, are the owners, in the relative shares or proportions set out in the second column of the said schedule, of that part of the said land, containing *319 ac. or. 12 p.*, named by the Court

Whareoa, No 2^E

and which part is particularly delineated in the plan ~~endorsed hereto.~~ *attached hereto.*

J. K. P.

FEES CHARGED:

limited 2/17/20

As witness the hand of the Judge and the seal of the Court.

Godolphin



John Brown

Judge.

WHAREMOA S.D.

Awa-o-Tukorako
N° 1.

N° 24

11446

WHAREMOA

N° 2E

N° 2H

Rd. line 100 fms. wide

N° 2F

319. 0. 12.

N° 2G

Tauranga
Harbour



[Handwritten signature]



Scale 12: Chains to an inch
H. M. SKEET, Chief Surveyor
Thomson & Fergusson Surveyors
B. Knight, District

PARTITION ORDER.

2/33

(RULE 37.)

The Native Land Act, 1909.

IN THE NATIVE LAND COURT,
NEW ZEALAND.

In the matter of the partition of the land known as
Whareroa No 2 heretofore held
under *Partition Order*, dated the *28th* day
of *May, 1894*.

Duplicate sent to District Land Registrar for registration. 12/10/1916

AT a sitting of the Court held at *Tauranga*
on the *5th* day of *May*, 191*6*
before *James Wakelin Browne*, Esquire, Judge,
~~Assessor~~

It is, as part of the said partition, hereby ordered and declared that the several persons whose names appear in the first column of the schedule endorsed hereon or annexed hereto, and therein numbered from one to *five* both inclusive, are the owners, in the relative shares or proportions set out in the second column of the said schedule, of that part of the said land, containing *99 ac. Or. 25 p.*, named by the Court

Whareroa No 2

and which part is particularly delineated in the plan ~~endorsed hereto~~ *attached hereto.*

FEES CHARGED:

As witness the hand of the Judge and the seal of the Court.

John [unclear]

John [unclear]

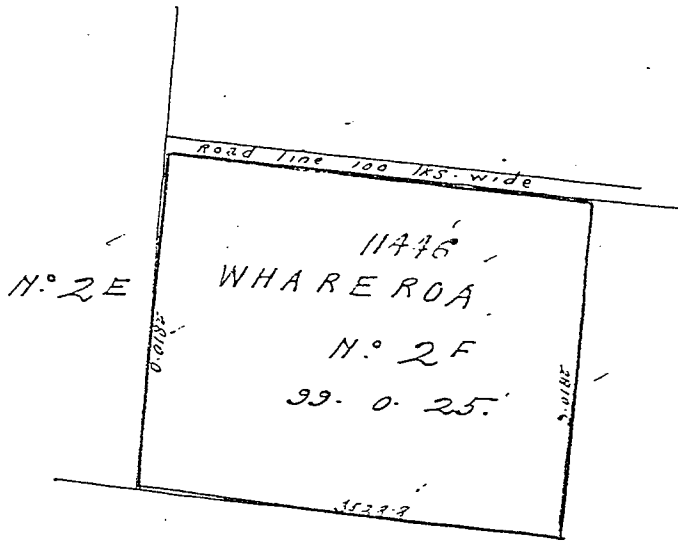


Judge.

S. 100. (3/10-3103)

161

VII·XI·TAURANGA S·D.



Pt. N° 2

N° 2 G

[Handwritten signature]

Scale 12" = Chains to an inch
 H. M. SHEET, Chief Surveyor
 Thomson & Farrell Surveyors
 B. Knight Draftsman



PARTITION ORDER.
(RULE 37.)

The Native Land Act, 1909.

IN THE NATIVE LAND COURT,
NEW ZEALAND.

In the matter of the partition of the land known as
Whareroa No 2 heretofore held
under *Partition Order*, dated the *28th* day
of *May*, 1896. *401*

AT a sitting of the Court held at *Tauranga*
on the *5th* day of *May*, 191*6*
before *James Wakelin Brown*, Esquire, Judge,
~~and~~

It is, as part of the said partition, hereby ordered and declared that the
several persons whose names appear in the first column of the schedule endorsed
hercon or annexed hereto, and therein numbered from one to *eight*
both inclusive, are the owners, in the relative shares or proportions set out
in the second column of the said schedule, of that part of the said land,
containing *244 ac. Or. 10 p.*, named by the Court

Whareroa No 2^d

and which part is particularly delineated in the plan ~~endorsed hercon.~~ *attached hereto.*

FEES CHARGED:

As witness the hand of the Judge and the seal of the Court.

James Wakelin Brown



James Wakelin Brown
Judge.

XI. TAURANGA S. D.

N° 2 E

N° 2 F

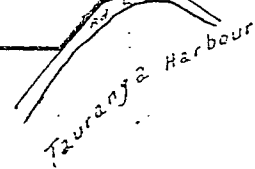
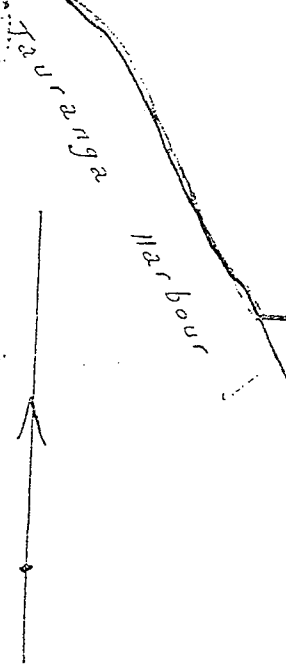
11446

WHARE ROA

N° 2 G

244. 0. 10

N° 2 D



[Handwritten signature]



Scale 12.
H. H. FEE...
Thomson & Farrer...
B. Knight

PARTITION ORDER.

(RULE 37.)

The Native Land Act, 1909.

IN THE NATIVE LAND COURT,
NEW ZEALAND.

In the matter of the partition of the land known as

Whareroa No 2 heretofore held
under *Partition Order*, dated the *23rd* day
of *May, 1896*, 401

AT a sitting of the Court held at *Tauranga*
on the *5th* day of *May*, 1916
before *James Wakelin Brown*, Esquire, Judge,
~~and~~ ~~Assessor~~

It is, as part of the said partition, hereby ordered and declared that the
several persons whose names appear in the first column of the schedule endorsed
hereon or annexed hereto, and therein numbered from one to *eight*
both inclusive, are the owners, in the relative shares or proportions set out
in the second column of the said schedule, of that part of the said land,
containing *148 ac. 3 r. 15 p.*, named by the Court

Whareroa No 2^H

and which part is particularly delineated in the plan ~~endorsed hereon~~ *attached hereto*

Registered under the Native Land
Registration for Re-activation.
13/12/23

FEES CHARGED:

fees released 14.12.23
Order paid 31

As witness the hand of the Judge and the seal of the Court.



Judge.

XI. TAURANGA S.D.

N^o 24

1363-3

11446

WHARERDA

N^o 2H

148. 3. 15.

N^o 2E

0.5512

100 7 1/2 1/2

Road Line

[Handwritten signature]

Scale 12 Chains to an Inch
H. M. STREET, Chief Surveyor
Thomson & Ferrers Surveyors
B. Knight Draftsman



PARTITION ORDER.

7/33

(RULE 37.)

The Native Land Act, 1909.

IN THE NATIVE LAND COURT,
NEW ZEALAND.

In the matter of the partition of the land known as

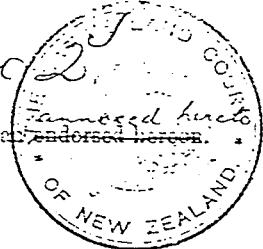
~~the~~ *Whareroa No 2* heretofore held
under *Partition Order*, dated the *28th* day
of *May*, 1896, ~~1901~~

AT a sitting of the Court held at *Tauranga*
on the *5th* day of *May*, 191*6*
before *James Watelin Brown*, Esquire, Judge,
and _____, Assessor:

It is, as part of the said partition, hereby ordered and declared that the
several persons whose names appear in the first column of the schedule endorsed
hereon ~~as annexed hereto~~, and therein numbered from one to *eight*
both inclusive, are the owners, in the relative shares or proportions set out
in the ~~second~~ column of the said schedule, of that part of the said land,
containing *148 ac 0 r. 35 p.*, named by the Court

Whareroa No 2,

and which part is particularly delineated in the plan ~~endorsed hereto~~.



FEEs CHARGED:

As witness the hand of the Judge and the seal of the Court.

(Sds of Hand)

John Brown
Judge.



VII TAURANGA S. D.

AWA-O-TUKORAKO
No. 1

RES.

4755.3

11446

WHARE ROA

N° 2

N° 2E

166. 0. 29.
D.A.T. 17. 3. 34.
148. 0. 35.

4562.3

N° 2H

N° 1

Omanu
N° 2B

[Handwritten signature]



12. ...
...
Thomson & Farrer
B. Knight.

[N.L.C.—1913]

PARTITION ORDER.

(RULE 37.)

The Native Land Act, 1909.

IN THE NATIVE LAND COURT,
NEW ZEALAND.

In the matter of the partition of the land known as

Whareroa No 2 heretofore held
under *Partition Order*, dated the *28th* day
of *May 1896*.

AT a sitting of the Court held at *Tauranga*
on the *5th* day of *May*, 191*6*,
before *James Wakelin Browne*, Esquire, Judge,
and _____, Assessor:

It is, as part of the said partition, hereby ordered and declared that the
several persons whose names appear in the first column of the schedule ~~annexed~~
~~hereto~~ annexed hereto, and therein numbered from one to *seventy four*
both inclusive, are the owners, in the relative shares or proportions set out
in the second column of the said schedule, of that part of the said land,
containing *2 ac 1 r. 32 p*, named by the Court

Whareroa No 2^K *2 r 1*
3-1-32
and which part is particularly delineated in the plan *annexed hereto* *0-1-19*
~~annexed hereto~~ *2-3-11*

FEES CHARGED:

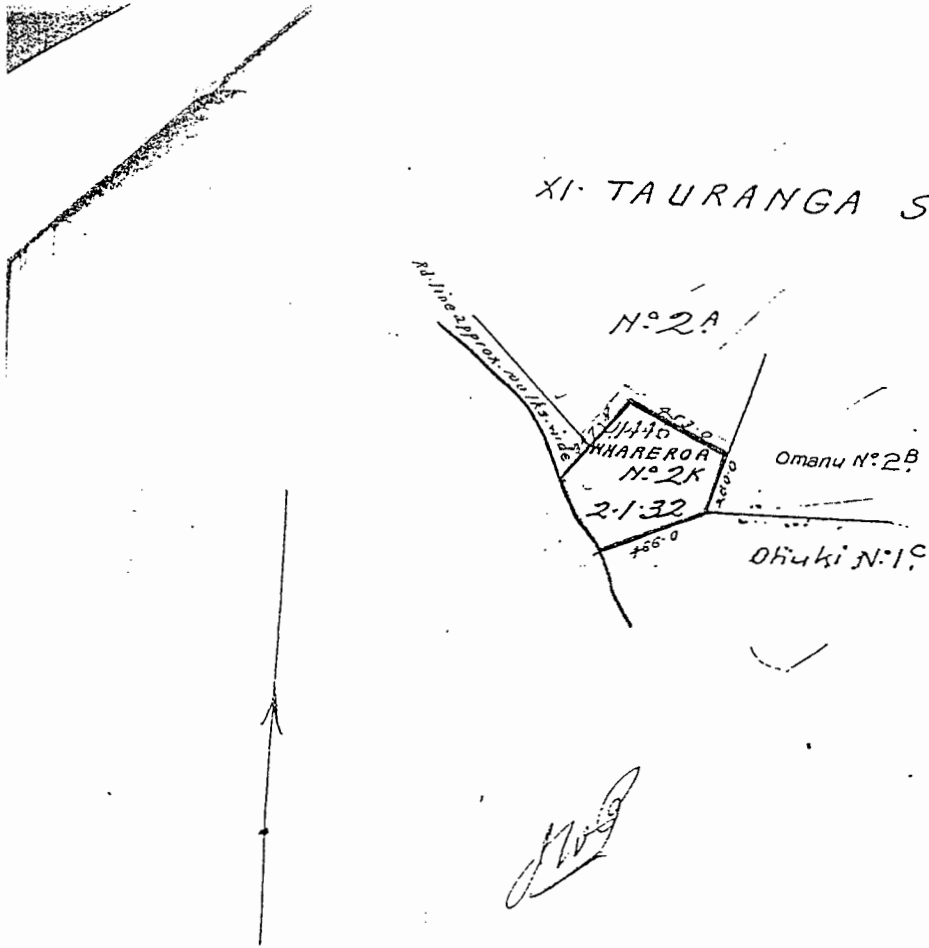
As witness the hand of the Judge and the seal of the Court.

Order paid.

James Wakelin Browne
Judge.



XI TAURANGA S.D.



Scale 6: 1" = 100 ft.
H. M. SKREE, Surveyor
Thomson & Farrer
B. Knight



Appendix 13

[Extract from *New Zealand Gazette* No. 30, 4th April, 1940.]

Page 628

Land taken for an Aerodrome in Blocks VII and XI, Tauranga Survey District, Tauranga County.

[L.S.]

GALWAY, Governor-General.

A PROCLAMATION.

IN pursuance and exercise of the powers and authorities vested in me by the Public Works Act, 1928, and of every other power and authority in anywise enabling me in this behalf, I, George Vere Arundell, Viscount Galway, Governor-General of the Dominion of New Zealand, do hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for an aerodrome and shall vest in the Mayor, Councillors, and Burgesses of the Borough of Tauranga as from the date hereinafter mentioned; and I do also declare that this Proclamation shall take effect on and after the eighth day of April, one thousand nine hundred and forty.

SCHEDULE.

Approximate Area of the Part of Land Taken.	Block	Part	Situated in Block	Situated in Survey District of	Shown on Plan	Coloured on Plan
C.T. 135/291	4. N. E.	Whareroa 2a 1a No. 2 Block	XI	Tauranga	P.W.D. 105561	Yellow.
"	25	Whareroa 2a 1a No. 3 Block	XI	"	"	"
"	21	Whareroa 2a No. 2a Block	XI	"	"	"
"	42	Whareroa 2a No. 2a Block	XI	"	"	Red.
"	42	Whareroa 2a No. 2a Block	XI	"	"	Purple.
"	4	Part Whareroa 2a No. 6a Block	VII	"	"	Yellow.
"	1	Part Whareroa 2a No. 6a Block	VII	"	"	"
"	0	Part Whareroa 2a No. 7 Block	XI	"	"	Red.
"	16	Part Whareroa 2a No. 7 Block	XI	"	"	"
C.T. 364/267	2	Part Whareroa 2a Block	VII and XI	"	"	Purple.
"	2	Part Whareroa 2a No. 1a Block	XI	"	"	Blue.
"	2	Part Whareroa 2a 1a No. 4 Block	XI	"	"	Red.
"	2	Part Whareroa 2a 1a Block	XI	"	"	"
"	11	(Auckland R.D.) (S.O. 30662)				

In the Auckland Land District; as the same are more particularly delineated on the plan marked and coloured as above mentioned, and deposited in the office of the Minister of Public Works at Wellington.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 21st day of March, 1940.

R. SEMPLE, Minister of Public Works.

GOD SAVE THE KING!

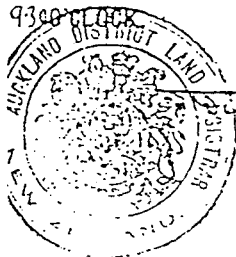
(P.W. 3/494/1.)

10182

CLERKS ENTERED IN THE REGISTER-BOOK.

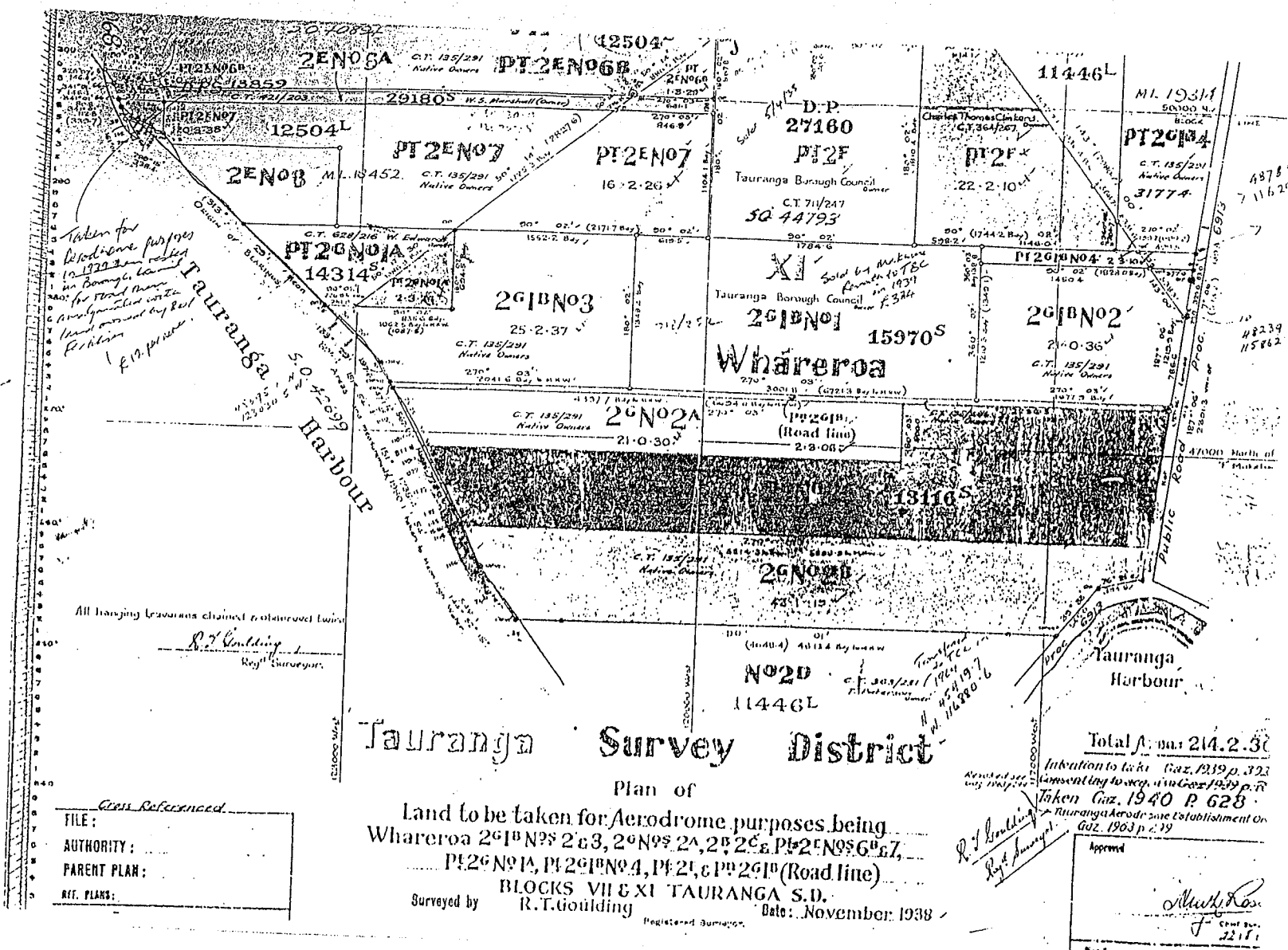
135. FOLIO 291, 364/267, 628/216

16th DAY OF April, 1940



Rossaint
LAND REGISTRAR,
AUCKLAND.

11/1/40

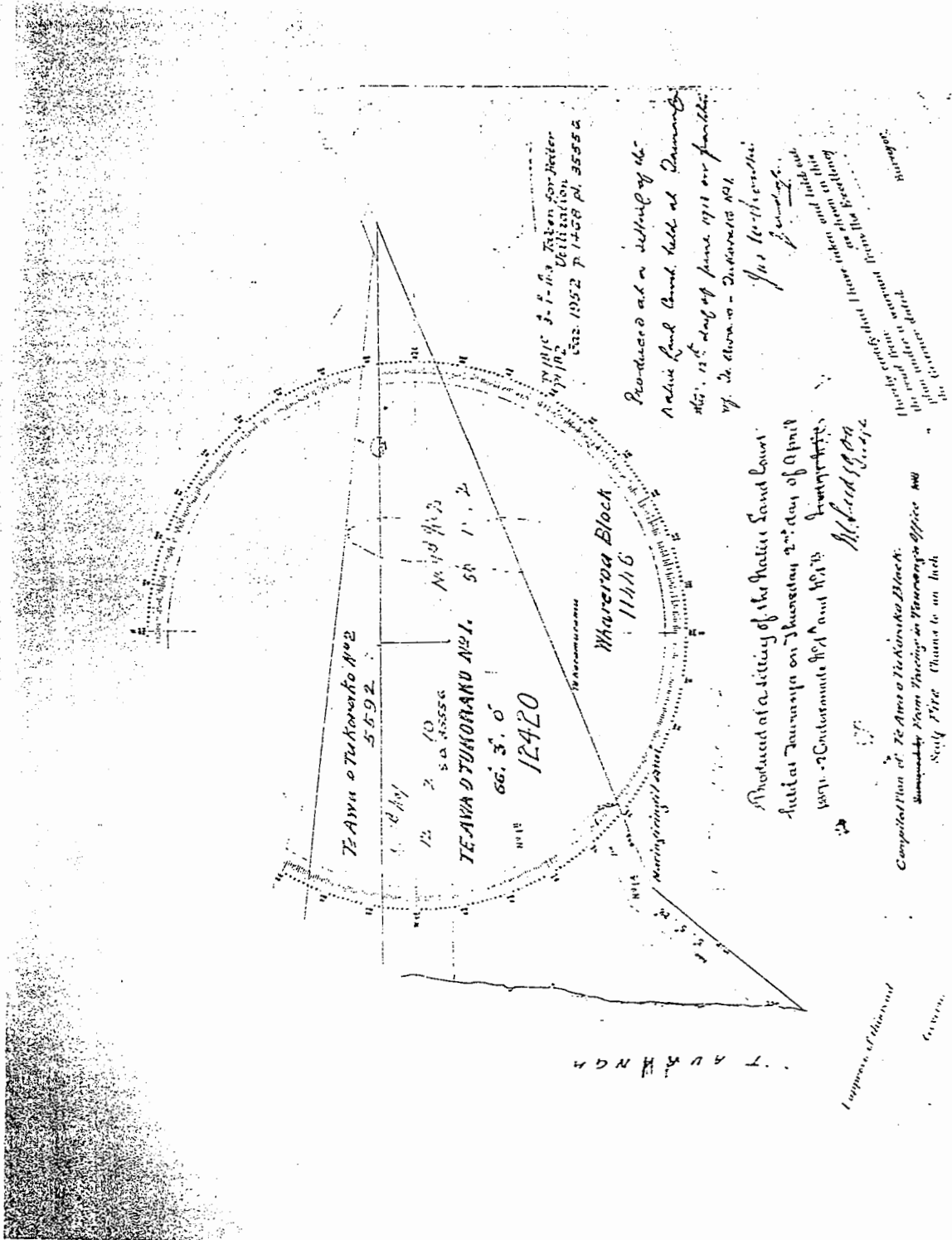


Appendix 14

Cross Referenced	
FILE:	
AUTHORITY:	
PARENT PLAN:	
REF. PLANS:	

Tauranga Survey District
 Plan of
 Land to be taken for Aerodrome purposes being
 Whareroa 2G1BN01, 2G1BN02, 2G1BN03, 2G1BN04, 2G1BN05, 2G1BN06, 2G1BN07,
 2G1BN08, 2G1BN09, 2G1BN10, 2G1BN11, 2G1BN12, 2G1BN13, 2G1BN14, 2G1BN15,
 2G1BN16, 2G1BN17, 2G1BN18, 2G1BN19, 2G1BN20, 2G1BN21, 2G1BN22, 2G1BN23,
 2G1BN24, 2G1BN25, 2G1BN26, 2G1BN27, 2G1BN28, 2G1BN29, 2G1BN30, 2G1BN31,
 2G1BN32, 2G1BN33, 2G1BN34, 2G1BN35, 2G1BN36, 2G1BN37, 2G1BN38, 2G1BN39,
 2G1BN40, 2G1BN41, 2G1BN42, 2G1BN43, 2G1BN44, 2G1BN45, 2G1BN46, 2G1BN47,
 2G1BN48, 2G1BN49, 2G1BN50, 2G1BN51, 2G1BN52, 2G1BN53, 2G1BN54, 2G1BN55,
 2G1BN56, 2G1BN57, 2G1BN58, 2G1BN59, 2G1BN60, 2G1BN61, 2G1BN62, 2G1BN63,
 2G1BN64, 2G1BN65, 2G1BN66, 2G1BN67, 2G1BN68, 2G1BN69, 2G1BN70, 2G1BN71,
 2G1BN72, 2G1BN73, 2G1BN74, 2G1BN75, 2G1BN76, 2G1BN77, 2G1BN78, 2G1BN79,
 2G1BN80, 2G1BN81, 2G1BN82, 2G1BN83, 2G1BN84, 2G1BN85, 2G1BN86, 2G1BN87,
 2G1BN88, 2G1BN89, 2G1BN90, 2G1BN91, 2G1BN92, 2G1BN93, 2G1BN94, 2G1BN95,
 2G1BN96, 2G1BN97, 2G1BN98, 2G1BN99, 2G1BN00.
 BLOCKS VII & XI TAURANGA S.D.
 Surveyed by R.T. Goulding Date: November 1938

Total ft. area: 214.230
 Intention to take Gaz. 1919 p. 322
 Consent to acquire Gaz. 1939 p. 7
 Taken Gaz. 1940 p. 628
 Tauranga Aerodrome Establishment on
 Gaz. 1963 p. 239
 R.T. Goulding
 Regd. Surveyor
 Approved
 M. W. R. 22151



Produced at a sitting of the Native Land Court held at Danneberg on the 13th day of June 1911 on the application of the above named Defendants.

Produced at a sitting of the Native Land Court held at Danneberg on the 13th day of June 1911 on the application of the above named Defendants.

For the Defendants

Produced at a sitting of the Native Land Court held at Danneberg on Thursday 2nd day of April 1891 on the application of the above named Defendants.

Completed at Te Awai o Tukohako Block. Surveyed from tracing in the Survey Office and from the Chain to an inch.

Surveyed from tracing in the Survey Office and from the Chain to an inch.

T. A. V. N. G. H.

[N.L.C.—9.

“The Native Land Court Act, 1886,” and its Amendments.

IN THE NATIVE LAND COURT,
NEW ZEALAND.

In the matter of the partition of the land known as

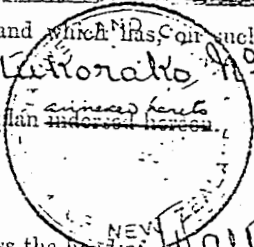
Te Awaoitikorako No. 1.

dated the *fourteenth* day of *August*, 18*86*, heretofore held under *Land Transfer* *45/119*.

At a sitting of the Court held at *Tauranga*, before *Walter Edward Gudgeon*, Esquire, Judge, and *Reha Aperahama*, Assessor:

It is, as a part of the said partition, hereby ordered and declared that

Joseph Faulkner the owner of *entitled to* that part of the partitioned land which *Mrs. Cair* such partition, been named by the Court *Te Awaoitikorako No. 1 A*, and which part is particularly delineated in the *plan indorsed hereon*.



Witnesses 21-7
Order 20-7

As witness the hand of *Walter Edward Gudgeon*
Esquire, Judge, and the seal of the Court. *This second*
day of April, 1891.

M.L.

Walter Edward Gudgeon
Esquire, Judge.

NOTE.—This form to be used when order made in favour of persons other than Natives or of not more than one Native.

Rule 18.—Partition Order (Alternative Form.)



179.

N.L.C.—8

"The Native Land Court Act, 1886," and its Amendments.

IN THE NATIVE LAND COURT,
NEW ZEALAND.

In the matter of the partition of the land known as
Ti Awaoitikorako No. 1., heretofore held under
Sand Transfer 45/19., dated the **fourteenth**
day of **August**, 1886.

At a sitting of the Court held at **Tauranga**, before
Walter Edward Gudgeon, Esquire,
Judge, and **Riha Aperahama**,
Assessor:

It is, as part of the said partition, hereby ordered and declared that the
several Natives named in the first column of the Schedule indorsed hereon,
and therein numbered from one to **twenty eight**, both inclusive, are
entitled to or the owners of that part of the said land which has, on such
partition, been named by the Court:

Ti Awaoitikorako No. 1 B, and
which part is particularly delineated in the plan indorsed hereon, in the
respective proportions set out after the name of each of them in the second
column of the said Schedule; and it is hereby declared that so much and such
part of the share of each owner as is set out in the third column of the said
Schedule is inalienable.

Order 20.

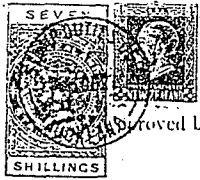
As witness the hand of **Walter Edward Gudgeon**,
Esquire, Judge, and the seal of the Court, this
Second day of **April**, 1891.

W.E.G.

Judge.

[Note.—If the title is Land Transfer certificate or Crown grant the words "the owners of" should be used in lieu of "entitled to."
Rule 13.—Partition Order.]

Appendix 17



Approved by the District Land Registrar, Auckland
No. 229.

[New Zealand]

Memorandum of TRANSFER

to
Rates 7/4
...

WHEREAS The Maori Land Board for the Waiariki Maori Land District incorp-
ated under the provisions of "The Native Land Act 1908" and its amendments and
hereinafter called "the Board" has been duly authorised under the provisions of
Part XVIII of the said Act by the registered being registered as proprietors
of an estate in fee simple _____

subject however to such encumbrances liens and interests as are notified by memoranda
underwritten or endorsed hereon, in that piece of land situated described in the schedule
hereunder written to execute under the provisions of Part XVIII as aforesaid -
as agent for the said proprietors a Memorandum of Transfer of the said land to



ALBERT GEORGE BEETS of Gisborne Farmer in terms of a resolution passed by the
said proprietors at a meeting held at Tauranga on the *30th* day of - -

October 1920 NOW THESE PRESENTS WITNESSETH that the Board in exercise
of the said authority in terms of the said resolution and IN CONSIDERATION of
the sum of FOUR HUNDRED AND FIFTY SIX POUNDS FIFTEEN SHILLINGS (£456 15 0) - -

paid to the Board by the said Albert George Beets (the receipt of which sum is
hereby acknowledged) BOTH HEREBY TRANSFER to the said Albert George Beets all
the estate and interest of the said proprietors in the said piece of land - -

IN WITNESS WHEREOF the Seal of the said Board has been hereunto affixed and
the President has subscribed his name as attesting witness this *17*
day of *October* one thousand nine hundred and twenty-one.

SCHEDULE

ALL THAT piece or parcel of land situated in the Provincial District of - - -
Auckland containing by admeasurement FORTY FIVE ACRES TWO ROODS TWENTY EIGHT
PERCHES (45.2:28) more or less being all the land called or known as -
AWAOTUKORAKO 1 B No.2 and being *the whole* of the land comprised in Partition Order
of the Native Land Court bearing date the 12th. day of June 1913 and registered
in Volume Folio of the Register Books of the - - -
District Land Registry Office at Auckland as the said piece of land is more
particularly delineated on the plan drawn hereon and therein edged red - - -

THE SEAL of the WAIARIKI DISTRICT MAORI
LAND BOARD was hereto affixed at - - -
Rotorua in the presence of.....



14/11/20
Secretary President

DISCHARGED
8 15 1909 D.L.R.

X571

Warrant of 24.17.00

57152 La. v. a...
against...
C.E. Anderson...
Withdrawal of...
D.L.R.

Order No. 3215 vesting...
Dore Schabeta...
Alfred...
Rendola...
Schuller...
Ward...
John...
James...
Mary...
William...
D.L.R.

Order No. 3211 by Chief Surveyor...
Produced 3rd March 1924 at 3pm...
Withdrawal of...
D.L.R.

Order 3946 vesting...
181 in Henri...
Mary...
Hori...
Harata...
D.L.R.

No. 1255 Part...
in...
Proclamation...
subject to the Land Act 1948...
D.L.R.

45/19

5327539 Proclamation...
for road...
D.L.R.

22061...
D.L.R.

THIS DEED...
CERTIFIED TO BE A TRUE COPY OF THE...
ORIGINAL REGISTER FOR THE PURPOSES OF...
SECTION 15A LAND TRANSFER ACT 1954
D.L.R.

Entered at 1pm...
day of August 1956

Registration District...
DATED 14th August 1956

66 + 5R 02

Grant

1/2...
and others

ENTERED in Reg. No. 156

Signature
REGISTRAR OF CROWN LANDS

ENTERED on Record this 17th
day of August 1956

Reg. No. 156
Folio 1

Signature
REGISTRAR OF CROWN LANDS

45/19

Appendix 19

[Extract from *New Zealand Gazette* No. 60, 11 September 1952, page 1468]

Land Taken for Better Utilization in Blocks VI and VII, Teape Survey District

[L-]

H. F. O'LEARY,
Administrator of the Government

No. 38989.

A PROCLAMATION

PURSUANT to the Public Works Act 1928, I, Sir Humphrey Francis O'Leary, the Administrator of the Government of New Zealand, hereby proclaim and declare that the land described in the Schedule herein is hereby taken for better utilization: and I also declare that this Proclamation shall take effect on and after the 15th day of September 1952.

SCHEDULE

Approximate Area of the Pieces of Land Taken.	Being	Situated in Block.	Shown on Plan.	Coloured on Plan.
11 2 3	Part Awaotukorako 1a 1a Block	VII	P.W.D. 137400	Blue.
12 0 0	Part Lot 1, D.P. 28642, being part Awaotukorako 1a 2 Block and part Whareroa 2x 1 Block	VII	"	"
21 2 24	Part Whareroa Block	VII	"	Sepia.
26 1 10	2E1, 2E2, 2E3A, 2E3B, 2E4, 2E5, 2E6B	VI and VII	"	Yellow.
19 3 25	(S.O. 35556)	VI and VII	"	"
1 0 0	Te Awaotukorako 1a 1a Block	VII	P.W.D. 134704	"
0 0 14-08	Lot 1, D.P. 18318, being part Te Awaotukorako 1a 1a Block	VII	"	Blue.
0 0 28-04	Lot 2, D.P. 18318, being part Te Awaotukorako 1a 1a Block	VII	"	Yellow.
0 0 0-07	Lot 3, D.P. 18318, being parts Te Awaotukorako 1a 1a and 1a 2 Blocks	VII	"	Sepia.
0 0 24-7	Lot 4, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Blue.
0 0 23-48	Lot 5, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Yellow.
0 1 14-08	Lot 6, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Sepia.
0 0 22	Lot 7, D.P. 18318, being part Te Awaotukorako 1a 1a Block	VII	"	"
0 0 22	Lot 8, D.P. 18318, being part Te Awaotukorako 1a 1a Block	VII	"	"
0 0 22	Lot 9, D.P. 18318, being part Te Awaotukorako 1a 1a and 1a 2 Blocks	VII	"	"
0 0 22	Lot 10, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	"
0 0 22	Lot 11, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	"
0 0 22	Lot 12, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	"
0 0 22	Lot 13, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	"
0 0 22	Lot 14, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	"
0 0 22	Lot 15, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	"
0 0 22	Lot 16, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Sepia.
0 0 22	Lot 17, D.P. 18318, being parts Te Awaotukorako 1a 1a and 1a 2 Blocks	VII	"	Blue.
0 0 22	Lot 18, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Yellow.
0 0 22	Lot 19, D.P. 18318, being part Te Awaotukorako 1a 1a Block	VII	"	Sepia.
0 0 22	Lot 20, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Yellow.
0 0 22	Lot 21, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Sepia.
0 0 16	Part Lot 22, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Blue.
0 0 16	Part Lot 22, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Sepia.
0 0 22	Lot 23, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Blue.
0 0 25-94	Lot 24, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Yellow.
0 0 22	Lot 25, D.P. 18318, being part Te Awaotukorako 1a 1a Block	VII	"	"
0 0 22	Lot 26, D.P. 18318, being part Te Awaotukorako 1a 1a Block	VII	"	Sepia.
0 0 22	Lot 27, D.P. 18318, being parts Te Awaotukorako 1a 1a and 1a 2 Blocks	VII	"	Yellow.
0 0 22	Lot 28, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Sepia.
0 0 22	Lot 29, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	"
0 0 22	Lot 30, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Yellow.
0 0 22	Lot 31, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Sepia.
0 0 22	Lot 32, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Blue.
0 0 22	Lot 33, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Yellow.
0 0 22	Lot 34, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Sepia.
1 7-94	Lot 35, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Yellow.
1 28-94	Lot 108, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Blue.
0 0 22	Lot 109, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Sepia.
0 0 22	Lot 110, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Yellow.
0 0 22	Lot 111, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Sepia.
0 0 22	Lot 112, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Yellow.
0 0 22	Lot 113, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Sepia.
0 0 22	Lot 114, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Blue.
0 0 22	Lot 115, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Sepia.
0 0 22	Lot 116, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Blue.
0 0 22	Lot 117, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Sepia.
0 0 22	Lot 118, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Blue.
0 0 22	Lot 119, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Sepia.
0 0 22	Lot 120, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Blue.
0 0 22	Lot 121, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Yellow.
0 0 22	Lot 122, D.P. 18318, being part Te Awaotukorako 1a 2 Block	VII	"	Sepia.
0 0 22	Lot 1, D.P. 34274, being part Te Awaotukorako 1a 2 Block	VII	"	"
0 0 22	Lot 2, D.P. 34274, being part Te Awaotukorako 1a 2 Block	VII	"	Sepia.
0 0 11	Te Awaotukorako 1a 1a Block	VII	"	"
0 0 14	Part Whareroa 2x 1 Block	VII	"	"
0 0 25	Te Awaotukorako 1a 2 Block	VII	"	Blue.

Appointment of Commissioner of the High Court of the Cook Islands

PURSUANT to the Cook Islands Act 1915, His Excellency the Governor-General has been pleased to appoint
 John Stephen Whitta, Esquire,
 to be a Commissioner of the High Court of the Cook Islands with effect from the 16th day of January 1962.
 Dated at Wellington this 5th day of January 1962.
 LÉON GÖTZ, Minister of Island Territories.

Members of the Board of Trustees of the National Art Gallery and Dominion Museum Appointed

PURSUANT to section 2 (1) (f) of the National Art Gallery and Dominion Museum Amendment Act 1936, His Excellency the Governor-General has been pleased to appoint the following to be members of the Board of Trustees of the National Art Gallery and Dominion Museum:

Stanley Walter Fearn, Esquire, A.R.I.B.A., F.N.Z.I.A.,
 for a term of three years on and from 12 November 1961 on the nomination of the Council of the Wellington Branch of the New Zealand Institute of Architects;

Major-General Sir William George Gentry, K.B.E., C.B., D.S.O. and bar,
 for a term of three years on and from 1 September 1961 on the nomination of the National War Memorial Carillon Society (Incorporated);

The person for the time being in office as Mayor of the City of Lower Hutt for a term of three years on and from 13 October 1961 as representing local authorities (other than the Wellington City Council and the Wellington Harbour Board) that are empowered to contribute to the Board's funds;

Michael Rotohiko Jones, Esquire, O.B.E., M.M., J.P.,
 for a term of three years on and from 1 October 1961 as representing the Maori race;

Sir John Moody Albert Hott, F.R.E.S., J.P.,
 for a term of three years on and from 27 November 1961.
 Dated at Wellington this 17th day of January 1962.

LÉON GÖTZ, Minister of Internal Affairs.
 (I.A. 114/12)

Appointment of Customs Examining Place at Tauranga

PURSUANT to section 20 of the Customs Act 1913 and to powers delegated to him by the Minister of Customs under section 11 of that Act, the Comptroller of Customs hereby appoints the premises described in the Schedule hereto to be a place for the examination by the Customs of goods subject to the control of the Customs.

SCHEDULE

Shed No. 2 situated on Mount Maunganui Wharf.
 Dated at Wellington this 25th day of January 1962.
 J. F. CUMMINGS, Comptroller of Customs.

Closely Populated Locality Declared

PURSUANT to the Transport Act 1949, the Minister of Transport hereby gives notice that the roads specified in the Schedule hereto are hereby declared to be a closely populated locality for the purposes of section 36 of the Transport Act 1949.

SCHEDULE

SITUATED within Manukau County at Weymouth:

- Beach Road.
- Beihlers Road.
- Blanes Road.
- Brett's Road.
- Domain Road.
- Estuary Road.
- Evans Road.
- Gibbons Road.
- Greers Road.
- Hazards Road.
- Lucas Road.
- Mail Road.
- McInnes Road.
- McLeods Road.
- Ocean View Road.

Result of Ballot Under National Military Service Act 1961

IN pursuance of section 10 (2) of the National Military Service Act 1961, I, Thomas Philip Shand, Minister of Labour, hereby give notice that in a ballot pursuant to the above Act the following dates of birth were drawn:

- 9 July, 18 July, 20 July, 24 July, 29 July, 6 August, 17 August, 7 September, 12 September, 13 September, 6 October, 7 October, 8 October, 9 October, 25 October, 5 November, 6 November, 7 November, 19 November, 22 November, 24 November, 5 December, 19 December, 21 December, 24 December, 31 December, 2 January, 3 January, 7 January, 10 January, 13 January, 26 January, 9 February, 2 March, 3 March, 12 March, 26 March, 30 March, 20 April, 22 April, 13 May, 19 May, 8 June, 9 June, 13 June, 22 June, 23 June, 24 June, 25 June, 27 June.

The persons whose birth dates as recorded in their applications for registration correspond with the dates drawn in the ballot will be the persons liable to perform military service and will later receive notices requiring them to report for medical examination.

Dated at Wellington this 23rd day of January 1962.
 T. P. SHAND, Minister of Labour.

Declaring Land Taken for a Government Work and Not Required for That Purpose to be Crown Land

PURSUANT to section 35 of the Public Works Act 1928, the Minister of Works hereby declares the land described in the Schedule hereto to be Crown land subject to the Land Act 1948 as from the 29th day of January 1962.

SCHEDULE

SOUTH AUCKLAND LAND DISTRICT

ALL those pieces of land situated in Block VII, Tauranga Survey District, Borough of Mount Maunganui, Auckland R.D., described as follows:

- | A. R. P. | Being |
|----------|--|
| 0 0 9.1 | Part Te Awa-o-tukorako 1b 1b Block. |
| 0 0 19.6 | Part Te Awa-o-tukorako 1a 1c Block. |
| 0 1 2 | Part Lot 1, D.P. 34274, being part Te Awa-o-tukorako 1b 2 Block. |
| 0 0 11.3 | Parts Te Awa-o-tukorako 1a 1 Block. |
| 0 0 6.2 | |
| 0 0 1.87 | Part Te Awa-o-tukorako 1a 2 Block. |
| 0 0 1.15 | Parts Whareroa 2e 1 Block. |
| 1 0 1.0 | |
| 0 0 12.7 | Part Lot 1, D.P. 28642, being part Whareroa 2e 1 Block. |
| 0 0 0.6 | Parts Whareroa 2e 2 Block. |
| 0 0 23.8 | |

As the same are more particularly delineated on the plan marked M.O.W. 4285 (S.O. 40894) deposited in the office of the Minister of Works at Wellington, and thereon coloured yellow, edged yellow.

- | A. R. P. | Being |
|-----------|---|
| 0 0 1.5 | Parts Te Awa-o-tukorako 1b 1b Block. |
| 0 2 32.4 | |
| 0 0 4.4 | Parts Te Awa-o-tukorako 1b 1c Block. |
| 0 3 15.1 | |
| 0 1 35.7 | Part Lot 1, D.P. 18318, being part Te Awa-o-tukorako 1b 1a Block. |
| 0 0 25.58 | |
| 0 0 27.04 | Part Lot 2, D.P. 18318, being part Te Awa-o-tukorako 1b 1a Block. |
| 0 0 28.27 | Part Lot 3, D.P. 18318, being part Te Awa-o-tukorako 1b 1a and 1b 2 Blocks. |
| 0 0 25.8 | Part Lot 4, D.P. 18318, being part Te Awa-o-tukorako 1b 2 Block. |
| 0 0 25.78 | Part Lot 5, D.P. 18318, being part Te Awa-o-tukorako 1b 2 Block. |
| 0 1 7.78 | Part Lot 6, D.P. 18318, being part Te Awa-o-tukorako 1b 2 Block. |
| 0 0 32 | Lot 7, D.P. 18318, being part Te Awa-o-tukorako 1b 1a Block. |
| 0 0 32 | Lot 8, D.P. 18318, being part Te Awa-o-tukorako 1b 1a Block. |
| 0 0 32 | Lot 9, D.P. 18318, being part Te Awa-o-tukorako 1b 1a and 1b 2 Blocks. |
| 0 0 32 | Lot 10, D.P. 18318, being part Te Awa-o-tukorako 1b 2 Block. |
| 0 0 32 | Lot 11, D.P. 18318, being part Te Awa-o-tukorako 1b 2 Block. |
| 0 0 32 | Lot 12, D.P. 18318, being part Te Awa-o-tukorako 1b 2 Block. |
| 0 0 32 | Lot 13, D.P. 18318, being part Te Awa-o-tukorako 1b 2 Block. |
| 0 0 39.15 | Lot 14, D.P. 18318, being part Te Awa-o-tukorako 1b 2 Block. |
| 0 0 32 | Lot 15, D.P. 18318, being part Te Awa-o-tukorako 1b 1a Block. |

A. R. P.	Being
0 0 32	Lot 20, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 32	Lot 21, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 16½	Parts Lot 22, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 32	Lot 23, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 36·94	Lot 24, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 25·6	Part Lot 25, D.P. 18318, being part Te Awa-o-tukorako 1u 1A Block.
0 0 25·6	Part Lot 26, D.P. 18318, being part Te Awa-o-tukorako 1u 1A and 1u 2 Blocks.
0 0 25·6	Part Lot 27, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 25·6	Part Lot 28, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 25·6	Part Lot 29, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 25·6	Part Lot 30, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 25·6	Part Lot 31, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 25·6	Part Lot 32, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 25·6	Part Lot 33, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 25·6	Part Lot 34, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 35·34	Part Lot 35, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 38·69	Part Lot 108, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 14·3	Part Lot 109, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 11·6	Parts Lot 110, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 0·7½	Parts Lot 111, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 3·6	Parts Lot 112, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 7·6	Parts Lot 113, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 3·5	Parts Lot 114, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 9·2½	Parts Lot 115, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 4·1	Parts Lot 116, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 8·6	Parts Lot 117, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 4·0	Parts Lot 118, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 8·1½	Parts Lot 119, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 5·1	Parts Lot 120, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 7·6	Parts Lot 121, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 5·7	Parts Lot 122, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 6·9½	Parts Lot 123, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 1·1	Parts Lot 124, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 0·5½	Parts Lot 125, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 3	Parts Lot 126, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 3·2	Parts Lot 127, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 7·4	Parts Lot 128, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 5·3	Parts Lot 129, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 8	Parts Lot 130, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 4·7½	Parts Lot 131, D.P. 18318, being part Te Awa-o-tukorako 1u 2 Block.
0 0 28	Lot 2, D.P. 34274, being part Te Awa-o-tukorako 1u 2 Block.
1 0 1·9	Parts Lot 1, D.P. 34274, being part Te Awa-o-tukorako 1u 2 Block.
2 0 18	Parts Lot 1, D.P. 34274, being part Te Awa-o-tukorako 1u 2 Block.
0 0 33·5	Parts Lot 1, D.P. 34274, being part Te Awa-o-tukorako 1u 2 Block.
0 0 21·8	Parts Lot 1, D.P. 34274, being part Te Awa-o-tukorako 1u 2 Block.
0 0 16·7	Parts Lot 1, D.P. 34274, being part Te Awa-o-tukorako 1u 2 Block.
1 0 5·8	Parts Lot 1, D.P. 34274, being part Te Awa-o-tukorako 1u 2 Block.
0 0 15·2	Parts Lot 1, D.P. 34274, being part Te Awa-o-tukorako 1u 2 Block.
0 0 5·2	Parts Lot 1, D.P. 34274, being part Te Awa-o-tukorako 1u 2 Block.
0 3 15·9	Parts Lot 1, D.P. 34274, being part Te Awa-o-tukorako 1u 2 Block.
0 1 4·3	Parts Lot 1, D.P. 34274, being part Te Awa-o-tukorako 1u 2 Block.
1 0 28·2	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
0 0 7	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
0 0 7·9	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
2 1 17·2	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
3 3 7	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
1 1 2	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
1 1 15	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
1 2 16·6	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
0 0 2·1	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
7 0 17·3	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
1 0 22·7	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
2 1 15·8	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
0 0 11·6	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
3 3 29·7	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
6 0 31·4	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
9 0 35·5	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
9 2 7·9	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
13 0 37·9	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
8 3 37·7	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
0 1 23	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
10 2 17·2	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.
7 2 0	Parts Lot 1, D.P. 28642, being part Whareroa 2u 1 Block.

As the same are more particularly delineated on the plan marked M.O.W. 4285 (S.O. 40894) deposited in the office of the Minister of Works at Wellington, and thereon coloured yellow.

Dated at Wellington this 16th day of January 1962.

W. S. GOOSMAN, Minister of Works.

(P.W. 82/16/1; D.O. 6/58/1/0)

Declaring Land Taken for a Government Work and Not Required for That Purpose to be Crown Land

PURSUANT to section 35 of the Public Works Act 1928, the Minister of Works hereby declares the land described in the Schedule hereto to be deemed to have been Crown land subject to the Land Act 1948 as from the 29th day of January 1962.

SCHEDULE

NORTH AUCKLAND LAND DISTRICT

ALL that piece of land containing 5·4 perches situated in Block III, Otahuhu Survey District, Borough of Howick, Auckland R.D., and being part Lot 11, D.P. 40529, being part Allotments 101 and 91, Village of Howick; as the same is more particularly delineated on the plan marked P.W.D. 158729 (S.O. 41363) deposited in the office of the Minister of Works at Wellington, and thereon coloured yellow.

Dated at Wellington this 17th day of January 1962.

W. S. GOOSMAN, Minister of Works.

(P.W. 31/2061; D.O. 23/285/0/2)

Declaring Land Taken for a Government Work and Not Required for That Purpose to be Crown Land

PURSUANT to section 35 of the Public Works Act 1928, the Minister of Works hereby declares the land described in the Schedule hereto to be deemed to have been Crown land subject to the Land Act 1948 as from the 11th day of October 1961.

SCHEDULE

WELLINGTON LAND DISTRICT

ALL those pieces of land situated in the City of Wanganui, Wellington R.D., described as follows:

A. R. P.	Being
0 0 31	Lot 1 on the plan marked M.O.W. 868 (H.D.P.N. 43305) deposited in the office of the Minister of Works at Wellington, and thereon edged green. Part certificate of title, Volume 900, folio 90, Wellington Land Registry.
0 0 25	Lot 32 on the plan marked M.O.W. 4602 (H.D.P.N. 43497) deposited in the office of the Minister of Works at Wellington, and thereon edged green. Part certificate of title, Volume 890, folio 17, Wellington Land Registry.

Being parts Section 227, Right Bank Wanganui River.

Dated at Wellington this 17th day of January 1962.

W. S. GOOSMAN, Minister of Works.

(H.C. X/37/0/211A; D.O. 5/65/0/3)

Declaring Land Taken for a Government Work and Not Required for that Purpose to be Crown Land

PURSUANT to section 35 of the Public Works Act 1928, the Minister of Works hereby declares the land described in the Schedule hereto to be deemed to have been Crown land subject to the Land Act 1948 as from the 31st day of August 1961.

SCHEDULE

CANTERBURY LAND DISTRICT

ALL that piece of land containing 1 acre 2 perches situated in Block XVI, Christchurch Survey District, Canterbury R.D., and being part Lot 1, D.P. 6320, being part Rural Section 19; as the same is more particularly delineated as Lots 2 to 6 (inclusive) on the plan marked M.O.W. 4534 (H.D.C. 32080) deposited in the office of the Minister of Works at Wellington, and thereon edged red, Formerly part certificate of title, Volume 343, folio 12, Canterbury Land Registry.

Dated at Wellington this 17th day of January 1962.

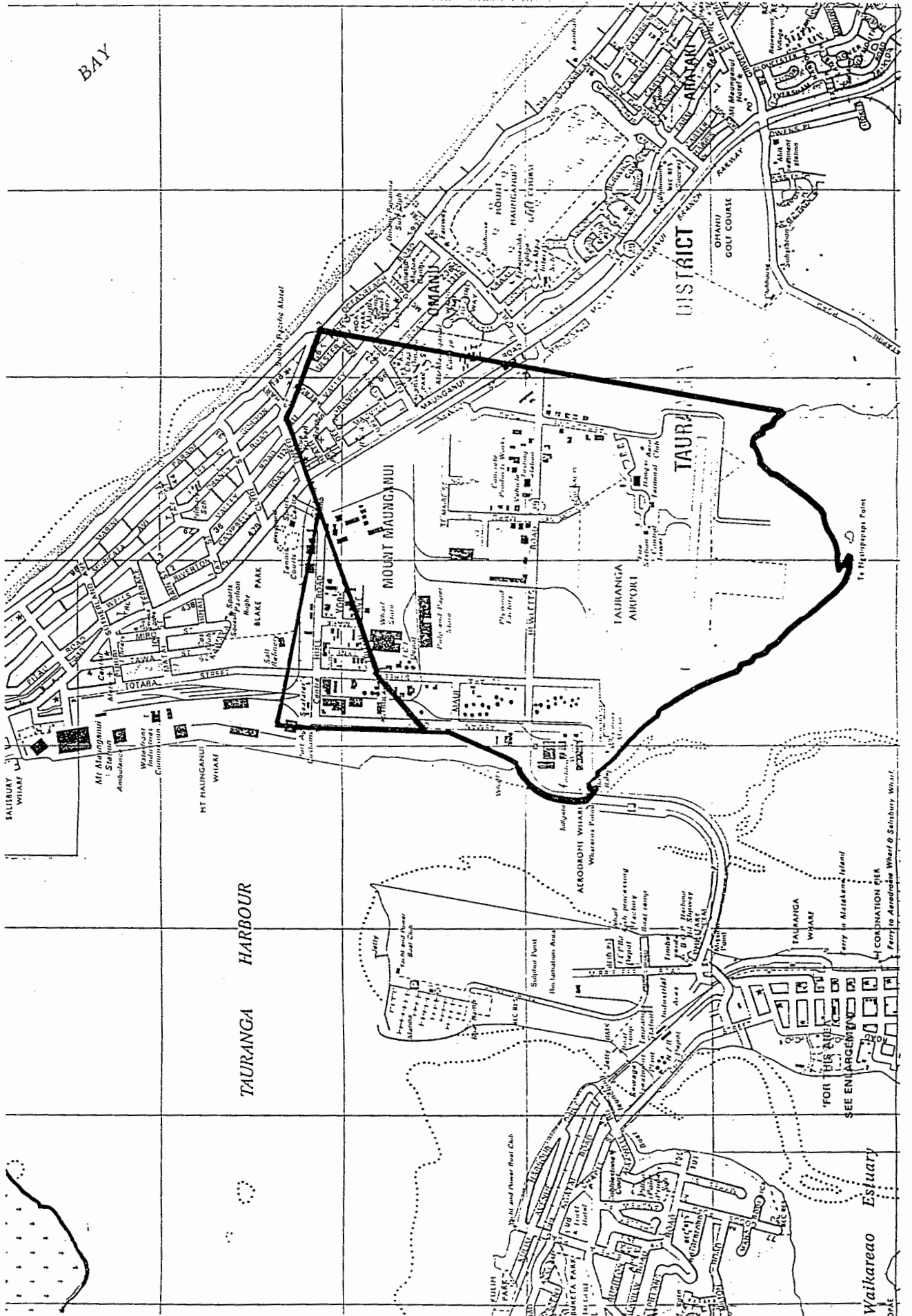
W. S. GOOSMAN, Minister of Works.

(H.C. X/2/481/1; D.O. 4/2/481)

Declaring Land Held for a Government Work and Not Required for That Purpose to be Crown Land, Together With a Surface Water Drainage Easement and Subject to a Building-line Condition

PURSUANT to section 35 of the Public Works Act 1928, the Minister of Works hereby declares the land described in the Schedule hereto to be Crown land for the purposes of the Land Act 1948, together with the surface water drainage easement created by Proclamation No. 512571, Wellington Land Registry, and subject to the building-line condition imposed by notice No. 448470, Wellington Land Registry, as from the 29th day of January 1962.

Appendix 21

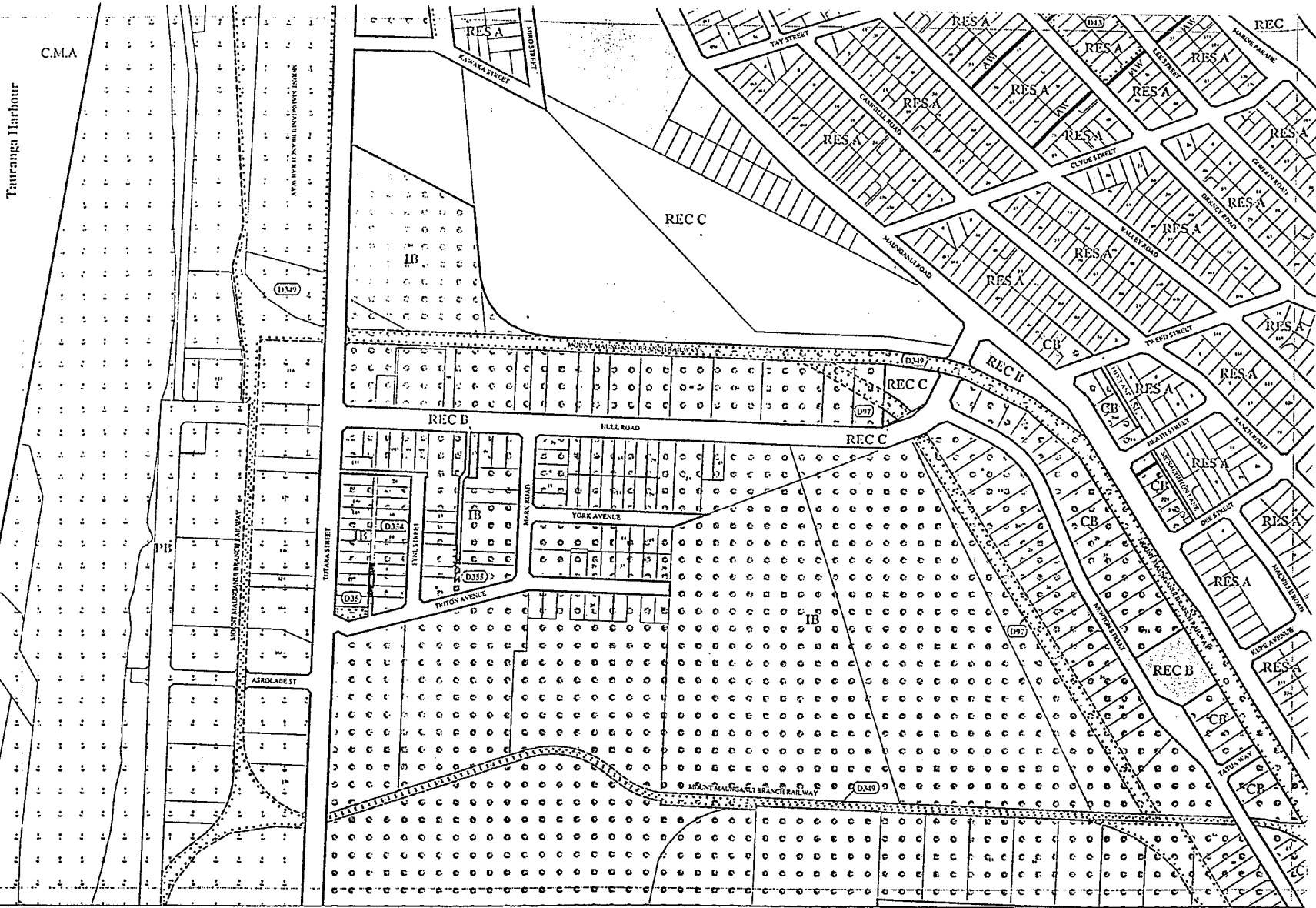


MOUNT MAUNGANUI WHARVES
1990



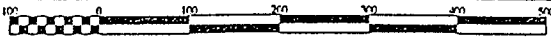
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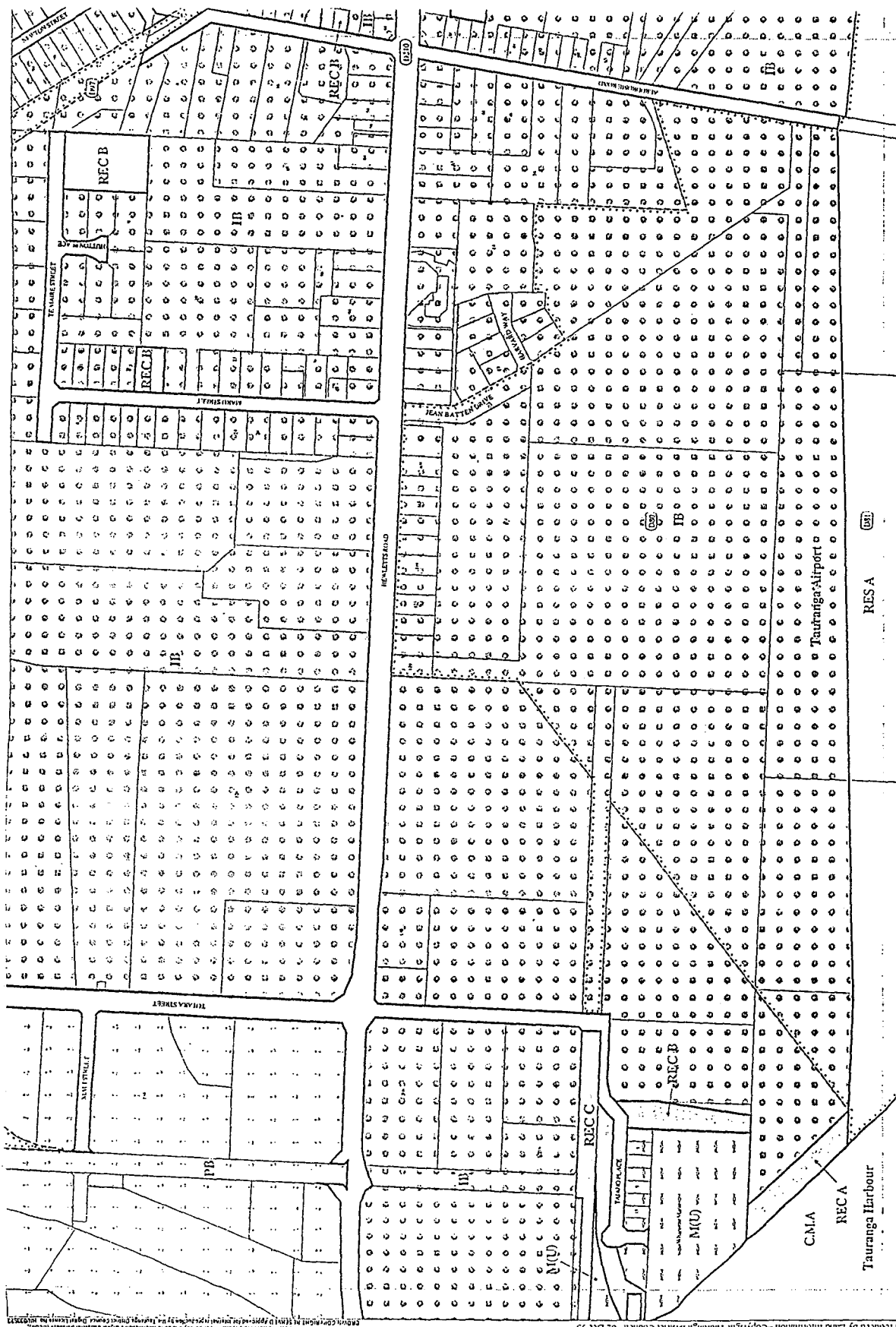


Tauranga District Plan - Planning Map



	F3	
E4	F4	G4
E5	F5	G5

F4



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DRAFT

Tauranga District Plan - Planning Map

RES A

F5

E4	F4	G4
E5	F5	G5
E6		

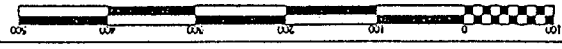
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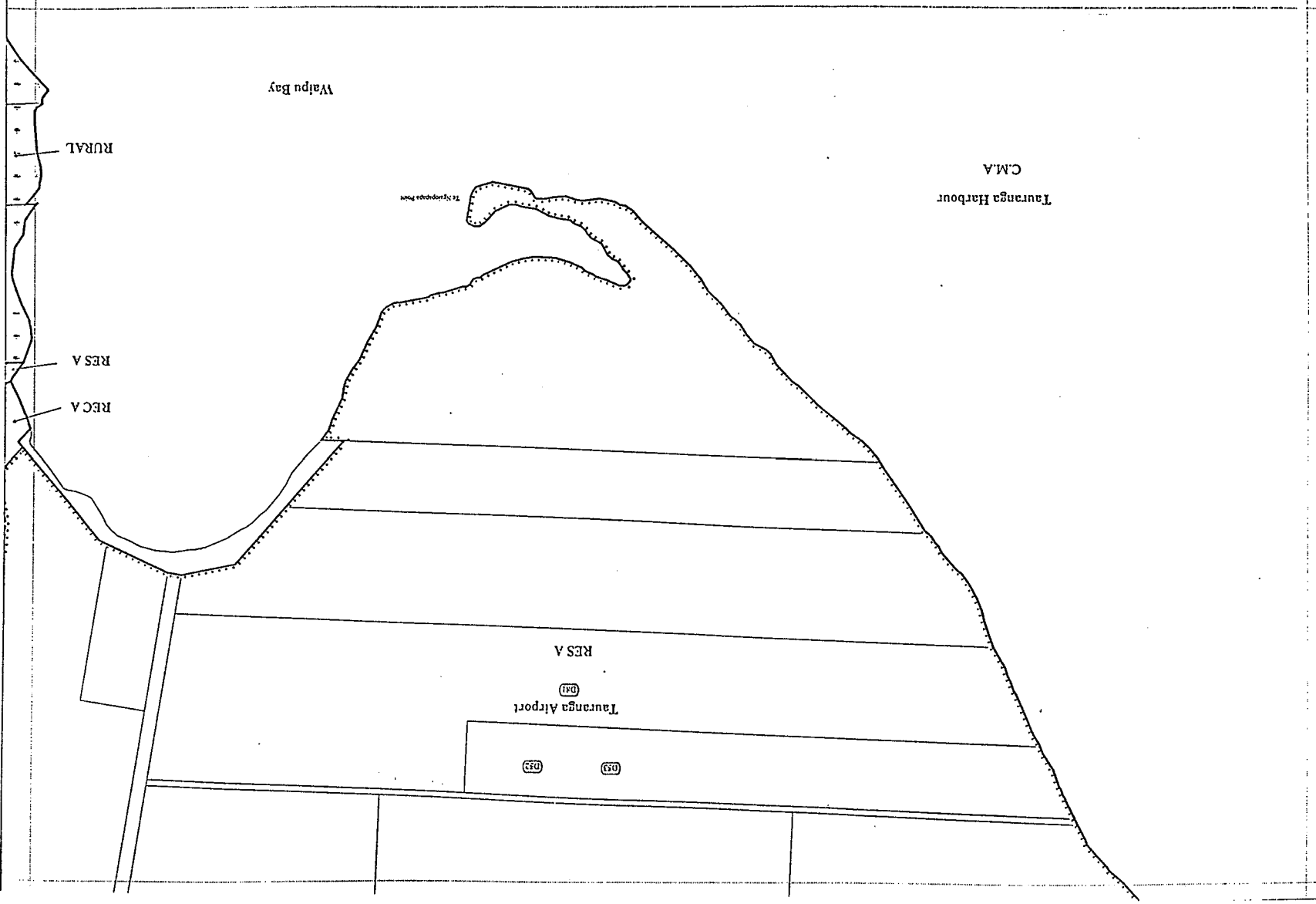
Original Scale 1:5000

Tauranga District Plan - Planning Map



E5	F5	C5
E6	F6	C6
E7	F7	C7

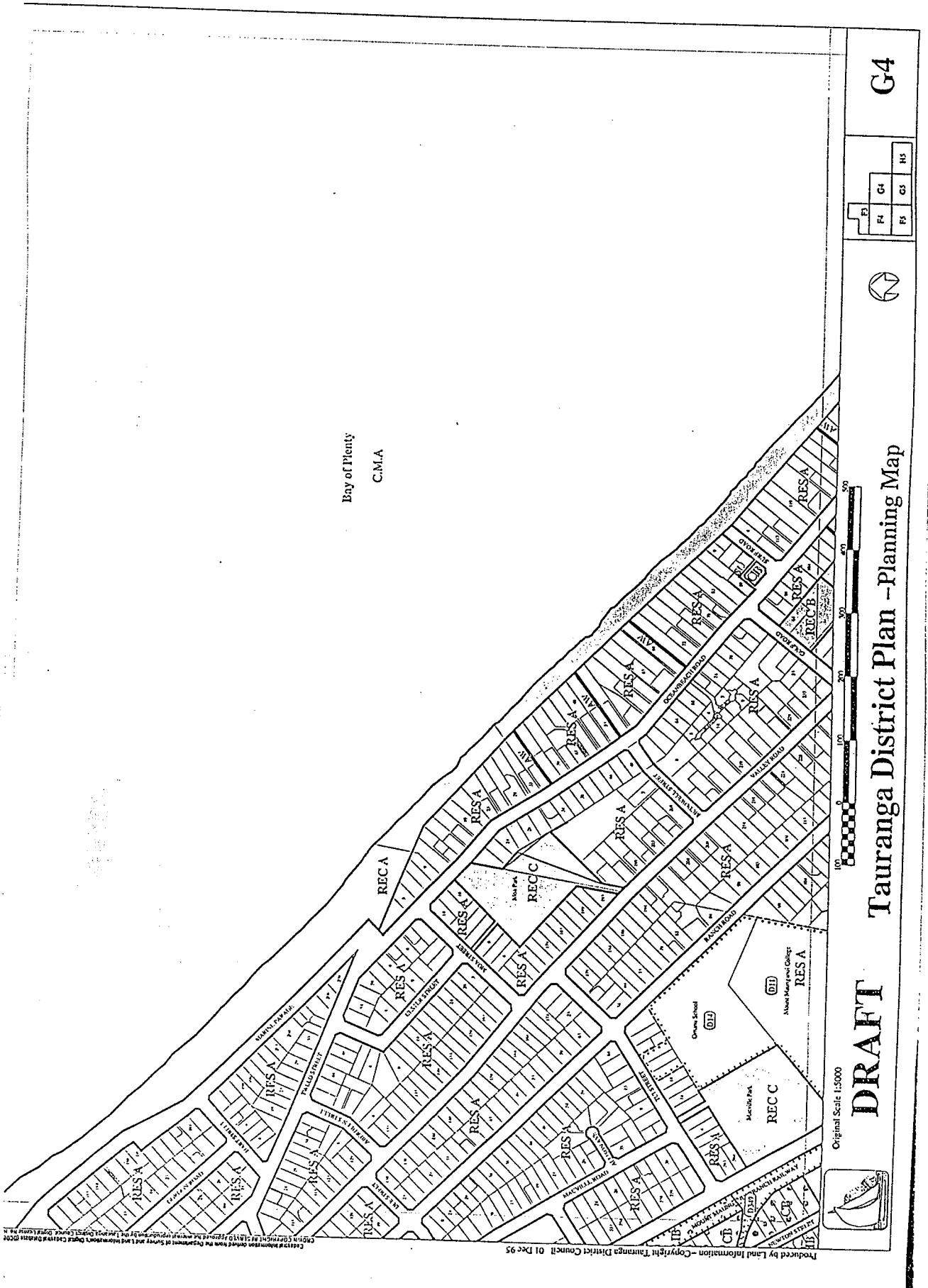
F6



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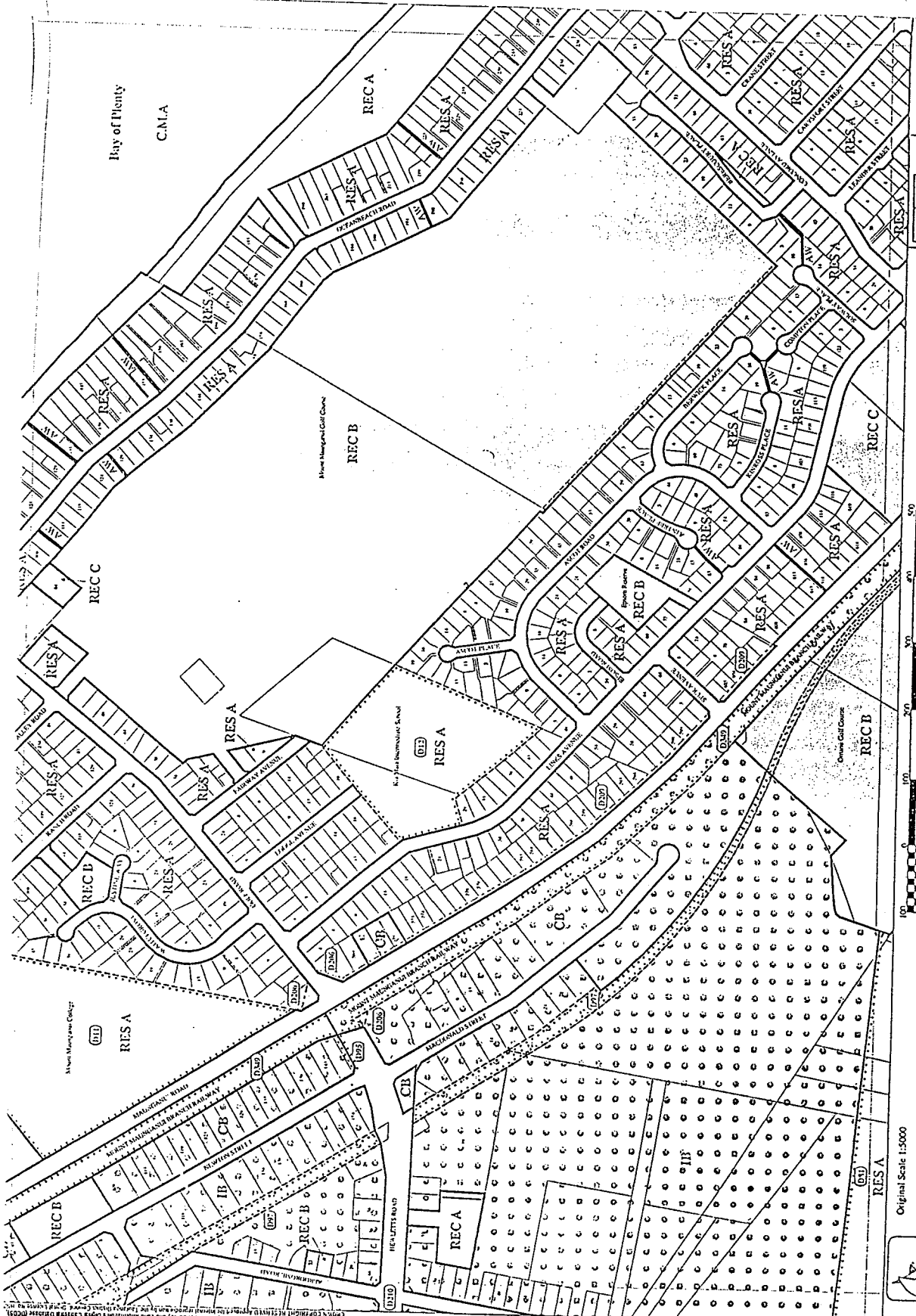
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Appendix 25



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Original Information derived from the Department of Survey and Land Information's Digital Cadastral Database
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Appendix 27

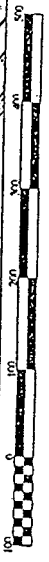


G5

F1	G4	I15
F3	G3	I13
F6	C6	I16



Tauranga District Plan - Planning Map



Original Scale 1:5000

DRAFT



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MAP NO.	REF NO.	DESIGNATING AUTHORITY	PURPOSE DESIGNATION	UNDERLYING ZONE	LOCATION	LEGAL DESCRIPTION	EXPECTED DURATION OF DESIGNATION
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REQUIRING AUTHORITY: DEPARTMENT OF JUSTICE

S05	48	Department Of Justice	Courthouse	Commercial Business	Corner of Cameron Road, Harington & McLean Street	Lots 1 and 2 DP 30396, Allots 289 and 395 Z Town Of Tauranga	
S10	49	Department Of Justice	Periodic Detention Centre	Commercial Business	St Johns Street	Allot 471 of Sec2 Blk 10 Tauranga SD	

REQUIRING AUTHORITY: MINISTRY OF DEFENCE

S10	50	Ministry Of Defence	Defence purposes	Residential A	Cnr 11th Avenue & Devonport Road	Prt Lot 12 DP 969 Blk X Tauranga Survey District	
S13	51	Ministry Of Defence	Defence purposes	Residential A	Greerton Road	Section 1 on SO Plan 58996 Block XIV, Tauranga Survey District	

REQUIRING AUTHORITY: METEOROLOGICAL SERVICE OF NEW ZEALAND LIMITED

F6	52	Meteorological Service Of New Zealand Limited	Meteorological activity-automatic weather station	Residential A	Tauranga Airport	Whareroa No 2G 1B1 Block, Blk XI Tauranga SD CT 718/252	
F6	53	Meteorological Service Of New Zealand Limited	Meteorological activity anemometer mast	Residential A	Tauranga Airport	Whareroa No 2G 1B1 Block, Blk XI Tauranga SD CT 718/252	

Land proclaimed as a Road, and Road closed, in Blocks XXVI and XXVII, Wairaki Survey District, Wallace County.

[L.S.] LIVERPOOL, Governor.
A PROCLAMATION.

IN pursuance and exercise of the powers conferred by section eleven of the Land Act, 1908, I, Arthur William de Brito Savile, Earl of Liverpool, the Governor of the Dominion of New Zealand, do hereby, with the consents of the owners and mortgagee of the land described in the First Schedule hereto, and of the Wallace County Council, being the local authority in whose district the said land is situated, proclaim as a road the land in Wairaki Survey District, described in the First Schedule hereto; and also do hereby, with the like consents as aforesaid, proclaim as closed the road described in the Second Schedule hereto, which is not required by reason of the road described in the First Schedule hereto.

FIRST SCHEDULE.

LAND PROCLAIMED AS A ROAD.

Approximate Areas of the Pieces of Land proclaimed as a Road.	Being Portion of Section	Situated in Block	Situated in Survey District of	Shown on Plan	Coloured on Plan
A. R. P. 0 2 11-2	26	XXVII	Wairaki	P.W.D. 33807	Red.
1 3 31-3	6	XXVI			

SECOND SCHEDULE.

ROAD CLOSED.

Approximate Areas of the Pieces of Road closed.	Adjoining or passing through section	Situated in Block	Situated in Survey District of	Shown on Plan	Coloured on Plan
A. R. P. 0 3 17-3	6	XXVI	Wairaki	P.W.D. 33807	Green.
1 2 37-2	26 and 9	XXVII			
	6 and 61	XXVI			

All in the Southland Land District; as the same are more particularly delineated on the plan marked and coloured as above mentioned, and deposited in the office of the Minister of Public Works, at Wellington, in the Wellington Provincial District.

Given under the hand of His Excellency the Right Honourable Arthur William de Brito Savile, Earl of Liverpool, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Member of the Royal Victorian Order, Governor and Commander-in-Chief in and over His Majesty's Dominion of New Zealand and its Dependencies; and issued under the Seal of the said Dominion, at the Government House, at Wellington, this twenty-ninth day of July, in the year of our Lord one thousand nine hundred and thirteen.

W. FRASER,
Minister of Public Works.

GOD SAVE THE KING!

Land proclaimed as a Road, and Road closed, in Block I, Forest Hill Hundred, Southland County.

[L.S.] LIVERPOOL, Governor.
A PROCLAMATION.

IN pursuance and exercise of the powers conferred by section eleven of the Land Act, 1908, I, Arthur William de Brito Savile, Earl of Liverpool, the Governor of the Dominion of New Zealand, do hereby, with the consents of the owners of the land described in the First Schedule hereto, and of the Southland County Council,

being the local authority in whose district the said land is situated, proclaim as a road the land in Forest Hill Hundred described in the First Schedule hereto; and also do hereby, with the like consents as aforesaid, proclaim as closed the road described in the Second Schedule hereto, which is not required by reason of the road described in the First Schedule hereto.

FIRST SCHEDULE.

LAND PROCLAIMED AS A ROAD.

Approximate Areas of the Pieces of Land proclaimed as a Road.	Being Portion of	Situated in Block	Situated in	Shown on Plan	Coloured on Plan
A. R. P. 0 1 29-2	Section 122	I	Forest Hill Hundred	P.W.D. 33763	Red.
1 3 18-1	103				
0 2 4-5	121				
1 0 11-6	83				
0 0 8-2	Closed road				

SECOND SCHEDULE.

ROAD CLOSED.

Approximate Areas of the Pieces of Road closed.	Adjoining or passing through	Situated in Block	Situated in	Shown on Plan	Coloured on Plan
A. R. P. 0 3 11-4	Section 122	I	Forest Hill Hundred	P.W.D. 33763	Green.
1 3 14	103				
0 3 12	121				
0 3 12	83				
0 0 0-04	83				

All in the Southland Land District; as the same are more particularly delineated on the plan marked and coloured as above mentioned, and deposited in the office of the Minister of Public Works, at Wellington, in the Wellington Provincial District.

Given under the hand of His Excellency the Right Honourable Arthur William de Brito Savile, Earl of Liverpool, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Member of the Royal Victorian Order, Governor and Commander-in-Chief in and over His Majesty's Dominion of New Zealand and its Dependencies; and issued under the Seal of the said Dominion, at the Government House, at Wellington, this twenty-ninth day of July, in the year of our Lord one thousand nine hundred and thirteen.

W. FRASER,
Minister of Public Works.

GOD SAVE THE KING!

Additional Land in Tauranga Survey District taken for the Purposes of the East Coast Main Trunk Railway.

[L.S.] LIVERPOOL, Governor.
A PROCLAMATION.

WHEREAS it has been found desirable for the use, convenience, and enjoyment of the East Coast Main Trunk Railway to take further land in Tauranga Survey District, in addition to land previously acquired for the purposes of the said railway:

Now, therefore, I, Arthur William de Brito Savile, Earl of Liverpool, the Governor of the Dominion of New Zealand, in exercise of the powers and authorities conferred on me by sections twenty-nine and one hundred and eighty-eight of the Public Works Act, 1908, and of every other power and authority in anywise enabling me in this behalf, do hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for the purposes above mentioned.

SCHEDULE.

Approximate Area of the Piece of Land taken.	Being Portion of	Situated in Block	Situated in Survey District of	Shown on Plan	Coloured on Plan
A. R. P. 21 3 28-0	Section 5, C.L. (17919, blue)	VII	Tauranga.	P.W.D. 33827	Blue.

In the Auckland Land District; as the same is more particularly delineated on the plan marked and coloured as above mentioned, and deposited in the office of the Minister of Public Works, at Wellington, in the Wellington Provincial District.

Given under the hand of His Excellency the Right Honourable Arthur William de Brito Savile, Earl of Liverpool, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Member of the Royal Victorian Order, Governor and Commander-in-Chief in and over His Majesty's Dominion of New Zealand and its Dependencies; and issued under the Seal of the said Dominion, at the Government House, at Wellington, this twenty-ninth day of July, in the year of our Lord one thousand nine hundred and thirteen.

W. FRASER,
Minister of Public Works.

GOD SAVE THE KING!

Additional Land in Hope Survey District taken for the Purposes of the Midland Railway.

[L.S.] LIVERPOOL, Governor.
A PROCLAMATION.

WHEREAS it has been found desirable for the use, convenience, and enjoyment of the Midland Railway to take further land in Hope Survey District, in addition to land previously acquired for the purposes of the said railway:

Now, therefore, I, Arthur William de Brito Savile, Earl of Liverpool, the Governor of the Dominion of New Zealand, in exercise of the powers and authorities conferred on me by sections twenty-nine and one hundred and eighty-eight of the Public Works Act, 1908, and of every other power and authority in anywise enabling me in this behalf, do hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for the purposes above mentioned.

SCHEDULE.

Approximate Area of the Piece of Land taken.	Being Portion of	Situated in Block	Situated in Survey District of	Shown on Plan	Coloured on Plan
A. R. P. 0 2 18-5	Section 1 (scenic reserve)	III	Hope	P.W.D. 33837	Purple.
0 1 29-5	Section 30 (C.L.)	-	-	Ditto..	Red.

All in the Nelson Land District; as the same are more particularly delineated on the plan marked and coloured as above mentioned, and deposited in the office of the Minister of Public Works, at Wellington, in the Wellington Provincial District.

Given under the hand of His Excellency the Right Honourable Arthur William de Brito Savile, Earl of Liverpool, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Member of the Royal Victorian Order, Governor and Commander-in-Chief in and over His Majesty's Dominion of New Zealand and its Dependencies; and issued under the Seal of the said Dominion, at the Government House, at Wellington, this twenty-ninth day of July, in the year of our Lord one thousand nine hundred and thirteen.

W. FRASER,
Minister of Public Works.

GOD SAVE THE KING!

Land taken for the Purpose of a Recreation-ground in Block VI, Maungakawa Survey District.

[L.S.] LIVERPOOL, Governor.
A PROCLAMATION

WHEREAS the land described in the Schedule hereto is required to be taken, under the Public Works Act, 1908, for a certain public work, to wit, for the purposes of a recreation-ground in Block VI, Maungakawa Survey District:

And whereas the Morrinsville Town Board has laid before the Governor a memorial, accompanied by a map, and also the statutory declaration, as required by the said Act:

Now, therefore, I, Arthur William de Brito Savile, Earl of Liverpool, the Governor of the Dominion of New Zealand, in pursuance and exercise of the powers and authorities vested in me by the Public Works Act, 1908, and the Municipal Corporations Act, 1908, and of every other power and authority in anywise enabling me in this behalf, do hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for the purposes of the said recreation-ground as from the date hereinafter specified, and shall vest in the Morrinsville Town Board; and I do also hereby direct that this Proclamation shall take effect on and after the twenty-first day of August, one thousand nine hundred and thirteen.

SCHEDULE.

Approximate Area of the Piece of Land taken.	Being Portion of	Situated in Block	Situated in Survey District of	Shown on Plan	Coloured on Plan
A. R. P. 98 1 17	Maungakapu D and Te-an-o-Waikato A (15887, blue)	VI	Maungakawa.	P.W.D. 53756	Edged red.

In the Auckland Land District; as the same is more particularly delineated on the plan marked and coloured as above mentioned, and deposited in the office of the Minister of Public Works, at Wellington, in the Wellington Provincial District.

Given under the hand of His Excellency the Right Honourable Arthur William de Brito Savile, Earl of Liverpool, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Member of the Royal Victorian Order, Governor and Commander-in-Chief in and over His Majesty's Dominion of New Zealand and its Dependencies; and issued under the Seal of the said Dominion, at the Government House, at Wellington, this twenty-ninth day of July, in the year of our Lord one thousand nine hundred and thirteen.

W. FRASER,
Minister of Public Works

GOD SAVE THE KING!

Applying a Closed Street in the Borough of Opotiki to the Purposes of Public Utility in Terms of Section 182 (2) of the Municipal Corporations Act, 1908.

LIVERPOOL, Governor.
ORDER IN COUNCIL.

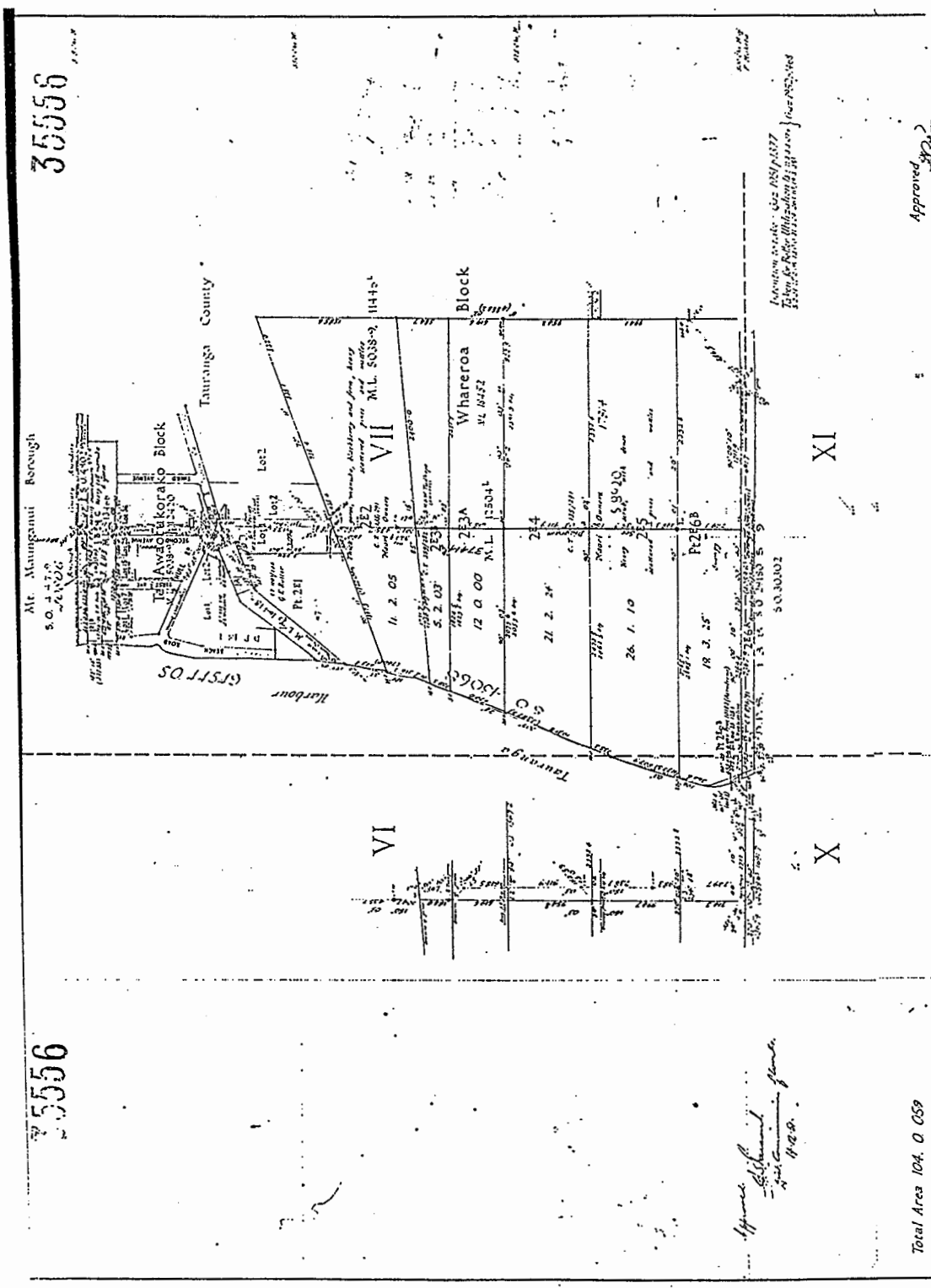
At the Government House, at Wellington, this twenty-eighth day of July, 1913.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by the one-hundred-and-eighty-second section of the Municipal Corporations Act, 1908 (hereinafter termed "the said Act"), it is enacted that where in diverting, or stopping, or diminishing the width of any street any part thereof is no longer required for public use the Council may apply the same, or any part thereof, to any purpose of public convenience or utility approved by the Governor in Council:

And whereas application has been received from the Opotiki Borough Council that the closed street within the said borough, described in the Schedule hereto, may be



Approved: *[Signature]*
Chief Surveyor
1951

Land to be taken for better utilisation
Being Pt. 12 Awaotukoro 191C;
Pt. Lot 1 D.P. 28642 being Pt. 12 Awaotukoro 192 & Pt. Whareroa 2E1; Pt. Whareroa 2E2
2E3A, 2E3B, 2E4, 2E5, 2E6B

South Auckland Land District
Tauranga County
Blks VI, VII Tauranga S.D.
Surveyed by C. Allen, August 1951

Scale: 1 inch = 400 feet
I, Colin Allen, of Tauranga, being Surveyor and the said Government Printing Office, hereby certify that this plan has been made in accordance with the provisions of the Survey Act 1948 and that the same is a true and correct copy of the original plan as deposited in the Survey Office at Tauranga on the 11th day of November 1951.

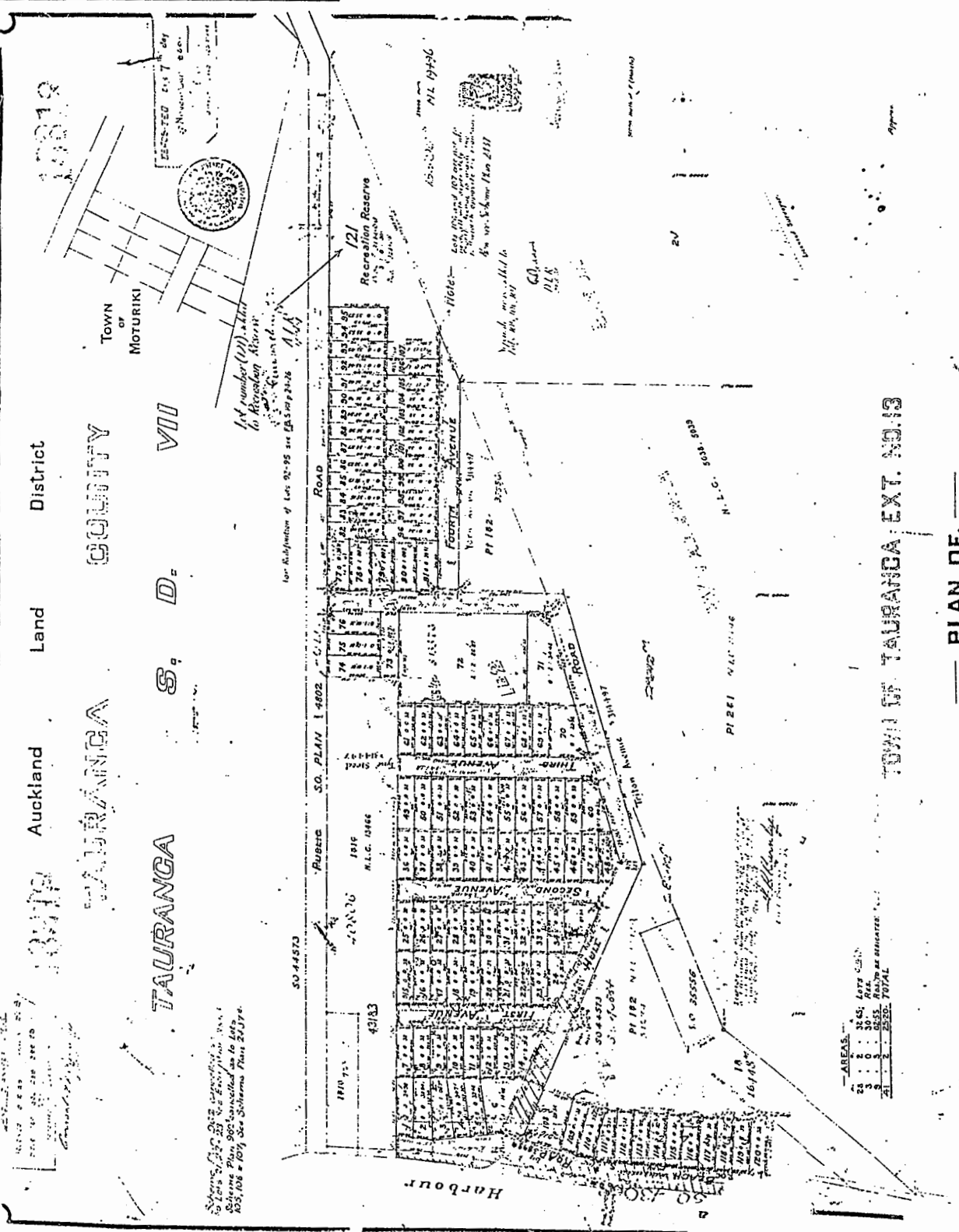
Total Area 104.0 059

Cross-Referenced
1951.11.5.

[Handwritten notes and signatures]

35556

35556



SUBDIVN. OF PTS. OF TE AWA O TUKORAKO & WHAREROA BLOCKS

PLAN OF

TOWN OF TAURANGA EXT. NO. 13

For Messrs Lewis & Peabody, by D. Stubbins, Licensed Surveyor, January 1924.

Scale 1:50,000

Approved as to form and content by the Registrar-General of Land

1891

