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CROISILLES HARBOUR

Joy Hippolite
March 1998

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CROISILLES HARBOUR

Preface

My name is Joy Hippolite. My iwi affliations include Ngati Koata, Ngati Toa and Ngati Kuia. I graduated from Victoria University with a BA in history in 1989. From 1989 to 1993 I was employed as a research officer with theWaitangi Tribunal. During that time I completed five reports for the Wairoa ki Wairarapa claims. These included reports on the Crown purchases in the Wairarapa and Hawke's Bay area, an exploratory report on the Waiohiki lands and raupatu in the Hawke's Bay. I have also had an article published in *The Book of New Zealand Women*, Bridget Williams Books, Wellington, 1991.

In June 1993 I left the Waitangi Tribunal to take up a job as a Conservation Officer with the Department of Conservation. My job there was to co-ordinate the research and investigation of Treaty of Waitangi claims and issues that impacted on the functions and responsibilities of the department. It was also to provide advice to Head Office divisions, conservancies and other departmental staff on treaty and Maori issues.

In January 1996 I left the Department of Conservation to become a self-employed historical researcher. At that time I was commissioned by the Waitangi Tribunal to complete a report on the Rangahaua Whanui district 11c, Wairoa. In July 1996 I was commissioned by the tribunal to provide a report on behalf of the Ngati Rangatahi claimants (Wai 366) for the Wai 145 Wellington Tenths claim. Since March 1997 I have been working full time for the Waitangi Tribunal. In July 1997 I was commissioned to complete three separate reports in the northern South Island claims for the tribunal. This report is part of that commission. The direction commissioning research required that this report cover a block history and an analysis of relevant issues, for three pieces of land in the Croisilles Harbour (Wai 220). These are:

- Sections 1 & 2 block IV, Whangamoa SD 10 at Raetihi; and
- Sections 3 (now 9) block VI, Whangamoa SD 10 at Matapehi.

The Claim

This claim concerns three blocks of land in the Croisilles Harbour, Marlborough Sounds. They are sections 1 & 2, Block IV, Whangamoa SD and section 3 (now 9) Block VI, Whangamoa SD. The claim was received on 6 April 1987. It was submitted by Robert Hippolite. The claimant was asked to redraft the claim but there was no response from him. It was clear from the original letter, however, that this was a matter for the Tribunal to investigate and the claim was accordingly registered.

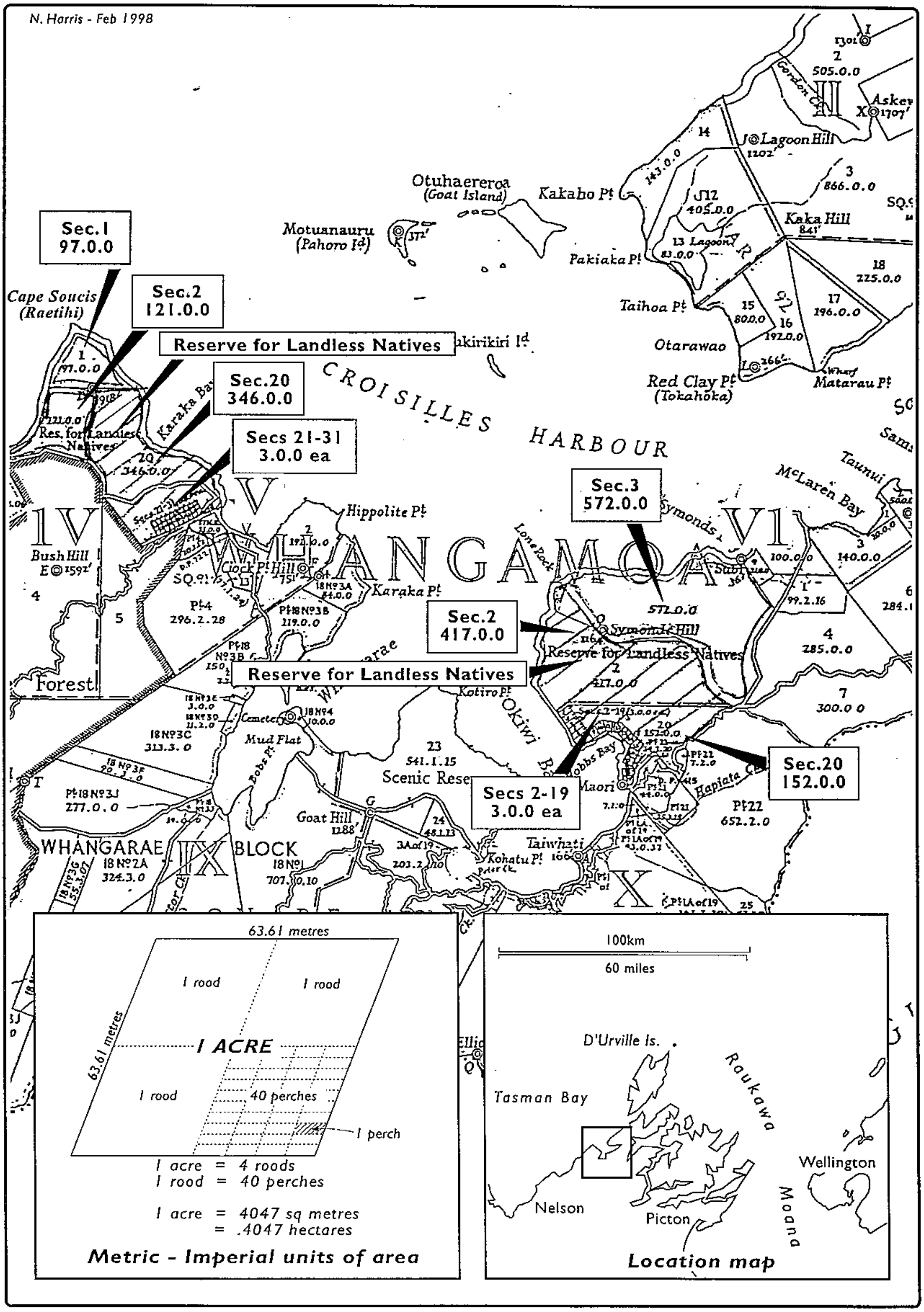
Mr Hippolite claims that two of the blocks under claim were land reserved for landless Natives (section 2, Block IV and section 9, Block VI). According to Mr Hippolite, in 1964 the land was temporarily reversed from landless natives' to Crown land in order to enable the land to be split into shares in the names of its Maori owners. He claimed that in the process there was a loss of land to the Maori owners. Mr Hippolite could see no reason why land that was once land reserved for landless Natives should now be Crown land.

The third block, section 1, Block IV, the claimant states, was land taken for a lighthouse. The three blocks under claim are Crown land administered by the Department of Conservation. The claimant asks for the return of the land to his family, the "Maori owners".[1]

[1] Statement of claim, Wai 220

Location

Sections 1 and 2, Block IV are situated at Raetihi, otherwise known as Cape Soucis. This cape is approximately 48 kilometres north-east of Nelson and eight kilometres north west of Okiwi Bay. Section 9, Block VI runs along the shoreline of the upper reaches of Croisilles Harbour to Symonds Bay. It adjoins a reserve known as section 8, Block VI, which in 1968 was vested in various members of the Hippolite family. Section 8 adjoins the shoreline of Croisilles Harbour at Okiwi Bay and Hobbs Bay.


N. Harris - Feb 1998
Sec.1
97.0.0
Sec.2
121.0.0
Reserve for Landless Natives
Sec.20
346.0.0
Secs 21-31
3.0.0 ea
Sec.3
572.0.0
Sec.2
417.0.0
Reserve for Landless Natives
Secs 2-19
3.0.0 ea
Sec.20
152.0.0
Cape Soucis
(Raetihi)
Otuhaereroa
(Goat Island)
Motuanauru
(Pahoro Id)
Kakaho Pt
Pakiaka Pt
Taihoa Pt
Otarawao
Red Clay Pt
(Tokahoka)
Matarau Pt
Lagoon Hill
Kaka Hill
CROISILLES HARBOUR
McLaren Bay
Hippolite Pt
WHANGAMOA
Clock Pt Hill
Karaka Pt
Symonds Hill
Bush Hill
Forest
Mud Flat
Scenic Rese
Goat Hill
Kohatu Pt
Taiwhati
Maori
Hapiata
WHANGARAE
IX BLOCK
Kotiro Pt
Okiwi
63.61 metres
1 rood
1 rood
1 ACRE
63.61 metres
1 rood
40 perches
1 perch
1 acre = 4 roods
1 rood = 40 perches
1 acre = 4047 sq metres
= .4047 hectares
Metric - Imperial units of area
100km
60 miles
D'Urville Is.
Tasman Bay
Raukawa
Wellington
Nelson
Picton
Moana
Location map

Introduction

As a background to the blocks under claim, this report commences with a brief description of the Maori occupation of the Croisilles Harbour, or Whangarae. This account is drawn mainly from the section in Dr Grant Phillipson's Rangahaua Whanui report on the Maori occupation of Te Tau Ihu o te Waka a Maui.[2] It is not intended to be a comprehensive account. The intention of this section is to introduce the iwi that had an interest in the district at the time the Crown began purchasing land. The next section looks at the Crown purchase of land between the years 1853 and 1856. These purchases determined the reserves to be set aside for iwi and their adequacy or otherwise. The later decision by the Crown that the reserves were inadequate to provide for the "present and future needs" of Maori led to the setting up of several inquiries to deal with the matter of "landless natives". In the end several thousand acres of land were set apart for Marlborough Maori to try and alleviate the problem of insufficient land. What subsequently happened to three small pieces of land following the Crown purchase of land and the setting apart of reserves has given rise to the Wai 220 claim and is the subject of this report.

Maori Occupation

By the early years of the nineteenth century, a cycle of raids and counter-raids had developed into full-scale war between the powerful inland Waikato tribes and the Kawhia tribal groups of Ngati Toa, Ngati Koata and Ngati Rarua. By the end of 1820, the constant strife between the Waikato and Kawhia tribes saw the former determined to either exterminate or drive the Kawhia people away. Ngati Toa, Koata and Rarua survivors escaped to Taranaki, where they sought refuge with their Ngati Tama and Ngati Mutunga allies. In 1822 the Kawhia tribes helped their Taranaki allies defeat a Waikato invasion. Following the invasion, Te Rauparaha saw no alternative but permanent

[2] Grant Phillipson, *The Northern South Island Part I*, Waitangi Tribunal Rangahaua Whanui Series, June 1995

emigration from Kawhia, and in 1822 he led Ngati Toa, Koata and Rarua, with some Ngati Tama and Ngati Mutunga, and various hapu of Te Ati Awa, south to Te Whanganui-a-Tara.[3]

In 1824 the Kurahaupo iwi of Te Tau Ihu joined a massive attack by their northern neighbours on the Kawhia/Taranaki allies, now living on Kapiti Island. According to most accounts, around 2000 people participated in this invasion of Kapiti, which is known as the Battle of Waiorua. The South Island contingents were led by the brothers Te Rato (also Te Kotuku) and Tutepourangi of Kuia/Apa. Ngati Apa held the Tasman Bay district while Ngati Kuia controlled Rangitoto and Te Hoiere (Pelorus Sound).

Te Rauparaha's forces won the battle and the Kurahaupo allies retreated back to the South Island. During the battle, however, Ngati Kuia had captured Tawhi, a prominent boy of Toa/Koata lineage, while Ngati Koata had captured Tutepourangi of Rangitoto, the paramount chief of Ngati Kuia. A mixed Toa/Koata taua followed Tawhi's trail to Rangitoto and secured his return, in exchange for the release of Tutepourangi. Ngati Toa returned to Kapiti at this point, but Ngati Koata reached an agreement with Tutepourangi whereby he made a tuku of all Kuia's lands to Koata in return for his release and (so it is claimed) for Koata protection in a substantially equal relationship of joint occupation. Some members of Ngati Koata, however, claim the terms of the tuku were reliant on peace being maintained between Ngati Koata and Ngati Kuia, not on whether or not Koata protected Kuia.[4] The tuku extended from Rangitoto and Te Hoiere eastward to Whakatu and the shadowy boundary between Kuia and Apa. Tutepourangi settled at Wakapuaka with both Kuia and Koata, and intermarriage began at once between the iwi.[5]

Tutepourangi's tuku of land to Ngati Koata was not disturbed at Rangitoto (D'Urville Island) and the coast opposite the island. Ngati Koata occupied this coast as far west as

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[3] Joy Hippolite, 'Ngati Rangatahi: A Report commissioned for the Wellington Tenth's hearing by the Waitangi Tribunal, Wai 366', January 1997, pp 4, 6-8

[4] per comment, Josephine Paul, 5 November 1997

[5] Phillipson, pp 19-21

Whangamoa Bay, where the river became a disputed boundary with Ngati Tama territory to the west. Thus, Ngati Koata occupied Croisilles Harbour (Whangarae) and French Pass (Te Aumiti).[6]

The Crown purchases land

The first purchase of land by the Crown in the Croisilles Harbour was on 5 March 1856 from Ngati Koata for £100. This was part of the Waipounamu purchases that the Crown undertook from 1853 to 1856 to extinguish all Maori rights to the top of the South Island, apart from a few small reserves.[7]

The first transaction in this series of purchases was with Ngati Toa on 10 August 1853. They agreed to transfer all their interests in land in the South Island in return for £5000 and certain reserves. £2000 was paid that day, the rest was to be divided between themselves and Te Atiawa, Ngati Koata, Ngati Rarua, Rangitane and Ngai Tahu.

In 1854, Charles Brunner, the government surveyor, was sent to the South Island to mark off the reserves agreed to in the August 1853 deed. He was accompanied by William Jenkins, an interpreter. Jenkins described how they left Nelson on 28 November 1854 and proceeded direct to Kaiaua [near present day French Pass]. They found a few of the principal Ngati Koata there, to whom they explained the object of their visit, and had a long korero with the chiefs, two of whom were Maka and Ruka. According to Jenkins, the chiefs were quite willing to part with the whole of the land, provided they got a fair share of payment direct from the government.[8] They wanted their mana recognised by dealing directly with the government and not through another iwi.

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[6] ibid, p 30
[7] ibid, pp 127-183
[8] Mackay, *Compendium*, vol I, p 297

Jenkins went on to relate how the chiefs pointed out the places they wished to be reserved and Brunner proceeded to lay off the greater part of two bays, Whangarae and Anakiwi, as Native Reserves. Jenkins described how Ngati Koata wanted another bay, called Whangamoa, reserved but Jenkins and Brunner considered that Ngati Koata had sufficient reserves without it. Their basis for this decision was that Ngati Koata retained Rangitoto (D'Urville Island), to which the iwi were proposing to move.[9]

Brunner and Jenkins left Ngati Koata and carried on to the Pelorus to meet with the Ngati Kuia. There the people told them that they were strongly opposed to Ngati Toa selling "the whole of their [Ngati Kuia] land". They said:

> Although we were once conquered by Ngatitoa and Ngatiawa, we have never been driven from the land of our fathers. We consider that we are yet a people, a living people, and have a right to speak when our land is being sold without our consent, and no payment is received by us.[10]

They reminded Brunner and Jenkins that they were now British subjects and as such they should have "half of the talking about it [the land] and half of the payment for it". Unless the government paid them for the land, they warned that they would prevent any surveys. They did, however, allow Brunner to mark off the land they intended to reserve, including nearly all their burial-grounds.

The few Ngati Toa who were present admitted the sale of the land but told Jenkins and Brunner that the Kenepuru and Mahakipawa districts had not been included in the sale. Jenkins, though, was having none of that as he considered that those places were some of the best in the district.[11] Brunner described how only a few patches on the banks of the Pelorus, the flat at Mahakipawa, the Kenepuru Sound and a few small bays in the Pelorus

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[9] ibid
[10] ibid
[11] ibid

Sound were suitable for cultivation.[12] Jenkins explained that, "we could not think of reserving them for their use".[13]

At Kaituna the rest of Ngati Kuia told Brunner and Jenkins that they also were not prepared to give up their land unless they were paid for it. They did allow Brunner to lay off a reserve at the lower end of the Kaituna Valley, by cutting a line across the valley, about two miles up. Hura Kopapa also wanted the Motueka flat [near present day Havelock] reserved from sale but this area had already been ear-marked as a site for a township. Nothing further could be done until the iwi had met with Donald McLean.

McLean did not reach the district until late 1855. Following the signing of the Ngati Awa deed at Waikawa on 9 February 1856,[14] McLean crossed the Anakiwa Pass to the Kaituna and Pelorus Valleys. At Kaituna, McLean decided on the extent of reserves he deemed necessary for the Ngati Kuia tribe residing there. From Kaituna he moved on to Hoiere, or Pelorus River, to fix the reserves and cultivations for the Ngati Kuia residing there. This included 300 acres at Kaituna, which were marked on the plan as 200 acres at Kaiowahine and 100 at Rangiawea. Fifty acres of that were to be Crown granted to the principal chief, Hura Kopapa. As well, 10 acres were reserved as a landing place at Pareuku. At Mahakipawa there was a 70 acre reserve called Oruapuputa and two urupa were also reserved.

Along the banks of the Hoiere, or Pelorus River, about 330 acres were reserved in various blocks. These were:

- 150 acres at Te Horo (Canvastown)
- 50 acres at Orakauhamo
- 34 acres at Ruapaka

[12] ibid, p 294
[13] ibid, p 297
[14] see Hippolite, 'Arapawa'

- 26 acres at Te Rakauhapara
- 60 acres at Takapau Wharaunga, and
- 10 acres at Te Parapara.[15]

These reserves did not include the iwi's cultivations on the right bank of the Kaituna River, which the people were allowed to use until the land was required for European settlement. They also did not include their long pa at Motueka which McLean decided was the only suitable site in the locality for a township. It was agreed that if it was required for a European township, the inhabitants would have to move, otherwise it could be reserved for them. In the event that a township was built, McLean recommended that Hura and Manihera receive two town sections each.[16]

After the reserves had been decided on, the Ngati Kuia were paid £100 to extinguish their title to the Kaituna and Hoiere Valleys. The signatories of the deed were described as Ngati Kuia and Rangitane, presumably because McLean was not entirely sure there was a difference between the two iwi (Jenkins had earlier described Hura as a Rangitane chief). McLean claimed that Ngati Kuia appeared well satisfied with the sum, "it being the first time since the conquest that their claims had in any way been recognised".[17]

McLean then proceeded to the Croisilles Harbour, but he found that the chief of that place had gone to Nelson, where he soon followed. At Nelson, McLean decided on the reserves to be allotted to the Ngati Koata, in addition to the ones already marked off by Brunner in 1854. Then, on 5 March 1856, McLean paid 14 members of Ngati Koata £100 for all their claims in the South Island.[18]

The reserves for Ngati Koata (apart from D'Urville Island) were listed in the deed as:

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[15] Mackay, vol I, pp 302, 302; vol II, pp 314-315; Deed map of the Pelorus Sound Purchase
[16] Mackay, vol I, pp 302 & 306
[17] ibid, pp 302, 316
[18] ibd, pp 302, 317

- the lake at Kaiaua and a small piece of land adjoining it,
- the land that was surveyed by Brunner at Okiwi (in the Croisilles Harbour),
- Whangarae (also in the Croisilles Harbour) and also surveyed by Brunner,
- 20 acres at Onetea, and
- 100 acres at Whangamoa.[19]

Social conditions

The condition for ceding land to the Crown was that sufficient land would be reserved for the northern South Island Maori for their "present and future needs".[20] This was so that not only would they have land to live on and to continue their economic activities but so that land could provide a permanent fund for their "social improvement". According to Phillipson, both the humanitarian pressure groups in Britain and New Zealand argued that churches, schools, hospitals, and the personnel to staff them, should be provided for the Maori as one of the benefits of "civilization".[21]

Yet seven years later James Mackay was reporting that the South Island Maori "have not made such an advance, either socially or morally, as might have been expected from the close contact into which they have been brought with Europeans".[22] Amongst other reasons, Mackay put it down to the fact that their reserves were too small:

> Since the greater portion of the Native lands in the Middle Island have been purchased by the Crown, the Natives have been confined to their reserves. One of the consequences of this, and of being hemmed in by settlers, is that they are now unable to breed or run the pigs which, at one time, formed a large item of their

[19] ibid, p 317
[20] Phillipson, II, p 1
[21] ibid, p 3
[22] James Mackay to Native Secretary, 3 October 1863, Mackay, vol II, p 138

> income, and a staple article of their food. The same reason will also prevent them from ever possessing any large quantity of horned cattle, or sheep.[23]

As well as the size of the reserves, there was also the question of their quality. In 1865 Alexander Mackay was appointed Commissioner of Native Reserves. As commissioner, Mackay wrote a report on the condition of the reserves in the northern South Island in December 1865. The ones in the Pelorus Valley he was able to praise as being of "very good quality on the whole, but liable to be flooded". His description of the Ngati Koata reserves in the Croisilles district identified that these reserves,

> although large, are very useless, consisting chiefly of rough hillsides. The land is very poor, so much so, that the Natives have been induced to purchase land for cultivation from the Provincial Government at Nelson.[24]

However, at this stage, Ngati Koata still had access to the substantial lands and resources of D'Urville Island, which was not included in the commissioner's report because it had been excepted from sale and was still under customary tenure.[25]

Phillipson provides snapshots of the social and economic conditions of Maori in the northern South Island throughout the latter half of the nineteenth century. Examing reports in Mackay's *Compendium* and the *Appendices to the Journals of the House of Representatives*, he traces the steady economic decline of Marlborough Maori. Comparing population and resource use, he concludes that by the mid-1880s, a small population was eking out a subsistence existence.[26]

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[23] ibid
[24] A Mackay to Native Minister, 6 December 1865, Mackay, vol II, p 312
[25] Phillipson, II, p 16
[26] Phillipson, II, pp 17-28

The Government Response

In May 1886, partly as a result of political pressure from Ngai Tahu, Alexander Mackay was commissioned by Parliament to inquire into cases of Maori who had no land in the South Island. At the same time he was directed to report on the claims of the Ngati Kuia and Rangitane to land in the Marlborough District.[27]

Mackay's task was to:

- inquire into all cases where Maori were unprovided with land,
- inquire into cases where land had been reserved but was inadequate for the maintenance and support of the Maori,
- inquire into the cases of any half-castes who had no land, and
- provide a list of all such cases with a recommendation of how much land they should have and where it should be located for "cultivation and settlement purposes".

Mackay met with the Wairau and Pelorus Maori on 19 May 1886 at Wairau pa. His report of that meeting was dated 9 May 1887. He began with a brief description of the setting-apart of the reserves in the Wairau and Pelorus areas. He noted that in the Pelorus area 998 acres were set apart, but, "as 238 acres of this quantity were allotted to certain persons as a special award, this area cannot be reckoned as a portion of the general estate".[28] He went on to say that:

> The acreage set apart for Native purposes in both districts, averaged over the whole number, amounts to seven acres per individual, and had the Natives not supplemented the quantity by purchasing Crown land they would have been very badly off. They did not feel so much the want of an increased area in the early days while the country was only sparsely populated by the Europeans; but, as they

[27] AJHR 1888 G-1A, Report on Native Land Claims in Marlborough, p 1
[28] ibid

> are now hemmed in on all sides, and their requirements are much greater than in former times owing to their food supplies being cut off or considerably interfered with, they now find that the land set apart for them, for the reasons stated as well as other causes, is inadequate for their wants.[29]

At the inquiry, Mackay ascertained that there were 245 persons, including "half-castes", who were insufficiently provided for. He recommended that 5000 acres be set apart, in suitable localities, to fulfill their requirements. But where exactly this should be he could not say as the area that the Pelorus Maori wanted was unavailable. All the best spots on the shores of Pelorus Sound were either reserved as fishery sites or were occupied under lease or licence for pastoral purposes. Ngati Kuia had no better luck inland:

> The Pelorus Natives were very desirous to secure a block of land up the Rae Valley, at the junction of a stream called the Rongo with the River Rae; but all the country in that locality has been proclaimed under the State Forests Act. Other localities where they desire to secure land are within the Wakamarina Goldfield, and unavailable without specially withdrawn.

Mackay provided a list of the names and residences of Maori either living or with rights in the Pelorus Sound, Wairau and Queen Charlotte Sound. There were 74 Ngati Kuia, 57 Rangitane, 11 Ngati Tahu, 33 "half-caste", 22 Ngati Koata and Ngati Toa and 48 Ngati Rarua.

Phillipson, anaylsing Mackay's reports, concludes that by the end of the 1880s:

> the official sources provide a strong impression of a people in economic difficulties, confined to reserves that were too small to allow them to continue

[29] ibid, pp 1-2

their traditional modes of cultivation or resource-gathering, but which were also too small for European-style subsistence farming, let alone pastoral farming.[30]

As well as Mackay's work, a joint committee of both Houses of Parliament was appointed in 1888, 1889 and again in 1890, to report on the Middle Island Native claims. As a result of these inquiries 6,111 acres were set apart for Marlborough Maori. In 1892 these lands were reserved and by 1894 they had been surveyed. They were then awarded to 191 individuals, many of whom were in occupation of the land by 1897. A further 175 landless people in Marlborough were to receive 6,442 acres in the Tennyson Inlet but this had not been surveyed by 1897. This still left a considerable number of people who had no land or were insufficiently provided for in the Marlborough district. The problem was compounded by the difficulty of finding suitable land for them.[31]

In December 1893 Judge Alexander Mackay and S Percy Smith were appointed by cabinet to make the allocations of land. Mr Tame Parata, then Member of Parliament for Southern Maori, was asked to assist in grouping the families and allocating land. He commenced his work in April 1894 and continued to assist Mackay and Smith until their work was completed. Mackay and Smith made several interim reports to Parliament on the progress of their work, in 1897, 1898 and 1899. Their final report was dated 28 September 1905. This report noted that in the "Whangarae (Croixelles) Block", 934a 2r 19p had been surveyed and allocated to 23 people.[32] There were in fact two blocks in the Whangarae block, Raetihi (500 acres) and Te Mapou (1,195) making a total of 1,695 acres.[33] Both blocks were situated in the Whangamoa Survey District.

In 1964, the Director General, Lands and Survey, wrote to the Secretary for Maori Affairs regarding these two blocks. Attached to the letter was a summary of the D-G's files. This

[30] Phillipson, II, p 30
[31] AJHR 1897, sess II, G-1, pp 1-2
[32] AJHR 1905 G-2, p 2
[33] AJHR 1914 G-2, p 7

provides a history of the blocks. In 1893 the commissioners drew up a list showing that the Hippolite (Hiparaita) family were to be allotted land in these blocks as follows:[34]

Table 1:

Raetihi	Area	Te Mapou	Area
Kamari Hiparaiti	38 : 0 : 26	Hana Hiparaiti	40 : 0 : 00
Matina Hiparaiti	40 : 0 : 00	Henare Hiparaiti	40 : 0 : 00
Matina Hiparaiti	40 : 0 : 00	Hoani Hiparaiti	40 : 0 : 00
Te Poha Hiparaiti	40 : 0 : 00	Maraia Hiparaiti	40 : 0 : 00
Raima Hiparaiti	40 : 0 : 00	Matina Hiparaiti	40 : 0 : 00
Taare Hiparaiti	34 : 0 : 00	Mere Hiparaiti	40 : 0 : 00
Teoni Hiparaiti	38 : 2 : 35	Rora Hiparaiti	40 : 0 : 00
Timoti Hiparaiti	38 : 2 : 35	Riria Hiparaiti	40 : 0 : 00
Turia Hiparaiti	38 : 2 : 35	Taare Hiparaiti	40 : 0 : 00
		Teone Hiparaiti	32 : 1 : 15
		Waihaere Hiparaiti	40 : 0 : 00
		Wiremu Hiparaiti	40 : 0 : 00
TOTAL	348 : 1 : 11		472 : 1 : 15

At the time the lists were submitted to the family, Mr J W Hiparaiti, spokesman for the family, asked that four more names be added. They were Tawhere Moanaroa, Hona Moanaroa, Hemaima Hiparaiti (mother of W Hiparaiti) and Matehaere Wera, son of Hemaima Hiparaiti. The first two were added to the list for Te Mapou block but the other two were overlooked. When their position was raised at a later date the Surveyor Gerneal said that no allowance could be made for them until the question of any others who had been left off the list was considered.[35]

Each of the family members was to be allotted 40 acres with a deduction from this area for any land already held. Three acres were to be allotted to each individual for homesteads

[34] Note for file, attached to Director General, Lands and Survey to Secretary for Maori Affairs, 30 January 1964, LS1, W4798, 3/207/2, Applications for Land, NA
[35] ibid

grouped into villages, and the balance of their allocation was to be awarded in larger blocks in common.[36] A surveyor was sent down to the locality to survey off the required areas to meet the claims. The three acre sections were ballotted to the following Maori:

Table 2:

Raetihi or Cape Soucis Block		
Name	Area in large block	No. of 3 acre section
Kamari Hiparaiti	38 : 0 : 26	23
Matina Hiparaiti (nephew)	40 : 0 : 00	26
Matina Hiparaiti (son)	40 : 0 : 00	27
Te Poha Hiparaiti	40 : 0 : 00	24
Raima Hiparaiti	40 : 0 : 00	28
Taare Hiparaiti	34 : 0 : 00	25
Teoni Hiparaiti	38 : 2 : 25	21
Timoti Hiparaiti	38 : 2 : 25	22
Turia Hiparaiti	38 : 2 : 25	29
Te Mapou Block		
Hana Hiparaiti	40 : 0 : 00	7
Henare Hiparaiti	40 : 0 : 00	10
Hoani Hiparaiti	40 : 0 : 00	17
Maraia Hiparaiti	40 : 0 : 00	15
Matina Hiparaiti	40 : 0 : 00	11
Mere Hiparaiti	40 : 0 : 00	12
Rora Hiparaiti	40 : 0 : 00	3
Riria Hiparaiti	40 : 0 : 00	19
Taare Hiparaiti	40 : 0 : 00	8
Teone Hiparaiti	32 : 1 : 15	9
Waihaere Hiparaiti	40 : 0 : 00	5
Wiremu Hiparaiti	40 : 0 : 00	2
Tawhere Moanaroa	40 : 0 : 00	14
Hona Moanaroa	40 : 0 : 00	13

[36] ibid; see also AJHR 1905 G-2, p 2

Ria Hiparaiti		6

Ria Hiparaiti's name was added with the consent of the Surveyor General. Although no area in the large block was shown for her, according to the director general of Lands and Survey in 1964, her entitlement was 30 acres 3 roods and 33 perches (she already owned 6 acres 0 roods and 7 perches, although it is not clear where). It was intended that this extra area for her should be provided by laying off a line from Trig O "Symonds Hill" to the coast to include the land in section 2 Block IV but this extra area was never surveyed and remained part of section 3 Block VI.[37]

According to the director general in 1964, however, there was some discrepancy in the lists as no allowances were made for the land already owned by some of the family.[38]

In 1911 the two blocks were reserved under the provisions of section 321 and 322 of the Land Act 1908 as follows:[39]

Table 3:

RAETIHI			TE MAPOU		
SECTION	BLOCK	AREA	SECTION	BLOCK	AREA
2	IV	121:0:0	2	VI	417:0:0
20	V	346:0:0	3	VI	572:0:0
21	V	3:0:0	2	X	3:0:0
22	V	3:0:0	3	X	3:0:0
23	V	3:0:0	4	X	3:0:0
24	V	3:0:0	5	X	3:0:0
25	V	3:0:0	6	X	3:0:0
26	V	3:0:0	7	X	3:0:0
27	V	3:0:0	8	X	3:0:0
28	V	3:0:0	9	X	3:0:0

[37] LS1, W4798, 3/207/2, 30 January 1964
[38] ibid, note for file, p 2
[39] *New Zealand Gazette* 1911, p 2670

29	V	3:0:0	10	X	3:0:0
30	V	3:0:0	11	X	3:0:0
31	V	3:0:0	12	X	3:0:0
			13	X	3:0:0
			14	X	3:0:0
			15	X	3:0:0
			16	X	3:0:0
			17	X	3:0:0
			18	X	3:0:0
			19	X	3:0:0
			20	X	152:0:0

The provisions of the 1908 Land Act empowered the governor to reserve Crown lands permanently for the "use, support, or education of aboriginal Natives of New Zealand".[40] The blocks were reserved under the 1908 Land Act because the South Island Landless Natives Act had been repealed.

In 1906 Parliament had passed the South Island Landless Natives Act in order that the governor could reserve Crown land for landless Maori. "Landless" in this case meant Maori in the South Island who did not have sufficient land to provide for their support and maintenance. It did not necessarily mean that they had no land; some did have land, but it was totally inadequate for their future wants.[41] The Act authorised the governor to grant titles for the reserves in favour of any such landless Maori. The Native Land Court had the power to decide successions and authorise exchanges. The land was to be inalienable except by lease for a period not exceeding 21 years. The 1906 Act was repealed by the Native Land Act of 1909 but because the reserves for landless Natives were not Native land within the meaning of the Native Land Act 1909, the Native Land Court had no jurisdiction over these lands. It could not partition or effect exchanges nor did it have the power to appoint successors or trustees.[42] The 1909 Act did not give the government

[40] sections 321 & 322
[41] AJHR 1905 G-2, p 1
[42] AJHR 1914 G-2, p 9

power to grant Crown land for Native Reserves either. Thus Raetihi and Te Mapou were reserved under the Land Act 1908. Reserving the land under the 1908 Land Act, however, provided only for the leasing of the Crown reserves, there was no avenue for the vesting of the land in the Maori people.[43]

In 1914 Parliament appointed a second royal commission to examine what had been done by the previous commissioners, and the extent and value of the landless native reserves. The 1914 commission noted that out of the 1,695 acres in the two blocks, only 935 acres had been allotted. This was the area that had been set aside by Mackay and Smith for 23 people.[44] The grantees were occupying the allotted land but because the 1908 Land Act only provided for the leasing of Crown reserves, their names had not been gazetted nor had the grants been issued to them. The commissioners suggested that amending legislation was required to validate the proclamation of reserves and enable the issue of grants for the blocks.[45]

The commissioners made several recommendations in their report regarding the landless Natives reserves but most of them applied to cases where the grantees did not intend to personally occupy the land allotted to them. For example, the commissioners recommended that the reserves be administered by the Commissioner of Crown Lands. The reasoning was that the commissioner could open up the reserves for settlement in suitable-sized sections with the Maori owners then deriving benefit from the rents that would accrue. But this was not the case at Raetihi and Te Mapou where the grantees were occupying the land allotted to them and even desired to obtain leases to the rest of the reserved land.[46] Instead, in 1917, the control of the Raetihi and Te Mapou reserves was vested in the Nelson Land Board, under section 12 of the Native Land Amendment Act 1914, as amended by section six of the Native Land Amendment and Native Land

[43] Nelson Minute Book 13, p 64
[44] AJHR 1905 G-2, p 2
[45] AJHR 1914 G-2, pp 4, 7
[46] ibid, pp 5, 7 & 9

Claims Adjustment Act 1916.[47] No further action was taken to complete the grants although in 1929 the position was investigated by the Department of Lands and Survey with a view to completing them. It was considered, however, at the time, that special legislation would be required because it was not possible to deal with the matter under the provisions of Section 17 of the Maori Land Amendment and Maori Claims Adjustment Act 1923, as the lands to be granted were public reserves within the meaning of the Public Reserves and Domains Act 1928.[48]

Cape Soucis Lighthouse and the Raetihi block

In 1962 the issue of the Cape Soucis lighthouse reserve came up. This reserve of 97 acres was situated on section 1, Block IV, Whangamoa SD, next to the landless native reserve at Raetihi. This land had all been part of the 1856 Crown purchases. Section 1 was reserved on the map as a lighthouse but it had never been gazetted and was still Crown land.[49] In March 1962, Norman Thompson, a local farmer, applied to the Department of Lands and Survey to lease section 1. An initial report on his application by R Firth, a field officer, to the Commissioner of Crown Lands, noted (wrongly) that the land was "Maori land not leased" and not suitable for development. In fact the area was seen as having potential for scenic value. Mr Firth recommended that the application be declined.[50] Mr Thompson's application was forwarded to the Land Settlement Board by the Commissioner of Crown Lands. The Land Settlement Board was the executive arm of the Department of Lands and Survey with power to delegate authority to officers of the department and to land settlement committees in each of the 12 land districts. The board, or the committees, decided whether Crown land was suitable or ready for lease by private individuals. Mr Thompson's application was considered by the Nelson Land Settlement Committee. The commissioner, by this stage, had corrected the status of the land as

[47] *New Zealand Gazette* 1917, p 3543
[48] LS1, W4798, 3/207/2, 30 January 1964
[49] ibid, Commissioner of Crown Lands to District Field Officer, 1 March 1962
[50] ibid, folio 3

Crown land but still recommended declining Mr Thompson's application.[51] On 31 May 1962, Mr Thompson was advised that the committee had declined his application.[52]

This, however, was not the end of the matter. In October 1963, Mr Thompson called at the Nelson office of Lands and Survey. A file note, dated 7 October 1963, noted that:

> He [Mr Thompson] has hopes that the Waimea County Council will grant him access & if that eventuates he would be very keen to acquire additional land to provide a potential economic unit. The land reserved for landless natives which adjoins his freehold would provide this. He contends it is used now by irresponsible Maoris who go on & shoot anything in sight without right or title. He expects too that his son, married & working in Nelson, will take over his property if it were a worthwhile proposition.[53]

Mr Thompson informed the department that he was expecting a decision from the council very soon. In the meantime he asked if they could enquire "into the position on the Maoris land [i.e. the landless natives reserve] and if possible an indication of the prospect of his getting it".[54]

The Commissioner of Crown Lands, Nelson, wrote to Head Office, Wellington, enquiring about the status of the reserve at Raetihi. The commissioner passed on Mr Thompson's claims that this land was "lying more or less idle and [was] a happy hunting ground for Maoris visiting the locality and wishing to indulge in irresponsible shooting". He then asked if "having regard to the nature of the reservation",

> there would be any possibility of the reservation being uplifted and the land becoming Crown land available for disposal. It would probably be correct to say

[51] ibid, folio 4
[52] ibid, folio 7
[53] ibid, folio 9
[54] ibid

that there is no foreseeable likelihood of this land being required for Maori settlement in the immediate future.[55]

On what basis the commissioner made that conclusion, though, is unclear. He does not appear to have actually reinvestigated this point. The director general, in turn, wrote to the Secretary for Maori Affairs inquiring if that department would have any objections to the revocation of the reservation in order that the land be disposed of under the Land Act 1948.[56]

Fortunately, the Secretary for Maori Affairs, A Hercus, wanted more information before he would reply to the director general's request. In particular, the secretary wanted to know if the Nelson Land Board had leased the sections concerned, and if so, what revenue was available. The secretary also wanted to know the exact status of the land, whether it was Maori freehold land or if it was subject to section 27 of the Reserves and Domains Act 1953 by virtue that no title had been issued to any Maori beneficiaries. If no title had been issued to beneficiaries, then the secretary thought that a better procedure than revoking the reservation, would be for an application to be lodged with the Maori Land Court under section 437 of the Maori Affairs Act 1953. Section 437 provided for the Court to determine the beneficial owners of any Crown land which had been reserved for the benefit of Maori, on the application of the Minister of Lands. If the court issued a title under section 437, then Mr Thompson could negotiate with the owners found by the court either to lease or to purchase the land.[57]

The commissioner informed the director general that the land had never been leased to anyone by his office. Further investigation by head office revealed that certain areas in the reserved lands had been allotted to some Maori and that therefore there could "be no question of allotment to the adjoining owner until the claims of the Maoris have been

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[55] ibid, folio 11
[56] ibid, folio 12
[57] ibid, Secretary for Maori Affairs to Director General, 21 October 1963, folio 13

investigated".[58] The commissioner, however, remained hopeful that something could be done for Mr Thompson. He left instructions that if Mr Thompson was to call during his absence, the latter was to be informed of the current situation and that,

> there will now unfortunately be almost certainly a long delay before finality can be reached. If he so desires we will keep his interest in mind so that if the way becomes clear for us to proceed we can then do so.[59]

Mr Thompson did call in and he was informed of the position. He asked the department to keep trying for him "as an additional area [was] fairly important to him".[60]

On 30 January 1964, the director general wrote to the Secretary for Maori Affairs detailing the status of the reserved lands. He started off by advising the secretary that the blocks at Raetihi had never been leased. He then went on to describe the history of the two blocks. He provided a list of the Maori whom he felt were entitled to land and the area which he felt should be granted. At this stage, Hemaima and Matehaere Hiparaiti, who had been left off the list in 1893, were added. Taking into account the land already held prior to 1895, he had readjusted the list of 1893 (compare table 1 with table 4). Instead of 40 acres in the large block as well as a three-acre section (as in table 2), the director-general's adjustment allotted 40 acres in total to each grantee. That was, a three-acre section and the balance in the larger block. He gave no reason for this difference, other than it was what he considered they should have been granted. The allocations for section 2 Block VI (Te Mapou) exceeded the total area reserved so he pointed out that it would be necessary to provide for Hemaima and Matehaere Hiparaiti in section 3 Block VI.

Once the director general's adjustments had been made, this left a balance of section 2 Block IV (121 acres) and 24 acres 2 roods and 29 perches in section 20 at Raetihi. At Te

[58] ibid, 1 November & 16 December 1963, folios 14 & 16
[59] ibid, minute dated 19 December 1963, folio 16
[60] ibid, file note dated 24 January 1964, folio 17

Mapou, the bulk of section 3 Block VI (572 acres) and four acres in section 20 were also unallocated "balance". Presumably, the director general tried to consolidate the allotments into one area, in order to leave as much land as possible for the Crown.

The director general's list shows that out of 11 three-acre sections set aside at Raetihi, only nine were allotted. This was because there were only nine grantees in the block. At Te Mapou, 18 three acre-sections had been set aside, 17 of which were allotted (compare table 3 with table 4). The director general was adamant that there was "more than sufficient area to meet the claims". This presumably meant the claims of the original "landless natives". The status of the land was that:

> They are still public reserves, having been reserved under Section 321 Land Act 1908 in 1911 - the lands should never have been reserved under this authority - they should properly have been reserved under the South Island Landless Maoris Act 1906, but that Act had been repealed by the time the action was taken and the mistake was made of reserving them under the Land Act instead.[61]

The director general recommended that the vesting in the Nelson Land Board be cancelled and the reservation over all the lands reserved in 1911, that is both Raetihi and Te Mapou, be revoked. The areas to be granted should then be vested in the beneficial owners by lodging applications under section 437 of the Maori Affairs Act 1953. This section provided that where any Crown land had been set aside or reserved for the use or benefit of Maori, the court, on the application of the Minister of Lands, should determine the persons beneficially entitled to the land and make appropriate order. Any of the reserved land that was left over, once the grants had been completed, could then be dealt with as "ordinary Crown land".[62]

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[61] ibid, 30 January 1964
[62] ibid

The secretary for Maori Affairs had no objections to the method proposed by the director general to have the reserved lands vested in the beneficial owners. A gazette notice was then sent to the Minister of Lands for his approval to cancel the vesting and revoke the reservation. This was approved by the minister on 9 March 1964.[63]

The effect of the revocation of this reservation was that the Crown could now dispose of part of the area to the Maori owners who were beneficially entitled, while retaining the balance to dispose of as Crown land. That balance was section 2 Block IV (121 acres) at Raetihi and the bulk of section 3 Block VI (572 acres) at Te Mapou, two of the three areas under claim in Wai 220. The question of whether 40 acres per person was a viable economic unit, either in the 1890s or the 1960s, does not papear to have been considered. Instead, a "balance" was claimed for the Crown.

Application for title

The next step was to prosecute the application in the Maori Land Court. This application to the Maori Land Court to determine the people who were beneficially entitled to the land was signed by the Minister of Lands on 20 April 1964.[64] The application read that 1574 acres[65] had been set aside for the use or benefit of South Island landless Maori but that only "some 1015 acres" was required to meet the entitlement of the Hippolite family. The court therefore was to determine the entitlement to "parts of the land" described, not to the whole acreage originally set aside. It therefore appears that the Crown's original intention was to set aside a certain amount of land out of which claims would be settled. It did not necessarily mean that the whole amount would be granted to Maori.

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[63] ibid, folio 23; *New Zealand Gazette* 1964, p 459

[64] LS1, W4798, 3/207/2, folio 53

[65] this was the total for section 20 to 31 (inclusive) Block V, Sections 2 and 3, Block VI and Sections 2 to 20 (inclusive) Block X. It did not include section 2 Block IV (121 acres) which would have made a total of 1,695 acres, the original area set aside.

Before the actual application was lodged with the court, though, the director general requested that the Department of Maori Affairs check the accuracy and completeness of the names of those entitled to land. This took quite a while. By August 1966 it had still not been completed. In the meantime the Lands and Survey Department was investigating the future utilisation of the area on the assumption that it all became Crown land with the revocation. Mr Thompson was still enquiring about purchasing or leasing land and the department was willing to promote his cause.[66]

It was thought that the land might have scenic potential, so the Commissioner of Crown Lands asked the district field officer for a detailed report on the land and any recommendations as to future utilization.[67] The field officer's report described the whole of the reserve land at Raetihi as:

> very steep uncultivable country of Ketu steepland soils with up to 6" fair topsoil over sandstone, shale and conglomerate rocks. It rises steeply from sea level to 1000' but has reasonable stock water in gullies and good shelter from scrub and contour. The cover is 180 acres grazing land with good native grasses, tauhinu manuka and blackberry, 380 acres thick tauhinu and manuka scrub, and 40 acres unproductive bluffs and rocks. There is some light cedar bush in gullies, but no timber of commercial value. Blackberry and occasional gorse bushes are the only noxious weeds but pigs are prominant [sic] and require poisioning.[68]

He noted that the 3 acre sections, 21-31, were all along the south boundary of the block and were about 1 acre of flat land and 2 acres of hill. The report also noted that for some years Mr Thompson had been using the grazable area of the reserve. He had not actively been farming the block but because there had been no serviceable fencing, his stock had conveniently strayed on to it. By now Mr Thompson had sold his farm to his son B Thompson, who was keen to acquire the tenure over the adjoining reserved land. The

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[66] ibid, file note dated 18 January & CCL to Head Office, Wellington, 19 January 1965, folio 32
[67] ibid, 22 August 1966, folio 44
[68] ibid, 1 November 1966, folio 47

field officer certainly believed that this land worked in with Thompson's farm and that disposal of it "would best be to Thompson". He recommended that Thompson be offered a temporary tenancy over the land, at least until the actual land available was known, then permanent disposal could be looked at. A handwritten minute on his report, however, noted that "until such time as the Maoris claims have been satisfied we cannot lease".[69]

A later report on the land at Te Mapou described it as:

> very steep uncultivable land with poor light silty soil of varying depth. It rises steeply from sea level at the north, west and south boundaries to about 1500' a.s.l. [above sea level] at the east. The cover is approximately 350 acres of light cedar and beech bush with tall manuka, 500 acres of medium fern with heath and tauhinu and 345 acres sunny, burned over native grass and tauhinu. There is no timber of commercial use and no pests, but scattered tutu and occasional gorse are present.[70]

The area was being grazed with the stock apparently being able to wander onto neighbouring land or down into the Okiwi settlement. One of the neighbouring farmers, a Mr Stratford, was highly critical of the management of the land:

> Maori folk have been periodically using the land. They run sheep over the whole area and they charge rent to holidaymakers who camp there. Their sheep are lousy, diseased and not shepherded and trespassing stock on Stratford's farm are common. Everybody owns the sheep at shearing time - there are no owners at dipping time.[71]

The field officer identified the people who appeared to be mostly in charge as Mrs Arthur Hounsell and Mr Bill Hippolite. As far as the future utilization of the land went, he noted that further discussions with these two people and Mr Stratford were necessary before a

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[69] ibid
[70] *ibid*, 8 November 1966, folio 48
[71] ibid

section 439.[88] Approaches were then made to the trustees of the adjoining Te Mapou block to ascertain whether they would be willing to be trustees for this section. Thomas Moanaroa, Frank Hippolite and Wavell Adcock agreed to be trustees.

The next step was to gain the formal consent of the Minister of Lands to an application to the Maori Land Court. By February 1984 this had been processed and a court hearing was held on 22 March 1984 at Picton.[89] Following the sitting of the Maori Land Court, section 18 was vested in the above three persons as trustees. It was also set apart as a Maori reservation for the purposes of a cemetery for the common use and benefit of the descendents of Hura Pakake.[90]

Application to lease land

On 3 December 1985 Robert Hippolite applied for a lease over sections 1 & 2 Block IV at Cape Soucis and section 9 Block VI, Te Mapou. Mr Hippolite had been living at Matapihi (or Te Mapou) for about one year and was in the process of leasing land there, and in sections 20-31 Block V, from the family. He wanted to lease the Crown land adjoining these blocks in order to give him additional grazing for his stock.[91]

In both cases the land was unclassified rural Crown land. Under the Marlborough County Council's District scheme the zoning of sections 1 and 2 was classified as rural B which permitted farming, parks, reserves and buildings associated with such use. Commercial forestry was a conditional use. In section 9, farming, parks and reserves and commercial forestry was permitted provided that forestry was not a predominant use. Both areas were also unoccupied Crown land. Mr Thompson was no longer leasing sections 1 and 2.

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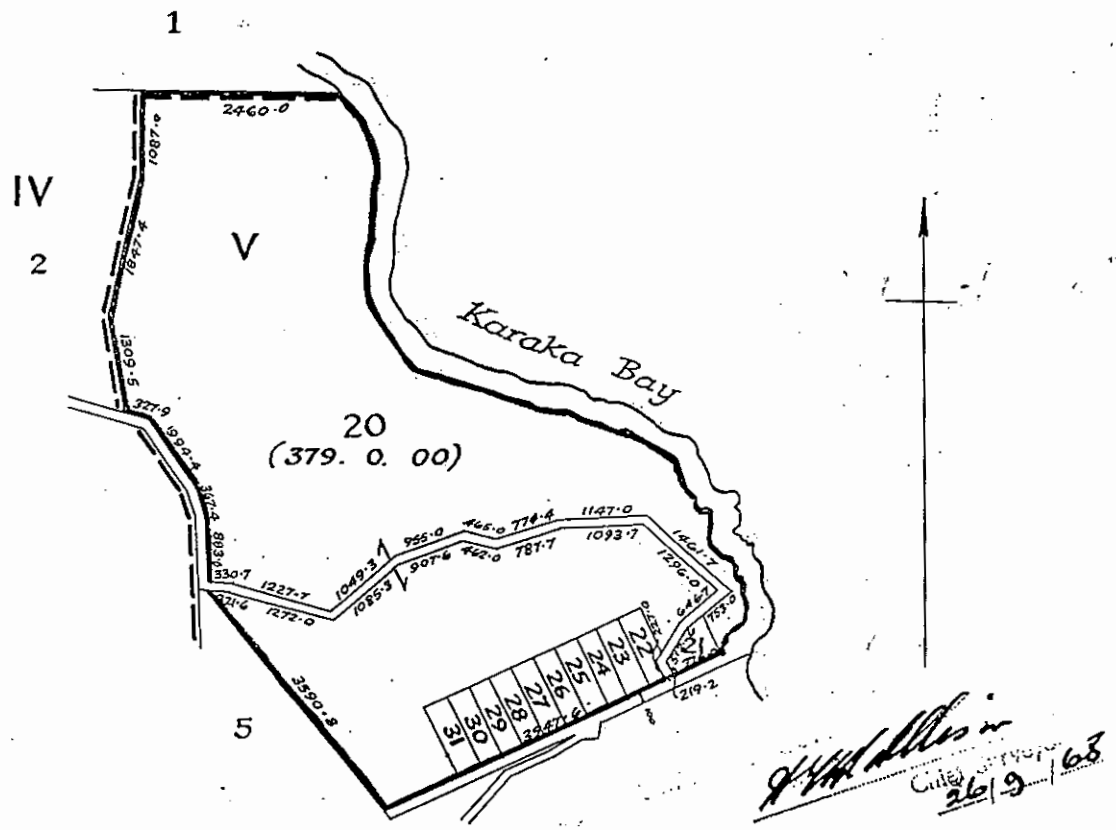
[88] ibid, folio 133
[89] ibid, folios 139 & 141
[90] *New Zealand Gazette* 1984, p 3702
[91] LS1, 3/207/2, folio 142, unfortunately not all of the letter is included on the file

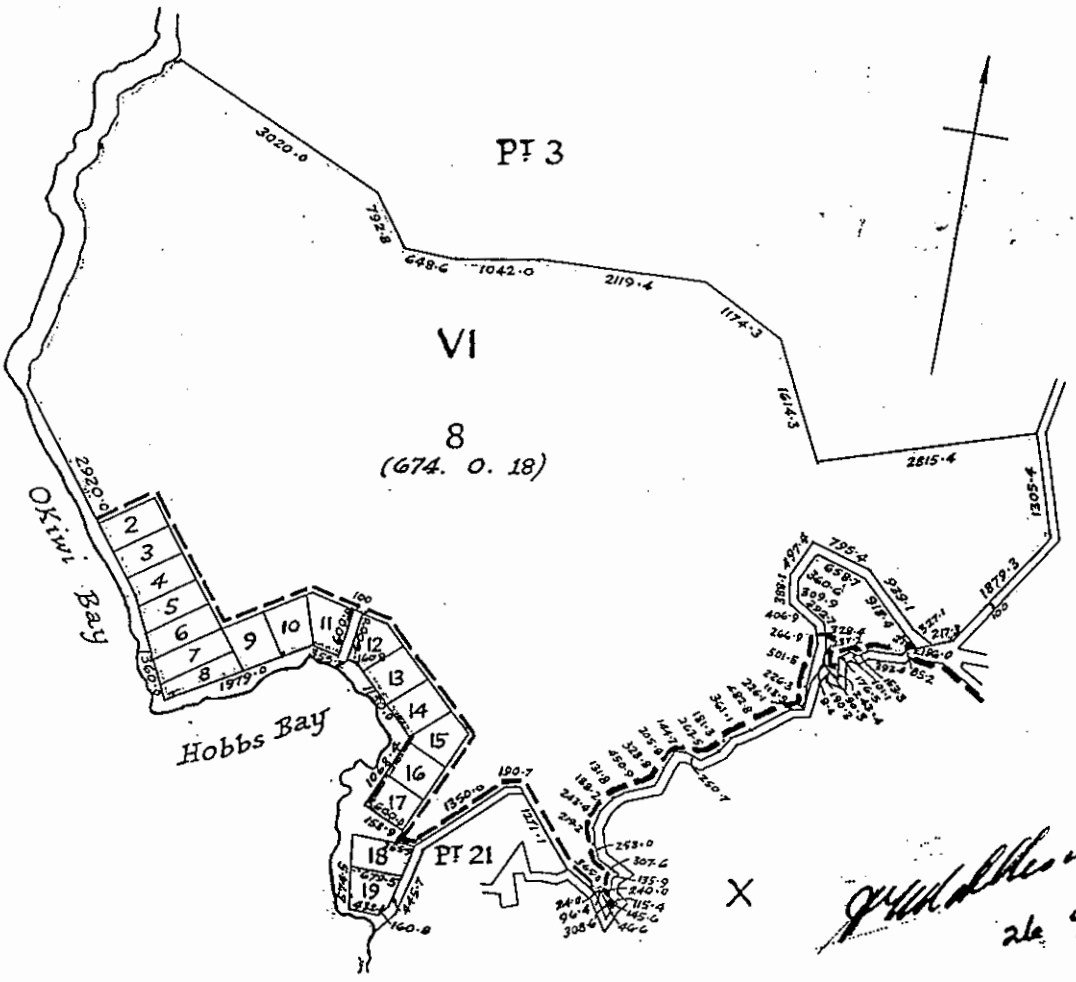
Successors and allocations were also calculated for Te Mapou. Mr Crocker's calculations showed that section 18, Block X (three acres) was never allocated to an owner and the Crown was to retain this section. His calculations also showed the necessity of taking the deficiency of section 2 Block VI out of section 3 Block VI. To simplify matters in allocating shares in the various parts, sections 2 and 3, Block VI and section 20, Block X were amalgamated into one large block and given a new appellation. This land became known as section 8 Block VI, consisting of 623 acres 0 roods and 18 perches. Each original owner was allotted a three-acre section and a share in the major block, which was then allocated to their successors.[75]

[75] ibid, see also Chief Surveyor, Nelson to CCL, Wellington, 2 April 1968

SOUTH ISLAND MAORI LAND COURT



Plan of Te Raetihi Block
being Secs. 20-31 Blk V Whangamoa S. D.
Scale : 1 inch = 20 chains.
S. O. 4962



Plan of Te Mapou Block
being Sec. 8. Blk VI & Secs. 2 - 17 & 19 Blk X Whangamoa S. D.
Scale : 1 inch = 20 chains.
S.O. 10745 AHS.

The Maori Land Court

The court hearing was held on 4 April 1968 at Picton under Judge Melville Smith.[76] At the court, Mr Crocker appeared on behalf of the Minister of Lands. He gave a brief history of the blocks, explaining that under the 1908 Land Act there had been no avenue for vesting the land in its owners. The reservation had been revoked in 1964 to facilitate the disposal of part of the area to the Maori owners. Mr Crocker produced the list of successors he had compiled with an explanation of how he had arrived at the share entitlement. There was some discussion but no objections to his list. The judge then made his order. In making the order, the judge for some reason, which I do not fully understand, ignored the fact that the owners were entitled to a three-acre section and a share in the balance block, and treated the area as two blocks only, Raetihi and Te Mapou. The owners then received one share in either block.[77]

This means that at Raetihi, section 20 and sections 21-32 Block V were treated as one block with a total area of 379 acres (see plan). The 11 owners (the successors to the original owners) were all included in the one block and received shares as follows:

1.	Pene Hippolite (m)	55.91250
2.	Rahapa Hippolite (m)	55.91250
3.	Hare Hippolite (m)	55.91250
4.	Grace Elvis (f)	27.95625
5.	Colin Taylor (m)	27.95625
6.	Jamesina Faith Hippolite (f)	55.91250
7.	Kerenapa Davis (f)	27.95625
8.	Nellie Davis (f)	9.31875
9.	Roberta Davis (f)	9.31875

[76] Nelson Minute Book 13, pp 64-78, as the microfilm copy in National Archives was illegible a copy of the minuteds provided in LS1, 3/207/2 is being used.
[77] LS1, 3/207/2, folios 91, 91A and 91B

10.	Tessa Davis (f)	9.31875
11.	Matina Hippolite (m)	43.52500
		379.00000

Matina's shares were further divided amongst 47 successors.

Te Mapou block, comprised of section 8 Block VI and sections 2 to 17 and 19, Block X, a total area of 674 acres 0 roods and 18 perches, was distributed amongst 48 owners (see plan):

1.	Haimoana Kawharu	17.06721
2.	John Kawharu	17.06721
3.	Hona Kawharu	17.06721
4.	Pukehu (Erama Love) Kawharu	17.06721
5.	Wairua Kawharu	17.06271
6.	Maraea Te Uranga Kawharu	4.26681
7.	Kanari Kawharu	4.26681
8.	Maudie Kawharu	4.26681
9.	Raniaho Kawharu	4.26681
10.	Iwingaroa Hounsell	19.91176
11.	Ester Elkington	19.91176
12.	William Omeara Hippolite	19.91176
13.	Pake Hippolite	9.95587
14.	Hinekaira Hippolite	9.95587
15.	Sandra Nellie Hippolite	2.84454
16.	Christine Mary Hippolite	2.84454
17.	Mokau Kawharu Hippolite II	2.84454
18.	Ngahina Hippolite	2.84454
19.	Sam Hippolite	2.84454
20.	Moana Hippolite	2.84454

21.	Manihera Hippolite	2.84454
22.	Frank Hippolite	2.21241
23.	Terry Hippolite	2.21241
24.	Thomas Hippolite	2.21241
25.	Moetu Hippolite	2.21241
26.	Maureen Hippolite	2.21241
27.	Georgina Hippolite	2.21241
28.	Kahurangi Hippolite	2.21242
29.	Debra Hippolite	2.21242
30.	Charles Hippolite	2.21242
31.	Len Wells	23.89411
32.	Mary Manihera	23.89411
33.	Rosie Stallard	11.94705
34.	Alfred Stafford	35.84115
35.	Marangai Kawharu Wells	17.72834
36.	Peter Wells	9.19473
37.	Frank Wells	9.19473
38.	Wavell Wells	9.19473
39.	Lydia Wells	9.19473
40.	Wendy Wells	9.19473
41.	Helen Fanny Veronica McKay	5.90945
42.	James Cederic Cootes	5.90945
43.	Tiki Maranga K. Cootes	5.90945
44.	Porohoe Tawhi Moanaroa	66.80285
45.	Rapana Tawhi Moanaroa	66.80284
47.	Te Rauna Rangititapa Matiu	33.40142
48.	Hana Hippolite	74.82340
		674.11250

This left the following as Crown land which the lands and survey department could dispose of:

- Section 18 Block X of 3 acres
- Section 3 Block VI, less parts included in section 8 and part taken for a road (now know as Section 9 Block VI)
- Section 2 Block IV of 121 acres
- Section 1 Block IV, 97 acres which was intended as a lighthouse reserve but never reserved, and which had never been part of the native reserve in any case.

Sections 1 and 2 Block IV, Cape Soucis

These two blocks gave the Crown a total of 218 acres. Mr B Thompson, who was farming land in the area, was still anxious to acquire a permanent tenure over these sections. The department prepared a report for the Land Settlement Board's approval, which included a valuation and recommendation. The report noted that there was no complete legal access to the sections and that Maori land had to be crossed, "but this is virtually unfarmed and should cause no problem".[78] There was no government valuation of the area but a field officer's valuation, dated 4 July 1968, was included in the report. It stated that the Value of Improvements was Nil, the Unimproved Value was $325, and the Capital Value was $325.[79] The report went on to say that "Mr Thompson's land is a marked contrast to the surrounding land and his holding is a credit to him. He is the most logical person for the area to be leased to". It recommended that a tenancy be granted to him for a term of four years at an annual rental of $15. This was approved by the Commissioner of Crown Lands on 20 September 1968.[80]

[78] ibid, folio 90
[79] ibid
[80] ibid

Section 18 Block X

Following the allocation of land to the Hippolite family by the Maori Land Court, section 18 Block X, at Te Mapou, remained Crown land. In April 1982 Allen Hippolite wrote to the Commissioner of Crown Lands (CCL), Nelson, to inquire if this block was still Crown land reserved for Landless Maori. At a recent family meeting, the family had identified that this section contained a family cemetery. The family wanted it vested in trustees to ensure access to the cemetery.[81]

The commissioner replied on 28 June 1982. An extensive search of his records had failed to find any trace of a cemetery on the land, although he noted that according to one local staff member, it was likely that there was in fact a cemetery located on section 18. Mr Hippolite was advised to approach the Maori Affairs Department for assistance to achieve some form of protective status for the area, if there was a cemetery there. Some confusion arose over the commissioner's letter as his original letter had said "can find trace of the existence of a family cemetery" instead of "can find *no* trace".[82] In the end, the commissioner wrote saying that he believed that there was a cemetery located on section 18 but that there was no official record of its existence. Mr Hippolite was advised again to refer to the Maori Affairs Department.[83]

Mr Hippolite supplied a list of people known to have been buried on section 18, with dates, to the Registrar of the Maori Land Court. Ms Hancox, for the registrar, in turn, wrote to the commissioner on 28 April 1983. She wanted the block set aside under section 439 of the Maori Affairs Act 1953 as a Maori reservation. She asked the commissioner if the Crown would be agreeable to the land being vested in a common ancestor of the local people and it being gazetted.[84]

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[81] ibid, folio 100
[82] ibid, folios 102 & 104
[83] ibid, 7 October 1982, folio 110
[84] ibid, folio 117 .

The CCL, Nelson, wrote to the CCL, Wellington, seeking clarification as to the means of reserving the land under section 439. In order for land to be reserved under section 439 it first had to be either Maori freehold land or European land owned by Maori. The commissioner wanted to know whether the land:

> would qualify as "Maori land that has at any time been acquired by the Crown whether pursuant to this (Maori Affairs) Act or otherwise whatsoever", in terms of Section 267, of the same Act or as "customary land" as defined in the index and in terms of Section 438 of the Act.[85]

Alternatively, the commissioner wanted to know if there was any other section of the Act that could be used to make the land Maori freehold land or European land owned by Maori, as was required before reservation in terms of section 439 was possible. A field report was requested to ascertain whether or not any burials had taken place.[86]

An inspection of the area proved conclusively that a number of burials had taken place. There were headstones, permanent flower displays, piles of stones and grave mounds. The senior field officer noted that protection for the cemetery was required.[87]

The reply from the CCL, Wellington, was received on 21 November 1983. The commissioner stated that because the family had received their entitlement to land in the wider block, the Crown had no legal obligation to hand section 18 over to them. However, due to section 18 being a family burial ground, the commissioner was of the opinion that the Crown had a moral obligation to hand the land over. If nothing else, it was good publicity for the department. The commissioner therefore recommended that section 18 be gifted to the Hippolite family pursuant to section 437 of the Maori Affairs Act 1953, on condition that the section was made a Maori reservation (Urupa) pursuant to

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[85] ibid, 18 May 1983, folio 119
[86] ibid, 5 July 1983, folio 126
[87] ibid, 20 July 1983, folio 129

section 439.[88] Approaches were then made to the trustees of the adjoining Te Mapou block to ascertain whether they would be willing to be trustees for this section. Thomas Moanaroa, Frank Hippolite and Wavell Adcock agreed to be trustees.

The next step was to gain the formal consent of the Minister of Lands to an application to the Maori Land Court. By February 1984 this had been processed and a court hearing was held on 22 March 1984 at Picton.[89] Following the sitting of the Maori Land Court, section 18 was vested in the above three persons as trustees. It was also set apart as a Maori reservation for the purposes of a cemetery for the common use and benefit of the descendents of Hura Pakake.[90]

Application to lease land

On 3 December 1985 Robert Hippolite applied for a lease over sections 1 & 2 Block IV at Cape Soucis and section 9 Block VI, Te Mapou. Mr Hippolite had been living at Matapihi (or Te Mapou) for about one year and was in the process of leasing land there, and in sections 20-31 Block V, from the family. He wanted to lease the Crown land adjoining these blocks in order to give him additional grazing for his stock.[91]

In both cases the land was unclassified rural Crown land. Under the Marlborough County Council's District scheme the zoning of sections 1 and 2 was classified as rural B which permitted farming, parks, reserves and buildings associated with such use. Commercial forestry was a conditional use. In section 9, farming, parks and reserves and commercial forestry was permitted provided that forestry was not a predominant use. Both areas were also unoccupied Crown land. Mr Thompson was no longer leasing sections 1 and 2.

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[88] ibid, folio 133
[89] ibid, folios 139 & 141
[90] *New Zealand Gazette* 1984, p 3702
[91] LS1, 3/207/2, folio 142, unfortunately not all of the letter is included on the file

The field officer's report for these blocks noted that the maximum capacity for sections 1 and 2 was 26 stock units,[92] while that for section 9 was 30 stock units. Mr Johnston, the field officer, also noted that the isolation and contour of the blocks at Cape Soucis would make development for farming a costly proposition and it was likely that the area would continue to gradually revert to manuka, tauhinu and scrub.

His main concern, however, was the impact that grazing would have on the environment. He was concerned that any attempts to keep both areas clear to allow for grazing would most likely be by fire. This presented a considerable danger to the bush in both blocks and the adjoining land. Both blocks also contained a mixture of moderately to very steep hills and cliffs. The removal of cover by fire was a danger on the steep slopes due to probable soil erosion of the steep contour if heavy rain occured after burning. On section 9, the bulk of the cover was bush or regrowth bush, on steep hill country. Soil fertility was low and in view of the current cost of development, and the low returns from farming, Mr Johnston suspected that "development operations would not be fully completed and the likely result would be a diminished cover with probably a greater incidence of noxious weeds".[93]

The environmental impact assessment was combined with the evidence that attempts to farm the area over the years had met with a lack of success. Mr Thompson's leasing of sections 1 and 2 had only resulted in a slow down in the rate of reversion to scrub. The condition of the adjoining land was not much better. Mr Johnston considered that the best option for section 9 was its retention as either unoccupied Crown land or some long-term reserve status to protect the coastal regrowth and original bush. He also considered the best future position for sections 1 and 2 was to allow natural regeneration to occur. Mr Hippolite was informed that his application to lease land at Cape Soucis and Te Mapou was declined.[94] On 31 March 1987, Mr Hippolite lodged a claim with the Waitangi

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[92] stock units are how much stock per unit can be carried by the farm or land
[93] ibid, folio 143, p 3
[94] ibid, 4 April 1986

Tribunal regarding these three sections.[95] These sections are Crown land administered by the Department of Conservation as stewardship areas. "Stewardship area" means any land or foreshore that is held under the Conservation Act 1987 for the preservation and protection of its natural and historic resources and which is not a marginal strip or a watercourse area or land held under the Act as a specially protected area. A stewardship area is managed under section 25 of the Conservation Act 1987. Section 25 reads that every "stewardship area shall so be managed that its natural and historic resources are protected".

Conclusion

All of the land under claim appears to have been purchased by the Crown in 1856. It would have had to have been Crown land in order for the Crown to be able to reserve blocks for Maori following the Landless Native Commissions. Section 1, Block IV appears to have been Crown land when it was mapped as a lighthouse reserve but never gazetted. It remains Crown land and appears to have never been part of a native reserve.

The intention of the Crown in setting aside land for landless natives appears to have been that claims would be settled out of the amount set aside. It did not necessarily mean that the whole amount would be granted to Maori. Any of the reserved land that was left over, once the grants had been completed, remained Crown land. The Tribunal may need to decide if all of the land should have been granted to the descendants of the original grantees. In particular, the Tribunal would need to consider whether 40 acres per head was an adequate provision for "present" needs as they had been in the 1890s, or "future" needs as they have developed since.

Futhermore, a field officer's report in 1986 noted the condition of the land. Its isolation, contour of the blocks and poor soil fertility meant that the potential for farming was very

[95] Wai 220

costly. Attempts to farm the area over the years had met with a lack of success. It therefore raises questions about the Crown's integrity in reserving this land for landless Maori to farm in the first place.

Table 4:

RAETIHI BLOCK (SECTION 20 BLOCK V WHANGAMOA SD 346 ACRES)

Name	Total Area Held Prior To 1895	Additional area allotted: Area In Large Block	Additional area allotted: Area In Small Block
Kamari Hiparaiti (F)	1 : 3 : 14	35 : 0 : 26	3 : 0 : 00 (Sec 23 Blk V)
Matina Hiparaiti (M) (nephew)	-	37 : 0 : 00	3 : 0 : 00 (Sec 26 Blk V)
Matina Hiparaiti (M) (son)	-	37 : 0 : 00	3 : 0 : 00 (Sec 27 Blk V)
Te Poha Hiparaiti (M)	-	37 : 0 : 00	3 : 0 : 00 (Sec 24 Blk V)
Raima Hiparaiti (F)	-	37 : 0 : 00	3 : 0 : 00 (Sec 28 Blk V)
Taare Hiparaiti (M)	6 : 0 : 00	31 : 0 : 00	3 : 0 : 00 (Sec 25 Blk V)
Teoni Hiparaiti (M)	1 : 1 : 05	35 : 2 : 35	3 : 0 : 00 (Sec 21 Blk V)
Timoti Hiparaiti (M)	1 : 1 : 05	35 : 2 : 35	3 : 0 : 00 (Sec 22 Blk V)
Turia Hiparaiti (F)	1 : 1 : 05	35 : 2 : 35	3 : 0 : 00 (Sec 29 Blk V)
Total		321 : 1 : 11	27 : 0 : 00

TE MAPOU BLOCK (SECTION 20 BLOCK X WHANGAMOA SD 152 ACRES)

Name	Total Area Held Prior to 1895	Additional area alloted: Area in Large Block	Additional area alloted: Area in Small Block
Hoana Hiparaiti (M)	-	37 : 0 : 00	3 : 0 : 00 (Sec 17 Blk X)
Maraia Hiparaiti (F)	-	37 : 0 : 00	3 : 0 : 00 (Sec 15 Blk X)
Riria Hiparaiti (F)	-	37 : 0 : 00	3 : 0 : 00 (Sec 19 Blk X)
Tawhiri Moanaroa (M)	-	37 : 0 : 00	3 : 0 : 00 (Sec 14 Blk X)
Total		148 : 0 : 00	12 : 0 : 00

TE MAPOU BLOCK (SECTION 2 BLOCK VI WHANGAMOA SD 417 ACRES)

Name	Total area held prior to 1895	Additional area alloted: Area in large block	Additional area alloted: Area in small block
Hana Hiparaiti (F)	-	37 : 0 : 00	3 : 0 : 00 (Sec 7 Blk X)
Henare Hiparaiti (M)	-	37 : 0 : 00	3 : 0 : 00 (Sec 10 Blk X)
Matina Hiparaiti (M)	-	37 : 0 : 00	3 : 0 : 00 (Sec 11 Blk X)
Mere Hiparaiti (F)	-	37 : 0 : 00	3 : 0 : 00 (Sec 12 Blk X)
Rora Hiparaiti (F)	-	37 : 0 : 00	3 : 0 : 00 (Sec 3 Blk X)
Taare Hiparaiti (M)	-	37 : 0 : 00	3 : 0 : 00 (Sec 8 Blk X)
Teone Hiparaiti (M)	7 : 2 : 25	29 : 1 : 15	3 : 0 : 00 (Sec 9 Blk X)
Waihaere Hiparaiti (M)	-	37 : 0 : 00	3 : 0 : 00 (Sec 5 Blk X)
Wiremu Hiparaiti (M)	-	37 : 0 : 00	3 : 0 : 00 (Sec 2 Blk X)
Hona Moanaroa (M)	-	37 : 0 : 00	3 : 0 : 00 (Sec 13 Blk X)
Ria McDonald (nee Hiparaiti) (F)	6 : 0 : 07	30 : 3 : 33	3 : 0 : 00 (Sec 6 Blk X)
Hemaima Hiparaiti (F)	-	37 : 0 : 00	3 : 0 : 00 (Sec 4 Blk X)
Matehaere Hiparaiti (M)	-	37 : 0 : 00	3 : 0 : 00 (Sec 16 Blk X)
Total		467 : 1 : 08	39 : 0 : 00

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