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**MAHANGA  
&  
KAIWAITAU  
SCOPING REPORT**

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# **Mahanga & Kaiwaitau Scoping report**

## **Introduction**

In 1998 the Tribunal decided to complete block histories on the land adjoining the Mahia peninsula (see direction commissioning research, Wai 201 #3.45). It was intended originally to research four blocks in one project – Waikokopu, Opoutama, Kaiwaitau and Mahanga. However, in the end Waikokopu and Opoutama were dealt with in one report because of the overlap between the two reserves, while Mahanga and Kaiwaitau were left for another report.

There is currently only one claim that specifically mentions Mahanga: Wai 519 relating to 25 acres taken for aerodrome purposes. There are no specific claims to Kaiwaitau. There is some merit, however, in looking at land alienation in the area in a wider context. This is especially so because Mahanga and Kaiwaitau were caught up in disputes about the Mahia block and the sale of Kopuawhara. This has been written about elsewhere (Cox, 'The Keystone of the District' Wai 201:X46; Hippolite, 'Crossing the Bar' Wai 201:X47). Briefly, Ngati Tu offered land on the neck of the Mahia peninsula to the Crown in 1864, in protest at their interests being ignored when the Crown purchased the Mahia block.

The land they offered was Kopuawhara. The land immediately to the east of the Kopuawhara block became Mahanga while below that was Kaiwaitau. Kaiwaitau had been specifically exempted from the Kopuawhara purchase. In 1868 the Native Land Court awarded title to Ihaka Whaanga, Paora Te Apatu, Hamuera Runga, Ihaka Paea, Te Teira Toheriri and Pirnia Pare. On the same day, 19 September, the Court also dealt with the Mahanga block.

The views of the claimants are sought on the direction that research on Mahanga and Kaiwaitau should take. Having read this scoping report, the Wai 519 claimants and other claimant groups in the Mahia area should ask themselves the following questions:

1. Should further research concentrate on the aerodrome issues only, as identified in Wai 519, or
2. Should the alienation history of the blocks be researched more fully and placed within a wider historical context for the area.

The Crown, also, may wish to express a view on the direction that this research should take.

If a wider context is decided upon, the main report would likely trace what became of the land in these blocks; how much remained, how much was alienated and how?

Please make submissions to the author, Joy Hippolite at the Waitangi Tribunal offices.

## **Issues**

### **Public Works Takings**

Land in the Mahanga block, in particular, was alienated through public works takings. For example, the taking of land for aerodrome purposes (Wai 519), as well as the taking of land for roads and stock paddocks.

The major issues arising from public works takings can be grouped according to the various processes involved. This includes the actual taking process, such as the decision making and motivations in deciding on the land to be taken, and the various interests taken into account; as well as the legislative measures and protections involved such as notification, entry of surveyors and opportunities for objections. Issues also arise from the process of compensation, including, for example, how this was to be determined and distributed. Finally, issues arise from the disposal of land if it is never used for the purpose taken, or is no longer required.

In the case of the land taken for aerodrome purposes – apart from the Treaty principles of balancing kawanatanga or governorship with the guarantee of protection of rangatiratanga – the issue appears to be whether the Crown, if it did need the land, needed to take the freehold. In the *Te Maunga Report* the Tribunal did not believe that the Crown had to take freehold title in order to use Maori land for public works. This will be a major issue for Wai 519 because, it appears, that as the Crown was taking Maori land, it was leasing European land adjacent to it for the same purpose.

#### Sources

W1, 23/381/90, National Archives, Wellington  
Cathy Marr, 'Public Works Takings of Maori Land: 1840-1981', Waitangi Tribunal Rangahaua Whanui series, 1997  
Waitangi Tribunal, *Te Maunga Railways Land Report* (Wellington, 1994)

#### **Native Land Court process**

Another issue is the Native Land Court process, in particular, the rapid fractionation of title, which has become a major feature of Maori tenure. As Ward has stated:

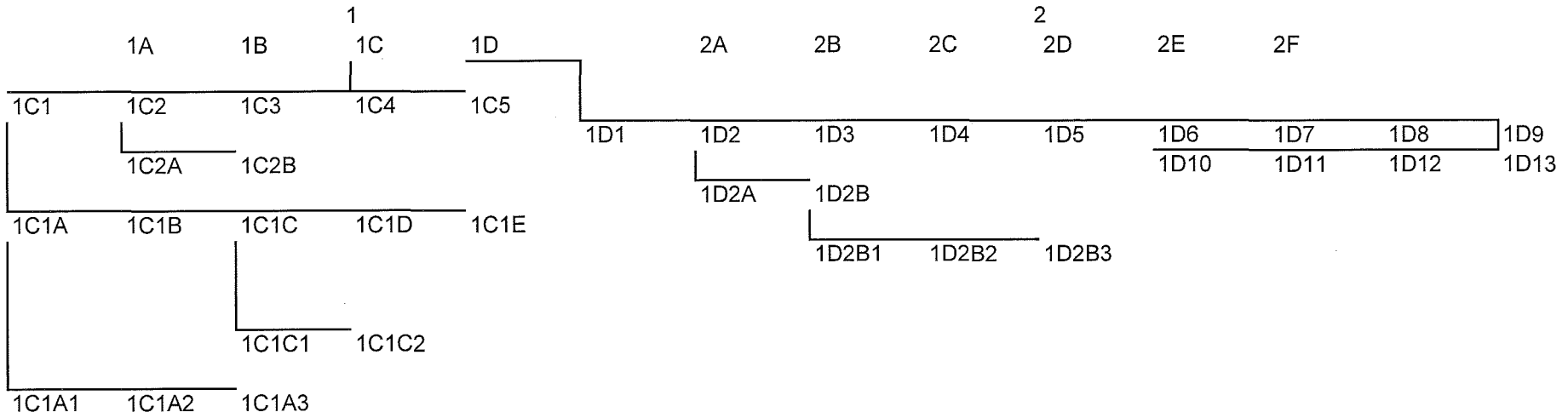
Individualisation of title did not result in individualisation on the ground. It was a pseudo-individualisation, by which customary rights became marketable paper, with individual signatures being able to be bought piecemeal. The fractionation of title through succession was compounded, as descendants of grantees multiplied. Partition orders became the favourite device of Crown and private purchasers accumulating majority interests; the non-sellers were frequently left with small, fragmented and uneconomic segments.<sup>1</sup>

The following graphs and tables give an indication of the partitioning activity within the Mahanga and Kaiwaitau blocks:

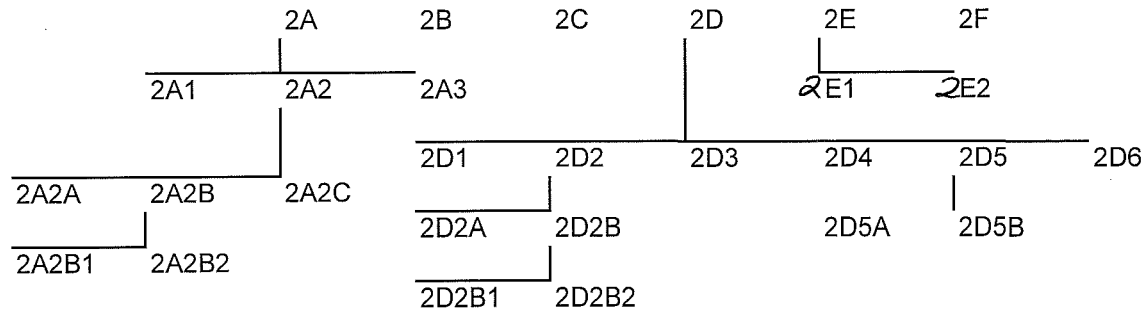
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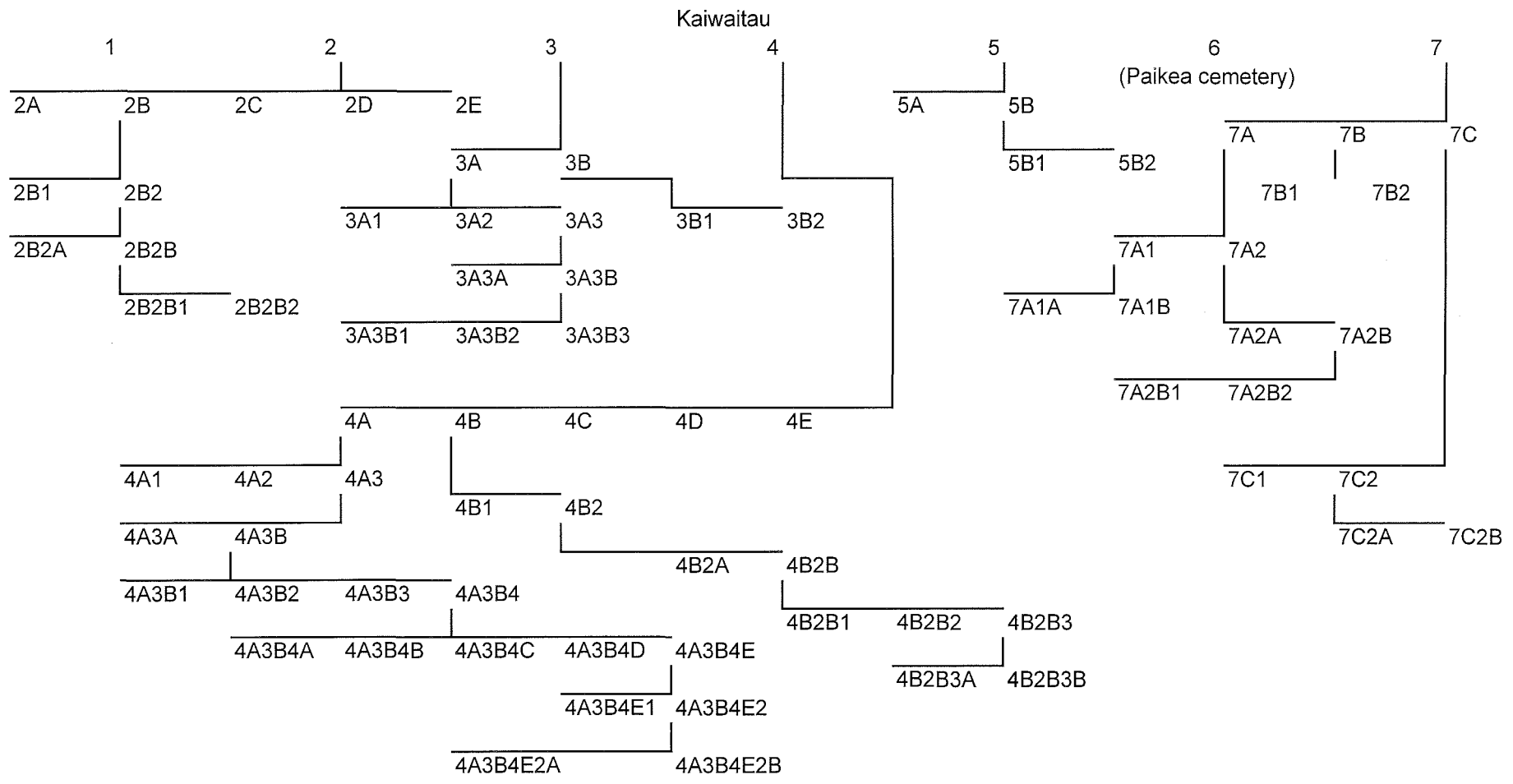
<sup>1</sup> Ward, paraphrasing Gilling, National Overview, Rangahaua Whanui Series, vol II, pp 236-7

Mahanga



Mahanga 2





Mahanga 1 (2735 acres)

BLOCK	ACREAGE	REMARKS
1A		Sold
1B	100 0 00	MD, then alienated
1C		Partitioned – 1C1, 1C2, 1C3, 1C4, 1C5
1D		Partitioned – 1D1,1D2,1D3,1D4,1D5,1D6,1D7,1D8,1D9,1D10,1D11,1D12,1D13
1C1		Partitioned – 1C1A, 1C1B, 1C1C, 1C1D, 1C1E
1C2		Partitioned – 1C2A, 1C2B
1C3		Sold
1C4	2 0 00	MD, then sold
1C5	300 0 00	Still in Maori ownership?
1C1A		Partitioned – 1C1A1, 1C1A2, 1C1A3
1C1B	62 3 00	MD, still in Maori ownership
1C1C		Partitioned – 1C1C1, 1C1C2
1C1D		Still in Maori ownership?
1C1E		Maori reservation
1C2A	2 0 00	MD, still in Maori ownership?
1C2B	2 0 00	MD, still in Maori ownership?
1C1A1		Still in Maori ownership – some alienated?
1C1A2	58 1 9.5	MD, still in Maori ownership? 3a.3r.14p. taken for stock paddock [NZG, no.61, 2 Aug 1923, p 2143]
1C1A3		Still in Maori ownership – some alienated?
1C1C1		Still in Maori ownership?
1C1C2		Still in Maori ownership?
1D1		Still in Maori ownership? 2a.0r.31p. taken for a road [NZG no.81, 3 Dec 1936, p 2321
1D2	218 3 00	MD, 1a.1r.38p taken for a road [see above] Partitioned – 1D2A, 1D2B
1D3		Alienated?
1D4		Alienated?
1D5		Alienated?
1D6		Alienated?
1D7		Alienated?
1D8		Alienated?
1D9		Some purchased by H Johnston
1D10		Some purchased by H Johnston
1D11	112 2 06	Superseded, now Part Mahanga 2X, 2Y
1D12	111 2 33	Superseded, now part Mahanga 2X, 2Y
1D13		Alienated?
1D2A		Still in Maori ownership?
1D2B		Partitioned – 1D2B1, 1D2B2, 1D2B3, Still in Maori ownership

Mahanga 2 (932 acres)

BLOCK	ACREAGE	REMARKS
2A	153 3 08	Partitioned 2A1, 2A2, 2A3
2B	134 2 12	Sold?
2C	153 3 08	Sold?
2D	173 0 04	Partitioned – 2D1, 2D2, 2D3, 2D4, 2D5, 2D6
2E	153 3 08	Partitioned – 2E1, 2E2
2F	163 1 06	MD, still in Maori ownership.
2A1	75 3 24	3a.3r.05p taken for road, leaves 72.0.19 (some purchased by H Johnston)
2A2		Partitioned – 2A2A, 2A2B, 2A2C
2A3		Part sold – Harold Johnston
2D1		Still in Maori ownership, some purchased by Johnston
2D2		Partitioned – 2D2A, 2D2B
2D3	10 0 34	MD, still in Maori ownership
2D4	20 1 28	MD, still in Maori ownership
2D5	20 1 28	MD, Partitioned – 2D5A, 2D5B
2D6	14 1 28	MD, still in Maori ownership
2E1	77 0 18	Superseded, now part Mahanga 2X,2Y
2E2	77 0 18	MD, still in Maori ownership
2A2A		25a.2r.22p to H Johnston
2A2B		Partitioned – 2A2B1, 2A2B2
2A2C		25a.1r.20p. to H Johnston
2D2A	10 0 34	MD
2D2B		Partitioned – 2D2B1, 2D2B2
2D5A		Still in Maori ownership?
2D5B		Still in Maori ownership?
2A2B1		Still in Maori ownership?
2A2B2		15a.2r.21p purchased by Johnston?
2D2B1	10 0 34	MD, still in Maori ownership
2D2B2	10 0 34	MD, still in Maori ownership
2X	164 1 02	Still in Maori ownership
2Y	137 0 15	25a.1r.23.8, taken for aerodrome purposes [NZG no.50, 7 July 1938, p 1593], 111a.2r.31.2p still in Maori ownership, 64a.2r.13.2p. part of MD

Kaiwaitau

BLOCK	ACREAGE	REMARKS
1	402 2 33	MD, Still in Maori ownership?
2		Partitioned – 2A, 2B, 2C, 2D, 2E
3		Partitioned – 3A, 3B
4		Partitioned – 4A, 4B, 4C, 4D, 4E
5	10 0 00	MD, Partitioned – 5A, 5B
6		Paieka cemetery
7		Partitioned – 7A, 7B, 7C
2A	43 2 00	MD, Still in Maori ownership?
2B	42 2 00	MD, Partitioned – 2B1, 2B2
2C	51 0 24	MD, Still in Maori ownership?
2D	10 0 00	MD, Still in Maori ownership?
2E	152 3 16	MD, Still in Maori ownership?
3A	47 3 30	MD, Partitioned – 3A1, 3A2, 3A3
3B	215 1 01	MD, Partitioned – 3B1, 3B2, still in Maori ownership
4A	114 0 00	MD, Partitioned – 4A1, 4A2, 4A3
4B	20 0 00	MD, Partitioned – 4B1, 4B2
4C	68 3 00	MD, Still in Maori ownership?
4D		Still in Maori ownership?
4E		Still in Maori ownership?
5A		Still in Maori ownership?
5B		Partitioned – 5B1, 5B2, still in Maori ownership
7A		Partitioned – 7A1, 7A2
7B	72 3 31	MD, Partitioned – 7B1, 7B2, still in Maori ownership?
7C	56 3 19	MD, Partitioned – 7C1, 7C2
2B1		Alienated?
2B2		Partitioned – 2B2A, 2B2B
3A1		Alienated?
3A2		Still in Maori ownership?
3A3		Partitioned – 3A3A, 3A3B
4A1		Alienated?
4A2		Some alienated, some still in Maori ownership?
4A3		Partitioned – 4A3A, 4A3B
4B1		Still in Maori ownership?
4B2		Partitioned – 4B2A, 4B2B
7A1	25 1 00	MD, partitioned – 7A1A, 7A1B
7A2	101 0 28	MD, partitioned – 7A2A, 7A2B
7C1		Alienated?
7C2		Partitioned – 7C2A, 7C2B
2B2A		Still in Maori ownership?
2B2B		Partitioned – 2B2B1, 2B2B2
3A3A		Still in Maori ownership?
3A3B		Partitioned – 3A3B1, 3A3B2, 3A3B3, still in Maori ownership?
4A3A		Still in Maori ownership?
4A3B		Partitioned – 4A3B1, 4A3B2, 4A3B3, 4A3B4
4B2A		Alienated?
4B2B		Partitioned – 4B2B1, 4B2B2, 4B2B3
7A1A		Alienated?
7A1B		Still in Maori ownership?
7A2A		Still in Maori ownership?
7A2B		Partitioned, 7A2B1, 7A2B2, still in Maori ownership?
7C2A		Alienated?
7C2B		Still in Maori ownership?
2B2B1		Alienated?



2B2B2		Still in Maori ownership?
4A3B1		Still in Maori ownership?
4A3B2		Still in Maori ownership?
4A3B3		Still in Maori ownership?
4A3B4		Partitioned – 4A3B4A, 4A3B4B, 4A3B4C, 4A3B4D, 4A3B4E
4B2B1		Still in Maori ownership?
4B2B2		Still in Maori ownership?
4B2B3		Partitioned – 4B2B3A, 4B2B3B, still in Maori ownership?
4A3B4A		Still in Maori ownership?
4A3B4B		Alienated?
4A3B4C		Still in Maori ownership?
4A3B4D		Still in Maori ownership?
4A3B4E		Partitioned – 4A3B4E1, 4A3B4E2
4A3B4E1		Still in Maori ownership?
4A3B4E2		Partitioned – 4A3B4E2A, 4A3B4E2B
4A3B4E2A		Still in Maori ownership?
4A3B3E2B		Alienated?

MD – Mahia Development Scheme

Rather than go through each individual partition, it is intended to use the tables to show the amount of partitioning, or fractionation, that occurred, then examine which blocks have been alienated and how. Even if there were willing alienations, they need to be seen in the context of the issues raised above and in the context of wider land alienation in the district. For example, Mahanga was originally 3667 acres, of which approximately 1825 acres remain. This means that approximately 1842 acres were alienated, it appears, mostly out of Mahanga 1, much of which appears to have been bought up piecemeal by one particular individual. More land appears to have remained in Kaiwaitau. It raises the question of why so much land was alienated in Mahanga while Kaiwaitau remained relatively free of alienations.

Questions also arise about the Native Land Court's title adjudication. There were at least six petitions between 1896 and 1920 related to title investigation in Mahanga 2.

As stated above, the fractionation of title meant that non-sellers were frequently left with small, fragmented and uneconomic segments. One attempt by the government to alleviate this was the land development schemes.

### Mahia Development Scheme

Land development schemes became the dominant feature of Maori policy in the 1930s and 1940s. The schemes were launched largely on the initiative of Apirana Ngata who hoped to make Maori rural communities economically viable and culturally secure. The aim was to help not so much the individual but groups of individuals who were to band together and offer a substantial area for development.

The Mahia Development Scheme was constituted in 1937. Following is a table showing the land subject to the Mahia Development Scheme in Kaiwaitau and Mahanga.

Block		Area		
		A.	R.	P.
Kaiwaitau	1	402	2	33
Kaiwaitau	2A	43	2	0
Kaiwaitau	2B	42	2	0
Kaiwaitau	2C	51	0	24

Kaiwaitau	2D	10	0	0
Kaiwaitau	2E	152	3	16
Kaiwaitau	3A	47	3	30
Kaiwaitau	3B	215	1	1
Kaiwaitau	4A	114	0	0
Kaiwaitau	4B	20	0	0
Kaiwaitau	4C	68	3	9
Kaiwaitau	5	10	0	0
Kaiwaitau	7A1	25	1	0
Kaiwaitau	7A2	101	0	28
Kaiwaitau	7B	72	3	31
Kaiwaitau	7C	56	3	19
Mahanga	1B	100	0	0
Mahanga	1C1A2	58	1	9.5
Mahanga	1C1B	62	3	0
Mahanga	1C2A	2	0	0
Mahanga	1C2B	2	0	0
Mahanga	1C4	2	0	0
Mahanga	1D2	218	3	38
Mahanga	2D2A	10	0	34
Mahanga	2D2B1	10	0	34
Mahanga	2D2B2	10	0	34
Mahanga	2D3	10	0	34
Mahanga	2D4	20	1	28
Mahanga	2D5	20	1	28
Mahanga	2D6	14	1	28
Mahanga	2E2	77	0	18
Mahanga	2F	163	1	6
Mahanga	2Y	64	2	13.2

The main report could examine the Mahia Land Development Scheme to see if it contributed to any loss of land or conversely if it helped to retain land. An issue here might be the degree of consent that the owners of the land were able to exercise, in particular, whether they wanted their land committed to the scheme or, once in, their right to opt out of the scheme.

Sources for this section include:

A Gould, with G Owen and D Tuuta, 'Maori Land Development, 1929-1954: An Introductory Overview with Representative Case Studies', report commissioned by the Crown Forestry Rental Trust (in association with the Rangahaua Whanui programme), Wellington, 1996

A Harris, 'Maori Land Development Scheme', MA thesis, Massey University, 1996

A G Hercus, 'The Board of Native Affairs: An Experiment in Departmental Control', *Journal of Public Administration*, No.5 (March 1943) pp 28-43

Claudia Orange, 'A Kind of Equality: Labour and the Maori People 1935-1949', MA thesis in History, University of Auckland, 1977

E Schwimmer, 'The Aspirations of the Contemporary Maori', and 'The Maori and the Government', in Erik Schwimmer (ed.) *The Maori People in the Nineteen Sixties, a symposium*, Auckland 1968

M P K Sorrenson (ed.) *Na To Hoa Aroha: From Your Dear Friend, The correspondence between Sir Apirana Ngata and Sir Peter Buck, 1925-1950*, Auckland, 3 vols, 1986, 1987, 1988

A Ward, 'National Overview', Waitangi Tribunal Rangahaua Whanui Series, Waitangi Tribunal, 1997

*Appendices to the Journals of the House of Representatives*, AJHR 1931-1940, G-10, AJHR 1934 G-11

*Parliamentary Debates*

*Statutes*

Maori Affairs files in National Archives, Wellington

MA1, 60/1/2, vols 1 & 2

The following are a group of files in National Archives that look relevant to this issue. These have restricted access but permission to access them has been approved by Te Puni Kokiri. They will need to be looked at for the main report.

Current Archive Reference	Former MA reference	Subject
AAMK 869/587a	15/4/249	Mahanga 2Y
AAMK 869/587b	15/4/256	Kaiwaitau 7A1B
AAMK 869/587e	15/4/264	Kaiwaitau 4C
AAMK 869/588d	15/4/308	Kaiwaitau 7B2, 7B1
AAMK 869/1315a	60/1	Policy & legislation
AAMK 869/1315b	60/1	Ditto
AAMK 869/1315c	60/1	Ditto
AAMK 869/1316a	60/1	Ditto
AAMK 869/1316b	60/1	Ditto
AAMK 869/1316c	60/1	Ditto
AAMK 869//1317a	60/1	Ditto
AAMK 869/1317b	60/1	Ditto
AAMK 869/957b	64/24	Mahanga A no.1
AAMK 869/957c	64/24	Mahia Development scheme
AAMK 869/958a	64/24/1	Ditto
AAMK 869/958b	64/24/1	ditto

These are former Gisborne District Office files held in National Archives, Auckland

Archive Reference	Former MA reference	Subject	Dates
BBHT 4940/2a	14/2/-	Mahia Scheme General	1952-58
BBHT 4940/1c	14/2/1	Mahia Scheme Annual Accounts	1952-55
BBHT 4940/2b	14/2/3	Particulars of Mahia Blocks	1935-47
BBHT 4940/3a	14/2/5	Peter Silas Ormond	1950-85
BBHT 4940/3b	14/2/12	Kaiwaitau 7C & 4C	1940-69
BBHT 4940/4a	14/2/12	Ditto	1968-92
BBHT 4940/5a	14/2/15	Mahanga 2Y	1932-51
BBHT 4940/4c	14/2/15	Ditto	1952-60
BBHT 4940//6a	14/2/16	Kaiwaitau 7B1	1952-63
BBHT 4940/6b	14/2/16	Ditto	1950-83