

OFFICIAL

Wai 900, A13

**TE WHANAU O ERANA PERA MANENE RIPIA
(WAI 973)**

Scoping Report

A scoping report commissioned by the Waitangi Tribunal for the East Coast district inquiry
(Wai 900)

November 2007

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II. INTRODUCTION

This scoping report examines the documentary sources relevant to the claim issues raised by the Te Whanau o Erana Pera Manene Ripia claim (Wai 973) concerning the Maori land holdings of Haapi Powhiro and the succession of these interests. The report scoped for sources relevant to the following questions:

- a) What were the land holdings of Haapi Powhiro?
- b) How were the land holdings of Haapi Powhiro alienated, where not already researched?
- c) What were the rights and entitlements of Erana Pera Manene Ripia, nee Powhiro, as a beneficiary of the land holdings concerned?
- d) To what extent did the Crown fail to fulfil its duty to ensure that Erana Pera Manene Ripia, nee Powhiro, and her descendants received the rights, entitlements and benefits they were permitted with regard to the above land holdings?

The commission adds the following direction in relation to the questions (see page 74):

The commissionee will identify and access relevant source material, including any information that the claimants may be willing to make available, and will assess which aspects of the claim require research and the degree to which they are capable of being researched.

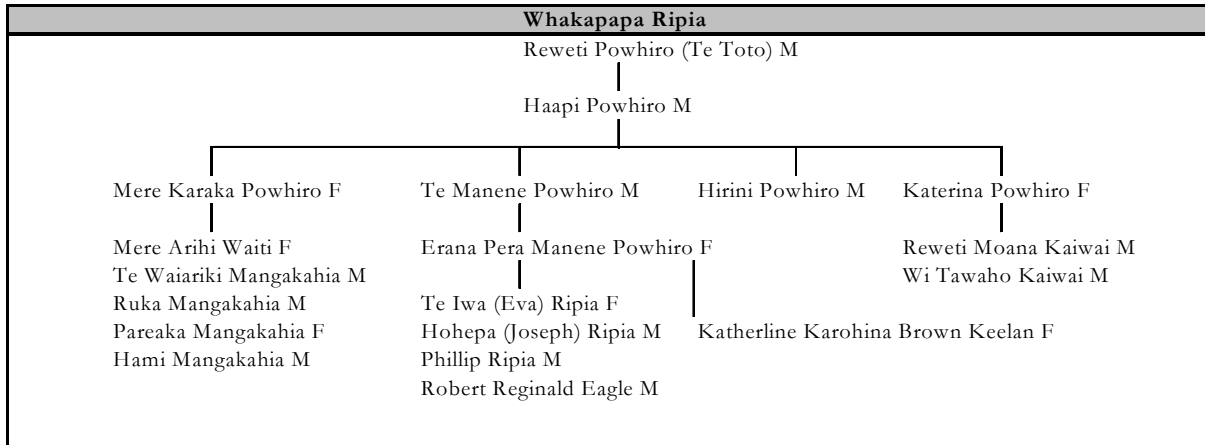
In the process of scoping the documentary evidence relevant to the commission questions, the material examined was considered sufficient to directly address questions a) and b). The documentary evidence examined relevant to questions c) and d) was not considered adequate to directly address them to the same extent.

Wai 973 Te Whanau o Erana Pera Manene Ripia claim

In 2000 Wai 973 was officially registered, lodged by Phillip Hiroki Ripia on behalf of the children of Erana Ripia nee Powhiro and Te Manu (Pari) Ripia for themselves and their whanau. Phillip Ripia claims on behalf of his siblings Hohepa (Joseph) Ripia and Robert Reginald Eagle. The claim is part of the East Coast district inquiry (Wai 900).¹ The following table shows the whakapapa of whanau Ripia who are the focus of this claim:

¹ Statement of Claim, 31 May 2002, Wai 973 # 1.1

Figure 1: *Whakapapa of Haapi Powhiro identifying whanau Ripia* (see Appendix for extended whakapapa supplied by Robert Reginald Eagle)



In June 2004 the Waitangi Tribunal Chief Historian Dr Grant Phillipson reviewed all completed and drafts East Coast district inquiry research. In his recommendations he identified the need for a short research project on the particulars of the Whanau o Erana Pera Manene Ripia claim, stating:

This claim relates to Maori succession in the twentieth century. More specifically, it is about a particular succession case, and the outcomes for a particular whanau... I recommend a short research project on the particulars of this claim, which could serve as a case study for the affects of Maori succession law and practice, if in fact the research uncovers issues of more general significance.²

Confirming Dr Phillipson recommendations, in a meeting on 27 May 2006 the East Coast Research Co-ordinating Committee agreed to a short research report on the particulars of Wai 973.

Background to Commission Questions

The focus of the commission questions a) and b) on Haapi Powhiro’s Maori land interests derives from the original statement of claim, Chief Judge Williams’ corresponding 2002 direction, and an amended statement of claim. The 2002 statement of claim asserted that the absence of Erana Ripia nee Powhiro’s father, Te Manene Powhiro, from his father’s (Haapi Powhiro) estate upon his death in 1915 had, through a chain reaction over successive generations, led to the loss

of whanau Ripia's rightful inheritance. In 2002, on the matter of this particular succession issue, Chief Judge Williams directed that the Native/Maori Land Court's determination of the succession of Te Manene Powhiro was under Maori Land Court jurisdiction and not the Waitangi Tribunal, as set out by part 4 of the Te Ture Whenua Maori Act 1993.³ This was due to the fact that this specific succession matter had been the subject of a separate inquiry by the Maori Land Court on the application of Robert Reginald Eagle. In May 1992 Judge McHugh issued several orders amending the court's original determination. The court orders retrospectively amended Haapi Powhiro's Succession Orders to include Te Manene Powhiro, and therefore his descendants. Chief Judge Williams 2002 direction pointed out that if there was still a perceived error with the specifics of the 1992 order, the claimant's avenue of redress remained within the Maori Land Court or Maori Appellate Court. However, Chief Judge Williams did state: 'If Mr Ripia is able to produce evidence that shows that this issue does relate to an act of the Crown and that it does fall squarely within the Tribunal's jurisdiction, then the claim may be amended to reflect this.'

Accordingly, in October 2003 Phillip Ripia and counsel filed an amended statement of claim redirecting attention to alleged Maori land issues that are within the Waitangi Tribunal's jurisdiction.⁴ These included issues surrounding Haapi Powhiro's East Coast land holdings and the Crown's role in the alienation of those interests. It identified several land blocks in which Haapi Powhiro held interests that lay within the East Coast inquiry district. The amendment asserted that one result of the 'laws governing Maori land' in the 1800s and early 1900s was the 'dispossession of the claimants' and their forebears of their entitlement to their share of the tribal estate.'

Commission questions d) and c) focus specifically on issues regarding Haapi Powhiro's granddaughter (Te Manene Powhiro's daughter), Erana Ripia nee Powhiro, who was committed to state psychiatric care from 1935 until her death in 1980. The amended 2003 statement of claim alleges that Crown 'administrators' including the Department of Maori Affairs and the Maori Trustee did not manage her land holdings effectively while she was in state care, resulting in the failure to ensure that her and her descendants (whanau Ripia) received the benefits of such

² Dr Grant Phillipson, East Coast Casebook Research, Chief Historian's Final Recommendations, June 2004 Wai 900, A1, p35

³ Chief Judge Joe Williams, Memorandum-Directions of Deputy Chairperson, 16 May 2002, Wai 973 #2.1

⁴ First Amended Statement of Claim, 10 October 2003, Wai 973 #1.1(a)

interests. Questions c) and d) focus on those Maori land interests Erana Ripia nee Powhiro inherited from Haapi Powhiro. To cover these questions the report first examines Erana Ripia nee Powhiro's succession to Haapi Powhiro's Maori land interests, as the inheritance of these interests is an important aspect of her rights and entitlements as a beneficiary of those land holdings. The report then describes the role played by Maori Trustee, Native/Maori Land Court and Department of Native/Maori Affairs officials involved in administering Erana Ripia nee Powhiro's estate whilst she was in state health care. Where relevant, this report highlights any broader issues arising from its examination of sources related question to c) and d) in terms of Maori land and succession law and the application of it by the Native/Maori Land Court and the Maori Trustee in the 20th century.

Mental Health Issues

The commission for this report did not cover the issues surrounding the mental health regime raised by the Wai 973 statement of claims. The possible absence of consideration of tikanga Maori in the treatment of Erana Ripia nee Powhiro, and the breakdown of relationships between mother and children, as well as wider whanau, while committed are issues raised in the amended statement of claim concerning the mental health regime. Accordingly, it is recommended that the example of Erana Ripia nee Powhiro's particular experience of the health service be considered as a case study in Raeburn Lange's Provision of Health Services for East Coast Maori report commissioned for the East Coast district inquiry casebook. The authors consider that tangata whenua evidence from the Ripia whanau would be essential in providing the Tribunal with an understanding of this particular issue.

Sources

Several sources have been examined for this report. These include the relevant Native/Maori Land Court minutes. Where available court orders at these hearings were consulted as well as relevant title documents. These have been predominately sourced from the Maori Land Court database Maori Land Information System (MLIS) and the Land Information New Zealand database Landonline. Records at the Tairāwhiti Maori Land Court were surveyed, including Block Order files and Personal files (PF). The records of the Native Land Purchase Department were reviewed where land blocks at issue in this report were affected by Crown purchasing. Relevant reports and other secondary sources were drawn on that covered blocks or areas of

interest to this report. Fewer documentary sources were available to address the questions focused on the management of Erana Ripia nee Powhiro's estate. Erana Ripia nee Powhiro's Maori Trustee file, health records, Maori Land Court Personal file and Succession Orders were the main sources examined for this part of the report.

Names used in this Report

The sources examined contained several variants of Erana Ripia nee Powhiro's name. The report refers to her as Erana Ripia nee Powhiro unless otherwise stated, such as when citing her name from a source document. Where this occurs within the text the name used will be marked with inverted commas. The same method is used for any variation of Haapi Powhiro's name.

Supporting Papers

This report includes supporting papers. The supporting papers are documents that the reader may find useful to consult during their reading of the report. Where a document is available in the supporting papers, it has been indicated in the footnotes.

Structure of Report

The report is divided into two parts. Part one addresses questions (a) and (b), and part two (c) and (d). Part one provides a history of Haapi Powhiro's interests in a number of blocks, tracing his shares through various partitions and exchanges, detailing any permanent transfer of interests out of Haapi Powhiro or his successors' possession. Part two is divided into two sections. The first section describes the sequence of successions through which Erana Pera Manene Ripia nee Powhiro came to hold interests in Haapi Powhiro's Maori land detailed in Part one. The second section examines sources on Erana Pera Manene Ripia nee Powhiro's term in state health care, concerning Maori Trustee, Maori Land Court and Department of Native/Maori Affairs officials' role in the management of her estate. A concluding section summarises any conclusions and outlines the report's final recommendations.

1. PART ONE: THE LAND HOLDINGS OF HAAPI POWHIRO

a) What were the land holdings of Haapi Powhiro?

b) How were the land holdings of Haapi Powhiro alienated, where not already researched?

1.1 Methodology

Part one of the report establishes what legally recognised interests Haapi Powhiro held in Maori land and how and when they were permanently transferred out of his or his successors' possession. This report defines the legally recognised holdings of Haapi Powhiro as those registered and recorded under his name by the Native Land Court. The starting point for the search for Haapi Powhiro's Maori land interests is his 1915 will, which lists a number of blocks in which he purportedly held interests. This section first describes the method used by the authors to find where and what Maori land interests Haapi Powhiro held. Then, second, it provides brief narratives that trace the said interests from the parent block through the various partitions, consolidations and exchanges focusing on when interests passed permanently out of Haapi Powhiro's or his successors' possession. To conclude, the block narratives are summarised and analysed to address commission questions a) and b).

The block narratives focus on the processes and relevant legislation by which Haapi Powhiro's Maori land interests were permanently alienated. Parts of particular narratives remain inconclusive, usually due to incomplete documentation. In these cases the text will note the reasons for the gap or lack of a clear conclusion. The succession of Haapi Powhiro's Maori land interests is not addressed within these narratives, as the court's determination of his succession is examined in detail in Part Two. This part simply refers to the successors in possession, not detailing how they came to hold it.

The 2003 Wai 973 amended statement of claim included a list of 13 Maori land blocks that the claimants believed Haapi Powhiro held interests in. The list was as follows:

1. Tokaroa
2. Te Rahui
3. Waitekaha
4. Nga Whakatutu
5. Waiorongomai
6. Manutahi
7. Mangawhariki
8. Ohinepoutea

9. Mataora
10. Hurakia
11. Tuturaukena
12. Harataunga
13. Tauwhareponoa

The blocks appeared to be cited from Haapi Powhiro’s 1915 will located in his Maori Land Court Personal File (PF), which records the lands in the same order with some variation in spelling.⁵ This list formed the starting point for the investigation of Haapi Powhiro’s Maori land interests. In addition, research conducted by Terry Innis of Innis Land Services on behalf of the claimants, provided a further initial reference point. This included some documentation on each of the listed blocks as well as a summary narrative for each. It also contained some information on blocks that Erana Ripia nee Powhiro succeeded to through her mother Matekino Brown nee Ariari through these are beyond the scope of this report. Maps detailing the locations of Haapi Powhiro’s blocks were also provided, which formed the foundation for the maps in this report.

Using the block names supplied from the 1915 will and 2003 statement of claim as a starting point, a search was conducted of Maori Land Information System (MLIS), Landonline (LINZ database), and the Tairawhiti Maori Land Court records to ascertain what Maori land interests Haapi Powhiro held. It was confirmed that Haapi Powhiro held interests in a number of Maori land blocks located on the East Coast as well as two in Hauraki. The ‘parent’ blocks were known by the following appellations:

Figure 2: *Maori land interests of Haapi Powhiro*

| East Coast | Hauraki |
|------------------------|------------|
| Hurakia | Harataunga |
| Mangawhariki | Mataora |
| Manutahi | |
| Ohinepoutea | |
| Rahui | |
| Tokaroa | |
| Waitekaha | |
| Waiorongomai | |
| Tapuaeroa ⁶ | |

⁵ Typed translation of the will of Haapi Powhiro, 4 September 1916, Tairawhiti Maori Land Court, PF 266, Supporting Papers, Document 31, p318

⁶ Tapuaeroa block was made known late in the research process, through information supplied by Robert Reginald Eagle. The block’s inclusion is explained fully in the narrative below. Subsequently, it is not illustrated on the maps provided.

The 'Tuturaukena' and 'Tauwhareponga' or 'Tauwhareponoa' blocks were not identified under the given names in the East Coast or Hauraki Maori Land Court records. Also, no interests in Haapi Powhiro's name could be identified in Ngawhakatutu. There is a block known as Whareponga on the East Coast, however no interests of Haapi Powhiro or his father, Reweti (Te Toto) Powhiro, could be located in this block from initial title investigation in 1878.⁷

Native Land Court staff conducted a search for Haapi Powhiro's Maori land interests after his death. The court's search is located on a typed (carbon copy) paper filed in Haapi Powhiro's PF, attached to internal correspondence containing several notes dated late July to early August 1920.⁸ It was entitled 'Interests in Land of Hapi Pohiro or Haapi Powhiro'. It noted of Ngawhakatutu that Haapi Powhiro was 'Not an owner.' Of Tauwhareponga it simply stated 'Not Known' and of Tuturaukena the note was recorded: '? if same as Mangawhariki 5 (see above)'.⁹ The Hauraki blocks Mataora and Harataunga were also noted as 'Not Known'.¹⁰ The list reveals that Native Land Court staff were confused about whether Haapi Powhiro had interests in all the blocks claimed. It also suggests that perhaps 'Tuturaukena' may have been another name for Mangawhariki 5.

A caveat must be added that Haapi Powhiro could have owned land beyond those listed in his will. Additional ownership searches were made of blocks in the general vicinity or in proximity to his established holdings. No additional interests were identified under his name. Based on the research conducted for this report, evidence of previous Maori Land Court searches, and the brief survey of adjoining lands, we are confident that while it is always possible some interests may not have been found, the major holdings awarded to Haapi Powhiro have been identified.

Haapi Powhiro's East Coast interests were located in two general areas. Waitekaha, Rahui, Manutahi and Tokaroa blocks and their subdivisions are situated east of Ruatoria, from the township itself to the coast. For the purposes of this report these blocks will be referred to as the Tuparoa blocks. The Hurakia, Mangawhariki, Ohinepoutea and Waiorongomai, blocks are located in the interior of the Waiapu County area, found along the northern bank of the

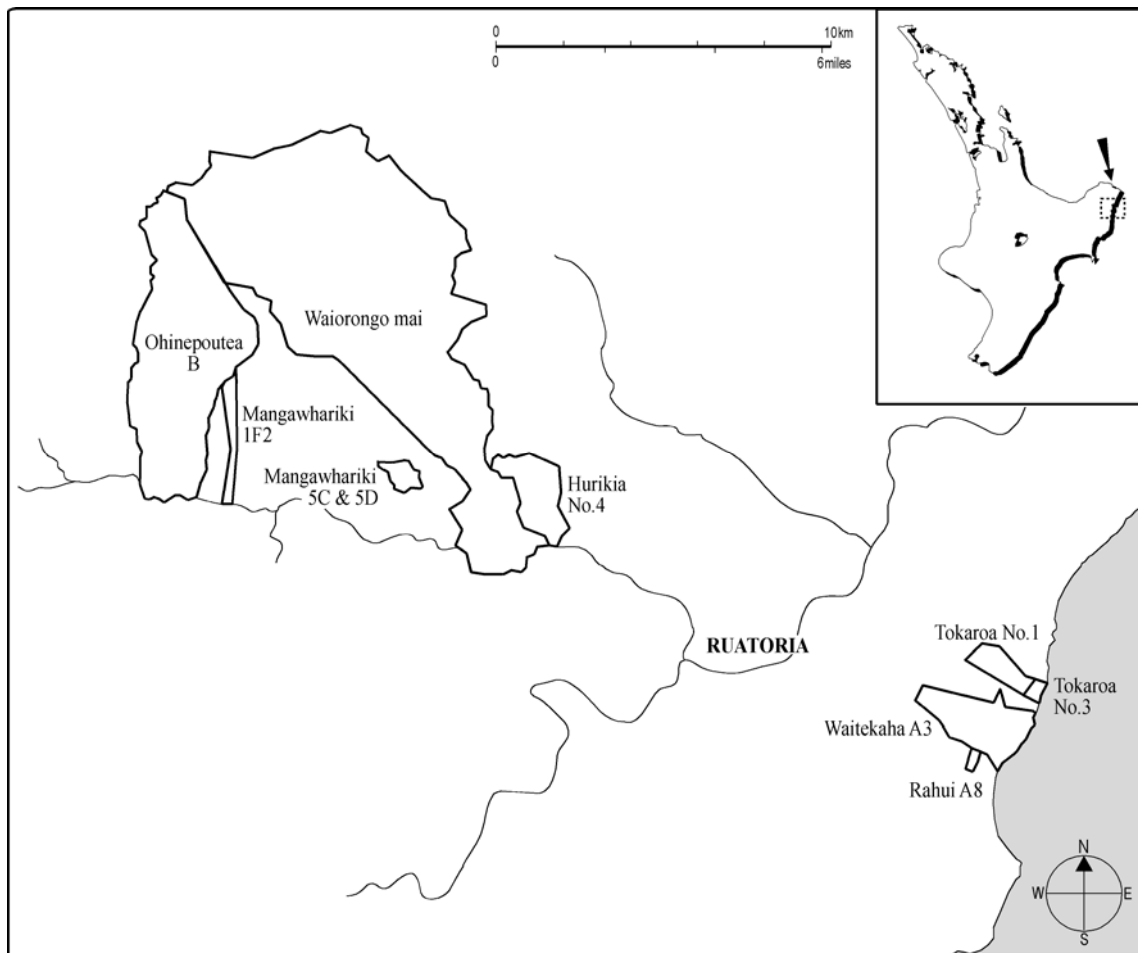
⁷ Memorial of Ownership, Whareponga, 6 April 1878, vol2, fol150, Maori Land Court title, DOSLI No. (The Department of Survey and Land Information) 004230

⁸ 'Interests in Land of Hapi Pohiro or Haapi Powhiro', attached to correspondence dated 20 July and 6 August 1920, Tairawhiti Maori Land Court, PF 266, Supporting Papers, Doc31, p308

⁹ 'Interests in Land of Hapi Pohiro or Haapi Powhiro', attached to correspondence dated 20 July and 6 August 1920, Tairawhiti Maori Land Court, PF 266, Supporting Papers, Doc31, p308

¹⁰ 'Interests in Land of Hapi Pohiro or Haapi Powhiro', attached to correspondence dated 20 July and 6 August 1920, Tairawhiti Maori Land Court, PF 266, Supporting Papers, Doc31, p308

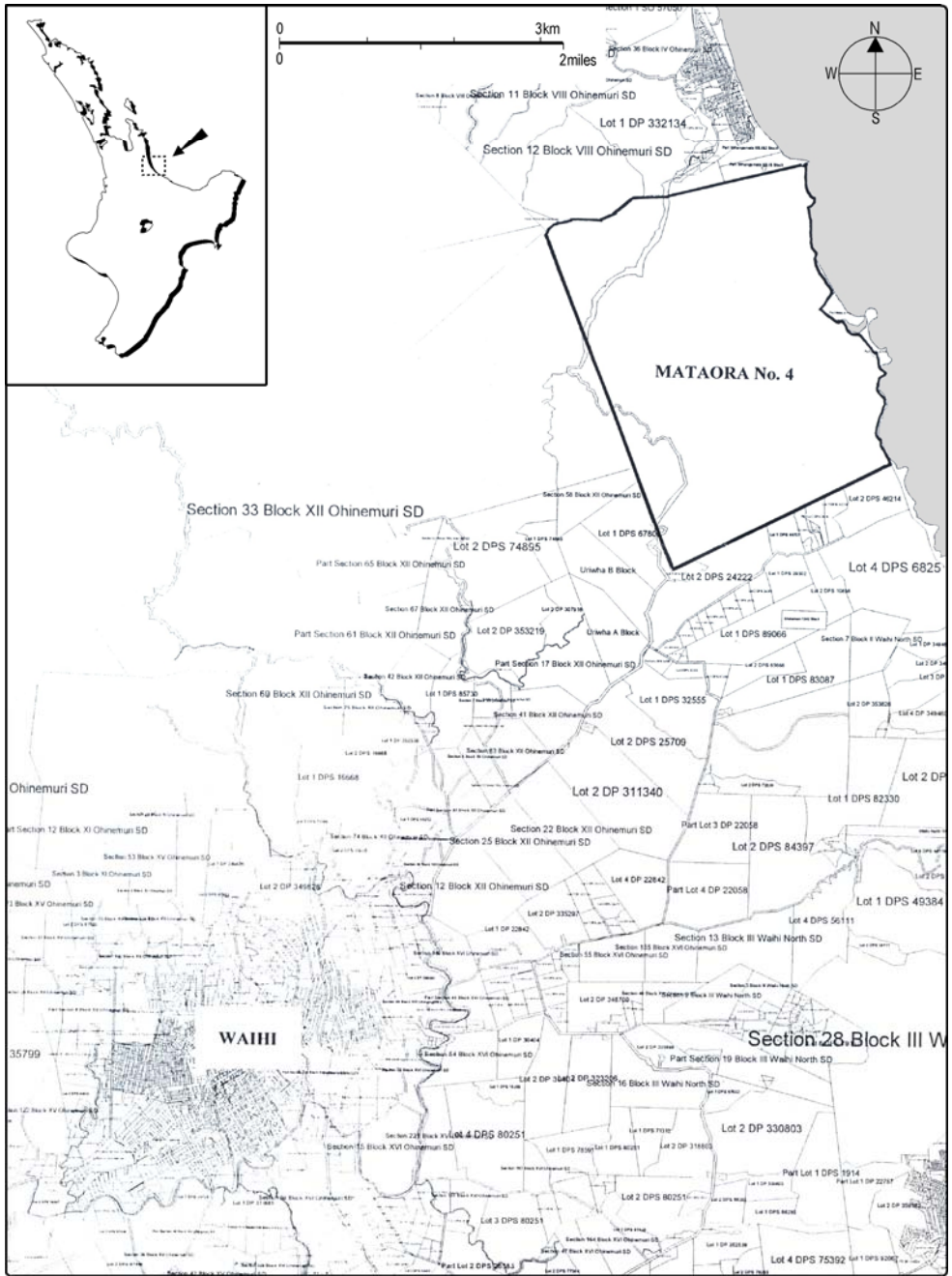
Tapuaeroa river (see map 1 below). The Tapuaeroa subdivisions are located along the southern bank of the river. These blocks are referred to as inland Waiapu County or ‘Papatupu’¹¹ lands. Harataunga block and its subsequent subdivisions are located in Kennedy Bay on the east coast of the Coromandel Peninsula (see map 3). Mataora block is situated in Mataora Bay, north of Waihi and south of Whiritoa township (see map 2). As described below, these blocks were said to be gifted to hapu of Ngati Porou in 1852 by the Ngati Tamatera rangatira, Paora Te Putu.¹² The following narratives are divided into these general geographical divisions.



Map 1: Blocks in which Haapi Powhiri were recorded as having interests by Native Land Court c. 1915. The map excludes the Manutahi blocks, which are located near Ruatoria, and Mangawhariki 1C, which is too small for the scale of the map as well as Tapuaeroa due to its late inclusion. (Waitangi Tribunal Sept07)

¹¹ Land that had yet to be investigated by the Native Land Court to establish title.

¹² Waitangi Tribunal, *The Hauraki Report* (Wellington: Legislation Direct, 2006), p49



Map 2: Mataora 4 block (Waitangi Tribunal Sept07)

1.2 Haapi Powhiro's East Coast Maori Land Interests

Tuparoa Lands

Between 1913 and 1930 the Crown purchased substantial interests in several Tuparoa Maori land blocks. Of these blocks, Haapi Powhiro held interests in Waitekaha, Tokaroa, Rahui and Manutahi. The Tuparoa Crown purchases were conducted in the context of significant settler pressure and Maori resistance.¹³ Orr-Nimmo raises the issue of possible resistance to Crown activity detected in the purchase method used by the Crown Purchase Officer: "This [resistance] can be seen in the way in which he almost invariably had to proceed by means of buying individual interests in blocks over a prolonged period of time."¹⁴ Initial Government interest in Waipapu County lands appears to have been sparked by a petition signed by 100 local settlers in November 1913. The petition complained of the 80,000 acres of Maori land between Waipiro and East Cape which lay 'idle and unproductive', recommending that it be 'secured by the Government' and 'thrown open for settlement.'¹⁵ The residents also noted that long-term leases held by the Williams family on the said blocks were to expire in March 1914. The process of purchase began following the petition.

These Crown purchases were carried out under the Native Land Act 1909 and its 1913 amendment, legislation that greatly increased private and Crown powers and avenues for purchasing Maori land.¹⁶ Of particular importance to the described East Coast purchasing was section 109 of the 1913 Native Land Amendment Act, which permitted the Crown to buy individual interests in land blocks with more than ten owners without obtaining the agreement of a meeting of assembled owners or the local Maori Land Board. Bennion suggests that the Crown may have often chosen this method of purchasing undivided individual shares over longer periods of time to avoid the meetings of Maori owners as well as the checks and approvals needed by the court and the local Maori Land Board.¹⁷ He has also raised the argument that this form of purchasing could potentially hinder development of Maori land, due to long periods of

¹³ Katherine Orr-Nimmo, 'The Sun of Advancement and Progress – An Overview on East Coast District Claims', December 2002, (Wai272 #A5), p608

¹⁴ Katherine Orr-Nimmo, 'The Sun of Advancement and Progress – An Overview on East Coast District Claims', December 2002, (Wai272 #A5), p608

¹⁵ Katherine Orr-Nimmo, 'The Sun of Advancement and Progress – An Overview on East Coast District Claims', December 2002, (Wai272 #A5), p608

¹⁶ Katherine Orr-Nimmo, 'The Sun of Advancement and Progress – An Overview on East Coast District Claims', December 2002, (Wai272 #A5), pp604-606

¹⁷ Tom Bennion, *The Maori Land Court and Land Boards, 1909 to 1952*, Waitangi Tribunal Rangahaua Whanui Series, 1997, pp31-32

prohibition of private alienation (including leases), which were ordered over large clusters of blocks as the Purchase Officer acquired individual shares in that particular area.¹⁸

Waitekaha

On 11 May 1876, Waitekaha block was brought before the Native Land Court for title investigation. The 1347-acre block was claimed by Whanau-a-Umuariki with no objections. In a list supplied by Wi Tahata for the court, 'Te Hapi Powhiro' was listed as owner number 80 of 175 in list.¹⁹ On June 12, a Memorial of Ownership confirmed the list of owners, which included 'Te Hapi Powhiro'.²⁰ As definition of individual interests was not compulsory under section 45 of the 1873 Native Land Act, the Waitekaha owners' individual interests were not ascertained, meaning the Memorial of Ownership did not record the number of shares allocated to each individual. Thus all listed owners held the land in common, their proportion of shares in the block were often defined by later court investigation.

During the title investigation Wi Tahata 'applied' for the land to be made inalienable.²¹ Accordingly, under section 48 of the Native Land Act 1873 the Memorial of Ownership carried the standard restriction on alienation: 'And it is hereby ordered that the above-named owners under this Memorial may not sell or make any other disposition of the said land except that they may lease the said land for any term not exceeding twenty-one years, in possession and not in reversion, without fine, premium, or foregift, and without agreement or covenant for renewal, or for purchase at a future time.'²²

Waitekaha was partitioned in 1894. Starting on 16 April 1894, the court sat at Tapuroa to define the relative interests of the owners of Waitekaha block.²³ The minutes, however, do not reveal the findings of the court, only stating under the heading 'Definition of Interest':

Lists handed out.

¹⁸ Tom Bennion, *The Maori Land Court and Land Boards, 1909 to 1952*, Waitangi Tribunal Rangahaua Whanui Series, 1997, pp32-33

¹⁹ Waiapu Native Land Court minute book 1, 11 May 1876, fol477-489

²⁰ Memorial of Ownership, Waitekaha, 12 June 1876, vol2, fol141, Maori Land Court title, DOSLI (The Department of Survey and Land Information) No.004200

²¹ Waiapu Native Land Court minute book 1, 11 May 1876, fol489

²² Memorial of Ownership, Waitekaha, 12 June 1876, vol2, fol141, Maori Land Court title, DOSLI No.004200; According to section 49 of the same Act, the land could be sold if all owners agreed to a proposed sale. Also, the Turanga Report notes that the Act: 'allowed a majority to partition for sale if unanimity could not be achieved (see ss24, 25). The cumulative effect of the sections meant that the manner of alienation was restricted, but alienation itself was not.'; see Waitangi Tribunal, *Turanga Tangata, Turanga Whenua: The Report on the Turanganui a Kiwa Claims*, (Wellington: Legislation Direct, 2004), p489

²³ Waiapu Native Land Court minute book 24, 16 April 1894, fol9, 11, 15, 50, 55.

Pene Heihi[?] objects to the shares for Makahuia[?] being defined[?] but equal.
Lists handed back to Pene Heihi to complete –
List of Pouahahi[?] passed
List of [unknown] passed²⁴

Later the same year on 1 August, Waitekaha block was again before the Court this time for partition.²⁵ Five subdivisions were ordered. Waitekaha 5 was the largest partition, being 1051-2-00-acres with 163 owners.²⁶ As described below, Haapi Powhiro's interests were later located in Waitekaha 5B, suggesting he held interests in Waitekaha 5. However, the ownership schedule attached to the original partition order for Waitekaha 5 does not list Haapi Powhiro as an owner. He is not listed as an owner in the other four subdivisions.

In 1918 Haapi Powhiro's interests in Waitekaha were defined upon further partition of the block. As stated above, Waitekaha was one of a number of coastal Tuparoa blocks in which the Crown purchased interests. On 27 January 1914, an Order in Council was issued prohibiting all alienation other than to the Crown on a number of coastal Tuparoa blocks including Waitekaha 3, 4 and 5.²⁷ The Order was renewed several times as Crown purchasing activity continued in the area.²⁸ On 15 February 1918, a partition order was made subdividing the newly acquired Crown interests in Waitekaha 5. The 292-0-12-acre Waitekaha 5A was awarded to the Crown.²⁹ It appears that Haapi Powhiro was a non-seller as his interests were located in the 759-1-28-acre Waitekaha 5B.³⁰ He was listed as owner 24 of 173, with 3 shares of the total of 706.2269.³¹

On 16 October 1918 Waitekaha 5B was subdivided 'by mutual consent' of owners into 8 further blocks.³² Haapi Powhiro retained 3 shares out of a total of 73 11/18 in the 64-acre 5B3.³³ He was one of 11 owners. According to the Native Land Court Waiapu minute book, blocks 5B1-4 and 6 'suffer slight reductions [in acreage] because they get better land...' whereas 'Sections 5 and 7 are increased because the land is inferior' (section 8 being a cemetery).³⁴

²⁴ Waiapu Native Land Court minute book 24, 16 April 1894, fol50

²⁵ Waiapu Native Land Court minute book 26, 1 August 1894, fol88-90, 99

²⁶ Partition Order, Waitekaha 5, 14 August 1894 [Supplied by Innis Land Services]; Also see Waiapu Native Land Court minute book 26, 1 August 1894, fol88-90

²⁷ Order in Council declaring land inalienable, 29 January 1914, *New Zealand Gazette*, 1914, no9, p301

²⁸ Order in Council declaring land inalienable, 16 January 1916, *New Zealand Gazette*, 1916, no6, p189; Order in Council declaring land inalienable, 3 August 1916, *New Zealand Gazette*, 1916, no17, p2575; Order in Council declaring land inalienable, 1 February 1917, *New Zealand Gazette*, 1917, no17, p385

²⁹ Waiapu Native Land Court minute book 74, 15 February 1918, fol 147

³⁰ Partition Order, Waitekaha 5B, 16 February 1918 [Available on MLIS]

³¹ Partition Order, Waitekaha 5B, 16 February 1918 [Available on MLIS]

³² Waiapu Native Land Court minute book 75, 16 October 1918, fol 229

³³ Partition Order, 16 October 1918 issued at Waiapu Native Land Court minute book 75, 16 October 1918, fol229 [Available on MLIS]

³⁴ Waiapu Native Land Court minute book 75, 16 October 1918, fol 230

The remaining Waitekaha Maori land blocks were included within the Tuparoa Consolidation Scheme. On 29 July 1927, the Court ordered the land known as Waitekaha 5A, Waitekaha 5B4, Waitekaha 5B6B and Rahui C7 be consolidated under the new appellation Waitekaha A3.³⁵ The Waitekaha 5B3 interests of Haapi Powhiro were transferred to Waitekaha A3, although the land formally known as 5B3 was consolidated in the new appellation Waitekaha A2. Haapi Powhiro had died in 1915, and in 1917/1918 the court determined his succession. Subsequently, the 1927 Consolidation Order listed his successors. Of the 11 owners, the 1927 Consolidation Order listed the deceased 'Hapi Pohiro' with 9.250, Hirini Pohiro with 35.167, Katerina Pohiro with 232.000, Mere Karaka Pohiro with 271.000, and Reweti Pohiro with 10.500 shares. These shares were of a total of 2329.225 in the 266.200-acre block.³⁶ At this time the total area of Haapi Powhiro's successors' interests in Waitekaha A3 was approximately 64 acres.³⁷

On 23 November 1940, Waitekaha A3 was subdivided into three further blocks. Powhiro interests were retained in A3A and A3C.³⁸ These shares are still in Powhiro successors' possession today.

Rahui

On 10 June 1876, the 'Te Rahui' block was brought before the Native Land Court for title investigation.³⁹ In a list of owners supplied by Wi Tahata, 'Te Hapi Pohiro' was listed as number 40) and 'Te Pohiro' as number 68 (perhaps another name for Reweti Powhiro) were recorded as owners out of a total of 140 in the 484-acre block.⁴⁰ The court confirmed Wi Tahata's list.⁴¹ Similar to Waitekaha, Wi Tahata requested that the land be made inalienable.⁴² On 12 June 1876, the Memorial of Ownership was issued for 'Te Rahui'.⁴³ Like Waitekaha, the individual proportions (shares) were not defined.

³⁵ Consolidation Order, Waitekaha A3, 29 July 1927 issued at Waiapu Native Land Court minute book 93A, 29 July 1927, fol53 [Available on MLIS]

³⁶ Consolidation Order, Waitekaha A3, 29 July 1927 issued at Waiapu Native Land Court minute book 93A, 29 July 1927, fol53 [Available on MLIS]

³⁷ The method used throughout this report to estimate acreage was to first calculate the percentage of shares held by Haapi Powhiro or successors in a block, and then calculate the same percentage of acres out of the total acreage of that block. The figures provided are only an approximate in order to give a sense of the scale involved.

³⁸ Partition Order, 23 November 1940 issued at Waiapu Native Land Court minute book 110, 23 November 1940, fol41 [Available on MLIS]

³⁹ Waiapu Native Land Court minute book 1, 10 June 1876, fol464-475

⁴⁰ Waiapu Native Land Court minute book 1, 10 June 1876, fol469, 471

⁴¹ Waiapu Native Land Court minute book 1, 10 June 1876, fol475

⁴² Waiapu Native Land Court minute book 1, 10 June 1876, fol475

⁴³ Memorial of Ownership, Te Rahui, 12 March-12 June 1876, vol2, fol147, DOSLI No.004227

According to Partition Orders issued on 12 February 1889, a block known as Rahui B was further subdivided into Rahui C and D. It is unknown when the original Rahui block was first subdivided. The attached ownership for Rahui C listed ‘Te Pohiro’ with 1 of 365.75 shares of 348.0.16-acre block.⁴⁴ Similarly, Rahui D listed ‘Hapi Pohiro’ as holding 5.5 out of the 109 in the 107-acre block.⁴⁵ This definition of individual interests appears to have been conducted under section 21 of the 1888 Native Land Court Act 1886 Amendment Act, which specified that the court define interests before a proposed partition. On 29 May 1901, Rahui D was again partitioned. Haapi Powhiro interests were located in Rahui D3, totalling 5.5 of 24 shares in the 24-acre block.⁴⁶ On 24 November 1909, Rahui C was also partitioned. Haapi Powhiro interests were located in Rahui C9, totalling 0.5 of 11 11/16 shares of the 11-acre block. Between 24 January 1914 until the end of 1918, several Order in Councils prohibited Rahui C9 and D3 from all alienation except to the Crown whilst individual shares were purchased in these blocks.⁴⁷ Haapi Powhiro did not sell his interests. The total area of Haapi Powhiro’s interests in Rahui C9 and D3 was approximately 5 ½ acres.

On 18 June 1927, as part of the Tuparoa Consolidation Scheme the blocks known as Rahui C9 and D3 were consolidated under a the new title Rahui A8.⁴⁸ The attached ownership schedule listed Katerina Powhiro, Mere Karaka Powhiro and Hirini Powhiro as shareholders in this block.

On 17 August 1969, at the time of the court’s determination of the succession of Katerina Powhiro’s interests in Rahui A8, her shares were deemed ‘uneconomic’ and compulsorily acquired by the Maori Trustee under section 137 (2) of the 1953 Maori Affairs Act.⁴⁹ The total area of Katerina Powhiro’s interests in Rahui A8 was approximately 2 acres. The other successors of Haapi Powhiro were unaffected by this legislation in regard to Rahui A8, retaining their interests in the block.

The 1953 Maori Affairs Act and 1967 Maori Affairs Amendment Act introduced a number of measures to reduce the fractionalisation and fragmentation of ownership in Maori land holdings,

⁴⁴ Partition Order, Rahui C, 12 February 1889 [Supplied by Innis Land Services]

⁴⁵ Partition Order, Rahui D, 12 February 1889 [Supplied by Innis Land Services]

⁴⁶ Partition Order, Rahui D3, 29 May 1901 [Available on MLIS]

⁴⁷ Order in Council declaring land inalienable, 24 January 1914, *New Zealand Gazette*, 1914, no9, p302; 6 February 1915, *New Zealand Gazette*, 1915, no17, p541; 24 January 1916, *New Zealand Gazette*, 1916, no6, p189; 31 July 1916, *New Zealand Gazette*, 1916, no83, p2573; 1 February 1917, *New Zealand Gazette*, 1917, no17, p390

⁴⁸ Consolidation Order, Rahui A8, 18 June 1927 issued at Waiapu Native Land Court minute book 93A, fol48 [Available on MLIS]

which were to result in the reduction of Haapi Powhoro's successors' interests in a number of blocks.⁵⁰ Known together as the 'conversion policy', these measures created a conversion fund from which the Maori Trustee could purchase 'uneconomic' Maori land interests, with the aim of reducing the total number of owners in a given block. Once the Maori Trustee had acquired the 'uneconomic' interests, he was able to on sell these interests to other Maori owners to create larger and more economically viable land holdings.⁵¹ Michael Belgrave, Anna Deason and Grant Young assert that the 'conversion policy' was the 'most controversial' aspect of the 1953 Act.⁵² Under section 137, freehold interests deemed by the court to be 'uneconomic' (under £25) at the time of the determination of succession were to be compulsorily acquired by the Maori Trustee, preventing the shares being succeeded to. Compensation was to be paid to successors at this time. The 1967 Maori Affairs Amendment Act further extended funding for Maori Trustee purchasing of uneconomic interests, and enabled shares to be acquired when passing through the court for partition, consolidation and amalgamation.⁵³ Due to the shift to a decimal currency, the amendment also redefined 'uneconomic' interests as those valued under \$50. Aroha Harris suggests that although the measures were well intentioned, aiming to improve the economic viability and development potential of Maori land, Maori often did not want lose their 'small' interests as they represented their last connection to their ancestral lands.⁵⁴

Manutahi

The Manutahi blocks form part of the present township of Ruatoria. After an initial 1891 adjournment, on 3 February 1893 the 659-acre Manutahi block was brought before the Native Land Court for title investigation.⁵⁵ Later in February the court issued orders for two subdivisions. Haapi Powhoro held 1 share of a total of 461 of the 471-acre Manutahi 2.⁵⁶ On 24 September 1912, Manutahi 2 was further partitioned into three further subdivisions.⁵⁷ Haapi

⁴⁹ Waiapu Maori Land Court minute book 135, 27 August 1969, fol362-363

⁵⁰ Tom Bennion and Judi Boyd, *Succession to Maori Land, 1900-52*, Waitangi Tribunal Rangahaua Whanui Series, 1997, p42

⁵¹ Aroha Harris, 'Maori Land Title Improvement since 1945: Communal Ownership and Economic Use' in *New Zealand Journal of History*, vol31, no1, 1997, pp141

⁵² Michael Belgrave, Anna Deason and Grant Young, 'Crown Policy with Respect to Maori Land, 1953-1999', Crown Forestry Rental Trust, 2004 (Wai 1200 A66), p59

⁵³ Michael Belgrave, Anna Deason and Grant Young, 'Crown Policy with Respect to Maori Land, 1953-1999', Crown Forestry Rental Trust, 2004 (Wai 1200 A66), p155

⁵⁴ Aroha Harris, 'Maori Land Title Improvement since 1945: Communal Ownership and Economic Use' in *New Zealand Journal of History*, vol31, no1, 1997, pp141

⁵⁵ Waiapu Native Land Court minute book 18, 3 February 1893, fol82-137, 148-152, 183-187, 272, 274-280

⁵⁶ Waiapu Native Land Court minute book 18, 25 February 1893, fol280

⁵⁷ Paula Berghan, 'Preliminary Block Research Narratives of the East Coast District 1865-2000', April 2003, p251

Powhoro's interests were located in Manutahi 2B, holding 1 of 453 shares in the 462.2.10-acre block.⁵⁸

On 24 December 1913, an Order in Council was issued prohibiting all private alienation for Manutahi 1 and 2, marking the beginning of Crown purchasing activity in these blocks.⁵⁹ The prohibitions lasted until late 1915.⁶⁰ On 15 February 1918, the Crown acquisitions were partitioned out of Manutahi 2B. The non-sellers interests were placed in Manutahi 2B2, in which Haapi Powhoro held 1 of 401.31/60 shares of the 424-acre block.⁶¹

On 30 August 1918, Manutahi 2B2 was again partitioned, with 22 new subdivisions ordered.⁶² Haapi Powhoro interests were located in Manutahi 2B2M and 2B2Z. He held a single share of 27 in the 14-acre 2B2M.⁶³ On 2 September 1918, the 193.3.27-acre Manutahi 2B2Z was further partitioned into five sections, Haapi Powhoro interests being located in 2B2Z3, holding a single share of 123.4/7 of the 61.5-acre block.⁶⁴ The Native Land Court minutes note that some lands were taken under the Public Works Act 1908 in the Manutahi subdivisions, including land for a stock paddock, Post Office and road.⁶⁵ However, none of these acquisitions resulted in the loss of Haapi Powhoro's interests in either Manutahi 2B2M and 2B2Z3 as they were listed in the succession determination for Haapi Powhoro's interests in 1918.

The Native Land Purchase Department records suggest that Crown purchasing of individual interests continued into the mid-1920s in the Manutahi 2B2 subdivisions. In a document received by the Native Land Purchase Department on 18 February 1927, a 'Purchase list' consisting of an ownership schedule of the original owners of Manutahi 2B2, as well as an attached list of successors (to the original owners), records the additional sellers in the block over this time period. The successor list includes Mere Karaka Powhoro, Katerina Powhoro and Hirini Powhoro. 'Payment' is recorded in the table, with Mere Karaka Powhoro receiving £5.8.10, Katerina

⁵⁸ Partition Order, Manutahi 2B, 24 September 1912 [Available on MLIS]

⁵⁹ Order in Council prohibiting private alienation, 24 December 1913, *New Zealand Gazette*, 1914, no1, p14

⁶⁰ Order in Council prohibiting private alienation, 4 February 1915, *New Zealand Gazette*, 1915, no17, p541

⁶¹ Partition Order, Manutahi 2B2, 15 February 1918 issued at Waiapu Native Land Court minute book 74, 15 February 1918, fol148 [Available on MLIS]

⁶² Waiapu Native Land Court minute book 75, 30 August 1918, fol3

⁶³ Partition Order, Manutahi 2B2M, 30 August 1918, issued at Waiapu Native Land Court minute book 75, 30 August 1918, fol13 [Available on MLIS]

⁶⁴ Partition Order, Manutahi 2B2Z3, 2 September 1918, issued at Waiapu Native Land Court minute book 75, 2 September 1918, fol13 [Available on MLIS]

⁶⁵ Waiapu Native Land Court minute book 72, 6 October 1916, fol19; Waiapu Native Land Court minute book 74, 26 September 1917, fol51; Waiapu Native Land Court minute book 77, 5 December 1918, fol314

Powhiro £2.14.5, and Hirini Powhiro £2.14.5.⁶⁶ The total area of Haapi Powhiro successors' interests in Manutahi 2B2M and 2B2Z3 was approximately 1-acre at the time of sale.

Manutahi 2B2M and 2B2Z3 were included in the Tuparoa Consolidation Scheme.

On 14 November 1925 a Consolidation Order was issued for Manutahi 2B2M, giving the new appellation Manutahi A14. According to the order no other blocks were consolidated with Manutahi A14. The attached ownership schedule did not list any Haapi Powhiro successors, appearing to confirm the sale of his interests.⁶⁷ According to a table dated 27 April 1926 in the Department of Maori Affairs records of the Tuparoa consolidation scheme, the interests held in Manutahi 2B2Z3 were transferred into the new appellations Manutahi A25 and A26.⁶⁸ No record of Haapi Powhiro successors' ownership was found in an examination of the Consolidation Orders issued on 14 November 1925 for Manutahi 2B2 subdivisions appearing to confirm the sale of their interests.

Tokaroa

On 11 May 1876, the 719-acre Tokaroa block came before the Native Land Court for title investigation.⁶⁹ The court minute listed 'Te Toto [Reweti] Pohiro', Haapi Powhiro's father, as number one of 95 owners.⁷⁰ Again, the minute stated that Wi Tahata requested the land to be made inalienable.⁷¹ As with Waitekaha and Rahui, individual interests were undefined. On 5 February 1889, Tokaroa was partitioned into three subdivisions.⁷² Like the Rahui block, interests appear to have been defined by the court under the 1888 Native Land Court Act 1886 Amendment, which specified that individual interests be ascertained before a proposed partition. The court minute listed 'Te Toto Pohiro' as an owner in Tokaroa 1, holding 23 of 330 shares of the 330.3.0-acre block (to which Haapi Powhiro later succeeded).⁷³ Haapi Powhiro was listed as an owner in Tokaroa 3, holding 10 out of the total 65 shares in the 65-acre block.⁷⁴ The total area of Haapi Powhiro's interests in Tokaroa 1 and 3 was approximately 33 acres.

⁶⁶ Purchase List, 18 February 1927, MA-MLP 1 1914/9, Archives New Zealand (ANZ), Wellington (Wgtn) Supporting Papers, Doc35, p456

⁶⁷ Consolidation Order, Manutahi A14, 14 November 1925 issued at Waiapu Native Land Court minute book 93, 14 November 1925, fol32 [Available on MLIS], Supporting Papers, Doc20, pp99-101

⁶⁸ Table, dated 27 April 1926, MA series 1 29/5/1 box 577 pt1, ANZ, Wgtn.

⁶⁹ Waiapu Native Land Court minute book 1, 11 May 1876, fol491-505(order)

⁷⁰ Waiapu Native Land Court minute book 1, 11 May 1876, fol491

⁷¹ Waiapu Native Land Court minute book 1, 11 May 1876, fol505

⁷² Waiapu Native Land Court minute book 13, 5 Feb 1889, fol61, 96-118, 125-128, 141-144

⁷³ Waiapu Native Land Court minute book 13, 5 Feb 1889, fol141-142

⁷⁴ Waiapu Native Land Court minute book 13, 5 Feb 1889, fol142

On 29 October 1915, at the request of 'Hapi Pohiro and five others' their interests in Tokaroa 1 and 3 were exchanged for the interests of the owners in Mangawhariki 5D.⁷⁵ No reasons for the exchange are recorded. The exchange in Tokaroa 1 was subject to its owners paying £33 in way of equity to the owners of Mangawhariki 5D and likewise £13 for Tokaroa 3.⁷⁶ In Section 127 of the 1909 Native Land Act, which described what requirements the court was to satisfy before confirming an exchange, it is listed that the court must confirm: 'all Natives and other persons in whom any interest so to be exchanged is vested consent to the exchange.' According to the 1909 Native Land Act regulations, written consent of an exchange by all interested parties was required in Form No. 13 'Application for Order of Exchange' guided by rule 45.

Based on the available documentary evidence examined, it is not clear when and perhaps if Haapi Powhiro consented to the exchange transaction. The exchange orders were processed on the day of Haapi Powhiro's death. His will dated the previous day still listed Tokaroa as a block in which he held interest. Significantly, as described below (p38), Haapi Powhiro appointed no executor in his will, making it unlikely that any other person was legally entitled to authorise this exchange. According to an affidavit dated 26 April 1917, he had been residing in the Coromandel Peninsular, at his daughter's (Mere Karaka Powhiro) residence, for 22 years before his death:

WE AKUHATA REREAHI of Kuaotunu in the County of Coromandel in New Zealand and PIRIKA WAARA of Koputauaki in the said Country Aboriginal Natives do jointly and severally swear:

1. THAT we knew HAAPI POWHIRO when alive and that the said HAAPI POWHIRO died at Whangapoua in the said County at the residence of his daughter MERE KARAKA POWHIRO ['with whom he had been living for twenty two years']⁷⁷ on the twenty-ninth day of October 1915...⁷⁸

The Waiapu Native Land Court minute books 62-67 (1914-1916) shows no record of a written application by Haapi Powhiro.⁷⁹ However, whatever the case, the Native Land Court approved the exchange.

Papatupu Lands (inland Waiapu County)

Haapi Powhiro also held interests in the land that was still of 'papatupu' status as no Native Land Court investigation of title had been conducted by 1900. These blocks were located in the inland

⁷⁵ Waiapu Native Land Court minute book 67, 29 October 1915, fol163

⁷⁶ Order of Exchange, Tokaroa 1 and 3, 29 October 1915 issued at Waiapu Native Land Court minute book 67, 29 October 1915, fol163 [Available on MLIS], Supporting Papers, Doc21, pp104-108

⁷⁷ This was hand written insert confirmed by signature in margin of document.

⁷⁸ Affidavit 'In the Matter of HAAPI POWHIRO deceased', 26 February 1917, Tairawhiti Maori Land Court, PF 266, Supporting Papers, Doc31, p313

⁷⁹ See Waiapu Native Land Court 67, starting 22 October 1915, fol56, 154, 162-5 for reference to the exchange.

of Waiapu County. This papatupu land included what would be Haapi Powhiri's interests in Ohinepoutea, Mangawhariki, Hurakia and Waiorongomai. Once title investigation was complete these areas also became subject to Crown purchasing between 1900 and 1930. In 1908 the Ngata-Stout Commission estimated that there were approximately 149, 285 acres of 'papatupu' lands in Waiapu County.⁸⁰ At the 1908 Waiomatatini opening of the Commission, Ngata recognised that this land had been kept out of the court through the 'united action of the people.' The Maori owners had wanted a government guarantee that Crown purchases would cease in the area.⁸¹

Title to some of this papatupu land was investigated by 'papatupu block committees', established under section 16 of the Maori Lands Administration Act 1900. The provisions allowed Maori claiming ownership of the land to elect a committee to establish title where the Native Land Court had previously.⁸² However, there was a 'technical error' with the Maori Land Council's (Board after 1905) confirmations of the committee's reports, as Ngata pointed out in his 1908 address: '[t]he title to 22,000 acres has finally passed, while 87,000 acres investigated by the committees have, owing to technical defects in the Board's confirming order, been referred to the Native Land Court.'⁸³ Orr-Nimmo asserts that little research has been completed on the operation of the committees and the nature of the technicality that caused their decisions to be rejected. However, it is clear that investigation of title for these lands were returned to the Native Land Court for rehearing.

Hurakia

Hurakia was one such block of East Coast papatupu land where the determination of the 'papatupu committee' was reinvestigated. According to the April 23 1907 judgment of the Native Appellate Court, the 'Tairawhiti District Maori Land Council' confirmed the committee's original decision on the title for Hurakia on 25 April 1906, but the Appellate Court ruled the decision of the Council null and void.⁸⁴ In 1911 the Native Land Court reinvestigated the title to Hurakia and

⁸⁰ Katherine Orr-Nimmo, 'The Sun of Advancement and Progress – An Overview on East Coast District Claims', December 2002, Wai272 #A5, pp386-387

⁸¹ Katherine Orr-Nimmo, 'The Sun of Advancement and Progress – An Overview on East Coast District Claims', December 2002, Wai272 #A5, p387

⁸² Katherine Orr-Nimmo, 'The Sun of Advancement and Progress – An Overview on East Coast District Claims', December 2002 (Wai272 #A5), p386

⁸³ Katherine Orr-Nimmo, 'The Sun of Advancement and Progress – An Overview on East Coast District Claims', December 2002 (Wai272 #A5), p388

⁸⁴ Tairawhiti District Appellate Court minute book 11, 23 April 1907, fol112-117

on 28 August 1911, free hold orders were issued for nine subdivisions. Haapi Powhiro was recorded as having 44 of a total of 1132 shares in the 1028-acre Hurakia 4.⁸⁵

From 1913, the Crown Purchasing Officer began to acquire interests in the various Hurakia blocks. Crown purchasing in Hurakia resulted in protest from some owners. Interest began in the block when a prospective private purchaser of Hurakia 1 informed the Native Minister that many Maori owners in Hurakia were willing to sell at government valuations.⁸⁶ The Native Land Purchasing Board took no immediate action as it was noted that several appeals were lodged against the existing title.⁸⁷ On 24 December 1913, an Order in Council was issued prohibiting all alienation except to the Crown.⁸⁸ Lasting until April 1920, the order was extended several times as Crown purchasing of interests continued in the block.⁸⁹ The prohibitions brought protest in the form of a petition to Parliament from Hurakia owners 'Timi Heihi and Te Rawhiti Paraone', as several leases for the Hurakia subdivisions were before the Tairawhiti Land Board for confirmation.⁹⁰ On 2 June 1916, the Purchase Officer informed the Under-Secretary of the Native Department that sellers wished to be assured by the Native Minister that those Maori already working and improving the land would be given first right to lease.⁹¹

In the incremental fashion described by Bennion, the Crown Purchase Officer acquired individual Maori interests in Hurakia 4 between December 1913 and October 1918. On 21 October 1918, Crown interests were partitioned out of Hurakia 4 being defined as the 866.2.12-acre Hurakia 4A block.⁹² The non-sellers interests were vested in the 161.1.12-acre Hurakia 4B.⁹³ Haapi Powhiro appears to have sold his interests in Hurakia 4, as the Partition Order for Hurakia 4B, does not record his name.⁹⁴ In the ownership schedule attached to the Freehold Order for

⁸⁵ Freehold Order, Hurakia 4, 28 August 1911 [Available on MLIS], Supporting Papers, Doc23, pp114-117

⁸⁶ Dalton to Native Minister, 17 May 1913, MA-MLP2/3, ANZ, Wgtn

⁸⁷ Under-secretary Native Department to Dalton, 19 September 1913, MA-MLP1 1914/10, ANZ

⁸⁸ Order in Council declaring land inalienable, 24 December 1913, *New Zealand Gazette*, 1914, no1, p12

⁸⁹ Order in Council declaring land inalienable, 24 January 1916, *New Zealand Gazette*, 1916, no1, p189; Order in Council declaring land inalienable, 23 July 1916, *New Zealand Gazette*, 1916, no83, p2575; Order in Council declaring land inalienable, 3 April 1919, *New Zealand Gazette*, 1919, no44, p974

⁹⁰ Petition, Timi Heihi and Te Rawhiti Paraone, undated, MA-MLP1 1914/10, ANZ, Wgtn. Supporting Papers, Doc 33, pp420-432

⁹¹ Native Land Purchase Officer to Undersecretary Native Department, 2 June 1916, MA-MLP1 1914/65, ANZ, Wgtn, Supporting Papers, Doc 34, pp434-439

⁹² Waiapu Native Land Court minute book 75, 21 October 1918, fol251

⁹³ Waiapu Native Land Court minute book 75, 21 October 1918, fol251

⁹⁴ Partition Order, Hurakia 4B, 21 October 1918 issued at Waiapu Native Land Court minute book 75, 21 October 1918, fol251 [Available on MLIS], Supporting Papers, Doc22, pp110-112

the original Hurakia 4 a notation beside Haapi Powhiro name recorded 'Crown', confirming his shares had been sold.⁹⁵

Similar to the Tokaroa exchanges, it is unclear when and perhaps if Haapi Powhiro consented to the sale of his shares, as the sale was not confirmed until after his death. Haapi Powhiro died on 29 October 1915. His will dated the 28 October 1915 listed Hurakia as a block in which he held interest. By 14 September 1918, the time of the court's determination for the succession of his East Coast possessions, no Succession Order was issued for Hurakia (see Part Two for details in respect to these hearings). As noted above, Haapi Powhiro appointed no executor in his will, making it unlikely that any other person was legally entitled to sell the lands. Under section 67 the Native Land Amendment Act 1913 the court did make provision for the sale (or lease) of a deceased person's interests which were considered 'so small' as to be in the opinion of the court to be not worth partitioning to each successor. Written approval of such action had to be received by the Maori Land Board signed by at least half the affected successors. No such request can be found in Haapi Powhiro's Personal File or in the Tairāwhiti Maori Land Board minute books 1914-1918. The total area of Haapi Powhiro's interests in Hurakia 4 amounted to roughly 40 acres, still significant enough for further partition through succession, making it unlikely that this provision was used. Whatever the case, Native Land Court officials were satisfied that Haapi Powhiro had sold his interests in Hurakia 4 to the Crown, as no Succession Order was issued for this land. The lack of further documentation in the sources examined for this report means that no further conclusions can be drawn as to the matter of consent at this time.

Mangawhariki

Similar to Hurakia, the papatupu committee's original 1906 title investigation for Mangawhariki blocks was repealed by the Appellate Court and reinvestigated by the Native Land Court in October 1910.⁹⁶ On 21 October 1910, seven subdivisions were ordered of the 7150-acre Mangawhariki block.⁹⁷ Haapi Powhiro was awarded 10 of 2890 shares in the 2908.0.23-acre Mangawhariki 1 as well as 17 of 745 shares in 1091-acre Mangawhariki 5.⁹⁸

⁹⁵ Land title: GSPR18/156 [supplied by LINZ]

⁹⁶ Waiapu Native Land Court minute book 48, 21 Oct 1910, fol12-18 (Judgment)

⁹⁷ Waiapu Native Land Court minute book 48, 21 Oct 1910, fol52-64

⁹⁸ Freehold Order, Mangawhariki 1, Mangawhariki 5, 21 October 1910 issued at Waiapu Native Land Court minute book 48, 21 October 1910, fol52, 56 [Available on MLIS]

On 21 October 1914, Mangawhariki 1 was subdivided into six further subdivisions.⁹⁹ Haapi Powhiro's interests were located in Mangawhariki 1C and 1F, with 10 shares in each. Mangawhariki 1F was partitioned once more on 21 October 1915. Haapi Powhiro's interests were located in Mangawhariki 1F2, holding 10 of 258 shares of the 268.1.24-acre block.¹⁰⁰ His successors still retain interests in this block.

The investigation of Mangawhariki 1C was hindered by a lack of documentation. Mangawhariki 1C was a small block of just two acres, which appears to have been later made a meeting house reserve under section 103 of 1925 Rating Act. The partition order stated the following in a notation above the sketch plan: 'Exempted from all rates by O[rder] in C[ouncil] under section 104 of the Rating Act 1925. NZ. Gazette No. 47 18/6/31.'¹⁰¹ Ownership schedules located in Tairawhiti Maori Land Court Block Order files note in brackets 'Meeting House Reserve' on the title of each list.¹⁰² These schedules reveal that Haapi Powhiro's children, Katerina Powhiro, Mere Karaka Powhiro and Hirini Powhiro all succeeded to his interests in this block.¹⁰³

Katerina Powhiro's interests in Mangawhariki 1C were affected by the 'conversion policy' of the 1953 Maori Affairs Act and 1967 Maori Affairs Amendment Act as described in the Rahui block narrative. On 17 August 1969, in the same court hearing in which Katerina Powhiro's interests were acquired in Rahui, her shares in Mangawhariki 1C were acquired by the Maori Trustee as uneconomic interests under the described section 137 (2) of the Maori Affairs Act 1953.¹⁰⁴ The total area of Katerina Powhiro's interests in Mangawhariki 1C was approximately .00172 of an acre.

According to the 'List of Current Owners Report' of Mangawhariki 1C found on MLIS dated 6 July 2007, Mere Karaka Powhiro's child Mere Arihi Waiti still retains interests. The deceased Hirini Powhiro also retains interests, although the court had determined the succession of his Maori land interests in 1972.

⁹⁹ Waiapu Native Land Court minute book 62, 21 October 1914, fol259-268

¹⁰⁰ Waiapu Native Land Court minute book 67, 21 October 1914, fol46

¹⁰¹ Partition Order, Mangawhariki 1C, 21 October 1914 [Supplied by Innis Land Services]

¹⁰² Ownership Schedules, dated 18 March 1958 and 14 September 1981, Mangawhariki 1B-1E, file 408B, Tairawhiti Maori Land Court

¹⁰³ Ownership Schedules, dated 18 March 1958 and 14 September 1981, Mangawhariki 1B-1E, file 408B, Tairawhiti Maori Land Court

¹⁰⁴ Waiapu Maori Land Court minute book 135, 27 August 1969, fol362-363

On 28 October 1915, Mangawhariki 5 was partitioned into six further subdivisions.¹⁰⁵ Haapi Powhiro's interests were located in the 143.200-acre Mangawhariki 5C, holding 17 of 97 shares as one of six owners.¹⁰⁶ The total area of Haapi Powhiro's interests was approximately 25 acres. A day later, on request of 'Hapi Pohiro and five others' (the owners of Mangawhariki 5C), with the consent of the owners of Mangawhariki 5D, exchange orders were made vesting Mangawhariki 5D in the same owners as Mangawhariki 5C.¹⁰⁷ In exchange, the owners of Mangawhariki 5D received Haapi Powhiro's and the other five owner's interests in Tokaroa 1 and 3.¹⁰⁸ In effect, Haapi Powhiro and the other five owners of Mangawhariki 5C acquired all of Mangawhariki 5D from its previous owners, whose interests were transferred to Tokaroa 1 and 3. As no new title with corresponding ownership schedule detailing individual interests in the blocks was issued after the exchange, no estimate of the total area of Haapi Powhiro's interests in Mangawhariki 5D could be made. It is unclear from the documentary evidence examined, as noted in the Tokaroa narrative, when or if Haapi Powhiro consented to this exchange.

On 11 April 1927, the previous titles for Mangawhariki 5D and Mangawhariki 5C were cancelled and superseded by a consolidation order which recorded 'Wirihana Tatae alias Wirihana Katua' as the only owner.¹⁰⁹ The land was to be known as 'Mangawhariki 5C and 5D.' Wirihana Tatae was former listed owner in both blocks. A search of Tairawhiti Maori Land Board minute books between 1914 and 1932 reveals no further information on the transfer of Haapi Powhiro or his successors and the other previous owner's interests to Wirihana Tatae. From the limited documentation found it is unknown exactly when and how Wirihana Tatae came to hold sole interest in Mangawhariki 5C and 5D. What ever occurred, it appears that by the time of the 1927 consolidation order Haapi Powhiro's successors no longer held interests in Mangawhariki 5C and 5D.

Ohinepoutea

On 22 September 1903, the Tairawhiti District Land Council issued an 'Order declaring Owners on Report of Papatupu Committee' for the 5080-acre Ohinepoutea block. On sheet ten of the

¹⁰⁵ Waiapu Native Land Court minute book 67, 28 August 1915, fol140-143

¹⁰⁶ Waiapu Native Land Court minute book 67, 28 August 1915, fol140

¹⁰⁷ Order of Exchange, Mangawhariki 5D, 29 October 1915 issued at Waiapu Native Land Court minute book 67, 29 October 1915, fol163 [Available on MLIS], Supporting Papers, Doc24, pp119-121

¹⁰⁸ Waiapu Native Land Court minute book 67, 29 August 1915, fol163

¹⁰⁹ Consolidation Order, Mangawhariki 5C and 5D, 11 April 1927, issued at Waiapu Native Land Court minute book 93A, 11 April 1927, fol36 [Available on MLIS], Supporting Papers, Doc25, pp123-124

ownership schedule, Haapi Powhiro was noted to have 13 of 5089.00 shares.¹¹⁰ The total area of Haapi Powhiro's interests in Ohinepoutea was approximately 13 acres. According to a Certificate of Title issued on 20 July 1909, Ohinepoutea was vested in 'The Tai-Rawhiti District Maori Land Board as a body corporate' under the Maori Land Settlement Act of 1905 'to be held and administered by the Board for the benefit of the Maori Owners...'¹¹¹ On 22 May 1958, Ohinepoutea was partitioned into two subdivisions. Haapi Powhiro's successors' interests were located in Ohinepoutea B.¹¹² According to Certificate of Title issued on 31 July 1968, the two subdivisions of Ohinepoutea were vested in the Maori Trustee.¹¹³ On 27 May 1977, Ohinepoutea B was revested in the original owners under section 70 of the Maori Vested Lands Administration Act 1954.¹¹⁴ Section 70 provided provisions for the Maori Trustee to revest land in those beneficially entitled to the land.

As with Rahui A8 and Mangawhariki 1C on 17 August 1969, at the court's determination of the succession of her Maori land interests, Katerina Powhiro's shares in Ohinepoutea were acquired as 'uneconomic shares' to the Maori Trustee pursuant to section 137 (2) Maori Affairs Act 1953. The total area of Katerina Powhiro's interests in Ohinepoutea B was approximately 3 acres.

Mere Karaka Powhiro's successors still hold interests under the Hamiora Mangakahia Waiti Whanau Trust. Reweti Moana Kaiwai succeeded Hirini Powhiro's interests.¹¹⁵ Reweti Moana Kaiwai successors still hold interest in Ohinepoutea B.¹¹⁶

Waiorongomai

Like Hurakia, Mangawhariki and Ohinepoutea, a papatupu block committee conducted Waiorongomai block's original title investigation. On 24 September 1903, the committee's findings were reported.¹¹⁷ An 'Order declaring Owners on Report of Papatupu Committee' dated 26 September 1903, records 'Hapi Pohiro' on 'sheet .7' as holding of 5.75 of 13852.75 shares in

¹¹⁰ 'Order declaring Owners on Report of Papatupu Committee' issued at Tairawhiti Maori Land Council minute book 1, 21 September 1903, fol54 [Supplied by Innis Land Services]

¹¹¹ land title: GS45/260 [Supplied by LINZ]

¹¹² Partition Order, Ohinepoutea B, 22 September 1903 issued at Ruatoria Maori Land Court minute book 3, 22 September 1903, fol36-37 [Available on MLIS]

¹¹³ land title: GS2B/526 [Supplied by LINZ]

¹¹⁴ land title: GSPR5A/1387 [Supplied by LINZ]

¹¹⁵ Gisborne Maori Land Court minute book 104, 10 October 1972, fol3

¹¹⁶ Ruatoria Maori Land Court minute book 49, 11 September 1997, fol159-163; 'List of Current Owners Report', Ohinepoutea B, 1 August 2007 [Available on MLIS]

¹¹⁷ Tairawhiti Maori Land Council minute book 1, 24 September 1903, fol58-60

the 13868-3-0-acre Waiorongomai.¹¹⁸ The total area of Haapi Powhiro's interests in Waiorongomai was approximately 6 acres. On 10 May 1907, the ownership of Waiorongomai block was placed in a Maori incorporation known as 'The Proprietors of the Waiorongomai Block'.¹¹⁹

On 30 May 1957, under section 445 of the 1953 Maori Affairs Act the Maori Land Court issued a Consolidated Order for Waiorongomai. A Consolidated Order was another measure introduced by the 1953 Maori Affairs Act designed to reduce the number of owners in a Maori land block. The provisions enabled the Maori Trustee, after an investigation by the Maori Land Court, to purchase all 'uneconomic' interests in a given block using the 'Conversion Fund'. Like the provisions that enabled the Maori Trustee to acquire Katerina Powhiro's interests in Rahui A8, Mangawhariki 1C and Ohinepoutea, the section 445 provisions were compulsory. Mere Arihi Waiti (successor to Mere Karaka Powhiro), Hirini Powhiro and Katerina Powhiro were included in an undated list of shareholders who held 'uneconomic' interests compiled in the Maori Land Court preliminary investigation of Waiorongomai.¹²⁰ The acquisition of their shares is confirmed in the 1957 ownership schedule attached to the Consolidated Order, which did not list them as owners.¹²¹

Tapuaeroa¹²²

The subdivisions of the Tapuaeroa block are located along the south bank of the Tapuaeroa River, south of the inland Waiapu blocks described above and depicted in the Map 1. It appears that 'Hapi Pohiro' still holds interests in Tapuaeroa C that have not been succeeded to. MLIS records show that Haapi Powhiro holds 0.158000000 shares of a total of 4050.113 in the 542.3799-hectare block.¹²³ Similarly, 'Reweti Pohiro', Haapi Powhiro's father, is recorded as holding 0.242 shares.¹²⁴

¹¹⁸ land title: GSPR 16/39 [Supplied by LINZ]

¹¹⁹ Gisborne Maori Land Court minute book 33, 10 May 1907, fol73,144-145; land title: GS44/244

¹²⁰ 'Waiorongomai X (M.L.C Investigation)', undated, Waiorongomai Block File, 1250, Tairāwhiti Maori Land Court, Supporting Papers, Doc26, pp126-148

¹²¹ Consolidated Order, Waiorongomai, 30 May 1957 issued at Ruatoria Maori Land Court minute book 2, 30 May 1957, fol75 [Available on MLIS], Supporting Papers, Doc27, pp150-170

¹²² As knowledge of this block became known after the research trip, no search of Tairāwhiti Maori Court records was made in regard to this block. Due to time constraints, Tapuaeroa C could not be added to the maps in this report.

¹²³ 'Owner Details Report', Hapi Pohiro, 21 September 2007 [Available on MLIS]

¹²⁴ 'Owner Details Report', Reweti Pohiro, 21 September 2007 [Available on MLIS]

An ownership search of the original Tapuaeroa title awards and subsequent partitions reveal that Reweti and Haapi 'Pohiro' were not awarded original interests under these names in this block. This appears to be confirmed by his 1915 will, which did not list Tapuaeroa block as an area in which he held interest. Starting on 9 April 1886, the Tapuaeroa land block was brought before the Native Land Court for title investigation.¹²⁵ Four subdivisions were ordered (Tapuaeroa 1A, 1C, 1B and 2) with the court minutes recording lists of owners.¹²⁶ These lists do not record Haapi Powhiro/Pohiro or Reweti (Te Toto) Powhiro/Pohiro as owners.

On 29 July 1927, during the Tuparoa Consolidation Scheme, the Tapuaeroa blocks known as Tapuaeroa 2A2A, 2A2B and 2A2C were consolidated in the new appellation Tapuaeroa C – "Hukanui". According to the claimants, Haapi Powhiro held interest when this new block was formed. The 1927 Consolidation Order has been viewed, however the order did not include an ownership schedule. This Consolidation Order is unavailable on MLIS, hence ownership at the initial creation of Tapuaeroa C "Hukanui" has not been verified. An ownership and succession schedule for Tapuaeroa C compiled on 5 May 1970 lists 'Hapi Pohiro' and 'Reweti Pohiro' as holding the described interests out of a total 652 owners and 4111.292 shares.¹²⁷ It also notes that the original Tapuaeroa C "Hukanui" Consolidation Order listed a total of 477 owners. However, it does not reveal any information as to how 'Hapi' and 'Reweti Pohiro' came to hold these interests.

¹²⁵ For Tapuaeroa 1 see Waiapu Native Land Court minute book 10, 9 April 1886, fol184-260, 266, 286, 295-298, 303-307, 312-315; For Tapuaeroa 2 see Waiapu Native Land Court minute book 11, 27 May 1886, fol20-31, 33-38, 66, 155, 167-168, 209, 377-379

¹²⁶ Waiapu Native Land Court minute book 10, 9 April 1886, fol303-307; Waiapu Native Land Court minute book 11, 24 July 1886, fol377-379

¹²⁷ Ownership Schedule, Tapuaeroa C, 5 May 1970 [Available on MLIS]

1.3 Haapi Powhiro's Hauraki Maori Land Interests

Haapi Powhiro held interests in two Maori land blocks in Hauraki. These were Harataunga 2 and Mataora. Harataunga 2 and Mataora consisted of lands gifted (tuku) to three hapu of Ngati Porou (Te Aitanga-a-Mate, Te Aowera and Te Whanau-a-Rakairoa) in 1852 by the Ngati Tamatera rangatira, Paora Te Putu.¹²⁸ These tuku lands were investigated in the Hauraki district inquiry and the Waitangi Tribunal findings can be found in the 2006 *Hauraki Report*. For the purposes of this report the following narratives are included to provide further context for the succession issue discussed in part two. This section relies on records available on MLIS, Landonline and those provided by Innis Land Services, as well as secondary sources such as the Tribunal's *Hauraki Report*.

Harataunga

On 23 June 1868, at a Native Land Court hearing in Shortland (Thames) an order was issued for Harataunga 2 in the name of Ramera Kawhia, Ropata Ngatai and Hikiera Tuterangi.¹²⁹ These owners were to hold the lands in trust for themselves and for all members of several Ngati Porou hapu.¹³⁰ In September 1896 application was made to the Government to give the Native Land Court power to investigate the specific ownership of the block.¹³¹ In June 1899, the court issued an order determining ownership of Harataunga 2.¹³² According to this order, 'Hapi Pohiro' held 3 of 546 shares of the 546-acre block.¹³³ The land was to be inalienable except by lease for a period not exceeding 21 years.¹³⁴ The total area of Haapi Powhiro's interests in the block was approximately 3 acres.

On 20 March 1945, after cancelling an early partition made in 1907, Harataunga 2 was partitioned into 10 further subdivisions.¹³⁵ Haapi Powhiro's successors' interests were located in Harataunga

¹²⁸ Waitangi Tribunal, *The Hauraki Report* (Wellington: Legislation Direct, 2006), p49

¹²⁹ David James Alexander, 'The Hauraki Tribal Lands' (report commissioned by the Hauraki Maori Land Board in association with the Crown Forestry Rental Trust, 1997, vol1, p22 (Wai 686 A10))

¹³⁰ David James Alexander, 'The Hauraki Tribal Lands' (report commissioned by the Hauraki Maori Land Board in association with the Crown Forestry Rental Trust, 1997, vol1, p22 (Wai 686 A10))

¹³¹ David James Alexander, 'The Hauraki Tribal Lands' (report commissioned by the Hauraki Maori Land Board in association with the Crown Forestry Rental Trust, 1997, vol1, p22 (Wai 686 A10))

¹³² David James Alexander, 'The Hauraki Tribal Lands' (report commissioned by the Hauraki Maori Land Board in association with the Crown Forestry Rental Trust, 1997, vol1, p22 (Wai 686 A10))

¹³³ Court Order, Harataunga 2, undated [supplied by Innis Land Services]

¹³⁴ Court Order, Harataunga 2, undated [supplied by Innis Land Services]

¹³⁵ Hauraki Native Land Court minute book 73, 20 March 1945, fol91-93

2B.¹³⁶ On 25 January 1955, Harataunga 2B was partitioned into 2B1 and 2B2.¹³⁷ The interests of Haapi Powhiro's successors were located in Harataunga 2B2.¹³⁸ On 24 March 1964, a Consolidated Order was issued under section 445 of the 1953 Maori Affairs Act.¹³⁹ The revised ownership schedule included Haapi Powhiro's successors'.¹⁴⁰ The total area of Haapi Powhiro's successors' interests in the block was approximately 3 acres.

On 1 August 1973, Harataunga 2B2 was sold to George W. Potae.¹⁴¹ The 'Notice of Change of Ownership or Occupancy' recorded the price as \$29,095.00 and was signed by a representative of the Maori Trustee.¹⁴²

Mataora

On 26 June 1880, the court recorded the findings of its investigation of title for Mataora. In a list of owners, Haapi Powhiro was recorded as one of 80.¹⁴³ On 7 August 1899, the original determination of relative interests was appealed. The revised list of owners attached to the order of the Maori Appellate Court specified that that 'Hapi Pohiro' held 40 of 3400 shares.¹⁴⁴ On 16 September 1918, Mataora was partitioned into two subdivisions. According to the Partition Order, the interests of Haapi Powhiro's successors were located in the 2724-acre Mataora 2.¹⁴⁵

On 21 March 1962, under section 438 of the 1953 Native Affairs Act, Mataora 1 and 2 were vested in the Maori Trustee for a period of three years on application of Hami te Rapu and Sam Goldsmith pursuant to section 269 of the same act.¹⁴⁶ Section 269 described the rights of Maori landowners to incorporate ownership of their land. Section 438 described the power and

¹³⁶ Partition Order, Harataunga 2B, 20 March 1945 issued at Hauraki Native Land Court minute book 73, 20 March 1945, fol91-93 [Available on MLIS]

¹³⁷ Partition Order, Harataunga 2B2, 25 January 1955 issued at Hauraki Native Land Court minute book 74, 25 January 1955, fol280 [Available on MLIS]

¹³⁸ Partition Order, Harataunga 2B2, 25 January 1955 issued at Hauraki Native Land Court minute book 74, 25 January 1955, fol280 [Available on MLIS]

¹³⁹ Consolidated Order, Harataunga 2B2, 24 September 1964 issued at Hauraki Native Land Court minute book 78, 24 September 1964, fol261 [Available on MLIS]

¹⁴⁰ Consolidated Order, Harataunga 2B2, 24 September 1964 issued at Hauraki Native Land Court minute book 78, 24 September 1964, fol261 [Available on MLIS]

¹⁴¹ 'Notice of Change of Ownership or Occupancy', 1 August 1973, title notice: TN33/382 [Available on MLIS], Supporting Papers, Doc28, p172

¹⁴² 'Notice of Change of Ownership or Occupancy', 1 August 1973, title notice: TN33/382 [Available on MLIS], Supporting Papers, Doc28, p172

¹⁴³ Hauraki Native Land Court minute book 13, 26 June 1880, fol99-100 [Available on MLIS]

¹⁴⁴ Title Order, Mataora, 7 August 1889 [Supplied by Innis Land Services]

¹⁴⁵ Partition Order, Mataora 2, 16 September 1918 [Supplied by Innis Land Services]

¹⁴⁶ 'Order Vesting Land in the Maori Trustee', Mataora 1 and 2, 21 March 1962 issued at Waiapu Maori Land minute book 130, 21 March 1962, fol97-98 [Available on MLIS]

regulations guiding the court to vest land in specified trustees for the benefit of its owners. According to a Memorial Schedule attached to the Mataora 2 partition order, on 10 August 1963 this vesting order was cancelled.¹⁴⁷ On 14 December 1966, under section 445 of the 1953 Maori Affairs Act a Consolidated Order was issued for Mataora 2. The ownership schedule included Haapi Powhiro's successors.¹⁴⁸

On 13 June 1967, an application was made for the cancellation of Mataora 1 and 2 and their amalgamation under single title. It was stated the amalgamation was desired for the following reasons:

As both blocks were subject to an order of Incorporation under Section 271/53 on 10 July, 1963, and since been farmed as one property under a Committee of Management appointed by the Maori Land Court, it is considered that both blocks be amalgamated so that the equity of any owner can be determined at any time, correct distribution of profits can be made if required, and to enable owners to determine value of shares in Incorporation if they desire to sell. Mataora No.1 Block has sea access only and has no legal road access. Only access is through Mataora No.2 Block to a legal road.¹⁴⁹

On 22 August 1967, the court issued a new title under the new appellation Mataora 3. Haapi Powhiro's successors were included in the ownership schedule.¹⁵⁰ On 22 April 1969, according to the Memorial Schedule attached to the Amalgamation Order, Mataora 3 was declared European land under Part IV of the 1967 Maori Affairs Amendment Act.¹⁵¹

On 26 March 1970, titles to Mataora 3 and Part Lot 5 Block VIII Ohinemuri Survey District were cancelled and amalgamated under the new appellation Mataora 4.¹⁵² Mataora 4's ownership is incorporated, although no current ownership information is available on MLIS, it is assumed that Haapi Powhiro's successors still hold interests.

¹⁴⁷ Partition Order, Mataora 2, 16 September 1918 [Supplied by Innis Land Services]

¹⁴⁸ Consolidated Order, Mataora 2, 14 December 1966 issued at Hauraki Maori Land Court minute book 79, 14 December 1966, fol325 [Available on MLIS]

¹⁴⁹ 'Application for Amalgamation', Mataora 1 and 2, 13 June 1967 [Supplied by Innis Land Services]

¹⁵⁰ Amalgamation Order, Mataora 3, 22 August 1967 [Supplied by Innis Land Services]

¹⁵¹ Amalgamation Order, Mataora 3, 22 August 1967 [Supplied by Innis Land Services]

¹⁵² Amalgamation Order, Mataora 4, 26 March 1970 issued at Hauraki Maori Land Court minute book 80, 26 March 1970, fol384 [Available on MLIS]

1.4 Conclusion of Part One

These three tables summarise the report's attempt to address commission questions a) and b).

Figure 2: *Maori land interests of Haapi Powhiri* (p10)

| East Coast | Hauraki |
|--------------|------------|
| Hurakia | Harataunga |
| Mangawhariki | Mataora |
| Manutahi | |
| Ohinepoutea | |
| Rahui | |
| Tokaroa | |
| Waitekaha | |
| Waiorongomai | |
| Tapuaeroa | |

Figure 3: *Summary of East Coast block narrative findings*

| Land Block | | Transfer Date |
|------------------------|---|---------------|
| Hurakia 4 | Interests sold to Crown | 1913-1918 |
| Tokaroa 1 and 3 | Interests transferred in exchange to Mangawhariki 5D | 1915 |
| Manutahi 2B2M | Interests sold to Crown | 1918-1925 |
| Manutahi 2B2Z3 | Interests sold to Crown | 1918-1925 |
| Mangawhariki 5C and 5D | Consolidation Order issued during Tapuaeroa Consolidation Scheme shows Wirihana Tatae as the sole owner. Haapi Powhiri's successors no longer held interests by this time. | 1927 |
| Waiorongomai | Haapi Powhiri's successors' shares sold as 'uneconomic' interests by the Maori Trustee | 1957 |
| Mangawhariki 1C | Katerina Powhiri's interests compulsory acquired by Maori Trustee at court's determination of her succession. Hirini Powhiri is currently recorded as an owner. | 1969 |
| Ohinepoutea B | Katerina Powhiri's interests compulsory acquired by Maori Trustee at court's determination of her succession. Additional interests still held by Haapi Powhiri's successors. | 1969 |
| Rahui A8 | Katerina Powhiri's interests compulsory acquired by Maori Trustee at court's determination of her succession. Additional interests still in Haapi Powhiri's successors' possession. | 1969 |
| Mangawhariki 1F2 | Interests still in Haapi Powhiri's successors' possession | N/A |
| Waitekaha A3A and A3C | Interests still in Haapi Powhiri's successors' possession | N/A |
| Tapuaeroa C | Interests still in Haapi Powhiri's successors' possession. 'Hapi' and 'Reweti Pohiro' hold interests in this block, which have not been succeeded to. | N/A |

Figure 4: *Summary of Hauraki block narrative findings*

| Land Block | | Transfer Date |
|----------------|--|---------------|
| Harataunga 2B2 | Sold to George W. Potae | 1973 |
| Mataora 4 | Interests still in whanau Ripia possession | N/A |

a) What were the land holdings of Haapi Powhiri?

b) How were the land holdings of Haapi Powhiri alienated, where not already researched?

To cover question a), Figure 2 contains the parent block appellations of the Maori land blocks in which this report established that Haapi Powhiri held interests. Figure 3 and 4 address question b). They chronologically list and summarise the transactions that led to the permanent transfer of Haapi Powhiri's or his successors' interests in each of the blocks listed in Figure 2. Figures 3 and 4 also list those blocks that remain in Haapi Powhiri's successors' possession.

Figures 3 and 4 reveal two main periods of activity when Haapi Powhiri's or his successors' Maori land interests were permanently transferred out of their possession. The first period between 1913 and 1930 was a time of significant Crown purchasing activity on the East Coast. During this period Haapi Powhiri or his successors sold their interests in Hurakia 4 and Manutahi 2B2M and Manutahi 2B2ZM to the Crown. As the Native Land Board or the Native Land Court under the 1909 Land Act and 1913 Amendment Act required no confirmation for the purchase of individual interests, little documentation has been found regarding these sales making precise dating difficult. Also, Haapi Powhiri's interests in Mangawhariki 5C and 5D were transferred out of his possession during this period. Due to a lack of documentation, the nature of this transaction is unknown. However, a consolidation order issued for Mangawhariki 5C and 5D shows that by 1927 Wirihana Tatae was the sole owner of this block.

The second period of activity between 1957 and 1969 occurred under the 'conversion policy' initiated by the 1953 Maori Affairs Act, and extended under the 1967 Maori Affairs Amendment Act. In 1957, under section 445 of the 1953 Maori Affairs Act the Maori Trustee acquired all of Haapi Powhiri's successors' interests in Waiorongomai, which were defined as 'uneconomic'. In 1969, under section 137 of the 1953 Maori Affairs Act the Maori Trustee acquired Katerina Powhiri's 'uneconomic interests' in Rahui A8, Mangawhariki 1C and Ohinepoutea B at the time of court's determination of her succession. These transactions were compulsory and resulted in

the reduction of Haapi Powhiro's successors' interests in Rahui A8, Mangawhariki 1C and Ohinepoutea B and total loss in Waiorongomai.

The approximate total area of the interests held by Haapi Powhiro or his successors at the point of transfer have been calculated to provide a sense of scale to the described alienations. The total area of Haapi Powhiro's interests in Hurakia 4 amounted to roughly 40 acres at the time of their sale to the Crown that likely occurred at some point between 1913 and 1918. His successors' interests in Manutahi 2B2M and 2B2Z3 were approximately 1 acre in size when they were sold between 1918 and 1925. At the point of transfer through exchange with Mangawhariki 5D in 1915, the total area of Haapi Powhiro's interests in Tokaroa 1 and 3 was approximately 33 acres. As no new title with corresponding ownership schedule detailing individual interests in the blocks was issued after the exchange, no estimate of the total area of Haapi Powhiro's or his successors' interests in Mangawhariki 5D could be made. At the point of their acquisition by the Maori Trustee in 1957, the total area of Haapi Powhiro's successors' interests in Waiorongomai was approximately 6 acres. The total area of Katerina Powhiro's interests compulsorily acquired by the Maori Trustee at the court's 1969 determination of her succession in Ohinepoutea B was approximately 3 acres, 2 acres in Rahui A8 and 0.00172 of an acre in Mangawhariki 1C. The total area of Haapi Powhiro's successors' interests in Harataunga 2B2 before their sale in 1973 was approximately 3 acres.

Figures 3 and 4 also show that Rahui A8, Mangawhariki 1C and 1F2, Ohinepoutea B, Waitekaha A3A and A3C and Mataora 4 remain in the possession of Haapi Powhiro's successors, who in part are made up of whanau Ripia. In part two the report specifically focuses on whanau Ripia, investigating how and what portion of Haapi Powhiro's land Erana Ripia nee Powhiro inherited.

The two periods of alienation described raise a number of issues and general observations. The following discussion lists these issues and identifies reports commissioned for the East Coast district inquiry likely to cover them in detail.

Crown purchasing 1913-1930

The Crown purchasing of individual interests in a number of East Coast blocks described in the block narratives raises a number of general issues. Firstly, the provisions of the 1913 Native Land Amendment Act enabled the Crown to purchase individual interests without the requirement of the consent of a meeting of assembled owners or the confirmation of the Native Land Court or

Board. As stated, Bennion suggests that the Crown may have often chosen this method of purchasing undivided individual shares over longer periods of time to avoid the meetings of Maori owners as well as the checks and approvals needed by the court and the local Maori Land Board.¹⁵³ This purchase method was used in Hurakia, Waitekaha, Tokaroa, Rahui and Manutahi. Related to Crown purchase of undivided individual interests, the narratives point to the use and impact of the long periods of Crown prohibition of alienation over the described blocks and their effect on Maori land development and control over their land. These prohibitions affected all East Coast blocks in which Haapi Powhiro held interests either during Crown purchasing or implementation of Tupaeroa Consolidation Scheme of the 1920s. The issue of East Coast Maori protest is also noted in regard to Crown purchasing in Hurakia.

These issues may be more fully addressed in other reports commissioned for the East Coast district inquiry casebook, including Bruce Stirling's 19th century and Tony Walzl's 20th century lands overview. Also, Grant Young's scoping report and eventual full report on the impact of 20th century Maori land title reorganisation on the East Coast may also cover broader issues raised by the use of the described prohibition of alienation during the East Coast consolidation schemes of the 1920s.

The lack of documentary evidence in the source files concerning Haapi Powhiro's consent to the purchase of interests in Hurakia 4 and the exchanges in Tokaroa 1 and 3 and Mangawhariki 5D and 5C indicates the problematic nature and complexities involved in recording why, as well as when, what and where, in the official court records.

Issues of Maori land title provisions 1953-1973

General issues raised by new Maori land title provisions ('conversion policy') introduced by the 1953 Maori Affairs Act and extended by the 1967 Maori Affairs Amendment Act include their compulsory nature and resulting loss of turangawaewae. These issues are likely to be examined in Walzl's 20th century lands report for the East Coast inquiry. They may also be covered in Grant Young's report on the impact of title reorganisation. Young's report will focus on Maori land title and administration system of the 20th century on the East Coast, with specific attention directed toward the Maori Land Court system and land interests considered to be 'uneconomic.' The

¹⁵³ Tom Bennion, *The Maori Land Court and Land Boards, 1909 to 1952*, Waitangi Tribunal Rangahaua Whanui Series, 1997, pp31-32

specific examples detailed in this report could be used as a case study of the impacts of such policy on one group of holdings held by one whanau.

2. PART TWO: THE RIGHTS AND ENTITLEMENTS OF ERANA PERA MANENE RIPIA NEE POWHIRO

c) What were the rights and entitlements of Erana Pera Manene Ripia, nee Powhiro, as a beneficiary of the land holdings concerned?

d) To what extent did the Crown fail to fulfil its duty to ensure that Erana Pera Manene Ripia, nee Powhiro, and her descendants received the rights, entitlements and benefits they were permitted with regard to the above land holdings?

2.1 Introduction

An examination of the official documentary record regarding the Maori Land Court and Maori Trustee administration of Erana Ripia nee Powhiro's Maori land interests reveals that significant confusion existed surrounding her name. The confusion is evident in the records kept by the Maori Trustee and the Native/Maori Land Court, and was created and perpetuated through the use of multiple variants of her name in these files. Consequently, the Maori Trustee and Maori Land Court together administered three estates under different names, unaware that they were one person and a single estate. The first section looks at the Native/Maori Land Court's determination of Haapi Powhiro's succession, focusing specifically on Erana Ripia nee Powhiro's entitlement to her grandfather's Maori land interests. This includes 12 court hearings between 1917 and 1994, 8 of which are examined in detail. The second section describes the Maori Trustee, Maori Land Court and Department of Native/Maori Affairs officials' role in the management of Erana Ripia nee Powhiro Maori land interests whilst in state health care.

2.2 Succession

This section examines the documentary evidence surrounding the various succession hearings at which Erana Ripia nee Powhiro inherited her grandfather's (Haapi Powhiro) Maori land interests. The documentary evidence shows that Erana Ripia nee Powhiro inherited much later, and a smaller portion, of her father's Te Manene Powhiro's estate than she was legally entitled. The primary reason for this was the absence of Te Manene Powhiro from the initial court determination of Haapi Powhiro's succession in 1917-18. As noted above, this error has been recognised and amended by the Maori Land Court in their 1992 investigation of Robert Eagle's application under section 492 of the Maori Affairs Act 1953.¹⁵⁴ The details of the court's re-determination of Haapi Powhiro's succession are beyond the scope of this report. Rather, this section makes a preliminary investigation of Erana Ripia nee Powhiro's rights and entitlements with a view to identifying any issues concerning the wider legislative regime and management or administration of succession by the Native/Maori Land Court in the 20th century.

Tom Bennion and Judi Boyd suggest that the Native/Maori Land Court administration of succession between 1900 and 1952 was potentially overly systematic and bureaucratic. In particular, they argue that the 'sheer bulk of orders made by the court each year indicate the regularity and machine-like repetition of the decisions made'.¹⁵⁵ Their study suggests that succession orders formed the bulk of the court's work over this period.¹⁵⁶ As a result, a delay of 5 to 10 years for succession orders to be issued was not uncommon.¹⁵⁷ This delay can be seen in succession hearings detailed below. Bennion and Boyd also raise the point that the majority of successions were intestate, meaning without a will. They describe the formulaic process in this way:

The majority of succession cases indeed, followed the standard pattern... Where there were children, they succeeded equally, and so on. Almost every page of the court minute books in the twentieth century have abundant examples of this. In most of the orders there were no objectors and the entry simply records the name of the deceased, the fact that there was no will, whether there were any children or siblings, the distribution, and the fact there were no objectors.

¹⁵⁴ 1992 Chief Judge's minute book, 20 January 1992, fol 11-17; Chief Judge Tairawhiti minute book, 18 May 1992, fol129, Supporting Papers, Doc15, pp80-86

¹⁵⁵ Tom Bennion and Judi Boyd, *Succession to Maori Land, 1900-52*, Waitangi Tribunal Rangahaua Whanui Series, 1997, p24

¹⁵⁶ Tom Bennion and Judi Boyd, *Succession to Maori Land, 1900-52*, Waitangi Tribunal Rangahaua Whanui Series, 1997, p24

¹⁵⁷ Tom Bennion and Judi Boyd, *Succession to Maori Land, 1900-52*, Waitangi Tribunal Rangahaua Whanui Series, 1997, p28

As the quote alludes, the court's determination of intestate succession, which had developed out of a combination of English law and Maori custom, predominately favoured equal distribution of interests among the deceased children. If one of the children had died, then grandchildren were to receive the inheritance of their parents.¹⁵⁸ The specific case examined here differs in that Haapi Powhiro left a will, through which the court varied at the time of its determination of his succession in 1918. Significantly, the court later (1992) amended its earlier determination to include Te Manene Powhiro.

The Court's Determination of Haapi Powhiro's Succession 1917/1918

Haapi Powhiro died on 29 October 1915. In a will dated 28 October 1915, he left Mere Karaka Powhiro as the sole successor to his estate. On 13 December 1917, at Te Kuiti, the Native Land Court first heard evidence for the determination of succession of Haapi Powhiro's Hauraki holdings in Harataunga 2D and Mataroa.¹⁵⁹ At this hearing Mere Karaka Powhiro stated:

[Haapi] Left what purports to be a Will – myself sole devisee. I am advised the Will is invalid I waive any claim these lands. Dec. left 3 ch.

Katarina Powhiro
Hirini Powhiro
Mere Karaka Powhiro

I ask for the orders to the 3 of us.

The minute does not state why the will was invalid, however it appears the court varied the will's succession instructions under section 141 of the 1909 Native Land Act, which states:

On the death of any Native leaving a will, and without having therein made adequate provision for the proper maintenance of his widow or children or orphan grandchildren, the Court may, if it thinks fit, on application made by or on behalf of the widow or children or grandchildren at any time within two years after the death... b.) Appoint to any child of the deceased, or to any grandchild of the deceased who was an orphan at the death of the deceased, an absolute interest in the whole or such part of the real or personal estate of the deceased as in the opinion of the Court is required for the maintenance of that child or grandchild.

The court ordered Haapi Powhiro's interests to be divided equally amongst Mere Karaka, Hirini and Katerina Powhiro.¹⁶⁰ The actual Succession orders have not been located. As described

¹⁵⁸ Tom Bennion and Judi Boyd, *Succession to Maori Land, 1900-52*, Waitangi Tribunal Rangahaua Whanui Series, 1997, pp17-20

¹⁵⁹ Hauraki Native Land Court minute book 66, 13 December 1917, fol67, Supporting Papers, Doc1, p1

¹⁶⁰ Hauraki Native Land Court minute book 66, 13 December 1917, fol67, Supporting Papers, Doc1, p1

below, section 141 was cited by the court as the cause of the varying the will in the subsequent hearing regarding Haapi Powhiro's East Coast Maori land interests.

On 13 September 1918, in Tikitiki, a hearing was held to determine succession to Haapi Powhiro's East Coast land holdings. Paratene Ngata was sworn and gave evidence.¹⁶¹ Ngata testified that Haapi Powhiro 'left all his property' to Mere Karaka Powhiro and that there was 'no executor named in [the] will – no widow.'¹⁶² He also stated that the other children were 'not well off', testifying that Katerina Powhiro's husband had been killed at the front and she was living only on a pension. However, despite asserting that the other children were not financially secure, he did not know of Hirini Powhiro's wellbeing.¹⁶³ The court under section 141 varied Haapi Powhiro's original will so that 'Mere Karaka Powhiro [would] take ½ and Katerina Powhiro and Hirini Powhiro will [would] take ¼ each of all the interests of the deceased.'¹⁶⁴ This determination appears to be in partial fulfilment of Haapi Powhiro's will, with Mere Karaka Powhiro receiving half while the other siblings only a quarter rather than the described standard practice of equal distribution that seems to have been applied at the earlier Te Kuiti hearing. Accordingly, the court issued Succession Orders for the following East Coast blocks: Mangawhariki 1C, 1F2, 5C and 5D, Manutahi 2B2M and 2B2Z3, Ohinepoutea, Rahui C9 and D3, Waitekaha 5B3 and Wairongomai.¹⁶⁵

There are a number of observations that are important to note surrounding these court hearings and consequent orders. No mention was recorded as being made of Te Manene Powhiro, the second child of Haapi Powhiro, at either the 1917 or 1918 succession hearings resulting in his absence from the court orders. No documentation has been found regarding Te Manene Powhiro's whereabouts or situation at this time. The Wai 973 claimant believes Te Manene Powhiro died in 1915, before his father, and his whereabouts was unknown to his siblings, as he had left the East Coast sometime before his death.¹⁶⁶ Te Manene Powhiro had one child with his wife Matekino Ariari, Erana Ripia nee Powhiro, who was eight years old at the time of the 1918 determination of Haapi Powhiro's East Coast land. As Matekino Ariari had remarried a local Pakeha Dan Brown and due to the court practice of succession to grandchildren in the case of

¹⁶¹ Waiapu Native Land Court minute book 75, 13 September 1918, fol76, Supporting Papers, Doc2 p3

¹⁶² Waiapu Native Land Court minute book 75, 14 September 1918, fol76, Supporting Papers, Doc2, p3

¹⁶³ Waiapu Native Land Court minute book 75, 14 September 1918, fol76, Supporting Papers, Doc2, p3

¹⁶⁴ Waiapu Native Land Court minute book 75, 14 September 1918, fol76, Supporting Papers, Doc2, p3

¹⁶⁵ Succession Orders, issued at Waiapu Native Land Court minute book 75, 14 September 1918, fol76, Supporting Papers, Doc3, pp105-115

¹⁶⁶ Philip Ripia to Jacqueline Lethridge (Assistant Registrar of Waitangi Tribunal), Wai 973/0 c2002/03/0000253, p1

deceased children, Erana Ripia nee Powhiro would have been Te Manene Powhiro's legal successor. As the 1992 court decision has clarified, the result of this situation was the absence of Te Manene Powhiro, and by course Erana Ripia nee Powhiro, from the determination of Haapi Powhiro's succession. In effect, Erana Ripia nee Powhiro did not inherit at the time what appeared to be her legal entitlement of her grandfather's interests in Mangawhariki, Manutahi, Ohinepoutea, Rahui, Waitekaha and Wairongomai as well as in the Hauraki blocks Harataunga and Mataora.

The Succession of Reweti Powhiro's Interests in 1940 and 1944

Due to Te Manene Powhiro's absence in the court's 1918 determination of Haapi Powhiro's succession, Erana Ripia nee Powhiro did not inherit any Maori land interests until 1940 and 1944. This inheritance was gained at two court determinations regarding interests of Haapi and his father Reweti Powhiro in Waitekaha A3 and Rahui A8 that had not been succeeded to (the appellations given are 'consolidated' titles formally known as Waitekaha 5B3 and Rahui D and C respectively). At a hearing held on the 22 November 1940, the court heard evidence concerning the succession of the interests of Haapi Powhiro and Reweti Powhiro in Waitekaha A3. At this sitting, Katerina Powhiro declared that 'Hapi' had died in 1918 with no will and had four children, Mere Karaka, Te Manene, Hirini and Katerina Powhiro. It is noted that Te Manene was deceased and 'Pera Manene Powhiro' was his only child and successor. Katerina Powhiro also stated that Reweti Powhiro 'died 40 years ago [and was] succeeded by our father Hapi Pohiro.'¹⁶⁷ Two Succession Orders were issued vesting the relative interests in Waitekaha A3 equally in Hirini Powhiro, Katerina Powhiro, Mere Arihi Waiti (Mere Karaka Powhiro's successor) and 'Pera Manene Powhiro' aka Erana Ripia nee Powhiro (refer to figure 1 p5).

The court minute regarding the 1940 hearing is scant in information. As stated, Succession Orders for the shares of Haapi Powhiro in Waitekaha 5B3 had been issued in 1918, hence it is unclear why there were some unclaimed shares still remaining in Waitekaha A3. It is noted in the Waitekaha narrative above that the 1927 Consolidation Order for Waitekaha A3 recorded the deceased Reweti and Haapi Powhiro still holding 10.500 and 9.250 shares respectively. The order noted the date of the 1940 hearing beside each of these shares, indicating that they were the result of this later hearing. However, the source or reason for these unvested shares is unclear based on the evidence examined for this report.

On 16 November 1944, the court heard further evidence regarding the remaining shares held by Reweti Powhiro in Rahui A8.¹⁶⁸ As for the 1940 hearing, after Katerina Powhiro's testimony, the court awarded Reweti Powhiro's interests equally to Hirini Powhiro, Mere Arihi Waiti, 'Pera Manene Powhiro' (Erana Ripia nee Powhiro) and Katerina Powhiro.

The Succession of Hirini Powhiro's Interests in 1972

Erana Ripia nee Powhiro did not inherit further shares in the estate of Haapi Powhiro until the succession of Hirini Powhiro in 1972. On 10 October 1972 in Ruatoria, the court heard testimony concerning Hirini Powhiro's succession. Katerina Kaiwai nee Powhiro's son Reweti Moana Kaiwai was sworn in and declared that Hirini had died 'during the years of the 2nd World War.' Kaiwai added that he did not know the specific year of his death. He noted that Hirini Powhiro left no will to his knowledge, was never married and had no children. A list of possible successors was noted, beginning with the brothers and sisters of Hirini. These were cited from Waiapu court minute book volume 110 folio 34, Haapi Powhiro's 1940 court succession determination described above. This list went on to detail the children of the deceased Mere Karaka Powhiro, Katerina Powhiro and Te Manene Powhiro. 'Pera Manene Powhiro' (Erana Ripia nee Powhiro) was noted as the sole successor of Te Manene Powhiro.¹⁶⁹ Reweti Kaiwai added that Hirini Powhiro inherited all his lands from Haapi Powhiro.¹⁷⁰ Due to the long delay between his death and the hearing, this court determination of Hirini Powhiro's succession appears to be prompted by the approaching 1 April 1973 deadline imposed by section 84 of the 1967 Maori Affairs Amendment Act. The section assigned a deadline of 1 April 1973 where by the Maori Trustee would automatically purchase all unvested testate and intestate interests in Maori freehold land.

The minute recorded the court determination: 'Persons entitled are No. 1-3 [the three other children of Haapi Powhiro] both incl. equally with subsequent substitution of [course].' Subsequently, the court ordered the following Succession Orders. The interests of Hirini Powhiro in Harataunga 2B2 and Waitekaha A3C were divided equally between Mere Karaka Powhiro, 'Pera Manene Powhiro' (Erana Ripia nee Powhiro), Reweti Moana Kaiwai and Wi

¹⁶⁷ Waiapu Native Land Court minute book 110, 22 November 1940, fol34, Supporting Papers, Doc6, p27

¹⁶⁸ Waiapu Native Land Court minute book 112, 16 November 1944, fol361, Supporting Papers, Doc7, p31

¹⁶⁹ Gisborne Maori Land Court minute book 104, 10 October 1972, fol3-4, Supporting Papers, Doc10, p58

¹⁷⁰ Gisborne Maori Land Court minute book 104, 10 October 1972, fol4, Supporting Papers, Doc10, p58

Tawaho Kaiwai. The shares in Harataunga 2B2 are recorded as valued at \$506 and \$121 for Waitekaha A3C. Interests held in Ohinepoutea B and Rahui A8 were vested solely in Reweti Moana Kaiwai, valued at \$28.93 and \$25.70 respectively. And finally, Hirini's Mangawhariki 1F2 and Waitekaha A3A interests, valued at \$89.55 and \$81.24, were vested equally in Mere Karaka Powhiro, 'Pera Manene Powhiro' (Erana Ripia nee Powhiro) and Wi Tawaho Kaiwai. One further order was made concerning the monies held by the Maori Trustee on behalf of Hirini Powhiro. The total balance was vested 1/3 in Mere Karaka Powhiro and 'Pera Manene Powhiro', and 1/6 each in Reweti Moana Kaiwai and Wi Tawaho Kaiwai.

On 6 February 1973 at Wairoa, a further hearing was held to administer the shares of Hirini Powhiro remaining in 'Mataora 1 and 2 Blocks Inc.' The court stated that the determination was to be the same as reached the 1972 hearing.¹⁷¹ A succession order was issued dated the same day vesting 1/15 interests in five children of Mere Karaka Powhiro, 1/3 in Pera Manene Powhiro, and 1/6 in Reweti Moana Kaiwai and Wi Tawaho Kaiwai.

As a result of the initial court determination of Haapi Powhiro's succession in 1917/18, at that time Erana Ripia nee Powhiro did not inherit her full entitlement to her grandfather's estate. Due to the omission of her father, Te Manene Powhiro, from the Succession Orders issued by the court at these hearings, she did not receive her rightful inheritance as his sole successor at this time. Erana Ripia nee Powhiro received smaller fragments of her entitlement much later. In 1940 and 1944 she received a portion of Haapi Powhiro's interests through the unvested interests of her father and grandfather (Reweti Powhiro) in Waitekaha A3A and Rahui A8. In 1972 she succeeded to small shares of her father's land through her uncle, Hirini Powhiro. The rest of her entitlement, which was vested in her aunts in 1917/18 was never inherited, as by course their lands were succeeded to by their children. In 1992 court amendment the original court determination was altered, being re-divided amongst all four children. As a result of this, Erana Ripia nee Powhiro held little of the Haapi Powhiro's Maori land interests she was entitled to while she was interned in state mental health care between 1935-1980.

The described situation raises some possible issues regarding the wider court system and guiding legislation. In the busy and systematic context described by Bennion and Boyd, the absence of Te Manene Powhiro in the Succession Orders of 1917/18 could provide evidence that the court in the day to day administration of succession was only able to superficially investigate each case. In

¹⁷¹ Gisborne Maori Land Court minute book 104, 6 February 1973, fol163, Supporting Papers, Doc12, pp68-69

this particular example, given the scant evidence recorded in the court minutes and the testimony by Ngata rather than relevant Powhiri family members at the second hearing in 1918, it could be interpreted that only limited investigation was made to fulfil section 141 (4) of the 1909 Native Land Act. This section states:

On any application for probate of a will or for a succession order pursuant of a will, it shall be the duty of the Court, for the purposes of this section, to make inquiry as to whether the testator has made adequate provision for the maintenance of his widow, children, and orphan grandchildren (if any).

The case raises questions of the wider court systems and the legislative framework's ability to adequately protect Maori succeeding to title. This scoping report is unable to address the many variables required to further clarify such an issue. For example, a greater understanding of the standard practice of the court regarding the determination of succession is required. The day-to-day practice and regulations of the court would need to be examined in greater detail in order to assess the described successions, especially the initial court investigation of 1917/1918. A wider study of succession hearings would also provide insight into the frequency of such 'mistakes' in the court's determinations. The important issue of the sufficiency of the court's resources to adequately carry out its duties in regard to succession would require consideration given the large number of successions heard by the court. The case also raises some questions of responsibility. The long delay (1917-1992) in rectifying the described situation needs to be placed in wider context. Could the court feasibly have corrected it earlier? The effectiveness of the legislative pathway through the Maori Appellate Court for claimant appeal for such situations requires further study. These issues can only be examined within a broader study of operation of the Native/Maori Land Court in East Coast, with particular focus on succession. The Haapi Powhiri succession could be used as a case study within such an investigation.

2.3 Erana Ripia nee Powhiro and the Maori Trustee

As stated above, an examination of the official documentary record regarding the management of the estate of Erana Ripia nee Powhiro reveals that significant confusion existed surrounding her name. Consequently, the Maori Trustee, together with the Maori Land Court, was administering three estates under different names, unaware that they were one person and a single estate. It is clear from the content of the files that the Maori Trustee was not aware that Erana Ripia nee Powhiro held different interests under two separate names until 1979, 20 years after creating her file. It appears that for the first 24 years of Erana Ripia nee Powhiro's hospitalisation, from 1935 to 1959, the Maori Trustee had not created a file.

This confused administrative process appears to have been caused by the different names used in the various Succession Orders' of Erana Powhiro nee Ripia. The variations of 'Erena Ripea' or 'Bella Ripia' were used for lands succeeded to through her mother, Materkino Ariari, while 'Pera Manene Pohiro' was used for the lands of the Powhiro line. To further complicate matters, the Maori Land Court Personal file (PF) was filed under the name 'Erana Rauhaere Hapi' and her medical records under 'Erana Terau Haere Ripia.' The confusion surrounding her identity lasted throughout her internment, not being resolved until the court's determination of her succession several years after her death. This section examines the administrative process followed by Maori Land Court and Maori Trustee officials in managing Erana Ripia nee Powhiro's beneficial interests as an example of their administrative practice with regard to estates of 'Persons Under Disability' in the 20th century.

On 24 February 1935, Erana Ripia nee Powhiro was interned in Porirua Mental Hospital. Her husband, Pare Ripia applied for a Reception-Order (committal order) on the 21 February at Waipiro Bay.¹⁷² According to the form, Pare and Erana resided at Hiruharama. The medical certificate issued on 21 February recorded that Erana was seven to eight months pregnant with her fourth child.¹⁷³ Erana Ripia nee Powhiro remained at Porirua until 11 October 1939, when she was transferred to Ngawhatu (Nelson) Mental Hospital. In early 1959 she was transferred back to Porirua. She remained at Porirua Mental Hospital until her death in 1980.¹⁷⁴

¹⁷² 'Application for a Reception-Order', 21 February 1935, Porirua Mental Health Hospital file, Registered No. 10.114

¹⁷³ Medical Certificate under the Mental Defectives Act 1911, 21 February 1935, Porirua Mental Health Hospital file, Registered No. 10.114

¹⁷⁴ As this section describes, Erana Ripia nee Powhiro appears to have returned to the East Coast to be cared for by her half sister, Mrs Louise May Brown, on two occasions during this period.

At the time of her committal, Erana Ripia nee Powhiro's Maori land interests, according to statute, were to be administered for her benefit by the Maori Trustee. Under section 17 of the Native Trustee Act 1930 and amendments, on receipt of a reception order under the Mental Defectives Act 1911, the Native Trustee was to take trusteeship of all the given individual's interests in any Maori freehold land. The Native/Maori Trustee's powers, duties and liabilities were those described under Part X of the Native Land Act 1909, 1931 and later Maori Affairs Act 1953, subtitled 'Persons Under Disability.' In all three of these Acts, subtitled 'Other powers of the trustees' Part X contained section, 180, 222 and 102 which provided the Maori Trustee with wide fiduciary powers, but also articulated his responsibilities to his beneficiaries:

Except so far as may be otherwise provided by order of the Court or by this Act, a trustee under this Part of this Act may, in the name and on behalf of the beneficiary, do all things in relation to the trust property which he considers necessary or expedient for the advantageous administration thereof in the interests of the beneficiary, and which the beneficiary could himself have done if he had not been under disability and if no such trustee had been appointed.

As well as these particular statutory obligations, G. V and S. M. Butterworth have proposed six points as important general duties of all trustees, including the Maori Trustee, under New Zealand law:

- 1) The primary duty of a trustee is to become thoroughly acquainted with the terms of trust and all documents, papers, and deeds relating to or affecting the trust property which come into his possession or control:
- 2) The second duty of the trustee is to adhere rigidly to the terms of the trust:
- 3) It is the duty of the trustee to act fairly and impartially by all the beneficiaries:
- 4) The trustee must keep proper accounts and give full information when required:
- 5) A trustee may not delegate authority unless authorised by the terms of the trust and always remains responsible:
- 6) A trustee may not make a profit out of the trust property or out of the office of the trustee.¹⁷⁵

These points summarise the fiduciary duty of the Maori Trustee to their beneficiaries. The following situation described poses a number of possible issues regarding Maori Trustee's fulfilment of these obligations with regard to Erana Ripia nee Powhiro's Maori land interests inherited from Haapi Powhiro's estate.

Documentation surrounding the estate of Erana Powhiro nee Ripia while committed is found in her Maori Trustee file and Maori Land Court Personal File. The organisational context in which these documents were produced is important to understanding them. During the hospitalisation

¹⁷⁵ G. V. Butterworth and S. M. Butterworth, *The Maori Trustee*, (Wellington: Maori Trustee), 1991, p2

of Erana Ripia nee Powhiro, both the Maori Trustee and court, although statutorily distinct, were serviced by the Native Department and later Department of Maori Affairs officials. G. V. Butterworth and S. M. Butterworth detail the Native/Maori Trustee's gradual 'loss of administrative autonomy.'¹⁷⁶ They note that the first stage was that the offices of the Native Trustee and Native Secretary were combined, followed by the second, when the Native Department in 1934 absorbed the staff of the Native Trustee Office.¹⁷⁷ Shortly after the end of the Second World War, further administrative functions of the Maori Trustee were transferred to District Offices of the Department of Maori Affairs.¹⁷⁸ These functions included administering 'Persons Under Disability.' Due to these organisational changes, the authority of the Maori Trustee was delegated to different officers over the years, from Wellington head-office pre-Second World War to the District Officer of Maori Affairs in Gisborne thereafter. As well as the Maori Trustee, the Maori Land Court was also administered as part of the Department of Maori Affairs. As a consequence of the Maori Land Court's role in maintaining records of title and succession of Maori land, the Maori Trustee was dependent on court records regarding their beneficiaries. For example, the Native/Maori Land Court held 'beneficiary cards' for individuals, establishing total shares and rents accrued from Maori land. Hence, much of the correspondence in the two files examined was between the two statutory distinct offices. The close organisational structure meant that at times the files consist of informal notes between the Department of Maori Affairs and Maori Land Court officials, making it on occasion difficult to decipher which organisation the notes were written on behalf of and to whom they were addressed.

Erana Ripia nee Powhiro's Maori Land Court Personal File

Evidence from Erana Ripia nee Powhiro's PF prior to 1959, provides some insight into the record keeping procedures of the Maori Trustee and Native/Maori Land Court regarding the management of her estate. The PF file is broken into two distinct parts, each with a different coversheet. The coversheet of the first section of the file is entitled 'Personal File: Erana Rauhaere Hapi Mental Patient' and is stamped 'Maori Trust Estate'.¹⁷⁹ The correspondence in this part of the file covers the period 14 October 1942 to 13 February 1957.

¹⁷⁶ G. V. Butterworth and S. M. Butterworth, *The Maori Trustee*, (Wellington: Maori Trustee), 1991, p39

¹⁷⁷ G. V. Butterworth and S. M. Butterworth, *The Maori Trustee*, (Wellington: Maori Trustee), 1991, p39

¹⁷⁸ G. V. Butterworth and S. M. Butterworth, *The Maori Trustee*, (Wellington: Maori Trustee), 1991, p47

¹⁷⁹ Cover Sheet, Tairāwhiti Maori Land Court Personal File, PF 3764, Supporting Papers, Doc30, p276

This section consists of a stream of correspondence from the Gisborne Maori Land Court to various government offices and institutions, attempting to ascertain who, where and what interests were held by 'Erana Ruahaere Hapi.' These offices included the Native Trustee (Head Office), Porirua and Ngawhatu Mental Hospitals and the Ruatoria Welfare Officer. Dated 14 October 1942, the earliest correspondence consists of a request from the Registrar of the Gisborne Native Land Court to the Native Trustee seeking permission to pay her mother, Materkino Ariari nee Brown, £3.4.8 of 'Farm Profits' being held by the Tairawhiti Native Land Board on behalf of Erana Rauhaere Hapi.¹⁸⁰ The letter stated that Materkino Ariari needed the money in order to 'buy clothes' for Erana Ripia nee Powhoro's child, presumably Philip Ripia.¹⁸¹ The Head Office of the Native Trustee approved the request on 27 October 1942.¹⁸² The next lot of correspondence consisted of a memorandum dated 13 January 1944 from the Native Trustee requesting further details of 'any rents to the Credit' of 'Erana Rauhaere Hapi.'¹⁸³ In seeming contradiction to the above, the Gisborne court Registrar replied that 'we hold no funds' as she did not appear to be 'an owner in blocks administered by this Board.'¹⁸⁴ Understandably, the Native Trustee then brought the Registrar's attention to the earlier noted correspondence in a letter dated 20 January 1944, to which no reply is on the file.¹⁸⁵ On 4 February 1948, the Registrar of the Gisborne Native Land Court suggested to the Native Trustee: 'that you may have had another file under a different name for this person.' The memorandum also stated that the court held 'no substantial record of the patient.'¹⁸⁶ The Maori Trustee replied similarly 'I have no other file for this person.'¹⁸⁷

Following the above correspondence, the PF file recorded several letters sent to both Porirua and Nelson Mental Hospital attempting to ascertain Erana Ripia nee Powhoro's location. On 25 January 1954 it was finally established that Erana was a patient of Ngawhatu (Nelson) Mental

¹⁸⁰ Gisborne Native Land Court Registrar to Native Trustee Head Office, 14 October 1942, Tairawhiti Maori Land Court Personal File, PF 3764, Supporting Papers, Doc30, p304

¹⁸¹ Gisborne Native Land Court Registrar to Native Trustee Head Office, 14 October 1942, Tairawhiti Maori Land Court Personal File, PF 3764, Supporting Papers, Doc30, p304

¹⁸² Native Trustee Head Office to Gisborne Native Land Court Registrar, 27 October 1942, Tairawhiti Maori Land Court Personal File, PF 3764, Supporting Papers, Doc30, p303

¹⁸³ Native Trustee Head Office to Gisborne Native Land Court Registrar, 13 January 1944, Tairawhiti Maori Land Court Personal File, PF 3764, Supporting Papers, Doc30, p302

¹⁸⁴ Gisborne Native Land Court Registrar to Undersecretary Native Department, 13 January 1944, Tairawhiti Maori Land Court Personal File, PF 3764, Supporting Papers, Doc30, p302

¹⁸⁵ Native Trustee Head Office (Native Department) to Gisborne Native Land Court Registrar, 20 January 1944, Tairawhiti Maori Land Court Personal File, PF 3764, Supporting Papers, Doc30, p300

¹⁸⁶ Gisborne Native Land Court Registrar to Native Trustee Head Office, 4 February 1948, Tairawhiti Maori Land Court Personal File, PF 3764, Supporting Papers, Doc30, p299

¹⁸⁷ Native Trustee Head Office to Gisborne Native Land Court Registrar, 6 February 1948, Tairawhiti Maori Land Court Personal File, PF 3764, Supporting Papers, Doc30, p298

Hospital, having been transferred there from Porirua around 15 years earlier.¹⁸⁸ One letter dated 18 January 1954 regarding the adoption of Robert or Porirua Ripia from the Education Department, Child Welfare District Office, made clear that Erana was known by multiple names: 'Erama [sic] Ripia, also known as Erama [sic] Terauhaere Hapi and Bella Brown'.¹⁸⁹ It is not clear what, if any, further action was taken in response to this information at this time.

The correspondence described thus far within the PF suggests some confusion existed within court surrounding the name, location and estate of Erana Ripia nee Powhiro. Given that the court and Maori Trustee records had difficulty clarifying these facts surrounding Erana Ripia nee Powhiro's situation, the PF raises questions about the adequacy of the record keeping which was vital to the efficient management of her landed interests.

A series of internal hand written notes filed in the PF suggests that prior to the 1959 creation of her Maori Trustee file, Erana Ripia nee Powhiro held Maori land interests which were administered under the name 'Erana Rauhaere Hapi.' A hand written message to 'Court Sec' dated 3 October 1951, requested if 'Erana Ruahaere Hapi' had any interest in Waipiro A8B. To which it was replied, 'yes, 64.325 of 5113.095 shares dated the same day. A note was then forwarded to the 'Beneficiary Secretary', of whom it was asked if 'Erana Rauhaere Hapi M.P.' held a beneficiary card, if anyone was drawing money from it, and whether she was noted as a mental patient.¹⁹⁰ The reply is difficult to decipher, but clearly there was a beneficiary card under this name as the following note queried if Waipiro A8A and A8B were producing rent. To which it was established: 'Waipiro A8A is leased to [name difficult to decipher] for 21 years from 1st Jan 1950. Annual Rental £239.12.0. No Right of Renewal and no compensation. B.F. reference is 5548, Waipiro A8B not leased.'¹⁹¹ On 29 April 1953 this beneficiary card was mentioned again in a memorandum to the Welfare Office in Ruatoria from the District Officer of the Department of Maori Affairs. The letter stated that a 'note appeared on a Beneficiary Card for the abovenamed [Erana Ruahaere Hapi]:-'

Has been in Poriru [sic] Hospital for 6 or 7 years, has had three children, but only one is now alive, Hiroki Ripia (M. 6years) [Phillip], who lives with Tautohe Hiroki at Hiruharama, Ruatoria. Erana's mother Matekino Ariari (Mrs Dan Brown) asks that

¹⁸⁸ Medial Superintendent to District Officer, Department of Maori Affairs, 25 January 1954, Tairawhiti Maori Land Court, PF 3764, Supporting Papers, Doc30, p283

¹⁸⁹ Child Welfare District Office to Registrar, 15 January 1954, Tairawhiti Maori Land Court, PF 3764, Supporting Papers, Doc30, p282

¹⁹⁰ Internal note to 'Benef. Sec', 4 October 1951, Tairawhiti Maori Land Court, PF 3764, Supporting Papers, p295

¹⁹¹ Internal note to 'Estate Clerk', 21 October 1951, Tairawhiti Maori Land Court, PF 3764, Supporting Papers, p293

money due to Erana be paid to Tautohe Hiroki to be spent on purchasing clothes, etc., for the boy.¹⁹²

This letter was part of the described search to find out which hospital Erana was residing. On the 23 September 1957, the last entry regarding this beneficiary card was filed (also the last document in this part of the PF). It gave the following information:

Mrs Louise May Tuhura (sister) took Erana from hospital and is personally responsible for her care maintenance Cr. of £71.19.3 held on benef. card (P/money from Waipiro A8) Mrs Tuhura says her sister is badly in need of clothing.
No further rents coming onto card. Please approve payt. of £71.19.3 (balance on card) to Mrs L. M. Tuhura for clothing for this patient. [Signature] 23/9/57
Payment £71.19.3 approved [signature] 23.9.57¹⁹³

The card may have been closed after this point, as no further rents were accruing.

A preliminary examination of the Maori Land Court and LINZ records shows that ‘Erana te Rauhaere Hapi’ held 64.325 of 5113.095 shares in the 543.2.13-acre Waipiro A8B.¹⁹⁴ It is unknown how or from whom Erana Ripia nee Powhiro received these interests. Waipiro A8 was created by consolidation order on 15 July 1924, joining Waipiro 4A and Waipiro 3D.¹⁹⁵ ‘Erana te Rauhaere Hapi’ held 64.325 shares in this block.¹⁹⁶ Tracing her interests back to Waipiro 4A and Waipiro 3D proved to be inconclusive. The ownership schedule for Waipiro 4A does include the name ‘Manene Hapi’, which could be another name for her father Te Manene Powhiro.¹⁹⁷ Due to scope and time constraints no further investigation of this matter has been made. Waipiro A8B was administered by the incorporation ‘The Proprietors of Waipiro A8.’ On 23 May 1956, it appears this incorporation vested Waipiro A8B in Ihipe Awarau.¹⁹⁸ The above detailed PF entry dated 29 September 1957 confirms this sale, noting a balance of £71.19.3 on ‘Erana te Rauhaere Hapi’ beneficiary card from ‘P/money from Waipiro A8’. This notation was presumably an abbreviation for purchase money. A series of letters in 1986 from Wilson, Barber & Co. to the Tairawhiti Maori Land Court that inquire into the possible interests of Erana Ripia nee Powhiro in Waipiro A8B provide some additional information on the sale of this block:

The abovenamed was an owner in Waipiro A8B under the name Erana Te Rauhaere Hapi. However, Waipiro A8B was part of an incorporation. Title for this block was made

¹⁹² District Officer to The Welfare Officer, Ruatoria, 29 April 1953, Tairawhiti Maori Land Court, PF 3764, Supporting Papers, Doc30, p290

¹⁹³ Internal note, 23 September 1957, Tairawhiti Maori Land Court, PF 3764, Supporting Papers, Doc30, p277

¹⁹⁴ Waiapu Native Land Court minute book 108, 15 July 1924, fol303

¹⁹⁵ Consolidation Order, Waipiro A8, 15 July 1924 [Available on MLIS]

¹⁹⁶ Consolidation Order, Waipiro A8, 15 July 1924 [Available on MLIS]

¹⁹⁷ Partition Order, Waipiro 4A, 29 March 1917 issued at Waiapu Native Land Court minute book 73, 29 March 1917, fol211 [Available on MLIS]

¹⁹⁸ Land Title: GS80/6 [Available on Landonline]; Ruatoria Maori Land Court minute book 1, 23 May 1956, fol23

by an order excluding the area from the incorporation and vesting it in Ihipa Awarau who has now transferred the block to Mokena Pahoe Awarau.¹⁹⁹

And in further letter:

Regarding your letter of 26.5.86 we have enclosed copies of the orders and minutes concerning the dissolving of Waipiro A8 Incorporation.

Ihipa Awarau bought Waipiro A8B off the then equitable owners of which the deceased was included [Erana Ripia nee Powhiro].²⁰⁰

Erana Ripia nee Powhiro's Maori Trustee records

On 16 February 1959, a Maori Trustee file under the name 'Erana Ripea or Bella Ripia' was created after her transfer back to Porirua Hospital from Ngawhatu (Nelson) Mental Hospital. This was 24 years after she was first committed in 1935. Evidence from this file suggests that the Maori Trustee administered another portion of Erana Ripia nee Powhiro's estate on a beneficiary card under the name 'Erana Ripea or Bella Ripia.' These names were those that appeared on the succession orders issued for lands inherited through her mother, Matekino Ariari. The file also shows the existence of a third beneficiary card under 'Pera Manene Powhiro', which registered land inherited from the Powhiro line. The file shows that this situation was brought to the attention of the Maori Trustee in 1979, a year before Erana Ripia nee Powhiro's death. However, the Maori Land Court staff concluded that insufficient documentary evidence existed to substantiate that these different cards represented the same person and a single estate.

As the early correspondence filed within the PF has suggested, the opening documents of the Maori Trustee file confirm that confusion existed as to the identity of Erana Ripia nee Powhiro. After her transfer documentation from Nelson, the first correspondence filed was a letter dated 13 February 1959 from the District Public Trustee to the District Officer of the Department of Maori Affairs at Gisborne. The letter contained the Notice of Committal and further stated that 'Erena Ripea' was Maori and that it was presumed the District Officer (acting for the Maori Trustee) would 'administer her affairs.'²⁰¹ A notation on the letter asked other staff at the Department of Maori Affairs whether a beneficiary card existed for 'Erena Ripea', of which it is

¹⁹⁹ K. B. Bacon for Register to Wilson, Barber & Co., 28 May 1986, Tairawhiti Maori Land Court, PF 3764, Supporting Papers, Doc30, p243

²⁰⁰ K. B. Bacon for Register to Wilson, Barber & Co., 8 May 1986, Tairawhiti Maori Land Court, PF 3764, Supporting Papers, p245

²⁰¹ District Public Trustee to District Officer Department of Maori Affairs, 13 February 1959, Maori Trustee File, File no11:4:108, Supporting Papers, Doc32, p417

answered ‘not under the above name.’²⁰² It was also noted that Erana’s sister, Mrs Tuhura was not able to be located under the name given in the Notice of Committal.²⁰³ The other name referred to in the note appeared to have been ‘Bella Ripia’, as thereafter the file headed correspondence under ‘Erana Ripia or Bella Ripia’. This beneficiary card kept record of the Maori land interests inherited from Erana Ripia nee Powhoro’s mother Matekino Brown nee Ariari.

According to the Maori Trustee file, prior to 1979 the Maori Trustee made two efforts to ascertain further information from next-of-kin regarding the extent of Erana’s estate and family background. According to the file, Erana Ripia nee Powhoro half sister, Mrs Louisa May Tuhura nee Brown was contacted twice during Erana’s internment. On 19 May 1965 a letter was sent on behalf of the District Officer to Mrs Tuhura ‘to ask you if you know of any personal belonging of Bella’s as the Maori Trustee is required to take steps to look after these.’²⁰⁴ In reply Louisa Tuhura visited the Gisborne office and according to the notation on the letter, the following information was recorded from her visit:

Bella went into hospital many years ago and as far as Mrs Tuhura knows she has no assets. She was married and lived in Hiruharama. Her Husband is deceased but she has about 4 children still living. One of them is Philip Ripia who lives in Gisborne. Mrs Tuhura says she thinks Bella should have come into some land in Puhunga Blocks from her mother – at the Ruatoria Court about 1 year ago.

This reply is dated 1 June 1965.²⁰⁵ On 27 January 1978, another letter to seek information ‘on Mrs Ripia’s background history’ was sent presumably to the Tairāwhiti Maori Land Court to forward to Mrs D Tuhara.²⁰⁶ The letter noted the information was for the benefit of the Maori Trustee Office and medical staff at Porirua. It appears from the notations on the letter that little new information was gathered. The contact seems to have led to a three-month stay for Erana Ripia nee Powhoro with her sister Mrs Tuhara.

The first reference to a third beneficiary card held under ‘Pera Manene Powhoro’ was filed on 1 March 1979. The internal note requested a ‘Mr Emmanuel’ (Maori Land Court staff) to conduct a ‘Pt XII search for any interests’ of a ‘Pera Manene Powhoro’, who it noted was ‘also known as:-

²⁰² District Public Trustee to District Officer Department of Maori Affairs, 13 February 1959, Maori Trustee File, File no11:4:108, Supporting Papers, Doc32, p417

²⁰³ District Public Trustee to District Officer Department of Maori Affairs, 13 February 1959, Maori Trustee File, File no11:4:108, Supporting Papers, Doc32, p417

²⁰⁴ D. M. McEwen for District Officer to Mrs L. M. Tuhura, 19 May 1965, Maori Trustee File, File no11:4:108, Supporting Papers, Doc32, p412

²⁰⁵ D. M. McEwen for District Officer to Mrs L. M. Tuhura, 19 May 1965, Maori Trustee File, File no11:4:108, Supporting Papers, Doc32, p412

²⁰⁶ G. T. H Moke for Resident Officer to (unknown), 27 January 1978, Maori Trustee File, File no11:4:108, Supporting Papers, Doc32, p380

Bella or Erana Ripia or Paraone or Hapi.²⁰⁷ The file does not make clear how the Maori Trustee Office came to know this information. According to the notation on the same minute sheet, the results were Tapuaeroa C, Mangawhariki 1F2, Waitekaha A3A and A2C. The later three blocks being holdings acquired through the Powhiri line. On 5 March 1979, a letter from the Maori Trustee to the Mataora Incorporation further specified that ‘Erina Ripea’ under the name ‘Pera Manene Powhiri’ held shares in the Hauraki block.²⁰⁸ The inclusion of minute book references to relevant succession orders, and some notes specifying land holdings under each of the above names, suggests the research was conducted to clarify the confusion.²⁰⁹ However, the problem appears to have persisted. An internal memorandum with a reply dated 11 July 1980 asks ‘Mr Pohatu’ to make the two beneficiary cards 18636 and 23689 ‘one and the same’, referring to ‘Erena Ripea’ and ‘Pera Manene Powhiri.’ However in his reply, Mr Pohatu stated:

- 1) Having regard to all the material in this file there is still an element of doubt as to whether they are the one and the same.
- 2) If I am to confirm they are one and the same I will have to insist on some documentary evidence (such as a birth certificate) to prove that.

A request is then made to the Registrar-General of Births, Deaths and Marriages in search of a birth certificate under the name Erana Ripea or Bella Ripia. None was found, as Ripia was Erana’s name through marriage. Also, registration of Maori births was not compulsory until after 1913.²¹⁰ On 28 August 1980 another search was drafted under the name Pera Manene Pohiro, however it was decided not to send it. Erana died that day. A notation stated: ‘I can’t see the point in pursuing this matter any further unless we are going to administer’ (emphasis theirs).²¹¹

It is unclear from the Maori Trustee Office file if it was ever concluded that Erena Bella Ripea/Ripia and Pera Manene Powhiri were the same person, hence joining the two beneficiary cards. Following the above correspondence, an undated ‘Search Schedule: Determination Applications’ was included within the file. The document listed Erana’s complete East Coast interests under the name ‘Pera Manene Powhiri’, and included the blocks Tapuaeroa C, Watekaha A3A and A3C, Mangawhariki 1F2 and Rahui A8.²¹² It still did not include total

²⁰⁷ See entry 49 dated 1 March 1979, Maori Trustee File, File no11:4:108, Supporting Papers, Doc32, p374

²⁰⁸ Maori Trustee to Mataroa Incorporation, 5 March 1979, Maori Trustee File, File no11:4:108, Supporting Papers, Doc32, p373

²⁰⁹ See notation dated 5 June 1979, Maori Trustee File, File no11:4:108, Supporting Papers, Doc32, p371

²¹⁰ Registrar-General to Maori Trustee, 18 August 1980, Maori Trustee File, File no11:4:108, Supporting Papers, Doc32, p348

²¹¹ Maori Trustee to Registrar-General (Not sent), 28 August 1980, Maori Trustee File, File no11:4:108, Supporting Papers, Doc32, p347

²¹² ‘Search Schedule: Determination Applications’, undated, Maori Trustee File, File no11:4:108, Supporting Papers, Doc32, p328

holdings under both names. The Position Sheet that closed the file listed under 'Assets' two separate beneficiary cards. 'Erana' or 'Bella Ripia's' card, no. 18636 and noted annual income. Card no. 23689 held for 'Pera Manene Pohiro', however, remains in brackets and was only entered in hand-written rather than typed and there were no annual income details. Overall, the Position Sheet is still ambiguous as to whether they were dealt with together. In any case, it is clear from the content of the file that the Maori Trustee was not aware of the possibility that Erana held interests under two separate names until 1979, 20 years after opening her file. For the first 24 years of Erana's internment, from 1935 to 1959, it appears no file was opened.

The three separate beneficiary cards held by the Maori Land Court raise questions about the Maori Trustee's ability to effectively manage Erana nee Powhiro's estate. One consequence was that during the entire duration of her internment the Maori Trustee was never aware of the full extent of her estate. Accordingly, it appears the Maori Trustee only made a portion of the monies available for Erana Ripia nee Powhiro's benefit. Although Erana interests were relatively small in monetary terms, some possible issues arising from this are evident.

Over the duration of Erana Ripia nee Powhiro hospitalisation, the evidence suggests the Maori Trustee had difficulty paying her Comforts Allowance, which appears to have contributed to her living costs while committed. No Comfort Allowance was paid until 13 May 1965. In response to the initial 1959 request made by the Medical Superintendent of Porirua Hospital for a 5s weekly allowance, the Maori Trustee on 7 May 1965 replied 'some funds have now come to hand' and that a payment of '£6 or £7' could now be made.²¹³ Notations on the letter made clear that rental monies were held under the name 'Bella Ripia' on 'cd 18636' from Makarika 8A, Totaranui A10B1 and A10B2. These were the lands succeeded to through her mother Materkino Ariari nee Brown in 1964.²¹⁴ The earlier noted PF correspondence in which Erana Ripia nee Powhiro's sister Mrs Tuhura commented on the poor state of her clothing suggest that she was in need of the allowance before this date. Later correspondence demonstrates that the small payments continued to be difficult to meet. For example, it was recorded that payment of the allowance was not made in 1969 due to a lack of funds.²¹⁵ On 7 March 1977, a request was made by Porirua Hospital for \$136.00 to purchase clothing for Erana Ripia nee Powhiro, which could not be

²¹³ D. M. McEwen for District Officer to Medical Superintendent, Porirua Hospital, 7 May 1965, Maori Trustee File, File no11:4:108, Supporting Papers, Doc32, p414

²¹⁴ D. M. McEwen for District Officer to Medical Superintendent, Porirua Hospital, 7 May 1965, Maori Trustee File, File no11:4:108, Supporting Papers, Doc32, p414

²¹⁵ See entry 19 dated 13 June 1969, Maori Trustee File, File no11:4:108, Supporting Papers, Doc32, p406

met.²¹⁶ On 21 March 1977, the Maori Trustee replied that only \$50 could be provided for both the comfort allowance and the clothing and queried Porirua Hospital as to which to contribute the money toward. The \$50 was used to continue the allowance.²¹⁷ It is unknown if Erana Ripia nee Powhiro's clothing was replaced. On 1 April 1977 the cheque was posted to Porirua. According to a typed notation on this letter the payment made was to be the last. It noted that the 'Class 10' Maori Trustee account was to be closed, as the 'Maori Trustee will no longer have any assets (cash) to administer...' Presumably, no more rents were being collected. However, it is unclear if this request was carried out, as on 20 June 1978 one further payment of \$13.09 was made.²¹⁸ If the Maori Trustee had been aware of Waitekaha A3A, A3B and Rahui A8 (inherited in 1940 and 1944) held under the name 'Pera Manene Powhiro', perhaps payments could have been made earlier than 1965. After 1965 these funds could also have helped meet the later deficits. A 'Beneficiary Rent Search' filed in the PF on 10 April 1986, for beneficiary card 23689 'Pera Manene Powhiro' demonstrates that rent monies were accruing on these lands and, although not large amounts, would have contributed to Erana Ripia nee Powhiro's maintenance while in state care.²¹⁹

The situation above raises a number of potential issues concerning the wider legislative regime and practice of Maori Land Court and Maori Trustee management of estates of 'Persons Under Disability' in the 20th century. Accurate record keeping is an important element of a trustee's fiduciary duties to their beneficiaries. The court and Maori Trustee files highlight the potential issue of whether the legislation and procedures provided for sufficient record keeping, given the known administrative complexities and title fragmentation on paper of Maori land by this time. However, similarly as described in respect to the court's administration of succession, further research in the general practice of the management of 'Persons Under Disability' estates would be required to gain a broader perspective on this issue. The frequency of the court holding several beneficiary cards under different names, of which neither the court itself or the Maori Trustee was aware where one person and one estate would need to be examined. Was this a one off and unusual error or a likely outcome for an organisation attempting to keep records of several generations of fractionalised interests in Maori land? Similarly to the previous section, the

²¹⁶ Porirua Hospital Chief Administration Officer to Maori Trustee, 7 March 1977, Maori Trustee File, File no11:4:108, Supporting Papers, Doc32, p389

²¹⁷ Maori Trustee to Porirua Hospital Medical Superintendent, 21 March 1977, Maori Trustee File, File no11:4:108, Supporting Papers, Doc32, p387

²¹⁸ Maori Trustee to Porirua Hospital Medical Superintendent, 20 June 1978, Maori Trustee File, File no11:4:108, Supporting Papers, Doc32, p375

²¹⁹ 'Beneficiary Rent Search', signed 10 April 1986, Tairawhiti Maori Land Court, PF 3764, Supporting Papers, Doc32, p226

sufficiency of the court's and Maori Trustee's resources to maintain adequate records required to efficiently manage Maori land interests needs to be evaluated. Given the frequency of the use of multiple aliases in the Maori community, the scope and adequacy of court legislation and regulations in place to cross check names to maintain accurate records would be required to further understand the described situation. The legal responsibility for ascertaining/investigating/insuring that all a Maori Trustee beneficiaries' estate was known and under trust needs to be further clarified, identifying whether it lay with the Maori Trustee themselves or the Maori Land Court. These issues can only be addressed in a wider historical analysis of these agencies.

Some questions this section has highlighted may be addressed in Tony Walzl's 20th century East Coast Lands report commissioned for the East Coast district inquiry, which will detail the Maori Trustee's management of Maori land. Furthermore, aspects of the Maori Trustee's management of 'Persons Under Disability' may be addressed in Raeburn Lange's Provision of Health Services to East Coast Maori report commissioned for the East Coast inquiry district.

2.4 Conclusion of Part Two

c) What were the rights and entitlements of Erana Pera Manene Ripia, nee Powhiro, as a beneficiary of the land holdings concerned?

d) To what extent did the Crown fail to fulfil its duty to ensure that Erana Pera Manene Ripia, nee Powhiro, and her descendants received the rights, entitlements and benefits they were permitted with regard to the above land holdings?

As the previous two sections show questions c) and d) cannot be fully addressed within this scoping report. In addressing question c), this part has identified two key rights and entitlements that Erana Ripia nee Powhiro as a beneficiary of Haapi Powhiro's Maori land interests. These are her legal entitlement through succession to her grandfather's Maori land interests and her rights as a beneficiary of the Maori Trustee when these lands were vested in his control.

In addressing question d), this report has focused on describing the role played by Native/Maori land Court, Native/Maori Trustee and Department of Maori Affairs officials in the management of Erana Ripia nee Powhiro's Maori land interests. This examination has shown that there were administrative errors in the management of Erana Ripia nee Powhiro's estate, both in the court's determination of Haapi Powhiro's succession and in the Maori Trustee's and Maori Land Court's management of her estate whilst interned. Each section of part two has made some observations of the possible impact of the wider legislative framework that both the Native/Maori Land Court and Maori Trustee operated over the period concerned.

The first section noted how the example of the court's determination of Haapi Powhiro's succession in 1917/18 – which resulted in Te Manene Powhiro and consequently Erana Ripia nee Powhiro not receiving their entitlement to his estate – raises questions of the wider legislative framework's ability to adequately protect Maori succeeding to title. The second section noted the potential issue of whether the legislation and procedures guiding the Maori Trustee and the court provided for sufficient record keeping, given the known complexities of title fragmentation and fractionalisation of Maori land by this time. In both cases it was noted that a broader investigation would be required to establish if these administrative errors were exceptions or systemic, being a direct consequence of a combination of the court succession legislation requirements and level of administrative resourcing provided to the organisations that made them. Overall, the situation may provide an example of the fragmentation and fractionalisation of

Maori land interests created by successive generations of bilineal succession and the corresponding problems of administering such interests over time.

3. SUMMARY AND RECOMMENDATIONS

a) *What were the land holdings of Haapi Powhiri?*

b) *How were the land holdings of Haapi Powhiri alienated, where not already researched?*

c) *What were the rights and entitlements of Erana Pera Manene Ripia, nee Powhiri, as a beneficiary of the land holdings concerned?*

d) *To what extent did the Crown fail to fulfil its duty to ensure that Erana Pera Manene Ripia, nee Powhiri, and her descendants received the rights, entitlements and benefits they were permitted with regard to the above land holdings?*

Part one of this report focused on questions a) and b) of the commission. From the documentary evidence examined for this report Haapi Powhiri’s legally recognised Maori land interests were located in the following blocks:

Figure 2: *Maori land interests of Haapi Powhiri (repeated from p10 and 35)*

| East Coast | Hauraki |
|--------------|------------|
| Hurakia | Harataunga |
| Mangawhariki | Mataora |
| Manutahi | |
| Ohinepoutea | |
| Rahui | |
| Tokaroa | |
| Waitekaha | |
| Waiorongomai | |
| Tapuaeroa | |

In answer to question b), Haapi Powhiri’s or his successors’ East Coast Maori land interests were permanently alienated at the following dates through the described transactions:

Figure 5: *Summary of the alienation of East Coast holdings*

| Land Block | | Transfer Date |
|------------------------|--|---------------|
| Hurakia 4 | Interests sold to Crown | 1913-1918 |
| Tokaroa 1 and 3 | Interests transferred in exchange to Mangawhariki 5D | 1915 |
| Manutahi 2B2M | Interests sold to Crown | 1918-1925 |
| Manutahi 2B2Z3 | Interests sold to Crown | 1918-1925 |
| Mangawhariki 5C and 5D | Consolidation Order issued during Tapuaeroa Consolidation Scheme shows Wirihana Tatae as the sole owner. Haapi Powhiri’s successors no longer held interests by this time. | 1927 |
| Waiorongomai | Haapi Powhiri’s successors’ shares sold as ‘uneconomic’ interests by the Maori Trustee | 1957 |

| Land Block | | Transfer Date |
|-----------------|---|---------------|
| Mangawhariki 1C | Katerina Powhiro's interests compulsory acquired by Maori Trustee at court's determination of her succession. Hirini Powhiro is currently recorded as an owner. | 1969 |
| Ohinepoutea B | Katerina Powhiro's interests compulsory acquired by Maori Trustee at court's determination of her succession. Additional interests still held by Haapi Powhiro's successors. | 1969 |
| Rahui A8 | Katerina Powhiro's interests compulsory acquired by Maori Trustee at court's determination of her succession. Additional interests still in Haapi Powhiro's successors' possession. | 1969 |

Haapi Powhiro's Harataunga 2B2 Hauraki Maori land interests were permanently alienated on the following date through the described transaction:

Figure 6: *Summary of the alienation of Hauraki holdings*

| Land Block | | Transfer Date |
|----------------|-------------------------|---------------|
| Harataunga 2B2 | Sold to George W. Potae | 1973 |

Two major time periods were identified as sources of potential issues in respect of the permanent transfer of Haapi Powhiro's interests. These were Crown purchasing on the East Coast between 1913 and 1930 and new Maori land title provisions operating between 1953 and 1973 under the 1953 Maori Affairs Act and 1967 Maori Affairs Amendment Act. Between 1913 and 1930 Haapi Powhiro or his successors sold their shares in Hurakia 4 and Manutahi 2B2M and Manutahi 2B2ZM to the Crown. Between 1957 and 1969 a number of compulsory transactions conducted under the 1953 Maori Affairs Act and 1967 Maori Affairs Amendment Act resulted in the reduction of Haapi Powhiro's successors' interests in Rahui A8, Mangawhariki 1C and Ohinepoutea B and total loss in Waiorongomai. In 1957, under section 445 of the 1953 Maori Affairs Act the Maori Trustee acquired all of Haapi Powhiro's successors' interests in Waiorongomai, after the court had defined them as 'uneconomic'. In 1967, under section 137 of the 1953 Maori Affairs Act the Maori Trustee acquired Katerina Powhiro's 'uneconomic interests' in Rahui A8, Mangawhariki 1C and Ohinepoutea B at the time of the court's determination of her succession.

The Crown purchasing of individual interests in a number of East Coast Maori land blocks 1913-1930, including Hurakia, Waitekaha, Tokaroa, Rahui and Manutahi in which Haapi Powhiro held interests, raises a number of wider issues. The provisions of the 1913 Native Land Amendment

Act enabled the Crown to purchase individual interests without the needing to obtain of the consent of a meeting of assembled owners or the confirmation of the Native Land Court or Board. As stated above, Bennion suggests that the Crown may have chosen to purchase undivided individual shares to avoid the owners meetings and the checks and approvals needed by the court and the local Maori Land Board.²²⁰ Related to Crown purchase of undivided individual interests, is the issue of the effect of the long periods of Crown prohibition of alienation over the described blocks on the ability of Maori owners to development and manage their land. These prohibitions affected all of the East Coast blocks in which Haapi Powhiro held interests either during Crown purchasing phase or the implementation of Tupaeroa Consolidation Scheme in the 1920s. The issue of Maori owners' protesting is also noted in regard to Crown purchasing in Hurakia.

As noted in the conclusion of part one, these broader issues will be more fully addressed in Bruce Stirling's 19th century and Tony Walzl's 20th century lands overview reports commissioned for the East Coast district inquiry casebook. The issues surrounding the use of the described prohibition of alienation on Maori land on the East Coast during the consolidation schemes of the 1920s are likely to be covered in Grant Young's scoping report and eventual full report on the impact of 20th century Maori land title reorganisation.

Issues raised by new Maori land title provisions ('conversion policy') introduced by the 1953 Maori Affairs Act and the 1967 Maori Affairs Amendment Act include their compulsory nature and resulting loss of turangawaewae. These issues are likely to be covered in Walzl's 20th century lands report for the East Coast inquiry. Grant Young's report on the impact of 20th century Maori land title reorganisation on the East Coast will also attempt to address broader issues raised by these Crown policies. The specific examples detailed in this report could be used as a case study of the impacts of such policy on one group of holdings held by one whanau.

Part two focused on sources that could address d) and c) of the commission. To address question c), the report regarded Erana Ripia nee Powhiro's two key rights and entitlements as a beneficiary of Haapi Powhiro's Maori land interests as her legal entitlement through succession to her grandfather's Maori land interests, and her rights as a beneficiary of the Maori Trustee.

²²⁰ Tom Bennion, *The Maori Land Court and Land Boards, 1909 to 1952*, Waitangi Tribunal Rangahaua Whanui Series, 1997, pp31-32

To cover question d), the report focused on describing the role played by Native/Maori land Court, Native/Maori Trustee and Department of Maori Affairs officials in the management of Erana Ripia nee Powhiro's Maori land interests. It is clear from the evidence examined in this report that there were administrative errors and confusion in the management of Erana Ripia nee Powhiro's estate, both in the court's determination of Haapi Powhiro's succession, and in the Maori Trustee's and Maori Land Court's management of her estate whilst interned. Each section of part two highlighted any potential issues regarding the wider legislative context in which these organisations operated over the period concerned.

The first section of part two investigated the documentary evidence surrounding the court's determination of succession to Haapi Powhiro's Maori land interests, highlighting any issues in respect of the legislation, and Maori Land Court administration of succession in the 20th century. The documentary evidence shows that Erana Ripia nee Powhiro inherited a smaller portion of her father's estate than she was apparently legally entitled. The one possible issue highlighted by this situation was the adequacy of Maori Land Court's investigation of the initial succession determination of 1917/18 in respect of the extent that it was able to ensure that all rightful successors received their entitlement in a timely manner. The section noted the complexity of such an issue, recognising that there may be a need for a broader investigation of succession administration to assess if this case is an exception or systematic. Tony Walzl's 20th century lands overview reports containing a broader analysis of Maori Land Court and its administration of succession may cover such issues.

The second section of part two investigated the documentary evidence surrounding the Maori Trustee's and Maori Land Court's management of Erana Ripia nee Powhiro's Maori land interests. An examination of Erana Ripia nee Powhiro's court and Maori Trustee files raises a potential issue as to the adequacy of the legislation, procedures and resourcing required for sufficient record keeping to accurately track continually fragmenting Maori land interests over several generations. The court held several beneficiary cards under different variants of Erana Ripia nee Powhiro's name unaware that they were one person and a single estate. Consequently, the Maori Trustee only administered one of these portions of land. The section again noted the complexity of such an issue. Tony Walzl's 20th century East Coast Lands report and Raeburn Lange's Provision of Health Services to East Coast Maori report commissioned for the East Coast inquiry district may cover the broader issues raised by this case.

In the conclusion to part two it was noted that overall the administrative difficulties evident in the documentary sources examined for this report may provide a case study into the impact of several generations of bilineal succession on the land interests of one whanau. That is the fractionalisation and fragmentation of Maori land interests and corresponding difficulties in administering such interests over time.

Recommendations

As stated in the introduction, the commission for this report did not cover the issues surrounding the mental health regime raised by the Wai 973 statements of claim. It is recommended that the example of Erana Ripia nee Powhiro's particular experience of the health service be considered as a case study in Raeburn Lange's Provision of Health Services for East Coast Maori report commissioned for the East Coast inquiry. The authors consider that tangata whenua evidence from the Ripia whanau would be essential in providing the Tribunal with an understanding of this particular issue bearing in mind that the Tribunal's focus is on the Crown's role, if any, in any prejudice.

As this scoping report has compiled and examined much of the documentary evidence available concerning the issues raised by the Ripia whanau claim in regard to Haapi Powhiro's Maori land interests, it is considered that a substantive research report specifically focused on the claim is not feasible in terms of examining further English documentary sources. The wider issues raised in this report are likely to be covered in other commissioned research for the East Coast district inquiry.

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Tuparoa Consolidation Scheme MA series 1 29/5/1 Pt2 Box 577

Tairāwhiti Māori Land Board minute book 6-15

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Gisborne Māori Land Court minute book 33

Gisborne Māori Land Court minute book 104

Hauraki Native Land Court minute book 13

Hauraki Native Land Court minute book 66

Hauraki Native Land Court minute book 73

Hauraki Native Land Court minute book 74

Hauraki Native Land Court minute book 78

Hauraki Māori Land Court minute book 79

Hauraki Māori Land Court minute book 80

Ruatoria Māori Land Court minute book 1

Ruatoria Māori Land Court minute book 2

Ruatoria Maori Land Court minute book 3
Ruatoria Maori Land Court minute book 49

Tairawhiti Maori Land Council minute book 1

Tairawhiti District Appellate Court minute book 11

Waiapu Native Land Court minute book 1
Waiapu Native Land Court minute book 10
Waiapu Native Land Court minute book 11
Waiapu Native Land Court minute book 13
Waiapu Native Land Court minute book 18
Waiapu Native Land Court minute book 24
Waiapu Native Land Court minute book 25
Waiapu Native Land Court minute book 26
Waiapu Native Land Court minute book 48
Waiapu Native Land Court minute book 62
Waiapu Native Land Court minute book 63
Waiapu Native Land Court minute book 64
Waiapu Native Land Court minute book 65
Waiapu Native Land Court minute book 66
Waiapu Native Land Court minute book 67
Waiapu Native Land Court minute book 71
Waiapu Native Land Court minute book 72
Waiapu Native Land Court minute book 73
Waiapu Native Land Court minute book 74
Waiapu Native Land Court minute book 75
Waiapu Native Land Court minute book 93A
Waiapu Native Land Court minute book 108
Waiapu Native Land Court minute book 110
Waiapu Native Land Court minute book 112
Waiapu Maori Land minute book 130
Waiapu Maori Land Court minute book 135

Tairawhiti Maori Land Court

Personal files:

Haapi Powhiro, PF 266

Erana Rauhaere Hapi or Pera Manene Powhiro or Bella or Erana Ripia, PF 3764

Block Order files:

Mangawhariki 1B-1E, 408B

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Consolidation Order, Rahui A8, 18 June 1927 issued at Waiapu Native Land Court minute book 93A, fol48

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Partition Order, Manutahi 2B2Z3, 2 September 1918, issued at Waiapu Native Land Court minute book 75, 2 September 1918, fol13

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Order of Exchange, Tokaroa 1 and 3, 29 October 1915 issued at Waiapu Native Land Court minute book 67, 29 October 1915, fol163

Freehold Order, Hurakia 4, 28 August 1911

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Order of Exchange, Mangawhariki 5D, 29 October 1915 issued at Waiapu Native Land Court minute book 67, 29 October 1915, fol163

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Partition Order, Ohinepoutea B, 22 September 1903 issued at Ruatoria Maori Land Court minute book 3, 22 September 1903, fol36-37

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Partition Order, Tapuaeroa 2A2B, 20 October 1916 issued at Waiapu Native Land Court minute book 72, 20 October 1916, fol66

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Ownership Schedule, Tapuaeroa C, 5 May 1970

Partition Order, Harataunga 2B, 20 March 1945 issued at Hauraki Native Land Court minute book 73, 20 March 1945, fol91-93

Partition Order, Harataunga 2B2, 25 January 1955 issued at Hauraki Native Land Court minute book 74, 25 January 1955, fol280

Consolidated Order, Harataunga 2B2, 24 September 1964 issued at Hauraki Native Land Court minute book 78, 24 September 1964, fol261

'Notice of Change of Ownership or Occupancy', 1 August 1973, title notice: TN33/382

'Order Vesting Land in the Maori Trustee', Mataora 1 and 2, 21 March 1962 issued at Waiapu Maori Land minute book 130, 21 March 1962, fol97-98

Consolidated Order, Mataora 2, 14 December 1966 issued at Hauraki Maori Land Court minute book 79, 14 December 1966, fol325

Amalgamation Order, Mataora 4, 26 March 1970 issued at Hauraki Maori Land Court minute book 80, 26 March 1970, fol384

Consolidation Order, Waipiro A8, 15 July 1924

Partition Order, Waipiro 4A, 29 March 1917 issued at Waiapu Native Land Court minute book 73, 29 March 1917, fol211

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Court Order, Harataunga 2, undated

Title Order, Mataora, 7 August 1989

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'Application for Amalgamation', Mataora 1 and 2, 13 June 1967

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GSPR 18/156

GSPR 23/89

GSPR 14/105

GSPR 26/55

GSPR 21/94

GSPR 5A/1387

GSPR 14/101

GSPR 14/100

GSPR 26/75

Gisborne Certificate of Title:

GS 80/6

GS 73/128

GS 55A/255

GS 82/288

GS 2B/256

GS 45/260

GS 44/244

GS 99/39

GS31/241

GS48/87

Documents supplied by LINZ

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5. APPENDIX: WHAKAPAPA (SUPPLIED BY ROBERT REGINALD EAGLE)

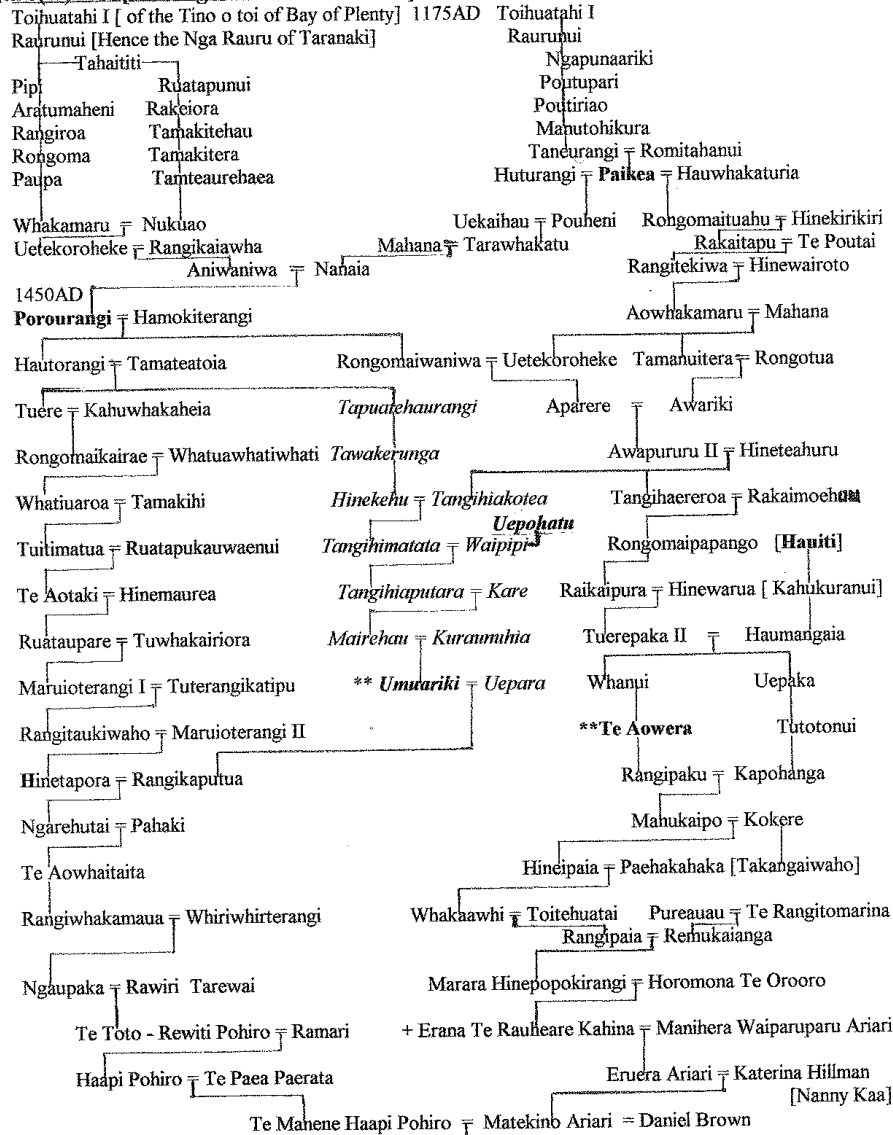
(D)

(D)

Ngati Porou Whakapapa

*Po(w)hiro [The night of the Full Moon]

Ariari



* Katherline Karohina Brown Keelan (Momi) (Kathleen Brown)
 Ida Jaqueline
 Iwa (Eva) Hohepa (Joseph) Philip * Robert Eagle [Porirua] *(Adopted May Edith Eagle)

Po(w)hiro
 ** Hapu: **Ngati Umuraki**
 Marae: **Tapora Meeting House at Mangahana.**
 (Opened in 1896 but burned down in 1990.)

Ariari
 ** Hapu: **Te Aowera**
 Marae: **Kapohanga, Huriharama.**

6. COMMISSIONS

6.1 Wai900, #2.3.6

OFFICIAL

Wai 900, #2.3.6

Wai 900

THE WAITANGI TRIBUNAL

IN THE MATTER OF: The Treaty of
Waitangi Act 1975

AND: The East Coast
 Inquiry

DIRECTION COMMISSIONING RESEARCH

1. Pursuant to clause 5A of the second schedule of the Treaty of Waitangi Act 1975, the Tribunal commissions Elissa Chong, a member of the Tribunal's staff, to prepare a scoping report on issues raised by Te Whanau o Erena Ripia claim (Wai 973). The report will address the following research questions:
 - (a) What were the land holdings of Haapi Powhiro?
 - (b) How were the land holdings of Haapi Powhiro alienated, where not already researched?
 - (c) What were the rights and entitlements of Erana Pera Manene Ripia, nee Powhiro, as a beneficiary of the land holdings concerned?
 - (d) To what extent did the Crown fail to fulfil its duty to ensure that Eraana Pera Manene Ripia, nee Powhiro, and her descendants received the rights, entitlements and benefits they were permitted with regard to the above land holdings.
2. The commissionee will identify and access relevant source material, including any information that the claimants may be willing to make available, and will assess which aspects of the claim require research and the degree to which they are capable of being researched.
3. The commission commenced on 10 January 2007. The commission ends on 29 June 2007, at which time a copy of the final report must be submitted for filing in unbound form, together with indexed copies of any supporting documents or transcripts. An electronic copy of the report should also be provided in Word 97 or Adobe Acrobat format, together with any data tables in Excel or Access format and maps in a standard graphics file format. The report and any subsequent evidential material based on it must be filed through the Registrar.

4. At the discretion of the presiding officer the commission may be extended if one or more of the following conditions apply:
 - 4.1 The terms of the commission are changed so as to increase the scope of work;
 - 4.2 More time is required for completing one or more project components owing to unforeseeable circumstances, such as illness or denial of access to primary sources;
 - 4.3 The presiding officer directs that the services of the commissionee be temporarily reassigned to a higher priority task for the inquiry; or
 - 4.4 The commissionee is required to prepare for and/or give evidence in another inquiry during the commission period.
5. The report may be received as evidence and the author may be cross-examined on it.
6. The Registrar is to send copies of this direction to:

Elissa Chong
Claimant counsel and unrepresented claimants in the East Coast inquiry
Acting Chief Historian, Waitangi Tribunal
Inquiry Facilitator, Waitangi Tribunal
Solicitor General, Crown Law Office
Director, Office of Treaty Settlements
Chief Executive, Crown Forestry Rental Trust
Chief Executive, Te Puni Kōkiri

Dated at Wellington this 14 day of February 2007



Judge S T A Milroy
Presiding Officer
WAITANGI TRIBUNAL

OFFICIAL

Wai 900, #2.3.13

Wai 900

THE WAITANGI TRIBUNAL

IN THE MATTER OF: The Treaty of Waitangi
Act 1975

AND: The East Coast
Inquiry

DIRECTION ADDING COMMISSIONEE

1. Pursuant to clause 5A of the second schedule of the Treaty of Waitangi Act 1975, the Tribunal commissioned Elissa Chong, a member of the Tribunal's staff, to prepare a scoping report on issues raised by Te Whanau o Erena Ripia claim (Wai 973) (Wai 900, #2.4.6). The commission commenced on 10 January 2007 and ends on 29 June 2007, at which time a copy of the final report must be submitted for filing in unbound form, together with indexed copies of any supporting documents or transcripts.
2. Jonathan Sarich, a member of the Tribunal's staff, has been commissioned to complete the research report.
3. The Registrar is to send copies of this direction to:

Elissa Chong
Jonathan Sarich
Claimant counsel and unrepresented claimants in the East
Coast inquiry
Acting Chief Historian, Waitangi Tribunal
Inquiry Facilitator, Waitangi Tribunal
Solicitor General, Crown Law Office
Director, Office of Treaty Settlements
Chief Executive, Crown Forestry Rental Trust
Chief Executive, Te Puni Kōkiri

Dated at Wellington this 3rd day of May 2007



Judge S T A Milroy
Presiding Officer
WAITANGI TRIBUNAL