

The Pouakani Report 1993

Appendices

5 Chronology of Events Relating to Pouakani Block

1882

September 15 The North Island Main Trunk Railway Loan Act 1882 enacted authorising borrowing of up to £1,000,000 for the purpose of constructing the main trunk railway.

1883

June 26 Petition of Maniapoto, Raukawa, Tuwharetoa and Whanganui tribes presented to the House of Representatives (AJHR 1883, J-1).

December 19 "Aotea Agreement": Letter from Wahanui and others sent to Chief Surveyor S Percy Smith, agreeing to "an accurate survey of the external boundary of our block" (AJHR 1885, G-9).

1884

November 10 The Railways Authorisation Act 1884 enacted, authorising the construction of "North Island Main Trunk Railway, from a point at or near Marton to Te Awamutu via Murimotu, Taumarunui, and the Ongarue River Valley". The Native Land Alienation Restriction Act 1884 enacted, prohibiting sale of land in the Rohe Potae other than to the Crown.

1885

October 31 Te Heuheu on behalf of Ngati Tuwharetoa filed claim to Tauponuiatia Block in Native Land Court.

1886

January 14 Native Land Court commenced hearing of Tauponuiatia claims at Tapuaeharuru (Taupo).

June 29 Native Land Court commenced hearing of Aotea (Rohepotae) block claims at Kihikihi; hearing moved to Otorohanga on 28 July.

August 17 The North Island Main Trunk Railway Loan Application Act 1886 enacted, authorising the expenditure of money borrowed for the construction of the North Island main trunk railway in the purchase of Maori and other land for the use and occupation of the railway, and allocating £100,000 for the purpose of acquiring land within area subject to the Native Land Alienation Restriction Act 1884.

September 29 W Cussen sent plan of Hora-aruhe Pou-a-kani block (ML 6036) to the Chief Surveyor at Auckland. This was the first to be sent in of a series of plans that Cussen and Mitchell had prepared.

December 29 Cussen sent the composite plan ML 6036, 6076, 6078, 6079 showing subdivisions of Tauponuiatia West block to the Chief Surveyor at Auckland (ML 6036 etc).

1887

February 22 Native Land Court gave judgment on investigation of title of Pouakani block (Taupo MB7/86).

March 24 Native Land Court made interlocutory order determining boundaries of 1887 Kaiwha block (Taupo MB7/284)

April 30 Native Land Court made interlocutory order in respect of Tihoi block (Taupo MB7/182).

June 3 Native Land court made interlocutory order in respect of Hapotea block (Taupo MB 8/345).

June 10 Native Land Court made interlocutory order in respect of Pouakani block (Taupo MB 8/395).

September 19 Native Land Court made order determining boundaries of 20,000 acres of Pouakani No 1 block and that this be awarded to Crown for payment of survey and other costs; Court made interlocutory order in respect of Pouakani No 2 Block (Taupo MB 9/262-263).

September 24 Native Land Court gave decision on investigation of title to Tauponuiatia block. (Two slightly different versions of the judgment are at Taupo minute book 9/274-281 and 302-308).

1888

February 13 Chief Judge of the Native Land Court dismissed all of the applications for rehearing of investigation of title to Tauponuiatia relating to Tauponuiatia West block.

August 9 Native Affairs Committee heard petition to parliament for rehearing of Tauponuiatia.

August 17 Native Affairs Committee decided "That as the matter is now under investigation by the Supreme Court, the committee has no recommendation to make".

1889

July 9 Royal commission appointed to inquire into matters relating to the Tauponuiatia block.

August 17 The Royal Commission on the Tauponuiatia Block reported (AJHR 1889, G-7).

August 22 Decision of Supreme Court issued dismissing applications by Taonui and others.

September 16 Section 29 of the Native Land Court Acts Amendment Act 1889 enacted, altering boundary of Tauponuiatia block, converting Pouakani, Pouakani No 2, Kaiwha, Hapotea and Maraeroa blocks back to Maori customary land, so that title can be reinvestigated, and authorising Native Land Court to charge costs of survey of old and new boundaries to the owners of Maraeroa block. The North Island Main Trunk Railway Loan Application Act Amendment Act 1889 enacted, increasing the £100,000 authorised in the 1886 Act for purchase of land to £220,285.

1890

August 15 Chief Surveyor, Auckland, issued instructions for survey of Pouakani No 1 block (ML 6036A).

December 9 Rehearing of investigation of title of Pouakani block by Native Land Court began.

1891

January 27 W Cussen sent plan of Pouakani No 1 (ML 6036A) to Chief Surveyor, Auckland.

May 7 Court altered western boundary of Horaaruhe Pouakani with Maraeroa to include in the Maraeroa block an area of the former Horaaruhe Pouakani block which, on 4 August 1891, the Court thought contained about 2250 acres.

August 11 Orders on investigation of title made for a number of subdivisions of Pouakani block, including Pouakani B9 and C1.

August 24 Rehearing of investigation of title of Maraeroa block by Native Land Court began.

December 12 Orders on investigation of title made for a number of subdivisions of Maraeroa block, Ketemaringi block, and Hurakia block.

1892

January 22 Chief Surveyor approved plan of Pouakani No 1 block (ML 6036A).

January 26 Chief Surveyor, Auckland, authorised preparation of Stubbing's survey plan ML 6406 etc.

March 4 One of the two owners of Pouakani B7, all six owners of Pouakani B8 and all three owners of Pouakani B11 signed a deed of sale to the Crown of Pouakani B7, B8, B11, C3 and other blocks.

March 5 Other owner of Pouakani B7 signed deed of sale to Crown.

March 7 Sole owner of Pouakani C3 signed deed of sale to Crown.

June 3 Judge Scannell approved plan of Pouakani No 1 block (ML 6036A).

July 7 Notice published in New Zealand Gazette that plan of survey of Pouakani No 1 block awarded to Crown on 24 September 1889 will be deposited for inspection at the post office, Taupo, from 29 July 1892 to 3 August 1892, and that anyone wishing to object to the boundaries shown on the plan should give notice to the registrar of the court on or before 10 August 1892, and that objections would be heard at a sitting of the court.

September 22 Notice published in New Zealand Gazette that Pouakani No 1 block acquired by the Crown.

October 8 The Native Land Purchases Act 1892 authorised the colonial treasurer to borrow up to £50,000 a year for purchase of native land. Section 14 enabled governor to remove restrictions on alienations to enable land to be sold to Crown. Section 20 required annual statements of money spent and lands purchased to be presented to parliament.

November 2 Don Stubbing sent survey plan (ML 6406 etc) to Chief Surveyor, Auckland.

1893

March 21 Chief Surveyor approved Stubbing's survey plan (ML 6406 etc).

March 25 Chief Judge Davy approved Stubbing's survey plan (ML 6406 etc).

April 19 Diagrams prepared from Stubbing's survey plan (ML 6406 etc) for Pouakani B7, B8, B11 and C3.

August 8 First seller signed first deed of sale of Pouakani B9 (Pureora).

September 13 First seller signed deed of sale of land described as Pouakani A, containing 10577 acres.

September 13 District Land Registrar, Auckland issued CT 67/276 for Pouakani B7, B8, B10, B11, C3, D3, and D4 in name of Her Majesty Queen Victoria.

September 14 First seller signed first deed of sale of Pouakani C1 (Kaiwha)

1894

May 19 First seller signed second deed of sale of Pouakani C1 (Kaiwha).

July 19 First seller signed second deed of sale of Pouakani B9 (Pureora).

July 30 Gerhard Mueller, Chief Surveyor, Auckland, signed a certificate that £180 9s 3d owing to Surveyor General for survey plans ML 6490, 6408, 6412 and 6413, apportioned between:

Pouakani A1, A2 & A3 containing 10577 acres £59 11s 1d

Pouakani B9 & C1 containing 17,900 acres £112 3s 2d

Pouakani C2 containing 250 acres £8 15s 0d

Total £180 9s 3d

1895

April 24 Native Land Court made order charging 10,577 acres of Pouakani A1, A2 and A3 blocks with £59 11s 1d to the Surveyor General for cost of survey.

1897

December 6 Te Heuheu as trustee for 3 children signed deed of sale of Pouakani C2 block to Crown for price of £43 15s 0d.

1898

March 12 Te Rerehau Kahotea signed same deed of sale of Pouakani C2 block to Crown.

June 27 Native Land Court made order determining that Crown has acquired the whole 250 acres of Pouakani C2 block.

August 22 Application by Chief Surveyor, dated 20 August 1898, for survey charging order over Pouakani B9 block filed in court with Chief Surveyor's certificate dated 20 August 1898.

1899

March 8 Court made orders charging Pouakani B9 block with £62 13s 2d and Pouakani C1 block with £49 10s 0d for costs of survey.

July 21 Native Land Court divided: Pouakani A1 block into Pouakani A1A of 3,643 acres which it vested in Crown, and Pouakani A1B of 394 acres which it vested in two adults and three children who had not sold their shares to the Crown. Pouakani A2 block into Pouakani A2A of 2,950 acres which it vested in Crown, and Pouakani A2B of 350 acres which it vested in seven adults and four children who had not sold their shares to the Crown. Pouakani A3 block into Pouakani A3A of 2,830 acres which it vested in the Crown, and Pouakani A3B of 410 acres which it vested in five adults and three children who had not sold their shares to the Crown.

July 24 Native Land Court divided Pouakani B9 (Pureora) block into Pouakani B9A of 7,340 acres which it vested in the Crown, and Pouakani B9B of 2,660 acres which it vested in 24 adults and eight children who had not sold their shares to the Crown.

July 26 Native Land Court divided Pouakani C1 (Kaiwha) block into Pouakani C1A of 4,046 acres which it vested in the Crown, and Pouakani C1B of 3,854 acres which it vested in the 19 adults and 18 children who had not sold their shares to the Crown.

July Judge Edger signed memoranda to Chief Surveyor, Auckland setting out descriptions of boundaries of Pouakani B9A, B9B, C1A and C1B.

November 10 Diagrams for title orders drawn from Stubbing's plan ML 6406 etc for Pouakani B9A, Pouakani C1A and also for Pouakani A1A, A2A, A3A and C2 blocks.

December 1 Judge Edger approved Stubbing's plan ML 6406 etc as to Pouakani B9A and C1A, and also as to Pouakani A1A, A2A and A3A blocks.

1900

May 29 Diagrams for title orders drawn from Stubbing's plan ML 6406 etc for Pouakani B9, B9B, C1 and C1B and also for Pouakani A1, A1B, A2, A2B, A3, A3B and C2 blocks. The diagrams for B9 and C1 show the boundaries that appear on Stubbing's plan (ML 6406 etc) but these boundaries are not the same as those shown on the diagrams on the deeds of sale prepared in 1893 and 1894.

June 22 Stubbing's plan ML 6406 etc approved as to Pouakani B9B and C1B and also as to Pouakani A1B, A2B and A3B blocks by W C Kensington for Chief Surveyor. There is no further approval on the plan by a judge of the Maori Land Court. Presumably Judge Edger approved Stubbing's plan ML 6406 etc as to Pouakani B9B and C1B blocks by implication when he approved it as to B9A and C1A and when he signed and sealed the title orders creating Pouakani B9B and C1B which had annexed

to those orders the diagrams prepared on 29 May 1900 from Stubbing's plan ML 6406 etc.

1919

April 10 Proclamation published in New Zealand Gazette declared that Pouakani A2B block, approximate area 350 acres, had been purchased by the Crown.

1921

August 18 Proclamation published in New Zealand Gazette declared that Pouakani A3B block, approximate area 410 acres, had been purchased by the Crown.

1926

March 11 Judge Holland (Rotorua minute book 77 pp 71-73) partitioned Pouakani C1B Block into Pouakani C1B1, for the owners occupying the land, and Pouakani C1B2 for the other owners.

1933

October 27 Pepene Eketone and others, having petitioned parliament, claimed that Tahorakarewarewa was an uninvestigated block of Maori customary land which was excluded from the Maraeroa block by the Taupouuiatia Royal Commission (and s29 of the Native Land Court Acts Amendment Act 1889). The Chief Surveyor, Auckland, wrote to the Under-Secretary for Lands, Wellington, requesting a certified copy of plan number 180 referred to in s29 of the 1889 Act. (The original of plan GM 180 was found in 1992.)

1935

May 28 Native Land Court sat to enquire into claims in Pepene Eketone's petition (Otorohanga minute book 70 pp 177-180).

1947

May 5 A Sandel prepared plan ML 16550 intended as survey plan of Pouakani C1B1 and C1B2 blocks. The Chief Surveyor did not approve it and issued requisitions which were not complied with.

1954

February 4 Meeting of owners of Pouakani C1B2 block called by Maori Land Court passed resolution to sell timber on their land.

May 20 Meeting of owners of Pouakani B9B block called by Maori Land Court passed resolution to sell timber on their land to the Rotoiti Timber Company Ltd.

1955

March 24 Pouakani C1B1 and Pouakani C1B2 blocks became subject to part XXIV of the Maori Affairs Act 1953 and part of the Huiarau Development Scheme.

1956

August 27 Maori Land Court confirmed resolution of 20 May 1954 of owners of Pouakani B9B block to sell timber.

1968

June 19 Chief Surveyor approved Sandel's plan ML 16550 as to survey data only.

1971

October 7 Proclamation dated 25 September 1971 published in New Zealand Gazette declared that Pouakani A1B block of 394 acres, as delineated on plan ML 6406-13, is Crown land.

1972

May 11 Chief Surveyor approved K R Locke's plan ML 20635 completing Pouakani C1B1 and Pouakani C1B2 blocks by survey (plan adopted survey work in Sandel's ML 16550).

May 26 Judge (later Chief Judge) K Gillanders Scott approved Locke's plan ML20635 and signed and sealed partition orders for Pouakani C1B1 and Pouakani C1B2 blocks, and so defined by survey the boundary line between Pouakani B9 (Pureora) and Pouakani C1 (Kaiwha) blocks created by title orders of 11 November 1891.

1982

March 18 Maori Land Court made order under s438 Maori Affairs Act 1953 vesting Pouakani C1B1 and C1B2 blocks in seven trustees, including claimant, Mr John Paki, on Titiraupenga Trust.

1983

November 3 Maori Land Court reduced number of trustees of Titiraupenga Trust to six.

November 4 Maori Land Court made order under s438 Maori Affairs Act 1953 vesting Pouakani B9B block in five trustees on an investigation and report trust. During 1983 the trustees agreed to pursue grievances of the Maori people relating to the original subdivision and acquisition by the Crown of the Pouakani block. Solicitors were instructed to act to endeavour to resolve these grievances.

1984

November 16 Trustees submitted a claim to the Minister of Maori Affairs that an area, subsequently found to be 4831 acres, of Horaaruhe-Pouakani was wrongly included in Maraeroa block.

1985

February 28 Notice in New Zealand Gazette released Pouakani C1B1 and C1B2 blocks, from part XXIV of Maori Affairs Act 1953.

March 18 Maori Land Court made order aggregating ownership of Pouakani C1B1 and C1B2 blocks.

1986

June 4 Maori Land Court made new s438 trust order vesting Pouakani B9B block in new trustees, including the claimant John Paki, on Pouakani B9B trust.

September 2 Mr J M Harris, Registered Surveyor of Te Kuiti, submitted a report to the trustees as instructed by them. (Mr Harris's affidavit of 29 September 1987 says, at paragraph two, that he was instructed in December 1986 to research boundaries of Pouakani because of allegations that timber was being taken from outside the Pouakani B9B boundaries. These instructions must have been separate from the instructions that led to his affidavit of 29 September 1987).

November Pouakani B9B trustees commenced logging southern portion of Pouakani B9B block and proceeded towards the south east boundary of the block.

December 16 New Zealand Forest Service discovered that logging operations on Pouakani B9B block extended into what the forest service believed to be part of Pureora State Forest Park.

December 18 Meeting attended by claimant John Paki, New Zealand Forest Service representative Mr D J Gaukrodger and the trustees' surveyor, Mr Harris. Trustees agreed to cease logging near south east boundary. It was also agreed that Mr Harris locate points on the boundary, and that the forest service would cut lines.

December 20 At a meeting between the two, Mr Paki told Mr Gaukrodger that the trustees believed Pouakani B9A block to be still Maori land, and that the trustees proposed to log to the Mihianga stream.

1987

February 10 Mr Prentice of the Department of Lands and Survey, Hamilton, wrote to Judge Hingston, Maori Land Court, Rotorua, that a private surveyor (Mr Harris acting for trustees, not for the forest service as stated in the letter-see paragraph eight of Mr Paki's affidavit of 20 July 1987) in trying to define the boundary between Pouakani B9A and B9B blocks had found: (a) that boundaries do not mathematically close and (b) that the areas on the diagrams are wrong. He suggested survey and order under s34(9B) of the Maori Affairs Act 1953, so that a new survey plan could be substituted as defining boundaries.

February 24 Mr Gaukrodger, concerned about the possibility that the trustees logging operations had crossed the boundary into Pureora State Forest Park, spoke to Mr Harris.

February 25 Mr Gaukrodger and Mr Paki talked.

February 27 Meeting of some trustees, Mr Gaukrodger and trustees' surveyor Mr Harris. Trustees were disappointed that senior departmental officers were not present.

March 19 Trustees' solicitor wrote to the director general of the forest service, following agreement by trustees not to log in the vicinity of Pouakani-Tihoi boundary. (This was not intended to apply to Pouakani B9A-B9B boundary).

March 27 Pouakani claim commenced with the receipt by the Waitangi Tribunal of Mr Paki's statement of claim.

May 18 New Zealand Forest Service discovered what staff believed to be logging taking place in Pureora State Forest Park.

May 28 Mr Gaukrodger talked with trustees' solicitors.

June 2 Meeting between Mr Gaukrodger and Mr Paki.

June 26 Mr Gaukrodger talked with Mr Paki.

June 27 Mr Gaukrodger talked to bulldozer operator on land.

July 7 Mr Gaukrodger, in an affidavit, stated that he believed 527.9 cubic metres of rimu trees worth \$16,529 had been removed from what he believed to be the major site of trespass into Pureora State Forest Park. The area of alleged trespass was south west of Titiraupenga mountain across the Pouakani- Tihoi boundary and south west Pouakani B9A boundary.

July 16 Attorney General (on behalf of the Department of Conservation) instituted proceedings in the High Court seeking an injunction against Pouakani B9B trustees.

July 20 Mr Paki, in an affidavit, stated that an interim injunction would bring the trust's logging operation to a standstill, and would result in financial loss to the Pouakani B9B trust. Mr Paki stated that there is little logging which could be carried out on land accepted by the department to be part of Pouakani B9B, and hence any interim injunction would result in loss of employment and financial loss, and that the Pouakani B9B trustees were prepared voluntarily to cease logging in the area under dispute immediately, if it would be proved that the Crown owned that land and the boundary between Pouakani B9A and B9B blocks could be conclusively proved.

July 21 Application (CJ 1987/42) to the Chief Judge of the Maori Land Court filed by Mr Paki seeking amendment of the title orders of 24 July 1899 which divided Pouakani B9 (Pureora) Block into Pouakani B9A (Crown) and Pouakani B9B (non sellers).

Application to Maori Land Court filed by Mr Paki seeking orders under s30(1)(i) of the Maori Affairs Act 1953 determining that Pouakani B9A block is Maori freehold land, and under s30(1)(a) determining the ownership of Pouakani B9A.

July 24 Anderson J made an order for preservation of Pouakani B9A Block in its natural state until 28 August 1987.

August 28 Anderson J extended preservation order by consent.

November 5 Deputy Chief Surveyor, Department of Survey and Land Information, Hamilton, generally confirmed in an affidavit the contents of the affidavit of trustees' surveyor, Mr Harris, filed in the Maori Land Court.

November 10 Hearing of s30(1)(a) and (i) and s452 application by Maori Land Court at Rotorua (Rotorua minute book 220 pp 30-48).

1988

June 9 Judge Hingston gave interim decision (Taupo minute book 65 p 1) on applications under s30(1)(i) and (a), accepting statement in affidavit of assistant District Surveyor, Department of Survey and Land Information, Hamilton, that in order to determine boundaries of Pouakani B9B and C1B the Pouakani-Maraeroa boundary must first be resolved. Judge Hingston held that the Native Land Court in 1891 had no jurisdiction to alter the Pouakani-Maraeroa boundary, and that this and the correct Kaiwha boundary must be re-surveyed (by implication, at Crown expense,

since the Crown created the problem by surveying Pouakani No 1 out of turn and as the owners had already given 20,000 acres for survey). Alternatively the parties must reach agreement.

June 14 Judge Hingston made an interim report to the chief judge on the s452 application.

June 22 The chief judge (CJMB 19881 77) adopted Judge Hingston's recommendation that the proper place for investigations into the questions raised in s452 application is the Waitangi Tribunal and adjourned the s452 application to allow the Waitangi Tribunal claim to proceed.

1989

May 15 Hearing of the Pouakani claim by the Waitangi Tribunal began at Te Papa o te Aroha marae, Tokoroa.

Waitangi Tribunal, Department of Justice, Wellington.