

The Pouakani Report 1993

10 The Survey of the Taupouuiatia Royal Commission Boundary

10.1 Introduction

The relevant part of s29 of the Native Land Court Acts Amendment Act 1889 which affected the western boundary of Taupouuiatia West block is:

Be it enacted as follows: The western boundary of the land known as Taupouuiatia is hereby declared to be, and shall be deemed to have been, the line defined as such western boundary in the said report [AJHR 1889,G-7], and shown in the map numbered one hundred and eighty, and deposited in the office of the Surveyor-General in Wellington.

The problem is that the plan GM180 does not show precisely the boundary described by the Taupouuiatia Royal Commission. What GM180 does show is two boundary lines, a red line, described as "Rohe Potae of Tuwharetoa," and a yellow line which was the "Rohe Potae of Maniapoto". We address this boundary issue in three parts, the first describing the efforts made by the Survey Office to have the new boundary of Taupouuiatia West defined along the watershed of the Hurakia range. Secondly we address the issue of Tahorakarewarewa, stated by the commission to be east of the watershed but actually located on the yellow line on plan GM180. Thirdly, we address the boundary between the Maraeroa and Pouakani blocks which, on plan GM180, is represented as a straight line between Pureora and Taporaroa, but when surveyed on the ground by D Stubbing in 1892, was presented as two straight lines with the angle based at the junction of the Ohahau stream and the Waipapa river, and a small dog leg at the Pureora end.

Waitangi Tribunal, Department of Justice, Wellington.

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10.2 The Boundary from Pakihi to Weraroa

On 4 October 1889, S Percy Smith, now surveyor general in Wellington, wrote to the Auckland chief surveyor, on the survey in Taupouuiatia West block "required to complete arrangements with the Natives". Part of the triangulation work contracted to W Cussen and H M Mitchell was incomplete, "but the cost of it was deducted from the purchase money", leaving a sum of £490.12s.6d to complete this survey:

Please therefore instruct these gentlemen to continue the work on the same scale and on same conditions, to extend over the Waihaha and adjacent country in a manner most suitable for further subdivision of that block and for the connecting of the boundary line of the Govt purchase [Waihaha] Nos. 1 and 2. The money must not be exceeded as the Land Purchase [Department] arrangements are concluded on that basis.

The Govt interests in Waihaha require defining on the ground: Nos. 1 and 2 contain 30,000 acres ... This area must be cut off as shown by line A-B to contain exact area, the division between 1 and 2 does not of course require defining - and if the line A-B is cut at each end say for 40 chains I think this will suffice - excepting where it may be necessary to extend it to connect with Awaiti [a native reserve of 100 acres], which, if within the Crown boundaries will also have to be surveyed.

Next the boundary line as lately decided by the Royal Commission, starting from "Pakihi which is the commencement of the range, and from thence along the Hurakia Range or watershed to Pureora", should be actually defined on the ground from Pakihi to the point where it intersects the Waihaha Nos. 1 and 2 boundary (and also that of Maraeroa) -and, I may say, that the further position of this boundary up to Pureora will have to be defined also, but the cost of doing will have to be made a separate charge against Maraeroa and Tihoi. {FNREF:0-86472-117-XA:10:1}

The letter had a sketch in the margin which is reproduced as the inset to [map 10.1](#). The Auckland Survey Office was also asked to negotiate a price with Cussen and Mitchell for consideration. It seems that areas and boundaries were negotiable on Waihaha block as well, because Smith concluded his letter with the comment:

In dealing with Nos. 1 and 2 Waitaha eventually for title purposes, No. 2 will remain at the exact area of 11924 acres or what ever is

mentioned in the [Native Land Court] order. No. 1 will suffer by alteration of boundary. {FNREF:0-86472-117-XA:10:2}

Cussen was predictably concerned at the limitation of funds for surveys and responded on 23 October 1889. The original price agreed with Maori owners was two pence per acre "for the external boundary survey" and one and a half pence per acre "for the triangulation". Because Cussen broke his leg, the triangulation:

was stopped, after it had been completed over the Pou-a-Kani block only, and when I was in a state to resume, the shortness of funds at Government disposal interfered.

The amount of money left, which you mention as £490.12.6, would be very inadequate to finish the whole work satisfactorily, and this is, I presume, only the 1½d. charged to the Tuhua-Hurakia-Waihaha block alone. The others, viz. Maraeroa, Tihoi and Hauhungaroa are still chargeable for triangulation with this 1½d, which according to our agreement with the natives should be also available for that work. It would be unfair to us, the surveyors, on the one side, if we are not allowed the 1½d. per acre for the triangulation based on the area of the whole of Taupo Nui Atia West as in the terms of our agreement; and on the other side unfair to the natives as a whole to charge only two blocks, viz. Pou-a-Kani and Waihaha, with work which is necessary and advantageous to the rest. {FNREF:0-86472-117-XA:10:3}

Cussen enclosed a memo from W H Grace which summarised the situation to date:

The surveys of Horaaruhe Pouakani and Tuhua Hurakia Waihaha Blocks have been paid for by the natives in the shape of land, namely 20,000 acres cut off Horaaruhe Pouakani block vested in the name of the Crown and called Pouakani No. 1 to pay for the said Horaaruhe Pouakani block. And 11,000 acres cut off Tuhua Hurakia Waihaha block also vested in the name of the Crown to pay for the survey costs of the said Tuhua Hurakia Waihaha block. The pieces cut off and vested in the name of the Crown in both these blocks cover the costs of the surveys of the external boundaries and also the costs of the minor triangulation. The minor triangulation of Horaaruhe Pouakani has been completed and paid for by the Govt but not so in the case of Tuhua Hurakia Waihaha Block and the Govt have in hand a considerable sum for this work.

The costs of surveying the Tihoi, Maraeroa and Hauhungaroa blocks have not yet been paid for by the natives nor have they made any provision for payment of same in the shape of land. The Govt have paid the surveyors, viz. yourself [W. Cussen] and Mitchell 2d per acre for the survey of the external boundaries of these blocks but not for the minor triangulation that work not having yet been done.

The arrangement made with yourself and Mitchell for the survey of Taupo West Blocks, was, 2d per acre for survey of external boundaries

of blocks and one penny half penny for minor triangulation. The completion of the minor triangulation work to the best of my recollection was stopped owing to the shortness of funds at the time. {FNREF:0-86472-117-XA:10:4}

There must have been further negotiation on the new survey required by the Tauponuiatia Royal Commission decision. On 18 November 1889 Cussen produced the following quotation for the work:

Pakihi to Weraroa	9 miles	at £15	=	£135.0.0
Maraeroa portion	6 do.	do.	=	90.0.0
mile at each end A.B.				
[Waihaha block]	1 do.	do.	=	15.0.0
Round Awaiti Sub.	1 [mile] 50ch.	do.	=	24.7.4
				£264.7.4

Cussen also commented on the rate of £15 per mile, to justify a higher figure than that previously authorised by the chief surveyor:

I would beg to point out that though £14 per mile was the rate allowed for the Whakapapa River traverse, yet a river traverse is easier of execution than the cutting of straight lines in a mountainous and heavily bushed country, and stores were more easily conveyed there than they can be to a party on the Hurakia Range at an altitude varying from 3000 to 4000 ft, as in this case all provisions will have to be swagged in. {FNREF:0-86472-117-XA:10:5}

On 3 January 1890 Cussen and Mitchell were authorised by W C Kensington, on behalf of the chief surveyor, Auckland, "at your earliest convenience" to carry out:

1st. The survey of the amended boundary of the Tauponuiatia Block from Pakihi to Weraroa.

2nd. Setting in one half mile at each end of the eastern boundary of 11,000 acres of Crown land at Waihaha.

3rd. Surveying and locating the 100 acres at Awaiti.

The whole must be done according to the Survey Regulations and on satisfactory completion being approved you will be paid the sum of one hundred and seventy four pounds (£174) to cover all costs whatsoever. Should the 100 acres at Awaiti prove to be outside on the Native Land a deduction of £24 will be made {FNREF:0-86472-117-XA:10:6}

Cussen organised the survey immediately to take advantage of summer weather. During February local people stopped another surveyor, Mr Clayton, from completing the survey at Rotoaira that Cussen had not finished in March 1888. On 1 April 1890 Cussen reported by telegram "My survey is completed and information ready for inspection". There is no report on file of any obstruction of the new boundary surveys although rumours that Papanui had stopped the survey had reached the Auckland Survey Office. Cussen sent another telegram on 1 May:

Taupouniatia boundary Finished from Pureora to Tuhingamata.
Natives report they have stopped survey I have heard nothing about it
from my party at work there. {FNREF:0-86472-117-XA:10:7}

On 3 April 1891 there was still a balance of £45.15.3 owing to Cussen and Mitchell, being the balance owing on the original Taupouniatia survey. The surveyor general, Percy Smith, gave the excuse that the western boundary of "Maraeroa block had not been cut, but was a calculated line". Cussen responded on 15 May that he had now cut the line and offered an explanation:

that the line you refer to was not cut at the time I sent in the plan owing to some trouble with the Natives about the boundary.

After the Commissioners held the enquiry at Kihikihi and decided that some of the boundary of Taupouniatia West block had to be altered I was authorised to survey the amended boundary and while doing so I also cut that Western portion of Maraeroa block which Mr Smith refers to. The lines are all now cut and marked on the ground in accordance with the Survey Regulations. {FNREF:0-86472-117-XA:10:8}

Robert Cashel, who was employed by Cussen, described his survey of the line from Pureora to Pakihi in his evidence to the Native Land Court during investigation of title of Maraeroa block on 17 September 1891:

I am a surveyor - not licensed - of Kuiti. I have no ancestral claim to this land. I cut a survey line on this block from Pureora along the ridge to Weraroa. I then proceeded to cut a line towards Ketemaringi, but I found that that was not the watershed, because it was intersected by a stream, the Maoris I had with me informed me it was Maramataha, it was parallel with the ridge. I went back to Weraroa and started again, on the proper ridge which is not intersected by any stream. I continued the survey to Pakihi.

I found an open space in the bush about 25 to 30 acres, it was swampy, about a mile from Pakihi. The range does not stop at Pakihi. I saw no evidence of kaingas at Pakihi or anywhere thereabouts. Pakihi is about 3000 feet above the level of the sea.

The line from Pakihi to Ketemaringi has never been cut. Those streams are merely sketched in. I don't know whether there is any other stream besides Maramataha.

My native staff were Hohepa, Tamihana, Paora and others, they were quite new to the place.

I was instructed by Mr Cussen to cut the line. I followed the instructions in the Gazette in pursuance of the decision of the Commissioners which was that the line should follow watershed. {FNREF:0-86472-117-XA:10:9}

Cashel stated that he had received a letter from Te Papanui objecting to the line from Weraroa to Tauwharepurakau and wanting him to cut a line from Weraroa to Ketemaringi. He described "a ridge part of the way from Ketemaringi to Pakihi very like the one I surveyed", but he could see Ketemaringi from Pakihi. Cashel noted:

Hohepa and Tamihana belong to the Taupo natives, they did not know much about the land. I believe we were the first people ever there since the days of the old men.

I saw a line running along the ridge presumably cut by the natives, it goes along the open space at Maniaiti, called by some of the party Pakihiiti. {FNREF:0-86472-117-XA:10:10}

Cashel's field book has not survived, and no record of it can be found in the Department of Survey and Land Information's Hamilton office. On Lands and Survey file 2413 is a request dated 9 August 1902 to the Auckland Survey Office for William Cussen's original field book for Waituhi Kuratau block. Mr Donahoo, who was surveying in the area, reported that there appeared to be a discrepancy between surveys done in 1886 and 1896, as it seemed a peg had been wrongly replaced in 1896. The only way to check this out was by consulting the original field book. The request was passed on to Mr James Simms, surveyor of Otorohanga, for information, noting that field books deposited in the Survey Office were not originals. A telegram sent back on 20 August 1902 stated "Lawrence Cussen destroyed all William Cussen's original field books". This was probably the fate of Cashel's field book, since he was employed by W Cussen. However, the evidence on several Department of Survey and Land Information plans indicates that the survey of the watershed of the Hurakia range was completed from Pakihi to Pureora.

Waitangi Tribunal, Department of Justice, Wellington.

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10.3 Tahorakarewarewa

In the amended statement of claim dated 23 October 1987 (appendix 2), "The Tribunal is asked to inquire into the western boundary from Taparora [sic] to Tahorakarewarewa to Weraroa and thence to the Pungapunga Stream including the lands investigated by the Royal Commission of 1889". The Tauponuiatia Royal Commission had specifically excluded "the settlement of Tahorakarewarewa, which Taonui claims," from Maniapoto lands. It was "about two miles from the ridge" east of the Maniapoto Tuwharetoa boundary along the watershed of the Hurakia range. {FNREF:0-86472-117-XA:10:11} In 1891 the Native Land Court included Tahorakarewarewa in Maraeroa block. The claimants did not pursue this aspect of the claim in hearings and no specific evidence was presented to us. However, in order to provide a complete explanation the tribunal did pursue its own investigations in the Department of Survey and Land Information Hamilton office and the National Archives.

The land described as Tahorakarewarewa is a triangular area of some 1538 acres, bounded to the east by Tihoi block, to the south by Waihaha No 2 block, and to the north and west by Maraeroa A block, and shown on ML6498D, a compiled plan held in the Department of Survey and Land Information office in Hamilton. All the boundaries were surveyed and the plan was signed for the chief surveyor by W Kensington on 7 February 1899. The land is described on this plan as "Punakerikeri Block Being portion of the Maraeroa A Block Already adjudicated upon (Orders made)". No other exhibit notes or approvals appear on the plan.

The Department of Survey and Land Information file 20/346 in Hamilton included a copy of petition no 109/1931 by Pepene Eketone and others on the subject of Tahorakarewarewa, claiming it as uninvestigated Maori land, not part of Maraeroa block, having been excluded by the findings of the Tauponuiatia Royal Commission in 1889. We followed up this petition with a request to the National Archives for any relevant papers and a report on the petition. Eventually a report was located, but only after some searching. We quote an extract from the letter to the tribunal dated 31 May 1991 from D W Hodder, assistant director, National Archives, which illustrates some of the difficulties in tracing the records:

The papers we hold for the Native Affairs Committee, 1932-33 (Le 1/1932/10) do not contain the petition from Pepene Eketone (109/1931), although the minute book refers to it twice: on 10 November 1932 the Committee resolved to ask the Forestry Department how they became vested with the title, and on 9 February 1933 the Committee resolved to refer the petition to Government for enquiry.

However, a further search of our holdings of Parliamentary papers has yielded the original petition of Pepene Eketone. The petitions from 1931 considered in 1932/33 were usually filed back in the year of presentation. However, in the 1931 sequence of petitions to the Native Affairs Committee (Le 1/1931/11), instead of 109/1031 is a note indicating that Pepene Eketone's petition was "extracted temporarily in connection with no. 8 of 1962: Te Rehe Amohanga & 12 others". Pepene Eketone's petition remains in the envelope with that 1962 petition, together with petition 1935/58 (Huru Paora & 38 others of Mokai): our reference is Le 1/1962/12 (no.8). To this 1935 petition is attached a copy of the report dated 5 July 1935 from the Judge of the Native Land Court for the Waikato Maniapoto District to the Chief Judge of the Native Land Court in Wellington. This is the report arising from the Court hearing on 28 May 1935; it does not appear on Pepene Eketone's petition file.

Unfortunately, we have been unable to locate the Departmental file on this matter. A search of the contemporary indexes and registers for the Native Department shows that the petition was received from the Clerk, Native Affairs Committee, House of Representatives on 24 August 1931. The file reference was 1931/399, subsequently reclassified as N.D. 5/13/79. (Both these numbers are evident on the petition files of Pepene Eketone and Huru Paora.) As we would expect, no papers were retained in the 1931 numerical sequence. But a search through the lists itemising files transferred from the Department of Maori Affairs has failed to show file 5/13/79, although we hold many others from the 5/13 ... series

The Regional Archivist in Auckland has also made a search of files transferred to our repository there from the Hamilton district office of Maori Affairs, but has turned up nothing relevant.

From the papers that have been located it seems that petition no 103/1931 was heard by the Native Affairs Committee of the House of Representatives and referred to government for inquiry on 9 February 1933. However, the land had been proclaimed Crown land on 22 August 1901 and in 1920 vested in the Forestry Department as a provisional state forest. {FNREF:0-86472-117-XA:10:12} The Under-Secretary for the Native Department wrote to the Native Affairs Committee on 6 November 1931 with a comment on petition no 109/1931:

This arises out of a long standing grievance over boundaries and in 1889 formed the subject of a Royal Commission. I enclose a copy of the report, the matter affecting the boundary being comprised in Issue No. 1. As a result of the findings of the Commission, section 29 of the Native Land Court Amendment Act, 1889, was passed excluding certain land from the Tauponuiatia Block and authorising the Court to investigate the title of the excluded portion. Just about Tahora Karewarewa there was a contest about the boundaries between the two tribes Ngati-Maniapoto and Ngati-Tuwharetoa and it is possible the

land referred to in the petition is covered by the section of the Act referred to. {FNREF:0-86472-117-XA:10:13}

The petition was referred to the Native Land Court for inquiry, and submissions on it were heard there on 28 May 1935. {FNREF:0-86472-117-XA:10:14} A report was issued by Judge MacCormick on 5 July 1935. {FNREF:0-86472-117-XA:10:15} The court acknowledged that the land concerned was the Punakerikeri block on plan ML6498D, and that it was east of the line set by the Taupouiatia Royal Commission. We reproduce Judge MacCormick's report in full as appendix 8. The court concluded that the land had indeed been sold to the Crown. The entry of 12 December 1891 in the Native Land Court minute book is clear that the land called Tahorakarewarewa or Punakerikeri block was included in the order for Maraeroa A block:

Order 20/ - pd. Order in favour of Te Paehua Matekau and others. To include portion marked C 1538 acres, also part of portion of Maraeroa included in Pouakani, shown in pencil on the plan. {FNREF:0-86472-117-XA:10:16}

In setting out the boundaries of the Maraeroa block for the rehearing by the Native Land Court in 1891, Te Paehua stated in opening the case on 24 August, that Tahorakarewarewa was part of a line from Weraroa to Tahorakarewarewa to Pureora. {FNREF:0-86472-117-XA:10:17} The plan before the court was ML6077/3, which was compiled in 1891. It was based on the Cussen and Mitchell plan ML6077 which was submitted with other plans of Taupouiatia West and its subdivisions on 29 December 1886, but had never been approved by the Survey Office or the Native Land Court. The watershed of the Hurakia range is shown.

The triangular block "C 1538 acres" referred to above is clearly shown on ML6077/3. In accepting the watershed as the boundary, a small portion of the Tihoi block was also added to Maraeroa, but this does not seem to have been an issue in the 1891 hearing of Maraeroa. It seems that the court chose to include this triangular block of 1538 acres, Punakerikeri block, in Maraeroa in the absence of any objection. There is nothing in the minutes to explain why the name Punakerikeri was given, or why a separate compiled plan, ML6498D, was prepared. This area was included in the Crown purchase of Maraeroa A2 block in 1901. {FNREF:0-86472-117-XA:10:18}

In petition no 58/1935 of 1935, Huru Paora and 38 others sought that "the report of a special commission set up to define the boundaries of the Taupouiatia block be given effect to". {FNREF:0-86472-117-XA:10:19} On 7 May 1936 the Cabinet Petitions Committee referred this petition to government for inquiry. On 3 May 1937 the following memorandum was sent by the Under-Secretary, Native Department, to the Under-Secretary for Lands:

A petition (No. 58/1935 of Huru Paora and others) in which the petitioners claimed that the land in question was wrongfully awarded by the Court to Ngati Maniapoto is under consideration. Judge MacCormick in his report on petition No. 109/1931 dealt with this aspect of the matter, and if I remember aright, the Rt. Hon. Native Minister directed that no action should be taken with regard to Petition No. 58/1935. All petitions referred to the Government are, however,

required to be considered by the Cabinet Petitions Committee, and while it is not very likely that the Minister's decision will be departed from, it might be as well for you to defer any dealings with the land which might be contemplated until such time as the matter has finally been disposed of.

The members of the Cabinet Petitions Committee had Judge MacCormick's report before them when they considered petition no 58/1935 in May 1936, but still resolved to refer the matter to government for inquiry. Nothing more seems to have been done, probably because Judge MacCormick's report indicated that the 1583 acres had been included in the 1891 investigation of title of Maraeroa block, and also included in the Native Land Court order for Maraeroa A block. The plans on deed no 3308 (two deeds) for the sale of Maraeroa A2 block are identical to the plan on the title order (see chapter 11).

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10.4 The Boundary from Pureora to Taporaroa

The rehearing of the Horaaruhe Pouakani claims before the Native Land Court started on 9 December 1890. There were several claims but the court decided to hear claim no 15 by Werohia Te Hiko and others first, probably because that was the first application received by the registrar. Werohia Te Hiko's claim was conducted by Pepene Eketone whom we presume to be the same person as the Pepene Eketone who petitioned parliament in 1931 and died in 1935. The hearing proceeded from 9 to 17 December, was adjourned to 4 February 1891, and judgement was given on 7 May 1891. Cussen's plan of Horaaruhe Pouakani, ML6036, was before the court.

The boundary of Pouakani block was described by Werohia Te Hiko on 9 December 1890:

Pohuehue, Kaeaearu, Okurarenga, Te Kuritinongahuru, Oputanga, Te Waipohatu, Te Tikiwhenua, Te Puauowaipapa ki Waikato, following Waikato river to Te Tatua boundary thence to Pohuehue, the commencement. {FNREF:0-86472-117-XA:10:20}

Oriwia Ngakao (sister of Hitiri Te Paerata) stated on 9 December 1890, "I am acquainted with the land included in Werohia's boundaries. I do not understand plans". {FNREF:0-86472-117-XA:10:21} Hitiri Te Paerata followed on 11 December 1890, "I am well acquainted with the block but don't know much about plans". {FNREF:0-86472-117-XA:10:22} Under cross examination Hitiri Te Paerata described the boundary of Pouakani, including "the Trig Station at Pureora, thence northerly, Ohahau, Taporaroa". {FNREF:0-86472-117-XA:10:23} Ngakuru Te Rangikaiwhiria on 9 February 1891 stated:

Werohia's boundary from Pureora to Tapuraroa [sic] I object to, it should go from Pureora to Koromatuaru, Ohahau, Te Kopure, thence to Tapuraroa marked (A No. 1 on plan in pencil) the Tapuraroa as shown on the plan is wrong. The land between my boundary and Werohia's is properly part of Maraeroa and is the property of N'Karewa. {FNREF:0-86472-117-XA:10:24}

When cross-examined by Te Rangikaripiripia the following day, Ngakuru responded:

I was at Taupo Court when that boundary was discussed. Te Heuheu the elder was the claimant in Maraeroa case. Te Paehua's boundary was from Tapuraroa [sic] to Pureora. The mistake of the boundary was not known till the survey was made. Te Paehua said in Court that he

had bird snaring places along the line. {FNREF:0-86472-117-XA:10:25}

Pepene Eketone had been conducting the case for Ngati Wairangi, but on 5 March 1891 because he had an interest in "the matter of Taporaroa boundary he could not appear in this particular question, he had arranged for Hone Patene to conduct". {FNREF:0-86472-117-XA:10:26}

Te Paehua Matekau then began his evidence:

I live at Mangaorongo [on Maraeroa block]. I belong to N'Raukawa and belong to N'Rereahu and N'Whakaterere. I know the Pouakani block. I have a claim to it, boundary to which I have a right viz. Taporaroa (Taporaroa proper is a miro tree) Te Kopure (a plantation) Waipapa junction of Ohahau, Te Whanga (a miro), Koromatuara (a hill on the road to Te Hapainga) Te Waimanu (waitahere) [bird snaring trough] Papakaramu (where tuis were speared) Oweta (bird snaring place), Te Pukenui, thence Pureora (places pointed out on the plan by witness). The area comprised in the difference of my line and that shown on the plan is properly a part of Maraeroa block. {FNREF:0-86472-117-XA:10:27}

Te Paehua went on to mention several bird snaring places and kainga mahinga manu, temporary camps used when bird snaring, "I have no other kainga on this piece, the principal occupation of which was bird catching; in ancient times rats were snared". {FNREF:0-86472-117-XA:10:28} He then explained the survey problem of this boundary:

The boundary I have just given I deposed to at Taupo [court hearing in 1886]. When N'Wairangi were conducting the survey I objected. I interviewed Hapeta and Mr Cussen the surveyor. I objected in Court at Taupo to the boundary as given by N'Wairangi. Taporaroa as shown on the plan is properly Paekaeka

I ask the Court to cut this piece off from Pouakani and to make an order in favour of self and the hapus I have mentioned and N'Maniapoto, N'Matakore, and N'Whakatu [sic = Whakaterere?]. {FNREF:0-86472-117-XA:10:29}

When the court asked for objections to Te Paehua's request, Te Rangikaripiripia stated that Ngati Wairangi and Ngati Ha also claimed that part:

Pepene said owing to a sketch plan being produced before the Court at Taupo the confusion arose.

Arekatera and Hipirini said they had no opposition to offer to the application by Te Paehua

Mr Barton said he had no fresh evidence to adduce to rebut that of Te Paehua ... {FNREF:0-86472-117-XA:10:30}

There was some further questioning of Te Paehua, mainly elaborating on the activities of the Maniapoto ancestors already named, but nothing to upset the boundary described.

Te Rangikaripiripia objected to Pepene Eketone continuing to conduct the Ngati Wairangi case, describing him as "a co-claimant with Te Paehua". However, after some discussion outside the court, it was decided to retain the services of Pepene Eketone. Te Rangikaripiripia then proceeded to give his evidence, beginning with "the boundaries of territory owned by Moe", including "Pureora, thence northwards, Te Waipohatu, Te Ti, Te Maire, Te Tikiwhenua, Waipapa upper part, Te Karamuramu, Taporaroa". {FNREF:0-86472-117-XA:10:31} He continued his evidence with descriptions of kainga and bird-snaring places, various hapu and genealogical references, and spoke against Te Paehua's claim:

I heard the boundary given by Te Paehua. I deny that boundary. The proper one is that shown on the plan. Te Paehua occupied up to that line only and no further. The food about there are eels only. On the N'Wairangi side of the boundary are eels, duck and koura, the limit of their occupation was the boundary on plan

Taporaroa was a man and not a miro tree as stated by Te Paehua, he belonged to N'Rere and N'Tunoho, he was killed by N'Wairangi because he was in the habit of taking more than his share of game etc. (He kaikino i nga kai) and because of kanga [curse]

Taporaroa to Pureora is the boundary of N'Wairangi {FNREF:0-86472-117-XA:10:32}

On 18 March 1891 Werohia Te Hiko was called to give further evidence in response to counter claimants' evidence:

I heard the boundary given by Te Paehua. I object to it strongly, it is wrong, his eel fisheries and mahingas are outside the block

I have not seen Taporaroa, but the other places, Tikiwhenua, Te Ti etc. I have been at. Taporaroa is near Waipapa [river]. Tikiwhenua is out in the fern. Taporaroa is a fern ridge. I have not seen the surveyed line, but I have heard and believe it follows the above names. {FNREF:0-86472-117-XA:10:33}

The evidence was completed and final addresses to the court were given on 23 April 1891. Arekatara requested "that the Assessor should visit the various localities on the land in dispute". {FNREF:0-86472-117-XA:10:34} This was agreed but we have no record of his route except that court had to be adjourned on 1 May, and again on 4 May, because the assessor and his party were detained at Waotu by "the inclemency of the weather". {FNREF:0-86472-117-XA:10:35}

The judgment on Pouakani block was given on 7 May 1891, in respect of hapu, and comment made by the court on the various claims put forward:

Te Paehua ... set up a case for a small strip from Taporaroa to Pureora. Taporaroa as he showed was really some distance to the North West [sic] of where it appears on the plan, this piece he claimed as part of Maraeroa. He named several spots which had been bird catching places belonging to his people and said he had whares on part of it, also cultivations and traced what he said was the correct boundary.

Pepene [Eketone] had intimated at the opening that this case would be set up. {FNREF:0-86472-117-XA:10:36}

In concluding a lengthy judgment, it was stated:

That Te Paehua (on behalf of N'Maniapoto) has proved his right to the part claimed by him.

The Court therefore awards the land before the Court to N'Moe, N'Wairangi, N'Korotuohu, N'Rakau, N'Hinekahu and to N'Ha; and to N'Maniapoto as represented by Te Paehua in respect of Taporaroa to Pureora. {FNREF:0-86472-117-XA:10:37}

The investigation of title to the Maraeroa block by the Native Land Court began on 24 August 1891, after the Pouakani block investigation. The area was described as 47,975 acres and the plan ML6077/3 was before the court. Te Paehua Matekau described the boundaries of the "Maraeroa Hurakia block" as follows:

Beginning at Taporaroa - Te Turiohinetu, Pukemako, Ketemaringi, Pakihi, thence Easterly Tuhingamata, Weraroa, Tahorakarewarewa, Pureora, thence northerly to Taporaroa the commencement. {FNREF:0-86472-117-XA:10:38}

Te Paehua claimed the land on the basis of ancestry, mana and continuous occupation:

We inherit this land from Kahu who came to New Zealand in Tainui canoe. The ancestors, descendants of Kahu, whom we claim directly from are Rereahu, Whakatere, Maniapoto, Matakore, (Punga, Tipi) Tamaio the tupuna of Tipi and Punga.

The following hapus are the owners under the above ancestor viz. N'Maniapoto, N'Matakore, N'Poutu, N'Karewa, N'Hinemata, N'Tarapikau, N'Rereahu, N'Whakatere, N'Punga, N'Tipi, N'Toreihu, N'Parekaihina, N'Huru, N'Ruahine, N'Pehi.

The divisions of the block. A boundary runs from between Tauwharepurakau, Tuhingamata, thence Westerly to Ketemaringi where it strikes the external boundary. This portion is called Hurakia. The hapus who own it are N'Huru, N'Parekaihina, N'Toreihu, N'Ruahine, N'Pehi, N'Hinemata, N'Rereahu and others.

Another division commences from Raketi, Kokakotaia, thence following stream (Ongarue) to Mairepai on Western boundary. This

portion is called Ketemaringi, owners are N'Punga, N'Tipi, descendants of Tamaio.

The rest of the block we will call Maraeroa, the rest of the hapus, viz. N'Matakore, N'Whakatere, N'Poutu, N'Karewa, N'Tarapikau, N'Maniapoto, N'Rereahu. {FNREF:0-86472-117-XA:10:39}

There were several counter claimants but of these Te Paehua was prepared to include "Te Heuheu, his sisters and their children, also Ngakuru and his family". {FNREF:0-86472-117-XA:10:40} An attempt was made by Te Papanui Tamahiki to claim Hurakia on the basis of ancestry and occupation by descendants of Tuwharetoa and Tia, but the Taupouiatia Royal Commission had established the boundary as the watershed of the Hurakia range. A claim was made by Karawhira Kapu and others of ancestry and occupation by descendants of Ha but this too was dismissed by the court. Other counter claimants were also dismissed in the judgment. The court pondered Papanui's claim in Hurakia, but accepted Cashel's survey line along the ridge of the Hurakia range as the eastern boundary of Hurakia block, it being the watershed:

In considering the evidence before the Court there is one fact remarkable, which is this, the names of the spots along what is the admitted boundary between the Taupo people and the N'Maniapoto are the same, but the location is different. Papanui locates them on what he said was the boundary laid down by Tia which is a line direct from Ketemaringi to Pakihi - the claimants locate them on what they say is the watershed of the Hurakia range between Weraroa and Pakihi - and in fact the question at issue between the claimant and Papanui is simply as to which of these lines is the true boundary.

The question has given the Court a great deal of anxiety, but after weighing the evidence carefully it has come to the decision that the true boundary is the line surveyed by Mr Cashel and the decision is therefore adverse to the case set up by Papanui. {FNREF:0-86472-117-XA:10:41}

This judgment on 22 September was followed by taking more evidence for the purpose of determining which individuals would be named in the titles. All the hapu listed by Te Paehua were admitted, with the addition of the families of Te Heuheu Tureiti and Ngakuru Te Rangikaiwhiria. On 5 October the court was adjourned to 16 October at Tokaanu. However, Judge Puckey was prevented by illness from travelling to Tokaanu, and the court was further adjourned by the chief judge to Kihikihi on 26 November 1891. The arguments before the court continued on into December. On 12 December several orders were made for subdivisions of Maraeroa, which are discussed in chapter 11.

In 1891, the Maraeroa block was clearly awarded to Ngati Maniapoto, and the Te Heuheu family admitted through Maniapoto ancestral lines. W H Grace gave his interpretation of the 1886 Maraeroa judgment in his evidence to the Taupouiatia Royal Commission in 1889:

The judgment was virtually against Te Heuheu and the Tuwharetoa, for it awarded the land to Karewa, as represented by Te Paehua, and in those of Matakore and Rereahu who could show occupation. From that day Te Heuheu lost control of the block and could not hand in list of names. This was then Te Paehua's privilege

On 14 Feb. 1887 the names for Maraeroa were handed in. The Court said Te Paehua was the man to hand in the list of names of Karewa for Maraeroa. Te Heuheu and some of his near relatives, who were of Karewa were included, but most of the names belonged to Te Paehua's section. Te Paehua being the person to prepare the list, had the power to put in those whom he thought right. {FNREF:0-86472-117-XA:10:42}

It might have been expected that, having awarded the block to Te Paehua, his boundary would have been accepted in 1886. It was the same then as the boundary he described in 1891. However, the descriptions in the minute book and surveyors' instructions for the boundary between Pureora and Taporaroa were not very specific. On 12 March 1886, the Native Land Court, in a judgement on Tauponuiatia West block, stated:

The boundary line between Tauponuiatia West and Maraeroa Pureora Blocks to be a line commencing at Ketemaringi thence to Tauwharepurakau thence to Weraroa thence to Tahora Karewarewa thence in a straight line to Taporaroa. {FNREF:0-86472-117-XA:10:43}

Cussen's instructions for the boundaries of Maraeroa block, signed by Judge Scannell on 21 May 1886 and submitted in evidence to the Tauponuiatia Royal Commission in 1889, were:

Commencing at Taporaroa thence to Tikiwhenua thence to Waipuna thence to Te Ti thence to Pureora, thence in a straight line to Tahora Karewarewa thence to Weraroa thence to Ketemaringa [sic] thence to the trig station at Pukemako thence to Turiohinetu thence to Parakiri thence to the commencing point at Taporaroa. {FNREF:0-86472-117-XA:10:44}

There is no reference in Taupo minute book six around the date of 21 May 1886, so presumably this instruction was given in chambers. On the same sheet of paper Cussen also received instructions for the survey of Tauponuiatia West block, and this document was produced as an exhibit to support his evidence to the Tauponuiatia Royal Commission in 1889.

Cussen described how he did the survey of Maraeroa block in his evidence to the commission:

I was employed by the Court to survey Tauponuiatia West. I never surveyed any part of the Rohepotae block previously. The Judge at Taupo gave me instructions

I also got a tracing of the Court plan. The yellow line was shown on it. I made the tracing myself. All the names now on the map were I believe there then. I then began the survey. I had 4 parties out, stationed one at Tahorakarewarewa. Another party was at Oruaiwi. I myself began at the Waikato river and worked up to Pouakani thence to Turiohinetu, thence to Taporaroa. I don't know which Taporaroa is the correct one. The natives pointed out two places.

Hapeta of Tuwharetoa was one who was sent to point out the boundaries. No one belonging to the Maniapoto was with me.

I myself surveyed as far as Pureora. This was not on the back line. On the back line I went as far as Turiohinetu.

We had finished the line from the Waikato to Taporaroa, when Te Paehua came and stopped us and said the right Taporaroa was a mile back. We had come too far. Taporaroa was a name pointed out to me by the natives.

Turiohinetu is a small hill. There is no settlement there. Te Paehua was with me when we got to Turiohinetu. He went with us from Taporaroa. I don't know for whom Te Paehua was acting. I went no further than Turiohinetu. From there to Pukemako the line was not cut. Nor to Ketemaringi. These two places are trig stations. From Ketemaringi we cut the line for about a mile.

Redmond surveyed from Ketemaringi to Pakihi and beyond. {FNREF:0-86472-117-XA:10:45}

It is obvious from this statement that W Cussen, the surveyor, was not clear which Taporaroa was correct. The court accepted Te Paehua's Taporaroa in 1891 and that subsequently became the northern point on the boundary between the Pouakani and Maraeroa blocks. Te Paehua's Taporaroa was shown clearly on the plan GM 180 as "Te Pahua's [sic] Taporaroa".

The tribunal heard a submission from the Maniapoto Maori Trust Board, presented by Reverend Ropata Emery, who produced a copy of a letter dated 16 August 1989 sent by the board to counsel for claimants, setting out the "stance and response" of Ngati Maniapoto to this claim. The Maniapoto Maori Trust Board was established by statute (The Maniapoto Maori Trust Board Act 1988) as a board under the Maori Trust Boards Act 1955, and the beneficiaries are members of the Maniapoto tribe and their descendants. The board had consulted with the Maraeroa Incorporation and with their kaumatua, a group called collectively Te Mauri o Maniapoto. Following lengthy discussions at a hui called by kaumatua, the following resolutions were passed:

A. The Maraeroa block and the Pouakani block are parts of the same land interests of the Matakore hapu.

B. That the descendants of Rereahu and Hineapounamu, namely Matakore, the second child, and others were firmly established as the true Owners of the Maraeroa block.

We interpret this as an affirmation by Ngati Maniapoto that the mana of Maraeroa block remains with Matakore.

We are very much aware that if one group makes a claim to land, the implication is that another group may lose a portion of lands awarded to them. It is immaterial that the lands in question all became Crown lands. The issue is one of mana, and these issues now are just as relevant as they were in the 1880s when Taonui Hikaka walked out of the court in Taupo and began a process of re-investigation that established the ancestral title of Matakore in Maraeroa block. We find that there is no dispute that the mana of Maraeroa lands is with Matakore and Ngati Maniapoto.

We turn now to the precise location of the boundary between Maraeroa block and Pouakani block ([map 10.2](#)). At the hearing of Mr Paki's claim the tribunal was told that Mr Harris, a registered surveyor acting for the claimants, estimated that this "small strip from Taporaroa to Pureora" contained 4831 acres. On 4 August 1891 the court recorded that it believed that this area, which Mr Harris calculated to contain 4831 acres, contained only 2250 acres. {FNREF:0-86472-117-XA:10:46} In December 1891 during the Maraeroa block hearing Cussen's plan ML6077/3 was before the court and the line from Te Paehua's Taporaroa to Pureora was drawn on it. Ninety seven years later another judge of the Maori Land Court said on 9 June 1988 of the court's 1891 award in favour of Te Paehua that:

unfortunately within two years of [the Native Land Court Acts Amendment Act 1889] the Maori Land Court in its wisdom purported to overturn the legislation and determined that the western boundary was in a different place; this decision resulted in some 6500 acres moving from the former Tauponuiatia West to Ngati-Maniapoto (4831 acres from Pouakani and 1500 from the Tihoi subdivisions of Tauponuiatia West block).

It is significant and it is recorded, that the Crown in the 1890s was making a determined effort to achieve ownership of the various subdivisions of Tauponuiatia West. It appears from the evidence before me that the Maori Land Court of that era was not adverse to ensuring that it succeeded and an examination today of how the Court collaborated in ensuring the Crown achieved its object - even to the extent of overturning a clear legislated boundary convinces me that many of the Crown's acquisitions in this area are properly before the Waitangi Tribunal

I am firmly of the view that the boundary between Pouakani Block and Maraeroa Block has since 1889 been that legislated consequent upon the Royal Commission reporting. I am of the view that any attempt by the Maori Land Court to 'correct' such boundary was and always has been a nullity. I adopt this view primarily because Section 29 of the Native Land Court Acts Amendment Act 1889 defined the boundary as

a matter of law and there was no savings clause or any other provision allowing the Maori Land Court or any other body to depart from that boundary.

I cannot accept that the Maori Land Court could proceed to ignore and overturn the legislated boundary; the orders made by the Court doing that were made per incuriam. {FNREF:0-86472-117-XA:10:47}

This tribunal has investigated the issue with more information and time than was available to the court in 1988. This tribunal does not accept that the Native Land Court in 1891 ignored a boundary apparently fixed by statute. The Taupouniatia Royal Commission was asked to determine whether the boundary of Taupouniatia block was on the red line or yellow line on plan GM180, or an intermediate line. The Royal Commission reported that the boundary line between Ngati Manipoto and Tuwharetoa "should be the red line ... along the watershed of the Hurakia range north to Pureora". From Pureora the line was to run "to Tapororoa [sic], along the north-eastern boundary of the Maraeroa block". As [map 10.2](#) shows, on plan GM180 there are two lines from Pureora, Cussen's 1887 line and the 1889 yellow line. From a twentieth century viewpoint, the Taupouniatia Royal Commission appears to have failed to fulfil this part of its function. Taking the statute, the report and the map, where does the boundary between Ngati Maniapoto and Tuwharetoa run from Pureora northward? Is it Cussen's 1887 line from Pureora to the western Tapororoa, or is it the yellow line from Pureora to Koeta to "Te Paehua's Tapororoa"?

When the claimants' surveyor, Mr Harris, looked at this boundary it would have been obvious to him that:

1. The Taupouniatia Royal Commission was required to say whether the boundary was the red line, the yellow line or somewhere in between. It said that the red line was the boundary north to Pakihi. The yellow line was not mentioned in the commission's description of the boundary. Therefore the yellow line from Pureora to "Te Paehua's Tapororoa" could not be the boundary. That left only the line from Pureora to the western Tapororoa.
2. The commission report said Pureora to Tapororoa. If the commission had meant from Pureora to Te Paehua's Tapororoa shown on plan GM180, why did it not say from Pureora to Te Paehua's Tapororoa?
3. The commission report said "along the north-eastern boundary of the Maraeroa block". A Maraeroa block had existed since 24 September 1887 when the Native Land Court had made an order for the issue of a certificate of title in respect of a Maraeroa block estimated to contain 41,245 acres. There was also a survey plan, Cussen's plan ML6036 etc, which showed a Maraeroa block of 41,245 acres.

Table 10.1 : Place Names on the Line from Taporarora to Pureora

Place names on the line from Taporarora to Pureora						
GM180 (Yellowline)	Te Paehua NLC 1886	Cussen's Instructions 1886	Cussen's 1886 ML6036 etc. ML6077/3	Taonui 1889 Comm.	Te Paehua NLC 1891	Stubbing 1892 (ML 6406 etc.)
Taporarora	Taporarora	Taporarora	Taporarora	Taporarora	Taporarora	Taporarora
Ohahau	Kopuru Waipapa Stream crossed at Hohahau		Te Kurae Waipapa River	Owhahau	Te Kopure Waipapa Junction of Ohahau	Junction Waipapa Ohahau Stream
Te Whanga Tikiwhenua		Tikiwhenua	Tikiwhenua Te Poroporo		Te Whanga	
Waimanu Papakaramu Koeta	Koromatuaria Koheta Pukenui	Waipuna Te Ti	Te Rerenga o Rereahu Te Ti o Karewa		Koromatuaria Waimanu Papakaramu	
Pureora	Pureora	Pureora	Pureora	Pureora	Pureora	Pureora

But if the commission did intend to fix the line surveyed by Cussen as the boundary, it did not give any reason. The commission knew that there was a dispute, because it had heard evidence about the two Taporaroras, and about places between them and Pureora. Herein lies the answer.

Both W H Grace and Cussen, in evidence to the Tauponuiatia Royal Commission, said that objections could be made when the plans were deposited for inspection. The commission's minutes of 1 August 1889 record W H Grace's evidence at page 84 as:

Is it not the custom for the Court to instruct the Survey office concerning the boundary? Yes, as much information as possible is obtained from the minutes. This, & the sketch plan before the Court, constitute the information supplied to the surveyor, as a guide in executing the actual survey.

Then 'Maniapoto will have an opportunity of objecting? Yes, they can see the plan when deposited, & can object if the survey does not properly pass through the places named.

The complete plan of Tauponuiatia has not yet been completed.

And on the same day, at page 93, Cussen said "The map of Tauponuiatia has not yet been completed. I suppose it will be deposited for inspection. If any faults are found, objection can be made". {FNREF:0-86472-117-XA:10:48}

The order that Judge Scannell signed and sealed, dated 24 September 1887, determined the ownership of a Maraeroa block estimated to contain 41,245 acres, and ordered that a certificate of title of the owners be issued, "when a plan of the said area has been finally settled by the Court". The order was headed "Native Land Court Act, 1880". That Act had been repealed by the Native Land Court Act 1886, but s115 of the 1886 Act enabled existing proceedings, at the discretion of the judge, to be continued under either the repealed legislation or the new legislation. The heading to

the order showed that Judge Scannell had elected to continue under the old legislation. Under s25, s26 and s33 of the 1880 Act, as amended by s2 of the Native Land Acts Amendment Act 1882, if, when the court had determined ownership, it was satisfied that "a sufficient plan and description" were in the "possession of the Court", and there was no application for a rehearing, "As soon as the time for an application for rehearing" had expired "the Court shall then issue a certificate of title". If the court had accepted the Maraeroa block, as surveyed by Cussen, then the order of 24 September 1887 for the issue of a certificate of title in respect of Maraeroa would have been in form 4 in the 1880 Rules of the Native Land Court, and would have ended with the words, "and that a certificate of their title be issued in pursuance of the Act".

By signing the order in the form that he did sign it, Judge Scannell caused the provisions of s28 to s33 of the Native Land Court Act 1880 to apply to Maraeroa block. These sections required the court to give notice in such a way as was "best adapted to attract the attention of all persons whom it may concern" that there was a plan available for inspection. People were entitled to object to the plan, as the royal commission was told by W H Grace and Cussen in 1889. If there were objections, the court was required to consider such objections. A notice did appear in the 1891 New Zealand Gazette at pages 713 and 714, of the time and place where the plan of Taupouiatia could be inspected.

In 1889, the stage reached in fixing the boundary between Maraeroa and Pouakani blocks was clear. There was a block called Maraeroa which would have a boundary, just as there was a Hurakia range which would have a watershed. A surveyed boundary of the Maraeroa block had not yet been fixed by the Native Land Court just as the watershed of the Hurakia range had still to be fixed by survey. The line found by the 1889 royal commission ran along the watershed of the range and then along the boundary of the Maraeroa block. If in 1889 the royal commission had stated the obvious and said that the boundary had yet to be determined by the Native Land Court, it would have saved an immense amount of time, expense and agonizing in the twentieth century. As we explain in chapter 14 and appendix 14, the claimants and their professional advisers found that boundaries to their land, which were supposed to have been surveyed, had not in fact been decided by survey. They set out to find where the boundaries should be and their investigations inevitably led them back to where, on the face of the old records, they genuinely believed that they had found that 4831 acres had been taken from the original owners of the Horaaruhe Pouakani block.

The boundary between Maraeroa and Pouakani blocks was surveyed in 1892 by D Stubbing and appeared on his plan ML6406 etc. Instructions for survey were issued on 26 January 1892, after the 1891 court hearings of Pouakani and Maraeroa blocks, and the plan was sent to the chief surveyor, Auckland, for approval on 2 November 1892. There are several approvals noted on the plan for later subdivisions up to 1925 but the relevant ones for our purposes are the approval on 21 March 1893 by W C Kensington for the chief surveyor, and on 25 March 1893 by G B Davy, chief judge of the Native Land Court. As we have indicated in appendix 13, Stubbing's plan has had many additions, but it is certain that the boundary between Maraeroa and Pouakani blocks was shown as it was drawn in 1892. It is also consistent with Stubbing's entries in field book 722, the same field book that W Cussen used in 1886, which is held in the Department of Survey and Land Information office in Hamilton.

Unfortunately, not all of the records of this survey, including the surveyor's report, have survived. The Lands and Survey Head Office file index register for file 15587, folios 1-5, indicates that an application to survey several subdivisions of Pouakani block was made in December 1891 and D Stubbing was authorised to undertake the survey in January 1892 (B4:60).

Without a copy of Stubbing's instructions which would have listed place names along the line, we have analysed the places given on plan GM180 and other plans, and by Te Paehua and Taonui in court. Stubbing included very few place names on his plan, only Taporaroa and Pureora, and at the angle where the lines from each join in the junction of the Ohahau stream with the Waipapa river. This place, with some variation in spelling (Owhahau, Hohahau) is mentioned regularly in boundary descriptions from 1886 to 1891. There seems to have been little dispute about it in 1891, and it was included on the line between Pureora and Te Paehua's Taporaroa shown on plan GM180. If on the ground the three points, Taporaroa, the junction of the Ohahau and Waipapa streams, and Pureora, are to be connected as a boundary, it becomes mathematically impossible to locate them on a straight line. The stream junction was located accurately for the first time on a plan by Stubbing in 1892. To add to the confusion the Ohahau stream has become Omahau on the Department of Survey and Land Information topographic map. {FNREF:0-86472-117-XA:10:49} We think this is an error and suggest that this name be corrected when a new edition of this sheet is printed.

We conclude that the boundary between Maraeroa and Pouakani blocks as shown on Stubbing's 1892 plan, ML6406 etc, is a correct representation on the ground of the boundary described by Te Paehua before the Native Land Court in 1886, by Taonui before the Taupouuiatia Royal Commission in 1889, and as shown on plan GM180. To conclude otherwise would create another injustice. The boundary has been consistently described, and there has been no reported dispute over the boundary as such. The great dispute over Maraeroa block was caused by the failure of the Native Land Court in 1886 to acknowledge the Maniapoto ancestral claims. The result of this failure was that the court included Maraeroa in the Taupouuiatia block claimed by Ngati Tuwharetoa. This was finally acknowledged in the 1891 court hearings, after considerable litigation and a royal commission. The Native Land Court at Taupo in 1886 did not have a sufficient plan, the surveyors Cussen and Mitchell were given inadequate instructions and the surveyed line went to the wrong place and had to be done again in 1892, all at considerable cost to Maori owners from Maniapoto and Tuwharetoa, as it was paid for in land. We address that issue in chapter 12. We make the point at this stage that issues of tribal mana are much more complex than a dispute over a line drawn on a map or surveyed on the ground. This aspect of the claim goes to the heart of the issue of the impact of the Native Land Court operations and procedures on tribal rangatiratanga.

References

1. Lands and Survey file 2413
2. ibid
3. ibid
4. ibid
5. ibid

6. ibid
7. ibid
8. ibid
9. Waikato minute book 28 pp 103-104
10. ibid p 104
11. AJHR 1889 G-7
12. The land was proclaimed Crown land on 22 August in the *New Zealand Gazette* 1901 p 1749; in the *New Zealand Gazette* 1920 p 2108 it was vested in the Forestry Department
13. National Archives (Wellington) Le 1/1962/12 No 8
14. Otorohanga minute book 70 pp 177-180
15. National Archives (Wellington) Le 1/1962/12 No 8
16. Waikato minute book 28 p 164
17. ibid p 35
18. Deed no 3308
19. AJHR 1936 I-3
20. Waikato minute book 26 p 28
21. ibid p 31
22. ibid p 37
23. ibid p 54
24. ibid p 70
25. ibid p 74
26. ibid p 141
27. ibid
28. ibid p 142
29. ibid
30. ibid
31. ibid p 147
32. ibid p 154
33. ibid p 178
34. ibid p 193
35. ibid p 194
36. ibid pp 202-203
37. ibid p 209
38. Waikato minute book 28 p 35
39. ibid pp 35-36
40. ibid p 39
41. ibid p 116
42. National Archives (Wellington) MA 71/1; see also A5
43. Taupo minute book 4 p 354
44. National Archives (Wellington) MA 71/1; see also A5
45. ibid
46. Waikato minute book 27 p 167
47. Taupo minute book 65 pp 2, 6
48. National Archives MA 71/1
49. NZMS 260 Sheet T17