

# The Pouakani Report 1993

## 17 Ngati Kahungunu Ki Pouakani

### 17.1 The "Wairarapa Exchange"

In 1915, a large portion of the Pouakani block which had become Crown land, an area of 30,486 acres ([map 17.1](#)), was granted to people of Ngati Kahungunu in exchange for the bed of the Wairarapa lakes. {FNREF:0-86472-117-XA:17:1} The background to this transaction was that the fluctuating level of Wairarapa Moana, (which had been an important source of eels for Ngati Kahungunu) was causing problems for runholders who had acquired land around the margins:

At the time of the 1853 land purchases, McLean promised Ngatikahungunu that the lake would never be opened without Maori authority and, it was later claimed, said that anyone who took a spade to clear the channel without that permission would be liable to a heavy fine. During the first two decades of occupation the regular flooding of the lake margins did not greatly worry runholders as there was still plenty of available grazing. However once the level lands were freeholded and surveyed the situation changed. {FNREF:0-86472-117-XA:17:2}

From the 1860s on there were various proposals to keep the lake entrance open and provide a small shipping service to the runholders. More significant were proposals to drain part, if not all, of the shallow lake and reclaim the bed for farmland. Under the pressure of runholders' interests, government officials began negotiating with Maori owners but with only very limited success. In 1880, a severe flood exacerbated the situation and the matter was referred to the courts:

However the Crown application to the [Native] Land Court in that year [1881] gave minuscule results in the form of a Court order for the issue of a title to the 17 separate interests which the Crown had purchased. In good legal opinion these were nothing more than fishing rights. Mr Justice Richmond's ruling that the [Native] Land Court was entitled to issue the necessary certificates of title did not take anyone very far while his most significant judgment that the Supreme Court could not interfere with the [Native] Land Court seemed to close that path in the immediate future. A deed was drafted but never executed although its accompanying plan supported the Maori contention that the acres between the normal lake level and the flood-line belonged to them. A further attempt at purchase in 1882 failed and a [Native] Land Court sitting in Greytown in November 1883 made orders registering the interests of the 134 or more dissentients as owners of the upper and lower lakes. {FNREF:0-86472-117-XA:17:3}

There were further representations to government by runholders. A decision by the Ruamahanga Drainage Board to declare the Ruamahanga river, Wairarapa Moana

(Lake Wairarapa) and its estuary in Lake Onoke "a public drain", and attempts to open the entrance, led to confrontation between Maori and settlers. In 1891 a commission of inquiry considered the issue, acknowledged Maori ownership of the lake bed, and recommended, among other things:

That an arrangement be made with the Native proprietors to obtain their consent to the outer lake being opened at any time after it had been closed for two months, or when it commences to inundate the land owned by the European settlers. {FNREF:0-86472-117-XA:17:4}

There was another confrontation in May 1892, described as the "Battle of Lake Wairarapa". There were more legal moves. In 1893 the Court of Appeal held that the Ruamahanga River Board had the power to open the entrance and keep it open. {FNREF:0-86472-117-XA:17:5} A notice of appeal to the Privy Council was lodged on behalf of the Maori owners. The owners had also petitioned parliament that they had no representation on the river board. Another petition in 1895 was reported on by the Native Affairs Committee, supporting the conclusions of the commission: "It is clear that the Natives have been wronged and the only question is whether the Local Bodies interested or the Government should compensate them". {FNREF:0-86472-117-XA:17:6}

There were further negotiations with representatives of the owners with the object of Crown acquisition of the bed of Wairarapa Moana:

An agreement was signed at Papawai on 13 January 1896 whereby the lakes were 'surrendered and assured to Her Majesty the Queen' in consideration for which the Crown was to pay £2000 'and shall out of any lands which shall come into the possession of the Government ... make ample reserves for the benefit of the Native owners!' The compensation was therefore twofold, a fixed sum and additional land. {FNREF:0-86472-117-XA:17:7}

There were further delays in implementing this agreement. In 1908, the sum of £5000 was agreed, to be used for purchase of some Wairarapa lands, but high prices made this option impracticable, from the Crown viewpoint anyway.

The Pouakani block in the northern King Country was then suggested although the hapus at first demurred - 'the distance was too far to please us'. However with a change of Government it became expedient to accept and the Native Land Court put 130 names of Ngatikahungunu into the Pouakani title as 'an "aroha" from the Government to us'. On 22 January 1915 Judge Gilfedder made an order vesting Arete Tamahau and 229 others in 30,486 acres of the Pouakani block. There were no restrictions on alienation. In the years since a number of Wairarapa Maoris did move north to their new lands .... {FNREF:0-86472-117-XA:17:8}

In 1915 the Pouakani land was undeveloped Crown land, covered in scrub, with a little bush on the southern margins and in the river valleys. *Pinus radiata* was later planted on parts of the block. In the 1960s, a substantial area of scrub was included in

a development scheme and converted into farmland. It is ironic that years after this exchange, some 439 hectares of the riverbank margins of the land granted to "Wairarapa Natives" was taken under the Public Works Act and much of it flooded for hydro-electric power purposes (appendix 16). The land on which the construction town of Mangakino stood was leased in 1949. {FNREF:0-86472-117-XA:17:9} Instead of removal at the end of construction, the town survived, after the land was taken back by the proprietors of the Mangakino Incorporation in 1969. The tribunal heard submissions from representatives of Ngati Kahungunu ki Pouakani who gave notice of a separate claim lodged on their behalf. This claim has since been registered as Wai 85 Mangakino Pouakani Lands. Another claim has been made covering a number of issues in the Wairarapa district and registered as Wai 97 Wairarapa Lands and Fisheries. While this report does not deal with these claims, it is relevant to comment that government "settled" Ngati Kahungunu grievances in Wairarapa by granting Crown land in territory well outside their traditional tribal lands. Ngati Kahungunu ki Pouakani do not hold any ancestral rights on Pouakani lands. They do have a right of occupation and a title granted by the Crown. They have built a marae at Mangakino and given to their wharenui the ancestral name, Tamateapokaiwhenua, a noted traveller of Takitimu traditions.

The nature of their occupation of Pouakani lands has put Ngati Kahungunu ki Pouakani in an uneasy relationship with local tangata whenua. We were told that there were some who would like to be repatriated to Kahungunu territory, but that if this were to occur then equivalent land and resources should be made available in the Wairarapa. We have no means of determining how widespread this feeling is among Ngati Kahungunu ki Pouakani. We were also given to understand that the claimants in the Pouakani claim felt that if Ngati Kahungunu were to be repatriated, then these lands should return to the tangata whenua. We make no recommendation on this issue. The Ngati Kahungunu ki Pouakani claims lodged with the tribunal will be investigated separately and in the context of Ngati Kahungunu interests. The relevant issue for this report is that the government of the time, after several decades of negotiations and inaction, saw fit in 1916 to grant Pouakani lands to a section of a tribe who do not traditionally belong there. The "Wairarapa Exchange" as it is sometimes called, was a Crown transaction which has added a further complicating factor to a complex series of Crown transactions on the Pouakani block.

## References

1. *New Zealand Gazette* 1916 p 1105; ML 14984
2. A G Bagnall *Wairarapa, An Historical Excursion* (Hedley's Bookshop for the Masterton Trust Lands Trust, Masterton, 1976) p 377
3. *ibid* p 379
4. AJHR 1891, Session II, G-4
5. Law Commission 1989 p 168
6. Quoted by Bagnall 1976 p 383
7. *ibid*
8. *ibid* p 384
9. *New Zealand Gazette* 1949 pp 2491-2492