

# The Pouakani Report 1993

## 12 Survey Charges

### 12.1 Introduction

The Crown policy of charging the costs of survey against the land began with the establishment of a Native Land Court to investigate ownership of Maori land and issue certificates of title in a form that could be recognised in British law. Section 13 of the Native Lands Act 1862 stated:

Provided always that no such Certificate shall be issued until a survey of the Lands to be therein described shall have been made by a Surveyor licensed by the Governor and the boundaries of such Lands distinctly marked out on the ground and every Certificate shall have written or endorsed thereon or annexed thereto an accurate plan of the Lands therein described and shall particularly set forth the metes and bounds of such Lands.

A requirement for survey before a title order is issued by the Maori Land Court has remained in various forms, in all succeeding legislation relating to Maori land, supported by survey regulations and Maori Land Court rules. The costs of such surveys were borne by Maori owners as provided in s28 of the Native Lands Act 1862:

The Governor may at the request of the Native Proprietors cause Maps and Surveys to be made of any Native lands and may defray the costs thereof and charge the same against any Fund specially appropriated to Native Purposes such costs to be repaid by the Native proprietors in such manner as the Governor may direct.

The Native Lands Act 1865, at s68, made provision for the court to grant survey liens. Where a survey had not been paid for, a surveyor could apply to the court, and:

it shall be lawful for the Court to order that the Crown Grant issuable in pursuance of such certificate shall be delivered into the possession of such surveyor who shall have a lien thereon and may detain the same until his lawful charges as aforesaid shall have been paid.

There was also provision, at s69 and s70, for the Native Land Court to inquire into any dispute between a surveyor and Maori owners over costs, or quality of work, and decide on remuneration, and apportion costs. The Native Lands Act 1866 provided at s14 for fees of up to 6 pence per acre to be charged for "examining and recording surveys". The Native Lands Act 1867 at s6 and s27 made further provision for inspection and certification of plans by a government-appointed inspector of surveys.

The Native Land Act 1873 at s69 retained this provision for the government to undertake surveys:

The Governor may, at the request of the Native claimants or owners, cause maps and surveys to be made of any Native lands, and may defray the costs thereof out of and charge the same against any fund specially appropriated to Native purposes, such costs to be repaid in manner hereinafter provided. Such surveys shall be made under the immediate control of the Inspector of Surveys by surveyors to be from time to time authorized in writing by him for the purpose.

Section 70 made provision for preparation and publication of Survey Regulations in the *New Zealand Gazette*. Section 73 provided for payment of survey costs in land:

If the [Native Land] Court shall see fit, it may, on the application of the Inspector of Surveys, order that a defined portion, to be ascertained and agreed upon between the Inspector and the Native owners of any land so surveyed as aforesaid, shall be transferred by the Native owners to Her Majesty in satisfaction of any advances as aforesaid made for such owners either in respect of the same or any other land, and may include in the amount of money so to be satisfied all fees payable under this Act in respect of the same land or any other land owned by the same persons or tribe.

In the Native Land Court Act 1880 at s39:

Surveys required by the Court shall be made by surveyors employed for that purpose by the Surveyor-General, and no survey shall be accepted or acted on by the Court unless it is made by a surveyor so employed, and certified as correct by the Surveyor-General or a surveyor authorized by him in that behalf.

This Act, in following sections, repeated provisions in the 1873 Act as to costs of surveys being paid for by transfer of land to the Crown or by sale of land, as ordered by the Native Land Court. In ss81-86 of the Native Land Court Act 1886 the court was given power to make an order charging the land with payment of survey costs. Such a charge had the effect of a mortgage of the land in favour of the surveyor and interest was payable at five percent per annum. In s66 of the Native Land Court Act 1894 interest payments were limited to five years from the date of the court order granting a survey lien. In s67 of the Native Land Laws Amendment Act 1895, the five year interest period began on the date of approval of the survey by the chief surveyor. Further detailed requirements for surveys were set out in the General Rules of the Native Land Court 1880, which in rule 43 were to be made "in strict accordance with the New Zealand system of survey". {FNREF:0-86472-117-XA:12:1} Rules 63 to 72 of the 1890 Native Land Court Rules dealt with surveys. {FNREF:0-86472-117-XA:12:2}

The survey regulations pursuant to the Land Act 1885, under which the Tauponuiatia West surveys were carried out, were made in 1886 and were published in the *New Zealand Gazette*. {FNREF:0-86472-117-XA:12:3} These regulations remained in force until superseded by the survey regulations published in the *New Zealand Gazette* 1897. {FNREF:0-86472-117-XA:12:4} Relevant sections of these regulations are reproduced in appendix 11. There were also provisions in the Native Land Court Act 1886 ss79-90 dealing with surveys of Maori land generally, including charges which have the effect of mortgages. Sections 10 and 11 of the Native Land Court Acts Amendment Act 1889 made further provision for apportionment of survey charges and amendment of court orders in the course of survey.

We have used the terms "lien" and "charge" interchangeably in referring to "debts" or money owing for survey of Maori land, but some definition is required. A "debt" is an obligation on one person to pay another. A "lien" is a right which one person has to retain the property of another or to have a charge over it until the debt owing by the other is paid. A "charge" is an encumbrance on the land which charges the land with payment of the debt. It is like a mortgage over the land which secures the debt by giving priority over the owner(s) interest in the land. In this chapter, the charging of survey costs, survey liens, and payments in land are investigated in relation to transactions on the Maraeroa and Pouakani blocks. These transactions, usually arranged by officers of the Government Land Purchase Department and the Survey Office, and confirmed by the Native Land Court, were carried out in the context of a long-established Crown policy of charging survey costs against the land.

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*Waitangi Tribunal, Department of Justice, Wellington.*

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### 12.2 Crown Acquisition of Pouakani No 1 Block

Sometime in March 1886 an agreement was made between two private surveyors, William Cussen and Henry Mitchell, and representatives of Maori owners of Taupouuiatia West block on a survey of boundaries and subdivisions. The text of this agreement is not known. However, there are frequent references to it in Lands and Survey file 2413 which begins in January 1887, at folio 86. This would suggest that the first volume of this file has been lost. However, the survey issues are well documented in the rest of this file. At this stage, minor triangulation had not been completed over the whole of Taupouuiatia West block, only over most of the northern portion including Horaaruhe Pouakani block. In December 1886 the plan produced by Cussen and Mitchell, ML6036 etc, had been lodged in the Auckland Survey Office.

From correspondence in Lands and Survey file 2413 it appears that the agreement on costs of survey set the charges at three and a half pence per acre, being two pence for survey and one and a half pence for minor triangulation. This rate was approved by the assistant surveyor general, Auckland, for all the Taupouuiatia West subdivisions and Maraeroa block. A proportion of the cost of the survey of the Aotea block, £554 of the total £1600 agreed in December 1883, was also debited to blocks in Taupouuiatia, but it is not clear how this was calculated. Survey costs for the blocks in Taupouuiatia West were calculated in 1887:

Maraeroa	£626.9.2	41,245 acres
Tihoi	£1369.4.2	90,140 acres
Tuhua Hurakia Waihaha	£1192.8.0	78,500 acres
Hauhungaroa Karangahape	£ 1275.18.11	84,000 acres
Pouakani	£1836.0.9	122,350 acres
Total	£6300.1.0	416,235 acres

In January 1887 the survey costs on Pouakani block of 122,350 acres were calculated as follows:

Cost of survey at 2d per acre	1019.11.8
Cost of triangulation	732. 5.0
Proportion of original Aotea charge	74.4. 1
Total	1826. 0. 9

In Lands and Survey file 2413 the total is listed as £1836.0.9. This appears to be an error in addition which is repeated in at least one other schedule and in correspondence on this file quoted below. It was this figure that T W Lewis, Under-Secretary for the Native Department, was given when he was in Taupo in September 1887 to attend the sitting of the Native Land Court. Lewis and W H Grace, government land purchase officer, began negotiations with owners of Taupouuiatia West subdivisions over payment of survey charges. On 19 September 1887 Grace sent a telegram to the assistant surveyor general, Auckland:

Re costs survey Horaaruhe [Pouakani] block please wire how amount £1836 made up as it appears to exceed threepence halfpenny per acre the natives object. {FNREF:0-86472-117-XA:12:5}

The response from S Percy Smith was:

Re Horaaruhe, of course it exceeds 3½ pence because there is a proportionate part of the original Aotea block included amounting to £74.1.1 [sic]. {FNREF:0-86472-117-XA:12:6}

On 22 September 1887 Lewis telegraphed Smith:

I am informed that the Tauponuiatia blocks in no way profit by the Aotea survey with which they are some of them charged; and if the statements made to me are correct there seems to be no shadow of equitable reason for charging any part of that survey to these blocks. Application is made to me to remit the amount in Waihaha Tuhua, forty seven pounds, and the request seems only reasonable, as I am to do that. Wahanui's line is not only discarded but has not the slightest relation to any of these blocks as surveyed and passed the court. (punctuation added) {FNREF:0-86472-117-XA:12:7}

The assistant surveyor general, S Percy Smith, responded to Lewis on the same day with his explanation of the "Aotea Agreement":

The agreement made in December 1883 at Kihikihi between Hon. Mr Bryce and Maoris as to survey of Block known as Aotea was to the effect that a plan of whole claim (which included Tauponuiatia) was to be made at a cost not exceeding £1600. This was done and the proportional charge against every division within original boundaries has been made in accordance with usual custom. It is true that the present divisions of Taupo are not benefitted by the Aotea arrangement but I cannot take responsibility of altering the usual custom. I advise get Minister's authority to alter, but Wahanui and Co. will strongly object. {FNREF:0-86472-117-XA:12:8}

The Pouakani block was before the Native Land Court on 19 September 1887:

Pouakani block

Hapeta te Paku and others through Rangikarapiripia [sic] apply that a division of the above Block be made to comprise 50,000 acres, portion of said 50,000 acres to consist of 2 [blank] acres and called Pouakani No. [blank] and the balance consisting of [blank] acres to be called Pouakani No. 2.

Pouakani No. 1. area 20,000 acres

To be cut off to the N.W. of a straight line drawn from the mouth of the Mangakowhiriwhiri stream, to the survey peg on the S. Boundary

of the Block on Kopaki stream, following the Boundary of the Kaiwha Block to Mangatahai [sic] thence by a swinging line to the Waikato River to include 20,000 Acres - this Block to be called Pouakani No. 1 and to be awarded to the Crown for payment of survey and other costs .... Objectors challenged - None appeared ... Court ordered Pouakani No 1 should vest in Her Majesty in a state of Freehold (area 20,000 acres). {FNREF:0-86472-117-XA:12:9}

There is no information in the court minutes how agreement was reached on the location of this block to be awarded to the Crown. Presumably this was discussed in negotiations but neither Lewis nor Grace recorded any conversation on this aspect. Grace did explain the "other costs" in a memorandum to Mr Sheridan of the Native Land Purchase Department, on 26 September 1887:

The Block of 20,000 acres called Pouakani No 1 was valued at 2/- per acre making £2000 and from this the costs of the survey of Pouakani Block 113,150 acres @ 3 pence½ penny per acre making £1650 was deducted and the balance of £350.0.0 paid to the representative owners 17 in all, as shown by the voucher attached. (B5:14){FNREF:0-86472-117-XA:12:10}

A note written at the bottom of the memorandum stated, "No deed was signed in this transaction". {FNREF:0-86472-117-XA:12:11} The copy of the voucher that Grace sent with his memorandum showed that the receipt for £350 was signed by W H Grace, the names of the 17 owners listed and signed by Henry Mitchell, licensed interpreter, with a statement:

Signed by the above seventeen persons after I had explained to them in the Maori Language the contents of this voucher and they appearing to clearly understand the meaning and purport of the same. {FNREF:0-86472-117-XA:12:12}

In his evidence to the Tauponuiatia Royal Commission in 1889, Te Rangikaripiripia indicated that the £350 had been paid, that £100 had been paid to W H Grace in part payment of debts of Ngati Wairangi amounting to between £500 and £600. {FNREF:0-86472-117-XA:12:13}

W H Grace provided a retrospective view of the transaction in his report sent to both S Percy Smith and T W Lewis, dated 14 November 1887:

Horaaruhe Pouakani block. 122350 acres

This block when being passed through the court was reduced to 113,150 acres and called Pouakani Block, owing to two blocks being cut off called Kaiwha 7200 acres and Hapotea 2000 acres. The proportion of survey at three pence halfpenny chargeable against Pouakani Block, viz. £1650, has been paid by an area of 20000 acres being cut off vested in the Crown and called Pouakani No. 1. The said charge of three pence half penny per acre also covers minor triangulation. The Under Sec. Native Dept, [T W Lewis] in this case

also thought it proper to remit the charge of £74.4.1 proportion of original Aotea survey. Kaiwha and Hapotea blocks bear their own proportion of survey the same to be arranged for hereafter. {FNREF:0-86472-117-XA:12:14}

There is no record in this file of subsequent charging of survey costs for Kaiwha and Hapotea blocks. They were never surveyed and, following the Taupouuiatia Royal Commission 1889 and subsequent legislation, these blocks ceased to exist. Pouakani block was subdivided differently by the Native Land Court following rehearing in 1890-1891. The survey of Pouakani No 1 block was authorised on 15 August 1890 and the plan, ML6036A, was lodged with the survey office on 27 January 1891, but not approved by a judge of the Native Land Court until 3 June 1892. In any case, part of the agreement to vest Pouakani No 1 in the Crown was that government bear the costs of this survey.

In summary, the Pouakani No 1 block (20,000 acres) was awarded to the Crown in 1887 to cover costs of the Cussen and Mitchell surveys, at 3½ pence per acre, plus "other costs" which appear to have been debts incurred by owners as a result of the Native Land Court hearing of the Pouakani investigation of title in Taupo 1886-87. It did not include a share of the £1600 for the Aotea block survey.

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*Waitangi Tribunal, Department of Justice, Wellington.*

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### 12.3 Tuwharetoa Negotiations on Survey Charges

Through the 1890s the imposition of survey charges remained an issue of considerable concern among leaders of Ngati Tuwharetoa. In January 1894 a number of Crown applications for survey liens on lands in Tauponuiatia block were advertised in the *Gazette* for hearing by the Native Land Court. {FNREF:0-86472-117-XA:12:15} W C Kensington of the Auckland Survey Office was sent to Taupo in February to represent the Crown. The following account is from his report to the chief surveyor dated 3 March 1894:

I proceeded to Taupo upon Friday 16th Feby. and immediately upon arrival I saw Judge Scannell who informed me that the Natives were very dissatisfied with the liens as Gazetted, and would do no business until a full explanation was given them; that he should adjourn the Court until matters were arranged. Shortly after a deputation of the principal Chiefs of Tuwharetoa, headed by young Te Heu Heu, asked me to fix a time for meeting all the Natives at the Court House. I agreed for shortly after 8 a.m. on Monday 19th and accordingly met between 300 and 400 of them with Mr Puckey as interpreter (Messrs Grace and Mitchell being also present). The meeting occupied two hours and all the Chief speakers ventilated their grievances.

1st. They strongly objected to the £554 being charged over their lands, being the Ngatimaniapoto proportion of claim overlapping upon them. They pointed out (and I think justly) that their Tauponuiatia Rohe Potae was before the Court first, that their boundary had been adopted and that the "Aotea" people did not get an award over their lands. That before the Ngatimaniapotos brought their claim before the Court, they sent representatives to confer with the Tuwharetoa tribe and agreed to the boundary claimed by these latter people, and had therefore no excuse for the overlapping area. To this I replied, pointing out that the Ngatimaniapoto had paid £1000 as their share, and that the £554 must be also repaid, as Government had disbursed it. They agreed to this but said that Ngatimaniapoto had agreed to pay the whole £1600 and actually had the money collected at the time to pay the whole amount, and they moreover said that government should charge "Rangitoto Tuhua" [block] with the amount i.e. the £554. I replied that they had better lay their grievance before the Government and that as most of the cases were to be adjourned to Tokaanu in November, the matter could then be settled - to this they agreed.

2nd. Their second grievance was that their own Rohe Potae survey and subsequent charges should not be charged by an uniform acreage rate

over all the blocks - but that the blocks most benefitted should be charged a much larger share, and the others very little. In this I quite concurred - and agreed to ask the Judge to adjourn all cases covered by their request and to re-adjust and bring before the Court in November. This undertaking on my part for the government gave very great satisfaction.

3rd. They complained that liens had been advertised for a number of cases where government had accepted land in full payment, and that the Court Minutes bore this statement out. I replied that this was the case, and that I would go through the Minutes and in cases confirmed by such Minutes I would ask the Judge to strike the liens out. This also gave great satisfaction and removed a great deal of suspicion from the native mind as to the fairness of the government.

4th. They then asked me what I was going to do as to "Tihoi", "Maraeroa" and "Hauhungaroa" blocks on which the court had given a lien to Messrs Mitchell and Cussen of 1½ [pence] an acre and they asked I adjourn these cases. I replied, refusing to adjourn them, and said I should press for a lien of 2d. an acre over each block, as the amount had been paid by government, and it was the fault of the Native Lands Court in granting the private lien first when the government liens had been lodged before, but omitted to be Gazetted. After long discussion they agreed not to oppose the application but asked me to bring under the notice of the Govt. their request, that government would pay off Messrs Mitchell and Cussen, and then that the Native owners would cut off land out of each of the blocks mentioned and cause the blocks to be vested in a few names, so that they could at once be conveyed to the government.

I may say I strongly urge this course, because as the matter now stands, the liens already granted have been assigned to Mr Ellis, storekeeper at Otorohanga, and having the precedence over government, might be foreclosed upon to the detriment of the Crown claims. These liens I obtained in court the next day i.e. upon Tihoi £745.3.0, Maraeroa including Ketemaringi £246.3.4 and upon Hauhungaroa £700. I would point out that it is most advisable to settle this matter and come to a decision by the time the court sits again about November.

The court struck out the following liens as having been satisfied by land having been cut off and conveyed to the Crown. Horaaruhe Pouakani, Waihaha to Nos. 1 and 2 etc. Taurewa, Tahorakuri, Rangatira, Pahikohuru and Te Whahao, all the other cases for which Crown ask for liens are adjourned until next November in order that there may be a re-distribution of liens etc. and also that the government may decide as to the £554 disputed by Tuwharetoa.

Judge Scannell fully concurred in the wisdom of adjourning these cases, and said that the Natives were very pleased at the way in which government had met them. At his request, and also at the request of the

Natives I spent another afternoon explaining survey matters generally to a large audience at the Courthouse, and disabusing the minds of various speakers of errors into which they had fallen; many of them through wrong advice given by other Natives etc.

I must say I found the Taupo Natives most anxious to meet the government in every way, and I think that at the November sitting it would be wise to authorise some Officer to be present and to agree on governments behalf as to what land shall be conveyed to the Crown in satisfaction of its claims.

I will conclude by pointing out that I promised the Chiefs of Tuwharetoa that I would ask you to send a copy of this report to the Surveyor General for the information of the government. {FNREF:0-86472-117-XA:12:16}

This report has been quoted in full because it sets out clearly the principal concerns of Tuwharetoa leaders about survey charges and illustrates the way the Crown went about ensuring that the liens were paid, usually in land. In spite of the promises to take the grievances to government, there was no real change in the system. In August 1894 a revised list of survey liens was prepared, and it included the £554 disputed by Tuwharetoa, but apportioned out over all the blocks in Taupouiatia. It is difficult to justify this action, especially for blocks which did not adjoin the Aotea block boundary. We do not know whether the matter was ever taken to the relevant minister. The Tuwharetoa plea to allocate survey liens on the basis of benefit to the block was also ignored.

In the Taupouiatia West subdivisions a flat rate of 3½ pence per acre was maintained (2 pence for survey and 1½ pence for minor triangulation) to pay for Cussen and Mitchell's surveys. On Pouakani block this was paid for by the 20,000 acres of Pouakani No 1 block. When new surveys were done by Stubbing in 1892, these too were paid for by the imposition of further survey liens. However, what was done in respect of Pouakani block was not unusual or atypical. Correspondence and schedules of survey liens in Lands and Survey file 2413 indicate some arbitrary shifting of numbers as liens were recalculated following the revision of boundaries and areas as a result of rehearing the Pouakani and Maraeroa blocks by the Native Land Court in 1891. Surveys were incomplete and many areas were still only estimated. The list of Taupouiatia West block subdivisions in table 12.1 was extracted from a schedule of government liens, dated 16 December 1891, and sent to the registrar of the Native Land Court. The same figures appeared in the January 1894 Gazette notice of applications by the chief surveyor for survey liens to be heard by the Native Land Court at Taupo.

**Table 12.1**

Block	Area in acres	Lien
Horaaruhe Pouakani	122,350	606. 8.1
Tihoi	89,922	445.13.9
Waihaha	43,646	216.6. 6

Waihaha No. 1	16,430	81.8.8
Waihaha No. 2	11,824	58.12.1
Te Awaiti Waihaha [NR ]	100	9.10
Native Land orig. pt. of		
Waihaha	6,500	32.4.4
Maraeroa now NL	41,245	204.8.6
Hauhungaroa	84,000	416.6.8

On 22 October 1891, the applications for liens by surveyors Cussen and Mitchell were advertised in the Kahiti for the following blocks:

Maraeroa	£257.15.7
Hauhungaroa	£525.0.0
Tihoi	£563.7.8

The December 1891 figures do not tally with a response to a request by L M Grace, dated 26 September 1891, on behalf of Te Heuheu and others for information on survey charges on Maraeroa Hurakia:

Maraeroa	41,245 acres	Government	
£368.13.4		Cussen and Mitchell	£257.15.
7			
Hurakia part of			
Waihaha	6,330 acres	Government trig.	£
39.11.3			
		Government	£
56.11.0			

It seems that on Maraeroa block the Cussen and Mitchell liens and the government liens are two separate amounts. On 26 October 1891, S Percy Smith, surveyor general wrote to the chief surveyor, Auckland, noting the Cussen and Mitchell applications in the Kahiti, and reminding him "that there are liens due to the Gov't over all these [Tauponuiatia] blocks, being portion of the original outside boundary of the main block, and please see that these 212 liens are registered". {FNREF:0-86472-117-XA:12:17} The following calculations are filed with this memorandum:

Tauponuiatia (West)	3468.12.6
Tauponuiatia (West) Trig (Horaaruhe)	732.5.0
Tauponuiatia	887.4.8
Tauponuiatia (W) Trig (Waihaha)	490.12.6
Prop. pt. of Aotea cost	554.9.5
	6133.4.1

£6133.4.1. to be divided into area of Tauponuiatia Subdivisions as ordered by court and subdivns. for which fresh claims are to be sent in

-

area of subdn. as ordered by N.L. Court	1,101,264	[acres]
not passed Court	136,168	
Total area	1,237,432	
Cost per acre to be charged = 1.1895 a penny		

On the basis of 1.1895 pence per acre, liens on all the blocks in Tauponuiatia investigated by the Native Land Court to date were calculated and listed. Then there is another memorandum to a Mr Johnston in the Auckland Survey Office and signed by WCK, presumably Kensington:

It appears to me that the only way to get the "Tauponuiatia" liens right is to cancel all existing liens and to send in fresh ones in accordance with attached schedule. This would involve a fresh entry for every block mentioned. {FNREF:0-86472-117-XA:12:18}

It was on this basis that the liens listed above from the 16 December 1891 schedule were recalculated, and previous figures superseded. It was this set of figures to which the Tuwharetoa leaders were objecting in March 1894 when they were advertised for hearing in the Native Land Court at Taupo.

On 28 August 1894, the chief surveyor, Auckland, sent to the registrar of the Native Land Court "a complete revised list of liens against the Tauponuiatia Subdivisions" and asked that the list of 16 December 1891 be cancelled and the new list substituted: "I have to request, as laid down in the Native Lands [sic] Court Act 1886, that the Court may make orders in the favour of the Surveyor General as may be deemed necessary for the security of the above mentioned liens". {FNREF:0-86472-117-XA:12:19}

The following entries include the subdivisions of Tauponuiatia West block:

Horaaruhe Pouakani	1019.11.8	@2d per acre (Mitchell & Cussen)
122,350 ac[res]	725.5.0	Trig ( " "
)	54.16.4	Pro. pt. 554.9.5. Aotea block
	1806.13.0	Has been written off by Crown Purchase
Tihoi		
orig. a.c.90,140	749.7.0	@ 2d per acre - M & C.
less 218	40.5.10	pro.pt. [Aotea block]
	=====	
added to	789.12.10	
Maraeroa 89,922 acres		
Waihaha		
78,500 ac.	654. 3.4	@ 2d per acre - M & C
Includes Nos. 1 and 2,	490.12.6	Trig
Te Awaiti Waihaha,	35.3.6	pro. pt [Aotea block]
Hurakia, & pt. of	36.13.9	Survey of Awaiti & Waihaha & 1 mile direction lines
Ketemaringa = 900 ac.		
	=====	
approx.	1216.13.1	Written off by C[town ] Awards etc.
Te Awaiti Waihaha 100 ac. Included in Waihaha		
Maraeroa		
41,245 ac	345.10.6	@ 2d. per acre - M & C

plus 218 [Tihoi]		
41463		
Includes A Sec 1, A.	18.11.7	pro. pt. [Aotea block]
B Sec. 1., B, C and		
pt. Ketemaringi	119.5.0	boundary by Commission
not surveyed		Pureora to Taramoa
area now is	108.1.3	[Not identified
52 800 ac which		Stubbing Survey?]
	=====	
includes Hurakia	591.8.4	
Hauhungaroa	700. 0. 0	@ 2d per acre - M & C
84,000 ac	37.12. 9	pro.pt. [Aotea block]
Includes Waituhi Kuratau	15.10.7	
and Waituhi Kuratau No. 1	737.12.9	
not surveyed	15.10.7	Traverse of Taringamutu
	=====	
	753.3.4	stream by W.C., the stream is
		not the boundary now
Hurakia	108.11.3	boundary by Commission
5740 ac		Taramoa to Pakihi
not yet surveyed		for pro. pt. & cost at
N. bdy. to be cut		2d per acre
		see Waihaha Block
	2.11.3	pro. pt. of £554.9.5 Aotea
Block		
	182.14.11	Cost of survey
	=====	
	185.5.2	

It is not clear how this last total was reached. In 1891 the Hurakia lien on 6330 acres was £39.11.3 for triangulation and £15.11.9 for survey, a total of £55.3.0. However, some of the Hurakia survey charges were covered by the vesting of Waihaha Nos 1 and 2 blocks in the Crown.

There is one curious feature of the entry for "Horaaruhe Pouakani" in the inclusion of £54.16.4 as a proportional part of the £554.9.5 cost of the Aotea survey charged to Tauponuiatia blocks. In W H Grace's report of 14 November 1887 it was expressly stated that Lewis "thought it proper to remit the charge of £74.4.1 proportion of original Aotea Survey". T W Lewis died suddenly in December 1891 and the following year the Native Department which he had headed was dismantled. Land purchase operations were incorporated in the Department of Crown Lands and the Native Land Court was moved to the Department of Justice. {FNREF:0-86472-117-XA:12:20} The Pouakani No 1 block had been transferred to the Crown in 1887, valued at £2000 being 2 shillings per acre, survey charges assessed at £1650 and the balance of £350 paid to representative owners. Without further information we are tempted to suspect that the 1894 figures represent a bit of "creative" accounting in the Survey Office. In any case, the Pouakani owners were not prejudiced because the larger sum of £1806.13.0 was "written off by Crown purchase". Or does this larger sum also include survey charges deducted from the Crown purchases of Pouakani blocks in 1892? We can not be certain from the information available to us.

We have not done any detailed investigation of the other Tauponuiatia West subdivisions. We have reviewed them only to indicate something of the inexorable

process of charging for surveys, calculated and recalculated in the Survey Office, and in due course granted as survey liens charged against the land by the Native Land Court, with apparently little consultation or participation by owners in the process. We can only speculate on the frustration that tribal leaders felt at so much land slipping from their grasp to pay for surveys that in some blocks put boundaries in the wrong place and had caused so much dissension already. In some cases, survey liens were granted to the Crown and land acquired but, as we shall explain in respect of Pouakani subdivisions, because the surveys were incomplete, Maori owners did not get a proper title to their land. When survey charges were not paid, interest was added at the rate of five percent per annum for five years from the time the survey was approved by the chief surveyor, so adding further to debt. We have found no explanation of how the figure of £554.9.5, the proportional part of the Aotea block survey cost charged to Tauponuiatia, was arrived at. Nor can we, like T W Lewis who objected in 1887, see any reason why, in addition to Tauponuiatia West subdivisions, blocks such as Tutukau East and West or the Rangatira blocks, none of which adjoin the Aotea block, were charged. Even Pukawa No 1 block, 4 acres 1 rood 6 perches, was charged one half penny, as its "proportional part" in the 1894 list. There are many issues in respect of survey charges in the Rohe Potae which require further explanation. We have had to restrict our investigation to Pouakani and Maraeroa blocks.

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*Waitangi Tribunal, Department of Justice, Wellington.*

# The Pouakani Report 1993

## 12 Survey Charges

### 12.4 Survey Liens on Pouakani Block 1899

As we have seen, the cost of surveys by Cussen and Mitchell were paid by cutting out Pouakani No 1 block and vesting the 20,000 acres in the Crown. Stubbing's new survey in 1892 was also paid for in land. On 30 July 1894 the chief surveyor at Auckland, Gerhard Mueller, signed a certificate which reads:

I, the undersigned, hereby certify, within the terms of section 81 of 'The Native Land Court Act, 1886,' that the sum of £180-9-3 is now owing by the Natives to The Surveyor General, a certified surveyor, for the plan numbered 6490, 6408, 6412 and 6413 of the said land, or [and] for the survey on which the plan was founded.

The form apportioned the £180.9.3 as follows:

Pouakani A1, A2 and A3 containing 10,577 acres	59.11. 1
Pouakani B9 and C1 containing 17,900 acres	112. 3. 2
Pouakani C2 containing 250 acres	8.15. 0
Total	180. 9. 3

The full title of Stubbing's survey plan is ML6406, 6407, 6408, 6410, 6411, 6412 and 6413, which we have referred to as ML6406 etc in this report. A separate plan number was assigned to each block on the plan that was in separate ownership:

6408 is the number assigned to Pouakani B9 (Pureora)  
6412 is the number assigned to Pouakani C1 (Kaiwha)  
6413 is the number assigned to Pouakani C2.

The number "6490" does not appear in the title of Stubbing's plan ML6406 etc but lines have been drawn on the plan subdividing the Pouakani A area into Pouakani A1A, A1B, A2A, A2B, A3A and A3B, and the number 6490 has been written on the area occupied on the plan by Pouakani A No 1A. This is at the edge of a crease where the plan has disintegrated and is not now possible to say whether or not the figures "6490" were followed by the letter "A". "6490B" has been written on Pouakani A1B, 6491A on A2A, 6419B on A2B and 6492A on A3A. The Hamilton office of the Department of Survey and Land Information has no record of separate plans numbered 6490 or 6490A, 6490B, 6491A, 6491B, 6492A or 6492B so that there is apparently no other plan defining the Pouakani A subdivisions by survey.

On 24 April 1895 the Native Land Court sitting at Otorohanga made an order:

In the matter of "The Native Land Court Act, 1894", and of an application by the Commissioner of Crown Lands under Section 65 of the Act, in respect of the cost of survey of Pouakani A, A No 1, A No 2, A No 3 ... [and charging] all that parcel of land containing 10,577 acres ... by way of mortgage and the same is hereby charged with the

payment to the said Surveyor General ... of the said sum of £59.11.1,  
together with a further sum of [blank] for interest thereon.

Clearly in the case of Pouakani B9 (Pureora), Pouakani C1 (Kaiwha) and Pouakani C2, Gerhard Mueller's certificate is in respect of the surveys carried out by Stubbing's plan ML6406 etc. In the absence of any other survey plan for the Pouakani A subdivisions these charges must also be for the surveys of the Pouakani A subdivisions by Stubbing's plan ML6406 etc. But it seems that the only block all the boundaries of which were actually surveyed by Stubbing's survey plan ML6406 etc was Pouakani C2. Stubbing had surveyed some but not all of the boundaries of each of the other nine blocks (see appendix 13 for an analysis of Stubbing's plan ML6406 etc).

On 27 June 1898 the Native Land Court made an order determining that the Crown had acquired the 250 acres of Pouakani C2, and presumably the survey lien of £8.15.0 would have been deducted from the purchase money. We cannot explain why the Native Land Court saw fit to make an order dated 8 March 1899 charging a lien of £8.15.0 on Pouakani C2 block when it was already Crown land. This left the Pouakani A1, A2 and A3 area in the north of the Pouakani block and the Pouakani B9 (Pureora) and Pouakani C1 (Kaiwha) area in the south as the only areas in the western severance of the Hora-aruhe Pouakani block not yet completely owned by the Crown. On 20 August 1898 the chief surveyor filed an application for a charging order over Pouakani B9 (Pureora) for the costs of survey. On 8 March 1899 the Native Land Court made orders charging Pouakani B9 (Pureora) with £62.13.2 and Pouakani C1 (Kaiwha) with £49.10.0 for the costs of survey. These amounts add up to the £112.3.2 for Pouakani B9 and C1 of 17,900 acres in Gerhard Mueller's certificate of 30 July 1894. Both orders provided for interest at five percent per annum up to five years from 1 February 1897.

In July 1899 the Native Land Court sat at Kihikihi. The applications heard included applications to the court to ascertain what interests, if any, the Crown had acquired in Pouakani A1, A2, A3, Pouakani C1 (Kaiwha) and Pouakani B9 (Pureora). The minute book of the hearing has disappeared and the suggestion has been made that no such court sitting took place. But signed sealed orders of the court made at this sitting have survived, as have instructions to the surveyor. Exhibit notes on the deeds of sale and on Stubbing's plan ML6406 etc record that these were produced at a sitting of the court at Kihikihi in June 1899. The sitting is also recorded in an old index of minute books in the Maori Land Court office at Hamilton. We accept this evidence that such a sitting did in fact take place. It is regretted that the minute book which might have contained other relevant information has been lost. However, we note that the information on signed sealed orders of the court supersedes anything contained in the minutes of a court sitting.

On 21 July 1899 the court divided:

Pouakani A into Pouakani A1A of 3,643 acres which it vested in the Crown and Pouakani A1B of 394 acres which it vested in the 2 adults and 3 children who had not sold their shares to the Crown;

Pouakani A2 into Pouakani A2A of 2950 acres which it vested in the Crown and Pouakani A2B of 350 acres which it vested in the 7 adults and 4 children who had not sold their shares to the Crown;

Pouakani A3 into Pouakani A3A of 2,830 acres which it vested in the Crown and Pouakani A3B of 410 acres which it vested in the 5 adults and 3 children who had not sold their shares to the Crown.

A notice dated 14 September 1899 of release of the lien for the cost of survey of Pouakani A1, A2 and A3 shows that £69.9.8 had been paid made up of £59.11.1 plus £9.18.7 for interest. A note at the bottom of this notice indicated that the "proportion due on land purchased by the Crown" was £61.9.10 and the amount "paid for in land by the natives" was £7.19.10 a total of £69.9.8. "The nonsellers gave 63 acres to pay their proportion of the above lien". The deed of sale of Pouakani A1, A2 and A3 gives the area as 10,577 acres and the price as £1322.2.6. This is 2/6 per acre. But 63 acres at 2/6 is £7.17.6 not £7.19.10. Land purchase officer Wilkinson did separate calculations for each block to the nearest acre. The owners lost 3d on one block and gained 11d and 1s.8d in the other two which accounts for the difference of 2s.4d (see [table 12.2](#)). Interest was charged at a standard rate of five percent per annum for five years, following approval of a plan by the chief surveyor.

On 24 July 1899 the Native Land Court divided Pouakani B9 (Pureora) into Pouakani B9A of 7,340 acres which it vested in the Crown and Pouakani B9B of 2,660 acres which it vested in the 24 adults and 8 children who had not sold their shares to the Crown. On 26 July 1899 the Native Land Court divided Pouakani C1 (Kaiwha) 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. The non-sellers contributed 343 acres as their share of the survey liens on these two blocks.

Several notes endorsed on Stubbing's plan ML6406 etc indicate various approvals. On 10 November 1899 W C Kensington on behalf of the chief surveyor approved the plan as to Pouakani A1A, Pouakani A2A, Pouakani A3A, Pouakani B9A and Pouakani C1A blocks. Also on 10 November 1899 diagrams for title orders were drawn from Stubbing's plan ML6406 etc for Pouakani A1A, Pouakani A2A, Pouakani A3A, Pouakani B9A and Pouakani C1A which the court had earlier vested in the Crown for the shares that the Crown had purchased from owners. On 1 December 1899 Judge Edger, who had presided at the court sittings earlier in the year (on 21, 24 and 26 July when the orders were made creating Pouakani A1A, A2A, A3A, B9A and C1A blocks), approved Stubbing's plan ML6406 etc as to these blocks. On 29 May 1900 diagrams for title orders were drawn from ML6406 etc for Pouakani A1, Pouakani A1B, Pouakani A2, Pouakani A2B, Pouakani A3, Pouakani A3B, Pouakani B9, Pouakani B9B, Pouakani C1, Pouakani C1B and Pouakani C2.

Table 12.2

**Table 12.2: Crown Acquisitions in Pouakani Block: NLC Orders 1899**

<b>Block No</b>	<b>Area (acres)</b>	<b>Area Purchased (acres)</b>	<b>Survey Lien</b>	<b>Interest on Lien</b>	<b>Total Lien</b>	<b>Non-seller Share of Lien £/acre</b>
A1	4037	3621	£22.14. 7	£3.15.10	£26.10. 5	£ 2.14. 9/22
A2	3300	2931	£18.11. 8	£3.1.11	£21.13. 7	£ 2. 8. 5/19
A3	3240	2808	£18.4.10	£3.0.10	£21. 5. 8	£ 2.16. 8/22
<b>Total A</b>	<b>10577</b>	<b>9360</b>	<b>£59.11. 1</b>	<b>£9.18. 7</b>	<b>£69. 9. 8</b>	<b>£ 7.19.10/6</b>
<b>B6</b>	<b>25749(NLC)</b>					
	25179(w)	16699(w)	No Survey Lien			
B9	10000	7200	£ 62.13. 2		£62.13. 2	£17.11. 0/14
C1	7900	3843	£ 49.10. 0		£49.10. 0	£25. 8. 4/20
<b>Total B9/C1</b>	<b>17900</b>	<b>11043</b>	<b>£112. 3. 2</b>		<b>£112.3. 2</b>	<b>£42.19. 4/34</b>
C2	250	250	£8.15.0		£8.15.0	
D2	3000	675	No Survey Lien			

Source: G T Wilkinson's Summaries, 28 June 1898 and 29 July 1899,<sup>21</sup> and Native Land Court Orders 1891-1899 from NLC orders on Pouakani B6.

Source: GT Wilkinson's Summaries, 28 June 1898 and 29 July 1899, {FNREF:0-86472-117-XA:12:21} and Native Land Court Orders 1891-1899. Wilkinson's figures differ from NLC orders on Pouakani B6.

Orders of the Native Land Court creating title to Pouakani B9 (Pureora), Pouakani B9B, Pouakani C1 (Kaiwha) and Pouakani C1B have diagrams attached to them and are signed and (with the exception of Pouakani C1B) sealed. The Pouakani B9 (Pureora) and Pouakani C1 (Kaiwha) orders were signed by Chief Judge Davy on behalf of Edward Walter Puckey Esquire, retired judge, and plan numbers 6408 and 6412 respectively were quoted in the body of these orders. The orders in respect of Pouakani B9B and Pouakani C1B were signed by Judge Edger. Presumably both judges signed these orders after the diagrams were prepared on 29 May 1900. We have not seen a copy of the Pouakani C1B order with a seal on it. The copy of the Pouakani B9B order that we have seen is sealed with the seal of "The Maori Land Court of New Zealand" indicating that it was sealed after the name of the Native Land Court was changed to Maori Land Court pursuant to s4(2) of the Maori Purposes Act 1947.

Although boundary lines had been drawn on Stubbing's survey plan ML6406 etc, and the orders were now signed and sealed, the only boundaries that had been pegged on

the ground were the outer boundaries of Pouakani A block and the 17,900 acre area occupied by the Pouakani B9 (Pureora) and Pouakani C1 (Kaiwha). The subdivisions of Pouakani A block were never surveyed on the ground but were drawn in after the plan was submitted. Another note on Stubbing's plan ML6406 etc shows that on 22 June 1900 it was approved as to Pouakani A1B, A2B, A3B, B9B and C1B by W C Kensington on behalf of the chief surveyor. There is no further approval on the plan by a judge of the Maori Land Court but presumably Judge Edger approved Stubbing's plan ML6406 etc as to Pouakani B9B and C1B by implication when he signed the title orders creating those blocks with, annexed to those orders, the diagrams prepared on 29 May 1900 from Stubbing's plan ML6406 etc. We investigate the matter of survey of Pouakani B9 (Pureora) and C1 (Kaiwha) blocks in chapter 14.

At the beginning of this century, of the 55,147 acres in the Pouakani block west of Pouakani No 1 shown on Stubbing's plan ML6406 etc, only the 7668 acres of Pouakani A1B, A2B, A3B, B9B and C1B remained as Maori land. Proclamations published in the New Zealand Gazette declared that Pouakani A2B and Pouakani A3B had been purchased by the Crown and that Pouakani A1B was Crown land. {FNREF:0-86472-117-XA:12:22} On 11 March 1926 the Native Land Court partitioned Pouakani C1B into Pouakani C1B1 and Pouakani C1B2.

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*Waitangi Tribunal, Department of Justice, Wellington.*

# The Pouakani Report 1993

## 12 Survey Charges

### 12.5 Survey Liens on Maraeroa and Tihoi Blocks

In 1887 the survey costs on Maraeroa block, 41,245 acres, were assessed at £626.9.2. However, following the investigation by the Tauponuiatia Royal Commission in 1889, new boundaries were made and new blocks created, as outlined in earlier sections. In trying to analyse how survey costs were assessed, the situation on Maraeroa block appeared even more confused than Pouakani block, following the rehearing in 1891. We follow through the survey history as recorded on Lands and Survey file 2413. On 15 January 1892 the Survey Office in Auckland received a request from Hopa Te Rangianini, Rauroha Te Ngare and Tauhora Tana, dated 19 December 1891, for Don Stubbing to survey Maraeroa block. The subdivisions listed were Hurakia block, Ketemaringi block, Maraeroa C (Pukemako) block, Maraeroa A, Maraeroa A Section 1 (4000 acres), Maraeroa B, Maraeroa B Section 1 (4000 acres). Another application dated 15 December 1891, signed by Taonui Hikaka and three others, was stamped as received in the Survey Office on 18 January 1892. Survey authorisation appears to have been granted to Stubbing soon after but no correspondence on this is recorded on the file.

On 6 January 1893 Stubbing applied for six months' extension of time to survey the "Maraeroa Subdivisions". He also stated that he had been "informed by some of the owners that the Land Purchase Department will pay for survey". When informed he would have to have a new authorisation issued, Stubbing responded he was not sure he could complete the survey in six months, "as so much depends upon the Native Land Purchase Department paying for it. Areas have been marked out by the Natives in court for sale to the government but when they will purchase I am unable to say".

On 13 July 1893, G T Wilkinson, land purchase officer, advised the Survey Office, Auckland, that he had been instructed to purchase Maraeroa A section 1 block (4000 acres) and requested information on survey liens and any other charges to be deducted from the purchase money. The chief surveyor responded that the total government lien on the Maraeroa block was £204.8.6 for 41,245 acres and the proportion due on Maraeroa A section 1 would be £19.16.6. In addition, "Messrs Mitchell and Cussen hold a private lien against the same block of £257.15.6 and the proportion due to them will be £25.0.0". Wilkinson also noted:

Mr D. Stubbing is authorised to make the subdivision but the plans are not yet sent in, the estimated cost over Maraeroa A Section 1 is about £22, and as he was not able to come to terms with the natives, probably the whole thing has lapsed. {FNREF:0-86472-117-XA:12:23}

In September 1893, the chief surveyor wrote to Wilkinson, pointing out that the figures he provided on survey liens in July would have to be recalculated, because none of the subdivisions had been surveyed, and, with the exception of Maraeroa A

section 1 and Maraeroa B section 1 blocks of 4000 acres each, none of the areas had been fixed by the Native Land Court. The figures were further complicated by the additional area resulting from Stubbing's 1892 survey of the Pouakani boundary, giving a new estimate of 52,800 acres in Maraeroa, including Hurakia and Ketemaringi blocks. A summary of the liens as calculated by the chief surveyor in October 1893 appears in table 12.3.

On 6 November 1893 Stubbing wrote again to the chief surveyor, Auckland, about the survey of the Maraeroa subdivisions:

Have just been to Otorohanga to see the parties interested in these blocks about payment for survey. No arrangement can be made with them for payment of all subdivisions, but a guarantee for payment of part will be made if you will pass a plan with some of the lines calculated. Mr Wilkinson is now buying in Maraeroa A and Maraeroa A Sec. 1 (having been supplied with the area from your Office) these areas being computed by using calculated lines.

Mr Wilkinson will buy in Maraeroa B Sec. 1 and Ketemaringi as soon as he can get the areas. My friends are not willing to guarantee the payment for the complete survey of these two blocks but will pay for traverse of Stream called Ongarue N.W. boundary of Maraeroa B Sec. 1, and for picking up point (mentioned in N.L. Court) S.E. comer of Ketemaringi subdivision of Maraeroa block, if you will accept the other boundaries of these two blocks as calculated lines. {FNREF:0-86472-117-XA:12:24}

The chief surveyor accepted that not all boundaries needed to be surveyed because of government purchases and commented, "I have no doubt but that survey of portions purchased by govt. will be paid for by govt. when the lands have been acquired".

**Table 12.3**

Block	Area in acres	Gov't lien	Cussen lien	Total
Maraeroa A	14800	57. 6. 0	72. 5. 1	129.11. 1
Maraeroa A Sec 1	4000	15. 9. 9	19.10. 7	35. 0. 4
Maraeroa B	12800	49.11. 2	62. 9.10	112. 1. 0
Maraeroa B Sec 1	4000	15. 9. 9	19.10. 7	35. 0. 4
Maraeroa C	2608	10. 1.11	12.14. 8	22.16. 7
Hurakia	6512	25. 4. 3	31.15.10	57. 0. 1
Ketemaringi	8080	31. 5. 8	39. 9. 0	70.14. 8
Total	52800	204. 8. 4	257.15. 7	462. 4. 1

There the matter rested until a telegram was sent to land purchase officer Wilkinson by the chief surveyor on 18 January 1894, "re Maraeroa B the information on maps is so vague that it is not safe to put plan on Deed". There was more correspondence during May-June between Stubbing and the Survey Office. Stubbing noted an error in Cussen's previous survey which meant that the Maraeroa boundary survey did not

close (which added to his costs). He was still concerned whether government would guarantee payment. The storekeeper Ellis also enquired and it seems he had a pecuniary interest in the matter because the Mitchell and Cussen liens had been assigned to him, presumably to pay debts at his store. Stubbing explained in a letter to the chief surveyor on 13 June 1894:

Re Survey of Maraeroa Subdivisions in King Country - This authority has lapsed and am getting owners to send in fresh application, as per instructions from your office. Before authority had lapsed I tried the Native Land Purchase Department to see if they would guarantee payment of survey but without success. I next asked Mr J.W.Ellis to guarantee payment, but he could not see his way clear to do so at that time, although I had warned him about the approach of winter. Just as my authority has lapsed and the winter has commenced, Mr Ellis guarantees payment of survey. I have refused to do it in the winter - knowing the locality - (having done the Pou-a-Kani, the adjoining block in a winter) and the risk there is of not being able to do rough bush country well unless one has decent weather to do it in. Mr Ellis still urges me to start the survey or give it to somebody without an authority (R. Cashell) to do for me. Have refused to do this, and he now informs me that the owner of one section in the block (4000 acres) is about to apply to you requesting that my authority be cancelled ... I expect my fresh application to reach you soon. It is my intention to commence the survey as soon as possible in the Spring.

I asked you to protect me in this matter, as also for the interest of having good work done (which is almost impossible to do in winter, so near Taupo).

The error of 1°32' which I found in old work in closing on Pureora-Poua-Kani survey caused me great loss and it is to protect myself from such losses, and prevent the possibility of being sent over work a second time, that I refuse to commence it now. {FNREF:0-86472-117-XA:12:25}

A letter was sent in by Taonui on 26 June asking for the survey to proceed at once, and the chief surveyor responded that Stubbing would do the survey but he would be unlikely to start before September.

In the revised calculation of liens in August 1894, Maraeroa block (including subdivisions A, A Sec 1, B, B Sec 1, C and "pt. Ketemaringi") was listed as 41,245 acres. The only addition was 218 acres from Tihoi block as a result of Cashell's survey of Hurakia watershed boundary to Pureora, giving a total of 41,463 acres and a survey lien of £591.8.4. Hurakia block was listed separately as having an area of 5740 acres, but this only adds to a total of 47,203, not 52,800. We assume the difference is the part of Ketemaringi not listed and the additional area between Pureora and Te Paehua's Taporaroa of Stubbing's 1892 Pouakani survey. With all these changes it is difficult to calculate exactly what was being charged on the basis of documents available to us. A much more detailed accounting would be needed.

We can conclude that on Maraeroa block, unlike Pouakani No 1 block, there was no specific area of land cut out to defray survey and other costs. However, it is clear that it was intended by owners and land purchase officers that the two 4000-acre blocks, Maraeroa A section 1 and B section 1, would be cut out for sale to the Crown to cover costs. In subsequent sales it can be assumed that survey charges were deducted from the price paid. On Maraeroa block, the Crown later paid the price of inadequate survey by having to return some land to Maori owners in Maraeroa C block in 1911. It seems too that some survey charges in the Hurakia and Ketemaringi blocks were covered by the transfer to the Crown of Waihaha Nos 1 and 2 blocks. We have not investigated this transaction, but it appears to have been arranged on the same basis and about the same time as the transfer of Pouakani No 1 block to the Crown.

For the purposes of comparison we did investigate the survey liens on Tihoi block listed in the register of "Land Taken in lieu of Crown Survey Liens" held in the Department of Survey and Land Information office in Hamilton. This register was begun in 1911 and does not include earlier acquisitions for survey charges. The Tihoi block was awarded to the hapu Ngati Parekawa, Ngati Te Kohera, Ngati Wairangi Parewhete and Ngati Rawharetua by the Native Land Court in 1887. {FNREF:0-86472-117-XA:12:26} On 30 April 1887 the court ordered that the list of names handed in to the court would be included in the title for Tihoi block "of 90140 acres on properly certified plan being deposited in Native Land Court Office". {FNREF:0-86472-117-XA:12:27} The "Certificate of Title" issued under the Native Land Court Act 1880, dated 24 September 1887, comprised 433 names. The area on the order and the title plan was shown as 89,922 acres. The difference of 218 acres was the result of this small area south of Pureora mountain added to Maraeroa block following Cashel's survey of the boundary along the Hurakia watershed as recommended by the Taupouiatia Royal Commission in 1889. Although the Tihoi certificate of title has the same date as the court order, 24 September 1887, the plan on the certificate of title was actually drawn and the title issued some time after 1890. The boundaries of Tihoi block were approved by the Native Land Court on plan ML6036 etc on 6 February 1892 and noted on ML6076/5 on 24 August 1892.

Unlike the Pouakani and Maraeroa blocks, Tihoi was not subdivided immediately on investigation of title. On 11 October 1890 William Moon wrote to the Auckland Survey Office enquiring about the amounts of survey charges on Hauhungaroa and Tihoi blocks, stating "owners are anxious to cut off 20,000 or 30,000 acres in each block and convey same to Gov't". {FNREF:0-86472-117-XA:12:28} It is not clear what role Moon was playing, but he was the husband of Karawhira Kapu whose "agreement" with W H Grace on Pouakani block had been investigated by the Taupouiatia Royal Commission. A reply was sent from the Survey Office stating that the survey liens were £750.18.11 on Hauhungaroa Karangahape block and £805.16.8 on Tihoi block. In 1894 the lien on 89,922 acres of Tihoi was recalculated at £789.12.10. {FNREF:0-86472-117-XA:12:29}

On 23 September 1902, Tihoi was partitioned into nos 1, 2, 2A, 3, 4A, 4 B and 4C blocks. On 29 June 1908 Tihoi No 3, a large block of 79,459 acres, was partitioned into 18 blocks ([map 12.1A](#)). In 1913 various areas were cut out of all these blocks in satisfaction of Crown survey liens. Since the 1890s the Crown had purchased some individual interests from owners in most of the Tihoi blocks. In 1914 the Native Land Court cancelled all the partition orders in Tihoi No 3 except No 3C which was a

native reserve. The block was then partitioned into 3A and 3B, and 3A was awarded to the Crown as a consolidated area of 7988 acres in satisfaction of survey charges. The Maori-owned 3B block contained 71,471 acres. After this there seems to have been some private sales mainly of timber cutting rights. The Crown, through the Native Land Purchase Board, was endeavouring to acquire more land in 1919. A meeting of owners of Tihoi 3B subdivisions was held at Mokai on 9 December 1919 to consider a Crown purchase offer but the owners refused to discuss it. On 6 June 1920 another meeting of owners was held at Mokai, but the owners turned down the Crown offer. The Native Land Purchase Office recommended that the Crown purchase individual interests of owners who wished to sell. Another meeting at Mokai was held on 18 August 1921. The owners of Tihoi 3B3 resolved to sell but all other offers were either rejected or lapsed for want of a quorum. Meanwhile the government land purchase officer was busy buying up individual interests.

Through the 1930s private timber interests negotiated cutting rights in the bush but there seem to have been few private sales of land. The Crown continued purchasing individual interests. In December 1945 the Minister for Maori Affairs applied to the Maori Land Court for a partition of Crown interests. The application was heard at Taupo on 19 March 1946 and new partition orders made. We have not investigated all the details of transactions on Tihoi block. We simply include this as an example of how boundaries and shapes of blocks were changed and how survey charges were paid in land. In the 1950s and 1960s there were further changes as these lands were included in land development schemes. The result is a confused and changing patchwork of blocks and it is not surprising that Maori today have difficulty finding out how the Crown acquired specific pieces of land.

## References

1. *New Zealand Gazette* 1880 p 1705
2. *ibid* 1890 p 311
3. *ibid* 1886 pp 634-640
4. *ibid* 1897 pp 223-233
5. Lands and Survey file 2413
6. *ibid*
7. *ibid*
8. *ibid*
9. Taupo minute book 9 pp 262-263
10. National Archives (Wellington) NLP 92/43
11. *ibid* folio 611
12. *ibid*
13. National Archives (Wellington) MA 71/1; A5(ii):46-74
14. Lands and Survey file 2413
15. *New Zealand Gazette* 1894 pp 37-39
16. Lands and Survey file 2413
17. *ibid*
18. *ibid*
19. *ibid*
20. Alan Ward *A Show of Justice* (Auckland 1973) p 302
21. National Archives (Wellington) MA MLP 6/4

22. *New Zealand Gazette* 1919 p 970, 1921 pp 2141-2142 and 1971, p 2052  
respectively
23. Lands and Survey file 2413
24. *ibid*
25. *ibid*
26. Taupo minute book 7 p 78
27. Taupo minute book 8 p 182
28. Lands and Survey file 2413
29. *ibid*

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