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Waitangi Tribunal, Department of Justice, Wellington.

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Abbreviations and Metric Equivalents

Abbreviations

AJHR Appendices to the Journals of the House of Representatives

DOC Department of Conservation

DOSLI Department of Survey and Land Information

L and S Department of Lands and Survey

MLC Maori Land Court

NLC Native Land Court

NZFS New Zealand Forest Service

NZPD New Zealand Parliamentary Debates

Metric Equivalents

In the text and maps illustrating this report we have retained the measures of distance, area and currency used in the nineteenth century. The following is a guide to metric equivalents.

Distance: 1 inch = 2.54 centimetres = 0.025 metres

1 foot = 12 inches = 0.305 metres

1 yard = 3 feet = 0.914 metres

1 metre = 4.971 links = 3.280 feet

1 link = 7.92 inches = 0.201 metres

100 links = 1 chain

1 chain - 22 yards = 20.117 metres

80 chains = 1 mile = 1.609 kilometres

1 kilometre = 0.621 miles

Area: 1 acre = 4046.86 square metres = 0.405 hectares

1 hectare = 2.471 acres

10 acres - 4 hectares (approx)

100 acres = 40.469 hectares

1 rood - 1011.7 square metres

4 roods = 1 acre

1 perch = 25.293 square metres

40 perches = 1 rood

Currency: £1 (pound) = 20 shillings

1s (shilling) = 12 pence

Note: no attempt has been made to compare values of currency between the nineteenth century and the present.

The Pouakani Report 1993

Letter to the Minister's office

Minister's Office
Parliament Buildings
WELLINGTON

E te Minita mo nga take Maori,
Tena Koe

We place before you the report of the Waitangi Tribunal on the Pouakani claim. This claim was lodged by John Hanita Paki on behalf of himself, the other trustees and the beneficial owners of the Titiraupenga and Pouakani B9B Trusts on lands lying between Pureora mountain and the Waikato river in the central North Island. For your convenience we have included at chapter 18 a summary of our findings and recommendations.

This claim arose out of a dispute over the unsurveyed boundaries of the Maori-owned Pouakani B9B block and adjacent Crown lands. In order to understand the nature of this dispute we had to delve deep into the records of the Native Land Court, the former Department of Lands and Survey and the Land Purchase Office. We found that the Crown acquired large areas of land in the Pouakani block in payment of survey and other costs charged against the land, in addition to the individual interests purchased by the Crown in the 1890s. But the owners of residual Maori lands did not always receive properly surveyed titles in return.

We also found that the Pouakani block and the adjacent Maraeroa block were part of a dispute among Ngati Maniapoto, Ngati Raukawa and Ngati Tuwharetoa following the initial investigation of title by the Native Land Court at Taupo in 1886. This dispute led to litigation in the Supreme Court, petitions to parliament and the appointment of the Taupouiatia Royal Commission in 1889. A new investigation of title of Pouakani and Maraeroa blocks under the special provisions of s29 of the Native Land Court Acts Amendment Act 1889 was completed in 1891. A number of surveyed boundaries of lands in this area had not been approved by the Native Land Court. Subsequent surveys and new boundaries created a great deal of confusion for Maori and Crown officials then and since. We have set out the transactions on Maraeroa and Pouakani blocks in somewhat laborious detail in order to clarify what happened and which of the boundaries had legal status.

The history of these lands that straddle the traditional border zone between the descendants of Tainui and Te Arawa waka is complex. We had to satisfy ourselves whether the transactions on Maraeroa and Pouakani blocks were typical or an aberration in the process of investigation of title by the Native Land Court and Crown purchase operations in the 1880s and 1890s. We had to put these transactions in a context of the aftermath of the wars of the 1860s, the Rohe Potae established by the supporters of the Kingitanga, the government efforts through the 1870s to "open up" the King Country, and agreement in 1883 to establish major triangulation, survey the

boundaries of the Rohe Potae, and carry out reconnaissance surveys of possible routes for the North Island main trunk railway line.

In this report we have made some specific recommendations which deal with the interests of the trustees and beneficial owners of Titiraupenga and Pouakani B9B blocks, and the management of the adjacent Pureora Forest Park. We hope that in a spirit of goodwill these recommendations will provide a framework for negotiations toward resolution of the specific grievances on Pouakani block.

We are aware that there are some broader tribal issues raised in this claim involving the Waikato river, indigenous forest resources and loss of lands generally in the Rohe Potae. In 1884 Crown pre-emption was reimposed (having been waived in 1862) and maintained through the 1880s and 1890s in the Rohe Potae, so that the Crown became the sole purchaser of Maori lands. The operation of the Native Land Court was imposed in the Rohe Potae in spite of protests by tribal leaders. The Native Land Court was created by the New Zealand Parliament to transmute customary tenure of land into titles cognisable in British law. A communal form of tenure was thus translated into individualised disposable property rights. Titles to land were only granted after investigation by the Native Land Court, carried out in a formal sitting, often in a distant town. A government-approved survey plan was required before a title could be granted by the court. The cost of such surveys, as well as court fees, was charged to Maori owners of the land. When Maori owners could not pay, and interest accumulated on such debts, land was transferred to the Crown in payment, in addition to the individual interests purchased by the Crown.

We have commented on how the process of investigation of title by the Native Land Court, survey and Crown purchase of individual interests in Maori lands was inextricably interrelated. We found nothing illegal or fraudulent in the Crown transactions on Pouakani and Maraeroa blocks in terms of the legislation, Native Land Court procedures and administrative practice of the time. However, we do feel considerable concern about the way that the legislation and procedures of the Native Land Court and Crown officials were imposed at considerable cost to Maori. When the debts were called in, Maori paid in land. By charging the land with the full costs of survey, court fees and other costs of attending the Native Land Court, Maori owners paid for a large share of the costs of Pakeha settlement, but did not receive an appropriate share of the benefits of this settlement.

We are aware of a number of other claims lodged with the Waitangi Tribunal which deal with similar issues in the Rohe Potae. These have been grouped together as Wai 48 etc, Whanganui ki Maniapoto/Rohe Potae claims, and are currently being researched prior to hearing in 1993. We are also aware that some of these matters are being negotiated. We suggest that in the meantime government refrain from sale of any Crown or state-owned enterprise lands in the Rohe Potae, in the interests of possible resolution of these claims and in the interests of protecting the tax payers against the costs of buying back appropriate lands at some future date. We are aware of a great deal of good will in the negotiation processes established by the government. We hope that this report will provide an understanding of the nature of the process of alienation of Maori lands to the Crown in the Rohe Potae which began in the 1880s.

Finally, we acknowledge the wisdom and good humour of our kaumatua member of the tribunal, Turi Te Kani, who until his untimely death in June 1990 contributed to all our discussions and commented on several draft chapters of our report. His generous spirit has guided us in the completion of our task.

Turirangi Te Kani

4 June 1990



Takoto mai e pa i roto i te wharekino
Ka tokia to kiri e te anu matao
E nga hau tuku iho o runga o Maunganui
Taria atu koe te rae ki Panepane
E tangi haere ana te tai o te akau
Waiho kia tangi ana ...
Ehara i te tangata he unuhanga taniwha
He toroa whakakopa mai ana iwi

Rest, our elder, in the house of sorrow.
You have been pierced by the cold of death.
By the winds released from Maunganui,
You are carried to the point of Panepane,
Where the sea weeps in sorrow on the shore.
Let it go on weeping ...
This is not a man, this is a taniwha.
The albatross has flown from his people.

Waitangi Tribunal, Department of Justice, Wellington.