

The Pouakani Report 1993

11 Crown Purchases in Pouakani and Maraeroa Blocks

11.1 Introduction

Under the Native Land Alienation Restriction Act 1884 the Crown right of pre-emption was reimposed in the whole area of the Rohe Potae. The government had moved to keep out private land speculators, and embarked on a policy of control of land purchase to "open up" the King Country for farm settlement. Profit from the sale of Crown lands acquired from Maori would offset the high costs of construction of the North Island main trunk line and the costs of servicing the loan of £1,000,000 raised under the provisions of the North Island Main Trunk Railway Loan Act 1882. By the end of 1883 agreements were reached to allow surveys of railway routes, and major triangulation. The surveyors were also asked to report on the quality of land and prospects for settlement.

Lawrence Cussen described the lands north west of Lake Taupo in 1884:

Around the west side of Lake Taupo there are large flat table-lands divided by steep ravines, which are cut into deep beds of pumice-sand. Some of these ravines are wide and flat at the bottom, where the land is fairly good and the Natives have cultivated

Along the edges of the bush on the eastern slopes of the Hauhangaroa and Hurakia Ranges the land is fairly good, and there are many patches and clearings where the Natives have cultivated. In these old cultivations clover and English grasses seem to grow very well.

The shores of the western bay of Lake Taupo are formed chiefly of steep bluff cliffs ... On the north side of the lake the land is of better quality: although pumice appears freely on the surface, yet the soil is not bad, as is shown by the heavy growth of fern and scrub which is to be found in many places. Near the old settlement of Waipapa there is a free piece of forest country, covering about thirteen thousand acres. A large portion of the timber is totara. The soil is good volcanic loam, and in the bush and on the edges of it there is a considerable quantity of good arable land.

West of the Waikato River... is a broken tract of open country containing about a hundred thousand acres. It is intersected by deep gullies and ravines. The land is for the most part poor: bare rocks and land slips are visible all over it. This country might be utilized as a large cattle run. Towards the bush the soil is better, and in several places there were formerly Native cultivations; but the arable land is very limited.

The high wooded country comprising the Rangitoto, Ranginui and Wharepuhanga [sic] Ranges includes an area of over eighty thousand acres, and stands over 2,500 feet above the sea. It is much broken and cut by deep ravines. The timber on the ranges is of mixed quality, containing little that would be useful for building or milling purposes, and it would be very difficult of access. Quartz containing gold is said to have been found on the Rangitoto Ranges, and the character of the formation would give rise to the hope that the country is gold-bearing. {FNREF:0-86472-117-XA:11:1}

Later investigations indicated little prospect of gold, although there was continuing optimism about the potential of ore-bearing quartz deposits in the Tuhua ranges further south. The possible discovery of another goldfield was probably in the minds of government land purchase officers in their efforts to obtain lands in what was otherwise rugged inaccessible hill country.

On 12 March 1887 the inspector of surveys, Mr Williams, wrote to the assistant surveyor general, Auckland, reporting on "lands recently surveyed in the Taupo West District" with prospects for Crown purchase:

The Horaparuhe [sic] Pou-a-Kani block is partly forest and partly open land. The southern portion which it is proposed should be acquired by Government contains some open land of very fair quality especially along the margins of the forest.

The forest itself is not at a great elevation except near the Pureora mountain and even there, the ascent is gradual. It contains a fair proportion of useful timber, such as Totara, Red Pine etc. The soil is good and would be suitable for occupation in sections of moderate size.

The vegetation on Maraeroa plains is principally tussock grass, ... inferior quality but these plains are not extensive.

The Native tracks from Waikato towards Tuhua converge at the Waitaramoa settlement, and as it is obvious that an important main road following the general direction of this track will be required to give access to the Tuhua country from the North, the present would seem a good opportunity for acquiring rights along what will probably be an important highway in the near future

The Tihoi block contains a considerable quantity of very fair open land. It is not so well watered as could be desired but I recommend its purchase because it contains patches of forest which will be of great value to settlers in a country which is otherwise very sparsely wooded, and also because the Lake frontage includes some good landing places

The western portion of the Tuhua-Hurakia-Waihaha block contains some excellent forest lands

The main track to Taupo and Waikato goes through the block, keeping generally within a short distance of the edge of the forest

In suggesting which portions of these blocks should be acquired I am assuming that the best parts of the forest land would be available for ordinary settlement, and that the open land would be dealt with in larger areas for grazing runs. I have also given due consideration to the importance of acquiring land adjacent to what must some day be important main roads, and to securing some of the few landing places which are to be found on the west side of Taupo Lake.

Speaking generally I may say I was favourably impressed with the capabilities of the country for settlement, and I am of opinion that when it comes to be better known and is opened up by one or two roads it will be an important district. {FNREF:0-86472-117-XA:11:2}

By the 1880s there was an established steamer service on Lake Taupo between Taupo township and Tokaanu. A road connection between Tokaanu and the main trunk line following the Petania track was proposed. A road from the Waikato river following approximately the north-west boundary of Pouakani block to the "Maraeroa Plains" and south to the Tuhua district following an established Maori track was also envisaged. Until the roads in West Taupo were constructed, settlers would be serviced by steamer from landing places on the western lake shore. Although it was to be several decades before any settlement did occur, it is important to view the landscape as it was perceived in the 1880s to understand the pattern of Crown purchase operations in the 1880s and 1890s in west Taupo.

In 1892, when the first sales occurred on the Pouakani block, the main trunk line construction was being pushed south of Te Kuiti (map [11.1](#)). Between Te Kuiti and Lake Taupo there was a large area of "Native Land" in which the Land Purchase Department had officers working to persuade Maori people to have their lands "put through" the Native Land Court, arrange for lands to be surveyed, and surveys paid for by transfer of land to the Crown in many cases. We consider this matter of payment for surveys in land in chapter 12. The process began with applications to the Native Land Court for investigation of title. In his 1887 report the government land purchase officer, G T Wilkinson, described the process:

The Native Land Court, which opened at Kihikihi on the 29th June of last year [1886], and afterwards adjourned to Otorohanga (where the Natives had erected a large wooden building for the purpose of a Courthouse), marked a new era in the history of the King-country, as it dealt with 1,636,000 acres of Native Land which, previous to that, had not been dealt with by any Native Land Court or European tribunal. Although this was the first time that most of the Natives had ever been in a Land Court, much less taken part in its proceedings, they behaved themselves with the utmost propriety and decorum, and it is worthy of remark that, notwithstanding that the Court sat continuously through four months of a most boisterous and inclement winter, and that ninety-ninths of the Natives attending Court were living in tents the whole of the time, there was not a single case of death or severe illness

amongst them. One cause of the absence of sickness can, I think, be accounted for by the fact that the sale of intoxicating drinks is prohibited in the King Country. There was not a drunken Native to be seen during the whole time that the Court was sitting. Before the Court adjourned, at the end of November, the title to the large area of land brought before it was decided, that is, it was found out to which of the large number of tribes who claimed it, it belonged. Each tribe found to have ownership, sent in, as is the usual custom, a list of the names of its people who were entitled to be entered on the Court books as owners. The total number of names in the combined lists amounts to 4,369, and possibly some others may yet be added. The next work that the Court will be asked to do when it reassembles will be to subdivide each tribe's and, where possible, each sub tribe's or hapu's portion, as until that is done the land cannot be satisfactorily dealt with for the purposes of European settlement. {FNREF:0-86472-117-XA:11:3}

The Native Land Court process was inexorable. We can speculate on the longer term social and economic effects of the disruption caused by attendance at land court sittings. We can begin to comprehend the implications of the combined pressures of the Native Land Court procedures and the activities of government land purchase officers in the following extract from a letter sent by Otorohanga storekeeper, J W Ellis, to the Native Minister, Hon R Seddon, in December 1893. He wanted to know whether the Native Land Purchase and Acquisition Act 1893 would apply in the King Country:

My reasons for asking is that I have been asked by many owners in several blocks of land here to endeavour to get their land valued under this Act, with a view to its sale to the Government ... there does not seem to be any clause enabling the natives to take the initiative, but I presume a letter signed by all or nearly all the owners asking that their block should be proclaimed would receive attention from you and that early steps would be taken to value the block ... if successfully carried out it will give such an impetus to land purchase here that you will be troubled to provide sufficient funds to purchase the blocks that will be offered to you. Provided of course if you provide a Judge to carry on the work of the Court here (B7:513-514){FNREF:0-86472-117-XA:11:4}

Ellis received an official response that any approach by Maori owners to a land purchase officer would receive consideration. What is more revealing is a note for the minister on the same file written by Mr Sheridan, head of the Land Purchase Department:

The writer is a storekeeper at Otorohanga who interferes a good deal in the affairs of the Land Purchase Department and of course causes trouble in one way or another. The Natives and Surveyors of the District are all largely in his debt. This will explain why he is so anxious on the question of price.

In an earlier letter (26 September 1889) written to Hon E Mitchelson, Minister for Native Affairs, Ellis had commented on land purchase prospects in the King Country:

Many of the natives here are naturally of a careful and cautious nature, and the great bulk have at present not many wants, not having had in the past the handling of much money, but this will soon be got over. Another reason why you will not get so large a proportion is that the blocks as a rule are small and the same people are owners in large numbers of them and they are likely only to sell their shares singly as they require money, that is they are hardly likely to sell a second share while they have any of the proceeds of the first sale in hand. Another reason is that they are all ambitious to become flock owners and while the desire to get money to buy sheep will lead them to sell parts, it will also make them very tenacious of the open country suitable for sheep.

After reviewing several blocks in the northern King Country which would be suitable for sale (including one good prospect "very clean of kaingas the only one of any importance being one occupied by Waikatos who are not owners") Ellis commented on blocks to the east of Otorohanga, including Wharepuhunga, adjacent to Pouakani block:

some 120,000 acres with some 900 owners; this would all come into the railway at some point and contains a lot of good land while parts are poor and other parts very broken.

The rest of the blocks are not far enough forward for purchase. Mr Cussen wires me that he has been promised the Rangitoto Tuhua survey so that large blocks will soon be in a better state [for Court titles and possible purchase] than at present

Of course they nearly all talk as if they never intended to sell their lands but this is all nonsense. Wahanui has always of late expressed his intention to sell parts of his and his example will help matters much.
(B7:550-554){FNREF:0-86472-117-XA:11:5}

From the mid 1880s Crown land purchases were being arranged throughout Taupouiatia block and from 1890 onwards in Aotea block as well. The land purchase officers and surveyors were agents employed to carry out government policy of land acquisition, seen in the depressed times of the 1880s as a means to improve the national economy by encouraging land development and settlement. Between 1892 and 1908 most of the lands in Maraeroa and Pouakani blocks were sold ([map 11.2](#)). But the Crown transactions on these blocks were part of a process of land acquisition carried out in the whole of the Rohe Potae.

Waitangi Tribunal, Department of Justice, Wellington.

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11.2 Subdivision and Crown Purchase of Pouakani Block

On 24 September 1887 the Native Land Court at Taupo made orders in respect of the Horaaruhe Pouakani subdivision of Tauponuiatia West block. At no stage was there a court order for a separate Horaaruhe Pouakani block. The several blocks were (see [map 9.1](#)):

Pouakani No 1	20,000 acres
Pouakani No 2	30,000 acres
Kaiwha	7200 acres
Hapotea	3000 acres
Pouakani	63,000 acres
Total	126,000 acres

These areas were only approximate. In s29 of the Native Land Court Acts Amendment Act 1889, Hapotea is listed as being only 2500 acres. In any case, this Act cancelled all the court orders of 1887, with the exception of Pouakani No 1 block which was transferred to the Crown in payment of survey charges. This transaction is examined in chapter 12. The boundaries of Pouakani No 1 remained, as described by the court in 1887, and were surveyed in 1890. {FNREF:0-86472-117-XA:11:6}

On 11 August 1891 following a rehearing of the Pouakani block the Native Land Court made a number of new orders for subdivisions of Pouakani block which were not the same as the 1887 subdivisions. On 7 May 1891, the court had awarded land to several hapu: Ngati Moe, Ngati Wairangi, Ngati Korotuohu, Ngati Rakau, Ngati Hinekahu, Ngati Ha, and "Ngati Maniapoto as represented by Te Paehua in respect of Taporaroa to Pureora". {FNREF:0-86472-117-XA:11:7} This latter was the area that was added to Maraeroa block. Ngati Rakau and Ngati Hinekahu were awarded the Pouakani A block.

The application for hearing was in the name of Werohia Te Hiko and others who thus became the principal claimants, represented in court by Pepene Eketone, "There were several other applications before the court, but this appears to have been the earliest in matter of date". {FNREF:0-86472-117-XA:11:8} There appears to have been general agreement over the boundaries of the Pouakani A block awarded to Ngati Rakau and Ngati Hinekahu. However, there was a good deal of disagreement over the balance of the land. The principal parties were: firstly, Ngati Ha, referred to as "Karawhira's people", who were first represented in court by A Patene, and then when he became ill, by William Moon, husband of Karawhira Kapu; the second group, Ngati Wairangi (including Ngati Moe and Ngati Korotuohu), were represented in court by Pepene Eketone; and, thirdly "Hitiri's people" represented by Hitiri Te Paerata. Hitiri had originally claimed ancestral rights under Tia and Tuwharetoa, but in the previous judgment on hapu on 7 May 1891, the court had ruled "That Te Kohera, Parekawa and Parewhete have no right, but that Hitiri as a descendant of Wairangi has an undoubted right with his nearest of kin". {FNREF:0-86472-117-XA:11:9} Both Hitiri

Te Paerata and Karawhira Kapu were counter claimants, neither of whom had been admitted by Pepene Eketone on behalf of the people he represented. On 7 May 1891 the court had ruled that Karawhira Kapu's people, "in addition to the rights admitted also have rights under Ha". {FNREF:0-86472-117-XA:11:10} Mr L M Grace was also in court to look after the interests of the Te Heuheu family.

On 4 August 1891, judgment was given by the Native Land Court on the subdivisions of Pouakani block. The court resolved the contradictory and conflicting claims as follows:

After carefully considering the whole evidence the Court awards as follows.

1. 100 acres shall be laid off at Waipapa to include the settlement and burial grounds, the persons to be named in the order to be selected by Werohia and failing this by the Court.
2. Reserves to be laid off to include the hot springs to be vested in such persons as may be decided on out of the three cases before the Court.
3. Tuaropaki bush to be divided, 3/4 for N'Wairangi represented by Pepene, 1/8 for Hitiri and others and 1/8 for Karawhira and others.
4. 3,000 acres as shown on plan within Tirohanga at the south portion of the block including 1/8 of bush for Hitiri and others, if any of Werohia's dead are included if possible each wahi tapu will form a separate order and be vested in such manner as she may indicate to the Court.
5. In addition to the above the Court awards Hitiri 3,000 acres as shown on the plan.
6. As to Waraki and others [Ngati Ha] in addition to the portion of Tuaropaki forest and an interest in the hot springs the Court awards 7,200 acres at Kaiwha, also 13,000 acres beside it adjoining the Government block [Pouakani No 11 on the west side towards Whatapo.
7. The whole of the residue is awarded to N'Wairangi as represented by Pepene. {FNREF:0-86472-117-XA:11:11}

The final awards of 11 August 1891 are set out in [map 11.3A](#) and the table, compiled from the court minutes of this date and the court orders which were made out following survey at some later date (see appendix 13). {FNREF:0-86472-117-XA:11:12} In general the blocks awarded were:

Pouakani A blocks: Ngati Rakau and Ngati Hinekahu
Pouakani B blocks: Ngati Wairangi
Pouakani C blocks: Ngati Ha "Karawhira's people"
Pouakani D blocks: "Hitiri's people" and Te Heuheu family

The blocks fall into three different categories. First there were six small areas of wahi tapu, B1, B2, B3, B4 and C1A and D1, vested in one, two or three individuals. The two areas of ten acres each were the hot springs of Ohineariki, CDI, and Parakiri,

CD2. These latter were awarded to the owners of D2, "Hitiri's people", and C1 "Karawhira's people", as places which were used by all. {FNREF:0-86472-117-XA:11:13} Curiously, there was no separate order made for the extensive area of hot springs at Tuhuatahi, although they were referred to several times in evidence. In this category too could be included the 100 acres of B5 which included the Waipapa kainga, the principal settlement on the Pouakani block in the 1890s. All the orders for these blocks described the interests of individual owners in the attached schedule as "Inalienable". For some reason, presumably for lack of a surveyed plan, orders for B1, B2, B3, B4 and C1A were not signed in 1891.

Orders for B2, B3 and B4 were signed by Judge Hingston on 19 November 1897. The one acre wahi tapu at Kaiwha described as C1A in 1891 should not be confused with the larger Pouakani C1A block acquired by the Crown in 1899.

Table 11.1 Pouakani block: Native Land Court orders 1891

Block No	Area in acres in the:		No. of owners:	
	Court Minutes	Court Order	Adult	Minor
A:	10,577	-		
A1 (Waiwherowhero) 59	-	4037	36	23
A2 (Te Whanawhana) 88	-	3300	56	32
A3 (Tomotomoariki) 60	-	3240	37	23
B:				
B1 (Moanui) 2	2 roods	-	2	-
B2 (Tururukanga) 2	2 roods	-	2	-
B3 (Tahataharoa) 2	2 roods	-	2	-
B4 (Ahirara) 1	2 roods	-	1	-
B5 (Waipapa) 36	100	100	36	-
B6 (Tirohanga) 237	25,000	25,749	150	87
B7 (Weraroa) 2	10,000	7050	2	-
B8 (Hikurangi) 6	7,000	4,800	6	-
B9 (Puteora) 114	10,000	10,000	67	47
B10 (Motuoata) 20	8,000	9,600	20	-
B11 (Kumara) 3	2,700	2,570	3	-
C:				
C1 (Kaiwha) 66	7,950	7,900	39	27

C1A 3	1	-	3	-
C2 (Whatapo) 5	250	250	1	4
C3 1	12,000	12,000	1	-
C4 (Tuaropaki) 8	250	250	8	-
CD1 (Ohineariki) D2	10	10	Owners of C1 and	
CD2 (Parakiri) D2	10	10	Owners of C1 and	
D:				
D1 (Kanoikorio) 1	1	1	1	-
D2 (Waiwharangi) 120	3,000	3,000	82	38
D3 1	1,000	1,000	1	-
D4 1	3,000	3,000	1	-

In the second category are the blocks of land where a large number of owners, including children, were listed. At the same time, the court ordered the appointment of trustees for all these "minors" under the Maori Real Estate Management Act 1888. The blocks involved were Pouakani A1, A2, A3, B6, B9, C1 and D2.

In the third category are lands which were vested in a small number of owners, apparently with a view to subsequent sale. These included B7 (Weraroa) 7050 acres vested in two sisters, Makereti Hinewai, wife of W H Grace, a land purchase officer, and Manawa Hinewai, "To pay off all the liabilities of N'Wairangi". {FNREF:0-86472-117-XA:11:14} B8 (Hikurangi) vested in six owners; B10 (Motuoata) 20 owners; B11 (Kumara) 3 owners; C3 vested in Karawhira Kapu, the wife of William Moon. All these blocks comprised the lands in the first sale in 1892 (map [11.2](#)). The D3 and D4 blocks were vested in Te Kahui Te Heuheu, wife of L M Grace, and were also sold in 1892.

All the 1891 orders were made under "The Native Land Act 1886 and its Amendments". A number of blocks (A3, B6, C1, D2) on the list included a provision in the order as being "inalienable except by lease for 21 years". Substantial parts of all these blocks were subsequently sold to the Crown. Section 13 of the Native Land Court Act 1886 Amendment Act 1888 provided that:

The Court, on making an order under sections twenty, twenty-one ... is hereby empowered and directed to ascertain as to each owner whether he has a sufficiency of inalienable land for his support, and shall, out of the land the subject of any such order, declare to be inalienable so much and such parts as shall be necessary for the support of any owner not shown to be possessed of such sufficiency, and such part or share shall be inalienable accordingly.

Section 6 of the 1888 Act provided a procedure for the court to annul or vary restrictions on alienation on application by a majority of owners.

Section 14 of the Native Land Purchases Act 1892 enabled the governor to remove such restrictions on alienation:

Restrictions on alienation of any Native land imposed before or after the passing of this Act by any Crown grant, order of the Native Land Court, or other instrument of title heretofore or hereafter to be issued may, for the purposes of a sale to Her Majesty only, at any time may be wholly or partially removed or declared void by the Governor; and the provisions of "The Native Land Act, 1888," or of any other Act in force for the time being as to the removal of restrictions, shall not apply in such cases: Provided that any such removal or avoidance shall only operate in favour of the Crown.

We have not found any record of the removal of restrictions on any Pouakani blocks under s6 of the 1888 Act or s14 of the 1892 Act. If the governor did exercise this jurisdiction this was not advertised in the New Zealand Gazette. We are uncertain of the status of the inalienable wahi tapu, Pouakani D1 (Kanohikorio), which was within the area of B6A sold to the Crown. It was reduced from 1 acre (40,469m²) to 1 rood 12.58 perches (1330m²) by an order of the Maori Land Court under s60 of the Maori Affairs Act 1953, dated 29 April 1982. All the other wahi tapu are on lands which are still in Maori ownership and these are the responsibility of the trustees of those lands.

When the first subdivision of Horaaruhe Pouakani block was made in 1887, it seems that, in addition to the transfer of Pouakani No 1 block to the Crown for survey and other costs, there was some agreement to sell a further 30,000 acres to the west of Pouakani No 1 block. On 19 September 1887 the Native Land Court defined Pouakani No 2 block to be "awarded to the people, names for which will be handed in - Objectors challenged. None appeared" . {FNREF:0-86472-117-XA:11:15} The same day the court ordered that Pouakani No 2 block be vested in eight individuals, all women, one of whom was Makereti Hinewai, wife of the government land purchase officer W H Grace. {FNREF:0-86472-117-XA:11:16} In his evidence to the Tauponuiatia Royal Commission in 1889, Grace outlined these arrangements:

When the 20,000 acres [Pouakani No 1 block] were awarded to the Crown, a further area of 30,000 acres was separately awarded to 8 persons for convenience of future sale to the Crown Makereti te Hinewai, my wife, is one of the owners of Pouakani. She is one of the eight owners of the 30,000 acres arranged for sale. All the eight people are women. The natives would not put in any men. {FNREF:0-86472-117-XA:11:17}

Following the rehearing of Pouakani block by the Native Land Court in 1891 these purchase proposals were followed up by deeds of sale for lands transferred to the Crown in March 1892. On 10 March, Pouakani D3 block, 1000 acres, was sold by Te Kahui Te Heuheu for £125 (deed no 1810). On 12 March, the whole of the Pouakani B7, B8, B10, B11, C3 and D4 blocks were sold for £5,250 (deed no 1809). In the deed the estimated area was given as 42,000 acres, but the total of these block areas given in the Native Land Court orders comes to 41,970 acres. The price paid was two shillings and sixpence per acre, and these purchases were funded by provision for construction of the railway.

The following blocks in Taupouniatia West were acquired out of appropriations under s4(5) of the North Island Main Trunk Railway Loan Application Act 1886 and amendments. {FNREF:0-86472-117-XA:11:18}

Table 11.2

Block	Area in Acres	Expenditure in £.s.d.
Pouakani No.1 2,112.14.1	20,000	
B7	10,000	--+
B8	7,000	
B10	8,000	
B11	2,000	+-----
5,518.7.0		
C3	12,000	
D3	1,000	
D4	3,000	--+
Waihaha No 1 1,643.5.0	16,430	
Waihaha No 2 749.7.6	11,824	

The expenditure figures quoted here for the Pouakani blocks differ from those quoted in the deeds but we assume other Crown costs were included to represent the cost to the Crown rather than what was paid to owners. The areas quoted in this report to parliament are based on the 1891 court minutes, not the title orders.

Through the 1890s, government land purchase officers, principally G T Wilkinson and his assistant W H Grace, continued buying up individual interests in Pouakani blocks. In 1899 the Crown applied to the Native Land Court to have the Crown interests defined and partitioned out. This was the basis for the next phase of subdivision of Pouakani blocks shown in map [11.3B](#). The price per acre was still two shillings and sixpence. On 27 June 1898 (for Pouakani C2 block), and on 24 July 1899 the Native Land Court made orders on presentation of signed deeds, vesting the following blocks in the Crown:

Table 11.3

Pouakani Block No	Area in acres	Deed No
A1A	3,643	--+
A2A	2,950	+----- 3245
A3A	2,830	--+
B6A	16,699	3246
B8A	7,340	3247
C1A	4,046	3248
C2	250	3249
D2A	675	3250

The process of investigation of title by the Native Land Court resulted in the issue of a court order for a title to a defined block of land in the names of a list of individual owners. The process of Crown purchase required that a government officer purchase from each individual on the list, his or her interests in the block. Each individual seller was required to sign or place a mark on a deed of sale, which was usually witnessed by a government officer, or a justice of the peace, and countersigned by a licensed interpreter whose task it was to explain the transaction in the Maori language and ensure that the person selling understood. Adults who had been appointed trustees by the Native Land Court signed on behalf of owners who were minors, so sometimes an individual signed more than once. The deed was also required to carry a description of the land and the nature of the transaction in the Maori language, signed by a licensed interpreter. When there was a large number of owners, obtaining all the signatures was a lengthy process. In the 1892 purchases, only a relatively small number of signatures were needed. On deed no 1809 the following dates of signatures for each block were recorded:

Table 11.4

Block	Total No of Owners	Dates of signatures	Area on NLC Orders (acres)
B7	2 (Makereti and Manawa Hinewai)	4 March 1892 5 March 1892	7050
B8	6 (Werohia Te Hiko and others)	4 March 1892	4,800
B10	20 (Werohia Te Hiko and others)	4 March 1892 (12) 7 March 1892 (1) 8 March 1892 (3) 9 March 1892 (3) 12 March 1892 (1)	9,600
B11	3 (Hapeta Te Paku, Hinekiri Patupo and Rangikataua)	4 March 1892	2,570
C3	1 (Karawhira Kapu)	7 March 1892	12,000
D4	1 (Te Kahui Te Heuheu)	10 March 1892	3,000

For some reason a separate deed no 1810 was prepared for the sale of Pouakani D3 block by the sole owner who signed on 10 March 1892. In both these deeds the signatures were witnessed by W H Grace, licensed interpreter, and W J Butler, justice of the peace.

Deed no 1809 included a plan showing the six blocks but these were not yet surveyed. On 26 January 1892 the chief surveyor issued an authority to D Stubbing to survey these subdivisions of Pouakani block ordered by the Native Land Court on 11 August 1891. The total area shown on the deed plan was in two parts "containing together by

estimation 42,000 acres or thereabouts". Stubbing did not begin his field work until April 1892, and worked through the next few months into September. Exhibit notes on Cussen's plan ML6036A of Pouakani No 1 block indicate approval by the chief surveyor on 22 January 1892 and by Judge Scannell in the Native Land Court on 3 June 1892. This plan was advertised for inspection in July and a note on the plan indicated "No objections received". Stubbing submitted his survey plan of Pouakani subdivisions, ML6406 etc, to the chief surveyor on 2 November 1892.

Because the plans on deed 1809 were drawn before survey there are some discrepancies in boundaries and areas. The total area of the six blocks sold on 12 March 1892, based on the Native Land Court minutes, comes to a total of 42,700 acres, 3680 acres more than the sum of areas shown on the title orders:

Table 11.5

Block	Area In Acres: NLC Minutes	NLC Title Order
B7	10,000	7050
B8	7000	4800
B10	8000	9600
B11	2700	2570
C3	12,000	12,000
D4	3000	3000
Total	42,700	39,020

There have been obvious adjustments to areas on B7, B8, B10 and B11 blocks. The title orders were drawn up after survey and after the land had been sold to the Crown.

Stubbing surveyed only the outer boundary of this purchase in 1892, not the divisions within it as the land had already been acquired by the Crown on 12 March 1892. The divisions were only drawn in on Stubbing's plan, not surveyed on the ground (see appendix 13 for a detailed analysis of Stubbing's plan ML6406 etc, the title orders and deed plans). A note on Stubbing's plan ML6406 etc indicates that title diagrams for Pouakani B7, B8, B11 and C3 were prepared from this plan on 19 April 1893. The orders made by Judge Puckey on 11 August 1891 (as recorded in the Waikato minute books 27 and 28) were signed and sealed by Chief Judge Davy sometime after 19 April 1893 on behalf of Judge Puckey who had by then retired. On 13 September 1893 the Auckland district land registrar, issued a certificate of title for Pouakani B7, B8, B10, B11, C3, D3 and D4 blocks in the name of Queen Victoria. {FNREF:0-86472-117-XA:11:19} The total area was described on this title as 40,020 acres, but this also included the 1000 acres of Pouakani D3 on a separate deed no 1810. We cannot explain the differences between the areas in the minutes and in the orders of the Native Land Court. Unfortunately, the correspondence file for Stubbing's survey in 1892 has been lost and it is not possible to reconstruct events any further.

Through 1893 to 1899 the Crown continued to purchase individual interests in other Pouakani blocks. For example the deeds for purchases in the western part of Pouakani block are summarised:

Table 11.6

Deed No	Block No	No of signatures	First	Last
3245 1899	A1, A2, A3	159	13 Sept 1893	20 July
3247 1899	B9	79	8 August 1893	20 July
3248 1898	C1	30	14 Sept 1893	1 Dec

Each signature was witnessed by two people, one a licensed interpreter, but there was a number of different people playing this role, and the locations were more wide-ranging. For example, signatures of owners on these deeds were witnessed in Rotorua, Wairoa, Kihikihi, Taupo, Napier, Palmerston North, Foxton, Shannon and Wellington. Many were witnessed by the local "Postmaster", justice of the peace, or clerk of court. The names of licensed interpreters included Gilbert Mair, G M Park, G H Dansey, W H Grace, L M Grace, G T Wilkinson and others. Sometimes Wilkinson and L M Grace signed in their capacity as justice of the peace, while someone else was the licensed interpreter. For each block, two deeds were prepared (both given the same deed number) possibly one later than the other (see appendix 13) so that one could be taken away for signatures, and the other kept in an accessible place. The original deeds are held in the Department of Survey and Land Information and were available to us for perusal.

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11.3 Subdivision and Crown Purchase of Maraeroa Block

One of the subdivisions of Tauponuiatia West block in 1886 was the Maraeroa block. Negotiations for purchase had already begun. On 11 May 1887, the assistant surveyor general, Auckland wrote to the Under-Secretary, Government Land Purchase Department, Wellington, on the subject of the Maraeroa block:

You will remember when I furnished you with a map of the Taupo West Block showing the blocks which - after consultation with Mr Williams [inspector of surveys] - I considered most advisable for Govt. to acquire, that the northern part of the Maraeroa was there indicated as the best part to acquire if only part of it should be purchased.

When I was at Taupo lately, Mr W.H. Grace [land purchase officer] told me he thought he could secure the whole without much trouble. I write now to make it quite clear that the division was made on the map on the supposition that only part would be purchased, and not because I thought the southern part was not an advantageous block. From what I hear of the Block it would be advisable to secure the whole of it, if it falls in with the policy you are pursuing in the purchases. {FNREF:0-86472-117-XA:11:20}

As we have explained, the subdivisions and boundaries of the Maraeroa block were cancelled by s29 of the Native Land Court Acts Amendment Act 1889 and Maraeroa block was heard anew by the Native Land Court in 1891. It is clear that the Crown intended to acquire the whole block, along with the Pouakani blocks to the north as part of a policy of acquiring the forest lands along the access route to the "Tuhua country".

Te Paehua's statement in the Native Land Court on 9 December 1891 provides an indication of how names of owners were selected - and omitted - in Maraeroa block:

Those whom I consider have a right have subscribed toward the expenses of this case. M Hinewai subscribed but hers was through love [aroha]. Manawa and Rauangi did also but their money was returned. Manawa's money was not returned.

M Hinewai and Manawa's subscription was made at one time and Rauangi's at another. Rauangi asked for her money when her name was struck out

Any one cannot have a right through ancestry alone, a person put in under such circumstances would be admitted through love. Te Heuheu was put in through love

Our evidence at Otorohanga (Vol XVII p. 244) in Rangitoto Tuhua block is correct. That evidence kept out the Heuheu family

I in conjunction with Rangianiani [sic], Te Rauroha and Erihapeti Wahanui set up counter claims at the first hearing of Maraeroa. {FNREF:0-86472-117-XA:11:21}

Te Paehua was pushing the point that he and Ngati Maniapoto hapu were principal claimants in Maraeroa whereas at the Taupo hearing Te Heuheu was the claimant, hence the strenuous arguments against descendants of Tia and Tuwharetoa being admitted anywhere on the block as having any mana or ancestral rights of occupation. Te Heuheu was admitted as a descendant of Karewa, but had not exercised any ancestral occupation rights. Te Paehua, in spite of his earlier comments, admitted that, "Some of the persons named in my list have right only by descent - five or six of them - no occupation". {FNREF:0-86472-117-XA:11:22} This would include Te Heuheu and his family.

On 12 December 1891 the Native Land Court made the following orders:

Maraeroa A 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 plan [ML6077/3].

Maraeroa B Order in favour of Hoani Takerei and others.

Maraeroa C or Pukemako Order in favour of Waretini Ringitanga and others.

Maraeroa A Sect. 1 (4000 acres) Order in favour of Te Kahui te Heuheu (f), Te Paehua Matekau (m), Monika Te Paehua (f), Hurihia Wahanui (f), Ngakuru te Rangikaiwhiria (m), Wineti Paranihi (m), Paranihi te Tau (m), Makereti Hinewai (f), Rihi te Huanga (f), Ngahiraka te Rangianini (f) to include part of Maraeroa included in Pouakani - see plan [ML6077/3].

Hurakia (6512 acres) Order in favour of Taiki te Rawhiti te Kuri and others.

Maraeroa B Sect. 1 (4000 acres) Order in favour of Taonui Hikaka (m) Ketemaringi Order in favour of Rauroha te Ngare and others. {FNREF:0-86472-117-XA:11:23}

The court had thus ordered subdivisions but the minutes did not specify areas in all cases, and none of the subdivisions was surveyed. In 1891 a sketch plan, probably prepared by the surveyor D Stubbing, accompanied Taonui's application for survey ([map 11.4A](#)). There is some discrepancy in areas as shown in the following table. The area for Maraeroa A on the 1891 sketch plan, 13,800 acres, appears to be an error. On

the 1894 sketch plan ([map 11.4 B](#)) it is given as 18,502 acres. The areas quoted on deeds of sale are different again:

Table 11.7

Subdivision	Area In Acres		1891 Sketch Plan	Sale Deeds
	NLC Orders			
Maraeroa A			13,800 est.	18,938
Maraeroa A1	4,000		4,000 est.	4,000
Maraeroa B			11,800 est.	12,652
Maraeroa B1	4,000		4,000	3,995
Maraeroa C			2,140 est.	N A
Ketemaringi			8,080 est.	N A
Hurakia	6,512 (draft)		5,230 est.	N A

It seems that prior to the court orders there had been some agreement that the Maraeroa A section 1 and B section 1 blocks would be sold to the Crown to defray costs, including survey charges. In 1892, Stubbing completed his Pouakani survey (ML6406 etc) and the change in the boundary between Te Paehua's Taporaroa and Pureora meant that the boundaries of Maraeroa A and A section 1 blocks were modified. This is shown in a comparison with the sketch plan of 1894 ([map 11.4 B](#)). The boundary between the Maraeroa A and B blocks remained the same, but the shape of Maraeroa B section 1 was considerably modified in 1894 and again in 1895, with consequences for the area and shape of Ketemaringi. The pattern appears to have been definition of the A1 and B1 blocks for purposes of sale, after which other subdivisions would fall into place.

The problem with Maraeroa B1 arose because the Ongarue river and its tributary, the Kokakotaia, were used as boundaries but had not been accurately located and surveyed on the ground. On 3 May 1895, Stubbing sent to the chief surveyor, Auckland:

plan field book, triangulation and traverse sheet of Maraeroa subdivisions B Sec. 1 and Ketemaringi. You will observe that the Kokakotaia Stream junctions with the Ongaruhe [sic] outside the block [to the west] instead of inside as shown by the [Native Land] Court plans. {FNREF:0-86472-117-XA:11:24}

Stubbing then calculated a line from Weraroa to the point where the Ongarue river crossed the western boundary south of Pukemako. It should be noted that this point on the 1894 sketch plan is further south than where it was drawn on the 1891 sketch.

The Maraeroa A1 and B1 blocks were sold in 1895 and over the next few years the Crown continued buying individual interests in both Maraeroa A and B blocks. In 1901, on Crown applications to the Native Land Court, the Crown interests were partitioned out, and again in 1908 ([map 11.5 A and B](#)). These transactions are listed in chronological order:

Table 11.8

Block Price	Deed No	Date	Area (acres)	Date of		No of signa- tures
				Signatures: First	Last	
A1 £600.0.0	1894	23.4.1895	4000	2.8.1893	23.4.1895	10
B1 £501.12.4	1915	17.6.1895	3995	17.6.1895	-	1
B2 £3435.15.2	3309	16.3.1901	8176	28.9.1896	5.9.1900	102
A2 £4997.1.10	3308	25.3.1901	13065	21.6.1895	6.9.1900	180
A3A £4404.15.0	3843	21.4.1908	3282	9.9.1907	1.11.1907	41
B3A £1678.10.0	3844	22.10.1908	1043	n.d.	n.d.	27

The process of subdivision was totally governed by Crown purchase of individual interests, and Crown applications to the Native Land Court to cut out the Crown interests. Unfortunately, from the Crown point of view, the boundary between the Maraeroa B and C blocks had not been surveyed on the ground. The adjustment of the Maraeroa C boundary made in 1911 ([map 11.5C](#)) meant an increase in the area from 2140 acres to 13,727 acres, at the expense of the Crown purchases in A2, B1 and B2 blocks, and adjustment of the remaining Maori-owned B3 block.

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11.4 Maraeroa C Block

The problems over the boundary of the Maraeroa C block (Pukemako) began when the surveyor, P Ward, was authorised to survey an area of 2140 acres described in the plan drawn on the Native Land Court order and on survey plan ML6496. As explained above in chapter 9.3, the boundaries for some Maraeroa subdivisions had not been surveyed on the ground, but were calculated in the Survey Office. The following account and quotations are derived from unnumbered files held in the Department of Survey and Land Information office, Hamilton, and produced for the tribunal as A29 in the record of documents. Ward's survey authority for Maraeroa was dated 29 August 1905. On 11 October 1906 he reported to the chief surveyor, Auckland, that he had been stopped by Maori owners who objected to the boundaries, preferring the boundaries described in the Native Land Court minute book. In the circumstances, Ward did not wish to proceed with his survey, and applied to the Native Land Court to have the boundary lines between Maraeroa B and C blocks readjusted. The chief surveyor directed that a "capable officer" attend the court "to prevent encroachment on Crown's interest". This officer was R Ballantyne.

The Crown found itself in the embarrassing position of having to admit that Crown purchases included land which should be in the Maori-owned portion of Maraeroa block. On 9 December 1907 Ballantyne reported to the chief surveyor, Auckland on the court hearing which he had been instructed to attend:

Mr Earl, Solicitor for Mr Ward and the Native Owners, also appeared and contended that the plan endorsed on the Court orders did not agree with the boundaries given in Minute Book of Waikato No. 28 page 118, which were the boundaries given by the Natives at the hearing of the Court when the land was adjudicated, that the lines on the eastern boundary had been scaled and protracted on the plan, and that on Mr. Ward pointing out to the natives approximately on the ground where those boundaries would go the natives objected and stated that their boundaries were outside the boundaries so pointed out and, consequently, overlapped the portions bought by the Crown. As these were facts I could not offer any objection so I pointed out to the Court that the Crown had purchased in good faith and the consequences were serious as the land was leased. Also that a survey was necessary before the natives statements could be relied on as to boundaries.

Mr Grace was unavoidably detained at Kihikihi and only arrived at the close of the case and had no suggestion to offer.

The description of the boundary referred to was recorded on 28 September 1891 during the investigation of title of Maraeroa block by Judge Puckey:

As to a small division of Maraeroa proper, Pepene gave the boundaries viz. Ngaherenga a hill top on the road on the West boundary, thence south to the source of the Paruho stream thence by that stream to the Ongarue stream, thence by that stream to the Western boundary thence north to the commencement.

This part belonged to N'Rereahu

List handed [in] - read and passed. {FNREF:0-86472-117-XA:11:25}

Judge Gilfedder recommended to the chief judge following the 1907 hearing that the survey should adhere to this description. The problem appears to have arisen over confusion of the names Ngahuinga and Ngaherenga. Ward's sketch illustrating this was produced in court and clarified this issue.

Chief Judge Palmer, in a memorandum to the Under-Secretary of Native Affairs, dated 6 February 1908, had made it clear that the Crown had an obligation to sort out the problem:

The Survey Department never surveyed the land but simply protracted lines at a guess and put a plan on the Court Order and the then Chief Judge taking it for granted as correct approved of the plan. The Survey Office said they did this because they were urged to complete the title by the purchase department. I have looked up the Minute Book of the hearing and that shows the boundaries to be ancestral boundaries and it is of course obvious to you that protracted lines are not ancestral boundaries, besides the evidence then given shows clearly different boundaries to those protracted lines. When the accurate boundaries are ascertained I think there will be over 2,000 acres short in this block "C". Unfortunately the Government rushed in when the Chief Judge signed the plan as correct and purchased most of the interests of the owners in the adjoining block along the protracted lines and this raises the difficulty as to whether I have the right to amend without the consent of the Crown. If I do not amend them no doubt as the owners of "C" have a legitimate claim they will petition Parliament, and I think the easiest way will be to obviate trouble and for the Crown to consent to the amendment.

On 18 February 1908 the Under-Secretary for Lands, W Kensington, advised the Native Affairs Department, in response to their memorandum and the reports of Judges Gilfedder and Palmer, that:

The whole difficulty arose through the purchase in "B" block being carried out on what was well known by those concerned to be a sketch plan and of course only approximate. In preparing the plan as it at present stands, the Department did so for the then Native Land Purchase Department as near as it could from the data available, and

we had nothing further to do with the matter. It is, however, recognised that the owners of "C" are entitled to have their block laid out on the proper boundaries as defined by the Court and to this the Department readily agrees. The lands included in the Crown Award and which belong to "C" will require to be resumed from the present tenant, but this will not be done until the exact boundaries are known.

On 18 February 1908 Kensington also wrote to the chief surveyor, Auckland:

The question of the proper boundaries of the [Maraeroa C] block was recently enquired into by Judge Gilfedder and further reported on by Chief Judge Palmer. From the report it is evident that the correct boundaries as laid down by the Native Land Court, on partition, encroach on the Crown Award in "B" block adjoining. After considering the whole matter, it has been decided and the Chief Judge has been advised, that the survey of the boundaries must be allowed to proceed in terms of the original partition even although it encroaches on our award. The original plans were only drawn from sketch plans in Court for the convenience of the Native Land Purchase Department to get to work. It is estimated that about 2000 acres will be affected and it will be necessary to give the lessee of the Crown Land (Pastoral Run) notice of resumption of that part at least. No action need be taken, however, in this direction until survey has been completed and passed. Please see that the plan when received from the Surveyor Mr P. Ward, is properly examined and that it coincides in all respects with the Order of the Court.

In March 1908 the new survey of Maraeroa C began and on 30 June Ward's plan, ML7478, which gave a total area for Maraeroa C of 13,727 acres, was received in the Survey Office, Auckland. A tracing was sent to Wellington, on 1 October, indicating that 11,260 acres of Crown land was included in the Maori-owned Maraeroa C block. On 20 March 1909, Ward's plan was approved by the chief surveyor. On 3 August 1909 Ward wrote to the Commissioner of Crown Lands, Auckland, stating he had applied to the Chief Judge of the Native Land Court for approval of his plan, and requested that any Crown objections be notified to the court. A court hearing was scheduled for 1 March 1910. On 15 February 1910 Kensington wrote to the chief surveyor, Auckland, setting out how the Crown should state its case:

the whole matter is so very clear as far as the Crown is concerned, and to state the facts should they resolve themselves into this: the Land Purchase Officer, Mr Sheridan, in his anxiety to purchase this area, purchased it upon a plan purporting to carry out an order of the Native Land Court, which has since been found not to have carried out the order of that Court. As the Crown was (to put it gently) foolish enough to purchase on such sketch map, I am afraid the Crown will have to bear the consequences. At the same time I agree with you that the Crown should make the best fight it can to retain the interests purchased. I do not see the use, and the Minister agrees with me, of employing a Solicitor in this case, as it would practically mean throwing away a good deal of money in Solicitor's costs, beyond that

which has already gone; and I therefore think the best way will be for Mr Pollen, Chief Draughtsman, to go to the Court together with Mr Ballantyne (as they know the whole facts of the case) and Mr Pollen will be able to advise the Court on matters of compromise, as he is thoroughly conversant in all Native Land Court matters.

The court sat at Kihikihi on 1 March 1910 and Judge Browne's report recommended that the plan showing the boundary as described by Maori owners from Ngaherenga be accepted. On 8 July 1910 a "compiled plan 7728 red" was approved by the chief surveyor, and approved by Judge Browne on 15 February 1911. Ward's plan ML7478 was also approved on 25 February 1911. The plan on the Native Land Court order for Maraeroa C or Pukemako was cancelled by Chief Judge Palmer on 16 October 1911, under the provisions of s27 of the Native Lands Act 1909, and a new one substituted showing the total area of 13,727 acres as shown on the plan ML7728, instead of ML6496. The orders for other Maraeroa blocks affected were also amended accordingly.

This does not appear to have been the end of the matter as far as local people were concerned. Perhaps these transactions were not adequately communicated back to the people. Perhaps the events of 1907-1911 became distorted in the telling because of a lack of information about the outcome. Whatever the reason, in 1932 a petition on behalf of Ngati Rereahu from Raraka Te Ringitanga and others was presented to parliament, claiming the Maraeroa C boundary should be at Ngaherenga, that the court had heard the case in 1907, "For some unknown reason no adjustments were made". {FNREF:0-86472-117-XA:11:26} The whole issue was inquired into again in 1940 by Judge Beechey following the receipt of a petition by Pouaka Wehi and others (see appendix 9). {FNREF:0-86472-117-XA:11:27} However, as the error had been rectified by Ward's survey and new title orders issued by the Native Land Court in 1911, no further action was taken on these petitions following the inquiry.

References

1. AJHR 1885 C-IA pp 23-24
2. Lands and Survey file 2413
3. AJHR 1887 Sess H G-I
4. National Archives (Wellington) J1 1894/140
5. National Archives (Wellington) MA MLP1 1889/332
6. ML6036A
7. Waikato minute book 26 p 209
8. ibid p 195
9. ibid p 208
10. ibid pp 208-209
11. Waikato minute book 27 p 171
12. ibid pp 177-184; Waikato minute book 28 pp 1-27 and pp 32-34
13. Waikato minute book 28 p 20
14. ibid p 10
15. Taupo minute book 9 p 262
16. ibid p 263
17. National Archives (Wellington) MA 71/1; see also B7:443,446)
18. AJHR 1892 G-4

19. CT67/276
20. Lands and Survey file 2413
21. Waikato minute book 28 pp 155-156
22. *ibid* p 156
23. *ibid* pp 164-165
24. Lands and Survey file 2413
25. Waikato minute book 28 p 118
26. Petition no 232/32
27. Petition no 73/1940; AJHR 1942 G-6C

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